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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 FOR THE COUNTY OF SAN DIEGO

15 KARI CARLIN, et al

16 Plaintiffs

17 vs.

18 BOARD OF EDUCATION, et al

19 Defendants

No. 303 800

20
21 OBJECTIONS TO DEFENDANT'S PROPOSED

22 RACIAL INTEGRATION PLAN 1978-82.

23 *PART I*
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INTRODUCTION

The San Diego Plan for Racial Integration 1978-82 should be rejected. The introduction is self-laudatory, as it indulges in a breathless recitation of past achievements and anticipated future triumphs. It is difficult, at first, to resist the allure of so many programs and so many promises. It needs a careful reading of the Plan, coupled with a reasonable understanding of School District data to recognize that if this plan were to succeed in every detail, it would still leave 75% of today's isolated minority students in isolation,* with the bulk of the integration burden resting, as it always has, upon the shoulders of minority children. But even this modest progress is unlikely to occur, for it is predicated upon unfounded projections and an unwillingness to recognize failure.

We are told that "The successes of the first year of this effort are a matter of record." Let's look at that record. In 1977:

1. One tipping school (Oak Park) was raised to 51.9% majority** while 3 other elementary schools, (Brooklyn, Carson and Dewey) tipped for the first time, with majority percentages dropping from 50.4 to 47.8, 52.6 to 47.8 and 53.4 to 49.7 respectively.

2. A single isolated elementary school (Webster), located at the edge of the ghetto, had an infusion of 95 majority students, decreasing the minority percentage from 98.6 to 72.3. Last June, the School District had promised to bring Webster within 15% of the District's racial balance by 1977-78. It was unable to accomplish this, for want of sufficient white volunteers. The new Plan does not offer to achieve such a balance until 1981-82,

* See Table I, Pg. 7

** If figures for the total school are used.

1 but unabashedly calls this failure a success.

2 3. Previously tipping San Diego High School has, since last
3 year, descended into the racially isolated category as its minority
4 enrollment increased from 78.4 to 82.5 percent.

5 4. Wright Brothers Career High School, widely acknowledged
6 as perhaps the School District's best integration effort, has
7 continued to lose enrollment at a discouraging rate. At the time
8 of trial, enrollment stood at 262; as of April, 1978, there are
9 only 218 students participating in the program. District planners,
10 however, anticipate a miraculous leap in enrollments, and project
11 320 students at the school next year and for all future years
12 within the plan.

13 5. The Morse High School Urban Exchange Program had
14 anticipated an enrollment of 50 nonresident majority students
15 in 1977-78. Half of that number are presently enrolled.

16 6. An intensive recruitment drive for new elementary VEEP
17 volunteers netted only 38 additional students this year.
18 Undaunted, the Plan anticipates 264 new elementary VEEP students
19 next year, and 765 beyond that by 1981-82.

20
21 A casual look at the Plan is unlikely to reveal how little
22 integration is really promised. Of the 39 programs which glut the
23 pages of this document, only 3 are full-time, full-school programs
24 located in minority isolated schools; no such programs are to be
25 placed in any of the 6 presently isolated secondary schools.
26 Moreover, few of the new magnet programs are scheduled to begin
27 next year; most are slated to start in 1979-80--the third year
28 of the Plan.

1 It is magnet schools-within-schools which represent the
2 ultimate in sleight-of-hand integration, and the District
3 relies heavily upon the illusions they are designed to create.
4 It is idle nonsense to assert, as Defendant does, that the
5 sight of majority students eating lunch in the same cafeteria
6 or playing ball on the same playground will relieve non-magnet
7 minority students at an isolated school of their isolation and
8 provide them with an integrated educational experience. Yet,
9 it is on the basis of such fancied integration that Defendant
10 proffers to this court calculations which purport to show the
11 alleviation of isolation at an entire school when, in fact, only
12 a handful of minority students are integrated within a magnet
13 program.

14
15 Defendant's unilateral announcement that "as each court-
16 designated isolated school reaches a minority enrollment less
17 than 80% . . . it no longer will be considered isolated." (Plan,
18 pg. 4) appears a calculated piece of arrogance. Ignoring the
19 court's designation of Freese and Morse, two schools with less
20 than 80% enrollment, as isolated schools, Defendant has taken a
21 stance consistent with its determination to maintain that its
22 clearly inadequate voluntary integration plan is constitution-
23 ally defensible. Plaintiffs regard the 80% segregation criterion
24 as absurd on its face. Defendants in the Crawford case in Los
25 Angeles were not so brazen as to suggest such a laughable
26 cutoff point; there, in a predominantly minority school district,
27 the Board of Education recommended 70%. In San Diego, any
28 school with a minority enrollment over 50% may be regarded as

isolated, if other segregation indices such as community perception are met.*

Defendant has proclaimed that no further steps would be taken to stabilize tipping schools. On page 4 of the San Diego Plan for Racial Integration we find the statement that "The District's demographic projections indicate that no school which presently has a minority student enrollment of between 50% and 80% will have a minority student enrollment of 80% or more in 1982".

No supporting data are given for this claim which, on the face of it, seems highly unlikely.

Based on five year trends, the following four schools will fall to 20% or less white enrollment by 1982:

	1972	1975	1977	1982** projected from last 5 years	1982** projected from last 2 years
Lee	65.0%	51.3%	38.0%	11%	5%
Boone	51.6%	40.9%	33.2%	15%	14%
Paradise Hills	46.2%	32.7%	30.4%	15%	25%
Audubon	55.0%	42.4%	37.4%	20%	25%

*See Plaintiffs' Recommended Criteria, Timetables and Guidelines for Desegregation, 7-20-77, Pg. 2-5

**The rate of loss has not changed for the last two years (compared to that over five years) for Boone. It has accelerated for Lee and slowed for Paradise Hills and Audubon. Projected enrollment based on the two year rate is shown in the last column of the table. One must conclude that it is highly unlikely that the minority enrollment of Lee and Boone will stabilize spontaneously below the 80% level. As to Paradise Hills and Audubon additional data are needed to show whether the short term trend is likely to persist or whether it is merely due to random fluctuations or the temporary effect of redistricting.

1 Based on past experience, one must consider all tipping
2 schools bordering the expanding ghetto in extreme danger. For
3 example, over a period of only three years Webster dropped from
4 54.9% (1966) to 14.4% (1969) and Fulton dropped from 45.3% to
5 9.8% also between 1966 and 1969.

6 Because Defendant has established unacceptably low inte-
7 gration goals, a mandatory "backup" plan, designed merely to
8 assure achievement of these goals, would not be sufficient.
9 Defendant's refusal to stabilize enrollment in tipping schools
10 makes the need for a strong, comprehensive, integration plan an
11 urgent one.

DESEGREGATION 1978 - 1982

Table I-1 indicates the number of minority students who will be racially isolated in 1981-82, according to the District Integration Plan.

The first two columns show the total enrollment and minority enrollment of the 23 designated isolated schools, plus San Diego High School, which at that date falls into the "isolated" category. The third column gives the minority percentage where that percentage applies to the entire school.

The total enrollment, minority enrollment, and minority percentage in magnet programs are included in the next three columns.

Because magnet programs integrate only those students within the program, they are not included in the data of the last three columns, which show the total enrollment, minority enrollment, and minority percentage of the "remaining traditional school"; the phrase "remaining traditional school" is applied to all of the school population not included in magnet programs.

It is seen that two of the three schools where the magnet involves entire school do show a projected change, from isolated to tipping in one case, and to balanced in the second case.

TABLE I-1 . PROJECTED NUMBER OF MINORITY STUDENTS IN ISOLATED SCHOOLS 1981-82

Source: March 22, 1978 Integration Plan, with extrapolations*based on
1977 Ethnic Census

	Total School			Magnet Program			Remaining Traditional School		
	Enrollment	Number Minority	% Minority	Enrollment	Number Minority	% Minority	Enrollment	Number Minority	% Minority
Baker	473	460	97.3				473	460	97.3
Balboa	876	819	93.5				876	819	93.5
Burbank	276	270	97.8				276	270	97.8
Chollas	601	575	95.6				601	575	95.6
Emerson	721	531	73.6	721	531	73.6**			
Freese	822	506		240	64	26.7	582	442	75.9
Fulton	318	152		247	82	33.2	71	70	98.6
Horton	625	342		412	135	32.8	213	207	97.2
Johnson	218	212	97.2				218	212	97.2
Kennedy	673	662	98.4				673	662	98.4
Knox	278	272	97.7				278	272	97.7
Logan	916	903	98.6				916	903	98.6
Lowell	455	297		300	147	49.0	155	150	96.8
Mead	closed; combined with Chollas								
Sherman	982	775		180	59	32.8	802	716	89.3
Stockton	416	404	97.2				416	404	97.2
Valencia Park	567	305	53.8	567	305	53.8			
Webster	489	230	47.0	489	230	47.0			
Gompers	659	424		350	120	34.3	309	304	98.4
Memorial	1188	906		(200 (200	(65 (60	(32.5 (30.0	788	781	99.1
O'Farrell	941	661		450	150	33.3	491	491 ^{est}	100.***
Lincoln	1059	822		350	120	34.3	709	702	99.0
Morse	1815	1290		300	100	33.3	1515	1190	78.5
San Diego	1748	1183		(150 (400	(45 (130	(30.0 (32.5	1198	1008	84.1

TOTAL 10,633

(Number of minority students in designated isolated schools as shown in 1976-77 Ethnic Census: 14,288.)

*Where majority/minority figures were not supplied by the District for some school projections, ratios from the 1977-78 Ethnic Census for each school in question were applied to that school's total projection to arrive at a minority figure.

**Plaintiffs regard Emerson as a segregated school. In order to give the Defendants every advantage, the Emerson enrollment was not made part of the total isolated enrollment.

***Estimate. Error on pg. 59 in 3-22-78 integration Plan makes precise calculation impossible.

1 II. VOLUNTARY PROGRAMS INVITE FAILURE

2 Plaintiffs wish to make it clear at the outset that they do not
3 believe that voluntary magnet program presented by the district
4 will significantly desegregate the San Diego City Schools. To
5 rely entirely on voluntary magnets to desegregate is to invite
6 failure. This does not mean that magnet schools should never be
7 used. Some offer excellent educational and desegregation oppor-
8 tunities at the same time. When voluntary magnets are part of a
9 mandatory plan, they offer choices: perhaps a special education,
10 more individualized, personal attention, or emphasis on specific
11 subject matter in exchange for a longer bus ride. Plaintiffs
12 believe that the addition of a mandatory element, such as cluster-
13 ing and pairing, is essential, if a reasonable amount of desegreg-
14 ation and integration is to take place.

15
16 Bearing in mind that we do not believe that the programs describ-
17 ed in the plan will work well enough to satisfy the constitution,
18 nevertheless, a detailed analysis of each program will be made,
19 noting the particular weaknesses, or strengths, of each.

20 21 1. 75% WILL REMAIN ISOLATED

22 When the results of all the rosy predictions concerning magnet
23 programs are summed up, very little isolation will have been
24 alleviated in San Diego. Judge Welsh's order named 23 schools,
25 which housed 14,201 minority students. If every proposed magnet
26 program is instituted and is successful in attracting the pre-
27 dicted number of students, 10,638 students will still be isolated
28 in 1981-82! Thus, this major expenditure of money and other

resources would result, at best, in only 25% desegregation, while 75% remain segregated.

2. TOO LITTLE

The district has set low goals. So low, in fact, that in many cases smallness itself becomes a problem. A tiny desegregated school-within-a-school, which is submerged in a big, heavily minority school has little drawing power.

3. MISLEADING FIGURES

a. Paper Integration

Much of the information in the plan is misleading. For example, combining the figures for magnet students and students in the remaining non-magnet portion of a school results in paper integration. The district cannot have it both ways; describing magnets as separate, insulated school-within-a-school programs when recruiting students, and as together, integrated schools when addressing the court.

The combined percentages in the plan do not give a true picture of the magnet schools-within-schools. A histogram, such as that provided for Sherman Elementary School, is much more truthful (See Figure II-4). Page 43

b. Transfers That Don't Desegregate

Another misleading aspect of the plan is revealed in the report on the non-resident participants in the present magnet programs.* All of the schools listed include students in their

*Nonresident and Resident Program Participants, April 3, 1978
Report from Defense Counsel.

1 programs who do not enhance desegregation. There are minor-
2 ity students from majority schools going to magnet programs
3 also in majority schools. There are majority students leav-
4 ing tipping or isolated schools to attend magnets in majority
5 schools. Thus, the number of minority or majority students
6 participating in a program is not an accurate indicator of
7 how much desegregation is really taking place. There may be
8 very good reasons for making exceptions to the rules, but
9 those students should not be counted as desegregating. (See
10 map accompanying Longfellow for demonstration of this prob-
11 lem. (See Figure II-15, See Page 77)

12 13 4. UNFAIR

14 Voluntary magnets have built-in unfairness. Of necessity more
15 money will be spent on magnet participants than on other students;
16 in some cases a great deal of money. (See cost analysis with
17 each school). At the same time, some students are not eligible,
18 because of their race and the racial mix of their school of resi-
19 dence, to attend any magnet. Other students may be eligible for
20 some programs, but not others.

21 22 5. PLANNING PROBLEMS WITH VOLUNTARY MAGNETS

23 A completely voluntary magnet plan creates terrible planning
24 problems. It is difficult to provide for a smooth transition
25 through school when a certain type of magnet is located in a
26 primary school in one area, an elementary school in another, a
27 junior high school someplace else, and the associated high school
28 program is still another location.

1 6. MAGNETS THREATEN VEEP

2 Students who are opting for VEEP now may be the very type of
3 students who would most prefer the special education offered in
4 magnets. If magnet programs have real drawing power, as they
5 must in order to work, the VEEP is probably overmatched. VEEP
6 will lose out in competition with magnets.

7
8 7. EDUCATIONAL PROBLEMS

9 Magnet programs, even more than VEEP programs, may tend to con-
10 centrate the more able students, draining the leadership from
11 sending schools and creating educational deserts.

12
13 8. TRANSPORTATION PROBLEMS

14 In successful desegregation programs, transportation time and
15 distance should be minimal. The quickest, shortest trips would
16 be between paired schools. The longest, most complicated trips
17 are for magnets which draw from the whole district. (For an
18 example see (figure II-14 Page 76)

19
20 9. LIMITED CLONING

21 Some magnet programs are so superior that the school board might
22 like to duplicate them many times over. Unfortunately, there are
23 only so many University Lab Schools that can be supported by the
24 higher educational institutions in this city.

25
26 Conversely, some magnets have a very strong pull for only a small
27 number of parents and students. Human and financial resources on
28 the one hand, and the interests of students and families on the

1 other hand, set limits to the number of possible magnet replica-
2 tions.

3
4 10. EXPENSIVE

5 Magnet schools are probably the most expensive way to achieve in-
6 tegration because of the following costs:

- 7 a. Cost of special equipment, facilities, and programs.
8 b. Special staffing and staff training.
9 c. Cost of transportation. Magnets cost more than VEEP.*

10 (In a statement at the CACRI meeting of
11 1/25/78, Clarence Pedleton, Vice Chairperson, stated that
12 "The Dallas Performing Arts Magnet runs 55 buses 4 times a
13 day.")

14 11. WEAK COMMUNITY INVOLVEMENT RESULTS IN NO SUPPORT

15 Better communication between the community and the school district,
16 will result in programs with community appeal. . As a result of
17 the lack of communication and participation in the planning, some
18 communities feel that a program which they did not choose is
19 being imposed on them. (An example is the Johnson community,
20 which very much wanted a magnet school, but which rejected the
21 performing arts program planned by the administration for the
22 school).

23
24 * San Diego Plan for Racial Integration, 1978-82, Vol. 2,
25 Appendix B, Table B, page B-19.

DAYLAND ELEMENTARY SCHOOL CRITIQUE AND PERFORMANCE

DATE: 10/1/68

A Performing Arts Magnet at Johnson Elementary School was rejected by the Johnson community as unresponsive to the educational needs of the children at that school. It was felt that this type of magnet school was an attractive commodity primarily as the Black community.

A. NEW ELEMENTARY MAGNET PROGRAMS

Ministry of Education has been successful in the creative and Performing Arts Program. It has been very successful in providing a place for the children at the elementary level and the majority of the children of color. The program is designed to provide a place for the children of color and the children of color. The program is designed to provide a place for the children of color and the children of color.

The Performing Arts magnet is one of the most expensive elementary magnet programs. It will cost \$150,000 to build and \$100,000 to operate in this program as in the former fundamental program.

Dayland was opened in 1975-76 with a student capacity of 1230 students. The enrollment peaked the following year at 1997 and has already begun to decline. Without the addition of the magnet program the enrollment would continue to decline to 500 in 1981-82. This is a very serious problem. The enrollment of students in growth areas, giving strength to the argument that instead of continuing to build new schools in these areas existing buildings should be fully utilized first. This will reduce costs and segregate at the same time.

DAILARD ELEMENTARY SCHOOL CREATIVE AND PERFORMING
ARTS MAGNET

A Performing Arts Magnet at Johnson Elementary School was rejected by the Johnson community as unresponsive to the educational needs of the children at that school. It may be that this type of magnet will not be as attractive to minority parents as the District hopes.

Minority students who wish to continue with the Creative and Performing Arts program will find disproportionately fewer spaces waiting for them at the secondary level than will the majority graduates of Dailard. Memorial Junior High School and San Diego High School are the linkage schools for this program; since they are minority isolated schools, their programs are designed to attract majority students and cannot allow room for many minority students.

The Performing Arts magnet is one of the most expensive elementary magnet programs. It will cost five times as much to educate a student in this program as in the Foster fundamental program.

Dailard was opened in 1975-76 with a maximum capacity of 1230 students. The enrollment peaked the following year at 799 and has already begun to decline. Without the addition of the magnet program the enrollment would continue to decline to 571 in 1981-82. This is a too often repeated enrollment pattern of schools built in growth areas, giving strength to the argument that instead of continuing to build new schools in these areas, existing buildings should be fully utilized first. This will reduce costs and desegregate at the same time.

SCHOOL Dailard Elementary School.
 DESEGREGATION PROGRAM Creative and Performing Arts Magnet. STARTING DATE 1978-79.

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program 32, 1981-82 54.
 2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 58, 1981-82 96.
 3. TOTAL 1977-78 _____, 1st Year of Program 90, 1981-82 150.
 FULL SCHOOL PROGRAM _____, SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78</u>					
Magnet Program					
Traditional Program					
Total School	<u>60</u>	<u>8.2%</u>	<u>676</u>	<u>91.8%</u>	<u>736.</u>
Year <u>1978-79.</u>					
<u>First Year of Program</u>					
Magnet Program	<u>105</u>	<u>38.9</u>	<u>165</u>	<u>61.1</u>	<u>270</u>
Traditional Program	<u>45</u>	<u>8.8</u>	<u>466</u>	<u>91.2</u>	<u>511</u>
Total School	<u>150</u>	<u>19.2</u>	<u>631</u>	<u>80.8</u>	<u>781</u>
Year <u>1981-82</u>					
<u>Last year in the plan.</u>					
Magnet Program	<u>175</u>	<u>38.9</u>	<u>275</u>	<u>61.1</u>	<u>450</u>
Traditional Program	<u>35</u>	<u>12.9</u>	<u>236</u>	<u>87.1</u>	<u>271</u>
Total School	<u>210</u>	<u>29.1</u>	<u>511</u>	<u>70.9</u>	<u>721</u>

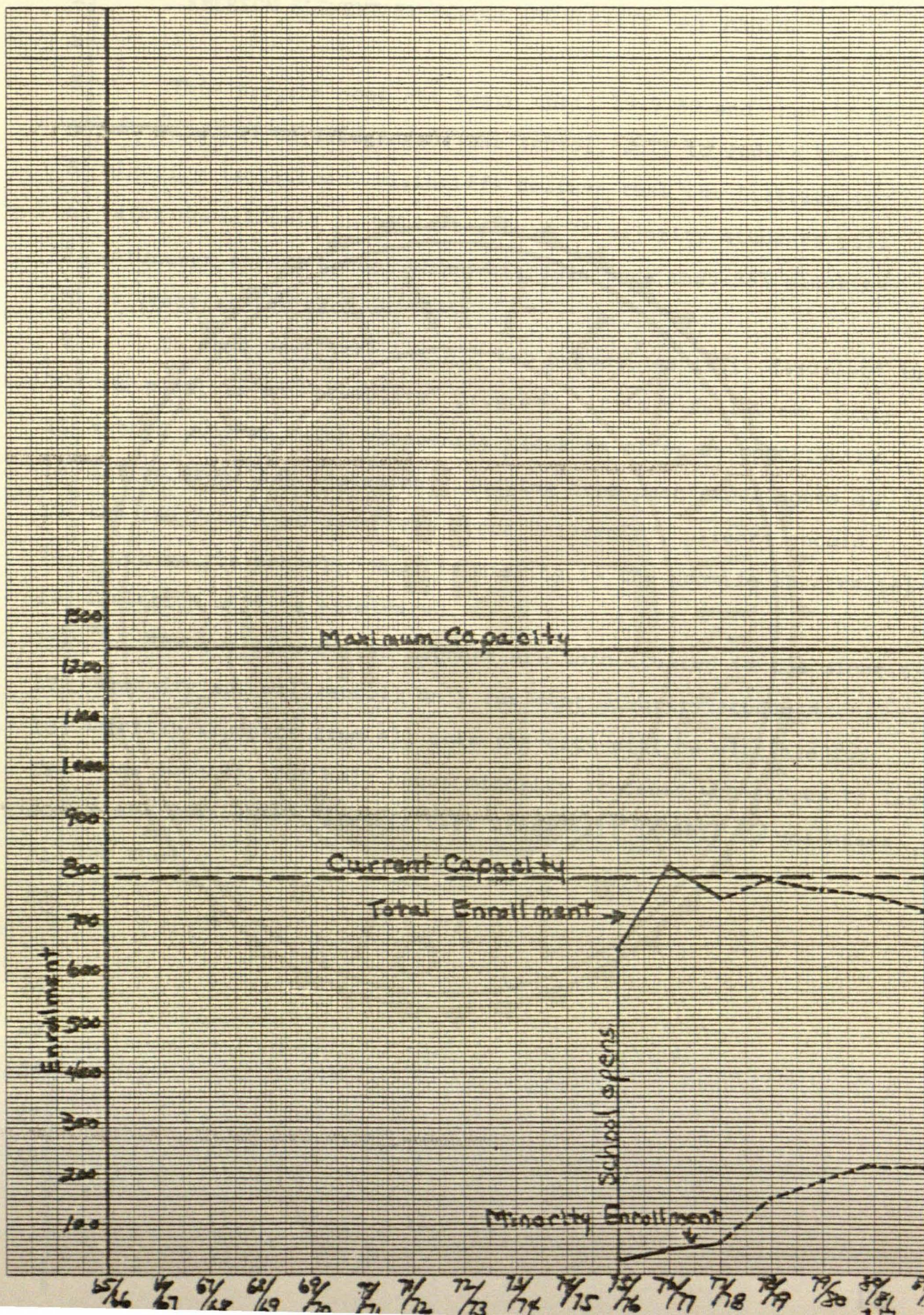
COST 1978-79

Total cost..... 215,558
 Cost per student served..... 798.36
 Cost per minority student desegregated..... 2395.09

Dailard Elementary School Enrollment Data 1975 - 1981

46 1517

K-E 10 X 10 TO THE CENTIMETER 10 X 25 CM.
KLEPPFEL & ESSER CO. MADE IN U.S.A.



—Fig. II.—

EMERSON ELEMENTARY SCHOOL UNIVERSITY LAB SCHOOL

This program does not begin until 1979-80 and then it is not expected to desegregate the school, only to reduce the minority isolation. Plaintiffs believe that the District is being unrealistic in believing that 75 majority students will volunteer into a school which has been more than 95% minority at least as far back as 1965.

In some ways, the Emerson Lab School, as it is described in the plan, is an "exemplary" program. It is a full-time, full-school program which apparently plans to offer an opportunity for an excellent education. Judging from past experiences at the Lab School at San Diego State University, parents should flock to the school. What is missing is the promise that racial isolation will be eliminated.

The two planned Lab magnets are both located in the minority community and will enroll only resident minority students. Majority students from all over the city will be eligible for these schools, but only those minority students who happen to live in the Emerson or Valencia Park areas will be able to volunteer for them.

SCHOOL

Emerson Elementary School

DESEGREGATION PROGRAM

University Lab School Magnet

STARTING DATE

1979-80

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program 0, 1981-82 0

2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 0, 1981-82 0

3. TOTAL 1977-78 _____, 1st Year of Program 0, 1981-82 0

FULL SCHOOL PROGRAM ☒, SCHOOL-WITHIN-A-SCHOOL _____

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year 1977-78					
Magnet Program					
Traditional Program					
Total School	530	97.8	12	2.2	542
Year 1979-80					
Magnet Program					
Traditional Program					
Total School	515	85.4	88	14.6	603
Year 1981-82					
Last year in the plan.					
Magnet Program					
Traditional Program					
Total School	531	73.6	190	26.4	721

COST 1978-79

Total cost.....(Not given).....\$ —

Cost per student served.....\$ —

Cost per minority student desegregated.....\$ —

Emerson Elementary School Enrollment 1965-1981

This graph demonstrates the long history of segregation at this school.

It also shows the timid hopes that the District has for this program.

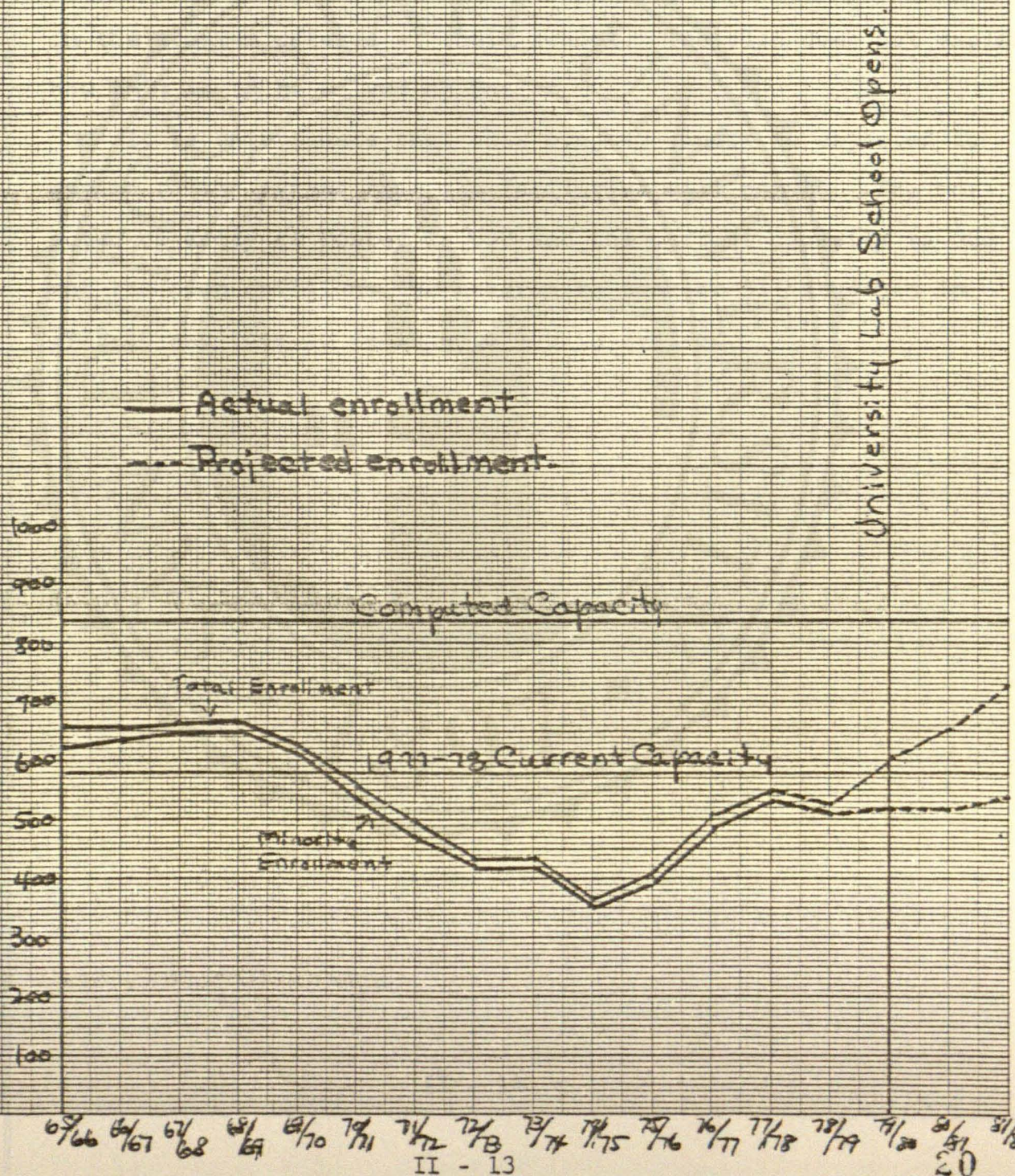


Fig. II-2-

FOSTER ELEMENTARY SCHOOL, FUNDAMENTAL MAGNET

A full-time, full-school magnet with a back-to-basics program should be a relatively strong magnet, but it will have to share its pulling power with two other elementary schools, Webster and Rolando Park.

