

1674 ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS

ating effectively. It should be recognized, again, that this can only be a very rough measure. For instance, in districts with a few large schools more progress would be expected, and in districts with a great many small schools less might be expected.

Other factors

Other factors that will be considered in making preliminary reviews include: existence of complaints affecting free operation of the plan, existence of small, inadequate segregated schools and other evidence of unequal programs, evidence of building programs which would perpetuate the dual system, and discriminatory transfers in or out of the districts. Factors which might indicate adequate progress despite failure to meet the student and staff criteria above might include such consideration as the special difficulties presented in school districts where there is a very high percentage of Negro enrollment in the schools (such as 70% or 80% or more).

Districts requiring review

Districts which do not meet the above criteria on the basis of their April 15 reports will be considered to require further review because of probable compliance problems. These will be divided into two groups: (a) those districts whose performance falls substantially below the criteria listed above and (b) those districts coming closer to the above criteria but still requiring review.

Each district in these two groups will be notified of its status, and those in category (a) above will be visited for a review on a priority basis. Districts in category (b) will not be visited immediately and should review their own plans carefully and take every possible step to improve their progress before school opens in the fall. Review of these districts is likely to fall during the school year, and adjustments to achieve compliance are always more of a problem while school is in session.

Summer programs

In addition to the operation of their regular desegregation plans, school districts should be alert to the requirement that their special summer programs cannot be operated on a segregated basis. State officials have responsibility for reviewing carefully the proposals for these programs to make certain that ineligible projects are not approved. A bulletin about the requirements for summer programs is attached.

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

MEMORANDUM FOR CHIEF STATE SCHOOL OFFICERS

CIVIL RIGHTS COMPLIANCE IN SUMMER PROGRAMS OPERATED UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, AS AMENDED

I want to remind you that procedures instituted in 1966 governing civil rights compliance in Title I summer programs remain in effect for projects undertaken by local educational agencies in the summer of 1967. The revised Title VI desegregation guidelines, issued on January 1, 1967, repeat the 1966 provision (§ 181.14(b)(4)):

All special educational programs, such as preschool, summer school and adult education, and any educational program newly instituted, must be conducted without segregation or any other form of discrimination. Free choice desegregation procedures normally may not be applied to such programs.

More detailed explanation of the responsibilities of State agencies for enforcing this provision are contained in my memoranda of April 25, 1966, and July 1, 1966, on this topic. I urge you to review these documents, as they clearly spell out your responsibilities for assuring that summer programs are operated in a totally desegregated fashion.

The Office of Education attaches great importance to the effective implementation of these procedures. I hope you will remind the local educational agencies in your State of these requirements. In reviewing and approving applications for summer projects, you are requested to review thoroughly with the applicant the procedures that it will follow to assure that the program will be fully desegregated. If projects have already been approved, they should be reviewed