

Statement of Mrs. Yvonne W. Larsen  
President, Board of Education  
San Diego Unified School District

September 15, 1981

Last Thursday Superior Court Judge Robert B. Lopez granted final approval to the voluntary integration plan submitted by the Los Angeles Board of Education and terminated further trial court proceedings in Los Angeles' 18-year old integration case.

In taking this action, Judge Lopez said:

"A case that involves the education of children must be resolved. There must be finality in the law so that the people may plan their everyday lives to conform to the requirements of the law.

"The time has come for common sense to return to the treatment of desegregation in the public schools. The framework of law is provided by the guidelines given this court in the decisions in this matter rendered by the Supreme Court and the Court of Appeal and each of them.

"These decisions place a duty upon the trial court to oversee a process of desegregation planning wherein the Board of Education elected by the people is the primary planner. The law precludes judicial intervention in the planning and/or



implementation process 'even if [the Court] believes that alternative desegregation techniques may produce more rapid desegregation' so long as a plan developed by the elected Board of Education utilizes reasonably feasible steps to produce 'meaningful progress in light of present conditions.' The Board is under a constitutional duty to undertake reasonably feasible steps to alleviate school segregation, regardless of cause.

Judge Lopez then went on to say:

"A genuine opportunity must be given to the Board to show progress under present conditions. The Court finds that the Board has embarked on a course of action that under present conditions seeks to realize the hope of society and alleviate the various harms to the children in the District. . . .

. . . There must be finality in the law. . . . Judicial intervention is no longer appropriate. The people, who are the ultimate authority, must look to the School Board, as their elected representatives, to



continue to discharge its duty under the law."

In our view, Judge Lopez' words are as applicable to San Diego as they are to Los Angeles. We, as a Board of Education, take seriously our constitutional duty to take all reasonably feasible steps to alleviate minority racial isolation. The state Supreme Court has said that we have the primary duty to accomplish that objective, and we have been meeting our duty. During the last 4 years, the Court has found, after annual reviews, that the School District's Plan has made meaningful progress and holds promise for doing so in the future. Since 1978 the Court has ordered only minor modifications in the School District's Integration Plan and much of the Court's effort has been expended in areas other than the Plan.

The economic costs of continued court jurisdiction of the Carlin case are substantial. There are also noneconomic costs such as the needlessly disquieting effect that annual judicial hearings have had on the community. It is very likely that these hearings have been counterproductive with respect to enrollment in voluntary integration programs.

For these reasons the Board has authorized the Schools Attorney to file this afternoon with the Superior Court a motion to grant final approval to the School District's voluntary integration plan, discharge the Writ of Mandate directing the School District to develop a plan and vacate all other outstanding orders. In taking this action we want to emphasize that we would expect the order approving both the



present programs and the Achievement Goals Program to remain in full force and effect. We are prepared to maintain our commitment to integration and the improvement of minority student achievement. We feel that the Board has assumed its responsibility and that the need for future judicial intervention has passed.

