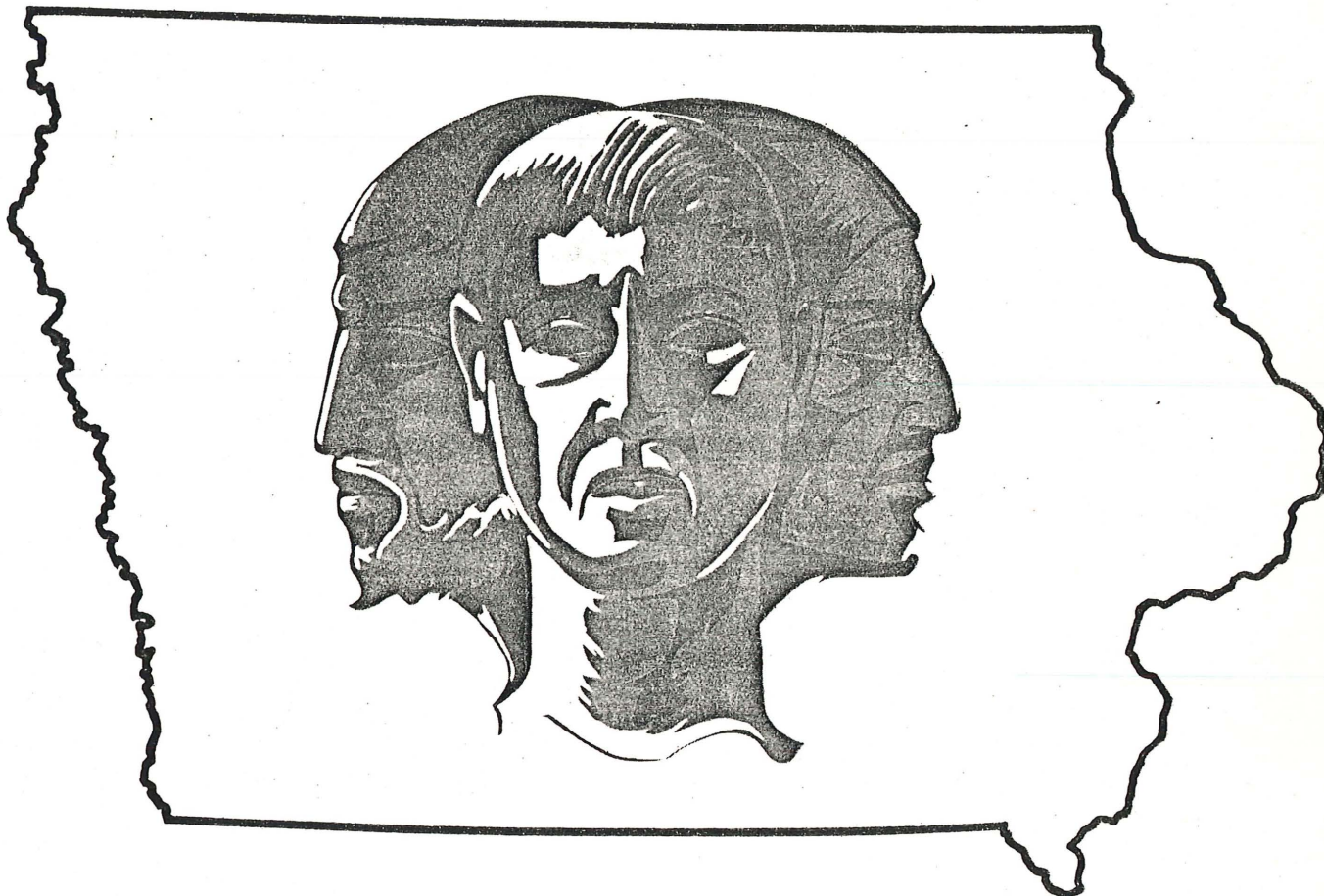



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# CONÓCEME EN IOWA



**The Official Report of the  
Governor's Spanish Speaking Task Force  
Submitted to Governor Robert D. Ray  
and The 66th General Assembly**

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## **CONÓCEME EN IOWA**

### **The Official Report of the Governor's Spanish Speaking Task Force Submitted to Governor Robert D. Ray and The 66th General Assembly**

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# Governor's Spanish Speaking Task Force

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EXECUTIVE DIRECTOR  
TELEPHONE: (515) 281-3057

ROBERT D. RAY  
GOVERNOR

Governor Robert D. Ray  
and Sixty-Sixth General Assembly  
State Capital  
Des Moines, IA 50319

Dear Governor Ray and Members of the Sixty-Sixth General Assembly:

We would like to submit to you the final report and recommendations based on the functions which we were charged to perform. If I may, I should like to take this opportunity to briefly review the developments from the time of our creation as your Task Force.

Your decision to establish the Task Force was the result of two years of lobbying by various organizations and individuals. This move by the Legislature was bold, sensitive and significant. At the same time, Governor Ray took the initiative of forming the Task Force to provide the recognized impact to state government. This development, in my opinion, has given promise to and raised the aspirations of many Spanish Speaking Iowans who for so long showed no interest or were frustrated with state government.

The task presented to us was next to impossible if useful and comprehensive data was to be obtained. We went to Governor Ray in December at which time we requested additional time. You were understanding of the dilemma and recommended, through your budget message, that we be given an additional year and \$45,000. This made it possible for us to realistically attempt to undertake our study, assuming that your recommendation would be endorsed by the General Assembly.

Unfortunately, in April 1975, the General Assembly decided to only appropriate \$10,000 and restricted us to six months. With this we had no choice but to curtail our survey activities and prepare our report, *Conóceme En Iowa*, which we now submit.

*Conóceme En Iowa* attempts to provide an analysis and findings in the following areas: education, housing, health, social services, employment and recreation.

The Task Force has outlined many recommendations which hopefully will provide direction and guidance for state government for future programming. Also included within the report is a history and findings of the Task Force.

It has long been the established policy of the state that it have a special concern for its minorities. All too often, inside and outside of government, the policy is ignored or subverted.

Nonetheless, the course and direction has already been clearly established. Government has the responsibility and the obligation to take the lead in carrying out public policy.

The findings and recommendations of the Task Force are presented for your earnest study and consideration.

Respectfully submitted,

Richard A. Pabon,  
Chairman, Governor's Spanish  
Speaking Task Force



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## TASK FORCE ACTIVITIES REPORT

The activities of the Governor's Spanish Speaking Task Force as set forth by SF504 included.

1. Studying the needs of Spanish Speaking Iowans
2. Coordinating services for Spanish Speaking Iowans
3. Implementing programs for Spanish Speaking Iowans

This report concludes all activities directed since July 1, 1974, at studying the needs of Spanish Speaking Iowans. The data herein presented reflects these efforts, which provide the basis for the needed changes to implement and coordinate programs to meet identified needs.

All other activities carried out during this year have aimed, to the degree possible, to meet all three areas of concern while continuing the study. All efforts were limited to building and maintaining cooperative relationships with both Spanish Speaking population and government agencies.

Our office, staff and board members, to varying degrees, have served as a hub or clearing house for all Spanish Speaking people and agencies in the state. Agencies needing information on Spanish Speaking Iowa population and Spanish Speaking persons needing services and or information about government called on us for assistance. All who called were served to the degree possible. The following sets forth a distribution of the many requests handled and recorded. No follow-up was attempted and all services rendered were limited. It is presented here merely to show that aside from the study the Task Force served a valid and needed function.

During its existence.

Education:	Number
Calls from Spanish Speaking persons and/or organizations dealing with:	
1. School district matters	52
2. College or university matters	60
3. Individual requests for information on Iowa Tuition Grant or other types of financial assistance for education	120
4. Individual requests for information about matters relating to education	55
Calls from local education agencies or personnel dealing with:	
1. Community relations	35
2. Technical assistance in planning	15
3. Coordinating meetings with communities	5
4. Technical assistance for inservice training of teachers	4
5. Requests from teachers for bilingual materials	35
6. Requests from education personnel on miscellaneous matters	15
<b>TOTAL</b>	<b>396</b>
Social Services:	
Calls from Spanish Speaking persons and/or organizations dealing with:	
1. State agencies	63
2. Federal agencies	24
3. Local agencies	17
4. Cases where social services were needed and referrals were made	58
5. Cases where problems resulted which required calling a particular agency	13
Calls from Social Services or related agencies dealing with:	
1. Community relations	25
2. Technical assistance in planning	10
3. Coordinating meetings to improve community relations	15
4. Individual calls in miscellaneous matters	12
<b>TOTAL</b>	<b>237</b>

## ACKNOWLEDGEMENTS

To properly acknowledge the contributions to our operation, of necessity, must include the contributions to the creation of the Task Force, the contributions during its existence and the contributions which may follow this report. Although the contributions that follow may not be known, the extent to which needed changes occur will determine the value of all efforts expended and the extent to which equal opportunity is realized for all Spanish Speaking people in Iowa.

I thank all people in and out of government who contributed toward generating the awareness of the needs of Spanish Speaking people throughout the county, especially those people whose concern and efforts were directed for the Spanish Speaking people in Iowa.

I thank the League of United Latin American Citizens of Iowa for their resolution of 1972 which set forth the need for a Commission for Spanish Speaking people in Iowa. All those people, members and non-members of LULAC, who drafted the original Bill and those community people from different cities in Iowa, who took the time and at their own expense traveled hundreds of miles seeking to realize the establishment of the Commission. To all those who shared the frustration, the bitterness of defeat when the Commission resulted in what became the Governor's Spanish Speaking Task Force.

I thank Senator Gluba and Representative Cusak who led the support for the original Bill Senate File 424 and their fellow legislators who supported it. To the 65th General Assembly for the adoption of S.F. 424, even though amended, it did appropriate \$39,000 to study, to implement and to coordinate programs for Spanish Speaking people in Iowa. To the 66th General Assembly, my appreciation for the additional \$10,000 which enabled me to pay for at least part of the operation.

My appreciation to Governor Robert D. Ray for creating the Task Force, for recommending its appropriation and his continued support during my time in service.

My sincere appreciation to the following staff members and former staff members whose contributions and services exceeded their compensation.

Mr. Eloy Telles

Mr. Gregorio G. Rocha

Ms. Paula Campos

Mr. Tomas D. Munoz

Other consultants and temporary assistance was provided by Robert Melnick, Julio Bernardino, and Drake University professors whose guidance and support assisted in developing the study and preparation of this report.

I also wish to extend my deepest thanks to Mr. Robinson Colon of the Iowa Bureau of Labor for his assistance which enabled me to complete a large portion of this report.

To Mr. Jorge Garcia, Chief of Urban Education, Department of Public Instruction, for the many contributions he provided me.

My sincere appreciation to the Board of Directors who guided the activities of the Task Force and their endless hours of support toward the final objective.

My appreciation to all Spanish Speaking Iowans who took the time to respond to questions and offered suggestions for improving existing conditions. To those who supported our activities as well as those that challenged, questioned and sometimes rejected being surveyed, for in the final analysis, both positive and negative participation served to formulate this report.

Beyond the report, my appreciation also goes to those persons in government who will take the initiative toward implementing the needed changes as well as the Spanish Speaking people who will assist governmental units toward implementing them.

Miguel A. Teran



Employment:

Calls from Spanish Speaking persons and/or organizations dealing with:

1. State agencies	73
2. Federal agencies	33
3. Local agencies	19
4. Cases where employment services were needed and referrals made	75
5. Cases where problems resulted and an agency was called	24

Calls from employment related agencies dealing with:

1. Community relations	14
2. Technical assistance	8
3. Coordinating meetings to improve community relations	3

TOTAL

249

Housing:

Calls from Spanish Speaking persons and/or organizations dealing with:

1. State agencies	75
2. Federal agencies	32
3. Local agencies	28
4. Cases where problems were reported and referrals were made	31
5. Cases where problems resulted and an agency was called	22

Calls from housing related agencies dealing with:

1. Community relations	18
2. Technical assistance	8
3. Coordinating meetings to improve communications	3

TOTAL

217

Health:

Calls from Spanish Speaking persons and/or organizations dealing with:

1. State agencies	0
2. Local agencies	8
3. Cases where the problem was referred	13

Calls from health programs dealing with:

1. Community relations	15
2. Requests for information	7

TOTAL

43

Justice:

Calls from Spanish Speaking persons and/or organizations dealing with:

1. State agencies	2
2. Federal agencies	38
3. Cases where problems were reported and referrals were made	44
4. Cases where problems existed and agency had to be contacted	35

Calls from justice related agencies dealing with:

1. Community relations	13
2. Technical assistance	15

TOTAL

147



## **SECTION ONE**



# INTRODUCTION

Spanish Speaking Iowans have been a relatively silent and invisible minority. They have been so because no one has wanted to hear or see, because the ears and eyes of state and local governments have not listened and because they have chosen not to look. The Governor's Spanish Speaking Task Force, with all its fiscal and time limitations, has heard and seen and can ease the existing burden of ignorance and indifference. Furthermore, if the information provided is read, accepted and used in the planning processes by state and local institutions, it will contribute toward increasing a basic knowledge, understanding and promotion of effective remedial action.

The study of any minority population raises a host of questions concerning classification, especially when its members show substantial or increasing socio-economic and cultural differences. In the case of the Spanish Speaking Iowans, these problems are compounded by semantics, particularly since every conversation about or within the group begins inevitably with questions of definitions. It suffices to say that "Spanish Speaking" is used in this report to include people of Chicano, Mexican, Cuban, Spanish, South American, Puerto Rican, other mixed Indian, and other Latin-mixed Anglo descent, who are citizens, or long term residents of this country. When other terms are used, they will denote people who are implicit within the standard definition or identify closer to their national origin. We regret that we have been unable thus far to devise a short, descriptive and immediately intelligible term that avoids hyphenation or is totally acceptable.

## Background:

This study was conducted and these documents were prepared under the most extreme fiscal and time limitations. The effort was further compounded by the many interpretations made possible by the wording of the State Appropriation Bill, S.F. 424. (See Appendix page 196)

The all-inclusive legislation mandates were: 1) to study the needs of the Spanish Speaking people, 2) to coordinate programs for the Spanish Speaking people and 3) to implement programs for the Spanish Speaking people - all of which was to be concluded in one year. Item one was the voiced concern of Governor Ray and the legislators. Item two led many to expect coordinating assistance from our limited staff. Item three included the magic word, "implement", and raised Spanish Speaking community expectations for the many needed services not available to them. In short, the Task Force members and staff have attempted to meet all three mandates. This report includes the study which is hoped will lead to the

legislative changes needed to meet the expressed intent of items two and three.

The study focuses on ten counties in Iowa and target migrant populations in areas of concentration. It was felt that this data would in fact be applicable to Spanish Speaking Iowans living in the remaining 89 counties and migrants who were not contacted due to the limitations noted.

## The Report:

The report is presented in five sections. Section I is an analysis applicable to Spanish Speaking Iowans based on four fundamental inquiries: 1) actual sample survey of the known Spanish Speaking population, 2) actual survey of institutions which operate in the ten county target area, 3) available census data and 4) on site visits with Spanish Speaking families and meetings with Spanish Speaking organizations.

Section II focuses on the migrant population who come to Iowa and work in the agricultural sector. Even though they make up only a small percentage of the total Spanish Speaking Iowa population, they present unique characteristics which must be considered. Only through special and prompt legislative action and firm enforcement can they be resolved.

Section III summarizes some findings of the Task Force and sets forth recommendations for action by various levels of government aimed at correcting existing problems or improving the lives of all Spanish Speaking people in Iowa.

Section IV presents a legislative review of particular state and federal laws and their applicable provisions.

Section V includes a wide range of tables and charts which are partially the basis for other sections of the report and supplies additional detailed data.

## Methodology:

This survey was taken between January and September of 1975. Prior to this, no thorough collection of demographic data on the Spanish Speaking people of Iowa was found to have been made. Only two studies were found to have been made of Polk County; one by a Drake University student and an educational survey by the Consortium for Higher Education of Des Moines. Though the U.S. Census of 1970 did provide some useful information, a thorough analysis was not found to exist. Local, state and federal institutions expressed a clear need for such data to assist in their planning efforts.

In an attempt to present valid demographic data for 1975, the Governor's Spanish Speaking Task Force has made further estimates of other

demographic variables. These figures are essentially linear projections from the 1970 Census data corrected on the basis of population growth and other factors presumed to have influenced changes. Estimates have been considered in perspective with economic changes between 1970 and 1975, of which increased interstate migration is included.

A second source of information came from direct survey of the Spanish Speaking population and institutions. These surveys were conducted mostly by onsite visits to homes of randomly selected Spanish Speaking families known to live in Iowa. Surveys of institutions were made mostly by mail, though every effort was made to familiarize ourselves with their total operation through actual onsite visits.

The third source of information was from direct contact with Spanish Speaking people, unscheduled and usually resulting from their many requests for needed services. These unscheduled visits were also made with Spanish Speaking organizations which significantly exposed us to the many independent efforts under way by Spanish Speaking groups toward improving existing services.

#### Limitations:

The Governor's Spanish Speaking Task Force was presented with an enormous task to perform under extreme fiscal and time constraints. The report points out statistical data which was felt would serve to

assist planning efforts by state government. Extrapolations are made only of a limited number of charts included, in good faith, toward revealing as close as possible the true picture of the Spanish Speaking Iowans.

Our sample of Spanish Speaking Iowans was obtained from lists of persons known to live in Iowa. This list was compiled from telephone directories and Spanish Speaking organizations throughout the state. It is estimated that the list included 48.6 percent of the Spanish Speaking families who live in Iowa. It is further estimated that it does represent a scientifically valid cross section of Spanish Speaking Iowans. The original 25 percent survey sample was randomly selected from each of the ten counties. From this 25 percent selection a 5.27 percent sample was not contacted in view of the time limitations placed by the legislators.

The institutions surveyed were selected mainly in view of their corresponding role in six areas of concern. 1) Education, 2) Employment, 3) Housing, 4) Social Services, 5) Recreation and 6) Health. Here again not all institutions were contacted and it is generally felt that a follow-up survey or investigation of noted weaknesses and corrective measures taken will prove of significant value. Furthermore, since most institutions were surveyed by mail, not all of them responded. Therefore, the data reflects characteristics of institutions which were sensitive enough to respond and may cause figures to overstate Spanish Speaking participation.

## CHICANOS IN IOWA

By Jorge F. Garcia

Anglo Iowans have several assumptions about Chicano Iowans. First, all Chicanos in Iowa are seen as migrant workers, a transient population. Secondly, they are seen as quaint little foreigners with a heavy Spanish accent. And finally, they are seen as a "problem population, non-white, poor, uneducated and welfare recipient" type. All these are false assumptions, the third resulting from a misinterpretation of history.

The majority of Chicanos in Iowa are permanent residents; many of them third or fourth generation Iowans. They are largely urban with the heaviest con-

centration in Des Moines, Davenport, Bettendorf, Fort Madison, Burlington, Mason City, Cedar Rapids, Sioux City, Council Bluffs and Muscatine. However, more recent Chicano immigrants to Iowa have settled in rural communities such as West Liberty, Columbus Junction, Conesville, Reinbeck and Shenandoah to name a few. The 1970 U.S. Federal Census reported 17,448 Spanish Speaking people in Iowa.<sup>1</sup> This figure however has been challenged by various Chicano organizations in the state who have argued that the number is closer to 30,000.<sup>2</sup>

---

<sup>1</sup>U.S. Federal Census, 1970.

<sup>2</sup>Alianza Latina Politica de Iowa Brochure, 1975: interviews with Mr. Eddie Zamora, Director, Spanish Speaking Center of City of Des Moines, Mr. Miguel A. Teran, Executive Director, Governor's Spanish Speaking Task Force and Mr. Juan J. Cadena, Director, Muscatine Migrant Committee.



Approximately 3,000 Chicano migrant workers pass through Iowa annually. They work in the tomato and onion fields in southeast Iowa and sugar beets and asparagus fields in the northcentral part of the state. Their contribution to the agricultural output of the state is important. These migratory workers suffer the same problems and indignities as migrant workers nationally. Low wages, inadequate housing and health services, back breaking work, long hours, unpredictable weather, lack of legislative protection and discriminatory practices all plague the Iowa migrant worker. The Migrant Action Program in Mason City with auxiliary offices in other cities and the Muscatine Migrant Center have led the struggle to improve the migrant's life. Many former migrants have now settled in Iowa recently. The Muscatine Chicano population; for example has increased about 150% in the past five years.<sup>3</sup>

Settlement of Chicanos in Iowa, however, is not a recent phenomenon. The history of the Chicano in Iowa predates Iowa history. Very few historians have enlarged on the fact that what is now Iowa was once owned and settled by Spain. Spain extended her empire into this area from 1770 to 1803. Interestingly, Chicanos have been proud of the fact that they are products of the merging of Indian, European and African peoples and cultures - El Mestizaje as it has been called. This Mestizaje occurred in what is now Iowa in the late 18th century.

In western Iowa, for example, a Spaniard named Manuel Lisa conducted a fur-trapping business in the 1780's. Lisa married a Sioux Indian woman and lived among her people; thereby carrying out El Mestizaje in what is now Iowa.<sup>4</sup> It is very difficult to determine how many more Manuel Lisa's were in Iowa during the 1780's and 1790's. There were, however, Spaniards in St. Louis, Missouri and trade existed up and down the Mississippi River between the Spaniards, French and Indians tribes.

Moreover, during the Spanish Regime, three Spanish land grants were given to Spanish citizens in

the area that we now call Iowa. The first European settlement in Iowa was founded by a Spaniard named Julian Dubuque. Iowa historians are fond of stressing that Dubuque was French Canadian and that the European "history" of Iowa "starts" with this ethnic group. Yet, the fact remains that Dubuque was a Spanish citizen and that the lead mines that he operated by exploiting Indian labor were officially named "Las Minas Espanolas" (The Spanish Mines).<sup>5</sup>

Two other Spanish land grants were granted to Spanish citizens in Iowa. One was granted to Louis Honore Tesson in what is now Lee County in southeastern Iowa and the other was given to Basil Giard in what is now Allamakee and Clayton Counties in northeast Iowa.<sup>6</sup>

Symbolically then, the Chicano Mestizo roots in Iowa go further back in "Iowa History" than has been credited in the past. It is interesting to note that when the United States purchased the Louisiana Territory, Manuel Lisa became a U.S. Citizen.<sup>7</sup> La Raza's experience in Iowa thus predates the Anglo-American's by some decades.

*Otra cosa es que* many Anglo reporters (journalists) of Chicano History in Iowa date their initial coming to the state in the 1920's. They have consistently argued that not until the railroads and farmers began to recruit Mexican labor in the 1920's did Chicanos set foot in the Midwest.<sup>8</sup> The fact is that Chicanos migrated to Iowa long before 1920. In Iowa, for example, the first Mexican immigrant arrived in 1856.<sup>9</sup> He or she settled in Lyon County in northwestern Iowa. An important part to stress is that this Mexican's trek to Iowa in 1856 is only eight short years after the Treaty of Guadalupe Hidalgo was signed ending the Mexican American War. It was only eleven years after Iowa became a state. At about the same time, many Iowa counties were christened with Mexican names like Cerro Gordo and Buena Vista honoring U.S. victories in the Mexican American War. Perhaps the lonely Mexican Immigrant who came to Iowa in 1856 came after forming friendships with the invading army.

---

<sup>3</sup>Interview with Mr. Juan J. Cadena, Director, Muscatine Migrant Committee, July, 1975.

<sup>4</sup>William Salter, *Iowa: The First Five States In The Louisiana Purchase*. Chicago: A.C. McClung & Company, 1905; p. 41.

<sup>5</sup>Ibid. p. 42. William Peterson, "Julian Dubuque", *Palimpsest*, March, 1966; Vol. XLVII, pp. 105-119.

<sup>6</sup>William Peterson, "Julian Dubuque", pp. 105-109, Ben Hur Wilson, "Tesson's Apple Orchard", pp. 129-138 and Iola B. Quigley, "Basil Giard", pp. 139-144, *Palimpsest*. March 1966, Vol XLVII, No. 3.

<sup>7</sup>Salter, op cit, p. 45.

<sup>8</sup>Lillian McLaughlin, "Pride in Origin Typical among Des Moines Mexicans," *Des Moines Tribune*, May 18, 1967. Also Jim Hardin, "Fiesta Time in Old Fort Madison," *Des Moines Register*, Register's clipping file number 2.

<sup>9</sup>Iowa Census, 1856. (Iowa City: Census Board, Crow & Boyle, 1857).

The U.S. Federal Census of 1860 recorded six Mexicans in Iowa. In 1880, the Census takers counted 18 Chicanos in Iowa.<sup>10</sup> The Iowa Census of 1895 placed the number of Chicanos in Iowa at 30.<sup>11</sup> The Santa Fe Railroad recruited Mexican labor at the turn of the century and in 1895, the first Mexican Colony was founded in Fort Madison where Mexican laborers huddled around boxcars that the Santa Fe provided for them.<sup>12</sup>

By 1915, the Chicano population in Iowa had increased thirty times to 616. In 1925, as a result of the pull from railroads and farm interests, the Iowa Chicano population grew to 2,597.<sup>13</sup> The coming of the depression in 1929 slowed the trek of Mexicans northward as jobs became scarce. As a matter of fact, many Chicanos in Iowa found themselves "encouraged" to return southward by the same interests that had brought them north a few years earlier. Many returned to Mexico, Texas and other states. Others like Juan Garcia found employment with various New Deal agencies and worked to construct many of the public buildings built in Iowa through Federal Assistance.<sup>14</sup> Several found employment in other industries and some remained working for the railroad. Those that were not as lucky found themselves unemployed and eked out a living as best they could. Francisca Garcia of Des Moines remembers roaming the city dumps looking for food to feed her large family during the depression after her husband lost his job picking crops in the Mason City area.<sup>15</sup>

Several mutual benefit organizations were formed among Chicanos to help each other out during the

depression. One of the most successful ones still operating today is the Mexican American Death Benefit Club in Mason City.<sup>16</sup>

Ironically, World War II and Korea created a demand for Mexican labor and Chicanos began to be pulled to Iowa by the same economic interests that had historically brought them before the depression. Many Iowa Chicanos were drafted during the war and served valiantly overseas. Some like Lando Valadez of Des Moines were highly decorated. Valadez was one of the few Iowans who received the Silver Star during World War II.<sup>17</sup>

The war had an impact on Chicanos nationally as many returned to find that the democracy they had fought to preserve in Europe and Asia was escaping brown people in the U.S. Many organizations were founded to protect the rights of Chicano people. In Iowa, a statewide League of United Latin American Citizens (LULAC) was formed with branches in Des Moines, Davenport, Ft. Madison and Mason City. LULAC is still the largest Chicano organization in Iowa. A chapter of the G.I. Forum was also founded in Bettendorf during this period.

The new Chicano consciousness after World War II also led into other areas. Chicano churches sprang up in various cities. Our Lady of Guadalupe in Des Moines is one example. Built in 1948, Guadalupe Chapel is still the center of activity for many Des Moines Chicanos.<sup>18</sup>

The migration of more Chicanos in the 1950's, 1960's and 1970's has served to reinforce the Spanish language and Chicano culture in Iowa. In 1970, the Iowa Advisory Committee to the U.S. Civil Rights

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<sup>10</sup>U.S. Federal Census, 1860 and 1880.

<sup>11</sup>Iowa Census, 1895.

<sup>12</sup>Hardin, "Fiesta Time in Old Fort Madison", op cit.

<sup>13</sup>Iowa Census, 1915 and 1925.

<sup>14</sup>Interview with Mr. Juan Garcia, Des Moines, June, 1974.

<sup>15</sup>Interview with Mrs. Francisca Garcia, Des Moines, June, 1974.

<sup>16</sup>Letter Mr. Terrence Ambrose to Mr. Jorge F. Garcia, July 8, 1974.

<sup>17</sup>Interview with Mr. Lando Valadez, Des Moines, June, 1974.

<sup>18</sup>Ben Haller, Jr., "Refurbished Our Lady of Guadalupe Chapel", *Catholic Mirror*, October 14, 1971. Iowa Clipping File, *Des Moines Register and Tribune*.

Commission conducted the first study of Chicanos in the state. While the study was limited in time and scope, it raised many questions regarding the welfare of the Iowa Spanish Speaking in the areas of employment, housing, education, public accommodation, police relations and migrant conditions.<sup>19</sup> This study, together with the growing number of Chicanos in the state has forced Anglo Iowans to recognize the existence of the Chicano in Iowa.

Several of the newer organizations such as the Spanish Speaking Center of Des Moines, the Muscatine Migrant Center in Muscatine, the Migrant Action Program in Mason City and various others in Davenport, Sioux City, Council Bluffs and Fort Madison are striving to serve the Spanish Speaking people in Iowa in employment, housing, health, education, law services and provide assistance in crisis situations.

Politically, Chicanos in the State have also joined together to seek legislation that will benefit the Spanish Speaking people. The Governor's Spanish Speaking Task Force is a result of coordinated lobbying by Chicanos in the state and is an example of the growing political consciousness of Chicanos and the growing respect of Iowa politicians for Spanish Speaking issues. More recently, the Alianza Latina Politica de Iowa/The Iowa Latino Political Alliance has been formed to unite the Spanish Speaking in Iowa as an allied non-profit political action group committed to improving the economic, social and political well-being of Iowa's Spanish Speaking population through the political process.

This brief review of the Chicano experience in Iowa has done three things. First, it has shown that Chicanos in Iowa are not and have not been a transient population. They have long-standing roots in this state, they are a stable population and they are growing. The 1970 Census recorded just under 18,000 Chicanos in Iowa. 30,000 is now a more realistic figure. Secondly, Chicanos have been and continue to be victims of a racist and economically exploitive system. Anglo Iowans have seen and continue to see Chicano Iowans as scab laborers rather than citizen material, migrant workers rather than permanent community folk, backward and dependent people rather than "ambitious" and "hard working", foreigners rather than Americans, Catholic rather than Protestant, "colored" rather than white, etc. Thus, when confronted with Spanish Speaking people, the Iowa political, economic, educational and social institutions continue to revert to this racist historical legacy. Finally, I have tried to show that despite the difficulty encountered by Chicano immigrants to Iowa, they have survived and their culture is still alive. The Spanish Speaking people have not assimilated to the degree that other immigrants to Iowa have. The Spanish language is the 2nd major language used in the State on an everyday basis. Chicano customs thrive in many cities of the state as Mexican baptisms, weddings, funerals, confirmations, compadrazgo's are all occasions for dances, fiestas, and soul searching. In all of this and more Chicanos continue to contribute to what in our time is called Iowa.

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<sup>19A</sup> *Donde Vamos Ahora* (Where are we going now): A Report of the problems of the Spanish Surnamed and migrant populations of Iowa. Prepared by the Iowa State Advisory Committee to the United States Commission on Civil Rights, September 1970.

## DEMOGRAPHIC CHARACTERISTICS

Spanish Speaking Iowans were found to live in all but 20 counties in Iowa by the U.S. Census of 1970. Some of the counties where no Spanish Speaking were reported to live were visited and Spanish Speaking families were found. While not all counties were visited, the exact number missing were not recorded, but all ten counties visited proved to have Spanish Speaking who reported having lived there prior to 1970. These people, and others not recorded by the U.S. Census, were the basis from which an estimated 5 percent official undercount was acknowledged with estimates ranging to 20 percent. (18; P. 1)\*

The Task Force, in attempting to ascertain the actual figure, did compile a list of 4,000 Spanish Speaking families living in Iowa. The actual number of

families living in Iowa remains a question which due to time and fiscal limitations we could not answer. We can however, by using the U.S. Census data and the number of Spanish Speaking students known to be enrolled in Iowa schools in 1969 and 1974, establish the Spanish Speaking population at 29,538. This figure, as indicated earlier, does include the many weaknesses of the U.S. Census. If we were to adjust the figure by the acknowledged undercount, the figure would be between 31,015 and 35,446. These figures do not include an estimated 3,000 Spanish Speaking migrants who come to Iowa every year, since the U.S. Census clearly pointed out their absence at the time the count was taken.

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\*In order to properly use these footnotes, it is necessary to refer to the bibliography. Each source in the bibliography is numbered. The first number of the footnote refers to the sequence of the source within the bibliography. The second number refers to the page number. So the above footnote comes from page one of the eighteenth source.

Table I. Distribution of Spanish Speaking Iowans By County — For 1970 and 1974.

	1970	PERCENT GROWTH	1974 POP'N	DISTRIBUTION PERCENT
Black Hawk	1172	-13.55	1013	3.4
Cerro Gordo	1176	6.17	1249	4.2
Des Moines	501	22.44	613	2.0
Lee	798	1.19	807	2.7
Linn	1338	22.79	1643	5.6
Muscatine	1143	142.17	2768	9.4
Polk	4092	37.38	5622	19.0
Pottawattamie	1038	97.36	2048	6.9
Scott	2720	22.56	3334	11.3
Woodbury	742	-15.0	631	2.1
TEN COUNTY TOTAL	14,720	34.0	19,728	66.8
Remaining 89 Counties	7,153	37.15	9,810	33.2
ALL TOTALS	21,873	35.0	29,538	100.0
Source: "Characteristics of the Population—Iowa", U.S. Department of Commerce, Bureau of The Census, Issued Feb. 1973.				

The table of distribution of Spanish Speaking Iowans shows the highest concentrations of Spanish Speaking people in Polk County, 19.0 percent, Scott County with 11.3 percent and Muscatine County with 9.4 percent. The largest growth in the last four years was recorded in Muscatine, 142.17 percent followed by 97.3 percent in Pottawattamie County. Growth ranged between 1.19 percent to 37.38 percent in the remaining counties with increases. Two counties showed a loss. In Woodbury County the actual number of children in schools has dropped but all persons questioned seemed to believe that Spanish Speaking population has increased. The increase has been reported to include large numbers of young couples who now work at the beef packing companies in and around Sioux City. Unfortunately, our table does not include population growth. This limitation was made necessary by our attempts to use a solid base from which to make linear projections deemed empirically valid.

The visibility, of Spanish Speaking people in the ten counties, is directly related to their socio-economic conditions and the population's relative size in each county.

Relative to the county populations, we find Muscatine County with the highest proportion, 7.4 percent, of the total county population being Spanish Speaking. We find Cerro Gordo second with 2.5 per-

cent, Pottawattamie County third with 2.4 percent, Scott County fourth with 2.3 percent and all others ranging as low as .6 percent. Therefore, the importance of the group in terms of their influencing institutions and local governmental units would conceivably be directly related to this ranking order.

The degree by which existing programs and governmental units perceive the needs and importance of Spanish Speaking people is further influenced by the groups distribution by Congressional District.

In Congressional District I, we find 31.1 percent of Iowa's Spanish Speaking population, 23.7 percent in District IV and a combined total of 54.8 percent, leaving the 45.2 percent in the remaining districts. If the growth rate of the last four years remains unchanged, we may suspect that the combined Spanish Speaking population will exceed 31,000 by 1978 in Districts I, IV, and V. The remaining three Congressional Districts will record a relatively small growth unless the present trend changes.

Other factors that contribute to the visibility of Spanish Speaking Iowans are the activities and efforts of Spanish Speaking organizations. In all of the ten counties with large concentrations, Spanish Speaking people are organized in social and educational associations.

Table II. Distribution of Spanish Speaking Population Relative To Total Iowa Population;  
Ten (10) County Breakdown.

	POPULATION		SPANISH SPEAKING		PERCENT OF TOTAL
	ACTUAL	POP'N %	ACTUAL	PERCENT	
Black Hawk	132,916	4.7	1013	3.4	.8
Cerro Gordo	49,335	1.74	1249	4.2	2.5
Des Moines	46,982	1.66	613	2.0	1.3
Lee	42,996	1.52	807	2.7	1.9
Linn	163,213	5.77	1643	5.6	1.0
Muscatine	37,181	1.31	2768	9.4	7.4
Polk	286,101	10.12	5622	19.0	2.0
Pottawattamie	86,991	3.08	2048	6.9	2.4
Scott	142,687	5.05	3334	11.3	2.3
Woodbury	103,052	3.64	631	2.1	.6
TEN COUNTY TOTAL	1,091,454	34.36	19,728	66.8	1.8
Remaining 89 counties	1,732,922	65.64	9810	33.2	.5
TOTAL	2,824,376	100.00	29,538	100.0	1.0
Source: U.S. Department of Commerce, Bureau of The Census, "Characteristics of The Population, Iowa, issued Feb. 73.					

Table III. Distribution of Spanish Speaking Population  
By Congressional District.

DISTRICT	ACTUAL	PERCENT
1	9195	31.1
2	2887	9.8
3	4027	13.6
4	7005	23.7
5	4412	14.9
6	2012	6.8
TOTAL	29,538	99.9

Most efforts in the past have been limited to providing educational scholarships and promoting social and recreational activities. Recently though, growing concern and involvement have caused most groups to expand their efforts. More and more organizations now seek to improve the well being of the total community and actively seek ways to do it. Organizations are now directly involving themselves by participating or feeding into planning and advisory bodies in their respective communities. Alianza Latina Politica De Iowa, with membership in all the Congressional Districts, marks the beginning of a statewide effort toward influencing the political structure. The following Spanish Speaking organizations are active in Iowa. Additional information on each group may be obtained from the Task Force members or staff.

Table IV. Spanish Speaking Organizations in Iowa.

NAME	ACTIVITY	CITY	AFFILIATION
League of United Latin American Citizens (LULAC)	Education Social	Ft Madison Davenport Des Moines	Statewide & National
Alianza Latina Politica de Iowa	Political	Statewide	Statewide
American G.I. Forum	Education Social	Davenport Des Moines	Statewide & National
Mexican Benefit Trust	Burial fund	Mason City	Local
La Raza Unida	Social Political	Mason City	Local
Mexican American Recreation Club	Recreation	Des Moines	Local
Latin American Recreation Club	Recreation	Des Moines	Local
Pan American Association	Cultural-Social	Des Moines	Local
Siouxland Spanish Speaking Society	Social Service	Sioux City	Local
Los Amigos	Social	Cedar Rapids	Local
Fraternity of Latin American Club	Social	Council Bluffs	Local

## CULTURAL, RACIAL AND NATIVITY

### Cultural Identity:

Spanish Speaking Iowans, in light of their multiple origins and history, display a diverse culture significantly different from that of the general population.

The cultural origins of Spanish Speaking people in Iowa can be traced mainly to Mexico but also to Puerto Rico, Cuba, Central and South America and even to the Iberian Peninsula. These origins, which trace to the same country, are subject to conceivable differences in light of the fact that immigrants come from different regions, from different socio-economic strata and from different times in history. It can safely be stated that the very cultural traits displayed by immigrants to Iowa were significantly different and identifiable to its national source.

One must recognize that the continuing influence on the original diverse culture has indeed been different. The bulk of Spanish Speaking Iowans have been concentrated at the lower socio-economic levels with few exceptions. Thus, some aspects of the existing Spanish Speaking culture is derived from behavior characteristics displayed by the lower socio-

economic status regardless of ethnic groups. Furthermore, the effects of social, racial and ethnic discrimination have further influenced that existing culture. We might add that socio-economic and political disadvantage may significantly alter customs to a large extent, especially in light of cultural values that conflict with those shared by the existing power structure.

The diverse cultural origins of Spanish Speaking Iowans, altered by class influence, is also subject to the same cultural influence as the majority population. Spanish Speaking people are subject to the same mass media, institutional demands and technological developments which influence the total American society. The result and obvious fact is that Spanish Speaking Iowans are first "Americans" and secondly identifiable by their cultural traits and country of origin.

One concludes that Spanish Speaking Iowans have a distinct culture that resembles the culture of their country of origin but with unique characteristics, although considerably different from that of the majority population.



## Nativity and Parentage:

It is important to compare the distribution of foreign population to eradicate a popular misconception that prevails. To most Americans, the foreign

population remains those groups which are visibly different from the Anglo or Black American. In most cases the foreign population is considered to be Mexican or from other South American origins and becomes the usual basis for unequal treatment.

Table 5. Distribution of Foreign Born Iowans and Native Born Iowans of Foreign or Mixed Parentage.

	TOTAL FOREIGN STOCK		FOREIGN BORN		NATIVE OF FOREIGN PARENTS	
All Countries	100%	297,559	100%	40,217	100%	257,342
All Europe excluding Spain	86.9	258,414	73.4	29,447	89.0	228,967
U.S.S.R.	1.5	4,563	2.4	986	.01	3,577
All Asia excluding U.S.S.R.	2.0	5,978	7.1	2,880	.01	3,098
Canada	4.5	13,297	5.8	2,342	.04	10,955
All other Countries	2.9	8,654	5.2	2,083	.03	6,571
All non Spanish Speaking Countries	97.8	290,906	93.9	37,738	98.4	253,168
All Spanish Speaking Countries	2.2	6,653	6.1	2,479	1.6	4,173
North & Central American excluding Mexico & Canada	0.3	898	1.5	609	.1	288
Mexico	1.5	4,546	3.1	1,224	1.2	3,322
Spain	0.1	187	.1	59	.04	128
South America	0.3	1,022	1.4	597	.26	435

Source: "Characteristics of the Population—Iowa", U.S. Department of Commerce, Bureau of The Census. Issued Feb. 1973.

Using existing data from 1970 Census, Table I clearly shows that of the total foreign stock population living in Iowa, 290,906 or 97.8 percent were from non-Spanish Speaking countries compared to only 6,653 or 2.2 percent from all Spanish Speaking countries combined. Of the 297,559 foreign stock living in Iowa, one finds 86.9 percent are from Europe, excluding Spain, 1.5 percent from Russia and 2 percent from all other countries in Asia, 4.5 percent from Canada and 2.9 percent from other countries.

The Mexicans living in Iowa make up 1.5 percent of the total foreign stock population while all remaining Spanish Speaking nationalities are only .7 percent of the total foreign population living in Iowa. Therefore, it is evident that the foreign population living in Iowa is definitely not from Spanish Speaking countries nor those easily distinguishable by their brown or dark skin.

To further emphasize this point, let us look at persons of foreign or mixed parentage. One finds 98.4 percent or 253,168 born to parents native of non-Spanish Speaking countries and only 1.6 percent of 4,173 from Spanish Speaking countries. Although one finds that 79.6 percent of the 4,173 from foreign Spanish Speaking countries are from Mexico, it is still a small number when compared to the total mixed parentage. In fact, one finds more people of Russian born parents and Russian born descent than one finds persons of Mexican parents and Mexican born descent. Of Russian born parents we find 4,563 to 4,546 of Mexican born parents. Of Russian born Iowans, 3,577 to only 3,322 Mexican born. These figures are offered not to imply that Russian origin individuals are less loyal to our country but rather to stress beyond doubt that brown Iowans are in fact not foreigners, as implied by a common misconception.

### Racial Identity:

Spanish Speaking people as a group cannot be characterized in terms of race. Furthermore, the translation of the word *Raza* carries with it a totally different meaning from that nineteenth century notion of race as used by anthropologists. To Spanish Speaking people in most Latin American countries, *Raza* is an all-inclusive term used to refer to all people. Using its anthropological application, one finds that usually Spanish Speaking Iowans are classified as Caucasians when the need arises in documents and considered Mexican or Mexican-Americans in a national sense by the majority group.

Historically, Spanish Speaking people have suffered about the same type of discrimination as Black Americans. Even the light-brown Spanish Speaking were excluded from high-class facilities, though a few

"White Spanish Speaking" might have been freely admitted if they were fluent in English. To some extent, the same type of scale holds true today in Iowa as applied to community acceptance of Spanish Speaking.

Once more, we must point out that Spanish Speaking people cannot be classified by color or racial stock since the range may vary considerably. One may easily find within one Spanish Speaking family, color from total "white" to total "black" and characteristics of a biological nature that may be found in all racial stocks. One may add that identification by color or race develops from the society in direct relation to the racist attitudes that prevail. Thus it is not uncommon to find that newcomers to this country first discover their racial characteristics here, since in their country of origin no reference to it is ever made.

## EDUCATION

Education is the principle topic of discussion among Spanish Speaking people in Iowa as well as the rest of the country. Numerous studies indicate that the Spanish Speaking parents' aspiration for their childrens education is consistently high. In Iowa, Drake University Professors Carol and Larry Burden found this level of aspiration consistently high for Polk County while actual educational attainment consistently low (1; P.7). Other statistics from the State Department of Public Instruction verify that actual educational attainment remains relatively low for all minorities in Iowa including the Spanish Speaking students. Many youths, for personal as well as sociological reasons, continue to drop out of school. To correct these discrepancies, we feel it will require that state government and local boards of education assume their responsibility and tailor educational programs to meet the specific needs of children.

Accepting the achievement by some, most Spanish Speaking Iowans are still poorly served by the educational programs as they are presented in Iowa. While many factors contribute toward the educational process, educators and state government cannot escape the full blame for failure in educating children who are bilingual and bicultural.

Using the 1970 Census, Table VI shows that 42 percent of Spanish Speaking between the ages of 18 and 24 did not graduate from high school, while 27 percent of the same age category for non-Spanish Speaking did not graduate. It also indicates that of those 16 to 21 years of age, 25 percent Spanish Speaking dropped out while only 9 percent of the non-Spanish Speaking did likewise.

Taking these same age groups and indicators, we find the Spanish Speaking population closely resembling the general population in some counties

Table VI. Selected Educational Deficiencies -- Iowa 1970.

