

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION



KALIMA JENKINS, et al.,

Plaintiffs,

v.

STATE OF MISSOURI, et al.,

Defendants.

No. 77-0420-CV-W-4

KCMSD MOTION FOR APPROVAL OF
LONG-RANGE MAGNET SCHOOL PLAN

COMES NOW the School District of Kansas City, Missouri ("KCMSD"), and moves this Court for an Order approving the Long-Range Magnet School Plan (the "Plan"), which is filed herewith at Tab A to this Motion, along with the budget to fund the Plan, which is filed herewith at Tab B. This Court's Desegregation Monitoring Committee unanimously approved the Plan on August 7, 1986, and specifically found that the Plan: 1) will enhance desegregation; 2) is equitable; 3) has educational integrity; 4) is administratively feasible; and 5) is reasonable in cost. 1/

1/ At the August 7 Monitoring Committee hearing, the District's consultants suggested minor revisions in the Plan and a member of the Monitoring Committee proposed a clarification concerning the application of the admissions

[Footnote continued]

ORIGINAL

DOC. # 1211

The Plan builds on the magnet plan approved by the Court for 1986-87 through the carefully coordinated implementation of additional magnet schools over the next six years. The Plan calls for every senior high school and middle school 2/ in the District to become magnet schools. Each magnet school will have one or more distinctive themes and will also continue to provide the basic academic curriculum offered in the District. The magnet themes selected are those that were well received in the survey or focus group research ordered by this Court, along with themes that have succeeded in other cities. The specialty programs incorporated in the Plan are designed to "attract non-minority enrollment as well as be an integral part of district-wide improved student achievement." June 16, 1986, Order at 16. Successfully implemented, the Plan will maximize the District's potential to attract new students into the system -- from private or suburban schools as well as from new families moving into the

1/ [Footnote continued]

standards to students moving to the area. These minor modifications were approved by the KCMSD Board on August 12, 1986, and are incorporated in the Plan at Tab A and separately listed at Tab C.

2/ The Plan assumes that the District will move from a junior high school to a middle school configuration by fall 1987. If the District decides to retain the junior high structure, the Plan can be modified accordingly.

metropolitan area and being drawn by the excitement that this Plan has the opportunity to generate.

The Plan is designed to provide program continuity through the grades by feeding elementary students from magnet locations around the District into secondary magnet programs that continue the magnet themes. The structure of this Plan provides both minority and non-minority students with strong programmatic reasons to leave their neighborhoods and go to middle schools and high schools that offer continued instruction in a focused subject matter area. The KCMSD offers this approach -- rather than just suggesting a few additional magnet schools -- principally because this Plan can avoid a perception that magnets constitute a few "elite" schools and that other schools are second-rate. The number of schools also permits a substantial percentage of the District's students -- both non-minority and minority -- to become involved in magnet programs, which maximizes the drawing power and desegregative potential of magnet schools in the KCMSD, as well as the educational benefits to students.

In order to advance toward the objective of making "available to all KCMSD students educational opportunities equal to or greater than those presently available in the average Kansas City, Missouri metropolitan suburban school district," June 16, 1986 Order at 17, KCMSD moves this Court for an Order approving the attached Plan. In addition, the

District seeks an Order requiring the State of Missouri to fund the incremental cost of adding magnet components to KCMSD schools in order to make them fully attractive for desegregative purposes as magnet schools; the District will continue to fund the usual operating expenses of the schools. 3/ The budget at Tab B reflects line-by-line requirements for the added personnel, equipment, and other enhancements required to make these schools magnets. 4/ The budget covers the magnet components of the Plan during the first six-years of implementation, which ends in the 1991-92 school year.

3/ The District also will, of course, continue to bear its share of the expense of other desegregation programs ordered by the Court. The District believes that the funding to convert these schools into magnet schools should be in addition to other desegregation funding, including the effective schools funding, because the other funding serves the specific programs described in the Court's previous Orders, the need for which will not be supplanted or eliminated by magnetization.

4/ The budget does not include funding that will be required for the Lincoln College Preparatory, Southwest Cluster Investigative Learning, and Swinney-Volker Applied Learning magnets beyond 1986-87. Funding for these magnets in future years will be sought by separate motion.

The KCMSD moves the Court to order the following funding by the State of Missouri for the first three years of the Plan, i.e., 1986-87, 1987-88, and 1988-89: 5/

Elementary, middle, and high school programs:

<u>1986-87</u>	<u>1987-88</u>	<u>1988-89</u>
\$ 5,186,570	\$10,609,415	\$18,729,871

For magnet support to start and operate the magnet program, recruit and train personnel, manage the necessary transportation, evaluate magnet programs, recruit students and provide public information, and increase existing services such as budget and payroll to accommodate the magnet program:

<u>1986-87</u>	<u>1987-88</u>	<u>1988-89</u>
\$ 3,129,702	\$ 3,337,314	\$ 3,675,903

For a Pilot Project for the Severely Handicapped, to improve participation of seriously handicapped students in the seventh, eighth, and ninth grades for participation in magnet school programs:

<u>1986-87</u>	<u>1987-88</u>	<u>1988-89</u>
\$ 0	\$ 0	\$ 143,406

TOTAL for all programs:

<u>1986-87</u>	<u>1987-88</u>	<u>1988-89</u>
\$ 8,316,272	\$13,946,729	\$22,549,180

5/ The District proposes that, beginning in 1987-88, it will submit to the Monitoring Committee and the Court each year a budget for the year two years hence, so that the District's experience in implementing these schools, along with factors that cannot be precisely projected at this point, such as inflation, can be reflected in the Court's Orders.

The KCMSD also moves this Court for an Order requiring the State of Missouri to fund construction of the following new facilities to accommodate the magnet school programs, and to acquire sites for the first four buildings listed below, for which sites are not already owned by the District: 6/

- 1) A "New West" twin theme elementary campus, with site, in the Switzer area, for Spanish and communications magnets;
- 2) A "New Northeast" elementary school, with site, in the Northeast high school area, for a Latin Grammar magnet school;
- 3) A "New Southeast campus" three-school/theme elementary campus, with site, in the Chick/Mark Twain area, for Gifted and Talented, Classical Greek, and Computer magnets;
- 4) A "New Paseo" middle school in the Paseo area, for a performing arts magnet; and
- 5) Construction of a "New Gladstone" elementary school on the old Gladstone School site owned by the District in the Northeast area, for Performing and Visual Arts and science/math magnets.

