
*THE CONSCIENCE OF A
COMMUNITY*

*INTEGRATING
MID PENINSULA SCHOOLS,
1969–1986*

Edited by

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Introduction: A Thank You

I started this account when I was 83 with the intention of writing it by myself. I soon discovered that it was beyond me. I therefore thank those who helped write it, and also those who helped with the cause.

Among them were Jerry Marer, the bravest man whom I have ever known; Sid Berlin, who spent hundreds, perhaps thousands, of hours on three desegregation lawsuits; Diane Reddy, who produced copies of Sequoia Union High School District (SUHSD) Board minutes; Margaret Marshall, a friend and a fine person devoted to doing good things; Merle Fruehling, the only person I've known who ran up Mt. Lassen and a friend before he became Superintendent of the SUHSD; the Mid Peninsula Task Force for Integrated Education, which turned out to be a very dedicated group, including Anne de Carli, Marjorie Moylan, Kay Williams, Ellen Elliott, and many others; Bob Gomperts, who had four children in the new Ravenswood High School and filed a lawsuit in Federal Court to desegregate the SUHSD; Katye McCall, a person of great understanding of

racial problems; my friend Ted Neff, who in his working days at the Bureau of Inter Group Relations in the State Department of Education, offered help and advice; Norm and Jan Heise for their advice and friendship; my friend, Linda Lipinsky; Gertrude Wilks, a brave woman and leader in the Ravenswood area; Judy Teichman, a lawyer for the U.S. Department of Health, Education and Welfare, who brought her skill and the influence of the Federal government to bear on school integration and wrote an important government report; Jan McDonald, who suggested I write this account, a friend of my wife and mine, and one of the bravest women I have ever known; and my two sons, Dave and Tom who helped produce this account. The sections which certain of my friends wrote are attributed to them. The sections without attribution, I wrote myself.

There were many others on the Mid Peninsula and in California who fought for school integration, but available space, time and memory fail me.

Finally, I dedicate this book to my wife, Helen, who was always there when I needed her and gave me her love for fifty-nine years.

Wars and Their Results

Wars do not always have the expected results. The Civil War supposedly freed the slaves, but left them subject to shameful persecution by white Southerners. World War II caused massive movement of men and women from all parts of the country to the San Francisco Bay Area for shipment to the Pacific and to work in the Bay Area war industries. Since most of those going to the Pacific were men, women were placed in jobs pre-

viously closed to them; e.g. I remember a popular song called, "Rosy the Riveter." At the end of the War, many people coming back from the Pacific settled in the Bay Area.

The G.I. Bill of Rights permitted veterans to go to college or to buy a home. Many of the veterans were non-Caucasian, so the population in the Bay Area became much more diverse than it had been before the War. That created many problems, but it made life in the Bay Area much more fascinating. Occasionally Helen and I stood on the corner of Market and 5th at the rush hour and watched the variety of clothing and racial characteristics of the people who passed by.

How I Got to Menlo Park

I entered the Navy on December 8, 1941, in Seattle. A couple of years later I found myself temporarily at the Naval Air Station, Alameda. On a Sunday when I had a day off, I decided to go sightseeing at Stanford and thereby changed my life and my family's. I thought the area around Stanford would be a pleasant place to live. In 1946, thanks to the GI Bill, my wife Helen, our two sons, Dave and Tom, and I moved into a new house on Santa Cruz Avenue in Menlo Park. The area which is now Sharon Heights was then acres of open fields, with one house in the middle, lived in by one of Tom's schoolmate's families, the Rathbuns.

Subsequently, in 1955, we moved to a new subdivision, Ladera; but before that, our school district, Las Lomas, had a dispute over the Superintendent. It became quite acrimonious. I wrote a public letter suggesting we cool the rhetoric. One school board member resigned, and the remaining two appointed me to serve the one year remaining on her term.

When it was up, I ran for a full term of three years. Shelly Ferguson, whom I have lost track of, and Ben Law, who remained my good friend until he died recently, and I were elected. The Superintendent resigned. We employed a competent successor on his way up, and life went on, with Las Lomitas remaining one of the fine school districts in the area. So began my interest in public education.

East Palo Alto From the 1950's to the 1970's

At the beginning of the 1950s, East Palo Alto was largely Caucasian with a number of residences, small farms, and manufacturing plants. These included Menlo Pharmaceuticals which a group of my friends and I owned, a small firm which manufactured a curare derivative for use as a muscle relaxant. During summers, at various times, each of my sons worked there.

During the 1950's, Realtors, aided by title companies and lending agencies, engaged in racial block busting. West of Highway 101, new subdivisions were built, their white-only composition protected by racially restrictive covenants. These had been declared to be unconstitutional earlier, but the practice continued. I am pleased to say that my wife's and my deed in Ladera where we lived for many years never had such a covenant.

By the end of the 1950s, east Menlo Park and East Palo Alto were nearly entirely Afro-American. The Bayshore freeway effectively divided this area from Menlo Park and Palo Alto.

Subsequently, East Palo Alto incorporated as a city. In the 1970's, Hispanics began to move into these areas, and a little later so did a number of Pacific Islanders.

Now there is no ethnic group from Belmont to Menlo Park, which constitutes 50% or more of the population. We are all minorities. It is in our self interest that we enjoy and honor one another, that each of us learn and enjoy one another's culture, and that all students receive a good education.

Recognizing the Issues

Introduction

There were racial problems at Menlo-Atherton High School (M-A) in the 1950's between Caucasian and Afro-American boys. The problems were serious enough by the late 1960's to cause a group of women of both races to commence an effort to improve the atmosphere. This gradually developed into the Mid Peninsula Task Force for Integrated Education, the most dedicated and selfless group of women I have ever known. They soon realized that any solution depended on young children being acquainted with one another when they were too young to be prejudiced. They proposed that a Primary Education Center be formed to include students from the Ravenswood area of east Menlo Park and those from the rest of Menlo Park.

Unfortunately, after several years the Ravenswood Elementary School District Board withdrew in the belief that they could better educate their children on their own. The Task Force contin-

ued supporting the *Sanders* and *Tinsley* cases, which were directed at achieving racial balance in area schools, and which are discussed in detail below. The Task Force also made annual Friendship Awards well into the 1990's to reward those who worked so diligently on this difficult problem.

Early Activities with Respect to School Segregation

by Phyllis Johnson

History of Ravenswood High School

1951:

- Students from the Ravenswood Elementary District of Menlo Park who had been assigned to Sequoia High School were switched to M-A.

1955:

- A bond issue passed to build two new high schools, one in Woodside and one in east Menlo Park.

1958:

- Ravenswood High School opened in east Menlo Park. [Phyllis noted to me that it was not as segregated at the outset as she remembered. *Ed.*]

History of State Involvement

1968:

- **September:** The California State Board of Education Report (*State Report*) came out on Equal Opportunity in Education. It described the problem of *de facto* segregation. Max Rafferty, a conservative, had been elected State Supt. of Public Instruction. There had been no action after the State's policy statement on desegregating its schools back in 1962. The Report made 11 recommendations.
- Grassroots Activities: 'Community Looks at Itself' meeting at College of San Mateo, to examine extent of segregation in San Mateo County school districts and explore possible solutions. Six hundred attended.

1967:

- "Counterpart" organization formed, comprised largely of businessmen. "A unique group of individuals in the Mid Peninsula area, blacks and whites, working together for equality of opportunity in the community." Ten major divisions, one being education.
- Marjorie Moylan helped found a free milk program in East Palo Alto, to raise funds for a Boys and Girls Club.
- Kemp Miller (a Hewlett Packard engineer, loaned by them as full time director of Counterpart) and Jack Black (Pac Tel) were co-leaders.

1968 (Major Developments):

- **May:** Meeting sponsored by the San Mateo County Office of Education. People from Las Lomas, Menlo Park, and Ravenswood City, districts, plus Menlo-Atherton and Ravenswood High Schools were there, including PTA members and teachers.
- **July:** Meeting at M-A for a group interested in forming a Community Council of local school districts. Former US Commissioner of Education Frances Keppel spoke.
- **August:** Ravenswood Elementary School District Joined the Council for Intergroup Education (CIE) for school districts of south San Mateo County. A major breakthrough—probably a sign of Ravenswood's (i.e. Black) confidence that this was a sincere effort.

Classroom exchanges “across Bayshore” may have started before this date. Phyllis recalls that Marjorie worked with Ravenswood. When a Ravenswood elementary school class was studying a related topic, Ravenswood principals identified teachers who were interested in having an exchange for a joint field trip to a place of interest, such as a dairy or a fire house.

1969:

- **January:** Public meeting at M-A led by Jim Lewis, Director of Human Relations, California Teachers Assoc. and Harold DePue, Supt. San Mateo City School District.

- **January:** Menlo Park Coordinating Council invited a panel of Council for Integrated Education (CIE) members to a joint meeting with all PTAs.

Major meeting of “Living Together in a Multiracial Community” at Hillview School. Phyllis Johnson was one of the presenters.

- **November:** LTV California published 31-page booklet “Desegregating CA schools” which was used in SUHSD.

Mothers for Equal Education (EM) founded by Gertrude Wilks.

Mrs. Byron Skinner, an African American from EM, was chair of conference for black and white women held at an East Palo Alto school.

1970:

- **January:** As a result of EM’s November, 1969 meeting, a conference sponsored by 28 women inspired by the EM conference on “How Can We Act as Responsible White Women?” was held at Palo Alto Presbyterian Church. One hundred thirty-five white women attended.
- **May:** As an outgrowth of this January conference, there was a two-week integrated “Fun and Friendship” camp sponsored by Portola Valley School District and Ravenswood Elementary School District. Thirty volunteer mothers ran this with forty-five teenage assistants. One hundred eighty children attended.

First week at Castano school in EPA.

Second week at Portola Valley Elementary School.

1971:

- **March:** Jack Robertson given an award by CIE for his leadership on SUHSD Board.
- **May:** Ellen Elliot chaired a meeting of Menlo Park School Volunteers for Multicultural Activities. 35 attended. Representatives from the four schools organized programs for the next two to three years.

*Racial Problems at Menlo-Atherton High School,
September, 1967*

by Marjorie M. Moylan

On September 18, 1967, less than two weeks after school opened at Menlo-Atherton High school, telephones and the radio came alive with news of a riot at the school. Parents began to gather at the school to witness dozens of police cars parked and others arriving with sirens blaring at the formerly serene campus. M-A had stepped up its desegregation plan by adding all those students who lived in east Menlo Park, and east of the Bayshore Freeway. Due to block busting by realtors these areas had become racially segregated.

Although black students represented only 15% of all students enrolled, their presence was in greater numbers than before. They had also come from an elementary school district which

was segregated and unequal in educational opportunities. What actually had happened was not a riot, as described by the press, but a confrontation which alerted the staff and parents to serious problems. Because rumor was rampant, and it was essential to establish an environment free from fear and retribution, as chair of the Community Liaison Committee at M-A I wrote a letter to parents asking their support in talking with their students and to help in a long-range program of building better human relations between black and white students. That same afternoon and evening a committee stuffed, addressed, and mailed 2,000 of the letters. Here is what I wrote:

Dear Parents,

The next few weeks are a testing time for all M-A parents. We must aid our young people as they seek to overcome the tumult of the past week, and we need to examine our own attitudes and emotions.

The Community Liaison Committee of the Menlo-Atherton High School PTA is seeking to understand and aid in resolving the frustrations and problems, which caused such serious consequences at our school. Where legitimate needs are recognized, this committee shall attempt to find ways to meet them. In this category fall such topics as bus transportation, hot lunches, and the study of Negro culture and history.

We ask for understanding and support of the new and stringent rules which the administration and teachers have found necessary to enact at this time for the safety and security of all our children.

The length of time they will need to be in effect may be in

direct relation to parents' success in urging their children to: Respect the rights, dignity, privileges and property of others; Strive diligently to seek the true facts in all situations; attempt to be understanding and cooperative. If you can join our committee as it seeks to build better human relations through aiding in solving problems and improving communication between persons of different racial and geographic backgrounds, please contact the secretary to the M-A School-Community Liaison office at 369-1411, Extension 56. How successful our attempts will be will depend upon your response and interest.

Sincerely yours,

*Community Liaison Committee
Menlo-Atherton PTA*

The response was overwhelming. Over 200 parents signed up almost immediately to work to resolve the problems and frustrations that were at the root of the trouble. A series of discussions between parents and students, students and students, and teachers and students was scheduled and well-attended.

From these freewheeling discussions came the suggestions of needed changes in attitudes and in programs. The black students felt they were treated unfairly and with less regard than that given to white students. Whether a perception or a reality, teachers began to evaluate their relationships with the black students. From its beginning this had been a school, which focused its academic program on students who tested in the upper 20% of high school students nationwide, with students aiming for Stanford, U.C. Berkeley and other elite universities. The newly-placed black students in general had not had the educational preparation of those from the Menlo Park Elemen-

tary School District or other neighboring districts. They felt that they were treated with hostility. In fact, some white students admitted to not wanting the black kids in their school.

All aspects of school life were examined, from school lunch to academic tracking, from the lack of adequate counseling to the value of homerooms, and from school dances to behavior standards. From this beginning grew awareness of the great divide and misperceptions black and white students each had of one another. Many students did become more sensitive to the need to find common ground and make friends.

Social events were scheduled with extra effort extended to black students to encourage their participation. Parents volunteered to be in the halls to monitor conduct of students when changing classes. Parent volunteers were also called upon to lead clubs, to chair parties, to call parents who normally did not attend school functions, and to continue working on changes in the Sequoia Union High School District.

A Community Liaison Committee was formed. The members expected to begin implementation of changes, including those regarding school lunch, home rooms where every student would have some sense of belonging, improved teaching and reassignment of those teachers who were not adequately presenting material or engaging students, and additional counseling. Most of the changes this committee of parents felt were urgently need never were enacted by the administration. Nonetheless, with the dedication of some teachers and the continuous support by equally dedicated parents, the school year closed on a note of optimism for the future.

At the end of the school year, however, the steering committee of the Community Liaison Committee recommended that school desegregation/integration begin from the child's earliest

school years. At the 9th grade level it was too difficult to build mutually respectful attitudes in students after those early years of attending separate schools with unequal educational programs.

The Committee called upon the feeder elementary districts to consider the merger of the several small elementary school districts into one union elementary district or to consolidate and form K–12th grade school district. And that prior to those measures being achieved that all elementary school districts in which the children could become acquainted with children of different ethnic backgrounds.

This experience in the need for school desegregation and positive measures for integration led to the formation of a Council for Intergroup Education which would continue to appeal to school districts and to look to ever improved human relations between students at Menlo-Atherton High School. From this group the Mid Peninsula Task Force for Integrated Education evolved.

Segregated Schools in the Sequoia Union High School District

By 1965, serious concerns were expressed in the SUHSD over segregated schools. Reports made on the subject included the Levinthal Report dated February 11, 1965, the MERI Report in February, 1968, and in early 1969, the Board received a compilation of desegregation methods. Unfortunately, as a SUHSD Trustee I did not receive copies of these reports until it was too late for them to be of much use.

In March of 1969, spurred by my conscience and by newscasts which displayed the shameful treatment of black people and children in the South and recognition that although we did not have the same situation on the Mid Peninsula, our schools were none the less segregated, I decided to run for the Board of the SUHSD. When I was elected from among 23 candidates, I felt my charge was to improve education for black children and other ethnic minorities, and this I tried to do faithfully. As will appear later in this story, other people were elected from time to time who believed they represented only the people

who elected them; i.e. the Caucasian population. How we resolved this dilemma is the subject of this story, as are ongoing problems in public education.

I do believe that the various SUHSD Trustees with whom I served were interested in providing the best possible education for all of the students who were registered in the District. We disagreed only on how the schools in the District should be integrated.

The election was to be held on a Tuesday. On the proceeding Saturday, I decided to ring some doorbells. No person knew who I was or what I stood for or even that there was an election the following week. So much for any thought that when I was elected I was given a mandate. Nonetheless, this is one of the fictions our democracy requires in order to function—a fiction necessitated by a less-than-fully-engaged electorate.

Even had there been no election, by 1969, the racially segregated condition and severe educational disparity between white and minority students in the SUHSD began to drive community and Board action. After the election, a working majority of the Board favored remedying the segregated condition and curing, as far as was possible, the resulting educational inequality.

Laying the Groundwork

At the initial meeting of the new SUHSD Board, on July 2, 1969, Charles Chase, Philip Schneider, and I took office. The remaining incumbent, Helen Kerwin, was elected President unanimously. Charles Chase was elected Vice President, Philip Schneider Secretary and I Trustee Representative. The Board approved the appointment of Tom Turner to fill the vacancy created by the resignation of Henry Organ, which had occurred in June, 1969.

That evening the Board also passed the following resolution:

1. Ravenswood High School shall continue to operate as a comprehensive high school during the academic year of 1969-1970.
2. In conformity with Federal law, state guidelines and existing policies of the SUHSD, the student body in all schools in the District shall be racially balanced not later than September, 1971.

3. By June 1, 1970, the SUHSD shall develop a plan for achieving racial balance.
4. The SUHSD pledges to take such steps as may be required to improve educational opportunities for all students at Ravenswood High School.
5. The SUHSD pledges to establish a local education council as early as possible, but not later than September 15, 1969.

The original motion by Trustee Chase, as amended, was seconded by Trustee Robertson and passed unanimously.

Adopting a Plan

SUHSD Board Minutes of Meeting on June 24, 1970

The Special meeting of the SUHSD Board of Trustees was called to order at 8:00 p.m., Wednesday, June 24, 1970 in the Sequoia High School Auditorium.

Trustees present:

Jack Robertson
Philip V. Schneider
Charles E. Chase
Thomas L. Turner
Mrs. Helen S. Kerwin.

President Kerwin announced that the Board had called this special meeting for the purpose of approving a plan for the desegregation of the Sequoia Union High School District, said plan to be implemented, hopefully, not later than September, 1971.

President Kerwin stated that the Board would have to exercise its best judgment in selecting a plan, which is as fair as possible to all segments of the community. She pointed out that Menlo-Atherton and Ravenswood High Schools will be operating next year with 540 students less than they can serve, and the other four schools will have 1337 students over capacity. Changes have been made in schedules at the various schools to accommodate this overcrowding. This seems to be unjustified especially since there is unused space for classrooms and other learning activities in two District schools. The Board must also take action to correct the racial imbalance in order to achieve quality, integrated education. She stated that she hoped that the adoption of a plan tonight would be the first step in achieving this.

President Kerwin stated that in preparation for this meeting, the members of the Board had conferred with each other individually over the past ten days in an effort to explore the specific areas of agreement and disagreement. As a result, a series of motions had been developed covering the various details which must be considered if a plan is to be fairly administered. She stated that the Board should first adopt a basic plan for desegregation, and discuss and vote on the specifics of its implementation. It is also hoped that once a decision is made, the District can get on with the business of providing quality, integrated education for all students.

Trustee Chase stated that he felt the statement made by the President was a personal opinion, as he was not able to study

the motions until one o'clock that afternoon. It was pointed out to him that attempts were made to contact him. Mr. Chase indicated that Trustees Robertson, Turner, and Schneider had contacted him.

President Kerwin suggested that the Board address itself to the series of motions before them. Mr. Len Summey, Deputy District Attorney from the Office of the District Attorney, was present to act as parliamentarian in case there were questions on procedure.

Supt. Chaffey presented additional letters, and one telegram, that were received relative to desegregation. Copies of all letters received were prepared for the Board members, and a listing was made of the postcards received.

Superintendent Chaffey read the following:

1. Telegram received by the President from Dr. and Mrs. Marvin Richards supporting desegregation.
2. Letter from Mr. Gus Guichard, Intergroup Relations Department of the State Department of Education, relative to desegregation, and supporting the six comprehensive high schools.
3. Letter and report from the Department of Health, Education and Welfare relative to the compliance review of the Sequoia District, and recommending that the District implement desegregation by September, 1970.

