

§ 180.13 Travel allowances.

(a) An individual who attends an institute on a full-time basis may be provided travel, or an allowance for his actual cost of travel, from place of residence or employment to place of the institute, and from place of the institute to his place of residence or employment, as set forth in the institution's arrangement with the Commissioner, but not to exceed nine cents per mile. The allowance for travel in the case of travel by private automobile shall be at the rate of nine cents per mile. In the case of joint travel by private automobile by a group of participants, travel allowances shall be payable only to one of such participants, but without reduction on account of contribution to him by the other participants.

(b) In addition to the limitations of paragraph (a) of this section, when air, rail, or steamship transportation is used, first-class accommodations or an allowance therefor may be provided only where first-class accommodations are the only class of service for the most direct travel route, or where less than first-class accommodations result or would result in greater cost than first-class accommodations.

(c) In the event that an individual's participation in an institute is terminated prior to his completion of the institute program, travel or an allowance therefor, from place of the institute to his place of residence or employment may be provided only if such termination is occasioned by extraordinary circumstances not reasonably within the control of the individual.

Subpart C—Grants to School Boards

§ 180.21 Applications.

School boards may apply to the Commissioner for grants to pay, in whole or in part, the cost of: (a) Giving to teachers and other public school personnel in-service training in dealing with problems incident to desegregation, and (b) employing specialists to advise in problems incident to desegregation.

§ 180.22 Determinations by Commissioner.

In determining whether to make a grant and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner will take into consideration the amount available for grants and the other applications

which are pending before him; the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation; and such other factors as he finds relevant.

PART 181—STATEMENT OF POLICIES FOR SCHOOL DESEGREGATION PLANS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

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Attachment 1—Assurance of Compliance With the Revised Statement of Policies for School Desegregation Plans under Title VI of the Civil Rights Act of 1964 (HEW 441-B).

Attachment 2—Text for Notice to be Published in Newspapers, Distributed with Letters to Parents, and Otherwise Made Freely Available to the Public (Required by § 181.34).

Attachment 3—Text for Annual Letter to Parents for Use During 30-Day Spring Choice Period (Required by § 181.46).

Attachment 4—Text for Letter to Parents for Use After 30-Day Spring Choice Period (Required by § 181.46).

Attachment 5—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).

Attachment 6—Text for Choice of School Form (Required by § 181.46).

Attachment 7—Text of Paragraph to be Added to End of Notice Published in Newspapers, Distributed With Letters to Parents, and Otherwise Made Freely Available to the Public By a School System Not Desegregating All Grades (Required by § 181.74).

Attachment 8—Text for Annual Letter to Parents for Use During 30-Day Spring Choice Period (Required by § 181.74).

Attachment 9—Text for Letter to Parents for Use After 30-Day Spring Choice Period (Required by § 181.74).

Attachment 10—Text for Letter to Parents of Students in Grades Not Yet Reached by Plan (Required by § 181.74).

Attachment 11—Text of Transfer Application Form (Required by § 181.74).

AUTHORITY: The provisions of this Part 181 issued under sec. 602, 78 Stat. 252; 42 U.S.C. 2000d-1; 45 CFR 80.4(c).

SOURCE: The provisions of this Part 181 appear at 31 F.R. 5623, April 9, 1966, unless otherwise noted.

Subpart A—Applicability of this Statement of Policies**§ 181.1 Title VI and the HEW Regulation.**

(a) Section 601 of Title VI of the Civil Rights Act of 1964 provides that:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(b) As required by section 602 of Title VI, the Department of Health, Education, and Welfare has issued a Regulation to assure the elimination of discrimination in Federal aid programs it administers. The HEW Regulation was published as Part 80 of this title (45 CFR Part 80).

§ 181.2 Compliance by school systems eliminating dual school structure.

To be eligible for Federal aid, a school system must act to eliminate any practices in violation of Title VI, including the continued maintenance of a dual structure of separate schools for students of different races. The HEW Regulation recognizes two methods of meeting this requirement:

- (a) a desegregation order of a Federal court; or
 (b) a voluntary desegregation plan.

§ 181.3 Purpose of this statement of policies.

This Statement of Policies applies to public elementary and secondary school systems undergoing desegregation to eliminate a dual school structure. It sets forth the requirements which voluntary desegregation plans must meet for the Commissioner to determine under the HEW Regulation that a plan is adequate to accomplish the purposes of Title VI. This Statement supersedes the "General Statement of Policies Under Title VI of the Civil Rights Act of 1964 Respecting Desegregation of Elementary and Secondary Schools," issued in April 1965 and published as 45 CFR Part 181.

§ 181.4 Initial demonstration of compliance.

To be eligible for Federal aid, a school system must first assure the Commissioner that it will comply with Title VI and the HEW Regulation. It must submit the form of assurance that meets its circumstances, under §§ 181.5, 181.6, or 181.7 below.

§ 181.5 Systems without dual school structure.

(a) *Submission of Form HEW-441.* A school system which does not maintain any characteristic of a dual school structure may initially demonstrate compliance by submitting Form HEW-441. This (HEW-441) is an assurance of full and immediate compliance with Title VI.

(b) *Resubmission not required.* A school system which has appropriately submitted Form HEW-441 need not submit a new copy with subsequent requests for Federal aid, but need only affirm when requested that the assurance submitted continues in effect.

(c) *Supplementation of assurance.* The Commissioner may require supplementation of Form HEW-441 when he has reasonable cause to believe that there is a failure to comply with any provision of Title VI or the HEW Regulation.

§ 181.6 Systems under Federal court order for desegregation.

(a) *Submission of order.* A school system under a Federal court desegregation order which meets the requirements of the HEW Regulation may submit, as evidence of compliance with Title VI, a copy of the court order, together with an assurance that it will comply with the order, including any future modification.

(b) *Resubmission not required.* A school system under a court order accepted by the Commissioner need not submit another copy, but must submit any modification not previously submitted.

(c) *Revision of court orders.* A school system under a court order for desegregation which is not in accord with current judicial standards is subject to legal action by the Department of Justice, or by the parties to the original suit, to modify the order to meet current standards.

§ 181.7 Systems with voluntary desegregation plans.

(a) *Submission of Form HEW-441-B.* A school system with a voluntary desegregation plan must provide an assurance that it will abide by the applicable requirements for such plans contained in this Statement of Policies. Such assurance may be given by submitting Form HEW-441-B to the Commissioner (Attachment 1). After April 15, 1966, commitments of funds for new activities will be subject to deferral for school systems which have failed to submit Form HEW-441-B.

