

The San Francisco Unified School District

SUMMARY

Since 1983, the structure and operations of the San Francisco Unified School District (SFUSD, or the District) have been governed by a court ordered Consent Decree which prescribes Districtwide desegregation as a means of achieving academic excellence for all racial and ethnic groups.

The 1996-1997 San Francisco Civil Grand Jury (CGJ) has concluded after investigation that while the Consent Decree has accomplished its desegregation purpose, it has been a failure in its more important goal of producing system wide educational success among its students.

Thirteen years of experience have shown that the performance of two large ethnic groups, African-Americans and Hispanics, on standardized reading and mathematics tests, has continued to lag behind other groups, and that with only a few individual school exceptions, measures taken to date, despite all efforts to reverse this situation, have been inadequate and ineffective.

From infancy, education is a parental and family responsibility, and the fundamentals of language are instilled by the time a child is two or three years old. Formal schooling, beginning at the age of four years and nine months, must build on blocks laid down at a very early age. The prospective student must be ready to read English by the time he or she enters kindergarten. At a minimum, this requires two years of pre-school training.

The Grand Jury concludes that immediate steps must be taken to correct this trend, including:

- 1) Adoption of a gradual and progressive program which would reduce the school entering age from its present four years and nine months to two years and nine months.
- 2) Formation of active parents' participation groups in every San Francisco school.
- 3) Building effective links between major community groups and the public school system.
- 4) Public reexamination of the 1983 Consent Decree to determine in what manner it may effectively raise the academic accomplishments of the student population it is intended to serve.

I. Background of the San Francisco Unified School District

The San Francisco Unified School District, which was founded over 100 years ago, is a quasi-independent agency of the City and County of San Francisco. Funding is derived from local, state and federal sources, plus some investments, and its assets are approximately \$745,000,000. The District has an annual budget of \$530 million. It employs 3,500 teachers and 250 offsite administrators. There are 63,484 students. The District operates 111 elementary, middle and high schools (76 elementary, 17 middle and 18 high schools) plus 37 child care centers.

Governance of the SFUSD is by an elected Board of Education consisting of seven members, most of whom have a background in education.

The staff is headed by a Superintendent of Schools appointed by the Board; the incumbent has occupied this position for approximately five years.

II. The Grand Jury's Investigation

The Civil Grand Jury began its investigation of the SFUSD by accumulating written materials on the District's operations and reviewing recent media articles, and from conversations with knowledgeable persons including newspapers reporters.

The Grand Jury then met formally with the Superintendent and the District's Chief Financial Officer in October 1996. Following these interviews, the CGJ determined that it would meet with principals and teachers from various schools at different levels selected from their geographical and student diversity, and most of the interviews have been with these persons. The Grand Jury has also consulted members of the Board of Education who often represent opposing views.

The Grand Jury has also conferred with counsel for the District and for the NAACP in the Federal Court (Consent Decree) action.

Our interviews have been supplemented by continuing reading supplied for the most part by the District and particularly by the Office of Planning, Research and Information Systems, SFUSD.

These investigations ultimately led us to the changing document which has governed the shape and planning of education in San Francisco since 1983 the Consent Decree.

III. The Consent Decree

San Francisco is a city of minorities. In the last century and a half its Golden Gate has provided entry for immigrants from Central and South America and from an impressive array of races and ethnic groups from the Far East and Southeast Asia as well as a full complement of Europeans.

World War II brought an influx of AfricanAmericans from the Deep South. The Civil Rights movement, beginning with *Brown v. Board of Education* in 1954 and culminating in the Civil Rights Act of 1964 addressed certain problems confronting AfricanAmericans, and resulted in substantial desegregation efforts throughout the country. Many of these efforts focused on the schools, and "busing" became a synonym for school desegregation, since it was the principal means of mixing the races. The underlying premise of school desegregation was that if all students, of whatever ethnic group, had an equal opportunity in the same environment to learn, the educational results forthcoming should be equal.

