

# INSTRUCTIONS TO SCHOOL DISTRICTS REGARDING COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964: NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

## I. Nondiscrimination in Federally Assisted Programs

Section 601 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."

Title VI also directs each Federal agency to adopt regulations to carry out the provisions of Section 601. A Regulation pursuant to Title VI has been issued by the Department of Health, Education, and Welfare and approved by the President effective January 3, 1965. (Title 45 Code of Federal Regulations, Part 80.)

The following instructions are intended to aid local school districts and other agencies participating in federally assisted programs administered by the U.S. Office of Education, Department of Health, Education, and Welfare, in fulfilling the requirements of Title VI and the Regulation. Particular attention is directed to Section VI of these instructions: *Procedure for Submitting Assurances*.

## II. Assurance of Compliance

For a school district or other agency to be eligible for Federal financial assistance under any program administered through the U.S. Office of Education the official governing body of the school district or other agency is required under Section 80.4 of the Regulation to furnish an assurance of compliance with Title VI of the Civil Rights Act. A standard Assurance of Compliance, Form HEW-441, is provided for any school district or other agency prepared at the time of submitting the assurance to comply fully with the requirement of nondiscrimination stated in Section 601 of the Act. The filing of this standard assurance form, which is applicable to all schools operated by the school district, satisfies the assurance requirement for all programs of Federal financial assistance

administered by the Office of Education. Once the standard Assurance of Compliance has been filed each future application or reapplication for Federal financial assistance need only contain or be accompanied by the following statement by an authorized official of the applicant:

The Assurance of Compliance with Title VI of the Civil Rights Act dated \_\_\_\_\_

(Month, Day, Year)

applies to the application submitted herewith.

Programs of Federal financial assistances administered through the Office of Education to which the Assurance of Compliance would be applicable, include:

National Defense Education Act, Title III (acquisition of equipment for science, mathematics, history, civics, geography, modern foreign languages, English, and reading instruction)

National Defense Education Act, Title V (guidance, counseling, and testing)

Vocational and Technical Education Programs; Smith-Hughes, George-Barden, and Vocational Education Act of 1963

Manpower Development and Training Act

Area Redevelopment Act (training under Section 16)

School Assistance in Federally Affected Areas (operation and maintenance under P.L. 874 and school construction under P.L. 815)

Library Services and Construction Act

Adult Basic Education Program; Title II-B of the Economic Opportunity Act

Educational Improvement for Handicapped Children and Youth.

## III. School Districts Under Court Order or Plan of Desegregation

A school district not yet fully desegregated or otherwise not in a position to give an assurance of full compliance with Section 601 of the Act should not execute Form No. HEW 441. Such a school district may however apply for Federal financial assistance if it can comply with the requirements



of 80.4(c) of the Regulation, regarding court orders and plans for desegregation.

A school district or agency which elects to apply under Section 80.4(c) (1) of the Regulation should submit a copy of the final court order together with a report of the present state of compliance with that order and its program for continued compliance.

A school district or agency which elects to apply under Section 80.4(c) (2) of the Regulation should submit a plan which must meet the following conditions as a minimum:

1. *Attendance areas.* No plan contemplating the use of attendance areas for desegregated grades will be satisfactory unless such areas are bounded by rational and reasonable lines and are part of a system of unitary, nonracial zones.

2. *Initial assignment, transfer and reassignment.* All provisions in a plan for initial assignment, transfer or reassignment to schools (and within a school) must, for desegregated grades, operate without regard to the race, color or national origin of any individual.

3. *Plans based on freedom of choice.* Insofar as desegregation plans based on concepts of freedom of choice make use of any restrictions upon choice (for example, policies governing cases of overcrowding), all such restrictions must operate without regard to the race, color or national origin of any individual.

4. *Timing; special educational problems incident to desegregation.* Each plan must specify the steps (and fix a time schedule applicable to each step) to be taken toward operation of the schools in accordance with the policy of nondiscrimination stated in Section 601 of the Act and the Regulation. In any event, the plan must provide for a substantial good faith start by the beginning of the school year next following submission of the plan. In addition, the plan must provide a schedule of appropriate preparatory steps to prepare the staff and community for desegregation. Such preparatory steps must begin immediately upon adoption of the plan. Any steps taken prior to adoption of the plan should also be reported.

5. *Public notice.* No plan will be satisfactory unless it contains specific assurance that ample notice will be given to pupils, parents and the general public of rules and regulations respect-

ing assignments, transfer, reassignments and of other provisions of the plan. Such notice shall be given suitably in advance of the time at which individual choice or action must be taken.

In the case of a school district submitting a plan of desegregation, the burden rests with the school district to establish that the time prescribed in the plan for its implementation is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date.

The Commissioner reserves the right to re-evaluate a plan periodically to determine its adequacy to accomplish the purposes of the Act and the Regulation.

Such plans are not in any way binding on parties to litigation involving questions of discrimination in the policies or practices of the district.

#### IV. Effect of Submission of Assurance of Compliance in State Administered Programs

Effective as of January 3, 1965, the effective date of the Regulation, State agencies may not make any new commitments of funds for any purpose to a school district in Federally assisted programs unless an assurance of compliance, court order, or satisfactory desegregation plan has been submitted to the State agency.

