

## Continuity Report

### What Has Happened to Recommendations Made by Prior Juries?

After reviewing Jury reports from the past five years, the Continuity Committee chose several reports and some of the recommendations made by the previous Juries for investigation to ascertain progress or lack thereof. The chosen reports were:

Report	Jury Year	Page
San Francisco Kindergarten Admissions: Back to the Drawing Board	2007-2008	1
Risk Management: Are the Managers Managing the Risk of the City?	2006-2007	5
The Information Technology Highway	2005-2006	7
Office of the Assessor: The 4 Year Backlog	2005-2006	8
On-Time Performance & Service Goals Remain a Fiction: Muni's Management and Worker Problem	2003-2004	9
A Year of Five Elections for the City/County of San Francisco	2002-2003	11
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### **The Purpose of the Civil Grand Jury**

The Civil Grand Jury is a government watchdog made up of volunteers who serve for one year. The Civil Grand Jury reports with findings and recommendations resulting from its investigations. The investigated agencies, departments or officials are required by the California Penal Code to respond publicly within at most 90 days.

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\\_page.asp?id=3680](http://www.sfgov.org/site/courts_page.asp?id=3680), or by contacting the Civil Grand Jury at 400 McAllister Street, Room 008, San Francisco, CA 94102

### **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, (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 that (1) 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).

# Kindergarten Report

## Summary

The 2007-2008 San Francisco Civil Grand Jury (the Jury) examined the San Francisco Unified School District's (SFUSD) system for assignment of students to kindergarten. The examination resulted in a report entitled, "San Francisco Kindergarten Admissions: Back to the Drawing Board." In the Report, the Jury made Findings and Recommendations regarding the need to overhaul the SFUSD's kindergarten assignment system.

In the SFUSD's response to the Jury's report, SFUSD acknowledged that the report "raises many important issues and concerns regarding the [SFUSD's] student assignment system." Nevertheless, the SFUSD chose to avoid responding to the substance of crucial Findings and Recommendations made by the Jury by instead taking issue with the wording chosen by the Jury. This approach demonstrates a lack of respect for the process, a failure to appreciate the importance of the role of the Jury and a disdain by SFUSD for changing its unworkable and non-working programs in favor of promoting its own bureaucracy.

## Facts

The following is a representative sample of the SFUSD's responses to findings and recommendations made by the 2007-2008 Jury in its June 26, 2008 report:

### Example No. 1:

The Jury found that the "school choice process . . . [was] unnecessarily complex and confusing . . . [and fails] to deliver a diversified school population." The Jury pointed out that the Enrollment Guide was 91 pages long. The Jury further reported that the application had to be presented in person and that the wait was very often three hours.

In response, the SFUSD argued that the report provides no "factual support" for the Jury's finding. The SFUSD does not deny that it issued a 91-page enrollment guide. The SFUSD argues that the assignment system is "designed to meet complex goals and challenges such as . . . diversity. . . ." The SFUSD does not explain why this purpose requires the school choice process to be so complex for the parents and guardians who must try to use it.

### Example No. 2:

The Jury found that the "school choice process" did not deliver "a diversified school population."

The SFUSD responded that the Jury had not defined the word "diverse." The SFUSD had used the very same term in the preceding sentence without defining it. See, Example. 1. The SFUSD went on to discuss its own Diversity Index without clearly defining its substitute term.

**Example No. 3:**

The Jury found that a simple lottery would “result in only a slight difference in the racial mix of the classroom.”

The SFUSD responded that the report used by the Jury as the basis for this finding referred to the mix in the school, not the classroom.

**Example No. 4:**

The Jury recommended that the Diversity Index be eliminated immediately and replaced by a lottery.

The SFUSD responded that the recommendation would not be implemented because the Jury’s discussion and analysis of the goals of a student assignment system were not sufficiently comprehensive.

**Example No. 5:**

The Jury recommended removal of the race/ethnicity questions from the Enrollment Application in part because the appearance of such questions on the form leads families to conclude that race/ethnicity are Diversity Index factors.

