the section concerning the acceptability of free choice plans. Last year the guidelines provided (Section V–D) that:

> The responsibility to eliminate segregation rests with school authorities and is not satisfied by rules and practices which shift the burden of removing discrimination to the class or classes of persons previously discriminated against. Desegregation of a school system may, however, be initiated by a "free choice" plan [that assigns pupils in accordance with the standards of the 1965 guidelines.]

The 1966 guidelines continue to accept free choice as a means of undertaking desegregation (Section 181.11). But the 1966 guidelines place greater emphasis on the responsibility of school officials to obtain community support so that their free choice plans will be an effective means of desegregation (Section 181.54). They provide that if the choices made will lead to only a small degree of desegregation in 1966–67, usually the second year of desegregation, the U.S. Commissioner of Education may review the plan to determine whether it is an effective means of meeting the school system's obligation to desegregate. On the basis of all the information gathered in such a review, the Commissioner may take up with the school system further steps that it should take in order that there will be reasonable progress in 1966–67 toward establishing a single desegregated system of schools. In order to give school officials a guide to the standards the Commissioner would use in scheduling plans for review, the section states, in percentage terms, the performance that would normally be expected in several situations. Here again, this section reflects the expectation that where local officials implement their plans responsibly, reasonable progress will be made in desegregating schools, but does not set down any rigid requirements of what that progress must be. Each school system's situation will be reviewed according to the facts applicable to it. These guideline provisions, as the enclosed memorandum shows, are in accordance with the court decisions that school systems must move forward in desegregation.

The 1966 guidelines contain several provisions which were not in the 1965 guidelines. For example, Section 181.42 provides that a high school student's own choice of school will be binding if his parents do not choose a different school within the choice period. This provision should make free choice plans a more effective means of carrying out the responsibility to establish a single system of schools. There are cases where parents are reluctant to choose a desegregated school for their children but may not object if the child makes his own choice of a desegregated school. In February and March, a Federal district court in Alabama included a similar provision in several court ordered plans.

Section 181.14 provides that a student attending school on a desegregated basis for the first time may not be disqualified from athletics and other activities because he is a transfer student. He may, of course, be disqualified for some other reason, such as failing grades at his previous school. In many school systems, students who transfer voluntarily are subject to a one year waiting period before they can play football, but students who are transferred by school authorities in, for example, a school consolidation, are under no such a limitation. Because changes in assignment under a free choice plan are made primarily to satisfy the obligation of the school system to desegregate its schools, rather than because of the transfer desires of the student, such transfers should be treated in the same manner as any other officially arranged transfer. In any case, a waiting period would discourage students under a free choice plan from changing schools and would make free choice plans less effective. This provision is supported by the Oklahoma City school desegregation decision handed down last September, which provided that each student transferring under that desegregation plan

> shall have all the rights of the school [to which he transfers] academic programs, and athletic programs notwithstanding any rules to the contrary, inasmuch as the law of desegregation supersedes any rules requiring residence and time.

Section 181.15 provides that if the facilities at a school established and still maintained for students of a particular race are inferior to those generally available in the school system, the school should be closed and the students assigned to other schools. We have found that in 1966 there are places in the United States where Negro students are still segregated in one and two rooms schools, with little heat and no running water, while white children living in the same locality attend modern brick schools equipped with the latest teaching aids.