

This document is an extract of a larger publication.

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Finding 3.6: MUNI employees claim that safety standards have been relaxed in order to meet operating schedules.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree

Muni has not relaxed its safety standards and has never trained operators to sacrifice safety to meet the schedules. Our goal/motto has always been “Safety First”.

The most recent Triennial Review conducted in 2001 by the Federal Transit Administration reviewed our safety and security practices and found no deficiencies.

Reference: Operator Bulletins

Recommendation 3a: Establish a Program to Record and Analyze All Incidents and Accidents

MUNI should establish a program to record and analyze the causes of all incidents/accidents. The system would categorize each incident/accident by type, operator, transit line, division, claims and/or settlement costs and whether avoidable or unavoidable. The system should be designed to prevent multiple accident entries. The data should be readily available so that it can be used to establish procedures to reduce claims and their associated costs.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

Muni has already done so.

Recommendation 3b: Evaluate the Effectiveness of Its Training Program.

MUNI should evaluate the effectiveness of the current training program with an emphasis on accident prevention.

Response

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Implemented.

This is done on an ongoing basis. The Executive Director of the MTA reviews all accidents/incidents daily and meets weekly to review employee accident records and retraining steps taken.

General Responses

Adele Destro
Assistant Clerk of the Board
Board of Supervisors
August 12, 2004

The following is a report on the 2003-2004 Civil Grand Jury Report regarding the Municipal Transportation Agency in accordance with Penal Code Section 933 and Administrative Code Section 2.10.

The Board of Supervisors' City Services Committee held a hearing today on the Civil Grand Jury Report, On-Time Performance and Service Goals Remain a Fiction: MUNI's Mismanagement and Worker Problems. Representatives from the Civil Grand Jury addressed their findings and recommendations, and the Municipal Transportation Agency addressed certain disagreements with the Civil Grand Jury Report. Per Michael Burns, Executive Director, Municipal Transportation Agency, a formal written response to the Civil Grand Jury will be submitted within the required deadlines.

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency
August 23, 2004

On behalf of the Municipal Transportation Agency Board of Directors, I am responding to a Civil Grand Jury report released in June 2004. We fully concur with the response to the recommendations and findings as provided to you by the Executive Director of Transportation.

While the report appears to have taken a superficial look at three areas, we wish to focus on comments made by the Civil Grand Jury relative to management performance, in particular, the claim that the organization lacks leadership.

We take exception to the claim that a strong leadership presence is non-existent. The remarkable turn around of this Agency over the past five years is proof positive of the strong leadership provided by Mr. Burns and his leadership team.

Prior to Mr. Burns' arrival, Muni was in a serious condition, having experienced over a decade of systematic defunding, a demoralized staff and factions throughout the organization who were working contrary to the best interests of the organization. Since his arrival in 1999:

- Muni has had five consecutive years of balanced budgets.
- Muni has initiated major construction projects, such as the Third Street Light Rail Project and the Ocean Avenue Reconstruction Project.
- Muni has completed many projects on time and within budget, such as the Ocean Avenue Reconstruction project.
- There has been continuous improvement in service, from 48% on-time performance to 71.5% today.
- Muni has received public acknowledgement, on many occasions, for providing reliable service to major events. Most notably the opening of SBC Park and the World Series.
- Muni has passed every California Highway Patrol inspection and has had positive audits by the California Public Utilities Commission, Federal Transit Administration, and the Metropolitan Transportation Commission.

- Muni has a Mission, Vision, Values statement that reflects the deep commitment of its employees to provide a transit agency that is internationally recognized for excellence.

Mr. Burns has had to make many difficult decisions over the past few years but none so difficult as raising Muni fares for the first time in eleven years and in light of a continued economic downturn, the unpleasant task of laying off employees. Mr. Burns has earned national recognition and many accolades from the public sector and has received numerous national, regional and state awards including: The Metropolitan Transportation Commission Grand Award in 2002; California Transportation Foundation “Tranny” Award for Top Manager in 2003 and the Clean Air Champion Award from the Bay Area Air Quality Management District in 2002.

The report also alleges that Mr. Burns and his staff have no plans to achieve an 85% on-time performance delivery. Mr. Burns and the MTA Board have had numerous discussions regarding staff's efforts and strategic plans to attain the goal of 85% on-time performance. Those plans have been presented and discussed with the MTA Board of Directors at meetings, which are open to the public. We are disappointed that the Civil Grand Jury concluded that no plans exist when a quick review of our meeting minutes, readily available on Muni's website, provides evidence to the contrary.