(b) *Changing type of plan.* A school system may change from one type of desegregation plan to another if such action would eliminate segregation and all other forms of discrimination more expeditiously. A school system planning to change the type of its plan must submit a new plan meeting the requirements of this Statement of Policies, together with Form HEW-441-B, for a determination by the Commissioner as to the adequacy of the plan to accomplish the purposes of Title VI.

(c) *Retaining present type of plan.* A school system with a desegregation plan accepted by the Commissioner need not resubmit its plan if it intends to continue under the same type of plan. If a plan accepted by the Commissioner fails to meet any requirement under this Statement of Policies, the submission of Form HEW-441-B will be deemed to amend the plan so that it will meet such requirement. Amendments to the plan are not to be submitted unless requested. However, certain supporting materials must be submitted, as provided in Subparts B, C, D, and F of this part.

(d) *Initial submittal of plans.* If no desegregation plan has been submitted or accepted for a school system, Form HEW-441-B and a plan meeting the requirements of this Statement of Policies must be submitted.

Subpart B—Basic Requirements for All Voluntary Desegregation Plans

§ 181.11 Various types of desegregation plans.

§ 181.11 Various types of desegregation plans.

It is the responsibility of a school system to adopt and implement a desegregation plan which will eliminate the dual school system and all other forms of discrimination as expeditiously as possible. No single type of plan is appropriate for all school systems. In some cases, the most expeditious means of desegregation is to close the schools originally established for students of one race, particularly where they are small and inad-

quate, and to assign all the students and teachers to desegregated schools. Another appropriate method is to reorganize the grade structure of schools originally established for students of different races so that these schools are fully utilized, on a desegregated basis, although each school contains fewer grades. In some cases desegregation is accomplished by the establishment of non-racial attendance zones. Under certain conditions, a plan based on free choice of school may be a way to undertake desegregation. In certain cases the purposes of Title VI may be most expeditiously accomplished by a plan applying two or more of the foregoing procedures to certain schools or different grade levels. Based on consideration of all the circumstances of a particular school system, the Commissioner may determine that its desegregation plan is not adequate to accomplish the purposes of Title VI, in which case he may require the adoption of an alternative plan. In any case where the State education agency is pursuing policies and programs for expediting the elimination of the dual school structure, the Commissioner will consider this factor in determining whether a particular type of plan is adequate for any given school system in such State.

§ 181.12 Student assignment practices.

Title VI precludes a school system from any action or inaction designed to perpetuate or promote segregation or any other form of discrimination, or to limit desegregation or maintain what is essentially a dual school structure. Any educational opportunity offered by a school system must be available to students without regard to race, color, or national origin. In particular, any academic tests or other procedures used in assigning students to schools, grades, classrooms, sections, courses of study or for any other purpose must be applied uniformly to all students without regard to race, color, or national origin. Curriculum, credit and promotion procedures must not be applied in such a way as to penalize or hamper students who transfer from one school to another pursuant to a desegregation plan.

§ 181.13 Faculty and staff.

(a) *Desegregation of staff.* The racial composition of the professional staff of a school system, and of the schools in the system, must be considered in deter-

mining whether students are subjected to discrimination in educational programs. Each school system is responsible for correcting the effects of all past discriminatory practices in the assignment of teachers and other professional staff.

(b) *New assignments.* Race, color, or national origin may not be a factor in the hiring or assignment to schools or within schools of teachers and other professional staff, including student teachers and staff serving two or more schools, except to correct the effects of past discriminatory assignments.

(c) *Dismissals.* Teachers and other professional staff may not be dismissed, demoted, or passed over for retention, promotion, or rehiring, on the ground of race, color, or national origin. In any instance where one or more teachers or other professional staff members are to be displaced as a result of desegregation, no staff vacancy in the school system may be filled through recruitment from outside the system unless the school officials can show that no such displaced staff member is qualified to fill the vacancy. If as a result of desegregation, there is to be a reduction in the total professional staff of the school system, the qualifications of all staff members in the system must be evaluated in selecting the staff members to be released.

(d) *Past assignments.* The pattern of assignment of teachers and other professional staff among the various schools of a system may not be such that schools are identifiable as intended for students of a particular race, color, or national origin, or such that teachers or other professional staff of a particular race are concentrated in those schools where all, or the majority, of the students are of that race. Each school system has a positive duty to make staff assignments and reassignments necessary to eliminate past discriminatory assignment patterns. Staff desegregation for the 1966-67 school year must include significant progress beyond what was accomplished for the 1965-66 school year in the desegregation of teachers assigned to schools on a regular full-time basis. Patterns of staff assignment to initiate staff desegregation might include, for example: (1) Some desegregation of professional staff in each school in the system, (2) the assignment of a significant portion of the professional staff of each race to particular schools in the system where their race is a minority and where special staff training programs are

established to help with the process of staff desegregation, (3) the assignment of a significant portion of the staff on a desegregated basis to those schools in which the student body is desegregated, (4) the reassignment of the staff of schools being closed to other schools in the system where their race is a minority, or (5) an alternative pattern of assignment which will make comparable progress in bringing about staff desegregation successfully.

§ 181.14 Services, facilities, activities, and programs.

(a) *General.* Each school system is responsible for removing any segregation and any other form of discrimination affecting students in connection with all services, facilities, activities and programs (including transportation, athletics, and other extra-curricular activities) that may be conducted or sponsored by or affiliated with the schools of the system.

(b) *Specific situations.* (1) 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.

(2) If transportation services are furnished, sponsored or utilized by a school system, dual or segregated transportation systems and any other form of discrimination must be eliminated. Routing and scheduling of transportation must be planned on the basis of such factors as economy and efficiency, and may not operate to impede desegregation. Routes and schedules must be changed to the extent necessary to comply with this provision.

(3) All school-related use of athletic fields, meeting rooms, and all other school-related services, facilities, activities, and programs, such as commencement exercises and parent-teacher meetings, which are open to persons other than enrolled students, must be open to all such persons and must be conducted without segregation or any other form of discrimination.

(4) All special educational programs, such as pre-school, summer school and adult education, and any educational program newly instituted, must be conducted without segregation or any other form of discrimination. Free choice de-

segregation procedures normally may not be applied to such programs.

§ 181.15 Unequal educational programs and facilities.

In addition to the changes made in student assignment practices under its desegregation plan, each school system is responsible for removing all other forms of discrimination on the ground of race, color, or national origin. For example, some school systems still maintain small, inadequate schools that were originally established for students of a particular race and are still used primarily or exclusively for the education of students of such race. If the facilities, teaching materials, or educational program available to students in such a school are inferior to those generally available in the schools of the system, the school authorities will normally be required immediately to assign such students to other schools in order to discontinue the use of the inferior school.

