

School District Examines Policy

Officials postpone decision on race-based enrollment

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The Berkeley Unified School District Board of Education voted Wednesday night to reserve the option of moving to a race-neutral student assignment procedure for the coming school year.

There has been widespread concern that the existing K-5 integration policies could be subject to a costly legal challenge because of the district's use of race as a factor in assigning students to schools.

Recent court decisions across the country have struck down school districts' race-conscious enrollment policies.

In a 3-2 vote Wednesday night, the school board approved a measure proposed by district Superintendent Jack McLaughlin to postpone a final decision on enrollment policies.

McLaughlin's proposal called for the district to decide in March — after students have already applied to schools for the coming school year — what procedure to use to assign new and transfer students to the district's nine nonmagnet elementary schools.

At that time, the school board will have to either choose to retain the current procedure for nonmagnet K-5 schools, which takes race into account, or extend the district's magnet schools' race-neutral, geography- and socioeconomic-based enrollment formula to all its K-5 schools.

After receiving students' applications for enrollment, the board will then be able to examine the impact of each of the two assignment models on racial integration and decide which formula to use.

Board members who supported McLaughlin's proposal expressed concern that retaining current enrollment

policies for the coming school year runs the risk of a costly lawsuit.

Stephen McCutcheon, an attorney at the conservative Sacramento-based Pacific Legal Foundation, confirmed earlier this month that his group is considering a lawsuit against the Berkeley district.

School board Vice President Joaquin Rivera, who voted against

McLaughlin's proposal, said Berkeley should stick with its current system.

"The use of race is still legal," Rivera said.

He later said that the school board was allowing the Pacific Legal Foundation to set the district's agenda.

Rivera also said he was concerned that leaving the final decision on

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enrollment procedures until March will cause confusion.

"We need to let people know now what the process is — how we are going to be assigning kids," he said. "I just don't want to have things up in the air and make a decision some time in March."

School board President Pamela Doolan and directors Shirley Issel and Ted Schultz voted for McLaughlin's proposal. Director Terry Doran joined Rivera in voting against the proposal, and the nonvoting student director, Zachary Moon, stated his opposition to the proposal.

McLaughlin said after the meeting that his proposal was aimed at giving the district more time to examine its options and collect data on their implications.

"We will probably be sued no matter what we use," he said. "Whether we use the magnet criteria (or) the current criteria, it appears we'll be sued. We just want to collect more data. My intuition at this point tells me that we'll probably stay with the existing system, but we need to look at the options."

Making a decision at Wednesday's meeting on the issue of K-5 enrollment was particularly urgent for the school board because applications for enrollment in Berkeley's K-5 schools will be distributed in December.