[ms-0234.002.003.004]

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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

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I

INTRODUCTION

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

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

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

2/ See Tables 6 and 7.

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

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

For example, there is no mention of the problem of relocating the School of Creative and Performing Arts (SCPA). The criticism by groups in the community and by the Integration Task Force of the initial proposal to move it to Collier might have been avoided, if the Board and staff themselves had been more critical of the proposal. Placing the school at Collier would not have maximized the potential of this attractive program to desegregate, which is a principal purpose of the program.[4]

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

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

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

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

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

The lack of candor in the evaluation supports the recommendation of the Integration Task Force that the Task Force be reconstituted in some form next year. No problems are addressed in this document. Rather, the School District's 1980 Evaluation brings to mind a contrivance used in the theatre long ago to orchestrate artificial applause. It was called a claptrap.

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

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

A. SEGREGATION CONTINUES TO GROW

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

B. TIPPING SCHOOLS NOT STABILIZED

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

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

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

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

TABLE I

MINORITY STUDENTS IN SEGREGATED SCHOOLS 1976-1980 [1]

Percent Minority	76-77	77-78	78-79	79-80
90-100	11,169	10,606	9,850	8,098
80-90	884	2,250	2,996	3,611
80-100	12,053	12,856	12,846	11,709
70-80	3,518	2,431	2,573	5,719
70-100	15,571	15,287	15,419	17,428
60-70	3,504	4,250	4,148	2,659
60-100	19,075	19,537	19,567	20,087
	65,778	67,217	67,399	69,311

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

TABLE 2

SCHOOLS LISTED BY PERCENT MINORITY 76-77 TO 79-80[1]

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

* Becoming more segregated
** Becoming less segregated

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

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

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

C. MINORITY GROWTH IMPROVES INTEGRATION STATISTICS

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

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

[5] See page 5, Defendant School District's Response to Plaintiff's Objections to the San Diego Racial Integration Plan 1978-82, dated May 8, 1978.

decreased from 13,659 to 13,413".[6] It is surprising that an increase of 2,364 minority students in VEEP and magnet programs over the previous year,[7] minority enrollment in the 23 segregated schools fell by only 246. However, this small number is not so startling when it becomes clear that only 420[8] of the 2,364 minority students came from the 23 segregated schools, and 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. (See Table 3).[9] In other words, 1,788 of the new minority students in the District took up residence in neighborhoods outside of the 23 segregated schools. Thus, without participating in the integration plan, many of these 1,788 new students integrated majority schools and improved the statistics used to measure the progress of the integration plan, including the Desegregation Index.

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[6] See page 2, Evaluation of the San Diego Plan for Racial Integration 1979-80, dated June 1980.

[7] See page 4 and 7 and Table 3 and Table 4, Evaluation of the San Diego Plan for Racial Integration 1979-80, dated June 1980.

[8] The figure of 420 is derived by totaling the minority students from minority isolated schools in VEEP and the minority students from minority isolated schools in magnet programs in majority schools for each year and taking the difference. The data used was from Table 3 and Table 4 of the Evaluation of the San Diego Plan for Racial Integration 1979-80, dated June 1980, and from the same tables in the June 1979 Evaluation.

[9] Since 420 minority students moved out of segregated schools in VEEP and magnet programs, and the residential population increased by 80 minority students, there should have been a net loss of 340 minority students, rather than 246. The difference may result from small errors in the data and the fact that the ethnic census was taken in November and December, while the magnet and VEEP data was taken in April. Also, the data in the Evaluation does not indicate those minority students from segregated schools who may be participating full-time in majority career centers.

