



THE CHIEF JUSTICE EARL WARREN INSTITUTE
ON RACE, ETHNICITY & DIVERSITY
UNIVERSITY OF CALIFORNIA, BERKELEY LAW SCHOOL

The Civil Rights Project
Projecto Derechos Civiles



EXECUTIVE SUMMARY

INTEGRATION DEFENDED: Berkeley Unified's Strategy to Maintain School Diversity¹

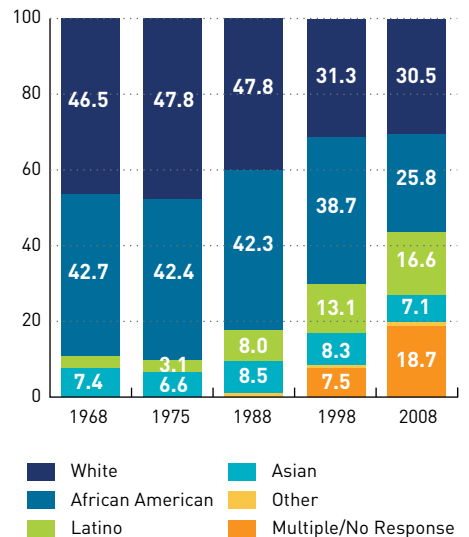
By Lisa Chavez and Erica Frankenberg

Berkeley Unified School District's (BUSD) integration efforts are important to other districts around the country, even if those districts currently lack the multiracial diversity of Berkeley, or different history of integration policies. Now on its third major integration plan guiding student assignments, BUSD has maintained a consistent commitment to diverse schools, even as legal options and political considerations around school integration have shifted and the district's population has changed from a largely black and white one to a multiracial one (see figure).

In 2004, BUSD adopted a student assignment plan centered on a unique, multi-faceted conceptualization of neighborhood diversity that sought to provide equitable schooling choices for families and to integrate the district's 11 elementary schools by race, household income, and family educational background. As the district implemented the plan, it adopted procedures to ensure that its choice-based system did not advantage any group of families in the district while actively promoting school equity to make all schools attractive options for families.

The BUSD integration plan has recently received attention in the wake of the 2007 U.S. Supreme Court ruling regarding race-conscious voluntary integration efforts in Seattle, Washington and Louisville, Kentucky (*Parents Involved in Community Schools v. Seattle School District No. 1*). BUSD's plan, despite the district's neighborhoods that are deeply segregated by race-ethnicity, has successfully integrated all of its elementary schools without considering the race-ethnicity of individual students, a practice that a majority of Justices deemed was unconstitutional. Instead, BUSD uses geography on two different levels: (1) three attendance zones and (2) 445 "planning areas" consisting of 4–8 residential blocks that are assigned a diversity category according to the area's racial-ethnic, economic and educational demographics. All students residing in each planning area have the same diversity code as other students in that planning area for school assignment purposes. While the current plan considers the racial composition of each planning area, it does not consider the race-ethnicity of individual students,

Berkeley Unified School District Enrollment, 1968-2008



Sources: U.S. Commission on Civil Rights, 1977; California Department of Education

a critical difference and a major reason the Justices rejected Seattle and Louisville's plans.

Earlier this year, the California Supreme Court declined to review the appellate court's decision upholding the legality of the district's integration plan; the decision noted the district did not use students' race-ethnicity in a way that violated Proposition 209, a state initiative that prohibits the preferential or discriminatory use of race-ethnicity in public institutions.

1. For a copy of the full report see www.warreninstitute.org or www.civilrightsproject.ucla.edu.

THE CURRENT PLAN

The Berkeley Unified School District is coterminous with the city boundaries of Berkeley, California. The district currently enrolls 9,000 students in eleven elementary schools, three middle schools, one comprehensive high school and one small continuation high school; there are no charter schools. Nearly 41% of students receive free and reduced lunch and one-eighth are classified as Limited English Proficient.

