

The *Revised Statement of Policies* also indicates certain criteria (Sec. 181.54) which will guide the Commissioner of Education in scheduling free choice plans for review due to a lack of effectiveness. These criteria (Sec. 181.54) indicate the approximate number of Negro students that should transfer from segregated schools for the 1966-67 school year if your free choice plan is to be determined as adequate with respect to student desegregation.

Before any full compliance review is conducted by this Office, however, there are additional steps which the school system itself may take to increase the effectiveness of its free choice plan without abandoning the results obtained by previous efforts. Such additional steps may include the reopening of the free choice period (although if your community does not give the free choice plan more support in the future than it apparently has in the past, giving students and their parents a further opportunity to make a choice of schools would probably be a futile gesture), meetings with parents and civic groups, further arrangements with State or local officials to limit opportunities for intimidation, and other further community preparation. Another method which may be utilized is the amending of the desegregation plan presently in use to include a provision for minority transfer. This type of provision, already applicable to geographic zoning plans, specifies that:

"A school system may (1) permit any student to transfer from a school where students of his race are a majority to any other school, within the system, where students of his race are a minority, or (2) assign students on such a basis." (Section 181.33(b))

If the school system proposes to assign students, the criteria for assignment must be approved by the Commissioner of Education in advance of such assignment.

Since the identifiability of schools as being intended for students of a particular race, because of staffing practices such that teachers of a particular race concentrated in those schools where all, or a majority, of the students are of that race, most certainly has an effect on free choice, further faculty and staff desegregation beyond the minimum required by the *Revised Statement of Policies* might be a most practical means of achieving additional student desegregation. Should the Commissioner conclude that a free choice plan is not operating fairly, or is not effective to meet constitutional and statutory requirements, he will require substantial further changes in staffing patterns to eliminate such identifiability, in addition to such other steps as he may require to further desegregation.

In addition, Section 181.11 of the *Revised Statement of Policies* describes other types of desegregation plans that a school system might implement in order to carry out its responsibility to eliminate the dual school system and all other forms of discrimination as expeditiously as possible. Other plans which may be acceptable include the closing of schools which were established for children of one race, and assigning all teachers and students to desegregated schools, the reorganization of grade structures so that schools are fully utilized, on a desegregated basis, although each school contains fewer grades, or the establishment of non-racial attendance zones. If the Commissioner concludes that further steps taken under a free choice plan have failed to remedy the defects in the existing free choice plan, he may require the adoption of a different type of desegregation plan, such as those described above.

Please inform us within the next 10 (ten) days of additional steps which you feel may be profitably undertaken in your school district. Measures voluntarily taken now which produce a significant increase in minority transfers may make further review of the operation of your district's plan for 1966-67 unnecessary. If any administrative procedure of the types suggested, or others, would modify your existing desegregation plan, as amended by the 1966 *Revised Statement of Policies*, approval as a plan amendment should be secured from the Commissioner of Education before the procedure is implemented. My staff is prepared to assist you in any way we can, so please do not hesitate to contact us.

Sincerely yours,

W. STANLEY KRUGER,
Director, Area II (Ga., Fla., S.C.),
Equal Educational Opportunities Program.