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Prepared by Schools
Better
Neighborhoods

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Equity Beyond Dollars

*California's Choice for Children—
Lessons Learned* Winter 2004/2005

“ We’ve got to say, if a facility can be used by a school district, and a facility can be used by the city and they can jointly work out between the two of them how they can be used—then the taxpayer’s a winner, the school’s a winner, the city’s a winner. Everybody’s a winner!”

- California State Senator Jack Scott

A report funded by
The Rockefeller Foundation

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“*There is no short-term solution to the long-term condition of more and more young people needing to be educated...So I say to all decision-makers – members of school boards, state legislatures, governors, and the majority in Congress – we need to think long term, we need to think permanent, and we need to get on with the business of building schools that can truly be centers of community and centers of learning. We have a window of opportunity here.*”

- Former U.S. Secretary of Education Richard Riley

Overview



For more than a half century, California has led the nation in public education—for both good and ill. During the 1950s and 60s, the state created the country’s finest public education system. But since the mid-70s, the state saw the quality of its public education collapse. The whole state has suffered, but nowhere more so than its low-income and minority communities. Instead of serving as healthy centers of community life, many of California’s inner-city and inner-suburban schools have become overcrowded neighborhood eyesores and danger zones, isolated and ineffective islands alienated from their communities. They are simply unable to provide the education that low-income children need to compete in today’s economy and achieve the American dream.

The state of the current system presents California’s policymakers with a particularly bitter irony, for the state was a pioneer in judicial attempts to equalize school funding. *Serrano v. Priest*, originally decided in 1971,¹ was the crowning achievement of the last generation’s educational equity movement. *Serrano* was so politically significant that President Richard M. Nixon highlighted it in his 1972 State of the Union address, and numerous states followed California’s lead. If any state should **not** have an educational equity problem, it is California. And yet the inequity persists, darkening the state’s future and choking off genuine equality of opportunity.

This report explains why. Two principal reasons best explain the gap between public education’s promise of equity and performance in California:

- **The Gaps in *Serrano*.** While *Serrano* shifted a majority of education funds from the local level to the state level and theoretically limited differences in per-pupil spending between school districts to narrow margins, its mechanics left out nearly as much as they included, most importantly in the field of facilities construction. Most significantly, funds available for facilities construction remained tied to an obsolete and discriminatory process favoring wealthy suburban districts over poorer urban ones. For several decades

¹ 487 P.2d 1241 (Cal. 1971). This decision is sometimes referred to as “Serrano I”; it first established the legal principle that disparities between school districts in per-pupil funding raised a cause of action under the Equal Protection Clause of the California Constitution. Five years later, the California Supreme Court put more teeth into the principle, holding that school districts’ per-pupil spending must be equalized within a \$100-per-year band. See *Serrano v. Priest II*, 557 P.2d 929 (Cal. 1976). *Serrano II*, however, did not cover school facilities funding, and this omission carried enormous costs for poor urban school districts, as this report makes clear. For a general background on the *Serrano* decisions and how they fit into California’s school finance system, see Richard F. Elmore & Aubrey Wallin McLaughlin, *Reform and Retrenchment: The Politics of California School Finance Reform* (1982).

taxpayers in poorer urban districts have effectively subsidized wealthier exurban districts and many wealthier districts were better able to afford local bond issues. The results of these gaps turned the intent of *Serrano* on its head and made a mockery of its promise. Recent changes in state law have begun to improve the situation, but the effects of decades of inequity will take time and vigilance to resolve.

- **Equity Beyond Dollars.** Just as importantly, California’s experience reveals that equity by formula, while necessary to achieve true equality of opportunity, is not nearly sufficient to accomplish the job. Focusing on funding allocation formulas alone obscures the central insight that *schools can only provide effective education to low-income children when they are an integral and positive part of the communities around them. The most successful efforts at educating poor children occur only when schools actively anchor and sustain an integrated process of neighborhood empowerment and revitalization.* As former U.S. Secretary of Education Richard Riley has often said: “Schools which are built or maintained as islands in inhospitable neighborhoods consistently fail to achieve excellence.” New Schools/Better Neighborhoods is intent on mitigating intergovernmental competition, breaking down silo-like barriers to collaboration, and supporting efforts to build mixed-use, neighborhood centered schools which overtly reconnect our public schools with our neighborhoods.

This monograph will justify these two conclusions by examining both the history of California’s incomplete efforts to attain funding equity, and several case studies of how planned integration of schools into the fabric of communities has improved equity of educational opportunity.

This report documents how, over time, California has created a Rube Goldberg-like contraption for funding school construction, a contrivance comprised of statutes, judicial decisions, consent decrees, and voter initiatives which essentially serves to systematically discriminate against poor urban school districts. Even though urban districts serve the largest number of poor, at-risk children, bureaucratic and other legal requirements often turn them into helpless giants when it comes to accessing scarce facilities construction dollars to build learning environments.

Recent years have seen a marked improvement in the allocation process. Today there is a renewed dedication to ensure that California’s public education systems ensure fairness and accountability in connection with the allocation of financial resources, the maintenance and repair of school facilities, and the planning and construction of new school sites.

Local voters have affirmatively supported a host of school facility bonds that have no historical precedent. We are in the middle of an unprecedented — and necessary — wave of public spending on school facilities in the state, particularly in metropolitan Los Angeles. This investment of billions of public dollars represents a once-in-a-generation opportunity to address not only inequitable school facility allocation practices, but place-based inequities that we now know affect the trajectory of children’s lives as much or more than does formal education — as much or more than does providing a roof over a classroom seat.

Over the last five years, for example, voters in Los Angeles County have approved local school bonds totaling more than \$9.5 billion, while voters statewide have approved another \$34 billion in school bonds. This unmatched commitment of public dollars includes a \$3.8-billion Los Angeles Unified School District bond and a \$12-billion state school facilities bond approved as recently as March 2, 2004. This money — and still more — is needed after years of neglect to relieve intense overcrowding and educate the future workforce of our region and state. In the Los Angeles school district alone, an indisputable need exists for 200,000 new classrooms — 40,000 of which have yet to be funded — and 200 new public schools.

However, no bond issue will accomplish much under the current silo-management culture of state and local education bureaucracies. Because students' lives do not stop at the schoolhouse door, schools cannot either. Although public health and urban planning, for example, emerged with the common goal of preventing urban outbreaks of infectious disease, there is little overlap between the fields today. The separation of the fields has contributed to uncoordinated efforts to address the health of urban populations and a general failure to recognize the links between the built environment and health disparities facing low-income populations and people of color. Unhealthy children, children who lack the after-school and extracurricular support so crucial to success, children who enter kindergarten without the ability and tools to learn in a school setting make poor students, and are woefully shortchanged by a system that cannot look beyond the classroom. Thus, an approach to fundamental equity that extends beyond dollar-for-dollar formulas must examine, to be comprehensive, the full portfolio of children's needs — needs that demand attention beyond the schoolhouse.

A broad examination of the factors affecting children's achievement spotlights new needs including: safe recreational areas, access to after-school programs, preschool, and health care, as well as a supportive and vibrant community. It reveals what has been all too absent from school facilities planning: that co-location of basic social services with schools creates synergies; that when families can safely and efficiently address more of their children's needs at a single site integrated into their community, they are more likely to do so, to the benefit of communities, families and their children.

From this revelation a blueprint can be drawn to provide true equity of educational opportunity. *By making schools the centers of our communities, by integrating and co-siting other key community services with public schools, and by addressing the needs of communities and their children when they extend beyond the schoolhouse door, we can begin to fully realize the promise of educational equity for all.* For the past six years, New Schools/ Better Neighborhoods has worked to demonstrate the potential of community-centered schools to provide concrete improvement in children's educational opportunity in dense urban and inner-suburban neighborhoods.

This report shares the results of NSBN's efforts to date and suggests how these models can be replicated nationwide. *Among other lessons, we've learned that to build the capacity to develop schools as centers of community, public policy must fundamentally — and*

radically — change to accommodate a holistic vision of public education and the role of the community. The core of the issue is that current practices, policies and governing structures that define public education's relationship to the broader community are inadequate — too silo-like to meet the demands for equity of opportunity.

At a time when state and local governments are facing severe budget constraints, they are unusually open to the leveraging of scarce public dollars. There is an urgent need, in fact, to develop new arrangements and incentives that encourage increased collaboration between neighborhood residents, schools, local government agencies, civic and community-based organizations. Just as teachers must learn new skills to keep up with students' changing needs and schools need to modernize, our public institutions need to develop new planning approaches, policies, and governing structures that allow us to spend public tax dollars in a collaborative way to maximize their effect.

The case studies presented in the latter half of this report illustrate effective current examples of this kind of leverage in action. More than mere anecdotes, these cases represent a practical and *replicable* model for community-centered school development that smartly leverages scarce public dollars to realize better educational outcomes, healthier neighborhoods, and meaningful equity for all children.

A History of Inequality

Public School Funding



ONE-THIRD of California's children receive an inferior education because of the poor conditions in their public schools. Forced to attend classes in neglected and substandard facilities, these children are being cheated. Economically disadvantaged and mostly minority children bear the brunt of the state's failure to serve those who most need public help.

The physical artifacts of that failure are starkly evident in our public schools: cramped, overcrowded classrooms; infested and toxic conditions in public school facilities; neglected maintenance and repair schedules, and more.

Today's injustices are largely the result of a patchwork system of school financing that until recently systematically benefited newer suburban and edge-city school districts at the expense of predominantly poorer inner-city and inner-suburban districts. The result has been an unfair and unequal distribution of billions of dollars in state bond funds.

Past efforts by poorer, urban school districts to obtain public funds confronted complex and overwhelming challenges, even as they faced explosive student population growth and deteriorating facilities.² Too often, state bureaucrats ignored the pleas of the neediest schools in favor of proposals submitted by wealthier suburban and exurban districts that used their access to land, capital, and hired expertise to gain and maintain competitive advantages within the convoluted funding structure of the California State Allocation Board (SAB).

