BRUCE WICINAS

BERKELEY UNIFIED SCHOOL DISTRICT Berkeley Alternative High School, Multi-purpose Room 2701 Martin Luther King Jr. Way Berkeley, CA 94704 Phone: (510) 644-6147 Fax: (510) 540-5358

SPECIAL MEETING OF THE BOARD OF EDUCATION: STUDY SESSION: STUDENT ASSIGNMENT

AGENDA

Tuesday, December 17, 2002

Call to Order

The Presiding Officer will Call the Meeting to Order at

7:30 p.m.

Roll Call

President Joaquin J. Rivera

Vice President John T. Selawsky

Director Terry S. Doran Director Shirley Issel Director Nancy Riddle

Student Director Andy Turner

Administration

Superintendent Michele Lawrence, Secretary

PUBLIC TESTIMONY

Persons wishing to address the Board should fill out a card located on the table by the door and submit the completed card to the Board Recorder. Speakers will be selected by lottery. The Public Testimony is limited to 30 minutes—3 minutes per speaker. Speakers with the same concerns are encouraged to select a spokesperson to address the Board.

SPECIAL STUDY SESSION/WORKSHOP: (Board Policy: "The Board shall hold Workshops...at which no action may be taken.")

Report and Discussion of Work from The Student Assignment Committee

EXTENDED PUBLIC TESTIMONY

Persons wishing to address the Board at this time should fill out a card and submit the completed card to the Board Recorder. (Public Testimony is limited to a maximum of 30 minutes—3 minutes per speaker).

ANNOUNCEMENT

Schedule of December Board of Education Meetings:

December 17, 2002:

Board Study Session

regarding Student Assignment

December 18, 2002:

Board Study Session

regarding the District's

Budget

Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9(a) and 54957) and Education Code Section 49818(c)

- a) Conference with Legal Counsel—Existing Litigation
- b) Consideration of Student Expulsion
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal/Release
- e) Public Employment Appointments
- f) Liability Claims
- g) Property Acquisition

ADJOURNMENT	Time

Board of Education Meetings are broadcasted live on KPFB/FM 89.3 Cable Television Channels 25 and Berkeley's Government Access Channel 78

GUIDELINES FOR SPEAKERS

You are invited to participate in Meetings of the Board of Education and make your views known at these meetings.

WHEN YOU WANT TO TALK ABOUT AN AGENDA ITEM OR A NON-AGENDA ITEM:

Please fill in a **REQUEST TO ADDRESS THE BOARD OF EDUCATOIN CARD** and give it to the Board Recorder. Speakers will be selected by lottery. Your card must be submitted before the Presiding Officer calls for the item—**PUBLIC TESTIMONY.**

You will be called on to speak by the Presiding Officer.

A speaker has three minutes in which to make his/her remarks. (The Presiding Officer will extend the time allocation for those with special speech needs.)

Any subject related to the District or its educational programs is welcome at Board of Education Meetings. However, we ask that matters pertaining to individual employees of the Berkeley Unified School District be discussed in private. There is an established procedure for making such complaints. You may obtain information about this procedure from a school or from the Superintendent's Office.

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BERKELEY UNIFIED SCHOOL DISTRICT

STUDENT ASSIGNMENT ADVISORY COMMITTEE

PRELIMINARY REPORT to the BOARD OF EDUCATION

December 17, 2002

BERKELEY UNIFIED SCHOOL DISTRICT

Student Assignment Advisory Committee

Committee Members: Roia Ferrazares (Co-chair, Malcolm X parent), Derick Miller (Co-chair, Jefferson Parent), Noreen Axelson (Cragmont parent), Lee Berry (Willard parent), Julie Guthman (Emerson parent), Catherine Macklin (Community member), Nancy Riddle (Berkeley High parent), Bruce Wicinas (Consultant), Bernadette Cormier (Transportation Manager), and Francisco Martinez (Admissions and Attendance Manager).

STATEMENT OF BELIEFS

- Berkeley Unified School District believes that free and public education is the right of all the children of Berkeley.
- Berkeley Unified School District must provide a quality education at each public school and there must be equal opportunities, for all our students, to acquire that quality education. A quality education includes a strong core curriculum, enriched learning experiences and individual, community and educational resources that promote success in a rapidly changing multi-cultural society.
- Berkeley Unified School District believes that diversity is a community value. Diversity in education which could be addressed by a student assignment plan may include gender, race, ethnicity, language, family structure and socio-economic status.
- Berkeley Unified School District believes that diversity in our student population and reflected in our faculty and staff enriches the educational experiences of students; advances educational and occupational aspirations; enhances critical thinking skills; facilitates the equitable distribution of resources; reduces, prevents or eliminates the effects of racial isolation; encourages positive relationships across racial lines by breaking the cycle of racial hostility; fosters a community of tolerance and appreciation; and promotes participation in a pluralistic society.

Charge of the Committee

The Student Assignment Advisory Committee was originally convened in September of 2000 as an advisory committee to then Superintendent Jack McLaughlin. Its charge was to develop two alternative kindergarten through 5th grade assignment plans: a plan with factors including the use of race and a plan with factors excluding the use of race. The Committee was charged to include parent representation from each school and to hold at least one community forum, which it did in November of 2000.

Committee Process

The Committee convened in September 2000 and met weekly. Following a public forum, the Committee recommended retaining the present system. The Committee continued to investigate plans that would not use race and to look at factors impacting equity between elementary schools. We returned to the Board in Spring 2001 regarding the equity issue. During the 2001/2002 school year the Committee worked together creating a Statement of Beliefs to reflect our collective view of the many factors that create diversity. This year we reconvened at the request of Michele Lawrence, the current BUSD Superintendent, to address the original charge of recommending a student assignment plan which does not use race as a factor, to use for 2003/2004 student assignments.

History of the Student Assignment Plan

Following Brown v. Board of Education, findings of de facto¹ segregation in the Berkeley public schools led to adoption in 1968 of one of the first voluntary desegregation plans in the country by a major school district. The plan paired elementary schools so students attended one school for grades K-3, then attended the sister school for grades 4-6. Middle schools served only grades 7 and 8. In 1995, after a 6-year evaluation, schools were reconfigured to a zone system of "controlled choice" to address concerns about the old system. The reconfiguration created K-5 elementary and 6-8 middle schools. The goal of our present plan is to give families a choice of schools, but, within that choice context, to assign elementary students to reflect the zone-wide proportions of three racial categories: black, white, and other ethnicities, plus or minus 5%.

¹De facto means arising in fact, as opposed to de jure, which means "by law."

Legal Climate

Although the Committee is not comprised of practicing lawyers, it was provided with relevant law, cases and diversity studies to consider in making its recommendations. We have followed developments in the area. Nationally, use of race in various academic environments has created contradictory legal opinions. These cases generally arise under the Equal Protection Clause of the U.S. Constitution, which guarantees that no state shall deny any person within its jurisdiction the equal protection of the laws. In fact, the U.S. Supreme Court recently accepted for review two cases in which race-conscious admissions policies of the University of Michigan were approved. However, Proposition 209, which went into effect in 1997 (Article 1, Sec.31 of State Constitution) now governs in California. Prop. 209 requires that the state, including school districts, shall not "discriminate against, or grant preferential treatment to," any individual or group on the basis of race, sex, color, ethnicity, or national origin. In each of the three Prop. 209 cases for which we have written opinions, the California courts have overturned the affirmative action plan involved. In each case, the courts have indicated that the language of Prop. 209 is to be interpreted more narrowly than in equal protection cases and that no consideration of race by a state entity is permissible under Prop. 209.

School Equity

The Committee feels strongly that the student assignment plan only works if we can be reasonably certain of school site equity. We make our recommendations based on the assumption that different sites will offer a comparable education to the students enrolled at each location. This does not mean each site must be identical. Far from it, we hope individual schools will assume distinct even unique characteristics. What we do feel strongly about is that each of these distinctive schools will be equally successful at meeting the educational goals for achievement that apply to the district as a whole. In such a learning environment choosing or attending one school rather than another will confer neither significant advantage nor disadvantage to pupils enrolled at any individual site.

Staff Diversity

Equally important is attaining the goal of a faculty that parallels the diversity represented in the student body. This may be hard to implement for a number of reasons such as the applicant pool, recruitment and outreach failures, retention problems, etc. Nevertheless, this is an important goal as well as a crucial part of site equity. The Committee that this is a goal worth monitoring--in the same way as we

monitor students--and maintaining as a goal no matter how difficult it may be to achieve.

