

BERKELEY UNIFIED SCHOOL DISTRICT  
Office of the Superintendent

March 15, 2000

TO: Board of Education

FROM: Jack McLaughlin

SUBJECT: Approval of Methodology to use in the K-5 2000-2001 Student Assignment Plan; and revised guidelines to be considered for use in the K-8 2001-2002 Student Assignment Plan

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**RECOMMENDED ACTION:**

Approval of Methodology for the Berkeley Unified School District K-5 Student Assignment Plan as follows:

1. For the 2000-2001 school year, students will be assigned using the same methodology and guidelines as for the 1999-2000 school year.
2. Alternative K-5 Student Assignment Plans will be developed for the 2001-2002 school year and beyond for consideration by the Board no later than November, 2000 as follows:
  - a. A plan with multiple factors that includes the use of race.
  - b. A plan with factors excluding the use of race.

Approve the following guideline revisions for K-8 assignments beginning no later than the 2001-2002 school year:

1. Plan for the use of exceptions such as proximity, hardship and educational programs.
2. The + or minus 5% requirement stipulated in assignment guidelines will be extended to + or -15% of those assigned after the initial March notification period.
3. A waiting list will be established based on the date the complete application is received and students will be placed in openings without regard to race.

## DISCUSSION

At the November 17, 1999 meeting, the Board of Directors approved the 2000-2001 Student Assignment Plan as follows:

1. The student application and District administrative processes will continue to be implemented in the same manner as for the 1999-2000 school year in preparation for the student assignment process in March 2000.
2. Prior to the final elementary student assignment for the 2000-2001 school year, the incoming K-5 student assignment lottery shall be run using both the current criteria (magnet and non-magnet combination) and using magnet criteria only unless other options are proposed by the Student Assignment Advisory Committee. The Board of Directors will consider the results at the March 15, 2000 Board Meeting.
3. Columbus, Franklin, Malcolm X and Longfellow Magnet Schools continue to use the criteria of geographical bands, described in the Desegregation Plan, as amended May 21, 1998. The lottery for these magnet schools will be held earlier than the lottery for the non-magnet schools, with all assignments mailed at the same time.
4. A Student Assignment Advisory Committee will be appointed by the Board. The composition and charge shall be submitted to the Board on December 1, 1999 for approval.
5. Northwest and Central zone families will be made aware of the option of choosing The City of Franklin MicroSociety Magnet School.
6. Students choosing Longfellow Arts and Technology Magnet School will be asked to complete a Personal Profile, which will not be used as a basis for acceptance or rejection but will help familiarization with the school's theme and allow students to express their interests and goals.

At the January 26, 2000 meeting, several Board members expressed their desire to keep the 2000-2001 assignment plan as it had operated for the 1999-2000 year, making the March 15, 2000 commitment unnecessary. Recent concerns indicate that the Board needs to discuss and formally approve the methodology to use race for the 2000-2001 school year. Concern continues over Berkeley's vulnerability to a lawsuit regarding the use of race in assigning schools. While the use of race in voluntary integration is not illegal, court decisions nationally have raised concerns. And, while the Berkeley Board and community holds integration and equality as core values, the continued use of limited funds to prepare for and possibly defend the use of race in student assignment in times of severe budget uncertainty has also caused concern.

Therefore, while recommending that the program continue, staff will develop for community review and processing, alternates that can possibly mitigate future legal action and expense while maintaining the Board's commitment to alleviating the racial isolation of District students.

Staff was directed to run a trial assignment plan for FY01 incoming-Kindergartner's using first the current criteria and then the criteria used for the Federal Magnet Schools Assistance Program. Such a run was completed and is attached. An observation of the results is as follows:

Pros for Geobands:

1. same % of whites are assigned either way
2. 95% of whites got 1<sup>st</sup> or second choice
3. 99% African Americans received 1<sup>st</sup> or 2<sup>nd</sup> choice
4. 81% 'others' got 1<sup>st</sup> choice
5. 95% 'others' others got 1<sup>st</sup> of 2<sup>nd</sup> choice
6. Emerson and Whittier increased white student population
7. Oxford, Cragmont and Washington remains essentially the same
8. Decreases legal liability
9. Malcolm X and Columbus are able to attract a diverse population with this method

