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COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON D C 20548

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RELEASED

HEW 089936

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AUG 18 1970

Dear Mr. Cramer:

As requested in your letter of April 2 (encl. II), and as agreed to in our letter of June 8, 1970 (encl. III), we have investigated certain activities of the Florida School Desegregation Consulting Center (Center) related to the development of plans for the desegregation of student bodies in the public schools of selected Florida counties.

The Florida School Desegregation Consulting Center is operated by the University of Miami under a cost-reimbursement contract with the Office of Education; Department of Health, Education, and Welfare (HEW) The present contract was effective June 30, 1966, and is presently funded through December 31, 1970. The estimated cost of the contract is approximately \$1,400,000. Reimbursements to the contractor through June 30, 1970, were about \$870,000.

The contract was awarded pursuant to sections 403 and 404 of the Civil Rights Act of 1964 (42 U.S.C. 2000 c-2 and 2000 c-3). Section 403 authorizes the Commissioner of Education, upon application of any governmental unit legally responsible for operating public schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Technical assistance is defined as including, among other things, making available to applicant agencies personnel of the Office of Education or other persons who are specially equipped to advise and assist in coping with special educational problems occasioned by desegregation. Section 404 authorizes the Commissioner of Education to arrange with institutions of higher education for the operation of institutes for special training to improve the ability of elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation. The contract provides that the Center carry out these activities.

As agreed to during a discussion between you and members of our staff on May 20, 1970, and as outlined in our letter of June 8, 1970, we reviewed certain matters related to the Center's involvement with desegregation plans for public schools in Manatee, Pinellas, Volusia,

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Seminole, and Dade Counties so that we might be able to respond to a number of legal questions posed during the discussion

Local school officials in Pinellas and Seminole Counties informed us that the Center had not prepared plans for student desegregation in those counties. The superintendent of Pinellas County schools said that Center personnel had reviewed the county's plan for desegregation of schools in the Largo area, surveyed student transportation in the area, and met with interested citizens groups to discuss matters related to school desegregation; the assistant superintendent of Seminole County schools said that the Center had not been involved in the preparation of desegregation plans for that county's schools. Therefore, we did not examine into student desegregation in these counties.

In addition to the outlined work, we reviewed all student desegregation plans prepared by the Center during calendar years 1969 and 1970 and discussed the implementation of those plans with local school officials in counties where the Center's plans were implemented essentially as presented.

In enclosure I to this report, we summarized the information pertaining to the Center's desegregation plans for (1) Dade, Manatee, and Volusia Counties, (2) two other counties for which the Center had developed desegregation plans in direct response to court orders, without requests from county officials (Broward and Duval Counties), and (3) six other counties in which the Center's desegregation plans had been implemented essentially as presented (Collier, Dixie, Leon, Levy, Nassau, and Sumter Counties). Briefly, our findings are as follows:

STUDIES OF SCHOOL SYSTEMS BEFORE  
DEVELOPING PLANS AND CONSULTATIONS  
WITH LOCAL SCHOOL OFFICIALS

School officials in Duval and Manatee Counties commented that the Center had not made adequate studies or had not adequately consulted with them before developing desegregation plans for their counties.

The superintendent of the Manatee County schools said that Center personnel spent a total of only 15 man-hours in the county before

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submitting their plan to him. The Center director told us that the time spent in Manatee County was not indicative of the time spent in developing the Center's plan for the county and that the Center staff spent many hours analyzing the data obtained from county officials. We noted that the Center had only a limited time in which to develop a plan because a district court order, issued on December 22, 1969, required the county to request the assistance of the Office of Education in preparing a plan and to submit it to the court on January 6, 1970. The Office of Education assigned its responsibility for the Manatee County plan to the Center

Duval County school officials informed us that the Center staff consulted with them in gathering data for a plan and in developing what local officials thought would be the Center's plan for the county. They said, however, that, when the Center subsequently presented its plan to the court it was greatly modified from the plan previously discussed with them and that they had had no opportunity to review or discuss it before it was submitted to the court.

Local school officials in other counties made no adverse comments about the Center's studies of their systems or consultations with them.

#### STUDENT BUSSING REQUIRED BY CENTER'S PLANS

We found no pattern of increased student transportation resulting from implementation of the Center's plans.

In Manatee and Volusia Counties-- which experienced increases of about 30 percent and 40 percent, respectively, in the number of students transported-- the plans originally recommended by the Center were not put into effect (See encl I, pp. 7 through 11, and 16 ) On the basis of our review of the plans, it appears that the Center's recommendation for Manatee County would have resulted in an increase in student transportation but a lesser increase than that resulting from the court-ordered plan. Similarly, the Center's first choice of a plan for Volusia County would have resulted in a decrease in student transportation.

The effect of implementation of the Center's plans on student transportation in the other counties included in our review varied between no increase in Dixie and Levy counties and a 50 percent increase in Nassau County. The superintendent of Nassau County schools stated that the Center's plan was based almost entirely upon recommendations of the school board.

Center personnel informed us that student transportation was a factor which they considered in developing desegregation plans; but they were unable to give us specific examples of how consideration of this factor had affected the plans.

The Center's director stated that the Volusia County plan, which the Center submitted to the court on December 1, 1969, and all plans subsequently developed by the Center had been submitted to an ad hoc committee of HEW and Justice Department officials in Washington and that this committee would not approve a plan which required a significant increase in student transportation.

The Deputy Director, Division of Equal Educational Opportunities, Office of Education, who has served as a member of the ad hoc committee, told us that the committee was established to ensure that plans which were submitted to a court as HEW plans--whether prepared by HEW or by a university center--were consistent with the law and with each other and that the committee began to function about October 1969. He said that the committee would not approve, as an HEW plan, a plan which required a substantial increase in student bussing but that the committee had included, as alternates, plans which provided for additional bussing--particularly in cases where it seemed evident that the courts would not approve anything less.

COURT DIRECTIVES LEADING  
TO DEVELOPMENT OF  
DESEGREGATION PLANS

The Center developed desegregation plans for Broward and Duval counties in direct response to "requests" contained in orders of district

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courts and without requests from local school officials. The Center submitted both of these plans directly to the courts

The Center's plans for Alachua, Bay, Leon, Manatee, Orange, and Volusia Counties were developed in response to requests from local school officials, but in each case the courts had specifically directed the local officials to request the assistance of either HEW or the Center. The Center submitted its plan for Volusia County directly to the court, but plans for the other five counties were submitted to the local school authorities

The Center director told us that, in the case of Broward and Duval Counties, he considered the requests of the courts as constituting obligatory directives to the Center.

#### CENTER'S ACTIVITIES IN SECURING COURT APPROVAL OF ITS PLANS

Center officials told us that Center personnel had testified in court only in connection with the Leon County plan and that the testimony in this case was related to the time of implementation rather than to defense of the plan. In another instance the Center wrote to the court to rebut charges made by Duval County school officials in opposition to the Center's plan.

#### EDUCATIONAL PROBLEMS RESULTING FROM IMPLEMENTATION OF CENTER'S PLANS

Manatee County was the only county in which we were informed that implementation of the Center's plan caused an educational problem. The county superintendent of schools told us that the methods of teaching reading were not the same in all elementary schools and that many of the students--placed in new schools at mid-term--could not make the transition. The Center director agreed that such a transition would, if made during a semester, be disadvantageous to the student

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ADMINISTRATIVE PROBLEMS RESULTING  
FROM IMPLEMENTATION OF THE  
CENTER'S PLANS

Disciplinary problems and adverse community reaction were cited in two counties as administrative problems resulting from implementation of the Center's plans. In other counties the Center's plans were considered a vehicle for removing pressure from the local school officials for accomplishing a necessary, but unpopular, task.

A shortage of buses was cited in Manatee and Nassau counties. The superintendent of schools in Manatee County told us that the shortage of buses forced the county to abandon plans to decrease the limits, from 2 miles to 1-1/2 miles, within which transportation would be provided and that increased transportation time required that the length of the school day be reduced by as much as 1 hour.

QUALIFICATIONS OF  
CENTER STAFF

We obtained statements of educational and experience qualifications of all members of the Center staff and of all consultants who worked on the Center's plans for Manatee and Volusia Counties. On the basis of these statements, it appears to us that the persons employed by the Center, including consultants, generally possess the educational and experience characteristics which should qualify them to perform the work of the Center.

TIME SPENT AND COST  
INCURRED IN DEVELOPMENT  
OF SPECIFIC PLANS

The Center does not maintain records which show either the staff members who worked on a given plan or the amount of time spent on a given plan. Neither the Center nor the University of Miami had records showing the cost incurred in developing a given plan.