The SFUSD responded in large part that the Jury did not prove families believed the questions on the enrollment form were used for assignment. The SFUSD did not discuss why it concluded families should believe their assertion that the question that appeared on the enrollment form was not used for enrollment.

**Example No. 6:**

The Jury recommended that since busing has neither improved the schools nor improved diversity, busing should be reduced.

The SFUSD responded with statistics tending to show schools have improved; nevertheless, the SFUSD completely failed to address whether any of its statistics have any relevance to the issue of busing. For example, the SFUSD did not address that students bused in an attempt to improve diversity do not, as a group, improve their test scores.

**Example No. 7:**

The Jury recommended that a system emphasizing neighborhood schools be implemented.

The SFUSD responded that the Jury had not done a complete plan of such a system and therefore it could not accept the recommendation.

**Example No. 8:**

The Jury recommended “the City should devise a plan for reducing the number of underutilized properties . . . .”

The SFUSD responded that “the City . . . does not have jurisdiction . . .” The SFUSD did not address the substance of the recommendation other than to note that it passed two resolutions: one to consider whether schools should be consolidated, the other to consider the fate of 10 of its 154 properties.

In addition to reviewing the SFUSD’s responses to the prior Jury’s June 26, 2008 report, the 2008-2009 Jury (1) interviewed several employees of SFUSD, including top administrators and several Commissioners, (2) reviewed the SFUSD’s responses to

previous Civil Grand Jury reports, (3) reviewed documents containing the comments of the Controller and previous Juries regarding the extent of District's cooperation with previous investigations, and (4) interviewed persons previously employed by the SFUSD. Among the previous Grand Jury investigation-related documents reviewed were:

1. The Jury's 1999-2000 report finding "[f]uture administrations of SFUSD would do well to follow the example of the current acting SFUSD administration in cooperating fully with any investigations conducted by the San Francisco Civil Grand Jury pertaining to SFUSD;"
2. The SFUSD's responses to the 2005-2006 Report in which it found no recommendations would be addressed because the SFUSD "is not part of the City and County of San Francisco . . . [and is] a separate legal entity, a public school district, that is a subdivision of the State of California;" and
3. The SFUSD's substantive responses to the numerous findings and recommendations of the 2002-2003 report finding deficiencies in the SFUSD's truancy prevention program.
4. The District 7 Report, School Assignment, by Supervisor Sean Elsbernd in the West Portal Monthly of May 2009.

## Findings

1. The SFUSD dismissed the 2007-2008 Kindergarten Report in nearly all aspects. The reason presented by the SFUSD most often was its objection to the Jury's choice of words and its position that the Jury did not provide detailed instructions to do what the Jury recommended.
2. The SFUSD did not address whether its current student assignment system delivers diversified schools or classrooms by any standard.
3. The SFUSD did not address whether a simple lottery system would deliver diversified schools or classrooms by any standard.
4. The SFUSD's response that its current system is not too complex is not supported by the facts.
5. The SFUSD's response that it is unreasonable to assume that questions on its school enrollment form would be used for school assignment is, itself, unreasonable.
6. The Jury report is not the only voice calling the current assignment system "complex, confusing and time-consuming..." as well as failing "to provide parental choice" or "promote diversity." Supervisor Elsbernd has described it thus and called for greater transparency and clearer communication from SFUSD.
7. The SFUSD's responses to the Jury's 2007-2008 report are part of a broader pattern. Specifically, the SFUSD recognizes that it has expertise in numerous critical subjects required for the proper administration of public education; some administrators of the SFUSD translate this awareness of its own expertise to a disregard for the Grand Jury, the City and the people of San Francisco. In sum, the SFUSD at times operates on the presumption that it alone may set and achieve the goals for the community regarding numerous critical issues including, but not limited to, how to define and achieve diversity, whether busing is appropriate and even whether its plans for emergency preparedness are adequate or need be coordinated with the plans of the City.