	NON SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Population 18-24	302,512	10	3028	13
Non-High School Graduates	80,185	27	1272	42
Population 16-21	298,275	10	2924	12
High School Dropouts	26,015	9	731	25

Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.

Table VII. Language Used by Polk County Spanish Speaking Population.

	HEAD OF THE HOUSEHOLD WHEN CHILD		HEAD HOUSEHOLD NOW		CHILDREN AT HOME	
	NO.	PERCENT	NO.	PERCENT	NO.	PERCENT
Only English	70	8.7	173	21.6	228	28.5
Mostly English	42	5.2	107	13.4	119	14.9
TOTAL	112	13.9%	280	35.0%	347	43.4%
Half English Half Spanish	191	23.9	262	32.7	204	25.5
Mostly Spanish	171	21.4	117	14.6	56	7.0
Only Spanish	297	37.1	108	13.5	34	4.2
TOTAL	659	82.4%	487	60.8%	294	36.7%

Source: Spanish Speaking Study, 1975. Spanish Speaking Center of Des Moines, Iowa April, 1975.

while in others we find tremendous disproportions. For example, we find Pottawattamie County having the highest number of dropouts with 41.85 percent Spanish Speaking and 15.97 percent for the non-Spanish Speaking population. Closely behind is Linn County with a dropout population for Spanish Speaking of 41.84 percent and an 8.13 percent rate for non-Spanish Speaking. Similarly, Scott County shows 26.74 percent Spanish Speaking dropped out to 11.10 percent non-Spanish Speaking, Polk County 16.37 percent Spanish Speaking to 10.03 percent non-Spanish Speaking and Woodbury County with 14.47 percent Spanish Speaking dropouts to 9.66 percent non-Spanish Speaking. Section Five of this report contains additional figures. This does not mean that other counties do not have similar discrepancies simply because their figures were not compiled by the U.S. Census. All other statistical data suggests that these same patterns exist throughout the state. We conclude that schools throughout the country and in Iowa must start addressing themselves to the student's needs including their cultural and linguistic differences.

Cultural and linguistic differences must be considered in light of providing quality education by Iowa schools. Yet these differences are ignored by most Iowa school districts and educators. In Iowa, one finds only limited efforts by three school districts which have large concentrations of migrant children toward the development of a proper program. All federal and state funds are specifically earmarked for migrant children with no local, state or federal efforts addressing the needs of Spanish Speaking Iowans.

It is generally voiced by educators and educational institutions that Spanish Speaking cultural and linguistic differences should be ignored in light of their relative small number in the state. By ignoring these student's needs, the result is a basic inequality of educational opportunity which accounts for other characteristics displayed by this population.

We have found that Spanish Speaking Iowans remain loyal to their use of the Spanish language. Of the Heads of Household, 82 percent spoke Spanish fluently while only 48.4 percent of their spouses did so. This suggests that the use of Spanish at home remains high and must be considered important by educators. While it is worth noting that children do use Spanish to a lesser degree, a significant number shown on Table VII, 36.7 percent, do speak Spanish. It is also shown that 11.2 percent of the children do speak mostly or only Spanish while 25.5 percent are bilingual.

Table VIII. Language Used at Home by Iowa Spanish Speaking Population

	RELATIVE FREQUENCY PERCENT	CUM. FREQUENCY PERCENT
No response	1.4	1.4
English	37.7	39.1
Spanish	14.2	53.3
Both	46.7	100.00

It is our estimate that 9,047 Spanish Speaking parents speak Spanish and as many as 5,725 of the children. While a sizable group of children, 6,770, use mostly English, a significant number find themselves in a transitional stage which would mean that certain linguistic interference could cause a reduction in their fluency in either language. It may be expected that these children do communicate with their peers in English yet may be expected to speak Spanish at home. Ultimately the students seem to lose interest in their use of Spanish since it appears that their fluency is adversely related with their age.

Some educators interpret this loss of the Spanish language as a positive step toward assimilation. However, transition from Spanish to English also carries with it certain detrimental effects on the child's self-concept depending on the particular circumstance. If a child rejects his use of Spanish in an attempt to be accepted by his peers and in response to negative attributes fostered by a monolingual society, the results lead to a serious psychological strain. Studies document that when a bilingual child is forced to denounce himself, his family and all that his culture and language represents in order to be accepted, the end result usually leads to self-hatred and a negative self-concept which affects the child's ability to succeed far beyond his school years (8; P. 266). School counselors must of necessity have an understanding of the bilingual child in order to assist the child caught between two cultures.

Linguistic and cultural differences must be considered important variables in interpreting raw scores from standardized tests, such as the Iowa Test of Basic Skills, the Scholastic Aptitude Test and others. When these tests are used by teachers whose exposure to cultural and linguistic differences is limited, the result may do more harm to the Spanish Speaking child than any other institutional tool could.

The child is unjustifiably exposed to standardized tests early in his school experience. These tests usually provide the basis for classification procedures which will by and large determine the child's total school experience. Such tests are designed for the English speaking child, who is not inhibited by linguistic differences from scoring at this highest potential level. The Spanish Speaking child facing tests given in English can hardly be expected to score well, regardless of his innate intelligence and ability. At most, such tests measure the degree to which the child has mastered the English words therein included. To contend that any test has been devised that measures a child's bank of information or his ability to perform is questionable. To expect an English written or verbalized test, culturally designed for Anglo children, to measure a bilingual child's ability is totally absurd. Conclusive evidence has been found that seriously questions the use of standardized tests

on Anglo children which invalidates their use on bilingual children. Numerous studies cited at a congressional hearing conclusively support that the very use of standardized tests by schools are inherently discriminatory against Spanish Speaking children. (13: P.100)

Once the child is classified below a certain I.Q. level, mentally retarded, or similarly classified, the schools then set up the schedule of services for that type of student. This schedule will usually encompass vocational, or industrial arts training, so that in fact a determination is made of the child's capabilities. The inevitable result is the setting of his goals by the institution. Therefore, it is suspected that basic economic and occupation patterns are set for Spanish Speaking students during their first years in school. This probably accounts for the low number of Spanish Speaking students enrolled in colleges and universities in Iowa, and also for their over-representation in special education programs in Iowa schools.

During the 1974-1975 school year, Spanish Speaking students made up 1.41 percent of all the students enrolled in special education programs in schools where their concentrations were high. This is a 45 point difference from their 0.96 percent enrollment in the school's regular program. In the learning disabilities program we find 1.26 percent Spanish Speaking, a 30 point over-representation; in educable mentally retarded or mentally handicapped a 30 point over-representation; in the program for emotionally disturbed or slow learners, 1.46 percent, a 50 point over-representation. In some school districts such as Mason City, Muscatine and Fort Madison, the number of students enrolled in special programs is unquestionably high. In Emotionally Mentally Retarded - Emotionally Mentally Handicapped Programs, Spanish Speaking enrollment accounts for 10 percent of Mason City's Program, six percent of Muscatine's and 12 percent of Fort Madison's Program.

These figures point out a definite disproportionate number of minority students in all special programs. While the actual factors contributing to such enrollment is not known, the lack of bilingual-bicultural staff suggests that possibly Spanish Speaking students are classified erroneously due to classification procedures. It definitely warrants a special investigation to ensure that these students are being educated and not just housed during their school years. (9: P.691)

The school's inability to serve the linguistically different child diminishes the quality of education provided and questions the integrity of educators that require non-English Speaking children to learn content material by osmosis. Under existing educational programs, a child may attend school three, four or even more years yet understand only a fraction of the

Table IX. Racial/Ethnic Distribution of Pupils Enrolled in Special Programs and Regular Programs in Iowa Public School Districts with Twenty (20) or More Minority Pupils 1974-1975.

	LEARNING DISABILITIES	PHYSICALLY HANDICAPPED	EMR/EMH PROGRAMS	TMR/TMH PROGRAMS	EMOTIONALLY DISTURBED LEARNERS	DISTRIBUTION OF COMBINED SPECIAL PROGRAMS	REGULAR EDUCATIONAL PROGRAM RACIAL/ETHNIC DISTRIBUTION
Non-Minority	93.23% (2,438)	93.94% (1,070)	86.91% (2,962)	90.37% (685)	92.55% (2,225)	90.86% (9,380)	94.80% (269,923)
Afro American	3.98% (104)	2.55% (29)	11.18% (381)	4.62% (35)	5.69% (137)	6.64% (686)	3.57% (10,150)
Spanish Surnamed	1.26% (33)	2.63% (30)	1.26% (43)	.66% (5)	1.46% (35)	1.41% (146)	.96% (2,734)
American Indian	.57% (15)	.35% (4)	.59% (20)	4.22% (32)	.25% (6)	.75% (77)	.31% (874)
Asian American	.65% (17)	.53% (6)	.06% (2)	.13% (1)	.04% (1)	.26% (27)	.24% (688)
Unspecified Minority	.31% (8)					.08% (8)	.12% (350)
Totals	100% (2,615)	100% (1,139)	100% (3,408)	100% (758)	100% (2,404)	100% (10,324)	100% (284,719)

Source: A Report on the Race, Ethnic, and Sex Characteristics of Iowa's Public Schools 1974-1975. Urban Education Section, Iowa Department of Public Instruction.

material presented. Therefore, it is not surprising to find that discipline practices in 42 school districts reveal some obvious discrepancies in their retention rate, suspensions, and the number of students retained in grade as indicated by the State Department of Public Instruction.

Table X shows that of all students retained in the same grade they attended last year, 1.98 percent were Spanish Speaking-over twice their relative enrollment of .96 percent in the same schools. It also shows that Afro American, American Indian and Spanish

Speaking students were being suspended from school at a higher rate than white students.

Table XI shows a significant decline in the number of Spanish Speaking students from grade three to twelve. These figures corroborate the high drop out rate which is also set forth by 1970 Census statistics. While all contributing factors and exact drop out rates are difficult to assess, these figures acknowledge that discrepancies worth investigating do exist.

*Table X. Racial/Ethnic Distribution of Pupils Retained in the Same Grade They Attended Last Year and Pupils Suspended from School for One to Twenty Consecutive Days in Public Schools With Twenty (20) or More Minority Enrollment 1974-1975.*

	RETAINED		SUSPENDED		ENROLLMENT
	PERCENT	ACTUAL	PERCENT	ACTUAL	
Non-Minority	93.62%	(2,274)	83.82%	(6,748)	94.80% (269,923)
Afro American	3.46%	(84)	12.86%	(1,035)	3.57% (10,150)
Spanish Surnamed	1.98%	(48)	.99%	(80)	.96% (2,734)
American Indian	.49%	(12)	.53%	(43)	.31% (874)
Asian American	.45%	(11)	.14%	(11)	.24% (688)
Unspecified Minority			1.66%	(134)	.12% (350)
Total	100%	(2,429)	100%	(8,051)	100% (284,719)
Source: A Report on the Race, Ethnic, and Sex Characteristics of Iowa's Public Schools 1974-1975. Urban Education Section, Iowa Department of Public Instruction.					

*Table XI. Racial/Ethnic Distribution of Pupils at Selected Grade Levels 1974-1975 in Iowa Public School Districts With Twenty (20) or More Minority Pupils.*

GRADE LEVEL	AMERICAN INDIAN	AFRO AMERICAN	ASIAN AMERICAN	SPANISH SURNAMED	MINORITY TOTAL	NON-MINORITY	TOTAL ENROLLMENT
3	.47% (84)	3.58% (639)	.65% (116)	1.11% (199)	5.81% (1038)	94.19% (16,828)	17,866
6	.37% (78)	3.58% (747)	.61% (128)	.92% (192)	5.48% (1145)	94.52% (19,755)	20,900
9	.27% (62)	3.57% (820)	.13% (30)	.88% (202)	4.85% (1114)	95.15% (21,851)	22,965
12	.197% (35)	2.517% (457)	.21% (38)	.92% (166)	3.83% (696)	96.17% (17,484)	18,180
Source: A Report on the Race, Ethnic, and Sex Characteristics of Iowa's Public Schools 1974-1975. Urban Education Section, Iowa Department of Public Instruction.							

### Spanish Speaking Students in Iowa Schools:

The Spanish Speaking students are found in all but ten counties in Iowa. Their numbers in school have increased by 33.24 percent between 1970 and 1974-75 school year. That the Anglo student population

decreased by 4.6 percent between 1973 and 1975 confirms that the need for cultural and linguistic differences of students must be considered in implementing educational programs.

Table XII shows that 2,615 Spanish Speaking students attend 28 school districts which represents



Table XII. School Districts With 10 or More Spanish Speaking Students Enrolled.

SCHOOL DISTRICT	TOTAL ENROLLMENT	AMERICAN INDIANS	ASIAN AMERICAN	AFRO AMERICAN	SPANISH SPEAKING	OTHER MINORITIES	TOTAL MINORITIES
Cedar Falls	6,182	.21% (13)	.34% (21)	.15% (9)	.29% (18)	.05% (3)	1.04% (64)
Waterloo	16,812	.22% (37)	.14% (23)	.58% (2,451)	.10% (17)	.07% (12)	15.10% (2,540)
Atlantic	2,187	.27% (6)	.27% (6)	.00% (0)	.46% (10)	.00% (0)	1.0% (22)
Mason City	6,409	.08% (5)	.41% (26)	.98% (63)	3.51% (229)	.03% (2)	5.07% (325)
Burlington	7,116	.10% (7)	.22% (16)	3.95% (281)	.80% (57)	.11% (8)	5.19% (369)
Oelwein	2,428	(0)	(0)	.16% (4)	.9% (22)	.12% (3)	1.20% (29)
Charles City	3,122	(0)	.16% (5)	.06% (2)	.42% (13)	(0)	.64% (20)
Hampton	1,401	.14% (2)	.64% (9)	(0)	1.64% (23)	(0)	2.43% (34)
Iowa City	9,002	.13% (12)	.72% (65)	1.17% (105)	.41% (37)	.52% (47)	2.95% (266)
Fort Madison	3,510	.23% (8)	.06% (2)	2.56% (90)	3.96% (139)	.06% (2)	6.87% (241)
Cedar Rapids	22,667	.14% (31)	.19% (44)	2.54% (575)	.51% (115)	.15% (35)	3.55% (800)
Columbus	993	(0)	(0)	(0)	5.74% (57)	(0)	5.74% (57)
Louisa-Muscatine	1,059	(0)	(0)	(0)	3.31% (35)	(0)	3.31% (35)
Marshalltown	6,810	.09% (6)	.16% (11)	.75% (51)	.29% (20)	.01% (1)	1.31% (89)
Muscatine	6,526	.08% (5)	.25% (16)	.58% (38)	3.69% (241)	.21% (14)	4.81% (314)
Des Moines	40,201	.18% (74)	.25% (99)	8.76% (3,523)	1.24% (500)	.16% (66)	10.60% (4,262)
Saydel	2,183	.09% (2)	.05% (1)	.18% (4)	.82% (18)	(0)	1.15% (25)
West Des Moines	6,552	.14% (9)	.32% (21)	.76% (50)	1.34% (88)	.32% (21)	2.88% (189)
Council Bluffs	13,634	.15% (20)	.10% (13)	1.13% (154)	1.38% (188)	.15% (21)	2.90% (396)
Lewis Central	2,940	.10% (3)	.20% (6)	(0)	.78% (23)	(0)	1.09% (32)
Bettendorf	5,691	.05% (3)	.11% (6)	.23% (13)	1.34% (76)	.09% (5)	1.81% (103)
Davenport	23,122	.19% (43)	.27% (62)	7.03% (1,626)	2.07% (478)	.03% (7)	9.59% (2,216)
Pleasant Valley	2,526	(0)	.08% (2)	.47% (12)	.44% (11)	(0)	.99% (25)
Ames	5,667	.14% (8)	.78% (44)	1.22% (69)	.83% (47)	.93% (53)	3.90% (221)
Ottumwa	6,697	.03% (2)	.13% (9)	1.17% (78)	.18% (12)	.05% (3)	1.55% (104)
Fort Dodge	6,846	.02% (1)	.18% (12)	3.39% (232)	.80% (55)	.20% (14)	4.59% (314)
Sioux City	16,790	1.78% (299)	.22% (37)	1.70% (285)	.40% (68)	.02% (3)	4.12% (692)
Dubuque	12,572	.03% (4)	.22% (28)	.24% (30)	.14% (18)	.03% (4)	.68% (84)
TOTALS	241,645	.25% (604)	.24% (584)	4.03% (9,745)	1.10% (2,615)	.13% (324)	5.74% (13,868)

Source: A Report on the Race, Ethnic, and Sex Characteristics of Iowa's Public Schools 1974-1975. Urban Education Section, Iowa Department of Public Instruction.

73.3 percent of the total number of students enrolled in private and public schools. Also significant is the fact that 1,890 or 53 percent of all Spanish Speaking students are enrolled in seven school districts as shown in Table XIII. All twenty-eight school districts noted to have concentrations warrant special attention to ensure that their educational programs include curriculum content and staff to provide the education which these students are guaranteed by the Civil Rights Act of 1964.

Worth noting is the existing staffing patterns of the districts with over 20 minorities enrolled. Table XIV shows clearly that districts are nowhere close to

being adequately staffed to provide a basic education to monolingual Spanish Speaking students. When one considers that only six Spanish surnamed teachers are presently employed as regular teachers to present a basic curriculum content, it becomes obvious that a violation of student's rights to an education exists. Foreign language teachers who specialize in teaching a second language other than English can hardly be considered a step toward equalizing education. When one considers that their Spanish Speaking student enrollment is .96 percent of the total and their total Spanish Speaking teachers is only .18 percent of the total, a 78 point difference is obvious. Clearly, this

Table XIII. Spanish Speaking Enrollment in 7 School Districts.

SCHOOL DISTRICT	TOTAL SS ENROLLMENT	PERCENT OF SD ENROLLMENT	PERCENT OF SS ENROLLMENT
Mason City	229	3.51	8.75
Fort Madison	139	3.96	5.31
Cedar Rapids	115	.51	4.39
Muscatine	241	3.69	9.21
Des Moines	500	1.24	19.12
Council Bluffs	188	1.38	7.18
Davenport	478	2.07	18.27
TOTALS	1890		72.23
Legend: SS - Spanish Speaking SD - School District			
Source: A Report on the Race, Ethnic, and Sex Characteristics of Iowa's Public Schools 1974-1975. Urban Education Section, Iowa Department of Public Instruction.			

Table XIV. Racial/Ethnic Distribution of Teachers and Administrators for Public School Districts With Twenty (20) or More Minorities Enrolled 1974-1975.

	NON-MINORITY	AFRO AMERICAN	SPANISH SURNAMED	AMERICAN INDIAN	OTHER MINORITY	TOTAL ENROLLMENT
Administrative Positions	97.10% (1,105)	2.55% (29)	.09% (1)	.09% (1)	.18% (2)	100% (1,138)
Regular Teachers	98.29% (9,002)	1.27% (116)	.07% (6)	.07% (6)	.32% (29)	100% (9,159)
Foreign Language Teachers	93.13% (271)	1.72% (5)	4.12% (12)	0	1.03% (3)	100% (291)
Total	98.02% (10,378)	1.42% (150)	.18% (19)	.06% (7)	.32% (34)	100% (10,588)
Source: A Report on the Race, Ethnic, and Sex Characteristics of Iowa's Public Schools 1974-1975. Urban Education Section, Iowa Department of Public Instruction.						

demonstrates that affirmative action employment practices are questionable with regard to schools and also substantiates that meaningful steps need to be taken toward equalizing both educational opportunities as well as employment opportunities.

The educational goals and aspirations of Spanish Speaking Iowans, as stated earlier, remains high which would suggest that their actual educational attainment would resemble the attainment pattern displayed by the general population. To determine the extent to which Spanish Speaking Iowans were participating in post high school education, we addressed both the institutions as well as the target population.

The target population was shown by the U.S. Census of 1970 to have a considerable number of college graduates. By actually canvassing the different counties and questioning Spanish Speaking families and groups we attempted to identify Spanish Speaking college graduates. Invariably, the respondents were unable to identify them. It was generally stated that very few Spanish Speaking Iowans had graduated from college and most that had graduated left the state due to their inability to find suitable employment at the time of graduation.

Of the college graduates found living in Iowa, over ninety percent were newcomers from other states or countries. This leads us to believe that the number of Spanish Speaking college graduates projected by the U.S. Census is overstated.

The institutions of higher education surveyed included all private and public colleges and universities operating in Iowa. The survey was conducted by mail and no attempt could be made to verify the figures given by the responding institutions due to our limited time and staff. Table XV sets forth the actual number of Spanish Speaking persons employed or enrolled in each of the responding colleges and universities of Iowa.

These tables show that total Spanish Speaking enrollment remains relatively low. Of a total of 74,580 students enrolled, .73 percent or 546 were Spanish Speaking. This may suggest only a 28 point under-representation by Spanish Speaking, but if we look closer we find a different picture.

Of the 546 Spanish Speaking students, we find 35.9 percent (196) are from Iowa, 29.5 percent (161) are from other states and 34.6 percent (189) are from other countries. This indicates that Spanish Speaking

Iowa student's enrollment is only .26 percent, a 74 point under-representation. If we combine out of state and Iowa Spanish Speaking enrollment, we find that Spanish Speaking American enrollment is still only .48 percent which is still 52 points under-representation of Spanish Speaking students. It is clear then that Spanish Speaking enrollment in all colleges and universities remains relatively low.

A closer observation of the state institutions and their enrollment of Spanish Speaking students reflects a similar pattern. We find 329 Spanish Speaking students enrolled of which 86 are from Iowa, 79 from other states and 164 from other countries. In proportion to its total student enrollment of 49,924, .17 percent (86) are Spanish Speaking Iowans, .16 percent (79) are Spanish Speaking from other states and .33 percent (164) are Spanish Speaking from other countries. It is worth noting that our state institutions have attracted almost twice as many Spanish Speaking people from other countries than they have from Iowa.

Looking at Spanish Speaking people employed by colleges and universities, we find that of the total 9,453 full time professional staff, 49 are Spanish Speaking of which .02 percent (2) are Spanish Speaking from Iowa, .03 percent (3) are Spanish Speaking from other states and .44 percent (42) are Spanish Speaking in full-time or part-time professional positions. State institutions were found to reflect a similar pattern. Of a total of 13,651 persons employed by state institutions, .26 percent (36) were Spanish Speaking and 35 were Spanish Speaking from other countries, one from another state and none from Iowa.

Obviously, these figures illustrate that college and universities, and in particular state institutions, are not serving Spanish Speaking Iowans in proportion to their relative numbers in the state. Their recruiting efforts have been more successful with foreign Spanish Speaking students than at recruiting Spanish Speaking Iowans. Moreover, it appears that the intent behind affirmative action has been thwarted in this instance by the availability of foreign Spanish Speaking professionals. While this does add Spanish Speaking to their ranks and it may be viewed as a positive step, the Spanish Speaking remain under-represented in all employment levels of all colleges and universities.

Table XV. Spanish Speaking Participants in Colleges and Universities in Iowa: Fall 1974.

PRIVATE LIBERAL ARTS COLLEGES	TOTAL					IOWA CHICANO					OUT OF STATE CHICANO					OTHER SPANISH SPEAKING				
	STUDENTS	FULL TIME PRO STAFF	PART TIME PRO STAFF	OTHER STAFF	STUDENTS REC FIN ASST	STUDENTS	FULL TIME PRO STAFF	PART TIME PRO STAFF	OTHER STAFF	STUDENTS REC FIN ASST	STUDENTS	FULL TIME PRO STAFF	PART TIME PRO STAFF	OTHER STAFF	STUDENTS REC FIN ASST	STUDENTS	FULL TIME PRO STAFF	PART TIME PRO STAFF	OTHER STAFF	STUDENTS REC FIN ASST
Briar Cliff Col	747	61	10	26	373	1	1	0	0	1	0	0	0	0	0	1	0	0	0	1
Buena Vista Col																				
Central Col	1,349	88	19	8	915	0	0	0	0	0	8	1	0	0	4	1	1	1	0	0
Clarke Col	600	69	24	43	240	2	0	0	0	2	0	0	0	0	0	5	1	0	0	0
Coe Col	1,150	110	43	96	563	(All counted as Spanish Surnamed)										4	0	1	2	1
Cornell Col	951	73	15	35	614	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dordt Col	51	0	1	0	28	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drake Univ	6,881	505	184	218	3,774	15	0	0	6	0	12	0	0	0	7	3	3	0	0	1
Graceland Col																				
Grinnel Col	1,168	100	7	250	494	0	0	0	0	0	1	1	0	0	1	2	0	0	0	0
Iowa Wesleyan Col											1	0	0	0	1					
Loras Col	1,478	91	15	14	960	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Luther Col	1,938																			
Marycrest Col	1,039	51	34	51	412	85	0	0	2	4	42	0	0	0	1	0	0	0	0	0
Morningside Col	1,155	86	23	88	925	4	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Mount Mercy Col	825	0	0	0	465	2	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Northwestern Col	700	50	0	0	550	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Maharishi Int'l	696	48	10	154	190	0	0	0	0	0	7	0	0	3	4	1	0	0	0	0
St Ambrose Col																				

Table XV. Spanish Speaking Participants in Colleges and Universities in Iowa: Fall 1974 (Cont).

PRIVATE LIBERAL ARTS COLLEGES (Cont)	TOTAL					IOWA CHICANO					OUT OF STATE CHICANO					OTHER SPANISH SPEAKING				
	STUDENTS	FULL TIME PRO STAFF	PART TIME PRO STAFF	OTHER STAFF	STUDENTS REC FIN ASST	STUDENTS	FULL TIME PRO STAFF	PART TIME PRO STAFF	OTHER STAFF	STUDENTS REC FIN ASST	STUDENTS	FULL TIME PRO STAFF	PART TIME PRO STAFF	OTHER STAFF	STUDENTS REC FIN ASST	STUDENTS	FULL TIME PRO STAFF	PART TIME PRO STAFF	OTHER STAFF	STUDENTS REC FIN ASST
Simpson Col	835	59	48	101	567	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Univ of Dubuque																				
Upper Iowa Col	527	61	3	9	396	0	1	0	0	0	0	0	0	0	0	3	0	0	0	3
Wartburg Col	1,193	77	17	126	888	0	0	0	0	0	2	0	0	0	2	0	0	0	0	0
Westmar Col	706	52	12	32	539	0	0	0	0	0	1	0	0	0	1	1	1	0	0	1
William Penn Col	667	49	5	11	511	0	0	0	0	0	8	0	0	0	2	0	0	0	0	0
IOWA COLLEGES & UNIVERSITIES STATE SUPPORTED																				
Univ of Iowa	21,320	4,521	2,535	269	6,893	58	0	0	0	39	63	0	0	0	22	129	15	1	8	69
						----- All listed as Spanish surnamed -----														
Univ of No. Iowa	8,690	683	52	1,233	2,300	9	0	0	0	5	5	1	0	1	3	8	5	0	0	3
Iowa St. Univ.	19,914	2,568	3,289	2,740	6,561	19	0	0	0	19	11	0	0	0	7	30	14	0	14	0
TOTALS	74,580	9,453	6,346	5,504	29,158	196	2	0	8	72	161	3	0	4	65	189	42	3	24	80

## EMPLOYMENT

Spanish Speaking Iowans, as indicated earlier, live in almost every county in Iowa, though 66.9 percent were found concentrated in ten counties. In attempting to ascertain their employment needs, we decided to follow two methods which we felt would present valid conclusions. The first was through visiting with

Spanish Speaking persons and institutions which had suggested possible problems worth investigating. The second was an analysis of existing data which would point out patterns and other characteristics which were important and could also lead to problem areas or significant conclusions.

*Table XVI. Distribution of Total Work Force and Spanish Language Work Force in Iowa Industry--1970.*

TOTAL IOWA INDUSTRY	TOTAL IOWA WORK FORCE		TOTAL IOWA SPANISH SPEAKING WORK FORCE	
	ACTUAL	PERCENT	ACTUAL	PERCENT
1. Agriculture, forestry and fisheries	142,473	13.091	244	4.15
2. Construction	57,173	5.253	240	4.09
3. Manufacturing	217,821	20.014	1,869	31.82
4. Railway, Trucking and other transportation	35,507	3.263	280	4.77
5. Wholesale trade	41,727	3.834	349	5.94
6. Food, bakery, dairy and eating and drinking places	66,106	6.074	460	7.83
7. General merchandise, motor vehicles, service stations and other retail trade	126,614	11.634	365	6.21
8. Banking and Credit agencies	16,533	1.519	88	1.50
9. Insurance, real estate	31,141	2.861	125	2.13
10. Repair services	14,397	1.323	98	1.67
11. Private households and other personal svcs.	46,963	4.315	261	4.44
12. Hospitals and health svcs.	66,163	6.079	413	7.03
Elementary and Secondary Schools and Colleges				
13. Public	69,958	6.428	400	6.81
14. Private	26,279	2.414	191	3.25
15. Legal, Engineering and other Professional svcs.	20,100	2.415	100	1.70
16. Public administration	39,258	3.607	147	2.50
17. Other industry	37,569	3.452	435	7.41
TOTAL EMPLOYED PERSONS 16 YRS & OVER	1,088,340	100.000%	5,874	100.00%

Source: U.S. Department of Commerce, Bureau of the Census, "Characteristics of the Population, Iowa," Issued Feb. 1973.

In following the second method, we looked at the existing industry and the distribution patterns as shown by the total work force relative to the Spanish Speaking work force. While the actual figures are subject to change, the relativity between the two groups, we feel, remains the same, or at least no evidence has been found to suggest otherwise.

Iowa is considered a major contributor to the growing demand for agricultural products in the country and the world. Directly employed by this sector we find 142,473 people, 13 percent of the state work force of which .17 percent are Spanish Speaking who represent 4.15 percent of the Spanish Speaking work force. Obviously Spanish Speaking Iowans as a group participate less and benefit less from jobs directly within the agricultural sector. These figures indicate that migrants who come to Iowa every year were not here when the census was taken, since it is estimated that at least 3,000 migrants come to Iowa every year. This is important because it can be concluded that the remaining census data is applicable only to permanent Iowa residents and the inferences drawn therefrom apply only to this population.

The construction field employs 5.3 percent of Iowa's work force of which .41 percent is Spanish Speaking, who make up 4.1 percent of the Spanish Speaking work force. Although the contributing factors are not easily identifiable, the large number of allegations by Spanish Speaking persons that union's purposely discriminate against them seems to surface as a possible explanation.

The manufacturing field reflects a pattern similar to other states. This field employs 20 percent of Iowa's work force of which .86 percent are Spanish Speaking. In relative terms, it includes 31.8 percent of the Spanish Speaking work force. These figures reveal an over-participation by Spanish Speaking workers in this field and suggests that this group may be favored by manufacturers. A possible explanation is shown on Tables XVII and XVIII. Occupations of Spanish Speaking reflects a large number classified as operators, since operators comprise a large number of jobs within the manufacturing field. If one notes the median earnings in Table XVII for the Spanish Speaking and whites, we notice a difference. The table shows white operators' median income at \$6798 and Spanish Speaking operators' median income at \$6519. This could mean that since Spanish Speaking operators in manufacturing are paid less, they are more appealing to these employers.

The railroad historically has employed large numbers of Spanish Speaking people due mainly to the demand and partly because the jobs were less appealing to others. Railroads, trucking and transportation, which employs 4.77 percent of the Spanish Speaking work force while only 3.3 percent of Iowa's labor force, shows a 151 point preference or over-participation by the Spanish Speaking workers.

Table XVII. Median Earnings of Persons in Experienced Civilian Labor Force for Selected Occupation Groups--1970.

MALE	WHITE	SPANISH SPEAKING
All occupation groups	6935	6271
Professional, Managerial	8699	8375
Craftsmen, foremen, and kindred workers.	7122	7833
Operatives including transport	6798	6519
FEMALE		
All occupation groups	2646	3233
Source: U.S. Department of Commerce, Bureau of the Census, "Characteristics of the Population, Iowa," Issued Feb. 1973.		

The retail section of our economy demonstrates a significant difference between the two groups. It employs 11.6 percent of Iowa's work force and only 6.2 percent of the Spanish Speaking work force which represents .29 percent of those employed in this field.

The health field and hospitals employ 6 percent of Iowa's work force which includes 7 percent of Iowa's Spanish Speaking work force and represents .62 percent of the Spanish Speaking physicians or dentists and 84 health workers. It can be concluded that of the 7 percent employed in health agencies, 307 workers were not in health occupations. Our survey of 1975 points out 58 physicians who speak Spanish, of which 35 were of Spanish Speaking origin. It further points out that a total of 96 Spanish Speaking people are employed by the hospitals responding, including non-medical or health occupations. This data suggests that while there has been an increase in the number of Spanish surnamed doctors, the majority of the total employed by the industry are probably involved in supportive occupations.

Of those employed by the education sector, elementary and secondary schools and colleges employ 591 Spanish Speaking people, of which 400 were employed by public institutions leaving 191 employed by the private schools. Since there are only 90 Spanish Speaking persons reported to be teachers by the census data, 501 Spanish Speaking persons are employed at non-teaching jobs. Our survey of schools and colleges and universities further points out that only 18 teachers are employed by public schools, 36 by private and public colleges and universities.

Table XVIII. Occupation of Persons of Spanish Language--1970 Census.

	BLACK HAWK	CERRO GORDO	DES MOINES	LEE	LINN	MUSCATINE	POLK	POTTAWATTAMIE	SCOTT	WOODBURY	10 COUNTY TOTALS	PERCENT
Population-16 yrs and over	591	514	261	363	567	480	2,027	532	1,267	388	6,990	41.6
Employed-16 yrs and over	332	230	151	176	339	265	1,302	349	760	175	4,079	58.4
Physicians-Dentists							6	8		8	22	.54
Teachers-Elementary-Sec.			6	15	12		39		12	6	90	2.2
Health Workers	18	6	11				38		11		84	2.1
Other Professional Workers	37	6	6	20	36	6	63	36	14	17	241	5.9
Managers and Admin salaried	27				14		99	7	48	27	222	5.4
Managers and Admin self emp	15				8		12		15		50	1.2
Sales work	45	7		23	14		71		23		183	4.5
Clerical	23	35	20	12	38	14	242	41	114	12	551	13.5
Craftsmen	35	24	21	13	56	30	180	38	59	26	482	11.8
Factory Operators	48	79	73	44	56	100	206	60	194	31	891	21.8
Transport (Drivers)	16	7		7	14	15	37	28	15		139	3.4
Laborers	6	24	5	7	54	54	96	62	97	6	411	10.8
Farmer and Farm Managers								7			7	.17
Farm laborers			9	8		7					24	.59
Service workers	62	42		20	37	39	206	55	151	42	654	16.0
Pvt Household workers				7			7	7	7		28	.69

Source: U.S. Department of Commerce, Bureau of the Census, "Characteristics of the Population, Iowa," Issued Feb. 1973.

Therefore 36 must be employed by private elementary or secondary schools or other institutions. Possibly some may have left the profession since 1970.

In the legal, engineering and other professional services fields we find that they employ 2.415 percent of

the total work force, which includes only 1.70 percent of the Spanish Speaking work force. An obvious 71 point difference is the result and can be supported by the educational data previously presented. Our efforts to identify Spanish Speaking attorneys produced three attorneys practicing in Iowa and a



fourth teaching at Drake University Law School. A similar problem resulted at identifying Spanish Speaking engineers. These figures show a definite shortage of Spanish Speaking professionals in these fields.

Our complex governmental structure and the many services which it provides employs 3.6 percent of Iowa's work force which includes 2.5 percent of the Spanish Speaking work force, which in turn represents .37 percent of those employed by this sector. This figure shows that the affirmative action policy of governmental units is questionable and that

present built-in screening out devices, such as the merit system, have successfully kept a disproportionate number of Spanish Speaking from employment within government institutions.

The patterns reflected by the Spanish Speaking work force warrant a deeper study to identify the many contributing factors. It is presented here because Spanish Speaking people throughout the state have reported incidents which support that discrimination does take place in Iowa, and that the differences noted may be the result of such practices.

## SOCIAL SERVICES

In attempting to ascertain the needs of Spanish Speaking citizens, we start with two basic assumptions; (1) that all individuals regardless of race, sex, creed or country of national origin are subject to the same needs since each group's needs should be similar to the others, (2) that all programs in operation serve all people equally regardless of race, sex, creed or country of national origin. The second assumption is

a requirement set forth by the Civil Rights Act of 1964 and its Amendments. Before we can conclude that these two assumptions are correct and that Spanish Speaking Iowans social service needs are met, we must look at some unique factors that are attributed to the Spanish Speaking population and some of the ingredients displayed by social service delivery systems.

Table XIX. Distribution of Total Iowa Families and Spanish Speaking Families by Income.

FAMILIES	ALL IOWA FAMILIES			SPANISH SPEAKING FAMILIES		
	PERCENT	ACTUAL	MEAN INCOME DEFICIT	PERCENT	ACTUAL	MEAN INCOME DEFICIT
Total	100	717,776		100	3,648	
With Income Above Poverty Level	72.4	519,620		65.1	2,374	
With Income Less Than Poverty Level But Above 75%	8.91	63,956	\$1,242.00	10.7	391	\$1,629.00
With Income Less Than 75% Of Poverty Level	5.18	37,164	\$1,065.00	6.0	219	\$1,495.00
With Income Less Than 125% of Poverty Level	13.49	96,847	\$1,479.00	10.2	664	\$1,730.00
Percent Of Families Receiving Public Assist.	4.3			.8		

Mean income deficit is the difference between the total income of families and unrelated individuals below the and their respective poverty threshold.

Source: U.S. Department of Commerce, Bureau of the Census, "Characteristics of the Population, Iowa," Issued Feb. 1973.

The Spanish Speaking people display some socio-economic and linguistic differences which may have significance for social service delivery systems as pointed out earlier in the employment section of this report. We find them to earn less than the remaining Iowa population, that they are largely concentrated between the bottom and lower center of the occupation patterns, and their educational characteristics suggest that they might continue to display these differences for some time.

The U.S. Census data set forth by Table XIX points out that 4.3 percent of all Iowa families were receiving some form of public assistance in proportion to only .8 percent of the Spanish Speaking population. One could conclude that Spanish Speaking Iowans are wealthier or request less public assistance. The same table points out that they are not wealthier but in fact poorer. We find that of the total Iowa families, 72.4 percent earn more than the poverty level compared to only 65.1 percent of the Spanish Speaking families. Of those families earning less than the poverty level, we find 8.91 percent of all Iowa families and 10.7 percent of all Spanish Speaking families. A \$357.00 greater mean income deficit for Spanish Speaking families further illustrates that within this income group, Spanish Speaking families are still poorer. The same pattern holds true for those with incomes less than 75 percent and 125 percent of poverty level, with the

difference between the groups increasing as the income drops.

Some have suggested that pride keeps the Spanish Speaking from requesting assistance even though they qualify, a statement that may be true. Our survey of Spanish Speaking families offers still another explanation. Of the respondents, we found that 51.4 percent had no knowledge of public or private assistance agencies with 39.4 percent indicating knowledge of public agencies and 33.9 percent of private assistance agencies, though to some extent other factors attributed to the delivery system may be also contributing to the lack of service to the Spanish Speaking population.

Our survey of social services delivery systems was limited to social service offices operating within the ten counties with large concentrations of Spanish Speaking. It was felt that these offices, with a wide range of service components, would serve as initial contacts for most families in need. These offices provide information and referral services along with a whole array of services. Therefore, it was felt that their ability to serve Spanish Speaking persons would provide a good measure of all other services available.

These figures do not include characteristics of the other social services agencies that operate in each county listed.

Table XX. Weighted Average Thresholds at the Poverty Level in 1969, by Size of Family and Sex of Head, by Farm and Nonfarm Residence.

SIZE OF FAMILY	TOTAL	NONFARM			FARM		
		TOTAL	MALE HEAD	FEMALE HEAD	TOTAL	MALE HEAD	FEMALE HEAD
All unrelated individuals	\$1,834	\$1,840	\$1,923	\$1,792	\$1,569	\$1,607	\$1,512
Under 65 years	\$1,888	\$1,893	\$1,974	\$1,826	\$1,641	\$1,678	\$1,552
65 years and over	\$1,749	\$1,757	\$1,773	\$1,751	\$1,498	\$1,508	\$1,487
All families	\$3,388	\$3,410	\$3,451	\$3,082	\$2,954	\$2,965	\$2,757
2 persons	\$2,364	\$2,383	\$2,394	\$2,320	\$2,012	\$2,017	\$1,931
Head under 65 years	\$2,441	\$2,458	\$2,473	\$2,373	\$2,093	\$2,100	\$1,984
Head 65 years and over	\$2,194	\$2,215	\$2,217	\$2,202	\$1,882	\$1,883	\$1,861
3 persons	\$2,905	\$2,924	\$2,937	\$2,830	\$2,480	\$2,485	\$2,395
4 persons	\$3,721	\$3,743	\$3,745	\$3,725	\$3,195	\$3,197	\$3,159
5 persons	\$4,386	\$4,415	\$4,418	\$4,377	\$3,769	\$3,770	\$3,761
6 persons	\$4,921	\$4,958	\$4,962	\$4,917	\$4,244	\$4,245	\$4,205
7 or more persons	\$6,034	\$6,101	\$6,116	\$5,952	\$5,182	\$5,185	\$5,129

Source: U.S. Department of Commerce, Bureau of the Census, "Characteristics of the Population, Iowa," Issued Feb. 1973.

The services provided as indicated by State Department of Social Service offices in each local were never verified due again to time and staff limitations. It is assumed that the agencies did provide the actual number of cases active during July, 1974, the month in which the survey was taken.

Table XXI shows the distribution of active cases relative to each county population and Spanish Speaking population. It shows Muscatine County with 471 active cases and Cerro Gordo County with 53. Both counties receive an estimated 1,000 migrants during the summer months. Active cases do not make distinctions between migrants and non-migrants; therefore, it is difficult to determine the extent to which either office was serving local residents. Excepting Polk County, all other counties show a clear under-participation by Spanish Speaking resident families in proportion to their numbers in each county. Polk County shows 84 active cases which would suggest a proportionately better service by the local social service offices. This may be attributed to the existence of the Spanish Speaking Center which complements local social service agencies in their delivery of services to the Spanish Speaking citizens, a conclusion that appears to be supported by the fact that all other counties listed were not serving equal propor-

tions of the Spanish Speaking. In all counties, the proportion of total cases served to the total population remains higher than the proportion of services to Spanish Speaking county population.

Another consideration worth noting is the department's ability to communicate with monolingual Spanish Speaking persons. We found that of the 10 county social service agencies, three counties had employed Spanish Speaking persons. Muscatine County reported having two employees able to speak Spanish of which one was a student studying Spanish in college. This fact may be a possible reason for this county's reported high level of services to Spanish Speaking people. Similarly we found Black Hawk County with one Spanish Speaking person and Linn County with two. Unlike Muscatine, the level of services to Spanish Speaking by these two counties are the lowest in the state, which raises questions worth investigating. Also stated by most state Social Service agencies was that they would depend on local community volunteers to provide services, and only one of the ten agencies noted any attempts made to hire Spanish Speaking persons, with the remaining clearly noting that no efforts had been made nor contemplated, since the total Spanish Speaking persons, with the remaining clearly noting

Table XXI. Reported Cases Being Served by State Department of Social Services Offices.

COUNTIES	TOTAL CASES	% OF TOTAL POPULATION	SPANISH SPEAKING CASES	% OF SPANISH SPEAKING POPULATION	SPANISH SPEAKING % OF TOTAL POPULATION
Black Hawk	1,500	1.1	1	.09	.76
Cerro Gordo	2,028	4.1	53	4.2	2.5
Des Moines	No response to Questionnaire				
Lee	1,945	4.5	19	2.4	1.9
Linn	450	2.8	2	.12	1.0
Muscatine	3,319	8.9	471	17	7.4
Polk	2,600	.9	84	1.5	2.0
Pottawattamie	1,000	1.1	10	.49	2.4
Scott	No response to Questionnaire				
Woodbury	875	0.8	Not Known		.61
TOTALS	13,717		640		
Total cases, Spanish Speaking cases and their relation to total population for each group in ten counties of Iowa, 1974.					

that no efforts had been made nor contemplated. Since the total Spanish Speaking employees represent .15 percent of those employed by the department, this figure could be construed as a violation of the Governor's Executive Order 15, or at least a lack of concern to improve the delivery system.

A telephone survey was conducted of all ten social service agencies aimed at establishing their ability to serve monolingual Spanish Speaking persons. Calls were made in Spanish and the time required by the agencies to find interpreters was to be taken. Unfortunately, the timing was not necessary since all ten agencies were unable to serve after 15 minutes on the telephone. The Polk County office was the only one that could find someone who could give at least a number to call within the 15 minute time limit as most others were found to be totally incapable of meeting the need presented by a non-English Speaking person.

In surveying available literature of assistance programs, it was found that all but one of the responding agencies had at least the materials explaining food stamps in Spanish. Polk, Muscatine and Cerro Gordo Counties were found to have a wider assortment of literature. Pottawattamie County indicated having no literature in Spanish and having made no

efforts to obtain any, a possible explanation for their low level of services to Spanish Speaking families.

During the duration of the Task Force, an increasing demand for information related to Social Services was experienced. Spanish Speaking families from throughout the state called on the Task Force for assistance in processing claims or information. However, due to staff limitations, these calls were referred to appropriate agencies and only a few were followed up. These increasing requests point out a clear weakness by the existing delivery system to improve their services to Spanish Speaking Iowans.

