

## **New Findings Slated to Be Included in Report #21 (July 2004)**

Pursuant to Paragraph 44 of the Consent Decree, the Monitoring Team presents an annual report to this Court for the purpose of documenting the parameters of progress under the Decree. In our forthcoming report, scheduled to be filed at the end of July, 2004, we provide further evidence regarding the scope of the dramatic achievement gap and the need for additional intervention. In addition, we continue to find a lack of compliance with key terms and conditions of the Decree.

### **A. Further Evidence Regarding the Parameters of the Achievement Gap**

In the process of gathering data for Report #21, we have found new evidence regarding the achievement gap documented in the Supplemental Report. These findings further reinforce the conclusion that more needs to be done right away, and that staying the course will not be sufficient.

#### *1. Dramatic Gap in the Comparative API Base for African American Students*

We have found since the filing of the Supplemental Report that while SFUSD overall scored highest on the state Academic Performance Index (API) base than any of these other urban districts, the African American students in SFUSD have the worst API score when compared with their African American counterparts in these other districts.

	<b><u>03 API Base (all races/ethnicities)</u></b>	<b><u>03 API Base – Afr. Amer. Students</u></b>
San Diego	697	628
Long Beach	682	618
Sacramento City	666	587
Los Angeles	622	573
Fresno	610	560
Oakland	592	552
<b>SFUSD</b>	<b>706 (highest)</b>	<b>542 (lowest)</b>

As the above table shows, the achievement gap between African American students and their District as a whole is wider in San Francisco than in any of these other major California urban districts. And it should be noted that the API base incorporates a range of objective indicators, and accounts for student performance at every level of the California Standards Test, including those scoring at “proficient or above” and those scoring at “basic.”<sup>1</sup>

#### *2. Grade Point Average (GPA) Trends for African American and Latino Students*

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<sup>1</sup> See generally California Department of Education Web site, Academic Performance Index Databases, <http://api.cde.ca.gov/api2003/page2.asp?subject=API&level=District&submit1=submit> (visited June 24, 2004).

In addition, we have looked beyond the test score data to examine recent grade-point-average (GPA) trends for African American and Latino students. We found in this area further evidence of low performance, and little or no change over time.

- **SFUSD African American Student Overall District-Wide GPA**

Fall 99 - 1.84 (from Report #18, Page 199)

Spring 03 - 1.84 (from district data submitted to monitoring team, 6/03)

- **SFUSD Latino Student Overall District-Wide GPA**

Fall 99 - 1.98 (from Report #18, Page 199)

Spring 03 - 2.02 (from district data submitted to monitoring team, 6/03)

*3. 46% Increase in the Number of SFUSD Schools at the Lowest API Rank of "1"*

Finally, we have found that there has been a recent increase of almost 50% in the number of SFUSD schools at a "1" (the lowest possible ranking) on the comparative API rankings. In the tables released by the state in February 2003, 13 SFUSD schools were at the lowest API rank of 1. In the most recent table, released in February 2004, that number had increased to 19.

All the schools scoring at a "1" on the API contain high percentages of students of color who are also children of poverty...the very schools that are expected to be targeted under the terms and conditions of the Consent Decree. Yet even with the targeting that has occurred in recent years, certain schools not only remain at a "1," but they have been joined by others whose API rankings have dropped. The number of elementary schools at a "1" actually doubled this past year, going from 5 to 10.

**B. Continued Low Expectations at Many School Sites for Low-Income Students of Color**

In Report #16, filed July 29, 1999, we addressed for the first time the ongoing prevalence of low expectations within SFUSD, noting that the Monitoring Team "continues to uncover evidence of low expectations for student achievement" throughout the District:

"While it must be emphasized that the great majority of educators in the community do not share the view that only certain students can achieve at the highest levels, and that less people share such a view with each passing year, there are still a substantial number of classroom teachers, school site administrators, and district-level administrators whose actions reflect continuing low expectations for certain students and student groups. Such low expectations are vestiges of

segregation that have not been eliminated to the extent practicable.” Report #16 at P. 7.