The MTA Board of Directors and the City and County of San Francisco are proud to have an experienced, effective, and nationally recognized leader at the helm of the Municipal Transportation Agency. We find that this report is in no way an accurate reflection of the Agency nor its leadership.

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Attached are the responses to the June 2004 Civil Grand Jury Report as required by California Penal Code Sections 933 and 933.05. In addition to my responses to their recommendations and findings, I have also included the response of the Agency's governing body, the Municipal Transportation Agency Board of Directors.

While the MTA appreciates the effort by the volunteers serving on the Civil Grand Jury, we are dismayed with their apparent lack of in-depth research and review of the numerous documents that detail our plans and efforts to improve the service we provide to the public. We are concerned about the inaccuracies contained in the report and have attached additional reports for your information and review. Please note that most of this information is publicly and readily available on our website, www.sfmuni.com.

We take exception to conclusions about “management's lack of effective leadership-by not making the necessary changes and failing to develop new plans to meet goals, either through lack of competence or lack of will to do so”. Muni's on-time performance has improved from a low of 48% in 1999 to 71.5% as of March 31, 2004, representing a 23.5% increase. This achievement is the direct result of careful planning and hard work and is a clear indication of effective and proactive leadership.

Muni is an organization that is going through a difficult change process. The goal of this process is to bring our employees together to make Muni more responsive to our customers, provide better service and improve overall effectiveness. This has not been an easy process and has been

made more difficult due to significant budget deficits; layoffs and a 7.5% reduction in take home pay for many employees. As with any organization in the midst of change, we have encountered resistance from certain segments within the organization. Many of the statements made in the report are the same, almost verbatim, to those we have heard from individuals who are opposed to the changes.

Muni staff spent countless hours in interviews, preparing and providing information to the Civil Grand Jury. It is unfortunate that the Civil Grand Jury chose to disregard factual information and based their report on hearsay and opinion. We question how any professional review of Muni's operation could determine that the subjective and biased opinion of a handful of individuals interviewed could result in a broad-based finding that seems to indicate concurrence by all 4,300 employees of the Municipal Railway.

Muni employees work hard to provide quality transit service to our customers. While we face many challenges within the organization, we remain committed to continuing the pattern of improvement that has been established over the past several years.

Adele Destro
Assistant Clerk of the Board
Board of Supervisors
June 29, 2005

The Board of Supervisors' City Services Committee held a hearing on August 12, 2004 on the Civil Grand Jury Report, On-Time Performance and Service Goals Remain a Fiction: MUNI's Mismanagement and Worker Problems. Representatives from the Civil Grand Jury addressed their findings and recommendations, and the Municipal Transportation Agency addressed certain disagreements with the Civil Grand Jury Report. Per Michael Burns, Executive Director, Municipal Transportation Agency, a formal written response to the Civil Grand Jury will be submitted within the required deadlines.

TERMS

AC Transit -Alameda-Contra Costa Transit District that serves most of the East Bay communities in Alameda and Contra Costa County.

Accident -Usually an unexpected undesirable event or collision resulting in damage to person(s) or property.

Battery pay -San Francisco Civil Service Commission Rule 20.15 and Administrative Code Section 16.170 provide that an employee injured as the result of a criminal act of violence while on duty is eligible to receive full pay for a period of up to twelve months.

Incident -An event which is considered a minor occurrence or disruption.

Light-duty -Also known as Transitional Work or Transitional Work Program. A work plan that allows employees injured on the job to work reduced hours and/or in assignments requiring reduced physical activity while still receiving full pay for a period of up to 180 days. An employee can be on light duty as often as every other year. AC Transit has a similar program (limited to three days); it is referred to as the modified work program.

Light-duty job assignments -Tasks that can be performed by light-duty workers include: “reduced hours driving, loader, receiver, passenger service clerk, service quality teams, training department clerk, central control clerk, yard starter, expediter, finance department assistant, auto attendant, station operations assistant, discount I.D clerk, Pac Bell (sic) park revenue collection and cable car turn-table assistant.”

MUNI CAC -Citizens' Advisory Council formed by Proposition E.

Municipal Railway (MUNI) -The San Francisco public transportation system.

Municipal Transportation Agency (MTA) -The governing body responsible for the management of Municipal Railway (MUNI) and the Department of Parking and Traffic (DPT).

Proposition E -Passed by San Francisco voters in 1999 to incorporate MUNI and DPT into the MTA [Proposition E, Section 8A.1 03(c)] and to establish the following service standards:

1. On-time performance: of at least 85% of vehicles must run on-time, where a vehicle is considered on-time if it is no more than one minute early or four minutes late as measured against a published schedule that includes time points; and
2. Service delivery: 98.5 percent of scheduled service hours must be delivered, and at least 98.5 percent of scheduled vehicles must begin service at the scheduled time.

