

THE FEDERAL AGENCY FOR EDUCATION:  
HISTORY AND BACKGROUND INFORMATION

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CRS

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## ABSTRACT

Since 1867, with the establishment of a non-Cabinet level "Department" of Education, there has been an agency responsible for education activities on the Federal level. The role of this agency has evolved from one of gathering and disseminating statistics on the condition of education to one of conducting programs for the funding of over 150 education programs. This report presents a historical survey of the Federal agencies created and modified to administer Federal activities in education. The survey focuses on two types of legislation which directly affected the development of a Federal agency for education--first, that which specifically altered the structure or status of the agency; and second, that which initiated or extended Federal programs or activities, expanding the administrative responsibility of the agency.



## SUMMARY

In 1867, Congress established a non-Cabinet level "Department" of Education headed by a Commissioner of Education. One year later, the same Congress changed the "Department" to an Office of Education and placed it within the Department of the Interior. In 1870, the Office was renamed Bureau of Education and was so known until 1929 when the title of Office of Education was restored. In 1939, in accordance with Reorganization Plan No. I, the Office of Education was transferred from the Department of the Interior to a newly created Federal Security Agency, which in 1953 became the Department of Health, Education, and Welfare. In 1972, the Office was placed under a newly established Education Division headed by an Assistant Secretary for Education. The Education Division consisted of the U.S. Office of Education, headed by a Commissioner of Education, the newly created National Institute of Education, headed by a Director, and the Office of the Assistant Secretary for Education. In 1974, the Education Division was modified when the National Center for Education Statistics was removed from the U.S. Office of Education and placed within the Office of the Assistant Secretary for Education. The Education Division provided the primary components from which the Department of Education was created in 1979.

Not unlike its structure, the functions assigned to the Office of Education underwent periodic review resulting in the reevaluation of the role of the Office and the expansion of its responsibilities. The original functions of the Office, as defined in the Organic Act of 1867, were to gather and disseminate information about education. Under this original authority, the agency developed a number



of activities including conducting research and school surveys, sponsoring conferences and demonstrations, participating in educational exhibitions and producing annual publications and monographs on education.

From time to time, new functions and programs were assigned to the agency. Beginning in 1885 and continuing for over 40 years the Office organized and administered educational, medical, and economic services to Alaskan natives. In 1890, it was charged with administering Federal grants to States for the support of land grant colleges. In 1933, it was given responsibility for the administration of vocational education programs. From 1933-1943 it administered the Federal program of vocational rehabilitation. During the economic depression of the 1930's the Office conducted work-relief programs in conjunction with the National Youth Administration and the Civilian Conservation Corps, providing educational and vocational training to unemployed youth; educational radio; cooperative research in universities; and adult civic education. During World War II the Office directed nationwide programs for training industrial workers, engineers, scientists, and production managers and advised Federal agencies on the needs of local communities for Federal assistance in constructing and maintaining school buildings.

The number and scope of functions assigned to the Office of Education began to increase in 1958 with the passage of the National Defense Education Act. This act gave the Office responsibility for the distribution of Federal funds to American secondary and higher education institutions to train scientific, engineering and foreign language specialists.

During the 1960's the Office of Education underwent the most expansive growth in responsibilities of its history. Between 1963 and 1966 Congress enacted over 45 programs which then represented nearly 60 percent of all programs





administered by the Office of Education. By the late 1960's the structure and responsibilities of the U.S. Office of Education were defined in legislation. The General Education Provisions Act, which was enacted in 1968 and modified periodically through the 1970's, provides for the basic structure, powers and responsibilities of the Office.

By the end of the 1970's the Office was conducting programs for the funding of elementary and secondary education, higher education, vocational education, education of the handicapped, library and community services, desegregation of schools, land-grant colleges, the development of educational professions, education in foreign languages, student financial aid for higher education, instructional material and equipment, and research.



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INTRODUCTION

In 1979, Congress passed the Department of Education Organization Act (P.L. 96-88) establishing a Cabinet-level Department of Education. Transferred to this Department was the administrative responsibility for education-related functions of several existing agencies. The largest of these agencies, in terms of numbers of programs involved and the total operating budget, was the U.S. Office of Education. At the time the Department was established, in 1979, the U.S. Office of Education was responsible for administering approximately 120 programs in support of all levels of public and private education and disbursed more than \$12 billion in Federal aid. The Office employed nearly 3,500 persons with a budget of \$165 million for salaries and administrative expenses in 1979.

In addition, the Department of Education Organization Act provided for the transfer of some 30 other education-related programs administered by other agencies within the Department of Health, Education, and Welfare, as well as programs from other Cabinet-level Departments and the National Science Foundation. The budget for these programs was approximately \$1.7 billion in 1979, with combined administrative personnel of almost 1,700 in 1979 <sup>1/</sup> and a budget of \$68 million for salaries and administrative expenses.

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<sup>1/</sup> This does not include an estimated 10,600 positions which may be transferred from the Department of Defense at the time the Overseas Dependents School Program is transferred to the Department. The transfer of this program must be accomplished no later than October 1982. [P.L. 96-88, Section 302]

In fiscal year 1981, the Department of Education is responsible for disbursing over \$15 billion in Federal education aid to maintain nearly 150 programs. Salaries and administrative expenses amount to over \$300 million to support approximately 6,500 Department personnel.

The Department of Education does not represent the single agency with authority to give overall supervision to all educational activities of the Federal Government. <sup>2/</sup> Rather, the Department does have responsibility for the majority of Federal programs whose primary concern is the overall needs of the educational system as a whole and the educational development of students within that system.

This report presents a historical survey of the Federal agencies created and modified to administer Federal activities in education. For the most part, the survey will trace the structure of the former U.S. Office of Education, which historically has been the Federal agency with the longest period of administrative responsibility for programs directly concerned with education.

This survey will focus on two types of legislation which directly affected the development of the U.S. Office of Education--first, that which specifically altered the structure or status of the Office; and second, that which initiated or extended Federal education programs or activities, expanding the administrative responsibility of the Office.