Where a school district or other agency submits a plan of desegregation, the State agency may not take any of the above actions until the State agency is notified by the U.S. Commissioner of Education, after review of the plan, that Federal financial assistance may be extended.

Thus, for example, after January 2, 1965, no new agreements, contracts, or project approvals for vocational education programs, or for vocational education school construction, or for equipment or remodeling under Title III, NDEA, or for guidance and counseling programs under Title V, NDEA, or for training programs under the MDTA or ARA, or for library services or construction may be entered into or approved by the State agency unless an assurance of compliance, court order or approved plan is first obtained from the applicant.

Federal financial assistance due and payable pursuant to commitments made by the State agency prior to January 3, 1965, may be paid in spite of the failure of a school district or other agency to submit the required assurance of compliance, court order, or desegregation plan. How-



ever, the State agency in such case must notify the Commissioner of Education of such failure, and Federal financial assistance to the district may be terminated pursuant to the procedures for compliance set forth in Section 80.8(c) of the Regulation.

After the effective date of a final order entered by the responsible Department official under Section 80.10 of the Regulation that a school district or other agency is not in compliance with the Regulation, the State agency may not make available any Federal financial assistance to such school district or other agency where the provision of such assistance is inconsistent with or prohibited by any provision in such final order.

#### **V. Direct Federal Assistance (P.L. 815 and P.L. 874)**

Effective as of January 3, 1965, the effective date of the Regulation, the U.S. Commissioner of Education will not approve any new projects for Federal financial assistance to a school district or other agency or any other direct assistance program under P.L. 815 or P.L. 874, unless an assurance of compliance, court order, or desegregation plan has been submitted to the Office of Education.

Where Federal financial assistance is due and payable pursuant to an application approved by the Office of Education prior to January 3, 1965, such assistance may continue except as it may be terminated pursuant to the procedures for compliance provided in Section 80.8(c) of the Regulation.

#### **VI. Procedures for Submitting Assurances**

The instructions below represent the procedures for submitting assurances of compliance by school districts and other agencies to meet the administrative requirements of the Office of Education. The State educational agencies may instruct school districts and other agencies to file additional copies of the assurance with the State agency for its administrative purposes.

When indicating the name of the school district or other agency, give the full legal name of the district or agency. Also indicate on the form the county and State in which the district or agency is located. *If the school district is a P.L. 815 or P.L. 874 applicant, in order to secure prompt processing of the applications, it should indicate the most*

*recent project numbers for these applications, for example, Iowa-64-E-910.*

*Under the signature on Form HEW 441, type the name and title of the official signing.*

#### **State Administered Federal Assistance Programs**

School districts receiving funds *only* under State administered programs (such as vocational education, Titles III and V of NDEA, etc.) and *not* receiving funds under any direct assistance program (such as P.L. 874 or P.L. 815) submit two signed copies of the assurance, court order, or plan to the State agency. The State agency will retain one copy and forward one copy to the Office of Education.

#### **Direct Federal Assistance**

For school districts receiving assistance *only* under assistance programs directly administered by the U.S. Office of Education (such as P.L. 815 or P.L. 874), file the same number of signed copies of the assurance, court order or plan as is required for application under the particular program. Under P.L. 815 or P.L. 874, for instance, submit 3 signed copies of the assurance, court order, or plan to the State agency in accordance with the usual procedure for application under these programs. The State agency will retain one copy and forward one copy to the appropriate regional office of the U.S. Office of Education and one to the U.S. Office of Education.

#### **Both Direct and State Administered Programs**

If the school district is receiving assistance under *both* direct assistance *and* State administered programs, follow the procedures above for *direct assistance*, but make sure that one copy of the assurance, court order, or plan is sent to the State agency for its files if this is not otherwise provided for.

Since the particular office approving a grant at either the State or Federal level cannot approve a grant unless it has on file a satisfactory assurance, court order or desegregation plan, the local agency is responsible for making sure that the required copies of these documents have been received by the appropriate office.

#### **Local Agency To Retain One Copy**

The local school district should keep at least one copy of the signed assurance, court order, or desegregation plan for its files.

