

**BACKGROUND:** *On June 26, 2008, the Civil Grand Jury submitted a report to SFUSD regarding their findings and recommendations about the SFUSD student assignment system. Below is the district's response, which was submitted to the Grand Jury on August 25, 2008.*

**SFUSD RESPONSE TO 2007-2008 CIVIL GRAND JURY REPORT:  
“SAN FRANCISCO KINDERGARTEN ADMISSIONS: BACK TO THE  
DRAWING BOARD”**

For each Finding of the Civil Grand Jury, the response must either: (1) agree with the finding, or (2) disagree with it, wholly or partially, and explain why. For each Recommendation made by the Civil Grand Jury, the responding party must provide one of the four responses:

Response One: the recommendation has been implemented, with a summary explanation of how it was implemented;

Response Two: the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation;

Response Three: the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of the report); or

Response Four: the recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is.

**OVERVIEW**

The civil grand jury report raises many important issues and concerns regarding the San Francisco Unified School District's student assignment system. The Board of Education and District administration share the civil grand jury's interest in the development of a student assignment system that is easy for our families to understand and navigate and that promotes community building within neighborhoods. However, in addition to these goals, the Board and District are also interested in developing a system that values family choice, diversity, equity of access, predictability, and cross grade level articulation.

The civil grand jury report takes a good first look at some of the challenges and areas of improvement needed for the student assignment system. However, the report does not consider all of the District's above stated goals for its student assignment system, and does not provide a discussion or analysis of the legal considerations or operational challenges inherent in making such a change. While the report articulates an interest in a transparent system that “strengthens the role” of neighborhood schools, it does not provide a specific and comprehensive description of how this system would operate.

For these reasons, the District is not in a position to adopt the recommendations as articulated in the report. However, the recommendations and articulated priorities in the report will be considered and incorporated into the Board of Education, District staff and community conversations about improvements to the District's student assignment system. The current Board of Education and District administration intend to move forward aggressively with the goal of presenting a recommendation for a new student

assignment system to the Board of Education by April 2009 for implementation in the 2010-2011 school year.

## **FINDINGS**

1. The SFUSD school choice process and its Diversity Index are unnecessarily complex and confusing, time consuming, alienating to families they purport to serve and, most damning, fail to deliver a diversified school population.

Disagree in part. The report provides no factual support for this conclusory finding. The District has not unnecessarily complicated its student assignment process. The student assignment system is complex, because it was designed to meet complex goals and challenges such as equity of access, family choice, and diversity.

The grand jury report concludes that the Diversity Index fails to provide a diversified school population, but does not define what it means by “diverse.” The Student Assignment System, formerly the Diversity Index Lottery, was designed to facilitate economic, academic and linguistic diversity. The Student Assignment System achieves diversity in these three areas to the greatest extent possible within the pool of applicants who choose to apply to any particular school.

2. Questions about race/ethnicity on the Enrollment Application lead families to conclude that race/ethnicity are Diversity Index factors and, in spite of denials by the District, will affect admissions.

Disagree in part. The report does not provide any factual support for this broad assertion about what SFUSD families believe about the Diversity Index factors. There may be various families that believe that race is a Diversity Index factor. However, this is a mistaken belief that is not supported by any of the information provided by the District in its literature or oral explanations of the student enrollment process. The Enrollment Application requests race information to allow the District to organize data reports for the state and federal government.

3. Even with the expenditure of \$2 Million and a diligent outreach and volunteer effort the District cannot explain an inexplicable enrollment system.

Disagree in part. The District agrees that the EPC and volunteers make a diligent effort to conduct outreach to families. However, the report provides no factual support for the finding that the enrollment system is inexplicable. Thousands of families are able to navigate the student assignment process every year. However, the District acknowledges that there is always room for improvement, and continually re-evaluates its outreach efforts to reach as many families as possible.

The entire operating budget for Education Placement Center is 2 million dollars. In addition to outreach and counseling efforts, this budget funds the following other duties of the EPC: data entry for all students applying for and enrolling in schools; mandated

English and native language assessments of English Language Learners; foreign transcript evaluations; the Lowell admission process; address verification; managing the enrollment and data reports for special education, public and charter schools; and managing the capacities and enrollment numbers of every school, grade level and program (over 1,100 separate capacities). The EPC not only processes the applications for kindergarten enrollment but also for all students applying for middle and high schools as well as for any other student requesting a transfer into another school. EPC processed over 13,000 applications for the Round 1 assignment cycle and continues to do so throughout the year.