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<sup>2/</sup> Examples of programs administered by agencies outside the Department of Education which conduct educational activities are: Indian Education, Department of the Interior; Employment and Training programs, Department of Labor; Educational Exchange of Students and Teachers, Department of State; Urban Mass Transportation Research Grants to Universities, Department of Transportation; Programs Administered by the National Endowments for the Arts and Humanities; Physical Science programs, National Science Foundation; Training Grants, Environmental Protection Agency; Rehabilitation and Training programs, Veterans Administration; Research and Public Education programs, Smithsonian Institute; and Reference, Publication and Bibliographic programs, Library of Congress.

HISTORICAL BACKGROUND:Pre-1867

The Federal Government began to encourage education largely through the land ordinances of 1785 and 1787. Public lands were donated to new States for public schools and for State universities. During the period of 1800 to 1860, the institution of public schools developed in several States. Debates focused on the rights of townships and States to tax citizens for publicly supported education for everyone. An annual allotment of \$1.25 per capita for elementary public education was considered the hallmark of a generous State. <sup>3/</sup> By the Civil War, some Northern States had established and maintained State systems of free, publicly controlled, tax-supported, nonsectarian schools and in some cities high schools were organized. In higher education, largely through the efforts of the Churches, a number of small colleges were established. As early as 1795 North Carolina opened the first State university and by 1856, 13 States had such institutions.

In 1862, the First Morrill Act provided for Federal grants of land to all the States for the establishment of colleges of agriculture and mechanical arts. Through this act, the Federal Government promoted certain specific education activities for the first time.

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<sup>3/</sup> The U.S. Office of Education. A Century of Services. Prepared by Harry Kursh, Chilton Books, New York. 1965, p. 5.

Movement for a Federal Office of Education

In 1840, for the first time, the Census collected data concerning illiteracy, schools, colleges and academies. Although the data gathered in this Census was helpful, national education associations 4/ advocated the establishment of an ongoing Federal education agency. They perceived the role of this agency to be more than one of collecting and disseminating education statistics, and promoted instead an agency that would influence the development of education. 5/

In 1866, a convention of the National Association of School Superintendents resulted in a memorial and bill presented to Congress for the establishment of an independent national bureau of education. In February of that year, Mr. Garfield, (later President Garfield), introduced a bill to create a Bureau of Education within the Department of the Interior. When the bill was reported from Committee, it was amended to establish a non-Cabinet level "department" of education. During congressional debates on this topic, proponents identified disparities among the States with respect to education and argued the necessity for the Federal Government to become interested in education. Opponents attacked the bill on constitutional grounds, arguing the absence of constitutional authority for the Federal Government to become involved in education. They also saw the creation of a Federal agency responsible for

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4/ These associations were the National Teachers Association, Association for the Advancement of Education and the National Association of School Superintendents. Three national organizations that grew out of these early educational organizations are the National Education Association, the Association for Higher Education and the American Association of School Administrators.

5/ Answers to Inquiries About the U.S. Bureau of Education. Washington, U.S. Govt. Print. Off., 1883. p. 9.



collecting data on education as a wasteful expenditure of public funds, presenting a danger of centralization of educational power. There was some debate, mostly during the Senate floor consideration of this proposal, on whether a Federal education agency should be a bureau or a non-Cabinet level "Department." The result was that in March 1867 Congress passed legislation to create a non-Cabinet level "Department of Education."

#### 1867-1929

The Organic Act of 1867 created a non-Cabinet level "Department of Education," headed by a Commissioner of Education. The act defined the functions of the "Department" as

. . . collecting such statistics and facts as shall show the conditions and progress of education in the several States and Territories and of diffusing such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country. . . .

Congress appropriated \$18,592 for the first year of the "Department's" operation, which was used entirely for salaries. One year later, amid growing concern over the preservation of local control over education, Congress downgraded the "Department" to an Office of Education and transferred it to the Department of the Interior through an appropriations act. This transfer did not change the functions of the "Department," nor did it repeal the Organic Act. In 1870, the Department of the Interior underwent a Department-wide reorganization. The Office of Education was changed to the Bureau of Education without altering the status of the Commissioner with regard to salary and responsibilities.

In 1884, an act providing for a civil government for Alaska gave the Secretary of the Interior the responsibility for providing educational, medical and economic services to Alaskan natives. The Bureau of Education was given the responsibility for operating schools in Alaska.

In 1890, Congress passed the Second Morrill Act which authorized Federal funds for land-grant colleges (established under the First Morrill Act) for costs of instruction in agriculture, mechanical arts, English and the physical, natural and economic sciences. This legislation is noteworthy on two counts. It was the first time the Federal Government made definite periodic allocations (rather than one-time grants) of money for specific categories of education. Although administrative responsibility for this act was given to the Secretary of the Interior, he in turn delegated this responsibility to the Commissioner of Education. Second, this legislation established a precedent for the Bureau of Education to not only grant but also to administer education funds, as well as to deny payments to any State when conditions of the act were not met; and to report annually to Congress on the Federal funds disbursed or withheld. Thus, for the first time the Federal Government established control over the use of education grant funds.

The first major expansion of the functions of the Bureau of Education came in 1896 when the fiscal year (FY) 1897 Appropriations Act authorized the Commissioner of Education to publish a bulletin on the condition of higher, technical, and industrial education containing facts on compulsory attendance and other education interests. At the time this legislation was passed, the Bureau was headed by a Commissioner of Education with a staff of 40 persons, including a statistician, specialists in "foreign education" and "education as preventive of crime and poverty," a clerk responsible for

administering the Second Morrill Act, general clerks, a messenger and a translator. The total appropriation for salaries and expenses of the Bureau in FY 1897 was \$57,520.

In 1929, the Secretary of the Interior, upon recommendation of the Commissioner of Education, effected a reorganization of the Bureau based on the principle that it should serve primarily as a research and statistics gathering organization rather than as an administrative agency. Under an internal reorganization, the Bureau was relieved of direct administrative responsibility for operating schools in Alaska, but retained all other responsibilities including those of administering grants under the Morrill Acts.