We conclude that economic and other social indicators suggest that Iowa's Spanish Speaking population presently have more severe social service needs than the needs experienced by the general population. Furthermore, the present social service delivery system is not equipped to adequately serve monolingual Spanish Speaking persons and is not serving the Spanish Speaking people at the level it serves the rest of the general population and that no efforts to correct these discrepancies have been identified. These disparities are in violation of the Civil Rights Act of 1964 as amended and in violation of Title XX of the Social Security Act. (See Section IV)

Table XXII. Responses to Social Services Questionnaire.

	BLACK HAWK	CERRO GORDO	DES MOINES	LEE	LINN	MUSCATINE	POLK	POTTAWATTAMIE	SCOTT	WOODBURY
Total Number Of Cases	1500	2028	No Record	1945	450	3319	2600	1000	No Information Received	875
Spanish Speaking Cases	1	53	No Record	19	2	471	84	10	No Information Received	Do not Know
Spanish Speaking Staff	1 Staff 1 Volunteer	None	None	None	2	1 Staff 1 Volunteer	No record of such Individual	None	No Information Received	None
Attempts to hire Spanish Speaking	Has attempted	Some attempt	None	None	Has attempted	Has attempted	None	None	No Information Received	None
Service to monolingual Spanish Speaking by	Staff Member	Migrant Action Program	Volunteer	Volunteer	Staff	Staff	Spanish Speaking Center D.M.	Volunteer	No Information Received	None
Literature available Spanish	Food Stamps	Various	Food Stamps	Various	Child Abuse	Various	Various	None	No Information Received	Various
Efforts to obtain literature in Spanish	No other attempts	Has most literature	No other attempts	Presently attempting	No other attempts	Has most literature	No other attempts	None	No Information Received	No other attempts

## HEALTH

It is difficult, if not impossible, to accurately identify the particular health characteristics and needs of Spanish Speaking Iowans from available data. Most medical institutions keep no records that reflect the ethnic make-up of patients. We may, however, use other socio-economic characteristics which may serve to make inferences which may surface possible problems.

Considering income indicators, one may suspect that Spanish Speaking people are economically less capable of purchasing medical services. With their lack of awareness of public and private social service agencies, it can only be conjectured that few are informed of government sponsored medical or health programs. Moreover, less income leads to less nutrition and less preventative efforts which in turn increases the possibility of illness.

Employment patterns and occupations displayed by Spanish Speaking people can be interpreted to suggest a higher probability of illness or accidents attributable directly to occupations. (Table XXI) A

large concentration of Spanish Speaking people are employed by the manufacturing industry, 31.8 percent, and also by other industries which entail high levels of chemical use or other working conditions which are considered hazardous. Furthermore, a full 60.4 percent of Spanish Speaking employed were found doing manual labor that requires high physical exertion. Therefore employment factors should be considered important since they may contribute directly to health needs.

Likewise, most Spanish Speaking people surveyed indicated a high level of use of Spanish from available data, it is estimated that 6,000 to 6,500 Spanish Speaking people living in Iowa speak little or no English. This fact further suggests that their ability to communicate with their physician becomes of sufficient importance in obtaining medical services. Our survey of hospitals does point out the estimated number of practicing physicians who speak Spanish and also other employees who may be available to translate if the need arose.

Table XXIII. Hospital Employees Distribution by Spanish Origin, and Spanish Speaking Abilities.

JULY 1975 -- TOTAL HOSPITALS RESPONDING				
	TOTAL EMPLOYEES	SPANISH ORIGIN EMPLOYEES	DOCTORS THAT SPEAK SPANISH	EMPLOYEES THAT SPEAK SPANISH
<u>Polk County</u>				
Broadlawns	600	3	?	0
Des Moines General	480	1	0	1
Iowa Lutheran	1,150	6	6	6
Iowa Methodist B.M.	1,720	12	4	38
Northwest	299	2	23	2
Veterans Administration	800	10		9
<u>Marion County</u>				
Veterans Administration Knoxville	1,043	2	1	2
<u>Muscatine County</u>				
Muscatine General	176	2	0	2
<u>Lee County</u>				
Sacred Heart-Ft. Madison	250	11	3	10
St. Joseph-Keokuk	188	2	5	1
<u>Linn County</u>				
Mercy Hospital Cedar Rapids	1,247			
<u>Black Hawk County</u>				
Sartori Memorial- Cedar Falls	240	2	0	
Schoitz Memorial	775	0	0	
St. Francis	575	5	2	3
<u>Cerro Gordo County</u>				
Memorial-Mason City	173	1		1
<u>Pottawattamie County</u>				
Jennie Edmundson Mem.	530	1	6	1
<u>Scott County</u>				
Mercy-Davenport	739	4	3	2
St. Luke's	705	8	5	8
<u>Woodbury County</u>				
St. Joseph Mercy, S.C.	925	4	0	1
St. Vincent's	500	2	0	2
St. Luke's Ctr.	850	3	0	7
TOTALS	13,465	80	58	96

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## HOUSING

Growing numbers of Spanish Speaking Iowans live in comfortable urban and suburban houses. Census data tends to suggest that a proportionate number of middle class Spanish Speaking have few housing problems. It does, however, point out that the economic conditions of this population remains low and shows a high number of Spanish Speaking in the poor category and renting, thereby indicating that Spanish Speaking generally live in decent standard housing similar to the rest of the population, though they may not own their homes.

Similar indications were noted by our own study. It was found that 64.8 percent own their homes and 63.7 percent felt that they had no problem in finding a home of their choice. However, the remaining 35 percent did not own their homes and 35.8 percent did indicate having had difficulty finding housing of their choice of these 28.1 percent attribute their difficulty to discrimination. These figures support the characteristics set forth by the Census when applied to those in the upper income brackets. Furthermore, it indicates that the remaining 35 percent did in fact feel obvious problems in housing.

Applying economic indicators, we may make further extrapolations. Housing experts estimate that under normal conditions, a family should not exceed more than twenty percent of its annual income on housing. It is further estimated that a family must earn \$12,000 per year to have reasonable expectations of home ownership. The 1970 Census shows 13.5 percent of Spanish Speaking families below poverty guidelines and 65.1 percent above the poverty income bracket and only 21.4 percent earning \$12,000 or more. (17; P.65)

If 64.8 percent of Spanish Speaking Iowans own or are paying for a home we can suggest two possible inferences; (1) 43.4 percent of Spanish Speaking that own homes are spending more than 20 percent of their incomes for housing, (2) a significant number of homes owned by Spanish Speaking may be described as "dilapidated". (Dwellings requiring more repairs than is justified by the value of the unit . . . due to age or originally design.) Taking other observations into consideration, both are valid.

Throughout the state of Iowa, it was noted that a large number of Spanish Speaking people have moved out of what is considered the "Barrio". (Ghetto) There is no reason to suspect that the Census statistics are understating Spanish Speaking family income and may in fact be overstating them. It is therefore suspected that the Spanish Speaking population are

overtaxing their pocketbooks in their efforts to enjoy better housing.

Also noted is the fact that "*Barrios*" characterized by low cost substandard housing do exist in every one of the ten largest Spanish Speaking concentrations in the state. They usually represent in these cities the most economically depressed section and reflect the highest population density, crime rate and other negative characteristics associated therein.

In attempting to ascertain the problems facing Spanish Speaking families that rent (35 percent), it may be valid to apply all problems facing the poor population throughout the state. In view of the present housing shortage, rents are constantly on the rise as they respond to the mounting demand.

Many problems facing all economically deprived groups are applicable to Spanish Speaking only magnified by language, discrimination, culture and other factors. With a 34 percent Spanish Speaking population increase over the last four years and the lack of available guidance programs designed to alleviate housing problems, it can only be concluded that finding suitable housing is becoming increasingly hard. Economic limitations compounded sometimes by racist practices are two factors which become increasingly obvious in certain parts of the state. Attempts to take proper steps to report cases of discrimination continue to become increasingly difficult for economically deprived individuals. An analysis of one of many cases which came to our attention will demonstrate this problem.

A migrant family in Muscatine, who for five years had been caught in the vicious cycle of migrancy, were finally able to stay and take a job with a local firm. The firm, as many in the area, was in need of permanent dependable workers and would pay the man \$3.50 per hour to start. When the tomato season was over, the man started working while still living at the migrant camp, an arrangement which the grower agreed to only until suitable housing was found in town. After two weeks of searching and not finding anything, he was assisted by an Anglo friend who had helped him before. This friend called a person who informed him that a house was vacant. The migrant went to inspect the premise at which time he was told that they did not rent to Mexicans and that even if they did, the house was already rented. The following day the house was offered to an Anglo family and rented. The migrant was urged to report the case to the Human Rights and Civil Rights Commissions, which he did. Unfortunately, unable to find a house,



Table XXIV. Housing Characteristics of Spanish Speaking and Non-Spanish Speaking Iowans.

	1975 SPANISH SPEAKING POPULATION	NON SPANISH SPEAKING POPULATION
Population	29,442	2,802,550
Occupied Housing Units	6,664	864,152
Population in Housing	28,195	2,712,307
Average per Occupied Unit	4.23	3.13
No. of Owner Occupied Units	4,318	613,596
% of Owner Occupied Units	64.8	71.7
No. of Rented Occupied Units	2,346	250,556
% of Rented Occupied Units	35.2	28.3
% in Housing Units	95.76	96.78
Revised Source: U.S. Department of Commerce. 1970 Census of Housing-Iowa. Issued 1972.		

the migrant family left and went back to Texas prior to the case being investigated. Therefore, the case was never documented. This instance, as others that go unknown, point out that in order to ascertain the degree to which discriminatory practices exist, a deeper and more thoroughly conducted survey must be taken.

Table XXIV shows 4.23 Spanish Speaking persons per occupied unit and 3.13 for the non-Spanish Speaking population, an indicator that Spanish Speaking families require larger houses, which should be of particular importance to planners of low income housing programs. This table also shows that the relative number of Spanish Speaking persons renting through our survey in 1975 are almost the same. A slightly lower proportion of Spanish Speaking renters from other than Mexican origin was recorded, 29.6 percent by our survey. We conclude that Mexican origin Spanish Speaking Iowans are renting at a higher proportion than Spanish Speaking from other origins.

Looking at the distribution of owner-occupied units we notice a sharper decline in the proportion of Spanish Speaking home-owners as the price increases than for the non-Spanish Speaking groups. It is further shown that 63.0 percent of the Spanish Speaking owners own homes valued below fifteen thousand dollars, while only 55 percent of the non-Spanish Speaking own homes in this price range. Further housing data on the ten counties with 66.5 percent of the total Spanish Speaking population is reflected on the following table.

Table XXV. Housing Occupied by Spanish Speaking in Ten Counties, by Year Structure was Built.

YEAR	ACTUAL	PERCENT
1939 or Earlier	2,962	60.3
1940 to 1949	342	7.0
1950 to 1959	701	14.3
1960 to 1964	416	8.5
1965 to 1970	490	10.0
TOTAL	4,911	100.0
Revised Source: U.S. Department of Commerce, 1970 Census of Housing-Iowa. Issued 1972.		

Shown here, we find that 60.3 percent of the Spanish Speaking people living in the ten counties live in old homes. The obvious conclusion while traveling through these counties was that few changes have occurred since 1970. These figures and numerous problems reported by the Spanish Speaking throughout the state is verification that housing problems do exist. It is readily apparent that all of Iowa is facing a housing shortage which only serves to intensify the housing problems for Spanish Speaking people, who are usually more economically depressed.



## **SECTION TWO**



## MIGRANTS

This section concerns itself with migrancy, an outdated system of agriculture which brings with it many related social, educational, health and economic problems. It results from impoverished families attempting to survive in a free market economy without government protection. Migrants travel from state to state or within a state in search for temporary seasonal agricultural or agriculturally related employment, usually the least desirable work available at the lowest pay scale. Historically, migrancy has included the most vulnerable group of people in the country. Newly arrived immigrants have been part of migrancy and each group has been replaced as changes in national and world affairs have developed.

The Chinese, Mexican Americans, Blacks, Japanese and poor Whites competed for the lowest paying jobs in agriculture during the early part of the century. The National Origins Act diminished immigration from Europe, and the Chinese exclusion Act of 1882 suspended immigration from China. These two acts restricted the influx of both groups leaving migrancy mainly to Mexican Americans and Blacks. World War II absorbed most remaining poor White migrants into its war industry. The remaining Japanese migrants were moved into special camps and a large number of Mexican Americans were drafted into the armed forces.

The need for replacements in agricultural labor was soon filled by the Bracero Pact of 1942 with Mexico which brought thousands of Mexican workers to the American fields. The Pact set forth certain requirements and protected Mexican labor against extreme abuse. It involved many time consuming details which discouraged agribusiness from being fully satisfied. Many Braceros deserted the Bracero Program, sometimes with the help of their employers. Once free from their contracts, agribusiness would re-hire them as illegal aliens thereby avoiding the red tape of the Bracero Program and stripping the workers of any protection. Furthermore, many Braceros found crossing the border illegally relatively simple, especially since immigration laws were loosely enforced.

Mexican Americans returning from the war found their infantry experience useless for civilian occupations. Some went on to school under the G.I. Bill but most, discouraged by the discriminatory practices that prevailed, returned to the farms. They found themselves in direct competition with illegal aliens and Braceros who now held most farm jobs. The increasing number of workers soon depressed wages and kept them significantly below the prevailing wages of the times. On December 31, 1964 the Bracero

Pact ended, bringing to a head the long standing competitive atmosphere by removing legal Mexican American workers from the fields. It was also the beginning of American agricultural dependency on American labor.

Table XXVI shows 184,000 migrants in 1972. It represents a steady decrease from 1959 and points out that wages improved during this period. However the \$2,424 average annual income shown still falls significantly below the established poverty guidelines for 1969. (Table XX) These statistics and numerous studies clearly point out the migrancy has remained a "Harvest of Shame" and the conditions have lingered as described by John Steinbeck in his novel *"Grapes of Wrath"*. (14)

One possible explanation why migrancy continues becomes clear when one considers the many factors which force people into this vicious cycle.

Most migrants start their journey northward from South Texas or from cities along the Mexican Border. With the exception of San Diego, one finds these cities along the border to be among the poorest in the nation.

We find most U.S. cities along the Mexican Border shown on Table XXVII to reflect a per capita income significantly below the national average. Starr County, Texas, for instance, is the 18th poorest county in the U.S. The Bureau of the Census shows that 75.2 percent of all families in the County had incomes below the poverty level in 1970.

Laredo, Texas is the only city in the U.S. with over 50,000 people which has over 70 percent of all its streets unpaved. In 1960 it was the only Standard Metropolitan Statistical Area with a per capita income of less than \$1,000. A study conducted by the Midwest Research Institute in 1975 ranked it at 95th of 95 Standard Metropolitan Statistical areas of its size. In all other quality of life indexes, Laredo was shown substandard.

The general deficit in quality of life is shown by other border cities. McAllen, Texas ranked 79th and Brownsville ranked 86th of 95 small Standard Metropolitan Statistical Areas. El Paso, Texas, was ranked 79th in economic rating and 56th in all other quality of life indexes when compared to 83 medium size Standard Metropolitan Statistical Areas.

Another factor which significantly influences life in the border cities is their proximity to Mexico. The negative influence comes into focus when one considers the economic conditions of their adjacent Mexican cities.

It is clear that Mexican border cities show a per capita income of twice and sometimes three times the Mexican national average per capita income of \$261.

Table XXVI. *Migratory Farm Workers: Number and Sex of Workers, Average Days Worked and Wages Earned, United States, Selected Years, 1959 - 72.*<sup>1</sup>

YEAR	ALL MIGRATORY FARM WORKERS			MIGRATORY WORKERS WITH 25 DAYS OR MORE OF FARM WAGE WORK				
	TOTAL	MALE	FEMALE	NUMBER OF WORKERS	AVERAGE DAYS WORKED		AVERAGE WAGES EARNED DURING YEAR	
					AT FARM AND NONFARM WAGE WORK	AT FARM WAGE WORK	AT FARM AND NONFARM WAGE WORK	AT FARM WAGE WORK
	Thousands	Thousands	Thousands	Thousands	Days	Days	Dollars	Dollars
1959	477	359	118	346	143	119	911	710
1960 <sup>2</sup>	409	315	94	317	157	123	1,016	819
1961	395	308	87	296	136	109	902	677
1962	380	286	94	288	141	116	1,123	874
1963	386	318	69	278	127	110	868	657
1964	386	280	107	272	155	120	1,581	1,083
1965	466	334	132	300	149	122	1,474	1,192
1966	351	249	104	275	160	121	1,779	1,307
1967	276	204	71	194	145	117	1,555	1,266
1968	279	205	74	176	148	120	1,711	1,385
1969	257	201	55	172	152	113	1,937	1,293
1970	196	161	35	135	148	123	2,007	1,697
1971	172	142	30	117	142	111	1,830	1,407
1972	184	133	51	138	158	124	2,434	1,814

<sup>1</sup>Data relate to persons 14 years of age and over in the civilian noninstitutional population at or near the end of the year. Migratory workers are those who leave their homes temporarily to do farm wage work in another county or counties. Does not include foreign nationals brought into the United States to do farm work who have left the country before the time of the survey.

<sup>2</sup>Beginning 1960, includes Alaska and Hawaii.

Rural Development Service. Based on data from enumerative sample surveys made by the U.S. Department of Commerce for the Economic Research Service. Data for 1949-58 in *Agricultural Statistics*, 1972, table 647.

Yet these same Mexican border cities show their per capita income to be less than half of their adjacent American poverty stricken communities.

This clearly points out that the long peaceful border, is also a dramatic dividing line between poverty and affluence in the free world.

This border has proved to be a tremendous attraction to Mexicans seeking to escape poverty and to a lesser extent, it has also created economic opportunities on the American side of the border. This lopsided attraction has created international cities along the border with one commonality. On the Mexican side one finds an over-abundance and ever increasing

number of available workers and on the American side industry which seeks to produce at the lowest possible cost by paying the lowest wages possible.

This combination is the root of the need for over 100,000 border crossers. That is to say people who live in Mexico and work in the U.S. Some of these workers are American citizens, some are not. Most cross the border twice daily, many less frequently.

Border crossers directly affect the lives of American citizens and resident aliens who live in American border cities. They depress wages, reduce the likelihood of union organization and take jobs which otherwise would be filled by residents of the

Table XXVII. Per Capita Income in U.S. and in Mexican Border Cities, (In U.S. Dollars).

MEXICAN BORDER CITIES	U.S. PER CAPITA	MEXICAN PER CAPITA
Arizona .....	\$	\$
Brownsville..... Matamoros	1,007	411
Calexico .....	1,623	679
California .....		
Eagle Pass..... Piedras Negras	801	446
El Paso .....	1,553	603
Laredo .....	937	595
McAllen .....	887	623
Nogales .....	1,554	709
San Diego..... Tijuana	2,190	982
Programa Nacional Fronterizo Mexico, 1969. (12: p. 12)		
U.S. Data Supplementary Reports, DC (SI)-48. U.S. Bureau of the Census, Washington, 1965.		

U.S. In a sense they force American residents to seek work elsewhere in the nation as agricultural migrants.

After reviewing the negative results of migrancy and the fact that a migrant's annual income is compatible to border crosser's annual income, the question remains - Why don't migrants remain in their hometown and work for the low wages? Perhaps the answer lies in goals or aspirations, as well as the actual work time required to earn that annual income.

For the legal border crosser, a minimum wage of \$1.80 per hour means four times the income he would expect to earn in Mexico. If he earns more, or if another member of his household earns a similar income, his life style is superior to most of his neighbors. In a sense, for the border crosser, such an income represents fulfillment of a lifetime goal. On the other hand for the American residents it represents the lowest income bracket, and mere survival. To accept such an income as his lifelong goal and settle down would in fact represent failure. Migrancy, with all its shortcomings, provides an escape. He strives for more, hoping that somehow, somewhere, an opportunity will unfold.

Another factor which must be considered is the fact that the border industry favors border crossers. The legal border crosser with his minimum wage is content, works hard and seldom complains. Some companies seek to employ illegal aliens and invest heavily in designing their shops and work areas with this type of worker in mind. Secluded shops and work areas, with efficient warning devices are not uncommon in border cities. These illegal workers produce even more, and earn even less than the allowable

minimum and never complain. American residents would find it hard to compete simply because he is more expensive, is less content, and would demand more. The result usually is that American residents are not even considered by some companies. This results in unemployment rates in some border cities of up to 23 percent and leaves no choice to local residents but to migrate to northern states where they too may be favored.

As early as January, some migrant families start their long journey in search of employment. Some may follow their yearly patterns while others may go elsewhere in hopes of better employment possibilities.

During their journey, migrants know they must rely on their companions for help, so they usually travel in groups. No assistance may be anticipated from the law enforcement or other agencies during their travels through sometimes hostile parts of the states. They usually arrive to their destination broke, hungry and tired only to find out that the season is not yet open. If a Migrant Program is operating nearby and if they can provide them with food and money, they may wait until the season opens. If not they will move on.

Although migrants would appear to qualify for numerous assistance programs, the benefits rarely reach them. The Office of Economic Opportunity indicated that because of "mobility, residency requirements and problems of obtaining required income certification, migrants have only limited opportunities to participate in Medicaid, Food Stamps, Welfare, Surplus Food Commodities, Federal Job Training and Child Care." (6: p. 23)

## MIGRATORY PATTERNS

There are three major streams which prevail the U.S. The East Coast stream being in Florida, Puerto Rico and other Southeastern states. The stream spreads northward through the Atlantic Coast states of Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, New York, New Jersey, Vermont and reaches as far north as Maine. This stream is composed predominately of Blacks, Puerto Ricans and a few poor Whites.

The West Coast and Mid-continent streams both start in South Texas and along the borders with Mexico. The West Coast streams follow northward to California and along the Pacific Coast streams. Both the West and Mid-continent Coast streams are composed predominantly of Mexican Americans with some Indians, Blacks and a few Anglos. It is generally estimated that over 90 percent of all migrants are Mexican Americans originally from Texas, although some may migrate from different states. These would include some that have settled out, though economic conditions have caused them to re-enter the migrant stream.

Following the same migratory patterns, one also finds "Contract Migrants". That is to say, migrants who are recruited by private employment companies in their hometown and transported to pre-determined employers in different states.

### Migrant demand in the Midwest:

The demand for migrant labor varies from state to state. In states such as Indiana, one finds almost every county depending on migrant labor. In Iowa and surrounding states one finds an estimated 30,000 migrants attracted by over 30 percent of all the counties in the states. Table XXIX shows the demand distribution by county for each state surrounding Iowa.

Table XXVIII. Source of Migrants in Iowa: 1974.

Texas	- 91%
Missouri	- 2%
Florida	- 2%
Colorado	- 2%
Iowa	- 1%
Other States	- 1%

Original Map From (7: p.11). Modified to reflect our findings in Iowa.

## IOWA IN RELATION TO THE NATIONAL MIGRATORY PATTERNS





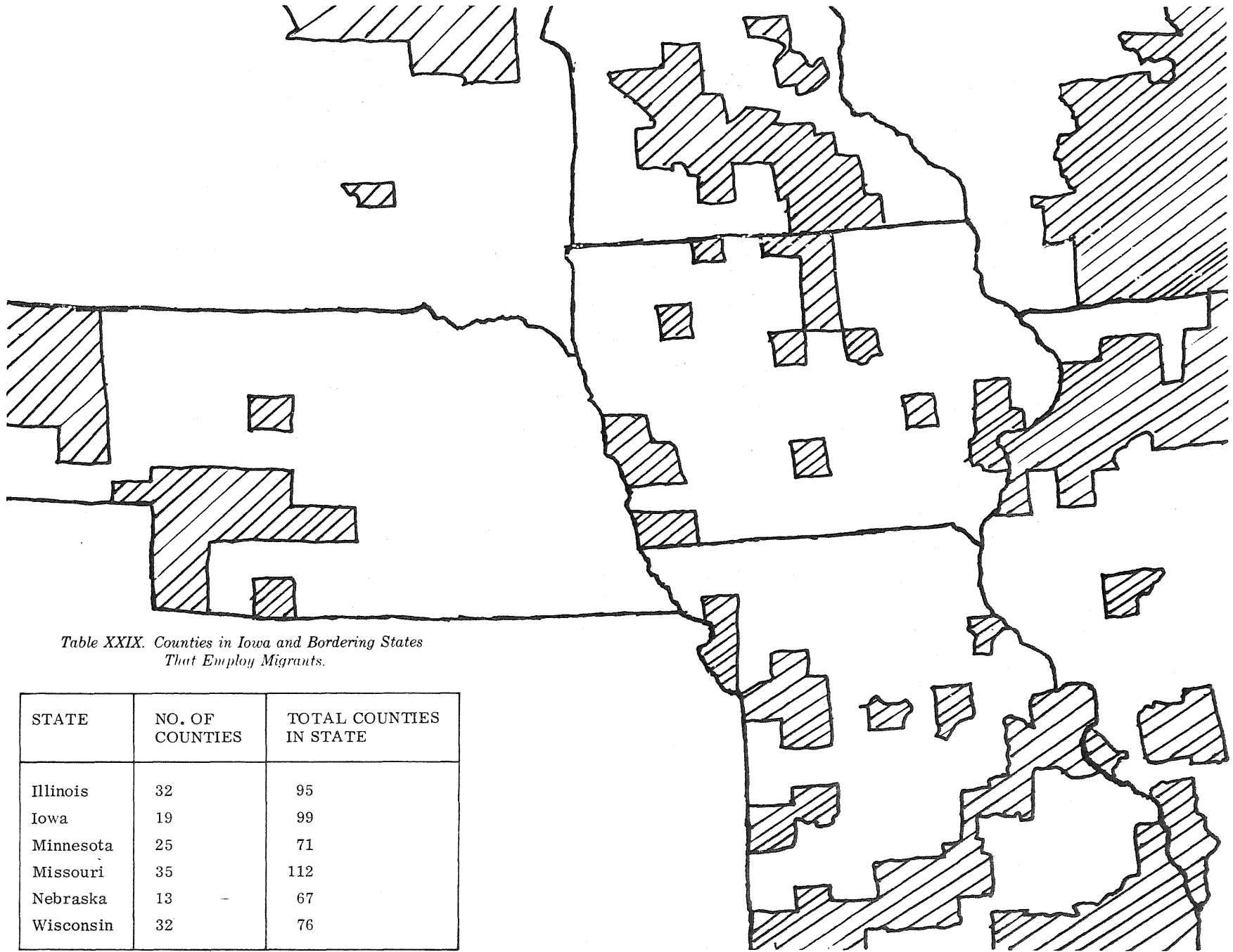


Table XXIX. Counties in Iowa and Bordering States  
That Employ Migrants.

STATE	NO. OF COUNTIES	TOTAL COUNTIES IN STATE
Illinois	32	95
Iowa	19	99
Minnesota	25	71
Missouri	35	112
Nebraska	13	67
Wisconsin	32	76

The variety of crops planted in the Midwest suggests the largest labor demand between June and November, with a small demand by the nurseries and food processing plants as early as February. The demand for migrants varies with the crops and migrants rotate between these states as information filters to different camps. In some cases, crew leaders, who have planned their year, will inform the migrants on the different crops and their conditions. In most cases the movement of migrants is uncoordinated and based solely on past experiences and informal communication systems.

Table XXX provides information relating to the different crop demands for migrants in Iowa. It may be noted that the overlap of crop seasons reflected

here also exists in all surrounding states. A migrant planning his trip may find it exceedingly difficult to avoid losing time between crops. For example, a migrant family may go to Grundy County and work the asparagus, but may have to wait until July to work in the corn fields, and may lose a week or two before the tomatoes are ready in Muscatine. If he chooses to pick apples, he again has to wait another three weeks before they are ready. It is conceivable that a migrant family may work a maximum of 20 weeks out of 30 between May and November. Also diminishing his ability to move with the crops his family size and the available housing may reduce his ability to work even that much time.

Table XXX. Work Periods, Crops, and Wages in Iowa. (By County)

COUNTY	CROP	SEASON	ESTIMATED MIGRANT WAGES
Buena Vista	Processing		
Cedar	Tomatoes Potatoes	June, Aug and Sept July, Aug	15-17¢ + 02¢ bonus per hamper. \$1.60 to 2.00 per hr.
Cerro Gordo	Nursery Potatoes	July and Sept	\$1.60 to 2.00 per hr. \$1.60 to 2.00 per hr.
Emmet	Poultry		\$2.00 per hr.
Fremont	Nursery		\$1.90 to 2.00 per hr.
Franklin	Nursery		\$1.90 to 2.00 per hr.
Grundy	Asparagus	May, June	.05¢ per lb.
Hamilton	Turkey		\$2.00 per hr.
Harrison	Apples	Oct, Nov	0.24 to 30¢ per bu.
Iowa	Seed Corn	July, Aug	
Louisa	Potatoes	July, Aug	\$1.60 to 2.00 per hr.
Madison	Apples	Oct, Nov	0.24 to 30¢ per bu.
Muscatine	Cantaloupes Melons Potatoes Tomatoes	Aug, Sept Aug, Sept July, Aug June, Aug, Sept	\$1.60 to 2.00 per hr. \$1.60 to 2.00 per hr. \$1.60 to 2.00 per hr. 0.15 to 20¢ a hamper.
Page	Nursery		\$1.90 to 2.00 per hr.
Pottawattamie	Apples	Oct, Nov	0.24 to 30¢ per basket.
Warren	Apples	Oct, Nov	0.24 to 30¢ per basket.
Winnebago	Potatoes	July, Aug	\$1.60 to 2.00 per hr.
Worth	Potatoes	July, Aug	\$1.60 to 2.00 per hr.

Modified information (7: p.9) from the Juarez-Lincoln Center.

Table XXXI. Acres in Crops Which Use Migrants in Iowa.

CROPS	ACRES
Asparagus	390
Beets	1,878* <sup>1</sup>
Nurseries	3,700
Onion	40
Orchards	247
Potatoes	3,100
Seed Corn	Over 2,000* <sup>2</sup>
Tomatoes	1,935
<sup>1</sup> Beets were not planted in 1975.	
<sup>2</sup> Precise figure not available.	
U.S.D.A. Crop Reporting Service 1975. (p. 20)	

## WHO ARE THE MIGRANTS OF IOWA?

The migrants in Iowa are predominately Mexican Americans from Texas. From our survey, we find two distinct groups of migrants; those who follow the migrant streams through Eastern and Western Iowa, and those who are contracted in Texas and brought to work by the contractor with some assurances of employment.

Stream migrants are usually large families who follow the crops in Kansas, Missouri, Nebraska, Iowa, Minnesota and Illinois. They arrive as early as late April and early May to work in the asparagus fields. Some may leave the state while others may rotate in a ten county area in search of employment.

Stream migrants make up the largest share of migrants and have been noted to seek employment throughout the state. There is no accurate count available of the number of migrant families that work in Iowa every year. Migrant Action Program reported an estimated four to five thousand individuals in 1972 and in 1973. A reduced estimate for 1975 of between two thousand five hundred and three thousand is given. The Muscatine Migrant Committee and others suggest a similar number. While some may not find employment and move on, an estimated two thousand are employed during the year in Iowa.

Present licensed migrant camps can house a maximum of 834 people during any one time though with

reported turn over rates of 100 percent during the seasons, one can suspect that some 1,600 migrants may be housed by these same camps during the year. A similar figure may conceivably be housed in unlicensed camps.

Stream migrants supply the labor mostly for actual field work. Asparagus, potatoes, cantaloupes, melons, apples and tomatoes are the main crops which rely on stream migrants in Iowa. Some stream migrants have been known to work for nurseries in Fremont and Franklin Counties but due to limitations of licensed migrant camps only a small number of families may actually work for nurseries.

Lately the growing interest in seed corn production in Iowa has resulted in employment of stream migrant in seed corn detasseling. One large seed company has been licensed to operate a migrant camp. All other seed corn companies which employ migrants do not supply housing or have no camps licensed by the State Department of Health. It may be suspected that if the interest in seed corn production continues, more companies will start using migrants in the future.

A second group of migrants who work in Iowa are the contract migrants. These are usually adult males, though in some cases husband and wife team as well as women have been hired. They are recruited by private employment agencies which operate along the

Mexican border, and are brought to Iowa mainly to nurseries and food processing companies. The contract migrant is recruited by a wide advertising scheme which, in certain cases, misleads migrants to believe that better wages and better working conditions are available. A \$25.00 loan is offered which attracts migrants into signing a loosely prepared contract which is seldom understood. The migrant is provided with \$7.00 for meals during his trip and is transported in a bus owned and operated by the employment agency to different parts of Iowa. Once the migrant is delivered to the requesting industry, the employment agency is reimbursed for money advanced to migrants and paid a service fee of \$85.00 per migrant.

Under this arrangement, the migrant starts out owing \$82.00. If he remains until the end of the season he will not have to pay the \$50.00 transportation cost and will be returned at the company's expense. From his first pay check, \$32.00 plus his \$4.00 per day room and board is deducted. By this time he discovers that his contract with the employment agency is not valid and that he earns \$2.00 per hour worked without guarantee of a 40 hour week. If the weather remains good, most contract migrants employed by nurseries do work a 40 hour week.

Aside from economic limitations, contract migrants face problems associated to their living accommodations. All camps which house all male migrants are situated in Shenandoah and Ellsworth. Both of these communities are small and far from major cities. There is wide spread rejection of migrants by community residents. The presence of two to three hundred migrants usually crowds the relatively small eating and drinking facilities. Some establishments refuse to serve migrants as a result of fist fights with local residents. This illegal practice only serves to augment friction and maintain a highly tense living environment for migrants.

Another problem resulting from contract migrants leaving their families behind is family relationships and family support. Families left behind usually end up under tremendous financial strain which either promotes malnutrition and the swelling of welfare ranks. In a sense, under these arrangements, it becomes difficult to prevent fraud in assistance programs and it promotes broken homes which increases the cost of welfare programs.

#### **Migrants In Food Processing:**

Present Migrant Housing State Legislation covers most camps in Iowa and sets forth minimum standards. However the food processing companies which hire migrants are not subject to either Federal or State Housing Legislation due to the many loopholes and which we recommend be eliminated, page 87 of this report.

The lack of jurisdiction over migrant housing used by those hired by food processing firms presents a

*Table XXXII. Food Processing Companies That Use Migrants in Iowa.*

COMPANIES	HOUSING
American Beef Packers Oakland, Iowa	No Housing Provided
Beefland International Council Bluffs, Iowa	No Housing Provided
Coy's Produce Sioux City, Iowa	No Housing Provided
Heinz U.S.A. Muscatine, Iowa	No Housing Provided
Iowa Beef Processors Mason City, Iowa Denison, Iowa	No Housing Provided
Land O'Lakes Ellsworth, Iowa	Housing Provided
Oscar Meyer's Davenport, Iowa	No Housing Provided
Rich Louis Foods West Liberty, Iowa	No Housing Provided
Swift Dairy & Poultry Co.	No Housing Provided
Vilas & Company Storm Lake, Iowa	Housing Provided
Wade Estherville	Housing Provided
All Migrants employed by the above companies are not subject to the State Migrant Housing Code.	

totally new set of problems. Camp conditions can and do exist below humanly acceptable standards and there is no agency to oversee nor law to be enforced.

The very lack of jurisdiction over housing conditions leads to maintain migrants in total isolation from assisting agencies and other opportunities, therefore leaving him totally at the mercy of the employing firm.

Operating closely with these firms, one finds unscrupulous employment or contracting firms whose practices remain unknown. Usually, the only time one may find illegal practices is when situations get caught in bureaucratic red tape. These cases are seldom followed up since the migrant usually moves on once he is terminated.

During informal meetings with migrants in their camps the Governor's Spanish Speaking Task Force received numerous cases of unfair practices by employing firms. For fear of retaliation, most migrants would only report cases involving co-workers who were terminated.

Cases involving minimum wage enforcement, workman's compensation and Farm Labor Contractors Regulations Act were reported. Direct follow up to cases was attempted, but usually due to the fact that migrants affected had left the state, an effective investigation was never carried out.

We found some reported instances of cases where migrants were permanently disabled yet no record was found of compensation made. In some cases, the migrant reporting the incident had no knowledge of the exact name nor information which could help in tracing the individual, making followup investigations impossible to be processed.

In one instance, a letter was sent to a Priest in Sioux City by a local person who had assisted some migrants. In it, the sad story of four brothers was outlined.

Four brothers had been contracted to work in a food processing plant by a Texas employment firm. Having been promised \$2.00 per hour and a fifty hour week, free transportation, and other fringe benefits, the brothers agreed to come to Iowa. To their surprise, the opportunities they looked forward to became nightmares. Their hourly rate turned out to be \$1.80 and the hours worked amounted to only 20. Their cost of transportation was deducted along with their food bill. When they protested, they showed the contract which they thought was valid, only to be told that the company did not know of its existence. Without money to return, they continued to work the few hours available only to discover that their earnings were barely enough to survive. Fortunately, a local citizen took pity and gave them the money for their bus fares to return.

The case was reported to the Wage and Hour Division of the Department of Labor and after two months an investigation followed. Sufficient evidence was found though formal action could not be taken since the migrants were no longer present to file their complaints.

This case, as many others, are blatant violations of the FLCRA for which remedies do exist. Under the act, the penalty provisions could result in fines of up to \$10,000 and imprisonment. Unfortunately the enforcement does not take place in Iowa, and the intended protection for migrants does not become a reality due to the length of time required and the lack of investigators needed to respond promptly to complaints.

#### **Factors That Affect Migrant Income:**

Various factors determine the amount of time and income a migrant family will earn. Some factors include his experience in the particular area, his rapport with crew leaders, his family size and his own ability to work fast. These factors, along with the weather, crop and labor demand will influence the outcome of the year.

Weather, crop and labor demand vary from year to year. The tomato crop for example may average a 26 ton yield per acre in Iowa, but the yield range varies from farm to farm. The extreme dry weather early in the season and the extremely wet and cold weather early in 1974 reduced the yield to as low as 18 tons per acre in some farms. Needless to say, the result was disastrous for migrants and bad for all other people who depended on the crop.

Migrant family size and their ability to work fast are two main factors that must be considered as one projects possible migrant income. The mean family size of 6.3 was reflected in a sample of 4,344 migrant families in a Texas study. (5: p. 84) Our own survey and information supports this figure.

Those family members who work the fields may be considered a positive factor, while those who do not represent a negative factor. Therefore, the number of workers per family, and not the size of the family, will determine their opportunity for employment. Crew leaders and growers prefer large families only if they are all workers since such combinations are advantageous. Since they earn more as a group, their limited income may seem more satisfying and less demanding. Moreover, the housing arrangements will allow for more possible workers in a given season. In contrast, a large family of non-workers or a small family may adversely affect the desired goal, especially where housing legislation and child labor laws are not enforced.

The second factor which may significantly reduce migrant income is their ability to work fast. Some individuals have gained certain expertise and will ultimately produce more within a given time frame. Nevertheless, their health, as affected by their biological resistance and environmental conditions, will ultimately determine their ability to produce.

If one considers the unsanitary conditions of camps and their impoverished conditions, it could be inferred that prevailing migrant health statistics are valid and unquestionable. Dr. Raymond Wheeler testified before the U.S. Senate Subcommittee on Migratory Labor that "Migrants death rate from simple colds, influenza and pneumonia is 200 percent higher than the national rate, from tuberculosis, 250 percent higher than the national rate. The accident rate among migrant farmworkers is 300 percent higher than the national rate." (6: p.196) Similar characteristics are reflected in every report, document, study, etc. since studies of migrant conditions were begun.

The medical treatment provided to migrants by migrant health programs in 1974 would further support that in Iowa the migrant health conditions significantly reduce their performance in the field.

Compounding the many variables that affect migrant income we find the crew leader's expectations and objectives are by and large similar to that

of the growers. While some may be considerate, others in their eagerness to make the most profit, do in fact minimize migrant income. This may be done by intentionally misleading migrants to insure that

they will be available when needed. The larger the crew, the more the crew leader will earn through supervision and the sooner he will be free to move on to another contract.

*Table XXXIII. Medical Conditions Treated by Physicians Through the Muscatine Migrant Committee During 1974.*

MEDICAL CONDITIONS	TOTAL VISIT	FIRST VISIT	REVISIT
Infective and parasitic diseases	242	113	129
Neoplasms	4	1	3
Endocrine, nutritional and metabolic diseases	117	39	78
Diseases of blood and blood forming organs	14	11	3
Diseases of the nervous systems and sense organs	263	216	47
Mental disorders	34	23	11
Diseases of the circulatory system	93	42	51
Diseases of the respiratory system	100	88	12
Diseases of the digestive system	714	243	471
Diseases of the genitourinary system	147	76	61
Complications of pregnancy, childbirth and puerperium	48	38	10
Diseases of the skin and subcutaneous tissue	198	110	88
Disease of the musculoskeletal system and connective tissue	28	16	12
Congenital anomalies	7	1	6
Symptoms and ill defined conditions	105	82	23
Accidents, poisoning and violence	105	80	25
<b>TOTAL ALL CONDITIONS</b>	<b>2,383</b>	<b>1,300</b>	<b>1,083</b>

Source: 1974 Progress Report of the Muscatine Migrant Committee, Muscatine, Iowa.

### MIGRANT WAGES: HOURLY BASIS

The hourly rate for seasonal workers does not reflect the entire income picture of migrant workers. Migratory workers are plagued with intermittent unemployment. Hourly wages do not include housing costs and, more importantly, the number of hours

worked is reduced by travel time and other expenses associated there. In Iowa, migrants reported having worked an average of 138 days the preceeding year, similarly Table XXVI shows an average of 117 days worked by migrants over a 14 year period.

Theoretically, agricultural workers are protected by the Minimum Wage provision of the Fair Labor Standards Act. The Act, as amended, applies to farms using more than 500 man days of agricultural labor. The hourly minimum does not apply if an employee is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been and is customarily and generally recognized as having been paid on a piece rate basis. Thus the Act only applies to the largest farm operations.

Our survey of migrants on hourly rate indicated an average of 138 days worked in the preceeding year.

The hourly rate reported ranged from \$1.80 to \$2.10 per hour with most making the lower figure. If one uses a \$2.00 per hour average, this translates to a gross income of \$2,208 during the year. Making the normal income tax allowable deductions for travel, one could easily reduce this figure by at least \$1,000 leaving a net income of \$1,208. One could even double the number of days worked in the year and still not raise their net income above the poverty guideline for one person, let alone taking into account their family, which we found to average 4.1 children.

## MIGRANT WAGES: PIECE RATE BASIS

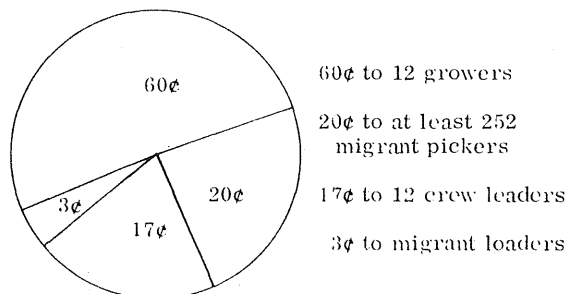
In Muscatine, most migrants work on a piece rate. The tomato season ranges from 8 to 13 weeks and the area attracts between 500 to 1,300 migrants every year. During 1975, only 410 acres were planted in hand picked tomatoes and 1,525 acres in machine picked varieties which do not use migrants.

As indicated in Table XXXIV, an accurate projection would place the total value of production at \$695,625 based upon the \$62.50 per ton paid by Heinz.

Table XXXIV. Tomato Crop From 410 Acres and Income and Distribution From Total Production by Function.

	TOTAL	INCOME PER WORKER
12 Growers	\$417,375	\$34,781.25
252 Migrants		
Picking	139,125	634.89
Loading	20,869	
12 Crew Leaders	118,256	9,854.67
TOTAL	\$695,625	

Distribution per dollar of Tomato production



This in turn is divided; 20 percent is shared by at least 252 workers for picking, 3 percent to loaders, 17 percent to 12 crew leaders for supervisors and transporting crop and 60 percent to 12 growers.

In our survey we found the average minimum number of baskets picked per day as reported by the respondents was 40 with a range from 25 to 60. The average maximum reported was 108 baskets per day with a range from 50 to 200. The mean reported average was 92.5 baskets per day with a range from 60 to 150 baskets per day. This reported number of baskets would indicate a minimum average income of \$8.00 per day and an hourly salary of half the minimum wage of \$1.80. The average income would be around \$18.50 per day, and the maximum reported to be \$21.60 per day.

The amount of baskets picked by the individual migrant may vary and it is conceivable that while some migrants may earn at least a minimum wage, others are living in total misery.

If we estimate the migrants income using actual known constants, we find a different picture of migrant income.

We know that 410 acres of hand picked tomatoes were planted in 1975. Allowing the highest average crop yield per acre we find a total of 695,625 baskets produced. We know that at least 252 workers were housed in Muscatine licensed camps, and that growers paid \$.20 per basket picked. This means that a total of \$139,125 was paid for picking the crop. If all workers earned the same amount from the available dollars, a total of \$552.08 was earned per worker during the season. We know that the season lasted at least eight weeks. Therefore each worker earned \$69.01 per week during his stay. We know that there were 388 migrants housed in the camps which suggests that 136 were not workers. This income from actual available dollars would suggest that the per capita income for the eight week period was \$358.50

or \$6.40 per day for each person to live on during his eight week stay in Muscatine.