Inherent in any full-school magnet program is the dilemma of what to do with resident students who do not wish to participate in the program offered at their school. The plan does not explain how this is to be solved at Foster.

It is unfortunate that this program cannot be expected to expand to the extent that the facilities will permit. The computed capacity at Foster is 630 and the current capacity is 560 yet the plan envisions the program to peak at 511 students in 1979-80 and then to decline to 480 in 1981-82.

SCHOOL Foster Elementary School.

DESEGREGATION PROGRAM _____ STARTING DATE _____

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program 32, 1981-82 36
 2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 58, 1981-82 64
 3. TOTAL 1977-78 _____, 1st Year of Program 90, 1981-82 100
- FULL SCHOOL PROGRAM ✓, SCHOOL-WITHIN-A-SCHOOL _____

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78</u>					
Magnet Program					
Traditional Program					
Total School	<u>78</u>	<u>17.6</u>	<u>365</u>	<u>82.4</u>	<u>443</u>
Year <u>1978-79</u>					
<u>First Year of Program.</u>					
Magnet Program					
Traditional Program					
Total School	<u>164</u>	<u>32.2</u>	<u>346</u>	<u>67.8</u>	<u>510</u>
Year <u>1981-82</u>					
<u>Last year in the plan.</u>					
Magnet Program					
Traditional Program					
Total School	<u>167</u>	<u>34.8</u>	<u>313</u>	<u>65.2</u>	<u>480</u>

COST 1978-79

Total cost.....\$ 75,497

Cost per student served.....\$ 838.86

Cost per minority student desegregated.....\$ 148.03

During the summer of 1977 attempts were made to recruit students for a French Language Magnet, but so few volunteered that the program was not begun. With better community participation in the planning and better communication, a French magnet might succeed. The District does not expect much of this program. The Freese magnet is a postage stamp sized program placed in a large school. It doesn't begin until 1979-80 and then involves only 32 isolated minority students. At its peak it will enroll only 64 minority students.

Although the plan shows that the racial balance at the school will have improved from 79.8% minority in the current school year to 61.6% in 1981-82, those figures give a false picture of the school. Figure No. II-3 more accurately describes the school. Placing a small magnet with a low percentage of minority students into a large segregated school does change the numbers significantly, but does not alter the education condition of the majority of students, who remain outside the program. The minority students at Freese were considered by the court to be racially isolated at 78.5% minority in June of 1977. 94.2% of the minority students at Freese will be in the traditional school and that program will still be 77.7% minority, in 1979-80. Mixing the students only on paper is an attempt by the District to mislead the court and the community.

Since there is no mirror magnet for this program, minority students who do not happen to reside in the Freese area will not have access to this special education, but all the majority students in majority schools will be able to choose it if they wish.

SCHOOL

Freese Elementary School

DESEGREGATION PROGRAM

Intercultural Language Magnet
(French)

STARTING DATE

1979-80

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program 0, 1981-82 0
2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 32, 1981-82 64
3. TOTAL 1977-78 _____, 1st Year of Program 32, 1981-82 64

FULL SCHOOL PROGRAM _____

SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total
	Number	Per cent	Number	Per cent	Number
Year <u>1977-78</u>					
<u>Regular School</u>					
Magnet Program					
Traditional Program					
Total School	<u>695</u>	<u>79.8</u>	<u>176</u>	<u>20.2</u>	<u>871</u>
Year <u>1979-80</u>					
Magnet Program	<u>32</u>	<u>26.7</u>	<u>88</u>	<u>73.3</u>	<u>120</u>
Traditional Program	<u>519</u>	<u>77.7</u>	<u>149</u>	<u>22.3</u>	<u>668</u>
Total School	<u>551</u>	<u>69.9</u>	<u>237</u>	<u>30.1</u>	<u>788</u>
Year <u>1981-82</u>					
Last year in the plan.					
Magnet Program	<u>64</u>	<u>26.7</u>	<u>176</u>	<u>73.3</u>	<u>240</u>
Traditional Program	<u>442</u>	<u>75.9</u>	<u>140</u>	<u>24.1</u>	<u>582</u>
Total School	<u>506</u>	<u>61.6</u>	<u>316</u>	<u>38.4</u>	<u>822</u>

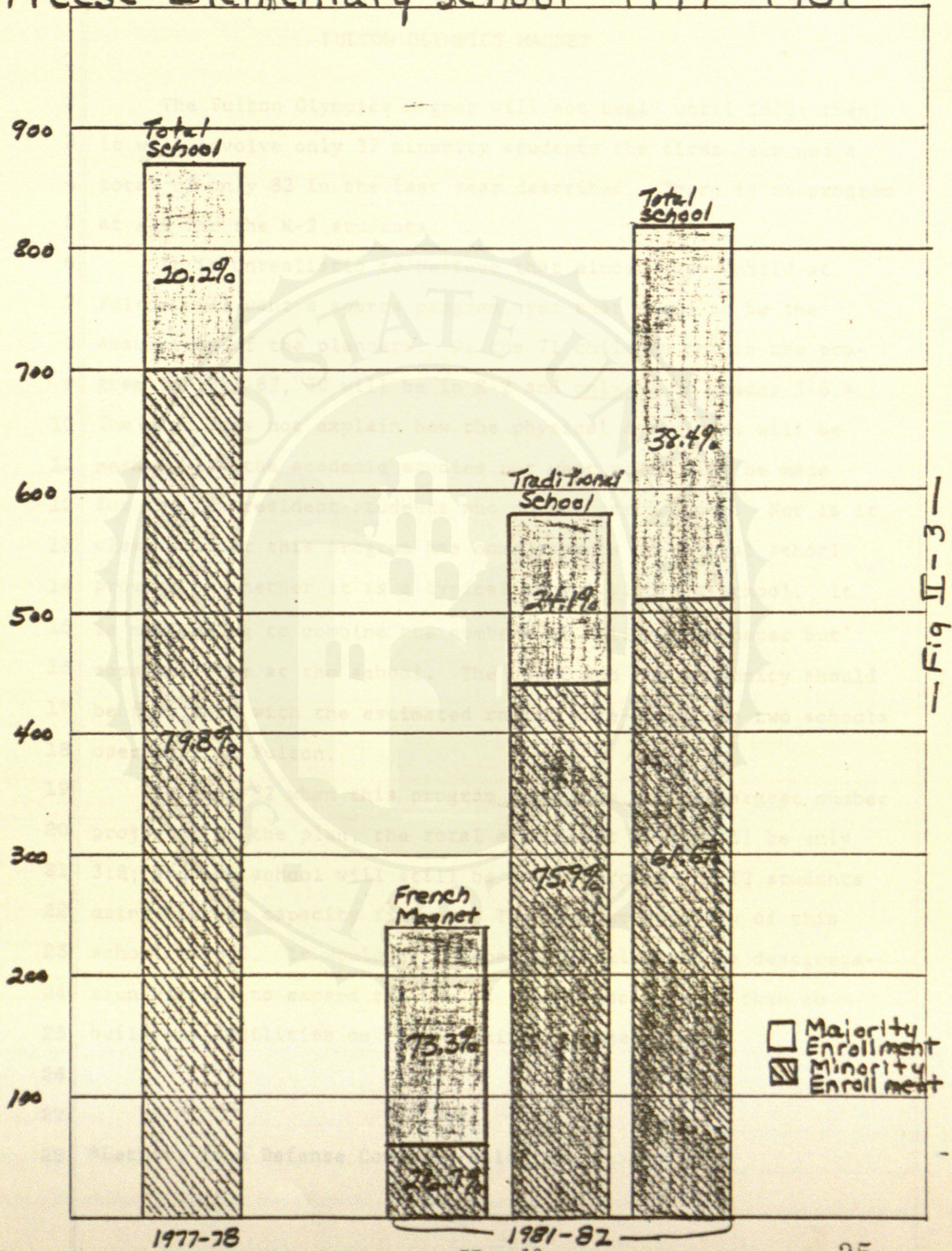
COST 1978-79

Total cost.....(Not applicable).....

Cost per student served.....

Cost per minority student desegregated.....

Freese Elementary School 1977-1981



— Fig II - 3 —

FULTON OLYMPICS MAGNET

The Fulton Olympics magnet will not begin until 1979; then it will involve only 37 minority students the first year and a total of only 82 in the last year described. There is no program at all for the K-2 students.

It is unrealistic to believe that almost every child at Fulton will want a sports program, yet that seems to be the assumption of the planners. Of the 71 children not in the program in 1981-82, 60 will be in K-2 and only 11 in grades 3-6.* The plan does not explain how the physical activities will be meshed with the academic studies nor what plans will be made for the few resident students who do not participate. Nor is it clear whether this program has some aspects of a total school program or whether it is a typical school-within-a-school. It is misleading to combine the numbers of children on paper but separate them at the school. The court and the community should be furnished with the estimated racial make-up of the two schools operating at Fulton.

In 1981-82 when this program has grown to the largest number projected in the plan, the total enrollment will still be only 318; and the school will still be under-enrolled by 12 students using current capacity figures. The maximum capacity of this school is 840. It would be cheaper and would enhance desegregation efforts to expand the use of this school rather than to build new facilities on the outskirts of the city.

(Not available)

*Letter, from Defense Counsel, 4-14-78.

SCHOOL Fulton Elementary SchoolDESEGREGATION PROGRAM Olympics Magnet STARTING DATE 1979-80

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 —, 1st Year of Program 0, 1981-82 02. FROM ISOLATED SCHOOLS, 1977-78 —, 1st Year of Program 37, 1981-82 823. TOTAL 1977-78 —, 1st Year of Program 37, 1981-82 82FULL SCHOOL PROGRAM —, SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78</u>					
Magnet Program					
Traditional Program					
Total School	<u>285</u>	<u>99.3</u>	<u>2</u>	<u>.7</u>	<u>287</u>
Year <u>1979-80</u>					
Magnet Program	<u>37</u>	<u>33.0</u>	<u>75</u>	<u>77.0</u>	<u>112</u>
Traditional Program	<u>152</u>	<u>98.7</u>	<u>2</u>	<u>1.3</u>	<u>154</u>
Total School	<u>189</u>	<u>71.1</u>	<u>77</u>	<u>28.9</u>	<u>266</u>
Year <u>1981-82</u>					
Last year in the plan.					
Magnet Program	<u>82</u>	<u>33.2</u>	<u>165</u>	<u>66.8</u>	<u>247</u>
Traditional Program	<u>70</u>	<u>98.6</u>	<u>1</u>	<u>1.4</u>	<u>71</u>
Total School	<u>152</u>	<u>47.8</u>	<u>166</u>	<u>52.2</u>	<u>318</u>

COST 1978-79

Total cost.....(Not available).....

Cost per student served.....

Cost per minority student desegregated.....

GREEN ELEMENTARY SCHOOL, OLYMPICS MAGNET

The program does not start until 1979-80 and in the first year desegregates only 75 minority students. At its' peak, it will desegregate only 120 students each year. There is no program for kindergarten through second grade.

By the second year there will be no resident students Grades 3-6 who do not participate.* The plan does not make clear whether this is a typical school-within-a-school or whether it has some aspects of a total school program.

*Letter from Defense Counsel, 4-14-78.

SCHOOL

Green Elementary School

DESEGREGATION PROGRAM

Olympics Magnet

STARTING DATE

1979-80.

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78

1979-80

, 1st Year of Program

27

, 1981-82

43

2. FROM ISOLATED SCHOOLS, 1977-78

1979-80.

, 1st Year of Program

43

, 1981-82

77

3. TOTAL

1977-78

, 1st Year of Program

75

, 1981-82

120

FULL SCHOOL PROGRAM

, SCHOOL-WITHIN-A-SCHOOL

✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78.</u> <u>Regular School</u>					
Magnet Program					
Traditional Program					
Total School	<u>50</u>	<u>10.5</u>	<u>425</u>	<u>89.5</u>	<u>475</u>
Year <u>1979-80</u> <u>First Year of Program.</u>					
Magnet Program	<u>91</u>	<u>40.4</u>	<u>134</u>	<u>59.6</u>	<u>225</u>
Traditional Program	<u>24</u>	<u>10.3</u>	<u>209</u>	<u>89.7</u>	<u>233</u>
Total School	<u>115</u>	<u>25.1</u>	<u>343</u>	<u>74.9</u>	<u>458</u>
Year <u>1981-82</u> <u>Last year in the plan.</u>					
Magnet Program	<u>155</u>	<u>43.1</u>	<u>205</u>	<u>56.9</u>	<u>360</u>
Traditional Program	<u>(ERROR)</u>	<u>(ERROR)</u>	<u>75</u>	<u>100.0</u>	<u>73</u>
Total School	<u>153</u>	<u>35.3</u>	<u>280</u>	<u>64.7</u>	<u>433</u>

COST 1978-79

Total cost.....

(Not available)

Cost per student served.....

Cost per minority student desegregated.....

HORTON ELEMENTARY SCHOOL, INTERCULTURAL LANGUAGE MAGNET (SPANISH)

Next year, this program is expected to desegregate only 39 minority isolated students and in four years this number will be increased to an unimpressive 135. In 1981-82 the traditional school will still contain about one third of the total school enrollment, and those 213 children will remain severely isolated, (97.2% minority). To combine the racial make-up of the two schools within Horton is very misleading, although even the confirmed figures demonstrate that Horton will still be a minority school in 1981-82.

Language magnets have already had some success in San Diego at Oak Park and Longfellow. The number of parents willing to volunteer for this type of magnet is bound to be limited, however, and since there is now no waiting list at Oak Park, (which offers a similar program in a less segregated setting closer to the majority community) there is reason to doubt the District's optimistic predictions for this program.

The program depends entirely on Horton students for minority participation. Since the turnover at Horton is 55.3%, which is higher than for 94% of California schools,* there may be some problem maintaining a sufficiently stable enrollment in the program for it to succeed.

The plan unrealistically assumes that about 40% of the majority students at Horton will volunteer for this program.

*California Assessment Program - September 1977

SCHOOL

Horton Elementary School

DESEGREGATION PROGRAM

Intercultural Language
Magnet (Spanish)

STARTING DATE

1978-79.

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 —, 1st Year of Program 0, 1981-82 0
2. FROM ISOLATED SCHOOLS, 1977-78 —, 1st Year of Program 39, 1981-82 135
3. TOTAL 1977-78 —, 1st Year of Program 39, 1981-82 135

FULL SCHOOL PROGRAM

SCHOOL-WITHIN-A-SCHOOL

✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78.</u>					
<u>Regular School.</u>					
Magnet Program					
Traditional Program					
Total School	<u>397</u>	<u>98.0</u>	<u>8</u>	<u>2.0</u>	<u>405</u>
Year <u>1978-79.</u>					
<u>First Year of Plan.</u>					
Magnet Program	<u>39</u>	<u>32.5</u>	<u>81</u>	<u>67.5</u>	<u>120</u>
Traditional Program	<u>336</u>	<u>98.0</u>	<u>7</u>	<u>2.0</u>	<u>343</u>
Total School	<u>375</u>	<u>81.0</u>	<u>88</u>	<u>19.0</u>	<u>463</u>
Year <u>1981-82</u>					
<u>Last year in the plan.</u>					
Magnet Program	<u>135</u>	<u>32.8</u>	<u>277</u>	<u>67.2</u>	<u>412</u>
Traditional Program	<u>207</u>	<u>97.2</u>	<u>6</u>	<u>2.8</u>	<u>213</u>
Total School	<u>342</u>	<u>54.7</u>	<u>283</u>	<u>45.3</u>	<u>625</u>

COST 1978-79

Total cost..... 175,057

Cost per student served..... 1458.80

Cost per minority student desegregated..... 4488.64

WAITING LISTS AT EXISTING MAGNET SCHOOLS

Following is a chart showing the number of students on waiting lists at existing magnet schools.

SCHOOL	Unkown	Hispanic (0)	Caucasian /White (1)	Black Negro (2)	Asian (3)	Indian- Alaskan (4)	Portuguese (6)	Filipino (7)	Indochinese (8)	Total
Benchley	0	0	0	0	0	0	0	0	0	0
Rolando Park	0	19	15	48	0	0	1	6	4	93
Webster	0	0	0	0	0	0	0	0	0	0
Oak Park	0	0	0	0	0	0	0	0	0	0
Longfellow	0	0	0	0	0	0	0	0	0	0
Lindbergh	0	0	0	0	0	0	0	0	0	0
Muir	0	9	219	18	3	2	0	0	0	251
Fremont	25	5	146	29	9	0	0	0	0	214
Silver Gate	0	0	0	0	0	0	0	0	0	0
Encanto	0	0	27*	0	0	0	0	0	0	27
TOTAL	25	33	407	95	12	2	1	6	4	585

*These are all applicants for math/science portion of the Magnet School Program

1 LOWELL ELEMENTARY SCHOOL BILINGUAL SPANISH MAGNET

2
3 When the Lowell Bilingual Spanish Magnet opens next year,
4 it will desegregate no more than 39 minority isolated students;
5 that number is projected to increase to only 147 by 1981-82.
6 Students in the traditional program at Lowell, which will be
7 more than 96% minority every year of the plan, will continue
8 to be racially isolated.

9 The singularly poor physical facilities at Lowell are the
10 main deterrent to the success of this program. The school has
11 only one permanent classroom, 23 portables, an extremely small
12 site (3.36 useable acres), inadequate storage facilities
13 (requiring that expensive equipment be moved from the portable
14 to the permanent building every weekend) no grass or trees, and
15 a school yard that is surrounded by junk yards. These condi-
16 tions have existed for years, and although changes have been
17 considered, they have not been made "because of the uncertain
18 future of the neighborhood and continuing need for the school."*

19 Lowell, shows a stable enrollment pattern since 1965,
20 with total enrollments between 350 and 450 throughout that
21 period and with a racial make-up of between 80 and 90% Hispanic
22 from 1965 to 1970 and over 90% Hispanic since then.

23 Lowell has been designated a community school which serves
24 about 400 adults after school and in the evenings. "These

25
26
27 * Report on Lowell Elementary School Facilities, SDUSD, 12/20/77.
28 * Report on Lowell Elementary School Facilities, SDUSD, 12/20/77.

programs have increased public awareness and interest in the use of the school buildings and fields, and this has resulted in more persons expressing concern about 'inadequate' facilities."*

The court may recall the glowing account of the programs at Lowell presented by Defendant at the trial, including a well-conceived movie. That movie did not show the neighboring junk yards and the other conditions outlined above. A presentation made to the Board of Education on 10/10/77 by Mr. Eduardo Trillo, President, Varrio Logan Heights Resident Association, and the outline of the presentation made to the City Council on 4/11/78 by Councilman Jess Haro are attached hereto as page 37 and

39 to apprise the court of some community feeling about this school.

Despite the conditions described above, the District claims that the school is currently under capacity by 83 students and is proposing to add two additional portables on the already too small playground to accomodate the students expected to enroll in the magnet.

In December of 1977 the school district staff recommended buying adjacent property now occupied by junkyards. Negotiations are presently stalled. In the past, huge amounts of money have been spent in other areas, including Pre Field Act money, Proposition XX and YY money, and Community Service tax money (for playgrounds and parks). Spreckels, Lowell's "mirror magnet" in the northern part of the city, was also an all portable school until

* Report on Lowell Elementary School Facilities, SDUSD, 12/20/77.

1 recently, when it was rebuilt at a cost of over \$3 million, using
2 district, federal and community service tax funds.

3 In spite of these conditions, the District predicts that
4 the program will begin next year with 60 majority volunteers. In
5 his speech to the City Council on 4-11-78 Councilman Jess Haro
6 said that he would not encourage anyone to voluntarily send their
7 children to Lowell School.*

8 This Spanish Language Magnet will be competing with four
9 other Spanish language programs for majority volunteers: Oak Park,
10 Horton, Longfellow and Spreckels. There is presently no waiting
11 list for majority students at Longfellow or Oak Park, majority
12 students at Spreckels and Longfellow will find programs at their
13 own schools, and the whole Northeast quadrant of the city is
14 eligible for the Spanish program at Longfellow. All of these
15 programs will reduce considerably the number of prospective vol-
16 unteers for Lowell.

17
18
19 * Outline of speech to City Council, 4/11/78,

Page 39.

SCHOOL Lowell Elementary School

DESEGREGATION PROGRAM Bilingual Magnet (Spanish) STARTING DATE 1978-79

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program 0, 1981-82 0
2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 59, 1981-82 147
3. TOTAL 1977-78 _____, 1st Year of Program 59, 1981-82 147

FULL SCHOOL PROGRAM _____, SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78</u>					
Magnet Program					
Traditional Program					
Total School	<u>395</u>	<u>97.8</u>	<u>9</u>	<u>2.2</u>	<u>404</u>
Year <u>1978-79</u>					
Magnet Program	<u>59</u>	<u>49.2</u>	<u>61</u>	<u>50.8</u>	<u>120</u>
Traditional Program	<u>307</u>	<u>97.5</u>	<u>8</u>	<u>2.5</u>	<u>315</u>
Total School	<u>366</u>	<u>84.1</u>	<u>69</u>	<u>15.9</u>	<u>435</u>
Year <u>1981-82</u>					
Last year in the plan.					
Magnet Program	<u>147</u>	<u>49.0</u>	<u>153</u>	<u>51.0</u>	<u>300</u>
Traditional Program	<u>150</u>	<u>96.8</u>	<u>5</u>	<u>3.2</u>	<u>155</u>
Total School	<u>297</u>	<u>65.3</u>	<u>158</u>	<u>34.7</u>	<u>455</u>

COST 1978-79

Total cost.....\$ 137,801

Cost per student served.....\$ 1148.34

Cost per minority student desegregated.....\$ 2335.61

MEMORANDUM

OCTOBER 10, 1977

TO: MEMBERS, BOARD OF EDUCATION
SAN DIEGO CITY SCHOOL DISTRICT

FROM: MR. EDUARDO TRILLO, PRESIDENT
VARRIO LOGAN HEIGHTS RESIDENT ASSOCIATION

CRITICISM HAS BEEN LEVELED AT COUNCILMAN HARO, VARRIO LOGAN PARENTS, OUR RESIDENTS' ASSOCIATION BECAUSE WE HAVE NOT FORMALLY PRESENTED A LIST OF OUR GRIEVANCES TO YOU REGARDING LOWELL COMMUNITY SCHOOL TODAY, WE WANT TO SET THE RECORD STRAIGHT.

ON MAY 12, 1977, MR. AL JOHNSTON, CHAIRMAN OF HARBOR 101-BARRIO LOGAN PLANNING ASSOCIATION WROTE TO DOROTHEA EDMISTON EXPRESSING OUR CONCERNS REGARDING LOWELL COMMUNITY SCHOOL AND GIVING SUPPORT TO THE CONSTRUCTION OF A NEW SCHOOL. MR. GOODMAN RESPONDED ON MAY 25, 1977, INDICATING THAT A DR. CULVER WOULD BE IN TOUCH WITH THE SCHOOL AND THE PLANNING ASSOCIATION TO BEGIN DISCUSSIONS. AFTER OUR REPRESENTATIVES TOOK THE INITIATIVE AND MADE SEVERAL CALLS TO DR. CULVER, WE FOUND OUT THAT HE WAS ON VACATION. WE HAVE YET TO RECEIVE A RESPONSE FROM DR. CULVER.

MOST OF YOU KNOW THAT LOWELL SCHOOL HAS AROUND FOUR HUNDRED AND FIFTY (450) CHILDREN ATTENDING A FACILITY BUILT AS TEMPORARY STRUCTURES MORE THAN TWENTY (20) YEARS AGO. ROUGHLY FOUR HUNDRED (400) ADULTS USE THE FACILITY ALSO. THIS ADULT PROGRAM HAS THE POTENTIAL FOR DOUBLING ITS ATTENDANCE, BUT CAN NOT DO SO BECAUSE OF THE FACILITY LIMITATIONS. THE RECREATION YARD IS EXTREMELY LIMITED AND IS BELOW SIZE REQUIREMENTS AS SET BY THE STATE OF CALIFORNIA. THERE ARE NO STORAGE FACILITIES FOR THE PLAYGROUNDS AND SCHOOL EQUIPMENT. IT IS THE ONLY SCHOOL THAT WE KNOW OF THAT IS SURROUNDED BY JUNK YARDS. THESE "JUNK YARDS" ARE NOT ONLY AN EYESORE AND LOWER THE QUALITY OF THE ENVIRONMENT, BUT THEY CONTAIN MANY HAZARDS TO THE STUDENTS' AND RESIDENTS' HEALTH. THERE ARE VICIOUS DOGS WHICH CONSTANTLY THREATEN THE CHILDREN. JUNK CARS ARE PARKED IN THE STREETS WITHOUT SUPERVISION INVITING KIDS TO PLAY IN THEM. THE SMELL FROM THE GREASE AND OIL IS EXCEPTIONALLY BAD ON HOT DAYS.

MEMORANDUM

OCTOBER 10, 1977

PAGE 2

BUT WE ARE NOT HERE TO DWELL ON THESE THINGS TODAY. OUR PEOPLE HAVE LEARNED THAT WE MUST NOT ONLY CRITICIZE, BUT WE MUST TAKE POSITIVE ACTION. WE HAVE GONE BEFORE THE CITY COUNCIL ON TWO OCCASIONS TO REQUEST THAT LARGE DIESEL TRUCKS BE PROHIBITED FROM THE STREETS ADJACENT TO LOWELL. THIS HAS RESULTED IN A RESOLUTION TO BAR THESE TRUCKS. WE COME HERE TODAY IN THE SAME MANNER. OUR SLIDE PRESENTATION HAS BROUGHT OUT THE TRUTH IN A WAY THAT OUR WORDS CAN NOT DUPLICATE. WE ARE HERE IN BEHALF OF OUR NEIGHBORHOOD TO ASK YOU TO WORK TOGETHER WITH US IN DEVELOPING A CHICANO EDUCATIONAL VOCATIONAL TRAINING AND CULTURAL CENTER. WE SEE THIS CENTER AS BEING A FOCAL POINT FOR CHICANO HISTORY, CULTURE, AND THE PERFORMING ARTS AS WELL AS PROVIDING A CULTURALLY-ORIENTED LEARNING ENVIRONMENT FOR TRADITIONAL AS WELL AS VOCATIONAL STUDIES. WE FEEL THAT THIS APPROACH TO EDUCATION IN OUR VARRIO WILL NOT ONLY BENEFIT OUR CHILDREN, BUT WILL SERVE THE ENTIRE COMMUNITY.

AS HAS BEEN POINTED OUT SO OFTEN, VARRIO LOGAN IS THE HISTORICAL CENTER OF THE CHICANO/LATINO COMMUNITY IN SAN DIEGO. MANY OF OUR PEOPLE THROUGHOUT THE AREA TRACE THEIR FAMILIES BACK TO THE BARRIO LOGAN. WHILE THE VARRIO IS SYMBOLIC OF OUR PAST AND THAT IT ENTAILS, IT IS EVEN MORE SYMBOLIC OF OUR FUTURE AND THE CHALLENGES WHICH ARE BEFORE US. WE ARE NOW WORKING TO DEVELOP A COMMUNITY PLAN. WE ARE DEVELOPING NEW ZONING ORDINANCES, PLANS FOR: TRANSPORTATION AND PARKING, LOW COST HOUSING, SENIOR CITIZENS HOUSING, AND A REVITALIZED BUSINESS DISTRICT. ONE OF THE KEY ELEMENTS IS OUR EDUCATIONAL VOCATIONAL AND CULTURAL CENTER.

