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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 OF INTENDED DECISION

I

At this annual review the Court finds the School District's programs together with natural demographic distribution 1/ have "held the line" so that segregation has not increased

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1/ Plaintiffs' counsel points out "that although the minority population in the District increased by 1,868 students between 1978-79 and 1979-80, the minority resident population in the 23 segregated school neighborhoods increased by only 80 students. In other words, 1,788 of the new minority students in the District took up residence in neighborhoods outside of the 23 segregated schools." 1,419 of these students are Asian and Alaskan/Indian students, 687 are Hispanic. There was a loss of 238 Black students.

during the past year, but no particular progress toward further desegregation has been made.[2/] The prevention of further deterioration in the situation is significant since there has been an exodus of white families from the district and overall percentages have dropped from 61.8% white in 1979 to 58.9% white in 1980. It is encouraging that the Integration Task Force found ". . . that in most schools students are more aware of cultural distinctions, cultural contributions and the racial/ethnic make up of our community."

The Voluntary Ethnic Enrollment Program (VEEP) continues to be the only significant desegregation device for secondary students. Magnet schools have proved effective in desegregating elementary students. During the past year, two additional minority isolated elementary schools have lowered minority percentages below 80%, bringing the total number of such schools to four. Fulton, an athletic magnet, has moved from 1.2% white to 21.1% white and Johnson, an academic magnet, has moved from

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2/ Distribution of Minority Students

% Minority in School	1976-77	1979-80
80-100% (Isolated)	30%	26%
60-79% (Tipping)	17%	18%
0-59% (Desegregated and "White")	53%	56%
	100%	100%

Information obtained from annual Pupil Ethnic Census.

0.8% white to 26.1% white. Valencia Park and Webster continued to enroll over 20% white. On the other hand, ten of the minority isolated schools had slight increases in the percentage of minorities, and tipping schools (those with fewer than 50% white) show a large loss of white students.

In 1978, there were 15 elementary schools and one junior high school with more than 50% minority enrollment. In 1979 there were 18 elementary schools and two junior high schools in this category. Moreover minority percentages increased in all but one of the original 16 tipping schools, and one school, Paradise Hills, has slipped to 21.9% white. Comparison charts of all minority isolated schools and all tipping schools have been attached as Appendixes A and B respectively.

The Court adheres to its view that mandatory assignments will further speed up white departure and have the ultimate effect of creating city-wide segregation. The withdrawal of white children from the system during the last three years is greater than that forecast by Dr. David J. Armor in 1976. According to his testimony, the District would probably become an imbalanced district in 1990. Present projections indicate this point could be reached as early as 1983.[3/] Our High Court has warned that the cry "white flight" cannot become a refuge for those who resist desegregation, but there can be no doubt that "the California Supreme Court has expressly authorized the

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3/ See Exhibit 4N's. Armor projected that white enrollment would be in the range of 68,000-75,000 by 1979. The actual figure is 66,000 and the loss curve, when superimposed on the projection (Exhibit 4N's), shows a sharp downtrend between 1978 and 1979.

consideration of resegregation patterns in designing decrees for school litigation under the State Constitution."[4/] The mandate of Crawford allows sufficient flexibility to trial judges to formulate remedies based upon an intelligent evaluation of all data to the end that the ultimate goal of integration shall be achieved. (Appendix C.)

In an effort to achieve meaningful progress toward desegregation and alleviate the harms of isolation without devastating side effects the Court will once more order the District to proceed as the District itself had originally planned; namely, with the expansion of the elementary exchange program for both isolated and tipping schools. The Court will also order the District to implement an educational program which must result in

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4/ Estes v. Metropolitan Branches of Dallas NAACP, et al., 444 U.S. 437, 62 L.Ed.2d. 626, 100 Sup.Ct. 716 (Powell, Stewart and Rehnquist dissenting from dismissal of cert.) The wisdom of the California court's de facto rule or "no fault desegregation" is clearly etched against the background of the federal cases that apply the de jure rule. Once a federal court has determined that intentional desegregation has occurred, the Court is compelled to decree a remedy that will "let the punishment fit the crime". Federal cases require a remedy to restore plaintiffs to substantially the position they would have occupied had there been no violation. This is an absurd criterion since no one can possibly know where plaintiffs would have lived had there been no violation. However, the Federal Courts assume that without intentional segregation all races would have been nearly equally mixed throughout the community. Thus the only remedy available in the Federal Court is busing at any cost unless, of course, the community is already overwhelmingly minority, in which case it is suitable to improve the children's education. In California a variety of remedies can be fashioned to alleviate the harms of segregation, provide quality schools and equal educational opportunities before the community has become a minority community. (See Appendix C, a collection of the Crawford court's directives to trial judges in fashioning desegragation decrees.)

substantial improvement in the achievement of minority children.[5/]

The credibility of the District with this Court has deteriorated because of lack of candor. Statistical analyses in District evaluations are changed from report to report in order to exaggerate claimed successes and minimize failures. "Changes each year in the format of the data furnished by the school district have made comparisons between years difficult, and sometimes impossible. . . ."[6/] As a result, the Court has had to seek additional information and undertake the tedium of matching raw data in order to get a fair comparison of last year with this year.

Moreover, this year's report and evaluation makes no mention of the Race/Human Relations Program or how it has been monitored; there is nothing said about the promise to expand the elementary exchange program or the future of that program. The District advertisement "Better Education by Choice" is misleading. The choice is only available to those who are in the right place with the right color skin at the right time. The Court has informally urged the District to take the Court's orders as minimum requirements; the Court has stated the

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5/ If it is not reasonable and feasible to physically desegregate the entire community, then one of the means available to alleviate the harms associated with racial isolation is the implementation of programs that will produce improved educational outcomes for minority children. Crawford v. Board of Education (1976) 17 Cal.3d 280, 309; Milliken v. Bradley (1976) 433 U.S. 267, 275-279, 53 L.Ed.2d 745; Evans v. Buchanan (1978 C.A.3 en banc), 582 F.2d 750, 767-774).

6/ Brief of plaintiffs filed August 18, 1980, page 6.

District could show its good faith by enlarging on Court directives, e.g., the number of elementary exchanges, but the District has never gone beyond the Court order. And now, as will be presently explained, the Court believes it has been misled concerning the nature and content of the proposed Achievement Goal Program.

The District, as a representative of the people, is not in the same position as a private litigant who may be forgiven for twisting facts to win a case. We seek a just solution for the children, their parents and all citizens, not for the members of the Board, the educational establishment or partisan groups who presume to represent minority or majority interests.

The District would be well advised to follow the suggestion of its former Schools Attorney, Thomas A. Shannon, now Executive Director, National School Boards Association who wrote in a recent issue of the Journal of Law & Education:

> "A corollary to credibility is openness and candor in school governance matters. There really is nothing to hide in public school district operations. Acting as if there is does nothing except promote the festering of suspicion and distrust which propels employee groups to erroneous judgments that lead invariably to heightened tensions . . . ¶Answering questions truthfully is not enough. School Boards must extend themselves to ensure that all the facts relevant to the district's financial plight . . . are made conveniently available to employees in a reasonably understandable form."7/

Mr. Shannon was speaking of credibility and candor when dealing

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7/ "How to Cope with Collective Bargaining in Times of Fiscal Crisis", 9 Jour. of Law & Education 243, 245-246.

with teachers in the adversary setting of collective bargaining. How much more important it is to be candid with the public, the children, and the Court, the forum charged with the duty of deciding what course of action will best protect the rights of all citizens.

If the Court shall finally conclude that the Distirct will not boldly and vigorously pursue those desegregation techniques now available, e.g.: the voluntary pairing of schools, the replication of successful magnet programs, the effective implementation of proved educational programs that raise student achievement and others, then despite the risk of resegregation, radical surgery in the form of mandatory assignments must be undertaken. When constitutional rights have been transgressed, a remedy must be prescribed; preferably, an effective one with no side-effects, but in any event, some remedy.

II

EVALUATION OF CURRENT PROGRAMS

A.

VEEP

As stated above, VEEP continues to be the primary tool for desegregating secondary students. The program is criticized as "one way busing". In a sense, this is correct since it is used almost exclusively by the minority community. In another sense the epithet is misleading because no one is forced to participate in the program. If this Court's judgment concerning white flight is correct, two way busing would make San Diego a minority district like Los Angeles, Inglewood,

Pasadena, San Franciso and all other major cities throughout the nation.

The VEEP program has also been criticized because it causes a "brain drain" from minority schools -- depriving them of worthwhile role models. The criticism is well taken. Additionally, the persistent phenomenon of fewer senior high participants than junior high enrollees suggests that many of the youngsters or their parents have become disappointed in the program in the junior high school.

The program is far from a complete success. Nevertheless, the Court finds the operation of the VEEP program entails more plusses than minuses and encourages its use until something better comes along. This decision like most decisions in this case has been, in the words of Crawford, "an exceedingly difficult, sensitive and taxing . . . [one], requiring the balancing and reconciliation of many competing values." (P. 310)

The Court congratulates the District on the system-wide inauguration of the "buddy" system and encourages more emphasis on promoting a loving receptive attitude from resident teachers, staff and students toward the VEEP students. It is in the implementation of VEEP that the Race/Human Relations plan is of the most importance and the Court will require close monitoring of the program and effective enforcement by all personnel.

B.

RACE/HUMAN RELATIONS PROGRAM

The Court could not find this program mentioned in the District's evaluation. Early in the school year, the District forwarded to the Court a "check-list" concerning the plan to

monitor the program. This directive provides that everyone (hence no one) is responsible to see that effective implementation is taking place throughout the District. The Task Force engaged the services of Dr. Guthrie to evaluate the program and his report was due July 28. It still has not been received. Therefore the Court is unable to evaluate the program at this time. The District is ordered to explain in detail how programs in the several schools are monitored, what is actually being done and how successes in some schools are communicated to and implemented in other schools.

C.

MAGNET SCHOOLS

Enrollment statistics in magnet schools support the conclusion that magnets have been primarily useful in desegregating elementary pupils. 4,191 white children and 4,763 minority children participated in elementary magnets last year. 689 white students and 462 minority students participated in secondary magnets.

Plaintiffs have charged that the claimed success of elementary magnets located in white neighborhoods is unwarranted because many of the enrolled minority students have merely transferred from other desegregated schools. After studying enrollment records, the Court finds that 75% of minority students in elementary magnets located in white residential communities come from minority isolated or tipping schools (see Appendix D). It would of course be preferable to have 100% come from isolated and tipping schools, but only those who apply can be enrolled.

There are, however, some enrollment practices that need explanation. The District is ordered to submit an explanation of practices which involve the enrollment of white children from tipping and isolated schools. There are 44 white children enrolled from such schools. (See Appendix D.)

Most magnets in majority neighborhoods succeeded in attracting minority youngsters. In minority neighborhoods, however, white children are primarily attracted by programs that emphasize effective teaching in basic skills (reading, language and mathematics). The one exception is Fulton where the magnet program is athletics. (See Appendix A.) Those minority isolated magnet schools that do not succeed in attracting a substantial number of white students should either be switched to another magnet that shows promise of success or the schools should be included in the expanded elementary exchange program to be discussed hereafter

D.

ELEMENTARY EXCHANGE PROGRAMS AND LEARNING CENTERS

There has been justifiable complaint that the Learning Centers produce a lot of movement but very little education. These large groups that meet only one day a week were intended as "ice breakers" to build mutual trust, break down racial barriers and dispel myths and false stereotypes produced by isolation. The Learning Centers fulfilled this function.

The Integration Task Force, in its June 1980 report, recommended that the Learning Centers be expanded into more comprehensive exchange programs patterned after the existing ones. The Task Force found that the 9 week Elementary Exchange programs

produced meaningful integration and that few parents exercised their option to remove children from the program. In 1978 the District represented that it would indeed phase out the Learning Centers and phase in paired and clustered schools. In 1979 the Court reminded the District of this promise, but to the Court's knowledge, nothing further has been planned, said or done. In its 1979 order, the Court stated:

> ". . . the long term plan will be to increase these [elementary] exchanges and phase out the Learning Centers. By long term, the Court envisages that all exchanges will replace Learning Centers by the 1983-84 academic year."

The Court now orders the District to present a plan by November 1, 1980 to accomplish this directive. The plan must pair or exchange each elementary school with 70 percent or more minority students, (where the school will not become or remain a total school magnet) with elementary schools that are 70% or more majority (and the school is not a total school magnet). The program will be completely implemented by the 1984-1985 [8/] school year and the Learning Centers will be concurrently phased out.

E.

SECONDARY EXCHANGE PROGRAM

The Integration Task Force reported that the Secondary Exchange program is too small and the participants do not spend enough time together. The District states it will provide

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8/ Because nothing has been done to further this plan to date, the original target year, 1983-84, appears unrealistic.

greater opportunites for non-classroom activities (field trips) but the two hour class periods cannot be extended. Last year, the program involved only 550 students of whom 203 were minority isolated. The exchanges were for various durations, ranging from less than a semester to a year.

This program, like the magnet schools, has made no significant inroad on minority isolation in secondary schools. The District must come up with a better plan; perhaps programs patterned after the elementary exchanges. In the meantime, secondary academic programs must be revised. Among other things, the District shall cooperate with the Basic Study Skills Center at San Diego State University to develop a writing program for secondary students. The District is ordered to submit on or before December 15, 1980 a joint report with Dr. Don Basile on the progress in developing the writing program and the District will submit other suggestions concerning the manner in which secondary education can be improved and the effects of isolation in such schools can be alleviated.

F.

PROJECT LINCOLN

Information submitted to the Court suggests that this project has had some positive and beneficial effect at Lincoln High School, but much more remains to be done. A group of Lincoln teachers claim that the school needs more "stable, seasoned, strong, academically competent teachers." Complaints have been made that at least 50% of all students in an English class are pulled out and put in Title I laboratories; it is claimed that 40% of the faculty have been there two years or

less. The Court will meet with the above said group of teachers, in the presence of counsel to discuss Lincoln's problems so that a suitable order may be drawn concerning this school.

G.

SECURITY AND ATTENDANCE

Information received by the Court indicates that during the 1979-80 school year there has been greater enforcement of the Discipline Code with good results. The District is ordered to continue strict enforcement of this code and to follow through on its representations to improve student attendance through various means including the immediate contact of parents whose children are absent without excuse.