In this report the above referred to as “on-time performance” and “service delivery”

Sam Trans -Part of the San Mateo Transit Authority that serves all of San Mateo County.

Statistician -A mathematician specializing in data analysis.

Third Party Administrator (TPA) -A person who processes claims and provides administrative services.

Valley Transit Authority (VTA) -VTA serves all of Santa Clara County.

Civil Grand Jury Recommendations and Department Reponses		San Francisco Municipal Transportation Agency Board of Directors	San Francisco Municipal Railway	Office of the Controller
1a	MUNI management should prepare detailed plans to attain the on-time performance of 85% and service delivery of 98.5% mandated by Proposition E.	Implemented		
1b	The Executive Director of MTA, the General Manager of MUNI, and other senior management personnel should adopt proactive and highly visible leadership roles, establish accountability at all levels of management, ensure that all policies are enforced, and inform all employees of policies and the consequences of failing to adhere to them. In order to enhance morale and job satisfaction, the administration should encourage open communication between workers and management.	Implemented		
1c	Management should determine where MUNI ranks, <i>vis-a-vis</i> other agencies, in terms of the cost/benefits of its light-duty and battery-pay plans and workers' compensation benefits.	Implemented		
1d	Management should ensure that MUNI's training and accident prevention programs are consistent with current industry standards.	Implemented		
1e	Management should consider employee comments and recommendations at all levels. Such action can lead to improved working conditions and morale and, ultimately, to improved service.	Implemented		
2a	Management should determine and control the cost of its benefit plans and act to prevent abuses.	Implemented		
2b	Management should consider basing pay under the light-duty plan on hours actually worked.	Implemented		
2c	Management must establish controls to ensure that those employees assigned to light-duty are eligible under the conditions of the plan and are actually performing their assigned tasks.	Implemented		
2d	The managers of the departments to which light-duty personnel are assigned should be responsible for their presence and performance.	Implemented		

Civil Grand Jury Recommendations and Department Responses		San Francisco Municipal Transportation Agency Board of Directors	San Francisco Municipal Railway	Office of the Controller
2e	The Office of the Controller and the Budget Analyst's Office should conduct independent audits of the light-duty and battery pay plans and workers' compensation benefit programs to determine the actual costs of the plans and benefits and the feasibility of determining ways to reduce the overall costs of those programs.	Not Yet Implemented		Not Yet Implemented
2f	Compensatory plans should be examined to ensure that, although they may provide similar assistance, they do not duplicate the benefits.	Implemented		
3a	MUNI should establish a program to record and analyze the causes of all incidents/accidents. The system would categorize each incident/accident by type, operator, transit line, division, claims and/or settlement costs and whether avoidable or unavoidable. The system should be designed to prevent multiple accident entries. The data should be readily available so that it can be used to establish procedures to reduce claims and their associated costs.	Implemented		
3b	MUNI should evaluate the effectiveness of the current training program with an emphasis on accident prevention.	Implemented		

For each recommendation, the Civil Grand Jury did not require responses from all departments. The table only identifies those departments that responded to specific recommendations.

CHAPTER 3

THE MORE THINGS CHANGE, THE MORE THEY STAY THE SAME: THE CITY AND COUNTY OF SAN FRANCISCO AND THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT ARE FAILING TO ADDRESS THE EDUCATIONAL NEEDS OF THE BAYVIEW HUNTERS POINT COMMUNITY

BACKGROUND

The 2003-04 Civil Grand Jury investigated educational resources available to residents of the Bayview Hunters Point district (BVHP).⁸ The mission of the San Francisco Unified School District (SFUSD) is to provide each student with an equal opportunity to succeed by promoting intellectual growth, creativity, self-discipline, cultural and linguistic sensitivity, democratic responsibility, economic competence, and physical and mental health so that each student can achieve his or her maximum potential.

The Civil Grand Jury found that SFUSD and the City of San Francisco do not “provide each student with an equal opportunity” in Bayview Hunters Point, largely due to the lack of basic educational infrastructure in this community.

Historically, BVHP has been the largest African-American neighborhood in San Francisco; its children have been subjected to busing in order to achieve educational diversity in city schools. In 1954, the Supreme Court ruled unanimously, in *Brown vs. Board of Education*, that the doctrine of "separate but equal" education for blacks and whites was unconstitutional. The decision triggered much resistance in the South but marked the beginning of a civil rights movement that led to racial protections in public schools, accommodations, voting rights, housing, and employment.