#### 1929-1958

Between 1929 and 1958, four different government reorganizations affected the Bureau of Education. First, in 1929 the Bureau regained its status as an Office of Education within the Department of the Interior. This was a result of an internal reorganization of the Department 6/ and an interest on the part of President Hoover to reevaluate the role of the Federal Government in education. In 1929, 7/ President Hoover appointed a National Advisory Committee on Education. Regarding the task of the Committee, in a message to Congress, he stated the Committee would investigate and recommend policies which should be pursued by the Federal Government regarding education. In

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6/ U.S. Department of the Interior. "The Office of Education: Duties, Work, History, Publications." Washington, U.S. Govt. Print. Off., 1935. p. 9.

7/ In 1929, President Hoover appointed a national advisory committee on education to reexamine the role of the Federal Government in education. In 1931, this committee recommended the creation of a Department of Education which President Hoover supported but legislation to carry out this recommendation was not enacted.

1931, after 2 years of investigation, the Committee found that education activities were scattered throughout the Federal Government and that there was little cooperation between agencies in administering education programs. The Committee recommended establishing a Cabinet-level Department of Education which President Hoover supported but legislation to carry out this recommendation was not enacted. Then in 1933, an unsuccessful attempt was made by President Hoover to reorganize Federal education activities under a proposed new position of Assistant Secretary for Education, Health and Recreation. However, the attempt did result in an Executive order transferring the activities and responsibilities of the Federal Board of Vocational Education to the Office of Education.

The Federal Board of Vocational Education was established as an independent agency to administer vocational education programs created by the Smith-Hughes Act of 1917. This act was important in several respects. First, since the enactment of the Second Morrill Act the Federal Government had fostered agricultural and industrial education conducted in or through Land-Grant colleges. The Smith-Hughes Act extended Federal support for vocational education to public schools and other educational institutions below the college level. The act also authorized funds for professional training of teachers of agriculture, trade and industrial education, and home economics. In addition, each State was required to create or designate a State Board to administer the vocational education programs as a condition for receiving Federal funds. The result of this legislation was the eventual broadening of the role of the U.S. Office of Education in education programs below the college level and in institutions other than land-grant colleges. The Office began to administer programs for

training teachers and was given the authority to monitor the management and operation of State-level education agencies with regard to specific educational activities.

In 1920, the Federal Board of Vocational Education was also given responsibility for administering the Vocational Rehabilitation Act, which provided programs for persons disabled in industry. When the functions of the Board were transferred to the Office of Education, responsibility for the vocational rehabilitation programs was included. The Office administered the vocational rehabilitation programs from 1933 until 1943, when a separate Office of Vocational Rehabilitation was established within the Federal Security Agency.

In 1939, a non-Cabinet level Federal Security Agency was created. The Social Security Administration, the Public Health Service, and the Office of Education were the basic elements of this agency. The reorganization grouped under one administrative structure those Federal agencies whose major purposes were to promote social and economic security, educational opportunity, and health.

Finally in 1953, Congress created the Department of Health, Education, and Welfare and transferred to it all of the functions of the Federal Security Agency. The Office was placed in a Department explicitly for education and other social services programs with Cabinet representation.

During this period, four new education programs were established. In 1950, the Office of Education was charged with administering a program of financial assistance for educational agencies in areas affected by Federal activity--the impact aid program--which provided grants to school districts for school construction, operations and maintenance in areas affected by Federal activities (such as the location of military installations). A new

role of stimulating educational research through grants to colleges and universities was given to the Office of Education through the Cooperative Research Act of 1954. Under the Library Services Act of 1956 the Office of Education was charged with administering a program to help States extend public library services to under-served rural areas. Then in 1958, the National Defense Education Act was passed. This marked the beginning of two new activities undertaken by the Office of Education. For the first time, the Federal Government subsidized low interest loans to students for higher education and awarded grants to public elementary and secondary schools and junior colleges to strengthen instruction in science, math and foreign languages.

#### 1958-1979

By the early 1960's, the U.S. Office of Education administered approximately 25 separate programs. Basic authority for these programs was contained in 15 public laws. In 1979, the Office was responsible for approximately 120 programs authorized by nearly 25 public laws. <sup>8/</sup> The largest growth in new authorities for education programs occurred between 1963 and 1968 with the initiation of 50 new education programs. The laws passed in these years serve as the basis upon which most of the current Federal education effort operates. During these years, Congress passed the Elementary and Secondary Education Act, the Higher Education Act, the Higher Education Facilities Act, the Civil Rights Act, the Adult Education Act, the Education of the Handicapped Act, the Bilingual Education Act, and made major amendments to the Library Services Act, the Vocational Education Act

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<sup>8/</sup> Annual Evaluation Report on Programs Administered by the U.S. Office Education, Fiscal Year 1979. U.S. Department of Health, Education, and Welfare. Office of Education. Office of Evaluation and Dissemination. Washington, D.C., 1979. 655 p. plus Appendix.

(including the Smith-Hughes Act), the Cooperative Research Act and the National Defense Education Act. Federal funds were designated for personnel training, specific educational services, research, equipment, planning, minor construction and fiscal relief. Recipients of the Federal education funds now included State education agencies, local education agencies, public or private nonprofit organizations, individuals, institutions of higher education, and profitmaking organizations, the latter via contracts only, usually for evaluations or research--not grants.

In addition to expanding the activities of the Federal Government in education and broadening the range of eligible recipients of Federal education funds, education laws established new program requirements, more specific and numerous than before and accompanied by extensive monitoring and accounting activities, intended to insure accountability for use of Federal funds for purposes specified in authorizing legislation. In order to administer these vast and complicated new programs, the operating structure and mission of the Office of Education underwent rapid transformation. The reorganizations that were initiated, supplemented by congressional assignments of specific areas of policy discretion to the Commissioner, increased the authority of the Commissioner's office and the staff offices immediately responsible to him. Administrative services and control in such areas as financial management, personnel selection, evaluation, congressional relations, policy planning, and policy consideration were given new status and centralized in the hierarchy of the Office of Education. The Office assumed a new role in promulgating regulations to implement the objectives of newly enacted legislation. In addition, the Office became responsible for preparing forms and guidelines and for reviewing applications and

negotiating approvals to determine the eligibility of the ultimate recipients of Federal grants.

