

HEARING  
BEFORE THE  
UNITED STATES  
COMMISSION ON CIVIL RIGHTS

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HEARING HELD  
IN  
NEW YORK, NEW YORK  
February 14-15, 1972

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# UNITED STATES COMMISSION ON CIVIL RIGHTS

MONDAY, FEBRUARY 14, 1972

The U.S. Commission on Civil Rights met at 9 a.m. in the Brotherhood in Action Conference Center, 42nd Street and Seventh Avenue, New York, New York, Rev. Theodore M. Hesburgh, C.S.C., Chairman of the Commission, presiding.

PRESENT: Stephen Horn, Vice Chairman; Frankie M. Freeman, Commissioner; Maurice B. Mitchell, Commissioner; Manuel Ruiz, Jr., Commissioner. Also present: John A. Buggs, Staff Director-designate; John H. Powell, Jr., General Counsel, Paul Alexander, and Gabriel Guerra-Mondragon, members of the staff of the Office of General Counsel.

## PROCEEDINGS

CHAIRMAN HESBURGH. Ladies and gentlemen, please come to order.

First I would like to swear in the clerks, Diane DePriest and Ronald Guzman.

(Whereupon, Miss Diane DePriest and Mr. Ronald Guzman were sworn in as Clerks.)

FATHER HESBURGH. Thank you. Pat Dowd, Reporter?

(Whereupon, Miss Patricia Dowd was sworn in as Reporter.)

FATHER HESBURGH. Will the sound engineers please stand? Carlos Clark and Howard Green.

(Whereupon, Mr. Carlos Clark and Mr. Howard Green were sworn in as Sound Engineers.)

FATHER HESBURGH. Thank you.

Ladies and gentlemen, I am Theodore M. Hesburgh of South Bend, Indiana, Chairman of the U.S. Commission on Civil Rights. I wish to welcome you to this Commission hearing and to introduce to you the other members of the Commission, its Staff Director-designate, its General Counsel, and the Director of its Northeast Field Office.

On my left is Dr. Stephen Horn, Vice Chairman of the Commission and President of California State College, Long Beach, California, soon to be a State University.

Below me and beginning at my right are three other members of the Commission. First is Mrs. Frankie M. Freeman, St. Louis

attorney. And next to her Dr. Maurice Mitchell, Chancellor of the University of Denver. And beyond Mr. Mitchell is Manuel Ruiz, Jr., a Los Angeles attorney.

John A. Buggs, Staff Director-designate, and next to Mr. Buggs is our General Counsel, John H. Powell, Jr., and next to him is Paul Alexander and next to him is Gabriel Guerra-Mon-dragon.

It is fitting that this hearing be held in the Brotherhood for Action Building. We hope that our sessions will enhance what the name symbolizes.

This is the Commission's first hearing in New York City since 1959. On that occasion we examined denial of equal housing opportunity to the black community. Now, 13 years later, we are here to pursue the broader responsibility we have undertaken, namely, to ascertain conditions which deny equal opportunity for ethnic as well as racial reasons.

This hearing is the first major effort by a Federal Agency to investigate denial of equal opportunity to Puerto Ricans in the New York Metropolitan Area.

In New York the Puerto Rican population of 1.2 million people is the largest Puerto Rican community on the Mainland. Its educational attainment is the lowest and its unemployment rate is the highest of any ethnic group in this area.

For these reasons we shall pay particular attention to education and employment, although we shall also examine problems of housing and administration of justice.

Despite seeming success in some areas, the Commission is aware that to many minority group persons civil rights remains only an aspiration. The Commission is determined to continue its commitment to the full meaning of civil rights until all United States citizens achieve their total rights of citizenship.

This commitment was apparent when the Commission began its examination into denial of equal opportunity to the Chicano, the Mexican American living primarily in the Southwest and the Far West. This is the commitment today as, once again, we turn to the problems of a minority that suffers deprivation because its language and culture are different than the dominant ones in the land.

Again and again problems unique to Puerto Ricans are lost in the general category of the "Spanish Surnamed". Puerto Ricans must be rescued from this anonymity. They are United States citizens from birth whether that takes place on the Island or on the Mainland. When they come from the Island they bring a language of their own and possess a rich and cherished culture which is fortified by frequent travel between the Mainland and the Island.

Their characteristics set them apart from the dominant majority and raise an ethnic barrier between them. Thus our society is



impoverished just as, in turn, the individuals of both groups are subsequently impoverished.

This hearing is not the first nor will it be the last of our endeavors to point up inequities in the lives of our Puerto Rican citizens. Indeed, the hearing is Phase III of the Commission's Puerto Rican Project which began a year ago.

Phase I took the form of bilingual-bicultural workshop conferences in areas which have large Puerto Rican populations. They were planned to explain to those community leaders, conscious of the need for such education, how to ask for Federal funds and how to implement programs when the funds became available in ways that would provide maximum benefit to the community.

Phase II is underway in staff investigations and State Advisory Committee open meetings in communities with significant Puerto Rican populations throughout the Northeast and North Central States.

Education, unemployment, the Model Cities Program, the Anti-Poverty Program under the Office of Economic Opportunity, housing, and health have been vital subjects under consideration. Further such meetings are planned.

In preparation for this study the Commission appointed a Puerto Rican Advisory Committee of 10 persons, each eminent in the areas with which the study is concerned. The Commission is greatly indebted to this Puerto Rican Advisory Committee as well as to its State Advisory Committee members, all of whom have served with great competence and commitment.

Phase IV of the Puerto Rican Project will take the form of a Commission Statutory Report in which all the material gathered at the meetings and at this hearing will be compiled and disseminated. It will present a comprehensive picture of the civil rights status of Puerto Rican citizens in those areas in which our investigations have been or will be done.

Under the law the Commission is required to submit findings and reports to the President and the Congress which contain its findings and recommendations for corrective action. To enable the Commission to fulfill its duties the Congress has empowered the Commission to hold hearings and issue subpoenas for the attendance of witnesses and for the production of documents.

This hearing is being held under the authority of the Civil Rights Act of 1957, as amended. As required by law, notice of the hearing was published in the Federal Register on January 13, 1972. A copy of this notice will be introduced into the record as Exhibit Number 1.

The Commission on Civil Rights is an independent bipartisan Agency of the United States Government established by Congress in 1957. Its duties are the following:

1. To investigate sworn allegations that citizens are being de-

prived of their right to vote by reason of their race, color, religion, or national origin;

2. To study and collect information regarding legal developments which constitute denial of equal protection of the laws under the Constitution in such fields as voting, education, housing, employment, the use of public facilities, transportation, or in the administration of justice;

3. To appraise Federal laws and policies with respect to equal protection of the laws;

4. To serve as a national clearinghouse for information with respect to denial of equal protection of the laws because of race, color, religion, or national origin; and finally,

5. To investigate sworn allegations of vote fraud in Federal elections.

Our purpose in coming to this city is not to embarrass any one community or any group of communities but to collect information we believe to be of compelling interest to all Americans.

The Commission's 15-year old history has been marked by some civil rights landmarks. A great deal that is good has come into being since we were last here. Many civil rights concerns have become the law of the land. But, again, for far too many, civil rights has not yet become a reality.

We have held hearings on denial of equal opportunity in all parts of the country from California to New England. These have augmented our detailed studies in the areas of education, employment, housing and suburban access, and administration of justice.

Out of each we have had the satisfaction of seeing public awareness heighten and some movements started to mitigate the inequitable conditions under which minority groups live.

I can most clearly explain the Commission's functions and limitations by quoting from a decision of the U.S. Supreme Court early in the Commission's history.

The Commission does not adjudicate; it does not hold trials or determine anyone's civil or criminal liability. It does not issue orders. Nor does it indict, punish, or impose any legal sanctions. It does not make determinations depriving anyone of his life, liberty, or property.

In short, the Commission does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may subsequently be used as the basis for legal or executive action.

This is the quotation.

To make it easier for our Spanish speaking witnesses to testify, we are providing simultaneous Spanish-English translations for all that is said.

This morning's session will end after the reading of the rules by Commissioner Freeman. The Commission will then go into executive session in accordance with the statute governing Commission hearings which provide for such a session, closed to the public, during which persons who may be defamed, degraded, or incriminated by testimony to be given at the public sessions will have an opportunity to be heard.

The public session will resume at 12:30 this afternoon. This afternoon's public session will recess for dinner at 5 o'clock and will reconvene at 7:30 this evening. This evening's session will recess at 9:30.

We will reconvene Tuesday at 10 a.m. and recess for lunch between 12:10 and 1:10. The Tuesday session will recess at 7:30 in the evening.

On Wednesday we will reconvene at 9 a.m. with the lunch recess being from 12:30 to 1:30 p.m. The afternoon session will recess at 6:30 p.m.

The Thursday session will reconvene at 9 a.m. and the hearing will conclude at 1 p.m.

Now I call upon Commissioner Freeman to explain the rules of the hearing. Commissioner Freeman.

COMMISSIONER FREEMAN. Thank you, Father Hesburgh.

As the Chairman has said, the hearing has been divided into two parts after the opening session this morning. First there will be an executive session which will be held in this room and which will begin in a few moments. At this executive or closed session individuals have been invited to appear if they so desire and to state their objections to the public presentation of any testimony which they believe might be damaging to them.

Following such objections the Commission will decide whether the testimony should be heard in public.

Then beginning at 12:30 p.m. today testimony will be received in public in this room and continue through early Thursday afternoon.

At the outset I should emphasize that the observation I am about to make on the Commission's rules constitute nothing more than brief summaries of the significant provisions. The rules themselves, available in English and Spanish, should be consulted for a fuller understanding. Staff members will be available to answer questions which arise during the course of the hearing.

In outlining the procedures which will govern the hearing I think it is important to explain in some detail the differences between the public session and the executive session.

Section 102 (e) of our statute provides, and I quote:

If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade or incriminate any person, it shall receive such evidence or testimony in executive

session. The Commission shall afford any person defamed, degraded or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony.

The executive session to follow this morning is being held to comply with this statutory mandate. Several weeks ago the Commission met in Washington and received the material which had been collected in preparation for this hearing. It was then determined that certain individuals were entitled to a hearing in executive session. Accordingly, these individuals were notified of their right to appear at this session.

Each also was sent a copy of the Commission's rules which explained this right and was invited to communicate with the Commission in the event he wished to appear or had any questions concerning the executive procedure.

Although some of these persons have been subpoenaed by the Commission to appear during the public session of this hearing, none of them was subpoenaed to appear at this executive session.

Several weeks ago they received notice of this executive session, an explanation of its purpose, and an invitation to appear if they so desired.

They are not required by law to appear. The decision to appear or not to appear lies entirely with them. The executive session is for their benefit alone and if they determine to forego this opportunity that is their privilege.

In providing for an executive session Congress clearly intended to give the fullest protection to individuals by affording them an opportunity to show why any testimony which might be damaging to them should not be presented in public.

Congress wished to minimize damage to reputations as much as possible. Congress wished to provide persons an opportunity to rebut unfounded charges before they were well publicized.

Obviously this protection would be meaningless if the person were confronted with and required to respond in public to the anticipated allegations.

Following the presentation of the testimony in executive session and any statement in opposition to it, the Commissioners review the significance of the testimony and the merit of the opposition to it.

In the event they find the testimony to be of insufficient credibility or the opposition to it to be of sufficient merit they may refuse to hear certain witnesses even though they have been subpoenaed to testify in public session.

An executive session of this type is the only portion of the entire 3½ day hearing which is not open to the public.

The public hearing, which begins this afternoon, is somewhat

different; the public and press are invited and urged to attend the open sessions.

Copies of the rules, both in English and Spanish, which govern this hearing may be secured during any recess from a member of the Commission staff. Persons who have been subpoenaed and persons who have been afforded an opportunity to appear in executive session have already been given their copies.

All persons who are scheduled to appear in public session who live or work in New York State in the metropolitan area have been subpoenaed by the Commission.

All testimony at the public sessions will be under oath and will be transcribed verbatim by the official reporter.

All witnesses at public and executive sessions are entitled to be accompanied and advised by counsel. Counsel may subject his client to reasonable examination. He also may make objections on the record and argue briefly the basis of such objections.

Persons subpoenaed to the public session and persons who have been afforded an opportunity to appear in executive session may request that witnesses be subpoenaed in their behalf. All requests for subpoenas must be in writing and must be supported by a showing of the general relevance and materiality of the evidence sought.

In addition, persons who have been afforded an opportunity to appear in executive session may be accompanied by a reasonable number of witnesses who need not be subpoenaed. They may also submit statements prepared by themselves or others for inclusion in the record, provided these are submitted within the time required by the rules.

All witnesses at public sessions have a similar right to introduce statements into the record.

At public sessions there is a limited right of cross-examination which is spelled out in detail in the rules.

Finally, I should point out that in many cases the Commission has gone significantly beyond congressional requirements in its rules to provide safeguards for witnesses and other persons. We have done this with the intent of insuring that Commission hearings be conducted in the fairest and most impartial manner.

Thank you, Mr. Chairman.

CHAIRMAN HESBURGH. Thank you very much, Commissioner Freeman.

We will go into executive session. I would like to ask everyone except those seated up here at this table, these two tables, to leave the room.

(Whereupon, at 9:32 a.m. the hearing was recessed, to reconvene in executive session this same day.)

## MONDAY AFTERNOON SESSION

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FEBRUARY 14, 1972

CHAIRMAN HESBURGH. This hearing of the United States Commission on Civil Rights will kindly come to order and we will begin.

Ladies and gentlemen, my name is Theodore Martin Hesburgh of South Bend, Indiana, Chairman of the United States Commission on Civil Rights, and I wish to welcome you to this Commission hearing and to introduce to you the other members of the Commission, its Staff Director-designate, its General Counsel, and the Director of its Northeast Field Office.

On my left is Dr. Stephen Horn, Vice Chairman of the Commission and President of California State College, Long Beach California.

Below me, on my right, are three other members of the Commission. The first is Mrs. Frankie M. Freeman, a St. Louis attorney. Next to her is Dr. Maurice Mitchell, Chancellor of the University of Denver. Next to him is Mr. Manuel Ruiz, a Los Angeles attorney.

Immediately to my right is Mr. John A. Buggs, our Staff Director-designate and next to Mr. Buggs is our General Counsel, John H. Powell, Jr. And next to Mr. Powell are Mr. Glick and Mr. Alexander and Mr. Guerra and in front we have the Director of our Field Office, Mr. Jacques Wilmore.

It is fitting that this hearing be held in the Brotherhood for Action Building. We hope our sessions will enhance what that name symbolizes.

This is the Commission's first hearing in New York City since the year 1959. On that occasion we examined denial of equal housing opportunity to the black community. Now, 13 years later, we are here to pursue the broader responsibility we have undertaken, namely, to ascertain conditions which deny equal opportunity for ethnic as well as racial reasons.

This hearing is the first major effort by a Federal Agency to investigate denial of equal opportunity to Puerto Ricans in the New York Metropolitan Area.

In New York the Puerto Rican community of 1.2 million people is the largest Puerto Rican community on the Mainland. Its educational attainment is the lowest and its unemployment rate the highest of any ethnic group in this area.

For these reasons we shall pay particular attention to education and employment, although we shall also examine problems of housing and the administration of justice.

Despite seeming success in some areas, the Commission is aware that to many minority group persons civil rights remains

only an aspiration. The Commission is determined to continue its commitment to the full meaning of civil rights until all United States citizens achieve their total rights of citizenship.

This commitment was apparent when the Commission began its examination into denial of equal opportunity to the Chicano, the Mexican American living primarily in the Southwest and in the Far West.

This is the commitment today as, once again, we turn to the problems of a minority that suffers deprivation because of its language and culture which are different than those of the dominant ones of the land.

Again and again problems unique to Puerto Ricans are lost in the general category of the "Spanish Surnamed". Puerto Ricans must be rescued from this anonymity. They are United States citizens from birth, whether that takes place on the Island or on the Mainland. And when they come from the Island they bring a language of their own and possess a rich and cherished culture which is fortified by frequent travel between the Mainland and the Island.

Their characteristics as Puerto Ricans set them apart from the dominant majority population and raise an ethnic barrier between them. Thus our society is impoverished just as, in turn, the individuals of both groups are subsequently impoverished.

This hearing is not our first nor will it be the last of our endeavors to point out the inequities in the lives of our Puerto Rican citizens. Indeed, the hearing is Phase III of the Commission's Puerto Rican Project which began a year ago.

Phase I took the form of a bilingual, bicultural workshop conference in areas which have large Puerto Rican populations. They were planned to explain to those community leaders, conscious of the need for such education, how to ask for Federal funds and how to implement programs when the funds became available in ways that would provide maximum benefit to the community.

Phase II is underway with staff investigations and State Advisory Committee open meetings in communities with significant Puerto Rican populations throughout the Northeast and the North Central States.

Education, employment, the Model Cities Program, the Anti-Poverty Programs of the Office of Economic Opportunity, housing, and health, have been the vital subjects under consideration. Further such meetings are planned.

In preparation for this study the Commission appointed a Puerto Rican Advisory Committee of 10 persons, each eminent in the areas with which the study is concerned.

The Commission is greatly indebted to this Puerto Rican Advisory Committee as well as to its State Advisory Committee mem-

bers, all of whom have served with great competence and commitment.

I would like to read and thank specifically at this moment the members of the Advisory Committee to the Commission's Puerto Rican Project.

Manny Diaz of New York. Dr. Francisco Trilla of New York. Sandra Lopez de Bird of New York. Angelo Nunez, Jr. of New York. Prof. Jose Cabranes of New Jersey. Armando Martinez of Boston, Massachusetts. Bolivar Rivera of Philadelphia, Pennsylvania. Miriam Cruz of Chicago, Illinois. Reverend Wilfredo Velez from Bridgeport, Connecticut. And Professor Raul Serrano-Geyls of San Juan, Puerto Rico.

In addition, I would like to welcome two distinguished gentlemen from Puerto Rico who are with us today as observers and guests at this meeting. Mr. Balthazar Corrada, Chairman of the Civil Rights Commission of the Commonwealth of Puerto Rico and Jose DaVila who is Executive Director of the Commission. And I appreciate your being here, gentlemen, and hope that you will be able to offer this Commission your opinions and your recommendations following this hearing.

Returning to the work of the Puerto Rican Project: Phase IV of the Puerto Rican Project will take the form of a Commission Statutory Report in which all of the material gathered at the meetings and at this hearing will be compiled and disseminated.

This report will present a comprehensive picture of civil rights status of Puerto Rican citizens in those areas in which our investigations have been or will be done.

Under the law the Commission is required to submit findings and reports to the President of the United States and the Congress which contain its findings and its recommendations for corrective action.

To enable the Commission to fulfill its duties the Congress has empowered the Commission to hold hearings and to issue subpoenas for the attendance of witnesses and for the production of documents.

This hearing is being held under the authority of the Civil Rights Act of 1957, as amended. As required by law, notice of the hearing was published in the Federal Register on January 13th, 1972 and a copy of this notice will be introduced into the record as Exhibit Number 1.

(Whereupon, the document referred to was marked Exhibit No. 1 and received in evidence.)

The Commission on Civil Rights is an independent bipartisan Agency of the United States Government established by Congress in 1957.

May I stop on this for a moment and answer what has been an observation made to the Commission since its arrival in New York.



It has been said that we are meeting here in an effort to disparage in some way Mayor Lindsay. We have no such intention since half of the Commission is Democratic and the other half is Republican and, with a Commission split 50-50, no one is becoming involved in political action against one or another member of the party.

This is a bipartisan Commission. We always operate in a bipartisan way. This Commission was decided upon a year and a half ago, long before there was any political activity on a national level by Mayor Lindsay. So I want to lay that particular myth to rest right at the beginning of this hearing.

VOICE. You mean the hearing. You said Commission.

CHAIRMAN HESBURGH. Yes, the Commission planned and decided upon its hearing a year and a half ago.

The duties of the Commission are the following:

1. To investigate sworn allegations that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin;
2. To study and collect information regarding legal developments which constitute a denial of equal protection of the laws under the Constitution in such fields as voting, education, housing, employment, the use of public facilities, transportation, and the administration of justice;
3. To appraise Federal laws and policies with regard to equal protection of the laws;
4. To serve as a national clearinghouse for information with respect to the denial of equal protection of the laws because of race, color, religion, or national origin; and, finally,
5. To investigate sworn allegations of vote fraud in Federal elections.

Our purpose in coming to this city is not to embarrass New York City or any other community or any group of communities within it, but to collect information we believe to be of compelling interest to all Americans.

The Commission's 15-year old history has been marked by some civil rights landmarks. A great deal that is good has come into being since we were last here 13 years ago. Many civil rights concerns have become the law of the land. But, again, for far too many civil rights has not yet become a reality.

We have held hearings on denial of equal opportunity in all parts of the country from California to New England. These have augmented our detailed studies in the areas of education, employment, housing and suburban access, and in the administration of justice.

Out of each of these hearings we have had the satisfaction of seeing public awareness heighten and some movement started to mitigate the inequitable conditions under which minority groups live.

I can most clearly explain the Commission's functions and limitations by quoting from a decision of the United States Supreme Court which came early in the Commission's history. And I quote.

The Commission does not adjudicate; it does not hold trials or determine anyone's civil or criminal liability. It does not issue orders. Nor does it indict, punish, or impose any legal sanctions. It does not make determinations depriving anyone of his life, liberty or property.

In short, the Commission does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may subsequently be used as the basis for legal or executive action.

To make it easier for our Spanish speaking witnesses to testify we are providing simultaneous Spanish-English translations of all that is said.

This afternoon's public session will recess for dinner at 5 o'clock and will reconvene at 7:30 this evening. This evening session will recess at 9:30.

We will reconvene Tuesday, tomorrow morning, at 10 o'clock and recess for lunch between 12:10 and 1:10. The Tuesday session will recess at 7:30 in the evening.

On Wednesday we will reconvene at 9 o'clock in the morning with a lunch recess being from 12:30 to 1:30 in the afternoon. The afternoon session will recess at 6:30 p.m. Wednesday night.

The Thursday session will reconvene at 9 o'clock in the morning and the hearing will conclude at 1 p.m. that day, Thursday.

I should now like to call upon Commissioner Freeman to explain the rules for this hearing. And this is important because our hearing is not like many public hearings that you are used to in New York City. Our hearing is a structured hearing where all witnesses are subpoenaed and where all witnesses are determined before the hearing begins.

Commissioner Freeman, would you please speak to these rules?

COMMISSIONER FREEMAN. Thank you, Father Hesburgh.

As the Chairman has said, the hearing has been divided into two parts. First, there was the executive session which was held this morning. At the executive or closed session individuals were invited to appear if they so desired and to state their objections to the public presentation of any testimony which they believed might be damaging to them.

This afternoon we begin the public session which will continue through Thursday.

At the outset I should emphasize that the observations I am about to make on the Commission's rules constitute nothing more than brief summaries of the significant provisions.

These rules themselves, available in English and Spanish, should be consulted for a fuller understanding. Staff members

will be available to answer questions which arise during the course of the hearing.

In outlining the procedures which will govern the hearing I think it is important to explain in some detail the differences between the public session and the executive session concluded this morning.

Section 102(e) of our statute provides, and I quote:

If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade or incriminate any person, it shall receive such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session with a reasonable number of additional witnesses requested by him before deciding to use such evidence or testimony.

Several weeks ago the Commission met in Washington and received material which had been collected in preparation for this hearing. It was then determined that several individuals were entitled to a hearing in executive session.

Accordingly, these individuals were notified of their right to appear at this session. Each also was sent a copy of the Commission's rules which explained this right and was invited to communicate with the Commission in the event he wished to appear or had any questions concerning the executive procedure.

Although some of these persons have been subpoenaed by the Commission to appear during the public session of this hearing, none of them was subpoenaed to appear at the executive session.

Several weeks ago they received notice of this executive session, an explanation of its purpose, and an invitation to appear if they so desired. They are not required by law to appear.

The decision to appear or not to appear lies entirely with them. The executive session is for their benefit alone and if they determine to forego this opportunity that is their privilege.

In providing for an executive session, Congress clearly intended to give the fullest protection to individuals by affording them an opportunity to show why any testimony which might be damaging to them should not be presented in public.

Congress wished to minimize damage to reputations as much as possible. Congress wished to provide persons an opportunity to rebut unfounded charges before they were well publicized.

Obviously this protection would be meaningless if the person were confronted with and required to respond in public to the anticipated allegations.

Following the presentation of the testimony in executive session and any statement in opposition to it, the Commission reviews the significance of the testimony and the merit of the opposition to it.

In the event they find the testimony to be of insufficient credibility or the opposition to it to be of sufficient merit they may refuse to hear certain witnesses even though they have been subpoenaed to testify in public session.

An executive session of this type is the only portion of the entire 3½ day hearing which is not open to the public.

The public hearing which begins this afternoon is somewhat different. The public and the press are invited and urged to attend the open sessions.

All persons who are scheduled to appear who live and work in New York State or in the metropolitan area have been subpoenaed by the Commission.

All testimony at the public session will be under oath and will be transcribed verbatim by the official reporter.

Everyone who testifies or submits data or evidence is entitled to a copy of the transcript on payment of cost.

In addition, within 60 days after the close of the hearing, a person may ask to correct errors in the transcript of the hearing of his testimony. Such requests will be granted only to make the transcript conform to testimony as presented at the hearing.

All witnesses are entitled to be accompanied and advised by counsel. Counsel may subject his client to reasonable examination. He also may make objections on the record and argue briefly the basis for such objections.

If the Commission determines that any witness' testimony tends to defame, degrade, or incriminate any person that person or his counsel may submit written questions which, in the discretion of the Commission, may be put to the witness.

Persons subpoenaed to the public session may request that witnesses be subpoenaed on their behalf. All requests for subpoenas must be in writing and must be supported by a showing of the general relevance and materiality of the evidence sought.

In addition, all witnesses have the right to submit statements prepared by themselves or others for inclusion in the record provided they are submitted within the time required by the rules.

Any person who has not been subpoenaed may be permitted, in the discretion of the Commission, to submit a written statement at this public hearing. Such statement will be reviewed by the members of the Commission and made a part of the record.

Witnesses at Commission hearings are protected by the provisions of Title 18, U.S. Code Section 1505, which makes it a crime to threaten, intimidate, or injure witnesses on account of their attendance at Government proceedings.

Copies of the rules, both in English and Spanish, which govern this hearing may be secured during any recess from a member of the Commission's staff.

Persons who have been subpoenaed have already been given their copies.

Finally, I should point out that these rules were drafted with the intent of insuring that Commission hearings be conducted in a fair and impartial manner.

In many cases the Commission has gone significantly beyond congressional requirements in providing safeguards for witnesses and other persons. We have done this in the belief that useful facts can be developed best in an atmosphere of calm and objectivity. We hope that such an atmosphere will prevail at this hearing.

Thank you.

CHAIRMAN HESBURGH. Thank you, Commissioner Freeman.

As Commissioner Freeman said, anyone who has not been subpoenaed and who would like to make a statement for the record of this Commission may do so by approaching, during any intermission, our staff General Counsel, Mr. Powell—hold up your hand, Mr. Powell—or Mr. Glick or Mr. Alexander.

They also have an office on the fourth floor of this building where you can leave any statement you would like to make a part of this record.

I would now like to ask Commissioner Ruiz if he would repeat the salient part of what Mrs. Freeman said regarding these depositions in Spanish.

COMMISSIONER RUIZ. (By Interpreter) A brief summary of what has been said by my colleague, Mrs. Freeman. The following should be clarified:

Regarding the regulations of the Commission, those who appear before this Commission have been subpoenaed and the power has been delegated to the Commission for these hearings and for its investigations.

Like in all hearings of this type there are persons who have within their reach evidence and proof that could be useful in the recommendations that we will propose to the President and to the Federal Congress of the United States.

The following should also be explained: Prior notification, if any serious charges are to be presented to determined persons. The subpoena also serves the purpose of affording protection to the witness. In this manner invitations are extended to the accused to respond to those accusations with anticipation or before this hearing or before this conference and if they do not appear to a specific meeting of the Commissioners as has been explained it is presupposed that none exists.

As has been said, this implies that members of this Commission have interviewed all the witnesses who will be giving testimony at this hearing. This, as has been said, will protect those persons who might be defamed or incriminated.

Since the Commission will hear at least 80 witnesses during these circumstances the Commission could not hear oral testi-

mony of persons who have not been cited previously under subpoena.

Those persons who have not been subpoenaed but who have pertinent information may, at the discretion of the Commission—the Commission may accept said information and this will be included in the record.

Therefore, any person interested in presenting information or documents in writing should get in touch with members of this Commission or at the information desk at the entrance of this auditorium.

Thank you very much.

CHAIRMAN HESBURGH. *Gracias.*

The Commission invited Mayor Lindsay but, because of engagements to which he was already committed, he could not be with us and so we have asked Congressman Herman Badillo if he might come forward and have a word of welcome.

MR. BADILLO. Thank you, Mr. Chairman, members of the Commission.

I am delighted to welcome you to New York City and I appreciate very much the opportunity to make a few remarks.

I have a prepared statement which I will submit to the Commission but which I will not read.

(This statement appears as Exhibit No. 2 on P. 160.)

I just want to say at the inception that as the Commissioner, Mr. Ruiz, has stated just now, the hearings are only for those who are subpoenaed. There are a number of Puerto Ricans outside who feel that there should be more Puerto Ricans here—

(Applause.)

—and who feel that the hearing should go beyond the areas that you have scheduled, especially on the question of political representation which is—

(Applause.)

—most important to the community.

CHAIRMAN HESBURGH. Ladies and gentlemen, this is not an audience participation show and if—we simply cannot do what we have to do without an audience of calm and objective atmosphere, and we would appreciate it very much if you would refrain from clapping or cheering or hissing and booing.

Thank you very much.

MR. BADILLO. Mr. Chairman, I understand, of course, the limited nature of the scope of the hearing. I am only calling this out so that perhaps through one of the counsel or an assistant to the Commission there might be arrangements made to receive the testimony that the witnesses who we have here would like to offer.

The second point I want to make is that there were some stories, particularly in the New York Times last week, which indi-

cated that the Puerto Ricans were going back to Puerto Rico. Believe me, that is not so.

There are some Puerto Ricans who are going back. The Times suggested that 20,000 Puerto Ricans had gone back in July, August, and September of 1971. And if you take that as a typical 3-month period it would mean that over 80,000 Puerto Ricans returned to Puerto Rico. There never was any such thing even at the height of the migration of Puerto Ricans from Puerto Rico from New York.

We have got to make up our minds that Puerto Ricans are just not going back to Puerto Rico. If they all went back the island would sink.

(Applause.)

So we have to deal with Puerto Ricans as a real part of New York City, a community that is going to stay in New York City and, therefore, it is more important than ever that programs of the type that this Commission has suggested be carried out and that they be carried out soon because the Puerto Rican community, by every statistic that I have found, is going to continue to grow in the city of New York.

I want to talk about the specific subjects of this morning. First with respect to education. I have been concerned, as has the Puerto Rican community, about the need to develop and implement more bilingual programs.

I know in my own case when I came here from Puerto Rico at the age of 12 it took me some time to learn to speak the language and some of my teachers were very impressed with the progress that I made and I really didn't have the heart to tell them that all that happened was that I learned to speak English.

I had some trouble in high school, but I graduated magna cum laude from City College. I received the first scholarship prize in Brooklyn Law School. However, had I come from Puerto Rico a year or two later I might not have been able to learn to speak the language well enough to get the kind of marks that I got and that is why I feel so strongly that we must have more bilingual programs.

What disappoints me, Mr. Chairman, is that I find that the city of New York and the State of New York take the position that all bilingual programs should come out of the Federal Government.

Now, I am a member of the Committee on Education and Labor. I have sought to get additional monies approved for bilingual programs. And I have done so last year. But I think that we should recognize that the city has a responsibility to provide monies out of city funds and the State has a responsibility to provide monies out of State funds. And I think that you should inquire as to why it is that the city and the State refuse to appropriate monies for bilingual education out of their own funds be-

cause if they were to do it we could begin to have many more programs and we could begin to have them immediately.

With respect to the area of employment, Mr. Chairman, there are three categories of employment. One of the problems with respect to employment has to do with the height requirements and those height requirements are clearly discriminatory. They apply particularly in the police department, the fire department, and the sanitation department.

Only last year I had a problem with a sanitation man who was able to meet all the requirements but was only 5 foot 4 and, because he wasn't 5 foot 4½, it was said that he couldn't lift the garbage. Now, that kind of requirement, it seems to me, is absolutely unreasonable and should be stopped. It is not being stopped in the city and I hope that the Commission will take action to inquire as to why the city is not stopping it.

The second kind of requirement has to do with so-called oral presentations and this applies especially in the board of education and the requirements that the board of examiners has over the years applied to Puerto Rican people where even a slight accent is enough to disqualify Puerto Ricans from teaching in the educational system.

I would advise that this be a matter of inquiry for the Commission.

Finally, we have the so-called entrance requirements of the New York Civil Service which, although do not clearly say that they intend to discriminate against Puerto Ricans and blacks, in effect are so designed that the ultimate result is precisely to discriminate.

I will use the example of the department of relocation of the city of New York. I was commissioner of that department for 4 years. I found when I got to be commissioner that I could be commissioner of the department but I couldn't work in the department because the requirements for being a relocation manager were 3 years' experience in buying, selling, or appraising real estate.

Now, most of the people being relocated in the city were black and Puerto Rican because relocation had to do with people who were being removed from urban renewal areas and, of course, only the poor live in those areas and they are, in this city, overwhelmingly black and Puerto Rican. So that the requirement of buying, selling, and appraising real estate had nothing to do with the reality of the people to be relocated. But because these were the entrance requirements, it was very difficult to find any black or any Puerto Rican who would meet those requirements so that, in effect, without spelling it out, the entrance requirement worked against being able to get blacks and Puerto Ricans into that agency.

What I was able to do when I was commissioner was to set up a



line called relocation trainee where a Puerto Rican or a black with a high school diploma could begin work and, after 3 years of work in the department, he could get to be a relocation manager.

Now, this is the kind of thing that needs to be done in each and every city agency. And I must tell you that right now there are city agencies whose requirements are such that they prevent Puerto Ricans and blacks from coming in and I would ask you to inquire as to what exactly the entrance requirements are and how specifically they relate to the realities of New York City in 1972 because I know that when you do this you will find that many of the requirements have nothing to do with the problems of New York City at all but have to do with excluding those who are the poor and who most need help in the city of New York today.

Secondly, in the area of employment, we have got to begin to devise bilingual training programs as we devise bilingual educational programs in the area of education.

It doesn't make any sense to be spending a lot of money on poverty programs or model cities programs in order to train people when we do not appropriate funds for training people in Spanish because it is more important, in fact, that training be in Spanish for adults than it is for children because the adults are those who can't speak English, or those that just came from Puerto Rico. They are the ones who desperately need employment and we should have training programs in Spanish so that the adult Puerto Rican community can begin to participate. Otherwise we are just throwing away whatever money may be made available out of poverty programs for manpower training.

I would urge that you inquire as to why it is that these funds are not being used for bilingual training programs.

Finally, in the area of administration of justice we have been limited, of course, to talk about pretrial or preconviction procedures.

I was, as you may know, present at the riots in the New York City Tombs in the year 1970 as I was in the Attica riots in 1971.

In 1970 I was in Long Island City together with Congresswoman Shirley Chisholm and we worked over a weekend to try to resolve the rebellion that took place. We found that the people who were awaiting trial—and all of the prisoners were awaiting trial—were there only because they were poor, not because of the crime they had committed, since over two-thirds of the prisoners at that time and now in the New York City prisons have bail of less than \$1,500.

Now, you know that any middle class family can afford bail, \$500 or \$1,000 or \$1,500. But when a judge imposes bail of even \$500 upon a welfare person he is condemning that person to prison because the welfare department doesn't allow bail as a legitimate deduction. And so the reason that we have the conditions of overcrowding in the New York City prisons and the reason

that we have the very serious problems in the department of corrections that we have today is entirely because we need to revise our bail system.

The bail system was worked out in the old common law days when it was assumed that most people would have some kind of job or some kind of property and that almost anyone could afford to put up minimal bail of \$500 or \$1,000 and it doesn't have anything to do with the problems of an urban center where you get a large number of poor people coming in from rural areas from the South of Puerto Rico, where you get a very large welfare population.

It doesn't make any sense to investigate the problems of the people who are awaiting trial or to provide legal aid to the poor unless we provide bond aid or bail aid to the poor because no lawyer can represent the person properly unless he can get his client out of jail. And I say this as a lawyer who has tried many criminal cases.

So the most urgent thing is to inquire and to bring out to the public, inquire as to the nature of the crimes which the people in the New York City prisons have committed and the amount of bail so that you can bring out in the proper form that the best solution to the problem is to provide a system where people who don't have the money for bail can be released.

I said that I was only going to talk about these matters because that is the particular subject of your Commission today. But I want to point out that I am not seeking any special privileges for the Puerto Rican community.

VOICE. Why don't you deal with the real issues?

MR. BADILLO. We are talking in the—

CHAIRMAN HESBURGH. I would like this gentleman to stop interfering or I will ask the Federal Marshal to ask him to leave.

MR. CONGRESSMAN, would you please continue?

MR. BADILLO. The Puerto Rican community has come here as a new migrant group to this city. This is a city and this is a country that has a great deal of experience with migrant groups because it was, in fact, a country that was created out of migrant groups.

I think it is time that we began to learn from some of the problems that the other people have had. I think it is time that we began to apply some of the experiences that the other groups have had to help the newcomers to avoid the long wait that they had before they began to participate in our society.

I don't think that the Puerto Rican community is going to forever be remaining in a second-class status. I think that over the years the Puerto Ricans and Puerto Rico will distinguish themselves in New York City as they have in Puerto Rico.

But we shouldn't have to wait three, four, or five generations before this process begins to happen. With the experience that we

have and with the help of your Commission, we should be able to do it in one or two generations and I hope that that will be one of the results of this meeting today.

Thank you very much.

CHAIRMAN HESBURGH. Thank you, Congressman Badillo.

(Disturbance from audience.)

CHAIRMAN HESBURGH. Thank you very much. I think we will be able to get into the matters you brought up and I hope we can do it to the benefit of the Puerto Rican community.

We would now like to call on the Honorable Franklin Williams, Chairman of the New York State Committee. Ambassador Williams?

MR. WILLIAMS. Father Hesburgh, members of the United States Commission on Civil Rights, it is indeed a great pleasure for me as Chairman of the New York Committee to welcome you to our city and to our State.

The subject which brings you here, the status, condition, opportunities, and disadvantages experienced by Puerto Ricans living in this jurisdiction has been a major concern of the New York Committee since it was reactivated under my leadership in early 1969.

For example, with respect to the makeup of our Committee, when I assumed the Chairmanship there was but one Puerto Rican serving on the Committee. This, in my judgment, was typical of the kind of tokenism that our Puerto Rican citizens have experienced in this jurisdiction.

Today, 20 percent of our Committee is Puerto Rican and two of our five Subcommittees are chaired by Puerto Ricans.

Our New York Committee has played an active role in the Commission's Puerto Rican Project of which these hearings are the culmination.

Mr. Carlos Morales, a member of our Committee and Chairman of our Subcommittee on the Puerto Rican Project, will report to you later on on our investigations and our findings in cooperation with your effort.

But we want you to know that our concern did not begin with nor will it end with the Commission's Puerto Rican Project. We have integrated our concern about the status of Puerto Ricans into every project and every investigation that our Committee has undertaken.

Today our New York Committee is actively engaged in four projects other than the Puerto Rican Project and each of these is directed and being carried out by an active Subcommittee.

The report of our investigation of equal employment opportunities in the construction industry in New York State has been prepared in first draft and we will soon be ready to submit it to you.

Under this project our Committee has carefully reviewed each

of the so-called home town plans, including the New York City Home Town Plan for the construction industry in this State.

A total of 6 days was spent in hearings or open meetings in Buffalo, Rochester, Albany, Long Island, and New York City.

In addition, our Committee and staff have reviewed the situation in Syracuse and in Westchester County.

While it would be premature for me to state here our findings and our recommendations until our full Committee has approved them, I can say that everywhere we went in this State, including here in the city of New York, we found the so-called home town plan approach seriously wanting.

We found the approach wanting with respect to blacks and we found the approach wanting doubly so with respect to Puerto Rican workers.

In upstate communities, for instance, we found no Puerto Rican representation on the committees which negotiated these several plans. We found no Puerto Rican representation on the administrative committees which directed the so-called plans. And, as I am sure your staff will report to you, there is a sizable and growing Puerto Rican population in such upstate towns as Rochester and Buffalo.

Outside of New York City, Puerto Rican membership in building trades unions is virtually nonexistent. In New York City, though precise figures are difficult to obtain, we can safely say that Puerto Ricans are more grossly underrepresented than the already grossly underrepresented blacks.

Another Subcommittee has been concerned about the extent to which the broadcasting industry is responsive to black and Puerto Rican citizens.

Because of our limited resources we have concentrated our activity in this area on upstate towns where the situation is a bit more manageable than here in the great city of New York.

In Syracuse we sponsored an informational meeting to inform local citizens of the policies and regulations of the Federal Communications Commission with particular emphasis on the procedure to be followed in mounting a challenge to a station's license.

As a result of this meeting local citizens have organized themselves. Some interesting things are happening in Syracuse on which I am not at liberty to report at this time publicly. But I hope they will have a profound effect on the broadcasting industry of that city.

We are now planning a similar meeting for Rochester.

A Puerto Rican member of our Committee is playing a leading role in the work of this Subcommittee.

Our Subcommittee on the New York State University System has been reviewing the employment policies and practices of the State University of New York, known to us as SUNY.

In this State, Mr. Chairman, public higher education is a major

undertaking. Leaving aside the City University of New York, SUNY has statutory authority over 27 separate colleges or units which employ approximately 12,500 faculty members and administrators.

When we started this project a year ago the first thing we found out, believe it or not, was that this great State university system of New York did not know how many black and Puerto Ricans or women were employed in instructional or administrative positions.

It was at our request that they undertook a survey and made the results available to us and we found, Mr. Chairman, that of 9,492 full-time faculty members throughout the State university system 32, or about one-third of 1 percent, were Puerto Ricans. Only six, or slightly over six-hundredths of 1 percent of these were on permanent tenure. And of 3,056 full-time administrators only 14, or four-tenths of 1 percent, of the full-time administrators in the State university system of this great State were Puerto Ricans.

We further found that SUNY had no statewide equal employment policy and no affirmative action plan.

The board of trustees of the State University of New York have, they claim, adopted an equal employment opportunities policy but there still is no affirmative action plan and there is no staffed office of equal employment opportunities or programs.

How in God's name they hope to change that disgraceful picture of noninvolvement of our Puerto Rican citizens is beyond me.

Our Subcommittee is now collecting updated statistics and the full Committee will hold a hearing on this subject in the spring to determine what progress has been made in actual numbers of blacks and Puerto Ricans employed.

Our newest Subcommittee, Mr. Chairman, is reviewing the policies of correctional institutions in this State. As you know, since the unhappy events at Attica, this has become a popular subject throughout the country, but particularly here in the State of New York.

Our concern, however, predated Attica. In fact our Subcommittee met with Corrections Commissioner Oswald just 2 weeks before Attica to work out arrangements for our members to have a free hand in visiting every major correctional institution in the State.

Two weeks ago a team of staff and Committee members met Sunday and Monday at the Ossining Correctional Facility, formerly known as Sing-Sing. Next weekend two teams will be making 2-day visits to two other correctional institutions.

In this undertaking, as with all of our projects, we are paying special attention to the effect of the system on the language and cultural differences of our Puerto Ricans.

When these four projects are completed, as well as the Puerto

Rican Project, we trust that the reports which we shall submit to you will contain a good deal of useful information concerning the problems faced by Puerto Ricans in this State.

I think it goes without saying, Mr. Chairman, that we could not have produced the work we have if it had not been for the valuable assistance and guidance of the staff of your Northeastern Field Office. I know how hard they work and to what lengths they will go to save money and to stretch their meager travel budget. And they work for seven other Committees in addition to ours.

I hope that in the very near future it will be possible for you to augment the limited staff of the Northeastern Field Office and give them the resources they need—

(Disturbance from audience.)

MR. WILLIAMS. What did I do to them?

(Laughter.)

I am innocent.

I hope that in the very near future it will be possible for you to augment the limited staff of that field office and to give them the resources they need to continue and expand the fine job they are doing.

Finally, Mr. Chairman, I hope that these hearings are the beginning, not the end, of a forceful and persistent campaign on the part of the Commission to tackle the deep and serious problems confronting Puerto Ricans in this area, and that a larger share of your resources will be devoted to this task.

The New York Committee of the Commission is already committed to this task but we need your help and your resources.

We all know that in a democracy political power is the most direct route to the solution of your problems. We have very serious problems in this State in this arena, Mr. Chairman, and we hope that you will inquire into the disgraceful political redistricting that has taken place throughout the State of New York in the past few months in which we find that in the Borough of Brooklyn here in the city of New York with a Puerto Rican population of 400,000 there is not a single Puerto Rican representative from that county sitting in either the assembly or the senate of the State or in the Congress of the United States.

(Applause.)

We hope you will inquire into the fact that in the Borough of Manhattan, with a population of 185,000 Puerto Ricans, that East Harlem, which represents the largest concentration of Puerto Rican citizens, has been cut from east to west rather than along the traditional north-south lines, in my judgment deliberately gerrymandering Puerto Ricans out of any voice whatsoever in the State legislature. And that in the county of Bronx, with 430,000 Puerto Rican citizens, instead of their voice being ex-

panded in the State legislature, it has been reduced by this disgraceful gerrymandering.

As I said at the outset, Mr. Chairman, I hope that your stay here will be a pleasurable one. But, more than that, we hope that it makes a major contribution to understanding and to publicizing the very severe, the very deep problems of the Puerto Rican citizens of this State. But, more than that, we hope that it will be a significant step in solving those problems.

Thank you.

(Applause.)

CHAIRMAN HESBURGH. Thank you very much, Mr. Ambassador.

Ladies and gentlemen, we have three more background papers before our afternoon recess for a few moments. First we are going to hear from Mrs. Antonia Pantoja who is going to speak on migration patterns of Puerto Ricans. Then we are going to have a demographic staff paper which will give us something of the flow of population among the Puerto Ricans by Miss Diane DePriest and just before the recess at 2:30 we are going to have the testimony of a Puerto Rican family who recently migrated from Puerto Rico to New York.

(Whereupon, Mrs. Antonia Pantoja was sworn by the Chairman and testified as follows:)

TESTIMONY OF MRS. ANTONIA PANTOJA, EXECUTIVE DIRECTOR,  
PUERTO RICAN RESEARCH AND RESOURCES CENTER,  
WASHINGTON, D.C.

MR. POWELL. Please state your name, address, and occupation for the record.

MRS. PANTOJA. Yes. I am Antonia Pantoja, the executive director of the Puerto Rican Research and Resources Center in Washington, D.C.

MR. POWELL. Mrs. Pantoja, I have here a document entitled "Puerto Rican Migration: A Preliminary Report". Did you prepare this document on behalf of the Commission?

MRS. PANTOJA. Yes. I was requested by the Commission, the U.S. Commission on Civil Rights, to prepare a paper on the patterns of migration of Puerto Ricans which I have presented and I presume will be on the record.

MR. POWELL. Mr. Chairman, at this point I request permission to have this document entered as part of the record of this proceeding.

CHAIRMAN HESBURGH. So ordered.

(Whereupon, the document referred to was marked Exhibit No. 3 and received in evidence.)

MR. POWELL. Mrs. Pantoja, would you summarize this report for us?

MRS. PANTOJA. Yes.

First of all I would like to introduce my remarks by saying

that a quality permeates Puerto Rican migration whether in Puerto Rico itself or in the United States. The quality is indifference. It is present when the migrant leaves Puerto Rico and it meets him when he arrives in the United States and remains with him.

The Puerto Rican migrant is poor, voiceless, and invisible.

Although birth, death, and migration are the basic components of the study of population in any country, in Puerto Rico migration is the most important in its population dynamics.

Approximately 135,000 persons migrated from 1945 to 1949 and 430,000 from 1950 to 1959.

It is inexcusable that in more than 25 years of this massive movement of people a more reliable system of data collection has not been established when the fact that Puerto Rico is an island and that this migration takes place by air makes it an easier task.

The 54-page report prepared for this hearing which I am summarizing today has been necessarily curtailed and flawed by the scarcity and inaccuracy of information found.

With that as a background I will proceed to summarize 54 pages in 10 minutes. Fifteen minutes if you allow me.

To understand Puerto Rican migration it must be placed in the context of the historical, political, and economic circumstances surrounding it. These will lead into the consideration of two factors: the circumstances pushing Puerto Ricans to migrate and, two, the demand for accommodation of the Puerto Rican, the demand and accommodation of the Puerto Rican migrant in those regions to which they migrate.

Now, conditions during 1945 and before in Puerto Rico. In 1940 Puerto Rico had a population of approximately 2 million people. Six hundred persons per square mile. Had a birth rate of 39 per 1,000 and a death rate of 18.2 per 1,000. It was one of the most crowded places in the world.

After the American occupation in 1898 the economy of the island changed, bringing a high finance capitalism to replace rudimentary rural capitalism.

The individual and independent *hacendado* or farmer working his family farm gave way to the managerial hierarchy of the corporate sugar factory.

In 1930 about 150,000 workers with 600,000 dependents owned no land. The 205 sugar mills existing in 1894 had been reduced to 35 mills by 1945.

Unemployment had acquired an almost absolute dimension. A population of about 2 million persons depended on the production of some 630,000 employed persons. Less than 30 percent of the population. Thirteen percent of the families accounted for 60 percent of the total personal income, while 87 percent accounted for only 40 percent.



The beginnings of industrialization. Operation Bootstrap as you know it. The turning point in this crisis situation is marked by a series of factors. Among them, a legislative program passed during 1942 set up land reform measures and tax legislation necessary for the transformation that would follow.

The emergence of a class of administrators as a result of experience gathered in World War II type of organization. The experience of experts provided by the University of Puerto Rico and brought in from the outside from other countries. The coming into power of a political party committed to reform.

Operation Bootstrap was essentially a governmental program of aids and incentives aimed at creating capital for the island's economic development.

The incentives created ranged from tax exemption on business income, on property, municipal levies, and distribution of dividends and benefits depending on the type of industry and depending on the area where it was located.

Unquestionably the program was successful in attracting industry to Puerto Rico.

In 1950, 83 firms were established. By 1966, 1,280 firms were established.

It was also successful for the corporations which came to Puerto Rico. In 1963 tax-exempted firms in Puerto Rico earned tax-free profits amounting to 22 percent of their average equity investment as compared to 7.1 in the U.S. after taxes.

The industrialization program was also successful for some Puerto Ricans. It changed the two-class structure of the island developing a middle class which consisted essentially of the new professions in process information, the government school teacher, modern office worker, the technician, the civil servant, the professional salesman, etcetera.

But how successful was the industrialization process in creating employment for enough Puerto Ricans to create a healthy economy? It was not successful.

The most significant contradiction in the Puerto Rican economy can be expressed in the following terms: Puerto Rico's economy expands at an accelerated pace. Gross product increased from \$1,681 million in 1960 to \$4,607 million in 1970. Gross domestic investment increased during the same period from \$397 million to \$1,449 million.

At the same time, Puerto Rico's economy is incapable of creating enough jobs to absorb the existing surplus of the labor force.

New investments in Puerto Rico have tended to concentrate on capital intensive industries. In industries already established the tendency is to introduce labor substitution techniques. The massive decline of the agriculture contributes to holding down the employment level.

The employment market of the United States holds considera-

ble attraction for the Puerto Rican worker, particularly young workers among whom the unemployment rate is highest.

There is evidence that migration of Puerto Ricans to the United States has been due to a structural crisis in the island's economy. Neither demographic characteristics nor the degree of available human resources was taken into account at the time when the industrial development program was initiated by the Commonwealth Government.

The meeting of short-range needs seems to have prevailed. The lack of integrated planning subsequently led to a reliance on the export of Puerto Ricans as the only way of achieving economic growth.

The inability of Puerto Rico's development program to reduce unemployment is at the very basis of the demographic movement of Puerto Ricans to the United States.

According to data gathered by the Department of Labor of Puerto Rico the rate of unemployment has remained constant, in the neighborhood of 12 percent, since 1947. This has been so in spite of the fact that the population increase has been neutralized by the mass exodus of workers to labor markets in the United States.

We consider the economic pull of the American labor market only an element affecting migration which, in itself, fails to explain the situation.

In order to understand the process one must focus on the interaction between the two factors. It is precisely in that interaction that one must look for the factors accounting for migration. For even if a strong incentive exists in the form of a pull from a distant market one must contend with the fact that human beings show rather strong attachments to their social-cultural reality and resist within reasonable limits any drastic changes in that reality. That is, even if a pull is present, it is rendered meaningless in the absence of a factor enabling people to respond to it, the pull. The push, I mean.

Migration is not a new phenomenon for Puerto Rico. Between 1899 and 1944 approximately 75,000 Puerto Ricans migrated to the United States. So there was a first migration. Around 1945 began one of the largest population movements recorded in modern history, which some believe moved about 1 million Puerto Ricans from the island by 1960.

There are other migratory movements in Puerto Rico. Representative Badillo was referring to the movement back. There is a small return of Puerto Ricans to the island, the children of Puerto Ricans and some Puerto Ricans who have lived here for a long time.

Since 1958 when place of birth and origin of migrants started to be recorded the particular elements in the migration has been showing up: the group is composed of two kinds of people, the

children of Puerto Rican migrants and non-Puerto Ricans, mostly Americans, Cubans, and Dominicans.

Another kind of migration in Puerto Rico is internal migration, and this is an important item because internal migration explains something about the migration to the United States.

Internal migration is mainly a movement from rural to urban areas, redistricting the island's population. The people who move from the rural areas into the urban areas will be later those that will come into New York and other cities of the United States.

A brief profile of the migrant can be drawn as follows from the scanty information we have:

Migrants have a better education than the population in general in Puerto Rico. Half of the migrants have completed 8 or more years of schooling compared to 6 for the general population in Puerto Rico.

Migration is a tendency among young people. In 1966, 79,600 migrants left Puerto Rico. 51,404 were between 14 and 20 years of age.

As I said before, the migrants start in the rural area, migrate to the cities in Puerto Rico and then to the United States.

Now let's get into the problems of the Puerto Rican migrant in the U.S.

This, perforce, is going to have to be very sketchy since I cannot go into the entire presentation that you have before you.

The quality of indifference mentioned before permeates the Puerto Rican experience in the United States as well. This indifference translates itself into the availability of accurate and reliable data on Puerto Ricans, into the emergence of myths and stereotypes, and into their exclusion from basic services, benefits, and rights.

The Puerto Rican experience in the United States is permeated by discrimination and racism.

The problems experienced by the Puerto Rican migrants stem basically from two sources: the sickness affecting American society which exploits, rejects, and relegates the poor, the racially and culturally different groups to the lower echelons of society. That I don't have to prove to you since this society is proving it itself every day.

The second source, a series of conditions and characteristics of the migrant group itself such as being unskilled, not speaking English, and others.

Now, I will take some of these issues.

On the race and color issue: most Puerto Ricans are either black or a mixture of black, Indian, and white. They suffer from the same racism and exploitation as American blacks.

The number of Puerto Ricans who are white suffer the same fate awarded to their black brothers for all intents and purposes. They are considered black and discriminated against just as well.

Only white middle and upper class Puerto Ricans who disassociate themselves from the group escape this condition. If they pay the price of running away and passing.

On the language and culture issue: in the United States persons who speak Spanish except Spaniards rank low in the prestige ladder. Puerto Ricans speak Spanish.

Some Americans even claim that Puerto Ricans speak Puerto Rican or Spanglish—

(Laughter.)

—attempting to rob the group of its language heritage.

I am going to make an aside here to bring something that Congressman Badillo brought which I think the Commission ought to take a harder look at and that is the Bilingual Act and how it is being used.

We are very concerned about the fact that even with a loan that was providing funds to be able to remedy our educational situation there seems to be always a situation of exclusion or a situation of diminishing opportunities, the opportunities of our children.

It seems that administratively there has been a ruling passed that projects, bilingual projects, must have 30 percent of its students that are English-dominant. In that way excluding 30 percent of the number of children that could have benefited from those monies and from that manner of teaching.

There are other things relating to this bilingual monies. It seems that there is a movement to create a television program similar to Sesame Street that is going to receive a number of millions of dollars to be able to teach Spanish speaking children. This is being done from the West Coast of this country, from the Berkeley School System District, and the East Coast of this country, eliminating Puerto Ricans, is not being included, neither in the board of directors nor in the preliminary projects that would be instituted nor in the component nor content of that television program. That is going to be a bilingual television program.

Now, coming back to my presentation. On the issue of the American urban crisis Puerto Ricans live in the most urban Northeastern and Middle Western cities. These cities are being abandoned by the white middle class. Puerto Ricans are being left behind along with blacks and poor whites to inherit the deteriorated services which these abandoned cities can still offer, without even sharing in the political power which governs them.

The middle class whites are attempting now to migrate to the suburbs and to maintain their political hold on cities by making new political subdivisions.

Now, in describing a profile of the Puerto Rican migrant in the United States we had to place an undue emphasis on data from New York City only since it is the only city where comprehensive

study on Puerto Ricans was put together in 1964. And it was put together by Puerto Ricans.

I am referring to the 1964 study of poverty conditions in the New York Puerto Rican community.

Summarizing very briefly that profile, it seems that Puerto Ricans in the United States are poor, voiceless, and invisible. They have the lowest educational achievement of any identifiable ethnic group in the places where they live. Their children have the gravest and most severe reading retardation. They have the highest degree of dropout. And they have the smallest representation in colleges throughout the Nation.

Puerto Ricans are employed at the lowest paid and lowest status jobs and I would like to know something. I would like to know if it is possible for the Commission to request periodic reports from the Labor Department on the unemployment rate of Puerto Ricans, because many of us suspect that the unemployment rate of Puerto Ricans in the United States is going to astonish us, especially in the present moment.

Now to end. The exodus to the United States has brought the Puerto Rican face to face with the massive gulf that separates the American dream from the American reality. The Puerto Rican migrant arrives at a time when the American economy has already absorbed the European migrant and when the only available openings are at the bottom of the social and economic structure.

The Puerto Rican migrant enters the American scene at a time when the existing conditions rule out the possibility of social mobility since the demand of the economy could not be met effectively by the skills that he had to offer.

Finally, the colonial situation of Puerto Rico has been a major factor in defining the treatment accorded the islanders in the United States. The political relationship between the United States and Puerto Rico has deprived the Puerto Rican migrant in various intangibles, in subjective ways, of the dignity and respect accorded to previous migrants which came from sovereign nation states.

Thank you very much.

CHAIRMAN HESBURGH *Muchas gracias.*

(Applause.)

Mrs. Pantoja, I want to thank you very much for the hard work which you have put into this report. We have all read the 52 page one, with four or five pages of notes and we all found it enormously helpful as a background for all the things we are going to be looking at for the next few days in employment, education, housing, administration of justice, political participation, and all the rest.

We are running a little bit behind schedule or we would have had a lot of questions. But I am going to ask our Vice Chairman

to ask you one question and then we will pass on to the next witness.

VICE CHAIRMAN HORN. Like Father Hesburgh, I was impressed with your report, with your study. You mentioned the problem in Puerto Rico of the type of industry they are attracting is not really the type that absorbs a large number of workers and, therefore, you have both migration from rural to city and eventually from city to the mainland.

In a sense we have the same problem in this country, as you know, with really all workers. The central valley of California, the family farm has pretty much gone out. You have larger and larger economic units.

Along the Ohio River, the petrochemical industry, you find a number of shiny plants come in but they can't really absorb in this case the white Appalachian worker.

Now let me ask you this: we saw some signs in the room with words like "colonialism" mentioned. Have you got a feeling as to a different type of industry that could be attracted to Puerto Rico that would make economic life there better for a larger number of people or a different type of organization?

I would welcome your thoughts on this.

MRS. PANTOJA. I would say to you as a response to your question that it is true that in this country you have the same situation but you cannot function with Puerto Rico, comparing it to the United States.

(Disturbance from audience.)

MRS. PANTOJA. You cannot apply to Puerto Rico, a small island, underdeveloped, with a serious, very serious chronic unemployment problem, and with a very large number of persons who do not have any skill at all, you cannot apply the same type of economic measure that you apply to one of the most highly developed countries in the world and one of the richest countries in the world.

Now, for the Island of Puerto Rico, if the economy of Puerto Rico were looked at the kind of persons that were present in that island, they would have attracted the type of industry that uses a lot of arms, a lot of labor, rather than—for example, there is a strike in Puerto Rico right now of a newspaper. The people who are striking are trying to get jobs in a situation in which machines are going to replace them.

You see? And the other thing is that in Puerto Rico you don't have a very strong labor movement because that wouldn't happen. You see? That wouldn't happen in Puerto Rico if you had a strong labor movement.

You have a time element and I don't want to dwell any more.

VICE CHAIRMAN HORN. Well, I just wonder, given that—I think you are right as to the basic alternative, but even if you adopted the alternative, could they then compete effectively in

terms of their exports? If you had, let's say, in the garment industry many hands working on garments as opposed to machines, would that help the situation in the long run? That is what I am trying to get from you here, is your judgment as a professional.

MRS. PANTOJA. Well, would they compete effectively?

(Disturbance from audience.)

Let me put it this way: what has happened now is that Puerto Rico has a valve, a safety valve through which you send some Puerto Ricans to this country to face the music, and you know what the music is.

(Laughter.)

And it imports into Puerto Rico non-Puerto Ricans to fill jobs created by the industry that it developed.

Isn't it kind of ridiculous? It is preposterous and unfair. I don't have an adjective for it.

CHAIRMAN HESBURGH. Thank you very much, Mrs. Pantoja.

(Applause.)

Our next speaker is Miss Diane DePriest and she is going to give us a 5-minute report on demographic developments.

(Whereupon, Miss Diane DePriest was sworn by the Chairman and testified as follows:)

TESTIMONY OF MISS DIANE DePRIEST, PROGRAM DEVELOPMENT  
SPECIALIST, U. S. COMMISSION ON CIVIL RIGHTS,  
WASHINGTON, D.C.

MR. POWELL. Miss DePriest, would you state your name, address, and occupation for the record?

MISS DePRIEST. My name is Diane DePriest. I live in Washington, D.C. And I am a program development specialist for the U.S. Commission on Civil Rights.

MR. POWELL. Miss DePriest, I have here a copy of a document entitled "United States Commission on Civil Rights Staff Report, Demographic, Social, Economic Characteristics of New York City and the New York Metropolitan Area."

In connection with your duties as an employee of the United States Commission on Civil Rights, did you prepare this document?

MISS DePRIEST. Yes, sir.

MR. POWELL. Mr. Chairman, at this point I would like to have this document entered in the record of these proceedings as Exhibit Number 4.

CHAIRMAN HESBURGH. So ordered.

(Whereupon, the document referred to was marked Exhibit No. 4 and received in evidence.)

MR. POWELL. Would you summarize this document, Miss DePriest?

MISS DePRIEST. The staff report on the demographic, social, and economic characteristics of New York City and the metropol-

itan area indicates that Puerto Ricans are citizens burdened with substantial problems.

The New York Standard Metropolitan Statistical Area or SMSA is composed of New York City and four neighboring counties: Westchester and Rockland to the north and Nassau and Suffolk to the east on Long Island.

In 1970 the SMSA population numbered 11.5 million persons. New York City is the residence of nine-tenths of the minority population in the SMSA.

In 1970 there were 1,051,200 Puerto Ricans in New York City and nonwhites were recorded at 1.8 million. Whites numbering almost 5 million persons declined by 17 percent from their 1960 figure in contrast to a combined minority population increase of almost 71 percent over the decade.

The city of New York is divided into five boroughs, Manhattan, the Bronx, Brooklyn, Queens, and Richmond. The Puerto Rican community showed substantial gains in the Bronx and Brooklyn over the last decade where their population increased respectively 134 and 125 percents.

During the same period more than 1 million whites left these two boroughs and Manhattan. As a result, the Bronx and Brooklyn have changed dramatically in ethnic character over the decade.

The Bronx is now a minority borough composed largely of Puerto Ricans. Brooklyn is approaching minority predominance with 42 percent of its population counted as nonwhite and Puerto Rican.

Manhattan, 58 percent white, lost more than 150,000 whites and 37,000 Puerto Ricans between 1960 and 1970. Queens and Richmond combined remain largely majority communities with 88 percent of their population classified as white.

In 1910 there were 1,500 Puerto Ricans in the United States. In 1970 their number had grown to 1.5 million persons of whom 73 percent were residents of New York City.

Almost three-quarters of the total United States Puerto Rican population continue to speak Spanish in the home.

Puerto Ricans in New York City are, on the average, more than 10 years younger than the white population. Consequently, they suffer a disadvantaged position in the job market where they compete with older whites who are both more educated and more experienced.

Although New York City has approximately 3 million housing units, 135,000 families currently are on the waiting list for public housing.

Between 1960 and 1970 low rental housing under \$80 declined by 49 percent while the number of units available above \$80 increased nearly 124 percent.

These figures indicate that the average Puerto Rican household



head with a family of four or more and an income of \$6,000 is finding it increasingly difficult to house his family.

The New York City Housing Authority administers approximately 155,000 units of public housing of which 21.5 percent is rented by Puerto Ricans.

The supply of public housing falls far short of the need. An estimated 250,000 Puerto Rican families alone are eligible.

Puerto Ricans, in large numbers, in Manhattan have been displaced through urban renewal activities. Whatever happens to these families, they have not been absorbed by public housing.

In 1970 the national median income for all Puerto Rican families was approximately \$6,000 compared with averages of \$10,200 for whites and \$6,300 for nonwhites.

An urban employment survey conducted by the Department of Labor in New York City in 1969 found that almost one-third of the Puerto Rican families interviewed lived below the poverty threshold as defined by the Social Security Administration.

Nearly one-third of the Puerto Rican household heads had not held a job in the year preceding the survey.

The same study reported that Puerto Ricans 25 years of age and over had completed on the average only 8 years of school. This figures contrasts sharply with 12 years of schooling for the city population as a whole and 11.8 years for nonwhites in 1970.

Only 15 percent of the city's Puerto Rican residents over 25 years of age have graduated from high school, falling considerably below nonwhites at 48 percent and whites at 53 percent.

The total New York City public school population in 1970 numbered 1,141,075. Twenty-three percent of these students were Puerto Rican, 34 percent were black, and 38 percent were classified as white.

The Puerto Rican and black components have grown by approximately 287,000 students over the last decade in contrast to a decline of nearly 133,000 white students. Thus, the composition of the city's student population has changed significantly over the decade.

In 1960 city schools were majority schools—almost 63 percent of enrolled students were white. In 1970 the city schools were minority schools—more than 57 percent of the student population was black or Puerto Rican.

With regard to professional personnel employed by the board of education Puerto Ricans are the most underrepresented of any major ethnic group in the city. Of 932 principals, four are Puerto Rican. Of 60,000 teachers in the school system in 1971, approximately 1 percent was Puerto Rican and 91 percent was white.

The attrition rate of Puerto Rican students in the public schools is critical. In 1971 only 30 percent of the Puerto Ricans who had been enrolled in the ninth grade in 1967 actually grad-

uated from high school compared with 50 percent of blacks and 65 percent of whites.

Enrollment figures for the 10th grade through graduation again show a Puerto Rican dropout rate of 67 percent.

One factor which may contribute to this high dropout rate is the language barrier. In 1970 nearly 137,000 Puerto Rican and other Spanish surnamed students were classified as having moderate or severe difficulty with the English language.

These students represented 45 percent of all Spanish speaking students in the public schools and approximately 12 percent of the entire school population.

The failure of the Puerto Rican student to achieve in the schools is documented further by citywide reading scores. In a sample taken by the board of education in 1969 of predominantly Puerto Rican schools, the average reading score for Puerto Rican students at the eighth grade level was more than 2 years behind the national norm and 81 percent of their group was reading below grade level.

This concludes my statement.

CHAIRMAN HESBURGH. Thank you very much, Miss DePriest. We have your longer report and we will enter it into the record and it has been very helpful to us in our background for these conversations.

Ladies and gentlemen, we now have a Puerto Rican couple, a mother and a father of three children, who have been in this country a year and a half coming from Puerto Rico.

I would like to ask Antonio and Mrs. Martinez if they would kindly come to the stand and be sworn.

MR. POWELL. It is my understanding that the questions will be put in English and the testimony will be in Spanish with instantaneous English translation of the testimony.

(Whereupon, Mr. and Mrs. Antonio Candido Martinez were sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. AND MRS. ANTONIO CANDIDO MARTINEZ, NEW YORK, NEW YORK

MR. POWELL. Will you please state your name and address and occupation for the record?

MR. MARTINEZ. My name is Antonio Candido Martinez. I was born in Puerto Rico. I am from Honchos. I am employed in the Rawstock Corporation located at 2711-49th Street.

MRS. MARTINEZ. My name is Antonia de Vera de Martinez. I am not employed.

MR. POWELL. What kind of work do you do?

MR. MARTINEZ. I am employed in a plant that is a garment factory.

MR. POWELL. How many children do you have?

MR. MARTINEZ. I have four children.

I prefer to speak in Spanish because I can express myself better that way.

MR. POWELL. Is only Spanish spoken in your home, Mr. Martinez?

MR. MARTINEZ. Only Spanish because my children cannot understand English.

MR. POWELL. You mentioned that you have three children. How many people are there in your family?

MR. MARTINEZ. I have four children.

MR. POWELL. Mr. Martinez, please explain why you and your family left Puerto Rico in 1971 to come to this city.

MR. MARTINEZ. Very well. The reason for my coming to this country was because in Puerto Rico I was employed for 15 years. I worked for a U.S. firm there that had a tax exemption for 15 years in Puerto Rico. Upon the conclusion of these 15 years naturally they either had to pay taxes to the government or they had to come back. So we in Puerto Rico found ourselves unemployed. We found ourselves unemployed.

I returned to this—came to this country because I have four children and I had to think of a future for them. With this in mind I came to this country to work here and to educate them.

The first obstacle I ran into when I arrived was the problem of housing. I am living in a situation like I never thought I would find myself. In Puerto Rico I lived better than I do here. In Puerto Rico the conditions of housing that I had were much better than here. Here I am paying \$110 a month. As I was saying, I am living under conditions which are very bad.

VICE CHAIRMAN HORN. Can we get the sound engineer to adjust that microphone's volume? He shouldn't have to speak any more than he is doing to have to get that picked up.

CHAIRMAN HESBURGH. Ladies and gentlemen, we are going to take a recess and get this technical thing cleaned up. We will recess for 15 minutes.

CHAIRMAN HESBURGH. Kindly come to order.

(Whereupon, Miss Elisabeth R. Craft was sworn in as Reporter.)

MR. POWELL. Mr. Martinez, did you have a relative already here in this city who was able to help you with respect to your travel from the Island to the Mainland?

MR. MARTINEZ. Yes, that is right. I have relatives here who helped me come to this country.

MR. POWELL. Mr. Martinez, how many years of education do you have?

MR. MARTINEZ. My education, I have completed 1 year of university studies at the University of Puerto Rico.

MR. POWELL. Mr. Martinez, you mentioned you are working in a factory. What is your weekly pay?

MR. MARTINEZ. Yes, I was working in a factory in Puerto Rico.

MR. POWELL. What is your weekly pay here, Mr. Martinez?

MR. MARTINEZ. I am now making \$84.50 a week and I work 35 hours a week.

MR. POWELL. Do you like the kind of work you are doing or would you prefer to have some other type of work?

MR. MARTINEZ. Well, frankly speaking, I have had to take it because of necessity, not because I like it. But according to my qualifications, I have had some education, I think that I should have some other type of work because the type of work that I am doing is like the work of a donkey. The type of work we are doing is carrying heavy loads and it is a very arduous physical work for the pay we are getting.

MR. POWELL. Mr. Martinez, since you arrived in this country did you take a job training course?

MR. MARTINEZ. No, as yet I haven't taken any courses.

MR. POWELL. Did you take a job training course?

MR. MARTINEZ. No sir.

MR. POWELL. Mr. Martinez, have you tried to find other work through Civil Service?

MR. MARTINEZ. I have been reading ever since I arrived the different offers of employment that appear in the different periodicals but all of these employments require young men, people under 40 years of age, and I am now 43 years of age so I don't waste my time, realizing that I am being discriminated against because of age.

MR. POWELL. Do you feel because of your age—you are 43 years of age—do you feel that's a factor that inhibits you from obtaining employment?

MR. MARTINEZ. I am certain, completely certain, that age has a lot to do with the discrimination in seeking employment.

MR. POWELL. Mr. Martinez, did you attempt to take an examination for employment in the Postal Service?

MR. MARTINEZ. I was taking some courses at a school in Brooklyn but my English is not sufficiently good in comparison to the English of the teacher. I requested from the people the test in the Post Office, but since I don't know how to get around the person, the day I went to the place I got lost and I therefore lost the opportunity to take the test.

MR. POWELL. I see. You couldn't find your way to take the exam for the Postal Service?

MR. MARTINEZ. We found the place, but I got there too late and so they didn't admit me.

MR. POWELL. I see. Mr. Martinez, you have a son 18 years of age, is that correct?

MR. MARTINEZ. Yes, sir, that's right.

MR. POWELL. Is he in school?

MR. MARTINEZ. No, sir, he is not in school because when he arrived here—because of the family size I couldn't afford to bring him—he took some tests in the Job Corps about 3 months ago, and he is waiting for the results of that test because he is interested in taking some kind of courses to help himself, at least to enable him to work in a way that will allow him to live decently.

MR. POWELL. He's taken a job training course but he has not been able to find a job?

MR. MARTINEZ. No, he took a test in the Job Corps and he is waiting for the results of that test.

MR. POWELL. I see. Mr. Martinez, you have described your apartment as being fairly inadequate. How much rent do you pay?

MR. MARTINEZ. I am paying \$110 for three small rooms. That is one bedroom, one very small living room which is very small, and a kitchen. And six of us are living at this apartment. We had to make the living room into a bedroom, put beds in there, beds that were given to me for my children to sleep. But it is a shame to admit it but ever since I have been living in that apartment, we have been living there with no heat whatsoever. I have reported this numerous times to the owner of the building, but this man is only concerned about collecting the rent. But the service that he gives to the people that live there is very inadequate. I live in the lower end of Manhattan.

MR. POWELL. You mentioned you have a two-bedroom apartment for six people and the services are inadequate, heating and electricity. Describe the neighborhood in which you live. You live in the Lower East Side. What's the ethnic background of that community?

MR. MARTINEZ. The people that live there are mostly of Chinese descent, and these people, since they have their relationships with the owners of the buildings, they get the best apartments when they are available, which is not very frequently, and those who come from other places like myself, we have to take what they have left, that which they have not wanted.

MR. POWELL. Mr. Martinez, have you looked for other housing such as public housing?

MR. MARTINEZ. I have not tried in public housing because I have heard ever since I arrived that one has to have lived here at least 3 years to request public housing. This is the information that I have received. And after that you have to wait for several years.

MR. POWELL. So you haven't looked for public housing because you don't feel you have lived here long enough?

Mr. Martinez, is your younger son in school?

MR. MARTINEZ. I haven't looked for public housing because I said since I haven't lived here long enough, I don't feel that I qualify. So I don't think I should waste any time in trying to get housing in public housing yet.

MR. POWELL. I understand. Mr. Martinez, is your younger son in school?

MR. MARTINEZ. My youngest son is in the sixth grade. But for all practical purposes he is wasting his time because he isn't learning anything there. He doesn't understand English, and the Spanish that we speak is a mixture of Spanish and English, so he is wasting his time. He is not ready for school. So I am really concerned about this. I don't know what to do about him because it is a waste of time because the teachers that he has always speak English, and all he can do is sit there and look at the teacher, but that's all he can do.

MR. POWELL. Mrs. Martinez, did you have difficulty in placing your son in school?

MRS. MARTINEZ. I did have trouble but there was a bilingual teacher who helped me in registering him in school.

MR. POWELL. I see.

Mr. Chairman, I have no further questions.

CHAIRMAN HESBURGH. Commissioner Ruiz, do you have any questions?

COMMISSIONER RUIZ. No questions.

CHAIRMAN HESBURGH. Mr. Mitchell?

COMMISSIONER MITCHELL. Yes.

Mr. Martinez, are there any Puerto Ricans where you work?

MR. MARTINEZ. The place where I work is a company where about 95 percent of the employees are Latins. Of this 95 percent, I would say about 3 percent are Puerto Ricans. All these persons who work in this company, like what they call here in the United States, are aliens. They come here as tourists and remain working here and then they send for other people. So you have the situation where a relative of mine, where I tried to get him a job in that company but I was not successful. But other persons were given employment of other nationalities, those who weren't nationals of the United States nor did they even have a resident visa to live in the United States.

COMMISSIONER MITCHELL. Do you belong to a union?

MR. MARTINEZ. Yes, we belong to a union. It is the International Ladies Garment Union, but this union, what they are interested in is getting their dues, interested in getting their dues. They don't care once they get their dues.

COMMISSIONER MITCHELL. Does the union make any effort to get rid of illegal aliens and replace them with people who have a better right?

MR. MARTINEZ. The union doesn't make any efforts as I said be-

fore. There is an increasing number of these people that are coming. This is a union that favors management. If you complain to them, they listen to you for courtesy's sake, but that's all they do.

COMMISSIONER MITCHELL. Are you being paid at the union rate?

MR. MARTINEZ. Yes. According to the agreement, the contract that we have between the labor and management, they have to pay what the contract says, but for the work we do it is very low wages because it is very demanding work and the pay is very low.

COMMISSIONER MITCHELL. Thank you.

CHAIRMAN HESBURGH. Mrs. Freeman?

COMMISSIONER FREEMAN. I have no questions.

CHAIRMAN HESBURGH. Vice Chairman Horn?

VICE CHAIRMAN HORN. Just one question, Mr. Martinez.

Commissioner Mitchell mentioned the union, the International Ladies Garment Workers. Do they have any bilingual translation of their constitution or their rights that a member has in the union? Have they done anything to help bridge the bilingual gap at all as a union?

MR. MARTINEZ. Let me say, in Puerto Rico, the labor unions, when a collective contract is signed, they do have the kindness of providing the members of the union a copy of the contract in Spanish. This is the copy of the contract they have signed with management. But this is not the practice where I work here. I asked the chairman of the union for a copy of the contract, and he says he can't give it out because he is not authorized to do it or he doesn't have it, so that I have to do whatever they tell me because I have no way of knowing whether it's according to the contract or not.

VICE CHAIRMAN HORN. What proportion of workers in your plant would you say are of Puerto Rican background?

MR. MARTINEZ. Like I said, I don't think it's over 3 percent, and there are between 400 and 500 people working where I work.

VICE CHAIRMAN HORN. Let me ask one question of Counsel. It was mentioned earlier by Mr. Martinez that he had not been here a sufficient length of time to be eligible for public housing. What is the requirement as to the length of time one has to be here, and who imposed that requirement, Federal or State law?

Mr. Powell, I am directing a question at you here. It was mentioned by Mr. Martinez that he had not been here a sufficient length of time to be eligible for public housing. Two and 3 years have been mentioned. What I want to know is who set that requirement? Is that Federal or State or city housing authority law?

MR. POWELL. I believe that must be a local law. I'm sure it's not a Federal requirement.

Can you hear me? I'm sure that must be local law, Mr. Vice Chairman. There is no such Federal requirement.

VICE CHAIRMAN HORN. Conceivably that can be changed by the housing authority in the city of New York, then, is that correct?

MR. POWELL. That's correct.

VICE CHAIRMAN HORN. Are there any court cases that have tried to test that?

MR. POWELL. There are comparable cases, as you know, Mr. Chairman, in the welfare area, which suggests that such a requirement would not be legal. I do not know of any specific cases in the housing area.

VICE CHAIRMAN HORN. Well, let's get at this point in the record then a legal description of this problem.

(Information on this request appears on P. 584).

CHAIRMAN HESBURGH. We can get into this when we get into the housing area of this hearing, too.

Mr. Powell, I think you had one more question.

MR. POWELL. Mrs. Martinez, as I understand it, your son had finished sixth grade before he left Puerto Rico, is that correct?

MRS. MARTINEZ. Yes, that's correct.

MR. POWELL. Did you experience difficulty in placing your son in the seventh grade and, if so, why?

MRS. MARTINEZ. After he was registered they told me that he would have to change to another grade. I was not told beforehand about this.

MR. POWELL. How long was he in the sixth grade in this country before you realized he was not in his proper grade?

MRS. MARTINEZ. He is still in sixth grade.

MR. POWELL. Your son is still in sixth grade, but he should be in seventh grade, is that correct? Your son should be in the seventh grade, is that correct?

MRS. MARTINEZ. Yes, he should be in seventh grade now. He is still in sixth grade.

MR. POWELL. Mrs. Martinez, does your son speak English very well?

MRS. MARTINEZ. No.

MR. POWELL. Do you think he would do better if there were bilingual programs in the school that he attends?

MRS. MARTINEZ. There are no bilingual programs in the school.

MR. POWELL. If there were such bilingual programs in the school, do you think he would do better in school?

MRS. MARTINEZ. Yes. If there were bilingual programs I think he would do better work, certainly.

MR. POWELL. Mr. Martinez, if economic conditions were better on the Island of Puerto Rico, would you like to return with your family to live there?

MR. MARTINEZ. Now we go to the point. In Puerto Rico I wouldn't say that they are better.



MR. POWELL. No, Mr. Martinez. If economic conditions were better in Puerto Rico would you like to return?

MR. MARTINEZ. If they were better, of course.

(Applause.)

CHAIRMAN HESBURGH. Gentlemen, May I break in for just a moment. We have a difficult time here making a record and it's hard to make it if a witness is being pushed one way or another by applause or by harassment, and the only way we can possibly make an objective record for the good of all Puerto Ricans is to let the witness say what he has to say and refrain from clapping if you will. Thank you very much.

Senor Martinez, I would like to ask how you feel about the education of your children. You have had some college education, is that true?

MR. MARTINEZ. What I think about my children's education here in this country, as I said before they are practically wasting their time because they are not learning anything. First of all, they don't understand the language, and if they don't understand the language what good does it do to sit there in front of the teacher and just look at her face? It is wasting their time. They don't learn anything because they don't understand what she is saying.

CHAIRMAN HESBURGH. How many children do you have in school at the moment?

MR. MARTINEZ. I have two in school here, and the other one who just arrived, who I said took the Job Corps examination and is waiting for a reply from them. And the other one is not in school because she just arrived the other day.

CHAIRMAN HESBURGH. Are there any programs to your knowledge where these children could learn English more quickly and be assisted in learning English in the schools in New York?

MR. MARTINEZ. Not that I know of. I don't know of any. I don't know that there is any. In these things of education and housing perhaps I am totally lost, perhaps I haven't had the proper orientation, but from what I have seen nothing has satisfied me.

CHAIRMAN HESBURGH. Thank you very much, Mr. and Mrs. Martinez.

MR. MARTINEZ. Thank you, too.

(Applause.)

CHAIRMAN HESBURGH. The next witness is Mr. Michael Goldman who is going to give us a background paper on education.

(Whereupon, Mr. Michael Goldman was sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. MICHAEL GOLDMAN, ATTORNEY,  
U.S. COMMISSION ON CIVIL RIGHTS

MR. POWELL. Mr. Goldman, please state your name and address and occupation for the record.

MR. GOLDMAN. My name is Michael Goldman. I am an attorney from Washington, D.C., an attorney for the United States Commission on Civil Rights.

MR. POWELL. Mr. Goldman, I have here a document entitled, "United States Commission on Civil Rights, Staff Report: Public Education for Puerto Rican Children in New York City."

Did you prepare this report in connection with your duties with the United States Commission?

MR. GOLDMAN. In conjunction with other staff members, I did.

MR. POWELL. Mr. Chairman, at this time I would like to have this document entered as Exhibit 5 in the record of this proceeding.

CHAIRMAN HESBURGH. So ordered.

(Whereupon, the document referred to was marked Exhibit No. 5 and received in evidence.)

MR. POWELL. Mr. Goldman, do you have a summary of this report?

MR. GOLDMAN. I do. I have about a 5-minute summary.

MR. POWELL. Would you read that into the record, please?

MR. GOLDMAN. Yes.

New York City, Mr. Chairman, has 1,147,075 public school children, a number greater than any other American city. 392,000 are black, 260,000 are Puerto Ricans—a nonwhite enrollment of 57.2 percent. City schools have been plagued by low student achievement, high dropout rates, and a failure to graduate students with academic diplomas. For Puerto Ricans, these symptoms are especially severe. The dropout rate for Puerto Rican students from 10th grade to graduation is at least 57 percent, perhaps as high as 70.

Part of the difficulty experienced by Puerto Ricans is attributable to language problems. As has been reported, in 1970, 14.4 percent of New York City's public school population, or 161,000 children, had moderate to severe language difficulties. Of these 161,000, 70 percent were Puerto Rican.

Until 1969, the education of public school children in New York City was the responsibility of a board of education appointed by the mayor.

This system was not successful in implementing effective policies for public education in the city. The striking example was school integration. For most of the 1960's, the board of education found itself unable to reduce racial isolation in the public schools.

The result was the desire by many citizens for what has been called decentralization or community control. These issues were brought to a head in the 1968 teacher strikes over Ocean Hill-Brownsville. The strikes produced a tension between minority groups and the teachers' union that continues to this day. The strikes also produced a compromise decentralization bill in the

State legislature. For the past 3 years, the schools have been governed under this legislation.

The dimensions of the problem have remained immense regardless of the system. The public school system still operates over 900 schools, last year it employed 60,000 teachers, and yet another 13,000 supervisory and administrative personnel. Minority professionals are still the exception in New York City. 7.8 percent of the teachers are black, and 1.3 percent are of Puerto Rican or of other Hispanic origin. Current statistics indicate that there are only nine Puerto Rican or other Spanish surnamed principals in the public school system.

The coming of decentralization has established new relationships for school governance in the city. The new law created four kinds of actors—a reconstituted board of education, a community school board, community superintendent, and a chancellor. As now constituted, there are 31 such community school boards, ranging in size from 16,000 to 40,000 pupils in daily attendance. The law vests in the community school boards authority over elementary education through the eighth grade. The city board of education has the power to govern the high schools and special schools, and to establish citywide educational policies.

The decentralization law has also provided for systemwide standards for teacher qualifications, appointment, and dismissal. The most significant standard setting mechanism is the board of examiners. The board prepares and administers competitive examinations, the passage of which are mandatory for appointment to a teaching or supervisory position in New York City. As of today, the board of examiners administers 1,200 such examinations.

Minority professionals have long charged the board with operating a system that screens out black and Puerto Rican applicants. A recent Federal district court decision seems to be in agreement. In *Chance and Mercado versus the Board of Examiners*, the court concluded that the examinations for supervisory personnel discriminated against minority groups, and thus enjoined the continued use of these tests.

The city board is also vested with the exclusive power to engage in collective bargaining. The latter is an important power because of the influence of the local teachers' union, the United Federation of Teachers. The union's current labor agreement considers many important issues—salary, student-teacher ratio, transfers, use of Federal funds, recruitment, and a teacher's daily schedule—issues that are of interest to both the city board and the community school boards. UTF is also a force in educational issues because of its organization and relationship with school officials.

In sum, Mr. Chairman, the union is a fifth force that is instru-

mental in the determination of public education in New York City.

The cement that holds this massive, decentralized system together is money. The regular operating budget of the school board for the 1971 school year was \$1.5 billion. In addition, the city received \$150 million in compensatory education monies through Title I of the Elementary and Secondary Education Act of 1965. Its per pupil cost is a respectable \$1,322. The figure is somewhat misleading, however, since the cost of education is largely, perhaps 80 percent, representative of teacher salaries.

The cost of the city schools is borne by the city and the State, and to some extent by the Federal Government. The board is without taxing power; it must rely on the mayor and the city board of estimates to raise local revenues. In turn, the school budget becomes part of the city's annual conflict with the State government in Albany to determine the extent of the State's contribution to New York City.

In 1971-72, the result saw the city assume \$962 million of the school budget, compared with \$593 million by the State, through a State aid allocation, and \$9.7 million by the Federal Government.

What these monetary shares ignore is that the budget has failed to keep abreast with the needs of the schools. New York City has continually pleaded a lack of revenue. This dilemma was solved by eliminating 5,000 teaching positions in the city in the current school year.

It is within the context of this decentralization and this fiscal crisis that one must examine the educational opportunities that are offered English and non-English speaking Puerto Rican students. Puerto Rican school children have serious problems of language and culture that are not being met by the community school boards, the board of education, or the State of New York. There are insufficient or inadequate bilingual and second language programs. There is a lack of Puerto Rican and Hispanic or other bilingual teachers to conduct such classes, and there is a failure of the school system to utilize existing Federal programs for disadvantaged Puerto Rican students. These factors, Mr. Chairman, may well constitute a denial of the equal protection of the laws in New York City.

Thank you.

CHAIRMAN HESBURGH. Thank you, Mr. Goldman, and for your longer report which is very helpful to us in our problem here.

I would like to have a high school panel now or a panel on high school education, and I call to the stand Mr. Waldemar Gonzalez, Miss Madeline Rivera, and Miss Gilda Serrano. Would you three please come up and be sworn.

(Whereupon, Mr. Waldemar Gonzalez, Miss Madeline Rivera,

and Miss Gilda Serrano were sworn by the Chairman and testified as follows:)

**TESTIMONY OF MR. WALDEMAR GONZALEZ, MISS MADELINE RIVERA, AND MISS GILDA SERRANO, NEW YORK, NEW YORK**

**CHAIRMAN HESBURGH.** We are very happy to have you with us, and our General Counsel, Mr. Powell, will begin the questioning. Mr. Powell?

**MR. POWELL.** Beginning with the person furthest from the rostrum, would you each please state your name, address, and occupation for the record?

**MISS RIVERA.** My name is Madeline Rivera. I'm age of 19, and I'm a student at the High School of Art and Design.

**MISS SERRANO.** I'm Gilda Serrano. My age is 23. I presently attend Columbia University School of Social Work.

**MR. GONZALEZ.** My name is Waldemar Gonzalez. I'm 24, and I'm presently employed by Aspira, Incorporated.

**MR. POWELL.** Mr. Gonzalez, how much schooling have you had?

**MR. GONZALEZ.** I've had a college education, B.A.

**MR. POWELL.** I see. Mr. Gonzalez, statistics indicate that Puerto Ricans generally do not finish high school. To what do you attribute your success?

**MR. GONZALEZ.** Well, there were basically a number of factors. I would say the most important factor was the hard work, really, and the input from my parents, first, and second from Aspira itself.

**MR. POWELL.** Did you have older brothers or sisters who had been in the school system before?

**MR. GONZALEZ.** Yes, I have two older sisters who are also very instrumental in terms of opening up a lot of opportunities to me.

**MR. POWELL.** When you entered school, was Spanish only spoken in your home?

**MR. GONZALEZ.** Yes.

**MR. POWELL.** Mr. Gonzalez, where did you attend high school?

**MR. GONZALEZ.** I attended two high schools. I attended Samuel Gompers High School for 2 years and Morris High School for 1 year.

**MR. POWELL.** Mr. Gonzalez, did the teachers and students at these schools react in a particularly distinctive way toward students who spoke Spanish in the halls?

**MR. GONZALEZ.** I'm sorry. Could you repeat that?

**MR. POWELL.** Did teachers and students at these schools react in a particularly distinctive way toward students who spoke Spanish?

**MR. GONZALEZ.** Yes. Well, first, at Gompers High School, there was a general discouragement of the use of Spanish. At Morris High School, the situation was the same except that at Morris

High School the composition of the student body was such that there were a great number of Spanish speaking students.

MR. POWELL. Tell us about your experience at Gompers, Mr. Gonzalez. Was that a very pleasant experience?

MR. GONZALEZ. Educationally I would have to say no. First of all, one of the problems that I confronted was that I had approximately 3½ hours, I believe, or so, of shop, which took up a whole morning or whole afternoon. One of the things that I found out was that I really wasn't getting anything out of it. As a result, I started to lose interest in what the school had to offer in terms of curriculum, and I requested a transfer from the school.

Upon requesting the transfer from the school, I had to receive a recommendation for that transfer from the guidance counselor and from one of my teachers. I was told that I would not receive the recommendation because I was doing well enough at Gompers High School. And this led to a whole process—should I go into it?

MR. POWELL. Yes. What did you have to do in order to eventually transfer in accordance with your wishes?

MR. GONZALEZ. First of all, I had to receive my parents' consent to transfer. Second of all, I had to receive some type of recommendation from the high school counselor and from one of my teachers.

I did not receive the recommendation from the counselor and, as I mentioned before, he explained that he thought I was doing well enough at the school.

I approached my shop teacher for a recommendation and he gave me the same reply.

As a result of both situations, I asked my parents to come to the school, and they asked me what the school personnel had said. I explained it to them and they said that they should be right.

MR. POWELL. Is this generally the conventional thing a Puerto Rican family would do? Do they defer to the opinions and judgments of school authorities in general?

MR. GONZALEZ. I would say yes, in general.

MR. POWELL. To what do you attribute this attitude?

MR. GONZALEZ. A lot of it has to do with the fact that culturally the Puerto Rican family respects the educational institution and relies upon the educational institution's advice and respects the fact that they had that expertise in education. So, in general, what happens is parents tend to go along with what happens in the school or what's recommended in the school.

MR. POWELL. I see. You mentioned that you transferred from Gompers to Morris High School. What occasioned your wish to transfer to Morris?

MR. GONZALEZ. Excuse me.

MR. POWELL. Why did you transfer to Morris? What were the reasons?

MR. GONZALEZ. I lost interest in the curriculum that was offered at Gompers High School.

MR. POWELL. What was there about what you had heard about Morris that made you want to transfer?

MR. GONZALEZ. Well, basically the fact that they offered an academic program, and I decided that I wanted to get the academic program.

MR. POWELL. I see. Miss Serrano, you were born in Puerto Rico, were you not?

MISS SERRANO. No. I was born here and I was brought up in Puerto Rico.

MR. POWELL. I see. Where did you have your earliest years of schooling?

MISS SERRANO. Puerto Rico. I graduated from the ninth grade.

MR. POWELL. Did you speak English very well when you returned to the Mainland?

MISS SERRANO. No.

MR. POWELL. In what grade and in what school were you placed?

MISS SERRANO. Well, I had had recommendations to go to Hunter College by one of the teachers in Puerto Rico, Hunter College High School. Now, this high school wouldn't accept me because I didn't know the language. Therefore, the only school left for me was Morris. At that time it was offering what they called a bilingual program, bilingual in the sense that you had to go and sit down and listen to what the teacher had to say to you in English. So in that sense the term "bilingual" was misused.

MR. POWELL. Because the only language spoken in that class was English, is that correct?

MISS SERRANO. Yes, by the person that was supposed to be teaching us. There were 22 students in the classroom, and we all spoke Spanish with the exception of one guy that was French and another one that was Italian.

MR. POWELL. Did you feel that you were learning English very well in that class?

MISS SERRANO. No, I wasn't learning English in the class at all. I was learning, or in other words, I was surviving with the other students. We were just keeping our Spanish and ignoring the teacher.

MR. POWELL. Miss Serrano, did your lack of facility in English inhibit your ability to learn in other subject areas?

MISS SERRANO. Yes, it did.

MR. POWELL. Miss Serrano, would you describe the experience which caused you to realize that you had not developed much proficiency in English?

MISS SERRANO. A lot of it was reflected when I had to do home-

work. I couldn't read the book, and if I did read it I missed all the content. I never got the content. Therefore, this reflected in the poor work I was doing for the homework.

The other thing was in examinations. I could never pass an examination because I was missing the content of what I read. A good example of this is when I took the SAT to enter into college. I scored 277 in verbal, and I think I scored 500 in math, and that was because the math I didn't need anybody to teach it to me. That was self-taught with the background I had in Puerto Rico. And it also had a lot of personal meaning for me. The fact that I wasn't learning discouraged me, and I found that sitting in a classroom and not learning anything was really a blow to my ego.

MR. POWELL. Miss Serrano, in your opinion, was your experience typical of other Spanish speaking students who were classmates of yours and, in particular, would you tell us what has happened to most of your friends who were in school with you at that time?

MISS SERRANO. Well I don't think the experience was any different. I came from a background where my family had gone to the university in Puerto Rico, so I already had the idea I wanted to go to college.

Now, the struggling with my friends—a lot of them chose different ways of coping with the situation. A lot of them either joined this drug subculture within the school system; a lot of them either seek companionship with somebody who had a similar problem, but by coming together they felt more comfortable with each other. And I had one girl friend who joined me but soon gave up because she couldn't cope with the struggle, and she landed seeking companionship, too.

So I was sort of isolated in terms that I wanted to go on, and I was left on my own, not being able to get help from the teacher, not being able to get help from my guidance counselor. I decided to go on my own, and go ahead and apply to college.

MR. POWELL. So that by finishing high school and going to college, you were the exception to the rule with respect to most of your Spanish speaking friends in high school, is that correct?

MISS SERRANO. Yes.

MR. POWELL. Most of them dropped out of school, did they?

MISS SERRANO. Most of them dropped out, but a lot of them graduated. I think a lot of it had to do with the time I spent and how much time I spent in doing my work and trying to understand what I was doing. I mean, a lot of my friends had other interests which they pursued, and I had a very traditional family who didn't let me socialize, so what I used to do was read and read and read.

MR. POWELL. Thank you.

Miss Rivera, tell us something about yourself. Were you born in Puerto Rico?



MISS RIVERA. No, I was born here in the city of New York. I was born in the Borough of Brooklyn. At the age of 5 my mother sent me to Puerto Rico because of economic problems that we had faced, and I went over there to the school system up to the third grade. Then my mother sent for me. I came to New York and I entered the school system in the third grade. At the time I didn't know any English at all. All I had was my native language which was Spanish.

MR. POWELL. Is Spanish the only language spoken in your home, Miss Rivera?

MISS RIVERA. Yes, That's the only language that my mother speaks, and therefore for me to communicate with her I can't talk to her in English. I have to talk to her in Spanish.

MR. POWELL. Did your inability to speak English when you entered the school system here inhibit your ability to learn in other subject areas?

MISS RIVERA. Yes, it did. I found myself in a conflict because, first of all, the teacher that I had when I first entered school was Jewish, and all she talked to me in was English. I used to sometimes stare at her and try to understand what she was trying to tell me, and the thing was that I got help from other students in the class who spoke Spanish. They used to, in other words, translate what she used to say to me, and this is how I started.

MR. POWELL. Were there any programs at the schools you attended which were designed to help you with your language difficulties?

MISS RIVERA. No, I was put directly into—the thing was I was put into a very special class which is called the health class because I was an asthmatic. This class was composed of students who had some kind of physical sickness, either polio or when they were born they were not able to speak right and difficulties like that. But I wasn't put in there because of my language barrier. I was put in there because of my health.

MR. POWELL. So there were no programs specifically designed to help you with your language problem?

MISS RIVERA. No, there wasn't.

MR. POWELL. The elementary and junior high schools that you attended, were they predominantly Puerto Rican and black?

MISS RIVERA. No. As I've been in the school system I have never, let's say, been confronted with a Spanish teacher yet.

MR. POWELL. No, no. The student population of the schools you attended, were they predominantly Puerto Rican and black?

MISS RIVERA. Yes, they were Puerto Ricans and black.

MR. POWELL. What about the teachers at these schools?

MISS RIVERA. The teachers were whites. There were no Puerto Ricans.

MR. POWELL. No Puerto Rican?

MISS RIVERA. No. No Puerto Rican teachers.

MR. POWELL. When you graduate in June, Miss Rivera, what would you like to do?

MISS RIVERA. Well, right now I'm taking up art, and I want to go to college, but I think I'm facing a big problem now because my reading grade is not to the level it should be. Right now I'm a senior and my reading grade is 8.6. My spelling is very bad. And even though I can speak the English language and express myself the way I want to, when it comes down to putting it on paper it's not quite the same. I have applied to two colleges, private colleges, because I want to get more education in art, and I have already been rejected by one, and I feel it was the score on my SAT.

MR. POWELL. I understand you do very well in your other subjects but your reading. Is that because of your language difficulty?

MISS RIVERA. Yes, right, because of my language difficulty.

MR. POWELL. With respect to your efforts to get into college, have you been encouraged or discouraged by your school counselor?

MISS RIVERA. Yes, I was. As a matter of fact—

MR. POWELL. You were what? Encouraged or discouraged?

MISS RIVERA. I was discouraged because when I entered the High School of Art and Design, they have there both programs, vocational and academic. When I applied for the school, I wanted academic. Therefore, since my reading grade was so low I wasn't put in academic; I was put in vocational.

Now, I went thinking I was in academic all the time. I wasted really 3 years in vocational. Then when I'm trying to make the means to be put in academic, my grade advisor, I went to her and she gave me a lot of runaround. She said I shouldn't bother going to college. I asked her why. She said: "Because you're going to be worrying too much about your homework." Now, she didn't tell me it was my reading grade at all. So I said, all right.

I felt very discouraged and everything because I told myself, if this is the kind of way I'm to be treated I don't think I'll get anywhere. So I sought for help and I did find a place called Har-Cap. There I told them my situation. My counselor went to the school and talked to my grade advisor and asked her why she had told me this. She said that my reading grade wasn't to the level for me to be put in academic. But he told her that I had good grades because my average was an 86 in my classes, but still she said that it would be quite a challenge for me since my language didn't add up, my reading grade didn't add up.

MR. POWELL. Miss Rivera, what changes would you bring about in the elementary and secondary schools to make them more responsive to the needs of the Hispanic and Spanish speaking students?

MISS RIVERA. Well, I think if when I came to study here in this

country if I would have been put in a bilingual class where the teacher communicated with the students in Spanish just as well as English, I think my English language would have improved much more.

I also feel that each student who takes an examination in school should never be denied of his scores, which I was. I was never told which scores I rated every time I took an examination. I was never even aware of my reading score until I went to high school which was on 5.4. I feel that this really wasn't right.

MR. POWELL. Thank you.

MR. GONZALEZ, would you care to comment on what changes you think ought to be brought in these schools to make them more responsive to the needs of Spanish speaking students?

MR. GONZALEZ. Yes. First of all, there have to be many more bilingual programs. What I would recommend is that bilingual programs be part of any curriculum, and that it should be offered throughout. And when I say bilingual, I'm referring to bicultural-bilingual classes. It isn't enough to have bilingual programs or token programs.

Another factor that I see as very important is economic imbalance that is found among students. Let's say a school in Queens gets allotted the same amount of funds per capita, that is per student in the school, as a school, let's say, like Morris High School or Benjamin Franklin. It is not fair to the Benjamin Franklin School or the Morris High School because there are economic variables that are involved outside of the school, and I'm referring to the home. In other words, educationally there is much more invested in a student whose parents can afford to invest additional monies into that student's education outside of the school, anything from books to carfare to go to the library, to et-cetera. So that economically there is an imbalance. It isn't enough to give across the board equal amount per capita in the schools.

Something else also which I know affected me, and I run across every day in my work, is the fact that there isn't Puerto Rican personnel, enough Puerto Rican personnel in the schools. Our students do not have anyone they can identify with. They do not have anyone who really can identify with the problems and really be sympathetic to the problems of the Puerto Rican student. So that more Puerto Rican personnel are needed.

It has already been noted that the board of examiners has been declared discriminatory. I would suggest the elimination of the board of examiners and that the doors be opened to Puerto Ricans to teach in the schools and to counsel in the schools.

Also, I would have to say that the high schools and the elementary schools, all schools, should be held more accountable to those families and that community that they are supposed to be educating, that is, in terms of the children. I don't see any accountability for the school system.

In addition, this means more community involvement, not only just in discussion but in the actual decisionmaking of the school. I see all of these factors as vital in meeting this particular problem.

MR. POWELL. Thank you.

Mr. Chairman, I have no further questions.

CHAIRMAN HESBURGH. Thank you. Mr. Ruiz, would you like to—

COMMISSIONER RUIZ. You believe then that from your experiences, that if your teachers had been Puerto Rican and taught you to read in English, that you would have been a better reader and a better student, is that correct?

MISS RIVERA. Yes, I believe so.

COMMISSIONER RUIZ. And insofar as the Puerto Rican child is concerned, and in the absence of a bilingual program, do you believe that more would be accomplished if teachers were hired who spoke both Spanish and English and knew the culture of Puerto Rico?

MISS RIVERA. I believe so. I believe that that would improve the students. It would even encourage him even more to learn by that.

COMMISSIONER RUIZ. That type of a teacher would be an inspiration to you?

MISS RIVERA. Yes.

COMMISSIONER RUIZ. And that type of a teacher would make you work harder and you would feel that you were accomplishing something, is that correct?

MISS RIVERA. Right. Right.

CHAIRMAN HESBURGH. Commissioner Mitchell, do you have anything you'd like to say?

COMMISSIONER MITCHELL. I would like to get a better understanding of what you mean by bilingual.

MR. GONZALEZ. Who are you directing that—

COMMISSIONER MITCHELL. Mr. Gonzalez, Miss Serrano, Miss Rivera, anybody.

MR. GONZALEZ. The type of bilingual program—some of the bilingual programs that I have observed have been where the student is stopped in terms of developing in the areas of writing, arithmetic, mathematics, history, etcetera. His progress, that is, the learning process, is stopped, and it is focused on the student learning English.

COMMISSIONER MITCHELL. No, I would like to get more fundamental or specific than that. Let's assume I speak only Spanish. I am 10 years old. I come into a school and I go into a classroom. It's a history class. What do you mean by a bilingual program?

MR. GONZALEZ. That it be bicultural.

COMMISSIONER MITCHELL. I'm talking about bilingual now. So I understand what I'm learning, understand what I'm hearing.

MR. GONZÁLEZ. That is what I'm referring to.

COMMISSIONER MITCHELL. Miss Serrano seems to have an answer.

MISS SERRANO. I think that by bilingual we mean that we have the option to take our courses in Spanish, in the high school, at any level, even in college, if possible, and that English be a secondary language, because our language is Spanish, and that's what we want.

The other thing is they should have, what we mean by having a Puerto Rican teach us, we mean that a Puerto Rican will serve better as a role model for me, somebody I could look up to, somebody I could say anything I want to without being twisted, without being put in a way where I come across as being a pathological case, somebody that could understand that I have an intellectual capacity as well as a creative capacity, and that I could make a combination of both, and grant me that right to do that.

COMMISSIONER MITCHELL. Where did you learn English?

MISS SERRANO. Where did I learn English? I learned English, believe it or not, in my third year of college.

COMMISSIONER MITCHELL. In other words, you would be perfectly happy to go to school in which you had at every grade level and in every subject area the opportunity to study with a Puerto Rican teacher who spoke to you in your own language and to whom you could communicate, and with whom you would serve in the student-teacher relationship?

MISS SERRANO. That's right, because I believe that one of the important things in the development of the person is peer relationships, and there's nobody that could push you to learn a language. If you are interested in learning a language, whether it be English, French, or Italian, through the peer relationships you could do it much better than with a teacher that's just pushing the basic aspects of the language at you. What I mean by that is they only concentrate on the grammar. They don't concentrate on whether you can read or whether you could comprehend what you are reading. They don't even care what you score in a test. And if that's the case, why do we need to learn in English?

COMMISSIONER MITCHELL. And just one step more. If I understand you then, you would have schools in New York City to which you could go in which Spanish was the language of instruction?

MISS SERRANO. Yes. The Americans go to Puerto Rico and they have their private schools over there where they teach their kids in English, so why can't we Puerto Ricans have our school in New York City? I don't see why.

COMMISSIONER MITCHELL. This is really why I'm asking you these questions because we keep saying bilingual as though there were some kind of new language that was half-Spanish, half-English you could teach in. What you are really saying is that you

should be able to study in your own language, you should learn English when, as, and if it seemed useful to you to do so.

MISS SERRANO. Yes, that's right, because the concept bilingual I think is very much misunderstood.

COMMISSIONER MITCHELL. Thank you.

COMMISSIONER RUIZ. Mr. Chairman, may I ask one more question?

CHAIRMAN HESBURGH. Yes, certainly.

COMMISSIONER RUIZ. If I understand you correctly, if you hadn't been fortunate enough to get through the third year of college, you would never have been able to speak English, is that correct?

MISS SERRANO. I probably wouldn't speak English.

COMMISSIONER RUIZ. How many Puerto Ricans are fortunate enough to get up to the third year of college?

MISS SERRANO. There's not many Puerto Ricans. I wouldn't use the word "fortunate," because that means like somebody's—to me that means somebody is handing out something to you. The Puerto Rican puts a lot of effort in what he does, in what he achieves, he takes a lot of pride on it. And I take pride in saying that I learned English on my own and that whatever the teachers at Morris High School tried to push into me, they couldn't because of the mere fact they were pushing it. And if I had the chance to learn in high school in Spanish I would have learned something, so now I wouldn't have to say I wasted three years in high school.

Now, the reason I started to become more verbal when I entered college is because I had the choice. It was my choice to communicate with my peers, and I had a guidance counselor that wasn't pushing—you must, you must, you must learn English because you've got to pass this, and you've got to pass that. And he was human enough to recognize that I had made that choice, and he wasn't demeaning what I was doing.

COMMISSIONER RUIZ. Thank you very much.

CHAIRMAN HESBURGH. Mrs. Freeman?

COMMISSIONER FREEMAN. Miss Serrano. I believe you stated that you made application to the Hunter College High School? Did you make the application to the Hunter College High School?

MISS SERRANO. I came with a recommendation letter from my English teacher in Puerto Rico, and I went to Hunter High School with my parents, and they were going to register me in the school. I used to live in the Bronx. The first excuse they used was that I was out of the district. The second thing was I didn't know English, and they couldn't conceive how a Puerto Rican who didn't speak English could meet the high standards that Hunter High School placed on him or her.

COMMISSIONER FREEMAN. Could you tell us, if you know, what is the requirement for admission to Hunter College High School?

MISS SERRANO. First of all, Hunter High School is a very recognized school in New York City. So what it means is you have to have a very high average to get in.

COMMISSIONER FREEMAN. And you had the average?

MISS SERRANO. I had the average. I had a 4.0. That's what I came with from Puerto Rico here.

The other thing is that you have the facility to communicate, which I didn't have. Therefore, they scratched me out. And also the SATs. You have to score very high in the SATs.

COMMISSIONER FREEMAN. Do you know if the Hunter College requires that all of the students must speak English or be able to communicate in English only?

MISS SERRANO. Hunter College?

COMMISSIONER FREEMAN. Hunter College High School.

MISS SERRANO. Well, it does. There's only Anglo-Saxons going to Hunter High School. There's no way I could communicate in any other language.

COMMISSIONER FREEMAN. Are you saying that they exclude everybody other than an Anglo-Saxon?

MISS SERRANO. I would say so.

COMMISSIONER FREEMAN. Then that, of course, is discrimination.

MISS SERRANO. Yes, and if anybody else is able to get in, you just got to be a genius where they can't put any excuses on you. You have to have your average uptight. You have to go in prepared to have a verbal fight in a way where you won't get rated as a very hostile person who cannot relate to authority. And you have to really be prepared to get in that high school.

COMMISSIONER FREEMAN. The next question I ask—I want either of you to answer it—is concerning the counselors in the high schools, especially those that were sort of misdirected or misled. What generally is the attitude of the Puerto Rican student about the interest and concern or lack of interest and concern of the counselors in the high school?

MISS RIVERA. Well, my interest is that I feel that counselors, when they deal with Puerto Ricans, may feel that they have a bigger problem on their hands because of the lack of language that the student has.

Now, as I've been through the problem of my counselor, my grade advisor, what I've experienced with her, I really think what she did to me is something that I could never forget, because I remember the day she told me I walked out of there with tears in my eyes. And I told myself—you know, at times when a student finds himself that he doesn't want to work up, because he is trying and people just keep on pushing him. Like what they would say the ladder of success is when you really try and so-and-so would get in your way.

Now, I felt that what the grade advisor did—I didn't know, I

wasn't aware, I didn't know where to go and complain about her, you see. Because I'm not familiar with the places where I could go to be helped, or the places where if someone treats me wrong I could go in order to report that person. And then I started saying to myself, telling myself, does she have the right to treat me the way she did, you see. And then as I went on I found out that what she said was wrong.

Now, the problem I faced I couldn't bring home because I couldn't tell my mother, well this happened and that happened, because she wasn't going to understand what I was telling her. So it was a problem that I alone had to face, and I alone had to fight, because I wasn't getting help from really nowhere. And then I started asking the question, does she have the right to tell me what she did.

COMMISSIONER FREEMAN. Do you know if the situation is better?

MISS RIVERA. Excuse me?

COMMISSIONER FREEMAN. Has the situation improved as far as you know?

MISS RIVERA. No, I don't think so. The thing is, you see, when the people that I talked to went to the school to talk to her, when the next term came she left, you see. In other words, she left being counselor of students. Now she put herself in a position where she's college advisor, and even as a college advisor, I don't think—because I feel my school has a very, very bad college advisory. I really do. They don't do anything. They don't do anything. If a student has to do something and a student has to fill an application, if a student has to relate himself to college or anything like that, they don't help you at all. They tell you you have to do this and you have to do that. All they do is sit on their desks and tell you what to do. But do they make any effort to help you? No, they don't make no effort to help you. And if something is wrong, they tell you, you can't apply to this college because this and this and that, but they don't tell you how you can improve those means. They don't tell you that.

I feel that's one of the worst things my school has. But the thing is, I've seen whites walking through the office and come out with big smiles on their face, and I say what is this, you know. I really think it's very bad.

MR. GONZALEZ. Could I answer? I saw when I was at Morris High School the college placement counselor once, and actually nothing happened. I didn't get any type of assistance. What I was told to do was fill out some applications and mail them. I wasn't aware of the fact that I would not be accepted by those colleges I was applying to. Eventually what happened is I got into college through a special program, and it wasn't through the school's efforts. It was through another agency's efforts.

COMMISSIONER FREEMAN. Thank you.



CHAIRMAN HESBURGH. Dr. Horn?

VICE CHAIRMAN HORN. Let me ask all three of you for a response to this question. We have heard about the counselors, and you've obviously been in classes where there have been black students, white students, as well as Puerto Rican students. Excluding for a minute the language problem you have had in those classrooms—and let's just forget that—have you observed what went on in the classroom? Would you say that on the whole the classes you've been in in high school, the teachers have cared about students? Whether they're Puerto Ricans or not is beside the point right now. Do the teachers seem to want to help any students in that classroom on the whole and what goes on in the classroom? Is it a lecture recitation type, or is there discussion? Just what's your impression of what you've seen in these classrooms?

MISS RIVERA. Well, I have sat in certain classrooms that I sometimes sit and don't understand what's going on, you see. Now, for instance, when I did finally get academic, for instance in my English class, I would sit there and the teacher she would talk about—all we used to do was plays of Shakespeare and things like that—and the thing was I would sit there and sometimes I wouldn't understand a thing she said. In other words, she was talking on a higher level than what I would be able to understand her.

The thing was, in the classroom as it was I was the only Puerto Rican. The rest were white. Now, the thing is I really couldn't—I would sit there, you know; she would have a discussion with the rest of the students where I just couldn't come in. In other words, I felt isolated from the rest of the students in the class.

Now, when it came up to taking the English Regent's at the end of the term, and we had the booklets to study, she realized I had a very bad spelling problem, and the thing is she came up to me and she said: "Your spelling is very bad." And then she gave me a book, and she said: "Look this over," and that was all she said.

Now, as a result I took one term of that class and I did fail the Regent's.

VICE CHAIRMAN HORN. What I'm getting at, Miss Rivera, did the teachers seem to be helping anybody in that class. I realize you had a language barrier. But for those that didn't have a language barrier—I'm trying to get at the atmosphere. Did the teachers in the schools and the classes you've attended seem to care about any students, or is it just the language barrier?

MISS RIVERA. I don't think they care about any students, because I think they feel that their job is just to teach them, and whether they get it through their head, they would really say that's their problem. Because I myself have gone up to the

teacher and say: "I don't understand this." What's the first thing she says to me, she says: "That's your problem."

VICE CHAIRMAN HORN. Is that the feeling of the other two witnesses, the same atmosphere generally?

MISS SERRANO. Well, my experience in high school I feel is different from Rivera and Gonzalez, but due to the fact that I was in one exclusive group. However, throughout high school, there was only one teacher that I really felt had a feel for her class and it mattered to her whether the students were participating in the class. She was the only teacher that would allow for student participation, and she was the only teacher that also did not under-rate the opinion of the student in the class.

Now, we have to make a distinction between the school in the ghetto and the minority student that's exposed to a high school where he could relate to both blacks and whites. Morris High School was predominantly black and Puerto Rican. And generally, this accounts for teachers coming in just to teach and to recite their garbage, and either you get it or you don't get it, and that's that. And it's impossible for any black or Puerto Rican who has problems at home, has problems the minute he gets up, not only on a family level, nutrition level, everything, to come into a classroom and that teacher to expect the student to absorb what she says by explaining it once.

The other thing that we have to take into consideration is that if the school system is going to be based on only having teachers who are concerned about recitation, I think we all would be better going to an art school or taking poetry, rather than taking English, history, and math, because we are not learning anything. Perhaps another school system would be better for the black and the Puerto Rican. And when we say we need Puerto Rican teachers in the school system, that's exactly what we mean, Puerto Rican teachers that understand that we have a lot of problems and we are going to be slower learning, and therefore he would have the patience, at least grant us the courtesy of giving us the patience until we get what he is trying to teach.

I definitely don't call a teacher who stands up there and scribbles on the blackboard and is completely impersonal to be a good teacher. And this is the reason I say that there was only one teacher at Morris High School who I considered to be a good, the only good role model I had in that high school.

VICE CHAIRMAN HORN. Let me follow up on a question Commissioner Mitchell asked which I was rather interested in your answer on, when the bilingual aspects of education should occur and what you meant by bilingual.

Increasingly in a lot of public schools in this country, language has been pushed down when we learn a foreign language as whites to the elementary school, third, fourth, fifth grade. It's found it is easier for one to learn, it's more fun there than really a chore.

Whereas before we had to learn Spanish or French or whatever in high school and college, it was quite a chore for those who weren't fluent in languages.

Are you saying in your previous answer that it is not of benefit to Puerto Rican students to learn languages, say even preschool, from age 3 to 5 and 6, to learn the English language, or throughout a special program at the elementary school level? Because I am thinking of the society in which you live in New York City. It is obviously of some benefit for students in order to make choices along the way as to which direction they want to head in to have a knowledge of the majority language.

MISS SERRANO. I'm saying that the Puerto Ricans are not stupid and they should be given the choice to learn English as a secondary language, and I don't find it in any of the school systems.

VICE CHAIRMAN HORN. In other words, at an early grade, you would agree then that from kindergarten on up you should have part of this as a component even if you have total courses in Spanish?

MISS SERRANO. I'm not so sure in kindergarten. That means if it is at kindergarten and we have a child whose character is getting molded, he doesn't have that option of making the choice on his own. Maybe when he gets to the fourth or the fifth grade where he already starts thinking a little bit by himself, then I would say he has that choice of learning English as a secondary language.

The purpose of introducing English in the kindergarten level is to make the child just incorporate something within him that he doesn't know whether it is good or bad for him. So it comes back to society; society determines that's good for that child. Therefore, he should be learning English.

VICE CHAIRMAN HORN. Let me just say, Mr. Powell, I would like inserted in the record where the question was previously asked on the Hunter College High School racial breakdown, the actual statistics as to what the breakdown is. I think that's only fair at that point.

MR. POWELL. The Hunter High School?

VICE CHAIRMAN HORN. Hunter College High School. Secure what it is. Just put it in the record at that point.

(This information appears on P. 477.)

CHAIRMAN HESBURGH. Mr. Buggs, our Staff Director, I've been neglecting, so I'll give him a quick question, but we are a half-hour overtime at the moment.

MR. BUGGS. Just one question. I haven't heard the principals mentioned at all by you three young people, and I'm wondering, if you have had problems such as you have indicated—and I have no doubt that you have—did you ever go to the principal and tell him about it and, if so, what did he do?

MISS RIVERA. Well, I feel that in my case, I think the principal

is just someone who is separated from the rest of the school staff or whatever you may prefer. In my school we have had a problem with the principal, and the principal was taken out of the school, and then we have now an assistant principal in the school.

Now, the thing is, when there is a problem in the school, there aren't too many kids who go to the principal. They are not even sent to the principal. They are sent either to, let's say, the dean or to some other office within the school, but not to the principal. Because they feel that the principal has too many things to deal with within the school. Especially the school that I'm in because we have been cut by the budget. We had four periods of art, and now we only get three, because of the budget cut, and it reflected our school very much. And it reflected the classes and all this, and the principal had to go to many different changes in order to set up the curriculum that was going to become for the next term.

MR. BUGGS. Are you saying the principal is unaware of the problem of Spanish speaking students in your school?

MISS RIVERA. Right, I believe he is. He's very unaware of the things that go on.

CHAIRMAN HESBURGH. I would like to ask you, Mr. Gonzalez, if you would say a word about *Aspira*. We visited East District High School yesterday which has a good number of Puerto Rican students. I noticed all around the halls they had notices up that there was going to be a meeting of *Aspira*. I understand this is to help Puerto Rican students raise themselves academically. Could you just say a word about it for the record so we have something in the record about *Aspira*?

MR. GONZALEZ. Well, as mentioned before, one of the important factors in the motivation of any student, especially in the elementary school, junior high school, and high school, is what happens in the peer group, and *Aspira* believes in the peer group methodology in developing motivation for higher education.

Also, one of the things that we have been doing and saying for a long time is that in order for a student to become motivated, in order for a student to want to succeed, he has to identify in a positive manner as Puerto Rican. We found that the Puerto Rican student is stereotyped as a slow learner, mentally retarded. The fact that he speaks Spanish is he is labeled as a person who is not educated or is not intelligent enough to learn English.

We encourage our students to speak Spanish. We teach our students that it is a positive attribute to be bilingual. We point out to our students, for example, that in Europe you are considered an ignorant person if you don't know more than one language. These are the types of things that we communicate to our students, and that our students spread throughout the school—positive self-identity, education, and, of course, being able to organize, to create change within the schools.

CHAIRMAN HESBURGH. Are you having some effect in the schools where Puerto Rican majority students are now?

MR. GONZALEZ. We don't have a tremendous amount of effect in terms of reaching the entire Puerto Rican student population, basically because we are up against this gigantic thing called the educational system of New York City, and we are not equipped, either in terms of personnel or financially, to correct all of the wrongs that the system has committed upon our high school students, all of our Puerto Rican students.

CHAIRMAN HESBURGH. I know you have been wrestling with this problem, Mr. Gonzalez, as well as the young ladies, and the thing that strikes me, makes it very difficult to find an immediate answer to all the problems, the very real problems you have been talking about, is that up to 70 percent of Puerto Rican students are dropping out before high school. If even in a large Puerto Rican population high school like Eastern District not more than 24 or 25 get academic degrees, and very few go on to college, then we are not going to have the Puerto Ricans who can go in as teachers and go in as counselors.

It would seem to me—I would like to try this idea on you—that there really ought to be a crash program to develop Puerto Rican counselors and Puerto Rican administrators, principals, let's say. I believe there was such a program in the Ford Foundation at Fordham some years ago. And to get an immediate answer to the benefit of Puerto Rican students from kindergarten up through high school, it would seem to me that if for every 100 or so students there was a full-time counselor who spoke Spanish and was concerned about upward mobility and concerned about staying in there and getting an education and concerned about putting in programs where English could be learned more easily than at present, it seems to me that might be a breakthrough. Does that make any sense or can you think of a better one?

MR. GONZALEZ. It has been proven—I would give myself as an example. I was told I was not college material, that I could not succeed in college, and here I am some 7 or 8 years later already going through that system and succeeding. There are many Puerto Rican high school graduates who have the potential to succeed in college and, as a matter of fact, have the potential to do better than those that are supposedly better equipped for college who do not ever get to that level, who do not ever get to college, who are lost.

CHAIRMAN HESBURGH. Miss Serrano, do you think we could make a quick jump forward with a kind of crash program to get more Puerto Rican counselors who spoke Spanish and also Puerto Rican administrators?

MISS SERRANO. Excuse me. Would you repeat the question again?

CHAIRMAN HESBURGH. Do you think we could make a quick

jump forward—I'm trying to see if there is something we could do next year, say, or this year even, to try to relieve some of the Puerto Rican students in grammar school and high school of the problems they face, and would it help if we could put on a kind of crash program for Puerto Rican counselors and Puerto Rican school administrators who would have concern and interest in the welfare of their Puerto Rican students?

MISS SERRANO. I think it would help to have Puerto Rican counselors and administrators. That's what we have been asking for. The only thing that I am really opposed to that you keep stressing is that we should teach the Puerto Rican child from the kindergarten level, start teaching him English at that level because that would have the reflection in what he will achieve. And I have doubts, I have doubts if that is really that important at that early age due to the fact that when the Puerto Rican family migrates here, they are confronted with all sorts of problems which immediately reflect on the child, and if the child does not develop speaking Spanish fluently, which is his native language and which is something he could say: "I speak Spanish; this is my identity, and nobody can take it away from me." And if he is started at such an early age to learn English, he is being deprived from the right to learn Spanish fluently because a lot of Puerto Ricans and a lot of us are finding out that if we go back to the Island and we don't know that Spanish fluently like the Puerto Ricans in the Island do, we are going to be into trouble down there, too.

Therefore, we need our identity. Our children need that identity. And I am strongly opposed to anybody that says he should be started at kindergarten for them to learn English. They should have the right of making that choice later on in the elementary level, or even at the high school level.

CHAIRMAN HESBURGH. That's an interesting opinion, but I think there are some studies that have been made that would differ from it, but again there's no gospel truth about this. It's the way you look at it and others look at it differently. But you are entitled to your point of view, certainly.

I think we should move on to the next set of witnesses. I want to thank you, Miss Rivera, Miss Serrano, and Mr. Gonzalez, for your very helpful testimony here today. It has been very good for us.

(Applause.)

I would like to call the two secondary school principals, Mr. Bernard Deutchman, and Mrs. Bertha Gordon. Would you please come forward and be sworn.

(Whereupon, Mr. Bernard Deutchman and Mrs. Bertha Gordon were sworn by the Chairman and testified as follows:)

TESTIMONY OF MRS. BERTHA GORDON AND MR. BERNARD V. DEUTCHMAN, NEW YORK, NEW YORK

MR. POWELL. Beginning with Mrs. Gordon, would you each please state your name and address and occupation for the record?

MRS. GORDON. My name is Mrs. Bertha Gordon. I am the principal of Morris High School, 166th Street and Boston Road in the Bronx.

MR. DEUTCHMAN. I am Bernard V. Deutchman, and I am principal of Haaren High School at 899 10th Avenue in Manhattan.

MR. POWELL. Mr. Deutchman and Mrs. Gordon, your schools of Morris and Haaren have Hispanic student percentages of 63 and 50 percent respectively. You have heard testimony from students who come from schools not unlike your own that their language difficulties were not adequately met and that they had very poor counseling. Are these observations true of your schools?

Would you care to respond, Mrs. Gordon?

MRS. GORDON. Well, I have been the principal of Morris High School for 2 years and 4 months. During the last year, we have reorganized our guidance services in terms of what we feel are the prime needs of the school. Morris High School, as you know, is located in the South Bronx, a low socioeconomic community, a high crime rate, and Morris is typical with a fluctuating student body. In fact, we have a turnover of 80 percent. In other words, we have students who are admitted and discharged during the school year up to 80 percent. Many of them go back to Puerto Rico, stay for a month or two, and then return.

In terms of the guidance, then, it is not sequential. We have done the following: We have an admissions counselor who is bilingual. In other words, he speaks Spanish and he speaks English. He knows the programs of the schools of Puerto Rico, and any student who comes to Morris High School as an admission is seen by this admissions counselor and interviewed.

On the basis of this counselor's judgment, and his knowledge of the curriculum of the feeder school from which the student comes in Puerto Rico, a program is tentatively given to the student so that he will be in class. In the meantime, we write for documents from Puerto Rico.

In recent years, we have noticed—at least I have noticed during the time I have been at Morris—a change in the student. At the beginning, many of the students came from the cities, such as Ponce, Pedras, and San Juan. But now we find that many of the students are coming from the outlying areas, and it takes us a little longer to get the records.

However, as I said, based on this counselor's experience, a tentative program is given the student. We also test the student in terms of his knowledge of English and Spanish. We have at the present time 409 students who are illiterate, and we have placed

them in an English as a Second Language core class, where they get teaching or learning in Spanish by bilingual teachers or Spanish teachers.

The student spends at least three periods in this particular class, and part of it is not only in terms of Spanish but also in terms of his culture and how he will meet with problems in New York City and how he should handle them.

We have reorganized the guidance department, as I said, so that each counselor is given a letter of the alphabet, and that student remains with the counselor for developmental counseling from the time he enters the school, and we have his record until the time he graduates or he is transferred to another school or another system.

This is the counseling that we have at the present time.

MR. POWELL. Mrs. Gordon, approximately how many students are in your high school?

MRS. GORDON. In the fall of 1971, we had 4,600 students on register. In the fall of 1962, we had 2,800 students on register.

MR. POWELL. Of the 4,000—how many?

MRS. GORDON. 4,600, fall of '71.

MR. POWELL. —how many of those students approximately are Puerto Rican?

MRS. GORDON. Sixty-three percent are Puerto Rican, 36 percent are black, and the other, other ethnic groups.

MR. POWELL. You have approximately 2,700 Puerto Rican students?

MRS. GORDON. Yes, sir.

MR. POWELL. And only 409 of those are—you say 409 are functionally illiterate?

MRS. GORDON. Illiterate, yes.

MR. POWELL. What percentage have moderate to severe language difficulties?

MRS. GORDON. Well, we think in terms of the admission of the students and placement according to language difficulty. Those who have no language difficulty or language difficulty to a minimum we place in the regular strand. We have 35 English as a Second Language classes, and the teachers, as I said before, are bilingual. They may not be Hispanic teachers.

MR. POWELL. Let me approach it this way. If you have 409 Hispanic students who are functionally illiterate, that means that these are people who can't communicate at all. Now, statistics in the high school system generally show that a somewhat larger percentage of Puerto Rican students have what we call moderate to severe language difficulties. Statistics would further indicate that students who, while not functionally illiterate, cannot speak adequately in English, still suffer in terms of their ability to read up to grade level and what not. Are you doing anything for those students?



MRS. GORDON. Yes, sir. We have 29 remedial reading classes that are funded under the State Urban Act.

MR. POWELL. I see.

MRS. GORDON. And as I said before, we have 35 English as a Second Language. But our problem is additional funding and additional teachers.

MR. POWELL. So you have 409 functionally illiterate Spanish speaking children. How many in addition to those functionally illiterate Spanish speaking children do you have in these kinds of programs? What's the total number of students we are talking about?

MRS. GORDON. In the ones that are in the English as the Second Language, we have 506.

MR. POWELL. In addition to the 409?

MRS. GORDON. No, that includes the 409 who are illiterate, as we say, and the 107 who have a moderate degree whereby we feel they cannot succeed in the regular track, or even in the remedial track. The problem is so severe they need special classes with special teachers, and the teacher to whom they can relate.

MR. POWELL. How many bilingual teachers do you have in this program?

MRS. GORDON. We have eight bilingual teachers, and we have three Hispanic teachers. And at the present time, we have two student teachers, two Spanish student teachers, from the City University, and this is where we recruit many of our bilingual or Spanish teachers.

MR. POWELL. Mrs. Gordon, in your opinion, is there a value in having a teaching faculty that is representative of the ethnic composition of the student enrollment?

MRS. GORDON. I feel the ethnic composition of the students should be reflected in the faculty. However, I feel what is more important is that we have a competent faculty, and I feel that throughout the city, not just in the schools that are predominantly Hispanic or predominantly black, that the teachers should be concentrated. I feel—this is my personal belief—that there should be a dispersion throughout the city, so that everyone is acquainted with the levels of achievement, the goals, and aspirations of all the minority people. This is my personal belief.

MR. POWELL. Have you taken any steps to increase the percentage of minority group teachers at your school?

MRS. GORDON. Yes, sir. What we are doing at the present time, we have volunteered to participate in a principal intern program, and we now have a very remarkable young man, a Mr. Nathan Quinonas, who is with us as a principal intern and hopefully will be a leader in the school system.

We also, in fact several members of our faculty not only teach at Morris High School, but are recognized responsible teachers at the City University, at Fordham University, at New York Uni-

versity and at Pace College. We feel that not only is the reputation of Morris enhanced, but they, too, can feed back into the school candidates who may be willing to contribute a great deal to the student body. This is one method.

Another method that we are using is by having the teachers themselves recruit family members, and we have had many bilingual or many Spanish teachers, but because their training at Morris is such since it is an inner-city school, they are quickly grabbed up by other schools, even the universities.

We have now one assistant principal bilingual who is in District 12. We have one who has transferred to District 12 as a principal. We have one math teacher who is at Lehman College now on leave from Morris High School. We have one speech bilingual teacher who is on leave from Morris who is teaching at the City University.

Recently, unfortunately, we have had two deaths, young men, one in his 20's, and the other in the early 30's, who passed away, so we had a great loss there. We have had others who have moved out of New York City, some to Florida, some to other States.

MR. POWELL. Thank you.

Mr. Deutchman, the Hispanic student population in your school is about 50 percent?

MR. DEUTCHMAN. That is correct.

MR. POWELL. I take it that you would agree that they have special problems which require special programming. Would you describe such programming for us?

MR. DEUTCHMAN. I'm sorry, I didn't understand.

MR. POWELL. Would you describe the special needs of your Spanish speaking students and the special kinds of programs that you have undertaken to meet those needs?

MR. DEUTCHMAN. Well, there is one group that has just recently arrived in the country. For them we provide a special program in English as a Second Language program. Others who are retarded in reading, as part of their background problems, are also given special remedial reading assistance. We have organized our school into a group of small units. We refer to them as mini-schools. Each of those revolve around a particular problem of interest, educational or vocational, of our student body. And a number of those, one of the major emphases is the matter of reading. We have a special group called a transitional group which reflects our entire ethnic student population, both black, Puerto Rican, and white, but they are deficient in reading skills and we are concentrating on that for that particular group.

In our English as a Second Language group, we teach double periods of English, we teach social studies and it's being taught by a teacher who is bilingual. Math and science are also being

taught by bilingually speaking teachers. The program, however, is not officially a bilingual program as such.

MR. POWELL. According to your English department chairman, programming for students for whom the English is a second language is based upon the assumption that students having language difficulty have received language training in the elementary and junior high school. Based upon the dearth of such training in many of these schools, is that a valid assumption?

MR. DEUTCHMAN. Well, it's the best we can provide for them at this point. We assume that students who have been in the country 3 to 5 years or longer have learned some English and some reading. Now, these are the ones, however, for whom we are still providing some special remedial training and additional concentration upon reading. They are the ones who make up our cooperative education group in one case; in another, it's the group in the transitional program, and there are others who are getting this special remedial reading instruction based upon their deficiencies.

MR. POWELL. Have you had any indication as to the effectiveness of the various programs you described, the mini-school concept, for example?

MR. DEUTCHMAN. The mini-school concept is brand new. It was organized effective September of '71, and so it has been in existence only for about 8 months.

MR. POWELL. What are the most significant problems that you have encountered in the operation of these mini-schools?

MR. DEUTCHMAN. Initially in September we had a problem of organization. We restructured our school in the fashion that I think no other school in New York has tried, and I doubt whether any other school in the country has tried. And, frankly, we practically threw the building up and caught it when it came down in a completely different fashion, so we have had innumerable problems of organization and restructuring.

MR. POWELL. Have the students appeared to be more responsive and taken more interest?

MR. DEUTCHMAN. Yes. Every one of our mini-schools has developed a mini-school council. Prior to this we always had student councils and student governments, but we always found that the small group of students who became involved in the student government no longer represented the entire student body.

Now the mini-school councils have about eight to 10 students represent about 150 students, and they are students with whom they are in contact practically all day long so they have a much closer relationship and interest in them.

MR. POWELL. Has anyone, either at the central board or the other high schools, been in touch with you to get information and advice as to how to establish mini-schools on an experimental basis?

MR. DEUTCHMAN. The central board has been very instrumental in assisting us to establish this. We are currently in the process of developing an evaluation program and design which will continue for several years. We have received visitors from the board and from other high schools as well.

MR. POWELL. What is the ethnic composition of your school? Fifty percent Hispanic and what else?

MR. DEUTCHMAN. Thirty-five percent black, 2 percent Oriental, and that leaves us with 8 percent others.

MR. POWELL. Is the school population drawn from a relatively poor community?

MR. DEUTCHMAN. No—yes, but we are unzoned, so we draw from the entire Borough of Manhattan, primarily from the Lower East Side, East Harlem, and Harlem.

MR. POWELL. Do you have an attendance problem? What is the rate of attendance generally?

MR. DEUTCHMAN. Yes. The rate of attendance is from 55 to 65 percent.

MR. POWELL. And, Mrs. Gordon, what is rate of attendance at your school?

MRS. GORDON. Our rate of attendance is in the 60's, and at the last reporting period we were 68 percent.

MR. POWELL. What about your dropout rate, Mr. Deutchman?

MR. DEUTCHMAN. Our dropout rate, using a very rough measure which is simply the number of students who enter in the 10th grade as contrasted with the number who graduate 3 years later, ranges from 55 to 65 percent.

MR. POWELL. Mrs. Gordon, we had some discussion about your dropouts.

MRS. GORDON. Yes.

MR. POWELL. Do you have any more valid information today for us?

(Remark from the floor.)

MR. POWELL. We are talking about the Puerto Rican Hispanic speaking students and their dropout rate.

FROM THE FLOOR. Nobody can talk for the Puerto Ricans, just the Puerto Ricans. We don't want no blacks, we don't want no whites, we don't want nobody talking for the Puerto Ricans.

CHAIRMAN HESBURGH. I would like to ask the Federal Marshal to kindly remove this person.

(General disruption of the meeting.)

CHAIRMAN HESBURGH. This meeting is adjourned for 15 minutes.

(Whereupon, the meeting was recessed at 4 p.m. until 5:20 p.m.)

CHAIRMAN HESBURGH. Ladies and gentlemen, we are going to conclude our questioning of these witnesses. Those who would like to listen, please sit down and listen. If there is any outburst we will simply call off the hearing for this afternoon.

Mr. Powell, will you please open up?

MR. POWELL. Mrs. Gordon, when we were interrupted you were giving us the dropout statistics at Morris High School. What are the dropout statistics at Morris High School? For Puerto Rican students, that is.

MRS. GORDON. Well, it is very difficult for us to determine accurately the percentage of dropouts of Puerto Ricans because of the housing pattern and the demolition of housing through the urban renewal development in the Bronx. As you know, this project has been funded and, as I said, there is a high turnover rate, and we have tried to assess exactly where our students go. This is an area we feel should be funded, and we have found that a certain number have sought full-time employment. A certain number, in fact 319 for this semester, have returned to Puerto Rico. There were 96 that we were not able to locate. There were 49 who were hospitalized or under medical treatment for drugs, for various reasons, and there are 401 that were transferred to other institutions.

So we say that, on the whole, there is an overall 24 percent dropout of 17-year-olds that we cannot locate. Because of the housing patterns and the extended families that live within the houses, we are not able to accurately determine the percentage, and we feel this is an area where supplementary services are needed and definitely where more Spanish speaking help is needed in order to go into the community, see what the problems are, and help these students return to school.

MR. POWELL. Thank you.

I have no further questions, Mr. Chairman.

CHAIRMAN HESBURGH. I would like to remind the lady walking out of the hall that these witnesses are under Federal protection and it is a Federal offense to either threaten, intimidate, or harm them.

(Remarks from the floor.)

CHAIRMAN HESBURGH. I don't care whether you care or not; and I'm not going to get into a shouting match with you, but I just want to say—

(Remarks from the floor.)

CHAIRMAN HESBURGH. I just want to say to you—

(Remarks from the floor.)

CHAIRMAN HESBURGH. All right, I'll give you the last word. I think that's gentlemanly.

Ladies and gentlemen, I want to apologize to our witnesses and to all of you for the affair this afternoon, and I would like to say that this is not a—

(Remarks from the floor.)

CHAIRMAN HESBURGH. Ma'am, I would not like to have you put out, but—

Ladies and gentlemen, I would like to say one word about this meeting. It is not an open hearing in the sense that you have many open hearings in New York. This hearing—

(General disruption.)

CHAIRMAN HESBURGH. Ladies and gentlemen, this is a Federal Commission and I see no point in getting into a shouting match with people who cannot keep order in this place. This meeting is adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 5:25 p.m., the hearing was recessed, to reconvene at 10 a.m., Tuesday, February 15, 1972.)

## UNITED STATES COMMISSION ON CIVIL RIGHTS

TUESDAY MORNING SESSION

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FEBRUARY 15, 1972

CHAIRMAN HESBURGH. Ladies and gentlemen, the second session of the hearing of the U.S. Commission on Civil Rights will kindly come to order.

I would like to read a statement at the beginning here this morning.

Yesterday, in this hall, the only Federal Agency designated by Congress to document facts concerning the denial of equal protection of the laws to minority groups in this Nation had its hearing disrupted while attempting to discharge this responsibility on behalf of more than one million Puerto Rican citizens of the New York Metropolitan Area.

In the opinion of this Commission, Puerto Rican citizens have suffered too long and too severely to be deprived of any efforts of this Commission that might be spent on their behalf and to redress their wrongs.

We promised no miraculous solutions to the immense problems faced by this group of American citizens, but we have committed ourselves to determining the underlying causes of these grievous situations. Using the findings we develop, we will report to the highest legislative and executive bodies in this land, the Congress of the United States and the President, on measures which, in our considered judgment, once we have assembled the facts, should be taken to start the long journey toward a resolution of these problems.

