

1 STUART BIEGEL
2 Consent Decree Monitor
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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
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9 SAN FRANCISCO NAACP, et al,) No. C-78 1445 WHA
10 Plaintiffs,)
11 vs.) (Related Case: Ho v. SFUSD,
12) No. C-94-2418 WHA)
13 SAN FRANCISCO UNIFIED SCHOOL) ANNUAL REPORT NO. 22
14 DISTRICT, et al,) OF CONSENT DECREE MONITOR
15 Defendants)

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17 As per the requirements of Paragraph 44, I am hereby filing Report #22, the ninth
18 consecutive annual “independent review” to be completed by the current Monitoring Team.¹

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20 We begin this Report with an updated Balance Sheet, summarizing both the enduring
21 achievements of the Consent Decree as well as the unresolved issues. We follow with an
22 overview of thirteen SFUSD schools that best exemplify the vision of the Decree and the pursuit
23 of its goals over time.
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27 ¹ In addition, since 2001, we have filed a total of 5 Supplemental Reports. All the reports of the current Monitoring
28 Team, dating back to 1996-97, can be found online at <http://www.gseis.ucla.edu/courses/edlaw/sfrepts.htm>. A new
topical index of major areas covered by our reports is reproduced on that site, and *infra*, in Appendix 3.

As per a timeline agreed upon by the parties and approved by this Court, we are currently scheduled to file one more Supplemental Report, which will document final Fall 2005 enrollment figures, final AP, GPA, graduation-rate, and test score data for 2005, and related developments as we move toward the anticipated termination of the Consent Decree.

1 Appendix 1 then provides a detailed analysis of performance at these thirteen schools,
2 and Appendix 2 concludes the Report with a traditional paragraph-by-paragraph summary of
3 compliance.

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6 **I. Consent Decree Balance Sheet**

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8 In Report #18, filed with this Court in the Summer of 2001, we presented a balance sheet,
9 “showing both the achievements under...[the Decree’s]...mandates and the problems that must
10 still be addressed.”² In this Report, we present an updated version of this balance sheet, based on
11 findings documented in Monitoring Team reports from 1997 through 2005. We begin with ten
12 key enduring achievements, and follow with ten key unresolved issues.

14 **Key SFUSD Achievements Pursuant to the Requirements & Mandates of the 15 Consent Decree**

- 16 1. Innovative strategies for education reform that have resulted in higher quality education
17 for a very large number of students of all races/ethnicities and socioeconomic groups
over time.
 - 18 2. Desegregation efforts that have led to greater access and more equality of opportunity for
19 a very large number of students of all races/ethnicities – and particularly for
20 socioeconomically disadvantaged and traditionally marginalized students – over time.
 - 21 3. Additional resources at the school site level that have led in numerous instances to
stronger learning programs and richer, more diverse educational environments.
 - 22 4. Concrete success in “turning around” entire low-performing schools.
 - 23 5. The creation of new, higher performing schools in low income areas.
 - 24 6. Changes in the District culture generally, at the beginning of the Decree and at various
25 other points in time, rooted in the Philosophical Tenets and leading to higher standards
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² Report #18 at Pages 26-28. See also June 2004 Response to the Parties’ Joint Response, at Pages 12-13, Note 11.

1 throughout SFUSD. These changes have resulted in greater expectations for all students
2 in many of the District's schools.³

- 3 7. The closing of the achievement gap at certain noteworthy schools.
- 4 8. A more diverse faculty and staff in many of the District's schools.
- 5 9. A system of public school choice that includes a large number of high performing schools
6 throughout the City.
- 7 10. The emergence of certain schools that can serve as models of the best features and most
8 noteworthy accomplishments of the Decree. These schools and their achievements are
9 documented below in a special section of this Annual Report.

10 **Key Unresolved Issues under the Terms and Conditions of the Decree**

- 11 1. Low academic achievement at certain chronically low performing schools.
- 12 2. The inability of certain other schools to sustain gains that were originally achieved under
13 the Decree.
- 14 3. A pattern of continuing resegregation at close to half of the District schools since 1999,
15 and an inability to identify and implement adjustments in the student assignment plan that
16 could address this resegregation to the extent practicable.⁴
- 17 4. A persistent gap between the academic performance of African American and Latino
18 students overall and the performance of the District as a whole, and an inability to define
19 a vision and reach goals that could address this gap to the extent practicable.⁵

20 ³ As documented in many of our past reports, "the Philosophical Tenets...[of the Special Plan for Bayview-Hunters
21 Point]...explicitly address the issue of expectations and focus on changing the prevalent view that only some
22 students can achieve..." See, e.g., Report #16, at Page 8.

23 ⁴ Paragraph 12 of the Consent Decree requires the District "to eliminate racial/ethnic segregation or identifiability in
24 any SFUSD school, program, or classroom and to achieve the broadest *practicable* distribution throughout the
25 system of students from the racial and ethnic groups which comprise the enrollment." In many of the recent
26 Monitoring Team reports, we have highlighted numerous instances and provided numerous examples of areas where
27 more could have been done in this context. We have also noted where more still can be done, but has not been done,
28 to the extent practicable. See generally March 2004 Supplemental Report at Part V, Pages 9-15 (Addressing
Problems of Equity and Educational Quality "To The Extent Practicable").