The KCMSD also moves the Court for an Order requiring the State to fund the rehabilitation of a site such as the Jewish Community Center for use as a performing arts middle school in 1987-88, until the New Paseo Middle School is constructed. The rehabilitated building would be used

6/ On August 7, the Monitoring Committee expressed a desire to review estimates of the cost of proposed new construction. The District will provide rough estimates by the time of the Court's hearing on this Motion.

thereafter to house students who must be temporarily relocated due to capital facilities rehabilitation work on their schools.

These new magnet facilities proposed by the KCMSD are required to ease the crowding in District facilities, which is projected to become severe in the next several years, and to permit sufficient student movement to accomplish desegregative enhancements in the magnet school plan.

The KCMSD further moves this Court for an Order requiring the State of Missouri to fund the following land acquisitions, if appropriate sites can be located by the District:

- 1) Expansion of the site at Pitcher Elementary School for a Classical Greek magnet;
- 2) Expansion of the site at Garfield Elementary School for a Classical Greek magnet;
- 3) Expansion of the site at Northeast Middle School for a Classical Greek magnet;
- 4) Expansion of the site at Central Senior High School for a Classical Greek magnet; and
- 5) Acquisition of a site for demonstration and practical skills application for the East Senior High School Agribusiness and Environmental Sciences Magnet.

The Classical Greek magnets require enlarged sites to accommodate the athletic component of the program, which is a feature designed to attract both non-minority and minority students. The outdoor site for demonstration and practical skills application for the Agribusiness and Environmental

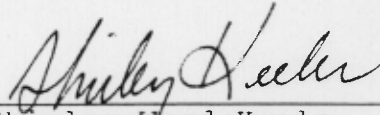
Sciences Magnet will give students an opportunity to have hands-on experience in agriculture and the outdoor environment, despite the KCMSD's urban location.

Finally, the KCMSD moves this Court for an Order requiring the State of Missouri to fund the cost of transportation required by the Plan. A budget for the actual cost of transportation has not been established because the cost cannot be predicted with accuracy until the District gains experience in determining where the students for particular magnet schools will come from. The District proposes that the Monitoring Committee review and approve the District's requests for transportation cost reimbursement.

In support of this Motion, the KCMSD submits the attached Memorandum in Support of the Board's Motion and the

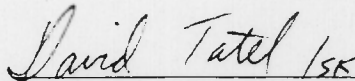
Long-Range Magnet School Plan and Budget, filed herewith and incorporated herein by reference.

Respectfully submitted,



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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

KALIMA JENKINS, <u>et al.</u> ,)	
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Plaintiffs,)	
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v.)	No. 77-0420-CV-W-4
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STATE OF MISSOURI, <u>et al.</u> ,)	
)	
Defendants.)	
)	

MEMORANDUM IN SUPPORT OF KCMSD MOTION FOR
APPROVAL OF LONG-RANGE MAGNET SCHOOL PLAN

Preliminary Statement

In its Order of June 16, 1986, this Court stated the goal by which remedial components such as proposed magnet schools will be judged:

The long term goal of this Court's remedial order is to make available to all KCMSD students educational opportunities equal to or greater than those presently available in the average Kansas City, Missouri metropolitan suburban school district. In achieving this goal the victims of unconstitutional segregation will be restored to the position they would have occupied absent such conduct, while establishing an environment designed to maintain and attract non-minority enrollment.

June 16, 1986, Order at 17 (emphasis in original).

Magnet schools are a critical element of that goal because the Court's remedy relies on voluntary student transfers as the only additional means of reassignment to

alleviate the racial imbalance in the KCMSD schools. 1/ Any magnet school plan for KCMSD thus has a substantial load to bear; the District was nearly 74% minority in 1985-86, with 24 of its regular schools over 90% black. KCMSD submits that no magnet school plan for the District would be acceptable if it proposed merely to distribute the small number of non-minorities remaining in the KCMSD across a few more schools. Rather, successful magnet schools must draw back from private schools those who have abandoned or avoided the KCMSD, and draw in additional non-minority students from the suburbs.

It is possible for a magnet school plan in the KCMSD to do much more than shuffle the small number of non-minorities remaining in the system. The State's own expert agreed at the hearing on the 1986-87 magnet school plan that many successful magnets around the country "are quick to boast that their proudest accomplishment is a capacity to attract youngsters from private schools. For instance, Bronx Science in New York City is quite proud to report to all comers that 40 percent of its incoming class is drawn from private schools." June 5,

1/ This Court's reliance on magnet schools to generate voluntary student transfers as a fundamental component of a desegregation remedy is fully supported by the decisions of numerous courts, in this circuit and elsewhere, see, e.g., Liddell v. Missouri, 731 F.2d 1294, 1311 (8th Cir.) ("Liddell VII"), cert. denied, 105 S.Ct. 82 (1984); see generally cases cited in Memorandum in Support of KCMSD Motion for Approval of 1986-87 Magnet Programs, at 7-13.

1986, Tr. at 364 (Doyle). The KCMSD magnet schools must be such a national success story. The KCMSD magnet schools must help to inspire the public financial and moral support for the school system that can grow out of enhanced desegregation and student achievement. It is only in this way that magnet schools can help "to make available to all KCMSD students educational opportunities equal to or greater than those presently available in the average Kansas City, Missouri metropolitan suburban school district." June 16, 1986 Order at 17.

The magnet school plan ordered by this Court will have to be comprehensive and far-reaching if it is to achieve these ambitious results. The KCMSD, through the substantial efforts of Dr. Daniel U. Levine of the School of Education of the University of Missouri, Kansas City, 2/ and Phale D. Hale of the Rochester, New York Public Schools, 3/ has developed the Long-Range Magnet School Plan filed herewith (the "Plan"). In

2/ Dr. Levine has studied and written extensively on magnet schools and other desegregation issues and has testified previously in this litigation as an expert on these subjects.