TABLE 3

RESIDENT POPULATION OF SEGREGATED SCHOOLS[1]

School	1978-79		1979-80	
	Majority	Minority	Majority	Minority
Baker	7	541	4	501
Balboa	60	934	49	963
Burbank	5	316	4	358
Chollas	18	421	20	403
Emerson	18	576	10	667
Freese	140	636	90	644
Fulton	4	294	18	322
Horton	15	501	21	488
Johnson	2	305	3	319
Kennedy	11	733	10	719
Knox	12	481	14	402
Logan	29	980	8	1,037
Lowell	3	481	2	406
Mead	13	299	7	309
Sherman	84	958	55	1,075
Stockton	20	584	12	626
Valencia Park	6	552	47	575
Webster	26	291	15	268
Gompers	21	1,002	33	1,072
Memorial	31	1,714	39	1,776
O'Farrell	113	1,286	108	1,216
Lincoln	21	1,917	14	1,639
Morse	449	1,888	345	1,985
TOTAL	1,108	17,690	928	17,770
Difference Between 1978-79 and 1979-80:			-180	+80

[1] The resident population was calculated by adding to or subtracting from the Pupil Ethnic Census of each school, students participating in VEEP or magnet programs, or reassigned using Special Attendance Permits. Data used were from the Pupil Ethnic Census, Students Participating in Magnet Programs, Students Participating in Voluntary Ethnic Enrollment Programs, and Special Attendance Permit data for the appropriate years.

Most of the minority student growth is accounted for by 1,388 new Asian students. The Hispanic population grew by 680, and the Native Americans by 37. The Black enrollment declined by 221, to continue its downward trend.[10]

D. MAGNET PROGRAMS AGAIN FAIL TO MEET GOALS

Nine of the eleven magnet programs in segregated schools fell short of the number of non-resident majority students needed to meet their goals. These programs failed by 252 students (23.3%) to meet their goals. Only one elementary school (Johnson) and one secondary school (Gompers) met their goals. (See Table 4).

The two career centers located in minority isolated secondary schools (Lincoln and Morse) fell 43% short of their goals despite the fact that they were only part-time programs aimed at attracting a mere 130 majority students. (See Table 4). (Typically, students attend career school programs for only two hours a day. For example, only 57.1% of the students attending Wright Brothers Career High School attended as full-time students last year. This data is from Exhibit E, June 25, 1979 Hearings. The data this year did not show the full-time students.

Magnet program applications for next year indicate that these programs are likely to miss the goal even more in 1980-81 than they did last year. Last June 696 applications had been received from majority students for programs in segregated schools. The total majority student goal for these segregated

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[10] Data developed from the 1978-79 and 1979-80 Pupil Ethnic Censuses.

TABLE 4

COMPARISON OF MAJORITY APPLICATIONS FOR MAGNETS IN SEGREGATED SCHOOLS, ENROLLMENTS, AND GOALS, 1978-79 AND 1979-80

	1979-80				1980-81			
SCHOOL	Applications[1]	Enrollment[2]	Goal[3]	Difference	Continuing Students[4]	Applications[4]	Total[4]	Goal[3]
Fulton	107	71	90	-19	30	87	117	120
Johnson	24	92	60	+32	46	24	70	90
Lowell	16	22	80	-58	19	15	34	100
Emerson					0	22	153	75
Webster	75	187	190	-3	131			218
Benchley	99	165	167	-2	133			162
Fremont	3	153	149	+4	133	30	304	151
Sherman	6	5	55	-50	8			80
Horton	16	38	80	-42	35			120
Knox	10	18	60	-42	40			80
Longfellow	40	245	173	+72	210	53	425	260
Oak Park	33	76	150	-74	87			160
Baker	14	50	60	-10	46			90
Valencia Park	32	140	175	-35	71	25	142	200
Gompers	174	187	165	+22	176	133	309	200
Memorial	14	19	65	-46	18	10	28	35
O'Farrell	13	18	65	-47	50	12	62	130
Lincoln	4	24	50	-26	0	19	19	75
Morse	16	50	80	-30	5	22	27	110
TOTAL	696	1,560	1,914			452	1,690	2,456

[1] Data from Tally of Applications - Elementary Magnet Programs (1979) and 1979-80 Applications Approved as of June 20, 1979 Secondary Schools Division.

[2] Data from Students Participating in Magnet Programs (April 1980)

[3] Data from the San Diego Plan for Racial Integration 1979-82, Revised.

[4] Data from comparison of 1980-81 Program Goals for Nonresident Students with Continuing Students and Applications Received for 1980-81, Elementary Schools Division, dated 6/02/80, and Comparison of 1980-81 Program Goals with Continuing Students and Accepted Applications for 1980-81, Secondary Schools Division, Revised 6/15/80.

schools was 1,914. This June only 452 of an expected 2,456 majority students had applied for programs in minority segregated schools.[11] Last June 36% of the goal had been reached. This year only 18% of the goal for the Fall has been reached: exactly half of what had been reached last year at the same time.