It was moved by Trustee Turner and seconded by Trustee Schneider that the following motion be adopted: "I move that in carrying out the District desegregation plans, the six high schools of the District be continued as 4-year comprehensive

high schools, and further move that the high school to be operated in the present Ravenswood High School plant, effective September, 1971, seek to have the following characteristics:

1. An administration and a faculty committed to creating excellence in education through the development of special programs, and better teaching techniques so as to best meet the needs of students. Possible improvement may be in the areas of special academic and occupational skills, and school and class organization. Consideration may also be given to a change in the name of the school.
2. A student body to be maintained at 1000–1200 students.
3. An involvement of the school community and the community in which the school is situated, in as many ways as practical.”

Trustee Schneider spoke to the motion. He stated that his intention of seconding the motion was predicated upon the fact that the Board of Trustees was committing itself to make Ravenswood equal to or better than the other schools in the District. He stated that he understood that the Board was adopting this motion to make Ravenswood a model school—one that would become the center of innovation, and increasing excellence in the District. Ravenswood model school would be the basis for new programs which would later be adopted throughout the District. The Board has not defined what the special needs are or what the new programs should be, but Mr. Schneider stated that the District has between now, and September 1971 to define the specific educational problems, and opportunities, and to work on new programs for Ravenswood, such as a better multi-cultural program, reading program, and other innovative programs. Considerable discussion followed on the term, “model school.”

Trustee Schneider stated that he seconded the motion on the basis that Ravenswood would be a model school. He withdrew his second on the motion as he believed that this was not the intent of the motion.

Trustee Robertson seconded the motion made by Trustee Turner.

It was moved by Trustee Chase, and seconded by Trustee Schneider that the motion presented by Trustee Turner be amended to provide that the District, in carrying out the desegregation plans, that five high schools be continued as comprehensive high schools, and that Ravenswood serve as a multi-cultural school, with specific programs to serve the entire District. Some discussion was held on whether this would be an amendment to the original motion or considered as a substitute motion. It was ruled by Mr. Summey that this was a substitute motion, as it varied considerably from the original motion. It was also ruled by Mr. Summey that the substitute motion was in order, and the Board should address itself to it before voting on the original motion. It was also ruled by Mr. Summey that the substitute motion was in order, and the Board should address itself to it before voting on the original motion.

Trustee Chase explained that the District would, therefore, have five comprehensive high schools for the District. It was pointed out the emphasis should be on desegregation of the District schools, and that discussion on the term "model school" was not pertinent at this time.

Roll call on the substitute motion was as follows:

Voting “yes”—Trustees Chase, and Schneider;

Voting “no”—Trustees Robertson, Turner, and Kerwin.

Motion failed.

It was moved by Trustee Chase, and seconded by Trustee Schneider that the word “may” in “1.” (See “1.” on page 24) be changed to “shall.” The motion carried unanimously.

The original motion as moved by Trustee Turner, and seconded by Trustee Robertson, and as amended by changing “may” to “shall” in item “1.” (See “1.” on page 24) was carried unanimously. The motion as approved follows:

It was moved by Trustee Turner, seconded by Trustee Robertson, and carried unanimously that in carrying out the District desegregation plans, the 6 high schools of the Sequoia District be continued as 4-year comprehensive high schools, and further moved that the high school to be operated in the Ravenswood High School plant, effective September, 1971, seek to have the following characteristics:

1. An administration and a faculty committed to creating excellence in education through the development of special programs, and better teaching techniques so as to best meet the needs of students. Possible improvement may be in the areas of special academic and occupational skills, and school and class organization. Consideration shall also be given to change in the name of the school.

2. A student body to be maintained at 1000 to 1200 students.
3. An involvement of the school community, and the community in which the school is situated, in as many ways as practical.

It was moved by Trustee Robertson, seconded by Trustee Turner, and carried by a 3–2 vote (Trustee Schneider and Chase voted “no.”) that effective September, 1971, the percentage of minority student population of any regular high school in the District not be permitted to exceed 25% of that school’s total population, provided that, in applying this policy, the graduating class of June, 1972, shall be excluded, and shall not be required to change their school of attendance, and further provided that “minority students” as used in this motion means Negro (black), and Spanish surnamed students.

It was moved by Trustee Robertson and seconded by Trustee Turner that effective September, 1972, no student be assigned to a regular school other than the District school he attended in his previous year without his consent.

It was moved by Trustee Chase, and seconded by Trustee Schneider that “1972” in the original motion be changed to “1971.”

Voting “yes”—Trustees Chase, and Schneider.

Voting “no”—Trustee Robertson, Turner, and Kerwin.

Motion failed.

The original motion as moved by Trustee Robertson, and seconded by Trustee Turner that effective September, 1972, no student be assigned to a regular school other than the District school he attended in his previous year without his consent carried by a 3–2 vote with Trustees Schneider and Chase voting “no.”

It was moved by Trustee Turner, seconded by Trustee Robertson, and carried by a 4–1 vote (Trustee Schneider voted “no”) that, after continuous attendance of two years at a district school other than the one in a student’s normal attendance area, a student desiring to transfer to the school in his attendance area, a student desiring to transfer to the school in his attendance area may do so.

President Kerwin called a five-minute recess at 9:15 p.m., and the meeting reconvened at 9:20 p.m.

It was moved by Trustee Turner, seconded by Trustee Robertson, and carried by a 4–1 vote (Trustee Schneider voted “no”) that effective September, 1971, and continuing so long as the District student population permits, no school plant be overloaded beyond 10% of its maximum capacity.

It was moved by Trustee Robertson, seconded by Trustee Turner, and carried unanimously that any students in need of English as a second language be permitted to transfer to a school which provides such a program if such a program is not offered at his school of attendance.

It was moved by Trustee Robertson, seconded by Trustee Turner, and carried by a 3–2 vote (trustees Schneider and Chase voted “no”) that transportation be made available to all students at specified collection points so that no student will have to walk more than 1¹/₂ miles, and further moved

that transportation continue to be provided for students who are engaged in regular after-school activities, and that the District make every effort to provide transportation when necessary for students who may become ill at school. Trustee Schneider felt that the District was already doing this and that there was no need for this motion. Trustee Chase felt that this motion was included simply to soften the opposition.

It was moved by Trustee Turner, seconded by Trustee Robertson, and carried unanimously that effective September, 1971, the District provide reasonable racial balance among the various school staffs.

It was moved by Trustee Robertson, and seconded by Trustee Turner that in order to permit the great majority of students to remain in their present area of attendance that a student preference plan be instituted within the constraints of racial balance and plant capacity. The student preference plan will have the following characteristics in its first year (1971–72):

1. The existing voluntary transfer plan will be continued and its use to be encouraged.
2. After first deducting the volunteers, the number at each school who must move because of race and plant capacity limitations shall be determined.
3. With the exception of students at Menlo Atherton and Ravenswood, if any additional transfers are necessary, the District will honor student preferences insofar as possible to either Ravenswood or Menlo Atherton—the two school with unused capacity. Selection shall be

made on a random basis within each present attendance area. The balance shall remain at their presently designated school of attendance.

4. No family will be required to have students in more than two of the District's schools.
5. It was further moved that the Board's present policies permitting student transfers for academic or adjustment reasons will remain in effect.

It was further moved, for subsequent years, study will be given to the following possibilities:

1. Continuing the same method of random selection as outlined for the 1971–72 school year.
2. Random selection from designated feeder elementary school 8th grades.
3. Secondary changes of attendance zones to reduce the movement of students from one school to another.

Trustee Schneider moved to amend the motion that after voluntary transfers have been taken into consideration, students be permitted to sign up for the schools of their choice on a first come, first served basis, and when the school selected have reached their full maximum, they would then have a choice of either Menlo Atherton or Ravenswood. Motion failed for lack of a second.

The motion as moved by Trustee Robertson and seconded by Trustee Turner was passed by a 3–2 vote (Trustees Schneider and Chase voting “no”.)

President Kerwin asked for the privilege of making the final motion. It was moved by Trustee Kerwin, seconded by trustee Schneider, and carried by a 4–1 vote (Trustee Chase voting “no”) that the Board adopt the following statement to the community:

The Board recognizes that there are concerns in the districts community over desegregation. These concerns center around fears that educational opportunities for some students may be lessened, that physical violence may increase, that some students may suffer from discrimination by teachers, and other students, and that students may be inconvenienced by transportation problems on occasion.

The Board wishes to respond to these concerns in a positive manner. It is its firm intention that educational opportunities at all schools shall be equal and that the level of opportunities at all schools be steadily improved. The Board further intends to provide sufficient campus supervision to provide for the safety and welfare of students. The District will integrate the staffs of all schools and continue teacher education and other programs which will promote sympathetic friendly treatment of all members of the school community and which will facilitate learning by all students.

Further, the District will continue to improve its public information services, and its program of involvement of parents, students, and other interested citizens in plans for the implementation of quality, integrated education.

Also, the District will move forward as rapidly as possible with its development of a multi-cultural program in all schools. Transportation will be offered for those who desire it and who live more than 1¹/₂ miles from the school of attendance.

In summary, it is the goal of this Board, working with the administration, faculty, students and the community to make this District a leader in integrated, quality high school education in this country. It is the Board's earnest hope that they will have the support and constructive involvement of the Sequoia District community in achieving this goal.

The meeting adjourned at 10:00 p.m.

After a School Board Election, a Newly Elected Board Repeals the Mandatory Features of the Plan

During the Spring of 1971, two new Sequoia Trustees were elected to the Board, Dr. William E. Jordan and Percy E. Roberts, Jr. They had run on a platform of opposing mandatory busing of students out of their original attendance areas to achieve racial balance, and they won. After considerable discussion among remaining and new Board members, the Board met at its regular meeting on July 7, 1971, and by a 3–2 vote repealed the mandatory aspects of the desegregation plan adopted the previous year. An excerpt from the meeting minutes indicates:

It was moved by Trustee Schneider, seconded by Trustee Jordan and carried by a 4–1 vote (Trustee Robertson voting “no”) that the Board suspend the mandatory aspect of the desegregation plan for the school year 1971–72 and commit itself to considering viable alternatives to the mandatory plan, and that each student who has been mandatorily transferred be contacted by mail or district personnel to ascertain whether each of the students and his parents will

accept the transfer and that this contact be limited to those students who did not file an appeal to the Board of Trustees (appealing the committee's decision).

Reaction from those who wanted to remedy the segregated condition of the SUHSD and equalize the quality of education offered to students of all races was immediate. This included new efforts at community organization and legal action similar to those undertaken in southern states where federal courts had intervened to end school segregation.

*Minutes of Special Meeting of Board of Trustees,
SUHSD, Wednesday, February 25, 1970*

Bilingual Education

The efforts to desegregate the SUHSD had focused on exclusion of African Americans and the segregated condition that existed with respect to Ravenswood High School. The District faced other problems, namely deficiencies in educating Spanish Surname students whose native language was Spanish. The SUHSD Board had addressed this issue earlier, at its February, 1970 meeting:

[On February 25, 1970, members of the Board of Trustees of the Sequoia Union High School District met with members of the Mexican-American Community Council (MAUC) and other members of the Mexican-American Community to discuss specifically a list of 12 concerns presented to the Board by the MAUC.]

[At the regular Board meeting of May 20, 1970, a report was made to the Board by members of the administrative staff of the District and Sequoia High School relative to progress made in meeting these concerns. Reports were given by E.F. Elson, Assistant Superintendent, Educational Services Division; John R. Bunting, Assistant Superintendent, Personnel services Division; Dr. Clyde DeBerry, Director, Equal Educational Opportunities Department; and Robert Biggs, Principal, Sequoia High School. Summaries of the reports are herewith given following each of the MAUC's recommendations.]

1. The Establishment of a Bi-Lingual Program at Sequoia Union High School District

A. Basic curriculum be taught in Spanish:

Mr. Elson and Mr. Biggs reported that a committee had met on this and subsequent concerns, and it was the consensus of the committee that a better approach would be to arrange for teach of basic courses by bi-lingual instructors, and to that end bi-lingual applicants were being given every consideration for employment.

B. ESL be taught concurrently with bi-lingual bi-cultural emphasis:

Classes in English as a second language are currently being taught at Sequoia High School, and screening of students for those classes will continue for next year. In an effort to inculcate bi-lingual emphasis, we will:

- Develop a project to create small cultural units in Mexican-Spanish-American background.

- Carry out an existing project which will further bi-lingual basic education.
- Encourage the development of student class projects which will cover the cultures of many racial, national, and religious groups.
- Send a representative of the District to San Diego to study that system's bi-cultural programs, and bring back appropriate materials for District use.

Most of these suggestions have already been implemented.

2. That all Basic Instructions, News Items, PTA Programs, send from Sequoia High School District be bi-lingual.

Mr. Biggs reported that basic announcements sent home from the school to Spanish-speaking families are being sent in Spanish, some public address announcements are being made in Spanish, and orientation materials for fall, 1970, will be in Spanish and English. Directional signs in the building include, in Spanish, the location of Spanish-speaking personnel.

3. That the Sequoia High School District Immediately take an active and serious role in the recruitment, and hiring of Chicano teachers, administrators, and classified staff.

Mr. Bunting and Mr. Biggs reported that the District had cooperated with the San Mateo County schools in a recruiting trip to New Mexico, and Texas, with Mr. Shapiro joining a number of personnel men from other County School Districts. Currently, Spanish-speaking teachers have been hired in art, girls' physical education, social studies, Span-

ish, and, if a full-time person can be found, English. Four of these teachers will take part in a summer workshop to prepare materials for bi-cultural programs.

4. That courses be established which teach the Mexican culture, and contributions, and give the proper emphasis to the Chicano, his culture, and contributions, in the current curriculum wherever possible.

Granting the fact that it is important to emphasize Mexican American culture in individual courses, a committee meeting on this subject decided the District should turn its efforts to an ethnic studies program, embracing all ethnic groups. Consideration is being given to an International Month during the school year, during which many kinds of observances, and celebrations might be recognized. The idea of an International Month will be brought to Principal's Conference for consideration.

5. That Mexican-Americans be placed on screening committees for the hiring and placement of Sequoia personnel.

Members of the Mexican-American community had a major share in helping choose a community liaison worker for Sequoia High School. This person has since sat on committees interviewing Mexican-American and bi-lingual teachers for positions within the school, and at District level. It is the intent of the District that this program continue.

6. That a bi-lingual telephone operator be hired for the District,

Following the retirement of one of the District's PBX operators, a bi-lingual operator was hired, and began her employment May 18.

7. That there be active and meaningful recognition of Mexican culture.

As had been the custom for several years, Sequoia High School observed Cinco de Mayo this year [1970], with a fiesta on May 9.

*Federal Involvement:
A Report by HEW*

The following is excerpted from a review completed in 1997 by the San Francisco Regional Office for Civil Rights of the United States Department of Health, Education and Welfare. *Ed.*

The initial Title VI Compliance Review was done by the San Francisco Regional Office for Civil Rights in the spring of 1969. In the short time since that initial review, the percent of Negro students at Ravenswood High School has increased from 87% to 94%, and the percent of minority students there has increased from 93% to 96%. The total enrollment at Ravenswood High School in 1970–71 was 781 students.

On June 2, 1970, the Regional OCR Director in San Francisco notified the District that it was in violation of Title VI in the areas of student assignment, hiring and assignment of faculty, and that the quality of educational services and opportunities at the level of those provided in the other schools in the District.

Pursuant to a schedule established by the Board of Trustees of the District on July 2, 1969, the Board, by a vote of 3–2, on June 24, 1970, adopted a series of ten motions geared to ending both segregation and the uneven utilization of space in the District's schools in the fall of 1971. The District continued its previously adopted transfer policy 13 for Ravenswood for the 1970–71 school year but the plan for 1971–72 called for voluntary transfers plus a mandatory transfer backup component with students to be randomly selected after application of criteria such as grade, sex, and race-ethnic identity. Ravenswood was to be made attractive as a model or experimental school. By letter of November 20, 1970, the Regional Civil Rights Office accepted the plan as resolving the Title VI compliance issues raised by the Department.

In recent Board election (April 20, 1971) a 15-year Board member and proponent of the desegregation plan, Mrs. Helen Kerwin, was defeated for reelection to the Board. Mr. Thomas Turner, another member of the three Trustee groups who voted for the plan, did not run for election. Both the Kerwin and Turner positions on the Board were filled by candidates who campaigned against the mandatory transfer component of the plan. The result is a 4–1 split against the mandatory transfer portion of the plan on the new Board which takes office in July. (The first meeting is scheduled for July 7.)

Since the desegregation plan is built around developing a model school at Ravenswood, and has in this way been successful in attracting many voluntary transfers into Ravenswood, the latest estimate by the District is that rescission of the mandatory backup portion of the plan would directly affect fewer than 329 students. It is likely the many students who “volunteered” to transfer from Woodside to Menlo-Atherton did so to

avoid random selection into Ravenswood, however, and that they will seek to withdraw from the desegregation program when the mandatory back up aspect is rescinded.

What follows is a detailed exposition of the basis for our original conclusion that the District was in violation of Title VI in the area of pupil assignment as of June 2, 1970, and a statement and discussion of the facts subsequent to that date which indicate that if the new Board rescinds the plan, the act of rescission, under the circumstances as they exist in the District, would constitute an additional and particularly aggravated act of *de jure* segregation.

In the absence of convincing evidence to the contrary, we conclude that the segregation in Sequoia Union High School District is the result of both action and inaction by the Board, and is, therefore, the result of unlawful discrimination.

Selection of Ravenswood Site

In May, 1955, a bond issue to finance two schools, Woodside and Ravenswood, passed.

- The area where Ravenswood was to be (and is) located between San Francisco Bay and the Bayshore Freeway, the route for which was approved in 1951 and which opened 1958.
- The District is relatively wealthy, but this area, while certainly not a slum, is the lowest socioeconomic area in the District,18 area to rapidly become a minority community.

- A 1959 Report to the U.S. Civil Rights Commission on the Palo Alto Area cites a U. S. Census report which showed the non-white population (mostly African American) in Menlo Park as increasing from 349 to 2,949 between 1950 and 1957. We assume most of these minority persons lived in East Menlo Park, also known as Belle Haven, because those are the schools in which the minority children are eventually found. The report mentions that when the Palo Alto Garden Improvement Association was unable, in 1954, to buy out the first black family in Palo Alto Gardens panic selling began, and that it reached "...such proportions that in 1955, Floyd Lowe, a prominent local realtor and then president of the California Real Estate Association, complained about the 'unethical practices'. It was reported that 25% of the homes in one area were for sale and that one real estate operator has sold 60 homes in 90 days getting a commission of more than \$500 on each."
- Deeds for the fifth site, Ravenswood were accepted at the August 19, 1955, Board Meeting. Thus, just as the Sequoia Union High School District was facing its first great influx of minority residents the District purchased the Ravenswood site and the school was located in the area affected by the influx.
- The Ravenswood bond issue did not specify the size of the school, but it was planned for 2000 students. It was constructed to house 1200 students and Ravenswood is the only school in the District which has opened with a rated capacity of under 1000 students and it has remained small relative to other high schools in the District; it is the one school where enrollment has been consistently under constructed capacity, and it is the one school which enrolled most of the black students in the District when it opened.

- That Ravenswood was viewed as a “special” school and that the District recognized that the school would be identified as a minority school can also be inferred from the fact that the District has kept race-ethnic data on the students at Ravenswood ever since it opened in 1958. The District did not begin keeping race-ethnic data on other schools until the 1964–65 school year even though zoning part of Belle Haven into Menlo-Atherton caused it to house a number of black students (assuming estimates in 1957 were accurate).