Broader Diversity Definition

As the Committee explored the impact of recent legal decisions, we came to believe that a broad definition of diversity would include many characteristics we may never even have considered in previous school assignment plans. Such a definition does not necessarily focus on race or ethnicity as such, nor does it attempt to find some single indicator or collection of characteristics that could be used as a proxy for race. While our understanding of and appreciation for the value of a diverse classroom persists, we need to find new ways of recognizing such learning environments. Even without the impetus of a challenging legal landscape, the committee would advocate a renewed commitment to fully involve all our children in an educational experience that consistently emphasizes equal access to all educational resources. When Berkeley first explored ways of ensuring racial diversity in its schools, achieving socioeconomic diversity was also an equally important original goal. Our work on developing a new assignment plan has retrieved this lost emphasis on socioeconomic variety, and added several other diversity factors. If we are proactive in our design we can continue to provide schools that faithfully reflect the rich variety of our community. If we do not attend to the changing legal climate, we may find ourselves simply reacting to events and decisions that fall largely beyond our control.

The Committee believes that the single most important factor is to design a plan that yields learning environments that are inclusive. These would be classrooms in which all children have a fair chance, an equal opportunity to learn. In such an environment no child would be excluded for any reason pertaining to their background. This would include income level, the language or languages spoken in their home, the educational background of their parents or guardians, or any other factors that may potentially affect access to equal educational opportunity. While we have selected several specific factors based on our examination of census and other data, as the assignment plan is monitored in the future, it may be necessary to modify these factors. Computer simulations of projected assignment plans designed using these factors compare favorably to the current method of assigning students. Computer simulations reassure us that using the new proposal, students will be distributed equitably throughout the District in ways that should ensure classrooms are at least as diverse as they are now. It is our hope that these new mechanisms will produce schools and classrooms that provide all students with access to high quality learning environments.

Neighborhood Schools

Berkeley had a system of neighborhood schools before integration in the 60's. Berkeley's housing patterns at that time were geographically segregated causing the de facto segregation mentioned earlier. For example in 1960 Malcolm X was 99% non-white, while Cragmont was 94% white.

Our School District eliminated proximity as a preference factor in school assignment when the controlled choice plan was implemented in 1995. However, many parents value proximity of elementary school to a child's home and some do take it into account when selecting first, second and third school choices under the current controlled choice lottery. Proximity allows a child to walk to school and to build friendships within the child's neighborhood. Theoretically, if all of our elementary schools were optimally located, a proximity assignment system could reduce the number of children who need school transportation.

Because of the interest in proximity, the Student Assignment Committee thought it worthwhile to review Berkeley's housing patterns and to consider an assignment simulation that would take proximity into account. We reviewed city housing patterns by race using the 2000 census data. We noted that the city's African American / black population was still primarily located in the flats with the heaviest density in south/central Berkeley. The white population is spread out more but has heavier density in North and East Berkeley. We then ran an assignment simulation based on a preference for children living within a quarter mile of a school and reviewed the outcomes.

We noted that many children in the city would not be served by such an assignment system because they live more than a quarter mile from an elementary school. Based on our review of demographic data we noted that the most impacted areas were in the flatlands where there is a high density of children and only two elementary schools. Some areas in the north hills were also impacted although there are fewer children living in these areas.

We also noted that drawing a rough quarter mile radius around each elementary school had capacity implications depending on density of children living in the neighborhood. For example only 67 kids lived within a quarter mile of Cragmont while over 400 lived in the Rosa Parks proximity.

We then reviewed the racial outcomes of our rough proximity simulation. We noted that resultant racial composition at only a few of the schools, such as LeConte and Washington reflected the K-5 composition of the

whole district. And we noted many extremes. For example, under this simulation Cragmont would have 0% blacks and Malcolm X 8% whites.

Based upon our review of the proximity assignment simulation we decided not to pursue the inclusion of a proximity factor in a proposed assignment plan.

Committee's Proposal to Modify the Student Assignment Plan

The Committee believes that diversity is a community value. Diversity in education which could be addressed by a student assignment plan may include gender, race, ethnicity, language, family structure and socioeconomic status. This is stated in our statement of beliefs. While race/ethnicity is included in this statement, we did not include it in our proposal given the original charge of the Committee.

The 2000 Census data made it possible for us to develop rich snapshots of the Berkeley population. Using Census data we were able to review maps of many diversity factors. After careful consideration the Committee narrowed a broad list down to four factors including income, parent education, and English as a second language.

We used the method of overlapping these factors to produce a map. We decided to use residence address instead of self-declared personal information. This eliminates the temptation for people to "game" the system by providing inaccurate information. There is no privacy issue because there is no need for sensitive information such as household income or race. From the census data we derived a map which translates residence address into an "assignment category." We apply the "assignment category" to the Controlled Choice Lottery retained from the current system. The goal of the lottery will be to balance the assignment categories of each school to reflect the overall assignment category balance of the geographic zone. We applied this proposed system to the last three years of our student assignment data. The computer successfully balanced the schools by "assignment category." As another means of outcome assessment we looked at the race of the assigned populations. The racial balance of the schools turned out about the same as now.