§ 181.16 Attendance outside school system of residence.

No arrangement may be made nor permission granted for students residing in one school system to attend school in another school system in any case (a) where the result would tend to limit desegregation or maintain what is essentially a dual school structure in either system, or (b) where such attendance is not available to all students without regard to race, color, or national origin.

§ 181.17 Official support for desegregation plan.

(a) *Community support.* School officials must take steps to encourage community support and acceptance of their desegregation plan. They are responsible for preparing students, teachers and all other personnel, and the community in general, for the successful desegregation of the school system.

(b) *Information to the public.* Full information concerning the desegregation plan must be furnished freely to the public and to all television and radio stations and all newspapers serving the community. Copies of all reports on student and staff assignments required under § 181.18 must be available for public inspection at the office of the Superintendent of the school system.

(c) *Protection of persons affected.* Each school system is responsible for the

effective implementation of its desegregation plan. Within their authority, school officials are responsible for the protection of persons exercising rights under, or otherwise affected by, the plan. They must take appropriate action with regard to any student or staff member who interferes with the successful operation of the plan, whether or not on school grounds. If officials of the school system are not able to provide sufficient protection, they must seek whatever assistance is necessary from other appropriate officials.

§ 181.18 Reports.

(a) *Anticipated enrollment.* By April 15 of each year, or by 15 days after the close of the spring choice period in the case of plans based on free choice of schools, each school system must report to the Commissioner the anticipated student enrollment, by race, color, or national origin, and by grade of each school, for the following school year. The report submitted for the 1966-67 school year must also include the comparable data for the 1965-66 school year. Any subsequent substantial change in anticipated enrollment affecting desegregation must be reported promptly to the Commissioner.

(b) *Planned staff assignments.* By April 15 of each year, each school system must report to the Commissioner the planned assignments of professional staff to each school for the following year, by race, color, or national origin and by grade, or where appropriate, by subject taught or position held. The report for April 15, 1966, must also include the comparable data for the 1965-66 school year. Any subsequent change in planned staff assignments affecting staff desegregation must be reported promptly to the Commissioner.

(c) *Actual data.* As soon as possible after the opening of its schools in the fall, but in any case within 30 days thereafter, each school system must determine and promptly report to the Commissioner the actual data for the items covered in the reports called for under paragraphs (a) and (b) of this section.

(d) *Attendance outside system of residence.* The reports called for under paragraphs (a) and (c) of this section must include a statement covering (1) all students who reside within the boundaries of the school system but attend school in another system, and (2) all students who reside outside but attend

a school within the system. This statement must set forth, for each group of students included in (1) and (2) of this paragraph, the number of students, by race, color, or national origin, by grade, by school and school system attended, and by school system of residence.

(e) *Consolidation or litigation.* A school system which is to undergo consolidation with another system or any other change in its boundaries, or which is involved in any litigation affecting desegregation, must promptly report the relevant facts and circumstances to the Commissioner.

(f) *Other reports.* The Commissioner may require a school system to submit other reports relating to its compliance with Title VI.

§ 181.19 Records.

A school system must keep available for not less than 3 years all records relating to personnel actions, transportation, including routes and schedules, and student assignments and transfers, including all choice forms and transfer applications submitted to the school system. The Commissioner may require retention for a longer period in individual cases.

Subpart C—Additional Requirements for Voluntary Desegregation Plans Based on Geographic Attendance Zones

§ 181.31 General.

A voluntary desegregation plan based in whole or in part on geographic attendance zones must meet the requirements of this subpart for all students whose assignment to schools is determined by such zones. The general requirement for desegregation plans set forth elsewhere in this Statement of Policies are also applicable.

§ 181.32 Attendance zones.

A single system of non-racial attendance zones must be established. A school system may not use zone boundaries or feeder patterns designed to perpetuate or promote segregation, or to limit desegregation or maintain what is essentially a dual school structure. A school system planning (a) to desegregate certain grades by means of geographic attendance zones and other grades by means of free choice of schools, or (b) to include more than one school of the same level in one or more attendance

zones and to offer free choice of all schools within such zones, must show that such an arrangement will most expeditiously eliminate segregation and all other forms of discrimination. In any such case, the procedures followed for the offer, exercise and administration of free choice of schools must conform to the provisions of Subpart D of this part.

§ 181.33 Assignment to school in zone of residence.

Regardless of any previous attendance at another school, each student must be assigned to the school serving his zone of residence, and may be transferred to another school only in those cases which meet the following requirements:

(a) *Transfer for special needs.* A student who requires a course of study not offered at the school serving his zone, or who is physically handicapped, may be permitted, upon his written application, to transfer to another school which is designed to fit, or offers courses for, his special needs.

(b) *Minority transfer policy.* A school system may (1) permit any student to transfer from a school where students of his race are a majority to any other school, within the system, where students of his race are a minority, or (2) assign students on such basis.

(c) *Special plan provisions.* A student who specifically qualifies to attend another school pursuant to the provisions of a desegregation plan accepted by the Commissioner may be permitted, upon his written application, to transfer to such other school.

§ 181.34 Notice.

(a) *Individual notice.* On a convenient date between March 1 and April 30 in each year, each school system must distribute, by first class mail, a letter to the parent, or other adult person acting as parent, of each student who is then enrolled, except high school seniors expected to graduate, giving the name and location of the school to which the student has been assigned for the coming school year pursuant to the desegregation plan, and information concerning the bus service between his school and his neighborhood. All these letters must be mailed on the same day. Each letter must be accompanied by a notice, in a form prescribed by the Commissioner, explaining the desegregation plan (Attachment 2). The same letter and notice must also be furnished, in person or

by mail, to the parent of each prospective student, including each student planning to enter the first grade or kindergarten, as soon as the school system learns that he plans to enroll.

(b) *Published notice.* The school system must arrange for the conspicuous publication of an announcement, identical with the text of the notice provided for under paragraph (a) of this section, in the newspaper most generally circulated in the community, on or shortly before the date of mailing under paragraph (a) of this section. Publication as a legal notice is not sufficient. Whenever any revision of attendance zones is proposed, the school system must similarly arrange for the conspicuous publication of an announcement at least 30 days before any change is to become effective, naming each school to be affected and describing the proposed new zones. Copies of all material published hereunder must also be given at that time to all television and radio stations serving the community.

(c) *Maps available to public.* A street or road map showing the boundaries of, and the school serving, each attendance zone must be freely available for public inspection at the office of the Superintendent. Each school in the system must have freely available for public inspection a map showing the boundaries of its attendance area.