H.

LANGUAGE PROGRAM

The District's report on the language program is confusing. The Court is unable to discern whether a cohesive program or plan to teach the children standard English exists. The Court has received a syllabus for such a program from the Dallas Schools which the Court will make available for review by Counsel and the District. The District is ordered to provide clear information on the content and implementation of this program.

III

EVALUATION OF PROPOSED EDUCATION PROGRAM

Before the beginning of the 1979-80 school year, the Court appointed a team of three outstanding educators to examine, evaluate and report on the quality of education in San Diego's

isolated schools and to submit pertinent recommendations. "The Achievement Goals Program" that will be instituted in the coming school year was the District's response to criticisms and suggestions made by this team. They exposed the "undisputed fact that the academic skills . . . are grossly deficient in the minority schools in comparison with the total San Diego District . . . ."[9/] They pointed out that ". . . if leaders are satisfied, or blame the victim for poor achievement, then a vigorous approach to the task of improving teaching and learning will be lacking." These educators recommended central control of materials, methods of instruction, supervision and in-service training of staff. ". . . Principals and supporting leadership staff should be continuously evaluated in terms of their students' achievements." Two instructional programs they found to be "exemplary" in respect of supervision and in-service staff training were Distar and the Bilingual Demonstration Program at certain schools.

A.

PROPOSED GOALS

The goals proposed by the District for its Achievement Goals Program are nine percentile points on the Comprehensive

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9/ In 1978 ". . . the San Diego District had a 59th percentile median achievement at the 6th grade level on the Comprehensive Test of Basic Skills, a national testing program, while the minority schools averaged 31st percentile with a low of 24th percentile. The District was in the 58th percentile at the 8th grade level, while the three isolated junior high schools reached the 24th percentile. The District was in the 63rd percentile at the 10th grade level, while the isolated high schools reached only the 30.3rd percentile." (Consultant's report.)

Test of Basic Skills in reading and mathematics, Grades 3 and 6, for the period 1980-83. Plaintiffs and Amicus Curiae, The Urban League, argue the goals are insufficient. The Court agrees. In order to determine what goal is reasonably attainable, the Court has searched out and studied successful programs throughout the Country. On the basis of this study, the Court concludes that each of our minority isolated schools should have a median achievement rate for 70% of its students at the national norm of standardized achievement tests (50th percentile) in reading, mathematics, and language by 1983-1984.

Recent experience with schools in poor minority urban districts reveals that if the schools are properly run, virtually all students, no matter how disadvantaged, can be taught to read, write and calculate at a level sufficient to function in American Society.

East St. Louis, Illinois began a Follow-Through Program in 1968 using Distar. By remaining with the program they have produced outstanding results. The pupils of this district, which is over 90% black, test on pre-school examinations below 88% of the nation's students but by the end of the third grade, they test above 50% of the nation's students in both reading and mathematics. In South East San Diego, a far more economically advantaged community, the average third grader is 19.48 percent to 13.57 percent behind the District's average.

In the early 1970's San Diego used Distar on an experimental basis at Emerson Elementary School. As in most places where it has been used, it was remarkably successful. In April 1974 the Emerson principal, August Castille, hosted a

symposium of educators to demonstrate this success. Mr. Castille told the story of his experience with Distar, including his early rejection of the system, "My first impression was that it was chaos and was certain to be discontinued within a short period of time." Nevertheless, he stuck with the program and was eventually won over because of the results it produced. Kindergartners who had been in the Distar program were given first grade entry level tests. They had a composite score "above the District Median and at the 75 percentile," he reported. "The other 'mean' scores were as follows: Immediate recall near 30 percentile (low) Letter Recognition 75 percentile (well above District) Auditory Discrimination 85 percentile (35% units above District) Visual Discrimination 55 percentile (above District) Language Development 75 percentile (well above District). I feel quite confident," he continued, "that much of the progress and the successes that our first graders are experiencing, at the present, is related to the fine instruction that they've received through the Distar program."[10/] The Court has not yet been advised why Distar was discontinued in San Diego and was not used again until 1978. But the Court is pleased that Distar is once more being used in San Diego with the same

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10/ S R A Reports, May 1976.

outstanding results.[11/] This effective program must not again be discarded before another equally effective or better one is found.

Another school district that stayed with Distar was Mount Vernon, New York. Generally, Distar is considered to be a teaching method best suited for underprivileged children. Mount Vernon, however, has used the program district-wide in all its schools with success. Mount Vernon had been the district with the lowest scores in Westchester County. Now it is the district with the highest scores. After eight years its third graders who failed state competency examinations dropped from 37% to 8%; for sixth graders the drop was from 46% to 28% in reading and from 53% to 24% in mathematics. Improvement in student outcomes from 1977 to 1978 was about 50% in the third grade and 30% in the sixth grade.

But success with underprivileged minorities is not simply the story of Distar. Some authorities, such as Rudolf Flesch, author of Why Johnny Can't Read, contend it comes down

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11/ In the past school year, the mean reading score in Distar kindergartens was at the 72nd percentile (range from 60th to 87th percentile). For mathematics, the mean total score was at the 57th percentile. In first grade, the children were tested at the 18th percentile in reading and 20th percentile in mathematics at the beginning of school and they tested at the 46th percentile (average) at the end of the year in both reading and mathematics. There were seven classes combined in this average. The individual class averages were: 79%, 61%, 56%, 55%, 48%, 37% and 29%. The monitor from the University of Oregon in her report concerning this result stated "This is well above the predicted scores for inner city low income first graders and well above comparable scores at these schools in 1977 and 1978." The results at the second grade level were not comparable. However, the success fully justifies expansion and continued use of the program.

to direct-instruction through phonics rather than "Look-And-Say". He endorses five phonics publishers, Addison-Wesley, Distar, Economy Co., J. B. Lippincott Co. and Open Court Publishing Co. The December 1979 issue of Basic Education carries an article "Beginning Reading Revisited". It states, "Open Court, Lippencott, and Distar have contributed to the outstanding achievement of students in Rochester, New York. None of these is 'fail safe' or denies the influence of classroom teachers, but their underlying philosophy and structure help insure success in reading for the majority of boys and girls whose teachers use them."

Rochester, New York introduced its new program in 1975. At that time the district's scores were among the nation's lowest in reading and mathematics. In 1980 the children did as well or better than others in the nation in most grades on standard mathematics and reading tests. In 1971, 43% of all third graders read below grade level. In 1979 only 20% failed. For several years there had been severe resistance to the use of a phonics system by the self-protective educational bureaucracy. This resistance to change was finally broken down by insistent parents, mostly black, who deserve great credit for their accomplishment. The Rochester system primarily relies on materials published by Open Court.

Here in California we we have a story of achievement written by an inspired and capable leader. In 1976 Jim Enochs, Assistant Superintendent for Curriculum and Instruction for the Modesto City Schools, embarked on a program designed to restore educational standards. He instituted a complete system

and a coordinated program including a code of conduct that specifies the punishment for particular offenses, goals for achievement and detailed methods for attaining them. Students are not promoted until they have mastered the required skills. All personnel in the chain of command (supervisors, principal and teacher) are held accountable through effective monitoring and pupils at all levels of training, Kindergarten through 12, are tested so that responsibility for success or failure can be identified.

Enochs is in charge of the entire program. The result: the number of students failing competency tests each year has fallen dramatically. 70% are at or above their expected grade levels in reading and mathematics. Is there any reason San Diego should expect less?

Other communities such as New York and Chicago report exceptional results in certain schools with outstanding principals and innovative teaching programs that are enthusiastically and properly implemented. Many of the schools discussed in this section are located in abysmal ghettos. If positive outcomes are possible there, how much easier it should be to produce noteworthy results in South East San Diego -- a community of homes and open space where the physical, social and psychological environment is relatively uplifting in comparison. The Court will accept no less than that which has been achieved elsewhere. We have the possibility to produce the best in the nation. Should not that be our goal?

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B.

CAPABILITIES OF THE PROPOSED PROGRAM

The District's Proposed Achievement Goals Program was approved by the Court on May 22, 1980 to enable the District to proceed immediately and prepare for the coming year. The Court had been presented with a four page statement of the program and a brief oral report with no details. It was represented as an instructional program in reading and mathematics based on the principles of Mastery Learning developed at the University of Chicago and used successfully in the Chicago schools. The Court was therefore under the impression that the successful Chicago program was to be replicated here. The Court was informed that the District had sought and was receiving advice and counsel from those in charge of the Chicago program and therefore assumed that the elements of that program, namely, the materials used, uniformity of methods of instruction, supervision, continuous in-service staff training and continuous evaluation of principals and teachers would necessarily be the heart of this program. Such a program, together with the plan to continue and expand Distar would have reasonable promise for successful student outcomes. It would be a good start and a square response to the evaluation by the Court's team of consultants.

Then the Court received a letter from Michael Katims, Coordinator, Mastery Learning Program Development in the Chicago Public School System. Mr. Katims stated that he wished to correct any misunderstanding that Chicago's program was the one San Diego was intending to implement. ". . . we in Chicago have not contributed to San Diego's conceptualization of Mastery

Learning nor do we support it," he said. Katims pointed out that San Diego was developing its own materials from an existing Ginn text,[12/] that the materials will not have been field tested before they are put into use and that it is unlikely that the problems of an untested program can be solved while simulataneously reaching achievement goals. In Chicago, Katims said, they use materials that have been revised and developed through five years of field testing in the classroom. Only now are they ready to put the program into system-wide use.

San Diego's Deputy Superintendent, Dr. Ralph V. Patrick, is reported to have responded to Katim's criticism as follows:

> "We recognize the magnitude of this extremely complex undertaking. But we make no apologies. We know we will need one year to get feedback on the program from the teachers and two years to implement the revisions -- and three more years probably before we get an initial true picture."[13/]

This forthright statement shows that our District now plans to start all over. Instead of adopting ready made, field tested, successful programs that are available for immediate use, the district has undertaken the tedious process of developing a totally new system of instruction in order to use books which it already has. This step will further delay improvement of learning outcomes. If our District believes it can improve on the available "ready-to-wear" merchandise with its own "tailor

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12/ Ginn is denominated by Rudolf Flesch as one of the "Dismal Dozen" publishers because it follows a "Look-Say" rather than a phonics appraoch.

13/ San Diego Union, August 1, 1980.

made" plan, why not use the tried and tested product while developing a San Diego program?

Upon receipt of Katim's letter, the Court forwarded it to Mrs. Yvonne Larsen, the president of the Board of Education, through counsel, with the suggestion that she select impartial educators to evaluate the planned Achievement Goal Program. She promptly did so, for which the Court is grateful. One of those selected to review the program was Dr. Sidney Estes, Superintendent of Instruction, Atlanta.[14/] In his 14 page report, dated August 18, 1980, Estes stated: ". . . much has yet to be done as the opening of the 1980-81 school year approaches. The task at hand is monumental, . . ." He referred to "the complexity and magnitude of what is proposed."

Dr. Estes was diplomatic but clearly critical of the absence of principal and teacher evaluation in the upcoming program.

> ". . . the Central Administration appears to believe in, and have confidence in the expertise and abilities of currently assigned teachers and local site administrators. . . . there is conviction that these personnel presently possess most of the necessary skills and competencies to implement the program and make it fully operational. However, it is suggested that some type of assessment devices and mechanisms be instituted and utilized to verify or refute this belief. . . . ¶ . . .

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14/ The other consultant, Herbert J. Walberg, reviewed materials at his desk in Chicago, made a few telephone calls to personnel in San Diego and sent in a two page report with a 22 page curriculum Vita.

> administrators and, most definitely, teachers, should be 'certified' that they can do what is being expected. . . ."

He went on to state:

> "The planned in-service segment . . . appears to be brief and may be inadequate. . . . It is felt that this initial in-service needs monitoring in regard to adequacy in preparing pertinent personnel for their responsibilities."

Estes continues:

> "The site plans reviewed begin to reflect many differences in what local sites envision as an outgrowth of their planning. . . . It would appear that inequality and inequitability could be possible without guidelines."

According to Dr. Estes, the plan that is offered as a response to the critique of the Court's consultants carries with it all the defects discussed in that critique; namely, insufficient training, lack of coordination, lack of central control and insufficient monitoring.

To the Court's knowledge, all programs, including Distar and Chicago's Mastery Learning, that achieve the goals of improving student outcomes in minority isolated schools, are carefully monitored and controlled. The school principal and the teacher, not the course of study, are the keys to the learning process, "The heart of any school system is the instructional program -- the curriculum as it is actually experienced by students hour after hour and day after day and the learning outcomes that students achieve." (Report of Court Appointed Consultants.) How can the Board or the administration know what is going on in the classrooms or how well the principals and teachers are doing--when there is neither

monitoring nor accountability?

Systems such as Distar, Mastery Learning, Open Court and others have value only insofar as they are properly prepared, coordinated, implemented and monitored. The test of the District's proposed program will be in students' achievements. The Court hopes it will succeed. It can if some fundamental changes are made -- now! The program cannot be directed by a committee. The Board must require the person at the top to follow through or find someone else who will.

If, by the end of the current school year this Court finds the academic programs and method of implementation used by the District are not suitable to achieve the desired result, the Court will specify the programs and take such action as may be necessary to assure proper implementation of an effective program (School Desegregation and Federalism, 5 U. of Day. L.Rev. 77, 78; The Effect of the Search for Equality Upon Judicial Institutions, A. Cox 1979 Wash. U. L.Q. 795, 799-802, 805).

IV.

NEED TO RE-EXAMINE ADMINISTRATION

From the perspective of the Court, lack of coordination, lack of communication, and the absence of clear-cut lines of responsibility are common features of the San Diego Unified School District. If there are a dozen curricular offerings in a school, there may be a dozen persons responsible for their implementation. Successful solutions to common problems in one school will be unknown to those at other schools. There appears to be no solid coordination among programs. For instance

there is no clear explanation of how Distar and the Goals Achievement Program will mesh. In most school districts that have experienced success with minority student achievement, one person is in charge of curriculum and instruction or reading or mathematics or both for the entire district. Dr. Estes remarked that "the concepts and elements of 'Systems Planning & Management' common to business and industrial complexes need to be brought to bear on this enterprise."