WE COME HERE TODAY WITH OUR PROMISE TO WORK WITH YOU IN THIS ENDEAVOR. IT STANDS AS A CHALLENGE NOT ONLY FOR US, BUT FOR YOU. IT CAN BECOME A MODEL FOR VARIOUS CITIES THROUGHOUT THE COUNTY AS A COOPERATIVE VENTURE IN COMMUNITY EDUCATION.

CONTACT PERSON: ERIBERTO ORIOL, 1960 NATIONAL AVENUE, SAN DIEGO, CALIFORNIA

236-1228

VOLUNTARY INTEGRATION

Comments made by Councilman Jess Haro at Council Meeting of April 11, 1978

I Lowell School has a magnet to Spreckles School.

- a. Last year Spreckles was refurbished.
- b. I tried to find out the money involved and School District said it was irrelevant. I don't think it's irrelevant.
- c. Concept of voluntary program is to avoid busing.
- d. Survey by Mr. Kaplan shows 50% opposed to busing. I think the majority of the rest want somebody else to do the volunteering.

II I request to delay action on this until School District takes action to purchase junkyard adjacent to Lowell School.

- a. They have existed side-by-side for 35 years.
- b. Continued existence makes a mockery of District efforts to integrate the schools.
- c. The Board has no credibility.
- d. I doubt seriously that parents living in other areas want their children to share the dubious distinction with the children of that area.
- e. I think people want their children educated in as good environment -- in as positive environment -- as possible. I don't think anybody is going to volunteer to send them to an inferior facility.
- f. Until Board acts, it's hypocritical of this Council to endorse these efforts.
- g. Because of inadequate consideration of how do you attract people to these schools, it is doomed to failure.
- h. The plan fails to ensure for equal facilities.
- i. The courts have never ruled for separate but unequal facilities as exist here.
- j. I have had discussions with Board of Education and they have given all kinds of reasons why this situation has not been corrected. Until it is, they have no credibility. I would encourage no one to voluntarily send their children to Lowell School.

III I have argued that if you provide good facilities where people live that they won't want to go anywhere else.

- a. If people have parks and other facilities - then you won't have flight and the inner cities turned into a ghetto, a repository for low income people.
- b. And you won't have people coming down here to plead for some of the facilities necessary to maintain a neighborhood environment.

III continued

- c. When the freeway was built 850 homes were removed.
When the bridge was built 350 homes were removed.
- d. This shows a disregard for some of the people of our City.

IV I ask for this to be continued until the Board of Education demonstrates some good faith and removes what I consider to be a totally unacceptable situation at Lowell School.

SHERMAN ELEMENTARY SCHOOL, INDIVIDUALIZED INSTRUCTION MAGNET,

1
2
3 The Sherman magnet is a thimble sized program in a very
4 large school and it doesn't open until 1979-80. Although the
5 total enrollment at Sherman is expected to hover around 1,000
6 for the next four years, this magnet program will desegregate
7 only 32 minority isolated students the first year and 59 by
8 1981/82. The students left in the traditional program at
9 Sherman will continue to be segregated, with a minority enroll-
10 ment over 89% during every year of the program. This is another
11 school-within-a-school program which can be accurately described
12 only by showing separate racial make-up percentages for the
13 magnet program and for the traditional program.

14 Majority parents will probably resist sending their child-
15 ren into a school which is so severely segregated, especially
16 when the goal for the number of majority volunteers is so small.
17 Only a promise that these white students will be well insulated
18 from students in the traditional school is likely to allay
19 parental fears.

20 This program was designed to provide a continuation into
21 the upper elementary grades for students who attend the primary
22 grades of a similar program at Benchley. There are, however,
23 no openings provided at Sherman for minority students who will
24 graduate from Benchley, unless they happen to live in the
25 Sherman area. None did this year.

SCHOOL Sherman ElementaryDESEGREGATION PROGRAM Individualized Instruction Magnet.STARTING DATE 1979-80.

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program 0, 1981-82 0
2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 32, 1981-82 59
3. TOTAL 1977-78 _____, 1st Year of Program 32, 1981-82 59

FULL SCHOOL PROGRAM _____, SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78</u>					
Magnet Program					
Traditional Program					
Total School	<u>893</u>	<u>91.1</u>	<u>87</u>	<u>8.9</u>	<u>980</u>
Year <u>1979-80.</u>					
<u>First Year of Program</u>					
Magnet Program	<u>32</u>	<u>35.6</u>	<u>58</u>	<u>64.4</u>	<u>90</u>
Traditional Program	<u>795</u>	<u>90.0</u>	<u>88</u>	<u>10.0</u>	<u>883</u>
Total School	<u>827</u>	<u>85.0</u>	<u>146</u>	<u>15.0</u>	<u>973</u>
Year <u>1981-82</u>					
<u>Last year in the plan.</u>					
Magnet Program	<u>59</u>	<u>32.8</u>	<u>121</u>	<u>67.2</u>	<u>180</u>
Traditional Program	<u>716</u>	<u>89.3</u>	<u>86</u>	<u>10.7</u>	<u>802</u>
Total School	<u>775</u>	<u>78.9</u>	<u>207</u>	<u>21.1</u>	<u>982</u>

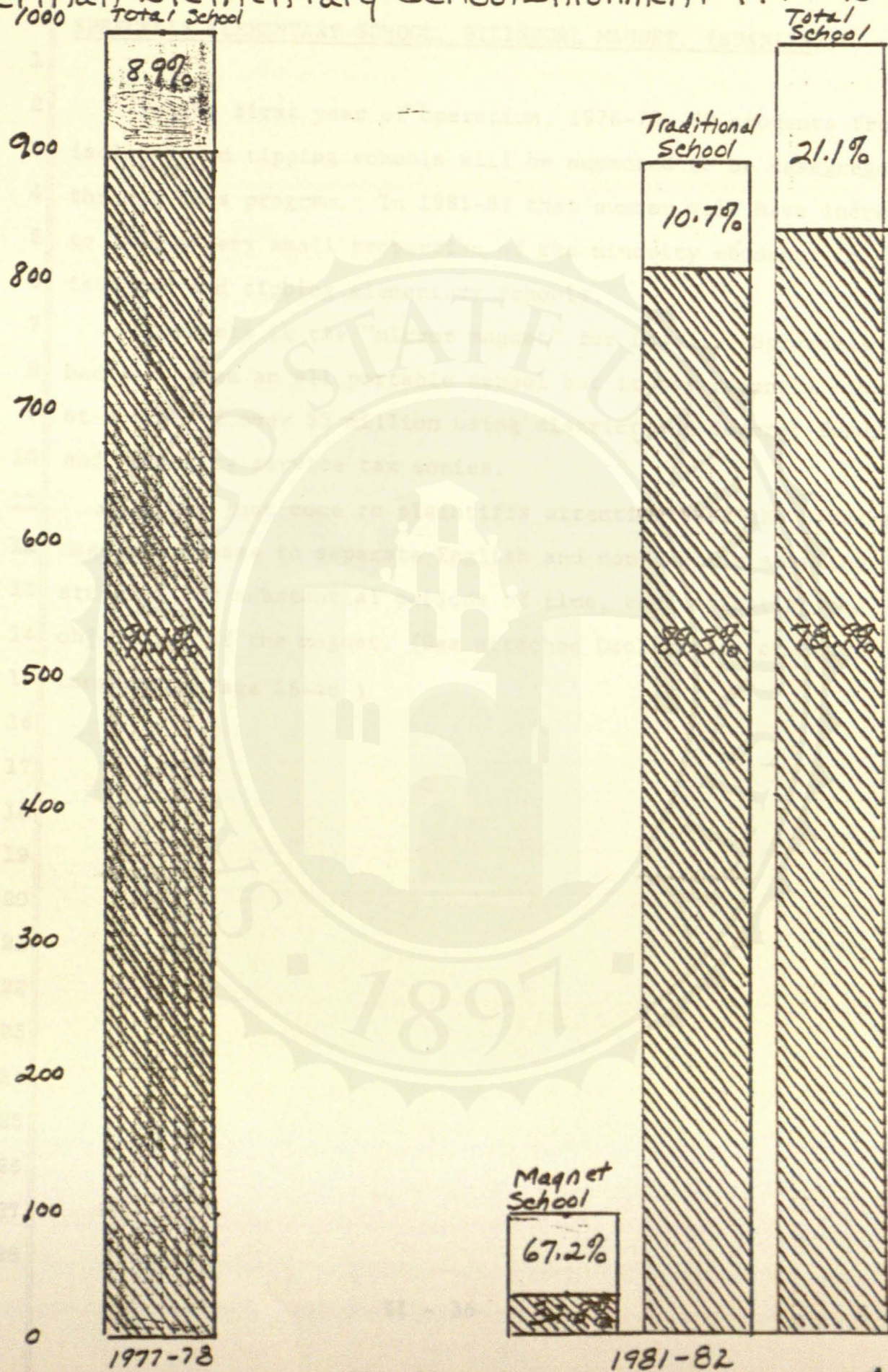
COST 1978-79

Total cost.....(Not given).....\$

Cost per student served.....\$

Cost per minority student desegregated.....\$

Sherman Elementary School Enrollment 1977-78 + 1981-82



- Fig II-4 -

SPRECKELS ELEMENTARY SCHOOL, BILINGUAL MAGNET, (SPANISH)

In the first year of operation, 1978-79, 80 students from isolated and tipping schools will be expected to be desegregated through this program. In 1981-82 that number will have increased to 150, a very small proportion of the minority students in isolated and tipping elementary schools.

Spreckels is the "mirror magnet" for Lowell. Spreckels had also been an all portable school but it was recently rebuilt at a cost of over \$3 million using district and federal funds and community service tax monies.

It has just come to plaintiffs attention that the Spreckels Magnet proposes to separate English and non-English speaking students for substantial periods of time, thus defeating the objectives of the magnet. (See attached Declaration of Peggy Langacker. Page 46-48)

SCHOOL Spreckels Elementary

DESEGREGATION PROGRAM Bilingual Magnet STARTING DATE 1978-79.

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program 29, 1981-82 54

2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 51, 1981-82 96

3. TOTAL 1977-78 _____, 1st Year of Program 80, 1981-82 150

FULL SCHOOL PROGRAM _____, SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78.</u>					
<u>Regular School</u>					
Magnet Program					
Traditional Program					
Total School	<u>50</u>	<u>8.7</u>	<u>527</u>	<u>91.3</u>	<u>577</u>
Year <u>1978-79.</u>					
<u>First Year of Program</u>					
Magnet Program	<u>98</u>	<u>51.6</u>	<u>92</u>	<u>48.4</u>	<u>190</u>
Traditional Program	<u>31</u>	<u>6.9</u>	<u>418</u>	<u>93.1</u>	<u>449</u>
Total School	<u>129</u>	<u>20.2</u>	<u>510</u>	<u>79.8</u>	<u>639</u>
Year <u>1981-82</u>					
<u>Last year in the plan.</u>					
Magnet Program	<u>166</u>	<u>46.1</u>	<u>194</u>	<u>53.9</u>	<u>360</u>
Traditional Program	<u>27</u>	<u>9.5</u>	<u>258</u>	<u>90.5</u>	<u>285</u>
Total School	<u>193</u>	<u>29.9</u>	<u>452</u>	<u>70.1</u>	<u>645</u>

COST 1978-79

Total cost.....\$ 127,429
 Cost per student served.....\$ 670.68
 Cost per minority student desegregated.....\$ 1592.86

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9 Telephone: (213) 487-1720

10 Attorneys for Plaintiffs

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 FOR THE COUNTY OF SAN DIEGO

13 KARI CARLIN, et al
14 Plaintiffs

No. 303 800

15 vs.

DECLARATION OF PEGGY LANGACKER

16 BOARD OF EDUCATION, et al
17 Defendants

18
19 I, Peggy Langacker, declare as follows:

20 1. I reside at 3286 Galloway Drive, San Diego, California
21 92122.

22 2. On Thursday, April 13th, I met with Mr. Leonard Kidd,
23 Principal of Spreckels Elementary School in University City
24 for the purpose of inquiring about the Spreckels Bi-lingual
25 Magnet and gathering information that would help me to decide
26 whether or not to enroll my child in the program.

27 3. Mr. Kidd gave me the following information about how
28 the magnet would operate.

1 4. The 6 classrooms set aside for the magnet will be
2 housed in one separate section of the school now under
3 construction.

4 5. There will be 7 teachers (3-4 of them bi-lingual).

5 6. The magnet will serve wpproximately 180 children,
6 ideally 50% English speaking and 50% Spanish speaking,
7 although a 60/40 ratio would be acceptable.

8 7. Six teachers will have individual classroom duties.

9 8. The 7th will have some classroom duties and will, in
10 addition, work in the media center that serves the entire
11 school.

12 9. Students will be grouped according to language ability.

13 10. For example, first and second grade English speaking
14 children will be grouped together with an English speaking
15 teacher and will have all their basic instruction during the
16 morning with that teacher.

17 11. They will have, in addition, 20 minutes of Spanish
18 instruction.

19 12. The Spanish speaking children would be in a classroom
20 with a Spanish speaking teacher during the morning and have 20
21 minutes of English instruction.

22 13. English and Spanish speaking children would be together
23 during lunch time and during the art, music and P. E. classes
24 in the afternoon.

25

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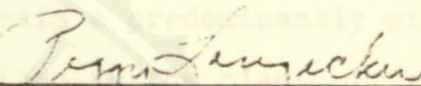
28

1 14. There is hope that more interaction would take place
2 after each group becomes more proficient in the second language.

3 15. After making this explanation, the principal offered the
4 observation that this was not a great deal of integration.

5 The foregoing is true under the penalty of perjury.

6 Executed at San Diego, California, this 26th day of April, 1978.

7
8 
9 PEGGY LANGACKER

10 skill, the school is projected to remain predominantly minority
11 school throughout the time described. It is not, therefore, to be designated as a "desegregated" school.

12 an apparently unavoidable drawback inherent in this program
13 is that it does not offer equal opportunities for minority
14 students to attend. Since both University City schools are in
15 extremely isolated schools, and both limit the minority enrollment
16 to resident minority students, minority students from other
17 schools do not have the same options that majority students have.

18 According to the District's data on the capacity of their
19 facilities, the maximum capacity of this school is 750 students.
20 That maximum was exceeded in 1965. Plaintiffs hope that the
21 facilities will be more fully utilized when this excellent
22 program is in full swing. Efforts in that direction would be
23 preferable to building new segregated majority schools in the
24 growth areas.

VALENCIA PARK ELEMENTARY SCHOOL
UNIVERSITY LAB SCHOOL MAGNET

This is a full-time full-school magnet with what appears to be an excellent educational program. If any program can voluntarily desegregate a minority isolated school located at such a distance from many majority schools, this may be it. Still, the school is projected to remain a predominantly minority school throughout the time described in the plan. It should not, therefore, be designated as a "desegregated" school.

An apparently unavoidable drawback inherent in this program is that it does not offer equal opportunities for minority students to attend. Since both University Lab Schools are in minority isolated schools, and both limit the minority enrollment to resident minority students, minority students from other schools do not have the same options that majority students have.

According to the District's data on the capacity of their facilities, the maximum capacity of this school is 750 students. That maximum was exceeded in 1965. Plaintiffs hope that the facilities will be more fully utilized when this excellent program is in full swing. Efforts in that direction would be preferable to building new segregated majority schools in the growth areas.

23					
24					
25	305	53.8	262	46.2	567
26					
27				262	653
28				567.98	
				799.56	

SCHOOL

Valencia Park Elementary
University Lab School

DESEGREGATION PROGRAM

STARTING DATE 1978-79.

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program 0, 1981-82 0
 2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 0, 1981-82 0
 3. TOTAL 1977-78 _____, 1st Year of Program 0, 1981-82 0
 FULL SCHOOL PROGRAM ✓, SCHOOL-WITHIN-A-SCHOOL _____

ENROLLMENT DATA

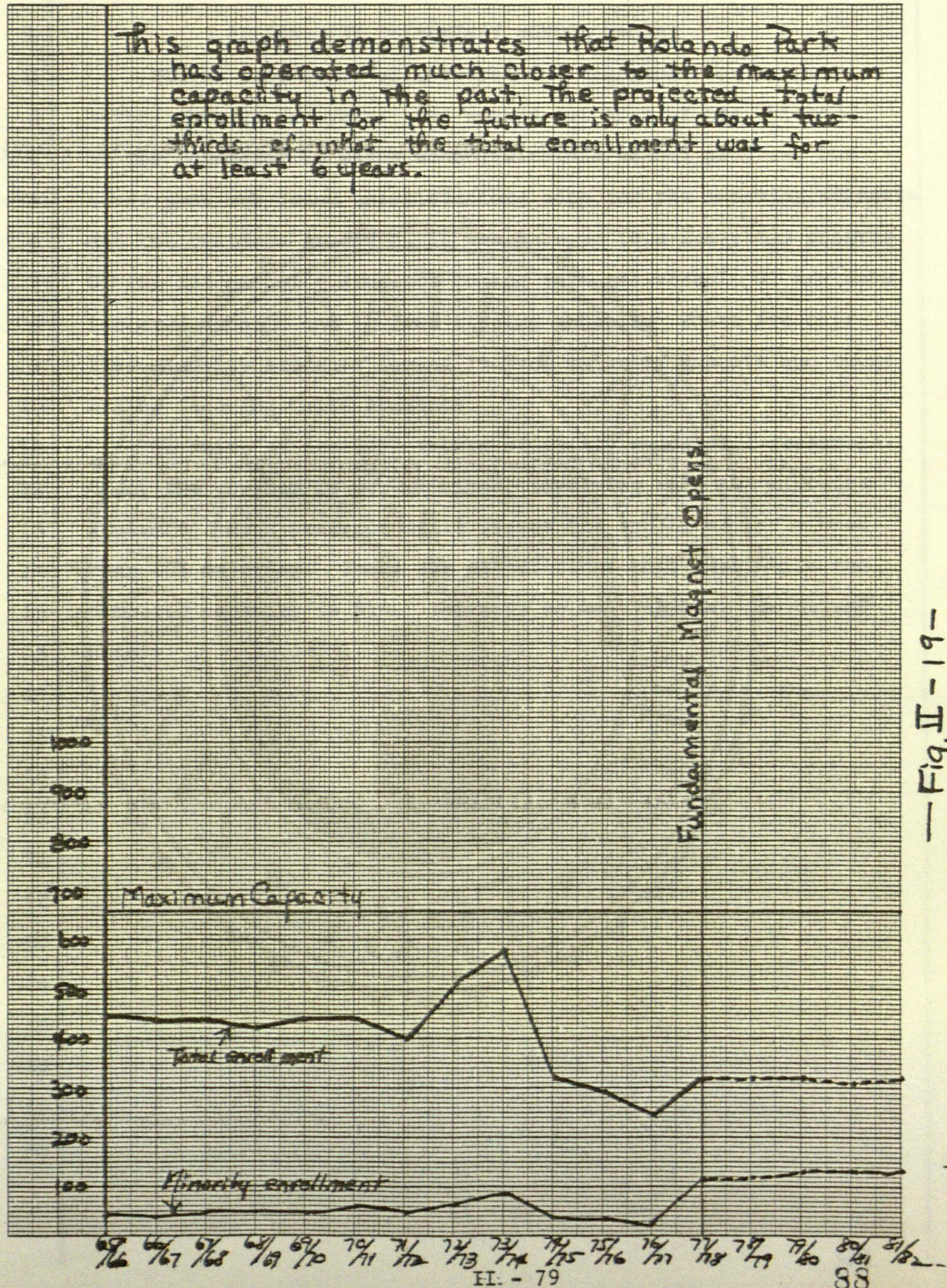
Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78</u>					
Magnet Program					
Traditional Program					
Total School	<u>407</u>	<u>96.9</u>	<u>13</u>	<u>3.1</u>	<u>420</u>
Year _____					
Magnet Program					
Traditional Program					
Total School	<u>336</u>	<u>71.0</u>	<u>137</u>	<u>29.0</u>	<u>473</u>
Year <u>1981-82</u>					
Last year in the plan.					
Magnet Program					
Traditional Program					
Total School	<u>305</u>	<u>53.8</u>	<u>262</u>	<u>46.2</u>	<u>567</u>

COST 1978-79

Total cost..... 268,653
 Cost per student served..... 567.98
 Cost per minority student Served. 799.56

Rolando Park Elementary School Enrollment Data 1965-82

This graph demonstrates that Rolando Park has operated much closer to the maximum capacity in the past. The projected total enrollment for the future is only about two-thirds of what the total enrollment was for at least 6 years.



— Fig. II - 19 -

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K-E 10 X 10 TO THE CENTIMETER KEUFFEL & ESSER CO. MADE IN U.S.A.

SILVER GATE ELEMENTARY SCHOOL MAGNET

Silver Gate is an old, successful desegregation program which, through the years, has worked out most of its "kinks". In the beginning it was a school-within-a-school program, but after that was found unsatisfactory both for the incoming students and the resident students, it was changed to a full-time program. Of the 108 minority students coming into the school, 92 are from isolated schools and 11 from tipping schools. There are only five minority students coming in from majority schools and there are no incoming white students.

In spite of its long record of fairly successful desegregation, the program is very limited, involving only 108 minority students, whose presence still leaves the school slightly more than 80% majority. There are 655 students this year while the computed capacity is 810. There is no waiting list for Silver Gate.

DL Silvergate Elementary STARTING DATE 1968

- AGGREGATION PROGRAM
- NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:
- FROM TIPPING SCHOOLS, 1977-78 11, 1st Year of Program 1981-82 23
 - FROM ISOLATED SCHOOLS, 1977-78 92, 1st Year of Program 1981-82 191
 - TOTAL 1977-78 103, 1st Year of Program 1981-82 214
- FULL SCHOOL PROGRAM ☒ SCHOOL-WITHIN-A-SCHOOL

Program	ENROLLMENT DATA		Majority Students		Total Number
	Minority Students Number	Per cent	Number	Per cent	
Year <u>1977-78</u>					
Magnet Program					
Traditional Program					
Total School	<u>126</u>	<u>19.2</u>	<u>529</u>	<u>80.8</u>	<u>655</u>
Year <u>1978-79</u>					
Magnet Program					
Traditional Program					
Total School	<u>186</u>	<u>27.6</u>	<u>489</u>	<u>72.4</u>	<u>675</u>
Year <u>1981-82</u>					
Last year in the plan.					
Magnet Program					
Traditional Program					
Total School	<u>224</u>	<u>32.8</u>	<u>458</u>		<u>67.2</u>

(Not given).....

1 WEBSTER ELEMENTARY FUNDAMENTAL MAGNET SCHOOL

2 The Webster Elementary Fundamental Magnet Program is
3 probably the District's best success story this year. In terms
4 of the District's own expectations, however, it is a failure.

5 Starting with Webster in order to have a success model was
6 probably a wise move by the District. The probability of suc-
7 cess at this school was enhanced by a number of factors:

8 1. Webster was the only magnet program in a minority
9 isolated elementary school; thus, the recruitment effort was
10 not diluted by attempts to lure white students to other isolated
11 schools. (in the future, the presence of Lab. Schools at Emerson
12 and Valencia Park may well draw from the population which would
13 otherwise be attracted to Webster).

14 2. Fundamental magnet schools have been the most successful
15 magnet in other districts. Interest in a magnet school here had
16 already been shown at Rolando Park.

17 3. The discipline in a fundamental school might prove to
18 be especially attractive in a city with many service families
19 (27 of the volunteers came from Miller Elementary, a school in
20 a Navy housing area). One of the most often expressed fears of
21 majority parents facing desegregation is about discipline and
22 safety. A promise of extra strict discipline for everyone may
23 help to quell those fears.

24 4. Webster's location is particularly advantageous. It is
25 the farthest north of all the isolated schools and two of its
26 three sides face areas not so heavily minority. Majority parents
27 do not need to travel through the heart of the ghetto to reach
28 Webster.

1 Despite these advantages, the racial balance at Webster
 2 has fallen far short of earlier District predictions. In the
 3 June 13, 1977 Plan, the promise was made that Webster would
 4 enroll 350 to 450 students and that "(t)he ethnic balance will
 5 be achieved at approximately 15% of the district average" in the
 6 first year of the magnet. Less than a year later, the District
 7 changed its predictions to forecast a racial balance of 47%
 8 minority, 53% majority after five years.

9 The facts are these:

- 10 1. Of 95 nonresident majority students enrolled at Webster,
- 11 12 transferred from other minority schools.
- 12 2. There is no waiting list for Webster, although 15
- 13 majority students are on a waiting list to go to Rolando Park
- 14 fundamental school.

SCHOOL

Webster Elementary School

DESEGREGATION PROGRAM

Fundamental Magnet

STARTING DATE

1977-78.

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program 0, 1981-82 02. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 0, 1981-82 2303. TOTAL 1977-78 _____, 1st Year of Program 0, 1981-82 230

FULL SCHOOL PROGRAM



SCHOOL-WITHIN-A-SCHOOL _____

ENROLLMENT DATA

Program <u>1977-78</u>	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78</u>					
<u>First Year of Program.</u>					
Magnet Program					
Traditional Program					
Total School	<u>280</u>	<u>72.4</u>	<u>107</u>	<u>27.6</u>	<u>387</u>
Year <u>1978-79.</u>					
Magnet Program					
Traditional Program					
Total School	<u>258</u>	<u>62.2</u>	<u>157</u>	<u>37.8</u>	<u>415</u>
Year <u>1981-82</u>					
<u>Last year in the plan.</u>					
Magnet Program					
Traditional Program					
Total School	<u>230</u>	<u>47.0</u>	<u>259</u>	<u>53.0</u>	<u>489.</u>

COST 1978-79

Total cost.....\$ 107,774.31Cost per student served.....\$ 259.70Cost per minority student Served. ~~de-segregated~~.....\$ 417.73.

Webster Elementary School Enrollment Data 1965-1982

This graph demonstrates:

1. The rapidly increasing minority enrollment and decreasing majority enrollment from 1965 to 1976.
2. The increase in majority enrollment when the magnet was opened in 1977 and the projected continued increase.
3. The total enrollment trends compared with Total Capacity.

— Actual Enrollment

— Projected Enrollment

1977-78 Operating at 20 students under current capacity.

Fundamental Magnet opened.

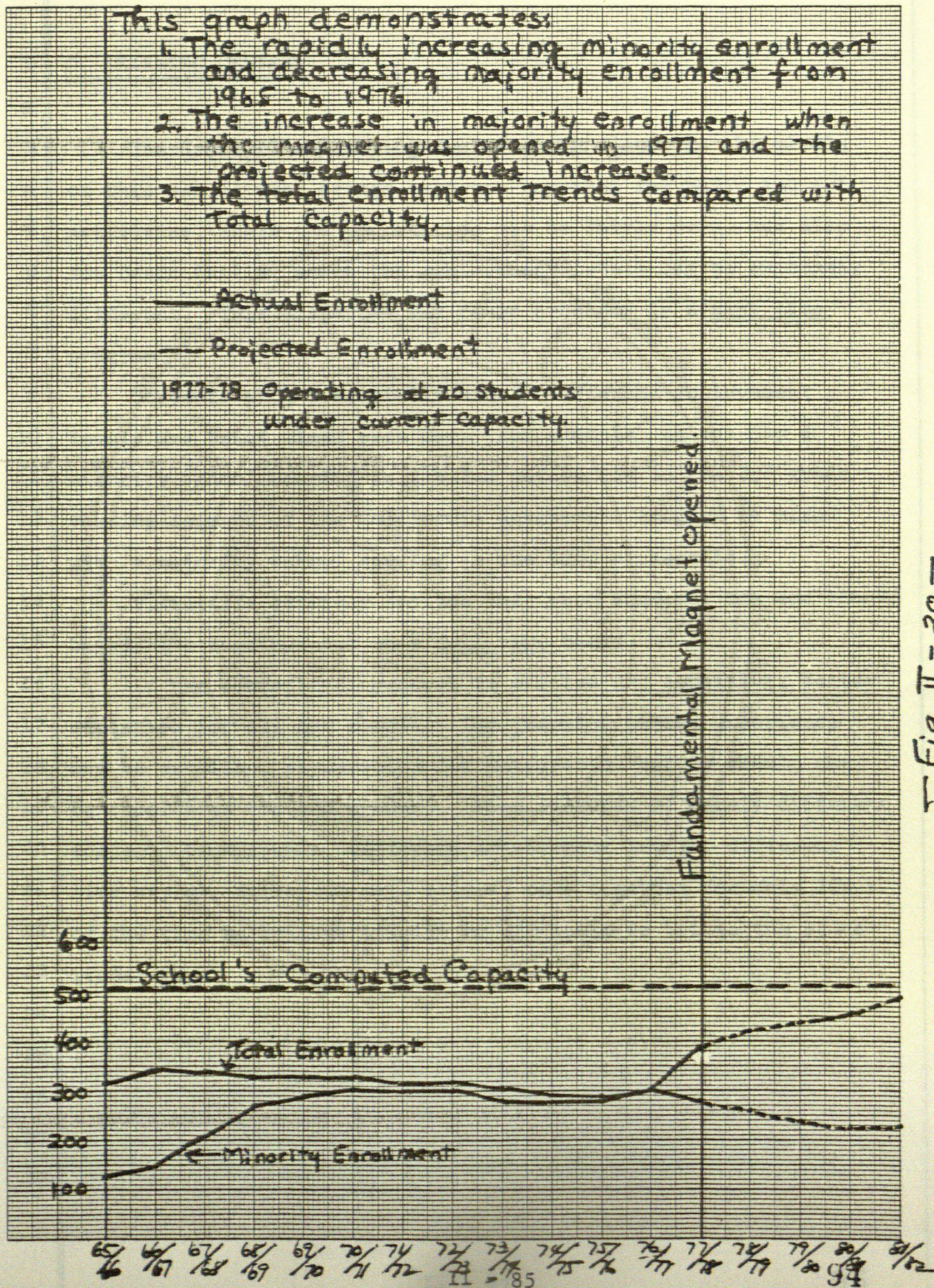


Fig. II-20-

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K-E
10 X 10 TO THE CENTIMETER
KEUFFEL & ESSER CO. MADE IN U.S.A.