4. The Jury's research revealed that a simple school selection lottery would result in only a slight difference in the racial mix of the classroom.

Disagree. The 2005 Community Advisory Committee on Student Assignment (CACSA) report cited by the civil grand jury in support of this finding does not discuss the effect that a random lottery would have on racial composition in the classroom. Page 7 of this report states that "the number of schools with high racial concentrations would be slightly increased" with the use of a 100% random lottery, based on a simulation that was run for CACSA using actual 2004-2005 enrollment requests originally submitted through the Diversity Index Lottery.

5. Parents who know that their child can go to school in the neighborhood where they live are good candidates to work to make that school a successful school for all neighborhood children.

Agree that parents who live near their child's school are good candidates to work in that school. However, the District believes that all parents are good candidates to work in their child's school. A parent's decision to work in their child's school is not necessarily based solely or primarily on that school's proximity to their home. Other factors could include: proximity to their job, child care, or public transportation; the strength of the existing parent network in the school; or the parent's relationship to the principal, teachers or other staff in the school.

6. San Franciscans identify with their neighborhoods. Most neighborhoods have a local school that local residents, merchants, and parents have known about and perhaps attended, and provided support. With the District's current non-attendance area policy most children now go to school outside their neighborhood and as a result support for neighborhood schools has diminished. A senior school official told the jury, "We could create additional great schools in the neighborhoods and that would go a long way towards helping relieve pressure on the high demand schools."

Disagree in part. The civil grand jury report provides no factual support for this finding. District data suggests that families are not necessarily choosing the school that is closest to their home. This year, 82% of all kindergarten applicants listed a non-attendance area school as their first choice and 18% listed their own attendance area school as their first

choice. 75% of 6<sup>th</sup> grade applicants and 74% of 9<sup>th</sup> grade applicants listed a non-attendance area school as their first choice.

The District agrees that the creation of great schools in every neighborhood would alleviate the pressure on high demand schools.

7. The number of Alternative Schools has grown to 15 and the difference between them and attendance area schools has blurred over time.

The District agrees that the term “alternative school” does not currently have the meaning that it did in the past, when alternative schools were characterized as having a special program in addition to not having a particular attendance area. There are currently 30 schools in the District that do not have an attendance area, but each of these schools does not necessarily also have a special distinctive “alternative” program.

8. Schools have not improved or become more diverse, even with the use of busing. Busing further erodes parental and/or neighborhood involvement in schools. Buses carry nearly 5,000 elementary children to school and cost the District over \$5 Million annually. For each bus not deployed the District saves \$100,000.

Disagree in part. The report states that schools have not improved or become more diverse, but does not define these terms. In 2008, the San Francisco Unified School District improved on the California Standards Test (CST) for the seventh consecutive year. Again this year, SFUSD has higher proficiency rates than the state at every tested grade level in English Language Arts and Math, and, for the first time since the STAR testing program began, more than half of all students tested at ‘proficient’ or ‘advanced.’

This year in English Language Arts, grades 2-11, fifty percent (50%) of the students tested scored at proficient or advanced levels. In Math, grades 2-7, fifty-nine (59%) scored proficient or advanced. By comparison, in 2002, only thirty-five percent (35%) of SFUSD students scored at proficient or above in English Language Arts; for Math thirty-seven percent (37%) scored at proficient and above.

Moreover, as noted above, the Student Assignment System, formerly the Diversity Index Lottery, was designed to facilitate economic, academic and linguistic diversity. The Student Assignment System achieves diversity in these three areas to the greatest extent possible within the pool of applicants who choose to apply to any particular school.

The District agrees that SFUSD spends approximately \$5 million per year on general education transportation for elementary school students, and that a reduction in the number of buses in the fleet could result in annual savings of \$100,000 per bus reduced.

9. Some members of the Board of Education appear to have student diversity as their first priority for the District.

Disagree. The civil grand jury report provides no factual support for this assertion, other than a vague quote from one elementary school principal who reportedly stated “Actions of some members of the Board of Education give the impression that their priority is diversity rather than improving the level of education.”