Recently, legal challenges, legislative reforms, and voter approvals of new bonds have begun to address the inequality of the funding infrastructure. Significant reforms in the state's facilities financing system are now paving the way for a more equitable distribution between school districts and will close the gap in dollar-for-dollar equity. But much more work needs to be done in order to make the facilities funding system truly equitable.

To fully understand the scope of the inequality of California's school facilities funding policies and practices, one must delve into a discussion of the sources of funds for state school facilities construction and modernization. It is essential to comprehend the tenets

² See *Williams v. State of California*, *supra*.

of Proposition 13 and Proposition 1A and how the inefficiencies and inequalities embodied in those popular, voter-approved initiatives ultimately led to the creation of Proposition 47, currently the most evolved system, yet not the solution, for the equitable distribution of state school bond funds.

Proposition 13 – The Transfer from Local to State Authority

In 1978, California’s voters approved Proposition 13 and added Article XIII A to the state Constitution. This amendment limited the tax on a property to one percent of its assessed value, capped annual increases in assessed value at one percent, and provided that property would only be reassessed when it changed ownership or was substantially improved.

While this amendment protected homeowners from skyrocketing property taxes, it hamstrung the ability of local governments to raise revenues to fund public education and school construction. Prior to Proposition 13, school districts had relied on property taxes for most of their funding. Proposition 13 drastically reduced the utility of property taxes as a funding stream. Furthermore, under the new system the state was given responsibility for allocating local property taxes among the different governments within counties. With their primary funding stream cut sharply and placed under state control, school districts effectively ceded decision-making authority over education finance to the state government.³

Compounding the problem, the state then adopted convoluted procedures and formulas that discriminated against poor urban and inner-suburban school districts. The newly established State Allocation Board (SAB), vested with the responsibility for allocating billions of tax dollars intended for public schools throughout the state, was controlled primarily by relatively affluent school districts based in edge cities and suburbs far from urban areas where need was concentrated. Leaders, legislators and lobbyists from these suburban and exurban districts were able to shape SAB’s complex funding application process (which in 1989 had 54 discrete steps) to benefit districts with ready capital, standardized plans, and plentiful space for development — assets widely available in exurban areas, but in short supply in the inner city.

For example, districts in growing exurban cities were able to supplement facilities modernization and construction funds with developer fees, providing them with the funds necessary to draw down state dollars and gain approval for projects. The ability of wealthier suburban districts to levy such fees represented only one example of a mechanism not readily available to crowded, generally poor urban districts which had few, if any, construction

³ Proposition 13’s effect on the school finance system has led to a heated debate concerning causality. Indeed, according to one influential theory, school finance equalization caused Proposition 13 by removing local homeowners’ incentives to tax themselves; on this theory, homeowners destroyed the traditional property tax system because they realized that their taxes would not automatically go to their own local schools. A thorough critique of this thesis, and an explanation of how school finance equalization and Proposition 13 interacted, is found in Kirk Stark & Jonathan Zasloff, *Tiebout and Tax Revolts: Did Serrano Really Cause Proposition 13?*, 50 UCLA L. Rev. 801 (2003).

proposals to consider. The result was simply greater disparities between the “haves” and “have-nots.”⁴

SAB’s policies were not the only source of increased disparities. The California Office of Public School Construction (OPSC) retained the power to determine the order and ranking of school district projects to be considered for approval by the SAB. School districts without consultants or influential groups to lobby the OPSC and SAB on their behalf found themselves operating at a distinct disadvantage when trying to secure funding, or even cut out of the allocation process altogether.

Proposition 1A – The Construction and Modernization of Schools

It took 20 years after the passage of Proposition 13 for state leaders to finally act on the problem. Proposition 1A, which was approved by voters on November 3, 1998, was intended to create a more level playing field for school

	Funds Available Immediately	Funds Available After July 2, 2000
New Construction (Growth)	\$1.35 billion	\$1.55 billion
Modernization	\$.8 billion	\$1.3 billion
Hardship Cases	\$.5 billion	\$.5 billion
Class-size Reduction	\$.7 billion	
Total	\$3.35 billion	\$3.35 billion

districts by providing \$6.7 billion in much-needed construction and modernization funds for kindergarten through 12th grade schools. The measure simplified the complex application process created by the SAB and capped developer fees. Unlike previous legislation, the timing and allocation of bond funds in Proposition 1A was specific. The above chart summarizes the total resource allocation provisions under Proposition 1A.

School districts applying for “New Construction” funds would have to finance half of the cost of construction themselves through local general obligation funds, developer fees, Certificates of Participation, Mello-Roos bonds, or a combination thereof.⁵ Those applying for “Modernization Funds” would themselves have to finance 20 percent of the project, the remaining 80 percent of which would be funded by the state. School districts applying for “Hardship Funds” would be treated more generously — they could have their emergency construction or modernization fully funded by the state. In addition, Proposition 1A

4 Cohen, Joel. “School Facility Financing: A History of the Role of the State Allocation Board and Options for the Distribution of Proposition 1A Funds” at p. 16. According to Cohen, developer fees reached a high of \$8,700 per house in San Diego and Orange Counties in 1987. Furthermore, state-wide developer fees increased from \$31 million in 1978 to \$200 million in 1997.

5 All of these mechanisms have evolved as a means for local school districts to leverage their ability to compete effectively for state funds. With voter approval, school districts can issue general obligation bonds for school renovation and construction, financed by increased property taxes. They may also levy a fee on developers for new residential and commercial construction, subject to a state-imposed cap. Local governments, including school districts, may create Mello-Roos Community Facilities Districts and levy a tax within the district to finance capital improvement bonds. School districts may also issue Certificates of Participation – debt paid off with general fund dollars.

established a priority point system for other school construction projects should bond funds become depleted. However, this system later proved inadequate.

While determining the amounts and timing of the \$6.7 billion of state bond money, Proposition 1A also sought to address the inefficient and inequitable distribution of SAB fund disbursement by simplifying, consolidating and clarifying the application process and reducing the number of financing phases. Rather than continue to allocate funds based upon the projected cost of a project, a method that enabled school districts to request additional monies for cost overruns, the state instead based funding on a per-pupil formula.⁶

In addition, Proposition 1A served to consolidate the SAB's fund allocation process. It reduced the number of programs administered by the SAB from 13 to two (three, if Hardship Cases are counted), and made the fund allocation process more transparent by requiring SAB to adhere to State Administrative Procedures Act guidelines. This compelled the SAB to report changes in policy or regulation to the public before it could act.

Finally, Proposition 1A placed a cap on the amount of fees school districts could impose on developers — a necessary political compromise designed to attract developers' campaign dollars to support the measure, but also a leveling mechanism that reduced the comparative advantages of exurban districts. School districts could charge developers no more than \$1.93 per square foot on residential buildings and \$.31 per square foot on commercial or industrial buildings. These amounts were to be determined by the SAB and could only be raised under certain conditions. For instance, a district could increase developer fees to fund the 50 percent matching requirement for new school construction if, (1) the district was overcrowded, and (2) it could not raise the necessary funds via a local bond offering. In extreme cases, a district could require developers to pay for 100 percent of new school construction if state bond money was totally unavailable.

Yet Proposition 1A was far from perfect. The system continued to penalize urban districts in greatest need. SAB's perpetuation of the "first-come, first-served" application process hindered the ability of school districts to secure new construction funds, and completely ignore need-based allocation of funds. For example, a completed application required a district to have bid-ready construction plans, specifications, and a site approved by both the California Department of Education and the California Office of the State Architect. To receive such approvals, applicant school districts faced the daunting requirement of completing all necessary environmental cleanup operations. Unlike districts located in land-rich suburban and exurban areas, urban districts typically required more time to prepare the necessary application materials because usable land was not readily available and, when sites were found, they tended to require more site-specific planning and environmental cleanup. The entire \$1.3 billion of school modernization funds available as of July 2000 was allocated at the SAB's July 2000 meeting. Many school districts in need were left without funding

⁶ Cohen, Joel. "School Facility Financing: A History of the Role of the State Allocation Board and Options for the Distribution of Proposition 1A Funds" at p. 7. (The formula described above is based upon a statewide average cost for construction which is adjusted for inflation every January.)

because districts with the ability to meet all of the requirements set in the SAB application process were able to complete and submit proposals without delay.

The new system also allocated more money to school districts able to provide matching funds. Because of this practice by the state oversight agency, low- and moderate-income districts were again at a disadvantage in seeking state funding. Furthermore, the system of allocating funds on a per-pupil basis placed an added burden on urban districts which face relatively higher construction costs and a paucity of available land for school construction.

One view of the process would maintain that the SAB committed nothing more than a sin of omission — that is, it unintentionally allocated funds inequitably because it did not have an adequate triage system in place to assess the urgency of each district’s demands and, consequently, did not know which districts had the greatest need. However, another view could argue that the SAB knowingly depleted state school bond money using a first-come, first-served process rather than implementing the need-based priority system established by law in order to avoid dealing with the complexities of schools operating in land-scarce, low-income communities throughout the state.