3/ Mr. Hale is the Supervising Director of Project Management and Grants for the City School District of Rochester. Mr. Hale has been with the Rochester district for 16 years and was responsible for developing and implementing its magnet school program. Mr. Hale has a B.A. from Howard University and an M.A. in Educational Administration from the State University of New York at Brockport.

the present status of this case in which mandatory participation by the suburban districts has been precluded, the Plan offers the District's best hope of contributing to desegregation by bringing non-minorities into the system.

I. The Plan Was Developed Through the Careful
Deliberative Process Contemplated by the
Court's Orders.

In this Court's June 14, 1985, Order, the KCMSD was required to undertake the process of planning magnet programs in addition to then-existing programs at Lincoln Academy, Swinney-Volker, and Southwest Cluster. June 14, 1985, Order at 23-24. Pursuant to the Court's Order, KCMSD conducted a two-part market research study, through Market Information Services. The Marketing Information Services Phase I study ("Phase I Study") was a quantitative, statistically valid, study designed to assess the public's potential interest in the magnet school concept and to test the drawing strength of possible program themes throughout the Kansas City, Missouri, metropolitan area. ^{4/} This research was undertaken through a telephone survey conducted in December 1985. Phase I Study at 4. A total of 608 interviews of residents of KCMSD and the 11 suburban school districts was completed. Id. The respondent

^{4/} The Phase I Study was filed as Attachment B to KCMSD's Motion for Approval of 1986-87 Magnet School Programs, filed on May 9, 1986.

sample represented the school districts' current population profile by minority/non-minority status and by public/private school enrollment. Id. at 4-7.

Among non-minority parents, the magnet school themes which sparked interest among the greatest number of respondents were college preparatory, gifted, math, science and engineering, high-tech programs, Montessori at the elementary level, and a business management concentration at the secondary level. Id. at 1. The preferences of minority parents were similar. Id. at 2. It is noteworthy that the top priority among both minority and non-minority parents in selecting a child's school is a good, solid, basic academic curriculum. Id. at 10.

The Marketing Information Services Phase II study ("Phase II Study") consisted of 10 focus group sessions conducted in February 1986. 5/ The purposes of the focus groups were: 1) to explore, in an in-depth manner, non-minority residents' interest in magnet schools within KCMSD; 2) to investigate attitudes and circumstances which could affect the potential use of and enrollment in magnet schools; and 3) to obtain a reaction to and level of interest in specific possible magnet school themes. Phase II Study at

5/ The Phase II Study was filed as Attachment C to KCMSD's Motion for Approval of 1986-87 Magnet School Programs.

3. The focus groups consisted of parents of private and public school students in KCMSD and suburban areas. Id. at 6-7.

Participants in the focus groups exhibited a moderate level of interest in the development of magnets within KCMSD. Id. at 9. Participants, particularly patrons of KCMSD, emphasized the importance of improvement overall in current public schools. Id. at 10. Concern also was expressed that magnets could lead to the development of a "two-tiered" educational system, with magnets reserved for students with higher academic capabilities. Id.

Focus group participants generally indicated that they would be more likely to enroll a secondary level student than an elementary student in a magnet. The participants identified the location of magnet schools as an important issue because most participants wanted their children -- particularly elementary children -- to attend school close to home. Id. at 10. The participants were asked about particular magnet school themes, and commented favorably on elementary Academic Academy and secondary college preparatory, math, science and engineering programs. Id. at 11.

The drafters of the Plan considered the survey and focus group results and also received extensive public comment directly. As drafts of the Plan were developed, hundreds of copies were circulated through the public libraries. Community groups and individuals submitted written comments, and

expressed their views at public hearings on May 28, July 7, and July 21, 1986, which were attended by Dr. Levine, Mr. Hale, and members of the staff, Board, and administration. The experts preparing the Plan also attended meetings of the Missouri Black Leadership Association, the Education Task Force of the Black Community Coalition, and met with small groups of parents and citizens organized by the Learning Exchange. The experts met with the President of the KCAFT and incorporated his comments in the Plan. They also toured schools and met with District principals.

Views of the public also have been conveyed through School Board members. The full Board considered the Plan and voted in favor of the proposed Plan and budget at public meetings on July 22 and July 28, 1986. The views of the plaintiffs have been conveyed through extensive participation in the magnet school planning process by Arthur A. Benson II, counsel for the plaintiffs, and George Frey, Assistant Superintendent of the San Diego, California School District, the plaintiffs' magnet school consultant. This careful deliberative process thus offered extensive opportunity for the KCMSD to learn what will attract a diverse magnet school population and enhance equal educational opportunities.

II. The Plan Will Provide the Desegregative and
Educational Benefits of Magnet Schools Which Are
Called for by this Court's Orders.

The KCMSD designed this Plan to achieve the greatest truly stable desegregation possible in a magnet school plan, within the constraints of the KCMSD's substantial minority population and the lack of mandatory or voluntary participation by suburban school districts. The key to this design is meaningful educational programs that can draw students to schools with improved racial balance. The educational benefits of the Plan are implicit in the substantive themes and programs, offering opportunities, for example, for children to become fluent in a second language, to increase writing and communication skills, to learn about law and government, and to acquire knowledge in general math and science skills as well as the environment, engineering, and computer technology. The KCMSD does not propose programs that are mere frills added on to a flimsy academic foundation. Nor does it propose programs intended to allow the District to reduce its current commitment to these schools. The KCMSD proposes that it continue to bear the ordinary operating expense of these schools, and to implement the existing Court-ordered desegregation programs at all of the magnet schools, with the financial responsibility these programs impose on the District, as well as the State. Such features as the reduced class sizes, all-day kindergarten, and effective schools funding already ordered by the Court will

be critical to convey to the public that the basic KCMSD academic program is sound.