We do not intend to be dissuaded from this hearing and from this objective in New York City even though those who disrupted the hearing yesterday may have felt that they were acting on behalf of the Puerto Rican community. Neither were we dissuaded in Mississippi in 1965 or in other places and at other times by those who resented our presence on behalf of the civil rights of minority Americans.

I would like to underline here, ladies and gentlemen, that we are concerned with civil rights. We are not concerned with political matters, directly so-called.

In the 15 years of its existence, the Commission has adhered to a procedure that has effectively recorded the information it needed to back up its recommendations. That procedure cannot and will not be compromised.

It is a simple fact that in the preparation of this hearing we received the best advice we possibly could find from our Puerto Rican Advisory Committee, made up of Puerto Ricans in this city and from across the United States and from the Island.

The Commission respects and sympathizes with those who wish to speak but have not had the opportunity because they have not been subpoenaed. We have simply said yesterday, and we say again today, that any man or woman here who feels that he or she has something important to tell us, if they would kindly put it in writing we will make it part of the record.

The Commission, however, must and will continue this hearing according to its statutory mandate. Any person or group not scheduled to testify can substitute written testimony. We would be happy to have it. But the purposes of this Commission will not be served by shouting.

The Commission is pleased to announce that the Chairman of our New York State Advisory Committee, Ambassador Franklin Williams, has informed the Commissioners that the New York Advisory Committee to this Commission will assemble at an early date to hear the testimony of those members of the Puerto Rican community who are not heard at this Commission hearing. Such testimony will also be forwarded to the Commission, and all matters relevant to the jurisdiction of this Commission will be included in its report to the President and the Congress.

We would like to urge all persons attending the hearing to observe and abide by the procedures which were read yesterday by Commissioner Freeman. It is simply impossible for us to gather the facts to be presented to the President and the Congress with recommendations for improvement if people do not respect the presence of our witnesses and the presence of the Commission here to gather these facts. Anyone who refuses to abide by our rules or who speaks without being called here to speak will be invited to leave the hall by the Federal Marshals.

The Commission intends to discharge its duty to the Puerto

Rican citizens of this area and of the Nation. Your cooperation toward this end is a vital element in the success of this hearing, and we thank you in advance for this cooperation.

Mr. Powell, would you call the first witness, please, or I guess this is going to be done by Mr. Alexander.

MR. ALEXANDER. Right.

Would Dr. Carlin, Dr. Krulik, Dr. Bernardo, and Mrs. Helene Lloyd please come to the stand.

(Whereupon, Dr. Jerome Carlin, Mr. David Krulik, Dr. Leo Bernardo, and Mrs. Helene Lloyd were sworn by the Chairman and testified as follows:)

TESTIMONY OF DR. JEROME CARLIN, DIRECTOR OF THE BUREAU OF ENGLISH, BOARD OF EDUCATION, BROOKLYN, NEW YORK; MR. DAVID KRULIK, ASSISTANT DIRECTOR; DR. LEO BERNARDO, CHAIRMAN, DEPARTMENT OF FOREIGN LANGUAGES, NEW YORK CITY BOARD OF EDUCATION; AND MRS. HELENE LLOYD, ASSISTANT SUPERINTENDENT, DIVISION OF FUNDED PROGRAMS, BOARD OF EDUCATION, NEW YORK, NEW YORK

MR. ALEXANDER. Starting with Mrs. Lloyd, would you each please identify yourself by name, address, and position in the city school system?

MRS. LLOYD. Helene Lloyd, board of education, assistant superintendent, division of funded programs.

DR. CARLIN. I am Jerome Carlin, director of the bureau of English, board of education, Brooklyn, New York.

DR. BERNARDO. Leo Bernardo, director of foreign languages, board of education, city of New York.

DR. KRULIK. David Krulik, assistant director, bureau of English, New York City Board of Education.

MR. ALEXANDER. Dr. Carlin, could you tell us in numerical terms the dimensions in the New York City School System of non-English speaking students of Categories I through III, explain these categories?

DR. CARLIN. Yes, I would be very glad to do that.

In Category I, which means that the student is hesitant in his use of English, we had as of the last figures, which were for last year—the present year's figures are being processed—we had 73,320 pupils in the elementary schools, 17,984 in the junior high schools, 16,331 in the academic high schools, 3,380 in the vocational high schools, and 1,003 in special schools. This was a total of 111,018 pupils in Category I.

MR. ALEXANDER. And Category I means what?

DR. CARLIN. That means that the student has some command of English, that he is hesitant in his use of English, however, that he does not have a full command of grammatical structures, pronunciation and so on.



MR. ALEXANDER. What are the additional totals for Category II?

DR. CARLIN. Category II, which represents the pupils who have little or no command of English, at the elementary level 36,716 pupils, at the junior high level, 6,557, at the academic high school level, 5,629, at the vocational high school level, 365, and among the special schools, 530 pupils, or a total for Category II, 49,797 pupils.

MR. ALEXANDER. Does the school system know what proportion of those approximately 160,000 students with linguistic difficulties are Puerto Rican?

MR. CARLIN. Yes, we do.

MR. ALEXANDER. What is that number in total?

MR. CARLIN. Let me make some clarification here. First of all, let me say that that total of 160,815 students includes those students who are speakers of non-standard dialect. So that they are included in Categories I and II although they are not non-English speaking pupils. Those who are non-English speaking pupils are 135,425.

MR. ALEXANDER. And approximately how many of those are Puerto Rican?

MR. CARLIN. Of that lot, approximately 95,000 are Puerto Ricans.

MR. ALEXANDER. What is the major program run by your office to meet these needs, if any?

MR. CARLIN. Well, let me say that our office runs only programs for the high schools which are under central jurisdiction. We are consultants on all aspects of the teaching of English for all of the schools in the city of New York. As far as running anything is concerned, we are limited to work in the high schools.

MR. ALEXANDER. And what program do you have in the high schools?

MR. CARLIN. Now, in the high schools we have a program involving teaching of English as a Second Language.

MR. ALEXANDER. When you say teaching of English as a Second Language, the instructor who provides instruction in these courses, is that person a bilingual person by necessity?

DR. CARLIN. Not necessarily. Some are; some are not.

MR. ALEXANDER. Do you happen to know the proportion of ESL teachers in the high schools that are bilingual?

DR. CARLIN. That I couldn't tell you, no. However, I can tell you that out of tax levy funding at the present time, we have 60 teachers of English as a Second Language, or 60 positions for teachers of English as a Second Language in the high schools.

MR. ALEXANDER. Could you clarify for us exactly what is English as a Second Language, what is the technique, very briefly?

DR. CARLIN. Specifically, I suppose you could think of it this way. If you were going to take a course in French because you

plan to be in France for an extended period of time, you might go over to one of the schools in New York City that teach tourists and others how to speak French. This is an oral-oral approach, which relies very heavily on the use of a language itself, and very little on any other language. In other words, if you were going to take such a course, you would learn practically everything in French. All the instruction would be in French, maybe an occasional word of English.

Similarly, in teaching of English as a Second Language, our teachers use that aural-oral approach so that they build gradually structures, vocabulary, pronunciation, intonation in English. They use much repetition, pattern drills, and so on, dialogues. All of this is done in English. Now, if the teacher also happens to have a command of the children's native language—and for most of our children it's Spanish—then the occasional use of Spanish would, of course, be an asset.

MR. ALEXANDER. Does the bureau of English have evaluations which could tell us what impact ESL instruction has on Spanish speaking students from the high schools in terms of dropout rates versus Spanish speaking students in the high schools who do not receive ESL? Do we know how effective it is?

DR. CARLIN. We have evaluation which was done on our State Urban Education Project, a very favorable one by the way.

MR. ALEXANDER. What did that show?

DR. CARLIN. But that did not take into account the dropout rate.

MR. ALEXANDER. Did it take into account reading retardation rates?

DR. CARLIN. I think there was some effort to determine whether reading was improved, but I don't think that was the massive thrust of the evaluation.

MR. ALEXANDER. I understand that the board of education has recommended that there be at least one English as a Second Language teacher for every 100 students with language difficulties. How closely does the board at present approach that ratio for ESL?

DR. CARLIN. Not closely enough. We at the Bureau of English are not at all satisfied with the number of teachers at any level, elementary or junior high or high school, who are available for instruction, and that also goes for bilingual teachers.

MR. ALEXANDER. Do you know how many ESL teachers we do have in the school system for the 98,000 Puerto Rican students, plus an additional 30,000 other language handicapped students?

DR. CARLIN. Right. Let me give you figures which were compiled by the New York State Education Department. Again, this deals with the previous school year. The present school year figures have not been processed as yet.

But on the basis of these figures, I would say that we are not covering enough of the waterfront at all.

MR. ALEXANDER. How much are we covering? Thirty percent?

DR. CARLIN. All right, let me first give you the numbers of teachers involved. These figures, by the way, I think I should clarify, are compiled by having each teacher in October of the school year fill out a data form indicating his own program, number of students and so on. And these forms are then forwarded to Albany and processed there.

The figures I am reading you, therefore, are figures that I have received from people in Albany. Now, their figures are as follows:

At the K-6 level, there were 184 teachers of English as a Second Language. At the 7-12 level, there were 357 teachers of English as a Second Language. Total, therefore, for ESL was 541.

Now, there was also a bilingual group. In the Early Childhood Division, there were 14 teachers who were giving bilingual instruction. In K through six there were 163, seven to 12 there were 78, and a few others, a miscellaneous group of three, making 258 bilingual teachers according to the State figures. This total for ESL, for English as a Second Language and for bilingual instruction, amounted to 799, approximately 800 teachers.

MR. ALEXANDER. Could you tell me what the recommended pupil-teacher ratio in the ESL class is?

DR. CARLIN. Now, there are two alternatives here. It depends on how you are using the instructor. If you are doing a pull-out program, which means that you pull students out of their regular classes or you provide a special class part of the day for these students, then you would have perhaps 20 such pupils in a class at a time. Theoretically—I think you mentioned the figure of 100—theoretically, a teacher then could handle five such groups during the course of the day, whether it's at the elementary level or at the secondary level, and therefore there could be 100 pupils being taken care of by each teacher. That, of course, would mean if we had such an arrangement going, there would be about 80,000 pupils taken care of by the 800.

However, that is not the fact. The fact is that a smaller number of pupils were taken care of, and that may be explained by a number of factors.

One of these is that the bilingual teachers, for example, may be functioning in elementary school classes throughout the day with a single group.

MR. ALEXANDER. I would like to ask Dr. Bernardo something about the bilingual programs that do exist in the school system.

Could you tell us how many licensed bilingual teachers there are for a brief start?

DR. BERNARDO. I don't have the figures on the total number of

bilingual teachers because my major responsibility, as you know, is with the high schools.

MR. ALEXANDER. Well, for the high schools then.

DR. BERNARDO. In the high schools we have at this point approximately 200 teachers who are bilingual and who are serving in a variety of ways, either in the Spanish programs or in the teaching of the other disciplines in Spanish.

MR. ALEXANDER. Now, whose decision is it per high school in the city whether or not the students going to that high school receive ESL instruction or bilingual education instruction or a third alternative programming? Who has that operative decision for the particular high school?

DR. BERNARDO. That is a decision of the principal of the high school. The principal of the high school will determine on the basis of the needs of that particular high school whether or not a bilingual program which would include disciplines other than that in Spanish would be involved.

MR. ALEXANDER. Mrs. Lloyd, would you briefly describe what your responsibilities in reimbursable programs are?

MRS. LLOYD. I serve as assistant superintendent for that division and in that capacity I'm responsible for seeing that the board's decisions concerning allocations of funds are implemented, work with districts, providing them with the allocations, arrange for the processing of proposals and related activities such as evaluations, resolutions, contracts, work to providing service information to district staff and central office staff, see that there's a dissemination of materials, and so on.

MR. ALEXANDER. Could you tell us out of the approximately \$125 million worth of Federal funds under Title I, how much of that money is spent for either ESL programming or bilingual education programming in the high schools, one, and two, the elementary schools.

MRS. LLOYD. Now, I don't have that information at the present time broken down between high schools and special schools. But I do have the amount for English as a Second Language, Title I, for 1971-72, was \$933,793. I don't have the breakdown.

MR. ALEXANDER. This is ESL in high schools, did you say?

MRS. LLOYD. This is English as a Second Language, and it would encompass all grades from Title I money. Then the money spent for history and cultural programs which would directly affect bilingual Puerto Rican children, Title I ESEA for 1971-72, \$3,459,123.

I also have the amount for the other category that you asked, the bilingual programs for 1971-72. It came to \$1,871,576.

MR. ALEXANDER. Could we have those statistics for the record, Mrs. Lloyd?

MRS. LLOYD. Surely. I would like to stress, however, that in addition to monies provided by Title I under those three categories,

we have evaluated many other Title I programs going on, and the students with Puerto Rican backgrounds benefit greatly from other programs, especially in the district where you have a high concentration of Puerto Rican youngsters.

MR. ALEXANDER. Under your evaluations under Title I, does the law permit you or do you have long-range evaluations that show the impact on dropout rates which we know are significant?

MRS. LLOYD. Unfortunately, we are not permitted under the Title I regulations to carry on the long-range evaluations with Title I money.

MR. ALEXANDER. Could you do that under State Urban Education funds?

MRS. LLOYD. At the present time no. And I feel that it is a weakness we have, when our tax levy budget was higher, carried on some interesting long-range evaluations.

MR. ALEXANDER. The staff report that was given yesterday indicated that dropout rates for Puerto Rican students were in the neighborhood of 70 percent. There's a Title VIII Federal program for dropout prevention programs. New York City has no dropout money. Could you briefly explain why?

MRS. LLOYD. Well, the funds for the Title VIII dropout programs are, of course, too limited, very limited. Several years ago we were invited to submit a proposal. It was submitted, and there is competition for that type of money, of course.

MR. ALEXANDER. Did the school system submit a program this year?

MRS. LLOYD. The monies this year, we understood, only went to programs that were to be recycled instead of new programs, continuing those that had formerly received funding.

MR. ALEXANDER. Under decentralization, is it correct that each individual local school board has the responsibility and the authority for determining how to spend their Title I funds?

MRS. LLOYD. Yes. That is the responsibility for each local school board, and I believe that is one reason we are seeing that there is an increase now in the amount of funds being expended to meet the needs of Puerto Rican students.

MR. ALEXANDER. Decentralization has brought what percent of an increase?

MRS. LLOYD. I believe that the parents and the community people who are close to the problems in the city are having an impact in determining the use of these funds.

MR. ALEXANDER. One last question from me. Under the State decentralization law, the central board of education has the legal responsibility to provide technical assistance. Does your office provide such assistance to local boards, and what are the number of staffing personnel that do that?

MRS. LLOYD. We do take this very seriously. For example, in the Title I office we have five area associates. These are people

with professional backgrounds who work with the district staff, the Title I coordinators, developing programs, helping them with their budget.

In addition, there is a very well qualified group of budget people, accountants, who perform the budgeting.

Now, in addition we have meetings, both at headquarters and out in the field, in order to provide in-service education—exhibits, brochures. I brought a few of the brochures we distribute with me this morning which you can have for your record.

MR. ALEXANDER. Thank you.

MRS. LLOYD. And we have slides. We have also participated in TV programs. In fact, this is our aim, to increase the ability of the district staff so they can carry on many of these activities that were formerly centralized.

MR. ALEXANDER. Mr. Chairman, could we have the statistics that Mrs. Lloyd has for the record?

CHAIRMAN HESBURGH. So ordered.

(Whereupon, the documents referred were marked Exhibit No. 6 and received in evidence.)

MR. ALEXANDER. No further questions at this time.

CHAIRMAN HESBURGH. Mr. Ruiz, would you like to ask any questions?

COMMISSIONER RUIZ. Dr. Carlin, are any credits given by way of teaching credentials to teachers who are bilingual because of the fact that they are bilingual.

DR. CARLIN. Well, on that score I can say we have special examinations for teachers who are bilingual. I want to cite these. We have bilingual teacher common branches; we have bilingual teacher of early childhood classes; we now have bilingual teacher at the secondary level. We also have the bilingual teacher in school and community relations which is not an instructional post. We also have some bilingual counselors. All of these are regular licenses now under the board of education.

COMMISSIONER RUIZ. Well, you stated a little while ago in the ESL teacher category that you didn't know how many bilingual teachers there were.

DR. CARLIN. Actually, I can give you the figures from the State report as to how many were functioning last year. Now, we have a problem in data gathering that the teacher classifies himself. He classifies himself as a bilingual teacher, meaning that he is actually engaged in bilingual instruction. There may be other teachers who are bilingual and who are, let's say, teaching social studies or science or math and who may be doing it bilingually, but those figures are not compiled. So that I point to the fact that last year at the K-6 level, according to the State education department, there were 163 teachers who classified themselves when they sent in the forms as bilingual teachers, and at the secondary level there were 78 teachers classified as bilingual.

COMMISSIONER RUIZ. You do have some statistics, then, with relation to how many bilingual teachers there are, or those that at least classify themselves as bilingual?

DR. CARLIN. As giving bilingual instruction. They would be saying in effect that my job is that of a bilingual teacher. Now, on the other hand, the teacher of science or the teacher of mathematics, or the teacher of social studies in the high school who is also bilingual and who may be using bilingual instruction in his classroom, does not report to the New York State Education Department that he is a bilingual teacher. He reports himself as a social studies teacher or math teacher or science teacher.

COMMISSIONER RUIZ. Is a foreign language required for an ESL license?

DR. CARLIN. My colleagues agree that it's not.

COMMISSIONER RUIZ. It is not. Now, since speaking a foreign language is not required for a license, could not a provision be made as an important qualification for teaching to substitute some other course for knowledge and speaking of a foreign language?

DR. CARLIN. That certainly could be done.

COMMISSIONER RUIZ. And how would that be done?

DR. CARLIN. That would have to be done by asking the board of examiners to include such a requirement.

COMMISSIONER RUIZ. Asking the board of examiners what?

DR. CARLIN. To include such a requirement for the license involved.

COMMISSIONER RUIZ. Who would do the asking?

DR. CARLIN. Presumably anyone of us could do the asking. I could do it, Mr. Krulik could do it, Mr. Bernado could do it, and also anybody else at the board of education who is concerned with this problem.

COMMISSIONER RUIZ. Has anyone ever done it before?

DR. CARLIN. Not as far as English as a Second Language is concerned. I think you should recognize that historically the thrust in the teaching of non-English speaking students until 5 or 6 years ago was all in the direction of teaching English as a Second Language without recourse to another language. It is only within the last 5 or 6 years that we have a real trend, a real thrust, toward bilingual instruction and toward using the child's native language in the classroom.

COMMISSIONER RUIZ. Do you think after 5 or 6 years that now is the time that it should be done, sir?

DR. CARLIN. Well, not only that. I would go further. I think we need more bilingual instruction as such, not merely English as a Second Language instruction.

COMMISSIONER RUIZ. And qualification for bilingual instruction would require knowledge of a foreign language?

DR. CARLIN. That is correct. Of course, those licenses that I

have cited which are the bilingual common branches license, and so on, does require it.

COMMISSIONER RUIZ. Is this recommendation made by either one of you verbally or in writing?

DR. CARLIN. Actually, we are consulted verbally by members of the board of examiners, and also sometimes we are consulted in writing, yes.

COMMISSIONER RUIZ. And would that start the ball rolling now, if it were made?

DR. CARLIN. Yes, it certainly could.

COMMISSIONER RUIZ. Thank you.

CHAIRMAN HESBURGH. Commissioner Mitchell?

COMMISSIONER MITCHELL. Just one question. It is clear what we are trying to identify here is the effect of language handicap on failure in the school system. The problem for the Puerto Rican grows out of his not being able to speak English well, while he tries to get an education here.

Do you have any data, or is anybody doing exit interviews or following up on dropouts to try to isolate the effect of language alone on the dropout rate or language handicap alone?

DR. CARLIN. I don't know of any such study.

COMMISSIONER MITCHELL. What would be your guess?

DR. CARLIN. My guess is, of course, that students who are language handicapped and who are being frustrated in school would naturally tend to want to drop out.

COMMISSIONER MITCHELL. Now, you have a disastrously high dropout rate in the New York City School System among Puerto Rican students or students of Puerto Rican background. Does that suggest a grossly inadequate language training program or English training program or some other failure on the part of the schools to provide education that students can understand in some language they are comfortable with?

DR. CARLIN. Well, I would hesitate to go along with that because I have no clear picture of the dropout program. I would say this, that we have a dropout problem with students who are native speakers of English, and without comparative figures between those who are native speakers of English and those who have language handicaps, I would not be in a position to say that there is a gross failure here. I certainly myself feel that we need to do a great deal more than we are doing, and I do feel that we need more resources poured into this than we have been pouring in. Of course, we have a budgetary stringency which has affected every sector on the educational front. I would say, frankly, that as director of English I am not satisfied with any segment of the teaching of English or the resources that are being poured into it.

So that when I come hat in hand and say we need more teachers of English as a Second Language or more bilingual teachers at the high school level, I must face the fact that I will be told



that we have so much money and that's all we can supply. The same thing is true, I'm sure, for the districts that have responsibility for the major number of students who are non-English speaking. I call your attention to the fact that we have at the high school level only 20,000 of the pupils who are in Categories I and II. So that all of the rest are in the elementary and junior high schools.

Now, the question should be directed to the community boards as to whether they are doing enough at their level. I'm sure they will reply: "We simply don't have enough money to go around, and we are trying to meet every priority that we can and we are giving this as high a priority as we can."

Now, this is a subjective judgment, and I think we would have to raise some questions, and I think I would be in favor of pushing for a lot more than is being done now.

COMMISSIONER MITCHELL. Can I ask you another question. You are teaching an aural-oral method, if I understood you correctly. That de-emphasizes or at least does not take into serious consideration reading. Yet, essentially if you are going to be successful in an educational situation, you cannot stop at the oral competence, can you?

DR. CARLIN. Well, actually of course, every English class, whether it's an ESL class or regular English class, has the whole spectrum of skills to take care of. So that the English as a Second Language class must also take care of reading and writing, and it does. But, of course, you have to get your major thrust in on the oral-oral because we well know that pupils cannot read with understanding words that they don't know. So we have to do all of these things together. These are reinforcements.

COMMISSIONER MITCHELL. Thank you.

CHAIRMAN HESBURGH. Mrs. Freeman, do you have a question?

COMMISSIONER FREEMAN. Mrs. Lloyd, I am not sure whether you or Dr. Carlin stated that it is the principal who decides whether a bilingual program is going to be in the school.

MRS. LLOYD. Dr. Bernardo.

COMMISSIONER FREEMAN. Dr. Bernardo. Well, let us assume that a principal decides that he doesn't want a bilingual program and there are a large number, a significant number of students, who are in Categories I and II. At what point, if any, is there any appraisal made or any evaluation made of the education, you know, the quality of education of the school, and does the central board attempt at any time to determine whether this principal is responding to the needs of the pupils?

DR. BERNARDO. There are two thrusts involved. You know, the principal is much attuned to the needs of the parent group and the suggestions of the parent group in his own school. Where the parent group makes it quite clear that it believes that a bilingual

program or a special program to meet Puerto Rican needs is necessary, he will likely move in that direction.

Those of us at headquarters, too, who see the needs for bilingual programs particularly in particular high schools meet with the principal and have done so, meet with the various chairmen of the department, and talk to them about beginning such a program.

COMMISSIONER FREEMAN. I would like to ask one other question defining the "we" and "those of us at headquarters" who make this decision. Would you give us any information as to the percentage that are Puerto Rican at headquarters?

DR. BERNARDO. You mean those supervisors at Livingston Street, our headquarters?

COMMISSIONER FREEMAN. Yes.

DR. BERNARDO. I really don't have that figure; I don't know.

COMMISSIONER FREEMAN. Is there anybody on the panel who has a figure?

DR. BERNARDO. The number is very small. The number is very, very small.

MRS. LLOYD. I think we would acknowledge that it is small. The board has made an effort to try to increase this number, but I believe that we would all agree that the number remains small.

COMMISSIONER FREEMAN. Thank you. I have no further questions.

CHAIRMAN HESBURGH. Dr. Horn?

VICE CHAIRMAN HORN. Dr. Bernardo, there was a discussion yesterday as to when is the appropriate time for a Puerto Rican child to learn English? In your judgment as a professional, should this begin in preschool or in the early years, or just when should it begin to be most successful?

DR. BERNARDO. As early as possible. Most of the thinking now is that one ought to take a child exactly as he comes to school in terms of his strengths and skills. If he is Spanish speaking, obviously much of the school day in the early years ought to be done in Spanish until enough time has been given in the development of English skills. But those English skills can be begun, and we think best begun, from the very beginning.

VICE CHAIRMAN HORN. This is from at least kindergarten up in your formal instruction.

DR. BERNARDO. Or before.

VICE CHAIRMAN HORN. Or before, in various preschool programs.

Let me ask you now, Mrs. Lloyd, about the Title I program. How much of that money goes to universities and colleges in the area to provide tutors or other types of paraprofessional personnel to deal with the Puerto Rican students and others who have educational disadvantages?

MRS. LLOYD. Well, I couldn't tell you the exact amount that

would go from the \$132 million, or close to that, that we had last year and that we anticipate this year. We know that in programs such as College Bound, College Discovery and Development, there are more paraprofessionals than in regular classroom situations. The monies usually paid to colleges are funded under such titles as Title VII or Title III where we have a consortium, for example, under Title VII, districts working with Hunter, Lehman, and other colleges.

VICE CHAIRMAN HORN. Let me ask any of you to comment on this last question. What is your impression of the quality of teaching teacher, potential teacher, turned out by the various teacher colleges, schools of education, in the New York City area as regards this problem, twofold: One, do they have language competency, let's say, in Spanish? Is that a requirement at all? Number two, is there sensitivity as to the needs of intercity or central city schools?

MRS. LLOYD. I personally feel that we have made progress within the past few years. I still feel that a great deal needs to be done to alert our new teachers before they enter the school system to the needs of all minority youngsters as well as the problems connected with urban education.

You may be interested to know that our deputy for curriculum and instruction, Dr. Lester, did write to the State requesting the support of Commissioner Nyquist in seeing that the requirement for a bilingual background was added to the requisite for a teaching license. I don't know the acknowledgment. I haven't inquired. But there is this thrust at the board, that since our Puerto Rican group is increasing—it came up a little over 2 percent since last year in the latest State report—that we definitely need teachers with a background in language.

VICE CHAIRMAN HORN. Dr. Nyquist is going to testify and I will pursue this with him. But I am just wondering, in case the State does not proceed as rapidly as it might in this area, is there any way the New York City School System can sit down with the teacher colleges that are basically supplying their manpower, and have the colleges impose this as a requirement for graduation?

DR. BERNARDO. City College, you know, the New York City area, already requires at least a unit in Spanish for all those preparing to work in elementary education. This is hardly enough, but we would think that that pattern ought to be followed by all of the city colleges. A knowledge of Spanish in the New York City area for a teacher is an absolute imperative, it would seem to me.

VICE CHAIRMAN HORN. Well, I would agree with you, and I would think the educational community could do this without having a statute or directive to do it. I don't see how any school of education turns out a product, really, almost anywhere, at

least in my State of California or New York City, without requiring competency in Spanish.

CHAIRMAN HESBURGH. Do you have a question, Mr. Powell?

MR. POWELL. I have one question.

Mrs. Lloyd, Title VII grants, as you know, are to a large extent based on proposal merit. Given your obligation to provide technical assistance in the development of such programs, particularly at the elementary and intermediate level where the need is so great, why are there so few Title VII programs in New York City?

MRS. LLOYD. Frankly, I don't know the answer. Let me tell you what our findings have been, and you can see our problem.

For 1969-70, we had an allocation of \$369,000, what I call completely beneath what is even a good beginning in the way of Title VII fundings to support the programs needed.

For 1970-71, we received \$1,280,000, for 1971-72, \$2,200,000. We sent many, many proposals to the United States Office of Education in order to obtain the 1970-71 funding. We did increase the funding by \$1 million. We still consider the amount we are getting inadequate. We have made our voice heard. We have worked with the community, and many of the influential people in our city are backing us to see that we do obtain a greater share of Title VII funds. We recognize that the total amount of money is not great, but the needs of our youngsters we do not believe are being served adequately by this allocation.

MR. POWELL. The Office of Education and the staff maintain that the proposals coming out of New York on the whole are not very good proposals. Would you care to comment?

MRS. LLOYD. Well, our districts have been responsible, of course, for developing the nonformula proposals.

MR. POWELL. But with your technical assistance, is that correct?

MRS. LLOYD. We do provide technical assistance. However, in some cases the districts do not come to us for that guidance. We have to admit that. They may submit these proposals directly to Washington. We are living through a period of decentralization where we are finding out, I believe, how we have to complement each other. Those districts who submitted proposals and were not successful last year now realize they need the technical help. We are working to improve the quality of those that are going in now, and we feel that we will have, we hope, a greater chance of having our proposals funded.

MR. POWELL. Thank you. I have no further questions, Mr. Chairman.

CHAIRMAN HESBURGH. I think I have a technical question first. We have been hearing a lot about teaching English as a Second Language. It seems to me that, if I read the literature correctly, how you teach English as a Second Language depends upon what

a person's first language is. Is that correct, Dr. Bernardo?

DR. BERNARDO. Yes.

CHAIRMAN HESBURGH. And how anybody can teach English as a second language to Spanish speaking people if they don't know Spanish is a mystery to me, because a good friend of mine, Dr. Fries, who is a great linguistics expert from the University of Michigan, says there is a completely different way of teaching English to a person who begins by speaking Spanish as his first language. And I can't understand how you can qualify people to teach English as a second language when they don't know the first language, which is Spanish, to people whose first language is Spanish. Doesn't it seem curious?

DR. BERNARDO. We have been successful in the past with some non-English speakers in the development of ESL programs even if the teacher did not know the language of the non-English speakers. You know, the whole Hyman Kaplan background where we had a group of people from various language backgrounds who indeed were able to be taught English by a teacher who himself had no knowledge or little knowledge of the languages represented in his class.

There is no question in my own mind, however, that a knowledge of Spanish is a tremendous advantage in the teaching of English to Spanish speakers, largely because you are able to see where the differences occur between the two languages in terms of structure, pronunciation, intonation, and so on.

I would hope that eventually all ESL teachers had a knowledge of Spanish. But be aware that in the New York City schools we have Chinese youngsters, we have a great number of Italian youngsters who are non-English speaking as well. This would require that the ESL teacher of those groups be fluent in Chinese, Italian, and so on.

CHAIRMAN HESBURGH. Well, there's a picture that seems to be emerging here, and I know it is a picture of great concern to the Puerto Rican community, that first of all you have an enormous number of these youngsters who don't go to school regularly. I was told that one majority Puerto Rican school—last Sunday I visited the principal; he told me his truancy rate daily was about 40 percent.

I asked him what his dropout rate was for the whole school and he said probably about 80 percent drop out before they graduate.

Now, the problem we have is that if we are going to get more Puerto Rican teachers, more Puerto Rican counselors, more Puerto Rican administrators, we are not going to get them unless we get youngsters through high school, into college and universities, and into specialized programs.

Now, if the reason that youngsters are dropping out, if you can believe the youngsters themselves who tell you this, is that they

don't know what the teacher is saying, they are just sitting there listening, like as if I went to a Chinese school and sat there listening to Chinese all day, I wouldn't be getting much education. Now, if that's true, that one of the great reasons for students being frustrated, they don't know what the teacher is saying and they have got to have people whispering to them in Spanish saying what the teacher is saying, shouldn't it occur to you that your program of teaching a foreign language, or English as a second language, should have a much higher priority than it actually has? Do you think so?

Well, when I look at what the budget of the school system in this State is—it's in the billions of dollars, an enormous budget—and then the key thing so they can understand what the teacher is trying to teach them in the language got something like a couple of million dollars, it seems to me the priorities are all crazy. It's like buying a Cadillac and not having any money for gas.

Am I wrong in this? I'm confused, I admit, but I would think that the priority here is just not very good.

VICE CHAIRMAN HORN. Just to drive the point home, you are talking about spending a few million now to save a few billion in welfare and unemployment later.

CHAIRMAN HESBURGH. Sure.

VICE CHAIRMAN HORN. It seems to me it is a penny wise and pound foolish policy.

CHAIRMAN HESBURGH. You see, you are talking here about hundreds of thousands of youngsters. You are talking about a potential group being educated every year, certainly in the tens of thousands. But if tens of thousands of youngsters don't get an education and have no future, that means they are never going to have a decent job, they are never going to have a decent home, they are not going to be able to provide a decent livelihood for their wife and family. I just think this is the cut-off point. If at this point the reason the kids are not getting educated is they can't understand what the teacher is saying, then the first thing to do is teach them how to understand what the teacher is saying. And that ought to have top priority. Otherwise, all the rest of the money, you might as well not be spending it.

DR. BERNARDO. Until recently, we were prohibited by New York State law to teach the disciplines in a language other than English. It is only a very short time we have been able to do that.

COMMISSIONER RUIZ. How recently?

CHAIRMAN HESBURGH. Commissioner Ruiz wants to know how recently you were allowed to do this?

DR. BERNARDO. I think it's within the last 5 years.

CHAIRMAN HESBURGH. Could I ask any one of you to react to this kind of situation?

I was in Puerto Rico last weekend and I asked people there how they handle the language problem since they have it right at hand. It's a bilingual society in Puerto Rico, mainly Spanish. One of the teachers told me that in the school she teaches in, the youngsters come to school and for the first 6 years most of the disciplines are taught in Spanish, and English as a subject matter. By the time they get to sixth grade, they know enough English; they switch it around and they have English as the medium of instruction and Spanish as the subject matter, and Spanish culture, Spanish language, Spanish literature.

Would it make any sense to try that experimentally in some of the New York schools?

COMMISSIONER MITCHELL. Mr. Chairman, we are in the midst of a propaganda handout situation here.

CHAIRMAN HESBURGH. I would like to ask the Marshals—People can have any handout sort of thing at the door but not in the hall because it disturbs the group that's trying to pay attention to what's being done here. So will you please have the handouts at the door, not around the hall. Will the Marshals kindly see to that.

Now, the question I asked is: Would that type of program, beginning youngsters in Spanish and eventually switching into English speaking, be possible as an experimental program in some of the high-concentration Puerto Rican schools?

DR. CARLIN. If I may speak on that, I would certainly agree, and in fact we now have two pioneer schools and a third that is partially bilingual which are doing exactly what you are saying, Mr. Chairman.

Now, obviously, this has many advantages from the standpoint of teaching the child to read if he starts with his native language, learns to read in that native language, and ultimately is able to make a transition to English.

Now, this is an experiment. I think it will deserve watching. I think it will deserve expansion. You will have to decide, of course, how quickly you want to make a transition to English, and there the parents, the community, come into the picture. Sometimes parents are not in agreement with the thought that the child is not learning English fast enough. So that we have diverse opinions.

However, I would strongly support the idea that in the early grades, at least, children who have no command of English might very well get their initial instruction in Spanish, just as the attempt has been made to use ITA, which is an artificial alphabet for the first year or year-and-a-half, and then make a transition to traditional orthography. It's easier that way presumably for some students. So, too, I would suppose that many pupils who are Spanish speaking, if they were taught in the early grades entirely in Spanish with a little instruction in English, might gradually

make the transition you are suggesting. This is now being attempted in our schools.

CHAIRMAN HESBUGH. How many students do you have in this bilingual program that you just spoke of?

DR. CARLIN. We believe that there are at least a thousand students in the two schools, and then there are other schools which have some bilingual classes in the early grades. I couldn't give you the figures on that.

CHAIRMAN HESBURGH. If we could have that figure for the record it would be very helpful, and you can give it later.

DR. CARLIN. We will try to get that for you.

CHAIRMAN HESBURGH. Thank you all very much. We appreciate your coming and thank you for your testimony.

Would you call the next witness, Mr. Powell?

MR. POWELL. Mr. Frederick Williams.

Is Dr. Murray Rockowitz here?

(Whereupon, Mr. Frederick Williams was sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. FREDERICK WILLIAMS, EXECUTIVE DIRECTOR FOR PERSONNEL, NEW YORK CITY BOARD OF EDUCATION

MR. POWELL. Mr. Williams, would you please state your name, address, and occupation for the record?

MR. WILLIAMS. Frederick H. Williams, executive director for personnel, New York City Board of Education. Home address is what you want?

MR. POWELL. Yes.

MR. WILLIAMS. 53 Virginia Avenue, Hempstead.

MR. POWELL. Mr. Williams, what is the responsibility of your department?

MR. WILLIAMS. We are responsible for providing for the personnel needs of the New York City School System. This involves the recruitment and a degree in the selection, although primarily the selection process is through the board of examiners, the in-service training programs, handling the teacher benefits, the administration of the health and welfare programs, and the administration of the various regulations which are attendant to the personnel functions.

MR. POWELL. Teaching positions here in the city are by virtue of two licenses, is that correct? One a State license and the other a city license?

MR. WILLIAMS. That is correct, although one is generally subsumed under the other. The New York City license automatically carries with it a State license.

MR. POWELL. With some 60,000 teachers in the system, how many licenses are there? How many different types of licenses are there?

MR. WILLIAMS. It runs to about 150.



MR. POWELL. I beg your pardon?

MR. WILLIAMS. About 150.

MR. POWELL. Does your department have the responsibility for preparing job descriptions in connection with these licenses?

MR. WILLIAMS. Primarily we go to the specific resources within the school system in the instructional area in order to obtain the actual job descriptions. We transmit them. We sometimes assist in the format so that this is the correct format. But the resource that we use is the instructional area for the job description.

MR. POWELL. Do job descriptions exist for all positions in the school system?

MR. WILLIAMS. That is correct, all licensed positions.

MR. POWELL. You mentioned you only have partial responsibility for the selection of teachers. Would you explain the difference between your department's responsibility in that selection and the responsibility of the board of examiners.

MR. WILLIAMS. Yes. The New York State law, as you may know—education law—provides for the existence of a board of examiners in New York City which is charged with the responsibility of examining all candidates for licensure in New York City, and the board of education is required to make its appointments on the basis of lists established as a result of examinations conducted by the board of examiners. So that as the chancellor's representative, I will transmit a request for a specific examination to be held, and the requirements of the positions have been set already. This comes through the board of education.

However, from that point on, in the determination of the scope of examination and the administration, the conduct of the examination itself, that is done by the board of examiners. And our next part in it is when they submit to us a list of persons whom they have found fit and meritorious for the particular license.

MR. POWELL. Well, Dr. Rockowitz isn't here now, the chairman of the board of examiners. Perhaps you can give us some assistance, though, with respect to these examinations. What are these examination expected to measure?

MR. WILLIAMS. I'm going to ask that I not be requested to answer that. I really am not that much of an expert. In broadest terms, of course, it is supposed to discriminate among the persons who have applied for the examination as to who is eligible at all to hold it, to perform the duties indicated, and it is supposed to give a rank order, at least in teaching license, a rank order with respect to the ability of the persons.

Now, I am saying this very broadly, and I trust that you would seek a refinement from Dr. Rockowitz at the time he appears.

MR. POWELL. Do you think a balance ought to be struck between a narrow measure of subject matter and an examination which screens out those people who are able to meet the needs of children?

MR. WILLIAMS. I think a balance should be struck, yes. I have a variety of opinions with respect to an appropriate examination procedure to determine the persons best qualified. And if I were to get into that, it would take in many additional reservations which I may have about the existing procedure.

MR. POWELL. Among the several licenses, some 150 licenses, how many bilingual licenses are there?

MR. WILLIAMS. There are approximately 10 specific bilingual licenses now.

MR. POWELL. You say there are some 10 bilingual licenses. Yet, there are only 800 Hispanic teachers in the system of some 60,000 teachers, with about 260,000 students. Is that correct?

MR. WILLIAMS. That's about correct.

MR. POWELL. Now the system apparently is not developing sufficient Hispanic teachers, isn't that correct?

MR. WILLIAMS. That's correct. We do not have enough by any means.

MR. POWELL. Given this state of facts, do you think that an evaluation ought to be made of the effectiveness of the present examination structure, with particular reference to developing qualified Hispanic teachers?

MR. WILLIAMS. Yes, I think this would be a legitimate study. I would point out, however, a couple of things. While we presently have about 10 bilingual licenses, the majority of them are fairly newly established.

MR. POWELL. Do you want to give us the 10 licenses? Some of them are so new that no examinations have been given in them, is that correct?

MR. WILLIAMS. I'm sorry.

MR. POWELL. Some of these licenses are so new that there have been no examinations given.

MR. WILLIAMS. That is correct.

MR. POWELL. Why don't you tell us what they are and how new they are and how many exams have been given to the extent that you have that information?

MR. WILLIAMS. The bilingual teacher in school and community relations is an old license and is not a classroom instructional license. I am merely including that to make the list complete.

We have the bilingual teacher of common branch subjects. We have had, incidentally—I'm guessing now, but I would say about two examinations in that license, bilingual teacher of common branch subjects. It was established a year to a year-and-a-half ago.

Bilingual teacher of early childhood classes. Again about two examinations. It was established about the same time as the common branch.

The bilingual guidance counselor which has just been estab-

lished and an examination is scheduled but has not as yet been held.

School secretary bilingual. I believe an exam is scheduled. I don't know that one has been held.

Substitute school secretary intern bilingual, which is a special unassembled\* examination, and we have persons with that license. It is not a specific licensing date required on that.

We have also recommended, and we have this in resolution form, a bilingual teacher intern common branches. We are presently developing, as a matter of fact as of last Friday—we just went through this, the bilingual license to teach secondary school subjects.

MR. POWELL. As of last Friday?

MR. WILLIAMS. Well, yes. This has been in process, and as of last Friday we reached another stage in it. The process of developing a license, unfortunately, takes three or four steps and stages to go through.

MR. POWELL. To what would you attribute such a small number of Hispanic teachers, given all these licenses you are mentioning?

MR. WILLIAMS. Well, I attribute it to two principal sources. One, there is, to start with, of course, a limited pool upon which we can call. Unfortunately, we are not producing through our school system, certainly, the persons in numbers who are then going on through the colleges. The colleges themselves have a horribly small amount. But then for those we do have, the rate of failure on the examination has probably been high. And I say probably because I don't have the actual statistics, but in instances where I do know—

MR. POWELL. Given the responsibility, it seems to me, of the board of education to have an affirmative equal employment opportunity plan, shouldn't such statistics be kept, and why aren't they kept? Shouldn't the statistics by ethnic background of pass and failure of applicants be kept?

MR. WILLIAMS. We are not in control in this, Mr. Powell. The board of examiners conducts the examinations. The applications go to the board of examiners. Consequently, for us to make an ethnic survey—

MR. POWELL. Have you made a request to the board of examiners that they do this?

MR. WILLIAMS. I have discussed it with the board of examiners at various times in the past.

MR. POWELL. Have you made a request that they do this?

MR. WILLIAMS. Yes.

MR. POWELL. You have?

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\*An unassembled examination is one in which a written, graded examination is not a part of the qualifications for the position.

MR. WILLIAMS. Yes. Right.

MR. POWELL. Turning to this list, everyone on that list is qualified to teach by definition, isn't that correct?

MR. WILLIAMS. Yes. Correct.

MR. POWELL. Given the need on the part of local school districts, particularly elementary and intermediate school districts, to select teachers who meet the particular needs of their students, particularly where these students are largely Hispanic, don't you think that they ought to have the right to pick from any place on that list, given the fact that they are all qualified? Of what importance is the ranked order here?

MR. WILLIAMS. If you are asking my personal opinion, I agree with you wholeheartedly. I think they should be allowed to do this. The decentralization law gives them, gives the districts, the right to do this at a specified period in time during the year, only from October 1st to May 1st, to select for the following September. We are presently urging that this be extended. I would, in fact, like to see an unranked and continuous list.

MR. POWELL. Would you explain to us what this alternate hiring division is, how it works?

MR. WILLIAMS. Yes. Schools are administered a reading test in April in each year, and on the basis of that they are ranked according to their average reading score, and those schools which fall within the lowest 45 percent in that ranking are then entitled to use as alternate assignment alternate selection procedure, and there are two ways in which this comes about. One, the schools can select someone who passes the National Teachers Examination at a particular score and meets other qualifications, State certification, medical, and so on. And second, they can go to an existing eligible list and select from anywhere on that list without regard to the rank order. That's for this particular time period.

Once you get beyond that time period, the districts then have to go to the rank order. And, incidentally, the central schools always have to use the rank list because, unfortunately, the law was written in a somewhat constricted manner, the application of that part.

MR. POWELL. But if we understand it, under a by-law of the central board of education, there is a rather significant exception to this alternate hiring provision, is there not? These boards must hire teachers who are excess without regard to their ability otherwise to choose under the alternate hiring provision.

MR. WILLIAMS. This is true, except, of course, this is a rather unusual situation. Normally we don't have persons excess, but where the time comes where you have a contraction of positions and you must therefore have people removed either from the school or the district, it is done on the basis of a set of regulations by which each one is given a seniority, and there is an order

established, and the person lowest on that list in that license is the first one that is removed in terms of a total layoff.

MR. POWELL. I have no further questions, Mr. Chairman.

CHAIRMAN HESBURGH. Commissioner Ruiz, do you have any questions?

COMMISSIONER RUIZ. Has anyone ever considered formulating an affirmative action program for recruitment of Spanish speaking personnel in the preparation and administration of examinations for licensing of teachers?

MR. WILLIAMS. There have been a number of programs that have been developed in an effort—at least with the objective of increasing the supply of Spanish speaking teachers. There is presently in the office of personnel a special unit on the recruitment and training of Spanish speaking teachers, and it has probably been the single most continuous and, in a sense I guess, the most successful, even though that has been an extremely modest effort, to increase the supply.

COMMISSIONER RUIZ. Well, wouldn't you think that it would have failed by now, or that it was immaterial as to what you were doing in that fashion, by virtue of the fact that you are only giving out 10 bilingual licenses, that some are still on the planning board only?

MR. WILLIAMS. No, these are license areas. Of course, we have at present, for example, 284 persons who are on a list for bilingual teacher of common branches. We are trying to find out why it is that we are not getting movement.

COMMISSIONER RUIZ. Not getting movement?

MR. WILLIAMS. Not getting appointments. Why community school districts are not appointing persons from that list. I do know that there has been some breakdown in communication in that the community school districts have approached some persons on that list and the persons have declined appointment. We haven't been given that information. We would remove those persons from consideration if we knew it.

Nevertheless, we have a number of persons who are awaiting appointment on eligible lists who have passed the examination who are licensed as bilingual teachers.

COMMISSIONER RUIZ. Now, I noticed that in processing the 10 bilingual licenses, that most of the licenses that you are going to give out are simply for public relations in effect.

You mentioned the licenses that were being processed, and what they were for, and I notice that insofar as actual teaching is concerned, I got the impression that they were principally for public relations.

MR. WILLIAMS. Oh, no. The first license I mentioned, the bilingual teacher in school and community relations.

COMMISSIONER RUIZ. Community relations.

MR. WILLIAMS. Right. This, I think, is one of the most impor-

tant areas we have had, and I suppose I say this with a degree of prejudice because I come out of that discipline myself and this was under my jurisdiction prior to my coming into the office of personnel. It is the professional area that has served as a conduit, in a sense, between the community and the school.

Now, this need may not be in the same terms as it was some-time back, but there was certainly a point, particularly where we did not have the degree of sophistication that we have today on the part of the Puerto Rican community where this was an important—

COMMISSIONER RUIZ. In addition to the community relations, what was the second one?

MR. WILLIAMS. This bilingual teacher in school and community license, what was the second license?

COMMISSIONER RUIZ. Yes.

MR. WILLIAMS. I mentioned the bilingual teacher of common branches, bilingual teacher of early childhood classes, bilingual guidance counselor, bilingual school secretary, bilingual school secretary intern, and I indicated that we are presently preparing the bilingual teacher in secondary subjects.

COMMISSIONER RUIZ. Thank you.

CHAIRMAN HESBURGH. Mr. Mitchell?

COMMISSIONER MITCHELL. I have no questions.

CHAIRMAN HESBURGH. Commissioner Freeman?

COMMISSIONER FREEMAN. Mr. Williams, did I understand you to say that the bilingual teacher who is licensed must have two languages, English and a second language?

MR. WILLIAMS. Yes, that's correct. And, incidentally, this can be for any other language area. It's broad. It can be for Spanish speaking. It can be for Italian. It can be for Chinese, and so on, these licenses I have mentioned as bilingual. The determination is made by the chancellor in terms of what the needs may be as he gets these needs from the community districts.

COMMISSIONER FREEMAN. Do you have any information as to the needs for the number of bilingual teachers, Spanish-English, that are necessary at this time?

MR. WILLIAMS. Do I know how many?

COMMISSIONER FREEMAN. Yes.

MR. WILLIAMS. Well, the necessary that you may be referring to is necessary in terms of the students who have needs.

COMMISSIONER FREEMAN. That is what I'm talking about.

MR. WILLIAMS. Well, I don't have the figures. We will get those from the instructional area. What we have to go by is necessary in terms of how many they are going to be able to use, because it would be of little use for us to compile a list, if we could do it, and of course I'm not saying we are at the point where we could do it. But assuming we could get a couple of thousand persons on a list, for them to merely sit there with no hope of appointment

because there weren't positions established because of budgetary limitations—you see, it would be useless. So what we do is ask the districts and the schools to advise us of the areas in which they have specific needs, and we take a look at what we may have on lists available at that time, and if the needs that they have indicated exceed the lists we have, the examination will then be ordered. We will tell the board of examiners to conduct such an examination.

COMMISSIONER FREEMAN. On the list that you have now, can you obtain information from those lists as to how many of the teachers who are not yet assigned are bilingual and bilingual Spanish-English.

MR. WILLIAMS. You mean aside from the bilingual lists?

COMMISSIONER FREEMAN. Yes.

MR. WILLIAMS. The bilingual lists we know are persons who must be bilingual to have passed the exam. But on our other lists, which are not designated bilingual, we do not know how many of those may be, you know, bilingual. In other words, we have a teacher of common branches, for example, where there is no requirement that that person be bilingual, but the person may be. It's incidental at the point of examination whether she is or not.

COMMISSIONER FREEMAN. If you were going to be using the affirmative action program and actively recruit Puerto Rican teachers, how would you go about getting them from the lists which you now have?

MR. WILLIAMS. The majority of those who are on the list, on the bilingual lists, are Puerto Rican. I know that out of personal knowledge. If a district wished to select someone particularly who is Puerto Rican and not of some other Hispanic—

(Remark from the floor.)

The majority of the persons on the list are of Puerto Rican background. If someone wished to select someone of Puerto Rican background and that person was not the next in order on a particular list, they would have to wait for the particular time period as designated by law in order to by-pass someone who is ahead of the one they were seeking.

Have I answered your question? I'm not sure that I have.

COMMISSIONER FREEMAN. You are saying then you do not carry out any affirmative program to recruit Puerto Rican teachers.

MR. WILLIAMS. Oh, yes, we do. You are speaking about the recruitment, because we have an affirmative program in getting them to the examination—to the examination, you see I have a unit in the office of personnel that not only gets them to the examination but tries to prepare them for it. We have persons who have been teachers in Puerto Rico, and who do not have all of the specific courses which are required here. And this program, the tuition is paid to attend college in order to acquire these additional courses that they need. They are given some instruction in

the techniques of the particular examination process which is used here in the city, all in an effort to assist them in passing the examination. Now, getting them to that door is as far as we can go at this point. Then they go through the examination. We get them now on an eligible list.

COMMISSIONER FREEMAN. What I am trying to do is see how you get them from a list into a classroom teaching the students.

MR. WILLIAMS. The appointments are made by the community school districts. The local school districts under decentralization determine what positions they want to have for their district. How many bilingual teachers they will have will be dependent upon how much they establish in schedulizing their own budget. Then if they establish bilingual teacher positions, they call upon us and ask us for the eligibles for that position. We will assign as many as they wish from that list, and they can appoint them in that way. That's the process.

COMMISSIONER FREEMAN. Thank you.

VICE CHAIRMAN HORN. Mr. Chairman, let me try to pull some of this together.

Affirmative action has been mentioned, Mr. Williams. I agree with you that we ought to get away from some of this rigid ranking of lists of narrow choice. Let's get down to how large your recruitment effort is in the office of personnel? How many do you have on the staff in your recruitment section? How many are aggressively out in the field trying to bring together talents either in the colleges, to encourage them to get the appropriate education credentials, not just in the bilingual areas, but let's say Puerto Ricans generally into any aspect of education in this city?

MR. WILLIAMS. We have in that particular unit to which I referred a staff of about 12 persons. This is a funded program, incidentally. It's funded under Title I.

VICE CHAIRMAN HORN. In other words, all Federal funds are supporting these 12 recruiters?

MR. WILLIAMS. These 12, yes.

VICE CHAIRMAN HORN. Do you have any in addition to those 12 supported by city or State funds?

MR. WILLIAMS. We did have. We have a recruitment bureau that's apart from this, and that recruitment bureau is supposed to work, of course, across the board. Now, in saying this, this doesn't mean that I in any way demean the necessity of having persons of the different ethnic origins as part of the staff. We had two programs going in general in the bureau of recruitment. One was strictly a board of education program. The other was a board of education-United Federation of Teachers joint program, growing out of the latest collective bargaining agreement we had. This latter program was specifically designed to increase the supply of minority group teachers, including black and Puerto Rican. We



had at the time that it was full-blown, if you will, a staff of six which included a Puerto Rican and two black, the others white.

The municipal colleges were tapped by and large to the degree that they could be in places where it was likely that we might have some success. Any number of trips were made to Puerto Rico. There have been examinations held in Puerto Rico to give us a more instant supply of teachers. An examination for elementary school principals was also held in Puerto Rico.

With all this, you know, the net result is relatively small in comparison to the needs we have, that it is certainly understandable that there is a high degree of impatience with what we have been able to accomplish.

And with all this, I would have to tell you that we have had to cut the recruitment budget and recruitment program to one-third the size that it was, as small as that was, and with all that, even despite the fact that that particular unit to which I referred before, funded under Title I, we had to work with "might and main" about 2 months ago to prevent that program from being discontinued by the Federal Government on the premise that this did not meet the guidelines that they had set down, and we were going to have the difficulty of having people whom we had started in college and on the road being short-cuttred at that point.

VICE CHAIRMAN HORN. Let me ask you, Mr. Williams: You mentioned those 12 in that recruitment unit. Are they separate from your bureau of recruitment?

MR. WILLIAMS. Yes.

VICE CHAIRMAN HORN. This is a special unit designed just for this purpose?

MR. WILLIAMS. That's correct.

VICE CHAIRMAN HORN. In addition, you have a bureau of recruitment which is how large?

MR. WILLIAMS. There are presently about eight persons in there.

VICE CHAIRMAN HORN. In the bureau of recruitment?

MR. WILLIAMS. That's correct.

VICE CHAIRMAN HORN. Together, both of these groups have the same mission, which is to get generally teachers into the system, but in one case primarily minority teachers into the system?

MR. WILLIAMS. That's correct.

VICE CHAIRMAN HORN. And you go to Puerto Rico and try to help people get up to the level to pass the various license exams which are given by another agency of the city government, is that correct?

MR. WILLIAMS. That's correct. We also work in the city. I say we go to Puerto Rico. We work here as well.

VICE CHAIRMAN HORN. Let me ask you: Do you advertise in the Spanish papers? Do you go out with Puerto Rican groups? Do

you have contact with the various clubs on the college and university campuses? Are these your techniques?

MR. WILLIAMS. Yes, that's correct.

(Remarks from the floor.)

CHAIRMAN HESBURGH. Please be quiet in the rear. We will have no talking today.

VICE CHAIRMAN HORN. Mr. Williams, could you furnish for the record an example of the advertisements that you do use in this recruitment effort in the Spanish language papers, the type of activity, perhaps give us a summary report for the record which we will include in this part of the hearing, of just how they go about trying to reach into the minority community to get this job done?

(The material referred to appears on p. 480-483.)

MR. WILLIAMS. All right.

VICE CHAIRMAN HORN. Let me ask the Counsel a question. When is Dr. Rockowitz testifying, Mr. Powell?

MR. POWELL. Mr. Vice Chairman, he is under subpoena and will be here today, this afternoon.

CHAIRMAN HESBURGH. Mr. Williams, I have one very short question. It has to do with recruitment of principals from the Puerto Rican community. You know better than I that there are schools with very large proportions of Puerto Rican students. They have a very big problem of language. They are often staffed by teachers who don't know the language, and particularly by administrators who don't know the language, and by counselors who can't counsel if they can't talk to the kids.

Now, what is the number of Puerto Rican principals in this town?

MR. WILLIAMS. The latest count that I have is that there are 10, and that is as of last school year, not the current school year.

CHAIRMAN HESBURGH. And how many schools are we talking about total?

MR. WILLIAMS. In the school system?

CHAIRMAN HESBURGH. How many principals total?

MR. WILLIAMS. There are approximately 1,000.

CHAIRMAN HESBURGH. So you have 1 percent. Now, what are you doing to get more right now? What programs do you have to attract more Puerto Ricans? Do you have a training program for Puerto Ricans who might want to train to be principals?

(Remark from the floor.)

CHAIRMAN HESBURGH. Look, please be quiet now. If we want you to testify we will call you up here and swear you in.

(Remarks and shouting from the floor.)

CHAIRMAN HESBURGH. I have asked the audience to kindly allow the man to testify.

(Remarks from the floor.)

CHAIRMAN HESBURGH. I would like to ask the Federal Marshal please to remove that lady and escort her to the front door.

(Remarks and shouting from the floor.)

CHAIRMAN HESBURGH. Ladies and gentlemen, ladies and gentlemen.

VICE CHAIRMAN HORN. Lady, if you will calm down so the Chairman could speak it would be appreciated.

Ladies and gentlemen, everybody seated.

(Shouting and disruption.)

CHAIRMAN HESBURGH. Would the gentleman mind sitting down?

Ladies and gentlemen, this is the last time I am going to say this because I am not going to get in a shouting match. That is not what we are here for. We are here to try to interrogate witnesses and make a record. If someone in the room doesn't like that process, they are invited to leave. If we have any more of what we just saw, we are going to clear the room and we will have this hearing by ourselves and get the record made. Now, I want that to be understood. We are not going to go through this once more. If we have to have this hearing ourselves in a room with the witness, we will do it. There happen to be people here who would like to hear what the witness is saying, and nothing is being gained by all this shouting and yelling.

Now, I am asking the Marshals, the next time someone in the audience speaks up like this, talks back to the witness, demonstrates in any way, I'm asking the Marshals and the police to remove them immediately, and that's a standing order as of right now.

Mr. Williams, I'm sorry we were interrupted. There is no point in going on with your testimony because we have run out of time. Dr. Horn has a final question.

VICE CHAIRMAN HORN. Let me ask you, Mr. Williams, in conclusion, it has been mentioned a Puerto Rican teacher can teach English in Puerto Rico. Why can't that teacher also be in a bilingual program here? Are we saying they are overqualified to teach English and Spanish to Puerto Ricans? Why do we have a list here that really has no Spanish speaking or experienced teachers on it in that sense? Why can't we use the teachers that are already in Puerto Rico?

MR. WILLIAMS. The only reason we can't is because of the requirement which is imposed upon us at the present time that they must go through a particular examination process before they can be used.

VICE CHAIRMAN HORN. Couldn't we require as part of the examination to count their experience in Puerto Rico where they taught Puerto Ricans as a qualifying measure or really the equivalent of an exam? Couldn't there be some equivalency worked out?

MR. WILLIAMS. To some degree we have some success in utilizing them in areas where there is not the same kind of specific licensed duties. We do have a certificate of competency procedure by which we can utilize persons who have a particular skill in the bilingual area and any number of developing bilingual and bi-cultural programs, because this is not solely a language matter but a cultural matter as well, and we have been able to utilize that and not have them pass through this license examination process.

CHAIRMAN HESBURGH. Mr. Williams, we are running overtime, and we have lost a little time. I wish you would give us for the record in writing what affirmative action you are taking to recruit and to train more Puerto Rican principals, together with the number and names of those principals, presently Puerto Rican principals, in this town.

Thank you very much, Mr. Williams. We appreciate your coming.

MR. WILLIAMS. Thank you.

(The material referred to appears on P. 485.)

CHAIRMAN HESBURGH. Our next witness is Mr. Shanker.

(Whereupon, Mr. Albert Shanker was sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. ALBERT SHANKER, PRESIDENT, UNITED  
FEDERATION OF TEACHERS

MR. POWELL. Mr. Shanker, please state your name, address, and occupation for the record.

MR. SHANKER. Albert Shanker, R.D. 1, Putnam Valley, New York. I am President of the United Federation of Teachers, Local 2, American Federation of Teachers, AFO-CIO.

MR. POWELL. Mr. Shanker, it is acknowledged that Puerto Rican children are not getting quality education. As a matter of fact, dropout and retardation rates indicate they are obviously failing. Has the UFT as a professional union of teachers adopted positions or supported programs which might contribute to the solution of this problem?

MR. SHANKER. Yes, we have.

MR. POWELL. Would you tell us about some of them?

MR. SHANKER. We have called for the establishment of universal early childhood education. We have called for the reduction of class size down to limits as low as 12 to 13, where students are behind in their work. We have supported the programs in bilingual education. We have supported the expansion of the More Effective Schools Program. We have established in the city throughout our contract a number of integrated early childhood educational centers where half of the children are children of teachers returning from maternity leave and the other half are children of parents in the community.

But we feel that the basic answer, insofar as schools can provide the answer, is to provide a high quality of education, which includes starting earlier. It includes working with children, if necessary, on an individual basis.

I want to add, however, that the school is not the only agency in society that is responsible for educational failure, and if we continue to have poor housing and poor health conditions and discrimination in employment and the whole bunch of other factors that we have, even if the schools were to have an ideal situation in terms of teaching and learning, not all of the problems the children come to school with would be overcome by the schools.

MR. POWELL. You do agree, however, the system does have a significant degree of responsibility, do you not?

MR. SHANKER. The system has a degree of responsibility. It can do better than it is doing now if conditions were better within the system. What the degree of responsibility is, how well the schools could do, even if other conditions were not changed, no one is in a position to answer at the present time because that just hasn't been researched, and that's part of what we do not have in the realm of knowledge at the present time.

MR. POWELL. Mr. Shanker, there are some other obvious defects about this system, though, are there not? For example, there are some 260,000 Hispanic speaking students. Yet there are only 800 Hispanic teachers. There is some evidence that the system of the board of examiners unduly screens out Hispanic teachers. Would you say that that system should be changed in such a way, assuming that it does screen out such teachers? Do you believe the system should be changed?

MR. SHANKER. I don't assume that it does that. I think that the question that you pose—and you are not the only one who has posed that question—is really, I would say, rather alarming. We do not recruit teachers from the ranks of children. And, therefore, the percentage of children who are in the school system has nothing to do with the percentage of teachers in the school system of any given ethnic or other group. Furthermore, we do—

MR. POWELL. You do know—

MR. SHANKER. May I finish, please? Furthermore, we do not recruit teachers from the ranks of the adult population at large. We recruit teachers from the ranks of college graduates. And I would say that, given the very, very small number in the city and State of New York and the entire Northeast region of college graduates who are Puerto Rican, that you cannot allege that the school system has discriminated.

I am very happy to see that the City University has instituted an open enrollment program. We are strongly in support of it. And at this very moment we are fighting to maintain that program and to maintain free tuition in the City University.

But before you can allege discrimination, sir, you'd better see

that the percentages you are talking about are the percentages of people eligible for the job and not just the general percentage of people within a society or the percentage of children within a school.

MR. POWELL. Now, looking at that universe, Mr. Shanker, the universe of college graduates, looking at it in national terms, isn't it true that the unduly narrow mechanism of the board of examiners substantially impedes that?

For example, you have a system of State certification here, and that certification requires merely that you pass a National Teachers' Examination with a certain score. Now, every other school system in this State can choose from a much larger pool. Now isn't it true—

MR. SHANKER. And how many Puerto Rican teachers are working in these other systems where they have the larger pool?

MR. POWELL. The question: Isn't it true there are far more Hispanic teachers qualified, certified, on the basis of National Teachers' Exams than you can reach through the narrow mechanism of the Board of Examiners? Isn't that a fact?

MR. SHANKER. Well, we have supported the use of the National Teachers' Exam. We have supported it for about 6 years now, and we were responsible for urging the legislature in the decentralization board to enable the use of the National Teachers' Exam, and furthermore we urged the legislature, and written into that law is the requirement that examinations be given each year in Puerto Rico. I see nothing wrong with that.

I have been a critic, not of the narrowness of the board of examiners. I think the problem with the board of examiners is that it has never been adequately funded and financed. You take a handful of people and don't give them the money—it's like these recruiting programs. Until the union got in there and demanded a recruiting program where we did go to the South and we did go to Puerto Rico, there was one person working in recruitment for the entire board of education in a system with 80,000 employees.

Now, if the board of examiners had sufficient staff to set up an operation in a number of places across the country, recruitment centers, including Puerto Rico, I think it would be a very good operation. But given the fact that we are unlikely to see that kind of funding in the near future, the examinations given by NTE or any other national group that will come up with reasonable examinations would certainly be acceptable with us.

MR. POWELL. The UFT has many times supported equal opportunity movements. In light of this involvement, how many minority teachers are members of UFT?

MR. SHANKER. Well, we don't keep records, but to the best of our knowledge, we have the same percentage of minority members in the union as there are within the school system. That holds for teachers, and that holds true of paraprofessionals also

whom we represent. We represent about 10,000 paraprofessionals in the school system. And I believe that the percentage of the teaching staff is about 10 percent, and therefore it would be about 10 percent of our membership, which is at the present time 72,000.

MR. POWELL. What percentage of your policy-making positions are minority? Is that 10 percent also?

MR. SHANKER. Well, of our officers we have—yes, we have 10 officers, and there are two from minority groups. We have an executive board of 49. I guess there are about four or five there. It's about the same.

I would like to emphasize, however, I realize the special sense in which the words "minority group" are being used here. But in my view, the city is made up of a number of minority groups. Jews are a minority, and Italians are a minority, and Irish are a minority, and WASPS are a minority, and I think before you ask that question in those terms, what you really ought to do is get a listing of our entire executive board and see whether everyone who thinks of himself as a minority—and by the way, everybody who lives in East Borough is a minority, persecuted by the other boroughs. But we have an organization which has only recently come into existence. Ten years ago there were 106 different teacher groups in New York City, and each of those felt they were part of some persecuted minority. And in order to bring all those teachers together, we have provided in our various policy-making bodies a place for each of the groups that considered itself previously a small minority. We have given each group a voice.

MR. POWELL. Mr. Shanker, what is the accountability of the teacher for student performance? By what standard do you, as a teacher representative, want them to be judged?

MR. SHANKER. I think a teacher has to, in the first place, be given the same as any other employee and for any employer, ought to be given an initial period of help and on-the-job training. That isn't done.

I think secondly a teacher has to be responsible for performing in accordance with the best knowledge that's available of whatever competent performance is.

One of the problems is that in the field of teaching we do not have a model of competent performance in the same sense that there is a model of competent performance in, let's say, a field like dentistry or medicine or law. In those fields, if you got a number of colleagues together, they could pretty well agree within a certain range as to the competency of the professional behavior of a given person. But in education we still are faced, not with the situation you have in these other fields, but we face a good many kinds of philosophic and psychological disagreements as to what's good and what's bad. This is still a field in which you

can send five observers in to look at one teacher, and one will say she's the greatest teacher in the world, and another one would say she ought to be fired, and the other three will have different views.

I would say there are some exceptions to this. I would say when it comes to the extremely outstanding magnificent artist, the brilliant person, there's a good deal of agreement that that person has something which obviously catches on and it's something which there can be a great deal of agreement on.

I would say that at the opposite spectrum, that is, the totally incompetent, there can also be a good deal of agreement. But when it comes to the overwhelming majority of more or less average people, and when you've got 80,000 employees, a good many of them are going to be not bunched at either extreme—the magnificent artist or the absolute incompetent—there's a tremendous amount of disagreement.

Now, what we have done is that we have in the 1969 contract between the union and the board of education a clause which provides for the joint development between the union and the board, with parent groups and with community school boards and with universities, the development of objective standards of accountability for the professional staff. And that is a project that is underway.

As a matter of fact, there is under contract now the Educational Testing Service which is the same group that puts out the National Teachers' Exam, and the board of education under this contract has provided a sum of money to develop a plan which is designed to identify which districts are doing better, which are doing worse, and which schools are performing better and which worse, and which teachers are; and then to try to go and find out why it is that some are doing better and some are doing worse. It's not just enough to find out what's good and what's bad, because you know for years we have had 7,000, 8,000, or 9,000 teachers leaving our schools every year, and they are replaced by another 7,000, 8,000, or 9,000 teachers, and unless you know what it is that makes for greater competence or lesser competence, if you are just getting a passing parade of people into a system, you are not able to select for those particular qualities that make for effectiveness.

Now, that program is underway. It isn't an overnight program. Because we are essentially trying to develop a science in this area where there is just a great deal of opinion. But the very notion the teachers as a professional group have not said: "Don't come in and find measures and find ways of evaluating" that there is this cooperative effort, is a very hopeful sign.

MR. POWELL. Mr. Chairman, I have no further questions.

CHAIRMAN HESBURGH. Commissioner Ruiz, do you have any questions?



COMMISSIONER RUIZ. You mentioned there were many minorities in New York. What proportion of the New York school population, sir, is Puerto Rican?

MR. SHANKER. I think about a third.

COMMISSIONER RUIZ. Which is the largest minority?

MR. SHANKER. I don't know.

COMMISSIONER RUIZ. Which is the second largest minority?

MR. SHANKER. I think the school system at the present time, the figures I saw—I haven't looked at them for a while; I know they are in the new Fleishmann report which I just got—but my impression was approximately—

CHAIRMAN HESBURGH. If we are not going to allow the witness to testify, there's no point in having him here. Mr. Shanker, will you please continue.

MR. SHANKER. My impression was it was approximately one-third, one-third, one-third. Now, if we've got a few points up on one group and a few down on another, I would be glad to accept your figures, but that's my impression at the moment.

COMMISSIONER RUIZ. Well, I realize you don't recruit board members from grammar school, and I realize that you don't recruit board members from the parents, but you mentioned that you had two officers from 10 from minority groups. What is that minority group?

MR. SHANKER. They are both black.

COMMISSIONER RUIZ. And you said you have four or five on the executive board, and what is the minority group involved there?

MR. SHANKER. They are black with the exception of one who is Spanish speaking and who is the elected chairman of the Bilingual Teachers Chapter of the UFT.

COMMISSIONER RUIZ. And how many are there on the executive board?

MR. SHANKER. Forty-nine.

COMMISSIONER RUIZ. How many officers do you have? Just 10?

MR. SHANKER. Ten within that 49. That's 39 in addition to the 10. The executive board is made up of officers, plus. In other words, by saying five, the first two are being counted in the 49.

COMMISSIONER RUIZ. Thank you.

CHAIRMAN HESBURGH. Commissioner Mitchell?

COMMISSIONER MITCHELL. Mr. Shanker, would you talk about seniority for a moment as qualification for preference in teaching in New York City?

MR. SHANKER. I don't understand what you mean.

COMMISSIONER MITCHELL. Is there a seniority relationship in the teaching situation here in New York City? Is a senior teacher higher on a list than a junior teacher?

MR. SHANKER. He is higher on a list not to get fired. In other words, if there is a contraction of staff and somebody has to go, the last person to come in is the first person to go out. So senior-

ity does not apply in terms of hiring. Hiring is on the basis of rank lists. And now in many schools it's not on the basis of rank lists, but under the decentralization law in 45 percent of the schools in the city they may hire without reference to rank lists on the basis of qualifying scores in the National Teachers' Examination.

However, seniority does prevail in a number of cases in the school system. One is with respect to layoff or with respect to firing. Seniority counts with respect to transferring from one school to another. That is, it used to be that teachers could transfer very easily from one place to another. Now, as a matter of fact, in a system of 80,000 people, there are under 1,000 transfers a year. It realistically takes at least 9 years or 10 years in a school before a person has acquired enough seniority to be able to be eligible to get out of where they are, and then it takes more than that to be able to pick a school where you want to get in.

That was a contractual *quid pro quo* whereby the teachers gave up their right to transfer easily in exchange for neither their own school nor the receiving school having any voice in whether they go when they have amassed that seniority.

There's a third place in which seniority is used, and that's with respect to after-school jobs. There lists of people who have appropriate licenses are ranged, and as new jobs open up the people are taken onto these jobs on the basis of seniority.

I think these are the three major areas where seniority prevails.

COMMISSIONER MITCHELL. Mr. Shanker, I went to school in New York City. This is my home. I was educated in the New York City system. I went to P.S. 10, originally, if you remember the number, and I'm not even sure it's still around. I graduated from P.S. 165, and I graduated from DeWitt Clinton High School. So I'm a product of the New York City system.

Now, the New York City system I went to and the New York City I grew up in—by the way, I now live in Colorado so I'm a long way from New York—the New York City I grew up in just doesn't exist any more. The composition of the population has changed. The composition of the children in the schools has changed.

What seems clearly to me to be troubling many people and what the Civil Rights Commission I think is troubled about, acknowledging your assumption that you just can't match in automatically ethnic composition of schools and teachers, is the wide disparity in New York City, the feeling you have that the teachers in the classrooms haven't changed at all, but the children have changed.

MR. SHANKER. Well, teachers in the classroom have changed. You know that if you go back a little bit at a time when there were huge numbers of waves of Jewish immigration into the city,

they were taught largely by Irish teachers because the Irish had been a previous wave.

Now, we know that teaching, as professions go, is a relatively inexpensive profession. It takes less time and money to get into than dentistry or law or medicine or a number of other fields. And, therefore, as new waves of immigrants to our country and to our cities start making it through the colleges, teaching tends to be one of the first occupations or professions that they go into, and then the children of teachers go on into these other things. And, therefore, we have always had with these waves of immigration a tendency for the teachers to be the group that had made it in some previous wave, and that's exactly what's going on right now. There is nothing strange about it at all.

COMMISSIONER MITCHELL. In other words, as you see out into some future—whether it's 5, 10, 20 years or what—you see moving into the teaching system of New York City teachers who are ethnically representative of the population now in the schools?

MR. SHANKER. There's no question about it. Five thousand paraprofessionals whom we represent, most of whom are minority group, are enrolled in college as part of our union contract. A few years ago they were selected by community agencies, and many of them did not have high school equivalency. We offered the courses and the city offered the courses. Hundreds of them will begin teaching very soon. They will be the first wave, people who entered paraprofessionalism, having had several years of college. And when the current minorities make it in the city, we will probably then have a huge influx of the successful children of the California grape pickers who are going to demand their share of positions.

But as big cities go in this country, this has been the situation, and it is the situation at the present time. Now, there is a difference, however.

One difference is the fact that we are now going through a period of massive unemployment, not only in the private sector, but there are now 15,000 unemployed teachers in the city of New York.

Now, a few years ago, the question of how quickly could we get more minority group teachers in the city—in the first place, we had no problem in urging our own members to support in their own contract taking a million dollars for the recruitment of teachers, and mainly minority group teachers. Why? Because no one felt threatened. There was a shortage of teachers. No one felt by going out and recruiting: "I will be replaced by someone." Now to engage in a recruiting effort, you have to have your head examined to do it, when there are 15,000 people who are waiting for a year-and-a-half, and if you now go out and try to recruit, the 15,000 people who have been waiting are going to start yelling bloody murder that they have been waiting, and as a matter

of fact the cry will now be for the colleges to stop offering training programs and to stop producing people in a field where there seems to be oversupply. So the tragic thing is just at a time when colleges are offering open enrollment, where there are more minority students going in, and if we were really expanding the public sector the way we should be, I mean if we really don't have an oversupply of teachers, if we had classes of the size which we should have, if we had the other kinds of programs, if we really started with an educational program at 21½ years of age—if we did all these things, we would still have a fantastic shortage of teachers and a fantastic number of openings for both professionals and paraprofessionals, and a very rapid expansion. Whether that rapid expansion is going to take place in a climate of economic contraction, I have grave doubts.

COMMISSIONER MITCHELL. Thank you. I have no further questions.

CHAIRMAN HESBURGH. Mrs. Freeman?

COMMISSIONER FREEMAN. Mr. Shanker, of the 15,000 people that have been waiting, say for a year-and-a-half, how many of them are black and how many of them are Puerto Rican?

MR. SHANKER. I don't know.

COMMISSIONER FREEMAN. Could you give that information—

MR. SHANKER. Let me make something clear. We don't hire any teachers, nor do we even accept anyone into membership until he becomes employed. When he becomes employed, that's when we get a card, and that's when we know who he is. At the present time, we have no knowledge of who those people are. We don't even know if 15,000 are still waiting there or gone elsewhere to look for jobs. We know there are lists there with over 15,000 names on them. Now, I assume that a list that's been there for a year-and-a-half with 15,000 names no longer represents 15,000 people, but who they are I don't know.

COMMISSIONER FREEMAN. The question was based on your testimony, Mr. Shanker. According to our information, fewer than 8 percent of the teachers are black, and about 1 percent are Puerto Rican. You have stated that your union has taken some positive steps to improve the situation because as it now stands it looks as if the system has operated to exclude the ethnic minority, the black and Puerto Rican.

What we are trying to find out is what programs, if any, your union supports to increase the number of Puerto Rican teachers, the employment in the schools, to respond to the needs of the pupils.

MR. SHANKER. I think I've given the answer to that. We have the career ladder program for paraprofessionals which will result each year in coming into the system a number of teachers who are Puerto Rican. We have favored the giving of examinations within Puerto Rico. We favor the establishment and expansion

sion of bilingual programs which will also create an expansion in this area.

And by the way, by bilingual I mean bilingual, and there is at the present time the beginning of quite a backlash because the word is used sometimes in a pretty fancy way. We get a principal of a school who asks the board of education to give a special emergency license to Mr. X because they need a bilingual teacher. And the board of education responds: "Why do we have to give a special examination to X? We have a few hundred bilingual teachers who have passed the examination who are waiting for jobs." And the answer from the school is: "Well, we don't really mean bilingual. We mean Puerto Rican," or we mean Cuban or we mean somebody else. Now, what we are really trying to pick is a particular ethnic group and not the qualification of being bilingual.

Now, the extent to which that spreads, namely, teachers being turned down in particular communities because they are told they want somebody that is bilingual, and nobody even gets asked whether they speak a second language, and the extent they do, and where they have spent their lives and everything else, then this becomes a code word for a quota system which we will very strongly oppose. But we are in favor of the programs that I have just talked about. And I would say the most important program, the only way in which this is going to happen is to expand the employment opportunities within a school system, and they can be expanded by improving the quality of education. And if we were to lower class size in New York City by three students per class, we would create 12,000 openings.

Now, of course, those openings could only be filled by Puerto Rican teachers if there are Puerto Rican college graduates here or elsewhere willing to come here and work and take the examination and come into the system. And we ought to reach out for them.

COMMISSIONER FREEMAN. Mr. Shanker, would you have any information as to what changes have been made, what improvements have been made? What we are talking about is a system which over the years has excluded a certain group of people. How can we make an evaluation to determine whether there are 10 this year, last year there were eight, or whether there are no more this year than there were last year. This is what we are trying to do, to improve the condition under which they are taught and under which they live.

MR. SHANKER. Well, look, the function of the board of examiners is quite simple. I think it's quite easy to see why the numbers are what they are. New York City gets approximately 85 percent or has in the past gotten about 85 or 90 percent of its teachers from the City University. It is not a city which has gone across the country recruiting or even very much outside the city. It gets

most of its people—if other people want to come here, fine, but basically they come from the City University.

And if you take a look at the Puerto Rican student body in the City University, up to whatever it was a year or year-and-a-half ago—what was it? One-half of 1 percent, one-tenth of 1 percent, something in that range. And then if you ask yourself what Puerto Rican graduate of the City University, after getting a fine education like that, would want to come to teach in the city of New York with the problems in the schools and the low salaries that were paid up until very recently, most of them were offered much better jobs elsewhere. That explains it.

It isn't an examination system. The examination system as it is today is not—it was a hurdle at one time. I was screened out of the school system in 1950 and '51 because of my speech pattern, and I had to take the examination several times. That thing has gone now for a number of years. The examination at one time was an impossible sort of hurdle. It came out of the depression period where there were 5,000 applicants for every job, and the examination was a way of finding out who would get it.

But in recent years, the examination has become not very much more than a literacy test. And if you would take a look at the examinations of those people who failed the examination, I would like you or anyone else to say to me they would want a person who cannot read or write or spell, and I maintain that those who fail the examination today cannot read or write or spell, that you would want such a person to be a teacher.

It isn't the system. It isn't the board of education. It isn't the board of examiners. The board of examiners could only test people who came to be tested, and they could only test college graduates, and the only college graduates who came to be tested were those in the City University, and the City University had its own examination system in terms of admission, and that examination system screened out those who had not received a proper education at the lower systems. So if you want to talk about a system, yes, there is a system which resulted in all of these conclusions. But the system is not the board of examiners or the board of education or the union of teachers. The system is a much bigger system than the one you are alluding to.

COMMISSIONER FREEMAN. Thank you.

VICE CHAIRMAN HORN. Mr. Shanker, following that up on the role of the board of examiners, I take it your union takes a very careful watch of the activities of the board as to the examinations given as to are they fair to your membership, especially for promotion and this sort of thing. Is that correct?

MR. SHANKER. That's right.

VICE CHAIRMAN HORN. Let me cite three questions here that were excerpted from a recent examination for assistant principal in the junior high school. I find as a college president I could only

pass one out of three, and I'm not so sure about that one.

Question 3: "A number is represented by 321 written in the base 4; rewritten in the base 10 the number is either 40, 46, 57, 214."

My note in the margin is, "Who cares?" as an assistant principal of a high school.

I can cite others. "The islands of Langerhans are important in the prevention of goiter, diabetes, dwarfism, Addison's Disease."

Again, for an assistant principal of a high school, who cares?

Now, what this leads to, do you feel that on behalf of your present membership, let alone people trying to get into the system, that perhaps your union should take a greater interest in the work relationship between the examinations given and actual job performance? In other words, is that a valid test to be given for an assistant principal anywhere in the country?

MR. SHANKER. Well, you are asking two different questions. At least I think you are. And I will answer both of them.

One is a question of relevance, and the other is a question of fairness. I would agree that I wouldn't put those questions on a test, and I don't think they have anything to do with whether a person is a good principal or not. And we have said so. And I won't spend three seconds trying to justify those, and I won't spend three seconds trying to justify some of the rather obscure vocabulary parts of the examination, or others. I could give a pretty good speech on that one. The test is irrelevant, but that doesn't make it unfair. It is equally irrelevant to everyone who takes it. All it does is, it discriminates against those people who don't know what 371 to the base 4 is, and those who don't know a particular word.

What I'm saying is that is not the examination that should be given. That doesn't prove that no examination should be given. Obviously, the answer to a stupid examination is one that is not a stupid one, one that does have some relationship to the actual job to be performed. And I agree that is how the examinations ought to be put together.

But to say that this is irrelevant is not to say that any one candidate is any more disadvantaged by an irrelevant question than any other candidate is.

VICE CHAIRMAN HORN. Well, I think your answer is half right and half wrong, if I may comment. I think you are right—and I am glad to see and I hope that is your position—there should be some job relationship between the examination given and some test of work performance and an ability to relate any questions asked to are they relevant to the job that you are asking the person to be examined for.

On the other hand, not only do those questions that I have just cited—and I could cite others—discriminate against minority group members, they discriminate against a certain type of edu-

cation in favor of a certain other type. And I think as an educator I have grave doubts that the sort of abstract intellectualism, and finding out how many angels dance on the head of a pin, is really relevant to the problems that confront public education in the United States today.

MR. SHANKER. Well, I don't agree with you. I think that's pretty unfair. Our schools are designed—in spite of all the talks about relevance today, our schools will be failures as long as they don't do the traditional things that people expect of them. That is, regardless of how much relevance there is, we expect students are going to learn to read and write and count and speak and to function within our society, which is largely a middle class society in which you can do all sorts of spectacular things, but you can't really live and work unless you have those things. And that includes with it a certain amount of intellectual competence in these areas. And I'm sorry that you said who cares about a particular number to the base 4.

VICE CHAIRMAN HORN. For that job.

MR. SHANKER. Well, for that job, in addition to knowing something about the custodian and how to buy books, you ought to be a reasonably well read person, and you ought to know something about—that doesn't happen to be a very high or obscure level of mathematics. As a matter of fact, there are children learning the answer to that at the present time in our schools in the fourth and the fifth grades. Therefore, it's a reasonable assumption that if your school system is teaching these things in the fourth and the fifth grades, they are related to computer technology and other things which are part of our very real world today.

Now, I think that it's just wrong to throw out, to say that we are not going to have principals and teachers who have a reasonable degree of intellectual competence in what our world and our society considers intellectual competence, and I would consider it to be an ethnic slur against any group to say that there aren't any blacks, Puerto Ricans, Jews, Italians, in equal numbers, who are capable of knowing mathematics and capable of learning the concepts in sociology or psychology or any other field. And I think it is pure racism to say we should devise different intellectual tests for different ethnic groups.

VICE CHAIRMAN HORN. Let me say, Mr. Shanker, to clarify that last point: I was asking a question as a person who is half-German and half-Irish and I guess an Anglo-Saxon, and I find it irrelevant.

MR. SHANKER. That may be your limitation, sir.

VICE CHAIRMAN HORN. Let me move on to the next question, and that is in your collective bargaining contract, does your union require, or could it require as a matter of policy of your union, that workshops be provided, that teachers acquire a competency in Spanish or sensitivity to the problems of inner-city schools as a



part of your collective bargaining agreement? Could you negotiate on that basis?

MR. SHANKER. Yes. As a matter of fact, we are going to submit proposals to the board of education. Just as the United States Government, when it was shocked by Sputnik, decided that it would retrain all the science teachers in this country through National Science Foundation scholarships and send people away summers and provide other programs, we will ask that our employer provide time on the job for teachers to learn a second language, provide scholarships, provide time during the summer, send large numbers of teachers to Puerto Rico and other places, and give people who are now in those jobs, who are now teaching, the opportunity to learn a second language. I think it would be a fine thing. And I think the overwhelming majority of teachers in the city of New York would welcome that opportunity. They do not enjoy being in a situation where they are in a class and frequently cannot understand what the students are saying or the parents in the community are saying when they come in to speak with them. And we will make such demands. And I hope if the board of education doesn't comply with these things, and if we are faced with some sort of a showdown in September, you will come down here and help us in that bargaining demand with the board of education.

CHAIRMAN HESBURGH. Mr. Shanker, we are already 5 minutes over our time, but I wanted to ask a question in one general area.

We spoke earlier of minorities, and the reason we are here on the Puerto Rican minority is we have been told by all of our studies and by all of the Puerto Rican Advisory Committee advice we received, that this minority is the most poorly educated in the city, it's the most poorly employed in the city, and is probably one of the most poorly housed, although we haven't gotten into that area as deeply as we should.

I take it that the union you represent or lead is a terribly important factor in bettering the situation, or could be, and if the people who have a third of the school system only represent 10 out of 1,000 principals, 800 out of 60,000 teachers, it at least appears to me that they would likely get a better leverage on the problem if they were more involved in the solution of the problem, were actually doing more teaching and doing more principaling, if you will, and certainly more counseling. We haven't gotten the figures on counselors, but that hurts me most of all because I was in a largely Spanish speaking community school on the weekend, and the principal there told me he doesn't have a single counselor who knows Spanish, and the kids that have the most problems are the ones that don't know English very well. And it seems to me that would be a very bad mix.

My question is simply this: I'm only doing it to give you a chance to put something on the record. Do you think the union,

with all of its power in this field, especially in the area of personnel, has some responsibility to try to get more Puerto Rican leverage on the problem of Puerto Ricans in the schools since the schools are so central to upward mobility in the city? That's a complicated question.

MR. SHANKER. I don't think it's too complicated. I think that I have already indicated the lines along which we are working. Let's suppose, for a moment, that tomorrow, either Federal, local, or State government or some great foundation came across with a fairly large sum of money, and let us assume that the community boards and the central board of education and the union all agreed that it would be the wisest thing to spend a large sum of money on the employment of teachers who speak Spanish fluently, and counselors who do, etcetera—people in all categories of the school system, all categories of employment.

Now, the practical question still is that tomorrow you probably could not produce more than a few teachers. I don't believe that there are huge numbers waiting on the list. And even if you had new lists, unless you are going to say that we won't have college graduates, we won't have the State certification standards, and we won't have other things. The point is that the answer to this has to lie in attacking every part of a system, and not one particular point. And part of it is to develop a quality education so that there are large numbers of students who can go to college and who will graduate. Part of it is to encourage them to go to college. Part of it is to keep that system open and free. And part of it is to see that if there are any examination parts which are ethnically discriminatory, that they be eliminated.

These are all parts of a program. And practically all of those sections of the program impinge on things that we are doing in terms of trying to develop early childhood, trying to create opportunities within the school system, trying to keep a system of higher education.

But let me say one final thing. That is, that a good part of the answer to this lies outside of this in terms of the job and economic areas. And in addition to being president of our union, I am a vice president of the New York City Central Labor Council, and vice president of the New York State AFL-CIO. And part of the reason for the horrible economic plight of minority groups in this city is the existence of tremendous numbers of racket unions that make sweetheart deals with the employer and victimize the employees. And I was very shocked to see that on this entire program dealing with all these issues that no one has been invited from the labor movement to come here to talk about the one thing that might lift the economic condition of the poorly paid, and that is their unionization. More has been done to uplift workers, not through the antipoverty agencies or through handouts or anything else, but more was done when the hospital workers were union-

ized to bring workers from \$23 and \$24 a week in poverty, and to bring them up to a living wage. It's not quite a living wage yet, but at least when you compare what they had before. And both as part of the educational problem and the economic mobility, it seems to me that somewhere in your discussions there ought to be a question of the unionization by legitimate unions of people who are poorly paid so they have the muscle to get their share of the economic pie.

CHAIRMAN HESBURGH. I take it you would agree with me on this one thing, though, that until we get people who are part of the problem themselves involved in the solution of the problem, we are not going to really solve it. In other words, the black experience I think has been that to the extent that the blacks got into the solution of the problem, it moved along more quickly, because they had more heart for it because it involved them personally.

We have found, at least on the higher education level, that black students move much more quickly in higher education when they see a few more black teachers around or black counselors, or people they feel have their problem at heart.

That was the only point I wanted to make. It would seem to me with the enormous leadership you have in this city, if you said we are going to go from 10 to 20 principals, you could probably pull it off; if we are going to go from 800 to twice that number of teachers, you could probably pull it off.

What I am afraid is, though, that all the bureaucracies get so set in concrete that you simply can't make forward motion on this, and if someone knew a genius of a Puerto Rican to make him a principal tomorrow morning, he would be so caught up in the bureaucracy you couldn't get him aboard. That's my point.

MR. SHANKER. Well, I don't accept the view if only we could get a few people of this group or that group into that position that means everybody moves along a lot faster. I think the conclusive experiment in that was 100 years of segregated Southern education for blacks where all the principals that they saw, and all the teachers that they saw, were black, but that didn't mean that—

CHAIRMAN HESBURGH. They didn't have any money.

MR. SHANKER. Well, after a certain point, in some places they had more money, because it was: "We would rather give you money than integrate the schools." That just isn't so.

And we do get large numbers of Puerto Rican children here who have had Puerto Rican teachers and didn't do well with Puerto Rican Spanish speaking—some of them didn't, and its part of the changeover and everything else.

But I think that part of the problem is trying to get easy answers in an area where there aren't any. And I think that the least promising answers are the kinds of answers where we are just shuffling people around without really changing the system.

Now, there are a lot of districts in New York City right now who have many more minority group supervisors and teachers now than they had last year or the year before, due to the changes in hiring and the decentralization law and the community boards and everything else.

Now, I think it's fine if there are more minority group people working in these areas. But there is absolutely no evidence that reading scores have improved or math scores have improved or anything else has improved. And I think the important thing is, there's no question that if we are going to have a society in which there is integration, that we can't have the kind of thing that looks like and is at this point an absolute shutout. But on the other hand, we ought not to make extravagant claims. It is worthwhile as a social thing to do, but when we are all integrated in terms of staff and thousands of blacks and Puerto Ricans and others have jobs in the school system and on community boards and everything else, we are still going to have to lick the problem of how to get the kids to read.

CHAIRMAN HESBURGH. I'll buy that.

With this, we are concluding until this afternoon. Thank you very much, Mr. Shanker.

I would like to say one word about our program this afternoon.

First of all, we have two seminars on demonstration education projects, and then we have the board of education high schools. We have another panel on the decentralization of elementary education. We'll have Dr. Nyquist of the State department of education, and we will have witnesses from the U.S. Department of Health and Education.

That will be our afternoon program. We are adjourned until 1:15.

(Whereupon, at 12:30 p.m., the hearing was recessed, to reconvene at 1:15 p.m. the same day.

#### TUESDAY AFTERNOON SESSION

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FEBRUARY 15, 1972

CHAIRMAN HESBURGH. The afternoon session will kindly come to order. Our first witness is Chancellor Scribner.

Chancellor, will you please come forward?

(Whereupon, Mr. Harvey Scribner was sworn by the Chairman.)

CHAIRMAN HESBURGH. We would like to have Mr. Isaiah Robinson and Mr. Monserrat, please.

MR. SCRIBNER. I see Mr. Monserrat here.

(Whereupon, Mr. Joseph Monserrat was sworn by the Chairman.)

MR. SCRIBNER. Father Hesburgh, I notice Mr. Robinson has just come in the door.

CHAIRMAN HESBURGH. Mr. Robinson, will you please come forward.

(Whereupon, Mr. Isaiah Robinson was sworn by the Chairman.)

CHAIRMAN HESBURGH. Mr. Powell?

MR. POWELL. Mr. Chairman, perhaps we ought to indicate what the schedule is going to be like this afternoon.

First, we are going to have the chancellor and members of the school board, Mr. Isaiah Robinson and Mr. Monserrat.

The panel following this panel will be from the board of education, Mr. Joseph Zack, Mr. Joseph Brennan, Mr. James Bachman, and Mr. Stuart Lucie.

The panel which will follow that will be Mr. Herman Lofitt Fontaine, Miss Awilda Orta.

The panel which will follow that will be Mr. Marco Hernandez and Mr. Alfredo Mathews.

TESTIMONY OF MR. HARVEY SCRIBNER, CHANCELLOR, BOARD OF EDUCATION, NEW YORK CITY; MR. ISAIAH ROBINSON, PRESIDENT, BOARD OF EDUCATION, NEW YORK CITY; MR. JOSEPH MONSERRAT, MEMBER, BOARD OF EDUCATION, NEW YORK CITY

MR. POWELL. Members of the panel, would you each please state your name, address, and occupation for the record.

MR. ROBINSON. Isaiah Robinson, 40 West 135th Street, president of the board of education, New York City.

MR. SCRIBNER. I am Harvey Scribner, 12 East 86th Street, New York City, chancellor of the board of education.

MR. MONSERRAT. Joseph Monserrat, 510 East 86th Street, member of the New York City Board of Education.

MR. POWELL. Chancellor Scribner, why do so many Puerto Rican students become truants, dropouts, and fail to graduate?

MR. SCRIBNER. Well, I presume there is no simple answer to your question, but it would appear to me at least that one of the aspects that causes one to come to school would be something of interest after he gets there. And though I think there are many other problems involved, I would say our inability to interest and make him enthusiastic has given us some of these problems.

MR. POWELL. Mr. Robinson, in your opinion, does the board of education bear a large responsibility for these results?

MR. ROBINSON. Which results?

MR. POWELL. The fact that Puerto Rican students in such a large number fail to graduate, drop out, or are truant?

MR. ROBINSON. Well, I would imagine the city as well as the board of education bear some responsibility for the results.

I would like to say, though, parenthetically, while we have the results—and I don't know exactly the number or the magnitude because we have always had the figure in terms of black and Puerto Ricans lumped together, minorities, in the figures in terms of dropouts, which is in the magnitude of about 60,000 per year. So to separate, to say which part of that is which, I don't know.

But I do feel that the total pattern of discrimination of opportunity, in terms of motivation and everything else, has something to do with it.

MR. POWELL. Our extrapolation of board of education source material indicates that the dropout rate of Puerto Ricans from the 10th grade to the 12th grade in this city is some 70 percent.

Why is there no citywide policy concerning Puerto Rican students—dropout rates, bilingual education, or second language instruction?

MR. ROBINSON. Why is there no policy?

MR. POWELL. Is there a citywide policy on this?

MR. ROBINSON. No. The point I was trying to make is that the Federal Government, the State government, and the city government bear some part of the responsibility when they speak in terms of minorities and others in terms of finances and everything else for programs. It never separates them into whether they are black, Puerto Rican, Cuban, Panamanian, Haitian, or whatever. They are lumped together as one conglomerate mass called minorities or disadvantaged.

MR. POWELL. Couldn't the city school board keep such records?

MR. ROBINSON. I am certain the city board could keep such records. But the problem has been in the past we never required it.

One of the big difficulties—and I think the city minorities have something to do with this—there was a time that we felt by designating black or Puerto Rican or whatever on an application was an opportunity for discriminating against that person. So between the period from 1955 through the seventies, there was a great fight to wipe out any designation in terms of race or origin because of the fact it was felt this was used to discriminate.

COMMISSIONER MITCHELL. Mr. Chairman, we are in the literature business again.

CHAIRMAN HESBURGH. We have no objection to people handing out things, but we prefer you to do it at the door, not wandering around and distracting the audience. So please do your handouts at the door.

Go ahead, sir.

MR. ROBINSON. That is the reason, I think, that we don't have specific data in terms of any specific category or ethnic group.

MR. POWELL. You do think, given the problem, that such data should be kept, is that correct?

MR. ROBINSON. Well, I do, yes.

MR. SCRIBNER. I think it should be noted, if I may, there are

going to be some test cases on this probably. Currently we are in a bind right now in asking for an ethnic survey of staff, and we have some people in this city who claim that they are color blind and can't tell one staff member from another in terms of ethnicity. And, therefore, it would appear that since we have now sent a directive that this must take place, that we probably will get a good test case.

MR. POWELL. Chancellor Scribner, couldn't Title I money be spent in a way to be more responsive to the needs of Puerto Rican students, and why isn't that money being spent in that manner?

MR. SCRIBNER. Well, the first part of your question I believe they could be spent in a manner that would better serve all youngsters who need help, all youngsters who are included in those guidelines as being educationally deprived. Why isn't it?

You have a system going, a large system, a system that utilizes something in the neighborhood of \$125 million or more per year. It's not easy to turn it around. We have put into that system this year advisory committees, made up in terms of the guidelines which are put out on reimbursable programs. We believe we have the machinery now to make some turnaround that these programs will better serve the young people, and perhaps be less serving of the adult society who involves itself in the program.

MR. ROBINSON. I would like to add to that. This year for the first time in New York City under decentralization we were charged with responsibility of distributing money to districts based on the same formula by which the city receives money.

Now, if the social service tapes, welfare tapes, are used to get the money for the city, it is the same method that is being used to distribute money to the districts. Therefore, in that it has never been designated how many of what groups are eligible, except for the individual numbers of people in a particular district. So there is no ratio really.

It is hoped that the districts recognizing its need in its use of Title I monies, and State monies, would develop those kinds of programs to help those youngsters in most need.

MR. SCRIBNER. I don't know how much I bother you by coming in. Is it all right?

MR. POWELL. That's quite all right.

MR. SCRIBNER. Your question is a good one, and Title I funds, you know what their purpose is as well as mine. To turn programs around, however, requires cooperation beyond the local level, too. If the Federal Government wants us to annually evaluate and annually examine closely these programs, they must give us a different funding period than they are now giving us. They must permit us to know now so we can analyze now, which programs are functioning and which ones are not, because it's not easy to take programs that have built up staffs of literally thou-

sands of people and to discontinue them and get started again on a last minute basis.

MR. MONSERRAT. Mr. Chairman, may I put in some, too?

MR. POWELL. Please.

MR. MONSERRAT. I don't mind this being a discussion around statistics, but statistics concern me a little bit sometimes because—well, there's an old saying about figures don't lie but liars figure, or something—and I am concerned with the use of some statistics, because I think the issue is way beyond the statistics right now.

Number one, I think part of the answer to your question is that historically the Puerto Ricans have always been the afterthought of the afterthought of all programs. And a good example is this hearing.

(Applause.)

It took this Commission 15 years to find the Puerto Ricans. We have been historically the afterthought of the afterthought in every program. And when funds are first set up, they talk, as Mr. Robinson was indicating, about minority. Well, minority generally means, in most areas, black-white. And unfortunately for the minority groups it's done in this way because then the issue is left between the minority groups to begin to have to deal with each other before they can deal with the problems, and the minority groups are put in that position.

Now, the reality is, of course, in New York City, if you asked us the question, part of the problem is that we are a monolingual Nation. And historically, you know, to be different, is always meant to be less than, and the children of all newcomers historically have been made to give up the language and the culture of their parents. And one of the reasons our public school system is the way it is is because Puerto Rican youngsters, who in the second generation are neither Puerto Rican or American, because they are not permitted to be either.

(Applause.)

When this occurs, our educational system is structured in such a way in New York, and throughout most of the country, that the first thing these youngsters are being taught to do is become ashamed of their parents and their background, and their teachers are part of the system which helps create this because they were victims of it, too, when they were the newcomers just a few short terms ago.

So most of our school system does not provide in any way for bilingual education. In fact, we have laws that in a sense prevent it. And so what we have to do now is attempt to break down these laws. Some of them are in New York State.

So I think that in part the answer to your question lies in the fact that historically in New York City we have had two school systems, one school system for those youngsters who are expected



to achieve and did achieve, and one for the youngsters who were not expected to achieve and don't achieve. And most of the minority group youngsters are in that second school system, and the system is pretty much set up to see to it that they don't succeed. And I think that's why they drop out of school.

(Applause.)

CHAIRMAN HESBURGH. Ladies and gentlemen, I hate like the dickens to be constantly scolding, but we can't have a hearing if you start applauding the speakers, for the simple reason that people will start speaking to you instead of to the record, and people that you don't applaud feel uncomfortable. I don't mind you agreeing or disagreeing at all in your own minds.

(Shouting from the floor.)

CHAIRMAN HESBURGH. Please do not applaud the speakers.

Go ahead.

MR. POWELL. Mr. Monserrat, in meeting the problems that you have described, do you think the mechanism of decentralization is an effective tool?

MR. MONSERRAT. If I gather your question, do I think it will be or is it?

MR. POWELL. Can be an effective tool.

MR. MONSERRAT. Can be. Yes, I do, with again some provisos. Because I think that one of the problems that we have under the decentralization law is the fact that there are some areas which we believe need further clarification in the law, in order for a truer kind of decentralization program to begin to take place. But specifically in answer to your question, I believe that we have taken the first of a series of steps in the right direction under decentralization. I believe we are beginning to give districts, district boards and individual parents of these schools, data and information about their schools which they never had before. One of the problems of the system is the mystery of the system, and we on this board have tried to disentangle some of this mystery, because it took us a year to learn what questions to ask. I am not sure we still know all the questions.

But if you take funding, for example, many boards simply don't know where the money is in the budget. So that under decentralization, by our making formulas in conjunction with the district boards under decentralization, local communities and local community people for the first time are beginning to get figures and data about their schools and about their school districts that they never had before. But we still have a long way to go before that really succeeds.

MR. SCRIBNER. May I add to what Mr. Monserrat said that I firmly believe that the concept of decentralization, that is that the decisions for the destiny of youngsters being made closer to the youngster, is a good concept. I would submit, however, that we are somewhat in an era of tokenism in terms of decentraliza-

tion in that we have many centralized procedures which we are continuing, in the meantime talking a decentralized game.

If, for instance, the 31 boards of education are going to be held accountable for the job they are going to do, they must have the right to appoint, promote, dismiss staff members within guidelines.

MR. POWELL. Mr. Scribner, given the fact that under State law the board has the legal responsibility for seeing to it that the students in New York City's public schools receive an adequate education, isn't there a point in negotiations with the United Federation of Teachers beyond which the board should not go in limiting its discretionary authority over such important areas?

MR. SCRIBNER. Well, that area, needless to say, is under thorough discussion right now. We are about to enter into negotiations. I think it would be a fallacy for me to answer the question in any other manner than say yes, certainly there must be dimensions beyond which we should not go.

MR. MONSERRAT. I think we can say some more. Number one, we are—

MR. SCRIBNER. I can, Joe, but I don't think I should.

MR. MONSERRAT. We are at the moment in the middle of some negotiations. And for the first time, in the negotiative history of the five-member negotiating panel representing the board and the boards, three of them are members of local school boards, community school boards, and two represent the central board. So that steps in that direction are being taken.

But I think also we must recognize the difficulties involved, and that is that in New York City we talk about the board of education in New York, and we talk about figures, and I think maybe we ought to use a few figures to indicate what we are talking about.

I remember when I was made president, someone asked me how it felt to be president of the world's 12th largest corporation. We are talking about a school system with a \$2 billion budget. We are talking about over 900 school buildings. I know I wanted to visit them. It would take me 4 years to get to see one school a day. And we are talking about a staff of 113,000 people, and a student body of 1,100,000 students. There are only seven cities in the United States with a population of more than a million people. We have over a million kids in school. So when we start trying to decentralize this huge monolithic structure that has been in existence for so long, many of the problems are not done that easily.

You know, New York City is the biggest restauranteur in the city, New York City Board of Education. We have a lunch budget of some \$52 million. Not even the New York Restaurant Association does that. We are trying to find out what it costs to serve one sandwich. How much does it cost to make a sandwich? The same

sandwich in two different schools in the same system can cost 8 cents in one school and 16 cents in another.

So when we are going through the process of decentralization, there is a tremendous amount of local information to gather. And I would say that to attempt to have 31 negotiations or 32 negotiations going on throughout the city begins to be a problem. So that in this negotiation we, within the law, are trying to establish the mechanism where there is continued communication between the 32 boards, and a negotiating team that functions as a whole for everyone. That's where we are now, and this is the first time we have had an opportunity to try it.

MR. ROBINSON. But I think the inference of your question had to do with impediments through the contract process with the teachers' association, the United Federation of Teachers. And I think it was hitting at the heart of why failures in some of the schools, in the second school that Joe talked about, and we come face to face with what is called euphemistically a merit and fitness system which the union has nothing to do with except support it, I suppose. But if we are talking about accountability on the local level where community school boards hire and fire, promote, discharge its staff, then it must have the opportunity to make that kind of selection.

For example, last year in one district in this school system where the percentage of Puerto Rican students was approximately 67 percent, the superintendent decided he needed guidance counselors that were at least well versed in Spanish, and hopefully from Puerto Rico, having some knowledge of the cultural background, etcetera, and refused to accept people from a rank-ordered list.

Now, this created a lot of problems. It's still in court, even though the first decision from court stated that if the district board had the right to appoint, it had the right to reject appointment of certain people.

Now, with this kind of impediment that we must take people from a list, and these people just happen to be in New York City at a particular date, at a particular time, and found themselves eligible to take an examination, once that list is promulgated, nobody else, regardless of their capability or regardless of the needs of the community, can get on that list until the next list comes out. This list must be exhausted first.

This kind of impediment, I think, does damage to a decentralized system.

MR. POWELL. Chancellor Scribner, would you care to comment on that last point?

MR. SCRIBNER. I thoroughly agree with what Mr. Robinson said, but I don't have to repeat what he said. I could go into many areas. I could tell you that up until the time we had an injunction slapped upon the supervisory exams, that it would be impossible

in New York City under the present system to employ Harold Howe II, who is a former U.S. Commissioner of Education and one of the greatest experts in secondary education in the country. I could not have appointed him principal of a high school in this city. That's how restrictive it is. That's how difficult it is, in a city that's functioning today, I'm afraid, inordinately for the adults in mind and not for these youngsters with whom we are speaking here this afternoon.

MR. POWELL. Mr. Chairman, I have no further questions.

CHAIRMAN HESBURGH. I would like to follow up on your last statement, Chancellor Scribner.

It seems to me what you are making a plea for is flexibility, is that right?

MR. SCRIBNER. We are the largest city, as Mr. Monserrat adequately pointed out, the largest city in the country, the largest school system in the world. If there's any school system that's on its knees now, not as you may think of it, Father, but on its knees in another manner—if there's any school system that's on its knees literally and needs help and flexibility to recoup, to revive, to renew itself, we need it. But yet, I would argue that we have less flexibility than any other city in the United States insofar as this is concerned.

CHAIRMAN HESBURGH. Let me ask you a dumb question. Suppose you found a great principal—let's assume he's Puerto Rican, for a Puerto Rican high school, mainly Puerto Rican high school—and he said: "I'm going to find the five best counselors for these kids that I know well because I've seen them grow up in this neighborhood, and I'm going to find the five best counselors I can find with the proper education, proper background", could he go out and hire them?

MR. SCRIBNER. No, he could not go out and hire them, not under the present conditions. He would have to bring them into the city, they'd have to take the examination, they'd have to go on a rank—wait a minute now. Guidance counselors are not so ranked. I think that may be an open list, I'm not sure, but he has to go on that list and be appointed from that list.

MR. ROBINSON. We first have to appoint him, which is a difficulty.

MR. MONSERRAT. Father, we finally appointed one Puerto Rican principal of a high school this year, the first one in history, and that took a little doing.

CHAIRMAN HESBURGH. I visited his high school and he's doing a marvelous job. He has turned it from a place that was dispirited into a place that has pride, because he understands the problem. He will be here this afternoon, by the way.

Go ahead, Commissioner Mitchell.

COMMISSIONER MITCHELL. The thing I can't help but ask you: Here we are looking at the chancellor of the city school system,

the president of the board of education, and the past president of the board of education. Who are you going to ask for any change in the rules?

MR. SCRIBNER. Let me give you one or two examples. We would have to go to the same place that the power structure goes to when they want to get us limited in our opportunity to move, and that's to the legislature. We have more legislative control placed on New York City than we have the rest of the State.

COMMISSIONER MITCHELL. Chancellor, the legislature didn't negotiate that union contract.

MR. ROBINSON. We haven't spoken of union contract when we speak of these impediments. We are speaking of law.

MR. SCRIBNER. It's not the union contract that does it. The union may support that legislation, but the legislation came out of the legislature and has mandated the board of examiners with the rules and regulations about which we are speaking.

COMMISSIONER MITCHELL. So your problems are primarily those caused by the State legislature, correct?

MR. SCRIBNER. That would be a part of it.

MR. MONSERRAT. There's a whole slew of these things. One is that we do have State mandated regulations, and when we have some questions about them the legislature will act.

For example, we had some questions about four high schools. We had some questions about the examinations that were being given to permit certain youngsters to go into those schools.

Well, when there seemed to be a possibility that this board and the chancellor might possibly take some action in that regard, a State law was passed to prohibit us from touching those four schools. That's a State legislature acting in relation to four specific high schools in the city of New York.

We move from here in any number of areas in which some of our community friends say to me: "You're president, you have the power, you ought to be able to change."

Well, we are glad for you to see the kind of power that really exists in what for us is a situation not where we can really make some necessary changes and valuable changes in education. We spend most of our time fighting the laws and the power brokers, and no one understands why we really can't take steps.

COMMISSIONER MITCHELL. You are saying the board of education in the city of New York can't run the schools in the city of New York, that primarily they are being run by the State legislature.

MR. MONSERRAT. Not the way we'd like to.

MR. ROBINSON. We have special legislation passed for New York City in almost every area. Mr. Monserrat spoke of the problem we faced in just examining whether there is discrimination between Puerto Ricans and black students getting into the specialized high schools. Immediately a big debate and a law came

out against any effort to change, if we found any reason for changing, the testing procedure.

Now, when we start speaking of appointing principals to schools and trying to bring about flexibility, in the interim while the court is deciding the merits of the case, we have many laws that are in Albany now to be debated on whether or not a merit system such as this should be permitted. And we call this real merit because you are basing it on the person's capability and his track record, rather than his ability to sit and pass an examination.

MR. SCRIBNER. Let me fill that in for you just a little bit because you are talking about two agencies here, namely the board of education.

I think it might be of some surprise to you—it was to me—that New York City in many ways has some policies that are more outreached to them than any other community in which I've worked.

For instance, this board of education says that when you have a principalship vacancy in your school, that before you can fill it you must consult with the parents of that school, the PA organization. That's great. But you see, now comes the legislature, with the board of examiners and all their rules and regulations, and though the parents are consulting and are going to have a right to say something about the man going in there or the woman going in there, they are limited. There may not be anybody in that pool that reflects the community, because the pool is limited by the restrictions placed on it by the board of examiners.

Do I make my point to you?

Chairman HESBURGH. Dr. Horn wants to follow that up.

VICE CHAIRMAN HORN. Let me follow up on that, Chancellor. As I understand it, the board of examiners under State law is really unique to the New York City situation. Are there any other cities in the State of New York that also have boards of examiners?

MR. ROBINSON. None other.

MR. SCRIBNER. I believe Buffalo did, but it has been relaxed a great deal, especially in the supervisory category, as I understand.

VICE CHAIRMAN HORN. Presumably the theory at one time, which might have applied a half-century ago, was to try and have merit rather than, say, political patronage appointment.

Now, has the board thought of asking its legal counsel to go into court and try to wipe out this particular law as being a denial of equal protection of the laws to the city of New York since that type of policy is not imposed on any other jurisdiction in the State of New York?

MR. ROBINSON. We have tried for several years to take it back to the legislature to get it knocked out and have failed each time.

VICE CHAIRMAN HORN. But if you can't win in the legislature, have you tried going to the courts to get it knocked out because it's not imposed on any other city in the State of New York.

MR. ROBINSON. It's in the court now.

MR. MONSERRAT. I don't really think the chancellor should be asked to answer that question, that being a policy question more than an administrative one.

Number one, I think we are the only board that's been on record, and we are on record on two or three bills, indicating our opposition to the manner in which the present board of examiners is set up.

And, number two, on a number of occasions where there have been legal actions, we have also taken certain positions in regard to this which would indicate our opposition.

I don't know, I frankly don't know—and you have suggested some—I don't know that we as a board could take this kind of legal action as an entity, if you will, of the State in this sense, because you know we are not only a city agency, we are also a State agency.

And so I think we made our position clear on this, but perhaps what you're saying might be another road.

VICE CHAIRMAN HORN. Well, I think some citizen suits might be in order.

MR. SCRIBNER. May I fill out a little more, one that does not speak to possibly policy, but one that's reaction to a policy.

When the decentralization law came into being, the legislature in its wisdom decided that the community superintendent could be taken off without any reference to the board of examiners. You had to have certification within the State. That is the highest leader now out in those 31 community boards.

It also said in its wisdom that when the school got down below so that 40 percent of the youngsters were reading below grade, that then they could go to other routes, namely the National Teacher Examination, or through a special examination by the board of education for qualifying people.

But now listen to what happened. When they said they could take the National Teacher Exam as the basis for making them eligible, they said you can do it, I think it's from something like February 1st through April 30th—October—after school starts, in other words, and down until the time you're ready to hire somebody, is what it really amounts to. And this kind of hypocrisy which says you can follow this route for a while but don't follow it when you come down to the real true employment season, doesn't really speak to youngsters; it speaks to our adult population, I believe.

MR. MONSERRAT. I think the issue really is worse. I think what it's saying here is the following. You have a system which provides you to get teachers. Now, under this system, the teachers and

the supervisors have taken some tests; they have had certain experience, they have had certain qualifications, and they are the best people who can teach the children.

However, if those teachers who are the best who can teach your children can't teach your children, and if you have a school in which 40 percent are below the reading level, then since evidently those who are supposed to be the best teachers that are supposed to teach your kids can't do it, then you can go out and get somebody else, provided of course you get somebody else during the period of time when you can't hire.

So this is what we are involved in.

VICE CHAIRMAN HORN. I think that's an excellent statement. The same thought came to mind. It shows that right within the system they admit when they can't succeed through all the stringent requirements and hundred-plus licenses, that they throw up their hands and say: "Okay, get somebody who is a successful teacher to solve the problem." And it's the very admission that their own system has really prevented successful teachers from being brought in.

MR. ROBINSON. Dr. Horn, there are over a thousand different licenses.

COMMISSIONER RUIZ. May I ask a question? It was stated you are running one of the largest corporations in the world—\$2 billion. It was earlier stated that as a preface that statistics have not been given too much attention because, as it was phrased, liars make up statistics, and statistics don't lie, or something along that line.

Now, as a supplement to your own statistics, such as you may have them, would not additional statistics be useful that may come out of a hearing such as this in getting perhaps some flexibility by the legislature?

MR. ROBINSON. Are you suggesting your statistics would be more valid than ours?

COMMISSIONER RUIZ. No, we are getting our statistics from you so that they could be analyzed, and then certain conclusions are made.

MR. ROBINSON. I have great fear in using figures when you find systems have not been established to really validate information. As Joe pointed out earlier, it took us a year to ask the questions. And having been able to get to that point, you try to develop systems to get the information and validate that information on which to make the management decisions.

I don't think we have gotten to the point where I personally am confident in our ability to say that this figure is gospel.

COMMISSIONER RUIZ. Now, I gather that you have been a critic of the education system for failing to educate Puerto Rican children, and I have heard that one of the options is to break down



the laws of New York State and the laws of New York and change the laws.

I assume that the State legislature in its wisdom, as you have stated, must be interested in hard facts and hard statistics. I assume that they, as you have stated, are reasonable men. If for the last 20 years we haven't given them any statistics, don't you feel that we should press this and give it high priority so that the State legislators can have hard facts and hard statistics.

And let me go just one step further. It's very easy to say, let's break down the law in the sense of changing it. I also have listened to the additional element that there is an internal mechanism that must be based upon contract negotiating. If that be true, is that an aside? Is that a collateral element? Is that something under your control? Is that something that the State legislature controls? Or do you gentlemen control it?

MR. MONSERRAT. Commissioner, I think you have raised three very broad issues. Let me try to take them one at a time.

Number one, I don't think that further refinement of the data is going to really make any basic change. I think everyone in this State and everyone in this city, if there is one thing that you almost get unilateral agreement on it is that our school system is failing its children. Everyone will admit to this.

Now, they have different reasons for believing that this is so. And one of the problems comes to this. The reality is, we don't even know what our kids know, and we don't know how they learn it. But we do know that in some places the reason for the failure of the schools is not the school's structure but is the kids. And that usually happens where minority group kids are involved. The reason why the kids can't learn is because their parents don't encourage them to read. Well, it sounds as if the parents do the teaching.

I have been to middle class homes with books, but most of the books I've seen there were used for decorations and not necessarily for reading.

What I'm trying to say is the statistics are not going to change some of the built-in vested interests and other realities of the system we have around us.

Let's take a look at New York City. In the first place, it's been in the last 20 years, because of various changes in migration, et-cetera, that the pattern of the structure of the schools in New York City is changed. Now, New York City schools aren't any worse today than they have been before. New York City schools used to have a 90 percent dropout in high schools, kids in 1900. Schools of the city have never done anything for the poor—no poor. The difference is that today, unlike yesterday, our kids can't afford just to fall out of school, because we now live in a society in which if you don't have the certification you don't get the job. So

that whereas in the past many youngsters fell out of school, and the school was an elite situation, now we don't have that.

Now, the system that was used to teach in an elite system, in an elite situation, is still being used to try to make it work today, and it isn't. So, consequently, what we have is a situation which requires change but which no one is willing to change, flexibly and properly. There could have been a role for the board of examiners positively, but they won't move.

And once upon a time in this city—the history of the board of examiners is a very interesting one. And since we are talking ethnically, let me speak ethnically in danger of being called something later, but I think we ought to put the truth before you.

When the board of examiners was set up in 1898—and it's that long ago—when at that time the majority of the teachers in the school system were of Irish extraction, and when the Irish group controlled the board of examiners, the then new immigrants of the period, the Puerto Rican of those days, who happened to be the Jewish immigrants of Southern Europe, couldn't get into teaching because the examiners wouldn't let them. They had to go take speech courses. They had to do any number of things to get into education.

Now they never learned the lesson, and the lesson they didn't learn is when they had to break down the system in order to get in, there are people now who are building up the system which is forcing the rest of the community to attempt to break it down instead of using it or making it better in order for them to get in. That's part of the structure and the problem in New York.

COMMISSIONER RUIZ. Is that the reason you say new laws must be passed because we are predicating our conduct now on an elite system that was functioning 70 and 75 years ago?

MR. MONSERRAT. Yes, sir. That's part of it.

COMMISSIONER RUIZ. Is another part in the making of priorities? For example, it has been stated there is not enough money. When there is not enough money in a bankruptcy case, the law says there is certain priority with respect to certain creditors. If it is simply a question of not having money, how do we get those priorities away from the elite system?

MR. MONSERRAT. We get very involved. What I'm trying to indicate here is the following.

CHAIRMAN HESBURGH. Just a minute. Would the Marshal please find out where the music is coming from and try to get it somewhere else.

Go ahead, sir.

MR. MONSERRAT. What I'm trying to indicate is a series of things when you speak about the union, etcetera. There are certain structures that have been established within the system, for good or bad reasons. They probably had a good reason at a given time. But some of these things must and should be changed now.

The trouble is that changing them requires a series of changes which—well, for example, attendance officers, the whole question of attendance is by law, not by our determination as a board as to what it should do. Now part of this in New York City depends upon who has the most political clout. And I can assure you that the Puerto Rican community and the black community does not have the numbers of paid lobbyists that continuously patrol the halls of the assembly and senate of this State, and we see them every time we go there.

Like anywhere else, it's the question of the political clout, and in some instances our community as yet has not been able to deliver in any meaningful way—it will but it hasn't as yet—that kind of political clout to have a reaction to it.

COMMISSIONER RUIZ. Is the priority then, one of the priorities, developing political clout?

MR. MONSERRAT. Absolutely. This community can only defend itself that way.

MR. ROBINSON. I don't know that that is necessary if those persons that you have described, well meaning, having the interests of young people at heart, would permit the kinds of changes necessary to make possible the accountability and responsibility on the local level.

Now, if the local schools cannot hire the people they need, after going through their own processes of screening to select the best people in their judgment to do the job, then they have no accountability. They are dependent, then, upon someone else certifying people and sending them over and saying you must hire them, except if your school is below a certain percentile. I think this is an impediment to the interests of the young people they claim to serve.

Now, this is just one aspect of the total problem of where laws could be changed to provide for effective decentralization. The clout that we raised the last time was because of the demonstration districts, as you know, in New York City that moved us to the consideration of another alternative, and the alternative happens to turn out to be decentralization, basically administrative decentralization, and very little actual gut control where it counts.

MR. MONSERRAT. The means have become more important than the ends, and all of the discussion is around the means rather than the end product. And so all of the time we are fighting a structure which supposedly provides the means to an end which, namely, means the education of the children. But frankly, in our discussions and in our problems, the education of children seems to take second place or third place, and the total discussions around structure and means is the major time occupier and money spender, unfortunately.

CHAIRMAN HESBURGH. Mr. Monserrat, may I ask you two questions.

First, if you had more flexibility, can you think of things you could do immediately to better the education of these youngsters, putting them in the first focus.

MR. MONSERRAT. Yes.

CHAIRMAN HESBURGH. And do you think decentralization means anything if you don't control personnel?

MR. MONSERRAT. I think that there are variations to the controlling of personnel. I know it doesn't mean anything if they can't do it now, under the present status. There may be other possibilities, but absolutely it doesn't mean anything now unless that happens.

CHAIRMAN HESBURGH. I heard someone in this town decided he was going to go out and get a bunch of returning Peace Corps volunteers, who all knew Spanish, and put them in the schools immediately. He was told he can't do it.

MR. MONSERRAT. That may or may not be good, but the point is no, he can't.

COMMISSIONER FREEMAN. Mr. Monserrat or Mr. Robinson, what would you consider to be an ideal structure for the education of the children in this city?

MR. MONSERRAT. What would I consider to be ideal? Oh, I can really get idealistic on that, and very simply. It's very simple, too, for me, but like all simple things, I think it is very, very difficult.

I believe that ideally every teacher should have within her command those facilities that she requires to meet the individual education need of each child in her class. I don't think this happens. In other words, what I am saying is that a classroom of children has 25 or 30 or 40 different individuals with individual needs, and we find that quite frequently—I speak to guidance counselors who can't do a better job because they have no place to refer their children.

We talk a lot about education in our country and in our city. I don't really think we believe in it. When it comes to bond issues for bettering education in community after community across the country, we don't put our money there. When it comes to the budget of the board of education, and we request what we need as a minimum, the cuts we get are enormous.

But I really think that if we believe in the fact that education is for the youngster, and if we can provide that teacher in the classroom—because I don't believe it's going to be telephone machines and talking machines; it's going to be the teacher in the long run who is going to answer—then I think we are going to have to get some teachers who believe in children, who believe in the children they are teaching—and a lot of our teachers do but I'm afraid some of them don't—I believe we are going to have to believe in the fact our kids can succeed. I think we are

going to have to stop being afraid of our children because I believe we live in a society in which adults are afraid of children, and any kind of a society like that is sick and we see this in the classroom. I think we've got to find a place where we can create a belief and a confidence in the ability of kids to succeed. I don't think we have that belief in our children.

CHAIRMAN HESBURGH. Thank you, sir.

Mr. Buggs wants a question, and then we are going to conclude this part.

MR. BUGGS. Chancellor Scribner, we understand that for this present school year the board of education requested of the city a little better than \$2 million for bilingual programs, including persons who could teach English as a Second Language, and community relations teachers, and paraprofessionals fluent in Spanish, and that was eliminated from the budget. But for the coming school year, you have asked the city for almost \$12 million. What do you think your chances are of getting it?

MR. SCRIBNER. Well, I would have to say since it's public that I think they're great, we are going to get every dollar. Now that I've said that I'm a little less enchanted by our prospects. But, there again, that should not prevent us from doing some of the kinds of things that need to be done if we could put that as our top priority and concern. We may be spending many other dollars in other ways that ought to come second on the list, rather than that one, and if we could get some of this flexibility we are talking about, then I think we could reorder some of our inhouse priorities.

CHAIRMAN HESBURGH. Mr. Chancellor, do you think New York City ought to get a little special help from the Federal Government since it's a port of entry for the whole country?

MR. SCRIBNER. No question about it, Father. I think it's about time this country came to learn, the State government came to learn, the Federal Government came to learn, that what you just said is probably the fact of the case, and we do need this extra help. Because as I say to the businessmen of this city almost every day, we are not apart from the rest of the country, we are a part of this country, and when we go down this country goes down. And when we go down in this city, the business goes down. It won't be worth commuting to the suburbs at night and back in here the next day.

We have all got a problem. Our problem is people tend to look at the board of education or to me or some other few people and say: "What are you going to do about it?" It's about time we asked ourselves: "What are we going to do about it?"

CHAIRMAN HESBURGH. Thank you very much, gentlemen. You have been very helpful.

Our next witnesses are from the board of education high schools. I assume those are high schools under the board of edu-

cation. Mr. Joseph Zack, Mr. Joseph Brennan, Mr. James Boffman, and Mr Stuart Lucy, please. Mr Powell?

MR. POWELL. Is there one witness missing?

MR. ZACK. Yes, there is. I communicated with your Counsel this morning after I received the message that we would be back on today.

Dr. Lucy is not here. He had scheduled a meeting in the Bronx which he was personally responsible for, a public meeting, and he was unable to break it in time.

I left that word with your secretary at the point when your call came in.

(Whereupon, Mr. Jacob B. Zack, Mr. James Boffman, and Mr. Joseph L. Brennan were sworn by the Chairman and testified as follows:)

TESTIMONY OF MR. JACOB B. ZACK, MR. JAMES BOFFMAN, AND  
MR. JOSEPH L. BRENNAN, NEW YORK, NEW YORK

MR. POWELL. Would you each state your name, address, and occupation for the record?

MR. ZACK. My name is not Joseph but Jacob B. Zack. I am the assistant superintendent and I am the coordinating superintendent in the office of high schools.

MR. BOFFMAN. My name is James Boffman, assistant superintendent, office of high schools, board of education, city of New York in charge of Manhattan High Schools.

MR. BRENNAN. My name is Joseph L. Brennan, assistant superintendent in charge of Staten Island and approximately half of Brooklyn's high schools.

MR. POWELL. Beginning with Mr. Brennan, briefly summarize the responsibilities of your respective positions.

MR. BRENNAN. As all area superintendents, I am assigned in my case 19 high schools, academic and vocational, in Brooklyn and all of Staten Island's high schools. And I supervise the instructional program and all other aspects of the high school's operation through the assistance of a staff of three.

MR. POWELL. Mr. Zack?

MR. ZACK. I am the coordinating superintendent for the office of high schools with very limited direct line responsibility which operates through the individual superintendents.

I do have one high school for which I do have a line authority directly and that is an experimental high school called the John Dewey High School.

MR. POWELL. Mr. Boffman, I take it that your duties are similar to Mr. Brennan's with respect to Manhattan?

MR. BOFFMAN. Yes.

MR. POWELL. Mr. Zack, what is the relationship between assistant superintendents and the principals in the high schools with

respect to such matters as staffing, curriculum, bilingual or second language instruction, use of State and Federal funds?

MR. ZACK. That is a rather inclusive question. Let me begin by saying that in our judgment the high schools are the most decentralized operation of all of the operations of the board of education.

Each of the high schools is encouraged by us to be an individual entity and to meet its own problems as it foresees them on the scene.

Therefore, the principals who operate with consultative councils consisting of students, parents, faculty, and also community members who advise the principal and work with the principal in all areas affecting the school functioning will attempt to meet their own problems directly on the scene.

We are not trying to put our fingers in their mouths. We work with them as hard as we can and as directly as we can and use the line authority when it is called for.

We meet, of course, in conformity with law which you heard explained by the members of the board of education and the chancellor and we, perforce, must conform to the law as it is given to us.

MR. POWELL. Then you would say, would you, that principals have a rather wide discretion in meeting the needs of their students?

MR. ZACK. I definitely say that and they tell us that very frequently.

MR. POWELL. Mr. Zack, extrapolation by Commission staff of board of education source material indicates that about 17 percent of the New York City high school students are Spanish. Other statistics indicate that of the 260,000 Spanish speaking students in the New York system, approximately 95 percent of those students have moderate to severe language difficulties. And this probably accounts for the fact that between the ninth and 12th grades 70 percent of the Puerto Rican students drop out.

To what do you attribute these statistics?

MR. ZACK. Well, I would challenge the statistics as to the extent of the number of youngsters or percentage of Puerto Rican youngsters that are moderately to severely handicapped.

If you are using—I would like to use some symbols which I know you understand. C through F would indicate the degree of difficulty on the part of—if you use A and B that means that they are reasonably and substantially fluent in English and, therefore, can function in the educational setting without qualification.

But when you get to C through F then you find youngsters who are sufficiently inadequately prepared in English so that there is a limitation upon their functioning and instruction. I think that number would be somewhat smaller than the one you quoted.

MR. POWELL. Would C through F be classified as moderate to severe or only severe?

MR. ZACK. I think it would be more than moderate. It would begin to be a handicap in language which is sufficiently severe to cause them to be handicapped.

Now, when you use "moderate", of course, you cover such a wide range that it becomes a little difficult to define.

MR. POWELL. Moderate would make it difficult to progress at the rate of other students, would it not?

MR. ZACK. I think it would be a handicap, yes. Under those circumstances I think we are in common accord, yes.

MR. POWELL. Suffice it to say a very large number of Puerto Rican students, because they are having language problems, are dropping out. To what do you attribute these statistics?

MR. ZACK. Well, the statistics are the result of an examination which is required by the State which defines the range of ability or lack of ability in the handling of English and the—

MR. POWELL. Does it suggest that their needs aren't being met?

MR. ZACK. Well, it would suggest that they are handicapped. And I would not argue with you for a minute that their needs are not being met as well as they should be.

MR. POWELL. Is there a citywide policy for bilingual education or second language instruction for high schools?

MR. ZACK. There is no citywide policy *per se*. Let's take a look at that if we may, Mr. Powell. Of course you had a very articulate youngster here yesterday when we were here all day yesterday who defined some of her understanding of bilingual instruction and I think perhaps we ought to address ourselves to that and have a look at what it means.

There are essentially three factors that I am aware of. One of them is the plural culturalism of our society which I think we are all in accord with. I think Mr. Monserrat from the board of education spoke so eloquently a while ago of the fact that youngsters should not be made ashamed of their background and of their parents. It is an unfortunate development in our public school system, which I can remember as a child as well, that this failure, for example, to use English in your home is something which brought along, at least so far as the youngster perceives it, sneering on the part of others.

I was that youngster, for example, about whom Mr. Monserrat spoke, whose teachers were largely Anglo-Saxon and Irish, if you will, although I must say I found them a rather friendly group of people. But essentially, therefore, the question of relationship to your culture is quite important.

The second is—and this is a factor that needs definition—is the approach now to bilingualism or ESL or any other process, an attempt to maintain the educational growth of the youngster at the same time that you attempt to build a bridge from the back-



ground language of Spanish in this case into English so that they will be equally effective in the English language.

Or, in the alternative, are we now talking about a society which will be multilingual and which will, therefore, function with many languages, each language being the language of the person who so selects it?

Now, I think we need definition of what we mean by bilingualism. If we mean the second of the two, that is a specific function to which we have to address ourselves and I would like to speak on that one.

If it is the third, then it becomes a choice that we have to be prepared to make as a Nation, that we have never done before. And that is that our Nation will have a multiplicity of languages and a multiplicity of users of these languages who do not have to, necessarily, learn another language even though that happens to be the dominant language of the country.

Now, if I can go to the second, the question that arises is: which is the more effective method?

In education we are very frequently given to fads and assume that something is good because it is presumed to be good before we test it out. The question here is: is bilingualism a more effective method of achieving the ends that I have described than, let's say, ESL, or even a proposal made by Dr. Lord who, you may recall, is a very prominent educator, who said in his judgment at one point, and he so advised the board of education, that the whole use of ESL or threshold classes was a detriment to the child because if you introduce him into the culture in which he is going to live—into the language with which he is going to live—promptly and immediately he would make that jump better.

I think he was wrong.

But the fact of the matter is as to whether or not ESL or bilingualism, either one of these methods or any other that we may happen to think of, will achieve these results better is not anything which is statistically, or by research established, at this particular point.

MR. POWELL. I think officials at HEW might feel differently. They have a number of Title VII programs in the Southwest and they maintain that there are data to indicate that bilingual education is effective.

MR. ZACK. If that was sufficiently established—there were local examinations, as I remember, in Dallas and a few other places. If that were well enough established then I think it should become policy as the best method to be used and we would, therefore, very rapidly and desiredly urge it upon our instructional staff.

MR. POWELL. Mr. Brennan, approximately \$12 million of the \$16 million Title I monies used for high schools are used for the College Bound program. Do you think that this use of monies is responsive to the needs of Spanish speaking students?

MR. BRENNAN. Yes, I do. If you define the framework in which you are talking.

MR. POWELL. People with moderate to severe language difficulties.

MR. BRENNAN. So far as moderate to severe language difficulty youngsters are concerned, that would be the Category C to F roughly.

I do not think College Bound is, as a program, responsive adequately to the needs of such youngsters, no.

MR. POWELL. On what level was the decision to use the money for the College Bound program made?

MR. BRENNAN. Those were made at central headquarters level after application, generally speaking, by the schools, the high schools which wanted the program, the principals, the parent-teachers associations, and in connection or in consultation with the assistant superintendent.

The decision is then made as to the allocation of College Bound money.

MR. POWELL. Parents were consulted in the development of this program?

MR. BRENNAN. I really don't know. I have been superintendent in this area for less than—approximately 2 years. The College Bound program was in Eastern District prior to that time.

I instituted College Bound in the high school in which I was—  
(Disturbance from audience.)

CHAIRMAN HESBURGH. Will the Marshals please clear the room of all who are making noise?

(Disturbance continuing.)

CHAIRMAN HESBURGH. I will see you privately later.

(Disturbance continuing.)

CHAIRMAN HESBURGH. John, why don't you send someone down to see what that gentleman wants? Send one of the staff down.

(Disturbance continuing.)

CHAIRMAN HESBURGH. I can't believe this.

(Disturbance continuing.)

CHAIRMAN HESBURGH. If you want to be quiet, sir, you can sit down and be quiet.

(Disturbance continuing.)

CHAIRMAN HESBURGH. I would like to say that no one is being escorted out.

(Disturbance continuing.)

CHAIRMAN HESBURGH. Everyone is noisy. Those who are not seated and quiet will be asked to leave.

(Disturbance continuing.)

VOICE. I think that is a fake.

VOICE. I think so, too.

VOICE. We have got to get order here.

(Disturbance continuing.)

VOICE. That's for the television.

(Disturbance continuing.)

CHAIRMAN HESBURGH. Ladies and gentlemen, those who would like to follow the hearing, just be seated and be quiet and those who are on their feet will be asked to go.

(Disturbance continuing.)

VOICE. Here we go.

(Disturbance continuing.)

CHAIRMAN HESBURGH. We sure have a yeller down there.

(Disturbance continuing.)

CHAIRMAN HESBURGH. Ladies and gentlemen. Ladies and gentlemen. Ladies and gentlemen, we would like to continue the hearing now.

Ladies and gentlemen, would you please be seated so that we can continue the hearing.

(Disturbance continuing.)

CHAIRMAN HESBURGH. Ladies and gentlemen, would you please be seated so we can continue the hearing. Those who are not seated and who are talking can please leave.

We will now continue the hearing. Please quiet down.

All right, Mr. Powell, start out.

MR. POWELL. Mr. Boffman, another very serious problem in the high schools. We have heard testimony—

(Disturbance continuing.)

MR. POWELL. We have heard testimony that another very serious problem in the high schools is poor counseling.

(Disturbance continuing.)

MR. POWELL. Can you hear me? We have heard testimony that another very serious problem in the high schools is poor counseling. Why aren't there more Puerto Rican or Hispanic Spanish speaking or other bilingual guidance counselors? Are the requirements too rigid?

(Disturbance continuing.)

MR. POWELL. Are the requirements too rigid? Why aren't there more Hispanic and bilingual guidance counselors?

MR. BOFFMAN. I think the position of counselor is of recent vintage and I think that there will be an increase in the bilingual counselor or guidance counselor in the high schools in the near future.

There was not always a bilingual license as a counselor and that is newly established.

It is quite possible that the reason they had so few before is because of the examination system which prevented the offering of those candidates who might have known the second language very well. In other words, they did not—they were not able to recruit from that particular population enough people to fill the vacancies.

But I think an earnest attempt is being made now to get more bilingual counselors. We do have that position now.

MR. POWELL. Mr. Zack, now that the legal status of the examination for principals and assistant principals is somewhat in doubt, what are the requirements for principals? How are principals being selected?

MR. ZACK. Whether the court suspends it or not you must remember that we are bound by the department of State regulations as to who is eligible for licensing. Those are the minimal standards. And the standards, therefore, for the people who will apply for high school principalships under this acting status is that they meet either of two qualifications—

MR. POWELL. Do they still have to be drawn from lists?

MR. ZACK. No. No. But they do have to be qualified under the State regulations as to who may be a high school principal.

MR. POWELL. Mr. Chairman, I have no further questions.

CHAIRMAN HESBURGH. Dr. Mitchell, do you have any questions?

COMMISSIONER MITCHELL. No questions.

MR. ZACK. May I have a moment?

CHAIRMAN HESBURGH. Surely.

MR. ZACK. Ladies and gentlemen, I want to tell you that I understand fully the significance of bilingualism. I was married in the State of New Mexico where the marriage was performed in Spanish. My brother did the English part of it.

CHAIRMAN HESBURGH. Do you have any questions?

VOICE. No.

CHAIRMAN HESBURGH. Gentlemen, we appreciate very much your coming and helping us today. You can step down now.

I would like to ask Mr. Herman LaFontaine and Miss Awilda Orta to please come to the stand and be sworn. And Senor Hernandez. And Dr. Alfredo Mathew.

Mr. Herman LaFontaine, Miss Awilda Orta, and Mr. Marco Hernandez.

VOICE FROM AUDIENCE. Mr. Chairman, they were arrested.

CHAIRMAN HESBURGH. No one was arrested. People were just asked to leave.

Is Mr. Marco Hernandez in the audience, please?

Ladies and gentlemen. Mr. Hernandez is here. Here he comes. (Disturbance from audience.)

VICE CHAIRMAN HORN. The witness is being intimidated from the audience here. I hope you will have the person removed if he intimidates the witness again.

CHAIRMAN HESBURGH. I would like to say again to our Marshals that anyone who yells out again from the audience is to be asked to leave the hall immediately. With no exceptions.

Mr. Hernandez, we are happy you are with us. We would like to have some testimony from you.

(Whereupon, Mr. Marco Antonio Hernandez was sworn by the Chairman and testified as follows :)

TESTIMONY OF MR. MARCO ANTONIO HERNANDEZ, ACTING PRINCIPAL, EASTERN DISTRICT HIGH SCHOOL, BROOKLYN, NEW YORK

MR. POWELL. Would you please state your name, address, and occupation for the record?

MR. HERNANDEZ. My name is Marco Antonio Hernandez, acting principal of Eastern District High School.

MR. POWELL. Where is your high school located and what is the ethnic breakdown of the community in the high school?

Did you hear the question, Mr. Hernandez? Where is your high school located and what is the ethnic breakdown of the community in the high school?

MR. HERNANDEZ. My high school is located in the Williamsburg area of Brooklyn. The ethnic breakdown of the school is approximately 60 percent Puerto Rican, 25 to 30 percent black, and about 10 percent others.

MR. POWELL. Are there bilingual programs in your school?

MR. HERNANDEZ. The present program that we have developed this term did not exist last year. What we have done is to reorganize—

CHAIRMAN HESBURGH. Mr. Hernandez, I am sorry to interrupt you, but we will have to ask everyone to clear the room for a few moments while it is searched.

Would you please all file out quietly and in order? You can come back in 10 minutes.

