

1620 ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., February 1967.

MEMORANDUM FOR SCHOOL DISTRICTS OPERATING UNDER FREE CHOICE DESEGREGATION PLANS

We believe it will help school districts this year if they are more fully informed of the procedures the Office of Education will use in reviewing the operation of "free choice" desegregation plans.

GENERAL PROCEDURE

Each school district with a plan is required to file with the Office of Education by April 15 a report of its anticipated staff and student assignments for next fall. School districts using free choice plans should file the report of their anticipated student assignments within 15 days of the end of the choice period. As soon as we receive the report we will make a preliminary determination of the probable compliance status of the district.

Generally speaking those districts operating under free choice plans which meet the criteria set out below will receive a letter indicating that on the basis of the progress reported they appear to be in compliance with the Act and will require no further review this year. If we later receive information indicating less progress than anticipated or other compliance problems, then a review which looks at all aspects of the desegregation plan may be necessary.

CRITERIA FOR EXEMPTION FROM REVIEW ON THE BASIS OF SPRING REPORTS

Student desegregation

For progress in student desegregation beyond what has been achieved in 1966-67, the criteria for preliminary review are those already set out in Section 181.54 of the guidelines.

It should be noted that the guideline percentages apply only in cases where there is a "sizeable percentage of Negro students." In many districts with a small percentage (e.g., less than 15%-20%) of Negro students more substantial progress in eliminating the dual system than that indicated in Section 181.54 would be expected.

Staff desegregation

Last year school districts requesting a rough guide to expected progress were told that the equivalent of one classroom teacher assigned on a desegregated basis in each school normally would be adequate evidence of a sufficient start on staff desegregation, so that no review would be required. For the coming school year double that degree of progress and staff desegregation in both formerly white and Negro schools would be expected to assure that a plan is operating effectively. It should be recognized, again, that this can only be a very rough measure. For instance, in districts with a few large schools more progress would be expected, and in districts with a great many small schools less might be expected.

Other factors

Other factors that will be considered in making preliminary reviews include: existence of complaints affecting free operation of the plan, existence of small, inadequate segregated schools and other evidence of unequal programs, evidence of building programs which would perpetuate the dual system, and discriminatory transfers in or out of the districts. Factors which might indicate adequate progress despite failure to meet the student and staff criteria above might include such consideration as the special difficulties presented in school districts where there is a very high percentage of Negro enrollment in the schools (such as 70% or 80% or more).

Districts requiring review

Districts which do not meet the above criteria on the basis of their April 15 reports will be considered to require further review because of probable compliance problems. These will be divided into two groups: (a) those districts whose performance falls substantially below the criteria listed above and (b) those districts coming closer to the above criteria but still requiring review.