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RATIONALE BEHIND CENTER'S  
PLANS AND CRITERIA FOLLOWED  
IN DEVELOPING PLANS

If there is a single rationale for all the plans developed by the Center, it appears to lie in the statement of the Center director that the objective of every plan has been to recommend a system which would be educationally sound and which would be accepted as a desegregated system by the reviewing body (HEW, the courts, and the ad hoc committee) considering the plan

It is apparent in the plans which we reviewed that the Center has worked toward achieving some degree of racial integration in the schools and, to that end, has recommended actions which would have the effect of assigning students to schools on the basis of race. In the Center's interim plan for Dade County, implemented for the 1969-70 school year, one of the specific recommendations was that, "The Superintendent be authorized and directed to use racial considerations in redrawing pupil assignment zones to effect increased desegregation of schools."

The Center personnel responsible for most of the plans which we reviewed stated either that their primary objective in drawing the plan was to eliminate all-black schools or that elimination of all-black schools was the result of having achieved their primary objective which, in essence, was to achieve the maximum practicable degree of desegregation.

We asked the Center director if the Center had not, in fact, drawn plans with primary regard being given to the assignment of students on the basis of race and for the primary purpose of overcoming racial imbalance. The director agreed that such was the case but justified the action on the following grounds:

--The courts have specified that school systems must be "unitary," but have not effectively defined that term. In describing unitary systems, the courts have used such expressions as "systems in which there are no white schools and no black schools--just schools," "systems in which no person is effectively excluded

from any school on the basis of race," "systems in which all vestiges of a dual system have been eliminated," and "systems in which no schools are racially identifiable "

- - The courts have not uniformly applied these definitions to individual school systems - - some systems have been rejected because they included all-black schools, while other systems with all-black schools have been approved, in some cases the courts have directed that students be assigned specifically on the basis of race
- - The fifth circuit court of appeals in the Orange County, Florida, case stated that what constitutes a "unitary" system must be decided on an ad hoc basis for each system.
- - In some cases, to overcome the effects of a dual system in which schools were located so as to foster continued racial segregation, the assignment of students without regard to race requires, for the present, that students be assigned specifically on the basis of race and that such assignments are not contrary to the definition of "desegregation" stated in section 401 of the Civil Rights Act <sup>1</sup>
- - It would be a waste of money for the Center, in order to conform to a narrow interpretation of the definition in section 401, to draw desegregation plans which they had reason to believe would not stand up in court.

The Center director told us that the Office of Education had not given the Center any specific instructions to follow in preparing

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<sup>1</sup>"Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance



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desegregation plans and that the plans drawn by the Center had therefore, been based upon the Center's interpretation of court decisions and the annual HEW guidelines, which, he said, were constantly changing. The Director also said that the Center was not then developing any desegregation plans but that, if it were to develop additional plans, they would be in accordance with the President's March 24, 1970, statement on school desegregation.

SUPERVISION OF CENTER'S  
ACTIVITIES BY THE  
OFFICE OF EDUCATION

The Office of Education contract with the University of Miami was amended, effective January 1, 1970, to provide that,

"Performance of work under this contract shall be subject to review and technical direction by the Contracting Officer or a representative authorized in writing to act for him. Technical directives may be issued within the scope of the work \*\*\* for the purpose of filling in previously unspecified details, defining technical aspects of the work, redirecting efforts, or authorizing pursuit or cessation of activities of the Contractor. Technical directives shall not be used to either enlarge or diminish the scope of the work."

Before January 1, 1970, the contract made no provision for Office of Education review and technical direction of the contractor's performance.

We were told by the Regional Assistant Commissioner of Education and by program officers in the Atlanta Regional Office of HEW that no technical directives had been issued under the contract, that they were not aware of any formal procedures within the Office of Education requiring evaluation of the performance of contractors, and that they were not aware of any formal evaluation of the Center's performance. They said that, when they made field trips, they performed an evaluation

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of sorts and that their trip reports might be considered evaluation reports. We reviewed all trip reports available at the Atlanta Regional Office. All of these were related to preparation of the Office of Education desegregation plan for Dade County, and none of them evidenced any evaluation of the Center's operations.

The Regional Assistant Commissioner told us that centers such as the Florida School Desegregation Consulting Center are, to a large degree, autonomous, receiving no real direction or control by the Office of Education. He said that, if the Office of Education were to observe a center violating its contract, the Office would insist upon the contract's being honored but that, otherwise, the Office would not try to tell a center what to do or how to do it.

#### RESPONSE TO LEGAL QUESTIONS

In our letter to you of June 8, 1970, we agreed that, on the basis of information obtained, we would respond to certain questions posed during a discussion between you and members of our staff on May 20, 1970.

#### Questions (1) and (2)

Do sections 403 and 404 of the Civil Rights Act of 1964 authorize the activities being carried out by the Center, including the preparation and presentation of desegregation plans to Federal district courts?

Under section 403 a condition precedent to the authority of the Commissioner of Education to render technical assistance in the preparation, adoption, and implementation of desegregation plans is that a school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools must request such assistance.

The language of section 403 clearly requires requests by the governmental units designated therein and is intended for the purpose of

giving local or State school officials the responsibility for deciding whether assistance will be requested. In this regard the following discussion<sup>1</sup> on June 9, 1964, between Senator Jacob K. Javits and Senator Hubert H. Humphrey, the floor manager of the Civil Rights Act of 1964, demonstrates this purpose in the 403 language.

"Mr. JAVITS: Mr. President, will the Senator yield, so that I may propound two questions to the Senator from Minnesota, who is in charge of the bill?

"The Senator understands the bill to provide that no technical service or personnel trained under the bill, or otherwise, may move to a local school board unless it is 'upon the application of any school board, State, municipality, school district, or other governmental unit'. - I refer to page 20, lines 21 through 23 - 'legally responsible for operating a public school or schools'.

"Mr. HUMPHREY: Is the Senator referring to the House bill?

"Mr. JAVITS: I am referring to the House bill.

"Mr. HUMPHREY: What page?

"Mr. JAVITS: Page 20, lines 21 to 23, inclusive.

"I am referring to the bill that is designated 'Printed for the use of the Senate'.

"My question to the Senator from Minnesota is whether or not it is a fact that under section 403 the only technical assistance that will move to local school boards will be upon the application of the school board, State, municipality, school district, or other governmental unit legally.

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<sup>1</sup>See 110 Cong. Rec. 13063

responsible for operating a public school or schools, and that such assistance will be provided only upon such request and only with respect to the school or schools under the jurisdiction of such governmental unit.

"Mr HUMPHREY The Senator is correct Section 403 provides:

'The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating the public school or schools, to render technical assistance.'

"This applies to the program of technical assistance of training institutes

"Mr JAVITS So any personnel 'piped' in to be trained would come because they asked for it.

"Mr HUMPHREY. It would be on the initiation of the local school authority, either on the local or State level "

Section 404 governs the operation of institutes for special training designed to improve the ability of school personnel to deal with special educational problems occasioned by desegregation and has not, so far as we are aware, been the subject of rulings by the courts in Florida

Insofar as the requests for plans for Alachua, Bay, Leon, Manatee, Orange, and Volusia Counties are concerned, we view these requests as meeting the requirements of section 403 even though each plan was requested by local officials only after they had been ordered by the courts to make such requests We do not think it would be reasonable for the Center to refuse any request for assistance when made by local school

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authorities whatever the reasons for the request. In the cases of the second plan for Duval County and the plan for Broward County, however, no requests were made by local school officials and such plans were developed in direct response to requests contained in orders of U.S. district courts, although in these two cases the courts ordered the local school boards to cooperate with the Center

Specifically, in the case of Braxton et al v Board of Public Instruction of Duval County, Florida, et al, No 4598-Civ-J, the Supplemental Order of January 19, 1970, of the U.S. District Court for the Middle District of Florida read, in pertinent part, as follows:

"ORDERED:"

\* \* \* \* \*

"3 The Florida School Desegregation Consulting Center is hereby requested to make a study of the public school system of Duval County and on or before March 15, 1970, to make recommendations to the Court of changes to eradicate fully any vestige of official action which has prevented the system from becoming a unitary one. A hearing will be set by further order of this Court, at which these recommendations will be considered."

In the case of Allen, et al, v. Board of Public Instruction of Broward County, Florida, No 70-31-Civ-TC, the March 3, 1970, Order of the U.S. District Court for the Southern District of Florida read that it is Ordered and Adjudged that.

