[MS-0234.002.003.017]

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 ORDER RE INTEGRATION PLAN 1979-82

In compliance with the court order of July 27, 1978, the defendant submitted on June 5, 1979 both its "Evaluation of the San Diego Plan for Racial Integration 1978-79" and "The San Diego Plan for Racial Integration 1979-82 Revised." On June 7, 1979, the Integration Task Force submitted its final report evaluating the defendant's voluntary integration program for the 1978-79 school year. On June 19, 1979, plaintiffs filed their objections to defendant's Evaluation and Revised Integration Plan; and on June 22, 1979, defendant filed its response to the Integration Task Force report.

Hearings were held in Department 21 of the San Diego Superior

Court before the Honorable Louis M. Welsh, Judge presiding, on June 25, 26 and 28 and on July 2 and 3, 1979.

On July 12, 1979, the Court in the company of counsel for both sides and a court reporter visited the Grantville, Benchley and Marvin Elementary School sites. On the same day, the Court issued an order dissolving its preliminary injunction denying a permanent injunction against construction of University City High School.

On July 17, 1979, the Court and counsel for both sides conferred with representatives of the School District and the University of California at San Diego concerning forthcoming plans for the Emerson Elementary School magnet. On the same day, the Court issued an order directing that the Benchley primary magnet school continue at its present site for school year 1979-80 and that all future decisions to close schools or educational programs, to construct new schools or substantially expand the present school facilities, or to change the location of educational programs had to be reported to the Court at least thirty (30) days prior to implementation.

On July 18, 1979, the Court and counsel for both sides conducted informal conferences with the principals, teachers and parent representatives from the Bird Rock-Brooklyn, Curie-Kennedy and Boone-Jones voluntary pairing and clustering programs. On July 19, 1979, the Court, counsel for both sides and representatives of the School District viewed video tapes of activities at the Curie-Kennedy voluntary pairing program and at the School of Performing Arts magnet.

In addition to the above matters, brief hearings were also held on July 10 and July 27, 1979.

On August 13, 1979, the defendant submitted proposed amendments to the San Diego Plan for Racial Integration 1979-82 in response to the Court's Memorandum Decision issued July 27, 1979.

Plaintiffs appeared by their attorneys, Veronica A. Roeser, William F. Gavin and Mary E. Harvey. Defendant appeared by its attorneys, Ralph D. Stern, Schools Attorney, and Donald R. Lincoln of Jennings, Engstrand & Henrikson, A Professional Law Corporation.

Amicus Curiae Dr. John Anthony, et al., appeared by Gerald S. Davee of Luce, Forward, Hamilton & Scripps. Amicus Curiae Friends of University City appeared by William H. Hitt of Hitt & Hartwell and Joseph A. Bradley III. Amicus Curiae Groundswell, et al., appeared by Elmer Enstrom, Jr.

The Court, having heard and considered the evidence, the law, the arguments of counsel, and having reviewed and considered the revised plan as amended and being fully advised in the matter, hereby makes the following orders:

IT IS ORDERED, ADJUDGED AND DECREED that:

The San Diego Plan for Racial Integration 1979-82 is approved subject to the following conditions:

1. In advertisements or public relations programs, the slogan "It's Working" shall not be used in reference to the desegregation program.
2. The School District will prepare and present to the Court its plan to implement the Secondary Instructional Exchange Program and elementary pairing and clustering as directed by the Court

in its Memorandum Decision filed July 27, 1979, copy of which is attached hereto as Exhibit "A." Said plan shall be presented no later than November 15, 1979.

3. The School District will describe in detail the actual operation of the "Pride in Excellence" program at Lincoln High School and submit such description to the Court no later than October 19, 1979.

4. The District shall implement an expanded bilingual and Direct Instructional Model Program (DISTAR) at Emerson during the 1979-80 school year and offer a fundamental magnet school with a bilingual component at Emerson next year.

5. The District and the University of California at San Diego shall continue to explore areas where cooperation can result in enriched educational experiences for minority students. The District is directed to report to the Court the results of such discussions no later than December 14, 1979.

6. The District shall study and analyze the variations among schools in the incidents of violence and shall make concrete recommendations to the Court for controlling such violence no later than October 19, 1979.

7. On or before October 19, 1979, the District shall

report the specific steps it will take to monitor each race/human relations program and assure implementation of effective programs in each school.

8. The District shall study and analyze why the VEEP program attracts more junior high school students than senior high school students and report to the Court, no later than December 14, 1979, steps that may result in additional participation at the senior high school level.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:

The District shall deposit with United Way, as trustee for the Integration Task Force, on or before August 15, 1979, the sum of $75,000 to defray expenses of the Integration Task Force during the 1979-80 school year.

All optional zones shall remain as they have in the past.

Applications for special attendance permits shall be closely scrutinized and shall be granted only when there are compelling reasons to do so.

The District will furnish to court-appointed experts all information that they request and cooperate fully with such experts so that they may fairly and accurately evaluate the quality of education that is offered to students in minority isolated and tipping schools.

W/dc

Dated: October 2, 1979

s/ Louis M. Welsh
Judge of the Superior Court