In 1982, the NAACP brought a legal action in the United States District Court [1] in San Francisco asserting that in San Francisco schools were illegally segregated in contravention of the 1964 Civil Rights Act and other legislation. While this litigation was initially directed to the problems of AfricanAmericans, it came to involve all racial and ethnic minorities. The court appointed a Committee of Experts which met and conferred with the parties, including not only the NAACP but the District and also the State of California, in an attempt to work out an agreement which would form the basis of a court judgment. This was designed fully to address the segregation problem for all minorities while at the same time providing ongoing supervision of the quality of education in the

District to ensure the best possible education for all. The consensus agreement of the Committee of Experts and the parties became the basis of the Consent Decree of 1983.

The central mechanism of the Consent Decree is enforced desegregation:

"A major goal . . . shall be to eliminate racial and ethnic segregation or identifiability in an SFUSD school . . ." [2]

The Decree proceeds to identify nine racial/ethnic groups, as follows:

- Spanish surname
- Other white
- AfricanAmerican
- Chinese
- Japanese
- Korean
- Filipino
- American Indian
- Other nonwhite

"No school shall have fewer than four racial/ethnic groups . . ." [3]

And further,

" that no racial/ethnic group shall constitute more than 45 percent of the student enrollment of any regular school. " [4]

The ultimate purpose of the Consent Decree is set forth under the heading of "Academic Excellence" as follows:

"39. The parties agree that the overall goal of this Consent Decree will require continued and accelerated efforts to achieve academic excellence throughout the SFUSD. The SFUSD shall evaluate student academic progress for the purpose of determining the curricula and programs most responsible for any improved test scores and learning in the District and the extent to which these curricula and programs are available to students of all racial/ethnic groups. The SFUSD shall adopt any additional curricula and programs necessary to promote equal educational opportunity." [5]

The true purpose of the Consent Decree, then, is not merely desegregation for its own sake, but the promotion of academic excellence through equality of learning opportunity for all racial/ethnic groups.

The Grand Jury, after examining the foregoing, determined that it should direct its investigation toward two questions.

IV. Questions Presented

1. IS THE CONSENT DECREE WORKING?

and,

2. IF NOT, WHAT CAN BE DONE ABOUT IT?

The Grand Jury's investigation of these questions necessarily involved a sampling process, primarily discussions with those directly involved in the implementation of the Consent Decree including principals, teachers and administrators.

There is general consensus that the desegregation aspect of the Consent Decree has been effective, if by effective one means achieving ethnic desegregation. As a glance at any school yard during recess will attest, children of many races, colors and languages attend every San Francisco school. This picture has not been painted without substantial demographic shifts, however. Although Caucasians constitute 44% of the city's population, they make up only 13% of the public school population; the remaining 87% are categorized as nonwhite. In 1983, there were fewer Hispanics and Asians and more African-Americans than today. Using the Consent Decree's nine categories the school population by percentage is presently as follows:

- Hispanic 20.5
- Other White 13.1
- African-American 17.4
- Chinese 26.7
- Japanese 1.0
- Korean 1.2
- American Indian .7
- Filipino 7.5
- Other nonwhite 11.8 [6]

We have the anecdotal evidence of one principal, that although her school is desegregated, she cannot get Asian and black children to hold hands in a simple playground game of "Ring Around The Rosie". In general, while schools are desegregated, classrooms may not be. One Bayview elementary school has not one white student. In short, the Decree has resulted in physical desegregation. Social desegregation remains a distant goal.

Evaluation of the Consent Decree's goal of producing academic excellence through equality of opportunity, however, leads qualified observers to the sad conclusion that in this respect, the Decree has been a failure. The District Court's Expert Committee Report of July 1992, chaired by Professor Gary Orfield of Harvard, issued a 78page report in July 1992 (the Orfield Report) which was sharply critical of the Decree as a means to achievement of universal academic excellence. The Report begins:

"There have been both successes and failures under the [Consent] Decree. After eight years of experience, however, the achievement data show that most African-American and Hispanic students still face devastating levels of educational failure." [7]

The Report notes that, according to the District's own data:

"Where poorly performing innercity schools were simply given large amounts of new money and staff, there were no overall academic gains for African-American and Hispanic students.

