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SAN DIEGO UNION

Tuesday, July 24, 1973

Court Ban Sought On School Fund

A state Supreme Court order was sought yesterday to prohibit release of $325 million in state funds to replace unsafe schools unless racial and ethnic balance could be assured.

The petition filed in San Francisco claims that the state's largest school districts plan to build most of the new, quake-proof schools on the same allegedly racially segregated sites.

The petition lists San Diego as one of the seven largest school districts with 28 unsafe schools, 15 imbalanced schools and 10 schools to be replaced on the same imbalanced sites.

The class action petition was filed by the League of Women Voters of San Diego; Citizens United for Racial Equality of San Diego; Richard Lopez, 10, and Joseph Andaya, 11, Mexican-American students at Stockton; and the National Association for the Advancement of Colored People, Western Region, San Francisco.

SIMILAR DEMAND

The petition states the State Allocation Board has turned down a similar demand solely on the basis of the recently passed Wakefield antibusing initiative, Prop. 21.

The initiative now under a court challenge repealed state laws requiring the prevention and elimination of racial imbalance in public scsools.

The petitioners contend Prop. 21 violates federal and state constitutions and release of the funds for school construction on racially segregated sites results in unconstitutional racial segregation.

They contend that unless something is done, most of the $325 million will be allocated at an Aug. 21 board meeting.

They contend such action would condemn "large numbers of California minority students to continued racial segregation."

ALLOCATED FUND

The board already has allocated $100.5 million in funds to districts without imposing any control or qualifications and has 58 applications for $62.5 million awaiting approval as of July 1.

The petitioners suggest two possible solutions:

—Placing new schools between minority and Anglo neighborhoods.

— Creating larger schools — educational parks — replacing smaller non-conforming schools.

The petition states the board denied their requests on March 16. The board said on June 27 it would take no action until Prop. 21 was declared invalid.

Other large school districts named in the suit are Los Angeles, San Jose, San Francisco, Stockton, Sacramento and Oakland.

awaiting decision by SC on if they will hear suit