Individual members of the Board of Education cannot determine policy or priorities for the District. Only a majority of the members of the Board (4 members) have the power to guide policy for the District. On May 27, 2008, the Board of Education voted unanimously (with one member absent) to adopt a new Strategic Plan that outlines District priorities, entitled “Beyond the Talk: Taking Action to Educate Every Child Now.” (*See Attached*). This plan is organized into three initiatives: (1) Performance Management Initiative (to increase the personal and professional capacity of all District employees); (2) Equity Centered-Professional Learning Initiative (to create and sustain professional learning communities); and (3) 21<sup>st</sup> Century Curriculum Initiative (to provide classroom instruction that is personalized, relevant, meaningful and engaging for each student). The Strategic Plan does not identify diversity as the first priority of the District.

10. The District needs to make crucial decisions about surplus school property, updating 30 year old and now obsolete school attendance zones, and establishing policy to guide decisions to shut failed schools. Voters faced with future requests for funding from the District will react favorably to the District’s efforts to streamline their property management activities and to convert these non-performing assets into resources that support District educational activities.

This is a statement of opinion rather than a factual finding. Notably, the Board of Education has already taken steps to determine the best uses of surplus property, and has already created policy to guide school closures. *See Attached*, Resolution 56-14A9 (8/23/05) (“Feasibility of Selling, Leasing or Subleasing Surplus Real Property”); *see also* Resolution 71-23Sp2 (5/13/07) (“Establishing a District Policy for General Public Notification Regarding Changes in Uses of District-Owned Properties.”); Resolution 53-22SM1 (5/22/05) (“School Consolidation Policy” outlining criteria to guide school closures).

## **RECCOMENDATIONS**

1. Eliminate the use of the Diversity Index based on the findings of this report.

Response Four. While the Board of Education and District acknowledge the need for improvement of SFUSD’s student assignment process, the civil grand jury report does not provide a sufficiently comprehensive discussion or analysis of the District’s goals for its student assignment system and the legal considerations and operational challenges inherent in changing the student assignment system that would support immediate elimination of the Diversity Index based solely on the findings of the report.

Notwithstanding this fact, the current Board and District administration plan to move forward aggressively with the goal of presenting a recommendation for a new student assignment system to the Board by April 2009 for implementation in the 2010-2011 school year.

The District has a working group of top District administrators and legal counsel tasked with the responsibility of developing an improved student assignment system that seeks to meet the Board's goals, such as family choice, customer service, predictability, equity of access, diversity, and promoting community building within neighborhoods. This working group will present options to the Board that will ultimately be vetted and reviewed in public meetings inviting community feedback. This process is underway, and the suggestions and findings of the civil grand jury have been shared with the Board of Education and the working group.

It is important to note that the Board of Education may end up adopting a student assignment system that incorporates the priorities articulated by the civil grand jury report. However, the Board and the District are unable to promise any particular type of assignment system at this time, prior to the comprehensive analysis and discussion described above.

2. Remove questions asking for race/ethnicity and parent education level from the Enrollment Application form. If this information is a legal requirement, it should be collected on a document separate from the application process.

Response Four: As discussed in the response to Finding 2, there is no reasonable basis to believe that race is used in the student assignment process.

3. The District should adopt an admission process that is transparent, easier to understand and administer. If children could go to their closest school to register and attend, the need for a 29-person EPC would be substantially reduced.

Response Four. While the District shares the civil grand jury's interest in creating a process that is transparent and easy to understand, it cannot commit to adopting this recommendation for the reasons articulated in response to Recommendation 1, above.

As explained in response to Finding 3 above, the EPC has many other functions and responsibilities in addition to administration of the Student Assignment System.

4. As an interim step, the SFUSD should abandon the existing School Selection process and Diversity Index effective with the 2009-2010 school year and replace it with a lottery based system without additional qualifiers except for sibling preference and children of staff, and medical and hardship waivers as found in the current system.

Response Four. The District cannot adopt this recommendation for the reasons articulated in response to Recommendation 1.

As noted above, the Board of Education may ultimately choose to adopt a new student assignment system that includes elements identified in the civil grand jury report. However, the Board must consider a wider range of interests and goals and conduct a more comprehensive analysis of operational and legal considerations before committing to a particular modification of the student assignment system.

5. The District should immediately begin preparing a school assignment program strengthening the role of neighborhood schools with implementation to commence with the 2009-2010 school year and to be completed by the 2011-2012 school year.

Response Four. The District cannot adopt the recommendation for the reasons stated above in response to Recommendation 1.

As noted above, the Board of Education may ultimately choose to adopt a new student assignment system that includes elements identified in the civil grand jury report. However, the Board must consider a wider range of interests and goals and conduct a more comprehensive analysis of operational and legal considerations before committing to a particular modification of the student assignment system.