1 C. LEARNING CENTERS

2
3 The Grantville Learning Center which opened in the middle
4 of this school year brings students together for Music and Art
5 activities, where the competition may be fairly even, but also
6 for Basic Skills, where the achievement levels may be extremely
7 different. This disparity may cause problems in a part time
8 program.

9 Students with potentially widely different achievement
10 levels are being mixed each day. For example, on one day a
11 minority school scoring in the 2nd percentile on the 3rd grade
12 reading segment of the California Assessment Program is mixed
13 with a majority school scoring in the 92nd percentile.

14 Plaintiffs strongly believe that such students can and should
15 be brought together but on a full time basis.

16 If the educational process is skilled and sensitive, better
17 education for all can result. The learning center experience
18 can be excellent preparation for integration but it should not
19 be considered the end product. When students of widely different
20 academic backgrounds, different achievement levels, different
21 life styles, different skin colors, come together for only 20%
22 of the time we believe it will be difficult to bridge the educa-
23 tional gaps.

1 D. ADDITIONAL INTEGRATION PROGRAMS AND ACTIVITIES DO NOT
2 DESEGREGATE

3
4 The Balboa Park Program and the Outdoor Education Program
5 do not desegregate. There is little value in the Balboa Park
6 Program as an integration experience since minority students
7 participate in it for only one week in their seven years of
8 elementary schooling. Half of the majority students will not
9 participate at all. The Outdoor Education Program involves
10 students for one week out of seven years of elementary school.
11 The court has commented, in its November 28, 1977, order* that
12 such programs have little or no value as desegregation devices.
13 Plaintiffs urge the court to maintain this position.

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28 *Carlin vs. Board of Education, Order and Guidance Memorandum,
November 28, 1977, at page 5.

1 E. INTEGRATION ACTIVITIES AT THE REMAINING MINORITY ISOLATED
2 SCHOOLS.

3
4 These programs do not desegregate. Like the Balboa Park
5 Program and the Outdoor Education Program, they provide a
6 limited integrated experience. Part time integration is also
7 part time segregation, and part time segregation is like being
8 a little bit pregnant.

1 F. SCHOOL CAPACITIES AND UNDER/OVER ENROLLMENT

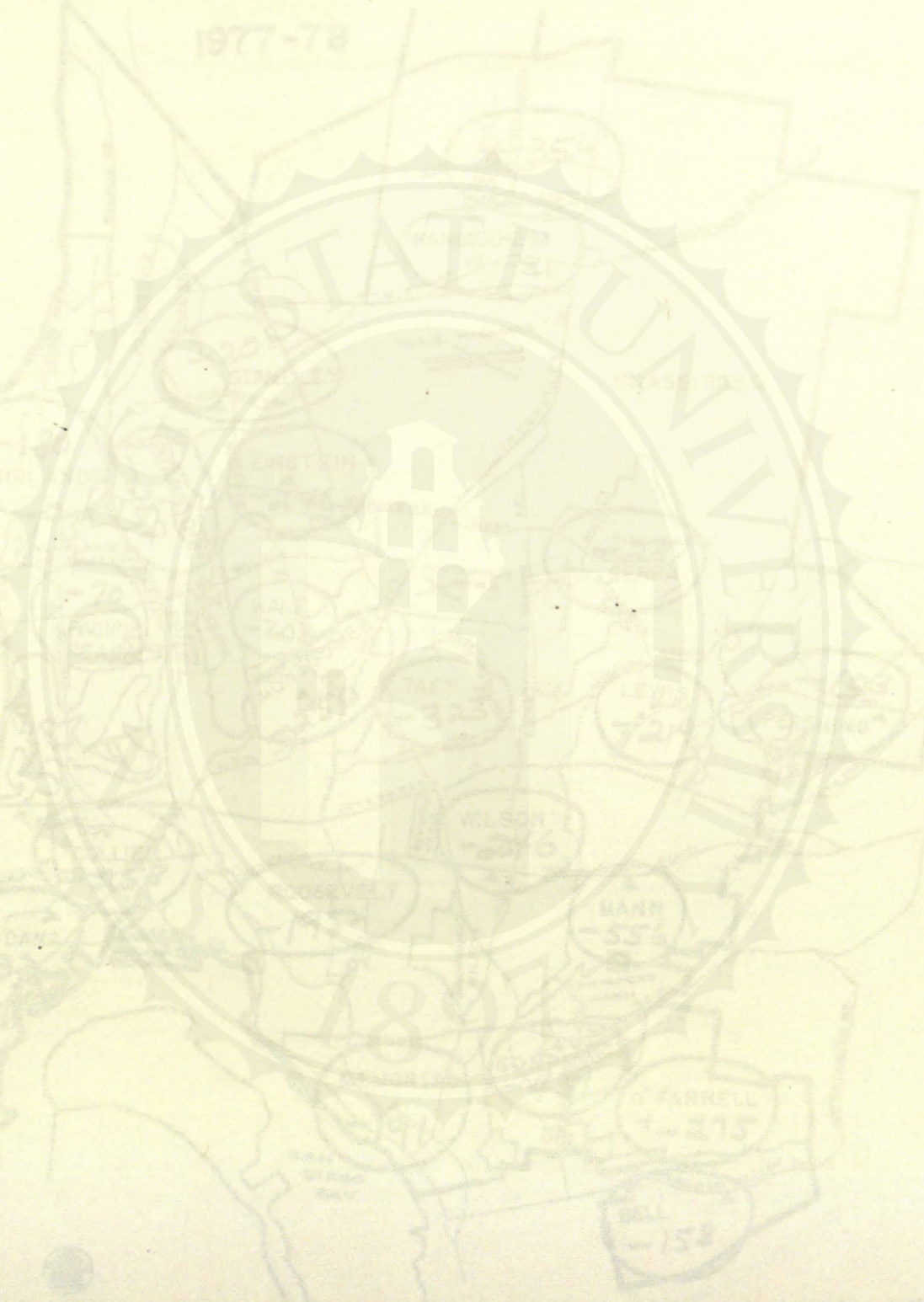
2 A study of the Report on the Utilization and Capacity of School
3 Facilities, SDUSD Planning and Research Department, 12-20-77
4 reveals the following information:

- 5 1. The great majority of schools in San Diego are under
6 enrolled. Only 13 elementary schools, no junior high
7 schools, and 3 senior high schools are over enrolled.
- 8 2. The amount of under enrollment reported is based on
9 present capacities of schools. The computed capacity or
10 maximum capacity is almost always much higher than the
11 "present capacity". Many school sites are using space
12 which could be used for classrooms for other purposes
13 and many sites are large enough to take additional
14 portables.
- 15 3. All segregated schools are under enrolled. Three tipping
16 elementary schools are over-enrolled, but all of the
17 tipping secondary schools are under enrolled.
- 18 4. The average amount of the under enrollment in the tipping
19 and segregated secondary schools is significantly higher
20 than in the majority secondary schools.
- 21 5. Five schools, four elementary and one high school, which
22 have not yet opened are described in the report. All
23 will serve areas which are now more than 80% majority.

24
25 Plaintiffs have encouraged the use of clustering and pairing as a
26 desegregation technique. This information on the space available
27 at many schools, particularly minority schools, shows that space
28 limitations would not restrict the implementation of such a pro-

gram. In fact, pairing and clustering offers the opportunity to
utilize available space more efficiently.

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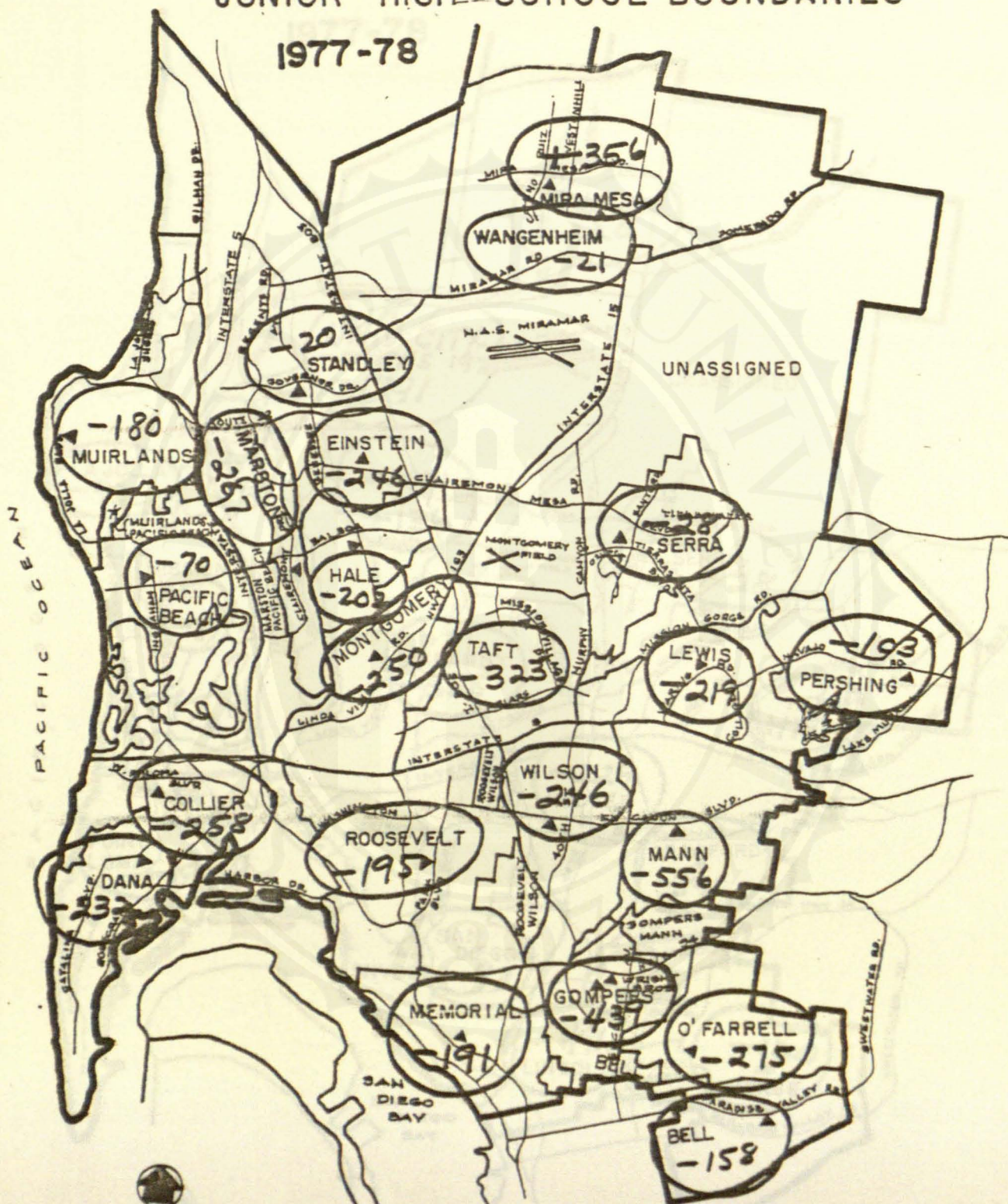


A minus in front of the number indicates that the school is under enrolled, a plus that it is over enrolled.

OVER AND UNDER ENROLLMENT

SAN DIEGO UNIFIED SCHOOL DISTRICT JUNIOR HIGH SCHOOL BOUNDARIES

1977-78



— Fig. 21 —

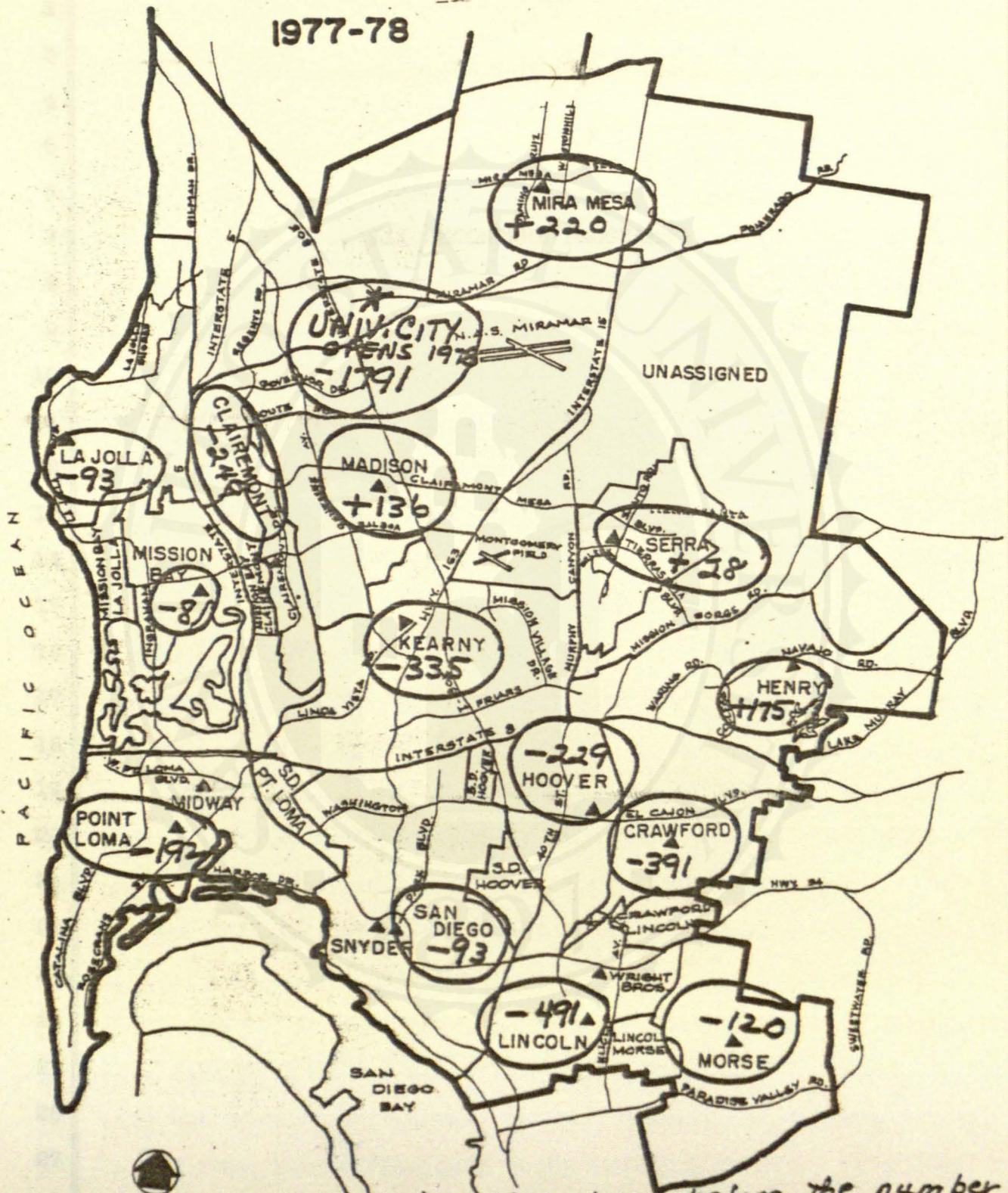
Note: A minus in front of the number indicates that the school is under enrolled, a plus that it is over enrolled.

Source: Report of Utilization (II - 91) and Capacity of Facilities, Planning and Research Dept., SDUSD, 1977. - 100

Over and Under Enrollment.

SAN DIEGO UNIFIED SCHOOL DISTRICT SENIOR HIGH SCHOOL BOUNDARIES

1977-78

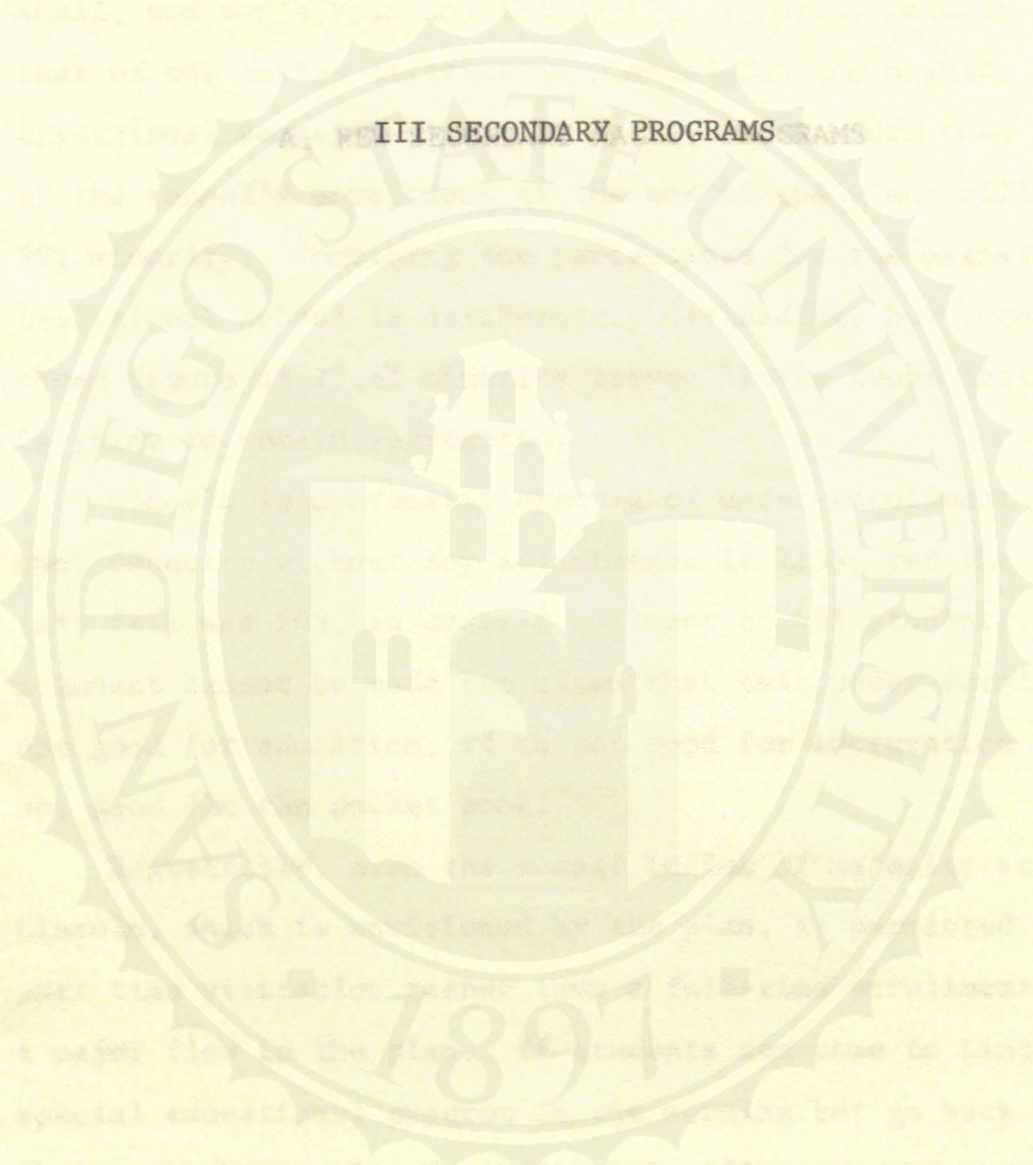


Note: A minus before the number indicates under enrollment, a plus-over enrollment.

* Not yet open.

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III SECONDARY PROGRAMS



LINCOLN HIGH SCHOOL

CENTER FOR SCIENCE, MATH, AND COMPUTER TECHNOLOGY;
CENTER FOR MEDICINE AND HEALTH

The Center for Medicine and Health at Lincoln appears to offer an excellent educational option. Unfortunately, it is very small, and won't open until 1979-80. A racial balance similar to that of the entire district is planned for the magnet, but the traditional school more than two thirds of the school's enrollment at the end of the plan will remain 99% minority. Combining the percentages for the magnet and the traditional school is deliberately misleading, but even the combined figure of 77.6% minority leaves little doubt that the school is going to remain segregated.

Lincoln is a dramatic example of under-enrollment. The current capacity without any adjustments is 1334, yet the enrollment last fall was 843, an under-enrollment of 491 students. The argument cannot be made too often that this under-enrollment is not good for education, it is not good for integration and it is not good for the pocket book.

Regrettably, even the modest influx of majority students into Lincoln, which is envisioned by the plan, is permitted to be a part time visitation rather than a full-time enrollment. This is a major flaw in the plan. If students can come to Lincoln for the special educational program in the morning but go back to their "home school" to play football they will never think of themselves as a real part of the Lincoln school community. Sometimes feelings run high after football games. Housing two different teams on the same campus does seem to be inviting trouble. Needless to say, the educational benefits of integration would also be

1 considerably diluted by this part-time option. If the District
 2 believes that it must offer such a choice to majority students in
 3 order to entice them to go to Lincoln, then it were best if the
 4 District simply conceded that the school cannot be integrated on
 5 a voluntary basis.

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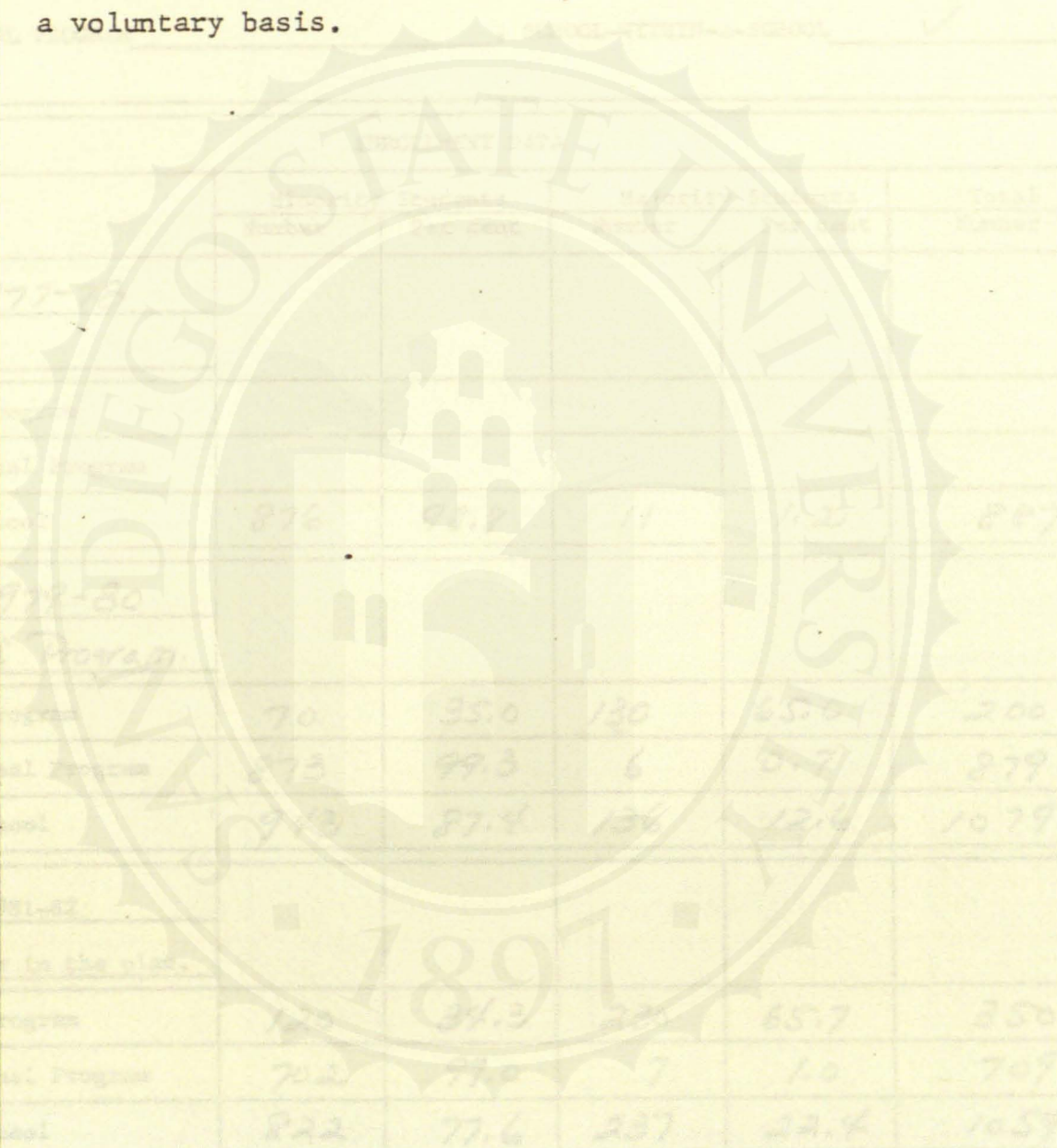
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Year	Enrollment	White	Black	Hispanic	Total
77-78	876	88.2	11	1.0	897
78-79	70	35.0	130	65.0	200
79-80	873	99.3	6	0.7	879
Total	979	87.4	136	12.4	1079
81-82	120	34.3	28	65.7	350
82-83	702	77.8	7	1.0	707
Total	822	77.6	237	22.4	1057

(Not given)

SCHOOL Lincoln High School.