It should be noted that the previous figures assume equal distribution of all available dollars, and did not include other migrants who competed for the same available dollars. Since a total of 1,300 migrants were actually served by one of the migrant programs, it is not unrealistic to conclude that at least 600 migrants shared to some extent the money available. Moreover any deviation from equal distribution may increase one family's earnings yet it decreases another by the same amount.

These figures prove that no matter how a migrant is paid, in the final analysis, he remains a victim of exploitation by the agricultural sector.

#### **Variables That Affect Migrant Relations:**

Regardless of housing arrangements, each section of the state generates particular problems and their intensity usually is in direct relation with the degree of understanding displayed by the different sectors in each community. These sectors may be (1) community, (2) migrant population, (3) local government, (4) growers and crew leaders and (5) migrant programs.

The community acceptance of migrants vary from fair to complete rejection. Community merchants may display special interest since migrants do use their facilities. Their tolerance for migrants is usually directly related to the migrants use of each merchants facility.

The migrant attempts to exclude himself from local affairs but his mere presence in the local public facilities sometimes generates problems beyond his control. It is worth noting that where all male migrants may be rejected by local community, a migrant family is usually better accepted. A fair assessment of the migrant and his influence on his acceptance is minimal since his rejection is usually generated by his participation in local activities.

Local government may influence the community's acceptance or rejection. It may start with enforcement officials ability to apply the law equally. This of course will require sensitive and broad minded individuals who will carry out their functions with professional attitudes.

Local government units must accept responsibility for added demands placed by migrants without considering it above and beyond their scope of services, since they too are part of that community while they are there. This attitude seems possibly the hardest concept that escapes local officials. It results in blaming the migrants for added costs of operation and in a sense promotes community hostility.

Local officials that are charged with operating programs funded from state or federal sources seldom acquaint their local community with the dollars which the migrants generate to local units.

This leads local taxpayers to assume that local taxes are used to support outsiders which again results in hostility against the migrants.

The growers, subject to the market of his product, will naturally attempt to keep his production costs down. His investment in housing and salary to migrants will be kept at the lowest possible while still securing the necessary labor. To the grower, the migrant is a necessity during the season and a burden before and after. Migrant programs, food stamps, medical and other services are welcomed before the season to help attract migrants to the area and to assist them prior to the start of the working season. On the other hand, he rejects them during the season since he feels they compete with him. While some growers may do more to keep the migrants happy, others thoroughly reject them. They usually blame the migrants for damaging the housing they provide and accuse them of being dirty by nature. He fails to see that the facilities he provides are not adequate and if no provisions are made for cleaning or maintenance, the facility will definitely look abused after a short time of normal use.

Migrant crew leaders will support growers and his feelings in most cases will just be an extension of the grower. His salary will depend on his cost of production and the number of migrants and the crop. He views legislation as a threat in much the same way as the grower. Higher wages may mean less people and less money for him.

Migrant programs and social services agencies compete during the season and help the migrants prior to start of the season.

Migrant programs advocate for the migrants. They are charged with specific functions to meet migrant needs utilizing all available resources. Their funds usually pay for direct assistance to migrants in education and employment upgrading, which attempts to settle migrants into the local communities. A second direct service provided is that of attempting to provide limited health care to migrants during their stay and during the transitional period. All functions carried out by migrant programs utilize local community services and contribute to the local economy. One major function for which migrant programs were created is that of insuring that services are provided to migrants by locally administered programs. That is to say local and state authorities are charged with providing services for which federal money has been provided.

Migrant programs must influence existing political and service delivery systems to serve migrants. The level of pressure exerted by migrant programs is based on the delivery systems' ability to deliver those services which they are charged to perform. That is to say, if local social service programs such as food stamps were effectively serving, no need would exist for migrant program pressure. If the Health Depart-



ment inspects camps and if the local grower maintains decent living conditions, no need will exist for migrant program pressure. In essence, if the local structure effectively provides a humanly acceptable living standard and or provides for emergency relief, the very needs for migrant programs would no longer exist. This, however, is far from being accomplished as long as the needed safeguards are not implemented that insures equal opportunity for all to earn an income that will adequately meet at least the family's basic needs.

### **Migrant Education:**

One of the most obvious reasons why migrancy perpetuates itself is the lack of adequate educational programs that could provide migrants with the tools necessary to break the vicious cycle. Migrant children are born into the worst poverty in this country. They grow in cultural isolation where their world is one filled with disease infested camps. Their exposure is limited to other migrants and fields. Their only experiences with non-migrants are usually scarred with rejection and outright hostility. The only skill they have developed is the ability to snap off a tomato at the stem or top an onion plant. In a sense, an estimated 500,000 migrant children in the country are now receiving their education. It guarantees that they will be migrants of the future.

Who is responsible? Presently, education is clearly a responsibility of the state and usually is administered by local communities. Migrants travel from community to community and from state to state. The result is that most communities exploit them, reject them and babysit their children during their stay. Some even have the nerve to call it education.

The Federal Government, through Title I Migrant Funds, funnels money into local communities for migrant children's education. The problem is that such funds are limited. President Ford is presently requesting that 1.28 billion be cut from this year's federal appropriation for education. Of this, \$150 million will be cut from Title I funds. Another \$47 million would come from programs such as Bilingual Education. Ironically, his rationale is that such funds are inflationary and that they are only prolonging the "recession" so many Americans are facing. Their use is questionable, especially when school districts perceive them more as payment for serving foreigners rather than complementary funds for education. The result is that no community nor state assumes the level of responsibility necessary to deliver and administer adequate educational programs to meet these children's educational needs.

Among the reasons used by local districts for this disgraceful neglect is the manner in which their funds are provided by their respective state government.

Most state funding formulas were drafted by legislators who were not sensitive to migrant needs. Therefore few states have provisions supplying supplements for districts that receive migrant children. State formulas vary from state to state and the effects on dollars generated for local districts by migrant children vary considerably.

In Texas, the computed average daily attendance may differ in different times in a school year. Administrators are forced to plan their staffing needs or projections by taking into account that migrants will leave during the year. The end result is that classes are abnormally crowded during a portion of the year. The teacher student ratio varies from 1-25 to 1-40 in different times of the year. Coupled with the limited resources available for teachers, the student receives little or no individual attention. Teachers judgement is further restricted by strict guidelines usually forcing teachers to function much like assembly line workers. Since most migrants receive the bulk of their education under such conditions, they show up poorly in scholastic achievements and are increasingly detained and ultimately are pushed out of school, regardless of native ability and desire for education.

In Iowa and in other states, migrant children are enrolled from 4 to 5 weeks during the end of the school year and 4 to 5 weeks during the beginning. This usually gives local education boards the advantage of using migrant children to generate state funds. Anticipating that migrants will be there for a short time, these districts are hesitant to hire the bilingual teachers needed. Instead, they overload classrooms during this short period of time. Under this arrangement, teachers regard migrant children in a negative sense because their teaching load is compounded. Moreover, their lack of ability to speak Spanish and their lack of specially prepared materials, in effect, results in an extremely tense and draining experience. Therefore, even a concerned teacher usually learns to develop meaningless assignments designed to keep children busy during their short stay.

Title I Migrant Funds which are supposed to help local school districts, are partly used in Iowa. The state legislators also made a fifty thousand dollar appropriation toward migrant education. The money is usually welcomed by local education agencies and as a result a minor effort exists in Muscatine County.

The existing program is a transitional language development program. Bilingual teachers are employed through a combination of these state and federal funds to assist students while they develop a workable knowledge of the english language. The program in these schools while, significantly better than any other, remains extremely short of being an educational program.

In summary, one must conclude that migrant children are exposed to an educational program that

by design is drafted to do more harm than good. It does not take long for children to sense the rejection which prevails in all classes that they attend. The end result is that when their level of educational attainment is measured by "grades", the student is lucky to learn the basics of a 5th grade education. Ultimately grade retention and the educational environment push the students out of school as soon as legally possible.

## MIGRANT HOUSING IN IOWA

A wide variation of housing for migrants exists in Iowa. Some are licensed under Chapter 138 Iowa Code and others are not. Some are large modern buildings while others may be old chicken coups or abandoned barns. The camps presently subject to licensing under Chapter 138 for the most part offer minimal health conditions though a few are exceptionally modern since their standards exceed the code requirements. In either event, they can be classified in three groups.

The first group consists of camps that house all male contract migrants. They resemble an army barrack, the beds of which are usually army surplus or an equivalent, along with metal wall lockers. A section of floor space of the building is partitioned to house the kitchen and dining facilities. In certain cases a television section is set aside for the use of all migrants in the camp.

Camps under this arrangement are in Page County and are operated by Lakes and Mt. Arbor Nurseries. A close resemblance to the camp design exists in Hamilton County and operated by Land O'Lakes, a turkey processing company. The latter, it should be noted, is not a licensed camp since it does not fit the definition set forth in Chapter 138. The condition of the camp and complaints which may be associated are not monitored or investigated due to lack of jurisdiction.

The second group of camps are those that house migrant families. Here again there exists a broad range of conditions and types. In Iowa County, one finds probably the best one of its kind. A remodeled chicken coup, panel walls, tile floor, the resemblance very close to a typical apartment. Here again, this camp exceeds existing code requirements. Unfortunately, camps in this group typically do not exceed code requirements. They usually barely meet code

While most school districts and the State Department of Public Instruction can attract and utilize federal money, the programs that they develop are usually paper programs which can only be considered a bandaid approach to education. For all practical purposes, the babysitting services presently provided do not qualify to be even classified under the definition of education.

requirements at the time of licensing. It may be noted that the typical structure is usually an old wooden converted barn or chicken coop and to meet the requirements of the code, very few improvements are required.

The third group which house migrants are those that are not subject to Chapter 138 legislation requirements. Some are furnished without cost to the migrant and some are rented by migrants while employed by operators who do not provide housing. These camps may be old run-down houses, garages, or any other type of structure. The conditions of such places by sanitary or safety standards may vary but are usually from bad to worst.

In summary, it may be concluded that while there are migrant camps that are clean, properly designed and fully acceptable by all health and safety standards, these usually exceed present Iowa Code requirements. Most camps found that barely meet basic Iowa Code of 138 standards usually end up in violation before the end of the season. In fact, many camp operators seem to plan their seasons with violations in mind. It may be pointed out that Chapter 138 Iowa Code has in fact little or no effect on responsible camp operators but it does set forth minimum standard and forces irresponsible camp operators to at least provide substandard, partly-sanitary living facilities. The fact that Chapter 138, Migrant Housing Code of Iowa does not cover all migrant camps operating in Iowa points out that inhuman living quarters may be used to house migrants and nothing may be done to prevent it.

Chapter 138 in its present form is no more than a paper tiger. While it does provide an illusion it has no practical use in insuring humanly sanitary living quarters for migrants in Iowa.

## IOWA STATE DEPARTMENT OF HEALTH

The Health Engineering Section of the State Department of Health is charged with enforcing State Legislation Chapter 138, governing Migrant Health Standards. The salary of one inspector and supportive staff is funded by state legislation. The inspector is charged with processing applications for camp licenses issued yearly and certifying that all camps throughout the state adhere to the minimum health standards set forth in the Chapter. Periodic inspections were carried out prior to 1975 on an unscheduled basis which proved to be inadequate. Following the October Crisis (noted in this report) there was a better plan developed which has proven successful during 1975. This involves a predetermined schedule of inspections and a working relationship with migrant programs and growers.

Periodic scheduled inspections are carried out by the inspector and accompanied by migrant program personnel and the grower. The deficiencies are noted and must be corrected within the prescribed time

limit, either by the grower or the migrant. Failure to comply with the requested corrections is considered a misdemeanor and a fine of no less than \$50.00, nor more than \$100.00 can be levied. This action has never been taken since the code came into existence.

Enforcement of federal legislation governing migrant camps is carried out in Iowa by the Employment Security Commission. Only one camp operator, in Iowa Falls, is under the jurisdiction of such federal legislation since its applicability is limited to those growers that use the employment services in recruiting their agricultural help. Federal legislation governing migrant housing is totally inapplicable in Iowa since most growers do not use the employment services. Only one operator is presently subject to this Act. The enforcement of this Act could conceivably be transferred to one state agency. This transfer could improve the enforcement of the Act to whatever degree possible.

Table XXXV. Migrant Labor Camps.

	TOTAL NUMBER OF MIGRANTS HOUSED DURING THE YEAR	MAXIMUM OCCUPANCY	NUMBER OF LIVING UNITS	WATER SUPPLY	SEWAGE DISPOSAL	NEED OF REPAIR FOR 1975 LICENSE	NUMBER OF BUILDINGS CONDEMNED
Henry C. Bierman, Jr. Muscatine, Iowa		31	2	25' Sandpoint	Privies -L.P.'s		
Thomas A. Campbell Reinbeck, Iowa	1.	51	10	Mun	Privies -L.P.'s	Yes	
Joe Comito Des Moines, Iowa	2.						
Wayne Ferris Hampton, Iowa	3.	37	10	75' Drill	Privies -L.P.'s	Yes	
Ivan G. Goddard Nichols, Iowa	4.	35	13	Drilled?	Privies -L.P.'s		1 Shower facility
Halane Farms, Inc. Muscatine, Iowa							
Edgar Hetzler New Liberty, Iowa		14	3	150' Drill	Privies -L.P.'s	Yes	1 Shelter
K & B - Apt. House Thompson, Iowa		12	1	Mun	S.T. o Lats	Yes	
K & B - Green House Thompson, Iowa		7	1	Mun	S.T. o Lats	Yes	
K & B - South House Thompson, Iowa		9	1	Mun	S.T. o Lats	Yes	
K & B - White House Thompson, Iowa		12	1	Mun	S.T. o Lats	Yes	
John R. Hoopes Muscatine, Iowa		27	5	2 Sandpoints	Privies -S.T.	Yes	1 Shower facility
Interstate Nurseries (Main) Hamburg, Iowa		27	3	100' Drill	S.T.o Lats		
Interstate Nurseries (West) Hamburg, Iowa		9	1	110' Drill	S.T.o Lats		
Paul Kemper Muscatine, Iowa				85' Drill	Privies -L.P.'s	Yes	
Jack Kennedy Clear Lake, Iowa	6.		4			Yes	
William H. Lilienthal Wilton, Iowa		33	4	Durant Mun	Privies -L.P.'s	Yes	
Mt. Arbor Nursery Shenandoah, Iowa							8 Shelters

Table XXXV. Migrant Labor Camps (Cont).

	TOTAL NUMBER OF MIGRANTS HOUSED DURING THE YEAR	MAXIMUM OCCUPANCY	NUMBER OF LIVING UNITS	WATER SUPPLY	SEWAGE DISPOSAL	NEED OF REPAIR FOR 1975 LICENSE	NUMBER OF BUILDINGS CONDEMNED
James Martin Letts, Iowa		58	8	112' Drill	Privies -L.P.'s	Yes	2 Privies
Thomas Martin Muscatine, Iowa		26	6	Sandpoint	Privies -L.P.'s	Yes	5 Shelters 1 Privy
Robert E. Peters Letts, Iowa		33	8	150' Drill	Privies -L.P.'s	Yes	1 Shelter 3 Privies
George A. Schmidt Muscatine, Iowa		33	11	25' Sandpoint	Privies -L.P.'s	Yes	11 Shelters 2 Privies 1 Shower
George E. Schmidt Muscatine, Iowa		2 - 8	3	25' Sandpoint	Privies -L.P.'s	Yes	1 Shelter 1 Privy
Shenandoah Nursery Shenandoah, Iowa		65	1	Mun	Mun		
William Shoultz Muscatine, Iowa		40	6	20' & 25' Sandpoints	Privies -L.P.'s	Yes	1 Privy
Kenneth Snyder Letts, Iowa		32	5	50' Drill	Privies -L.P.'s	Yes	
S. Kay Sulzberger Letts, Iowa		36	3	90' Drill	Privies -L.P.'s	Yes	1 Shelter
Max Totemeior No. 1 (McCoy) Columbus Junction, Iowa		16	1	Municipal	Flush- Mun	Yes	
Max Totemeior No. 2 (McCoy) Columbus City, Iowa		22	1	Municipal	Privies -Towed Daily	Yes	
Terry Townsley Letts, Iowa		27	6	82' Drill	Privies -L.P.'s	Yes	2 Shelters 2 Privies
James Van Camp Muscatine, Iowa		34	7	Drilled	Privies -L.P.'s	Yes	2 Shelters
NAMES OF CAMPS							
1. Reinbeck Farms, Inc.	3. Earl Ferris Nursery	5. K & B Potato Farms, Inc.	7. McCoy & Totemeior				
2. Comito Bros., Inc.	4. Goddard's Gardens	6. S. Kennedy Vegetable & Livestock Co.					

## MIGRANT PROGRAMS IN IOWA

There are two Migrant Programs operating in Iowa. The Migrant Action Program headquartered in Mason City addresses the needs of migrants in all counties in Iowa, with its educational and manpower programs. It also provides health services in 96 counties in Iowa, leaving three counties whose health services are provided by the Muscatine Migrant Committee.

Health services provided to migrants are varied and accomplished with limited funds. Services rendered include:

- Immunization
- Medical Screening
- Treatment
- Referral for Treatment
- Transporting for Treatment
- Dental Screening
- Referral for Dental Treatment
- Translating
- Assuring Health Precautions are taken
- Arranging for Hospitalization
- Emergency Housing Needs
- Educating in Areas of:
  - A. Preventive Medicine
  - B. Health Care
  - C. Hygiene
  - D. Nutrition
  - E. Pre and Post-Natal Care

Needless to say, the above services require a devoted and concerned staff. Both Migrant Programs have registered nurses and utilize part-time summer help. Doctors utilized are usually Medical Interns or students at the University of Iowa, both for medical and dental treatment. Extensive use of volunteers is required since the funding levels toward these services is kept at a minimum.

To further understand the complexity of medical problems which are facing migrants, an understanding of the services rendered in 1974 by the Muscatine Migrant Committee is worth noting.

Table XXXII shows that 30 percent of all visits involved diseases of the digestive system. Over 50 percent of all visits involved diseases which could be traced to unsanitary camp conditions or from eating spoiled or ill-prepared foods. These figures set forth in the table, and the previously discussed income characteristics, clearly show that in the absence of a migrant health delivery system, migrants could not afford to see a local physician.

As noted earlier, the Migrant Action Program, aside from providing health services to Iowa Counties not served by the Muscatine Migrant Committee, does provide manpower programs. One of their main functions involves adult education and assisting migrants to obtain services from local sources. It does not provide limited direct financial assistance to migrants when local sources are not available. It may grant a migrant family rent money or money to buy food stamps, aimed at helping them until the crops are ready. Another main function of MAP is to assist migrants wanting to settle out through education and assistance during the transition period.

An inclusive function of both migrant programs is that of advocating for migrants. They must influence local agencies to degrees necessary to insure that services are also made available to migrants. This function clearly surfaced when abnormal weather conditions in 1974 required assistance which none of the migrant programs were able to provide. Local agencies not equipped to respond to crisis situations and having previously relied on migrant programs reacted defensively when pressured for services resulting in the following developments.

## MIGRANT CRISIS OF 1974

Weather conditions proved disastrous to farmers in Iowa during 1974. Extremely dry spring weather delayed planting. Likewise, extreme wet and cold weather during the harvest season caused a drastic reduction of income to farmers. A total of 15 counties were considered disasters and qualified for government assistance to farmers.

Southeast Iowa tomato growers were hard hit. Muscatine County and two surrounding counties had approximately 1,600 acres of tomatoes which were to be handpicked. The weather conditions reduced the tomato crops by two-thirds which in turn resulted in hardship to all who were directly involved.

Approximately 2,500 to 3,000 migrants were attracted to the area for tomato picking. The season proved bad and the extreme wet conditions caused most to leave the area early. An estimated 500 to 600 stayed on attempting to make the best of the few dry days. Temperatures dropped and the crops remaining in the fields were lost. More migrants left the area and by October 1st only an estimated 400 remained. Those remaining had no money to return to their home towns or to move on to other states. Most migrant camps had no heating equipment and their conditions offered little or no protection from the cold weather. Temperatures dipped to 24 °F on October 2 and the lack of proper clothing and blankets placed extreme hardship on all migrants remaining. The inadequacies of existing migrant camp conditions stood out.

Migrant programs were having difficulty meeting the requested assistance with program limitations. Money to assist migrants to purchase food stamps was down and no program money existed to buy clothing and blankets nor to furnish money for transportation. Migrant programs sought additional federal support as well as assistance of existing state and local agencies.

The county emergency relief office saw its primary obligation to county residents. Migrants were not considered eligible, although the local emergency relief office had sufficient funds to relieve the crisis. Instead, mounting pressure as the need increased was resented by the local office and friction developed between it and migrant programs.

The Muscatine Migrant Committee announced the existing need for blankets and donations. The *Des Moines Register* carried the article which attracted abnormally high interest to the area. Other newspapers began to cover the crisis and a number of articles depicting the inadequate camp conditions were printed. Articles based on different individual's assessments and accusations were covered in a

typical news selling forms. Perhaps the most significant outcome of these developments was the fact that it exposed existing inhuman living conditions and pointed out that existing state and local agencies were not equipped to serve migrants, especially under crisis conditions. It also shocked local residents by pointing out their inability or lack of sensitivity to understand needs within their county.

A Red Cross representative visited the camps and the findings were sent to the State Commission of Health and later were made public and covered by various newspapers. The report cited that miserable and inhuman conditions existed in the camps.

Governor Briscoe of Texas sent his representative along with money to assist standard migrants. Similar assistance started flowing in and the immediate crisis was relieved. Over 400 migrants were helped with transportation money and other needs. By the 10th of October, most migrants had left the area leaving behind a highly explosive situation.

Our Task Force staff, along with that of the State and Federal agencies descended on Muscatine. Numerous meetings were held with all parties concerned and attempts were made to defuse the tense situation. The Health Department inspected all camps and found all in need of repair and condemned 49 buildings. The Social Services delivery system was found in need of changes to remove the built-in red tape and certifying procedures. Other investigations followed and each agency arrived at their own conclusions.

In summary, we may conclude that the crisis did raise the level of awareness of a highly tense and explosive situation. Minor changes or improved inter-agency relations resulted. It may be further stated that while most factions are now better informed, no meaningful steps have been taken to prevent future crisis. All efforts have been geared at placing blame for the developments, making few insignificant changes and attempting only to justify that inhuman conditions are acceptable under the existing free market economy.

The Governor's Spanish Speaking Task Force conducted a sample survey of migrants employed and housed in Muscatine County. The questions raised were designed to arrive at a better understanding of the views of the migrants in reference to their conditions.

A total of 36 migrant families were surveyed of which 89 percent or 32 were from Donna, Texas and the remaining 6 families were from other states. Most families had been in Iowa at least three years before

and 24 indicated they would return next year, even though 86 percent indicated dissatisfaction with the income.

Most migrants depend on migrant programs for assistance and most respondents were helped with food stamps, though most indicated that stamps were given early in the season or prior to the season starting. Over 94 percent indicated to have been helped by

migrant programs, 41 percent by their grower and 86 percent by their crewleader. Yet when asked, "who they would turn to first for assistance," 86 percent noted migrant programs, 11 percent indicated their crewleader and 5.5 percent relying on their grower. This indicates that while they acknowledge assistance from other sources, their primary target for assistance remains the migrant programs.

Table XXXVI. Summary of Responses to Selected Questions.

	YES	NO	MAYBE
Would you stay in Iowa if a permanent job was offered?	21	6	9
Are you satisfied with your earnings here in Iowa?	6	30	
Are you satisfied with the conditions in the camp you live in?	18	9	9
Have you been helped by migrant programs?	34	2	
Have you been helped by the crew leader?	30	6	
Have you been helped by your grower?	15	6	15
Have you been helped by the food stamp office?	24	10	2
Do the people in Muscatine treat you good?	23	12	1
Do you think the Muscatine Anglo community accepts you on an equal basis?	18	14	4
If you needed help, where would you go first for assistance?			
Muscatine Migrant Council      16			
Migrant Action Program      14			
Crew Leader      4			
Grower      2			



**SECTION THREE**  
**SUMMARY OF CONCLUSIONS**  
**AND RECOMMENDATIONS**



## SUMMARY OF CONCLUSIONS

### Justice:

1. Municipal, County and State law enforcement agencies have failed to establish a positive rapport with most Spanish Speaking Iowans. They are viewed by most in a negative sense. Their contact with Spanish Speaking people is found to be limited to confrontation relationship.
2. The lack of Spanish Speaking ability of law enforcement personnel deprives the Spanish Speaking offenders of due process. Non-English speaking offenders are not advised of their rights as set forth by the *Miranda* decision. This sometimes results in undue harassment and injustice to Spanish Speaking residents.
3. Lack of sensitivity and understanding of cultural and ethnic characteristics displayed by law enforcement personnel subjects Spanish Speaking Iowans to additional scrutinizing and causes negative public relation effects.
4. Law enforcement agencies work closely with Immigration and Naturalization Officers in identifying and processing illegal aliens. This poses problems since brown Spanish Speaking Iowans are questioned in reference to legal status while the white people are not.
5. Immigration and Naturalization officers, while performing their duty in Iowa, apply the INS Laws mostly to Spanish Speaking in direct relation to the darkness of their skin.
6. Immigration and Naturalization officers in their enforcement of the law have been known to violate the constitutional rights of American citizens as well as legal residents of the state. Numerous cases have been reported where officers broke into homes disregarding the need for search warrants.
7. The court system, with Spanish Speaking lawyers or translators qualified or otherwise, presents a serious doubt that non-English speaking suspects receive the protection of the law to which they are entitled.

### Education:

1. The Federal Elementary and Secondary Act through Title IV and VII have only contributed minimally toward the education of Spanish Speaking and migrant children in Iowa.
2. The State Legislators have not mandated the necessary statutes relating to education to ensure equal educational opportunity for all in Iowa.
3. The State Board of Education has, through its curriculum guidelines, acknowledged the need

for bilingual instruction but has no power to enforce them.

4. The State Department of Public Instruction has made no effort to insure that the best bilingual instruction develops through the use of limited Federal and State funds.
5. The local education agencies have made no efforts to ensure that Spanish Speaking Iowans receive the education tailored to their needs. The present education systems have failed to supply the education to Spanish Speaking students as guaranteed by the Civil Rights Act of 1964.
6. Present standardized tests and lack of sensitivity to the Spanish Speaking culture displayed by educators leads us to conclude that the Iowa Test of Basic Skills and other standardized diagnostic tests, when applied to Spanish Speaking students are discriminatory, unfair and detrimental to Spanish Speaking students.
7. A total lack of Spanish Speaking or Spanish origin teachers was found to exist in all school districts in the state. This lack may result in lack of culturally oriented programs for Spanish Speaking residents.
8. All state colleges, private colleges and universities were found to be serving more Spanish Speaking people from other countries than Spanish Speaking Iowans.
9. Almost all colleges, universities and junior colleges were found to not have a single Spanish Speaking Iowan within their administrative ranks. They were found to have an insignificant number of Spanish Speaking people employed of which most were newcomers to this country. Therefore, it is concluded that Affirmative Action and equal employment opportunity efforts are not directed at including Spanish Speaking Iowans.

### Housing:

1. The State Health Department was found negligent in the proper enforcement of Migrant Housing Code of Iowa during 1974. This resulted in causing unnecessary friction and hostility to mount between migrant advocacy programs and growers. It is noted however that the Migrant Crisis of 1974 did prompt an improved performance, by inspectors and significantly improved housing conditions. Some housing conditions still remain below humanly acceptable levels and the enforcement of the Code by the Health Department is still impossible due to the many loopholes of the law.

2. A high proportion of Spanish Speaking Iowans were found to be renting. This fact and the reported incidents where people failed to qualify for Home Purchasing Loans indicates discrepancies in equal opportunity provided by financial institutions.
3. A consistent pattern was found to exist in all cities which included a high frequency of Spanish Speaking families living in the most deteriorated parts of cities.
4. Urban Renewal projects were found to have displaced a high proportion of Spanish Speaking families in different cities. Present Urban Renewal Projects are doing a poor job of informing Spanish Speaking residents of their rights which could lead to unfair treatment of Spanish Speaking residents affected.
5. The Urban Renewal Project in Fort Madison is presently rejected by most Spanish Speaking residents of the Spanish Village, a designated area to be replaced by a highway. All agencies presently involved have failed to foster credibility and acceptance by Spanish Speaking residents. The understanding of historical significance of the Village and the cultural characteristics displayed by the people affected seems to be absent or rejected by the agencies involved.
6. A significant number of Spanish Speaking residents were found to live in substandard homes and their awareness of existing welfare and housing assistance programs tends to support the fact that these programs are not communicating their services to the most needy residents.
7. Present federal housing low income projects are ignoring the needs of Spanish Speaking families in their design. Those Spanish Speaking people who need them are large families. All units are designed for small families and allow only for very few four bedroom units which are still too small in some cases.
8. The high rate of Spanish Speaking people that reported problems locating houses to rent and actual discrimination allegations are proof that discrimination practices exist and are in fact violations of the Civil Rights Act of 1964 but are seldom reported.

#### Health:

1. All existing health delivery systems either private or public were found to be totally geared at serving the general population. Only limited efforts were found where Spanish Speaking doc-

tors, nurses or other personnel are being utilized in improving services to Spanish Speaking people.

2. The migrant health programs were the only programs found to operate in Iowa where bilingual staff delivered services were always available.
3. The efforts made to ascertain the health needs of Spanish Speaking Iowans were limited though we conclude that non-English speaking people find it more difficult to obtain needed medical services in Iowa than may be the case for others.

#### Employment:

1. The Federal Unemployment Act and State Statutes excludes protection of migrants and other agricultural and domestic occupations. This exclusion is unfound and effectively denies migrants and other workers an equal protection of the law. Since Spanish Speaking people and other minorities are found to hold a majority of these excluded jobs in Iowa, the end result could be considered as a violation of the Civil Rights Act of 1964.
2. The Iowa State Legislation covering the Workmen's Compensation (Chapter 85) makes no provisions necessary if the Act is effectively applied to protect Spanish Speaking people or migrants in Iowa.
3. The Employment Security Commission has failed to comply with directives from Court Order resulting from Civil Action No. 2010-72 (*Western Division NAACP vs Brennan ET AL*), requiring expansion of all employment services to migrants.
4. The Employment Security Commission in its implementation of the Comprehensive Employment and Training Act has failed to adequately allow for services to migrants and other Spanish Speaking people in the state of Iowa.
5. The Employment Security Commission has failed to adequately serve Spanish Speaking people in Iowa.
6. The Employment Standards Division of the U.S. Department of Labor has failed with its present administrative structure, to monitor and seek prosecution for violations of the Fair Labor Standards Act and Farm Labor Registration Act.
7. The Internal Revenue Service Administration has failed to monitor or make any effort towards the enforcement of the Social Security Act as it relates to migrants employed in Iowa.

8. The following municipal governmental units

Burlington	Fort Madison
Cedar Rapids	Mason City
Council Bluffs	Muscatine
Davenport	Sioux City

Waterloo

failed to demonstrate that any efforts have in fact been made to comply with equal employment opportunity provisions set forth by the Equal Rights Act of 1964.

9. The state merit employment system in its present form has been considered a barrier for intentional and unintentional exclusion of Spanish Speaking employees.
10. The State and Municipal Merit Systems have not made Spanish Speaking ability a variable to be considered in the selection or grade of service delivery workers.

**Social Services:**

1. State Department of Social Services has failed to provide their wide range of programs to Spanish Speaking Citizens in Iowa due to:
  - A. Their lack of qualified Spanish Speaking people readily available in highly dense Spanish Speaking communities.
  - B. Their dependency on volunteers either called or brought by clients in order to provide services.

C. Staff discrimination practices presently displayed by delivery system. For example: In verifying migrant income, the verification of income by migrant employer is not accepted since he too is of Mexican descent. The agency seeks the grower's signature instead and is accepted, though the grower usually does not know how much migrants actually earn.

2. The State Department of Social Services in its implementation of the Food Stamp Program discriminates on the basis of color and ethnic origin by requiring additional documents for certification of Spanish Speaking individuals. The reason reported to be due to need to screen illegals. Since the over 90% of all aliens living in Iowa are in fact Whites from Western Europe, the possibility of having White illegals is greater than the possibility of having brown Spanish Speaking illegals.
3. The State Department of Social Services in preparing its Title XX State Plan of Social Services failed to comply with the HEW Regulations. See Section Four, P. 71. Spanish Speaking people were not included to provide input and no effort was made to inform this group as required by law.

**Recreation:**

1. Most Spanish Speaking people were found to not use or have knowledge of recreation programs sponsored by public or private agencies. This may suggest that no successful effort has been made by programs to adequately inform Spanish Speaking residents.

## **RECOMMENDATIONS FOR A COMMISSION**

It has been clearly demonstrated by Spanish Speaking community needs, state agency needs, and by the general public that an agency with ultimate responsibility on Spanish Speaking Affairs is needed at the state level. Agency administrators may in fact be intending to extend services to all people but find themselves at a disadvantage without direct assistance toward successfully carrying out needed changes. Throughout the state, Spanish Speaking people clamour for services which are readily available to them but unknown to them. The general public, private business, and institution both public and private are in need of added understanding of the population not advanced by existing studies.

The finding and recommendations of the Governor's Spanish Speaking Task Force will serve only to the extent to which state government will act. All noted requests of and activities undertaken by the

Governor's Spanish Speaking Task Force during its existence points to a need which is readily obvious. At the present time, no agency has the ultimate responsibility for Spanish Speaking Affairs and the growing Spanish Speaking population has no single agency with which to identify. If the recommendations are to be carried out, the need exists for a department which will work with these agencies in planning and assisting them in implementing programs. To accomplish these goals, three functions need to be carried out:

- A. Coordination of existing agency efforts.
- B. Coordination and enlistment of Spanish Speaking support for agency efforts.
- C. Implementation of the most productive program possible, making full utilization of existing agencies.

With these functions in mind, it is recommended:

1. That the Governor and the General Assembly acknowledge and act to include the needs of the twenty-nine to thirty five thousand Spanish Speaking Iowans in the planning process of all public service units in Iowa by:
  - A. Recognizing the need to enact or amend bills cited by this report.
  - B. Recognizing most discrepancies or weaknesses in delivery systems have resulted from a clear need to communicate the services available.
  - C. Recognizing that Spanish Speaking input to state and local governmental units remains low.
  - D. Recognizing that the existence of the task force has opened the doors to government for Spanish Speaking Iowans and has provided valuable input to state Government.
2. That a Commission for Spanish Speaking people or that the Governor's Spanish Speaking Task Force have funding appropriated as long as necessary to ensure that the information to and from the Spanish Speaking community is disseminated. The function of the Commission or the Task Force shall be to:

- A. Assist departments of state government in planning toward improving services to the Spanish Speaking community.
- B. Disseminate information about state government to the Spanish Speaking communities in Iowa. This shall be accomplished by a periodic newsletter in Spanish and in English and by speaking at organization meetings.
- C. Conduct conferences or workshops thereby providing inservice to government employees aimed at increasing an understanding of Spanish Speaking community needs and cultural differences.
- D. Serve as a clearinghouse of all matters relating to Spanish Speaking people and migrants in Iowa.
- E. Evaluate existing programs and proposed legislation concerning their impact on Spanish Speaking Iowans.
- F. Serve as the ears and eyes of government for Spanish Speaking Iowans needs and concerns.
- G. Gather and maintain information on conditions of Spanish Speaking people in Iowa.
- H. Recommend needed departmental and legislative changes deemed appropriate to improve the conditions of Spanish Speaking Iowans.

## RECOMMENDATIONS FOR JUSTICE

With regard to justice, the Governor's Spanish Speaking Task Force recommends:

1. That Chapter 622A Court Interpreter, Iowa Code be amended to require the services of interpreters at the time suspect is arraigned. Thereby non-English Spanish Speaking persons would be advised of their rights.
2. That state and local enforcement agencies take positive steps toward increasing the number of Spanish Speaking officers.
3. That state and local law enforcement agencies stay out of Immigration matters, or restrict

their involvement providing facilities for Immigration and Naturalization Officers.

4. That an Immigration Specialist be placed in the Attorney General's Office, to advise Illegal Aliens of their rights and assist their efforts toward legalizing their status, thereby providing a vehicle that eliminates complications.
5. That Municipal Law enforcement Departments implement an Affirmative Action plan aimed at improving their Community Relations with Spanish Speaking communities.
6. That Bilingual Offender Advocates be employed in cities in ten counties with large concentration of Spanish Speaking people.

## RECOMMENDATIONS FOR EDUCATION

1. A Bilingual Education Act be enacted that will:
  - A. Recognize that there are significant numbers of children in Iowa with limited English-speaking fluency.
  - B. Recognize that most of these children have a cultural heritage which differs from that of the Anglo population.
  - C. Recognize the primary means by which a child learns is through the use of such child's language and cultural heritage.
  - D. Recognize significant numbers of children with limited English-speaking fluency have needs that can be met by the use of bilingual educational methods.
  - E. Recognize that in addition, children with limited English-speaking fluency benefit through the fullest utilization of multiple language and cultural resources.
  - F. Require that in a district where there are twenty (20) or more students with limited English-speaking fluency, a continuing bilingual-bicultural educational program be provided by the district. A "Bilingual-Bicultural Education Program" is defined as one in which two languages, one of which is English, are used as medium of instruction and which emphasizes activities designed to impart to students a knowledge of the history and culture associated with these languages.
  - G. Require that in a district where there are students with limited English-speaking fluency and the number of such students is less than twenty (20), a transitional program be provided by the district for those students. A "Transitional Bilingual Education Program" is defined as one in which two languages, one of which is English, are used as a medium of instruction which emphasizes improving English speaking skills so that the student may be assimilated into the regular monolingual English medium programs.
  - H. Require that a student removed from the regular classroom should spend at least 20% and not more than 50% of his/her total classroom time in the bilingual program.
  - I. Require that students enrolled in a program of bilingual-bicultural education and transitional bilingual education should be placed in classes with students of approximately the same age and be provided with instruction which is appropriate for his or her level of educational attainment.
  - J. Recommend that whenever possible, Anglo and other English-speaking children should be included in bilingual programs on a voluntary basis.
  - K. Require that any bilingual-bicultural programs be developed in consultation with parents of children with limited English-speaking fluency community resource people, consultants, teachers, and where applicable, secondary students.
  - L. Require that the State Department of Public Instruction monitor and provide technical assistance to all districts where one or more non-English speaking students are enrolled, aimed at, (1) promoting multi-cultural sensitivity in all people employed by the district, (2) insuring that all students are exposed to multi-cultural curriculum and (3) assisting school districts in program development and funding requests from federal or other sources deemed appropriate.
  - M. Require the Department of Public Instruction to hire bilingual personnel to monitor all programs where services rendered to districts involve bilingual programs.
  - N. Appropriate the necessary state funds to the Department of Public instruction to fund local Education Agency Bilingual Program efforts and adequately staff it's Urban Section or a newly created section dealing with Bilingual Education.
2. Prohibit the use of standardized tests which have not been validated for Spanish Speaking students.
3. Require that all children suspected of having subnormal intelligence be classified as such only after a review of each case is made by the Department of Public Instruction testing specialist. In all cases involving Spanish Speaking students, a bilingual testing specialist must review each case.
4. Require all school districts to set up a multicultural review committee, whose make up reflects the community it serves. Each school district should make every effort to include Spanish Speaking representation elected by the local Spanish Speaking organization if one exists.
5. Require that all area colleges and state universities provide five scholarships to be awarded annually to Spanish Speaking Iowans, one of which should be in the School of Law, Engineering or in Medicine.
6. Require that fifteen (15) of Iowa Tuition Grants be awarded annually to Spanish Speaking students.
7. Set up an Iowa Government Internship Program designed to give practical experience to Iowa Spanish Speaking students and increasing their participation in government public service at all levels.

## RECOMMENDATIONS FOR HOUSING

With regard to housing, the Governor's Spanish Speaking Task Force recommends the following:

1. That Chapter 138 of the Iowa Code, regarding migrant housing be amended to ensure safe and sanitary housing for all migrants housed in Iowa, including those presently excluded from the Code. (Recommended amendments on page 87 of this report.)
2. That a bilingual housing and urban renewal specialist be employed and assigned to assist

Spanish Speaking persons and local housing authorities with urban renewal projects. Such an individual could also promote awareness in Spanish Speaking people of available housing programs in Iowa.

3. That a state appropriation be made to the Iowa Civil Rights Commission to promptly and effectively investigate housing discrimination cases as well as discriminatory practices by lending institutions.

## RECOMMENDATIONS FOR HEALTH

With regard to health, the Governor's Spanish Speaking Task Force recommends:

1. That a state appropriation be made aimed at complementing federal funds now used by migrant programs thereby providing for the services of qualified doctors to serve those migrants now served by medical students.
2. That a state appropriation be made to provide for one bilingual migrant housing health inspector to assist the inspector presently assigned.
3. That the functions presently conducted by three departments for agricultural workers be com-

bined. Presently, the State Department of Health and the Iowa Employment Security Commission are charged with migrant housing inspection and the Bureau of Labor is charged with enforcement of OSHA and Child Labor legislation. Combining the three inspectors and expanding their functions would result in increased performance at no extra cost.

4. That a bilingual health specialist be employed to assist and advise health programs on ways to improve health delivery for the Spanish Speaking population.

## RECOMMENDATIONS FOR EMPLOYMENT

With regard to employment, the Governor's Spanish Speaking Task Force recommends the following:

1. That Chapter 96 of the Iowa Code regarding the Iowa Employment Security Commission and chapters pertaining thereto be amended to assure that all persons employed in agriculture and domestic labor are provided unemployment benefits. To require each employer to provide written statements of amounts earned and periods of unemployment to employees at the time the employee is discharged from duties.
2. That every effort be made by Iowa's U.S. Congressmen and Senators toward extending coverage for domestic and agricultural labor in Federal statutes (26 U.S.C. 3301 (c) (1) and (k)).
3. That Chapter 85 of the Iowa Code and chapters pertaining to workmens compensation thereto

be amended to assure that bilingual workmens compensation specialists or legal advisors are readily available to assist persons wanting to obtain relief through this act. The role of the claim specialist or advisor should be to:

- A. Institute the claim.
- B. File the necessary forms.
- C. Arrange for a medical examination if needed.
- D. Search for precedents which will support the case.
- E. Dispute the insurance carriers contention.
- F. Cross-examine antagonistic witnesses.
- G. Protect the claimant.
- H. Obtain the best possible settlement.

4. That there be enacted a bill to include state coverage for safeguards presently under the Federal Farm Labor Contractor Registration Act as amended December 7, 1974. Such a bill



- should provide for state enforcement by the Bureau of Labor or the Iowa Employment Security Commission.
5. That there be enacted a bill to include coverage under the Federal Fair Labor Standards Act as amended in 1966 applicable to all without the present 500 man-day provision of the act. (Brief page 64 of this report.) The bill should provide for state enforcement under the Iowa Employment Security Commission or the Bureau of Labor.
  6. That the Iowa Employment Security Commission take corrective measures to assure that:
    - A. Bilingual personnel are employed in the ten counties with the largest concentration of Spanish Speaking people and that such personnel will be readily available to assist such people in need of employment services.
    - B. Employment information brochures and materials be made available in both Spanish and English in all county offices in the state.
  7. That the Department of Revenue pursuant to Chapters 421 and 422 of the Iowa Code investigate and take necessary measures to assure that migrant employee's income tax deductions are properly handled and reported.
  8. That the proper federal office charged with enforcement of the Social Security Act be contacted and requested to monitor or otherwise assure that social security deductions for migrant employee's are properly deducted and reported.
  9. That the state merit system make changes necessary to:
    - A. Include Spanish Speaking ability as an important factor in classification procedures for employees in any delivery system.
    - B. Have all merit examinations presently used validated for Spanish Speaking applicants, thereby assuring an equal opportunity will exist. Until such time that the tests are so validated, a Point Preference Approach may provide the same results.
    - C. Develop and implement an employment plan designed to increase the number of Spanish origin state employees at all levels in proportion to the population of the area served.
  10. That all county governments, and all city governments, especially the cities of Burlington, Fort Madison, Muscatine, Sioux City, Cedar Rapids, Council Bluffs, Davenport, Mason City, Waterloo, and Des Moines take the necessary steps to implement an Affirmative Action Employment Program designed to include Spanish Speaking persons within their employment structure.
  11. That Chapter 92 of the Iowa Code, regarding Child Labor, be amended to prohibit any person under twelve years of age to work in connection with migratory labor. No permit provisions other than by Commissioner upon order by a judge or juvenile court should be included.

## RECOMMENDATIONS FOR SOCIAL SERVICES

With regard to Social Services, the Governor's Spanish Speaking Task Force recommends:

1. That Chapter 251 of the Iowa Code, Emergency Relief Administration, be amended to insure that a uniform and effective emergency relief program is implemented by all counties in Iowa. Such a plan should include:
  - A. Uniform guidelines.
  - B. Sufficient funds readily available for extreme or crisis situations.
  - C. Inter-county and statewide coordination.
2. That the state social services plan under Title XX be amended to include a statewide plan for delivery services to Spanish Speaking Iowans.
3. That the State Department of Social Services investigate and take corrective measures to insure that:
  - A. Spanish Speaking employees are hired in the ten counties of Spanish Speaking concentration.
  - B. Allow such workers to be readily available to assist other counties.
  - C. The department does not have to rely on volunteers in order to serve Spanish Speaking people.
  - D. Assessment of eligibility is objective and require the same documents of all people regardless of race, sex, creed, or country of origin.