Proposition 47 – A Focus on Critically Overcrowded School Facilities

Proposition 47, the Kindergarten to University Public Education Facilities Bond Act of 2002, attempted to address many of the problems brought to light by critics of Proposition 1A. This \$13.05 billion bond measure, the largest in state history, provided funds for new school construction and modernization in overcrowded and growing districts. It allocated \$11.4 billion for construction and renovation of K-12 school facilities divided between the following categories:

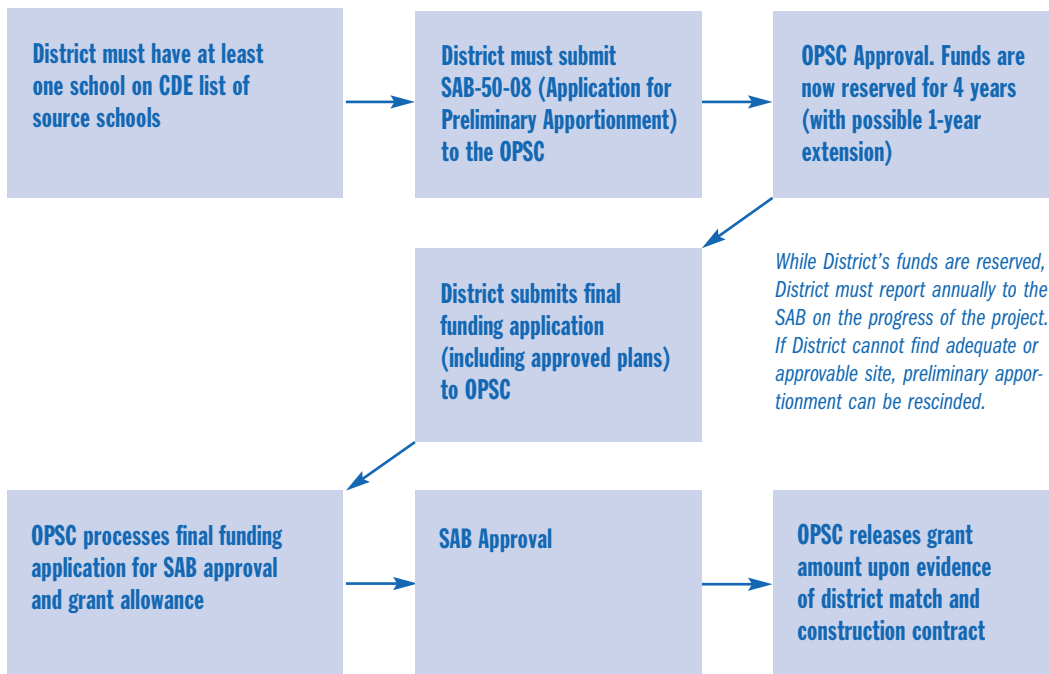
- \$4.8 billion for Pipeline Projects — those projects already approved by the SAB for which no bond funds had been available — with \$2.9 billion designated for construction and \$1.9 billion designated for modernization.
- \$3.45 billion for New School Construction Projects, with \$100 million designated for charter schools.
- \$1.4 billion for Modernization Projects.
- \$1.7 billion for Critically Overcrowded Schools (schools with a pupil density over 115 pupils per acre in grades K-6 or over 90 pupils per acre in grades 7-12)
- \$50 million for Joint-Use Facilities.

The creation of a separate funding category for Critically Overcrowded Schools (COS) was a result of the recognition by legislators who crafted Proposition 47 of the challenge of identifying and acquiring school sites in densely populated urban areas. According to Rick Simpson, Policy Director for the Speaker of the California Assembly, “On paper all of the eligibility requirements [for funding] are the same for everyone, but if you qualify for this COS set-aside, you have more time — three, four or five years — to go through the land

acquisition and toxic cleanup that everyone else may be able to do in 14 months.”⁷ In other words, Proposition 47 allowed a school district containing one or more COS to apply for a special preliminary apportionment of funds for a new school construction project. The district could do so without an identified site, completed environmental cleanups, or bid-ready construction plans that it would need if it applied under the “New School Construction Project” allocation. The preliminary apportionment allowed the district to place a claim on funds and gain between four and five years of time to meet the specifications for the final apportionment. This system allowed districts facing facilities challenges extra time to meet those challenges — and still retain access to state funds.

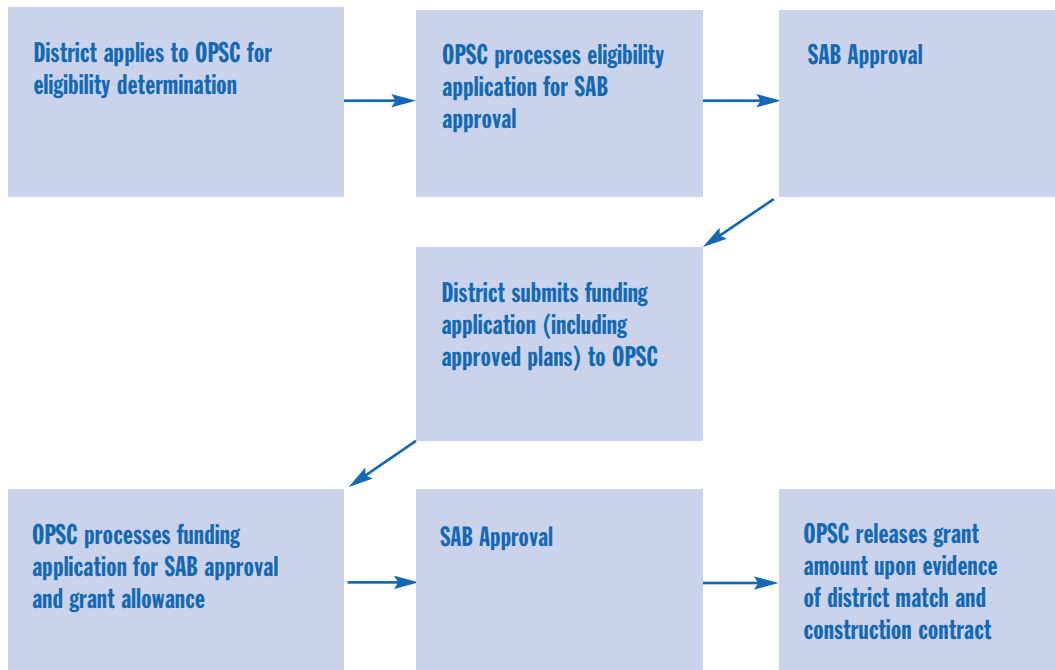
The diagrams below provide a schematic representation of the funding process for both Critically Overcrowded Schools and New Construction and Modernization.

Critically Overcrowded Schools (COS) Funding Process



⁷ Interview with Rick Simpson. April 2, 2003.

New Construction and Modernization Funding Process



A second provision of Proposition 47 that differentiated it from previous bond measures was the \$50 million set-aside for joint-use facilities. The School Facility Program (SFP) identified three distinct types of joint-use projects⁸:

- Type I: Project part of a SFP new construction project *and* a collaborative effort with a higher education partner to improve pupil academic achievement, provide teacher education, or provide childcare facilities;
- Type II: Project part of a SFP new construction project resulting in increased size or costs beyond those necessary for school-only use of the planned multipurpose room, gymnasium, library, or childcare facility; and
- Type III: Project includes a collaborative effort with higher education to improve academic achievement, provide teacher education, *or* includes multipurpose room, gymnasium, library or childcare facility on a school site that does not have an adequate facility of that type.

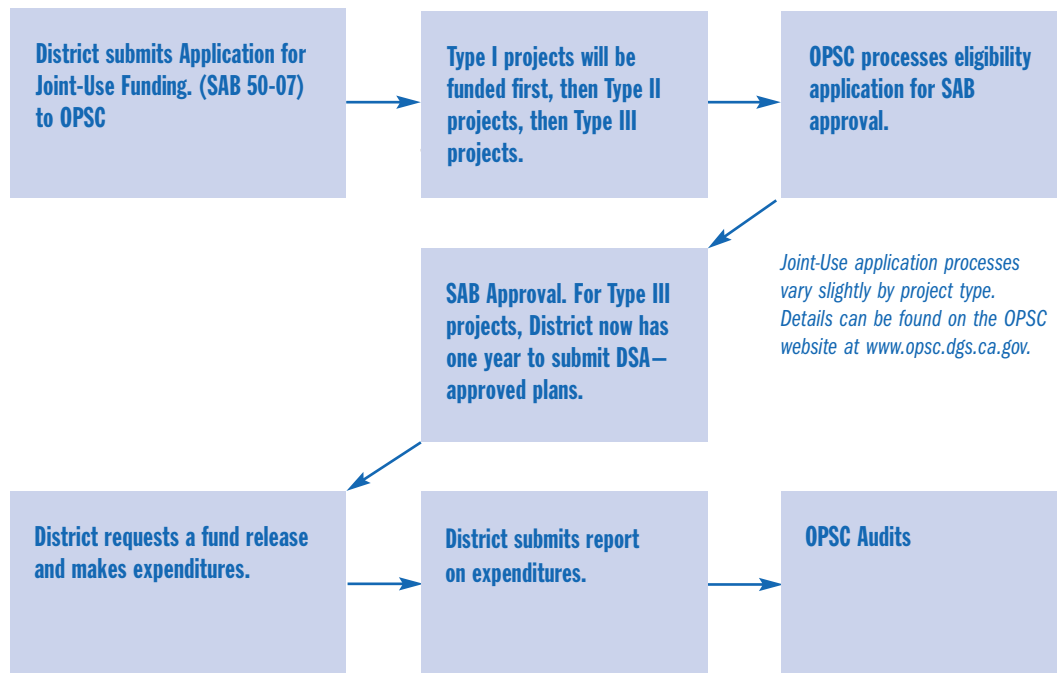
⁸ California Department of Education, Office of Public School Construction. "State School Facility Programs Overview." Available at http://www.documents.dgs.ca.gov/OPSC/PDF-prgms/sfp_overview.pdf

A district’s joint-use partner could be an institute of higher education, a government agency, or a nonprofit organization. The SAB could contribute a maximum of 50 percent of the project costs, not to exceed \$1 million for an elementary school, \$1.5 million for a middle school, or \$2 million for a high school. Supplemental grants were available for joint-use projects on impacted sites or in urban locations.

The following diagram illustrates how the joint-use funding process works. By the time of application, the joint-use application procedure requires districts to have prepared a joint-use agreement, plans approved by the Division of the State Architect and the California Department of Education (or, in the case of a Type III project, preliminary plans and preliminary approval), and have developed a cost estimate. The inequity inherent in this process was a central issue in *Godínez v. Davis, supra*. Again, suburban and exurban districts could complete their planning and get approval earlier than overcrowded, urban districts that had a difficult time identifying sites and estimating costs. By the time urban districts applied, there was a real risk that all available funding would be gone. Although joint-use funds could be most beneficial in severely overcrowded districts, Proposition 47 does nothing to ensure that joint-use dollars will reach them.