A complete understanding of the Plan, of course, can be gained only from the Plan itself; it is simply too comprehensive to attempt to summarize in its entirety in this memorandum. Discussed below are the key features of the Plan that the KCMSD views as carrying with them the greatest opportunity for desegregating the KCMSD through any magnet school plan. Examples from the Plan are discussed where useful for illustrative purposes.

A. Feeder patterns -- The Plan was designed to achieve the maximum potential desegregation, as well as substantial educational benefits, by offering meaningful programs for students through their school years. The programs can accommodate students entering at any level, but are designed in a series of feeder patterns so that students have continuity of instruction through their school years. 6/ The feeder patterns also are designed to draw students of mixed racial backgrounds, particularly for the higher grades. This is accomplished by scattering the programs at the elementary level around the District, which then feed into middle and high school programs that continue the magnet theme.

6/ The feeder patterns are illustrated in the charts following page 9 of the Plan.

One example of the feeder system created by the Plan is Paseo Senior High School. Paseo, which was 99.9% minority in the 1985-86 school year, will offer a Visual and Performing Arts magnet school program under the Plan. The principal "feeder school" for Paseo Senior High will be a new Paseo Middle School, also located in the predominately minority Paseo area. At the elementary level, however, visual and performing arts programs will be offered in schools in various areas of the District, including Phillips and Meservey in the central corridor area, Longfellow in Westport, and a New Gladstone in the predominantly non-minority Northeast area. Although attendance at the secondary level will not be limited to students who participated in the program in elementary school, students coming out of the elementary program will have a strong incentive to continue through middle school and high school and will also have first priority in admissions. Plan at 17. This technique is used throughout the Plan as an incentive for voluntary desegregation.

B. Themes -- The themes selected for magnet schools in the Plan took into account the results of the surveys and focus groups, so that the greatest potential desegregative attractiveness could be achieved. The chart on page 12 of this Memorandum illustrates the groups of themes proposed in the Plan. As the chart indicates, a heavy emphasis is placed on math and science, particularly at the secondary level;

high-tech programs are provided at all levels; and other specific programs identified in the survey and focus groups are incorporated in the Plan (e.g., Montessori, gifted, elementary academic academy [Latin Grammar and Classical Greek], and business management). The District's magnet school experts also have incorporated in the Plan themes that have proven highly successful in other cities. 7/

7/ For example, Agribusiness has been a highly successful theme in Philadelphia and Visual and Performing Arts has been extremely attractive in cities throughout the country, including St. Louis, Milwaukee, and Rochester. All of the themes selected have a proven basis of experience in other cities, on which the KCMSD magnets will build in order to maximize their opportunity to succeed. See, e.g., R. Blank, R. Dentler, D. Baltzell & K. Chabotar, Survey of Magnet Schools: Analyzing a Model for Quality Integrated Education 28-30 (1983).

LONG-RANGE MAGNET SCHOOL PLAN THEMES

	<u>Physical Science</u>		<u>Social Science & Humanities</u>		<u>Other</u>	
<u>Elementary Themes</u>	Southwest Cluster	--Science/Math	Attucks	--Communications Writing	New Southeast	
	Swinney-Volker	--Science/Math	Troost	--Communications Academy	Campus	--Classical Greek
	Weeks	--Science/Math	New West	--Communications & Writing		Gifted & Talented
	Three Trails	--Science/Math		Spanish	New N.E.	--Latin Grammar
	Wheatley	--Science/Math	Phillips	--Performing & Visual Arts	Pinkerton	--Latin Grammar
	New Gladstone	--Science/Math	New Gladstone	--Performing & Visual Arts	Faxon	--Montessori
	Richardson	--Computers	Longfellow	--Performing & Visual Arts	Garfield	--Classical Greek
			Meservey	--Performing & Visual Arts	Pitcher	--Classical Greek
	N. Rock Creek/		Logan	--French		
	Korte	--Environmental Science	Franklin	--Spanish & French		
	New Southeast		Moore (K-3)	--Spanish		
	Campus	--Computers	Mt. Washington	--German		
	Knotts	--Environmental Science	(K-3)			
			Melcher (4-5)	--German		
				French		
				Spanish		
			Fairmount			
			(K-3)	--Spanish		
			Sugar Creek			
			(K-3)	--French		
<u>Middle Themes</u>	Lincoln North	--College Prep	Lincoln North	--College Prep	Lincoln North	--College Prep
	Bingham	--Science	Westport	--Communications	Northeast	--Classical Greek
	Central	--Computers	New Paseo	--Performing & Visual Arts	King	--Latin Middle
	Southeast	--Science & Technology	Central	--Language		
	Lincoln South	--Science & Math				
	Nowlin	--Environmental Science				
<u>Senior Themes</u>	Lincoln North	--College Prep	Lincoln North	--College Prep	Lincoln North	--College Prep
	Southwest	--Science/Math	Westport	--Communications	Westport	--Business
	East	--Environmental Science	Paseo	--Performing & Visual Arts	Central	--Classical Greek
		& Agribusiness	Southeast	--International Studies	Tech Center	--Technical &
	Southeast	--Health Professions	Northeast	--Law & Public Service/		Vocational
	Van Horn	--Engineering &		Military		
		Technology				
	Central	--Computers				

In order to maximize the desegrative potential of the Plan, all of the senior high and middle schools will have magnet themes along with the basic District curriculum for those levels. In addition, the themes which the District's experts believe will have the strongest drawing power have been placed in the predominantly minority secondary schools in the central corridor.