Too often the Decree became simply another funding source rather than the catalyst for new approaches to teaching minority students. [8]

While the official dropout rate (drop outs before age 17) for the District is only 2.2%, AfricanAmerican and Hispanic students alone comprised 28% and 25%, respectively, of this figure.

The Orfield Report concludes:

"The District must do more than it has done to educate Hispanic and AfricanAmerican children. Clearly, there is a social and economic crisis of great severity in the inner city and the schools need the support of other basic community institutions in their efforts; we call for a major push for such cooperation . . ." [9]

The Consent Decree requires that each year the SFUSD provide a report to the court that shows how students in each targeted school and program are doing over time by race, gender, language, status, initial achievement levels and other factors the parties consider important. The report shall be longitudinal, following the same students over time. [10]

The longitudinal study dated October 15, 1996 of the SFUSD to the court demonstrates a marked disparity between the CTBS (California Test of Basic Skills) scores of Hispanic and AfricanAmerican students and District averages, amounting to as much as one third less in the case of mathematics and somewhat less in reading. Such scores, which are lower than those of comparable students around the country, have brought a volley of criticism on the District.

The Grand Jury concludes that the Consent Decree is not working, at least for the substantial African-American and Hispanic groups. (See CONCLUSION, below)

Why African-Americans and Hispanics?

In the SFUSD, 57%-60% of students speak a language other than English at home. This means that a substantial amount of teacher time must be spent simply in teaching students to become proficient in English. In the case of Hispanics, LEP (Limited English Proficiency) is the single most important cause of poor achievement. Because English is not spoken at home, many children are not "reading ready" when they arrive in school.

In the case of AfricanAmericans, the combination of early dropout and poor academic achievement has produced young adults whose situation is indeed dire. An article in the San Francisco Chronicle of March 19, 1997 comments on a report by the Commission on the Status of the AfricanAmerican Male and cites shorter life spans, higher unemployment and longer prison sentences as evidence of conditions that are not improving for black men in California. Thus, AfricanAmerican males represent 3.7% of California's population but have an unemployment rate of 13.1% compared to 7.5% for all California males.

According to one Board member, a prime factor in poor AfricanAmerican student achievement, is "lack of parental expectation." Many African-American students come from singleparent homes or families struggling to make ends meet.

Poverty is also a substantial contributor to failure. In the San Francisco Unified School District, 50% of the students are "free" or "reduced" lunch recipients, a proof measure of

poverty since federal funds for free lunches are limited to the poorest sector of the school population.

Similar economic factors affect underachieving Hispanic students: many Hispanics are Catholic and send their children to parochial schools when they can afford the tuition, [11] which leaves mostly the poorest Hispanics to attend public school.

In this country Hispanics now constitute the underclass as the "poorest of the poor," according to an article in the New York Times dated January 30, 1997. In 1995, median household income rose for every other American ethnic and racial group, including AfricanAmericans, but for the nation's 27 million Hispanic residents it dropped 5.1%. Hispanic residents now constitute nearly 24% of the country's poor, up 50% since 1985. 30% of all Hispanic residents were considered poor in 1995, meaning they earned less than \$15,569 for a family of four. Hispanic residents have by far the highest high school dropout rate of any group in the nation. Only 78% finished high school compared to 91% of whites and 84% of blacks. Contributing to this problem is the waning number of blue collar jobs as the country's economy changes to serviceoriented and technical/business jobs. A Rand Corporation study found that Hispanic immigrants arrive in the United States speaking less English than their European or Asian counterparts and never catch up. The article concludes that limited English proficiency is the root cause of poor achievement by Hispanic students.