In this 1999 Report, which was explicitly adopted by the Court as findings of fact,<sup>2</sup> we documented how “the Consent Decree itself and specifically the Special Plan for Bayview-Hunters Point sought to address this form of discrimination directly.”<sup>3</sup> We found that the Philosophical Tenets<sup>4</sup> adopted pursuant to the Decree “have served as guiding principles, and...[that]...innovative SFUSD leaders have worked hard to try to break up the cynical culture of low expectations that had permeated the district at all levels.” But while “great progress has been achieved,” we found that:

“[T]wo significant vestiges of segregation still remain unresolved: (a) a different, lower quality (“dumbed-down”) curriculum for students in certain racially identifiable and socioeconomic-status-identifiable schools and classrooms, and (b) substantially different approaches to school discipline from school site to school site. Both these problems are directly related to continuing low expectations for certain students and student groups.” *Id.* at Pages 8-9

This past year, in spite of ongoing efforts by the parties and highly dedicated day-to-day efforts of school site administrators, counselors, and classroom teachers, the Monitoring Team is continuing to find numerous examples of a different, lower quality curriculum for key segments of the student population in San Francisco. And we continue to find explicit evidence of a corrosive mindset that perpetuates these practices in many settings...particularly in the lowest performing, resegregating schools, and too often within the context of special education.

For example, a veteran school site principal at the elementary level recently told the Monitoring Team that his expectations were linked to the perceived “quality” of the surrounding neighborhood, stating that he “cannot make the neighborhood school better than the neighborhood.” Commenting on longstanding practices throughout the City, a

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<sup>2</sup> See Memorandum Decision and Order, *SFNAACP v. SFUSD et al*, No. C-78-1445 WHO, *Brian Ho v. SFUSD et al*, No. C-94-2418 WHO, U.S. District Court, Northern District of California, October 24, 2001 at Page 4.

<sup>3</sup> See Report #16 at Page 8: “In particular, the philosophical tenets -- which were adopted to establish expectations for both learning and behavior and that have come to be viewed as central to the implementation of Consent Decree goals -- explicitly address the issue of expectations and focus on changing the prevalent view that only some students can achieve and that if they do not achieve it is not the fault of the school.”

<sup>4</sup> See *Special Plan for Bayview-Hunters Point Schools, Draft Update*, SFUSD Division for Integration, April, 1995, at 3-14:

...2) All individuals are entitled to be treated with respect and dignity; 3) All individuals want to learn and should be recognized for their achievements; 4) All individuals can learn; 5) All individuals learn in many different ways and at varying rates; 6) Each individual learns best in a particular way; 7) All individuals are both potential learners and potential teachers; 8) If individuals do not learn, then those assigned to be their teachers will accept responsibility for this failure and will take appropriate remedial action to ensure success;...11) Parents want their children to attain their fullest potential as learners and to succeed academically.

veteran Spanish bilingual teacher bemoaned the ongoing lack of high expectations for Latino students. A veteran school site administrator at the high school level spoke with us at length about the low expectations for African American students and the commensurate lack of rigor that she continues to see reflected in special education practices over time. And an outgoing principal at another school site asserted in two separate interviews this spring that special education practices throughout the City are often rooted in low expectations for these students and thus guarantee failure.

In addition, numerous administrators have told us of problems they have had in recent years with classroom teachers who continue to have low expectations for low income students of color, who do not agree with the adoption of a “more intensive” curriculum in such urban settings, and/or have little or no understanding of the requirements, mandates, and goals of the Consent Decree in this context.

And a principal at a highly successful elementary school explicitly told us that although she and the faculty were working hard on the issue of expectations, there were still a number of teachers at the site who believe that when a student does not perform well, it is not because of anything related to their teaching, but is instead the fault of the family, environment, and/or culture.

Informed by this new evidence, we continue to find – as we did in 1999 – that there is a direct interrelationship between Consent Decree Paragraphs 12 & 13 (assignment of students to schools & classrooms), Paragraph 36 (professional development), and Paragraph 39 (academic achievement) with regard to the problem of low expectations. These paragraphs have not been addressed to the extent practicable.

### **C. Lack of Compliance with Terms and Conditions of the Decree**

The above conclusions and ongoing concerns are further reinforced by the findings to be documented in Report #21 regarding the continuing lack of compliance with major provisions of the Consent Decree, as summarized below.<sup>5</sup>

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<sup>5</sup> In assessing patterns and trends with regard to the history of Consent Decree implementation over time, it is important to note the dimensions of three interrelated topic areas: (a) Enduring Achievements of the Consent Decree, (b) Retrenchment, and (c) Vestiges of Segregation and a Lack of Compliance.