**Recommendations**

1. The SFUSD should recognize that answers such as those provided in its responses to the Jury’s 2007-2008 report tend to belittle the seriousness of the issues addressed in the Jury’s report.
2. The SFUSD should recognize that its responses fail to address adequately the “important issues and concerns” identified by the Jury in its report.
3. The current administration of the SFUSD should review the history of relations between the Jury and the SFUSD from 1999 to the present with an eye toward being less dismissive of the Jury. Even where the Jury presents politically uncomfortable issues or unworkable solutions, the problems identified by the Jury deserve thoughtful and thorough responses. In sum, the SFUSD has an obligation to offer adequate solutions to problems in the SFUSD that the community perceives as in need of solution.

Finding		1	2	3	4	5	6	7
Response	SFUSD	X	X	X	X	X	X	X

Recommendation		1	2	3
Response	SFUSD	X	X	X

## **Managing the Risk of the City**

The 2006-2007 Civil Grand Jury report found that the City needed a risk management manager who had the necessary authority necessary to implement a risk management program citywide. An experienced risk manager has been appointed. However, the extent to which the Director works with the various departments depends on work orders from those departments. Therefore, the effectiveness of the risk management program depends upon the enthusiasm the various department heads have for managing risk and budgeting for work orders.

The 2006-2007 Jury further recommended that cooperation between the City Attorney and the Office of Risk Management be improved. The Risk Management Director reports that the relationship with the City Attorney has been improved with multiple meetings and discussions between the parties. In this process, the Risk Management Director has determined that the City Attorney's database has insufficient information for analyzing losses because it was not designed for that purpose.

The 2006-2007 Jury recommended that commercial insurance should be considered to replace self-insurance to cover the risks of City departments. The issue of self versus commercial insurance is still under evaluation and the Director of Risk Management has found a commercial policy appropriate for the museums and created a pool of money for the purpose of purchasing insurance. Payments into the fund are pro-rated for departments according to their claims experience so that they pay according to losses they have sustained.

The Director has been asked by the Municipal Transportation Agency (MTA) to look for a catastrophic liability insurance policy. Despite the lacks in the City Attorney's database described above, Risk Management, the City Attorney and MTA have managed to gather enough information to get bids from two companies for commercial insurance. The Director of Risk Management has presented this information to MTA.

Risk Management is working with individual departments to evaluate their risks by performing a formal risk analysis. This is a first step toward the goal of an Enterprise Risk Management Program. Such a program would be able to explore the risk exposures of the individual departments separately and citywide and to assist in the choices of insurance.

### **Findings**

1. The Continuity Committee found that the recommendations of the 2006-2007 Jury regarding Risk Management have either been met or are in the process of being met.
2. There is no database currently used by the City that can produce the loss-runs necessary to manage the City's risk.

## Recommendations

1. Since no adequate database exists for doing loss runs, the Director should work with the Chief Information Officer to implement a solution to the loss-run problem, either by adapting a current database or by purchasing new software.
2. The Jury recommends a subsequent Jury follow-up on the Enterprise Risk Management Program to ensure that the expectation of citywide participation is realized.

<b>Finding</b>		1	2
Response	Mayor	X	
	Director of Risk Management	X	X

<b>Recommendation</b>		1	2
Response	Director of Risk Management	X	X



## Information Technology

The 2005-2006 Grand Jury roundly criticized the City's IT (Information Technology) practices and made a number of wide-ranging recommendations for improvement. The key among these was the appointment of a CIO (Chief Information Officer).

The Jury noted Mayor Newsom's Executive Directive 07-09 giving the CIO authority and responsibility to oversee the implementation of COIT (Committee on Information Technology) policy for all city departments.

### Findings

1. The Jury finds that great strides have been made in unifying IT services for the entire City.
2. The Jury commends the CIO for the cooperative attitude he has fostered among departments that have a long history of IT independence. However, problems with these departments continue with regard to duplicative and/or incompatible purchases.

