

are fully consistent with and supported by Title VI of the Civil Rights Act of 1964 and the decisions of Federal courts.

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 by 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 particular schools upon 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 upon a 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 dual racial school system. Where community hostility or other pressures preclude a truly free choice, then some other method must be used in converting to a nonracial system.

In sum, it has been the position of this Department that the free choice system is a permissible method of desegregation only if it is effective in eliminating the dual system based on race. If it is not effective, then an alternative method of assigning children to particular schools, not based upon the choice of 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 continued Federal financial assistance.

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 or anticipated student and faculty desegregation. In August 1966, the Commissioner notified the State education agencies, as well as all local school districts, that it would be the policy of the Office to review the districts with the poorest performance *first*; approximately 250 school districts were in this category. At the same time, the Commissioner stated that another 400 districts that had made some progress would be scheduled for review during the school year. These 400 districts were urged to take steps on their own to improve the extent of student and faculty desegregation. The largest number of districts, between 700 and 800, were notified that their performance was adequate and no review of their plans would be undertaken.

The Committee should know that generally the 250 school districts that were the first reviewed, those with the poorest performance, had no student desegregation or less than 2 percent of the Negro students in formerly white schools, and no faculty desegregation. In addition, many districts had: (a) denied choices by Negro students to attend white schools, (b) discouraged Negroes from choosing a white school, (c) intimidated both parents and students, (d) failed to make efforts to prepare the community for desegregation, (e) had not followed requirements of the Guidelines vital to its success—such as mailing the choice forms home, publishing the plan in the paper, etc.

Recently, at Department administrative hearings, Negro parents testified of nightriders shooting into their homes; that their insurance coverage on their homes was cancelled for no apparent reason after they enrolled their children in a white school; that their children as well as themselves had been harassed and threatened. They spoke of losing their jobs, their credit and sometimes their homes when they chose a white school. The transcripts of these hearings give a more vivid picture of community attitudes and pressures in these districts than anything I might say.

During the course of field reviews, where progress is not sufficient to carry out the purposes of Title VI, renewed efforts are made to secure voluntary compliance. The Office of Education is obligated by Title VI to make these efforts. Implicit in this duty is a responsibility to make suggestions and recommendations to school districts of steps that they may want to consider to meet their obligation to desegregate the schools. The effort is made to tailor the suggestions and recommendations to meet the problems of each particular school district.

For example, where a district buses its white or Negro students, on the basis of their race, to a neighboring district to be educated, it would be recommended that this practice cease and all the children be educated in their home district.