While Proposition 47 sought to address many of the inequalities in previous state bond fund distributions, it still required refinement. Some have argued that the state “set up a two-track

Joint-Use Projects Funding Process



funding mechanism, further complicating an already complex mechanism,” as districts were now required to apply separately to Construction, Modernization, or Critically Overcrowded funding pools, each one separate and distinct.⁹ Furthermore, Proposition 47 continued to allocate up to three times more money to projects that were already approved under the SAB’s unfair first-come, first-served system than to critically overcrowded schools. The \$1.7 billion reserved for the schools in worst condition was a step in the right direction, but it was “a stopgap measure that has not fundamentally changed the way the state allocates capital funds.”¹⁰

Litigation – The Search for Equity in Public Education

While legislation and popular initiatives, as well as community collaboration, have played key roles in producing education reform, litigation also has played a positive role in framing public issues and pressuring decision-makers.

The quest for equality of opportunity in education through public schools has been the focus of intense litigation for more than a century. In 1850, when Charles Sumner and Robert Morris argued for the desegregation of public schools in Boston, they put forth arguments that are hauntingly familiar:

- Black schools were inferior in equipment and staffing;
- School locations made it difficult for black children who desired to spend time in school, not on journeys to school; and
- The separation of schools for blacks and whites was an injury to both.¹¹

When in 1954 the United States Supreme Court issued its decision in *Brown v. Board of Education*,¹² the rule of “separate but equal” was still in effect and the resistance to integration was deep. In *Brown*, the articulation of the importance of education and its value to a democratic society was made clear. The view expressed in the decision still resonates:

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities even service in the

9 Grubb, Norton W. and Laura Goe. "The Unending Search for Equity: California Policy, the 'New' School Finance, and the Williams Case." The Institute for Democracy, Education and Access, University of California, Los Angeles, February 2002, (12).

10 Grubb and Goe, p. 11

11 59 Mass. 198 (1850). Though the efforts in *Roberts v. City of Boston* were rejected, with the state authorities of the day stating that the segregation policy was reasonable, the legislature in Massachusetts passed a law barring segregation. In response to that action, school authorities moved to consolidate resources and the consequences were dire. Black schools were closed, textbook allocations for black students were ended, and black teachers found themselves unemployed. White schools were deemed too full to accept black students. Ten years later, having no recourse but to rebuild schools so that black children could get some sort of education, old-style segregation re-emerged.

12 347 U.S. 483 (1954)

armed forces. It is the very foundation of good citizenship. Today, it is a principal instrument in awakening the child to cultural values in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.¹³

California has experienced its own battles over the meaning of equal protection in our public schools. The seminal case of *Serrano v. Priest* addressed the claim that the financing system for public education was in violation of both the state and federal constitutions. The formulation of funding based upon a combination of assessed valuation of taxable property and the tax override elective was at the center of the claim. The California Supreme court held that educational opportunity is a fundamental interest that cannot be permitted to vary on the basis of district wealth. When a second challenge was mounted in *Serrano II* the court reiterated its position, basing its holding on the fact that California’s equal protection principles are to be interpreted such that discrimination based on wealth amounted to a suspect classification, deserving of the most strict scrutiny by the Court. The evidence of discrimination against children in poor communities was so compelling that the court went so far as to describe the notion of local control as nothing more than a “cruel illusion for the poor school districts.”¹⁴

A half-century after *Brown* and more than a quarter century after *Serrano*, the promise of educational equity has yet to be met. The vast majority of students in low-performing schools are black and brown — belying the notion that judicial desegregation has accomplished its task. For one thing, the wide disparities in facilities funding severely undercut *Serrano*. Overall, the stunning lack of equality of opportunity in California’s public schools stubbornly persists despite major litigation victories.

This record could give some observers pause about the efficacy of litigation as an educational reform device. However, careful investigation of litigation efforts to achieve equality reveals that such efforts can in fact have an impact — if they are used to leverage reform in the legislative and executive arenas.

This conclusion stands out in the case of *Godinez v. Davis*, a case in which NSBN served as a co-lead plaintiff, along with the Mexican American Legal Defense and Education Fund and residents of the Los Angeles Unified School District. The *Godinez* plaintiffs sued over the fundamental unfairness in the procedures used by the state in the Proposition 1A allocation process. The complaint alleged that the SAB violated equal protection of poor students in urban settings who could not possibly receive proper consideration of requests for funding from the state in light of the application requirements set by the SAB. The \$6.7 billion of

¹³ See *Brown*, *supra* at p. 493.

¹⁴ *Serrano I*, *supra* at p. 611 and *Serrano II*, *supra* at p. 761.

Proposition 1A funding available for construction and development of public schools sites was a focal point of the lawsuit. The ultimate outcome of the litigation resulted in using existing statutes to establish “priority points” that had been ignored by the School Allocation Board in making decisions about fund allocation. As a result, school districts in high poverty, high minority student enrollment areas received funds that would otherwise have never reached children in greatest need.

At the time *Godinez* was filed, the median density in LAUSD schools was 122 students per acre, twice the California standard. Over 15,000 students in the LAUSD were bused to school every day because their neighborhood facilities could not accommodate them. Furthermore, one-third of California’s students on educationally inferior multi-track, year-round schedules resided in the LAUSD — 45 percent of its K-12 students.¹⁵ As background, 176 of these 214 schools were on Concept 6 calendars, which allowed a given school to house 50 percent more students (in comparison, other multi-track, year round calendars increased enrollment by 33 percent). Additionally, in an attempt to reduce overcrowding, many LAUSD schools used temporary portable classrooms, which provided an inferior learning environment and took up valuable outdoor playground and field space.¹⁶

Although focused on the LAUSD, the plaintiffs in *Godinez* — drawing directly on NSBN work and symposia — highlighted the inequitable distribution of state construction funds in California as a whole. For instance 34 of California’s approximately 1,000 school districts used year-round, multi-track calendars from 1989-1999. These 34 severely overcrowded districts served populations that were less than 20 percent white and over 33 percent poor, whereas the remaining districts served populations that were almost 50 percent white and 15 percent poor. The plaintiffs attributed the overcrowding disproportionately affecting California’s minorities and poor to the SAB’s flawed process of allocating a majority of state school bond funds to suburban and exurban school districts. Two years after the lawsuit was filed, the case was settled, bringing almost \$1 billion in new funding to the LAUSD to build and repair public schools.

Following on the heels of *Godinez* was *Daniel v. State of California*, which challenged the state’s failure to offer an adequate number of Advanced Placement (AP) courses at low-income, predominantly minority high schools. The failure to offer these courses meant that low-income students faced systematic disadvantage when applying for admission to

15 According to the Southern California Consortium on Research in Education, median Academic Performance Index (API) scores are consistently 100 points higher in traditional year-round schools than in multi-track year-round schools. This could be partially explained by the 17 instructional days lost using these calendars—resulting in a loss of over a year of schooling over the course of a K-12 education. It could also be explained by the inability to schedule summer sessions, which reduces the potential for academic interventions. “Academic Performance Index Scores for Traditional Calendar vs. Year-Round Schools. April 17, 2003. SCCORE.org And Jeannie Oakes, “Education Inadequacy, Inequality and Failed State Policy: A Synthesis of Expert Reports Prepared for *Williams v. State of California*.” <http://www.decentschools.org/experts.php>

16 When researchers have controlled for socioeconomic status, they have found that there is a difference of 5-17 percentage points between the academic achievement of students in poor buildings versus those in above-standard buildings. Earthman as cited in Jeannie Oakes. “Education Inadequacy, Inequality, and Failed State Policy: A Synthesis of Expert Reports Prepared for *Williams v. State of California*.” <http://www.decentschools.org/experts.php>

college.¹⁷ For example, when the suit commenced, Beverly Hills High School, whose student body is 76.6 percent white and comes from one of the wealthiest communities in the nation, offered 14 different AP subjects and 45 AP classes; in contrast, Inglewood High School, which is overwhelmingly Latino and African-American and very low-income, offered only three such courses. Studies conducted by the University of California found a clear relationship between the level and type of AP offering and the demographics of a high school's population: the availability of AP courses decreases as the percentage of minority and low-income students increases. Nowhere was there a clearer example of what President George W. Bush has referred to as the "soft bigotry of low expectations."

Pressured by the lawsuit, California responded with the state AP challenge grant program, which spends roughly \$15 million a year in grants to low-income high schools to increase their AP course offerings. The suit is currently in abeyance to determine whether the program is having an effect. Early signs are mixed: a report prepared in fall 2001 for the state found a 20 percent increase for African-American students and a 23 percent increase for Latino students taking AP exams in challenge grant schools. This has not, however, ended the under-representation. Still, the experience shows that if lawsuits are well framed and combined with a legislative advocacy strategy, improvement can result. More importantly, lawsuits can begin to change the terms of public debate.

More recently, in *Williams v. State of California*, plaintiffs sued the State of California claiming a violation of due process and equal protection based upon several disparities between the rich and poor in the state's public schools. The lawsuit sought to correct stark disparities that exist in student access to instructional materials, student ability to study in decent school facilities, and student access to equal numbers of instructional days. The litigation, which was recently settled, sought to address the manifestation of modern-day racial and ethnic discrimination in public schools. The plaintiffs in the case have attempted to use a publicity strategy as a way of fostering legislative or court-ordered change. They used the discovery process to highlight several shocking factors about the condition of the state's public schools. For example, they showed that many low-income schools do not have adequate numbers of textbooks for students and the restrooms facilities are usually unsanitary. Plaintiffs in the *Williams* case were seeking the judiciary's guidance in remedying a wide range of inequities including, but not limited to, the allocation of public school funding, the physical condition of California public schools, access to instructional materials, access to qualified teachers, and access to the same number of instructional days as students who live in wealthy school districts.

During the administration of Governor Gray Davis, the state aggressively litigated the *Williams* case, making it difficult to come to a legislative or negotiated solution. For instance, instead of trying to repair unsanitary conditions in the schools, the state hired expensive

¹⁷ More information about the Daniel lawsuit can be found at: <http://www.highereducation.org/crosstalk/ct0202/news0602-pushing.shtml>;
<http://www.aclu.org/RacialEquality/RacialEquality.cfm?ID=8630&c=134>

private firm lawyers whose scorched earth litigation tactics sometimes resulted in embarrassment. In a now-infamous example, the state's lawyers insisted on deposing middle-school children and demanded that the children explain why rat feces in their classroom restricted their educational opportunities. The just-concluded settlement sets aside some funding for equity issues and establishes an oversight mechanism, but falls well short of the sweeping changes that were originally pursued. It will be years before it's clear whether the settlement has any long-term and lasting beneficial impact.