CHAIRMAN HESBURGH. Would Assistant Attorney General Taggart Adams report to Mr. Snow in the back room? I would like to ask Mr. Marco Hernandez and Miss Awilda Orta to please come forward.

Carlos, would you please get Marco Hernandez and Awilda Orta? I believe they are outside the door.

Dr. Murray Rockowitz is he here? Will you come forward, Dr. Rockowitz?

(Whereupon, Dr. Murray Rockowitz was sworn by the Chairman and testified as follows :)

TESTIMONY OF DR. MURRAY ROCKOWITZ, CHAIRMAN, NEW YORK CITY BOARD OF EXAMINERS

MR. POWELL. Mr. Rockowitz, would you please state your name, address, and occupation for the record?

DR. ROCKOWITZ. Yes. My name is Dr. Murray Rockowitz. I am the chairman of the New York City Board of Examiners.

(Disturbance from audience.)

MR. POWELL. Would you briefly—

CHAIRMAN HESBURGH. I think it unfair to persecute a witness. Besides, there is a law against it. Please refrain from persecuting the witness.

MR. POWELL. Would you briefly explain the function of the board of examiners?

DR. ROCKOWITZ. Yes, Mr. Powell.

The 74-year-old board of examiners came into being as a result of the State constitution of New York which in 1894, in Article V, Section 6, required that examinations for positions in public service be given, positions be filled on the basis of merit and fitness by competitive examination so far as practicable.

In 1898 when the current organization of New York City took place the board of examiners was established. And I may say parenthetically that in its 74-year-old history in a city whose history has been punctuated from time to time with scandal the board of examiners has never had a single challenge to its integrity in the conduct of the examinations.

Its function is statutory. It is to conduct examinations for teaching in supervisory positions in the pedagogical service in New York City and to prepare eligible lists on the basis of those examinations.

That, essentially, Mr. Powell, is the function.

MR. POWELL. What exactly are these examinations supposed to measure? Is the emphasis on subject matter or do they attempt to screen out those people who are not good at teaching?

DR. ROCKOWITZ. The nature of the examination is indicated by the scope of the examination and the scope of the examination is published in advance of the examination so that all candidates can know what the examination will consist of.

If I may take a sample scope here from the examination for bilingual teacher of common branches, Spanish, the written test consists of short-answer questions that deal with the content of the elementary school curriculum, background needed to enrich the teaching of common branch subjects, the applications or relations needed to insure proper emphasis in teaching; the basic pedagogical concepts which form the foundation for instruction, professional problems in the field of education with particular emphasis upon principles, practices, procedures, materials, and methods in elementary education; the informational background expected of a bilingual teacher in New York City. That is, for example, the history and culture of Puerto Rico, Hispanic culture, and cultural and social and economic educational aspects of life in New York City.

An essay question is given.

Now, let me state that the board of examiners has pioneered in the fact that the applicant can choose to answer these questions from a Spanish text or an English text.

He, also, when he answers in Spanish, is asked to write an essay in English. If he answers in English he is asked to write an essay in written Spanish. And a satisfactory grade is required in that. That part of the examination is not competitive.

The interview test is conducted in two parts. Fifty percent of the interview test is in Spanish and 50 percent of the interview test is in English. The applicant can get as low as 50 percent in the English part and still pass the test if he gets a rating of 70 in the Spanish part because it is a weighted average of the two parts, a minimum of 50 in each with an average of 60.

Now, this interview test measures a number of factors that the written test cannot measure. The rating sheet, which I have before me here, indicates that these are the criteria that are involved, let's say, in the Spanish subtest of the bilingual teacher exam for common branches in early childhood classes:

Command of the foreign language; understanding of problems related to bilingual instruction; understanding of cultural background of bilingual children; ability to establish rapport with bilingual children, parents, and colleagues; sensitivity to needs of bilingual children; understanding of interpersonal aspects of problems and proposals affecting bilingual children; and so on.

I may say that we have gone beyond any mandate. In the coming examination for guidance counselor bilingual, we are affording the applicants the choice of language in which they may answer their questions and this is not bound upon us by any law of the land. This is our own desire to enhance opportunity for people with bilingual backgrounds in Spanish to enter the New York City School System.

Let me say this: that in the 74-year history of the New York City schools there has been in microcosm the history of the United States in these successive waves of immigrants who have found their way into the New York City public schools as a result of an objective system of merit and fitness administered by the board of examiners.

At the turn of the century, first it was the Irish, and they were succeeded in turn by Italian groups and Jewish groups. And now black and Puerto Rican applicants are coming in in increasing numbers, because of the special efforts on our part. This is the first group of examinations of any testing agency that has made available to applicants the opportunity to answer the questions on an equal basis, 50-50, in the language of Spanish.

MR. POWELL. What weight is given to knowledge of the cultural background of a second culture?

DR. ROCKOWITZ. It is tested in the written examination which

is 60 percent of the total 100 percent of the scope. I can leave these documents with you, Mr. Powell—

MR. POWELL. We would be glad to receive them.

DR. ROCKOWITZ. —which are the last examinations that we gave. And I can give you some indication of some of the questions without reading them all.

The Day of the Americans, Pan American Day, is celebrated on:

The great narrator of the conquest of Mexico was:

Puerto Rico's famous Parque de Bombas Firehouse, which is converted into a museum is located in the city of:

The first Governor of Puerto Rico was:

A famous theater in San Juan where theatrical works and concerns are presented is:

Puerto Rico's famous church—

MR. POWELL. We will be glad to receive those in the record.

(Whereupon, the documents referred to were marked Exhibit No. 7 and received in evidence.)

DR. ROCKOWITZ. Yes, sir.

MR. POWELL. Mr. Rockowitz, does the board of examiners keep track of those taking the test and passing and failing, the annual appointments, by ethnic background?

DR. ROCKOWITZ. No, by New York State law we are not allowed to inquire into the ethnic background of the applicants for positions in our school system.

MR. POWELL. Now, I didn't say that. Does the law prevent you in carrying out an affirmative equal employment action policy to make a record of the number of people by ethnic background taking the exam, the number of people by ethnic background passing the exam, the number of people by ethnic background failing the exam?

This is not a condition. We are not inquiring about ethnic background for any other purpose than to see what effect your examinations are having. Does the law prevent you from doing that?

DR. ROCKOWITZ. Well, I am not familiar with the law. We have not invoked that option.

MR. POWELL. Well, you can't very well determine the impact of your examinations in this regard unless you keep such records, can you?

DR. ROCKOWITZ. I would say so. There are some tangential methods in State surveys that provide some evidence on this. Those are conducted by the board of education, however, and not by the board of examiners.

MR. POWELL. Well, the board of examiners probably has that authority, does it not?

DR. ROCKOWITZ. I would have to ask Counsel on that. I have no idea.

MR. POWELL. Mr. Chairman, I have no further questions.



CHAIRMAN HESBURGH. I would just like to add to your last question that we run into the same problem all around the country, Mr. Rockowitz. We can't tell how well we are doing unless we keep count. While there was a day when keeping count of people by ethnic background was perhaps used in a discriminatory fashion, today we, as a Commission, have found that we have to have these kinds of counts to find out if we are making any progress. And we have a long way to go in this area.

Dr. Horn?

VICE CHAIRMAN HORN. Let me ask you, Dr. Rockowitz, am I correct in saying that New York City is the only jurisdiction within the State of New York that has a group similar to yours, a board of examiners that in a sense is an additional hurdle to being able to teach in the jurisdiction which other cities and teachers in other cities do not have to pass, they merely need the appropriate State credentials?

DR. ROCKOWITZ. Your word "hurdle" I think is a loaded word. I would say that the law—

VICE CHAIRMAN HORN. An additional step then.

DR. ROCKOWITZ. Yes, it is an additional step. We have found, and there has been very grave criticism in recent reports to the legislature and elsewhere, that State certification is hardly adequate. It simply means the candidates have taken a number of courses. They may not have been seen by anyone prior to receiving State certification by the State. And so the legislature prescribed that New York City and Buffalo in New York State—the two largest cities in the State—are the cities which have boards of examiners for education. The appropriate paragraph in the State law is Paragraph 2569 of the State Education Law.

VICE CHAIRMAN HORN. Are you saying that a teacher, to teach in jurisdictions other than New York City, does not have to pass any examination besides the appropriate courses in a school of education?

DR. ROCKOWITZ. That's right.

VICE CHAIRMAN HORN. In other words, if you take the appropriate courses you automatically can become a teacher in other parts of New York State?

DR. ROCKOWITZ. You become what is called a provisional teacher. You are certified provisionally. Upon completion of a master's degree you are certified—with a year of teaching you are certified as a permanent teacher with a permanent certificate.

VICE CHAIRMAN HORN. Okay. With a master's degree you can get a permanent certificate without going through the various examinations that you administer in other parts of New York State?

DR. ROCKOWITZ. That's right.

VICE CHAIRMAN HORN. How many examinations do you administer in all? Different ones.

DR. ROCKOWITZ. In any given year we administer some 70 to 75 different examinations.

VICE CHAIRMAN HORN. Well, what is your total range? What is the total different number, like assistant principal and all? What is the total different number?

DR. ROCKOWITZ. Dr. Horn, there is another area, by the way, that I didn't refer to earlier. Under Federal programs and State subsidized programs there are issued by the board of examiners upon request of the department of personnel in response to requests which originate with the communities using these funds, so called certificates of competency. And these titles are involved in the manpower program, the welfare education program, the adult community programs, and these also involve interviews conducted by the board of examiners.

I have here a list of—for the last year in the manpower program, assistance in guidance, classroom interpreter, instructors and—

VICE CHAIRMAN HORN. Well, how many? What is the total figure that you administer of different types of examinations that you are responsible for compiling, that either might be given during 1 year or during a 5-year period?

DR. ROCKOWITZ. Within a 5-year period, several hundred.

VICE CHAIRMAN HORN. Several hundred different examinations.

Now, to what extent do you try to get those examinations to be actually related to the work to be done and validate those examinations in terms of success of—say you are picking an assistant principal, for example; do you ever try to test out those who have passed your examination with certain scores as to whether they, based on job evaluation, turn out to be the most successful assistant principal or the least successful assistant principal? Do you have any statistical evidence as to the relationship between a score on your examination and the actual success of the person on the job for that or any other exam?

DR. ROCKOWITZ. What we have done is rely upon what is called, technically, content validity. We construct an examination with the use of experts in each field of endeavor and these examinations are related to specific statements of the duties of the job that are prepared for us by the chancellor or his representatives.

The duties of the position are detailed and they indicate what is expected of each person on the job. The questions are then prepared by experts in the field relating the questions in the examination to the duties of the position.

VICE CHAIRMAN HORN. Let me ask you this. Let's take the duties of the position of assistant principal. Could you tell me what duty the following question relates to? It is Question 158 from a recent examination for assistant principal in a junior high school given by your agency.

Question 158. The Island—

DR. ROCKOWITZ. May I, before you read the question, Dr. Horn, I think it is established test practice that the taking of one short-answer question from a constellation of 150 or more hardly constitutes an examination of the test.

Furthermore, the assistant principal has, as his major duty in instruction entering classrooms, observing the teaching of the teachers and helping those teachers to teach better. He is a teacher of teachers and if you are referring to a 1968 assistant principal's examination for junior high schools, which was the last one that we gave that required short-answer content questions, the basis for those questions is that one can hardly expect an assistant principal to walk into a classroom in which the Archimedes Principle in science is being taught, for example, and to have no knowledge of the science curriculum whatsoever. And so we design a broad spectrum of at least 150 questions, and probably more, in each examination—we used to—for assistant principals, not for the top position, because principals nowadays have all they can do to run the school and they become less involved in the actual entering of the classroom to observe and confer with teachers. That has been designated to the assistant principals.

We justify the inclusion of the short-answer questions on the grounds that these materials are in the curriculum and that assistant principals are responsible for that.

Now, I don't admit to infallibility or to perfection. No examination is perfect. There may be questions here and there where the relationship may seem to be not apparent at the outset. But if we are going to play the game of I will pick a question and you justify a single short-answer question, I don't choose to enter into it.

I think it is much more important to look at the entire examination and see what it is achieving.

I came here today to talk about the opportunities afforded by the board of examiners to people of Hispanic background to enter the school system by taking an examination in the Spanish language and by qualifying for certificates of competency in myriads of titles, instructor of Spanish teachers, instructors in high school redirection, instructor street worker, instructor narcotics coordinator, instructor of Hispanic culture, instructor of Puerto Rican culture and heritage, of bilingual professional assistance and so on.

These are all new ground in the licensing and certification of people of Hispanic background and I know what was said about the board of examiners earlier today in broad outline and I say this: I do not believe that this organization which has been the open door policy to the New York City schools for 74 years will be any different for any other group than it has been for the groups that preceded them. These conscious efforts are shown

here in these documents to open the door wide to people of Hispanic background to positions.

VICE CHAIRMAN HORN. Are you saying that you are no longer administering examinations for the assistant principal in the junior high school that have this specific type of question? You mentioned 1968. Do you now give a different type of examination? Is this an unfair thing, to pick out various questions from that particular examination?

DR. ROCKOWITZ. I can say—yes. I can say that the tendency is away from the short-answer question to short situational essays.

VICE CHAIRMAN HORN. Sort of a case study. What would you do if a teacher did thus and so?

DR. ROCKOWITZ. Yes, that's right. That is the trend. The last principal's examination for elementary schools—let me talk to that one for a moment. We were ready to promulgate a list for elementary school principal in New York City and Mr. Powell mentioned—I forgot the name of the specific permission that had to be sought for the purpose of getting these ethnic data.

VICE CHAIRMAN HORN. You mean a State FEPC rule against compiling such data?

DR. ROCKOWITZ. No, no, no, no. I am talking about Mr. Powell mentioned the fact that it would be possible to compile those statistics if we had some valid purpose for it.

MR. POWELL. Yes, I think that's correct. I understand that's correct, yes.

DR. ROCKOWITZ. Well, we only have partial statistics on that examination because the court didn't order a kind of ethnic survey with respect to certain examinations that we conducted for supervisory positions.

VICE CHAIRMAN HORN. Let me ask just a minute, Dr. Rockowitz, so I make sure the record is very clear: this exam I refer you to, you put a date on it, '68. Is there still a list of people that are available based on that '68 examination?

DR. ROCKOWITZ. Part of list, yes, Doctor.

VICE CHAIRMAN HORN. And yet you changed your examination. Don't you think it would be appropriate to really wipe that list clean and start with the new type of examination since obviously you are moving away from this specific sort of abstract intellectualism to a more case study basis?

DR. ROCKOWITZ. It is not abstract intellectualism. It is knowledge of the curriculum of the schools.

Now, that list which was promulgated started out as an open competitive list and as an open competitive list we promulgated it with marks in ranked order. The legislature changed that to an open qualifying list so that anyone could be chosen from that list and appointed without regard to the mark he achieved.

Now, that list has a 4-year validity according to State law. When and if that law expires it can only—that list can only be ex-

tended by act of the State legislature—then that list will die and another examination will be ordered by the chancellor, purportedly.

VICE CHAIRMAN HORN. Let me ask you one last question. How many of the various examinations that you give do you feel it would either be feasible or appropriate to get work-related information as to the success or failure of the individual on the job and relate them to the score they made on passing those examinations so that you could use the examination as a predictive factor in terms of the success of the individual in whatever role you are testing for?

Do you feel there are many areas under your jurisdiction where this type of approach could be taken or is this an impossible thing to ask?

DR. ROCKOWITZ. I think that the word “impossible” is very strong, Dr. Horn. I would say that it is extremely difficult because when a candidate is licensed in a position as assistant principal it is very difficult to predict how this candidate will perform in a given community of New York City with its enormous diversity.

I think you will admit that it is very, very possible that a candidate will excel in one kind of community and not be successful in another.

I would say that what you have posited is an ideal; namely, that ultimately we would work out performance criteria against which the grades on the examination can be checked. And that is something that we are getting into.

VICE CHAIRMAN HORN. Thank you.

CHAIRMAN HESBURGH. Dr. Mitchell?

COMMISSIONER MITCHELL. Mr. Rockowitz, you say you came here to talk about the opportunities for people in connection with your exams but the Commission's interest in subpenaeing you was somewhat different. It was concerned with the possibility that the exams are unnecessary and are, in fact, a device to discriminate against the minority segment of the population of New York City and I would like to ask you whether you feel that there is any reason why New York City teachers could not be admitted to practice in the same manner as other teachers are admitted elsewhere in the State.

DR. ROCKOWITZ. I think the history of New York City is such that the existence of an objective system of merit and fitness for the selection of teachers and supervisors serves as a civil service brake on efforts to control jobs and positions by means of influence.

COMMISSIONER MITCHELL. Do you feel that other jobs elsewhere in the State are controlled by influence and that New York City is free from this because of the exams?

DR. ROCKOWITZ. I—

(Laughter.)

DR. ROCKOWITZ. I would say that it would have been extremely difficult for me, entering the New York City School System with the name of Rockowitz, to go into certain communities of this State and stand a chance of even getting an interview.

I think that this system made it possible for my background—for persons of my background, whose father came here as an immigrant, to get into the New York City educational system by demonstrating merit and fitness.

Now, I believe that that was not possible in some of the more affluent suburbs, in some of the other areas.

I would like to submit, sir, that the presence of people of Hispanic background in other cities of New York State is not so overwhelming that it indicates that the lack of these examinations is an open door to them in those communities.

If someone can point out to me that people of Hispanic background have been successful in Scarsdale, in Great Neck, in other parts of New York State, then I would say that—

(Disturbance from audience.)

COMMISSIONER MITCHELL. Mr. Rockowitz, Mr. Shanker earlier made some reference to the fact that his speech patterns, his speech patterns kept him from passing this examination. If I had a Spanish accent would I have a speech pattern that would keep me from passing the exam, the oral examination today?

DR. ROCKOWITZ. That, Mr. Mitchell—

(Disturbance from audience.)

CHAIRMAN HESBURGH. Ladies and gentlemen, I have asked you a number of times not to bother the witness. He is here to answer the questions of the Commission and it may make you feel better to put in your 2 cents' worth but at this point we would like him to answer the questions of the Commission and not be bothered as he does so.

Go ahead, Mr. Rockowitz.

DR. ROCKOWITZ. That misconception is one of the worst that has plagued the board of examiners. That standard may have been in existence in the 1930's.

When I came into the system I had to read long lists of words that were pronunciation demons at that time. But a separate oral test has been discontinued by the board of examiners for over 15 years now. It is part of the interview test. A person who has cultured speech regardless of accent, a person who indicates that he can communicate to children—the standard is communication.

I, myself, have sat in on examinations where persons had Teutonic accents that were very heavy but compensated for the fact by demonstration of understanding of interpersonal relationships with children.

These persons found no bar to licensure. Anyone who claims that speech has been a bar in the board of examiners is talking about the '30s and maybe the early '40s. But from World War II

on, the speech standards have been those of a person who is literate, who can communicate to children, and accent is no bar whatsoever.

COMMISSIONER MITCHELL. Now, Mr. Rockowitz, it is frequently in the literature of education—I remember it widely distributed on the basis of a paper written by Dr. Zacharias at M.I.T.—that a great deal of learning can take place when students teach each other. And it is also in the literature that through certain types of program self-instruction one can teach one's self. So the position of the teacher relative to the learning process is changing.

In the light of that and in the light of the agonizing problem of some people in this city whose troubles we have been listening to at this hearing, is it that important to preserve an examination like the one you administer to teachers?

Are we not coming up in a period of time when that kind of screen and that kind of evaluation is going to be increasingly less important and when other kinds of evaluation may be more important, one of them being a generally educated approach to the problem of relationships with young people?

DR. ROCKOWITZ. I think that the teaching—the bilingual teacher needs more skills to teach youngsters than the teacher who does not come in contact with bilingual youngsters.

The bilingual youngster has a special learning style. He has linguistic problems. He very frequently has economic problems. He has problems that are grounded in the psychology of the ghetto frequently. And he needs understanding teachers, teachers who know not only the matter of educational theory but who have special training that we attempt to test in the bilingual examination.

The bilingual guidance counselor examination which will be given in another week or so goes very deeply into the special guidance needs of these children.

I don't think you can reduce their education to the denominator of one child helping another or a generally educated person can help in a classroom. And that is the purpose of all these certificates of competency. But the skilled teacher I think is something that the parent of Hispanic background wants for his child just as any other parent wants.

COMMISSIONER MITCHELL. But, Mr. Rockowitz, we are looking at a set of figures which show an increasing degree of dropouts in the student body of the city of New York, a decreasing relationship to achievement in terms of national norms. If the exams are measuring competent teachers, what is happening to make the educational process so much less effective?

DR. ROCKOWITZ. The examinations are only one stage of this process. The examinations will say this much, that as of the entry date to service this individual had certain background and competency. Once on the job he needs supportive service, training

programs, from supervisors. He needs intelligent instruction in his field.

We don't claim that the examination is the total answer to the problem. He undergoes a probationary period. During that probationary period he has to be evaluated on the job.

As I look at it, as I think people look at it, professionals, the examination is the first stage to establish competency. From there on he has the background of information, he has the background of knowledge, he has the background of pedagogical theory and appropriate method. The fact as to whether he can implant that in the crucible of the classroom is the responsibility he goes to as principal and assistant principal and fellow colleagues and others. And over a period of time if he does not prove that he is capable of performing in that probationary period he should be dropped.

COMMISSIONER MITCHELL. In your opinion does that examination and that process you have just described provide an adequate path for the introduction of Puerto Rican teachers into the system and their successful operation within it?

DR. ROCKOWITZ. I certainly think so, and we are not a hide-bound institution that does not change. The proof of the number of changes that we have made is before me now in the bilingual teacher of common branches, bilingual teacher of early childhood, bilingual teacher of school and community relations, bilingual guidance counselor, bilingual school secretary, bilingual school secretary intern. These are all positions which were adopted in recent years and I feel that these afford opportunity to people of Hispanic background to enter the schools, yes.

We have proposed, by the way, a license for bilingual principal, principal of a bilingual school, and the board of education did not act favorably on that proposal.

We cannot create titles. The only group that can create titles is the chancellor of the board of education.

By the way, the chancellor is a member of the board of examiners. In the year and a half he has been incumbent in the position of chancellor he has never once sat with us to discuss the problem of the testing of Hispanic people. And if he had suggestions to make which we could implement to improve our program, and we accept them—we are willing to accept any justifiable suggestion that would bring more qualified people of Hispanic background into the New York City School System. We accept them willingly from Chancellor Scribner, from any interested citizen, from members of the board of education, from this Commission.

COMMISSIONER MITCHELL. Do you think the chancellor is derelict in his duty because he has not sat with the board of examiners and made suggestions?

DR. ROCKOWITZ. I don't want to pass value judgments on it. I am stating a fact, that in the year and a half that the chancellor



has been an *ex officio* member of the board of examiners he has not once attended a stated meeting of our board.

COMMISSIONER MITCHELL. Has he made a statement about the value of the exams?

DR. ROCKOWITZ. He has made a statement as to the so-called system on the basis of what, I don't know.

COMMISSIONER MITCHELL. What was the nature of his statement?

DR. ROCKOWITZ. I refer you to his statement. His statement was negative. But I still don't know on what documents he based that statement. And I wonder whether, under oath, the chancellor could say that he has personally examined the bilingual examinations that we conducted—

COMMISSIONER MITCHELL. So you are administering an examination system that is viewed negatively by the chancellor of the public education system of the city of New York?

DR. ROCKOWITZ. Yes. And I want to know on what he bases that negative opinion because there are thousands of professionals who support our examination system.

COMMISSIONER MITCHELL. Are they people who have passed the exam or haven't passed it?

DR. ROCKOWITZ. We have lots of support from people who have failed examinations previously, among them Mr. Shanker.

COMMISSIONER MITCHELL. No more questions.

CHAIRMAN HESBURGH. Mrs. Freeman?

COMMISSIONER FREEMAN. Dr. Rockowitz, I would like to ask you about the personnel, those who designed the tests.

How much input with respect to the examinations do you get from the Spanish speaking people, professionals?

DR. ROCKOWITZ. That is a very pertinent question and a very complicated question to answer.

(Laughter.)

COMMISSIONER FREEMAN. Could we get an answer from the Doctor?

DR. ROCKOWITZ. Mr. Chairman, I am speaking most earnestly and most seriously. I don't think that this entire subject is a subject for derision or laughter. I think it is a very important subject and I think Commissioner Freeman's question is a difficult question to answer and I am prepared to answer it.

CHAIRMAN HESBURGH. Mr. Rockowitz, you go ahead and answer it and I will keep banging the gavel.

DR. ROCKOWITZ. Let me take the examination for bilingual teacher of school and community relations. To construct that examination we take people who have such teachers in their schools and we invite them to become part of a committee to plan the examination. These people—

COMMISSIONER FREEMAN. May I interrupt you just one moment?

DR. ROCKOWITZ. Yes, ma'am.

COMMISSIONER FREEMAN. Who is the "we" that you are talking about?

DR. ROCKOWITZ. The board of examiners.

COMMISSIONER FREEMAN. The four of you.

DR. ROCKOWITZ. Yes, ma'am.

Now, we get input from the people who administer these positions and these programs in their schools. The first large area of supervision of bilingual programs is the bilingual teacher of school and community relations. The supervisors of those teachers are generally invited when we have an examination of a bilingual nature to help in that feedback.

COMMISSIONER FREEMAN. How many supervisors would there be?

DR. ROCKOWITZ. The answer is there are very few.

COMMISSIONER FREEMAN. How many of them would be Puerto Rican?

DR. ROCKOWITZ. On the order of approximately a hundred-odd.

COMMISSIONER FREEMAN. Did you say one hundred?

DR. ROCKOWITZ. Plus.

COMMISSIONER FREEMAN. One hundred Puerto Rican supervisors?

DR. ROCKOWITZ. Yes.

(Disturbance from audience.)

CHAIRMAN HESBURGH. Mr. Rockowitz, I am sorry to interrupt you and I apologize to Mr. Nyquist who is waiting to testify and to all the others who are waiting to testify.

For the second time this afternoon there has been a threat to the people in this building and the last thing this Commission wants to do is to see people hurt or arrested and maltreated in several ways.

We came here seriously to try to do something to find the situation in education, housing and administration of justice and employment. We began to make this record and the record was impeded every time we tried to make it. The first time in 15 years we have finished our record on education, practically, with the exception of the people who are going to testify from the Puerto Rican community in education. So it has come to a point where the Commission believes it can no longer fruitfully carry on these discussions. We have been subjected to the kind of display of a small group of people trying to push around a larger group of people who wanted to do something serious. We don't take this to be the Puerto Rican community. We take it to be people perhaps not completely representative of that community.

(Disturbance from audience.)

CHAIRMAN HESBURGH. But, in any event—okay, that is your judgment and I accept it. But there are other people who don't.

Anyway, let me say that we are, as of this time, adjourning

this meeting. We are adjourning this meeting and I think for everybody's personal safety it would be good to get out of the building as quickly as possible and as orderly as possible.

Thank you.

(Whereupon, at 12:50 p.m. the hearing was adjourned.)

EXHIBITS ENTERED INTO HEARING RECORD

## EXHIBIT NO. 1

**COMMISSION ON CIVIL RIGHTS  
NEW YORK****Notice of Hearing**

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on February 14, 1972, and that an executive session, if appropriate, will be convened on February 14, 1972, to be held at the Brotherhood in Action, Inc., Center, 560 Seventh Avenue, New York, NY. The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin which affect educational opportunities, or employment opportunities, or housing opportunities of Puerto Rican persons, and the administration of justice as it affects Puerto Rican persons, residing in New York, NY, other parts of the State of New York, and the State of New Jersey; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, or national origin as they affect the educational opportunities, or employment opportunities, or housing opportunities of Puerto Rican persons, and the administration of justice as it affects Puerto Rican persons, in the above areas, and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, or national origin in the fields of education, employment, housing, administration of justice, and related areas.

Dated at Washington, D.C., January 10, 1972.

**THEODORE M. HESBURGH,**  
*Chairman.*

[FB Doc.72-508 Filed 1-12-72;8:47 am]

## EXHIBIT NO. 2

TESTIMONY OF  
 CONGRESSMAN HERMAN RADILLO OF NEW YORK  
 HEARINGS ON THE CIVIL RIGHTS STATUS OF PUERTO RICAN CITIZENS  
 UNITED STATES COMMISSION ON CIVIL RIGHTS  
 BROTHERHOOD IN ACTION CENTER, 560 SEVENTH AVENUE, NEW YORK, N. Y.  
 MONDAY, FEBRUARY 14, 1972, 12:30 P.M.

Mr. Chairman and Commissioners, I am encouraged that you have come to New York City to gather first hand information and data concerning the plight of the approximately one million Puerto Ricans living in and around this city. I am hopeful that in the course of the next four or five days -- and in the following weeks during which you and your staff will review and digest the wealth of material to be presented to you this week -- you will come to understand the fact that Puerto Ricans have been denied their civil rights. You will receive testimony bearing witness to the fact that we have been prevented from fully participating in the political, economic and social life of this city and country. Substantial proof, I am sure, will be presented to demonstrate that through ignorance, limited opportunities, prejudice and inadequate programs and facilities, the Puerto Rican is denied full access to economic security and independence, to educational and social institutions, and to the enjoyment of basic human rights and freedoms and equal protection and treatment under the law.

Periodically you see stories claiming there is a large number of Puerto Ricans returning to Puerto Rico. Such stories state with authority that more Puerto Ricans are returning to the island than are migrating to the mainland. Just last week, for example, the NEW YORK TIMES carried a front page story declaring that there were 20,000 more arrivals than departures in Puerto Rico during the third quarter of last year. Unfortunately, accounts such as these portray a totally false picture.

Although it is true that some people are returning to the island, these are primarily retirees and middle class families. The migration to the mainland still very much continues to be that of the young, poor and unskilled. The problems and issues you will be discussing here this week are those which affect the poor and unskilled, not the middle class.

The migration division of the Puerto Rico Department of Labor informs me that statistics on migration and return migration are not available for 1970 or 1971. Thus, how is it possible for one to cite any figures seeking to show a greater percentage of persons returning to the island? The Government of Puerto Rico states that net migration figures out of the San Juan International Airport show a trend of increased return migration. However, New York City is concerned with the gross figures, those that do not discount certain variables and which include the poor and unskilled who are seeking a better life in this country. Finally, it is well known that people can easily manipulate statistics to suit their own ends. For example, I don't doubt that there may have been 20,000 more arrivals at San Juan in the third quarter of last year. The third quarter -- July, August and September -- is a peak tourist period on the island, especially for mainland Puerto Ricans visiting families and friends in Puerto Rico. What we must realize, however, is that the permanent migration is almost exclusively of poor, generally uneducated, unemployed and unskilled persons who speak little or no English and who are seeking economic refuge in this country. These are the people with whom we must be most concerned, both at these hearings and in our community and social service programs.

The four major areas on which attention will be focused -- education, employment, housing and administration of justice -- are well chosen. Naturally, the problems of the Puerto Rican community of New York and elsewhere go beyond these issues. Nevertheless, these will serve to highlight some of the primary problems which our community is confronting and with which the majority of Puerto Ricans must cope with almost daily.

As you know, Puerto Ricans are the newest immigrants to arrive in this country. Although a Puerto Rican community existed in New York as early as the 1860's, most of the migration has occurred since the end of the Second World War. From 1945 to 1962 almost 578,000 Puerto Ricans emigrated to the United States. This figure represents 85 per cent of the total migration during the 20th century. This migration was created not by religious or political persecution or by racial strife. It was purely an economic issue. As I have noted, it was and continues to be a migration of the poor, young and unskilled, seeking to escape from an economy unable to support them.

EXHIBIT NO. 2 (Continued)

Unfortunately, the aspirations of many of those who migrated to the United States from Puerto Rico have not been realized. Emigration to the mainland has tragically failed to provide the salvation many had imagined or hoped for. The Puerto Rican experiences enormous difficulties in finding adequate housing, meaningful and gainful employment, proper education or equality with his fellow American citizens. Although Puerto Ricans were already American citizens when they arrived on the mainland, we have experienced the greatest difficulty in being assimilated into the mainstream of American life.

EDUCATION

The educational system, for example, has historically discriminated against Puerto Rican youth. In many instances our children have been forced to attend the older, frequently overcrowded and most inadequate schools. This discrimination has been compounded by the fact that almost half of the 250,000 Spanish-speaking children speak little or no English. Nevertheless, until recently, they have been forced to learn in English and are expected to receive an education in a foreign language. The results of this ill-conceived policy are tragically dramatic. The dropout rate for Puerto Rican youngsters is astronomical -- an estimated 87 per cent of Puerto Ricans over 25 years of age in New York City have not completed high school. Or, presented in another fashion, eight out of every ten Puerto Rican students quit school before completing the 12th grade.

A number of bilingual programs have been implemented in New York City schools and, where they exist, they have been most successful. However, only the very surface is being scratched. The Puerto Rican student continues to be discriminated against. About 21 per cent of New York City's population is Spanish-speaking yet the present bilingual education program serves only about 3 per cent of the Spanish-speaking school children. And I must point out that this is all Federal money. Obviously the Congress must take steps to significantly increase the appropriations for Title VII programs.

However, the burden must not rest with the U.S. Congress alone. There is no reason why New York City and New York State cannot make an allocation out of their own budgets for the development and operation of bilingual education programs. The city and state budgets should contain specific line items -- identical to that of the Federal budget -- providing specific appropriations for these urgently-needed bilingual and bicultural education programs. City and state educational agencies must not be permitted to "cop out" by simply expressing moral support for bilingual education but must appropriate adequate funds to match or at least supplement Federal monies in this area.

The inability of young Puerto Rican men and women to properly function in the English language clearly prevents them from full participation in all aspects of our society. As a result they are denied access to further education and to meaningful employment. Not only that but, because of a lack of bilingual and bicultural education, they are being cruelly deprived of their cultural identity and an appreciation of our rich heritage. Educational development is a joint venture and bilingual programs are not different than others. Using Federal legislation and programs as models, the city and state should immediately undertake efforts to provide for bilingual programs and to appropriate state and local funds to implement such programs.

EMPLOYMENT

Statistics show that Puerto Ricans have a higher unemployment rate than any other ethnic group in the city. Those Puerto Ricans who are working are more than any other group concentrated in the occupations with the lowest pay and status. Almost three quarters of employed Puerto Rican males are in low income occupations and four times as many Puerto Ricans as any other group receive public assistance to supplement low earnings.

I am sure some data will be presented this week to show the terribly small number of Puerto Ricans employed in agencies of the New York City government. The primary reason for this sad state of affairs is the discriminatory qualifications for employment. Consider, for example, the fact that the height requirements of the New York Police Department and the Sanitation Department mitigate against the employment of large numbers of Puerto Ricans. If the physical requirements are discriminating, the intellectual requirements are even more discriminatory. However, this is a more subtle form of discrimination. The city personnel office has failed to open avenues for entry into

*EXHIBIT NO. 2 (Continued)*

the civil service. It frequently applies standards which either have little or no bearing to the positions to be filled and/or an applicant's ability to perform a particular job. Because of educational shortcomings the Puerto Rican is at a distinct disadvantage and is barred from competing equally with others taking the required examinations.

Further, Puerto Ricans are the victims of this subtle form of discrimination on the civil service examinations. The written tests have a definite cultural bias and are generally geared to the white, middle class. The oral examinations place a Puerto Rican at a distinct disadvantage as he may have an accent and examiners often consider this unacceptable.

As an example of another type of discrimination which always comes to mind is that I could not have been my own employee. While I was serving as the New York City Commissioner of Relocation and Housing. The civil service rules stipulated that an employee had to have three years of experience buying, selling or appraising real estate. Naturally, very few Puerto Ricans have had such experience. Nevertheless, the majority of those being relocated or encountering housing problems are Puerto Ricans. As commissioner I was able to circumvent this requirement by establishing the position of relocation trainee, thereby opening up a line of entry in which one could gain on the job experience.

This is just one of countless examples demonstrating the discrimination which exists against the hiring of Puerto Ricans by city agencies. I believe the Commission would be well advised to investigate the entrance requirements of all of the city agencies as I am confident they will reveal a clear pattern of blatant discrimination.

In a related area, severe problems also exist in the field of job training. Because of poor English and the lack of usable industrial skills, the Puerto Rican has been relegated to menial, low-paying jobs. Many of these unskilled jobs, however, are gradually being automated and the Puerto Rican is being squeezed out of the job market because the work he does is being mechanized. Thus, job training and retraining becomes essential for the Puerto Ricans to survive. Yet those poverty programs providing job training are usually operated on a geographical basis. This means that large numbers of Puerto Ricans are excluded as we are not concentrated in one specific area, as are many other ethnic or minority groups, and, as a consequence, we do not benefit from numerous programs. Accordingly, the job training programs and other critical areas such as assistance in housing, education and welfare, should be on a community basis with a comprehensive program for Puerto Ricans wherever situated.

In order to be fully effective the job training programs should be bilingual. They should afford the student with a sound basis in both spoken and written English while the basic instruction is initiated in Spanish and is gradually moved into English.

Finally, when we talk about enforcing equal employment opportunities in the private sector, we must also address ourselves to the employment situation in all governmental agencies -- Federal, state and local. Through government action the bias and prejudice which currently prevails in many areas of personnel policies in private industry must be effectively ended. However, our governmental institutions must also abide by the same goals and quotas which are established for industry and labor.

Our investigation into where governmental agencies are failing to provide equal employment opportunities, however, should not be necessarily negative. Rather, we should require that Federal, state and city agencies initiate affirmative programs to bring in Puerto Ricans and other Spanish-speaking people. We must encourage and insist that positive initiatives be taken to end the current discriminatory hiring and promotion policies as they relate to Puerto Ricans and other Latin peoples.

ADMINISTRATION OF JUSTICE

I regret the Commission has chosen to limit its consideration of the administration of justice to only the pre-trial process. Certainly the problems of proper and adequate legal representation, particularly of indigents, and meaningful reforms in bail procedures as these issues relate to the Puerto Rican community deserve every possible attention. My personal experience with



*EXHIBIT NO. 2 (Continued)*

the riot at the Tombs in the summer of 1970 and with the tragic events at Attica early last September indicate that the Puerto Rican, as well as the Black and other Spanish-speaking inmates, are taken advantage of at almost every level and are subjected to prejudicial treatment and attitudes.

Unrealistic and unreasonable bail requirements are especially frequent and the fact that the Puerto Rican is poor and unfamiliar with his legal rights simply compounds the problem.

I firmly believe that the bail requirements are responsible for the overcrowding of our prisons. My personal experience reveals that the great majority of inmates are either Black or Spanish-speaking and are almost universally poor. Because a person is poor and on welfare he is condemned to prison as he is unable to post bail until the welfare department recognizes bail as an allowable item, which it steadfastly refuses to do. In order to post bail you have to put up some type of security and, obviously, it is impossible to do this on welfare.

It is clear, therefore, that our bail requirements and procedures must be drastically overhauled and thoroughly reformed if the indigent and uneducated are to receive even a modicum of equal justice under the law.

However crucial these issues are, I believe the Commission at some point in the very near future, and directly related to this current investigation, must expand its efforts and carefully examine the problems confronted by Puerto Rican and other Spanish-speaking inmates. I have received countless communications from Puerto Rican inmates who are victims of discrimination simply because of their desire to communicate in Spanish and to partake of Spanish and Latin interests. In most city and state institutions, for example, inmates are prevented from corresponding with their families in Spanish -- even though their parents or spouses may be unable to communicate in English. The excuse I routinely receive from corrections officials is that there are no Spanish-speaking mail censors, although I very seldom hear of efforts being made to recruit any.

Furthermore, Puerto Rican inmates are denied access to Spanish-language newspapers, magazines and radio programs, even though such recreational material is provided to other groups. When you consider the sizeable percentage of Spanish-speaking prisoners, such an attitude reflects utter stupidity. Even where such Spanish-language items do exist, they are available only in token amounts.

In addition, serious communications problems with usually white prison guards and officials exist. This is not only a problem of language communication but also in terms of understanding and appreciating a different culture and life-style. Although I repeatedly urge that Spanish-speaking personnel be hired, I am always given the excuse of recruitment problems. Entrance requirements to provide for bilingual prison guards, for example, would surely encourage Puerto Ricans to apply.

Weekly I receive numerous letters from inmates in Federal, state and city correctional facilities. The great majority of these men are Puerto Rican or of other Spanish-speaking backgrounds and almost all of them tell me that there is a pattern of discrimination against Puerto Ricans and other Spanish-speaking inmates. A caste system exists within the walls of the penal institutions and they inform me that white inmates frequently receive special consideration, are generally treated better and do not suffer the harassment often directed toward minorities.

As you are not considering these particular issues of justice today, I will not dwell on them at this point. I urge you, however, to address yourselves to these problems at the earliest possible date.

HOUSING

Historically Puerto Ricans have experienced serious housing problems. From the time the massive migration of the 40's and 50's began, Puerto Ricans have been unable to find proper housing and have been forced to live in very poor housing in heavily populated neighborhoods. They are frequently relegated to inadequate one-room, semi-furnished dwellings formed out of brownstones and apartment houses.

*EXHIBIT NO. 2 (Continued)*

Mr. Chairman, I want to make it clear that the Puerto Rican community is not asking for any special consideration and is not seeking any special privileges. We are simply asking that we receive the same consideration and are treated on the same basis as other U.S. citizens. When budget cuts are made or personnel reductions occur or restrictions in municipal and state services are directed, the Puerto Rican community is normally the first to suffer and forced to endure this second-class status the longest and hardest. In many sectors of city and state government there appears to be an attitude of not only indifference but callous disregard for the plight of the Puerto Ricans' unique problems and special needs. It seems to me that we should have learned our lessons from earlier migrant groups and that we should apply the experiences we had with other immigrants to Puerto Ricans. This does not appear to be the case, however, and our municipal and state governments -- as well as the Federal establishment -- must become sensitive to the one and a half million Puerto Ricans living in this country as well as the almost three million island Puerto Ricans. I am heartened by your presence here this week and hope your work will result in some meaningful efforts on the part of our legislative leaders and executive agencies to begin correcting present inequities and to assist the Puerto Rican community in finding solutions to our many and varied problems. Time for action is long overdue and it is time that we be permitted to fully enjoy the benefits of this land.

Thank you

*EXHIBIT NO. 3*

PUERTO RICAN MIGRATION

A Preliminary Report

Prepared for:  
U.S. Civil Rights Commission

By:  
Puerto Rican Research and  
Resources Center, Inc.

Date:  
January 31, 1972

*EXHIBIT NO. 3 (Continued)*I. Sources and Quality of the Data

Births, deaths and migration are the three basic components of population. The first two components have had the greatest influence on population in terms of size, growth and composition in the majority of modern countries. However, in the case of Puerto Rico, migration is the most important factor in its population dynamics. It suffices to point out that from the beginning of the 1950's, the available data indicates that Puerto Rico has experienced one of the greatest population outflows in modern history. Approximately 135,000 persons migrated during the 1945-49 period and 430,000 between 1950 and 1959.

The lack and unreliability of the existing data on internal and external migration patterns is sharply in contrast to the accuracy of the data regarding the other two population components and, even more so, to the high degree of accuracy and reliability of the macro-economic statistics compiled by the Planning Board of Puerto Rico.

Such a monumental oversight cannot be accidental. It is undoubtedly true that migration is a difficult phenomenon to measure, particularly in the case of Puerto Rico where the local government has no legal authority to regulate external migratory population movements. However, the magnitude of the problem is, in itself, the best argument for the appropriation and application of funds for the development of a comprehensive system regarding the Puerto Rican migrant. The development of such a system would be facilitated by the fact that Puerto Rico is an island and all its external population movements take place by air. After more than 25 years of a massive migratory movement to the United States and an internal migration which has transformed the

*EXHIBIT NO. 3 (Continued)*

human geography of Puerto Rico (a move from rural to urban regions and particularly, the astounding population growth of the greater San Juan area), it seems inexcusable that, as late as 1972 no significant progress has been made in the systems used for gathering data regarding migration.

It would appear pragmatic and logical for the purpose of establishing a public policy earmarked towards meeting the social and economic problems which confront the migrant within and outside Puerto Rico that a comprehensive survey of migration considering all relevant factors (social, economic, cultural and political which have influenced internal and external population movements) be seriously undertaken.

In Appendix A we will discuss at length the methods used by the Planning Board, Port Authority and Department of Health to gather data on migration. Suffice it to state that none of the methods presently used provide us with either complete, accurate or reliable data. Innumerable questions in this area remain unanswered. Due to the scarcity of information at our disposal, we cannot attempt to answer these questions without venturing into speculation.

We must, therefore, begin our discussion with this warning. The following study is based on the information available to us and is, therefore, necessarily flawed by the scarcity and inaccuracy of information.

*EXHIBIT NO. 3 (Continued)*II. Conditions in Puerto Rico

In order to have a clear view of Puerto Rican migration to the United States it is necessary to know the historical, political and economic circumstances which encompass this demographic movement. An inquiry in this direction will necessarily lead to the consideration of two factors: 1) the circumstances "pushing" Puerto Ricans to migrate, and 2) the demand for and accommodation of the Puerto Rican migrants in those regions to which they migrate. The clarification of the first factor implies a discussion of the economic situation of the island beginning with the period preceeding migration and concluding with an assessment of the relationship between present trends of the Puerto Rican economy and migration. The second factor calls for a discussion of the existing conditions within the labor market in the United States, specifically the demand for a certain type of labor, as well as the social conditions encountered by the migrant in his new setting.

A. Pre-Development Period: 1945 and Before

Puerto Rico is a tropical island, approximately 100 miles from east to west, and 35 miles from north to south. The population was roughly 2,000,000 in 1940, or 600 persons per square mile (even then, one of the most densely populated areas in the world). The birth rate was 39 per thousand, and the death rate 18.2 per thousand, giving a rate of natural increase of 21 per thousand.<sup>1</sup> Public health had improved somewhat since the American occupation in 1898, but still left much to be desired,

*EXHIBIT NO. 3 (Continued)*

as evidenced by the high death rate. After the American occupation, certain production changes were introduced which entailed, inevitably, changes in the insular social structure. A rudimentary rural capitalism was replaced by an industrial, high finance capitalism. The characteristic social type of the former economy -- the individual and independent "hacendado" working his family farm -- gave way to the managerial hierarchy of the corporate sugar factory. Statistics showed the change. In 1894, 205 sugar "haciendas" had marketed the island crop; by 1945, they had been reduced to 35 central stations, twelve of which were in the hands of the four leading corporations and concentrating, in their production, some 39% of the total output.<sup>2</sup> This trend resulted in the decline of an entire social class and of its way of life; the highland "jibaro" and the sugar workers of the coastal plains became daily wage earners (those who could obtain work at all) in the classical sense. They became propertyless, too, in the classical sense, since by 1930 some 150,000 workers with 600,000 dependents, owned no land at all. The employee was dependent upon the agricultural corporation for credit, employment, and housing.

Approximately 44% of the total employed in the economy depended directly on agriculture. Sugar cane accounted for more than 50% of agricultural diversification which made the economy extremely vulnerable since it depended solely on the price of sugar in the world market for survival. The high production costs plus the competition provided by Cuba, Hawaii and the Philippines made the problem more poignant. On the other hand, the cultivation of coffee and tobacco (comprising most of the remaining 50% of agriculture) was well into its decline. The former had been destroyed by the increasing popularity of the cigarette; the latter by the loss

*EXHIBIT NO. 3 (Continued)*

of its international markets during the Second World War. The other source of employment, besides agriculture, was manufacturing, especially the needle trades. The economic situation was alarming. Unemployment had acquired an almost absolute dimension: "a population of about 2,200,000 depending on the production of some 630,000 employed persons -- less than 30% of the population."<sup>3</sup> The distribution of income accurately reflects the situation: 13% of the families accounted for 60% of the total personal income, while the remaining 87% accounted for only 40%.<sup>4</sup> The gross domestic investment was \$23 million, only 8% of the gross product. Thus, most of the products left the island: some of it as profits for absentee owners, the rest as payment for imported goods. The economy was essentially an open one: imports amounted to 47% of the net income, while exports were around 40% of the insular income. A deficit existed in the balance of payments which amounted to \$40.1 million, that is, 7% of the gross product.<sup>5</sup> In short, the economic situation was critical. The low level of real income was the result of low productivity, which resulted from the lack of capital for dynamic investments. The latter was due to an absence of savings, caused by excessive consumption, and thus ad-infinitum, until completing a full circle of poverty.

The social consequences of the economic situation described above were deplorable. "In general," observed Perloff in his study of the situation at just that point in history, "the poverty, the crowding, the prevalence of diseases, the malnutrition, the lack of adequate educational, recreational and cultural facilities -- in short, the conditions under which the vast majority of Puerto Ricans live -- are not conducive to a high degree of individual development. As is true in so many other places, the poverty of the Puerto Ricans creates the very



*EXHIBIT NO. 3 (Continued)*

conditions which are in large measure the cause of their poverty. To break this circle and create the conditions for human improvement is the goal toward which strenuous efforts in Puerto Rico are currently being directed."<sup>6</sup>

It is at this historical junction that the mass migration of Puerto Ricans to the United States begins. Later, we shall see how this demographic movement was generated. We will offer a general chronology of migration as well as an analysis of its most salient trends.

**B. Operation Bootstrap: Beginnings of Industrialization**

The period after 1945 marks the turning point in the Puerto Rican transformation. Experience gained in the work of wartime organizations had helped train a corps of administrative assistants who could become the timber of Dr. Luis Muñoz Marín's cabinets. The institutional machinery appropriate to organizing a radically fresh balance between output and people in an underdeveloped economy, to replacing stagnation with growth, had been set up by means of the far reaching legislative program of 1942. The University of Puerto Rico made its own valuable contribution to the general problem with the publication of special studies in the areas of labor economics, manpower analysis and occupational structure.<sup>7</sup> What remained to be done was to direct all this into the creation of new income-producing processes by means of a planned industrialization program. This, simply put, was the purpose of "Operation Bootstrap", the "battle for production" that gathered its momentum slowly after 1945 and that had entered into a sufficiently rapid rate of growth by the middle 1950's to become the

*EXHIBIT NO. 3 (Continued)*

main stimulus in transforming a declining agrarian economy into an expanding industrial structure.

Operation Bootstrap was essentially a governmental program of aids and incentives aimed at creating capital for the island's economic development. The program can be viewed as consisting of two distinct stages. The first phases, from 1942 to about 1950, was characterized by government-built and operated plants (cement, glass bottles, shoes, etc.) undertaken primarily as a means of proving to private capital the feasibility of profitable industrial enterprise on the island. These plants were financed by the remission of federal excise tax collected on the sale of native rums in the American market. In this fashion, \$160 million were collected. The Puerto Rico Industrial Corporation was created; this was a body concerned with the management of the established industries. However, by 1948, after five years of governmental commitment, and after investing more than \$20 million, the PRIDCO, (Puerto Rican Industrial Development, Co.), had created less than 2,000 factory jobs-- when at least 100,000 were needed.<sup>8</sup> The income generated by manufacture was still low--\$70 million out of a total of \$557 million, or 14.7% of the total income.<sup>9</sup> Agriculture continued to account for most of the national income. \$137 million (of a total of \$557 million) and was employing 41.7% of the labor force.<sup>10</sup> Per capita income had increased moderately, but it was still low; it increased from \$121 in 1940 to \$256 in 1948. Unemployment was reduced slightly to 12%.<sup>11</sup>

It was clear that government efforts were not producing the expected results. The government had to make a choice between two alternatives. The first alternative was a hard, long-term alternative, requiring perhaps a quasi-socialist regime and a framework of political and economic

*EXHIBIT NO. 3 (Continued)*

independence; the second alternative was less austere, a short-term one requiring less effort from the government, but involving a high level of economic dependency on the inflow of foreign capital (since there was not enough capital in the local economy). For institutional reasons which go beyond the scope of this report, the second alternative was chosen. This marked the beginning of the second phase in the economic development of the island. The PRIDCO gave way to the Development Administration known as "Fomento." This last agency was to be in charge (and still is) of the industrialization program.

In order to attract the urgently needed foreign capital, a series of incentives had to be provided. This led to the enactment of income-tax exemption legislation. Since 1947, firms or individuals establishing different kinds of industries (manufacturing and hotels) have been exempt from taxes on business income and property, and from minor municipal levies. In most instances, this exemption holds for a period of ten years (especially since 1954). These laws, enacted in 1947, also provide exemption from taxes to any firm or individual who leases property to industries qualifying under it.

In 1963, an additional income-tax exemption incentive aimed at attracting industries toward areas of high unemployment, was passed. The new act concedes to every eligible business similar tax exemptions ranging from 10 to 17 years: 10 years in "developed" zones; 12 years in zones of "intermediate development;" and 17 years in "underdeveloped zones." A new provision is that any business may pay 50% of its income tax for a period of 20, 24 or 30 years, depending on its location. This also applies to municipal levies, property taxes and the distribution of dividends and benefits. The Development Administration also provides the new firm with feasibility studies on its operation; it also finances

*EXHIBIT NO. 3 (Continued)*

the training of production workers.

The convenience of the tax-exemption incentive (for the establishing industry) is evidenced by the latest available figures. In 1963, tax exempt manufacturing firms earned tax-free profits amounting to 22% of their average equity investment, as compared to 7.1% in the United States after taxes.<sup>12</sup> In fact, according to a pamphlet published by the Economic Development Administration, profits after taxes in Puerto Rico are on the average four times greater than those derived by companies in the United States.<sup>13</sup>

The new development program was successful in attracting foreign capital to the island. This marked the beginning of the transformation which was to take place; a general trend had been established in the direction of industrial investments which was to have enormous influence in the shaping of events to come.

C. The Present: The Impact of Operation Bootstrap

Unquestionably, the tax exemption incentives were successful in attracting foreign capital to the island's economy. By the end of 1950, 83 firms had been established under the new program; between 1950 and 1960, 525 new firms were established, and by the end of 1966, there were 1,280 firms operating under the program. It was the manufacturing sector which accounted for most of the growth of the economy; a growth rate of total and per capita output, which as Lloyd G. Reynolds observes, "is one of the highest of the world."<sup>14</sup> Real gross national product per capita rose at the following rates since 1950.<sup>15</sup>

*EXHIBIT NO. 3 (Continued)*

1950-55 - 5.8  
1955-60 - 3.9  
1960-66 - 6.9

According to James C. Ingram, "this growth record compares favorably with records established in other rapidly growing economies such as Canada in 1900-13, Japan in 1880-1920 and Germany after World War II."<sup>16</sup>

The trend towards industrialization was well on its way. In fact, manufacturing increased its generation of income at a frantic pace: from 12% in 1940 to 15.9% in 1948, to 23.3% in 1966. By 1955, it had already established itself as the most important sector of the economy. Meanwhile, agriculture dropped from 32% in 1940 to 7.2% in 1966.<sup>17</sup> In absolute terms, manufacturing income increased from \$27 million in 1940 to \$612 million in 1966 (an increment of 2,166%). The manufacturing structure was increasingly diversified; the most notable shift has been in the share of sugar in manufacturing income. The share of sugar dropped from 37% in 1947 to 5.1% in 1966. New products account for more than 60% of the national income. The most radical shift was the one from a heavy dependence on hand-made products, prepared by thousands of home-workers, to machine-made apparel manufactured in industrial plants (this was most noticeable in textiles).

The advent of industrialization was accompanied by changes in the social structure. The rigid two-class structure which existed before the 1940's, slowly gave way to a new configuration; a middle sector developed, which has been growing at a very fast pace. This sector consists essentially of the new professions in process of formation, the new occupational types grown up under the influence of new national and

*EXHIBIT NO. 3 (Continued)*

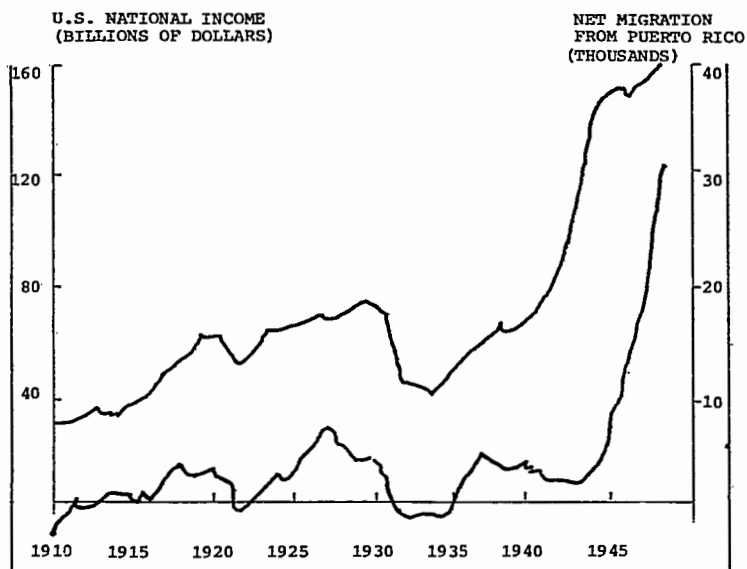
social institutions: the government school teacher, the modern office worker, the technician, the civil servant, the professional salesman, etc. The emergence of this sector was made possible by the widespread availability of educational facilities. As Tumin and Feldman<sup>18</sup> show in their study of stratification in the island, education has been (and still is) the main vehicle for upward social mobility. (Puerto Rico has one of the highest rates of students per capita in the world).

A classical corollary of industrialization, namely, the conflict between traditional and modern values, is present in Puerto Rico. The island society, as the authors of The People of Puerto Rico conclude at the end of their exhaustive study, is changing from an agrarian two-class orientation to a modern industrial country. The capital basis is shifting from the ownership of land to industrial, bureaucratic, and commercial activity as preferred styles of economic activity. Sociologically this means the displacement of the traditional ruling groups like the non-corporate sugar "hacendados" and the older type of rural middle class by new groups whose members have had little compunction in adjusting their style of life to rationalizing trends. Culturally, it means the gradual diffusion of American-style cultural practices to the point where they begin to create new uniform patterns of behavior and attitude characterized, collectively as a process of "Americanization." The entire insular society is being forcibly repatterned by the institutional changes wrought by modernization. "All socio-cultural segments of the island," the Columbia study acknowledges, "are becoming more alike in their cash-mindedness, their dependence upon wages, the purchase of manufactured goods, the decline of home industries, their stress on individual fort, their utilization of national health, educational, and other

*EXHIBIT NO. 3 (Continued)*

services...the diffused traits are those of industrial civilization, especially in their American forms."<sup>19</sup>

We have provided a general description of the economic situation of the island in an effort to provide a basis for the discussion of Puerto Rican migration. As we shall see, the flow of Puerto Ricans to the United States has been influenced from its beginning by two principal factors: 1) the employment situation in Puerto Rico and, 2) the demand within the U.S. labor market. It is our contention that there is a direct relationship between the net flow of Puerto Rican migrants to the United States and the physical volume of business activity in the American economy. To illustrate this point, a look at the following graph should suffice.

*EXHIBIT NO. 3 (Continued)*

Relation of Emigration from Puerto Rico to Economic  
Conditions in the U.S.

(U.S. National Income in Current Dollars: All Data for Fiscal Years)

Key: U.S. National Income --  
Puerto Rican Net Migration

Source: Harvey S. Derloff's, "Puerto Rico's Economic Future  
University of Chicago Press, 1946



*EXHIBIT NO. 3 (Continued)*

The correlation between migration and business cycles has been used by some authors<sup>20</sup> to substantiate the claim that it is the "economic pull" of the American labor market, rather than conditions on the island, that constitutes the basic force behind Puerto Rican migration. We consider this only an element affecting migration which in itself fails to explain the situation. In order to understand the process, one must focus on the interaction between the two factors. It is precisely in this interaction that one must look for the factors accounting for migration, for even if a strong incentive exists in the form of a "pull" from a distant market, one must contend with the fact that human beings show rather strong attachments to their socio-cultural reality and resist within reasonable limits any drastic changes in that reality. That is, even if a "pull" is present, it is rendered meaningless in the absence of a factor enabling people to respond to it ("push"). In the case of Puerto Rico, that factor must be searched for in the internal contradictions within its economy.

The most significant contradiction in the Puerto Rican economy can be expressed in the following terms: it is an economy that expands at an accelerated pace -- gross product increased from \$1,681 million in 1960 to \$4,607 million in 1970 (that is, 2.74 times) and gross domestic investment increased, during the same period, from \$397 million to \$1,449 million (that is, 3.64 times)<sup>21</sup> At the same time this is incapable of generating an employment volume sufficiently large to absorb the existing surplus of the labor force. Hence, during the 1960-70 period, total unemployment increased from 82,000 to 89,000, although, as a result of a relative stabilization of the

*EXHIBIT NO. 3 (Continued)*

participation rate the unemployment rate decreased from 13.2 to 10.8 per cent. The unemployment rate did not decrease as a result of an expansion in total employment large enough to absorb the surplus labor force. The decrease occurred because a large number of persons, perhaps disappointed by the difficulty encountered in finding a job, decided not to enter the working force. This resulted in a slight increase in the participation rate from 45.2% in 1960 to 46.4% in 1970: an astounding fact if we consider that economic growth usually generates a substantial increase of the participation rates in all the countries that have experienced some economic expansion.

Two factors seem to have weighed heavily in limiting employment opportunities: First, even though minimum wages in Puerto Rico are much lower than in the United States, they have risen more rapidly than on the mainland. While in Puerto Rico, as a whole, manufacturing wages have increased by approximately 6 per cent per year since 1960, manufacturing wages in the U.S., during the same period, have increased only by approximately 3 per cent per year. As the wage differential between the two economies has decreased, new investments in Puerto Rico have tended to concentrate on capital intensive industries. In the case of industries already established, the tendency has been to introduce labor-substitution techniques. Second, the massive decline of the agricultural sector (Its participation in the net income was reduced from 13.3% in 1960 to 4.8% in 1970 and its participation in the total volume of employment decreased from 22.8 per cent in 1960 to 10.2% in 1970), also contributed to holding down the employment level.

It is not surprising, then, that the employment market in the United States holds considerable attraction for the Puerto Rican

*EXHIBIT NO. 3 (Continued)*

working class, particularly among its younger members, among whom the unemployment rate is highest. It cannot be stated that the young migrants, due to their limited educational attainment, were unable to satisfy the needs of their Puerto Rican employers. Statistics show that approximately half of these migrants have completed eight or more years of schooling, compared to six years for the total Island population.<sup>22</sup>

Therefore, there is evidence that migration of Puerto Ricans to the United States has been due to a structural crises in the Island's economy. Neither demographic characteristics not the degree of available human resources were taken into account at the time when the industrial development program was initiated by the Commonwealth Government. The meeting of short-range needs seems to have prevailed. The lack of integrated planning consequently led to a reliance on the export of Puerto Ricans as the only way of achieving economic growth.

We repeat that the inability of Puerto Rico's development program to reduce unemployment is at the very basis of the demographic movement of Puerto Ricans to the United States. According to data gathered by the Department of Labor of Puerto Rico, the rate of unemployment has remained constant (in the neighborhood of 12%) since 1947. This has been so in spite of the fact that the population increase has been neutralized by the mass exodus of workers to labor markets in the United States.

*EXHIBIT NO. 3 (Continued)*Unemployment Rates in Puerto Rico  
Selected Years

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Year	rate*
1947	11.8
1950	14.7
1955	14.3
1960	12.0
1965	11.3

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\*Percent of unemployed within the labor force. Source: Bureau of Labor Statistics, Puerto Rico Department of Labor

*EXHIBIT NO. 3 (Continued)*III. Migration

Migration is not a phenomenon new to Puerto Rico. Although migration reached its greatest heights only after the Second World War, it is estimated that between 1899 and 1944 approximately 75,000 Puerto Ricans migrated to the United States.<sup>23</sup> As a result of the progress attained in air transportation during the war and the demand for workers in the United States market, there began in 1945 one of the largest population movements ever recorded in modern history. It is speculated that as a result of the 1940-1960 migration the population of Puerto Rico in 1960 was one million less than it would have been in the absence of migration.<sup>24</sup>

The greatest number of migrants was registered during the period 1950-54. This was due to the great lack of workers in the United States as a result of the Korean War. As can be seen in the table below, the last six years have registered a radical decrease in the net migration. We will analyze this recent trend below.

*EXHIBIT NO. 3 (Continued)*

NET MIGRATION FROM PUERTO RICO: CALENDAR YEARS 1945-1965

Period or Year	Number of Migrants to U.S.	Yearly Average	% of Population
1945-49	135,000	27,000	1.3
1950-54	237,000	47,500	2.2
1955-59	193,000	38,600	1.7
1960-65	39,000	6,500	0.2
1960	16,00	**	0.7
1961	-2,000	**	-0.1
1962	12,000	**	0.5
1963	-5,000	**	-0.2
1964	1,000	**	0.0
1965	17,000	**	0.6

\*\*Does not apply

Source: Files of the Demographic Register, Department of Health of Puerto Rico.

*EXHIBIT NO. 3 (Continued)*

The last column of the above table shows why Puerto Rican migration to the United States is considered one of the greatest population movements recorded in contemporary history. During the 1950-1960 decade the yearly migration average was equivalent to two per cent of the island's population -- an extraordinary movement of people if we consider that during the same decade the population of the Island increased at the rate of 2.7% per year.

The migrational currents have resulted from the intolerable social and economic conditions at the point of origin and by the much better situation at the receiving point. In addition, the currents were made possible by the fact that Puerto Ricans, by virtue of being North American citizens, have free entry into the United States and the costs of transportation between the two countries have been extremely low. It appears that the unemployment situation in Puerto Rico has produced the greater influence on the migratory current, while the employment opportunities in the United States have provided an additional pressure. The coefficient of correlation between unemployment in Puerto Rico and migration to the United States for the period 1946 to 1965 is 0.63. This indicates that the greater the unemployment in Puerto Rico the higher the migration. On the other hand, the correlation between unemployment in the United States and migration in Puerto Rico is -0.79, which, in turn, indicates that migration tends to increase when unemployment decreases in the United States and vice-versa.<sup>25</sup>

As we previously pointed out, net migration to the U.S. has decreased considerably during the last years. Migration balances

*EXHIBIT NO. 3 (Continued)*

have been visible now and then (years 1961, and 1967).<sup>26</sup> This recent reduction in the migration balance can be explained in the following ways:

- 1-The unemployment situation in the United States has worsened considerably during recent years and/or
- 2-The level of unemployment in Puerto Rico has decreased notably during recent years.

An analysis of the situation in the United States shows that unemployment increased between 1956 and 1961 and has decreased consistently ever since, until reaching a 4.6% level in 1965, the lowest rate since 1956. In the case of Puerto Rico there occurred a slight decrease in the rate of unemployment between 1960 and 1964 but an increase during the year 1965. It appears that changes in the levels of unemployment in the United States have been the most important factor in the decreased migration experienced since 1957. As will be seen later, these changes are not the only explanation.

In 1958 the Department of Labor of Puerto Rico began to gather data on the place of birth and origin of the migrants. As can be seen in the table below, in spite of the decrease observed in the net balance, the migration of native Puerto Ricans to the United States seems to have remained at its high levels. It appears that there has been registered a considerable increase in the migration of persons not born in Puerto Rico.



*EXHIBIT NO. 3 (Continued)*

PLACE OF BIRTH AND ORIGIN OF THE MIGRANTS\*  
 FISCAL YEARS 1958-59 and 1961-62  
 (IN THOUSANDS)

Place of birth	1961-62	1960-61	1959-60	1958-59
Puerto Rico	-66.3	-50.8	-46.6	-45.5
Outside of Puerto Rico	+53.4	+34.1	+24.5	+11.3
Of Puerto Rican Parents	+14.1	+ 9.7	- -	- -
Of Non-Puerto Rican Parents	+39.3	+24.4	- -	- -
Did not reply	- 0.2	- 1.1	- 0.6	- 0.0
Total	-13.1	-17.8	-22.7	-34.1

\*A minus sign is equivalent to a migration balance, while a plus sign signifies net migration.

Among the individuals not born in Puerto Rico, there is a group whose parents (one or both) are Puerto Rican and another group (which appears to be larger), made up of individuals whose parents are not Puerto Rican.

The figures indicate that there exist two migrational currents in Puerto Rico: one of migration to the United States constituted by natives of Puerto Rico and a current of migration to Puerto Rico by children of Puerto Rican migrants and non-Puerto Ricans.

According to the 1960 census data, during the period 1950-60 Puerto Rico had a total immigration of about 42,000 persons who were not born in Puerto Rico. Of these, about 39,000 were North Americans. This immigration of North Americans and other

*EXHIBIT NO. 3 (Continued)*

non-Puerto Ricans seems to have been much more intense during the latter part of the decade.

The data gathered by the Planning Board since 1962 reveals a similar trend. The current of movement to the United States seems to have remained at its high levels while the movement to the Island seems to have increased.

THE TWO CURRENTS OF THE MIGRATION MOVEMENT IN  
PUERTO RICO: 1962-63 to 1964-65

Year	Migration to the U.S.	Migration to Puerto Rico	Net Migration to the U.S.
1962-63	53,000	40,000	13,000
1963-64	43,000	51,000	- 8,000
1964-65	66,000	50,000	16,000

Source: Planning Board, Economic Report to the Governor, 1965  
p. 191.

According to the 1960 census data, during the period 1955-60 Puerto Rico received an average of 6,000 non-Puerto Ricans per year. The Planning Board data also indicates that during the last five years the yearly average increased to 9,000 and to 11,000 during the last year.<sup>26</sup>

It is evident that the migration of Puerto Ricans to the United States has not decreased as the total net balance seems to indicate. Our people continue to migrate in great quantities to the United States while the children of Puerto Rican migrants,

*EXHIBIT NO. 3 (Continued)*

North Americans, and other non-Puerto Ricans continue to move c  
to the Island in increasingly considerable numbers.

*EXHIBIT NO. 3 (Continued)*IV. Demography of the Migrant: Age, income, education and skill.

We have previously stated that the population growth of Puerto Rico has been determined, to a large extent, by the external migratory movement, more specifically, by the movement of Puerto Ricans to the U. S. In the last few years migration patterns have been complicated by two additional migratory currents: return migration to Puerto Rico and the influx of non-Puerto Ricans to the island (a group composed mostly of North Americans, Cubans, and Dominicans). The social impact of internal migration cannot be underrated. Internal migratory movements (mainly from rural to urban areas) have resulted in a considerable redistribution of the Island's population, as is revealed by the fact that while the average growth of the total population during the 1960-70 decade was only 1.4%, urban population growth was 3.5%.<sup>27</sup> Accordingly, the population density of the north coast census region (which includes several metropolitan areas) increased from 881 persons per square mile in 1940 to 1,771 persons per square mile in 1970. During this same period, the total population density of Puerto Rico increased from 546 to 792 persons per square mile.<sup>28</sup>

An in-depth study of all the factors influencing internal migratory movements has never been undertaken. The available statistics on these movements are even less reliable than those on external migration. We can, however, identify several factors that have influenced the massive population movement to the San Juan Metropolitan area and to other areas of rapid development such as Ponce and Mayaguez. These factors include: an increase in job supply in those areas due to a high concentration of Fomento factories and government offices<sup>29</sup>; the persistent crisis in the agricultural sector of the economy which continues to diminish its importance as a source of employment and

*EXHIBIT NO. 3 (Continued)*

income.

In this paper, we are principally concerned with the external migratory movement of Puerto Ricans particularly to the United States. Virtually all research studies that have been made on the Puerto Ricans residing in the U.S. identify four basic characteristics common to all:

- a) a low educational achievement level
- b) an average age level between 14 and 44 years
- c) a majority were urban residents in Puerto Rico
- d) a majority are males

Many of these studies were prepared in the 1950's and relied on very rudimentary data. Nevertheless, some of the conclusions reached coincide with those of more recent documents prepared by the Government of Puerto Rico. We will now examine some of these conclusions.

As has been pointed out, Puerto Rican migrants (considered as immigrants in the United States) have a low level of educational attainment. Based on that assumption, it was seriously pointed out that migrants were not representative of the Puerto Rican population, since they generally constituted the less privileged groups within Puerto Rican society. It is necessary to investigate carefully whether that assumption is true. Recent data, at least provides evidence that contradicts this assumption. As the Planning Board of Puerto Rico has stated, "It has been observed that migrants ...have a better education than the population in general."<sup>30</sup> As a matter of fact, according to the same source, approximately half of the migrants have completed eight or more years of schooling, compared with six years for the population in general. The

*EXHIBIT NO. 3 (Continued)*

percentage distribution of migrants by level of schooling can be observed in the following table:

YEAR 1966

Grades Approved	AGE				Total
	6-13	14-24	25-44	45 or more	
None	22.5	1.7	6.6	13.2	4.7
1-3	22.1	4.8	21.3	23.9	10.5
4-7	49.9	33.9	19.6	32.9	31.9
8-11	5.5	40.9	19.6	10.3	32.4
12		16.5	21.4	3.3	15.5
13 and over	--	0.6	4.9	6.7	1.9

The educational attainment of the majority of Puerto Rican migrants compares very unfavorably with that of the United States and probably with that of earlier immigrants -- Norwegians, French, etc. It is sufficient to remember that in 1960 the educational attainment level in the United States averaged 10.6 years.<sup>31</sup>

The structural crisis of the Puerto Rican economy, which results from an increasing income level and a constant employment rate, has, in turn, resulted in a surplus of the labor force (consisting mainly of its younger members), which has not consisted necessarily of persons from a low income or who have a low educational attainment level by comparison to the rest of the island's population.

More recent data tends to confirm that migration continues to be a predominant tendency among younger members of the labor force. For example, of the 79,600 persons who migrated in 1966, a total of 51,404 were between the ages of 14 and 24, while 14,701 were between 25 and 44

*EXHIBIT NO. 3 (Continued)*

years of age; that is, 83.1% of them were between the ages of 14 and 40.<sup>32</sup> This continuing trend appears to be related to the relative stabilization of the participation rate in the labor force in Puerto Rico. This participation rate is greater among young groups, particularly among the 20-24, 25-34, 35-44 age groups. If a considerable percentage of the younger members of the labor force migrate, the rate of participation declines or tends to stabilize. The latter has been true in Puerto Rico. Consequently, migration has been a relief for the economy of Puerto Rico.

The age distribution of the Puerto Rican population (with a median age of 18 years) is incompatible with the type of industrial development prevalent on the island. Intensive work industries are being substituted by intensive capital industries. This substitution decreases the possibility of providing employment for the surplus of the existing labor force. Another factor which we have to take into account is the increase of women in the labor force. In 1950 there were 17,000 women in the force; in 1967, there were 220,000. In spite of special incentives offered to industries which employed males, the industries established under the Fomento program employed more females.

Another assumption regarding the basic characteristics of the Puerto Rican migrant is as stated alone, that they came mostly from urban areas, in Puerto Rico, especially from the San Juan metropolitan area. This assumption has been contradicted by recent data not available to earlier researchers in this field. The table below is quite revealing:

*EXHIBIT NO. 3 (Continued)*PERCENTAGE DISTRIBUTION OF MIGRANTS BY  
AGE AND PLACE OF RESIDENCE: 1966

<u>Age Group</u>	<u>Rural Area</u>	<u>Urban Area</u>	<u>Total</u>
- 6	57.6	42.4	100.0
6-13	72.2	27.8	100.0
14-24	65.7	34.3	100.0
25-44	63.8	36.2	100.0
45-64	60.5	39.5	100.0
65 or over	30.5	69.5	100.0
Total	64.1	35.9	100.0

Source: Planning Board, I Economic Report to the Governor,  
1967, p. 5-29.

The decline of the agricultural sector, as a source of income and employment and the massing of manufacturing industries in urban areas are two factors which account for the migration of young people from rural areas in Puerto Rico to the United States. In fact, the same factors which explain the high rate of internal migration also account, in part, for external migration.



*EXHIBIT NO. 3 (Continued)*V. The Puerto Rican Experience in the United States:

Throughout this essay, we have dealt with the structural factors influencing the migration of Puerto Ricans to the United States.

It is beyond question that among the factors that create a migratory current economic ones play a fundamental role, but we should not overemphasize the economic considerations. Migration is above all a human problem and cannot, therefore, be reduced to a mere discussion of the laws of supply and demand in the labor market. It would also be absurd to assume a fatalistic attitude in front of the myriad of social problems that emerge as a consequence of the massive movement of people we have been describing thus far--a movement that brought over a million people out of a predominantly agricultural island and into a country with a radically different cultural makeup.

## A. A Profile

Before we can begin a profile of the Puerto Rican population on the mainland we must point out that there is no up-to-date accurate data on the total number of people of Puerto Rican origin living in the United States. It is speculated that this figure is well over two million people; however, we will have to wait until the 1970 census figures are published in order to make any definite statement. It is, however, necessary to underline that the 1970 figures might not be as reliable as we would expect. Partly because of the publicity given to the new treatment used by the 1970 Census regarding Puerto Ricans in the various communities, a widespread boycott of the Census among Puerto Ricans took place. In addition, mail Census inquiries elicit extremely low responses among Puerto Ricans.

We again repeat that what follows is hampered, as was our dis-

*EXHIBIT NO. 3 (Continued)*

discussion about the process of migration, by the scarcity of available data. We will have to place an undue emphasis on a profile of the New York Puerto Rican community since it is only in New York City where we were able to find extensive data.<sup>34</sup>

In 1960, nearly 900,000 Puerto Ricans--born either on the island or in the states to Puerto Rican parents--lived in the United States. Persons born in Puerto Rico were first recorded as residents of the states by the United States Census of 1910, when 1,500 were enumerated. Their numbers increased so that by 1940 almost 70,000 lived in the 48 states. By 1950 Puerto Rican-born persons numbered 226,000, and over the decade to 1960 the net gain due to migration from the island amounted to nearly 390,000.

The census of 1950 recorded the beginning of the second generation of Puerto Ricans in the United States--those born on the continent to parents who came from the island. They numbered 75,000 in 1950 and 272,000 ten years later. By 1960, three out of every ten Puerto Rican stateside residents were born on the continent.

With the great migration began a reversal of the historic trend of Puerto Ricans living in New York City. In 1910 only a little more than a third of them in the states lived in New York City, but by 1940, 88 per cent made New York their home. Since then, a dispersal to other areas has occurred. The percentage in New York City for those born in Puerto Rico dropped to 83 in 1950 and 70 in 1960. The dispersal probably is continuing, but at this time Puerto Ricans in the United States still are overwhelmingly New Yorkers. More than two-thirds of the migrants and their children live in New York.

Among Puerto Ricans located in New York City, more than 47 per

*EXHIBIT NO. 3 (Continued)*

cent of the males and 45 per cent of the females were under 20 years of age in 1960. The aged are few in the Puerto Rican community. Just 1.5 per cent of the men and 2.5 per cent of the women were 65 or over in 1960. As a result of the number of children among them, a relatively small part of the Puerto Ricans are at their best working ages. Only 51.1 per cent of the men and 52.4 per cent of the women were aged 20 through 64 in 1960.

In New York City only 13 per cent of the Puerto Rican men and women 25 years of age and older in 1960 had completed either high school or more advanced education. In other words, 87 per cent of them had dropped out without graduating from high school. The deficiency in the educational preparation of the Puerto Rican population is perhaps more dramatically revealed by the numbers who had not even completed a grade-school education in 1960. More than half--52.9 per cent-- of Puerto Ricans in New York City 25 years of age and older had less than an eighth grade education. In contrast, 29.5 per cent of the nonwhite population had not finished the eighth year, and only 19.3 per cent of the other whites had so low an academic preparation.

The males and females born in Puerto Rico at every age level exhibit very high percentages of school-dropouts. These figures range from 84 to 97 per cent. Those Puerto Ricans born in the United States, however, have considerably lower proportions of school dropouts. In the youngest age group -- 25 through 35 -- the differential between the two generations is largest, amounting to 34 percentage points for females and 25 for males. Among this relatively mobile population, birth and present residence in the United States do not necessarily mean that all education was ac-

*EXHIBIT NO. 3 (Continued)*

quired in stateside schools. Moreover, an unknown number of Puerto Ricans educated on the mainland have returned to the Commonwealth. So differences in educational attainment by place of birth is probably not a satisfactory indicator estimate of the impact of the mainland's educational system.

If the educational attainment of Puerto Ricans born in the United States is strikingly better than that of those born in the Commonwealth, it so far had small weight in the statistics for the total adult Puerto Rican community in New York City. The numbers in the second generation who have reached adult years is still small, only 6.4 per cent of persons 20 years of age and older in 1960.

There is evidence that Puerto Rican youth, more than any other group, is severely handicapped in achieving an education in the New York City public schools. In 1961 a study of a Manhattan neighborhood showed that fewer than 10 per cent of Puerto Ricans in the third grade were reading at their grade level or above. Moreover, the degree of retardation of Puerto Rican youth was extreme. Three in ten were retarded one and on-half years or more and were, in the middle of their third school year, therefore reading at a level no better than appropriate for entry into the second grade. By the eighth grade the degree of reading retardation was even more severe. While 13 per cent of the Puerto Rican youth were reading at grade level or above, almost two-thirds were retarded more than three years.

Puerto Rican graduates from New York City high schools with academic diplomas still are rare in New York City. Of the nearly

*EXHIBIT NO. 3 (Continued)*

21,000 academic diplomas granted in 1963, only 331 were to Puerto Ricans. This is only 1.6 per cent of the total academic diplomas. In contrast, Puerto Ricans received 7.4 per cent of the vocational school diplomas. As a result, only 20 per cent of the small number of Puerto Ricans completing high school in 1963 were prepared to begin higher academic education.

In 1960, 70.6 per cent of the employed Puerto Rican males were in low-income occupations (operatives and kindred workers, non-household service workers, private household workers, and laborers).

Of the Puerto Rican employed women, 78.2 per cent worked in the low-status occupations. Employed Puerto Rican and nonwhite women were concentrated in the low-status occupations to a greater degree than were Puerto Rican and nonwhite males.

The Puerto Ricans employed by agencies of New York City's government also are in the least desirable jobs to a greater degree than are Negroes and others. Three of every four Puerto Rican city employees are at the level of operatives or below. In other words, only 25 per cent of the Puerto Ricans are employed as foremen, clerical workers, professionals or officials on the city payroll.

Furthermore, only 3 per cent of city employees are Puerto Rican. As a result the Puerto Rican proportion in each occupational category is small, the largest being 6.4 per cent of service workers. The most striking differences are between ethnic proportions of the craftsmen and foremen employed by New York City, only 3.7 per cent were Negroes and only six-tenths of one per cent were Puerto Ricans; of the influential category of officials, only one-half of one per

*EXHIBIT NO. 3 (Continued)*

cent (44) were Puerto Ricans.

Comparisons of 1960 with 1950 show modest changes in occupations of Puerto Ricans. In 1950, 37.2 per cent of the employed males 14 years old and over were operatives and kindred workers; 28.4 per cent more were non-household service workers; 5.2 per cent were laborers. Among better-paying jobs, 11.1 per cent of these men were craftsmen, foremen, and kindred workers; 10 per cent were clerical, sales and kindred workers; 5.4 per cent were managers, officials, and proprietors; and 2.6 were professionals, technicals, and kindred workers.

The employed women in 1950 were even more highly concentrated in a few occupational categories. Of these, 77.5 per cent were operatives and kindred workers; 9.2 per cent were clerical, sales, and kindred workers; 5.9 were non-household service workers; and 2 per cent were professional, technical, and kindred workers. None of the other occupational categories employed as many as 2 per cent of the Puerto Rican females.

The percentage distribution of Puerto Ricans among major occupational groups in 1960 showed changes, even though they remained predominantly in low-status jobs. For males 14 years and older the percent in non-household service occupations declined from 28.4 to 20.5; the percentage of managers, officials, and proprietors dropped from 5.4 to 3.7; professional, technical, and kindred workers declined slightly as a proportion of the total. However, it should be remembered that the number of Puerto Ricans in New York had increased considerably between 1950 and 1960. Even though certain job categories showed a drop in the proportions of Puerto

*EXHIBIT NO. 3 (Continued)*

Ricans in them, in every instance the absolute number of persons increased. Among the males in 1960, the percentage employed as laborers (5.9) and as craftsmen, foremen, and kindred workers (11.3) remained about the same as in 1950. Clerical, sales, and kindred workers showed a modest increase, from 10 to 12.3 per cent. The greatest increase, however, was registered in the category of operatives and kindred workers, in which 44.1 per cent of the Puerto Rican employed males worked in 1960, compared with 37.2 percent in 1950. In spite of these shifts, the occupational distribution of employed Puerto Rican males over-all showed no improvement in the decade. In 1950, 70.9 per cent of them were in the lowest income occupations (operatives, private household workers, non-household service workers, and laborers. In 1960 the comparable figure was 70.6 per cent.

Changes through the decade between censuses were somewhat brighter for employed Puerto Rican females, though at both points in time they were employed in low-status jobs in greater proportions than were Puerto Rican males. In 1950, 85.9 per cent of the employed females were in the lowest income occupations (listed above) compared with 70.9 per cent of the men. By 1960, only 78.2 per cent of the females were so employed, compared with 70.6 per cent of the males and females narrowed from 15 to 7.6 percentage points during the decade.

Improvement in the occupational situation of Puerto Rican women occurred chiefly through their employment as clerical, sales, and kindred workers. Of the total, 9.2 per cent were so employed in 1950; by 1960 the proportion in this category had increased to 15.9

*EXHIBIT NO. 3 (Continued)*

per cent. A slight gain was also registered by professional, technical, and kindred workers.

Examination of the separate data for the first and second-generation Puerto Ricans shows even more clearly an improvement of the occupational status of employed Puerto Rican women relative to Puerto Rican men. The employed men and women 14 years of age and older born in Puerto Rico were, of course, heavily employed in low-status occupations at the beginning and at the end of the 1950-1960 decade. Of the employed Puerto Rican-born men in 1950, 71.9 per cent were in low-status jobs (as defined above). The number changed only slightly--to 72.4 per cent-- by 1960. The employed women born in Puerto Rico, however, improved their occupational positions to a more striking degree, even though they began (and remained) in a disadvantaged occupational situation relative to the men. In 1950, 89.1 per cent of these women were in the low-status occupational categories, but by 1960 the percentage had fallen to 82.3. Thus, due to improvement in the occupations of females the percentage-point difference between men and women born in Puerto Rico dropped from 17.2 to 9.9 over the decade.

Among the employed Puerto Ricans born in the United States the females began with occupational distribution more favorable than that of the men in 1950 and they widened their advantage during the decade. However, the occupational situation of both men and women improved significantly. In 1950, 57.7 per cent of the men and 51.7 per cent of the women were in low-status occupations. By 1960 the figures had dropped to 48.4 per cent for the males and 34.2 per cent for the females. Thus the female occupational distribution improved to a greater degree than did that of the men. As a result, the



*EXHIBIT NO. 3 (Continued)*

female percentage-point advantage increased from 6.0 in 1950 to 14.2 in 1960.

The occupational advance for both men and women of the second generation was achieved in similar ways -- through increasing participation as professional, technical, and kindred workers, and as clerical, sales, and kindred workers. The proportion of men who were craftsmen, foremen and kindred workers also increased. The most dramatic increase was of women employed in clerical, sales, and kindred tasks, which rose from 39.4 per cent in 1950 to 56.0 per cent in 1960. The greatest percentage-point losses for the men were in the operative and non-household service categories and, for women, in the operative category--from 40.9 per cent in 1950 to 24.4 per cent in 1960.

The occupational distributions do not tell the entire story, for of the 147,495 Puerto Rican males 14 years old and over in New York City's labor force in 1960, 14,507 -- or 9.9 per cent -- were unemployed. This unemployment was heavily concentrated among youth. Of the Puerto Rican male labor force 14 to 19 years of age, 19.7 per cent were unemployed, as were 19.0 per cent of the non-white males of the same ages. (The figures for age groups are for New York City and Nassau, Suffolk, Rockland, and Westchester counties combined and probably understate the unemployment then prevalent in New York City.) Among females of the same age group, the unemployment rate of 14.7 for nonwhites was virtually the same as the Puerto Rican rate of 15.0. Unemployment was also high among the labor force 20 to 24 years of age: 10.7 per cent of the Puerto Rican males and 12.4 per cent of the females; for nonwhites, 9.7 per cent of the males and 9.2 per cent of the females. Rates of

*EXHIBIT NO. 3 (Continued)*

unemployment at older ages were smaller, but for no male Puerto Rican age group did it fall below 7.7 per cent.

In summary, the occupational statistics for Puerto Ricans in New York City show that they largely occupied low-status, low-income occupations in 1950 and in general remained in them in 1960. The over-all unemployment rate for Puerto Rican males has consistently exceeded that of any other racial or ethnic group in the City. A considerable upgrading is apparent in the occupations of the generation born in the United States relative to those who migrated here. However, the proportion of the second generation that has reached labor-force age is still small. Among both the first and second generation a trend is evident for the occupational status of employed women to improve relative to that of the employed men of the same generation. If the trend continues, it may have unfavorable implications for the stability of traditional Puerto Rican cultural patterns of family life.

In part, a consequence of the low educational attainment of the Puerto Rican population and the consequently low-status job at which they work, is the evident poverty of their families. Poverty is significantly more pronounced among Puerto Ricans than among any identifiable racial and ethnic group at least in New York City.

In 1959, 33.8 per cent of Puerto Rican families had incomes of less than \$3,000, and more than half (53.7 per cent) had less than \$4,000. The nonwhites in the city were better off, although not in an enviable situation. In this group, 27.1 per cent had incomes below \$3,000 and 43.6 per cent had less than \$4,000. The

*EXHIBIT NO. 3 (Continued)*

other whites were least disadvantaged. Only 11.8 per cent of their families had incomes of less than \$3,000; 19.2 per cent had less than \$4,000.

Because of the youthfulness of the Puerto Rican population in comparison with nonwhites and other whites, the children and youth in the Puerto Rican communities are struck more severely than any other group by massive conditions of poverty and deprivation.

As newcomers, Puerto Ricans entered the competition for housing later than did the nonwhite and other white populations. This is reflected in the statistics on the year in which household heads moved into the units where they resided in 1960. Among Puerto Ricans, 46.6 per cent had moved in during the period from 1958 to March, 1960. Only 30 per cent of the nonwhites and 22.8 per cent of the whites had occupied their units so recently. Puerto Rican heads of households were under-represented in the long-term occupants of housing units. While just 18.7 per cent of them had moved into their 1960 unit in 1953 or earlier, 41.1 per cent of the nonwhite and more than half (53.6 per cent) of the other white household heads were long-term residents.

In New York City, a city where owner-occupants of housing units are a distinct minority, those with household heads of Puerto Rican birth or parentage were least represented in the ownership group. Of the Puerto Rican families in the City, 95.3 per cent rented the unit where they lived, compared with 86.8 per cent of those with nonwhite heads and 75.6 per cent of those with other white heads of households. As the lowest-income population in the city, Puerto

*EXHIBIT NO. 3 (Continued)*

Ricans also paid less rent for renter-occupied units, but only slightly less than did the nonwhites. The median gross rent (the "middle" rent, with half the rents less and half exceeding it) for Puerto Ricans was \$62; that for non whites was \$66. In comparison, the other whites in general paid substantially higher rents. Their median was \$76.

The Puerto Rican households are concentrated in the oldest residential structures in New York City. Of the households, 87.3 per cent were in structures built in 1939 or earlier, whereas 84 per cent of the nonwhite households and 79.2 per cent of the other white households were in the older buildings. The Puerto Rican homes also are more frequently in the structures with larger numbers of units than are the homes of the nonwhites and the other whites. Of Puerto Rican households, 85.4 per cent were in structures with five or more units, compared with 70.5 per cent for the nonwhites and 61.1 per cent for the other whites.

Though a significant number of Puerto Rican households are in the large, low-income public-housing projects where physical standards are maintained, 40.1 per cent of their households were in deteriorating and dilapidated structures. While 10.4 per cent of the Puerto Rican households and 8 per cent of the nonwhite lived in "dilapidated" units, (as the term is defined by the U.S. Bureau of the Census), only 1.8 per cent of the other whites were so housed.

Puerto Ricans residing in these households were crowded for space to a degree not true of the nonwhites and other whites. Of the households with a Puerto Rican head, 38.6 per cent were in units with 1.01 or more persons per room. Thus, the information about the

*EXHIBIT NO. 3 (Continued)*

housing of Puerto Ricans parallels that characterizing their population. Just as they are the least educated, most frequently out of a job and looking for work, most concentrated in low-status occupations, and have least family income of any identifiable ethnic population in New York City, so do they live in housing units that are the most deteriorated or dilapidated, and the most crowded. For this they pay slightly lower rents.

Puerto Ricans in New York City on public health records of ill health consistently maintain an intermediate rate relative to that of nonwhites and other whites. This is shown by statistics on infant mortality, active tuberculosis, and infectious venereal diseases.<sup>35</sup>

The mortality rate for Puerto Rican infants--the number of deaths under one year of age per 1,000 live births--has hovered around 30 for the past decade. The actual rate for 1963 was 28.4, but annual fluctuations have produced almost this low a rate in prior years followed by higher rates. Thus, the pattern for the decade has been a rate of about 20 for the other whites, 30 for the Puerto Ricans, and 40 for the nonwhites.

Similar relationships are pointed up in statistics on newly reported cases of active tuberculosis, all forms, in 1963. Puerto Ricans comprise 7.9 per cent of New York City's population, but they comprised 13.8 per cent of new tuberculosis cases. Thus, the proportion of Puerto Rican cases was not quite twice the Puerto Rican percentage in New York's population. As in infant mortality rates, then, Puerto Ricans are between the other whites and the nonwhites in rate of new cases of tuberculosis.

*EXHIBIT NO. 3 (Continued)*

The much less adequate data on rates of infection with syphilis and gonorrhoea also show Puerto Rican rates in excess of those for whites and lower than those for nonwhites. However, these statistics should be interpreted as suggesting the possibility of ethnic differences in true rates, not as establishing them. In the first place, the data reflect only the cases diagnosed in public clinics. It is highly likely that many such cases diagnosed by private physicians are not reported and that this particularly minimizes the rates for whites. Second, Puerto Ricans are identified only by a judgment that the name on the record "sounds" Spanish. The degree of error thus introduced is unknown and may be very large. It is safer merely to state that a serious problem of venereal infection exists in New York City than to emphasize differences in rates between ethnic groups.

A recent study indicates that a high rate of mental disability may exist among Puerto Ricans in New York City. Based on responses to a list of symptoms, rather than past or present treatment for disability, nearly half--48.8 per cent--of the sample of persons born in Puerto Rico were classified as ranking in the highest of three groups in degree of mental disability.

We have thus far attempted to profile the Puerto Rican on the mainland. We have, however, only been able to describe those Puerto Ricans residing in urban areas, and particularly, in New York City. We must now briefly turn to the case of the agricultural migrant.

The Puerto Rican worker who migrates to the agricultural fields of the United States is one of the least known and least studied human groups of our society. His departure for the United

*EXHIBIT NO. 3 (Continued)*

States is a temporary act that is repeated every year. As a rule, the Puerto Rican agricultural migrant is forced to live approximately 180 days a year outside of his home, that is, about six months out of every year. Generally, he leaves Puerto Rico starting in the month of April and returns six months later. In 1970, approximately 50,000 Puerto Ricans went to work in the agricultural sector in the United States.

The majority of those workers have gone to farms in the Northeast region of the United States, particularly those in the states of New Jersey, New York, Connecticut, Delaware, Massachusetts, Ohio and Pennsylvania. The Puerto Rican migrant's participation in U.S. agriculture has become an essential factor in those areas of the nation where local agricultural workers are scarce and where, in spite of mechanization, agricultural workers are still necessary. As was pointed out earlier, the increasing deterioration of the agricultural sector in Puerto Rico has made agricultural laborers more obsolete and unnecessary every day.

For this reason the Puerto Rican agricultural worker is unemployed or holds temporary low-paying jobs during the months he remains on the island. In view of this, U.S. agricultural employers have been successful in their efforts to recruit Puerto Rican farm workers.

The recruitment of Puerto Ricans for agricultural tasks in the United States has been carried out in two ways. First, the agricultural worker himself, following instructions from his employer, informally contracts the services of other workers. Second, a special office of the Commonwealth Government recruits workers to go to the mainland.

In spite of the direct intervention of the Commonwealth Govern-

*EXHIBIT NO. 3 (Continued)*

ment in the recruitment effort, the information available on the Puerto Rican agricultural migrant to the United States is fairly scarce. Occasionally either local or mainland newspapers publish a statement of a political leader or of a migrant spokesman which describes some aspect, usually negative, of agricultural migration, such as living conditions on the farms, the absence of unemployment insurance, the lack of unions, and the arbitrary systems of compensation by units. But, on the whole, the invisible migrant Puerto Rican farmworker is little known in his own country.

B. The Problems of the Puerto Ricans in the U.S.

The problems of Puerto Ricans on the mainland stem basically from two sources; one, the conditions which exist in the United States affecting the poor, racial and cultural groups, which are rejected and relegated to the lower echelons of society. The other source is the problems created by conditions and characteristics of the Puerto Rican migrant himself.

It is not necessary to prove that at this point in the history of this country persons who are black or who possess visible characteristics of the Negro race will be discriminated against in employment, housing, schools and in receiving equal treatment. Puerto Ricans, in general, are darker in color than Americans. Some Puerto Rican migrants are white, some are black, and the majority of the group is racially mixed.

In the scheme of discrimination in the United States some cultural origins are more desirable than others and a hispanic cultural origin with evident mixtures of African and Indian traits (exactly the components of most Puerto Rican migrants) ranks very high in the degree



*EXHIBIT NO: 3 (Continued)*

of undesirability. Spanish-speaking persons (unless they are from Spain) are also low in the prestige ladder. Puerto Ricans speak Spanish and in the mind of educators and other professionals in the U.S. do not speak Spanish, but "Puerto Rican".

School systems in the United States have been found to segregate by color and by certain cultural-racial groups (Mexican-American, Indian and Puerto Rican). These segregated parts of the school systems receive inferior conditions and resources and impart an inferior education. These conditions have been fully described by innumerable research studies and books, and have been litigated in courts. The reality of segregation has been recognized by various American social scientists and other students of the problems of American education.

The majority of Puerto Ricans on the mainland live in the ghettos of most large Northeastern cities of the United States. They suffer from the physical as well as spiritual conditions attendant to poverty in these cities. They also suffer from the powerlessness and voicelessness of recent arrivals in cities. These cities have well developed and intricate patterns of power blocks and organizational life. Puerto Ricans arrive to live in cities which are being abandoned by the middle class. What the Puerto Ricans inherit are the deteriorated services which these abandoned cities can still offer.

In short, the conditions and characteristics of the Puerto Rican in the United States which help and perpetrate the group's problems can be enumerated as follow:

- 1) Puerto Rican migrants are the bearers of a culture with different patterns of behavior and values from that found in the United States.

*EXHIBIT NO. 3 (Continued)*

- 2) Puerto Rican migrants come from a basically rural environment and arrives in some of the most urbanized cities in the United States.
- 3) Most Puerto Ricans migrants possess either no skills or very rudimentary skills
- 5) Puerto Rican migrants possess one of the lowest educational levels of formal education of any of the ethnic or color groups with whom they share the cities.

The exodus to the United States has brought the Puerto Ricans face to face with the massive gulf that separates the American dream from the American reality. Unlike earlier migrant groups of European descent, Puerto Ricans have been unable to become acculturated to the American way of life. Today, after more than two generations of direct contact with the American way of life, Puerto Ricans are still a highly "visible" group within the American society.

The Puerto Rican migrant arrives at a time when the American economy has already absorbed the European migrants, and when the only available openings are at the very bottom of the social and economic structure. To wit: after the termination of World War II, the American economy experienced an enormous growth following the opening of new markets which created a tremendous demand for labor. This growth forced the economy to use up most of its labor surplus, namely, the ethnic and racial minorities, in order to keep its pace. The Puerto Rican migrant entered the American scene at a time when the existing conditions ruled out the possibility of social mobility, since the demands of the economy could not be met effectively by the skills he had to offer. As production followed its logical trend,

*EXHIBIT NO. 3 (Continued)*

that of increased mechanization, the Puerto Rican migrant discovered that as the demands of the economy became more specialized the supply of labor increased in the unskilled sectors in which he is forced to compete. The result was higher unemployment rate among Puerto Ricans, and a worsening of living conditions.

Prominent among the factors which hamper the assimilation of Puerto Ricans is the fact that Puerto Ricans are a racially mixed people. The racism of the receiving society is perhaps the first "proof" the migrants have of being in a different and hostile world.<sup>36</sup>

As Gordon K. Lewis pointed out, there has been, from the very moment of American occupation of the island, a strong fear among many Americans of Puerto Rican "penetration" and a powerful effort to keep the islander "in his place" as a second class citizen.<sup>37</sup> The high degree of "visibility" Puerto Ricans have within the American society has led some commentators to label Puerto Ricans as a "problem".

Finally, the colonial situation of Puerto Rico has been a major factor in defining the treatment accorded the islanders in the United States. The political relationship between the U.S. and Puerto Rico has deprived the Puerto Rican migrant in various intangible, subjective ways, of the dignity and respect accorded to previous migrant groups which came from sovereign nation-states.

*EXHIBIT NO. 3 (Continued)*

## APPENDIX A

Brief examination of the present state of the data available on migration. Various methods are being used to compile migration data, none of which is either accurate or reliable.

The first of these methods is being used by the Balance of Payments Office of the Bureau of Economic and Social Analysis within the Planning Board of Puerto Rico. The method consists of interviews of airline passengers to determine whether or not they are residents of Puerto Rico. One of every four persons interviewed is further asked his destination, the purpose of his trip, his occupation, etc.

According to a report prepared by the firm of Peat, Marwick, Mitchell and Co.<sup>38</sup> the above survey is carried out by one person and the information gathered is tabulated by the Planning Board every year. It is noted that the number of people working on the survey is inadequate and there is no electronic processing of the data. Consequently, there are considerable delays in the publications of the information obtained from the surveys.

The second method is being used by the Ports Authority on the basis of information provided by airline and shipping companies. The information obtained from the airlines is submitted in connection with a tax payable by the airlines on each ticket sold. The above-described method omits passengers that do not pay for their tickets, and furthermore, since the method used is not uniform, the analysis of the data gathered requires considerable time. They

*EXHIBIT NO. 3 (Continued)*

survey emphasizes only global movement and volume of passengers. It makes no attempt to distinguish between resident and non-resident passengers, nor does it include information regarding sex, age or occupation of passengers.

The airlines' information is submitted to the above-mentioned Balance of Payment Office to be used (after the addition of non-resident figures) in the preparation of population estimate. The data thus obtained from the airlines makes no distinction between tourists, businessmen, etc. or migrants and is, therefore, not an adequate measure of the outflow of Puerto Ricans to the mainland nor the inflow of non-Puerto Ricans to the island.

Just as unreliable as the above-mentioned methods is the attempt made by the Planning Board to obtain information about migrants by using the Department of Labor's household survey. This survey is used by the Planning Board as the basis for determining the Island's rates of employment and unemployment. In the course of this survey, the interviewer will ask whether any members of the household who was residing in Puerto Rico at the time of the survey last year was not living outside Puerto Rico. This is equivalent to asking who emigrated during the preceding year. The survey also tries to determine which members of the households were living outside Puerto Rico during the preceding year. Thus, the attempt is made to determine the number of immigrants to the island.

The household survey is useful in determining three principal types of migratory movements: 1) from rural to urban areas; 2) from one municipality to another (particularly from low-density to

*EXHIBIT NO. 3 (Continued)*

high-density municipalities; 3) emigration to the mainland.  
 4) immigration to the island by non-Puerto Ricans (principally North Americans, Cubans, Dominicans). The survey covers 8,000 households, which constitute a sub-sampling of the 48,000 households included in the Department of Labor's sampling.

There are a number of serious deficiencies in the use of the household survey to determine the volume of migration and the characteristics of migrants. First, there is no way of obtaining any information in the case where an entire household has migrated. Thus, the method underestimates the actual number of migrants. Second, the survey does not take into account, as a characteristic, whether members of the household are owners or tenants.

A fourth method being used to obtain migration data is that based on changes in population between successive censuses and on birth and death rate figures. Through the use of these censuses and of a component or residual formula and its variations one can indirectly obtain reliable estimates on migration data for the period between the two successive censuses. The method is commonly known as "vital statistics method." The accounting equation used is the following:

$$P_1 = P_0 + N - D + M$$

$P_1$  is the population at the time of the last census,  $P_0$  is population at the time of the prior census, N are births which occurred between the two censuses, and finally, M is net

*EXHIBIT NO. 3 (Continued)*

The equation can be reformulated as follows:

$$M = P_1 - P_0 - N + D$$

In other words, net migration during the period between two censuses is equal to the population at the time of the last census minus the population at the time of the prior census, minus births occurring during the period between the two censuses, plus the number of deaths occurring between the two censuses.

Before 1960, the vital statistics method only yielded information on the balance of the net migration of each municipality, without any indication on whether migrants were moving to other municipalities or outside Puerto Rico. Since 1960, the census is recording the municipalities where people live at the time of the census and the municipalities in which they were born. This additional data helps to estimate net internal migration between municipalities during the period between the two census. In this manner, we can obtain net total external migration by each municipality by subtracting net internal migration from total net migration (obtained through an application of the above-mentioned equation).

The vital statistics method is of rather limited usefulness. It does not produce the immediate information. For example, the necessary data from the 1960 census was not available until 1963. The method, furthermore, does not register any annual changes in migration patterns.

*EXHIBIT NO. 3 (Continued)*

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- 25- These coefficients can be considered relatively high since a perfect association between two variables given a correlation coefficient of 1.0 (or -1.0 in the case of an inverse relation); the coefficient is 0 when there is no association between two variables.
- 26- The trend described continues from 1965 to the present; in 1969 we find a reverse flow (to Puerto Rico) similar to the ones encountered in 1961 and 1963. In order to explain these reverse flows it would be necessary to have data on the existing demand for labor in certain industries within the American economy, as well as specific data on the migrants returning to Puerto Rico. See Appendix A for a discussion of the problems presented by the data collection methods being used by the Puerto Rican government.
- 27- Puerto Rico Planning Board, Economic Report to the Governor, 1965, p. 193.

*EXHIBIT NO. 3 (Continued)*

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*EXHIBIT NO. 4*

UNITED STATE COMMISSION ON CIVIL RIGHTS

STAFF REPORT

DEMOGRAPHIC, SOCIAL, AND ECONOMIC CHARACTERISTICS OF

NEW YORK CITY AND THE NEW YORK METROPOLITAN AREA

FEBRUARY 1972

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## POPULATION

The New York Standard Metropolitan Statistical Area (SMSA) consists of New York City with its five counties -- New York County or the Island of Manhattan, Bronx County, Richmond County or Staten Island, King County, and Queens County, as well as Westchester and Rockland Counties to the North, and Nassau and Suffolk Counties situated to the East on Long Island. <sup>1/</sup> In 1970 the New York SMSA numbered 11,528,649 inhabitants, an increase of 7.8 percent over the 1960 population of 10,694,633. <sup>2/</sup> Puerto Ricans numbered 1,079,700 in 1970, increasing their population in the area by 71.5 percent since 1960. <sup>3/</sup> In the same period the white population increased by only 4.7 percent.

New York City holds 68.2 percent of the 1970 SMSA population; whites in the city make up only 59.4 percent of their total, while Puerto Ricans account for 97.4 percent of their total area population.

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<sup>1/</sup> A Standard Metropolitan Statistical Area (SMSA) is a county or group of contiguous counties which contains at least one city of 50,000 inhabitants or more, or "twin cities" with a combined population of at least 50,000. In addition to the county, or counties, containing such a city or cities, contiguous counties are included in an SMSA if, according to certain criteria, they are essentially metropolitan in character and are socially and economically integrated within the central city.

<sup>2/</sup> New York State Department of Labor, Division of Employment, Minority Manpower Statistics, July 1971, Table 1.

<sup>3/</sup> U.S. Bureau of the Census, U.S. Census of Population: 1960. Subject Reports. Puerto Ricans in the United States. Final Report PC (2)-1D.

*EXHIBIT NO. 4 (Continued)*

The City of New York is divided into five boroughs: Manhattan, the Bronx, Brooklyn, Queens, and Staten Island. The last two boroughs traditionally have served as white residential areas. Until recently, Manhattan had held the largest minority group population in the city, in the northernmost part of the island -- in East Harlem -- and in the lower East Side along the East River. The fashionable upper East Side and the West Side have long been white strongholds, while the business district, cutting lengthwise through the island, continues to be the repository for the city's high financial and mercantile interests. The Bronx, separated from Manhattan by the Harlem river, now houses a majority of black and Puerto Rican persons in South Bronx, Morisania, Tremont and Hunts Point. Brooklyn, a fast growing minority community, has a large Puerto Rican residential area in Williamsburg.

Puerto Ricans showed the largest gains over the last decade in the Bronx and Brooklyn (King County) where their numbers increased 134.0 and 125.4 percent respectively. <sup>4/</sup> Between 1960 and 1970 more than 1 million whites moved out of the inner city! This exodus occurred exclusively in the boroughs of Manhattan, the Bronx, and Brooklyn; adjacent Nassau, Suffolk, Westchester and Rockland Counties absorbed

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<sup>4/</sup> United States Department of Labor, Bureau of Labor Statistics, Labor Force Experience of the Puerto Rican Worker, June 1968, Table 5.

*EXHIBIT NO. 4 (Continued)*

about three-fifths of this loss. As a result, the Bronx and Brooklyn have changed dramatically in ethnic character over the last 10 years. The white population has been reduced in these two boroughs from about 77.3 percent to 51.1 percent while non-whites and Puerto Ricans combined increased from 22.7 percent to 49.9 percent. <sup>5/</sup> Manhattan, although 58.4 percent white, lost 15.1 percent of its white population and 1.4 percent of its Puerto Rican population over the decade.

In 1970, Puerto Ricans comprised 1,051,200 persons in New York City or 13 percent of the city population. <sup>6/</sup> Other major metropolitan concentrations of Puerto Ricans in the Northeast include: in Connecticut, Hartford - 35,000 and Bridgeport - 30,000; in Massachusetts, Boston - 30,000, and Springfield - 20,500; in New Jersey, upwards of 30,000, in Newark and more than 26,000 in Hoboken and Jersey City combined. <sup>7/</sup>

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5/ New York State Department of Labor, Division of Employment, Minority Manpower Statistics, July 1971, Table 1.

6/ The United States Census defines as Puerto Rican those persons born in Puerto Rico and persons born in the United States with one or both parents born in Puerto Rico. In effect, this group is limited to migrants from Puerto Rico and their children. No census data are available on third and later generations of Puerto Rican origin.

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## EXHIBIT NO. 4 (Continued)

TABLE

NEW YORK CITY POPULATION  
BY BOROUGH AND ETHNIC GROUP  
1960 and 1970

	1970 U. S. CENSUS		1960 U. S. CENSUS		1960-1970 CHANGE	
	NUMBER	PER- CENT	NUMBER	PER- CENT	NUMBER	PER- CENT
NEW YORK CITY	7,867,760	100.0	7,706,300	100.0	161,460	2.1
White	4,972,335	63.2	6,000,000	77.9	-1,027,665	-17.1
Non-white	1,844,225	23.4	1,102,900	14.3	741,325	67.2
Puerto Rican	1,051,200	13.4	602,900	7.8	448,300	74.4
MANHATTAN	1,524,541	100.0	1,681,400	100.0	-156,859	-9.3
White	890,352	58.4	1,048,900	62.4	-158,548	-15.1
Non-white	449,289	29.5	410,300	24.4	38,989	9.5
Puerto Rican	184,900	12.1	222,100	13.2	-37,200	-1.7
BRONX	1,472,216	100.0	1,410,300	100.0	61,916	4.4
White	650,840	44.2	1,067,600	75.7	-416,760	-39.0
Non-white	390,876	26.6	158,700	11.3	232,176	146.3
Puerto Rican	430,500	29.2	184,000	13.0	246,500	134.0
BROOKLYN	2,601,852	100.0	2,605,000	100.0	-3,148	*
White	1,507,307	57.9	2,054,200	78.9	-546,893	-26.6
Non-white	694,945	26.7	373,100	14.3	321,845	86.3
Puerto Rican	399,600	15.4	177,300	6.8	222,300	125.4
QUEENS	1,973,708	100.0	1,797,700	100.0	176,008	9.8
White	1,651,032	83.6	1,628,400	90.6	22,632	1.4
Non-white	291,276	14.8	152,200	8.5	139,076	91.4
Puerto Rican	31,400	1.6	17,100	0.9	14,300	83.6
RICHMOND	295,443	100.0	211,900	100.0	83,543	39.4
White	272,804	92.4	200,900	94.8	71,904	35.8
Non-white	17,839	6.0	8,600	4.1	9,239	107.4
Puerto Rican	4,800	1.6	2,400	1.1	2,400	100.0

\*Less than 1%

SOURCE: New York State Department of Labor, Division of Employment.



## EXHIBIT NO. 4 (Continued)

Migration Trends

Historical data on Puerto Ricans goes back as far as 1910. In that year the census reported about 1,500 persons of Puerto Rican birth in the United States. Each census since then has shown a marked increase in that population. By 1960, Puerto Ricans in the U.S. numbered 900,000.

In 1950, 80 percent of this constituency resided in New York City. By 1960 this percentage dropped to 70 percent indicating a gradual dispersion of the New York Puerto Rican population. The data in the following table provides a summary of Puerto Rican population growth in the country as a whole and in New York City for 1910-60: <sup>8/</sup>

TABLE B.

PERSONS OF PUERTO RICAN ORIGIN IN COTERMINOUS  
UNITED STATES AND NEW YORK CITY: 1910 TO 1960

Birth and year	United States		New York City	
	Number	Percent increase	Number	Percent of Total
Puerto Rican birth:				
1960 .....	615,384	172.2	429,710	69.8
1950 .....	226,110	223.2	187,420	82.9
1940 .....	69,967	32.6	61,463	87.8
1930 .....	52,774	346.8	(*)	....
1920 .....	11,811	680.6	7,364	62.3
1910 .....	1,513	.....	554	36.6
Puerto Rican parentage: (**)				
1960 .....	272,278	261.8	182,864	67.2
1950 .....	75,265	.....	58,460	77.7

(\*) Not available.

(\*\*) Born in the United States.

8/ U.S. Bureau of the Census, U.S. Census of Population: 1960.

*EXHIBIT NO. 4 (Continued)*

In 1950, persons of Puerto Rican parentage accounted for about one-fourth of their total population, but by 1960, the proportion was closer to one-third. In New York City in 1970, persons of Puerto Rican birth and parentage accounted for 72.5 percent of the total United States Puerto Rican population recorded at 1,450,000 persons. Almost three quarters of the total Puerto Rican population continue to speak Spanish in the home.<sup>9/</sup>

The growth of the city's Puerto Rican population in the 60's, though substantial, was slower than it had been during the 50's. The migration component of the increase, two-thirds during the earlier decade, was probably considerably less in the 60's, judging by net migration figures. Between 1950 and 1960, the number of persons of Puerto Rican birth in New York City rose by 292,000, the number of Puerto Rican parentage increased by 129,000. Between 1961 and 1968 net migration from the island amounted to 101,000 persons, the majority of whom must have settled in New York. This means that the third generation--born of Puerto Rican parentage and born here--is rapidly gaining in numbers but is also being lost as an identifiable ethnic group because of surveys which are limited to persons of Puerto Rican birth and Puerto Rican parentage.

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<sup>9/</sup> U.S. Bureau of the Census, Current Population Reports, Series P-20, No. 213, "Persons of Spanish Origin in the United States:" November, 1969.

*EXHIBIT NO. 4 (Continued)*Age Distribution

The median age for persons of Puerto Rican origin in the Nation was about 10 years lower than for the total white population in 1971.<sup>10/</sup> About half of the Puerto Rican population were under 19 years of age as compared with about one-third of the white population. Three percent of the Puerto Rican population were 65 years or older, compared to ten percent of the white population.

In New York City the 1960 census reported the median age of Puerto Ricans at 21.9 years as compared with 38.4 years of age for whites.

TABLE C.  
MEDIAN AGE OF NEW YORK CITY'S POPULATION  
BY SEX AND ETHNIC GROUP, 1960

<u>SEX AND ETHNIC GROUP</u>	<u>1960 U.S. CENSUS</u>
<u>Total Population</u>	<u>35.1</u>
Male	34.1
Female	36.0
<u>White</u>	<u>38.4</u>
Male	37.2
Female	39.5
<u>Non-white</u>	<u>29.0</u>
Male	28.3
Female	29.6
<u>Puerto Rican</u>	<u>21.9</u>
Male	21.3
Female	22.4

<sup>10/</sup> U.S. Bureau of the Census, Current Population Reports, Series P-20 No. 224, "Selected Characteristics of Persons and Families of Mexican, Puerto Rican and other Spanish Origin". March 1971.

*EXHIBIT NO. 4 (Continued)*Family Size

Puerto Rican families in poverty areas surveyed by the Department of Labor in 1969 tended to be larger than families in the city generally or black families interviewed. One-third of all Puerto Rican families counted five or more members against less than a fourth of all black families and one-sixth of all the city's families. Only about one-fifth of all Puerto Rican families had two members -- half the proportion for blacks or for the city at large.

INCOME AND POVERTY INCIDENCE

The difference in income between white and Puerto Rican families indicates the severity of the problems faced by Puerto Ricans in employment. In 1960, 34 percent of all Puerto Rican families living in the city had incomes below \$3,000, compared with 27 percent of non-whites and 12 percent of whites. <sup>11/</sup> Whereas over 80 percent of white families earned more than \$4,000, only 46 percent of Puerto Rican families were in the same income bracket. Nationally, the median income for Puerto Ricans in 1971 was \$5,975, compared with \$6,279 for non-whites and \$9,867 for whites. <sup>12/</sup> Clearly, Puerto Ricans are at the bottom of the heap.

The above figures suggest that there is extensive poverty among the city's Puerto Rican families. The Urban Employment Survey conducted by the United States Department of Labor in poverty areas of New York City cites corroboratory evidence of deprivation. <sup>13/</sup> Almost one-third of the Puerto Rican families surveyed lived below the poverty threshold as

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<sup>11/</sup> U.S. Department of Labor, Bureau of Labor Statistics, supra note 4, at 21.

<sup>12/</sup> U.S. Bureau of the Census, supra note 9, Table 3.

<sup>13/</sup> Poverty areas surveyed were Central and East Harlem, the South Bronx, and the Bedford-Stuyvesant section of Brooklyn.

*EXHIBIT NO. 4 (Continued)*

defined by the Social Security Administration.<sup>14/</sup> Puerto Rican families were almost three times as likely to live in poverty as all of the city's families.

One of the most serious casualties of this high poverty incidence is the number of children affected. Two-thirds of the families whose incomes fell below the poverty line had four or more members. Since, in most families of three or more persons, the children are under 16 years of age, a significant number of Puerto Rican children are growing up in disadvantaged environments.

A salient reason for poverty was that almost one-third of the household heads were not employed in the year preceding the survey interview. Thirteen percent of male household heads and 68 percent of female household heads - all of whom headed families with two or more persons - reported no work experience for the preinterview year. The majority of these persons had incomes below \$3,000.<sup>15/</sup>

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<sup>14/</sup> For 1968, these cutoffs were as follows:

<u>Size of Family</u>	<u>Poverty threshold</u>
1 member	\$1,748
2 members	2,262
3 members	2,774
4 members	3,553
5 members	4,188
6 or more members	5,496*

\*Represents average for families with 6-11 members.

<sup>15/</sup> U.S. Department of Labor, Bureau of Labor Statistics, The New York Puerto Rican: Patterns of Work Experience, May 1971, p. 50.

## EXHIBIT NO. 4 (Continued)

Employment

Puerto Rican workers interviewed in the Urban Employment Survey were concentrated in the lowest paying jobs in the city. Almost two-thirds of the Puerto Rican labor force had blue collar jobs, as compared with about one-third of the total city work force. <sup>16/</sup> Of the 39,400 Puerto Rican workers reporting, less than 17 percent--only 6,502 persons--held white collar jobs compared to 36 percent of the city's entire work force.

TABLE D\*  
1968-69  
Poverty Area  
Puerto Rican

1969  
New York  
City

	Number	Percent	Number	Percent
Total number of workers, 16 and over	39,400	100.0	3,139,000	100.0
Professional and Technical	1,157	02.9	458,130	14.6
Manager, Proprietors Officials	1,453	03.7	344,980	11.0
Skilled workers	3,892	09.9	330,110	10.5
Clerical and Sales workers	7,780	19.7	1,028,070	32.8
Semiskilled blue collar workers and laborers	17,532	44.5	645,650	20.6
Service workers	7,315	18.6	396,170	12.6

\*See p. 8, footnote 13.

16/ Id. Table VI.

*EXHIBIT NO. 4 (Continued)*

This occupational distribution corresponded closely to that reported by the 1960 census, indicating that the status of the Puerto Rican worker has not improved.

In 1968-69, Puerto Ricans in poverty neighborhoods were found in overwhelming numbers in manufacturing, largely because their lack of fluency in English and low educational attainment were not obstacles in this field. Two out of every five workers held a factory job. Figures for the city show about 20 percent of the total work force in manufacturing, so that Puerto Ricans were disproportionately represented in what has been a declining sector of the city's economy.

In 1960, 60 percent of the Puerto Rican work force was employed in manufacturing. In the decade that followed, these jobs decreased by 173,000, a loss that was not offset by an increase in low level service jobs. This accounts, in part, for the staggering unemployment rate in the Puerto Rican community.

In professional, managerial, and technical jobs, the contrast between the percentages of the total work force and Puerto Ricans employed suggests that the white collar market place is largely inaccessible to the Puerto Rican community. Puerto Rican men in poverty areas make up 6 percent of the professional work force in contrast to 29 percent of men employed city wide.<sup>17/</sup> The position

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<sup>17/</sup> Id.

*EXHIBIT NO. 4 (Continued)*

of Puerto Rican women is relatively higher in this category; eight percent of their labor force are employed as professionals compared with 19 percent of females city wide.

Unemployment

In 1969-1970, the unemployment rate in New York City jumped from 3.6 percent to 4.8 percent. Whites in the city recorded a rate of 4.7 percent, blacks, 5.4 percent. In the poverty areas of Central and East Harlem, South Bronx, and Bedford Stuyvesant, the unemployment rate was an alarming 7.9 percent. Puerto Ricans in these neighborhoods had the highest figure of all groups, 9.5 percent. <sup>18/</sup>

The previous year, in 1968-69, the Urban Employment Survey found a comparable rate of unemployment among Puerto Rican workers in the city's poverty areas. At 9.6 percent their rate was two and a half times that of the total city work force and 50 percent higher than that of ghetto blacks. <sup>19/</sup> This high rate is largely attributable both to the heavy representation of Puerto Ricans in semiskilled and service occupations where unemployment rates run above average, and to their concentration in industries with seasonal fluctuations in employment such as the apparel industry which showed an 8 percent change in employment figures between the months of high and low productivity. <sup>20/</sup>

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<sup>18/</sup> U.S. Department of Labor, Bureau of Labor Statistics, Changing Patterns of Prices, Pay, Workers, and Work. May 1971, Chart 11.

<sup>19/</sup> Id. at 26.

<sup>20/</sup> Id. at 24.



*EXHIBIT NO. 4 (Continued)*

Unemployment was experienced at some time during the 12 months preceding the survey interview by nearly one of every five Puerto Ricans who had been working or looking for work, compared with one in eight of all workers nationally. The proportion of Puerto Rican women and teenagers who were unemployed was higher than that of men. Puerto Rican women also fared worse than black women.

## EDUCATION

Any consideration of educational strategies in New York City must take into account the special social and educational characteristics of the Puerto Rican population: lower income levels than for blacks or whites as cited earlier, a lower level of educational attainment than for the other two groups, and a language barrier.

Level of Educational Attainment

In 1969 the Urban Employment Survey reported that Puerto Ricans 25 years of age and over living in poverty areas had completed on the average only 8.3 years of school.<sup>21/</sup> This figure contrasts sharply with the median of 12.1 years of schooling for the city population as a whole and 11.8 years for nonwhites in 1970.<sup>22/</sup> Where 53.4 percent of the city's white constituency 25 years of age and over had earned a high school diploma, only 15 percent of the Puerto Rican residents had graduated from high school, falling considerably below the nonwhite figure of 48 percent.<sup>23/</sup>

<sup>21/</sup> U. S. Department of Labor, Bureau of Labor Statistics, supra note 14 at 33.

<sup>22/</sup> U. S. Department of Commerce, Bureau of the Census. Educational Attainment in 30 selected SMSA's: 1970 Series P-20, No. 227, Nov. 1971.

<sup>23/</sup> Id.

*EXHIBIT NO. 4 (Continued)*

TABLE E.

Median years of schooling completed by ethnic group in New York City, 25 years old and over.

	1970	1960
Puerto Rican*	8.3	7.6
Non-white	11.8	9.5
White	12.1**	11.2

SOURCE: U.S. Bureau of the Census

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Percent distribution of high school diplomas received by persons 25 years of age and older, by race, in New York City.

	1970	1960
Puerto Rican*	15.0	13.0
Non-white	48.0	31.6
White	53.4**	39.9

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Percent distribution of college graduates of persons 25 years of age and older, by race, in New York City.

	1970	1960
Puerto Rican	1.5***	0.9
Non-white	6.0	4.2
White	12.3**	9.3

SOURCE: U.S. Department of Commerce

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\*Puerto Ricans in East Harlem, Central Harlem, South Bronx, and Bedford-Stuyvesant, 1968-69.

\*\*Includes Spanish surnamed population.

\*\*\*Estimate.

*EXHIBIT NO. 4 (Continued)*

The number of college graduates within the Puerto Rican community in New York City is miniscule. In 1960 nine-tenths of one percent of Puerto Ricans 25 years of age and older had graduated from college. Ten years later that percentage improved slightly. The best estimates are that, as of 1970, about 1.5 percent of this group had graduated from college. <sup>24/</sup> This figure should be compared to percentages for non-whites -- 6 percent -- and whites in the city -- 12.3 percent in 1970. <sup>25/</sup>

School Enrollment

New York City schools enrolled in 1970, 301,020 Puerto Rican children: 260,000 in public schools and 41,020 in non-public schools. <sup>26/</sup> Puerto Rican pupils made up 87 percent of all Spanish surnamed pupils in the city.

The total public school population in 1970 numbered 1,141,075, 22.8 percent of whom were Puerto Rican, 34.3 percent were black, and 37.8 percent were classified as "other". <sup>27/</sup> The Puerto Rican and black populations have grown by approximately 287,000 students over the

<sup>24/</sup> SOURCE: Cabinet Committee on Opportunities for the Spanish Speaking.

<sup>25/</sup> U.S. Department of Commerce, Bureau of the Census. supra, note 2.

<sup>26/</sup> Puerto Rican Educators Association, The Education of the Puerto Rican Child in New York, 1971, p. 17.

<sup>27/</sup> New York City Board of Education Computer Printout, 1970. NOTE: Prior to 1968, the Census included three categories: Negro, Puerto Rican, and Other. Since then the categories of American Indian, Oriental, and Other Spanish Surnamed Americans have been added. Ethnicity is determined not by particular definitions but by "community consensus". The Board explicitly prohibits asking a student his race or ancestry.

*EXHIBIT NO. 4 (Continued)*

last decade in contrast to an attrition of nearly 133,000 white students. This growth has dramatically altered the composition of the city's student population. In 1960, city schools were majority schools -- almost 63 percent of the students enrolled were white. In 1970 the city schools were populated by minority groups -- 57.3 percent of the students were black or Puerto Rican.<sup>28/</sup>

Between 1960 and 1970 the total school population increased by 15.6 percent. The smallest proportionate change, 8.4 percent (47,551), occurred in the elementary schools. These data, however, include an increase of 78,398 (55.6 percent) for blacks; 53,104 (52.2 percent) for Puerto Ricans; and a decline of 83,951 (25.9 percent) for whites.<sup>29/</sup>

The most arresting increases took place in the academic high schools. The total increase at this level was 57,322 pupils (30.4 percent). The "other" category, however, experienced an actual decrease of 22,379 (14.9 percent). The increases in minority group populations were dramatic -- 52,413 (260.1 percent) for blacks and 27,289 (276.3 percent) for Puerto Ricans.

Attrition Rate

Part of the overall increase in the academic high schools was due to the switch from the 6-3-3 system in the elementary, junior high, and high schools to a 4-4-4 system. These increases, however, should not be misinterpreted; the effects of maladjustment and miseducation on minority groups are borne out in their attrition rates. In 1970-71 only

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<sup>28/</sup> Id.

<sup>29/</sup> New York City Board of Education, Annual Census of School Population, October 30, 1970.

*EXHIBIT NO. 4 (Continued)*

33 percent of the Puerto Rican students enrolled in the 10th grade actually graduated from high school. 67 percent of their group left at some point between September 1967, and June, 1971. The dropout rate for blacks during the same period was 65 percent,<sup>30/</sup> and for whites 35 percent.

Table F describes the relationship between attrition rates for the June 1970 senior classes in New York City public high schools and the ethnic composition of these schools.<sup>31/</sup> The city high schools have been clustered into ten groupings, number one representing the six schools with the highest percent of non-black and non-Puerto Rican students, and number ten the least. Except for minor variations, a striking relationship between the percent of black and Puerto Rican students in a school and the school's attrition rate exists. As the percent of black and Puerto Rican enrollment increases, the attrition rate more than doubles. While these figures only estimate the dropout differences between predominantly white and non-white high schools, they strongly suggest that the schools are selectively more responsive to white students.

The board of education claims that the student attrition rate largely includes those who either transferred to private or parochial schools, moved out of New York City, or were over 17 years old. It is established fact, however, that the majority of students who leave the public schools for private or other educational programs are white.

<sup>30/</sup> Commission staff analysis, Appendix C

<sup>31/</sup> Id. at 14.

## EXHIBIT NO. 4 (Continued)

This explanation would therefore tend to increase, not lessen, the proportion of dropouts who are black or Puerto Rican. It is also a fact that white families, not Puerto Rican or black, have had the resources to leave the metropolitan area for the suburbs. Thus, migration out of New York City accounts for a greater attrition rate among whites than non-whites, again suggesting that the real problem of dropouts confronts the minority ethnic groups.

TABLE F.

Attrition Rates, New York City Public Academic High Schools, As a Function of Ethnic Composition, June 1970

Group	Percent Attrition	Percent Black	12th GRADE ETHNIC CENSUS	
			Percent Puerto Rican	Percent Other
1	26%	2.6	1.0	96.4
2	24%	5.5	2.0	92.5
3	33%	9.7	1.8	88.4
4	28%	12.7	3.9	83.7
5	36%	13.9	6.1	79.9
6	38%	20.9	5.2	73.9
7	46%	25.8	18.2	56.0
8	42%	33.6	19.1	47.0
9	62%	40.7	27.2	32.1
10	61%	50.1	40.2	9.7

SOURCE: New York City Board of Education; Courtesy of the MARC Corporation.

*EXHIBIT NO. 4 (Continued)*Enrollment by Borough and Districts

The chart which follows describes the ethnic distribution of students by borough. The largest Puerto Rican enrollment is located in the Bronx where they make up 39.7 percent of the register.<sup>32/</sup> The smallest proportion is in Richmond where Puerto Ricans comprise 2.8 percent of the register. Manhattan, the Bronx, and Brooklyn show a solid concentration of minority students. Others or whites comprise less than a quarter of the student body in the first two boroughs; in the third they comprise 35.7 percent.

Since 1969, the elementary and junior high schools have been grouped into 31 districts and administered locally through district community boards. The districts with the greatest numbers of Puerto Ricans are the following:

<u>District</u>	<u>Location</u>	<u>Percent of Puerto Ricans Enrolled</u>
1	Manhattan-Lower Eastside	68.2
4	Manhattan-East Harlem	63.9
7	South Bronx	64.1
12	Bronx-Morrisania, Tremont	55.7
14	Brooklyn-Williamsburg	62.2

Table 12 lists percent enrollment for the 31 districts which comprise the New York City School system. High schools are situated within these districts but are administered through the Central Board of Education.

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<sup>32/</sup> New York City Board of Education, supra note 9.

*EXHIBIT NO. 4 (Continued)*Personnel

The most complete analysis of New York City public schools employment is available for March 1969.<sup>33/</sup> Table 14 summarizes the ethnic composition of school personnel in major employment categories. Of 59,104 teachers, 89.4 percent were white, 9.1 percent were black, and 0.8 percent were Puerto Rican.

There were 969 principals - 4 were Puerto Rican and 37 were black. The remainder - 95.3 percent - were white. In that year 3.8 percent of the total staff were Puerto Rican while the student population amounted to 21.5 percent. There were 464 Puerto Rican teachers for 240,746 Puerto Rican students. Guidance Counsellors, the key personnel in student adjustment, numbered ten for the entire Puerto Rican student population. In no instance did the percentages of Puerto Rican employees equal that of Puerto Rican students. The great majority of Puerto Rican employees were found in lower status, lower paying jobs. In 1969 none of the top administrative positions in the Central Board of Education was held by a Puerto Rican. These conditions existed during a year when 124 elementary and junior high schools had more than 50 percent Puerto Rican students.

In 1970-1971, the employment of Spanish surnamed persons had improved somewhat, but the Spanish surnamed student population had also increased. In that year, out of 71,634 full-time professional employees, 1,111 or 1.6 percent were Spanish surnamed compared to a student population almost 23 percent Puerto Rican.<sup>34/</sup> According to a New York State survey, Puerto

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<sup>33/</sup> Richard Greenspan, Analysis of Puerto Rican and Black Employment in New York City Public Schools, 1970.

<sup>34/</sup> Board of Education computer printout 1970.



## EXHIBIT NO. 4 (Continued)

Ricans are the most underrepresented of any ethnic group in the city in terms of professional personnel. The ratio of Spanish surnamed pupils to Spanish surnamed personnel is 1:293.8. This ratio compares strikingly with that for "other" - 1:7.2. The underrepresentation of Spanish surnamed faculty is reflected further in the districts and high schools with the heaviest concentration of Puerto Ricans:<sup>35/</sup>

TABLE G.		
<u>District</u>	<u>Percent of Spanish Surnamed Staff</u>	<u>Percent of Puerto Ricans Enrolled</u>
1	2.3	68.2
4	3.3	63.9
7	5.7	64.1
12	4.6	55.7
14	2.6	62.2
<u>High School Location</u>	<u>Percent of Puerto Rican Student Population</u>	<u>Percent of Spanish Speaking Staff</u>
Benjamin Franklin-Manhattan	48.8	5.3
Harren-Manhattan	46.7	2.9
Morris-Bronx	60.4	7.2
Eastern-District Brooklyn	61.6	2.8

<sup>35/</sup> Id. Eastern District High School has been headed by a Puerto Rican principal as of 1971.

*EXHIBIT NO. 4 (Continued)*Non English Speaking Students

One of the basic prerequisites for success in the New York City Public School system is the ability to speak and understand the English language. For a large number of students in the city, language problems constitute a major educational barrier. For several years the board of education has documented the extent of difficulty with the English language among city students. Two categories are used: category one identifies "pupils who speak English hesitantly or speak with a heavy accent"; category 2 identifies students who speak little or no English. In 1969, 14.1 percent of the city's student population were classified as having moderate or severe difficulty with the English language.<sup>36/</sup> Puerto Rican and Spanish surnamed students numbered 105,482 of this group - 12.5 percent at the elementary level, 6.5 percent at the junior high level and 10.1 percent at the high school level. These students made up 40.6 percent of their total public school population in the city.

The majority of the students - 33.4 percent - were located, not surprisingly, in the boroughs of Manhattan, the Bronx, and Brooklyn. Yet the number of teachers of English as a second language was less than 200 in 1969. Teachers functioning in school-community relations and common branch bilingual teachers numbered approximately 300; there were fewer than 500 regularly licensed Spanish surnamed teachers. Together these teachers numbered fewer than 1,000 as contrasted to the more than 100,000 non-English speaking pupils. As a result, there was a large group of students whose special needs were not being met.

36/ New York City Board of Education, Survey of Pupils who have difficulties with the English language, 1969.

*EXHIBIT NO. 4 (Continued)*Reading Scores

The Metropolitan Reading Achievement Test is administered annually by the New York City Schools to children in grades 1 through 9. This test measures word knowledge and reading comprehension and is based on national norms. In a comparison of 2nd, 5th, and 8th grade reading scores, New York City students compete favorably with the national norm only at the 2nd grade level.<sup>37/</sup>

TABLE H.

Metropolitan Reading Achievement Test - April, 1969, Citywide and Borough Average Reading Scores for 2nd, 5th, and 8th Grades

	<u>2nd</u>	<u>5th</u>	<u>8th</u>
<u>Citywide Average:</u>	2.74	5.33	7.72
Manhattan-Average	2.62	4.79	6.83
Bronx - Average	2.50	4.93	7.27
Queens - Average	3.08	6.26	8.80
Brooklyn - Average	2.65	5.10	7.47
Richmond - Average	3.07	6.12	8.69

SOURCE: New York City Board of Education - Courtesy of the MARC Corporation.

The performance of 5th and 8th grades is below the national norm. With regard to differences among boroughs, Queens and Richmond students average consistently higher than the national average while pupils in Manhattan, Bronx, and Brooklyn -- the districts with the largest minority population -- score consistently both lower than the national norm and lower than the citywide average at all three grade levels.

<sup>37/</sup> New York City Board of Education - Courtesy of the MARC Corporation.

## EXHIBIT NO. 4 (Continued)

Students in Manhattan, the Bronx, and Brooklyn who read at or near the national norm in the 2nd grade averaged as much as 1.9 years below the norm by the 8th grade. In Queens and Richmond, though they never fell below the national norm, students showed a progressive decline in reading achievement.

In a sample taken by the board of education of predominantly Puerto Rican schools, predominantly black schools, and predominantly white schools, the average reading score for Puerto Rican students was lower at each grade level than that for blacks or whites. <sup>38/</sup> At each level a higher percentage of students in the Puerto Rican schools were reading below grade level than for either of the other two groups.

TABLE I.

Second, Fifth, and Eighth Grade Reading Scores (April, 1969)  
For Selected Schools with Predominantly Puerto Rican\*, Black,  
and White Students

<u>Predominantly Puerto Rican Schools</u>	<u>% Below Grade Norm</u>	<u>Average Score</u>
2nd Grade	70%	2.28
5th Grade	82%	4.58
8th Grade	81%	6.20
<u>Predominantly Black Schools</u>		
2nd Grade	56%	2.59
5th Grade	74%	4.78
8th Grade	73%	6.75
<u>Predominantly White Schools</u>		
2nd Grade	22%	3.76
5th Grade	34%	6.69
8th Grade	35%	9.08

\* - Includes other Spanish surnamed students.

Source: . Courtesy of the MARC Corporation.

<sup>38/</sup> Id. For grades 2 and 5, the 20 schools with the highest percentage of each racial group were identified. For grade 8, 15 junior high and intermediate schools were similarly selected.

*EXHIBIT NO. 4 (Continued)*HOUSING

New York City has 2,907,716 housing units of which 74 percent represents rental housing.<sup>39/</sup> Seventy percent of this total, roughly 1,500,000 units, are over 40 years old.<sup>40/</sup>

During the 60's, growth in the number of households in New York City exceeded that of dwelling units by over 25 percent. The rental vacancy rate, very low at 1.2 percent in April 1968, now is estimated to have fallen even lower. Long lists of families--currently 135,000--await public housing, and musty tenements, obsolete 50 years ago, are still rented.

Housing construction has fallen off drastically since the mid-60's, while available housing also has been depleted. In the 3 year period ending April 1968, approximately 80,000 new and converted dwellings supplemented the city's stock.<sup>41/</sup> During this time, however, 100,000 units disappeared from the inventory--enough to house a population of almost 300,000. Thus, in the last few years, while the number of households in the city has continued to increase, the number of homes has actually declined.

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<sup>39/</sup> U. S. Department of Commerce, Bureau of the Census. 1970 Census of Population and Housing. General Demographic Trends for Metropolitan Areas, 1960 to 1970. New York Final Report PHC (2)-34.

<sup>40/</sup> Nathan Bloom, Housing in New York City, First National City Bank, March 1970.

<sup>41/</sup> Ibid.

*EXHIBIT NO. 4 (Continued)*

The core of New York City's housing problem rests on a seemingly intractable cost income disparity. Increases in construction costs and mortgage and real estate tax rates make the private building of apartment houses uneconomic except for the very high rent market. Unsatisfied housing needs weigh most heavily on low and moderate income families, particularly those who have arrived recently in the city and minority group members.

Since 1960, the value of owner occupied housing has risen on the average from \$17,000 to \$25,700--an increase of 51.2 percent.<sup>42 /</sup> Housing valued at less than \$10,000 to \$19,999 has decreased by 73 percent while housing from \$20,000 up has grown 131 percent.

In rental units the median has shot from \$65 to \$96, an increase of 47.7 percent. Low rental housing (under \$80) has declined by 48.8 percent while the number of units available above \$80 has increased 123.5 percent. Consequently, Puerto Ricans with a median income of a little more than \$5,000 are being priced out of both low cost rental and owner occupied housing.

<sup>42 /</sup> U. S. Department of Commerce, Bureau of Census. *supra*, note 30.

*EXHIBIT NO. 4 (Continued)*Public Housing

The New York City Housing Authority administers 151,894 units of public housing in New York City. Roughly, 30 percent of these units are rented by whites, 47.5 percent by blacks, and 21.5 percent by Puerto Ricans.<sup>43 /</sup>

Eligibility for public housing is governed initially by income level. A family of four with an income of approximately \$6,000 can qualify for public housing. Those families who are eligible are then assigned housing on the basis of specific priorities: (1) on-site displacees; (2) displacees by governmental action; (3) families residing under substandard or overcrowded conditions, and (4) Vietnam veterans.<sup>44 /</sup>

Areas of substandard urban renewal activities in New York City are the West Side, Harlem, and the Lower East Side--the same areas which had large Puerto Rican populations in 1960. The 1970 Census shows a loss of Puerto Ricans from Manhattan, particularly from the West Side and the Lower East Side. There is, then, a large pool of Puerto Rican displacees.

