

Guidelines for School Desegregation

A Summary Explanation
of the
Revised Statement of Policies
For School Desegregation Plans
Under Title VI of the
Civil Rights Act of 1964

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Equal Educational Opportunities Program

The 1966 Title VI Guidelines for School Desegregation

The 1966 Guidelines require:

1. Substantial achievements under free choice desegregation plans,
2. Significant progress in desegregation of teachers and staff,
3. Progress in closing of small, inadequate schools established for Negro students or other minority groups,
4. Simplified procedures and periodic reports from school districts to measure progress in implementing desegregation plans.

Assurance

To be eligible for Federal funds, each school system must assure the Commissioner that it will abide by Title VI of the Civil Rights Act. The type of assurance varies with the nature of the school system:

Desegregated Systems

A school district that never had or has already eliminated a segregated system submits an assurance of full compliance by HEW Form 441.

Dual School Systems

School systems that are working toward desegregation submit either a Federal court order for desegregation or a voluntary desegregation plan. School systems with voluntary plans file Form 441-B, which provides that a school system's voluntary desegregation plan will be carried out in accordance with the standards outlined in the 1966 Guidelines.

Performance

Any compliance assurance or plan is essentially a statement of intent, and is not a substitute for performance. The Commissioner may require additional assurance or evidence of performance if he has cause to believe that a school system is not living up to its original assurance.

Types of Plan

No single type of desegregation plan fits all school systems. Each school system is responsible for selecting the plan best suited to accomplish desegregation as quickly as possible. However, if the Commissioner has cause to believe a plan will not work in a particular district or has evidence that a previously accepted plan is failing, he may require the adoption of a different plan.

A. General Requirements

The school system—not the State or Federal Government—is responsible for making its plan work. The system must inform the community of its plan, solicit community support, and take the necessary steps to protect all persons exercising their rights under the plan.

The Guidelines require periodic reports to help the Commissioner determine a system's progress under its plan. These reports include data on student and faculty assignment by race and school; notification of any changes the system seeks to make in its plan; and descriptions of special circumstances hampering the progress of desegregation.

B. Attendance Zone Plans

Under this type of plan, students are assigned to schools within a school system according to their area of residence. The school system must establish a single set of attendance zones, and then assign students to schools serving their zone regardless of race, color, or national origin.

Students with special educational needs—handicapped children, for example—can be assigned to a school outside their normal attendance zone.

C. Free Choice Plans

These plans require students to choose their own school, regardless of where they live. The expectation is that students of each race will choose the same school and thus break down the dual school pattern.

Every student and his parent *must* choose a school *each* year . . . in most cases 4 or 5 months before the school year begins. The school system must ensure that this choice is free, and that students and parents can choose in safety and without fear of reprisal.

School systems must make significant progress in eliminating the dual school pattern under free choice plans. Progress in the transfer of students from segregated schools will be measured in relation to achievements of prior years and will be judged in accordance with the Federal court rule that school districts which start late must move faster in desegregating their schools.

Desegregation of Faculty

The 1965 Guidelines required at least a first step toward faculty desegregation through integrated staff meetings in the first year. The 1966 Guidelines require actual desegregation in the school staff.

In general, school systems with separate white and Negro faculties must either assign staff in such a way as to produce some faculty integration in every school, or use some other pattern of staff assignment which will make comparable progress in bringing about staff desegregation successfully.

The 1966 Guidelines also include safeguards against discriminatory hiring, firing, promotion, and extension of tenure. They do not violate a system's right to administer its staff according to professional criteria, but they do require that such practices not result in discrimination by race, color, or national origin.

Desegregation of Facilities

Any facility or activity—including athletics, transportation, parent-teacher or student assemblies, extracurricular programs, special educational opportunities—identifiable as being school-related must be open to all appropriate persons without discrimination.

Summary

The basic concept behind the design of the 1966 Guidelines is substantial progress in each district beyond what it achieved under the 1965 Guidelines.

The basic criterion for the Commissioner's interpretation of these Guidelines is measurable evidence of progress and good faith effort to eliminate the dual school system as quickly as possible.

March 1, 1966

TEXT FOR ANNUAL LETTER TO PARENTS

FOR USE DURING 30-DAY SPRING CHOICE PERIOD

(Required by §181.46 of the Statement of Policies)

(IF SEPARATE SCHOOLS HAVE BEEN MAINTAINED FOR OTHER THAN NEGRO AND WHITE STUDENTS, TEXT IS TO BE ADJUSTED ACCORDINGLY)

(School System Name and Office Address)

Dear Parent:

(Date sent)

Our community has adopted a school desegregation plan. We will no longer have separate schools for children of different races. The desegregation plan has been accepted by the U.S. Office of Education under the Civil Rights Act of 1964.

The plan requires *every* student or his parent to choose the school the student will attend in the coming school year. It does not matter which school the student is attending this year, and it does not matter whether that school was formerly a white or a Negro school. You and your child may select any school you wish.

A choice of school is required for each student. A student cannot be enrolled at any school next school year unless a choice of schools is made. This spring there will be a 30-day choice period, beginning -----, 1966, and ending -----, 1966.