*December, 1964*



June 2, 1965

LA

Miss

VA

W

SUMMARY																							
# of data	# of data	% of data	# of data	# of data	% of data	# of data	# of data	# of data	# of data	# of data	# of data	# of data	# of data	# of data	# of data	# of data	# of data	# of data	# of data	# of data	# of data	# of data	
118	112	95%	55	0	0%	53	13	33	7	0	25%	62%	13%	0	4	2	50%	112	15	13%	12%		
411	325	79%	188	188	100%	134	16	51	38	29	12%	38%	28%	22%	3	0	0	325	204	63%	65%		
78	54	69%	54	16	30%	0	0	0	0	0	0	0	0	0	0	0	0	54	16	30%	30%		
67	67	100%	2	2	100%	52	2	5	45	0	4%	10%	86%	0	13	13	100%	67	17	25%	24%		
195	193	99%	77	3	4%	110	3	48	59	0	3%	44%	53%	0	6	5	83%	193	11	6%	6%		
205	196	96%	135	133	98%	58	23	7	26	2	40%	12%	45%	3%	3	2	67%	196	158	80%	77%		
67	5	7%	0	0	0	0	0	0	0	0	0	0	0	0	5	1	20%	5	1	20%	0%		
24	24	100%	10	7	70%	14	3	11	0	0	21%	79%	0	0	0	0	0	24	10	42%	29%		
163	66	40%	1	0	0	63	0	1	62	0	0	2%	98%	0	2	0	0	66	0	0	0%		
678	678	100%	663	663	100%	15	7	4	2	2	47%	27%	13%	13%	0	0	0	678	670	99%	12%		
170	159	94%	6	1	17%	153	8	71	74	0	5%	46%	49%	0	0	0	0	159	9	6%	5%		
1092	1055	97%	1028	928	90%	25	2	-	-	23	8%	-	-	92%	2	0	0	1055	930	88%	30%		
111	96	86%	1	0	0	90	2	2	86	0	2%	2%	96%	0	5	5	100%	96	7	7%	2%		
152	152	100%	133	11	8%	11	1	4	6	0	9%	36%	55%	0	8	8	100%	152	20	13%	8%		
1420	1220	86%	820	625	76%	384	23	146	42	173	6%	38%	11%	45%	16	13	81%	1220	661	54%	55%		
137	135	99%	50	6	12%	70	4	26	10	30	6%	37%	14%	43%	15	2	13%	135	12	9%	8%		
55	55	100%	50	48	96%	3	0	1	2	0	0	33%	67%	0	2	0	0	55	48	87%	87%		
5143	4592	89%	3273	2631	80%	1235	107	410	492	259	9%	33%	37%	21%	84	51	60%	4592	2789	61%	55%		

% accepted as of 5/24/65

% accepted as of 5/24/65



TABLE VI DOMSCORE

May 12, 1965

	<u>STATE AGENCY COMPLIANCES</u>		
	<u>Education agencies</u>	<u>Library agencies</u>	<u>Vocational Ed. Depts.</u>
Total Expected	53 <sup>1/</sup>	53	4
Total Received	53	53	4
Total Accepted	42	41	3
Total in Process	11	12	1
Ready for Comsr's Signature	4	7	0
Undergoing final review	2	3	1
Awaiting further information	5	2	0

<sup>1/</sup> The District of Columbia is not included, as it is not required to submit a Statement of Compliance. It has submitted an Assurance of Compliance, which has been accepted.

TITLE VI BOXSCORE

May 12, 1965

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LOCAL DISTRICT COMPLIANCES

	<u>HEW Form 441</u>	<u>Court Orders</u>	<u>Desegregation Plans</u>	
Total Expected	26,000	90 (est.)	2,000 (est.)	2,500
Total Received	22,518	82	865	
Total Accepted	20,197 <sup>1/</sup>	34	31	
Total in Process	2,321 <sup>2/</sup>	48	834	
Ready for Comsr's signature	-----	--	10	
Undergoing final review	-----	40 (est.)	90 (est.)	
Awaiting revisions or further information	1,000 (est.)	8 (est.)	305 <sup>3/</sup>	

- 1/ 1,301 of these 441s are from among the 3,522 Southern and border state districts that have submitted HEW Form 441.
- 2/ Many of these will be converted into desegregation plans; we are awaiting further information on the remainder before they can be found to be acceptable.
- 3/ Information awaited in response to letters sent 4/28 and last week.

TITLE VI BOXSCORE

May 12, 1965

HIGHER EDUCATION  
HEW Form 441

Total Expected	2,200 (est.)
Total Received	1,950 (est.)
Total Accepted	1,938
Total in process	12 (est.)



Title VI BOXSCORE

April 21, 1965

	<u>HEW</u> <u>441</u> (Districts)	<u>HEW</u> <u>441</u> (Institutions)	<u>STATE COMPLIANCES</u>			<u>COURT</u> <u>ORDERS</u>	<u>DISTRICT</u> <u>PLANS</u>
			Education Departments	Libraries	Vocational Ed. Depts.		
Total Expected	27,000	2,200	53 <sup>2/</sup>	54	4	90 (rough est.)	2,000
Total Received	22,400	1,800	53	53	4	80	548
Total Accepted	19,000	1,800	24	14	--	10	12
Total in Process	3,400 <sup>1/</sup>	Negligible	29	39	4 <sup>3/</sup>	70 <sup>4/</sup>	536 <sup>5/</sup>
Ready for Comr's signature			--	8	--		
In final review stages			12	15	1		
Awaiting more State information			17	16	3		

1/ Approximately 2,000 of these will probably be converted into state plans.

2/ Washington, D.C., filing Form 441.

3/ Several awaiting approval of Education Department compliances

4/ One additional lawyer assigned to this project, 4/21/65. Five to ten additional acceptances expected shortly.

5/ Great majority of these likely to be sent back quickly following formulation of rejection letters and accompanying criteria.

Winthrop Knowlton