The present management tree, organizational chart, and lines of authority must be re-examined by capable persons approved by the Court and not connected with the District to determine what if any changes should be made to better serve the District's primary objective, education. The administration should be structured to make it responsive to classroom activity and capable of communication that will enable quick replication of outstanding programs and discontinuance of poor programs.

The Integration Task Force has recommended that the District work with the business community and universities who can assist in developing new programs or maintaining current ones designed for integration and producing a higher quality of education. The Court agrees. The Court will continue to seek assistance from the Integration Task Force, professional educators and others. Funds now on hand may be sufficient to meet expected expenses this year. The Court orders the District to budget $25,000 as a contingent fund that may be drawn upon by the Court if needed.

. . . .

Traumatic though it may be to the community, busing is an easy way out -- temporarily. Busing can be carried out by superintendents reluctant or unwilling to do so. It is visible, easily enforced by the Court and immediately satisfying to those minorities who see it as a symbol of victory over the white community or who have been misled to believe that it will magically produce better educational results for their children.

Educating children requires willing cooperation on the part of the top administrators, principals, teachers and the organizations that represent them. It requires hard work, inspiration, imagination and perseverence. It is less newsworthy and less visible, but more fulfilling. It works to lift the children out of isolation -- permanently.

This is a crucial year. The choice for the future is up to the Board of Education.

The Board of Education of the San Diego Unified School District will:

1. Implement a course or courses of study in all minority isolated schools which will result in 70% of the students in each of such schools having a median achievement rate on the Comprehensive Test of Basic Skills at the national norm (50th percentile) in reading, mathematics, and language by 1983-1984. The outcomes of children in the minority isolated schools at the end of the 1980-1981 school year must reflect significant achievement toward this goal; achievement sufficient to justify the conclusion that it is reasonable to expect the final goal to be accomplished in the time designated. The Court will consider the achievement significant if the test results are 25% better than current

ones.

2. Expand the present elementary exchange programs so that each elementary school with 70% or more minority students (when the school will not become or remain a total school magnet) is paired with a majority school with 70% or more majority students (when the school will not become or remain a total school magnet) for the entire school year at or before the 1984-1985 school year. At the same time the present Learning Centers will be gradually phased out.

3. Investigate and study a writing program for secondary students similar to that used by San Diego State University. Implement such a program during the second semester of the current school year (February 1981) and submit to the Court on or before December 15, 1980 a joint report with Dr. Don Basile concerning the details of the proposed program.

4. With the help of outside assistance from persons or organizations approved by the Court, undertake a study of the administrative structure and organization of the School District to redesign such structure so that it will be responsive to the educational needs of the students, better able to detect both superior and inferior performance in the classroom, improve communications for the purpose of replicating outstanding programs and discontinuing ones that are not productive and for facilitating the supervision and monitoring of school principals and classroom teachers. Consideration should be given to the establishment of a Deputy Superintendent in charge of curriculum who would have authority over all teaching programs in all schools. Such study should be conducted during the 1980-1981 school year and a full

report from the outside consultant together with the District's evaluation and conclusion should be presented to the Court by February 15, 1981.

5. Continuously evaluate the effectiveness of the superintendent, school principals, supporting leadership staff and teachers during the current school year.

6. Minimize fragmentation of resources and interruption of instruction in the classroom, particularly in the basic skills area (see Report of Court Appointed Consultants dated April 1, 1980, Recommendation No. 4).

7. Place the actual interaction between a caring and competent teacher and his/her students as the central focus in the classroom (Report, Recommendation No. 5).

8. Provide intensive high quality focused assistance directly to classroom teachers (Report, Recommendation No. 6).

9. Establish full day kindergartens at each of the isolated schools where possible and report to the Court by November 15 which if any of the schools do not have full day kindergartens and why they do not have them (Report, Recommendation No. 7).

10. Disseminate the oral communications program throughout the District as quickly as possible and advise the Court by November 15 at which schools the program has been implemented, in how many classrooms and specifically of what the implementation consists (Report, Recommendation No. 8).

11. Arrange for discussions between staff and parents concerning the value of homework and develop school-wide policies concerning homework; advise the Court by November 15

concerning the school-wide policy relating to homework which has been established at each of the isolated schools (Report, Recommendation No. 9).

12. Establish additional career center courses at Lincoln, Morse, and San Diego High Schools (Proposed by the District).

13. Establish an on-site opportunity school at Gompers, and an additional high school diploma program at San Diego High School (Proposed by the District).

14. Supervise classrooms and school facilities so as to maximize integration within each school (Report, Recommendation No. 12).

15. Insure that instructional materials used by all students in the exchange programs and Learning Centers are the same so that integrated instruction can be maximized (Report, Recommendation No. 13).

16. Take all necessary steps to improve the attendance of pupils in minority isolated schools with concern for those who do not attend regularly as well as for those who do. In this connection, implement a program whereby the parents of each absent student will be contacted by a School District representative, either by telephone or in person, shortly after the student is found to be absent. Further, revise record keeping procedures so that it will be possible to identify patterns of attendance of individual students (e.g., those regularly absent on Monday or Friday). Prepare monthly reports of attendance by school of the apportioned and non-apportioned absences and re-establish the Social Agency Coalition and Survey School Retention Program for Pregnant Girls. Finally, improve attendance by motivational techniques, alternative curriculum time

schedules, expansion of alternative schools and vocational education opportunities (Report, Recommendation No. 14 and District Proposals).

17. Explore with the appropriate bargaining unit the possibility of providing incentives to the staff at minority isolated schools with the goal of entering into long term contracts with the most able and inspiring principals and teachers (Report, Recommendation No. 15).

18. Cooperate with the business community and universities in developing new programs or maintaining current ones designed for integration and producing a higher quality of education (Integration Task Force Report dated June 1980).

19. Direct staff to refuse to promote students until they have mastered the required skills for their grade level, define competencies for each level and provide for testing of students at all grade levels, Kindergarten through 12.

20. On or before October 15, 1980, submit to the Court a detailed explanation as to how the Race/Human Relations Program is monitored; what the program consists of and how successes in one school are communicated and replicated in others.

21. On or before October 15, 1980, explain why there are 44 white children from tipping and isolated schools enrolled in magnet schools in white neighborhoods.

22. On or before December 15, 1980, submit a plan to reduce minority isolation in secondary schools and improve educational outcomes for students in those schools.

23. Continue strict enforcement of the discipline code.

. . . .

24. Budget $25,000.00 to be available for draw by the Court if such funds shall be needed to defray necessary expenses for consultants, Integration Task Force expenses or other assistants.

DATED: SEP 1989

JUDGE OF THE SUPERIOR COURT

LMW/sv

APPENDIX A

SCHOOL	MAGNET	1979-80 WHITES EXPECTED	1979-80 WHITES ACTUAL	% MAJORITY 78-79	% MAJORITY 79-80	1980-81** WHITES EXPECTED	1980-81** WHITES RETURNS	COMMENTS	
Baker	U.Lab.	67	55	1.4	10.4	68	46	Started 79/80	X
Balboa	None	0	49	6.1	5.0	-	-		X
Burbank	None	0	4	1.6	1.2	-	-		
Chollas	None	0	18	4.2	4.7	-	-	Learning Ctr.	X
Emerson	None	0	10	3.3	1.7	105	-	Fundamental to start 80/81	
Freese	None	0	90	18.9	12.9	-	-	Learning Ctr.	X
Fulton	Athletics	93	77	1.2	21.1	160	30	Started 79/80	
Horton	Spanish	81	43	9	12.2 (3.7)*	53	35	School w/in school 64-474***	X
Johnson	Academic	62	98	.8	26.1	117	46	Started 79/80	
Kennedy	None	0	10	1.6	1.6	-	-	Learning Ctr. Paired/Curie 118-622	X
Knox	French	64	19	2.7	9.9 (4.4)	31	15	School w/in school 9-294	X
Logan	None	0	8	3	.8				X
Lowell	Spanish/ English	84	25	3.7	6	45	19	Started 79/80	X
Mead	None	0	7	4.6	2.5	-	-	Paired/Daillard 49-275	X
Sherman	Indivd. Instr.	58	17	8.6	5.9 (4.5)	13	6	School w/in school 54-963	X
Stockton	None	0	12	3.6	2.1	-	-	Learning Ctr.	X
Valencia Pk.	U.Lab	204	170	27.4	24.4	115	71		
Webster	Fund.	200	205	41.4	44.4	137	131		
Gompers	Math/Sci	165	195	11.7	33.9 (7.5)	302	172	School w/in school 113-433	X
Memorial	None	0	53	3.6	5.8	-	-	Intercultural Lang. 80/81	X
O'Farrell	Fund.	90	62	14.6	15.6 (8.6)	22	9	School w/in school 37-644	X
Lincoln	Ctr. Medicine	50	24	.7	.5	19	0	52-996	
Morse	Ctr, Urban Studies	100	53	21.9	17.9	11	4	143-1486	
San Diego	Ctr/Commun.	50	53	19.8	21.8	11	3	47-1205	

** Based on district estimates in August.
* Figures in ( ) are for school outside magnet.
*** 64-474 means 64 minority students out of 474 are included in program.
X Designated to receive Goal Achievement Program.

APPENDIX B

TIPPING SCHOOLS

ELEMENTARY SCHOOL	% Whites 1978-79	% Whites 1979-80	Differences
Audubon	37	31.3	- 5.6
Boone	30.6	25.7	- 4.9
Brooklyn	47.8	44.9	- 2.9
Carson	47.6	42.1	- 5.5
Central	36	29.5	- 6.5
Dewey	47.5	49.9	+ 2.4
Euclid	48.8	43.9	- 4.9
Keiller	31	25.9	- 5.1
Lee	39.3	36.6	- 2.7
Linda Vista	33.1	27.8	- 5.3
Oak Park	48.6	46.7	- 1.9
Paradise Hills	27.5	21.9	- 5.6
Penn	47	39.8	- 7.2
Perry	49.3	45.2	- 4.1
Washington (1)	43.4	34.3	- 9.1
Beale (2)	71.5	49.5	-22.0
Marshall (3)	52.7	44.5	- 8.2
Rowan	50.2	45.7	- 5.5
JUNIOR HIGH SCHOOL			
Bell	31.6	28.3	- 3.3
Montgomery	51.8	47.4	- 4.4
SENIOR HIGH SCHOOL			
San Diego	19.8	21.8	+ 2.

(1) Lost 22 Whites, gained 7 Hispanics and 16 Asian & Alaskan/Indians.

(2) Lost 31 Whites, gained 87 Asians.

(3) Lost 32 Whites, gained 28 Asians.

APPENDIX C

ANALYSIS OF

CRAWFORD V. BOARD OF EDUCATION (1976) 17 Cal.3d 280

AS IT PERTAINS TO THE CHOICE OF REMEDIES

AVAILABLE TO CORRECT SEGREGATION

> "The Constitutional evil inheres in the existence of segregated schools. It is the elimination of such segregation and the harms inflicted by such segregation that is the ultimate Constitutional objective." (285)

To accomplish this "ultimate Constitutional objective," the School District must undertake ". . . reasonably feasible steps to alleviate segregation and its accompanying harm . . . [t]he task of integration is an extremely complex one which entails much more than the assignment of specified percentages of pupils of different races or ethnic groups to the same school." (286)

The goal is not simply the mixing of races but the elimination of the harms to minority children which have generally flowed from the maintenance of segregated schools (e.g., 308). The Supreme Court acknowledges that the trial court's task ". . . is an exceedingly difficult, sensitive and taxing one, requiring the balancing and reconciliation of many competing values." (310) To effectively discharge this task, ". . . a trial court retains broad equitable power to order implementation of a realistic program. . . ." (286)

". . . a trial court should take into account the long range effects of the adoption of alternative proposals; a court may reject a particular approach if it finds that its implementation is likely to result in a 'one race' or 'all minority' school district and consequently in less ultimate opportunities for the benefits of a desegregated education.

"We do not mean, of course, that the threat of 'white flight' may be used as a smoke screen to avoid the Constitutional obligations of a school district . . . [however,] a realistic evaluation of the ultimate consequences of a particular course of action cannot be ignored . . . In the end, if a Court finds that certain alternatives are not realistically available or particular goals reasonably attainable, it may require the board to take greater efforts in some other direction in attempting to alleviate the consequences of school segregation. (c.f. Bell, Waiting on the Promise of Brown (1975) 39 Law & Contemp. Prob. 341, 354-355.)" (309)

On pages 354-355 of Bell's article, the author refers to "educationally-oriented relief". Bell observes:

> ". . . Perhaps paradoxically, separate schools which, through the implementation of alternative remedies first become (in the educational sense) quality schools, may stand a better chance of eventually becoming integrated schools as well.[61]" (355)
>
> "61. See K. Clark, A Possible Reality: A Design for the Attainment of High Academic Achievement for Inner-City Students (1972). This alternative remedy to integration for past discriminatory school policies, if vigorously enforced by the courts, might avoid the dire situation contained in Justice Douglas' warning that the court's rulings in San Antonio Independent School

Dist. and Milliken v. Bradley, will return the problems of blacks and the society to the 'separate but unequal' period. 418 U.S. at 759."

In California ". . . education has been explicity recognized for equal protection purposes as a 'fundamental interest'. (See Serrano v. Priest, supra, 5 Cal.3d 584, 604-610 . . .) . . . the 'fundamental' nature of the right to an equal education derives in large part from the crucial role that education plays in 'preserving an individual's opportunity to compete successfully in the economic marketplace, despite a disadvantaged background . . . [t]he public schools of this state are the bright hope for entry of the poor and oppressed into the mainstream of American Society.' (5 Cal.3d at p. 609)" (297).

APPENDIX D

ELEMENTARY MAGNETS IN WHITE SCHOOLS

SCHOOL	TOTAL MINORITIES	ISOLATED SCHOOLS	TIPPING SCHOOLS	COMMENTS
Fremont	59	31	9	17 whites from Brooklyn, Carson and Washington
Green	104	63	28	
Lindbergh	133	97	15	
Longfellow	192	57	48	5 whites from Carson, Central and Linda Vista
Rolando Park	129	72	41	
Spreckles	164	103	42	
Sunset View	71	51	13	
Silver Gate	162	120	22	

CREATIVE AND PERFORMING ARTS

Elementary	68	28	22	5 whites from Brooklyn, 1 from Oak Park
Secondary	49	25	5	3 whites from Montgomery, 1 from Bell, 1 from O'Farrell

Klumpp

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

KARI CARLIN, et al	)	No. 303 800
Plaintiffs	)	
vs.	)	
BOARD OF EDUCATION, et al	)	
Defendants	)	

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

APPENDIX B

Transcript of Part of the San Diego Unified School District's Tape Recording of the

School Board Meeting of 6/24/80.