## RECOMMENDATIONS FOR RECREATION

With regard to recreation, the Governor's Spanish Speaking Task Force recommends that:

1. Additional monies be requested from various funding so as to improve those parks and recreation areas which serve the Spanish Speaking communities. Presently, many children and adults living in barrios in the larger cities depend upon facilities which are not in good condition. To implement these programs:

- A. Government at the local, county, and state levels should meet with members of the Chicano community to discuss what programs and facilities are available.
- B. Local schools should take a leading role in offering use of their recreation facilities to all wishing to do so.

- C. Programs in recreation be developed for the Spanish Speaking elderly. Of necessity, it is important to realize that they are the ones who have maintained the strongest cultural ties with their parent land. Programs, therefore, must take that into consideration when planning.

## GENERAL RECOMMENDATIONS

That the Commission on Aging implement programs or contract to have programs implemented to meet the presently ignored needs in ten counties of Iowa.

That some private or public source, such as United Way or other charitable organization provide the necessary funds to carry out a program designed to:

- 1. Assist illegal aliens in preparing necessary forms toward legalizing their status. Especially those who by the nature of their particular case are given priority by the Immigration and Naturalization Service.
- 2. Advise illegal aliens and/or the families of their families of their rights or best possible manner to legalize their status.

That a Commission or Department be formed and appropriated the necessary funds to:

- 1. Coordinate, assist and cooperate with the efforts of state departments and agencies to implement

the needed changes cited by the Task Force Report.

- 2. Develop, coordinate and assist other public and private organizations toward improving their services to the Spanish Speaking people of Iowa.
- 3. Conduct a public education program designed to stimulate public awareness of existing governmental programs and the needs of the Spanish Speaking Iowans aimed at improving existing services.
- 4. Evaluate existing and proposed legislation and provide testimony before legislative committees prevent unintended detrimental results.
- 5. Serve as a clearing house for information of new developments in the Spanish Speaking community or in programs that serve this population, thereby maintaining a clear line of communication.
- 6. Provide Spanish Speaking organizations or agencies the technical assistance needed in preparing proposals to assure that programs for which federal money is available if requested.

## **SECTION FOUR**



## FEDERAL AND STATE OF IOWA LAWS

The following legal review and its applicability in Iowa is presented with the hope that state legislative action will follow. While it is not exhaustive, it does point out definite weaknesses which need attention.

In some cases, we find the legislative intent clearly defined. Some were intended to be beneficial by their wording and others clearly were influenced by the political atmosphere. In the few pieces of legislation whose wording includes services for migrants, one finds service coverage limited by the administrative process.

### Social Security

The Federal Insurance Contributions Act imposes a tax on "wages" to fund the Old Age, Survivors, and Disability Insurance program under the Social Security Act, 26 U.S.C. 3101. However, as defined by the FICA, the term "wages" does not include non-cash payments for agricultural labor (26 U.S.C. 3121 (a) (8) (A)) or cash payments of less than \$150 per year or payments for less than 20 work days. Agricultural labor is defined by 26 U.S.C. 3121 (g) and 42 U.S.C. 410 (f). Also exempt from the tax are payments made to foreign agricultural employees (26 U.S.C. 3121 (b) (1)) and payments for services performed under share-cropping arrangements (26 U.S.C. 3121 (b) (16)). The Social Security Act provides that these categories of persons whose wages are not taxed under the FICA do not qualify for OASDI coverage. 42 U.S.C. 409 (h) (1) and (2), 410 (a) (16) and (19), 410 (f).

Under both the FICA and the OASDI provisions of the Social Security Act, farm crew leaders who pay the workers themselves are deemed the employers if there is no agreement to the contrary. As the employers, they are liable for payment of FICA taxes and other duties required of employers by the statutes 26 U.S.C. 3121 (o), 42 U.S.C. 410 (n).

Quarters of coverage for agricultural labor under the Social Security Act are computed somewhat differently from other employees 42 U.S.C. 413 (a) (2) (iv) and (v).

The Social Security Act is probably one piece of legislation which if enforced could conceivably lead to direct benefits to migrants. While the Act is found to be applicable in most cases where migrants are employed, the extent to which it is carried out is unknown.

One may suspect that most established firms are in fact reporting such taxes on migrant wages. This Social Security may translate into services for those few migrants who reach a retiring age. (The life expectancy of migrants is 48 years.)

In 1974, of the twelve crew leaders that operated in Iowa, only two reported that they paid Social Security

for their workers. Six others actually admitted never having done so. The remaining would not respond. If this pattern holds true, we may suspect that where crew leaders are contracted, at least fifty percent of all migrants have not had their Social Security paid, though in most cases deducted.

Under the FICA and OASDI provisions of the Social Security Act, crew leaders who pay workers are deemed the employers if there is no agreement to the contrary. However, agreements are negotiated in some cases involving piece rate arrangements. The migrants then become their own employers and are liable and responsible to file their own taxes. It is inconceivable that migrants, with their limited education and their lack of understanding of the possible future benefits, would in fact report their own self-employment tax.

It can be stated that the impact of Social Security Benefits or the lack of such benefits to migrants in Iowa may come as a shock to those who find a need of Social Security, since no one can be certain that their wages were reported. Furthermore, any attempt to enforce the law years after the employment period would require a long investigation by the Internal Revenue Service. When one considers their lack of action at this time, one can only suspect that no action would follow at any future time.

In summary, it is imperative that changes in the Internal Revenue Service take place if one is to conclude that migrants are in fact protected by this Act. Until then, all variables point out that Social Security benefits are not provided to the old and disabled migrants.

### Welfare

Under the food stamp legislation and other federal categorical welfare programs, migrants must meet the guidelines that govern these programs. Some of the requirements are:

- A. single parent family
- B. disability
- C. age
- D. blindness

As stated, these programs do not exclude the migrants, but they must be eligible under the same basic formulas applied to others. It would seem that migrants would have little difficulty qualifying, but they do under the administrative system that operates in Iowa.

The Iowa Department of Social Services administers the programs in Iowa. The rules are supposed to apply equally and therefore the availability of services must also be equal. Yet restrictions placed

by the lack of bilingual personnel, the procedures followed toward certifying eligibility for migrants and the peculiar needs of migrants restricts the availability of programs.

State and federal welfare programs in Iowa require extensive administrative changes before migrants can be served equally in Iowa.

### **Health**

The Public Health Service Act of 1962 authorizes HEW to make grants and to provide other assistance to health agencies to provide health services for migratory farmworkers. 42 U.S.C. (242h).

Under this act, the grants to the Migrant Action Program provides for services to migrants in Iowa excluding three counties. The Muscatine Migrant Committee receives a similar grant to render similar services in the remaining three Iowa counties along with two counties in Illinois. It should be stated that the amounts granted require local contributions and allow for bare minimums. Both programs depend largely on volunteers and medical students though they have registered nurses employed.

### **Education**

Under Title I of the Elementary and Secondary Act, state educational agencies may apply for grants from the Office of Education for projects to meet the special educational needs of children of migratory agricultural workers. Iowa receives \$90,000 per year to fund projects throughout the state.

A state appropriation of \$50,000 has been made toward improving migrant education to the Department of Public Instruction. It serves to assist Muscatine and West Liberty school districts. Fifty percent of that amount goes for Adult Education.

In view of the number of migrant children in the state and the many concentrations, most school districts are excluded from these benefits. Any attempt to distribute this limited appropriation on an equitable basis would reduce the figure to a useless and insignificant amount.

### **Collective Bargaining**

The Taft-Hartley Act (29 U.S.C. 141 to 187) — passed in 1947 — guarantees the right of employees to organize and engage in collective bargaining. As defined by the Act, however, the term "employee" excludes agricultural workers (29 U.S.C. 152). In addition, all appropriation bills passed by Congress to implement the Taft-Hartley Act have specified that no part of the appropriation may be used to intervene in labor disputes in agriculture (as defined by the Fair Labor Standards Act). In recent years, legislative proposals have regularly been introduced to extend federal collective bargaining rights and duties to farmworkers. The proposals on how to accomplish this have been many and varied.

Some would merely amend the National Labor Relations Act to make provisions applicable to agricultural workers (the AFL-CIO approach), while others desire a more liberal bill free from restrictions on union practices that have come with recent amendments to the present NLRA (the Cesar Chavez—United Farmworkers Organizing Committee approach).

Iowa has no laws relating to collective bargaining rights for farmworkers.

### **Unemployment Compensation**

The Federal Employment Tax Act (26 U.S.C. 3301 et seq.) requires employers to pay a tax on "wages paid with respect to employment" for the purpose of funding the unemployment compensation program. However, the term "employment" is defined to exclude agricultural labor (26 U.S.C. (c) (1) and (k)). While attempts have been made to broaden coverage to include migrants, none have succeeded thus far.

Similar coverage is found within Iowa Code Chapter 96.19 as amended up to July 6, 1975. Agricultural labor is also excluded and no attempts have been made to broaden the coverage.

The Special Unemployment Assistance Act extends coverage to previously excluded groups up to December 31, 1976. Under this act, an employee previously excluded by federal and state legislation may qualify and receive assistance on the same basis as others. That employee must have earned at least \$200 and \$100 in two quarters of his base period. It is possible to assume that migrants could receive from \$10 to \$107 per week in Iowa or the set unemployment rate for other states.

The fact that most migrants have been excluded in the past is probably one reason most migrants do not file under this Act. Other reason may also include that they need to certify through their employer the amounts earned during this base period, a task that may be hard to accomplish in view of their particular arrangement.

Most crew leaders were found to not even report Social Security, which indicates that their bookkeeping is inaccurate. The fact that most crew leaders also move from state to state and usually fail to register as required by the Farm Labor Contractor Registration Act of 1963 and Amendments of 1974 makes the possibility of being located exceedingly complicated.

In conclusion, one must recognize that if state agencies are charged with providing benefits under the act and if information did go to migrants and if they did file, the benefits under the Special Act could provide some assistance up to December 31, 1976. The coverage of farmworkers in the Federal Employment Tax Act and other state legislation has not become a reality and again migrants remain excluded from one more institution which most Americans take for granted.

## FARM LABOR CONTRACTOR REGISTRATION ACT OF 1963 AND AMENDMENTS OF 1974

### A. The Original Act — General

The Act, regulating farm labor contractors, appears at 7 U.S.C. 2141-2053. The regulations were issued by the Secretary of Labor in 1971 and became 29 C.F.R. 40 et seq. The Act is sometimes called the Crew Leader Registration Act because most contractors are crew leaders.

The statute, 7 U.S.C. 2042, requires every person acting as a farm labor contractor (as defined by the Act) to obtain a certificate of registration from the Secretary of Labor. The application for registration must contain evidence of insurance or proof of financial responsibility (7 U.S.C. 2044; 29 C.F.R. 40.4 (c)). Before any person may transport migrant workers, he must submit evidence that he is in compliance with applicable rules and regulations of the Interstate Commerce Commission (20 C.F.R. & 40.4 (f)). Registration can be revoked by the Secretary of Labor (7 U.S.C. 2044 (b); 29 C.F.R. 40.16 et seq.), in addition to criminal and civil penalties for violation of the Act and its regulations.

### B. Statutory Protections

The original statute (7 U.S.C. 2045) seeks to protect workers against misinformation or lack of information, and compel fair dealing on the part of crew leaders by requiring them to disclose information to the workers at the time they are recruited regarding the term and conditions of the employment, housing, transportation and insurance. The crew leader is required to tell the workers the amount he will charge them for his services. He must keep payroll records for them and furnish them with itemized written statements showing the amount of their pay and deductions. The Act also seeks to protect workers against the risk of being transported by uninsured crew leaders.

On December 7, 1974, new amendments were added to remedy the deficiencies of the original statute by extending the law's coverage and strengthening its enforcement mechanisms in significantly important ways:

1. *Extended Coverage.* The amendments include coverage of intrastate as well as interstate transactions. Also, the limitation on coverage to those crew leaders who transport ten or more migrant workers at any one time is removed (7 U.S.C. 2042). But note that the amendment creates a new set of exemptions for persons engaging in farm labor contracting within a twenty-five mile intrastate radius for not more than thirteen weeks each year. Also exempted are

"Full-time or regular employees of agricultural employers whose recruitment

efforts are incidental to their main employment and any farmer, processor, canner, ginner, packing shed operator, or nurseryman who personally engages in any such activity for the purpose of supplying migrant workers solely for his own operation."

2. *Registration Requirements.* The amendments place an affirmative duty on the part of an employer who engages another to undertake contracting services to assure that the contractor is registered (7 U.S.C. 7042). Failure to do so may result in the employer's denial of employment services facilities by the Secretary of Labor for a period of up to three years. Because the civil relief may be claimed for "violation of any provisions of this Act or any regulation prescribed hereunder," use of any unregistered crew leader may subject the employer to liability for the crew leaders violations (7 U.S.C. 2040a).

In addition, the applicant for registration must show proof that the vehicles for transport and the housing for the workers conform with applicable federal and state health and safety standards and consent to the substitute of legal process of the Secretary of Labor (7 U.S.C. 2044).

3. *Contract Disclosure.* Mandatory disclosure in writing and in a language in which the worker is fluent is now required. Material terms include the period of employment, wage rates, and whether there is the existence of any strike or slowdown or other labor dispute at the place of employment (20 U.S.C. 2045).
4. *Other Disclosure Requirements.* Each worker must receive a written statement of the nature of employment at recruitment time, employment period and any kickback arrangements. Other requirements include prompt payment, prohibition of exclusive purchase agreements to buy goods from particular stores, and full payroll information to those whose contract labor is provided (7 U.S.C. 2045).
5. *Illegal Aliens.* The crewleader is expressly prohibited from "recruiting persons he knows are in violation of the immigration and nationality laws" (7 U.S.C. 2045). In effect recruitment or employment with knowledge of any person who is an alien not authorized by the Attorney General to accept employment, is a violation which can bring criminal liability and jeopardize registration.
6. *Civil Remedy.* A private civil remedy in the appropriate U.S. District Court exists "without

regard to the amount in controversy or to the citizenship of the parties," (U.S.C. 2050a), or administrative exhaustion for any grievance under the Act or its regulations. The Court may appoint an attorney and award actual damages or other equitable relief which may include attorney's fees and costs. Importantly, the action is against any party who may violate the Act.

7. *Retaliation.* Retaliation against a worker for the exercise of rights under the Act is prohibited (7 U.S.C. 2050-b).
8. *Payroll Records.* Each grower or other agricultural employer is required to maintain records "and to obtain and keep information to be furnished him by the farm labor contractor" (7 U.S.C. 2050c).
9. *Penalty Provisions.* Criminal and civil penalties are increased with additional enforcement powers to the Secretary of Labor (7 U.S.C. 2048).

### C. Remedies for Violations

The type of violations most frequently encountered are promising work that does not exist, failing to pay wage rates that have been agreed upon, withholding wages that are due, making unlawful deductions, charging workers high interest rates on loans, failing to keep required records, and failing to register or obtain a certificate. The statute gives the Department of Labor authority to initiate investigations and enforcement action, but the Department has a total enforcement staff of only five officials for the entire country. As a result, it has not enforced the Act energetically but has relied instead on complaints from workers. The fear or retaliation and blacklisting has tended to discourage complaints.

Should the Secretary of Labor choose to enforce the Act through the Wage and Hour Division of the U.S. Employment Service, the new amendments provide potent means for remedying violations. Penalty provisions now subject offenders to imprisonment and/or up to \$10,000 in fines. Civil violations carry fines to as much as \$1,000. Standards for certification have also been stiffened. Farm labor contractors can no longer register without proof that housing to be supplied and vehicles utilized for transportation must meet federal and state safety and health standards.

The statute (7 U.S.C. (5) (a) (5)) requires a registrant to accept service of legal process through the Secretary of Labor where the contractor is not available to accept service under such terms as provided a court [see F.R.C.P., Rule 4 (d) (1) and 4 (3)] and the existing practice of denying use of facilities of the U.S. Employment Service to knowing employers of contractors who fail to possess a certificate of registration [7 U.S.C. 2042 (4) (d)].

The statute places an affirmative duty on the Secretary to monitor and investigate activities of farm labor contractors as may be necessary to en-

force the provisions of the Act [7 U.S.C. 2046 (7)]. The Secretary's enforcement power allows him to seek civil injunctive relief and civil penalties against violators of the law. Conviction carries a maximum penalty of a prison term up to one year for a first offense and, for a subsequent violation, a fine, a prison term not to exceed three years, or both [7 U.S.C.].

The real strength of the law resides in the creation of a federal civil remedy to any aggrieved person of a violation of the law. The Court's ability to award up to treble damages, reinstatement or other equitable relief including attorney's fees and costs to the prevailing party, is an added inducement for compliance. This civil remedy is created independent of any requirement of administrative exhaustion. The statute does provide for an administrative hearing in the Department of Labor for various violations [5 U.S.C. 2044 (b)], leading to suspension, revocation or refusal to renew a certificate of registration.

The Act calls for the registration of crewleaders. In Iowa that is probably the only one item which may be successfully accomplished by the Bureau of Labor and the other agencies helping in its enforcement.

Prior to 1975, no crewleaders were registered in Iowa. The Employment Services and the Wage and Hour Division had made no attempt to enforce the Act. In fact, the very existence of the Act was unknown by these agencies which were charged with its enforcement. Fortunately, the assistance of Mr. Robinson Colon from the Bureau of Labor and other agencies including our Task Force may be credited with the successful registration of eleven (11) crewleaders in Iowa during 1975.

The Act protects workers against misinformation, lack of information and other items noted earlier. The major problem aside from the many loopholes that are included in the wording of the Act is that the enforcement is questionable. The Wage and Hour Division of the Department of Labor in Iowa has insufficient staff to enforce the Act even if the desire exists. Enforcement of the Act depends entirely on referred complaints. The necessary investigation follows but due to the time delay the protection by the Act is considerably limited.

The F.L.C.R.A. can only be considered applicable to a very small number of employers and its enforcement in Iowa is ineffective in protecting Iowa Migrants.

### Fair Labor Standards Act: Minimum Wage

The Fair Labor Standards Act as amended in 1966, theoretically included Farm Workers for the first time. It however, covers only two percent of the nation's farms. The minimum wage provisions only applied to employers with more than 500 mandays of agricultural labor during any calendar quarter of the



preceding year. Piece rate workers and family members living on the farm were excluded.

The Amendment of 1974 raised the minimum wages for those occupations previously covered as follows:

<u>Prior</u>	<u>Farmworkers</u>	<u>Non-Farmworkers</u>
May 1, 1974	1.60	1.90
Jan 1, 1975	1.80	2.00
Jan 1, 1976	2.00	2.20
Jan 1, 1977	2.20	2.30
Jan 1, 1978	2.30	2.30

The 1974 Amendments extend coverage to some retail and service employees, agricultural workers employed by conglomerates, and others. It does however exclude the bulk of all migrant workers presently employed in Iowa.

The Fair Labor Standards Act is applicable mainly to nurseries and food processing firms that employ migrants in Iowa.

The enforcement of the Legislation is questionable. Due to staff limitations of the Wage and Hour Division in Iowa, complaints which are filed take a minimum of two to three weeks. Compounded by the fact that most migrants covered have little contact with outside agencies, the violations of this Act are seldom reported. Usually, cases are available to file a formal complaint.

The Fair Labor Standards Act as written excludes almost all migrants presently hired in Iowa farms. The 500 hours requirement and the exclusion of piece rate workers are excellent loopholes which account for the lack of applicability. Here again, as noted earlier, the enforcement task is not possible even if some migrants may in fact be covered.

One can only conclude that the Fair Labor Standards Act, in its present language and its administrative remedies fails to offer any protection to migrants in Iowa.

#### **The Sugar Act of 1948**

The Sugar Act, 7 U.S.C. Subsection 1100 et seq., provides for money payments by the Secretary of Agriculture to sugar producers. Sections of the Act make these payments conditional on the producers paying minimum wages.

In Iowa sugar beet growers are no longer producing beets, consequently, protection under this legislation is not applicable in Iowa.

#### **Interstate Commerce Act**

The functions, powers and duties under this Act have been delegated by amendments to the Federal Highway Administration (49 U.S.C. Subsection 1655

(f) (3) (B)). The statutory provisions of this Act can be found at 49 U.S.C. 303, 304.

The regulations (49 C.F.R. 398-1) et seq., seek to protect migrants' safety and comfort over long distance travel by motor vehicle. The regulations establish *minimum qualifications for drivers* of vehicles that haul migrants long distances, provides safety and comfort standards for such vehicles, limits the number of hours a driver may drive, and require the carrier to *inspect and maintain each vehicle*.

#### **Wagner-Peyser Act**

The Wagner-Peyser Act, adopted in 1933, established the United States Training and Employment Service in the Department of Labor to promote and develop a national system of *employment offices* for the purpose, among others, of maintaining a farm placement service (29 USC 49b). The state employment services are operated by the various state governments on federal funds and under the supervision of the Department of Labor.

The Secretary of Labor has issued regulations under this Act regarding agricultural placement services (20 C.F.R. 602.8) interstate recruitment of farmworkers (20 C.F.R. 602.9), certification and use of temporary foreign labor for agricultural and logging employment (20 C.F.R. 601.10), and housing for agricultural workers (20 C.F.R. 620).

The regulations provide protection for farmworkers in the following respects:

1. For the protection of farmworkers within a given state, the state agency is prohibited from placing orders for farmworkers through the interstate system unless it finds agricultural workers are not available within the state (20 C.F.R. 602.9a).
2. To protect migrant workers, the regulations provide the state agency shall not place orders in interstate clearance unless following conditions are met:
  - A. that workers are needed (20 C.F.R. 602.9b);
  - B. that wages offered are not less than the prevailing wages in the area for similarly employed domestic agricultural workers (20 C.F.R. 602.9d, 620);
  - C. that employers have offered workers transportation that meets certain minimum standards (20 C.F.R. 602.9e);
  - D. that the other terms and conditions of employment that are offered are not less favorable than those prevailing in the area for domestic agricultural workers (20 C.F.R. 602.9f).

Employment Security Commission of Iowa is charged with carrying out the functions set forth by the Act. Its role in processing requests for migrants is limited since there usually are more migrants attracted to Iowa than the number of jobs available.

Moreover, most growers find it easier to expose themselves to the safeguards of the Wagner-Peyser Act.

Only one operator in Iowa uses the employment services. This operator's camps are subject to minimum standards set forth in Federal housing legislation. He also is subject to Iowa Migrant Housing Code Chapter 138 which results in double inspection of one camp. It may be worth nothing that this operator's camp conditions exceed the present standards set forth by Iowa codes.

#### **Child Labor**

Both the Fair Labor Standards Act and Sugar Act contain provisions relating to child labor practices.

Child labor is governed by Iowa Code, 92.1 et seq. Outside of school hours, 12 is the minimum age for employment as a migrant laborer; however the labor commissioner may issue a work permit to someone younger if a judge of a juvenile court has specifically given approval. Permits are required for any migrant laborer under 16. If the child is under 14, a permit is also required from an R.N. or doctor that the minor is in good health. A minor between 12 and 14 may not work prior to or during school hours. Enforcement of Chapter 92 is carried out by an inspector from the Bureau of Labor.

#### **Working Conditions**

The Occupational Safety and Health Act of 1970 (29 U.S.C. 8651-678) authorizes the Secretary of Labor to

promulgate federal occupational safety and health standards applicable to businesses affecting commerce. Several regulations relating to agricultural labor have been issued. 29 C.F.R. 1910.42 sets minimum construction and sanitation standards for temporary labor camps. 29 C.F.R. 1910.145(10) requires slow moving vehicles to carry an identifying emblem. 29 C.F.R. 1910-111 sets safety standards for the storage and handling of anhydrous ammonia. 29 C.F.R. 1910.266 sets standards for pulpwood logging.

The standards set forth by OSHA are enforced as they relate migrants by the Bureau of Labor by one inspector.

#### **Federal Programs**

In discussing aid under Federal programs, it is important to note Title VI of the Civil Rights Act of 1964, 42 U.S.C. Subsection 2000 d et seq. The Act is a regulatory statute that applies to the administration of federally assisted benefit programs. It provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Title VI regulates the way in which recipients (usually state and local government agencies) administer programs that receive federal assistance. It does not regulate programs of direct assistance, such as social security retirement and disability benefit programs, where payments are made directly by a federal agency to the intended beneficiaries.



## EXECUTIVE ORDER NUMBER FIFTEEN

### Preamble

The Constitutions of the United States of America and the State of Iowa call for political liberty and equality, and afford to all persons the equal protection of the law. Discriminatory practices based upon race, religion, national origin, sex, age and physical and mental disability betray the vision of the founding fathers and threaten the orderly procedures of democratic government.

The Congress of the United States has enacted a Civil Rights Law and has passed resolutions condemning discriminatory practices. This Law is known as Title VII of the 1964 Federal Civil Rights Act. The clear intent of this law and resolutions passed thereunder, is the assurance that the rights of the people to equal treatment shall not be abridged.

The General Assembly of the State of Iowa has enacted a Civil Rights Law and has passed resolutions condemning discriminatory practices. The clear intent of this law and resolutions passed by the General Assembly of the State of Iowa is to assure that the rights of the people to equal treatment shall not be abridged.

Fair and equal treatment of all persons, guaranteed by the Constitution, affirmed by the General Assembly, promoted by the Executive, is the public policy of the State of Iowa.

In recognition of the obligation of the State and to the limit of the authority vested in me by the Constitution and Laws of Iowa, I hereby proclaim the following CODE OF FAIR PRACTICES to be the official policy of the Executive Branch of the State of Iowa.

### Article I STATEMENT OF POLICY

The State of Iowa has a special obligation to have its operations serve as a model for business, industry, labor and education. No state official who is responsible to the Governor shall therefore, in policy or in practice, discriminate on the basis of race, creed, color, religion, national origin, sex, age, physical or mental disability.

### Article II APPOINTMENT, ASSIGNMENT, TRAINING, AND ADVANCEMENT OF EXECUTIVE PERSONNEL

State officials who are responsible to the Governor shall appoint, assign and advance employees solely on the basis of merit and fitness.

Each state agency responsible to the Governor shall promulgate a clear and unambiguous written Affirmative Action Program containing goals and time specifications in Personnel Administration. Each such agency shall regularly review its personnel practices and procedures with a view to correcting any such personnel practices and procedures which may contribute to discrimination in appointment, assignment or advancement. Each such agency shall conduct programs of job orientation and provide training and organizational structure for upward mobility and shall place emphasis upon fair practices in employment. Each such agency shall also bar from all employment application forms any inquiry as to race, creed, color, sex, age or physical or mental disability, except for statistical purposes unless it relates to a bona fide occupational qualification.

#### Article III STATE EMPLOYMENT SERVICES

All state agencies responsible to the Governor which provide placement or referral services for public or private employees shall refuse to fill any job order which specifies race, creed, color, religion, sex, age, physical or mental disability, as a condition of employment, assignment or advancement except where it relates to a bona fide occupational qualification. They shall, moreover, refer such prohibited requests to the Iowa Civil Rights Commission for investigation, conciliation and any other appropriate action.

#### Article IV PUBLIC SCHOOL TEACHERS

Pursuant to the provisions of the 14th Amendment of the Constitution of the United States and provisions of the Iowa Civil Rights Act of 1965, the State Superintendent of Public Instruction shall use every lawful means in the promoting of fair employment practices for duly certificated teachers.

#### Article V STATE EDUCATIONAL, COUNSELING, & TRAINING PROGRAMS

All educational and vocational guidance programs and their essential components, counseling and testing and all on-the-job training programs of state agencies responsible to the Governor, shall be administered in accordance with the provisions of the Iowa Civil Rights Act of 1965. Every state official responsible for the implementation of such programs shall be charged with the duty of seeking to provide equal opportunity for all, regardless of race, creed, color, religion, national origin, sex, age, and physical or mental disability except where it relates to a bona fide occupational qualification.

#### Article VI STATE SERVICES AND FACILITIES

Pursuant to the provisions of the 14th Amendment of the Constitution of the United States and the Iowa Civil Rights Act of 1965, equal treatment shall be guaranteed by all state agencies responsible to the Governor in performing their services to the public, and equal treatment shall be guaranteed in the use of state facilities. Those in charge of the various state facilities shall take especial care that no state facility is used in the furtherance of any discriminatory practices.

#### Article VII STATE LICENSING AGENCIES

Pursuant to the provisions of the 14th Amendment of the Constitution of the United States of America, all state licensing agencies shall insure that no license is granted, denied, or revoked on the basis of race, sex, color, religion, national origin, or ancestry. Where a duly constituted state authority, in an official and lawful proceeding, determine that a

licensee has, in his capacity as such, engaged in unlawful discriminatory practices under the Iowa Civil Rights Act, any licensing authority responsible to the Governor shall institute such disciplinary action, including revocation of license, as may be provided by statute or other regulation. In the event of such determination by a duly constituted state authority, the licensing agency concerned shall consider prior to re-issuance of a state license whether said licensee has made a bona fide effort to comply with Iowa law.

#### Article VIII STATE CONTRACTS AND SUBCONTRACTS

To insure compliance with the provisions of the Iowa Civil Rights Act of 1965, every state official who is responsible to the Governor and who is authorized to make contracts or subcontracts for public works or for goods or services shall cause to be inserted into every such contract or subcontract a clause in which the contractor or sub-contractor is required to have on file a copy of his Affirmative Action Program containing goals and time specifications prior to making a bid for public works, goods, or services. These contractual provisions shall be fully enforced; any breach of them shall be regarded as a material breach of contract.

#### Article IX COMPLIANCE AND REPORTING

All state agencies responsible to the Governor shall cooperate fully with any persons authorized by the Governor, and it shall be the duty of the Iowa Civil Rights Commission to monitor and take whatever action necessary to assure compliance with this CODE OF FAIR PRACTICES. Each state agency shall report annually to the Iowa Civil Rights Commission between December 15 and January 1, all programs undertaken to effect this CODE, and the Iowa Civil Rights Commission shall report this information to the Governor not later than the 30th day of January each year.

#### Article X PUBLICATION AND POSTING

Copies of this CODE OF FAIR PRACTICES shall be distributed to all state officials and appointing authorities. The CODE shall, further, be posted conspicuously in all state facilities. All state agencies responsible to the Governor shall cooperate with the Iowa Civil Rights Commission in posting, upon request, notices in state facilities information relating to the Iowa Civil Rights Act.

Executive Order Number Nine issued on October 11, 1967 relating to the Code of Fair Practice is hereby repealed and this Executive Order shall be in full force and effect in lieu thereof.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 2 day of April in the year of our Lord one thousand nine hundred seventy-three.

Robert D. Ray  
GOVERNOR

Attest:

Melvin D. Synhorst  
SECRETARY OF STATE

## CHAPTER 1077

### SPANISH-SPEAKING PEOPLES

S. F. 424

AN ACT making an appropriation to the office of the governor for a study of the problems of Spanish-speaking peoples.

*Be It Enacted by the General Assembly of the State of Iowa:* Ch 1077, §1 Amend  
Ch 22, §1—66 GA

1 SECTION 1. There is appropriated from the general fund of the  
2 state for the fiscal year beginning July 1, 1974 and ending June 30,  
3 1975 to the office of the governor the sum of thirty-nine thousand  
4 (39,000) dollars, or so much thereof as may be necessary, to conduct  
5 a study of the problems of Spanish-speaking persons in the areas of  
6 education, employment, health, housing, welfare, and recreation and  
7 to coordinate and establish services to Spanish-speaking persons.

1 SEC. 2. Unencumbered funds as of June 30, 1975 shall revert to  
2 the general fund of the state on August 31, 1975.

Approved April 23, 1974

Ch 1077, §2 Amend  
Ch 22, §2—66 GA

## CHAPTER 22

### SPANISH-SPEAKING PERSONS STUDY

S. F. 504

AN ACT making an appropriation to continue a study of the problems of spanish-speaking persons.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Chapter one thousand seventy-seven (1077), section one  
2 (1), Acts of the Sixty-fifth General Assembly, 1974 Session, is amended  
3 to read as follows:

4 Section 1. There is appropriated from the general fund of the  
5 state for the fiscal year ~~period~~ beginning July 1, 1974 and ending ~~June~~  
6 ~~30 December 31~~, 1975 to the office of the governor the sum of thirty-  
7 nine thousand (39,000) dollars, or so much thereof as may be necessary,  
8 to conduct a study of the problems of Spanish-speaking persons in the  
9 areas of education, employment, health, housing, welfare, and recre-  
10 ation and to coordinate and establish services to Spanish-speaking per-  
11 sons.

1 SEC. 2. Chapter one thousand seventy-seven (1077), section two (2),  
2 Acts of the Sixty-fifth General Assembly, 1974 Session, is amended to  
3 read as follows:

4 Sec. 2. Unencumbered funds as of ~~June 30 November 30~~, 1975 shall  
5 revert to the general fund of the state on ~~August 31, 1975 December~~  
6 ~~31, 1975~~.

1 SEC. 3. There is appropriated from the general fund of the state for  
2 the fiscal period commencing July 1, 1975 and ending December 31,  
3 1975 to the office of governor the sum of ten thousand (10,000) dollars,  
4 or so much thereof as may be necessary, to complete the study of the  
5 problems of Spanish-speaking persons in the areas of education, em-  
6 ployment, health, housing, welfare, and recreation and to coordinate  
7 and establish services to Spanish-speaking persons. Unencumbered  
8 funds as of December 31, 1975 shall revert to the general fund of the  
9 state on March 1, 1976.

Approved July 9, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

FRIDAY, JUNE 27, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 125

PART II



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**DEPARTMENT OF  
HEALTH,  
EDUCATION, AND  
WELFARE**

**Social and Rehabilitation  
Service**

■

**SOCIAL SERVICE  
PROGRAMS  
FOR INDIVIDUALS  
AND FAMILIES**

## Title 45—Public Welfare

## CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PART 228—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

Notice of proposed regulations for State social service programs to be administered under title XX of the Social Security Act was published in the *FEDERAL REGISTER* on April 14, 1975 (FR Doc. 75-9508, 40 FR 16802). A total of 3,769 letters were received from Congressmen, governors, State and local directors of public welfare, national voluntary organizations, State and local affiliates of national organizations, faculties and students of universities, providers of child day care services and many others.

The following is a summary of the substantive comments concerning various Subparts, including specific sections, and the changes made in response to comments:

## SUBPART A

## 228.1 PROGRAM DEFINITIONS

Several additional definitions were requested such as "family," "categories of individuals," "remedial care," and "appropriated funds." Some respondents suggested that monthly gross income exclude court ordered, or voluntary support, or earnings of children under age 14. Others suggested States be allowed to select among types of income used by the Census Bureau or otherwise decide what types of items would be included in computing median income.

Definitions of family, categories of individuals, Indian tribes, Indian tribal councils, and remedial care have been added. The definition of monthly gross income, and allowable exclusions, has been clarified in a new Section 228.66 in Subpart F which was added to accommodate the detailed explanation required.

## SUBPART B

## 228.6 APPROPRIATE STATE AGENCY

Questions were raised about the organization of the State agency and how it would coordinate with IV-B and WIN; the meaning of "support services," and "cooperating with the Secretary." Accordingly, the requirement of a description of the State agency, including an organizational chart, was added. Also, the section has been changed to clarify the relationship between the Secretary and the State agency; "support services" has been changed to "administrative support" and language added to permit local agencies to utilize administrative support agreements.

## 228.10 SAFEGUARDING INFORMATION

Concern was expressed that confidentiality was inadequately covered and that providers, particularly family planning and health service providers having to provide information to the State agency could result in a breach of confidentiality.

Section 205.50 is in process of being amended to more clearly reflect the Department's views on confidentiality and protection of the privacy of individuals being served under the Social Security Act programs administered by the Social and Rehabilitation Service.

It will contain limitations precluding disclosure of information regarding a title XX applicant or recipient for other than purposes directly connected with the administration of the Social Security Act titles set forth in section 2003(d)(1)(B) of P.L. 93-647.

## 228.14 FAIR HEARINGS

Suggestions were made that the reference to § 205.10 be deleted and States be allowed to develop their own policies and procedures for fair hearings; services be continued during the hearing process; "promptness" be defined as within 30 days of a service request; and new regulations specifically related to social services be written. These suggestions were not accepted. Since issues arising under title XX will often overlap or concurrently occur with issues under other titles and since the statutory requirements are the same, the Department believes one Part setting forth Federal requirements for hearings under all titles administered by the Social and Rehabilitation Service to be appropriate. The Social and Rehabilitation Service is in the process of rewriting the hearings regulations to reflect the needs of title XX.

## 228.17 REPORTS AND MAINTENANCE OF RECORDS

The most frequently made comment was that all reports to be required by the Department of Health, Education, and Welfare should be published as proposed rule making, allowing for public comment before becoming mandatory upon States. Since the reports and records required by this section are only those required for the proper and efficient administration of the program, and since the need for program statistical and fiscal information will change as experience under the program develops, it was not deemed practical to set out detailed reporting and record-keeping requirements as suggested.

## SUBPART C

Some writers commenting on the comprehensive services plan sections expressed concern regarding implementation dates and other requirements included in P.L. 93-647. Since these are statutory requirements binding of the Department, no changes can be made in these provisions.

Others felt the plan should treat aged, blind, and disabled as special categories (§ 228.24); that the pre-title XX concept of Statewide service be retained and that the section dealing with geographic areas permits discrimination (§ 228.25); that the publishing process was too complicated and imposes costly excessive requirements. On the other hand, complaints were made that only requiring use of newspapers rather than all media would discriminate against the blind.

Public participation is a key to a plan responsive to the needs of the individuals to be served; therefore, the Department firmly believes the citizenry of each State should be provided comprehensive and meaningful insight into the services planning so they can interact with the decisionmaking process. For these reasons, the minimum requirements for publication are set forth in detail. This does not preclude a State from using any additional means it deems appropriate to obtain the views of its residents.

Since all States are well into their planning process for the forthcoming year, only minimal, non-substantive changes have been made in this Subpart. § 228.22 has been clarified to encourage States who are developing certain planning processes to so state in their services plan.

## 228.26 SERVICES

This section has been clarified and makes clear that States may still use clusters of services; however, for purposes of their plan, they must identify each discrete service within the cluster. Some respondents felt that the prohibition against allowing States to merely identify program areas (clusters) was a positive step.

§ 228.26(c) specifies that family planning services to all AFDC recipients shall be described in the services plan if the State has an AFDC program. Failure to provide such services under the title XX program is a violation of a plan requirement under title IV-A and, as such, will result in a reduction and jeopardize Federal financial participation to the States for its AFDC program. § 228.26(d) has been added to make clear that if the State has an AFDC program, foster care services under section 408 of the Act should be described in the service plan for all recipients of AFDC-FC. Failure to provide such services under either title IV-B or title XX will jeopardize FFP to the State for its AFDC program.

§ 228.34 and § 228.35 make clear that a services plan or amendment thereto cannot be effective prior to the date it is published in final. In conjunction with § 228.50, this means no FFP is available until after the State has both a final services plan and an approved State plan.

## SUBPART D—LIMITATIONS: SERVICES

## 228.40 MEDICAL AND REMEDIAL CARE

Many respondents were concerned about about the 25 percent relation between medical and service costs and wanted the percentage to be anything less than 50 percent. A review of the legislative history reveals Congressional intent that medical be limited to "minor" medical care and then only when it is an integral but subordinate part of a service. The regulation reflects this intent but was clarified to permit States to consider the 25 percent in relation to the total cost of the service.

## 228.41 ROOM OR BOARD

Most comments regarding this section considered the allowable percentages used to show the "subordinate" nature of room or board too low. They also ex-



pressed the view that repeated periods of six consecutive months should be allowed and that the definition of board should be revised to exclude food in day care centers from the six months limitation and to allow raw food in home delivered and congregate meals and other supplemental nutrition programs. The percentages have been changed from 20 percent to 25 percent and the combination of both board and room changed from 30 to 40 percent. The six-month period has been clarified to allow only one period of six consecutive months in any twelve-month period and no more than one period for any one episode or placement.

The definition of board now allows FFP in costs of meals in day care centers, senior citizen centers and in home delivered or congregate meals so long as such programs provide less than 3 meals per day and are not designed to meet the full nutritional needs of an individual.

#### 228.42 CHILD CARE STANDARDS

A large number of letters expressed concern over the child-staff ratios proposed. After considerable discussion with interested parties and consideration of the comments the ratios have been changed as follows: With respect to children under age 3 in day care centers and group day care homes, one adult to four children, ages 6 weeks through 36 months. The requirements with respect to family day care homes serving children under age 3 have been deleted because the decision was made to return to the existing requirements in FIDCR. The staffing standards for school-age children in day care centers remain as published in the proposed regulations except that the term "at least" now precedes the statement of the required number of adults to children. States are free to set more stringent standards if they wish to do so.

#### 228.43 EDUCATIONAL SERVICES

Writers expressed the view that this section would create incentive for States to not enact or to repeal laws regarding special education in order to obtain FFP; questioned the omission of the word "generally" from the phrase "made available" and asked whether FFP was available for expansion of existing educational services; requested clarification of "generally available," and recommended deletion of "local educational agency."

Since many States provide education through and at the discretion of local agencies, inclusion of such agencies is necessary to carry out the intent of the law. The word "generally" has been inserted in the appropriate place to comport with the law. FFP is not considered available under the language of the statute for expansion of "generally available educational services." The mere fact they may not be available in a particular locality does not mean they may not be generally available in the State.

#### 228.44 SERVICES IN INSTITUTIONS

Comments centered around: (1) the definition of prison, which was mistaken

only believed to have included juvenile correctional facilities and therefore precluded services provided by such facilities, and (2) the responsibilities and activities inherent to the institutions specified in this section. With respect to the latter, respondents believe only food, clothing, shelter and supervision are "intrinsic" and that all else is service and subject to FFP. The Department believes that Congress intended social services to supplement and provide for innovative programs to assist in the deinstitutionalization of individuals, not to finance or refinance those functions which are the essential purpose of the institution's existence; hence, no change in the language was made. The definition of prison was clarified to clearly reflect the Department's intent to exclude juvenile correctional facilities. However, the provision makes clear the inherent responsibilities of such facilities are not subject to Federal matching. This section also is clear that FFP is available for services provided by the staff of facilities which are service oriented such as half-way houses providing transition from prisons and institutions back into the community and for other short-term service facilities such as those providing an intense regimen of services for alcoholics or drug addicts.

#### 228.45 SERVICES PROVIDED BY FOSTER FAMILY HOMES

This section created a number of misimpressions. It was not the Department's intent that the independent qualified professional referred to in this section be limited to someone from outside the appropriate agency, or that no services other than those provided by the foster family home could be made available to eligible individuals in foster care. The section has been clarified to reflect the true intent. Reference to foster care institutions has been deleted from the title and the text of this section.

#### 228.46 EMERGENCY SHELTER

A number of comments suggested this service be extended to adults and complained of the limitation of 30 days in a 12-month period. Limitation of this service to children and the 30 days are statutory requirements and cannot be changed. Several respondents wanted the documentation to be by the facility's rather than agency personnel. This suggestion was rejected. Also rejected was the suggestion that several episodes of 30-day stays in emergency shelter were needed. The regulations clarify that emergency shelter may be provided in facilities such as foster family homes, group homes and institutions.

#### 228.47 CASH PAYMENTS FOR A SERVICE

While a number of suggestions for changes were received regarding this section, most centered around the question of reimbursement and alternatively suggested some form of cash advance.

Since nothing in this section precludes a State from advancing its money to the recipient and then claiming FFP when the recipient provides the documentation

required by the section, it was deemed unnecessary to add clarification. Bus or streetcar tokens are not considered cash.

#### SUBPART E—LIMITATIONS: FINANCIAL

The comments directed at this Subpart were primarily technical in nature and dealt with such problems as reallocation; use of title XX monies in programs partially supported by other Federal funds; treatment of donated funds; in-kind contributions; family planning and abortion; and cost allocation under the 50 percent rule.

Certification of the amount of the State's allocation needed to operate its program for the upcoming year must be made within 30 days of the beginning of the fiscal year. Since States must estimate their needs during their planning process, this should present no problem. The regulation has been rewritten to make it clear that voluntary Federated fund-raising organizations are not considered sponsors or operators of provider facilities. The 50 percent rule has been rewritten to clearly comport with the statute; and "in-kind" contributions are defined.

The regulations were changed to clarify the relationships between Title XX funds and health service delivery project grants by permitting: FFP in expenditures to health service delivery projects; the amount of payment by the Title XX agency to be based on the cost of social services furnished under agreement with the agency irrespective of Public Health Service health service delivery grants; and Public Health Service grant funds to be set aside to the extent that Title XX funds reimburse health service delivery projects for costs so long as these set aside monies are used for the original purposes of the project, for supplementing the activities covered by the Title XX reimbursement, or they are returned to the Federal Government. This precludes double Federal payment for the same service for the same individual.

No change has been made in the proposed regulation in the definition of family planning services since title XIX's final regulations on this subject have not been published. When this action is taken, the title XX regulations will be revised to comport with title XIX's definition of family planning.

