

**THE 2007-2008 CIVIL GRAND JURY
FOR THE
CITY AND COUNTY OF SAN FRANCISCO**

**SAN FRANCISCO KINDERGARTEN ADMISSIONS:
BACK TO THE DRAWING BOARD**

**RELEASE DATE
JUNE 26, 2008**

THE PURPOSE OF THE CIVIL GRAND JURY

The purpose of the Civil Grand Jury is to investigate the functions of City and County government, tax-supported agencies and districts, and any agencies or districts created by state law to develop constructive recommendations for improving their operations, as required by law.

Each Civil Grand Jury has the opportunity and responsibility to determine which departments, agencies and officers it will investigate during its one-year term of office. To accomplish this task, the Civil Grand Jury divides into committees. Each committee conducts its research by visiting government facilities, meeting with public officials, and reviewing appropriate documents.

The nineteen members of the Civil Grand Jury are selected at random from a pool of thirty prospective jurors. San Francisco residents are invited to apply. More information can be found at: <http://www.sfgov.org/site/courts>, or by contacting Civil Grand Jury, 400 McAllister Street, Room 008, San Francisco, CA 94102, (415) 551-3605.

STATE LAW REQUIREMENT

Pursuant to state law, reports of the Civil Grand Jury do not identify the names or provide identifying information about individuals who spoke to the Civil Grand Jury.

Departments and agencies identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. 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. Further, as to each recommendation made by the Civil Grand Jury, the responding party must report either (1) that the recommendation has been implemented, with a summary explanation of how it was implemented; (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation; (3) 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 (4) that recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code, sections 933, 933.05)

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I. EXECUTIVE SUMMARY

The local neighborhood school lies at the heart of American life. Families with young children consider the local school when choosing where to live. For many parents walking their child to the first day of kindergarten is a highly anticipated event – one of the important milestones in a child’s life.

For many San Francisco families, preparing for this important day has been a stressful and drawn out bureaucratic process. It culminates in a first day of school that does not begin with that symbolic walk to school. Instead, it begins with a walk to a big yellow bus or a drive across town that will take their five year old to school out of the neighborhood.

This report will detail the year-long admissions process by describing the only-in-San Francisco School Choice policy that is administered by the School District’s Education Placement Center (EPC). The Jury will shed light on how the computer driven Diversity Index assignment system works. At the conclusion, the Jury takes a look at school leadership and suggests steps they can take to increase enrollment while reducing the anxiety, time, and turmoil involved in getting ready for that first day of school.

II. INTRODUCTION

A. How San Francisco Got Its School Assignment System

1. 1983 Consent Decree

During the late 1970s in San Francisco dissatisfaction with the public schools, where children tended to be clustered by race or ethnicity, reached the Court system, culminating with the 1983 Consent Decree approved by the US District Court. The essence of this decree, to last through the 2000-01 school year (SY), required the School District to follow an enrollment process, whereby a student would automatically be assigned to his or her Attendance Area (Neighborhood) School unless the parents requested another school for good reason (the Optional Enrollment Request). The latter assignment would be random, by lottery. A maximum percentage of students based on race/ethnicity was set both for Attendance Area and Alternative Schools (45% and 40% respectively). The decree was a voluntary, carefully negotiated, and judicially supervised compromise. The two primary and related goals of the consent decree were to desegregate the City’s schools and to improve academic performance. In an effort to increase diversity, attendance areas were not necessarily near a child’s home. For example, the Attendance Area School for part of the Mission neighborhood was (and still is) on Nob Hill.

2. Settlement Agreement of 1999

In 1994 the Consent Decree process was challenged in a lawsuit filed by Brian Ho. On the day the trial was to begin in 1999, a court-approved settlement was reached. This settlement specified that for the 2001-02 school year, a random computerized process would be used in student assignment to schools. There would no longer be automatic assignment to Attendance Area Schools, and the use of race would no longer be used. The 45% and 40% caps were abolished.

3. Settlement Agreement of 2001

In 2001, a further Settlement Agreement specified that for the 2002-03 SY and to be in effect for a total of five years, a school choice system based on a Diversity Index would be implemented. The Diversity Index is a complex system wherein, among other things, parents select as many as seven schools for their kindergarten, 6th, and 9th grade children, while siblings are automatically assigned to the same school as their older sisters and brothers. This Settlement Agreement expired at the end of 2005, but the Diversity Index and its associated procedures are still being used.

4. Community Dissatisfaction

From its inception the new system has been perceived as cumbersome, ineffective, and unsatisfactory. In 2005, a Community Advisory Committee on Student Assignment, appointed by the Board of Education, studied the issue of school assignment and recommended that assignments based on neighborhood proximity be coupled with a lottery for students who had good reason to wish another school. The Board of Education never acted on the Committee's report.

The School Choice/Diversity Index as practiced in San Francisco continues to be unsatisfactory. The latest available data looking at kindergarten placement show that there were 4330 families participating in the 2008-09 process. Over a third did not get their first choice and nearly a fifth did not get any of their choices. Put differently, 1602 families did not get a first choice for their kindergarten child and 822 families did not get any of their original choices.