RESULTS

The Civil Grand Jury made four recommendations and required responses from the following:

Board of Education
San Francisco Redevelopment Agency
San Francisco Unified School District

The table at the end of this chapter lists all the recommendations made by the Civil Grand Jury and summarizes department responses. The table only identifies those departments that specifically addressed a recommendation.

⁸ The terms and abbreviations used by the Civil Grand Jury appear at the end of the chapter.

Finding 1: The San Francisco Unified School District and the City and County of San Francisco Do Not Provide Educational Resources and Opportunities for Bayview Hunters Point Students

Finding 1.1: At present there is only one high school, Thurgood Marshall, in BVHP, and it is designated as an open-enrollment school available to students from all city districts. Of the 1005 seats available in Thurgood Marshall, 335 students are from BVHP.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Agree that Thurgood Marshall is currently the only high school located in the BVHP area. However, beginning in fall 2004, Gloria R. Davis College Preparatory High School will begin operation as the Dream School Initiative's Secondary Collegiate Academic campus for grades 7-12. In 2004-2005, Gloria R. Davis will begin serving seventh and eighth graders, and will add a grade each year until it is serving grades seven through twelve.

The District's current student assignment system is mandated by the federal Consent Decree issued in the cases cited above. This assignment system permits each student to select any school(s) within the District as their school of choice. Each student is permitted to select several school options, in order of preference. Students are assigned to schools according to their choices, based on space available and the diversity added to the requested site. The Diversity Index is the measure used to calculate the diversity that each student adds to a particular site, and considers factors such as socioeconomic status, the student's academic achievement status, mother's educational background, the child's language status, the language spoken in the child's home, and the academic performance of the student's sending school.

In order to promote diversity and student choice, students who live in the BVHP area (or anywhere else in the city) may select any high school within the District, and are not limited to selecting Thurgood Marshall Academic High School.

The general education instructional capacity for Thurgood Marshall is 1050 seats, and 385 of these seats are occupied by students that reside within the 94124 zip code. The remaining students are from other neighborhoods within San Francisco. Based on the 2003 CBEDS count, there are a total of 1486 comprehensive high school students that reside in 94124. For the 2004-2005 school year, 94 students from the 94124 zip code area requested Thurgood Marshall as their first choice high school through the student assignment process. As of August 2004, there remains excess capacity at Thurgood Marshall Academic High School.

Finding 1.2: As of September 2003, 1523, or 79.8%, of high school students in this neighborhood travel to get an education; 34% travel more than 2 to 3 hours. This community is unique in that almost its entire high school population must leave the neighborhood to attend school, with the result that travel times compromise students' ability to participate in after-school activities, reduce time for sleep and homework, and limit parent involvement in their children's schools.

An April 2003 Harris Poll indicates that a great number of high school students already suffer from poor grades due to lack of sleep. Adding a long commute to a student's day only serves to exacerbate the problem. According to the Harris poll:

Most high school students get less than eight hours of sleep on school nights, and one-third get less than seven. Those who get enough sleep do better in school, and vice-versa. Students who get less sleep are not only much more likely to fall asleep or daydream in class and to have difficulty paying attention, they are also much more likely to get poor grades and to consider dropping out of school.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Disagree that students “must” leave their neighborhood in order to attend school. As described above, the student assignment process mandated by Consent Decree permits students to select the school(s) that they would like to attend. Therefore, students from the BVHP area have the right to select and attend a school outside of their neighborhood. This student assignment process encourages student and family choice, and was designed to promote diversity within the District. Students from the BVHP area who wish to attend high school within the BVHP area have the option to do so.

District-wide, many SFUSD students choose to attend schools other than their attendance area school. For 2004-2005, only about 28% of SFUSD students listed their attendance area schools as their first choice. At the kindergarten level, only 22% of students listed their attendance area school as their first choice. Forty percent of kindergarten students instead chose another attendance area school as their first choice, and another 38% listed an alternative magnet school as their first choice.

A similar pattern exists at the middle and high school levels. Only 32% of sixth graders listed their attendance area school as their first choice, whereas 68% selected another school. Likewise, among ninth graders only 26% chose their attendance area school as their first choice. The exceptions to this overall pattern are Lincoln and Washington High Schools. These schools are very popular and draw about 70% and 45% of their respective enrollments from their attendance areas.

Seventy-eight percent of students from the 94124 zip code area received their first or second choice school through the student assignment process, and 84% received one of their choices. Based on the 2003 CBEDS count, 74% of comprehensive high school students that reside in the 94124 zip code area attend high school in a school located in a different zip code area. For the 2004-2005 school year, 94 students from the 94124 zip code area requested Thurgood Marshall as their first choice high school through the student assignment process. As of August 2004, there remains excess capacity at Thurgood Marshall Academic High School.