### Recommendations

1. The Mayor should follow up on his prior response and implement changes to further strengthen the CIO's role in overseeing departments' IT operations, specifically in regard to centralized purchasing of IT equipment, services and contractors.
2. The CIO should work with the Director of Risk Management to create a database that can be used to analyze the City's risk exposure.

Finding		1	2
Response	Mayor	X	X
	CIO		X

Recommendation		1	2
Response	Mayor	X	X
	CIO		X
	Director of Risk Management		X

## Assessor/Recorder

The Continuity Committee reviewed the report by the 2005-2006 Jury on the Assessor/Recorder. The Committee looked only at the statement in that there was a four year backlog in assessing new properties and properties that had changed ownership.

The Office of the Assessor/Recorder has been affected by the economic downturn with a large number of requests for informal review of current assessments. Informal review is a negotiation between the City and the property owner that occurs before a formal hearing at the Assessment Appeals Board. It requires less time as a method of reaching agreement. There is a statutory requirement that reassessment be completed within twelve months of the filing date. As a consequence all resources were diverted to deal with the 1600 requests that were filed affecting the ability to reduce the backlog.

Prior to the economic downturn, the backlog had been reduced to two years and has remained at about two years. By the end of the next fiscal year (2009-2010) the Office of the Assessor/Recorder expects to reduce the backlog to a few months with a few assessments, such as those for large commercial properties, requiring as long as twelve months.

The current number of employees in the Assessor/Recorder's Office is 118. Due to the 2009-2010 budget deficit the Mayor has asked all departments for a 25 percent cut, which would further reduce the staff available to address the backlog. Since nearly the entire budget of the Assessor is personnel this would translate into a significant reduction in staff. Twenty-five percent of 118 is almost 30 staff members. The compensation cost of each employee is a very small portion of the revenue produced by that employee's work. To reduce staff would mean a reduction in revenue to the City greater than the savings achieved.

### Finding

1. At a time when the City is looking for revenue, the Jury finds it counter productive to reduce the ability to assess and collect property taxes.

### Recommendation

1. The Assessor's Office should be exempt from staff reductions.

<b>Finding</b>		1
Response	Mayor	X
	Assessor	X

<b>Recommendation</b>		1
Response	Mayor	X
	Assessor	X

## **Muni Management and Workers**

The Continuity Committee of the Jury reviewed the 2003-2004 report on the Municipal Railway (MUNI). Since that report MUNI has been subsumed into the Municipal Transportation Agency (MTA). The Jury chose to examine two topics -- the communications stream between management staff and rank and file employees and the status of the management of the light duty programs and. Employees who had been injured by assault or otherwise injured on the job such that they were unable to perform full duty but could still work are assigned to light duty.

### **Light Duty Programs**

The 2003-2004 Jury found lapses in supervisory management of employees assigned light duty. Since that report was issued, significant improvements have been made in the administering of these programs. A better tracking system has been implemented with significant reduction of valid employee participants as well as their time spent in this category.

The Jury commends the agency for its efforts and excellent results in reducing the number of participants from 100 or more to an average of 35 people. The monitoring system seems reasonable as well as effective and efficient.

### **Employee Communications**

In reviewing the communication stream between management and employees, the Jury found that there are excellent top-down instruments, such as accident reports, bulletins, notices and newsletters. A 2008-2012 Strategic Plan, which includes mission and vision statements as well as goals, has been developed with agency-wide involvement and input. These are worthy products. However, the Jury was more concerned about the bottom-to-top communications. The Jury was interested in how problems were handled on a daily basis beyond the union-supported grievance procedures. The Jury found that in an effort to create an atmosphere of teamwork and cooperation MTA/MUNI management has begun to develop a series of frequent and informal communiqués and meetings with all employees and top management. However, there is no on-going, daily system for staff to communicate upward past the immediate supervisor. For example, no system for a driver to make an incident report directly to the Director of Safety yet exists, although the Director says that is what he would like. There is no suggestion box, nor staff to read the suggestions should a box be installed.