B. Civil Grand Jury Inquiry

In preparing this report, the Grand Jury held more than 30 interviews during an eight-month period. School officials, child welfare experts, school proponents, students, and parents – each person was courteous, cooperative, forthcoming, and helpful. The Jury is grateful and must remark when looking back on the 1999 Grand Jury report on schools (see the Appendix for a list of school-related Grand Jury reports over the past 10 years) how much relations with the Jury have improved since that time. Nevertheless, when the Jury mentioned its interest in looking at new enrollment options, the response ranged from rolled back eyes to deep sighs. The issue the Jury was told is political entrenched and others far more learned than the Jury have walked away from it.

After further inquiry the Civil Grand Jury does see some developments that can lead to a change in current enrollment policies. The school funding crisis requires that all policies, no matter how ingrained, need to be examined. An incentive is the benefit the District derives from increased enrollment. State funding is linked to the number of enrolled students.

III. DISCUSSION

“Everyone agrees that the year long enrollment process is ‘nerve racking and tense’ and is the number one reason families give up on public schools”¹

To understand the inherent failure of the School Choice program in San Francisco, one only has to observe the time-consuming and frustrating steps parents of young children must take over the course of a year or more before their kids start kindergarten. And for those parents who do not participate in the drawn-out hunt, an even ruder awakening awaits.

A. Round One

San Francisco Unified School District (SFUSD) does not offer assurance to families that they can attend their neighborhood school. In its place is a policy of social engineering called “School Choice.”

In the checkout line at the market, over coffee, at preschool and other places where parents meet, the conversation is all about kindergarten. There is always another school that someone told someone is a hidden gem and needs to be checked out by taking more time off from work. Compiling a thoughtful list of seven school choices can’t be just picking the ones with high test scores. The odds are against your child’s getting into any of them. So you look for fallbacks that might work, based on last year’s acceptance rate. If you fail to match your child with schools you like, the result is assignment by the District to a school that you would probably like even less.

Officially, school search season starts by getting a copy of the 91-page Enrollment Guide that describes what is ahead for the year. One bit of information that it provides is a listing of the key dates along the way to keep up the pressure of trying to do the best you can for your child. It is not so reassuring, however, for parents looking up Claire Lilienthal, one of the most popular schools in the District, to discover that it is missing from this year’s Guide.

In October a school fair at Bill Graham Civic Auditorium draws a crowd of 10,000 along with representatives of over 100 schools, 71 of them elementary schools. One principal told the Jury that the District sent out a memo telling her, if no one is at her school’s booth at the fair that she should go recruit parents visiting other booths. In addition to the October fair,

¹ Child advocate professional, with children in public school.

individual school tours are offered. To handle the many touring parents, the principals and staff must take time away from educational duties to promote their schools. Open house at Longfellow is mornings Monday through Wednesday. Sheridan offers daily drop ins or call for an appointment. At Jean Parker, it's anytime.

Deadline day for Round One applications this year fell on January 11, 2008. A copy of the Enrollment Application is included in the Appendix of this report. Parents cannot apply on line. They must register in person. The wait at District headquarters took three hours in the week before the Round One deadline. By March 7th, nearly two months later, the Diversity Index process computed who got into which school.

Some families, either with no children currently in the school system and/or who are otherwise unaware of the complex and demanding selection process, have no idea that they will have to submit school choices in January. Missing Round One is perilous. The best schools will be full. When parents finally tumble to the reality of the required school assignment, or if they move to the City after the deadline, the available school slots will be far fewer, less requested, and possibly at a significant distance from home.

B. The Diversity Index Computers Pick Your Child's School

The SFUSD has created a computer-based assignment process that is based on a so-called "Diversity Index" (DI), also called the Student Assignment System. While the DI assesses all student applicants through a complex, abstract construct that describes the probability that two individuals (kindergarten students in this case) will differ from one another with regard to specified characteristics. The District claims there is no ideal profile; rather the goal is to create classrooms containing students with different profiles.

At the kindergarten level the process weighs four characteristics or elements (a fifth is added at the junior high and high school level):

- Academic Achievement Score (AAS): It asks if the child attended preschool.
- Socioeconomic Status (SES): Does the child qualify for free/reduced cost lunch?
- Extreme Poverty (EP): The interpretation of this characteristic is elusive and according to school officials is used only occasionally, such as whether the child is from a homeless family.
- Home Language (HL): Do family members speak to each other in a language other than English?

The impact of the DI processing is felt only when there are more applicants than available spaces for a particular kindergarten class. When there is competition for a space the DI process resolves the impasse through the application of the "diversity" characteristics. Each of these characteristics is processed in a computer-based, binary form (each applicant receives a "1" or a "0" for each element) creating a profile that can contain up to 16 elements. This profile is then "compared" via computer to all other applicants for a particular school opening. The computer process is designed to have a 50-50 outcome

(hence the use of binary methodology) and to achieve “diversity” as represented by the four DI elements.