Establishment of Ravenswood Attendance Area in 1957

Originally the Ravenswood attendance zone was to include East Palo Alto and Belle Haven, the entire area of the District lying east of the Bayshore Freeway, plus the small triangle lying immediately west of the school across the Freeway and bounded by Menlo Avenue and Francisquito Creek. The small area west of the Freeway which was to be included was an unincorporated area adjacent to the Menlo Park boundary.

The population living in the small area west of the Freeway which was to be included in the Ravenswood zone was non-minority, as is the case today. The area north of Willows Road and east of the Bayshore Freeway was known as Belle Haven. The area south of Willows Road and east of the Bayshore will be referred to as East Palo Alto. The whole area east of the Bayshore was rapidly becoming a Negro community, but block busting activity in the Belle Haven area was causing the most rapid and dramatic change.

At the June 26, 1957, meeting of the Board, a member of the audience drew the Board’s attention to the fact that an over-pass (over Bayshore Freeway) was being built in the Belle

Haven area and that this would bring the area within walking distance to Menlo-Atherton. The Board agreed to reconsider the Bayshore boundary since it had not been aware of the overpass and felt that since one of the criteria for establishing attendance areas was distance from school a restudy of boundaries was justified.

At this same meeting several persons, in an attempt to avoid the racial isolation for which Ravenswood appeared destined, protested that socioeconomic and racial factors should be considered in determining zone lines. This indicated fear that the proposed east-of-Bayshore zone would stigmatize the school as “the place where the poor and Negroes go” and worsen the situation east of Bayshore, i.e., encourage the block busting and cause further decrease in white residents.

At the next Board meeting, July 10, 1957, East Palo Alto residents presented a petition containing 3,669 signatures and requesting that Willow Road be the dividing line between Menlo-Atherton and Ravenswood. Non-minority residents of the Willows area west of the Bayshore, which the petition would have transferred to Ravenswood, strenuously objected to this proposal.

A petition was also received from the unincorporated area lying west of the Bayshore and south of Menalto Road, the Menalto area, an area with a non-minority population which had been included in Ravenswood, requesting transfer to the Menlo-Atherton attendance area.

Trustee Kerwin reported at the July 24, 1957 meeting that “Board members and Dr. Turner have received a total of 223 letters within the past week, mainly from residents of the Willows Area which, in essence, request the Board to retain the Willows area within Menlo-Atherton’s attendance boundaries.”

The racial overtones in the opposition of the Willows area residents are obvious in these excerpts from letters to the Board:

Many people who are financially able to move will leave the Willows area if the proposed boundary change is made. Even property owners who have no youngsters involved in the situation are concerned about their property values in the event the real estate market is flooded with homes for sale in a given area.”

We do not believe that the students between Menalto and Willow Road should ever be removed from the Menlo-Atherton district because their interests lie within this area and West--certainly not toward the East and South. This is evidenced in their church affiliations and other social groups as well as by the fact that they are in the Menlo Park Recreational District (not the Ravenswood Recreational District). We cannot see that any amount of pressure could change thinking based upon comprehensive study and sound logic.

The Board compromised by denying a petition from individuals requesting that the area south of Menalto Avenue be included in the Menlo-Atherton attendance zone and by accepting the Superintendent's recommendation to make Henderson Avenue the northern boundary of the Ravenswood attendance zone on the eastern side of the Bayshore Freeway. This put one-third of the Belle Haven students in Menlo-Atherton. The Superintendent explained that all of Belle Haven could not be assigned to Menlo-Atherton because that would involve transferring more students out of Menlo-Atherton to Woodside. However, if the students from the Willows area had been zoned into Ravenswood, there would have been room at Menlo-Atherton for many, if not all, of the Belle Haven students.

The Board's compromise, made in response to strong community concern over block busting, property values, and race, was unlawful unless it can be *clearly* shown to have been based on neutral grounds. Given that there is and was a route over the Freeway near Ravenswood, and that the Board eventually found it feasible to zone the Willows area into Ravenswood, we believe there were no such neutral grounds.

Further, in view of the block busting going on in the area east of the Bayshore, the Board in selecting the boundaries it did for Ravenswood may even have expedited the movement of the East Palo Alto area from a racially mixed community to a substantially minority community. The United States Supreme Court in *Swann*, supra, discussed at some length sit selection policies which have the effect of creating segregated schools.

The Court observed at page 1278,

“People gravitate to school facilities, just as schools are located in response to the need of people. The location of schools may thus influence the patterns of residential development of a metropolitan area and have important impact on composition of inner city neighborhoods.”

In a smaller District, such as Sequoia, the District, by selecting attendance boundaries, may have an equivalent effect on the racial composition of neighborhoods, and this should be recognized for what it is, a weapon for creating a state-segregated school system.”

Rezoning of Ravenswood Attendance Area in 1963

On January 11, 1962, the Superintendent brought to the attention of the Board the fact that Menlo-Atherton and Woodside would be overcrowded as of the 1962-63 school year. At the Board's April 24, 1962 meeting, the Board announced proposed attendance boundary lines shifting students from Woodside to Sequoia and San Carlos—all schools housing virtually no minority students—but the shift from Menlo-Atherton to Ravenswood generated considerable heat.

Much of the opposition to the rezoning of the Willows area from Menlo-Atherton to Ravenswood was expressed in terms of concern over inferior course offerings and lack of college preparatory sources at Ravenswood—customary indicia of a school for minorities. The fear of a decrease in property values if the area were zoned into the minority school attendance zone was also expressed as a factor to be considered.

Faced again with the dilemma posed by the need to equalize use of space in the District's schools and opposition by non-minority parents to assignment of children to Ravenswood, the Board postponed resolution of the problem for a year while studies could be made to determine the best solution. In meantime the Board tentatively adopted the proposed changes with the understanding that they would not become operative until September, 1963, and that in the interim the area would be treated as optional zones.

In October of 1962 the California State Board of Education adopted regulations instructing school districts to take racial balance into consideration in drawing school attendance areas which tend to establish or maintain segregation. This State Board regulation was amended in February of 1963 to add a policy statement to the effect that in pupil assignment Districts

“shall exert all effort to avoid and eliminate segregation of children on account of race or color.”

Also, on September 18 1963 the Sequoia Board adopted the following statement on Racial Segregation in the Public Schools:

The Board of Trustees of the Sequoia Union High School District is opposed to segregation in the public schools in any form, be it racial, socioeconomic, political, or religious and will take such practical steps as appear feasible to provide all students with a broad exposure to all facets of a democratic society during their period of school attendance and to ensure equal education opportunity according to the needs of individual students.

From this period on in the history of the District it is important to remember that the Board ignored this State policy. See Davis v. Pontiac, 309 F. Supp. 734 (1970) at 737, where Court found it had a duty “...to determine whether or not the Board of Education either implemented or ignored their own stated policies.” [Davis has recently been upheld by the 6th Cir. Ct. Appeals]

On May 2, 1962, the Board empowered the Superintendent to appoint a Citizens Advisory Committee on Attendance Areas. After querying the Superintendent about the adequacy of course offerings at Ravenswood, the Committee submitted its report in November, 1962, recommending that a section of Menlo Park, including but slightly larger than the Willows area, be added to the Ravenswood attendance zone. The Committee noted:

This should...provide immediately an adequate number of students to permit scheduling subjects not now available at Ravenswood because of insufficient enrollment.”The minor-

ity report presented by letter dated November 21, 1962 made this comment:

Although the Committee's report does not acknowledge it, there is another important problem. This is how best to upgrade Ravenswood High School, either from the standpoint of improving its educational value for the students within the present attendance area or from the standpoints of making it an educational equal to other schools in the District. The Committee members recognized this problem within the study sessions, but the Committee's official report erroneously concludes that the schools are equal. Such a conclusion postpones a thorough solution on how to improve Ravenswood High School.

In short, in the eyes of the community studying the school situation, minority students in Ravenswood did not even enjoy "separate but equal" facilities.

While the Citizens Advisory Committee was at work on a plan, the residents of the Willows area formed their own group, Willows Residents' Association, which eventually presented alternative proposals to the Board. Willows Plan #1 proposed expanding Ravenswood to accommodate 2,000 students and including major portions of Menlo Park in the school boundaries. Willows Plan #2 suggested building an additional high school west of Menlo Park and maintaining Ravenswood's boundaries as they were. The following comment introduced Plan #2:

The second proposal is submitted on the premise that an increase in size of Ravenswood High School, with the concomitant increase in emphasis on college preparatory courses, may

not benefit the majority of students now attending Ravenswood as much as a smaller school with a program tailored to the needs of these children.

The inference is clearly that the students at Ravenswood had already been stamped with a badge of inferiority—whether or not intended—precisely the badge the United States Supreme Court indicated should not be state-perpetuated and promoted in Brown v. Board of Education, 347 U.S. 483, 494, 74 S. Ct. 686, 691 (1954). The Association concluded with this warning remark:

Either of the two proposals presented would be acceptable to the Willows Residents' Association. Although it is recognized that other solutions might be found, any compromise between the above two proposals would not be acceptable. A compromise solution would be unstable and only could lead to further unrest. People would move, thereby unsettling present calculations, and boundaries would again have to be altered.

On December 17, 1962, the Superintendent advised the Board that funds were available to increase the capacity of Ravenswood to 1,750.⁴⁹ In spite of the availability of funds and of some community support for a *substantial* expansion of Ravenswood, and in apparent disregard of long established Board Policy which calls for schools of 2000, and of State and local policy regarding the desirability of racial balance, the Board voted to keep Ravenswood's capacity at 1,400 for three years and in March 1963 the Board assigned to the Ravenswood attendance zone the area bounded by the Bayshore Freeway, San Francisquito Creek, Middlefield Road, Santa Monica Avenue, Coleman Avenue and Henderson Avenue.

When school opened in the fall only about half the children rezoned into Ravenswood from Menlo-Atherton were actually attending Ravenswood. On October 16, 1963, the Superintendent reported to the Board the breakdown on the 198 students transferred (see: [Table 1](#)).

TABLE 1. 1963—Transfer Students

Attending Ravenswood	101
Moved and attending Menlo-Atherton	32
Moved and attending other schools in the District	5
Moved out of the Sequoia Union High School District	41
Living at the same address and attending private schools	14
Other	5

The net result of the zone change in the context of increasing enrollment was that little was done to reduce the overcrowding at Menlo-Atherton while increasing it at Ravenswood, and the influx of Negro students more than offset the increase in non-minority students so that the percent of minority students increased significantly at Ravenswood. This is another example of the Board's failure to take effective action to overcome the state of segregation and inferior educational opportunities at Ravenswood. As has happened again and again in the history of the District, the Board took action which might have improved the situation slightly, but which failed because of community opposition.

Proposals and Studies between 1963 and 1969

Between 1963 and 1969 there were several proposals and studies aimed at counteracting "the detrimental effect of racial imbalance in the schools..." They all called for closing Ravenswood. The major works were:

1. Citizens' Advisory Committee on Ethnic Problems—1965.
2. A master plan survey contracted for by the Board from Management and Economics Research, Inc.—1968.
3. A report by the Personnel Standards and Ethnic Commission selected by the California Association of School Administrators, the California School Boards Association and the California Teachers Association—1969.

The Ethnic Problems Committee report to phase out Ravenswood was “leaked” and is regarded by the League of Women Voters as being responsible for the defeat of a bond issue in February, 1965, to construct two new schools which would have allowed the reassignment of Ravenswood students and solved overcrowding problems in the other schools. Reports indicate that the closing of Ravenswood was the issue in the school board election in April 1965 which defeated two board members who supported the phase out of Ravenswood. Despite the fact that the Board paid \$75,000 for the 1968 survey, the Board did not act on any of the three reports and Ravenswood remained the high school, the one high school operating significantly under capacity while non-minority schools operated vastly over capacity, and the one high school with admittedly severe educational deficiencies.

These studies and proposals are other examples of the District's recognition of the discriminatory effect of continuing Ravenswood as described and of the District's failure to take action to remedy the situation because of community pressures which are at least in part racially motivated.

Transfer Policy

The District has known for some time not only that Ravenswood is segregated, but that the educational offerings there are not the equivalent of those of those offered in other schools in the District. Because of resistance in the non-minority community, the District's attacks on the problem always avoid placing non-minority students in Ravenswood. The District's transfer policy which generally speaking, allows students to transfer to a school where their race is in the minority, is consistent with this principle.

The first cluster of transfers out of Ravenswood because of inferior educational opportunities came in January, 1966, when parents of some Ravenswood students quietly placed them in homes outside the District so they could "sneak out" of Ravenswood into high schools in other districts. The Sequoia Board legitimized the "sneak out" program in the 1968–69 school year by contracting with the Palo Alto and Mountain View–Los Altos Districts to educate the Ravenswood students for \$780 per student. At this same time the Sequoia Board authorized 15 Ravenswood students to transfer to vastly overcrowded San Carlos High where the students thought they could receive a better education despite the overcrowding.

A year later, in September, 1969, the District instituted a system-wide transfer program whereby students in Menlo-Ather-ton, Sequoia, Woodside, San Carlos, and Carlmont could request transfer to Ravenswood. Any student in Ravenswood could transfer to Woodside, San Carlos, Carlmont or Sequoia, and non-minority students could also transfer to Menlo-Ather-ton. Transportation was provided transfer students. The stated reason for this transfer policy was, "In order to improve the

racial and ethnic balance in the Sequoia District high schools, and to provide a variety of educational opportunities for students who wish to transfer to other schools....”

Anyone familiar with schools would realize that permission to students in non-minority schools to transfer to a minority school was mere window-dressing, and in fact only 7 students (only two non-minorities) transferred from Menlo-Atherton, Sequoia, Woodside, San Carlos and Carlmont to Ravenswood. A total of 153 Ravenswood students transferred to the non-minority schools. Once again the District recognized the segregated and inferior educational opportunities in Ravenswood and sought to solve the problems without sending non-minority students to Ravenswood. It is obvious that this approach, so like a one-way busing program, was taken because of a reluctance of the racially motivated non-minority parents to accept any other solution.

Pattern of Over/Under Utilization of Space

The United States Supreme Court stated in Swann, supra, at p. 1278:

In ascertaining the existence of legally imposed school segregation, the existence of a pattern school construction and abandonment is...a factor of great weight.

So far as the creation or perpetuation of segregated schools is concerned, there is no substantive difference between the effect of a pattern of construction and abandonment of schools, and the effect of a pattern of over and under-utilization of space in existing schools. The existence in the Sequoia District of a pattern of over-utilization of space in non-minority schools and under-utilization of space in schools with a substantial number of minorities,

Ravenswood and Menlo-Atherton, ever since 1964 is thus significant evidence of de jure segregation under the analysis in Swann.

There has been a consistent racial difference in utilization of classroom space: schools which have virtually no minority students are grossly over-capacity while schools with a substantial number of minority student (Ravenswood and Menlo-Atherton) have operated at or under capacity. In 1968–69, the first year of the transfer program discussed in Section D, above, Ravenswood was 137 students under capacity at San Carlos to 566 over capacity at Carlmont.

The gross overcrowding of non-minority schools while schools with substantial numbers of minorities are under-utilized may be another significant factor indicating the District's determination to avoid sending non-minority children to Ravenswood at any cost and it clearly is a significant factor where, as here, District Policy calls for schools with a capacity of 2000, but the minority (Ravenswood) has a constructed capacity of 1400, and is located on a site as large as other full size schools in the District (36 acres). Ravenswood has clearly been treated differently from other schools in the District because it has been identified as minority school. In this same connection, note the discussion of the problems overloading "fixed space" in this observation from a study by District staff made the spring before the system-wide transfer policy went into effect (1968–69):

The effect of a transfer program must be considered school-by-school. Woodside, San Carlos, Carlmont and Sequoia High Schools are all seriously overcrowded. Only through special scheduling procedures and the addition of portable classrooms have these schools been able to accommodate their overload.

Certain fixed facilities, such as the library, the gymnasium, locker and shower rooms, and special laboratory type classroom are especially overtaxed in each school. Despite this situation the staff have estimated that additional minority group students could be accommodated through a proposed voluntary transfer program for the opening of school in September.

Absent the desire not to assign non-minority children into a minority school, the most reasonable solution to “improving racial balance” and to alleviating overcrowding was not to send more children into the overcrowded schools, but rather to add to the capacity at Ravenswood which was much smaller and where the additional students would not have been such a strain on fixed facilities (gymnasium, library, etc.).

Events from July, 1969 to Present

In July, 1969, the Board of Trustees of the District again discussed desegregation (just after OCR made a Title VI compliance review). A year later, on June 24, 1970, the Board adopted a series of ten motions geared to ending segregation in the District's schools. The plan, to be effective September, 1971, has two significant aspects: it places a maximum of 25% on the total percentage of minorities in each of the schools (the June, 1972, graduating class is excluded from the computation); and it requires that no school is to operate more than 10% over capacity—a drastic change from the present situation where Ravenswood operates at about 50% capacity while schools with few minorities operate as much as 20% over capacity.

The plan calls for establishing Ravenswood as a model school and canvassing the District for voluntary transfers. To the extent necessary to satisfy the 25% and 10% rules, students were to be selected at random for mandatory transfer. A chart prepared by the District dated May 25, 1971, showing the “Projected School Enrollment” shows 1,170 voluntary transfers. An additional 329 were selected at random for mandatory transfer. A great proportion of these involuntary transferees appealed the transfer decision. Some have succeeded on appeal to the Board, but several are still pending.

The June 24, 1970 plan also provided that after two years of continuous attendance at a District school outside his normal attendance area a student wishing to transfer back to the school in his normal attendance area will be allowed to do so. Regional OCR questioned this aspect of the plan but was assured by the Superintendent that it would not result in a migratory population since students are reluctant to leave a school after two years.

In April of this year two of the three Board Trustees (there are five Trustees) who voted for the plan were up for re-election. Anti-desegregation candidates were particularly vocal and at public meetings early in this year hostility to the plan was expressed by students, minority group parents for community control, and Anglo “Parents for Neighborhood Schools,” among others. In response to these pressures the current Board followed the path of compromise which has with regularity led to ineffective action, and amended the plan to allow students to transfer back to their neighborhood school after one year of attendance in another District school.

The Board also announced that the minority percentage at Ravenswood would be 40% in the 1971–72 school year. The inference drawn from the 40% figure is that the Board was

acquiescing in the black families desire to retain the racial identity of their neighborhood school, but in fact, it represented no change in the plan as the percent in grades 9–11 was to be 25%. The remaining 15% are attributable to the seniors who do not choose to voluntarily transfer out of Ravenswood and who, as seniors, are under the plan, exempt from mandatory reassignment. By virtue of a letter from the Office for Civil Rights Director in Washington, J. Stanley Pottinger, dated April 16, 1971, the Department accepted the amendment.

Two of the anti-mandatory transfer candidates won election to the Board in April. They requested in late April that the current Board *immediately* rescind the mandatory transfer portion of the plan, giving these reasons:

- The voluntary transfer program has received an excellent response from the community;
- The random selection is primarily to relieve overcrowding (but) there are better ways to relieve it;
- There is a severe anxiety reaction occurring among those who had been selected by the lottery;
- Postponing action until July will cause administrative confusion.

On May 6, at the request of the Board, Board President Robertson requested HEW's agreement to abandonment of the mandatory backup portion of the District's plan. The Regional OCR Director advised the Board President that rescission of the plan would be inconsistent with the requirements of Title VI.

The Board President also asked the San Mateo County District Attorney's advice as to the legality of rescission of the manda-

tory backup portion of the plan. The District Attorney completely ignored California law in his answer, dated June 24, 1971 (we received a copy yesterday). He concluded that segregation in the District is not attributable to Board action, but that if the Board were to rescind the mandatory transfer portion of the plan "...such action would very likely constitute a legislative act which would result in de jure segregation by perpetuating and aggravating an existing condition of segregation in violation of the equal protection clause of the 14th Amendment to the United States Constitution."