The original mission of the Office of Education--to gather and disseminate information and statistics on the state and quality of education, and the subsequent delegations of administrative responsibilities for land-grant colleges, vocational education, impact aid and research--grew to encompass all levels of education. The Office faced expanded administrative responsibilities to oversee the implementation of new, diverse and numerous education programs. In 1968 and 1970 Congress initiated legislation which outlined specific administrative responsibilities of the Commissioner of Education and defined the functions of the U.S. Office of Education. These first acts, which dealt with the administrative role of the Office as it applied to all Federal education programs within its administrative jurisdiction, became known as the General Education Provisions Act, (GEPA). <sup>9/</sup> The GEPA represents a consolidation of similar provisions found in individual acts authorizing Federal education programs, and in the statutes and executive reorganizations establishing and defining the structure and responsibilities of the U.S. Office of Education. At first the provisions of GEPA were limited in scope, providing for program planning and evaluation, advance funding, and availability of appropriations on an academic year basis. Application of the provisions was also narrow, including only the Elementary

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<sup>9/</sup> The GEPA was originally enacted as Title IV of the Elementary and Secondary Education Amendments of 1967 (P.L. 90-247), entitled "Provisions for Adequate Leadtime and for Planning and Evaluation in Elementary and Secondary Education Programs." The title of General Education Provisions Act was applied to this legislation after provisions of Title IV, P.L. 90-247 were amended by the Elementary and Secondary Education Amendments of 1969 (P.L. 91-230).



and Secondary Education Act of 1965 and the Adult Education Act of 1966. However, later in 1968, the application of provisions of Title IV, P.L. 90-247 was extended to all programs of the U.S. Office of Education. Over the last 12 years the scope of the provisions of the GEPA have been broadened considerably. Beginning with the Elementary and Secondary Education Amendments of 1969, each major act extending the authorizations of appropriations for a number of Federal education programs has included a series of amendments to the GEPA. Besides basic provisions for the structure, powers and responsibilities of the U.S. Office of Education and the Commissioner of Education, specific sections covered such topics as the monitoring and enforcement of program regulations, labor standards for assisted construction projects, collection and dissemination of information, provision of technical assistance to Federal aid recipients, the operation of advisory councils and the prohibition of Federal control over education. Amendments to GEPA limited the authority of Executive officers to consolidate programs, provided for congressional disapproval of program rules and regulations, limited the Office of Education's power to withhold Federal funds, added provisions intended to protect the rights of pupils and their parents, modified and simplified provisions for applications for assistance, program monitoring and enforcement of regulations, and established the authority for and defined the role of regional offices.

Besides these modifications and expansions of the administrative role of the U.S. Office of Education, the General Education Provisions Act was the vehicle for two important organizational changes which affected the U.S. Office of Education. First, the Education Amendments of 1972, P.L. 92-318, established an Education Division, headed by an Assistant Secretary for

Education, within the Department of Health, Education, and Welfare. The Education Division included the U.S. Office of Education and the newly created National Institute of Education and the Office of the Assistant Secretary for Education. The legislation transferred administrative responsibility for the Emergency School Aid Act, 10/ and the newly created Fund for the Improvement of Postsecondary Education to the Assistant Secretary. Although direct administrative responsibility for the bulk of Education Division programs remained with the Commissioner of Education, the Assistant Secretary for Education was named the principal officer of the Department of Health, Education, and Welfare with responsibility for the direction and supervision of the Education Division. There was some disagreement on how this legislation would be implemented, particularly with regard to the relationship between the Assistant Secretary for Education, the Commissioner of Education and the Director of the National Institute of Education. During nomination hearings 11/ on the first Assistant Secretary for Education, Chairmen of the House and Senate Committees and Subcommittees which had considered the Education Amendments of 1972 testified that it was not intended that the Assistant Secretary for Education have any administrative responsibility for education programs (except for those related to the Emergency School Aid Act), rather that the primary responsibility for education should remain vested in the Commissioner of Education. They

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10/ The Emergency School Aid Act provides funds for school districts to eliminate the effects of racial segregation and isolation and to implement school desegregation plans.

11/ U.S. Senate. Committee on Labor and Public Welfare. Nomination of Commissioner of Education Sidney Marland, Jr. to be Assistant Secretary of Education. September 20 and 27, 1972. 93 p.

testified that they did not intend to diminish the status or powers of the Office of Education but intended only that the Assistant Secretary serve as chief spokesperson and advocate for education in the Executive branch. In fact, what did result from this reorganization is what some perceived to be a diminution of the authority of the Commissioner. A new bureaucracy, the Office of the Assistant Secretary, was placed between the Commissioner and the Secretary of HEW. At the same time responsibility for most education programs was retained in the Office of Education, rendering the Assistant Secretary virtually without direct authority. It is unclear what real effect the creation of an Education Division had on the day-to-day operations of the U.S. Office of Education. However, the resulting lack of correlation between status and responsibilities among the principal officers of the Education Division was thought by many analysts to be an awkward and dysfunctional circumstance.

The second reorganization which affected the Office of Education came in 1974 when the Education Amendments of 1974, (P.L. 93-380), amended the General Education Provisions Act by modifying the structure of the Education Division to include the National Center for Education Statistics. The Center was first established in 1965, as a result of an internal reorganization of the U.S. Office of Education, to coordinate basic education information activities. The 1974 Amendments established a National Center for Education Statistics, headed by an Administrator. The Center was separated from the U.S. Office of Education and placed within the Office of the Assistant Secretary for Education. The traditional role of the U.S. Office of Education--to collect and disseminate information--was delegated to the Center.

In 1978, the GEPA was amended to include provisions for controlling paper-work requirements placed on recipients of Federal education grants. These amendments also established an Office of Non-Public Education within the U.S. Office of Education, and made specific provisions for a "National Assessment of Educational Progress" to be carried out by the National Institute of Education (this activity had been undertaken previously, but without specific legislative authority).