(Status Report of the San Diego Integration Plan.)

Fletcher: Madam President, Members, the status report today includes two reports, actually: one, informational in nature and one report, for which action is required. The first report is a report of the evaluation of the San Diego Plan for Racial Integration. And in order to provide for comparisons with evaluations of the past, this report, the format of this report, follows that of the previous two years. If you will look at the contents, I would like to discuss with you the format and what I will do with you today then will be to-turn to the section dealing with principal findings, conclusions and recommendations and-walk you through that and then field any questions that you might have.

The report, then, considers items that have been considered in the report for the previous two years. Mainly the Racial Ethnic Census Report, secondly, the Program Participation Counts in programs such as the Voluntary Ethnic Enrollment Program, Magnet Programs, Learning Centers and other integration programs. We include descriptions, and comments relating to programs such as the Teacher Initiated and Site Initiated Projects, the Oral Communications Program, recruitment activities and so forth. Finally the next section of the evaluation deals with the integration measures: the Desegregation Index and the Classroom Teacher Integration Index. And finally, the last section of this evaluation deals with the integration surveys, some of which were done by District personnel, some of which were done by District Consultant Dr. Oscar Kaplan.

If you would then turn to page 41 where we have the principal findings and conclusions, I will be pleased to take you through those. Page 40, I'm sorry. You'll recall when we discussed previously the Racial Ethnic Census Report, we indicated that the majority enrollment in the District had declined by about 530 students or a percentage of 7.8%. While during the same period of time the minority enrollment in the District gained 1,868 students or 4.3%. During the same period in the 23 court designated isolated schools, the minority enrollment declined. Although there was a general enrollment gain in minority enrollment throughout the District, there was a decline in the segregated isolated schools of 246. While more majority students enrolled in the minority isolated schools. We think this is significant in light of the fact of what was happening in the District with regard to the decline of majority students and the increase of minority students.

The VEEP enrollment during this period grew by about 10% and we now have 3700 students in the Voluntary Ethnic Enrollment Program, approximately.

Filner: Do you want questions as you go along or?

Fletcher: I can operate however is comfortable with you, Mr. Filner.

Filner: Can you give us the ethnic breakdown of the VEEP?

Fletcher: Yes, yes, I certainly can. In the VEEP, as I indicated, there are just over 3,700 pupils and the ethnic breakdowns are: 1,398 of them are Hispanic, 32 are white, 2080 are black, 76 are Asians, 10 are Alaskan Indians, 80 are Philippino and 62 are Indo-Chinese.

Littlejohn: Let me ask you a question Mr. Fletcher. That first paragraph that deals with the increase and decrease....

Fletcher: Yes.

Littlejohn: You indicate that we had a decrease in minority students in our minority isolated schools but an increase in minority students throughout the District. Where did the...Is it your position then that these students, these minority students, located, their families located outside the 23 isolated minority isolated schools, or that the exodus out of District E had to do with the fact that they were VEEPed out?

Fletcher: I think the answer would be both, Mr. Littlejohn. I can't give you any specifics as to what percentages. I think there is an increase in the number of youngsters, of minority youngsters, enrolling in schools throughout the District but I can't...

Goodman: It, Wouldn't...the number of the minority youngsters be the Asians that had settled in Linda Vista and...

Fletcher: Yes, the greatest proportion of additional minorities coming into the District was Asian and that may very well account for the fact that a number of them have not chosen to reside in the areas included in the 23 isolated schools.

Filner: In our goals that we have set up in this plan, did we establish any goals for the VEEP program? An ethnic breakdown? I mean for example, the negligible percentage of whites. Do we have a goal to increase the number of whites in that program?

Fletcher: Yes, the goal is to increase the number of whites in theVEEP.

Filner: Do we have a figure?

Fletcher: We don't have a numerical goal.

Larson: Mr. Witt.

Witt: Dr. Filner, I would really personally be at a loss, myself, how to figure out how we would put a goal on VEEP, but I wonder if you would have any ideas on that.

Filner: Well, I'm trying to figure out. I mean we are supposed to have an evaluation of our plan, right?

Witt: Right.

Filner: OK. Evaluation can only make sense against certain goals that you have.

Witt: Right.

Filner: Are you meeting them or not? I'm trying to figure out how are we going to evaluate a success or not success of this plan.

Witt: Oh, I am too and that's why I am asking you, can you help me?

Filner: Well, I mean, if we...I would like to know if we have discussed goals. I have not been on the board when we have discussed any goals. I mean, does it make sense that we try for numbers in VEEP? Are we trying to get kids back in neighborhood schools and reduce that by increasing the quality of programs in Southeast schools? I'm trying to get a grasp on it. If it doesn't make sense to set goals...if you have discussed that already, you know I'm new, then tell me, I want to know if we have... Because this is a complaint. We know that we are told that this is one way busing. Do we have any goals to try to deal with that complaint or are we just going to accept that as part of our program?

Fletcher: Yes, we do have goals and the goals are not broken down in terms of... In the VEEP program they are not broken down in terms of racial groups. However, it has been the intent of the District and in our recruitment efforts we have continually sought to recruit additional majority students to the VEEP program.

Goodman: No specific numbers, Bob. We try to increase the numbers of white students.

Filner: I understand. It's a theme I'll be coming back to, about goals.

Goodman: I think we would like to increase the VEEP program participation, but we don't have specific numbers. Haven't had...

Littlejohn: A corollary question would be in my mind, if, whether or not, is there a limitation on the numbers of students who could come from any one racial group. Is there any expectation , say, of cutting down on recruiting in one area if there is a total imbalance. Have we discussed that? I don't know either.

Fletcher: I don't believe that that has been discussed.

Goodman: I think only by school. Once a school reaches a certain proportion... which is the District's overall percentage...That's a percentage limitation. Then we reallign allied patterns of VEEP schools. That's what we have at this point.

Littlejohn: We do have...We know for example, that if a school is tipping , then we are not going to accept anymore students of the tipping group on a VEEP basis. But on the other hand is there any kind of correspondence that says that when...out of a given school area, when the VEEPing out is causing, for example, underenrollment at a given school...Do we have any plans that would deal with that phenomenon?...Because it is a pheneomenon.

Goodman: I don't believe so.

Witt: I don't think you can arbitrarily say that we will increase or decrease our recruiting in a given school to participate in VEEP. I don't think of our VEEP program as a program that we are recruiting for. I think of our VEEP program as a program that they, the parent and the student, can participate in, at their option. If they feel it meets their needs

(Witt) more effectively than not participating.

Littlejohn: I realize that, John, and it's not for the sake of argument but I do feel that these are some concerns that are presented to us as Board members and I think as Board members that we need to at least address those kinds of concerns. It's not so much whether or not we rationally think that we can or cannot , but if we have guidelines that help us to implement a program, then whatever we do needs to be consistent with those guidelines.

Larson: I think that there were some allied readjustments fairly recently and also were put in place to update and to evaluate and to strengthen the numbers. in the program as well. If both Dr. Goodman and Mr. Stern wish...

Goodman: I think that we would not heavily recruit in a school that is already low in enrollment ...that would affect the school adversely. That is one of the reasons that we would adjust our VEEP allied patterns... either that or the fact that we are reaching our proper proportions in percentage of majority/minority. I think however that VEEP has had, or we have considered it to be open as an option for youngsters who would like to go to another school where his or her attendance improves the racial ethnic count.

Fletcher: Yes, I might like to add to that Dr. Goodman. At the end of each year, the VEEP District-wide committee which has representation from the operating divisions and student services division meets to look at the VEEP patterns and recommends changes. And one of the things that the changes might be based upon would be the thing that Mr. Littlejohn mentioned. Any problems relating to a specific school or relating to a school becoming a tipping school and these recommendations... any problems related to the VEEP program would be taken into consideration by that committee at that time and the changes that they would make to the superintendent would be made then.

Stern: I just wanted to respond further to the point that Dr. Filner made. We have over the years , I think , been very candid with Judge Welsh litigation in the Carlin case pointing out that while we will make every effort to recruit white students into the VEEP program we have no illusions as to the fact that we will ever approach parity or the District average in the program. I think the Judge is aware of the criticism. The Plaintiffs have made the same arguments you have. And it is a continuing legal issue in the case, but I believe that Judge Welsh has shown noserious inclination to not have usdiscontinue the program, recognizing that it will be a predominantly minority program.

Filner: Excuse me, and again I am throwing some of these out, sort of off the top without ... and you know I am glad John responds, because it helps me to think about it, but for example, we are presenting an increase in VEEP as a success, I mean it is sort of presented that way and if you look at the chart on Table 5 on page 19, when we talk about the number of minority isolated students who are in integration programs, VEEp is about half. So we count on VEEP as a significant part of what we claim is a success for integration.program. Now, on the other hand it could be a goal of this board to reduce VEEP because what VEEP shows and if you look at the survey, the Kaplan survey, it shows that most people participate in that program because they think that they are going to get a better quality of education in a school outside their neighborhood.

(Filner) I would prefer , personally, to see students going to magnet schools or some busing the other way as a measure of success rather than continuing to say, "Look, you are getting a better education by going out of your neighborhood school." Am I making myself ...We are looking at VEEP in this report as a success item and there are problems with that as being a success, I wonder about it.

Stern: Well, we have to keep in mind what the Supreme Court...

Filner: Increasing numbers, I am not sure is a success...

Stern: And those are the quality of questions , I think, that you have to grapple with, but we also have to look at what the Supreme Court told us our obligationis. Which is to alleviate or eliminate minority racial isolation. And looked at from that perspective, VEEP contributes very substantially to the meeting of our obligations.

Filner: I understand.

Larson: Mr. Witt.

Witt: Well whether VEEP is a success or a failure, I think to a large extent is in the eye of the beholder, just like beauty. And I think that VEEP is a very successful integration program. I don' t think it is a very successful desegregation program. And some people may argue that it is not a desegregation program at all. I take issue with that, but certainly as an integration program, it is more effective than as a desegregation program. So, I think that you want to restrict VEEP, you have to recognize you are certainly restricting the integration program, at the expense at trying to help the desegregation program.

Filner: You are mistaking, John, and I hope my colleagues will get this clear, and help me, you are confusing, your claim, I am not making recommendations I am trying to discuss policy issues, I am not saying that we should restrict the VEEP program.

Witt: Well what I am saying is, implicit in your concerns there are other concerns that I am tryingto bring out.

Filner: Ok, but it is again something that I think we have to grapple with on a more explicit way than we have, in the past.

Larson: Well as a parent who was involved in the very first (word ?) at Silvergate School back in , I think it was 1968, which is more or less the beginning of this program along with the Fremont School, were successes that have come through that and the opportunities have been made available to a lot of students and then as we have expanded it as time has gone along, it has been a very constructive and a very positive educational experience and I would be very hard pressed before I would do a reverse pattern at all, but I do think that there are philosophy and philosophical questions that will come up for further deliberations. May we continue?

Fletcher: Yes, moving on to the magnet school participation.

Littlejohn: Excuse me, I do have one point here. I think that one of the things that we need to grapple with is exactly the thing that Yvonne broght up, when she talked about Silvergate and the Fremont projects which I was a part

(Littlejohn) of, the main question in my mind is whether or not we should evaluate programs based on the same criteria we used inthose programs, rather than on numbers. We have the numbers, the number (word?) itself shouldnot be the only , you know, factor that we look at. We also, need to look at the quality of what is going on there at the programs and I know I work closely with the, with what happened at Fremont and and Yvonne did at Silvergate and those factors in terms of desegregation measures and integration measures really need to be considered. And I suppose if we looked at other factors, other than numbers then there might be more agreement in terms of the direction in which we are heading in. But these numbersare awfully cold and they don't really tell the total picture of what is going on, even though the judge is requiring us to look at numbers, but I say we five who are sitting on the board are not limited. only to using that as the evaluation tool, we can look at the substance of the program also.

Fletcher: I think , Mr. Littlejohn, as Mr. Stern has already indicated it is necessary to deterimen the purpose of this particular document in terms of this being a document for the court and I would agree with your comments.

Filner: Is that what this document, I mean, this is for the court. Is that what you are,...This is not a report to the board evluating the integration plan.

Stern: I think it serves both functions and is obviously a tool for you to use in setting policy, it is also

Filner: I would like to speak to that further:..

Stern: It is also the kind of information that the court has directed that we provide.

Larson: But it is a statistical analysis.

Filner: I mean, I will talk to this in more detail when Ed is finished, but I want to say right now that I think that , as a board, we need a report, we need an evaluation of the program. As a board, we may need different things than the court needs and we may need it put in a differant way than the court than the court needs, and I think that this is not as a board what we need, I'll..., frankly. It may be what the court needs but we may want a different kind of evaluation for policy setting.

Fletcher: Moving on then, magnet school participation in the district grew from about 7,000 students to over 10,000 students this year. Of that number, the minority population , or participation, grew by about 62% or about 2,000 students while majority student population grew by about 990 students or 25%. This year two more elementary schools that were court designated minority isolated dropped below the 80% , or attracted sufficient numbers of majority students to drop below the 80% minority figure, There being two other elementary schools that have already done that, Webster and Valencia Park. In addition, Gompers Junior High School at the secondary level reduced its minority percentage from 90% to 66.3%. Looking at other schools that were not minority isolated but

(Fletcher) schools such as Green Elementary School, Green went from 13.9% minority students to 33.6% minority, this is one of our mirror magnets, as you know. Sunset View, another mirror magnet school, moved from 4.2% minority to 23. 4%.

Filner: And we have set goals for each of our magnet schools.

Fletcher: That is correct.

Filner: Can you speak to whether, how we have done in meeting them? Overall, I mean specific schools, where have we met the goals, where have we...

Fletcher: I don't have that information, I am not prepared, I can speak only generally on that at this time, Dr. Filner. I don't know whether Mr. Ohlson or Mr. Jackson can speak to that at this time. Or?...