It is unclear how the grand jury concluded that 34% of students from 94124 travel more than 2-3 hours each day. In order to analyze this conclusion, the District obtained data from 511.org “Trip Planner” and assumed the following parameters: quickest route, excluding BART transfers, a maximum of a 1/8 mile walking distance, and destination arrival by 8 a.m. The two 94124 start points assumed were the Palou and Keith intersection and the 3rd Street and Innes intersection.

The travel times from Palou and Keith to each high school in SFUSD ranged from 18 minutes (to Thurgood Marshall) to 68 minutes (to Washington High School). The estimated travel times from 3rd Street and Innes and each high school in SFUSD ranged from 23 minutes (to Thurgood Marshall) to 65 minutes (to Raul Wallenberg High School).

The Harris poll quotation discusses a correlation between poor grades and lack of sleep. However, the quotation does not draw any connection between student commute times and poor grades or lack of sleep. Moreover, there are multiple factors other than lack of sleep that affect student grades. As noted above, students have the right to select and attend a school in another neighborhood under the District's student assignment process. Students who do not wish to attend high school in another neighborhood have the option to attend high school within BVHP.

Finding 1.3: 38% of high school students in BVHP drop out of school before senior year.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Clarity is needed to determine how the grand jury defined "high school students in BVHP," how they defined "before senior year," and the relevant subject time period.

The data used for the SFUSD End of Year Dropout Report, 8/15/03 to 6/9/04 was disaggregated by the 94124 zip code. Of the 1,710 students residing in this zip code at the time of this report, 333 students withdrew. Of the 333 withdrawn, 46 (2.3%) were identified as dropouts. A dropout is defined as a student who has withdrawn and has been classified in one of the following categories: (1) moved, district tried to find; (2) the student left for pregnancy, (3) runaway student; (4) transitional status; (5) confirmed dropout, (6) no show in September. The remaining withdrawn students do so through legitimate transfers to other schools outside our District. The District-wide high school dropout rate is 1.6%, 328 dropouts of 2,522 withdrawn with 18,404 total enrollment, and the county community dropout rate is 11.4%, 215 dropouts out of 538 withdrawn with 1,348 total enrollment. The formula used to calculate the dropout percent is dropout total divided by total enrollment plus total withdrawn.

If the "high school students in BVHP" is defined by the Grand Jury as being students enrolled at Thurgood Marshall High School, then their total dropouts for the 2003-2004 school year was 0.2%, 2 students out of 82 withdrawn with total enrolment of 973.

Finding 1.4: The Bayview Hunters Point region has the lowest ratio of school seats to student population of any San Francisco school district.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

Disagree. This statement does not acknowledge that pursuant to the student assignment process mandated by Consent Decree, students in the BVHP region (as well as students in the rest of the city) have access to seats in any school within the District through the student assignment process. Students are not limited to the available school seats within their own neighborhood or "region."

Finding 1.5: Of the total 2004 K-12 population of BVHP, which amounts to 6116 students, 75%, or 4570 children, commute to school in another neighborhood. In no other District are so many K-8 grade children are required to travel as far for a quality education. The foregoing is based on May 2004 statistics provided by SFUSD.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

Disagree. SFUSD students are not required to attend school outside of their own neighborhood. Pursuant to the student assignment process mandated by Consent Decree, students in San Francisco are entitled to request any school within the city. The purpose of the Consent Decree is to encourage diversity and student and family choice. Students are not required to attend schools in another neighborhood, but they are entitled to and often choose to do so. [See sections 1.1, 1.2 above].

Pursuant to the Consent Decree, students who reside in the area of Bayview/Hunters Point are given the option of attending other SFUSD schools with District-provided transportation. For example, during the 2003-2004 school year, SFUSD provided transportation from Bayview/Hunters Point to 37 different schools in 13 different areas of the District. Moreover, if a parent from Bayview/Hunters Point needs new or modified transportation services, the Transportation Services Office adds new stops or routes to accommodate those requests. For example, the District recently added a new stop on an existing bus route for Hoover Middle School at the request of a Bayview/Hunters Point parent.

SFUSD also provides transportation from other areas to schools in Bayview/Hunters Point to accommodate parental choice in student assignment. For example, during the 2003-2004 school year, the District provided transportation to Bayview/Hunters Point schools for students from 12 different areas of SFUSD, and it will continue to provide those transportation services in the 2004-2005 school year.