In sum, litigation has been a useful tool in the struggle to achieve equity. Yet it is hardly sufficient. While the battle for equitable funding evolves, the substantial progress that has been made has provided the resources necessary for educational policymakers and community advocates to look toward the next frontier—the development of policies and programs that use financial equity to provide true equity of educational opportunity.

Equity Beyond Dollars and Seats

Providing Equal Access to Educational Opportunity



WE HAVE ESTABLISHED that reform of educational allocation formulas, while necessary, is insufficient to attain true equity in educational opportunity. So what then is needed?

Advocates for educational equity have traditionally focused on two bottom-line factors in approaching facilities: the dollars available to districts for construction and modernization, and the number of student “seats” they were able to build. But while dollars and seats are a pre-condition for equity, they cannot bridge the student equity gap alone. While children must have seats in which to learn, many other factors play crucial roles in determining whether students are prepared to learn.

Access to both clinical and preventive health care can reduce unnecessary student absences and ensure children have the alertness to learn. Open space for recreation not only provides a positive channel for children’s abundant energy, it also encourages exercise and limits child obesity, thereby helping to address one of the most prevalent health epidemics affecting children, and particularly children in poor urban areas. Physical and programmatic linkages between schools at different grade levels can reduce dropout rates and facilitate peer mentoring.

Children’s education needs do not stop at the schoolhouse door. And this means planning for school facilities cannot stop there either. To meet these broader community educational needs, specific new facilities can be located and integrated with traditional educational facilities in a joint-use plan. In many cases, facilities can be shared by the school population and the community: a sports field can become an open park after school hours; a library can be shared by students and community residents; a health center can serve student, infant, and adult patients. As a result of these synergies funding streams can often be shared or leveraged, and space — often a limiting factor in dense neighborhoods — can be conserved. In an area where traditional planners would only be able to site a school, a joint-use approach might be able to incorporate a school, a community center, and a health clinic all on the same parcel of land and for no additional cost to the community. Moreover, shared facilities can be easier to access for working parents, increasing their usefulness to the community.

Schools have the potential to serve as key centers within their neighborhoods by providing educational opportunities, increasing access to co-sited services, and providing a crucial hub for neighborhood empowerment and interpersonal connections. By building a sense of place in a community, the ideal school can help nurture the connections and relationships essential

to the health and well-being of the residents it serves. Schools are the most significant public investment many neighborhoods will ever see. Planned, sited and designed to capitalize on their full potential, they can provide a return on that investment that affects every part of residents' lives.

The following three case studies illustrate the ability of a joint-use approach to produce concrete results for equity of educational opportunity.

The Gratts Early Education and Primary Center / Housing Collaborative

Westlake Neighborhood, Central Los Angeles

The Westlake/Pico Union neighborhood of Los Angeles, just west of the city's downtown, is one of the most densely populated areas of the city at 34,000 people per square mile. It is more densely populated than San Francisco or New York City.¹⁸ The crowded neighborhood lacks such public space amenities as parks and libraries, and every public school in the community has been placed on a year-round track to partially offset student overcrowding. Gratts Elementary, in the heart of the community, serves 978 students on 4.2 acres of land—twice the number of students per acre than the state classifies as “critically overcrowded.”¹⁹ Westlake also is a point of first entry for many of the city's recent Latino immigrants. More than 90 percent of the area's residents are Latino, and almost 20 percent are under the age of nine. Most residents of the area are low-income and speak English as a second language.²⁰

A Community of Friends (ACOF), a special needs nonprofit housing development corporation, acquired properties near the intersection of 5th and Lucas streets in the Westlake area, and had begun the design and financing process when the LAUSD identified the same property as its proposed site for a new Gratts K-12 Primary Center. While ACOF sought to build desperately needed housing, LAUSD sought to find a site for a desperately needed new primary center. It was a situation similar to many in the 200-plus other neighborhoods in which the district must build. It appeared that the residents of Westlake were going to be faced with having to choose between two much needed public services, an either-or choice which would shortchange the neighborhood's needs.

NSBN, which was founded with the mission of fostering collaboration between residents, government agencies and nonprofit groups to strategically plan and help establish public investments in housing, schools, childcare and other neighborhood resources, was notified of the standoff by the city's planning department. At the city's request, NSBN intervened to facilitate communications between LAUSD, ACOF and the city to determine how the involved parties' efforts could be harmonized to create a winning scenario for ACOF, LAUSD, and the residents of Westlake.

18 U.S. Census Bureau; Census 2000 Summary File 1 (SF1) 100-Percent Data.

19 Brooks, Duwayne. SFPD Memo Number 02-01, August 28, 2002. <http://www.cde.ca.gov/facilities/field/advisory/sfpd02-01AB16.htm>. California Department of Education Certification of Acres for the Critically Overcrowded School Program. <http://www.cde.ca.gov/facilities/field/coscert.xls>.

20 U.S. Census Bureau; Census 2000.

NSBN was ultimately successful in signing LAUSD, the mayor’s office, the city council and ACOF to a Memorandum of Understanding in which each committed to engage in a joint master planning process. NSBN then funded a master planning design team, community engagement strategy and collaborative design process. NSBN also reached out to other stakeholders, including the Trust for Public Land, the local Boys and Girls Club, and LA Metro, a local community-based nonprofit, and Central City Neighborhood Partners. As stakeholders in this master planning process, LAUSD and ACOF both assigned staff to work on the design and shared their planning needs and resources.

The result of the collaboration was the jointly accepted “Westlake Joint-Use Collaborative,” a master plan which knits together a new LAUSD Primary Center, adds to the project a desperately needed early education center, and ACOF’s special needs housing project. The joint design fully offsets the negative impact of the new school on the area’s housing stock through an increase in the unit density of ACOF’s housing development, ensuring that LAUSD’s investment in the education of the children of Westlake will not aggravate the neighborhood housing shortage. Building on ACOF’s housing development and LAUSD’s initially planned K-2 Primary Center, the master plan includes an additional LAUSD pre-school center, a new play area which will be available as a public park after school hours, a community library, a Boys and Girls Club, and sufficient underground parking for both the school and apartments.

NSBN’s success in Westlake is its first demonstration of a replicable model for collaborative master planning of school facilities that enhances the vitality and health of a dense inner city neighborhood. Because of the collaborative process developed, managed and implemented by NSBN, the community’s difficult either-or decision — between housing and a school — has been converted into an approved community revitalization project. The Westlake community will receive more housing, a new school, a new primary center, an after-school activities center, a community park, and accessible community open space. This success has paved the way for another project in the Sans neighborhood of the nearby City of Paramount.

Los Cerritos Elementary Modernization and Expansion

Sans Neighborhood, City of Paramount

With 30 percent of its residents living below the poverty line, the Sans neighborhood is one of the City of Paramount’s most disadvantaged areas. Sixty-eight percent of all households speak English as a second language, and 55 percent of adults have less than a high school education.²¹

21 U.S. Census Bureau; Census 2000 Summary File 3 (SF3) Sample Data.

The student population served by Los Cerritos Elementary School is 98 percent Latino and a majority are low-income. Ninety-two percent qualify for free or reduced price school meals; 63 percent speak English as a second language.²²

As part of a planned modernization and expansion of the neighborhood's Los Cerritos Elementary School, NSBN engaged the Paramount Unified School District (PUSD), the City of Paramount, and the Gateway Cities' Paramount Education Program to work together to explore the joint-use potential of the school's modernization and expansion plans. With participation from the City of Paramount, additional stakeholders who have come to the partnership include the PUSD's Early Education Division, the Trust for Public Land, the local Boys and Girls Club, Cerritos College, Genesis LA Economic Growth Corporation, and NSBN. The plan will include the addition of a preschool cluster, a family health resource center, and a safer playground and open space area. In addition, a utility company easement running alongside the school complex could serve as an improved physical link to other community resources, including a nearby elementary school, the adjacent high school, a planned adjacent elementary school, a neighborhood community pool and a park. The master planning process is scheduled to be completed by the winter of 2004-2005.

The establishment of a preschool cluster along with a family resource center providing crucial health services, and a neighborhood elementary school has the potential to dramatically improve the school readiness of Paramount's children. The physical link between the neighborhood's elementary school and preschool makes it more accessible for the area's working families, and the prospect of a programmatic link between the two schools has the potential to improve students' transition from preschool to elementary school. The inclusion of health care facilities at the site will increase the accessibility of health care for working parents and their children. Improved access to health care should, in turn, improve children's ability to learn by providing preventive care, limiting the number of days students miss school due to illness or suffer through classes while sick.

The planned expansion of Los Cerritos' play areas, including five acres of easement open space, and their potential for use by the community after school hours should also further enhance student health. Childhood obesity is a widespread and severe epidemic in the Los Angeles region. Obese children are at increased risk for a variety of health problems later in life including diabetes, heart disease, and cancer. Increasing access among the neighborhood's children to safe play areas — covered by the "security umbrella" of the elementary school — provides a much-needed resource for both children and adults.

NSBN's Paramount Project, along with two new NSBN projects, affirms the benefits of NSBN's collaborative, strategic approach to master planning community-centered school facilities. In an area of limited resources, maximizing the impact of public investment on

22 Education Data Partnership, 2002-03. www.ed-data.k12.ca.us.

community members' lives becomes crucial and NSBN's model seems to be an effective avenue for schools, municipal governments and communities seeking the greatest return on each dollar spent. Success in the planning of the Gratts Early Education and Primary Center demonstrated that community engagement and joint-use master planning of school facilities could produce real results for children and families traditionally without access to a healthy array of social services. Success in Paramount will demonstrate that those results can be replicated across communities, and already is paving the way in Los Angeles County, state-wide and nationally for more widespread adoption of the NSBN thesis that it's not just the school dollar allocation formula that's important in the quest for equity. If healthy neighborhoods that nourish learning are to become the norm, school facility dollars must be strategically invested to ensure that underserved communities are fully served by public resources.