The Housing Authority gives temporary emergency priority to persons living in "welfare hotels" and in temporary housing in commercial hotels. These families have been predominantly black. Few Puerto Ricans are in this category, perhaps because they prefer to double up with relatives. A second theory is that because of the language barrier, they lose communication city authorities, lose contact with these residents.

<sup>43 /</sup> New York City Housing Authority, Racial Distribution in Operated Projects (June 30, 1971).

<sup>44 /</sup> New York City Housing Authority. Regulations of the New York City Housing Authority Governing Admission to Public Housing.

*EXHIBIT NO. 4 (Continued)*

The Housing Authority currently has a waiting list of 135,000 families. 12,000 of these are placed annually and only those families with a high priority rating are ever placed. The number listed is merely a fraction of those families who are eligible for public housing under income qualifications. According to a Commission staff estimate, approximately 500,000 black and Puerto Rican families are eligible for public housing.

Those families living in welfare hotels are given priority on the waiting list largely because they create a substantial drain on the city treasury. Since there are fewer Puerto Ricans than blacks, and fewer in hotels, they tend to place smaller demands on the city budget. In so doing, they become lost in the priority system, though their housing needs are as great as are those of blacks in the city.



*EXHIBIT NO. 4 (Continued)*APPENDIX A

TABLE 1.	New York City Standard Metropolitan Statistical Area 1960-1970
TABLE 2.	New York City Population Compared with the New York Standard Metropolitan Statistical Area 1960-1970
TABLE 3.	New York City Standard Metropolitan Statistical Area by County Components, Excluding Inner City Counties 1960-1970
TABLE 4.	Puerto Rican Migration to the United States Calendar Years 1955 to 1967
TABLE 5.	Age Distribution by Ethnic Origin: March 1971
TABLE 6.	Family Income During 1959 of Families in New York City
TABLE 7.	Occupational Distribution of Puerto Ricans in Metropolitan New York, 1960
TABLE 8.	Annual Census of School Population
TABLE 9.	Annual Census of School Population. Trends in Disribution of Pupils by School Level in Terms of the Classifications Used Before 1968
CHART I.	City-Wide Ethnic Census, N.Y.C. Public Schools, Oct. 30, 1970
CHART II.	Annual Census of School Population, Oct. 30, 1970 by School Level
CHART III.	Annual Census of School Population, Oct. 30, 1970 by Borough
TABLE 10.	Annual Census of School Population, Number and Per Cent by Borough and School Level, October 30, 1970
TABLE 11.	Annual Census of School Population Number and Per Cent by Borough and School Level, October 30, 1970
TABLE 12.	Percent Enrollment of Black, Puerto Rican, and Other in New York City Public Schools, October 31, 1970

*EXHIBIT NO. 4 (Continued)*

APPENDIX A (Continued)

- TABLE 13. New York City Board of Education Personnel 1970
- TABLE 14. Ethnic Distribution of New York City Board of Education Personnel as of March, 1969
- TABLE 15. Comparison of Reading Scores (April, 1969) of Students in Predominantly Puerto Rican, Black, and White Schools
- TABLE 16. Comparison of Borough, City and National Average Reading Scores for Second, Fifth and Eight Grades; Metropolitan Reading Achievement Tests - April, 1969
- TABLE 17. Incidence of poverty among families and unrelated individuals, Puerto Ricans, major New York City poverty areas. July 1968-June 1969, and New York City, 1968

## EXHIBIT NO. 4 (Continued)

TABLE 1.  
NEW YORK CITY <sup>3/</sup>  
STANDARD METROPOLITAN STATISTICAL AREA  
1960-1970

	1970 U.S. Census		1960 U.S. Census		1960-1970 Change	
	NUMBER	PER CENT	NUMBER	PER CENT	NUMBER	PER CENT
<sup>1/</sup> TOTAL <sup>2/</sup>	11,528,649	100.0	10,694,633	100.0	834,016	7.8
Puerto Rican	1,079,700	9.4	629,430	5.9	450,270	71.5
Non-White	2,080,098	18.0	1,287,878	12.0	792,220	61.5
White	8,368,851	72.6	8,777,325	82.1	408,474	4.7

<sup>1/</sup> Data for total and nonwhite population are from the 1970 Census of Population; Puerto Rican data are estimates and are rounded to the nearest 100.

<sup>2/</sup> Since roughly 4 per cent of all Puerto Ricans are classified as Negro, these 4 per cent are also included in the non-white population figures.

<sup>3/</sup> Includes the five counties of New York City and Nassau, Suffolk, Westchester and Rockland Counties.

TABLE 2.

NEW YORK CITY POPULATION  
COMPARED WITH THE NEW YORK STANDARD  
METROPOLITAN STATISTICAL AREA  
1960-1970

## Percent of New York City Population in New York SMSA

	1970	1960	DIFFERENCE 1960-1970
TOTAL	68.2	72.1	- 3.9
Puerto Rican	97.4	95.8	1.6
Non-White	88.7	85.6	3.1
White	59.4	68.4	- 9.0

## EXHIBIT NO. 4 (Continued)

TABLE 3.

NEW YORK CITY  
STANDARD METROPOLITAN STATISTICAL AREA  
BY COUNTY COMPONENTS, EXCLUDING INNER CITY COUNTIES  
1960-1970

	1970 U.S. CENSUS		1960 U.S. CENSUS		1960-1970 CHANGE	
	NUMBER	PER- CENT	NUMBER	PER- CENT	NUMBER	PER- CENT
NASSAU	1,422,905	100.0	1,300,171	100.0	122,734	9.4
Puerto Rican	6,500	0.5	4,199	0.3	2,301	54.8
Non-White	72,021	5.0	42,132	3.2	29,889	70.9
White	1,344,384	94.5	1,253,840	96.4	90,544	7.2
SUFFOLK	1,116,672	100.0	666,784	100.0	449,888	67.4
Puerto Rican	12,200	1.1	7,340	1.1	4,860	66.2
Non-White	58,220	5.2	34,787	5.2	23,433	67.3
White	1,046,252	93.7	624,657	93.7	421,595	67.5
WESTCHESTER	891,409	100.0	808,891	100.0	82,514	10.2
Puerto Rican	6,200	0.7	3,105	0.4	3,095	99.8
Non-White	91,354	10.2	62,485	7.7	29,169	46.7
White	793,855	89.1	743,301	91.9	50,554	6.8
ROCKLAND	229,903	100.0	136,803	100.0	93,100	6.8
Puerto Rican	3,600	1.6	2,212	1.6	1,388	62.7
Non-White	20,012	8.7	7,152	5.2	12,860	79.8
White	206,291	89.7	127,439	93.2	78,852	61.9

*EXHIBIT NO. 4 (Continued)*

TABLE 4.

PUERTO RICAN MIGRATION TO THE UNITED STATES  
 CALENDAR YEARS 1955 TO 1967

<u>YEAR</u>	<u>ARRIVALS</u>	<u>DEPARTURES</u>	<u>NET MIGRATION</u>
1955	343,720	297,706	45,464
1956	413,784	361,469	52,315
1957	460,016	422,312	37,704
1958	489,354	461,664	27,690
1959	636,700	606,711	29,989
1960	677,607	661,309	16,298
1961	715,656	717,410	-1,754*
1962	869,219	858,419	10,800
1963	998,562	1,004,041	-5,479*
1964	1,162,364	1,160,994	1,370
1965	1,367,853	1,384,531	16,678
1966	1,498,837	1,527,590	28,753
1967	1,715,184	1,741,737	26,553
1968			23,853

(\*) The minus sign is used to indicate a net outflow from the continental U.S. to Puerto Rico.

SOURCE: San Juan Office, Immigration and Naturalization Service, U.S. Department of Justice, and Puerto Rico Planning Board.

## EXHIBIT NO. 4 (Continued)

TABLE 5.

## Age Distribution by Ethnic Origin: March 1971

(Numbers in thousands. Noninstitutional population)

Age	Total population			Persons of Spanish origin
	All races <sup>1</sup>	White <sup>2</sup>	Black	Puerto Rican
Total.....	202,854	177,628	22,810	1,450
Percent.....	100.0	100.0	100.0	100.0
Under 5 years old.....	8.8	8.3	12.1	14.7
5 to 9 years old.....	9.9	9.5	13.0	17.0
10 to 17 years old.....	16.0	15.7	18.9	16.9
18 and 19 years old.....	3.5	3.5	3.9	3.0
20 to 24 years old.....	8.1	8.1	8.4	9.0
25 to 34 years old.....	12.5	12.6	11.6	15.9
35 to 44 years old.....	11.1	11.3	10.0	10.3
45 to 54 years old.....	11.5	11.8	9.2	5.9
55 to 64 years old.....	9.1	9.4	6.7	4.3
65 years old and over.....	9.5	10.0	6.2	3.0
Median age.....	27.7	28.6	21.3	19.0
Males, 18 years and over.....	62,571	56,085	5,782	324
Females, 18 years and over.....	69,806	62,076	7,004	421

<sup>1</sup>Includes persons of "other races," not shown separately.<sup>2</sup>Includes almost all persons reporting Spanish origin. About 97 percent of persons of Spanish origin, about 99 percent of persons of Mexican origin, and 96 percent of persons of Puerto Rican origin were classified white in this survey.

*EXHIBIT NO. 4 (Continued)*

TABLE 6.

<u>FAMILY INCOME DURING 1959 OF FAMILIES IN NEW YORK CITY</u>				
Percent of all Families in Group				
in Specified Income Class				
Income class	All	White	Non-	Puerto
	Groups	White	White	Rican
Under \$2,000.....	8.4	6.8	14.5	16.1
Under \$3,000.....	15.2	11.8	27.1	33.8
Under \$4,000.....	24.6	19.2	43.6	53.7
\$4,000 to \$6,999.....	35.5	35.5	36.3	34.0
\$7,000 to \$9,999.....	21.4	23.6	13.8	9.2
\$10,000 and over.....	18.5	21.7	6.3	3.1

<u>FAMILY INCOME BY ETHNIC GROUP, NEW YORK CITY, 1959</u>			
Income	Percentages of Families with Income		
	<u>Puerto Ricans</u>	<u>Nonwhites</u>	<u>Other Whites</u>
Total.....	140,389	263,963	1,675,480
Under \$3,000.....	33.8%	27.1%	11.8%
Under \$4,000.....	53.7%	43.6%	19.2%
\$4,000 and over.....	46.3%	56.4%	80.8%

Source: U.S. Bureau of the Census. U.S. Censuses of Population and Housing: 1960. Census Tracts. Final Report PHC(1) - 104 Part I.

## EXHIBIT NO. 4 (Continued)

TABLE 7.

OCCUPATIONAL DISTRIBUTION OF PUERTO RICANS  
IN METROPOLITAN NEW YORK, 1960

(% of Employed Persons Classified by Sex)

	<u>Male</u>	<u>Female</u>
Professional and Technical	2.0	2.7
Managers, Officials, and Proprietors	3.5	1.1
Clerical	8.6	12.6
Sales	2.9	2.4
Craftsmen and Foremen	10.5	1.8
Operatives	41.3	65.2
Service	19.3	7.1
Laborers	5.6	.7

Industrial Distribution

(% of all Employed Persons, Male and Female)

Construction	1.7
Durable Goods Manufacturing	19.9
Non-Durable Goods Manufacturing	33.2
Transportation, Communication, and Public Utilities	4.1
Wholesale and Retail Trade	15.7
Finance, Insurance, and Real Estate	3.4
Business and Repair Services	2.3
Personal Services	6.0
Entertainment and Recreation Services	.5
Professional and Related Services	5.7
Public Administration	1.8

Source: United States Department of Commerce, Bureau of the Census, United States Census of Population, 1960, Special Report PC(2)1D, Puerto Ricans in the United States.



TABLE 8.  
ANNUAL CENSUS OF SCHOOL POPULATION  
NEW YORK CITY  
October 31, 1960, 1965, 1970

	1960		1965		1970		Change 1960-1970	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Puerto Rican	153,697	15.6	211,706	19.8	260,040	22.8	106,343	69.2
Black	212,006	21.5	302,287	28.4	392,714	34.4	180,708	85.2
White <sup>1/</sup>	620,976	62.9	551,927	51.8	488,321	42.8	-132,655	-21.4
Total	986,679	100.0	1,065,920	100.0	1,141,075	100.0	154,396	15.6

<sup>1/</sup> Includes American Indian, Oriental and other Spanish surnamed categories.

## EXHIBIT NO. 4 (Continued)

TABLE 9.

Annual Census of School Population Trends in Distribution  
of Pupils by School Level in Terms of the Classifications  
Used Before 1968

Fall 1961-1970

	1961		1970		Change 1961-1970	
	Number	Percent	Number	Percent	Number	Percent
<u>ELEMENTARY SCHOOL</u>						
Puerto Rican	106,768	18.6	154,917	25.2	48,149	45.1
Negro	150,195	26.2	219,459	35.7	69,264	46.1
Other	316,159	55.2	240,788	29.1	-75,371	-23.8
<u>JUNIOR HIGH SCHOOL</u>						
Puerto Rican	33,974	18.3	52,977	22.8	19,003	55.9
Negro	44,009	23.6	83,958	36.1	39,949	90.8
Other	108,130	58.1	95,550	41.1	-12,580	-11.6
<u>ACADEMIC HIGH SCHOOL</u>						
Puerto Rican	10,914	5.5	37,167	15.1	26,253	240.5
Negro	22,270	11.2	72,563	29.5	50,293	225.8
Other	105,072	83.3	136,387	55.4	31,315	29.8
<u>VOCATIONAL HIGH SCHOOL</u>						
Puerto Rican	8,755	21.6	12,717	54.2	3,962	45.3
Negro	9,808	24.2	12,844	32.8	3,036	31.0
Other	21,945	54.2	13,550	34.7	-8,395	-38.3
<u>SPECIAL SCHOOLS</u>						
Puerto Rican	1,824	29.1	2,262	27.6	438	24.0
Negro	2,310	36.9	3,890	47.5	1,580	68.4
Other	2,132	34.0	2,046	24.9	-86	-4.0

CITY-WIDE ETHNIC CENSUS  
N.Y.C. PUBLIC SCHOOLS OCT:30, 1970

CHART I

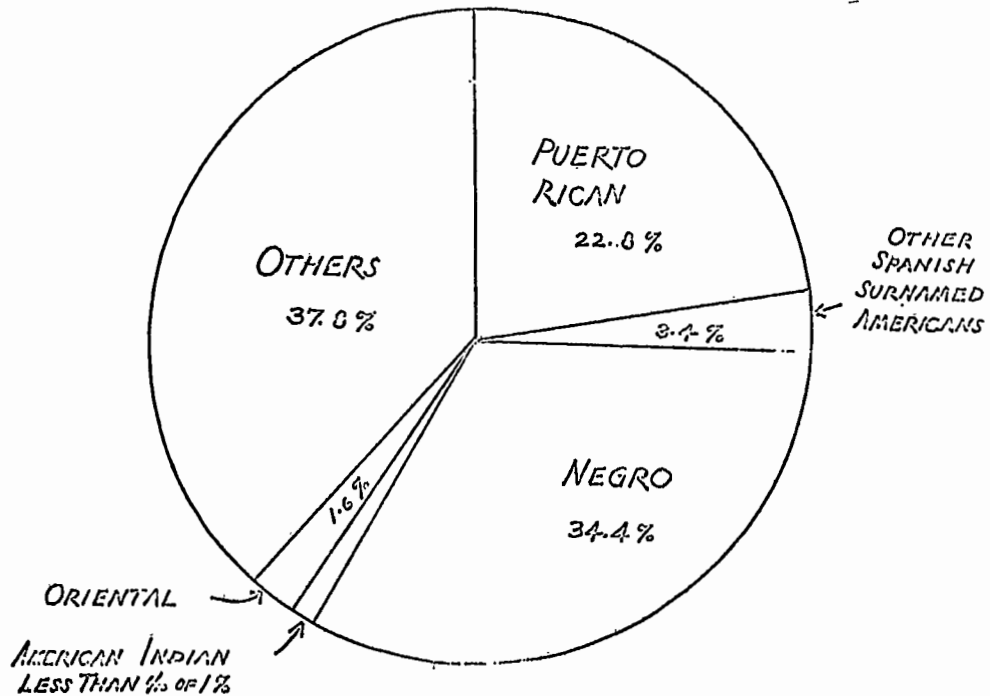
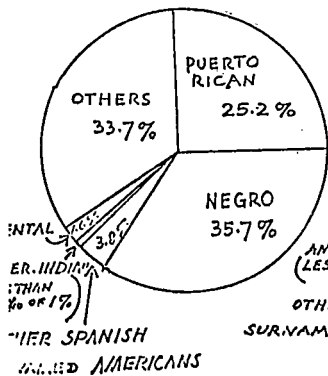
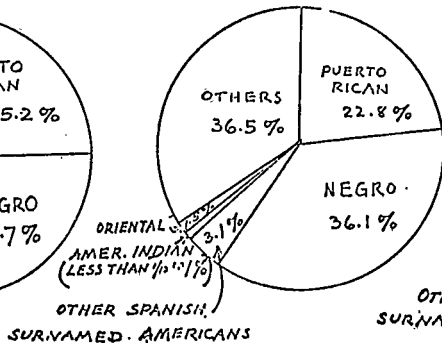


EXHIBIT NO. 4 (Continued)

ELEMENTARY



J.H.S. - INT.



ACADEMIC H.S.

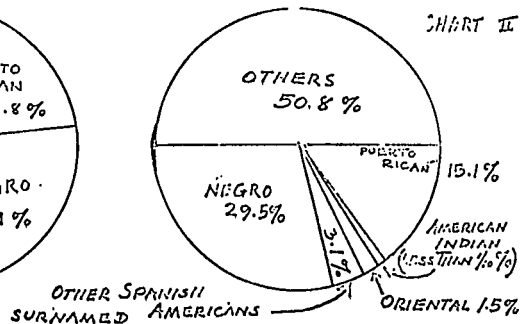


CHART II

ANNUAL CENSUS OF  
 VOCATIONAL H.S. SPECIAL SCHOOLS  
 OCT. 30, 1970  
 BY  
 SCHOOL LEVEL

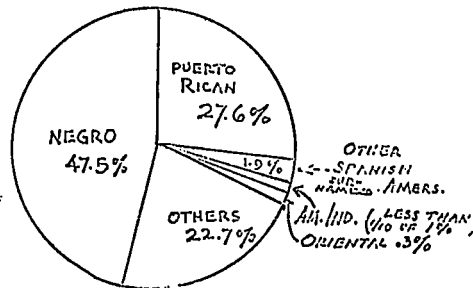
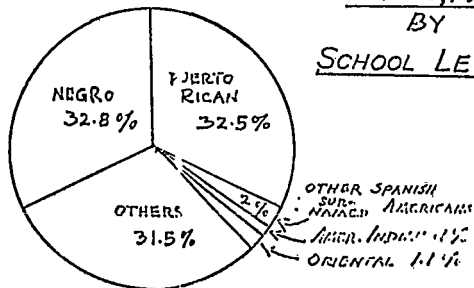


EXHIBIT NO. 4 (Continued)

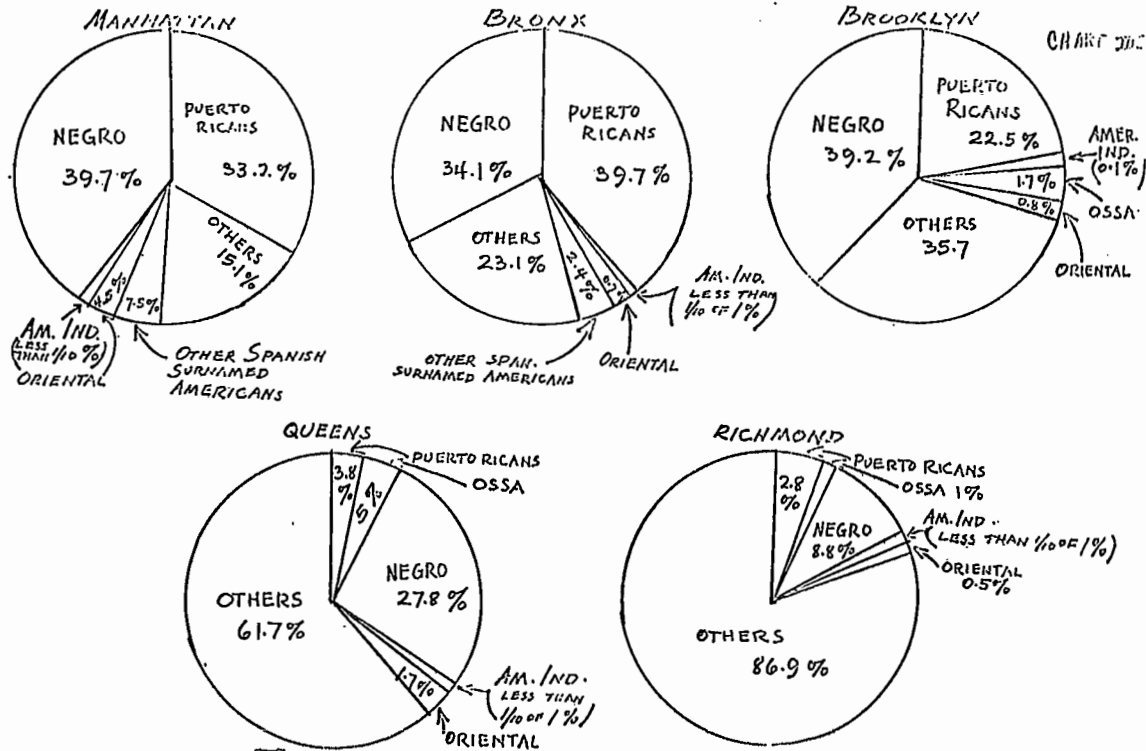
TABLE 10.

Annual Census of School Population  
Number and Per Cent By Borough and School Level  
October 30, 1970

Borough and Level	Number of Pupils							Per Cent of Total Register						
	Puerto Rican	Other Span. Sur. Amer.	Negro	Amer. Indian	Ori-ental	Others	Total	Puerto Rican	Other Span. Sur. Amer.	Negro	Amer. Indian	Ori-ental	Others	Total
Manhattan	4,388	7,503	37,874	24	2,717	75,566	128,072	3.4	5.9	29.6	0.0*	2.1	59.0	100.0
Manhattan - High - School	1,831	2,340	15,142	14	300	30,725	50,852	3.6	4.6	29.9	0.0*	1.6	60.4	100.0
Manhattan - Academic	2,222	2,516	15,421	22	754	44,724	65,049	3.4	3.3	23.5	0.0*	1.2	63.1	100.0
Manhattan - Voc. High	994	150	1,367	.2	30	3,323	6,476	15.4	2.3	21.1	0.0*	1.2	60.0	100.0
Manhattan - Sub-Total	9,435	12,509	9,304	62	4,351	154,938	251,049	3.5	5.0	27.3	0.0*	1.7	61.7	100.0
Richmond	805	289	2,627	6	162	23,075	26,964	3.0	1.1	9.7	0.0*	0.6	35.6	100.0
Richmond - High - School	264	97	770	7	32	8,840	10,000	2.6	0.9	7.7	0.1	0.3	33.4	100.0
Richmond - Academic	305	124	834	1	49	11,115	12,473	2.4	1.0	7.1	0.0*	0.4	39.1	100.0
Richmond - Voc. High	53	10	129	0	2	752	946	5.6	1.1	13.6	0.0*	0.2	79.5	100.0
Richmond - Sub-Total	1,427	510	4,410	14	245	43,722	50,333	2.8	1.0	8.3	0.0*	0.5	36.9	100.0
Special Schools	2,262	153	3,897	1	22	1,365	8,193	27.6	1.9	47.5	0.0*	0.3	22.7	100.0
City-Wide	260,040	39,240	332,714	349	17,491	431,241	1,141,075	22.7	3.4	34.4	0.0*	1.6	37.3	100.0

\*Less than 1/10th of 1 per cent

EXHIBIT NO. 4 (Continued)



ANNUAL CENSUS OF SCHOOL POPULATION-- OCT. 30, 1970-- BY BOROUGH

TABLE 11.

Annual Census of School Population  
Number and Per Cent By Borough and School Level  
October 30, 1970

Borough and Level	Number of Pupils							Per Cent of Total Register						
	Fuerto Rican	Other Span. Sur. Amer.	Neegro	Amer. Indian	Ori- ental	Others	Total	Fuerto Rican	Other Span. Sur. Amer.	Neegro	Amer. Indian	Ori- ental	Others	To
<u>Manhattan</u>														
Elem.	31,873	7,968	36,097	15	4,419	12,171	92,543	34.4	8.6	39.0	0.0*	4.8	13.2	100
Jr. High-Int.	11,671	2,302	14,743	4	1,755	3,706	34,181	34.2	6.7	43.1	0.0*	5.1	10.9	100
Acad. High	10,963	2,562	14,573	15	1,460	7,307	36,680	29.7	7.0	39.5	0.0*	4.0	19.8	100
Voc. High	3,704	315	4,028	7	194	3,262	11,510	32.2	2.7	35.0	0.1	1.7	28.3	100
Sub-Total	58,211	13,147	69,441	41	7,828	26,446	175,114	33.2	7.5	39.7	0.0*	4.5	15.1	100
<u>Bronx</u>														
Elem.	59,957	3,450	48,677	23	922	26,987	140,016	42.8	2.5	34.8	0.0*	0.6	19.3	100
Jr. High-Int.	19,060	1,174	16,973	11	307	11,545	49,079	38.9	2.4	34.6	0.0*	0.6	23.5	100
Acad. High	12,215	976	13,350	30	374	15,762	42,707	28.6	2.3	31.3	0.1	0.8	36.9	100
Voc. High	3,301	82	2,202	2	12	599	6,195	53.3	1.3	35.5	0.0*	0.2	9.7	100
Sub-Total	94,533	5,682	81,202	66	1,615	54,893	237,991	39.7	2.4	34.1	0.0*	0.7	23.1	100
<u>Brooklyn</u>														
Elem.	57,894	4,291	94,184	69	1,725	69,406	227,569	25.4	1.9	41.4	0.0*	0.8	30.5	100
Jr. High-Int.	20,151	1,312	36,330	29	634	29,926	88,382	22.8	1.5	41.1	0.0*	0.7	33.9	100
Acad. High	11,462	1,427	28,335	52	913	46,214	88,403	13.0	1.6	32.1	0.1	1.0	52.2	100
Voc. High	4,665	204	5,118	15	158	3,821	13,981	33.4	1.5	36.6	0.1	1.1	27.3	100
Sub-Total	94,172	7,234	163,967	165	3,430	149,367	418,335	22.5	1.7	39.2	0.1	0.8	35.7	100

\*Less than 1/10th of 1 per cent

EXHIBIT NO. 4 (Continued)

## EXHIBIT NO. 4 (Continued)

TABLE 12.

Percent Enrollment of Black, Puerto Rican, and  
Other in New York City Public Schools, October 31, 1970

<u>District</u>	<u>Black</u>	<u>Puerto Rican</u>	<u>Other</u>
1	15.9	68.2	8.6
2	13.8	26.6	34.1
3	52.1	23.1	13.0
4	32.7	63.9	1.8
5	84.1	12.5	1.0
6	32.6	18.1	17.8
7	31.7	64.1	1.6
8	31.5	42.9	22.6
9	45.3	42.9	8.1
10	22.5	24.8	48.0
11	36.3	12.8	49.2
12	38.1	55.7	3.2
13	74.1	20.5	3.8
14	25.6	62.2	9.1
15	17.7	48.5	29.1
16	60.9	31.0	6.8
17	74.0	12.1	9.3
18	34.1	6.9	56.9
19	50.6	34.2	12.9
20	11.4	10.5	74.6
21	14.9	9.4	73.6
22	13.8	1.9	82.0
23	75.1	23.7	0.6
24	12.1	3.7	65.2
25	11.3	1.9	79.6
26	16.6	0.9	80.2
27	31.0	4.4	62.7
28	46.4	3.3	42.9
29	63.1	3.2	31.0
30	21.0	6.5	58.8
31	9.2	2.9	86.3

## EXCEPTION:

<u>Borough</u>	<u>Districts</u>
Manhattan	1-6
Bronx	7-12
Brooklyn	13-23
Queens	24-30
Richmond	31



## EXHIBIT NO. 4 (Continued)

TABLE 13.

## NEW YORK CITY BOARD OF EDUCATION PERSONNEL 1970

	<u>Total</u>	<u>Negro</u>	<u>%</u>	<u>Spanish Surnamed</u>	<u>%</u>	<u>Other</u>	<u>%</u>
Principals	932	73	7.8	8	.9	850	91.2
Assistant Principals	2,256	264	11.7	10	.4	1,982	87.9
Teachers	60,228	4,672	7.8	805	1.3	54,530	90.6
Other Instructional Staff	4,340	480	11.1	173	4.0	3,676	84.7
Full Time Central Staff	4,482	683	15.2	117	2.6	3,668	81.8
<u>Full Time Professional Staff</u>	71,634	6,081	8.5	1,111	1.6	64,195	89.6
Part Time Professional School Staff	2,441	271	11.1	70	2.9	2,091	85.7
Part Time Central Office Staff	414	28	6.8	6	1.5	379	91.6
<u>Part Time Professional Staff</u>	2,855	299	10.5	76	2.7	2,470	86.5

ETHNICITY OF PUPILS AND FULL TIME PROFESSIONAL PERSONNEL  
IN NEW YORK PUBLIC SCHOOLS 1970-1971

	<u>New York City</u>			<u>New York State Outside of New York City</u>		
	<u>Pupils</u>	<u>Personnel</u>	<u>Ratio</u>	<u>Pupils</u>	<u>Personnel</u>	<u>Ratio</u>
Spanish Surnamed Americans	292,664	996	1:293.8	24,547	349	1:70.3
Black	393,516	5,489	1:71.7	149,339	2,816	1:53.0
Orientals	17,115	224	1:76.4	9,789	182	1:53.8
Americans Indians	607	10	1:60.7	4,567	66	1:69.2
Others	<u>436,457</u>	<u>61,038</u>	1:7.2	<u>2,177,165</u>	<u>128,442</u>	1:17.0
Total	1,140,359	67,757		2,365,407	131,855	

SOURCE: New York State Education Department, Information Center on Education Ethnic Census, Public School Students and Staff by School and District 1970-71.

TABLE 14.

Ethnic Distribution of New York City Board of Education Personnel as of March, 1969

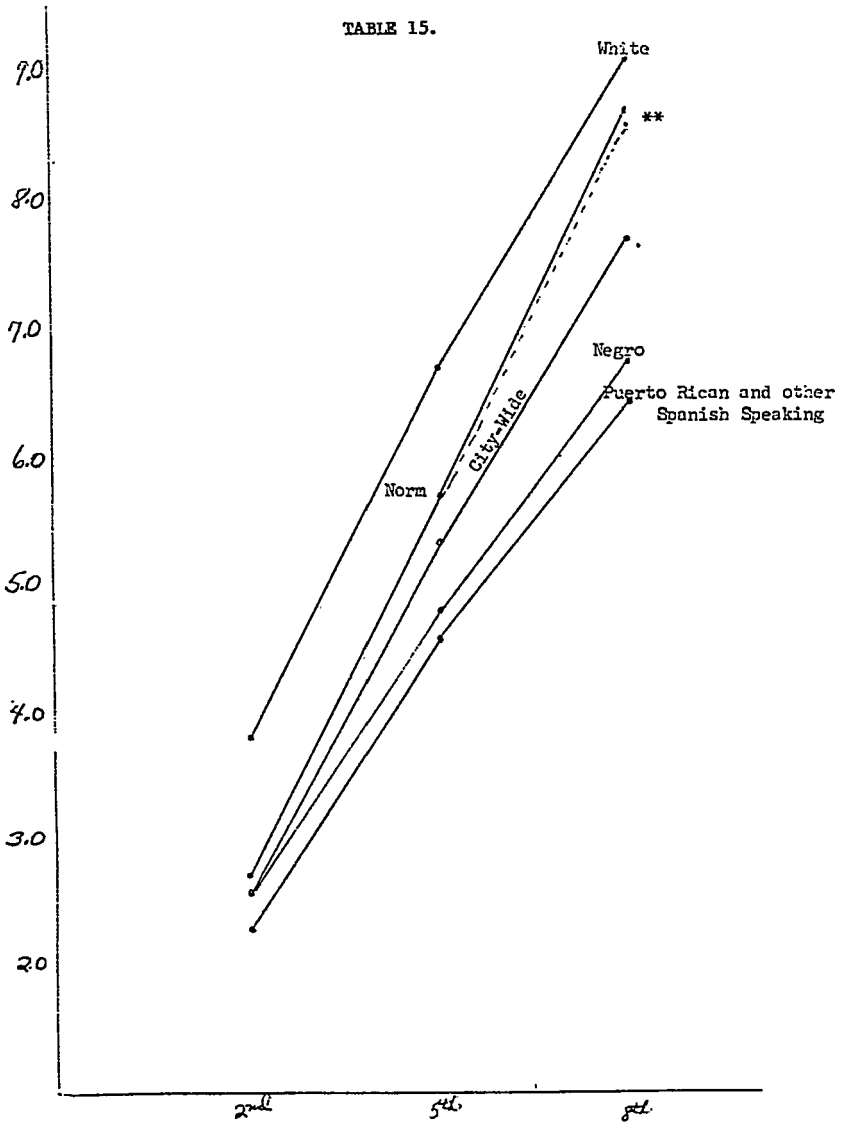
	TOTAL	WHITES		BLACKS		PUERTO RICANS		OTHER SPANISH SPEAKING	
		NO.	%	NO.	%	NO.	%	NO.	%
<u>DEPUTY DEPS. &amp; ASST. DIRECTORS</u>									
Deputy Directors (Licensed & Acting)	38	36	94.7	2	5.3	--	--	--	--
Asst't Dir. & Asst't Adm. Dir. (Licensed & Acting)	121	106	87.6	15	12.4	--	--	--	--
<u>PEDAGOGICAL PERSONNEL AND SUPPORTIVE STAFF</u>									
Principals (Appointed & Acting)	969	923	95.3	37	3.8	4	0.4	--	--
Asst't Principals (Apptd. & Acting)	2,039	1,781	87.3	239	11.7	10	0.5	2	0.1
Teachers in Charge	40	32	80.0	8	20.0	--	--	--	--
Dept. Chairman (Licensed & Acting)	1,192	1,128	94.6	57	4.8	4	0.3	1	**
Teachers (Regular & Substitutes)	59,108	52,827	89.4	5,395	9.1	464	0.8	181	0.3
Guidance Counselors (Reg. & Acting)	1,529	1,335	87.3	179	11.7	10	0.7	--	--
Bureau of Child Guidance (Regular, Acting, or Subs.)	605	491	81.2	104	17.2	3	0.5	2	0.3
Paraprofessionals	15,794	6,232	39.5	6,832	43.3	2,483	15.7	112	0.7
<u>OTHERS</u>									
Adm. Employees (Civil Service)	5,672	4,450	78.5	1,000	17.6	138	2.4	59	1.0
School Lunch Employees	9,226	5,496	59.6	3,109	33.7	584	6.3	21	0.2
TOTAL:	96,333	74,837	77.7	16,977	17.6	3,700	3.8	378	0.4

SOURCE: Office of Personnel, N.Y.C. Board of Education; table extracted from Analysis of Puerto Rican and Black Employment in New York City Public Schools (March, 1970).

EXHIBIT NO. 4 (Continued)

## EXHIBIT NO. 4 (Continued)

Comparison of Reading Scores (April, 1959) of Students in Predominantly Puerto Rican\*, Black, and White Schools

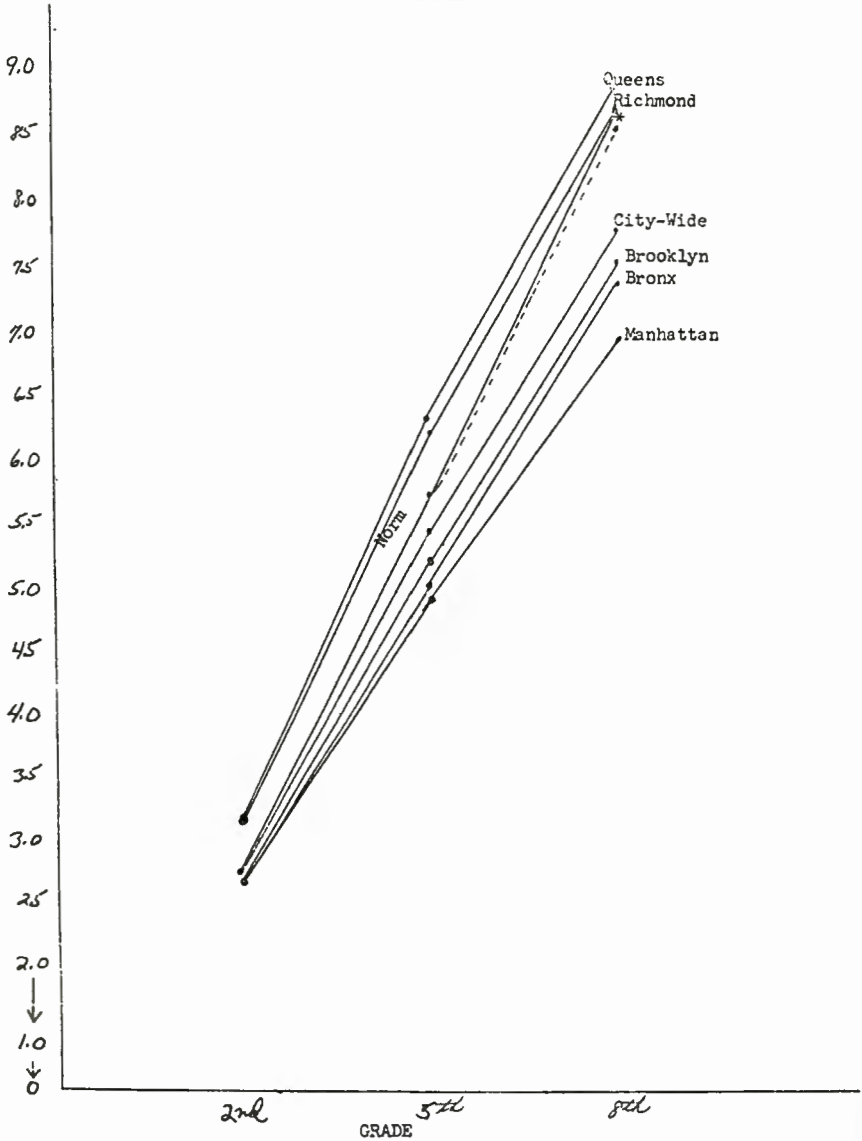


- \* Includes students with other spanish surnames  
 \*\* Examination given in February; therefore, norm is 8.5

## EXHIBIT NO. 4 (Continued)

Comparison of Borough, City, and National Average Reading Scores for Second, Fifth and Eighth Grades; Metropolitan Reading Achievement Tests - April, 1969

TABLE 16.



\* - Examination for eighth grade was given in February 1969; therefore national norm is 8.5.

## EXHIBIT NO. 4 (Continued)

TABLE 17.

Incidence of poverty among families and unrelated individuals, Puerto Ricans, major New York City poverty areas. July 1968 - June 1969, and New York City, 1968

Size of Family	Total	In Poverty	
		Number	Percent of Total
<u>Puerto Rican</u>			
All families . . . . .	34,400	10,600	31
2 persons . . . . .	7,400	1,600	22
3 persons . . . . .	8,500	2,000	24
4 persons . . . . .	6,900	1,800	26
5 persons . . . . .	5,800	2,300	40
6 or more persons . . . . .	5,800	2,800	48
Unrelated individuals . . . . .	11,300	3,800	34
<u>New York City 1/</u>			
All families . . . . .	2,121,000	224,000	11
2 persons . . . . .	874,000	85,000	10
3 persons . . . . .	492,000	37,000	7
4 persons . . . . .	380,000	41,000	11
5 persons . . . . .	199,000	24,000	12
6 or more persons . . . . .	176,000	38,000	21
Unrelated individuals . . . . .	964,000	272,000	28

1/ Source: Center for New York City Affairs of the New School for Social Research, City Almanac, February 1970. Based on special tabulations from the March 1969 Current Population Survey obtained from the U.S. Department of Commerce, Bureau of the Census.

*EXHIBIT NO. 4 (Continued)*

APPENDIX B

GOVERNMENTAL STRUCTURE OF NEW YORK CITY

*EXHIBIT NO. 4 (Continued)*

New York City is the largest local government in the United States; its population of nearly eight million exceeds that of its nearest rival, Chicago, by 4.2 million. <sup>1/</sup> Its police force alone numbers almost 39,000 and the total number of municipal employees is 381,406. <sup>2/</sup> It has a more intense range of problems than any other local jurisdiction: the number of persons receiving welfare assistance from the city is over one million and the total welfare budget for 1971-72 <sup>3/</sup> is over \$1.7 billion.

The 1970 census, reported that the population of New York City by itself, without the suburbs of Nassau, Suffolk, Rockland and Westchester counties, made up nearly 45 percent of the State's total population of 18,190,740. This factor bears significantly on the relationship of the city to the State. The 1971-72 city expense budget of approximately \$8.8 billion draws heavily on State funds for its execution; the State provides about 21 percent of the budgeted revenues. These funds bring with them concomitant influence.

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1/ U.S. Bureau of the Census, City and County Data Book, 1967.

2/ The City of New York, Official Directory 1970, p. 12.

3/ City of New York, Executive Budget 1971-72, p. 224.

*EXHIBIT NO. 4 (Continued)*

Policy formulation of the board of education in the city, for example, is often influenced by the State legislature.

The Board of Education in the city, for example, is often influenced in policy formulation by the State legislature.

The current charter of the City of New York dates from 1938, with piecemeal amendments and one substantial revision since then. It exists by virtue of the State constitution's home rule provisions. The charter vests the executive power of the city government in the mayor, an official elected at large for a 4 year term; the legislative power is vested in an elected city council.<sup>4/</sup> One councilman is elected from each senate district in the city, and two are elected at large from each borough.<sup>5/</sup>

In addition there is the board of estimate, an ex officio body composed of three citywide: elected officials--the mayor, the comptroller, and the president of the city council (each has three votes) and five borough presidents (two votes each).<sup>6/</sup> The 1963 charter revision reduced the board's powers and it no longer fully overshadows the city council; the latter suffers an identity crisis and lacks a sustaining agenda.

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<sup>4/</sup> The New York City Charter, 1967. P.3-4.

<sup>5/</sup> Id. at 22. The boroughs are coterminous with the five counties that comprise New York City. The creation of the Greater City in 1968 eliminated the counties in New York City as units of government, although some officials are elected on a countywide basis.

<sup>6/</sup> Id. at 61.



*EXHIBIT NO. 4 (Continued)*The Mayor

The mayor prepares the budget and may veto changes by the council or the board of estimate. He also may veto local laws of the council. The mayor is the chief executive officer of the city and appoints all the principal administrative officials and some judges.<sup>7/</sup> Mayoral appointments are not subject to ratification by the city council. Department heads are appointed by the mayor to serve at his pleasure rather than for specific terms--as is the case of members of boards or commissions.

Depending largely on the operating style of the mayor, assistants to the mayor aid in policy formulation, overseeing of program implementation, resolution of conflict, and communication. Mayoral assistants are expected to keep abreast of potential problems in the city, adjust minor conflicts, negotiate with legislative leaders, and blueprint for the mayor alternative courses of major political and administrative action.

Staff Agencies

The New York City Planning Commission, whose members are appointed by the mayor for definite and staggered terms, has tended to ratify or reject proposals for public improvements by the line departments rather than to initiate proposals.

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<sup>7/</sup> Id. at 3.

*EXHIBIT NO. 4 (Continued)*

The bureau of the budget shuffles the various departmental requests for operating funds and seeks to match budget requests to anticipated income.

The office of the city administrator was created in 1954 to develop modern municipal management techniques and reduce duplication and inefficiency among the various departments. The office, however, has served the mayor primarily by handling crisis oriented problems. Today it is largely ineffectual. Management control remains one of the weakest links in the government of the city.

Reorganization scheme

Shortly after Mayor Lindsay assumed office in 1966, he created a task force to regroup the plethora of extant city departments (50) under the jurisdiction of ten superagencies. Exceptions to the reorganization included the board of education, the board of higher education, and the police and fire departments. Under the proposal the administrator was made responsible for the supervision, execution, and management of programs, activities, and expenditures of his administration. The previously autonomous power of the commissioners thus would be curtailed, and the mayor would be in a better position to assure coordinated policy response by dealing with fewer line agency heads. The ten administrations created by the reorganization are: the correctional administration, the economic development administration, the environmental protection administration,

*EXHIBIT NO. 4 (Continued)*

the financial management administration, the general services administration, the health service administration, the housing and development administration, the human resources administration, the recreation and cultural affairs administration and the transportation administration. The human resources administration was designed to permit a comprehensive approach to the problems of poverty in the city with particular reference to welfare, community action, and job training programs. It continues to be the most controversial of the administrations. The city council adopted the reorganization scheme in 1967, but has never granted de jure status to HRA.

Outcome

The mayor has now moved from restructuring at the top to bridging the gap between community and the central agencies. Local groups oriented along both geographic and socioeconomic lines in the city are vying for an ever increasing role in decisions affecting their own affairs; a neighborhood city hall has been set up in Williamsburg (Brooklyn) as a pilot project to deal with this problem. It is not so much a question of the autonomy of big government and the distance between city hall and the local community as the demand of minority groups to control their own destinies in immediate and practical terms.



CHART II.  
SUMMARY OF APPROPRIATIONS IN THE REVISED EXECUTIVE BUDGET  
(in millions of dollars)

Agency* or Category	1970-71 Modified Budget	1971-72 Revised Executive Budget	Increase or Decrease	Source of Funds					
				Tax Levy	State	Federal	Capital and Special	Other	
Human Resources	1,875.3	2,223.4	(+)	348.1	614.3	596.7	973.0	39.0	0.4
Education	1,829.6	1,923.7	(+)	94.1	1,048.7	649.6	163.2	58.1	4.1
Health Services	785.8	861.8	(+)	76.0	407.1	191.5	198.8	10.0	54.4
Police	594.8	661.8	(+)	67.0	656.0	0.5		0.1	5.2
Higher Education	328.9	385.8	(+)	56.9	163.6	158.6		10.4	53.2
Charitable Institutions	306.2	388.1	(+)	81.9	144.4	137.8	104.3		1.6
Environmental Protection	280.5	311.9	(+)	31.4	260.1	8.3	1.3	17.0	25.2
Fire	275.9	305.5	(+)	29.6	292.6			0.1	12.8
Courts	96.4	108.7	(+)	12.3	92.2	15.1	1.4		
Municipal Services	86.1	93.4	(+)	7.3	71.3	0.1	0.8	19.5	1.7
Addiction Services	33.0	85.8	(+)	52.8	11.9	40.0	2.5		31.4
Transportation	79.3	88.5	(+)	9.2	42.5			26.0	20.0
Parks, Recreation and Cultural Affairs	70.2	79.0	(+)	8.8	70.9			8.1	
Housing and Development	64.1	69.8	(+)	5.7	9.5	12.0	15.1	30.2	3.0
Correction	51.0	64.9	(+)	13.9	60.3	4.1		0.1	0.4
Libraries	40.5	44.7	(+)	4.2	35.1	4.9		4.7	
Finance	33.1	36.6	(+)	3.5	34.6				2.0
Economic Development	8.5	8.9	(+)	0.4	7.4			1.5	
All Other Agencies	177.4	190.1	(+)	12.7	94.3	0.1	67.0	28.3	0.4
Debt Service	649.4	705.1	(+)	55.7	620.3	3.7		50.8	30.3
Miscellaneous	520.5	548.5	(+)	28.0	395.8	8.5	9.4	128.7	6.1
<b>Total Budget - All Funds</b>	<b>8,186.5</b>	<b>9,186.0</b>	<b>(+)</b>	<b>999.5</b>	<b>5,132.9</b>	<b>1,831.5</b>	<b>1,536.8</b>	<b>432.6</b>	<b>252.2</b>
<b>LESS: Capital Budget and Special Funds</b>	<b>441.7</b>	<b>432.6</b>	<b>(+)</b>	<b>9.1</b>					
<b>TOTAL REVISED EXPENSE BUDGET</b>	<b>7,744.8</b>	<b>8,753.4</b>	<b>(+)</b>	<b>1,008.6</b>					

\* Agency appropriations do not include fringe benefits, pensions, or debt service except that  
(1) separate pension systems are included in the appropriate agency totals and  
(2) debt service is included in the Education and Health Services budgets.

EXHIBIT NO. 4 (Continued)

*EXHIBIT NO. 4 (Continued)*

APPENDIX C

NEW YORK CITY HOLDING POWER

*EXHIBIT NO. 4 (Continued)*

Based on enrollment statistics in the New York City schools for the last 4 years, it is evident that the largest majority of Puerto Ricans who begin high school never receive a high school diploma. Fully 70 percent of Puerto Rican 9th graders in New York City will drop out before high school graduation, that is, the city schools have a holding power rate for Puerto Ricans of 30 percent (see Table I). In 1970 there were 21,072 Puerto Rican 9th graders in the city schools, 14,750 of whom will never see the high school diploma. The fact that this many Puerto Rican students fail to graduate each year represents a tremendous waste of human resources for the city of New York.

It is not possible to estimate holding power rates for blacks and "others"<sup>1/</sup> from the 9th grade through graduation;<sup>2/</sup> however, it is possible to estimate the holding power rates for all three groups from the 10th grade through graduation.

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<sup>1/</sup> The category "other" includes all students not identified as black or Puerto Rican.

<sup>2/</sup> For the black and "other" student populations in New York City there is a greater number of 10th graders than 9th graders the previous year. This is true in almost every instance over the last 12 years (New York City Board of Education enrollment statistics). Possible explanations for this phenomenon are: 1) an influx of students from outside New York City at the 10th grade, as many of the city's high schools begin at 10th grade and 2) grade retentions at the 10th grade, particularly in 10th to 12th grade high schools. The fact that this phenomenon does not hold true for the Puerto Rican student population suggests that either Puerto Ricans are not characterized by the same pattern as are black and "other" students at the 10th grade or that they are characterized by this same pattern, but that such a larger population of Puerto Ricans leave school between these two grades that the result is still a decline in enrollment. If the latter case is true then the 9th grade through graduation Puerto Rican holding power rate of 30 percent is even smaller in actuality. If the former case is true then the Puerto Rican holding power rate is unaffected.

*EXHIBIT NO. 4 (Continued)*

TABLE I

New York City holding power rates for Puerto Ricans - 9th grade through graduation, 1967-1971.\*

<u>Grade</u>	<u>Number</u>	<u>Percent</u>
9	17,940	100.0
10	16,442	91.7
11	10,548	58.8
12	7,039	39.2
Graduation**	5,420	30.2

\*Based on New York City Board of Education enrollment statistics for the class beginning 9th grade in 1967.

\*\*The number of Puerto Rican graduates is an estimate obtained by subtracting the total number of graduates from the total 12th grade enrollment and applying the same proportion of dropouts who were Puerto Ricans as was the case between grades 11 and 12. The result was subtracted from the 12th grade Puerto Rican enrollment to obtain the number of graduates.



*EXHIBIT NO. 4 (Continued)*

As can be seen in Table II, New York City schools exhibit low holding power rates for both blacks and Puerto Ricans. When the rate is calculated, using 10th grade enrollment as the base, only 33 percent of Puerto Rican 10th graders ever graduate. The rate for the city's black students is only slightly higher at 35 percent.

In contrast, 65 percent of the 10th graders classified as "other" will remain through high school graduation.

The holding power rates given are calculated from the enrollment statistics for students in one class over a 3 or 4 year period as the group progressed through the educational system. It is possible that factors other than dropouts could cause a decline in the number of students enrolled in successive years. One of these is a net population increase due to a greater immigration than out-migration. It was not possible to adjust for this factor in calculating the holding power rates since exact migration statistics on each ethnic group for the 4 year period are not available. However, it is possible to postulate the direction in which this factor would affect the holding power rates as calculated for each ethnic group.

In the 10 year period between 1960 and 1970 there was a decline in the white population of New York City of one million persons, representing a 17 percent loss. In the same 10 year period the Puerto Rican population of the city increased by 400,000 persons, or 74 percent. The non-white population increased by 700,000 persons, or 67 percent.<sup>3 /</sup>

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<sup>3 /</sup> New York State Department of Labor, Division of Employment.

## EXHIBIT NO. 4 (Continued)

TABLE II

New York City holding power rates 10th grade through graduation, 1968-1971\*

Grade	Puerto Rican		Black		Other	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
10	16,442	100.0	25,726	100.0	49,648	100.0
11	10,548	64.2	20,237	78.7	44,136	88.9
12	7,039	42.8	12,528	48.7	36,151	72.8
Graduation	5,420	33.0	8,971	34.9	32,467	65.4

\*Based on New York City Board of Education enrollment statistics for the class beginning 10th grade in 1968.

\*\*The number of graduates of each ethnic group is an estimate obtained by subtracting the total number of graduates from the total 12th grade enrollment and applying the same proportion of dropouts of each ethnicity as was the case between grades 11 and 12. The results were subtracted from the 12th grade enrollment figures to obtain the number of graduates of each ethnicity.

*EXHIBIT NO. 4 (Continued)*

The population trends for the 10 year period are reflected in the student enrollment of New York City high schools in the years 1967 to 1970.

Due to the method used in the calculation of holding power rates, a population decline resulting from out-migration would result in a lower estimate of holding power than is actually the case. On the other hand, a population increase due to immigration would result in a higher holding power rate than was actually the case.

Applying this to what is known about ethnic migration patterns in and out of New York City, it can be concluded that the holding power estimates for blacks and Puerto Ricans are likely to be biased in that they are actually lower than estimated, i.e., the true dropout rates are even higher than those given. With regard to the "other" population the reverse is true. The "other" holding power rate is likely to be biased in that the true holding power rate is actually higher than that estimated, i.e., the dropout rate for "other" is actually lower.

*EXHIBIT NO. 4 (Continued)*

Thus, the effects of migration would tend to make the holding power rate estimates for minorities actually conservative, and also to make the gap between the "others" and the minorities appear smaller than it really is.

A second factor which could have an effect on the estimates of holding power rates is the transfers from public to private schools. If it were the case that more students were transferring to private schools from public schools than vice versa between grades 9-12, then the estimates of holding power rates would be higher than they are. It was not possible to adjust for this factor because specific information on private to public school transfer is not available. In order to have an effect on the holding power rates the net increase or decrease in enrollment resulting from transfers would have to be significant. It is hypothesized that, after the 9th grade, students are more likely to transfer from private to public schools than from public to private. The effect of these transfers would be to make the holding power appear higher than it is.

Consequently, if this factor is at all biasing the estimates, it does so in the conservative direction.

Enrollment statistics for non-public schools in New York City for the year 1969-1970 would tend to support the hypothesis that there is not a significant transfer of students from public to private schools after the 9th grade. As seen in Table III, there is a decline in non-public enrollment in each grade from grades 9-12, a decline that is greater for the black and Puerto Rican students than for "others".

## EXHIBIT NO. 4 (Continued)

TABLE III

## Enrollment in Non-Public Schools - New York City, 1969-70

<u>Grade</u>	<u>Total</u>	<u>Black</u>	<u>Spanish Surname</u>	<u>Other*</u>
9	24,887	1,288	1,597	21,876
10	23,852	1,104	1,436	21,201
11	23,338	1,055	1,297	20,880
12	23,005	989	1,202	20,695

\*Does not include American Indian and Oriental

Source: Information Center on Education, New York State  
Education Department.

*EXHIBIT NO. 4 (Continued)*

If transfers have any effect on the holding power rates they would, as in the case of migration, tend to make the holding power rates for minorities appear higher and the rate for "others" appear lower than they are.

Thus the two factors which could have a possible effect on the estimates of holding power rates both would tend to bias the black and Puerto Rican rates in the same direction -- that is, to make them appear better than they are.

At the same time both factors would tend to have the opposite effect on the holding power rate for "others", making it appear lower than it really is. From this it can be concluded that the dropout rate for Puerto Ricans between grades 9 and graduation is at least 70 percent and that the gap between the minority and the "other" student population is at least as large as the holding power estimates indicate.

*EXHIBIT NO. 5*

UNITED STATES COMMISSION ON CIVIL RIGHTS

STAFF REPORT

PUBLIC EDUCATION FOR PUERTO RICAN CHILDREN  
IN NEW YORK CITY

February 1972

*EXHIBIT NO. 5 (Continued)*

## INTRODUCTION

Superlatives are the norm in describing New York City. The five county metropolis that surrounds New York Harbor has more residents, more tall buildings, more miles of subway track, and more families on public assistance than any other American city. It also has the distinction of having more students in public schools than any other American city.

New York City has 1,141,075 public school children. 392,714 are black, 260,040 are Puerto Rican - a minority enrollment of 57.2 percent. City schools have been plagued by low student achievement, high dropout rates, and a failure to graduate students with academic diplomas. For Puerto Ricans, these symptoms are especially severe. The dropout rate for Puerto Rican students from tenth grade to graduation is at least 57 percent. <sup>A/</sup>

Reading retardation is another problem. Citywide 8th grade students average one year behind; 81 percent of the students in predominantly Puerto Rican schools read below the 8th grade level. Part of the Puerto Ricans' difficulty is attributable to language problems. In 1970 in New York City 11.8 percent of the school population, or 135,000 students had moderate to severe language difficulties. Of these 135,000, 94,500 (70 percent) were Puerto Rican.

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<sup>A/</sup> In three high schools with large Puerto Rican student bodies, of the 1,204 candidates for graduation, only 39 percent left the school system with academic diplomas.



*EXHIBIT NO. 5 (Continued)*

Until 1969 the education of public school children in New York City was the responsibility of a board of education appointed by the mayor. For the past 3 years the schools have been governed under legislation that created a decentralized school system.

The dimensions have remained immense regardless of the system. The public school system still operates 932 schools, and it employs 60,228 teachers, and another 13,261 supervisory and administrative personnel. Minority professionals are still the exception in New York City. 7.8 percent of the teachers are black and 1.3 percent are of Puerto Rican or of other Hispanic origin. Current statistics indicate that there are only 9 Puerto Rican or other Spanish surnamed principals in the public schools.

The coming of decentralization has established new relationships for school governance in New York City. The law created four new kinds of actors - a city board of education, a chancellor, community school boards, and community superintendents. As now constituted, there are 31 community school boards ranging in size from 16,000 to 40,000 pupils in daily attendance. The law vests in the community school boards power over elementary education through the eighth grade.<sup>B/</sup> The city board of education has the power to govern the high schools and special schools, and to establish citywide educational policies.

The decentralization law also provides for system standards for teacher qualifications, appointment, and dismissal. The most significant of these standards is the continuation of the board of examiners.

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<sup>B/</sup> During this transitional period, some community school boards administer 9th grade programs.

*EXHIBIT NO. 5 (Continued)*

The board prepares and administers competitive examinations, the passage of which are mandatory for appointment to a teaching or supervisory position in New York City. The board of examiners administers 1,200 such examinations for the city. Minority professionals have long charged the board with operating a system that screens out black and Puerto Rican applicants. A recent Federal court seems to be in agreement. In Chance and Mercado v. Board of Examiners,<sup>C/</sup> the court concluded that the examinations for supervisory personnel discriminated against minority groups, and enjoined the continued use of the tests.

Briefly, the decentralization law gives the community boards powers over personnel, curriculum, and the use of appropriated funds. The city board and the chancellor, on the other hand, set citywide personnel standards, minimum educational standards, and they determine the formula for the allocation of funds to the community boards.

Finally, the city board is vested with the exclusive power to engage in collective bargaining. The latter is an important power because of the influence of the local teachers' union, the United Federation of Teachers (UFT). The union's current labor agreement considers many important issues - salary, student-teacher ratio, transfers, use of Federal funds, recruitment, teachers' daily schedule - that are of mutual interest to the city board and the community school boards. The UFT is also a force in educational issues because of its

C/ Civ. No. 4141(S.D.N.Y., Sept. 1971)

*EXHIBIT NO. 5 (Continued)*

organization and relationship with school officials. In sum, the union is a fifth force that is instrumental in the determination of public education in New York City. .

The cement that holds this massive, decentralized system together is money. The regular operating budget of the board of education for the 1971-72 school year was \$1,529,736,065. In addition, New York City receives \$150 million in compensatory education monies through Title I of the Elementary and Secondary Education Act (ESEA), and \$40 million in special State funds for urban education. The per pupil cost is a respectable \$1,322. The figure is somewhat misleading since the cost of education is largely (approximately 80 percent) representative of teacher salaries. Thus in some community school districts the per pupil cost is \$720 while for others it is as high as \$1,400.

The cost of the city schools is borne by the city and the State, and to some extent, by the Federal Government. The board of education is without taxing power; it must rely on the mayor and the city board of estimates to raise local revenues. In turn, the school budget becomes part of the city's annual conflict with the State government in Albany to determine the extent of the State's contribution to New York City. In 1971-72 the result saw the city assume \$962 million of the school budget, compared with \$593 million by the State through a State aid allocation, and \$9.7 million by the Federal Government (exclusive of Title I funds).

What these monetary shares ignore is that the budget has failed to keep abreast with the needs of the schools. New York City has

*EXHIBIT NO. 5 (Continued)*

looked to the State for more support, and the State has pleaded a lack of revenues. The dilemma was solved by eliminating 5,000 teaching positions in New York City in the current school year.

It is within the context of this decentralization and fiscal crisis that one must examine the educational opportunities that are offered English and non-English speaking Puerto Ricans.

Chapter 1 thus provides an historical perspective of the school system and the forces that shape current school policy.

Chapters 2 and 3 deal in detail with decentralization and educational finance. Chapter 4 discusses the problems of non-English speaking children and the availability of remedial language programs. Finally Chapters 5, 6, and 7 treat the important subsidiary issues of professional employment, collective bargaining, and Federally-financed programs.

*EXHIBIT NO. 5 (Continued)*CHAPTER I. PUBLIC EDUCATION IN NEW YORK CITY

New York City is presently experimenting with a form of local educational control that its suburban neighbors have experienced for years. Under the 1969 Decentralization Act <sup>1/</sup>31 community school boards have begun to share, with the Central Board of Education, the decision-making power over public education. To understand the operation of this new system one must first understand what preceded it and what events brought it about. To appreciate what it holds for equal educational opportunity for minority groups, one must study the experiences of the first 2 years of decentralization.

A. Education Law in the State of New York

Local school districts in New York, whether in the Mohawk Valley, Westchester, or the South Bronx, operate within the framework of New York Education Law. <sup>2/</sup> What power has been decentralized in New York City from a central board to 31 community school boards represents an extension of the original delegation of power from the State of New York to local school districts. The responsibility for educating New Yorkers is clearly stated in Article VI, Section 1 of the Constitution:

The Legislature shall provide for the maintenance and support of a system of free public schools wherein all of the children of this State may be educated.

The State has established minimum standards that will insure that all local school boards, including the decentralized boards of New

<sup>1/</sup> 1969-70 N.Y. Regular Sessions, Chapter 330 (April 30, 1969)

<sup>2/</sup> N.Y. Education Law (McKinney 1970)

*EXHIBIT NO. 5 (Continued)*

York City provide a minimum quality education. These standards include attendance requirements and curriculum requisites and they are set forth in the Education Law, Rules of the Board of Regents, and the Regulations of the Commissioner of Education. For instance, the law requires the compulsory attendance of all children under the age of 16, and it requires that schools be in attendance for not less than 190 days each year. <sup>3/</sup>

Once school is in session, State curriculum standards must be followed. In the first 8 years students must receive instruction in the 12 common branches, which include such subjects as arithmetic, the English language, geography, and U.S. history. State law does not amplify the length and content of subject matter in the elementary schools. The commissioner's regulations do, however, require that throughout the junior highschool grades, the curriculum include English, social studies, science, mathematics, health education, drawing, music, and practical arts. <sup>4/</sup> No further regulation exists concerning method of instruction or quantity of instruction for public education in New York schools.

Large areas of educational policy have thus been left to the individual school districts and school boards. The organization of schools by department or ability groups, the method of teaching and materials used, or the development of neighborhood schools or educational parks are all decisions for local school boards. In New York City prior to decentralization these were decisions for the city

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<sup>3/</sup> N.Y. Education Law §§3205-1(a), 3204.4a (McKinney 1970).

<sup>4/</sup> Commissioner's Regulations 100.1(d).

*EXHIBIT NO. 5 (Continued)*

board of education and the superintendent of schools. Since decentralization, the source of these powers has been vague. Future educational decision-making in New York City will be shaped by the determination of this authority.

B. Public Education Prior to Decentralization<sup>5/</sup>

1. The Board of Education.

In 1961 the State legislature enacted a system for the indirect selection of a 9-member board of education in New York City. The new system was a response to building scandals under the previous school boards and the cry of civic reform groups for a school administration devoid of partisan politics. Under the 1961 reform the board members were appointed by the mayor from a screened list of candidates submitted by a selection panel.

The members of the new school board were reformist; they sought to take educational issues out of the political spotlight and to improve the quality of education in the city. But the lay boards, though activist, were not effective. They ran up against school superintendents who viewed the board as a hinderance in the daily administration of the school system. They were frustrated by the central school headquarters staff who simply refused to implement the policy made by the board of education. As unpaid volunteers, without staff, and lacking expertise, the board of education simply failed to make effective education policy in New York City.

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<sup>5/</sup> This section is based upon newspaper accounts; a staff report to the New York State Commission on Elementary and Secondary Education; and David Rogers, 110 Livingston Street (New York, 1968) (hereinafter cited as Rogers).

*EXHIBIT NO. 5 (Continued)*

## 2. The Issues

The issue that demonstrates this system failure was school integration during the 1960's. The inability of the board to translate its policy positions on integration into the reality of racially and ethnically mixed classrooms brought on the clamor for "community control", three paralyzing teacher strikes, and the Decentralization Act of 1969.

The board's policy statements were exemplary. Open enrollment plans began in 1960; rezoning, changes in feeder patterns, and new construction programs in fringe areas were also advocated. These policies, however, were simply not implemented. Only 3 percent of open enrollment students transferred; 39 of the 106 projects in the board's 1964-1965 capital budget were for schools with projected populations of 90 percent black and Puerto Rican.<sup>6/</sup> The Superintendent and the Central Board hesitated, hedged, and at times refused to implement announced policy or agreements with civil rights group. For example, in May 1964 the board announced a desegregation program calling for paired schools, rezoning, and the establishment of intermediate schools and 4 year high schools. A January 1965 school boycott protested the failure of the board to desegregate junior high schools. In 1965, a new superintendent asked for more time to "retool" the system for desegregation. Finally, in early 1966, a plan was produced that would build intermediate schools in fringe areas with a capacity for only 1,800 students. This limited enrollment would have precluded the possibility of desegregation.<sup>7/</sup>

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<sup>6/</sup> Rogers, supra note 5, at 17, 18.

<sup>7/</sup> Ibid.



*EXHIBIT NO. 5 (Continued)*

In the mid-1960's, the proportion of black and Puerto Rican enrollment in the schools exceeded 50 percent. Civil rights groups began to realize that this struggle for integration that they had been waging with the school system might never result in more than the integration of blacks with Puerto Ricans or minority students with poor whites. The deficiencies of the centralized board of education and the futility of urging integration convinced many that a new approach was necessary. Around the slogans of "decentralization" and "community control" the new coalition of civil rights groups, civic reform associations, and black and Puerto Rican community leaders rallied.

3. The Teacher Strikes<sup>8/</sup>

In the Summer and Fall of 1967, decentralization proposals were being prepared for the state legislature by the Mayor's Advisory Committee on Decentralization. Chaired by MacGeorge Bundy of the Ford Foundation, its final proposals have become historically known as the Bundy Report. When presented, the report, Reconnection for Learning,<sup>9/</sup> would urge the decentralization of primary education into 33 to 65 school districts based upon junior highs and their feeder schools. The Bundy Report would also propose mixed elective-appointed school boards and extensive powers over budget, curriculum, and personnel.

In 1966-67 events were creating decentralization without the imprimatur of the State legislature. Protests by community residents in East Harlem and Ocean Hill-Brownsville resulted in the organization of demonstration projects in these two areas. In East Harlem, the

<sup>8/</sup> Section based upon newspaper reports, M. Mayer, "The Teacher Strike (New York, 1969) and staff interviews.

<sup>9/</sup> Ford Foundation, Reconnection for Learning (New York, 1967).

*EXHIBIT NO. 5 (Continued)*

project centered on the Intermediate School, IS201, and its feeder schools; in Ocean Hill, the focus was two intermediate schools and <sup>10/</sup> five elementary schools. Eventually funded by the Ford Foundation, these projects were designed to bring parents, school administrators, and teachers together to plan improvements in the demonstration project schools. Elected governing boards, selection of superintendent and principals, and innovative programs were the elements of this experiment in community control.

These projects got off to a bad start in September 1967 when the United Federation of Teachers (UFT) struck the system over traditional labor matters. The Mayor had established that year factfinding commissions whose job it was to investigate wage proposals for any municipal bargaining unit, and prepare a fair settlement for the Mayor. Once determined, the Mayor would stand by this offer in bargaining negotiations. Since the factfinders presumably would act fairly, the need for extensive collective bargaining would be obviated; hence the need for the UFT would be diminished. Its survival at stake, the UFT struck for 2 weeks. In Ocean Hill the relations between teachers and the community collapsed. The teachers walked out; the community kept the schools open with nonunion teachers and recent college graduates, and New York City received a slight glimpse of what was to come. The parents of Ocean Hill-Brownsville were convinced that students needed more education, not less. The strike ended with UFT teachers reluctant to return, and the parents of Ocean Hill determined to rid the schools of UFT teachers who were seen as being more interested in wages than the education of minority children.

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10/ A third project was Two Bridges in the Lower East Side area of Manhattan.

*EXHIBIT NO. 5 (Continued)*

The dismissal of 12 UFT teachers by the Ocean Hill governing board in May 1968 set the stage for the teacher strikes of the Fall. The union struck the Ocean Hill district, contending that neither the local governing board nor the central board of education could dismiss teachers without a hearing. The issue remained unresolved throughout the summer. Meanwhile, in Albany, the State legislature passed an interim decentralization bill that added four new appointments to the central board of education and empowered the board to delegate some powers to the 33 administrative school districts. This new board worked through July and August to prepare for the Fall.

The board and the UFT were also working hard to negotiate a contract for the approaching school year. The UFT was concerned with teacher working conditions and job security under the coming limited decentralization, and especially in the already decentralized Ocean Hill district. When schools opened, the issues were still unresolved, and the UFT struck for the second consecutive school year.

Negotiations continued and in a few days, the board and UFT agreed on general provisions and the status of the Ocean Hill teachers. The UFT teachers would return to Ocean Hill, the grievance procedure would bind local school boards, and dismissals by local boards would be resolved by binding arbitration. The agreement was signed and the teachers returned to their classes. That is, everywhere except in Ocean Hill-Brownsville. There chaos ensued. Teachers again were intimidated, students rioted, and parents and community spokesmen organized rallies opposing the central board of education's alleged sabotage of their schools.

*EXHIBIT NO. 5 (Continued)*

The strike resumed, and the mood of the city became increasingly bitter as the walkout continued into mid-November. The strike was now interpreted by many in the minority community as an attempt by the UFT to thwart the Black and Puerto Rican aspiration for community control of education in the inner city. By pitting the minority community against the predominantly Jewish teachers' union, the crisis spewed forth its own stream of anti-Semitism and racism.

## 4. Aftermath

The effects of the 1968 strike remain today in New York City. They are like deep scars, hidden from view but always present. Discussions with school officials, community leaders, and the UFT reveals the impact of 1968 and their ramifications for current school conflicts.

One Puerto Rican member of a community school board frankly stated that the "enemy is the UFT." According to this person, the UFT is blocking the entry of Puerto Ricans into the school system. She cited the union's resistance to giving the school secretary's examination partially in Spanish (the UFT represents school secretaries in the school system).

Black and Puerto Rican community leaders still revile UFT President Albert Shanker as the archvillain. Whether true or not, the UFT is accused of pressuring officials to dismiss outspoken principals and teachers and of using its influence with superintendents and school boards to sidetrack programs sponsored by Puerto Rican groups.

*EXHIBIT NO. 5 (Continued)*

The leader of a Bronx parents group lambasts the teachers as being insensitive and ignorant of the particular needs of Puerto Rican students. This person believes that the teachers regard the ghetto school as a resting place for experienced teachers, and as a training ground for new recruits. Like other black and Puerto Rican education groups, she regards the UFT-sponsored More Effective Schools program as <sup>11/</sup> a teacher scheme to make teaching easier while increasing takehome pay.

The truth of these charges is open to dispute. There is, however, the record of the 1968 teacher strikes. There is also the UFT's lobbying effort against decentralization and their participation in the community school board elections of March 1970. In those elections, the UFT sponsored candidates of its own, and opposed those it considered <sup>12/</sup> "militant".

The UFT also remembers the 1968 strikes. Its opposition to the abandonment of the board of examiners, the fear of a strong decentralization, and the penchant for a school system that will provide blanket job security for tenured teachers were all strongly influenced by the UFT's experiences with Ocean Hill. The union's column in the Sunday New York Times is replete with attacks on decentralization and, at times, personnel vendettas against certain community spokesmen. UFT officials also express their fear of militants whose objective is political power, and the exclusive staffing of New York school with <sup>13/</sup> black and Puerto Rican teachers.

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<sup>11/</sup> See p. 61, *infra*.

<sup>12/</sup> See Institute for Community Studies, "Elections for Community School Boards: 1970."

<sup>13/</sup> Staff interview with Mr. Abe Levine and Mr. Mario LeMagne, UFT (December, 1971).

*EXHIBIT NO. 5 (Continued)*

Some contend that antagonisms are decreasing. The UFT points out that it includes in its membership a good proportion of the minority teachers in New York City. Another asserted benchmark is the UFT's recent success in organizing paraprofessionals--a group that is predominantly black and Puerto Rican. If reapproachment is possible, it still has a long way to go. Relations between the UFT and the minority community are still poor. The community largely resents the UFT as a powerful outsider that is miseducating their children. For the union, the black and Puerto Rican leaders represent militants who would deny them their jobs and destroy a school system that has provided them with upward mobility in the city.

*EXHIBIT NO. 5 (Continued)*CHAPTER II. THE DECENTRALIZATION LAW OF 1969

In the wake of the 1968 teacher strikes, the State legislature passed a decentralization bill for New York City on April 30, 1969. This piece of legislation is ambiguous; the apparent product of a series of compromises and last minute changes without any definitive legislative history. The act reconstituted the Central Board of Education, created the position of chancellor, and established a system of elected community school districts. A description of these new structures and an analysis of their powers and relationships are essential in understanding the educational processes of New York City.

A. The New Institutions

The Law established the Central Board of Education, composed of five elected and two appointed members. Because this structure raised constitutional questions under the U.S. Supreme Court's "one-man, <sup>14/</sup> one-vote" decisions, a 5 member interim board with members appointed by each of the borough presidents has been continued. The board "except as otherwise provided herein shall have all the powers and duties" of past boards, as well as the power to "determine all policies of the city district". <sup>15/</sup> A chancellor, appointed by the board for a <sup>16/</sup> 2 to 4 year term, replaced the superintendent of schools.

To set up the community school district system, the central board of education was empowered to determine district boundaries and conduct an election for local school board members. The interim board, working within legislative constraints, decided upon 31 districts ranging

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<sup>14/</sup> See Avery v. Midlands County, 390 U.S. 474 (1968).

<sup>15/</sup> N.Y. Education Law §2590-g.

<sup>16/</sup> N.Y. Education Law §2590-h.

*EXHIBIT NO. 5 (Continued)*

from 16,000 to 40,000 children in each; and decided that each community school board would have nine elected members.

The election procedures for community board members were meticulously detailed in the legislation. Persons able to participate in the election includes registered voters, and parents who have resided in the district 1 year, are U.S. citizens, and are over 21. The legislature also mandated a system of proportional representation for the counting of ballots.

Upon election, the community school boards receives the powers granted to them by the decentralization law. Accordingly, each board receives:

"all the powers and duties, vested by law in, or duly delegated to, the local school board districts and the board of education of the city district...not inconsistent with the provisions of this article and the policies established by the city board, with respect to the control and operation of all pre-kindergarten, nursery, kindergarten, elementary, intermediate and junior high schools and programs in connection therewith in the community district." 17/

The general assumption has been that this section gives the community boards control of elementary education through the eighth grade, except for those aspects that are expressly delegated by the act to the central Board or the chancellor.

17/ N.Y. Education Law §2590-e. The law vests inherent powers in both the central board and the community school boards. This statutory contradiction creates an obvious potential for conflict.



*EXHIBIT NO. 5 (Continued)*

One of the community board's powers is the appointment of a community superintendent, subject to qualifications set by the chancellor. <sup>18/</sup> Once appointed, the superintendent is removable only for cause, and he exercises many of the powers of the school superintendent prior to decentralization in that district. <sup>19/</sup> The community superintendent is limited by Central Board policies in some areas, and in a few areas he has greater power than the pre-decentralization superintendent, i.e., alternative teacher hiring, and appointment of principals.

B. Division of Powers

The relationship between the four creations of decentralization—the city board, chancellor, community board, and community superintendent—is better understood in the context of certain policy areas. The most significant of these for the New York City school system are: curriculum, personnel, operating budget, capital budget, and collective bargaining.

Curriculum

The community school boards are vested with a general power over primary education in the district. In addition to this general delegation, the law gives the local board power to:

"determine matters relating to the instruction of students, including the selection of textbooks and other instructional materials, provided however that such textbooks and other instructional materials shall first have been approved by the Chancellor."<sup>20/</sup>

<sup>18/</sup> N.Y. Education Law § 2590-e.1.a.

<sup>19/</sup> N.Y. Education Law § 2590-f.1.a.

<sup>20/</sup> N.Y. Education Law § 2590-e.3.

*EXHIBIT NO. 5 (Continued)*

On the other hand, the act gives the chancellor the power to promulgate minimum educational standards and to evaluate the effectiveness of the educational programs in the district.<sup>21/</sup>

The conflict between the powers has not been fully resolved. The Central School Board publishes curriculum guidelines which it and the community boards consider nonbinding. Most boards, however, have followed the Central Board recommendations. Where districts have experimented with new techniques or materials, they have met little resistance from the Central Board. Most of these changes, however involve experimental programs using special State or Federal funds. The chancellor has not imposed or defined "minimal educational requirement", nor has he disapproved the use of textbooks by the local boards.

In the curriculum area, the discretion for community board action appears wide, though extensively unused. Unfortunately, a lack of technical assistance from the central board, on the one hand; and the lack of experimentation by the community board on the other hand, appears to be the norm.

Personnel

Personnel decisions include the hiring of principals and teachers, their assignment, tenure, transfer, and dismissal. The law's language is rather expansive and it gives local community boards wide powers over personnel:

21/ N.Y. Education Law §2590-h.

*EXHIBIT NO. 5 (Continued)*

E/ach community board shall have the power and duty to:

2. Appoint, define the duties, assign, promote and discharge all its employees and fix their compensation and terms and conditions of employment.... 22/

After giving this broad grant of power, the legislature goes on to specifically limit its application. First, the local board's power cannot be inconsistent with any collective bargaining agreement. 23/ Second, the legislation retains a civil service system for the selection of teachers and supervisory personnel. According to the law, teachers are selected on the basis of their scores on competitive examinations; and supervisors are selected from a list of those passing a qualifying examination. In both situations, the examinations are prepared and administered by the independent board of examiners. 24/ Third, the act provides for the central board of education to determine minimum educational and experience requirements for teachers and supervisory personnel. 25/

These enumerated restrictions interact most forcefully in the procedure for the appointment of teachers and principals by community school boards.

22/ N.Y. Education Law §2590-a.2.

23/ Ibid.

24/ N.Y. Education Law §2590-j.

25/ N.Y. Education Law §2590-j.2.

*EXHIBIT NO. 5 (Continued)*

Principal appointments were to be made from board of examiner lists promulgated by the chancellor. Most local boards followed central guidelines and appointed licensed principals. Some have avoided the lists by appointing acting principals; the law permits an acting principal to hold the position for up to 18 months.<sup>26/</sup> Since passage of the act, the issue has been considerably mooted. A Federal district court recently held the board of examiner method of selection of supervisory personnel-discriminatory against black and Puerto Rican professionals.<sup>27/</sup> Since that decision, all appointments are acting until a new system is approved by the court.

Teacher employment continues to be by a ranked civil service examination. The act requires the community board to appoint those teachers assigned by the chancellor from competitive eligibility lists. However, for 320 of the city's elementary and junior high schools, an alternative to ranked order eligibility exists. These schools whose average MAT (Metropolitan Achievement Test) reading score ranks in the lower 45th percentile for all city elementary and junior high schools may consider the eligible list as a qualifying list rather than a ranked list. These schools enroll a large number of the city's black and Puerto Rican school children. The schools may also recruit and appoint any person who has passed the examination.<sup>28/</sup>

<sup>26/</sup> N.Y. Education Law §2573(2).

<sup>27/</sup> Chance & Mercado v. Board of Examiners, supra note C.

<sup>28/</sup> N.Y. Education Law §2590-j.5.

*EXHIBIT NO. 5 (Continued)*

A second alternative enables these schools to appoint any teacher who has passed the National Teachers Examination. A third alternative that is seldom used permits the employment of teachers who have passed a special qualifying examination administered by the board of examiners. The limitation on all of these alternatives is that the prospective teacher must be appointed between October 1 through May 1 for the anticipated school year.<sup>29/</sup> The disadvantage of these alternative methods with its seven-month time restriction is that the local board may not be able to project its vacancies in time to appoint teachers before May 1 for the September term. And of course the alternatives do not apply to vacancies that arise during the school year.

Procedurally, the community board evaluates the candidate's qualifications, and then appoints the person subject to the confirmation of the central office of personnel. The personnel office has reportedly been lax in confirming these appointments, thereby jeopardizing some of the new appointments of the community boards.

29/ N.Y. Education Law 82590-j.5(6).

*EXHIBIT NO. 5 (Continued)*

The experience of community boards with these provisions has been limited so far. The deep budget cuts have reduced hiring to a minimum. Those vacancies that do occur are sometimes so late that the alternative methods are inapplicable or the delay may prevent a recruited candidate from keeping his options open until an appointment can be made and confirmed by the office of personnel.

Excessing Provisions

A number of community board personnel problems arise out of the formulation and operation of so-called excessing rules. Excessing is the New York City Board of Education term for staff dismissals that result from factors other than dismissal for cause. Excessing occurs when a school must reduce its professional staff because of (a) decline in school population, (b) necessary staffing of new schools, or (c) budget cuts that reduce the maximum number of employees in the particular school (and/or school system). When a school is informed by the central board or its community school board that it must reduce its teaching staff, it does so by following "excessing rules." These rules were promulgated for most divisions prior to decentralization. The rules are in the form of central Board of Education by-laws which require the principal to excess teachers in inverse order of seniority in the school.

Excessing rules have become an important issue recently because of the cuts in the school budget for New York City and the decentralization of the schools.

The Board of Education's rules affect both the teachers a school may retain, and the prospective teachers it may appoint.

*EXHIBIT NO. 5 (Continued)*

The standards for excessing require that all schools first excess substitute teachers, and then licensed teachers in inverse order of seniority. It is alleged that this procedure disproportionately affects minority teachers because: (1) a large number of substitute teachers are Black and Puerto Rican, and (2) many minority teachers have low seniority in the system.

The second effect of excessing is that it gives priority for any new openings to excessed licensed teachers. Substitute teachers do not retain any priority in hiring. <sup>29A/</sup> Thus, the power of appointment vested in community boards to staff their schools is somewhat hindered because the civil service choice-of-three rule is inapplicable in this situation. The assignment of excessed teachers to all school vacancies may hinder the ability of schools to recruit minority and bilingual teachers, because the school then has no openings. Another point is that excessing delays and hinders the ability of community school boards to make appointments under the alternative hiring options. By failing to promptly inform the local board if excessed teachers will be assigned, the central board makes recruitment uncertain. If no openings remain after assignment of excessed teachers or if assignment is delayed beyond May 1, the option of alternative hiring is effectively nullified.

Those opposing the excessing rules argue that the decentralization law and the need to avoid the undesirable effects of excessing requires a system that provides more flexibility for the community boards. In addition, they argue that considerations of the law and policy may warrant a system that balances the interests of community school boards

29A/ Substitute teachers have seniority only in relation to other substitutes.

*EXHIBIT NO. 5 (Continued)*

set-out at length by the decentralization law. Furthermore, the concept of policy ought not be construed to include detailed regulation of community board powers. "Whatever be the precise limits of the word "policy" there must come a point at which a pronouncement is not policy at all but rather dictation of detailed conduct, and thus beyond the power of the Interim Board..."<sup>33/</sup>

The contrary position is that the excessing rules are city-wide policies necessary to insure the equitable treatment of teachers throughout the city. Such is the position adopted by the State Commissioner of Education in a recent decision involving the central board requirement that substitute teachers be excessed before <sup>33A/</sup>probationary licensed teachers.

Independent analysis of the decentralization law and rules of statutory construction lead to the conclusion that city-wide excessing rules are not necessarily a prerogative of the central board of education.

Whatever the eventual determination by the Courts of the legal merits of these arguments, the effect in the City of New York is a matter of record. To the extent that the present system of excessing discriminates against minority teachers because of their low status in the school system; prevents the implementation of compensatory education programs; or hampers the city's ability to providing teachers for non-English speaking children, it cannot stand. Both the Equal Protection Clause and Title VI of the Civil Rights Act of 1964 require the central Board of Education to adopt a system that does not discriminate, on the basis of race or national origin.

<sup>33/</sup> Statement of Professor Howard I. Kalodner presented at the public agenda meeting of the Board of Education, at 4 (August 31, 1971).  
<sup>33A/</sup> New York Times 1 (January 15, 1972)



*EXHIBIT NO. 5 (Continued)*

and the school children with that of the experienced teachers in the decentralized school system. Power over personnel is vested in the community school board:

E/ach community board shall have the power and duty to:

2. Appoint, define the duties, assign, promote and discharge all its employees and fix their compensation and terms and conditions of employment, not in consistent with the provisions of this article or any applicable collective negotiation agreement. 30/

The central board, however, while given no direct powers over personnel in the community districts, is given a general power of city-wide school policy.

The city board except as otherwise provided herein shall have all the power and duties the interim board of education... and shall determine all policies of the city district. 31/

Since the excessing rules are promulgated as Board of Education by-laws, their legal status must originate in this provision. Involuntary inter-district transfers are not a subject of any other section of the decentralization law.

The extent of the city Board's policy-making power is not specifically defined by the act. Whatever its scope, it cannot be read as a general mandate to circumscribe the enumerated powers of the community boards. So much was held by the court in Community School Board District 3 v. Board of Education <sup>32/</sup> where the court concluded that the general policy-making power did not extend to the review of Title I proposals. The respective powers of the city and community boards were

30/ New York Education Law s2590-e.2.

31/ New York Education Law s2590-g.

32/

*EXHIBIT NO. 5 (Continued)*Transfer and Dismissal

The community board's power over teaching and supervisory staff is also limited with respect to transfer and dismissal. The law limits intradistrict transfers to discipline and excess staffing problems, and it requires transfer to be according to seniority.<sup>34/</sup> Interdistrict transfers are regulated by board of education bylaws and collective bargaining agreements. The rules prevent the involuntary transfer or dismissal of any employee except for staff reductions which follow seniority rules, or dismissals for cause. Cause includes unauthorized absence, lateness, and incompetence, but not a person's incompatibility with the programs of the school or a performance standard.<sup>35/</sup> Even when cause exists, the procedure for dismissal requires, under the UFT agreement, a charge by the district superintendent, notice by the community board; hearing before a trial examiners panel, vote by majority of community school board, appeal to the Central Board of Education, and arbitration of the Board's final determination.<sup>36/</sup>

The one personnel power that community boards are fully exercising under the decentralization is the grant or denial of tenure to probationary teachers. The Central Board, by promulgating a Circular No. 4 in November 1970, attempted to assert its influence in this process. This view was eventually retracted by the board, and community boards have since been making tenure decisions.

<sup>34/</sup> N.Y. Education Law §2590-j.8.

<sup>35/</sup> N.Y. Education Law §2590-j.7(b).

<sup>36/</sup> Ibid.

*EXHIBIT NO. 5 (Continued)*Operating Budget

The operating budget includes the cost of the teaching and supervisory staff and the cost of instructional materials, textbooks, and physical operation. The Decentralization Law establishes a series of steps for the estimation and appropriation of these costs. The community school boards must hold public hearings, and submit budget estimates to the chancellor. He modifies them and submits a board of education budget to the board of estimate and the city council. Upon approval of the budget, the chancellor distributes the monies to the community boards on the basis of "objective formulas".<sup>37/</sup>

Throughout the budgetary process the largest constraint on community boards is the lack of technical assistance. Technical assistance is supposed to be provided by the Central Board of Education.<sup>38/</sup> But such aid is most often in the form of "circulars" that inform the community boards what to do rather than how to do it. The present level of technical assistance apparently does not provide the local boards with the expertise and broad range of options that optimal decision making would require. The difficulty is most acute in the design of proposals for the use of Title I and State Urban Education monies, and the application for demonstration education projects under other ESEA titles. Knowledge of what grants exist and how to apply is an expertise

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<sup>37/</sup> N.Y. Education Law §2590-1.7.

<sup>38/</sup> Powers and duties of chancellor.... He shall also have power and duty to:

13. Perform the following functions throughout the city district...
  - (a) Technical assistance to community boards. N.Y. Education Law §2590-h-13(a).

*EXHIBIT NO. 5 (Continued)*

that the Central Board could easily provide the community boards. For example, last year community boards were given two days notice for the submission of Title I proposals. Also, Title VII proposals are prepared by local boards without any consultation with the Central Board's Federal programs staff. The Central Board's failure to provide technical assistance has been one of the failures of decentralization.<sup>39/</sup>

Capital Budget

The capital budget function is one of the few school government functions assigned expressly to the central board.<sup>40/</sup> The community boards' participation in the formulation of the capital budget is limited to submitting proposals for new construction to the chancellor, the mayor and other city officials, and submitting new school sites to the site selection board.<sup>41/</sup> The capital budget is almost exclusively the province of the chancellor. The chancellor, subject to the board's approval, decides where, when, and how to build new schools. Such decisions are then submitted to the proper city authorities for their review.

Collective Bargaining

The other school function expressly delegated to the Central Board is the power to bargain collectively for the entire school system. The Decentralization Law is almost repetitious in precluding the

<sup>39/</sup> Staff interview with Miss Owilda Orta, Junior High School 45, January, 1972.

<sup>40/</sup> N.Y. Education Law §2590-1.13.

<sup>41/</sup> N.Y. Education Law §2590-a.11.

*EXHIBIT NO. 5 (Continued)*

community boards from negotiating with employee representatives: "For all purposes, [the city board of education shall] be the 'government' or 'public employer' of all persons appointed or assigned by the city board or the community boards."<sup>42/</sup> Not only does the board of education bargain with the UFT concerning employees under the board's jurisdiction (such as the high schools, special schools, and central headquarters) but the board also bargains with the UFT concerning employees of the 31 community boards. Thus the diversity that decentralization offers with one hand is undercut by the uniformity it mandates with the other. Perhaps some uniformity is inevitable concerning wages, health benefits, and systemwide seniority. But diversity requires flexibility - what may be useful in Staten Island or Forest Hills -<sup>43/</sup> may not be useful in the South Bronx or the Lower East Side.

The collective bargaining agreements are important aspects of educational policy in New York City. The agreements determine the cost of public education and, at times, they influence the types of programs used in the schools. This spring the first collective bargaining negotiations since the advent of decentralization will begin. The role of the community boards in these deliberations is still an unknown quantity. If the community boards are to really operate their schools, their role in these negotiations should be substantial.

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<sup>42/</sup>New York Education Law § 2590-g.5

<sup>43/</sup> See p. 61, infra.

*EXHIBIT NO. 5 (Continued)*CHAPTER III. FINANCING PUBLIC EDUCATION IN NEW YORK CITY

There is a well publicized financial crisis in education today. The source of the crisis is the fact that, while the cost of public education has dramatically increased in the past decade, its nature and quantity have not. By and large the source of public educational revenue, the local property tax, has not kept abreast of the 1960's inflationary economics, the upgrading of teacher salaries, and the boom in experimental, compensatory, and year-round school programs.

The crisis would be critical enough if the present finance system were just inadequate. But inequity must be added to the indictment against the property tax. The result is a mish mash of wealthy or poor districts wherein the amount spent for public education reflects the income of the residents rather than the needs of the students. The California Supreme Court's Serrano v. Priest<sup>44/</sup> ruling and a U.S. district court's decision in Texas<sup>45/</sup> raised the issue from one of equity to one of constitutionality. The crux of these decisions is that the right to a public education is a fundamental right which cannot be allowed to hinge on the wealth or poverty created by school district boundaries. Public education must, of necessity, be provided on an equal basis to all children within the State.

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<sup>44/</sup> 96 Cal. Rptr. 601 (1971)

<sup>45/</sup> Rodriguez v. San Antonio Independent School District, Civil Action No. 68-175 - S.A. (W.D. Texas, December 23, 1971).

*EXHIBIT NO. 5 (Continued)*

The winds of change are blowing. A Presidential Commission on School Finance is due to report its recommendations in the near future. Even without this report, it appears that the President and/or Congress will devise legislation providing for the substantial assumption by the Federal Government of the cost of public education. Within New York State efforts are underway to reassess the financing of public education. The State Commission on the Quality, Cost and Financing of Elementary and Secondary Education -- known as the Fleishmann Commission -- began to release its report and recommendations in January. One of the Commission's recommendations calls for the imposition of a statewide property tax to replace individual school district tax rates.

To understand the status of Puerto Rican children in the New York City public schools, however, one must still understand the constraints that applicable financing mechanisms impose on the resolution of educational deficiencies. This financing picture has been factually presented by the Fleishmann Commission in its chapter on school finance.<sup>46/</sup> What follows is a brief sketch of the New York State mechanisms, the special circumstances of New York City, and the role of money in improving the educational opportunities available to Puerto Ricans.

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<sup>46/</sup> Report of the State Commission on the Cost, Quality and Financing of Elementary and Secondary Education, Advance Copy, Chapters 1, 2, 3 (New York, 1972).

*EXHIBIT NO. 5 (Continued)*A. Cost of Public Education in New York City1. The City as Part of the State

There are 3,477,000 public school pupils in New York State, 1,156,850 of whom are in New York City. Of the \$4,336 million spent on public education in New York in 1970-71, \$1,529 million was spent in New York City. By any standard, New York City is a large part of whatever problems exist in the State's public education system.

The city is, of course, an ever impressive aspect of New York State in any matter of State concern. It is home to almost 40 percent of all New Yorkers. Economically, New York City is also impressive. The city and its residents account for about half of the State's annual tax receipts--personal and corporate.

2. Budget of New York City Schools

The size of the city in relation to the State requires that the State be a major provider of school revenues. The governor and legislature could hardly ignore a municipality which has 40 percent of the State's population, one-third of the States' public school children and generates about one-half of the States' annual tax receipts. While many State school districts rely almost exclusively on the property tax, the unique position of New York City gives it sources that are both diverse and dependent on the State. This flexibility and dependence accounts for many of the city's financial problems. But before examining the revenue sources, one must first know where the money is spent. The \$1,529,000,000 budget would seemingly provide every pupil with an education valued at \$1,322 annually. Such a figure is by no means low when it is observed that the range of per pupil expenditures in New York State is \$669 to



*EXHIBIT NO. 5 (Continued)*

\$1,889. New York City spends more than some upstate communities, but not as much as the Westchester and Long Island suburbs. Even these figures may be low since the city received, in addition to its \$1,529 million budget, \$150 million in ESEA funds and \$40 million in State Urban Education monies during 1970-71. Both programs are largely designed for the city's disadvantaged inner city students. The vast amounts spent seem unrelated to the system's lack of academic achievement.

If New York City appears to be spending a lot for public education, the image is somewhat misleading. The major item of this and any other school budget represents "personnel services". In New York City these costs for supervisory, teaching, and staff salaries amount to about 80 percent of the budget. A partial explanation for the high cost of education is the obvious fact that New York City teachers are among the best paid in the Nation. The teachers have a starting salary of \$9,400 and a present maximum of \$16,950. The teacher-student ratio is a low 19.6.

Another high cost of the school system is that of school administrative and personnel services. \$7.5 million represents the cost of running the central headquarters of superintendents, departments, and bureaus at 110 Livingston Street. Another \$7.5 million goes to what is referred to as "Personnel and Teacher Training Support Services". According to the description in the budget, this expense includes, among other things, the board of examiners, health and welfare benefits, and teacher training programs. While \$15 million is a small slice of the total board budget, it represent high overhead costs long associated with

*EXHIBIT NO. 5 (Continued)*

the bureaucracy of 110 Livingston Street. The coming of decentralization further questions the need for an expensive central bureaucracy.

The most striking fact about the board of education's expenses is the increase over the past decade. Since 1962-63, the budget of the school system has increased 135 percent. During the same period student enrollment increased by only 12 percent (130,000 students). The big increase was in personnel services, where the cost increased 150 percent over the decade. The number of teachers increased by 20,000, and the starting salary jumped from \$5300 to \$9400. The increase in the cost of education largely reflects an upgrading of the status of teachers, both in terms of salary and an easing of the teacher's class and nonteaching workload.

The increase in school expenditures has been met through the same mechanisms that have existed in New York for many years: (1) city tax levy funds (2) State aid, and (3) Federal grants-in-aid. Tax levy funds are those raised locally by New York City. These taxes are divisible into two types--the real estate tax and the sales and use taxes. In 1970-71, New York City raised \$2,080,000,000 through real estate taxes and \$2,500,000,000 through other sources. These two sources represent approximately one-half of the 1970-71 city budget. The remainder is made up of State aid, Federal aid, and miscellaneous charges and fees. Thus, the New York City budget is dependent upon a broad range of revenue sources from both within the city and the outside.

*EXHIBIT NO. 5 (Continued)*

The school budget of \$1,529,700,000 represents almost 20 percent of the total city budget. Thus it appears that the city's schools should be supportable upon the real estate tax base alone. This fact is a tribute solely to the high property values in Manhattan. The property tax crunch in other school districts is not the problem in New York City. Without this tax base the city would be in a very real financial bind. This strength is also the city's dilemma. Caught between rising costs for schools, welfare, police, and other social services, and a need to retain business and middle-income homeowners within the city limits, the city has been forced to look to new sources of revenue other than its real estate tax base. The State Lottery and Off-Track Betting (OTB) are two such sources. The real targets have been the State of New York and the Federal Government. If New York City is going to remain a viable urban center, its civic leaders believe that aid must come from outside the limits of the five boroughs.

B. State and Federal Financial Assistance

1. State Aid

State aid of \$593,075,000 accounted for one-third of the city school budget in 1971-72. State aid is provided on a formula basis in New York State. Simply stated, the formula provides a "flat grant" of \$310 per pupil to all districts. It then attempts to "equalize" aid by providing money inversely proportional to the wealth of the school district up to a total of \$860 per pupil. Many districts, including New York City, spend more than the \$860 maximum. The aid ratio used to compute the amount of

*EXHIBIT NO. 5 (Continued)*

State aid is a complicated formula that attempts to balance the pupil load of a district with its real estate tax base. A school district which has the average pupil load per tax base would receive State aid for 49 percent of the school district's operating budget up to \$860 per pupil. School districts with above or below average ratios would receive less or more State aid respectively.

New York State also provides additional State aid for urban education, school lunch programs, and textbooks. All funds are distributed on a formula basis that considers the number of disadvantaged children in daily attendance. The most important of these funding source for New York City is Urban Education Aid which, in 1971-72, added another \$40 million to the school budget beyond the State's contribution of \$593 million.

New York City's problem with State aid is that it has not increased as rapidly as city school costs. State aid has gone from \$264 million to \$593 million--a rise of 124 percent--in 10 years. Yet the city's proportionate share of the budget during the same time rose 145 percent. The reasons for the lag in State aid partly reflects the high tax base in New York City and the high per pupil costs that limit the city's formula allocation. But the State has also been caught in a budget squeeze of its own.

The rising cost of State services (mainly health, education, and welfare expenses) has occurred during the economic recession that started in 1969. The State's personal and corporate income taxes have simply failed to provide more State revenue at current rates. Finally, State officials

*EXHIBIT NO. 5 (Continued)*

believe that tax increases would endanger the State's competitive position, and only further aggravate the situation.<sup>47/</sup> Thus, the State of New York has either refused or been unable to further aid public education in New York City.

2. Federal Aid

A final source of support is the Federal Government. Until the passage of the Elementary and Secondary Education Act of 1965 (ESEA), the role of the Federal Government in financing public education had been limited. Since then Federal involvement has quickly accelerated. Since 1962, the amount of Federal aid going to New York City schools has grown from \$4 million to \$150 million. The bulk of these monies, under Title I of ESEA, are compensatory funds, most of which are not computed within the board of education's \$1,529 million budget. In one sense, Federal aid cannot be used to relieve the burden that has historically been shared by the city and State. Use of Title I funds for the replacement of existing programs would violate the ESEA

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<sup>47/</sup> New York residents pay the highest per capita local taxes in the Nation--\$652.52 per person compared with the national average of \$427.14. The tax burden on New Yorkers is the second highest in the Nation--\$146.20 per \$1000 of personal income. New York Times 9 (January 16, 1972).

*EXHIBIT NO. 5 (Continued)*

<sup>48 /</sup> regulations. Federal funds, however, have been used to fund programs that the Board of Education would have had to embrace with or without Federal support. An example of this is bilingual or English as a Second Language (ESL) classroom instruction. In short, the Federal revenues main effort has been to relieve local revenue sources from the cost of innovation and the cost of new programs.

The remainder of the Federal aid to New York City goes for the school lunch program, impacted area aid, and grants for supplemental projects. This aid is largely reflected in the regular operating budget, where the Federal share is \$9.7 million, or six and one-half percent of the total budget.

G. Special Parameters for New York City

The financing of New York City public schools is moving in the direction of massive State and Federal support. When it comes, this aid will probably be in the form of an improved State aid system and a direct Federal contribution to local school or city authorities. The danger in such methodology is that it aims for the average rather than the unique financial problem.

New York City requires more money than its neighbors. The reason is threefold:

- (1) New York has one of the highest costs of living in the United States.

*EXHIBIT NO. 5 (Continued)*

- (2) New York City educates the poor and disadvantaged. This added cost for educating inner city children is frequently referred to as the "urban factor". With 57 percent of the student body black and Puerto Rican, New York City will need more per student than an upstate, suburban, or small town school district.
- (3) New York City's public school system is a big system. To some extent size is an added cost because school economics are not responsive to scale economics. Bureaucracy and inefficiency add costs to education in New York City.

Bureaucracy is curable, and decentralization could assist in the reduction of central headquarters staff and inefficient organizational practices. The high cost of living and the high cost of educating poor children are not so easily dismissed. A form of special compensatory or urban aid for New York City must be continued under any reform in school financing.

D. Special Financial Needs for Education of Puerto Rican Children

It is clear that the state of public education finance is critical. Unless new mechanisms and revenue sources are developed public schools throughout the country will go on short schedules, teachers will be dismissed, and school systems will be forced to shut down before the traditional summer recess. While the public schools need more money to survive, it has never been shown that more money in and of itself will improve the quality of education or the academic success of students.

*EXHIBIT NO. 5 (Continued)*

Money alone is not a general solution to problems of educational opportunity. For Puerto Ricans in New York, however, more money is an essential starting point. Money is necessary to train teachers for bilingual classrooms or for the teaching of English to Spanish speaking youngsters. Money is required to buy the textbooks and develop a curricula that will be relevant, both culturally and linguistically, to Puerto Rican children. Third, money is necessary to develop methods of evaluation for English and non-English speaking Puerto Ricans. At present, testing is either nonexistent or based on cultural norms that are foreign to the environment of New York City Puerto Ricans. Finally, new money is essential because without it, the press of other claims will disperse the effectiveness of existing funds. Puerto Ricans' special problems of language and culture are not always compatible with programs that are designed for the wider population. An earmarking of new money for Puerto Rican children may be an expensive but necessary method for insuring that such monies are used for their intended beneficiaries.

The additional financial resources available for Puerto Rican students will not, by itself, improve the achievement levels of students. Hopefully, the money will assist competent teachers and concerned parents in making the classroom a place of relevant learning for the Spanish speaking child.



*EXHIBIT NO. 5 (Continued)*

## IV. BILINGUAL EDUCATION AND "ENGLISH AS A SECOND LANGUAGE" PROGRAMS IN NEW YORK CITY PUBLIC SCHOOLS

A. PROGRAMS

The U.S. Department of Health, Education, and Welfare defines bilingual education as the use of two languages, English and a "mother tongue", as a medium of instruction utilizing a well-organized program incorporating part or all of the curriculum and including the history and culture associated with the native language. A bilingual education program should be designed to meet the special educational needs of children who speak limited English, who come from environments where the dominant language is other than English, and who come from low-income families. Children participating in the program should develop competence in English, become more proficient in their dominant language, and profit from increased educational opportunity.<sup>49/</sup>

A bilingual program may encompass an entire school or several classes within a school. Program structure may vary considerably. Some of the basic design alternatives are:

- (1) Equal time for both languages - the dominant language would be used for subject area instruction during part of the day, and English would be used for the rest of the school day.
- (2) Instruction based on the child's dominant language - the major part of the instruction would be given in the home language.
- (3) A strong "English as a Second Language" program - a language arts course might be offered first, and one or two subjects taught in the dominant language. All other instruction would be in English.

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<sup>49/</sup> U.S. Department of Health, Education, and Welfare, Manual for Project Applicants Programs under Bilingual Education Act, at 1 (1971) (hereinafter cited as Title VII Manual).

*EXHIBIT NO. 5 (Continued)*

In the second design, all participating children, regardless of language dominance, initially receive the major portion of their instruction in the language with which they are most familiar. The dominant language of the non-English speaking students is taught as a first language. Concurrently, English is recognized and taught as a second language to the non-English speaking children while the companion language is taught to the English speaking students. The students should ultimately receive 50 percent of their instruction in English and the remaining 50 percent in the companion language. All students are taught the history and cultural heritage which reflect the value systems of both languages.

A bilingual program, based upon the third design, might be adopted if the objective is to transfer non-English speaking students to a regular school program as soon as they develop a working knowledge of English. For example, Massachusetts law <sup>50/</sup> now prescribes that, effective September 1972, this transitional bilingual education must be provided in every school system with 20 or more children who speak limited or no English.

The bilingual approach in educating non-English speaking pupils is not new in the United States; the concept was used in the 19th century in cities where large numbers of non-English speaking immigrants resided. Since that time, however, some States have passed legislation prohibiting the use of any language other than English for purposes of public school instruction. As a result, the current bilingual programs scattered throughout this country appear to represent a new concept, often one considered questionable.

50/ Mass. Bilingual Ed. Act, House Bill No. 3575 (October 30, 1971).

*EXHIBIT NO. 5 (Continued)*

Few teachers have the training necessary to teach in a bilingual classroom; a smaller number of educators have the expertise needed to design and administer bilingual programs. For these reasons, staffing is a major problem in the institution of a bilingual program. In addition to substantive command of the teaching material, certain kinds of language proficiency are required. Although it is not a requirement that all teaching personnel have a bilingual capability, some teachers must have this capability. It is, of course, desirable for all teachers to have at least some knowledge of the second language. If Spanish is the companion language of the project, some teachers must be able to teach social studies, math, and the other subjects in Spanish. Also educationally disadvantaged youngsters often need a grammatical understanding of the language with which they are most familiar and teachers competent in the native language are essential. "English as a Second Language" and "Spanish as Second Language" instructors are also required in a formal bilingual program. As might be expected, the ESL teacher would introduce Spanish dominant youngsters to English; the SSL instructors teach Spanish to the English dominant students. A final but important consideration in recruiting and employing instructional staff may be the regional or accent of the community to be served. If teachers are available who are also members of the target population or, if other community members with the desired language qualifications can be found, they should be given preference for instructional and paraprofessional positions in the project.<sup>51/</sup>

Parent and community involvement in planning and implementing is a legal requirement of Title VII funded programs. It is, also, very desirable for the success of a bilingual program. A "project advisory group", consisting of parents and community representatives, should be formed before the project proposal is prepared and should continue through all stages of the project's

<sup>51/</sup> Title VII Manual, supra, note 49, at 74.

*EXHIBIT NO. 5 (Continued)*

development and operation. In this way, the program administrators will be informed of the community's views. For example, a community may initially desire a transitional bilingual program but later decide on a full-fledged bilingual program, regardless of when second language proficiency is developed. The program staff, on the other hand, will have a means of informing the community of any new developments or proposed changes.

"Opportunities should be provided for parents to assist in the classroom and in other project activities as paraprofessionals or volunteers. Working together in the instructional program, parents and staff may learn from each other and parents may gain further understanding of the purpose and activities of the project." <sup>52/</sup> It may be advisable to have a special component of the project directed toward the linguistic needs of parents of participating children or other members of the community.

An "English as a Second Language" program is essentially a course for English language skills without cultural overtones. Spoken English is taught in ESL classes to students who speak other languages in much the same way that other foreign languages are taught to English speaking elementary school pupils.<sup>53/</sup> The ESL technique involves the use of phonetics and most ESL instructors are not bilingual. Theoretically, ESL programs can service students of various linguistic backgrounds in the same classroom at the same time. The courses are generally given for only a limited number of hours per week, perhaps one 45-minute period each day. Optimum class size is from 10 to 12 students. An ESL class may be a component of a bilingual program or

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52/ Ibid, at 68.

53/ U.S. Commission on Civil Rights, Clearinghouse Publication No. 27, Equal Educational Opportunity for the Spanish-speaking Child.

*EXHIBIT NO. 5 (Continued)*

may be solely a course for English language skills. These programs are remedial in nature and enrollees have moderate to severe language difficulties.

B. THE NEW YORK CITY EXPERIENCE

Bilingual and "English as a Second Language" programs are the two most important responses to the linguistic needs of Spanish speaking students in New York City public schools. The scope of these responses, in view of the severity of the problem, does not appear to be great. In 1970, there were 1,141,075 students in the public schools, 260,040 (or 22.8 percent) of whom were Puerto Rican.<sup>54/</sup> The number of pupils with serious to severe language difficulties in New York City in October 1970, was 135,000, or 11.3 percent of the school population.<sup>55/</sup> Puerto Ricans constitute 94,300 or 70 percent of these students. More than one out of every three Puerto Rican pupils (33.7 percent) has a serious to severe language difficulty.<sup>56/</sup>

The 135,000 ESL learners are broken into two categories:

Category I - Pupils who speak English hesitantly or whose regional or foreign accents indicate the need for remedial work in English and/or speech.

Category II - Pupils who speak little or no English or whose foreign accents make it impossible for them to be understood.

The category into which a pupil is placed is determined by the teacher.

ESL specialists in the school system state that a large majority of the students classified in schools as having moderate language difficulty

(Category I) have never received ESL instruction. These children are generally required to take all standardized reading tests in English.<sup>57/</sup> Over 87,000 students fall into this category. 43,000 students have been identified as

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<sup>54/</sup> Puerto Rican Educations Assn., The Education of the Puerto Rican Child in New York, A Report to the New York State Commission on Cost, Quality and Financing of Elementary and Secondary Schools (1971).

<sup>55/</sup> Ibid. at 95

<sup>56/</sup> Id.,, at 95.

<sup>57/</sup> Staff Interview, Superintendent Martin W. Frey (December 1971)

*EXHIBIT NO. 5 (Continued)*

having severe language difficulties and in obvious need of special attention. In the 1970-71 school year, 30,747 pupils in New York City received ESL instruction from 541 teachers.<sup>58/</sup>

A small number of bilingual programs represent the second response of the city school system to the needs of disadvantaged Puerto Rican and other linguistically hindered students. The impetus for most of the programs, however, comes from concerned parents and responsive local administrators, not from the Central Board of Education.

The current school year is witnessing the opening of another totally bilingual school bringing the number of such schools in New York City to three. All these schools, Public School 25 in District 7, Community School 211 in District 12, and P.S. 235 in District 9, are physically located in one of the city's largest Puerto Rican enclaves, the South Bronx. These schools are supported basically by tax levy funds, although they all have grants from Federal and/or State sources. P.S. 25, serving approximately 600 students, receives \$533,332 in tax levy funds. C.S. 211 serves roughly 650 pupils and receives tax levy funds amounting to \$380,000. Public School 235 has enrolled approximately 350 students and receives \$130,000 in tax levy funds. These three bilingual schools serve approximately 1600 students with \$1,058,382 of city funding.

Tax levy funds support a centrally operated program known as the Bilingual Teacher in School and Community Relations. These 200 persons are not teachers in the traditional sense. They screen students who are new arrivals, administer the Cooperative Inter-American Test and participate in:

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<sup>58/</sup> New York State Education Department, Educational Data Systems, Computer printout (1971).

*EXHIBIT NO. 5 (Continued)*

the guidance process for Spanish speaking students, and do community liaison work. These centrally licensed personnel are selected by the decentralized districts in accordance with the needs of each district. Their salaries are paid by individual district tax levy allocations.

Most of the bilingual programs operate as components of the schools' curricula and are funded by State Urban Education, Title I or Title VII of the Elementary and Secondary Education Act. At the high school level, there exist bilingual programs where principals and language teachers have attempted to adapt instruction to the needs of non-English speaking students. These programs are few, however, and represent the efforts of a handful of committed individuals. There is no formal guidance from the Central Board of Education.

Citywide, the number of students receiving bilingual services of one kind or another has risen from 5,050 to nearly 30,000 in the current school year. Program expenditures have risen from approximately \$2,683,682 in 1970-71 to approximately \$7,000,000 in the current school year.

Among parents, community groups, politicians, and educators in New York City, there are different perceptions as to what are the best means to provide better education for linguistically handicapped students. Among those who urge bilingual programs, there are different opinions as to what constitutes such a program. There are several variations among program structures from district to district. Occasionally, the programs do not qualify as bilingual programs by Title VII standards.

Whatever the ultimate program may be the data for programs in New York City shows only a partial attempt to meet the Puerto Rican identified problem. The N.Y.C. Board of Education identified 135,000 students in 1970-71 as having moderate to

*EXHIBIT NO. 5 (Continued)*

severe language difficulties. Approximately 70 percent of whom are Hispanic. "English as a Second Language" services of various degrees were provided for 30,747 of these students. In total, approximately one-fourth of the 1970/71 students were being reached by some effort. There are no figures available for the current school year regarding the number of students for whom English is a second language.

Conclusive evaluation of bilingual-bicultural and "English as a Second Language" programs is not yet available but high dropout statistics and below average reading scores clearly indicate that the needs of educationally disadvantaged students, particularly those who are Spanish-speaking, with moderate to severe English language difficulties, are not being met in the public schools of New York City.



*EXHIBIT NO. 5 (Continued)*CHAPTER V. EQUAL EMPLOYMENT OPPORTUNITY IN NEW YORK CITY SCHOOLS

The public schools in New York City have 260,000 Puerto Rican and other Spanish surnamed students (22.8 percent). The system has 60,228 teachers, but only 805 are Puerto Rican or Spanish surnamed (1.3 percent). There are also 932 principals in the city --- 8 are Puerto Rican or Spanish surnamed.<sup>59/</sup> These statistics showing 1.75 percent Spanish surnamed employment depict an almost total absence of Puerto Rican teachers and principals in the New York school system. Scattered through 900 schools, the Puerto Rican professional is almost invisible in such a large system.

The lack of Puerto Rican professionals in the New York City system raises two major concerns: first, it raises the question as to whether or not the board of education discriminates against Puerto Rican job applicants; second, that the small number of Puerto Rican professionals may substantially undermine the ability of New York City to provide equal educational opportunity to Puerto Rican students.

Because Spanish is the dominant tongue for many, these children need bilingual instruction. Such students would also benefit from the presence of Puerto Rican professionals as "role figures" and transmitters of culture. Keeping these concerns in mind, this chapter will outline the employment process for New York City teachers. It will examine those aspects that may be detriments to the employment of Puerto Rican and black teachers, and it will look at the examinations used by the board of education.

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<sup>59/</sup> Board of Education Annual Survey, 1970-71 School Year. (October 31, 1970).

*EXHIBIT NO. 5 (Continued)*

Finally, this section will evaluate the selection process and consider its constitutionality.

A. Becoming a School Teacher in New York City

1. The Institutions

Employment in the New York school system requires the prospective teacher to apply for a specific license, pass a competitive examination for that position, and finally receive an appointment to teach in a public school. The process is lengthy and may consume up to a year of the applicant's time. The responsibility for this system is diffuse. Three different institutions are charged with the responsibility for determining eligibility, administering examinations, and appointing teachers.

Eligibility is the province of the office of personnel within the board of education. The personnel office sets eligibility requirements, recruits candidates, provides the system's board of examiners with job descriptions, and determines when examinations should be given for new positions.

The second institution, a frequent target for many of the system's critics, is the board of examiners. The board is established by State law to conduct "competitive examinations" for candidates seeking positions in the city school system.<sup>60/</sup> For the 1,200 licensed positions in the system, the examiners develop examinations, administer and grade tests, and list those passing the examination.

<sup>60/</sup> New York Education Law, §2596(1).

*EXHIBIT NO. 5 (Continued)*

The actual appointment of professionals is the responsibility of the appointing authorities. For elementary and junior high schools this authority is the community school board. Appointments to the high schools and special schools are made by the Central Board of Education.<sup>61/</sup>

This simple description is marred by apparent failure in practice. Recruitment, although charged to the office of personnel, is actually conducted by principals, district superintendents, and the UFT-Board Joint Recruitment Program. Another obvious discrepancy is the failure of the office of personnel, in the last 6 years, to provide the examiners with job descriptions on which to base examinations.<sup>62/</sup>

The role of the three institutions alone also fails to describe how a person goes from college student or a teaching position in another city to a New York City school. A discussion of this system must begin with the needs of the school system.

## 2. The Employment Picture

It is estimated that when jobs are plentiful there is an annual turnover of 7,000 positions.<sup>63/</sup> If lists of eligible applicants exist for the anticipated vacancies, no new examination is scheduled. Thus, only about 200 different examinations are given each year to supply new professionals for the schools. Of course, in a time of budget cuts, the number of new employees hired has been sharply reduced. This year the board of education will appoint no more than 4,000 to 5,000 new teachers out of the 15,000 persons presently waiting for an appointment. The years of the teacher shortages are over.<sup>64/</sup>

<sup>61/</sup> Decentralization Law of 1969, 1969-70 10. Y Regular Sessions, Chapter 330 (April 30, 1969), New York Education Law 82590-1.4(b).

<sup>62/</sup> New York City Commission on Human Rights, Equal Employment Opportunities and the New York City Public Schools (January 25-29, 1971) (hereinafter cited as Equal Opportunity Report).

<sup>63/</sup> Interview with Dr. Murry Rockowitz, October, 1971.

<sup>64/</sup> Ibid.

*EXHIBIT NO. 5 (Continued)*

Some examinations, like the test for "common branches" (elementary), are offered annually because of the high number of teachers required. Most of the popular examinations are offered in the fall of a student's senior year so that he may be appointed upon graduation. The year is necessary to promulgate the lists and receive appointments .

### 3. Application and Recruitment

Most prospective teachers are not deterred by the lengthy application process because 90 percent of city school teachers are graduates of local colleges; <sup>65/</sup> 65 percent, in fact, are products of the City University of New York. These students are aware of the different licenses and their presence in the city gives them easy access to examination locations and interviews.

The board of education and the examiners are, however, aware of the need to go outside New York City for prospective teachers and they have initiated out-of-town recruitment programs. The UFT-Board of Education Joint Recruitment Program is also part of this endeavor. Trips are made by personnel officers, UFT recruiters, and community board members to Southern colleges and Puerto Rico to recruit more minority teachers. Students are encouraged to seek employment and take the board of examiners test or the National Teachers Examination. <sup>66/</sup> The board even administers two examinations in San Juan, Puerto Rico. The effort has not been statistically successful. The San Juan exams were administered to 80 applicants, 50 passed, and approximately 30

<sup>65/</sup> Equal Opportunity Report, supra note 62, at 2.

<sup>66/</sup> Under the alternative hiring methods, some schools may appoint teachers passing this test.

## EXHIBIT NO. 5 (Continued)

received appointments. A number of those appointed failed to accept their new positions presumably because they were not notified until the summer. <sup>67/</sup>

4. The Board of Examiners

The examinations alluded to are the heart of the application process. Typically the examination consists of a written part with both short answer and essay questions, an oral interview exam, a review of the applicants' record, and a medical examination. The examinations themselves are designed to measure acquired knowledge rather than the applicant's potential success as a schoolteacher. For example, knowledge of English grammar is an important element of the "common branches" examination, <sup>68/</sup> although the ability to teach is not.

The board of examiners contends that the authority for such competitive examination comes from the State constitution and State law. The constitution requires that civil service appointments "be made according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable shall be competitive..." <sup>69/</sup> For New York City the legislature has decided such examinations are practical, and that a board of examiners should administer the examinations. The law further requires that teachers be appointed from ranked lists while supervisors be appointed from qualifying lists. <sup>70/</sup> But even if examinations are required, neither the law nor the State constitution

<sup>67/</sup> Staff interview with Mr. Anthony Santiago, Board of Education, September, 1971.

<sup>68/</sup> Equal Employment Report, supra note 62, at 47.

<sup>69/</sup> New York Const. Art. 5, § 6.

<sup>70/</sup> Decentralization Law, §2590-j, New York Education Law §2590-j.

## EXHIBIT NO. 5 (Continued)

requires that anything in particular be examined. As opposed to the current examination of academic knowledge, the board of examiners could conduct aptitude tests or even an unassembled examination that measures the applicant on a number of scales. The examiners have, however, decided to give the law a limited reading. According to the Board, the examinations' purpose is:

"to ascertain whether the applicants have the necessary knowledge, knowhow, background, record, and health and observable personality factors required of a beginning teacher." 71/

To carry out this mission, the board of examiners annually spends \$3,500,000 to develop and administer tests for the 1,200 licenses. There are examinations for common branches teachers, social studies teachers in junior and senior high schools, guidance counselors, principals, assistant superintendents, school secretaries, custodians - almost every position has an examination. Most of the costs are for the board's full-time staff and examination assistants. 72/ It is estimated that only \$40,000 is set aside for research and examination validation. 73/

The examination is detailed. A look at a recent examination<sup>74/</sup> for "Assistant Principal in Junior High School" is indicative of the type of questions asked:

3. A number is represented by 321 written in the base 4. Rewritten in the base 10, the number is
  1. 40
  2. 46
  3. 57
  4. 214

71/ Equal Employment Report, supra note 62, at 15.

72/ Professionals already employed full-time by the board of education, as regular teachers or supervisors.

73/ Equal Employment Report, supra note 62, at 52.

74/ Plaintiff's Brief, Chance and Mercado v. Board of Examiners, Civ. Action No. 4141 (S.D.N.Y. 1971)/

*EXHIBIT NO. 5 (Continued)*

86. The power to set margin requirements for stock purchases is given to the:

1. Federal Securities and Exchange Commission
2. Board of Governors of the Stock Exchanges
3. Board of Governors of the Federal Reserve System
4. Secretary of the Treasury

158. The islands of Langerhans are important in the prevention of:

1. goiter
2. diabetes
3. dwarfism
4. Addison's disease.

This sample represents only a few questions, but the relation between any of these questions and high school administration is dubious. Large parts of the test require nothing more than rote memorization of facts, catch phrases, and past examination questions.<sup>75/</sup>

5. Regular Appointment Process

Those that pass an examination for a regular licensed teaching position are listed in ranked order by the board of examiners. These lists are used by the office of personnel to fill vacancies in the school system. Before those passing the most recent examination are recommended to the appointing authorities, previous lists must be exhausted and present law requires that eligible lists remain in force for 4 years.<sup>76/</sup> In reality, the lists for many positions have been exhausted. Also, in districts with large minority enrollments, the licensed prospective teachers often turn down appointments to these schools, preferring a "better school" at a later date. Thus some recently licensed teachers will be appointed every year.<sup>77/</sup>

<sup>75/</sup> Equal Employment Report, supra note 62, at 49-51.

<sup>76/</sup> Decentralization Law, § 2590-j, New York Education Law §2590-j.

<sup>77/</sup> Staff interview with Dr. Murry Rockowitz, Board of Examiners, October, 1971.

*EXHIBIT NO. 5 (Continued)*

The regular procedure for appointment is for the school board to request names from the eligible list to fill vacancies. If a school needs 4 common branches teachers, the office of personnel sends a list of 12. The rule giving discretion to the appointing authority to chose from a list of three applies in New York City. The school board must offer the position to the applicant on the top of the list and follow the ranked order of the list in subsequent offers. If the first group is exhausted, a second list of names is sent. If the appointing authority finds a candidate who accepts the position and his qualifications are in order then that person must be appointed. If the entire citywide list is exhausted, then the principal or school board may employ an unlicensed teacher--a substitute teacher who has only State certification -- to fill the position until a new list is promulgated.<sup>78/</sup> This system applies in 600 of the city's elementary and junior high schools and in all the high schools. In 352 primary schools, however, ranked order eligibility is not always applicable.

6. Alternative Appointments since Decentralization

<sup>79/</sup>  
The alternative system allows those schools that qualify to ignore ranked order eligibility. Such schools may either consider the competitive lists as a qualifying list and appoint any applicant who passes the exam regardless of the score, or the community board may appoint teachers who have passed the National Teachers Examination at a score set by the chancellor. A third alternative, a special examination by the board of examiners, has occurred only once since

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<sup>78/</sup> Promulgated.

<sup>79/</sup> See Chapter II.



EXHIBIT NO. 5 (Continued)

decentralization. The limitation of all three methods is that they apply for appointments made between October 1 and May 1 for the following September.

The effect of these alternatives has been to make community boards the recruiters, as well as the appointing authority, for qualifying schools. The boards find prospective candidates, and then forward the names to the office of personnel for formal appointment. One difficulty in its present operation has been the lack of new openings and the tardiness of the office personnel in confirming appointment. Examples <sup>80/</sup> exist of schools losing prospective teachers because of these delays.

It is also reported that in 1971, out of 100 prospective teachers passing the NTE, not one was appointed because of budget cuts. <sup>81/</sup>

B. Failure of the System to Employ Minority Professionals

The inability of the central board of education to employ more black and Puerto Rican professionals may be summarized under five headings: (1) outmoded, (2) delay and deterrence, (3) rigidity, (4) cost and patronage, and (5) invalidity and bias. Within these captions the effects of recruitment programs, alternative hiring, and budget cutbacks will be considered. By and large the central board recruitment activities have been ineffective, and whatever benefits resulted from decentralization have been neutralized by staff cutbacks.

<sup>80/</sup> Staff interview with Mr. Alfredo Mathews, Superintendent, District 3, October, 1971.

<sup>81/</sup> Staff interviews, October, 1971.

*EXHIBIT NO. 5 (Continued)*1. Outmoded

In an era of a pervasive spoils system, the "elaborate formal examination process" probably served a valuable purpose. Fortunately, great strides have been made since the board of examiners was created 70 years ago. The most important of these is the improvement in teacher training. Where the prerequisites for teaching were a year of training after high school, teacher education now consists of at least a college education. The other development relegating the present system to the museum is decentralization. Community school boards are given power over personnel under their jurisdiction, and central personnel recruitment and screening is contradictory to the thrust of decentralization.<sup>82/</sup>

2. Delay and Deterrence

Delays in promulgating lists are by themselves detrimental to the employment process. The delays and the complicated procedures also deter many applicants from completing the application process. These deficiencies are most pronounced in the case of minority and out of town applicants. In 1970, for example, 100 minority applicants were identified but few were appointed.<sup>83/</sup> For students taking written tests given on the campuses in January and April, eligible lists were not promulgated until September 1. According to the former deputy superintendent of personnel, it takes at least 6 months to promulgate eligible lists.<sup>84/</sup> Many applicants just cannot wait for New York City to grade examinations before deciding upon a teaching position. A final

<sup>82/</sup> Equal Employment Report, supra note 62, at 29.

<sup>83/</sup> Staff Interview, October, 1971.

<sup>84/</sup> Equal Employment Report, supra note 62, at 33.

*EXHIBIT NO. 5 (Continued)*

element is the number of examinations. Not all the board tests are given on college campuses and applicants also may chose to forego the examiners for the National Teachers Examination. It all adds up to needless confusion for the prospective teacher.<sup>85/</sup>

3. Rigidity

This criticism is especially directed at the board of examiners. Essentially, the selection system is inflexible and restricts the number of persons eligible for appointment. For teachers the rigidity lies in the series of requirements on top of state certification.<sup>86/</sup> The testing, promulgation of ranked lists, and the need to fill positions only with licensed staff sharply reduces the pool of eligibles for the community superintendents and principals.

The inflexibility is most acute for supervisory positons where the need for academic requirements and long periods of service works against black and Puerto Rican professionals.<sup>87/</sup>

4. Cost and Patronage

The board of examiners system is expensive in more ways than one. In a time of budget cuts \$3.5 million seems a luxury that New York City no longer requires. Also, the employment of existing school system professionals to develop examinations and serve as examination proctors and graders is also questionable. These appointments are a form of patronage. The assistant's qualifications to devise questions and grade examinations is no more than the fact that they knew someone who had the power of appointment.

<sup>85/</sup> Equal Employment Report, supra note 62, at 31, 32.

<sup>86/</sup> State Certification is granted to those graduating college with a prescribed number of teaching credits.

<sup>87/</sup> Equal Opportunity Report, supra note 62, at 36, 37.

*EXHIBIT NO. 5 (Continued)*

The selection system also has the hidden cost of "cram courses" and the loss of the teacher's attention to class work while preping for these examinations.<sup>88/</sup> These are costs that are expensive for the applicant and costly for the students in the school system.

5. Invalidity and Bias

The first four criticisms of the present selection system raise questions of public policy. One could argue ad infinitum on the merits of hiring flexibility as opposed to the dangers of a "spoils system"; or examiners' costs in comparison with the need to weed out incompetent teachers. The issue of invalidity and bias raises these questions, but it also raise questions of constitutionality. If the examinations are discriminatory, the law places a heavy burden on the board of examiners to justify their continuation.

Examinations for teacher and supervisory positions are supposed to test an applicant's qualifications for the position. The validity of these examinations may be expressed in terms of content - or predictive - validity. Content validity determines an examination's ability to test certain tasks that are required for the job. For example, an examination for elementary school teacher might test knowledge of English grammar or arithmetic. Predictive validity measures an examination's ability to adequately predict the applicant's performance in the position. Thus, a predictive examination might test an elementary school teacher's ability to teach reading.

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88/ Ibid, at 40-42.

*EXHIBIT NO. 5 (Continued)*

The board of examiners tests are designed to measure acquired knowledge that relates to a specific job task. In this sense, they are designed to be content valid. The board's assumption is that a teacher proficient in certain subject matter is a successful teacher.  
89/

The validity of this testing system is questionable on two counts. First, the material in the examinations is based neither on job descriptions nor the opinions of testing experts. The board uses its own criteris for questions, and it employs professionals in the school system to develop questions. Second, the examiners tests have never been validated. There is no empirical evidence to show that an applicant passing an exsmination will be a successful teacher. No authority can show that those who score high on the board of examiners questions perform better on the job than those who score low  
90/  
or those who fail.

Whether the board of education wants to appoint professionals on the basis of acquired knowledge, aptitude, or even on the basis of their height and weight is a policy matter within the board's discretion. The decision may be unwise and detrimental to public education, but the decision alone is not unconstitutional. What makes the examinations of the board of examiners a question of constitutional law is the presence or absence of discrimination. The board cannot continue to use

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89/ Id., at 46.

90/ Id., at 49.

*EXHIBIT NO. 5 (Continued)*

an examination that is not job related if minority groups such as blacks and Puerto Ricans uniformly score lower on the test.

The constitutional ban against unreasonable discrimination is contained in the Fourteenth Amendment's equal protection clause. Supreme Court cases have established that where racial discrimination is shown, the defendant must show a "compelling justification" for the discriminatory effects of the action.<sup>91/</sup> More specifically in Griggs v. Duke Power Co.,<sup>92/</sup> the Supreme Court held that an employer's use of standardized intelligence tests violated this constitutional guarantee when the effects of the tests were to disqualify proportionally more black applicants than white, and the tests were not shown to be job related. The intelligence tests had no bearing on the actual jobs performed by black workers.<sup>93/</sup>

The constitutional case law and the board of examiners' system are already clashing in the courts. The Federal District Court in Chance and Mercado v. the Board of Examiners,<sup>94/</sup> had recently declared unconstitutional the examinations for supervisory positions. The court here, upon observing the small number of minority group professionals, the comparative records of other cities, and the affidavits of individuals taking the examination, ordered the board of examiners to provide pass-fail data by race on those taking various supervisory examinations in the past few years.

<sup>91/</sup> Loving v. Virginia, 388 U.S. 1 (1967).

<sup>92/</sup> 401 U.S. 424 (1971).

<sup>93/</sup> Equal Employment Report, supra note 62, at 49-57.

<sup>94/</sup> Civ. Action No. 4141 (S.D. N.Y. 1971).

*EXHIBIT NO. 5 (Continued)*

The court reviewed this pass-fail data and concluded that a disproportionate number of blacks and Puerto Ricans failed the examinations. The finding of discrimination triggered an evaluation of the tests' job-relatedness. Finding no showing of predictive validity (or content validity for that matter), the court concluded that the present testing was unconstitutional.<sup>95/</sup>

The low number of Puerto Rican and black teachers suggests that the Chance and Mercado analysis should be applied to teacher appointments. The presumption of discrimination may exist by virtue of the statistics; however, since the board keeps no ethnic breakdowns on pass-fail rates, no conclusive determination can be made.

For the teacher examinations, though, pass-fail statistics may not be enough. Since teacher eligible lists are ranked, analysis will have to consider whether those minority applicants who do pass have scores that cluster with those of white applicants passing the various examinations.

Whatever the eventual legal status of the teacher examinations, it would seem incumbent upon the board of education as a nondiscriminatory employer to compile such statistics. It also would seem incumbent on the board to initiate evaluations of their tests to determine their validity. At the very least these examinations should be content valid. It is hoped that the board would attempt to develop predictively valid

<sup>95/</sup> The board of examiners has sought modification of the court's order by proposing an examination that would consist of an "assessment profile". The profiles will depict performance of candidates on different examinations. The profiles would be assembled and sent to the appointing authorities for whatever use they chose. The court has taken the matter under advisement.

*EXHIBIT NO. 5 (Continued)*

examinations as well. Considering the miniscule number of minority teachers - especially Puerto Ricans - it is strange that the board did not take affirmative steps prior to the decision in Chance and Mercado.

6. Summary

Employment by board of education is through a competitive examination system. The system, consisting of 1,200 licenses with distinctive qualifications and examinations, has historically tended to discriminate against blacks and Puerto Ricans. Attacks against the system have focused on the board of examiners. The system has been criticized as outmoded, deterrent, costly, inflexible, invalid, and biased. The legal thrust against this system has been aimed at its invalidity and bias. The unconstitutionality of the supervisory examinations in Chance and Mercado suggests that the teacher examinations may also be unconstitutionally biased and invalid.



*EXHIBIT NO. 5 (Continued)*

## VI. Collective Bargaining in New York City

A. Bargaining Unit

In New York City almost every work force has been organized along craft or industry lines. Municipal employees, including those of the board of education, are no exception. Over the past decade, almost every job classification within the school system has been unionized. The largest union is composed of classroom teachers represented by Local #2 of the American Federation of Teachers, the United Federation of Teachers (UFT).

Principals, superintendents, and other supervisory personnel have formed a professional association called the Council of Supervisory Associations which functions in the school system as a labor union. Custodians, paraprofessionals, librarians, school nurses, and secretarial staff are also unionized and recognized by the board of education. There are nineteen representative collective bargaining agreements that exist between the board and unions.

The UFT is the most powerful of these municipal unions. Besides 60,000 teachers, the UFT also bargains for half the 15,000 paraprofessionals, the psychologists, social workers and school secretaries.

The heart of the UFT's bargaining strategy is the contract covering "day school classroom teachers". <sup>96/</sup> This includes teachers in elementary, secondary, and special schools, as well as those teachers on administrative or temporary non-teaching assignments. The "classroom teachers" agreement also i

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<sup>96/</sup> Agreement between Board of Education and United Federation of Teachers-Day School Classroom Teachers, 1969-1972. (Hereinafter cited as UFT Agreement).

*EXHIBIT NO. 5 (Continued)*

serves as the basis for those bargaining agreements that cover the special teaching categories - guidance counselors, attendance teachers, bilingual teacher in school community relations. The fact that the Union and its bargaining agreement are considered serious obstacles by community persons and others to educating disadvantaged minorities in New York City makes its consideration essential.

**B. Scope of Collective Bargaining**

The current collective bargaining agreement between the UFT and the New York City Board of Education consists of an 89 page document. The agreement dates from June 30, 1969 and covers the school year beginning September 1969 through September 1972. The 3 year agreement represents, in terms of areas covered and the specificity of its provisions a very comprehensive labor agreement.

The UFT agreement manages to treat almost every facet of the teachers' activities in the schools. The contract not only determines wages and hours of teachers, but also sets constraints upon working conditions such as transferring between school, classroom assignments, and nonteaching assignments within the school. But the UFT has also bargained (sometimes indirectly) on such issues as the use of Title I funds, new teacher indoctrination, and the recruitment of black and Puerto Rican teachers.

The scope of subjects is wide and, within the subject matter, greatly detailed. The grievance procedures for resolving disputes

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*EXHIBIT NO. 5 (Continued)*

arising under the contract are illustrative of this detail. Ten pages of the contract are committed to establishing a four-tier system of grievance resolution. Within this system, resolution may be had at the school level, district level, supervisor or arbitration level. Special procedures exist for "special groups of teachers", grievances relating to salary matters, and end of the year problems. Any complicated system spawns its own exceptions. The UFT contract additionally provides for time limits for the prosecution of grievances, and an alternative system for the handling of priority grievances.<sup>97/</sup>

Most school systems have evening classes and summer sessions. In New York City, the UFT decided to bargain concerning how teachers would be selected for these "moonlighting" and "overtime" assignments. The result demonstrates the UFT's penchant for detailing and determining the administration of the school system:

4. Selection of New-Per Session Teachers
  - a. Selections for evening high schools, summer day high schools, and summer evening high schools will be made centrally in order of seniority within the system from applicants in the following order of priority: regularly appointed teachers in license, regular substitute teachers in license, regularly appointed teachers out-of-license subject, and regular substitute teachers out-of-license with prior experience in the out-of-license subject.<sup>98/</sup>

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<sup>97/</sup> UFT agreement, 71 et seq.

<sup>98/</sup> UFT agreement, 69.

*EXHIBIT NO. 5 (Continued)*

Similar provisions exist concerning salary credit for teachers, eligibility for sabbatical leave, or transfers between schools.

C. Traditional versus Nontraditional Subjects of Bargaining.

The American labor movement has traditionally sought to improve the working conditions of the American workers. Its thrust has been to establish a collective economic power rather than a political power. Since the union was concerned with the economic well being of the worker, the issues closest to unionism were wage rates, hours, and working conditions. The National Labor Relation Act<sup>99/</sup> confirmed this by declaring that a labor union had the right to bargain with an employer concerning "wages, hours, and working conditions".<sup>100/</sup> But these three terms by themselves are not definitive. The UFT contract is a comprehensive and controversial agreement precisely because its provisions permeate all the activities of the New York school systems. It delves into areas of effecting long term educational policy.

On those issues closest to the pocketbook of the school teacher, the UFT has bargained well. Starting salaries in New York City currently range from \$9,400 to \$12,400 annually. There is a choice of health benefit plans financed entirely by the board of education. Retirement and pension provisions provide for an annuity after 20 years of service or after a teacher's 55th birthday. Teachers also receive sabbatical leave at 70 percent

<sup>99/</sup> National Labor Relations Act, 29 U.S.C.A. § 151 et seq.

<sup>100/</sup> Ibid., 29 U.S.C. § 153.

*EXHIBIT NO. 5 (Continued)*

of their regular salary.<sup>101/</sup>

The UFT has also bargained in a number of areas that can be considered traditional areas of "working condition" bargaining. A prime consideration here is the grievance procedure.<sup>102/</sup> A second area revolves around seniority and job security. These provisions give preference for transfer and job assignment to teachers upon the basis of seniority. When involuntary transfers and dismissals are required these provisions mandate that "the last teacher hired is the first fired".<sup>103/</sup>

Other working condition, which are the subject of bargaining include length of lunch period, nonteaching assignments, compensation for jury duty, and union dues checkoff.<sup>104/</sup> These issues represent the daily working conditions that require some type of settlement between union and management. They are neither earthshaking from an education stand point nor controversial as far as collective bargaining goes. One may question the settlement in terms of its cost or its practicality, but one cannot question the union's right to seek agreement on such issues.

A tougher question is raised by provisions of the UFT agreement that affect both working conditions and educational policy. One such provision commits the board and the union to a joint recruitment program which will be supported by \$500,000 of the taxpayers' monies.<sup>105/</sup> While the teachers' union may have a great interest in recruiting new teachers, the inclusion of it in a binding collective bargaining agreement is questionable.

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101/ UFT Agreement, 6, 9, 11, 41.

102/ UFT Agreement, supra note 97.

103/ UFT Agreement, 26 at seq.

104/ UFT Agreement, 15, 17, 28, 81.

105/ UFT Agreement, 2.

*EXHIBIT NO. 5 (Continued)*

Recruitment and hiring are usually functions of the employer, not the union. Union shops and union "hiring halls" do exist in some industries (i.e. construction, longshoremen), but it is not a traditional area of union bargaining.