"5 The Florida School Desegregation Consulting Center is requested to consult with the defendants, develop additional information as set forth in Paragraph 4 hereof, and make a report with recommendations to the court designed to assure a desegregation plan which

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meets the constitutional standard of a unitary system  
Copies of the report shall be furnished to the defendants  
and to the plaintiffs at the same time as made to the  
court "

It is important to note that, in these orders, all other requirements imposed by the courts were stated in mandatory terms, i e , the affected parties were either granted authority or ordered or required to perform acts rather than being requested to perform acts This distinction has incidental importance because, in our opinion, the Center would not have been subject to civil contempt for refusing the courts' requests See the last paragraph of 42 U.S.C. 2000h which shows the grounds for civil contempt in Civil Rights Act cases.

U.S. district courts are not governmental units responsible for operating public schools and, therefore, there is no authority to use funds authorized for the purpose of section 403 to draft desegregation plans solely at the request of such courts Inasmuch as the Center lacked authority to honor the courts' requests, it was improper to use appropriated funds to comply with the requests As a practical matter-- although there was an improper use of Federal funds-- in view of the fact that the Center does not have accounting records which show the cost incurred in developing a given plan, no meaningful recourse is available with regard to the funds used in connection with preparing plans for Duval and Broward Counties

Question (3) Was it contemplated by the Congress in enacting the Civil Rights Act of 1964 that centers such as the one here involved would be permitted by HEW to operate autonomously?

The Acting General Counsel of HEW in a letter to our Office dated July 1, 1970, acknowledged that, so far as could be determined, the Congress did not contemplate that contractors for the Commissioner of Education under title IV would operate autonomously He further advised that the term "autonomously" was not accurately descriptive of the contractual operations of the Center However, as previously

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related, we found, and the Regional Assistant Commissioner acknowledged, that in practice no real direction or control from the Office of Education was received by the Center and that in fact it and other centers are to a large degree autonomous. It should be noted that the relationship between the Office of Education and the Center is contractual and that, although originally the contract contained no provision for governmental review and technical direction of the contractor's performance, it was amended, effective January 1, 1970, to provide for such review and direction by the contracting officer.

Question (4) Will there be any legal authority for continuance of this Center after all school systems in Florida have been declared to be established on a unitary basis?

In response to this question, the Acting General Counsel of HEW in his letter of July 1, 1970, wrote as follows:

"Section 403 not only authorizes the Commissioner to assist applicants in the 'preparation, adoption and implementation' of desegregation plans, but also authorizes him to assist them in coping 'with special educational problems occasioned by desegregation'. The life span of problems occasioned by desegregation obviously will vary from school district to school district, depending upon, among other things, the nature of the preceding system of segregated education and the method and timing of the termination of that system. But so long as those problems continue to exist in Florida school districts, even though legally desegregated, section 403 would seem to provide an adequate basis for the Commissioner to make assistance available to those districts through arrangements such as the contract with the University of Miami."

We feel that this response is appropriate and we agree that, under section 403, there is adequate legal basis for the Commissioner to make

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assistance available to affected school districts even though legally unified or desegregated. In this regard, an amendment (see 110 Cong. Rec. 2281, 2284) offered by Congressman Kyle during consideration of the Civil Rights Act on February 6, 1964, which would have terminated section 403 and other grants no later than January 1, 1970, was defeated.

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HEW, Office of Education, and Center officials have not been given an opportunity to comment on the matters discussed in this report. We plan to advise HEW and Office of Education officials of the issuance of this report.

We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

Sincerely yours,



Acting Comptroller General  
of the United States

Enclosures (3)

The Honorable William C. Cramer  
House of Representatives



GENERAL ACCOUNTING OFFICE

INVESTIGATION OF DESEGREGATION PLANS BY THE

FLORIDA SCHOOL DESEGREGATION CONSULTING CENTER

FOR THE PUBLIC SCHOOLS OF CERTAIN FLORIDA COUNTIES

DADE COUNTY

Background

At the request of the superintendent of the Dade County schools, the Center prepared an interim desegregation plan for the Dade County public schools. The Center director told us that, the Center staff, in addition to preparing the interim plan, assisted personnel of the Office of Education in preparing a desegregation plan for the Dade County schools which the Office of Education submitted to the district court on May 15, 1970. Our review of the Center's activities in Dade County was concerned primarily with the interim plan, which was submitted to the superintendent and the school board on July 23, 1969, for the 1969-70 school year.

The superintendent's request for the Center's assistance in preparing the interim desegregation plan was the result of a finding by the Department of Health, Education, and Welfare (HEW) Office for Civil Rights that the county school system appeared to be in violation of title VI of the Civil Rights Act of 1964 in the areas of pupil assignment, faculty assignment, administrative and supervisory personnel assignment, transportation services, and comparability of services. In a letter dated July 1, 1969, the Office for Civil Rights directed that a plan be submitted by August 1, 1969, listing interim steps to be taken by September 1969 toward elimination of a dual school structure.

Information contained in the Center's report shows that, in the 1968-69 school year, the Dade County school system had an enrollment of 232,272 pupils, of whom 56,471 (24.3 percent) were black. The report also shows that the school district

operated a total of 214 schools--155 elementary schools, 40 junior high schools, three junior-senior high schools, and 16 high schools.

The Center's report states that each of the 214 schools had a geographical attendance zone but that all children living in any one zone were not necessarily assigned to one specific school. There were open zones in which students were assigned to any of several schools in the zone and optional zones in which students could exercise a choice of schools. In addition, the report states that the transfer policy permitted students, on the second day of the new school year, to request transfer to a school within the county other than the one to which they were assigned, provided that space was available in the school to which transfer was requested.

The Center's report shows that, under the pupil assignment plan described, the racial concentration by school level as of October 1968 was as follows:

<u>School level</u>	<u>Total number of schools</u>	<u>Number of schools with more than</u>	
		<u>90% black enrollment</u>	<u>90% white enrollment</u>
Elementary	155	32	105
Junior high	40	8	22
Senior high and junior- senior high	19	3	11

#### The Center's interim plan

The Center's interim plan contained a number of general recommendations dealing with pupil assignment and a number of specific recommendations dealing with the assignment of pupils to certain schools.

Pertinent general recommendations of the Center were that

--the superintendent be authorized to discontinue immediately the transfer policy under which students were

permitted to request transfer on the second day of the new school year;

- the school board adopt a new transfer policy which would limit transfers made at the request of the student essentially to cases in which the student's residence was changed or in which the request was for transfer from a school in which the student's race was in the majority to a school in which the student's race was in the minority;
- the superintendent be authorized and directed to assign all students for the 1970-71 school year to closed geographic zones in such a manner that each school would be situated by itself in a single zone except where two or more schools were paired for the purpose of desegregation;
- the superintendent be authorized and directed to use racial considerations in redrawing pupil assignment zones to effect increased desegregation of schools, with such rezoning to be done to the extent administratively feasible for the fall of 1969 and completed by the fall of 1970; and
- the superintendent be authorized to discontinue certain optional zones immediately and to discontinue all optional zones by September 1, 1970.

The Center's specific recommendations for assigning pupils to certain schools related essentially to elimination of optional zones, combination of attendance areas, change of grade structure, and "pairing" of schools. The plan does not show what effect implementation of these recommendations would have on the racial compositions of the student bodies of the affected schools.

#### Implementation of the Center's interim plan

An order issued on August 29, 1969, by U.S. District Court Judge C. Clyde Atkins states that on July 25, 1969, the school board approved the Center's interim plan with two

modifications--rejecting the recommendation that two groups of elementary schools in South Dade County be paired and closing the all-black Mays Junior-Senior High School--and that the revised interim plan was approved by HEW on August 4, 1969.

As the school system began making preparations for implementation of the approved plan, a number of suits were filed in the State courts, which resulted in issuance of injunctions against implementation of the plan. At the request of the school board and on the basis of the effect of these injunctions and of expected further injunctions by the State courts, the Federal court assumed jurisdiction in the cases filed in the State courts, and on August 29, 1969, issued its order approving the Center's interim plan as modified by the school board on July 25.

Effects of implementing the  
Center's interim plan

A representative of the superintendent of the Dade County schools told us that the Center's interim plan as implemented was a sound, workable plan and that it resulted in very little increase in student transportation.

MANATEE COUNTY

Background

The Center's desegregation plan for the Manatee County public schools was prepared in response to a court-ordered request by the superintendent of schools for the county. Pertinent orders of the court which preceded the superintendent's request are summarized as follows:

In June 1969 the district court found that the school board's desegregation plan as submitted to the court was inadequate and ordered that an amended plan be submitted with revised attendance zones. This order of the district court was appealed by the school board, and a cross-appeal was filed by the plaintiffs.