#### SUBPART F—LIMITATIONS: INDIVIDUALS SERVED, ELIGIBILITY AND FEES

##### 228.60 PERSONS ELIGIBLE, AND 228.61 DETERMINATION OF ELIGIBILITY

States want a 3-6 month redetermination period. They objected to continuous eligibility as administratively impractical. A three-months' redetermination period has been added. Respondents also recommended that group services be available to senior citizens without regard to eligibility, and that group eligibility be re-instated. There is no statutory authority to implement this latter suggestion. The comments also asked for clarification of the application, documentation, determination and redetermination processes, and that services be

allowed to begin prior to determination of eligibility. This portion has been modified to permit services to begin after application but prior to determination of eligibility and FFP will be available from date of application so long as the documentation reflects the fact that the individual was eligible when services were initiated and the final eligibility determination was made within 10 days of the application.

A number of comments recommended the formula used by OEO programs instead of the Labor Department formula as procedure for adjusting median income. The Department accepted this recommendation and has modified the regulations accordingly. The Department rejected a suggestion that any individual, including minors, be considered a one-person family for family planning but accepted the suggestion that elderly persons living with their adult children, and not financially dependent on them, be considered a separate family for eligibility purposes.

#### 228.62 FEES FOR SERVICES

In response to the comments, this section was rewritten to require the States to reasonably relate fees to income and to take into consideration multiple fees so total fees charged will remain reasonably related to such income. Instructions concerning the disposition of fees collected was also added to this section.

#### 228.63 INDIVIDUAL RECIPIENT BASIC DATA FILE

Respondents were concerned with confidentiality and duplication of records between providers and the State agency. This section has been renamed and rewritten to clearly delineate what information must be maintained by the State agency, irrespective of the nature of records kept by providers. Since, wherever records are kept they must follow the protections of § 205.50, abuses of confidentiality in transferring information from providers to the State agency are unlikely.

#### 228.65 SERVICES TO PREVENT OR REMEDY NEGLECT, ABUSE, AND EXPLOITATION OF CHILDREN AND ADULTS

It was suggested by the comments that the section include runaways and advocacy services in behalf of children. The regulation was changed to include runaways and to permit advocacy for children as well as adults.

#### 228.66 MONTHLY GROSS INCOME

This section was added to accommodate the detail necessary to clarify the components which comprise monthly gross income.

#### SUBPART G—PURCHASE OF SERVICES

Respondents were concerned about time limits for conversion of present contracts; delegation of eligibility determination to providers; the necessity of contracts for services provided by individual providers such as family day care homes; that States should be re-

quired to expand services with existing contractors before developing new ones and exclude profit-making contractors; and deletion of requirement of adherence with 45 CFR Part 74. The regulations have been clarified to provide for simple form contracts where appropriate. Suggestions for limitations on whom the State may contract with were rejected as inappropriate. The Subpart does not preclude purchase agreements from other units of an umbrella agency. The thrust of this Subpart is to convey the Department's view that all contracts for purchase of service should include specificity regarding the rights and obligations of each party thereto so performance under the contract can be measured.

#### SUBPART H—TRAINING

Large numbers of comments were received objecting to the exclusion of training funds available for students preparing for employment. In response to these comments and after consultation with authorities in the field, the regulation has been rewritten to allow such training, but only under closely controlled conditions requiring active State agency involvement in the development of programs and selection of students; and with provision of disallowance of FFP if the conditions are not met. States are required to file an annual training plan with SRS, not for approval, but for purposes of advising SRS of the nature of training being supported with Federal funds. SRS will participate in the panel to evaluate educational programs funded by grants to educational institutions, a new condition for such grants.

A number of other changes of technical non-substantive nature were made for purposes of clarification.

#### SUBPART I—GENERAL PROVISIONS

##### 228.91

Respondents expressed concern about the proposed disallowance of certain housing costs for individuals and families such as winterization, moving costs, rent and so forth. This section has been revised to clearly delineate allowable housing costs for eligible recipients.

Other sections of 45 CFR such as Part 201 are being rewritten to accommodate the needs of title XX. States should submit their State plans under Subpart B in accordance with the procedures set forth in Part 201. The Social and Rehabilitation Service will expeditiously process all submittals to assure no delay in approvals. Grants to States of FFP will follow existing procedures under Part 201 and guidelines issued thereunder. The Social and Rehabilitation Service is prepared to offer assistance, to assure a smooth transition from the old program to the new with the view of achieving the goals of all parties to the enactment and implementation of this new law.

A new Part 228 is added to 45 CFR Chapter II, reading as follows:

### PART 228—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

#### Subpart A—Scope and Definitions

##### Sec.

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228.1 Program definitions.

#### Subpart B—State Plan Requirements, Reports, Maintenance of Effort, Compliance

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#### Subpart F—Limitations: Individuals Served, Eligibility and Fees

228.60 Persons eligible.

228.61 Determination of eligibility.

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228.64 Information and referral services.  
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228.66 Monthly gross income.

**Subpart G—Purchase of Service**

- 228.70 Written contract.  
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**Subpart H—Training and Retraining**

- 228.80 General.  
228.81 Who may be trained.  
228.82 Grants to educational institutions.  
228.83 Financial assistance to students.  
228.84 Activities and costs matchable as training expenditures.  
228.85 Activities and costs not matchable as training expenditures.  
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**Subpart I—General Provisions**

- 228.90 Expenditures for which Federal financial participation is available.  
228.91 Expenditures for which Federal financial participation is not available.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

**Subpart A—Scope and Definitions**

**§ 228.0 Scope of program.**

(a) Federal financial participation is available, in accordance with title XX of the Social Security Act and this Part, with respect to expenditures under a State program for the provision of services, to low income individuals and families, directed at the goals of:

(1) Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

(2) Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

(3) Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;

(4) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care, or

(5) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

**§ 228.1 Program definitions.**

As used in this Part:

**Act** means the Social Security Act, as amended;

**Administrator** means the Administrator of the Social and Rehabilitation Service of the U.S. Department of Health, Education, and Welfare.

**Categories of individuals** means groupings of persons on the basis of common characteristics such as recipient status (AFDC, SSI, Medicaid), income level, age and physical or mental condition.

**Family** means two or more persons related by blood, marriage (including common law), or adoption, and residing in the same household. Family members

temporarily absent from the household, for whom the family claims financial responsibility for tax purposes, are considered members of the family. Where related individuals, other than spouses, reside together but are not dependent on the income of only one of the individuals, each shall be considered a separate family. An individual living alone or with unrelated persons only is considered a one-person family.

**Fiscal year** as used in this Part means the Federal fiscal year unless otherwise specified.

**FFP** means Federal financial participation.

**Geographic area** means any identifiable area encompassed within the State so long as every political subdivision of the State, including Indian reservations, is a part of one or more such areas.

**Indian tribal council** means the official Indian organization administering the government of an Indian reservation.

**Indian tribe** means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native region, village or group as defined in the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

**Monthly gross income** means the monthly sum of income received from sources identified by the U.S. Census Bureau in computing median income. (See 228.66.)

**Remedial care** means correction or amelioration related to a medical condition.

**Secretary** means the Secretary of the U.S. Department of Health, Education, and Welfare.

**Services plan** means the State Comprehensive Annual Services Program Plan under section 2004 of the Act.

**SSI (Supplemental Security Income)** means monthly cash payments made by the Social Security Administration to an aged, blind or disabled individual who meets the requirements for such aid under title XVI of the Act, and also includes State supplementary payments made by a State on a regular basis to an individual receiving SSI, or who would, but for his income, be eligible to receive such benefits, as assistance based on need in supplementation of such benefits.

**State** means the 50 States and the District of Columbia.

**State agency** means the appropriate State agency, designated by the chief executive officer of the State or as otherwise provided by the laws of the State, to administer or supervise the administration of the State's program, and except where the context otherwise requires, includes local agencies administering the program under the supervision of the State agency.

**State plan** means the State plan under section 2003 of the Act.

**Title XX** means title XX of the Social Security Act.

**Subpart B—State Plan Requirements, Reports, Maintenance of Effort, Compliance**

**§ 228.5 State plan requirements.**

Each State which establishes a services plan under title XX shall operate it pursuant to a State plan, approved as meeting the requirements of §§ 228.6 through 228.16.

**§ 228.6 Appropriate State agency.**

(a) **Designation of appropriate State agency.** The State plan shall provide:

(1) For the designation, by the chief executive officer of the State or as otherwise provided by the laws of the State, of a State agency with authority to administer or supervise the administration of the State's program under title XX; and

(2) For a description of the appropriate State agency, and inclusion of an organizational chart showing location of the agency within the State Government.

(b) If on December 1, 1974, a separate agency administered or supervised the service program for the blind under title VI, such agency may continue to do so for title XX. Both agencies shall use the same program year.

(c) **Administration of title IV-B of the Act.** Under title IV-B of the Act, the State agency shall administer or supervise the administration of title IV-B of the Social Security Act unless, prior to December 1, 1974, title IV-A and IV-B of the Act were administered by separate agencies.

(d) **Legal authority.** The Attorney General of the State shall submit a certification identifying the State agency and certifying the legal authority under which such agency administers or supervises the administration of the State program including the authority to make rules and regulations governing the administration of the program.

(e) **Authority and responsibility of the agency.** There shall be maintained within the appropriate State agency the authority and responsibility for:

- (1) The State plan;
- (2) The services plan;
- (3) The projection of estimated expenditures;
- (4) The accountability for Federal funds;

(5) The establishing and maintaining of standards for the determination of eligibility;

(6) The administration or supervision of the administration for the provision of services;

(7) Operating the program on a State-wide basis;

(8) Complying with any program reporting requirements;

(9) Maintaining a working relationship between the Secretary and the State; and

(10) Overall supervision, control and oversight of title XX activities.

(f) **Administrative support agreements.** In carrying out the responsibilities under paragraph (e) of this section, the State agency may enter into agreements, pursuant with 45 CFR Part 74, with public or private entities to provide

administrative support. A local agency administering the program under the supervision of the appropriate State agency may also enter into such agreements.

**§ 228.7 State financial participation.**

A State plan under title XX shall provide that State funds will be included in meeting the cost of the program.

**§ 228.8 Statewide operation.**

A State plan shall provide that the State's program for the provision of services described in its services plan shall be in effect in every political subdivision of the State. Every part of every political subdivision shall be part of a geographic area described in the services plan.

**§ 228.9 Merit system.**

(a) The State plan shall provide that methods of personnel administration will be established and maintained in the State agency administering or supervising the administration of the State plan and in local agencies administering the State plan in conformity with the standards for a Merit System of Personnel Administration, 45 CFR Part 70, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970, modifying or superseding such standards. Under this requirement, laws, rules, regulation, and policy statements effectuating such methods of personnel administration are a part of the State plan. Statements of acceptance of these standards by all official local agencies included in the State plan must be obtained and methods must be established by the State to assure compliance by local jurisdictions. These statements and citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the standards in 45 CFR Part 70 must be submitted to the U.S. Civil Service Commission in accordance with 5 CFR Part 900 for determination as to adequacy. Copies of the materials cited and of similar local materials maintained by a State official responsible for compliance by local jurisdictions must be furnished to the Department on request.

(b) The State plan shall provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity in all aspects of personnel administration as specified in 45 CFR Part 70.4. The affirmative action plan will provide for specific action steps and timetables to assure such equal opportunity. The plan shall be made available for review upon request.

**§ 228.10 Safeguarding information.**

The State plan shall contain provisions regarding safeguarding the use and disclosure of information on applicants for, and recipients of, services in accordance with 45 CFR 205.50.

**§ 228.11 Residency requirements.**

The State plan shall provide that no requirements as to duration of residence or citizenship will be imposed as a con-

dition of participation in the State's program for the provision of services.

**§ 228.12 Standards for institutions or foster homes.**

Where a services plan includes services to individuals living in institutions or foster homes, the State plan shall provide for the establishment or designation of a State authority or authorities, that may include Indian tribal councils on Indian reservations, which shall be responsible for establishing and maintaining standards which are reasonably in accord with recommended standards of national standard setting organizations concerned with standards for such institutions or homes including standards related to admissions policies, safety, sanitation, and protection of civil rights. For purposes of this section, "institution" includes all residential facilities providing for group living.

**§ 228.13 Standards for child day care services.**

Where a services plan provides for child day care services, the State plan shall provide for the establishment or designation of a State authority or authorities, that may include Indian tribal councils on Indian reservations, which shall be responsible for establishing and maintaining standards for such services which are reasonably in accord with recommended standards of national standard setting organizations for such services including standards related to admissions policies for facilities providing such services, safety, sanitation and protection of civil rights.

**§ 228.14 Fair hearings.**

The State plan shall provide for a system of hearings under which applicants for, or recipients of, services or an individual acting on behalf of an applicant or recipient, may appeal denial, reduction, or termination of a service, or failure to act upon a request for service with reasonable promptness. Under this requirement, the procedures and provisions of 45 CFR 205.10 shall apply.

**§ 228.15 Amendments to State plan.**

The State plan shall provide that it will be amended whenever necessary to reflect new or revised Federal statutes or regulations, or material change in any State law, organization, policy, or State agency operation.

**§ 228.16 Submittal of State plan and amendments for approval by the Secretary.**

Upon adoption by the State of a State plan, or an amendment to a State plan, it shall be certified by a duly authorized officer of the State agency and submitted to the Social and Rehabilitation Service in accordance with 45 CFR Part 201.

**§ 228.17 Reports and maintenance of records.**

(a) Each State which participates in the program shall maintain or super-

vis the maintenance of records necessary for the proper and efficient operation of the program, including records regarding applications, determination of eligibility, the provision of services, and administrative cost; and statistical, fiscal and other records necessary for reporting and accountability required by the Secretary in accordance with 45 CFR Part 201 and Part 205; and shall retain such records for such periods as are prescribed by the Secretary.

(b) The State agency shall make such reports in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as he finds necessary to assure the correctness and verification of such reports.

**§ 228.18 Maintenance of effort.**

Each State which participates in the program shall assure that the aggregate expenditures from appropriated funds from the State and political subdivisions for the provision of services during each services program year with respect to which payment is made under this Part is not less than the aggregate expenditures from such appropriated funds for the provision of services during the fiscal year ending June 30, 1973, or the fiscal year ending June 30, 1974, with respect to which payment was made under the plan of the State approved under title I, VI, X, XIV, or XVI, or Part A of title IV, whichever is less, except that the requirements of this subsection shall not apply to any State for any services program year if the payment to the State under this Part, for each fiscal year any part of which is included in that services program year, with respect to expenditures, other than expenditures for personnel training or retraining directly related to the provision of services, equals the allotment of the State for that fiscal year under § 228.52 of this Part. Where such sum totals appropriated include privately donated funds that are identifiable and documented, such donated funds are not considered part of the aggregate expenditures from appropriated funds.

**§ 228.19 Noncompliance.**

(a) *Withholding of payment.* If the Secretary, after reasonable notice and opportunity for a hearing to the State, in accordance with 45 CFR 213, finds that the plan of the State no longer complies with any of the requirements of § 228.6 through § 228.15, that in the administration of the plan, there is a substantial failure to comply with any of those requirements, or that there is a substantial failure to comply with the requirements of § 228.17 or 228.18, he shall, except as provided in paragraph (b) of this section, notify the State that further payments will not be made to the State under this Part until he is satisfied that there will no longer be any such failure to comply.

(b) *Alternate three percent penalty.* The Secretary may suspend implementation of any termination of pay-



ments under paragraph (a) of this section for such period as he deems appropriate and, alternatively, reduce the amount otherwise payable to the State under this Part for expenditures during that period by three percent for each requirement set forth in § 228.6 through § 228.18 with respect to which there was a finding of noncompliance and with respect to which he is not yet satisfied that there will no longer be any failure to comply.

**Subpart C—Comprehensive Annual Services Program Plan**

**§ 228.20 General.**

For purposes of § 228.50, the State's services planning must meet the requirements of this Subpart.

**§ 228.21 Establishment of program year, effective dates.**

(a) The State shall establish a service program year which comports with the fiscal year of either the Federal or State government.

(b) The initial program year shall begin October 1, 1975.

(1) States using the Federal fiscal year may have an initial program year of either 12 or 24 months.

(2) States using a State fiscal year which does not coincide with the Federal fiscal year may have an initial program year of less than 12 months or more than 12 but less than 24 months.

**§ 228.22 Services plan.**

The State agency shall prepare a Comprehensive Annual Services Program Plan (services plan) prior to the beginning of each services program year. The services plan shall provide a comprehensive description for each item required in §§ 228.21 through 228.32. Where the State has not yet developed a process for any item in §§ 228.29, 228.31 and 228.32, the services plan must so state. The services plan shall also describe the State agency's public review process as set forth in §§ 228.33, 228.34 and 228.35.

**§ 228.23 Program goals and objectives.**

(a) The services plan shall provide that services offered are directed at the goals of:

(1) Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

(2) Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

(3) Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;

(4) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; or

(5) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

(b) The objectives to be achieved under the program shall be directed to the goals in paragraph (a) of this section, and shall be stated in the services plan in measurable terms so that an assessment may be made of the extent to which they are achieved.

**§ 228.24 Individuals to be served.**

(a) The services plan shall:

(1) Specify which of the categories of individuals, in accordance with Subpart F, shall be provided services in the forthcoming program year and describe the income levels, if any, which the State has established;

(2) Identify categories of individuals described in paragraph (a)(1) of this section to whom a fee will be charged; and include the fee schedules; and

(3) Specify if the State plans to offer any service defined in § 228.64 or § 228.65.

**§ 228.25 Availability of services by geographic area.**

(a) For the purpose of delivering services described in the services plan, the State agency may divide the State into geographic areas. The State shall consider, in defining geographic areas, the boundaries of planning areas of other human services programs. The services plan shall describe the geographic areas.

(b) The services plan shall provide that services described in § 228.26 (b), (c), and (d) will be available to eligible individuals in every geographic area.

(c) Notwithstanding the requirement under paragraph (b) of this section, the State may provide different services in different geographical areas but within a geographic area all eligible individuals in a given category shall be offered the same services.

**§ 228.26 Services.**

(a) Each service offered under the services plan shall:

(1) Be described as a separately identifiable service. (For this purpose each discrete service within a "cluster" of services—e.g., child welfare services, services for alcoholics—shall be identified and described. If the State provides medical or remedial care or room or board as an integral but subordinate part of a service, as described in § 228.40 and § 228.41, the services plan shall identify and describe components of such subordinate parts in relation to the separately identifiable service.);

(2) Be described as to method of delivery—i.e., directly by the State agency, by a public or private provider, or both;

(3) Be described in terms of its relationship to:

(i) One or more of the program goals in § 228.23; and

(ii) One or more of the objectives in § 228.23; and

(4) Be identified with respect to:

(i) Each of the categories of eligible individuals to whom the service is to be provided; and

(ii) Each of the geographic areas described in the services plan in which the service is to be offered to each category of individuals.

(b) The State agency shall include and identify in its services plan:

(1) At least three services for SSI recipients who need such services;

(2) At least one service directed at each of the goals described in § 228.23. A service may be directed at one or more goals.

(c) Family planning services as described in § 228.55 to all AFDC recipients (including minors who can be considered sexually active) who request them shall be provided in the services plan if the State has an AFDC program. Failure to provide these services will reduce and jeopardize FFP to the State for its AFDC program.

(d) Foster care services under section 408 of the Act for all recipients of AFDC/FC should be described in the services plan if the State has an AFDC program. Failure to provide such services under either title IV-B or title XX will jeopardize FFP to the State for its AFDC program.

(e) The State agency may include in its services plan other services of its choice which are consistent with the program goals and objectives described in § 228.23, and with the limitations described in Subparts D and F.

**§ 228.27 Estimates of individuals to be served and expenditures.**

(a) The services plan shall provide:

(1) An estimate of the number of individuals by category to be offered each service in each geographic area;

(2) An estimate of the expenditures for each service to be provided, each of the categories of individuals to whom the service is to be provided, and each of the geographic areas in which each service is provided to each category;

(3) An estimated expenditure for all services for the forthcoming program year; and

(4) A comparison between estimated aggregate non-Federal expenditures for the proposed program year and those of the preceding program year.

**§ 228.28 Program resources.**

Program resources are the funds other than those from Federal sources with which the State intends to finance its program. The services plan shall itemize such funds and identify the sources.

**§ 228.29 Program coordination and utilization.**

(a) The services plan shall describe how the planning and the provision of services under the program will be coordinated with and utilize the following programs:

(1) Under the Social Security Act:

(i) title IV-A, AFDC (including WIN);

(ii) title IV-B, Child Welfare Services;

(iii) title XVI, SSI; and

(iv) title XIX, Medical Assistance (Medicaid); and

(2) Related human service programs—e.g., for the aging, children, developmentally disabled, alcohol and drug abusers; programs in corrections, public education, vocational rehabilitation,

mental health, housing, medical and public health, employment and manpower.

(b) The description shall include the steps taken to assure maximum feasible utilization of services under these programs to meet the needs of the low income population.

#### § 228.30 Organizational structure.

The services plan shall describe the organizational structure of the State agency through which the program will be administered including where individuals may apply for services and have their eligibility determined, and how volunteers will be involved in the provision of services.

#### § 228.31 Needs assessment.

(a) The services plan shall describe how the needs of all residents of, and all geographic areas in, the State were taken into account in developing the services plan. The description of the needs assessment process shall include at least the following:

- (1) Data sources used (or to be used);
- (2) Public and private organizations consulted (or to be consulted) for their assessment of needs; and
- (3) The manner in which the results of the needs assessment were utilized in development of the services plan.

#### § 228.32 Planning, evaluation and reporting.

(a) The services plan shall describe the planning, evaluation, and reporting activities for implementing the program, including all significant activities, together with their purpose, funding, and staff resources as follows:

(1) *Planning.* The description shall include at least:

- (i) The relationship of planning to the State budget process and the legislative cycle;
- (ii) Coordination with and input from other State, regional, or local planning organizations;
- (iii) How the needs assessment described under § 228.31 was considered in the planning process;
- (iv) How services resources in the State were inventoried, gaps identified, and plans made to fill the gaps; and
- (v) Procedures used to establish priorities and set objectives for the program.

(2) *Evaluation.* The description shall include at least:

- (i) Specific evaluations the State agency is conducting of its service program, or plans to conduct;
- (ii) Identification of the entities that conduct the evaluation;
- (iii) Purpose and scope of each evaluation; and
- (iv) Schedules for such evaluations and the procedures by which their results are disseminated.

(3) *Reporting.* Reporting activities described in the services plan are in addition to reports provided to the Social and Rehabilitation Service. The description shall address any formal reports to elected officials and the public, including schedules for such reports.

#### § 228.33 Proposed services plan.

(a) At least 90 days before the beginning of the State's program year, the Governor or such other official as the laws of the State provide, shall approve, publish and make generally available to the public the State's proposed services plan prepared by the State agency for the provision of services for the forthcoming program year. The primary purpose of this plan is to provide the citizenry of each State comprehensive and meaningful insight into each State's services plan so that they, as an informed citizenry, can interact with the State decisionmaking process. In order to achieve this purpose, the State shall meet the following requirements.

(b) A news release shall be issued by the approving official on the proposed services plan prior to its publication as described in paragraph (c) of this section.

(c) A description of the proposed services plan shall be published as a display advertisement in the newspaper of widest circulation (and in foreign language newspapers, as appropriate) in each geographic area described in the proposed services plan for three consecutive days in daily newspapers; in three consecutive editions if published other than daily. Publication of the proposed services plan shall begin at least 90 days prior to the beginning of the program year. The published description shall contain as a minimum:

- (1) A brief description of the State's services program;
- (2) Categories of individuals to whom services will be offered and eligibility criteria;
- (3) The amount of Federal allotment, and estimated Federal, State and local funds to be utilized for the program for the forthcoming program year;
- (4) The period for public comment;
- (5) The method and location where the public may comment on the proposed services plan and how a detailed summary may be obtained without charge, upon request;
- (6) A toll-free, or local telephone number where the public may request a copy of the detailed summary;
- (7) Addresses of local public offices (at least one in each county), where the detailed summary is available and where copies of the complete proposed services plan are available for public review, and for purchase at a reasonable cost.

(d) The detailed summary of the proposed services plan shall be distributed to the public without charge, upon request, including at least the information required under each item under § 228.23 through § 228.28, and a summary of information required under § 228.29 through § 228.32.

(e) A copy of the complete proposed services plan shall be made available to the public for inspection or for purchase at a reasonable cost at local public offices and shall be retained there throughout the program year.

(f) Written comments from the public shall be accepted at the State agency for a period of at least 45 days from the

initial date of publication. At State option, comments may also be received through scheduled public hearings at which a record of the proceedings is kept and which is available for review.

(g) Comments on the proposed services plan shall be retained for a period of at least three years for inspection by the public and Federal officials.

(h) The proposed services plan shall be transmitted to the Social and Rehabilitation Service for review as to procedures followed and items addressed with respect to FFP under this Part.

#### § 228.34 Final services plan.

(a) At least 45 days following publication of the proposed services plan and prior to the start of the program year, the Governor or such other official as the laws of the State provide, shall approve and publish a final services plan prepared by the State agency. In so doing, the State shall meet the following requirements.

(b) A news release shall be issued by the approving official on the final services plan prior to its publication.

(c) A description of the final services plan shall be published as a display advertisement in at least one edition of the newspaper of widest circulation (and in foreign language newspapers, as appropriate) in each geographic area described in the services plan, prior to the beginning of the State's program year. The display advertisement shall include:

- (1) The information described in paragraph (c) (1), (2), and (3) of § 228.33;
- (2) An explanation of differences between the proposed and final services plan, and the reasons therefor;
- (3) A toll-free or local telephone number where the public may obtain information on the plan and where to apply for services, or the address of the local public offices where application for services will be accepted; and
- (4) Address of each local public office (at least one in each county) where copies of the final services plan are available for public review and purchase at a reasonable charge; and the location where the public comments are available for review.

(d) A copy of the final services plan shall be retained in local public offices throughout the program year for review. The final services plan must include an explanation of differences between the proposed and final services plan and the reasons therefor, including a summary of the public comments.

(e) The final services plan shall be transmitted to the Social and Rehabilitation Service at the time of its publication, for review with respect to FFP under this Part. A certification shall be submitted with the plan which contains at a minimum:

- (1) Dates of publication of the proposed services plan, names of newspapers and geographic areas in the services plan covered by them, and a copy of one of the ads;
- (2) Description of the manner in which the proposed services plan was made

available to the public, including locations and dates of hearings, if any; and

(3) Date of publication of the final services plan, names of newspapers and geographic areas in the services plan covered by them, and a copy of one of the ads.

(f) The effective date of the final services plan shall be no earlier than the date of its publication.

**§ 228.35 Amendments to final services plan.**

(a) Any amendment to the final services plan shall be prepared by the State agency and approved, published, and made generally available to the public by the Governor or such other official as the laws of the State provide in a manner similar to the process described in §§ 228.33 and 228.34 except that the public comment period for the proposed amendment shall be for at least 30 days following the date of initial publication.

(b) The effective date of an amendment shall be no earlier than the date of publication of the final amendment.

**Subpart D—Limitations: Services**

**§ 228.39 General.**

FFP is available for services provided to eligible individuals pursuant to the State's services plan only if the requirements set forth in the sections of this Subpart are met.

**§ 228.40 Minor medical and remedial care.**

(a) FFP is not available for medical care, other than family planning services, except when it is an integral but subordinate part of a service described in the services plan, and the medical and remedial care is not available to the individual under the State's approved title XIX plan and to the extent the individual or the provider is not eligible to receive payment under title XVIII for the provision of the service to the individual.

(b) Medical or remedial care is an integral but subordinate part of a service only when:

(1) The particular service cannot be provided effectively without the essential medical or remedial care component; and

(2) Recipients of the service usually receive the medical or remedial care component; and

(3) The medical and remedial care does not exceed 25 percent of the total cost of providing the service of which it is a part. The percentage that medical and remedial care is of the total cost of providing the service shall be determined by:

(i) Comparing the cost of the medical and remedial component with the cost of all other components associated with the establishment of a unit amount for a particular service; or

(ii) Comparing for the appropriate accounting period the cost of the medical and remedial component with the cost of all other components which are associated with the delivery of the service during such period. (In either method,

for purposes of computing the percentage, any component of the service provided by a volunteer may be assigned value consistent with the going rate for similar work in the labor market; however, such assignment of value may not be used to claim FFP.)

(4) The medical or remedial care is explicitly included in the definition of the service which is a part of the services plan.

**§ 228.41 Room or board.**

(a) FFP is not available for room or board under a services plan, except for emergency shelter under § 228.46, or except when provided to an individual who is receiving a service of which room or board is an integral but subordinate part and then only for a period of not more than six consecutive months in any 12-month period and for not more than one 6-month period for any one episode or placement.

(b) Room or board is an integral but subordinate part of a service only when:

(1) It is essential to the effective provision of a particular service; and

(2) Recipients of the particular service usually receive room or board; and

(3) Room (shelter only) or board (3 meals a day or a full nutritional regimen) does not exceed 25 percent of the total cost of the service of which it is a part, or where room and board are both included, cost does not exceed 40 percent. To determine whether the percentage is within the allowable limits, the procedures under § 228.40(b) (3) shall be applied; and

(4) The services plan explicitly identifies room or board in the definition of the service of which it is a part.

(c) Room or board under this Part shall not be considered an integral but subordinate part of a service when provided to an individual in a foster family home or other facility such as a foster care institution or juvenile correctional facility whose primary purpose is to provide board, room and care or supervision.

**§ 228.42 Child care standards.**

(a) FFP is available for child care services provided under a services plan only where the following standards are met:

(1) *In-home care.* (i) When home-maker service is utilized for this purpose, it meets standards established by the State or by an Indian tribal council, in accordance with § 228.13, which are reasonably in accord with recommended standards of national standard setting organizations concerned with this type of home care for children.

(ii) When other caretakers are utilized for this purpose, such care meets standards established by the State or by an Indian tribal council, in accordance with § 228.13, which, as a minimum, cover the caretaker's age, health, capacity and available time to properly care for children; minimum and maximum hours to be allowed per 24 hour day for such care; maximum number of children that may be cared for in the home at any one time; and proper feeding and health care of the children.

(2) *Out-of-home care.* (i) Facilities used to provide day care outside a child's own home are licensed by the State, an Indian tribal council, in accordance with § 228.13, or approved as meeting the standards for such licensing.

(ii) Such facilities and care meet the 1968 Federal Interagency Day Care Requirements, except that:

(A) Subdivision III of such requirements with respect to educational services is recommended but not required.

(B) Required staffing standards for children under age 3 in day care centers and group day care homes are: 1 adult for each child under 6 weeks of age; 1 adult to 4 children, ages 6 weeks through 36 months. (States may, at their option, require fewer children per adult.)

(C) Required staffing standards for school age children in day care centers are: at least 1 adult to 15 children, ages 6-10; and at least 1 adult to 20 children, ages 10-14.

(b) The requirements in paragraph (a) (2) (ii) of this section are in lieu of otherwise applicable requirements under section 522(d) of the Economic Opportunity Act of 1964 with respect to child day care services under title XX.

**§ 228.43 Educational services.**

FFP is not available for any educational service made generally available through any State or local educational agency to residents of the State without cost and without regard to their income. To the extent a fee is imposed on any resident, FFP is available only for such fee.

**§ 228.44 Services to individuals living in hospitals, skilled nursing facilities, intermediate care facilities (including any such hospitals or facilities for mental diseases or for the mentally retarded), or prisons.**

(a) FFP is available for services to individuals living in hospitals, skilled nursing facilities, intermediate care facilities (including any such hospitals or facilities for mental diseases or for the mentally retarded), or prisons only under the following conditions:

(1) The services provided are separately identifiable in the services plan (generalized description such as "services to nursing home patients" or "services to increase socialization skills" are unacceptable under this provision).

(2) Such services are provided by other than the facility in which the individual is living. This requirement is not met if the services are provided by:

(i) Staff or contractors who are under the professional direction or direct supervision of the facility; the facility exercises control of the employment, tenure or compensation of such staff or contractors or makes assignments or alters the service regimen provided by them; or

(ii) Staff of like facilities under reciprocal arrangement.

(3) Such services are also provided to individuals who:

(i) Are not living in a hospital, skilled nursing facility, intermediate care facility (including any such hospitals or fa-

cilities for mentally retarded), or prison; and

(ii) Are residents of any part of a geographic area that is within the catchment area of such facility.

(4) Such services do not include:

(i) Inherent responsibilities of a facility such as food, clothing, shelter, general supervision and care; or

(ii) Activities that are intrinsic to the purpose of such facility, such as training in self care in a facility.

(5) For purposes of this Part:

(i) "Prison" means any State or local correctional institution or facility for the confinement of individuals charged with or convicted of criminal offenses. Juvenile correctional facilities are not included under this definition. However, FFP is not available for inherent responsibilities of the correctional facility such as food, clothing, shelter and managing and carrying out the detention functions.

No community based residential service facility, including half-way houses, irrespective of auspices or the status of individuals who live in it is included in the definition.

(ii) *Skilled nursing facility (SNF)* means an institution primarily engaged in providing to inpatients skilled nursing care and related services for patients requiring medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled or sick persons.

(iii) *Intermediate care facility (ICF)* means an institution which provides on a regular basis, health related care and services to individuals who do not require the degree of care which a hospital or SNF is designed to provide, but who because of their mental or physical condition require health related care and services above the level of room or board which can be made available to them only through institutional facilities.

(iv) *Hospital* means an institution which is primarily engaged in providing, by or under the supervision of physicians, to inpatients diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

#### § 228.45 Special services provided by foster family homes

(a) A foster family home is a home licensed or approved by appropriate State or local authority or an Indian tribal council, in accordance with § 228.12, to provide board and care including parenting for children and oversight for adults.

(b) *Special services provided by foster family home.* FFP is not available for activities described under paragraph (a) of this section, but is available for special services provided by a foster family home to an individual living in that home, only upon documentation, by an appropriately qualified professional person who is other than the placement worker, that:

(1) The individual requires an identified special service because of a health (physical or mental) condition, an emotional or behavioral problem; and

(2) The caregivers are capable by virtue of special training of providing the needed service.

(c) Nothing in this section precludes the provision of any other service in the services plan to eligible individuals living in foster family homes when provided by other than the foster family.

#### § 228.46 Emergency shelter.

(a) FFP is available for emergency shelter as a protective service to any child, including runaways, only under the following conditions:

(1) The child is in clear and present danger of abuse, neglect or exploitation;

(2) The need for emergency shelter is documented by personnel authorized by State law to place children; and/or an Indian tribal council

(3) Emergency shelter is provided for not in excess of 30 days in any 12 month period, which may be consecutive or may accumulate over more than one stay.

(b) Emergency shelter may be provided in facilities such as foster family homes, institutions, and group homes.

#### § 228.47 Cash payments for a service.

(a) FFP is available for a service provided by making cash available to reimburse an individual only upon presentation of receipts for a service that:

(1) Is specifically identified in the services plan;

(2) Is approved by the agency prior to purchase; and

(3) Is secured by the individual within an authorized period at an authorized cost.

#### Subpart E—Limitations: Financial

#### § 228.50 Services and individuals covered in the services plan.

(a) FFP is available with respect to any expenditures for the provision of any service for any individual only when:

(1) The State's services plan meets the requirements of Subpart C, and

(2) The final services plan (including any amendments published in final) in effect when the service is provided to the individual includes the provision of that service to a category of individuals which includes that individual.

(3) The State plan is approved as meeting the requirements of Subpart B of this Part.

#### § 228.51 Matching rates.

(a) *Seventy-five percent FFP.* FFP is available at the 75 percent rate for service costs (less fees collected) and for personnel training and retraining directly related to the provision of services under the services plan.

(b) *Ninety percent FFP.* Notwithstanding paragraph (a) of this section, FFP is available at the 90 percent rate for costs (less fees collected) of family planning services provided under the services plan.

#### § 228.52 Allotments to States.

(a) The amount of Federal funds payable to the 50 States and the District of Columbia under this Part for any fiscal year with respect to expenditures for services under the services plan (other

than expenditures for personnel training or retraining directly related to the provision of services) may not exceed the allotment set forth in this section.

(b) *Allotments for fiscal year beginning July 1, 1975.* The allotment of each State for the fiscal year beginning July 1, 1975, shall be the allotment of the State for that fiscal year as determined under section 1130 of the Act. In determining, for the purposes of that limitation, the total amount of the payments made to any State with respect to expenditures during that fiscal year, there shall be included the amount of any payments made to the State that are chargeable against the allotment of the State for the fiscal year beginning July 1, 1975, under section 1130.

(c) *Allotments for fiscal years beginning after June 30, 1976.* (1) The allotment of each State for each fiscal year beginning after June 30, 1976, shall be an amount which bears the same ratio to \$2,500 million as the population of such State bears to the population of all the States.

(2) The allotment for each State will be promulgated for each fiscal year by the Secretary prior to the first day of the third month of the preceding fiscal year, on the basis of the population of each State and of all the States as determined on the basis of the most recent satisfactory data available from the Department of Commerce.

(d) *Certification of allotment need.*

(1) Each fiscal year, each State shall certify to the Secretary, within 30 days after the beginning of the fiscal year, whether the amount of its allotment is greater or less than the amount needed by the State for such fiscal year and, if so, the amount by which the amount of such allotment is greater than such need.

(2) If any State certifies, in accordance with subparagraph (1), that the amount of its allotment for any fiscal year is in excess of its need for such year, the amount of the limitation of such State for such year shall be adjusted downward by the amount of such excess.

(3) Of the amounts made available pursuant to subparagraph (2), the Secretary shall allot to the jurisdiction of Puerto Rico \$15,000,000, to the jurisdiction of Guam \$500,000, and to the jurisdiction of the Virgin Islands \$500,000, which shall be available to each such jurisdiction in addition to amounts available under Section 1108 of the Act for the purpose of matching the expenditures of such jurisdictions for services pursuant to sections 3(a) (4) and (5), 403(a) (3), 1003(a) (3) and (4), 1403(a) (3) and (4), and 1603(a) (4) and (5) of the Act, except that if the amounts made available pursuant to subparagraph (2) are less than \$16,000,000, such amounts as are available shall be allotted to each of the three jurisdictions in proportion to their respective populations.

(e) For purposes of this section, expenditures for services are ordinarily considered to be incurred on the date on which the cash transactions occur or the



date to which allocated in accordance with 45 CFR Part 74 and cost allocation procedures in accordance with 45 CFR 205.150. In the case of local administration, the date of expenditures by the local agency governs. In the case of purchase of services from another public agency, the date of expenditure by such other public agency governs. Different rules may be applied with respect to a State, either generally or for particular classes of expenditures, only upon justification by the State to the Administrator and approval by him. In reviewing State requests for approval, the Administrator will consider generally applicable State law, consistency of State practice, particularly in relation to periods prior to October 1, 1975, and other factors relevant to the purposes of this section.

(f) For procedures regarding grants to States, see 45 CFR Part 201.

**§ 228.53 Public sources of State's share.**

(a) *Funds available for matching.* Public funds used by the State or local agency for its services programs, including administrative functions, may be considered as the State's share in claiming FFP only where such funds are:

(1) Appropriated directly to the State or local agency; or

(2) Funds of another public agency which are:

(i) Transferred to the State or local agency and are under its administrative control; or

(ii) Certified by the contributing public agency as representing expenditures for services eligible for FFP under this Part; or

(iii) Representing value, as determined in accordance with 45 CFR 74, of goods or property provided by a public agency even if the agency does not incur any current expenditures for such goods or property during the period of their use in the services program.

(b) *Funds not available for matching.* Notwithstanding paragraph (a) of this section, public funds used by the State or local agency for its services programs may not be used as the State's share in claiming FFP where such funds are:

(1) Federal funds not authorized by Federal law to be used to match other Federal funds; or

(2) Used to match other Federal funds.

**§ 228.54 Private sources of State's share.**

(a) *Funds available for matching.* Funds donated from private sources for services or administrative functions may be considered as State funds in claiming FFP only where such funds are:

(1) Transferred to the State or local agency and under its administrative control;

(2) Donated to the State, without restrictions as to use, other than restrictions as to the services, administration or training with respect to which the funds are to be used imposed by a donor who is not a sponsor or operator of a program to provide those services, or the geographic area in which the services with respect to which the contribution is used are to be provided; and

(3) Not used to purchase services from the donor unless the donor is a nonprofit organization or an Indian tribe, and it is an independent decision of the State agency to purchase services from the donor.

(b) For purposes of this Part, a voluntary federated fund-raising organization is not considered to be a sponsor or operator of a service facility, and member agencies are considered separate autonomous entities so long as control by interlocking board membership or other means does not exist.

**§ 228.55 Family planning services.**

(a) For purposes of this Part, family planning services means counseling, educational and medical services (including diagnosis, treatment, drugs, supplies, devices and related counseling furnished, prescribed by, or under the supervision of a physician) to enable individuals of childbearing age (including minors) voluntarily to limit their family size or to space their children.

(b) Where a State authorizes sterilization as a family planning service, it must comply with the provisions of 45 CFR 205.35.

**§ 228.56 Fifty Percent Rule.**

(a) If one-half of the Federal funds to which the State is otherwise entitled is greater than the amount of the aggregate expenditures (combined State and Federal) made under the program for individuals identified in this paragraph, such Federal funds will be adjusted so the total Federal reimbursement does not exceed twice the amount of the total expenditures in behalf of those individuals:

(1) Who are receiving aid under the plan of the State approved under part A of title IV or who are eligible to receive such aid; or

(2) Whose needs are taken into account in determining the needs of an individual who is receiving aid under the plan of the State approved under part A of title IV, or who are eligible to have their needs taken into account in determining the needs of an individual who is receiving or is eligible to receive such aid; or

(3) With respect to whom supplementary security income benefits under title XVI or State supplementary payments, are being paid, or who are eligible to have such benefits or payments paid with respect to them; or

(4) Whose income and resources are taken into account in determining the amount of supplemental security income benefits or State supplementary payments being paid with respect to an individual, or whose income and resources would be taken into account in determining the amount of such benefits or payments to be paid with respect to an individual who is eligible to have such benefits or payments paid with respect to him, or

(5) Who are eligible for medical assistance under the plan of the State approved under title XIX.

(b) In accounting for costs for services provided without regard to income under § 228.64 and § 228.65 to meet the requirements of paragraph (a) of this section, States must adhere to the cost allocation requirements of 45 CFR 205.150.

(c) A determination of "who is eligible to receive" aid under title IV-A or benefit or State supplemental payment under title XVI of the Act must be based on a State procedure for gathering sufficient information to permit a reasonable person to make a judgment that the circumstances (social, economic and physical) of such an individual approximate the conditions that could qualify him for such benefits.

**Subpart F—Limitations: Individuals Served, Eligibility and Fees**

**§ 228.60 Persons eligible.**

FFP is available only for services to individuals included in the categories identified in the services plan who are determined to be eligible under the following provisions of this section and § 228.61.

(a) *Income maintenance status.* The following individuals are eligible on the basis of income maintenance status:

(1) Recipients of AFDC; and

(2) Those persons whose needs were taken into account in determining the needs of AFDC recipients; and

(3) Recipients of SSI benefits or State supplementary payments.

(b) *Income status.* Individuals other than those described in paragraph (a) of this section, are eligible if the family's monthly gross income is less than 115 percent (or, at State option, a lower percentage) of the median income of a family of four in the State adjusted for size of family, subject to the limitations set forth in § 228.62.

(c) *Median income.* (1) On or before December 1 of each year, beginning with calendar year 1975, the Secretary will promulgate the median income for a family of four to be used by the States for the purpose of establishing income levels for determining eligibility and establishing fee schedules under the services plan in the following fiscal year. (For purposes of the first program year, the Secretary will promulgate the median income on or before June 1, 1975.)

(2) A State may establish an income level:

(i) At a lower level than 115 percent of the median income;

(ii) At different levels for specific services under the services plan; or

(iii) At different levels for different categories of individuals.

(iv) At different levels for different sizes of families within the limits for eligibility and fees set forth in subparagraph (4) of this paragraph.

(3) A State shall not establish an income level which is in excess of 115 percent of the median income.

(4) All median income figures used for eligibility at the 115 percent level and the imposition of fees above the 80 percent level in accordance with this paragraph shall be adjusted by family size according to the following percentages of

the State median income for a family of four:

- (i) One person—52 percent.
- (ii) Two person family—68 percent.
- (iii) Three person family—84 percent.
- (iv) Four person family—100 percent.
- (v) Five person family—116 percent.
- (vi) Six person family 132 percent.

(vii) For each additional family member above six persons, add 3 percentage points to the percentage for a family of six.

(d) *Services without regard to income.* Notwithstanding paragraphs (a) and (b) of this section, information or referral services under § 228.64 or services directed at the goal of preventing or remedying neglect, abuse, or exploitation of children or adults under § 228.65 may, if provided under the services plan, be provided to all individuals who need them.

(e) *Responsibility of State agency.* (1) FFP is available, with respect to expenditures, only for services provided to categories of individuals identified in the services plan who are eligible when the service is delivered and such service is included in the State's services plan.