⁵ See, e.g., March 2004 Supplemental Report at Pages 9-15; July 2004 Response to District's Offer of Proof, at
Pages 13-14. See generally Report #21 at Pages 9-10:

We continue to emphasize the fact that none of these realities should be viewed in a vacuum, and that all of
these issues are interrelated. Consent Decree guidelines have been developed for this very purpose. They
include, but are not limited to, desegregation by school, program, and classroom; an explicit focus on
academic achievement; a continued effort to increase expectations; an emphasis on increasing the quality
of programs and practices, particularly with regard to English Learners and Students with Disabilities;
increasing both Advanced Placement (AP) course offerings and access; building more after school
program offerings and increasing access to these programs; addressing attendance issues; adjusting bus
transportation routes and options; improving discipline practices; linking professional development to

- 1 5. An inability to confront the crisis that is evident within the African American community
2 in San Francisco, a crisis that is reflected in highly troubling numbers on a range of
3 traditional objective indicators and shows little sign of dissipating.⁶
- 4 6. An ongoing lack of compliance with the Paragraph 12 within-school desegregation
5 mandate of the Decree, resulting in a persistently different, less challenging curriculum
6 for students in certain racially identifiable and socioeconomic-status-identifiable
7 programs and classrooms.
- 8 7. Continuing issues regarding inequitable distribution of Consent Decree funds, with many
9 schools that evidence the greatest needs in this context still receiving significantly less
10 money than other, higher performing schools. Also, continued evidence of inappropriate
11 allocation of these funds by administrators at certain school sites.
- 12 8. An inability to develop and maintain District-wide professional development programs
13 that address the basic requirements of Paragraph 36 and convey basic Consent Decree
14 principles and Philosophical Tenets to teachers and school site administrators.
- 15 9. Substantially different approaches and ineffective efforts regarding school discipline
16 from school site to school site, resulting in a continuing lack of compliance with the
17 mandate of Paragraph 38.
- 18 10. Vestiges of segregation, present in the District prior to 1978, that are reflected in both the
19 continuing existence of low expectations for low income students of color and in the
20 segregative nature of many District programs, particularly in the area of special
21 education.⁷

22 Consent Decree goals; and allocating Consent Decree money in a manner that would best further the
23 attainment of these goals.

24 ⁶ See, e.g., Report #19 at Pages 23, 93, 126-129; Report #21 at Pages 6-8; March 2004 Supplemental Report at
25 Pages 9-15; April 2005 Supplemental Report at Pages 12-16 (documenting the parameters of the multi-faceted
26 achievement gap – based on test scores, GPA, AP enrollment, and graduation rates – between African American
27 students and the District’s student population as a whole, as well as the continued rock-bottom performance of the
28 African American students in San Francisco when compared with their counterparts in other major urban districts).

⁷ See also the April 2005 Supplemental Report and the annual Paragraph 12, Paragraph 38, and Paragraph 39
documentation (1999-2005)...showing a persistent disproportionate representation of African American students in
separate special education classes generally, the overwhelmingly disproportionate representation of African
American students in the highly subjective “emotionally disturbed” and “severe learning disabled” categories of
special education, the substantial ongoing disparities in suspension and expulsion rates by race/ethnicity, as well as a
pervasive and unrelenting attendance gap between African American students and the District as a whole. See
generally March 2004 Supplemental Report, at Pages 20-21: “A large number of students in this city are not
succeeding, their very lives are on the line, and in too many instances their schools are failing them.”

⁷ In Report #16, we documented the existence of vestiges of segregation as reflected in the low expectations of many
District educators, particularly with regard to African American and Latino students, over time. See Report #16 at
Pages 37-40:

As time goes by, the monitoring team continues to uncover evidence of low expectations for student
achievement throughout SFUSD...[T]here 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. Id. at Page 37.

In our June 2004 Response to the Parties’ Joint Response, we confirmed the ongoing existence of these same
realities. See June 2004 Response to the Parties’ Joint Response, at Page 13, Note 11c. In this Report, *infra*,

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2 As we stated in 2001, everything that follows “should be viewed within the context of the
3 above balance sheet.” Indeed, this updated balance sheet represents a broad summary of our
4 most current findings to date.

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6 **II. Thirteen Schools That Exemplify Success under the Mandates of the Consent Decree**
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8 We have found that the following SFUSD schools represent the best examples of success
9 under the interrelated desegregation and academic achievement mandates of the Decree. Of
10 course, as we have documented in past reports, these are not the only schools that are doing well,
11 and wonderful things are happening at so many other school sites throughout the City. But these
12 thirteen schools do exemplify the best features of what the Consent Decree has been all about.