The current BUSD student assignment plan uses geography on two different levels. First, the district is divided into three elementary school zones (Northwest, Central, Southeast), and two middle school zones, each of which incorporates affluent and primarily white areas of the city and areas that are predominately non-white and lower income (see figure below). Second, the district is divided into 445 “planning areas” that are assigned

a diversity category (or “code”) of one, two or three according to their demographics. The composite diversity categories are based on Census and BUSD data regarding household incomes, education attainment of adults 25 and older, and percentage of students of color enrolled in K-5 at BUSD in each planning area. Each of these diversity components is weighted evenly to formulate the final diversity composite. In general, planning areas designated as category three have low percentages of non-white elementary school students and higher than average household incomes and levels of education among the adults. Planning areas categorized one are typically the opposite, and planning areas categorized as two are, in general, in between. All students living in a particular planning area are assigned that area’s diversity category for assignment purposes, regardless of the race-ethnicity, income, and levels of adult education in their individual households.

ASSIGNING STUDENTS TO SCHOOLS

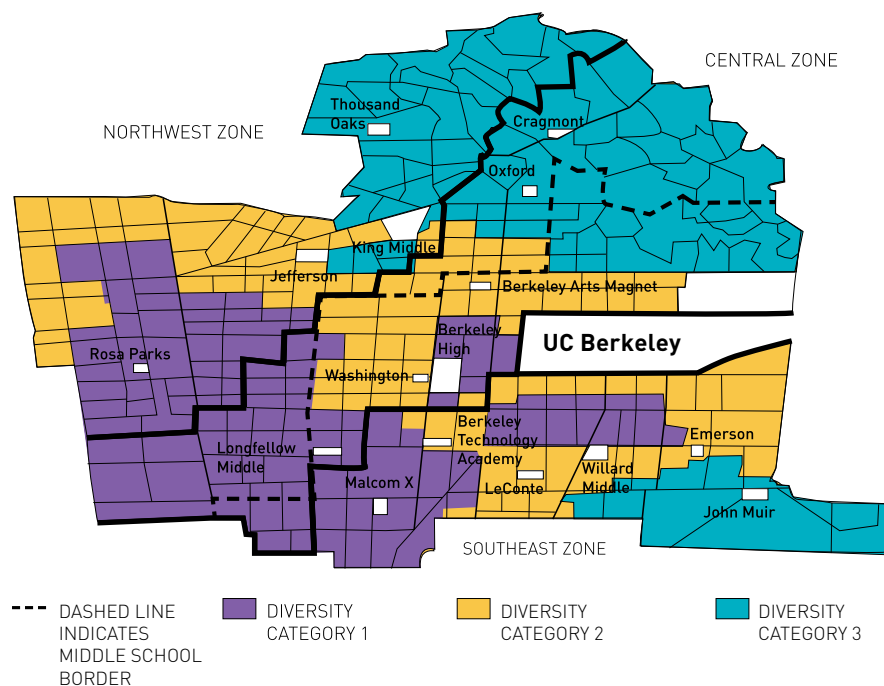
Families are allowed to choose up to three schools and three Spanish dual immersion and/or bilingual education programs for assignment. The district assigns students to schools and programs using a software program specifically designed for BUSD. All enrolled elementary students are first assigned to the school they currently attend. Applicants who are Berkeley residents are assigned to schools using the following priorities:

1. Berkeley residents who are siblings of any current student attending the school and who will continue in attendance for the upcoming year
2. Berkeley residents living within the attendance zone
3. Berkeley residents living outside the attendance zone

These priorities apply to all applicants regardless of whether they are new to the district or are currently enrolled students requesting an intra-transfer. First, the software program assigns students to dual immersion and bilingual programs; next, students are assigned to general programs. As it seeks to build grade-level enrollments that reflect the zone-wide diversity, the software considers the diversity categories of students, which are based on the planning area they live in, as it assigns students by each priority category.