E. SOME ASSIGNMENTS INCREASE SEGREGATION

Each year there have been both majority and minority students whose reassignment away from their neighborhood schools has increased segregation. This year 108 majority students left segregated or tipping schools to attend majority schools, either in magnet programs or using Special Attendance Permits. Majority schools sent 37 minority students to segregated or tipping schools.[12] Of these assignments, which increased segregation, ninety-five involved students who participated in magnet programs and fifty were students reassigned with Special Attendance Permits.[12]

F. LARGE NUMBERS PARTICIPATE: FEW DESEGREGATE

Only 781 (7.7%) of the 10,166 students participating in magnet programs are majority students who desegregate segregated schools. An even smaller number, 341 (3.3%) participate in programs which stabilize tipping schools.[13] There are 8,188 who are simply moving around in an educational version of musical chairs.[13b] Participants are given the opportunity to benefit from special education programs, but they do nothing for desegregation.

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[11] See Table 4.

[12] See Table 5.

[13] These figures are derived from Students Participating in Magnet Programs (April 1980).

[13b] 856 minority students from segregated schools also subtracted.

TABLE 5

TRANSFERS WHICH SEGREGATE[1]

STUDENT ETHNICITY	SENDING SCHOOL	PROGRAM	RECEIVING SCHOOL MAJORITY	TIPPING	SEGREGATED
		VEEP			2
MAJORITY	TIPPING	MAGNET	52	35	35
		SAP	20		
	TOTAL		72*	35**	37*
		VEEP			
MAJORITY	SEGREGATED	MAGNET	22	3	9
		SAP	14	6	1
	TOTAL		36*	9*	10*
Total majority which segregate:		108			
		VEEP			
MINORITY	MAJORITY	MAGNET			10
		SAP		11	2
	TOTAL			11*	12*
		VEEP			
MINORITY	TIPPING	MAGNET		1	11
		SAP			3
	TOTAL			1	14*
		VEEP		4	
MINORITY	SEGREGATED	MAGNET		7	37
		SAP		36	9
	TOTAL			47**	46**
Total minority which segregate:		37			

* Transfers which increase segregation.

** Transfers which are neutral or have a mixed effect.

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[1] Data is taken from Students Participating in Magnet Programs (April 1980), Students Participating in Voluntary Ethnic Enrollment Programs (April 1980), and Special Attendance data received on July 17, 1980.

The weakness of the District's integration plan is highlighted by the fact that after three years the number of majority students in segregated schools has reached only 1,727, including 909 resident students. The numbers of majority students participating in programs at Fulton, Johnson, Valencia Park, Webster, Gompers, and other segregated schools are grossly inadequate when compared to the 5,754 majority students needed to raise the segregated schools to only 70% minority. Furthermore, none of this takes into account the six additional schools which are now over 70% minority, and the several more which are approaching 70% .

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III

INTEGRATIVE EXPERIENCES

"My definition of what has taken place is that we are talking about integrating experiences in an educational context which is not the same to me as an integrated education."

Joe O. Littlejohn, School Board Member, 6/24/80, SDUSD Board Meeting. (See Appendix B).

The "Integrative Experiences" hidden in the School District's verbiage call to mind, "two grains of wheat hid in two bushels of chaff; you shall seek all day ere you find them; and when you have them they are not worth the search.[14]

A. Elementary Extended Instructional Exchange Program

Through this program 167 [15] (2%) of the 8,197 [16] elementary students attending schools over 80% minority are desegregated for 25% [17] of the school year.

B. Secondary Instructional Exchange Program

In this program, 203 [18] (4.5%) of the 4,488 secondary students attending four secondary schools (Memorial, O'Farrell, Morse and Lincoln) are desegregated for approximately two hours a day.[19] The 335 [20] minority students at Gompers, who are not in the magnet program and are still segregated, cannot participate in the

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[14] Merchant of Venice, Act 1, Scene 1, Shakespeare.

[15] Evaluation of the San Diego Plan for Racial Integration, 1979-80, p.13.