City Heights “Urban Village Initiative”

City Heights, San Diego

The City Heights neighborhood of San Diego is dense and very diverse. It is also a community that has been plagued for years by crime, poverty and poor land use decisions that allowed increased density without improvements in the community infrastructure.²³ A point of first entry for many immigrants, its residents speak more than thirty languages. Nearly 60 percent of residents earn less than \$25,000 per year and more than 30 percent live below the poverty line.²⁴

Attempts to revitalize the beleaguered community began in the early 1970s and continued through the 1990s, but these attempts were constantly stymied because city and community groups lacked the resources to address the area's problems in a comprehensive manner. Efforts to improve retail properties were stifled by high crime rates. Crime, in turn, was fostered by the abandonment of hundreds of homes purchased and boarded up by the California Department of Transportation during the development of the Interstate 5 corridor. The homes quickly became havens for drug trafficking and criminal activity. Projects with the potential to truly revitalize the area, including a proposal to cover eight blocks of freeway to provide space for a town square, library, police station and community center, failed due to a lack of funds.

When Vons Companies, Inc. announced in November 1993 that it would close its unprofitable City Heights store, it was yet another disappointment to the area's residents. Aside from the loss of a business partner in the community, the residents were faced with having to travel miles away to simply shop for groceries. Not only was there a loss of convenience; transportation was now going to be an issue as well.

23 Price Charities. “Chapter Two: A Police Station for City Heights” at p. 5.

24 Price Charities. www.pricecharities.com/CHI-background.shtml and U.S. Census Bureau 2000.

News of the closing caught the attention of Sol Price, Jim Cahill and William Jones, three San Diego businessmen who had been looking for profitable ways that private business could help with revitalization efforts in the area.

Price was the founder of FedMart and Price Club. Jones was a former San Diego Councilman and real estate investor. They came to the conclusion that revitalization in City Heights was possible if they could use a holistic approach to the neighborhood's problems and include a process to gain community input. They formed CityLink, a for-profit entity, with the intent of purchasing the former Vons store and converting it into a shopping and service center.

CityLink faced unexpected competition for the site from the City of San Diego, which had targeted the Vons store for renovation as a police substation. Because the area of City Heights had been a high-crime area served by two distant police divisions, San Diego hoped to address the problems by heightening police presence through the creation of a new substation. Residents had repeatedly cited crime prevention as a primary concern. The city's plans were hindered by a familiar problem: cost. The recession of the early 1990s had hit city government hard; the cost of rebuilding the site as a police station was substantial and funding was simply not available.

CityLink approached San Diego leaders with a revolutionary compromise: CityLink would lend the city the funds to build the police substation, in exchange for the rights to serve as the master developer of the surrounding nine-block area as a community-revitalizing "Urban Village". Sol Price created a new nonprofit organization, Price Charities, to channel charitable funds into the project. Meanwhile, CityLink focused on such profit-making enterprises as the development of a shopping center and paid construction. Price Charities also leveraged programmatic and financial involvement from other entities and engaged in substantial community outreach efforts.²⁵ The Urban Village plan grew from a police substation to include a new city library, community service center, community pool, arts performance space, continuing education center, job training center, and affordable ownership housing.²⁶

A key part of the Urban Village plan is the Model School Project, a community-integrated design which is intended to help relieve pressure on Rosa Parks Elementary, a local school that is operating at almost double its design capacity. Participants in the master planning process for the model school include Price Charities, San Diego State University, the City of San Diego, San Diego Redevelopment Agency, San Diego Unified School District, San Diego Housing Commission, National Center for the 21st Century Schoolhouse, and City Heights residents. The completed plan includes a new elementary school built together with a counseling center and health care clinic. The plan also includes a childcare center, new open space including a joint-use play field, retail stores, rental family housing and new

25 Price Charities. "Chapter Two: A Police Station for City Heights." www.pricecharities.com/_downloads/Chapter_2 at pp. 5-22.

26 Price Charities. www.pricecharities.com/CHI-background.shtml.

condominiums. A creative use of a joint powers authority formed by San Diego, the city's redevelopment agency, housing commission and the school district allows for the development of the condominiums by a private developer. New rental and for-purchase housing will offset the elimination of some existing housing stock on the planned school site.²⁷

By providing the initial funding and organizational leadership for holistic planning, Price Charities successfully leveraged the renovation of a supermarket into a nine-block redevelopment program involving numerous public and private entities. While the efforts of Price Charities in City Heights cannot be easily replicated, the Urban Village Initiative shows the potential of large-scale collaborative master planning efforts to affect community revitalization.

²⁷ Price Charities. www.pricecharities.com/CHI_school.shtml. Price Charities. "City Heights Model School" www.pricecharities.com/_downloads/City_Heights_Model_School.ppt.

Lessons Learned



SBN's experiences in Southern California already have demonstrated the importance of master planning mixed-use schools as vital centers of healthier neighborhoods. It is in this way that we can offer children and their families who are often outside of social and economic safety nets opportunities for access and achievement that are essential if equitable access to opportunity will ever be realized. Our findings comprise five general principles:

- *Community Engagement.* When local residents engage in the planning process and advocate to ensure consistency between policy and practice, the results can be more responsive to community needs and more effectively realized.
- *Institutional Collaboration.* When public institutions work together and focus on neighborhood revitalization rather than bureaucratic imperatives, facilities are built more efficiently and can integrate other services that not only enhance learning, but benefit entire communities.
- *Public-Nonprofit Partnerships.* When independent community-based nonprofit organizations become an integral part of the school planning process, they can catalyze facilities development, augment the possibilities of creating multi-use sites, and break through calcified bureaucratic structures, thus allowing public-institutional collaboration to occur.
- *Leadership Development.* When community members and public officials receive training in facilities development and learn about successful educational models, they can replicate these models in their own communities and improve student achievement.
- *Sustainable Design.* When school planners use sustainable building techniques, they can save millions in precious education dollars and also facilitate the kinds of service co-location that improves educational outcomes for children.

We address each of these points in turn. All of these principles, however, imply one overall point: true educational equity demands the creation of schools that are closely integrated with the neighborhoods that surround them and address the full range of factors that affect student learning. Joint-use and collaborative planning are techniques to achieve the broader goal of neighborhood empowerment and the transformation of dysfunctional neighborhoods into vital and healthy community centers with public schools at their core.²⁸ Unless neighborhoods support and nurture the school, then the school cannot achieve its educational

28 Kettering Foundation. "New Relationships with Schools," Vol. II <http://www.publicengagement.com/practices/publications/NRWS2web.pdf> at pp. 12-15

goals. The converse is also true: better neighborhoods require effective schools. The following lessons are important, not as ends in and of themselves, but rather as tools to realize the full potential of schools as centers of community life and vehicles to deliver on the promise of equity of opportunity in education.

Community Engagement in Public School Funding and Construction

The construction, modernization or proposal to renovate the use of a school site is a compelling and natural focus for community engagement. In all communities, schools should be more than bricks and mortar to house mandatory education programs. Schools should be places where children are introduced to the possibilities that the future holds for them. They should be places where children are inspired to pursue their dreams and learn how to move closer to making those dreams a reality. They should represent an opportunity for communities to build and strengthen relationships among individuals and organizations that seek to improve the quality of life for residents living in the local area.

A new or modernized school is the single largest and most significant public investment most neighborhoods ever see — a project that can change the face and character of a community for generations. Because this type of investment can so drastically affect the neighborhood, it seems obvious that residents must have a voice in the planning process. They alone can provide the insights into community needs that should dictate the characteristics of a community-based school; they alone can decide how the school should fit into their community.

The experiences outlined in the case studies show that residents can understand the complexities of the funding and planning of schools. Not only do they have the capacity to understand what exists and how agencies operate, they also have the capacity to organize and influence change in ways that ensure the state meets its obligation to provide equality of opportunity in education. In every community where NSBN had the opportunity to introduce productive dialogue, project plans and outcomes were enhanced. The enhanced value of the project was a natural by-product of the residents and students who invested their time and knowledge of the local community and its needs into the larger process of creating a new community asset.

In the planning process for the Gratts Collaborative, input from members of the community and locally based nonprofit organizations provided the impetus for expanding the site's open spaces and introducing new after-school resources through the local Boys and Girls Club. These suggestions helped physically integrate the new school complex into the neighborhood and expand the new developments' benefits for working families and children.

In City Heights, community input was crucial in designing the area's new police station — an asset urgently needed by the community — to make it neighborhood friendly and accessible to residents. The presence of the police station has provided a new sense

of security in the Urban Village that has attracted community use of meeting places, recreation areas, and the library.²⁹ Without residents' recommendations—and their initial focus on bringing an increased police presence to the area—the Village might never have taken flight as a full-fledged enterprise.

It is hard to imagine a more common sense and positive focus for community engagement than focusing on public schools and public education. This is not to say that the experience will be entirely positive. Without a doubt, there will be controversy and disagreement. Setting priorities inevitably results in difficult discussions about values, ethics, power, and money. Nonetheless, NSBN has shown that it is worth pursuing the process of opening communications and making the commitment to stay engaged in discussions over the entire planning for the school site. It is no less important for communities to take an active role in working with their local policy-makers about the particular mechanisms in their district that can be changed to take advantage of opportunities at the state level.

Coordination and Communication Among Key Public Entities

The state, regional, and local government agencies responsible for ensuring quality public schools have worked for too long in separate systems, pursuing separate timetables, and working under complex regulatory frameworks that compromise effective administration and oversight. The result is “silo management,” an approach in which bureaucratic imperatives overwhelm children’s needs. For example, although public health and urban planning emerged with the common goal of preventing urban outbreaks of infectious disease, there is little overlap between the fields today. The separation of the fields has contributed to uncoordinated efforts to address the health of urban populations and a general failure to recognize the links between, for example, the built environment and health disparities facing low-income populations and people of color.³⁰

The experiences of NSBN revealed the need for strategies to encourage greater communication and coordination between and among public agencies vested with the responsibilities for finance, construction, and school operations. Particularly in light of the statewide budgetary and finance challenges that California faces, the failure to craft new strategies could be devastating.