The Diversity Index itself, its methodology, the weight and values associated with its four components and how it is used to deliver school assignments comes close to defying understanding and explanation. Both elected and appointed School officials appear to resist the reality that the school selection and assignment process is widely viewed as inexplicable and unfair; a view that contributes to the disconnect between the District and the families who want to send their children to City schools. An Education Placement Center (EPC) staff member told the jury that the Diversity Index is so complicated even the principals don’t understand it very well.

The District, in effect, asks the citizenry of San Francisco to accept on faith that this process is serving the academic needs of children seeking an education, while also contributing to a greater societal outcome for the disadvantaged in the City.

This attitude is captured in a vague, lofty, patronizing statement in which the District proclaims the “student assignment process promotes and supports family choice to the maximum extent possible.”²

C. Between Rounds

Results arrived in the mail on March 7, 2008. Some 19% of the kindergarten families found out that they didn’t get any of their Round One choices, up from 13% last year. The actual results are even more discouraging. A member of the EPC staff told the Jury that when siblings, who receive automatic school admission, are deleted from the process the real acceptance rate drops from 81% to 55% with the result that nearly half the applicants end up with no choice at all.³ For that large group who received none of their requested schools, the District assigns the child to one where space remains. Parents then needed to register their child by the end of the month so that, like the school or not, their child at least has someplace to go in September.

This spring so many families applied to the same high testing schools that it created an application bottleneck. Among the 20 most popular elementary schools this year, after subtracting siblings, there was an average of over 18 applicants for each space. The odds of getting into an elite university are better than getting into a popular San Francisco grade school. Harvard admits one in eleven, Stanford, one in ten.

While the majority of applicants receives a requested choice, the percentage of applicants who receive a choice varies by zip code. Competition for the relatively small number of schools on the west side of the City compared to the population of children has resulted in

² SFUSD Enrollment Guide 2008-2009, p. 18

³ If siblings competed without preference the acceptance rate would probably be around 65%.

the percentage of applicants who did not get a choice being greater than 25%.⁴

In the week after Round One School assignments were released, there were 945 entries on www.thesfkfiles.blogspot.com/ most of them from disgruntled and disappointed parents. Here are two examples written the day after notification:

- “I actually feel like a fool thinking we had a shot at public school.” Anonymous, March 8, 2008
- “If they are going to use our families as part of a larger demographic desegregation effort without our knowledge and input instead of giving us the ‘choice’ they promise so vociferously, then they can damn well deal with us as a group as well. I am tired of being pitted against my neighbors just to get into a decent school. This is, quite frankly, retarded social engineering.” Kim Green, March 8, 2008

District officials at the highest level claim that the District wants to retain these committed, middle class parents. The District’s commitment to this goal is understandably questioned in the presence of a first priority diversity process that seems to give admission preference to poverty level children. Last year’s First Round applicants receiving their first choice assignments to kindergarten by race were:

2007 Round One Applications⁵

<u>Race</u>	<u>Received 1st Choice</u>	<u>Received No Choice</u>
African American	87%	3%
Hispanic	77%	7%
Chinese	73%	9%
White	49%	27%

For comparison the profile of elementary school students in the District is: 27% Chinese, 25% Hispanic, 12% African American, 11% White, 9% Other Non White, 5% Filipino, 6% declined to state, and small numbers of other groups.⁶

⁴ SERR Full report to the BOE, June 2007, pg.70. There are seven elementary schools in the Sunset-Parkside area (generally west of 19th Ave. and south of Golden Gate Park) however only three, Francis Scott Key, Ulloa and Robert Louis Stevenson, have neighborhood attendance areas while the other four are labeled as “Alternative Schools” by the District and attract students from all over the City.

⁵ SFUSD: EPC, March 12, 2007, p.1

⁶ SFUSD Profile 2006-07:SFUSD Summary

If every kindergarten classroom in the City accurately reflected school enrollment by ethnicity, only two of 20 children would be African American, two White, five Chinese, and five Hispanic. Some parents expressed their desire to have their child go to school with more than just one other child of their own ethnicity. An African American civic leader said to the Jury that rather than have their child in school across town and be one of only two African American children in the class, many parents in largely African American Bayview and Hunters Point prefer that their grade school child enroll in their neighborhood school.

March 28, 2008 was the second deadline. The Enrollment Guide, at page 30, states this is the deadline “to request an assignment to additional school choices with openings. Amended requests will be processed as a priority cohort in Round 2.” After grappling with the meaning of this advisory, the family now submits its first choice to the Waiting Pool. Diminishing their chance of success in this round is the fact that children of school staff assigned to a particular school will have priority admittance to that school.⁷

Families could also appeal the school assignment on the basis of hardship, but these exceptions are limited. Motion sickness and asthma, for example, are specifically designated as not constituting a hardship. There are also appeals for a medical condition that cannot be accommodated at the assigned school. Last year out of 500 medical appeals, 100 were granted. Even when a medical and hardship appeal is approved, the student is not assured admittance, but must go onto a priority wait list.