[16] Evaluation of the San Diego Plan for Racial Integration, 1979-80, Appendix B-1.

[17] Elementary Instructional Exchange Programs, SDUSC, 11/14/79.

[18] See Table 4, Evaluation of San Diego Plan for Racial Integration, 1979-80.

[19] Secondary Instructional Exchange Programs, SDUSC, 11/8/79.

[20] See Table 4, Evaluation of the San Diego Plan for Racial Integration, 1979-80.

program. More than half of the exchanges are still for only one semester or less. This, in spite of repeated assertions by the District that "the long range goal of such exchanges is the full time enrollment of students in paired or clustered schools..."[21]

In the Project Lincoln survey, fewer than half of the teachers rated the exchange program as "going well" or even as "OK".[22]

C. Career Centers

All of the career centers continue to be listed as part of the integration plan, contrary to the Court's ruling that those in majority schools should not be included. (Order and Guidance Memorandum, 11/28/77.) Fewer than half of the Career Center students spend as much as four hours per day in the program.

D. Oral Communication

That an oral communications program is necessary in a desegregated school district is emphasized in educational literature and was recommended by this Court. We applaud the District's efforts but would recommend the following:

1. That all certificated personnel receive training.
2. That materials be made available in every school and every teacher be made familiar with them.
3. That future surveys be more carefully constructed.[23]

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[21] Reporter's Transcript, June 26, 1979, Court's Amendments, p. 278.

[22] See Appendix H-19, Evaluation of the San Diego Plan for Racial Integration, 1979-80.

[23] See Appendix B, School Board Minutes, 6/24/80.

E. Project Lincoln: Pride in Excellence

Twenty seven pages of educational jargon proclaim this program a success. Yet a letter to the Court (6/09/80) from ten Lincoln High School teachers suggests that much more substantial changes at Lincoln are needed.[25]

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[25] Court's letter to Hasper and Jensen, 6/23/80, with enclosures.

KAPLAN SURVEYS

Last year the Court received only four parts of the Kaplan Survey in evidence. Plaintiffs again urge that none of the surveys be received. If the Court is inclined to admit any of the surveys, Plaintiffs request the opportunity to submit evidence and argument on the surveys considered for admission.

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SCHOOL OF CREATIVE AND PERFORMING ARTS MINIMIZES INTEGRATION AS PRESENTLY LOCATED AND ORGANIZED

A significant number of students, 356, participate in the School of Creative and Performing Arts (SCPA). Over 1,000 students are on the waiting list. However, only 53 of the 356 participants are minority students from segregated schools; and as of March only 77 of the 1,000 on the waiting list were minority students from segregated schools.[1] SCPA is organized as a separate school. It is a school-within-a-school at Roosevelt, and only students in the SCPA magnet participate in its classes.

Last year the school administration proposed to move SCPA to Collier, where it would have taken over the whole school, and would have had room to expand. Collier and Dana Junior High Schools, just a mile apart, have only 1,425 students between them. It was proposed to move the Collier students to Dana. However, a number of groups, including the Integration Task Force, urged that consideration be given to moving SCPA to a segregated school, where its drawing power for majority students could be utilized to desegregate the school. This possibility is now being examined by a committee of parents and school personnel.

If SCPA is moved to a segregated school,[2] and maintained as a separate school, with resident students excluded from the magnet program, it is likely that many of the resentments and other problems associated with the Gompers magnet will be replicated. Worse yet, if resident students in the segregated school are moved out of their school to accommodate SCPA, greater resentment, and even hostility, may be generated. And for no purpose. The object of moving SCPA to a segregated school is to integrate the

[1] Data is from Students Participatingin Magnet Programs (April 1980), and letter from Mr. Stern to Court, dated March 7, 1980.

[2] The District proposes that SCPA use entire school and that resident

students in the segregated school, not to move them out of their neighborhood. Except for the few additional minority students from segregated schools who are admitted as a result of a possible expansion of SCPA in its new location, no more integration will have been achieved than with the school in its present location.