The clearest illustration of a failure to communicate and coordinate was seen in Westlake. It is a community with a severe housing shortage and a desperate need for increased school capacity. The nonprofit housing developer and the facilities division of the local school district were working at cross-purposes until the timely intervention of a local member of the city council and NSBN. Without the intervention, the residents of Westlake would very likely have received a new school but lost housing in the process.

29 Price Charities. “Chapter Two: A Police Station for City Heights.” www.pricecharities.com/_downloads/Chapter_2 at pg. 15.

30 Jason Corburn, PhD, MCP, , “Confronting the Challenges in Reconnecting Urban Planning and Public Health”, *American Journal of Public Health*, April 2004, Vol. 94, No.4

Another area where coordination and communication falters is in basic facilities and operations. Though there is clear acknowledgment that the public school system in California is suffering from disrepair and an oppressive backlog of requests for attention to dilapidated, unsanitary and overall deplorable conditions in school facilities, the existing state and local agencies responsible for taking corrective action simply are non-responsive.³¹ A lack of funding is one reason for the failure. But another reason is even more fundamental. The problem is that the state has yet to gather baseline information from all California school districts to create an understanding of where priorities should be placed and what mechanism might be needed to begin addressing the basic need for clean, safe, and functional school facilities. There is currently no statewide set of standards being applied in local settings. There are ambiguous methods for ensuring accountability concerning delivery of essential learning resources and maintaining safe and clean conditions in schools. The state, regional, and district levels all have differing mechanisms to report, evaluate, and respond to issues that are brought to their attention.

NSBN learned that collaboration is key to the pressing issue of school siting for urban communities in California, primarily because the number of facilities needed to satisfy the state's growing population cannot be met, given the scarcity of land available to urban districts. Consequently, schools are pushed out of the central city and into areas where it is easier to build. When schools are taken out of the center of a community, parental involvement declines. What would otherwise be a valuable community building opportunity in the center of town is lost somewhere on the road between where people live and where their children must travel to be educated. School siting implicates the need for change in current building regulations³², transportation³³, and overall planning at the local level.³⁴ In order for such change to be realized, dialogue must be opened and collaboration must be encouraged as the fundamental working principle in guiding the project.

Finally, joint-use opportunities are being overlooked. Schools are becoming more important as places for shared community interests to be met. Whether it is language learning centers, recreational facilities for youth at night, or employment and job placement programs to promote economic development — schools must face the possibility that joint-use will be a common reality in the years to come. For example, in other states, school programs are subscribing to a concept of “intergenerational centers” in which seniors and students have the opportunity to interact. Students help out as part of a community service program, while seniors provide program support through tutorials or special projects that capitalize on their life experiences.

31 See Declaration of Expert Witness Robert Corley, filed in support of plaintiffs in *Williams v. California*, supra. Available at <http://www.decentschools.org>.

32 Restrictions on school building, including acreage requirements and building height limitations, narrow the options for school construction in the center of urban communities. The Field Act, which contains specifications for building public schools, are particularly burdensome to urban schools, where land is most scarce and where over-crowding is most prevalent.

33 Because schools increase traffic load, local communities must plan for increased congestion, environmental damage, and higher rates of traffic-related accidents. An effective approach requires an informed and organized community that understands how to have an impact on local city councils and government.

34 The general planning process excludes schools and the lack of input delays and complicates school construction. One working group suggested counties and cities should involve schools in the general planning process, but stated that the reverse should also be true. Namely, school strategic plans should include input from counties and cities. One school board member stated, "I knew that cities and counties didn't involve schools in city planning. Then it dawned on me – we're just as guilty."

The complexities of coordination and communication among agencies charged with providing services only increase when joint use of schools is suggested. However, the need to consider the issue of joint-use grows ever clearer, particularly in urban centers where space is at a premium. This fact cannot be ignored by agencies that must plan for the future. The inability or failure to examine how to create greater coordination and communication among agencies will produce costly litigation, deprive existing agencies of the chance to take a leadership role in building a new statewide system to deliver quality public education, and exacerbate conditions that currently burden children who want to learn.

State and local agencies confront a financial crisis that may take years to correct. As bond measures continue to be introduced urging California voters to make more funding available to public education, steps must be taken today to maximize the resources that are known and available for use. Unfortunately, California recently missed a tremendous opportunity to institutionalize necessary collaboration. In 2002, then-Assembly Speaker Robert M. Hertzberg, the principal author of Proposition 47, sponsored AB 2588 which would have established the legal mechanisms to allow vital cross-institutional collaboration. The bill would have created within the state Department of General Services the capability to support local school districts and other agencies in collaborative community planning for school facilities. More specifically, AB 2588 would have

- established a six-member Collaborative School Facilities Board, which would recommend to the state legislature and governor a list of statutes and regulations that should be eligible for waiver to promote collaborative community planning;
- authorized the board to waive these statutes and regulations in order to facilitate joint-use and other collaborative school facilities projects; and
- authorized the state allocation board to use up to 1 percent of funding available for facilities allocation for implementing joint-use projects and other collaborative community planning for school facilities.

AB 2588 recognized what NSBN has already found: bureaucracies are often unable to adopt and promote collaborative projects because of obsolete statutes and regulations that give them poor incentives or otherwise prevent them from employing innovative solutions to the crises they face.

Under Speaker Hertzberg's leadership, AB 2588 passed the state Legislature, but was vetoed by then-Governor Gray Davis. The governor insisted that SAB was already performing the functions of the proposed Collaborative School Facilities Board and that the current system of silo management could effectively promote joint-use and other collaborative projects.

Unfortunately, facts did not sway Governor Davis. To date, only \$17 million of \$50 million of joint-use funds have been applied due to a lack of support and incentives at the state level for joint-use. The underlying policy principles in AB 2588, while not California law, remain important, as they, or like reforms, would appear to provide necessary support for California applicants, and a replicable template for other states seeking to bring genuine equity to families and children in need of investment in otherwise impoverished neighborhoods.

Collaborations to Advance the Quality of Public Education

Coordination is not only necessary among public agencies. These entities must also be able to communicate and collaborate with stakeholders in the private and nonprofit sectors. Where NSBN has established a community planning process, agencies with a history of competition rather than collaboration have been brought together successfully under a common goal — the planning of a new neighborhood-centered school facility. The transaction costs of the initial collaborative enterprise can sometimes be quite high: agencies come from different cultures with different governing statutes, and most governmental officials are not intimately involved with the community groups who can engage in the process and set forth actual community needs. These various groups might not be able to understand each other; moreover they might not even know that the “other” exists and wishes to communicate. Independent intermediary groups highly connected and leveraged across the community are playing a vital and indispensable role as facilitators of successful collaboration.

NSBN saw this in its efforts in Westlake and Paramount. The Memorandum of Understanding creating the Westlake Joint-Use Collaborative did not simply *happen*: it was drafted and negotiated over a long period between many parties, none of whom previously had possessed the internal capacity to negotiate and complete the agreement on their own. Due to the collaborative planning process and improved communications introduced by NSBN, the organizations seeking to improve the Westlake community have been able to work together and the community’s needs are being addressed in concert. Under the jointly developed master plan for the Gratts Collaborative, the community will receive a new primary education center, early education center, new playground/open space, a public meeting space, and a net increase in available housing. Similarly, the City Heights’ Urban Village Initiative could only come about through the efforts of intermediaries, funded by Price Charities, which spearheaded the master planning process and served as a conduit for the provision of integrated services.

The catalytic effect of independent intermediaries was the central principle missed by California Governor Gray Davis in his veto of AB 2588. In his veto message, Davis expressed concern that joint use projects would eat up too much money in administrative costs, and said that this money should be used for actual school construction. While superficially appealing, this viewpoint ignores the fact that effective schools are far more than just bricks and mortar: they are institutions composed of and serving actual human beings. School buildings not connected to communities and unable to serve the broader needs of students do not serve the fundamental goal of increasing educational opportunity and achievement: they simply replicate the failed strategies of the past. It is penny-wise and pound-foolish to “save” money by not engaging in collaboration, only to spend it down the road in the wake of lower student achievement and broken communities.

High Performance Neighborhood Centered Schools and Sustainable Development³⁵

With an estimated 2,400 new schools needed nationwide by 2030 to serve the growing K-12 student population and one-third of existing schools in need of repair or replacement, a once-in-a-lifetime opportunity exists for U.S. communities, particularly in California, to design healthy, high performance schools.³⁶ Clearly, it is an overwhelming task in our increasingly dense inner-city and inner-suburban neighborhoods to site, design and build these schools. Still, it is important that we wisely spend the dollars available, which in California is over \$50 billion. The public expects community-based schools that will enable children to learn in uncrowded environments near their homes. The public expects to have schools that are well integrated into our neighborhoods. But the public also expects more from school districts and local officials.

The Sustainable Buildings Industry Council has developed a High Performance School Buildings (HPSB) campaign to generate interest among school district officials and designers to build a new generation of high performance, sustainable school facilities in the inner city as well as the exurbs. High performance schools incorporate the best of today's design strategies and building technologies. As a result, they provide better learning environments for children, cost less to operate, and are more responsible to the neighborhood's environment.

School districts can save 30 percent to 40 percent on utility costs each year for new schools and 20 percent to 30 percent on renovated schools by applying sustainable, high performance design and construction concepts. The potential for savings is greater in new schools because it is possible to eliminate inefficiencies right from the start. According to estimates in the U.S. Department of Energy's Rebuild America K-12 Schools Program, school energy costs are approximately \$110 per student per year depending on region and climatic conditions. Add in the costs of water, wastewater processing, and trash removal, and the cost rises to approximately \$140 per student per year. High performance, sustainable design solutions can yield savings of up to \$56 per student per year. More importantly, cost savings continue to accrue over time, and actually increase as energy costs rise.

Enhanced interaction among architects, engineers, community residents and school districts at the outset of the project helps them create a building that's energy efficient, affordable, comfortable, healthful, and environmentally sound. It also helps them all see the connection between healthy buildings and healthy neighborhoods — an important mindset if equity beyond dollars is to be realized in the next decade.

