

M E M O R A N D U M

To: Berkeley Unified School District Controlled Choice Committee

From: Richard A. Hoyer

Subject: A Proposal for Socioeconomic Diversity with Choice

Date: October 25, 1999

The opinion of the legal counsel to the District is that the current race-based diversity program would not survive a legal challenge. The District anticipates that such a challenge will be made, and that such a challenge will result in costly and distracting litigation and/or the denial of federal funds essential to the Magnet School program.

At the same time, the citizens of Berkeley hold diversity in the schools to be a public policy of paramount importance. A diversity program based on socioeconomic variables appears to be an effective way to preserve this policy.

The District further recognizes that public school choice is an effective way to achieve better performance by the schools.¹ The District also recognizes that the variety of programs now offered by the schools needs to be matched by the ability of parents to select the program best suited for each child.²

The following is a proposal designed to ensure socioeconomic diversity while maximizing school choice. The process entails five steps:

¹ Common sense implies that public schools perform better when they are forced to compete for students. The Committee should obtain relevant research on the subject if there are any doubts about this premise

² Choice will also empower parents and get them more invested in the schools *because* they choose them. Instead of just letting the District decide where to send their kids, choice gives parents a greater sense of responsibility to see that their choice was right for their kids. More parental participation--one key to good schools--should be one of the goals of the new system.

1. Each school divides the number of available places for students by three-- corresponding to the high, middle and low economic zones on the map of Berkeley distributed at the Committee's first meeting.³

2. Through the District, each school sends out information about its program to all potential students' parents.⁴

3. Parents are required to choose which three schools would be best for their children.⁵

4. Applicants are assigned a random number. They are also assigned one of three "colors" based on the socioeconomic zones.

5. Each school is filled by matching the lowest number of each color applicant that chooses that school until all spots in all of the three socioeconomic categories are filled.⁶ If one category is not filled, applicants are drawn from the remaining categories to fill the open spots. Students not getting their first choice will get first call on spots in their socioeconomic category at their second choice school.

This plan ensures diversity by reserving an equal number of spaces for kids of each socioeconomic category to choose each school. The plan maximizes parental choice by denying choice only where necessary to preserve diversity.

Please call me at work ((415) 781-6070, extension 113) or e-mail me at rah@wpglaw.com with thoughts, criticisms or suggestions. Thanks.

³ Using the map is the simplest way to ensure diversity. The alternative, requiring parents to submit information about income and educational levels, may not be workable. Parents may refuse, may be dishonest, or may simply neglect to complete forms that demand sensitive or detailed information.

⁴ There should be a mechanism to encourage schools to attract kids from lower socioeconomic, limited english proficiency or disability circumstances. One option is for the District to assign more funding dollars to those kids so as to get schools to "compete" for them.

⁵ The District and the schools should devote more resources to facilitating this choice. With a wide variety of programs now available because of the magnet schools, the District needs to do as much as possible to ensure each child is matched to the most suitable program.

⁶ The District will maintain the automatic preference for siblings, unless the parents choose otherwise.