Larson: Harry or Dick?

Ohlson: I am going to speak from what I remember. Sherman, and Lowell did not meet the goals that we set for them. Johnson did meet their goals. Baker came very close to meeting their goals. Valencia had met their goals previously, I was thinking of the new programs that had been implemented just this past year.

Halfacre: We'll be getting a report on that later won't we Harry? It might be better to get that...(?word)

Ohlson: Yes.

Filner: And even in terms of cold numbers, I assume an evaluation would tell us how we are doing against our goals.

Stern: It's of course very easy to ascertain by taking a copy of the plan and those tables, one can readily...

Filner: I'd like....

Stern: We can do it for you.

Filner: (You have been doing it. UNCLEAR?) I thought that an evaluation... How about secondary?

Jackson: Probably it would be of greater value for us to take the programs that we had and compare and pullout of the charts for you, for me to specifically indicate which ones have met goals in terms of numbers or percentage of students involved in the program. I think it would be off the top of my head and I will prepare that and have that available for you.

Fletcher: Additionally this year at the elementary level, four new learning centers opened. And the learning center enrollment grew from or to 7,348 pupils, with 1609 of them being pupils from minority isolatedschools. At the secondary level the career center population grew from 806 during the 1978-79 school year to over 1200 pupils this year. Additionally 570 students participated in the Elementary Instructional Exchange Program this year while 11 secondary schools operated instructional exchange

(Fletcher) experiences for 550 students. 38% of the minority students residing in the 23 court designated minority isolated attendance areas received an integrated education in either full or part time programs, this year. This year we had Teacher Initiated and Site Initiated Projects again and you'll recall these are projects that are initiated by schools and/or teachers to help the integration program. And this year we had varying kinds of activities that for over 3500 students which included student produced materials, assembly programs, video tapings and performances. Additinally the Oral Communications Program was continued this year and it, Oral Communications, the development of the program, was continued in every school in the district. The Beale Indo-Chinese Center, though not counted as a magnet school attracted 97 Indo-Chinese there and it functioned on a totally integrated basis with youngsters representing several different racial groups. Project Lincoln; fourteen activities were carried out on the part of this project which was aimed at providing improvement at Lincoln High School. And an evaluation and needs assessment has been completed and is providing valuable information for the continuance of the project.

Filner: Before we leave that page. At the very top paragraph, do you wan t to try to define how you got that figure and what...

Fletcher: It's explained in one of the charts, Dr. Filner. If you look on page 19 at that footnote.

Filner: You divided E by F.

Fletcher: Yes.

Filner: That's how you got it.

Fletcher: That's correct.

Filner: I have a little trouble with both the definition, we won't have to go into now, but even the figure itself...I assume you included in that numbers , you are including in that figure, the numerator of that percentage, people say from Lowell because it is a magnet school.... people from ...

Fletcher: No, if you will look at the footnote, it explains that Lowell was not included , it explains the schools that were not included...

Filner: That's in F not in E. Let's see...

Fletcher: That , B and E minus the number of minority isolated students inthe BAker, Fulton, Horton, and so forth.

Filner: Yes, that gives F. ...But you are including those figures in the numerator. In E, is what I am trying to say.

Fletcher: I am not sure.

Filner: You aren't. What I am saying there is that we are, you are including in that figure minority isolated students that are in magnet programs even if those magnet programs are , you know , segregated. Like at Baker or at Lowell. And also, I would include Fulton in that.

Fletcher: That's why the statement is ineither full and/or part time programs.

Filner: No, I mean, what you are including in that say... let me just try and understand the ... You are including in that the 300...I'll just take as an example the 391 students who are at Lowell. Now Lowell is a school, even though it is a magnet program, 94% minority.

Fletcher: Yes, I see what you are saying.

Filner: So, I don't think we should include those students as receiving an integrated education even by the standards set by the court.

Fletcher: They are receiving a part time integration, because they are also attending a learning center on a part time basis.

Filner: For one day, right?

Fletcher: One day per week, that is correct.

Filner: All the students? At Lowell?

Fletcher: No not all the students at Lowell.

Filner; How many at Lowell?

Fletcher: The grades 4, 5, 6 students.

Filner: How about at Baker, I mean, you have included the 472 there and that is 90% integrated (sic) are they in other programs?

Fletcher: They would be in learning center programs also.

Filner: But that means, the figure again, I am just , again trying to make sure as a Board that we know what is happening in our own programs. That figure that you got , 38%, is derived from... It has nothing to do with learning centers. You look at page 19. Divided by the total number in VEEP and magnet programs divided by the grand total of minority isolated schools. That's how that percentage was arrived at according to the chart.

Fletcher: I would suggest that if you desire. If you would like to have further information about each of the magnet schools and the number of students and how that statement was made, I would suggest that ...

Filner: I know how it was made and I think that it is a little misleading for us as a board to make it that way. I mean it is still a significant percentage of people involved but it is not as significant as you have it read there. And again I am not trying to...I am impressed with the progress, I just want to make sure that we understand where the progress is and what that progress means.

Larson: Mr. Witt.

Witt: I was just going to say that I don't think that you should say for us as a board because....

Filner: For me as a board meneber.

Witt: OK, Thank you.

Goodman: Yvonne, I'd like to, for us to have a chance to verify, you know, how those figures were obtained and because just looking at the (whole ?) figures here, we don't have the evluator here who...

Filner: The problem with giving us an evaluation, (word?) the day we have to make the decision.

Goodman: You have had a week...to

Filner: We have had a weekend...

Goodman: Give us questions, if you would like to give questions, then we could answer them, Bob.

Littlejohn: Mr. Fletcher is there a glossary of terms for example in defining integrated education? I think that that might be helpful because in fact, I don't know whether my position is John's or Bob's but my definition of what is taking place is that we are talking about integrated experiences, in an educational context, which is not the same to me as an integrated education, but that might be a part of the problem. Am I communicating anything to you?

Fletcher: Yes, I would agree.

Larson: You have a problem with the explanation full and/or parttime program?

Littlejohn: No, no attendance areas now receiving an integrated experience in full or part time programs and I see what is happening, similar to what is happening in the Balboa Park program. And to a great extent that you are talking about an integrated educational experience but in fact the education that word ... that integrated education is just too all encompassing for the kinds of programs that students are going through, from my point of view.

Goodman(?): No there is no glossary of terms that defines that.

Filner: What you are saying here is the exact definition of that paragraph is that 38% of the minority students who reside in schools that have magnet programs, or are involved in VEEP...

Fletcher: We can, as I indicated, we can do a little research and determine how that statement was made and provide that information for you.

Larson: Mr. Witt.

Witt: Well I would suggest that rather than take issue with the specific definition of the title, that it would be appropriate to perhaps have several definitions with several different percentages. after them and offer these up and say we have this many at thispercent of the hours per week and this many at that per cent of the hours per week and then have several different categories, percentagewise, of integrated education. And put it that way rather than take issue with how the definition has been presented.

Larson: Have full, part time, or occasional. Thank you, do you want to move along?

Fletcher: Yes, the last page of the summary deals with the integration survey findings. and there are six findings listed there. Finding number one, the , as judged by the ratings of parents, teachers and students, the voluntary integration program overall appears to be successful, the additional statement--as to be expected in a complex venture of this kind further improvements are possible. Summary statement number two, gauged by the number of parents who said they would re-enroll their children in the VEEP or magnet programs next year, the programs seem to be acceptable to parents. Third, there appears to be from the surveys, parent approval of the learning centers programs. Fourth, although opposition to mandatory bussing persists at the high levels found in surveys made in previous years, Fifth, although no action has been taken to institute mandatory bussing in recent years,fear of such action continues to be a factor in the transfer/withdrawal of majority students from the San Diego City Schools. And last, there appears to be general agreement that school integration will improved persoanl relationships and cultural understanding among students. And the final statement, based on the data contained inthis report and on the findigs of the surveys, the San Diego City Schools conclude that substantial and meaningful progress is being achieved by the District's voluntary integration program and that this progress leads us to recommend in favor of its continuance and against any mandatory assignment of students. The last part of the survey included several appendices, the appendicies, with information on the various programs included in the first part of the study or evaluation including the integration surveys. At his point if there are further questions, I would be pleased to respond.

Filner: That page 42 is based on;the Kaplan survey?

Fletcher: Page 42, what is the question again?

Filner: All of those findings, are based on the Kaplan survey?

Fletcher: One through six that's correct.

Filner: And that's, whose interpretation?

Fletcher: That's Dr. Kaplan's interpretation.

Filner: This all comes from Dr. Kaplan.

Fletcher: That's correct.

Filner: Now, it's presented for us for adoption, as...

Fletcher:(?) No, presenting this to the board, I mean to the court.

Larson: This is an information item. It is not...

Filner: I understand, but I, and I'll get to this in more detail, but there is one of these , for example, conclusions, I don't think follows from the data for example and I'm not sure that we should present it to the court, but we can talk about that I suspect with Dr. (?), if.Dr. Kaplan is going to be up here or not.

Littlejohn: Is there going to be a presentation by Dr. Kaplan?

Fletcher: No,he is here to answer questions if there are any for him.

Filner: I'll get to it again, but , for example five, I personally don't think it should appear in our evaluation. I don't think it is supported by the data and I'll...

Littlejohn: You indicated you were going to talk wtih us.

Filner: Yes when Ed gets finished.

Fletcher: I am finished.

Filner: OK

Larson: Would you like to make a statement , Dr. Filner, please?

Filner: I appreciate Mrs. Larson's statment earlier, I think I have a parallel statement, a statement on parallel concerns, although probably not as articulate and as well put as you have. And I want to talk, is the whole evaluation up for discussion? Is that where we are?

Larson: We have had one request for public hearing. Just came to our desk.

Filner: I want to talk about the evaluation in general, and I have made some of my points already known. First let me say, the evaluation document itself and our knowledge and our own inclination as we go along, makes it clear that we are making definite progress on our integration program and I want to associate myself with those remarks of Mrs. Larson that says that we are all committed to a voluntary program and to continue making it work. In my view, the only way that we can continue making progress and enlarge our areas of gain is if we are honest in our evaluation.of the program to give us credibility with the community if we have extensive public discussion of our program which will allow the community to, as Joe has stated on other occasions , to buy into the plan some ownership is inherent in the public and as I think the taskforce tried to say if there is enthusiastic leadership for the plan at the top. And I think that some of the criticisms that we have heard from the taskforce and also from the Union --when you have something to tell us, I don't think we should dismiss them out of hand. I think we have to examine why the taskforce criticized us for lack of leadership. We have to look at what the SAnDiego Union said in its editorial, let me just remind you what it said recently, yesterday: "Leadership, enthusiasm and committment are qualitites difficult to measure. School officials will deny that they are lacking. They can point to the array of magnet schools, learning centers, human relations programsand other efforts to overcome the racial imbalance and diparity in achievement inthe various schools." That's what we have here. "There is no question that the school board, administration,and teachers are dutifully trying to satisfy the order laid down by Judge Louis M. Welsh, but that is just the point the taskforce in now making. It looks to these people that the school district is more interesed in following the letter of the court order than in pursuing the less tangible but more important goals that make desegregation worth pursuing. Children of San Diego should have the same opportunity to learn regardless of where tehy live and regardless of what special learning problems may be associated with the racial or ethnic background. The taskforce is distingusihing between a committment to satisfy the terms of a court order and a committment to the moral and social imperatives of providing a successful educational experience for all in an integrated school system.

(Filner) I agree with that, I think the evaluation is aimed,as I said earlier, at a court order and not for us, not for me as a Board Member, to help make better policy. Now there is a lot in this evaluation.. It is an inch thick. We received it Friday or so. to read it and we have Ed focus on the good parts. In general these reports don't mention both sides I, unfortunately, that leaves it to me to at least get some balance in it.

I want to first say that the way we are considering the amendments today and this evaluation, and I've said it before and I'll say it again. The timing of it , I don't think is good decision making. You look at the coming attractions of board meetings , it says "Integration Plan Evaluation--the board will receive the District's annual evaluation report. Right after that Integration Amendments, proposals to amend the District's voluntary integration plan will be presented for board approval. Same day. Same few minutes. That is we are supposedly to get an evaluation, figure out what is happening, and then decide on the changes. There is no - and then tomorrow we are presenting these in court, by the way. There is hardly any time for us or the public to react to the evaluation of where we are doing good , where we are doing bad and what changes should come out of that evaluation. That's what I thought an evaluation was for, to tell us where we are good, where we are bad, therefore, we can pass on changes. But we have got the changes right in front of us at the exact same time. everything is complete, there is very little chance for the board, I think, to react inan effective way. There is no chance for the public to react in an effective way. And that is a decision making process to give us an evaluation and a set of amendments the day before we go to court, is a rather not very sound management procedure. And it is going to continue unless the board demands a change in that. That is we should not allow as a board, our administration to give us these things the day before we have to go to court with them.

Now in the evaluation itself, as I said there is a lot in there. But I am not convinced and this is the first time that I have gone through with an evaluation of the integration plan, that we are asking the right questions in this evaluation. This evaluation, as I said to Ralph earlier,should be a report to the board, not a court brief. I want to know as a board member the good and bad parts of our integration plan. I want the whole story. I don't want the points that debaters will make in court. I want to know how to make good policy and I can't do that unless I know what the problems are. I want toknow where the figures are just used for court debating points or where they are accurate..And I am going to mention some of these questions that I think we should deal with and some of the figures that looked at a different way will give us a different picture. And I'm not sure this is an evaluation, its a pat on the back that we have given to ourselves to go to court with.