Four other provisions of the UFT agreement can be seen as working conditions, but their overall impact on instructional techniques and school organization is immense. These provisions deal with (1) student-teacher ratio; (2) preparation periods, (3) length of the school day, and (4) rotation of class assignments. The contract requires a classroom ration of one teacher for every 24 to 32 students, depending upon the grade and status of the school.<sup>106/</sup> Other provisions require one or more periods per week without assignment for teacher preparation, and limit the school day for teachers to 6 hours and 20 minutes.<sup>107/</sup> A final article of the union agreement requires rotation of teacher assignments in cases of ability groupings or difficult classes. Provision also require teachers' programs to be determined in the spring for the following September's classes; and the establishment of guidelines for classes to be taught, occurrence of preparation periods, and room assignments of teachers.<sup>108/</sup>

The effect of all these provisions in the UFT agreement is to improve the working conditions of the teachers. Smaller class sizes and added preparation time are provided which will make teaching more agreeable, and supposedly benefit the learning process. The same arguments can be made for the teacher assignment and rotation provisions; they establish

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<sup>106/</sup> UFT Agreement, Art. IV.

<sup>107/</sup> Ibid.

<sup>108/</sup> UFT Agreement, Art V.

*EXHIBIT NO. 5 (Continued)*

better working conditions for teachers. As for the 6 hour, 20 minute day, it is obvious that this affects working conditions.

The real issue is not the validity of these provisions, but the wisdom of incorporating them in a labor agreement. Under the New York Education Law, public education in the city is the responsibility of the board of education through the chancellor, the district superintendents, and the principals. The decisions concerning class size, use of the teacher's day, organization of special instruction programs, and afterschool programs are now made at the negotiating table, rather than by the individual principal or superintendent.

The UFT has been accused of playing determinative role in educational policies in New York City. The union's success in establishing good working conditions in the schools partly explains this status. Further support comes from the UFT's efforts to implement its long-range educational objectives by the bargaining agreement.

Three provisions in the current contract fit this description. The most important of these is the agreement with the board of education to continue various UFT-sponsored programs such as More Effective Schools and the Strengthening Early Childhood programs. In fact, the provisions compel the board "to establish and maintain ten additional More Effective Schools".

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109 / UFT Agreement, 2.

*EXHIBIT NO. 5 (Continued)*

All represent experimental programs funded through Title I monies or State Urban Education supplemental funds. Whatever the merits of these programs, their inclusion in a labor agreement appears contrary to public policy and is perhaps legally invalid. For the board to determine future education policy through collective bargaining with the teachers' union is simply an unacceptable means of making school policy. The board of education should decide matters at school board meetings where the public can participate, and where enlightened debate can occur. The bargaining table is not the location for such an important public decision.

The legality of determining school board policy through bargaining is also questionable. First, it delegates to a labor union the responsibilities that the Education Law assigns to the legally appointed school board. Second, where ESEA Title I funds are involved, the bargaining agreement violates HEW regulations which require the submission of programs to an advisory board and consultation of the local education agency (board of education) with that advisory board in the development of programs.<sup>110/</sup>

Two other provisions with little basis as a subject for collective bargaining, but indicative of UFT policies, are the position of substitute teachers and the procedure for involuntary personnel reductions. The agreement calls upon the board to abolish the position of "substitute teacher" by halting examinations for the position, and gradually phasing out the position.<sup>111/</sup> The UFT's motive is to do away with what the union considers a type of second-class teacher. The union's argument is one of upgrading

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<sup>110/</sup> 45 CFR 116.17(0)

<sup>111/</sup> UFT Agreement, 53.



*EXHIBIT NO. 5 (Continued)*

professional standards and improving the quality of teachers in New York City. What makes the issue controversial is the fact that it is "believed" that many substitutes are black and Puerto Rican.<sup>112/</sup> Elimination of the position may reduce minority access to the teaching ranks, and could eventually result in the dismissal of presently employed black and Puerto Rican teachers.

"Excessing" is the New York City euphemism for involuntary staff reductions. This "excessing" results from the need to staff new schools, population shifts which decrease a school's student population, and budget cuts. The UFT agreement requires the excessing plans to be developed in consultation with the union.<sup>113/</sup> As developed, these plans apply the principles of seniority to any force reduction. Because the agreement exempts certain tenured teachers from the process while preventing school officials from making special exceptions, the excessing rules make the UFT a deciding factor in personnel policies.<sup>114/</sup>

The board-UFT agreement is no ordinary collective bargaining contract. It transcends the traditional definitions of wages, hours, and working conditions. To some extent, bargaining over policy is unavoidable. Teachers are not assembly line workers, and their working conditions are difficult to separate from conditions that are advantageous to a learning environment. The involvement of the UFT and the bargaining process in such educational policy issues as the continuation of More Effective School or the abolition

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<sup>112/</sup> Staff interview with community superintendents Martin W. Frye and Alfredo Mathew (December, 1971)

<sup>113/</sup> UFT Agreement, 47.

<sup>114/</sup> Ibid.

*EXHIBIT NO. 5 (Continued)*

of "substitute teachers", however, goes beyond any standard concept of working conditions. The UFT has implicitly made a decision to use its power as bargaining agent for 60,000 New York teachers to influence the organization of the school system and educational programs for city children.

## D. Interpretation of Contract Provisions

A labor agreement is legally enforceable private agreement between a union and an employer.<sup>115/</sup> The agreement assumes that there will be good faith compliance. It assumes that recourse to judicial settlement will be rare. Thus, most agreements allow for deviations from the general provisions of the agreement in certain situations without without resort to the grievance mechanism or court action. The UFT contract is no different. Many of the provisions provide exceptions for action by the board that would otherwise violate a provision of the agreement. If the exceptions are wide, the general provision may be rendered meaningless by superintendents and principals who can skillfully use these special cases. On the other hand, if the exceptions are unworkable, the agreement will be rigidly applied. Grievances, strikes, and court action may result, defeating the purpose of the collective bargaining agreement.

Some specific examples illustrate the impact of exceptions. The agreement restricts class size to certain ratios. Exceptions do exist to this general provision. An acceptable reason for exceeding maximum class size includes a lack of available space, avoidance of half-day class sessions, or the desirability of larger classes for special instruction. If an exception is made, the agreement requires the principal to stipulate the reasons in writing for the teacher, the superintendent, and the union. The exceptions seem to provide enough

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<sup>115/</sup> UFT Agreement 24-25.

*EXHIBIT NO. 5 (Continued)*

leeway for ignoring classroom ratios in cases of physical difficulties or experimental instruction programs. The exceptions seem to go far towards negating the impact of class size limitations. This would, of course, depend upon the interpretation by the Central Board and the situation arising in the local schools.

No such exceptions exist for the contract provisions that require a designated number of preparation periods per teacher. A teacher can be ordered to cover a teacherless class during a preparation period, but the teacher must receive compensation for this time by the end of the school year.<sup>114/</sup>

A more interesting interpretation arises with the provision of the agreement that mandate the Central Board to continue the More Effective Schools program. This provision, part of the preamble of the UFT agreement, takes the form of intentions by the union and the board to jointly seek improvement of public education in New York City.

Preambles usually have no binding force. It is probably not covered by the grievance machinery, since the Preamble is outside the scope of the actual agreement. Thus, considering the legal standing of a preamble, and the inapplicability of the grievance procedure, the

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<sup>114/</sup> UFT Agreement 13.

*EXHIBIT NO. 5 (Continued)*

preamble of the agreement is merely laudatory and unenforceable.

The various contract provisions seem to have different structures. Depending upon its structure, each provision has different legal and practical implications. Thus, the preamble is without legal force but the excessing procedures are forceful and binding.

The UFT agreement requires for daily implementation, expertise on the part of the school system's superintendents and principals. Such expertise is generally lacking in the system. The agreement is interpreted rather mechanically by superintendents and principals without assessing the exceptions, grievances, or location of the provisions. The provisions concerning Effective Schools, excessing, class ratios, and preparation periods are all treated as equally binding upon the supervisor.

There is an office of staff relations within the board of education which is supposed to interpret the contract for the superintendents and principals. Its function has been clouded by decentralization. The commitments made in the comprehensive 3 year contract with the UFT negotiated by the board of education for its vacant chancellorship and 31 community school boards prior to the effective date of decentralization is too much of a burden for any system. The result has been chaotic for the newly elected school boards. Some accept the interpretations of the office of staff relations; others make their own assessments. The ensuing rash of grievances, threatened fund cutoffs, and lawsuits has been large.<sup>117/</sup>

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<sup>117/</sup> Community School Board No. 3 v. Board of Education, and Commissioner of Education Ruling in the matter of District 3

*EXHIBIT NO. 5 (Continued)*

One significant deficiency in the present New York City school system is the lack of any effective means of interpreting the UFT agreement. The community school boards lack the necessary expertise to make competent decisions on their own; the Central Board has done little to provide the local boards with such expertise. The UFT agreement remains a formidable obstacle because of this lack of competent interpretation. The agreement may prove more flexible and less odious once the mystery surrounding it vanishes, but the mystery will remain as long as the agreement goes unchallenged by those who are unwilling or unable to question its meaning.

E. Elementary Education--Effect of Contract and Perception of Community Superintendents and School Boards.

The effect of the UFT contract on education in New York City is a product of its interaction with the staff and funds available to a school unit. This relationship can be explained by looking at one such unit--the elementary school--and showing what the agreement does to the organization and programs of that school. This section will examine the perceptions that community superintendents and school boards have of the UFT agreement, especially issues that are regarded as obstacles to the equal education of Puerto Rican children.

In the elementary school the effect of the UFT agreement is to structure and institutionalize the the staffing patterns and the instructional program. The contract strips the superintendent and

*EXHIBIT NO. 5 (Continued)*

principal of flexibility in determining staff and program. Such flexibility is important when suggestions for improving the quality of the education of Puerto Rican children depend upon innovative techniques, experimental organization, and staff hiring and training.

The key provisions that deny this flexibility concern transfers, excessing, teacher work schedule, the substitute teacher position, and the grievance procedure. Today the principal must work within constraints that are difficult to surmount. He must schedule teachers around class maximums, preparation periods, lunch periods, schedule guidelines, and a 6 hour and 20 minute day. Experimentation runs the risk of disruption and grievance procedures.

Another obstacle is assembling a teaching staff for the new concept. A principal has three potential staffing sources: the existing staff, teachers at other schools within the system, and new recruits. The existing staff cannot be involuntarily transferred; they are rather the principal's starting point. If the teachers accepted training for their new assignment, the question is then one of compensation for the training period. If the teachers refuse the new assignment, the new project must be abandoned, or the present staff somehow included in the program.

Even if the staff were cooperative, the transfer provisions of the contract limit the ability of teachers to transfer out when their option is to do so, or for teachers to transfer in to staff the planned innovative program. Specifically, the agreement limits the number of teachers who can transfer schools in any given year. <sup>118/</sup>

<sup>118/</sup> UFT Agreement, 26-27.

*EXHIBIT NO. 5 (Continued)*

One alternative method is to enlarge the teaching staff for new programs. But in a period of extensive budget cuts, hiring is low and the excessing rules negate the necessary flexibility. The excessing rules are hinderance for two reasons: (1) the rules transfer excessed teachers in schools on the sole criteria of seniority; and (2) such excessing results in the dismissal of newly hired teachers and substitute teachers--a pool of professionals which includes most of the minority teachers in the school system. Thus, the bilingual and Puerto Rican teachers who would teach in the innovative programs are either dismissed or never hired because of the excessing rules.

Within the elementary school, the UFT agreement stifles new programs and new instructional techniques. The contract provisions regiment the teacher's day and guarantee the teacher's continued employment in his present position, setting up an inflexible structure.

The deference given to the concept of the traditional classroom teacher and his job security presumes the success of this model for all classrooms within New York City. The abject failure of many minority students in the schools and the institution of decentralized primary education belies this assumption. Equal educational opportunity may require experimentation in the classroom--open corridors, cluster teaching, mechanical aids--and it may require personnel with special backgrounds and training--bilingualism, biculturalism, ethnic studies.

*EXHIBIT NO. 5 (Continued)*

The present UFT agreement makes such innovation the exception rather than the rule.

Three of the previously discussed issues warrant repetition because of their importance in the eyes of local school officials and experts.<sup>119/</sup> First, the excessing rules operate solely on the basis of seniority in the system and in a particular school. Competency and special skills are irrelevant to the assignment of teachers. The rules force the dismissal of recently hired licensed and substitute teachers, and this is precisely the group that includes many minority, bilingual, and specially trained professionals. Furthermore, the excessing rules prevent the rational staffing of schools by principals and superintendents. By rostering excessed teachers into vacancies wherever they exist, the rules do not permit the recruitment of teachers with special skills or experiences from other schools in the city or from outside the system.

The second issue involving the UFT agreement is the use of Title I funds. The contract's preamble mandates the continuation of Title I funded More Effective Schools and Strengthening Early Childhood Programs. Local school officials desire to use Title I funds for a number of different programs involving bilingual education and experiments in instruction. By earmarking Title I funds for the UFT-mandated programs,

<sup>119/</sup> Many of the issues analyzed here were brought to the Commission's attention by community superintendents, community school board members, and experts in the field of public education in New York City.



*EXHIBIT NO. 5 (Continued)*

The Central Board of Education has impeded the development of local school boards and their program innovations.

Third, the inflexibility of the UFT agreement towards school organization establishes classroom ratios, mandatory preparation periods, a limited school day, and guidelines concerning class schedules, rotation, and subjects taught. Through these, the agreement has set up elaborate constraints in teacher assignments and instructional techniques. Although not all the relevant contract provisions require absolute compliance, the alternative to compliance are generally unknown to local officials. However, many provisions offer no alternatives. The total impact is to require scheduling around the contract provisions. At times the detail and logic of these provisions are open to question. For example, one community superintendent pointed out the lack of uniformity in teacher preparation periods. Teachers in junior high schools receive five per week, but those in Title I eligible schools receive eight. However, an elementary school teacher in the same district receives two periods, or at the most five per week, if in a Title I eligible school.<sup>120/</sup> Superintendents and school board members constantly state that they need more flexibility in the organization and scheduling of the schools. The UFT agreement is considered the prime obstacle to this end.

120/ UFT Agreement 15-17.

*EXHIBIT NO. 5 (Continued)*

In addition to identifiable contract provisions, local school officials found the UFT a major stumbling block to equal educational opportunity for three additional reasons: UFT's opposition to any change in the selection of new teachers; the union's insistence on citywide collective bargaining; and the union's strong political influence within the school system.

The union has consistently opposed any wholesale deviation from the New York City practice of employing teachers upon the basis of competitive examination and a ranked civil service list. Local officials consider the UFT's opposition the main obstacle to the abolition of the board of examiners system; and hence the ability of the school system to employ more black and Puerto Rican teachers.

The Decentralization Act of 1969 requires citywide collective bargaining. Even within citywide bargaining, the UFT is opposed to any situation which would place the union in the position of bargaining with community school officials. Unless there is local bargaining on some issues, many officials and experts doubt that community school boards will ever possess sufficient control over personnel policies to effectively organize their schools.

Finally, there is the UFT's political clout. The union is well organized and knowledgeable about every aspect of public education in New York City. This sophistication is a result of hard work by the UFT and years of experience with the system. It is an experience lacking among the members of the Central Board of Education, the chancellor, and the community school boards.

*EXHIBIT NO. 5 (Continued)*

UFT's power is also personal. It is rooted in friendships developed with former teachers who now occupy supervisory positions such as principal, department or bureau chairman, or superintendent in the school system. It is a widespread belief in the minority community that the UFT is the main roadblock to better schools in New York City. The analysis of the UFT agreement gives some support to this belief. But even without a comprehensive contract, UFT's political impact would still be a formidable barrier in the eyes of the Puerto Rican and black community.

The UFT's influences over public education is two fold. It is a product of collective bargaining negotiations and it is a result of years of experience and contacts within the system. For a few days the focus will be upon the first aspect--the existing agreement between the UFT and the board of education. However, in the background will always be the union's political power--its public positions and its pervasive influence over the public schools of the Nation's largest city.

*EXHIBIT NO. 5 (Continued)*CHAPTER VII. FEDERAL PROGRAMS IN NEW YORK CITYA. Introduction to the Elementary Secondary Education Act of 1965.

In 1965, Congress passed the Elementary and Secondary Education Act to provide financial support for elementary and secondary schools, both public and private.<sup>121/</sup> The Act represented a milestone in terms of Federal commitment to education on the elementary and secondary levels. There are eight sections or titles of the act -- each directed toward strengthening some facet of the educational system.

Title I provides financial assistance to local educational agencies for the purpose of meeting the special needs of low-income and educationally deprived children. The largest portion of ESEA funds has been appropriated under Title I.

Title II provides monies for the acquisition of school library resources, textbooks, and other instructional materials. Title III provides for supplementary educational centers and services that will stimulate and assist in the provision of vitally needed educational services and serve as models for regular school programs. Title IV provides funds to universities and colleges and other institutions, and individuals for research, surveys, and demonstrations in the field of education. Under Title V, the Commissioner of Education authorizes grants to State Departments of Education for the purpose of strengthening the leadership resources of the State educational agencies and assisting those agencies in the establishment and improvement of programs to identify and meet the educational needs of States.

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121/ 20 U.S.C. 241.

*EXHIBIT NO. 5 (Continued)*

Title VI provides funds to States for initiating, expanding or improving programs for the education of physically and mentally handicapped children. Title VII, also known as the Bilingual Education Act, was passed in recognition of the special educational needs of large numbers of children of limited English speaking ability in the United States. Title VII provides financial assistance to local educational agencies to develop and carry out experimental elementary and secondary educational programs designed to meet these special educational needs. Title VIII provides funding to local educational agencies for school drop-out prevention programs. In terms of the educational problems confronting Puerto Rican children in New York City, Title I, VII and VIII are the most relevant sections of the 1965 Elementary and Secondary Education Act.

**B. Title I**

A great many options are available under Title I for dealing with the educational problems of disadvantaged children. Unfortunately, some of the programs developed over the past six years have been outside that range of options resulting in misuse of funds. Some of these misuses have been documented by the NAACP Legal Defense and Educational Fund, Inc. Regardless of the kind of Title I project decided upon by the local educational agency, to be legal, that project must be of benefit to eligible children as determined by the Department of Health, Education, and Welfare. Title I funds are not to be used as general aid to entire school populations or as supplanting monies normally provided by tax levy funds. Title I funds are to be used as additions to regular educational monies. Title I funds should not be used to purchase equipment or materials for the use of the general school enrollment.

*EXHIBIT NO. 5 (Continued)*

Title I grants are given in blocs to the States. The State Education Agencies (SEA) assume direct responsibility for administering the funds, and receive project proposals submitted by the local educational agencies (LEA). In New York City, the Central Board of Education is recognized as the local educational agency for Title I purposes. <sup>122/</sup> Project proposals developed by the decentralized districts are reviewed "for form only" by the Central Board and forward <sup>123/</sup> to the SEA at Albany.

Congress appropriates a specific amount which is apportioned by a county formula system. Factors in determining the county authorizations include the number of children age 5 through 17 from families with an annual income of less than \$2,000 (1960 census), the number of children receiving aid to families with dependent children (AFDC), and the number of children in foster homes and in institutions for neglected and delinquent children. <sup>124/</sup>

The SEA has responsibility to the U.S. Commissioner of Education for making periodic reports evaluating the effectiveness of the programs and projects of State and local educational agencies in improving the educational attainment of educationally deprived children. The SEA also has responsibility for reporting to the Commissioner the substance of any allegations of fund misuse by local educational agencies or private individuals. Initial responsibility for the resolution of these matters lies in the State educational agency.

<sup>122/</sup> Interview, Mr. Gene Satin, Director, Office of State and Federally Assisted Programs, N.Y.C. Board of Education, November, 1971.

<sup>123/</sup> Ibid.

<sup>124/</sup> 45.CFR 116.2.

*EXHIBIT NO. 5 (Continued)*

Under Title I, Congress appropriated \$1,816,000,000 for school year 1970-1971. New York State received a Title I allocation of \$192,000,000 of which approximately \$125,000,000 went to New York City. The distribution of these monies by program is shown in the following table (see Appendix A).

The table shows that funds totaling \$85,756,905 are distributed by formula to the 31 decentralized districts. These monies are to fund programs that were developed by the local districts in concert with parents and other community representatives. This was found not always to be the case. In 1964, in its negotiations with the Board of Education, the United Federation of Teachers successfully bargained for a program known as More Effective Schools-(MES).<sup>125/</sup> The MES programs are directed toward underachieving disadvantaged pupils. Since 1964, the MES programs have increased as subsequent teacher contracts calling for more programs were negotiated. Currently, there are 27 MES programs in the elementary and junior high schools citywide. MES programs provide for lower teacher/pupil ratios and extra equipment and materials in the target schools and as a result per pupil expenditures often increase two-fold.<sup>126/</sup> Title I funds have been used and continue to be used in at least partial support of these programs. In 1969, when the New York City school system was decentralized, the MES program continued to be administered on a centralized basis. In the

<sup>125/</sup> Interview, Mrs. Helene Lloyd, Assistant Superintendent, Division of Funded Programs, N.Y.C. Board of Education, December, 1971.

<sup>126/</sup> Ibid.

*EXHIBIT NO. 5 (Continued)*

1970-71 school year, the Central Administration provided 2/3 of the funding required for MES programs. Following significant budget cuts for the 1971-72 school year, the Central Board provided only 1/3 of the necessary MES funding and required the decentralized districts to provide the remainder. Several districts protested arguing that the programs had not been conceived locally and therefore should not have been imposed upon them. The matter was recently resolved in a court decision which held that community school districts could not be forced to continue MES programs.

Two of the options available under Title I which are of a particular concern to non-English speaking Hispanic students are English-as-a second language and bilingual programs.

In 1970-71, the decentralized districts collectively spent a total of \$673,213 of available Title I funds on bilingual programs. In the current school year, that figure has risen to \$3,623,095. Funding of English-as-a-second language programs under Title I currently amounts to \$503,322. The community districts collectively are spending \$4,126,417 of their \$85,756,905 on programs designed to deal with language difficulties of disadvantaged students. Approximately 14,400 pupils, the majority of whom are Hispanic, are served by these programs.

Among community districts with heavy concentrations of Hispanic children, some districts have been more imaginative than others in terms of devising programs to meet the needs of their students. According to a memorandum entitled "Survey of ESL and Bilingual Title I ESEA District



*EXHIBIT NO. 5 (Continued)*

Projects," dated September 30, 1971, District 9 (Bronx), with a Puerto Rican enrollment approaching 50% of the total district enrollment, has allocated \$660,152 of its \$5,014,162 Title I funds to bilingual bi-cultural programs. Local District 14 (Brooklyn), with a Puerto Rican enrollment of approximately 65% has used more of its \$4,776,411 in Title I funds in this manner. Title I guidelines allow for a great deal of leeway in terms of the kinds of programs that may be developed. It is up to the local districts to make the commitment and to utilize imagination and resourcefulness in developing responsive programs.

The Central Board of Education administers several citywide Title I programs on the elementary and junior high school level and also has responsibility for Title I programs in the high schools. The Board spends \$1,024,049 of its Title I funds this school year on a program entitled Recruitment and Training of Spanish-speaking Teachers, which program is now in its fourth year of operation. The primary objective of the program is to recruit graduate and undergraduate university students who are native speakers of Spanish and to train them to become an immediate and continuing resource for the development of a bilingual and bicultural pedagogical staff for the public schools of the New York City. Almost 50% of the Puerto Rican teachers in the city school system are "graduates" of the program. Of 65,000 teachers (1970-71) teachers in the City schools, approximately 1,000 are Spanish surnamed including perhaps as many as 500 Puerto Ricans. Unfortunately, due to varying interpretations of Title I guidelines on the part of the SEA in Albany and Title I Headquarters in Washington, this productive program is in danger of being diminished or terminated.

*EXHIBIT NO. 5 (Continued)*

The Benjamin Franklin Cluster program and the Benjamin Franklin Street Academy are also funded centrally by Title I funds. These programs seek to motivate pupils who have dropped out or are on the verge of doing so. A number of Puerto Rican students in the East Harlem area are enrolled in these programs.

None of the other centrally administered programs are geared specifically toward non-English speaking students. This is not to say that Spanish speaking students do not derive some benefits from some of the other Title I programs administered by the Central Board. The \$12,000,000 College Bound program operates in 31 high schools including such predominantly Puerto Rican high schools as Benjamin Franklin, Haaren, Eastern District and Morris. This program aims to raise the academic level of students from poverty backgrounds and help them gain admission to college. It is very doubtful that many Puerto Rican students benefit from the College Bound program because of the high drop-out rate among Puerto Rican students in New York City.

C. Title VII

Title VII of the Elementary and Secondary Education Act (ESEA) authorizes the Office of Education of the U.S. Department of Health, Education, and Welfare to fund bilingual-bicultural programs operated by local school districts. These demonstration projects are designed to meet the special educational needs of children from low-income families who have limited English speaking ability and in whose home environment the dominant language is one other than English.

*EXHIBIT NO. 5 (Continued)*

The Title VII application process is more simple and direct than that of Title I. In New York City, decentralized districts may develop proposals and seek funding directly from Washington. Technical assistance may be provided to local boards by the Central Board. Representatives of the Title VII Office in Washington would meet with the project designers in New York City concerning the preliminary proposals. Formal proposals are then developed and submitted to Washington; copies of the proposals are also submitted to the State Education Agency at Albany. The SEA has the responsibility for reviewing the proposals and making recommendations regarding the priority of projects to be funded. During the last fiscal year, the responsible official in Albany gave recommendations of equal merit to all of the New York City proposals. Funding all of those proposals would have required \$70,000,000. The Fiscal Year 1971 Congressional appropriation was \$25,000,000. New York received slightly more than \$1 million.

According to Title VII officials, grants are awarded solely on the basis of proposal merit.<sup>127/</sup> Awards are not based upon a criteria of need since the amount of appropriated funds has never been large enough to deal with the scope of the non-English speaking problem. Furthermore, one of the purposes of the Bilingual Education Act was to fund demonstration projects that would be continued by the LEA if said projects were successful. According to Dr. Albar Pena, Title VII Director, U.S. Office of Education, the school systems of California and Texas submit more Title VII proposals and proposals of higher quality

<sup>127/</sup> Interview, Dr. Albar Pena, Title VII Director, U.S. Office of Education, February, 1972.

*EXHIBIT NO. 5 (Continued)*

than does New York State. Some of the proposals originating in New York City indicate that the program drafters do not fully understand bilingual education.

Title VII officials state that the amount of money going to the Northeast has increased significantly in the current fiscal year. Eight new projects have been funded in FY 1971 in New York representing \$1,298,280 in funds. In California, four new projects totaling \$687,050 were funded. The complete picture, in terms of total allocations in FY 69', 70', shows a different pattern. Whereas 50 California projects have been funded to the tune of \$17,295,065, 15 New York projects have received only \$4,670,400. In the State of Texas, there are 35 projects which collectively received \$12,505,282.

New York State received \$2,638,340 of the FY 1971 appropriation. Final funding figures for the current fiscal year are not available as some proposals are still under consideration. Title VII grants to New York City, where most of the monies allocated in the State go, has increased significantly in the last three years. The Bureau of Federal and State funded programs reports that Title VII grants to city school districts have increased as follows:

<u>School Year</u>	<u>Allocation</u>
1969-1970	\$ 363,203
1970-1971	\$1,241,106
1971-1972	\$2,298,436

Project BEST is the only centrally administered Title VII program. This project is sponsored by a consortium involving Community School Districts 2,4,7,9, and 12, Hunter and Lehman Colleges, and the New York

*EXHIBIT NO. 5 (Continued)*

they must have a high percentage (35 or more) of children who do not complete their elementary and secondary education. Preliminary proposals are submitted by interested local educational agencies to Title VIII headquarters in Washington, D.C. These preliminary proposals are screened by the U.S. Office of Education and by qualified outside reviewers to determine which proposals show the most promise of preventing dropouts and therefore merit future development. It was at this stage, in 1970, that the proposals submitted by New York City were rejected. Acceptable preliminary proposals are then developed, submitted and evaluated on a competitive basis by the Office of Education and qualified outside reviewers. Grants are awarded to the most promising proposals with the approval of both preliminary and formal proposals by the State educational agency. Technical assistance is available once a preliminary proposal has been accepted.

The amount of money appropriated by Congress under Title VIII has never approached the authorized amount.

<u>FY</u>	<u>Authorization</u>	<u>Appropriation</u>
1969	\$30,000,000	\$ 5,000,000
1970	30,000,000	5,000,000
1971	30,000,000	10,000,000
1972	31,500,000	10,000,000
1973	33,000,000	

From fiscal year 1971 to Fiscal Year 1972, there was no change in either the amount of funding or the number of programs funded. In New York State, one school district, Fredonia: Chautanqua County Board of cooperative Educational Services, received a Title VIII grant. The amount of that grant was \$420,000. Nationally 19 school districts have received Title VIII grants.

*EXHIBIT NO. 5 (Continued)*

City Central Board of Education. Project BEST is designed to organize manpower and resources to cope with the linguistic and educational problems of schools serving the highest concentration of Spanish-speaking children. It provides preservice, inservice, and summer bilingual training to teacher and auxiliary personnel through educational programs both on the graduate and undergraduate levels at Hunter and Colleges. Each district involved has designated at least one bilingual school which has a minimum of two bilingual classes. Teams consisting of one English-dominant teacher, one Spanish-dominant teacher and at least one paraprofessional are in charge of two parallel classes of twenty-five pupils each. The total manpower of the four districts is a minimum of fifty bilingual classes with 67 teachers and paraprofessionals teaching 1,250 pupils. The remaining Title VII programs in New York City range in size from 130 to 2000 participants and in funding from \$101,310 to \$308,528. Most of the programs are concentrated in the primary grades although several are in the intermediate grades.

D. Title VIII

The Dropout Prevention Program is funded under Title VIII of the Elementary and Secondary Education Act of 1965. The program is designed to foster the development and demonstration of educational programs involving the use of innovative methods, systems, and materials designed to reduce the number of children that do not complete their education in public elementary and secondary schools. Only schools meeting the following requirements are eligible to receive funds for dropout prevention projects: they must be located in urban or rural areas; they must have a high percentage of children from low-income families; and

## EXHIBIT NO. 6

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

SUMMARY OF MONIES BUDGETED FOR  
HISTORY AND CULTURAL PROGRAMS  
CENTRAL AND DISTRICT

1969-72, Inclusive

SCHOOL YEAR	SOURCE OF FUNDING	TOTAL BY PROGRAM	TOTAL FOR EACH SCHOOL YEAR
1969-70	Title I ESEA	\$1,053,694*	
	State Urban Ed. QIP	1,410,276*	
	State Urban Ed. CEC	913,633	
			<u>\$3,377,603*</u>
1970-71	Title I ESEA	\$1,136,497*	
	State Urban Ed. QIP	1,620,404*	
	State Urban Ed. CEC	296,606	
			<u>\$3,053,507*</u>
1971-72	Title I ESEA	\$3,459,123*	
	State Urban Ed. QIP	1,893,911*	
	State Urban Ed. CEC	1,271,320	
			<u>\$6,624,354*</u>

\*All funds unable to be identified as history and cultural programs affecting children 100%.

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

1971-72

FUNDING SOURCE: Title I, ESEA

AREA: History and Cultural Programs

<u>Location</u>	<u>Title</u>	<u>Function Number</u>	<u>Budget</u>	<u>No. of Students Participating</u>
12	Comprehensive Language Development Program (Part I - Bilingual-Bicultural Activity)	55-21606	\$ 600,000 Approx.	3,400
19	Bilingual Supportive Services	69-21607	1,808,286	5,200
24	Bilingual Community Liaison Program	79-21607	26,788	1,149
Central	Recruitment and Training of Spanish-Speaking Teachers	920639	1,024,049	
			<u>\$3,459,123</u>	



## EXHIBIT NO. 6 (Continued)

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

1970-71

FUNDING SOURCE: Title I, ESEAAREA: History and Cultural Programs

<u>Location</u>	<u>Title</u>	<u>Function Number</u>	<u>Budget</u>	<u>No. of Students Participating</u>
6	Balanced Program of Services for Hispanic Students	33-11622	\$13,964	30
11	Language Arts and Social Studies Materials Production Program	53-11631	11,966	791
15	Afro-Mediterranean Center	61-11603	30,614	80
20	Aid to Vulnerable School Children	71-11605	1,075	250
24	Increased Services for Education- ally Disadvantaged Children	79-11604	46,307	90
30	Black and Latin Heritage	93-11606	36,000	8,526
Central	Programs and Patterns for Dis- advantaged H.S. Students	92-3631	13,151	100
Central	Recruitment and Training of Spanish-Speaking Teachers	910605	983,420	
			<u>\$1,136,497</u>	

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK.  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

1969-70FUNDING SOURCE: Title I, ESEAAREA: History and Cultural Programs

<u>Location</u>	<u>Title</u>	<u>Function Number</u>	<u>Budget</u>	<u>No. of Students Participating</u>
3	Central Heritage Program	10-03608	\$ 39,293	Grades K - 3
4	Cultural Heritage Program	10-04608	118,938	1,100
9	Later Elementary Afro Spanish American Cultural Program	10-09608	42,446	1,044
9	Secondary School Program Afro Spanish American Cultural Program	10-09610	9,796	
11	Language Arts and Social Studies Materials Production Program	936611	15,580	263,498
13	School Day Cultural Enrichment Program	10-17603	21,580	7,395
15	Afro-Mediterranean Center	10-15607	25,197	800
23	Black and Latin Heritage Program	10-23606	61,569	2,870
24	Increased Services for Educationally Disadvantaged Children	10-24602	82,452	800
24	After School Study Program In PS 19 and PS 143Q	10-24603	40,293	225
31 Two Bridges	Project Resource	10-31604	4,050	5,399
Central	Recruitment and Training of Spanish-Speaking Teachers	933654	592,500	
			<u>\$1,053,694</u>	

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

1971-72

FUNDING SOURCE: State Urban Education, Quality  
 Incentive Programs

AREA: History and Cultural Programs

<u>District</u>	<u>B/E #</u>	<u>Title</u>	<u>Amount Budgeted</u>	<u>Total # of Students Participating</u>
6	43-2-6458	Enrichment and Cultural Heritage Academy	\$ 49,670	250
7	45-2-6454	Puerto Rican and Hispanic History and Culture	86,614	3,200
11	53-2-6460	Academic Cultural Engagemen	20,205	30
H.S.	17-05455S	High School Redirection (Summer)	96,010	(Part of) 240
H.S.	17-05455F	High School Redirection (Fall)	397,176	(Part of) 240
H.S.	17-05456	Langston Hughes H.S. Library Center for Home- work Helpers	69,227	315
H.S.	17-05461	A Program of Reading Accelera- tion, Remediation and Enrich- ment for Secondary School Students	1,175,009	(Part of) 3,360
			<u>\$1,893,911</u>	

EXHIBIT NO. 6 (Continued)

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

1970-1971

FUNDING SOURCE: State Urban Education Quality  
 Incentive Programs

AREA: History and Cultural Programs

<u>District</u>	<u>B/E #</u>	<u>Title</u>	<u>Amount Budgeted</u>	<u>Total # of Students Participating</u>
3	37-1-6452	A Program for Cultural Enrichment	\$ 247,098	1,000
6	43-1-6458	Enrichment and Cultural Heritage Academy	50,229	360
7	45-1-6454	Hispanic History and Culture	53,159	20,000
H.S.	17-04461	A Program of Reading Accelera- tion, Remediation and Enrich- ment for Secondary School Students	882,508	(Part 2,600 of)
H.S.	17-04455F	High School Redirection(Fall)	387,410	(Part 240 of)
			<u>\$1,620,404</u>	

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, N.Y. 11201

1969-70

FUNDING SOURCE: State Urban Education, Quality  
 Incentive Programs

AREA: History and Cultural Programs

<u>District</u>	<u>B/E #</u>	<u>Title</u>	<u>Amount Budgeted</u>	<u>Total # of Students Participating</u>
5	16-05-428	Cultural Enrichment Ex- periences	\$ 28,875	1,446
6	16-06-422	"Open Door Corridor" (Open Door Project for Continuity of Experience)	35,000	340
6	16-06-423	Enrichment and Remedial Academy (Instructional Cultural Pro- gram)	47,475	105
7	16-07-422	Afro-American and Hispanic Culture and History Program	115,284	20,000
9	16-09-431	Saturday Culture Series	13,206	750
10	16-10-422	Film Making Program	4,393	(Part of) 60
13	16-13-424	After School Cultural and Recreational Programs	68,069	16,000
15	16-15-429	South Brooklyn Cultural En- richment Program	5,819	300
23	16-23-430	Cultural Enrichment Through Music	4,095	1,780
H.S.	17-03464	A Program of Reading Accelera- tion, Remediation and Enrich- ment	1,065,677	(part of) \$,600
H.S.	17-03414	Resource Materials on Puerto Rico	22,393	All Children
			<u>\$1,410,276</u>	

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

1971-72FUNDING SOURCE: State Urban Education, Community Education CentersAREA: History and Cultural Programs

<u>Location</u>	<u>Title</u>	<u>Function Number</u>	<u>Budget</u>	<u>No. of Students Participating</u>
4	El Museo del Barrio	39-2-7465	\$ 203,585	15,000
7	S.O.M.P.S.E.C.	45-2-7454	309,834	28,000
7	Bilingual Performing Arts Center	45-2-7461	196,061	900
12	African, Afro-American, Hispanic and Puerto Rican History and Culture	55-2-7454	210,000	37,012
16	Afro-Afro-American and Hispanic- American Curriculum Enrichment Program	63-2-7452	219,071	2,580
23	Afro-Latin American Studies	77-2-7464	132,769	18,000
			<hr/> \$1,271,320	

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

1970-71

FUNDING SOURCE: State Urban Education, Community Education Centers

AREA: History and Cultural Programs

<u>Location</u>	<u>Title</u>	<u>Function Number</u>	<u>Budget</u>	<u>No. of Students Participating</u>
4	El Museo del Barrio	39-1-7465	\$ 70,194	3,000
7	Bilingual Performing Arts Center	45-1-7461	106,412	900
12	African, Afro-American, Hispanic Program	55-1-7454	120,000	37,000
			<u>-----</u> \$296,606	

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

1969-70FUNDING SOURCE: State Urban Education, Community Education CentersAREA: History and Cultural Programs

<u>Location</u>	<u>Title</u>	<u>Function Number</u>	<u>Budget</u>	<u>No. of Students Participating</u>
4	EI Museo del Barrio	19-04423	\$ 88,570	15,000
4	Bilingual Language Arts Communication Center	19-04431	120,198	2,000
12	African, Afro-American Hispanic Program	19-12433	32,561	37,000
16	African-American and Hispanic-American Program	19-16429	253,085	2,580
32	Afro-American and Hispanic- American Studies	19-32435	132,769	18,000
33	Afro-African-American and Hispanic-American History and Culture Program	19-33430	286,450	10,000
			<hr/>	
			\$913,633	



**EXHIBIT NO. 6 (Continued)**

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

**BILINGUAL REIMBURSABLE PROGRAMS 1969-1972, INCLUSIVE**

(PROGRAM TITLE AND BUDGET)

As of February 7, 1972

In addition to the bilingual reimbursable programs included in the summary attached, it should be kept in mind that reimbursable funds are also budgeted for programs which meet the needs of bilingual children under such headings as English as a Second Language and special programs in the history and culture of a specific group of bilingual children, as Puerto Rican or Chinese.

It should also be noted that, in districts having a high percentage of bilingual children, studies indicate that most of the funded programs in those districts are designed to meet the needs of the bilingual students but are not necessarily titled "bilingual programs." (Examples\* -- large Puerto Rican school populations: District #1 - 68.2%; District #4 - 63.9%; District #7 - 64.1%; District #12 - 55.7%; District #14 - 62.2%)

\*Based on Annual Census of School Population, 10/30/70, Board of Education, 4/71.

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

SUMMARY OF MONIES BUDGETED FOR REIMBURSABLE BILINGUAL PROGRAMS, CENTRAL  
 AND DISTRICT

1969-72, Inclusive

SCHOOL YEAR	SOURCE OF FUNDING	CENTRAL PROJECTS	DISTRICT PROJECTS	TOTAL BY PROGRAM	TOTAL FOR EACH SCHOOL YEAR*
1969-70	Title I ESEA	\$ --	\$ 486,399	\$ 486,399	
	Title III	--	249,962	249,962	
	Title VII	--	369,000	369,000	
	State Urban Ed. CEC	761,334	--	761,334	
	State Urban Ed. QIP	555,463	133,781	689,249	
					<u>\$ 2,555,944</u>
1970-71	Title I ESEA	\$ --	\$ 1,225,401	\$ 1,226,401	
	Title III	--	264,420	264,420	
	Title VII	371,006	939,099	1,280,105	
	State Urban Ed. CEC	--	542,322	542,322	
	State Urban Ed. QIP	561,340	--	561,340	
					<u>\$ 3,874,588</u>
1971-72	Title I ESEA	\$ --	\$ 1,871,576	\$ 1,871,576	
	Title III	--	278,878	278,878	
	Title VII	308,528	1,839,912	2,148,440	
	State Urban Ed. CEC	570,476	--	570,476	
	State Urban Ed. QIP	481,251	--	481,251	
Office of Econ. Op.	52,194	--	52,194		
					<u>\$ 5,402,815</u>

\*Note: The totals listed below do not include the portion of the central and district office overhead expenses required to administer these programs, as services by the offices concerned with payroll, personnel, audit, supplies, processing of proposals, etc.

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

BILINGUAL REIMBURSABLE PROGRAMS

FUNDING SOURCE: ESEA TITLE III

PROGRAMS 1969-71 (This grant is for 1½ years)

<u>Location</u>	<u>Title</u>	<u>Function No.</u>	<u>Grant</u>	<u>No. Pupils Participating</u>
District #4	East Harlem Pre-School	974659	\$374,945	90

PROGRAMS 1971-73 (This grant is for 1½ years)

District #4	East Harlem Pre-School	39-23401	\$418,346	70
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EXHIBIT NO. 6 (Continued)

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

BILINGUAL REIMBURSABLE PROGRAMS, 1969-70FUNDING SOURCE: ESEA TITLE I1. Bilingual ProgramsPROGRAMS, 1969-70

<u>Location (Indicate the district or central office)</u>	<u>Title</u>	<u># of Students Participating</u>	<u>Function No.</u>	<u>Amount</u>
2	Augmented Personal Service (Bilingual Asst)	Grades 1 - 6	10-02605	\$ 5,900
	Teachers	Grades 7 - 9	10-02605 (2nd Umb)	24,000
4	Bilingual Program	150	10-04609	163,689
6	Remedial Bilingual Reading	75	10-06604	20,664
9	Later Elementary Bilingual Program	120	10-09611	24,452
15	Bilingual Instruction at JHS 51	100	10-15604	54,395
16	Bilingual Program at P.S. 116	100	10-16609	42,272
	Bilingual Program for Elementary Schools	1,500	10-16610	88,725
17	Program to Supplement Services for Academic Underachievers	180	10-17603	23,750 (cont'd.)

*EXHIBIT NO. 6 (Continued)*

Page 2  
 Bilingual Reimbursable Program, 1969-70  
 Title I, ESEA

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<u>Location (Indicate the district or central office)</u>	<u>Title</u>	<u># of Students Participating</u>	<u>Function No.</u>	<u>Budget</u>
19	Auxiliary Teacher/Aide Program	18,714	10-19603	\$ 15,425
20	After School Tutorial Program	20	10-20602	9,687
31 2 Bridges	Homework Helper Student Aide at PS 2	30	10-31607	13,440
				<u>\$406,359</u>

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

BILINGUAL REIMBURSABLE PROGRAMS, 1970-71FUNDING SOURCE: Title I ESEAPROGRAMS: 1970-71

## 1. Bilingual Programs

<u>Location</u> (Indicate the district or central office)	<u>Title</u>	<u># of Students</u> <u>Participating</u>	<u>Function No.</u>	<u>Budget</u>
1	Bilingual Program	120	33-11607	\$ 89,215
3	Bilingual School	800	37-11607	156,346
4	Bilingual	800	39-11608	135,260
6	Remedial Bilingual and Cultural Program	100	33-11618	20,871
6	Bilingual Mini School	150	33-11610	71,249
8	B.E.S.T.	75	47-11608	53,278
9	Bilingual Program	250	49-11610	69,164
15	Bilingual Instruction for 1st Grade	240	61-11608	91,124
16	Bilingual Program P.S. 116	90	63-11613	45,364
19	Bilingual Supportive Services	2,229	69-11605	435,660
20	Title I ESEA Decentralized Open Enrollment, District 20	77	71-11631	14,000
23	Bilingual Program District 23	580	77-11609	44,870
				<hr/> \$1,226,401

## EXHIBIT NO. 6 (Continued)

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

BILINGUAL, BILINGUALIZED PROGRAMS, 1971-72FUNDING SOURCE: Title I, ESFAPROGRAMS, 1971-72

## I. Bilingual Programs

<u>Location</u> (Indicate the district or central office)	<u>Title</u>	<u>% of Students Participating</u>	<u>Function No.</u>	<u>Budget</u>
1	Early Grades Bilingual Program in Conjunction with Title VII	510	33-21605	\$ 53,625
3	Bilingual Program	500	37-21607	330,937
4	Bilingual Programs in Junior High School	150	39-21617	210,450
6	Bilingual Mini-School	290	43-21611	44,806
	Operation Welcome Wagon	180	43-21615	32,564
	Bi-Lingual Classes	90	43-21616	18,000
8	Black-Hispanic Community Instructional Program (portion of this overall component is named B.S.T. Bilingual Enrichment Student Training)	180	47-21613	74,000 approximately
9x	Project Best	500	49-21607	466,583
9	Bilingual Studies Bilingual Education Skills Training in Junior High in District 9	300	49-21612	193,569
9	Non-Public Schools' Bilingual Component	500	49-21613	77,070
15K	Bilingual Instruction for First Grade Classes	175	61-21607	125,851
16	Bilingual Program P.S. 16	180	63-21612	104,220
23	Bilingual Program	180	77-21610	<u>89,501</u>
				<u>\$1,871,576</u>

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 STATE URBAN EDUCATION  
 QUALITY INCENTIVE PROGRAMS

QUALITY INCENTIVE PROGRAMS  
1969-70

<u>DISTRICT</u>	<u>B/E #</u>	<u>TITLE</u>	<u>AMOUNT BUDGETED</u>	<u>TOTAL NO. OF STUDENTS SERVICED</u>
		<u>BILINGUAL</u>		
6	16-06-424	Bilingual Program for District 6	\$ 82,274	290
6	16-06-425	Fair Start	44,346	350
10	16-10-427	Bilingual Bicultural Program	7,161	500
Central	17-03413	Language Development Project	319,669	2,840
Central	17-03444	Using Spanish Speaking College Graduates in Bilingual Learning Situations	235,799 <u>5689,249</u>	1,770



*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

FUNDING SOURCE: ESEA TITLE VII

PROGRAMS, 1969-70Bilingual Education Programs

<u>Location</u>	<u>Title</u>	<u>Function No.</u>	<u>Grant</u>	<u>No. Students Participating</u>
District #2	Building Bilingual Bridges	950601	\$139,000	180
District #7	The Bilingual School	950602	230,000	900
Totals:			<u>\$369,000</u>	<u>1,080</u>

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

FUNDING SOURCE: ESEA TITLE VII

PROGRAMS, 1970-71Bilingual Education Programs

<u>Location</u>	<u>Title</u>	<u>Function No.</u>	<u>Grant</u>	<u>No. Students Participating</u>
District #2	Building Bilingual Bridges	950601	\$191,974	250
District #4	The Bilingual Mini-School	950603	101,301	120
District #7	The Bilingual School	950602	308,972	850
District #13	Bilingual Education	950605	149,531	220
District #14	Bilingual Pre-School Learning Center	950604	157,321	80
Districts 2,4, 7,9,12, Hunter and Lehman Colleges Office of Instructional Services	Bilingual Consortium and Project "Best"	950606	371,006	1,086
Totals:			<u>\$1,280,105</u>	<u>2,606</u>

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, New York 11201

FUNDING SOURCE: FSEA TITLE VII

PROGRAMS, 1971-72Bilingual Education Programs

<u>Location</u>	<u>Title</u>	<u>Function No.</u>	<u>Grant</u>	<u>No. Students Participating</u>
District #1	School-Community Bilingual-Bicultural Program	33-27601	\$175,000	368
District #2	Building Bilingual Bridges	35-27601	157,682	150
District #2	In-Migrant School-Community Project	35-27602	143,000	215
District #3	Bilingual Education Program	37-27601	255,000	500
District #4	Bilingual Mini-School	39-27601	101,310	140
District #6	Bilingual Focus for the 70's	43-27601	125,000	682
District #7	The Bilingual School	45-27601	222,826	900
District #7	Regional Curriculum Center	45,27602	40,000	(Serves 25X)
District #9	Bilingual Sister Schools for Teacher Training and Materials Development	49-27601	205,000	350
District #10	Bilingual Mini-School	51-27601	115,280	150
District #13	Park Slope Bilingual Program	57-27601	163,840	300
District #14	Bilingual Pre-School Learning Center	59-27601	135,974	125
Districts 4,7, 9,12, Hunter and Lehman Colleges	Bilingual Consortium and Project "Best"	950609-10	308,528 \$2,148,440	1,650 5,530

*EXHIBIT NO. 6 (Continued)*ESEA TITLE VII  
FINANCIAL PROBLEMS 1971-72ADDENDA

We just received planning grants for \$20,000. each for the period January 14, 1972 through June 28, 1972, for preliminary proposals sent in during 1970-71. There was no money to fund these programs for September 1971, funds have just been "unfrozen." The following community School Districts received these new grant awards: Districts 5, 8, 12, 16, and 17.

These grant awards are now in the process of being budgeted and assigned function numbers.

*EXHIBIT NO. 6 (Continued)*

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 STATE URBAN EDUCATION  
 QUALITY INCENTIVE PROGRAMS

QUALITY INCENTIVE PROGRAMS  
1970-71

<u>DISTRICT</u>	<u>B/E #</u>	<u>TITLE</u>	<u>AMOUNT BUDGETED</u>	<u>TOTAL NO. OF STUDENTS SERVICED</u>
		<u>BILINGUAL</u>		
2	35-1-6462	In-Migrant School-Community Project	\$ 73,304	60
6	43-1-6453	Bilingual Program	229,032	1,000
6	43-1-6455	Fair Start	113,002	900
8	47-1-6457	Overage - ESL Classes	68,850	75
10	51-1-6456	Bilingual-Bicultural Program	<u>77,152</u>	1,250
			\$561,340	

*EXHIBIT NO. 6 (Continued)*
 DIVISION OF FINANCIAL SERVICES  
 STATE URBAN EDUCATION  
 QUALITY INCENTIVE PROGRAMS

QUALITY INCENTIVE PROGRAMS  
1971-72

<u>DISTRICT</u>	<u>B/E #</u>	<u>TITLE</u>	<u>AMOUNT BUDGETED</u>	<u>TOTAL NO. OF STUDENTS SERVICED</u>
<u>BILINGUAL</u>				
2	35-2-6462	In-Migrant School-Community Project	\$ 68,023	200
2	35-2-6452	Bilingual Resource Program	35,330	500
6	43-2-6462	Remedial Bilingual Classes	31,633	60
6	43-2-6453	Bilingual Program	214,429	6,500
10	51-2-6456	Bilingual-Bicultural Program	<u>131,836</u>	<u>1,917</u>
			\$481,251	

**EXHIBIT NO. 6 (Continued)**

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, N. Y. 11201

BILINGUAL REIMBURSABLE PROGRAMS, 1969-70

Urban Education Office  
 FUNDING SOURCE: Community Education Centers

PROGRAMS, 1969-70

<u>Location</u>	<u>Title</u>	<u>Function No.</u>	<u>Budget</u>	<u>No. of Students Participating</u>
<u>BILINGUAL PROGRAMS</u>				
4	Pilot Bilingual	19-04425	\$ 94,289	800
7	Comprehensive Research Project of the Experi- mental Bilingual Elementary School	19-07440	42,887	1,000
12	Supportive Services for the Bilingual School	19-12432	304,208	700
13	Bilingual Program	19-13422	193,379	150
33	Bilingual Program	19-33423	126,571	900
			<u>\$761,334</u>	

**EXHIBIT NO. 6 (Continued)**

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, N. Y. 11261

BILINGUAL REIMBURSABLE PROGRAMS, 1970-71

Urban Education Office  
 FUNDING SOURCE: Community Education Centers

PROGRAMS, 1970-71

<u>Location</u>	<u>Title</u>	<u>Function No.</u>	<u>Budget</u>	<u>No. of Students Participating</u>
<u>BILINGUAL PROGRAMS</u>				
4	Pilot Bilingual	39-1-7461	\$ 52,527	800
32	Bilingual Program	41-1-7458	100,000	1,000
12	Supportive Services for Bilingual School	55-1-7455	95,000	700
13	Bilingual Program	57-1-7455	121,488	150
14	Bilingual Workshop Program	58-1-7452	3,447	100
14	Bilingual Program	59-1-7458	169,960	400
			<u>\$542,322</u>	



**EXHIBIT NO. 6 (Continued)**

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 DIVISION OF FUNDED PROGRAMS  
 110 Livingston Street, Brooklyn, N. Y. 11201

BILINGUAL REIMBURSABLE PROGRAMS, 1971-72

Urban Education Office  
 FUNDING SOURCE: Community Education Centers

PROGRAMS, 1971-72

<u>Location</u>	<u>Title</u>	<u>Function No.</u>	<u>Budget</u>	<u>No. of Students Participating</u>
<u>BILINGUAL PROGRAMS</u>				
4	Pilot Bilingual Program	39-2-7462	\$ 73,623	800
5	Classroom Bilingual Project	41-2-7458	170,626	4,573
12	Supportive Services for the Bilingual School	55-2-7455	70,000	700
13	Bilingual Program	57-2-7452	150,000	150
14	Bilingual Program	59-2-7458	106,227	450
			<u>\$570,476</u>	

## EXHIBIT NO. 7

BILINGUAL TEACHER OF COMMON BRANCHES (SPANISH)  
 BILINGUAL TEACHER OF EARLY CHILDHOOD CLASSES (SPANISH)  
 ALTERNATIVE A

December 7, 1971

You will be required to demonstrate competence in BOTH written English and written Spanish. You are to write a 250-word essay in English and a 250-word essay in Spanish. It is recommended that you allow 1 hour for each of these essays. The topics for these essays appear below.

A rating of "Satisfactory" in written English and in written Spanish will be required in this test.

I. WRITTEN ENGLISH

Your essay will be rated only for written English, including sentence structure, grammar, idiomatic usage, spelling, diction, punctuation, and capitalization. You are advised to allow ample time for revising and correcting your written English.

1. You are to deal DIRECTLY and SPECIFICALLY with the topic presented to you below.
2. You are expected to write in continuous discourse, in full sentences which are varied in form. It is reasonable to expect that a significant number of your sentences will be so constructed that they contain subordinate as well as main ideas.
3. Your essay must be relevant to the topic and AT LEAST 250 words in length.

FAILURE TO MEET ANY OF THE ABOVE REQUIREMENTS MAY RESULT IN AN UNSATISFACTORY RATING.

ESSAY TOPIC

The teaching of reading may be correlated with work in the other curriculum areas: social studies, science, art, music, health and mathematics.

In a well-organized essay of at least 250 words, discuss how the teaching of reading may be integrated with one or more of the curriculum areas mentioned above.

END OF WRITTEN ENGLISH ESSAY QUESTION

N.B. Have you revised and corrected your written English where necessary?  
 Have you written at least 250 words?

II. ESPAÑOL ESCRITO

Su ensayo será evaluado sólo por lo escrito en español, lo cual incluye: la formación de la frase, la gramática, el uso de modismos, el deletreo, y la acentuación.

Se le aconseja que deje suficiente tiempo para repasar y corregir el ensayo.

1. Vd. ha de tratar con el tema que sigue de manera DIRECTA y ESPECÍFICA.
2. Su ensayo tiene que referirse al tema y debe contener por lo menos 250 palabras.

LA OMISIÓN DE CUALQUIERA DE LAS ESTIPULACIONES YA MENCIONADAS PUEDE RESULTAR EN NO SER APROBADO.

TEMA PARA EL ENSAYO

La herencia cultural de los niños bilingües proporciona una fuente constante de enriquecimiento para la enseñanza.

En un ensayo bien construido de por lo menos 250 palabras, discuta Vd. varias maneras en las cuales una maestra bilingüe pueda utilizar la herencia cultural de sus niños para enriquecer las actividades en el salón de clase.

FIN DEL ENSAYO ESPAÑOL

N.B. ¿Ha repasado Vd. su ensayo? ¿Ha corregido sus faltas? ¿Ha escrito las doscientas cincuenta palabras?

## EXHIBIT NO. 7 (Continued)

Board of Education Board of Examiners City of New York

BILINGUAL TEACHER OF COMMON BRANCHES (SPANISH)

OR  
 BILINGUAL TEACHER OF EARLY CHILDHOOD CLASSES (SPANISH) IN DAY ELEMENTARY SCHOOLS  
 UNDER ALTERNATIVE A REQUIREMENTS

WRITTEN (ESSAY QUESTIONS)

December 7, 1971

-----  
 Time allowance for entire written test (written English and written Spanish essays and short-answer paper) ..... 3½ hours  
 This allowance includes time for fingerprinting.

Time recommended for answering written English essay question and revising written English ..... 1 hour

Time recommended for answering written Spanish essay question and revising written Spanish ..... 1 hour

Time recommended for answering all short-answer questions..... 1½ hours

Warning: All writing, except for the numbering of pages, must cease at the end of 3½ hours.

-----

Directions

1. Put aside all books, documents, handbags, etc., before the test begins. The only materials on your desk during this test are to be the question papers, the yellow paper and such other items as are provided by the proctor. Any applicant found consulting a book, document, or memorandum during the test will forfeit the test and may be subject to further penalties.
  2. Write legibly. Your answer paper may be rejected if the Board of Examiners adjudges it to be illegible.
  3. Write your answer in black or blue-black ink on one side of the paper only. Do not make any erasures. If you decide to change an answer, draw a line through the word or text to be disregarded by the examiner.
  4. Number all pages consecutively, beginning with the first page and continuing to the last page used. Use the space provided for this purpose at the top of each page.
  5. When you have completed your answer, fasten the papers together with a plain pin at the upper left-hand corner.
  6. DO NOT write your examination number, your name, or anything else that might identify you, on any page of your answer paper.
  7. Prepare all your papers for collection promptly in accordance with the instructions given you by the proctor.
- N.B. If unsatisfactory test conditions exist, you should then and there call them to the attention of the person in charge of this test (through the proctor, if any) for such adjustment as may be warranted. In addition, if at the close of the test you believe that the results have been seriously affected by abnormal conditions, you are requested to state your objections fully in a communication to Board of Examiners, mailed or personally delivered within twenty-four hours after the completion of the test. No protest or appeal regarding the test conditions will be entertained except as here provided.

The essay questions in English and in Spanish and the specific directions for answering them are on the reverse side of this sheet.

OVER

**EXHIBIT NO. 7 (Continued)**

Board of Education

Board of Examiners

City of New York

**BILINGUAL TEACHER OF COMMON BRANCHES (SPANISH) IN DAY ELEMENTARY SCHOOLS  
UNDER ALTERNATIVE A REQUIREMENTS****WRITTEN (SHORT-ANSWER TEST)**

December 7, 1971

**IMPORTANT!**

- 
1. Time allowance for entire written test (written English and written Spanish essay questions and short-answer paper) ----- 3½ hours  
This allowance includes time for fingerprinting.
- Time recommended for answering written English essay question and reviewing written English ----- 1 hour
- Time recommended for answering written Spanish essay question and reviewing written Spanish ----- 1 hour
- Time recommended for answering all short-answer questions ----- 1½ hours
- Warning: All writing, except for the numbering of pages, must cease at the end of 3½ hours.
2. Number of questions ----- 100
3. Number of credits ----- 100
4. The questions in this test are numbered 1 to 100. Questions appear on both sides of the pages. ALL QUESTIONS ARE IN SPANISH.
5. The test consists of 11 pages. Check now to make sure that you have a complete set of properly numbered pages.
6. Read the "General Instructions" on the sheet immediately following this page.
7. If unsatisfactory test conditions exist, you should then and there call them to the attention of the person in charge of this test (through the proctor, if any) for such adjustment as may be warranted. In addition, if at the close of the test you believe that the results have been seriously affected by abnormal conditions, you are requested to state your objections fully in a communication to the Board of Examiners, mailed or personally delivered within twenty-four hours after the completion of the test. No protest or appeal regarding the test conditions will be entertained except as here provided.

## EXHIBIT NO. 7 (Continued)

BOARD OF EDUCATION

BOARD OF EXAMINERS

CITY OF NEW YORK

## GENERAL INSTRUCTIONS

## SHORT-ANSWER QUESTIONS

1. The only material on your desk during this test is to be the question paper, the special answer sheet and one or more #2 pencils. If you need to make computation with paper and pencil on any part of this test, scrap paper will be provided by the proctor.
2. This set of short-answer items is accompanied by a special answer sheet on which you will record your answers.
3. Write nothing and make no marks until the proctor has given directions.
4. These items are of the multiple-choice type, each offering 4 choices of answers. After you have chosen the answer which you consider correct, or most nearly correct, indicate your choice on the special answer sheet by blackening the corresponding space. Read the directions and note the sample printed on the reverse side of the answer sheet.
5. Should the Board of Examiners determine that two or more of the choices listed are equally correct, it will credit them as such. Should the Board of Examiners determine that none of the choices is correct, it will annul the item.
6. Your paper will be scored correctly if you follow these simple directions:
  - (a) Make only ONE mark for each answer. If two or more answers are selected for a question, it will be counted as incorrect.
  - (b) Erase completely any answer you wish to change.
  - (c) Avoid any stray pencil marks on any portion of the answer sheet; otherwise your score may be affected.
  - (d) When filling in the grade and date, be sure not to write below the lines provided.
7. Try to answer all the items. Your score will be computed on the basis of the number of questions you answer correctly. From this score there will be no deductions for errors or omissions.
8. Prepare your papers for collection promptly in accordance with the instructions given you by the proctor.
9. Do not fold your answer sheet or curl the edges or otherwise mishandle it.
10. Be sure to return to the proctor at the close of the session any special pencils provided to you.

THE TEST ITEMS BEGIN ON THE NEXT PAGE

## EXHIBIT NO. 7 (Continued)

Board of Education

Board of Examiners

City of New York

BILINGUAL TEACHER OF COMMON BRANCH SUBJECTS (SPANISH) IN DAY ELEMENTARY SCHOOLS  
(Grades 1-6)BILINGUAL TEACHER OF EARLY CHILDHOOD CLASSES (SPANISH) IN DAY ELEMENTARY SCHOOLS  
(Pre-Kg-Gr.2)

## UNDER ALTERNATIVE A REQUIREMENTS

## WRITTEN (SHORT-ANSWER TEST)

December 7, 1971

En cada una de las siguientes preguntas escoja UNA de las cuatro selecciones numeradas que correctamente complete la frase. En la página de contestación emparezca el espacio correspondiente al número de su selección.

1. Se reconoce como suelo natal de la democracia política
  - (1) Roma
  - (2) Atenas
  - (3) Alejandría
  - (4) La Gran Bretaña
2. El gabinete de nuestro sistema de gobierno se difiere en esencia del sistema de gabinete de la Gran Bretaña en que el Gabinete Americano tiene que responder sólo
  - (1) a la Cámara Alta
  - (2) a la Cámara Baja
  - (3) al jefe del estado
  - (4) a los votantes
3. De todas las características siguientes, la única que NO es del Renacimiento es
  - (1) el refuerzo de la institución del feudalismo
  - (2) el entusiasmo reanudado por el arte y la ciencia
  - (3) el interés reanudado por las culturas griega y romana
  - (4) el desarrollo del comercio y negocios
4. Entre todas las declaraciones tocante a la Revolución Francesa, la única que NO es cierta es que
  - (1) terminó con el derrocamiento de la "Bastille"
  - (2) la dictadura militar siguió a la Revolución
  - (3) Francia estaba acosada de enemigos exteriores
  - (4) se deshizo de los privilegios feudales de la nobleza
5. Si el producto total de la economía nacional de los Estados Unidos se hizo más del doble entre 1950 y 1970, significa que
  - (1) los salarios y las ganancias aumentaron más del ciento por ciento
  - (2) los depósitos en los bancos aumentaron más del ciento por ciento
  - (3) el valor total de las mercancías y los servicios aumentaron más del ciento por ciento
  - (4) la productividad total del trabajo aumentó más del ciento por ciento
6. La Doctrina de Monroe llegó a ser el fundamento de la política extranjera Norteamericana, porque durante la época en que se publicó, los Estados Unidos contaba con el apoyo de
  - (1) La Santa Alianza
  - (2) España
  - (3) Francia
  - (4) La Gran Bretaña
7. El Canal de Suez une al Mar Mediterráneo con
  - (1) el Mar Negro
  - (2) el Mar Rojo
  - (3) el Mar Caspio
  - (4) el Mar de Omán
8. La ventaja principal de la forma corporativa de la organización de negocios es
  - (1) la responsabilidad limitada entre los propietarios
  - (2) la exención de impuestos especiales
  - (3) mayor volumen de negocios
  - (4) la separación entre propiedad y gerencia
9. Henry Kissinger goza principalmente de fama de
  - (1) científico en trabajos atómicos
  - (2) investigador en asuntos médicos
  - (3) ganador del Premio Nobel
  - (4) experto en la política extranjera

Test continued on reverse side.

## EXHIBIT NO. 7 (Continued)

Bil.Tr.C.B.(1-6)E.C.(Pre-Reg-Gr.2)(Sp.) 12/71 Alt.A

Page 2

10. Recientemente, cuando la Asamblea General de las Naciones Unidas acordó reconocer a la República Popular China como único representante legítimo de la China a las Naciones Unidas, también
- (1) eliminó a la China como uno de los cinco miembros permanentes del Consejo de Seguridad
  - (2) autorizó un plebiscito con el fin de determinar quiénes iban a representar a Taiwan en las Naciones Unidas
  - (3) expulsó a los representantes de Chiang-Kai-Shek
  - (4) añadió seis miembros al Consejo de Seguridad a fin de incluir un representante de la República Popular China
11. La única droga sintética entre las siguientes es
- (1) codeína                      (2) metadone                      (3) morfina                      (4) marihuana --
12. Entre las siguientes drogas, la que NO se considera un depresiente es
- (1) heroína                      (2) marihuana                      (3) barbiturato                      (4) anfetamina
13. El famoso bandido legendario que "robaba a los ricos y daba a los pobres" fue
- (1) Robin Hood                      (2) Sir Patrick Spens                      (3) Ivanhoe                      (4) Lochinvar
14. Penélope y Telémaco son personajes importantes en
- (1) "La Divina Comedia" de Dante                      (3) "Recuerdos del tiempo pasado" de Proust
  - (2) "La Odisea" de Homero                      (4) "Pigmalión" de Shaw
15. La "Canción de Rolando" se basa en las hazañas de un sobrino de
- (1) Clodoveo                      (2) el Rey Arturo                      (3) Carlomagno                      (4) San Luis de Francia
16. Una familia que se traslada a California durante la "Depresión" Norteamericana se describe en
- (1) Of Time and the River                      (3) As I Lay Dying
  - (2) Ethan Frome                      (4) The Grapes of Wrath
17. Dulcinea es un personaje en
- (1) Don Quijote                      (3) Leatherstocking Tales
  - (2) Daniel Deronda                      (4) La Gioconda
18. James Boswell goza principalmente de fama por
- (1) sus ensayos que atacan la Cámara de los Lores
  - (2) su traducción del Rubaiyat de Omar Khayyam
  - (3) su biografía de Samuel Johnson
  - (4) su análisis de las obras dramáticas de Shakespeare
19. La leyenda de Fausto es tema de una obra importante de
- (1) Charles Dickens                      (3) Francis Bacon
  - (2) Christopher Marlowe                      (4) Edmund Spenser
20. En la obra dramática "Hamlet" de Shakespeare, Hamlet es Príncipe de
- (1) Suecia                      (2) Finlandia                      (3) Dinamarca                      (4) Noruega
21. "El adiós a las armas" de Hemingway tiene lugar durante
- (1) La Guerra Hispanoamericana
  - (2) La primera Guerra Mundial
  - (3) La Guerra Civil española
  - (4) La segunda Guerra Mundial
22. El hombre llamado "El romano más noble de todos" era
- (1) Julio César                      (2) Marco Antonio                      (3) Marco Bruto                      (4) Casio Longino

Test continued on next page.

## EXHIBIT NO. 7 (Continued)

Bil.Tr.C.B.(1-6)E.C.(Pre-Kg-Gr.2)(Sp.) 12/71 Alt.A

Page 3

23. Entre los siguientes el único que NO caracteriza la hiedra venenosa es  
 (1) la zarza (3) el racimo de tres hojillas  
 (2) la hoja lustrosa (4) la baya blanca
24. Entre los instrumentos siguientes, el único que NO se parece con las condiciones atmosféricas que mide es  
 (1) barómetro - presión atmosférica  
 (2) higrómetro - humedad relativa  
 (3) radiosonda - datos de la atmósfera alta  
 (4) anemómetro - dirección de viento
25. La velocidad de la reacción nuclear en un motor de reactor moderno es controlada por  
 (1) varillas de cadmio (3) frenos mecánicos  
 (2) la retirada de uranio (4) cambios de presión
26. En un eclipse de sol  
 (1) la tierra pasa entre la luna y el sol  
 (2) el sol pasa entre la tierra y la luna  
 (3) un planeta pasa entre el sol y la tierra  
 (4) la luna pasa entre el sol y la tierra
27. Un dispositivo que produce un flujo continuo de corriente eléctrica es  
 (1) el electroscopio (3) el galvanómetro  
 (2) la célula voltaica (4) el reóstato
28. Las curvas de nivel se usan en los mapas topográficos para ilustrar  
 (1) las corrientes de aire (3) las elevaciones de tierra  
 (2) la latitud y la longitud (4) la precipitación
29. La más pequeña partícula de agua que conserva todas las propiedades de agua es  
 (1) el ion (2) el mesón (3) el átomo (4) la molécula
30. Entre las siguientes, la que sirve de glándula de conducto así como de secreción interna es  
 (1) el páncreas (3) la glándula suprarrenal  
 (2) la glándula pituitaria (4) el ovario
31. El fulcro es parte de la máquina sencilla que se llama  
 (1) la rampa (2) la polia (3) el engranaje (4) la palanca
32. Entre las siguientes enfermedades la única que NO proviene de una deficiencia de vitaminas es  
 (1) escorbuto (2) raquitis (3) septicemia (4) beriberi
33. Entre los deportes siguientes, el único que NO se parece con el término correspondiente es  
 (1) fútbol - pase lateral (3) tenis - servicio  
 (2) básquetbol - pelota lanzada (4) béisbol - golpe
34. Entre los siguientes procedimientos que se emplean en la administración de los primeros auxilios, el único que NO es aceptado sería  
 (1) el tratar de controlar el correr de la sangre  
 (2) el limpiar las heridas con agua y jabón y aplicar un vendaje esterilizado  
 (3) el quitar del ojo las sustancias extrañas  
 (4) el mantener al alumno en un estado tranquilo, caliente y cómodo

Si Vd. necesita hacer cálculos en papel en cualquier de los siguientes problemas matemáticos, sírvase de las hojas en blanco que la persona que está a cargo le proveerá.

Test continued on reverse side.



## EXHIBIT NO. 7 (Continued)

Bil.Tr.C.B.(1-6)E.C.(Pre-Kgr.Gr.2)(Sp.) 12/71 Alt.A

Page 4

35. Un hombre gastó la tercera parte de su dinero en un traje y la cuarta parte del resto en un abrigo. Si le quedan \$180.00, entonces al principio tenía
- (1) \$320.00      (2) \$360.00      (3) \$432.00      (4) \$540.00
36. Según la escala de un mapa, 1.5 ( $1\frac{1}{2}$ ) pulgadas (inches) equivalen a 500 millas (miles). La distancia representada por 4 pulgadas sería aproximadamente
- (1) 1350 millas      (2) 1650 millas      (3) 2000 millas      (4) 750 millas
37. En la serie 1, 5, 12, 22, . . . , 51, el número que falta es
- (1) 30      (2) 32      (3) 35      (4) 36
38. La cifra 85.4 significa
- (1)  $80 \times 5 \times .4$       (2)  $8 + 5 + .4$       (3)  $8 \times 5 + 4 \times .1$       (4)  $8 \times 10 + 5 \times 1 + 4 \times .1$
39. El número máximo de pedazos de madera de  $13\frac{1}{2}$  pulgadas de largo que se puedan cortar de una tabla de 10 pies de largo, es
- (1) 6      (2) 8      (3) 10      (4) 12
40. Al tipo de \$4.18 por \$100, el impuesto sobre una casa gravada en \$11,000 sería
- (1) \$418.00      (2) \$41.80      (3) \$45.98      (4) \$459.80
41. La diferencia entre la superficie de un rectángulo de seis pies de largo y cuatro de ancho, y la superficie de un cuadro que tiene el mismo perímetro, es
- (1) un pie cuadrado      (3) cuatro pies cuadrados  
(2) dos pies cuadrados      (4)  $17\frac{3}{4}$  pies cuadrados
42. Entre los siguientes números, el que más se aproxima a 10 es
- (1) 9.985      (2) 10.005      (3) 10.01      (4) 10.1
43. Si el denominador de una fracción es multiplicado por dos
- (1) el valor de la fracción no se cambia  
(2) el valor de la fracción se dobla  
(3) el valor de la fracción se reduce por la mitad  
(4) el numerador y el denominador se ponen iguales
44. Las diagonales de un paralelogramo
- (1) son siempre iguales      (3) nunca son iguales  
(2) algunas veces son iguales      (4) siempre son perpendiculares
45. En las obras de Goya se encuentra(n)
- (1) estructura cubista      (3) paisajes ideales  
(2) condiciones de cielo, luz y ambiente      (4) comentario social y visiones espeluznantes
46. El proceso que tiene que ver con grabar líneas en una lámina de metal con el uso de un ácido corrosivo, es
- (1) grabación en agua fuerte      (3) fresco  
(2) litografía      (4) pintura seca
47. Entre los pintores siguientes, el que menos tiene en común con los demás, es
- (1) Degas      (2) Renoir      (3) Braque      (4) Monet

Test continued on next page.

## EXHIBIT NO. 7 (Continued)

Bil. Tr. C. B. (1-6) E. C. (Pre-Kg-Gr. 2) (Sp.) 12/71 Alt. A

Page 5

48. El compositor de Boris Godunov compuso todas las siguientes obras MENOS
- (1) Pictures at an Exhibition
  - (2) Scheherazade
  - (3) A Night on Bald Mountain
  - (4) Khovanshchina
49. Un ejemplo del mismo drama interpretado por dos distintos compositores de ópera, es
- (1) La Bohème de Puccini y de Leoncavallo
  - (2) Tristan und Isolde de Wagner y de Humperdinck
  - (3) Aida de Verdi y de Menotti
  - (4) Le Prophète de Meyerbeer y de Gounod
50. Beethoven, en su Sinfonía 9ª, usó la Oda al Gozo. Esta sinfonía también lleva el nombre de
- (1) Eroica
  - (2) Pastoral
  - (3) Danza
  - (4) Coral
51. Los exámenes normalizados deben ser usados para todos los siguientes propósitos, EXCEPTO para
- (1) servir de guía principal en el desarrollo de programas de estudio
  - (2) determinar éxito al final del año
  - (3) agrupar de acuerdo con el éxito logrado
  - (4) diagnosticar las dificultades de cada alumno
52. Cuando la energía derivada de una impulsión frustrada se dirige a un empeño creador social, tenemos un ejemplo de
- (1) sublimación
  - (2) regresión
  - (3) neutralización
  - (4) fijación
53. Una solicitud de parte de la maestra para cooperación del grupo en vez de éxito individual animará a los niños a
- (1) competir uno con el otro
  - (2) escuchar a la maestra
  - (3) ayudar a la maestra a mantener las normas y las reglas de la clase
  - (4) escuchar al director
54. Todas las siguientes son maneras comunes de medir "la tendencia central" EXCEPTO
- (1) el medio aritmético
  - (2) el coeficiente de correlación
  - (3) el valor que ocurre con la mayor frecuencia
  - (4) el punto medio
55. El propósito MENOS aceptable para el uso de registros anecdóticos es
- (1) el determinar si es típico un modo repetido de comportamiento
  - (2) el tener a mano las pruebas del comportamiento malo de un niño para mostrárselas a sus padres
  - (3) el buscar indicios de la causa de la dificultad, por ejemplo, en qué situaciones ocurra cierto modo de portarse
  - (4) el buscar tendencias en la conducta del niño
56. De todas las maneras siguientes de enseñar el inglés como segundo idioma, la que NO es aceptable es
- (1) el aprovecharse de las experiencias en que exista la necesidad de hablar inglés
  - (2) el planear las actividades que requieran el uso del inglés
  - (3) el fijar tiempo para practicar el vocabulario necesario antes de que los niños tengan cierta experiencia
  - (4) el relacionar al acostumbrado programa de estudios de la clase las experiencias que ayuden a los niños a aprender el inglés

Test continued on reverse side.

## EXHIBIT NO. 7 (Continued)

Bil. Tr. C. B. (1-6) E. C. (Pre-Kg.-Gr. 2) (Sp.) 12/71 Art. A

Page 6

57. Los niños que aprenden inglés como su segunda lengua reciben ayuda especial en cuanto a la producción de los sonidos de la lengua de todos los modos siguientes EXCEPTO:
- (1) El maestro se sirve del ambiente e informalidad del salón de clase de la escuela elemental para dar a los niños que no hablen inglés la base efectiva para aprender el nuevo idioma.
  - (2) El maestro nunca permite que los niños que no hablen inglés usen su lengua natural para hablar con otros niños de la clase.
  - (3) El maestro ayuda a los niños a darle la respuesta deseada al decirse la primero, llamando su atención a los movimientos de su boca.
  - (4) El maestro invita a pocos niños que no hablen inglés a participar en actividades realizadas por pequeños grupos.
58. El percentil en que un niño esté le dice al maestro
- (1) el porcentaje de las respuestas correctas del niño
  - (2) el equivalente de grado del niño
  - (3) el porcentaje de las respuestas incorrectas del niño
  - (4) el porcentaje del número de los alumnos que sacaron una nota más baja que la del niño mencionado
59. Cuando entra en el salón de clase un niño recién llegado, quien habla inglés con dificultad, lo que al maestro le debe preocupar MENOS es:
- (1) aumentar el vocabulario inglés del niño para que pueda actuar mejor
  - (2) proveer experiencias útiles que ayuden al niño a adaptarse con más facilidad a su nuevo ambiente
  - (3) determinar las necesidades de la salud y de la nutrición del niño
  - (4) suprimir el acento de otra lengua en el habla inglesa del niño para que no tenga vergüenza al hablar con sus compañeros de clase
60. Entre los preparativos siguientes que el maestro debe hacer para recibir a los padres el día designado para sus visitas a la escuela, el MÁS importante es
- (1) nombrar un comité de alumnos para dar la bienvenida a los padres
  - (2) decorar el salón de clase con cuadros pintorescos
  - (3) tener a mano la carpeta de cada niño
  - (4) preparar una diversión para los adultos presentada por los alumnos de la clase

Test continued on next page.

## EXHIBIT NO. 7 (Continued)

Bil.Tr.C.B.(1-6)(Spanish)12/71 Alt.A

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61. De las maneras siguientes de asegurar maestría de vocabulario y de locuciones en inglés en el salón de clase bilingüe, la MEJOR es que el maestro hace que los alumnos
- (1) repitan muchísimas veces la palabra o la locución
  - (2) practiquen la palabra o la locución por medio de experiencias significativas en el salón de clase
  - (3) escriban la palabra o la locución cinco veces como tarea escolar en casa
  - (4) aprendan de memoria las listas de vocabulario que se hallan en el libro de lectura
62. En las lecciones de geografía, historia y materias de la misma índole, se pueden inculcar MENOS efectivamente las actitudes correctas
- (1) planeando una serie de experiencias oportunas
  - (2) manifestando a los alumnos y a los padres las actitudes buenas del maestro
  - (3) empleando técnicas de orientación con el individuo o con el grupo
  - (4) haciendo que los alumnos aprendan de memoria y discutan una serie de declaraciones apropiadas
63. De los usos siguientes de películas en la instrucción bilingüe, el único de MENOS importancia es el donde el maestro
- (1) ve la película con antelación para así conocer su contenido
  - (2) usa una película muda y narrarla él mismo usando vocabulario que esté al nivel de comprensión lingüística de los estudiantes.
  - (3) pide a los estudiantes que hagan sus propias narraciones de la película, en el lenguaje en que ellos se sientan más cómodos
  - (4) usa las películas únicamente con el propósito de mejorar las destrezas lingüísticas
64. Se establece un buen ambiente para aprender cuando el maestro y los niños hacen todos los siguientes EXCEPTO:
- (1) Hacen planes para mantener un salón limpio y atractivo.
  - (2) Hacen reglas para las rutinas de la clase.
  - (3) Tienen experiencias que les ayudan a adquirir buenos hábitos.
  - (4) Se expresan libremente pero no se practica el dominio de sí mismo.
65. De las siguientes, la mejor manera en que el maestro puede ayudar a los niños que no hayan tenido mucha experiencia en trabajar en un comité, es
- (1) trabajando con un grupo de alumnos superiores
  - (2) trabajando con un comité haciendo que el resto de la clase observe
  - (3) dirigiendo el trabajo de un comité mientras los demás alumnos participan en otras actividades
  - (4) discutiendo el sitio del trabajo y los materiales para cada comité
66. Todos los principios siguientes son válidos en la enseñanza de inglés como segundo idioma EXCEPTO:
- (1) El alumno necesita ayuda para oír los nuevos sonidos y para reproducirlos.
  - (2) El alumno necesita un libro básico de lectura para comenzar a aprender inglés.
  - (3) El alumno necesita la oportunidad de practicar modelos de frases típicas.
  - (4) El alumno necesita muchas oportunidades de hablar en el nuevo idioma para aplicar lo que haya aprendido.
67. Si la maestra de una clase del sexto grado encontrara que es excelente el contenido del trabajo escrito por sus alumnos, pero es muy floja la forma de expresar este contenido, de los siguientes a ella le convendría más
- (1) dejar que su análisis de los trabajos escritos de los niños determinara el enfoque de sus lecciones formales
  - (2) hacer que los niños se criticaran y corrigieran uno a otro
  - (3) seguir el plan de estudios de las lecciones formales de gramática para asegurar un desarrollo lógico de los principios gramaticales
  - (4) pasar por alto estos errores con tal que fuera bueno el contenido, para no quitarle al niño su genio inventivo

Test continued on reverse side.

## EXHIBIT NO. 7 (Continued)

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68. De las siguientes, la mejor descripción del propósito del actual programa de estudios de matemáticas es
- (1) el énfasis en el razonamiento deductivo
  - (2) el énfasis en la enseñanza del uso de los algoritmos
  - (3) el énfasis en el modo de pensar en abstracciones en los primeros años de enseñanza, para que los niños aprendan a pensar con claridad
  - (4) el énfasis aumentado en todos los años de la escuela en el proceso de razonar y pensar matemáticamente
69. Todas las siguientes declaraciones respecto a la instrucción bilingüe son válidas, desde el punto de vista educativo, MENOS:
- (1) El mejor medio de enseñar a un niño es su vernáculo.
  - (2) La lectura y la escritura en el vernáculo deben preceder al dominio del segundo lenguaje.
  - (3) Los niños que comienzan su vida escolar en su vernáculo se retardarán en aprender inglés.
  - (4) Los niños que aprenden a través de dos lenguajes tienden a aprender tan bien o mejor que los niños que aprenden en un solo lenguaje.
70. Si falta la pluma de un alumno de su pupitre y no puede hallarse, y la maestra cree que otro alumno la tomó, el mejor procedimiento de los siguientes que la maestra podría emplear es
- (1) amenazar que ella castigará a toda la clase a menos que se devuelva la pluma
  - (2) decir a la clase que ella sabe quién tomó la pluma, sin mencionar el nombre del niño
  - (3) dar al niño que tomó la pluma la oportunidad de devolverla sin castigo, y si es posible, sin descubrimiento
  - (4) decir al niño que ha perdido la pluma que tenga más cuidado de sus cosas y que no gaste el tiempo de la clase con un asunto tan insignificante
71. Si una maestra quiere demostrar la descomposición de la luz blanca en sus colores componentes, el mejor expediente de los siguientes para ella usar sería
- (1) un lente cóncavo
  - (2) un arco de carbón
  - (3) un prisma
  - (4) una lámpara de neón
72. De las maneras siguientes de obtener mejores resultados con los niños, el más productivo es
- (1) enviar cartas a los padres
  - (2) referir a los alumnos que presentan problemas de disciplina al director
  - (3) enfatizar las fuerzas de los niños en vez de sus debilidades
  - (4) repetir constantemente las reglas de comportamiento
73. De las siguientes, la frase que mejor satisface el criterio de una buena mira de una lección es
- (1) "Hoy vamos a aprender a comprender y a apreciar la poesía."
  - (2) "Hoy vamos a aprender de las Naciones Unidas."
  - (3) "¿Cómo podemos servirnos de un electroimán para mandar mensajes?"
  - (4) "Vamos a aprender a deletrear los nombres de todos nuestros presidentes."
74. Al preparar una tabla de experiencias, el maestro debe hacer todos los siguientes EXCEPTO
- (1) hacer que un niño escriba la tabla
  - (2) hacer que los niños discutan algo que hayan hecho recientemente
  - (3) hacer que los niños contribuyan frases cortas de una línea
  - (4) hacer que los niños contribuyan una idea o un tema

Test continued on next page.

*EXHIBIT NO. 7 (Continued)*

Bil.Tr.C.B.(1-6)(Spanish) 12/71 Alt. A

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75. Entre los objetivos siguientes en la enseñanza del arte en las escuelas elementales el de MENOS valor es

- (1) la creación de un objeto de arte completado
- (2) el alivio afirmativo de las emociones
- (3) el aprecio de lo bello
- (4) la exploración de la composición de los diferentes materiales de arte

Test continued on next page.

## EXHIBIT NO. 7 (Continued)

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Page 10

76. Se celebra el Día de las Américas el  
 (1) 14 de abril (3) 6 de enero  
 (2) 2 de mayo (4) 12 de octubre
77. El gran narrador de la conquista de México fue  
 (1) Ginés Perez de Hita (3) Bernal Díaz del Castillo  
 (2) Garcilaso de la Vega (4) Alonso de Ercilla
78. El famoso "Parque de Bombas" de Puerto Rico que se ha convertido en museo está situado en la ciudad de  
 (1) Mayagüez (2) Fajardo (3) Ponce (4) Bayamón
79. La lengua oficial del Brasil es el  
 (1) italiano (2) francés (3) español (4) portugués
80. El primer gobernador de Puerto Rico fue  
 (1) Cristóbal Colón (3) Luis Muñoz Marín  
 (2) Ponce de León (4) Benito Juárez
81. Un famoso teatro de San Juan donde se representan obras teatrales y conciertos se llama  
 (1) Bellas Artes (2) Metropolitano (3) Estadio (4) Tapia
82. Los de descendencia española que nacieron y se quedaron en América se llamaban  
 (1) mestizos (2) indianos (3) criollos (4) cariocas
83. La famosa iglesia de "Porta Coeli" de Puerto Rico se encuentra en la ciudad de  
 (1) Aguadilla (2) San Germán (3) Ponce (4) San Juan
84. La ciudad española famosa por su acueducto romano es  
 (1) Salamanca (2) Toledo (3) Segovia (4) Granada
85. "El Movimiento del 26 de julio" es asociado con  
 (1) los nacionalistas de Puerto Rico  
 (2) la rebelión de los indios de Centro América  
 (3) la revolución en Cuba  
 (4) los revolucionarios de la República Dominicana
86. El gran violoncelista español que vive actualmente en Puerto Rico es  
 (1) Pablo Casals (2) Andrés Segovia (3) José Ferrer (4) Jesús T. Piñero
87. La segunda ciudad de Puerto Rico es  
 (1) Fajardo (2) Arecibo (3) Mayagüez (4) Ponce
88. Un refresco favorito entre la gente hispana es  
 (1) la horchata (3) el mazapán  
 (2) el buñuelo (4) el chorizo
89. El corrido es una forma de música popular de  
 (1) Cuba (2) Puerto Rico (3) la Argentina (4) México
90. En San Juan se encuentra "el Morro", que es  
 (1) un hotel (3) una fortaleza  
 (2) un restaurante (4) una universidad

Test continued on reverse side.





## EXHIBIT NO. 7 (Continued)

Board of Education

Board of Examiners

City of New York

BILINGUAL TEACHER OF COMMON BRANCHES (SPANISH) IN DAY ELEMENTARY SCHOOLS  
UNDER ALTERNATIVE A REQUIREMENTS

## WRITTEN (SHORT-ANSWER TEST)

December 7, 1971

IMPORTANT!

- 
1. Time allowance for entire written test (written English and written Spanish essay questions and short-answer paper) ----- 3½ hours  
This allowance includes time for fingerprinting.
- Time recommended for answering written English essay question and reviewing written English ----- 1 hour
- Time recommended for answering written Spanish essay question and reviewing written Spanish ----- 1 hour
- Time recommended for answering all short-answer questions ----- 1½ hours
- Warning: All writing, except for the numbering of pages, must cease at the end of 3½ hours.
2. Number of questions ----- 100
3. Number of credits ----- 100
4. The questions in this test are numbered 1 to 100. Questions appear on both sides of the pages. ALL QUESTIONS ARE IN ENGLISH.
5. The test consists of 14 pages. Check now to make sure that you have a complete set of properly numbered pages.
6. Read the "General Instructions" on the sheet immediately following this page.
7. If unsatisfactory test conditions exist, you should then and there call them to the attention of the person in charge of this test (through the proctor, if any) for such adjustment as may be warranted. In addition, if at the close of the test you believe that the results have been seriously affected by abnormal conditions, you are requested to state your objections fully in a communication to the Board of Examiners, mailed or personally delivered within twenty-four hours after the completion of the test. No protest or appeal regarding the test conditions will be entertained except as heretofore provided.

## EXHIBIT NO. 7 (Continued)

BOARD OF EDUCATION

BOARD OF EXAMINERS

CITY OF NEW YORK

## GENERAL INSTRUCTIONS

## SHORT-ANSWER QUESTIONS

1. The only material on your desk during this test is to be the question paper, the special answer sheet and one or more #2 pencils. If you need to make computation with paper and pencil on any part of this test, scrap paper will be provided by the proctor.
2. This set of short-answer items is accompanied by a special answer sheet on which you will record your answers.
3. Write nothing and make no marks until the proctor has given directions.
4. These items are of the multiple-choice type, each offering 4 choices of answers. After you have chosen the answer which you consider correct, or most nearly correct, indicate your choice on the special answer sheet by blackening the corresponding space. Read the directions and note the sample printed on the reverse side of the answer sheet.
5. Should the Board of Examiners determine that two or more of the choices listed are equally correct, it will credit them as such. Should the Board of Examiners determine that none of the choices is correct, it will annul the item.
6. Your paper will be scored correctly if you follow these simple directions:
  - (a) Make only ONE mark for each answer. If two or more answers are selected for a question, it will be counted as incorrect.
  - (b) Erase completely any answer you wish to change.
  - (c) Avoid any stray pencil marks on any portion of the answer sheet; otherwise your score may be affected.
  - (d) When filling in the grade and date, be sure not to write below the lines provided.
7. Try to answer all the items. Your score will be computed on the basis of the number of questions you answer correctly. From this score there will be no deductions for errors or omissions.
8. Prepare your papers for collection promptly in accordance with the instructions given you by the proctor.
9. Do not fold your answer sheet or curl the edges or otherwise mishandle it.
10. Be sure to return to the proctor at the close of the session any special pencils provided to you.

THE TEST ITEMS BEGIN ON THE NEXT PAGE

*EXHIBIT NO. 7 (Continued)*

Board of Education	Board of Examiners	City of New York
BILINGUAL TEACHER OF COMMON BRANCH SUBJECTS (SPANISH) IN DAY ELEMENTARY SCHOOLS (Grades 1-6)		
BILINGUAL TEACHER OF COMMON BRANCH SUBJECTS (ITALIAN) IN DAY ELEMENTARY SCHOOLS (Grades 1-6)		
BILINGUAL TEACHER OF COMMON BRANCH SUBJECTS (CHINESE) IN DAY ELEMENTARY SCHOOLS (Grades 1-6)		
BILINGUAL TEACHER OF EARLY CHILDHOOD CLASSES (SPANISH) IN DAY ELEMENTARY SCHOOLS (Grades Pre-Kg-2)		

## UNDER ALTERNATIVE A REQUIREMENTS

## WRITTEN (SHORT-ANSWER TEST)

December 7, 1971

In each of the following questions choose ONE of the four numbered selections that correctly completes the sentence. On the answer sheet, blacken the space corresponding to the number of your selection.

1. The birthplace of political democracy is generally acknowledged to be
 

1) Rome	3) Alexandria
2) Athens	4) Great Britain
  
2. The Cabinet in our system of government differs in essence from the Cabinet system of Great Britain in that the American Cabinet is held solely responsible to the
 

1) upper house	3) chief executive
2) lower house	4) voters
  
3. Each of the following is a distinct feature of the Renaissance EXCEPT
  - 1) the strengthening of the institution of feudalism
  - 2) a renewed enthusiasm for art and science
  - 3) a revival of interest in Greek and Roman culture
  - 4) the growth of commerce and trade
  
4. All of the following statements regarding the French Revolution are true EXCEPT that
  - 1) France was beset by outside enemies
  - 2) military dictatorship followed the Revolution
  - 3) it ended with the overthrow of the Bastille
  - 4) it did away with feudal privileges of the nobility
  
5. If the gross national product of the United States more than doubled between 1930 and 1970, it means that
  - 1) wages and profits increased more than 100 percent
  - 2) bank deposits increased more than 100 percent
  - 3) the total value of goods and services increased over 100 percent
  - 4) the total productivity of labor increased more than 100 percent
  
6. The Monroe Doctrine became the cornerstone of American foreign policy because at the time it was issued the United States was supported by
 

1) the Holy Alliance	3) France
2) Spain	4) Great Britain
  
7. The Suez Canal connects the Mediterranean Sea and the
 

1) Black Sea	3) Caspian Sea
2) Red Sea	4) Arabian Sea

Test continued on reverse side

## EXHIBIT NO. 7 (Continued)

Page 2.

Bil. Tr. C.B. (1-6)(Span)  
 Bil. Tr. C.B. (1-6)(Ital)  
 Bil. Tr. C.B. (1-6)(Chin)  
 Bil. Tr. E.C. (Pre-Kg-2)(Span)  
 Under Alt. A Requirements 12/71

8. The main advantage of the corporate form of business organization is
- 1) limited liability among owners
  - 2) exemption from special taxes
  - 3) larger volume of business
  - 4) separation of ownership from management
9. Henry Kissinger is primarily noted as
- 1) an atomic scientist
  - 2) a medical researcher
  - 3) a Nobel prize winner
  - 4) an expert on foreign policy
10. When the General Assembly of the United Nations recently agreed to recognize the People's Republic of China as the only legitimate representative of China to the United Nations, it also
- 1) eliminated China as one of the five permanent members of the Security Council
  - 2) authorized a plebiscite to determine who would represent Taiwan in the United Nations
  - 3) expelled the representatives of Chiang Kai-Shek
  - 4) expanded the Security Council to six members so as to include a representative of the People's Republic of China
11. Of the following drugs, the one which is a synthetic is
- |              |              |
|--------------|--------------|
| 1) codeine   | 3) morphine  |
| 2) methadone | 4) marijuana |
12. Of the following, the drug which is NOT considered a depressant is
- |           |              |                 |                 |
|-----------|--------------|-----------------|-----------------|
| 1) heroin | 2) marijuana | 3) barbiturates | 4) amphetamines |
|-----------|--------------|-----------------|-----------------|
13. A famous legendary English outlaw who "stole from the rich and gave to the poor" was
- |                      |              |
|----------------------|--------------|
| 1) Robin Hood        | 3) Ivanhoe   |
| 2) Sir Patrick Spens | 4) Lochinvar |
14. Penelope and Telemachus are important characters in
- 1) Dante's "Divine Comedy"
  - 2) Homer's "Odyssey"
  - 3) Proust's "Remembrance of Things Past"
  - 4) Shaw's "Pygmalion"
15. The Song of Roland is based upon the deeds of a nephew of
- |                |                        |
|----------------|------------------------|
| 1) Clovis      | 3) Charlemagne         |
| 2) King Arthur | 4) St. Louis of France |
16. A family that migrates to California during the depression is depicted in
- |                          |                        |
|--------------------------|------------------------|
| 1) Of Time and the River | 3) As I Lay Dying      |
| 2) Ethan Frome           | 4) The Grapes of Wrath |

Test continued on next page

## EXHIBIT NO. 7 (Continued)

Page 3.

Bil. Tr. C.B. (1-6) (Span)  
 Bil. Tr. C.B. (1-6) (Ital)  
 Bil. Tr. C.B. (1-6) (Ghin)  
 Bil. Tr. E.C. (Pre-Kg-2) (Span)  
 Under Alt. A Requirements 12/71

17. Dulcinea is a character in  
 1) Don Quixote  
 2) Daniel Deronda  
 3) Leatherstocking Tales  
 4) La Gioconda
18. James Boswell is most noted for his  
 1) essays attacking the House of Lords  
 2) translation of the Rubaiyat of Omar Khayyam  
 3) biography of Samuel Johnson  
 4) analysis of Shakespeare's plays
19. The Faust legend is the subject of a major work by  
 1) Charles Dickens  
 2) Christopher Marlowe  
 3) Francis Bacon  
 4) Edmund Spenser
20. In William Shakespeare's play of the same name, Hamlet is a prince of  
 1) Sweden  
 2) Finland  
 3) Denmark  
 4) Norway
21. Hemingway's "A Farewell to Arms" takes place during  
 1) the Spanish-American War  
 2) World War I  
 3) the Spanish Civil War  
 4) World War II
22. The man referred to as "the noblest Roman of them all" was  
 1) Caesar  
 2) Anthony  
 3) Brutus  
 4) Cassius
23. All of the following are characteristic of poison ivy EXCEPT for  
 1) briars  
 2) three leaflet clusters  
 3) shiny leaves  
 4) white berries
24. Each of the weather instruments below is correctly paired with the atmospheric condition it measures EXCEPT  
 1) barometer - air pressure  
 2) hygrometer - relative humidity  
 3) radiosonde - upper air data  
 4) anemometer - wind direction
25. The rate of the nuclear reaction in a modern reactor engine is controlled by  
 1) cadmium rods  
 2) withdrawal of uranium  
 3) mechanical brakes  
 4) pressure changes
26. In a solar eclipse  
 1) the earth passes between the moon and the sun  
 2) the sun passes between the earth and the moon  
 3) a planet passes between the sun and the earth  
 4) the moon passes between the sun and the earth

Test continued on reverse side

## EXHIBIT NO. 7 (Continued)

Page 4.

Bil. Tr. C.B. (1-6) (Span)  
 Bil. Tr. C.B. (1-6) (Ital)  
 Bil. Tr. C.B. (1-6) (Chin)  
 Bil. Tr. E. C. (Pre-Kg-2) (Span)  
 Under Alt. A Requirements 12/71

27. A device used for producing a continuous flow of electric current is the
- |                 |                 |
|-----------------|-----------------|
| 1) electroscope | 3) galvanometer |
| 2) voltaic cell | 4) rheostat     |
28. Contour lines are used on topographic maps to illustrate
- |                           |                    |
|---------------------------|--------------------|
| 1) air currents           | 3) land elevations |
| 2) latitude and longitude | 4) precipitation   |
29. The smallest particle of water retaining all the properties of water is
- |            |               |
|------------|---------------|
| 1) an ion  | 3) an atom    |
| 2) a meson | 4) a molecule |
30. Of the following the one which acts as both a duct and a ductless gland is the
- |              |            |
|--------------|------------|
| 1) pancreas  | 3) adrenal |
| 2) pituitary | 4) ovary   |
31. A fulcrum is a part of the simple machine called a
- |           |          |
|-----------|----------|
| 1) ramp   | 3) gear  |
| 2) pulley | 4) lever |
32. All of the following diseases stem from a vitamin deficiency EXCEPT
- |            |               |
|------------|---------------|
| 1) scurvy  | 3) septicemia |
| 2) rickets | 4) beri-beri  |
33. All of the following sports are correctly paired with a term from that sport EXCEPT
- |                            |                      |
|----------------------------|----------------------|
| 1) football - lateral pass | 3) tennis - serve    |
| 2) basketball - pitch      | 4) baseball - strike |
34. All of the following procedures in the administration of first aid to a pupil are correct EXCEPT
- 1) trying to control bleeding
  - 2) cleaning wounds with soap and water and applying a sterile dressing
  - 3) removing foreign bodies from the eye
  - 4) keeping the pupil quiet, warm and comfortable
- If you need to make computations on paper on any of the following mathematical problems, please use the blank sheets that the proctor will provide.
35. A man spent  $\frac{1}{3}$  of his money for a suit and  $\frac{1}{4}$  of the remainder for a coat. If the amount he had left was \$180.00, then he started with:
- |             |             |             |             |
|-------------|-------------|-------------|-------------|
| 1) \$320.00 | 2) \$360.00 | 3) \$432.00 | 4) \$540.00 |
|-------------|-------------|-------------|-------------|
36. The scale on a map is given as  $\frac{1}{2}$  inches to 500 miles. The distance represented by  $\frac{1}{4}$  inches is approximately
- |               |               |
|---------------|---------------|
| 1) 1350 miles | 3) 2000 miles |
| 2) 1650 miles | 4) 750 miles  |

Test continued on next page

## EXHIBIT NO. 7 (Continued)

Page 5.

Bil. Tr. C.B. (1-6) (Span)  
 Bil. Tr. C. B. (1-6) (Ital)  
 Bil. Tr. C.B. (1-6) (Chin)  
 Bil. Tr. E.C. (Pre-Kg-2) (Span)  
 Under Alt. A Requirements 12/71

37. The missing number in the series 1, 5, 12, 22, ....., 51 is  
 1) 30      2) 32      3) 35      4) 36
38. The number 85.4 means  
 1)  $80 \times 5 \times .4$   
 2)  $8 + 5 + .4$   
 3)  $8 \times 5 + 4 \times .1$   
 4)  $8 \times 10 + 5 \times 1 + 4 \times .1$
39. The largest number of pieces of wood  $13\frac{1}{2}$  inches long that can be cut from a board 10 feet long is  
 1) 6      2) 8      3) 10      4) 12
40. At a rate of \$4.18 per \$100, the tax on a house assessed at \$11,000 is  
 1) \$418.00      3) \$ 45.98  
 2) \$ 41.80      4) \$459.80
41. The difference between the area of a rectangle 6 feet by 4 feet and the area of a square having the same perimeter is  
 1) 1 sq. ft.      3) 4 sq. ft.  
 2) 2 sq. ft.      4)  $17\frac{3}{4}$  sq. ft.
42. Of the following, the number nearest to 10 is  
 1) 9.985      2) 10.005      3) 10.01      4) 10.1
43. If the denominator of a fraction is multiplied by two  
 1) the value of the fraction is unchanged  
 2) the value of the fraction is doubled  
 3) the value of the fraction is halved  
 4) the numerator and the denominator become equal
44. The diagonals of a parallelogram are  
 1) always equal      3) never equal  
 2) sometimes equal      4) always perpendicular
45. Goya was a painter whose work involved  
 1) cubist structure  
 2) conditions of sky, light and atmosphere  
 3) ideal landscapes  
 4) social commentary and nightmarish visions
46. Of the following processes, the one which involves engraving lines into a metal plate through the use of a corrosive acid is  
 1) etching      3) fresco  
 2) lithography      4) dry point

Test continued on reverse side

## EXHIBIT NO. 7 (Continued)

Page 6.

Bil. Tr. C.B. (1-6) (Span)  
 Bil. Tr. C.B. (1-6) (Ital)  
 Bil. Tr. C.B. (1-6) (Chin)  
 Bil. Tr. E. C. (Pre-Kg-2) (Span)  
 Under Alt. A Requirements 12/71

47. Of the following, the painter whose work has LEAST in common with the others is

- |           |           |
|-----------|-----------|
| 1) Degas  | 3) Braque |
| 2) Renoir | 4) Monet  |

48. The composer of Boris Godunov wrote all of the following EXCEPT

- 1) Pictures at an Exhibition
- 2) Scheherazade
- 3) A Night on Bald Mountain
- 4) Khovanshchina

49. An instance of the same drama interpreted by two different operatic composers is

- 1) La Bohème by Puccini and by Leoncavallo
- 2) Tristan und Isolde by Wagner and by Humperdinck
- 3) Aida by Verdi and by Menotti
- 4) Le Prophète by Meyerbeer and by Gounod

50. Beethoven used the Ode to Joy in his Symphony number 9. This symphony is also referred to as the

- |             |           |
|-------------|-----------|
| 1) Eroica   | 3) Dance  |
| 2) Pastoral | 4) Choral |

Test continued on next page



## EXHIBIT NO. 7. (Continued)

Page 7

Bil. Tr. C.B. (Span) 12/71  
 Bil. Tr. C.B. (Ital) 12/71  
 Bil. Tr. C.B. (Chin) 12/71  
 Bil. Tr. E.C. (Span) 12/71  
 Under Alternative A Requirements

51. Standardized tests should be used for all the following purposes EXCEPT to
- 1) serve as the main guide in curriculum development
  - 2) determine achievement at the end of the year
  - 3) group according to achievement
  - 4) diagnose individual pupil's difficulties.
52. When energy derived from a frustrated drive is directed into a creative social endeavor, we have an illustration of
- 1) sublimation
  - 2) regression
  - 3) compensation
  - 4) fixation
53. An appeal by the teacher for group cooperation rather than individual achievement will encourage the children to
- 1) compete with one another
  - 2) listen to the teacher
  - 3) help the teacher maintain class standards and rules
  - 4) listen to the principal.
54. All of the following are common measures of "central tendency" EXCEPT the
- 1) correlation coefficient
  - 2) arithmetic mean
  - 3) mode
  - 4) median
55. The LEAST desirable reason for the use of anecdotal records is to
- 1) determine whether a behavior pattern is typical
  - 2) have evidence of poor behavior to show to the parents of the child
  - 3) look for clues as to the source of the difficulty, e.g., in what kinds of situation a particular behavior pattern occurs
  - 4) look for trends in behavior
56. All of the following are acceptable practices in teaching English as a second language EXCEPT
- 1) capitalizing upon experiences in which there is a need for speaking English to provide an effective base for children to learn the new language
  - 2) planning activities demanding the use of English
  - 3) scheduling practice on necessary vocabulary prior to the experience
  - 4) relating experiences for helping children acquire English to the regular curriculum of the class
57. Special assistance is given to children learning English as a second language in the area of speech production in all of the following ways EXCEPT that the teacher
- 1) uses the atmosphere and informality of the elementary school classroom to provide an effective base for children to learn the new language
  - 2) never permits non-English speaking children to speak to others in the class in their own language
  - 3) helps children say the desired response by saying it for them first, calling their attention to her mouth formation
  - 4) includes one or more non-English speaking children in small group activities

Test continued on reverse side

*EXHIBIT NO. 7 (Continued)*

Page 8.

Bil. Tr. C.B. (Span) 12/71

Bil. Tr. C.B. (Ital) 12/71

Bil. Tr. C.B. (Chin) 12/71

Bil. Tr. E.C. (Span) 12/71

Under Alternative A Requirements

58. A student's percentile rank tells the teacher
- 1) what percent of the items the student got right
  - 2) the student's grade equivalent
  - 3) what percent of the items the student got wrong
  - 4) the percent of students who obtained a score below that of the student in question
59. When a newly arrived child who speaks English haltingly enters a teacher's class, the procedure among the following which is LAST in order of priority is to
- 1) increase the child's English vocabulary so that he may function better
  - 2) provide useful experiences which will help the child to adjust more readily to his new environment
  - 3) determine the health and nutritional needs of the child
  - 4) eliminate the foreign accent from the child's speech so that he will not be embarrassed in his relations with his classmates
60. Among the following, the most important preparation for a teacher to make in planning to receive parents on Open School Day is to
- 1) assign a welcoming committee of pupils
  - 2) decorate the room with colorful pictures
  - 3) have each child's folder of work in evidence
  - 4) prepare an entertainment for the adults by the children of the class

Test continued on next page

## EXHIBIT NO. 7 (Continued)

Page 9.

Bil. Tr. C.B. (Span) 12/71  
 Bil. Tr. C.B. (Ital) 12/71  
 Bil. Tr. C.B. (Chin) 12/71  
 Under Alt. A Requirements

61. Of the following ways to assure mastery of English vocabulary and expressions in a bilingual classroom, the best is for the teacher to have children
- 1) repeat over and over again the word or expression
  - 2) practice the word or expression in meaningful classroom experiences
  - 3) write the word or expression five times for homework
  - 4) memorize the vocabulary lists in the reader
62. Of the following, the LEAST effective method to use in the development of proper attitudes in a social studies lesson is to
- 1) plan a series of appropriate experiences
  - 2) manifest positive teacher attitudes to pupils and parents
  - 3) provide individual and group guidance techniques
  - 4) have pupils memorize and discuss a set of pertinent statements
63. Of the following uses of films in bilingual classroom teaching, the one of LEAST importance is that in which the teacher
- 1) previews the film so that he may become acquainted with it
  - 2) uses a silent film and gears his own narration to the language comprehension level of the students
  - 3) has students provide subsequent narrations to the same film, in the language in which they feel most comfortable
  - 4) uses films only for purposes of improving language skills
64. A good environment for learning is established when the teacher and the children do all of the following EXCEPT
- 1) make plans for keeping the room neat and attractive
  - 2) make rules for classroom routines
  - 3) have experiences that help acquire good habits
  - 4) have free expression but don't enforce self-control
65. Of the following, the best way for a teacher to help children who are inexperienced in committee work is to
- 1) work with a group composed of superior pupils
  - 2) train one committee while the rest of the class observes
  - 3) guide the work of one committee while the rest of the class is engaged in other activities
  - 4) discuss working space and materials for each committee
66. All of the following principles are valid in teaching English as a second language EXCEPT that the child needs
- 1) assistance to help him hear the new sounds and reproduce them
  - 2) a basal reader to begin learning English
  - 3) opportunity to practice sentence patterns
  - 4) frequent opportunities to speak in the new language to apply what he has learned
67. If a sixth grade teacher should find that her pupils' written work is excellent in content, but is very weak in correctness of expression, of the following her best course of action would be to
- 1) let her analysis of children's papers determine the areas of emphasis for formal lessons
  - 2) have the children criticize and correct each other's work
  - 3) follow the course of study in formal grammar lessons to assure a logical development of grammatical principles
  - 4) disregard such errors as long as content is good, in order to avoid discouraging creativity

Test continued on reverse side

## EXHIBIT NO. 7 (Continued)

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Page 10.

Bil. Tr. C.B. (Span) 12/71  
 Bil. Tr. C.B. (Ital) 12/71  
 Bil. Tr. C. B. (Chin) 12/71  
 Under Alternative A Requirements

68. Of the following, the statement which best describes the approach of the current mathematics curriculum is:
- 1) Deductive reasoning is emphasized.
  - 2) The teaching of the use of algorithms is emphasized.
  - 3) Abstract thinking is stressed in the very earliest grades, so that children may learn to think clearly.
  - 4) An increased stress on mathematical reasoning and thinking is present in all grades.
69. All of the following statements regarding bilingual instruction are educationally sound EXCEPT:
- 1) The best medium for teaching a child is his mother tongue.
  - 2) Reading and writing in the mother tongue should precede literacy in the second language.
  - 3) Children who learn through two languages tend to learn as well as or better than those who learn through only one.
  - 4) Children who begin their schooling in their mother tongue will be set back in learning English.
70. If a child's pen is missing from his desk and cannot be found and the teacher believes some one else took it, the best course of action, of the following, for the teacher to take is to
- 1) say that she will punish the entire class unless the pen is returned
  - 2) tell the class that she knows who took the pen but not mention the child's name
  - 3) give the child who took the pen a chance to return it without penalty, and possibly without detection
  - 4) tell the child who has lost the pen to take better care of his things and not waste the time of the class for such a trivial matter
71. If a teacher wishes to demonstrate the breaking up of white light into its component colors, the best device of the following for her to use would be a
- |                 |              |
|-----------------|--------------|
| 1) concave lens | 3) prism     |
| 2) carbon arc   | 4) neon lamp |
72. Of the following ways to get better results from the children the most productive is by
- 1) sending notes to parents
  - 2) sending discipline cases to the principal
  - 3) stressing the strengths of the children and not the faults
  - 4) constantly repeating rules of behavior
73. Of the following, the statement which most nearly meets the criteria of a good lesson "aim" is
- 1) "Today we will learn to understand and appreciate poetry."
  - 2) "Today we will learn about the United Nations."
  - 3) "How can we use an electromagnet to send messages?"
  - 4) "Let's learn to spell the names of all of our presidents."
74. In preparing an experience chart, the teacher should do all of the following EXCEPT
- 1) have a child write the chart
  - 2) have the children discuss something they did recently
  - 3) elicit short sentences to fit one line
  - 4) elicit one idea or theme from the children

Test continued on next page

*EXHIBIT NO. 7 (Continued)*

Page 11.

Bil. Tr. C.B. (Span) 12/71

Bil. Tr. C.B. (Ital) 12/71

Bil. Tr. C.B. (Chin) 12/71

Under Alternative A Requirements

75. The LEAST valid of the following objectives for the teaching of art in the elementary school is

- 1) creation of a finished art product
- 2) constructive release of emotions
- 3) appreciation of beauty
- 4) exploration of the properties of various art materials

Test continued on next page

## EXHIBIT NO. 7 (Continued)

Page 12.

Fil. Tr. CB/EC (Spanish) 12/71 Alt. A

76. The "Day of the Americas" (Pan-American Day) is celebrated on
- 1) April 14
  - 2) May 2
  - 3) January 6
  - 4) October 12
77. The great narrator of the conquest of Mexico was
- 1) Ginés Perez de Hita
  - 2) Garcillaso de la Vega
  - 3) Bernal Díaz del Castillo
  - 4) Alonso de Ercilla
78. Puerto Rico's famous "Parque de Bombas" ("Firehouse"), which has been converted into a museum, is located in the city of
- 1) Mayagüez
  - 2) Fajardo
  - 3) Ponce
  - 4) Bayamón
79. The official language of Brazil is
- 1) Italian
  - 2) French
  - 3) Spanish
  - 4) Portuguese
80. The first governor of Puerto Rico was
- 1) Christopher Columbus
  - 2) Ponce de León
  - 3) Luis Muñoz Marín
  - 4) Benito Juárez
81. A famous theatre in San Juan where theatrical works and concerts are presented is
- 1) Bellas Artes
  - 2) Metropolitano
  - 3) Estadio
  - 4) Tapia
82. Those of Spanish descent who were born and remained in America were called
- 1) mestizos
  - 2) indios
  - 3) criollos
  - 4) cariocas
83. Puerto Rico's famous church, "Porta Coeli", is located in the city of
- 1) Aguadilla
  - 2) San Germán
  - 3) Ponce
  - 4) San Juan
84. The Spanish city that is famous for its Roman aqueduct is
- 1) Salamanca
  - 2) Toledo
  - 3) Segovia
  - 4) Granada
85. "The movement of July 26" is associated with
- 1) the Puerto Rican Nationalists
  - 2) the rebellion of the Indians of Central America
  - 3) the Cuban Revolution
  - 4) the revolutionaries of the Dominican Republic
- Test continued on reverse side

## EXHIBIT NO. 7 (Continued)

Page 13.

Bil. Tr. CB/EC (Spanish) 12/71 Alt. A

86. The great Spanish cellist who now lives in Puerto Rico is
- 1) Pablo Casals
  - 2) Andrés Segovia
  - 3) José Ferrer
  - 4) Jesús T. Piñero
87. Puerto Rico's second largest city is
- 1) Fajardo
  - 2) Arecibo
  - 3) Mayagüez
  - 4) Ponce
88. A favorite soft drink of Spanish-speaking people is
- 1) orgeat
  - 2) cruller
  - 3) marchpane
  - 4) pork sausage
89. The "corrido" is a type of popular music of
- 1) Cuba
  - 2) Puerto Rico
  - 3) Argentina
  - 4) Mexico
90. "El Morro", located in San Juan, is
- 1) a hotel
  - 2) a restaurant
  - 3) a fortress
  - 4) a university
91. The following celebrations, significant to the Puerto Rican child, are correctly matched with the dates, EXCEPT:
- 1) Three Kings Day - January 6th
  - 2) El Grito de Lares - September 23rd
  - 3) Commonwealth Constitution Day - July 4th
  - 4) San Juan's Fiesta - June 24th
92. A Dominican dictator who ruled for a long time was
- 1) Trujillo
  - 2) Perón
  - 3) Batista
  - 4) Jiménez
93. The national dance of Mexico is the.
- 1) zamacueca
  - 2) jarabe tapatío
  - 3) tango
  - 4) joropo
94. The University of Puerto Rico is located in the suburb of San Juan called
- 1) Río Piedras
  - 2) Santurce
  - 3) Hato Rey
  - 4) Condado
95. Spain's national hero is
- 1) Don Quijote
  - 2) el Cid
  - 3) Carlos V
  - 4) Lope de Vega
96. The religious processions of Seville are celebrated
- 1) during Holy Week
  - 2) at the feast before Lent
  - 3) before Christmas
  - 4) on All Saints Day

Test continued on next page

## EXHIBIT NO. 7 (Continued)

Page 14.

BIL. Tr. CB/EG (Spanish) 12/71 Alt.A

97. The great Cuban patriot and poet was
- 1) Rubén Darío
  - 2) Giro Alegría
  - 3) José Asunción Silva
  - 4) José Martí
98. The Apostle of the Indians was
- 1) Fray Luis de Granada
  - 2) Bartolomé de las Casas
  - 3) Bernal Díaz
  - 4) Fray Luis de León
99. The great painter who painted elongated figures was
- |              |            |
|--------------|------------|
| 1) El Greco  | 3) Murillo |
| 2) Velázquez | 4) Goya    |
100. The Dominican Republic and Haiti share an island called
- 1) Antilla
  - 2) Española (Hispaniola)
  - 3) Quisqueya
  - 4) Trujillo

END OF SHORT-ANSWER TEST



**EXHIBIT NO. 7 (Continued)**

(S-311b) (Alt. A) (Bilingual-E.C.) (105-711)

ANNOUNCED EXAMINATION: ANNOUNCEMENT

BOARD OF EXAMINERS

BOARD OF EDUCATION  
65 Court Street, Brooklyn, N.Y. 11201

CITY OF NEW YORK

EXAMINATION FOR LICENSE AS BILINGUAL TEACHER OF EARLY CHILDHOOD CLASSES (SPANISH) IN  
DAY ELEMENTARY SCHOOLS (GRADES PRE-K-2)

UNDER ALTERNATIVE A REQUIREMENTS  
(Men and Women)

EXAMINATION CODE NO. 798A

PLEASE PLACE THE NAME OF THE LICENSE AND THE EXAMINATION CODE NUMBER IN THE SPACES PROVIDED AT THE TOP OF YOUR APPLICATION.

.....  
 \* This examination is intended primarily for lower seniors who are in a college preparatory program for \*  
 \* teaching and who will not meet the minimum eligibility requirements until September 1, 1972. However, \*  
 \* anyone who will meet by this date the minimum eligibility requirements as set forth in this announcement \*  
 \* circular may also apply. Appointments from the eligible list cannot be made effective before September 1, \*  
 \* 1972. \*  
 \*.....

October 7, 1971 (Amended 10/28/71)

The Board of Examiners announces that, at the direction of the Chancellor, an examination will be held for license as bilingual teacher of early childhood classes (Spanish) in day elementary schools under Alternative A requirements in accordance with the schedule set forth below:

- October 7, 1971: Initial date for filing applications.
- November 22, 1971: Final date for filing applications.
- November 30, 1971: Date by which applicants should receive notice of admission, including information as to the exact time and place, to the written test. Applicants who do not receive notice by this date are advised to call 596-6046, at once.
- December 7, 1971: Date of written test.
- September 1, 1972: Date by which applicants must meet the minimum eligibility requirements, unless entitled to an extension of time under the Military Leave Regulations of the Board of Education. (See Time Extension below.)
- September 1, 1977: Date by which applicants must meet the eligibility requirements in full, unless entitled to an extension of time under the Military Leave Regulations of the Board of Education.

TIME EXTENSION: Applicants are permitted to complete by September 1, 1977, the requirement of a master's degree or 30 semester hours of graduate study as set forth hereinafter, 18 semester hours in the professional study of education, including 3 of the required 6 semester hours in instructional methods and materials on the pre-kindergarten, kindergarten and primary level, and the college-supervised student-teaching experience or the year of appropriate and satisfactory experience which may be offered in lieu thereof. As a consequence of a recently enacted law (Chapter 822, Laws of 1969), applicants in this examination must complete all the eligibility requirements within the time limits set in order to achieve tenure. Upon failure of the applicant to complete all requirements within said period, the license will terminate.

An applicant, therefore, by September 1, 1972 must have completed the following:

1. The baccalaureate degree;
2. 6 semester hours in the professional study of education, including at least 3 semester hours in instructional methods and materials on the pre-kindergarten, kindergarten and primary level.

APPLICATION FEE: \$5.00

ELIGIBILITY REQUIREMENTS: The eligibility requirements governing this examination are set forth on the attached pages designated (S-311b) (Alt.A) (Spanish) dated October, 1971. These pages also give the scope of the examination, the pass marks and weights, and the salary. Applicants are bound by all the regulations governing this examination. If the pages designated (S-311b) (Alt.A) (Spanish) and the sheets setting forth the GENERAL REGULATIONS are not hereto attached, persons interested in taking the examination should apply to the Board of Examiners for said pages and a copy of the General Regulations. Inquiries for additional information should be addressed to Mr. Harvin Weingart, Head of Unit 5, Board of Examiners.

Note: Applicants who are eligible for more than one license (e.g., common branches and early childhood; English in junior high schools and English in day high schools) may file for only one examination if the written tests for both examinations are scheduled for the same day.

SPECIAL NOTE

- \* The short-answer questions in the written test will be set forth in English and in Spanish. \*
- \* Applicants at the time of filing will designate whether they wish to take the short-answer questions \*  
 \* in English or in Spanish. The language selected must be indicated on page 3 of this circular. \*
- \* Please be sure to fill in page 4 of this circular, detach it from the circular and staple it to \*  
 \* page 3 of the application blank after you have completed the application. \*

THE BOARD OF EXAMINERS



## EXHIBIT NO. 7 (Continued)

Page 2

(S.3LAb) (Alt.A) (Bilingual-S.C.) (Spanish) October, 1971

The scope of the examination is as follows:

## 1. A written test consisting of

- a. Short-answer questions covering any or all of the following: vocabulary; the content of the early-childhood curriculum, including pre-kindergarten classes, kindergarten classes and grades one and two; the informational background needed to enrich teaching of language arts, mathematics, science, social studies, music, art, health education, in early childhood classes; the applications and relationships needed to insure proper emphasis in teaching; the basic pedagogical concepts which form the foundation for instruction in early childhood classes; professional problems in the field of education, with particular emphasis upon principles, practices, procedures, materials, and methods in early childhood education; the informational background expected of a bilingual teacher in New York City, e.g., history and culture of Puerto Rico, Hispanic culture, and cultural, social and educational aspects of life in New York City.

See SPECIAL NOTE on EXAMINATION ANNOUNCEMENT page.

- b. An essay question in English which will be rated for written English only.
- c. A rating of "satisfactory" in written English will be required.
- d. An essay question in Spanish which will be rated only for correctness and facility in the use of the language.
- e. A rating of "satisfactory" in written Spanish will be required.

## 2. An interview test: The interview test will be conducted in two parts, one in Spanish and the other in English. The applicant will be required to demonstrate oral competence in both languages. He will be expected to make himself readily understood in English by persons who have no familiarity with Spanish. His use of Spanish must be natural and fluent.

For other elements of the interview test see General Regulations.

## 3. An appraisal of record (See General Regulations)

## 4. A physical and medical test (See General Regulations)

In the interest of expedition, any part of the examination may be conducted before the rating of a previous part of the examination has been completed or acted upon.

Pass Marks and Schedule of Weights

The pass marks and schedule of weights in the various parts of the examination are as follows:

Part of Examination	Weight	Passmark
Written test (Short-answer)	60	60% on the weighted average of the written and interview tests as weighted in column 2, with a minimum of 50% on each of these tests, and with a minimum of 50% on each of the sub-tests in the interview test
Interview test	40	
a. Sub-test in English		
b. Sub-test in Spanish		
Written Spanish		
Written English		Satisfactory
Appraisal of record		Satisfactory
Physical and medical test		Satisfactory

Salary

\$6,450 to \$13,000 in sixteen salary steps. A first salary differential of \$500 above the base salary at each step of the schedule will be payable to a teacher who is entitled to receive it on the basis of a certain number of approved courses taken pursuant to the pertinent provisions of the By-Laws of the Board of Education. A second salary differential of \$1,500 at each step of the schedule will be payable to a teacher who is entitled to receive it on the basis of additional approved preparation pursuant to the provisions of the By-Laws of the Board of Education.

Prorogational Differential

A prorogational differential of \$1,000 will be payable to a teacher who is entitled to receive it under the By-Laws of the Board of Education.

The Board of Education provides Social Security coverage, in addition to a pension, for its regular teachers. Prospective applicants may apply to the Salary Unit, 65 Court Street, Brooklyn, N.Y. 11201, in writing for information concerning the regulations governing salary credit for prior experience and the salary differentials.

New York State College Proficiency Examination Program, State Education Department

The New York State Education Department conducts periodic examinations in some areas in education, such as educational psychology and tests and measurements, and in college content courses, such as American literature, biology, and certain modern foreign languages. The State Education Department credits the passing of such an examination toward meeting its relevant specific course requirements for a State teaching certificate. It does not credit the passing of such examination toward meeting its requirement of a baccalaureate degree or of a given number of semester hours of graduate courses, unless an approved college or university actually gives course credit for the passing of the examination.

The Board of Examiners accepts the passing of such examination to the same extent as the State Education Department and credits it as of the date of the taking of the examination. Verification of the passing of such examination must be sent to the Board of Examiners, by the State Education Department at the request of the applicant.

Further information concerning available examinations and the dates of their administration may be obtained from the College Proficiency Examination Program, State Education Department, Albany, N.Y. 12224.

THE BOARD OF EXAMINERS

**EXHIBIT NO. 7 (Continued)**

Page 3 (S.314b)(Alt.1) (Bilingual E.C.C.)(Spanish) October, 1971

I choose to take the short-answer questions in the written test in

---

(Fill in - Spanish OR English)

**NOTE: THIS FORM MUST BE COMPLETED AND ATTACHED TO YOUR APPLICATION AT THE TIME OF FILING.**

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

EXHIBIT NO. 7 (Continued)

Board of Education

Board of Examiners

City of New York

BILINGUAL TEACHER OF EARLY CHILDHOOD CLASSES (SPANISH) IN DAY ELEMENTARY SCHOOLS  
UNDER ALTERNATIVE A REQUIREMENTS

WRITTEN (SHORT-ANSWER TEST)

December 7, 1971

IMPORTANT!

1. Time allowance for entire written test (written English and written Spanish  
essay questions and short-answer paper) ----- 3½ hours  
This allowance includes time for fingerprinting.

Time recommended for answering written English essay question and reviewing  
written English ----- 1 hour

Time recommended for answering written Spanish essay question and reviewing  
written Spanish ----- 1 hour

Time recommended for answering all short-answer questions ----- 1½ hours

Warning: All writing, except for the numbering of pages, must cease at the  
end of 3½ hours.

2. Number of questions ----- 100

3. Number of credits ----- 100

4. The questions in this test are numbered 1 to 100. Questions appear on both  
sides of the pages. ALL QUESTIONS ARE IN SPANISH.

5. The test consists of 11 pages. Check now to make sure that you have a complete  
set of properly numbered pages.

6. Read the "General Instructions" on the sheet immediately following this page.

7. If unsatisfactory test conditions exist, you should then and there call them  
to the attention of the person in charge of this test (through the proctor,  
if any) for such adjustment as may be warranted. In addition, if at the close  
of the test you believe that the results have been seriously affected by abnormal  
conditions, you are requested to state your objections fully in a communication  
to the Board of Examiners, mailed or personally delivered within twenty-four hours  
after the completion of the test. No protest or appeal regarding the test con-  
ditions will be entertained except as here provided.

*EXHIBIT NO. 7 (Continued)*

BOARD OF EDUCATION

BOARD OF EXAMINERS

CITY OF NEW YORK

## GENERAL INSTRUCTIONS

## SHORT-ANSWER QUESTIONS

1. The only material on your desk during this test is to be the question paper, the special answer sheet and one or more #2 pencils. If you need to make computation with paper and pencil on any part of this test, scrap paper will be provided by the proctor.
2. This set of short-answer items is accompanied by a special answer sheet on which you will record your answers.
3. Write nothing and make no marks until the proctor has given directions.
4. These items are of the multiple-choice type, each offering 4 choices of answers. After you have chosen the answer which you consider correct, or most nearly correct, indicate your choice on the special answer sheet by blackening the corresponding space. Read the directions and note the sample printed on the reverse side of the answer sheet.
5. Should the Board of Examiners determine that two or more of the choices listed are equally correct, it will credit them as such. Should the Board of Examiners determine that none of the choices is correct, it will annul the item.
6. Your paper will be scored correctly if you follow these simple directions:
  - (a) Make only ONE mark for each answer. If two or more answers are selected for a question, it will be counted as incorrect.
  - (b) Erase completely any answer you wish to change.
  - (c) Avoid any stray pencil marks on any portion of the answer sheet; otherwise your score may be affected.
  - (d) When filling in the grade and date, be sure not to write below the lines provided.
7. Try to answer all the items. Your score will be computed on the basis of the number of questions you answer correctly. From this score there will be no deductions for errors or omissions.
8. Prepare your papers for collection promptly in accordance with the instructions given you by the proctor.
9. Do not fold your answer sheet or curl the edges or otherwise mishandle it.
10. Be sure to return to the proctor at the close of the session any special pencils provided to you.

THE TEST ITEMS BEGIN ON THE NEXT PAGE

## EXHIBIT NO. 7 (Continued)

Board of Education

Board of Examiners

City of New York

BILINGUAL TEACHER OF COMMON BRANCH SUBJECTS (SPANISH) IN DAY ELEMENTARY SCHOOLS

(Grades 1-6)

BILINGUAL TEACHER OF EARLY CHILDHOOD CLASSES (SPANISH) IN DAY ELEMENTARY SCHOOLS

(Pre-Kg-Gr.2)

## UNDER ALTERNATIVE A REQUIREMENTS

## WRITTEN (SHORT-ANSWER TEST)

December 7, 1971

En cada una de las siguientes preguntas escoja UNA de las cuatro selecciones numeradas que correctamente complete la frase. En la página de contestación empegue el espacio correspondiente al número de su selección.

1. Se reconoce como suelo natal de la democracia política
  - (1) Roma
  - (2) Atenas
  - (3) Alejandría
  - (4) la Gran Bretaña
2. El gabinete de nuestro sistema de gobierno se difiere en esencia del sistema de gabinete de la Gran Bretaña en que el Gabinete Americano tiene que responder sólo
  - (1) a la Cámara Alta
  - (2) a la Cámara Baja
  - (3) al jefe del estado
  - (4) a los votantes
3. De todas las características siguientes, la única que NO es del Renacimiento es
  - (1) el refuerzo de la institución del feudalismo
  - (2) el entusiasmo reanudado por el arte y la ciencia
  - (3) el interés reanudado por las culturas griega y romana
  - (4) el desarrollo del comercio y negocios
4. Entre todas las declaraciones tocante a la Revolución Francesa, la única que NO es cierta es que
  - (1) terminó con el derrocamiento de la "Bastille"
  - (2) la dictadura militar siguió a la Revolución
  - (3) Francia estaba acosada de enemigos exteriores
  - (4) se deshizo de los privilegios feudales de la nobleza
5. Si el producto total de la economía nacional de los Estados Unidos se hizo más del doble entre 1930 y 1970, significa que
  - (1) los salarios y las ganancias aumentaron más del ciento por ciento
  - (2) los depósitos en los bancos aumentaron más del ciento por ciento
  - (3) el valor total de las mercancías y los servicios aumentaron más del ciento por ciento
  - (4) la productividad total del trabajo aumentó más del ciento por ciento
6. La Doctrina de Monroe llegó a ser el fundamento de la política extranjera Norteamericana, porque durante la época en que se publicó, los Estados Unidos contaba con el apoyo de
  - (1) la Santa Alianza
  - (2) España
  - (3) Francia
  - (4) la Gran Bretaña
7. El Canal de Suez une al Mar Mediterráneo con
  - (1) el Mar Negro
  - (2) el Mar Rojo
  - (3) el Mar Caspio
  - (4) el Mar de Omán
8. La ventaja principal de la forma corporativa de la organización de negocios es
  - (1) la responsabilidad limitada entre los propietarios
  - (2) la exención de impuestos especiales
  - (3) mayor volumen de negocios
  - (4) la separación entre propiedad y gerencia
9. Henry Kissinger goza principalmente de fama de
  - (1) científico en trabajos atómicos
  - (2) investigador en asuntos médicos
  - (3) ganador del Premio Nobel
  - (4) experto en la política extranjera

Test continued on reverse side.

## EXHIBIT NO. 7 (Continued)

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10. Recientemente, cuando la Asamblea General de las Naciones Unidas acordó reconocer a la República Popular China como único representante legítimo de la China a las Naciones Unidas, también
- (1) eliminó a la China como uno de los cinco miembros permanentes del Consejo de Seguridad
  - (2) autorizó un plebiscito con el fin de determinar quiénes iban a representar a Taiwan en las Naciones Unidas
  - (3) expulsó a los representantes de Chiang-Kai-Shek
  - (4) añadió seis miembros al Consejo de Seguridad a fin de incluir un representante de la República Popular China
11. La única droga sintética entre las siguientes es
- (1) codeína
  - (2) methadone
  - (3) morfina
  - (4) marijuana
12. Entre las siguientes drogas, la que NO se considera un deprimente es
- (1) heroína
  - (2) marijuana
  - (3) barbiturato
  - (4) anfetamina
13. El famoso bandido legendario que "robaba a los ricos y daba a los pobres" fue
- (1) Robin Hood
  - (2) Sir Patrick Spens
  - (3) Ivanhoe
  - (4) Lochinvar
14. Penélope y Telémaco son personajes importantes en
- (1) "La Divina Comedia" de Dante
  - (2) "La Odisea" de Homero
  - (3) "Recuerdos del tiempo pasado" de Proust
  - (4) "Pígalión" de Shaw
15. La "Canción de Rolando" se basa en las hazañas de un sobrino de
- (1) Clodoveo
  - (2) el Rey Arturo
  - (3) Carlomagno
  - (4) San Luis de Francia
16. Una familia que se traslada a California durante la "Depresión" Norteamericana se describe en
- (1) Of Time and the River
  - (2) Ethan Frome
  - (3) As I Lay Dying
  - (4) The Grapes of Wrath
17. Dulcinea es un personaje en
- (1) Don Quijote
  - (2) Daniel Deronda
  - (3) Leatherstocking Tales
  - (4) La Gioconda
18. James Boswell goza principalmente de fama por
- (1) sus ensayos que atacan la Cámara de los Lores
  - (2) su traducción del Rubaiyat de Omar Khayyam
  - (3) su biografía de Samuel Johnson
  - (4) su análisis de las obras dramáticas de Shakespeare
19. La leyenda de Fausto es tema de una obra importante de
- (1) Charles Dickens
  - (2) Christopher Marlowe
  - (3) Francis Bacon
  - (4) Edmund Spenser
20. En la obra dramática "Hamlet" de Shakespeare, Hamlet es Príncipe de
- (1) Suecia
  - (2) Finlandia
  - (3) Dinamarca
  - (4) Noruega
21. "El adiós a las armas" de Hemingway tiene lugar durante
- (1) la Guerra Hispanoamericana
  - (2) la primera Guerra Mundial
  - (3) la Guerra Civil española
  - (4) la segunda Guerra Mundial
22. El hombre llamado "El romano más noble de todos" era
- (1) Julio César
  - (2) Marco Antonio
  - (3) Marco Bruto
  - (4) Casio Longino

Test continued on next page.



## EXHIBIT NO. 7 (Continued)

Bil. Tr. C. B. (1-6) E. C. (Pre-Kg-Gr. 2) (Sp.) 12/71 Alt. A

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23. Entre los siguientes el único que NO caracteriza la hiedra venenosa es  
 (1) la zarza (3) el racimo de tres hojillas  
 (2) la hoja lustrosa (4) la baya blanca
24. Entre los instrumentos siguientes, el único que NO se para con las condiciones atmosféricas que mide es  
 (1) barómetro - presión atmosférica  
 (2) higrómetro - humedad relativa  
 (3) radiosonda - datos de la atmósfera alta  
 (4) anemómetro - dirección de viento
25. La velocidad de la reacción nuclear en un motor de reactor moderno es controlada por  
 (1) varillas de cadmio (3) frenos mecánicos  
 (2) la retirada de uranio (4) cambios de presión
26. En un eclipse de sol  
 (1) la tierra pasa entre la luna y el sol  
 (2) el sol pasa entre la tierra y la luna  
 (3) un planeta pasa entre el sol y la tierra  
 (4) la luna pasa entre el sol y la tierra
27. Un dispositivo que produce un flujo continuo de corriente eléctrica es  
 (1) el electroscopio (3) el galvanómetro  
 (2) la célula voltaica (4) el reóstato
28. Las curvas de nivel se usan en los mapas topográficos para ilustrar  
 (1) las corrientes de aire (3) las elevaciones de tierra  
 (2) la latitud y la longitud (4) la precipitación
29. La más pequeña partícula de agua que conserva todas las propiedades de agua es  
 (1) el ion (2) el mesón (3) el átomo (4) la molécula
30. Entre las siguientes, la que sirve de glándula de conducto así como de secreción interna es  
 (1) el páncreas (3) la glándula suprarrenal  
 (2) la glándula pituitaria (4) el ovario
31. El fulcro es parte de la máquina sencilla que se llama  
 (1) la rampa (2) la polia (3) el engranaje (4) la palanca
32. Entre las siguientes enfermedades la única que NO proviene de una deficiencia de vitaminas es  
 (1) escorbuto (2) raquitis (3) septicemia (4) beriberi
33. Entre los deportes siguientes, el único que NO se para con el término correspondiente es  
 (1) fútbol - pase lateral (3) tenis - servicio  
 (2) básquetbol - pelota lanzada (4) béisbol - golpe
34. Entre los siguientes procedimientos que se emplean en la administración de los primeros auxilios, el único que NO es aceptado sería  
 (1) el tratar de controlar el correr de la sangre  
 (2) el limpiar las heridas con agua y jabón y aplicar un vendaje esterilizado  
 (3) el quitar del ojo las sustancias extrañas  
 (4) el mantener al alumno en un estado tranquilo, caliente y cómodo
- Si Vd. necesita hacer cálculos en papel en cualquier de los siguientes problemas matemáticos, sírvase de las hojas en blanco que la persona que está a cargo le proveerá.

Test continued on reverse side.



## EXHIBIT NO. 7 (Continued)

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48. El compositor de Boris Godunov compuso todas las siguientes obras MENOS

- (1) Pictures at an Exhibition
- (2) Scheherazade
- (3) A Night on Bald Mountain
- (4) Khovanshchina

49. Un ejemplo del mismo drama interpretado por dos distintos compositores de ópera, es

- (1) La Bohème de Puccini y de Leoncavallo
- (2) Tristan und Isolde de Wagner y de Humperdinck
- (3) Aida de Verdi y de Menotti
- (4) Le Prophète de Meyerbeer y de Gounod

50. Beethoven, en su Sinfonía 9ª, usó la Oda al Gozo. Esta sinfonía también lleva el nombre de

- (1) Eroica
- (2) Pastoral
- (3) Danza
- (4) Coral

51. Los exámenes normalizados deben ser usados para todos los siguientes propósitos, EXCEPTO para

- (1) servir de guía principal en el desarrollo de programas de estudio
- (2) determinar éxito al final del año
- (3) agrupar de acuerdo con el éxito logrado
- (4) diagnosticar las dificultades de cada alumno

52. Cuando la energía derivada de una impulsión frustrada se dirige a un empeño creador social, tenemos un ejemplo de

- (1) sublimación
- (2) regresión
- (3) neutralización
- (4) fijación

53. Una solicitud de parte de la maestra para cooperación del grupo en vez de éxito individual animará a los niños a

- (1) competir uno con el otro
- (2) escuchar a la maestra
- (3) ayudar a la maestra a mantener las normas y las reglas de la clase
- (4) escuchar al director

54. Todas las siguientes son maneras comunes de medir "la tendencia central" EXCEPTO

- (1) el medio aritmético
- (2) el coeficiente de correlación
- (3) el valor que ocurre con la mayor frecuencia
- (4) el punto medio

55. El propósito MENOS aceptable para el uso de registros anecdóticos es

- (1) el determinar si es típico un modo repetido de comportamiento
- (2) el tener a mano las pruebas del comportamiento malo de un niño para mostrárselas a sus padres
- (3) el buscar indicios de la causa de la dificultad, por ejemplo, en qué situaciones ocurra cierto modo de portarse
- (4) el buscar tendencias en la conducta del niño

56. De todas las maneras siguientes de enseñar el inglés como segundo idioma, la que NO es aceptable es

- (1) el aprovecharse de las experiencias en que exista la necesidad de hablar inglés
- (2) el planear las actividades que requieran el uso del inglés
- (3) el fijar tiempo para practicar el vocabulario necesario antes de que los niños tengan cierta experiencia
- (4) el relacionar al acostumbrado programa de estudios de la clase las experiencias que ayuden a los niños a aprender el inglés

Test continued on reverse side.