Cons for Geobands:

1. Muir, LeConte lose white students to Emerson
1. Whittier gains whites at the expense of other central zone schools
2. TO loses 7 white students (14%)
3. Cragmont loses 2 white students
4. Using geobands now does not allow staff time to run a parallel assignment system through all the assignment runs in order to determine reliability
5. 24 students were not assigned because their geoband capacity is filled
6. City of Franklin was not able to attract a diverse population

Pros for standard method:

1. With the exception of Whittier and Emerson all non-magnets increase white Student population
2. 77.7% of whites get their 1<sup>st</sup> choice
3. 95% of whites get 1<sup>st</sup> or 2<sup>nd</sup> choice
4. African Americans get 1<sup>st</sup> choice
5. 100% of African Americans get 1<sup>st</sup> or 2<sup>nd</sup> choice
6. 88% of 'others' get 1<sup>st</sup> choice
7. 95% of 'others' get 1<sup>st</sup> or second choice
8. uses a familiar and modifiable assignment system

Cons of the standard method

1. increases legal liability in light of budget constraints
2. 5% of all applicants get their 3<sup>rd</sup> choice
3. Whittier and Emerson get more white using geobands than the standard method

Staff believes that the use of race is a strong community value and that the community works to keep race as part of the selection process almost at all cost. Realizing the importance placed on the use of race in alleviating racial isolation, staff is recommending using multiple factors and exceptions along with race to provide the greatest possible chance of keeping race as part of the process. And, as the use of the Magnet Schools criteria has to undergo some adjustment to produce results similar to the current program, additional time is needed for refinement making use of the current system advisable. Finally, to mitigate potential for future suits and litigation expense, staff further recommends the development of multiple factors excluding race to give the program the best chance of surviving a "race proxy" challenge. A staff student assignment committee is in place and will develop assignment plans for review by the community next fall.

JMcL:q

**2000/01 KINDERGARTEN STUDENT ASSIGNMENT**

SCHOOL	GRADE	TOTAL	WHITE	AFR. AMER.	OTHERS				
JOHN MUIR	g0*	20	67%	10	33.3%	7	23.3%	3	10.0%
	g0s†	13	43%	5	16.7%	7	23.3%	1	3.3%
EMERSON	g0	37	74%	14	28.0%	5	10.0%	18	36.0%
	g0s	42	84%	17	34.0%	7	14.0%	18	36.0%
LECONTE	g0	33	66%	13	26.0%	6	12.0%	14	28.0%
	g0s	28	56%	10	20.0%	4	8.0%	14	28.0%
MALCOLM X	g0								
	g0s	58	83%	25	25.7%	13	18.6%	20	28.6%
WASHINGTON	g0	30	60%	14	28.0%	5	10.0%	11	22.0%
	g0s	34	68%	13	26.0%	6	12.0%	15	30.0%
WHITTIER	g0	40	67%	18	30.0%	7	11.7%	15	25.0%
	g0s	43	72%	23	38.3%	5	8.3%	15	25.0%
FRANKLIN	g0								
	g0s	24	80%	3	10.0%	13	43.3%	8	26.7%
OXFORD	g0	35	70%	15	30.0%	0	0.0%	20	40.0%
	g0s	30	60%	15	30.0%	0	0.0%	15	30.0%
CRAGMONT	g0	52	87%	18	30.0%	4	6.7%	30	50.0%
	g0s	48	80%	16	26.7%	3	5.0%	29	48.3%
THOUSAND OAKS	g0	44	88%	18	36.0%	4	8.0%	22	44.0%
	g0s	43	86%	11	22.0%	3	6.0%	29	58.0%
COLUMBUS	g0								
	g0s	60	100%	17	28.3%	16	26.7%	27	45.0%
JEFFERSON	g0	49	82%	20	33.3%	5	8.3%	24	10.0%
	g0s	37	62%	18	30.0%	4	6.7%	15	25.0%