

lower Federal courts discussed in the enclosed memorandum make it clear that the maintenance of a dual system of schools for children of different races is unconstitutional, and that it is the duty of local school officials to establish a single system of schools for all children, white and Negro. The decisions also make it clear that desegregation necessarily includes faculty desegregation and that delay in desegregating schools is no longer tolerable.

As your second letter points out, Arkansas has made a start in the desegregation of its schools. Last fall, some school systems in Arkansas completely desegregated their schools and most others started desegregation in accordance with the 1965 guideline. Most of these school systems agreed to assign students to particular schools on the basis of the choices made by pupils' parents. Most districts agreed to start faculty desegregation by holding joint faculty meetings and in-service training programs on a desegregated basis. Working under the 1965 guidelines, many school systems made significant progress. In these systems, a significant proportion of Negro children entered desegregated schools and school officials made preparations for teacher desegregation. But other school systems made less progress, and some made no progress at all.

In some instances, progress was thwarted by the attitude of school personnel, both Negro and white, who made it clear that Negro children should choose to stay in "their" Negro schools. In other instances Negroes believed that if they chose white schools for their children, they would incur the displeasure of the white community, and perhaps suffer economic injury. Such beliefs may, in many cases, be incorrect, but they are nevertheless very real to the Negro parents who hold them. Even in communities where desegregation is well accepted, Negroes who have been taught all their lives that Negro children belong in "their" Negro schools are reluctant to send their children "over there to the other school." It has been our experience that problems such as these can be overcome only by extensive preparatory work in the Negro and white communities. When such work has not been done, there has been little progress.

But whatever the problems encountered by the school systems which have made little or no progress, the law is clear—school systems with a dual school structure must proceed expeditiously in converting to a single, unsegregated school system. This is a local responsibility. Hence, the 1966 guidelines reflect the expectation, supported by the law, that school systems in carrying out their responsibility to desegregate their schools will be able to progress significantly further in the 1966-67 school year than they did in 1965-66. The differences between the 1965 and the 1966 guidelines are not differences in principle. They differ only in placing more emphasis on performance, requiring that progress be made in 1966-67 beyond what was achieved in 1965-66, when schools were starting desegregation.

Of the specific differences between the 1965 and 1966 guidelines, perhaps the most important concern teacher desegregation. But first of all, it is important to note that the 1965 guidelines also required that "all desegregation plans shall provide for the desegregation of faculty and staff" and that steps shall be taken to eliminate past segregated assignments. The impression that the faculty desegregation requirements are new arises from the fact that school districts beginning desegregation were permitted, during the first year, to prepare their staff for desegregation by joint faculty meetings and in-service training programs (Section V-E-4 of the 1965 guidelines). The 1966 guidelines define the objective of faculty desegregation in greater detail than did the 1965 guidelines. The pattern of teacher assignments to schools "may not be such that schools are identifiable as intended for students of a particular race." Moreover, the 1966 guidelines indicate that there must be actual progress in teacher desegregation. "Staff desegregation for the 1966-67 school year must include significant progress beyond what was accomplished for the 1965-66 school year in the desegregation of teachers assigned to schools on a regular full-time basis." The guidelines give several examples of what school systems might do in 1966-67 for staff desegregation. One example is "some desegregation of professional staff in each school." There is, however, no requirement that there be any particular pattern or proportion of staff desegregation. Each district is free to proceed as best suits its situation, as long as the progress is real. The enclosed memorandum shows that the staff desegregation provisions are in accord with the decisions of the Federal courts.

Another important difference between the 1965 and 1966 guidelines appears in