FINDING 1: The SFUSD’s school choice process and its Diversity Index are unnecessarily complex and confusing, time consuming, alienating to the families the District purports to serve and, most damning, fail to deliver a diversified school population.

D. Back into the Ring for Round Two and Beyond

Round Two applicants found out the results on April 27, 2008, and, if they received an acceptance, had until May 9, 2008, to register. There will be additional computer runs during the summer for those still holding out hope.

Since it has been six months since the Round One registrations, one would think the process would be finished when the bell rings for the first day of school. Instead the bell marks the start of yet another round, because the SFUSD does not actually know who will be showing up when school starts. On the first day of school, the District now needs to count heads at each school. When it discovers that there is space available, children from the Waiting Pool can transfer in and out of class through the month of September. Last year 136 children left the kindergarten where they had started school and transferred to their more desired school. Moving children in and out of the class may mean that those who stay have to change teachers or classrooms. This shifting enrollment puts many families on edge and, worse, can unsettle a child just starting school.

⁷ Applies to staff who have at least three years of full time work at that school

“The uncertainty created by the current school assignment system has made it unpopular with many parents, some of whom have advocated for a school placement system based on a family’s neighborhood.”⁸

As might be expected with a system that is as complicated and opaque as School Choice, members of the Jury heard parents comment that they suspected the presence of hidden agendas and behind the scenes manipulation in the process. Some parents felt that the District and the Board of Education pulled strings to gain admittance for some children. Others were concerned that the District has no way to verify the honesty of the answers to the four determinant characteristics on the application.

For example, rumors swirled around admittance to McKinley, because some families who had not requested McKinley were directed to the school, while others who had requested it had been turned away. Discussions with School District officials concerning the McKinley issue indicated that while there had been some mis-assignments, the cause involved technical elements that were difficult for lay persons to comprehend.

Adding to some parents’ anxiety is the fact that the Enrollment Application form asks for the child’s racial/ethnic identity as well as parents’ education level. While the District gives assurances that the information does not affect placement decisions, some parents are not reassured. They wonder if this is the case, why are the questions on the form.

FINDING 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.

E. The Education Placement Center Runs Admissions

The SFUSD’s Educational Placement Center (EPC) tries to explain the School Choice system to parents, administers the Diversity Index, and registers students. EPC staff fans out through the City to some 150 events during the year to answer questions and to announce that soon after New Years, kindergarten parents (as well as parents of 5th graders and 8th graders) need to fill out School Choice forms for Round One. As an indication of the number of questions raised by the enrollment process, the EPC receives 500 phone calls a day during the various application deadlines. To run the EPC requires a staff of 29 and costs the District over \$2 Million a year.

The work of the EPC is complemented by the efforts of volunteers from the Parents for Public Schools San Francisco (PPSSF) who deserve acknowledgment for helping with the enrollment process and successfully promoting some of the less well-known schools. PPSSF started the first enrollment fair. Now it connects parent volunteers whose children are currently enrolled in schools with those who are looking at those same schools. Its work

⁸ Beth Winegamer, SF EXAMINER 3/6/08

goes on year round, but just in October alone it organized 50 preschool enrollment events reaching 2000 parents. Its work points up the complexity of the enrollment process and the help the District/EPC needs to explain the process to parents and the community.

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

F. The Current System Has Reintroduced Racial Isolation

Since the District can no longer legally use race to assign students to achieve diversity due to the Supreme Court ruling in *Meredith v. Jefferson County Board of Education*, it appears to have attempted to achieve the same result by developing surrogate identifiers such as families in compromised economic circumstances and those living in extreme poverty.⁹ This effort has not been successful in part because of the realities associated with families living in San Francisco. For example some 53% of district students qualify for free or reduced cost lunches according to the Office of the Superintendent of Schools. A significant portion lives in subsidized housing.

Both of these factors are determinants of whether a child is from an economically challenged family or one living in extreme poverty. When the preponderance of the school population falls into the “economically challenged” category, use of that category as a method of achieving diversity is futile. Efforts to “spread out” children from these circumstances simply has not worked as evidenced by the District’s own data.

While the poverty definitions used by the District may apply to too many families, the efforts by EPC to recruit for School Choice reach too few. Last year a third of Hispanic families and half of African American families did not participate in Round One. By comparison nearly all Chinese and White families participated.¹⁰

In the most recently available information (three years old) it was revealed that 30 of the 71 San Francisco elementary schools had classrooms containing 60% or more of students of the same race/ethnicity and each of the schools was in a neighborhood of that same dominant ethnicity even though the District does not give preference to neighborhood school assignment. This is evidence that School Choice and the Diversity Index are not succeeding at achieving diversity. Some examples are the following:

African American: 78% at Charles R. Drew in Bayview/Hunter’s Point

Chinese: 81% at Gordon J. Lau in Chinatown

Hispanic: 86% at Bryant in the Mission¹¹

⁹ *Meredith v. Jefferson County Board of Education*. 551 U.S. __ (2007).