13
14 **Alvarado (K-5)**

15 Targeted for additional funding and “comprehensive school improvement” under the Decree, has
16 maintained a diverse student population and has shown significant gains in performance over the
17 past 10 years, with noteworthy success closing the achievement gap.

18
19 **Carver (K-5)**

20 Originally reconstituted “Phase One” school in Bayview-Hunters Point,⁸ “turned around” under
21 the Consent Decree, and has maintained a solid academic record throughout.

22
23 **Golden Gate (K-5)**

24 Western Addition school, reconstituted in 1997, showed record gains in academic achievement
25 from 03 to 04, particularly for its African American student population.

26
27 Paragraph 12 Section, we provide additional documentation, particularly as it relates to the interrelationship between
28 special education placement and low expectations for African American students over time. *See Appendix 2, infra,*
at Pages 4-8.

⁸ As we have reported on numerous occasions, “Phase One” refers to the initial actions taken under the Decree in 1983 with regard to four existing schools that were reconstituted and two other schools newly created at the time.

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Gordon J. Lau (K-5)

Serves a low-SES student population comprised of over 70% Cantonese-speaking and Spanish-speaking English Learners, targeted for additional funding under the Decree, emerging in this era as a highly desirable, high-performing, and welcoming school.

Marshall (K-5)

Located in a low-income, high-crime area of the Mission, it has developed an enriched curriculum, established high standards for all its students, and has shown great gains in academic achievement for the primarily low-SES population that it has served.

Harvey Milk (K-5)

Civil rights focus, exemplifying both the mandates of the Decree and the life work of the LGBT activist for whom the school is named, actively recruits low-income students of color and maintains one of the most diverse and welcoming school environments in San Francisco.

Claire B. Lilienthal (K-8)

Has maintained a diverse student body and continues to be one of the top performing schools in the District, not emphasizing “test prep” as some campuses do, but instead offering a rich, engaging, and challenging curriculum for all its students.

Alice Fong Yu (K-8)

A new school that has become one of the highest performing in SF, created in the mid-1990’s and guided from the beginning by Consent Decree principles, offering an innovative and inclusive Cantonese immersion program for students of every ethnicity.

1 **Aptos (6-8)**

2 Successfully reconstituted in 1996, when the new administration brought in a young and highly
3 motivated faculty that has remained together over time, the school has maintained a highly
4 diverse student population and continues to improve academically.

5
6 **Philip and Sala Burton (9-12)**

7 Created new at the beginning of the Consent Decree under “Phase One,” continues to serve a
8 diverse student population in the Southeast Quadrant while working to sustain a rigorous
9 curriculum and consistently solid academic performance over time.

10
11 **Galileo (9-12)**

12 Targeted for additional funding under the Decree, has made great strides in recent years in its
13 decisions on how to use this additional funding, showing great successes since 2002, increasing
14 its diversity while improving its academic performance.

15
16 **Gateway Charter (9-12)**

17 From its inception in the late 1990’s, the school has demonstrated a highly informed
18 commitment to Consent Decree principles and goals, actively maintaining a diverse student
19 population and demonstrating great academic success across all races/ethnicities.

20
21 **Leadership Charter (9-12)**

22 Equity focus by highly motivated educators has led to outstanding gains for a student population
23 that is diverse racially/ethnically as well as on the basis of socioeconomic status, led the District
24 by graduating every one of its students “UC eligible” in 2004.

25
26 In our analysis of these schools, we have identified a number of factors that have enabled
27 them to achieve their successes. These factors include maintaining a diverse student body,
28 awareness of the individual learning differences and personal needs of every student, a school-

1 wide commitment to improving African American and Latino student performance, strong
2 intervention programs, school culture that promotes academic excellence for all students,
3 qualified and caring faculty who understand the tenets of the Consent Decree, communication
4 and collaboration between the administration and faculty, strong parent involvement in the
5 school community, and effective site-based professional development programs that specifically
6 address issues relating to the narrowing of the achievement gap.

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8 As we have done many times in the past when we have documented District successes,
9 we urge the community to build on these successes and seek to publicize, disseminate, and
10 replicate the noteworthy steps taken by these educators to achieve their goals.

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12 Dated: August 1, 2005

Respectfully submitted,

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STUART BIEGEL
Consent Decree Monitor

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22 Once again, we note that this independent review could not have been completed 23 without the invaluable ongoing contributions of Hoover Liddell to every phase of 24 our monitoring efforts. ⁹

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⁹ We also acknowledge the significant contributions of Dr. Charles Forster to this Annual Report, particularly with regard to the Special Section on the Thirteen Schools, *infra*, Appendix 1.

Appendices to Report #22 (attached)

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Appendix 1 Special Report: Thirteen SFUSD Schools That Exemplify Success Under the Mandates of the Consent Decree

Appendix 2 Paragraph-by-Paragraph Report on Compliance with the Terms and Conditions of the Decree

Appendix 3 Index of Major Topics Addressed in Monitoring Team Reports