

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS 1509

(i) The term "school system" means, as the context may require, either (1) a legally constituted school authority (such as a local board of education) which has administrative control of one or more elementary or secondary schools, (2) the geographic area over which any such school authority has administrative control for school purposes, or (3) the schools and facilities over which any such school authority has administrative control.

(j) The term "Statement of Policies" means this Revised Statement of Policies for School Desegregation Plans under Title VI of the Civil Rights Act of 1964.

(k) The term "Title VI" means Title VI of the Civil Rights Act of 1964 (PL 88-352, 42 USC 2000d to 2000d-4).

[§§ 181.66 to 181.70 reserved]

Mr. LIBASSI. On both of these issues the Department has been advised by its General Counsel and by the Department of Justice that the policies of the Office of Education are fully consistent with and supported by title VI of the Civil Rights Act and the decisions of the Federal court.

In essence the policies of the Department permit a district to initiate the desegregation of its schools by offering the children a choice of schools. The method of student assignment which has been traditional in most parts of the country has been assigning children to neighborhood schools on the basis of geographic attendance zones.

This method takes no account of the preference of the student and may well result in his assignment to a school against his expressed wish. The assignment of students to a particular school on the basis of the student's choice has in the main been an innovation adopted in connection with the desegregation of schools that have previously been segregated on the basis of race.

It has been accepted as a permissible means of desegregation but courts have made it clear that it can be used only if it is effective in abolishing the racial dual school system.

Where community hostilities or other pressure preclude a truly free choice, then some other method must be used in converting to a non-racial system. In some it has been the system of this Department that the free choice is permissible as a method of desegregation only if it is effective in eliminating the dual system based on race.

If it is not effective than an alternative method of assigning children to particular schools not based on the choice of the students or their parents must be adopted.

With respect to faculty the Department of Justice has advised that title VI not only permits the Department to require faculty desegregation but obliges the Department to do so as a condition for the continued receipt of Federal funds.

The position of the Department is consistent with the rulings of the Federal court including the Supreme Court. Furthermore, every effort has been made to assure that these policies are administered fairly and objectively.

School districts are scheduled for review based on a district's own report of the extent of actual student and faculty desegregation.

In August of 1966 the Commissioner notified the State education agencies that it would be the policy of the Office to review the districts with the poorest performance first. Approximately 250 schools were—school districts were in this category. At the same time the Commis-