Although there are certainly more desirable means of desegregating the schools than randomly selecting non-minorities to assign to Ravenswood (e.g., assignment of a satellite area to Ravenswood), rescission of the mandatory transfer portion of this plan cannot be explained on the grounds of administrative infeasibility as the Board has followed a very detailed timetable for accomplishing the administrative tasks necessary to implementation of the plan and we have verified with the Superintendent that all steps have been accomplished save for the assignment of students to transportation. We were assured that this latter task is never accomplished until summer. Also, additional buses have already been purchased.

Conclusions Reached by HEW

Mandatory Transfer Plan

Although the mandatory aspect of the plan may eventually call for fewer than 300 students to transfer involuntarily, a failure to hold the District on those 300 may well cause the voluntary

transferees to withdraw from the voluntary program. Because the act of rescission itself will have been racially motivated, the act itself will

- constitute an act of *de jure* segregation and
- by carrying with it the same negative implications regarding the status of minority persons in the Sequoia Union High School District will be another example of the Board's racially motivated action and inaction resulting in a pattern which constitutes *de jure* segregation.

Inequality of Educational Opportunities

Equality of educational opportunity includes the availability of similar or equivalent course offerings which lead to both vocational careers and advanced schooling. It covers teacher and administrative morale insofar as morale affects the student's opportunity to learn and the learning environment and teacher experience. For high school students in particular, if the reputation differs significantly from the reputation of other schools in the District, and if that reputation could or does negatively affect the student's opportunities to go to higher education, there is inequality. Based on general information and reputation in the community, and the specific information which follows, we have concluded that educational opportunities for students attending Ravenswood have been and are unequal vis a vis other high schools in the District.

In 1962, the Willow Residents Association made a survey comparing Ravenswood with Menlo-Atherton and Woodside High Schools. It found that course offerings were fewer, and scheduling of essential courses often conflicted at Ravenswood. Also, different levels of some subjects were taught together, and some science and enrichment subjects were not offered.

(The difference in the educational opportunities at Ravenswood and Woodside and Menlo-Atherton appears to be part of the reason the Willows residents opposed having their children zoned into the school in 1963.

The Superintendent reported to the Board in 1963 that course offerings at Ravenswood were equal to those in the rest of the District. However, Ravenswood offered 40% fewer courses (eleven) that year than Menlo-Atherton (the next highest school).

In 1968, 40% of the District's electives were not taught at Ravenswood and 19% were taught with two or more levels combined. In 1968, a visiting committee of the Commission for Secondary Schools, Western Association of Schools and Colleges recommended immediate action to bring the number and quality of courses offered at Ravenswood up to acceptable standards.

In addition, the school environment at Ravenswood was very poor, with an unstable administration (two principals and an acting principal in the 1968–69 school year), low teacher morale, ineffective discipline and poor attendance. In response to a petition signed by 46 of the 84 teachers at Ravenswood in February, 1968, this situation was documented by reports of the Personnel Standard and Ethics Commission of the California Teachers Association, with the cooperation of the California School Boards Association, and the California Association of the School Administrators.

Teachers in Ravenswood had less experience than at other schools in the District. In 1968–69, 52% of the teachers at Ravenswood had less than three years experience in the District as compared with 24 and 25 percent at Carlmont and San Carlos, respectively. Average years at present school in 1968–

69 was 6.89 at all schools, 3.88 at Ravenswood. The counseling staff at Ravenswood had the least amount of experience of the staff at any other school the District.

The District had maintained smaller than normal classes at Ravenswood in order to schedule college preparatory courses. Cost per student at Ravenswood in 1965 was \$898.73, \$100 above the average of the other schools and \$194 more than the lowest cost in the other schools. More was spent per pupil on instructional material as well.

Nevertheless, the quality of educational opportunity provided in Ravenswood was, and remains, low.

Hiring and Assignment of Faculty

The policies and practices used in the hiring of faculty are discriminatory. The first Negro teacher was not hired until 1956. In 1959, there were only 4 or 5 Negro teachers in the District. By 1964, there were 7 Negro teachers out of a total of 579 certificated employees; that is, 1.2 percent Negro teachers in a District with 8 percent Negro enrollment. More significant, the District has had and continues to have a policy of assigning most professional minority personnel only to schools which have significant minority enrollments. In 1968, the District employed 54 minority teachers, out of a total 661, of whom 30 were African American. Thirty-five of these minority teachers were assigned to the two schools housing the majority of the minority students—Ravenswood and Menlo-Atherton. This pattern also applied to minority administrators who were assigned almost exclusively to schools with significant minority enrollments. Of course this practice creates racially identifiable schools in violation of the requirements of Title VI.

The minority enrollment in Sequoia union High School District increased from 16% to 21% between 1968-69 and 1970-71. The percent of minority teachers, low in 1968-69 did not even keep up with the increase in the percentage of students.

Pupil Assignment

While there are segregated non-minority schools in the Sequoia Union High School District (Woodside, San Carlos, and Carlmont), the school which most concerned this Department in its initial review was the segregated minority high school, Ravenswood. The question is whether the segregation at Ravenswood came about innocently, as the consequence of consistent application of school policies based upon non-racial factors, or whether it is the result of unlawful discrimination in student assignment practices. Based upon the information we will provide in the report which follows, we believe the following facts to be true:

- The District knew, or should have known, both when the site was selected and when Ravenswood was built that it would house a majority of the black students in the District.
- Until minority students were allowed to transfer out in 1969, Ravenswood housed the majority of black students in the District.
- Ever since it opened in 1958, Ravenswood has had the lowest enrollment of any school in the District.
- The quality of education at Ravenswood has been adversely affected by its small size, and the Board has been aware of this.

- Through the years, attempts to equalize the use of classroom space in the District's schools and to desegregate Ravenswood by moving non-minority students into Ravenswood have been resisted for racial reasons by non-minority students and parents.
- The Board's Policy has been to acquiesce in and thereby to act on the basis of this racially motivated resistance to equalizing the use of space and desegregation.
- Since September, 1963, the Board's failure to take action which could reasonably have been taken to reduce the segregation at Ravenswood has been inconsistent with stated Board policy.

California Law

Education Regulations

California Administrative Code, Title 5, section 2010, provides:

STATE BOARD POLICY. It is the declared policy of the State Board of Education that persons or agencies responsible for the establishment of school attendance centers or the assignment of pupils thereto shall exert all effort to avoid and eliminate segregation of children on account of race or color." (Adopted February 1963)

California Administrative Code, Title 5, section 2011, provides:

ESTABLISHMENT OF SCHOOL ATTENDANCE AREAS AND SCHOOL ATTENDANCE PRACTICES IN SCHOOL DISTRICTS. For the purpose of avoiding, insofar as practi-

cable, the establishment of attendance areas and attendance practices which in practical effect discriminate upon an ethnic basis against pupils or their families or which in practical effect tend to establish or maintain segregation on an ethnic basis, the governing board of a school district in establishing attendance areas and attendance practices in the district shall include among the factors considered the following:

- A. The ethnic composition of the residents in the immediate area of the school.
- B. The ethnic composition of the residents in the territory peripheral to the immediate area of the school.
- C. The effect on the ethnic composition of the students body of the school based upon alternate plans for establishing the attendance area or attendance practice.
- D. The effect on the ethnic composition of the student body of adjacent schools based upon alternate plans for establishing the attendance area or an attendance practice.
- E. The effect on the ethnic composition of the student body of the school and of adjacent school of the use of transportation presently necessary and provided either by a parent or the district. (Adopted in part October, 1962. Attendance practices added February, 1963.)

Amended Versions (Adopted March 1969).

Section 2010. State Board Policy.

It is the declared policy of the State Board of Education that persons or agencies responsible for the establishment of school attendance centers or the assignment of pupils thereto shall exert all effort to prevent and eliminate racial and ethnic imbalance in pupil enrollment. The prevention and elimination of such imbalance shall be given high priority in all decisions relating to school sites, school attendance areas, and school attendance practices.

Sec. 2. Section 2011 of said title is amended to read:

2011: School District and State Responsibilities in Preventing and Eliminating Racial and Ethnic Imbalance.

A. School Sites, Attendance Areas and Attending Practices.

In carrying out the policy of "[Section 2010](#)," consideration shall be given to factors such as the following:

1. A comparison of the number and percentage of pupils of each racial and ethnic group in the district with their number and percentages in each school and each grade.
2. A comparison of the numbers and percentages of pupils of each racial and ethnic group in certain schools in adjacent areas of the district.

3. Trend and rates of population change among racial and ethnic groups within the total district, in each school, and in each grade.
 4. The effects on the racial and ethnic composition of each school and each grade of alternate plans for selecting or enlarging school sites, or for establishing or altering school attendance areas and school attendance practices.
- B. Racial and Ethnic Survey. The governing board of each school district shall periodically, at such time and in such form as the Department of Education shall prescribe, submit statistics sufficient to enable a determination to be made of the numbers and percentages of the various racial and ethnic groups in every public school under the jurisdiction of each such governing board.
- C. Determination of Racial and Ethnic Imbalance and Corrective Plans. For purpose of these regulations, a racial or ethnic imbalance is indicated in a school if percentage of pupils of one or more racial or ethnic groups differ by more than 15 percentage points from that in all the schools of the district.

A district shall study and consider possible alternative plans when the percentage of pupils of one or more racial or ethnic groups in a school differs significantly from the district-wide percentage. A district undertaking such a study may consider among feasibility factors the following:

- A. Traditional factors used in site selection, boundary determination, and school organization by grade level.

- B. The factors mentioned in subparagraph (a) hereof.
- C. The high priority established in “[Section 2010](#).”
- D. The effect of such alternatives on the educational program.

Case Law

There is a 1963 California case, Jackson v. Pasadena City School District, a 31 Cal. Rptr. 606, 382 P.2d 878, (1963), which citing the California Education Regulations quoted above states that school boards must take all reasonably feasible steps to alleviate racial imbalance in the schools regardless of cause. Although sometime dismissed as dicta in the past, the case was recently affirmed (by dicta) on this very point by the California Supreme Court in San Francisco Unified School District v. Johnson, 92 Cal. Rptr. 309 (1971), 479 P.2d 669, (1971) at page 682. (The latter case involved interpretation of an anti-busing statute and the Court held that it would be unconstitutional if interpreted to prohibit a school board from assigning a student to a particular school without parental consent if such assignment involved busing.) The most frequently quoted section of *Jackson* follows:

Although it is alleged that the board was guilty of unintentional discriminatory action, it should be pointed out that even in the absence of gerrymandering or other affirmative discriminatory conduct by a school board, a student under some circumstances would be entitled to relief where, by reason of residential segregation, substantial racial imbalance exists in his school. So long as large numbers of Negroes live in segregated areas, school authorities will be confronted with difficult problems in providing Negro children with the kind of education they are entitled to have.

Residential segregation is in itself an evil which tends to frustrate the youth in the area and to use antisocial attitudes and behavior. Where such segregation exists it is not enough for a school board to refrain from affirmative discriminatory conduct. The harmful influence on the children will be reflected and intensified in the classroom if school attendance is determined on a geographic basis without corrective measures. The right to an equal opportunity for education and the harmful consequences of segregation require that school boards take steps, insofar as reasonably feasible, to alleviate racial imbalance in schools regardless of its cause...382 P.2d 88–82.

[Citations to Education Regulations omitted: Ed.]

On March 12, 1970, in reaction to the Los Angeles integration decision, the State Board of Education declared a state of emergency and purported to repeal the racial imbalance regulations. Under State law, in the absence of an emergency, hearings must be held before regulations can be amended or repealed pursuant to an order in Colley v. State Board of Education. In the Superior Court of the State of California in and for the County of Sacramento, No. 201941, May 26, 1970, the regulations were reinstated pending hearings by the State Board of Education. The Court retained jurisdiction to review any action to amend the regulations. Hearings were held by the State Board of Education in the fall of 1970, but no amendments or repeal has been proposed. Because of political changes in the State including a new State Superintendent, we do not anticipate that the regulations will be amended in the near futures.

Prepared by Office of the Regional Attorney, HEW, Region IX, San Francisco, June 30, 1971

[This letter was prepared by Judy Teichman, a HEW staff attorney, whose factual and legal analysis was as incisive as it was complete. *Ed.*]

With this comprehensive and damning indictment of the SUHSD Board of Trustees' actions over many years, the opening legal action on behalf of those parents and students who sought to desegregate the SUHSD stood poised to begin.

The Gomperts Case

by Thomas A. Robertson

In the spring of 1971, before the newly elected SUHSD Trustees took office and before it had taken any action, Robert Gomperts, whose children attended schools in the District, asked attorneys Sidney Berlin, Fred Brinkop, James Madison, and Phrasel Shelton to ready themselves to file a complaint in the United States District Court for the Northern District of California on behalf of both black and white students. Such a lawsuit would seek to compel implementation of the 1970 integration plan. Once the new Board had repealed the mandatory aspects of the 1970 desegregation plan, and the HEW Report had been issued, Gomperts filed suit.

Despite the HEW Report, the Gomperts and the other plaintiffs did not have a strong case supporting state action as the cause of the District's segregated condition. As Justice William Douglas later wrote in his opinion:

If this were the classical de jure school segregation, the injunction plainly would be granted. But the precise contours of de jure segregation have not been drawn by the court. Historically, it meant the existence of a state-created dual school system. That is to say, de jure segregation was a mandate by the legislature carried into effect by a school board, whereby students were assigned to schools solely by race.

First, Berlin and his colleagues knew they couldn't prove this. They were left with a state action argument formed by pointing out the route that the State of California chose for Bayshore Freeway, actions by State licensed Realtors who actively marketed homes east of Bayshore only to black families, loan policies of state chartered banks which encouraged segregation, and restrictive covenant deeds recorded in San Mateo County which required racial segregation, and the record cited in the HEW letter, although the District Court Judge would make his (there were no woman judges at that time in the Northern District) own determination of the facts on which any appeal might be based and need not include the HEW findings as fact. There was little doubt that racism had resulted in the segregated condition of Ravenswood High School and that it was unspoken, collective racism of an entire community assisted only peripherally by government action, in this case, mostly the SUHSD Board.

Second, in U.S. District Court, the Gomperts attorneys were not fortunate in the judge they drew. As a result, they lost in the initial hearing, received meagre factual determinations, and filed an expedited appeal, first to the Circuit Court of Appeals, and then to the U.S. Supreme Court, which was in summer recess. They relied on provisions of the appellate rules that show both a federal question and the likelihood of imminent and irreparable harm to make a quick appeal to the Supreme

Court. And most of all they depended on an emergency provision that allowed a single Justice of the Supreme Court assigned to handle urgent matters for each federal appellate circuit. For the Ninth Circuit that Justice at that time was William O. Douglas. He was a member of the Court who *decided Brown v. Board of Education*. If any Justice had the power and inclination to issue the emergency order needed, it was he.

Legal briefs for a motion for a writ of certiorari were quickly prepared. It was already late August. The case was set for hearing the afternoon of September 10, 1970, in the Federal Courtroom above the Post Office in Yakima, Washington, three days before school was to begin. The attorneys for the plaintiff knew that Justice Douglas had recently undergone heart surgery. The fact that he had come down to Yakima from his home in Goose Prairie to hear the case was, they hoped, a positive sign.

When Justice Douglas appeared, there were no persons in the courtroom other than attorneys and a few members of the press, and, as everyone stood, it was apparent that he was very tired, if not still ill.

From his questions it became apparent that Justice Douglas was interested in two questions:

- A. Was there enough evidence to support a finding of state action?
- B. Was there enough time before school opening to impose a remedy?

Dennis Hession, the attorney for the SUHSD, argued strongly that there was not enough time. As the hearing progressed, Justice Douglas grew flushed and seemed even more fatigued.

After nearly two hours, he halted argument and said that he would rule that afternoon.

In his opinion Douglas ultimately wrote:

There is evidence in this case that Ravenswood High School, the one that is predominantly Black, is an inferior school—in fact, the Department of Health, Education, and Welfare reported in 1969 that, “The quality of educational services and opportunities provided to Ravenswood High School does not meet the level of that provided in the other schools in the District.

With respect to the repeal of the mandatory provisions of the June 24, 1970 plan, Justice Douglas continued:

The plan of June 24, 1970, was designed to rectify that situation. The plan of July 7, 1971, however, modified the earlier plan and takes, at most, only minimal steps toward equalizing the educational opportunities at the district’s high schools.

Then, in an unexpected and deeply ironic step, Justice Douglas turned to *Plessy v. Ferguson*, the 1896 decision that had determined that separate but purportedly equal facilities for Blacks and Whites were legally permitted. The case had upheld a viciously unfair system mainly because the publicly funded separate facilities for Blacks and Whites, such as parks and schools, were anything but equal, and also because it kept the races apart through unjust laws. Justice Douglas knew, however, that “separate but equal” still had legal importance because if facilities such as schools were unequal, as they were in the SUHSD, then he could step in and order that the system be desegregated.

Very sadly it was only a few days until school was to begin. As a result, Justice Douglas wrote:

I have reluctantly concluded that the lateness of the hour makes it inappropriate for me to grant the desired relief.

Ironically as well, the shortness of time that had allowed the emergency hearing before Justice Douglas worked against his granting relief.

Although this was disheartening, those of us who saw the crucial need for a permanent and effective remedy to segregation in the SUHSD did not give up. Desegregation would await filing the *Sanders* case.

The Sanders Case

On March 9, 1972, a lawsuit was filed in San Mateo County Superior Court entitled *Sanders vs. SUHSD Board of Trustees*, alleging that the action of the SUHSD Board repealing the mandatory aspects of the June 24, 1970, desegregation plan was an illegal act perpetuating segregation in the District schools.

The Sanders case was ultimately assigned to Judge Frank Rose, who took testimony and remarked from the bench that it appeared that Mrs. Sander's case had merit.

Jack Robertson then drafted a possible Stipulation and Order which he thought might be agreeable to Mrs. Sanders and to the SUHSD Board of Trustees. It proved to be so. Set forth below is the stipulation signed by both parties and the Order signed by Judge Rose.

One feature of the *Sanders* order was that the various high schools had to be within 5% of the District average in percent-

age of minority students. This required some doing each year, but the District managed it until 1999 when, over Jack Robertson's objection, the Board adopted an attendance plan which permitted more freedom to students but eliminated the 5% guideline. Whether this results in re-segregation is unclear. It will take 4 or 5 years to see the result. The original Stipulated Order in the *Sanders* case stated:

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

DOROTHY SANDERS, <i>et al</i> ,)	NO. 166522
Petitioner,)	
)	<u>STIPULATION AND ORDER</u>
v.)	
)	
BOARD OF TRUSTEES OF THE)	
SEQUOIA UNION HIGH SCHOOL)	
DISTRICT,)	
)	
Respondent.)	
)	

IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel, SIDNEY L. BERLIN for the petitioners, and KEITH C. SORENSON, District attorney, by GEORGE F. CAMERLENGO, Deputy Attorney, for the respondent, that the Court enter the following orders in the within action:

1. That the Petition for Writ of Mandate currently before the Court be dropped from the master calendar.

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2. That the Court shall enter its order decreeing that the stipulations of the parties hereto shall be the order of this Court in this action.
 3. That the Court retain continuing jurisdiction to assure the carrying forward of the stipulations herein for a period of six (6) years from the date of this agreement.
 4. That at the end of the six (6) years period assuming good faith compliance by both sides, the action will be dismissed.
 5. That both parties agree that the respondent does not in any manner admit any liability or any illegal actions by entering into this stipulation.
 6. That Ravenswood High School, a comprehensive high school within the confines and jurisdiction of the of the respondent, shall be closed at the end of the 1975–76 school year (unless a court of competent jurisdiction finds the closure to be unlawful under California or Federal law). Petitioners herein do not intend to, nor shall they, raise this issue.
 7. That the attendance boundaries of the high schools of the district (excluding the continuation high school), commencing July 1, 1976, shall be drawn initially and altered as necessary to provide at all times for enrollments balanced for capacity and for racial and ethnic composition in accordance with the following guidelines:
 - a. Enrollment for the 1976–77 school year at each school shall not vary more than five percentage (5%) points above or below each school’s capacity for said school year. Thereafter, the ratio of enrollment to capacity in future years at each school shall be within five percent (5%) of the ratio of the district enrollment to district capacity.
 - b. The minority (black and Spanish surnamed enrollments at each school shall not vary more than five percentage (5%) points from the average minority enrollment in the district.