6. Using Geographic Information System (GIS) technology that the District already possesses, draw attendance zones with a priority on creating student diversity and proximity to home in each zone. Children who live in the attendance zone would receive priority enrollment at their Attendance Area/Neighborhood Elementary School.

Response Four. The District cannot adopt the recommendation for the reasons stated above in response to Recommendation 1.

As noted above, the Board of Education may ultimately choose to adopt a new student assignment system that includes elements identified in the civil grand jury report. However, the Board must consider a wider range of interests and goals and conduct a more comprehensive analysis of operational and legal considerations before committing to a particular modification of the student assignment system.

7. The District should form immediately a Task Force to study the range and emphasis of the existing Alternative Schools. The Task Force would have a short time frame and by March 15, 2009 would provide recommendations to reduce the Alternative Schools by one half with the redundant schools returning, if needed, to neighborhood service. If the Task Force fails to meet this timeline, the Superintendent would be expected to recommend these changes. Special emphasis should be placed on assessing if there is need for as many bilingual programs, a number of which are poorly attended. One of

the goals of Alternative Schools should be to attract students by placing high demand programs in low demand schools.

Response Four. The civil grand jury report provides no factual basis for a reduction of half of the District's alternative schools, which are some of the most popular schools in the District.

It is unclear why the report links bilingual programs to alternative schools. Bilingual programs are not limited to alternative schools and are equally placed in schools that are not alternative schools. Moreover, the District's provision of bilingual programs is governed by the Lau consent decree, which is monitored by the district federal court in San Francisco. It would not be appropriate to empower an "Alternative Schools Task Force" with the responsibility to determine how to adequately meet state and federal requirements to provide equal educational access to English Learners.

8. Reduce busing by creating attendance zone preferences for neighborhood children. Parents should be able to apply by lottery to a school anywhere in the City, but those choosing not to send their children to the neighborhood school would be responsible for arranging their child's transportation (Special Education students excepted).

Response Four. The District cannot adopt the recommendation for the reasons stated above in response to Recommendation 1.

As noted above, the Board of Education may ultimately choose to adopt a new student assignment system that includes elements identified in the civil grand jury report. However, the Board must consider a wider range of interests and goals and conduct a more comprehensive analysis of operational and legal considerations before committing to a particular modification of the student assignment system.

9. During the Grand Jury's inquiry the recurring theme from parents, teachers, principals, leaders of support groups and school officials alike was the need to create good schools system wide. This would provide the equity that all students deserve and these leaders seek. The Jury heard that student diversity is desirable, but not as important as quality schools for all, whatever the setting. With a new Superintendent and two new Board of Education members to be elected in the fall joining three recently elected members, now is the time to refocus on creating quality schools throughout the District.

Response One. The recommendation that the District should refocus on creating quality schools throughout the District is in the process of being implemented.

On May 27, 2008, the Board of Education voted unanimously (with one member absent) to adopt a new Strategic Plan that outlines District priorities, entitled "Beyond the Talk: Taking Action to Educate Every Child Now." (*See Attached*). This plan is

organized into three initiatives: (1) Performance Management Initiative (to increase the personal and professional capacity of all District employees); (2) Equity Centered-Professional Learning Initiative (to create and sustain professional learning communities); and (3) 21<sup>st</sup> Century Curriculum Initiative (to provide classroom instruction that is personalized, relevant, meaningful and engaging for each student).

10. Practice better resource management as an example of prudent stewardship, particularly now in the face of funding cuts. By year-end 2008 the City should devise a plan for reducing the number of under utilized properties and failing schools.

Response Four. The San Francisco Unified School District (“SFUSD”) is a state agency that is governed by the San Francisco Board of Education. The City of San Francisco does not have jurisdiction over SFUSD facilities or programs.

However, the District has already implemented this recommendation by taking steps to determine the best uses of surplus property, and has already created policy to guide school closures. *See Attached*, Resolution 56-14A9 (8/23/05) (“Feasibility of Selling, Leasing or Subleasing Surplus Real Property”); *see also* Resolution 71-23Sp2 (5/13/07) (“Establishing a District Policy for General Public Notification Regarding Changes in Uses of District-Owned Properties:”); Resolution 53-22SM1 (5/22/05) (“School Consolidation Policy” outlining criteria to guide school closures).