§ 181.35 Reports.

(a) *Attendance zones.* The report submitted under § 181.18(a) by April 15 of each year must be accompanied by a map, which must show the name and location of each school facility planned to be used during the coming school year, the attendance zones for each school in effect during the current school year, and any changes in the attendance zones planned for the coming school year. The map need not be of professional quality. A clipping of each newspaper announcement and any map published under § 181.34 (b) or (c) must be sent to the Commissioner within 3 days after publication and, in the case of proposed revisions, must be accompanied by data showing the estimated change in attendance, by race, color, or national origin and by grade, and in the racial composition of the professional staff, at each school to be affected.

(b) *Attendance outside zone of residence.* Whenever a student is permitted

to attend a school other than that serving his zone of residence, and whenever a request for such attendance is denied, the school system must retain records showing (1) the school and grade applied for, (2) the zone of the student's residence and his grade therein, (3) the race, color, or national origin of the student, (4) the reason stated for the request, and (5) the reason the request is granted or denied. Whenever the total number of transfers permitted from any school exceeds 2 percent of the student enrollment at that school, the relevant facts must be reported promptly to the Commissioner.

Subpart D—Additional Requirements for Voluntary Desegregation Plans Based on Free Choice of Schools

§ 181.41 General.

A voluntary desegregation plan based in whole or in part on free choice of schools must meet the requirements of this subpart for all students whose assignment to schools is determined by free choice. The general requirements for desegregation plans set forth elsewhere in this Statement of Policies are also applicable.

§ 181.42 Who may exercise choice.

A choice of schools may be exercised by a parent or other adult person serving as the student's parent. A student may exercise his own choice if he (a) is exercising a choice for the ninth or a higher grade, or (b) has reached the age of fifteen at the time of the exercise of choice. Such a choice by a student is controlling unless a different choice is exercised for him by his parent, or other adult person acting as his parent, during the period in which the student exercises his choice. Each reference in this subpart to a student exercising a choice means the exercise of the choice by a parent or such other adult, or by the student himself, as may be appropriate under this provision.

§ 181.43 Annual mandatory exercise of choice.

Each student must be required to exercise a free choice of schools once annually. A student may not be enrolled or assigned to a school without exercising his choice, except as provided in § 181.45.

§ 181.44 Choice period.

A period of at least 30 days must be provided for exercising choice, to com-

mence no earlier than March 1 and to end no later than April 30, preceding the school year for which choice is to be exercised. The Commissioner may require an additional period or different dates for a particular school system. No preference in school assignment may be given on the basis of an early exercise of choice during the choice period.

§ 181.45 Failure to exercise choice.

A failure to exercise a choice within the choice period does not excuse a student from exercising his choice, which may be done at any time before he commences school for the year with respect to which the choice applies. However, any such late choice must be subordinated to the choices of students who exercised choice during the choice period. If by a week after school opens there is any student who has not yet exercised his choice of school, he must be assigned to the school nearest his home where space is available. Standards for determining available space must be applied uniformly throughout the system.

§ 181.46 Letters to parents, notices, and choice forms.

(a) *Mailings.* On the first day of the choice period, each school system must distribute, by first class mail, a letter, an explanatory notice, and a choice form to the parent or other adult person acting as parent of each student who is then enrolled, except high school seniors expected to graduate, together with a return envelope addressed to the superintendent. The texts for the letter, notice, and choice form to be used must be in a form prescribed by the Commissioner (Attachments 3 to 6).

(b) *Extra copies.* Extra copies of the letter, the notice, and the choice form must be freely available to parents, students, prospective students, and the general public, at each school in the system and at the office of the Superintendent.

(c) *Content of choice form.* Unless otherwise authorized or required by the Commissioner, each choice form, as prepared by the school system for distribution, (1) must set forth the name and location of, and the grades offered at, each school, and (2) may inquire of the person exercising the choice only the name, address, and age of the student, the school and grade currently or most recently attended by the student, the

school chosen, the signature of one parent or other adult person serving as parent or, where appropriate under § 181.42, the signature of the student, and the identity of the person signing. If necessary to provide information required by §§ 181.18 and 181.19, or for other reports required by the Commissioner, the choice form may also ask the race, color, or national origin of the student. No statement of reasons for a particular choice, or any other information, or any witness or other authentication, may be required or requested. No other choice form, including any pupil placement law form may be used by the school system in connection with the choice of a school.

(d) *Return of choice form.* At the option of the person completing the choice form, it may be returned by mail or by hand to any school in the school system or to the office of the Superintendent.

(e) *Choices not on official form.* Exercise of choice may also be made by the submission in like manner of any other writing which sufficiently identifies the student and indicates that he has made a choice of a school.

§ 181.47 Prospective students.

Each prospective student, including each student planning to enter the first grade or kindergarten, must be required to exercise a free choice of schools before enrollment. Each such student must be furnished a copy of the prescribed letter, notice, and choice form, by mail or in person, on the date the choice period opens or as soon thereafter as the school system learns that he plans to enroll. Each must be given an opportunity to exercise his choice during the choice period. A prospective student exercising his choice after the choice period must be given at least one week to do so.

§ 181.48 Choice may not be changed.

Once a choice has been submitted, it may not be changed for the school year to which it applies, whether during the choice period, after the choice period, or during that school year, except on request (a) in cases meeting the conditions set forth in § 181.50, (b) in case of a change of residence to a place where another school serving the student's grade level is closer than the school to which he is assigned under these provisions, and (c) in case of a compelling hardship. A student who cannot enter

the school of his choice because the grade he is to enter is not offered at that school must be promptly notified as soon as this is known and must be given the same opportunity to choose another school as is provided a prospective student under § 181.47.

§ 181.49 Assignment according to choice.

No choice may be denied in assigning students to schools for any reason other than overcrowding. In cases where overcrowding would result at one or more schools from the choices made, preference must be given on the basis of the proximity of schools to the homes of students, without regard to race, color, or national origin. No preference may be given to students for prior attendance at a school if such preference would deny other students their free choice of schools under the plan. In cases where this provision would result in unusual difficulty involving, for instance, students not being able to finish their senior year in a particular school, or students being unable to attend school with other members of the same family, or at a school having special courses required by a student, the relevant facts may be brought to the attention of the Commissioner for consideration of alternative procedures. Any student whose choice is denied under these provisions must be notified in writing promptly and given his choice of each school in the system serving his grade level where space is available. Standards for determining overcrowding and available space that are applied uniformly throughout the system must be used if any choice is to be denied. Each student and his parent, or other adult person acting as parent, must be notified in writing of the name and location of the school to which the student is assigned hereunder promptly upon completion of processing his first or any second choice. A school system may, at its option, give preference to any student whose choice is for a school at which students of his race are a minority.