If, despite good faith efforts by the district, minor variations from the

above five percentage (5%) points figure for both capacity and ethnic composition occurs, such variations, if within one percentage (1%) point either way, shall not be deemed a breach of this stipulation nor of the judgment of this Court entered and ordered upon this stipulation,

8. The respondent may, at its option, operate a supplementary open enrollment voluntary transfer plan such as the plan adopted by the Board on October 15, 1975, provided said plan conforms to the guidelines set forth in the preceding paragraph.
 - a. If it became necessary to close another high school in the district in addition to Ravenswood High School, the respondent District Board agrees to give primary consideration to the closing of Carlmont, San Carlos, or Woodside High Schools and will submit to the Court any issue involving racial segregation raised by the second closure for further consideration.
 - b. To continue working to prevent practices, procedures and staff attitude which result in discrimination against any students because of their race, ethnic background, religion, or sex.
 - c. To continue to create a favorable climate for integration among students, staff, and the community.
9. The district shall employ a staff adequate to carry out the program. The district shall appoint a commission to evaluate the program on an ongoing basis. The composition of the commission shall consist of 8 members, of which at least 50 percent (50%) shall be persons not employed by the district.
10. If a court of competent jurisdiction finds the closure of Ravenswood unlawful and requires it to remain open, and such court does not order a desegregation plan, and if both parties hereto are unable to agree upon a mutually acceptable plan, then the parties agree to submit the

matter of an acceptable plan to the Superior Court forthwith for its determination.

11. Nothing herein shall preclude either party from appealing any judgment rendered in connection with the closure of Ravenswood by any court.

Dated: December 3, 1975

KEITH C. SORENSON, District Attorney

By _____

George F. Camerlengo, Deputy
Attorneys for respondent

Dated: December 3, 1975

SIDNEY L. BERLIN, FRED R. BRINKOP,
PHRASEL SHELTON and JAMES MADISON

By _____

Sidney L. Berlin
Attorneys for petitioners

O R D E R

GOOD CAUSE THEREFOR APPEARING, IT IS HEREBY ORDERED that the foregoing Stipulation be, and the same is hereby, made and order and judgement of this Court.

Dated: _____

Judge of the Superior Court

While it was unfortunate that the stipulation and order eventually resulted in closing Ravenswood High School, this action can be justified because:

1. Enrollment at Ravenswood was down well below its capacity.
2. Academic performance there, as measured by standard tests, was far lower than in other schools in the area.
3. The white community was still too frightened and racist to have supported Ravenswood, both by attendance and with financial resources, to bring about significant improvement.
4. A significant proportion of the Black Community, although certainly not everyone, believed Ravenswood to be an inferior school with little chance of improvement. As evidence of this, many such families in the Black Community already sent their children elsewhere.

The Situation in Redwood City

Margaret Marshall, a member of the Redwood City Board of Education from 1974–1988, provided the following information using historical data and CBEDS information. Any opinions expressed are hers alone, and do not reflect the differing points of view on the subject. To this point, this account has focussed on certain schools and school districts, and has largely ignored the situation in Redwood City. *Ed.*

Ethnic Balance and Bilingual Education in Redwood City Schools

By Margaret Marshall

In spite of good intentions to create better balance in the Redwood City School District, ethnic balance has not occurred. Some small gains have been made at schools in the middle of the district, but the differences between the “hill” schools and

East Redwood City continue to be great. The Board and Superintendent have made good faith efforts to improve the mix at schools, but the dramatic increase in minority population, primarily Hispanic, in east Redwood City combined with the decrease in white students has exacerbated the problem. The Board recognizes that any mandated across town bussing, even if funds were available to do it, would provoke even more white flight. Stories about increased gang activity in North Fair Oaks raised additional concerns about safety in East Redwood City.

Bilingual education hasn't fared much better. Occasional flurries of positive activity haven't been able to overcome the resistance to the program from some staff, administration, and the community. I still find myself, 12 years after leaving the Board, defending the concept and explaining how children learn to read, and how they initially need to learn in the language of their experience. More about the bilingual education saga in RCSD follows.

The Hispanic population has increased from 5.1% in 1964 to 60.9% in 1999. The total school population dropped from 11,184 in 1967 to 6,640 in 1985, but has since increased to 9,216 in 1999. Four schools were closed. There is so much that needs to be done and not enough money to do it unless educational funding becomes a priority in the state and/or federal budgets.

What Did the Redwood City Elementary School Board Do to Create Ethnic Balance?

Because of declining enrollment from 11,184 in 1967 to 6,640 in 1985, schools were closed. [Table 2](#) shows the historical enrollment figures and the steady increase in Hispanic and decrease in White student population from 1964 to the present.

TABLE 2. Enrollment Figures, 1964–1999

Year	Enrollment	Non-Hispanic	Hispanic
1964	10,407	90.1%	5.1%
1967	11,184	85.3%	9.8%
1970	10,545	81.6%	11.2%
1975	8,778	76.4%	17%
1980	6,769	60.7%	30.4%
1985	6,640	47.4%	41.1%
1990	7,861	40.9%	48.9%
1995	8,672	33.6%	56.8%
1999	9,216	29.3%	60.9%

With school closures starting 1975 the Board recognized the importance of adding ethnic balance to the criteria for assigning students. Decisions to close schools were primarily economic. With the passage of Proposition 13, the district was seriously strapped for funds and couldn't justify maintaining schools with small student populations. The tremendous growth in student population was not projected. If the District had been aware, perhaps they would have figured a way to keep those schools to meet the later need. As a result of that short sightedness, RCSD is currently building new classrooms at already impacted schools and struggling with crowded conditions on most campuses. Child care facilities are having to look elsewhere for space, playground space is at a minimum, and teachers and students are suffering the effects of construction on site. (NOTE: As a result of a successful school bond election, construction in 2000–2001 is improving the space crunch.)

Boundary changes and school closures after 1974 included the criteria to improve ethnic balance in the affected schools. In

spite of these efforts to desegregate the district, little progress has been made. The “hill” schools (Clifford and Cloud) and the academic school (North Star) continue to be predominately white. Small increases in minority populations have occurred in the previously predominately white schools, but the east side schools (bold in [Table 3](#)) continue to be primarily minority.

Improvement in ethnic balance from school closures did not last. By 1979 Fair Oaks, Garfield and Hoover were each over 90% minority. Given their locations, the closure of four schools in the El Camino corridor was probably not wise. Their closure meant transfers between east and west and involved greater distances. The minority students in east Redwood City bore the brunt of the change, traveling farther and crossing the Southern Pacific railroad tracks and the busy El Camino Real to reach school. The closed campuses were to be middle of the community locations for the developing magnet school programs.

As members of the Board when the school closure decisions were made (1974–1988) we felt that we made the right choices. If I remember correctly, however, the vote to close Edison was 3–2, and I don’t think any of the decisions were unanimous. We struggled over each one, and lost lots of sleep. The decision to move 7th and 8th graders from Hoover to McK-inley and Kennedy was unanimous because we all felt at that time that to prepare for high school our students should have the advantage of going to school with students of diverse backgrounds.

In 1997, magnet schools were instituted with the intention of voluntarily creating better balance and lessening white flight. Some K–6 schools were re-configured to K–8 to satisfy parents concerned about the minority population in the middle schools. Hoover 7–8 students may return from the middle school to

attend Hoover. Clifford, Cloud, Selby and Orion also had a K–8 configuration, meaning fewer white students to add to the middle schools. I seriously question this recent decision by the RCSD Board to return to K–8 neighborhood schools and create further ethnic isolation.

(For an editorial from the Redwood City Tribune regarding the efforts of the Redwood City Elementary School District Citizens Committee on School Closings to achieve racial balance in the Redwood City schools, see [Appendix A.](#))

Table 3 shows the school-by-school white population from 1975 to the present. The numbers speak for themselves.

TABLE 3. Racial/Ethnic Survey, RCSD, 1970–1999

School	1970	1975	1980	1985	1990	1995	1999
Adelante (Spanish immersion)							27.4
Clifford	97.7	95.2	85.5	78.8	71.8	57.8	57.3
Cloud	96.3	93.7	78.5	82.0	84.2	70.5	71
Edison	77.2	68.8					
Fair Oaks	55.4	38.3	11.3	6.2	3.2	1.9	.8
Franklin	94.9	93.9					
Henry Ford	93	93	74.5	71.2	56.4	60.6	51.7
Garfield	58.4	54.2	30	12.6	7.4	5.3	5.5
John Gill	88.6	82.6	79.5	77.8	64.7	45.3	36
Hawes	82.4	74.5	70.9	45.3	46.5	19.6	12.2
Hoover	66.5	47.5	13.9	5.4	5.3	4	2.3
Kennedy	94.1	88	66.9	49.1	43.8	39.5	33.2
Lincoln	94.9	1.7					
McKinley	87.5	87.2	67	50.2	5.9	21.7	22
North Star (academic magnet)							63.8
Orion (alternative)				66.9	67.6	56.4	59.8
Roosevelt	94.6	87.8	82.6	76.1	67.5	54.5	33.3
Selby Lane	91.2	83.6	66.8	50.5	41.2	33.3	20.1
Taft	81.2	81.7	59.6	32.9	25.6	35.4	9.8
Washington	50.9	54.1					

In the latest SAT Version 9 test results, Fair Oaks, Hoover, and Taft scored the lowest in the district. Garfield has become a charter school and didn't take the exam. North Star, Clifford, and Cloud received the highest scores in the district.

How Did RCSD Tailor the Curriculum to Assist Hispanic Students?

The Garfield Project

RCSD initiated its first bilingual program, the Garfield Project, in 1969. It was federally funded for five years, from 1969 until 1974. It was designed as a two-way maintenance bilingual education program that would expand from its initial first grade class to a kindergarten through fifth grade program at Garfield School and move to include Selby Lane School also. The goal was for both English and Spanish speakers to become fluent in both languages. After the five years the RCSD was to assume financial responsibility for the project.

The program had documented success, received national recognition, and had the support of the community. When federal funding ran out in June, 1974, the Board decided to maintain a minimum level of funding for the program with no plans to expand it—in spite of continued growth in the Hispanic population, an evaluation that claimed it to be “state of the art,” and a petition signed by 400 parents supporting the continuation of the program. The only provision for the continuance of the program was the hiring of one bilingual resource teacher and 8 aides to serve Garfield and Selby Lane. The new Principal appointed to Garfield didn't support the project.

Primary opposition came from teachers and administrators. Superintendent Ralph Wilson (1970–1976) focused on Rapid Learning Centers to improve reading skills throughout the district. Funding that could have been sought for bilingual education was sought for the reading centers. Hispanic teachers were not hired, retained, or promoted, and non-Spanish speaking teachers were allowed to remain on bilingual waiver for an indefinite period. The administration was reluctant to reassign teachers in order to achieve a more consistent, bilingual program. Prior to 1979, general bilingual staff in-service training was infrequent.

From 1974, the bilingual program in RCDS dwindled until by 1979 there were only three bilingual teachers with credentials. Finally, in 1979, the first full-time director of bilingual education, Connie Williams, was hired, and a period of expansion began. Superintendent Ken Hill was extremely supportive of meeting the needs of Spanish speaking children. Until 1984, the District placed emphasis on developing a strong philosophical framework for bilingual education that was transitional in nature. The bilingual certified staff grew from four to seventy during the mid-1980's and focus on the program continued. Staff were hired with the knowledge and language skills, language acquisition, culture and methodologies to work with this changing student population.

About 1986, Stephen Cary replaced Connie Williams, and continued advocacy for bilingual programs and providing appropriate staff development for teachers. In response to questions about how the program was working, a task force was formed in 1989.

Bilingual Education Task Force formed in 1989

The purpose of the Task Force was to determine if the bilingual education program needed improvement. From their investigation the Task Force identified several problem areas:

- Opportunities for native English speakers were not provided in a formal manner.
- Community, staff and parents were inadequately informed about bilingual education.
- Primary language instruction was not available to all Spanish speaking students and it was inconsistent from grade to grade.
- Bilingual and ESL materials were inadequate in both quantity and quality.
- There was an extreme lack of English speaking models in some schools.

When Stephan Cary left his position in 1990, he strongly recommended more bilingual/ESL staff development based on four realities:

1. One third of RCSD students had limited English proficiency.
2. Bilingual teachers were burning out at an alarming rate.
3. Dozens of new and veteran teachers were unfamiliar with current strategies on how to incorporate low English Proficiency (LEP) kids into the mainstream of sheltered English activities.

4. Cary stated in a letter to the Superintendent, “...*the district must end its band-aid approach to bilingual/ESL staff development, and perform major surgery for the educational health of hundreds of children.*”

In 1987, a study of Redwood City students in the Sequoia Union High School District revealed that 23% of the Hispanic students dropped out, not good testimony for the preparation received in the RCSD.

Other Efforts to Educate Spanish Speakers in RCSD

Accelerated Learning Project at Hoover School 1988–91

This Stanford-led project provided an individualized approach to student placement and promotion. Students could progress at their own rate through the curriculum. Henry Levin of Stanford University led a group of educators from Stanford to develop a program that was committed to accelerated strategies for at-risk students rather than remedial strategies. Some of the project’s focus was informed parent involvement, business partnership, pre-school intervention, strong language literacy, teams of teachers highly trained in content areas, challenging hands-on science experiences, and on-going evaluation to determine the effectiveness of programs.

Project Family Learn (Title VII funding)

Principal Judy Daher developed an innovative project involving the parents of Hoover students in the educational process. They attended weekly classes to acquire English language skills, become more familiar with the school and teachers, and to learn how to help their children with their

school work. Families loved their involvement at school. Many celebratory pot luck suppers preceded the classes and children became involved in tutoring their own parents. I would liken it to the very successful Even Start program currently in place at John Gill School.

Bilingual Newcomer Center (Title VII Funding)

This program was initiated to serve immigrants from Mexico, primarily those who were old enough for middle school with no English language skills, and frequently no formal education experience in their native country. Adelante School 1997

This is one of the magnet schools and is focused on English speakers learning Spanish and Spanish speakers learning English. Enrollment is 71% Hispanic and 21.8% white, not quite the hoped-for mix.

How Did RCSD Secure Spanish-Speaking Teachers?

RCSD attempted to recruit bilingual teachers from migrant education programs in the central valley and local colleges. In 1971, and 1972, they recruited in New Mexico and Texas. Issues of teacher and seniority, the high cost of living in the bay area and low salary made recruiting difficult. San Francisco, Oakland, and San Jose also sought bilingual teachers.

Superintendent Ken Hill (1967–1989) and bilingual Ed Director Connie Williams made greater efforts to hire more bilingual teachers. A Golden Handshake was offered to encourage older staff to retire. Connie Williams said that the hiring of more bilingual teachers caused great concern among the older teaching staff. They were afraid of losing their positions at a particular school. Tenured teachers were rarely reassigned to create

openings where bilingual teachers were needed to maintain a consistent program. Waivers continued and more bilingual aides, rather than bilingual teachers were hired. The teachers union opposed any stipend for bilingual teachers, and many went to districts that did.

Bilingual education was not consistently offered to students who needed it, not because of a lack of effort on Connie's part, but because some Principals would not move teachers to open up the required slots. Connie offered classes in culture, methodology and language acquisition, but teachers had difficulty with the language acquisition. It was obvious that teacher training institutions were going to need to address the problem. Stephan Cary replaced Connie Williams in about 1986, and worked closely with Liz Wolfe to plan much needed staff development.

The district continues to seek bilingual teachers, and never seems to have as many as are needed. Bilingual education is being criticized as unsuccessful, but I fail to see that it has ever been implemented in a manner consistent enough to evaluate its effectiveness. The recent passage of state legislation opposing bilingual education has caused the RCSD to figure out how to provide language instruction to Spanish speaking students without disobeying the law. With parental permission students can remain in a bilingual class—without that permission they must attend an all-English class, which can be devastating for students who don't understand the language.

The number of Hispanic students continues to increase, thus the need for more bilingual teachers continues to increase as well. Recruitment at conferences, internet postings, participation in job fairs at local universities and colleges, as well as participation in a Visiting Teacher program from Spain are planned. Currently 25 proficient bilingual teachers work with

emergency credentials, and 23 are proficient bilingual teachers, but this is still not enough to meet the need. RCSD plans to continue to train existing staff in language development methodology, Spanish language and culture, ELD and sheltered instructional strategies and primary language methodology. Barbara Bain who has been the Director of Bilingual Education the past two years will return to the classroom, and yet another person will assume that responsibility.

The School Board has always had Hispanic representation and whenever appointments were made to fill vacancies they frequently chose a bilingual individual with an understanding of the eastside community. Their presence has always been a real asset to the Board.

Fernando Vega	1972–1975
Priscilla Marques Mosher	1976–1981
Amador Bustos	1981–1987
Magda Gonzalez Hierro	1992–1999
Alicia Aguirre	1999–present

Amador and Magda were raised in Redwood City by immigrant parents and are outstanding role models of achievement and involvement. Amador currently runs a Spanish language TV station in Sacramento and Magda is the assistant to the City Manager in Redwood City, having worked previously as the Director of the Fair Oaks Community Center.

Freedom of Choice in the SUHSD

During the latter part of 1971 and 1972, the Board, working with District Staff and the community, converted Ravenswood High School into a magnet school which attracted hundreds of white students. Conversely, hundreds of minority students, under the District's open school attendance policy, elected to attend schools outside the Ravenswood attendance area. The following letter describes what had evolved in the District:

March 9, 1973

Dear Parents and Students:

During the past four years, the Board of Trustees has permitted students to volunteer for transfer from their home attendance area high schools in the District. The goal of the voluntary transfer program is to improve educational opportunities for students by bringing about better racial balance

in the schools. The Board supports integration in the schools as a vital factor in providing quality education for all students.

During the current school year over 1,800 students have attended a high school other than their local attendance area school. Nearly 900 Black and Spanish-surnamed students from the Ravenswood attendance area are now attending school at Carlmont, San Carlos, Woodside, or Sequoia, and 450 non-minority students from those schools and Menlo-Atherton. This movement of students has reduced the minority population of Ravenswood from 95% to 56% and has increased the minority population of San Carlos, Woodside, and Carlmont to around 14%.

The Board, as an expression of support of the voluntary transfer program for this year, took official action on January 3, 1973, to extend and to expand the program for next year. As a result, most students have a number of different options of high school they may attend, depending on the attendance areas where they live. The Board has provided the resources to improve the quality of education at all schools and has given special attention to the development of a multi-cultural curriculum that will meet the needs of desegregated student bodies. The Board has also given particular attention to creating an innovative and excellent educational program at Ravenswood High School. The Board will continue to strive to improve the educational program at all schools.

The schools are currently conducting a number of promotional activities designed to encourage students to attend schools other than in their local attendance areas. We urge students and their parents to continue to support the voluntary transfer effort. We encourage all parents and students

to explore the options available to them and to give serious consideration to attending schools away from their local attendance areas.

Regardless of your decision, we will appreciate your continuing to join with us in the goal of bringing about integration of the schools and quality education for all students.