V. Remedial Actions Taken by the SFUSD

Since the Orfield report in 1992, the District has undertaken substantial and sometimes drastic steps to improve the quality of academic achievement. Schools with poor scores have been subject to intense scrutiny and have received injections of staff and funds, together with emissary administrators from District Headquarters whose job it is to keep administration closely informed as to activities and programs at their assigned schools. In a number of cases, schools have been totally reconstituted, that is, the principal and the majority of teachers have been removed and relocated with new and presumably more vigorous as well as more ethnically diversified staff being appointed.

In approximately 12 instances since 1983 the District has resorted to this drastic remedy, which in certain instances has resulted in what the Superintendent calls "pockets of excellence." Philip and Sala Burton High School in the Bayview District has been reorganized with an excellent principal and younger teachers who more closely approximate the ethnic mix of the school than the former staff. At Balboa High School a special AfricanAmerican program involving group sessions and counseling has lifted grade point averages from an alarmingly low 1.0-1.5 to something approximating the District average of 2.27.

The District has adopted a Comprehensive School Improvement Program (CSIP) in order to implement the reconstitution process, which, it estimates, will require three years to evaluate fully. Twelve schools have "graduated" from the reconstitution program, with some improvement in CTBS scores already observable in such schools.

Reconstitution has not been popular among teachers, who often understandably resent the implication that they are not performing well. A very recent agreement between the District and the teachers' union providing for individual evaluation of teachers before

relocating them may go a long way toward eliminating teacher discontent with the reconstitution process.

In any event, for the first time in 1996 District reading and math CTBS scores were above national averages for comparable schools.

The Grand Jury applauds such efforts, which have improved the general quality of education in the District by focusing on poorly performing units and addressing the special needs of each. However, we also believe that the poorer academic achievement of students in the African American and Hispanic minorities is in large part attributable to societal factors that a program targeted on school performance can only partially address. When arriving students possess limited English proficiency, come from broken or uninterested homes and have grown up in poverty, schooling, even if beginning at the age of four years and nine months, cannot alone make up for such disadvantages. It is not enough to improve the schools; students must improve as well.

VI. Conclusion

Fourteen years of experience with the Consent Decree have established that while it has met its goal of de facto desegregation, it has been a failure at accomplishing its primary purpose of achieving academic excellence for all ethnic groups. Ways must be found to bring poorly achieving individuals and groups to an acceptable level of education at all ages. The Grand Jury therefore offers the following:

FINDINGS AND RECOMMENDATIONS

Education begins at birth. More affluent or educated families generally read to their children, first with picture books, then with words. Many such children read passably well and have large vocabularies by the time they enter kindergarten, particularly if they have also had the advantage of preschool. There are over 400 private preschool and day care centers in San Francisco, virtually all of which require some form of tuition. The District itself operates 37 child care centers, though with State funds and subject to a stringent means test.

Findings

Only historical precedent in the District requires that a child be four years and nine months old before being permitted to enter the public school system. Substantial improvement in academic achievement can be produced by introducing children to education at a much earlier age, particularly in reading readiness and speaking English. The first and best education begins with the family. The support, encouragement, example (and occasional prodding) of parents lies behind every successful student. No student can hope to achieve success without this support. Parental involvement in education should become a prime goal of the District. [12]

As the Committee of Experts found in its 1992 report "there is a social and economic crisis of great severity in the inner city and the schools need the support of other basic community institutions in their efforts..." [13] The Consent Decree [14] [15] requires that "The SFUSD shall continue its efforts to encourage and improve participation of parents, students, staff, and community." The Grand Jury finds that insufficient effort has been given to carrying out this Decree.

The Consent Decree of 1983 is known to few San Franciscans and understood by even fewer. It is past time that the Decree's fundamental premises were exposed to public

view and its postulates reexamined. Expert opinion has found that it has failed in its goal of achieving academic excellence in San Francisco Schools for all students and ethnic groups.

Recommendations

1. The Grand Jury recommends adoption of a program leading to the reduction of the school entering age to two years and nine months, thus extending beginning education in the most formative years by a full two years. This change should occur in the form of a gradual and progressive plan, beginning with a small number of students [16] who have full parental consent and cooperation. Careful longitudinal records should be kept of such students' progress so that the success of the program can be monitored. [17]

In certain instances the integration of such young students into the school system may require some modification of the Consent Decree's inflexible mandate for desegregation because busing would not be feasible. A partial return of neighborhood type schools where parent can be at hand and participatory should be considered.