Now let me just give you some examples. of what I think and evaluation should deal with and I don't think this evaluation does it. Iwould like to compare the results here with the goals that we have established, as I have said earlier. In numbers on one level. Where have we succeeded? Where have we failed? in detail. And why have we failed or succeeded? If we want to move forward, we have to know where and why we have failed and succeeded. We don't see that in here. We don't see, as Joe asked earlier, any evaluation of the academic progress involved, or the quality of the programs. We have numbers. We haven't evaluated whether there has been any change in attitudes in human relations. We are not asking what might induce more people, especially whites, to participate in this

(Filner) program. Ithink we have to ask why we lack why we lack credibility in minoiryt community. That is something to evaluate and what are we going to do about it? I think we have to askin more specificways why the board is charged with lack of leadership. Why the integration taskforce, why the San Diego Union? And what are we going to do about it? I think we have to look at cost effectiveness. There is nothing that turns off the public to an integration plan more than the feeling that we are doing something that cost a lot of money and getting very little return for it. What are the various programs, how cost effective are the various programs in schieving our goals? Is our busing plan efficient? We get lots of calls , as board members, of buses that have only a few students. Is there a way to deal with that? Can we recruit more effectively in neighborhoods to make busing more efficient if we are going to do busing? We haven't evaluated that. We haven't looked at whether the children on the VEEP program would stay in their home schools if a better program was offered there. We didn't ask that question in the survey. And if that happens, what does that do to our integration totalsand our integration plan? What is the cost effectiveness of our advertising program? Is that an effective thing to do? I looked at the surveys and most people , it appeared to me from a quick reading, do not subscribe to newspapers, that we surveyed, a vast, a great number. What does that say about advertising for a hundred grand in a newspaper? We haven't evaluated the leadership of principals, or the staff competentcy to deal with the kids in the isolated schools. Or staff attitudes, particilarly. These are all, and I could go on probably for an hour, just on questions that we ought toevaluate , as a board. Again , we we should be getting into these questions that are just not being answered in this so-called evaluation.

If you look specifically at the evaluation again, it raises all kinda of questions that we ought to have answered before we go further. On page 11, for example, ED, on Table 4 where you have all the programs laid out. I mean many of the schools, let's take the elementary schools here, the number of minority isolated students is only a fraction of the total minority. population. I mean, we are charged legally with de-segregating the minority isolated schools. Why in certain schools is that the case and what can we do about it? I don't expect, you know I just think these are questions that are raised by the data here. To look at them because we are going to court tomorrow. If youlook at page B-1, which is the enrollment statistics of isolated schools, I mean I just looked down the figures and this is included and I am grateful for having all this information. Something like 11 of the schools, almost half of the minority schools have worsened in terms of minority isolation since our integration plan started. Since 1977, 11 schools, actually 10 one has stayed the same, 10 schools have gotten more racially isolated. Now what are we going to do about that. That's a figure that I had to extract from the data that as a board we should know about. What are we going to do about those schools and why has that been the case? With all of our efforts, half of the schools have moved in the other direction. Those are the kind of things that I think we have to deal with that are not being dealt with in this evaluation. plan. This evaluation document.

Now , some of the survey data bothered me a bit and I want to look at that a bit, a little bit if I could. We spend a lot of time using the Kaplan surveys and I apalogize to my colleagues, it will take a little

(Filner) bit longer, but I mean, we havn't had any public discussion of this and we ought to. Some of the survey data bothers me and I will turn to the Kaplan survey in a minute. And here is the kind of thing that bothers me. And I see it in various degrees throughout this evaluation document. If you look on page 38, where we are evaluating the oral communications program, Ithink, let me see if that is right. Again, we are patting ourselves on the back for everything. But, if you actually look at the data, its less, I am not as impressed as I was when I first read your summary. For example, 148 teachers were given a survey, right and 104 replies were received. TThese surveys were given to so-called 'key' teachers, right? Key teachers were given these surveys and they were asked to distribute them to their friends. Well we have a finding here over 82% of those replying said a key teacher has been assigned to their site. That's very impressive but that is who you gave the survey to to begin with, key teachers. I8m surprised not a 100% said a key teacher had been assigned. I mean some of these figures, I can look at various places throughout, look interesting, but they are not giving us the full pictures. Only 76% of the principals by the way said that, in other words, some of the principals didn't know at their own schools that key teachers had been assigned in this program. I'm looking at Pg. 38, 55% of the principals said that their staff couldn't explain this program to the community. I mean, there are other ways to look at the data than we are presented here in the survey because it's presented as a court brief and not as information. Again, I'm not criticizing our communications program; I think it's a good step and we're making progress. As a board member I need to know all sides. On page 39 there's a brief reference to librarians, and if you look at the data supporting that on page E-3, if I can find it here, these are librarians in the schools, I take it, where 69% said materials are not available for the students; 73%, you go down the list, most of the librarians who are responsible for the material either didn't know it exists or think it doesn't exist. These are the same materials that are supposed to be available for making that oral communication program work, I guess. I mean, if you look at E-3 there, the evaluation's very poor. I nee d to know that as a board member, but you know, I have to dig it out of the appendices instead of having it put (word?).

Now, let me spend just a little bit of time on the Kaplan survey, if I may. Now those are in detail, they start on page 29 and then there's appendices in the back. Now, I want to spend some time on it because as a District and as a ... you spend a lot of time using these figures as justifying some of the things that we are doing, and so I think it's very important to look at it. This is the third year of a three-year survey. Do we have a contract with Dr. Kaplan to do this?

Larsen: It is from year to year.

Filner: Okay. When is that approved?

Larsen: Formally (words) contract.

Filner: Okay, let me talk to the survey, and again, if Dr. Kaplan's here maybe he could answer some of them. Some of them are

(Filner) just rhetorical questions and let me say, Dr. Kaplan, some of the suggestions and criticisms I have have nothing to do with you as a pollster or the poll that you did. A lot of some of what I have is due to the board and the administration and the direction or lack of direction they gave, in my opinion, or the way the figures were used to justify certain comments. I have certain internal methodological questions but basically I think it's the way the information is used and the incompleteness for my purposes as a policy maker, not for your purposes as a pollster. But for my purposes as a policy maker, I find that the survey's not complete enough. I want to tell you what I mean by that.

Take ... the VEEP parents' survey, which is

Witt(?): What page is that on?

Filner: which is summarized on page 31, we just had a little discussion of theVEEP program here just, you know, a couple of minutes. All kinds of questions came up in that discussion. And we as board members hear all kinds of complaints about the VEEP program. And again, I apologize to the board for concentrating on complaints, because that's where we have to try to improve. I'm aware of the good points and I'm not denying those. I just want to point out areas where we have to improve.

Littlejohn: I think even though we're talking about something that's prepared for the court, we are not precluded from putting in information that has negative implications. I think it would be incumbent upon us that if that information does have negative implications, that our recommendations be positive, so it's not inconsistent with information going into the court.

Filner: Now, if we wanted to carry on these surveys, for example, I mean, there are a lot of questions here that I would like to ask, that just aren't asked, because the answers, I suspect, would begin to mean that we have to have a change in the program. For example, instead of ... we might ask the question, "What if your neighborhood school were improved, would you still stay in the VEEP program?" "Were you as a student, or you as a parent, did you feel your student, your kid was treated with respect at the receiving school?" We get a lot of complaints about that. "Was your ... were you as a student getting appropriate extracurricular activities, or did the bus schedule make that difficult?" "Were you resentful over the low participation of whites in the program?" These are other kinds of questions that could be asked in such a survey, that gets at the questions that we just talked about, and would help us come to some conclusions.

On page 17 of your more detail on the VEEP survey, Oscar, I'm a little ...

Littlejjohn: Let me pursue your analysis of the VEEP ... in terms of helping me with understanding what policy we on the board represent at this particular point. The survey was taken and I think I

(Littlejohn) once heard that the outcome of a survey was fairly predictable. Is that part of what you're saying? That it was ... that the survey was in such a direction that the answers were more in line with getting the information that we wanted to give to the court?

Filner: No, no. It's mostly that the kind of information that we, that I as a board member need to help decide whether we should continue the VEEP program in the same direction or how to improve the VEEP program, many of those questions were not asked, and what I'm saying is, the next time we commission a survey, I would like to see some of these questions dealt with.

Littlejohn: I understand that. I'm saying that if each one of us on the board designed our own survey, then probably (laughter, words?) ... okay, I'm just saying, my statement at this point, if each of us designed a survey, you know, it might be seeking or (word?) in such a way that my survey would be different than, or from, Phil's and yours from Yvonne's and so on. Now, I need to know in my own mind how your, for example, proposed survey would differ from Dr. Kaplan's survey in me getting information. Am I communicating ... do you understand what I'm asking?

Filner: It seemsto ... no, I guess what we as a board, in this case ...

Littlejohn: Uh huh

Filner: I think have to define better, more precisely, now that we have experience of three years in the program, what additional questions we would like to have answered, because I'm not sure what Dr. Kaplan's trying to get at except for, you know, attitudes about the program. We have to define, and he says in his covering letter of his poll, that final decision of sampling questionnaire content and survey procedures were made by his organization. That may have been fine for the first three years. I think now we have to get into that process because we should debate what we ... we don't have to make up the questions -- that's a part of the pollster's art, and he tries to eliminate bias, and you know, I respect, the expertise there I respect. But we have to tell him what we want to know, and we're not doing that.

Littlejohn: Because, for example, if our initial direction to him was, were to be: we've now been in the program three years, and we are now after refining, taking out the rough spots, being responsive to all the stakeholders in the process, design a poll that would elicit from that community what we need to do to refine, to make better, are you suggesting that those questions would be different from the questions that we have now?

Filner: Definitely.

Littlejohn: Okay.

Filner: For example, I'll give you ... question 12 on page 23. This was an open-ended question, and the decision on open-ended or closed-ended as giving some samples is an important question in designing a poll. This question was, "Does your child have any problems in going to school by bus?" 82% in the survey said No. Now, that a little bit contradicts of my intuitive feeling for what, for the situation. That's the purpose of a survey, to tell us, you know, accurate information. I suspect, if you said, if we had a question, you know, many people have complained about one: late bus schedules; two, broken down buses. Complaints that we've heard about, we want to find out how widespread they are. Mistreatment of students by bus aides. "Has your child been subjected to this?" I suspect we would get a much different answer. This is a phone survey. Remember the limitations which I point out here. (word) may be called to the phone, they're busy, they just want to get off the phone, they say yes, no, they may not even be thinking about it.

On page 14, or section 14, page 24, "Do you have any suggestions for improving the program?" I assume this was an open-ended question. That is, no list was given. You know, 76% said no suggestions. I doubt if I was ... if they called me on the phone, a 15 or 20-minute thing, I'm going to say, you ought to do this and this. You could phrase the question, "We have heard, we are, we have, in discussing the following changes, which would you support or which do you think are necessary?" And that will give you a whole different set of answers.

I'll give you some more examples on other things. And also, I don't know if you're doing this, Oscar, in your, in a later report ... there're some questions here I don't understand the point of, unless we have some cross tabulation. We don't have any cross tabulation. What good is it to know how many people in elementary or secondary school, how many people are men or women unless that has affected their response to the data. That is, if there's a significant difference of response by men and women, as an example. You see what I'm talking about?

Dr. Filner, are you saying that the board might (?) need to know what the directions were for the pollster in order to analyze whether or not that's the direction we want to continue going in?

Filner: Right. Yeah, I'm trying to say that. On page 26, for example, we have a whole set of "How many years has your child been in school, how many of you of what age subscribe to the daily paper?" I mean, I don't know what good that does unless we get the cross tabulations on it. Is there a difference of response? We have a heavily weighted female response, if you look at page 27. 82%. Because I suspect that when the poll was taken. But what does that say for the results?

(Filner) Pollsters tell me that women give significantly different answers to many of these questions than men. That .. I mean ... there're some internal methodological problems I'm worried about, too, but the phone poll has created this and we haven't even got a description of the problems. 82% female response will give us a certain bias to the survey. I'm not saying it's good or bad. (laughter)

Larsen: I'm biting my tongue, I'll let you have your say, Dr. Filner.

Filner: If you look at the learning center parent survey on page 31, again, what we would like to know, Joe, I think, based on our specific information ... I hope we've (informed? performed?) this one ... There are lots of complaints that we as specific board members have been told aboutthe learning center. Again, late buses, for example, wether there's a proper stress on learning human relations, whether there is an adequate coordination with the home school on curriculum matters. These are the kind of question that we know about. We should direct the pollster to find out. So the polling as it stands is not a complete enough thing for me. The magnet school survey,, if you look at page 32, I mean, it raises a whole lot of questions that were not covered in the summary. That was on question 8, page 38 in the supporting document. I'm going, I'm going, you follow me anyway.

Littlejohn: You know, Dr. Filner, I think that I have a feeling that there might be an unreadiness on your part to proceed at this point. I think it would be appropriate to inquire of our legal person whether or not, what the implications of that are.

Filner: I'm just saying that this is not an appropriate evaluation. I'm spending a lot of time on it to get the point across that I cannot proceed with voting on Amendments to Plan with this kind of evaluation.

Littlejohn: I'm not disagreeing with that, I'm simply saying that I sense an unreadiness and I'd like to know what our legal counsel can do with us to look into some of the questions that you've put forth. I have to, I simply have to say that I am certainly impressed with your analysis of the information that has, you know, come before us, in the time that we've had it, and I'd like to know from Ralph, is there any, does he feel are there any options open to us?

Stern: I think the question really is whether a majority of the board feels that any of these questions at this time are required further exploration (explanation?) or not.

Littlejohn: You know, I realize that is one of the questions before the board, but Ralph, additionally question before the board is the one that I placed, and that is whether or not an extension is appropriate or what that would do to your schedule in order to get an extension if we so decide not to proceed with the recommendation at this point.

Stern: I think all I can say is that we can ask for an extension if the majority of the board thinks an extension is necessary. Wether it'd be granted or not...

? Of the court?

Stern: Yes. granted or not I don't know. I think that one of the problems, of course, is that it is the District which suggested the April 25th, I'm sorry, June 25th date to the court, and did so with the board's knowledge back in April when we first indicated that would be the date we would suggest, and then that date was confirmed in May. Whether that will influence the judge in granting an extension or not I don't know. I think the other time constraint, of course, is that the later evaluation or the amendments are filed, the more we have circumscribed the judge's ability to act because it is difficult to change programs the closer one comes to the opening of school. Now, in summary, I don't know, Joe. We can ask ...

Littlejohn: Okay, if he denies it, then at minimum all we'd have to do is submit what we already have, is that correct?

Stern: I suppose, or we, yeah, we simply ask for an extension (word?), explaining that the board when it considered the materials today felt that it couldn't arrive at a decision. I suppose he can respond by ordering that we file them immediately or by devising his own plan or whatever. I... I ... Ican't give you a definitive answer. I just don't know.

Larsen: I have several comments I'd like to make on this particular topic...