Finding 1.6: Within the boundaries of Bayview Hunters Point there are 4080 children in K-8, but only 1,124 attend schools in the district. In other words, 2956, or 72%, are bused to schools outside their neighborhood. The foregoing is based on May 2004 statistics provided by SFUSD.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

Pursuant to the student assignment process mandated by Consent Decree, students in San Francisco are entitled to request any school within the city. The purpose of the consent decree is to encourage diversity and student and family choice. Students are not required to attend schools in another neighborhood, but they are entitled to and often choose to do so. [See sections 1.1, 1.2 above].

Pursuant to the Consent Decree, students who reside in the area of Bayview/Hunters Point are given the option of attending other SFUSD schools with District-provided transportation. For example, during the 2003-2004 school year, SFUSD provided transportation from Bayview/Hunters Point to 37 different schools in 13 different areas of the District. Moreover, if a parent from Bayview/Hunters Point needs new or modified transportation services, the Transportation Services Office adds new stops or routes to accommodate those requests. For example, the District recently added a new stop on an existing bus route for Hoover Middle School at the request of a Bayview/Hunters Point parent.

Finding 1.7: African-American students account for 14.7% of the SFUSD population, but they make up 38.9% of enrollment in the County Schools, the placement for SFUSD's most troubled and difficult students.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

The California Basic Educational Data System (CBEDS) 2003 report shows that on the CBEDS information day, October 1, 2003, African American students represented 14.5 % of the total District school site enrollment. Also, African American students represented 38.9 % of the total enrollment for the County Schools.

County community schools serve students that have not been successful in the traditional school setting, and provide an alternative nontraditional format that offers flexible scheduling, alternative programming, more individualized instruction, and more collaboration with outside agencies. Students are placed in county community schools through the SFUSD Dropout Prevention Office to address truancy issues; through the Student Placement Committee to address disciplinary issues; to allow students to pick up credits for high school; or to provide a more flexible schedule for working students.

Finding 1.8: Bayview Hunters Point high school students' average GPA of 1.84 is the lowest of any group in the SFUSD.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

Clarity is needed about the definition of “BVHP high school students,” the manner in which the GPA is calculated, the time period used, and the source of the information. The Fall semester 2003 Grade Point Average (GPA) with Physical Education (PE) and Spring semester 2004 GPA with PE for high school students who reside in the 94124 zip code is the same, 2.1GPA.

Finding 1.9: The 1988 National Education Longitudinal Study found that middle-income parents were four times more likely than low-income parents to belong to the PTA and twice as likely to contact their children's schools on academic matters.

Response to Finding

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

This is a description of a conclusion made in a study, and not a factual finding that can be confirmed or denied by SFUSD. The District does not have knowledge regarding the accuracy of this study.

Recommendation 1: Provide the Bayview Hunters Point District With Neighborhood Schools

SFUSD should provide the Bayview Hunters Point district with neighborhood schools commensurate to its population of eligible local students.

Response

**Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004**

This recommendation does not acknowledge the existence of the SFUSD student assignment system mandated by Consent Decree, which provides students with the right to select schools from any neighborhood within the District. Therefore, students are not limited to available seats in the schools within their own neighborhood. This student assignment system may only be changed by agreement of the parties or by an order of the Court. Currently, there is adequate capacity within the schools in BVHP for students who opt to attend those schools.

The SFUSD Master Facilities Plan provides objective criteria for planning educational facilities to meet the changing needs of the community, and to provide options in allocating facility resources to achieve the district’s goals and objectives. The Master Plan includes a capacity study for the District, and included the following conclusion: “The 10-year enrollment projections, in

conjunction with the Capacity Study, forecast excess capacity at San Francisco Unified School District's school facilities of nearly 7,600 seats, or more than 12%, on a district-wide basis for the time frame addressed in this Master Plan.”

As of August 25, 2004, there remained 363 open spaces across all grades in K-12 schools located in the 94124 zip code area. Only 6 of the 35 grades offered in the 94124 zip code area are at capacity.

However, in order to maximize the quality of the schools located within the BVHP area, SFUSD has initiated the Dream Schools Initiative, and has participated in the STAR Intervention Program and the Secondary School Redesign Initiative.

Dream Schools

The first three Dream Schools are all located in Bayview/Hunters Point. These schools will provide a pre-kindergarten to grade 12 continuum housed on three campuses: Charles Drew, Twenty-First Century, and Gloria R. Davis. The pre-kindergarten to third grade campus at Charles Drew will be focused on early learning and literacy. The fourth to sixth grade campus at Twenty-first Century will focus on academic development in the upper elementary and middle grades, and the seventh to 12th grade campus at Gloria R. Davis will be focused on academic attainment and college and career preparation.