Sincerely yours,

William E. Jordan, M.D., President

Philip V. Schneider, Clerk Vice-President,

Jack Robertson, Percy E. Roberts, Jr., Charles E. Chase

Closing Ravenswood High School

by Jack Robertson

Despite these years of effort to achieve integration through voluntary means, attendance dwindled at Ravenswood High School, and the SUHSD Board voted to close that school after the 1975–76 school year.

One of the perquisites of school board members is to hand out diplomas to graduating seniors; so it was that on June 18, 1976, I asked to perform this pleasant task for Ravenswood High School seniors, the last class to graduate before its closing. This is what I said at that ceremony:

“I am glad to be here; A couple of weeks ago, a reporter from Habari Gani asked me if I was pleased to be assigned here. I said yes. As a matter of fact there is no other place I could conceivably want to be but here with you.”

Any graduation is a blend of joy and sadness—joy at completing school, sadness at separating from teachers, classmates, friends. It would be easy to stress sadness, but I want to stress just the opposite.

I am proud. Over the last five years we—all of us—have done something worthwhile. We have proved something to ourselves and to everyone who has heard of Ravenswood. We have cause to be proud. In this district we are going to make progress in building mutual respect and in accepting one another, as we are creating one community.

This fall we are going to make progress in building mutual respect, in accepting one another as we are, in creating one community. We are going to make the most strenuous effort this district has every made to give every student a better education. These things will occur because there was a Ravenswood.

Most of all I am proud of you and of the graduating classes who went before you and I am joyful that there are people like you, your parents, this staff who have experienced Ravenswood, who are the better for it, who for the rest of my life and beyond will be in this world.”

Some years later the Ravenswood class of 1976 had a picnic at Flood Park, Atherton. A surprising number of former students, administrators, and teachers attended. I overheard one young woman say, “Ravenswood saved my life.”

I knew then that the new Ravenswood had been worthwhile.

The New Ravenswood

by Linda Lipinski

I was asked to write a few pages about my high school experience by long-time family friend, Jack Robertson; so I sit down to document my perceptions of my three years at Ravenswood High School.

I came to Ravenswood with just a few years of public school under my belt, having had my first six years in Catholic schools. When the time came to enter high school, I was given some choices. I could go to one of the two traditional high schools, or I could go to Ravenswood. The majority of my friends wanted to go to Ravenswood. I wanted to go there too, mostly because I wanted to be in with the friends I'd developed. They were mostly children of Stanford professors, and many of them were foreign born, as are my parents. I learned that many parents didn't want their children to go to Ravenswood because of its location and its racial profile. My parents weren't too thrilled because they were more concerned about the "alternative curriculum" than who I would be meeting in the hallways. I was a pretty stubborn kid, so I wore my parents down (easier to do when you're the fifth child), and I went to Ravenswood.

Now comes the hard part: documenting my high school experiences and trying to separate out existing in a "desegregated environment" from the normal teenage life.

The bus ride to Ravenswood took about 45 minutes on a circuitous route, but I would have taken a bus to any of the three available high schools. Stepping off the bus the first time I was shocked at the poverty that surrounded the school. However I

was not wary of being a white face, thanks to my upbringing. In fact, most of the white kids had parents who could be described as liberal and affluent.

Most of my classes were close to 100% white. This was because they were experimental literature and historical material geared to advanced students. The different degree of preparation was the largest contributor to “two schools” within Ravenswood.

During my years I was involved in sports. I dabbled in gymnastics, which I loved, and I played some tennis, which is our family sport. My aptitude for gymnastics was pretty poor, but I really liked it, and eventually overcome my gangly build to win a few ribbons in the “novice” category.

Early in my junior year, we all learned that Ravenswood was marked for closure, the result of a shortfall of funds within the District. More money was being spent per student at Ravenswood than at the other schools. Our struggle to keep Ravenswood open was a unifying factor for all the Ravenswood students, regardless of ethnicity. We organized rallies, went to school board meetings, and tried unsuccessfully to keep the school open.

While the other schools experienced disturbances, Ravenswood remained peaceful. When the vote to close Ravenswood passed the School Board 4 to 1, I decided to graduate, as I already had enough credits to fill my graduation requirements.

During the year between high school and college I got a job at Macy's. I ran into a fellow Ravenswood student, a black girl. We talked about school, and how sad it was that we were not at Ravenswood anymore. I doubt that we would have had that

conversation after high school if we had not gone through that shared struggle to keep the school open. If we hadn't become friends, at least, we had gained tremendous respect for each other.

My choice of high schools still meets with surprise from some of my friends and acquaintances. Over the years I've learned to say that every person should have the experience of being a "minority" once in his or her life. My experience was invaluable in teaching me to respect those around me. And secondly, what I may have lost by not going to a more structured high school, I gained in the ability to think freely and to express my opinions openly. And whenever my mother questions that decision, I point out that I turned out okay, and that's what really matters.

[And she really has: *Ed.*]

Efforts to Integrate the Elementary Schools

The Organization of the Mid Peninsula Task Force for Integrated Education and Beginning of the Inter-District Primary Education Center

by Majorie M. Moylan

Following numerous efforts to provide cross-community integrated education experiences for the children of the 98% minority Ravenswood Elementary District and the children of the 98% non-minority west of Bayshore Freeway elementary school districts, a group from the initial Council for Intergroup Education felt a more aggressive plan for integration was needed. The Council for Intergroup Education had been formed at Menlo-Atherton High School with the goal of providing equal educational opportunities for all the children in elementary districts feeding into the Sequoia Union High School District.

Now on July 6, 1971, interested parents, teachers and community leaders met to discuss possibilities for a more comprehensive and lasting approach to desegregation/integration. They initiated the Task Force for Integrated Education.

The prevailing opinion of those present was that some modest program should be established to prove the value of a multi-ethnic school and that achievement levels for minority students would advance when given the same educational advantages as their white peers. I had been the organizer of the Council for Intergroup Education and now took the lead to invite a representative from the Regional Office of HEW to discuss the possibility of local school districts gaining access to federal funds now available under the Emergency School Aid and Quality Education Act of 1971.

Present that evening was Mr. Arnim Weems, Ass't. Supt. of San Mateo County Schools. At the request of the group, Mr. Weems agreed to seek the cooperation of the five elementary school districts in planning for increased integrated learning experiences. Mr. Weems offered to meet with each of the Superintendents and each of the five school boards. Several ideas for additional integrated opportunities were presented. A prevailing feeling was that whatever program was ultimately developed, it should be of regular and substantive content.

The result of this beginning was the formation of a Steering Committee from the five South San Mateo County school districts with the purpose of defining ways of overcoming separation of children who would ultimately become SUHSD high school students.

The Steering Committee, composed of members of the Task Force, the Council for Inter-group Education, the Superintendents, and a representative Board member from each of the

five South Sequoia districts began to meet monthly at the Menlo Park School District Offices. The Task Force sought to marshal community support for these meetings and would eventually help bring to fruition the establishment of one Primary Education Center (PEC) to be followed by a second, K–3 leading to K–4.

Federal assistance in planning and in obtaining funds was a part of the entire process of negotiation and development. The individual districts had to be assured that in allowing students to leave their home districts and attend a school in another integrated location, they would not lose dollars.

Guidelines were carefully drawn to ensure racial balance with fixed numbers allowed from the various districts. By the fall of 1973 all the planning, cooperation, and hard work paid off and the PEC opened at two different locations.

There was enthusiasm among the parents of primary age children to have their children attend what promised to be an excellent educational experience, socially and academically. From parents of that time, you will learn of their delight with the school.

Amidst great distress it was learned that white parents, who resided in the Ravenswood District's West of Bayshore area were angered that their children would not be allowed to attend the PEC because this would create further segregation in the Ravenswood District.

At about the same time, black power forces influential in the Ravenswood District began to push for ending that district's participation in the PEC. It was their belief that children could be better educated in the then 98% minority schools. Despite

the pleas of parents and Task Force members to the Ravenswood School Board, the PEC was closed at the end of the school year, 1975.

Mid Peninsula Task Force For Integrated Education

by Marjorie M. Moylan

The Mid Peninsula Task Force for Integrated Education was organized in the summer of 1971 to overcome racial segregation of Mid Peninsula school children. The aim of the organization was to provide equal educational opportunities and to eliminate the racial discrimination which occurs when people judge one another on the superficial basis of skin color or racial/ethnic origin.

The Task Force evolved from a group formed at Menlo-Atherton High School in 1967–68. Parents realized that the hostilities between black and white students were the result of lack of contact prior to the 9th grade and to the educational inequities suffered by children from the East of Bayshore Ravenswood Elementary School District.

Parents urged that the several separate elementary school districts, which are feeder schools to the Sequoia Union High School District covering the same geographic area, take immediate steps to bring about desegregation/integration prior to high school. By 1971 it was obvious to concerned parents, teachers and other citizens that a more aggressive, direct effort was needed to achieve this goal.

The Mid Peninsula Task Force for Integrated Education therefore was begun with the statement,

It is our belief that all children benefit from contacts, examples, learning and understandings across group lines in integrated settings beginning with the child's earliest school years. In our community approximately 3,000 K–8th grade children attend racially segregated schools. These children are deprived of equal educational opportunities and mainstream contact, while non-minority children in neighboring districts West of Bayshore are deprived of multi-ethnic association. We know it is not the children who have difficulty with integration. Young children have no problem with skin color. We know also from vast amounts of research that when integration begins in the earliest school years, children from homes disadvantaged because of the effects of historical discrimination make greater progress than when left in segregated settings.

For many years, members of the Task Force sought desegregation and worked through lengthy processes with the San Mateo and Santa Clara County Committees on School District Organization, individual school boards, and County Office of Education. The organization explored and for a while achieved several means of interim or short-term integration—cross community classroom exchanges, inter-district transfers, and the establishment of a federally funded inter-district Primary Education Center, which ran successfully for two years.

Through years of meetings, members also worked for a long range solution—a school district merger with the formation of a new K–12th grade Mid Peninsula School District. Opposition by school board members (especially the unanimous Palo Alto School Board) finally prevented this measure from being placed on the ballot for citizen discussion and a vote.

When all means of school district reorganization to eliminate social segregation and achieve equal educational opportunities at elementary school level had been denied, thirty-four parents (minority and non-minority) filed a lawsuit to bring about a solution. The minority parents were East Palo Alto residents of the 98% minority schools in the Ravenswood Elementary District. Non-minority parents were from adjoining 95–98% white districts, which serve Palo Alto, Menlo Park, Atherton and Portola Valley.

The Primary Education Center: A Brief Account

by Ellen Elliot, Kay Williams, and Marjorie M. Moylan

The primary Education Center was initiated by the Mid Peninsula Task Force for Integrated Education to showcase a successful integrated school and provide a few elementary school students with an immediate opportunity to attend an integrated public school. It was intended as a first step toward more extensive desegregation and integration ([See: “Mid Peninsula Task Force For Integrated Education” on page 110](#)).

Students would be from the five elementary districts in southern San Mateo County. Organizers were successful in getting a majority of trustees on each of the five school boards to agree to participate in the small inter-district model school, provided their only financial commitment would be for each student's Average Daily Attendance (ADA*) to be transferred to the new school.

*ADA is used to determine State of California subsidies to local school districts.

Authority to Govern the School

A Joint Powers Board was formed to administer the school. The Board was comprised of one member each from the Boards of Trustees of the Menlo Park, Las Lomas, Portola Valley and Woodside districts and three Trustees from the Ravenswood Elementary District.

The School, the Students, the Teachers

The first year, 1973–74, there were classes for four grades, K–3. A 4th grade was added the second year. Because there was not one school site with enough classroom space for the first year, the school was at two sites, Willow School in the Ravenswood District, and Las Lomas School in the Las Lomas District. At each site there were four classrooms, one each for Kindergarten, 1st, 2nd, and 3rd grades. The second year everyone was on one campus, at Flood School in the Ravenswood District.

The Tinsley Lawsuit

Background

by Gerald Z. Marer

As a last resort, because all voluntary inter-district integration activities had been refused, terminated (e.g., the PEC) or rejected by the voters, planning was commenced in late 1975 to file a lawsuit to require inter-district integration at the elementary school level. The effort was “funded” by human hours volunteered by members (“the ladies”) of the Task Force for Integrated Education and several volunteer lawyers.

Because no similar legal case seeking school integration by means of remedies among school districts (“inter-district” remedies) had every been approved in the United States, the lawsuit involved many novel and complex legal questions:

- whether to sue in federal or state court;
- whether to base the suit on the United States or the California Constitution;
- whether to allege that the segregation which existed was a result of intentional action by the several elementary districts (“de jure”) or was the result of other, non-intentional factors, such as housing patterns, and/or economics (“de facto”);
- which school districts and governmental entities to sue (those who were a part of the “problem” or also those who may be part of the “solution”);
- what remedies should be sought; who should be the plaintiffs; and who should be the first named (“lead”) plaintiff?

Thirty-six persons who volunteered to be named plaintiffs were of different races and resided in Ravenswood and in the other elementary school districts. They shared the belief that the segregation of the races between Ravenswood Elementary School District (90%+ Black) and seven of the eight other surrounding elementary school districts (95%+ Caucasian), deprived *both* minority and majority-race children of equal educational opportunities and equal opportunities for social and life experiences.

Margaret Tinsley was selected and agreed to be the lead plaintiff. She was Black, articulate, unafraid, the mother of two girls in Ravenswood, and along with her husband Bill who was similarly gifted, was willing to be the spokesperson at public meetings and with the press. She superbly fulfilled her duties and was an eloquent representative of the plaintiffs. In June, 1976 the lawsuit was commenced by the filing of a petition in the

San Mateo County Superior Court; the case was entitled “Margaret Tinsley vs. State of California, et al” and was given Case No. 206101.

The parties sued (the “defendants”) were the State of California, the State Board of Education, the Ravenswood, Menlo Park, Redwood City, Los Lomitas, Portola Valley, Woodside, San Carlos, and Belmont elementary school districts; the Palo Alto Unified School District, the Sequoia Union High School District (into which came students from all the elementary districts except Palo Alto), whose students attended high school in that District, and the School Superintendents of San Mateo and Santa Clara Counties. Each defendant was sued because each was considered by the lawyers to be necessary to effectuate a complete and proper remedy for the segregation and the extremely low achievement of the students in Ravenswood.

The petition was based on the essential allegation that “minority and non-minority children are being deprived of equal opportunities for education and are being denied equal protection and due process of law.” The petition incorporated official demographic and statistical evidence of the separation of the races of the students and teachers, the gross inequality in educational programs, the great disparity in financial resources, and the horrific differences in student achievement and statewide test scores between Ravenswood and the other districts. The remedies sought were not specified, but implicitly threatened was a court-mandated “merger” between Ravenswood and other districts. It was well known that any form of merger was unalterably opposed by the school boards of every district.

When school districts are sued, the County Counsel or District Attorney represents them without cost. However, here, each district had unique concerns, and so they required separate

lawyers, who had to be paid a fee. This had an unspoken affect later on the course of events. During the first eight years of the litigation, all defendants resisted with all their resources in the courtroom, the boardrooms and in the press.

As Judge William Lanam said ten years later in open court, about the status of the case until its last two years, “all counsel were instructed by their school districts to fight it [the *Tinsley* suit] to the last ounce of their blood and the last of the districts.” Legal motions were filed to dismiss the suit; lengthy “briefs” were filed and several lawyers presented oral arguments to a Judge, who eventually dismissed the suit.

An appeal was filed on behalf of the plaintiffs. More lengthy briefs were filed and oral arguments were presented to three Justices of the California Court of Appeal, First Appellate District, Division One, in San Francisco (Civil Case No. 43478; 91 Cal. App. 3d 871).

On April 13, 1979, a written decision was filed reinstating the lawsuit. The Court approved the argument that the California Constitution, and not the United States Constitution, governed the case; that Californians have greater rights under the State Constitution than under the United States Constitution; that under the California Constitution, *de facto* segregation was unlawful, and that if it existed in a recognizable geographic area, inter-district remedies could be court-ordered to “eliminate or alleviate” it, if they were “reasonably feasible.” By segregation, the court meant where “minority enrollment in one district within [a recognizable geographic] area is so disproportionate as realistically to isolate them from other students in other districts in that area.”

The ruling about *inter*-district desegregation was a *first* in the United States. The Court added that where segregation exists, courts have the power under California law to alleviate it, and school district boundaries “political subdivisions should not preclude relief” and even a “no” vote by local district residents “is not an insuperable bar to relief”. However, the Court noted, that as plaintiffs had pointed out, other remedies not requiring “political change in district boundaries or governance,” were available and instructed the superior court, when fashioning remedies, to also consider any “hostile environment” that might result. After the districts’ requests to be heard by the California Supreme Court were denied, the case was returned to the superior court for further proceedings, a trial and a determination of reasonably feasible remedies if the existence of *de facto* segregation were proved.

However, in the interim, substantial problems arose in the implementation of the court-ordered desegregation plan of Los Angeles schools, and those problems were widely publicized in the State. In addition, the *Tinsley* suit was similarly widely publicized, and many school districts in the state feared that if inter-district remedies were ordered in *Tinsley*, similar lawsuits would be filed against them seeking inter-district remedies. As a result, the Legislature was persuaded to adopt an amendment to the California Constitution, which came to be known as Proposition 1.

The Proposition amended the equal protection clause of the California Constitution to provide that Californians no longer had greater rights, but had only the *same* rights as afforded by the equal protection clause of the Fifth and Fourteenth Amendments to the United States Constitution, as interpreted by federal courts. This meant that forced busing and pupil

assignment would be court ordered only as a remedy of *de jure* but not *de facto* segregation. The voters in California adopted Proposition 1 in November 1979.

As expected, the defendants in *Tinsley* sought to apply the new law, and the plaintiffs argued that it was unconstitutional under the United States Constitution.

Once again, the case was dismissed and appealed, briefs were filed and the matter was argued in the same Court of Appeal (Civil Case No. 50497, 150 Cal. App. 3d 190). Thereafter, the United States Supreme Court rejected certain arguments about the unconstitutionality of Proposition 1, in the Lost Angeles school desegregation case (*Crawford vs. Los Angeles Board of Education* (1982) 458 U.S. 527).

On December 23, 1983, the three Justices upheld the constitutionality of Proposition 1 on the basis of the *Crawford* case, and rejected contrary arguments raised by the *Tinsley* lawyers that were not raised in *Crawford*.

However, the Justices upheld plaintiffs' argument that Proposition 1 only excluded mandatory busing and pupil assignment, and therefore in *Tinsley*, "All other desegregation techniques may still be utilized by the court to alleviate de facto segregation." The case was returned again to the Superior Court for further proceedings, a trial, and the determination of remedies other than mandatory busing and pupil assignment.

Because it was undeniable and would have been easily proven at trial, that Ravenswood was segregated (and, as the Justices noted, the Ravenswood students' achievement and statewide test scores "continue to be abysmal"), and because remedies potentially unpalatable to the districts could be court-ordered, the districts agreed to settlement discussions under the

supervision of Judge William Lanam. After many months of conferences with the Judge and often with the lawyers of all the litigants, and sometimes with school officials, a settlement was reached in March 1986, subject to public approval of all defendants.

The major goals of the settlement were:

“...to the extent reasonable and feasible, to further equal opportunities for all students in all respondent districts by

- 1. reducing minority racial isolation among or between the students of the respondent districts’ elementary schools,*
- 2. improving the educational achievement in Ravenswood, and*
- 3. enhancing inter-district cooperative efforts.”*

The major components of the plan were:

- 1. A voluntary student transfer plan, by which a maximum of 206 minority students in kindergarten to third grade could transfer each year from Ravenswood to the other elementary districts, and non-minority students could transfer into Ravenswood, with bus transportation provided free for all transferring students;*
- 1. A program for improving the educational opportunities within Ravenswood, including an additional several million dollars each year of state funding for Ravenswood (in the school year 1999–2000, that amount was \$5,475,771); and*

2. A study of the feasibility of a Model School being established for students within the area of all the districts.

By April 15, 1986, the school board of every district and all other governmental entities had conducted public meetings, hearing from many people, including Margaret Tinsley, and voted their approval of the settlement. Every newspaper in the area editorialized for the settlement.