## EXHIBIT NO. 7 (Continued)

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57. Los niños que aprendan inglés como su segunda lengua reciben ayuda especial en cuanto a la producción de los sonidos de la lengua de todos los modos siguientes EXCEPTO:
- (1) El maestro se sirve del ambiente e informalidad del salón de clase de la escuela elemental para dar a los niños que no hablen inglés la base efectiva para aprender el nuevo idioma.
  - (2) El maestro nunca permite que los niños que no hablen inglés usen su lengua natural para hablar con otros niños de la clase.
  - (3) El maestro ayuda a los niños a darle la respuesta deseada al decirse la primero, llamando su atención a los movimientos de su boca.
  - (4) El maestro invita a pocos niños que no hablen inglés a participar en actividades realizadas por pequeños grupos.
58. El percentil en que un niño esté le dice al maestro
- (1) el porcentaje de las respuestas correctas del niño
  - (2) el equivalente de grado del niño
  - (3) el porcentaje de las respuestas incorrectas del niño
  - (4) el porcentaje del número de los alumnos que sacaron una nota más baja que la del niño mencionado
59. Cuando entra en el salón de clase un niño recién llegado, quien habla inglés con dificultad, lo que al maestro le debe preocupar MENOS es:
- (1) aumentar el vocabulario inglés del niño para que pueda actuar mejor
  - (2) proveer experiencias útiles que ayuden al niño a adaptarse con más facilidad a su nuevo ambiente
  - (3) determinar las necesidades de la salud y de la nutrición del niño
  - (4) suprimir el acento de otra lengua en el habla inglesa del niño para que no tenga vergüenza al hablar con sus compañeros de clase
60. Entre los preparativos siguientes que el maestro debe hacer para recibir a los padres el día designado para sus visitas a la escuela, el MÁS importante es
- (1) nombrar un comité de alumnos para dar la bienvenida a los padres
  - (2) decorar el salón de clase con cuadros pintados
  - (3) tener a mano la carpeta de cada niño
  - (4) preparar una diversión para los adultos presentada por los alumnos de la clase

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## EXHIBIT NO. 7 (Continued)

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61. Si la maestra de la escuela primaria nota que los niños de su clase, los cuales están aprendiendo inglés como segundo idioma, se agrupan durante las actividades de trabajo y juego, ella debe
- (1) pedir al director de la escuela que traslade a algunos de estos alumnos a otras clases a fin de fomentar la integración racial
  - (2) tratar de no meterse de ninguna manera a fin de evitar la acusación hecha de algunos padres que ella está ocupada en "ingeniería social"
  - (3) tratar con calma de interesar a algunos de estos niños en actividades de otros grupos
  - (4) convocar una sesión de las madres de los niños para pedir su ayuda
62. En cuanto a la manera en que aprenden los niños pequeños, todas las afirmaciones siguientes son ciertas MENOS:
- (1) Los niños aprenden lo que viven.
  - (2) Los niños escogen con cuidado lo que aprenden.
  - (3) El niño aprende mejor por medio de experiencias vicarias.
  - (4) El aprender es más eficaz y duradero cuando sirve de la respuesta a las preguntas hechas por el niño mismo.
63. En las conferencias entre los padres y el maestro, estos principios son válidos MENOS:
- (1) El maestro debe animar al padre que hable y debe prestar atención a lo que dice.
  - (2) El maestro debe enfatizar solamente las debilidades del niño, y no debe perder el tiempo discutiendo sus fuerzas.
  - (3) Cuando un padre sugiere un plan de conducta, el maestro debe aceptarlo si es posible.
  - (4) No es provechoso disputar con un padre de miedo que cause el resentimiento y la resistencia.
64. Todos los siguientes conceptos deben incluirse en un programa de apresto de lectura en el vernáculo del niño, MENOS
- (1) un entendimiento de lo que es el leer
  - (2) ejercicios de práctica rígidos
  - (3) destrezas orales - auditivas
  - (4) destrezas visuales
65. Si un maestro recibe una carta de una agencia social privada que pide información sobre un niño de su clase, porque la agencia está dando ayuda a esta familia, el maestro debe
- (1) dar la información pedida
  - (2) informar al padre del niño para pedir su permiso de dar la información
  - (3) no hacer caso de la petición porque las agencias sociales privadas pueden emplear mal esta información
  - (4) entregar la carta a su director para que éste haga lo que juzgue apropiado
66. Todas las siguientes declaraciones sugieren beneficios positivos del uso de la repetición en un programa de enseñanza bilingüe, MENOS:
- (1) Los mismos conceptos pueden ser repetidos varias veces pero de diferentes maneras, hasta que las ideas sean debidamente aprendidas.
  - (2) Para que la repetición sea más efectiva ésta debe ser siempre palabra por palabra.
  - (3) El usar dos lenguajes en la enseñanza ayuda a combatir el aburrimiento que ocasiona la repetición.
  - (4) Si se enseña al niño en su vernáculo y luego se repite lo que se enseñó en el nuevo idioma, se puede ayudar al niño a adquirir los conceptos abstractos en el nuevo idioma.

Test continued on reverse side.

## EXHIBIT NO. 7 (Continued)

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67. De las siguientes, desde el punto de vista educativo, la razón más válida por la cual se debe planear con cuidado un programa de arte para los niños es que, sin orientación pudieran
- (1) tratar de hacer cosas que no correspondieran a su crecimiento mental y manual
  - (2) experimentar con diferentes materiales
  - (3) malgastar los materiales
  - (4) ser incapaces de representar las cosas con exactitud
68. De las siguientes prácticas en el enseñar la matemática a las clases del primer año, la MENOS válida en cuanto a la instrucción es
- (1) estimular la participación activa de los estudiantes
  - (2) desarrollar la averiguación del estudiante y su poder de razonar
  - (3) proporcionar una gran variedad de problemas escritos
  - (4) proporcionar una variedad de materia representativa
69. En el pintar con los dedos, es muy importante permitir que los niños
- (1) trabajen en papel mojado
  - (2) mezclen colores en el papel
  - (3) usen cuantos colores quieran
  - (4) dibujen a la gente y los objetos más que abstracciones
70. De las actividades siguientes la que es MENOS conducente al desarrollo de habilidades y conceptos matemáticos en los grados primarios es la utilización de
- (1) problemas del texto
  - (2) experiencias en la clase
  - (3) experiencias personales
  - (4) experiencias en la escuela
71. De las siguientes experiencias científicas, la que es MENOS deseable para una clase del primer grado es:
- (1) La maestra le muestra a la clase fotografías de un experimento hecho por su clase del año pasado.
  - (2) La maestra anima a los niños que traigan semillas para plantar en envases de leche.
  - (3) Los niños discuten el tiempo y luego dictan una tabla de experiencias del tiempo a la maestra
  - (4) Los niños cuidan a un conejo que el maestro ha traído a la escuela
72. De las siguientes actividades por las cuales los niños de los grados Kg-2 pudieran recibir ayuda en adquirir una orientación al universo, la MENOS apropiada es
- (1) al estudiar las formaciones de las nubes
  - (2) al discutir cómo nos ayuda la gravedad
  - (3) al trazar sombras a diferentes horas del día
  - (4) al observar el sol con relación a las construcciones cercanas
73. De los siguientes, el mejor modo de introducir el significado de mitades a los niños del primer grado es
- (1) escribir  $\frac{1}{2}$  en la pizarra
  - (2) doblar un papel para que los niños vean dos mitades
  - (3) dibujar un círculo en la pizarra y dividirlo por el centro
  - (4) pedir a un niño que comparta con otro niño un pedazo de papel de marquilla

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## EXHIBIT NO. 7 (Continued)

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74. Todas las afirmaciones siguientes respecto de rutinas son válidas EXCEPTO:

- (1) Los niños se confunden cuando les falta dirección.
- (2) Las rutinas resultan en economía de tiempo y esfuerzo.
- (3) Las rutinas son una experiencia educativa valiosa.
- (4) Las rutinas deben ser limitadas a los grados primarios.

75. Si al planear un viaje al cercano cuartel de bomberos, la maestra encuentra que dos alumnos suyos lo visitaron el año pasado con otra maestra, ella debe

- (1) hacer que estos dos niños hagan otro viaje en lugar de éste, con otra clase
- (2) seguir con los arreglos planeados y llevar a estos niños con la clase
- (3) pedir a su supervisor que los ponga en otra clase el día del viaje
- (4) sugerir a las madres que los guarden en casa el día del viaje, porque ya lo han visitado y así quedarán muy aburridos

Test continued on next page.

## EXHIBIT NO. 7 (Continued)

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76. Se celebra el Día de las Américas el  
 (1) 14 de abril (3) 6 de enero  
 (2) 2 de mayo (4) 12 de octubre
77. El gran narrador de la conquista de México fue  
 (1) Ginés Perez de Hita (3) Bernal Díaz del Castillo  
 (2) Garcilaso de la Vega (4) Alonso de Ercilla
78. El famoso "Parque de Bombas" de Puerto Rico que se ha convertido en museo está situado en la ciudad de  
 (1) Mayagüez (2) Fajardo (3) Ponce (4) Bayamón
79. La lengua oficial del Brasil es el  
 (1) italiano (2) francés (3) español (4) portugués
80. El primer gobernador de Puerto Rico fue  
 (1) Cristóbal Colón (3) Luis Muñoz Marín  
 (2) Ponce de León (4) Benito Juárez
81. Un famoso teatro de San Juan donde se representan obras teatrales y conciertos se llama  
 (1) Bellas Artes (2) Metropolitano (3) Estadio (4) Tapia
82. Los de descendencia española que nacieron y se quedaron en América se llamaban  
 (1) mestizos (2) indianos (3) criollos (4) cariocas
83. La famosa iglesia de "Porta Coeli" de Puerto Rico se encuentra en la ciudad de  
 (1) Aguadilla (2) San Germán (3) Ponce (4) San Juan
84. La ciudad española famosa por su acueducto romano es  
 (1) Salamanca (2) Toledo (3) Segovia (4) Granada
85. "El Movimiento del 26 de julio" es asociado con  
 (1) los nacionalistas de Puerto Rico  
 (2) la rebelión de los indios de Centro América  
 (3) la revolución en Cuba  
 (4) los revolucionarios de la República Dominicana
86. El gran violoncelista español que vive actualmente en Puerto Rico es  
 (1) Pablo Casals (2) Andrés Segovia (3) José Ferrer (4) Jesús T. Piñero
87. La segunda ciudad de Puerto Rico es  
 (1) Fajardo (2) Arecibo (3) Mayagüez (4) Ponce
88. Un refresco favorito entre la gente hispana es  
 (1) La horchata (3) el mazapán  
 (2) el buñuelo (4) el chorizo
89. El corrido es una forma de música popular de  
 (1) Cuba (2) Puerto Rico (3) La Argentina (4) México
90. En San Juan se encuentra "el Morro", que es  
 (1) un hotel (3) una fortaleza  
 (2) un restaurante (4) una universidad

Test continued on reverse side.



## EXHIBIT NO. 7 (Continued)

B11.Tr.C.B./E.C.(Sp) 12/71 Alt. A

Page 11

91. Las siguientes celebraciones significativas para el niño puertorriqueño están correctamente pareadas con sus fechas, MENOS:
- (1) Día de Reyes - 6 de enero  
 (2) Día del Grito de Lares - 23 de septiembre  
 (3) Día de la Constitución del estado Libre Asociado - 4 de julio  
 (4) Fiesta de San Juan - 24 de junio
92. Un dictador dominicano que gobernó por mucho tiempo fue
- (1) Trujillo (2) Perón (3) Batista (4) Jiménez
93. La danza nacional de México es
- (1) la zamacueca (3) el tango  
 (2) el jarabe tapatío (4) el joropo
94. La Universidad de Puerto Rico está situada en un suburbio de San Juan que se llama
- (1) Río Piedras (2) Santurce (3) Hato Rey (4) Condado
95. El héroe nacional de España es
- (1) Don Quijote (2) el Cid (3) Carlos V (4) Lope de Vega
96. Las procesiones religiosas de Sevilla se celebran
- (1) durante la Semana Santa (3) antes de la Navidad  
 (2) en Carnaval (4) el Día de los Difuntos
97. El gran patriota y poeta cubano fue
- (1) Rubén Darío (3) José Asunción Silva  
 (2) Ciro Alegría (4) José Martí
98. El Apóstol de los Indios fue
- (1) Fray Luis de Granada (3) Bernal Díaz  
 (2) Bartolomé de las Casas (4) Fray Luis de León
99. El gran pintor que pintó figuras alargadas fue
- (1) El Greco (2) Velásquez (3) Murillo (4) Goya
00. La República Dominicana comparte con Haití una isla que se llama
- (1) Antilla (2) Española (3) Quisqueya (4) Trujillo

END OF SHORT-ANSWER TEST.

## EXHIBIT NO. 7 (Continued)

Board of Education

Board of Examiners

City of New York

BILINGUAL TEACHER OF EARLY CHILDHOOD CLASSES (SPANISH) IN DAY ELEMENTARY SCHOOLS  
UNDER ALTERNATIVE A REQUIREMENTS

## WRITTEN (SHORT-ANSWER TEST)

December 7, 1971

IMPORTANT!

- 
1. Time allowance for entire written test (written English and written Spanish essay questions and short-answer paper) -----  $3\frac{1}{2}$  hours  
This allowance includes time for fingerprinting.  
  
Time recommended for answering written English essay question and reviewing written English ----- 1 hour  
Time recommended for answering written Spanish essay question and reviewing written Spanish ----- 1 hour  
Time recommended for answering all short-answer questions -----  $1\frac{1}{2}$  hours  
  
Warning: All writing, except for the numbering of pages, must cease at the end of  $3\frac{1}{2}$  hours.
  2. Number of questions ----- 100
  3. Number of credits ----- 100
  4. The questions in this test are numbered 1 to 100. Questions appear on both sides of the pages. ALL QUESTIONS ARE IN ENGLISH.
  5. The test consists of 14 pages. Check now to make sure that you have a complete set of properly numbered pages.
  6. Read the "General Instructions" on the sheet immediately following this page.
  7. If unsatisfactory test conditions exist, you should then and there call them to the attention of the person in charge of this test (through the proctor, if any) for such adjustment as may be warranted. In addition, if at the close of the test you believe that the results have been seriously affected by abnormal conditions, you are requested to state your objections fully in a communication to the Board of Examiners, mailed or personally delivered within twenty-four hours after the completion of the test. No protest or appeal regarding the test conditions will be entertained except as here provided.

## EXHIBIT NO. 7 (Continued)

BOARD OF EDUCATION

BOARD OF EXAMINERS

CITY OF NEW YORK

## GENERAL INSTRUCTIONS

## SHORT-ANSWER QUESTIONS

1. The only material on your desk during this test is to be the question paper, the special answer sheet and one or more #2 pencils. If you need to make computation with paper and pencil on any part of this test, scrap paper will be provided by the proctor.
2. This set of short-answer items is accompanied by a special answer sheet on which you will record your answers.
3. Write nothing and make no marks until the proctor has given directions.
4. These items are of the multiple-choice type, each offering 4 choices of answers. After you have chosen the answer which you consider correct, or most nearly correct, indicate your choice on the special answer sheet by blackening the corresponding space. Read the directions and note the sample printed on the reverse side of the answer sheet.
5. Should the Board of Examiners determine that two or more of the choices listed are equally correct, it will credit them as such. Should the Board of Examiners determine that none of the choices is correct, it will annul the item.
6. Your paper will be scored correctly if you follow these simple directions:
  - (a) Make only ONE mark for each answer. If two or more answers are selected for a question, it will be counted as incorrect.
  - (b) Erase completely any answer you wish to change.
  - (c) Avoid any stray pencil marks on any portion of the answer sheet; otherwise your score may be affected.
  - (d) When filling in the grade and date, be sure not to write below the lines provided.
7. Try to answer all the items. Your score will be computed on the basis of the number of questions you answer correctly. From this score there will be no deductions for errors or omissions.
8. Prepare your papers for collection promptly in accordance with the instructions given you by the proctor.
9. Do not fold your answer sheet or curl the edges or otherwise mishandle it.
10. Be sure to return to the proctor at the close of the session any special pencils provided to you.

THE TEST ITEMS BEGIN ON THE NEXT PAGE

*EXHIBIT NO. 7 (Continued)*

Board of Education	Board of Examiners	City of New York
BILINGUAL TEACHER OF COMMON BRANCH SUBJECTS (SPANISH) IN DAY ELEMENTARY SCHOOLS		(Grades 1-6)
BILINGUAL TEACHER OF COMMON BRANCH SUBJECTS (ITALIAN) IN DAY ELEMENTARY SCHOOLS		(Grades 1-6)
BILINGUAL TEACHER OF COMMON BRANCH SUBJECTS (CHINESE) IN DAY ELEMENTARY SCHOOLS		(Grades 1-6)
BILINGUAL TEACHER OF EARLY CHILDHOOD CLASSES (SPANISH) IN DAY ELEMENTARY SCHOOLS		(Grades Pre-Kg-2)

## UNDER ALTERNATIVE A REQUIREMENTS

## WRITTEN (SHORT-ANSWER TEST)

December 7, 1971

In each of the following questions choose ONE of the four numbered selections that correctly completes the sentence. On the answer sheet, blacken the space corresponding to the number of your selection.

1. The birthplace of political democracy is generally acknowledged to be
 

1) Rome	3) Alexandria
2) Athens	4) Great Britain
  
2. The Cabinet in our system of government differs in essence from the Cabinet system of Great Britain in that the American Cabinet is held solely responsible to the
 

1) upper house	3) chief executive
2) lower house	4) voters
  
3. Each of the following is a distinct feature of the Renaissance EXCEPT
 

1) the strengthening of the institution of feudalism
2) a renewed enthusiasm for art and science
3) a revival of interest in Greek and Roman culture
4) the growth of commerce and trade
  
4. All of the following statements regarding the French Revolution are true EXCEPT that
 

1) France was beset by outside enemies
2) military dictatorship followed the Revolution
3) it ended with the overthrow of the Bastille
4) it did away with feudal privileges of the nobility
  
5. If the gross national product of the United States more than doubled between 1930 and 1970, it means that
 

1) wages and profits increased more than 100 percent
2) bank deposits increased more than 100 percent
3) the total value of goods and services increased over 100 percent
4) the total productivity of labor increased more than 100 percent
  
6. The Monroe Doctrine became the cornerstone of American foreign policy because at the time it was issued the United States was supported by
 

1) the Holy Alliance	3) France
2) Spain	4) Great Britain
  
7. The Suez Canal connects the Mediterranean Sea and the
 

1) Black Sea	3) Caspian Sea
2) Red Sea	4) Arabian Sea

Test continued on reverse side

## EXHIBIT NO. 7 (Continued)

Page 2.

Bil. Tr. C.B. (1-6)(Span)  
 Bil. Tr. C.B. (1-6)(Ital)  
 Bil. Tr. C.B. (1-6)(Chin)  
 Bil. Tr. E.C. (Pre-Kg-2)(Span)  
 Under Alt. A Requirements 12/71

8. The main advantage of the corporate form of business organization is
- 1) limited liability among owners
  - 2) exemption from special taxes
  - 3) larger volume of business
  - 4) separation of ownership from management
9. Henry Kissinger is primarily noted as
- 1) an atomic scientist
  - 2) a medical researcher
  - 3) a Nobel prize winner
  - 4) an expert on foreign policy
10. When the General Assembly of the United Nations recently agreed to recognize the People's Republic of China as the only legitimate representative of China to the United Nations, it also
- 1) eliminated China as one of the five permanent members of the Security Council
  - 2) authorized a plebiscite to determine who would represent Taiwan in the United Nations
  - 3) expelled the representatives of Chiang Kai-Shek
  - 4) expanded the Security Council to six members so as to include a representative of the People's Republic of China
11. Of the following drugs, the one which is a synthetic is
- 1) codeine
  - 2) methadone
  - 3) morphine
  - 4) marijuana
12. Of the following, the drug which is NOT considered a depressant is
- 1) heroin
  - 2) marijuana
  - 3) barbiturates
  - 4) amphetamines
13. A famous legendary English outlaw who "stole from the rich and gave to the poor" was
- 1) Robin Hood
  - 2) Sir Patrick Spens
  - 3) Ivanhoe
  - 4) Lochinvar
14. Penelope and Telemachus are important characters in
- 1) Dante's "Divine Comedy"
  - 2) Homer's "Odyssey"
  - 3) Froust's "Remembrance of Things Past"
  - 4) Shaw's "Pygmalion"
15. The Song of Roland is based upon the deeds of a nephew of
- 1) Clovis
  - 2) King Arthur
  - 3) Charlemagne
  - 4) St. Louis of France
16. A family that migrates to California during the depression is depicted in
- 1) Of Time and the River
  - 2) Ethan Frome
  - 3) As I Lay Dying
  - 4) The Grapes of Wrath

Test continued on next page

## EXHIBIT NO. 7 (Continued)

Page 3.

Bil. Tr. C.B. (1-6) (Span)  
 Bil. Tr. C.B. (1-6) (Ital)  
 Bil. Tr. C.B. (1-6) (Chin)  
 Bil. Tr. E.C. (Pre-Kg-2) (Span)  
 Under Alt. A Requirements 12/71

17. Dulcinea is a character in  
 1) Don Quixote  
 2) Daniel Deronda  
 3) Leatherstocking Tales  
 4) La Gioconda
18. James Boswell is most noted for his  
 1) essays attacking the House of Lords  
 2) translation of the Rubaiyat of Omar Khayyam  
 3) biography of Samuel Johnson  
 4) analysis of Shakespeare's plays
19. The Faust legend is the subject of a major work by  
 1) Charles Dickens  
 2) Christopher Marlowe  
 3) Francis Bacon  
 4) Edmund Spenser
20. In William Shakespeare's play of the same name, Hamlet is a prince of  
 1) Sweden  
 2) Finland  
 3) Denmark  
 4) Norway
21. Hemingway's "A Farewell to Arms" takes place during  
 1) the Spanish-American War  
 2) World War I  
 3) the Spanish Civil War  
 4) World War II
22. The man referred to as "the noblest Roman of them all" was  
 1) Caesar  
 2) Anthony  
 3) Brutus  
 4) Cassius
23. All of the following are characteristic of poison ivy EXCEPT for  
 1) briars  
 2) three leaflet clusters  
 3) shiny leaves  
 4) white berries
24. Each of the weather instruments below is correctly paired with the atmospheric condition it measures EXCEPT  
 1) barometer - air pressure  
 2) hygrometer - relative humidity  
 3) radiosonde - upper air data  
 4) anemometer - wind direction
25. The rate of the nuclear reaction in a modern reactor engine is controlled by  
 1) cadmium rods  
 2) withdrawal of uranium  
 3) mechanical brakes  
 4) pressure changes
26. In a solar eclipse  
 1) the earth passes between the moon and the sun  
 2) the sun passes between the earth and the moon  
 3) a planet passes between the sun and the earth  
 4) the moon passes between the sun and the earth

Test continued on reverse side

## EXHIBIT NO. 7 (Continued)

Page 4.

Bil. Tr. C.B. (1-6) (Span)  
 Bil. Tr. C.B. (1-6) (Ital)  
 Bil. Tr. C.B. (1-6) (Chin)  
 Bil. Tr. E. C. (Pre-Xg-2) (Span)  
 Under Alt. A Requirements 12/71

27. A device used for producing a continuous flow of electric current is the
- |                 |                 |
|-----------------|-----------------|
| 1) electroscope | 3) galvanometer |
| 2) voltaic cell | 4) rheostat     |
28. Contour lines are used on topographic maps to illustrate
- |                           |                    |
|---------------------------|--------------------|
| 1) air currents           | 3) land elevations |
| 2) latitude and longitude | 4) precipitation   |
29. The smallest particle of water retaining all the properties of water is
- |            |               |
|------------|---------------|
| 1) an ion  | 3) an atom    |
| 2) a meson | 4) a molecule |
30. Of the following the one which acts as both a duct and a ductless gland is the
- |              |            |
|--------------|------------|
| 1) pancreas  | 3) adrenal |
| 2) pituitary | 4) ovary   |
31. A fulcrum is a part of the simple machine called a
- |           |          |
|-----------|----------|
| 1) ramp   | 3) gear  |
| 2) pulley | 4) lever |
32. All of the following diseases stem from a vitamin deficiency EXCEPT
- |            |               |
|------------|---------------|
| 1) scurvy  | 3) septicemia |
| 2) rickets | 4) beri-beri  |
33. All of the following sports are correctly paired with a term from that sport EXCEPT
- |                            |                      |
|----------------------------|----------------------|
| 1) football - lateral pass | 3) tennis - serve    |
| 2) basketball - pitch      | 4) baseball - strike |
34. All of the following procedures in the administration of first aid to a pupil are correct EXCEPT
- 1) trying to control bleeding
  - 2) cleaning wounds with soap and water and applying a sterile dressing
  - 3) removing foreign bodies from the eye
  - 4) keeping the pupil quiet, warm and comfortable
- If you need to make computations on paper on any of the following mathematical problems, please use the blank sheets that the proctor will provide.
35. A man spent  $\frac{1}{3}$  of his money for a suit and  $\frac{1}{4}$  of the remainder for a coat. If the amount he had left was \$180.00, then he started with:
- |             |             |             |             |
|-------------|-------------|-------------|-------------|
| 1) \$320.00 | 2) \$360.00 | 3) \$432.00 | 4) \$540.00 |
|-------------|-------------|-------------|-------------|
36. The scale on a map is given as  $1\frac{1}{2}$  inches to 500 miles. The distance represented by 4 inches is approximately
- |               |               |
|---------------|---------------|
| 1) 1350 miles | 3) 2000 miles |
| 2) 1650 miles | 4) 750 miles  |

Test continued on next page

## EXHIBIT NO. 7 (Continued)

Page 5.

- B11. Tr. C.B. (1-6) (Span)  
 B11. Tr. C. B. (1-6) (Ital)  
 B11. Tr. C.B. (1-6) (Chin)  
 B11. Tr. E.C. (Pre-Kg-2) (Span)  
 Under Alt. A Requirements 12/71
37. The missing number in the series 1, 5, 12, 22, ....., 51 is  
 1) 30      2) 32      3) 35      4) 36
38. The number 85.4 means  
 1)  $80 \times 5 \times .4$   
 2)  $8 + 5 + .4$   
 3)  $8 \times 5 + 4 \times .1$   
 4)  $8 \times 10 + 5 \times 1 + 4 \times .1$
39. The largest number of pieces of wood  $13\frac{1}{2}$  inches long that can be cut from a board 10 feet long is  
 1) 6      2) 8      3) 10      4) 12
40. At a rate of \$4.18 per \$100, the tax on a house assessed at \$11,000 is  
 1) \$418.00      3) \$ 45.98  
 2) \$ 41.80      4) \$459.80
41. The difference between the area of a rectangle 6 feet by 4 feet and the area of a square having the same perimeter is  
 1) 1 sq. ft.      3) 4 sq. ft.  
 2) 2 sq. ft.      4)  $17\frac{3}{4}$  sq. ft.
42. Of the following, the number nearest to 10 is  
 1) 9.985      2) 10.005      3) 10.01      4) 10.1
43. If the denominator of a fraction is multiplied by two  
 1) the value of the fraction is unchanged  
 2) the value of the fraction is doubled  
 3) the value of the fraction is halved  
 4) the numerator and the denominator become equal
44. The diagonals of a parallelogram are  
 1) always equal      3) never equal  
 2) sometimes equal      4) always perpendicular
45. Goya was a painter whose work involved  
 1) cubist structure  
 2) conditions of sky, light and atmosphere  
 3) ideal landscapes  
 4) social commentary and nightmarish visions
46. Of the following processes, the one which involves engraving lines into a metal plate through the use of a corrosive acid is  
 1) etching      3) fresco  
 2) lithography      4) dry point

Test continued on reverse side



## EXHIBIT NO. 7 (Continued)

Page 6.

Bil. Tr. C.B. (1-6) (Span)  
 Bil. Tr. C.B. (1-6) (Ital)  
 Bil. Tr. C.B. (1-6) (Chin)  
 Bil. Tr. E. C. (Pre-Kg-2) (Span)  
 Under Alt. A Requirements 12/71

47. Of the following, the painter whose work has LEAST in common with the others is

- |           |           |
|-----------|-----------|
| 1) Degas  | 3) Braque |
| 2) Renoir | 4) Monet  |

48. The composer of Boris Godunov wrote all of the following EXCEPT

- 1) Pictures at an Exhibition
- 2) Scheherazade
- 3) A Night on Bald Mountain
- 4) Khovanshchina

49. An instance of the same drama interpreted by two different operatic composers is

- 1) La Bohème by Puccini and by Leoncavallo
- 2) Tristan und Isolde by Wagner and by Humperdinck
- 3) Aida by Verdi and by Menotti
- 4) Le Prophète by Meyerbeer and by Gounod

50. Beethoven used the Ode to Joy in his Symphony number 9. This symphony is also referred to as the

- |             |           |
|-------------|-----------|
| 1) Eroica   | 3) Dance  |
| 2) Pastoral | 4) Choral |

Test continued on next page

*EXHIBIT NO. 7 (Continued)*

Page 7

Bil. Tr. C.B. (Span) 12/71  
 Bil. Tr. C.B. (Ital) 12/71  
 Bil. Tr. C.B. (Chin) 12/71  
 Bil. Tr. E.C. (Span) 12/71  
 Under Alternative A Requirements

51. Standardized tests should be used for all the following purposes EXCEPT to
- 1) serve as the main guide in curriculum development
  - 2) determine achievement at the end of the year
  - 3) group according to achievement
  - 4) diagnose individual pupil's difficulties.
52. When energy derived from a frustrated drive is directed into a creative social endeavor, we have an illustration of
- 1) sublimation
  - 2) regression
  - 3) compensation
  - 4) fixation
53. An appeal by the teacher for group cooperation rather than individual achievement will encourage the children to
- 1) compete with one another
  - 2) listen to the teacher
  - 3) help the teacher maintain class standards and rules
  - 4) listen to the principal
54. All of the following are common measures of "central tendency" EXCEPT the
- 1) correlation coefficient
  - 2) arithmetic mean
  - 3) mode
  - 4) median
55. The LEAST desirable reason for the use of anecdotal records is to
- 1) determine whether a behavior pattern is typical
  - 2) have evidence of poor behavior to show to the parents of the child
  - 3) look for clues as to the source of the difficulty, e.g., in what kinds of situation a particular behavior pattern occurs
  - 4) look for trends in behavior
56. All of the following are acceptable practices in teaching English as a second language EXCEPT
- 1) capitalizing upon experiences in which there is a need for speaking English
  - 2) planning activities demanding the use of English
  - 3) scheduling practice on necessary vocabulary prior to the experience
  - 4) relating experiences for helping children acquire English to the regular curriculum of the class
57. Special assistance is given to children learning English as a second language in the area of speech production in all of the following ways EXCEPT that the teacher
- 1) uses the atmosphere and informality of the elementary school classroom to provide an effective base for children to learn the new language
  - 2) never permits non-English speaking children to speak to others in the class in their own language
  - 3) helps children say the desired response by saying it for them first, calling their attention to her mouth formation
  - 4) includes one or more non-English speaking children in small group activities

Test continued on reverse side

*EXHIBIT NO. 7 (Continued)*

Page 8.

Bil. Tr. C.B. (Span) 12/71

Bil. Tr. C.B. (Ital) 12/71

Bil. Tr. C.B. (Chin) 12/71

Bil. Tr. E.C. (Span) 12/71

Under Alternative A Requirements

58. A student's percentile rank tells the teacher
- 1) what percent of the items the student got right
  - 2) the student's grade equivalent
  - 3) what percent of the items the student got wrong
  - 4) the percent of students who obtained a score below that of the student in question
59. When a newly arrived child who speaks English haltingly enters a teacher's class, the procedure among the following which is LAST in order of priority is to
- 1) increase the child's English vocabulary so that he may function better
  - 2) provide useful experiences which will help the child to adjust more readily to his new environment
  - 3) determine the health and nutritional needs of the child
  - 4) eliminate the foreign accent from the child's speech so that he will not be embarrassed in his relations with his classmates
60. Among the following, the most important preparation for a teacher to make in planning to receive parents on Open School Day is to
- 1) assign a welcoming committee of pupils
  - 2) decorate the room with colorful pictures
  - 3) have each child's folder of work in evidence
  - 4) prepare an entertainment for the adults by the children of the class

Test continued on next page

## EXHIBIT NO. 7 (Continued)

Page 9.

Bil. Tr. E.C. (Span) 12/71 Act. A

61. If an early childhood teacher notices that the children in her class who are learning English as a second language cluster together during work-play activities, she should
- 1) ask the principal to transfer some of them to other classes in the interest of integration
  - 2) not interfere in any way so as to avoid the charge some parents may make that she is engaged in "social engineering"
  - 3) quietly attempt to interest some of these children in participating in activities involving other groups
  - 4) call a meeting of the children's mothers and ask for their help
62. All of the statements listed below concerning how young children learn are true EXCEPT:
- 1) Children learn what they live.
  - 2) Children are selective in what they learn.
  - 3) A child learns best through vicarious experiences.
  - 4) Learning is most affective and lasting when it serves as a response to a child's own inquiries.
63. In parent-teacher conferences, these principles are valid EXCEPT:
- 1) The teacher should encourage the parent to talk, and listen to what he has to say.
  - 2) The teacher should emphasize only the weaknesses of the child, and waste no time discussing his strengths.
  - 3) When a parent suggests a plan of action, accept it, if at all possible to do so.
  - 4) It is not helpful to argue with a parent because it may arouse resentment and resistance.
64. All of the following ought to be included in a reading readiness program in the child's dominant language EXCEPT:
- 1) an understanding of what reading is
  - 2) rigid mechanical drills
  - 3) aural - oral skills
  - 4) visual skills
65. If a teacher receives a letter from a private social agency asking for information on a child in her class because the agency is working with the family, the teacher should
- 1) supply the information called for
  - 2) notify the child's parent and get her permission to supply the information
  - 3) do nothing about the request since private social agencies may misuse this information
  - 4) turn the letter over to her principal for whatever action he deems advisable.
66. All of the following uses of repetition in a bilingual teaching situation are acceptable EXCEPT:
- 1) The same things may be said over and over, but in different ways, until the ideas are fully mastered.
  - 2) For repetition to be more effective, it should always be verbatim.
  - 3) Using two languages in teaching helps combat the boredom of repetition.
  - 4) Teaching in the child's vernacular and repeating the lesson in the new language may help the child to grasp abstract concepts in the new language.

Test continued on reverse side

## EXHIBIT NO. 7 (Continued)

Page 10.

E11. Tr. E.C. (Span) 12/71 Alternatives A

67. Of the following, the most educationally valid reason for careful planning of an art program for young children is that, without guidance, they might
- 1) attempt things beyond their mental and manual development
  - 2) experiment with various materials
  - 3) waste material
  - 4) be unable to represent things accurately
68. Of the following practices in teaching mathematics to first-year classes, the LEAST educationally sound is
- 1) encouraging active pupil participation
  - 2) developing pupil discovery and reasoning power
  - 3) providing a large variety of written problems
  - 4) providing a variety of representative materials
69. In finger painting, it is most important to allow young children to
- 1) work on wet paper
  - 2) mix colors on the paper
  - 3) use as many colors as they wish
  - 4) depict people and objects rather than abstractions
70. Of the following activities the one LEAST conducive to developing mathematical concepts and skills in the early grades is the utilizing of
- |                      |                         |
|----------------------|-------------------------|
| 1) textbook problems | 3) personal experiences |
| 2) class experiences | 4) school experiences   |
71. Of the following science experiences, the one LEAST desirable for a first-grade class is:
- 1) The teacher shows the class pictures of an experiment done by her last year's class.
  - 2) The teacher encourages children to bring in seeds which they plant in milk containers.
  - 3) The children discuss the weather and then dictate a weather experience chart to the teacher.
  - 4) The children care for a rabbit which the teacher has brought to school
72. Of the following activities through which children in grades K-2 might be helped to acquire an orientation to the universe, the one LEAST appropriate is
- 1) studying cloud formations
  - 2) discussing how gravity helps us
  - 3) tracing shadows at different times of the day
  - 4) observing the sun in relation to nearby structures
73. Of the following, the best way to introduce the meaning of halves to children in the first grade is to
- 1) write  $\frac{1}{2}$  on the board
  - 2) fold a paper in half
  - 3) draw a circle on the board and divide it through the center
  - 4) ask a child to share a piece of construction paper with another child

Test continued on next page

## EXHIBIT NO. 7 (Continued)

Page 11.

Bll. Tr. E.C. (Span) 12/71 Ait. A

74. All of the following statements regarding routines are valid EXCEPT:
- 1) Children become confused when they lack direction.
  - 2) Routines result in economy of time and effort.
  - 3) Routines are a valuable learning experience.
  - 4) Classroom routines should be limited to the primary grades.
75. If a teacher plans a trip to the local firehouse and she finds that two of her children went there last year with another teacher, she should
- 1) arrange to have these two children go on another trip with a different class in lieu of this one
  - 2) make no special arrangements but simply take them along with the rest of the class
  - 3) ask a supervisor to place them in another class on the day of the trip
  - 4) suggest to their mothers that they be kept home on the day of the trip since they have already been there and will be bored.

Test continued on next page

## EXHIBIT NO. 7 (Continued)

Page 12.

Bil. Tr. CB/EC (Spanish) 12/71 Alt. A

76. The "Day of the Americas" (Pan-American Day) is celebrated on
- 1) April 14
  - 2) May 2
  - 3) January 6
  - 4) October 12
77. The great narrator of the conquest of Mexico was
- 1) Ginés Páez de Hita
  - 2) Garcilaso de la Vega
  - 3) Bernal Díaz del Castillo
  - 4) Alonso de Ercilla
78. Puerto Rico's famous "Parque de Bombas" ("Firehouse"), which has been converted into a museum, is located in the city of
- 1) Mayagüez
  - 2) Fajardo
  - 3) Ponce
  - 4) Bayamón
79. The official language of Brazil is
- 1) Italian
  - 2) French
  - 3) Spanish
  - 4) Portuguese
80. The first governor of Puerto Rico was
- 1) Christopher Columbus
  - 2) Ponce de León
  - 3) Luis Muñoz Marín
  - 4) Benito Juárez
81. A famous theatre in San Juan where theatrical works and concerts are presented is
- 1) Bellas Artes
  - 2) Metropolitano
  - 3) Estadio
  - 4) Tapia
82. Those of Spanish descent who were born and remained in America were called
- 1) mestizos
  - 2) indios
  - 3) criollos
  - 4) cariocas
83. Puerto Rico's famous church, "Porta Coeli", is located in the city of
- 1) Aguadilla
  - 2) San Germán
  - 3) Ponce
  - 4) San Juan
84. The Spanish city that is famous for its Roman aqueduct is
- 1) Salamanca
  - 2) Toledo
  - 3) Segovia
  - 4) Granada
85. "The movement of July 25" is associated with
- 1) the Puerto Rican Nationalists
  - 2) the rebellion of the Indians of Central America
  - 3) the Cuban Revolution
  - 4) the revolutionaries of the Dominican Republic
- Text continued on reverse side

## EXHIBIT NO. 7 (Continued)

Page 13.

Bil. Tr. CB/EC (Spanish) 12/71 Alt. A

86. The great Spanish cellist who now lives in Puerto Rico is
- 1) Pablo Casals
  - 2) Andrés Segovia
  - 3) José Ferrer
  - 4) Jesús T. Piñero
87. Puerto Rico's second largest city is
- 1) Fajardo
  - 2) Arecibo
  - 3) Mayagüez
  - 4) Ponce
88. A favorite soft drink of Spanish-speaking people is
- 1) orgeat
  - 2) cruller
  - 3) marchpane
  - 4) pork sausage
89. The "corrido" is a type of popular music of
- 1) Cuba
  - 2) Puerto Rico
  - 3) Argentina
  - 4) Mexico
90. "El Morro", located in San Juan, is
- 1) a hotel
  - 2) a restaurant
  - 3) a fortress
  - 4) a university
91. The following celebrations, significant to the Puerto Rican child, are correctly matched with the dates, EXCEPT:
- 1) Three Kings Day - January 6th
  - 2) El Grito de Iares - September 23rd
  - 3) Commonwealth Constitution Day - July 4th
  - 4) San Juan's Fiesta - June 24th
92. A Dominican dictator who ruled for a long time was
- 1) Trujillo
  - 2) Perón
  - 3) Batista
  - 4) Jiménez
93. The national dance of Mexico is the
- 1) zamacueca
  - 2) jarabe tapatío
  - 3) tango
  - 4) joropo
94. The University of Puerto Rico is located in the suburb of San Juan called
- 1) Río Piedras
  - 2) Santurce
  - 3) Hato Rey
  - 4) Condado
95. Spain's national hero is
- 1) Don Quijote
  - 2) el Cid
  - 3) Carlos V
  - 4) Lope de Vega
96. The religious processions of Seville are celebrated
- 1) during Holy Week
  - 2) at the feast before Lent
  - 3) before Christmas
  - 4) on All Saints Day

Test continued on next page



## EXHIBIT NO. 7 (Continued)

Page 14.

Bil. Tr. CB/EG (Spanish) 12/71 Alt.A

97. The great Cuban patriot and poet was
- 1) Rubén Darío
  - 2) Ciro Alegría
  - 3) José Asunción Silva
  - 4) José Martí
98. The Apostle of the Indians was
- 1) Fray Luis de Granada
  - 2) Bartolomé de las Casas
  - 3) Bernal Díaz
  - 4) Fray Luis de León
99. The great painter who painted elongated figures was
- |              |            |
|--------------|------------|
| 1) El Greco  | 3) Murillo |
| 2) Velázquez | 4) Goya    |
100. The Dominican Republic and Haiti share an island called
- 1) Antilla
  - 2) Española (Hispaniola)
  - 3) Quisqueya
  - 4) Trujillo

END OF SHORT-ANSWER TEST

ADDITIONAL DOCUMENTS ENTERED INTO THE HEARING RECORD

## UNITED STATES COMMISSION ON CIVIL RIGHTS

Washington, D. C. 20425

DATE: April 21, 1972

REPLY TO  
ATTN OF: OCRP&P

SUBJECT: Request for ethnic data of Hunter College High School by  
Commissioner Horn during New York City Hearing, February 14, 1972

TO: John H. Powell, Jr.  
General Counsel

While testifying as a member of the Student Panel, Miss Gilda Serrano stated that Hunter College High School would not accept her because she could not speak English. She also stated that an applicant needed a very high grade point average, high scores on the Scholastic Aptitude Test and English language facility. She had a 4.0 grade point average; SAT scores of 277 on the Verbal section and 500 on the Math section; but could not speak English. In response to a question from Commissioner Freeman, Miss Serrano alleged that only Anglo-Saxons could be admitted to the school.

According to Dr. Bernard Miller, Director of Hunter College High School, the admission standards of the high school during the years 1961-64 required that applicants must be performing two years above grade level in Math and Reading. During those years, racial and ethnic data were not kept. At that time, the keeping of such data was considered discriminatory. In 1965, new admissions standards were instituted requiring that 1/3 of each entering class be composed of educationally disadvantaged students from racial and ethnic minorities. This policy is still in effect.



RODNEY J. CASH  
Civil Rights Program Analyst

Board of Education of the City of New York


**OFFICE OF INSTRUCTIONAL SERVICES  
BUREAU OF ENGLISH**

 181 Livingston Street, Brooklyn, N. Y. 11201 • (212) 596-4913
 

---

February 16, 1972

Mr. John H. Powell, Jr.  
General Counsel  
U.S. Commission on Civil Rights  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

Dear Mr. Powell:

At yesterday's hearing the Commission Chairman requested for the record information on the number of pupils in our two bilingual schools. The data are as follows:

## P.S. 25 Bronx

Pupils who are Spanish-speaking	710
Pupils who are not Spanish-speaking	<u>116</u>
Total	826

## P.S. 211 Bronx

Pupils who are Spanish-speaking	486
Pupils who are not Spanish-speaking	<u>260</u>
Total	746

Sincerely,

*Jerome Carlin*  
Jerome Carlin  
Director of English

JC:lh

Copy: Mr. David Krulik

THE BOARD OF EDUCATION  
 OF THE CITY SCHOOL DISTRICT OF NEW YORK  
 OFFICE OF PERSONNEL  
 85 COURT STREET  
 BROOKLYN, N. Y. 11201

FREDERICK H. WILLIAMS  
 EXECUTIVE DIRECTOR

March 6, 1972

Rev. Theodore M. Hesburgh, Chairman  
 United States Commission on Civil Rights  
 Washington, D.C. 20425


Dear Father Hesburgh:

At a recent hearing of the U.S. Civil Rights Commission, I was asked to submit any documentation we have with respect to two items:

- 1) Advertisements in the Spanish language press and communications with Puerto Rican organizations
- 2) Efforts made to assist Puerto Ricans to become principals in the New York City school system.

Enclosed are documents in response to these two items. If I may be of further assistance please advise me.

Sincerely,

  
 FREDERICK H. WILLIAMS  
 Executive Director

FHW:m

Enc.  
 cc: Mr. John Powell

**6. Professional  
Male or Female**

**TEACHING  
OPPORTUNITIES  
IN NEW YORK CITY  
FOR SEPTEMBER, 1970**

- **EARLY CHILDHOOD (Nursery-2nd Grade)**
- **COMMON BRANCHES (1 thru 6)**
- **ENGLISH (JHS & HS)**
- **MATHEMATICS (JHS & HS)**

**REQUIRED EXAMINATIONS FOR THE ABOVE TEACHING LICENSES WILL BE CONDUCTED IN PUERTO RICO IN THE NEAR FUTURE.**

Applicants must be fluent in English, hold a baccalaureate degree by September 1, 1970, and meet other education and content course requirements.

**SALARIES FOR BEGINNING  
TEACHERS RANGE FROM  
\$8,450\* - \$14,600  
\*as of October 1, 1970**

For appointment and further information regarding dates, time and place of orientation as well as eligibility, fees, and other procedures, please call:

**725-1212**

and ask for the New York City Board of Education representative. Calls can be accepted only between 9 A.M. & 6 P.M., Mon.-March 2 to March 6, 1970.

**An Equal Opportunity Employer**

Appeared in El Imparrial and  
El Mundo, April 22, 23, 1968

Appeared in The San Juan Star  
April 21, 22, 23, 1968

## An Invitation To Teachers

Meet with representatives of the New York City  
**BOARD OF EDUCATION**  
on April 23rd, 24th and 25th

License examinations will be held in the San Juan area during this  
visit. Successful candidates are guaranteed full time positions for  
September, 1968.

Please call: Mrs. Dinos, on the above dates,

at the  
**FLAMBOYAN HOTEL**


866 Ashford, 725-7700

between 5:30 P.M. & 8:00 P.M. for complete details

Bureau of Recruitment  
**New York City Board of Education**

110 Livingston Street Brooklyn, N.Y. - 11201

An Equal Opportunity Employer



**EL DIARIO** 162

**EL JOURNAL**

SECURIA CASOBE

PRIVADAS-COMERCIALES  
TECNICAS-VOCACIONALES

*El día de hoy*

# HIGH SCHOOL PRINCIPALS

There will be vacancies for  
Principals in the following

**NEW YORK CITY HIGH SCHOOLS  
BEGINNING FEBRUARY 1, 1972**

Arlington High School

Erasmus Cullis High School

High School of Fashion Industries

Samuel Compers Voc. & Tech. H.S.

William E. Greedy Voc. High School

John F. Kennedy H.S.

James Monroe High School

**SALARY \$29,395 to \$31,075**

Persons interested in applying for the principalship of any of these schools should send a detailed resume to:

**PRINCIPAL SELECTION COMMITTEE,  
OFFICE OF PERSONNEL  
BOARD OF EDUCATION,**

Room 510—65 Canal Street, Brooklyn, N.Y. 11201

N.B. Write the name of the school for which you are applying on the lower left side of the envelope. Use separate envelope for each school.

Only persons eligible to serve as principals of a high school in New York City should apply. A person is eligible if he possesses a New York State certificate for a high school principal or school administrator and supervisor, or if he meets the requirements as set forth in the By-Laws of the Board of Education of New York City. You may request a copy of the pertinent By-Laws from:

Dr. Gerald Brooks, Director,  
Bureau of Educational Staff Recruitment,  
110 Livingston Street, Brooklyn, N.Y. 11201

Applications for these vacancies must be received by JANUARY 14, 1972. The application should include the pertinent facts about the educational experience of the candidate including that which establishes his eligibility.

An equal opportunity employer.



ADDITIONAL VACANCIES FOR  
**High School Principals**  
 In New York City Schools

Beginning February 1, 1972, there will be vacancies for principals  
 in the following New York City high schools:

Bay Ridge H.S.	Francis Lewis H.S.
Bayside H.S.	New Dorp H.S.
Erasmus Hall H.S.	New Utrecht H.S.
William Cullen Bryant H.S.	

**SALARY: \$29,395**

Assignment to these positions will be made in accordance with procedures  
 and under conditions specified in Special Circular #36, 1971-72, and its  
 supplements. (This circular is available in all schools and offices under the  
 supervision of the Board of Education of New York City.)

Applicants from outside the New York City School System should write  
 immediately for eligibility requirements, application forms and other per-  
 tinent information. Write to:

**Dr. Gerald I. Brooks, Director**

Bureau of Educational Staff Recruitment  
 110 Livingston Street, Brooklyn, N. Y. 11201  
 (212) 596-8050

Completed applications must be received by Feb. 4, 1972.  
 an equal opportunity employer

EL. DIARIO

4/2/72

## STATEMENT OF PUERTO RICAN CONFERENCE OF THE BRONX

THE BOARD OF EDUCATION  
OF THE CITY SCHOOL DISTRICT OF NEW YORK  
OFFICE OF PERSONNEL  
65 COURT STREET  
BROOKLYN, N. Y. 11201

FREDERICK H. WILLIAMS  
EXECUTIVE DIRECTOR

March 6, 1972

ADVERTISEMENTS IN SPANISH LANGUAGE PRESS

The total amount of money spent for all advertising was \$19,075\* in 1970-71. Of this \$2,558\*\* was expended on advertisements in the Spanish language press. In addition, relevant announcements have been prepared in Spanish as well as in English.

In 1971-72 the total in advertising by the Recruitment Bureau so far has been \$2,025\*\*\*. Of this \$632 has been spent with the Spanish language press.

Some examples of the advertisements are enclosed for your review.

* Board of Education Program	\$ 7,448
Joint Employment Recruitment Program	\$11,627
** Board of Education Program	\$ 1,871
Joint Employment Recruitment Program	\$ 687
*** Board of Education Program	\$ 2,025

New York City Elementary School Principals

The City School District of New York is inviting qualified applicants to apply for license as elementary school principal. Salary range effective October 1, 1971 \$24,410 to \$25,710. Deadline for filing applications with the Board of Examiners is October 7, 1970.

For information concerning eligibility requirements and licensing procedures, please visit or telephone our representative on Monday through Thursday, Sept. 21 - Sept. 24 between 3:00 P.M. - 8:00 P.M.

Mr. Steven Baker

Centro De Colocacion Para Professionals

Monte Mall

Shopping Center of Avenida Avenue

Munoz, Rivera, Esquina

Coll Y Toste

Salon 38, 767-7440

Hato Rey, Puerto Rico

New York City Board of Education

Office of Personnel

Bureau of Educational Staff Recruitment

110 Livingston Street

Brooklyn, N.Y. 11201

212-596-8060

' San Juan Star	'
' September 19 - 22, 1970	'
'	'
' El Mundo	'
' September 19 - 22, 1970	'

THE BOARD OF EDUCATION  
OF THE CITY SCHOOL DISTRICT OF NEW YORK  
OFFICE OF PERSONNEL  
65 COURT STREET  
BROOKLYN, N. Y. 11201

FREDERICK H. WILLIAMS  
EXECUTIVE DIRECTOR

March 6, 1972

ASSISTANCE TO PUERTO RICANS TO BECOME PRINCIPALS IN NEW YORK CITY

In the early 1960's the Board of Education established a promotional seminar - a training program to prepare candidates for major supervisory examinations. Heretofore such preparation was conducted privately at an applicant's expense, averaging \$600 per person per supervisory examination. The Board of Education program was instituted to overcome the obvious additional obstacle that this latter fact presented to minority group applicants. The first seminar conducted in 1964-1965 was for the examination for Elementary Assistant Principal. The first junior high school principal's examination for which this seminar prepared candidates was in Spring 1969. Our degree of success was meager, however, those examinations gave us a small start in gaining supervisors out of minority groups. The next principal's examination held was for elementary principal in 1969-70. This list was never promulgated because of the court injunction in the Chance-Mercado case. Our efforts in both recruitment and preparation of Puerto Rican candidates for that examination include the following:

1. Advertisements in the Spanish language press (see prior item) in New York and in Puerto Rico.
2. Notices to various Puerto Rican organizations such as the Puerto Rican Forum.
3. Asking the assistance of Puerto Rican staff in advertising the examination.
4. Sending promotional seminar materials to Puerto Rico.
5. Going to Puerto Rico to conduct promotional seminars (see attached copies of correspondence).
6. Going to Puerto Rico to conduct examinations.

The above pattern has been used even more extensively and more continuously with respect to efforts to recruit teachers.

*New York schools  
look for teachers  
in Puerto Rico*

ACTION REPORTS

4111

PERSONNEL  
Professional  
Recruitment and Selection

**NEED:** To recruit qualified teachers from minority groups.

**ACTION:** As part of a teacher recruiting drive to attract applicants from minority groups, New York City school administrators conduct their own tests each year at the University of Puerto Rico in Rio Piedras. Applicants go on to take the National Teachers Exam in Puerto Rico. The district offers successful candidates (in both sets of tests) regular teaching positions in the city's schools.

Applicants are tested in the following subject areas: early childhood classes, and English and mathematics in junior and senior high schools. To implement the testing process in Puerto Rico, Educational Testing Service of Princeton, N.J., is establishing a special test center there.

New York's testing program is operated with its own funds and is handled by its Bureau of Recruitment in the Office of Personnel.

--June 1969

January 6, 1971

Dr. Gladys Fueates (Davila)  
Principal  
Superior High School  
University of Puerto Rico  
San Juan, Puerto Rico

Dear Mrs. Davila:

I believe you are aware of the fact that about thirty Puerto Rican educators have applied for a principal's license in the New York City school systems. They have already taken the written test, and will be called for a personal interview within the next few months.

I plan to go to Puerto Rico on the weekend of January 29-31 to meet with these applicants and to give them whatever help I can in preparation for the interview. We will discuss the interview procedures, and the preparation for the interview. Most important will be some practice interviews.

We have prepared some problems for these practice interviews. We will give all the applicants time to prepare their answers, and will then call on a volunteer to take the practice interview. Following this, we will analyze the interview and make suggestions for the group. We should be able to conduct three or four of such practice interviews during my visit.

And now I need your help. I would like you to conduct some of these interviews along with me. I am sure that as an experienced principal you can be very helpful to the group.

I also hope that we could use your school for these meetings. Maybe you have already been asked by our Office of Teacher Recruitment about this.

I will phone you on Tuesday, January 12, to discuss this. We can settle on some of the details of these meetings when I call.

I am looking forward to meeting you, and hope that you will be able to help out in the practice interviews.

Thank you for your cooperation.

Sincerely,

DENNIS A. HAYES  
PRE-SERVICE TRAINING UNIT

DAH:tg

PROFESSIONAL PROMOTIONAL SEMINARS  
ELEMENTARY SCHOOL PRINCIPAL  
January 30, 1971  
San Juan, Puerto Rico

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Home Telephone \_\_\_\_\_

Present Position \_\_\_\_\_

School \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

School Telephone \_\_\_\_\_



RESOURCE PERSONNELWithin The SchoolTo Assist Teachers

Assistant Principal  
 Guidance Counselor  
 Buddy Teacher  
 Experienced Teacher  
 Corrective Reading Teacher  
 Cluster Teacher  
 U.F.T. Delegate  
 District Personnel  
 TESEL  
 Teacher Trainer  
 Bilingual Teacher  
 Librarian

To Assist Students

Para-professionals  
 Bilingual Teacher  
 Nurse, Dental Hygienist  
 Older Child  
 Parent Teachers Association  
 Guidance Team  
 Counselor  
 Psychologist  
 Social Worker  
 Librarian

General Resource

Secretaries  
 Custodial Staff  
 Attendance Teacher  
 Doctor, Dentist  
 Parent Teachers Association

In The District

Superintendent  
 Curriculum Coordinators  
 Business Officer  
 Personnel Officer  
 Librarian  
 Coordinator TESEL  
 Title I Coordinator

Elsewhere

University Personnel  
 Community  
 Health Officials  
 Dental Clinics  
 Eye Clinics  
 Welfare Officials  
 Political Leaders  
 United Federation of Teachers  
 Council of Supervisory  
 Associations  
 Public Library  
 Museums, etc.

Central School Board

Legal Staff  
 Budget Office  
 Personnel  
 Board of Examiners  
 State & Federal Programs

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
65 COURT STREET, BROOKLYN, NEW YORK 11201  
OFFICE OF PERSONNEL

**THEODORE H. LANG**  
DEPUTY SUPERINTENDENT  
**SIDNEY ROSENBERG**  
**FREDERICK H. WILLIAMS**  
ASSISTANT SUPERINTENDENTS

**WILLIAM FORST**  
**TORP HOLMBERG**  
**HARRY MILLER**  
**MADELINE M. MORRISSEY**  
ASSISTANT ADMINISTRATIVE DIRECTOR

December 3, 1970

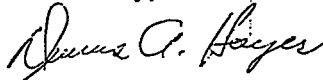
Dear Colleague,

I am happy to hear that you have taken the written test for Elementary School Principal conducted by the New York City Board of Examiners. I hope you did well in this part.

The next part of the test will be the personal interview. I think that you should begin now to prepare for this because the interviews will be conducted fairly soon. For this reason I have prepared the attached notes. These notes describe the type of interview you will be given and also give some hints as to how you can prepare yourself. Dr. Brooks will arrange, if possible, for further help including practice interviews in Puerto Rico before the date of the test.

I hope that this material will be helpful to you, and I look forward to seeing you soon as principal of one of our New York City schools.

sincerely,



DENNIS A. HAYES

DAH:tg

REMOTE PREPARATION FOR THE INTERVIEW TEST1. Conduct of the Exam.A. Preparation

a. You will be notified of the time and place for the interview test. When you arrive at the designated room you may find out that you will have a rather long waiting period either before or after the interview. The reason for this is the schedule that calls for three or four groups to use the same problem but at different times. Those who are interviewed in the early groups cannot leave until those called for the later sections have checked in. Bring some light reading for this waiting period.

b. You will be assigned a topic for the interview. This usually consists of a description of a school situation followed by some questions. You will be given about 45 minutes to prepare your answer to the questions.

B. The interview

a. The interview will be conducted by two or three persons, usually principals with experience in the elementary schools and university professors.

b. You will be given from fifteen to twenty minutes to give your prepared answer. At the end of the time the panel will question you about your answer or other points related to the topic or to the role of the elementary school principal. This questioning may last from fifteen to twenty-five minutes.

2. Your Role in the InterviewA. The prepared answer

a. Your prepared answer should be as complete as possible. You should plan your statement in the form of an answer to an essay question. Read the selection carefully, note the important items that must be considered, and then plan your answer in OUTLINE form.

Be careful to keep your suggestions practical and related to the problem. Be as complete as possible. You should use the entire time allotted for your prepared answer. Be sure that your oral answer is arranged logically and sequentially.

You should not read your answer, but you may refer to your notes. It is a good idea, however, to have both your opening and closing sentences written out. The first will get you off to a good start, and a carefully prepared closing statement can be an effective summary.

The topic for the interview usually consists of a description of a school situation. This is followed by two or three questions, which you are to answer.

Be as comprehensive as possible in your answer. Remember that the solution to any problem involves many people and different materials. Therefore, you must be careful to include all or most of the following in your discussion:

Teachers	Curriculum
Pupils	Materials
Parents	School Plant
Other Supervisors	Community Resources
Community Groups	

b. To help your timing you should have a watch handy. Be sure that it is large enough to read easily without strain. If you set the watch at 12:00 o'clock when you begin the interview it will be easy to keep track of your time.

### B. The Follow-Up Questioning

After you have completed your statement the examiners will begin to discuss your answer with you. They will refer to specific statements you made and will ask for clarification or examples, and may even challenge the validity of your statement. Refer to your notes, if necessary, and try to be as explicit as possible. If you realize from the question that you were wrong, or misinterpreted the passage, don't be afraid to acknowledge this error and correct it. If, however, you are confident that your answer is correct, don't be afraid to back it up.

In general the examiners will not try to "trip you up." They will want to make sure that you understand what you have said, and that your suggestions are practical. Don't be in a great rush to answer. Think for a moment to be sure that you understand the import of the question and then give as clear an answer as possible.

### 3. Rating the Interview

a. After you leave the examiners will take a few minutes to record their own evaluation. They will then discuss your performance and arrive at a rating. Usually they are able to agree on a rating, though this is not necessary.

b. The principal points the examiners will evaluate are:

Un-	Pass-	Good	Super-
sat.	able		ior

#### Speech

Language usage and diction  
 Enunciation and pronunciation  
 Rate and fluency of expression  
 Voice quality and inflection  
 Oral reading (probably not used)

---

#### Oral Discussion

Understanding of problem  
 Comprehensiveness of treatment  
 Soundness of judgement  
 Clarity of explanations  
 Definiteness and practicality of proposals  
 Appropriateness and adequacy of illustrations  
 Ability to meet challenges  
 Grasp of educational principles

---

Interpersonal Relationships and Attitudes

Ability to establish rapport  
 Understanding of interpersonal aspects  
 of problems and proposals  
 Tact; sensitivity to feelings of others  
 Concern for welfare of children  
 Democratic approach to school situation

---

Other Personality Traits

Appearance  
 Courtesy  
 Poise  
 Frankness

---

4. What You Can Do Now

A. Set up a study group with two or three colleagues who are also taking this examination. Discuss how you should answer questions relating to the administration of an elementary school. Among the topics you should consider are the following:

Supervision

Helping new teachers  
 Helping weak or unsatisfactory teachers  
 Teacher training  
 Introducing new program  
 Innovations  
 Supervisory techniques

Administration

Organizing the elementary school  
 Assignments of assistant principals  
 Organizing the school office  
 Co-Curricular activities  
 The principal and labor-management relations  
 Pupil records  
 Homogeneous and heterogeneous grouping  
 Programing

Curriculum

Reading  
 Remedial programs  
 Mathematics  
 Science  
 Social studies

Other

Reporting to parents  
 Guidance programs  
 Community relations

B. Use a tape recorder to record your answers to a few questions. Play the tape back, and (after the initial shock of hearing your own voice) analyze your presentation. Begin now to correct any deficiencies you may notice.

5. Practice Questions

The following brief statements may be used for practice interviews. You should be able to prepare a five-minute discussion of each topic. Analyze the selection and discuss how you would handle the problems implicit in the situation. Be as comprehensive as possible but make sure that your solutions are realistic.

- a. The yard at noon is a scene of wild disorder.
- b. One teacher comes late to school almost every day. She is an excellent teacher in the classroom otherwise.
- c. You are having a running battle with a small group of teachers who either refuse to submit plan books or submit them late.
- d. A complaint has come to you from the Office of the Superintendent that your secretaries have been most impatient with parents who made inquiries in the main office.
- e. Your assistant has had an exchange with a teacher who comes to you for redress. How do you handle this teacher?
- f. Your building is not clean and teachers' requests for small repairs in their classrooms have been ignored by your custodian.
- g. As you sign your first custodian's report, you find that there were 60 broken windows in the past month. Your custodian tells you this number is "par for the course."
- h. An elderly teacher on your staff is constantly drilling her children in multiplication tables and giving them endless examples in long division.
- i. Parents ask you at a Parent Teacher Association meeting: "What is the school policy on homework?"
- j. You have considerable difficulty getting substitutes to cover classes of absent teachers every morning.
- k. Outline a realistic program for improving reading in an elementary school.
- l. A local university will have 12 of its student teachers in your school in September. How will you help them? How will they help the school?
- m. A parent comes in to complain that a teacher hit her child.
- n. Your two secretaries are constantly bickering and often visiting parents are ignored.
- o. Your attendance is falling at each attendance period. What can you do about it? What about your Assistant Principal's?
- p. Classrooms are littered at the end of the day. Your custodian finds cleaning job enormous.
- q. Your school is divided into two camps after a strike. There are those who were on strike and those who were in school. How best can you bring this staff together again?
- r. A teacher complains to you that an Assistant Principal's observation report was harsh and critical. She weeps and begs you to tear it up. She claims she never had a bad report before this one. What would you do?

- s. Thirty unauthorized copies of a book entitled "Understanding Sex" are being sold in Mrs. Jones' class at 75¢ a copy.
- t. In the past month there have been more than a dozen break-ins to the school. Much valuable equipment has been stolen.

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
 85 COURT STREET, BROOKLYN, NEW YORK 11201  
 OFFICE OF PERSONNEL

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 DEPUTY SUPERINTENDENT  
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WILLIAM FORST  
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 HARRY MILLER  
 MADELINE M. MORRISSEY  
 ASSISTANT ADMINISTRATIVE DIRECTORS

January 13, 1971

Dr. Gladys Fuentes,  
 Principal  
 Superior High School  
 University of Puerto Rico  
 San Juan, Puerto Rico

Dear Dr. Fuentes:

Thank you very much for your willingness to assist me in a program to help Puerto Rican candidates for the license of principal of New York City elementary schools.

I expect to arrive in San Juan on the afternoon of Friday, January 29, 1971. I will try to phone you to take care of any last minute details.

We will meet in your school on Saturday, January 30th, beginning at 9:30 A.M. I suggest the following schedule:

9:30 - 10:15	Discussion of interview techniques
10:15 - 10:30	Preparation of notes
10:30 - 11:15	Practice interview
11:15 - 12:00	Discussion of evaluation

L U N C H

1:30 - 1:45	Preparation of notes
1:45 - 2:30	Interviews
2:30 - 3:00	Discussion & evaluation
3:00 - 4:00	Short interview practice

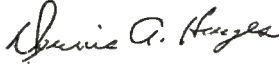
As I explained today, we would need one room suitable for from 30 to 40 people, plus a smaller second room for practice interviews.



Dr. Jay Greene, Chairman of the Board of Examiners will meet with you on Friday, January 29th, to arrange for space for the actual interviews on February 11th, 12th, 13th and 15th.

Thank you once again for your help. I am looking forward to meeting you on the 29th.

Sincerely yours,

A handwritten signature in cursive script that reads "Dennis A. Hayes".

DENNIS A. HAYES  
Pre-Service Training Unit

DAH:njp

BOARD OF EDUCATION OF THE CITY OF NEW YORK

Office of the Chancellor

MEMORANDUM

Date \_\_\_\_\_

To:

From:

Subject:

For: Mr. Powell (U.S. Commission on Civil Rights)

From: Leonard Stevens  
Special Assistant to Harvey Scribner

596-5344

For Release 1:00 P.M. Tuesday, February 15, 1972

N.Y. S-1071/72

BOARD OF EDUCATION OF THE CITY OF NEW YORK  
110 Livingston Street, Brooklyn, N.Y. 11201

News Bureau, Office of Education Information  
Services and Public Relations

Phone: 596-4172

Following is text of written testimony presented to the United States Commission on Civil Rights by Dr. Harvey B. Scribner, Chancellor of the New York City public schools, at a hearing of the Commission on February 15, 1972, at 1:00 p.m. at the Brotherhood in Action Inc. Center, 560 Seventh Avenue, New York City.

The following statements pertain to educational opportunities

for Puerto Rican children and youth in the City of New York:

The Need

Of the more than 1.1 million students enrolled in the public schools of New York City, approximately 245,000 are Puerto Rican, and about another 38,000 are

other-Spanish-speaking. \* Approximately 95,000 of the Puerto Rican students

about 22,600 of the other-Spanish-speaking students have difficulty with the

English language. In a system of education where English is the language

of instruction and the medium of communication, the student who is not

fluent in English obviously is at a severe disadvantage when it comes to

learning.

\*1970-71 data

It should be noted that in New York City, the Spanish-speaking students represent the bulk of the non-English-speaking student body. But the City's schools also enroll significant numbers of other students who do not speak English. Chinese, Italian, Greek, French and students of other ethnic backgrounds total approximately 18,000. These students, too, need - and deserve - special attention and special assistance.

These data speak only to the English language difficulties of Puerto Rican students. It should be remembered that Puerto Rican children in New York City, like many children of other ethnic backgrounds, also contend with other severe problems that affect their learning opportunity: poverty, substandard housing, poor nutrition, underemployed parents, and all the problems associated with well-established and well-known patterns of discrimination. Because of this, Puerto Rican children in large numbers are subjected to life in neighborhoods characterized by high crime rates, high drug-abuse rates and poor health rates. These factors, while not educational, obviously limit educational opportunities--and make educational achievement for any given Puerto Rican youngster many times more difficult to attain. These factors likewise make clear what the responsibility of the public school system is, and what its priorities ought to be.

\* 1970-71 data.

Language Programs

There are two basic approaches. One

is the teaching of English as a Second language, using techniques common in foreign language teaching. The other is bilingual instruction, which for Puerto Rican children calls for teaching and learning in both Spanish and English. Teaching English as a second language was the dominant method for non-English-speaking students until the last five or six years. Today, there is increasing interest in bilingual classes and schools.

In 1970-71, a total of \$6,147,584 was provided in city tax levy funds to support 424 teaching positions for bilingual teachers and teachers of English as a second language, the majority of them in the elementary schools. An additional \$11,824,000 was provided for bilingual and English as a second language programs through reimbursable funding. Reimbursable funds also provided support for cultural and historical projects that benefited Puerto Rican students.

We need to do much more with both English as a second language and bilingual programs. The student who becomes fluent in both Spanish and English has obvious advantages in school and society. At the same time, his or her identity--his image of himself and his culture--is established with

strength and pride. The maintenance of his cultural heritage is assured.

1972-73 Budget Estimate

In the budget estimate for 1972-73, adopted by the Board of Education and now pending before the City, new tax levy funds totalling \$11,809,000 are requested from the City to provide new and additional services for non-English-speaking students, the vast majority of them Puerto Rican. This sum, if provided by the City, will represent a substantial increase in City-funded spending in this vital area. I consider this to be an area of importance and worthy of much new attention, and I therefore designated this item in my budget estimate as an item of high priority.

Bilingual Commission

A Citywide Advisory Commission on Bilingual Education has recently been established. Of the 19 current members, 12 are Puerto Rican, as is the commission president. The commission will 1) advise in the creation of a new Office of Bilingual Education, 2) advise in the selection of a head for

this new office (who will have direct access to the Chancellor), and 3) advise in the expansion and future development of bilingual education programs. Funds to create this new office are requested in the budget estimate for 1972-73. This office will provide a much-needed new thrust at a high leadership level in this area.

Staff.

Of the approximately 1,000 Spanish-speaking teachers and other professional staff in the City's schools, the Office of Personnel estimates that almost half were recruited and employed as a result of affirmative action by the school system. These are individuals who participated in special training programs, who were recruited by the school system, who were urged to join the City's schools, and who likely would not have joined the schools had it not been for such affirmative action by the schools. The system has, in recent years, recruited and examined in Puerto Rico, established systematic recruiting efforts, and provided special training

for Puerto Rican staff and prospective staff. These efforts continue today.

Still, in an education system where more than 20 per cent of the students are Puerto Rican, less than 2 per cent of the teachers and only 1 per cent of the supervisors are Puerto Rican. Of the more than 90 high school principals, only one is Puerto Rican, and he was appointed only in recent months.

In New York City, specialized legislation that applies only to New York City and not to the rest of the State severely restricts the opportunity for the school system to bring in qualified Spanish-speaking teachers and supervisors. Even though an individual has been certified for teaching or supervisory service by the State, he must nevertheless pass examinations given by the Board of Examiners in New York City.

In a recent decision of the Federal District Court, Judge Walter R. Mansfield noted that

"Were it not for New York City's special examination and licensing procedure,"



the two plaintiffs in the case of Chance and Mercado versus the Board of Examiners

"Would have been appointed permanent elementary school principals"

since both had been licensed by the State of New York for that purpose.

There is a connection, in my judgment, between the small proportion of Puerto Rican professional staff in the schools of New York City and the existence of this special examination and licensing procedure. There is likewise a frequent connection, in my opinion, between the presence or absence of Puerto Rican staff in the schools and the level of educational opportunity for Puerto Rican children.

How the learner views himself is crucial to success in education. The child who finds himself in a learning environment that is foreign to his world of understanding and devoid of recognizable adult models suffers from a sense of pre-determined defeat. He finds it difficult if not impossible to

relate to the teacher, the program, or the total environment. He thus finds his opportunity restricted. The schools of this city; in brief, are constrained by a system of laws, rules and regulations established to protect professionals, which served a necessary purpose in another time, and which now often comes to act so as to sacrifice the very real needs of thousands of students.

\* \* \*

The educational needs of urban youth are quite special. These needs are not met in many instances in this city. The student who is poor stands to suffer more than the student who is relatively well off. The student who is both poor and does not speak English stands to suffer even more. In this city, this student is generally Puerto Rican. He gets some help in his school, but generally not enough. It is not because his teachers are callous and insensitive, or because his fellow students have deliberately appropriated his share of opportunity. It is simply that the school system of this city, like most school systems everywhere, has a way of finding many seemingly good reasons for not providing a full measure of what every youngster needs:

a fair chance to learn. Partly it is a matter of money, partly a matter of vision. The schools of this city are making an effort for Puerto Rican students. But the effort--as the schools are first to admit--is not strong enough. I stand committed to the goal of strengthening this effort, and the Board of Education joins with me.

- END -

For Release 1:00 P.M. Tuesday, February 15, 1972

N-158-1971/72

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110 Livingston Street, Brooklyn, N.Y. 11201

News Bureau, Office of Education Information  
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- END -

Statement By

Ewald B. Nyquist  
President, The University of the State of New York  
and Commissioner of Education

Before the

United States Civil Rights Commission

Tuesday, February 15, 1972  
1:30 p.m., EST

Brotherhood in Action Building  
560 Seventh Avenue  
New York, New York

Introduction

Mr. Chairman and Members of the Commission:

I appreciate the opportunity to share with you my personal concern and that of the Board of Regents regarding the education of our Puerto Rican children. The efforts that your Commission has made in bringing to National attention the multiplicity of problems facing minority peoples in the United States is commendable. We address ourselves today to the educational needs of the second largest minority group in New York State.

Those of us who are pledged to provide equal educational opportunity for our children are fully cognizant of the difficult but not insurmountable task facing us. Last year the Board of Regents held a meeting with members of the Puerto Rican community and other ethnic minorities to discuss the Education of Minority Children. The Regents expressed great concern at the multiplicity of problems facing non-English speaking children in New York schools. In order to reaffirm their determination to see that equal educational opportunity be provided for all children, the Regents requested that a position paper on Bilingual Education be developed. This statement of policy is presently being reviewed by the State Advisory Committee on Bilingual Education formed by educators from the Puerto Rican community and other ethnic groups. The position paper calls for effective solutions to the problems faced by non-English speaking children even if major changes must be made in our established educational system.

These hearings, directed as they are to the problems faced by Puerto Rican children in our New York City schools, should make a sound contribution to the relatively sparse body of knowledge which educators can use in attempting to meet the particular needs of children who have

English language disabilities which hamper their learning process.

MAGNITUDE OF THE PROBLEM

Puerto Rican Student Enrollment

We focus our attention today on the 259,879 Puerto Rican children presently enrolled in our New York City public schools or 22.8 percent of the total school population. Puerto Ricans constitute 25.2 percent of the elementary school enrollment, 22.8 percent of junior high school enrollment, 17.8 percent of the total high school enrollment and 26.1 percent of special school students.

N.E. (Non English) Speaking Students in New York City

The latest New York City school census classifies 160,815 children as having English language difficulty. It is estimated that of the total classified as having moderate to severe English difficulty, 94,800 are Puerto Rican.

Enrollment in ESL (English as a Second Language) and/or Bilingual Education Programs

The 1970 New York State Basic Educational Data System indicates that 29,747 pupils are receiving ESL instruction and that 26,528 are enrolled in bilingual education programs. Since bilingual education includes ESL instruction, some students have been counted in both areas. Although ethnic distribution of these classes is not available, our statisticians have developed educated estimates of Puerto Rican enrollment. Approximately 25,274 Puerto Rican children are receiving ESL instruction and 3,500 are enrolled in bilingual education programs which utilize Spanish and English as media of instruction and are culturally sensitive to the specific educational needs of the children.

Based on our findings, we can estimate the 66,026 Puerto Rican children are in need of ESL instruction and/or bilingual education.

#### Ratio of Puerto Rican Students to Puerto Rican Staff

The ratio of Puerto Rican students to Puerto Rican staff is disproportionate. For every 293 Puerto Rican students, there is one Puerto Rican staff member.

Although more than 131 New York City schools have over 50 percent Puerto Rican enrollment, and 22.8 percent of the total school enrollment is Puerto Rican, less than 1 percent of the professional staff in New York City is Puerto Rican. In the elementary and junior high schools, there exists an inequity of 24.2 percent Puerto Rican enrollment to 1 percent Spanish surnamed American staff. Puerto Ricans constitute from 6.3 percent to 15.7 percent of the paraprofessional and non-classroom, non-professional employees in New York City schools. The disproportionate number of Puerto Rican professionals to Puerto Rican students in our schools deprives the Puerto Ricans from employing their own expertise in programs and policies directly affecting them.

Present certification procedures in New York City tend to eliminate qualified Puerto Rican educators. In my concluding statements, I will refer to recommendations regarding recruitment and certification of Puerto Rican teachers and non-classroom professional personnel.

#### Reading Scores

Reading is essential to learning and the Department places a high priority on insuring children the right to read. Reading scores taken from the Bureau of Educational Research data reveal that in 1970, of the 66 elementary schools in New York City with over 85 percent of the students below grade level, 57 schools had from 30 percent to over 60 percent



Puerto Rican enrollment. Reading scores from 88 schools with over 50 percent Puerto Rican enrollment in 1971 revealed that of all the fifth grade students, 81.2 percent were below grade reading level. In three high schools whose Puerto Rican enrollment ranges from 48 percent to 61.1 percent, 90 percent were below grade reading level. These scores ranged from one to five years below reading level. Puerto Rican children cannot experience success in education unless they possess basic reading skills. The problem is compounded when one considers the large number of N.E. speaking children who are not even tested.

#### Regents Examination--Sampling of June 1970 Results

Three high schools with over 50 percent Puerto Rican enrollment reported poor results in Regents examinations. Of the 393 Puerto Rican students who took the ninth year math exam, 74 passed. Tenth year math scores were equally low: 284 were tested, 61 passed. Of the 535 tested in Spanish III, 409 passed. In English IV, 432 were tested; 156 passed.

The question of a possible relationship between failure on Regents exams and English language difficulty has been raised by the Department. We are translating the Math 10 Regents into Spanish. The exam will be administered in Spanish to Spanish dominant students as part of an experimental project.

#### Difficulty in Obtaining Student Records from Puerto Rico

The geographic proximity of Puerto Rico to New York allows for convenient mobility. Schools experience difficulty in obtaining student transfer records. This problem compounds the process of assessment and placement of Puerto Rican students. Participation of Puerto Rico in the Migrant Record Transfer System is being explored by our Bureau of Migrant Education.

Low Holding Power and High Dropout Rate

Regarding holding power and rate of dropout, in 1967 there were 17,840 Puerto Ricans enrolled in the ninth grade. In 1970, there were 7,039 enrolled in the 12th grade. Of the 4,950 Puerto Ricans enrolled in academic schools, 2237 were in college preparatory tracks. The remaining were in general or vocational tracks. The dropout rate in Brooklyn, Manhattan and the Bronx ranges from 57.8 percent to 65.5 percent. What factors or combination of factors lead students to drop out of school? To blame the high dropout rate on low socio-economic urban conditions is inconsistent with the over 50 percent holding power maintained by Negro students who live in similar conditions. Comparing the holding power of Puerto Ricans to that of other students, Puerto Ricans have the lowest holding power and consequently the highest dropout rate in New York City.

Drug Addiction

The latest Narcotics Addiction Control Commission report states that 25.5 percent of addicts presently under treatment are Puerto Rican. Approximately 82 percent of the Puerto Rican addicts are high school dropouts. Of the total Puerto Rican addicts, 2.1 percent are 14 or 15 years of age, 43.9 percent are 16 to 20 years old, while the others are over 21 years old.

Education for Meaningful Employment

Our technological society requires highly skilled and educated manpower. Education is a passport out of poverty. Accordingly, Puerto Rican parents are concerned that their children receive quality education. Puerto Ricans of working age are equally concerned that training and educational opportunities be available for them.

Education and training determine skills marketability. Students who

have dropped out of school or eventually "get out" of school have little or no marketable skills. A low level of education can be correlated with a similar level of employment and income. The latest United States census indicates that Puerto Ricans have a high level of unemployment and the lowest level of income and education of any ethnic group in New York City.

The present system of education has failed in many respects to prepare Puerto Rican students for productive, satisfying lives. Student motivation is insufficient. The system screens out students who cannot adjust to it. Many Puerto Rican students become adults who are not maximally self-supporting; others achieve economic independence through activities which are damaging to their personal lives and the life of their communities.

#### Parental Participation

When neither the faculty nor the administration understands the culture and language of Puerto Rican children and their parents, a consciousness of separation and exclusion from the school is felt by the community. It is imperative to the educative process that parents and schools establish positive rapport and mutual respect. Many Puerto Rican parents speak little or no English. Misunderstandings often stem from a lack of communication and not from lack of concern for the education of their children. Recent surveys indicate that Puerto Rican parents are not represented at policy-making levels in local school districts in proportion to Puerto Rican student enrollment. Unless schools enlist the services of their local lay and professional Puerto Rican resources in all levels of education, schools will continue to be considered irrelevant by the local community.

### ESL and Bilingual Education Programs

A recent study found ESL programs in New York City to be fragmented and uncoordinated. The report indicates that there are too few periods per pupil per week and that teachers who lack ESL training are assigned ESL classes.

Reactions from teachers, students, and parents indicate that bilingual education programs appear to be more successful than only ESL programs. Bilingual education includes ESL instruction and utilizes the N.E. speaking child's dominant language as a base from which to develop the cognitive skills that will provide the vehicle to successful learning experiences. Inter-action with English dominant children alleviates the isolation often felt by N.E. speaking students in Anglo-oriented schools.

### Negative Attitudes

The concept of "cultural deprivation" has frequently been used when speaking of "culturally different" children. The negative term "deprivation" implies that non-Anglo minority groups do not possess a "culture" which can be utilized or enhanced by the schools. The schools can no longer assume the task of "making up" for so-called "cultural deficiency" by forcing an "assimilation" which disregards cultural diversity and cultural pluralism. We view cultural differences as positive and consciously endorse bi-cultural educational directions to meet these differences.

### Assessment and Placement of N.E. Speaking Puerto Rican Children

Our Pupil Personnel Services Unit reports that N.E. speaking children are sometimes placed in classes for slow learners or for the educable mentally retarded based on insufficient grounds. Silence on the part of students is analyzed as directly related to mental retardation and not

to the fact that these students feel totally left out of the educational picture. Tests utilized in making such placements offer questionable cultural relevance to the child. The lack of culturally relevant diagnostic instruments is identified as a factor causing a series of complex problems in the education of Puerto Rican children. Our Bilingual Education Unit is presently involved in a research project designed specifically to study the socio-cultural variables associated with educating Puerto Rican children. The project is studying the Puerto Rican child's learning style, including his preferred mode of communication, preferred mode of relating, and motivational style. The findings will provide data for the development of instruments to test basic cognitive, effective, psychomotor skills, including: problem solving, auditory discrimination, sensory-motor, language development and perceptual.

The problems I have identified are alarming. To have presented a mere compilation of information today is not my intent. The evidence is clear. The implications of the problem are magnified when we consider that these are conservative estimates.

#### EFFORTS TO IMPROVE THE EDUCATION OF PUERTO RICANS

Despite the immensity of the problem, I think it can be said that we have progressed somewhat in the past few years toward securing better educational opportunities for Puerto Ricans. While we are concerned about the educational needs of all children, we recognize that there are cultural differences and values peculiar to specific ethnic groups. There is a need for total institutional reposituring (including culturally sensitizing teachers, instructional materials and educational approaches) in order to incorporate, affirmatively recognize and value

the cultural environment of Puerto Rican children.

An in-depth ethnic survey is being planned by the State Education Department as an integral part of our effort to clearly identify problems relating to Puerto Ricans and other N.E. speaking children. We plan to build a base of knowledge that will help close the educational gaps identified. The findings of both our multi-lingual assessment project and the survey will throw light on the kinds of changes that must be made in our schools if meaningful education is to be a reality for all children.

The New York State Urban Education office presently funds 17 bilingual education and ESL programs amounting to \$2,436,707.00 or 6.2 percent of total State Urban funds. The programs are directed to the education of Puerto Rican children in New York City. Five other projects have components which include Puerto Rican studies. Several projects are conducted in Community Education Centers created within urban school communities and funded by our New York State Urban Education Program. The centers are designed to meet special educational needs identified by the local community.

The State Education Department encourages increased use of ESEA Title I and Urban Education funds for ESL and bilingual education. It is interesting to note that while approximately 6.2 percent of State Urban Education funds are spent on bilingual education and ESL, only 2.1 percent (\$4,371,150.00 out of \$132,553,423.11) of ESEA Title I funds are spent on similar programs. The decision to utilize these funds to meet special educational needs of a local community is made by the Local Educational Agency in conjunction with its advisory committee.

Title VII of ESEA has provided a cumulative total of \$4.8 million since 1969 for bilingual programs in New York State. We are disappointed in the amount of Title VII money that has been committed to bilingual education in New York. Title VII of ESEA has no State allotment formula. All programs are monitored directly from Washington to the local school district.

Presently, 15 statewide classroom centered programs serve 3,940 Spanish dominant children. Eleven Title VII programs are based in New York City and serve 3,066 Spanish dominant children the majority of whom are Puerto Rican. As of fiscal year 1972, five new Title VII projects will be funded in New York City.

The State Education Department established a Bilingual Education Unit in 1969 to develop, coordinate and supervise special programs for educating children whose native language is other than English. Consultative services are being provided to local school administrators and instructional supervisors who have responsibility for educating N.E. speaking children. The unit is cooperating with other instructional units to promote and conduct bilingual education and ESL programs. Curriculum bulletins, syllabi and handbooks designed to assist classroom teachers in the development of bilingual programs are being prepared. The Bilingual Education office is coordinating a research study which is focused on assessing the skills, competencies, characteristics and learning styles of Puerto Rican children. The study will develop a body of knowledge about the Puerto Rican child that can serve as a tool for greater understanding and better classroom performance based on this understanding on the part of both teachers and students.

Title VII bilingual programs reveal varying degrees of success. The Early Childhood Bilingual Project in District 14 has increased the academic achievement and English proficiency of Puerto Rican program

participants.

The model Bilingual School, P.S. 25 in the Bronx, offers a program in which children receive instruction in English and Spanish depending on language dominance and grade level. The child begins the program in kindergarten with 95 percent of the instruction in his native language and 5 percent in his second language. The proportion of instruction in the second language is increased through the years. By the time the student reaches the 6th grade, 50 percent of the instruction is in the second language. After seven years of bilingual education it is expected that students will have acquired communication skills in both languages, and will be better equipped to pursue further education, to compete with his peers, and to move towards a meaningful role in society.

The Department recently launched a new approach to reform in education called Project Redesign. Its underlying premise is that any significant improvement in education must come about through new forms of collaboration between the State, school and community. District 7, which has a 65 percent Puerto Rican population has been selected as one of the prototype Redesign districts of the State.

New York State was the first State to develop High School Equivalency Tests in Spanish. Ninety percent of the estimated 3,000 applicants that will take these tests are from New York City where large numbers of Puerto Ricans apply. Tests are administered monthly in New York City and three or four times a year in other upstate and Long Island centers.

Two programs, in New York City and in Buffalo, prepare veterans for professional roles in education. Both are directed to the educational needs of minority groups. In both programs, veterans are recruited broadly, but with attention focused on residents of the Model Cities areas. State funds have been made available for programs to help



returning veterans prepare for public school service.

Black and Puerto Rican veterans are recruited for teacher training through the career ladder concept to serve in ghetto schools. In New York City, supervision, guidance, and coordination are provided by the Office of Personnel of the Board of Education. Academic work is provided through various colleges and universities, with work experience provided through public schools in the Model Cities area.

During 1969-70 and 1970-71 the Department's Urban Teacher Corps sponsored several programs in New York City. Their objective was the preparation of teachers and/or paraprofessionals for schools, inservice education of teachers and/or paraprofessionals to increase their competencies. During the two year period there were more than 8,000 participants, many of whom were Puerto Rican.

The State Education Department, through the Division of Teacher Certification and Education, is prepared to certify teachers from Puerto Rico for employment in New York State schools. We are currently awaiting action by the Commonwealth of Puerto Rico with respect to granting reciprocal teacher certification. Through this reciprocal agreement, it is anticipated that additional Puerto Rican teachers will be available for employment in New York State schools.

The Division of Teacher Education and Certification has initiated an experimental program which stresses demonstrated competence rather than completion of college courses as the criteria for certification. It is hoped that the results of this pilot study will facilitate certification for competent teachers.

An aspect of providing credit for certification is the policy of accepting satisfactory completion of a college proficiency examination in lieu of specific collegiate study. Since January 1970, approximately

600 examinations in Spanish have been given. A majority of the persons taking this examination will satisfy all the language requirements for certification as well as a part of the education requirements. The College Proficiency Examination Program Office in the Department has recently completed an agreement with New York City which will tie the proficiency examination to some of the City's inservice courses.

The State University at Albany is conducting a federally funded bilingual project under the Education Professional Developments Act. Two summer workshops were offered in 1971 which involved 20 paraprofessionals and 15 certified elementary teachers. All the participants were Puerto Rican. As part of the same project, six Puerto Rican teachers are on fellowships toward a Masters Degree in ESL and bilingual education.

The Division of Intercultural Relations assumed the major responsibility for implementing Regents policy in school integration and has organized regional workshops on integrating curriculum in which Puerto Ricans have been well represented. This Division gave technical assistance in the planning of a national conference sponsored by ASPIRA on "Meeting the Special Educational Needs of Urban Puerto Rican Youth." The report of this conference entitled "Hemos Trabajado Bien" ("We Have Worked Well") was published by the Department.

#### MEASURES TO BE ADVOCATED

I have identified several problems and programs associated with the educational needs of our Puerto Rican children and share with you a marked degree of concern. Present findings reflect inequality and a high level of unalleviated distress in education totally inconsistent with our ideals of educational opportunity for all. The responsibility to resolve the

existing inequities will not be shifted. It is not my intent to gloss over the problems, but to advocate and support measure to resolve them.

Emphasis must be placed on quality ESL and or bilingual/bi-cultural programs at all levels (Day Care, Early Childhood Education, Vocational Training, etc.) Puerto Rican children who experience English language difficulties must not be denied the academic preparation necessary for pursuit of higher learning.

The following areas will be considered in the Department's effort to resolve present unmet needs:

- . That an intensive effort be made to recruit and hire qualified Puerto Ricans at the administrative, supervisory and teaching levels.
- . That personnel hired for employment in schools serving Puerto Ricans receive intensive pre-service training in cross-cultural dynamics and Spanish language. Such training must actively involve persons from the local community to be served.
- . That training in methods of teaching English as a second language be required for those who are currently teaching or plan to teach N.E. speaking children.
- . That we continue the development and implementation of adequate screening, appraisal and assignment techniques that have as an integral part of the assessment of the Puerto Rican child's behavior at home, at school, and among his peers.
- . That we develop curricula and individualized teaching strategies that reflect the particular needs of the bilingual/bi-cultural child.

- . That instructional material be reviewed to insure that there are no stereo-typed historical misrepresentations or other such negative cultural presentations.
- . That the Federal and State laws pertaining to bilingual education be reviewed and amended in the light of present unmet needs.
- . I affirm my statement on teacher certification made on January 27, 1971 before the New York City Commission on Human Rights.

The problems of recruitment, selection, appointment and promotion of educational personnel throughout the State continues to be of tremendous importance. We share your concern with the effects of these practices on the employment and promotion of persons in minority groups... I look for radical change in the certification of teachers. The present system is archaic and really does not tell us much about the prospective competence of teachers... We place high value on change of the State certification system so that it be based more on performance than completion of a college degree and a certain number of specified courses... We believe that such a system would be more sensitive to assuring that the best qualified personnel, whether of minority groups or of the majority, are in education... These statements about the present State certification system do not contradict my known views about the inadequacies of the certification now in effect in New York City under the aegis of the Board of Examiners. The board should be abolished and State certification substituted which, even with its own present inadequacies, offers more desirable flexibility and freedom to select competent teachers.

### Conclusion

The data presented today are certainly not exhaustive. There is much research to be done. We do, however, have a broad basis upon which to chart a course of action. Our intent is not to consign our findings to a quiet death while the problem called into question lives on. At present, State and Federal resources are limited. Steps must be taken at the Federal, State and local levels to improve education as a whole. This hearing can give impetus to changes that will redress

the existing inequities relating to the education of our Puerto Rican children. The State Education Department will continue to channel its energies to meet the educational needs of all children in New York State.



JACK M. SABLE  
Commissioner

STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
DIVISION OF HUMAN RIGHTS  
270 BROADWAY, NEW YORK, N. Y. 10007

February 17, 1972

John H. Powell, Jr., Esq.  
General Counsel  
U.S. Commission on Civil Rights  
26 Federal Plaza  
New York, New York

Re: Public Hearing Concerning  
Civil Rights Issues Involving  
Puerto Ricans in the New York  
Metropolitan Area

Dear Mr. Powell:

Thank you so much for at least permitting us to submit a statement pertinent to the subject matter of the Commission hearings at the Brotherhood-In-Action in New York City.

As you probably know, I requested the opportunity to testify at this hearing, long before your schedule for the Commission's sessions. However, such an opportunity was denied under the pretext that the New York State Division of Human Rights would not be involved; that the top Puerto Rican expertise were already engaged and that the program schedules was inflexible and would not allow any additional witnesses to be included.

Mr. Gabriel Guerra was the only person who responded, after several attempts to make contact, and the one who gave me such an unbelievable response for the denial of my request.

My efforts to participate on behalf of the State Division of Human Rights were based on the following facts:

The State Division of Human Rights is, in my humble opinion, the pioneer and the most effective agency of its class in the nation, whose efforts to enforce the State Human Rights Law are unique in its judicial power, in its regulatory process, in its affirmative action programs and in its top-level group of expertise in this sensitive area of public service.

The Division processes in the neighborhood of 3,000 discriminatory complaints a year. A good portion of these complaints are verified by Puerto Ricans residing in the New York Metropolitan area.

Of the 3,000 complaints, over 700 are deferrals from the Equal Employment Opportunity Commission and other federal departments and agencies. These deferrals are investigated, reviewed and determined at no cost to federal establishments.

Most of the complaints received by the Division deal with equal opportunity for minority groups, Puerto Ricans included, in the areas of employment, housing, education and public accommodation.

The Division makes hundreds of referrals to other public agencies in the metropolitan area, both State and City, because the issues involved are out of the jurisdiction of the State Division Law.

Our involvement with the Puerto Ricans and other Hispanic people residing and working in the New York area is direct, effective and rewarding.

Through the initiative of the Division's interdepartmental relations office, greater employment, housing and educational opportunities have been provided to Puerto Ricans in many agencies of the State government. An example of these achievements is the acceptance of Spanish-speaking professional classifications, approved by the State Civil Service Commission and by the agency requesting such a classification, because of the number of Puerto Ricans who are unable to speak the English language when they seek public services.

The Division maintains a vigorous and meaningful liaison understanding with at least two dozen State and City departments and processes an average of about 150 complaints annually against governmental agencies. As a result of this processing, the Division has learned first hand of the participation of Puerto Ricans in various phases of State and local government administration.

The Division has the most energetic affirmative action program anywhere in the nation, having made significant inroads into pattern and practices in the acceptance and employment of Puerto Ricans and other minority groups in large industries and commercial establishments within this region of the country.

Being cognizant of the Division's relations and exceptional performance on behalf of Puerto Ricans and other minority groups in matters of discrimination, it is difficult for us to see the logic employed by your planners in the scheduling of this activity, which led to the elimination of this agency in having the opportunity to play a participatory role in your hearing proceedings.

I venture to assure you that the several disturbances experienced by your Commission immediately after the hearings commenced could have been obviated had the Commission's director for Puerto Rican affairs been realistically conversant with the adverse reaction, the needs and grievances of the poor Puerto Ricans living in this area of the nation. It is evident that said Director and other planners for your Commission lack the minimum knowhow and sufficient knowledge of the needs and difficulties of Puerto Ricans and their leadership.

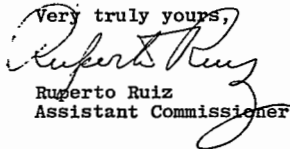
I hope, however, that the information gathered on the matter of discrimination against Puerto Ricans and other Hispanic people in the metropolitan area will continue in one way or another.

I am sending to you a prepared general statement and recommendations which establish our position in the subject matter. Needless to say, we are willing to cooperate in any way which will bring to light the difficult conditions which this ethnic group is facing today.

Needless to say also, we will not take a second role to any other organization or agency when the cardinal issue is the elimination and control of discriminatory practices against minority groups.

If you, or the Chairman of your Commission, care to discuss in detail any of the points brought about in my statement, please do not hesitate to contact me at 488-7617/20.

Very truly yours,



Ruperto Ruiz  
Assistant Commissioner



STATEMENTS SUBMITTED BY RUPERTO RUIZ  
DURING THE PUBLIC HEARINGS OF  
FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
February 14-17, 1972  
New York City

Subject: Equal Employment for Puerto Ricans

Members of the Commission:

My name is Ruperto Ruiz. I have been a resident of New York City since 1926. I am of Puerto Rican national origin. I have been in public service since 1927, having worked in both the federal and New York State governments (35 years in the U.S. Navy Department and approximately ten years in the Division of Human Rights, formerly the N.Y.S. Commission Against Discrimination.

At the present time, I am the Assistant Commissioner for Operations of said Division in charge of the statewide regulatory affairs of the agency, dealing primarily with the enforcement of the State Human Rights Law.

Since 1933, I have held professional, supervisory, administrative and executive positions in the above-stated establishments of government. I have received in-service training in various facets of public administration and have had wide experiences and administration in employment matters for the government.

In addition, I have for 43 years been an active participant in the affairs of minority groups, particularly the Puerto Ricans in the mainland. As a volunteer, I have served on numerous boards of trustees for private and public services and commissions.

Let me, at this initial point of my remarks, congratulate the EEOC for this specific initiative. It was long overdue! I hope,

however, that your final reports and recommendations will be the basis for prompt and realistic affirmative action to give all citizens of Hispanic descent, particularly Puerto Ricans in the mainland, equal opportunity, deserved recognition and proper respect. These are essential conditions toward first-class American citizenship and toward ultimate human dignity. "

Let me also state that denial of equal employment opportunities and training is only one of several human rights violations which impede even the normal assimilation, integration and acculturation process of Puerto Ricans to the American way of life. Other human rights violations faced by the groups are:

- . Right to equal and quality education;
- . Right to equal housing accommodations;
- . Right to equal share in public services;
- . Right to choose their residence and be accepted by their neighbors anywhere in Continental United States;
- . Right to vote for their chosen representatives;
- . Right to be a participant, without restriction, in government employment;
- . Right to an equal and proportionate share of public funds for programs that involve the greater community; and the
- . Right to retain their cultural traditions and language, and thus make their own contribution to American democracy and culture.

On this occasion, I will confine my remarks to the Puerto Ricans right to equal share and general participation in public service employment, particularly at the local levels.

I do hope that statements from other sources, relative to their employment in industry and commerce services and related to pattern and practices and the unequal employment opportunities Puerto Ricans have received from private and public services. These services are: utility companies; large manufacturing and distribution industries; banking, insurance, real estate and commercial businesses; hotel and restaurant services; employment in schools, colleges, training development centers; research institutions; construction and housing development industries; and other enterprises.

Public service employment, as I know it to exist today, includes many levels of job categories. They are: unskilled, semi-skilled and skilled jobs; para-professionals, professionals, supervisors, administrators and executive or policy-making positions.

Civil Service-wise, these various jobs and positions in government can be further broken into several specific employee classifications. These are: temporary, temporary indefinite, provisional, permanent, exempt (political patronage) and contract positions.

Puerto Ricans employed in government services have been the subject of several and constant inequalities in equal employment opportunities and training development through the merit system. These inequalities can be re-emphasized by citing the following adverse social repercussions and facts:

Puerto Ricans, in job opportunities, are the last to be hired and the first to be fired; in training development, they are the

last to be enrolled, the first to be dropped; in community action, they are the last to be accepted, the first to be ejected; in politics, they are the last receiving the promises, the first forgotten.

Without a doubt, Puerto Ricans are today at the bottom rung of the employment ladder here in the City and elsewhere in government. Despite some recent progress noted, they actually have little prospect of raising themselves from the lowest margins of employment, unless something drastic is done in the recruitment procedure of government establishments.

The employment needs of the group in government are related to all job categories and to all position levels, even for the lowest rank and file jobs. Many official reports of the federal, state and city agencies clearly reveal that not only is the number of Puerto Ricans employed in government much less than that of any other racial and ethnic group, but their annual median income is also the lowest, except for that of the American Indian.

The over-emphasized language difficulties and cultural conflicts encountered by them in the mainland have been creating a serious communication gap for Puerto Ricans. This gap, real or fictitious, has set up an impediment which keeps them behind the normal growth in their ascending scale toward achievements and advancements in their individual jobs. These two barriers have given the recruitment authorities and other employee organizational leaders the excuse to take advantage of their economic plight and to justify their denial for permanent employment rights and work benefits to which they are entitled.

These difficulties soon reflect themselves in a series of adverse, social repercussions - all of which explains the reasons why they are relegated to remain in the ghetto, or in the sub-standard housing areas of our central cities. The end result of it all can be summarily translated into some general conclusions:

- . Job insecurity and inadequate incomes, if any, makes it impossible for Puerto Ricans to meet their own family obligations here in the State.
- . The high rate of unemployment and underemployment destroys their respect and hope for human equality.
- . A vast number of their family units are forced to depend on public assistance, for either partial or full support. This, in itself, condemns them to live in unsanitary dwellings, in disadvantaged neighborhoods and in abject poverty.
- . Drug addiction, illegal behavior, exploitation, delinquency, crime and dishonest actions are among the many social maladies that necessarily follow and from which they have little or no escape.

Therefore, irremediably, they became the victims of the authorities and other groups' discriminatory behavior, ending up in an economic plight, which makes them an easy prey for civil disobedience, community conflicts, riots, violence, public disorders, property destruction and looting.

Government officials and local political leaders dispensing political patronage have tried hard to equate their rights to

equal employment opportunities with the rights to public assistance, unemployment insurance, social security, veterans rights or to other social service rights which municipal, State legislature and Congress have created as a citizen's privilege and aid in cases of emergencies. Most Puerto Rican residents are the positive exponents of this type of balancing or equation.

Unfortunately, too many Puerto Rican families and other members of the underprivileged minority groups have been constrained to use these benefits, mainly because government procedures to control and prevent employment inequalities have been unrealistic and saturated with preferences, or a sort of unbreakable institutionalized discriminatory practices.

Government Role in the Creation, Control and Prevention of Institutionalized Discrimination.

Aside from industry, commercial services and labor unions' failures to help affirmatively secure equal employment opportunity for the Puerto Ricans in the mainland. Government establishments have, for all practical purposes, the commanding role in equalizing the creation, control and prevention of the on-going human and social inequalities and inequities.

As a result of such inequalities, the Puerto Rican group finds itself at the tail end of all government services and programs, thus becoming the unfortunate victims of what seems to be a costly system of government, with sufficient laws but little enforcement; where citizen's rights are often not related to the precepts the laws

advocate; where equality in employment and other areas of American living are taken to be equivalent to unfair and unjust human actions.

The fact remains that, in general; neither government, public agencies or private government-funded organizations are not giving Puerto Ricans equal employment opportunities, or an equal share to develop their training potential - intellectual and otherwise. For obvious reasons, Puerto Ricans have been consistently deprived of participating in Civil Service professional and administrative trainee programs in on-the-job, or in-service, programs.

The City and local government authorities forget that New York City is the greatest bilingual metropolis in the world, with about a million and a half Spanish-speaking residents, of which approximately one million are Puerto Ricans and the remainder Cubans, Dominicans and thousands of Chicanos and Latin Americans. The City and State Spanish-speaking population is young, with a median age of approximately 22 years. This Spanish-speaking community is highly organized and gradually uniting. It has also a growing potential for voting and economic powers, handicapped only by the lack of training and job opportunities. Puerto Ricans are taxpayers and, as such, help support the local, state and federal governments and should therefore receive a proportionate share of public funds earmarked for seeking job opportunities and training developments of minority groups.

Once these powers and potentials are trained and united, they will become a decisive factor in the decision making process of the City and State governments.

In recent years, some progress has been achieved to give Puerto Rican participation in City government and in federally-funded programs. Despite the recent advancement in this area, Puerto Ricans are receiving less tangible benefits from the programs than any other minority or ethnic group in the City. This fact is due to the following reasons:

Original proposals and programs of federally-funded projects, although designed to include all minority and disadvantaged groups, after implementation shows that the inclusion of Puerto Ricans is merely a show-case token gesture, aimed at giving the impression that their needs are being, or will be, taken care of.

Evaluation of the end results also reveals little benefit to the group, in terms of the number of job opportunities opened and attained in terms of the number of Puerto Rican participants receiving job training developments and the number of Puerto Rican participants with little or no knowledge of the English language, small as it has been, is way out of balance to the number of staff members with scant knowledge, or no knowledge at all, of the Spanish language. Thus, lack of communication between the staff and the participants has increased the cost of programs, to say nothing of the many failures resulting from same in actual practice and realization. The administrators of the programs and the authorities that approved and "funded" these programs have been slow and recalcitrant in recognizing the need for bilingual assistance in the



programs, so as to interest a larger number of Puerto Rican participation and also to help retain a larger number of those already enrolled to attain satisfactory completion of the training and, therefore, assure better job opportunities. The high salaries paid to some members of the programs' administration has lent itself toward the creation of an unfair, fictitious wage scale, particularly when same is compared to the regular public and private agencies' training efforts in local communities. The fact is that these agencies are conducting their regular programs with identical aims, objectives and functions, with staff receiving less salary for their professional services.

Entirely too large a portion of the staff in the administration of these programs cannot comprehend, or are they familiar with the background, capabilities and skills of the Puerto Ricans. They, in addition, appear to lack the necessary human sensitivity and feelings that come out of the pride, traditions, history and culture of the group, who prefer the pluralistic concept of our society.

The interest of many members of the staff in these programs also appears to be personal, aimed primarily at gaining experiences and community contacts as a good beginning for a possible lucrative political goal or high-salaried career. There is a constant group controversy which has brought about division among groups, over-aggressive attitudes and lack of

confidence. City officials and program authorities have adopted a defense posture with other groups and a lackadaisical attitude when Puerto Ricans are involved.

Lack of cooperation and dominance of programs has been destroying the chance for equal participation for Puerto Ricans and thus the capability of public officials to secure their share of federal funds and, consequently, optimum benefits from federally-financed sources to expand and improve the programs.

It is therefore imperative that vigorous action be taken to rid the programs of these internal breakdowns, bearing in mind the following:

That federal laws, as well as local statutes, which execute orders or rules and regulations that control programs and community actions, usually guarantee every Puerto Rican and other members of minority and ethnic groups equal opportunity and full respect for their human rights. But through prejudice, discrimination, non-enforcement and non-compliance, these laws continue to stand in their way. Thus, it is not enough to have laws and well-designed programs to make discrimination illegal, when human rights violations are still permitted to go unpunished.

It is not satisfactory to have laws on our statute books, or rules, regulations and guidelines from the authorities, aimed at controlling and preventing unequal treatment or to see that Puerto Ricans are included in all programs for development of potentials and capabilities, whether these involve formal

education, or the special training programs some of our local leaders are permitted to side-track or shortcut these groups of participants.

It is not adequate to have illiteracy and other laws guaranteeing Puerto Ricans voter's rights when, through local political divisions, Puerto Ricans are given unfair advantages in their voting districts. This disadvantage makes their voting power and recognition worthless as compared to the power sought for other groups and candidates in their electoral districts. Thousands of Puerto Rican voters, knowing that their vote will be lost, prefer not to participate in local and national politics and elections.

It is not enough to enact laws to insure equal opportunity and security for Puerto Ricans and other minority groups, when the City and local governments treat them differently while dispensing basic public services to them.

It does not serve the purpose to have laws that guarantee every Puerto Rican equal public housing accommodations when they are unable and cannot afford to pay the cost of such accommodations because, through institutionalized discrimination in employment and training opportunities, their economic level will not permit them to do so.

All laws and statutes in our books are meritless and superficial, as long as their provisions are not put into full practice and as long as the authorities enforcing the laws permit the

intolerants to violate them, without punishment; and unless the poor victims are given the right to protect themselves in the courts of justice, or in the administrative human rights agencies established for that purpose.

It is considered an exercise in futility to hold public informational hearings, or to go into long and costly complaint investigations or legal proceedings about discriminatory practices, unless energetic, drastic and vigorous legal remedies are firmly applied, particularly in cases of non-compliance after the agency or court order has been issued. Compliance action must be made expeditiously and before the feeling of denial seizes the feeling of confidence of the aggrieved persons. We must remember that action delayed is considered equivalent to action denied.

Government officials and authorities who appeared to be concerned have been made to believe that irrespective of the special attributes of Puerto Ricans, implementation of training development programs is a natural successor of programs for Puerto Ricans; also, that programs for them should be patterned after and matched to those of any other minority group. This false belief has been too costly and has ended with deplorable results for the group, especially for those who do not speak, or who speak English hesitantly.

It must be understood once and for all that a realistic employment opportunity program, as well as training development programs for Puerto Ricans, must fit the economic needs of these citizens as same are related to their aptitudes, capabilities and potential, as well

as to their right to work and earn equal pay for equal work. The training programs must also fit the special attributes, language barriers and material needs of the group.

Since the federal government's funded programs are directed to develop skills in all minority groups through the various programs conducted by the City and State agencies, it should do more than provide most of the funds. As a matter of fact, it should take the lead and determine:

The actual willingness of industries to act on their own commitment and have them produce equal employment opportunity and training development programs for the Puerto Rican group. Should require industries to show the periodic degree of fulfillment derived from their own publicized non-discriminatory policies.

Should show the real effectiveness, or lack of it, attained through such policies.

Judging by the results, it appears that many large industries have been able to successfully camouflage their own reported attainment, merely to impress the State and federal authorities that they are functioning in accordance with their equal opportunity commitments and/or their plans for progress.

It should however be noted that many heads of industries claimed impossibility to fulfill their equal opportunity commitments, or to participate in on-the-job training programs because labor unions impede such actions. This is not only an excuse, but an attempt to

justify their failure to meet their commitments where Puerto Rican workers are involved. Needless to say, labor unions constantly challenge industries and employers in this area and charge such claims as "hogwash", since the availability of trainee positions never existed in industry programs to include Puerto Ricans.

Regardless as to who is right in these counterclaims, the fact remains that Puerto Rican working groups will continue to encounter equal employment difficulties, unless governments - together with labor and industry - take steps to aid these citizens who need special consideration to earn a decent living and to live in dignity.

Resistance and delay in giving them proper and adequate aid has been and will continue to create the militants, the Young Lords, and others who voice and claim their right to work, to better education and the right to belong. Although Puerto Ricans in general have been rather slow in adopting militant positions as to their citizenship rights, they are learning fast from their black brothers as to how to take a more active position, once they realize the hopelessness of their economic situation and the restrictions of their own rights as equal American citizens.

It should be re-emphasized that Puerto Ricans cannot continue living peacefully in an affluent society, supported mainly by government industries and labor organizations, which jointly relegate more than half of them to a life in abject poverty within the American ghetto - to live out of the equal employment opportunity circle, while others enjoy all such opportunities.

It is not an exaggeration to state that the struggle confronted by Puerto Ricans goes beyond their conditions of having the highest rate of unemployment and underemployment. Their plight includes other areas of human inequalities:

Inadequate, unrelated and unqualified education makes them almost totally unprepared for better adjustments and acculturation to American community living.

Subtle discrimination in other areas curb their attempts to live in dignity with all the rights granted to other American citizens.

Those who find unequal employment opportunities have often also faced a cycle of exploitation in jobs and as consumers. Too many of industry's interest in merit employment and in methods of screening Puerto Ricans for professional and administrative jobs are tools designed to deprive them from qualifying for better jobs. These tools, if evaluated in terms of the standards applied to other groups, will show that they are inflexible and totally unrelated to job responsibility and performance.

PUERTO RICAN PARTICIPATION  
IN FEDERAL PUBLIC SERVICES

The general, uncontested situation of employment is as follows:

The employment opportunities of Puerto Ricans in federal public service agencies are proportionately and considerably lower than those of any other group in the nation.

The position to which Puerto Ricans have been relegated in federal public services (with not more than a dozen exceptions in the entire nation), to the lowest job categories in any federal agency or subdivision thereof.

For some unknown reasons, qualified Puerto Ricans are not given the same consideration to policy-making and administrative positions, classified civil service temporary=indefinite, provisional, exempt or consultant to government services.

If the opportunity for good responsible employment presents itself and qualified Puerto Ricans enter the competitive circle, every conceivable measurement is searched for in order to disqualify them from competition. In this disqualifying effort, such reasons as defective use of the English language, lack of applicable education, lack of related paid experience, the experience obtained from public service and industries in Puerto Rico is not valid, references are not reliable, lack of first-hand knowledge of mainland community life, candidate does not belong to the political party in power, etc. Rarely does his or her competence, previous performance or direct qualifications, experience and loyalty to public services and country, enter as important elements for selection.

Many times, patronage positions are given to residents of the Island of Puerto Rico, who never participate in local, State and federal politics and who know next to nothing of the problems,



needs and aspirations of Mainland Puerto Ricans. Tapping the Mainland Puerto Rican professional potential, has been the afterthought after the afterthought.

Token representation of Puerto Ricans in top level positions in the federal establishments in the District of Columbia, have been subservient to the recommendations of Mexican-Americans from the Westcoast states.

We can go ad-infinitum listing actual situations of the existing imbalance and unequal treatment received by Puerto Ricans in almost all professional levels of employment in the bulk of the federal agencies, particularly at the GS 14 and above in federal civil service job classifications.

The federal authorities lack a meaningful affirmative action program; should set the example and not demur any longer in affecting the needed corrective remedy from within, to offset the imbalance of equal opportunities of citizens of Puerto Rican origin. Mere ethnic visibility, showcase or tokenism is not in our estimation convincing enough to satisfy the glaring inequities known to the New York leaders.

STATEMENT OF  
THE MASSACHUSETTS STATE ADVISORY COMMITTEE CHAIRMAN

Puerto Ricans initially came to Massachusetts to escape the low wages and high cost of living that prevailed on the Island during the 1950's. They were recruited as migrant farm workers. The migrants who stayed, and those who came later, found employment in the cities, working in factories, cleaning offices, and washing dishes. Today, Massachusetts is the home of from 50,000 to 100,000 Puerto Ricans. These Americans are the State's most disadvantaged citizens and suffer more poverty, illness, unemployment, and bad housing than either their white or black neighbors.

Aware of the grave problems faced by the resident Spanish speaking community, the Massachusetts State Advisory Committee to the United States Commission on Civil Rights decided to meet in open session, in the form of a public hearing, to investigate the conditions of the Spanish speaking community in Massachusetts. Federal, State, and city officials, and representatives of the Puerto Rican community testified in Springfield on May 11, 1971 and in Boston on May 12 and 13. Thorough investigations were made in the areas of education, employment, housing, social services, and antipoverty and model cities programs. A report of findings and recommendations, based on the information gathered at this open meeting, will be released February 24, 1972. The following is a summary of the investigation's principal findings.

EDUCATION

The lack of adequate statistics on Puerto Ricans is one of the main barriers in determining a solution for any problem facing the Puerto Rican community. The situation in the schools is particularly serious. Statistics on the Puerto Rican child in school are either nonexistent, deficient, or inadequate. Children are classified as "white" or "non-white", but never as Puerto Rican.

The Puerto Rican child is facing an identity crisis in the schools. At least 2,500 Puerto Rican children in Boston are not attending school at all. Nearly one half of all Spanish speaking children in school are at least 1 year or more behind their expected grade level. The dropout rate is so high that in 1970, Boston graduated only three Puerto Rican students from its high schools. In Springfield, almost one-third of the Puerto Rican students at Chestnut Street Junior High School left before graduation. However, even if the Puerto Rican student does remain in school, he is usually relegated to a high school curriculum which prepares him only for a "nonprofessional" job after graduation.

Bilingual education is a vital part of the struggle to give Puerto Rican children an adequate and equal education. The Title VII-funded programs in both Boston and Springfield will expire in 5 years, but neither school system has devised a plan that will enable these programs to continue. Rather, the systems prefer to rely on "English as a Second Language" programs. This heightens the feeling that the Boston and Springfield schools believe the primary and often

exclusive objection of bilingual education is the teaching of English. Very few programs contain a significant bicultural component, and Spanish is seldom, if ever, taught.

Another primary deficiency in the Boston and Springfield schools is the lack of an adequate Spanish speaking staff. For example, Boston employs 4,729 teachers; only 5 of these are Puerto Rican. Springfield has 1,312 teachers in its school system; 5 are Puerto Rican. It also seems that there are no Puerto Ricans employed in administrative or guidance positions. The employment statistics for these school districts may provide a partial explanation as to why the schools have failed the Puerto Rican child.

EMPLOYMENT

In Massachusetts Puerto Ricans are grossly unemployed and underemployed. One out of every four Spanish speaking males in Massachusetts cities is jobless, a figure far above the national unemployment rate for men.

A field survey of Boston's Spanish speaking community revealed that over two-thirds of all Puerto Rican workers in that city hold semi-skilled and unskilled blue-collar jobs. As a result, most Spanish speaking families in Boston must obtain supplemental income in order to survive.

Often, the Puerto Rican worker's inability to speak English eliminates or greatly hampers his access to job opportunities. Few public employment agencies have attempted to help Spanish speaking workers bridge this gap. All State agencies and employment programs in the Boston and Springfield areas suffer from a severe lack of Spanish speaking personnel. Nothing has been done to recruit additional Spanish speaking staff.

The Massachusetts Civil Service Commission administers tests for 25,000 State and 55,000 local government positions. Of the 300 written examinations only two are administered in Spanish. The civil service commission does not even keep a record of the number of Spanish speaking employees working within its own civil service system.

HOUSING

Puerto Ricans are the victims of a vicious cycle of housing shortage, housing deterioration, exorbitant rents, and discrimination that precludes any escape. While the pattern affects all poor Americans, it is particularly hard on the Puerto Rican because of his language burden and his low income. In the private housing market, barriers of discrimination prohibit easy access to adequate housing for Puerto Ricans. Puerto Ricans find that good housing often is not available to them, even if their income will permit it, when it is discovered that they are Puerto Ricans.

Niether is a realistic alternative for Puerto Ricans either. Public housing units and publicly assisted housing are scarce and the tenant admission policies make Puerto Rican occupancy difficult.

As a result, only 4 percent of Boston's public housing is occupied by Puerto Ricans. The Springfield Housing Authority operates 1,230 units, 15 percent of which are rented by Puerto Rican families.

A serious obstacle to Puerto Rican entry into public housing is the absence of Puerto Rican personnel throughout the housing authorities of both cities. The Boston Housing Authority has only eleven Spanish speaking members out of a staff of 800.

Ironically, the Boston Housing Authority is rejecting Spanish speaking job applicants because they cannot speak sufficient English and is appropriating additional funds to teach Spanish to their staff.

The Springfield Housing Authority is not doing a better job. Only five Puerto Ricans are in administrative positions. The remainder are in maintenance.

In both cities; applications have just recently been printed in Spanish. However, in Springfield, other publications, such as tenant handbooks and instructional material, are still printed only in English.

Improvements in agency personnel alone will be insufficient. The existing policies and procedures of both the Springfield and Boston Housing Authority make it extremely difficult, if not impossible, for a Puerto Rican applicant to find satisfactory public housing.

SOCIAL SERVICES

The Massachusetts Department of Welfare has failed to inform the Spanish speaking community of the rules governing public assistance and of their rights to welfare benefits. The result is that prospective Spanish speaking applicants encounter longer delays in the processing of their applications than their English speaking counterparts. No brochure explaining in Spanish the rights and limitations of welfare recipients has been written.

Spanish speaking caseworkers are almost nonexistent. Boston employs no Puerto Rican caseworker, while Springfield boasts one. English speaking caseworkers have small understanding of the idiosyncracies of the Spanish language and have displayed little sensitivity to the problems of Puerto Ricans. The result is an attitude of contempt on the part of the caseworker and distrust, as well as fear, on the part of the client.

The language barrier acts to also isolate the Puerto Rican from the providers of health care in the community.

A Boston City Hospital study conducted in 1969 found a pattern of poor use of hospitals by the Puerto Rican community. The study revealed that nearly 100 percent of the Puerto Rican families studied operate on a substandard health level; that there is literally no home health care given to the Puerto Rican in Boston. The only health care is provided by emergency clinics. The study also found that infant mortality among



Puerto Ricans in the South End of Boston is six times as high as in the affluent suburb of Milton, Massachusetts and that premature births run 12.5 percent among the group studied as opposed to 5.7 percent for Boston as a whole.

Area hospitals in Boston and Springfield have done little to alleviate the shocking health conditions in the Puerto Rican community. The evidence supporting this conclusion includes the medical treatment rendered the Spanish speaking community by these institutions and the employment picture at the hospitals.

Boston prides itself on being the medical hub of New England...if not the Nation and the world. Thus, an awareness of problems that exist, as well as programs geared to meet these needs were expected. Sadly, hospitals serving the Boston Spanish speaking community, foremost among them Boston City Hospital has failed the Spanish speaking patient\$. To illustrate, Boston City Hospital --the largest municipal hospital in the City of Boston - employs 5,000 staff members. There are no Puerto Rican staff physicians, no nurses, only one Puerto Rican social worker, and one administrator. To care for the city's 50,000 Spanish speaking people, Boston City Hospital employs four full-time interpreters.

In spite of the fact that the vast majority of Puerto Rican residents use public hospitals as their principal source of health care, no Boston hospital is equipped to deal with the tropical diseases which affect many Puerto Ricans, nor are their doctors trained in diagnosing them. On the average, it takes one month to obtain proper medicines

from Puerto Rico to render any kind of treatment.

Rather than enduring such hardships at municipal hospitals, many Puerto Ricans prefer the community health clinic. Usually located in low-income areas and staffed with Spanish speaking professionals, the clinics and the services which they provide are accessible to the Puerto Rican community and effective. Unfortunately, the resources of the community health clinics are limited and hospitals throughout Massachusetts must begin to assume the responsibility of adjusting their methods to provide adequate health care for all of the State's citizens.

ANTIPOVERTY AND MODEL CITIES PROGRAMS

Antipoverty agencies and the model cities program were created by Congress to improve services to poor people in the areas of health, housing, manpower, education, and welfare. The Puerto Rican community, the most economically disadvantaged group in Massachusetts, has not received its fair share of the benefits offered by these programs. The failure of the antipoverty agencies and the model cities program to serve the needs of the Puerto Rican community can be attributed to a failure in communication.

The vast majority of the programs administered by these agencies are structured to exclusively serve English speaking persons. There is rarely a provision made in the programs for participation of Spanish speakers. For example, the Concentrated Employment Program in Springfield, which trains and develops basic working skills, has no Spanish component to its program. As a result, out of the 150 people which it has placed in the past 3 years, only two were Spanish speaking. Model cities programs do not have a better record. Puerto Ricans claim that the Spanish speaking community is not securing an equitable share of the available funds because their neighborhoods have been unfairly excluded from the geographic boundaries of the model cities areas. In Springfield, only 2 percent of the 18,500 model neighborhood residents are Puerto Rican. As a result, Puerto Ricans are ineligible to receive the benefits of the agency's programs.

The situation is further complicated by the lack of Spanish speaking staff. Research has confirmed that the participation of an ethnic group in a program will increase proportionately with an increase in

ethnic staff. There seems to be a direct correlation between the failure of both the antipoverty and the model cities programs to reach the Spanish speaking community and the lack of Spanish speaking staff working within the programs.

For example, 17 community action agencies in Massachusetts employ 3,000 persons. Less than 8 percent of these are Spanish speaking. The model cities programs of Massachusetts suffer from the same lack of Puerto Rican employees that plagues the community action agencies. In Boston, the model cities staff is in dire need of Puerto Rican employees. Only nine staff members are Puerto Rican and only one is in an administrative position. Puerto Rican employment in the model cities program in Springfield is equally dismal.

STATEMENT OF  
THE CONNECTICUT STATE ADVISORY COMMITTEE CHAIRMAN

Those Americans who believe that all Puerto Ricans live in New York City would be surprised to learn of a rapidly growing Puerto Rican population of 100,000 in the neighboring State of Connecticut.

Post World War II economic conditions on the Island forced Puerto Rican workers to look to the mainland for a means of support. Many Puerto Ricans came recruited as farm workers for the tobacco fields in Connecticut. Gradually, these workers and those who followed moved to the cities to fill menial and semi-skilled jobs.

Forgotten by the federal, state and local agencies created to provide them with the means of escape from the poverty cycle, the Puerto Rican today remains excluded from the American dream of prosperity.

To document the conditions of Puerto Ricans living in Connecticut, the Connecticut SAC to the U. S. Commission on Civil Rights decided to meet in open session, in the form of a public hearing. State and local officials and representatives of the Puerto Rican community testified in Bridgeport on October 5, 1971 and in New Haven on October 6 and 7. Close inquiry was made into areas of major concern to the Puerto Rican community: employment, health, education, housing, model cities and antipoverty programs. The following is a summary of the investigation's principal findings.

## CITY EMPLOYMENT

The Spanish speaking community of New Haven is grossly unemployed, underemployed and usually limited to low-level, unskilled jobs with little hope for future advancement. Most significantly, 30.1% of all Spanish heads of household are unemployed. Of all adults, this figure rises to 43.1%.

Underemployment is equally acute in the Spanish speaking community. Almost 80% of all employed Spanish Americans hold semi-skilled and unskilled jobs. There are few who hold high paying positions. In fact, 50.7% of all Spanish families have a total family income of \$5,327 or less and the lowest 12% of a sampled population earned less than \$3,197.

The City of New Haven has not committed its resources to developing a solution to the employment crisis faced by its Spanish speaking residents. New Haven's own ethnic statistics on city government employees speak to its failure to set the pace for an active recruitment of minority persons.

The ethnic composition of city government employment should reflect the ethnicity of the community. In the City of New Haven, therefore, where 12,000 or 9.4% of the City's total population are Spanish speaking, Spanish residents should hold approximately 9.4% or 492 city jobs. Instead, out of a total of 5,231 government workers, Spanish surnamed employees hold only 2.4% or 114 government jobs.

No Spanish speaker occupies a policy-making position anywhere in city government. Eleven departments have no minority group employees at all. Outstanding among these are the Mayor's Office and the Personnel Department.

The Civil Service Commission is particularly responsible for the exclusion of Spanish speaking residents from city employment. The Civil Service Board, which designs and conducts examinations for city government positions, has never administered an oral or written test in Spanish. While reprehensible in itself, the behavior of the Civil Service Commission is indicative of a pattern of apathy toward minority employment which pervades the entire city government structure.

The Commission on Equal Opportunities issued a lengthy report on minority employment by the City of New Haven which statistically proved that there are serious qualitative and quantitative inequities in minority group employment ratios in New Haven's municipal services. The report concluded that the effects of New Haven's employment system are racially discriminatory, regardless of intent.

The shock of the Commission's report caused the Mayor of New Haven to appoint the National Civil Service League to examine all aspects of the city's personnel program and develop an affirmative action program to increase minority employment. New Haven's commitment to rectify its previous minority staffing pattern can be evaluated by its use of recently-acquired funding.

Under the Federal Emergency Fund Act, \$780,000 was granted to New Haven. This additional funding created 99 new jobs, located throughout 15 city departments and agencies. Only seven of these jobs went to Puerto Ricans. By this action the City of New Haven demonstrated that it was not yet prepared to accept its position as an equal opportunity employer.



## HEALTH CARE

The Puerto Rican resident in Connecticut regularly uses the out-patient and emergency room facilities of the major hospitals in his area as his main source of health care. A local health study revealed that 58% of all Spanish speaking adults in New Haven seek medical care at Yale-New Haven Hospital. In spite of their ongoing contact with the Spanish speaking community, municipal hospitals are poorly equipped to handle the special medical and language problems of their Spanish speaking patients.

The Yale-New Haven Hospital, the major source of health care for Spanish speaking residents of New Haven, keeps no statistics on the number of Puerto Ricans which it treats. The hospital has not initiated any studies into serious Puerto Rican ailments, and is not well equipped to diagnose those tropical diseases which regularly affect its Puerto Rican patients.

Adequate health care depends on good communication between the patient and the hospital staff. Communication is severely hampered by Yale-New Haven Hospital's failure to recruit Spanish speaking staff. The Hospital, which employs 2700 full-time employees, has only 28 Spanish speaking staff members. Among its experienced staff of 1250 physicians, there is no Puerto Rican doctor. The Hospital employs no Puerto Rican nurses or medical caseworkers. Six Spanish speaking interpreters service all wards and clinics.

of Connecticut. If he can manage to ascertain what health services are available, he will be denied equal access to their benefits because the health facilities have failed to compensate for his language barrier.

## EDUCATION

During the last decade the City of Bridgeport has experienced a vast influx of Spanish speaking residents, most with school age children . Consequently, the ethnic composition of the schools has changed radically to the point where today, 22% of all elementary school children in Bridgeport speak Spanish. The Bridgeport Board of Education has not kept pace with these changes and has failed to sufficiently restructure its educational programs to meet the needs of its new student body. This is revealed in the school system's programs and in its employment patterns.

Bilingual education is designed to meet the special education needs of children who have limited English speaking ability. The bilingual education programs in Bridgeport, however, stop half-way. They reflect the belief that the primary objective of a bilingual education program is the teaching of English . The programs are seen as transitional. After the student has attained an acceptable level of English proficiency he is transferred to a regular class. Minimum attention is given to the teaching of Spanish and very few programs contain a healthy bicultural component.

Bridgeport has failed to commit city tax dollars to support bilingual education for its Spanish speaking students. With the exception of classroom space, some supplies and eight language teachers, all professional and paraprofessional staff involved in bilingual education in the elementary schools are totally financed by federal funds. Many of these federally-financed programs have a limited span of existence and

there has been no indication by the Board of Education that Bridgeport will assume the financial responsibility necessary for these programs to continue.

The employment record of the Bridgeport Board of Education is a further indication of Bridgeport's unwillingness to adapt to the changing times. The Bridgeport Board of Education which employs 1180 teachers has only 17 Puerto Rican teachers. Efforts to hire twelve additional Puerto Rican teachers from the Island met with considerable opposition from non Spanish speaking members of the Bridgeport community and the effort was dropped.

The need for additional Spanish speaking staff is obvious and new jobs under the Federal Emergency Employment Act offered new hope to a dismal employment picture. The Bridgeport Board of Education got approximately \$370,000 from which 45 new jobs for teachers were created; only 4 of these positions went to Spanish speakers.

The failure of the Bridgeport Board of Education to respond to the Puerto Rican child with programs and staff which can help him to get an equal education has resulted in a high drop-out rate of Puerto Rican children. Although Bridgeport keeps no ethnic statistics on their school drop-outs, we do know that there is a significant discrepancy between the number of Puerto Rican children in elementary school and those who continue to high school. Somewhere at the junior high level, Puerto Rican youngsters drop out of school.

A good counselor serves as a positive role model for students and a student's successful educational experience can depend on his or her timely advice. Aware of the special problems faced by its Puerto Rican students, the Bridgeport Board of Education has made no effort to hire Puerto Rican counselors. The school system, which has 23 full-time counselors, employs no Puerto Rican guidance personnel.

## HOUSING

In the last decade, the City of Bridgeport has built a total of 6,000 units of low income housing. A 1970 report of the Department of Housing and Urban Development indicates that Bridgeport will need 19,000 new units of low income housing for its residents in the next 10 years. Because of their gross underemployment, Puerto Ricans have suffered the most from the inavailability of adequate low-income housing.

The Puerto Rican community in Bridgeport has suffered greatly at the hands of urban renewal. Past urban renewal projects destroyed old Puerto Rican neighborhoods causing its residents to move to less desirable areas in the city. Under the policy of "demolish first, build later!", no new low cost housing was built to replace the old.

Throughout the City, Puerto Ricans families were relocated in housing, often inferior to their former residences, and victims of slumlords who charge exorbitant rents for dilapidated housing infested with rats and roaches. Isolated by language from informative contacts outside the community, Puerto Rican families, remain today, in inadequate housing, unaware of alternate housing possibilities.

Public housing in Bridgeport, regarded by the Puerto Rican community as the last resort in housing, is not a viable alternative for the low-income Puerto Rican family. An ethnic breakdown of residents by housing project reveals a pattern of concentration of Puerto Rican families in the oldest projects with the highest crime rates. Since most Puerto Rican families enter public housing under emergency conditions, they have little opportunity to be selective. Furthermore, their large family size excludes the Puerto Rican family from the newer projects which have been built with a limited number of 4 or 5 bedroom apartments.

The public housing situation for elderly Puerto Rican has reached crisis proportions. Puerto Ricans in Bridgeport have been excluded totally from housing for the elderly. Advertisements for vacancies in a new 232 unit high-rise for the elderly were never made through any Spanish speaking media. As a result, elderly Puerto Rican residents and the Spanish community at large were unaware of the opportunity and failed to apply. Bridgeport's public housing for the elderly which has a total of 480 units, has only 2 Puerto Rican residents.

The major responsibility for enforcing adequate housing codes in private housing and investigating community complaints in the area of housing, belongs to the Bridgeport Department of Housing. Newly created to coordinate all housing activities in the City of Bridgeport, the Bridgeport Department of Housing has failed to remedy the many inadequacies of the various agencies which it now heads.

Due to its failure to employ a sufficient number of Puerto Ricans to work with housing problems in the community, its contact with the Puerto Rican community is almost non-existent. The Department issues very few of its important notices in Spanish. In its central office, where all applicants for public housing must come, there is no one who can speak Spanish. Out of a total of 203 employees, the Bridgeport Department of Housing has only 32 Puerto Rican workers. None of these hold policy-making positions within the agency and only one-third of these have direct contact with the Puerto Rican community.



## MODEL CITIES

The Model Neighborhoods in both New Haven and Bridgeport have significant Spanish speaking populations. An estimated 44.3% Puerto Rican population lives in the Model Cities neighborhood in New Haven and about 45% of the total Puerto Rican population of New Haven lives in the Hill Model Neighborhood. Yet, despite the high percentage of Puerto Rican residency, Puerto Ricans have been excluded from designing, staffing and participating in the Model Cities programs which are supposed to address their needs.

Model Cities employment statistics verify Puerto Rican exclusion. In Bridgeport, a total of 191 employees work for the Model Cities Agency; 62 of these are Puerto Rican. Few are professional jobs and no Puerto Rican occupies a policy-making position within the Agency.

The employment statistics in the New Haven Model Cities programs are even more dismal. As of September 1971, Model Cities employed 107 people. Two of these were Puerto Rican. Only one served as director of a program and none occupied policy-making positions.

Statistics show that there is a direct correlation between the presence of Spanish speaking staff and the participation of Spanish speaking residents in programs. A notable example is the Senior Center which provides recreation for the area's senior citizens. There are no Hispanic staff members and no elderly Hispanics go to the Center.

Another instance is the Model Cities newspaper, The Hill Voice, the principal medium of communication between New Haven's Model Cities administration and the community which it serves. Important notices, such as election announcements, news of community affairs and activities, and scheduled meetings of special task forces, almost never appear in Spanish. It is not surprising, therefore, that few Spanish speaking residents participate in Model Cities activities.

Because of their language, Puerto Ricans remain effectively excluded from Model Cities' decision-making process. As a result, the programs which are funded rarely address their needs.

There is a serious drug problem, for example, among Puerto Rican youth. City Hall administers a \$50,000 Methadon Drug Rehabilitation program which promises to provide 75% of the Model Cities area residents with treatment. Unfortunately, the program fails to reach 65% of all resident drug users who are under 21 years of age, and therefore, ineligible to receive methadon treatment. Meanwhile, drugs run rampant among the Puerto Rican 16-year-olds and younger who have no treatment programs at all.

## ANTIPOVERTY AGENCIES

The antipoverty agencies in Bridgeport and New Haven have failed to provide the Puerto Rican community and all poor people with the tools necessary to release them from the poverty cycle. A review was conducted of Community Progress, Inc., New Haven's antipoverty agency, and of Action for Bridgeport Community Development (ABCD) to determine the extent of these agencies' positive impact on the Puerto Rican poor. The testimony in both cities revealed a pattern of exclusion of the Puerto Rican community from full participation in the agencies.

The exclusion of the Puerto Rican community is largely a result of the agencies' failure to recognize that a language difference isolates the Hispano community from the normal channels of communication which are effective in reaching other communities. Faced with their inability to communicate through traditional means, the agencies have neglected to develop alternate routes for reaching the Spanish speaking community.

One effective way of making connections with the Puerto Rican community is through a Spanish speaking staff member who acts as a liason for the agency and informs the community of available programs and services.

The employment statistics of both agencies partially explain their failure to make contact with the Hispano community. In New Haven, only recently has Community Progress, Inc. hired Spanish speaking personnel and today, only 13% of the jobs are held by Spanish speakers. None of

these are policy-making positions within the agency. Hispano leaders agree that since approximately 23% of all poverty-level residents living in New Haven are Spanish speaking, a corresponding number of staff positions should be occupied by ethnic Spanish speakers.

The record of Action for Bridgeport Community Development is no better. Out of a total number of 325 employees, only 91 are ethnic Spanish speakers. Of these, only 2 hold policy-making positions.

Because there is minimal Puerto Rican participation in program design and few Puerto Rican staff members to administer the programs, participation of Spanish speakers from all groups in community action programs is almost non-existent. Youth Services Center, an ABCD sponsored project serves as a good illustration. The program, which provides educational counseling, tutoring, vocational and college admission guidance, last year had a 1% Spanish speaking enrollment.

In New Haven, GPI administers a day care project for working mothers. Last year, 9 federally-funded day care centers enrolled 325 children. Only 5 of these were Spanish speaking. Because the centers had no Spanish speaking staff, Hispano mothers were afraid to leave their children in the care of someone who would be unable to understand them.

The Spanish speaking community's feelings of frustration and alienation have led many to believe that, if the benefits of antipoverty programs are to reach them, these programs will have to be run by Hispanos themselves. There have been several products of this pressure, among them the Junta for Progressive Action, a Spanish neighborhood corporation in New Haven, and a pre-skill job training program, Mini CEP in Bridgeport.

Hampered by inadequate budgets and disproportionate amounts of responsibility, these new products of Hispano pride have been successful despite their handicaps. Unfortunately, because the antipoverty agencies have continued to neglect the Puerto Rican community, the growing tension which produced a parallel structure of services and programs, still remains unresolved.

The Puerto Rican Conference of the Bronx wishes to congratulate the U.S. Commission on Civil Rights for holding hearings about the many problems affecting the Puerto Rican Community in the N.Y. metropolitan area. We are referring to those problems in the area of housing, education and employment. In a nutshell, these are the critical issues that require the utmost attention not only from this Commission, but from other government agencies. For example, it is a fact that Puerto Ricans live in the worst housing conditions in the nation. In the South Bronx Model Cities area we have about 85,000 dwelling units of which 78,000 are considered substandard because of the many violations such as electrical, plumbing, heating and structural conditions.

The median income is about \$3,052 per year which is much lower than the national figure that is quoted most often. The unemployment rate is way over 15%, and even higher amongst the younger persons, especially those from 16 to 21 years old.

The population density in the South Bronx is much higher than the national norm, 325,000 persons living in an area of 1,783 acres, of which 50 to 60% of the land is being used for streets and other public facilities such as schools, parks, etc.

We know that housing is a national problem, especially for the low income groups. However, we believe that many of the existing housing programs at the federal and state levels are not meeting our needs. For example, the FHA 235-236 programs are not constructing dwelling units for those persons below the \$6,000 annual income. The fact is that these programs are favoring those individuals or

families whose income exceeds \$10,000. We must realize that two thirds of our working force earn less than \$6,000 per year.

Housing production in poor communities throughout New York City is very small, fragmented and time consuming. Usually, community persons are not consulted about future plans in the area. We are referring to highway improvements, urban renewal and other programs that tend to destroy the community way of life. Secondly, they cause hardship to the families that have to be relocated.

We respectfully request this Commission to consider the following recommendations:

- 1) To press for more money from federal and state sources for a higher production of low income units.
- 2) For more subsidy monies for the elderly.
- 3) To press that localities such as N.Y.C. get a reasonable and proper share of the federal housing allocations.
- 4) To make sure that site tenants be given first priority to occupy the new or rehabilitated units in their respective community.
- 5) To instruct the regional FHA office to cut the amount of paperwork and redtape so that we could be able to accelerate housing production.
- 6) That construction unions working in subsidized housing projects should be compelled by law to hire a reasonable amount of local labor, not only in the demolition phase, but in the other phases of the industry, such as masons, carpenters, glazers, plumbers, electricians, etc.