¹⁰ *In San Francisco's 'School Choice' System, What Are Parents Really Choosing?; Amanda Johnson; Policy Matters, Vol.4, No. 2 (Spring 2007), pp. 13-21.*

¹¹ SFUSD School Profiles 2007-2008

FINDING 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.¹²

G. The Current System Creates School Disparity, Not Diversity

- Some schools are over-subscribed: last year 84% of the classes (including bilingual and general education) received more total requests than seats available. Some 27% received more first choice requests than seats available.¹³ (Applicants are asked to choose seven schools which accounts for the high totals.) Other schools are unpopular: 25 of last year's kindergarten classes received 10 or fewer first-place choices among the 3,972 children who participated in Round One.
- Overall, SFUSD has the highest test scores of any of the seven largest school districts in the state.
- However, African American students in this City test lower than in any of these other districts.¹⁴
- Aware of that statistic, an African American civic leader told the Jury, "If our kids are failing in school, I'd rather have them fail in the neighborhood than in a school across town."

A promising report from racially mixed Potrero Hill centers on low demand Daniel Webster. In 2007-08, it had a total of only 18 requests for admission. A group of local parents, planning on raising their children on Potrero Hill and realizing they will likely gain admission to the undersubscribed school, has agreed that when their children reach school age they will attend the school. By starting now to be involved in the school, they expect to see some school improvements by the time their children enroll. If, however, the parents are successful, the school's reputation improves, and word begins to spread, it will be only a few years before the school is fully subscribed and a wait list forms. Then ironically, the Diversity Index will kick in and Potrero Hill families with younger children will lose any assurance that they can get into nearby Webster.

FINDING 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 a successful school for all neighborhood children.

¹² School official's testimony to the Grand Jury and Recommendations for Student Assignment in the SFUSD, prepared by the Community Advisory Committee on Student Assignment, February 22, 2005, p. 6

¹³ Student Assignment Update SFUSD 3/28/2007, p. 15

¹⁴ Office of the Superintendent SFUSD

FINDING 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."

H. Alternative Schools

Alternative Schools is a term local school officials use to describe schools without attendance areas. Many have specialized programs such as bilingual education. According to a senior staff member, "Some are so small that educational and cost efficiencies cannot be maintained."

There is also an apparent lack of parental support for bilingual classes. Eighteen of the 25 least popular or least selected kindergarten classes were bilingual programs.¹⁵ These programs are the result of a class action lawsuit brought against the officials of the school district by non-English-speaking Chinese students.¹⁶ The Court ruled that the SFUSD must provide a program of "bilingual, bicultural education" for Learning English Proficiency (LEP) students.

Most, if not all, Alternative Schools have specialized programs such as bilingual education, which may go through eighth grade. Some Attendance Area Schools also have specialized program areas. (See "Attendance and Non Attendance Area Schools" in the Appendix.) For example, both types of schools offer specialized learning programs.

One of the goals of Alternative Schools should be to attract students by placing "high demand programs in low demand schools."¹⁷

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

¹⁵ Five year comparison of Round 1 Demand, SFUSD, March 16, 2007

¹⁶ Lau v. Nichols. Supreme Court of the United States. 414 U.S. 563 (1974)

¹⁷ SFUSD Student Assignment Report, November 28, 2006

I. At 57 of 71 Elementary Schools It Is “Get on the Bus!”

Historically, busing was used as part of the consent decree to desegregate the City’s schools. SFUSD’s transportation system has not been updated in over a generation. It is based on an old, out-dated student assignment process.¹⁸ Long after race became an impermissible factor in school assignment, buses continue to bring children from distant parts of the City to schools assigned to them as their “neighborhood schools” in an attempt to achieve diversified classrooms.

Since neighborhood schools are not a priority in the SFUSD’s School Choice Program, some 4,600 out of a total of 25,000 general education elementary students are transported to school in District-provided buses. Bus routes do not provide service equally between schools and different sections of the City. For example there are seven routes bringing children west from Bayview, Hunter’s Point and Visitacion Valley where many schools are under attended to the Sunset and Richmond where many schools are oversubscribed. Only one route goes to schools in the other direction.

Excluding the cost of busing for special education students, the annual toll is \$5.3 Million. It would be even more expensive if all elementary and middle schools started at the same time. The demands of the busing schedule require separate cycles of starting and dismissal times for elementary schools, as well as a separate dismissal schedule for kindergartens. This further complicates a family’s daily routine – trying to juggle various times to wake up and feed children of varying ages, attending different schools, and coming home at different times. Parents must adjust their work schedules to the unyielding demands of bus and school timing. “... Some of our K-5 students are on the bus for up to 70 minutes each way. Very young children, required to be at the bus stop at 6:20, often come to school sleepy and without breakfast.”¹⁹

As an important corollary, the more distant the school the less likely the parents are to be involved in school support activities. Children who ride the bus are denied the opportunity to participate in after school activities and form friendships with school mates. Busing also requires families to make special arrangements to get their children to and from the bus.

The Jury wondered if students who ride buses might have a higher rate of truancy, but did not find any research from the District regarding that possibility.