§ 181.50 Transfers for special needs.

Each student must attend the school to which he is assigned under the foregoing provisions, except that any student who requires a course of study not offered at that school, or who is physically handicapped, may be permitted, upon his written application, to transfer to another school which is designed to fit, or offers courses for, his special needs.

§ 181.51 No limitation of choice; transportation.

No factor, such as a requirement for health or birth records, academic or physical examinations, the operation of the school transportation system, or any other factor except overcrowding, may limit or affect the assignment of students to schools on the basis of their choices. Where transportation is generally provided, buses must be routed to the maximum extent feasible so as to serve each student choosing any school in the system. In any event, every student choosing either the formerly white or the formerly Negro school (or other school established for students of a particular race, color, or national origin) nearest his residence must be transported to the school to which he is assigned under these provisions, whether or not it is his first choice, if that school is sufficiently distant from his home to make him eligible for transportation under generally applicable transportation rules.

§ 181.52 Officials not to influence choice.

No official, teacher, or employee of the school system may require or request any student or prospective student to submit a choice form during the choice period other than by the prescribed letter, notice, and choice form. After the choice period, the school system must make all reasonable efforts to obtain a completed choice form from any student who has not exercised a choice. However, at no time may any official, teacher, or employee of the school system, either directly or indirectly, seek to influence any parent, student, or any other person involved, in the exercise of a choice, or favor or penalize any person because of a choice made. Information concerning choices made by individual students or schools to which they are assigned may not be made public.

§ 181.53 Public notice.

On or shortly before the date the choice period opens, the school system must arrange for the conspicuous publication of a notice describing the desegregation plan in the newspaper most generally circulated in the community. The text of the notice must be in a form prescribed by the Commissioner (Attachment 5). Publication as a legal notice is not sufficient. Copies of this notice must also be given at that time to all radio and television stations serving the commu-

nity. Any other announcement published by the school system concerning enrollment, such as might be made in connection with scheduling pre-enrollment procedures for prospective first grade students, must (a) state clearly that under the desegregation plan a choice of school is required for each student whose choice has not yet been exercised, (b) describe and state where copies of the prescribed letter, notice and choice form may be freely obtained in person, or by letter or telephone request, and (c) state the period during which the choice may be exercised.

§ 181.54 Requirements for effectiveness of free choice plans.

(a) A free choice plan tends to place the burden of desegregation on Negro or other minority group students and their parents. Even when school authorities undertake good faith efforts to assure its fair operation, the very nature of a free choice plan and the effect of long-standing community attitudes often tend to preclude or inhibit the exercise of a truly free choice by or for minority group students.

(b) For these reasons, the Commissioner will scrutinize with special care the operation of voluntary plans of desegregation in school systems which have adopted free choice plans.

(c) In determining whether a free choice plan is operating fairly and effectively, so as to materially further the orderly achievement of desegregation, the Commissioner will take into account such factors as community support for the plan, the efforts of the school system to eliminate the identifiability of schools on the basis of race, color, or national origin by virtue of the composition of staff or other factors, and the progress actually made in eliminating past discrimination and segregation.

(d) The single most substantial indication as to whether a free choice plan is actually working to eliminate the dual school structure is the extent to which Negro or other minority group students have in fact transferred from segregated schools. Thus, when substantial desegregation actually occurs under a free choice plan, there is strong evidence that the plan is operating effectively and fairly, and is currently acceptable as a means of meeting legal requirements. Conversely, where a free choice plan results in little or no actual desegregation, or where, having already produced some

degree of desegregation, it does not result in substantial progress, there is reason to believe that the plan is not operating effectively and may not be an appropriate or acceptable method of meeting constitutional and statutory requirements.

(e) As a general matter, for the 1966-67 school year the Commissioner will, in the absence of other evidence to the contrary, assume that a free choice plan is a viable and effective means of completing initial stages of desegregation in school systems in which a substantial percentage of the students have in fact been transferred from segregated schools. Where a small degree of desegregation has been achieved and, on the basis of the free choice registration held in the spring of 1966, it appears that there will not be a substantial increase in desegregation for the 1966-67 school year, the Commissioner will review the working of the plan and will normally require school officials to take additional actions as a prerequisite to continued use of a free choice plan, even as an interim device.

(f) In districts with a sizable percentage of Negro or other minority group students, the Commissioner will, in general, be guided by the following criteria in scheduling free choice plans for review:

(1) If a significant percentage of the students, such as 8 percent or 9 percent, transferred from segregated schools for the 1965-66 school year, total transfers on the order of at least twice that percentage would normally be expected.

(2) If a smaller percentage of the students, such as 4 percent or 5 percent, transferred from segregated schools for the 1965-66 school year, a substantial increase in transfers would normally be expected, such as would bring the total to at least triple the percentage for the 1965-66 school year.

(3) If a lower percentage of students transferred for the 1965-66 school year, then the rate of increase in total transfers for the 1966-67 school year would normally be expected to be proportionately greater than under subparagraph (2) of this paragraph.

(4) If no students transferred from segregated schools under a free choice plan for the 1965-66 school year, then a very substantial start would normally be expected, to enable such a school system to catch up as quickly as possible with systems which started earlier. If a school system in these circumstances is unable to make such a start for the 1966-

67 school year under a free choice plan, it will normally be required to adopt a different type of plan.

(g) Where there is substantial deviation from these expectations, and the Commissioner concludes, on the basis of the choices actually made and other available evidence, that the plan is not operating fairly, or is not effective to meet constitutional and statutory requirements, he will require the school system to take additional steps to further desegregation.

(h) Such additional steps may include, for example, reopening of the choice period, additional meetings with parents and civic groups, further arrangements with State or local officials to limit opportunities for intimidation, and other further community preparation. Where schools are still identifiable on the basis of staff composition as intended for students of a particular race, color, or national origin, such steps must in any such case include substantial further changes in staffing patterns to eliminate such identifiability.

(i) If the Commissioner concludes that such steps would be ineffective, or if they fail to remedy the defects in the operation of any free choice plan, he may require the school system to adopt a different type of desegregation plan.

§ 181.55 Reports.

(a) *Supporting materials.* Each school system must submit to the Commissioner a copy of the letter, notice, and choice form, all as prepared by the school system for distribution, within three days after their first distribution, and must submit a clipping of all newspaper announcements published in accordance with § 181.53 within three days after publication.

