

BERKELEY UNIFIED SCHOOL DISTRICT
Office of the Superintendent

TO: Board of Directors
FROM: Jack McLaughlin
DATE: October 6, 1999
RE: Status of District Student Assignment Plan, 2000-2001 in Light of Court Rulings

DISCUSSION: The Board of Directors adopted the present Student Assignment Plan in December 1994. The **Controlled Choice Plan** uses race as the factor in assigning students to the district's K-5 schools. King and Willard Middle Schools utilize attendance zones for assignment with transfer requests taking race into consideration. Longfellow Middle School serves as a district-wide magnet with a waiting list that used race as criteria for assignment in the initial approved plan.

In 1998, the Board approved a modification to the approved Student Assignment Plan, which would only affect magnet schools funded by The Magnet School Assistance Program. In the approved magnet school plan, Columbus, City of Franklin, Malcolm X, and Longfellow use several steps before BUSD is required to call the Office of Civil Rights for permission to use race as an assignment criterion. The Board of Directors approved these additional steps--first choice and geographical bands within the three-zone system-- as the determining factor in the receipt of magnet school funds.

Recent court rulings that have gone against the use of race as a factor in student assignment give rise to the need to examine the current system of student assignment. It may be prudent-- to avoid future court challenges --to have the entire student assignment plan use the magnet school model already approved. The next step would be to bring together a committee of staff and citizens to review the magnet school plan and evaluate any possible ramifications for 2000-2001 school year. November 17, 1999 is the tentative date for Board consideration. It is imperative to have a decision as soon as possible, so that the *Guide to Berkeley Schools* and other documents can be modified and printed for distribution.

Legal staff will be present to review the need for modifying the non-magnet Student Assignment Plan. The description of both plans is attached.

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Student Assignment Program Guidelines
March 17, 1997 ¹

The following Board of Education actions serve as guidelines for the BUSD Student Assignment Program.

1. The elementary schools will be organized into three zones, as adopted by the Board of Education on 7/13/94. The zones, and the schools within them, shall be:
 - a) The Northwest Zone, consisting of Columbus, Jefferson, Franklin, and Thousand Oaks.
 - b) The Central Zone, consisting of Oxford, Washington, Franklin, Cragmont, and Whittier.
 - c) The Southwest Zone, consisting of Emerson, LeConte, Malcolm X, and John Muir.

2. Middle school attendance shall be as follows:
 - a) Attendance at King and Willard will be by current attendance zone and on a space available basis, within racial guidelines.
 - b) All six, seventh, and eighth grade students may choose to attend Longfellow and will be assigned on a space available basis, within geographic and racial guidelines.
 - c) Berkeley Arts Magnet at Whittier will house one or more sections of sixth grade.

3. BUSD shall seek to ensure that each school will have a student population which reflects the district-wide racial balance for the grade levels that are found within the school.

4. The threshold that BUSD should use to determine if a racial group is included for distribution purposes should be twenty-five percent (25%) of the total BUSD population. (Currently that means that only African-American and White populations are included.)

5. If a school has sufficient space:
 - a) All currently enrolled students who are Berkeley residents will be allowed to re-enroll in their current school of attendance for the following year;

¹ As amended on May 20, 1998

- b) All children who are Berkeley residents living in the same household as a student who will be enrolled in a school the following year will be allowed to enroll in that school for the following year;
 - c) These enrollment preferences do not apply to interdistrict transfers. BUSD shall require that all interdistrict transfers into the district be assigned to schools so that those assignments fit the integration criteria.
6. Student assignment will be made on a choice-within-zone basis. Berkeley residents who choose schools in their zone will be given top priority for enrollment and are guaranteed a placement in a school in their zone. Berkeley residents who choose a school outside their zone and children of BUSD employees living outside the district will have second priority. All other non-Berkeley residents will have third priority.
 7. If a school does not have sufficient space to house all currently enrolled students who wish to remain, interdistrict students will be reassigned, then out-of-zone students, then in-zone students, with those in each group reassigned according to their date of enrollment in the school so that those of each group who have been in the school the longest will be the last to be assigned away. Assignment shall be subject to controlled choice guidelines.
 8. Establishment of attendance zones is intended to meet the integration criteria, fit school capacities, and minimize transportation costs and the time students spend on a bus, with the hope of minimally disrupting the students' current school assignment.
 9. The first round of student assignments will be made by a computerized random selection program. A specific deadline for magnet school selection and non-magnet school selection will be established. Choice documents can be submitted through the year, and assignments will be made accordingly.