The goal of the elementary student assignment plan is for all grade levels at each elementary school to approximately reflect (within 5-10 percentage points) the zone-wide distribution of diversity codes one, two, and three. Each zone has different distributions of these three diversity codes; as such, the diversity category distribution at each school may vary

Berkeley Unified School District Composite Diversity Map



depending on the zone it is located in (see table to the right). Prior to assigning students, the Manager of the Admissions Office determines grade-level capacities at each school and estimates each attendance zone's diversity category distribution based on multi-year averages of applicant pools and enrollment. With this information the estimated proportion of students from each diversity code to be enrolled at each grade-level at each school is identified.

The 2004 plan primarily applies to the elementary schools, although the same principles apply for assignment to Berkeley High School's (BHS) four small schools and two programs. Potential BHS students must choose at least one program to enroll in while they have the option of choosing one of the small schools. The goal guiding assignments in these six smaller units at BHS is for all units to reflect BHS' school-wide diversity as measured by the school-wide diversity code distribution. Most students are assigned to the school in their middle school zone unless they request the middle school outside their attendance boundary and space is available. A third middle school, Longfellow Magnet, has no attendance boundary and can be chosen by all students; no students are assigned to this school unless they request it.

RACIAL AND SOCIOECONOMIC INTEGRATION OF BUSD SCHOOLS

Achieving racially and economically diverse schools is a two-stage process for districts: they must attract and hold a diverse study body and enrollment must be distributed relatively evenly. BUSD is attractive to residents: the majority (77%) of Berkeley residents

Composite Diversity Among Berkeley Unified School District's Elementary Schools: Kindergarten Enrollment – Fall 2007

	DIVERSITY CATEGORY 1		DIVERSITY CATEGORY 2		DIVERSITY CATEGORY 3		Number of Students
	%	Variance from Zone-Wide Diversity	%	Variance from Zone-Wide Diversity	%	Variance from Zone-Wide Diversity	
Northwest Zone	52.5		25.8		21.7		198
Jefferson	42.9	-9.6	35.7	9.9	21.4	-0.3	42
Rosa Parks	51.4	-1.1	23.0	-2.8	25.7	4.0	74
Thousand Oaks	58.5	6.0	23.2	-2.6	18.3	-3.4	82
Central Zone	45.0		32.6		22.3		242
Cragmont	47.5	2.5	27.9	-4.7	24.6	2.3	61
Oxford	54.1	9.1	24.6	-8.0	21.3	-1.0	61
Washington	37.3	-7.7	40.7	8.1	22.0	-0.3	59
Berkeley Arts Magnet	41.0	-4.0	37.7	5.1	21.3	-1.0	61
Southeast Zone	58.3		28.2		13.6		206
Emerson	61.9	3.6	26.2	-2.0	11.9	-1.7	42
John Muir	63.4	5.1	19.5	-8.7	17.1	3.5	41
LeConte	54.1	-4.2	31.2	3.0	14.8	1.2	61
Malcolm X	56.5	-1.8	32.3	4.1	11.3	-2.3	62

Source: Adapted from BUSD document titled "Berkeley Unified School District Composite Diversity Outcome"

enrolled in K-12 schools opt to attend public school, although this varies by race-ethnicity.

The current BUSD student assignment plan produces substantial racial-ethnic diversity across the district's elementary schools but is not as effective at integrating schools by socioeconomic status (see table on next page). In elementary schools, there is less variation among white and Asian students while black and Latinos students are disproportionately enrolled in some schools in comparison to their overall percentage of the elementary school enrollment and not as much in others. There is more disparity between schools when examining student poverty than race-ethnicity: a majority of the elementary schools and all middle schools vary five percentage points or more from the district low-income percentage. While integration varies by racial group and less integration exists in the middle schools compared with the elementary

schools, in general, the integration across the district is fairly high.

BUSD PRACTICES THAT PROMOTE DIVERSITY

Drawn from a year-long study of the BUSD integration plan, this report reviews the district's historical commitment to desegregation, describes how the current plan works, analyzes the extent the plan desegregates the schools despite being located in racially and socioeconomically segregated neighborhoods, and discusses the plan's implementation including the policies and practices that promote participation in its controlled choice assignment plan and matriculation once assigned. Key findings include:

- Berkeley is using geographical zoning in an innovative way to promote diversity. Zoning remains an important tool that districts may use in their pursuit of diversity.