C. Attendance areas and admission standards --

Attendance areas will be eliminated for high schools and middle schools; the students for each school will be drawn from District-wide applications for admission. This approach is designed to provide a better opportunity for enhancing desegregation at these levels than the alternative of magnetizing only some selected schools. 8/

The admissions guidelines for the magnets are structured to promote equity in addition to desegregation. The Plan permits meaningful choices for minorities as well as for non-minorities. The admissions guidelines for 1987-88 provide that students will be accepted on a first come-first serve

8/ For example, if only half of the middle and high schools were made magnets, with racial guidelines of 50-50 or 60-40 minority to non-minority, the effect could well be merely to transfer the non-minority students already enrolled in the District from their present schools to the limited number of magnet schools, with the remaining schools becoming nearly all-minority.

basis at a 60/40 minority/non-minority ratio. 9/ If applications of students in either group are received in numbers insufficient to fill the program, specified deviations will be allowed from the 60/40 ratio, but magnets will not be less than 50% minority. Plan guidelines will enable a large number of students -- minority and non-minority alike -- to get their choices of magnet schools. This approach will enhance positive feelings about the District and will be an educational benefit to students who wish to focus on a particular field of emphasis.

Another sense in which the Plan strives for equity is by avoiding admission requirements that would permit only high-achieving students to take advantage of the programs. The admission criteria will not exclude any interested student, within the specified guidelines concerning race. The only exceptions involve the college prep secondary magnet at Lincoln, the Montessori magnet which may interview for individual suitability, and the elementary gifted and talented magnet school.

Consistent with the general admissions policy that avoids criteria based on test scores or achievement, the

9/ The Plan provides that the admissions guidelines will be adjusted each year as the District gains experience with the Plan. Plan at 17.

magnets will provide programs and classes at all levels of skill and achievement in the magnet emphasis at each school. Students also may choose to participate in a particular magnet program to a greater or lesser extent. Opportunities will be available for intensive participation in themes such as science/math, foreign language, or performing arts, but students may also choose to restrict their participation to a limited number of enrichment activities beyond the basic curriculum and some infusion of the magnet theme into regular coursework.

D. Equity and fairness toward all District students -- The Plan is designed to avoid a danger often inherent in a system in which only a few schools are made magnets, i.e., the danger that the magnet schools will be perceived as "elite" schools that are "better" than the regular District schools. At the 1986-87 magnet school hearing, the State's own expert advocated a system-wide program of magnets as a way to avoid a "two-tier" system. H. Bartow Farr, III, counsel for the State, asked one of the State's magnet school experts, Denis Doyle, how to avoid the creation of a two-tier system with the "haves" happy in their magnet schools and the "have-nots" -- the bulk of the students -- dissatisfied in their regular schools. Mr. Doyle's testimony on this point is consistent with the magnet structure proposed in the Plan:

[T]he most compelling idea intellectually, of course, would be to convert an entire school system to magnet schools where budgets would be derived on the basis of enrollment, monies would be spent equally and fairly at schools and the school community would design programs they found satisfying, both intellectually and for other bases.

In that environment no one would be disadvantaged, each school and each student within each school would be treated fairly and evenly and schools would be encouraged to develop their own academic personalities, as it were, and by that device they would be treated in an even-handed and fair fashion, with, I would suggest, the opportunity to develop academic or educational personalities, that if they worked would attract students; if they didn't, they would lose students.

June 5, 1986, Tr. at 381-82 (Doyle). 10/

A critical goal related to the avoidance of a two-tier system is the achievement of equity in a magnet school program. The KCMSD believes that non-minority children should

10/ The KCMSD Plan leaves approximately one-half of the elementary schools as non-magnet comprehensive schools in order to provide a choice that is attractive to many parents. The full system of magnets suggested by Mr. Doyle is not proposed at the elementary level because parents expressed concern during the consideration of the Plan that not everyone wants a magnet school thematic focus for their children in the early grades. The District does not believe that these "regular" elementary schools will be on any sort of a "second tier," vis-a-vis the magnets, because they will have precisely the same complement of basic comprehensive educational programs provided through the District's efforts and the Court-ordered desegregation program as will the magnets. The distinction the magnets will feature will be focused themes, and not any different quality of basic education.

not be given educational opportunities at the expense of minority students. Elementary magnets are located in areas convenient for minority as well as non-minority students. This may result in some of these elementary magnets remaining substantially non-minority, at least in the near future. These schools are an essential part of the Plan because substantial magnet opportunities must be provided for minority students in the elementary grades, even if these magnet schools do not have substantial non-minority enrollment, if minority students are to be well prepared for the programs in the fully magnetized -- and more desegregated -- middle and high schools.

The Plan also is structured to avoid, whenever possible, involuntary dislocation of students when a school becomes a magnet. This is achieved by phasing in admissions of new magnet students on a grade-by-grade basis. For example, when a new senior high school magnet program begins, incoming ninth graders will be drawn from throughout the District, and the suburban districts from which applications have been received, in accordance with the racial guidelines and with priority for students continuing in a program. See Plan at 17-20. Tenth, eleventh, and twelfth graders will be permitted to remain in the school, although they may choose to transfer to another school in accordance with the Plan's admissions

policies. 11/ Admissions will continue in this manner until the fourth year of the program, when the entire student body of the senior high magnet will have been admitted to the program.

The equitable implementation of a magnet school plan must provide for the fullest participation possible by troubled and handicapped children. The District proposes a transition program in each high school and middle school for students with serious social and academic problems. The transition program will be integrated into the general theme of each school and will provide students with special services with an emphasis on the remediation necessary to bring the students up to a level which will permit them to enter the regular program.

The District also proposes a pilot transition program for seventh, eighth, and ninth grade students who are seriously handicapped. The goal of the program will be to improve their participation in magnet schools and programs. If successful, the pilot program should be extended to additional handicapped students.

E. Mandatory backup -- Finally, the KCMSD consistently has maintained that a mandatory back-up is

11/ The two exceptions to this phasing in of admissions are in elementary schools where Montessori and Latin Grammar programs will be established, because those programs require a student body throughout each school that is committed to and involved in the program. Students displaced from those schools will be given priority for admission to other magnets. Plan at 17.

important if a magnet school plan is to achieve a desegregative impact. Tr. 24,108-09 (Orfield). The District proposes that the existing Plan 6(c) continue, in effect, as a mandatory back-up. As the long-term magnet plan is phased in, the District expects to request the phasing out of Plan 6(c) transportation at the middle and senior high levels, at least to the extent the same level of desegregation is accomplished through magnet schools. The District also will examine carefully Plan 6(c) transportation at the elementary level as the magnet schools are implemented, and expects to recommend phasing out Plan 6(c) transportation to the extent that voluntary transfers in the magnet program are achieving at least the same level of desegregation.

