

ALSC TO SUE SCHOOL DIST.

Suit Aims at No. Star Borough School Dist. Language Program

By MARGIE BAUMAN

FAIRBANKS — Attorneys for Alaska Legal Services Corp. are preparing to sue the local school district in January with a lawsuit forcing the institution of a bi-lingual program in Lathrop High School.

Lathrop, the only local public high school, counts among its 2,420 students some 200 Alaska Natives, yet offers no Native language programs in a curriculum which includes courses in French, German, Latin and Spanish.

The suit will be filed on grounds that the Fairbanks North Star Borough School District is in clear violation of federal law, said Will Schendel, ALSC attorney in charge of the case.

Schendel cites sections of the 1964 Civil Rights Act which re-

quire local school districts to provide bi-lingual, bicultural education.

He also cites sections of the education amendments of 1974, passed recently by Congress, which order that no state may deny equal educational opportunity to an individual because of race, color, sex or national origin by failure to take appropriate action to overcome language barriers that impede equal participation by its students in instruction programs.

The problem of language barriers was brought to the attention of ALSC several months ago by Georgianna Lincoln, an Athabaskan woman serving as director of the Fairbanks Native Community Center.

Lincoln noted angrily that lack of action by the local school board had caused the area to lose out of bi-lingual federal funds totaling over \$100,000.

The funds had been made

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available under Title 7 of the federal education act, but the local school board had taken no action to get them until notified by LaDonna Harris of the Americans for Indian Opportunity.

The school board missed the deadline for applying for funds, due in part to refusal by refusal of local school board superintendent Chuck Smith to take action on the proposal without approval of the school board, although he had the authority to do so.

"There was no reason to have that funding lost for the school district and for the state," Lincoln said angrily, as she sought help from the legal services group.

The case fell on Schendel, newly arrived from Boston University Law School. Schendel promptly contacted the Harvard Center for Law and Education, which has worked with Legal Services on other cases, including the Molly Hootch case, demanding high schools in the villages.

The Harvard attorneys concurred with Schendel on several points and noted several others, which will be the basis of the suit Schendel now expects to file in late January.

Meanwhile, he has received inquiries from the Civil Rights Division of the U.S. Department of Justice and the Alaska Department of Education, whose staff members read about the initial plan for a suit in the September 18 edition of the Tundra Times.

Schendel is also looking into local hospital care of low-income peoples; particularly through Fairbanks Memorial Hospital, which has received to date over \$1,000,000 in Hill-Burton federal funds for construction of hospitals.

Under the Hill-Burton Act, passed in 1946, each state is required to write its own regulations for implementation of that act and in the summer of 1973, Schendel helped write those Hill-Burton regulations on services to be provided by recipients of those monies.

lations for the state of Massachusetts.

When he arrived in Alaska, he was curious as to what this state had done to meet stipulations of that act: to provide a reasonable amount of free health care.

"Fairbanks Memorial Hospital has a legal obligation to provide free health care for any poor person who walks through their door," Schendel said, citing Hill-

The regulations state that Hill-Burton recipients can fulfill their obligations for a grant in one of three ways:

(1) free health care equal to 10 per cent of grant money received annually.

(2) free health care equal to three per cent of their annual operating costs.

(3) offering free medical care to poor people who walk in (those who meet the economic qualifications).

Since paperwork on the third option is minimal, many hospitals including Fairbanks Memorial Hospital chose that one.

On Nov. 20, Schendel wrote to the hospital asking for a copy of their latest annual report or similar report showing the financial condition of FMH and reports on services rendered by the hospital free of charge over the past year. He is still waiting for a reply.

Fairbanks Memorial Hospital has received to date \$1,000,000 in Hill-Burton Funds.

Other Alaskan facilities which have received Hill-Burton grants are: Ketchikan General Hospital, \$1,499,798.00, Wrangell General Hospital, \$192,496.00, Petersburg General Hospital, \$200,000.00, Sitka General Hospital, \$97,811.00, Bartlett Memorial Hospital (Juneau) \$1,511,504.00, Kodiak Island Hospital, \$496,000.00, Cordova Community Hospital, \$233,033.00, and Providence Hospital (Anchorage), \$900,000.00.

These facilities have also promised to provide free health care to any poor person who walks in.