(b) *Data on choices not being honored.* In any case, including the case of conflicting choices under § 181.42, where a student chooses a school where he would be in a racial minority, and (1) he is to be assigned to a school where he would be in a racial majority, or (2) the school system proposes not to process his choice for any reason, the relevant facts must be reported promptly to the Commissioner.

(c) *Transfers for special needs.* Wherever a student is permitted, under § 181.48 or § 181.50, to attend a school other than the school to which he is or would be assigned under the other applicable provisions hereof, and whenever

a request for such attendance is denied, the school system must retain records showing (1) the school and grade applied for, (2) the school and grade to be transferred from, (3) the race, color, or national origin of the student, (4) the reason stated for the request, and (5) the reason the request is granted or denied. Whenever the total number of transfers permitted from any school exceeds two percent of the student enrollment at that school, the relevant facts must be reported promptly to the Commissioner.

Subpart E—Miscellaneous Provisions

§ 181.61 How to submit reports.

Each report to the Commissioner required under this statement of policies must be sent by first class mail addressed to the Equal Educational Opportunities Program, U.S. Office of Education, Washington, D.C., 20202.

§ 181.62 Alternative administrative procedures.

If an administrative procedure provided for under this statement of policies is not administratively feasible in a particular situation, the Commissioner may accept an alternative procedure if he determines that it will accomplish the same purpose.

§ 181.63 Revision of statement of policies.

The Commissioner may modify this statement of policies as may be necessary to accomplish the purposes of Title VI.

§ 181.64 Copies of documents for State agencies.

Each school system submitting any plan form or report to the Commissioner under this statement of policies must also submit a copy of such form or report to the appropriate State education agency.

§ 181.65 Choice period already begun.

In the event that any school system with desegregation plan based on free choice has begun or completed its free choice period for the 1966-67 school year prior to the date of issue of this Statement of Policies, the school system must immediately report to the Commissioner its proposals for adapting its free choice procedures in such a way as to make them substantially conform to the provisions of this Statement of Policies.

§ 181.66 Definitions.

As used in this part,

(a) The term "Commissioner" means the U.S. Commissioner of Education or any official acting under assignment or delegation from him to carry out any of his functions under this Statement of Policies.

(b) The term "discrimination" means discrimination on the ground of race, color, or national origin.

(c) The term "dual school structure" means a system of separate school facilities for students based on race, color, or national origin.

(d) The term "Form HEW-441" means the printed document provided for the use of certain school systems by the U.S. Department of Health, Education, and Welfare, entitled "Assurance of Compliance with the Department of Health, Education, and Welfare Regulation under Title VI of the Civil Rights Act of 1964."

(e) The term "Form HEW-441-B" means the printed document provided for the use of certain school systems by the U.S. Department of Health, Education, and Welfare entitled "Assurance of Compliance with the revised statement of policies for school desegregation plans under Title VI of the Civil Rights Act of 1964."

(f) The term "HEW Regulation" means the Regulation issued pursuant to Title VI of the Civil Rights Act of 1964 by the U.S. Department of Health, Education, and Welfare (Part 80 of this title).

(g) The term "parent" means an adult individual who exercises parental control over, or is otherwise acting as parent of, a student or prospective student.

(h) The term "school official" shall include, but is not limited to, any person who serves on the governing board of a school system, or attends meetings of such board in an official capacity, and all administrative and supervisory personnel of a school system.

(i) The term "school system" means, as the context may require, either (1) a legally constituted school authority (such as a local board of education) which has administrative control of one or more elementary or secondary schools, (2) the geographic area over which any such school authority has administrative control for school purposes, or (3) the schools and facilities over which any

such school authority has administrative control.

(j) The term "statement of policies" means this revised statement of policies for school desegregation plans under Title VI of the Civil Rights Act of 1964 (this Part 181).

(k) The term "Title VI" means Title VI of the Civil Rights Act of 1964 (PL 88-352, 42 USC 2000d to 2000d-4).

Subpart F—Desegregation Plans Not Reaching All Grades for the 1966-67 School Year

§ 181.71 Opportunity to transfer in grades not reached by plan.

In any school system in which, for the school year 1966-67, there are grades not yet reached by the desegregation plan, the school system must arrange for students to attend school on a desegregated basis in each of the special circumstances described in paragraphs (a), (b), (c), and (d) of this section. This opportunity must be made available in such a way as to follow, to the maximum extent feasible, the desegregation procedures in grades generally reached by the plan, according to the type of plan in effect.

(a) *Transfer for a course of study.* A student must be permitted to transfer to a school in order to take a course of study for which he is qualified and which is not available in the school to which he would otherwise be assigned on the basis of his race, color, or national origin.

(b) *Transfer to attend school with relative.* A student must be permitted to transfer in order to attend the same school or attendance center as a brother, sister, or other relative living in his household, if such relative is attending a school as a result of a desegregation plan and if such school or attendance center offers the grade which the student would be entering.

(c) *Transfer for students required to go outside system.* A student must be permitted to transfer to any school within the system which offers the grade he is to enter if he would otherwise be required to attend school outside the system on the basis of his race, color, or national origin.

(d) *Transfer for other reasons.* A student must be permitted to transfer to

a school other than the one to which he is assigned on the basis of his race, color, or national origin if he meets whatever requirements, other than race, color or national origin, the school system normally applies in permitting student transfers.

§ 181.72 Students new to the system.

Each student who will be attending school in the system for the first time in the 1966-67 school year in any grade not yet generally reached by the desegregation plan must be assigned to school under the procedures for desegregation that are to be applied to that grade when it is generally reached by the desegregation plan.

§ 181.73 General provisions applicable.

A student who has transferred to a school under § 181.71, or entered a school under § 181.72 shall be entitled to the full benefits of § 181.14 (relating to desegregation of services, facilities, activities and programs) and to any and all other rights, privileges, and benefits generally conferred on students who attend a school by virtue of the provisions of the desegregation plan.

§ 181.74 Notice.

(a) Each school system in which there will be one or more grades not fully reached by the desegregation plan in the 1966-67 school year must add a paragraph describing the applicable transfer provisions at the end of the notice distributed and published pursuant to § 181.34 or §§ 181.46 and 181.53, as is appropriate for the type of plan adopted by the school system. The text of the paragraph must be in a form prescribed by the Commissioner (Attachment 7). The school system must make such other changes to the notice as may be necessary to make clear which students will be affected by attendance zone assignments or free choice requirements.