The fifth circuit court of appeals ruled on December 12, 1969, that the district court order issued in June 1969 did not establish a racially unitary school system, and it reversed and remanded the order for "compliance with the requirements of Alexander v. Holmes County Board of Education and the terms, provisions, and conditions (including the time specified)" in Singleton v. Jackson Municipal Separate School District.

In Alexander v. Holmes County, the Supreme Court directed the fifth circuit court of appeals to issue its order "effective immediately declaring that each of the school districts \*\*\* may no longer operate a dual school system based on race or color, and directing that they begin immediately to operate as unitary school systems within which no person is effectively excluded from any school because of race or color."

In Singleton v. Jackson Municipal Separate School District (a decision involving 14 school systems) the fifth circuit court of appeals directed the district courts "to require the respective school districts \*\*\* to request the Office of Education (HEW) to prepare plans for the merger of the student bodies into unitary systems. These plans shall be filed with the district courts not later than January 6, 1970, together with such additional

plan or modification of the Office of Education plan as the school district may wish to offer."

Information given to us by the superintendent shows that Manatee County officials received notice on December 18, 1969, that their appeal had been rejected and that they were notified on December 22, 1969, by the district judge that they would have to comply with all of the provisions of the Singleton decision. On December 23, 1969, the superintendent sent a telegraphic request for assistance to the Director, Office for Civil Rights, HEW. The superintendent told us that he was notified on December 24, 1969, that the Center would represent HEW in preparing a plan for Manatee County. The superintendent told us that the Center's plan was presented to him at 5 p.m. on January 5, 1970, and was submitted to the court as an HEW plan on January 6, 1970.

Center's study of school system and  
consultation with local school officials

The superintendent of the Manatee County schools told us that one member of the Center's staff spent about 5 hours at his office on December 26, 1969, collecting information pertaining to the current school situation and that on December 29, 1969, the same Center staff member and the Center Associate Director responsible for the Manatee County study spent about 5 hours in his office reviewing with him a rough draft of the Center's plan. He said that the Center was proposing at that time a plan which called for the complete pairing of Manatee County schools, that he objected at the time to the pairing of schools, and that he had no further contact with the Center concerning the plan until it was presented to him.

The Center director told us that the time spent in Manatee County was not indicative of the time spent in developing the Center's plan for the county. He said that the Center's staff spent many hours analyzing data obtained from county officials and that one member of the Center's staff had served for a number of years as superintendent of the Manatee County schools and was intimately familiar with the system. The Center does not keep records which show the amount of time spent on a particular plan.

Other factors which may have contributed to the extent of the Center's study of the Manatee County system and the Center's consultation with local school officials were (1) the short time available to the Center for preparation of the plan--15 days total time between date of judicial notification to county officials that they were under the time constraints of Singleton and the date on which submission of a plan was required--and (2) the Center's concurrent involvement with plans for three other counties (Alachua, Bay, and Leon) which were subject to Singleton.

### The Center's plan

Information in the Center's plan shows the following characteristics of the Manatee County school system as of December 18, 1969.

Type of <u>school</u>	Total number of <u>schools</u>	Number of schools with student bodies which were			
		<u>100% white</u>	<u>90-99.9% white</u>	<u>100% black</u>	<u>90-99.9% black</u>
Elementary	21	4	6	1	2
Junior high	8	1	1	1	-
Senior high	4	-	-	-	-

The total student population was shown to be 17,811, of whom 4,144 (23.3 percent) were black and 13,667 (76.7 percent) were white.

Information given to us by the superintendent shows that, at the start of the 1969-70 school year, students were assigned to schools on the basis of geographic attendance zones in accordance with the district court order of June 1969.

The Center recommended a plan for Manatee County that provided for "pairing" or "grouping" of certain elementary schools, through combining attendance areas and changing the grade structure of the individual schools and for pairing two junior high schools. The plan recommended by the Center would have made no change in student assignments for 12 elementary schools, six junior high schools, or any of the

senior high schools. The effect which the Center's plan would have had on the racial composition of the student bodies of the affected schools is shown in the plan as follows:

<u>School</u>	<u>At 12-18-69</u>			<u>Recommended</u>		
	<u>Number</u> <u>white</u>	<u>Number</u> <u>black</u>	<u>Percent</u> <u>black</u>	<u>Number</u> <u>white</u>	<u>Number</u> <u>black</u>	<u>Percent</u> <u>black</u>
Elementary schools:						
Ballard	534	121	18.5	371	230	36.1
Bradenton	11	602	98.2	346	311	47.3
Manatee	624	158	20.2	453	265	35.1
Blackburn	(not in use)			146	129	46.9
Ellenton	194	2	1.0	(to be closed)		
Parrish	118	50	29.8	(to be closed)		
Memorial	-	682	100.0	363	484	57.1
Palmetto	613	114	15.7	390	320	45.1
Palm View	273	73	21.1	188	185	49.6
Tillman	6	354	98.3	117	144	55.2
Junior high schools:						
Lincoln						
Middle	-	335	100.0	190	218	53.4
Palmetto	1,018	192	15.9	828	309	27.2

The Center's plan does not discuss the means by which students would travel to and from the schools to which they would have been assigned under the plan recommended by the Center. It is apparent from comparison of the attendance zones in effect on December 18, 1969, with those recommended by the Center that implementation of the Center's plan would have required transportation of students who were within walking distance of the school to which they were assigned under the plan in effect at the beginning of the school year. However information was not available as to the extent of such an increase.

The plan which the Center presented to the superintendent and which was submitted to the court on January 6, 1970, as an HEW plan included an appendix which contained the following statement:



"On December 30, 1969 several alternative desegregation plans were discussed with Superintendent Davidson and certain members of his staff. These alternative plans are briefly presented here

"Plan A. The first alternative, Plan A, involved the pairing of Blackburn and Tillman Elementary Schools, the pairing of Bradenton and Manatee Elementary Schools, the pairing of Memorial and Palmetto Elementary Schools, the conversion of Lincoln to a Seventh Grade Center, and Palmetto to a [sic] 8-12 grade school.

"It was felt that the resulting elementary student percentages by race were not desirable."

\* \* \* \* \*

"Plan B. A second alternative, Plan B, involved the grouping of Bayshore, Bradenton, Daughtrey, and Samoset Elementary Schools, the grouping of Blackburn, Ellenton, Palmetto, Parrish, and Tillman Elementary Schools, the grouping of Memorial, Palma Sola, and Prine Elementary Schools, and the conversion of Lincoln to a Seventh Grade Center and Palmetto to a [sic] 8-12 grade school. This plan would result in all the elementary schools sharing in the desegregation process except for Duette and Myakka which are far removed from the population concentration.

"It was felt that this plan was more extensive than necessary and would meet with considerable adverse community reaction."

\* \* \* \* \*

"Plan C. A third alternative, Plan C, was discussed and felt to be more desirable than either Plan A or Plan B. This plan is presented in the major portion of this document."

The Center director told us that the Center did not present plans A and B as alternative recommendations to plan C. He said that plans A and B were listed in the appendix only as alternatives which had been considered and discussed with the superintendent and his staff.

Court action on the Center's plan

The school board submitted the Center's plan to the district court on January 6, 1970, as an HEW plan. On January 29, 1970, the court issued its order, pertinent parts of which are as follows:

"\*\*\* As to students, the system is unitary as to secondary schools, with the exception of Lincoln Middle School, which is all black. The elementary schools are segregated; it is the elementary schools which fall the most short of the law of the land and which account overwhelmingly for Manatee's status as a dual system. Three elementary schools \*\*\* are virtually all black. Ten elementary schools \*\*\* are virtually all white.

"On January 6, 1970, the defendants [board of public instruction of Manatee County, Florida, et al.] submitted a plan to the Court (A desegregation Plan for Manatee County Public Schools). The plan was prepared by the Florida School Desegregation Consulting Center, under a contract with the Department of Health, Education and Welfare (HEW), and consists of three alternative plans, Plan A, Plan B, and Plan C.

"Plan A is not recommended by HEW or the defendants. \*\*\* The Court joins all parties, therefore, in rejecting Plan A.

"Plan B effectively desegregates Manatee County schools and establishes a unitary system as to students. All but three elementary schools, all of which are distantly located, are effectively integrated, and the nature of the desegregation is

such that no resegregation will result. Plan B encompasses the pairing of the three all black elementary schools with other schools.