#### 1979 to the Present

The Department of Education Organization Act, P.L. 96-88, authorized the formation of a Cabinet-level Department of Education, headed by a Secretary of Education. The major components of the Department are the former Education Division of the Department of Health, Education, and Welfare, education-related activities of HEW's Office for Civil Rights, and various other education-related programs administered by the Departments of Health, Education and Welfare, Defense, Housing and Urban Development, Justice, and the National Science Foundation.

Impetus for the legislation came from promises made by President Carter during his campaign for the Presidency in 1976. Proponents of the Department of Education contended that benefits of forming a Cabinet-level Department would be: coordination of the Federal education programs; <sup>12/</sup> greater visibility and influence within the Federal Government; and possible increased support for long-term increases in Federal funding for education. Opponents of the Department argued that the creation of a Department would inevitably

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<sup>12/</sup> Certain programs originally proposed for inclusion in a Department of Education were removed during legislative consideration, i.e., Head Start, Child Nutrition programs, Indian Education and education programs for veterans.

lead to the Federal Government assuming a more activist role in education, usurping State and local autonomy; and that Cabinet-level status was inconsistent with the limited role of the Federal Government in education.

Congressional intent on the role and powers of the Department with respect to State and local authorities is stated in section 103 of the Department of Education Organization Act:

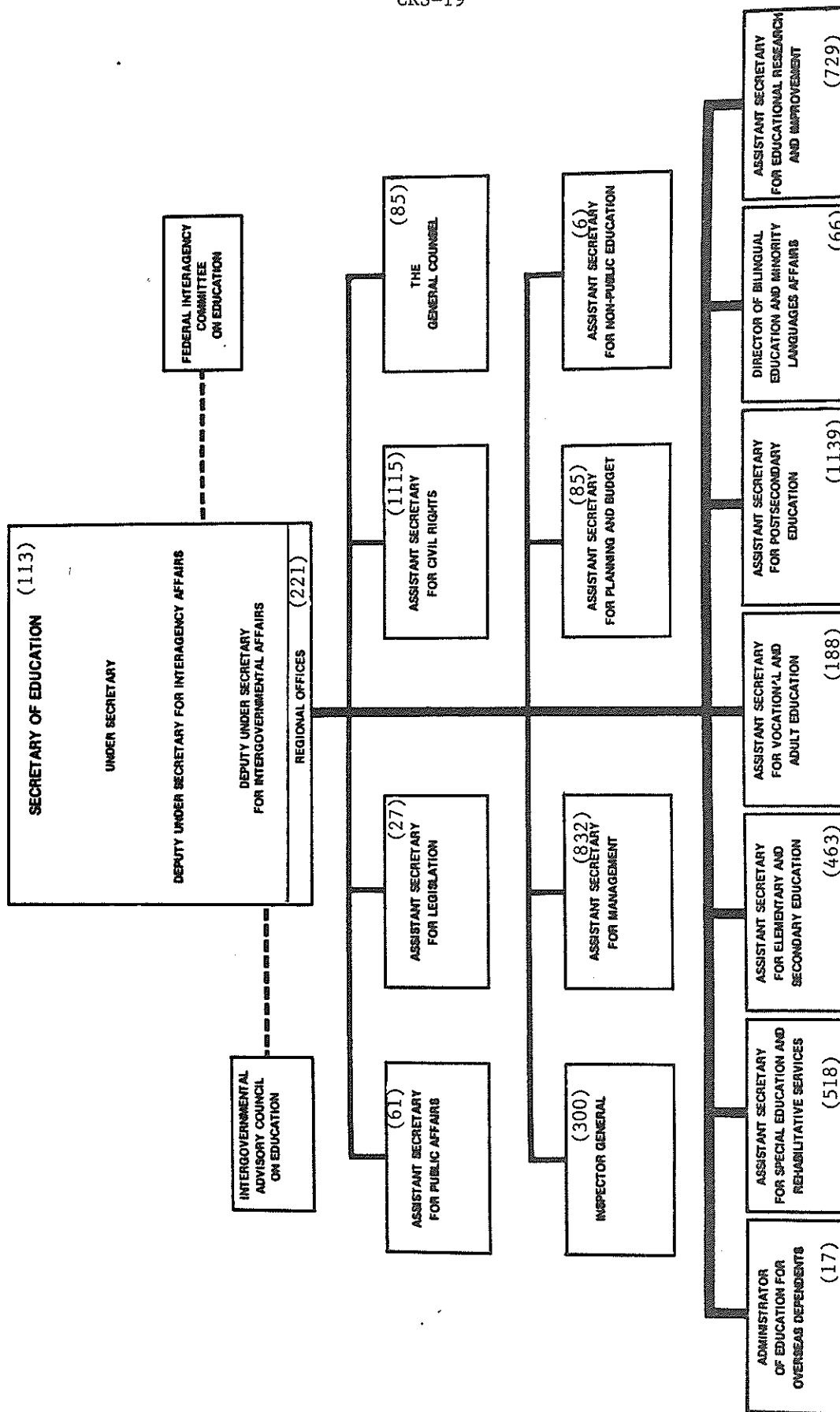
. . . The establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and the local school systems. . . . No provision of a program administered by the Secretary or by any officer of the Department shall be construed to authorize the Secretary . . . or . . . officer to exercise direction, supervision, or control over the curriculum, program of instruction, administration or personnel of any educational institution, or school system.

The Department of Education began official operations in May of 1980, 6 months after the first Secretary of Education, Shirley Hufstedler took office. Since the enactment of the Department of Education Organization Act in October 1979, transition teams, former Education Division staff, and appointed officials have been developing and implementing the new organizational structure. Figure 1 shows the structure of the Department established during the Carter Administration and effective through January 1981. Although the Secretary of Education and other appointed heads of the various subdivisions within the Department no longer remain in office, the basic structure has not yet been changed by the Reagan Administration. However, currently only the Secretary of Education, Terrel Bell and his Undersecretary, William Clohan, have been appointed. Except for the Assistant Secretary of Elementary and Secondary Education, nominations for other positions of heads of all other subdivisions within the Department have not been made. In addition, Secretary Bell announced plans in the beginning of March 1981

to eliminate 4 of the Department's 13 Assistant Secretaries and 35 of 47 Deputy Assistant Secretary positions. According to the Secretary's plan the Assistant Secretary for Nonpublic Education would be downgraded to a Special Assistant, the Assistant Secretaries for public affairs and legislation would be merged, and the responsibilities of the Assistant Secretary for planning and budget would be given to the Department's Undersecretary. The numbers within each subdivision represent the total number of full-time equivalent positions authorized for FY 1981.