LIST OF EXHIBITS TO ACCOMPANY REPORT

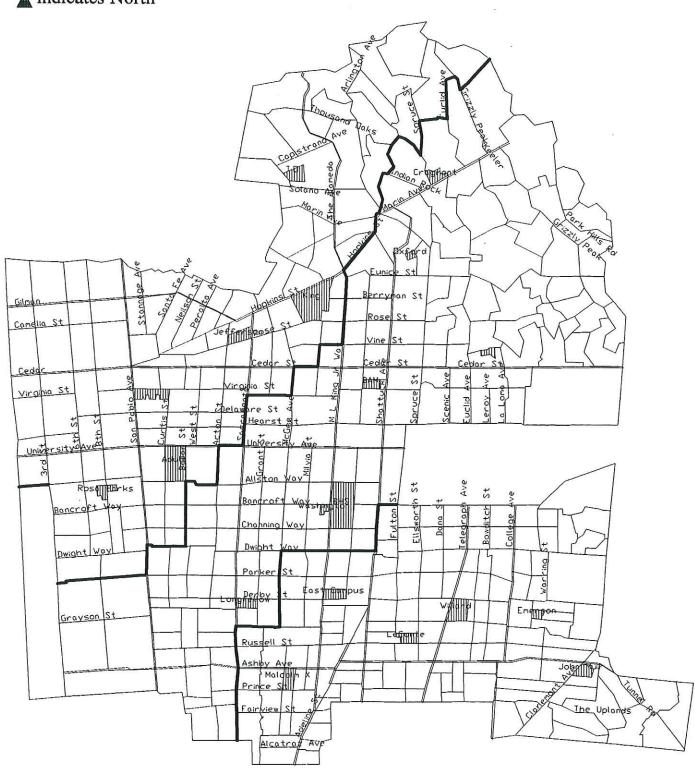
Appendix A

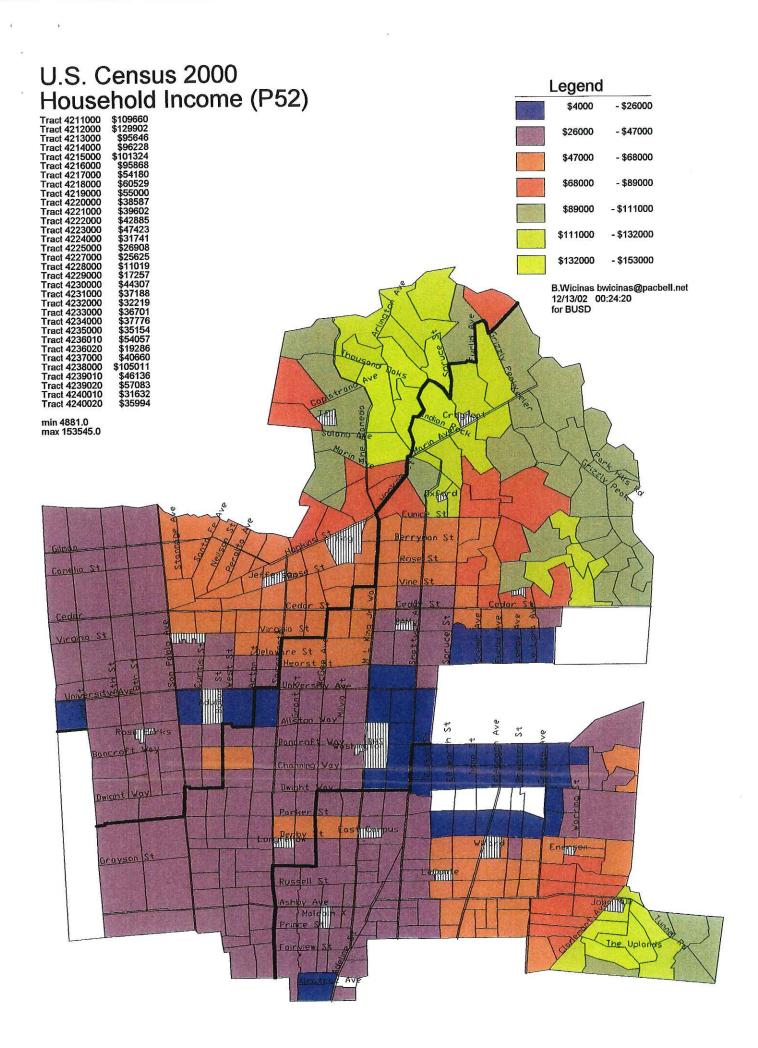
- 1. Map, Berkeley, "Planning Areas" (or Geographic Affinity Areas)
- 2. Map, Census 2000 data, Household Income
- 2. Map, Census 2000 data, "Education Level" (composite)
- 4. Map, Census 2000 data, Age 5-18 Speak English not well or not at all
- 5. Map, Census 2000 data, Male and Female heads of households with children under 18, no spouse present
- 6. Map, "Three Assignment Categories" derived from three census overlays.
- 7. Outcome Diagram (Pie Charts) per three census overlays, actual assigned populations by versus simulated outcome of plan, 2000-2002.
- 8. Map, "Three Assignment Categories" derived from four census overlays.
- 9. Outcome Diagram (Pie Charts) per four census overlays, actual assigned populations by versus simulated outcome of plan, 2000-2002.
- 10. Map, Projected outcome of a "Neighborhood Schools" assignment plan

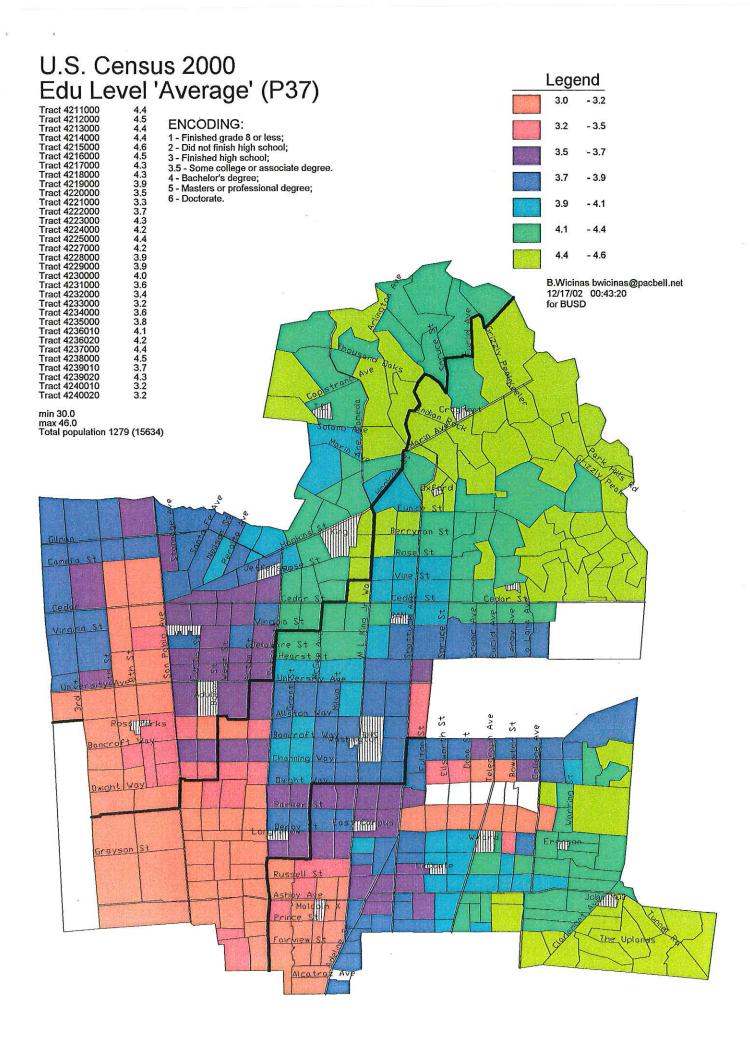
Appendix B

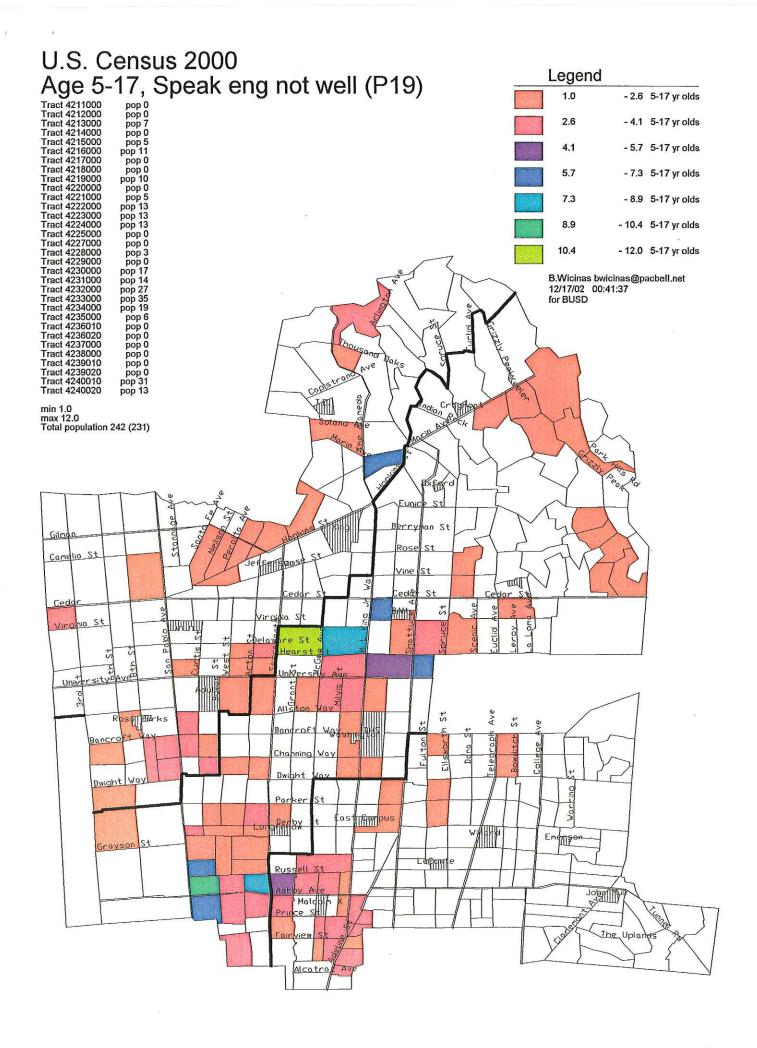
- = to demonstrate demographic facts,
- = to indicate the scope of data we examined,
- = for the information of the Board and the public.
- 11. Map, Census 2000 data, Population Density, White residents
- 12. Map, Census 2000 data, Population Density, Black residents
- 13. Map, Census 2000 data, Population Density, Asian residents
- 14. Map, Census 2000 data, Population Density, Latino residents
- 15. Map, Average House Sale Prices '99-00 (from City of Berkeley data)
- 16. Map, Average Parent Education, from BUSD-captured self-declaration
- 17. Map, Sat9 Reading scores, 2001, (from BUSD)
- 18. Map, Sat9 Math scores, 2001, (from BUSD)
- 19. Map, population attending Malcolm X
- 20. Map, population attending Cragmont
- 21. Map, population attending Thousand Oaks
- 22. Map, BUSD population receiving "free and reduced lunch"
- 23. Map, BUSD K-5 population current three "Geographic Zones"

