

Section II. SPECIAL PROGRAMS

Title I and School Desegregation

Chairman: James E. Mauch, Chief, Programs Branch, Division of Compensatory Education, U.S. Office of Education

We are her to discuss ways in which Title I projects can contribute to solving problems of school segregation. We all know that this can be done, and is being done in some localities. We also know that funds can be used to preserve the status quo. Any such discussion must look back to the school desegregation decisions of the U.S. Supreme Court in 1954 and 1955. In those decisions, the Court ruled that racially separate educational facilities are inherently unequal, and therefore unconstitutional.

As part of the Supreme Court's decisions, lower courts were directed to require school districts to make a prompt and reasonable start toward desegregating the schools. In discharging that responsibility, the courts have in many cases felt it necessary to define what desegregation really means. Thus, a recent court opinion stated: "It is not enough to open the previously all-white school to Negro students who desire to go there, while all-Negro schools continue to be maintained as such."

In short, school authorities have been told by the courts that they may not remain passive, that, on the contrary, they must take definite affirmative action to eliminate the dual school system. But, although the dual system is no longer legal, it all too often exists in fact in every part of the Nation, and so does the racial discrimination prohibited by law.

The position of the Office of Education in this situation is, I think, clear. In case it is not, I quote from Commissioner Howe's speech to the Urban League earlier this year:

Considering the authority that we gentlemanly education officials have at our command to correct racial injustice in our schools I feel we have accomplished very little so far. While we have gone on urging moderation, sweet reason, and bigger and better panel discussions, of which this is one, the schools throughout the Nation remain almost as segregated as they were in 1954.

The Commissioner further stated:

Our task obviously requires an activity more sophisticated than the gritting of our corporate teeth. School officials occupy

a curious position somewhere between that of the educational leader and the political leader, but it is apparent that for many areas a necessary sensitivity to public opinion has tended to dilute their sense of responsibility for educational leadership and that they have exercised it only after the public parade has already decided which way it wants to go.

The men on this panel have chosen the substance of educational leadership rather than the shadow. They have been working on the issue of desegregation for some time, each in his own public and, I suspect, in his own private capacity. Whether or not they have met the success they hoped for, only they can say. But anyone who is familiar with them would, I believe, say that they have toiled long and hard in the vineyard.

I would ask them now to tell you about their efforts, why their efforts are important to our goals, and what these efforts have to do with the aims and use of Title I funds.

Wilson C. Riles, director of compensatory education, California State Department of Education

I would like to state at the outset that we in California do not think that we have solved the problem of eliminating de facto school segregation. We think we have made a start.

When Title I funds became available, we were faced with a program that might have been at variance with our State policy and laws. Back in 1962, the State Board of Education took a position on de facto segregation in the schools of California which became part of California law. The following is an excerpt from the Board's resolution:

It is the declared policy of the State Board of Education that persons or agencies responsible for the establishment of school attendance centers or the assignment of pupils thereto shall exert all effort to avoid and eliminate segregation of children on account of race or color.

The California Supreme Court backed up the State Board's policy in its decision in *Jackson v. Pasadena School District*. I will read one paragraph from its ruling in that case:

So long as large numbers of Negroes live in segregated areas, school authorities will be confronted with difficult problems in