In the event that the industry fails to comply, the federal government should immediately intervene, and if necessary, stop the construction until the requirements are properly met.

- 7) That the apartment distribution in a project should have a greater number of three and four bedroom apartments so that we would be able to accomodate our larger Puerto Ricans families. We must realize that the average Puerto Rican family is about five to six persons per household.
- 8) That day care and other community facilities be built in those areas slated for new or rehabilitated housing.
- 9) That Puerto Rican organizations be given the opportunity to become housing sponsors.
- 10) That local housing corporations be chartered so that they would be able to tap funds from federal, state, city and private sources.
- 11) That a Puerto Rican be named as member of the New York City Planning Commission. We understand that there are vacancies available, yet the city administration is not responding to our request.
- 12) That a Puerto Rican should be named as member of the New York City Civil Service Commission.

These recommendations were fully discussed at the Bronx Puerto Rican Conference on December 4-5, 1971 and they were approved by the Physical Development Committee and passed by the General Assembly.

We respectfully request from the U.S. Commission on Civil Rights to accept these resolutions and recommendations and that



they be so included in the reports of the Commission.

Respectfully Submitted,

*Ruben Irizarry*

Ruben Irizarry  
Co-Chairman, Physical Development  
Committee  
3164 Third Avenue  
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Tel. No. 585-3133

Dated:

February 15, 1972



## CRUSADE FOR MORAL RESTORATION YOUTH INC.

761 EAST 150TH STREET  
BRONX, NEW YORK 10455

665-5260

### TRUSTEES

Rev. F. CARABALLO, - Director  
JOSE GUZMAN - Chairman  
M. CARABALLO - Secretary  
R. NIEVES - Treasurer  
H. DESOSA  
L. DESOSA

January 6, 1971

### YOUTH COUNCELORS

M. NOGUERA  
H. RIVERA  
N. EMERIC  
A. RIVERA  
R. EMERIC  
G. VELEZ  
C. VELEZ  
E. RIVERA

According to the law of the United States of America, any election, investigation or other demands by our government to the community must be done under the strictest democratic principles.

After a long study of the 1970 census we, the community have found that it has been unfair and we do not accept it.

As the census was made through the mail, it was not a legal and correct census because:

1. A large part of the Spanish speaking community does not understand the English language well enough to fill out the forms.
2. Many of the papers were lost because of incorrect addresses.
3. Many of the papers were lost because they were left outside the mail boxes.
4. The government does not have the exact addresses of all the Puerto Rican and Spanish speaking people coming into the United States.
5. The Spanish community did not receive information of the importance of the census.

The government has demonstrated the lack of interest it has in resolving the existing problems in our community. Because of this our community will lose Health Assistance which is so desperately needed in our country, we will lose Economic Development, Education, Commercial Business, Sanitation, Housing, Schools, Justice, Legal Services, protection from crime and our people lose the responsibility towards our government and visaversa.

This act of discrimination has ousted and deprived our community of a fair share of Federal Funds to improve the living conditions of our people.

Because of the inhuman circumstances we ask that the Government rectify the injustice it has committed, in ignoring the Human and Civil Rights of the Spanish speaking community, with special emphasis on the Puerto Rican.

A coalition was formed to request from the United States Government and from the Human Rights Administration, that a Special Study to correct this iniquity and social injustice be carried out at the earliest time.

The committee is composed of the "Crusade for Moral Restoration of Youth Inc." with offices located at 761 East 150th Street, Bronx, N. Y., the radio station W.H.O.I., with offices located at 136 West 52nd Street, New York, N. Y., the "Common Wealth of Puerto Rico" with offices at 322 West 45th Street, New York, N. Y. and "Hostos Community College" with offices at 149th Street and Grand Concourse, Bronx, N. Y.

The representatives are:

- |                                 |                         |
|---------------------------------|-------------------------|
| 1. Reverend Francisco Caraballo | 6. Dr. Candido DeLeon   |
| 2. Mr. Arnold Hartley           | 7. Mr. George Rodriguez |
| 3. Mr. Ramon Vizcarrondo        | 8. Mr. Federico Perez   |
| 4. Miss Margarita Nogueras      | 9. Mr. Nick Lugo Jr.    |
| 5. Mr. Nick Lugo                |                         |

We ask the offices of the "Commonwealth of Puerto Rico and its director to patent and certify this request to maintain by the law, the principles of our request.

The purpose of our request is to defend the rights of each and every Puerto Rican and Hispanic in the State of New York.

*Rev. Francisco Caraballo*

Rev. Francisco Caraballo  
Committee Representative for the  
Puerto Rican - Hispanic Coalition Committee  
(P.R.H.C.C.)

NEW YORK STATE  
NEW YORK COUNTY  
SWORN TO BEFORE ME  
THIS 18th day of June 1972  
*Morris Langholtz*

MORRIS LANGHOLTZ  
NOTARY PUBLIC, State of New York  
No. 41-22532CO  
Qualified in Queens County  
Term Expires March 30, 1973

STATEMENT OF JOSE LUMEN ROMAN  
Assistant Director-Public Affairs  
City of New York-Human Resources Administration

To be included in the  
Official Record of the

U.S. COMMISSION ON CIVIL RIGHTS  
Thursday, February 17, 1972.

GENTLEMEN:

For all purposes in this paper, the terms 'Puerto Rican' and 'Spanish-American' will be used interchangeably. It is not that the terms have exactly the same meaning, but the problem of discrimination in the New York area is such that the problem has become one of discrimination against the Spanish-American in the broader sense rather than simply a problem of discrimination against the Puerto Rican segment of the community.

This is so because of the inability on the part of the greater number of New Yorkers to be able to distinguish between the Puerto Rican and other ethnic groups with Spanish heritage.

This presentation will not concern itself with the reasons for discrimination which have been the subject of innumerable books and articles by social scientists. We will concern ourselves rather with pointing out the facts that apparently such discrimination does continue to exist in business, the arts and in governmental circles, even at this late date despite massive anti-discrimination campaigns and despite the fact that today some small inroads are being made in the field, by the way of education, legislation and the exhortation and insistence by minorities that they be given an equal chance.

As everyone has become aware, the black community, the most vocal and insistent of the minority groups, has been making some progress toward equality of opportunity after many years of silence. Such progress as they have made has largely been on the basis of activities such as the NAACP and the Urban League and other such organizations coupled with the educational programs and legislation above referred to.

No employer would dare to deny a qualified black the right to a promotion today on the basis of his color. We cannot turn on our television set without seeing a black chorus girl, dancer, etc., in the commercial, or lead player in the commercial.

When was the last time you saw a chorus girl, extra, or commercial player of Spanish-American give such employment? Is it due to the fact that there are no Spanish-American dancers, housewives who use "Tide"; housewives who shop in supermarkets, people who use deodorants? Or is it due rather to the fact that the black movements have become so vociferous and so well organized that the advertisers feel the market for their products would be jeopardized without the inclusion of some one representative of the black community in their advertising? Is the answer then due to the fact that the Spanish-American community does not represent a large enough share of the market to warrant the inclusion of Spanish American in the advertising? In the Metropolitan area, the answer must be a flat "NO" in all probability the reason for the lack of Spanish-American represented in television commercial work is due to two factors:

First - The Black are militantly aware of their civil rights and have organized themselves to take advantage of their civil rights. The Spanish-American, many of whom are very recent arrivals to these shores, are not so politically aware and are relatively unorganized. The few organizations active among the Spanish - American community are new in comparison with the black organizations and not nearly as powerful. This lack of power probably stems from the fact that the Spanish-American community has not learned, as has the black community, that it is possible to elect representatives of their community to official posts using the political process. When a group has a spokesman in the form of a public official, his

words make news and he can do more for his community, using his official position, that he could if he were not a member of the official family.

Secondly: The Spanish-American, with very few exception, does not care to be militant. He does not like to go on the picket line to protest. He shuns publicity. He would like to pretend that discrimination does not or did not exist. He would rather pretend it did not happened, than to make a public protest and out-cry making him the center of attention. This is due to the Spanish culture, tradition and home life. The Spanish-American in this area is told, upon moving here, that discrimination exists in housing, in the prices he must pay for food and anything else he buys; in employment opportunities; even in rentals and he quietly accepts such discrimination as a fact of life in the New York area. Therefore, when he comes up against discrimination, he tends to accept it, shrugs it off, and goes about his business of trying to make a living.

Given such a set of circumstances, and an uncomplaining minority group, it is no wonder that discrimination is rampant in all its various and subtle forms.

There are insurance companies which will not write a policy of insurance for Spanish-Americans. In the field of automobile insurance, the assigned risk pool is full of Puerto Rican names. They are compelled to pay a 20% more in premium for a limited policy in order to own an automobile. The insurance companies are permitted to refuse a prospective assured on the ground that he is a "Moral Risk," whatever that means. The



State Superintendent of Insurance has permitted this state of affairs to exist for many years, and has never even officially noticed that all the "Moral Risks" are either Blacks or Puerto Ricans.

That an official of the State of New York has taken no action to remedy this situation is not unusual, as will be shown later on, when the question of political appointments and Civil Service will demonstrate --beyond a reasonable doubt-- that this are areas of discrimination against Spanish-Americans.

The construction trade industry has finally been broached and the Puerto Rican can now become a laborer... Not a mechanic, nor an electrician, nor a plumber, or a carpenter, or a plasterer, or even a bricklayer, mason, etc. Only a laborer!...

The trade unions still do not permit Spanish-Americans to become full pledge members, regardless of their qualifications. In the very few unions where Spanish-Americans are accepted --in limited numbers-- they are accepted only as apprentices, regardless of how many years of practical experience they have and it is seen to that they will never pass the examinations which will permit them to become plumbers, carpenters, electricians and earn the full union scale.

One will believe that in the field of government employment, at least, there will be equal opportunities for Puerto Ricans. Nevertheless, this is not the case.

As a typical example, let me cite the case of only one agency --The Worksmen Compensation Board of the State of New York-- which deals with the disposition of claims of 190,000 members of the public in the New York City area annually.

Approximately one third of the claims are presented by Spanish-Americans. This agency employs only three Spanish interpereters to assist in the adjudication of approximately 1,100 hearings per day. The fifty (50) Referees who sit in adjudication for these claims are appointed by the Governor of the State of New York. There are Referees who are Irish, Jewish, Italians, White Anglo-Saxon Protestant and Blacks, reflecting to some extent the heterogenous nature of the population of the City of New York --that is to say that all important segments of the City's population have been represented in the ranks of the Referees who adjudicate these claims-- all segments except the Puerto Ricans.

In this particular agency in which this typical study was made, there are 13 Commissioners, appointed by the Governor of the State of New York. Again, we find it difficult to believe that an agency of the "most liberal" State of the Union, one third of the work of which involves Spanish-Americans with important problems, has not one single Puerto Rican Commissioner and never has had one since its formation in 1916. Repeat: not a single one, although the Commissioners are appointed for seven year terms and vacancies do occur from time to time.

The administrative work of the agency is carried by Civil Service employees and the terms of employment and promotions are governed by the Civil Service Law. However, due to chronic shortages of personnel, appointment to the staff of the agency have been made on a provisional basis, to become permanent upon the employees passing an examination. Let me point out to all

members of this Commission, that the few (about 15 out of a total of over 2,000 employees) Spanish-Americans appointed on such provisional basis have been appointed to menial and lower clerical and messenger jobs.

Among the higher grade personnel such as administrators, supervisors and examiners, there are no representatives of the Puerto Rican community.

Promotional examinations have been given from time to time and special coaching for such examinations is rumored to have been given to Black employees, a rumor widely believed to be true by the employees of the agency in question. This is not done with Spanish-American employees.

It is believe that the situation in this agency is truly representative of, and a reflection of, the opportunities available to Puerto Ricans in government employment and, if this is so, as it seems to be, it would does prove that discrimination does exist in both the appointive area and promotional and hiring areas of employment by the State of New York.

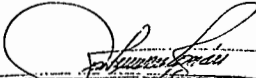
This Commission should take notice of the fact that the Puerto Rican rate of unemployment in Metropolitan New York is higher than in any other ethnic group. Therefore, it is advisable for one to carefully examine the common practices of the Unemployment Insurance Office of the State Department of Labor.

Everyone knows that Puerto Ricans work in marginal and seasonal industries. Some labor unions working in cahood with employers, exploit them. When an employer laid-off one of this workers, there is no effort on the part of the union to help or assist him.

The worker then goes to his nearest Unemployment Insurance Office seeking benefits. The interviewer calls the employer and --in the majority of the cases-- the employer states that the employee was at fault and provoke his dismissal. The employee that requests a hearing, and in 90% of the cases the ruling is also against him. In other words, Puerto Ricans are screw all over.

Because of this he is tired. He does not want promises. He wants immediate and positive actions.

In GOD we trust, in you, members of the U.S. Commission on Civil Rights, we HOPE.



Jose Lumen Roman  
Assistant Director  
Public Affairs  
Human Resources Administration  
250 Church Street  
New York, N. Y. 10013

February 16, 1972.

SOME FACTS  
RELATING TO THE

ECONOMIC STATUS OF  
PUERTO RICANS  
IN NEW YORK CITY

U.S. DEPARTMENT OF LABOR  
BUREAU OF LABOR STATISTICS  
341 NINTH AVENUE  
NEW YORK, NEW YORK 10001

FOR ADDITIONAL COPIES WRITE TO

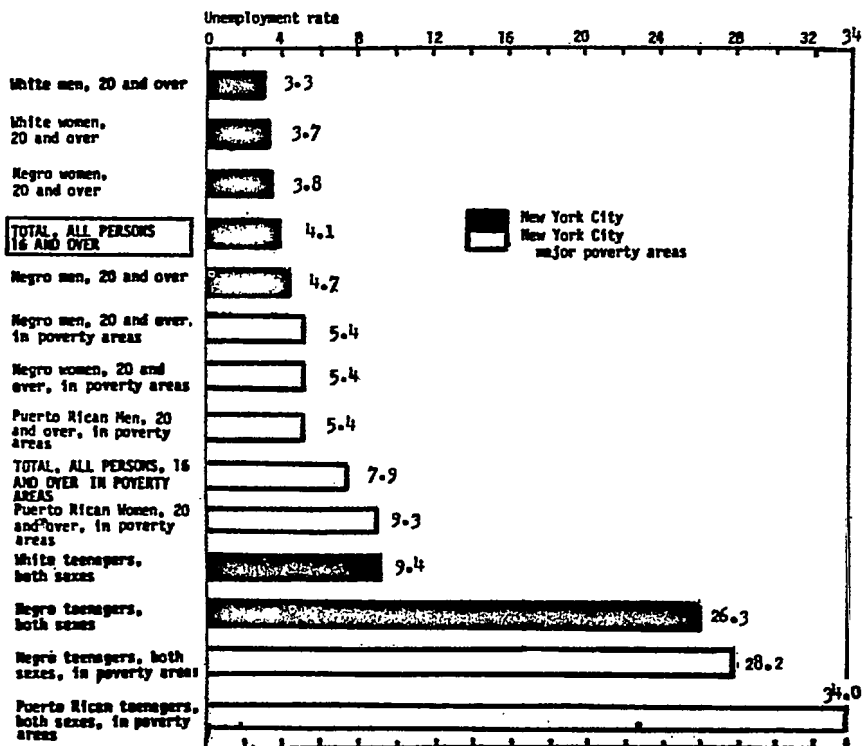
MR. HERBERT BIENSTOCK  
REGIONAL DIRECTOR  
U.S. DEPARTMENT OF LABOR  
BUREAU OF LABOR STATISTICS  
341 NINTH AVENUE  
NEW YORK, NEW YORK 10001

FEBRUARY 1972

Civilian labor force, by age and sex,  
Puerto Ricans, major New York City poverty areas,  
July 1968-June 1969, and New York City, 1969

Age and sex	Poverty area Puerto Rican	New York City
Total, all persons .....	43,600	3,255,000
<u>Men</u>		
Total, all persons .....	29,800	1,935,000
Percent distribution ...	100	100
16-24 .....	20	14
16-19 .....	9	4
25-54 .....	72	63
25-44 .....	57	43
55 and over .....	7	23
55-64 .....	6	17
65 and over .....	1	6
<u>Women</u>		
Total, all persons .....	13,800	1,321,000
Percent distribution ...	100	100
16-24 .....	32	22
16-19 .....	14	7
25-54 .....	58	57
25-44 .....	41	36
55 and over .....	11	21
55-64 .....	10	17
65 and over .....	1	4

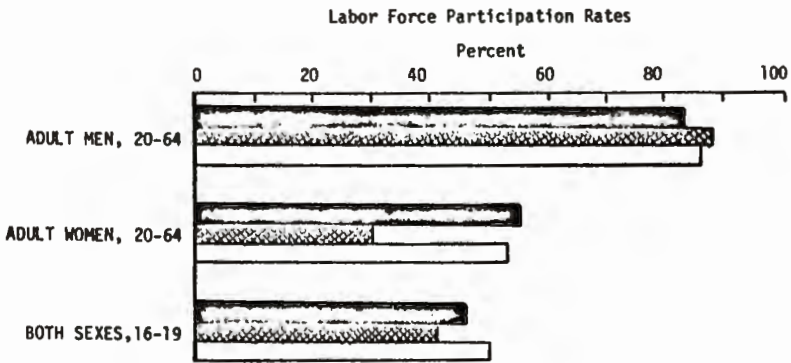
UNEMPLOYMENT IN NEW YORK CITY  
AND ITS MAJOR POVERTY AREAS  
JULY 1969-JUNE 1970



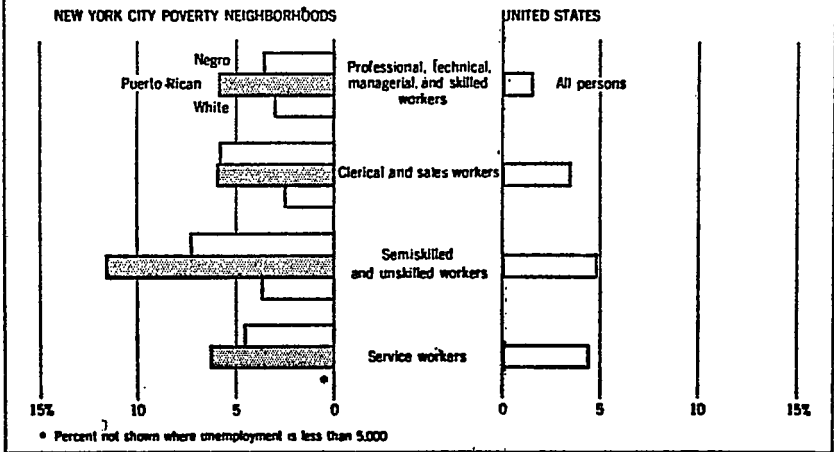
Note: The major New York City poverty neighborhoods are those where the Urban Employment Survey of the Department of Labor has been conducted -- Central and East Harlem, South Bronx, and the Bedford-Stuyvesant section of Brooklyn. Negro includes a small percentage of persons of races other than Negro or white. For New York City as a whole, separate data on Puerto Ricans are not collected. For the UES area, data for Puerto Ricans, which refers to persons of Puerto Rican birth or parentage, are excluded from the Negro category.



UNEMPLOYMENT AND LABOR FORCE PARTICIPATION  
 IN NEW YORK CITY UES AREA  
 JULY 1968 - JUNE 1969



UNEMPLOYMENT RATE BY SELECTED OCCUPATIONAL GROUPS IN  
 MAJOR NEW YORK CITY POVERTY NEIGHBORHOODS, JULY 1968—JUNE 1969, AND UNITED STATES, 1969



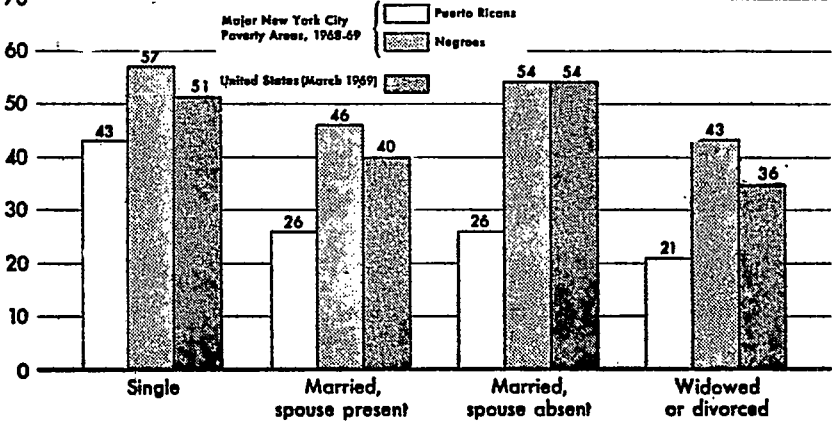
Employment status of persons, 16 and over, by sex,  
Puerto Ricans, major New York City poverty areas,  
July 1968-June 1969, and New York City, 1969

Employment status	Poverty area	New York City
	Puerto Rican	
<u>Both sexes, 16 and over</u>		
Civilian noninstitutional population ..	85,700	5,708,000
Labor force .....	43,600	3,255,000
Participation rate .....	50.9	57.0
Employed .....	39,400	3,139,000
Unemployed .....	4,200	117,000
Unemployment rate .....	9.6	3.6
Not in the labor force .....	42,100	2,453,000
<u>Men</u>		
Civilian noninstitutional population ..	38,000	2,579,000
Labor force .....	29,800	1,935,000
Participation rate .....	78.4	75.0
Employed .....	27,100	1,867,000
Unemployed .....	2,700	68,000
Unemployment rate .....	9.1	3.5
Not in the labor force .....	8,200	645,000
<u>Women</u>		
Civilian noninstitutional population ..	47,700	3,129,000
Labor force .....	13,800	1,321,000
Participation rate .....	28.9	42.2
Employed .....	12,300	1,272,000
Unemployed .....	1,500	49,000
Unemployment rate .....	10.9	3.7
Not in the labor force .....	33,900	1,808,000

Note: Sampling variability may be relatively large in cases where the numbers are small, particularly for estimates under 5,000 for the major New York City poverty areas (and 50,000 for New York City). Small differences between estimates as well as small estimates should be interpreted with caution. Figures may not add up because of rounding.

# Labor Force Participation Rates of Women, by Marital Status

Labor Force  
Participation Rate  
70



Labor Force Participation of Persons 16 to 64 Years Old, by Age, Sex, and  
Ethnic Origin: March 1971

(Noninstitutional population)

Age and sex	Total population			Spanish origin		
	All races <sup>1</sup>	White <sup>2</sup>	Negro and other races	Total <sup>3</sup>	Mexican	Puerto Rican
<b>MALE</b>						
Total, 16 to 64 years old..	86.4	87.1	80.6	85.4	85.4	78.2
16 to 24 years old.....	68.6	69.4	63.3	67.9	66.1	68.5
25 to 44 years old.....	96.3	96.8	92.5	94.1	95.6	85.0
45 to 64 years old.....	89.3	90.0	83.5	88.2	88.5	(B)
<b>FEMALE</b>						
Total, 18 to 64 years old..	49.0	48.5	53.0	39.4	36.4	29.1
16 to 24 years old.....	48.7	49.6	42.6	36.0	35.5	34.2
25 to 44 years old.....	48.8	47.1	60.9	40.8	38.0	22.3
45 to 64 years old.....	49.5	49.2	52.3	40.7	34.3	38.3

B Base less than 75,000.

<sup>1</sup>Includes persons of "other races," not shown separately.

<sup>2</sup>Includes almost all persons reporting Spanish origin. About 97 percent of persons of Spanish origin, about 99 percent of persons of Mexican origin, and 96 percent of persons of Puerto Rican origin were classified white in this survey.

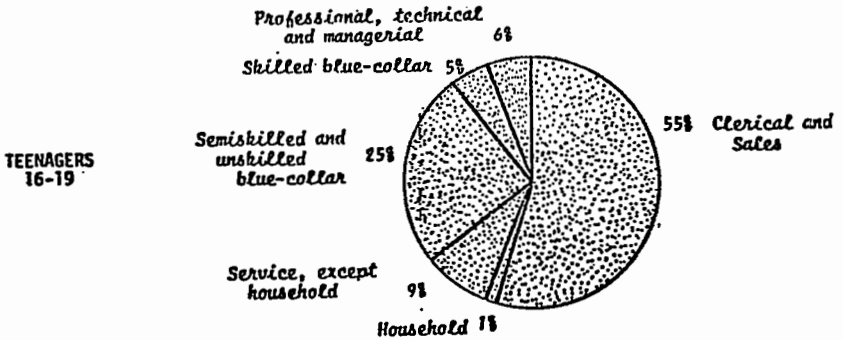
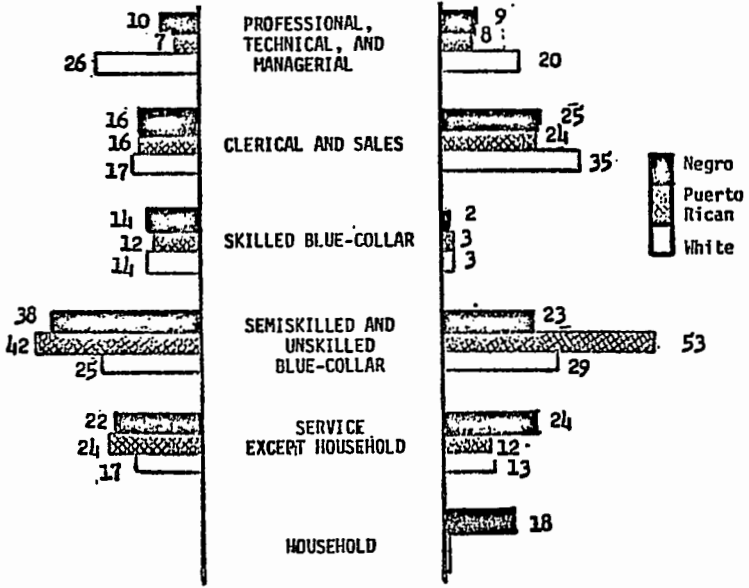
<sup>3</sup>Includes persons of Central or South American, Cuban, and other Spanish origin, not shown separately.

Source: U.S. Bureau of the Census

OCCUPATIONS OF EMPLOYED WORKERS  
RESIDING IN NEW YORK CITY UES AREA  
JULY 1968 - JUNE 1969  
(in percent)

Men, 20 and over

Women, 20 and over



TEENAGERS  
16-19

Employed Men 16 Year Old and Over, by Major Occupation Group and Ethnic Origin: March 1971

(Numbers in thousands. Civilian noninstitutional population)

Occupation	Total population			Spanish origin		
	All races <sup>1</sup>	White <sup>2</sup>	Negro and other races	Total <sup>3</sup>	Mexican	Puerto Rican
Total employed.....	47,979	43,307	4,671	1,826	997	232
Percent.....	100.0	100.0	100.0	100.0	100.0	100.0
White-collar workers.....	41.7	43.9	22.0	23.2	18.2	19.8
Professional and technical.....	13.8	14.5	7.2	7.2	4.5	6.2
Mgrs., Admin., exc. farm.....	15.1	16.1	5.2	6.4	5.4	4.8
Sales workers.....	6.1	6.5	1.8	2.7	2.2	3.0
Clerical workers.....	6.8	6.7	7.7	6.9	6.2	5.8
Blue-collar workers.....	45.1	43.7	57.4	57.9	62.5	59.9
Craftsmen and kindred.....	19.5	20.2	13.1	18.2	19.7	13.3
Operatives, including transportation.....	18.4	17.6	26.7	27.6	27.7	33.4
Laborers, exc. farm.....	7.1	5.9	17.7	12.1	15.0	13.5
Farm workers.....	4.9	4.9	4.9	5.3	8.3	1.7
Farmers and farm managers.....	3.2	3.4	1.3	0.3	0.1	-
Farm laborers and foremen.....	1.7	1.5	3.6	5.0	8.2	1.7
Service workers.....	8.3	7.5	15.7	13.6	11.1	18.2

- Represents zero or rounds to zero.

<sup>1</sup>Includes persons of "other races," not shown separately.

<sup>2</sup>Includes almost all persons reporting Spanish origin. About 97 percent of persons of Spanish origin, about 99 percent of persons of Mexican origin, and 96 percent of persons of Puerto Rican origin were classified white in this survey.

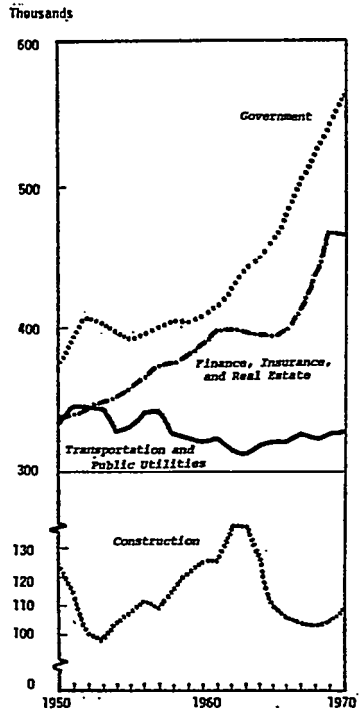
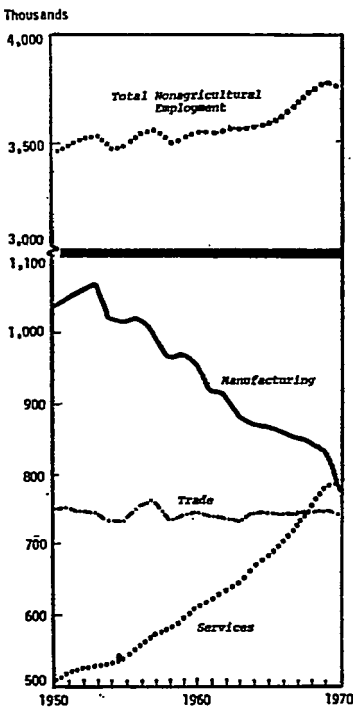
<sup>3</sup>Includes persons of Central or South American, Cuban, and other Spanish origin, not shown separately.

Source: U.S. Bureau of the Census

EMPLOYMENT BY INDUSTRY OF PUERTO RICANS RESIDING IN  
NEW YORK CITY POVERTY AREAS AND ALL NEW YORK CITY WORKERS  
(in percent)

Industry	Puerto Ricans poverty areas, 1968-69	All workers New York City, 1969
Manufacturing .....	42	22
Services .....	19	20
Trade .....	18	20
Government .....	9	14
Finance, insurance, real estate .....	6	12
Transportation and public utilities .....	5	9
Contract construction and mining .....	1	4

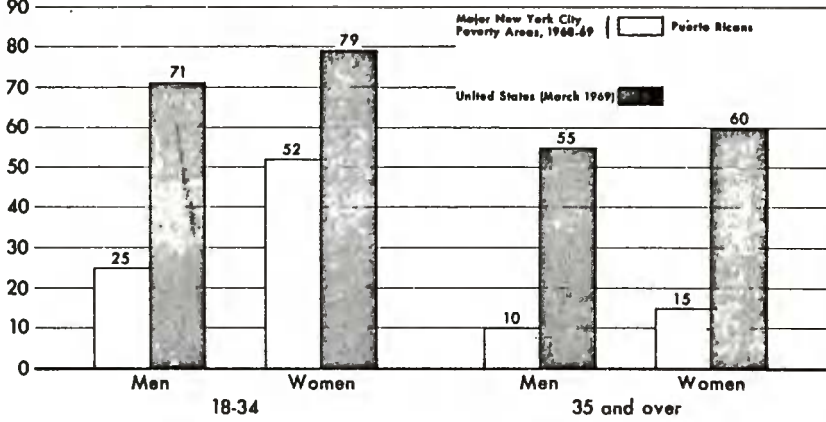
CHANGES IN WAGE AND SALARY EMPLOYMENT  
NEW YORK CITY  
1950-1970



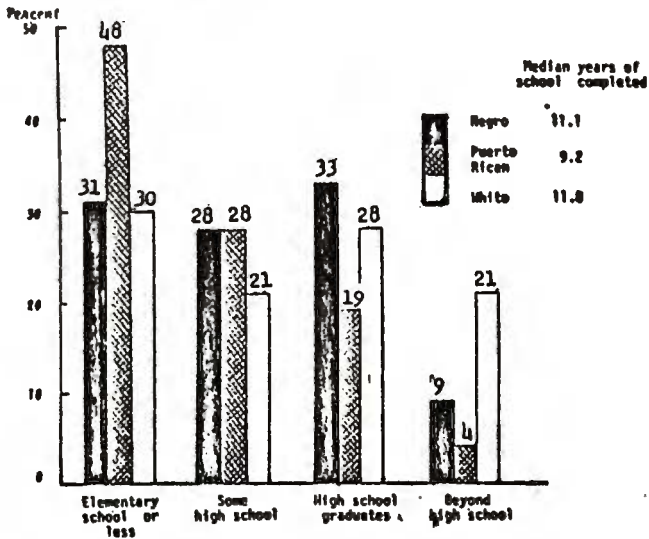


# Percent of Labor Force with 4 Years of High School or More

Percent of Labor Force



## EDUCATIONAL ATTAINMENT OF EMPLOYED PERSONS, 18 YEARS AND OVER RESIDING IN NEW YORK CITY UES AREA



Percent of the Population 25 Years Old and Over Who Had Completed Less Than 5 Years of School or 4 Years of High School or More, by Ethnic Origin: March 1971

Years of school completed and age	Total population			Spanish origin		
	All races <sup>1</sup>	White <sup>2</sup>	Negro	Total <sup>2</sup>	Mexican	Puerto Rican
<b>PERCENT COMPLETED LESS THAN 5 YEARS OF SCHOOL</b>						
Total, 25 years old and over..	5.0	4.1	13.5	19.5	25.7	23.7
25 to 29 years old.....	1.1	1.1	1.8	5.8	6.6	9.3
30 to 34 years old.....	1.4	1.3	2.3	9.6	10.2	15.1
35 to 44 years old.....	2.6	2.3	5.4	18.1	25.5	20.3
45 to 54 years old.....	3.6	2.7	11.8	20.4	27.8	23.6
55 to 64 years old.....	5.9	4.3	22.3	38.1	54.6	49.0
65 years old and over.....	13.4	11.1	40.8	47.3	63.2	61.0
<b>PERCENT COMPLETED 4 YEARS HIGH SCHOOL OR MORE</b>						
Total, 25 years old and over..	56.4	58.6	34.7	32.6	26.3	19.8
25 to 29 years old.....	77.2	79.5	57.5	48.4	48.5	32.5
30 to 34 years old.....	72.9	75.1	53.8	41.8	41.4	21.8
35 to 44 years old.....	66.2	69.0	41.3	34.0	23.9	18.7
45 to 54 years old.....	58.7	61.7	29.1	24.5	14.9	16.3
55 to 64 years old.....	45.2	47.8	17.4	16.3	4.6	(B)
65 years old and over.....	29.3	30.8	11.3	15.1	6.7	(B)

B Base less than 75,000.

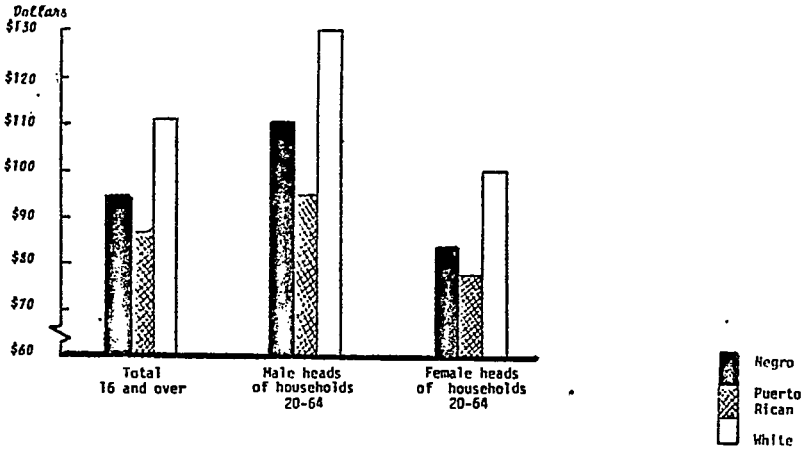
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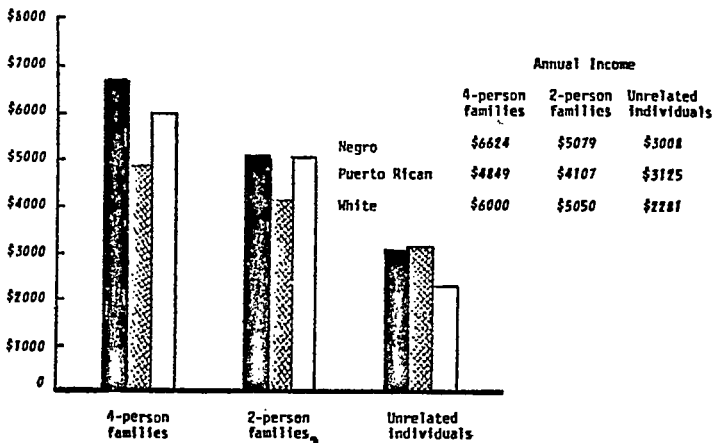
<sup>3</sup>Includes persons of Central or South American, Cuban, and other Spanish origin, not shown separately.

Source: U.S. Bureau of the Census

**MEDIAN WEEKLY EARNINGS OF PERSONS WORKING FULL-TIME  
RESIDING IN NEW YORK CITY UES AREA  
JULY 1968 - JUNE 1969**



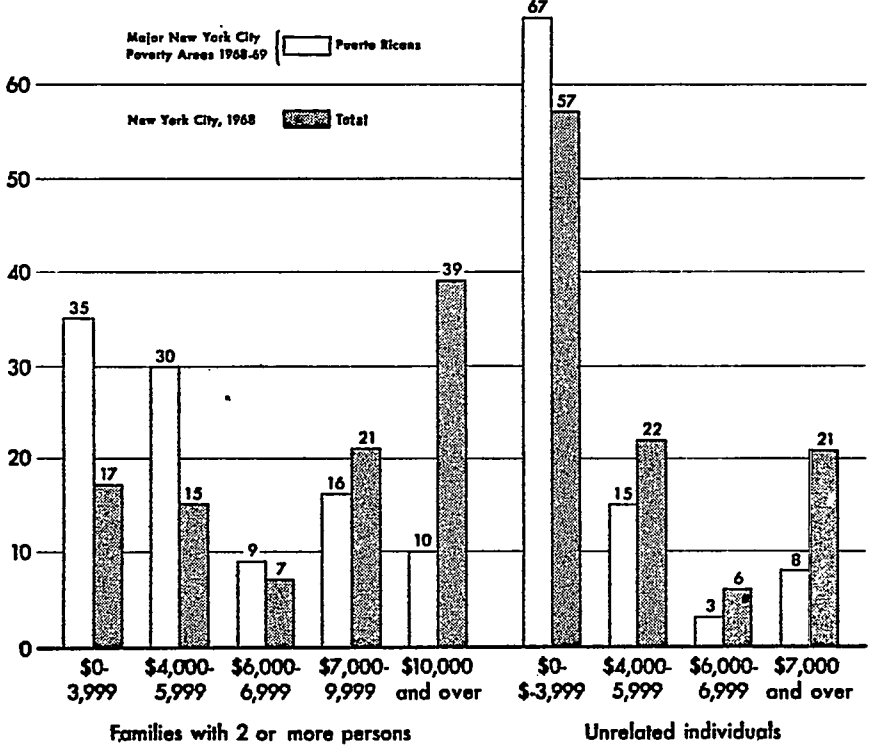
**MEDIAN ANNUAL INCOME OF FAMILIES AND UNRELATED INDIVIDUALS  
RESIDING IN THE NEW YORK CITY UES AREA  
JULY 1968 - JUNE 1969**



# Annual Income of Families and Unrelated Individuals

Percent

70



Statement of Senator Jacob K. Javits for  
Submission to United States Civil Rights Commission  
Hearings into Problems of Puerto Ricans  
Held in New York City Week of February 14, 1972

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I wish to express to the U. S. Civil Rights Commission my deep appreciation for these extremely important hearings into the manifold problems of Puerto Ricans on the United States mainland, in general, and in New York State, in particular. I only regret that it has taken so long for the spotlight of national concern - as reflected by the hearings - to focus on this vibrant but severely depressed community.

The significance of the Commission's work during the next few days must not be underestimated. It represents a major step in the Puerto Rican's years of struggle to overcome deprivation and humiliation, and to achieve equality and justice.

In New York, no group has finer spirit or greater human resources. Yet, no group has been subjected to such overwhelming institutional neglect, insensitivity and resistance.

When Puerto Ricans migrated to the mainland in large numbers during the early 1950s adequate opportunity was denied to them. It was felt then that these new arrivals - with their industry and drive - would rapidly assimilate and prosper. This has not been the case. Despite some advances in recent years, progress for the Puerto Ricans has been very slow, and many doors remain closed.

The Commission has scheduled numerous witnesses from the Puerto Rican community who are best qualified to depict the hardships which are endured in the critical areas of employment, education and housing. However, I would like to submit for the record various materials relating to the educational plight of Puerto Rican children in New York City which may prove useful to the Commission in its examination of future witnesses. I would also urge the Commission to incorporate as part of the record the testimony on Puerto Rican educational problems presented in the November 1970 hearings before the U. S. Senate Select Committee on Equal Educational Opportunity, of which I am a ranking member.

The fact is that Puerto Rican children continue to be deprived of equal educational opportunity. In large part, this is attributable to the persistence of severe English language deficiencies resulting from inadequate financing of bilingual and ESL programs and the unresponsiveness of educational bureaucracies to the special needs of the Puerto Rican child. I hope that these hearings and your recommendations will help to dispel much misunderstanding and ignorance about the magnitude of this problem and, even more, to expose the difficulties which have stood in the way of providing the Puerto Rican child with a fair break in American education.

I would also request permission to submit a more detailed statement on this matter at a later date.

Documents submitted by Senator Jacob K. Javits

1. Memorandum for Senator Javits dated February 10, 1971, entitled "Instruction for Non-English Speaking Puerto Rican Pupils in New York City Public School System."
2. Letter dated February 18, 1971, from Senator Javits to Hon. Ewald B. Nyquist, Commissioner of Education, New York State Education Department.
3. Memorandum for Senator Javits dated March 30, 1971, entitled "Educational Problems of Non-English Speaking Children - Recommendations for State Action."
4. Letter dated April 15, 1971, from Commissioner Nyquist to Senator Javits.
5. Letter dated May 18, 1971, from Senator Javits to Commissioner Nyquist.
6. Letter dated May 19, 1971, from Senator Javits to State Senator Thomas Laverne and Assemblyman William F. Passannante.
7. Memorandum dated June 15, 1971, entitled "Recommendations Relating to Problems of Limited English Speaking Children in New York City."
8. Letter dated October 21, 1971, from Senator Javits to Commissioner Nyquist.
9. Letter dated November 5, 1971, from Commissioner Nyquist to Senator Javits.

Memorandum  
for  
Senator Javits

February 10, 1971

INSTRUCTION FOR NON-ENGLISH SPEAKING PUERTO RICAN PUPILS  
IN NEW YORK CITY PUBLIC SCHOOL SYSTEM

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I. Introduction

On January 27, 1971, the Puerto Rican Forum presented findings of its investigation into treatment of Non-English speaking Puerto Rican children within the public school system at a hearing before the New York City Commission on Human Rights into "The Minority Hiring Practices of the Board of Education of the City of New York."

The testimony is a shocking indictment of the Board and others responsible for education of Puerto Rican children in New York City. The Forum's testimony revealed: (1) that there are 250,000 Puerto Rican pupils in the public school system (or 22% of the total student population); (2) that less than 1% of all professional positions in the school system are held by Puerto Ricans; (3) that 88,157 Non-English speaking Puerto Rican pupils were registered as of October 1969; (4) that three out of four Puerto Rican students receive no help for their special language problems; (5) that only 4,000 Puerto Rican students are in comprehensive bilingual



programs; (6) that only 10,000 Puerto Rican students receive one period per day instruction in English as a Second Language; (7) that a need exists for thousands of Instructional Bilingual and English as a Second Language Teachers.

This memorandum reinforces the Forum's conclusions. It is predicated on extensive discussions by the New York office with Puerto Rican educators as well as review of numerous source materials, including the record of the three-day hearings on Puerto Rican educational problems conducted by the U. S. Senate Select Committee on Equal Educational Opportunity in November 1970.

Analysis of the basic problem for Non-English speaking students, i.e., shortage of instructional bilingual teachers, is set forth in Section II (pp. 2 - 18). Recommendations appear in Section III (pp. 19 - 21).

## II. Analysis of NE Problem

### A. Identification of Problem

"The public school system classifies pupils whose native language is not English, and who have varying degrees of difficulty with the English language, as Non-English speaking, or NEs. The classification, determined by classroom teachers, is made on the basis of a Scale for Rating Pupil's Ability to Speak English which goes from A to F. Those rated C, D, E, or F are classified as Non-English speaking.

"The D, E, and F pupils speak little or no English, while those rated C 'can speak well enough for most situations' but still 'depend in part upon translation.'

"Although the Cs speak English fairly well, they are generally seriously deficient in reading and writing. The PUERTO RICAN STUDY stated that 'most of those rated C will still need special instruction in English' and 'many will need individual guidance in reading and gaining other knowledge and skills.'

"All are in great need of special help in learning English as a Second Language, a much more difficult process than for an English-speaking child to learn the language he is already familiar with." (1)

#### B. Overall Dimensions of NE Problem

The PUERTO RICAN STUDY, conducted by the Board of Education from 1955 to 1957, found that about 50,000 Puerto Rican students were rated A or B, 34,000 were rated C or D, and 18,000 were rated F. Thus, as of 1955, 52,000 Puerto Rican pupils were rated C, D, E or F. The Study concluded that this number needed individual and specialized instruction in English as of 1955-1956! The study also found that many NEs "have accepted failure as their normal lot." (2)

The NE problem has worsened in subsequent years. By December 1968, there were 118,492 NEs. Of this total, 89,296 (75.4%) were Puerto Rican; 15,233 (12.4%) from other Spanish-

speaking countries; and 13,963 (11.8%) spoke other foreign languages as their native tongue. The 89,296 figure for Puerto Ricans meant that 37.1%, or in excess of one out of every three Puerto Rican children in the New York City school system, was an NE.\* (3)

Schools with 100 or more NEs are considered as having a serious NE problem. As of December 1968, 40% (245) of all City elementary schools had from 100 to 1,000 plus NEs. The figure was 42% (63) of all junior high and intermediate schools, and 54% (33) of all academic high schools. The situation is regarded as very serious in schools with multiple hundreds of NEs. Of the 245 elementary schools, 59 had anywhere from 400 to over 1,000 NEs; as did seven of the junior high and 13 of the academic high schools. (4)

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\* According to Board of Education statistics as of October 1969 (for the 1969-1970 school year) there were 121,733 NEs. The breakdown was as follows:

88,157	Puerto Ricans
17,325	Other Spanish speaking
<u>16,251</u>	Other Foreign Languages
121,733	TOTAL

It is important to note that the Board now uses a rating system which classifies pupils in two groups. Group I speak fairly well and includes students who were formerly classified as Cs, despite the fact that Cs do not read and write well. Group II consists of students who cannot function within the English language, or those who were formerly classified as Ds, Es, and Fs. There are 75,456 NEs (or former Cs) in Group I and 46,277 NEs (Ds, Es, and Fs) in Group II.

C. Educational Requirements of NE Child

"The NE child must learn a new vocabulary, new speech patterns, and new language patterns than those he is already familiar with in the context of a classroom where he often does not know what the English-speaking teacher is saying, in a country where he often is discriminated against because of his different language and national origin. He faces the gnawing fear that he may be stupid and not able to learn. The feelings of educational inferiority may continue to plague him even after he has learned to understand most of what is spoken, as is the case of the C child, because he has not learned to read and write adequately." (5)

According to Mrs. Clelia Belfrom, formerly Acting Director of the Bureau of English as a Second Language and Bilingual Instruction of the New York City Board of Education: "The minimum amount of small group instruction an NE child should receive in English as a Second Language in order to make adequate progress in learning the language is two periods a day." But, until three years ago the basic policy of the Board for teaching NEs was that the classroom set aside 30 minutes per day to teach English as a Second Language. In 1967, the policy was supplemented by one which removed some NEs from the classroom for small group instruction in English as a Second Language. (6) Even this policy has been woefully

inadequate and has failed to reach a major segment of the large NE population, as indicated below.

The inability of schools to arrange sufficient small group instruction in English as a Second Language is attributable to the limited number of Teachers of English as a Second Language (TESLs) and Bilingual Teachers (BLTs). (7)

D. Limitations on Small Group Instruction of NEs - Teacher Shortage

1. History of So-called Bilingual and ESL Instruction Programs

In 1948, teachers were licensed as Other Teaching Position (OTP) to teach English to Puerto Rican students. They formed part of a program called "Education for the Non-English Speaking Child." By June 1955 there were 33 OTPs. Eventually, the OTPs became the Teachers of English as a Second Language around which the English as a Second Language Program was built.

In 1949, ten Substitute Auxiliary Teachers (SATs), primarily Puerto Rican, were hired as teachers for the elementary grades. Expansion into a Bilingual Teacher's Program came in the 1950s as a result of the PUERTO RICAN STUDY which concluded that Bilingual Teachers "are needed in all elementary and junior high schools that have or promise to have within the near future, one hundred or more" NEs. (8) In 1965, there were 142 Bilingual Auxiliary Teachers employed in the elementary grades and in 1964 a

Supervisor of Auxiliary Teachers was hired. At that time, the SATs and BLTs merged and came under the Board's program "Education for the Non-English Speaking Child." Eventually, the SATs and BLTs became the core of the "Bilingual Instruction Program."

Both the English as a Second Language and Bilingual Instruction Programs fell under the jurisdiction of a Bureau of English as a Second Language and Bilingual Instruction.

2. Present Numbers of So-called Bilingual and ESL Teachers Relative to the Need

The Board employs about 200 TESLs and 188 BLTs for all schools. Last year the TESLs were made available to elementary schools to provide English as a Second Language instruction 20 periods per week. The maximum number of NEs each TESL can handle in small groups of 10 to 12 pupils five periods per week is 50, or for all TESLs, a total of 10,000 NEs. Yet, the elementary schools, as of December 1968, had 83,912 NEs. Thus, there are about 200 TESLs serving about 11.5% of all elementary school NEs and 8% of all NEs. The ratio of TESLs (200) to total NEs (121,733) is 1:608.

Except in rare cases each school is assigned only one TESL, regardless of whether it has 100, 200, 500 or 1,000 NEs. In addition, since there are 245 elementary schools with 100 or more NEs and only 200 TESLs, many schools have no TESLs. (9)

The Bilingual Teacher Instruction program is also understaffed. As of March 1970, there were no BLTs in any academic or vocational high schools, two BLTs in the 63 junior high schools with over 100 NEs and 186 BLTs for the 245 elementary schools with over 100 NEs. This means that many schools have no BLTs. Repeated requests have been made for BLTs by those schools which have none and for assignment of at least two BLTs to schools with 400 or more NEs. Mr. Jose A. Vazquez, director of the Board's BLT Bureau, states that since 1965 he has been requesting the addition of 90 BLTs to no avail. (10)

TESLs and BLTs combined serve about 20,000 NEs or about 16%-17% of all NEs. (11)

Pressure on the Board of Education to provide increased numbers of TESLs and BLTs has had little effect. In November 1967 pressure to increase the small group instruction program resulted in a plan to provide at least one ESL period per day for almost all NEs from kindergarten up. The plan, contained in the three-year Design for the Improvement of the Educational Program for Puerto Rican Pupils in New York City Schools, would have required the addition of a minimum of 1,000 TESLs. Although supposed to have been started with the school year 1967-1968, the ESL aspects of the plan have not been put into effect. (12)

In late 1969, after complaints from personnel within the school system that inadequate attention was being provided to 118,000 Non-English Speaking Pupils, an investigation was initiated. The results are still unknown. (13)

E. Investigation of Existing English as a Second Language and Bilingual Instruction Programs in Action - Puerto Rican Forum

In 1970, the Forum evaluated NEs with regard to classroom instruction and found that only two elementary schools with large numbers of NEs, out of 22 examined, were conducting 30-minute classroom instruction in English as a Second Language. Further check on classroom instruction was made with personnel familiar with the problem of NEs. They reported that little classroom instruction was being provided in English as a Second Language in schools throughout the city. In actuality, the classroom teacher appears to have more than she can handle in planning and implementing lessons for English-speaking pupils. This information contradicts assurances given in a Board booklet (January 1970) that "Daily thirty-minute language emphasis lessons are scheduled by class teachers for Non-English speaking pupils." (14)

The Forum also investigated the amount of direct instruction received by NEs in elementary, junior high and intermediate and academic high schools with in excess of 100 NEs. The survey results showed:



<u>Number</u>	<u>Type of School</u>	<u>Number of NEs</u>	<u>Not Receiving Small Group Instruction</u>	
			<u>%</u>	<u>Number</u>
84	Elementary	31,445	77.8%	24,462
11	Junior H. S.	2,680	64.0%	1,721
5	Academic H.S.	3,333	49.0%	1,628

Thus, as of December 1968, 27,811 NEs were not receiving small group instruction, or 74% of all those NEs surveyed. (15)

In many schools with 400, 500 and 600 NE pupils, only a small fraction - sometimes as few as 30, 40, or 50, were receiving small group instruction in English as a Second Language. School personnel familiar with 37 individual schools with large numbers of NEs said this was the situation as known to them. "Most of the NE pupils in schools I work with get no ESL instruction or any classroom instruction," was the way one educator put it. (16)

An estimate was made for the school year 1969-1970 of the total number of NEs receiving small group ESL instruction in elementary, junior high, intermediate and academic high schools with 100 or more NEs. The estimate was made on the basis of the 1968-1969 figures showing 102,271 NEs in those schools, and after a check of NE figures in 113 schools for the current year had disclosed little change from the previous year. The Forum estimates that 73,500 NEs in the 1969-1970 school year

were receiving no small group ESL instruction, broken down as follows:

Elementary	57,700	NEs	
Junior High and Intermediate	9,400	NEs	
Academic High	<u>6,400</u>	NEs	(17)
TOTAL	73,500	NEs	

F. Board of Education's Request for Additional TESLs and BLTs

Of 31 districts in the Board of Education proposed budget, 18 listed Bilingual Teachers and Teachers of English as a Second Language as "top priorities."

According to the Forum, to achieve the recommended ratio of one TESL for every 100 NEs, it would be necessary to have 1,217 TESLs. The Board, which already has 200 TESLs, now requests funds for an additional 120 elementary, 40 junior high and 30 academic high school TESLs. This would bring the total number of TESLs for such schools to about 390, or a short-fall of 827.\*\*

The proposed budget also seeks an additional 65 bilingual teachers for elementary schools, which would bring the total number of BLTs to 253. For 245 elementary schools with 100 NEs or more, there would then be enough BLTs to assign one BLT to

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\*\* It is the Board's position that the additional 190 TESLs would bring the ratio of teachers to those pupils with "severe language handicaps" to 1:100. The basis for the Board's calculation is not clear. If the 390 TESLs are matched against the Board's Group II rating of NEs (D, E, F), or 46,277 NEs, then the ratio would be 1:119. This, of course, ignores the 75,456 Cs who cannot read and write English well.

each elementary school. However, there are also at least 63 junior high and intermediate schools and a number of vocational and academic high schools with NE populations of more than 100.

In sum, it is estimated that to fulfill the ratio of one TESL to 100 NEs in the city would mean hiring of 1,017 TESLs. The same recommended ratio for BLTs would mean hiring of 1,029 BLTs. The total cost for 190 TESLs and 65 BLTs in the current Board budget is \$2,299,404, or \$9,017 per teacher; 1,017 TESLs and 1,029 BLTs at a cost of \$9,017 would mean a total annual expenditure of \$18,448,762.\*\*\*

G. Availability of Persons Qualified to Become TESLs and BLTs

The question of where to find enough qualified TESLs and BLTs has frequently been raised. One source estimates that there are at least 5,000 individuals capable of providing this sort of instruction who are denied placement because of the Board's certification process. Mr. Luis Fuentes, Principal of P. S. 155 in Brooklyn, pointed out before the Senate Select Committee on Equal Educational Opportunity: "There are at least 5,000 qualified bilingual educators in the city working outside of their profession, many of them with years of teaching experience and possessing state certificates. They have been

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\*\*\* It is unlikely that New York City will be financing NEs in such amounts in the near future. In fact, the current budget request for \$2,011,764 in tax levy monies will probably not be met in full.

rejected by the Board of Examiners because they have accents or because they fail to write in a Dick and Jane English sentence fashion. Spanish is their main language and is the basic reason for their heavy demand to us - but in New York City, examinations are conducted only in English. This year the City administered its first test for bilingual classroom teachers." Mr. Fuentes further noted that this City-administered exam "turned out to be 75% in English (with only two questions dealing with Puerto Rican history or culture)." He concluded: "An exam supposedly intended to bring in more native Spanish-speaking teachers turned out to be another frustrating exercise in futility and another way of keeping us out of the system." (18)

Therefore, assuming the Board could find and finance the required numbers of TESLs and BLTs required, another obstacle would be licensing procedures which deny otherwise qualified professionals an opportunity to work as instructors in the public school system.

#### H. Problems of Testing and Curriculum

Proper testing of an NE child's abilities in both comprehension of spoken and written Spanish and English was considered vital by the PUERTO RICAN STUDY to place the NE child in a class where he could best learn, and as a guide to teachers as to the child's education abilities and potential. Twelve years after the

Study, investigation discloses that the Board has not developed tests for gauging the NE child's ability to read English or Spanish. (19)

In addition, the PUERTO RICAN STUDY urged the Board to influence colleges to increase facilities for teaching ESL courses at the graduate and undergraduate levels, so that colleges "would give every prospective teacher initial preparation for working with non-English speaking children." While the Board has influenced ESL instruction at the graduate level, such is not the case at the undergraduate level. A requirement by the Board that all applicants for teaching positions must have ESL courses would undoubtedly help. (Courses in Spanish, it should be noted, are now required of all Education majors in the City colleges as a result of the City College student strike in 1969.) (20)

Finally, criticism has been leveled at the Board for its failure or delay in developing materials in classroom instruction in subject matter. A specific example given was the Board's promise in April 1966 to produce a Handbook for Language Arts in the middle grades, which would contain a section on teaching NEs. A check in March 1970 disclosed that the Handbook has not yet been released. (21)

### I. Critical Need for Instructional Bilingual Teachers

According to many professionals, NEs should not be placed in regular classroom situations until after they have gained competence in English. Where NEs are placed with regular students, the English-speaking pupils often are adversely affected because of the NEs' special needs. Disruption occurs in classroom routine. Teachers do not speak Spanish and have a difficult time dealing with NE students. The bicultural as well as bilingual backgrounds of NEs exacerbates the situation for all concerned, particularly for the NEs who become confused, disinterested and ultimately disillusioned. In short, NEs need English as a Second Language instruction for much more than an hour or one period per day.

Thus, the Board request for additional TESLs is treated with considerable skepticism. As indicated, TESLs only offer four or five periods of instruction per day to groups of 10 to 15 NEs, each group receiving between 30 minutes to one hour of instruction. The need is for entire schools of NEs or full-day (or at least half-day) classroom instruction by bilingual teachers under a comprehensive program for children who do not read, write, or speak English well. The Forum and others feel, therefore, that emphasis on one-hour instruction in English as a Second Language offered by TESLs should be replaced by the

bicultural and bilingual perspectives and skills offered by Instructional Bilingual Teachers.

The total number of Instructional Bilingual Teachers in the system is difficult to assess. The only information received from the Board is as follows:

"These teachers work in schools with large numbers of foreign speaking pupils by providing them and their classmates with instruction in a particular content area in both Spanish or Chinese and English. At present, this type of instruction is on an experimental basis in a few schools."

(22)

The main reason for uncertainty is the existence of several categories of "Bilingual" teachers. The Board has 464 Puerto Rican or Spanish-speaking teachers. However, some of these teachers may not even speak Spanish, but are licensed in other areas of instruction. Also, the group may include those who work for the Board as Bilingual Teachers in School and Community Relations and those licensed as Bilingual Teachers in Common Branches (teach first through sixth grades).

Bilingual Teachers in School and Community Relations are community professionals who have a college degree and have taken special courses in guidance. Their primary role is to assist pupils in guidance and to establish liaison between the schools and parents and community people. As indicated, there are about 188 Bilingual Teachers in School and Community Relations.

It would appear from incomplete data that the true bilingual instructors are actually a very small number known as "Bilingual Teachers in Common Branches." These Bilingual Teachers in Common Branches teach and are licensed to instruct English and Spanish in grades one through six. Requirements include a baccalaureate degree and a licensing examination which is 75% in English and 25% in Spanish. Experts from the Puerto Rican Forum estimate that there may be seven to ten such teachers.

The current Board budget requests an increase of 65 bilingual teachers for elementary schools "...to assist and guide pupils for whom English is a second language, and to establish liaison between schools and parents." Although somewhat unclear, it appears that most, if not all, of the 65 positions are for Bilingual Teachers in School and Community Relations, not for Instructional Bilingual Teachers.

J. Major Proposals of Puerto Rican Forum with Respect to Shortage of Instructional Bilingual Teachers\*\*\*\*

The Forum's emphasis is on servicing the needs of the 121,733 NEs in the public school system. Thus, in the hearings before the Select Committee on Equal Educational Opportunity, Hector Vazquez proposed expansion of the Instructional

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\*\*\*\* Full list of recommendations by the Puerto Rican Forum before the Select Committee are contained in Appendix A.



Bilingual Teacher program to properly teach NEs in the school system. The Forum has not called for any expansion of the TESL program because it feels that TESLs do very little to alleviate the NEs' problems. According to Vazquez, the real emphasis must lie in a comprehensive plan so that the NEs "...benefit from a massive effort to teach English as a Second Language in speaking, reading and writing; while at the same time continue to learn other subjects in Spanish. After he has learned English well enough to study all subject matter in English, he should receive further help in maintaining fluency in Spanish."

To accomplish this throughout the school system, the Forum would shift emphasis away from servicing the NEs to servicing the entire Puerto Rican student population in the public school system. Thus, the Forum calls for bicultural and bilingual programs for 22% of the total school population, to wit, "a massive infusion of bilingual personnel into the school system with a goal set of 10,000 Puerto Rican teachers and supervisors within the system in four years." (23)

Teachers and supervisors are to be recruited from three groups with the Board offering college expenses and stipends for training as teachers. These groups are (1) Puerto Ricans who have graduated from high school, (2) Puerto Ricans now in college, and (3) Puerto Rican paraprofessionals.

### III. Recommendations

The Puerto Rican, and other Spanish-speaking, students of New York are obviously being deprived of adequate instruction relevant to their equal needs. Thus, a concerted effort should be started at all levels to introduce vastly increased numbers of qualified Instructional Bilingual Teachers into the school system at the earliest possible date, or at least to greatly expand and improve the present TESL program:

#### A. Federal Level

1. Appropriations under Title VII for bilingual programs should be increased to \$50 million.
2. New York State should receive its fair share of Title VII funds already allocated - a figure far in excess of the \$1,495,059 received for Fiscal Year 1970.
3. The Office of Education, State Education Department and local Board of Education should jointly agree to earmark at least \$10 million in Title I monies for the recruitment, training and employment of Instructional Bilingual Teachers.
4. Other Office of Education, OEO and DOL programs should be channeled into training and employment of Instructional Bilingual Teachers.
5. If necessary, the State and the Board of Education should be urged by OE to channel increased federal funds to

provide equal opportunity for Non-English speaking pupils, as required by the 1964 Civil Rights Act. Failure to comply may warrant investigation of a possible withholding of federal educational funds.

B. State

1. The State Education Department should urge the central Board and local boards to submit applications for more Instructional Bilingual Teachers, particularly for schools in depressed areas with heavy NE populations.
2. A percentage of State Urban Education funds at least equivalent to the percentage of NEs in the City school system (10.6%) should be earmarked for Instructional Bilingual Teachers and other relevant non-English programs. This would increase State inputs for bilingual education to in excess of \$7 million.
3. The State should work with the Board and other interested parties to eliminate testing for licensing altogether or to devise licensing procedures for bilingual and ESL teachers that will enable, not impede, entry of qualified bilingual specialists into the school system.
4. The State Legislature should be asked to appropriate monies for bilingual educational programs presently unfunded and to require allocation of a certain percentage of State Urban Education monies to meet the NE problem.

C. Local

1. The City should be urged to allocate increased tax levies for training and employment of Instructional Bilingual and ESL teachers.
2. Increased emphasis should be placed by the Board on creating a total plan for a comprehensive bilingual educational experience for the NE child.
3. Expanded recruitment and training programs for Instructional Bilingual Teachers should be implemented by the Board, UFT and Puerto Rican professional organizations, such as the Forum and Aspira, with emphasis on placing large numbers of qualified part-time or full-time bilingual teachers into actual classroom instruction as fast as possible.
4. A new special category of Instructional Bilingual Teacher should be created for schools with the most severe NE problem in order to allow bilingual instructors to teach while at the same time furthering their education in order to qualify as licensed teachers.
5. Work/study programs should be utilized on an expanded scale to introduce increased numbers of young people into the schools in part-time instructional roles and to encourage them to enter the teaching profession.

Dennis H. Allee

Manuel del Valle

Appendix "A"

Major Proposals of the Puerto Rican Forum, Inc. before the Select Committee on Equal Educational Opportunity, United States Senate, Washington, D. C. November 23, 1970

The Puerto Rican Forum, Inc. demands of the states in the Northeast that they begin immediately:

1. To develop a well coordinated state, regional, federal effort geared to meet the special needs of the non-English speaking pupils in the region. Such an effort should begin by starting to implement the following recommendations:
2. NEs should not be placed into regular classes until they have acquired an adequate knowledge of English. Such knowledge must be proven by standardized tests.
3. All children should have the right to acquire a knowledge of a foreign language.
4. Immediate consideration should be given to the establishment of schools made up only of NEs. Pupils of a similar language background should be placed in the same schools, wherever possible. The personnel of such schools should be bilingual.
5. Speedy consideration should be given to establishment of NE schools in areas which contain high concentrations of NEs such as in the South Bronx, Williamsburg, East New York, East Harlem, the Lower East Side in New York City, and in cities across the nation with the same situation.
6. Speedy developments of tests needed for proper screening.
7. Establishment of proper placement procedures.
8. Development of special tests to measure annual progress of NEs as part of an accountability process.
9. All classroom teachers to learn principles of teaching English as a Second Language.
10. Increase the number of Bilingual Teachers in School and Community Relations, not only Spanish-speaking, but those who speak other languages.

Appendix "A" - Continued

11. The establishment within the New York City Central Board of Education of a Deputy Superintendent, in charge of the Education of non-English-speaking pupils, to be directly responsible to the Board at Central headquarters. Adequate staff and budget should be provided for this office.
12. The establishment of a similar high position in the New York State Education Department, and in Education Departments of other states with a sizable concentration of Spanish-speaking residents.
13. Each school district with over 1,000 NEs should have a special top assistant to the District Superintendent responsible for the education of the non-English-speaking pupils.
14. The establishment of an independent citizens commission to be financed by public education funds, provided by State and Federal governments, which would be a watchdog on progress of bilingual education throughout the Northeast Region.
15. Appointment within the United States Office of Education of an Assistant Commissioner to deal specifically with the educational needs of Puerto Ricans.

FOOTNOTES

1. Dick Greenspan, "Summary of Report on Non-English Speaking Pupils", Memorandum: from Dick Greenspan to Mr. Hector I. Vazquez, Director, Puerto Rican Forum, Inc., New York City. March 13, 1970, pp. 3, 7.
2. New York City Board of Education, Puerto Rican Children. Part II of the Report of the Superintendent of Schools, 1955-1956, New York City. 1956, pp. 4-5.
3. Dick Greenspan, op. cit., p. 4.
4. Ibid, pp. 4-5.
5. Ibid, pp. 3-4.
6. Ibid, pp. 5, 7.
7. Ibid, p. 10.
8. Ibid, p. 15
9. Ibid, p. 10
10. Ibid, p. 15-16.
11. Ibid, p. 11.
12. Ibid, p. 1.
13. Hector I. Vazquez, Executive Director, Puerto Rican Forum, Inc., "The Condition of the Puerto Rican Children in New York City Public School System". Delivered at the Hearings on the Puerto Rican Educational Problems in the United States of the Select Committee on Equal Educational Opportunities, United States Senate, New Senate Office Building, Washington, D.C., November 21, 1970, pp. 6-9.
14. Dick Greenspan, op. cit., pp. 5-6
15. Ibid, pp. 7-9.
16. Ibid, p. 9.
17. Ibid, pp. 9-10.

18. Mr. Luis Fuentes, Principal of P.S. 155, Brooklyn, N.Y.C., "Educational Personnel Problems that Confront the Puerto Rican Community in New York City", appearing as witness before the United States Select Committee on Equal Educational Opportunity, Washington, D.C., November 24, 1970, p. 2.
19. Dick Greenspan, op. cit., p. 16
20. Ibid, pp. 18-19.
21. Ibid, p. 18.
22. Board of Education, Office of Planning-Programming & Budgeting System, "Memorandum - Attachment 'B'," January 28, 1971, p. 1.
23. Hector I. Vazquez, Executive Director, Puerto Rican Forum, Inc., "Discrimination Against Puerto Rican Professionals and Puerto Rican Pupils in New York City Public Schools", Delivered at the Hearings on the Minority Hiring Practices of the Board of Education of the City of New York, New York City Commission on Human Rights, New York County Lawyers Association, New York, New York, January 27, 1971, p. 18.

#### OTHER SOURCES

- Dr. Evelina Antonetty, Executive Director, United Bronx Parents, "Summary of Testimony on Equal Education Opportunity", United States Senate, November 24, 1970.
- Herman LaFontaine, Founder and First President of Puerto Rican Educators' Association, Inc. and also Principal of the Bilingual School, P.S. 25 in the Bronx, "Testimony Before the Select Committee on Equal Education Opportunity," United States Senate, Washington, D.C., November 25, 1970.
- Luis Mercado, Community Principal P.S. 75 Manhattan, "Testimony Before the Select Committee on Equal Education Opportunity", United States Senate, Washington, D.C., November 24, 1970.
- Daily News, Monday, January 25, 1971, "State Share of Education Aid is 203M", p. 10



February 18, 1971

The Honorable Edwald B. Nyquist  
Commissioner of Education  
New York State Education Department  
Education Building  
Albany, New York 12224

Dear Commissioner Nyquist:

The absence of bilingual instruction for the vast majority of Non-English speaking Puerto Rican children within New York City's public school system raises serious questions in my mind about use of federal educational funds by the New York City Board of Education.

Of 250,000 Puerto Rican pupils in the public school system (22% of the total enrollment), only 4,000 receive a comprehensive bilingual experience, and about 10,000 benefit from one period per day instruction in English as a Second Language. Thus, in excess of 70,000 Non-English speaking children receive no assistance in overcoming their linguistic and other special handicaps. The toll of this disgraceful neglect is incalculable as more than 50% of all Puerto Rican students never complete high school.

I know that you share my concern about this deplorable condition of which the Board of Education was made aware over 14 years ago.

In November 1970, the Senate Select Committee on Equal Educational Opportunity held hearings on the Puerto Rican educational problem. In view of testimony there, and facts disclosed in subsequent investigations, I will ask the Education Subcommittee of the Committee on Labor and Public Welfare, of which committee I am the ranking minority member, to consider how equitable treatment of New York's Non-English speaking student population might be mandated if steps are not taken locally to rectify the situation.

There can be no justification for an educational system that does so little to help its Non-English speaking children. I, therefore, urge the Office of Education and the State Education Department to earmark this year at least \$10 million of New York's Title I and State Urban Education Act funds for the recruitment, training and placement of Instructional Bilingual Teachers. I would also urge New York City

to increase its appropriations of tax levy monies to meet this critical problem. Of equal importance, it is imperative that licensing tests and procedures in New York be revised so that qualified bilingual specialists in numbers commensurate with the need can be introduced into the schools as rapidly as possible.

For my part, I will do all that I can to increase Title VII appropriations for bilingual programs to a realistic figure and to ensure that New York receives its fair allocation of such funds.

I would very much appreciate your views at the earliest possible date.

With best wishes,

Sincerely,

Jacob K. Javits, U.S.S.

JLJ:dal

March 30, 1971

EDUCATIONAL PROBLEMS OF  
NON-ENGLISH SPEAKING CHILDREN -  
RECOMMENDATIONS FOR STATE ACTION  
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The following recommendations are based on discussions with educators concerned with unmet needs of Non-English speaking children within the New York City school system. Representatives of the New York City Board of Education, Aspira, Puerto Rican Forum, superintendents of several local districts and officials of OE in Washington were interviewed.

1. The State should make a specific fundamental commitment to the education of all Non-English speaking children.

The State Education Department should enunciate its commitment to the education of all Non-English speaking on a par with other children. Specifically, the State should mandate as an essential ingredient thereof that instruction for Non-English speaking children be provided in a vernacular which the child comprehends.

2. The State should press for the elimination of rules and regulations which restrict the entry of necessary bilingual personnel into the system.
  - a. The State should establish special certificates of competency for bilingual instructors so that individuals with less than a B. A. degree can provide bilingual instruction if they evidence demonstrated competence to do so. This is essential if bilingual teachers in adequate numbers are to be introduced into the schools. The State Education Department might initially establish its own certification system with respect to Title I, Title VII and State Urban Education funds and subsequently consider conditioning of such aid on adoption of similar practices by the Board of Examiners.
  - b. The State should urge that testing of bilingual instructors be predominately in the applicant's native language rather than 75% in English as is now the case.
  - c. The State should scrutinize existing tests and urge that cultural biases in questions be eliminated.

d. The State should issue certificates for bilingual teacher instruction and bilingual in school and community relations.

3. The State should enunciate a policy for bilingual education to be implemented as a high-priority item under minimal standards.

A bilingual policy and minimal standards (guidelines) will focus attention on special needs of Non-English speaking children and, specifically, provide guidance and encouragement to local districts to develop programs to meet the problem. In fact, the Education Department might require that any district with a certain proportion of Non-English speaking children use an equitable portion of resources for programs to address their special needs. Choice of programs could be left to the local districts, consistent with decentralization, but under broad guidelines which define a range of possible approaches.

4. The State should set aside a specific amount of Title I and State Urban Education funds for use by the districts for bilingual programs of their choice.

Because of limited federal and state funds, there is tremendous competition among different program needs within each district. Bilingual programs have not been funded on an equitable basis with other programs. There is little assurance that the situation will change with decentralization because of the political realities of most district boards, despite the fact that 18 of 30 districts list bilingual teachers and programs as their top priority.

A State set-aside of available funds for bilingual programs, under broad guidelines, would help to overcome this problem.

5. The State should encourage and support an expanded program of recruitment, training and placement of bilingual instructors.

All of the districts and schools contacted indicated that a shortage of bilingual teachers in the available talent pool was the major obstacle to expanded programs for the Non-English speaking child.

The central Board presently maintains an office, funded by Title I, to recruit, train and accelerate licensing and placement of teachers for Non-English speaking and bilingual children. The program's resources and staff are inadequate to do the job on the scale required. Therefore, this or similar personnel programs in districts with the most acute need should be encouraged by the State.

6. The State should establish a high-level office in the Department, reporting directly to the Commissioner, to administer and coordinate all bilingual programs.

The State's present office of bilingual programs has a small staff and is not of high-level status. It should be upgraded and staff increased so as to adequately service districts with heavy concentrations of Non-English speaking children throughout the State. The New York City Board of Education is presently planning such an office.

7. The State should establish a special unit within the new office to provide increased technical assistance to local districts seeking to develop and implement bilingual programs.

The complaint is frequently voiced by federal agencies that bilingual program proposals from New York City are poor. Problems with recent Title VII proposals confirm this indictment. The local districts unquestionably need help in developing bilingual programs that will qualify for the myriad of federal programs. The State should establish an adequate technical assistance arm to help the districts in this regard. Such a unit should also disseminate to all local districts on a timely basis information about the various program opportunities and requirements. Many districts complain that they simply do not receive adequate information.

8. The State should consider the formation of a Commission on Bilingual Education to develop recommendations for the implementation of bilingual programs.

A Commission would be particularly useful if the State is uncertain about some aspects of a bilingual educational policy. It could define basic problems impeding the education of Non-English speaking children and set priorities for action. Recommendations could be the basis for a concerted effort by all interested parties to effect necessary changes. The commission should be comprised of representatives of the Non-English speaking communities and individuals from the State and local levels with particular expertise and involvement with bilingual education. It should be established immediately with a mandate to complete work by the summer of 1971.

9. The State should urge institutions of higher learning to improve and expand programs for bilingual teachers.
10. The State should develop and encourage expanded programs for bilingual paraprofessional teacher assistants.

Dennis Allee

THE UNIVERSITY OF THE STATE OF NEW YORK  
 THE STATE EDUCATION DEPARTMENT  
 OFFICE OF THE PRESIDENT OF THE UNIVERSITY  
 AND COMMISSIONER OF EDUCATION  
 ALBANY, NEW YORK 12224

Thursday  
 April 15  
 19 71

400 APR 19 1971

The Honorable Jacob K. Javits  
 United States Senate  
 Washington, D. C. 20510

Dear Jack:

Thank you so much for your kind letter of April 7. I, too, enjoyed our meeting in Washington and I trust we were able to be of assistance to you.

You asked for a report which sets forth obstacles to introduction of increased numbers of bilingual instructors into the New York City school system especially, and my recommendations for action.

There are, as you would suspect, short- and long-term solutions. Let me make a number of points.

1. One obstacle is the teacher certification requirements in New York City. I append Section 2590-j, paragraph 5, (a) through (d). You will note that in districts where there are high percentages of students below minimum competence in reading, there are different provisions for the appointment of teachers which were established to ease the appointment, as well as to give such districts high priority in employing competent teachers. All teachers qualify on the same grounds whether they are bilingual or not.

2. The National Teacher Examination, for instance, is not yet available in Spanish and quite probably, for example, teachers from Puerto Rico could have difficulty in passing such an examination with the appropriate marks. It is my understanding that the Educational Testing Service is working with the New York City Board of Education (and the Newark Board of Education) on the development of a Spanish-language teacher examination. This may be available in the spring of 1972 if it seems financially feasible.

3. One way to ease the situation is to put a special provision in Education Law that, for bilingual instructors, the only requirement is the possession of State certification.

4. There is an Interstate Certification Project which we have initiated in order to establish reciprocity provisions between New York State and other states, including Puerto Rico. Thus, teachers in states which agree to join this project find it very easy to receive State certification in New York State. We have been working with Puerto Rico in this matter, encouraging Puerto Rico to introduce into the Puerto Rican Legislature the necessary enabling legislation. Once that is done I am sure it will be possible to have some people in Puerto Rico and others who are already here in New York certified for State service immediately thereafter.

5. We have reviewed our guidelines and priorities for the approval of programs under Title I, ESEA, and our own Urban Education program, and we are going to give greater emphasis to bilingual education.

6. The availability of more Federal funds for bilingual education and teaching purposes would help in creating more opportunities. I should add here that under the bilingual education program the State Education Department really has no approval or monitoring functions such as we do in other Federal legislation, like Title I ESEA, Title III ESEA, etc. I have reason to believe that the programs in New York City in bilingual education are not as good as they could be. As you know, we have played a large part in stimulating New York City to apply for bilingual education funds, but our limited resources do not permit us to exercise the kind of monitoring function which I think is necessary.

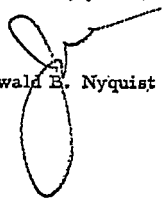
7. We shall see what we can do to encourage more colleges and universities to provide more Spanish for teachers in training, perhaps specially tailored Spanish courses for conversational facility. This is for the long-term. For the short-term, if funds were made available to us, we would like to establish crash programs in

conversational Spanish for teachers already in service, using as a stopgap crutch the employment of indigenous Spanish-speaking auxiliaries.

8. Finally, I intend to establish an advisory commission which would address itself to the problems of bilingual education, and I would expect one of the results to be a Position Paper published under the imprimatur of the State Board of Regents.

I hope this is helpful, and you can be sure I shall continue to give this matter the highest priority.

Faithfully yours,



Ewald B. Nyquist

Enclosure

P. S. In connection with point No. 7 above, let me add this. While a small amount of Part D of the Education Professions Development Act is earmarked for grants to teacher training institutions in the field of bilingual education, considerably more could be done under Part B-2 of that Act if the amendment you proposed last year were enacted. I hope this amendment will receive your continuing support to make possible the use of State grants under B-2 for the inservice education of teachers. The smaller amount available under B-2 will, of course, be a handicap.



shall, so far as practicable, be construed and rated so as to be equivalent. Candidates who pass any such examination and who are otherwise qualified shall be placed on such list in the rank corresponding to their grade. The period of eligibility of successful candidates for certification and appointment from such lists as a result of any such examination shall be fixed by the chancellor, but, except as a list may reach an announced terminal date, such period shall not be less than one year. Subject to such conditions as the chancellor may prescribe, a candidate may take more than one such examination; provided, that no such candidate shall be listed with more than one rank on any one such list.

4. (a) The chancellor shall appoint and assign teachers for all schools and programs under the jurisdiction of the city board from persons on competitive eligible lists.

(b) The chancellor shall appoint and assign all supervisory personnel for all schools and programs under the jurisdiction of the city board from persons on qualifying eligible lists.

(c) Each community board shall appoint teachers for all schools and programs under its jurisdiction who are assigned to the district by the chancellor from competitive eligible lists. Insofar as practicable the chancellor, when making such assignments shall give effect to the requests for assignment of specific persons by the community board. The community board shall appoint such teachers to schools within such district within thirty days if such appointment is to be effective on a date subsequent thereto and within three days if such appointment is to be effective immediately.

(d) Each community board shall appoint and assign all supervisory personnel for all schools and programs under its jurisdiction from persons on qualifying eligible lists.

(e) All persons on an existing competitive eligible list for elementary school principal shall be appointed to such position prior to April first, nineteen hundred seventy.

(f) All future eligible lists established pursuant to this section shall remain in force and effect for a period of four years, and no appointments shall be made from any eligible list unless every such list promulgated prior thereto shall be exhausted or expired, whichever first occurs.

5. (a) The chancellor shall cause a comprehensive reading examination to be prepared and administered to all pupils in all schools under the jurisdiction of the community districts, annually during the months of April or May. Prior to October

first of every year each school shall be ranked in order of the percentage of pupils reading at or above grade level as determined by such examination, in accordance with rules to be promulgated by the chancellor.

(b) If the ranking of a school under the jurisdiction of a community district falls in the lower forty-five percent of the ranking of all such schools, as provided in paragraph (a), the community board of such school (hereinafter called an eligible school) may appoint teachers to such school in conformity with this subdivision, any other provision of this section or chapter notwithstanding, provided, that in the first year during which this paragraph is operative, only a school in the lower forty percent shall be an eligible school.

(c) The board of each eligible school may between October first in the year in which the foregoing examination was administered and the following May first, appoint any person a teacher in such school for the school year commencing in September of the year following such examination without regard to any competitive eligibility lists established pursuant to this section, provided that such person, will on the effective date of such appointment, have the education and experience qualifications for certification as a teacher pursuant to article sixty-one and shall have:

(i) passed a qualifying examination to be prepared and administered by the board of examiners, such examination to be equivalent in all respects to examinations given by such board pursuant to subdivision three, or be on an existing competitive eligible list for such position; or

(ii) passed the National Teachers Examination within the past four years at a pass mark equivalent to the average pass mark required of teachers during the prior year by the five largest cities in the United States which use the National Teachers Examination as a qualification, as determined by the chancellor. This paragraph shall not restrict the right of the chancellor to establish appropriate medical requirements for all teachers. The chancellor shall cause the National Teachers Examination to be offered at reasonable intervals at one or more cities in the commonwealth of Puerto Rico.

(d) Such board may waive its rights under paragraph (c) and elect to appoint teachers under paragraph (d) of subdivision four.

6. If a vacancy exists for a teaching position in any community district for which there are no names on any appropriate el-

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*United States Senate*  
WASHINGTON, D.C. 20510

May 18, 1971

The Honorable Ewald B. Nyquist  
Commissioner  
Education Department  
Education Building  
Albany, New York 12224

Dear Ewald:

Thank you very much for your reply to my request for a report on the shortage of bilingual instructors within the New York City school system. You have obviously given this matter a great deal of thought, and I am hopeful that through your leadership significant breakthroughs can be achieved by a concerted effort on all levels of government.

I have the following observations with respect to some of the points you raised.

Points 1 and 3: I understand that the State Legislature is seriously considering abolishment of the New York City Board of Examiners and its replacement by a uniform State certification procedure. Creation of a special certification for bilingual instructors, which I also understand is being advocated by Senator Laverne, would be an important complementary step.

Point 4: I am exploring with Governor Ferre the reciprocity provisions you have proposed to the Puerto Rican Legislature.

Point 5: I am very pleased by your intention to give increased emphasis to bilingual education under Title I, ESEA, and the State Urban Education program. In that regard, might it be possible for the State to develop guidelines and procedures to stimulate and assist the local districts in the development of meaningful programs? Perhaps the State and Board of Education, with help from the Office of Education if desired, could initiate a workshop for local districts similar to your joint endeavors in other areas.

JACOB K. JAVITS  
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Point 6: With respect to Title VII Bilingual Education Act funding levels, as you may know, I am pressing for additional appropriations and am quite encouraged by the positive response I have so far received.

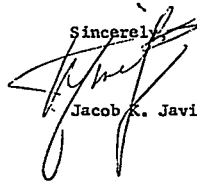
Point 7: Please let me know how I might be of assistance to your plan to encourage colleges and universities to provide more Spanish for teachers in training and in service. This is a heartening effort.

Point 8: I certainly applaud your efforts to establish an advisory commission to address the problems of bilingual education. I feel such a commission would be well received. As you know, the Puerto Rican Educational Committee in New York City is also seeking establishment of a separate, ongoing Commission on Puerto Rican Educational Affairs, and I see no conflict in these two proposals.

With respect to Part B-2 of the Educational Professions Development Act, the amendment I proposed last year is now part of the Administration bill of which I am a co-sponsor. I am very hopeful that this provision will be approved.

With best wishes,

Sincerely,



Jacob K. Javits, U.S.S.

JKJ:dac

JACOB K. JAVITS  
NEW YORK

*United States Senate*

WASHINGTON, D.C. 20510

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May 19, 1971

The Hon. Thomas Laverne  
New York State Senate  
Capitol  
Albany, New York 12224

The Hon. William F. Passannante  
New York State Assembly  
Capitol  
Albany, New York 12224

Dear Senator Laverne and Assemblyman Passannante:

In recent months my office has conducted an extensive inquiry into the educational problems of non-English speaking pupils in the New York City school system. This inquiry was prompted by the need to know the use of Federal Title I and Title VII Elementary and Secondary Education Act funds in New York City.

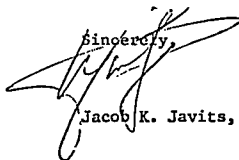
It is my view, based on this study, that uniform procedures for certification of teachers in the State are most desirable and that, specifically, existing licensing practices appear to inhibit the entry of qualified bilingual instructors into the school systems of New York City and other areas.

I understand that your bills (A.5507b and S.4376b) would facilitate the establishment of a statewide certification procedure for elementary and secondary school system teachers, and I am advised by the New York State Education Department that it is prepared immediately to implement a uniform certification program if the bill is passed by the Legislature and signed into law.

I would appreciate your views accordingly to help with my work here on Federal aid to education.

With best regards,

Sincerely,



Jacob K. Javits, U.S.S.

JKJ:ggh

Memorandum

June 15, 1971

Re: RECOMMENDATIONS RELATING TO PROBLEMS OF LIMITED ENGLISH  
SPEAKING CHILDREN IN NEW YORK CITY

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The magnitude of educational problems for limited or Non-English speaking children in the New York City school system has been documented by a number of sources.\* It is estimated that in excess of 100,000 children have severe educational problems because of language difficulties. Many local school districts and individual schools throughout the City find themselves with large proportions (often in excess of 50%) of Puerto Ricans, Haitians, Dominicans, Chinese, etc., and meager resources and programs addressed to the special needs of these groups.

The response by educational agencies on all levels has been inadequate as evidenced by (1) relatively few bilingual programs and (2) acute shortages of Bilingual and English as a Second Language teachers. In addition, although exact data is not available, it is apparent that City tax levy, State Urban Education and Federal ESEA funds are not being directed to the problems of Non-English speaking children in New York City in proportion to their numbers and needs. On the State level, this situation has been the subject of extensive dialogue between Senator Javits

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\* For an analysis of the problem see attached memorandum prepared for Senator Javits. (Exhibit A)

and Commissioner Ewald Nyquist of the State Education Department (see attached letters, Exhibit B).

Investigations indicate that one major impediment to entry of bilingual instructors into the New York City school system has been examination practices and procedures of the New York City Board of Examiners. An effort by the New York State Legislature to replace the Board with a uniform statewide certification procedure was defeated during the recently concluded session. It is hoped, however, that recent attention to problems of Non-English speaking children by the New York City Human Rights Commission, Senator Javits and others will encourage the Board of Examiners to adopt more relevant licensing practices until such time as it is replaced by a statewide system.

The following general initiatives - directly relevant to conditions in New York City and similar areas - should be pursued on the Federal level:

1. Increase of Title VII Funding to \$50 million.

The Administration, HEW and Congress have an excellent opportunity to demonstrate their concern for problems of Non-English speaking children in connection with pending Title VII appropriations for Fiscal '72.

The Administration originally sought \$25 million for this program, the same level of funding as last year. The House Appropriations Committee raised this to \$27 million. The

Senate Appropriations Committee has just agreed to a figure of \$50 million. Undoubtedly, if HEW came out strongly in favor of the latter figure this would have impact with the Conference Committee and make a good impression on ethnic minorities throughout the country.

2. More Equitable Guidelines for Title VII Funding.

At present, certain areas of heavy concentration of Non-English speaking children, including New York, do not receive a proportionate share of Title VII funds. One reason is that program funds are distributed on a project-by-project basis. This favors areas where the concerned interest groups are highly organized, such as the Southwest. Therefore, it is proposed that guidelines for Title VII be revised to allocate funds on the basis of objective criteria tied to area needs. Of course, this revision would be meaningless without substantially increased appropriations.

3. Increased Use of Title I Funds for Problems of Non-English Speaking Children.

Focus on the funding problems attributable to Title VII has diverted attention from the primary funding issue, to wit, whether equitable amounts of Title I funds are being used to meet the special (and clearly definable) needs of Non-English speaking

children. Indications in New York City are that this is not the case.

Assuming confirmation of this alleged inequity by OE or the State Education Department, one possibility for consideration by HEW and Congress would be a mandatory, legislative set-aside of Title I funds for Non-English speaking disadvantaged children based on a need/population formula (which might compensate for Title VII). Precedent for a set-aside exists in the proposed Emergency Assistance and Manpower Acts. Justification for the set-aside would appear to have considerable merit as long as Title VII funding levels and administrative guidelines remain unchanged.

Second, to the extent allowable, Title I Federal guidelines should specifically recognize (and encourage programs to meet) the special educational needs of limited and Non-English speaking children. I understand that this may not be the case.

Third, to the extent permissible, OE should encourage and assist the State Education Department to give this problem high priority. In New York, Commissioner Nyquist has begun to take steps to develop a position paper on bilingual education for the New York State Board of Regents. However, the SED's Bilingual unit is very small and does not enjoy high-level status. OE might provide back-up help (a) by holding joint



workshops with state and local educational agencies on bilingual education problems and programs and (b) by encouraging and funding an expanded bilingual assistance office on the state level.

4. Creation of a Formal Commission (National) and Task Force (Regional) to Identify Problems of Non-English Speaking Children and Develop Recommendations for Action.

On the national level, OE should establish an on-going Commission on Bilingual Education if it has not already done so. Specialists and community representatives from the various ethnic groups involved could be assigned the task of analyzing and proposing federal initiatives in the field.

On the Regional level, the HEW Region II office should establish a task force - with Washington OE and HEW liaison to evaluate in depth educational problems of Non-English speaking children and to make specific recommendations for action. A broad-based coalition of groups could work with HEW on the formation and activities of the task force.

5. Licensing of Bilingual Instructors.

The incontrovertible fact is that less than 1% of all licensed teachers in the New York City school system are of Hispanic descent while in excess of 25% of the student population is Puerto Rican.

The reasons for this are varied, including the difficulty in locating and luring qualified bilingual instructors to New York City.

Nevertheless, investigations indicate that licensing practices and procedures of the New York City Board of Examiners have contributed to this problem. In particular, the language content of examinations and cultural biases of questions have impeded the entry of otherwise qualified bilingual instructors into the school system.

HEW or other concerned federal agencies might consider investigation of the Board of Examiners' licensing practices and procedures (a) from the standpoint of alleged discrimination or (b), more importantly,<sup>2</sup> to determine whether its practices have obstructed the development or implementation of federally-funded programs to meet the needs of Non-English speaking children.

A basic, related question would be whether state and/or national certification standards for federal educational programs might be mandated on localities in the absence of an affirmative showing that local standards are reasonable and equitable (or some other such standard). If nothing else, federal interest in the licensing problem might encourage localities to take a more aggressive posture with respect to self-reform.\*

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\* The New York State Legislature rejected a bill to abolish the New York City and Buffalo Boards of Examiners and replace them with a uniform state-wide certification, despite support by Commissioner Nyquist, Chancellor Scribner of the New York City Board of Education and the Educational Committees of both houses of the Legislature.

6. Teacher Corps.

There are no bilingual Teacher Corps programs in New York State at the present time and, to our knowledge, there has never been any such program. OE should encourage state and local educational agencies to develop a bilingual program for Fiscal '73 funding.

7. Recruitment and Preparation for Certification of Bilingual Instructors.

This year, the New York City Board of Education under a Title I grant accelerated its recruitment effort for bilingual instructors - particularly from Puerto Rico. Its efforts - although modest compared to the need - demonstrate that qualified teachers can be found with an intensive recruitment drive. This type of program to eliminate a crucial teacher gap should be encouraged by HEW. A related emphasis should be support of programs to prepare bilingual applicants for Board of Examiner examinations.

The recent lawsuit in New York relating to mandated Title I programs jeopardizes a centrally conceived, citywide recruitment program. If so, local districts with the heaviest concentrations of Non-English speaking children should be encouraged (perhaps as a consortium) to initiate their own teacher recruitment program(s).

8. Use of College Students as Part-time Bilingual Instructors.

Several local districts have indicated great desire to use bilingual college students as tutors or part-time instructors for Non-English speaking children. They believe a program could

be devised to supplement, and not threaten, full-time licensed instructors or existing paraprofessional programs.

The problems are how to support the college students and funnel them into the schools. The Work/Study Program is a possibility but its limited funds are a decided obstacle. Another possibility for HEW consideration might be a variation of student loan programs which would enable recipients to pay off loan debt by working in the schools. This would have the added benefit of introducing bilingual college students to the possibilities of teaching as a career.

9. Vocational Education and Manpower Programs.

The extent to which HEW vocational and manpower programs are addressed to the problems of Non-English speaking children is not known. It is clear, however, that the federally-funded vocational education effort as it relates to New York City has not been satisfactory. A long-standing conflict between local and state agencies has been at the heart of the problem. OE should be urged to take strong steps to improve this situation and, in doing so, to encourage vocational programs for the Non-English speaking students.

10. Recruitment of Bilingual Veterans as School Personnel.

Local educational and related manpower agencies should be encouraged to devise programs to assist and encourage bilingual veterans to pursue teaching (or other school-related jobs) as a career.

11. Encouragement of Bilingual Professionals to Become Teachers.

In New York, it is estimated that there are significant numbers of Non-English professionals who might be lured into education with the proper inducements. Often, these individuals may lack a few credentials to qualify for teacher certification. However, they may be unable to pursue a teaching career because they are locked into reasonably well-paying (and hard to find) jobs in other vocations. OE should analyze this problem and recommend ways in which this potentially significant group might be lured into education. One way, already cited, would be accelerated recruitment and licensing preparation programs. Another might be to develop a program for several areas of Non-English concentration where bilingual professionals could work in the schools in an instructional capacity (at a level somewhere between paraprofessionals and licensed teachers) while engaging in a continuing program of education leading to certification.

12. Bilingual Emphasis of Institutions of Higher Learning.

This is a particularly important area as recognized by Commissioner Nyquist in his letter to Senator Javits (attached). Institutions of higher education - particularly teachers colleges - in areas of high concentrations of Non-English speaking children should be urged to provide education tracks that equip graduate students to deal with the needs of bilingual children.

13. Expanded Programs for Bilingual Paraprofessionals.

It is widely recognized that paraprofessional programs are an important potential source for bilingual teachers. It would appear that federal paraprofessional programs are being equitably utilized for Non-English paraprofessionals, although this should be verified by OE. The major problem in this area is that these valuable work/study paraprofessional programs are inadequately funded to begin to meet the needs.

14. Review of All OE Programs to Channel Equitable Share of Resources to Problems of Non-English Speaking Children.

A superficial analysis of OE Administered Programs suggests a number of program possibilities for needs of Non-English speaking children. Some of these are (numbers keyed to OE programs chart):

Group II: 2, 5, 6, 7, 9, 10, 15, 17, 18, 19, 20, 22, 23, 24, 25,  
26, 27, 29, 30, 32, 37, 46, 49, 50, 53, 54, 57, 58, 66,  
67, 68, 69, 72, 76;

Group IV: 1, 3, 5, 8, 9, 11.

Dennis H. Allee  
Executive Assistant to  
Jacob K. Javits, U.S.S.

NEW YORK

**United States Senate**

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October 21, 1971

The Honorable Ewald B. Nyquist  
Commissioner  
The State Education Department  
Education Building  
Albany, New York 12224

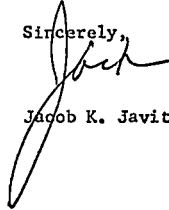
Dear Joe:

With respect to our meeting and exchange of correspondence last spring about educational needs of New York City's limited-English students, I would very much appreciate a status report as to the various subjects proposed in your letter of April 15, 1971. In particular, referring to items 4 and 7, I would like to know what success you may have had in encouraging increased use of Title I funds by local districts for programs relevant to limited-English speaking children and whether the teachers colleges and universities have evidenced any willingness to expand their efforts in this area.

I, of course, stand ready to assist your Department in any way that I can with respect to the matters we discussed.

With best wishes,

Sincerely,



Jacob K. Javits, U.S.S.

JKJ:dar

THE UNIVERSITY OF THE STATE OF NEW YORK  
 THE STATE EDUCATION DEPARTMENT  
 OFFICE OF THE PRESIDENT OF THE UNIVERSITY  
 AND COMMISSIONER OF EDUCATION  
 ALBANY, NEW YORK 12224

Friday  
 November 5  
 19 71

RECEIVED : 7 13 1971

The Honorable Jacob K. Javits  
 United States Senate  
 Washington, D. C. 20510

Dear Jack:

It was a pleasure to receive your letter of October 21, with respect to Limited-English speaking students. The following action has been taken since my April 15 letter to you.

During May and June we held ESEA Regional Conferences in a number of locations. School district representatives were made aware that ESL (English as a Second Language) projects, funded in part by Title I funds, would receive priority.

Since those meetings, thirty ESL Projects have been initiated. Additional projects will be forthcoming following the release of federal dollars by the Congress.

At the December Conference of the New York State Administrators of Compensatory Education, emphasis will be given to LEA (Local Educational Agency) ESL Title I Projects. It is anticipated that interest created during this meeting will result in a further development of projects.

Currently, fifteen Title VII projects for the Limited-English speaking (classroom centers) are being provided across the state. Eight of these projects were initiated during the 1971 fiscal year. It is noteworthy that the federal expenditure for this year is \$3,000,000, up from \$1,400,000 during 1970. Twelve of these projects are in New York City, with the remaining three in North Rockland, Buffalo, and Rochester.

The State Education Department, through the Division of Teacher Certification and Education, is prepared to certify Puerto Rican teachers for employment in New York State schools. They are currently awaiting action by the Commonwealth of Puerto Rico with respect to granting reciprocal teacher certification. Following Puerto Rican action, it is anticipated that additional bilingual teachers will be available for employment in New York State schools.



In cooperation with the American Council of Education, the New York State Education Department has recently made available a high school equivalency examination in Spanish. It is now possible for Limited-English speaking residents to take the high school examination in their first language and, if successful, receive a high school diploma. New York State has pioneered work in this area. The American Council of Education is developing a similar examination for national release in the near future.

The Educational Testing Service of Princeton, New Jersey reports that a National Teachers Examination is being developed in Spanish. It is anticipated that the availability of this examination will expedite our efforts to utilize Spanish speaking professionals from Puerto Rico and elsewhere. It has proven unrealistic to expect teachers, whose first language is Spanish, to excel on the National Teachers Exam when it is not available in their mother tongue.

On July 6, 1971, Governor Rockefeller signed into law an act (Chapter 1189 of the Laws of 1971) affording teaching applicants for positions in New York City school districts where instruction is given bilingually, the right to take qualifying written and oral examinations in either English or Spanish. This will permit Spanish speaking teachers with limited fluency in English to become licensed to teach in New York City.

As a long term effort, New York University Colleges have been advised of the current need for teachers who possess a bilingual talent. We are optimistic that teacher preparation institutions within New York State will provide the greatest share of our secondary and elementary bilingual teachers.

The State University at Albany is conducting a federally funded bilingual project under EPDA-Part D. Two summer session workshops were offered during 1971, involving twenty paraprofessionals and fifteen certified elementary teachers. All of those participating in the project were Puerto Rican. As part of the same project, six teachers of Puerto Rican Heritage are currently working toward their Masters Degrees.

From the action taken, you can see we are pressing toward the day that all young people in New York State will receive maximum benefit from the educational program, regardless of their mother tongue.

Faithfully yours,

  
Ewald B. Nyquist

## Summary in lieu of testimony

Mr. Frederick L. Hellman  
Principal  
P.S. 107, Manhattan

Public School 107 in Community School District 4, is a fairly typical East Harlmen elementary school. Approximately 70 percent of the 700 students are of Hispanic background. Mr. Frederick L. Hellman has served as a principal for 4 years.

Approximately 60 percent of the children are not achieving above grade level in reading as measured by Metropolitan Achievement Tests. Furthermore, as they advance in grade, the retrogression increases. Exact figures are available regarding the number of students with English language difficulty. School officials do conduct a formal survey. Each teacher rates each child on the Oral Lanauage Rating Scale. This is done three times a year. It is estimated that 4-5 percent of the students have language deficiencies. There are no bilingual education programs and the English-as-a-Second Language teaching position has been abolished in District 4. Due to

budget cuts however, P.S. 107 was not staffed with a ESL for the 1971-72 school year. Parents and staff demonstrated for this position but to no avail. Students identified as having language difficulties are assisted in one of two ways. The principal has instructed all teachers in the ESL techniques and they provide instruction to moderately handicapped students. Mr. Hellman does not have an ESL license. One teacher in each grade is conversant in Spanish and instructs in small groups the children with severe language (English) difficulties. Paraprofessionals supplement this instruction. The more severely deficient students receive instruction from Spanish speaking paraprofessionals under the supervision of the bilingual teacher in school community relations who is the only bilingual professional on the staff.

State and Federal monies, specifically the State Urban Education Act and Title I of ESEA, fund compensatory projects at P.S. 107. These programs are not, however, directed at any of the specific problems which are peculiar or disadvantaged Hispanic students.

## Summary in Lieu of Testimony

Ralph Brande

Community School District 14 is located in eastern Brooklyn and is comprised of two areas known as Williamsburg and Greengpoint. The vast majority 62 percent of the 29,739 students, in the 1970-71 school year, were of Puerto Rican background. Mr. Ralph T. Brande served as superintendent of the district for 4 years until February 1972. Twelve percent of the elementary students and 29 percent of the junior high school students have serious English language difficulties. Approximately one-third of all students have moderate to severe language deficiencies.

There are two bilingual programs, which collectively serve approximately 500 students, operating in the district. The first program operates on the preschool and primary grade level in several schools, and is funded by Title VII of the 1965 Elementary and Secondary Education Act. The second program operates in the intermediate grades, serves roughly 350 students, and receives its funding from the State Urban Education Act. These two programs reach only a portion of the students with English language difficulties. Some of the students who do not participate in the bilingual programs receive English-as-a-Second language instruction. To date, no use has been made of Title I funds to devise formally structured bilingual programs although some of the projects may have instructors, particularly paraprofessionals, who are bilingually proficient.

In 1970-71 Puerto Ricans constituted 3.4 percent of full-time professional and 3 percent of the teaching faculty. The chief reasons cited for the small percentage of professional Hispanic personnel were the low teacher turnover rate in District 14 and the lack of "qualified" applicants.

SUMMARIES IN LIEU OF TESTIMONY /

## SUMMARY IN LIEU OF TESTIMONY

Herman La Fontaine  
Principal  
P.S. 25 Bronx

P.S. 25 was organized as a bilingual school under the direction of Mr. La Fontaine in September 1968. In 1969, funds for additional supportive services were granted under Title VII - Bilingual Education Act. P.S. 25 is a Kg-6 elementary school with approximately 850 students attending voluntarily. Approximately 85 percent of the enrollment is Puerto Rican; the remainder is black.

The regular bilingual program operates in the following manner. Students at the kindergarten level receive 85 percent of their instruction in the language with which they are most familiar. As the student progresses through school, he receives an increasing proportion of his instruction in the new language. At the sixth grade level, the student should be equally proficient in both languages and will receive 50 percent of his instruction in each language. Students transferring into the school pose an obvious problem unless they have been in a similar bilingual situation. However, even these students can begin to participate immediately in the instructional program in their own language.

When P.S. 25 became a bilingual school in 1968 there was no existing teaching staff; the building was to have been torn down and the staff reassigned. The principal, therefore, was recruiting a teaching staff from scratch. While an eligibles list existed at that time no names were sent by the board of examiners to P.S. 25.

P.S. 25 recruited on its own. Its sources were recruits from Puerto Rico, ITTP students (a summer teacher training program for liberal arts graduates) from area colleges, and New York City teachers at other public schools. All teachers at P.S. 25 have regular teaching licenses. Not all of them have common branches bilingual licenses. The fact is that many have common branches and some others teach out of junior high school or ESL licenses.

P.S. 25 is a voluntary school, that is, although it does have its own student population residential area students must come on a voluntary basis. Students apply to P.S. 25 on a "first come, first serve" basis. Those parents who register their children at P.S. 25 in the fall will have their children attending there; P.S. 25 will accept additional students until all its slots are filled. Most of the children live in the immediate vicinity of P.S. 25 which is at 149th Street and Tinton Avenue in the South Bronx. Some children come from outside of the district. Those who are from outside the district represent families whose children started in P.S. 25 and lived within the district but have now moved out. These children pay their own transportation costs.

Funds available to P.S. 25 are from three sources:

- (1) Tax Levy Funding
- (2) Title I Funding
- (3) Title VII Funding

Tax levy funding are the basic funds available to all schools.

Title I funds go to P.S. 25 because of the disadvantaged status of many of the students. These funds are used mainly in the early grades



for educational assistance in early grades K-2, for buying teaching materials, a lending library, and curriculum materials. Title VII monies are the remainder. They are essentially used for four ingredients of the Title VII program: scholarships (for graduate study in advanced work specifically related to bilingual education, also leads to Master's degree), summer school programs, an adult education program, and curriculum development. Thus, little money of the Title VII funds goes to actual classroom instruction. La Fontaine concluded that the cost of bilingual education should be no more than the cost of elementary education as currently funded with tax levy and in many schools with Title I funds. Thus, Title I money could be used for bilingual education as well as tax levy money without any additional Federal funding.

Although, P.S. 25 has been operative for 3 years, no formal evaluation of the program is as yet available. Mr. La Fontaine believes that an objective yardstick will be available when the first class of Spanish-dominant sixth graders graduates. However, preliminary results indicate that students are achieving at a level comparable to control schools within the district. This alone demonstrates that students in a bilingual program do not suffer a loss of academic skills development by learning in two languages. Moreover, there is an additional bonus in the fact that they are also acquiring a second language.

BOARD OF EDUCATION OF THE CITY OF NEW YORK

**EASTERN DISTRICT HIGH SCHOOL**

227 MARCY AVENUE

BROOKLYN, NEW YORK 11211

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STAGG 2-0791

Marco A. Hernandez, Principal

May 19, 1972

Eastern District High School located in the Williamsburg area of Brooklyn, was built in 1905. The capacity of the building was then listed as 1,890 students. Records indicate that in October of 1971 the total enrollment was 3,275 students.

The current enrollment consists of 64.4 percent Hispanic and 29.6 percent black with the remaining 6 percent, others. The latest records indicate that in the 9th grade 64.4% of the students are reading 2 or more years below grade level. For the tenth grade it indicates that 52% are reading 2 or more years below grade level. As dismal as this may be, it was pointed out that these figures are incomplete. Non-English speaking youngsters which have been yearly estimated as about 150 to 200 youngsters are not tested. In addition, in a school with a large percentage of truants can't provide information on these youngsters. Therefore, if we included these youngsters in our figures, in order to be more realistic, it has been estimated that 70 to 75 percent of the students are reading 2 or more years below grade level with a large percentage reading 4 or more years below grade level.

Mr. Hernandez was selected in August of 1971, by a group of parents, students and teachers to fill the position of principal. One of the first actions that he took as a principal in September, 1971 was to request that the school be closed one week to enable the Board of Education to make much needed repairs on the school building. At least 30 rooms and the cafeteria and some of the offices were painted and repaired. In addition, many of these rooms saw the first new furniture since 1905. Attendance, which had formerly been estimated at under 60 percent on the average school day, has been able to rise above this figure. The most dramatic change has been in the bilingual classes where attendance is now over 80%. In special programs such as Pre-Technical, College Bound and Cooperative Programs, the attendance is also similarly high. But the problem of truancy is a very difficult one which requires changes in attitudes, curriculum and the introduction of additional remedial programs. Mr. Hernandez has been able to add four family assistants to work directly with the parents.

Although 94% of those attending Eastern District are minority students, there were few teachers or other professional staff members of black and Hispanic background. The following indicates the change that has taken place since the new principal was assigned:

June of 1971	15 black	5 Spanish surname
May of 1971	22 black	*12 Spanish surname

\* This includes three Puerto Rican teachers and three Puerto Rican secretaries.

These figures represent a dramatic change in the ethnic composition of the school. However, none of the guidance counselors who service the school population is bilingual and only one is black.

Keeping accurate statistics on the number of students who drop out is extremely difficult to determine. Since there is a high non-attendance rate and a

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STAGG 2-0791

Marco A. Hernández, Principal

Page 2

high mobility rate, it is difficult to determine which students will return and which have either dropped out or moved. It is, however, known that out of the total enrollment for June 1971, only 264 students graduated. It is estimated that the retention rate for students entering Eastern District High School from Puerto Rico or other Spanish speaking countries is less than 15% after 4 years and less than 5% receive Academic Diplomas.

Mr. Hernandez was able to organize five classes for non-English speaking students. This operation was made possible through the recruitment of additional Puerto Rican teachers. Although the program is reinforced by the addition of Teachers of English as a second language through funded programs, the fact remains that very little financial support is available. It is felt that funds are desperately needed for the development of materials and the acquisition of texts and equipment. Mr. Hernandez hopes to be able to expand this program to offer parallel classes in English and Spanish. As indicated previously, the attendance, behavior and performance of these youngsters has shown a remarkable improvement.

Despite an air of optimism, the picture seems to indicate additional problems for this school for September of 1972. The enrollment for Eastern District High School for the September term is 3,619 students which will place the school at 165% of utilization. (New York Times, March 28, 1972)

# BROOKLYN TO GET SPECIAL SCHOOLS

One to Teach Music and Art and the Other Politics

By LEONARD BUDER

The establishment next fall of two special schools within schools in Brooklyn was announced yesterday by Chancellor Harvey B. Scribner. One special school, at Erasmus Hall High School will be for the study of music and art; the other, at Samuel J. Tilden, will be for students specializing in political science.

Both special sub-schools, which were described as the first of their kind to be set up by the city system, will be open to all students in the borough. Although neither unit will require an entrance examination, applicants for admission will be screened and will have to commit themselves to meeting the demands of the program.

Dr. Scribner made the announcement in releasing the final zoning plan for the 22 regular academic high schools in Brooklyn. The creation of the two sub-schools represented the major change from the current zoning policy. The actual geographic zones that feed students into the high schools remained unchanged, although there were some adjustments in other zoning practices.

Open Admissions Continued Also being continued under the new plan is the "open admissions" practice of permitting some students from seriously overcrowded and largely black and Puerto Rican high schools in the northern and central parts of the borough to attend predominantly white schools in the southern section. About 1,700 students will be involved in open-admissions shifts.

Assistant Superintendent Oscar Dombrow of the central high school division at Board of Education headquarters said that the establishment of the two "honor minischools" was intended to give Erasmus Hall and Tilden "viable" enrollments by enabling them to attract students who would not ordinarily attend.

Both existing schools, like many others in the borough, have had steadily increasing proportions of black and Puerto Rican students in recent years. Erasmus Hall, at 911 Flatbush Avenue in the Flatbush section, now is 57.9 per cent black and Puerto Rican. Ten years ago, minority-group students made

# High Schools Projection

The following table, based on Board of Education projections for next fall, gives the estimated enrollment, school utilization rate (based on enrollment and building capacity) and the ethnic composition of zoned academic high schools in Brooklyn. Brooklyn Technical High school, a specialized school that admits students on a citywide basis after an entrance examination, and vocational high schools, which generally have borough zones, are not listed.

High School	Estimated Enrollment	% of Utilization	Student Percentages		
			Black	Puerto Rican	Others
Abraham Lincoln	4,051	130	20.9	5.8	73.3
Bay Ridge	3,336	126	31.8	22.3	31.9
Bays	2,325	56	89.9	8.0	2.1
Bushwick	2,716	105	32.5	50.0	17.5
Georgia	4,742	154	31.4	8.5	60.1
Eastern District	6,619	285	28.6	52.3	13.1
Erasmus	5,379	117	55.5	7.1	37.4
Fort Hamilton	4,017	181	14.7	13.1	72.2
F.D.R.	4,913	147	25.7	9.6	64.6
F.K. Lane	5,278	119	57.4	18.5	22.3
George Wingale	3,433	118	79.0	10.7	10.3
James Madison	3,937	113	20.0	6.5	63.5
John Dewey	3,185	101	22.2	5.9	71.9
John Jay	5,381	163	24.7	22.1	45.2
Lafayette	5,524	143	16.6	7.2	76.2
Midwood	4,237	145	58.3	2.7	69.0
New Utrecht	4,147	143	19.2	1.5	79.3
Prospect Heights	3,554	137	74.4	19.9	5.7
Samuel J. Tilden	2,626	79	79.7	5.8	64.5
Sheepshead Bay	4,732	139	26.2	1.8	72.0
South Shore	5,174	114	28.8	4.9	65.3
Thomas Jefferson	4,405	119	63.3	31.6	5.1
TOTALS	91,116	177	26.8	14.6	48.4

up less than 10 per cent of the school's enrollment. Tilden, at 5800 Tilden Avenue in the East Flatbush section, now is 36.6 per cent

black and Puerto Rican, compared with 2.1 per cent in 1961. But Tilden also has a special problem—it is underutilized, largely because of a loss of white students — while most other schools in the borough are crowded.

Mr. Dombrow said that the sub-schools at Erasmus Hall and Tilden would represent major departures for the city system. There are now a number of minischools and academies being operated by city

high schools, he said, but these were generally for students who did not fit into or were not interested in conventional programs.

The system already has music and art school — the Fiorello H. La Guardia High School of Music and the Arts in Manhattan, which admits students from all over the city on the basis of a competitive examination.

There is no school or unit devoted to political science. Mr. Dombrow said the Tilden school would serve students interested in careers in government service, law, international affairs, and related fields.

## Summary in lieu of testimony

Mrs. Luisa Rivera

Mrs. Luisa Rivera and her family have lived for 15 years in Williamsburg, a heavily Puerto Rican section of Brooklyn. Mrs. Rivera works as a paraprofessional in one of the elementary schools and is the president of the District 14 Parents' Council. She also serves on the Title I Advisory Committee. She has two daughters, aged 12 and 14, in the public schools.

According to Mrs. Rivera, the disadvantaged Puerto Rican children suffer most in the Williamsburg schools because of the scarcity of programs designed to meet their needs. There are only two bilingual programs - one program serves preschool and primary youngsters and the other serves junior high school students. Collectively, these programs serve approximately 500 students. There are many more however, who are in need of bilingual services.

As president of the Parents' Council, Mrs. Rivera has been primarily concerned with trying to keep parents informed about school programs and affairs. She has also tried to increase the amount of parent participation in school activities. It has been Mrs. Rivera's experience that the closer the parents work with the schools, the better the children achieve. She has also urged school officials to consult frequently

with parents before instituting changes affecting the curriculum. As a member of the Title I Advisory Committee, Mrs. Rivera has pushed for development of bilingual programs. The Committee has not yet decided to use its considerable allotment of Title I funds in this way.

Several factors are needed to improve the educational lot of Puerto Rican students in Williamsburg. There must be more programs geared to the linguistic needs of Puerto Rican students. There should be closer cooperation between parents and school officials and teachers. In addition, elements in the community which are sometimes disruptive must make more constructive contributions to the school system.

## SUMMARY IN LIEU OF TESTIMONY

Awilda Orta

Junior High School 45, located in East Harlem, has the only bilingual junior high school program in New York City. Awilda Orta is the director of the Bilingual Mini-School. The Bilingual Mini-School, since it is part of a district school, gets its students from those enrolled in the school with language difficulties. There are 150 seventh and eighth grade students in the program, 90 Spanish dominant and 60 English dominant (30 of these come from a Spanish speaking background). Students are not grouped by grade but rather by ability.

Incoming students are placed in ability groups in Junior High School 45. Then students with severe language problems go to the mini-school program. The program includes English, Mathematic, Science, Shop, and Social Studies. There are six classes in all. For the six classes there are nine teachers within the program. One teacher instructs in ESL, English, Social Studies, and Math. These are six main teachers in the program. Thirteen other teachers serve part-time in the program.

Three recruited for the program were not on the top of the ranked list. Miss Orta insisted that an "eligible" person would have to be bilingual and be able to teach four subjects. No eligible person was found to be qualified, and Miss Orta was able to thus surmount the obstacle of the ranked-list.

The first year evaluation of the mini-school is based on soft data. Junior High School 45 has an average attendance rate of 80-85 percent, mini school attendance is 98 percent for the English dominant and 80-85 percent for the Spanish dominant. Honor roll for Junior High School 45 is 9 percent; for the mini school 20 percent. Junior High School 45 is being used as a model for programs to be developed at four junior high schools in the District 4. As of yet, no central board personnel has asked for a model program from Miss Orta for citywide use.



## UNITED STATES COMMISSION ON CIVIL RIGHTS

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*Washington, D. C. 20425*

## . SUMMARY IN LIEU OF TESTIMONY

Alfredo Mathew

Mr. Mathew is community superintendent of Community School Board #3 on the Upper West side of Manhattan. The district has a 54 percent black and a 23 percent Puerto Rican student body.

On the districtwide level, District #3 has a policy for Spanish speaking students. The local board has mandated bilingual programs in 10 schools which amounts to 34 classes. At this time there are few bilingual classes on the junior high school level. Spanish dominant children in the fifth, sixth, seventh, and eighth grades are steered into the ESL classes and, occasionally some bilingual classes. But there are few classes currently available for these students. Most of the bilingual programs are aimed at the younger children.

District #3 has \$3 million in Title I funds. Of this \$118,000 goes to nonpublic schools. Another part goes to paraprofessionals. Other Title I programs include strengthening early childhood which include 38 teachers which is a central board mandated program. Then there are Title I bilingual programs. 90 percent of the program is in the dominant language in the first grade; and it anticipates a 50-50 division

by the sixth grade. Title I funds support 22 bilingual classes and a Title VII grant supports another 11.

All teachers in the bilingual programs have bachelors degrees. Some have common branches licenses or bilingual common branches, and some are substitute teachers. It was described as an inexperienced, young staff.

District #3 also uses Title I money for an operation open corridor program. It was one of the few innovative curriculum programs that we found in New York City. Classes are ethnically integrated and the children move out of the classes into a corridor where they find a science room, a math room, and a social studies room. There is cooperative planning between staff and the different teachers in the program. Children in the program are determined by the choice of the respective parents.

The Metropolitan Achievement Test (MAT) is a major test used in the New York City system. This year District #3 defied the central board in the administration of these tests because they claim that the test discriminates against inner-city youngsters. District #3 administered the tests but would not send them to the central board until some kind of compromise was arranged. The test is used for promotion purposes and for class placement. They also use the test to determine the progress of different ethnic groups. Spanish dominant children are not tested in this examination.

City-wide MATs are designed for grades two through nine. The test assumes that the student has a working knowledge of English which explains why Spanish dominant children are not administered

the test. The MAT is not the sole criteria in determining the students' progress. District #3 uses the teachers' judgement in district testing, and parent-teacher conferences.

Decentralization has posed problems of the relationship between community board and central board. District #3 is the center of some of these controversies. On personnel policies District #3 is taking a lead in trying to hire its own staff. They are challenging the excessing rules of the board of education. The local board was directed to determine who it had to excess. Mr. Mathew<sub>1</sub> says that under the present procedure now enforce, jobs come before programs. He says that it is necessary to keep certain staff in order to keep bilingual and other special programs going.

Another problem District #3 has encountered is that licensed probationary teachers have greater job security under excessing rules than substitute teachers. The local board is opposed to this and feels it should be able to dismiss probationary teachers with the same or less seniority as substitutes.

Decentralization has empowered the community boards to make some budget decisions. Because of budget cuts, District #3 has succeeded in reducing its music department, and eliminating eleven attendance teachers. Mr. Mathew<sub>1</sub> feels that they may have to eliminate all guidance counselors as well in order not to increase class size unduly.

District #3 is fairly confident that with additional money better results are predictable. Bilingualism would receive a high priority. With a commitment, competence, and sufficient money it feels that it could turn around the achievement Puerto Rican youngsters in the New York City System.

## SUMMARY IN LIEU OF TESTIMONY

Ewald B. Nyquist

Mr. Nyquist is the New York State Commissioner of Education and President of The University of the State of New York. He is appointed by a 15-member Board of Regents, each of whom is elected by the State Legislature for terms of 15 years, for the purpose of providing the over-all planning, supervision and protection of the educational system in New York. The Education Department, of which the Commissioner is the chief administrator, is the operations arm of the Board of Regents. It has responsibility for education in the State from kindergarten through the professional schools, in a system which enrolls more than five million students in 750 local school districts and over 200 colleges and universities. In the area of higher education, the Commissioner licenses professionals, e. g., doctors, accountants, architects; oversees overall planning in higher education; and establishes standards at universities. For elementary and secondary schools, he determines curriculum standards, and administers the Regent's examination for high school students. He also establishes a number of pre-elementary school programs.

While the State Education Department has a total staff of about 3,200, only approximately 500 are actually involved in elementary and secondary education. These employees staff a curriculum development unit, a reimbursable program unit, a unit for teacher training and licensing, and a bilingual unit.

The bilingual unit was established in 1969 to develop, coordinate, and supervise special programs for educating children whose native language is other than English. The two-member professional staff provides consultative services to local school administrators and instructional supervisors who have responsibility for educating non-English speaking children. In cooperation with other instructional units, they promote and conduct bilingual education and ESL (English as a Second Language) programs, and work in the preparation of curriculum bulletins, syllabi, and handbooks designed to assist classroom teachers involved in these programs.

As an example, New York was the first state to develop high school equivalency tests in Spanish. Ninety percent of the estimated 3,000 applicants that will take these tests are from New York City where large numbers of Puerto Ricans apply. Tests are administered monthly in New York City and three or four times a year in other Upstate and Long Island centers.

Additionally, the bilingual education office is coordinating a research study which is focused on assessing the skills, competencies, characteristics, and learning styles of Puerto Rican children. The study will concentrate on developing a body of knowledge about the Puerto Rican child that can serve as a tool for greater understanding between teachers and students, with the hope of leading to a better classroom experience for both.

The State Education Department is also planning an in-depth ethnic survey as an integral part of this effort to clearly identify problems relating to Puerto Ricans and other non-English speaking children. While the Department maintains the importance of the English language, it, further recognizes that a child's native language and culture should play a vital role in his development. The findings of both the multilingual assessment project and the ethnic survey will indicate the kinds of changes that need to be made in the educational system if a meaningful learning experience is to be a reality for all children.

In tune with this goal, the State Education Department, through the Division of Teacher Certification, is prepared to certify teachers from Puerto Rico for employment in New York State schools. The Department is currently awaiting action by the Commonwealth of Puerto Rico with respect to granting reciprocal certification. Through such an agreement, it is anticipated that additional Puerto Rican teachers will be available for employment in New York State, though not necessarily in New York City schools.

Commissioner Nyquist reaffirmed his statement on teacher certification made on January 27, 1971 before the New York City Commission on Human Rights:

The problems of recruitment, selection, appointment and promotion of educational personnel throughout the State continues to be of tremendous importance. We share your concern with the effects of these practices on the employment and promotion of persons in minority groups . . . I look for radical change in the certification of teachers . . . We place a high value on change of the State certification system so that it be

based more on performance than completion of college degree and a certain number of specified courses . . . We believe that such a system would be more sensitive to assuring that the best qualified personnel, whether of minority groups or of the majority, are in education . . . These statements about the present State certification system do not contradict my known views about the inadequacies of the certification now in effect in New York City under the aegis of the Board of Examiners. The Board should be abolished and State certification substituted which, even with its own present inadequacies, offers more desirable flexibility and freedom to select competent teachers.

Several sources of funding are currently being used in New York to finance bilingual education and ESL programs: State Urban funds, Title I, ESEA funds, Title VII, ESEA funds and local tax funds.

The New York State Urban Education office presently provides \$2, 436, 707 or 6.2 percent of total State Urban funds, for programs directed to the education of Puerto Rican children in New York City. Five other projects have components which include Puerto Rican studies.

In contrast, only 2.1 percent of ESEA, Title I funds, or \$4, 371, 150, is spent on similar programs. The State Education Department encourages increased use of both ESEA, Title I, and Urban Education funds for ESL and bilingual education. However, the decision to utilize the Title I funds to meet the special educational needs of a local community is made by the local educational agency in conjunction with its parent advisory committee. Once the local educational agency has made the initial Title I decision, it is then the responsibility of the State Education Department to review these proposals to determine if they are consistent with the Title I regulations.

Local projects are approved and funded to the amount allocated for that school district from the entire New York State allocation.

Under the Title I legislation and regulations, the State has the authority to disapprove programs that would not meet the needs of linguistically-disadvantaged children. The State will promulgate advisory notice that would establish a priority for Title I funds for such students or mandate the increased use of bilingual programs.

Title VII of ESEA has provided a cumulative total of \$4.8 million since 1969 for bilingual programs in New York State. However, the State Education Department is disappointed in the amount of Title VII money that has been committed to these programs. Title VII has no State allotment formula; all programs are funded directly from Washington to local school districts.

Finally, the Board of Regents has also expressed great concern for the multiplicity of problems facing non-English speaking children in New York schools. Last year the Board held a meeting with members of the Puerto Rican community and other ethnic minorities to discuss the education of minority children. In order to reaffirm its determination to see that equal educational opportunity be provided for all children, the Regents requested that a position paper on bilingual education be developed. This statement of policy is presently being reviewed by the Regents. It calls for effective solutions to the problems faced by non-English speaking children even if major changes must be made in the established educational system.



Statement By

Ewald B. Nyquist  
President, The University of the State of New York  
and Commissioner of Education

Before the

United States Civil Rights Commission

Tuesday, February 15, 1972  
1:30 P.M., EST

Brotherhood in Action Building  
560 Seventh Avenue  
New York, New York

Declaración de

Ewald B. Nyquist  
Presidente de la Universidad del Estado de Nueva York  
y Comisionado de Educación

Ante la

Comisión de los Derechos Civiles de los Estados Unidos

Martes, 15 de febrero de 1972  
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Introducción

Sr. Presidente y Miembros de la Comisión:

Agradezco la oportunidad que se me ha brindado para compartir con Uds. la inquietud que personalmente siento y la de la Junta de Regentes en lo que se refiere a la educación de nuestros niños puertorriqueños. Los esfuerzos de esta Comisión por atraer la atención nacional sobre la multiplicidad de problemas que enfrentan las minorías de la población de los Estados Unidos son dignos de elogio. Nos referimos hoy a las necesidades educacionales del segundo de los mayores grupos minoritarios del estado de Nueva York.

Todos los que estamos comprometidos para brindar iguales oportunidades educacionales a nuestros niños conocemos a fondo lo difícil, por no decir insuperable, de la tarea que tenemos entre manos. El año pasado, la Junta de Regentes tuvo una reunión con varios representantes de la comunidad puertorriqueña y de otras minorías étnicas para discutir la educación de los niños de las minorías. Los Regentes manifestaron una gran inquietud por la multiplicidad de problemas que enfrentan los niños que no son de habla inglesa en las escuelas de Nueva York. A fin de ratificar su decisión de que se diera igualdad de oportunidades a todos los niños, los Regentes solicitaron la preparación de un Documento Oficial sobre la Educación Bilingüe. Esta declaración está en este momento en proceso de revisión a cargo del Comité Consultivo del Estado sobre la Educación Bilingüe integrado mayormente por educadores de la comunidad puertorriqueña y de otros grupos étnicos. Este Documento Oficial demanda la solución de los problemas que enfrentan los niños que no son de habla inglesa aunque se tenga que introducir grandes cambios en nuestro sistema educativo.

Introduction

Mr. Chairman and Members of the Commission:

I appreciate the opportunity to share with you my personal concern and that of the Board of Regents regarding the education of our Puerto Rican children. The efforts that your Commission has made in bringing to National attention the multiplicity of problems facing minority peoples in the United States is commendable. We address ourselves today to the educational needs of the second largest minority group in New York State.

Those of us who are pledged to provide equal educational opportunity for our children are fully cognizant of the difficult but not insurmountable task facing us. Last year the Board of Regents held a meeting with members of the Puerto Rican community and other ethnic minorities to discuss the Education of Minority Children. The Regents expressed great concern at the multiplicity of problems facing non-English speaking children in New York schools. In order to reaffirm their determination to see that equal educational opportunity be provided for all children, the Regents requested that a position paper on Bilingual Education be developed. This statement of policy is presently being reviewed by the State Advisory Committee on Bilingual Education formed by educators from the Puerto Rican community and other ethnic groups. The position paper calls for effective solutions to the problems faced by non-English speaking children even if major changes must be made in our established educational system.

These hearings, directed as they are to the problems faced by Puerto Rican children in our New York City schools, should make a sound contribution to the relatively sparse body of knowledge which educators can use in attempting to meet the particular needs of children who have

Las audiencias de hoy, circunscritas como lo están a los problemas que enfrentan los niños puertorriqueños en las escuelas de la ciudad de Nueva York, deben fomentar los conocimientos relativamente difundidos de los que se valen los educadores para tratar de satisfacer las necesidades específicas de los niños que tienen dificultades con el idioma inglés y que interfieren con su aprendizaje.

#### MAGNITUD DEL PROBLEMA

##### Matrícula de Alumnos Puertorriqueños

Hoy enfocamos nuestra atención en 259,897 niños puertorriqueños matriculados en las escuelas públicas de la ciudad de Nueva York, o sea el 22.8 por ciento del total de la población escolar. Los puertorriqueños constituyen el 25.2 por ciento de los alumnos en las escuelas primarias, 22.8 en los grados intermedios, 17.8 por ciento en las escuelas secundarias, y 26.1 por ciento de los alumnos en escuelas especiales.

##### Alumnos No de Habla Inglesa en la Ciudad de Nueva York

El último censo escolar de la ciudad de Nueva York encontró que 160,815 niños tenían dificultades con el idioma inglés. Se estima que de ese total que demuestra dificultades con el inglés de carácter leve o muy grave pasando por todos los estados intermedios, 94,800 son niños puertorriqueños.

##### Matrícula en los Programas de Inglés como Segunda Lengua y de Educación Bilingüe

El Sistema de Información de Educación del Estado de Nueva York

English language disabilities which hamper their learning process.

#### MAGNITUDE OF THE PROBLEM

##### Puerto Rican Student Enrollment

We focus our attention today on the 259,879 Puerto Rican children presently enrolled in our New York City public schools or 22.8 percent of the total school population. Puerto Ricans constitute 25.2 percent of the elementary school enrollment, 22.8 percent of junior high school enrollment, 17.8 percent of the total high school enrollment and 26.1 percent of special school students.

##### N.E. (Non English) Speaking Students in New York City

The latest New York City school census classifies 160,815 children as having English language difficulty. It is estimated that of the total classified as having moderate to severe English difficulty, 94,800 are Puerto Rican.

##### Enrollment in ESL (English as a Second Language) and/or Bilingual Education Programs

The 1970 New York State Basic Educational Data System indicates that 29,747 pupils are receiving ESL instruction and that 26,528 are enrolled in bilingual education programs. Since bilingual education includes ESL instruction, some students have been counted in both areas. Although ethnic distribution of these classes is not available, our statisticians have developed educated estimates of Puerto Rican enrollment. Approximately 25,274 Puerto Rican children are receiving ESL instruction and 3,500 are enrolled in bilingual education programs which utilize Spanish and English as media of instruction and are culturally sensitive to the specific educational needs of the children.

indica que 29,747 alumnos están recibiendo instrucción bajo el programa de inglés como segunda lengua y que 26,528 están matriculados en programas de educación bilingüe. Como los programas de educación bilingüe incluyen la enseñanza de inglés como segunda lengua, algunos alumnos han sido contados en ambos programas. No obstante, se carece de información sobre la distribución étnica en estas clases. Nuestros expertos en estadística han hecho estimados sobre el número de puertorriqueños matriculados y calculan que aproximadamente 25,274 niños puertorriqueños reciben instrucción bajo el programa de inglés como segunda lengua mientras que 3,500 niños participan en programas de educación bilingüe que utilizan el español y el inglés como medios de enseñanza. Basándonos en nuestras investigaciones, podemos estimar que 66,026 niños puertorriqueños todavía necesitan instrucción a través de programas de inglés como segunda lengua y de educación bilingüe.

Proporción Existente entre el Alumnado Puertorriqueño y el Personal Puertorriqueño

No existe una proporción adecuada entre el alumnado y el personal puertorriqueño. Por cada 293 alumnos puertorriqueños hay sólo un miembro del personal que es puertorriqueño.

Aunque en más de 131 escuelas de la ciudad de Nueva York hay matriculados más del 50 por ciento de niños puertorriqueños, y 22.8 por ciento del total de matrículas escolares es de niños puertorriqueños, el personal profesional puertorriqueño no alcanza ni al 1 por ciento. En las escuelas primarias y grados intermedios existe una desigualdad de 24.2 por ciento de alumnos puertorriqueños al 1 por ciento del personal con apellido hispano. Los puertorriqueños constituyen entre el 6.3 y 15.7 por ciento de los empleados paraprofesionales y auxiliares no profesionales que trabajan en el salón de clase en las escuelas de la ciudad de Nueva York. La

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Based on our findings, we can estimate the 66,026 Puerto Rican children are in need of ESL instruction and/or bilingual education.

Ratio of Puerto Rican Students to Puerto Rican Staff

The ratio of Puerto Rican students to Puerto Rican staff is disproportionate. For every 293 Puerto Rican students, there is one Puerto Rican staff member.

Although more than 131 New York City schools have over 50 percent Puerto Rican enrollment, and 22.8 percent of the total school enrollment is Puerto Rican, less than 1 percent of the professional staff in New York City is Puerto Rican. In the elementary and junior high schools, there exists an inequity of 24.2 percent Puerto Rican enrollment to 1 percent Spanish surnamed American staff. Puerto Ricans constitute from 6.3 percent to 15.7 percent of the paraprofessional and non-classroom, non-professional employees in New York City schools. The disproportionate number of Puerto Rican professionals to Puerto Rican students in our schools deprives the Puerto Ricans from employing their own expertise in programs and policies directly affecting them.

Present certification procedures in New York City tend to eliminate qualified Puerto Rican educators. In my concluding statements, I will refer to recommendations regarding recruitment and certification of Puerto Rican teachers and non-classroom professional personnel.

Reading Scores

Reading is essential to learning and the Department places a high priority on insuring children the right to read. Reading scores taken from the Bureau of Educational Research data reveal that in 1970, of the 66 elementary schools in New York City with over 85 percent of the students below grade level, 57 schools had from 30 percent to over 60 percent

desproporción en el número de profesionales puertorriqueños con relación al alumnado puertorriqueño refleja que el sistema actual de contratar profesionales no permite que los puertorriqueños empleen a sus propios expertos en los programas y asuntos que les concierne directamente. Los procedimientos actuales para obtener la licencia en la ciudad de Nueva York tienden a eliminar a educadores puertorriqueños. En mis declaraciones finales me referiré a las recomendaciones específicas con relación al reclutamiento y licencia de los maestros y personal profesional puertorriqueños.

#### Resultados de las Pruebas de Lectura

La lectura es esencial para el aprendizaje. El Departamento de Educación considera como alta prioridad asegurarle a los niños el derecho de leer. Los resultados de las pruebas de lectura de la Oficina de Investigación Educativa revelan que en 1970, de las 66 escuelas primarias en la ciudad de Nueva York que tenían más del 85 por ciento de los alumnos bajo nivel de grado, 57 de estas escuelas tenían matriculados entre 30 y más del 60 por ciento de niños puertorriqueños. Los resultados de 88 escuelas con más del 50 por ciento de alumnos puertorriqueños matriculados en 1971 reveló que de todos los alumnos en quinto grado, 81.2 por ciento estaban bajo nivel de grado. En tres escuelas secundarias cuyas matrículas de puertorriqueños eran de 48 a 61.1 por ciento, el 90 por ciento estaba bajo nivel de grado. Estos resultados variaban de uno a cinco años bajo el nivel deseado. Los niños puertorriqueños no podrán tener éxito en la escuela a menos que posean las habilidades básicas de lectura. La magnitud del problema se hace más evidente cuando uno considera el gran número de niños puertorriqueños que aún no han sido examinados.

#### El Examen "Regentes"--Muestra de los Resultados de Junio de 1970

Tres escuelas secundarias con más del 50 por ciento de alumnos puertorriqueños matriculados obtuvieron resultados deficientes en los exámenes



Puerto Rican enrollment. Reading scores from 88 schools with over 50 percent Puerto Rican enrollment in 1971 revealed that of all the fifth grade students, 81.2 percent were below grade reading level. In three high schools whose Puerto Rican enrollment ranges from 48 percent to 61.1 percent, 90 percent were below grade reading level. These scores ranged from one to five years below reading level. Puerto Rican children cannot experience success in education unless they possess basic reading skills. The problem is compounded when one considers the large number of N.E. speaking children who are not even tested.

#### Regents Examination--Sampling of June 1970 Results

Three high schools with over 50 percent Puerto Rican enrollment reported poor results in Regents examinations. Of the 393 Puerto Rican students who took the ninth year math exam, 74 passed. Tenth year math scores were equally low: 284 were tested, 61 passed. Of the 535 tested in Spanish III, 409 passed. In English IV, 432 were tested; 156 passed.

The question of a possible relationship between failure on Regents exams and English language difficulty has been raised by the Department. We are translating the Math 10 Regents into Spanish. The exam will be administered in Spanish to Spanish dominant students as part of an experimental project.

#### Difficulty in Obtaining Student Records from Puerto Rico

The geographic proximity of Puerto Rico to New York allows for convenient mobility. Schools experience difficulty in obtaining student transfer records. This problem compounds the process of assessment and placement of Puerto Rican students. Participation of Puerto Rico in the Migrant Record Transfer System is being explored by our Bureau of Migrant Education.

"Regentes". De los 393 alumnos puertorriqueños que tomaron el examen de matemáticas del noveno año, sólo 74 lo pasaron. Los resultados de matemáticas del décimo año fueron igualmente bajos: 284 fueron examinados, 61 pasaron. De los 535 examinados en Español III, 409 pasaron. En Inglés IV, 432 fueron examinados, 156 pasaron. Actualmente estamos traduciendo los "Regentes" de geometría al español. Este examen será administrado a los alumnos cuyo vernáculo es el español, como parte de un proyecto experimental para ver si los malos resultados en los "Regentes" están relacionados con dificultades con el inglés.

#### Dificultades para Conseguir Informes sobre los Alumnos de Puerto Rico

Desde el punto de vista económico y geográfico, la movilidad hacia y de Puerto Rico es bastante fácil. Sin embargo, las escuelas tienen dificultades para recibir los créditos de los alumnos de las escuelas en Puerto Rico. Este obstáculo hace aún más crítico el problema de evaluar el rendimiento y el procedimiento de ingreso de los alumnos puertorriqueños en las escuelas públicas de aquí. La Oficina de Educación está investigando la posibilidad de que Puerto Rico participe en el Sistema de Traslado de Créditos de Niños de Familias Migratorias.