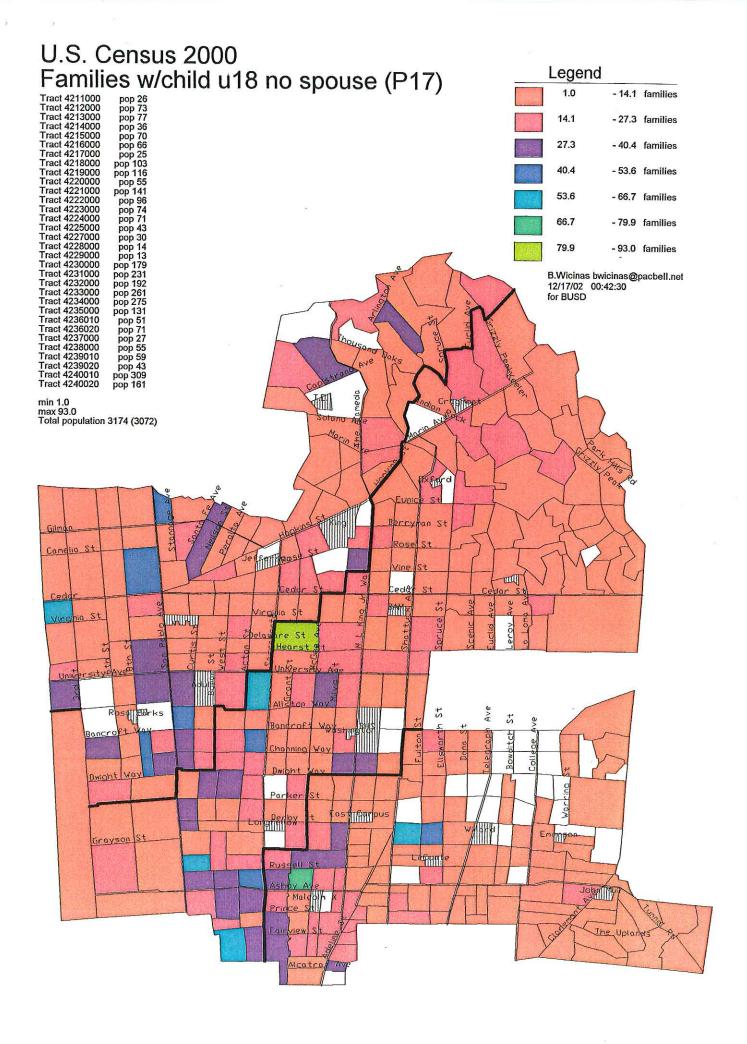
'Planning Areas' 1-445 Berkeley, CA indicates North





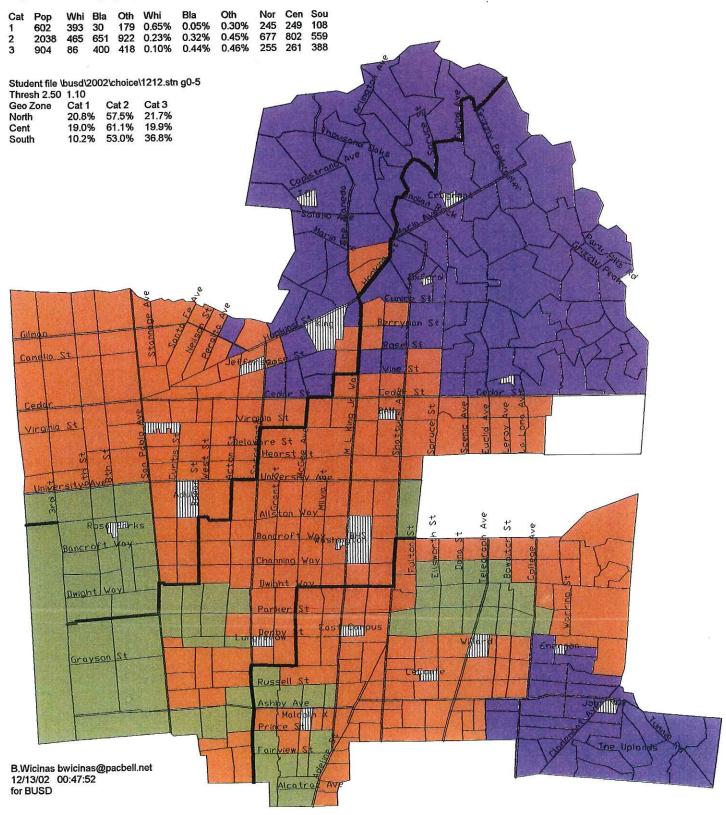


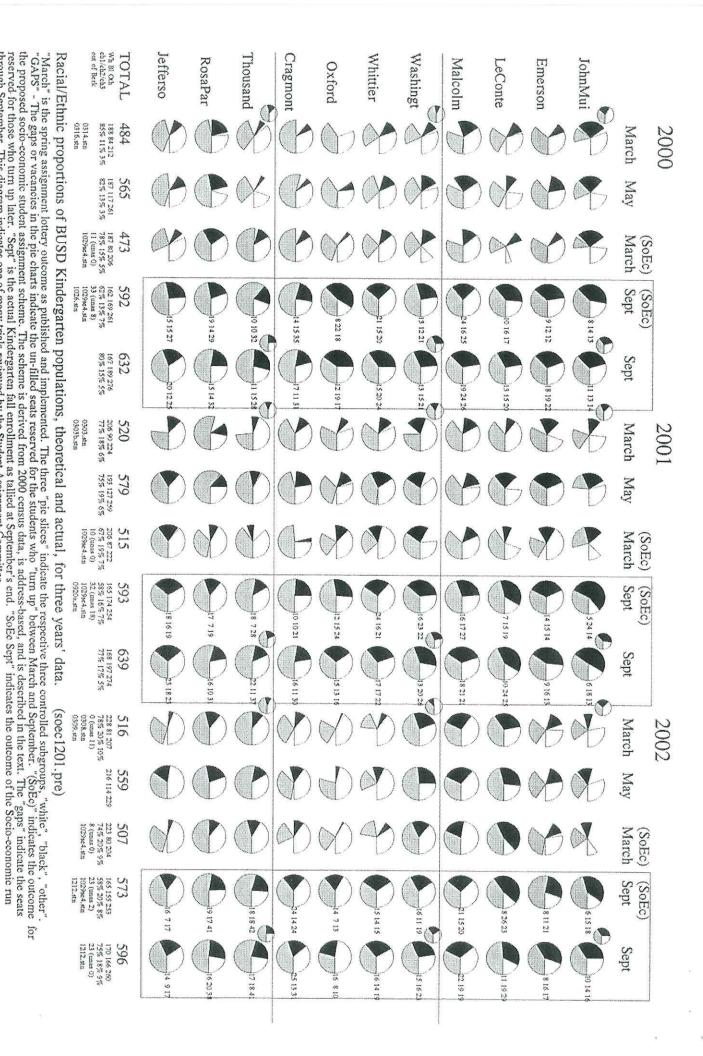




3 'Assignment Categories' from 3 Census Maps (1201) Household Income, Education Level, Speak English Not Well This scheme of three 'assignment categories' is derived from three overlays of Census 2000 data.

This scheme of three 'assignment categories' is derived from three overlays of Census 2000 data. All 3 datasets were averaged, then subjected to a threshold. The four: household income, education level, English a second language speak English not well.





Household Income, Education Level, Single Parent, Speak English Not Well OUTCOME DIAGRAM "SoEc 10/27" , from FOUR Census 2000 Overlays

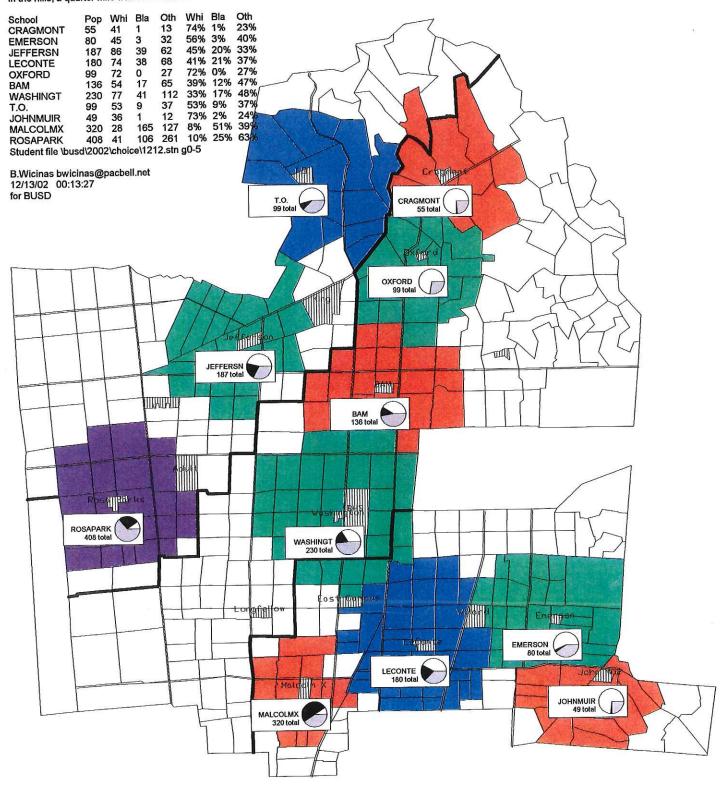
through September. This diagram indicates one of many trials reviewed by the Student Assignment Committee.