On April 15, 1986, in open court, all defendants and their attorneys, plaintiffs Margaret and William Tinsley and Ellen Elliott and their three attorneys, Jack Robertson, Sidney Berlin and Jerry Marer, signed the settlement document. The settlement was then made an Order of the Court, signed by Judge William Lanam. Immediately thereafter followed a non-alcoholic, but very “happy hour” in another room in the courthouse, attended by about a hundred persons, including the Judge, the plaintiffs, school board members, superintendents, state officials, and the once-contentious lawyers.

Tinsley Lawsuit Settlement Order

The Settlement Order of the [Tinsley Lawsuit](#) is presented below in facsimile.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

MARGARET TINSLEY, individually and as Guardian ad Litem for KAREN L. TINSLEY and VALARIE L. TINSLEY, et al.,)	NO. 206010
)	
)	<u>SETTLEMENT ORDER</u>
)	
Petitioners,)	
)	
vs.)	
)	
PALO ALTO UNIFIED SCHOOL DISTRICT)	
)	
Respondent,)	
)	
and)	
)	
STATE OF CALIFORNIA, et al.,)	
)	
Respondents.)	

RECITALS

WHEREAS, Petitioners MARGARET TINSLEY, et al. ("petitioners") on July 3, 1979 filed a Fourth Amended Petition for Writ of Mandate in the Superior Court of San Mateo County, No. 206010 against respondents the RAVENSWOOD CITY SCHOOL DISTRICT ("Ravenswood"), the PALO ALTO UNIFIED SCHOOL DISTRICT ("Palo Alto"), the MENLO PARK CITY SCHOOL DISTRICT ("Menlo

1 Park"), the REDWOOD CITY ELEMENTARY SCHOOL DISTRICT ("Redwood
2 City"), the LAS LOMITAS ELEMENTARY SCHOOL DISTRICT
3 ("Las Lomitas"), the WOODSIDE ELEMENTARY SCHOOL DISTRICT
4 ("Woodside"), the PORTOLA VALLEY ELEMENTARY SCHOOL DISTRICT
5 ("Portola Valley"), the BELMONT ELEMENTARY SCHOOL DISTRICT
6 ("Belmont"), the SAN CARLOS ELEMENTARY SCHOOL DISTRICT
7 ("San Carlos"), the SEQUOIA UNION HIGH SCHOOL DISTRICT
8 ("Sequoia") the SAN MATEO COUNTY COMMITTEE ON SCHOOL DISTRICT
9 ORGANIZATION, the SANTA CLARA COUNTY COMMITTEE ON SCHOOL DISTRICT
10 ORGANIZATION, the SAN MATEO COUNTY SUPERINTENDENT OF SCHOOLS and
11 the STATE BOARD OF EDUCATION OF THE STATE OF CALIFORNIA, and the
12 STATE OF CALIFORNIA;

13
14 WHEREAS, in consideration of all parties executing this
15 Settlement Order ("Order") and upon entry of the Order by the
16 Superior Court ("Court"), all parties desire to resolve the
17 dispute set forth in the Fourth Amended Petition pursuant to the
18 terms of this Order;

19
20 THEREFORE, in consideration of the following covenants,
21 conditions and promises, the parties agree, and the Court orders,
22 as follows:

23
24 * * *

ORDER

1
2 1. GOALS. The goals of this Order are, to the extent
3 reasonable and feasible, to further equal educational
4 opportunities for all students in all respondent districts by
5 (1) reducing minority racial isolation among or between the
6 students of the respondent districts' elementary schools,
7 (2) improving the educational achievement in Ravenswood, and
8 (3) enhancing inter-district cooperative efforts.

9 2. FAIRNESS. All parties shall carry out the letter,
10 spirit and purposes of this Order in good faith and with fairness
11 to all students.

12 3. DEFINITIONS. "Minority" as used herein means
13 persons defined as minorities by the State Superintendent of
14 Public Instruction. "Equal educational opportunity" as used in
15 this Order shall have the same meaning that it is given by the
16 California Supreme Court. See Crawford v. Board of Education,
17 17 Cal.3d 280 (1976).

18 4. VOLUNTARY TRANSFER PLAN. A voluntary transfer
19 plan ("Transfer Plan") shall be implemented and shall conform to
20 the following guidelines:

21 a. Each respondent school district (excluding
22 Sequoia) shall give written notice to the custodial parent(s) or
23 other person(s) having legal custody of each eligible student of
24 his or her right to request a permitted transfer for the student
25 to take effect at the beginning of the next school year. The
26 notice shall be given on or before September 15 or within thirty

1 (30) days of registration of each student in the district. Each
2 district shall also provide upon request of a parent or custodian
3 of a student a description of programs available in its district.

4 b. The parent(s) or other person(s) having legal
5 custody of the student shall have at least sixty (60) days from
6 date of mailing or personal delivery of the notice in which to
7 file a request for permitted transfer. By December 15 of each
8 year the receiving districts and the transferring students shall
9 be advised of the district of attendance for the following year
10 pursuant to the Transfer Plan. The transferring student must
11 elect or decline such district for transfer by the last school
12 day of the following January of each year. Each transferring
13 student electing to transfer shall be notified by a receiving
14 district of the school to which he or she shall be assigned in
15 that district, on or before March 1 of each year. Transfers
16 under the Transfer Plan shall be processed by the San Mateo and
17 Santa Clara County Superintendents of School ("County
18 Superintendents"). All parties hereto indemnify and hold
19 harmless the County Superintendents from any and all liability in
20 connection with the County Superintendents' good faith actions
21 pursuant to this Order.

22 c. This Transfer Plan will only permit
23 (1) minority students from Ravenswood to elect to attend the
24 districts of Menlo Park, Las Lomas, Portola Valley, Woodside,
25 Redwood City, San Carlos, Belmont, or Palo Alto, or a model
26 school which may be established pursuant to this Order; and (2)

1 non-minority students in each respondent district other than
2 Ravenswood to elect to attend Ravenswood or a model school which
3 may be established pursuant to this Order. For each student
4 transferring under the Transfer Plan, the Court finds it is
5 reasonable for the receiving district to receive from the State
6 the district's district revenue limit for that student, and not
7 to be limited to 105% of the Statewide average. The parties
8 agree and the Court finds that all costs incurred as a result of
9 the Transfer Plan are mandated costs pursuant to the provisions
10 of paragraph 18 below.

11 d. The County Superintendents shall process all
12 applications pursuant to the following rules:

13 (1) To the extent possible, of the students
14 permitted to transfer from Ravenswood or to Ravenswood, no more
15 than one-third of the potential transfer slots shall be allotted
16 to each of the following categories of students as identified by
17 the transferring district: high, average or low academic
18 achievers;

19 (2) To the extent possible, no more than 20%
20 of the transfer students shall come from any school; however, if
21 any school's allotted slots are not filled by eligible students
22 who have requested a transfer, the unfilled slots may be used by
23 any other school(s) in the same district up to 30% of the
24 eligible transferable student population;

25 (3) To the extent possible, students
26 permitted to participate in the voluntary transfer program from

1 Ravenswood shall be selected so as to be composed of the various
2 minority groups in proportion to their representation in the
3 eligible student population;

4 (4) Should there be unfilled transfer slots
5 remaining in the transferring district after the processing of
6 applications pursuant to the criteria of paragraphs 4d(1)-(3),
7 then any transfer application will be permitted, subject to the
8 provisions of paragraph 4f up to the number of total transfers
9 permitted by paragraph 4k.

10 e. The County Superintendents in any and all
11 aspects of processing the Transfer Plan shall be advised upon
12 request by the respondent school districts Superintendents or
13 their designated representatives acting as an advisory committee.

14 f. The County Superintendents shall have the
15 discretion to screen for transfer on an individual basis all
16 applicants based on considerations of safety, health and
17 well-being of those applying for transfer.

18 g. No student will be discouraged by any
19 employee or official of any respondent from exercising any right
20 granted pursuant to this Order, nor be required to meet any
21 admission standard other than that required of all students in
22 the State of California.

23 h. Transfer students shall be accorded all the
24 rights and privileges of the receiving district's students.

25 i. Once transferred, a student shall have the
26 same right to remain in the receiving district as does any

1 student residing in the receiving district. A student who agrees
2 to transfer to a receiving district must commit to attendance in
3 that district for a minimum of one year unless the transferring
4 and receiving districts mutually agree otherwise. After one
5 year's attendance, a student may elect to return to the
6 transferring district, provided that the student has notified the
7 transferring and receiving districts by the last school day of
8 January of the previous school year. Once a student has elected
9 to leave the receiving district, applicants for transfer under
10 the Transfer Plan who have not yet transferred shall have
11 priority over that student for future transfers, subject to the
12 provisions of paragraph 4n below.

13 j. The Transfer Plan shall become effective
14 September 1, 1986, and the first transfers shall take place no
15 later than the opening of school, September, 1987.

16 k. Each transferring school district must allow
17 the following percentages of students to transfer pursuant to
18 paragraph 4c above to other districts or to model schools:

19 (1) For the first year that transfers are
20 allowed, 5% of the school enrollment reported by the transferring
21 district to the State Superintendent of Schools for October 1986;

22 (2) For the second year that transfers are
23 allowed, a total of 5% of the school enrollment reported by the
24 transferring district to the State Superintendent of Schools for
25 October 1986;

26

1 (3) For the third year that transfers are
2 allowed, a total of 10% of the school enrollment reported by the
3 transferring district to the State Superintendent of Schools for
4 October 1986;

5 (4) For the fourth year that transfers are
6 allowed, a total of 17.5% of the school enrollment reported by
7 the transferring district to the State Superintendent of Schools
8 for October 1986;

9 (5) For the fifth year that transfers are
10 allowed, a total of 25% of the school enrollment reported by the
11 transferring district to the State Superintendent of Schools for
12 October 1986; and

13 (6) For the sixth year and following years,
14 every student who applies, subject to the provisions of
15 paragraph 4n below.

16 l. The percentages in paragraph 4k(1)-(5) above
17 are exclusive of students who live in the transferring district
18 but have not regularly attended transferring district schools.
19 In any year, such students who register their intent to
20 participate with the County Superintendents by November 15 of the
21 previous year may attend receiving districts pursuant to the
22 Transfer Plan, subject to the limitations in paragraph 4n below.

23 m. If model school(s) are opened, and in the
24 event there are more applicants for the Transfer Plan and model
25 school transfers than the number of students which the
26 transferring district must allow to transfer, then the County

1 Superintendents shall alternately allow one Transfer Plan
2 transfer, then one model school transfer, and continuing thereby
3 (1) until all spaces are filled or (2) until all applications for
4 either Transfer Plan transfers or model school transfers have
5 been approved, after which the remaining unfilled spaces shall be
6 filled from the remaining unprocessed applications.

7 n. (1) For the first year of the Transfer Plan,
8 eligible students shall be students entering kindergarten, first,
9 second, and third grades for the school year commencing 1987.
10 Thereafter, eligible students shall be students entering
11 kindergarten, first and second grades in the school year
12 following application. Unless a district notifies the County
13 Superintendent(s) to the contrary, first priority shall be given
14 to entering kindergarten students, next to entering 1st grade,
15 2nd grade, and (in the first year only) 3rd grade students, in
16 that order. Districts shall accept eligible students in the
17 following numbers each and every year:

18	BELMONT	31
19	LAS LOMITAS	12
20	MENLO PARK	24
21	PALO ALTO	60
22	PORTOLA VALLEY	8
23	REDWOOD CITY	40
24	SAN CARLOS	26
25	WOODSIDE	5

1 (2) The obligation to receive students under
2 the Transfer Plan shall be unconditional, subject to
3 paragraph 16. In any given year a district having only one
4 school per grade level shall not be required to admit more than
5 one-third of the students eligible to transfer to that district
6 under paragraph 4n(1) to any one grade level.

7 (3) Districts are also required to accept
8 new transfer students at the beginning of each school year to
9 replace those who have dropped out of the kindergarten and first
10 grade classes only.

11 (4) To the extent possible and consistent
12 with this paragraph, students shall attend districts of their
13 choice.

14 (5) No student must accept a transfer, and
15 all transfers are voluntary. Pursuant to the Transfer Plan, no
16 student shall attend a district which he or she has not
17 affirmatively selected on the request for permitted transfer
18 described in paragraph 4b above, and applicants may select any
19 number of districts.

20 (6) No receiving district shall be required
21 to accept a student who shall cause that district to become 60%
22 or more minority.

23 c. The Transfer Plan shall be in addition to,
24 separate and distinct from any other inter-district transfer
25 programs which are established by law or permitted by agreements
26

1 which have been or may be entered into by a participating
2 district.

3 p. Transfer students completing the eighth grade
4 in Palo Alto shall be given the option of attending high school
5 in Palo Alto or in Sequoia. Such transfer students shall
6 participate in the Interdistrict Interaction Program of Sequoia
7 commencing in the fifth grade and continuing in the sixth,
8 seventh and eighth grades thereafter.

9 5. TRANSPORTATION.

10 a. Contingent upon execution of this Order by
11 Sequoia, respondent elementary school districts (not including
12 Palo Alto) in conjunction with Sequoia shall develop a reasonable
13 plan for transportation services, and modify such from time to
14 time as may be necessary, which shall be subject to and
15 contingent upon the final approval of Sequoia, with the goal that
16 to the extent feasible, each student participating in the
17 Transfer Plan shall be provided transportation from a central
18 area in the transferring district to the school of attendance in
19 the receiving district. Palo Alto shall develop its own
20 transportation plan with the same goal.

21 b. Sequoia shall advance \$75,240 per annum in
22 the first two years for its transportation services for the
23 Transfer Plan and agrees to incur \$25,000 per annum of such sum
24 in the first two years, whether or not reimbursed. Thereafter,
25 Sequoia shall advance \$75,240 per annum adjustable annually
26 pursuant to the Consumer Price Index as maintained by the U.S.

1 Bureau of Labor Statistics for transportation services for the
2 Transfer Plan ("Transportation Expense"). The percentage of
3 Transportation Expense not reimbursed to or otherwise recovered
4 by Sequoia shall be paid to Sequoia by the districts as follows:

5	BELMONT	13.211
6	LAS LOMITAS	6.393
7	MENLO PARK	12.361
8	PORTOLA VALLEY	4.673
9	REDWOOD CITY	47.952
10	SAN CARLOS	13.227
11	WOODSIDE	2.184

12 The \$75,240 set forth in this subparagraph 5b is a maximum
13 contribution which may be required of the above respondent school
14 districts for transportation funding, exclusive of monies, if
15 any, collected by a district from its students. The percentages
16 for each district contributing to pay unreimbursed transportation
17 expense under this subparagraph 5b may not be increased, nor may
18 the maximum contribution contemplated thereby be increased.

19 c. The above contribution by each district
20 represents the maximum liability and responsibility for each
21 district for transportation for any purpose under this Order. By
22 agreeing to contribute to or provide transportation, no district
23 shall be deemed to have waived its rights under California
24 Constitution Article I §7 regarding nonliability for pupil
25 transportation relative to any implementation or modifications
26 under this Order, or any future litigation. No district shall

1 have any additional obligation with respect to transportation.
2 The parties agree and the Court finds that the costs of
3 transportation services for the Transfer Plan are mandated costs
4 pursuant to paragraph 18 below.

5 6. SEQUOIA DISTRICT. Notwithstanding any other
6 provision of this order, with the exception of the provisions
7 found in subparagraph a and b of paragraph 5, Sequoia is
8 expressly excluded from the terms of all other provisions,
9 paragraphs and subparagraphs of this Order.

10 7. MODEL SCHOOLS.

11 a. Respondent school districts shall retain the
12 State Board of Education to prepare the report described in
13 paragraph 7b. The respondent school districts shall reimburse
14 the State Department of Education for the costs of preparing the
15 report, only when and to the extent they receive mandated costs
16 therefor, pursuant to the provisions of paragraph 18 hereof, and
17 no district shall be otherwise obligated with respect to said
18 report.

19 b. The consultant shall estimate the high,
20 average and low enrollments expected in model schools, develop a
21 plan for a model school(s) and explore the problems, costs,
22 advantages, disadvantages, feasibility and reasonableness of said
23 plan. The consultant shall consider the creation of one to three
24 model schools designed and located to attract both minority and
25 non-minority students. The consultant shall consider the
26 advantages and disadvantages of having the model school

1 administered by one or more school districts or the County
2 Superintendents. Respondents shall provide the consultant with
3 data and with staff assistance as he/she requests. The plan
4 shall provide for the opening of one such model school, to be
5 located in Ravenswood, in September 1987, and additional model
6 schools as needed to meet the goals of this Order. Within 8
7 months after entry of this Order, the consultant shall present
8 the report to the Court.

9 c. Upon receipt of the consultant's report, the
10 Court shall make such orders, including approval or disapproval,
11 with respect to model schools and the implementation of a plan
12 for model schools as it deems appropriate, after notice and
13 hearing to all parties. The availability of state, federal or
14 third party funds specifically designated for model schools
15 sufficient to cover all the costs of implementing any model
16 school order shall determine the scope and timing of
17 implementation of any such order, except each respondent district
18 agrees to provide as its sole financial obligation under this
19 paragraph nominal funds for the model schools, if any, up to
20 \$3,000 per district per year. All respondents agree that during
21 the existence of this Order, they jointly and severally shall
22 continue to seek funding as needed from federal, state, and
23 private sources to implement the Court's orders with respect to
24 model schools.

25 d. The costs of any such model program shall be
26 mandated costs pursuant to the provisions of paragraph 18.

1 8. RAVENSWOOD IMPROVEMENT.

2 a. Ravenswood shall retain the State Department
3 of Education to conduct a study to determine those educational
4 practices and programs that should be implemented by Ravenswood
5 to improve the academic achievement of its students and to assist
6 the transition of Ravenswood elementary school students to the
7 high school level. The consultant shall also consider and
8 propose a plan which allows all teachers in Ravenswood as of the
9 date of entry of this Order, whom Ravenswood has the right to lay
10 off pursuant to paragraph 11 below, the opportunity to remain as
11 teachers in Ravenswood. The consultant's report shall be filed
12 with the Court within 8 months of entry of this Order, and shall
13 be served on all parties.

14 b. Upon approval by the Court of the
15 recommendations made in said report, the Court shall make such
16 orders directed to Ravenswood and the State Department of
17 Education only with respect to the implementation of the report
18 as it deems appropriate after notice and hearing to all parties.
19 The implementation of any Court order as to recommendations of
20 the consultant shall be dependent upon the availability of funds
21 from federal, state or private sources. For the purpose of
22 implementing those recommendations approved by the Court,
23 Ravenswood shall receive additional funding for a period of not
24 less than five years in an amount to be determined by agreement
25 between Ravenswood and the State Department of Education or by
26 order of the Court. Said funding shall be mandated costs

1 pursuant to paragraph 18 of this Order. Should the Ravenswood
2 district experience a decline in enrollment attributable to the
3 Transfer Plan, it shall also be entitled to receive the
4 statutorily provided special funding for districts with declining
5 enrollment. All respondents agree that during the existence of
6 this Order, they jointly and severally shall continue to seek
7 funds as needed from federal, state, and private sources to
8 implement the Court's orders with respect to the consultant's
9 recommendations. No respondent school district except Ravenswood
10 shall have any financial responsibility under this paragraph.

11 c. With respect to any order of the Court
12 described in paragraph 8b, Ravenswood shall plan for the funding
13 of the approved educational practices and programs, and the Court
14 finds that implementation of any such educational practices and
15 programs shall be a mandated cost pursuant to the provisions of
16 paragraph 18 below.