#### Baja Permanencia y Alta Deserción Escolar

Con respecto a la permanencia y número de deserciones escolares, en 1967 hubo 17,840 puertorriqueños matriculados en el noveno grado. En 1970, solamente quedaron 7,039 matriculados en el décimo segundo grado. De los 4,950 puertorriqueños matriculados en escuelas académicas, 2,237 estaban en las secciones preparatorias para la universidad. Los demás estaban en las secciones generales o vocacionales. ¿Qué factores o conjunto de factores hacen que los alumnos abandonen los estudios? El atribuir la alta deserción escolar a las bajas condiciones socio-económicas de la vida urbana no concuerda con la permanencia escolar de más del 50 por ciento que mantienen

Low Holding Power and High Dropout Rate

Regarding holding power and rate of dropout, in 1967 there were 17,840 Puerto Ricans enrolled in the ninth grade. In 1970, there were 7,039 enrolled in the 12th grade. Of the 4,950 Puerto Ricans enrolled in academic schools, 2237 were in college preparatory tracks. The remaining were in general or vocational tracks. The dropout rate in Brooklyn, Manhattan and the Bronx ranges from 57.8 percent to 65.5 percent. What factors or combination of factors lead students to drop out of school? To blame the high dropout rate on low socio-economic urban conditions is inconsistent with the over 50 percent holding power maintained by Negro students who live in similar conditions. Comparing the holding power of Puerto Ricans to that of other students, Puerto Ricans have the lowest holding power and consequently the highest dropout rate in New York City.

Drug Addiction

The latest Narcotic: Addiction Control Commission report states that 25.5 percent of addicts presently under treatment are Puerto Rican. Approximately 82 percent of the Puerto Rican addicts are high school dropouts. Of the total Puerto Rican addicts, 2.1 percent are 14 or 15 years of age, 43.9 percent are 16 to 20 years old, while the others are over 21 years old.

Education for Meaningful Employment

Our technological society requires highly skilled and educated manpower. Education is a passport out of poverty. Accordingly, Puerto Rican parents are concerned that their children receive quality education. Puerto Ricans of working age are equally concerned that training and educational opportunities be available for them.

Education and training determine skills marketability. Students who

los alumnos negros que viven en condiciones similares. Al comparar la permanencia escolar de los puertorriqueños con la de otros alumnos, la de los puertorriqueños es la más baja y por consiguiente tienen el nivel más alto de deserción escolar.

#### El Problema de las Drogas

El último informe de la Comisión de Control del Consumo de Narcóticos revela que 25.5 por ciento de los drogadictos actualmente en tratamiento son puertorriqueños. Aproximadamente 82 por ciento de los adictos puertorriqueños no han terminado sus estudios secundarios. Del total de drogadictos puertorriqueños, 2.1 por ciento tienen de 14 a 15 años de edad, 43.9 por ciento tienen de 16 a 20 años, los demás pasan de los 21 años.

#### Educación para una Efectiva Empleomanía

Nuestra sociedad tecnológica requiere mano de obra altamente calificada y preparada. La educación es un pasaporte para salir de la pobreza. Por este motivo, los padres puertorriqueños tienen la preocupación de que sus hijos reciban una buena educación. La juventud puertorriqueña también tiene la preocupación de contar con la oportunidad de recibir la preparación necesaria para obtener futuros empleos.

La educación y adiestramiento determinan la destreza necesaria para entrar en el mercado del trabajo. Los alumnos que no terminan sus estudios secundarios tienen muy poca preparación o ninguna para utilizar en el mercado del trabajo. Un nivel bajo de educación puede correlacionarse con un nivel similar de empleo e ingresos. El último censo obtenido en los Estados Unidos indica que los puertorriqueños tienen un alto nivel de desempleo y el nivel más bajo de educación e ingresos que cualquier otro grupo étnico en la ciudad de Nueva York.

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have dropped out of school or eventually "get out" of school have little or no marketable skills. A low level of education can be correlated with a similar level of employment and income. The latest United States census indicates that Puerto Ricans have a high level of unemployment and the lowest level of income and education of any ethnic group in New York City.

The present system of education has failed in many respects to prepare Puerto Rican students for productive, satisfying lives. Student motivation is insufficient. The system screens out students who cannot adjust to it. Many Puerto Rican students become adults who are not maximally self-supporting; others achieve economic independence through activities which are damaging to their personal lives and the life of their communities.

#### Parental Participation

When neither the faculty nor the administration understands the culture and language of Puerto Rican children and their parents, a consciousness of separation and exclusion from the school is felt by the community. It is imperative to the educative process that parents and schools establish positive rapport and mutual respect. Many Puerto Rican parents speak little or no English. Misunderstandings often stem from a lack of communication and not from lack of concern for the education of their children. Recent surveys indicate that Puerto Rican parents are not represented at policy-making levels in local school districts in proportion to Puerto Rican student enrollment. Unless schools enlist the services of their local lay and professional Puerto Rican resources in all levels of education, schools will continue to be considered irrelevant by the local community.

Nuestro sistema educativo no logra tener éxito en muchos aspectos correspondientes a carreras productivas y satisfactorias en relación con la preparación de alumnos puertorriqueños. La motivación de los alumnos no es suficiente. El sistema descarta a aquéllos que no pueden adaptarse al mismo. Muchos alumnos llegan a ser adultos que no pueden sostenerse a sí mismos. Otros logran tener independencia económica por medio de actividades que les hacen daño tanto a sus propias vidas como a sus respectivas comunidades.

#### Participación de los Padres de Familia

Cuando ni el magisterio ni el personal administrativo de una escuela comprende la cultura y el idioma de los niños puertorriqueños y los de sus padres, la comunidad tiende a separarse y excluirse de la escuela. Es imperativo que durante el proceso educativo los padres de familia y la escuela establezcan una relación positiva y que haya respeto mutuo. Muchos padres puertorriqueños hablan muy poco inglés. Como resultado, casi siempre se producen malentendimientos por falta de comunicación y no por falta de interés por parte de los padres en la educación de sus hijos. Los padres puertorriqueños no tienen suficiente representación en proporción a la cantidad de alumnos puertorriqueños matriculados en los niveles que dictan la dirección escolar de distritos locales. Si las escuelas rehusan contratar los servicios de personal puertorriqueño profesional y auxiliar en todos los niveles de enseñanza, la comunidad continuará negándoles a las escuelas algún mérito o reconocimiento.

#### Los Programas de Inglés como Segunda Lengua y de Educación Bilingüe

Un estudio reciente indica que hay fragmentación y falta de coordinación en los programas de inglés como segunda lengua en la ciudad de Nueva York. El informe indica también que los alumnos reciben poca instrucción

ESL and Bilingual Education Programs

A recent study found ESL programs in New York City to be fragmented and uncoordinated. The report indicates that there are too few periods per pupil per week and that teachers who lack ESL training are assigned ESL classes.

Reactions from teachers, students, and parents indicate that bilingual education programs appear to be more successful than only ESL programs. Bilingual education includes ESL instruction and utilizes the N.E. speaking child's dominant language as a base from which to develop the cognitive skills that will provide the vehicle to successful learning experiences. Inter-action with English dominant children alleviates the isolation often felt by N.E. speaking students in Anglo-oriented schools.

Negative Attitudes

The concept of "cultural deprivation" has frequently been used when speaking of "culturally different" children. The negative term "deprivation" implies that non-Anglo minority groups do not possess a "culture" which can be utilized or enhanced by the schools. The schools can no longer assume the task of "making up" for so-called "cultural deficiency" by forcing an "assimilation" which disregards cultural diversity and cultural pluralism. We view cultural differences as positive and consciously endorse bi-cultural educational directions to meet these differences.

Assessment and Placement of N.E. Speaking Puerto Rican Children

Our Pupil Personnel Services Unit reports that N.E. speaking children are sometimes placed in classes for slow learners or for the educable mentally retarded based on insufficient grounds. Silence on the part of students is analyzed as directly related to mental retardation and not

en inglés durante la semana y que hay maestros a quienes les falta entrenamiento en la técnica de la enseñanza de inglés como segunda lengua. Los resultados en tales casos son de poco valor.

Las opiniones expresadas por maestros, alumnos y padres manifiestan que los programas de educación bilingüe parecen tener más éxito que los programas de inglés como segunda lengua. La educación bilingüe utiliza la enseñanza de inglés como segunda lengua así como también la lengua materna de los niños que no son de habla inglesa como medios de instrucción. Bajo este medio, se presenta la base a partir de la cual han de desarrollarse las habilidades cognitivas para lograr provechosas experiencias de aprendizaje. La interacción con niños cuya lengua dominante es el inglés evita el aislamiento que muy a menudo se nota en los niños que no son de habla inglesa y que asisten a las escuelas predominantemente anglosajonas.

#### Actitudes Negativas

El concepto de "privación cultural" se ha usado con frecuencia al hablar de niños "diferentes desde el punto de vista cultural". El término negativo "privación" implica que los grupos minoritarios no anglosajones no poseen una cultura que pueda ser utilizada y desarrollada por las escuelas. Es hora ya que las escuelas dejen de asumir la tarea de "suavizar" la llamada "deficiencia cultural" forzando una "asimilación" que no toma en cuenta la diversidad y el pluralismo cultural de los individuos. Consideramos las diferencias culturales como medidas positivas y conscientemente apoyamos y respaldamos la dirección de la educación bi-cultural para hacerle frente a estas diferencias. Es sumamente importante que las escuelas tomen en cuenta las riquezas y el orgullo de diferentes culturas.

#### Evaluación y Clasificación de Niños Puertorriqueños que no Hablan Inglés

Nuestra Oficina de Servicios del Personal para los Alumnos informa que



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to the fact that these students feel totally left out of the educational picture. Tests utilized in making such placements offer questionable cultural relevance to the child. The lack of culturally relevant diagnostic instruments is identified as a factor causing a series of complex problems in the education of Puerto Rican children. Our Bilingual Education Unit is presently involved in a research project designed specifically to study the socio-cultural variables associated with educating Puerto Rican children. The project is studying the Puerto Rican child's learning style, including his preferred mode of communication, preferred mode of relating, and motivational style. The findings will provide data for the development of instruments to test basic cognitive, effective, psychomotor skills, including: problem solving, auditory discrimination, sensory-motor, language development and perceptual.

The problems I have identified are alarming. To have presented a mere compilation of information today is not my intent. The evidence is clear. The implications of the problem are magnified when we consider that these are conservative estimates.

#### EFFORTS TO IMPROVE THE EDUCATION OF PUERTO RICANS

Despite the immensity of the problem, I think it can be said that we have progressed somewhat in the past few years toward securing better educational opportunities for Puerto Ricans. While we are concerned about the educational needs of all children, we recognize that there are cultural differences and values peculiar to specific ethnic groups. There is a need for total institutional reposturing (including culturally sensitizing teachers, instructional materials and educational approaches) in order to incorporate, affirmatively recognize and value

los niños que no hablan inglés a veces son incluidos en clases para niños que aprenden con dificultad o en clases para los retardados mentales educables sin una base que lo justifique. El silencio de los alumnos se toma como un índice de retardo mental y no como el hecho de que estos alumnos se sienten totalmente fuera del ambiente educativo. Las pruebas utilizadas para hacer esta clasificación plantean dudas sobre los aspectos culturales relevantes en cuanto se refieren a la educación del niño. La falta de adecuados instrumentos de diagnóstico desde el punto de vista cultural es uno de los factores que causan una serie de complejos en la educación de los niños puertorriqueños. Nuestra Oficina de Educación Bilingüe está coordinando un proyecto de investigación planeado específicamente para estudiar las variables socio-culturales asociadas con los niños puertorriqueños. El proyecto toma en cuenta el estilo de estudio del niño puertorriqueño, incluyendo el modo como prefiere comunicarse, como prefiere relacionarse, y el estilo de motivación. Los resultados proporcionarán información para el desarrollo de instrumentos para examinar habilidades cognitivas básicas, efectivas y psicomotoras, inclusive: la solución de problemas, la discriminación de problemas, la discriminación de auditorio, desarrollo sensorio-motor, del lenguaje y perceptual del niño puertorriqueño.

Los problemas que he expuesto son alarmantes. No es mi intención presentarles hoy una mera recopilación de informes. La evidencia habla por sí misma. Las implicaciones del problema se aumentan si consideramos que estamos hablando de estimados conservativos sin exactitud. Queda claro que el niño puertorriqueño no está recibiendo la educación que le corresponde.

ESFUERZOS REALIZADOS EN LA ACTUALIDAD PARA MEJORAR LA EDUCACION  
DE LOS PUERTORRIQUEÑOS

A pesar de la magnitud del problema, creo que puede decirse que hemos

the cultural environment of Puerto Rican children.

An in-depth ethnic survey is being planned by the State Education Department as an integral part of our effort to clearly identify problems relating to Puerto Ricans and other N.E. speaking children. We plan to build a base of knowledge that will help close the educational gaps identified. The findings of both our multi-lingual assessment project and the survey will throw light on the kinds of changes that must be made in our schools if meaningful education is to be a reality for all children.

The New York State Urban Education office presently funds 17 bilingual education and ESL programs amounting to \$2,436,707.00 or 6.2 percent of total State Urban funds. The programs are directed to the education of Puerto Rican children in New York City. Five other projects have components which include Puerto Rican studies. Several projects are conducted in Community Education Centers created within urban school communities and funded by our New York State Urban Education Program. The centers are designed to meet special educational needs identified by the local community.

The State Education Department encourages increased use of ESEA Title I and Urban Education funds for ESL and bilingual education. It is interesting to note that while approximately 6.2 percent of State Urban Education funds are spent on bilingual education and ESL, only 2.1 percent (\$4,371,150.00 out of \$132,553,423.11) of ESEA Title I funds are spent on similar programs. The decision to utilize these funds to meet special educational needs of a local community is made by the Local Educational Agency in conjunction with its advisory committee.

progresado un poco en los últimos años hacia la meta de adquirir mejores oportunidades educacionales para los puertorriqueños. Aunque nos ocupamos de las necesidades educacionales de todos los niños, reconocemos que hay diferencias y valores culturales peculiares en los distintos grupos étnicos. Se necesita una nueva postura institucional total, incluyéndose maestros conscientes de las diferencias culturales, material didáctico y enfoques educacionales, a fin de incorporar, reconocer y valorar el ambiente cultural de los niños puertorriqueños.

El Departamento Estatal de Educación está planeando una extensa encuesta como parte integral de nuestro esfuerzo para identificar los problemas educativos relacionados con los puertorriqueños y otros niños que no hablan inglés. Con este propósito, pensamos construir una base de conocimiento para planear cambios en nuestro sistema educativo que aliviarían estos problemas. Los resultados tanto del proyecto de evaluación de pruebas como los de la encuesta nos harán ver más claramente las clases de cambios necesarios en nuestras escuelas a fin de que se haga realidad una educación provechosa para todos los niños.

Nuestra Oficina de Educación Urbana sostiene 17 programas de educación bilingüe y de inglés como segunda lengua por una cantidad de \$2,436,707.00 o un 6.2 por ciento del total de los fondos urbanos del estado. Estos programas son totalmente para niños puertorriqueños en la ciudad de Nueva York. Hay otros cinco proyectos que tienen partes componentes que incluyen estudios de Puerto Rico. Varios de estos proyectos están situados en Centros Comunales en diferentes comunidades escolares urbanas y sostenidos con fondos del Programa de Educación Urbana del estado de Nueva York. Los Centros Comunales están destinados a satisfacer las necesidades educacionales especiales así indicadas por la comunidad local.

Title VII of ESEA has provided a cumulative total of \$4.8 million since 1969 for bilingual programs in New York State. We are disappointed in the amount of Title VII money that has been committed to bilingual education in New York. Title VII of ESEA has no State allotment formula. All programs are monitored directly from Washington to the local school district.

Presently, 15 statewide classroom centered programs serve 3,940 Spanish dominant children. Eleven Title VII programs are based in New York City and serve 3,066 Spanish dominant children the majority of whom are Puerto Rican. As of fiscal year 1972, five new Title VII projects will be funded in New York City.

The State Education Department established a Bilingual Education Unit in 1969 to develop, coordinate and supervise special programs for educating children whose native language is other than English. Consultative services are being provided to local school administrators and instructional supervisors who have responsibility for educating N.E. speaking children. The unit is cooperating with other instructional units to promote and conduct bilingual education and ESL programs. Curriculum bulletins, syllabi and handbooks designed to assist classroom teachers in the development of bilingual programs are being prepared. The Bilingual Education office is coordinating a research study which is focused on assessing the skills, competencies, characteristics and learning styles of Puerto Rican children. The study will develop a body of knowledge about the Puerto Rican child that can serve as a tool for greater understanding and better classroom performance based on this understanding on the part of both teachers and students.

Title VII bilingual programs reveal varying degrees of success. The Early Childhood Bilingual Project in District 14 has increased the academic achievement and English proficiency of Puerto Rican program

El Departamento Estatal de Educación estimula el aumento del uso de fondos bajo el Título I del Acta de Educación Elemental y Secundaria (ESEA) y de Educación Urbana para programas de educación bilingüe así como de inglés como segunda lengua. Es interesante notar que mientras que aproximadamente el 6,2 por ciento de los fondos de Educación Urbana del Estado se usan para la educación bilingüe y la enseñanza de inglés como segunda lengua, únicamente el 2,1 por ciento (\$4,371,150.00 de \$132,553,423.11) de los fondos bajo el Título I (ESEA) se usan en programas similares. La decisión para utilizar estos fondos con el fin de satisfacer las necesidades educacionales especiales de una comunidad local es tomada por la Agencia Educacional Local juntamente con su comité consultivo.

El Título VII (ESEA) ha proporcionado un total acumulado de \$4.8 millones desde 1969 para programas bilingües en el estado de Nueva York. Estamos decepcionados por la pequeña cantidad de fondos que la Oficina Federal del Título VII ha destinado a la educación bilingüe en Nueva York. El Título VII (ESEA) no tiene una fórmula de asignación de fondos para los estados. La Oficina Federal de Educación en Washington ejerce todas las funciones administrativas en este programa directamente con el distrito escolar que conduce el programa bilingüe auspiciado por dicha Oficina.

Actualmente, hay en el estado de Nueva York quince programas bajo el Título VII (ESEA) que dan instrucción bilingüe a unos 3,940 niños cuya lengua materna es el español. Once de estos programas tienen lugar en la ciudad de Nueva York y sirven a 3,066 niños de habla hispana, la mayoría de los cuales son puertorriqueños. Para el año fiscal de 1972 se establecerán cinco nuevos proyectos bajo el Título VII en la ciudad de Nueva York.

El Departamento Estatal de Educación creó una Oficina de Educación Bilingüe en 1969 para preparar, coordinar y supervisar programas especiales

participants.

The model Bilingual School, P.S. 25 in the Bronx, offers a program in which children receive instruction in English and Spanish depending on language dominance and grade level. The child begins the program in kindergarten with 95 percent of the instruction in his native language and 5 percent in his second language. The proportion of instruction in the second language is increased through the years. By the time the student reaches the 6th grade, 50 percent of the instruction is in the second language. After seven years of bilingual education it is expected that students will have acquired communication skills in both languages, and will be better equipped to pursue further education, to compete with his peers, and to move towards a meaningful role in society.

The Department recently launched a new approach to reform in education called Project Redesign. Its underlying premise is that any significant improvement in education must come about through new forms of collaboration between the State, school and community. District 7, which has a 65 percent Puerto Rican population has been selected as one of the prototype Redesign districts of the State.

New York State was the first State to develop High School Equivalency Tests in Spanish. Ninety percent of the estimated 3,000 applicants that will take these tests are from New York City where large numbers of Puerto Ricans apply. Tests are administered monthly in New York City and three or four times a year in other upstate and Long Island centers.

Two programs, in New York City and in Buffalo, prepare veterans for professional roles in education. Both are directed to the educational needs of minority groups. In both programs, veterans are recruited broadly, but with attention focused on residents of the Model Cities areas. State funds have been made available for programs to help

para la educación de niños cuya lengua dominante no es el inglés. Se proporcionan servicios de consulta a los miembros del personal administrativo escolar y a los que tienen a su cargo la educación de niños que no son de habla inglesa. La Oficina está trabajando conjuntamente con otras oficinas de educación para promover y dirigir programas de educación bilingüe y de inglés como segunda lengua. Se están preparando boletines sobre el currículo, compendios y manuales que tienen por fin ayudar a los maestros en la preparación de programas bilingües. La Oficina de Educación Bilingüe coordina un estudio de investigación centrado en la evaluación de las habilidades, destrezas, características y estilos de aprendizaje de los niños puertorriqueños. El estudio desarrollará una base de conocimientos sobre el niño puertorriqueño que podrá servir como instrumento para proveer un mayor entendimiento y mejor rendimiento escolar basado en este entendimiento tanto para los maestros como para los alumnos.

Los programas del Título VII revelan cierto éxito. En el Proyecto Bilingüe del Distrito 14, el rendimiento académico y la competencia en el inglés de los niños que participan en el programa ha aumentado considerablemente. La Escuela Pública 25 en el Bronx, llamada el modelo de Escuela Bilingüe, ofrece un programa en el cual los niños reciben instrucción en inglés y en español de acuerdo con su habilidad en su lengua dominante y su grado de estudio. El niño comienza el programa en la escuela de párvulos con el 95 por ciento de la enseñanza en su lengua materna y el 5 por ciento en su segunda lengua. La proporción de la enseñanza en la segunda lengua se aumenta con los años. Cuando el niño llega al sexto grado, el 50 por ciento de la enseñanza es en la segunda lengua. Después de siete años de educación bilingüe se espera que los alumnos hayan adquirido la habilidad de comunicarse en ambas lenguas, y que estén en mejores condiciones para continuar progresando en su educación, competir con sus compañeros y prepararse para desempeñar un papel útil en la sociedad.



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returning veterans prepare for public school service.

Black and Puerto Rican veterans are recruited for teacher training through the career ladder concept to serve in ghetto schools. In New York City, supervision, guidance, and coordination are provided by the Office of Personnel of the Board of Education. Academic work is provided through various colleges and universities, with work experience provided through public schools in the Model Cities area.

During 1969-70 and 1970-71 the Department's Urban Teacher Corps sponsored several programs in New York City. Their objective was the preparation of teachers and/or paraprofessionals for schools, inservice education of teachers and/or paraprofessionals to increase their competencies. During the two year period there were more than 8,000 participants, many of whom were Puerto Rican.

The State Education Department, through the Division of Teacher Certification and Education, is prepared to certify teachers from Puerto Rico for employment in New York State schools. We are currently awaiting action by the Commonwealth of Puerto Rico with respect to granting reciprocal teacher certification. Through this reciprocal agreement, it is anticipated that additional Puerto Rican teachers will be available for employment in New York State schools.

The Division of Teacher Education and Certification has initiated an experimental program which stresses demonstrated competence rather than completion of college courses as the criteria for certification. It is hoped that the results of this pilot study will facilitate certification for competent teachers.

An aspect of providing credit for certification is the policy of accepting satisfactory completion of a college proficiency examination in lieu of specific collegiate study. Since January 1970, approximately

El Departamento de Educación tiene un nuevo programa para reformar la educación, el cual se conoce como el Proyecto de Nuevo Diseño. El proyecto parte de la premisa básica que cualquier adelanto significativo en la educación debe hacerse a través de nuevas formas en colaboración con el Estado, la escuela y la comunidad. El distrito 7, que tiene el 65 por ciento de población puertorriqueña, ha sido seleccionado como uno de los distritos que constituyen el prototipo del Nuevo Diseño en el Estado.

Nueva York fue el primer estado en preparar en español los exámenes equivalentes para recibir el diploma de escuela superior. El noventa por ciento de las 3,000 personas, según el estimado, tomarán estas pruebas en la ciudad de Nueva York donde reside el mayor número de solicitantes puertorriqueños. Las pruebas se darán mensualmente en la ciudad de Nueva York y tres o cuatro veces al año en otros centros del norte del estado y en Long Island.

Dos programas en Nueva York y Buffalo preparan a veteranos para que trabajen como profesionales en el ramo de educación. Ambos centros están empeñados en resolver las necesidades educacionales de los grupos minoritarios. Ambos programas reclutan veteranos y prestan atención especial a aquéllos que son residentes de las zonas de las Ciudades Modelo. Se han puesto a disposición de estos programas fondos estatales con el fin de preparar a los veteranos para trabajar en las escuelas públicas.

Veteranos puertorriqueños y negros son registrados para ofrecerles la enseñanza por medio de estudios, trabajo y tareas para que puedan rendir servicios en las escuelas de los vecindarios pobres en zonas urbanas. En la ciudad de Nueva York, los servicios de supervisión, orientación, y coordinación corren a cargo de la Oficina de Personal de la Junta de Educación. El trabajo académico lo proporcionan varias universidades. Las clases de práctica están a cargo de las escuelas públicas en la zona de las Ciudades Modelo.

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500 examinations in Spanish have been given. A majority of the persons taking this examination will satisfy all the language requirements for certification as well as a part of the education requirements. The College Proficiency Examination Program Office in the Department has recently completed an agreement with New York City which will tie the proficiency examination to some of the City's inservice courses.

The State University at Albany is conducting a federally funded bilingual project under the Education Professional Developments Act. Two summer workshops were offered in 1971 which involved 20 paraprofessionals and 15 certified elementary teachers. All the participants were Puerto Rican. As part of the same project, six Puerto Rican teachers are on fellowships toward a Masters Degree in ESL and bilingual education.

The Division of Intercultural Relations assumed the major responsibility for implementing Regents policy in school integration and has organized regional workshops on integrating curriculum in which Puerto Ricans have been well represented. This Division gave technical assistance in the planning of a national conference sponsored by ASPIRA on "Meeting the Special Educational Needs of Urban Puerto Rican Youth." The report of this conference entitled "Hemos Trabajado Bien" ("We Have Worked Well") was published by the Department.

#### MEASURES TO BE ADVOCATED

I have identified several problems and programs associated with the educational needs of our Puerto Rican children and share with you a marked degree of concern. Present findings reflect inequality and a high level of unalleviated distress in education totally inconsistent with our ideals of educational opportunity for all. The responsibility to resolve the

Durante los períodos de 1969-70 y 1970-71, el "Organismo Urbano de Maestros" del Departamento auspició varios programas en la ciudad de Nueva York. Su objetivo principal fue la educación de maestros y paraprofesionales para lograr aumentar su competencia. Durante los dos años hubo más de 8,000 participantes, muchos de los cuales eran puertorriqueños.

El Departamento Estatal de Educación, a través de la División de Educación y Otorgamiento de Licencias de Maestros, está dispuesto a conceder licencias a maestros de Puerto Rico para que se empleen en las escuelas del estado de Nueva York. Actualmente, esperamos que el Estado Libre Asociado de Puerto Rico firme un acuerdo recíproco de otorgamiento de licencias para maestros. Por medio de este acuerdo recíproco de otorgamiento de licencias se espera que más maestros puertorriqueños puedan emplearse en las escuelas del estado de Nueva York.

La División de Educación y Otorgamiento de Licencias de Maestros ha dado comienzo a un programa experimental, el cual considerará la competencia demostrada en lugar de cursos universitarios a fin de otorgar licencias a maestros. Se espera que los resultados de este estudio piloto faciliten el otorgamiento de licencias a maestros competentes.

Otro medio de facilitar el otorgamiento de licencias es el sistema de aceptar resultados satisfactorios de exámenes de competencia en lugar de exigir estudios universitarios específicos. Desde enero de 1970, se han dado aproximadamente 600 exámenes en español. La mayoría de las personas que tomen este examen han de satisfacer los requisitos de lenguaje para obtener la licencia así como parte de los requisitos que se refieren a la educación. El Departamento acaba de llegar a un acuerdo con la ciudad de Nueva York por el cual se asociará el examen de competencia con algunos de los cursos corrientemente en servicio en la ciudad.

existing inequities will not be shifted. It is not my intent to gloss over the problems, but to advocate and support measure to resolve them.

Emphasis must be placed on quality ESL and or bilingual/bi-cultural programs at all levels (Day Care, Early Childhood Education, Vocational Training, etc.) Puerto Rican children who experience English language difficulties must not be denied the academic preparation necessary for pursuit of higher learning.

The following areas will be considered in the Department's effort to resolve present unmet needs:

- . That an intensive effort be made to recruit and hire qualified Puerto Ricans at the administrative, supervisory and teaching levels.
- . That personnel hired for employment in schools serving Puerto Ricans receive intensive pre-service training in cross-cultural dynamics and Spanish language. Such training must actively involve persons from the local community to be served.
- . That training in methods of teaching English as a second language be required for those who are currently teaching or plan to teach N.E. speaking children.
- . That we continue the development and implementation of adequate screening, appraisal and assignment techniques that have as an integral part of the assessment of the Puerto Rican child's behavior at home, at school, and among his peers.
- . That we develop curricula and individualized teaching strategies that reflect the particular needs of the bilingual/bi-cultural child.

La Universidad Estatal en Albany está llevando a cabo un proyecto bilingüe con fondos federales para el Desarrollo Profesional en la Educación Bilingüe. En 1971, se ofrecieron dos seminarios de verano que contaron con la asistencia de 20 paraprofesionales y 15 maestros licenciados. Todos los participantes eran puertorriqueños. Como parte del mismo proyecto, seis maestros puertorriqueños recibieron becas para continuar cursos graduados y recibir el título de Maestro en Educación Bilingüe y en Inglés como Segunda Lengua.

La División de Relaciones Interculturales asumió la gran responsabilidad de poner en práctica las normas de los Regentes sobre la integración de las escuelas y ha organizado seminarios regionales sobre la integración del currículo en los cuales los puertorriqueños han contado con una buena representación. Esta División proporcionó asistencia técnica en la planificación de una conferencia nacional auspiciada por ASPIRA sobre "La Atención de las Necesidades Educativas Especiales de la Juventud Urbana Puertorriqueña". El informe de esta conferencia titulado "Hemos Trabajado Bien" fue publicado por el Departamento.

#### MEDIDAS QUE SE DEBEN PROMOVER

He hecho referencia a varios problemas y programas relacionados con las necesidades educacionales de nuestros niños puertorriqueños y comparto con Uds. la inquietud acentuada por ellos. Estas investigaciones reflejan la falta de igualdad y el alto grado de angustia que ha tenido como origen una educación totalmente inconsistente con nuestros ideales de que todos tengan las mismas oportunidades para educarse. No se puede poner a un lado la responsabilidad de buscar la solución para las actuales desigualdades. No es pues mi intención disimular los problemas, sino defender y apoyar

- . That instructional material be reviewed to insure that there are no stereo-typed historical misrepresentations or other such negative cultural presentations.
- . That the Federal and State laws pertaining to bilingual education be reviewed and amended in the light of present unmet needs.
- . I affirm my statement on teacher certification made on January 27, 1971 before the New York City Commission on Human Rights.

The problems of recruitment, selection, appointment and promotion of educational personnel throughout the State continues to be of tremendous importance. We share your concern with the effects of these practices on the employment and promotion of persons in minority groups... I look for radical change in the certification of teachers. The present system is archaic and really does not tell us much about the prospective competence of teachers... We place high value on change of the State certification system so that it be based more on performance than completion of a college degree and a certain number of specified courses... We believe that such a system would be more sensitive to assuring that the best qualified personnel, whether of minority groups or of the majority, are in education... These statements about the present State certification system do not contradict my known views about the inadequacies of the certification now in effect in New York City under the aegis of the Board of Examiners. The board should be abolished and State certification substituted which, even with its own present inadequacies, offers more desirable flexibility and freedom to select competent teachers.

#### Conclusion

The data presented today are certainly not exhaustive. There is much research to be done. We do, however, have a broad basis upon which to chart a course of action. Our intent is not to consign our findings to a quiet death while the problem called into question lives on. At present, State and Federal resources are limited. Steps must be taken at the Federal, State and local levels to improve education as a whole. This hearing can give impetus to changes that will redress

aquellas medidas tendientes a darles solución. Hay que mejorar la calidad de los programas de inglés como segunda lengua y fomentar la educación bilingüe/bicultural en todos los niveles educativos. No se les debe negar a los niños puertorriqueños que tienen dificultades con el idioma inglés, la preparación académica necesaria para llevar a cabo estudios superiores.

Nuestro Departamento, en un esfuerzo por darles solución a las actuales necesidades desatendidas, considerará las siguientes áreas:

- Que se desplieguen esfuerzos para reclutar y contratar puertorriqueños competentes en los niveles administrativo, de supervisión y de enseñanza.
- Que el personal contratado para las escuelas a las que asisten puertorriqueños reciba entrenamiento en la interacción de ambas culturas y en el uso del español. Dicho entrenamiento debe comprometer activamente a personas de la comunidad local que ha de servir.
- Que el adiestramiento en métodos de enseñanza del inglés como segunda lengua sea exigido para aquéllos que actualmente están enseñando o piensan enseñar a niños que no hablan inglés.
- Que continuemos el desarrollo de adecuados medios de evaluación y de técnicas de asignación que tienen como parte integrante la evaluación del niño puertorriqueño.
- Que preparemos un currículo y estrategias de enseñanza individual que correspondan a las necesidades del niño bilingüe/bicultural.
- Que el material didáctico sea revisado para garantizar que no haya falsas representaciones históricas de modo estereotípico u otras representaciones culturales negativas.
- Que las leyes federales y estatales correspondientes a la educación bilingüe sean revisadas y enmendadas en vista de las actuales necesidades desatendidas.
- Ratifico mi declaración sobre el otorgamiento de licencia a los maestros



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the existing inequities relating to the education of our Puerto Rican children. The State Education Department will continue to channel its energies to meet the educational needs of all children in New York State.

hecha el 27 de enero de 1971 ante la Comisión de los Derechos Humanos de la Ciudad de Nueva York.

Los problemas de reclutamiento, selección, nombramiento, y promoción del personal dedicado a la educación en todo el Estado continúan siendo de suma importancia. Compartimos la inquietud de Uds. por los efectos de estos hechos sobre el empleo y promoción de personas en grupos minoritarios... Busco un cambio radical en el otorgamiento de licencias para maestros. El actual sistema es arcaico y realmente no dice mucho acerca de la eficiencia que se espera de parte de los maestros. Concedemos un alto valor a un cambio en el sistema estatal de otorgamiento de licencias a maestros en el sentido de que se base más en el desempeño de sus funciones que el haber obtenido un grado universitario y el haber terminado cierto número de cursos específicos... Creemos que tal sistema sería más razonable y nos daría la seguridad de que contamos con el personal más calificado para la educación, ya venga de grupos minoritarios o de otros. Estas declaraciones no contradicen mis puntos de vista ya conocidos sobre las deficiencias del otorgamiento de licencias en la ciudad de Nueva York, bajo la Junta de Examinadores. Debería abolirse la Junta y sustituirse por el otorgamiento estatal de licencia que a pesar de sus propias deficiencias, ofrece mayor flexibilidad y libertad para seleccionar a maestros competentes.

### Conclusión

La información presentada hoy día ciertamente no considera el tema a fondo. Sin embargo, contamos con amplia base sobre la cual podemos comenzar un curso de acción. No es nuestra intención relegar los datos de modo que se disuelvan mientras que el problema discutido sigue en pie. Nuestros recursos son limitados. Se deberán tomar medidas en los niveles federal, estatal y local para mejorar la educación en su totalidad. Esta reunión puede servir de estímulo para efectuar los cambios que corregirán las deficiencias existentes en relación con la educación de niños puertorriqueños. El Departamento Estatal de Educación continuará sus esfuerzos para hacerle frente a las necesidades educacionales de todos los niños en el estado de Nueva York.

## SUMMARY IN LIEU OF TESTIMONY

J. Stanley Pottinger

In September of 1969, the Office for Civil Rights began to review civil rights and educational literature addressed to the question of discrimination against national origin minority group children. At that time, according to the 1968 Elementary and Secondary School survey conducted by the Office for Civil Rights, 2,541,573 Mexican American, 719,730 Puerto Rican, 240,700 American Indian, and 194,022 Oriental children were enrolled in the public schools. The review was prompted largely by a recognition that there existed in many school districts invidious discriminatory aspects of school operations which used the cultural and linguistic differences of Spanish-surnamed children both to segregate such children within schools and to categorically deny them equal educational opportunity. All available evidence of the systematic lower achievement of minority group children and the existence of large numbers of segregated homogeneous ability grouping and special education classes was accumulated.

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This review, together with discussions with the Commissioner of Education and members of his staff, led to the conclusion that Spanish-surnamed children were, as a group, in many school districts, being excluded from full and effective participation in the educational programs operated by such districts.

More specifically, evidence of educational practices and conditions which resulted in a massive educational achievement gap for Spanish-surnamed as compared to Anglo children were identified.

Following the collection of evidence by the Office for Civil Rights, a Memorandum to local school districts was issued by the Department on May 25, 1970. (A copy of this Memorandum is attached.)

The drafting of the Memorandum reflected the operational philosophy that school districts should create a culturally relevant educational approach to assure equal access of all children to its full benefits. The burden, according to this philosophy, should be on the school to adapt its educational approach so that the culture, language, and

learning style of all children in the school (not just those of Anglo, middle class background) are accepted and valued. Children should not be penalized for cultural and linguistic differences -- nor should they bear a burden to conform to a school-sanctioned culture by abandoning their own.

Specifically, the Memorandum identifies four major areas of concern relating to compliance with Title VI of the Civil Rights Act of 1964:

- (1) Where inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.
- (2) School districts must not assign national origin minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English

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language skills; nor may school districts deny national origin minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.

- (3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.
- (4) School districts have the responsibility to adequately notify national origin minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

School districts were required by the Memorandum to determine their current compliance with Title VI. If the

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school district found itself either to be in noncompliance or to have questions about its compliance status, it was instructed to communicate with the Department as soon as possible on the understanding that technical assistance from the Department would be available.

The educational philosophy supporting the issuance of the May 25, 1970 Memorandum was summarized by Secretary Richardson in a letter to Senator Walter Mondale dated August 3, 1970. This statement provides a much needed link-up between educational theory and practice, the effects of educational practices on children, and the ultimate civil rights accountability of the process to the children that it is intended to serve:

"The effects of ethnic isolation, rural and urban, on the educational development of Mexican, Puerto Rican and American Indian children are both severe and long term. Ethnic isolation often creates a homogeneity of educational environment in which a perception of cultural diversity, without an assumption of cultural superiority, cannot occur. Moreover, this homogeneity effectively precludes the interaction of children from different socio-economic and ethnic home environments. Every major report or research project dealing with the educational problems and needs of "disadvantaged" children has concluded that educational development (learning) is greatly hindered by a homogenous learning environment. Children

learn more from each other than from any other resource of the educational environment. To create and perpetuate homogeneity is to greatly reduce the pool of experience, ideas and values from which children can draw and contribute in interaction with other children. In a heterogeneous educational environment cultural diversity can be presented in an exciting interaction/awareness/growth process which is education in its truest sense. This diversity can be presented and perceived as enriching the total human environment rather than as threatening to a particular cultural insularity.

"Another important problem related to ethnic isolation relates to the effect of such isolation on educational motivation and psychological development of the isolated child. While the segregated Anglo child is equally deprived of a heterogeneity of educational environment which could lead to increased educational development, he is rarely confronted with a school environment which directly rejects his language and, less directly, but just as devastatingly, rejects the culture of his home environment: lifestyle, clothes, food, family relationships, physical appearance, etc. The Mexican-American, Puerto Rican and American Indian child is constantly isolated by an educationally sanctioned picture of American society which produces a consciousness of separation and then exclusion and then inferiority. Realizing his exclusion from the dominant Anglo society (as presented by the mass media, advertising, textbooks, etc.), the child perceives a rejection by the society of his home which he personalizes as a rejection of his parents; and finally, a rejection of himself. This shattering process of self concept destruction often leads to withdrawal from or hostility toward the educational system. Attitude or posturing toward the



learning environment is the single most important factor in the process of educational development.

"Finally, the maintenance of ethnic isolation creates for the Spanish-speaking or Indian language-speaking child the additional disadvantage of depriving him of the most important resource for English language skill development--regular interaction and communication with English-speaking children."

In order to implement the new policy in the field as quickly as possible, the Office selected one regional office - Region VI, Dallas - in which to concentrate its resources for the development of a technique for investigating and a format for proving noncompliance with the various sections of the Memorandum.

The early emphasis on Texas school districts was the result of three factors:

- (1) The seriousness and vast dimensions of the educational problems in Texas.
- (2) The aggressive leadership shown by the Office for Civil Rights Regional Director in Dallas in seeking to implement the Memorandum.

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- (3) The necessity for the program development staff (five persons) to concentrate their initial policy implementation efforts in one region.

In order to develop a legally supportable mechanism to demonstrate noncompliance with Section 1 of the Memorandum, it was observed that three basic propositions needed to be substantiated:

- (1) National origin minority students in the district enter the schools with different linguistic and cultural backgrounds which directly affect their ability to speak and understand the English language.
- (2) National origin minority students are excluded from effective participation in and the full benefits of the educational program (including success as measured by the district) of the district on a basis related to English language skills.
- (3) The district has failed to take effective affirmative action to equalize access of

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national origin minority students to the full benefits of the educational program.

Support for the first proposition mentioned above was gathered in two ways: First, the collection and analysis of data related to the home language and culture of national origin minority children at the time they enter the school system, and second, the collection and analysis of data related to the English language skills of the national origin minority children at the time they enter the school system.

Collecting evidence to support the second and third propositions involved an analysis of the educational performance of all students at selected grade levels during the same time period and a historical analysis of the educational performance of current students.

A program for proving noncompliance with the first part of Section 2 of the Memorandum was developed by means of a review of permanent record folders of students assigned to classes for the Educable Mentally Retarded (EMR). The tests utilized and scores attained (particularly on the Verbal IQ Subtest) revealed a heavy bias in favor of the

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evaluation of English language skills. The other major assignment criteria - teacher evaluation and achievement test results - were heavily oriented to educational performance in the language skill area (e.g., reading and ability to communicate ideas in English). Evidence of discrimination in the assignment of children to EMR classes has also been developed with primary attention devoted to: (1) the discriminatory overinclusion of minority group students, (2) the discriminatory underinclusion of Anglo students, and (3) the use of a different standard of effort and thoroughness in the evaluation of minority students.

In the development of an enforcement approach related to Section 3 of the Memorandum, the Office recognized the need for distinguishing between educationally beneficial strategies for meeting the special needs of minority children and lock tracking and other permanently isolating procedures of no or little educational value to the children. Accordingly, the Office currently requires that a school district be able to show a comprehensive, educationally coherent rationale for any racially or ethnically isolated ability grouping or tracking scheme.

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The rationale must include a clear statement of success criteria (related to upward movement), a detailed analysis of the nature and extent of and resources for such separation, and an outline of both the instructional methodology to be employed in each grouping and the evaluation program to be utilized by the district to evaluate the success of the methodologies.

The Office is currently reviewing the responsibility of school districts to notify and involve national origin minority parents in school affairs and activities. Proof of noncompliance with Section 4 of the Memorandum has been developed by (1) reviewing the written records of the school district with regard to notification of parents (PTA meetings, truancy notices, school activity notices, etc.); (2) interviewing community and school district personnel to ascertain the effectiveness of communication at school meetings and other official school activities; and (3) surveying the home language of parents of students through home language data collection items utilized pursuant to Section 1.

To date, the Office for Civil Rights has negotiated comprehensive educational plans with twelve Texas school districts found to be in noncompliance with the Memorandum.

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Currently, 28 districts in California, Arizona, Texas, Colorado, Michigan, Indiana, Kansas, New Jersey, New York, Massachusetts, New Mexico, South Carolina, and Wisconsin are under review for possible violations of the provisions of the Memorandum.

Current activities outside the Southwest demonstrate that the Office has developed and successfully field-tested investigative, analytical, and remedial techniques. We intend to incorporate this enforcement effort in all elementary and secondary educational compliance activities. The principles set forth in the Memorandum are, of course, applicable to educational practices which discriminate in like fashion against Puerto Rican, Native American, Asian, and Black children.

The Office is currently holding a series of training programs for all of its regional education staff. One of the major training efforts scheduled for this fall will specifically focus on educational discrimination against Puerto Rican students. Of the 28 districts currently under review, 6 involve significant numbers of Puerto Rican children: Perth Amboy, New Jersey; Hoboken, New Jersey;

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Boston, Massachusetts; Buffalo, New York; East Chicago, Indiana; and Saginaw, Michigan.

The Office for Civil Rights New York Regional Office staff of twelve professionals, two of whom are Puerto Rican, has begun to collect data related to the employment of Spanish-speaking professionals and the overinclusion of Puerto Rican children assigned to classes for the educable mentally retarded in districts within that Region.

The Office is aggressively determined to extend its Equal Educational Services program (begun by and centering around the Memorandum of May 25, 1970) in order to reach all ethnic minority children.

The Office is currently carefully reviewing the U.S. Commission on Civil Rights staff reports on equal educational opportunities for Puerto Rican children in New York City in order to assess what investigative action, if any, should be taken.

## Summary in Lieu of Testimony

Nick Lugo, Jr.  
National Director  
Migration Division  
Commonwealth of Puerto Rico  
322 W. 45th Street  
New York, New York

The Migration Division is a subdivision of the Department of Labor of the Commonwealth of Puerto Rico. The Division's operations have in the past been funded entirely from tax revenues of the Commonwealth. Increasingly, however, the Migration Division is seeking to supplement these resources with Federal grants to fund specific projects -- particularly in the area of manpower training and development programs. Under one such program, for example, administered by the Migration Division and funded by a grant from the Law Enforcement Assistance Administration (LEAA), the Division provides training designed to prepare Spanish surnamed Americans to take the civil service examination for entry level employment as city corrections officers.

The Migration Division employs some 150 persons. These employees are divided into four operational departments. The Agricultural Department negotiates for and in general represents the interests of contract agricultural workers. The Social Services Department and Community Relations Service offer their assistance to any clients of the Migration Division needing such services. Finally, the Employment



Division provides free job counseling and referral services to industrial and service jobs. It also has a computerized resume bank for professional referrals.

It is the policy of the Commonwealth of Puerto Rico to extend the services provided by the Migration Division to all Spanish speaking persons in New York City, whether or not they are of Puerto Rican extraction. The Division does require that individuals using its services either be United States citizens or have a valid alien registration card. Approximately 80 percent of the Spanish speaking clients served by the Migration Division are Puerto Rican.

The Employment Division refers an average of 200 clients a day to service and industrial jobs. Requests received from the various industries which have dealt with the Migration Division in the past account for the majority of these job referrals. The Division also directly solicits job openings from various private companies. The vast majority of jobs to which the Migration Division refers clients are low paying, low prestige positions in light manufacturing industries such as those engaged in the production of garments, jewelry, shoes, toys, and novelties. Service job openings are also low paying, often in the hotel, restaurant, and cleaning industries.

The Migration Division finds that these are the only jobs in which it can place its clients since most of the Spanish individuals who come to the Division have few if any marketable skills. The Migration Division finds that the majority of its clients have received only limited formal

education, that many of them speak little or no English, and that they have no job training or experience in skilled work. Only the light manufacturing and service industries hire such individuals.

Puerto Ricans who are referred to jobs often return to the Migration Division with complaints that they have been discriminated against. Some companies, for example, continually ask the Division to refer persons seeking work but never actually hire Spanish surnamed individuals. In at least one instance, the Division found that an employer was using Migration Division referrals to undermine union activity. That employer would request referrals and hire the persons sent. After three weeks, at the time when the employees were required to join the union under the terms of a collective bargaining agreement, the employer would lay off those workers and request that the Migration Division refer new workers. A frequent complaint involves employers who exploit illegal alien laborers. In many cases employers who have hired illegal aliens pay all of their workers substandard wages and do nothing to remedy poor working conditions. If the illegal aliens complain, the employer threatens to turn them in to the immigration authorities. If the Puerto Rican workers complain, the employer threatens to fire them and hire more illegal aliens.

The Migration Division began its job referral and job counseling services, in large part, because it felt that the New York State Employment Service, the State agency charged with the responsibility to provide such services, was not adequately serving New York City's

Puerto Rican community. Primarily these inadequacies resulted because the State employment service did not have Spanish speaking employees able to communicate with Puerto Rican clients. Although some progress has been made, the Migration Division still feels that the New York State employment service does not meet the needs of New York's Spanish population. More Spanish surnamed individuals have been hired by the employment service but there are still very few in the critical position of job counselor. The Migration Division believes that in many instances the employment service refers Spanish speaking individuals to the Division and other Puerto Rican organizations rather than providing them with services itself. Miss Herger's own experiences provide an example. When she first came to New York City she went to the New York State employment service for help in finding a job. The Service referred her to one job only. After that she was merely given a list of Puerto Rican agencies to contact for referrals to job openings. In fact, the Migration Division finds that, even now, upon occasion, when it refers a person to the employment service the employment service immediately refers the individual back again to the Migration Division without providing any client services.

Addendum to Summary of Testimony

In concluding we would like to emphasize the need for real governmental participation in alleviating the scandalous conditions of the multiple dwelling units in predominantly Puerto Rican communities.

Our department of Social Services is straddled with two thousand eight hundred cases of needed families that are suffering tremendously for lack of adequate housing.

This office is constantly referred by one governmental agency to another. The Federal, State and Municipal governments are all guilty for lack of cooperation.

## SUMMARY IN LIEU OF TESTIMONY

G. E. Kofke, Assistant Vice President  
New Jersey Bell Telephone Company  
Newark, New Jersey

The total statewide employment of New Jersey Bell as of December 31, 1971 was 31,408. Of this number 3,560 were black and 354 were Spanish surnamed. At N. J. Bell's Newark work locations there were 4,680 employees of whom 108 or 2.3% of that work force, were Spanish surnamed. The external labor market from which we draw the majority of our Newark employees has a SSA labor force profile of 3.3% SSA males and 2.1% SSA females.

Although in 1969 and 1970 N. J. Bell hired between 8,000 and 11,000 employees each year it only hired slightly over 5,000 in 1971. Of those hired 111 or 2.1% were SSA. The Newark employment office hired 1,001 employees in 1971 of whom 38 or 3.8% were SSA.

In recent months the craft intake has equaled and surpassed the operator intake. During 1971, 35% of intake had been in traffic (operators) while 40% had been in plant (craft) jobs. This is due in part to increased automation in handling of calls. In the past the telephone companies in general have had much higher intakes of female than male employees.

The largest number of employees are in the Plant department, the function of which is to install, maintain, and operate the mechanical and electronic equipment which transmits telephone calls.

Plant employees are divided into craft and noncraft workers. The latter group consists of a small number of service workers, who perform maintenance and service functions, and a large number of clerical workers, who keep records concerning Plant Department activities such as installation of new telephones. The service worker jobs, such as plant serviceman and junior chauffeur, are by definition unskilled and are among the lowest paying jobs in the department.

A majority of the employees in the Plant Department work at higher paying craft jobs. These craft workers are essentially divided by function, those who work "inside" the physical plant where the mechanical and electronic equipment for routing telephone calls is located, and those who work "outside" the physical plant, installing and maintaining telephones, cables, and telephone lines.

At the lower levels of both "inside" and "outside" craft jobs are the entry positions, into which persons are generally hired off-the-street and then trained. The major entry-level job for "inside" craft work is that of frameman. The frameman's job is to change the connections of the subscriber's individual telephone wires with the central routing equipment to reflect changes in service.

For "outside" craft work, there are three major entry level jobs: lineman, installer and repairman. The job of the lineman is to place poles, lines and cables connecting subscriber's distribution cable to the central plant. This involves some pole climbing.

The second largest department is Traffic. Most traffic employees are operators. More persons are employed in the job of operator than in any other single job at N. J. Bell. The other major entry-level job is that of service representative, in the Commercial Department.

Most, if not all, of the non-management persons hired by New Jersey Bell have little or no job related training or experience when hired. Telephone communication in the United States is for all practical purposes a monopoly which requires certain specialized skills not generally required by other industries. Thus, few persons learn the skills of a frameman, lineman, installer, repairman, or service representative before working for the telephone company.

As a result, each Bell Company has developed thorough training programs for most jobs. Because telephone work is specialized, it is necessary to train employees before they can become fully proficient.

The Company does not require high school education for entry jobs. It does, however, "prefer" that new employees have a high school education. New Jersey Bell has this preference because the company works with organizations trying to keep people in school to finish their education. All of the pre-employment tests used by New Jersey Bell are job validated or in the process of being validated by A. T. & T. The company considers testing to be only one of the many factors in the overall appraisal of an applicant.

The company also has available a test for Spanish speaking applicants. This is the Barranquilla Rapid Survey Intelligence Test (BARSIT). This test is administered to Spanish speaking applicants applying for jobs requiring little or no command of the English language. At the moment N. J. Bell is studying another Spanish test as a possible substitute for its English language clerical and craft tests.

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In the summer of 1967 Newark as well as several other N.J. cities experienced a series of devastating racial riots. In the aftermath, Governor Hughes established a Commission to investigate the causes of the riots, and appointed then N.J. Bell President Robert D. Lilley to head the Commission.

Shortly thereafter the Company initiated a hiring program called JOBS-NOW. This was a cooperative Bell System program in N.J. designed to hire underemployed and unemployed disadvantaged males from specific central cities, Newark being the largest. Regular Bell tests were given even though it was expected that most of the applicants wouldn't pass. In the first year of this program New Jersey Bell hired 317 minority people of whom about 200 were retained on the payroll. Forty-five of the JOBS-NOW employees on the payroll on 10/1/71 were Spanish surnamed, with an average length of employment with the Company of almost two years.

Under the JOBS-NOW program, employees generally were given relatively simple work assignments and then offered the opportunity to upgrade themselves by means of special training programs both on and off the job. Remedial education was provided through a contract with the Board for Fundamental Education (BFE). The remedial program ran from the fall of 1968 to the summer of 1969 and was available to all JOBS-NOW employees. It was a voluntary program. Eighty to ninety of the persons hired under the JOBS-NOW indicated an interest in the program; however, only sixty-two participated regularly. Thirty-three persons actually graduated. Now the JOBS-NOW program has been merged with the company's NAB program.

N.J. Bell annually pledges to hire a number of people through the various NAB "Metro" offices in the State. Since 1968 the Company has hired 641 NAB qualified employees in the Newark NAB area alone, of whom 53 have been Spanish surnamed.

In addition the Company has recently undertaken several remedial training programs under NAB-JOBS '70 federally funded contracts.

One is a project for training directory assistance operators in the Newark-Orange area. Another has been adapted for plant craftsmen in Newark. One class already completed included one Puerto Rican, and the second class of 12 men just started, includes seven Puerto Ricans.

Recognizing that the language barrier is still a major deterrent to hiring more non English speaking people, in areas such as Newark and Hudson County, the Company has made special efforts to overcome this problem.

These include:

- Providing a Spanish language version of the Employment Application Form in N.J. Bell Employment Offices.
- Providing bi-lingual personnel in Company Employment Offices such as Newark and Jersey City where there are large concentrations of Spanish surnamed applicants.
- Offering a free out of hours course at the Company's Headquarters in Newark for any employees at that location who wish to improve their ability to speak English. Instruction is given by a teacher from the Newark Board of Education-Adult Education Group.
- Distributing a Company booklet "Helpful Hints for Getting Your First Job" to agencies and organizations in the Spanish community. The booklet has been translated into Spanish.
- Conducting an ESL (English as a Second Language) out of hours course for Spanish speaking key punch operators in the Company's Business Systems Department in Newark. The class is led by a supervisor sent by N.J. Bell to the Berlitz school to become proficient in Spanish.
- Attempting to identify those jobs which require a minimum proficiency in English and initially filling openings in such jobs with Spanish speaking applicants.

The Company has also offered to provide FOCUS (Field Orientation Center for Underprivileged Spanish), a community agency in Newark, with space, equipment and a teacher to train non-employees in the Spanish community in Business, English and Secretarial skills.

We recognize that we must continually adapt our operating methods to meet the needs of the changing society around us, and this will specifically include a continued effort to provide employment for the Spanish speaking citizens in our communities.



## Summary in lieu of testimony

John Eichler,  
Assistant Genl. Manager - Personnel  
Public Service Electric & Gas Co.  
Newark, New Jersey

Public Service Electric and Gas Company is one of the Nation's largest utilities. Its headquarters have been located in Newark, New Jersey, since incorporation in 1903. The Company serves approximately 60 percent of the population of New Jersey.

In the system which covers the entire State, there were 14,966 employees as of March 31, 1972. Of the total employment force 1,181 were black and 247 were listed as Spanish surnamed Americans, the majority of which are presumed to be Puerto Rican. It is estimated that 3,000 of the company's employees work in Newark. Of this number 13 percent are from minority groups which include Spanish surnamed Americans; this latter group represents 2 percent of the total work force.

A major problem that has confronted Public Service is finding Puerto Rican applicants who meet the standards of being able to communicate in English.

At present we do not utilize a formal testing program in the selection process. Job-related tests are used only as a tool in the pre-employment selection process in certain job occupations such as shorthand and typing skills. Tests

purporting to measure intelligence, attitudes and personality traits are not used in the selection process. We have engaged the Laboratory of Psychological Studies at Stevens Institute of Technology to develop empirically validated job knowledge tests to be used as a tool in a valid pre-employment selection process. Public Service realizes that more attention and effort must be given to the employment of Spanish surnamed applicants by contacting Spanish surnamed organizations and advertising in Spanish newspapers. These efforts, however, have not been fruitful and the number of Puerto Ricans employed remains relatively low.

For the vast majority of jobs at Public Service each employee must be able to communicate in English. Many of the jobs demand constant communication between the workers and supervisors. This becomes critical in those jobs in which there are safety hazards. In general, the work units are small, four to six men and it would be impossible to place someone who can translate in each unit. A major reason for the small percentage of Puerto Ricans in the company's employment force is language problems that confront the Puerto Rican population in Newark and other New Jersey towns.

Public Service is involved in several programs designed to improve minority employment. They have for the last 4 years participated in programs sponsored by the National

Alliance of Business (NBA) and the New Jersey Alliance of Business (NJAB). This participation has resulted in over 800 unemployed persons being placed in permanent positions and over 300 students placed under the Summer Youth Program. The vast majority of persons in each program are either black or Puerto Ricans. The criteria for eligibility in the student program is that the employee must be an in-school youth who possess one or more of the following characteristics:

- (1) member of a minority group;
- (2) a resident of an economically disadvantaged area;
- (3) attends a school which is located in a disadvantaged area;
- (4) student whose family depends on welfare

Of the number of unemployed persons hired as permanent employees, 33 percent have remained with the company six months or longer. It should be noted that Public Service does not get funds from the U. S. Department of Labor for training persons through the NAB program.

Public Service has made specific commitments to increase its employment of minority group members, including Spanish surnamed Americans. While progress has been made

in the general area of minority group employment, more attention is being given to the employment of Spanish surnamed Americans. Currently there are more than 1,400 minority employees working for the company. This is 10 percent of the total employment. Four years ago, that figure was less than 4 percent. Since 1968, one out of every three employees hired has been a minority group member.

Additional effort is being made to increase the number of Spanish surnamed American applicants by contacting those recruitment sources that can supply Spanish surnamed Americans.

## SUMMARY IN LIEU OF TESTIMONY

Andrew A. Rivera  
Sergeant  
New York City Police Department  
President Hispanic Society

The New York Police Department has a force of approximately 31,000 men and women. Of these, approximately 500 are of Puerto Rican descent, roughly 1.6 percent. There are no Puerto Ricans on the force with the rank of captain or above; there are 500 plus persons with a captain or higher rank in the department. Only .4 percent of over 1,100 lieutenants, are Puerto Rican, and only .7 percent of over 2,500 sergeants are Puerto Rican. Puerto Rican women, however, do worst of all. There are no Puerto Rican police women in the department.

Although impressive, statistics are not as important as the reasons why these conditions exist. Of prime importance is the negative image of the police department. This image suffers daily because, among other things, there is a lack of significant representation of Puerto Ricans throughout the department. The need to achieve ethnic balance was expressed by the Police Task Force Report of the President's Commission on Law Enforcement and the Administration as follows:

Contact with minority police officers can help to avoid stereotype and prejudices in the minds of white officers. Minority group officers also can provide information necessary for early anticipation of the tensions and grievances that can lead to disorders.

Secondly, the role of recruitment in obtaining police officers is important. A New York City Rand Institute study (May 1971) reveals that "referrals of applicants by friends and family members presently on the force will tend to perpetuate its current racial composition. The study also found that "among those minority youths applying for positions with the New York City Police Department referrals by close personal associations are as important a recruiting mechanism as for white youths." Specifically, 58.8 percent of 141 Puerto Rican applicants who responded to a questionnaire indicated that they learned of the examinations or of opportunities as patrolmen with the New York City Police Department from family members or other close personal associates. Thus, there is justification for stating that better than 50 percent of the Puerto Ricans in the police department were directly recruited by Puerto Ricans and that whites and Puerto Ricans benefited equally from all other recruitment methods in spite of greater efforts to recruit minorities.

Last, but by no means least, is the role of the selection process. It is here that the greatest obstacles are faced. The civil service system was designed to prevent the evils of the pre-existing system; however, its methods of examining and screening are perhaps the single most discriminatory practices barring the placement of Puerto Ricans in civil service careers. Those who defend this system have benefited and continue to benefit from it the most. Therefore, they have a vested

interest in preserving the status quo. Most civil service examinations for entry and promotion have emphasized verbal and abstract reasoning skills which bear little or no relevance to the positions sought. The purpose of such examinations is to eliminate candidates and not to select people who can qualify. As such, these examinations have successfully eliminated thousands of Puerto Ricans. In addition, arbitrary requirements, extensive delays from time of application to time of appointment, the "character" investigation, the pre-investigation questionnaire, language barrier, and the lack of significant Puerto Rican representation throughout the recruitment and selection processes create and perpetuate impressions which discourage Puerto Ricans from competing for civil service positions in greater numbers.

To remedy the aforementioned conditions, it is recommended that the following be done:

1. The elimination of ranked lists and the immediate appointment of all Puerto Ricans on Civil Service lists to restore confidence in the system.

2. Programs and research to promote the effective use of personal contacts for recruitment on a widespread basis, e.g., contracting Puerto Rican community agencies to do the recruiting.

3. Establishment of "culture fair" examinations and examinations with content and predictive validity. Entrance standards should also be based on information that will validly predict performance, attitudes, and responsiveness to training.

4. Recognition of Spanish language skills as an asset. Persons qualifying as proficient in conversational Spanish should, because of the need for bilingual people, receive credit towards meeting entrance standards.

5. Formalization of mechanisms which prove to be successful in the recruitment and selection of Puerto Ricans. As more Puerto Ricans compete successfully, confidence in the system will grow thereby encouraging our greater participation.

Institutions that excluded Puerto Ricans and blacks by denying equal protection of the law either by design, inaction, or indifference are not worthy of claiming community support. The fact that Puerto Ricans have not successfully competed for positions in the police department and other civil service fields is an indictment of the respective agencies, the Department of Personnel and the education system. If these institutions are to survive, and if our society is to remain intact, responsible and affirmative action is needed. The abuse of the Puerto Rican community by indifferent and inattentive public servants and elected government officials cries for redress. Any delays in restitution would admit to the insolvency of our institutions and the moral bankruptcy of this society.



Summary in Lieu of Testimony

Jose R. Erazo  
Commissioner  
Manpower and Career Development Agency  
220 Church Street  
New York, New York

New York City's Manpower and Career Development Agency (MCDA) is one of several agencies making up the city's Human Resources Administration. The Human Resources Administration was created in 1966 by the Mayor's Executive Order #28. New York City established the Manpower and Career Development Agency for several reasons. It felt that the funds coming to the city from various Federal agencies for employment and job training programs could be more effectively utilized if they were administered and coordinated by one centralized agency. But, more importantly, the City's Administration felt that a comprehensive manpower agency was needed which would focus its efforts on serving the city's disadvantaged minority residents. The City strongly believed that the New York State Employment Service, the Federally funded State agency with primary responsibility for providing employment services to all the State's residents, was not meeting the needs of the city's poor black and Puerto Rican communities. Since it perceived the NYSES as an

inflexible and overwhelmingly white bureaucracy unable to effectively relate to minority clients, the designers of MCDA made a special effort to insure that it would be directed toward serving a ghetto clientele.

The Manpower and Career Development Agency attempts to serve the city's disadvantaged population by providing job training to those persons who lack job skills and are therefore either unemployed or underemployed with little or no job mobility, by developing job opportunities for these job seekers, and by operating an effective job referral service. In order to make its job training programs more effective MCDA also provides remedial educational programs for those persons seeking job training who require such services. These remedial programs include English language training which is of particular importance to MCDA's Puerto Rican and other Spanish-speaking clients.

Most of the Manpower and Career Development Agency's operating budget is supplied by direct appropriations from the City of New York. In fiscal year 1972 MCDA received some \$40 million from the City. MCDA also received \$13 and \$16 million in Federal manpower training funds from the Department of Labor. This money is used to support a variety of job training, development, and placement activities.

MCDA operates 11 Regional Manpower Centers which serve areas corresponding to the 11 regions of the city designated as poverty areas by the Council Against Poverty. The Regional Manpower Centers provide job counseling, remedial services, and skills training. The programs of the various centers vary somewhat depending on the needs of the particular client population. Eight of the Regional Centers are funded entirely by city appropriations and three of the Centers are funded by the Federal government-- two under the Concentrated Employment Program (CEP), and one as a demonstration project which generally follows the CEP model.

MCDA also contracts with each of the city's Community Action Corporations to provide manpower services through a system of 26 Neighborhood Manpower Service Centers. These centers are responsible for taking in unemployed and under-employed poverty area residents and interviewing them, providing them with counseling, and then either referring them to available jobs, to the Regional Manpower Center or one of the contracted city-wide organizations mentioned below for remedial or skill training.

In addition to administering these community based programs, the central offices of the Manpower and Career Development Agency also directly run a number of city wide programs. The Public Service Careers Program which attempts to place disadvantaged persons seeking work into civil

service positions with public agencies is an example of one such centrally administered program. MCDA also serves as a funding source for a number of city wide organizations which are working to improve minority employment opportunity.

Commissioner Erazo and Messrs. Baez, Basora, and Parron agree on what are two of the major obstacles to providing successful employment and manpower training services to Puerto Rican residents of New York City. First, it is presently impossible to provide sufficient English language training in existing manpower programs both because of the effects of the present funding process and because of the restrictions imposed by Federal guidelines. Second, the New York State Employment Service, the agency with the primary duty to provide employment services, particularly under Federal programs, has been ineffective in serving disadvantaged minority clients. Inability to adequately serve clients who are not proficient in English

A very large percentage of those Puerto Rican or other Spanish surnamed individuals who come to New York's Neighborhood Manpower Service Centers seeking jobs or job training have only a limited ability to communicate in English. In addition, many of these persons have only

received limited formal education--often no more than grammar school. For these Puerto Rican clients manpower programs can no longer be short term endeavors. Effective programs require a substantial educational, especially English language, component for Puerto Rican clients to enable them to benefit from the skill training component of the program. Providing an increased educational component in a manpower program, however, substantially increases the duration and therefore the cost of the program. MCDA's funding sources, both the City Council and the Department of Labor, are reluctant to get involved with such programs. Both state that they want job training programs not educational programs. Furthermore, since the Federal government contracts for such programs on a yearly basis, Federal guidelines require that no program can be over a year in length.

Because of these limitations, MCDA must limit the length of its training programs. For this reason, MCDA requires that those persons admitted to manpower programs already have attained rather high levels of English language proficiency. Such entry requirements apply even for entry into English as a second language training. As a result of these requirements, those Puerto Ricans who

have the least employment potential and who are, therefore, most in need of manpower training are excluded from such programs.

Lack of cooperation and ineffectiveness of the New York State Employment Service

The Manpower and Career Development Agency was created in large part because the City of New York felt that the New York State Employment Service was not fulfilling its mandate to serve the city's disadvantaged citizens. At the present time MCDA feels that the NYSES is still providing inadequate services. Even now the Employment Service has only two community oriented offices. The majority of the NYSES offices are organized by job category, for example, one office handles all openings in service jobs. This arrangement forces those looking for some types of work to travel to distant boroughs to reach the appropriate NYSES office. Perhaps even more importantly, the NYSES does not allow MCDA to tie into its listings of available job openings. Although the State Employment Service has outstationed NYSES personnel at one MCDA office, it has declined to post its personnel at other MCDA locations, apparently because it feels that the office facilities were unsatisfactory.

The Manpower and Career Development Agency believes that the NYSES is unable to serve the city's Puerto Rican population in particular because the NYSES has very few Puerto Rican or other Spanish speaking employees, especially in positions involving client contact. The lack of Puerto Rican personnel has a very direct effect on two MCDA programs.

The South Bronx Regional Manpower Center is funded with Federal monies under the Concentrated Employment Program. The Center serves a client population which is over 2/3 Puerto Rican. The East Harlem Regional Manpower Center also serves a predominantly Puerto Rican clientele. It is a special Federally funded project which generally follows the Concentrated Employment Program guidelines. The U.S. Department of Labor in contracting with MCDA for these programs requires the city to subcontract with the NYSES for the provision of client services such as intake interviewing, counseling, and job placement. Although the NYSES has made an effort to employ minority personnel, they are concentrated in clerical positions. The counselors in the South Bronx and East Harlem Centers are almost all white and do not speak Spanish. The managers of these centers feel that these counselors do not adequately serve

the needs of their Puerto Rican clients since they are unable to communicate in Spanish and since they often show insensitivity or, upon occasion, even disrespect for their clients.

Unlike the NYSES the Manpower and Career Development Agency has had little difficulty finding qualified minority group employees. MCDA has a total employment of 575 persons of whom 288 are black, 154 are Puerto Rican, 14 are other Spanish surnames, 112 are white, 3 are Chinese, and 4 are of other races.



## SUMMARY IN LIEU OF TESTIMONY

WILLIAM F. SEIFRIED, CHIEF IN CHARGE  
NEW YORK CITY FIRE DEPARTMENT

The total number of persons employed by the New York City Fire Department is 14, 873. Of this number 614 or 4.1 percent of the total are black. There are 91 Puerto Ricans employed; this constitutes 6 percent of the total workforce. These statistics are based on payroll date as of October 15, 1971 and were prepared for a census by race and ethnicity of City personnel conducted by the New York City Commission on Human Rights.

There are many possible reasons for the underrepresentation of both blacks and Puerto Ricans at the Fire Department. With the Puerto Ricans it might be caused by problems with the English language. Also there is a very high school dropout rate among the Puerto Rican population which would eliminate a great many potential applicants because of the requirement that an applicant have either a high school diploma or a GED.

There has been a great change in the ethnic and racial composition of New York in the last 20 years. Social institutions have changed in an attempt to become more relevant to the growing number of minority groups in the City. But the civil service process has not been responsive enough in that period of time, and the system, which was not geared to the residence of these minority groups within the City, continues to exist and also continues to reduce the opportunities for these minority group members. The groups that the system was initially established to admit are still being admitted, but now at the expense of the increasing minority groups. The minimum qualification for candidate are:

- (1) 21 years of age
- (2) GED or high school diploma

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- (3) No convictions of a felony
- (4) A United States citizen at the time of appointment
- (5) Minimum height of 5'6" and must have normal weight for height
- (6) 20/30 vision in each eye separately without glasses or contact lenses.

These qualifications may not seem difficult, but many of them pose quite a few problems for some minority group members; especially for Puerto Ricans in the area of height. The height has only been lowered to 5'6" in the last few years; the rest of the qualifications have remained the same for many years. An applicant must be 21 years old before he is allowed to be appointed. But he may take the examination prior to that age. Candidates must be at least 18 and less than 29 years of age. Up to 6 years of time spent in military service may be deducted from the actual age.

Recruiting efforts have not been that successful in the past in attracting large numbers of Puerto Ricans. The Fire Department, however, is involved in some other programs that will possibly make the Department more attractive to them. The Model Cities training program for Firemen is an excellent method of bringing more minorities into the Department. Although not aimed primarily at Puerto Ricans, a considerable number of the trainees are Spanish speaking. The Fire Department has also started another program for disadvantaged youth with the assistance of grants from the A. Phillip Randolph Institute and the Department of Labor. This is a tutorial program for persons who are interested in taking the Fireman's examination. This program is needed and hopefully will reduce the number of minority group failures on the written examinations.

It is difficult to bring about a meaningful change in the personnel make-up of a City agency because the civil service process is centralized in

(Continued on Page 3)

the City Department of Personnel and the City Civil Service Commission. Further, requirements of law inhibit change. All that a concerned City agency may do is to make comment and recommendations and the final decisions are made by the City Civil Service Commission. It is difficult to appoint more minority group persons to jobs if you are compelled to choose persons for positions from an eligible list that contains few minority persons.

The Department of Personnel prepares and publishes all announcements for all Fire Department entrance job openings. They also establish the qualifications and prepare the examinations. Every examination given is under the direction of the Director of Examinations who can consult, when necessary, with appointing officers concerning the qualifications for the position for which an examination is to be held. This examination is otherwise free from the influence of the appointing agency.

There have been a few attempts to change some rules or procedure on the part of the Fire Department, but with the exception of lowering the minimum height requirement, they have been rejected by the Department of Personnel. There was a proposal to give all residents of New York City a 10 point bonus on the written examination for Fireman. This request was not considered feasible by the Department of Personnel, most probably for legal reasons. This would have given many blacks and Puerto Ricans, who proportionately reside in the City more than other groups, a better chance of passing the examination. There also was a request made to the Department of Personnel that racial and ethnic data be kept on applicants who apply for a Fireman's examination. This request was also denied. This data is important because it would enable the Fire Department to determine how many minority

persons apply for jobs with the Fire Department and what percentage actually pass the examination. This would also have allowed the Fire Department to evaluate its independent recruitment activities.

## SUMMARY IN LIEU OF TESTIMONY

Geoffrey Stokes, Assistant Administrator  
Environmental Protection Administration  
of New York City

The Environmental Protection Administration (EPA) was established in 1968. It combines functions relating to sanitation, sewage disposal, air and water pollution, and water supply.

There are between 275 to 300 job titles in the EPA, about one-third of which are at the entry level. Requirements for appointment vary with the department, and with the job title. For example, while inspectorial positions in the Department of Air Resources and the Department of Water Resources are much more demanding in terms of education, criminal conviction, etc. than are positions as sanitation men in the Department of Sanitation laborer requirements do not vary across departmental lines. The educational requirements run the gamut from no specific educational requirement to a Master's degree; for many entry level positions, the requirements do not offer great obstacles to any minority group.

The EPA employed 19,411 persons as of November 1971. Of this total, 12 percent were Black and 2 percent were Puerto Rican. The Department of Sanitation with a work force of 14,414 employs the majority of the persons employed by the EPA; there are 1,840 Blacks or 12 percent of the total and 314 Puerto Ricans which is 2 percent of the total. Possibly the major entry level job title in the EPA is that of sanitation man in the sanitation department. This title's salary range is \$9,419 - \$10,951. While there is no educational require-

ment, an applicant must be 5' 4", and take a qualifying written and competitive physical examination. The total number of persons employed in this title is 11,128, of which number 178 are Puerto Ricans. There are 1,330 blacks employed in this job title. In the promotional positions for which the sanitation man is eligible, there are few Puerto Ricans or Blacks. There are 728 assistant foremen, 46 Blacks and two are Puerto Rican. Of the 509 foremen, 23 are Black and two are Puerto Rican. The primary reason for this is that seniority weighs very heavily in promotion examinations, and many of the Puerto Rican and Blacks have not been with the Sanitation Department long enough to have the seniority to be eligible for these promotional openings. In addition, promotional openings are rather limited because of the freeze on creating new job slots.

At present, there is no aggressive recruiting campaign being conducted by the EPA since there is little hiring being done. For those openings that are available, however, the announcements are printed in Spanish and distributed in the Puerto Rican neighborhoods. The EPA is engaged in a program with the Model Cities Administration to train residents of the designated poverty areas to enter the Department of Sanitation as sanitation men. The vast majority of these approximately 200 trainees are from minority groups. Recently, legal action was initiated by several municipal employee unions to enjoin some of the model cities training. This action did not affect the Department of Sanitation program because the Uniformed Sanitationman's Association refused to join the suit. The EPA is also engaged in co-op

education programs. There are approximately 75 high school students who work at the EPA while continuing their education on a week-on, week-off basis during the school year. Most of these students are either Black or Puerto Rican. The objective of this program is to give these students some financial aid which will allow them to remain in the school, an objective which would be aided by an increase in summer funding for these students from the Federal Government.

EPA maintains that the whole civil service process tends to eliminate large numbers of qualified persons, including many members of minority groups and women. The testing system is not good; often testing is overused and misused. It is recommended that grading of most of the tests conducted by the city Department of Personnel should be on qualifying basis and not numerically ranged, preserving the merit system which allows greater flexibility. Any such change would obviously be met with opposition from various constituencies, but it is only by actions of this type that significant gains can be made within an acceptable time frame.

This administration is committed to bringing about change to make the system more relevant to the needs of the people of the city. The EPA has brought about some changes in this area, but we know that major change must come from the city Department of Personnel and the State Legislature; all EPA can do is make recommendations.

## SUMMARY IN LIEU OF TESTIMONY

John J. Mooney  
Administrative Director  
NYS Department of Civil Service

The mandate that led to legislation which created the New York State Department of Civil Service and enabled the cities and counties to establish their own departments of personnel is Article 5, section 6 of the New York State constitution. This section states that appointments and promotions in the civil service of the State and all of the civil divisions thereof, including cities and villages, shall be according to merit and fitness to be ascertained as far as practicable by examination which as practicable shall be competitive.

Mrs. Ersa H. Poston holds the highest position in this department. She is the president of the State Civil Service Commission. The Commission consists of three commissioners appointed by the Governor. The primary responsibilities of the State Department of Civil Service is to administer the State Civil Service Law and the rules and regulations adopted thereunder, and to operate as a department of personnel for State jobs covered by the State civil service system. Almost all State jobs are under the jurisdiction of this department; major exceptions being the State Police, educators employed by the State University Systems, Court employees, and employees of the Legislature.

The relationship that exists between the State Civil Service and the New York City Department of Personnel is a very difficult one to understand. New York City has its own form of civil service administration as provided in the New York City charter, enacted by the State Legislature. This means that in many respects the New York City Department of Personnel is virtually autonomous. The principal contact that the State agency has with the city agency is in the area of "rule changes". The procedural steps for changing the rules for the New York City Civil Service Commission are:



- (1) there must be a public hearing conducted;
- (2) changes must be approved by the mayor or his designee;
- (3) the changes are forwarded to the State Civil Service Commission for approval;
- (4) the approved changes are then filed with the Secretary of State.

It is rare that these requests for "rule changes" are not approved by the State Civil Service Commission.

Some people might not understand what constitutes a "rule change". For example, the elimination of a high school diploma or GED as a requirement for a job title in New York City would not be considered as a "rule change", but as an administrative action on the part of the city. This is because the minimum qualification requirements for individual job titles are not and need not be specified in the rules of the City Civil Service Commission. Thus, this action would not be subject to approval by the State Civil Service Commission. An example of rule changes by the City Civil Service Commission, which would need State Civil Service Commission approval, would involve jurisdictional classifications. This has to do with the assignment of positions in the classified service to the competitive, non-competitive, exempt, or labor classes. This action by the city would require approval by the State Civil Service Commission.

To explain just what this action means, it may be easier to understand if some of these terms were defined. The classified service in the city includes all job titles covered by the civil service system, except appointed or elected officials, court employees, teachers in the school system, and certain other smaller groups. The competitive class includes all job titles for which it is practicable to determine the fitness of the applicants by competitive examination. Non-competitive

titles are those which require some type of examination, but the examination is only for qualifying. Exempt positions are those which require no examination for appointment. There is also the labor class, which includes unskilled job titles. Preference in employment for such jobs is given usually according to the date of application.

The State Civil Service Commission may rescind or modify the rules of a municipal or county civil service commission. They may also remove the municipal or county civil service commissioners, but these are rather drastic measures and are taken very rarely.

## SUMMARY IN LIEU OF TESTIMONY

HARRY I. BRONSTEIN  
NEW YORK CITY PERSONNEL DIRECTOR

Pursuant to State Civil Service Law, the City Civil Service Commission (composed of a chairman who is also director of the Department of Personnel, and who serves at the pleasure of the Mayor, and two other members who serve staggered six year terms) may prescribe suitable rules for carrying into effect the provisions of State law and of Article V, Section 6 of the New York State Constitution. Among other matters, such rules may provide for jurisdictional classification of the offices and employments in the classified service under its jurisdiction, for the position classification of such offices and employments, for examinations therefor and for appointments, promotions, transfers, resignations and reinstatements therein, all in accordance with the provisions of State Civil Service Law.

Article V, Section 6 of the New York State Constitution requires that appointments and promotions in the civil service of the State and of all the civil divisions thereof be made according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive. The Constitution of the State and the State Civil Service Law prescribe the boundaries within which the City Civil Service Commission must operate. All of the programs initiated by the City Civil Service Commission to improve job opportunities for minority group members must be consistent with these laws. In this regard it is noted that amendments to the Rules of the Commission and any changes in classification (except for the addition of positions to the competitive class) must be approved by the State Civil Service Commission to assure compliance with State law.

Generally speaking the efforts of the Personnel Department and of the Commission to improve employment opportunities for members of minority groups have

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taken the form of specialized recruitment efforts and training, scrutiny and restructuring of job requirements, review and innovative revisions in examination procedures and structure, and the development of and participation in special programs.

In the area of recruitment, the Department of Personnel maintains contacts with approximately 250 local community groups and manpower agencies on a continuous basis and disseminates information to them as to the availability of City job opportunities. For many examinations, posters, flyers and leaflets advertising the availability of such jobs are printed in Spanish and distributed to the communities by the Personnel Department. (Examples of such announcements are attached as Attachment "A"). Announcements of available jobs are also sent to the leading Spanish newspapers, El Diario and El Tiempo (also paid advertisements) (see Attachment "B"), and to Spanish speaking television and radio stations in the New York City area. The Department also participates in "job fairs" and "opportunity days" sponsored by local organizations and various high schools in the City of New York.

A special unit within the Department assists local community groups in the planning and conducting of civil service preparation courses. The unit trains persons designated by the community groups in how to structure and conduct a civil service preparation course. It provides sample questions and answers for the courses and develops preparation manuals and other study material to be used in preparing local residents to take and pass civil service examinations. The Personnel Department has, since 1962, provided the same services for the Migration Division of the Department of Labor of the Commonwealth of Puerto Rico.

During the past three years special recruitment drives were conducted which deeply involved the Puerto Rican organizations within the City for positions such as Fireman, Patrolman, Transit Patrolman, Correction Officer and Correction Officer Trainee, Railroad Clerk, Sanitationman, Office Appliance Operator, Bus Operator-Conductor, Parking Enforcement Agent, among others. In all of these cases, the Department of Personnel helped structure the preparation courses, trained the course leaders and prepared and distributed material in English and in Spanish.

During the summer months, the City through the Neighborhood Youth Corps places from 4,000 to 5,000 youths from low income families into City agencies. The Department of Personnel recruits, selects and trains the Crew Chiefs, usually 150 per season. Normally, approximately 25% of the students and 15 to 20% of the Crew Chiefs are Spanish sur-named. The Department of Personnel also conducts work experience programs for young people of high school age to provide them with skills to enter the labor market. These programs generally involve approximately 2500 young people per year who come from low income areas and who work in City agencies either part-time, or during the summer. Approximately 20% of these persons are Spanish sur-named.

Other aspects of our recruitment-training program include the conducting of typist examinations at locations in the local communities and the conducting of special stenographic training programs to help enable persons to pass the civil service examination for stenographer. As to the latter program, normally between 15 to 25% of those participating are Spanish sur-named

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The Department of Personnel is also concerned with the eligibility requirements for various positions in the City's civil service. Prior to preparation of a test plan the Personnel Department, in cooperation with the agency for which the examination is being given, conducts an on-site analysis of the job to be tested for in order to assure the job relationship of the examination. The agencies also aid the Department in preparing and revising the basic test plan. At the same time the eligibility requirements are re-examined and re-evaluated for the same purposes. Again, agency input is sought. Thus, in a determined effort to make eligibility requirements realistic in terms of the job, the available labor market and to open opportunities to minorities, we have dropped the requirement of a high school diploma for several popular classes of positions such as Clerk, Assistant Stockman, Housing Supplyman and Stenographer. We also accept an equivalency diploma or general educational development certificate in lieu of a high school diploma.

In addition, we have relaxed the constraints to employment (except where required by statute) of the fact of an unsatisfactory military record, conviction record, or an unsatisfactory employment record. These factors do not now result in automatic exclusion from employment (except where statutes specifically require such exclusion). They are considered on a case-by-case basis after considering the duties of the position, the recency of the infraction, the sensitivity of the assignment, the individual's conduct in the intervening period and other factors.

The City Civil Service Commission and the Department of Personnel have also established "Trainee" and "Aide" positions in the classified service. These positions allow for the recruitment of persons who may not meet all of the requirements of the journeyman position to which the trainee or aide position may mature. The trainee or aide receives

on-the-job training and generally automatically matures into the higher level position without further examination.

It is also noteworthy that the Department of Personnel maintains, in cooperation with other agencies, training programs to advance and upgrade City employees. To a substantial degree minority group members benefit from the existence of these programs. Through arrangements with one of the major unions representing City employees, and with the Board of Education, courses for approximately 1000 persons a year have been given to City employees needing fundamental education and high school equivalency diploma preparation so that they may advance to higher positions in the City service.

Another important area in which we have sought to improve the job opportunities of minority group members has been to minimize the effect of differences in educational background in our testing procedures. The Personnel Department has simplified the language sentence structure and vocabulary in most entrance level examinations. The language level of test items has been geared to the language level required on the job in an effort to make the examination more effectively job-related.

In addition, we have begun a pilot program to provide that where 5% of the applicants for a particular exam so request, 25% of those applicants' examinations will be given in the requested foreign language. This pilot program was announced in September 1971 and was publicized in El Diario, El Tiempo, the Daily News and civil service newspapers. However, I must report that on the first two examinations in which this innovation was offered the result was extremely disappointing. Of 3300 persons who filed for the

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Maintenance Man examination, only 17 requested that part of the examination be given in Spanish. For Stationary Fireman, of 938 applicants only 5 requested Spanish. However, we intend to continue with our pilot program and offer this option for several other examinations. We will at the same time re-double our efforts to make the Spanish speaking community aware of the advantages and existence of this option.

In addition, as another pilot program the Department of Personnel will conduct examinations for Correction Officer (Men), Correction Officer (Women) and Housing Assistant where candidates will be given the option of taking 60% of the examination in Spanish and 40% in English or of taking the entire examination in English. Selective certification will be utilized so that the agencies can appoint Spanish speaking eligibles to specific positions which require an ability to speak Spanish to effectively perform the duties of the position. (A copy of the Notice of Examination, the Rules of the Civil Service Commission relating to selective certification, and notices published in the Spanish newspapers relating to these examinations are attached as Attachment "C").

It is also the expectation of the Department of Personnel that our greatly expanded use of unassembled examinations (training and experience tests) should enable many more Spanish speaking candidates to qualify and be placed on eligible lists for City jobs. Unassembled examinations are utilized in a full range of titles from those requiring high education and experience such as engineers to titles with as little as three months experience requires such as Office Machine Operator. In some training and experience tests, the minimum requirements were that of merely completing a special program, open primarily to minority group members, of on the job study and experience. In some of these examinations, persons were required to have a certain amount of experience in community work or community centered activities. Again, these requirements tend to favor minority group members. In a number of



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training and experience tests, voluntary as well as part-time experience was accepted, and it was possible for persons to qualify on the basis of such experience alone.

The Department of Personnel also participates in special programs designed to assist minority group members to achieve better employment opportunities with the City. Unfortunately, one of the more significant programs in this area has run into legal impediments. The Personnel Department and Civil Service Commission have attempted to increase the ability of persons residing in Model Cities areas (areas which tend to have a very high percentage of minority group members) to enter a career ladder in the Police, Housing Police, Fire and Sanitation Departments of the City of New York. (See Attachment "D"). However, a recent decision by a Justice of the New York Supreme Court held that the special residency requirement was inconsistent with the constitutional requirement that appointments be made on the basis of merit and fitness. That decision is now being appealed to the appellate courts of the State.

The Department of Personnel is also actively involved in developing programs under the Emergency Employment Act. The Emergency Employment Act created a federally funded program in which unemployed, underemployed and Korean and Vietnam war veterans are given priorities in filling public service jobs. A wide variety of jobs have been offered in the past several months. Job referral centers were established in local communities to inform residents of the job opportunities and to help them identify appropriate jobs and to assist them in making application. A brochure describing the pro-

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gram was printed in both Spanish and English and was widely distributed. (See Attachment "E").

The Department of Personnel and City Civil Service Commission are indeed proud of the efforts and accomplishments that we have made over the past several years. We are not, however, content or satisfied. More must be done and we are dedicated to achieving better results in the years ahead. We are continuing and intensifying our review of examinations requirements, procedures and content in order to guarantee that civil service employment will be had on the basis of examinations that are job related and culturally fair.

Attachments may be found in the Commission's files.

## SUMMARY IN LIEU OF TESTIMONY

Anna Bonilla

Mrs. Anna Bonilla lives at 63 West 87th Street in New York City. She is presently unemployed and receiving public assistance.

Mrs. Bonilla lived at 20 West 89th Street until 1962. In that year she and her nine children were relocated by Housing Development Administration at 63 West 87th Street, where she now lives. The building is owned by the city in the urban renewal area. The apartment is habitable, although Mrs. Bonilla reports rats in the apartment. The apartment gets flooded in the basement too.

She has applied for public housing since her relocation. She is still on the waiting list since 1962.

At her last application, she was interviewed at the New York City Housing Authority office on 91st Street. In 1970-1971 she was told she would be relocated in Towing Houses on 89th Street. In 1971 she was told that apartments in Towing Houses were too small for her family.

Recently, she was told that she will be going to a building on 90th-91st Street. She may, however, have to wait until all of

her children move out before she can be placed. Her children's ages are 20, 18, 17, 16, 13, 11, 10, 8 and 6. She was informed of this possibility by the Director of the Urban Renewal site office at 589 Columbus Avenue, in New York City.

STATEMENT BY SIMON GOLAR, CHAIRMAN, NEW YORK CITY HOUSING AUTHORITY  
AT HEARINGS OF THE UNITED STATES CIVIL RIGHTS COMMISSION  
FEBRUARY 17, 1972

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I am pleased by the interest this commission is showing in the operations of the New York City Housing Authority, particularly that part of the Authority's operations having to do with providing housing for minority group people.

It is perhaps redundant to point out that New York City has long been a haven for the oppressed from many lands, including all too often our own. The story of how New York provided a foothold and promise of a better life in the new world for successive waves of Irish, Jewish and Italian immigrants is well known. More recently, New York has received the massive in-migrations of black people driven from the land in the south and Puerto Ricans coming to the mainland to seek better economic opportunity.

Contrary to the formerly popular notion, the successive waves of immigration and in-migration did not result in a "melting pot." Individual ethnic groups tended, both as result of choice and restrictive practices, to live together in homogeneous communities.

When in the late Thirties Congress finally recognized that private capital could no longer build and maintain decent housing at rents poor people could afford, New York City rolled up its sleeves and built public housing — and built it well. One-fifth of all public housing in the nation is in New York City.

Part and parcel of New York City's effort to house the poor has been its struggle against racial discrimination. The City's will toward equality in housing was given statutory expression in the Sharkey-Brown-Isaacs Fair Housing Law which barred discrimination in private housing. Adopted in 1958, the Sharkey-Brown-Isaacs law was the first law making it illegal to discriminate against prospective tenants because of race, creed, color or national origin adopted by any municipality in the nation.

The Sharkey-Brown-Isaacs law was later amended and combined with other anti-discrimination statutes covering other areas into New York City's Human Rights Law, enforced and administered by the City Commission on Human Rights.

In framing the law, the city councilmen drew upon the reservoir of experience of the New York City Housing Authority which demonstrated that integrated living had not harmed, but had indeed enriched, the lives of public housing residents.

Integration had long been an accepted goal of public housing in New York City and over the years it constantly amended its policies to make this goal an administrative reality.

Founded in 1934, the New York City Housing Authority has, in the past 38 years, grappled continuously with the complex problems of integration.

In the early days of public housing, the Federal Government, through its Public Works Administration (PWA) came into New York City and itself built two large low-rent housing projects. One was built in Williamsburg, which then was a lily-white neighborhood, the other was built in the midst of Harlem. And each of these projects was completely segregated as a matter of course.

When the Authority itself began building, it was concerned about segregation, and in what now appears to us to have been a rather timid way, began to integrate the occupancy of projects.

In later years this problem was complicated by standards for tenants consisting of some 21 points of "social desirability." This had the side effect of excluding large numbers of minorities from tenancy. The ultimate solution was obviously a total change in selection criteria and other policies.

To explain the complex problems of population change and tenant selection, let me follow the story historically:

After the end of World War II, the ethnic make-up of this City began to change rapidly. The black population which amounted to only about 10% in 1950, increased to roughly 23% by 1970. The Puerto Rican population which was only 3% in 1950 increased 2½ times during that decade, and increased still further in the 60's, and in 1970, made up somewhat more than 10% of all the residents of the City. These in-migrants replaced 2,000,000 whites, leaving the overall population numerically static.

These changes in the City's population were, of course, reflected in the tenant body of new public housing projects being opened. The ethnic composition of occupied projects, however, remained relatively stable until the late 1960's because of the very limited turnover rate (about 5% a year) and the Authority's policy of affirmative integration, both of which served to counteract any rapid changes in the racial makeup of occupants.

In the late 1960's, a new factor over and above the change in the ethnic makeup of the city began to affect Authority operations. By 1968, the City had

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mounted a massive clearance program in connection with a number of urban renewal and Model Cities Areas. Thousands of families, predominantly black and Puerto Rican, were being displaced to make way for redevelopment. Such families have a legal priority to return to any new housing built in the area from which they were displaced. HUD regulations and Authority policy provide that such displaced families have priority for admission to any other available public housing units for which they are eligible.

The flood of displaced families and the rapid influx into the city of black and Puerto Rican families produced radical changes in the composition of the pool of eligible applicants awaiting public housing apartments. Rapid changes began to occur in the ethnic composition not only of newly built projects but in projects whose composition previously had been stable for many years. An attached table shows changes which have taken place in the ethnic composition of public housing since 1960. Community participation, which is required by law in the case of urban renewal and Model Cities Areas, and the insistence of community groups in such redevelopment areas that the new housing being built be reserved for the residents of the area, began to be duplicated in other ethnically homogeneous areas where public housing was being built or was already in existence. Efforts to achieve integration are often frustrated in areas where all or most available units are reserved for the exclusive use of the residents of the area.

The ethnicity of families assigned apartments obviously did not parallel the ethnicity of the pool of applicants during the years when the Authority used its list of 21 criteria of social desirability. This adversely affected primarily black and Puerto Rican applicants. In 1968, the Authority formally threw out the famous "21 points" used in the tenant selection process and adopted in their place a new, more liberal, set of tenant selection criteria permitting the Authority to house those in most desperate need. As of June 30, 1971, the public housing tenancy in the City of New York was 21.5% Puerto Rican, 30.4% white, 47.5% black. Race or ethnicity of families moving into projects now is dependent upon the ethnic mix of families who file applications. This procedure, while it insures faithful compliance with laws, prohibiting discrimination, does compete with efforts to achieve stable integration in all projects. As listed applicants are reached for apartment assignment, the Authority does make an effort to direct them to projects where their presence will help achieve an integrated community. Black

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and Puerto Rican families who wish to break out of homogeneous ethnic ghettos are afforded an opportunity to do so.

Furthermore, in recent years, and most intensely in the past two years, a series of programs have been instituted to deal with the special problems facing minorities on a number of levels other than tenant composition.

Firstly, an Intergroup Relations Office, first organized in 1958, was expanded to a full-scale office of Community Affairs to deal both with problems of race relations and to act as an internal watchdog on the tenant selection policy of the Authority to insure that positive and fair policies of integration are being followed.

Secondly, a Contract Compliance Program was instituted in 1967 which set up a system in which all vendors, contractors and businessmen doing business with the Housing Authority were monitored for fair employment practices prior to contract award. This operation has been upgraded and expanded during my tenure into a comprehensive Office of Equal Opportunity.

This office is responsible for insuring employment of black and Puerto Ricans by contractors doing work for the Authority. The office also instituted training programs for minority employees to prepare them for Civil Service examinations and to upgrade their skills so they can qualify for advanced positions.

I have a quantity of factual material with me pertaining to our experience and achievements in fair employment practices. I do not want to take up your time in citing all these figures. I shall be happy to answer questions on this subject after I complete this presentation.

Now, as to the problems of Puerto Rican citizens of this City who seek admission to public housing:

First, let me state that the Authority is prohibited under law from inquiring into the race, ethnic background or national origin of applicants for apartments. No systematic data, therefore, are available regarding the race, ethnic background or national origin of families who file applications. The first notation of ethnic background, based entirely upon the judgment of an Authority employee, is made after a family has signed a lease for an apartment. Such judgments are, of course, subject to a certain amount of error since the applicant is never asked directly to identify the group of which he considers himself to be a member. The birthplace of the head and all other members of the family is recorded on the application which the family fills out. However, no inquiry is made into lineage or the birthplace of the parents of the head of the family or his spouse. Families



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classified as Puerto Rican in the Authority, thus, are limited to those instances in which the head of the family was born in Puerto Rico. This definition, which is an outgrowth of the Authority's operating procedure as well as laws prohibiting inquiries into the national origin of applicants, is at variance with the definition used by the Commonwealth of Puerto Rico Office and by the U. S. Census.

In order to evaluate observed changes in the ethnic characteristics of tenants living in projects, the Authority has at irregular intervals done an analysis of a sample of incoming applications. The last such analysis was made of approximately 3,000 applications received during October 1971. On the basis of information contained in the written application, members of the Authority's Community Affairs Office made judgments as to the ethnicity of each applicant family. The analysis showed that 26% of the applications received by the Authority during October 1971 appeared to be from Puerto Ricans. Our records show that 27% of all families admitted to public housing each in the years 1970 and 1971 were Puerto Rican, as defined by the Authority. Puerto Rican families interested in public housing thus are getting their fair share of the available apartments.

Roughly 33,000 Puerto Rican families, a total of 140,000 persons, from unsafe and overcrowded quarters have been rehoused and now are living in public housing. They occupy 21.5% of all the apartments in our projects. The number and percentage of our Puerto Rican tenants has increased regularly from year to year.

Discussions with Puerto Rican organizations from different parts of the City indicate that they, like organizations of other ethnic groups, are unified with respect to one demand: They all want a larger share of the scarce public housing apartments for members of their own ethnic group. In addition, some demand that projects be reserved exclusively for Puerto Ricans; some are more moderate in their demands and are willing to settle for a commitment that 60% or 70% of all the apartments in Spanish-speaking neighborhoods will be reserved for Puerto Ricans. Some of the organizations have demanded assurance that any Puerto Rican family which vacates an apartment will be replaced only by another Puerto Rican family. All of these demands, of course, present serious problems in terms of integration and in terms of non-discriminatory legislation. Furthermore, we are face to face with the opposing pressures for integration on the one hand and ethnic power on the other.

The New York City Housing Authority has done much to eliminate discriminatory practices and affirmatively set forth programs and policies to afford equal

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opportunity for all ethnic groups. A series of questions, however, remain open -- questions on which we eagerly seek the advice of this Commission. Probably the most perplexing of all these questions is how the Housing Authority, in pursuing the Federally-mandated policy to achieve and maintain desegregation in its projects can avoid violation of the very laws which mandate equal opportunity. That is, how can we select tenants without reference to ethnic or racial identity and at the same time achieve racially balanced housing. This question alone would tax a Solomon, and I am most happy to participate in these hearings in the hope that we can, through open discussion, come to some kind of resolution of this and other similar problems.

If we are here trying to determine whether a minority group -- in this case New York City's Puerto Rican minority -- is being treated fairly by the New York City Housing Authority, I believe that the testimony, the facts and figures, I have offered here today demonstrate that we have been fair.

But we are beating a dead horse. We are talking about the division of scarcity. We are talking about dividing an increasingly insufficient number of new apartments and jobs among the beleaguered poor of New York City, when we might be discussing the ways and means to provide living space and jobs for all who need them, regardless, as the saying used to go, of race, creed, color or national origin.

Nor, when discussing the problems of housing, should we be confining ourselves solely to the problems of the poor. Public housing was started out of the economic and social insights that private capital could no longer build and maintain decent housing at rents poor people could afford.

Now in the seventies, we find that in our major cities private capital cannot build and maintain housing at rents middle-income people can afford. The only housing which can be built by private enterprise, without government subsidy, is luxury housing.

Thus, since private capital without government subsidy cannot provide decent housing for middle-income families any more than it can for the poor, there is no longer any social and economic justification for segregating the poor in public housing, if there ever was. Economic segregation, placing limits on the income level for eligibility for public housing, means in the hard facts of life in New York City today, racial segregation.

We should not be placed in the inhumane position of offering housing to only 10,000 families a year out of the 149,000 desperately needful families on our waiting list. This situation pits black against Puerto Rican against white ad infinitum, and there is no longer any excuse for it. We ought to build decent housing for poor people and for the middle-class without labeling them, and we ought to build enough of it. We ought to be thinking about building communities, viable American communities.

Though we were able to start a record of more than 10,000 units of public housing last year, our construction program has now exhausted available federal funds and will come to a virtual stop unless more are forthcoming. That is where the real problem lies. There must be money to build housing for all.

Gentlemen, regardless of the thrust or the outcome of this hearing, we are indulging, once again, in an exercise in the politics of scarcity. These are Nixon Administration domestic politics -- and they are pitting us against one another in the prelude to major urban catastrophe.

**ETHNIC COMPOSITION OF PUBLIC HOUSING IN NEW YORK CITY,  
1960 - 1971\***

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<u>Year</u> <u>(As of January 1)</u>	<u>Total</u>		<u>White</u>		<u>Negro</u>		<u>Chinese</u>		<u>Puerto Rican**</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
1960	105,542	100.0	45,244	42.9	41,543	39.3	296	0.3	18,459	17.5
1961	107,098	100.0	45,477	42.5	42,353	39.5	315	0.3	18,953	17.7
1962	113,248	100.0	49,182	43.4	44,426	39.3	380	0.3	19,260	17.0
1963	117,120	100.0	49,966	42.7	46,601	39.8	457	0.4	20,096	17.1
1964	120,300	100.0	50,472	42.0	48,226	40.1	491	0.4	21,111	17.5
1965	129,775	100.0	51,839	39.9	52,991	40.8	525	0.4	24,420	18.9
1966	139,309	100.0	54,224	38.9	56,914	40.8	825	0.6	27,346	19.7
1967	141,603	100.0	53,645	37.9	58,898	41.6	873	0.6	28,187	19.9
1968	143,160	100.0	52,505	36.7	60,700	42.4	874	0.6	29,081	20.3
1969	144,677	100.0	50,786	35.1	62,930	43.5	896	0.6	30,065	20.8
1970	148,343	100.0	48,895	33.0	67,219	45.3	932	0.6	31,297	21.1
1971	150,182	100.0	46,966	31.3	70,242	46.8	964	0.6	32,010	21.3
June 30, 1971	151,894	100.0	46,169	30.4	72,138	47.5	998	0.6	32,589	21.5

\* Based upon race or ethnic background of head of family. Excludes new developments which were not fully rented as of specified dates.

\*\* Includes a small number of families of other ethnic background.

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Statement in lieu of testimony  
before the  
United States Commission on Civil Rights

by

Administrator S. William Green

Region II

United States Department of Housing and Urban Development

I am the Administrator of Region II, United States Department of Housing and Urban Development, comprising New York, New Jersey, Puerto Rico and the Virgin Islands.

I welcome the initiative of this Commission in conducting a review of opportunities for Spanish-speaking people in federally-aided housing in New York City.

For background purposes, it might be useful to point out that the present policy of the New York City Housing Authority in view of a zero vacancy rate is to give priority in public housing to relocatees and to those lodged in "welfare" hotels.

The availability of public housing, therefore, significantly affects the rate at which the city can advance its urban renewal program which is substantially devoted to residential re-use for low and moderate income families and individuals, which is concentrated in disadvantaged areas heavily populated by minorities, and which entails a substantial relocation workload.

The relocation workload is governed by Federal law requiring one-for-one relocation within a municipalities boundaries for all Federally-funded activities which result in displacement.

In 1971, HUD funded starts of 21,704 dwelling units in New York City, including 7,114 public housing units, the remainder under programs providing subsidies for rental housing for low and moderate income families and individuals. This was a record volume.

It is understood that dwelling units for Spanish-speaking families and other minorities, generally should include three or more bedrooms to avoid overcrowding.

In federally-aided public housing in New York City, there were 80,540 units, as of December 31, 1971, including 22,800 built for or occupied by the elderly and 57,740 for family occupancy.

Of the units intended for family occupancy, there were 21,200 containing three or more bedrooms, or slightly more than 36 percent of the family-size apartments. In this connection, it is useful to recall that 12,000 Federally-aided units were completed prior to 1950 when a major influx of citizens from Puerto Rico to New York was in its initial stage.

The breakdown for public housing units of three or more bedrooms is:

Three Bedrooms		18,000
Four	"	2,835
Five	"	381
Six	"	13

Over and above these units, which were built in accordance with original plans, are 181 apartments in public housing ranging in size from four to nine bedrooms, which were developed by conversion of two or more units to meet the need of large minority families, in accordance with HUD policy.

The breakdown for the conversions is:

Four bedrooms		14
Five	"	35
Six	"	101
Seven	"	18
Eight	"	12
Nine	"	1

Yet this picture is not complete without a statement that, among the estimated 135,000 or more applicants awaiting accommodations in public housing in New York City, there is a substantial number seeking apartments of three or more bedrooms.

The New York Region of HUD was the first in the nation to initiate a program whereby FHA repossessed small homes are offered for sale, in the first instance, to the New York City Housing Authority. The Authority has purchased 270 of these homes and is to acquire 146 more in June, 1972. It is to be presumed that an appropriate share of these homes are used to house Spanish-speaking families. (There are no national criteria for compiling ethnic statistics, particularly for defining those who are Spanish-speaking).

HUD, as part of an overall review of the NYCHA's management operations in early 1971, analyzed the Authority's rental policies. It found them to be non-discriminatory and in compliance with HUD requirements. HUD post-audits the Authority's rental programs to ensure they are non-discriminatory.



h.

HUD is encouraging the Authority to employ more Spanish-speaking people especially in those areas with significant concentrations of Spanish-speaking population. However, HUD's ability to order any changes in employment policy, should they be required, is not to be over-estimated.

A fund cut-off means a default on Federally-guaranteed bonds or reduction in services to tenants. It is true that HUD can take over a project for a Housing Authority's breach of an agreement with HUD, but this is a drastic remedy rarely utilized.

(For HUD's part, my office is having difficulty in recruiting Puerto Ricans although members of my staff including a Puerto Rican, have recruited at local colleges and among those in the SEEK program at the City University. Last year, 14 offers of places in HUD's intern program were made to Puerto Ricans; two accepted).

In the program for rental, cooperative and limited dividend housing for low and moderate income families and individuals, subsidized under Sections 236 and 221 (d)(3) of the National Housing Act, with rent supplement assistance, I have chosen 24 projects for examination. Criteria for these choices are the location of these developments in predominantly Spanish-speaking areas of sponsorship which is indigenous to the Spanish-speaking community. (No ethnic information is required of sponsors).

In these projects, there is a total of 4,486 units, including 1,728 of three bedrooms or larger, or about 39 percent of the total.

Some examples of apartment size in developments sponsored by organizations definitely known to be indigenous to the Puerto Rican community are:

The Spanish Grocers Association, in sponsoring 156 units in the South Bronx, included 62 three-bedroom units, or 39 percent of the total.

The Brooklyn Hispanic Civic Association, in sponsoring 176 units, provided 82 three and four-bedroom units, or 46 percent of the total.

The Puerto Rican Home Owners' Association, in sponsoring 119 units, included 59 three and four-bedroom units, or about 48 percent of the total.

The East Harlem Tenants' Council, in sponsoring 655 units, provided for 275 units of three or more bedrooms, or 42 percent of the total.

The development sponsored by the East Harlem Tenants' Council is made possible by the largest single commitment ever made by HUD for a housing or community development project.

This assistance includes insurance for mortgages totaling \$39,000,000 and the use of \$3,000,000 of Model Cities funds for capital costs. It includes, also, commitments for mortgage interest reduction payments of \$1,572,000 annually for the life of the 40-year mortgages, plus rent supplements of more than \$1,000 annually to each of 120 low income tenants.

The four and six-bedroom units in this development will have two full baths; the four 32-story towers will have central air conditioning; and there will be substantially more than the average amount in subsidized developments of open space for play and recreation.

This development will house facilities for health care, job training and child care which will serve the surrounding area populated predominantly by Puerto Ricans, as well as the tenants. It is outstanding in the nation.

It is a matter of record that the leaders of the East Harlem Tenants' Council have expressed gratitude to Under Secretary Van Dusen, and officials of the New York Regional and Area Offices for their sympathetic interest and cooperation over the six year period required to reach the required finding of feasibility.

HUD did not, until 1971, begin to keep statistics relating to the race or national origin of small homes purchased with HUD-FHA assistance. However, I am informed by Joseph Colon, President of the Puerto Rican Home Owners' Association that 250 Association members in the New York area have bought small homes with HUD-FHA insurance totalling \$5,000,000.

The Association presented me with an Award for my contribution to better housing at a dinner in my honor last fall in the Biltmore Hotel. It goes without saying that the presentation was in recognition of the assistance and cooperation received by Puerto Rican families from HUD.

Fourteen of 1,073 HUD employees in New York and New Jersey are Spanish-speaking.

## SUMMARY IN LIEU OF TESTIMONY

Mr. Oscar Garcia Riviera

PRETRIAL DETENTION  
AND THE  
PUERTO RICAN NEW YORKER

June 5, 1972.

Introduction

There is no harsher reminder of what it means to be poor in New York City than to be unable to make bail after arrest; and the few bail alternatives which do not require money do, in practice, require a defendant to be able to communicate effectively in English. For many Puerto Ricans this results in their being kept in jail before a determination of guilt - as over 30,000 adult Puerto Ricans were in 1971.<sup>2</sup>

While prison problems after conviction today achieve a high media and public visibility, the pretrial detention systems of New York City affected over ten times as many people than did prisons in all of New York State in 1971. The New York State prison population on any one day in 1971 was approximately 9,000, and there were approximately 12,000 inmates in custody during the year. In contrast, approximately 180,000 people were detained before trial in New York City alone in 1971, and the average number detained on any one day varied from 10,000 to 12,000. Approximately 11% or 1,200, of the New York State prison population in 1971 had Spanish surnames. This contrasts to the estimated 20%, or 30,000 Puerto Ricans detained before trial in jails in 1971.

In 1971, according to the Board of Correction, the median pretrial detention period was 14 days, while the average was 34 days. The Vera Institute of Justice analyzed a sample of defendants detained in the Bronx House of Detention on June 21, 1971, which showed that 34% had bail set at \$1,500 or less, 28% had bail of \$1,000 or less, and 17% had bail of \$500 or less. These figures may well understate the proportion of all low-bail detainees in a given period, because low-bail cases turn over more rapidly than high bail cases. For example, the Vera study showed that over a six-month period from January to June, 1971, 84% of all remanded defendants in the Bronx were initially held on bail of \$1,500 or less.

- 2.

Pretrial detention means that people who do not have the money to buy their freedom before trial are severely restricted in their communication with legal counsel, family and those able to aid in their defense. Being poor, even if you have a job, often means that you are unskilled, or that your work skills are fungible; and jobs may be lost quickly, perhaps in a few days, depriving unjudged detainees of their right to support their families or to set aside money for private legal counsel.

Perhaps most significantly, pretrial detention also adversely affects both disposition and sentence. As early as 1959, one study<sup>3</sup> concluded that, among those jailed because they could not afford bail, only 18% were acquitted but 48% of those released on bail were not convicted. Of those convicted, detained defendants received prison sentences 2 1/2 times as often as released defendants.

The Legal Aid Society has recently brought an action in New York State challenging the entire concept of a money bail system under the Equal Protection and Due Process clauses of the Federal and New York State Constitutions.<sup>4</sup> The Society's legal brief contained an exhaustive study of the effects of the present system and concluded that "those who stay in jail for lack of bail money are much more often convicted and, when convicted, go to prison more often and get much longer sentences than those who make bail." (Plaintiff's Memorandum, page 5).

The Society's study shows that, even with factors which might be thought to affect the outcome - such as the seriousness of the charge, prior criminal record, weight of the evidence, amount of bail, community ties, and employment history - held constant, "there is a large disparity in results between the detained and the released." The study concludes that "the fact of pretrial detention, itself, causes the detained to be more often convicted and to be sentenced more severely than the [defendant]". (Plaintiff's Memorandum, page 5).

The study made by Legal Aid provides important data concerning an assumption dear to middle America which often seems to take the view that pretrial detention problems are not very important anyway, because most people accused of crime are guilty, and the sooner they start their jail time, the better. The Society's study demonstrates that 38% of those detained prior to trial are either ultimately convicted but get no prison term (18%), or else have their case dismissed (20%). In addition, half of all people who do secure pretrial release are ultimately not convicted. (Plaintiff's Memorandum, page 40.)

3.

Non-Money Bail Alternatives

There are presently two bail alternatives available under New York law which do not require money.<sup>5</sup> But if an arrestee does not speak English well, these alternatives, as a practical matter, might as well not exist. Moreover, the failure of the police and courts to compile and disseminate appropriate statistics concerning these programs is an important example of the powerlessness of the Puerto Rican community in affecting criminal justice system planning.

I do not believe it is necessary to dwell here on the conditions and overcrowding in New York City jails. They have been well documented and, from my personal observations, true.

Desk Appearance Ticket

When an arrest is made for certain offenses and misdemeanors, the desk sergeant at the arresting officer's precinct is authorized to issue a desk appearance ticket ("DAT"), which allows release of the accused promptly after arrest, and without the necessity of a court appearance or arraignment. The issuance or denial of a DAT is determined on the basis of an interview by the desk sergeant with the accused, and sometimes verification of the information given him, such as address and family status is required. This procedure is available to Puerto Ricans too, provided they understand and speak enough English to communicate with the desk sergeant, or provided that the desk sergeant (or a nearby officer) speak Spanish. Since its introduction in 1968,<sup>6</sup> the use of DAT has increased remarkably, and over 34,000 DATs were issued in 1971. However, statistics compiled by the Police Department's Vera Institute Liaison Unit revealed that, in September and October, 1971, approximately 10,600 arrests made during this period were eligible for DAT treatment. However, in 35% of these instances, the desk blotter notes that the DAT interview was waived by the Police. In another 15% of the cases, interviews were refused by the accused.

4.

There is no rule presently in effect which requires the desk sergeant to note the reason for his waiver or the reason given for the accused's refusal to be interviewed. As significantly, there would be no way to analyze these factors anyway, because there is no procedure in effect which requires the Police Department to collect and publish the information compiled at its precinct level. The figures obtained by Vera's Liason Unit were an exception.

The lack of adequate information available concerning DATs precludes any ground analysis concerning the effect of being Puerto Rican on waivers and refusals in this program. But, the realities of the relationship between much of the Hispanic community and the police give some hint of what may lay behind some of those laconic desk blotter notations. Indeed, the failure of the Police Department to compile and disseminate this important information, in contrast to the flood of statistics concerning crimes, is a good measure of how limited a concept the police still have of their positive responsibilities for achieving an even-handed criminal justice system.

#### Release on Recognizance

If a defendant is ineligible for, or does not receive, a DAT, he or she is then taken to court for an arraignment, which includes a bail hearing. According to the Legal Aid Society's study, the duration of an accused's appearance before a judge for purposes of bail ranges from a low of 28 seconds to a high of five minutes.<sup>7</sup>

While waiting for the judge in court pens, a defendant is given an interview by personnel from the Probation Department which is intended to determine whether a defendant is eligible for "release on recognizance" - or without posting bail. This program, which was adopted by the City in 1964 after a successful experiment by the Vera Institute, seeks to determine whether a defendant has enough "roots in the community", so that the likelihood of flight before trial is low.

5.

The "ROR" form contains questions concerning residence, employment, family and prior record. If a certain number of points are achieved, the Probation Department interviewer recommends ROR disposition by the judge. Even if not recommended, the ROR form is sent up to the judge for review during the arraignment. The information acquired in the interview, even if satisfactory, must be verified by the interviewer by telephone calls.

The present ROR process assumes, of course, both an available interviewer and, when required, ones which speak and understand Spanish. On the two occasions I observed ROR interviewing in the Bronx, there were no interviewers available who spoke Spanish. Judge John Carro who sits in the Bronx Criminal Court, reports the same experience.

But, here again, neither the courts nor the Probation Department provide the information necessary to allow a judgement concerning the efficacy of their program or its effect on Puerto Ricans. How many people are ROR'd? Who fails because there is no interviewer available - or can speak Spanish? How many interviews failed in the verification stage? What efforts does the Probation Department make to recruit Spanish-speaking interviewers?

Media attention over the last year concerning jail conditions in New York has resulted in improved conditions and some strivings for change. Meaningful change for the Puerto Rican in the pretrial detention area first depends on ending the conspiracy of silence among the police, corrections, probation and the courts concerning the availability and effectiveness, if any, for the Puerto Rican community, of programs ameliorating the unfairness of pretrial detention.



NOTES

1. This figure does not include arrestees under 16 years old, who will ordinarily be remanded only if the parents cannot be found or refuse to accept custody prior to trial.
2. Neither the Police Department nor the Department of Corrections kept internal statistics of arrests or detainees based on race or ethnic group. However, the Commissioner of Corrections and the Executive Director of the Board of Corrections a civilian watchdog agency believe, conservatively, that of the 180,000 persons arrested and detained prior to trial in New York City in 1971, 20% had Spanish surnames. My assumption is that of these, about 90 % were Puerto Rican. Indeed, one of my recommendations in this paper is that Civil Rights Commission recommend to LEAA that it create funding priorities for analyses of the number and profile of the Puerto Ricans caught in the criminal justice system.
3. Caleb Foote, "The Bail System" and "Equal Justice", 23 Fed. Prob. 42 (September 1959).
4. John Bellamy et al. v. The Judges and Justices authorized to sit in the New York City Criminal Court and the New York State Supreme Court in New York County, et al. (Index No. App. Div. 1st. Div. 1972.)
5. As compared with the Federal bail procedures adopted in the Federal Bail Reform Act of 1966, which have a number of non-money alternatives. Indeed, I recently represented a 17-year old Puerto Rican, who was accused of being involved in a mail truck armed robbery. It was his first offense, he carried no weapon, and his last year of school was starting in a month. The Criminal Court set bail at \$30,000, which was impossible for his family to meet. About two and one-half weeks went by, then he was transferred to a Federal jail when the Federal government asserted jurisdiction over the crime. I and Legal Aid got him bailed out in hours, when his sister signed a personal bond for \$5,000. It didn't cost a penny to get him out. He returned to school.
6. These figures are supplied by the Vera Institute of Justice.
7. Paragraph 11 of Appendix D to Plaintiff's Memorandum.

SUMMARY IN LIEU OF TESTIMONY

Board of Correction City of New York  
William J. vanden Heuvel, Chairman

The board of correction has as its chairman William J. vanden Heuvel, who is charged with the responsibility for: studies and reports concerned with the development of the department of correction program planning; studies and reports in regard to methods of promoting closer cooperation of custodial, probation, and parole agencies of government; and evaluating and supervising the performance of the department of correction.

Even though the board was created in 1959, it was not until the "Tombs" riots in 1970 that it acquired any permanent staff. It then received a Ford Foundation grant of \$15,000 (seed money) and a Law Enforcement Assistance Administration (LEAA) grant of \$54,283 for staff support.

There are nine members on the board, appointed by the Mayor of New York, one of whom is Puerto Rican. It has presently a staff of five persons, under the supervision of its executive director, John M. Brickman.

The board has not conducted any specific studies on the problems faced by Spanish speaking inmates in the city detention facilities. Within the broader studies conducted by the board and through specific petitions from its chairman, it has, however, addressed itself to language and cultural problems faced by Spanish speaking inmates (most of whom are Puerto Ricans) and to the inadequate number of Spanish speaking employees within the department of correction.

The board makes recommendations for change, implementation of which might not necessarily reform the prison system, but would, however, alleviate the plight of the Puerto Rican prisoners.

(1) English for the Spanish speaking

The department of correction should institute a bilingual-bicultural educational program geared to teach the Spanish speaking inmates English through their mother tongue, Spanish, with appropriate courses in Puerto Rican history and culture. Such a program should be funded either through city or State funds or through Title VII or Title I of the Elementary and Secondary Education Act of 1965, or through the Law Enforcement Assistance Administration (LEAA).

(2) Library Facilities

The department of correction should include within its library of Spanish books, those that deal specifically with Puerto Rican history, culture, and political movements. In addition, Spanish speaking newspapers and magazines should be made available on a daily basis.

(3) Interpreters

Interpreters must be provided so that all prisoners can communicate with correction officers and other institutional personnel. The present Spanish speaking correction aides are helpful, but there are not enough of them to cover all the detention facilities. The department should begin a program of employing detainees who are bilingual as paid interpreters.

(4) Recreational Facilities

The department, together with Puerto Rican groups, should begin a program to provide Puerto Rican cultural events and programs in the prisons. These should include Spanish films, lectures in Spanish or relevant topics, and invitations to prominent Puerto Rican and Latin American entertainers to perform for the Spanish speaking inmates.

(5) Communication with Puerto Rican Community Organizations

Arrangements should be made to bring in representatives of Puerto Rican self-help and community organizations to meet and interview Puerto Rican prisoners so that appropriate referrals to drug rehabilitation and after care agencies can be made upon release.

(6) Religious Services

Spanish speaking priests and ministers should be available at all times to give religious support and counseling to the inmates. At present, none of the Chaplains is Puerto Rican or Spanish speaking.

(7) Health Services

In the area of health services, the Health Services Administration must provide the inmates with adequate Spanish speaking staff, e.g., nurses, doctors, social workers, and psychologists,

and actively recruit in the New York metropolitan area and/or in the University of Puerto Rico Medical School and in the Commonwealth of Puerto Rico Department of Health, for Puerto Rican professionals in the general area of health.

In addition, the HSA should solicit Federal funds from the Department of Health, Education, and Welfare, to provide para-professional training programs for the Spanish speaking in the area of health, similar to the department's correction aides program.

(8) Correction Officers

The department should reactivate its efforts to obtain Puerto Rican or Spanish speaking personnel at all levels of the department, but specifically to encourage programs for the training of Spanish speaking correction officers. The existing correction aides program must be continued, as a step in the right direction.

Since the civil service commission and its examinations seem to be one of the major obstacles for the hiring of Spanish speaking personnel, the department should establish a task force within the civil service commission, in order to make a full evaluation of the relevance of the examinations and the possibility of giving some or part of them in Spanish or merit points for bilingual applicants.

5/19/72

SUMMARY IN LIEU OF TESTIMONYEdward Q. Carr, Jr. and Robert Kasanof

Mr. Carr is the Attorney-in-Chief and Mr. Kasanof is the Attorney-in-Charge of the Criminal Defense Division of the Legal Aid Society. The Society is a private, non-profit agency which has been serving the indigent in New York since 1876.

The Society's goal is to provide legal advice and representation for indigents and to protect their rights through a wide-ranging program of court reform. Its expenditures in 1971 were \$8,566,960.

The Society represents approximately 60 per cent of the persons arrested in New York City, of which from 25 to 40 per cent are Puerto Rican or native Spanish speaking. It has a total staff of 450 full-time lawyers, of whom 290 are in the Criminal Defense Division.

The Society is in the process of developing contacts with the law schools in Puerto Rico, including regular recruitment by a Puerto Rican lawyer who formerly served on the staff for six years, in order to increase the number of Puerto Rican lawyers and law students with the Society. The Society recruits in the metropolitan law schools and in law schools

throughout the United States and, while it does not have a special program directed at recruiting Spanish speaking lawyers, its recruiters are instructed to exert strong efforts to interest Spanish speaking, minority group lawyers.

Recently, the Society was granted an LEAA grant of \$170,000 to train 15 paraprofessionals in the area of criminology, defendant's rights, knowledge of the court system, etc. They will serve as liaison between the defendants and the attorneys. Of the 15, two are Puerto Rican or native Spanish speaking.

Of the Society's 40 investigators, five are Puerto Rican or other native Spanish speaking.

The Society does not have permanent Spanish speaking interpreters on its staff, using instead court interpreters when a Spanish speaking client does not speak English. Court interpreters, therefore, offer their services to the judge, the district attorney, and the legal aid attorney. Neither Mr. Carr nor Mr. Kasanof feels that the use of court interpreters undermines the attorney-client relationship. Indeed, official interpreters must be used when a defendant does not speak English. In the Society's offices Spanish speaking members of the staff serve as interpreters.

The Society is now in the process of exploring Spanish language instruction for its staff.

In addition, with Law Enforcement Assistance Administration funds, the Society has developed its own affirmative litigation group which seeks to address itself to the special problems of its clients. That group has already brought a major lawsuit attacking the constitutionality of the bail system as applied in New York County and has under study affirmative lawsuits addressed to the question of jury and grand jury selection.



## SUMMARY IN LIEU OF TESTIMONY

JOHN A. WALLACE, DIRECTOR  
OFFICE OF PROBATION FOR THE  
COURTS OF NEW YORK CITY

The Office of Probation for the court of New York City has branches and staff in all five boroughs of this city and provides several services to the Family Court and the Criminal Court. The major services or programs that are operated are the traditional probation service of investigation and supervision for both the Family Court and the Criminal Court; receipt and disbursements of monies paid under order of the Family Court for support of wives and children; and the "Release on Recognizance" (ROR) program for the Criminal Court. Staff positions total 1,294 positions, including 649 probation titles (ranging from Director of Probation to Probation Officer); 450 clerical titles (ranging from Administrator III to Typist); and 154 investigator titles (ranging from supervising Investigator to Investigator Aide).

It should be noted that in addition there are three other probation agencies in the city; these agencies are attached to the Supreme Court in New York City. One covers the First Judicial District (Bronx and New York County); another covers the Second Judicial District (Kings and Richmond); and the third covers the Eleventh Judicial District (Queens). These three probation agencies are not part of the Office of Probation.

The ROR Program is an outgrowth of the Manhattan Bail Bond Project which was operated by the Vera Foundation from 1961 to 1964. The Vera Foundation, now known as the Vera Institute of Justice, demonstrated that

when information was given to a judge of the Criminal Court at the time of arraignment there was greater potential that the court would release that person on recognizance or parole while awaiting trial. There was statutory authority already for such release.

The then Presiding Justices of the Appellate Divisions, First and Second Departments, the Honorable Bernard Botein and the Honorable George J. Beldock, authorized the Office of Probation in 1962 to plan and develop a program that would incorporate the ideas and principles tested by the Vera Foundation. Since 1964 the Department of Probation has been operating the ROR or Release on Recognizance Program.

The Department interviews defendants prior to their first appearance or arraignment in Criminal Court. Information is sought from the defendants pertaining to residence, employment, family ties, prior record, and friends or references. The Department attempts to verify by telephone that information prior to the person's appearance in the courtroom. The information is then rated. The rating determines whether or not to advise the court that the defendant will appear in court when wanted. The statement that the defendant will appear in court when wanted is predicated on the individual's ties or roots in the community. Even for those individuals who do not receive such a rating, a report is provided to the court so that the judge will have available any information which has been collected.

There are certain categories of offenses excluded: defendants charged with homicide, assault where the victim is in critical condition, or where there is an outstanding bench warrant.

We do not question the defendant regarding the alleged offense because he has neither been arraigned nor entered a plea to the charge.

If a decision is made by the Criminal Court to release an individual where an ROR investigation has been made, the following procedure is utilized: A letter is sent to the defendant and to his references reminding them of the return date to the court. This letter is prepared in both Spanish and English where necessary. The defendant and his references are advised to call the ROR office, at a given number, if for any reason the defendant is unable to appear at the assigned date. If such notice is given to the Department by the defendant, the information is conveyed through the ROR staff to the judge and the legal aid attorney on the date of the hearing. Usually, the court will grant an adjournment with continuing ROR. The defendant is then advised of the new date.

If the defendant fails to appear and a bench warrant is issued, the ROR staff attempts to notify both the defendant and his reference that the warrant is being issued. The defendant is urged to report voluntarily as soon as possible to the ROR office. If he appears, a member of the staff then escorts the defendant to the Criminal Court where he has an opportunity to provide an explanation about his failure to appear. It has been the experience of the Department that the Criminal Court often vacates the Bench Warrant, fixes a new date for hearing, and reinstates the defendant on release on recognizance where an appropriate explanation is made.

The ROR Program is operated by full-time and per diem staff. The Department uses investigator titles, College Aides, either full-time or per diem, and Investigator Aides. Probation officers are not used in the program. The per diem staff is employed to augment the full-time staff. The ROR program operates 365 days a year with at least two shifts each day, and a third shift in Manhattan.

The program has increased since it began in 1964. The first appropriation was for \$180,000. In this fiscal year the program had a budget of \$850,000. The following table reflects the increase in staff:

	<u>1964-1965</u>	<u>1971-1972</u>
Supervising Investigator	---	2
Senior Investigator	5	12
Investigator	10	45
Investigator Aide	---	20
College Aide (full time)	10	10
Per diem money for College Aides	\$12,300	\$115,463
Senior Clerks	5	4
Clerks	---	8

The number of ROR investigations has increased from 11,556 in 1964 to 127,702 in 1971. The ROR staff does not do an investigation in every case. Last year, 71 percent of the arraignments with investigations were covered (127,702 out of 174,802 arraignments in the boroughs of Manhattan, Brooklyn, Queens, and Bronx).

The ROR Program differs from that conceived and operated by the Vera Foundation in several ways. The major difference is that the Manhattan Vera Project operated on an advocacy basis. Accordingly, that project could withhold information from the judge of the Criminal Court if it was determined that the information would be detrimental to the defendant. Essentially, the information was presented to the judge of the Criminal Court only on those defendants where, by being selective, the reports would be more likely to

influence the court's decision to release the individual.

The Office of Probation, however, is a service arm of the court. The agency, therefore, has the responsibility to present information to the court that will assist in the decisionmaking by the judge. This means that information should be presented on each defendant investigated.

In 1971, an addition to the staff was made with the incorporation of the Investigator Aide Program. This program is financed jointly by funds from Manpower Career Development Agency and the Law Enforcement Assistance Admin. obtained through the efforts of the Criminal Justice Coordinating Council of New York City and city funds. It is a career ladder program for individuals who would not have been eligible for the position of Investigator.

The Civil Service qualifications for the Investigator are either high school diploma and three years of interviewing or a college degree. The Investigator Aides were men and women who had not achieved a high school education. In the first 6 months of their employment they were given remedial education and thus enabled to secure a high school equivalency. On securing that high school equivalency they then went on to take examinations and enrolled for college courses at the John Jay College of Criminal Justice. These individuals will continue in that college program in their next year of employment as a result of funds being made available to the Manpower and Career Development Agency. The Investigator Aides are Civil Service positions. These men and women will be eligible for the promotional examination to Investigator after they have completed a period of 18 months in the title of Investigator Aide. If they pass the promotional examination, they will receive preference for appointment over any individuals outside the agency.

The Investigator Aides have several functions: verify information by phone at the time of the ROR investigation; going into the community to verify that the individual has ties in the community; going into the community to look up defendants who have been released on recognizance but have failed to appear at the time of the hearing.

WORK VOLUME IN PAST THREE YEARS

	<u>ARRAIGNMENTS</u>	<u>NO. OF ROR INVESTIGATIONS</u>	<u>NO. WITH FAVORABLE RATING</u>	<u>NO. WITHOUT RATING</u>
1969	161,600	98,204	32,795	65,409
1970	197,137	136,890	38,150	98,740
1971	174,802	127,702	35,721	91,981

The Department does not maintain statistics in the ROR program on the basis of sex, race, or ethnic background. However, because of the Commission's interest in the ROR program, a special count was made in Manhattan during the last two months (December 1971) and (January 1972). This data was collected on the basis of Spanish surnames:

	<u>TOTAL ARRAIGNED</u>	<u>TOTAL INVESTIGATED</u>	<u>SPANISH SURNAMES (INVESTIGATED)</u>
December 1971	5,989	3,913	780
January 1972	5,552	3,930	740

---

	<u>SPANISH SURNAMES INVESTIGATED</u>	<u>RECEIVED 5 POINTS OR MORE</u>	<u>RECEIVED LESS THAN 5 POINTS</u>	<u>ROR'D</u>
December 1971	780	594	186	268
January, 1972	740	550	190	252

The ROR report does not cover all the factors that a judge must consider, by statute, in releasing a defendant on bail or on recognizance.

The New York City Department  
Of Correction and Hispanic Employment

By Commissioner Benjamin J. Malcolm

Commissioner Benjamin J. Malcolm was appointed by Mayor John V. Lindsay to his present post in January 1972. Previously he had served as Deputy Commissioner of the Department of Correction and worked for almost 20 years in the City's Parole Division before that organization was transferred to the State of New York.

The New York City Department of Correction administers 14 facilities: Five male adult detention centers in Manhattan, the Bronx, Brooklyn and Queens; an adolescent detention center on Rikers Island; a female detention and sentenced institution on Rikers Island; a male sentenced institution (adults and adolescents) on Rikers Island; another male detention center on Rikers Island for adults representing overflow population from the boroughs; three hospital prison wards (Bellevue, Kings County and Elmhurst); and three residential community facilities (East Harlem, Brooklyn and the South Bronx). Likewise it operates court detention pen facilities in four counties (Brooklyn, Manhattan, the Bronx and Queens).

The inmate population on 14 January 1972 was 13,876 of which 2,000 were temporarily housed in upstate New York institutions in order to reduce the overcrowded situation

in the city. Of this number approximately sixty per cent are Black and twenty five per cent hispanic. The current authorized strength is approximately 3,000 uniformed personnel and over 800 civilians.

Additionally there are a wide range of civilian employees working in the institutions who are not Department of Correction personnel. These includes teachers (Board of Education), doctors and medical personnel (Health Services Administration) and social caseworkers (Department of Social Services). Too, there are many employees working on demonstration programs which are Federally funded.

Also taking up some of the slack of the monumental job which must be accomplished to rehabilitate this enormous inmate population are employees from several other city agencies who may be on the island periodically and semi-permanently. Among these, for example, we would count the Youth Services Agency and members of other agencies in the administration of criminal justice (Legal Aid, District Attorney's office, courts, etc.)

Minority employment has increased in the past two years. Despite recruitment campaigns the Department feels we have a long way before Puerto Ricans are employed in enough numbers and in enough levels to represent a fair distribution throughout for services required to be rendered the proportional inmate population.



	Male Employees			Female Employees			
	Total	White	Black	Puerto Rican	White	Black	Puerto Rican
Correction Officers	2,712	1,290	1,045	98	39	215	4
Captains	203	126	55	1	5	15	0
Staff Nurses	76	1	6	0	4	64	0
Assistant Deputy Wardens	53	43	10	1	--	-	-
Clerks	49	13	3	11	11	19	2
Maintenance Men	48	46	2	0			

NOTE: As of July 15, 1972 considerable improvement had been made in the assignment of Blacks and Puerto Ricans in the uniformed forces. Three additional Puerto Rican captains were appointed and a considerable number of Black Captains and Assistant Deputy Wardens had been named.

Too...upcoming appointments of men to fill slots for the recently completed, and soon to be occupied, Adolescent Remand Shelter, will include a large number of Black and Puerto Rican officers in the 300 men to be hired.

Of the total employment of 3,000 uniformed personnel there are less than 100 employed who are Puerto Rican.

The Department views the lack of filing for jobs through Civil Service Commission the major reason for the shortage of Puerto Rican employees. Too few apply for the jobs. Few Puerto Ricans score well on exams given by the Commission and those who pass the examinations usually place in the middle or lower range of eligibles. Being far down the list they seldom are called for appointment and the list is terminated after a specified period.

Since the time span between taking an examination and appointment often stretches to two years, depending on the demands of the Department, we find candidates who may have applied no longer interested by the time they are called. This time span...from examination to appointment...is an alien idea which most hispanics are not accustomed to. They see application for an exam as tantamount to quick appointment.

The Civil Service procedural steps are arduous:

- (a) Civil Service Examination
- (b) Series of interviews with Correctional Department officials
- (c) Physical and psychological examination
- (d) Further interviews
- (e) Appointment to the Correction Academy
- (f) Six month probationary period
- (g) Appointment as a regular Correction Officer

The Department is aware of the low percentage of Puerto Rican employees, in all job categories, specifically among the Correction Officers and uniformed supervisory ranks and a concerted effort is being conducted by the Department the New York City Civil Service Commission to attract more Puerto Ricans to diversified careers in correction.

For instance, a concession was recently made whereby the new Correction Officer Examination, given on July 15th, had 60% of its questions in Spanish. This enabled hispanic candidates to boost their scores and place higher on the list. Previously, multiple choice questions, especially those calculated to "eliminate" rather than test true intelligence, have severely handicapped the hispanic testee whose knowledge of the intricacies of English idiom resulted in low scores when traversing these "weeding out" questions.

A concerted effort has also been made to hire applicants for positions which do not necessarily have to result from Civil Service Examinations. This is particularly true of professional jobs which can be given out on provisional basis to qualified candidates. This is also true of the programs which are Federally funded and whose funding is of a temporary nature.

Professionals, like doctors and nurses, have been an especially difficult category to fill with hispanic applicants. There are relatively few, if any nurses, doctors, social workers, psychologists or psychiatrists in the Department. The need for trained bilingual medical personnel is critical. There

has always existed a severe shortage of trained, or para-professional medical talent in the entire City, and, naturally, the Department must compete (often at a disadvantage) to secure whatever medical personnel there is available to work in the correctional facilities. It is hopeless to expect hispanic candidates who are in such tremendous demands and who are offered far better pay and working conditions than in the city's jails.

The presence of professional medical and mental health personnel is invaluable because of the high addiction rate among hispanic inmates and the corresponding ailments such as mental disorders, pulmonary, venereal and other contagious diseases.

Presently the Department has no administrative control in hiring medical personnel---a function now relegated to the Health Services Administration. However, HSA simply has inherited the recruitment problem and has been unable to come up with solutions since they, too, are governed by the limiting parameters of limited supply and fewer benefits to offer applicants.

The shortage of hispanic personnel is also evidenced in the limited number of services or rehabilitative programs tailored to meet the especial needs of Spanish-speaking inmates. The availability of said programs, it is felt, would help reduce institutional tensions, especially in detention facilities, and demonstrate to the large body of hispanic inmates that their needs and requirements are being considered.

To counter this situation the Department has broadened out to the hispanic community, attempting to interest volunteers to work in the institutions, hispanic organizations to provide shows, etc. This effort has been particularly successful due to the efforts of our Director of Public Affairs, Agenor L. Castro, whose familiarity with the hispanic community has resulted in a renewed interest by these citizens in the prisons and demonstrations of willingness to help. One result has been several hispanic shows given before large numbers of inmates and a growing series of commitments by influential organizations to set up "Correction Committees" to work with the Commissioner on future plans and programs.

Meanwhile, the Department has also moved forward along several avenues to recruit personnel who may not have to be channeled directly through the Civil Service Commission pipeline. A recent experiment was a program with the Commonwealth of Puerto Rico, to train a specified number of Puerto Ricans to take the Correction Officer Exam. Financed with funds from the Law Enforcement Assistance Administration, the program, a demonstration project, revealed some deficiencies in recruitment and training which should help in future petitions for hispanic correction officers.

The program, unfortunately, was discontinued early in 1972 because of its inability to supply the quantity of men needed at the level of proficiency required by the Department.

Despite the cooperative efforts to make this program successful in the recruitment of hispanic uniformed personnel, it failed since only six of the original 33 candidates remained at the termination of the program.

The Department further has broadened its percentage of Puerto Rican personnel rendering services to the inmates inside the institutions by hiring borinquenos in its highly acclaimed Correction Aides Program. At midyear this represented a breakdown of Puerto Ricans working in the institutions as Correction Aides:

Brooklyn House of Detention	10
Bronx House of Detention	12
Queens House of Detention	6
Manhattan House of Detention	24
N.Y.C. Correctional Inst. Women	2
	<hr/>
	54

This represents almost 34% of the entire Correction Aide contingent. Additionally there were several program supervisors who are of hispanic descent.

The recent Civil Service Examination for Correction Aides resulted in a list of eligible candidates many of which had hispanic surnames demonstrating that in the future we will be able to replenish the supply when candidates leave the Department.

The Correction Aide Program was financed with LEAA money and following union objections, it was opened to Civil Service competitive appointments. The men work in the institutions three days a week and attend college two days, working towards an A.A. degree.

This should result, hopefully, in a supply of college trained young men and women who will elect to stay with correction as a career in the future. Since most Aides are Black and Puerto Rican it assures the department of college trained minority group members whose services and expertise is critically needed by the Department and the City of New York.

The shortage of spanish speaking personnel, of course, takes two forms: (a) the lack of hispanic personnel; or (b) the lack of spanish-speaking personnel, be they of hispanic origin or not.

To resolve the second problem the Department is hoping to get funds in the future to train English-speaking personnel in enough Spanish (or Spanglish) which will enable them to communicate adequately with inmates who speak no English at all. This course could, conceivably also include lessons in hispanic culture, arts, mores, etc.

19...Malcolm

We would also like to see the day when we can exchange Correction Officers with those working for the correctional system in Puerto Rico. This exchange could provide valuable experience in handling our own Puerto Rican population, and, equally help the Puerto Rican authorities handle their inmates, many of whom returned to Puerto Rico after become drug addicts or felons in the United States.

In summary, though it is recognized we have only begun our fledging steps along the dark corridor to solving the immense problems of relating and responding to an increasingly bilingual hispanic population in the City of New York, the Department of Correction feels strongly it has made progress. With the cooperation of the city's administrators and the other agencies sharing an equal responsibility in the just administration of criminal justice, it is felt the amount of progress to be made in the few years ahead will accelerate considerably.

We have several assets working for us....a city growing more bilingual each day, a diminishing of prejudice against hispanics in general because of their very large presence in our midsts, and the availability of tremendous fountain of public and private agencies whose talents, personnel and time are being channeled into correction increasingly each day.

Thank you.



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