(2) Each individual wishing to do so shall be assured the opportunity to apply for services without delay. The application shall be in writing, on a form prescribed by the agency, dated, and signed under penalty of perjury and shall include all information necessary to establish eligibility. The application may be filed by the applicant himself, or his authorized representative, or, where the applicant is incompetent or incapacitated, someone acting responsibly for him.

(3) FFP is not available for costs incurred for services provided prior to the date on which the application is signed.

(4) Applicants will be informed about the eligibility requirements and their rights and obligations under the program.

(5) A decision shall be made on all applications within time standards established by the State agency pursuant to § 228.6, but not to exceed 30 days.

(6) Notice shall be given to applicants and recipients to indicate that they have been found eligible or ineligible for services. The notice shall include information about the individual's right to request a fair hearing.

(7) Standards and methods for determination of eligibility will be consistent with the objectives of the program, will respect the rights of individuals under the United States Constitution, the Social Security Act, title VI of the Civil Rights Act of 1964, and all other relevant provisions of Federal and State laws.

#### § 228.61 Determination of eligibility.

(a) *What constitutes a determination.* A determination of eligibility means a decision, reflected in records, as defined in § 228.17, based on a dated and signed application and sufficient information or documentation obtained from or on behalf of an individual which would lead

a reasonable person to conclude that the criteria set forth in § 228.60 have been met.

(b) No FFP is available for the provision of services to the individual prior to the actual date of determination unless the determination of eligibility is made within 10 days of the date of application and the individual is determined to have been eligible when services were initiated.

(c) *Eligibility phase-in (IV-A and VI).* Recipients of services under titles IV-A and VI on September 30, 1975 may continue to receive those services, if they are identified in the title XX services plan, until eligibility is determined, but in no event later than December 31, 1975.

(d) *The determination process.* No determination shall be made solely on the basis of the application. Applications for services based on income maintenance status shall be supported by documentation or ascertained from the appropriate source of the income maintenance benefit or payment. Applications based on income status shall be supported by documentation of significant current family monthly gross income as defined in § 228.66.

(e) *When redetermination shall be made.*

Redetermination of eligibility shall be made:

(1) When required on the basis of information the agency has obtained about anticipated changes in the individual's situation;

(2) Promptly, not to exceed 30 days, after information is obtained about changes which have occurred in the individual's circumstances that may make him ineligible; and

(3) Periodically, but not less frequently than every 3 months.

(f) *Who makes the determination.* Determinations of eligibility may be made by the State agency, or pursuant to written contract in accordance with Subpart G, by providers. Where the State retains the function of determining eligibility it may request a provider to obtain and transmit to the agency the necessary data upon which to make the determination.

(g) *Verification of eligibility process.* Whether the determination of eligibility is made by the State or the provider, the State shall establish procedures to verify the determinations. An adequate sampling procedure may be used by the State to determine the accuracy of its eligibility determination process. In addition, HEW shall provide oversight assessment of the State's eligibility verification process to assure compliance with the eligibility standard setting requirements under § 228.6.

#### § 228.62 Fees for services.

(a) *Mandatory fees.* FFP is available for a service provided to an individual whose eligibility is based on income status if his family's monthly gross income is between 80 percent of the median income of a family of four in the State or the median income of a family of four in all States, whichever is less, and 115

percent of the median income of a family of four in the State, adjusted as to family size, only if a fee or other charge, based on a fee schedule in accordance with paragraph (c) of this section, is imposed.

(b) *Discretionary fees.* A State may impose a fee or other charge for any service to any individual who is eligible for services based on income maintenance status or is eligible based on income status and whose family's monthly gross income is less than 80 percent of the median income of a family of four in the State, adjusted for family size, or the median income for a family of four in all States, adjusted for family size, whichever is less, but only if the fee or other charge is based on a fee schedule in accordance with paragraph (c) of this section.

(c) *Criteria for fee schedules.* Any fee schedule:

(1) May be different for different services;

(2) Shall provide that fees shall be reasonably related to the individual's income and shall take into account fees for multiple services to an individual so the total fees imposed remain reasonably related to his income.

(3) Shall not allow a fee which exceeds the cost of the service;

(4) Shall include methods for the collection of any fee or other charge imposed and evidence of a reasonable effort to collect such fee; and, if a fee or other charge for any service for any individual eligible on income maintenance status is imposed, it shall be the same as the fee imposed on an individual whose eligibility is based on income and whose family has the same monthly gross income.

(d) *Collection of fees.* Fees collected from service recipients shall be deducted from the amount of expenditures for which Federal reimbursement is claimed.

#### § 228.63 Individual recipient basic data file.

FFP is available for a service provided to an individual only if the State agency maintains a basic data file on each individual service recipient which contains identifying information about the recipient; basis for eligibility; services provided; goal to which services are directed; provider agency for each service; and such other data as the Secretary may from time to time require. The basic data file shall be maintained by the State agency whether or not it delegates eligibility determination to providers. The basic data file may be part of other documentation required for the proper and efficient operation of the program pursuant to § 228.17. The use of information in this file is governed by § 205.50.

#### § 228.64 Information and referral services.

FFP is available only for information about services provided under title XX and related service programs, brief assessment (but not diagnosis and evaluation) to facilitate appropriate referral, and referral to and follow-up with those community resources which provide or make available such services, when pro-

vided by an agency that has information and referral as a specific recognized function and that has a staff with identifiable tasks relating to information and referral. Provision of these services to an individual need not be reflected in the individual recipient basic data file under § 228.63.

**§ 228.65 Services directed at the goal of preventing or remedying neglect, abuse, or exploitation of children or adults unable to protect their own interests.**

(a) FFP is available without regard to income for services directed at the goal of preventing or remedying neglect, abuse or exploitation of children and adults unable to protect their own interests, only as follows:

(1) With respect to children, only the following services and only when provided with respect to an individual under the age of 18 harmed or threatened with harm by a person responsible for the individual's health or welfare (and for run-aways, harmed or threatened with harm by virtue of their status), through non-accidental physical or mental injury, sexual abuse (as defined by State law); or negligent treatment or maltreatment, including the failure to provide adequate food, clothing, or shelter:

- (i) Identification and diagnosis;
- (ii) Receipt of reports and investigation thereof;
- (iii) Determination that the individual is vulnerable or at risk of neglect, abuse, or exploitation;
- (iv) Counseling and therapy for individuals at risk;
- (v) Counseling and therapy and training courses for parents or guardian of the individual;
- (vi) Emergency shelter under § 228.46;
- (vii) Legal representation of or advocacy for the individual;
- (viii) Arranging for the provision of appropriate services; and

(2) With respect to adults unable to protect their own interests, only the following services and only when provided with respect to individuals 18 years of age or older unable to protect their own interests, harmed or threatened with harm through action or inaction by another individual or through their own actions due to ignorance, incompetence or poor health; resulting in physical or mental injury, neglect or maltreatment, failure to receive adequate food, shelter, or clothing, deprivation of entitlements due them, or wasting of their resources:

- (i) Identifying such adults who need assistance or who have no one willing and able to assist them responsibly;
- (ii) Providing prompt response and investigation upon request of adults at risk or other persons acting on their behalf;
- (iii) Diagnosing the individual's situation and service needs;
- (iv) Providing counseling to such adults, their families, other responsible persons or to surrogates such as representatives payees, on handling the affairs of such adults;

(v) Assisting in arranging for appropriate alternate living arrangements in the community or in an institution;

(vi) Assisting in the location of medical care, legal services, and other resources in the community;

(vii) Assisting in arranging for guardianship, commitment, or other protective placement as needed; and

(viii) Providing advocacy, including legal services, to assure receipt of rights and entitlements due to adults at risk.

**§ 228.66 Monthly gross income.**

(a) Monthly gross income means the monthly sum of income received by an individual from the following sources that are identified by the U.S. Census Bureau in computing the median income:

(1) *Money wages or salary*—i.e., total money earnings received for work performed as an employee, including wages, salary, Armed Forces pay, commissions, tips, piece-rate payments, and cash bonuses earned, before deductions are made for taxes, bonds, pensions, union dues, and similar purposes.

(2) *Net income from nonfarm self-employment*—i.e., gross receipts minus expenses from one's own business, professional enterprise, or partnership. Gross receipts include the value of all goods sold and services rendered. Expenses include costs of goods purchased, rent, heat, light, power, depreciation charges, wages and salaries paid, business taxes (not personal income taxes), and similar costs. The value of salable merchandise consumed by the proprietors of retail stores is not included as part of net income.

(3) *Net income from farm self-employment*—i.e., gross receipts minus operating expenses from the operation of a farm by a person on his own account, as an owner, renter, or sharecropper. Gross receipts include the value of all products sold, government crop loans, money received from the rental of farm equipment to others, and incidental receipts from the sale of wood, sand, gravel, and similar items. Operating expenses include cost of feed, fertilizer, seed, and other farming supplies, cash wages paid to farmhands, depreciation charges, cash rent, interest on farm mortgages, farm building repairs, farm taxes (not State and Federal income taxes), and similar expenses. The value of fuel, food, or other farm products used for family living is not included as part of net income.

(4) *Social Security* includes Social Security pensions and survivors' benefits, and permanent disability insurance payments made by the Social Security Administration prior to deductions for medical insurance and railroad retirement insurance checks from the U.S. Government.

(5) *Dividends, interest (on savings or bonds), income from estates or trusts, net rental income or royalties* include dividends from stockholdings or membership in associations, interest on savings or bonds, periodic receipts from estates or trust funds, net income from rental of a house, store, or other property

to others, receipts from boarders or lodgers, and net royalties.

(6) *Public assistance or welfare payments* include public assistance payments such as AFDC, SSI, State Supplemental Payments, and general assistance.

(7) *Pensions and annuities* include pensions or retirement benefits paid to a retired person or his survivors by a former employer or by a union, either directly or through an insurance company; periodic receipts from annuities or insurance.

(8) *Unemployment compensation* means compensation received from government unemployment insurance agencies or private companies during periods of unemployment and any strike benefits received from union funds.

(9) *Worker's compensation* means compensation received periodically from private or public insurance companies for injuries incurred at work. The cost of this insurance must have been paid by the employer and not by the person.

(10) Alimony.

(11) Child support.

(12) *Veterans' pensions* means money paid periodically by the Veterans' Administration to disabled members of the Armed Forces or to survivors of deceased veterans, subsistence allowances paid to veterans for education and on-the-job training, as well as so-called "refunds" paid to ex-servicemen as GI insurance premiums.

(b) *Exclusions from monthly gross income.* Excluded from computation of monthly gross income are the following:

(1) Per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission or the Court of Claims;

(2) Payments made pursuant to the Alaska Native Claims Settlement Act to the extent such payments are exempt from taxation under section 21(a) of the Act;

(3) Money received from sale of property, such as stocks, bonds, a house, or a car (unless the person was engaged in the business of selling such property in which case the net proceeds would be counted as income from selfemployment);

(4) Withdrawals of bank deposits;

(5) Money borrowed;

(6) Tax refunds;

(7) Gifts;

(8) Lump sum inheritances or insurance payments;

(9) Capital gains;

(10) The value of the coupon allotment under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons;

(11) The value of USDA donated foods;

(12) The value of supplemental food assistance under the Child Nutrition Act of 1966 and the special food service program for children under the National School Lunch Act, as amended;

(13) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(14) Earnings of a child under 14 years of age (no inquiry shall be made);

(15) Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs;

(16) Any grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Commissioner of Education under the Higher Education Act; and

(17) Home produce utilized for household consumption.

#### Subpart G—Purchase of Service

##### § 228.70 Written contract.

(a) FFP is available when services are purchased by the State agency from an agency, individual, or organization other than the State agency only when the State agency executes a written contract in accordance with requirements under this Part and 45 CFR Part 74 with the agency, individual, or organization from which services are purchased. The contract shall:

(1) Include all terms of the contract in one instrument, be dated, and be executed by authorized representatives of all parties to the contract prior to the date of implementation;

(2) Have a definite effective and termination date;

(3) Contain a detailed description of the services to be provided and of the methods, including subcontracting, to be used by the provider in carrying out its obligations under the contract;

(4) If eligibility determinations are to be made by the provider, contain criteria in accordance with Subpart F which shall be used by the provider for such determinations;

(5) Provide for a stated number of units of service at a specific dollar rate, or for a specific dollar amount, or for costs to be determined in accordance with acceptable cost allocation methods;

(6) Specify the method and source of payment to the provider, including collection and disposition of fees, if applicable;

(7) Include a statement that the provider meets applicable State or Federal standards as specified in this part;

(8) Specify the locations of facilities to be used in providing services;

(9) Provide for informing individuals of the right to fair hearing in accordance with § 228.14 where the provider determines eligibility;

(10) Provide that the provider will comply with the requirements of the Civil Rights Act of 1964, and for safeguarding information in accordance with § 228.10;

(11) Provide that any subcontracts permitted by the contract shall be subject to the requirements of this Part; and that the provider is responsible for the performance of any subcontractor;

(12) Specify requirements for fiscal and program responsibility, billing, records, controls, reports, and monitoring procedures; and

(13) Provide for access to financial and other records pertaining to the program by State and Federal officials.

(b) The requirements of this section may be satisfied by a simple printed contract form so long as all requirements set forth above are contained therein.

(c) The provisions of this section do not apply to services provided to service recipients who are reimbursed by the State agency pursuant to § 228.47.

##### § 228.71 Rates of payment.

(a) FFP is available for expenditures for services provided under purchase of service contracts only where the rates of payment for services do not exceed the amounts reasonable and necessary to assure the quality of service, and where services are purchased from other public agencies, are in accord with costs reasonably assignable to such services, and records are available which describe and support the rates of payment and the methods used to establish and maintain such rates.

(b) Public Health Service grant funds from programs specified in 45 CFR Part 50 of the Health Services Funding regulation (as well as any matching funds required to earn those grant funds) which have been made available under a grant to a health service project, if not required to be used to finance cost of services to individuals eligible for services under title XX, shall not be deemed by the State agency to be available to reduce the costs otherwise subject to reimbursement under title XX. This precludes double Federal payment for the same individuals.

#### Subpart H—Training and Retraining

##### § 228.80 General.

(a) FFP is available only in accordance with the requirements of this Subpart for personnel training (including retraining) directly related to the provision of services under the program, including in-service training and both short and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions. Funds for such training may be claimed inside or outside the State's allotment for services and are available at the 75% rate.

(b) Prior to the beginning of the State's program year, the State agency shall file with the Social and Rehabilitation Service the agency's plan for training under this Part for that program year.

##### § 228.81 Who may be trained.

FFP is available for training only the following individuals:

(a) Persons employed by the State agency, who are:

(1) Agency personnel including professional and paraprofessional employed in all classes of positions which directly relate to operation of and provision of services under the program;

(2) Volunteers attached to the State agency and supervised by it in relation to their performing duties directly related to the program;

(b) Service delivery personnel of providers (professional and paraprofessional

employees engaged in direct provision of services to eligible individuals) only when:

(1) A purchase of service contract is in effect in accordance with Subpart G; and

(2) The training provided is directly related to the provision of services under the contract; and

(3) The provider personnel, during or following the training period, participate in the provision of services under the contract for a period of time at least equal to the period of time for which training was provided; and

(c) Persons preparing for employment in the State agency in all classes of positions (including professional and paraprofessional which directly relate to operation of and provision of services under the program.

(d) Individual providers who are:

(1) Caregivers in a foster family home, to enable them to provide special services in accordance with § 228.45; or

(2) Individuals who provide services to service recipients who are reimbursed by the State agency pursuant to § 228.47, but only if training is directly related to such service; or

(3) Individuals, such as family day care givers, with whom the agency has a contract under Subpart G.

##### § 228.82 Grants to educational institutions.

(a) Notwithstanding § 228.81, FFP is available on a year-to-year basis for grants to educational institutions but only if such grants are for periods of not more than 3 years (renewable, subject to the conditions of paragraph (c) of this section) and only if:

(1) Such grants are made for the purpose of developing, expanding, or improving training for agency employees, providers or persons preparing for employment. Grants are made for an educational program (curriculum development, classroom instruction, and related field instruction) that is directly related to the program and provision of services.

(2) They are available only to post secondary, undergraduate and graduate educational institutions and programs that are accredited, have program approval or applications pending for accreditation by an appropriate accrediting body; and

(3) The State agency has written policies establishing conditions and procedures for such grants.

(b) Each program of classroom instruction so funded shall contain students from one or more of the following groups:

(1) Agency employees from the State agency funding the grant.

(2) Agency employees from other States' title XX agencies.

(3) Service delivery personnel from provider agencies.

(4) Individuals preparing for employment in the State agency who are recipients of a student grant either from the State agency funding the grant or from another State's title XX agency.



(c) An evaluation of the educational program funded by each grant made to an educational institution in accordance with this section shall be made by the close of the second year of the grant. The evaluation shall be conducted by a panel consisting of three persons: A representative from the educational institution, the State agency, and the SRS Regional Office.

**§ 228.83 Financial assistance to students.**

(a) FFP is available for expenditures for payments for training for eligible participants in accordance with § 228.80 and § 228.81 provided:

(1) State agency employees and service delivery personnel of provider agencies (subject to the limitation in § 228.81(b)(3)) who are in attendance full-time at training programs for 8 consecutive workweeks or longer have a legally binding commitment with the agency to continue to work in the State or provider agency for a period of time at least equal to the period for which financial assistance is granted.

(2) Students preparing for employment in the State agency are:

(i) Selected by the State agency and accepted by the school; and

(ii) The State approves the educational program the student plans to pursue; and

(iii) The student who receives such financial assistance has a legally binding commitment with the State agency to work for that agency (or other agency pursuant to (a)(3) of this section) for a period of time at least equal to the period for which financial assistance is granted; and

(iv) The student reports for employment within 6 months following the completion of the period of training as agreed upon under (iii) above.

(3) To meet the requirement under (2)(iii) of this section, the State shall offer the student employment with the agency, subject to Merit System requirements, or work out a plan with the student for employment with a public agency within the State providing title XX services, or with a title XX agency in another State. The requirements of this Subparagraph are met if the State and the individual enter into a new contract for further training.

(b) An adjustment will be made in FFP for expenditures in the form of financial assistance granted to students preparing for employment if 90 percent of the students required to report for employment to the agency within a given State fiscal year:

(1) Fail to so report; or

(2) Fail to secure employment in accordance with (a)(3) of this section.

The FFP to be disallowed will be based on the difference between the percentage of students reporting and the 90 percent required to report. The adjustment shall be made by averaging the actual costs incurred for all students required to report in the fiscal year pursuant to paragraph (a)(2)(iv) of this section, and such average shall be multi-

plied by the number of persons in excess of the allowable 10 percent.

(c) Any recoupment of funds by the State from students failing to fulfill their commitment under this Subpart shall be treated as a refund pursuant to 45 CFR Part 74.

**§ 228.84 Activities and costs matchable as training expenditures.**

Costs matchable as training expenditures include:

(a) Salaries (including fringe benefits), dependency allowances, travel, costs of education (including tuition, books and supplies) of State agency employees who are in attendance full-time at training programs for eight consecutive work weeks or longer, and where such employees are not engaged in service delivery except as students in field placement; and, with the exception of salaries, the same costs for provider employees in training;

(b) Stipends, travel and costs of education (including tuition, books and supplies) for persons preparing for employment;

(c) Payment of travel, per diem and educational expenses of employees while they are attending training programs for less than eight consecutive work weeks;

(d) Payment of educational expenses (tuition, books, supplies) for employees on part-time educational leave (part of the working week, evenings, mornings);

(e) Payment of salaries for State agency staff development personnel, including clerical and other staff, travel, per diem, rent, postage, equipment, teaching materials (including purchase of developing teaching materials), and teaching aides. (Costs for training personnel spending less than full time on title XX training must be allocated.);

(f) Payments to experts to develop or conduct special programs, including costs of salaries (and fringe benefits), travel and per diem;

(g) Costs of rental of space attributable to training activities as defined in this Part; and

(h) Grants to educational institutions as defined in § 228.82 for classroom instruction and related field instruction, including salaries and fringe benefits, clerical assistance, necessary travel, and teaching materials and equipment, such as books and audiovisual aids.

**§ 228.85 Activities and costs not matchable as training expenditures.**

FFP is not available for the following as expenditures outside the State's allotment for social services. Such expenditures are matchable as administrative costs (not training expenses) under the State's allotment for services.

(a) Salaries of newly-employed workers in the State agency or a provider agency while they are in orientation;

(b) Salaries of State agency employees who attend training programs less than full-time for a period of less than eight consecutive work weeks;

(c) Salaries of supervisors (day-to-day supervision of staff is not a training activity);

(d) Attendance at meetings or conferences of professional organizations; and

(e) Employment of students on a temporary basis, such as in the summertime.

**§ 228.86 Phase-in of training requirements.**

FFP for grants to educational institutions and financial assistance to students contracted for under titles IV-A and VI prior to July 1, 1975 and with commitment to continue such training through the 1975-76 academic year, is available subject to the regulations in 45 CFR 205.202 for the period October 1, 1975 to the date the contract is renegotiated or through June 30, 1976, whichever date occurs first. FFP under titles IV-A and VI is available for training programs related to social services, initiated on or after July 1, 1975 for the period through September 30, 1975, subject to 45 CFR 205.202; however, effective October 1, 1975, FFP is available for such programs only under title XX and only if the requirements of this Part are met. Subpart H, section 228, in its entirety is applicable to all training programs covered by this subpart initiated on or after October 1, 1975.

**Subpart I—General Provisions**

**§ 228.90 Expenditures for which Federal financial participation is available.**

(a) Federal financial participation is available only for expenditures which are identified and allocated in accordance with 45 CFR Part 74 and a cost allocation plan in accordance with 45 CFR 205.150.

(b) Under this Part, expenditures for the following are considered appropriate for the effective and efficient administration of the program:

(1) Salary, fringe benefits and travel costs of staff engaged in carrying out service work or service related work;

(2) Costs of related expenses, such as equipment, furniture, supplies, communications, and office space;

(3) Costs of State advisory committees on services, including expenses of members in attending meetings, supportive staff, and other technical assistance;

(4) Costs of agency staff attendance at meetings pertinent to the development or implementation of Federal and State service policies and programs;

(5) Cost to the agency for the use of volunteers in the program;

(6) Costs of operation of agency facilities used solely for the provision of services, except that appropriate distribution of costs is necessary when other agencies also use such facilities in carrying out their functions;

(7) Costs of administrative support activities furnished by other public agencies or other units within the single State agency which are properly cost allocated;

(8) Costs of technical assistance, data collection, surveys and studies performed by other public agencies, private organizations or individuals to assist the

## RULES AND REGULATIONS

agency in developing, planning, monitoring, and evaluating the services program; and

(9) Costs of public liability and other insurance protection.

§ 228.91 Expenditures for which Federal financial participation is not available.

(a) Federal financial participation is not available under this Part in expenditures for:

(1) Carrying out any maintenance assistance payments functions or any other functions or activities which are not related to services under this Part;

(2) The purchase, construction, or major modification of any land, building or other facility, or fixed equipment. However, FFP is available in the cost of using buildings, capital improvements, and equipment, in accordance with 45 CFR 74, Appendix C.

(3) Housing costs for families and individuals including rent, utilities, deposits, purchase, construction, major renovation or repair;

(4) Goods or services provided in-kind by a private organization; and

(5) Sabbatical leave.

(Catalog of Federal Domestic Assistance Program No. 13754 Public Assistance Social Services)

Effective date: October 1, 1975.

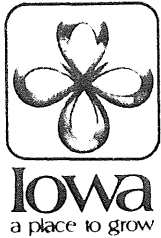
Dated: June 20, 1975.

JOHN C. YOUNG,  
*Acting Administrator, Social and  
Rehabilitation Service.*

Approved: June 20, 1975.

CASPAR W. WEINBERGER,  
*Secretary.*

[FR Doc.75-16786 Filed 6-26-75; 8:45 am]



# Governor's Spanish Speaking Task Force

STATE CAPITOL  
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ROBERT D. RAY  
GOVERNOR

## RECOMMENDED AMENDMENTS TO CHAPTER 138

1 An Act relating to migrant workers.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

3 Section 1. Section one hundred thirty-eight point one (138.1), subsections one (1) and  
4 sixteen (16), Code 1973, are amended to read as follows:

5 1. "Migrant labor camp" means one or more buildings, structures, shelters, tents,  
6 trailers, or vehicles or any other structure or a combination thereof together with the  
7 land appertaining thereto, established, operated, or maintained as living quarters for  
8 ~~seven or more~~ five or more migrants or two or more shelters. A camp shall include such land or  
9 quarters separate from one another if the migrants housed therein work at any time for the  
10 same person and the total number of migrants in all such camps is ~~seven~~ five or more. Such  
11 separate camps shall constitute a portion of a migrant labor camp.

12 16. "Migrant" means any individual who customarily and repeatedly travels from  
13 state to state for the purpose of obtaining seasonal employment in agriculture, greenhouse  
14 or nursery, or processing of farm products, including but not limited, to poultry, dairy,  
15 livestock, fruit, vegetable, and grain products, and including the spouse and children of  
16 such individuals, whether or not authorized by law to engage in such employment.

17

18 Section 2. Section one hundred thirty-eight point three (138.3), Code 1973, is amended  
19 to read as follows:

20 138.3 WRITTEN APPLICATION. Written application to operate a migrant labor camp,  
21 or portion thereof, shall be made to the department upon forms approved by the department  
22 as least ~~sixty~~ one hundred twenty days prior to the first day of the intended operation of  
23 such camp. The application shall state the name and address of the person requesting a

1 permit; and name and address of the owner of the camp, or portion thereof; approximate  
2 number of persons to be lodged in such camp; approximate period during which the migrant  
3 labor camp, or portion thereof, is to be operated; the location of such camp, or portion  
4 thereof; and any other information required by the department. A separate application  
5 shall be submitted for each camp, or portion thereof, and a separate permit shall be issued  
6 annually for each such camp, or portion thereof.

7

8 Section 3. Section one hundred thirty-eight point four (138.4), Code 1973, is amended  
9 to read as follows:

10 138.4 Permit not assignable. If the department finds after investigation, that the  
11 migrant labor camp or portion thereof, conforms to the minimum standards required by  
12 this Chapter, it shall issue a permit for operation of such camp or portion thereof. A  
13 permit shall not be assignable or transferable. It shall expire one year after the date of  
14 issuance or on December 31 of each year whichever comes first, or upon a change of  
15 operator of the camp or upon revocation [63 6A Ch 134 & 5] .

16

17 Section 4. Section one hundred thirty-eight point thirteen (138.13), subsection two (2),  
18 paragraphs a, Code 1973, are amended to read as follows:

19 a. Shelters shall be structurally sound, sanitary, and in good repair, and shall  
20 provide ~~protection to~~ the occupants with protection against the elements. Separate private  
21 areas for sleeping shall be provided for each sex or each family. Walls separating each  
22 sex or each family shall be of rigid materials, (double wall or its equivalent) and extend to  
23 the ceiling. Each family unit will have workable locks.

24

25 Section 5. Section one hundred thirty-eight point thirteen (138.13) subsection (3)  
26 paragraph d., code 1973, is amended to read as follows:

27 d. A cold water tap shall be available ~~within one hundred feet of each individual~~  
28 ~~living unit when water is not provided in the unit~~, in each family unit. Adequate drainage  
29 facilities shall be provided for overflow and spillage.



1 Section 6. Section one hundred thirty-eight point thirteen (138.13) subsection four (4)  
2 paragraph e, Code 1973, is amended to read as follows:

3 Where toilet facilities are shared, the number of water closets or privy seats provided  
4 for each sex shall be based on the maximum number of persons of that sex which the camp  
5 is designed to house at any one time, in the ration of one unit for each fifteen (15) persons  
6 with a minimum of two units for any shared facility. In all cases separate facilities shall  
7 be provided for each migrant family.

8  
9 Section 7. Section one hundred thirty-eight point fifteen (138.15), Code 1973, is  
10 amended to read as follows:

11 138.15 NOTICE OF INTENT TO CONSTRUCT OR ALTER A CAMP. Any person who  
12 is planning to construct, reconstruct, or enlarge a camp or any portion thereof, or facility  
13 of a camp, or to convert a property for use or occupancy as a camp, shall give notice  
14 in writing of his intent to do so to the commissioner at least ~~fifteen~~ forty-five days prior  
15 to the date of the commencement of any major construction, reconstruction, enlargement,  
16 or conversion. The notice shall give the name of the city, village, town, and county in  
17 which the property is located; the location of the property within that area; ~~a brief~~  
18 ~~description~~ a set of plans and specifications of the proposed major construction, recon-  
19 struction, enlargement, or conversion sufficiently detailed to allow the commissioner to  
20 determine whether the camp will meet the requirements of this chapter; the name and  
21 mailing address of the person giving such notice; and his telephone number. The com-  
22 missioner, upon receipt of such notice, shall promptly send to such person by ordinary  
23 mail a copy of this chapter and all rules and regulations of the department applicable to  
24 migrant labor camps.

25 The commissioner shall inspect the plans and specifications, and if necessary, the camp  
26 site, and determine within thirty days after receipt of the notice, whether the plans and  
27 specifications of the proposed construction, reconstruction, enlargement, or conversion  
28 will meet the minimum standards of this chapter. He shall then notify the person of his  
29 decision and, if the plans and specifications are approved, he shall authorize the person

1 to proceed. If the plans and specifications are not approved, he shall notify the person  
2 by restricted certified mail, specifying the manner in which the plans and specifications  
3 have failed to comply with the provisions of this chapter or any rules and regulations of  
4 the department. Any person aggrieved by the approval or disapproval of the plans and  
5 specifications may appeal the decision of the commissioner as provided in sections one  
6 hundred thirty-eight point seven (138.7) through one hundred thirty-eight point eleven  
7 (138.11) of the Code.

## **SECTION FIVE**



Table H-1. Housing Characteristics of Spanish Speaking Population in Ten Counties 1970.

	POPULATION	OCCUPIED HOUSING UNITS	POPULATION IN HOUSING	PERCENT OF POPULATION IN HOUSING	AVERAGE PER OCCUPIED UNIT	NUMBER + % OWNER OCCUPIED HOUSING		NUMBER + % OF RENTED HOUSING	
						ACTUAL	%	ACTUAL	%
Black Hawk	1,013	227	887	87.6	3.9	142	62.7	85	37.3
Cerro Gordo	1,249	255	1,224	98	4.8	185	72.8	70	27.2
Des Moines	613	116	613	100	5.3	75	65	41	35
Lee	807	197	769	95.3	3.9	127	64.6	70	35.4
Linn	1,643	325	1,564	95.2	4.8	227	70.0	98	30.0
Muscatine	2,768	504	2,723	98.4	5.4	184	36.5	320	63.5
Polk	5,622	1,393	5,295	94.2	3.8	976	70.1	417	29.1
Pottawattamie	2,048	518	2,021	98.7	3.9	367	70.9	151	29.1
Scott	3,333	772	3,243	97.5	4.2	488	63.2	284	36.8
Woodbury	631	173	574	91	3.3	93	53.6	80	46.4

Revised Source: U.S. Department of Commerce. 1970 Census of Housing-Iowa. Issued 1972.

Table H-2. Year of Construction of Housing Units Occupied by Spanish Speaking Population in Ten Counties.

	1939 + EARLIER		1940-1949		1950-1959		1960-1964		1965-1970		TOTAL	
	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%
Black Hawk	115	43.2	7	2.72	57	21.81	26	10.00	58	22.27	263	100
Cerro Gordo	173	71.85	14	6.03	31	13.06	22	9.06	0	0	240	100
Des Moines	69	72.55	0	0	18	19.2	8	8.43	0	0	95	100
Lee	131	66.88	42	21.47	0	0	15	7.97	7	3.68	195	100
Linn	124	46.18	7	2.71	62	23.52	23	9.04	49	18.55	265	100
Muscatine	174	83.44	0	0	7	3.42	8	4	19	9.14	208	100
Polk	651	60.19	73	7.2	115	15.36	65	6.38	110	10.87	1,014	100
Pottawattamie	153	58.08	30	11.52	20	7.83	53	20.27	6	2.3	262	100
Scott	359	56.59	60	9.58	98	15.6	34	5.45	80	12.78	631	100
Woodbury	136	66.68	0	0	31	15.2	31	15.2	6	2.92	204	100

Revised Source: U.S. Department of Commerce. 1970 Census of Housing-Iowa. Issued 1972.

Table H-3. Year Spanish Speaking Owners Moved Into House, in Ten Counties, 1970.

	1969-1970		1968		1965-1967		1960-1964		1950-1959		1949 & EARLIER		TOTALS	
	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%
Black Hawk	40	24.6	16	10.14	39	23.91	25	15.21	45	26.14	0	0	165	100
Cerro Gordo	24	13.79	8	4.82	14	8.27	43	24.82	44	25.51	41	22.79	174	100
Des Moines	24	40	15	24.59	15	24.59	0	0	0	0	7	10.82	61	100
Lee	25	20	0	0	0	0	38	30.9	31	24.55	31	24.55	125	100
Linn	31	17.1	18	9.86	46	25	25	13.81	54	29.6	11	4.63	185	100
Muscatine	30	40.62	0	0	22	29.68	15	20.31	0	0	9	9.39	76	100
Polk	110	15.52	82	11.6	113	16.04	141	19.96	142	20.13	122	16.75	710	100
Pottawattamie	42	22.72	7	3.89	48	25.97	43	23.37	6	3.24	39	20.81	185	100
Scott	74	18.58	30	7.66	71	17.99	110	27.72	63	15.92	50	12.13	398	100
Woodbury	11	10.52	15	13.68	21	18.94	37	33.68	17	15.78	8	7.4	109	100

Revised Source: U.S. Department of Commerce. 1970 Census of Housing-Iowa. Issued 1972.

Table H-4. Value of Owner Occupied Housing.

	LESS THAN 5,000		5,000 TO 9,999		10,000 TO 14,999		15,000 TO 19,999		20,000 TO 24,999		25,000 TO 34,999		35,000 & UP		TOTALS	
	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%
Black Hawk	0	0	21	14.65	14	10.14	41	28.2	45	31.8	14	10.14	7	5.07	142	100
Cerro Gordo	35	18.87	57	31.0	47	25.5	46	24.8	0	0	0	0	0	0	185	100
Des Moines	0	0	18	22.2	20	27.7	22	29.6	0	0	0	0	15	20.5	75	100
Lee	35	26.8	18	14.4	27	21.6	30	23.7	17	13.5	0	0	0	0	127	100
Linn	0	0	0	0	92	40.0	39	17.3	51	22.7	45	20.0	0	0	227	100
Muscatine	0	0	89	48.4	37	20.3	17	9.3	41	22.0	0	0	0	0	184	100
Polk	86	9.3	266	27.3	356	36.5	204	21.0	36	3.7	28	2.9	0	0	976	100
Pottawattamie	28	7.3	124	33.8	139	38.1	47	12.9	0	0	0	0	29	7.9	367	100
Scott	0	0	107	21.3	133	27.3	134	27.6	33	6.9	49	10.0	32	6.6	488	100
Woodbury	0	0	25	23.8	29	31.8	8	9.0	11	12.5	13	14.7	7	8.2	93	100
89 Remaining Counties	99	6.6	367	25.3	453	31.2	298	20.5	117	8.1	75	5.2	45	3.1	1,454	100

Revised Source: U.S. Department of Commerce. 1970 Census of Housing-Iowa. Issued 1972.

Table H-5. Year Spanish Speaking Renters Moved Into House in Ten Counties, 1970.

	1969-1970		1968		1965-1967		1960-1964		1950-1959		1949 & EARLIER		TOTALS	
	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%
Black Hawk	67	68.29	22	21.95	0	0	0	0	9	9.76	0	0	98	100
Cerro Gordo	40	61.11	8	12.96	18	25.93	0	0	0	0	0	0	66	100
Des Moines													34	100
Lee	45	64.15	8	11.32	8	11.32	9	13.21	0	0	0	0	70	100
Linn	59	69.56	16	18.84	10	11.6	0	0	0	0	0	0	85	100
Muscatine	72	54.95	40	30.63	6	4.5	0	0	14	9.2	0	0	132	100
Polk	186	61.15	70	23.07	28	9.23	20	6.55	0	0	0	0	304	100
Pottawattamie	54	69.84	7	9.52	0	0	9	11.12	7	9.52	0	0	77	100
Scott	133	56.99	27	11.91	57	24.35	8	3.62	0	0	8	3.13	233	100
Woodbury	74	77.63	0	0	12	13.15	9	9.22	0	0	0	0	95	100
Revised Source: U.S. Department of Commerce. 1970 Census of Housing-Iowa. Issued 1972.														

Table H-6. Rental Characteristics of Spanish Speaking Population of Iowa by Ten Counties, 1970.

	LESS THAN \$30.00		\$30-\$39		\$40-\$59		\$60-\$79		\$80-\$99		\$100-\$149		\$150-UP		NO CASH RENT		TOTALS	
	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%	ACTUAL	%
Black Hawk	0	0	0	0	5	6.0	0	0	25	29.2	35	41.4	11	13.4	9	10	85	100
Cerro Gordo	0	0	0	0	26	37	35	50	9	13	0	0	0	0	0	0	70	100
Des Moines																	41	100
Lee	0	0	0	0	35	49	0	0	16	24	9	13	0	0	10	14	70	100
Linn	0	0	0	0	0	0	0	0	22	22.5	56	56.4	11	11.2	9	9.9	98	100
Muscatine	0	0	0	0	88	27	112	35.1	58	18.3	20	6.3	0	0	42	13.3	320	100
Polk	0	0	8	1.9	28	6.6	88	21.1	103	24.7	89	21.5	88	21.1	13	3.1	417	100
Pottawattamie	0	0	0	0	74	49.1	16	10.6	16	10.6	45	29.7	0	0	0	0	151	100
Scott	0	0	11	3.7	23	8.1	66	23.2	89	31.3	61	21.6	34	12.1	0	0	284	100
Woodbury	0	0	7	9.2	23	27.6	29	36.8	18	22.3	3	4.1	0	0	0	0	80	100
89 Remaining Counties	0	0	26	3.5	139	19.1	155	21.3	164	22.5	147	20.2	66	9.1	33	4.3	730	100

Revised Source: U.S. Department of Commerce. 1970 Census of Housing-Iowa. Issued 1972.



Table H-7. Value of Owner and Rented Occupied Housing in Iowa of Total Spanish Speaking and Non Spanish Speaking Population.

	DISTRIBUTION			
	1975 SPANISH SPEAKING POPULATION		NON SPANISH SPEAKING POPULATION	
	ACTUAL	PERCENT	ACTUAL	PERCENT
Value of Homes Less than 5,000	283	6.60	48,474	7.9
5,000 - 9,999	1,092	25.28	137,875	22.47
10,000 - 14,999	1,347	31.19	151,558	24.70
15,000 - 19,999	886	20.51	127,259	20.74
20,000 - 24,999	351	8.12	75,104	12.24
25,000 - 34,999	224	5.18	50,192	8.18
35,000 - Up	135	3.12	23,134	3.77
TOTAL	Actual	Percent	Actual	Percent
Less than \$30	0	0	10,172	4.06
30 - 39	56	2.25	11,700	4.67
40 - 59	441	19.13	42,268	16.87
60 - 79	501	21.73	59,206	23.63
80 - 99	520	22.55	39,111	15.61
100 - 149	465	20.17	51,389	20.51
150 + Up	211	9.11	17,739	7.08
No Cash Rent	116	5.06	18,971	5.06
Revised Source: U.S. Department of Commerce. 1970 Census of Housing-Iowa. Issued 1972.				

Table S-1. Relative Frequency Response to Questionnaire by Nine Counties.

	BLACK HAWK	CERRO GORDO	DES MOINES	LEE	LINN	MUSCATINE	POTTAWATTAMIE	SCOTT	WOODBURY	STATE
<u>Sex of Head of Household</u>										
Male	100.0	87.1	85.0	80.8	94.9	77.6	95.0	72.0	86.5	84.4
Female	0	12.9	15.0	19.2	5.1	22.4	5.0	28.0	13.5	15.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<u>National Origin of Head of Household</u>										
No Response	0	0	0	0	0	0	0	0	0	0
Mexican	79.1	100.0	100.0	100.0	82.1	95.9	95.0	96.0	81.1	92.6
Cuban	0	0	0	0	2.6	0	5.0	1.3	2.7	0.8
American Indian	0	0	0	0	0	0	0	0	0	0.8
Puerto Rican	12.5	0	0	0	7.7	0	0	0	8.1	2.5
South American	4.2	0	0	0	0	0	0	1.3	0	0.3
Other	4.2	0	0	0	7.7	4.1	5.0	1.3	8.1	3.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<u>Citizenship of Head of Household</u>										
No Response	0	3.2	0	3.8	0	0	0	0	0	0.5
American Citizen	91.7	87.1	85.0	73.1	94.9	71.4	97.5	86.6	97.3	88.0
Not American Citizen	8.3	9.7	15.0	23.1	5.1	28.6	2.5	13.3	2.7	11.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<u>Origin of Father if not Born in United States</u>										
No Response	0	0	0	0	0	0	0	0	3.3	0.5
Central America	5.0	0	0	0	0	0	0	5.1	0	1.3
South America	5.0	0	0	0	4.0	8.4	0	1.7	0	1.7
Europe	5.0	0	0	0	0	0	0	0	0	0.3
Other	0	0	0	0	8.0	0	0	0	23.1	3.3
Mexico	85.0	100.0	100.0	100.0	88.0	91.6	100.0	93.2	73.6	92.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<u>Origin of Mother if not Born in United States</u>										
No Response	0	0	0	0	0	0	0	0	3.7	0.5
Central America	0	0	0	0	0	6.6	0	1.7	0	0.5
South America	0	0	0	0	4.5	0	0	3.4	0	2.0
Europe	10.0	0	0	0	0	0	0	0	0	0.8
Other	5.0	0	0	0	9.0	0	0	0	14.8	2.8
Mexico	85.0	100.0	100.0	100.0	86.5	93.4	100.0	94.1	91.5	93.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Table S-1. Relative Frequency Response to Questionnaire by Nine Counties (Cont).

	BLACK HAWK	CERRO GORDO	DES MOINES	LEE	LINN	MUSCATINE	POTTAWATTAMIE	SCOTT	WOODBURY	STATE
<u>Head of Household Having Lived in Other Cities</u>										
Yes	50.0	64.5	60.0	65.4	69.2	79.6	62.5	69.4	64.9	67.2
No	50.0	35.5	40.0	30.8	30.8	18.4	35.0	29.3	35.1	31.7
No Response	0	0	0	3.8	0	2.0	2.5	1.3	0	1.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<u>Age of Head of Household as of June 30, 1975</u>										
No Response	4.2	3.2	0	3.8	5.1	2.0	5.0	1.3	2.7	3.6
18 - 25	4.2	6.5	10.0	11.5	15.4	4.1	10.0	12.0	5.4	8.7
26 - 35	33.3	35.5	30.0	23.1	7.7	51.0	20.0	21.3	32.4	27.6
36 - 45	25.0	12.9	25.0	11.5	33.3	16.3	25.0	28.0	8.1	20.5
46 - 55	16.7	16.1	15.0	11.5	33.3	16.3	17.5	24.0	24.3	20.5
56 - 65	16.7	3.2	0	11.5	5.1	10.2	22.5	0	8.1	8.2
66 and Over	0	22.6	20.0	26.9	0	0	0	13.3	18.9	10.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<u>Years of School Completed by Head of Household</u>										
No Response	0	3.2	5.0	3.8	0	8.2	5.0	6.7	8.1	4.4
1st - 8th	41.7	58.1	55.0	23.1	15.4	63.3	32.5	45.3	40.5	42.6
9th - 12th	25.0	16.1	25.0	61.5	43.6	14.3	50.0	36.0	37.8	33.6
13	0	6.5	5.0	7.7	7.7	8.2	5.0	0	2.7	4.4
14	0	0	0	0	10.3	0	5.0	0	2.7	1.9
15	0	0	0	3.8	0	0	0	0	2.7	0.5
16	29.9	16.1	10.0	0	10.3	6.1	2.5	5.3	2.7	7.9
17	0	0	0	0	10.3	0	0	5.3	0	2.5
Dr./PhD.	4.2	0	0	0	2.6	0	0	1.3	5.4	2.2
<u>Reasons for Head of Household not Completing School</u>										
No Response	4.2	3.2	15.0	34.6	7.7	12.2	15.0	6.7	37.8	15.0
Lack of Money	29.2	51.6	55.0	15.4	28.2	51.0	40.0	44.0	18.9	38.5
Marriage	0	9.7	10.0	3.8	2.6	2.0	0	8.0	2.7	4.1
Job	29.2	22.6	15.0	30.8	33.3	30.6	7.5	24.0	29.7	24.6
Children	0	0	0	0	5.1	0	0	0	0	0.5
Health	0	0	0	0	0	0	0	0	0	0.3
Other Reasons	37.5	12.9	5.0	15.4	23.1	4.1	37.5	16.0	10.8	16.9

Table S-1. Relative Frequency Response to Questionnaire by Nine Counties (Cont).