These Dream Schools will be based in part on the Frederick Douglass Academy in Central Harlem, New York started by Dr. Lorraine Monroe. Each of the Dream Schools will incorporate seven core components:

- (1) Academic Achievement,
- (2) Varied Learning Opportunities,
- (3) Parent Empowerment and Support,
- (4) Alternate Learning Models,
- (5) College Connections,
- (6) Career Preparation, and
- (7) Safe and Friendly Learning Environments.

In particular, each of these Dream Schools will provide additional assistance and resources to students and parents to improve academic achievement and transform previously under-performing schools into models for other schools in the District. For example, these Dream Schools will use a longer school day, which will run approximately from 8 a.m. to 5 p.m., and will incorporate after-school tutoring and enrichment programs to help students who need mentoring in particular areas and to provide different kinds of learning experiences to students and families who might not otherwise have them.

A wide range of extracurricular activities – including several kinds of dance, drama, employment development, chorus, and sports – will be offered to students attending these Dream Schools at all grade levels. In addition, these Dream Schools will offer various personal development programs, including through partnerships with community organizations such as the Career Resource Development Center, Enterprise for High School Students, Job Corps, and others, to assist students with career and college planning. These Dream Schools will provide students experiential learning opportunities as well – such as internships, job shadowing, and other off-site programs.

Each of these Dream Schools also will provide additional resources and activities to encourage parental involvement and build parents' capacity to support student learning. For example, the pre-kindergarten curriculum at Charles Drew will be delivered through home visits and group

meetings that facilitate parent education and development. Parents will be trained by means of sample activities and role-playing, and will be paid to deliver services to other parents through weekly home visits or group meetings. In addition, these schools will offer Saturday sessions that will include family programs that emphasize parental empowerment to permit parents to participate actively in their child's education. Parents at these Dream Schools may also be able to participate in General Educational Development ("GED") test preparation, computer training, job skills and employment search skills programs.

Faculty members and other administrators at these Dream Schools will be held to the highest standards. For example, all faculty members will be required to participate in designated development activities, including the "Dream School Institute" and an intensive academic professional development training program. Each faculty member also will be expected to sponsor or supervise an after-school activity, communicate with parents extensively, including through at least two parent conferences per year, and participate in schoolwide and community activities.

STAR Intervention Program

The central goal of the STAR Intervention Program is to increase student achievement at currently underperforming schools. SFUSD provides three categories of targeted interventions – site personnel, District support, and additional resources – to improve student achievement. Each school in the STAR program receives additional site personnel, including an instructional reform facilitator, parent liaison, and volunteer tutors/mentors, to support instructional improvement. In addition, the STAR program provides additional resources to establish new parent centers at each school, transportation services to increase the accessibility of after-school programs, and extended learning packets for distribution to parents and families. Several BVHP schools have participated in the STAR Initiative, including schools such as Charles Drew Elementary, 21st Century Elementary, Hillcrest Elementary, Malcolm X Elementary, Gloria R. Davis Middle School, Martin Luther King Middle School, and Thurgood Marshall Academic High School.

Secondary School Resdesign Initiative

Finally, Gloria R. Davis has been selected to be part of the Secondary School Redesign Initiative next year, which utilizes funding from the Bill and Melinda Gates Foundation in order to provide small, personalized learning communities, rigorous academic curriculum, opportunities for applied learning, and access to qualified teachers.

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
June 30, 2005

As noted in the District's original response, the recommendation does not acknowledge the existence of the SFUSD student assignment system mandated by Consent Decree, which provides students with the right to select schools from any neighborhood within the District. Therefore, students are not limited to available seats in the schools within their own neighborhood. This student assignment system may only be changed by agreement of the parties or by an order of the Court. Currently, there is adequate capacity within the schools in BVHP for students who opt to attend those schools. The District continues to be subject to the Consent Decree.

The District continues to provide additional support and resources to the Bayview Hunters Point community through the provision of Dream Schools, the STAR Initiative and the Secondary

School Redesign Initiative, as described in the original response. Despite severe budget limitations, the District has offered summer school for all elementary students in BVHP Dream Schools, while elementary schools in the rest of the city only had the option to provide summer school for the 5th grade.

Finding 2: The Bayview Hunters Point Has the Lowest Ratio of School Seats to Student Population of Any San Francisco School District

The Civil Grand Jury investigated educational resources available to residents of the Bayview Hunters Point district and found that BVHP has lowest ratio of school seats to student population of any San Francisco school district. Additionally, the need for schools in this region is increasing, especially with the upcoming housing development being planned for an area that was the Hunters Point Shipyard.

Finding 2.1: The Development of Parcel A of Hunters Point Shipyard should commence in the Fall of 2004. The developer, Lennar/BVHP, plans to build 1600 housing units.