FINDING 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 children to elementary school and cost the District over \$5 Million annually. For each bus not deployed the District saves \$100,000.²⁰

¹⁸ http://portal.sfusd.edu/data/home/2_Full%20Doc_SERR_Plan.pdf p. 75

¹⁹ <http://portal.sfusd.edu/data/AcademicPlans/acad-79601.pdf> p. 4

²⁰ http://portal.sfusd.edu/data/home/2_Full%20Doc_SERR_Plan.pdf p. 75

J. Other Factors

1. Politics

With fewer children and parents involved in the schools compared to other cities, San Francisco's school staff, elected officials, and activists do not usually work in the spotlight. As a result, those who are politically ambitious take up issues that resonate with voters, not necessarily or directly those that address educating the City's children. For example, members of the Board of Education continue to discuss the expensive, divisive idea of being the lead school district in challenging last year's Supreme Court decision regarding the issue of race in school assignment. If this action is pursued it would bring legal costs estimated by the District at \$500K.²¹

2. Demographics

Parochial and private schools enjoy widespread support in the City. Nearly 30% of all of the City's school age children are not enrolled in SFUSD schools, nearly four times the state average.²²

San Francisco is believed to have the lowest percentage of households with children among the 50 largest cities in the U.S. Beginning with such a small number of prospective students, the public schools need to be able to successfully compete to enroll children in San Francisco.²³ To this end, it would be instructive if the District were to address the question of why 17% of the children who applied to public schools in 2006 chose not to enroll. This is especially important since nearly half of them were applying to kindergarten, and nearly half had been assigned to their first choice school.²⁴

Perhaps the best news on this front is that between 2000 and 2005 the number of pre-school aged children in San Francisco increased by 14%.²⁵ After several decades of declining enrollment and the concomitant loss of \$20 Million in state funds in just five years, the number of children enrolling in grade school in 2007 grew over the previous year. This spring the number of grade school applicants increased again. Tempering this good news is

²¹ SERR Full Report, p. 67

²² "Schools Gone Wild," Diana Kappa, San Francisco Magazine, October 2007

²³ Ilene Lelchuk, SF Chronicle, May 30, 2006

²⁴ SFUSD Student Assignment Report, p. 11, 11/28/06.

²⁵ Getting Behind the Headlines: Families Leaving San Francisco, September 21, 2005, Public Research Institute, San Francisco State University, p 2

that improving school quality topped the list of parents' suggestions for how to improve San Francisco for families.²⁶

3. Facilities

Forty years ago some 90,000 students attended San Francisco public schools. Today there are just 55,000. "The cost of maintaining this excess capacity draws resources away from programs and services that serve students' needs."²⁷

A member of the Board of Education told the Jury that many District schools are too small and fixed costs are claiming a disproportionate share of available revenue. The Board seems unwilling to face and to withstand the protests that come when a school closure is calendared.

While declining enrollment and academic achievement are factors, there are no fixed criteria for closing a school. This contributes to the public's concern and misapprehension. At this writing an agreed upon checklist is being considered by the District in an effort to help the public understand the reason for school closures.

Last fall the District received a \$20 Million bid for the vacant school on Font Boulevard. "The cash-strapped San Francisco Unified School District is looking into unloading eight properties that could pump upwards of \$100 Million into the schools and potentially free up land for as many as 917 housing units."²⁸ Until new legislation is passed in Sacramento proceeds from the sale of surplus property must be spent only on school facilities.

K. New Leaders, Big Challenges...an Opportunity to Tackle School Enrollment

This report coincides with the introduction of new leadership at the SFUSD. The question now for the leadership is whether they will take the District in a new direction or will past rancor continue only with new names on the jerseys?

The Jury sees hope in the fact that a year ago, Carlos Garcia became the Superintendent of Schools. He has brought in Dr. Anthony Smith as a new Assistant Superintendent with duties specifically focused on issues of instruction, innovation and social justice. The Director of the Educational Placement Center, Darlene Lim, in charge of all school assignments, has been on the job for a year. New members of the Board of Education will be elected in November 2008 to replace two proponents of the current admissions policy who are leaving the Board. Within the next two years 47% or 33 elementary school principals will be eligible to retire according to the office of the Superintendent of Schools. With these dramatic changes in leadership the Jury believes that there is the opportunity for the Board of Education and District leaders to correct the deficiencies inherent in the School Choice program.

²⁶ Ibid

²⁷ Student Enrollment, Recruitment and Retention, Full Report, SFUSD

²⁸ "SF schools to market 8 properties", JK Dineen, San Francisco Business Times, Friday, May 2, 2008.

During the Jury's interviews, a long-time elementary school principal 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." This is in sharp contract to numerous statements made to the Jury that the number one priority should be quality schools throughout the city.

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

FINDING 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.

L. How Other Districts Successfully Enroll Students

As noted, the San Francisco School Assignment Process with its use of multiple "diversity" factors is unique. This Jury can find no other urban districts anywhere else with the "School Choice" enrollment process that begins in kindergarten. Even districts that offer some form of open enrollment seem to also operate a concomitant or parallel neighborhood system.