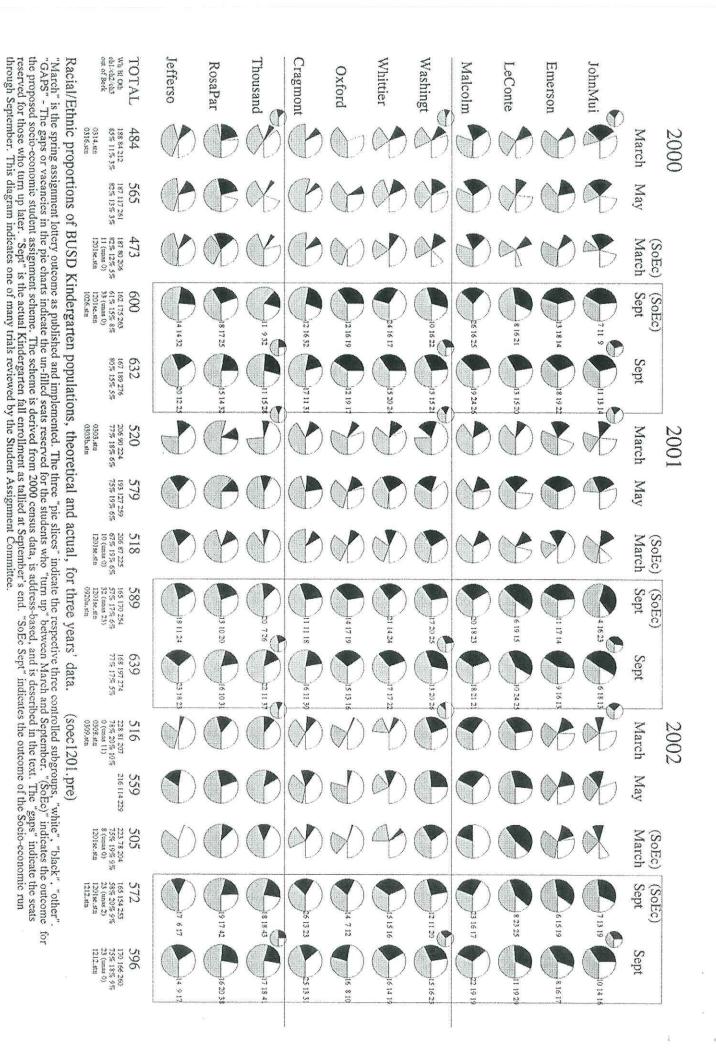
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'Neighborhood Schools' Assignment Simulation 'Quarter-Mile' model; K-5 BUSD Population This guesses the racial-ethnic outcome of populating our K-5 schools by a "neighborhood schools" assignment logic. The quarter mile proximity to each of our K-5 schools is indicated by map shading. The "pies" graphically indicate



This guesses the racial-ethnic outcome of populating our K-5 schools by a "neighborhood schools" assignment logic. The quarter mile proximity to each of our K-5 schools is indicated by map shading. The "pies" graphically indicate the consequent ethnic composition, "White", "Black" and "Other". The students who live more than a quarter mile from any school and would have to be assigned by some criterion are not indicated. Most live in the flatlands to the west. In the hills, a quarter mile was not sufficient to fill the schools but the radii could not be increased without overlap.





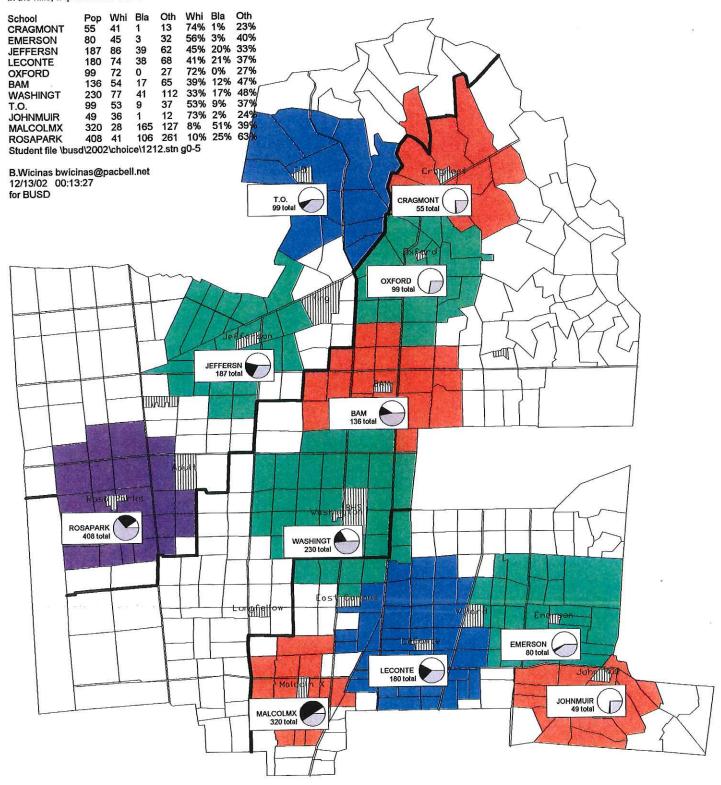
Household Income, Education Level, Speak English Not Well OUTCOME DIAGRAM "SoEc 12/01" , from THREE Census 2000 Overlays