DESEGREGATION PROGRAM MEDICINE AND HEALTH STARTING DATE 1979-80

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program 5, 1981-82 17
2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 65, 1981-82 103
3. TOTAL 1977-78 _____, 1st Year of Program 70, 1981-82 120

FULL SCHOOL PROGRAM _____, SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78</u>					
Magnet Program					
Traditional Program					
Total School	<u>876</u>	<u>98.8</u>	<u>11</u>	<u>1.2</u>	<u>887</u>
Year <u>1979-80</u>					
First Year of Program.					
Magnet Program	<u>70</u>	<u>35.0</u>	<u>130</u>	<u>65.0</u>	<u>200</u>
Traditional Program	<u>873</u>	<u>99.3</u>	<u>6</u>	<u>0.7</u>	<u>879</u>
Total School	<u>943</u>	<u>87.4</u>	<u>136</u>	<u>12.6</u>	<u>1079</u>
Year <u>1981-82</u>					
Last year in the plan.					
Magnet Program	<u>120</u>	<u>34.3</u>	<u>230</u>	<u>65.7</u>	<u>350</u>
Traditional Program	<u>702</u>	<u>99.0</u>	<u>7</u>	<u>1.0</u>	<u>709</u>
Total School	<u>822</u>	<u>77.6</u>	<u>237</u>	<u>22.4</u>	<u>1059</u>

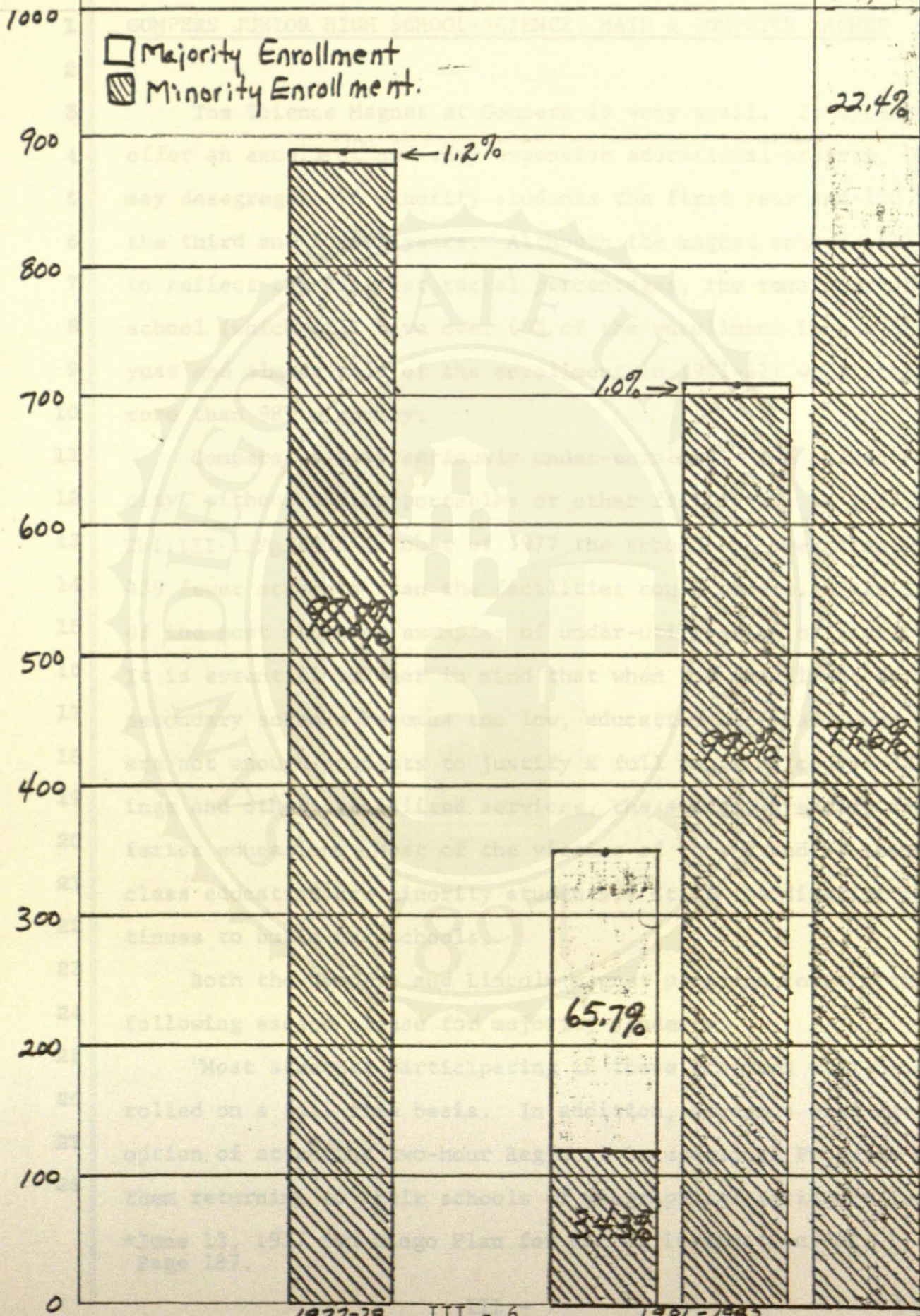
COST 1978-79

Total cost..... (Not given)

Cost per student served.....\$

Cost per minority student desegregated.....\$

Lincoln High School Enrollment 1977-78 and 1981-82



— Fig. III-1 —

GOMPERS JUNIOR HIGH SCHOOL-SCIENCE, MATH & COMPUTER MAGNET

The Science Magnet at Gompers is very small. It appears to offer an excellent and very expensive educational program, which may desegregate 70 minority students the first year and 120 by the third and fourth years. Although the magnet school will aim to reflect the district racial percentages, the remainder of the school (which will have over 60% of the enrollment in the first year and almost half of the enrollment in 1981-82) will still be more than 98% minority.

Gompers is very seriously under-enrolled. The current capacity, without adding portables or other facilities, is 1,017. (See Tbl.III-1, Pg.110. In October of 1977 the school was operating with 439 fewer students than the facilities could handle. This is one of the most striking examples of under-utilization of facilities. It is essential to bear in mind that when the enrollment at secondary schools becomes too low, education suffers. When there are not enough students to justify a full range of course offerings and other specialized services, the students receive an inferior education*. Most of the victims of this brand of second-class education are minority students. Still the district continues to build new schools.

Both the Gompers and Lincoln magnet programs contain the following escape clause for majority students:

"Most students participating in these programs will be enrolled on a full time basis. In addition, students will have the option of attending two-hour Regional Occupational Programs and then returning to their schools of geographical residence for

*June 13, 1977 San Diego Plan for Racial Integration Vol. 1, Page 187.

1 one or more additional periods of instruction." The District
2 offers no evidence to substantiate its wholly unwarranted predic-
3 tion that most students will be enrolled on a full-time basis.
4 (Plaintiffs are informed that all^{or all but two of the} 25 non-resident majority
5 students presently participating in the Morse High School Urban
6 Exchange Program attend on a part-time basis although they have a
7 full-time option). Parents in the minority community who are
8 looking forward to integration have expressed fears that this
9 may encourage incoming majority students to retain their old
10 loyalties. They may come to Gompers for two hours, or even four
11 hours, but still think of their neighborhood school as "their"
12 school. If such a part-time option appears to the School District
13 to be a necessary inducement for majority participation, this
14 represents a tacit admission by the District that voluntary inte-
15 gration of this school is not feasible.

16 Table III-1 is a sample page from the Districts Report of
17 Utilization and Capacity of Facilities. It shows not only that
18 Gompers is underenrolled but also that there is space for expan-
19 sion but "no anticipated need to increase capacity."

School Gompers Junior HighAddress 1005 47th Street- San Diego, CA 92102Grade Levels Served 7 - 9Enrollment as of October 1977 578

NOTE: See reverse side of sheet for definitions and other clarifications

CURRENT CAPACITY

I. CAPACITY OF EXISTING TEACHING STATIONS

	Number			Average Unit Capacity	Total Computed Capacity
	Perm.	Port.	Total		
GEN.PURP.CLSRMS.					
Eng., Soc. St.,					
Math, For. Lang.	23	1	24	17.8	427
SPEC.PURP.CLSRMS.					
Art & Crafts	2		2	30	60
Business Ed.	1		1	35	35
C.&F.S.	3		3	30	90
Indus. Arts	5		5	30	150
Music	2		2	35	70
Science	4		4	30	120
Speech Arts					
EH	2		2	8	16
EMR	1		1	18	18
Other					
P.E. TEACH.STAT.	4		4	36	144
TOTAL TEACH.STAT.	47	1	48		
COMPUTED CAPACITY OF EXISTING TEACHING STATIONS					1130
OPERATING CAPACITY OF EXISTING TEACHING STATIONS					1017

II. CAPACITY OF EXISTING SUPPORT FACILITIES

Conditions warranting adjustment of operating capacity of existing teaching stations:

Capacity adjustment _____

III. CURRENT CAPACITY SUMMARY

- A. Operating capacity of existing teaching stations
- B. Capacity adjustment warranted by support facilities
- C. Current capacity of school
- D. Enrollment as of October 1977
- E. Number students over/under current capacity

1017

0

1017

578

439

MAXIMUM CAPACITY

IV. SITE ACREAGE (net usable)

21.3

V. EXPANSION OF CURRENT CAPACITY

- A. If either support facilities or teaching stations prohibit school from serving additional students, what facilities may be altered or added to resolve the limitation and yet not adversely affect the educational program?

Room for additional portables and/or permanent buildings, but no anticipated need to increase capacity.

Space available to add four p.e. stations.

- B. By how many students would the capacity be increased? _____

- C. What would be the maximum capacity of the school? _____

- D. What scheduling changes or other measures would be required to serve this enrollment? _____

VI. APPROVAL

M. Chace McJunkins 11/1/77
Principal Date

A. Litchey 11/3/77
Director Date

A. R. Jackson 11/4/77
Assistant Superintendent Date

SCHOOL Gompers Jr. H.S.

DESEGREGATION PROGRAM Science, Math and STARTING DATE 1978-79

Computer Magnet

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program 5, 1981-82 17
2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 65, 1981-82 103
3. TOTAL 1977-78 _____, 1st Year of Program 70, 1981-82 120

FULL SCHOOL PROGRAM _____, SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78</u>					
Magnet Program					
Traditional Program					
Total School	<u>593</u>	<u>97.8</u>	<u>13</u>	<u>2.2</u>	<u>606</u>
Year <u>1978-79</u>					
<u>First Year of Program</u>					
Magnet Program	<u>70</u>	<u>35</u>	<u>130</u>	<u>65.0</u>	<u>200</u>
Traditional Program	<u>344</u>	<u>98.9</u>	<u>4</u>	<u>1.1</u>	<u>348</u>
Total School	<u>414</u>	<u>75.6</u>	<u>134</u>	<u>24.4</u>	<u>548</u>
Year <u>1981-82</u>					
<u>Last year in the plan.</u>					
Magnet Program	<u>120</u>	<u>34.3</u>	<u>230</u>	<u>65.7</u>	<u>350</u>
Traditional Program	<u>304</u>	<u>98.4</u>	<u>5</u>	<u>1.6</u>	<u>309</u>
Total School	<u>424</u>	<u>64.3</u>	<u>235</u>	<u>35.7</u>	<u>659</u>

COST 1978-79

Total cost..... 313,408

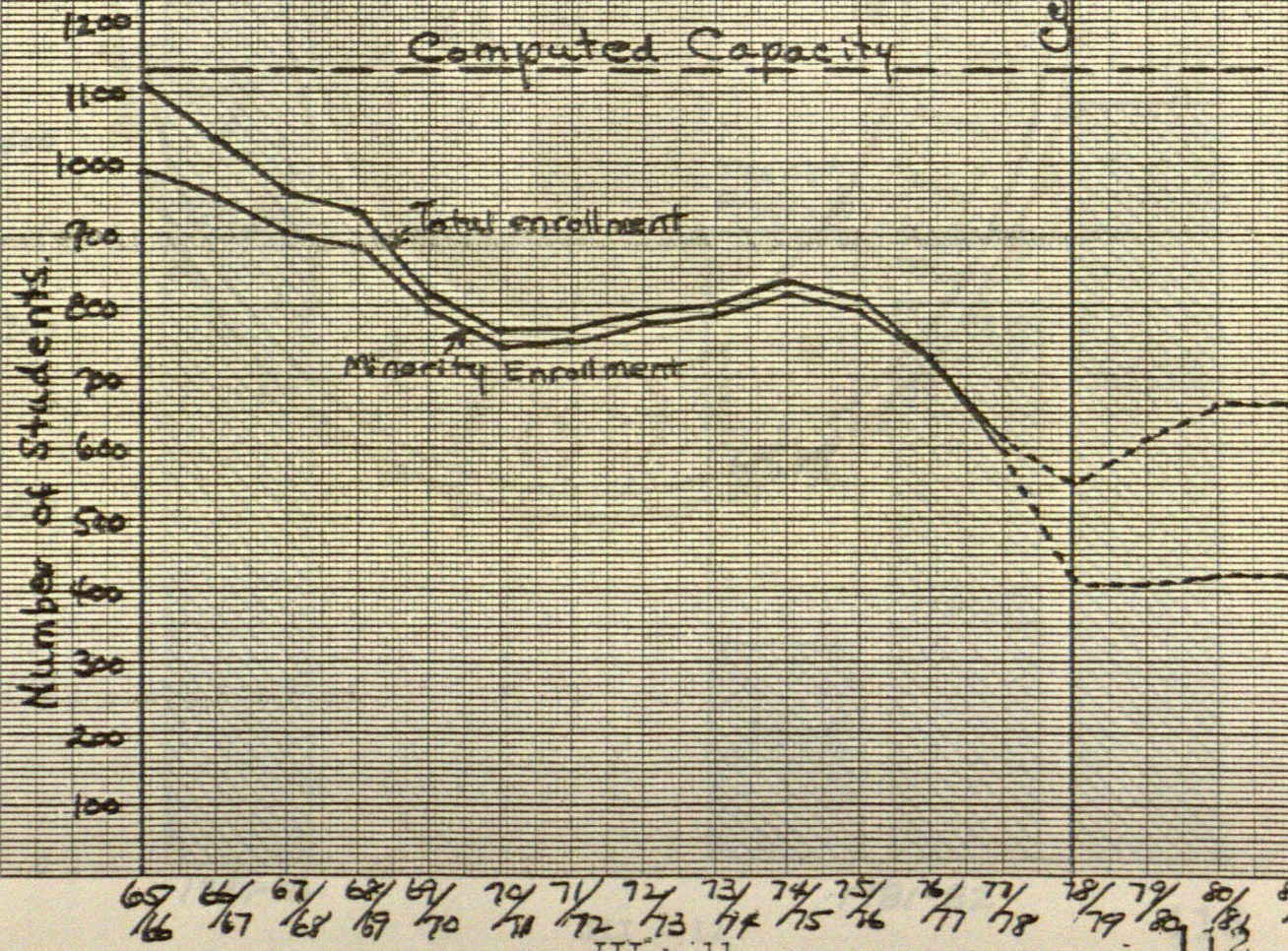
Cost per student served..... 1567.04

Cost per minority student desegregated..... 4477.26

Gompers Center

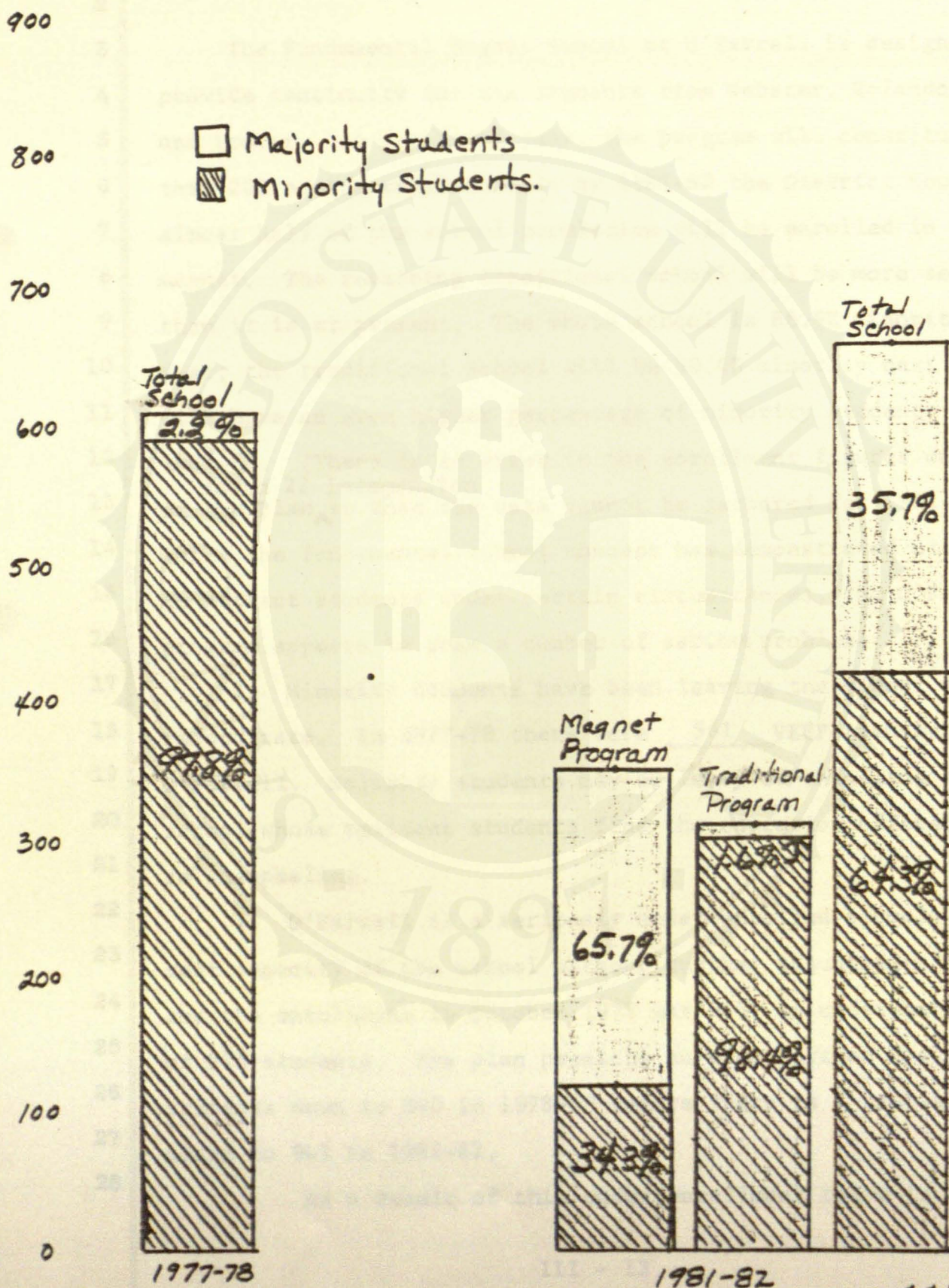
this graph shows:

1. The declining enrollment
2. A long history of segregation
3. Extreme underenrollment
4. Projected magnet program which will still leave the school about 2/3 minority.



- Fig. III - 2 -

Gompers Junior High School Enrollment 1977 and 1981



— Fig. III - 3 —

1 O'FARRELL JUNIOR HIGH SCHOOL, FUNDAMENTAL MAGNET

2 attractive magnet for minority students whose backgrounds are
3 The Fundamental Magnet School at O'Farrell is designed to
4 provide continuity for the students from Webster, Rolando Park
5 and Foster. In its first year, the program will constitute less
6 than 20% of the total school; by 1981-82 the District hopes that
7 almost half of the school population will be enrolled in the
8 magnet. The remaining traditional school will be more segregated
9 than it is at present. The whole school is 86.9% minority this
10 year; the traditional school will be 90.4% minority next year and
11 will have an even higher percentage of minority students in
12 1981-82. (There is an error in the enrollment figures on pg. 59
13 March 22 Integration of the Plan so that the data cannot be gathered for 1981-82.)

14 While the fundamental school concept has demonstrated its ability
15 to attract students under certain circumstances, the O'Farrell
16 program appears to pose a number of serious problems:

17 1. Minority students have been leaving the school at a
18 record rate. In 1977-78 there were 561 VEEP transfers from
19 O'Farrell. Majority students may be leery of enrolling at a
20 school whose resident students find the education offered there
21 so unappealing.

22 2. O'Farrell is a seriously under-enrolled school. The cur-
23 rent capacity of the school without further adjustments is 1220
24 and the enrollment in October 1977 was 945, an under-enrollment
25 of 275 students. The plan predicts an even further loss of
26 students down to 840 in 1978-79 before there is a gradual rise
27 again to 941 in 1981-82.

28 As a result of this under-enrollment there is a paucity

1 of academic offerings at the school, rendering it a rather un-
2 attractive magnet for majority students whose neighborhood schools
3 are likely to provide more academic choices.

4 3. Because it will be a school-within-a school ^{in the} fundamental
5 program, participating students will be bound by rules of behavior
6 and academic effort not required of students in the remainder of
7 the school. This may lead to conflict, or tempt parents and
8 faculty to insulate magnet school students to such a degree that
9 cross-over electives would be minimized and even casual social con-
10 tact with students in the traditional school virtually eliminated.
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SCHOOL O Farrell Junior High School

DESEGREGATION PROGRAM Fundamental School Program STARTING DATE _____

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program 5, 1981-82 14
2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 55, 1981-82 136
3. TOTAL 1977-78 _____, 1st Year of Program 60, 1981-82 150

FULL SCHOOL PROGRAM _____, SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78</u>					
Magnet Program					
Traditional Program					
Total School	<u>756</u>	<u>86.9</u>	<u>114</u>	<u>13.1</u>	<u>870</u>
Year <u>1978-79</u>					
First Year of Program.					
Magnet Program	<u>60</u>	<u>40.0</u>	<u>90</u>	<u>60.0</u>	<u>150</u>
Traditional Program	<u>624</u>	<u>90.4</u>	<u>66.0</u>	<u>9.6</u>	<u>690</u>
Total School	<u>684</u>	<u>81.4</u>	<u>156.</u>	<u>18.6</u>	<u>840</u>
Year <u>1981-82</u>					
Last year in the plan.					
Magnet Program	<u>150</u>	<u>33.3</u>	<u>300</u>	<u>66.7</u>	<u>450</u>
Traditional Program	<u>Error in report from District</u>				
Total School	<u>661</u>	<u>70.2</u>	<u>280</u>	<u>29.8</u>	<u>941</u>

COST 1978-79

Total cost..... 73,985

Cost per student served..... 493.23

Cost per minority student desegregated..... 1233.08.

MEMORIAL JUNIOR HIGH SCHOOL

The Performing and Fine Arts Center concept is an exciting one which should attract talented students. By no stretch of the imagination, however can the proposal for Memorial Junior High School be classified as a serious desegregation effort. It promises to desegregate 50 minority students in 1979-80 and a grand total of 65 by 1981-82, while over 840 minority students at the school remain severely segregated.

The Spanish Language Magnet will benefit even fewer minority students (30 in 1978-79, swelling to 60 by 1980-81 and thereafter). Memorial, according to District planning, is to remain an isolated school.

According to the plan, participants "will be in the program a minimum of 240 minutes daily, with option to be full-day students. Participants will have option of returning to geographic school of residence to participate in athletics or other courses they may desire." (Plan, p. 62) Thus even the fortunate 65 minority students who may be desegregated by 1981-82 are not assured of a full-time integrated education. Moreover, with full time participation only an option, it will be difficult to develop a cohesive student body. Loyalties will be divided and non-resident students are likely to feel like guests or even intruders rather than full members of the school community. (See also comments regarding part-time options at Lincoln and Gompers)

SCHOOL Memorial Junior High School

DESEGREGATION PROGRAM	(A.) Secondary Intercultural Language (Spanish)	(A.) 1978-79

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78	1st Year of Program	2	1981-82	5
2. FROM ISOLATED SCHOOLS, 1977-78	1st Year of Program	28	1981-82	55
3. TOTAL	1977-78	(A) 1978-79	30	1981-82 60

FULL SCHOOL PROGRAM _____, SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total
	Number	Per cent	Number	Per cent	Number
Year <u>1977-78</u>					
<u>Regular School</u>					
Magnet Program					
Traditional Program					
Total School	1054	98.5	16	1.5%	1070
Year <u>1978-79</u>					
<u>First Year of Spanish Language Magnet.</u>					
Spanish Magnet Program	30	30.0%	70	70.0%	100
Traditional Program	1039	97.9%	22	2.1%	1061
Total School	1069	92.1%	92	7.9%	1161
Year <u>1981-82</u>					
<u>Last year in the plan.</u>					
Spanish Magnet Program	60	30.0%	140	70.0%	200
Traditional Program	781*	99.1%	7*	.9%	788*
Total School	906	76.3%	282	23.7%	1188

COST 1978-79

Total cost.....\$ 61,495

Cost per student served.....\$674.95

Cost per minority student desegregated.....\$ 2249.83

* Remainder of students are in the Performing Arts Program.

SCHOOL Memorial Junior High School

DESEGREGATION PROGRAM

STARTING DATE

(B.) Performing and Fine Arts.

B. 1979-80

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program 1, 1981-82 2
 2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 49, 1981-82 63
 3. TOTAL 1977-78 _____, 1st Year of Program (B.) 1979-80 50, 1981-82 65
- FULL SCHOOL PROGRAM _____, SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78</u>					
<u>Regular School</u>					
Magnet Program					
Traditional Program					
Total School	<u>1054</u>	<u>98.5</u>	<u>16</u>	<u>1.5%</u>	<u>1070</u>
Year <u>1979-80</u>					
<u>First Year</u>					
<u>Performing Arts Magnet</u>					
Magnet Program	<u>50</u>	<u>33.3%</u>	<u>100</u>	<u>66.7%</u>	<u>150</u>
Traditional Program	<u>867 *</u>	<u>99.9%</u>	<u>1 *</u>	<u>0.1%</u>	<u>868</u>
Total School	<u>962</u>	<u>82.4%</u>	<u>206</u>	<u>17.6%</u>	<u>1168</u>
Year <u>1981-82</u>					
<u>Last year in the plan.</u>					
Magnet Program	<u>65</u>	<u>32.5%</u>	<u>135</u>	<u>67.5%</u>	<u>200</u>
Traditional Program	<u>781 *</u>	<u>99.1%</u>	<u>7 *</u>	<u>.9%</u>	<u>788 *</u>
Total School	<u>906</u>	<u>76.3%</u>	<u>282</u>	<u>23.7%</u>	<u>1188</u>

COST 1978-79

Total cost..... 10,097

Cost per student served..... (START UP COSTS ONLY)

Cost per minority student desegregated..... —

* Remainder of Students in Spanish Language Magnet.

SAN DIEGO HIGH SCHOOL

PERFORMING AND FINE ARTS, MAGNET

SECONDARY INTERCULTURAL LANGUAGE, MAGNET

The Performing Arts Program does not begin until 1979-80 and only 100 of the school's 1,296 minority students are expected to be in it the first year, with a minimal increase to 130 by the last year. (The \$10,097 cost of the program for 1978-79 appears very moderate indeed until we recall that there will be no students enrolled in the program that year.)

The Secondary Intercultural Spanish Language Magnet does not start until 1981-82 and has an even smaller enrollment than the Performing Arts Program, with only 45 minority students in its first year.

The 1,008 students left in the traditional school by 1981-82 will be slightly more segregated than they were before the programs began.

The District is predicting a declining resident majority enrollment at San Diego High School, from 317 in 1977-78, to 240 in 1981-82. The optional zone between San Diego High School and Point Loma encourages the exodus of majority students to Point Loma. In addition, those white students who do not live in the optional zone can usually obtain special attendance permits* to transfer out if they persevere.

It is difficult to believe that white students are likely to volunteer into a school from which both minority and majority students are continuing to flee. If the school were truly integrated rather than treated with band aid magnet schools, the resident population would be less inclined to leave.

*According to the June 13, 1977 Plan, Pg. 191, a study of special attendance permits was to have been completed by January 1978.

SCHOOL SAN DIEGO HIGH SCHOOL

DESEGREGATION PROGRAM

STARTING DATE (A) 1981-82

(A) Secondary Intercultural Language (Spanish)
NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program _____, 1981-82 4

2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program _____, 1981-82 41

3. TOTAL 1977-78 _____, 1st Year of Program (1981-82), 1981-82 45

FULL SCHOOL PROGRAM _____, SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total
	Number	Per cent	Number	Per cent	Number
Year <u>1977-78</u>					
Magnet Program					
Traditional Program					
Total School	<u>1494</u>	<u>82.5</u>	<u>317</u>	<u>17.5</u>	<u>1811</u>
(B) Year _____					
Magnet Program					
Traditional Program					
Total School					
(B) Year <u>1981-82</u>					
First Year of Program					
Last year in the plan.					
<u>Spanish Language</u> Magnet Program	<u>45</u>	<u>30.0%</u>	<u>105</u>	<u>70.0%</u>	<u>150</u>
Traditional Program	<u>1008*</u>	<u>84.1%</u>	<u>190*</u>	<u>15.9%</u>	<u>1198*</u>
Total School	<u>1183</u>	<u>67.7%</u>	<u>565</u>	<u>32.3%</u>	<u>1748</u>

COST 1978-79

Total cost..... Not applicable

Cost per student served.....

Cost per minority student desegregated.....

* Remainder of students in Performing Arts Program.