A choice form listing the available schools and grades is enclosed. This form must be filled out and returned. You may mail it in the enclosed envelope, or deliver it by hand to any school or to the address above any time during the 30-day choice period. No one may require you to file your choice form before the end of the choice period. No preference will be given for choosing early during the choice period.

No principal, teacher or other school official is permitted to influence anyone in making a choice. No one is permitted to favor or penalize any student or other person because of a choice made. Once a choice is made, it cannot be changed except for serious hardship.

Also enclosed is an explanatory notice giving full details about the desegregation plan. It tells you how to exercise your rights under the plan, and tells you how teachers, school buses, sports and other activities are being desegregated.

Your School Board and the school staff will do everything we can to see to it that the rights of all students are protected and that our desegregation plan is carried out successfully.

Sincerely yours,

Superintendent.

FREE CHOICE PLANS

TEXT FOR NOTICE TO BE PUBLISHED IN NEWSPAPERS, DISTRIBUTED WITH LETTERS TO PARENTS, AND OTHERWISE MADE FREELY AVAILABLE TO THE PUBLIC

(Required by § 181.46 and 181.53 of the Statement of Policies)

(School System Name and Office Address)

NOTICE OF SCHOOL DESEGREGATION PLAN UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

THIS NOTICE IS MADE AVAILABLE TO INFORM YOU ABOUT THE DESEGREGATION OF OUR SCHOOLS. KEEP A COPY OF THIS NOTICE. IT WILL ANSWER MANY QUESTIONS ABOUT SCHOOL DESEGREGATION

1. *Desegregation Plan in Effect*

The ----- public school system is being desegregated under a plan adopted in accordance with Title VI of the Civil Rights Act of 1964. The purpose of the desegregation plan is to eliminate from our school system the racial segregation of students and all other forms of discrimination based on race, color, or national origin.

2. *Thirty-Day Spring Choice Period*

Each student or his parent, or other adult person acting as parent, is required to choose the school the student will attend next school year. The choice period will begin on ----- and close -----, 1966.

3. *Explanatory Letters and School Choice Forms*

On the first day of the choice period, an explanatory letter and this notice will be sent by first-class mail to the parent, or other adult person acting as parent, of each student then in the schools who is expected to attend school the following school year. A school choice form will be sent with each letter, together with a return envelope addressed to the Superintendent. Additional copies of the letter, this notice and the choice form are freely available to the public at any school and at the Superintendent's office.

4. *Returning the Choice Forms*

Parents and students, at their option, may return the completed choice forms by hand to any school or by mail to the Superintendent's office, at any time during the 30-day choice period. No preference will be given for choosing early during the choice period. A choice is required for each student. No assignment to a school can be made unless a choice is made first.

5. *Choice Form Information*

The school choice form lists the names, locations and grades offered for each school. The reasons for any choice made are not to be stated. The form asks for the name, address and age of the student, the school and grade currently or last attended, the school chosen for the following year, the appropriate signature, and whether the form has been signed by the student or his parent. [If choice form asks for the student's race, color, or national origin, insert the following sentences: "The race, color, or national origin of the student is requested for purposes of recordkeeping required by the U.S. Office of Education. The information will not be used in any way to discriminate against the student."] Any letter or other written communication which identifies the student and the school he wishes to attend will be deemed just as valid as if submitted on the choice form supplied by the school system. The names of students and the schools they choose or are assigned to under the plan will not be made public by school officials.

6. *Course and Program Information*

To guide students and parents in making a choice of school, listed below, by schools, are the courses and programs which are not given at every school in this school system.

[Here list, by schools, each course and program, such as special education, foreign languages, vocational education, science, commercial courses, and college preparatory courses offered at a particular school which is not offered at the same grade level at every other school in the system. It must include courses and programs offered in grades not yet generally reached by the desegregation plan.]

7. *Signing the Choice Form*

A choice form may be signed by a parent or other adult person acting as parent. A student who has reached the age of 15 at the time of choice, or will next enter the ninth or any higher grade, may sign his own choice form. The student's choice shall be controlling unless a different choice is exercised by his parent before the end of the period during which the student exercises his choice.

8. *Processing of Choices*

No choice will be denied for any reason other than overcrowding. In cases where granting all choices for any school would cause overcrowding, the students choosing the school who live closest to it will be assigned to that school. Whenever a choice is to be denied, overcrowding will be determined by a uniform standard applicable to all schools in the system.

9. *Notice of Assignment, Second Choice*

All students and their parents will be promptly notified in writing of their school assignments. Should any student be denied his choice because of overcrowding he will be promptly notified and given a choice among all other schools in the system where space is available.

10. *Students Moving Into the Community*

A choice of school for any student who will be new to the school system may be made during the spring 30-day choice period or at any other time before he enrolls in school. An explanatory letter, this notice and the school choice form will be given out for each new student as soon as the school system knows about the student. At least seven days will be allowed for the return of the choice form when a choice is made after the spring 30-day choice period. A choice must be made for each student. No assignment to any school can be made unless a choice is made first.