17 9. MULTICULTURAL EDUCATION. Respondent school
18 districts shall participate in the continued progress and
19 development of the Inter-District Interaction Committee
20 cooperative efforts for the purpose of providing more
21 inter-racial educational experience for students attending
22 schools among the respondent districts.

23 10. STAFF TRAINING. Each district or its designated
24 representative shall make itself available upon request to
25 support any district's in-service training program for school
26 personnel focusing on race and human relations.

1 11. CERTIFICATED STAFF. Due to the Transfer Plan, if
2 there is a decline in average daily attendance and/or elimination
3 of a particular kind of service, then Ravenswood has the right to
4 lay off certificated employees pursuant to the provisions of the
5 Education Code. Any teacher laid off as a result of the
6 establishment of the Transfer Plan shall, upon request, be
7 interviewed for any vacant teaching position in respondent
8 districts for which the teacher is credentialed and otherwise
9 qualified. The right to be interviewed shall extend for
10 thirty-nine months from the date of lay-off. No respondent
11 school district will be under any obligation to notify any
12 teacher laid off as a result of the Transfer Plan of any openings
13 or vacancies in its district. A teacher laid off as a result of
14 the Transfer Plan shall not have any preference in hiring or any
15 vested right to be hired by any other respondent district.

16 12. DISTRICT POLICIES. Each respondent school
17 district shall adopt these policies in suitable form:

18 a. Not to discriminate on the basis of race,
19 ethnic background or sex in the employment of certificated and
20 non-certificated staff.

21 b. To offer multi-cultural experiences for
22 students.

23 c. To foster student interaction both inside and
24 outside the classroom.

25 13. SEVERABILITY. The provisions of this Order are
26 severable. That is, the inability to carry out any provision

1 herein or the modification of any provision herein shall not
2 nullify the duty to carry out all other provisions.

3 14. ANNUAL COMPLIANCE REPORT. The State Board of
4 Education by itself or by delegation to the County
5 Superintendents of Education of Santa Clara and San Mateo
6 counties shall monitor compliance with this Order and shall file
7 an annual report with the Court evaluating such performance each
8 July, and shall serve copies of said report on all parties to
9 this suit. For the purposes of this paragraph, service on
10 counsel for petitioners shall be considered to be service on all
11 petitioners.

12 15. STATE AND COUNTY ASSISTANCE. The Superintendent
13 of Public Instruction of the State of California is requested,
14 and The Board of Education of the State of California and the
15 Santa Clara and San Mateo County Superintendents of Schools are
16 directed, to assist the respondent school districts to carry out
17 this Order and any further orders of the Court to the degree
18 consistent with this Order and the duties of their respective
19 offices, and any costs so incurred are found by the Court to be
20 mandated costs pursuant to paragraph 18 below.

21 16. JURISDICTION. The Court shall maintain continuing
22 jurisdiction over this Settlement Agreement and Order until it
23 determines it no longer need do so to implement it. It may only
24 make such further orders as acting within its constitutional
25 authority, and as specifically contemplated by this Agreement and
26 Order. By way of example, but not limitation, orders which are

1 not contemplated by the parties include district dissolution,
2 establishment of a K-8 or K-12 district, establishment of a joint
3 powers authority other than for the administration of a model
4 school program, school closure, school site selection, teacher
5 reassignment, merger of districts, restriction or modification of
6 curriculum, and increase, or (unless paragraph 19c applies)
7 decrease, of students which each district must receive. Any
8 party hereto may be heard by the Court upon proper notice to all
9 other parties hereto with respect to the enforcement or
10 modification of any item set forth in this Order, based on such
11 factors including but not limited to substantial hardship in
12 compliance with the Transfer Plan after the first and second
13 years that transfers are allowed, or the inability to implement
14 this Order at any time with respect to children wishing to
15 transfer or attend a model school. In considering any requested
16 modification or enforcement of this Order, the Court shall make
17 its ruling in light of all the facts and circumstances relating
18 to the whole Order and its goals.

19 17. ATTORNEY'S FEES. Petitioners' claims for
20 attorney's fees and costs are reasonable and fair and are fully
21 settled in the amount of \$185,000 in fees and \$15,000 in costs,
22 to be paid for by each respondent according to the following
23 percentages: State respondents at 19%, Palo Alto at 19%, Redwood
24 City at 19%, Menlo Park at 9%, Belmont at 9%, San Carlos at 9%,
25 Las Lomitas at 5%, Ravenswood at 4%, Portola Valley at 4%, and
26 Woodside at 3%. Liability for attorneys' fees and costs as set

1 forth herein shall not be joint and several. Any party executing
2 this Order and paying its share of attorneys' fees and costs
3 shall have no further liability for fees and costs incurred to
4 date or for trial or appeal of this action. The attorneys' fees
5 paid by the State respondents shall be paid pursuant to the
6 provisions of Code of Civil Procedure §1021.5 and do not
7 represent an hourly rate of more than \$90.00 per hour.

8 18. MANDATED COSTS.

9 a. The parties agree and the Court finds that
10 the costs of compliance with and the monitoring of this Order
11 constitute costs mandated by a final Court order for which the
12 respondent school districts are entitled to reimbursement under
13 §42243.9 and §42249 and §42247 of the Education Code.

14 b. The respondent State Board of Education and
15 its chief executive officer shall assist the respondent districts
16 in documenting their claims for reimbursement under §42243.9 and
17 §42249 and §42247 with respect to costs of compliance with this
18 Order, and will support such claims before the State legislature,
19 the State Controller and the State Board of Control.

20 c. In the event that the respondent districts'
21 claims for reimbursement are challenged, the respondent districts
22 and the State defendants shall report to the Court, identifying
23 the difficulties in obtaining reimbursement. Any of the parties
24 may propose to the Court action designed to protect the integrity
25 and timely implementation of provisions of this Order.

26 19. MISCELLANEOUS.

1 a. The parties agree and the Court finds that
2 during the term of this Order, compliance with this Order shall
3 be deemed compliance with the mandate of the equal protection
4 clause of the California Constitution, Article I §7, and related
5 State statutory provisions with respect to all matters alleged in
6 the Fourth Amended Petition for Writ of Mandate filed in this
7 action.

8 b. In entering into this settlement of a dispute
9 based upon disputed facts, no party is deemed to have made any
10 admission of any such disputed fact. No respondent executing
11 this Order admits liability or any predicate fact necessary to
12 establish liability under the Fourth Amended Petition for Writ of
13 Mandate on file herein.

14 c. Pursuant to this Order, no district shall be
15 required to alter the use of or add any district facility, or
16 adopt or drop any element of its curriculum except as otherwise
17 required by state law.

18 20. CLASS ACTION CERTIFICATION. The parties agree to
19 seek and support and the Court agrees to consider a motion for
20 proper certification of this action as a class action pursuant to
21 the standards of FRCP Rule 23(b)(1) or (2). The parties agree
22 that an appropriate class in this action consists of all children
23 born prior to the date of this Order residing in respondent
24 school districts who are or may be eligible to attend elementary
25 schools in any of the respondent school districts. The
26 respondent school districts shall provide such notice as shall be

1 required pursuant to applicable law, and the parties shall use
2 best faith efforts to complete all steps necessary under this
3 paragraph by April 10, 1986.

4 21. PUBLIC HEARING AND FINAL APPROVAL. This
5 Settlement Order has the support and recommendation of the Boards
6 of Education of the respondent school districts stipulating to
7 approval of the Order subject to this paragraph, except San
8 Carlos and Belmont which find the basic concepts of this proposed
9 Order reasonable and will present it to the public. Formal
10 execution of this Order is hereby deferred. The Boards of
11 Education of the respondent districts may conduct public
12 hearings. The Order shall be implemented if it is subsequently
13 ratified by respondent districts including Palo Alto and Menlo
14 Park comprising at least 66% of the annual transfer spaces
15 identified in paragraph 4n(1) by April 10, 1986. The petitioners
16 agree to continue the litigation against all respondents not
17 ratifying this Order by April 10, 1986, and the petitioners agree
18 not to enter into settlement with such districts more favorable
19 than this Order without the consent of all districts executing
20 this Order.

21
22 APPROVED BY:

WITH THE AUTHORITY FROM AND
ON BEHALF OF ALL PETITIONERS

23
24 Date: _____

By _____

25 Date: _____

By _____

26

1		RAVENSWOOD CITY SCHOOL DISTRICT
2	Date: _____	By _____
3		
4		PALO ALTO UNIFIED SCHOOL DISTRICT
5	Date: _____	By _____
6		
7		MENLO PARK CITY SCHOOL DISTRICT
8		
9	Date: _____	By _____
10		
11		REDWOOD CITY ELEMENTARY SCHOOL DISTRICT
12	Date: _____	By _____
13		
14		LAS LOMITAS ELEMENTARY SCHOOL DISTRICT
15		
16	Date: _____	By _____
17		
18		WOODSIDE ELEMENTARY SCHOOL DISTRICT
19	Date: _____	By _____
20		
21		PORTOLA VALLEY ELEMENTARY SCHOOL DISTRICT
22		
23	Date: _____	By _____
24		
25		BELMONT ELEMENTARY SCHOOL DISTRICT
26	Date: _____	By _____

1 SAN CARLOS ELEMENTARY SCHOOL DISTRICT
2 Date: _____ By _____
3
4 SEQUOIA UNION HIGH SCHOOL DISTRICT
5
6 Date: _____ By _____
7
8 SAN MATEO COUNTY COMMITTEE ON SCHOOL
9 DISTRICT ORGANIZATION
10 Date: _____ By _____
11
12 SANTA CLARA COUNTY COMMITTEE ON SCHOOL
13 DISTRICT ORGANIZATION
14 Date: _____ By _____
15
16 SAN MATEO COUNTY SUPERINTENDENT OF
17 SCHOOLS
18 Date: _____ By _____
19
20 STATE BOARD OF EDUCATION OF THE STATE
21 OF CALIFORNIA
22 Date: _____ By _____
23
24 STATE OF CALIFORNIA
25 Date: _____ By _____
26

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IT IS SO ORDERED:

Date: _____

Judge of the Superior Court

Too Often the Heart of the Matter: California School Finances

by Jack Robertson

As is clear from the text of the *Tinsley* order, what can actually be done to improve education on an equal basis often boils down to money. Merle Fruehling has given me some disheartening statistics regarding California's support of public schools. I know while I was on the SUHSD High School Board we had some terrible choices to make as to where to cut the budget. In the period from 1974 to 1982, California went from eighth to fourth among the states in personal income. During the same period, it went from fifteenth to fiftieth in money spent on public schools; thirtieth to fiftieth on the number of students per teacher; fifteenth to thirty-fifth in the total dollars spent per student. California ended up \$400 under the national average in expenditure per student, and \$1500 to \$2000 below various east coast states and our neighbor Oregon which, not surprisingly, have produced better graduates from their schools.

During this period, with inflation at close to 100 percent, funding to public schools rose only about 65%. In other words, California schools lost about 35% of their funding. Other agencies received increases of about 125% to 300% but not schools. The responsibility for this extraordinary failure belongs with the state legislature and especially with various Governors.

As I write this the picture has changed somewhat and money for schools is more popular, but we have a long way to go. It appears possible that this will be a less severe problem in the future. We will have to wait and see, just as we will have to wait and see if the Mid Peninsula, and California generally, can improve educational equality among its thousands of elementary and high school students.

Academic Performance Index for Tinsley Students

by Peter Burchyns

The Academic Performance Index (“API”) for the 508 *Tinsley* students is 645, which is around the state average. Background information on the API is provided below.

A couple of years ago, the state passed a requirement that schools test all students in grades 2 and above on the Stanford Achievement Test, Version 9 (also called the SAT-9). Students are tested in reading, math, language and spelling. The individual student scores are converted to a single school index, called the API. Students are divided into quintile bands (1–19th percentile, 20–39th, 40–59, 60–79th, and 80–99th) depending on the scores they get in each subject area of the test. If a student scores in the top range (80th to 99th percentile) he is assigned 1000 points (the weighting factor), those in the next range down earn 875 points, down to 200 points for those scoring in the lowest range. Each subject area is weighted—30% for reading, 40% for math, 15% each for language and spelling. The numbers of points that all students were assigned are then added up, weighted, and divided by the number of students tested, yielding the API.

For example, if every student in a school scored above the 80th percentile in every subject area, the school would receive a perfect score of 1000 (no school got that—the highest was about 930). Page 7 of the attachment **The 1999 Base Year Academic Performance Index** gives details on how the API is calculated. The state average for elementary school was 675, for middle schools 657 and for high schools 636. As might be expected, the scores for schools with high percentages of low income students and English Language Learners were lower than average.

The reason that we aggregated all *Tinsley* students into one group rather than calculate their scores was to be statistically reliable; only Palo Alto has this many students at grade 2 and above. The total number of students for whom we have scores—508—is about the number we would find in a large elementary school, so it gives us a good sample size.

I believe that the API of 645 for *Tinsley* students shows that they are making good progress. They are higher than the scores for Ravenswood, but lower than those in the districts they attend. Palo Alto scores were also quite high—800 and above for its schools.

Although they are slightly lower than the state average for all students, we must remember that all of the *Tinsley* students are drawn from the groups that are the lowest scoring. The fact that their scores are close to average is a positive sign.

Another positive sign is that fewer students than average show up in the bottom quintile. Statically on a national scale, 20% of the students must fall into each quintile band. Our experience is that in schools with large percentages of low income students and English Learners, large numbers of students fall into the lowest band; this is not the case here.

Another interesting finding is that the students scored the lowest in math (which is the single area given the highest weight—40%). The districts will look at the kinds of help they can provide in this area. I believe that the most significant thing to arise from this analysis is that we now have a state-mandated common tool to use in tracking the progress of students. Since all schools must use this test, we can finally compare groups of students. Also, providing the state does not reverse its practice, the fact that the same test is administered annually will allow us to track growth longitudinally.

This API gives us our baseline. The state has set 800 as the target for all schools, and directed that schools below this level should make annual progress equal to at least 5% of the difference between the current score and 800. Thus, for our *Tinsley* students the minimum growth target for this year is 8 points:
 $800 - 645 = 155 \times 5\% = 8$.

The last point I would like to make is that the state has said it is going to expand the factors used in determining the API. At present the only factor used is the score on the Stanford Achievement Test. However, in future years, more measures will be added—graduation rates, attendance rates, etc. This will provide a more robust measure of the growth and success of students.

This account and what happened in the San Francisco Mid Peninsula are the result of hundreds of people of good will who wanted a good education for all children. Many of them are still involved. The story is not over, nor is the task of providing equal education. Perhaps it never will be.

Jack Robertson

About The Editor

Jack Robertson was born in Condon, Oregon, in 1916. He attended Grant High School in Portland, Oregon, where he was an honor student. After high school he attended Reed College for one year and then received an appointment as a Midshipman to the United States Naval Academy, graduating in 1938. After graduation he went to work for Pan American World Airways and served as a dispatcher, first for flying boats which left

the East Coast for Lisbon, and later in Seattle and Alaska on routes to the Orient that he helped establish. On December 8, 1941, he was called back into the Navy which took control of Pan American for the duration of World War II. Pan Am became the foundation of the Naval Air Transport Service. Jack continued his work as a dispatcher and manager, both in Alaska and later in Honolulu. He left the Navy in 1946 with the rank of Lieutenant Commander.

After the War, he went back to work for Pan American and became station manager in San Francisco, Pan American's major West Coast base. In 1948, Jack enrolled in Stanford Law School. He graduated in 1951, passed the California Bar Exam in 1952, and began practicing law in Menlo Park.

Jack was elected to the Sequoia High School District Board of Trustees in 1969, a circumstance which led to his involvement in and insights into the events described in this account. He served two terms, leaving the Board in 1976. Thereafter he continued his interest and work in integrated education as a leader of the Mid Peninsula Task Force for Integrated Education and by working as a lawyer for the plaintiffs in both the *Sanders* and *Tinsley* lawsuits.

He was married to Helen M. Robertson for 59 years. Helen died in 1999. Jack has two sons, Dave and Tom, and five grandchildren.

When Jack left the Sequoia Union High School District Board, his fellow Trustees passed the following Resolution:

Sequoia Union High School District Board of Trustees

Resolution No. 525

A Resolution of Appreciation of Jack Robertson

Whereas, he has provided the Sequoia Union High School District with eight years of total commitment dedicated to providing excellent educational opportunities for all district students; and

Whereas, he has demonstrated an unwavering dedication to furthering though the integration of students, staff, and parents education for all students; and

Whereas, by regular visitations to the schools, he has immeasurably increased his knowledge of the educational program of the district and thus enhanced his effectiveness as a board member; and

Whereas, he has demonstrated a willingness to hear all points of view on an issue to be sensitive to the need to bring divergent points of view together; and

Whereas, he has a proven ability to synthesize broad discussion into a motion that can be readily considered by the members of the Board of Trustees; and

Whereas, his actions and expressed sentiments have consistently evidenced the high regard, esteem, and importance with which he holds the students of the Sequoia Union High School District;

Therefore, be it resolved that the Board of Trustees, on behalf of the entire Sequoia Union High School District community, extends its sincere appreciation to Mr. Jack Robertson for his unselfish efforts during the past eight years on behalf of all the students of the district.

Passed and adopted on March 30, 1977, by the following vote:

AYES AND IN FAVOR OF RESOLUTION:

William E. Jordan, MD, President

Helen Hausman

R.W. Dorst

ABSTAINING: Jack Robertson

ABSENT: Timothy F. Wellings, Jr.

ATTEST: R.W. Dorst, Clerk of Said Board

*Editorial: Redwood City Tribune,
February 28, 1974*

Excellent Investigation by School Closings Group

The Redwood City Elementary School District Citizens Committee on School Closings has handled a complex and sensitive issue with a thoroughness, dedication and intelligence which is often lacking in such committees. All 22 members were regular in their attendance during 3¹/₂ months of weekly meetings, and the committee recommendations were thoughtful and reasonable.

Much of the credit must go to committee chair, Mrs. Margaret Marshall, who has proven her organizational abilities as co-coordinator of the parent volunteer program in the district. But the key to the success of the committee was the manner in which the representatives from each school worked together on a solution which would benefit the entire district, rather than withdrawing into "close any school but mine" attitudes, which would have blocked any progress.

Subcommittees visited each of the six K-6 schools under consideration for closing and rated them on facilities, re-sale or lease value, and the disruption closing would cause. They visited McKinley, Hawes and Roosevelt to assess suggestions that one or more of them be converted to a middle school.

Lincoln School came out on the short end of the evaluation yardstick, which is understandable because the school is 58 years old. Closing the school would save the \$50,000 set aside for repair of the fire damage in addition to high maintenance bills. Students would not be required to move great distances, if they were reassigned to Gill, Edison, Clifford, or McKinley.

McKinley Intermediate School, another venerable and expensive to maintain plant, may have turned out to be the favorite for closing had the majority not been swayed by the hard-to-replace facilities at McKinley.

The committee members also showed they had done their homework by recommending establishment of one or more middle schools in the district (a K-4, 5-8 or K-5, 6-8 organization instead of the current K-6, 7-8). As one member put it, there can be no improvement without change.

Hats off to the committee members:

Margaret Streets	Clifford
Ken Seydel	Cloud
Beverly Classen	Edison
Donna Mohua	Fair Oaks
Nancy Ahern	Ford
Glen Behm	Franklin
Lewis Mitchum	Garfield

Doreen Smith	Gill
Etta Hollins	Hawes
Beverly Tornow	Hoover
Jacque Sanchez	Kennedy
Lawrence Gilsdof	Lincoln
Dorothy Brown	McKinley
Barbara Jacobson	Roosevelt
Jim Fregosi	Selby Lane
Carol Baker	Taft
Gloria Skinner	Washington

At large members Ronald Adams, Margaret Marshall,
and Elaine Beal, Secretary