FIGURE 1: Department of Education Structure as of January 1981

# DEPARTMENT OF EDUCATION



\* (Total number of full-time equivalent positions available for FY 1981 is 6,100, including 135 positions allocated to advisory committees, interagency committees, facilities engineering and other activities.)

Source: This table was taken from the 1980 Annual Report of the Secretary of Education. U.S. Department of Education. 1980. 94 p.

During his 1980 Presidential campaign, President Reagan declared his intention to abolish the Department of Education. Various issues related to the future status of the Department include the extent and nature of the Federal role in education, the mission of the Department of Education, and options for administrative alternatives if the Department is abolished. Opponents of the Department advocate its dissolution because of questions concerning the appropriate Federal role in education: they argue that the Department of Education has encroached upon traditional State and local responsibilities for public education. Arguments on this point often focused on proposed Department regulations for special education services to children of limited English-language proficiency. These were proposed on August 5, 1980, but withdrawn on February 2, 1981. Those who defend and would maintain the Department contend that the Federal Government should be involved in education because of the importance of ensuring access to adequate educational opportunities, and the need for an advocate to focus attention on educational needs, problems and issues at the Federal level.

At this point the future of the Department is uncertain. Although the Reagan Administration has not made any formal proposals to change the status of the Department, several alternatives have been mentioned. First the Department of Education could be retained as a Cabinet level agency; second, the Department could be downgraded to a division of another Department (similar to the status the Education Division had within the Department of Health, Education and Welfare); third, the Department could lose its Cabinet status and remain an independent Federal agency; fourth, programs administered by the Department of Education could be dispersed among a variety of Federal agencies; and fifth, the Department could be disbanded with its functions terminated or assumed by non-Federal agencies.



APPENDIX A: CHRONOLOGY OF LEGISLATION AND OFFICIAL ACTIONS  
AFFECTING THE U.S. OFFICE/DEPARTMENT OF EDUCATION

This section provides a brief chronology of selected legislation and official actions which affected the structure and status of the U.S. Office or Department of Education between 1867 and 1979. Legislation creating new programs in education appear in the chronology only at the point of their initial authorization, except where later amendments to these specific authorities significantly changed the responsibilities of the Office or Department.

Chronology of Selected Events and Legislation Affecting the Structure  
of the U.S. Office/Department of Education  
from 1867 to 1979

Year	Authorizing Legislation or Official Action	Short Description
1867	Organic Act [14 Stat. L434]	Created a non Cabinet-level "Department" of Education, headed by a Commissioner, to collect and disseminate education statistics
1868	Appropriations Act for Legislative, Executive and Judicial Expenses for year ending June 30, 1869 [15 Stat. L92,106]	Changed name of the "Department" of Education to Office of Education and transferred it to the Department of the Interior
1870	Department of the Interior Reorganization	Changed Office of Education to Bureau without altering status of the Commissioner with regard to salary and duties
1884	Act providing civil govern- ment for Alaska [23 Stat. L24,26]	Department of the Interior given responsibility for education of Alaskan Natives
1890	Second Morrill Act [26 Stat. L417,419]	Authorized Federal payments to land-grant colleges for instruction in agriculture, mechanical arts, English and the sciences. The first time the Federal Government made definite periodic allocations for a specific category of education
1896	Appropriations Act for Legislative, Executive and Judicial Expenses for year ending June 30 1897 [29 Stat. L. 140,171]	Authorized Commissioner of Education to publish an annual bulletin on the condition of higher education, technical and industrial education and compulsory attendance
1917	Smith-Hughes Act [30 Stat. 934]	Authorized Federal grants for vocational education in public schools administered by a newly created Federal Board of Vocational Education

Year	Authoriting Legislation or Official Action	Short Description
1920	Vocational Rehabilitation Act [41 Stat. 735-737]	Provided rehabilitation services to disabled veterans and citizens; administered by the Federal Board of Vocational Education
1929	Internal Reorganization of the Department of the Interior	Bureau of Education regained status as an Office and was relieved of responsibilities for Alaskan schools; retained duties of information collection and dissemination as well as responsibility for administering land grant college program
1933	Executive Order 6166 by President Hoover	Transferred activities and responsibilities of the Federal Board of Vocational Education (including vocational education and rehabilitation) to the Department of the Interior, Office of Education; first time the U.S. Office of Education had responsibility to provide direct Federal aid to public schools with the exception of the operation of Alaskan schools from 1884-1929
1939	Creation of a Federal Security Agency Public Resolution 20 (76th Congress) approving Reorganization Plans I and II of 1939 [53 Stat. 1424]	Office of Education moved from the Department of the Interior to the newly-created Federal Security Agency along with Public Health Service, Social Security Board, Civilian Conservation Corps and the National Youth Administration
1950	Financial Assistance for Local Educational Agencies in Areas Affected by Federal Activity--"Impact Aid" (Public Laws 815 and 874, 81st Congress) [64 Stat. 1100]	Provided financial assistance to local school districts for school construction operating expenses where enrollments and local revenues are affected by Federal activities
1953	Creation of a Department of Health, Education, and Welfare, P.L. 83-13, approving Reorganization Plan I of 1953	Creation of a Cabinet-level Department of Health, Education, and Welfare; Office of Education included as a component