SCHOOL SAN DIEGO HIGH SCHOOLDESEGREGATION PROGRAM (B) Performing + Fine Arts STARTING DATE (B) 1977-80

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 79-80, 1st Year of Program 4, 1981-82 8
2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program 96, 1981-82 122
3. TOTAL 1977-78 _____, 1st Year of Program 100, 1981-82 130
- FULL SCHOOL PROGRAM _____, SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78</u> <u>Regular Program.</u>					
Magnet Program					
Traditional Program					
Total School	<u>1494</u>	<u>82.5%</u>	<u>317</u>	<u>17.5%</u>	<u>1811</u>
Year <u>1979-80</u> <u>First Year</u> <u>Performing Arts.</u>					
Magnet Program	<u>100</u>	<u>33.3%</u>	<u>200</u>	<u>66.7%</u>	<u>300</u>
Traditional Program	<u>1196</u>	<u>84.3%</u>	<u>223</u>	<u>15.7%</u>	<u>1419</u>
Total School	<u>1296</u>	<u>75.4%</u>	<u>423</u>	<u>24.6%</u>	<u>1719</u>
(A) Year <u>1981-82</u> <u>Last year in the plan.</u>					
Magnet Program	<u>130</u>	<u>32.5%</u>	<u>270</u>	<u>67.5%</u>	<u>400</u>
Traditional Program	<u>1008*</u>	<u>84.1%</u>	<u>190*</u>	<u>15.9%</u>	<u>1198*</u>
Total School	<u>1183</u>	<u>67.7%</u>	<u>565</u>	<u>32.3%</u>	<u>1748</u>

COST 1978-79

Total cost..... (To be shared with Memorial) \$10,097Cost per student served..... 3Cost per minority student desegregated..... 3

* Remainder of students in Secondary Intercultural Language Magnet. (Spanish) III - 21 122

B. CONTINUING SECONDARY MAGNET PROGRAMS

MORSE CENTER FOR URBAN STUDIES

A tiny magnet in a huge school opened this year at Morse; 83 students in a sea of 1,872. They are effectively separated from the rest of the student body and both magnet students and traditional students have complained of the separation.

Of the 83 students enrolled in this program only 25 are non-resident majority students. (It has come to our attention that all or perhaps all but two of these students have opted for the part time plan. They attend Morse in the morning and go to their "home" school in the afternoon.)

The District had expected to attract 50 non resident majority students this year but had to settle for half of that. With only this faulty projection to guide them, the District now plans to triple the program next year and to continue to draw this relatively small number of white students into a school that will continue to be just under their magic 80% figure.

SCHOOL Morse High School
 DESEGREGATION PROGRAM Center for Urban Studies STARTING DATE 1978-79

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM:

1. FROM TIPPING SCHOOLS, 1977-78 0, 1st Year of Program 4, 1981-82 4
2. FROM ISOLATED SCHOOLS, 1977-78 38, 1st Year of Program 96, 1981-82 96
3. TOTAL 1977-78 38, 1st Year of Program 100, 1981-82 100

FULL SCHOOL PROGRAM _____, SCHOOL-WITHIN-A-SCHOOL ✓

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1977-78</u>					
Magnet Program	38	45.8%	45	54.2%	83
Traditional Program	1435	80.2	354	19.8	1789
Total School	1473	78.7	399	21.3	1872
Year <u>1978-79</u>					
Magnet Program	100	33.3%	200	66.7%	300
Traditional Program	1343	79.6	345	20.4	1688
Total School	1443	72.6	545	27.4	1988
Year <u>1981-82</u>					
Last year in the plan.					
Magnet Program	100	33.3	200	66.7	300
Traditional Program	1190	78.5	325	21.5	1515
Total School	1290	71.1	525	28.9	1815

COST 1978-79

Total cost.....\$ 111,673
 Cost per student served.....\$ 372.24
 Cost per minority student desegregated.....\$ 1116.73

WRIGHT BROTHERS - CAREER HIGH SCHOOL

Unlike most of the other programs in this plan, Wright Brothers has a fairly long and fairly consistent track record for successful desegregation.

Wright Brothers Magnet has always been a relatively small school. It should be noted, however, that despite the exceptionally fine publicity, the school has received, in recent years, including high praise from this court, enrollment has declined steadily. At the time of trial, there were 262 students; by the fall of 1977 it was 239, and by April of 1978 only 218 students remain.

SCHOOL WRIGHT BROTHERS CAREER HIGH SCHOOL

DESEGREGATION PROGRAM Career Program. STARTING DATE 1973-74

NUMBER OF MINORITY STUDENTS DESEGREGATED BY THIS PROGRAM: Not available.

1. FROM TIPPING SCHOOLS, 1977-78 _____, 1st Year of Program _____, 1981-82 _____
2. FROM ISOLATED SCHOOLS, 1977-78 _____, 1st Year of Program _____, 1981-82 _____
3. TOTAL 1977-78 _____, 1st Year of Program _____, 1981-82 _____

FULL SCHOOL PROGRAM ✓, SCHOOL-WITHIN-A-SCHOOL _____

ENROLLMENT DATA

Program	Minority Students		Majority Students		Total Number
	Number	Per cent	Number	Per cent	
Year <u>1973-74</u>					
<u>First Year of Program.</u>					
Magnet Program					
Traditional Program					
Total School	<u>5</u>	<u>15.2</u>	<u>28</u>	<u>84.8</u>	<u>33</u>
Year <u>1978-79.</u>					
Magnet Program					
Traditional Program					
Total School	<u>112</u>	<u>35.0%</u>	<u>208</u>	<u>65.0%</u>	<u>320.</u>
Year <u>1981-82</u>					
<u>Last year in the plan.</u>					
Magnet Program					
Traditional Program					
Total School	<u>112</u>	<u>35.0%</u>	<u>208</u>	<u>65.0%</u>	<u>320</u>

COST 1978-79

Total cost.....\$ 79,863

Cost per student served.....\$ \$249.57

Cost per minority student Served. ~~desegregated~~.....\$ \$713.06

1 C. SUMMER PROGRAMS

2 Plaintiffs assume that all summer school programs will be
3 open to all students but without transportation. In the past
4 such open enrollment has led to almost no integration.

5 There are only three special summer school programs planned,
6 to involve 1,060 students at the secondary level and none at the
7 elementary level.

8 Schools should be desegregated in the summer as well as the
9 rest of the year. Separate is not equal in summer, just as it
10 is not equal in winter. Partial desegregation is no more accept-
11 able in summer than it is in the regular school year.

12
13
14
15
16
17
18 The school district contracted with L. E. Grant and Associates
19 to evaluate the VESP. The final evaluation submitted in December
20 1977 noted a number of shortcomings. The report called attention
21 to the numbers of students who cancelled out of the program (64%
22 in one school). It pointed out that special tutorial, laboratory
23 or skill center services available in sending schools, are some-
24 times not available in the receiving schools. Attention was call-
25 ed to the need for special counseling or more counseling services
26 for Mexican American students, "who tend to gravitate to Spanish
27 teachers in receiving schools in order to get support."
28 L. E. Grant & Associates, Inc. Final Report on An Evaluation of
the Voluntary School Enrollment Program, December 1977, pp. 1-12.

1 IV. VOLUNTARY ETHNIC ENROLLMENT PREDICTIONS UNREALISTIC

2 It is unrealistic for the school district to predict a substantial
3 increase in elementary VEEP participation in 1978-79, when, with
4 intensive recruiting, there was an increase of only 38 elementary
5 students between 1976-77 and 1977-78. The projected increase in
6 the secondary program for 1978-79 is 403, twice the 194 additional
7 students who enrolled in the secondary VEEP between 1976-77 and
8 1977-78. (See Table IV-1, Page 131)

9
10 These figures suggest that as more magnet opportunities open for
11 minority students, both in their own community and in the majority
12 community, their interest in VEEP will diminish. During 1977-78
13 a number of new magnet programs were made available to elementary
14 school students. The small increase in elementary school VEEP
15 enrollment appears to result, as Plaintiffs had earlier predicted,
16 from the magnet programs drawing potential VEEP students to magnet
17 programs.

18 The school district contracted with L. E. Orcutt and Associates
19 to evaluate the VEEP. The final evaluation submitted in December
20 1977 noted a number of shortcomings. The report called attention
21 to the numbers of students who cancelled out of the program (64%
22 in one school). It pointed out that special tutorial, laboratory
23 or skill center services available in sending schools, are some-
24 times not available in the receiving schools. Attention was call-
25 ed to the need for special counseling or more counseling services
26 for Mexican American students, "who tend to gravitate to Spanish
27 teachers in receiving schools in order to get support." *

28 *L.E. Orcutt & Associates, Inc. Final Report on An Evaluation of
the Voluntary Ethnic Enrollment Program, December 1977, pg. 2-12.

1 The report made a number of recommendations such as strengthening
2 tutoring and academic support services, race/human relations
3 training, improved counseling and guidance.

4 The evaluation also called attention to the complaint that VEEP,
5 by reducing enrollments in minority schools, has the negative
6 effect of decreasing the course offerings in those schools.

7
8 The plan takes no note of this evaluation and mentions no programs
9 to respond to these shortcomings.

10 The one-way nature of the program is embarrassing. One white
11 senior high school student participating out of 1,006; two white
12 junior high school students out of 1,892, and seven white element-
13 ary students out of 171.

14
15 Plaintiffs continue to emphasize the unfairness of VEEP as a one-
16 way busing program which moves minority students from schools
17 where there are support programs to schools where they are not
18 provided with adequate support services. This unfairness is fur-
19 ther aggravated by the resultant loss of course offerings at the
20 sending school.

21 Recent schools were counted in the VEEP studies this year and last.

22 In examining the VEEP Sending - Receiving Analysis Report,
23 February 16, 1978, 112 re-assignments of students were noted which
24 did not improve the racial balance at either the sending school
25 or the receiving school. These are listed for 1977-78 in Table
26 IV - 2, Pages 132-134. Table IV-3, Page 135 lists these errors
27 for 1976-77.

TABLE IV - 1

GROWTH OF VEEP BETWEEN 1976-77 AND 1977-78 COMPARED WITH GROWTH PROJECTED FOR 1978-79

<u>Elementary Schools</u>	1976-77	1977-78
VEEP (uncorrected)	558	776
Less Magnet Schools*	392	543
Less Errors	10	17
VEEP (actual)	<u>133</u>	<u>171</u>
Growth 1976-77 to 1977-78		38
Projected Growth in 1978-79** (435 - 171)		264
 <u>Secondary Schools</u>		
VEEP (uncorrected)	2,664	2,897
Less Errors	11	50
VEEP (actual)	<u>2,653</u>	<u>2,847</u>
Growth 1976-77 to 1977-78		194
Projected Growth in 1978-79**		403

*Magnet schools were counted in the VEEP figures this year and last.

**From page 75 of San Diego Plan For Racial Integration.

TABLE IV - 2

REASSIGNMENTS COUNTED AS VEEP STUDENTS WHICH DO NOT IMPROVE ETHNIC/RACIAL BALANCE

1977-78

W = White School. School over 50% majority.

M = Minority School. School over 50% minority.

S = Segregated School. School designated segregated by court.

<u>Receiving School</u>	<u>Students</u>	<u>Sending School</u>
Benchley (W)	2 Asian 1 Hispanic 1 Hispanic 1 Black	Forward (W) Marvin (W) Montezuma (W) Montezuma (W)
Encanto (M)	1 Hispanic 1 Black 1 White 2 Hispanic 1 Hispanic 1 White 2 Filipino	Adams (W) Encanto (M) Fremont (M) Hamilton (W) Johnson (S) Linda Vista (M) Wiggin (W)
Fremont (M)	3 Hispanic 2 White 1 Black 4 Black 2 Asian 1 Black 1 Black 1 White 1 Hispanic 1 Black 1 White 1 Hispanic	Clay (W) Dewey (M) Farmum (W) Grant (W) Grant (W) Holmes (W) Pacific Beach (W) Sherman (M) Stevenson (W) Walker (W) Washington (M) Cadman (W)
Green (W)	2 Black	Hearst (W)
Hardy (W)	1 Hispanic	Jackson (W)
Juarez (W)	1 Black	Rowan (W)
La Jolla (W)	1 Hispanic	Longfellow (W)
Lindbergh (W)	1 White 4 Black 1 Asian 2 Hispanic 1 White	Knox (S) Lafayette (W) Riley (W) Tierrasanta (W) Valencia Park (S)

<u>Receiving School</u>	<u>Students</u>	<u>Sending School</u>
Marcy (W)	2 Black	Lafayette (W)
Scripps (W)	1 Black	Scripps (W)
Silver Gate (W)	1 Black 1 Black 1 Asian	Jones (W) Marshall (W) Sunset View (W)
Paradise Hills (M)	2 Black 5 Hispanic 2 Black	Fulton (S) Knox (S) Valencia Park (S)
Gompers (S)	2 Black	Gompers (S)
Hale (W)	5 Black 1 White 1 Black 2 Black	Hale (W) O'Farrell (S) Roosevelt (W) Taft (W)
Lewis (W)	1 Black 1 White	Taft (W) Wilson (W)
Muirlands (W)	3 Hispanic	Roosevelt (W)
O'Farrell (S)	1 Black	O'Farrell (S)
Pacific Beach (W)	4 Hispanic	Roosevelt (W)
Pershing (W)	1 Hispanic	Wilson (W)
Taft (W)	1 Black 1 Black 1 Black	Einstein (W) Lewis (W) Wilson (W)
Crawford (W)	1 Asian 1 Hispanic	Crawford (W) Hoover (W)
Henry (W)	1 Black 2 Black 2 Black	Crawford (W) Henry (W) Hoover (W)
Kearny (W)	1 White 1 Filipino	Morse (S) Serra (W)
Lincoln (S)	1 Black	Lincoln (S)
Madison (W)	1 Hispanic	Hoover (W)

TABLE IV - 2 (cont.)

<u>Receiving School</u>	<u>Students</u>	<u>Sending School</u>
Mission Bay (W)	1 Black	Point Loma (W)
Point Loma (W)	1 Hispanic	Clairemont (W)
San Diego (M)	1 Hispanic	Lincoln (S)
	6 Black	Lincoln (S)
	2 Black	Morse (S)
	1 Black	San Diego (M)
	2 Hispanic	San Diego (M)

Totals

Elementary	62
Junior High School	25
Senior High School	25
Total	112

TABLE IV - 3

REASSIGNMENTS COUNTED AS VEEP STUDENTS WHICH DO NOT IMPROVE ETHNIC/RACIAL BALANCE

1976-77

W = White School. School over 50% majority.

M = Minority School. School over 50% minority.

S = Segregated School. School designated segregated by court.

<u>Receiving School</u>	<u>Students</u>	<u>Sending Schools</u>
Encanto (M)	1 Hispanic 1 White 1 Hispanic 1 Hispanic 1 White 2 White	Clay (W) Fremont (M) Hamilton (W) Johnson (S) Linda Vista (M) Oak Park (M)
Fremont (M)	1 Hispanic 3 Hispanic 3 Black 2 Asians 2 Hispanics 1 Black 1 Hispanic 2 White	Cadman (W) Clay (W) Grant (W) Grant (W) Johnson (S) Pacific Beach (W) Stevenson (W) Washington (M)
Paradise Hills (M)	6 Hispanic 2 Black 2 Black	Knox (S) Fulton (S) Valencia Park (S)
Silver Gate (W)	1 Asian	Sunset View (W)
San Diego (M)	2 Hispanic 7 Black 2 Black	Lincoln (S) Lincoln (S) Morse (S)
<u>Totals</u>		
Elementary School	33	
Senior High School	11	
Total	44	

1 V. RACE/HUMAN RELATIONS PROGRAMS: A GOOD ONE; OTHERS VAGUE

2 Plaintiffs see the race/human relations program as one of the
3 most important components of the integration plan. In fact, it
4 is through a well directed race/human relations program that
5 simple desegregation becomes integration.

6
7 The guidelines provided by the central administration to each
8 school to use in developing their race/human relations program
9 dealt primarily with form, rather than substance. No minimal
10 standards were set for the content of the program, the amount of
11 participation by teachers and students, or the nature of that par-
12 ticipation. Consequently, there is considerable variation in the
13 quality of the programs being offered throughout the district.
14 Obviously where the need is greatest, it is likely the program
15 will be the weakest.

16 Plaintiffs examined a sample of programs developed by 22 of the
17 schools, and approved by the administration. The lack of guidance
18 from the central administration is evident. In over half of the
19 plans reviewed by Plaintiffs, participation by teachers is volun-
20 tary. One race/human relations plan calls for more outside light-
21 ing, more monitors in the halls, a security office, and an inter-
22 com system. These may be needed, but they are not appropriate as
23 part of a race/human relations program.

24
25 Some plans provide for interaction among students. Others take
26 a more passive approach, with the use of films, assemblies, or
27 parents taking students to the House of International Relations.

1 There are some good plans, but not enough of them. The plan sub-
2 mitted by Bell Junior High School is excellent, in our opinion.
3 It is perhaps noteworthy that the principal initiated planning
4 for this program in the fall of 1976, and had established a Human
5 Relations/Race Relations Committee by December 1976, when Carlin
6 was still in trial. The Bell plan points out that while there
7 have been no serious racial problems at Bell, there have been
8 tensions. Such awareness is a healthy beginning. The plan is
9 specific in requiring all 7th and 8th graders to participate twice
10 monthly in programs in the Human Relations Center. Nine staff
11 members and one parent participated in 27 hours of race/human
12 relations training last June. All teachers were required to
13 participate in a program before school opened last fall. Support
14 staff received six hours of training. Active, continuing parent
15 participation is characteristic of this program. Measurable
16 goals have been set and dates for evaluation established.
17
18 The program at Bell demonstrates that with leadership sensitivity,
19 good will, and an unblinking eye on reality, the school community
20 can develop a good race/human relations program. An examination
21 of other plans indicates that many other schools need more speci-
22 fic direction and monitoring.
23
24 Because of the great variations in the quality of programs examin-
25 ed, plaintiffs recommend the adoption of the following standards
26 for race/human relations programs:
27 1. District-wide uniform minimum standards should be established.
28 2. Standardized evaluation tools should be used at least once
each year at each school to measure the effectiveness of

- 1 programs. The tools should include instruments to measure
2 attitudes, and changes in attitudes, as well as simple check
3 lists which count participation or list materials used.
- 4 3. Consideration should be given to appointing a committee of
5 experts, school personnel, and parents to independently review
6 and evaluate the race/human relations program, and other
7 aspects of the integration plan, and report to the court and
8 the public.
- 9 4. Race/human relations training should be required of all staff,
10 from the superintendent on down. There should be participa-
11 tion by school board members as a show of good faith, and for
12 the benefits which would accrue. More in-depth service train-
13 ing should be available to teachers and other personnel. In-
14 service credit courses and/or released time should be pro-
15 vided for this training. Workshops should be given at which
16 teachers from different schools could share ideas. Teachers
17 should be given visitation time in order to visit successful
18 programs at other schools. Released time or other just com-
19 pensation must be provided whenever participation is expected
20 or required of all teachers.
- 21 5. Each student should be required to participate in a race/
22 human relations program on a regular and on-going basis.
- 23
24
25
26
27
28

1 VI. ORAL COMMUNICATION INSTRUCTION

2 An ability to speak and understand standard English is required
3 for success in traditional trades, business, or the professions.
4 Students who speak non-standard English or another language may
5 need special instruction to become competent in standard English.
6 However, such instruction must be given with an awareness that
7 non-standard English, or another language which a student may
8 speak, is not an inferior language. Non-standard English, for
9 example, is just as complex and has just as rigid rules of grammar
10 and syntax as does standard English. It is important for teachers
11 to know this, and have an understanding of the origins and develop-
12 ment of non-standard English. For example, there was a time when
13 black people were sometimes punished for using standard English.*
14
15 Plaintiffs are pleased to see that the plan is sensitive to the
16 need to provide this instruction in a manner which does not de-
17 mean the student, or that student's second language.

18 *Levine, Lawrence, Black Culture and Black Consciousness, 1977,
19 p. 139.

20 "The rewards of imitating whites were never very
21 certain. 'I was once whipped,' a freedman in New
22 Orleans told David Macrae, 'because I said to
23 missis, 'My mother sent me.' We were not allowed
24 to call our mummies 'mother'. It made it come too
25 near the way of the white folks.'"

FILED
Robert D. Zumwalt, Clerk
JUL 27 1979
BY G. MARLING, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

KARI CARLIN, et al.,

Plaintiffs,

v.

BOARD OF EDUCATION OF THE SAN
DIEGO UNIFIED SCHOOL DISTRICT,

Defendant.

Case No. 303800

MEMORANDUM DECISION

Two questions are before the court: (1) does the experience of the past school year justify the conclusion that meaningful progress is being made to alleviate segregation, and (2) does the plan for the future promise to achieve meaningful progress toward eliminating segregation.

There have been successes; there have been failures, but the court agrees with the Integration Task Force that, in general, the program is making progress. "We have seen great effort on the part of individual principals, teachers, and administrators" the Task Force

1 reports. "We do, though, have some concerns . . . We believe that
2 there must be greater effort on the part of the schools, the parents,
3 and other community resources in an effort to achieve school integra-
4 tion and quality education." Progress is slow but steady¹ and with
5 little or no white flight. In this memorandum of decision, the
6 court will outline a plan to hasten progress but not at the expense
7 of losing children of middle class families from the school district.
8 "A school desegregation plan which leads to a drastic drop in white
9 enrollment will be ineffective since there may be few white students
10 remaining in the district's integrated schools."²

11 Doctor Farley's study of white flight in Los Angeles reveals
12 the district lost 29,400 white students (15.1% overall) after court
13 ordered busing. He estimates between 13,800 (7.1%) and 10,500 (5.2%)
14 of this loss was due to the court order. Farley arrives at these
15 figures through various analyses. One such analysis compares grades
16 4 to 8, the ones subject to mandatory assignment, with those not so
17 involved (grades 1 to 3 and 9 to 12). The loss rates in grades 4 to 8
18 averaged 17% of total white enrollment compared to 9.7% in the other
19 seven grades. Another study showed the loss of whites in the schools
20 actually involved in mandatory reassignment was 30.5%, whereas the
21 loss for schools not involved in mandatory programs was only 8.2%.
22 "This quite clearly suggests," Farley states, "that school integration
23 led to substantial drops in white enrollment." from the public schools

24 We have witnessed similar phenomena throughout the state and
25 nation. Dr. James Coleman, sometimes referred to as the father of
26 desegregation, now asserts that extensive white loss initiates a

1 vicious circle. It creates a school system that has a higher propor-
2 tion of minority students and this in turn increases the rate of whit
3 loss from the district.³ Farley points out that "[i]n 1976 only
4 three of the nation's largest cities, San Diego, Indianapolis and
5 Milwaukee, had majority white enrollment and by 1978 . . . only San
6 Diego's public schools enrolled more whites than minority students."⁴

7 White flight statistics are only relevant insofar as they
8 guide us in choosing the best techniques for desegregation--those
9 that are truly "reasonable and feasible." In Crawford, our Supreme
10 Court stated:

11 "A court may reject a particular approach
12 if it finds that its implementation is
13 likely to result in a 'one race' or 'all
14 minority' school district and consequently
in less ultimate opportunities for the
benefits of a desegregated education."
(p. 309)

15 To preserve this nation's only racially balanced school system
16 in a major city, the court rejects mandatory assignments.

17 In the judgment of the court, the flight syndrome is not
18 caused primarily by racial prejudice. The predominant cause is the
19 fear of middle class parents that their children will be physically
20 or psychologically harmed by children from a lower socio-economic
21 strata and that the quality of education will deteriorate to accom-
22 modate these students. For example, Dr. Christine Rossell wrote,
23 "those most likely to withdraw their children from the public schools
24 because of school desegregation tend to be of higher income and
25 educational level than those who do not."⁵ Yet studies have shown
26 that highly educated people have fewer racial prejudices than those

1 who have received less education. The focus of a voluntary desegregation
2 tion program must be to dispel myths, provide "catch-up" courses
3 for those who have been educationally handicapped and eliminate
4 anti-social behavior by whomsoever it is displayed. Then no group
5 will have reason to flee. We have this opportunity in San Diego.
6 It is now lost to all other major cities. We can keep the district
7 racially balanced and eliminate racial isolation if the Board of
8 Education, public officials, civic leaders and citizens will cooperate
9 to accomplish these goals and inspire support for this program.

10 First: The district should stop the Madison Avenue campaign
11 "It's working." This insults the intelligence of many, infuriates
12 others and inspires complacency in the rest. The time, effort and
13 money should be spent on the doing, not on creating images. "Let's
14 make it work" or "Let's keep it working" would be better slogans,
15 if slogans are necessary.

16 Second: Under the present and proposed plan, VEEP is the
17 primary tool for providing secondary students with a desegregated
18 education; the magnet school is best used to alleviate isolation among
19 elementary grade pupils. With certain exceptions (e.g. Wright
20 Brothers), "the magnet program is not a viable tool for the integra-
21 tion of isolated secondary schools."⁶ In the 1978-79 school year, the
22 district projected "a very modest goal of 490 majority students" for
23 Center City secondary magnets. "The actual number enrolling was
24 nearly 160 or about 33% of the goal, with less than 100 of these being
25 non-resident majority students."⁷ For the coming year, the Gompers
26 Math/Science program holds promise. We should adopt a "wait and see"

1 approach to O'Farrell. But for the other minority secondary schools,
2 San Diego, Lincoln, Morse and Memorial, the magnets have failed to
3 attract adequate white enrollment. From the point of view of
4 integration, they are not worth the money expended for their operation.
5 All four are expected to attract only 225 non-resident white students.
6 If they enroll, they will mix with 115 minority students from the four
7 schools. Since the four schools have a combined resident population
8 of 5,823, the magnets are tiny pockets of students that have no effect
9 on the schools. The programs become objects of ridicule and are
10 resented by resident students not attending.

11 The VEEP program must be augmented by a greatly expanded
12 Secondary Instructional Exchange Program. The 1979-80 school year
13 plan is for only 200 students. The district should strive to attract
14 800 students from both junior and senior high schools. The present
15 plan calls for each student to attend exchange classes for a portion
16 of each school day throughout the school year. Some expanded classes
17 may, at the outset, bring the students together for a portion of each
18 day or three days a week throughout the year or for a semester.

19 Third: By creating additional magnets at the elementary
20 level, the district is fulfilling its promise to "build on its suc-
21 cesses." Regrettably, a magnet program originally planned for Emerson
22 must be delayed one year. The school district and UCSD have advised
23 the court that a fundamental difference in teaching philosophy prevents
24 implementation this year. However, the school district will implement
25 an expanded and improved bilingual program at Emerson and the Direct
26 Instructional Model Program (DISTAR) will continue to operate during

1 the 1979-80 school year. Emerson will have its magnet, a Fundamental
2 School with a bilingual component, next year.

3 The district and UCSD will continue to explore areas where
4 cooperation can result in enriched educational experiences for
5 minority students. The district is directed to advise the court of
6 progress being made along these lines.

7 Fourth: In its memorandum decision of June 12, 1978, the
8 court stated that "transportation costs to magnet schools are much
9 greater than those for paired or clustered programs." At this time,
10 we must consider costs and make every effort to conserve fuel consump-
11 tion. Various elementary programs which have grouped children from
12 two or more schools have met with considerable success. The district
13 has repeatedly represented that "the long range goal of such exchanges
14 is the full time enrollment of students in paired or clustered
15 schools which will improve the ethnic balance in all schools involved."
16 (Evaluation, Ex K p. C-3. See also pp. C-5, C-6 and Revised Plan,
17 Ex J p. 64). "The typical nine week social studies or science unit
18 offers an opportunity for one or more classes in minority and majority
19 schools to exchange students on a daily, three days a week, or other
20 basis." (Evaluation, Ex K p. C-9). The district is directed to
21 implement such programs. If it is feasible to implement some programs
22 for a semester or full year, that should be done without delay. Where
23 nine week exchanges are implemented, plans should be made for gradual
24 enlargement of the programs. One such program should be started this
25 autumn and at least two more next February. Each school involved in
26 an exchange should have a minority or majority population in excess

1 of 69%. If feasible, minority isolated schools should be chosen.

2 An essential element in the preparation of such programs is
3 parent involvement.⁸ The court directs the district to place this
4 task under the supervision of Dr. Jimmie Craig. Because of their
5 successful exchange programs last year, consultation on all aspects
6 should be had with Roger Challberg, Jerome Weintraub, Stuart Karzen
7 and Gayle Kloppenburg, respectively, principals of Kennedy, Curie,
8 Boone and Jones. Ideally, the programs should involve the entire
9 schools. If this does not appear feasible at the outset, then grades
10 1, 2 and 3 or 4, 5, and 6 may be chosen. Variants from the typical
11 pairing and clustering may be useful at the outset. For example,
12 home teachers may accompany the class for the initial period if that
13 is necessary to build confidence and allay parental fears. The long
14 term plan will be to increase these exchanges and phase out the
15 Learning Centers. By long term, the court envisages that all exchanges
16 will replace Learning Centers by the 1983-84 academic year.