11. *Students Entering First Grade*

The parent, or other adult person acting as parent, of every child entering the first grade, or kindergarten [*delete "or kindergarten" if not offered*], is required to choose the school his child will attend. Choices will be made under the same free choice process used for students new to the school system in other grades, as provided in paragraph 10.

12. *Priority of Late Choices*

No choice made after the end of the spring 30-day choice period may be denied for any reason other than overcrowding. In the event of overcrowding, choices made during the 30-day choice period will have first priority. Overcrowding will be determined by the standard provided for in paragraph 8. Any parent or student whose first choice is denied because of overcrowding will be given a second choice in the manner provided for in paragraph 9.

13. *Tests, Health Records and Other Entrance Requirements*

Any academic tests or other procedures used in assigning students to schools, grades, classrooms, sections, courses of study, or for any other purpose, will be applied uniformly to all students without regard to race, color or national origin. No choice of school will be denied because of failure at the time of choice to provide any health record, birth certificate, or other document. The student will be tentatively assigned in accordance with the plan and the choice made, and given ample time to obtain any required document. Curriculum, credit, and promotion procedures will not be applied in such a way as to hamper freedom of choice of any student.

14. *Choices Once Made Cannot be Altered*

Once a choice has been submitted, it may not be changed, even though the choice period has not ended. The choice is binding for the entire school year to which it applies, except in the case of (1) compelling hardship, (2) change of residence to a place where another school is closer, (3) the availability of a school designed to fit the special needs of a physically handicapped student, (4) the availability at another school of a course of study required by the student, which is not available at the school chosen.

15. *All Other Aspects of Schools Desegregated*

All school-connected services, facilities, athletics, activities and programs are open to all on a desegregated basis. A student attending school for the first time on a desegregated basis may not be subject to any disqualification or waiting period for participation in activities and programs, including athletics, which might otherwise apply because he is a transfer student. All transportation furnished by the school system will also operate on a desegregated basis. Faculties will be desegregated, and no staff member will lose his position because of race, color or national origin. This includes any case where less staff is needed because schools are closed or enrollment is reduced.

16. *Attendance Across School System Lines*

No arrangement will be made, or permission granted, by this school system for any students living in the community it serves to attend school in another school system, where this would tend to limit

desegregation, or where the opportunity is not available to all students without regard to race, color or national origin. No arrangement will be made, or permission granted, by this school system for any students living in another school system to attend school in this system, where this would tend to limit desegregation, or where the opportunity is not available to all students without regard to race, color or national origin.

17. *Violations To Be Reported*

It is a violation of our desegregation plan for any school official or teacher to influence or coerce any person in the making of a choice or to threaten any person with penalties or promise favors for any choice made. It is also a violation of Federal regulations for any person to intimidate, threaten, coerce, retaliate or discriminate against any individual for the purpose of interfering with the free making of a choice of school. Any person having any knowledge of any violation of these prohibitions should report the facts immediately by mail or phone to the Equal Educational Opportunities Program, U.S. Office of Education, Washington, D.C., 20202 (telephone 202-962-0333). The name of any person reporting any violation will not be disclosed without his consent. Any other violation of the desegregation plan or other discrimination based on race, color, or national origin in the school system is also a violation of Federal requirements, and should likewise be reported. Anyone with a complaint to report should first bring it to the attention of local school officials, unless he feels it would not be helpful to do so. If local officials do not correct the violation promptly, any person familiar with the facts of the violation should report them immediately to the U.S. Office of Education at the above address or phone number.

TEXT FOR CHOICE OF SCHOOL FORM

(Required by § 181.46 of the Statement of Policies)

(IF SEPARATE SCHOOLS HAVE BEEN MAINTAINED FOR OTHER THAN NEGRO AND WHITE STUDENTS, TEXT IS TO BE ADJUSTED ACCORDINGLY)

(School System Name and Office Address)

(Date sent)

CHOICE OF SCHOOL FORM

This form is provided for you to choose the school your child will attend for the coming school year. It does not matter which school the child has been attending, and it does not matter whether the school you choose was formerly a white or a Negro school. No student can be enrolled without making a choice of school. This form must either be brought to any school or mailed to the Superintendent's office at the address above by ----- If the student is 15 years old by the date of choice, or will be entering the ninth or a higher grade, either the student or his parent may make the choice.

1. Name of Child -----

Last
First
Middle
2. Age -----
3. School and grade currently or last attended ----- Grade -----
4. School Chosen (Mark X beside school chosen)

<i>Name of School</i>	<i>Grades</i>	<i>Location</i>
[Here list by name, grades offered, and location each school available. For example:]		
<input type="checkbox"/> George Washington High School	8-12	Adams St., Jefferson
<input type="checkbox"/> James Madison Elementary School	1- 7	Monroe St., Jackson

This form is signed by (mark proper box):

- Parent
- Other adult person acting as parent
- Student

Signature -----
 Address -----
 Date -----

This block is to be filled in by the Superintendent's office, not by person signing.
 Is student assigned to school chosen? Yes No

If not, explain: -----