(b) In addition, for the letter to parents required in § 181.46, school systems with free choice plans which have not desegregated every grade must use a letter describing the plan and will enclose with the letter sent to parents of student in grades not desegregated a transfer application instead of a choice form. For the letter to parents required in § 181.34, school systems with geographic

zone plans must send to each parent of students in grades not desegregated a letter describing the plan and a transfer application. The text for these letters and the transfer application must be in a form prescribed by the Commissioner (Attachments 8 to 11).

§ 181.75 Processing of transfer applications.

Applications for transfer may be submitted on the transfer application form referred to in § 181.74 or by any other writing. If any transfer application is incomplete, incorrect or unclear in any respect, the school system must make every reasonable effort to help the applicant perfect his application. Under plans based on geographic zones, and under plans based on free choice of schools, the provisions of § 181.42 as to whether a student or his parent may make a choice of school, shall also determine whether a student in a grade not yet generally reached by desegregation may execute a transfer application.

§ 181.76 Reports and records.

In each report to the Commissioner under §§ 181.18, 181.35, and 181.55, the school system must include all data, copies of materials distributed and other information generally required, relative to all students, regardless of whether or not their particular grades have been generally reached by the plan. Similarly the system must retain the records provided for under §§ 181.19, 181.35, and 181.55 with respect to all students.

ATTACHMENT 1—ASSURANCE OF COMPLIANCE WITH THE REVISED STATEMENT OF POLICIES FOR SCHOOL DESEGREGATION PLANS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (HEW 441-B)

----- (hereinafter
(Name of applicant)
called the "Applicant") hereby agrees that it will comply with all requirements in the Revised Statement of Policies for School Desegregation Plans under Title VI of the Civil Rights Act of 1964, issued by the U.S. Commissioner of Education (hereinafter called the "Commissioner"), March 1966 (45 CFR Part 181), which are applicable to plans of the same type as the Applicant's voluntary plan for the desegregation of its school system. The Applicant also agrees that it will comply with any amendment of such Revised Statement, unless after the publication of any such amendment the Applicant shall notify the Commissioner that it does

not intend to operate a voluntary plan for desegregation in accordance with such an amendment.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant in reliance on this assurance, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for the purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases of extension of Federal financial assistance in reliance on this assurance, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it.

The Applicant has adopted and is implementing a voluntary plan for desegregation of its school system based on -----

(Specify whether freedom of choice, geographic attendance zones, a combination of both of the foregoing, or other type of plan.)

Applicant should check the applicable box below:

Such plan was accepted by the Commissioner prior to the submission of this form and is hereby modified to the extent necessary to comply with the applicable requirements of the Revised Statement of Policies for School Desegregation Plans Under Title VI of the Civil Rights Act of 1964 (45 CFR Part 181) or Such plan is submitted herewith.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance conditioned upon the acceptance by the Commissioner of a Voluntary Plan for Desegregation if such assistance is extended after the date hereof to the Applicant, directly or through an intervening State agency, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States or the State agency through which Federal financial assistance is extended, jointly or severally shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures ap-

per below are authorized to sign this assurance on behalf of the Applicant.

Dated -----

(Applicant)

(County and State in which Applicant is located)

(Applicant's mailing address)

(President, Chairman of Board, or comparable authorized official)

If any grades are covered by freedom of choice for the 1966-67 school year, state grades so covered: ----- and choice period dates: ----- to -----

State grades covered by any other type of plan for 1966-67: ----- and specify type of plan: -----

ATTACHMENT 2—TEXT FOR NOTICE TO BE PUBLISHED IN NEWSPAPERS, DISTRIBUTED WITH LETTERS TO PARENTS, AND OTHERWISE MADE FREELY AVAILABLE TO THE PUBLIC (REQUIRED BY § 181.34)

(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 ----- (Name of school system)

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

2. Nonracial Attendance Zones. Under the desegregation plan, the school each student will attend depends on where he lives. An attendance zone has been established for each school in the system. All students in the same grade who live in the same zone will be assigned to the same school, regardless of their race, color, or national origin and regardless of which school they attend now.

3. Transfer to School in Another Zone. A student may transfer from the school to which he is assigned only under the following conditions: (State here the conditions, if any, under which transfer will be granted. They must be consistent with the transfer provisions stated in § 181.33 of the Statement

of Policies.) Transfers for any other reasons will not be permitted.

4. Notification of Assignment.

On ----- the parent, or other adult (Date)

person acting as parent, of each student enrolled in this system will be sent a letter telling him the name and location of the school to which the student will be assigned for the coming school year. The letter will also give information on any school bus service provided for the student's neighborhood. A copy of this notice will be enclosed with each letter. The same letter and notice will be sent out on the above date for all children the school system expects to enter the school system for the first time next year. This includes children entering first grade or kindergarten. (Delete "or kindergarten" if not offered.) If the school system learns of a new student after the above date, it will promptly send the student's parent such a letter and a copy of this notice.

5. Maps Showing Attendance Zones.

Maps showing the boundary lines of the attendance zones of every school in the school system are freely available for inspection by the public at the Superintendent's office. Individual zone maps are available at each school.

6. Revision of Attendance Zone Boundaries.

Any revision of attendance zone boundaries will be announced by a prominent notice in a local paper at least 30 days before the change is effective.

7. All Other Aspects of Schools Desegregated.

All school-connected services, facilities, athletics, activities and programs are open to each student on a desegregated basis. A student assigned to a new school under the provisions of the desegregation plan will 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.

8. 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 public 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.

9. Violations To Be Reported.

It is a violation of our desegregation plan for any school official or teacher to influence, threaten or coerce any person in connection with the exercise of any rights under this plan. 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 desegregation of our school system. 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.

ATTACHMENT 3—TEXT FOR ANNUAL LETTER TO PARENTS FOR USE DURING 30-DAY SPRING CHOICE PERIOD (REQUIRED BY § 181.46)

(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)

DEAR PARENT: 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.

ATTACHMENT 4—TEXT FOR LETTER TO PARENTS FOR USE AFTER 30-DAY SPRING CHOICE PERIOD (REQUIRED BY § 181.46)

(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)

DEAR PARENT: 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 might have attended before, 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. 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 before -----.*

(Date)

No one may require you to file your choice form before that date.

No principal, teacher or other school official is permitted to influence anyone in mak-

* Insert in text a date at least 7 days after the letter is sent to parent.

ing 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.

ATTACHMENT 5—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)

(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 (Name of school system) 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 program.

(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 7 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. Facilities 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.

ATTACHMENT 6—TEXT FOR CHOICE OF SCHOOL FORM (REQUIRED BY § 181.46)

(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)

(Here list by name, grades offered, and location each school available. For example:)

Name of school: George Washington High School James Madison Elementary School.

Grades: 8-12; 1-7.