	BLACK HAWK	CERRO GORDO	DES MOINES	LEE	LINN	MUSCATINE	POTTAWATTAMIE	SCOTT	WOODBURY	STATE
<u>English Fluency</u>										
No Response	0	0	0	0	0	0	0	0	0	0
Speaks English Fluently	91.7	96.8	85.0	96.2	100.0	26.5	90.0	76.0	81.1	79.8
Does not Speak English	8.3	3.2	15.0	3.8	0	73.5	10.0	24.0	18.9	20.2
<u>Spanish Fluency</u>										
Speaks Spanish Fluently	79.2	87.1	85.0	88.5	51.3	100.0	77.5	90.7	73.0	82.0
Does not Speak Spanish	20.8	12.9	15.0	7.7	48.7	0	22.5	9.3	27.0	17.2
No Response	0	0	0	3.8	0	0	0	0	0	0.8
<u>Type of Work</u>										
No Response	4.2	6.5	5.0	15.4	7.7	16.3	5.0	16.0	16.2	12.0
Unskilled	8.3	38.7	35.0	23.1	28.2	49.0	7.5	36.0	13.5	27.9
Skilled	45.8	32.3	15.0	46.2	20.5	28.6	42.5	30.7	8.1	29.2
Technical	25.0	3.2	20.0	0	12.8	6.1	17.5	6.7	10.8	10.7
Semi-Professional	8.3	6.5	15.0	3.8	5.1	0	0	4.0	18.9	5.7
Professional	8.3	6.5	0	3.8	25.6	0	17.5	2.7	16.2	8.7
Retired	0	3.2	10.0	7.7	0	0	10.0	2.7	16.2	5.2
Unemployed	0	3.2	0	0	0	0	0	1.3	0	0.5
<u>Satisfaction with Job</u>										
No Response	0	16.1	10.0	15.4	2.6	14.3	7.5	32.0	35.1	17.5
Satisfied with Job	100.0	71.0	75.0	61.5	84.6	69.4	85.0	42.7	59.5	67.5
Not Satisfied with Job	0	13.0	15.0	23.1	12.8	14.3	7.5	25.3	5.4	15.1
<u>Use of State Emp. Office</u>										
Have used Employment Office	58.3	45.2	55.0	50.0	23.1	36.7	50.0	37.3	35.1	41.0
Have not used Emp. Office	41.7	51.6	35.0	34.6	76.9	53.1	37.5	56.0	54.1	51.1
No Response	0	3.2	10.0	15.4	0	10.2	12.5	6.7	10.8	7.9
<u>Equal Treatment by Coworker</u>										
Treated Equally	91.7	83.9	75.0	69.2	94.9	75.5	85.0	54.7	73.0	75.1
Not Treated Equally	8.3	6.5	15.0	15.4	2.6	12.2	2.5	17.3	13.5	10.1
No Response	0	9.7	10.0	15.4	2.6	12.2	12.5	28.0	13.5	14.8
<u>National Origin of Spouse</u>										
No Response	4.2	16.1	25.0	0	5.4	10.4	5.4	14.4	21.7	10.3
Mexican	37.5	61.3	45.0	75.4	40.5	89.6	59.8	68.4	24.8	59.5
Cuban	0	3.2	5.0	0	2.7	0	0	1.8	0	1.6
American Indian	0	0	0	0	0	0	0	7.2	3.1	1.6
Puerto Rican	0	3.2	5.0	0	0	0	0	0	3.1	0.6
South American	0	0	0	0	0	0	0	0	0	1.2
Other	45.8	16.1	20.0	24.6	51.3	0	35.2	3.6	46.5	25.2

Table S-1. Relative Frequency Response to Questionnaire by Nine Counties (Cont).

	BLACK HAWK	CERRO GORDO	DES MOINES	LEE	LINN	MUSCATINE	POTTAWATTAMIE	SCOTT	WOODBURY	STATE
14	0	0	0	0	0	0	0	0	0	0.3
15	0	3.2	5.0	0	5.4	0	0	0	3.1	1.6
16	33.3	3.2	5.0	0	10.8	0	7.8	1.8	13.2	7.1
17	4.2	0	0	0	0	0	0	0	0	0.3
Dr/PhD	0	0	0	0	5.4	0	0	1.8	0	1.6
<u>Reasons for not Completing School</u>										
No Response	8.3	25.8	23.2	34.8	5.4	13.0	23.4	19.8	46.5	22.6
Lack of Money	4.2	35.5	34.8	11.6	24.3	28.6	15.6	28.8	21.7	23.9
Marriage	29.2	6.5	11.6	5.8	16.2	13.0	0	3.6	0	7.4
Job	4.2	12.9	11.6	0	0	15.6	0	18.0	9.3	9.0
Children	0	0	0	0	5.4	0	0	1.8	0	0.9
Health	0	0	0	0	10.8	0	2.5	0	0	1.9
Other Reasons	54.2	19.4	17.4	50.0	37.9	28.6	52.0	23.4	21.3	34.3
<u>English Fluency of Spouse</u>										
Speaks English Fluently	87.5	61.3	58.0	100.0	89.1	26.0	79.2	37.8	71.3	64.5
Does not Speak English	8.3	19.3	23.2	0	5.4	59.8	10.4	39.6	6.2	22.6
No Response	4.2	19.4	18.8	0	5.4	14.2	10.4	22.6	23.5	12.9
<u>Spanish Fluency of Spouse</u>										
Speaks Spanish Fluently	66.7	51.6	46.4	69.6	24.3	92.2	57.2	59.4	44.2	57.7
Does not Speak Spanish	29.2	29.0	34.8	5.8	70.2	0	35.0	22.6	34.1	29.4
No Response	4.2	19.4	18.8	24.6	5.4	7.8	7.8	18.0	21.7	12.9
<u>Type of Work</u>										
Performs work at Home	70.9	64.5	50.0	58.0	66.6	61.2	67.2	54.7	51.4	58.4
Unskilled	8.3	19.4	15.0	5.8	10.3	22.4	5.0	12.0	10.8	15.6
Skilled	4.2	3.2	10.0	11.6	10.3	2.0	12.5	16.0	8.1	8.7
Technical	0	3.2	0	23.2	5.4	4.1	0	2.3	8.1	4.1
Semi-Professional	4.2	9.7	10.0	0	0	0	5.0	0	0	2.2
Professional	12.5	0	5.0	0	8.1	0	7.5	5.3	13.5	5.7
Retired	0	0	0	0	0	0	2.5	0	0	0.8
Unemployed	0	0	10.0	0	0	10.2	0	9.3	8.1	4.5
<u>Spouse's Satisfaction With Job</u>										
Satisfied	94.8	83.4	52.2	40.6	64.8	39.0	65.0	50.6	53.5	50.8
Not Satisfied	5.2	16.6	5.8	5.8	5.5	7.8	0	18.4	3.1	5.6
No Response	0	0	42.0	53.6	29.7	53.2	35.0	31.0	43.4	43.6

Table S-1. Relative Frequency Response to Questionnaire by Nine Counties (Cont).

	BLACK HAWK	CERRO GORDO	DES MOINES	LEE	LINN	MUSCATINE	POTTAWATTAMIE	SCOTT	WOODBURY	STATE
<u>Use of State Employment Off.</u>										
Has used Employment Office	33.3	35.5	57.1	23.2	16.2	20.8	22.5	29.9	24.8	25.2
Has not used Emp. Office	58.3	29.0	42.9	53.6	78.3	66.2	22.5	57.7	43.4	50.6
No Response	8.3	35.5	0	23.2	5.5	13.0	55.0	12.4	31.8	24.2
<u>Equal Acceptance by Coworker</u>										
No Response	50.0	54.8	42.0	46.4	16.2	54.6	27.5	37.9	32.0	44.4
Treated Equally	45.8	41.9	52.2	53.6	83.8	33.8	67.5	52.9	64.0	51.1
Not Treated Equally	4.2	3.2	5.8	0	0	11.6	5.0	9.2	4.0	4.5
<u>Language used at Home</u>										
No Response	0	0	0	0	0	0	0	0	2.7	.31
English	50.0	45.2	30.0	19.2	64.1	2.0	60.0	28.0	56.8	37.7
Spanish	8.3	16.1	15.0	7.7	5.1	49.0	12.5	14.6	5.4	14.2
Both	41.7	38.7	55.0	73.1	30.8	49.0	27.5	57.3	35.1	46.7
<u>Parents Highest Expectation for Children's Education</u>										
No Response	12.5	25.8	25.0	23.1	15.4	4.1	25.0	16.0	13.5	16.9
High School	16.7	29.0	30.0	15.4	23.1	44.9	17.5	42.7	40.5	31.4
Vocational School	8.3	19.4	10.0	7.7	15.4	12.2	2.5	4.0	5.4	9.0
College	62.5	25.8	35.0	53.8	46.2	38.8	55.0	37.3	40.5	42.7
<u>Parents Highest Financial Support for Children</u>										
No Response	12.5	25.8	25.0	23.1	15.4	4.1	25.0	16.0	13.5	16.9
High School	37.5	41.9	35.0	46.2	30.8	79.6	42.5	50.7	54.1	47.5
Vocational	4.2	22.6	20.0	3.8	10.3	12.2	7.5	8.0	8.1	10.9
College	45.8	9.7	20.0	26.9	43.6	4.1	25.0	25.3	24.3	24.5
<u>Parents Exposure to Educational Assistance for Higher Education</u>										
No Response	0	3.2	0	0	5.1	0	0	4.0	5.4	3.3
Enough	4.2	6.5	0	7.7	2.6	0	0	4.0	8.1	3.8
Some	20.8	16.1	15.0	30.8	33.3	14.3	20.0	30.7	8.1	22.1
None	75.0	74.2	85.0	61.5	59.0	85.7	80.0	61.3	78.4	70.8
<u>Perceived Adequacy of Present Education Programs by Parents</u>										
No Response	25.0	45.2	45.0	30.8	30.8	20.4	45.0	28.0	32.4	33.3
Adequate	62.5	48.4	45.0	46.2	69.2	75.5	32.5	45.3	56.8	53.0
Inadequate	12.5	6.5	10.0	23.1	0	4.1	22.5	25.3	10.8	13.7

Table S-1. Relative Frequency Response to Questionnaire by Nine Counties (Cont).

	BLACK HAWK	CERRO GORDO	DES MOINES	LEE	LINN	MUSCATINE	POTTAWATTAMIE	SCOTT	WOODBURY	STATE
<u>Parents Preference for Bilingual Bicultural Education</u>										
No Response	0	0	5.0	0	0	0	0	0	5.4	0.8
In Favor	95.8	96.8	90.0	100.0	82.1	100.0	100.0	96.0	91.9	95.1
Not in Favor	4.2	3.2	5.0	0	17.9	0	0	4.0	2.7	4.1
<u>Home Ownership</u>										
No Response	0	0	0	0	0	0	0	0	2.7	0.3
Does Own Home	83.3	64.5	70.0	65.4	84.6	36.7	82.5	52.0	75.7	64.8
Does Not Own Home	16.7	35.5	30.0	34.6	15.4	63.3	17.5	48.0	21.6	35.0
<u>Expressed Difficulty in Finding suitable housing</u>										
No Response	0	0	0	0	0	0	0	0	5.4	0.5
Difficulty	8.3	48.4	30.0	30.8	17.9	51.0	30.0	56.0	18.9	35.8
No Difficulty	91.7	51.6	70.0	69.2	82.1	49.0	70.0	44.0	75.7	63.7
<u>Difficulty Attributable to Racial Discrimination</u>										
No Response	0	0	0	0	0	0	0	0	0	0
Attributable to Discrimination	100.0	86.7	100.0	87.5	28.4	80.0	66.4	88.8	57.4	79.2
Not Attributable	0	13.3	0	12.5	71.6	20.0	33.6	11.2	42.6	20.8
<u>Perceived Equal Acceptance by Neighbors</u>										
No Response	0	0	0	0	0	0	0	0	8.1	0.8
Equally Accepted	75.0	77.4	80.0	80.8	100.0	44.9	82.5	66.7	73.0	74.6
Not Accepted Equally	25.0	22.6	20.0	19.2	0	55.1	17.5	33.3	18.9	24.6
<u>Recreational Needs Met by Existing Public Programs</u>										
No Response	0	0	5.0	0	0	0	0	0	10.8	1.4
Needs being Met	58.3	38.7	30.0	23.1	79.5	53.1	32.5	36.0	54.1	45.1
Needs not Met	41.7	61.3	65.0	76.9	20.5	46.9	67.5	64.0	35.1	53.6
<u>Participation in Public Recreation Programs</u>										
No Response	0	0	0	0	0	0	0	0	8.1	0.8
Does Participate	37.5	29.0	20.0	11.5	41.0	16.3	20.0	14.7	29.7	23.0
Does not Participate	62.5	71.0	80.0	88.5	59.0	83.7	80.0	85.3	62.2	76.2
<u>Knowledge of Public or Private Assistance Agencies</u>										
Public	4.2	16.1	10.0	0	25.6	36.7	7.5	13.3	13.5	14.8
Private	20.8	6.5	10.0	11.5	7.7	16.3	5.0	12.0	18.9	9.3

Table S-1. Relative Frequency Response to Questionnaire by Nine Counties (Cont).

	BLACK HAWK	CERRO GORDO	DES MOINES	LEE	LINN	MUSCATINE	POTTAWATTAMIE	SCOTT	WOODBURY	STATE
Both	33.3	19.4	15.0	42.3	46.2	46.9	10.0	24.0	16.2	24.6
None	41.7	58.1	65.0	46.2	20.5	0	77.5	50.7	51.4	51.4
<u>Income of Head of Household</u>										
Not Working or \$0	0	0		0	0	0	0	26.7	8.1	7.7
\$2590 or Less	0	16.1		15.4	0	0	0	6.7	16.2	6.8
\$2590 - \$5050	4.2	6.5		3.8	12.8	28.6	20.0	10.7	10.8	13.4
\$5051 - \$6690	25.0	9.7		30.8	12.8	36.7	17.5	12.0	10.8	17.2
\$6691 - \$8390	12.5	19.4		19.2	28.2	16.3	30.0	18.7	16.2	19.7
\$8391 - \$10,090	29.2	32.3		11.5	10.3	18.4	32.5	6.7	21.6	19.9
\$10,091 - \$12,000	8.3	12.9		15.4	28.2	0	0	6.7	13.5	9.3
\$12,001 - \$14,000	16.7	0		3.8	2.6	0	0	6.7	2.7	3.3
\$14,001 - \$16,000	0	3.2		0	2.6	0	0	1.3	0	1.4
\$16,000 and Over	4.2	0		0	2.6	0	0	4.0	0	1.4
<u>Combined Family Income</u>										
\$0	0	0		0	0	0	0	4.0	0	1.4
\$2590 or Less	0	6.5		15.4	0	0	0	9.3	16.2	5.5
\$2590 - \$5050	4.2	16.1		3.8	0	28.6	20.0	21.3	16.2	16.1
\$5051 - \$6690	25.0	3.2		15.4	5.1	14.3	17.5	16.0	8.1	12.3
\$6691 - \$8390	8.3	19.4		19.2	15.4	20.4	25.0	17.3	10.8	17.5
\$8391 - \$10,090	16.7	38.7		15.4	25.6	24.5	12.5	8.0	10.8	19.9
\$10,091 - \$12,000	12.5	3.2		19.2	10.3	6.1	5.0	4.0	21.6	9.0
\$12,001 - \$14,000	12.5	0		3.8	25.6	4.1	15.0	9.3	0	7.9
\$14,001 - \$16,000	0	6.5		0	12.8	0	5.0	4.0	5.4	4.4
\$16,001 and Over	20.8	6.5		7.7	5.1	2.0	0	6.7	10.8	6.0



Table S-2. Distribution of Children at Home, By Age.

AGE	ACTUAL	PERCENT
1 - 5	204	25.0
6 - 8	149	18.3
9 - 11	134	16.4
12 - 15	179	22.0
16	45	5.5
17	33	4.0
18	19	2.3
19 and over	53	6.5
TOTAL	816	100.0

Table S-3. Distribution of Children at Home, By Sex.

	ACTUAL	PERCENT
Male	455	55.8
Female	361	44.2
TOTAL	816	100.0

Table S-4. Distribution of Children at Home, By Grade in School or Last Grade Completed.

	ENROLLED		NOT ENROLLED		TOTAL	
	ACTUAL	PERCENT	ACTUAL	PERCENT	ACTUAL	PERCENT
Preschool	106	16.3	98	58.7	204	25
1st to 3rd	165	25.4			165	20.2
4th to 6th	133	20.5			133	16.3
7th	46	7.1	12	7.2	58	7.1
8th	57	8.8	2	1.2	59	7.2
9th	37	5.7	4	2.4	41	5.0
10th	29	4.4	3	1.8	32	3.9
11th	26	4.0	2	1.2	28	3.4
12th	33	5.1	30	18	63	7.7
Vocational School	15	2.3	14	8.3	29	3.6
College	2	0.4	2	1.2	4	0.6
TOTAL	649	100.0	167	100.0	816	100.0

Table S-5. County of Residence of Sample.

	ABSOLUTE FREQUENCY	RELATIVE FREQUENCY PERCENT	CUM FREQUENCY PERCENT	RELATIVE TO SPANISH SPEAK. POPULATION OF EACH COUNTY PERCENT
Black Hawk	24	6.6	6.6	10.1
Cerro Gordo	31	8.5	15.0	10.5
Des Moines	20	5.5	20.6	13.9
Lee	26	7.1	27.7	13.7
Linn	39	10.7	38.4	10.1
Muscatine	50	13.7	52.1	7.7
Polk*				
Pottawattamie	40	10.9	63.0	8.3
Scott	75	20.5	83.5	9.6
Woodbury	37	10.1	93.6	25.0
Remaining 89 Counties	24	6.4	100.0	1.1
*No survey taken, data available from previous studies.				

Table E-1. Racial/Ethnic Distribution of all  
Iowa Public School Pupils 1974-1975.

Non-minority	97.42%	(601,569)
Afro-American	1.675%	( 10,349)
Spanish-Surnamed	0.51%	( 3,130)
American Indian	0.165%	( 1,023)
Asian American	0.16%	( 979)
Other Minority	0.07%	( 435)
	100.00%	(617,485)
Source: A Report on the Race, Ethnic, and Sex Characteristics of Iowa's Public Schools 1974-1975. Urban Education Section, Iowa Department of Public Instruction.		

Table E-2. Racial/Ethnic Distribution of all Minority  
Public School Pupils in Iowa 1974-1975.

Afro-American	65.02%	( 10,349)
Spanish-Surnamed	19.67%	( 3,130)
American Indian	6.43%	( 1,023)
Asian American	6.15%	( 979)
Other Minority	2.73%	( 435)
	100.00%	( 15,916)
Source: A Report on the Race, Ethnic, and Sex Characteristics of Iowa's Public Schools 1974-1975. Urban Education Section, Iowa Department of Public Instruction.		

Table E-3. Racial/Ethnic Distribution of Total Enrollment in Iowa's Six Largest School Districts.\*

1974-1975		
Non-minority	91.81%	(122,320)
Afro-American	6.465%	( 8,614)
Spanish-Surnamed	1.025%	( 1,366)
American Indian	0.38%	( 504)
Asian American	0.21%	( 278)
Other Minority	0.11%	( 144)
Total	100.00%	(133,226)
*Districts with largest total enrollments.		
Source: A Report on the Race, Ethnic, and Sex Characteristics of Iowa's Public Schools 1974-1975. Urban Education Section, Iowa Department of Public Instruction.		

Table E-4. Minority Enrollment in Iowa's Six Largest School Districts.\*

1974-1975		
DISTRICT	TOTAL ENROLLMENT	MINORITY ENROLLMENT
Des Moines	40,201	10.60%** ( 4,262)+
Davenport	23,122	9.58% ( 2,216)
Cedar Rapids	22,667	3.52% ( 800)
Waterloo	16,812	15.10% ( 2,540)
Sioux City	16,790	4.12% ( 692)
Council Bluffs	13,634	2.9% ( 396)
Total	133,226	10,906
*School districts in rank order of total enrollment.		
**Minority enrollment as a percentage of total district enrollment.		
+Number of minority pupils enrolled in district.		
Source: A Report on the Race, Ethnic, and Sex Characteristics of Iowa's Public Schools 1974-1975. Urban Education Section, Iowa Department of Public Instruction.		

Table E-5. Racial/Ethnic Distribution of Teachers and Administrators for Public School Districts With Twenty (20) or More Minorities Enrolled 1974-1975.

	NON-MINORITY	AFRO AMERICAN	SPANISH SURNAMED	AMERICAN INDIAN	OTHER MINORITY	TOTAL ENROLLMENT
Administrative Positions	97.10% (1,105)	2.55% (29)	0.09% (1)	0.09% (1)	0.18% (2)	100% (1,138)
Regular Teachers	98.29% (9,002)	1.27% (116)	0.07% (6)	0.07% (6)	0.32% (29)	100% (9,159)
Foreign Language Teachers	93.13% (271)	1.72% (5)	4.12% (12)	0	1.03% (3)	100% (291)
Total	98.02% (10,378)	1.42% (150)	0.18% (19)	0.06% (7)	0.32% (34)	100% (10,588)
Source: A Report on the Race, Ethnic, and Sex Characteristics of Iowa's Public Schools 1974-1975. Urban Education Section, Iowa Department of Public Instruction.						

Table E-6a. School Enrollment Black Hawk County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total, All Ages	43,080	100	458	100
Ages 3 - 34	42,683	99.07	458	100
3 - 4 Years	526	11.22	12	2.61
5 - 6 Years	3,935	9.13	53	11.25
7 - 13 Years	18,757	43.53	165	35.86
14 - 15 Years	5,416	12.57	60	13.08
16 - 17 Years	4,749	11.06	98	21.46
18 - 19 Years	4,217	9.78	16	3.66
20 - 21 Years	3,158	7.33	8	1.83
22 - 24 Years	1,176	2.72	16	3.66
25 - 34 Years	749	1.73	30	6.54
35 Years + Over	397	0.92	0	0
TOTALS	43,080	100	458	100
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				

Table E-6b. School Enrollment Des Moines County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total, All Ages	12,538	100.00	158	100.00
Ages 3 - 34	12,422	99.07	158	100.00
3 - 4 Years	145	1.16	0	0
5 - 6 Years	1,602	12.77	30	18.93
7 - 13 Years	5,937	47.35	95	59.84
14 - 15 Years	1,690	13.47	13	8.33
16 - 17 Years	1,590	12.69	8	5.31
18 - 19 Years	921	7.35	7	4.55
20 - 21 Years	237	1.89	5	3.04
22 - 24 Years	88	0.70	0	0
25 - 34 Years	212	1.69	0	0
35 Years + Over	116	0.92	0	0
TOTALS	12,538	100	158	100
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				

Table E-6c. School Enrollment Lee County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total, All Ages	11,240	100.00	288	100.00
Ages 3 - 34	11,090	98.66	278	96.66
3 - 4 Years	88	0.78	0	0
5 - 6 Years	1,130	10.05	23	7.94
7 - 13 Years	5,565	49.54	174	60.41
14 - 15 Years	1,731	15.4	44	15.41
16 - 17 Years	1,610	14.32	16	5.41
18 - 19 Years	598	5.32	0	0
20 - 21 Years	111	0.98	0	0
22 - 24 Years	46	0.4	9	3.33
25 - 34 Years	211	1.87	12	4.16
35 Years + Over	144	1.37	9	3.33
TOTALS	11,234	99.99	277	99.99

Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service,  
College of Administration and Public Affairs, University of Missouri-Columbia.

Table E-6d. School Enrollment Linn County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total, All Ages	47,093	100.00	561	100.00
Ages 3 - 34	46,616	98.98	561	100.00
3 - 4 Years	629	1.34	0	0
5 - 6 Years	5,450	11.57	63	11.11
7 - 13 Years	23,254	49.38	329	58.76
14 - 15 Years	5,847	12.42	98	17.30
16 - 17 Years	5,443	11.56	40	7.05
18 - 19 Years	3,186	6.76	8	1.49
20 - 21 Years	1,296	2.75	7	1.28
22 - 24 Years	756	1.60	0	0
25 - 34 Years	755	1.60	16	2.99
35 Years + Over	477	1.01	0	0
TOTALS	47,093	100	561	100

Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service,  
College of Administration and Public Affairs, University of Missouri-Columbia.

Table E-6e. School Enrollment Polk County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total, All Ages	80,576	100	1,407	100
Ages 3 - 34	79,663	98.86	1,403	99.70
3 - 4 Years	1,031	1.28	26	1.86
5 - 6 Years	8,654	10.74	161	11.45
7 - 13 Years	38,357	47.60	735	52.22
14 - 15 Years	10,208	12.66	167	11.90
16 - 17 Years	9,459	11.74	165	11.72
18 - 19 Years	5,747	7.13	92	6.48
20 - 21 Years	2,642	3.28	18	1.24
22 - 24 Years	1,748	2.18	18	1.24
25 - 34 Years	1,817	2.25	22	1.59
35 Years + Over	913	1.13	3	0.26
TOTALS	80,576	100.00	1,407	100.00
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				

Table E-6f. School Enrollment Pottawattamie County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total, All Ages	25,793	100	317	100
Ages 3 - 34	25,512	98.91	317	100
3 - 4 Years	207	0.8	8	2.65
5 - 6 Years	3,007	11.10	41	12.87
7 - 13 Years	13,272	51.45	196	61.74
14 - 15 Years	3,599	13.95	43	13.25
16 - 17 Years	3,314	12.84	15	4.92
18 - 19 Years	1,286	5.04	14	4.54
20 - 21 Years	304	1.77	0	0
22 - 24 Years	189	0.73	0	0
25 - 34 Years	334	1.29	0	0
35 Years + Over	281	1.08	0	0
TOTALS	25,793	100.00	317	100.00
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				

Table E-6g. School Enrollment Scott County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total, All Ages	43,118	100	1,095	100
Ages 3 - 34	42,514	98.59	1,095	100
3 - 4 Years	460	1.06	14	1.31
5 - 6 Years	4,789	11.15	94	8.54
7 - 13 Years	21,062	48.84	638	58.26
14 - 15 Years	5,737	13.3	155	14.12
16 - 17 Years	4,866	11.28	88	8.03
18 - 19 Years	2,559	5.93	68	6.24
20 - 21 Years	1,185	2.74	15	1.42
22 - 24 Years	823	1.9	0	0
25 - 34 Years	1,033	2.39	23	2.08
35 Years + Over	604	1.4	0	0
TOTALS	43,118	100.00	1,095	100.00
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				

Table E-6h. School Enrollment Woodbury County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total, All Ages	29,824	100	267	100
Ages 3 - 34	29,441	98.71	259	97.3
3 - 4 Years	198	0.67	0	0
5 - 6 Years	2,545	8.53	31	11.65
7 - 13 Years	14,357	48.13	122	45.73
14 - 15 Years	3,797	12.73	43	16.14
16 - 17 Years	4,039	13.54	21	8.07
18 - 19 Years	2,446	8.20	13	4.93
20 - 21 Years	1,222	4.10	10	3.58
22 - 24 Years	399	1.34	19	7.17
25 - 34 Years	438	1.47	0	0
35 Years + Over	383	1.28	7	2.69
TOTALS	29,824	100.00	267	100.00
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				

Table E-7a. Selected Educational Deficiencies Black Hawk County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Population 18 - 24	18,349	13.89	159	13.50
Non-H.S. Grads	3,875	21.12	37	19.70
Population 16 - 21	17,807	13.39	143	12.20
H.S. Dropouts	1,289	7.24	0	0
POPULATION AGES 3 - 34 ENROLLED BY LEVEL AND TYPE OF SCHOOL				
	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total Enrolled	42,683	100.00	458	100.00
Nursery School	684	1.60	20	4.18
Kindergarten	2,534	5.93	35	7.59
Elementary	21,654	50.73	207	45.28
High School	9,935	23.27	134	29.31
College	7,876	18.45	62	13.61
Public	37,744	88.42	365	79.58
Parochial	1,237	2.89	26	5.75
Private	3,702	8.67	67	14.65
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				

Table E-7b. Selected Educational Deficiencies Des Moines County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Population 18 - 24	4,518	9.71	66	13.15
Non-H.S. Grads	1,374	30.42	22	32.73
Population 16 - 21	4,281	9.20	51	10.30
H.S. Dropouts	516	12.05	7	13.95
POPULATION AGES 3 - 34 ENROLLED BY LEVEL AND TYPE OF SCHOOL				
	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total Enrolled	12,422	100.00	158	100.00
Nursery School	191	1.53	0	0
Kindergarten	1,144	9.20	19	12.12
Elementary	6,810	54.82	105	66.66
High School	3,305	26.60	29	18.18
College	972	7.82	5	3.03
Public	11,220	90.32	114	71.96
Parochial	416	3.34	0	0
Private	786	6.32	44	28.03
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				



Table E-7c. Selected Educational Deficiencies Lee County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Population 18 - 24	3,897	9.18	43	5.42
Non-H.S. Grads	1,216	31.22	19	44.44
Population 16 - 21	4,179	9.85	29	3.77
H.S. Dropouts	533	12.77	0	0
POPULATION AGES 3 - 34 ENROLLED BY LEVEL AND TYPE OF SCHOOL				
	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total Enrolled	11,090	100	288	100
Nursery School	91	0.82	0	0
Kindergarten	705	6.35	15	5.17
Elementary	6,524	58.82	207	71.98
High School	3,251	29.31	44	15.08
College	519	4.67	22	7.75
Public	9,448	85.19	261	90.51
Parochial	146	1.13	0	0
Private	1,496	13.48	27	9.49
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				

Table E-7d. Selected Educational Deficiencies Linn County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Population 18 - 24	19,193	11.84	138	9.95
Non-H.S. Grads	4,533	23.62	78	57.01
Population 16 - 21	16,755	10.34	134	9.61
H.S. Dropouts	1,362	8.13	60	41.44
POPULATION AGES 3 - 34 ENROLLED BY LEVEL AND TYPE OF SCHOOL				
	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total Enrolled	46,616	100.00	561	100.00
Nursery School	947	2.03	0	0
Kindergarten	3,462	7.42	58	10.25
Elementary	26,569	56.99	383	68.37
High School	11,183	23.98	96	17.09
College	4,455	9.55	24	4.27
Public	39,356	84.42	554	98.71
Parochial	3,455	7.41	7	1.29
Private	3,805	8.16	0	0
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				

Table E-7e. Selected Educational Deficiencies Polk County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Population 18 - 24	33,648	11.9	603	14.03
Non-H.S. Grads	8,890	26.42	187	31.00
Population 16 - 21	30,161	10.66	545	13.25
H.S. Dropouts	3,375	10.03	89	16.37
POPULATION AGES 3 - 34 ENROLLED BY LEVEL AND TYPE OF SCHOOL				
	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total Enrolled	79,663	100	1,403	100
Nursery School	1,666	2.09	34	2.4
Kindergarten	5,348	6.71	127	9.08
Elementary	44,113	55.37	833	59.39
High School	19,581	24.57	0	23.68
College	8,955	11.24	0	5.43
Public	66,107	82.98	0	78.62
Parochial	9,218	11.57	0	6.23
Private	4,338	5.44	0	15.13
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				

Table E-7f. Selected Educational Deficiencies Pottawattamie County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Population 18 - 24	8,196	9.53	125	12.12
Non-H.S. Grads	2,943	35.91	54	43.18
Population 16 - 21	8,425	9.78	117	11.32
H.S. Dropouts	1,345	15.97	49	41.84
POPULATION AGES 3 - 34 ENROLLED BY LEVEL AND TYPE OF SCHOOL				
	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total Enrolled	25,512	100	317	100
Nursery School	274	1.07	9	2.65
Kindergarten	1,967	7.71	28	8.71
Elementary	15,456	60.58	216	68.18
High School	6,626	25.97	64	20.45
College	1,189	4.66	0	0
Public	22,609	88.62	289	91.28
Parochial	1,108	4.34	20	6.43
Private	1,795	7.03	8	2.27
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				

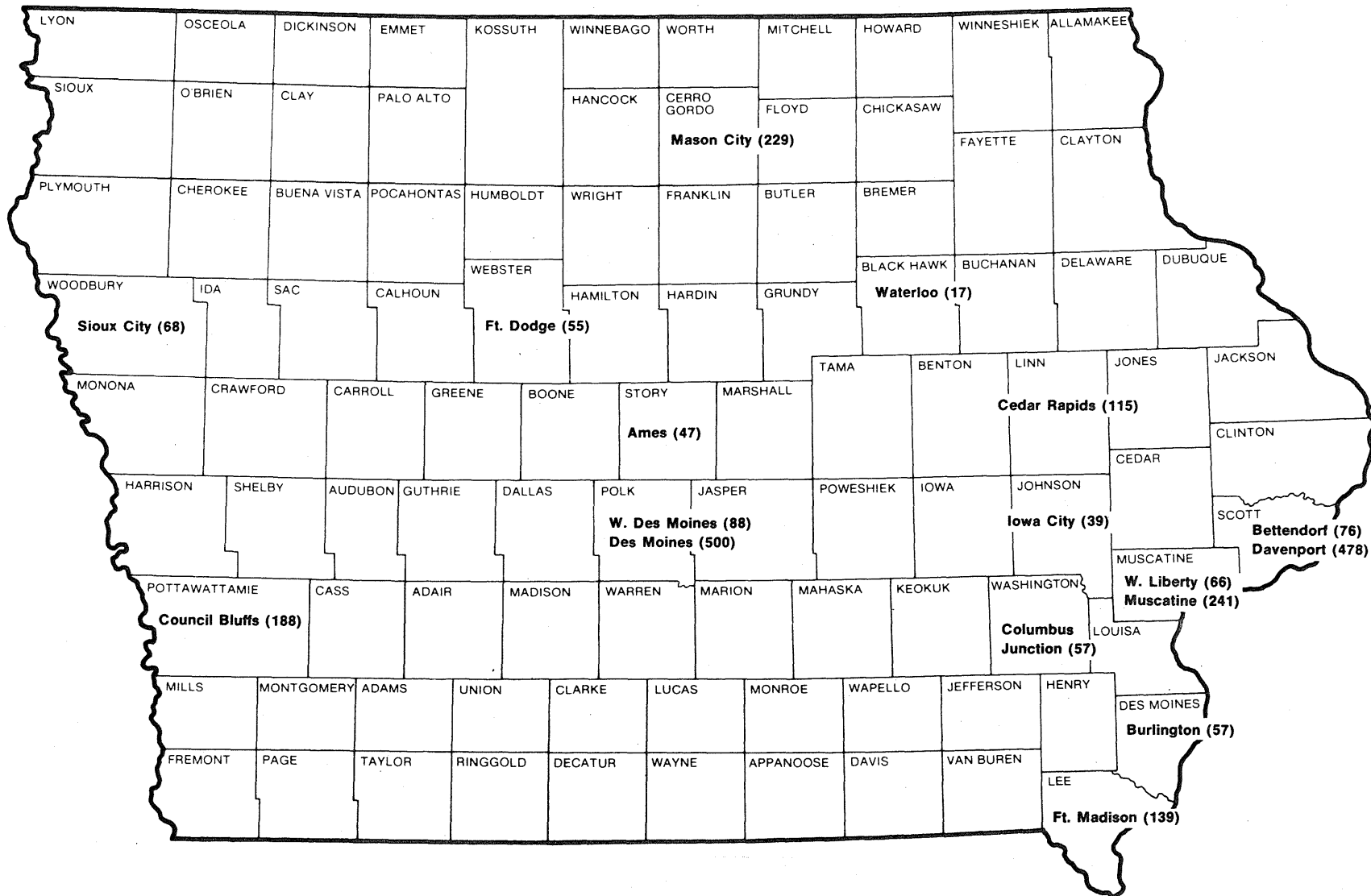
Table E-7g. Selected Educational Deficiencies Scott County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Population 18 - 24	14,921	10.62	325	11.93
Non-H.S. Grads	511	29.19	146	45.02
Population 16 - 21	13,712	9.76	345	12.68
H.S. Dropouts	1,522	11.10	92	26.74
POPULATION AGES 3 - 34 ENROLLED BY LEVEL AND TYPE OF SCHOOL				
	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total Enrolled	42,514	100	1,095	100
Nursery School	793	1.86	19	1.75
Kindergarten	2,854	6.71	36	3.28
Elementary	24,786	58.30	762	69.55
High School	9,894	23.27	222	20.59
College	4,187	9.84	52	4.81
Public	35,511	83.52	830	75.79
Parochial	3,927	9.23	57	5.25
Private	3,076	7.23	208	18.94
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				

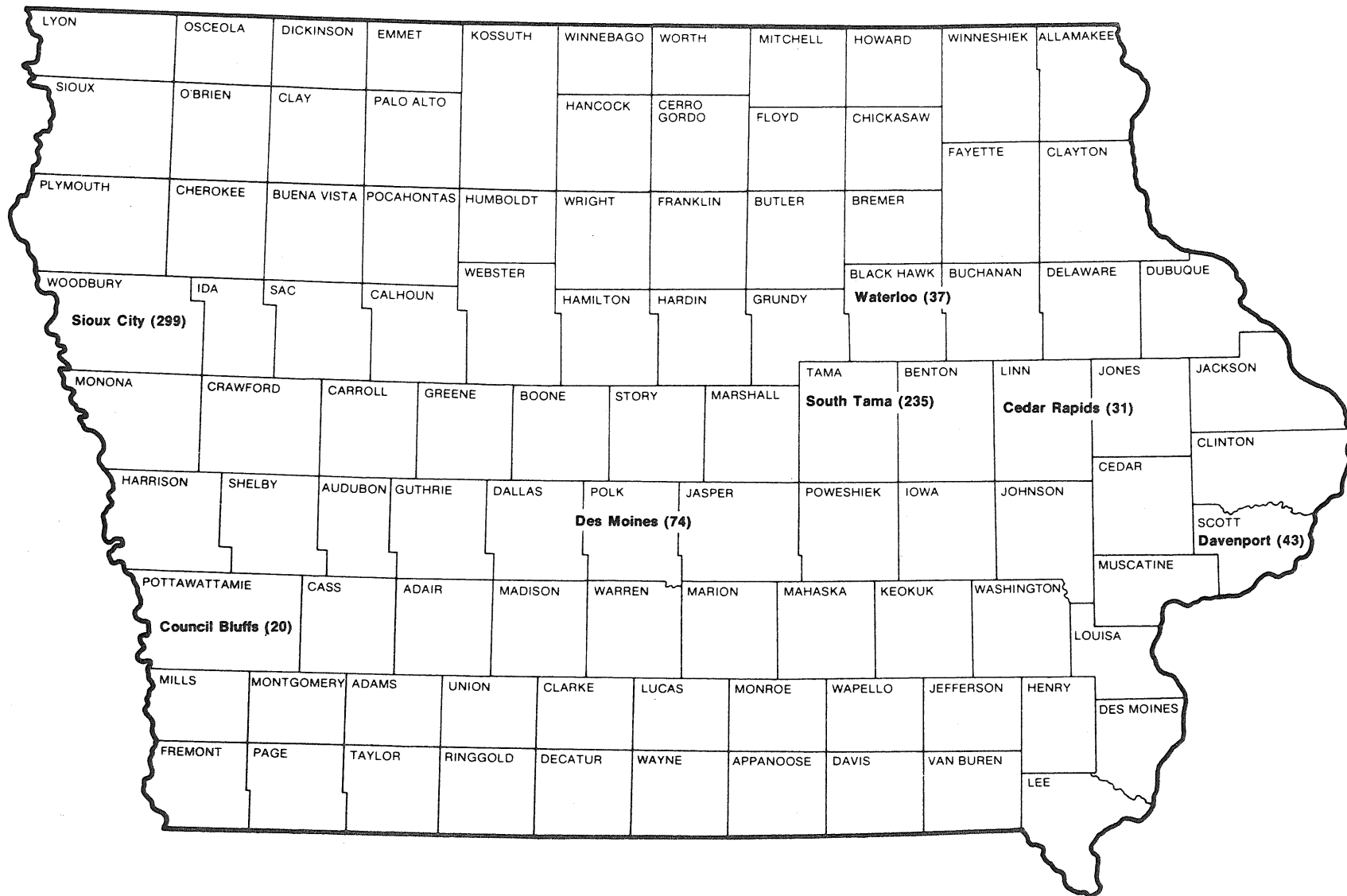
Table E-7h. Selected Educational Deficiencies Woodbury County 1970.

	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Population 18 - 24	11,535	11.27	115	15.51
Non-H.S. Grads	3,362	29.15	26	22.95
Population 16 - 21	11,548	11.28	91	12.26
H.S. Dropouts	1,114	9.66	13	14.47
POPULATION AGES 3 - 34 ENROLLED BY LEVEL AND TYPE OF SCHOOL				
	NON-SPANISH SPEAKING	PERCENT	SPANISH SPEAKING	PERCENT
Total Enrolled	29,441	100	259	100
Nursery School	249	0.84	7	2.76
Kindergarten	1,613	5.47	24	9.21
Elementary	16,470	55.94	130	50.23
High School	8,065	27.39	69	26.72
College	3,044	10.33	29	11.05
Public	23,278	79.4	193	74.19
Parochial	2,763	9.38	27	10.13
Private	3,400	11.54	39	15.2
Revised Source: U.S.O.E. Region VII Minority Educational Status. Public Affairs Information Service, College of Administration and Public Affairs, University of Missouri-Columbia.				

MAP A — School Districts With Total of 79% of all Spanish-Speaking Students in Iowa.

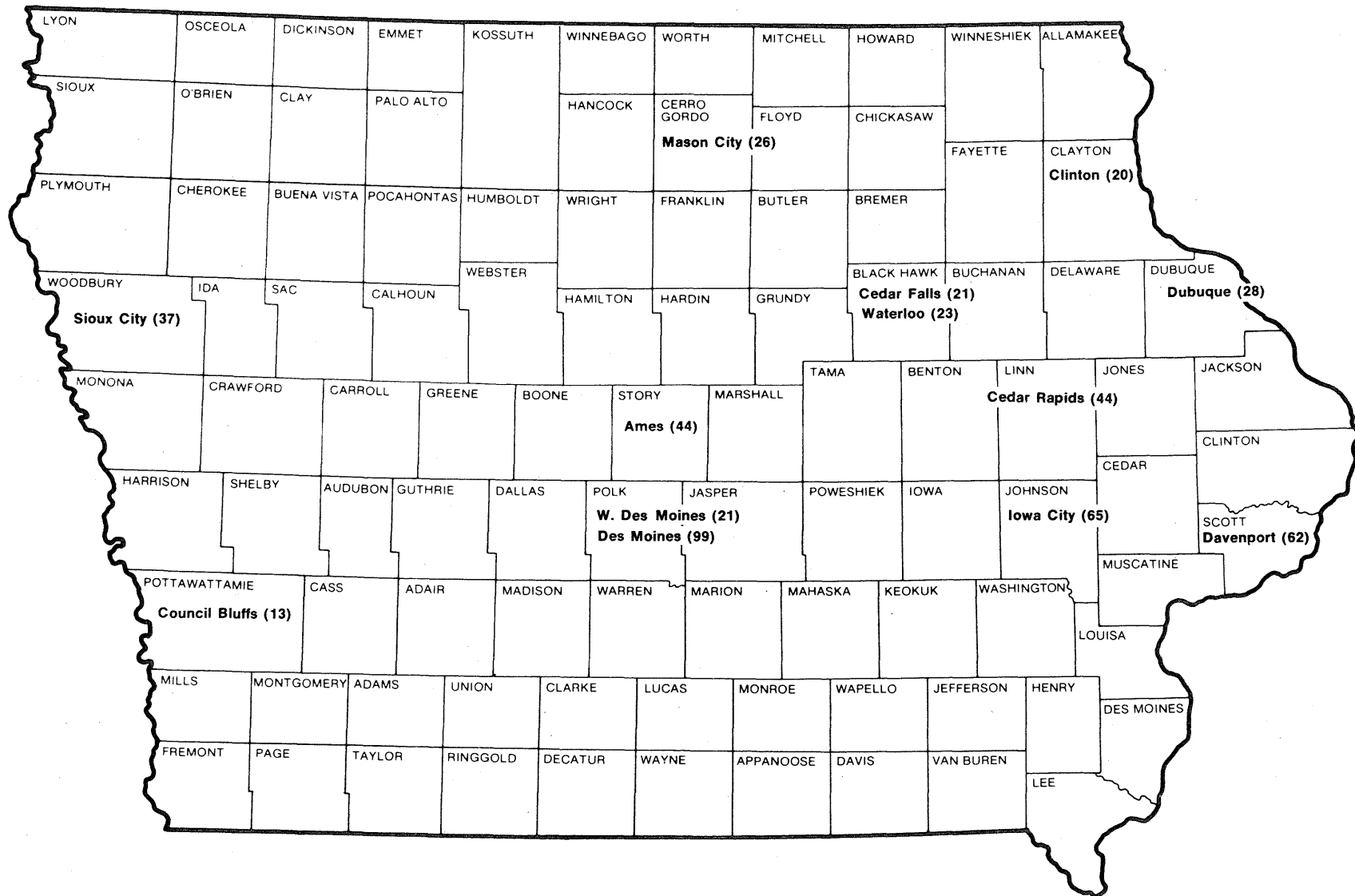


MAP B — School Districts With Total of 71.9% of all Native American Students in the State.



Source: A Report on the Race, Ethnic, and Sex Characteristics of Iowa's Public Schools 1974-1975.  
Urban Education Section, Iowa Department of Public Instruction.

MAP C — School Districts With Total of 50% of all Asian-American Students.



Source: A Report on the Race, Ethnic, and Sex Characteristics of Iowa's Public Schools 1974-1975.  
Urban Education Section, Iowa Department of Public Instruction.

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