"Plan C was recommended by HEW, but not by defendants. Many schools are left all white. In others which are presently adequately desegregated, the racial composition is altered so as to invite resegregation \*\*\*. Black schools are not satisfactorily desegregated \*\*\*. The Court agrees with the defendants: Plan C is unsatisfactory because it invites resegregation and does not effectively disestablish the dual school system."

\* \* \* \* \*

"\*\*\* In light of above factors, the Court holds that defendants must have disestablished the present system and instituted Plan B for students and a plan for faculty in accordance with Singleton by no later than April 6, 1970."

The superintendent told us that the school board petitioned the district court, the fifth circuit court of appeals, and the Supreme Court for relief from imposition of the district court order on the grounds of the nearness of the end of the school year and of errors noted in the supporting data for plan B and that all these requests were denied. The superintendent also said that the school board had appealed the district court order and that the appeal was pending.

Effects of implementing plan  
ordered by the court

Plan B provides for the pairing or grouping of schools through changing the grade structures of individual schools and through combining the attendance zones of widely separated schools.

The effect of plan B on the racial composition of elementary school student bodies is shown in the Center's plan to be as follows:

<u>School</u>	<u>At 12-18-69</u>			<u>Plan B</u>		
	<u>Number white</u>	<u>Number black</u>	<u>Percent black</u>	<u>Number white</u>	<u>Number black</u>	<u>Percent black</u>
Bayshore	533	1	0.2	383	133	25.8
Bradenton	11	602	98.2	461	193	30.0
Daughtrey	609	2	0.3	422	159	27.4
Samoset	422	2	0.5	309	122	28.3
Blackburn	(not in use)			260	143	35.5
Ellenton	194	2	1.0	(to be closed)		
Parrish	188	50	29.8	(to be closed)		
Palmetto	613	114	15.7	391	172	30.6
Tillman	6	354	98.3	280	205	42.3
Memorial	-	682	100.0	552	309	35.8
Miller	606	1	0.2	429	125	22.6
Palma Sola	607	-	0.0	420	125	22.9
Prine	573	-	0.0	385	124	24.4
Anna Maria	372	3	0.8	no change		
Ballard	534	121	18.5	do.		
Duette	24	-	0.0	do.		
Manatee	624	158	20.2	do.		
Myakka	72	-	0.0	do.		
Oneco	475	69	12.7	do.		
Orange Ridge	506	82	13.9	do.		
Palm View	273	73	21.1	do.		
Prospect	27	17	38.6	do.		

The superintendent told us that implementation of plan B had disrupted 7,466 of the approximately 17,000 students in the system through changes of teachers, classrooms, and schools.

Information which the school board submitted to the fifth circuit court of appeals shows the following effect of implementation of plan B on student transportation.

	<u>At 2-1-70</u>	<u>Under plan B</u>	<u>Differ- ence</u>
Number of busses operated	63	63	-
Number of bus runs	126	161	35
Estimated daily mileage	3,680	4,833	1,153
Schools not served by busses	Ballard Memorial Tillman Miller Bradenton	None	
Number of students transported:			
Negro	1,141	2,119	978
White	<u>5,488</u>	<u>6,707</u>	<u>1,219</u>
Total	<u>6,629</u>	<u>8,826</u>	<u>2,197</u>

The superintendent told us that the increase in the number of students transported would have been greater but for the fact that a number of students transferred from the public schools to private schools.

Educational problems resulting from  
implementation of plan ordered by court

The superintendent told us that teaching methods varied between schools based upon the cultural and intellectual backgrounds of the majority of students in the school and that some students had difficulty in making the transition from one method to another. The Center director told us that he agreed that changes such as those described by the superintendent would, if made during a semester, be disadvantageous to the students. He expressed the opinion, however, that such changes made from one semester to the next would not have an adverse effect.

Administrative problems resulting from  
implementation of plan ordered by the court

The superintendent cited the following administrative problems arising from implementation of plan B.

- As a result of increased transportation time, the maximum length of the school day had to be reduced from 7 hours or 6-3/4 hours, depending upon the school, to 6 hours.
- The increase in the number of students transported forced the county to abandon its plans to reduce the walk-in areas of its schools from a 2-mile radius to a 1-1/2-mile radius.
- Forced cross-county bussing led to much public discontent and to the establishment of a number of private schools.
- Racial conflicts at Manatee High School.

## VOLUSIA COUNTY

### Background

The Center's involvement in the preparation of a desegregation plan for the public schools in Volusia County was the result of a district court order issued on August 21, 1969, which in pertinent part was stated as follows:

#### "ORDERED:

"1. That the Office of Education of the United States Department of Health, Education and Welfare is hereby requested to collaborate with the Board of Public Instruction of Volusia County, Florida, in the preparation of a plan to desegregate fully and affirmatively all public school centers in that county, with comprehensive recommendations for locating and designating new schools, and consolidating existing schools, to assist in eradicating past discrimination and effecting desegregation.

"2. The Board of Public Instruction of Volusia County, Florida, is hereby required to make available to the Office of Education, or its designees, all requested information relating to the operation of the school centers."

On September 26, 1969, the superintendent of schools for Volusia County wrote to the Center director as follows:

"The Board of Public Instruction of Volusia County has asked that I write and invite the Florida School Desegregation Consulting Center to Volusia County.

"It is our hope that the collaboration will indeed bring about a solution to the problem of complete compliance with the Federal Court order."

On December 1, 1969, the Center transmitted its plan directly to the district court with the statement that the work necessary to comply with the court's request had been assigned to the Center by the Atlanta Regional Office, HEW.

Information in the Center's plan shows that for the 1969-70 school year the Volusia County school system operated a total of 54 schools, four of which were all black (including one which was 99.4 percent black) and five which were all white, as compared with 15 all-black and 14 all-white schools during the 1968-69 school year. This change in racial composition of the schools is attributed to a county-prepared desegregation plan which was implemented at the beginning of the 1969-70 school year and which provided for the transportation of elementary school students from certain black neighborhoods (referred to as transportation islands) to formerly all-white schools. There was no transportation of white students to all-black schools.

#### The Center's plan

In the plan which the Center submitted to the district court, it was stated that the county's senior high schools had been desegregated and that the junior high schools were desegregated to a major degree. The Center's plan for student desegregation was limited, therefore, to the elementary school level.

The Center's associate director responsible for the development of the Volusia County plan told us that the objective of the Center's plan was the elimination of all-black schools.

In the Deland area, there was one all-black school--Starke Elementary. The Center recommended (1) redrawing the attendance zones for all schools in the area, thus placing some students who previously attended Starke into four predominantly white schools, and (2) bussing students from outlying areas into Starke. The Center plan shows that the resulting student body of Starke would be 21.9 percent black.

In the Halifax area, comprising the communities of South Daytona, Daytona Beach, Holly Hill, and Ormond Beach, there were two all-black schools--Bonner Elementary and Small Elementary. Under the county plan which was placed in effect at the beginning of the 1969-70 school year, the attendance zones for Bonner and Small were walk-in areas surrounding the schools, whereas the attendance areas for all the predominantly white schools consisted of an area around the school plus a noncontiguous area in a predominantly black neighborhood from which students were bussed (transportation islands). The Center recommended redrawing the attendance zones for all schools in the area and, in effect, creating transportation islands from which white students were bussed into Bonner and Small. The Center plan shows that the resulting student bodies of Bonner and Small would be 36.8 and 32.6 percent black, respectively.

In the New Smyrna Beach area, there was one school--Kimball, serving only kindergarten through the third grade--which had an enrollment of 160 students, 159 of whom were black. The Center recommended that Kimball be closed and the students be reassigned to the other two elementary schools in the area. The result of this action is shown to be an increase in the percentage of black students in the other schools from 11.6 and 17.3 to 23.8 and 28.4, respectively.

In the letter transmitting the Center's plan to the court, it is stated that, on November 7, 1969, members of the staff of the Center met with Volusia County school administrators to discuss a Center-developed plan calling for contiguous attendance zones and for pairing or grouping of schools around different grade organizations, that the local school administrators reacted negatively to that proposal, and that, since retention of the kindergarten through sixth-grade structure was



felt to be important, and since the county had already established transportation islands and noncontiguous attendance zones, other plans were developed and discussed on November 21, 1969. The superintendent told us that he did not like the Center's first plan because he did not want to change the grade structure in the elementary schools.

Court action on the  
Center's plan

On January 16, 1970, the district court issued an order which read, in part, as follows:

"8. Effective no later than February 1, 1970, the defendants shall implement a plan which will bring about complete student desegregation and which will achieve the goal of a unitary system in which no schools exist that are intended as Negro schools or white schools. Because of the expertise of local school administrators, as well as their close relationship with the community they serve, it is advantageous and desirable that the formulation of specific school desegregation plans be left in the first instance to these local officials, and not to the Court. To clarify any misunderstanding, the report previously submitted by the Florida School Desegregation Consulting Center is designed to be an aid to the parties and the Court in arriving at a final plan, and at this time is not required to be used in its entirety as presented to the Court. On the other hand, because the Florida School Desegregation Consulting Center possesses the facilities and the personnel to undertake in-depth studies of this nature, and because as an independent third party they should be in a better position to draw an objective plan, it is obvious that their plan is highly persuasive with the Court, and deviation from the plan submitted by the Florida School Desegregation Consulting Center will require a substantial showing of good cause. \*\*\*"

Implementation of the  
Center's plan

The superintendent told us that the Center's plan was adopted by the school board and implemented without change on February 1, 1970.

Effects of implementation  
of Center's plan

Information obtained from a Volusia County school official indicated that implementation of the Center's plan caused an increase of about 40 percent in the number of transported students and an increase of about 24 percent in the distance traveled by school buses. In September 1969, 4,200 students were being bussed a total of 543 miles (one way) each day; in April 1970, after the Center's plan was implemented, 5,893 students were bussed a total of 676 miles (one way) each day.

Center personnel told us that student transportation, under the plan first recommended by the Center, would have been much less than that under the county's plan. On the basis of our analysis of the two plans, we believe that this is probably true.

The superintendent told us that implementation of the Center's plan had not caused educational problems. He cited as an administrative problem adverse community reaction to sending white children to school in some all-black neighborhoods.

BROWARD COUNTY

The Center's plan for desegregation of the Broward County public schools was prepared on the basis of an order issued on March 3, 1970, by the U.S. district court for the Southern District of Florida without a request from the local school officials.

The district court order reads in pertinent part as follows:

"Accordingly, it is ORDERED and ADJUDGED that:

\* \* \* \* \*

"4. The defendants Board of Public Instruction of Broward County, Florida, and William C. Drainer, Superintendent of Public Schools of Broward County, Florida, shall forthwith consult and cooperate with and accept the aid of the Florida School Desegregation Consulting Center, School of Education, University of Miami, Miami, Florida, in developing additional information by which to measure the Broward County School Desegregation Plan as to its meeting the constitutional standard of a unitary system. The information should relate to the newly filed objections of the plaintiffs and the intervenor plaintiffs, with special emphasis on eliminating the remaining all-black elementary schools.

"5. The Florida School Desegregation Consulting Center is requested to consult with the defendants, develop additional information as set forth in paragraph 4 hereof, and make a report with recommendations to the court designed to assure a desegregation plan which meets the constitutional standard of a unitary system. Copies of the report shall be furnished to the defendants and to the plaintiffs at the same time as made to the court.

"6. The report, in triplicate, shall be filed with the court on or before March 27, 1970. Objections to the report may be filed by the parties on

or before April 2, 1970, and a hearing thereon will be held before the court at 10:00 AM on April 3, 1970. The cause is set for final hearing at the same time."

The center submitted its report titled "A Desegregation Study for the Broward County Public Schools" on March 27, 1970.

Although the Center did not provide us with a request for assistance from the school board, we were furnished a copy of a letter dated July 1, 1970, and signed by William C. Drainor, who was listed in the court order as superintendent of public schools for Broward County. This letter states:

"This letter is to indicate to you [the Center director] and to your staff that we were in complete agreement with Judge Cabot in having you come to the County and help us in our desegregation process.

"Once again, I want to thank you for the very fine help you gave during the past year."

In a final judgment dated April 30, 1970, the district court considered the Center's report and an amended plan filed by the school board and ordered the school board to take actions which embraced some of the recommendations made by the Center and rejected others.

The portion of the judgment which affected student assignments was made effective after the close of the 1969-70 school year. We did not attempt to define results of the implementation of the court's order.

DUVAL COUNTY

The Center has prepared two plans for desegregation of the public schools in Duval County. The first plan was made in response to a request dated September 6, 1967, from the superintendent of the county schools and was submitted to the superintendent on July 31, 1968. The second plan was made in response to a district court order dated January 19, 1970, and was submitted to the court on March 15, 1970. Both the Center director and the assistant superintendent of schools for the county told us that the county did not request the Center to prepare the second plan and that the second plan was submitted to the court.

Duval County school officials informed us that the Center staff consulted with them in gathering data for a plan and in developing what local officials thought would be the Center's plan for the county. They said, however, that, when the Center subsequently presented its plan to the court, it was greatly modified from that previously discussed with them and that they had had no opportunity to review or discuss it before it was submitted to the court.

The January 19, 1970, order of the district court reads in pertinent part as follows:

"Further examination of the Duval County school system is necessary before this court can conclude that all has been accomplished that has been constitutionally required by the United States Supreme Court and the Fifth Circuit Court of Appeals and that the plan used is the best alternative available. Accordingly, this Court is requesting the Florida School Desegregation Consulting Center to study the Duval school system as it will exist after February 1, 1970, to determine what further steps, if any, should be taken to desegregate fully and affirmatively all public school centers in Duval County, and by March 15, 1970, to make recommendations for their accomplishment by the fall term, 1970. This plan is to be for the guidance of the Court and of the parties in this action in further proceedings, and it is to take into consideration

this Court's concern that students classed as non-transported be allowed, in the school board's discretion, to attend neighborhood schools.

\* \* \* \* \*

"It is therefore,

"ORDERED:

"3. The Florida School Desegregation Consulting Center is hereby requested to make a study of the public school system of Duval County and on or before March 15, 1970, to make recommendations to the Court of changes to eradicate fully any vestige of official action which has prevented the system from becoming a unitary one. A hearing will be set by further order of this Court, at which these recommendations will be considered."

The Center's report shows that, as of February 1970, the Duval County school system had 134 schools--100 elementary schools, 18 junior high schools, one combination elementary-junior high school, 12 senior high schools, and three combination junior-senior high schools. Racial concentration in the schools is shown to be as follows:

<u>Level</u>	<u>Total number of schools</u>	<u>Number of schools with student bodies which were</u>			
		<u>100% white</u>	<u>90-99.9% white</u>	<u>100% black</u>	<u>90-99.9% black</u>
Elementary	100	7	55	14	7
Elementary-junior high	1	-	1	-	-
Junior high	18	-	10	3	-
Junior-senior high	3	-	-	1	1
Senior high	<u>12</u>	<u>-</u>	<u>7</u>	<u>2</u>	<u>-</u>
Total	<u>134</u>	<u>7</u>	<u>73</u>	<u>20</u>	<u>8</u>

The Center's plan recommended closing two schools, extensive adjustment of attendance zones, changes in grade structure,

and pairing or grouping of schools. The expected effect of implementing the Center's plan on racial concentration in the schools is shown to be as follows:

<u>Level</u>	<u>Total number of schools</u>	<u>Number of schools with student bodies which were</u>			
		<u>100% white</u>	<u>90-99.9% white</u>	<u>100% black</u>	<u>90-99.9% black</u>
Elementary	98	7	51	7	7
Elementary-junior high	1	-	1	-	-
Junior high	18	-	10	3	-
Junior-senior high	3	-	-	1	1
Senior high	<u>12</u>	<u>-</u>	<u>7</u>	<u>2</u>	<u>-</u>
Total	<u>132</u>	<u>7</u>	<u>69</u>	<u>13</u>	<u>8</u>

At the time of our review in Duval County, the Center's plan had not been implemented pending a court hearing on July 28, 1970.

#### COLLIER COUNTY

On September 5, 1968, the superintendent of schools for Collier County requested the Center to participate actively in long-range planning for the county schools. On May 1, 1969, the Center submitted to the superintendent its Desegregation Plan for Collier County Public Schools. The Center Director told us that Collier County was not under court order to desegregate its schools.

Background information included in the Center's plan indicates that Collier County is divided into three major population centers--the Naples-Marco area, the Immokalee area, and the Everglades area--each area being distinct, a long distance from the others, and representing in a sense a separate group of schools within the county system. The plan also states that, at the time the plan was submitted, all students at the middle school and senior high school levels attended the same schools and that a unitary system of pupil assignment existed at those levels. At the elementary school level, the plan states that pupils were assigned on the basis of geographic attendance zones.

The Center's plan shows the following composition of student bodies of Collier County elementary schools as of the end of the fourth month of the 1968-69 school year.

<u>Area and school</u>	<u>Percentage of student body</u>				
	<u>White</u>	<u>Black</u>	<u>Spanish</u>	<u>American Indian</u>	<u>Oriental</u>
Naples-Marco:					
Avalon	82.8	0.5	16.1	0.6	-
Lake Park	88.7	10.0	1.3	-	-
Sea Gate	92.7	.9	5.6	.8	-
Shadowlawn	78.9	15.4	5.7	-	-
Tommie Barfield	100.0	-	-	-	-
Immokalee:					
Highlands	34.8	20.3	44.0	.9	-
Lake Trafford	48.4	11.6	38.0	.6	.4
Pinecrest	1.0	48.3	49.3	1.4	-
Everglades:					
Everglades	64.8	27.1	2.0	6.1	-

It was stated in the Center's plan that:

"The primary purpose of this study was to assess the present status of school desegregation in Collier County and to make recommendations \*\*\* which would totally eliminate the dual school system."

Other purposes were:

"to make recommendations which would help facilitate 'quality education in desegregated schools' and provide equality of opportunity for all pupils, and to suggest ways by which the county can move from a de-segregated to a completely integrated school system."

The Center director told us that elimination of the dual school system in Collier County required changes which would result in no school having a student body comprising essentially members of minority ethnic groups.



The plan states two problems related to student body desegregation--the all-white Tommie Barfield school located on Marco Island where no black pupils live, and the absence of a significant number of white pupils in Pinecrest school.

With respect to these problem situations, the Center recommended that

- the present plan for assigning pupils in the Naples-Marco area be continued, but efforts be made to increase the number of black pupils assigned to Avalon and Sea Gate schools,
- the students enrolled in Pinecrest school (which served only the first and second grades) be reassigned to Highlands and Lake Trafford schools,
- Pinecrest be operated temporarily as a kindergarten center for the Immokalee area,
- Pinecrest school be upgraded and expanded so that it could serve as an elementary school, and
- when Pinecrest became available for use as an elementary school, the attendance zones for the three elementary schools in the Immokalee area be drawn so as to "provide a racial balance" between them.

Neither the superintendent nor the assistant superintendent was available to discuss the Center's plan with us. We were told by the school system's transportation officer that most of the Center's recommendations concerning assignment of students were accepted and implemented by the county.

Information given to us by the transportation officer shows that the number of students transported during the 1969-70 school year was about 17 percent higher than the number transported during the 1968-69 school year. The transportation officer said that an undetermined amount of this increase was attributable to the transportation of former Pinecrest students to Highlands and Lake Trafford schools but that some of it was attributable to an increase in total school population and some to the initiation of kindergartens in Collier County schools.

The transportation officer could not give us a definitive statement concerning either the sufficiency of the Center's study of the school system or any administrative or educational problems which might have resulted from implementation of the Center's plan.

DIXIE COUNTY

The superintendent of the Dixie County schools told us that the county has not been under court order to desegregate its schools.

In the spring of 1969, the Dixie County School Board requested the Center to assist in the development of a plan for the desegregation of the county school system. The Center prepared a desegregation plan for the Dixie County school system and submitted it to the superintendent on April 8, 1969.

The following table taken from the Center's plan shows the student assignments to the Dixie County schools by grade and race for the 1968-69 school year and the assignments proposed by the Center for the 1969-70 school year.

<u>School</u>	<u>Actual 1968-69</u>			<u>Proposed 1969-70</u>		
	<u>Grades</u>	<u>White</u>	<u>Black</u>	<u>Grades</u>	<u>White</u>	<u>Black</u>
Oldtown	K-6	169	2	K-6	169	20
Anderson	K-6	570	19	K-5	487	134
Oliver	K-8	0	200	Combine with Dixie Co. High		
Dixie County High	K-12	554	64	6-12	637	131

The plan recommended that 18 black pupils being transported from Oldtown to attend Oliver in Cross City be retained at Oldtown; that students in Kindergarten (K) through the fifth grade at Oliver be transferred to Anderson; that Oliver and Dixie County High be combined into one campus, under one principal; and that the sixth grade from Anderson be transferred to Dixie County High. Anderson, Oliver, and Dixie County High are located in Cross City.

The superintendent stated that the Center's recommendations were implemented with one exception--the school board voted to transfer the sixth grade from Oldtown to Dixie County High so that the sixth grade for the entire county would be in one school.

The superintendent stated that the Center's plan did not increase the transportation of pupils in Dixie County and did not cause any administrative or educational problems for the county.

#### LEON COUNTY

On December 12, 1969, the fifth circuit court of appeals, in considering an appeal from an order of the district court which approved a desegregation plan for the public schools of Leon County, reversed and remanded the case for compliance with the requirements of Alexander v. Holmes County and the terms, provisions, and conditions (including the times specified) in Singleton v. Jackson Municipal Separate School District. This decision, therefore, required that the board of public instruction of Leon County request assistance from HEW in preparing a desegregation plan for the county schools and that it submit the plan prepared by HEW to the district court by January 6, 1970. See the Manatee County summary (encl. I, p. 5 ) for a fuller statement of the requirements imposed by the Alexander and Singleton decisions.

The superintendent wrote to the Center on December 23, 1969, stating that he was confirming his verbal invitation for the Center "to help the Leon County School System evaluate and develop a plan which will unify both staff and students" and that his invitation to the Center had the approval of the HEW regional office. In a letter dated December 23, 1969, to the Senior Title IV Program Officer in the HEW Atlanta Regional Office, the superintendent stated that his invitation to the Center was "in line with your suggestion \*\*\*." The Center submitted its plan to the superintendent on January 3, 1970.

Information in the Center's plan shows that, during the 1969-70 school year, the Leon County school system operated a total of 29 schools--20 elementary schools, six junior high schools, and three senior high schools--having a total enrollment of 20,296, of whom 7,111 (35 percent) were black.

The plan states that, in the judgement of the Center staff, the senior high schools were not racially identifiable and that no changes were proposed at the senior high school level. The plan shows that, in the fall of 1969, the system had five elementary schools which were more than 90 percent black, including two which were 100 percent black and six elementary schools which were more than 90 percent white, including one which was 100 percent white. At the junior high school level, the plan shows that the enrollment of blacks at two schools was 100 percent and that the enrollment of blacks at the other four schools ranged from 12.6 percent to 24.9 percent.

The Center's plan proposed changes in the attendance areas for all elementary schools and all junior high schools. There were no recommendations for changes in grade structure or for pairing or grouping of schools. Under the Center's plan, there would be no schools with more than 90 percent black enrollment but there would still be three elementary schools with more than 90 percent white enrollment, including one that would be 100 percent white.

On January 30, 1970, the district court ordered the school board to comply immediately with the terms, provisions, and conditions of Singleton with respect to the desegregation of faculty and other staff, transportation, school construction and site selection, and attendance outside system of residence and to begin immediately to prepare to assign students in accordance with the Center's plan, as amended to remove technical errors, at the beginning of the 1970-71 school year.

The superintendent told us that the Center's recommendations with respect to instructional and administrative employees were implemented on February 1, 1970, and that the recommendations with respect to students, with some minor modifications if approved by the court, would be implemented at the beginning of the next school year.

The superintendent told us that the Center staff made an adequate survey of the county's school system before preparing its desegregation plan and that the staff had consulted with

him to a satisfactory degree. The superintendent also said that desegregation of the schools would result in both educational and administrative problems but that, in his opinion, those problems under the plan recommended by the Center would be at a minimum and would be much less than those under some other plans which could have been recommended.

The transportation officer for the school system did not have firm estimates for the amount of student transportation that would be required to implement the Center's plan, but he estimated that there would be little, if any, increase.

#### LEVY COUNTY

The superintendent of Levy County schools told us that Levy County had not been under a court order to desegregate its schools but that it complied with HEW guidelines.

On January 31, 1969, the superintendent requested the Center to "come to Levy County and look over two school situations with the idea on integration." In response to that request, the Center prepared a desegregation plan for Levy County and submitted it to the superintendent in March 1969.

The Center's plan shows that Levy County operates a total of seven schools located in five population centers. The racial composition of these schools in February 1969 is shown in the Center's plan, as follows:

<u>School</u>	<u>Number of students</u>	
	<u>White</u>	<u>Black</u>
Bronson High (note a)	227	175
Cedar Key High (note a)	163	4
Chiefland High (note a)	795	112
Chiefland Junior High (note b)	-	239
Williston High (note a)	760	161
Williston Vocational (note c)	-	520
Yankeetown (note b)	136	-

<sup>a</sup>Kindergarten through 12th grade.

<sup>b</sup>Kindergarten through eighth grade.

<sup>c</sup>Kindergarten through seventh grade and ninth grade.

The Center recommended no changes in student assignment in the Bronson, Cedar Key, and Yankeetown schools but recommended pairing Chiefland High with Chiefland Junior High and Williston High with Williston Vocational. The effect of the Center's recommendations was to eliminate the all-black schools in Levy County.

The superintendent told us that the Center's recommendations were accepted by the school board and were placed into effect at the beginning of the 1969-70 school year and that implementation of the plan did not require additional transportation of students nor cause any administrative or educational problems.

NASSAU COUNTY

On December 9, 1968, the director of instruction of the Nassau County schools requested the Center's aid "in making an analysis of our situation, aiding in developing a plan of desegregation, and making recommendations for implementation." The Center submitted its plan to the superintendent on February 22, 1969. The superintendent told us that Nassau County was not under court order to desegregate its schools.

The Center's plan shows that, as of September 30, 1968, Nassau County was operating a total of 12 schools located in<sup>4</sup> four separate population areas and that three of these schools had all-black student bodies. The plan also states that the county had a long-range plan which involved closing a number of schools and constructing new facilities and that implementation of the long-range plan would give the county a unitary school system. The Center proposed an interim plan, to be placed in effect for the 1969-70 school year, which provided for pairing schools within each of the three population areas and thus eliminate the all-black schools.

The superintendent told us that the Center's plan was implemented without modification at the beginning of the 1969-70 school year. He said that the Center's plan was based almost entirely on recommendations from the school board and was, in his opinion, an acceptable and a workable plan although it required a considerable increase in transportation of students.

The transportation officer for the school system told us that 2,434 students had been bussed during the 1968-69 school year and that as a result of the implementation of the plan, about 1,000 additional students had been bussed during the 1969-70 school year. He stated that, during the 1970-71 school year, another 200 students would be bussed. The transportation officer told us also that this increase of about 50 percent in the number of students to be bussed and the condition of existing busses would necessitate the purchase of 10 new busses for the 1970-71 school year.

The superintendent told us that there was less pressure on the school board since the desegregation plan was attributed to the Center.

SUMTER COUNTY

On February 6, 1969, the superintendent of the Sumter County schools requested the Center "to make a survey \*\*\* and to offer recommendations for the smooth transition to a desegregated school system." The Center's plan was submitted to the superintendent on May 22, 1969. We were told by the Center's assistant director who was responsible for preparing the Sumter County plan that the county was not under court order to desegregate its schools.

The Center's plan stated that Sumter County's schools were divided into two distinct attendance districts. The northern district contained a total of seven schools, three of which had an all-black enrollment. The southern district contained five schools, one of which had an all-black enrollment.

The Center's plan recommended (1) that two of the all-black schools in the northern district be closed and that the students attending those schools be reassigned to predominately white schools, (2) that the third all-black school in the northern district be established as a fifth-to-seventh grade center for the district, (3) and that the all-black school in the southern district be closed and that the students be reassigned to predominately white schools. The Center's report indicates that a State survey conducted in 1966 also recommended closing the same two all-black schools in the northern district. The all-black school in the southern district, which the Center recommended be closed, apparently was a usable facility, but the Center's report states that:

"\*\*\* in order to achieve a unitary schoolsystem, it will be necessary to discontinue the operation of a regular school for pupils at this center and use the buildings for other educational purposes."

The superintendent told us that the Center's plan was accepted by the school board and by HEW and was partially implemented during the 1969-70 school year with plans for full implementation by the beginning of the 1970-71 school year.



The superintendent told us that full implementation of the plan would result in the bussing of about 229 additional students and the need for three more buses when the plan was fully implemented. The superintendent also said that the main problem facing the Sumter County school board was the lack of adequate school facilities but that this was not a result of implementation of the Center's plan. The superintendent said that probably the most valuable service performed by the Center was that of assuming the pressure of responsibility for the desegregation plan.

WILLIAM C CRAMER  
8TH DISTRICT FLORIDA

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COMMITTEE ON PUBLIC WORKS

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

April 2 1970

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Honorable Elmer B. Staats  
Comptroller General of the U. S.  
General Accounting Office  
Washington, D. C.

Dear Mr. Staats

I urgently request an investigation by your office of the Florida School Desegregation Center, located on the University of Miami campus in Coral Gables, Florida.

This center, financed by federal funds under contract with the Department of Health, Education, and Welfare, has been preparing and foisting through the courts school desegregation plans which violate provisions of the 1964 Civil Rights Act.

The center formulates plans with only cursory consultation with our elected school officials, and with little regard for the impact of its proposals on the local school system and students. Sometimes center plans are adopted by the federal courts before school officials even have the opportunity to study the plan and present evidence on its effect.

Some center plans defy common sense, let alone responsible educational practices. Center officials have been arbitrary and high-handed in some of their actions. . .and since they are not elected, they are not answerable to the public for these actions

The Florida School Desegregation Center has pushed school desegregation plans requiring massive busing to achieve an arbitrary racial balance. . .in clear defiance of the Cramer anti-busing amendments to the 1964 Civil Rights Act as contained in Section 401 (Title 42 USCA 2000c) and Section 407 (Title 42 USCA 2000c-6),

The center's plans also violate President Nixon's recently outlined school desegregation policy, which flatly opposed mandatory busing of students and emphasized instead the importance of preserving America's neighborhood school system.

Honorable Elmer B. Staats  
Comptroller General of the U. S.  
Page Two

I believe the Florida School Desegregation Center has misused federal funds to force on the state's children school desegregation plans which violate both the law and the national policy as defined by the President.

The actions of this powerful center warrant a full-scale investigation by the General Accounting Office as soon as possible.

With kindest regards, I remain

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill", written in black ink.

William C. Cramer, M. C.

WCC.seh

cc: Hon. Spiro T. Agnew  
Hon. Robert H. Finch  
Mr. Robert Mardian  
Mr. Jerris Leonard



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D C 20548

B-164031(1)

JUN 8-1970

Dear Mr. Cramer:

In response to your letters of April 2 and April 17, 1970, requesting this Office to investigate the Florida School Desegregation Center, and in accordance with the discussion between you and members of our staff on May 20, 1970, we propose to do the following work:

1. We will interview local school officials and school board attorneys in Manatee, Pinellas, Volusia, Seminole, and Dade Counties in order to learn from them the nature and extent of (1) the Center's study in those counties of the school systems prior to development of desegregation plans, and (2) the Center's consultation with local school officials in those counties, except Seminole, during the formulation of desegregation plans, before submission to the courts.
2. We will examine the desegregation plans developed by the Center for the counties named above to determine the nature and extent of student busing required by those plans, and will discuss with local school officials the administrative and educational problems which they believe have resulted from implementation of said plans.
3. For all the named counties, except Seminole, we will determine the nature and extent of (1) the court directives which led to the Center's development of desegregation plans for these counties, and (2) the Center's activities in securing the courts' approval of their plans.
4. We will examine the Center's records pertaining to development of desegregation plans for the named counties in order to determine (1) the identities and qualifications of the persons who participated in developing those plans, (2) the amount of time spent in developing those plans, and (3) if possible, the total cost incurred in developing those plans.
5. We will discuss with Center officials the plans developed for the named counties in order to ascertain their views with respect to (1) the rationale behind the plans and the reasons for the extent of student busing provided for in

B-164031(1)

the plans, (2) the sufficiency of the study which preceded development of the plans, and (3) the administrative and educational problems said to have resulted from implementation of the plans.

6. We will determine which guidelines, if any (i.e., the President's, HEW's, the courts'), the Center is following in its development of desegregation plans; and what instructions, if any, HEW has given the Center with respect to busing of students and establishment of unitary school systems.

Considering the information obtained as a result of the work outlined herein, we will respond to the following questions posed during the discussions on May 20.

1. Do sections 403 and 404 of the Civil Rights Act of 1964 authorize the activities being carried out by the Center?
2. Was it contemplated by the Congress that centers such as the Florida School Desegregation Consulting Center would be vested with authority to develop desegregation plans and to present and defend those plans in the courts?
3. Was it contemplated by the Congress that centers such as the Florida School Desegregation Consulting Center would be permitted by HEW to operate autonomously?
4. Will there be any legal authority for continuation of the Florida School Desegregation Consulting Center after all school systems in the State have been declared to be established on a unitary basis?

You asked that the information requested be furnished you before August 15, 1970, and we will make every reasonable effort to comply with your request.

Sincerely yours,

(SIGNED) ELMER B STAATS

Comptroller General  
of the United States

The Honorable William C. Cramer  
House of Representatives