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and the recent decisions of the courts. It is the considered judgment of both these officers that the original legal opinions on the policies continue to be valid and that the policies are legal, fair, reasonable and appropriate to carry out the letter and the spirit of Title VI. I have enclosed a memorandum prepared by our General Counsel which details the legality of those provisions about which questions have most frequently been raised. We have also been advised that the U.S. Court of Appeals for the Fifth Circuit has issued an opinion further validating the legality of the School Guidelines. You may be sure that we will continue to develop our policies consistent with the final rulings of the courts.

Last year we learned that the publication of the school desegregation policies late in the school year placed a heavy burden on school systems. This year, we have therefore determined to make no significant changes in the desegregation policies issued in March 1966 and to distribute them at this time to the schools. Immediate distribution assures that school systems will have the necessary time for appropriate planning which will insure continued progress in this area.

I have also examined and reviewed complaints which go to the manner in which the guidelines have been interpreted and administered by Office of Education staff. I am convinced that most of the complaints originated because of disagreement with the Department's policy rather than because of failure to carry out these policies properly. Nevertheless, I have asked Commissioner Howe to examine with care the instances in which these complaints occurred and to correct administrative procedures where such action is warranted.

Sincerely,

JOHN W. GARDNER, *Secretary.*

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 oper-