#### **a. Enduring Achievements of the Consent Decree**

The dual focus on desegregation and academic achievement pursuant to philosophical tenets and an education plan, combined with additional resources, independent monitoring, and budget oversight, have led to the following concrete and enduring achievements:

- Higher quality education for a very large number of students of all races/ethnicities and socioeconomic groups over time.
- Greater access and more equality of opportunity for a very large number of students of all races/ethnicities – and particularly for socioeconomically disadvantaged students – over time.
- Richer and more diverse educational environments.
- New, higher quality schools in low income areas.

- School-by-School Desegregation under Pars. 12-13  
*Resegregation continues to increase dramatically, and nothing is being done to change the methodology of assigning students to the schools.*
- Within-School Desegregation under Pars. 12-13

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- Reform measures that succeeded in turning around many low performing schools.
  - Additional resources at the school site level.

#### **b. Retrenchment**

Although some schools that improved or were “turned around” maintained their gains over time, this has not been the case for all of them. As we discussed in our July 2000 Annual Report:

...[T]here is no magic formula in the world of education reform. No one silver bullet has yet been found in this context. Research has shown that turning around a low performing school requires -- among other things -- the right combination of people, interpersonal communication, programs, funding, and relationships. It requires a great deal of hard, day-to-day work over time...establishing partnerships between and among the District's educators, the school's students, and the local community. Such efforts -- even if successful -- do not continue automatically. People change, students change, circumstances change, and new relationships must be built. Turning around a low performing school is thus an ongoing process, not a one-time operation that can then be expected to last indefinitely. *See Report #17 at Page 172 (July 2000).*

Over one third of the schools in the District have shown patterns of severe resegregation since the Ho Settlement of 1999.

Several arguments have been advanced to explain this development. Some point to the District's inability to use race as a factor in the student assignment process since 1999 as a central and direct cause. Others argue that the current “diversity index” is inadequate, and highlight the lack of any effort to modify the process by adding a preference based on geography or adjusting the anachronistic SFUSD transportation system. In truth, all of these factors have played a role in the current reality. *See generally Report #20 at Pages 20-86 (July 2003).*

#### **c. Vestiges of Segregation and Lack of Compliance**

We continue to document the successes of the Decree, the ongoing examples of top quality education, and the dedicated efforts of educators and administrators over time.

Yet we have found (as documented in Report #16, July 1999) that vestiges of segregation present in the District prior to 1978 continue to be prevalent today, and have not been adequately addressed. In particular, we have found that this fact is reflected in the continuing existence of low expectations for low income students of color, both in general and in many programs for English Learners and Students with Disabilities.

Further, we have found that the persistence of the achievement gap, as documented at great length in the March 2004 Supplemental Report, can be linked directly to these low expectations, and to the fact that the interrelated mandates of the Consent Decree (designed to confront such problems) are not being addressed to the extent practicable.

*As documented in many of our previous reports, 1997 through 2003, we have never found there to be compliance with this requirement.*

- **Staff Diversity Goals under Par. 34**  
*As reported over time, staff diversity has never come close to meeting these goals.*
  
- **Professional Development under Par. 36**  
*Given the virtual disappearance of mandatory professional development for teachers, and the continued evidence that District educators are provided with little or no background training in Consent Decree issues and concerns, we have found a lack of compliance in this area since 1999.*
  
- **School Discipline under Par. 38**  
*We have never found there to be compliance with this requirement, as documented in all of our previous reports. The disparity in the percentages of students (by race/ethnicity) suspended or expelled continues to be unacceptable.*
  
- **Academic Achievement and Related Issues under Pars. 39-41**  
*As documented in all of our past reports, and in particular in the March 2004 Supplemental Report, the full range of objective and subjective indicators lead to the conclusion that a persistent and dramatic achievement gap exists, and that these issues are not being addressed to the extent practicable.*
  
- **Budget Oversight under the 2001 Settlement Agreement**  
*The process has bogged down after significant progress in 2001 and 2002, with no evidence that the issues being raised in recent reports are being addressed. In particular, the issues of accountability for expenditures by District officials responsible for the bus transportation system and by school site administrators responsible for budgets at the individual school site level are not being addressed to the extent practicable. In addition, the audits required by the 2001 Settlement Agreement have not taken place now for some time.*
  
- **Compliance with the October 24, 2001 Order of the Court**  
*The order requires the District to directly address all of the findings in the Monitoring Team reports, and to set forth specific plans and timetables and/or modify existing plans under “Excellence for All” to specifically address problems raised. The District has not done this. “Excellence for All,” which was introduced to the Court as a work-in-progress, has not been modified or changed since 2001.*