

STATEMENT OF F. PETER LIBASSI, SPECIAL ASSISTANT TO THE SECRETARY OF HEW FOR CIVIL RIGHTS, ACCOMPANIED BY MRS. RUBY MARTIN, SPECIAL ASSISTANT FOR EDUCATION; DERRICK BELL, DEPUTY SPECIAL ASSISTANT FOR CIVIL RIGHTS; AND EDWARD YOURMAN, GENERAL COUNSEL FOR CIVIL RIGHTS

Mr. LIBASSI. Thank you, Mr. Chairman.

I appreciate this opportunity to be of any assistance to the committee and to discuss the administration of title VI of the Civil Rights Act. As you indicated not only the Judiciary Committee but the Rules Committee also held hearings on the operation of the school guidelines.

The provision of the school desegregation policy which are of greatest importance to the desegregation of schools are the requirements that the freedom of choice plans operate fairly and effectively to achieve desegregation and that faculties be assigned without regard to race or color.

Chairman PERKINS. Will you in your testimony somewhere insert an exact copy of the guidelines at the present time and make it a part of your statement?

Mr. LIBASSI. Yes, sir.

(The document referred to follows:)

REVISED STATEMENT OF POLICIES FOR SCHOOL DESEGREGATION PLANS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

DECEMBER 1966

(As Amended for the School Year 1967-68)

SUBPART A—APPLICABILITY OF THIS STATEMENT OF POLICIES

§ 181.1 Title VI and the HEW Regulation

Section 601 of Title VI of the Civil Rights Act of 1964 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."

As required by Section 602 of Title VI, the Department of Health, Education, and Welfare has issued a Regulation to assure the elimination of discrimination in Federal aid programs it administers. The HEW Regulation was published as Part 80 of Title 45, Code of Federal Regulations (45 CFR Part 80).

§ 181.2 Compliance by School Systems Eliminating Dual School Structure

To be eligible for Federal aid, a school system must act to eliminate any practices in violation of Title VI, including the continued maintenance of a dual structure of separate schools for students of different races. The HEW Regulation recognizes two methods of meeting this requirement:

- (1) a desegregation order of a Federal court; or
- (2) a voluntary desegregation plan.

§ 181.3 Purpose of This Statement of Policies

This Statement of Policies applies to public elementary and secondary school systems undergoing desegregation to eliminate a dual school structure. It sets forth the requirements which voluntary desegregation plans must meet for the Commissioner to determine under the HEW Regulation that a plan is adequate to accomplish the purposes of Title VI. This Statement supersedes the "General Statement of Policies Under Title VI of the Civil Rights Act of 1964 Respecting Desegregation of Elementary and Secondary Schools," issued in