17 Fifth: All optional zones will remain as they have been in
18 the past. They do not create, foster or perpetuate racial segrega-
19 tion.

20 On March 10, 1977⁹ this court made a finding of fact that:

21 "It is true that defendant has designated
22 areas in which students may elect to at-
23 tend either of two schools. It is not
24 true that the election of these options
create, foster and perpetuate racial
segregation."

25 The finding was made because plaintiffs had failed to present any
26 evidence linking optional zones with segregation. On July 27, 1978

1 this court made the following finding of fact:

2 "Integrated educational experiences for
3 isolated minority children are more
4 likely to occur if: . . .

5 7. All optional zones are eliminated
6 by September, 1979."

7 The finding was based on no evidence. It was made because the
8 court believed that white parents, given a choice, would opt for
9 a "white school" instead of a "minority school" and this would further
10 segregation. During the recent hearings, the court, for the first
11 time, examined the facts pertaining to this issue and finds them to
12 be as follows:

13 1. Gompers/Memorial. Both schools are minority. There are 48
14 students who reside in the optional zone, 3 are white, 45
15 minority. 23 students now choose Memorial, 25 Gompers. If
16 all are required to attend Memorial, the school will remain
17 96% minority, 4% white. If all must attend Gompers, the ratio
18 changes from 88% minority to 85% minority.

19 2. Gompers/O'Farrell. Both schools are minority. There are 35
20 students who reside in the optional zone, 1 is white, 34
21 minority. 32 students now opt for O'Farrell, 3 for Gompers.
22 Whatever is done, the Gompers and O'Farrell ratios remain the
23 same, 88% minority at Gompers, 85% minority at O'Farrell.

24 3. Gompers/Mann. Mann is a balanced school, 64% white, 36%
25 minority. Gompers is 12% white, 88% minority. Of the 121
26 students in the optional zone, 49 are white, 72 minority. All
27 121 have chosen to go to Mann. If all are required to attend
28 Gompers, Gompers will change from 88% to 85% minority and 72

desegregated minorities will be resegregated.

4. Lincoln/Crawford-Morse. In the Lincoln/Crawford option there are 107 students, 56 white, 51 minority. 105 opt for Crawford, 2 for Lincoln. In the Lincoln/Morse option there are 240 students (8 white, 232 minority). 184 opt for Morse, 56 for Lincoln. If all students in both optional zones are assigned to Lincoln, the ratio at Lincoln changes from 99% minority to 95% minority.

5. Bell/O'Farrell. There are 80 students in the optional zone, 2 whites, 78 minority. 72 opt for Bell, which is 31.5% white, 68.5% minority, and 8 choose O'Farrell, 14.5% white, 85.5% minority. If all students are sent to Bell, the white population there will increase 1 1/2% from 31.5% to 33% and if all are assigned to O'Farrell, the white population will decrease from 14.5% to 13.5% and 70 minority students will be more isolated than before.

6. Roosevelt/Wilson. There are 237 students in the optional zone, 169 white, 68 minority. 159 choose Wilson, 78 Roosevelt. Roosevelt has 61% white, Wilson 54% white. Reassignment of all students to either school will increase the white percentage one point (62% and 55% respectively).

It is apparent that elimination of the optional zones in these schools would not result in providing students with an integrated educational experience. It would only upset and inconvenience parents and students who have established attendance patterns for various reasons. Abolition of elementary optional zones would not change the demographics of

any school more than 2%.

7. San Diego/Point Loma-Hoover. In the San Diego/Point Loma option there are 79 students,¹⁰ 62 white, 17 minority. 60 choose Point Loma and 19 San Diego.¹¹ In the San Diego/Hoover zone there are 182 students, 133 white, 49 minority. 149 choose Hoover, 33 San Diego. If all students in each zone are required to attend San Diego High, the percentage of minorities will be reduced from 80% to 73%.

The evidence suggested there may be a "secret optional zone" known as Special Attendance Permits (SAP for short). Of all the SAPs issued last year to white students (255), 109 were issued to white students who were in the San Diego High area. The nearest runners up were Mission Bay with 49 and Morse with 27. The others were 19, 16, 10, 9, 8 and 8. Moreover, of the 109 SAPs issued at San Diego, 68 were transfers to Point Loma and 21 to Hoover. To investigate this phenomenon, the court asked for and received the applications for these 109 Special Attendance Permits. 28 permits were requested and granted to avoid actual violence (7), threat of violence (9), or fear of violence (12) at San Diego High. Other applications suggested the fear of violence motivated the request for transfer, but the applications are not clearly identifiable as such. (See Appendix "B"). The violence ranged from gang beatings to "bullying."

At this point the court asked for and received a tabulation of reported incidents of violence at each school in the district. This report reveals that the district average incidence of violence is 0.62% per enrolled pupil. The largest incidence per pupil is at

1 San Diego High with 2.5%, the next closest is 1.51%. The incidence
2 of violence at Hoover is slightly more than the average at 0.76%
3 and it is about half the average at Point Loma, 0.37%.¹²

4 Under these circumstances, there is more to be lost than gained
5 by abolishing the San Diego/Hoover-Point Loma optional zones. How-
6 ever, SAPs should be closely scrutinized and they should only be
7 permitted where there are compelling reasons to do so.

8 Sixth: In its April 11, 1979 report, the Task Force reported:

9 "It has been noted that some schools have
10 a higher incidence of violence than others
11 with similar VEEP programs and ethnic
12 populations [sic] ratios. A comparative
13 analysis of this phenomenon should be con-
14 ducted by the school district. It is pos-
sible that some on-site administrators
are managing the programs more effectively
than others. A uniform standard of dis-
ciplinary policies and procedures is
necessary."

15 The statistics supplied by the school district reveal this
16 great variation in the incidence of violence. For example, Pacific
17 Beach Junior High School and Muirlands Junior High School both feed
18 into La Jolla High. Both schools have approximately the same number
19 of students (1138 and 1247). Both have approximately the same ratio
20 of majority and minority students (73.8% and 76.9%). Yet there were
21 only three reported violent acts at Pacific Beach while there were 12
22 at Muirlands. Only one of the three at Pacific Beach was between
23 persons of different races while all 12 at Muirlands were interracial.

24 The court orders the district to study and analyze this
25 phenomenon throughout the district and make concrete recommendations
26 to the court for controlling the situation and bringing swift

1 punishment to undisciplined persons who cannot otherwise be dissuaded
2 from their anti-social behavior.

3 Seventh: The Race/Human Relations program lacks uniformity.
4 Only those truly dedicated to the cause should conduct such programs.
5 Local autonomy in such matters is to be preferred if the school is
6 doing something worthwhile. If, however, the local program consists
7 of "going through the motions," supervisors shall step in and take
8 over the program. The best results come with small groups under the
9 leadership of able and enthusiastic persons. The youngsters should
10 be encouraged to articulate their feelings in one another's presence.
11 Motion pictures and lectures have limited value. The court orders
12 the district to report concerning the specific steps it takes to
13 monitor these programs and the remedial action that it takes.

14 Eighth: The impact of the VEEP program on desegregation is
15 dramatically shown on plaintiff's exhibits 22 and 11. Exhibit 22
16 shows that most of the district junior high schools have a 20% to
17 50% minority population, but exhibit 11 reveals that the senior high
18 schools in much of this same geographical area have only a 0 - 20%
19 minority population. There were 2002 VEEP participants in junior
20 high schools but only half that number, 1057, in senior high schools
21 during the 1978-79 school year. The ratios were similar in the
22 1977-78 school year.

23 The district is ordered to study this phenomenon, report to
24 the court its causes and suggest what can be done to reverse the
25 trend.

26 Ninth: The court wishes to be kept informed of the development

1 and implementation of the Lincoln "Pride in Excellence" program.

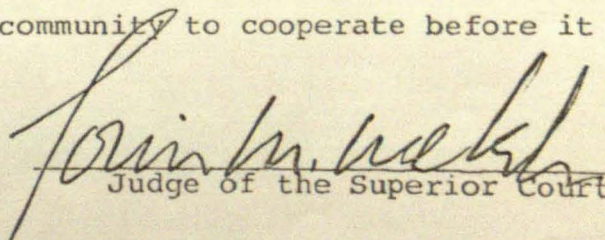
2 Tenth: The district is ordered to pay to United Way, Trustee
3 for Integration Task Force, on or before August 15 the sum of
4 \$75,000. This sum will be used to defray expenses of the Integration
5 Task Force during the 1979-80 school year. The funds will enable
6 the court to engage the services of necessary office personnel,
7 qualified monitors and experts to oversee the desegregation program.
8 Citizen members of the Task Force will continue to donate their
9 services without compensation.

10 Finally, the court wishes to underscore the Task Force's
11 observation "that dedication and commitment has to flow from the top
12 down. In this case, that means from the School Board to the Superin-
13 tendent to the central administrators to the site administrators to
14 the teachers and aides and classified staff. Prejudice is exceedingly
15 difficult to overcome even with good will and the best of intentions."
16 In his recent book, Must We Bus, Gary Orfield wrote:

17 "Only the leadership of elected officials
18 and administrators can generate a mutually
19 supportive pattern of enforcement actions to
20 create stable desegregation and to build
21 genuine integration. Without this, no lasting
22 solution seems imaginable. The courts can
23 define the issues and stimulate analysis to
24 show that change is feasible and necessary,
25 but left exclusively to them, desegregation
26 will be spotty and often temporary. Only
public commitment can mobilize the resources
to do the job. If that commitment develops,
there are many approaches to integration--
interrelated, moving with varying speeds and
decisiveness, but moving in a common direction."

25 I call upon the district and the community to cooperate before it is
26 too late.

Dated: JUL 27 1979


Judge of the Superior Court

APPENDIX "A"

"I would have liked to have seen some printed information concerning what the children would be doing during the day, what was done in the special classes, etc. I found it difficult to find out from my son (he is 5) what he did during the day there. I would also have appreciated a short note from the teacher at the end of the session with any comments on how my son interacted with the Kennedy students, how he did in class, etc. He seemed to enjoy his time there very much."

"I wish more information would have come home before session on what would be covered in class and what exactly was reason for class at Kennedy."

"Please call ahead to the other school when the bus is fifteen or more minutes late in leaving."

APPENDIX "B"

EXCERPTS FROM PHYSICIANS' STATEMENTS IN SUPPORT OF SAPS

"This is to verify that the above patient has had a disturbing personality change related to anxiety about school. She would benefit from a change in school assignment."

"I feel it would be medically advisable that she attend Point Loma High School instead of San Diego High, both for physical and psychological reasons."

"This patient has been under our care for respiratory allergies since _____. It is essential that he attend Point Loma High rather than San Diego High School for health reasons."

FOOTNOTES

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- 3 ¹ Dr. Christine Rossell, plaintiff's expert, refers to data that
- 4 "indicate that racial imbalance has declined by a small amount
- 5 almost every year since 1967." Ex 32.
- 6
- 7 ² Report of Professor Reynolds Farley, court appointed monitor to
- 8 Los Angeles Superior Court Judge Paul Egly (Ex M App. B).
- 9
- 10 ³ Exhibit W, affidavit of James S. Coleman, July 9, 1979.
- 11
- 12 ⁴ Op. Cit Note 2.
- 13
- 14 ⁵ "White Flight: Pros and Cons", Rossell, Social Policy Nov./Dec.
- 15 1978 (see Rebuttal to Declaration of Christine Rossell and July 18
- 16 affidavit of Christine Rossell).
- 17
- 18 ⁶ Integration Task Force report, June 7, 1979.
- 19
- 20 ⁷ Ibid.
- 21
- 22 ⁸ See Appendix "A" for statements of some parents whose children
- 23 participated in the Kennedy-Curie program.
- 24
- 25 ⁹ The order was dated July 27, 1978, entered nunc pro tunc as of
- 26 March 10, 1977.
- ¹⁰ Amicus Curiae dispute this figure. They claim there are either
- 69 or 47.
- ¹¹ The court did not receive the statistics, but it is safe to assume
- they divide along racial lines.
- ¹² The court obtained these percentages by dividing the number of
- reported incidents at each school into the total school population.

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8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
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10
11 KARI CARLIN, et al.,)

12 Plaintiffs,)

13 vs.)

14 SAN DIEGO UNIFIED SCHOOL)
15 DISTRICT,)

16 Defendant.)
17

CASE NO.

MEMORANDUM OF INTENDED
DECISION

18 The annual review and evaluation of San Diego Unified
19 School District programs came on regularly for hearing on
20 July 21, 1982 in Department 24 of the above-entitled court, the
21 Honorable Franklin B. Orfield, judge presiding; the plaintiff ap-
22 pearing by Veronica Roeser, Esq. and William F. Gavin, Esq. and
23 defendant San Diego Unified School District appearing by Ralph D.
24 Stern, Esq. and Jennings, Engstrand & Henrikson, by Donald R.
25 Lincoln, Esq. and the intervenor appearing by Elmer Enstrom, Esq.
26 The matter was heard and continued from day to day and was
27 concluded on July 26, 1982. The purpose of the annual review
28 and evaluation was to determine if San Diego Unified School

1 District (hereinafter called "School District") programs have
2 produced "meaningful progress"^{1/} toward the "elimination of
3 segregation and the harms inflicted by such segregation."

4 The question of whether there has been "meaningful pro-
5 gress" must be addressed from two different perspectives.

6 1. Whether there has been meaningful progress toward
7 the elimination of segregation, and

8 2. Whether there has been meaningful progress toward
9 improving the quality of education of the minority children.

10 In November 1979, the voters of the State of California
11 ratified Proposition One, an amendment to the due process
12 and equal protection clauses of the State Constitution. Pro-
13 position One conformed the power of the state courts to order
14 busing to that exercised by the federal courts under the
15 Fourteenth Amendment. The California Court of Appeals held
16 that Proposition One was constitutional under the Fourteenth
17 Amendment and that decision was upheld by the United States
18 Supreme Court in Crawford v. Los Angeles Board of Education
19 U.S. (June 30, 1982).

20 This Court has assumed in past rulings that Proposition
21 One was constitutional and this most recent Supreme Court
22 ruling merely confirms that mandatory assignment of pupils will
23 not be made absent purposeful segregation on the part of the
24 School District. Future efforts should then continue in the
25 direction of voluntary desegregation and improvement in the

26 - - - - -
27 ^{1/} All quotations are from Crawford v. Board of
28 Education (1976) 17 Cal.3d 280, unless other-
wise noted.

1 quality of education of minority students.

2 It is gratifying to observe that the educational
3 program continues to successfully progress toward the goals
4 set by the Court. Although all of the interim goals have
5 not been met, sufficient progress has been made to conclude
6 that there has been meaningful progress during the past year.

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ORGANIZATIONAL RESTRUCTURING

9 A year ago this Court indicated a deep concern for the
10 administrative structure of the School District and that there
11 was an urgent need for its overhaul. As a consequence, Dr.
12 H. Thomas James, Dr. Michael W. Kirst, and Dr. Ewald Nyquist
13 were appointed as consultants to the Court to make a detailed
14 study of the administrative structure of the School District.
15 They noted in their November 18, 1981 report that:

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"The integration program is hampered by its placement in the current organization. The real power in the organization is with the two line divisions (elementary and secondary). The desegregation program is not attached to these and consequently lacks direct authority over principals and school site operations. There is diffuse responsibility for desegregation with unclear lines of authority. Assistant Superintendent Fletcher is floating between units. Deputy Superintendent Patrick does not have the time to oversee integration. The only way under the current structure to give integration more influence is to lodge it more clearly within the elementary and secondary divisions. . . . Based on experience in other cities, the ability of the integration administrators to influence the line divisions is a crucial element in its success. . . . The integration

1 program is particularly hampered
2 by lack of smooth progress for stu-
3 dents from the elementary to the
4 secondary level."

5 The consultants indicated in their February 16, 1982
6 report their major overall concern for the lack of trust
7 and confidence between the School Board and top administrative
8 leadership in the School District. They were concerned that
9 the filling of key administrative vacancies was not moving
10 rapidly. They said: "This has several manifestations which
11 do not augur well for the desegregation effort."

12 A new Superintendent has been appointed. It would be
13 imprudent to attempt to fill key administrative vacancies until
14 the new superintendent assumes his duties and participates in
15 the selection process. These key administrative vacancies
16 should then be filled at the earliest practicable time.

17 The consultants state that: "The lines between Board
18 policy making and administrative detail are rarely clear cut
19 in any school district, but the balance in San Diego has
20 shifted dramatically to Board intrusion. We reviewed the
21 number of administrative structure directives made by the
22 Board within the past nine months, and find the level in-
23 creasing and the total amount very large." It is anticipated
24 that this problem will be alleviated with the hiring of the
25 new school superintendent and is expected that a spirit of trust
26 and confidence will be established between the superintendent
27 and the Board.

28 There are numerous examples in many parts of our

1 nation where heroic desegregation efforts have been made. In
2 all too many instances, however, it came to naught as
3 the administrative structures of the systems were such that
4 they provided for no real continuity of an effective desegre-
5 gation program.

6 The San Diego Unified School District is ordered to
7 make the Deputy Superintendent for Instruction the key person
8 in desegregation matters, with an Assistant for Desegregation
9 under this office. Additionally, a staff office of Inspector
10 General for Desegregation, reporting directly to the Super-
11 intendent, could be established. This office would monitor
12 and conduct field reviews of desegregation, but would not be
13 able to issue directives to line or site educators.

14 It will not be ordered that the Office of Inspector
15 General for Desegregation be established but it is strongly
16 recommended that this be done.

17 The School District is ordered to review the reports
18 of the court consultants dated November 18, 1981 and
19 February 16, 1982, and report to the Court actions it contem-
20 plates it will take based upon recommendations contained
21 therein no later than January 10, 1982.

22
23 RACE/HUMAN RELATIONS PROGRAM

24 This Court observed in its Memorandum Decision of
25 August 3, 1981 that the Race/Human Relations Program must
26 be strengthened immediately. The Integration Task Force (ITF)
27 observed that ". . . if voluntary integration is to succeed,
28 a strong, goal-oriented Race/Human Relations Program must be

1 effectuated concurrently with quality academic programs."

2 The Integration Task Force in its May 10, 1982 report
3 stated:

4 "1. There is lack of direct au-
5 thority on the part of the Race/
6 Human Relations central office over
7 the site program. There seems to be
8 no way for the central office to re-
9 quire compliance on the part of the
10 individual sites.

11 2. There is unevenness in terms
12 of resources available to each site.
13 Large schools have more personnel to
14 oversee Race/Human Relations activi-
15 ties as compared to smaller campuses
16 which only have the principal with
17 responsibility for all programs.
18 Race/Human Relations coordinators of-
19 ten are full-time teachers with addi-
20 tional responsibility for this pro-
21 gram.

22 3. Skills in Race/Human Rela-
23 tions Program development and imple-
24 mentation vary significantly from one
25 school to another. This is especially
26 critical in view of the fact that his-
27 torically the overall program was de-
28 veloped to permit the greatest lati-
tude for each school to ascertain
its own need and develop its own pro-
gram to respond to that need."

29 The Integration Task Force reported that some sites
30 do not know how to do a needs assessment. As a result, some
31 site plans do not reflect the needs and problems of the
32 specific campus. In addition, the quality of the individual
33 site committees charged with the responsibility of plan
34 development is uneven.

35 The Integration Task Force reported as follows:

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1 "Despite good intentions and well-
2 meaning efforts on the part of many
3 people within the District, the at-
4 titude towards the Race/Human Rela-
5 tions Program, in many instances, has
6 become one of disenchantment. There
7 is still resistance to the mandatory
8 10 hours of in-service training, the
9 laborious task of preparing site
10 plans, and the general feeling that
11 the results are not worth the con-
12 siderable effort in terms of time and
13 dollars.

14 "Perhaps a reorientation to a
15 sequential, developmental Race/
16 Human Relations Program would pro-
17 vide an opportunity to generate new
18 enthusiasm for this very critical
19 program. We believe that there is
20 ample expertise available within the
21 District and this County to develop a
22 less onerous, more effective Race/
23 Human Relations Program."

24 It has become abundantly clear that the Race/Human
25 Relations Program is spotty and uneven at best and virtually
26 non-existent at worst. This program should be one of the
27 most important, if not the most important, program in the
28 School District's desegregation efforts.

It has become equally clear that if this program is to
work, that it must be developed centrally, produced as any
other academic program would be produced insofar as it
directly relates to classroom instruction and also centrally
developed insofar as it relates to the indoctrination of
teachers and other school employees in Race/Human Relations
matters. A program is envisioned whereby the classroom
portions of the Race/Human Relations Program could be tightly
structured and developed in the manner of the Achievement
Goals Program so that there would be uniformity throughout

1 the entire school system. At the present time, tremendous
2 amounts of talents and energies are wasted by requiring each
3 school site to develop its own Race/Human Relations Program.
4 All too often the teachers at the site are over-worked and
5 are resentful of the responsibility of the development of such
6 programs. It is inconceiveable to the undersigned that a
7 quality Race/Human Relations Program could be developed that
8 would provide any modicum of continuity where the major
9 responsibility for the development of the program is left to
10 each site administrator.

11 It is ordered that the School District centrally pro-
12 duce a complete Race/Human Relations course of classroom
13 instruction for each of the thirteen grades and require the
14 classroom presentation of this course to conform to the text
15 centrally developed in the same manner as any other basic
16 course such as is included in the Achievement Goals Program.

17 It is further ordered that the School District cen-
18 trally produce a complete Race/Human Relations Program insofar
19 as it relates to the indoctrination of teachers and other
20 school employees in Race/Human Relations matters.

21
22 VOLUNTARY ETHNIC ENROLLMENT PROGRAM
23 (VEEP)

24 Detractors of the Voluntary Ethnic Enrollment Program
25 (VEEP) claim that it does nothing to desegregate the sending
26 school and in fact causes a "brain drain" by causing a large
27 number of very bright students to be bused away from the
28 sending school.

1 The truth is, however, that as of March 1982,
2 5,330 minority students participated in the VEEP program (see
3 defendant's Exhibit "B"). These students were bused for the
4 most part to majority schools. As to this group we can be
5 assured that they are desegregated. Of the above
6 figures, 4,043 of the students come from court-identified
7 minority isolated schools and 1,110 from minority imbalanced
8 schools and an additional 168 from schools with minority
9 populations which exceed the district-wide average (see defen-
10 dant's Exhibit "B", page 8). The grand total of students
11 in minority isolated schools during the school year 1981-82
12 was 20,095. Therefore, approximately 20% of all minority
13 isolated students are participating in the VEEP program
14 (see defendant's Exhibit "B", page 18). This is a very sub-
15 stantial, meaningful number and the VEEP program should,
16 therefore, be considered one of the most important in the
17 desegregation effort.

18 The Integration Task Force (ITF) held a special
19 meeting to receive input on the VEEP program on April 14, 1982.
20 The parent of each VEEP student was notified of the meeting.
21 A total of 46 individuals attended and 16 requested to speak.

22 Some of the complaints were as follows:

- 23 1. There is no transportation for social activities
24 in the evenings; such as, school dances, banquets, parent
25 open houses, etc.
- 26 2. Conduct of students on buses are forcing parents
27 of some students to pay for public transportation if the
28 child's behavior on the school bus is deemed unacceptable.

1 3. Some teachers are prejudiced and school adminis-
2 trators have neither the will nor the power to change or
3 correct the situation.

4 4. An unfair ethnic composition of cheerleading team
5 at one of the high schools.

6 5. Lack of attention or concern about developing posi-
7 tive integration of the VEEP students.

8 6. The acceptance of behavior which aggravates
9 racial tension and which does not promote positive school
10 climate.

11 7. Lack of communication between the home and school.

12 Not all comments were critical. Several speakers
13 spoke highly of the program at Silvergate Elementary School
14 and a Hispanic parent spoke favorably of the program at Torrey
15 Pines Elementary School. Several parents praised the aca-
16 demic program their children received at such schools as
17 Stanley Junior High and La Jolla High. One parent spoke
18 of the value of the integrated learning experience that her
19 son was being exposed to at La Jolla High School. (See
20 generally, Integration Task Force Report, May 10, 1982, pages
21 7 through 11.)

22 It was gratifying to note that the Community Relations
23 Division of the School District had made follow up contact on
24 the various criticisms voiced by the parents and students.

25 Many of the complaints of the parents were adequately
26 explained in a letter dated June 18, 1982 from the School
27 District to Mr. Mike Madigan, the Chairman of the Integration
28 Task Force. (See defendant's Exhibit "Y".) The types of

1 complaints at least demonstrate the areas of sensitivity
2 and has proved very important insight into the desires
3 of the parents and the children involved in the VEEP program.

4 It is imperative that this program be nurtured and ex-
5 pansion encouraged, it being one of the most important programs
6 in the desegregation effort. The Court will order that such
7 efforts be made.

8 It is ordered that the VEEP program be carefully moni-
9 tored, its shortcomings hereinabove discussed corrected and
10 its expansion encouraged.

11 BILINGUAL PROGRAMS

12 The Bilingual Program was established to provide
13 Limited English Proficient students instruction in their native
14 language while simultaneously teaching English as a second
15 language. The programs in their primary language were intended
16 to provide students grade level materials so that when they
17 master English they can make a smooth transition into regular
18 English speaking classes.

19 It has been argued that the Courts should not concern
20 themselves with bilingual programs. This Court is in agree-
21 ment that the Board should be responsible for the establish-
22 ment of the bilingual program generally and the Court should
23 intrude itself only to the extent that the program may affect
24 desegregation and/or the quality of education of minority
25 students. Although the line is somewhat difficult to observe,
26 the Court will attempt to limit its comments to those two
27 issues within the bilingual education framework.
28

1 Limited English Proficient students constitute 23% of all
2 minority students. Therefore, any policy addressing the
3 quality of education of minority students cannot ignore this
4 group nor the bilingual program. Relative data is almost
5 non-existent in connection with the Limited English Proficient
6 student but existing information suggests low performance
7 among them. The Spring 1981 CTBS scores of schools with a
8 high concentration of Limited English Proficient students in-
9 dicated that most of such schools performed below the district
10 level in Grades 5, 8, and 12 in language and mathematics. (See
11 Integration Task Force Report dated May 10, 1982.)

12 The bilingual education program is fragmented in that
13 the Indochinese program has been under the supervision of
14 one administrator while the Hispanic bilingual program has been
15 under the supervision of another. The two programs should be
16 under the supervision of one administrator even though it is
17 obvious that the programs would be separately developed.
18 The bilingual program and English as a Second Language on the
19 one hand are separated from the Spanish AGP program on the
20 other. Those areas should be under one administrator to com-
21 plement one another.

22 The Integration Task Force in its report of May 10,
23 1982 indicated that in general there is a long standing
24 problem of lack of coordination between the elementary and
25 secondary divisions causing difficulties in most areas but
26 compounded for those students in bilingual programs. A
27 smooth transition should be developed from the elementary
28 to the secondary level in all bilingual programs as well as

1 other programs as discussed elsewhere herein.

2 The Integration Task Force's report of May 10, 1982
3 stated that overall the administrators express negative
4 views on the propriety of the bilingual program, pointing out
5 that emersion/submersion would be more effective and noting
6 the administrative complications that bilingual programs can
7 cause.

8 The program needs firming from the top down with a
9 sense of direction given to site administrators. This is
10 an extremely important program which will be with the system
11 on a permanent basis at least insofar as the Hispanic bilingual
12 program is concerned.

13 The Spanish Primary Language curriculum is better
14 developed than the Indochinese curriculum. However, it re-
15 mains incomplete, thus limiting the variety of Spanish
16 language based courses. Instead of a coherent curriculum,
17 the program is fragmented with incomplete materials. More-
18 over, many materials are not parallel with English language
19 materials of the same content. (See Integration Task Force
20 Report dated May 10, 1982, page 28-29.) It is hoped that
21 the development of materials for Spanish AGP will solve some
22 of these problems.

23 The Indochinese primary language materials, by contrast,
24 are non-existent. The undersigned recognizes that there are
25 four or five dialects of the Indochinese language that the
26 School District must cope with. Further, the major problems
27 now being faced in connection with Indochinese students will
28 have resolved themselves within approximately five years, the

1 great influx having ended. In contrast, the Hispanic language
2 programs of necessity must be recognized as a necessary
3 part of the system's program on a permanent basis. One can
4 understand the somewhat unevenness that exists in the Indo-
5 chinese primary language programs because of the newness and
6 complexities of the problems and the fact that the problems
7 are only temporary. However, it is difficult to understand
8 why adequate Spanish language programs have not been
9 developed over the course of the last several years.