1. Sacramento

The Sacramento Unified School System provides neighborhood schools for its elementary school pupils while also operating an open selection, lottery based system. The Sacramento and San Francisco Districts are close in many important comparables: Sacramento Unified (in the 2006-07 School Year) had 64 elementary schools, 27,283 pupils and 1421 teachers compared to San Francisco's 71 schools, 25,713 pupils and 1428 teachers.

In Sacramento, students are presumed to be enrolled in their neighborhood schools. A parent, however, can request participation in the Open Enrollment Program. On-line applications are permitted. At a specified point (February of this year) all applications are processed through a lottery system. Based on space availability in the requested school with first priority given to siblings of enrolled students, children of school employees and children with unique special considerations, school assignments are offered. Once a non-neighborhood school assignment is accepted then the new school becomes the "neighborhood" school. Participation in the Sacramento Open Enrollment program is voluntary and transportation is not provided. For more information about enrollment go to: www.scusd.edu/open_enrollment/index.htm.

2. San Diego

The San Diego Unified School District is larger than SFUSD. There are 118 elementary schools and 3,678 teachers serving 63,685 students. It is the second largest school district in California and the eighth largest in the United States. The student population includes 15 ethnic groups and over 60 languages and dialects. The SDUSD provides parents with the initial opportunity to send their children to a neighborhood school. Parents are also presented with the option to send their child to another school outside their residence area by the use of an Enrollment Option Application. A web site will be available for online applications for the 2008 - 2009 school year this fall.

Currently, two out of three students attend neighborhood schools and a third go to alternative schools. The SDUSD believes in preserving the vitality and core values inherent in neighborhood schools. What follows is a quote from a fact sheet that the District created indicating how neighborhood schools benefit children and their families:

- As a resident of the neighborhood, it is your right to attend that school. There is no waiting list, no special application deadlines. You have first priority to enroll.
- Families have a greater sense of community ownership; more of a neighborhood feeling.
- You may develop stronger relationships with your neighbors.
- You can walk next door and have discussions with your neighbors about school issues or concerns.
- You will spend less time driving your child to school.
- More convenient for volunteering and attending parent meetings.
- Your child will have more time to spend with his/her friends rather than riding to and from school on a bus or in a car.
- Your child will be able to go to school with the same children he/she plays with, and they can study and do homework together

The San Diego enrollment website: <http://www.sandi.net/enrollmentoptions/>

3. Seattle

Seattle Public Schools (SPS) are about the size of SFUSD. The SPS approved their Student Assignment Plan on June 20, 2007. Elementary students start with an assignment to a school in their local reference area, which is the area immediately surrounding the school. This provides predictability for families. If they want to keep this assignment, the family would not have to do anything else. The City is divided into nine clusters. Each cluster has four or more elementary schools. Families could exercise school choice for another school in their cluster or at any Alternative School. If they choose to go outside the cluster they may have to provide their own transportation. Seattle Public Schools states that it believes this plan enables stronger family engagement with schools, provides equitable access to programs, continues to offer opportunities for school choice and fosters diversity.

Seattle website: www.seattleschools.org/area/newassign/current_assignplan.html#top

IV. FINDINGS AND RECOMMENDATIONS

FINDINGS:

1. The SFUSD school choice process and its Diversity Index are unnecessarily complex and confusing, time consuming, alienating to the families they purport to serve and, most damning, fail to deliver a diversified school population.
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.
3. Even with the expenditure of \$2 Million and a diligent outreach and volunteer effort the District cannot explain an inexplicable enrollment system.

RECOMMENDATIONS:

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

Required Responses: The Superintendent of Schools, The San Francisco Board of Education

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.

Required Responses: The Superintendent of Schools, The San Francisco Board of Education

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.

Required Responses: The Superintendent of Schools, The San Francisco Board of Education

FINDINGS:

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.

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 a successful school for all neighborhood children.

6. San Franciscans identify with their neighborhoods. Most neighborhoods have a local school that local residents, merchants and parents have known about, 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."

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

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.

RECOMMENDATIONS:

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.

Required Responses: The Superintendent of Schools, The San Francisco Board of Education

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.

Required Responses: The Superintendent of Schools, The San Francisco Board of Education

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.

Required Responses: The Superintendent of Schools, The San Francisco Board of Education

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.

Required Responses: The Superintendent of Schools, The San Francisco Board of Education

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.

Required Responses: The Superintendent of Schools, The San Francisco Board of Education

FINDINGS:

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

RECOMMENDATIONS:

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.

Required Responses: The Mayor, The Board of Supervisors, The Superintendent of Schools, The San Francisco Board of Education, The Department of Children, Youth and Their Families

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.