III. The Cost of the Proposed Long-Range Magnet School Plan Is Reasonable and Necessary to Achieve the Plan's Objectives.

The programs proposed in the Plan are not cheap, and with good reason -- genuine desegregation in KCMSD through a magnet school plan will never be achieved at a cut-rate. Neither, however, can the program fairly be characterized as unreasonably expensive.

A. The Program Budgets are Prudently Designed to Avoid Excessive Expenditures

Consistent with the Court's June 16 Order, the Plan does not contemplate general overall class size reductions for

the magnet schools. 12/ Of course, additional "resource" teachers are necessary, and are therefore provided in the Plan, in order to provide the thematic program needs that the present school staff does not deliver. Substantial funding also is necessary for resources such as equipment and supplies to support the magnet programs that are inadequate or even nonexistent in the KCMSD. As a general rule, the programs have been designed and budgeted according to the principle, which the KCMSD understands to be the underlying intent of the funding allocation made by the Court in its June 16 Order, that the KCMSD should continue its existing commitment to and support for its own schools, with the State to fund the additional cost of magnetizing the school.

As the Plan's budget reflects, the program budgets intentionally have been designed to confer significant decision-making authority as to specific expenditures upon the District's administration, the planning task forces, and the individual schools where the programs will be implemented. This is particularly true for equipment and other non-personnel budget categories. Such "front-line" discretion is critical if

12/ The KCMSD continues to believe, however, that class size reductions on the order of those contemplated in its proposed 1986-87 Magnet School Plan, would provide additional desegregative attractiveness. See Memorandum in Support of KCMSD Motion for 1986-87 Magnet Programs, at 20-22.

the commitment and enthusiasm of the school's staffs and parents are to be sustained -- and indeed, if the best expenditure decisions are to be made. This Court has recognized the need for "bottom up" input in the District's spending decisions for individual schools, so that those decisions are "in the hands of those individuals with the knowledge, expertise and information necessary to make the best judgments." June 14, 1985, Order at 22. 13/ The District and school-based planning task forces that are proposed for the pre-implementation planning school year will play a central role in determining precise expenditures.

Adhering to these principles, the overall budgets proposed by the KCMSD to fund the Plan are quite reasonable,

13/ The State's expert, Mr. Doyle, elaborated on this point in the hearing held in June:

One thing we have learned from 20 years of federal experimentation, I think beyond a shadow of a doubt, is that reform cannot be imposed from the top down, trickle down reform doesn't work. Reform has to grow organically from the bottom. It can be watered and fertilized, as it were, with seed money from Washington - and from the State, it can be assisted, can be helped, but in the final analysis, educational reform has to emerge from the institutions which are themselves to be reformed. The teachers, the principals, the community, the parents, the kids have to have some sense of ownership, some sense of participation.

June 5, 1986, Tr. at 370-71.

and the Monitoring Committee has so found. As Mr. Doyle testified, the cost of a magnet program varies according to the type of theme. Vocational schools are the most expensive, humanities tend to be the least expensive, and in the middle lie such schools as math/science magnets and magnets with a computer emphasis. June 5, 1986, Tr. at 373 (Doyle). The estimated recurring per-pupil "add-on" cost of the KCMSD magnets proposed in the Plan bears out Mr. Doyle's thesis, as the chart below, reflecting program costs by the groupings of themes shown on page 12, supra, demonstrates: 14/

	<u>Physical Science</u>	<u>Social Science & Humanities</u>	<u>Other</u>
Elementary	\$ 917	\$ 685	\$ 848 <u>15/</u>
Middle	\$1,428	\$1,079	\$1,094

14/ These estimates, which do not include the existing magnet programs at Swinney-Volker, Southwest Cluster, and Lincoln College Preparatory, are based on the full first year of implementation costs of the programs, including apportioned planning task force expenses at the elementary and middle school levels, and are calculated on the basis of full facility utilization. Many non-recurring expenditures for equipment and other purchases will be made in the first year of implementation for all these programs, and are included in these per-pupil estimates. Thus, the per-pupil add-on cost estimates shown should decline in subsequent years.

15/ The Montessori magnet program at Faxon is the most expensive of the elementary programs, consistent with experience in other cities, with estimated per-pupil cost of \$1,191. The estimated per-pupil cost of the remaining "other" elementary magnet programs is \$778.

Senior High	\$1,263	\$1,177	\$1,686+ <u>16/</u>
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B. The Magnet Support Personnel and Programs
 Proposed in the Plan Are Essential to the
 Successful Implementation of the Plan

The Plan is an ambitious one. It proposes the establishment of an extensive network of magnet schools with a wide variety of themes, requiring careful and systematic implementation. To implement this program successfully, the District must have adequate support by a professional magnet school staff. There will have to be a great deal of coordination between administrative departments; coordination of educational design with facility development to make possible the achievement of the greatest educational benefits; monitoring of construction schedules; development and clarification of staffing, admissions procedures and transportation logistics; monitoring of implementation including reviews of changes and modifications; development of recruitment guidelines; development of public information materials; counseling of students and parents; and review and administration of budgets. The KCMSD simply is not capable,

16/ As Mr. Doyle's testimony indicated, the proposed Advanced Vocational and Technical Studies magnet is the most expensive of all the programs -- again, consistent with experience in other cities -- with an estimated per pupil cost of \$2,128. The estimated per-pupil cost of the remaining "other" senior high magnet programs is \$1,292.

with existing support staff, of implementing a program of this magnitude. Accordingly, discussed below are several of the magnet support functions and positions that are essential to the successful implementation of the Plan. The full scope and staffing of the support structure is detailed in the Plan and budget.

1. Associate Superintendent -- The key position in the magnet school support chain is that of program administrator, proposed at the associate superintendent level. ^{17/} The person holding the position must have full authority to plan, organize, and implement magnet school programs, including coordination of instructional program development, and must supervise expenditure of all funds allocated to support the magnet school programs. The Plan also contemplates that the Associate Superintendent will have involvement in the evaluation of principals of magnet schools, the selection of administrative and other personnel in magnet schools, and review and creation of policies and procedures that may impact magnet schools and programs.