10 The Integration Task Force surveyed 13 of the 46 schools
11 participating in VEEP. Each of these schools was identified
12 by the District as having 25 or more Limited English Pro-
13 ficient or Non-English Proficient students. At the secondary
14 level, only one school offered four classes in primary
15 languages. The other six secondary schools offered only two,
16 or at most three academic classes in the primary language.
17 One high school offered no mathematics class to Hispanic
18 students in the primary language. All but one offers math in
19 the primary Hispanic language. Of the six elementary schools,
20 three offered bilingual classes in reading and math. One
21 school, even though five of its six grades have more than ten
22 pupils, (which means that the law requires a bilingual program)
23 offers English as a Second Language only.

24 There seems to be an alarming unevenness of primary
25 language courses for VEEP students at a great number of re-
26 ceiving schools.

27 Some Hispanic students are not fluent in either Spanish
28 or English. These students create a real problem and the

1 development of primary language courses as a means of recti-
2 fying educational problems of students who live between
3 Spanish and English speaking worlds should be considered.

4 Another serious problem at every bilingual site is
5 the Limited English Proficient Student who is illiterate in
6 his primary language or at least several grade levels below
7 his current grade. This matter has not been sufficiently
8 addressed and a great deal more effort should be expended to
9 deal with illiteracy.

10 It is ordered that all bilingual programs be placed
11 under the supervision of one administrator including the Spanish
12 AGP program so that even though different emphasis might be
13 placed on one program as compared to another, each program
14 will receive equal attention.

15 It is ordered that the School District examine into
16 the problems of (1) lack of coordination between elementary
17 and secondary divisions causing severe problems particularly
18 for students in the bilingual programs, (2) the incomplete
19 Spanish Primary Language curriculum, (3) the gross short-
20 comings of the Indochinese Primary Language materials, (4)
21 inadequacies in the Spanish Primary Language curriculum in VEEP
22 receiving schools, (4) illiteracy in primary language, and
23 report to the Court by February 1, 1983, steps taken to re-
24 solve these problems.

25 MAGNET SCHOOLS

26
27 During the 1981-82 school year, 15,226 students partici-
28 pated in the District's magnet programs, representing a

1 growth of 3,515 students. New magnet programs were added at
2 Burbank, Chollas, Grant, Meade, Bell and San Diego. In addi-
3 tion, Oak Park became a total school magnet, Horton increased
4 from grades Kindergarten through Second Grade to Kindergarten
5 through Sixth Grade and the O'Farrell program transferred to
6 Keiller and became a total school magnet. The School of
7 Creative and Performing Arts moved to O'Farrell where increased
8 capacity is available. Gompers became a Grade Seven through
9 Twelve magnet. A total of 12,543 students participated
10 in the elementary school magnet program composed of 5,246 ma-
11 jority and 7,297 minority, with 4,995 of the minority students
12 being minority isolated students. Secondary magnet school
13 programs totaled 2,683 of which 1,307 were majority students,
14 1,376 minority students, with 525 of the minorities being
15 minority isolated students. The overall statistics of both
16 the elementary and secondary magnets showed a total of 15,226
17 students participating, of which 6,553 were majority students,
18 8,673 minority students of which 5,520 of the minority were
19 minority isolated.

20 The undersigned has had the opportunity to visit a
21 number of the schools in the District, elementary as well as
22 secondary. It was with a great deal of pride in our school
23 system and a heart-warming feeling to see happily integrated
24 and enthusiastic students and teachers involved in the magnet
25 programs. It is obvious that the entire staff and the
26 teachers observed by the undersigned were extremely devoted,
27 caring people who were giving 100% of themselves toward the
28 the joint goals of educating our children and integrating our

1 classrooms.

2 During the school year 1981-82, total participation in
3 VEEP and magnet school programs grew to 9,683. This repre-
4 sented a growth of 1,486 students, or 18.1% over the past
5 year. The total number of minority isolated students in the
6 District grew to 20,095 from 18,381, a 9.3% growth.

7 The administrative personnel and the teacher personnel
8 are to be commended on the excellence of the programs developed,
9 the steady expansion of the programs, and the fact that in the
10 school year 1981-82, 48% of minority isolated students partici-
11 pated in either VEEP or magnet programs.

12 It has been acknowledged by the School District that the
13 magnet program will never desegregate all of the schools in
14 San Diego County. It has never been contemplated that the
15 magnet program would be the solution to all of the ills of the
16 District in desegregation matters. Realistically it must be
17 looked at as one of the tools to be used in the desegregation
18 and integration process. (See generally the defendant's
19 Exhibit "B", Report of the San Diego Plan for Racial Integra-
20 tion, 1981-1982, pages 5-19.)

21 The School District has proposed different enrollment/
22 eligibility criteria for magnet programs during the school
23 year 1983-84, which would permit any minority student to apply
24 for any magnet program, with well-defined orders of priority.
25 This modification appears to be well thought out, should
26 alleviate a number of hardship situations and is approved.

27 No order will be made regarding the magnet programs
28 other than to approve new eligibility criteria for magnet

1 school applicants. The School District is commended for its
2 excellent work and is urged to continue to expand and refine
3 its programs.

4
5 TESTING RESULTS FOR MINORITY ISOLATED SCHOOLS
6 (Spring 1982)

7 On December 2, 1980, Judge Louis M. Welsh ordered that
8 the School District implement a course or courses of study
9 in all minority isolated schools which would result by
10 specified dates in 50% of the students in the isolated schools
11 achieving at or above the national norm on the Comprehensive
12 Test of Basic Skills (CTBS) in reading, mathematics and
13 language.

14 Between April 19, 1982 and May 5, 1982, more than
15 12,000 students who were enrolled in the court-identified
16 minority isolated schools were administered the Comprehensive
17 Test of Basic Skills (CTBS) in the areas of reading, language
18 and mathematics. Students in grades Kindergarten through
19 Eighth Grade were tested by a new version of the CTBS. The
20 results were converted to be consistent with the base line
21 data and test results for the Spring of 1981 through a con-
22 version method provided by the publisher of the test.

23 According to defendant's Exhibit "FF", the testing
24 results from minority isolated schools in the Spring 1982
25 showed that 23 of 30 interim goals exceeded or approximated
26 their respective targets. Four of the seven instances in
27 which the interim goals were not attained were in the secon-
28 dary grades, two each in grades 8 and 10. It appears that with

1 three exceptions, all of the interim goals were either approxi-
2 mated or exceeded in Kindergarten through Sixth Grade, with
3 the exception of three areas. The report concluded that
4 programs in minority isolated schools are making good progress
5 toward the attainment of the court-stated goals. Elementary
6 grade pupils have made very good progress (especially in
7 mathematics).

8 The national norm upon which the base line was es-
9 tablished was developed in 1973. Based upon the 1973 national
10 norm, the figures are encouraging. However, based upon the
11 1982 national norm established by the publisher, the figures
12 are not as encouraging. Apparently the national norm throughout
13 the country has risen since the norms set in 1973 and the
14 question is: Are we going to be content with the majority of our
15 minority isolated students exceeding the 1973 norm or are we
16 looking toward the current norms as the measured goal. Ob-
17 viously, if they are to compete academically and later on the
18 job market current norms must be applied.

19 In kindergarten reading classes our students in the
20 minority isolated schools have exceeded the ultimate goals set
21 of 50% of them exceeding the national norm based on the 1973
22 standard. Based on the 1982 standard, 46.2% have exceeded the
23 national norm in reading. In Grade One, they have exceeded
24 their goals under the old standard. Under the 1982 standard
25 only 36.2% equaled the national norm. In Grade Two, the goal
26 has been reached under the old standard, while only 35.6% of the
27 students equaled the national norm under the 1982 standards.
28 In Grade Three, the goal has been reached under the old

1 standard, while under the 1982 standard only 27.5% have reached
2 the desired goal. Grade Four stands somewhat above the 50%
3 figure based on the old standard and at 27.5% based on the 1982
4 standard. In Grade Five, the students are at 35.8% under the
5 old standard and at 26.4% under the 1982 standard. In Grade
6 Six, the students are at about 36.1% under the old standard
7 and at 26.8% under the 1982 standard. In Grade Seven, the
8 students are at 43.8% under the old standard and at 37.5%
9 under the 1982 standard. In Grade Eight, the students are
10 at 31% under the old standard and at 28% under the
11 1982 standard.

12 In language the comparisons are about the same with the
13 percentile showings again being substantially less applying
14 the 1982 standards.

15 In mathematics the minority isolated schools are making
16 outstanding progress under the 1973 norm and excellent progress
17 under the 1982 standards.

18 Statistics comparing students in minority isolated
19 schools with other students in the School District were not
20 available during annual review hearings. At that time it was
21 ascertained that District wide statistics could be made avail-
22 able for Grades 5 and 7. Since the hearing a Supplement to
23 Testing Results for Minority Isolated Schools was submitted to
24 the Court and is to be marked as Court's Exhibit "2" and will
25 be received in evidence.

26 Although non-minority isolated schools have a larger
27 percentage of students at or above the norm than do minority
28 isolated schools, the degree of difference has been reduced

1 very significantly since the 1979-80 school year in reading,
2 language and math in Grades 5 and 7. (See generally Court's
3 Exhibit "2".)

4 While the improvement of minority isolated schools in
5 relation to other schools city-wide in Grades 5 and 7 in
6 reading and language is encouraging, the improvement in math
7 is extremely encouraging.

8 It is perceived by the undersigned that a broader scope
9 of testing would be of benefit to all concerned to show whether
10 the degree of difference is uniformly diminishing between mi-
11 nority isolated schools and others. In addition to Grades 5 and
12 7, Grades 9 and 12 should be tested city-wide. The School Dis-
13 trict could then provide the Court with comparative statistics on
14 all four grades one year from now, but limiting the data
15 to those students who had attended the full school year.

16 In providing students with an integrated education in
17 the VEEP and magnet programs, we cannot lose sight of the
18 equally important objective of producing minority students
19 graduating from the 12th grade who are sufficiently proficient
20 in reading, language and mathematics specifically, and other
21 subjects generally to compete with any other student in the
22 district. The only way that we will know whether we are
23 making further progress toward this goal is by developing the
24 statistics as hereinabove outlined.

25 It is ordered that the School District expand the
26 CTBS testing of students city-wide to include Grades 9 and 12
27 and to continue testing of Grades 5 and 7.

28 It is further ordered that the School District provide

1 comparative statistics of non-minority isolated schools in
2 Grades 5, 7, 9 and 12 in reading, language and mathematics,
3 but only on the students attending the full school year.
4

5 INTERVENOR GROUNDSWELL'S
6 CLAIM OF VIOLATION OF
7 STUDENTS' CONSTITUTIONAL
8 RIGHTS

9 The intervenor, Groundswell, questions the validity
10 of the magnet school eligibility rules on the ground that they
11 impermissibly discriminate on the basis of race, relying on
12 the Bakke case. Plaintiffs and defendant stipulated to the
13 relevant facts on which intervenor bases its claim. The in-
14 tervenor contends that any kind of racial discrimination of
15 public education is unconstitutional and attacks the magnet
16 school eligibility rules which take race into account when
17 making assignments. (See Regents of the University of
18 California v. Bakke (1977) 438 U.S. 265.)

19 In Bakke, the University of California at its Davis
20 Medical School adopted a special admissions program allocating
21 16 of the 100 available spaces to disadvantaged members of
22 minority races. Anyone could qualify for the other 84 spaces.
23 The trial court concluded that the admissions program was in-
24 valid because it took race into account in making admission
25 decisions. The California Supreme Court agreed and concluded
26 that the admissions program, as administered by the University,
27 violated the constitutional rights of non-minority applicants
28 because it afforded preference on the basis of race to per-
sons less qualified than non-minority applicants.

1 The United States Supreme Court reversed the California
2 court's judgment insofar as it enjoined the University from
3 ever giving any consideration to the race of any applicant.

4 Justice Powell's opinion stated:

5 "In enjoining petitioner (U.C.)
6 from ever considering the race of any
7 applicant, however, the courts below
8 failed to recognize that the state
9 has a substantial interest that legi-
10 timately may be served by a properly
11 devised admissions program involving
12 the competitive consideration of race
and ethnic origin. For this reason,
so much of the California courts
judgment as enjoins petitioner (U.C.)
from any consideration of the race of
any applicant must be reversed."
(438 U.S. 265, 320.)

13 Bakke did, nevertheless, invalidate the University's
14 admissions program and ordered Bakke's admission to medical
15 school. Intervenor apparently relies on this invalidation
16 as a total prohibition of any consideration of race in deter-
17 mining eligibility for public education benefits.

18 The concurring opinion of Brennan, White, Marshall and
19 Blackman in Bakke is partially quoted as follows:

20 "Government may take race into
21 account when it acts not to demean
22 or insult any racial group, but to
23 remedy disadvantages cast on minori-
24 ties by past racial prejudice, at
least when appropriate findings have
been made by judicial, legislative,
or administrative bodies with compe-
tence to act in this area."

25 A fair reading of Bakke leads to the conclusion that
26 taking race into consideration, in appropriate instances to
27 remedy past discrimination, is a valid constitutional
28 classification.

1 The case of Swann v. Charlotte-Mecklenburg Board of
2 Education (1971) 402 U.S. 1, 25, approved limited use of
3 mathematical ratios and stated:

4 ". . . Awareness of the racial compo-
5 sition of the whole school system is
6 likely to be a useful starting point
in shaping a remedy to correct past
constitutional violations."

7 Swann also considered transfer policies based on
8 racial considerations:

9 "An optional majority-to-minori-
10 ty transfer provision has long been
11 recognized as a useful part of every
12 desegregation plan. Provision for
13 optional transfer of those in the ma-
14 jority racial group of a particular
15 school to other schools where they
will be in the minority is an indis-
pensable remedy for those students
willing to transfer to other schools
in order to lessen the impact on
them . . . of segregation . . . "

16 Each school board in California has the duty and obli-
17 gation to take reasonably feasible steps to desegregate and
18 to adopt and implement plans to accomplish that purpose.
19 State courts in California have the duty when the need arises
20 to order a segregated school district to use voluntary desegre-
21 gation techniques. By their very nature, techniques for
22 desegregation must in some respect consider the race of the
23 students involved. That consideration, to alleviate segre-
24 gation, as long as one race is not absolutely preferenced
25 over the other, has received the judicial approval of the
26 United States Supreme Court.

27 It is ordered that consideration of race as an element
28 of rules of eligibility for a magnet school program designed

1 to reduce racial imbalance and integrate previously segregated
2 schools is valid.

4 PAST ORDERS

5 It is ordered that orders numbered 1, 5, 6, 7, 8, 9,
6 14, 15, 16, 17, 18, 19, 23, and 24 in the 1980-81 order filed
7 December 2, 1980, be continued in full force and effect.

9 REVISIONS TO SAN DIEGO PLAN FOR
10 RACIAL INTEGRATION

11 The following proposed revisions to San Diego Plan
12 for Racial Integration are approved.

13 Elementary School Programs

- 14 -Addition of kindergarten student par-
15 ticipation in the Fulton and Green
16 Elementary Schools Academics and Ath-
17 letics Magnets
- 18 -Addition of Knox Communication Magnet
- 19 -Deletion of Pilot Elementary Instruc-
20 tional Exchange Program
- 21 -Deletion of Expansion of Elementary
22 Instructional Exchange Program
- 23 -Replacement of Dailard Elementary School
24 in Elementary Instructional Exchange Program
- 25 -Revision of Enrollment Area for Long-
26 fellow Intercultural Language Magnet

27 Secondary School Programs

- 28 -Addition of Memorial Junior High
Academic Magnet for Enriched Studies
and Athletics
- Deletion of Secondary Instructional
Exchange Program

28

1 Oral Communications Instruction Program

2 -Redirection of program to provide ser-
3 vices solely to court identified
4 minority-isolated schools. Instruc-
5 tional program will include attention
6 to oral and writing skills.

7 Teacher-Initiated and Site-Initiated
8 Projects

9 -Deletion from Integration Program

10 It is ordered that the San Diego Plan for Racial
11 Integration, revised June 29, 1982, (defendant's Exhibit "A")
12 be and the same is hereby approved except insofar as it is in
13 conflict with any portion of this decision.

14 CONCLUSION

15 The fine work of the Court's Integration Task Force,
16 the Court's integration analysts and the hundreds of other
17 people throughout the district have provided vast amounts of
18 data which has been sifted, analyzed and digested.

19 The undersigned has fashioned this decision with the
20 intent that it be constructive and with the hope that it be
21 received and acted upon in that spirit.

22 In Crawford v. Board of Education (1976) 17 Cal.3d 280,
23 310, the court said:

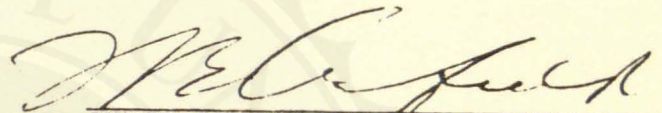
24 ". . . (A) trial court's task in
25 supervising the preparation and im-
26 plementation of a school desegrega-
27 tion plan is an exceedingly diffi-
28 cult, sensitive and taxing one,
 requiring the balancing and recon-
 ciliation of many competing values.
 It is not a task that any court
 readily seeks . . ."

 The language of the higher court in the Crawford case

1 mirrors the thoughts of the undersigned at the conclusion
2 of the first anniversary of involvement in this case.

3 The Board, the Superintendent and the Court, working
4 together toward common objectives and eschewing complacency
5 will continue to make measureable progress in our common
6 efforts.

7 DATED: August 12, 1982

8
9 
10 JUDGE OF THE SUPERIOR COURT

C

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12 FOR THE COUNTY OF SAN DIEGO

13 KARI CARLIN, et al) No. 303 800
14 Plaintiffs)
15 vs.)
16 BOARD OF EDUCATION, et al)
17 Defendants)
18
19
20

21 PLAINTIFFS' RESPONSE TO DEFENDANT'S EVALUATION
22 OF THE SAN DIEGO PLAN FOR RACIAL INTEGRATION 1979-80

23
24
25 INCLUDING APPENDIX A
26
27
28

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INTRODUCTION

Although the San Diego Plan for Racial Integration has been in operation for three years now,¹ (three fifths of its way toward being completed), it is not achieving meaningful progress toward desegregating the segregated schools. It continues to fall short of its goals. It has not stabilized tipping schools, and as a consequence, several are on the brink of becoming, by the Court's definition, "definitely" segregated. As a result of its inequities, some of which are inherent in a voluntary plan, increasing resentment is being generated in minority schools. One of the most significant shortcomings of the plan, which is not apparent when its success is measured in terms of its goals, is that the goals set were not designed to desegregate the 23 segregated schools, nor to stabilize the tipping schools. Thus, even if the goals were to be met, most of the students in segregated schools would remain in segregated schools when the plan is completed.²

The number of applications received for magnet programs for next year does not augur well for the District strategy of building on its successes. Only 18% of the 1980-81 goal has been reached, just half of the 36% reached at the same time last year.

1/ The Integration Task Force appears to be under the misapprehension that the plan has been in operation only two years. (See page 2, ITF Report, June 16, 1980.) Perhaps they would have expressed even stronger dissatisfaction with District leadership had they know that the plan is now moving into its fourth year.

2/ See Tables 6 and 7.

1 At the same time, the District is nowhere near the limit of its
2 ability to desegregate the 23 segregated schools, since there are
3 still 32 elementary schools and 4 high schools over 80% majority, and
4 43 elementary and 9 secondary schools over 75% majority.³

5 Because the evaluation completely ignores shortcomings, it is of
6 little value in providing guidance in making constructive changes.

7 For example, there is no mention of the problem of relocating
8 the School of Creative and Performing Arts (SCPA). The criticism by
9 groups in the community and by the Integration Task Force of the ini-
10 tial proposal to move it to Collier might have been avoided, if the
11 Board and staff themselves had been more critical of the proposal.
12 Placing the school at Collier would not have maximized the potential
13 of this attractive program to desegregate, which is a principal pur-
14 pose of the program.⁴

15 Even though consideration is now being given to locating SCPA in
16 a segregated school, the staff proposal to take over an entire campus
17 and relocate the resident students will still not be using the pro-
18 gram to integrate a segregated school. And it is likely to fuel more
19 resentment.

20 There are other important difficulties with the plan and its im-
21 plementation which do not appear in the evaluation. An Integration
22 Task Force survey of teachers found that "many teachers believe that
23 the 'cream of the crop' leave the school in VEEP programs with no

24 3/ Data from Pupil Ethnic Census, 1979-80. Also See page 3,
25 ITF Report, June 16, 1980.

26 4/ For several years the School Board has been seeking ways to
27 combine Collier and Dana at Dana because of the small and declining
28 enrollment at both schools and their proximity to each other.

1 leaders left for other students to emulate".⁵ This echoes a complaint
2 made for several years by parents. Another flaw is that most of the
3 busing in the integration program produces no integration. (See page
4 II-5). The exchange programs and other part-time programs have
5 defects, (class periods are too short, instruction is interrupted,
6 buses are not on time, time on buses is wasted),⁶ which were not men-
7 tioned.

8 The lack of candor in the evaluation supports the recommendation
9 of the Integration Task Force that the Task Force be reconstituted
10 in some form next year. No problems are addressed in this document.
11 Rather, the School District's 1980 Evaluation brings to mind a con-
12 trivance used in the theatre long ago to orchestrate artificial app-
13 lause. It was called a claptrap.

14 ////

15 ////

16 ////

17 ////

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27 ⁵ See page 2, Attachment A to ITF Report, June 16, 1980.

28 ⁶ See page 3, 8, and 9, ITF Report, June 16, 1980.

29

30

31

1 A. SEGREGATION CONTINUES TO GROW

2 In 1976-77 only the 23 court-designated segregated schools
 3 and San Diego High School were over 70% minority. Today, three
 4 years after the integration plan went into effect, there are
 5 28 schools over 70% minority, with an additional 1,857 minority
 6 students in these schools. (See Table 1). Defendant refers with
 7 pride to 1,704 "(m)inority students no longer attending schools
 8 over 80% minority".¹ It seems only fair to point out that 2,121
 9 minority students in Freese and Morse (78.1% and 76% minority in
 10 1976-77) are now attending schools over 80% minority. In addition,
 11 4,730 minority students in six of the 23 segregated schools
 12 (Balboa, Burbank, Logan, Sherman, Stockton, Lincoln), are now even
 13 more isolated than in 1976-77. (See Table 2).²

14 B. TIPPING SCHOOLS NOT STABILIZED

15 Contrary to the District's claim that "(t)he VEEP program
 16 continues to have an impact in assuring that current minority-
 17 imbalanced schools do not become minority isolated",³ the VEEP
 18 and magnet programs have not stabilized tipping schools. Since
 19 1976-77, six more schools (Bell, Boone, Central, Keiller, Linda
 20 Vista, and Paradise Hills) have become over 70% minority. One
 21 of them, Paradise Hills, is 78.1% minority, and should be con-
 22 sidered segregated. (In 1976-77, two of the court-designated
 23 segregated schools, Morse and Freese, were 76% and 78.1% minority
 24 respectively).

25 ¹ Appendix B, Evaluation of the San Diego Plan for Racial
 26 Integration 1979-80.

27 ² Also see Appendix B Evaluation of the San Diego Plan for
 Racial Integration 1979-80.

28 ³ See Page 7, Evaluation of the San Diego Plan for Racial
 Integration 1979-80.

TABLE I

MINORITY STUDENTS IN SEGREGATED SCHOOLS 1976-1980¹

<u>Percent Minority</u>	<u>76-77</u>	<u>77-78</u>	<u>78-79</u>	<u>79-80</u>
90-100	11,169	10,606	9,850	8,098
80-90	884	2,250	2,996	3,611
80-100	12,053	12,856	12,846	11,709
70-80	3,518	2,431	2,573	5,719
70-100	15,571	15,287	15,419	17,428
60-70	3,504	4,250	4,148	2,659
60-100	19,075	19,537	19,567	20,087

¹ Figures derived from Pupil Ethnic Censuses, 1976 to 1980.

TABLE 2

SCHOOLS LISTED BY PERCENT MINORITY 76-77 TO 79-80¹

Percent Minority 90-100	76-77	77-78	78-79	79-80
	Baker	Baker	Baker	Balboa*
	Balboa	Balboa	Balboa	Burbank*
	Burbank	Burbank	Burbank	Chollas
	Chollas	Chollas	Chollas	Emerson
	Emerson	Emerson	Emerson	Kennedy
	Fulton	Fulton	Fulton	Knox
	Gompers	Gompers	Horton	Lincoln*
	Horton	Horton	Johnson	Logan*
	Johnson	Johnson	Kennedy	Lowell
	Kennedy	Kennedy	Knox	Mead
	Knox	Knox	Lincoln	Memorial
	Lincoln	Lincoln	Logan	Sherman*
	Logan	Logan	Lowell	Stockton*
	Lowell	Lowell	Mead	
	Mead	Mead	Memorial	
	Memorial	Memorial	Sherman	
	Sherman	Sherman	Stockton	
	Stockton	Stockton		
	Valencia Park	Valencia Park		
	Webster			
80-90	O'Farrell	O'Farrell	Freese	Baker**
		San Diego	Gompers	Freese*
			O'Farrell	Horton**
			San Diego	Morse*
				O'Farrell
70-80	Freese	Freese	Morse	Bell*
	Morse	Morse	Paradise Hills	Boone*
	San Diego	Webster	Valencia Park	Central*
				Fulton**
				Johnson**
				Keiller*
				Linda Vista*
				Paradise Hills*
				San Diego
				Valencia Park**
60-70	Audubon	Audubon	Audubon	Audubon
	Bell	Bell	Bell	Encanto
	Boone	Boone	Boone	Gompers**
	Encanto	Central	Central	Lee*
	Keiller	Encanto	Encanto	Penn*
	Paradise Hills	Keiller	Keiller	Washington*
		Lee	Lee	
		Paradise Hills	Linda Vista	
50-60	Central	Brooklyn	Brooklyn	Beale*
	Lee	Carson	Carson	Brooklyn*
	Linda Vista	Dewey	Dewey	Carson*
	Oak Park	Linda Vista	Euclid	Dewey*
	Perry	Perry	Oak Park	Euclid*
	Washington	Washington	Penn	Marshall*
			Perry	Oak Park
			Washington	Perry
			Webster	Rowan*
				Webster**

* Becoming more segregated

** Becoming less segregated

¹ Figures are based on Pupil Ethnic Censuses from 1976 to 1980.

1 In 1978 plaintiffs provided demographic projections which
2 showed that Audubon, Boone, Lee, and Paradise Hills would con-
3 tinue to tip, and would become over 80% minority by 1982.⁴
4 (Objections to Defendant's Proposed Racial Integration Plan,
5 1978-82, dated April 27, 1978, p.iv). In response to this
6 analysis the School District said, "none of the remaining minority
7 imbalanced schools will have a minority enrollment which exceeds
8 80% by 1982". It also said, "(t)he District intends to make
9 every effort to ensure that these schools do not become minority
10 isolated".⁵ (Defendant School District's Response to Plaintiff's
11 Objections to the San Diego Racial Integration Plan 1978-82, May 8,
12 1978, p. 5).

13 Good intentions notwithstanding, the District's efforts have
14 not been effective. In fact, it appears that plaintiffs' analysis
15 was quite conservative. Paradise Hills reached almost 80% minority
16 last Fall. Audubon, Boone, and Lee have continued to tip as
17 projected, and have been joined by Bell, Central, Keiller, and
18 Linda Vista in the over 70% minority category, and by Penn and
19 Washington in the over 60% category. (See Table 2).

20 C. MINORITY GROWTH IMPROVES INTEGRATION STATISTICS

21 The School District observed that "despite the increasing
22 number of minority students in the total District, the number
23 of minority students enrolled in those [segregated] schools
24

25 ⁴ See page iv, Objections to Defendant's Proposed Racial
26 Integration Plan 1978-82, dated April 27, 1978.

27 ⁵ See page 5, Defendant School District's Response to
28 Plaintiff's Objections to the San Diego Racial Integra-
tion Plan 1978-82, dated May 8, 1978.