Required Responses: The Mayor, The Board of Supervisors, The Superintendent of Schools, The San Francisco Board of Education, The Department of Children, Youth and Their Families

VII.
CHART OF REQUIRED RESPONSES

San Francisco Kindergarten Admissions:
Back to the Drawing Board

RECOMMENDATION	1	2	3	4	5	6	7	8	9	10
<i>RESPONSE REQUIRED IN 90 DAYS</i>										
BOARD OF SUPERVISORS									X	X
<i>RESPONSE REQUIRED IN 60 DAYS</i>										
THE MAYOR									X	X
THE SAN FRANCISCO BOARD OF EDUCATION	X	X	X	X	X	X	X	X	X	X
THE SUPERINTENDENT OF SCHOOLS	X	X	X	X	X	X	X	X	X	X
THE DEPARTMENT OF CHILDREN, YOUTH AND THEIR FAMILIES									X	X

V. APPENDIX

A. ATTENDANCE AND NON ATTENDANCE AREA SCHOOLS

The distinction between Alternative Schools for which attendance zones do not exist and Attendance Area (Neighborhood) Schools has been blurred over time. There are now 29 schools that do not have attendance areas including by design all of the new schools. Some Attendance Area Schools have closed and others merged so an increasing number of applicants simply do not have an Attendance Area School. Under the current system, the first Attendance Area School listed on the applicant form becomes the Attendance Area School for applicants living in areas without one.

“Despite the success in seeing that the majority of families receive one of their choices, our district still recognizes the problems that this system creates. The district has a contract with the Omega Group to provide technical assistance with redrawing attendance boundaries.”²⁹ At the contract’s inception the District paid The Omega Group \$50,000 for technical assistance to set about redrawing attendance boundaries. The Board never finalized a directive regarding the student assignment process so no work occurred.

Non-contiguous attendance areas are based on student assignment policies that no longer exist.³⁰ If for example you live near General Hospital your “Attendance Area” school is Gordon Lau in Chinatown. There are a number of other non-contiguous areas, dating from race-based assignments that perhaps are illegal today. Only 41% of the elementary schools have attendance zones. For 20% of the parents to have made Attendance Area Schools their first choice seems to the Jury to be a strong endorsement for the idea of neighborhood schools.³¹

²⁹ Student Enrollment, Recruitment, and Retention Staff Report to the Board of Education June 2007

³⁰ SFUSD Student Assignment Report, 11/28/2006

³¹ Student Assignment Update, SFUSD, March 16, 2007

V.
APPENDIX

B. PARCEL TAXES AND OTHER SCHOOL FUNDING

The passage of Proposition 13 has cut into local funding for schools. Much of the money provided for education now comes from State and Federal coffers and continues to be less each passing year and moreover, these funds frequently have spending limitations. For example funds for improving teachers' salaries or purchasing school property are difficult to obtain.

According to the Office of the Superintendent, the California education budget is 46th lowest in spending per pupil in the county. Local voters have recognized this problem and since 1988 have passed every school bond and parcel request with the total amount exceeding \$1Billion. For example, Proposition H, providing funds for education enrichment programs, passed handily in 2004. Most recently, the School Board placed a parcel tax on the June, 2008 ballot and following the trend of supporting local schools the voters approved the tax with a nearly 69% affirmative vote

The history of school funding initiatives shows that San Francisco voters support their public schools. This makes it all the more unfortunate that School Choice places such a barrier in front of them when they seek to enroll their children into these schools.

**V.
APPENDIX**

C. ENROLLMENT APPLICATION FORM

V.
APPENDIX

D. GLOSSARY

Educational Placement Center	EPC
San Francisco Unified School District	SFUSD
Student Accountability Report Card	SARC
Student Enrollment, Recruitment and Retention	SERR

V.
APPENDIX

**E. NATIONAL ASSOCIATION FOR NEIGHBORHOOD SCHOOLS,
INC.**

“The practice of considering race and ethnicity in school assignment has devastated thousands of school districts and killed the vital environment of the neighborhood school. The neighborhood school is no longer the hub of a community. Thus parents are denied vital parental involvement in and monitoring of the schools their children attend. School pride and community interest and support have been struck down. The practice has devastated communities where parents once worked together for good discipline. It has kept students who attend school together from being able to easily socialize and work together after school hours. It has wasted billions upon billions of tax dollars and precious (and expensive) fuel and has subjected students to traffic dangers and diesel fumes on buses. It has caused untold inconvenience for both parents and students.”³²

³² <http://www.nans.org/confusingruling.shtml>

V.
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F. A DECADE OF CIVIL GRAND JURY SCHOOL REPORTS

The Civil Grand Jury has issued extensive reports on the SFUSD in four of the past nine years.

1999: THE EFFECT PROPOSITION 227 WOULD HAVE ON THE DISTRICT'S EDUCATIONAL SYSTEM PARTICULARLY THE IMPACT ON FUNDING THE SYSTEM

2000: SFUSD IMPLEMENTATION OF PROPOSITION 227, A CONTINUATION OF THE PREVIOUS YEAR'S REPORT

2003: TOLERATING TRUANCY, INVITING FAILURE

2004: COUNTY COMMUNITY SCHOOLS: POOR STEPCHILDREN OF THE SFUSD