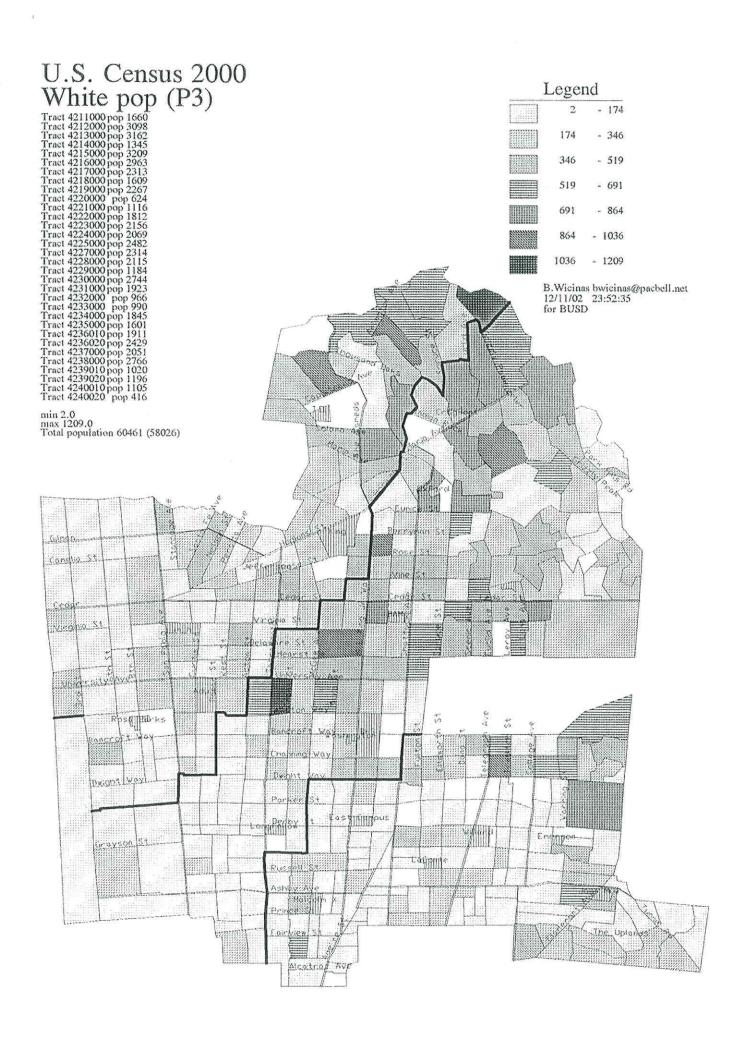
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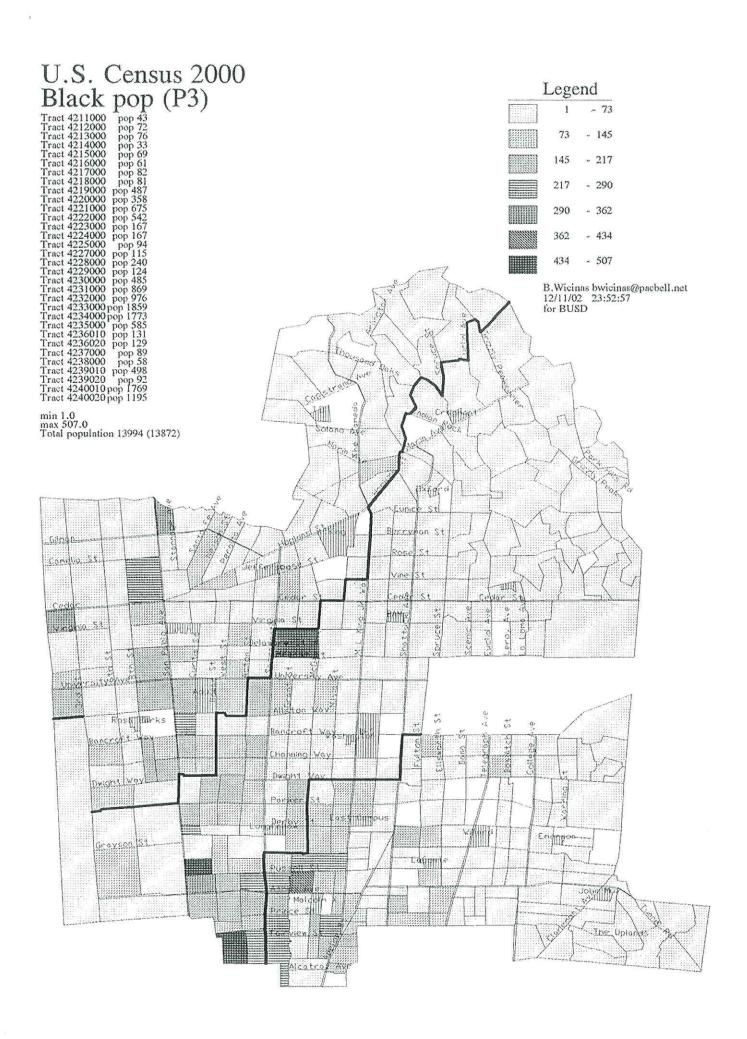
'Neighborhood Schools' Assignment Simulation 'Quarter-Mile' model; K-5 BUSD Population

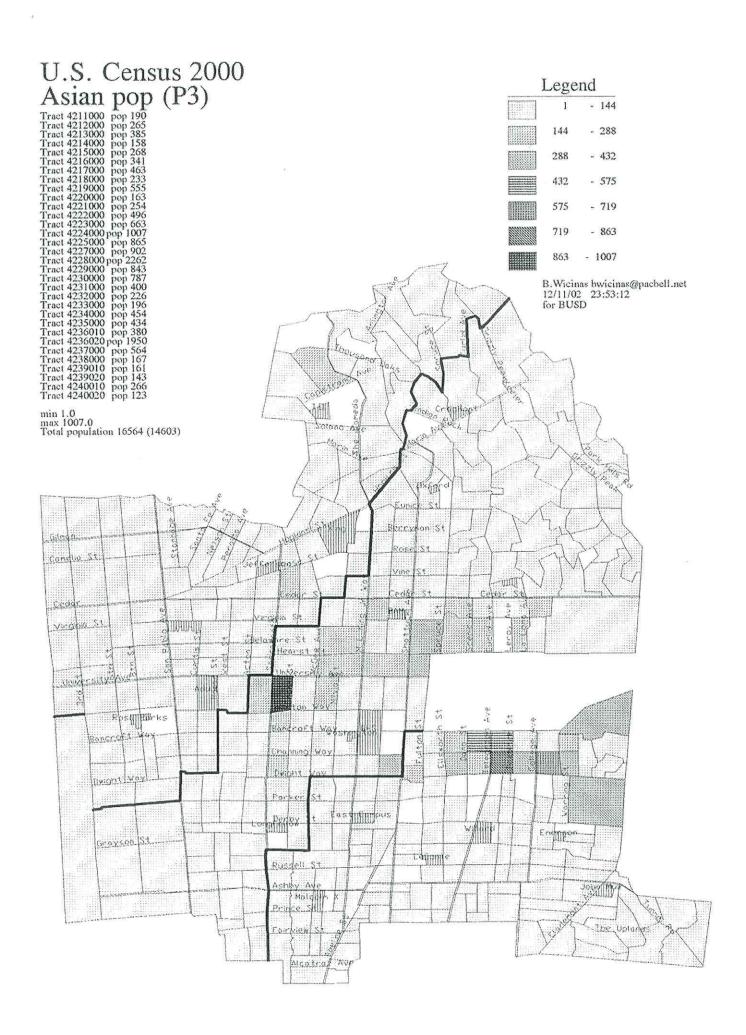


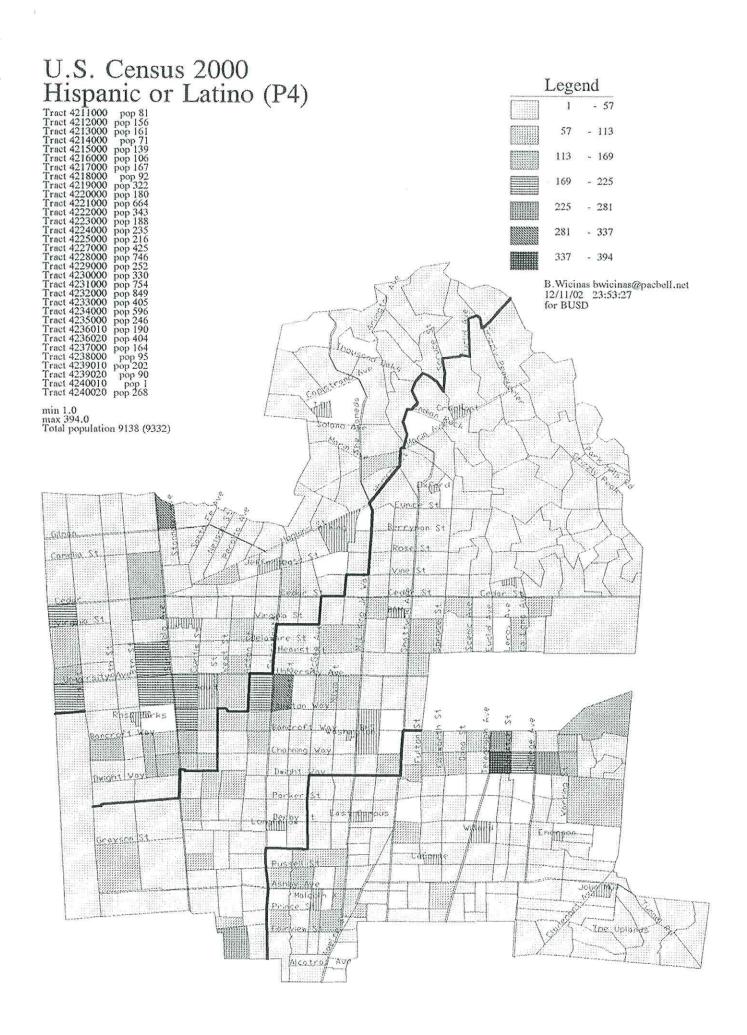
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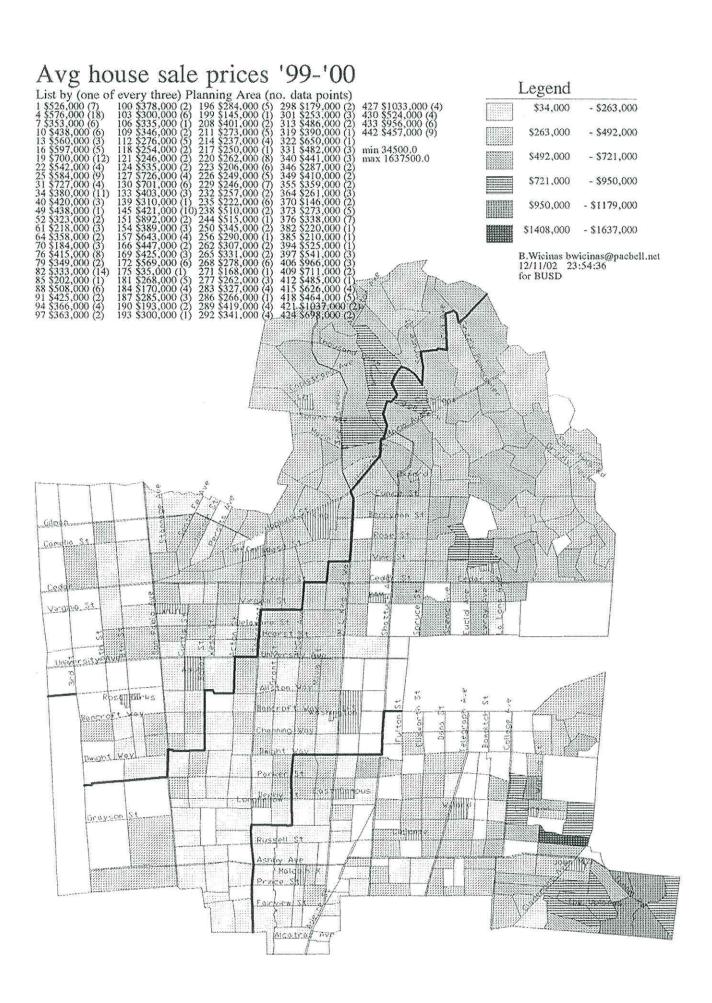


