

sued too late to be of any help to the districts so rather than wait until March as we did last year we put the guidelines out in December of this year, fully 9 months in advance of the operating of the school year and we put them out without change.

The major problem we again faced was that the school districts were dealing with a new document which was complicated and legalistic in language.

We find the school districts are working with the second document the second year, they are familiar with it, they know where the changes are and we are finding more receptivity on the part of the school district.

Chairman PERKINS. Do you have the same guidelines in 1967 as there were in 1966?

Mr. LIBASSI. Yes, sir. We expect the school districts in September 1967 to continue making progress toward the dual school system but the procedures and the rules by which they are to achieve that progress remain the same for September of 1967 as they were in September of 1966.

Mr. DELLENBACK. The chairman asked you earlier in the enforcement of guidelines if you gave adequate notice that went through proper procedures which I think is extremely important. This could cover protests as to whether or not a school was in fact complying with the guidelines.

Do you have available also some procedures whereby a school district could protest the guidelines themselves as opposed to application of the guidelines in various instances?

Would they have to go to the courts to do this?

Mr. LIBASSI. They can do this through the administrative process. What they can do and some have done this, they refuse to sign assurance that they would comply with title VI and the guidelines.

That raises the issue clearly without regard to the facts in the particular case. We also present at our hearings not only the fact that they have refused to sign but we also present the facts. The school district can raise any issue it wants in the hearing about the legality of the guidelines or the provisions even if they are complying with them.

Mr. DELLENBACK. Have there been any such attacks on the guidelines themselves?

Mr. LIBASSI. There have been no court rulings or decisions which have indicated any illegality or impropriety of the guidelines.

Now the cases are going through the administrative process now and we expect within the next month or two that the first cases of terminating funds will be going to court and the school district will thereby be seeking judicial review of the administrative hearing process.

At that point we will begin to get more of the cases. As was asked earlier there are several court decisions which have indicated that the guidelines are proper and in accord with court decisions but we have never had a fund cutoff reviewed by a court yet.

Mr. DELLENBACK. The discussions are always better agreed to out of court. I agree with his honor who said courts are no place to administer schools.