Filner: I'm almost finished -- I'm not finished yet.

Larsen: Mr. Witt has also said, "Me first!" and Phil has been waving his hand up. I think it's been important that we allow you gentlemen that are participating in this process of evaluation for the first time to talk out concerns and considerations, and then I think we will have some responses that we as board members having dealt with this for a longer period of time would like to make to the concerns that you have.

Filner: May I take about five more minutes please? I just want to point to the board the questions again that this thing has raised that we have to get into. Give up on the Kaplan backup material page 38 in the appendix. I just want to ... I just notice interesting statistics... This is magnet school parents: 88% said no one from the schools contacted them. We have dozens of pages in here of our recruiting efforts and all kinds of things, and yet 88% saidyou know they'd never had any direct word from the schools. I mean, it says something about those efforts that we should look at.

Halfacre: Which one is this, Bob?

Filner: I'm sorry, page 38, question number 8. Okay, I don't know the significance of that, it's just ... 38 in the backup.

(Filner) You look on page 39, the next one over, and the problem with this survey is that there are several, all kinds of weighting problems, and I I just don't feel resolved. If you look at question 9... I'm sorry, question 10: the parents are, a number of parents are enumerated there. The School of Creative and Performing Arts had 16& of the respondents for some reason. I guess that includes both elementary and secondary students in this case. That represents a quarter of their whole program. If you look at Encanto, 9% of the total Encanto parents, that represents 4% of the Encanto parents. So in one case we have a quarter of a school's parents, in another case we have 4%. The weighting of answers is a problem. Because we know SCPA parents are very positive about the program, and this thing is heavily weighted in that direction. I don't know what it hits (?). The methodology, you know, bothers me, and I can, if I wanted to bore you I could find a lot of places where the methodology in that regard bothers me a bit and what kind of answers.

One of the most interesting problems I had, number E, that is, Survey of White Parents Whose Children Transferred or Withdrew from San Diego Unified School District is the point I mentioned earlier. Okay, that's summarized on page 32 in the front summary. Let me just ... this'll be the last one I spend any time on. When parents still residing in San Diego County were asked if the City School integration program had been a factor in their decision to remove their child, 23% said it was a factor. I'm sorry, page 32 in the summary in the beginning. In the front. (some words from someone else) I spent all night on this. Okay, if you ... in a first reading of that thing I said, you know, a quarter of the people who are moving ... it's qualified properly but,you know, are running away from the integration problem, and that's a significant figure, you know, on the surface. If you look at the data very carefully, I personally don't find it of much effect, and I'll tell you why. In the first place, we've chosen, if you look at the backup material and the methodology, we've chosen to eliminate people who transferred from the state, within the state out of San Diego county, for example, transfer out of the state. I don't know how many people that is, whether it's a significant amount ... it doesn't say here. So a lot of people who moved for jobs, or whatever, to get to different parts of the country, are not part of the sample. They've just been eliminated. We start off with only the heavily weighted sample in a certain direction, people who moved within the county. There was a high failure rate of contacting even the sample that was included. More than a third of the people could not be contacted, so you're dealing with a small, with a high failure rate of contact in the sample that was already biased. The number of people whom you are talking about, that is, because he's eliminating further people who ... he restricts the sample to 190 people who have moved within the county. 190 people, of that he says 23% fled from integration as a definite factor a principle factor. Given the low N, the low number of samplimg people, 190, the possible error I think is roughly 6%, so you could be talking about -- even for just the 95% confidence factor on that 6% error -- you're getting

(Filner) ... you could have as low as 17% responding Yes to that. They could go count the error possible there. So you could be talking about 32 people. Our conclusion based on maybe 32 people is that a quarter of the population is fleeing integration.

Beyond that, if you look at the questionnaire itself, it concentrates on integration and busing. It leads people into answering that. If you ask five questions, a whole series of questions "Did you move because, to get to a bigger house? Did you move to get to a bigger job?" And you stuck integration in the middle of a long column, I bet you would get a whole different answer, if you concentrated on big house or job move or whatever, or more space . The whole questionnaire because of one, two, three three out of the five questions are concentrating on fear of integration. People start thinking about being fearful of integration if you keep asking them about it. This is the kind of biased sampling that we're getting in our evaluation. That's the basis of that report. I mean, that one in itself, I mean, I think we have to throw out as a, as our conclusion, it's based on a biased questionnaire of a small number of people that was restricted in the beginning for all kinds of reasons. I mean, that in itself ... if you look ... and similar problems are built into most of the surveys here. When you get to the employees and certificated and classified employees, a large number of them had problems with the human relations program, didn't think it was worth while or didn't think it would do anything. As policy makers the questions should be built in, you know, why isn't it working there? What is wrong with the human relations situation? I was wondering, Oscar, on the certificated personnel, whether we could also ... we don't ... you broke up by category but you haven't broken it up by ethnicity, and we might get a significantly different set of responses by looking at it that way, which might tell us something on that one.

Just to summarize my position on both the survey itself, which is the basis of a lot of our conclusions, I think there's a lot of built-in methodological problems that ... you're ... in front of each of the parts you claim a 96 - 97% success rate at reaching people, but you say based on theoretically being able to theoretically reach them it's 97%. There's a high failure rate in the samples, because people have unlisted numbers or wrong numbers, and to say therefore that they weren't theoretically reachable and to build that in and dismiss them I think, you know, you're really, really saying that the phone survey has a problem, not that your survey is good, I think, because the, you're saying that we reach 96% of the people we were theoretically able to reach, but we wanted to reach about 15 or 20% more that didn't have phones, and that's a problem in the survey. Surveying itself, because it takes place during certain times of the day, dealing with people and their situations at their home may cause biased responses. There are significant weighting problems, I think, in many of the parts, I pointed a couple of them either with the sex

(Filner) of the respondent or the school of origin. I think that the questions asked were not as necessary that helpful at all times and we could build in better questions for what we want to know, and the cross tabulations would be most useful to understand who we're reaching and who we're not, we don't have here. Beyond that I've listed a whole series of questions as a board member I need to know to decide on the direction of our integration plan and this evaluation just doesn't answer those; and I think as a board member I would like to draw up a series of things and ask our board to approve an evaluation that will move us in that direction.

I appreciate your attention, for those who stayed, and I welcome any attack.

Larsen: I'm sure that you will not have any attack, Dr. Filner, I think that it was very important for the board to give you the opportunity to talk out these questions and I know that we all have many statements that we would like to make and some considerations and comments we would like to add to the dialogue and the answers that the board members would like to extend to you. But I think before we get to that point, since you have raised some questions about the survey, that it would only be appropriate to hear from Dr. Oscar Kapland while he is coming to the microphone, Dr. Goodman, if you would like to do a little background information on Dr. Kaplan, I don't have anything.

Goodman: Yes, well, we've utilized the professional services of Dr. Kaplan as hasthe City of San Diego and the County and other entities, the Urban Survey, Urban Observatory program, the City has utilized his services. Dr. Kaplan has probably done more comprehensive and in- depth durveys of urban social educational issues than any other entity of which you are aware. I think he can talk about his sampling which is verified scientifically and so forth, but I think it will be best for him to respond ifhe would like in any way, questions about the survey. We have utilized him for each of the three years and it's been very valuable to us in terms of the sociological survey (several words?).

Larsen: Dr. Kaplan, welcome.

Kaplan: Thank you for the opportunity to appear and thank you Dr. Filner, I always find you very provocative and stimulating and I think many of the issues that you have raised are worth considering, and some of your statements, I think, are in error, and some, I think, need qualification. It would take me not only this afternoon but several afternoons to respond fully to the comments that have been made. So I am going to try to be brief and in the process I may ignore some of the concerns which have been raised, in which case if I am reminded I'll try to address them.

I have been doing surveys of the San Diego schools and for supporters of the San Diego schools for 30 years. This

(Kaplan) building was made possible because of a Kaplan survey in part which led to the design of a campaign which led to the passage of a bond issue. Most of the schools of the San Diego school system were built on the basis of campaigns waged in terms of information gained in surveys that I conducted. Also San Diego stadium, the County Courthouse, University Hospital, and so on. But this is in a way beside the point. I think we should go back about four years to the beginning of this particular series of surveys, at a time when the court first entered the integration picture in San Diego.

In our first year we developed a number of questionnaires. The principal one was a questionnaire addressed to all the parents in the system, and at that time I was very much concerned that the questionnaire be a fair and objective and hopefully acceptable to both majority and minority members of this community. And to that end I asked that my good friend Clarence Pendleton come in and sit with us in the design of that first major questionnaire which was the granddaddy of all the questionnaires that I have been using. We also invited the Mexican-American group to send a representative. Now, the issue of school integration is so tremendously complex that if I were to ask 10,000 questions I could not possibly comprehend all the nuances of this subject. You have already indicated, Dr. Filner, that you call somebody on the phone and they're not anxious for an extended interview. Well, we've had people on the phone for 30 or 40 minutes, particularly with that first major parent questionnaire. One of the reasons why we have ... one of the major reasons for sticking to questionnaires that now are two and three years old is because we have been interested in tracking opinion, with regard to a number of the programs that we're concerned with. I think you are very right that trying (?) is indeed right to go much more deeply into programs such as VEEp and to the magnet programs, into learning center program and other programs to use the surveys as a tool for gathering more information that will be useful operationally in this system, and I would be delighted to do that kind of survey work. Now, I have here some random notes on comments that you made and I ... not in order... but let me respond to them as I encounter them in my notes.

With regard to ... based (?) to the methodology which I have spelled out in the 1980 reports ... now (word?) give me more detail than any survey which I have ever designed for public consumption. I am very very much convinced that methodologically ... I speak here mainly of sampling ... that these surveys are fully defensible. Indeed I have run them past a man at UCSD whom I consider one of the leading survey methodologists in the United States and, I did that only to reassure myself that I was not making any major errors here . These surveys for many reasons are among the best of my career, which extends for forty years. I'm fully prepared to defend them, the sampling and in other respects.

(Kaplan) Now, with regard to the use of the telephone, this is definitely the method of choice in this time. If you were to do this by personal interview, the cost to this district would run into hundreds of thousands of dollars. Not only that, but you could not do as good a job, and if I had the time I could explain why. As far as the use of the telephone is conerned, it's being used throughout the United States, it is ... it's the main vehicle for survey research, making possibilities, probabilities ... possible ... probability sampling of the highest order. In San Diego County, in, among, and this also holds for the parents of this district, more than 95% have telephone service. More than 95% and we had no problem with unlisted numbers as far as parents are concerned, no problem whatsoever, because they freely give their unlisted numbers to this district so that they can be contacted in time of emergency. By news of telephoning, can come back into a high flow three, four, and often five, ten times, we have often far exceeded our obligation with regard to callbacks. That, to try to do this by personal contact not only would be prohibitively expensive but almost impossible to get people to go out eight, nine o'clock at night. I just couldn't find women who would be willing to do this for compensation, particularly in some areas of our city. So the telephone is definitely the way to go.

Along those lines, you mentioned the white flight, so-called white flight study. Again, this is a study that the court has decided not to consider. This is not, I assume, I don't know whether our attorney, your attorney is going to use it. But it's a continuation of a series of surveys that we have been doing to see if there is a trend. Now, we decided to exclude the people who have left the county, left the state, out of our original sample of 500, because presumably they have left not because of white flight. I don't ... because of fear of integration. Many of them are Navy families, perhaps a very high percentage of them. And we just did not catch up with them. We didn't have a chance to catch up with them. Now, we made a very vigorous effort to catch up with those individuals that we designated as members of our population group. First we sent a letter in the name of the Superintendent with a questionnaire, and when there was no , if there was no reply to that first letter we sent a second letter with a questionnaire and if there was again no reply then we tried to look these people up by telephone. And I suppose we could perhaps have gone out and done, tried to catch them up, catch up with them by personal interview. But I think you must admit we made a vigorous effort to catch up with all the people that we designated as our sample. Now, it is a small sample, and I freely acknowledge it, and it relates only to a limited group of people and that's all that I'm saying. I do believe this, that if this district, if this board, if the court orders mandatory busing you are going to have a very large amount of white flight. This has been borne out in Los Angeles and elsewhere and again, I don't think that this particular study is large enough or, in its, in the population that it concerns itself with to underpin that kind of a statement I

(Kaplan) just made. But it is my feeling from working with this data, this kind of data, now it's for four years and for many, many additional years in connection with polls made in San Diego, that these are the facts. I am sure that this board would be recalled immediately if it attempted, if it called for mandatory busing.

Littlejohn: Oscar, (words?)

Kaplan: Yes...

Littlejohn: Let me just say this, and I think if that sentiment is expressed and is looked at in the survey, there's also a sentiment that is not looked at in the black community in terms of their feelings toward the integration program, and that is an underlying sentiment that is not gleaned from your report. And that's one of the reasons that I have difficulty in it and certainly it started four ... your survey started four years ago and I think one of Dr. Filner's points is that possibly it needs to be updated in terms of looking at different factors that were not possible, were not available at the time that you initially started the survey.

Kaplan: I/quite agree.

Littlejohn: Surely, as you talk about white flight, there is a negative phenomenon in the black community, in the Chicano community, in the Pan-Asian community about integration, too, that is not spoken to in our survey.

Kaplan: I would be delighted to try to probe those attitudes and opinions and again, I have made to claims that these eight surveys that I just did are comprehensive. One of the things that I think needs to be done again is that big survey, that comprehensive parent survey that we'll send into the black community and into the Mexican-American community and into the Asian community to see where they are, you know, 1980-1981 as compared to where they were threee or four years ago.

Littlejohn: You're not disagreeing, I just ...

Kaplan: No, I'm not disagreeing, I'm, I think that we need a lot of new questions, a lot of new questionnaires, and maybe these need to be repeated, too, for various reasons. But I certainly agree that I have dealt comprehensively with this subject. Now, one critism last year was that I should have doubled, tripled, or quadrupled some of my questionnaires. Well, if you get into a questionnaire that runs for half an hour or three-quarters of an hour or an hour in length, there a fatigue factor even if they stay with you, as Dr. Filner has pointed out. And so, I think we need to be selective, and how we select is in itself subject to the charge of bias.

