

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS 1675

again to assure that this requirement is being met. We hope that a careful review at this time will help avoid the necessity of discontinuing or restructuring a project after it has begun.

Title I staff will visit selected State agencies this spring to review with State Title I Coordinators the procedures your agency is following. In the meantime, I hope you will call upon us if we can be of assistance in clarifying any relevant matters.

HAROLD HOWE II,
U.S. Commissioner of Education.
FEBRUARY 27, 1967.

To: Chief State School Officers, State Title I Coordinators.

From: Harold Howe II, U.S. Commissioner of Education.

Subject: Use of Title I funds in local school districts undergoing desegregation or in racially segregated attendance areas.

In its report issued on January 31 the National Advisory Council on the Education of Disadvantaged Children made the following comment and recommendation:

"As racial desegregation of schools progresses, reports made to the Council indicate that insufficient planning results in some impoverished Negro children being cut off from the benefits of important programs that may exist in their former segregated schools. . . . A major new area for vigilance and administrative care is that of insuring that special educational services follow the eligible child who is transferred under a school desegregation program."

The purpose of this memorandum is to provide (1) the following statement of policy: *no child who would otherwise participate in a Title I activity or service is to be denied such participation because of his exercise of the right to enroll in another school* and (2) guidance for the implementation of this policy.

In this connection your attention is called to my memoranda of April 25, 1966, on summer programs and of July 1, 1966, on the responsibilities of State educational agencies for compliance with the Civil Rights Act. Your attention is also called to my letter to you dated August 9, 1966, concerning the use of Title I funds for children living in racially segregated attendance areas.

Questions have been raised by Title I Coordinators concerning the location of Title I services when children are attending schools under a freedom-of-choice, open enrollment, or other plan designed to bring about desegregation. We realize that with the implementation of such plans local educational agencies may need some special guidance in determining the children who will participate in the Title I program. We ask that you advise all Title I applicants in your State as follows:

1. The revised Title I regulations differ from the previous regulations in two important respects regarding project areas:

(a) It is no longer permissible to designate as project areas attendance areas with less than average concentrations of children from low-income families.

(b) The regulations specifically state that projects shall be located where the children can best be served.

2. The purpose of the "attendance area" requirement in Title I is to identify the "target population" from which the children with special needs are to be selected. The children in the target population include all children (a) who are attending a particular public school which has a high concentration of children from low-income families (see item 4), (b) who had been attending that school, or (c) who would be attending that school if they were not attending a private school or another public school under a freedom-of-choice, open enrollment, or other plan designed to bring about desegregation.

3. Educationally deprived children from this group should be selected for participation on the basis of the priority of their needs. Appropriate activities and services designed to meet those needs should be provided at locations where the children can best be served which, in most cases, are the schools they now attend.

4. The degree of concentration of children from low-income families for the purpose of determining eligible attendance areas or "target populations" may be *estimated*, if better data are not available, on the basis of the number or percentage of children from low-income families actually attending *each* of the schools being operated by the applicant local educational agency.