2. Parents should be held accountable for the children's education, and should be strongly urged and induced in every possible way to devote a certain number of hours a month to fulfilling the commitment which being a parent carries with it. Suitable inducements need to be devised to produce this result, and in the case of optional enrollment schools, can be a contract requisite to admission. [18]

Teacherparent cooperation is critical to our recommendation; since many parents can come to school only in the evenings, some evening scheduling of teacher time would be required.

3. The Grand Jury recommends that the District establish a Department of Community Relations to assist the schools in developing outreach programs in each of their districts to identify community and civic organizations and businesses which may be expected to assist the schools in practical and personal ways in order that each school may develop a sense of community identity in its locality.

4. The Grand Jury recommends that the Mayor, in conjunction with the District, appoint a Committee of Concerned Citizens/(Adults Worried About Kids Education (AWAKE))/ to study and conduct public hearings on the condition of education in the public schools with particular emphasis on making whatever changes in the Consent Decree which may be required to achieve its original goal of offering the finest education to every student which any city can provide.

REQUESTED RESPONSES

Mayor

San Francisco Unified School District

Board of Supervisors

Board of Education

City Attorney

Footnotes

1. N.A.A.C.P. et al v. San Francisco Unified School District et al., C78-1445 WHO, U.S. District Court N.D. Cal.
2. Consent Decree p. 5.
3. Consent Decree p. 5.
4. Consent Decree p. 6.
5. Desent Decree p. 27-28.
6. Information furnished by SFUSD.
7. Orfield Report, p. 1.
8. Orfield Report, p. 9.
9. Orfield Report, P. 10.
10. Consent Decree, p. 28.
11. According to the Archdiocese of San Francisco, there are 66 parochial schools, K-8, and 13 high schools, 9-12, all of which require payment of tuition. Some scholarships are available on individual application for needy students.
12. Virtually everyone the Jury interviewed for this project emphasized the importance of parental involvement in encouraging academic achievement at all grade levels. Although the District encourages parental participation in education, it does not appear to have any organized program to stimulate such involvement. At Lowell High School, the parents' organization has more than 1,000 members, whereas in other schools, particularly middle schools, there is no parental organization at all.
13. At one South of Market high school the principal is deeply engaged in such an effort and his "missionaries" contact all civic organizations in the district and encourage them to get acquainted with their neighborhood high school and to support its activities with both time and money.
14. Consent Decree, p. 18.
15. Consent Decree, p. 29.
16. These children should be toilet trained and able to accept being in a social situation.
17. Such a program should be carried out in full cooperation with Head Start, the federally funded program providing assistance to very young children and their families since 1965. In San Francisco Head Start is administered by the Economic Opportunity Council of San Francisco, which succeeded other groups such as YWCA, in 1993. Head Start provides a comprehensive program of improvement not only for young children (beginning with pregnant mothers) but also for their families with the goal of having children whose families are on welfare or otherwise qualify by a means test ready for learning at the kindergarten level. (The San Francisco Unified School District could have been the sponsoring agent and administrator of the Head Start program in San Francisco, but apparently chose not to do so when the administration was changed in 1993) Unfortunately, due to lack of funding, Head Start cannot supply the kind of program which we here recommend. According to Head Start officials, there are 6,412 eligible children for its program in San Francisco of which only 1,160 are being served

at the p[resent time. This amounts to 18% of those eligible, leaving 82% unserved by any city program.

For example, most schools, at least above the elementary level, have laboratories where parents could study computer skills in the early evening. (Probably the best teachers of these skills are high school students!) Again, parents could be induced or encouraged to sign a "contract" agreeing to devote a certain number of hours to school activities. Every parent, regardless of income, can contribute something, be it painting walls, monitoring study halls, or otherwise donating time as needed.