Location: Adams Street, Jefferson; Monroe Street, Jackson.

Signature -----

Address -----

Date -----

This form is signed by (mark proper box):

- Parent
- Other adult persons acting as parent
- Student

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: -----

ATTACHMENT 7—TEXT OF PARAGRAPH TO BE ADDED TO END OF NOTICE PUBLISHED IN NEWSPAPERS, DISTRIBUTED WITH LETTERS TO PARENTS, AND OTHERWISE MADE FREELY AVAILABLE TO THE PUBLIC BY A SCHOOL SYSTEM NOT DESEGREGATING ALL GRADES (REQUIRED BY § 181.74)

Transfers by Students in Grades (here list grades not desegregated).

The above grades will not be generally reached by the desegregation plan until the fall of 1967. However, a student entering any

one of these grades in the coming school year, or his parent or other adult person acting as parent, may apply for transfer to any school in the school system. The application will be granted if:

(a) The student wants to take a course of study for which he is qualified, and which is not available in the school he would otherwise attend on the basis of his race, color, or national origin; or

(b) The student wants to attend the same school or attendance center as a brother, sister, or other relative living in his household who is attending school there as a result of the desegregation plan, and the school offers the appropriate grade; or

(c) The student would otherwise be required to attend school in another school system on the basis of his race, color, or national origin; or

(d) The student meets the regular requirements, having nothing to do with race, color, or national origin, used by this school system in permitting students to transfer from one school to another. The regular requirements of this school system for student transfers are as follows: (here insert such requirements).

A transfer application form will be sent to each student in grades ----- A transfer application may be filed by means of this form or by a letter. Extra copies of the form are available at all school offices. Transfer applications should be filed as soon as feasible after a student has information which justifies making an application.

In addition, all students who are entering this school system for the first time in a grade which is not generally desegregated under the plan will be assigned to a school under the procedures which will be followed when the grade is generally desegregated in the fall of 1967.

ATTACHMENT 8—TEXT FOR ANNUAL LETTER TO PARENTS FOR USE DURING 30-DAY SPRING CHOICE PERIOD (REQUIRED BY § 181.74)

(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)

DEAR PARENT: Our community has adopted a school desegregation plan. In the coming school year we will no longer have separate schools for children of different races who will be in grades ----- The following year all grades in our school system will be desegregated. 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, who will enter grades ----- 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 entering one of the desegregated grades. These students 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.

If your child will be entering a desegregated grade, 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 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.

Even though grades ----- are not desegregated this year, students in those grades may transfer to, or enter, any school in the system if they meet any of the requirements described in the last paragraph of the enclosed explanatory notice. If your child will be entering one of those grades next year, there is enclosed with this letter a form which you may use if you or your child want to transfer to another school under any of the conditions described in the last paragraph of the notice.

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.

ATTACHMENT 9—TEXT FOR LETTER TO PARENTS FOR USE AFTER 30-DAY SPRING CHOICE PERIOD (REQUIRED BY § 181.74)

(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)

DEAR PARENT: Our community has adopted a school desegregation plan. In the coming

school year we will no longer have separate schools for children of different races who are in grades ----- The following year all grades in our school system will be desegregated.

Our 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, who will enter grades ----- to choose the school the student will attend in the coming school year. It does not matter which school the student might have attended before, 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 entering one of the desegregated grades. These students cannot be enrolled at any school next school year unless a choice of schools is made.

If your child will be entering desegregated grade, 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 before -----* No one may require you to file your choice form before that date.

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.

Even though grades ----- are not desegregated this year, students in those grades may transfer to, or enter, any school in the system if they meet any of the requirements described in the last paragraph of the enclosed explanatory notice. If your child will be entering one of those grades next year, there is enclosed with this letter a form which you may use if you or your child want to transfer to another school under any of the conditions described in the last paragraph of the notice.

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.

Enclosure.

*Insert in text a date at least 7 days after letter is sent to parent.

ATTACHMENT 10—TEXT FOR LETTER TO PARENTS OF STUDENTS IN GRADES NOT YET REACHED BY PLAN (REQUIRED BY § 181.74)

(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)

DEAR PARENT: Our community has adopted a school desegregation plan. In the coming school year we will no longer have separate schools for children of different races who will be in grades ----- All students in those grades will be assigned to schools on the basis of nonracial attendance zones. The details of these assignments are described in the enclosed notice. The following year all grades in our school system will be desegregated.

Even though grades ----- are not desegregated this year, students who will be entering these grades may transfer to, or enter, any school in the system, if they meet any of the requirements described in the last paragraph of the enclosed notice.

Also enclosed with this letter is a form which you may use if you or your child want to transfer to another school under any of the conditions described in the notice.

The notice also gives details about how teachers, school buses, sports, and other activities are being desegregated.

Sincerely yours,

Superintendent.

ATTACHMENT 11—TEXT OF TRANSFER APPLICATION FORM (REQUIRED BY § 181.74)

(School system name and office address)

(Date sent)

TRANSFER APPLICATION

This form is provided for students in grades ----- to request transfer to another school. The circumstances under which students in these grades may transfer are described in the last paragraph of the notice which has been sent to every parent. Copies of the notice are freely available from school offices. To apply for a transfer, answer the first four questions and complete

the sections which follow which are applicable to your transfer. If student is 15 or over, or is entering the ninth or higher grade, either he or his parent may sign this application. This form may be either mailed or brought to any school or to the Superintendent's office at the above address.

- 1. Name ----- age -----
2. Student is assigned to ----- school for next year in the ----- grade.
3. Student wishes instead to be assigned to the ----- school for next year (if known).

- 4. This form is signed by: Parent [] Student [] Other adult acting as parent []
A. Transfer for a course of study:

- 1. Course of study wanted -----
2. Is course offered at school to which you are assigned next year? Yes [] No []
3. Name of school where course is offered (if known) -----

- B. Transfer to attend school with relative living in your household:

- 1. Name of relative -----
2. Relationship to student requesting transfer -----

(Brother, sister, other)

- 3. Does relative live in same household as you? Yes [] No []

- 4. School to which relative is assigned -----

- C. Transfer for students required to attend school outside this system because of race, color, or national origin.

- 1. Name of school district where you are assigned -----

- 2. Name of school which you would attend except for race, color, or national origin (if known) -----

- D. Transfer for other reason:

- 1. School to which you are eligible to transfer -----

- 2. Transfer requirement, apart from race, color, or national origin, which you meet -----

Signature -----

Address -----

Date -----

This section must be filled in by the Superintendent's office, not by person signing. Transfer request granted? Yes [] No [] If not, explain:

