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**SAN DIEGO CITY SCHOOLS**

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May 4, 1982

The Honorable Franklin B. Orfield  
Judge of the Superior Court  
Department 24  
220 West Broadway  
San Diego, California 92101

Re: Carlin v. Board of Education  
(Superior Court No. 303800)  
MERGER OF BENCHLEY AND WEINBERGER ELEMENTARY SCHOOLS

Dear Judge Orfield:

On July 17, 1979 the Court ordered that all decisions of the Board of Education to "close schools or educational programs, to construct new schools or substantially expand present school facilities or to change the location of educational programs" be reported to the Court at least 30 days prior to implementation.

The purpose of this letter is to notify the Court, as was discussed in chambers on April 29, 1982, of the action of the Board of Education approving the merger of Benchley and Weinberger Elementary Schools at the Weinberger site effective September, 1982. Also, it should be noted that the Board will consider the merger of Beale and Ross Elementary Schools on May 11, 1982. Should this merger be approved, I will forward complete information to the Court next week. No other school closures are presently anticipated which would be effective in September, 1982.

Education Code Section 39384, a copy of which is enclosed as Attachment 1, requires the formation of a citizens committee with a specified composition as a condition to the closure of public school facilities. Accordingly, this winter the Board of Education established an Advisory Committee on Utilization of School Facilities to study the possibility of closing, merging, or

consolidating under-utilized schools within the School District in light of the School District's worsening financial condition. Mr. Craig Lee, the Executive Director of the San Diego Taxpayers Association, was designated as Chairman of the Committee.

More specifically, the Committee was asked to study each school at which any of the following criteria existed:

1. Enrollment at the school has fallen below 300 students, or
2. The percentage decrease in enrollment over the past 10 years has exceeded 50 percent, or
3. Enrollment is at less than 85 percent of the school's capacity.

The Committee was also asked to take into account a variety of additional criteria, including the impact on racial/ethnic balance at the school and the impact of current and proposed magnet school programs.

Because of the lead time necessary to implement any recommendations, the Committee decided to present those recommendations which may have an impact for the 1982-83 school year at the earliest possible date. Accordingly, the Committee presented a recommendation to the Board of Education on April 20, 1982, that the Benchley and Weinberger Elementary Schools be merged on the Weinberger site. A copy of the report containing that recommendation is enclosed as Attachment 2.

On April 27, 1982, the Board of Education approved the merger in concept and asked the acting Superintendent to provide information as to how a proposed expansion of the Benchley Individualized Magnet at the Weinberger site would be implemented. This information was presented in a report on May 4, 1982, at which time the Board took final action to approve the merger and a proposed amendment to the San Diego Plan for Racial Integration expanding the Benchley Individualized Magnet. A copy of this report is enclosed as Attachment 3.

In 1979 the Board had proposed relocating the Benchley magnet to the Grantville Elementary School site. There was substantial, vocal objection from the parents whose students were enrolled in the Benchley program. As a result, Judge Welsh ordered that the magnet continue to

be operated at Benchley for the 1979-80 school year. A copy of Judge Welsh's order is enclosed as Attachment 4.

As is evident from Attachment 3, this time parents of students enrolled in both Benchley and Weinberger Elementary Schools have been actively involved in the formulation of the recommendation which the Board has approved and strongly support it. The potential savings from the merger could be as high as between \$75,000 and \$90,000 per year. This amount includes only operating costs and does not take into account revenues from the possible lease or other disposition of the Benchley site.

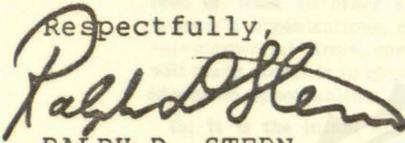
As a result of the merger, the Benchley Individualized Magnet would be expanded from grades K-3 to include grades 4-6. This would result in an anticipated increase from 85 nonresident minority students to 144 nonresident minority students and from 159 nonresident majority students to 178 nonresident majority students. Also, this expansion would meet a concern which has existed with respect to providing greater continuity of program. For students whose parents desire an individualized instructional program, such a program will now be available through the 6th grade rather than the 3rd grade. The number of minority isolated students from Court-identified minority isolated schools participating in the program will be increased, thus furthering the objectives of the San Diego Plan for Racial Integration.

In a letter dated April 14, 1982, an attorney for the plaintiffs in the Carlin case raised the question of why the Benchley Individualized Magnet should not be relocated at a minority isolated or minority imbalanced school. First, no Court-identified isolated school or minority imbalanced school could easily accommodate the enrollment of the Benchley program. Second, the individualized instructional program is inconsistent with the instructional approach being utilized at all of the Court-identified minority isolated schools and many of the minority imbalanced schools; that is, DISTAR and/or the Achievement Goals Program which are more structured methods of teaching.

May 4, 1982

I would, of course, be glad to provide any additional information that the Court may desire.

Respectfully,



RALPH D. STERN  
Schools Attorney

RDS:jmo  
2776A

Enclosures

Copies with enclosures:

Mr. Michael Madigan  
Mr. Craig Lee

Veronica A. Roeser  
William F. Gavin  
Donald R. Lincoln  
Joseph Kase, Jr.  
Elmer Enstrom, Jr.

Education Code

§ 39384. Legislative intent

(a) It is the intent of the Legislature that school districts be authorized under specified procedures to make vacant classrooms in operating schools available for rent or lease to other school districts, educational agencies, governmental units, nonprofit organizations, community agencies, professional agencies, commercial and noncommercial firms, corporations, partnerships, businesses and individuals. This will place students in close relationship to the world of work, thus facilitating career education opportunities.

(b) It is the intent of the Legislature that priority in leasing or renting vacant classroom space be given to educational agencies, particularly those conducting special education programs.

It is the intent of the Legislature that such procedures provide for community involvement by attendance area and at the district level. This community involvement should facilitate making the best possible judgments about the use of excess school facilities in each individual situation.

It is the intent of the Legislature to have the community involved before decisions are made about school closure or the use of surplus space, thus avoiding community conflict and assuring building use that is compatible with the community's needs and desires.

(c) The governing board of any school district may, and the governing board of each school district, prior to the \* \* \* lease or rental of any excess real property, except rentals not exceeding 30 days, shall, appoint a district advisory committee to advise the governing board in the development of districtwide policies and procedures governing the use or disposition of school buildings or space in school buildings which is not needed for school purposes.

(d) A district advisory committee shall consist of not less than seven nor more than 11 members, and shall be representative of the following:

- (1) The ethnic, age group and socioeconomic composition of the district.
- (2) The business community, such as store owners, managers or supervisors.
- (3) Landowners and renters.
- (4) Teachers and administrators.
- (5) Parents of students.
- (6) Persons with expertise in environmental impact, legal contracts, building codes, and land use planning.

(e) The district advisory committee shall:

- (1) Review the projected school enrollment and other data as provided by the district to determine the amount of surplus space.
- (2) Establish a priority list of use of surplus space that will be acceptable to the community.
- (3) Cause to have circulated throughout the attendance area a priority list of surplus space and provide for hearings of community input to the committee on acceptable uses of space.
- (4) Make a final determination of limits of tolerance for use of space.
- (5) Forward to the district governing board a report recommending uses of surplus space.

(f) An existing district advisory committee having the representation specified in subdivision (c), may be designated as the district advisory committee for the purposes of this section.

(g) In the case of a lease or rental to a private educational institution for the purpose of offering summer school in a facility of the district used under a lease or agreement entered into pursuant to Section 39470, the governing board of any school district may elect not to appoint an advisory committee pursuant to subdivision (c).

(Amended by Stats.1980, c. 165, p. —, § 1, urgency, eff. June 12, 1980; Stats.1980, c. 1354, p. —, § 372, urgency, eff. Sept. 30, 1980.)

San Diego City Schools

REPORT OF THE BENCHLEY/WEINBERGER CITIZENS COMMITTEE  
TO THE ADVISORY COMMITTEE ON UTILIZATION OF SCHOOL FACILITIES  
ON A PROPOSAL TO COMBINE BENCHLEY AND WEINBERGER SCHOOL FACILITIES

April 20, 1982

I. INTRODUCTION

This report proposes a change in the utilization of facilities for Benchley and Weinberger elementary schools beginning with the 1982-83 school year.

II. BACKGROUND

As a result of preliminary activities of the Advisory Committee on Utilization of School Facilities, Benchley and Weinberger appear to be schools which might be recommended for closure due to size of student populations. Should closure be determined for Weinberger Elementary School, the Benchley Magnet Program could be afforded an ideal opportunity to acquire needed space and enhance the Benchley program without compromising the Benchley school philosophy.

In January, 1982, the Benchley staff indicated an interest in moving to the Weinberger site, and on February 2, 1982, a committee of parents and Benchley staff was formed to investigate the possible move of the Benchley program to the Weinberger site. Another meeting was held on February 9, 1982, and the proposal was offered to the Benchley community on February 25, 1982. Several parents from the Weinberger community were in attendance.

The Weinberger parents and staff met on March 1, 1982, to discuss the Benchley proposal. A joint meeting between the two groups was held at Benchley school the following night. The Weinberger committee met on March 8, 1982, to draft a response to the Benchley proposal.

The Benchley committee met on March 15, 1982, to refine their proposal. Finally, at the meeting on March 22, 1982, the two committees agreed to submit a joint proposal to the Advisory Committee on Utilization of School Facilities.

III. FINDINGS OF THE STUDY

As a result of actions of the Advisory Committee on Utilization of School Facilities, five general meetings were held for all interested parents and community members at Benchley and Weinberger schools. The initial meeting at Benchley on February 2 had approximately 80 people attending. The general meeting on February 25 was attended by approximately 40 to 50 people. Attendance at the three meetings held at Weinberger averaged 20 to 30 in attendance. At these meetings information was provided by staff, responses to questions were made, and areas were identified for further research.

The Benchley/Weinberger committee members include:

BENCHLEY - Elizabeth Gord, principal

Eva Archuleta (parent)	Ann van Sickle (parent)
Bonnie Graff (parent)	Marsha Weinberg (parent)
Phyllis Skidgel (teacher)	

WEINBERGER - Mary Ellen Judge, principal

Alonzo Anderson (parent)	Kate Seal (parent)
Sharon Goldschneider (teacher)	Kathy Thomson (parent)
Margarita Huddleston (parent)	

Robert L. Matthews, director, Elementary Schools Division,  
assigned to work with the Benchley/Weinberger Merger Committee

The Benchley/Weinberger committee discussed several factors related to facilities utilization and concluded:

1. The combination of both student populations at the Weinberger site would provide a better instructional program for all students.
2. The Weinberger site is capable of housing a combined student population without the addition of portable classrooms.
3. Program flexibility in student assignments would increase. Presently Benchley has nine teachers with 241 students and Weinberger has five teachers with 139 students.
4. Relocation of the Benchley program to the Weinberger site would enable the district to enlarge the Benchley Individualized Instruction Magnet from a K-3 to K-6 format.
5. There is ample space for loading, unloading, and parking of buses. There would be no increase in safety hazards.

IV. RECOMMENDATIONS

The Benchley/Weinberger committee recommends:

1. The Benchley and Weinberger student populations be combined beginning September, 1982, on the Weinberger site.
2. The school be renamed "Benchley-Weinberger Elementary School."
3. The Individualized Instruction Magnet presently at Benchley be expanded from K-3 to K-6.
4. The present classified staff at Benchley and Weinberger be placed at Weinberger on the basis of merit and seniority rules of the district.

5. The site administrator and faculty from Benchley be moved to the Weinberger site.
6. The present and future students living in the Weinberger attendance area, including VEEP students and their preschool age siblings, be assured attendance at the Weinberger site.
7. The teachers presently assigned to Benchley school be granted June 21, 22, and 23 as workshop days to enable them to pack supplies, special project and district equipment to be moved to the Weinberger site via district transportation.
8. The teachers at the Benchley/Weinberger site have a five-day, paid workshop prior to the beginning of the 1982-83 school year to facilitate the integration of program development and the two school communities.
9. The teachers at Weinberger who are recommended for the magnet program by a screening committee be given priority in filling vacancies created by this merger.
10. The Benchley/Weinberger merger committee be allowed involvement in the screening process. This involvement will include but need not be limited to:
  - a. Submit a list of potential candidates for membership on the screening committee.
  - b. Participate in a dialogue with the screening committee prior to their interviewing teaching candidates.

SAN DIEGO CITY SCHOOLS  
Elementary Schools Division

BENCHLEY/WEINBERGER SCHOOL CONSOLIDATION PLAN

May 4, 1982

Background

A proposed change in the utilization of facilities for Benchley and Weinberger elementary schools for the 1982-83 school year was presented in a report to the Board of Education on April 20, 1982 by Mr. Craig Lee, chairperson of the Advisory Committee on Utilization of School Facilities. On April 27, the board approved in concept the relocation of the Benchley program to the Weinberger site. The board then requested a plan for the implementation of this transfer from the superintendent. The plan was to include the proposed expansion of the Benchley Primary Individualized Magnet Program, the costs of such an expansion, and a timeline for carrying out the relocation.

Expansion of the Magnet Program

The Benchley Primary Individualized Magnet Program provides an individualized instructional program for kindergarten, first, second and third grade students. Relocation of the program to the Weinberger site will allow the program to expand through the sixth grade. The program design will be based on the requirements of the State of California and the district's Elementary Course of Study. It will provide a teaching method that focuses on the individual student rather than on the class as a whole or a group of students within the class. Two or more grade levels will be grouped together in most classrooms. The ratio of adults to students will be improved by utilizing teacher assistants and volunteers.

The expanded magnet program will incorporate all the K-6 Weinberger resident and VEEP students. The 144 Weinberger students will increase the 1982-83 magnet majority enrollment projection by 60 students and the minority enrollment projection by 84 students. The total 1982-83 projected minority student enrollment percentage will increase from 34.8% to 39.4%. See revised Benchley Magnet Program description (Attachment 1).

Costs of Magnet Expansion

The expanded K-6 magnet costs include the current Weinberger enrollment in the Benchley program. The major costs to the integration budget is for an additional bus aide and for eight days of additional duty for the staff to move and prepare program. The total proposed increase in the magnet is \$20,345 (Attachment 2).

The maximum potential savings on an annual basis resulting from the merger would be approximately \$96,800 as reported by the board Advisory Committee on Utilization of School Facilities.

Benchley/Weinberger School Consolidation Plan

Impact on District Integration Program

The merger of the Benchley and Weinberger elementary schools has the potential for improvement of the district's integration program in the following ways:

1. Expansion of the Benchley concept to grades 4-6.
2. Provision of greater program continuity.
3. Provision of an additional program option for elementary pupils in grades 4-6.
4. Increasing enrollment by minority students from court identified minority isolated schools

It should be noted that the VEEP allied school pattern for Encanto will require revision.

Magnet Relocation Timeline

Final approval for the consolidation will be needed by May 15 in order that the logistics for preparation of the magnet and the recruitment of pupils can be accomplished in time for the opening of school in September.

It should be noted that the present VEEP allied school pattern designated Weinberger as a receiving school for minority students from Encanto Elementary. The VEEP allied school patterns for Encanto will require review and adjustment.

Recommendation

The Superintendent recommends approval of the Benchley/Weinberger School Consolidation Plan.

Title: BENCHLEY ~~PRIMARY~~ INDIVIDUALIZED MAGNET

Location: Benchley Weinberger Elementary School Site

Grade Level: ~~K-5~~ K-6

Participants: Enrollment is open to resident students, to majority pupils from predominantly majority schools, and to minority pupils from predominantly minority schools. ~~The school does not have a resident-student population.~~ Priority for enrollment is given to those students in the magnet program during 1981-82, to pupils who improve the ethnic make up of the school and to those pupils currently living in the Weinberger attendance area.

Actual and projected student enrollment, number of resident and nonresident students, and the percentage of minority students are detailed below.

	<u>Resident Students in Program</u>	<u>Nonresident Students in Program</u>	<u>Total Students in Program</u>	<u>Total Students in School</u>	<u>% Minority Students in School</u>
Actual 1981-82*					
Minority	--	85	85	85	34.8%
Majority	--	159	159	159	
Projected 1982-83					
Minority	<u>16</u>	<del>100</del> <u>144</u>	<del>100</del> <u>160</u>	<del>100</del> <u>160</u>	<u>39.4%</u>
Majority	<u>68</u>	<del>159</del> <u>178</u>	<del>159</del> <u>246</u>	<del>159</del> <u>246</u>	<u>38.6-</u>

\*Figures taken from Pupil Ethnic Census, 1981-82

Description: Benchley Primary Magnet School was a prototype for the Early Childhood Education Program.

The curriculum is highly individualized. The program is designed to provide a teaching method that focuses on the individual student rather than on the class as a whole or a group of students within the class. Accordingly, instructional materials designed for individualized instructional programs are organized in a manner that permits each students to progress in accordance with his/her own abilities and interests. Teachers in this program are trained and experienced in this type of teaching-learning method. The curriculum meets the requirements of the State of California and the Elementary Course of Study of the San Diego City Schools as adopted each year by the Board of Education.

Two or more grade levels are grouped together in most classrooms. This permits children having a range of abilities and needs to work together and help each other in flexible groupings. The ratio of adults to students is improved by utilizing teacher assistants and volunteers.

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ATTACHMENT 2

BENCHLEY-MAGNET

	<u>1982-83</u> <u>Budget Request</u>		<u>Proposed</u> <u>Increase Change</u>		<u>Revised</u> <u>Total</u>	
	<u>Positions</u>	<u>Approp.</u>	<u>Positions</u>	<u>Approp.</u>	<u>Positions</u>	<u>Approp.</u>
INSTRUCTION	7.00	87 707	1.00*	13 629	8.00	101 336
LIBRARY		777		441		1 218
SITE SUPPORT		2 683		6 275		8 958
TOTAL MAGNET	<u>7.00</u>	<u>91 167</u>	<u>1.00</u>	<u>20 345</u>	<u>8.00</u>	<u>111 512</u>

\* Transfer Weinberger Instructional Aide/Bus from VEEP to Magnet Program.  
No increase in overall staffing required.