While it may be tempting to compare such a move to the development of the successful career high school at Wright Brothers, there is, in fact, no similarity. In 1972-73 Wright Brothers was a miniscule continuation high school with 74 students, all Black. It was not a regular, neighborhood school with the ties, loyalties, expectations, and involvement of the community associated with a neighborhood school. The school was closed, the 74 students reassigned, and it was reopened as a career high school in the Fall of 1973 with a total of 33 students, 28 of them white.

Plaintiffs urge that SCPA be moved to a segregated school, and general education classes, and as many others as possible be opened to resident students. The segregated school would thus be significantly integrated. Such a move and such a reorganization would be consistent with the total school concept plaintiffs have always supported.

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students be reassigned to another school.

VI

DISTAR CAN HINDER INTEGRATION

Plaintiffs have serious reservations about broadening the use of DISTAR in the district. Widespread use of DISTAR in minority schools can become an obstacle to school desegregation, and reinforce the current separate and unequal status of minority schools for the following reasons:

1. DISTAR will be unacceptable to many middleclass parents, because it is designed for disadvantaged children.

2. Adopting DISTAR as the only, or even the preferred, method of instruction in minority schools will further increase the distinctions between minority and majority schools.

3. Using a curriculum for minority school children which is different from that for majority children is inconsistent with the goal of bringing students together, voluntarily or involuntarily.

4. Behavior and adjustment problems are foreseeable when majority children are required to adjust to the strict timetable and constant repetition of DISTAR, or minority children have to cope with the openness and expectations of creativeness in the classrooms currently preferred for white students.

5. With different curricula in minority schools and majority schools, both majority and minority parents would tend to be discouraged from transferring a child for integration purposes when the receiving school has a different curriculum from the neighborhood school.

6. Well-organized integration programs still offer the best opportunity for quality education and raising achievement.

7. Integration provides educational and social opportunities that continue through the student's school career and beyond.

Without an order from the Court, the School Board:

1. Is free to adopt DISTAR, and has done so on a limited basis.

2. May extend DISTAR to other schools, if it can make a convincing case for DISTAR to parents.

An order from the Court to expand DISTAR in minority schools would leave parents from majority schools free to seek changes in their curricula, and the Board would have unfettered authority to respond. Parents from DISTAR schools, by contrast, would have an additional hurdle in seeking a curricular change. They would have to persuade the Board to return to the Court for a modification of the order imposing DISTAR. If the Board were unwilling to do so, perhaps for reasons unrelated to the curriculum question, the minority parents would have to sue.

In an excess of fairness, Plaintiffs attach as Appendix A a brief review of DISTAR literature. Although the views expressed are more positive than Plaintiffs', it should be noted that there is strong agreement that, if DISTAR is expanded, it should be done in an integrated setting, and in all schools where it is used, the District must be alert to any negative impact on integration.

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SCHOOL BOARD CONSIDERATION OF THE EVALUATION REPORT

In June of 1979, the Court wondered if the School Board gave the evaluation reports the close attention that the Court did, or relied more on the staff. (R.T. June 25, 1979, p.5). In its June 16, 1980 Report, the Integration Task Force complained about a lack of leadership and commitment by the School Board. They observed that "the Board of Education is more concerned with the integration law suit than it is with integrating the schools and providing quality education to the district students". (ITF Report, June 16, 1980, p.6).

The School Board discussed this year's evaluation of the integration plan and proposed amendments to the plan at a regular public meeting on June 24, 1980. Both items had been received by the Board members a few days before, and the amendments were to be submitted to the Court the next day.

Some Board members complained that the short lead time did not permit the evaluation to be examined adequately, nor questions to be asked of and responded to by staff. The evaluation was of little value to these Board members in acting on the proposed amendments to the plan. This portion of the Board's discussion bears on the Court's concerns expressed in June, 1979 and the Integration Task Force's serious charge voiced in its June 16, 1980 Report. The transcript of the discussion concerning the evaluation is attached as Appendix B.

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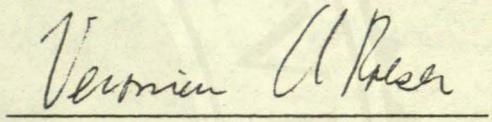
VIII

CONCLUSION

Defendant has not made meaningful progress toward desegregating its segregated schools. Plaintiffs believe that the Integration Task Force continues to perform a valuable service by giving critical attention to the implementation of the integration plan. The Court-appointed experts performed a similar useful function this year. However, Plaintiffs again recommend that a special master be appointed to develop a truly comprehensive integration plan.