## Findings

1. Problems with the supervision of employees on light or battery duty have been solved.
2. Although advances have been made, there still is no system for an employee to communicate with anyone other than his/her immediate supervisor.

## Recommendation

1. Develop a formal system or systems for employees to safely tell management about problems and make suggestions for improvement.

<b>Findings</b>		1	2
Response	Director of MTA	X	X

<b>Recommendation</b>		1
Response	Director of MTA	X

## **Department of Elections**

The Continuity Committee of the Civil Grand Jury (the Jury) chose to address the status of three election issues from the recommendations of the 2002-2003 and 2007-2008 Juries – facilities, training of poll workers, and permanent managerial/operational employees versus temporary ones.

### **Facilities**

The Jury found that consolidation of all functions and tasks of any one organization into a single location would seem to be a logical one. However, the Department of Elections (DOE) has a dual function. It is required by the San Francisco Charter Section 13.104 to conduct day-to-day operations such as records maintenance, voter registration, planning for future elections and improving the election process by evaluating new methods and machines. Secondly, the DOE must also provide a storage facility for existing equipment and required materials from past elections, e.g. ballots, as well as space for seasonal operations such as ballot receipt, counting and verification.

Based on figures provided by the DOE, a cost savings for a single facility would be relatively minimal. The Elections Commission, the DOE and the Jury **all** found it to be essential for effective administrative functions that the daily operations of the DOE should remain in City Hall and adequate space should be provided. Those functions requiring storage, maintenance and assemblage of election materials should be centralized, as is now the case at Pier 48. It should be noted that the site at Pier 48 might no longer be available after 2013 when the current lease expires.

### **Training of Poll Workers**

The DOE has made a determined effort to improve and update the training process of its workers. Enhanced workbooks, improved guidance and continuous monitoring and evaluation of procedures have addressed the concerns of previous Juries. The current Jury found that these efforts should continue and more improvements be made. Training on who should use the touch screen machines was inconsistent. The touch screen machines do not produce a paper ballot. They require an Elections staff person to transcribe the vote to a paper ballot that is then scanned as all the other ballots are. For this reason those who do not need the accommodation should not be encouraged to use the touch screen machines.

### **Employee Status**

Any well functioning group is dependent upon the wisdom of the past; institutional memory is fundamental. Temporary managers are still filling key administrative functions. Although it has been recommended by past Juries that these positions be converted to permanent status, this objective has not been met.

The Director of Elections has had difficulty getting approval for appropriate permanent positions that recognize the special experience and training necessary for staff that organize and run elections.

**Findings**

1. While the current storage at Pier 48 is satisfactory, the lease will expire in 2013 and may not be renewed.
2. The Jury agrees with the Elections Commission and DOE that it is essential that the administrative functions of DOE remain in City Hall.
3. Gaps still exist in poll worker training.
4. The touch screen voting machines now in use require manual transcription of the votes made using them.

**Recommendations**

1. The Mayor and relevant City Administrators must retain space in City Hall.
2. A search for storage space should begin immediately to find a permanent and suitable facility for the Pier 48 operations. Strong consideration could be given to excess properties owned by the San Francisco Unified School District (SFUSD). The high probability of available receiving areas, playground parking and security fencing available at school properties would be important factors in this decision. The City could rent, buy or exchange property with SFUSD. Other options and methods should also be investigated in conjunction with the San Francisco Department of Real Estate.
3. The touch-screen voting machines should be replaced as soon as possible with ones that do not require transcription.
4. The status quo of the current staffing should be maintained at least until the City sufficiently recognizes and actively supports the complex mission of the DOE through the creation of appropriate permanent positions.

<b>Finding</b>		1	2	3	4
Response	Mayor		X		
	Director of Elections	X	X	X	X
	Department of Real Estate				

<b>Recommendation</b>		1	2	3	4
Response	Mayor	X	X		
	Director of Elections		X	X	X
	Department of Real Estate		X		

## **Appendix 1**

### **SFUSD Response To 2007-2008 Civil Grand Jury Report**





**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.