Deviation from System-wide Racial-Ethnic & Economic Composition in BUSD among Elementary & Middle Schools, 2008-2009*					
	ASIAN/ PACIFIC ISLANDER	BLACK	LATINO	WHITE	FREE / REDUCED LUNCH
Elementary Schools					
Composition Across All Schools	7.6%	18.4%	21.5%	30.4%	48.0%
# of Schools whose Percentage Deviates 10% or More	0	1	2	0	2
# of Schools whose Percentage Deviates 5% or More	1	4	7	1	6
Middle Schools					
Composition Across All Schools	9.1%	17.4%	28.3%	27.2%	47.8%
# of Schools whose Percentage Deviates 10% or More	0	0	0	1	0
# of Schools whose Percentage Deviates 5% or More	0	2	1	2	3

Source: California Department of Education

Note: There are 11 elementary schools and 3 middle schools in BUSD; Free/reduced lunch data from 2007-2008.

* American Indian/Alaskan Native are 0.3% of the district enrollment & those that either gave multiple racial-ethnic responses or no responses at all account for 20.9% of elementary students.

- The district proactively engages in a series of practices to counteract the stratifying effect that educational choice policies often have when families of varying resources navigate a school choice system. These practices include offering a simplified application process and ample opportunities to learn about the schools, and conducting outreach to the city's low income residents. In addition, the district monitors each school's applicant pool diversity distribution to ensure enrollments will reflect the projected zone-wide diversity distribution and manages the wait lists in an equitable manner by applying the priority categories and considering diversity goals when offering students new assignments.

- The plan is successful in matching families with their choices: 76% of families received their first choice school or dual-immersion language program for 2008-2009

kindergarten placement, 8% received their second choice, 9% received their third choice and 7% were assigned to a school they did not choose.

- For a choice program to successfully integrate schools, there must be schooling options that attract students from all backgrounds. To do so, BUSD promotes school-site equity by minimizing differences and discouraging competition between them. While there is variation in faculty racial-ethnic diversity across schools there is not a strong relationship between the percentage of white students and the percentage of white teachers as is often the case.

- There is mixed evidence that BUSD has convinced its families that all elementary schools in the district are equal. There is variation in requests for schools and matriculation rates among families assigned to them. Among families that

participated in the earliest round of kindergarten assignments in 2008, there is variation in matriculation by choice received: 84% of those receiving their first choice matriculate compared with 67% of those who did not receive their first choice. However, the majority of families across all racial-ethnic groups and educational levels matriculated.

CONCLUSION

The 2007 U.S. Supreme Court decision was portrayed as one dramatically limiting or ending voluntary integration. The Court acknowledged that there are compelling reasons to voluntarily pursue integration: to prevent racial isolation and to create diverse schools. Berkeley is an important example of how school districts can pursue this goal without relying on individual racial classifications. BUSD demonstrates that what may appear to be insurmountable legal barriers to integration—Proposition 209 and *Parents Involved*—can be overcome.

Smart, committed educators in Berkeley with an understanding of the legal parameters have adopted an integration plan that combines an assignment strategy of using zones at two levels with educational reform in improving and equalizing all schools to be attractive, and with outreach as a way to promote successful integration. Other communities fearful that no option to prevent re-segregation remains but who understand the important educational and social benefits of integrated schools should seriously consider this model.

The Chief Justice Earl Warren Institute on Race, Ethnicity & Diversity at the University of California, Berkeley Law School is a multidisciplinary, collaborative venture to produce research, research based policy prescriptions, and curricular innovation on issues of racial and ethnic justice in California and the nation. For more information about the Warren Institute please visit www.warreninstitute.org. The Warren Institute gratefully acknowledges the support of Ford Foundation.

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