Respectfully submitted,



VERONICA A. ROESER
Attorney for Plaintiffs

Date: July 21, 1980

TABLE 6

PROJECTED NUMBER OF MINORITY STUDENTS IN ISOLATED SCHOOLS 1981-82

	Magnet Program			Non-Magnet Program		
	Enrollment	# Minority	% Minority	Enrollment	# Minority	% Minority
Baker	632	505	79.9		none	
Balboa		none		876	823	93.9
Burbank		none		276	272	98.6
Chollas)		none		601	576	95.8
Mead)						
Emerson	693	583	84.1		none	
Freese[1]		none		662	506	76.4
Fulton	356	187	52.5	30	30	100.0
Horton	240	77	32.1	368	358	97.3
Johnson	327	205	62.7		none	
Kennedy		none		673	662	98.4
Knox	150	44	29.3	297	293	98.7
Logan		none		916	889	97.0
Lowell	431	307	71.2		none	
Sherman	180	59	32.8	1178	1064	90.3
Stockton		none		416	401	96.4
Valencia Park	709	460	64.9		none	
Webster	524	264	50.4		none	
Gompers[2]	350	120	34.3	240	233	97.1
Memorial	75	25	33.3	912	864	94.7
O'Farrell	450	150	33.3	907	831	91.6
Lincoln	200	100	50.0	885	878	99.2
Morse	300	100	33.3	2198	1721	78.3
San Diego	(300	100	33.3	1268	1123	88.6
	(200	80	40.0			
					11,524	
	Plus Baker and Emerson magnets				1,088	
TOTAL MINORITY STUDENTS WHO WILL REMAIN SEGREGATED IN 1981-92					12,612	

Note: 1976-77 Ethnic Census shows 14,288 minority students in designated isolated schools.

Sources: Schools with magnet programs: San Diego Plan for Racial Integration, Revised June 1979, and Amendments, June 24, 1980. Schools without magnet programs: San Diego City Schools Planning and Research Department, "Elementary School Enrollments, Three-Year Projections, August 26, 1977."

[1]Freese data derived from San Diego Plan for Racial Integration, March 22, 1978. Where majority/minority figures were not supplied by District projections, individual school ratios from the 1978-79 Ethnic Census were applied.

[2]Students in the Gompers non-magnet program are scheduled with magnet students for physical education and elective classes, but not math, science, English, social studies, or computer science classes.

TABLE 7

MINORITY STUDENTS WHO WILL REMAIN SEGREGATED IN 1981-92

Schools		Number of Students Remaining Segregated in 1981-82
1. From Segregated Schools with No On-Site Full Time Program 1981-82		
Balboa		823
Burbank		272
Chollas)		576
Mead)		
Freese		506
Kennedy		662
Logan		889
Stockton		401
		4129
2. From Segregated Schools Having Separate Part School Segregated Traditional Programs		
Fulton		30
Horton		358
Knox		293
Sherman		1064
Gompers*		233
Lincoln		878
Memorial		864
Morse		1721
O'Farrell		831
San Diego High School		1123
		7395
3. Schools With Total Magnet Programs that Will Be Above or Very Close to 80% Minority		
Baker	79.9%	505
Emerson	84.1%	583
		1088
	TOTAL	12,612

*Students in the Gompers non-magnet program are scheduled with magnet students for physical education and elective classes, but not math, science, English, social studies, or computer science classes.

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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

INCLUDING APPENDIX A

DISTAR

Considerable evidence supports the success of the Distar program in raising the achievement scores of "disadvantaged" children across the country. However, a comprehensive examination of available research supports the hypothesis that Distar is not always successful and that no one method is consistently better than another. It is important to keep in mind the unmeasurable factors involved in any classroom teaching method which determine the success or failure of any program. Those factors include the attitude and bias of the teacher toward a particular ethnic or socio-economic group, plus the teacher's enthusiasm and support for the instructional method being employed. It is also important to consider that no single method of learning is suitable for every child.