³⁵ The term "high performance school" has been adapted by architects and builders to describe an approach to construction that is environmentally responsible. It is important to note that equally important is the concept of building designs that directly support the educational and community programs that will be functioning within the structures built. Thus, to the extent that architects and builders also are urged to incorporate concepts and designs that allow buildings to be economically reconfigured to meet changing program needs, the term "high performance" takes on an even more expansive meaning than what is presented here.

³⁶ Sustainable Buildings Industry Council <http://www.sbicouncil.org/workshops/schools.htm>

Conclusion

Genuine Educational Equity Requires Empowered Neighborhoods — and Vice-Versa

JF THERE IS ONE lesson at the heart of this report it is this: in order to attain true educational equity, schools must be woven and integrated into broad-based strategies for community and economic development. Schools are more than just bricks and mortar: they are learning centers and essential partners in building livable communities. Indeed, New Schools/Better Neighborhoods is so named because we recognize that schools and neighborhoods simply cannot truly thrive without each other.

Thus, this report also contains a stark warning for education advocates: continued emphasis solely on funding allocation formulas threatens fundamental education reform. If advocates focus on bricks and mortar alone, they will undermine their credibility by promising more than they can deliver. Genuine education reform demands public credibility, and credibility can only occur if reformers deliver on the promise of greater educational achievement. In turn, this achievement can only be realized if more equal funding arrives in tandem with realizable strategies to create more livable neighborhoods for all.

Through the development of new policies and changes forced by litigation, California has made great strides toward resolving the vast gaps in dollar-for-dollar facilities equity between districts. Yet the narrowing of this gap has only highlighted more brightly the fact that equalizing dollars and seats will not be enough to realize the promise of equity of educational opportunity for students in predominantly poor urban and inner-suburban school districts.

Educational advocates, school districts, and policymakers must look beyond easily quantifiable financial and seating figures and plan community-based schools that meet the needs of the populations they are intended to serve. The facilities located with and linked to traditional educational structures must address the full portfolio of factors that affect children's educational achievement.

Legendary statesman Otto von Bismarck once commented acidly that only a fool learns from his own mistakes. The wise person, he noted, learns from the mistakes of others. We urge education and community advocates throughout the country to be wise and adopt a comprehensive educational equity strategy that embraces the institutional and community structures needed to achieve genuine equality of opportunity for children in our public schools.

Biographies

David A. Abel

*Chairman & Managing Director
New Schools Better Neighborhoods*

Mr. Abel is Chairman of New Schools/Better Neighborhoods (nsbn.org) and served for two years on Los Angeles Unified School District' Proposition BB School Bond Citizen's Oversight Committee. Mr. Abel also serves as Director of the Metro Forum Project, a foundation, business and labor funded effort in California to engage citizen leaders in, among other issues, an exploration of the need for state and local fiscal reforms.

Mr. Abel is also President and CEO of ABL, Inc., a California-based consulting firm engaged in corporate, civic and public affairs. The firm, among other engagements, publishes two widely respected monthly newsletters: *Metro Investment Report*, covering public infrastructure; and *The Planning Report* that focuses on land use issues in Southern California.

Currently, Mr. Abel is board chairman of California Center for Regional Leadership, and an executive board member of the Los Angeles Economic Development Corporation, L.A. Chamber of Commerce, St. Anne's, and the Trust for Public Land's California Advisory Board. By appointment, he has served and was chairman of State Assembly Speaker Robert Hertzberg's Blue Ribbon Commission to Consider Reforms of California's Initiative Process; served on Speaker Hertzberg's Commission on Regionalism; and was chair of former Assembly Speaker Antonio Villaraigosa's Commission on State/Local Government Finance.

Mr. Abel formerly served as Chairman of the Los Angeles County Economy & Efficiency Commission (often referred to as Los Angeles County's Little Hoover Commission); chaired both CalStart and Project Restore, and served on the Independent Citizens Oversight Committee of the L.A. County Fire Department. In 1984, he co-founded the Los Angeles Educational Partnership, a nonprofit educational partnership founded by a group of Los Angeles business community and education leaders committed to public education reform. Mr. Abel has been honored by the LA AIA, Southern California Association of Governments, California Center for Regional Leadership, California Association of Nonprofits/Nonprofit Policy Council, Los Angeles Opportunities Industrialization Centers, Inc., and Pat Brown Institute. In 1990 he and his wife, architect Brenda Levin, were honored recipients of the Los Angeles League of Women Voters civic achievement award.

Mr. Abel presently chairs USC's Master in Public Policy Advisory Board, is a Senior Fellow at Occidental College's Public Affairs Center, and has published articles in the *Los Angeles Times* and *The Harvard Educational Review*. He has been both a Fellow and a Director of the Coro Foundation, as well as a Robert Kennedy and an IEL Education Policy Fellow. In addition to his law (Boston University) and doctoral work in educational administration (Harvard), his collegiate background includes an undergraduate degree from Claremont McKenna College, study at the London School of Economics and a Master's in Urban Studies degree from Occidental College following his fellowship with Coro.

Angela E. Oh, J.D.

Angela E. Oh is an attorney, teacher, and public lecturer. Her law firm, Oh & Barrera, LLP is based in Los Angeles and offers clients representation in state and federal criminal and regulatory matters. Services include internal investigations and risk management assessment, trial representation, and appellate advocacy. In addition, because of the unique experiences of each partner, the firm also provides training, advice and counsel on anti-discrimination policies and practices to private, public and nonprofit organizations.

Ms. Oh has served on select commissions and boards, including the California Commission on Access to Justice, the Los Angeles Commission on Human Relations and the 9th Circuit Judicial Conference. She currently serves on the boards of Women's Policy, Inc., and the Coro Foundation of Southern California. She is also a member of the Board of Directors for Lawyers Mutual Insurance Company and a Commissioner on the ABA Commission on Women in the Profession.

In June 1997, she was appointed by President William Jefferson Clinton to the President's Initiative on Race. She served as part of a seven-member Advisory Board to the President in an effort directed at examining how race, racism, and racial differences have affected the development of this nation.

Between 1998 and 2002, Ms. Oh left the full-time practice of law to study, teach, and write. Her speeches and writings reflect the opportunities and challenges that diversity presents. Ms. Oh's lectures have taken her into both national and international arenas, including China, Korea, the Middle East, Northern Ireland, and the United Kingdom.

In 2000, Ms. Oh was appointed Chancellor's Fellow at the University of California, Irvine where she continues to teach a courses on *Race and American Law and Leadership for the 21st Century*. In 2002, she finished a collection of essays entitled "Open: One Woman's Journey, published by UCLA's Asian American Studies Department.

She is a graduate of University of California, Los Angeles, where she earned her Bachelor of Arts and Master's degrees. Her Juris Doctorate is from King Hall, the University of California, Davis School of Law. In 1996, she was awarded the Distinguished Alumni Award from King Hall. And in 2003, she was awarded Distinguished Alumni for Community Service by UCLA. Ms. Oh is also an ordained Priest, Zen Buddhist-Rinzai Sect.

Jonathan M. Zasloff

UCLA Professor of Law

Jonathan Zasloff teaches Torts, Land Use, Environmental Law, Comparative Urban Planning Law, and Legal History. He grew up and still lives in the San Fernando Valley, about which he remains immensely proud (to the mystification of his friends and colleagues). After graduating from Yale Law School, and while clerking for a federal appeals court judge in Boston, he decided to return to Los Angeles shortly after the January 1994 Northridge earthquake, reasoning that he would gladly risk tremors in order to avoid the average New England wind chill temperature of negative 55 degrees.

Professor Zasloff has a keen interest in world politics; he holds a PhD in the history of American foreign policy from Harvard and an M.Phil. in International Relations from Cambridge University. Much of his recent work concerns the influence of lawyers and legalism in US external relations, and has published articles on these subjects in the *New York University Law Review* and the *Yale Law Journal*. More generally, his recent interests focus on the response of public institutions to social problems, and the role of ideology in framing policy responses.

Professor Zasloff has long been active in state and local politics and policy. He recently co-authored an article discussing the relationship of Proposition 13 (California's landmark tax limitation initiative) and school finance reform, and served for several years as a senior policy advisor to the Speaker of the California Assembly. His practice background reflects these interests: for two years, he represented welfare recipients attempting to obtain child care benefits and microbusinesses in low income areas. He then practiced for two more years at one of Los Angeles' leading public interest environmental and land use firms, challenging poorly planned development and working to expand the network of the city's urban park system. He currently serves as a member of the boards of the Santa Monica Mountains Conservancy (a state agency charged with purchasing and protecting open space), the Los Angeles Center for Law and Justice (the leading legal service firm for low-income clients in east Los Angeles), and Friends of Israel's Environment. Professor Zasloff's other major activity consists in explaining the Triangle Offense to his very patient wife, Kathy.

S Edward Takashima

L.A. Tomorrow

Edward Takashima is a public policy consultant with a background primarily focused on state/local fiscal issues and K-12 education.

He has recently worked with Former Speaker Robert Hertzberg in efforts to reform the state of California's state and local fiscal system to create incentives for local governments to create healthy and livable communities.

He has also worked with the Southern California Consortium on Research in Education, developing a comprehensive report on K-12 education in the Greater Los Angeles Region.

He is a graduate of the Coro Fellows Program and of the Public Policy Analysis program at Pomona College.

Alan Mobley, Ph.D.

Alan Mobley specializes in action research and advocacy projects involving democratic participation, community revitalization, and criminal justice system reform.

He holds degrees in Economics (BS), Sociology (MA) and Criminology, Law and Society (Ph.D.) UC-Irvine.

He speaks, writes, and consults widely, and his work has appeared in books, monographs, and peer-review journals. His current work focuses on the myriad complexities of prisoner reentry issues.

Acknowledgements

NSBN extends great appreciation to **Fred Frelow** of **The Rockefeller Foundation** for encouraging the deepest possible understanding of the political, social and economic dynamics influencing school finance in America today. NSBN also values the wisdom, foresight and leadership of former California Assembly Speaker **Robert Hertzberg** for his authorship of California's last two school facilities bonds, \$25 billion in total, which include large set-asides to build new joint-use schools in inner city and suburban communities where classrooms are severely overcrowded.