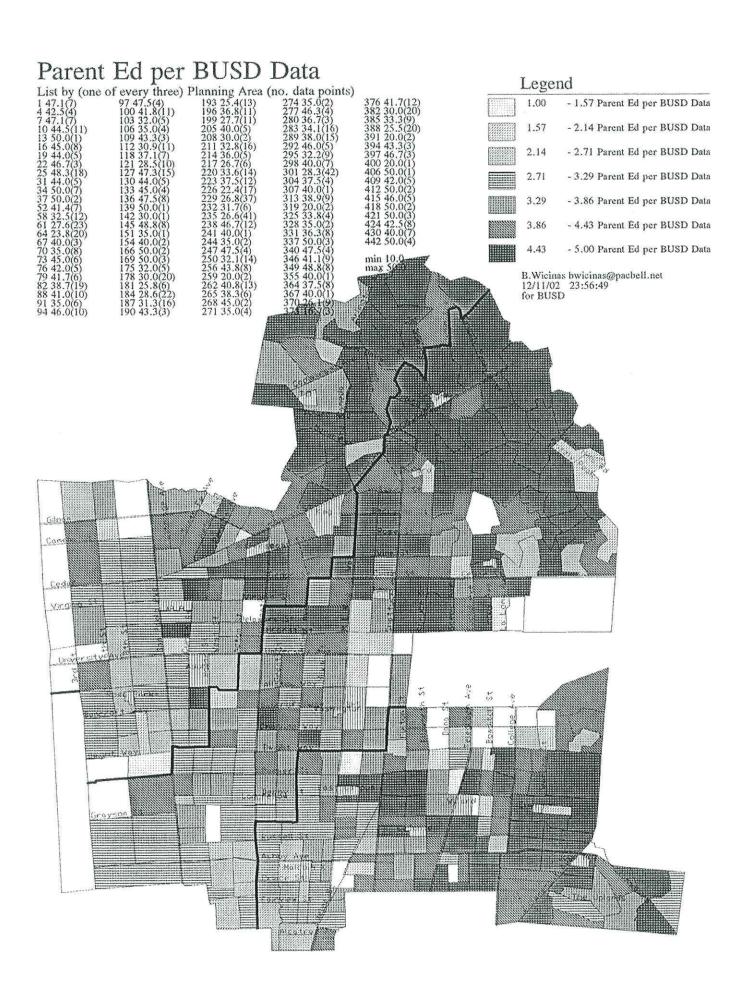


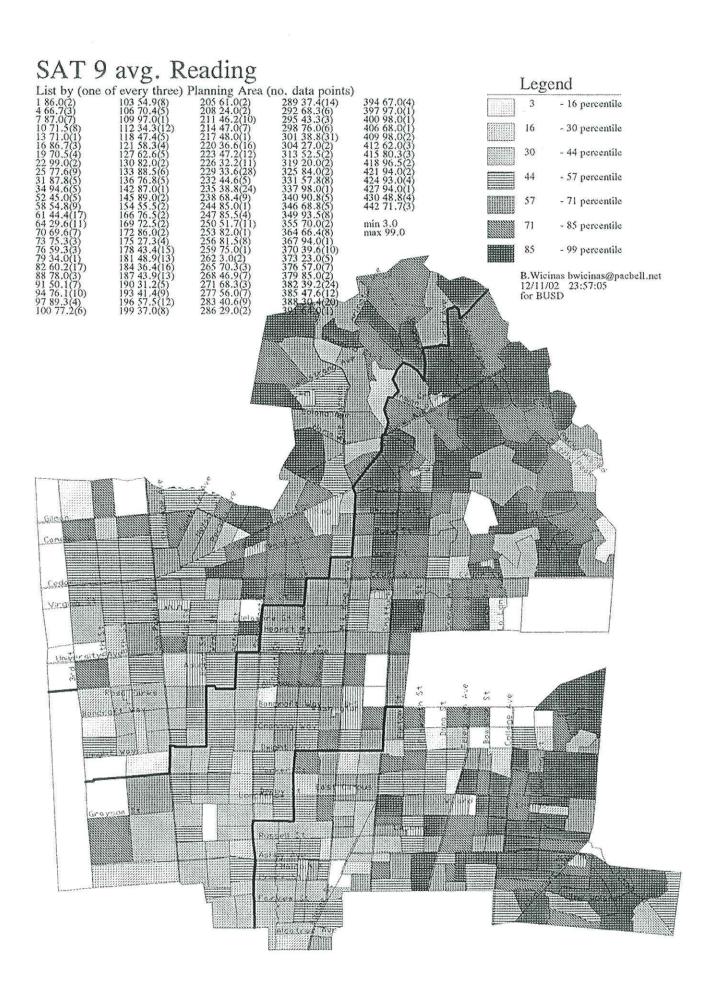


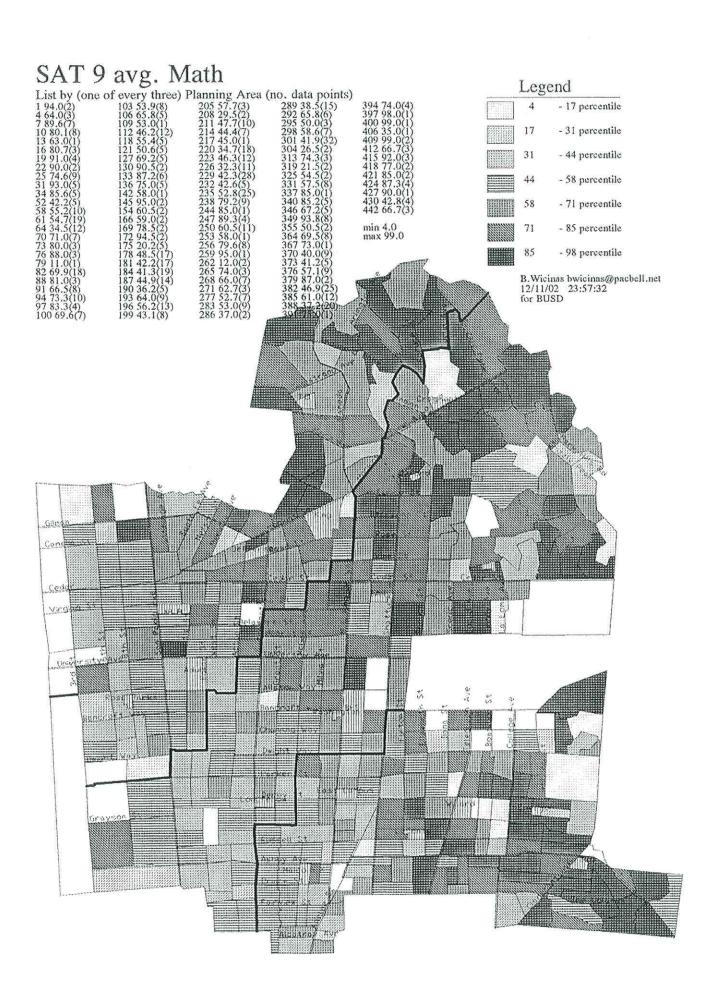




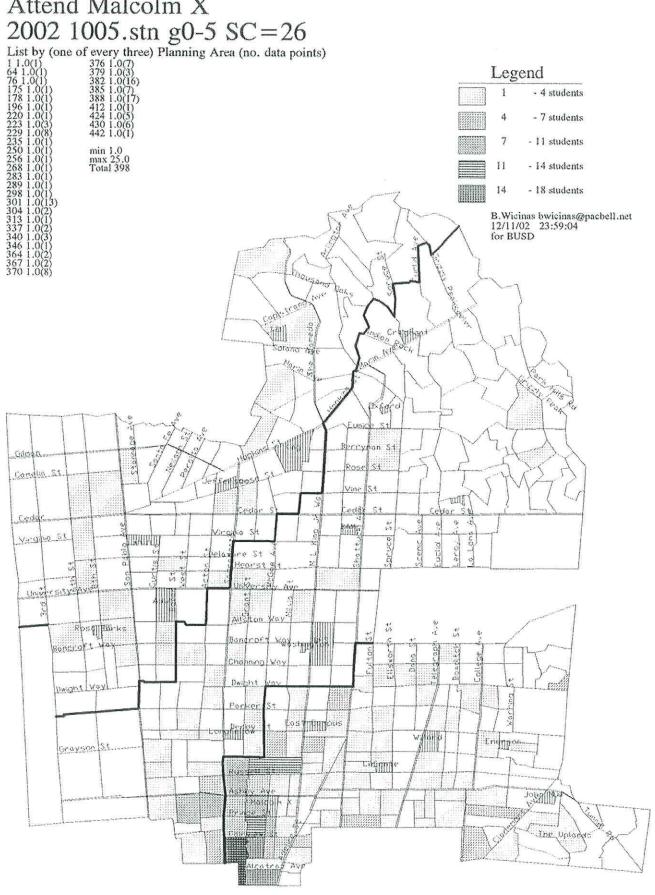


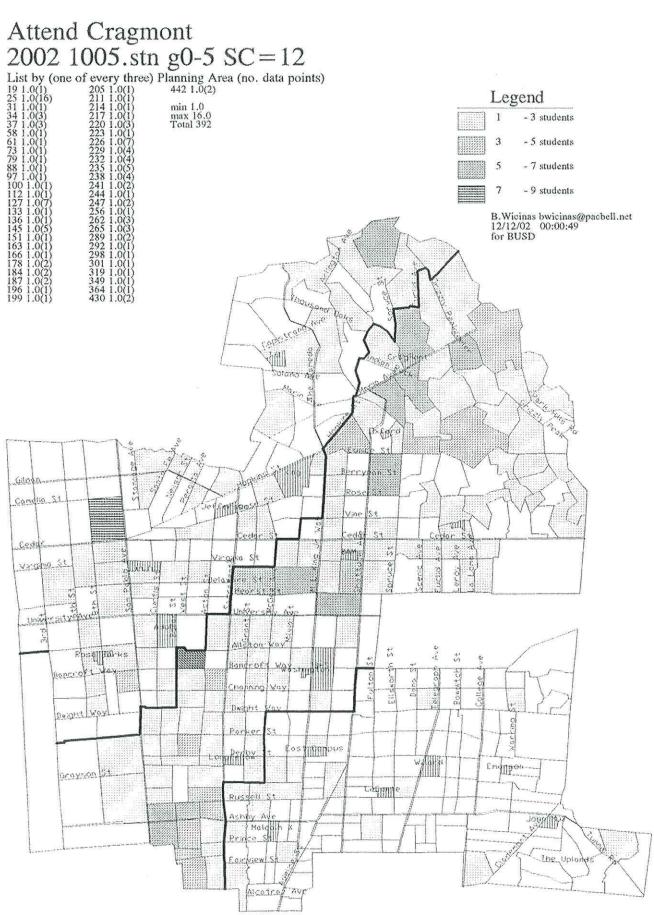




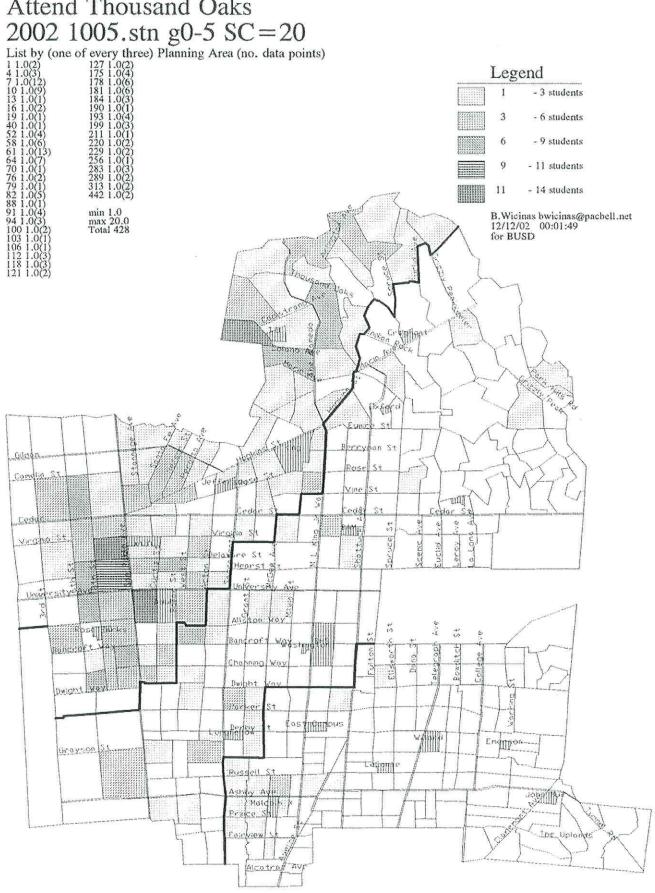