Favorable research on Distar suggests that the program has "achieved results superior to those of most other models," (Bruton, 1975), and that many children who have been taught by Distar are performing at and above the national norms in reading and arithmetic. The program appears to minimize individual differences and inconsistencies in teachers, and emphasizes the material which is taught. Children are encouraged through drill to speak loudly and clearly, to overcome linguistic problems associated with dialect, to express themselves in clear well-structured sentences, and to ask meaningful questions. Many teachers who have worked with Distar are pleased with the results, approve of the material, and express interest in continuing to use Distar as a major program to teach reading (EPIE Institute, 1977).

Several studies have raised questions about the merits of Distar, lending credibility to the claim it is controversial. However, some of the critics have acknowledged Distar's effectiveness in certain cases. While some of the objections appear

academic, the list of unfavorable points is a legitimate reminder that it is important to keep a sense of perspective regarding the merits of the program. The following list reflects the possible negative aspects of Distar:

1. Distar contains material which is objectionable to some educators and parents, i.e., racial bias, sexism, and anti-humanism (Gaman, 1974).

2. The highly structured method of teaching elicits responses that are "robot-like" (Gaman, 1974).

3. Fears exist that Distar will limit creative thought processes (Mayes, 1974).*

4. Evidence suggests that the material learned is "not transferable" to other educational materials at the conclusion of the use of Distar (EPIE Institute, 1977).

5. Verbalism which takes place by rote learning neglects comprehension (EPIE Institute, 1973; Ogletree, 1975; Davis, 1971).

6. Distar is based on a misconception that language differences exist between "advantaged" and "disadvantaged" children and black dialect is regarded as no language or as inferior (Ogletree, 1975).

7. Distar's success has been distorted due to testing methods which did not take into account certain variables, i.e., a failure to pre-test for language mastery at the beginning of the use of Distar, and comparisons with conventional methods which begin reading a year later than Distar and are therefore at a disadvantage when compared according to grade level (Kaufman, 1976).

8. Very little material taught by Distar is relevant to the children's home and school environment (EPIE Institute, 1973).

9. Distar is not new but an old method which has been updated and its methods are in opposition to the beliefs of experts in early childhood education (Mayes, 1974).

10. Teachers supportive of Distar indicated the program was not useful for all children and expressed concern at the "boredom" exhibited by students who needed more intellectual stimulation (Ogletree, 1975).

11. Some teachers feel hampered by the structured material in Distar (EPIE Institute, 1973; Ogletree, 1975).

12. Even though Distar is considered "teacher-proof," the "teacher's personality more than any other criteria" is the factor responsible for success (EPIE Institute, 1973).

* Findings of a study showed that creativity was not hampered (Ryckman, 1976).

It is our opinion that the positive and negative aspects of Distar should be carefully weighed and that an open mind be kept toward the use of the program in San Diego. The method merits being tried in some classrooms, but would not be in the best interests of all school children. The best education system offers a multi-method approach to learning. It is our recommendation that the court proceed with caution and not mandate Distar as the sole instructional method in the San Diego Unified School District. Where employed, Distar should be carefully monitored with strict evaluation procedures.

We concur with the belief of Distar's developers, Engelmann and Bereiter, that reading and arithmetic "can be taught" to every child and agree with Distar's emphasis that places responsibility on the teacher to teach (Engelmann, 1967). We further realize that while the attitudes of teachers who are insensitive to children of certain socio-economic or ethnic backgrounds are hard to change, the structured nature of programs such as Distar can minimize the effect of such attitudes. It must also be kept in mind that even the best method used in developing language and comprehension skills must take place in a multi-cultural and socio-economically mixed classroom in order for it to have a long term effect on children who have been racially or socio-economically isolated.

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Plaintiff's Response to Evaluation
Appendix A
Appendix B

PROOF OF SERVICE BY MAIL

I served the within document on the party (parties) indicated below by mailing copies thereof to their attorney(s) at the addresses shown below, on the date indicated below. I am not a party to this action, and I am over the age of 18 years, and my business address is Spreckels Building, San Diego, California, 92101. I declare under the penalty of perjury that the foregoing is true and correct.

Executed at San Diego, California, on date shown below.

July 21, 1980
DATE OF SERVICE

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