Year	Authorizing Legislation or Official Action	Short Description
1954	Cooperative Research Act [68 Stat. 533]	Authorized Commissioner of Education to finance cooperative arrangements with universities, colleges and State education agencies for research in education
1956	Library Services Act [70 Stat. 293]	Office of Education responsible for programs to help States extend public library services to rural areas
1958	National Defense Education Act [68 Stat. 533]	Delegated two new responsibilities to the U.S. Office of Education, first to oversee subsidized low interest loans to higher education students and second, to provide grants for instruction in science, math, and foreign languages
1958	Education of Mentally Retarded [72 Stat. 1777]	Authorized grants to institutions of higher education to encourage teaching of the mentally retarded
1963	Higher Education Facilities Act [77 Stat. 363]	Authorized funds for the construction of university facilities for demonstration programs, and extended training for teachers of handicapped children
1963	Vocational Education Act [77 Stat. 403]	Extended the Federal Government's role in vocational education to provide occupational training in any field not requiring a bachelor's degree, to construct area vocational schools, and to establish requirements for matching Federal funds and for maintenance of State fiscal effort
1964	The Civil Rights Act [78 Stat. 246]	Required the Commissioner of Education to conduct surveys on equal educational opportunity; provided for technical assistance in the form of materials and advice to achieve desegregation and prepare teaching staffs and communities for desegregation; prohibits discrimination in all federally assisted programs

Year	Authorizing Legislation or Official Action	Short Description
1965	Elementary and Secondary Education Act [79 Stat. 27]	Authorized the largest amount of Federal aid to elementary and secondary programs for economically disadvantaged children and youth. Also included provisions for: acquisition of library resources, textbooks and audio-visual materials; annual evaluations of the effectiveness of the program; establishment of supplementary education centers to improve educational practices to public and non-public students; establishment of guidance and counseling services; creation of programs to strengthen State education agencies; and the support of research and training facilities
1965	Higher Education Act [79 Stat. 1219]	Authorized: insured loans and scholarships for postsecondary education students; establishment of community service programs by institutions of higher education; expanded college construction programs; and provided for libraries and other assistance to develop improved instruction.
1965	National Center for Education Statistics-- Internal Reorganization of the U.S. Office of Education	An internal reorganization of the U.S. Office of Education resulted in the creation of a National Center for Education Statistics to consolidate education data and statistics functions
1968	Title IV, P.L. 90-247 Elementary and Secondary Amendments of 1968 [81 Stat. 814]	Defined functions of the Office of Education in administering Federal education programs within its jurisdiction, including application processing, allocation of funds, monitoring activities and issuance of rules, regulations and guidelines; also defined powers and structure of the Office of Education
1970	General Education Provisions Act [84 Stat. 164]	

Year	Authorizing Legislation or Official Action	Short Description
1970	Education of the Handicapped Act [84 Stat. 164]	Consolidated Federal education programs aiding specific handicapped children under a State grant program offering special education programs for all handicapped elementary and secondary students; including discretionary and project grants administered by the office for: regional resource centers for deaf-blind children, pre-school education, personnel training, research in special education, and instructional media for the handicapped
1972	Education Amendments of 1972--P.L. 92-318 -Sec. 301 [86 Stat. 327]	Amended the General Education Provisions Act by creating an Education Division, headed by an Assistant Secretary, within the Department of Health, Education, and Welfare; the Division was composed of the Office of Education, the newly-created National Institute of Education and the Office of the Assistant Secretary
1974	Education Amendments of 1974--P.L. 93-380 [88 Stat. 484]	Established the National Center for Education Statistics as a separate component of the Education Division apart from the Office of Education, giving it the traditional role of the Office to collect data and disseminate information on education; as a result, the Education Division was made up of the Office of Education, the National Institute of Education, the National Center for Education Statistics and the Office of the Assistant Secretary of Education
1978	Education Amendments of 1978 [92 Stat. 2143]	Amended the GEPA to include provisions for controlling paperwork requirements placed on Federal education grant recipients; establish an Office of Non-Public Education in the U.S. Office of Education; specifically provided for a National Assessment of Educational Progress at least once every 5 years

1979	Department of Education Organization Act [93 Stat. 669]	Created a Cabinet-level Department of Education composed of the Education Division of the Department of Health, Education, and Welfare and selected programs transferred from the Departments of Health, Education, and Welfare Defense, Justice and Housing and Urban Development, as well as the National Science Foundation
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APPENDIX B: HISTORY OF APPROPRIATIONS FOR  
U.S. OFFICE/DEPARTMENT OF EDUCATION

Table 2 presents the appropriations for the U.S. Office/Department of Education for selected years beginning with 1867. The years included in this table represent years in which major education legislation was enacted or amended or those years in which the status or structure of the Office underwent significant changes (all of the latter years are marked with an asterisk). The years immediately preceding and succeeding each of these key years are also included to provide an indication of the impact new actions had on the overall appropriations of the Office. The table presents total appropriations for the Office and the amount of that appropriation allocated for salaries and expenses versus actual program funds. The portion of the total appropriation used for the salaries and expenses of the Office are also provided.

Between 1929 and 1958, total Office of Education appropriations rose from about \$12 million to over \$283 million, representing a twenty-four-fold increase. Appropriations for salaries and expenses grew from approximately \$627,000 to almost \$7.2 million, representing a tenfold increase, while program appropriations rose over twenty-fourfold from over \$11 million in 1929 to \$277 million in 1958.

Between 1958 and 1979 total appropriations rose from about \$284 million to \$12.5 billion, representing a forty-threefold increase. Salaries and expenses for these years grew from about \$7 million in 1958 to over

\$179 million in 1979, increasing twenty-fourfold, while program appropriations grew over forty-fourfold between these years, from \$277 million in 1958 to \$12.3 billion in 1979. The largest relative increases during this period took place between 1960 and 1970 when total appropriations rose from \$474 million in 1960 to \$3.8 billion, in 1970, representing a sevenfold increase. Salaries and expenses represent a twofold increase for this period while program appropriations increased sevenfold.

Generally, since the early 1950's salaries and expenses have represented between one and two percent of the total appropriations for the Office of Education. Prior to this time, in particular during the first 20 years of its operation, the appropriations for the Office mainly represented the staff salary costs of carrying out its limited functions, and there were few grant programs--therefore, administrative salaries and expenses constituted a large share of total appropriations.