^{17/} The KCMSD should be left with the discretion to determine how to integrate the existing Magnet School Office and Desegregation Monitoring Office with the central support structure proposed in the Plan. Once integrated, any unnecessary duplications will be eliminated.

Four new directors should be assigned to the Associate Superintendent: Director, Secondary Magnets; Director, Middle School Magnets; Director, Elementary School Magnets; and Director of Recruitment and Public Information. The Directors of Secondary, Middle School, and Elementary magnet programs will be responsible for the development, planning and implementation of magnet schools at the appropriate levels. 18/ The Director of Recruitment and Public Information will be responsible for the recruitment and placement of students in the magnet school program, and will also have the responsibility of implementing the program for the marketing of magnet schools. In the final analysis, the success of even the best magnet school plan must depend on the efforts of the school district to market the schools and recruit the students. It is critical that this department have sufficient staff to ensure that students and parents are able to secure personal advice regarding available choices of educational programs.

18/ The existing Associate Superintendents for elementary and secondary education will remain responsible for the "regular" curriculum and instruction in the magnet schools. The Middle School Magnet Director position may become unnecessary when the District implements the transition to middle schools and decides whether they will be administered under the elementary or secondary program.

2. Instructional Specialists -- Instructional specialists will be assigned to the magnet school office in the major instructional areas to be covered by the magnet schools, and will chair all District task forces in their respective subject. They will ensure continuity of programs across grade levels and adherence to District and State standards and procedures for educational quality. After a school is opened, the specialists will work with building-based curriculum coordinators to develop the program revisions. They also will provide in-service training and on-site assistance to teachers and administrators.

3. Grant Specialist -- There are numerous potential funding sources for magnet school programs. These include the recently passed Federal Magnet School Assistance Act (MSAA), other government research or development programs, foundations, and corporations. The employment of a grants specialist should quickly pay for the initial expense of establishing the office, and could also secure additional funding that would reduce the cost of this Plan to parties in this action.

4. Ombudsman -- This Plan requires thousands of students to make choices each year. No matter how well the system is designed, there will be questions and concerns on the part of parents and students. The magnet school office must have an ombudsman to deal with parent and student complaints. The ombudsman will have a publicized direct phone line and be

available at times convenient to the public. The ombudsman will be responsible for reviewing and resolving complaints, monitoring the implementation of procedures, rumor control, early warning of emerging problems, and representing parent and student interests in policy formulation by the office.

5. Personnel Office -- In order to successfully implement the Plan, the District must develop and sustain a long-range personnel development, recruitment, and utilization plan because a substantial number of specialized and highly trained professionals will be required to deliver the programs. The District must implement a development program including in-service training providing stipends to the participants, and the provision of additional educational stipends to enable KCMSD employees to advance their education, professional development, and magnet school qualifications. These steps must be taken for teachers, principals, and other staff. In addition, the KCMSD must be able to recruit top flight principals and teachers on a nationwide basis to fill those needs that cannot be met locally.

6. Transportation -- The Plan will require extensive transportation planning to ensure that students get to the school of their choice in a timely and efficient manner. At least one transportation officer and appropriate technical and staff support must be added to the transportation office in order to accomplish this critical objective.

7. Evaluation -- Evaluation of magnet schools is an especially important aspect of this plan because it can provide information to decision makers at the central level as well as to school staff, parents, the Monitoring Committee and the Court regarding the effectiveness of the programs. Evaluation can serve as a tool for accountability as well as to identify program strengths and weaknesses so that revisions and modifications can be made on an ongoing basis to improve program effectiveness. Much of the evaluation process can be conducted by evaluator specialists within the District, but it is recommended that the District also hire outside evaluation consultants when needed. These consultants will be coordinated by a staff evaluator assigned to magnet school studies by the evaluation office.

8. Other Central Support -- The Plan also provides for additional budget, payroll, and procurement personnel needed for the magnet program to augment existing District support in these areas.

C. The Plan's Success Requires Extensive Facilities Improvements and New Construction

The KCMSD's Motion for Approval of 1986-87 Magnet Programs, filed May 9, 1986, set forth the critical needs in the 1986-87 magnet schools for extensive capital improvements in order to allow them to house truly attractive magnet school programs:

A common characteristic of many successful magnet schools is a physically attractive facility. The physical appearance of the building influences the decision of parents whether to enroll their child. Levine Declaration, ¶ 12; Tr. 22,211 (Levine). The more difficult it is to attract students to a school because of location or other factors, the more attractive the physical appearance of the school plant and the newer the equipment should be. Rossell, What Is Attractive About Magnet Schools?, 20 Urb. Educ. at 15. Extensive physical rehabilitation to the KCMSD magnet schools, and improvement of their buildings and grounds, is necessary to create a climate conducive to teaching and learning and to make the KCMSD magnet schools physically as attractive as many suburban and private schools. See Levine & Eubanks, Attracting Nonminority Students to Magnet Schools in Minority Neighborhoods, 19 Integrated Educ. at 57. 12/ In addition, facilities reconfigurations and additions are necessary in order to accommodate special magnet program offerings and resources. Tr. 24,200 (Uchitelle).

Id. at 26-27.

In selecting sites for particular magnet programs, the drafters of the Plan adhered, where possible, to principles that will hold down the cost of necessary capital improvements in order to make the chosen sites suitable to house the magnet programs. First, the elementary schools that generally require more modest reconfiguration and rehabilitation work were chosen to house the elementary magnet programs, thus decreasing the cost of improvements necessary to make the facilities suitable

magnet schools. 19/ Second, those secondary programs that inherently require the greatest reconfiguration or additions, such as performing and visual arts, were generally located in facilities that also require extensive capital rehabilitation, thus taking advantage of any savings to be gained for the "economies of scale" that result from doing necessary extensive reconfigurations while necessary extensive renovations also are being done.

