

1670 ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS

to be located and to select such children on the basis of their needs for the same type of assistance. In some cases, this type of arrangement may require the development of cooperative projects between districts.

Applicants should not reasonably expect, however, to be able to provide effective special assistance for a child in the "most educationally deprived" category merely by transporting him to another school. The child will need other special assistance, and the Title I project should seek to provide for it.

The arrangements for activities and services to be provided under Title I have been delegated to local educational agencies. You are closer to many of the problems than we in Washington, and can work more immediately to make our schools a training ground for leaders and citizens in a free and open society. May I suggest, however, that your office, which is charged with the responsibility and has the authority to determine whether a local project is approvable, exercise leadership in the development of effective programs for educationally deprived children living in low-income areas characterized by segregation.

Sincerely yours,

HAROLD HOWE II.
U.S. Commissioner of Education.

AUGUST 17, 1966.

To: State Title I Coordinators, ESEA.

From: John F. Hughes, Director, Division of Compensatory Education.

Subject: Distinguishing "new" and "continuing" activities for Title I applicant's whose funds have been deferred pending compliance with Civil Rights Guidelines.

Your office may approve applications from local educational agencies with approved desegregation plans provided (a) that such plans have been amended by filing of a form HEW 441-B, and (b) that the State educational agency has not been notified to defer any grants for "new" programs pending the resolution of certain civil rights compliance questions. If a local educational agency has not filed an HEW 441-B or if your agency has been notified to defer any commitments of Federal funds or for new activities then only "continuing" Title I activities may be approved as long as the applicant remains in a deferral status.

For purposes of identifying proposals for "continuing" Title I projects the following definition should be applied:

A proposal for a "continuing" activity is one which would extend a 1965-1966 Title I project activity into FY 1966-1967 and would attempt to achieve similar objectives through similar means (same categories of personnel, equipment, and facilities) without any increase in the size and scope of that activity. The activity, if it is to be classified as "continuing," may not serve substantially more children nor involve the employment of more staff personnel than were actually served and employed the previous year.

You should defer any proposed increase in the scope of such an activity until the applicant's compliance has been assured and grant final approval as a "continuing" activity only to that portion of the applicant's proposal which is within the scope of last year's activity. All other activities, including construction and purchases of equipment and textbooks, are classified as "new" activities and may not be considered for approval until the applicant's compliance has been assured.

Your office should not approve a 1966-1967 project proposal, however, merely because it would continue a 1965-1966 project activity. Each such proposal should be approved only after a review of all available pertinent information including evaluative information available on the previous year's project to determine whether the current project is likely to be successful in meeting the needs of educationally disadvantaged children and is otherwise approvable under Title I.

MEMORANDUM

NOVEMBER 29, 1966.

To: The Secretary.

From: Alanson W. Willcox, General Counsel.

Subject: Review of Legal Authority for the 1966 School Desegregation Guidelines.

Pursuant to your recent request, I have reviewed the legal authority for the Revised Statement of Policies for School Desegregation Plans (the "Guidelines") and my earlier advice to you concerning the legal authority for it.