TABLE 2: Office/Department of Education I/ Appropriations History for Selected Years, 1867-1981 by Administrative (Salaries and Expenses) Versus Program Appropriations

Year	Appropriations for Salaries and Expenses of the Office/ Department of Education I/	Appropriations for Federal Education Programs Administered by the Office/ Department of Education I/	Total Appropriations for the Office/ Department of Education I/	Portion of Total Appropriation Represented by Salaries and Expenses (in percent)
*1867	\$18,592	None	\$18,592	100%
1868	18,592	None	18,592	100
1889	50,920	\$40,000	90,920	56
*1890	50,920	710,000	760,920	7
1891	53,220	754,044	807,264	7
1895	54,320	997,500	1,051,820	5
*1896	57,320	1,045,500	1,102,820	5
1897	57,320	1,146,500	1,155,520	5
1916	145,550	2,780,113	2,925,663	5
*1917	350,524	2,805,005	3,155,529	11
1918	364,324	4,491,890	4,856,214	8
1928	595,457	11,128,822	11,724,279	5
*1929	626,700	11,254,859	11,881,559	6
1930	754,290	11,860,374	12,614,664	6
1932	949,242	12,471,872	13,421,114	7
*1933	713,004	11,769,773	12,482,777	6
1934	511,171	10,854,775	11,465,946	5
*1938	881,390	27,993,000	28,874,390	3
1939	905,338	26,510,000	27,415,338	3
1940	940,480	27,760,000	28,700,480	3

Office/Department of Education 1/ Appropriations History for Selected Years, 1867-1981 by Administrative  
(Salaries and Expenses) Versus Program Appropriations (continued)

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Year	Appropriations for Salaries and Expenses of the Office/ Department of Education 1/	Appropriations for Federal Education Programs Administered by the Office/ Department of Education 1/	Total Appropriations for the Office/ Department of Education 1/	Portion of Total Appropriation Represented by Salaries and Expenses Department 1/ (in percent)
1949	\$2,010,000	\$32,157,883	\$34,167,883	6%
*1950	2,178,600	32,157,883	34,336,483	2
1951	2,477,500	135,357,883	137,835,383	2
1952	3,447,713	157,873,384	161,321,097	2
*1953	2,992,000	286,341,592	289,333,592	1
*1954	2,911,402	234,035,896	231,124,494	1
1955	2,924,800	230,288,092	233,212,892	1
*1956	3,240,000	162,719,831	165,959,831	2
1957	5,270,000	267,381,912	272,651,912	2
*1958	7,185,992	276,639,912	283,825,904	3
1959	9,627,500	398,870,412	408,497,912	2
1960	12,800,000	461,480,893	474,280,893	3
1962	11,594,000	590,996,455	602,590,455	2
*1963	12,645,000	649,220,455	661,865,455	2
1964	14,761,000	686,800,455	701,561,455	2
*1965	20,127,500	1,487,450,455	1,507,577,955	2
*1966	26,559,000	3,311,961,455	3,342,097,455	1
1967	34,036,754	3,866,525,000	3,919,654,000	1
*1968	35,176,934	3,936,883,934	3,901,707,000	1
1969	40,404,000	3,576,681,000	3,617,085,000	1
*1970	44,308,000	3,769,470,000	3,813,778,000	1
1971	45,164,000	4,311,475,000	4,356,639,000	1

See footnotes at end of table.

Office/Department of Education 1/ Appropriations History for Selected Years, 1867-1981 by Administrative  
(Salaries and Expenses) Versus Program Appropriations (continued)

Year	Appropriations for Salaries and Expenses of the Office/ Department of Education 1/	Appropriations for Federal Education Programs Administered by the Office/ Department of Education 1/	Total Appropriations for the Office/ Department of Education 1/	Portion of Total Appropriation Represented by Salaries and Expenses (in percent)
*1972	62,880,668	5,219,098,332	5,281,979,000	1%
1973	93,293,000	6,248,789,000	6,342,082,000	1
*1974	96,702,000	5,978,393,000	6,075,095,000	2
1975	128,207,000	6,791,561,000	6,919,768,000	2
1976	149,641,000	8,278,627,952	8,428,268,952	2
TQ 2/	41,763,000	413,989,000	455,752,000	3/ 9
1977	148,315,000	8,630,812,000	8,779,127,000	2
*1978	174,868,000	10,255,113,000	10,429,981,000	2
*1979	178,999,000	12,350,204,000	12,529,203,000	1
1980	325,035,000	13,951,009,000	14,203,447,000	2
1981	227,915,000	13,867,292,000	15,137,506,000	2

See footnotes at end of table.

EDUCATION DIVISION 4/

DEPT. OF EDUCATION 5/

## Footnotes

1/ Previous to the enactment of the Department of Education Organization Act, P.L. 96-88, this includes only the Education Division of the Department of Health, Education, and Welfare which was established by the Education Amendments of 1972, P.L. 92-318 and included the U.S. Office of Education, the National Institute of Education, and the Office of the Assistant Secretary for Education. Prior to the establishment of the Education Division, the appropriation figures in this table represent only those of the Office of Education and its analogous historical counterparts.

2/ TQ: The transition quarter of July 1-September 30, 1976, when the Federal fiscal year was changed from July 1-June 30 to October 1-September 30.

3/ This figure for the percentage of appropriations for administrative expenses differs widely from the general trend because appropriations were provided specifically for the transition quarter only for a limited number of purposes--administrative expenses were included among these purposes, but most grant programs were not.

4/ Between 1973 and 1979 the appropriations represent all programs administered not only by the U.S. Office of Education but also those of the National Institute of Education, and the Office of the Assistant Secretary for Education, all of which composed the Education Division of the Department of Health, Education, and Welfare.

5/ The appropriations for FY 1980 and FY 1981 include all those programs transferred to the Department of Education Organization Act, P.L. 96-88.

\* During these years major education legislation was enacted on amended, or events took place which directly affected the basic status or structure of the U.S. Office of Education.

Source: In general, the source of the above data are historical tables prepared by the Department of Health, Education, and Welfare. The first complete table was prepared in 1968 for the Senate Committee on Labor and Human Resources. Periodic updating of the table through 1978 was completed by the U.S. Office of Education budget personnel. For fiscal years 1979-1981 the relevant appropriations acts were used.

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