

"As racial desegregation of school progresses, reports made to the Council indicate that insufficient planning results in some impoverished Negro children being cut off from the benefits of important programs that may exist in their former segregated schools. . . . A major new area for vigilance and administrative care is that of insuring that special educational services follow the eligible child who is transferred under a school desegregation program."

The purpose of this memorandum is to provide (1) the following statement of policy: *no child who would otherwise participate in a Title I activity or service is to be denied such participation because of his exercise of the right to enroll in another school* and (2) guidance for the implementation of this policy.

In this connection your attention is called to my memoranda of April 25, 1966, on summer programs and of July 1, 1966, on the responsibilities of State educational agencies for compliance with the Civil Rights Act. Your attention is also called to my letter to you dated August 9, 1966, concerning the use of Title I funds for children living in racially segregated attendance areas.

Questions have been raised by Title I Coordinators concerning the location of Title I services when children are attending schools under a freedom-of-choice, open enrollment, or other plan designed to bring about desegregation. We realize that with the implementation of such plans local educational agencies may need some special guidance in determining the children who will participate in the Title I program. We ask that you advise all Title I applicants in your State as follows:

1. The revised Title I regulations differ from the previous regulations in two important respects regarding project areas:

(a) It is no longer permissible to designate as project areas attendance areas with less than average concentrations of children from low-income families.

(b) The regulations specifically state that projects shall be located where the children can best be served.

2. The purpose of the "attendance area" requirement in Title I is to identify the "target population" from which the children with special needs are to be selected. The children in the target population include all children (a) who are attending a particular public school which has a high concentration of children from low-income families (see item 4), (b) who had been attending that school, or (c) who would be attending that school if they were not attending a private school or another public school under a freedom-of-choice, open enrollment, or other plan designed to bring about desegregation.

3. Educationally deprived children from this group should be selected for participation on the basis of the priority of their needs. Appropriate activities and services designed to meet those needs should be provided at locations where the children can best be served which, in most cases, are the schools they now attend.

4. The degree of concentration of children from low-income families for the purpose of determining eligible attendance areas or "target populations" may be *estimated*, if better data are not available, on the basis of the number or percentage of children from low-income families actually attending each of the schools being operated by the applicant local educational agency.

5. The only basis on which Title I services may be offered in schools enrolling children most of whom are not in the "target population" (see item 2) is that those services are designed for and will be serving primarily educationally deprived children selected from that population. Other children who have needs which can be met through such a project may participate in it but the number of such children must be limited so as not to dilute the effectiveness of the project for the children for whom it was designed.

6. The types of services that would be appropriate under these circumstances include special health, nutritional and social services; guidance and counseling; and remedial programs. In applying such services, consideration should be given to the special needs of the children in their new school environment. The types of services that on the surface would not be acceptable would include such activities as field trips for large numbers of children, general cultural enrichment activities, construction, and the installation of equipment.