Wholly aside from capital improvements, reconfigurations, and additions to existing facilities, the KCMSD has a critical need for the construction of new facilities. Such new facilities are necessary to ease the crowding in District facilities, projected to become severe in the next several years as the Court's class size reductions are implemented and enrollment increases. Additional space also is necessary to permit sufficient student movement to accomplish desegregative enhancements in the Plan. Where new real property acquisitions are necessary to construct new facilities or expand existing facilities to accommodate necessary programs, such property must be acquired.

19/ As a general rule, the elementary magnet programs require less program-based reconfiguration than do the secondary programs.

In order to maximize the desegregative potential of the Plan, the following new facilities are required in order to accommodate magnet programs, with the first four facilities listed also requiring the acquisition of new building sites:

- 1) A "New West" twin theme elementary campus, with site, in the Switzer area, for Spanish and communications magnets;
- 2) A "New Northeast" elementary school, with site, in the Northeast high school area, for a Latin Grammar magnet school;
- 3) A "New Southeast campus" three-school/theme elementary campus, with site, in the Chick/Mark Twain area, for Gifted and Talented, Classical Greek, and Computer magnets;
- 4) A "New Paseo" middle school in the Paseo area, for a performing arts magnet; and
- 5) Construction of a "New Gladstone" elementary school on the old Gladstone School site owned by the District in the Northeast area, for Performing and Visual Arts and science/math magnets.

In addition, the acquisition and rehabilitation of a facility such as the Jewish Community Center is needed for use as a performing arts middle school in 1987-88, until the New Paseo Middle School is constructed. The rehabilitated building would be used thereafter to house students who must be temporarily relocated due to capital facilities rehabilitation work on their schools.

Finally, additional property acquisitions also are necessary to maximize the success of magnet programs that will

be implemented at the following existing District facilities,
if appropriate sites can be located:

- 1) Expansion of the site at Pitcher Elementary School for a Classical Greek magnet;
- 2) Expansion of a site at Garfield Elementary School for a Classical Greek magnet;
- 3) Expansion of the site at Northeast Middle School for a Classical Greek magnet;
- 4) Expansion of the site at Central Senior High School for a Classical Greek magnet; and
- 5) Acquisition of a site for demonstration and practical skills application for the East Senior High School Agribusiness and Environmental Sciences Magnet.

The Classical Greek magnets require enlarged sites to accommodate the athletic component of the program, which is a feature designed to attract both non-minority and minority students. The outdoor site for demonstration and practical skills application for the Agribusiness and Environmental Sciences Magnet will give students an opportunity to have hands-on experience in agriculture and the outdoor environment, despite the KCMSD's urban location.

The KCMSD proposes that the State of Missouri pay for these capital expenditures, consistent with the liability of the State for segregation in the KCMSD, and consistent with this Court's previous allocation of the burden of magnet-related capital expenditures. See June 16, 1986, Order at 14-16. By the time of the hearing on this Motion, the

District will provide rough estimates for the new construction required by the Plan and any other capital facilities work that requires approval soon for the successful implementation of the Plan. The other capital expenditures necessary for the success of the Plan will be presented within the framework of the District's long-range capital improvements plan, due to be filed with the Monitoring Committee on or before January 5, 1987.

D. The Plan's Success Will Result in Increased
Transportation Costs

As a rule, the State's pupil transportation reimbursement formula reduces the percentage of reimbursement to school districts as the average distance traveled by students increases. Thus, just as the KCMSD has been punished financially by the State for its Plan 6(c) transportation -- regarded by the State as "inefficient" -- the KCMSD also will be punished by the State for the success of the Plan, with its expected increased cross-district voluntary transportation. A budget for the actual cost of transportation has not been established because the cost cannot be predicted with accuracy until the District gains experience in determining from where the students for particular magnet schools will come. The District proposes that the Monitoring Committee review and approve the District's requests for full State transportation cost reimbursement.

IV. The Costs Required to Convert KCMSD Schools to Magnets Should Be Fully Funded by the State of Missouri.

This Court previously set forth the basis for the State's responsibility in this action:

Since the minority students in the KCMSD are the victims of racial discrimination which was mandated by the Constitution and statutes of the State of Missouri, it is only equitable to place the greatest burden of removing the vestiges of such discrimination and the continuing effects of same on the State rather than on those who are the victims.

June 14, 1985, Order at 3. On this basis, the State should be ordered to fund the full actual cost of operating magnet schools in the District -- the only part of the Court's remedy that can have a directly desegregative effect.

The Court's June 16 Order, of course, did not grant KCMSD all the funding it sought, but we believe it did establish two principles: that the State should pay the full costs for capital improvements to the magnet schools, and the State should pay the full cost of the magnet enhancements to the schools, beyond the cost of operating the schools as "regular" schools. See June 16, 1986, Order at 14-19. It is these two principles that the KCMSD urges the Court to apply to this Plan, by requiring the State to bear the true costs of the magnet schools "needed to dismantle the effects of the State-imposed dual school system, the effects of which persist

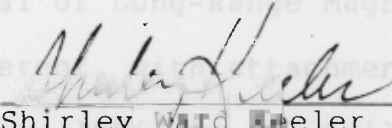
to this day in the KCMSD." Memorandum in Support of KCMSD
Motion for Approval of 1986-87 Magnet Programs, at 36.

Conclusion

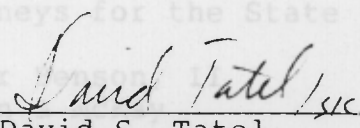
For the reasons stated, the School District of Kansas
City, Missouri, respectfully requests that the Court enter an

Order approving its Motion for Approval of Long-Range Magnet School Plan, and ordering the State to provide the funding requested in that Motion.

Respectfully submitted,


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Dated: August 13, 1986

CERTIFICATE OF SERVICE

I hereby certify that I caused copies of the foregoing KCMSD Motion for Approval of Long-Range Magnet School Plan and Memorandum in Support thereof, with attachments, to be delivered, this 13th day of August, 1986, to the following persons:

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