

The Civil Rights Project



Proyecto Derechos Civiles

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New UC Report Says Districts Struggling to Maintain Diversity Plans Should Look to Berkeley Public Schools for Ideas

Berkeley – The Berkeley Unified School District's plan to maintain diversity could serve as a model for other public schools nationwide that are seeking constitutionally sound desegregation programs, according to a new report by researchers at the Berkeley and Los Angeles campuses of the University of California.

The UC report, "Integration Defended: Berkeley Unified's Strategy to Maintain School Diversity," points out that Berkeley school officials have achieved substantial integration in a city where neighborhoods are polarized by racial-ethnic and socioeconomic status. Moreover, their integration plan was upheld earlier this year by the state appellate court, a decision that the California Supreme Court allowed to stand.

The Warren Institute on Race, Ethnicity and Diversity at UC Berkeley, and the Civil Rights Project/*Proyecto Derechos Civiles* at UCLA, released the report today after completing a year-long analysis of Berkeley Unified's student assignment plan.

The issue of how to ensure a racially diverse student population has become increasingly challenging since a 2007 U.S. Supreme Court split decision endorsed the importance of creating diverse schools, but at the same time limited assignment to public schools based upon an individual student's race or ethnicity. The ruling stemmed from challenges to integration plans in the school districts of Seattle, Washington, and Louisville, Kentucky.

"In the wake of that U.S. Supreme Court ruling, school districts around the country have been struggling to figure out what to do," said Lisa Chavez, research analyst at the Warren Institute and report co-author. "They are finding that they have to revamp their desegregation programs. This report suggests that other school districts should consider whether the Berkeley model might work for them as they revise their efforts at racial integration."

The Berkeley Unified School District first began efforts to desegregate in the mid-1960s, and since then, its racial and ethnic population has become increasingly diverse. By 2008, 30.5 percent of the students enrolled in Berkeley's public schools were white, 25.8 were

African American, 16.6 percent were Latino, 7.1 percent were Asian, and 18.7 percent either identified themselves in multiple categories or did not respond. To integrate the schools, officials had to overcome residential segregation that had become entrenched, the report's authors said.

In 2004, the school district adopted its newest "controlled choice" plan to assign students to elementary schools. In that plan, the city is divided into more than 440 micro-neighborhoods, called "planning areas," with each one assigned a diversity code. The code is based upon the planning area's average household income level, highest level of education obtained by adults, and the percentage of students of color enrolled in grades kindergarten through 5 in public school.

All students in a planning area are assigned the same diversity code regardless of their individual race. Parental preference for schools is considered in the context of a planning area's assigned diversity code.

"Berkeley Unified gets credit for the innovative approach of assigning a diversity code to a planning area rather than to an individual student," said report co-author Erica Frankenberg, research and policy director for the Initiative on School Integration at the UCLA Civil Rights Project. "That distinction is critical, and is what sets Berkeley's integration plan apart from the ones that ended up getting struck down by the U.S. Supreme Court."

Notably, the Berkeley plan was devised in response to constraints imposed by Proposition 209, the California state law prohibiting the sole use of race, ethnicity or gender in determining enrollment to public schools. Proposition 209 predates the 2007 U.S. Supreme Court decision by 11 years.

"California's Proposition 209 imposes a high legal threshold for race-conscious measures," said Maria Blanco, executive director of the Warren Institute. "The fact that the California Appellate Court recently upheld Berkeley's desegregation plan and the California Supreme Court declined to review that decision signals the for school districts around the country looking to voluntarily reduce unacceptable racial isolation in a legally sustainable manner."

To gauge the level of racial diversity, the report's authors examined the composition of Berkeley elementary school students in the 2008-2009 academic year, noting that one grade level of students was admitted before implementation of the current plan. The goal is to have as little variation as possible among the schools in the racial and ethnic makeup of the students.

The researchers compared the racial composition of an individual elementary school with that of all elementary students in the district. The authors determined whether the population of various racial groups deviated more than 10 percentage points from the racial composition among all elementary schools.

By that measure, eight of the city's 11 elementary schools were well integrated. One school had a slightly higher proportion of African American students. Two schools with Spanish-language dual immersion programs had somewhat higher proportions of Latino students compared with the overall average.

The authors noted that the Berkeley school integration plan is not a panacea, and that it

may not be suitable for all cities, but that the significant strides in maintaining racial diversity credited to the plan make it worth serious consideration elsewhere.

"Desegregation is never perfect, but it tries to break the pattern of providing the weakest educational opportunities to the most disadvantaged students," stated Gary Orfield, UCLA professor of education and co-director of the Civil Rights Project, in a foreword to the report. "The Berkeley plan isn't a simple one, and it has not been tried in a wide variety of circumstances over a substantial period of time, but it should give the leaders of suburban and small city districts confidence that there are newer creative solutions to the bind they face."

The report is available online through the web sites of the Civil Rights Project (<http://www.civilrightsproject.ucla.edu>) and the Warren Institute (<http://www.warreninstitute.org>).

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About the Civil Rights Project/*Proyecto Derechos Civiles* at UCLA

Founded in 1996 by former Harvard professors Gary Orfield and Christopher Edley Jr., the Civil Rights Project/*Proyecto Derechos Civiles* is now co-directed by Orfield and Patricia Gándara, professors at UCLA. Its mission is to create a new generation of research in social science and law on the critical issues of civil rights and equal opportunity for racial and ethnic groups in the United States. It has commissioned more than 400 studies, published 13 books and issued numerous reports from authors at universities and research centers across the country. The Supreme Court, in its 2003 *Grutter v. Bollinger* decision, cited the Civil Rights Project's research. The briefing was made possible with the support of the Open Society Institute and the Ford Foundation.

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