Okay, now, with regard to the VEEP survey and the opportunity to be more critical with regard to the VEEP program. We did give our respondents that opportunity in one or two open-ended questions, and there are problems with VEEP. There are

(Kaplan) complaints about racial slurs, there are complaints about bus service, there are complaints about the kind of reception that these students received in the receiving schools. I mean, but, what I did was to have an open-end question, so if this was front and center as far as the black community was concerned, or the Mexican-American community was concerned, or any, or an Asian parent was concerned, they had the opportunity at that time, you know, to speak their piece. Now, I agree that if we had a whole series of questions that specifically got into those details, it would be a very long questionnaire, we might get a higher percentage ofparents making complaints. If I were to ask, for example,"Has your child ever heard a racial slur?" maybe we could use wording which would be perhaps more solicitous, but I'm sure we'd get more and I think that would be true of any ethnic group in this community. So as I tried to point out to this board when I last met with you, questionnaire construction is an art more than, every bit as much as a science.

Continued on next page.

(Kaplan) I think that I could easily bias the questionnaire in other directions as well. If I have made biases, if I have introduced biases certainly it has been unwittingly. So again I think that there may be opportunities to (word?) these questionnaires, to get into new subject areas, and I respect Dr. Filner's concerns. (Word ?) Dr. Filner suggests in connection with the VEEP questionnaire that we might ask if neighborhood schools were improved, would you stay? Well, I'm sure the answer would be,...let me rephrase the the question. If I were to ask, if you could get as good or....if you thought you could get as good or better an education in the school that is on the next block, would you pull your youngster out of the VEEP program, I suspect the answer would be yes. Maybe yes, because there may be other considerations than scholastic achievement, there may be feelings that social gains are to be won by going into a majority school. So I could go on and on but I think methodologically, the , speaking now of sampling in particular, I think we have done an outstanding job. I'm extremely proud of this set of surveys. If you ask, could the questions have been asked differently , could more questions have been asked, should more questions be asked, could other surveys be launched, I would certainly reply in the affirmative.

Larsen: Thank you Dr. Kaplan, very much for presenting this information to us (after point in time?) If all my colleagues demand the equal time doctrine this afternoon, we are going to be here well into midnight. But I do know that several of them do have comments that they would like to make and in addition I do also. Mr. Witt has been nudging me, saying ,"Me next", so I will defer to him first and call on Dr. Halfacre also.

Witt: Well, first, I want to say that my colleague, Dr. Filner prefaced his remarks by saying that he was not criticizing our information program. I would hate to think what would happen if he were criticizing our inforaation program. But I just want to say as a matter of policy, I don't think it is our duty or our job to provide the Carlin plaintiffs with the court brief that they are going to use in the court. And I think that would be what would happen if we would take the document that we have before us today and find every criticism that we can find that might be put in there. Because I don't think that any program has ever been put together that there hasn't been things wrong with it. I think we are literally putting our best foot forward in this document that we are asked to approve to go to the court and that is what I see it as--our best foot forward. And I am very pleased to vote for it. I think it does put our best foot forward, if I thought it did not put our best foot forward, I would vote against it. And this is what I think the document is, now if the board needs additional information or if the board needs reports that will go into problem areas in the plan then I think that these are other areas that should be asked for, these are areas that should be brought out. These are not things that should be put into this document. Because the, I think the Carlin plaintiffs have adequate representation on their side. And I don't feel it is our job to do their job for them. Now I think that many of the things that have been asked for as not being in this document, that were alluded to do as being very nice things to be in the document, maybe thin gs that should be in the document , could be inthere if we would do one thing and that is decide that we were going to have more administrators in the district than teachers. And if we were going to make that decision, then I think we could do all these things, or at least, maybe, almost all of them. Possibly not quite all

(Witt) of them. But I don'tthink that we want to do that. I think we want to more teachers than we have administrators; so because of that I don't think that we can do everything that might be thought of that would be nice to do. I think that we have to put in there those things that we think that we have the capacity to do and I think that is what we have done. Now in regard to whether or not we should find a great number of things wrong with this evaluation prior to going into court, I don't think that we should discredit this evaluation publicly before going into court. And I think I have alluded to whether we want to put our best foot forward going into court or whether we don't. Now in regard to whether there are other questions that should be answered that haven't been answered, I am sure there are. I think we can always think of one more thing to do. And I can't think of one more thing to do before going into court, except to wish the school's attorney good luck and I think he may need it.

Now in regard to the next poll. I think very likely the next poll can be improved if we ask all the board members to write down questions that they want answered in the poll. If we do that, then we are going to have to decide at what level are we going to fund the poll. And we have funded the past polls under very severe budgetary limitations. And I think that if we want to expand that poll, we will have to consider how much money do we want to spend to do the poll. In regard to whether the poll was taken during the right time of day, or the wrong time of day, that's a very debatable (thing ?) as to what is the right time of day. I know that many of the calls that I get from people that want to ask me things, or sell me things are during the dinner hour and I think they call during the dinner hour because they want to catch people home. But at the same time, I feel most antagonistic toward answering phone calls that come during the dinner hour, too, so I would question whether calling when you might catch more people home is the best time to call. I think pretty much that we are talking about: One, is what should we take into court and two, is what evaluation tools the board members need. And I think they are two entirely separate things. And I think the document we have before us to take into court not only adequately but very satisfactorily portrays the district's posture during this past year.

Larsen: Thank you. Dr. Halfacre, did you have any comments to make?

Halfacre: Not many , Madame President. Just a few, but I would like to... I think our new board members are at a disadvantage coming in during these crucial times of discussing our integration program when it has been a long standing program now within the district. I would just like to say, Bob , in response to some of your concerns about the program and the amendments before us today, we are operating under a five year plan. And I really want to emphasize that. We are not drastically revising our integration program every year. We submitted a plan after the advice of the CACRI group and submitted it to the judge and the five year plan was approved and I feel extremely good that we have revised that plan each year as problems have surfaced and we have gotten advice from the Plaintiffs, from the Integration Task Force and many others about the problems. We have made adjustments to try to improve on those. The thing that I find most distrubing , Bob, is that with, you singled out this evaluation report and obviously you spent a long time detailing what in your view are very, very negative aspects of this. I would just like to

(Halfacre) say that we have received a number of reports regarding the success and failures of our integration plan and we received them from the three experts, we have received an Integration Taskforce report and I don't know of any board member here who has locked at those, I think we could all find things to be critical about. I didn't agree with all of the things that are in that.. I did not take the opportunity in this forum to attack those and try to discredit those because they didn't agree with my point of view. Bob , it appears to me as though anything that disagrees with your point of view, you try to discredit it. And what I am saying is, that we have had a whole, this is just one of a series, this is, the integration case is not going to rise or fall on this. The Judge has many other responses to work from, some of which are very critical, some I think we have gotten some very good suggestions from. But I don't take the opportunity , I'm not sure that it is fair to this community or to Dr. Kaplan or to the integration program to , becasue it simply does not agree with your point of view , that you take this opportunity to discredit it. That's not our role. If we are committed to integration, I think we can best spend our efforts in trying to improve and make the program work, not trying to identify the problems and the failures in this. And let me just say, fortunately, I just came back from a meeting in Washington and I had the good pleasure of sitting with some board members, who had some in depth discussions. Bob, and I know that you did this too. Board members from Boston, Cleveland and Philadelphia. Pittsburgh. And in all of those cities, they almost are throwing up their hands becasue they have no way to deal at this time, successfully , with their integration problem. I feel that we by comparison, in talking with these board members and superintendents from around the country, while our program is not perfect and I am not saying that, I think we are providing more integrative learning experiences for our children than many other cities can even propose at this time. Because they no longer have the ability to do that. For one reason or another. I look through the report very carefully, and I think ,Bob, that all of us could find things that we could disagree with, on any report that comes before us. I think as I look at the question, the questions, that Dr. Kaplan has asked, I would urge those of you in the press and in the audience to look through them. Bob, they may not be perfect, I don't find a distinct bias that Dr. Filner is charging here. I think that that again reflects his motives and his opinion, whether it disagrees with his opinion. I think that anything that comes out slightly favorable in terms of the program, he rejects. And I'm sorry , Bob, but that is the way you come across. Because I think if we polled the audience on the scientific poll that would be acceptable, I think you took every opportunity to discredit this report because it disagrees with your point of view. And I don't agree with it.

Larson: Joe do you ....

Filner: My name is on this document , here. I am not responsible for the Integration Task Force Report. I am not responsible for the Experts Report. I have partial responsiblity for this report. It is my responsiblity to get the report to reflect what I was elected to do. You don't have to agree with me. Majority rules here. But, you're right. I am talking about how it relects, whether it supports my view of what we are doing. And I have a vote on that , one vote. And I dont have to vote yes all the time and I don't have to vote now all the time but I have to vote and I have to discuss it. I don't have to discuss those other things. I'm not going to tear those other things apart. This is what I

(Filner) am sending to court with my name on it and I ought to have a role in what is in there. I don't want to be presented this , each document , two days in advance and say approve it. I'm not going to do it.

Larsen: Mr. Littlejohn.

Littlejohn: I'm deliberating, Madame President. I'd like to hear your response and I would like to defer to you.

Larsen: OK. Fine I will be happy to. If there are any thoughts, and there obviously are, for restructuring this survey and the questions next year, I think it is most appropriate at the time that the contract is awarded and that the activity is set in motion for next year's survey consideration that that come about in an orderly fashion in September or October when it will be before the board as an agenda item. I know that whoever the pollster will be who will do our survey, whether it will be Dr. Kaplan or someone else, and he may not want any relationship with it, in times to come. Yet it is appropriate at that time that the board do explore whether they want a more in depth, and a different type of survey. In this particular instance, the survey questions this year, were an ongoing extension of the survey questions and the data that we had been trying to collect the past two years. And we all know that surveys can be projected and written to obtain different results, but I think we as a board, have had an ongoing agreement that there was fairness and certainly a sense of propriety in the way the questions were asked and from all the expert (implicit) that we have, we felt that it was an honorable questionnaire. And this has been an ongoing extension of those surveys of the last two years. The evaluation is strictly a statistical evaluation. It does not get into philosophy. It does not get into psychology. The comment that many more females responded to the surveys, I think any household would respond that a female answers the phone more frequently in many instances there is not a man in the home, many families. There are probably more single mothers than single fathers, to be there to answer the phone. But this is all part of a variety of different elements that we can debate for many hours. But I do feel that the survey has been an statistical extension of what has come forth the past two years. We have been asked by the court to show that we are making meaningful progress in eliminating and/or alleviating racial isolation in the 23 minority isolated schools and I think that this report and this analysis contiues to exemplify this in a time when our majority enrollment is decreasing and we lost a great number of students this last year but we still have a greater mix of students within our various programs, in the SDUSD. And I am comfortable with the evaluation and to send it to the court. And Mr. Littlejohn, if you would like to make a comment and then we have two requests for public hearings, on this, this is not an action item, this is a statistical report . It is , has put together on the enrollment projections, we do have amendments that are an action item, that are an extension of our five year plan. And our fine year plan has had a great deal of dialogue, and discussion, and input from the community. And perhaps it would be helpful sometime for us to sit down as a collective group of five members and get into some of these things. The components and some of the ideas that went into that. Some of us have lived with it for a long period of time and we realize Dr. Filner, that you and Dr. Littlejohn, that you have not had that same input and involvement and maybe that is something

(Larsen) that would be most appropriate for us to do, and you would feel more comfortable with it also. But anyway, do you have anything to say before we have public hearings.

Littlejohn: Yes, I do. I think , the members of the board who have been on longer than I do have a point, that a part of my feeling of frustration when getting a report of this size and I would have felt the same frustration if I had gotten it a month ago, has to do with the fact that I'm feeling that I am running behind a train and I am not getting on it. Because-- And the train continues to go and I think that this same pattern can exist the whole time that I am onthe board of education because something had a beginning had a genesis before I ever got on the board. My point at this time, is that I would like to , I absolutely would like to see some new direction taken. For example, in the survey, and I am not even, I am not knocking Dr. Kaplan's survey, that is not my point at this juncture, to knock your survey. My point at this juncture is that I think that not withstanding the point that we are dealing with program that has had a beginning before I got on theboard, I am now on the board and I can , and I see some new directions that I think might be appropriate. One direction that I see appropriate is that we take an operational point of view in terms of operating our integration program. Surveys directed at operation, rather than surveys directed at compiling data to go into a court that then will result in implications for the coming year. You see off of this report there are gleaned implications for our operations for the next year. In other words, I didn't have any input into this statistical compilation and cosequently, things that came off of this in terms of recommendations for next year, I don't have any input on theseither. It has just, the train is just going, and I am running behind it trying to catch on to it. That is exactly my frustration and I think probably Bob's frustrations. I think if we sort of sit back and we don't get so inclined in listening to the fact that there might be an overkill in terms of analyzing what is going on. Dr. Filner does have some points in terms of looking at what, at some of the negative aspects of the program and attempting to find ways of remediating those, to make those , to make it positive. You know I have ears, and I also read what the other agencies that are looking at the integration program are saying and I don't see how we can (word?) along with these things (with blinders that horses have...??) by being totally non resposive to them. We need to address them even if all we say is that we don't feel that way. And I think that when we are talking about documents that go into the court, that we might even say that. At least we need to be responsive to the fact that there are people who are saying that the receiving schools are not responsive to the VEEPing students, or that busing is one way, or that... Those statements are out there being made and they are being madeby a big enough segment of the community for us to respond to. If we dont respond to them , in terms of recommendations for the new year, I don't know how we will ever grab the bull by the horns, I'm sorry for using all of these trite statements, but I see that in some instances that we really do need to stop and say...I'm not trying to...Let me restate this...I am not attempting to ask for a total revamping of what has gone on, but what I am asking for is that we need to address the issues as they arise and I am not convinced when I look at the Amendments, (is that what that is called there) the Amendments that we are responding to a number of the criticisms that I have had brought to my attention over the period of time that I have been on the board of education. And I don't know the vehicle to get this information or those recommendations into this

(littlejohn) document. Now It is not that I have any problem with statistical analysis, I do in fact agree with some of the things that Dr. Filner has said. But this as an informational document has already gone and done. This document, I do have some difficulty with in terms of its recommendation and the implications for the next year. This comes out of the statistical analysis.

Larsen: May we have our two public hearings and then we are going to have a brief recess before going into the next item.