Attend Malcolm X

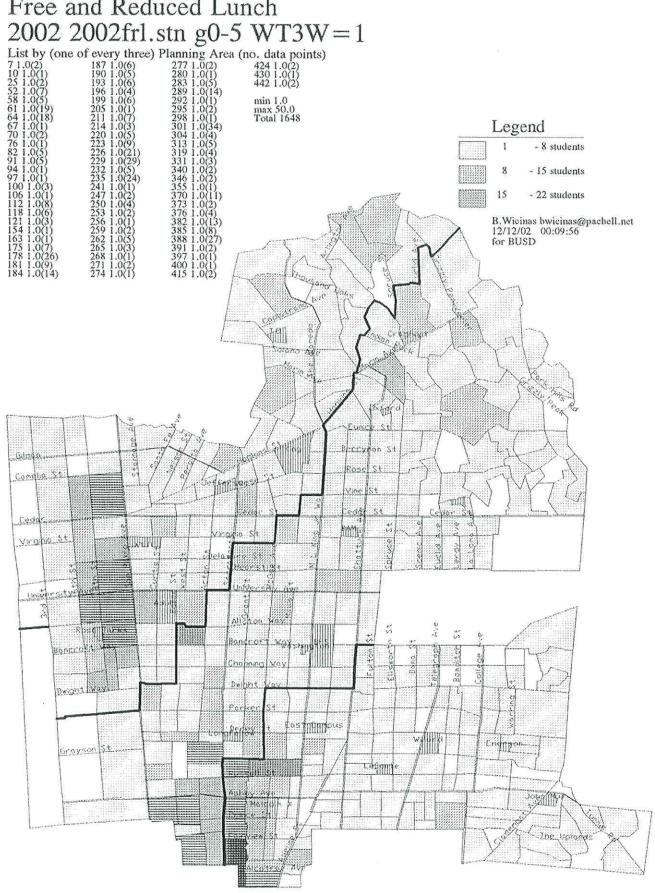




Attend Thousand Oaks



Free and Reduced Lunch



3 'Assignment Categories' Current Geo Zones

The three current geographic zones. This map is provided as a base reference.