Responses to Finding

Marcia Rosen
Executive Director
San Francisco Redevelopment Agency
August 25, 2004

Agency Update and Clarifications to Findings 2.1 and 2.2

Hunters Point Shipyard (“Shipyard”) is currently owned by the federal government. The bulk of the Shipyard remains on the National Priorities List and is undergoing environmental remediation by the Navy. Delays in the Navy’s cleanup and transfer process have caused the Agency and Lennar/BVHP, the Shipyard’s primary developer, to revise the redevelopment project schedule several times over the past years. The Navy and the Agency recently entered into an agreement that establishes the mechanism for the Navy to offer remediated parcels of the Shipyard (which has been divided into six parcels designated A through F) to the Agency. Because it is anticipated that the Navy will tender an offer for Parcel A of the Shipyard to the Agency sometime in October or November 2004, the development schedule will likely be amended to show commencement of infrastructure construction in early 2005, land sales to developers beginning in the fall of 2006, construction of residential units and other structures beginning in mid-2007 and occupancy of housing units in 2008.

One additional clarification to the findings in the Report relates to the number of residential units projected to be constructed on Parcel A. While the first phase of development at the Shipyard is projected to contain approximately 1,600 residential units, development of these units is configured to cover portions of both Parcel A and Parcel B. It is not anticipated that Parcel B will be offered to the Agency until sometime in 2007, at the earliest, with actual occupancy of those units some years after that. The total number of residential units planned for Parcel A is projected to be 1,238. The remaining 362 residential units are planned for Parcel B.

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

SFUSD does not have direct knowledge about the start date or scope of the work described above. However, it is SFUSD's understanding that this project has been delayed and therefore construction will not commence in Fall 2004. Additionally, it is SFUSD's understanding that there will be 1,238 residential units in Parcel A, and not 1,600.

Marcia Rosen
Executive Director
San Francisco Redevelopment Agency
June 22, 2005

On December 4, 2004, the Navy transferred Parcel A, an approximately 75 acre parcel of land at the Hunters Point Shipyard (the "Shipyard"), to the Agency. Subsequently, on April 5, 2005, the Agency transferred approximately 38 acres of that land to Lennar/BVHP ("Lennar"), the Shipyard's primary developer, for the development of approximately 1,238 residential units. According to the current development schedule, commencement of infrastructure construction is slated for late 2005, land sales to developers in spring 2006, construction of residential units and other structures in mid-2007 and occupancy of housing units in 2008. The approximately 37 acres of land retained by the Agency will consist of existing streets, infrastructure and industrial buildings and future open space. We are also engaged in a community planning process for the development of 6 acres of community facilities during this first phase.

Finding 2.2: Housing units are scheduled to open in 2006. These additional units will house families with children. The CGJ could not find that SFUSD and the Redevelopment Agency currently has plans to address an increased demand for schools in this district.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

SFUSD does not have direct knowledge about the opening date for the housing units described above. However, it is SFUSD's understanding that the housing units will not be open in 2006.

Finding 2.3: According to the 2002 report, "Demographic Analyses and Enrollment Forecasts for SFUSD," an additional 1,037 students will come to reside in BVHP between 2006-2010, yet no recommendation for additional local schools has been made, and it appears that these additional children will also be bused to existing out-of- area facilities.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

The SFUSD Master Facilities Plan provides objective criteria for planning educational facilities to meet the changing needs of the community, and to provide options in allocating facility resources to achieve the district's goals and objectives. The Master Plan includes a capacity study for the District, and included the following conclusion: "The 10-year enrollment projections, in conjunction with the Capacity Study, forecast excess capacity at San Francisco Unified School District's school facilities of nearly 7,600 seats, or more than 12%, on a district-wide basis for the time frame addressed in this Master Plan." As of August 25, 2004, there remained 363 open spaces across all grades in K-12 schools located in the 94124 zip code area. Only 6 of the 35 grades offered in the 94124 zip code area are at capacity.

Recommendation 2: Build Additional Schools in the Bayview Hunters Point District.

SFUSD and the Redevelopment Agency should forge a plan to build additional schools in the Bayview Hunters Point region in order to address projected needs arising from development of new housing.

Responses

Marcia Rosen
Executive Director
San Francisco Redevelopment Agency
August 25, 2004

The Agency acknowledges that a key point being made in Recommendation 2 of the Report is the need for the Agency to work more closely with the SFUSD as the implementation of the Hunters Point Shipyard Redevelopment Plan moves closer to realization. The Agency, however, does not believe additional schools will be required as a result of housing to be developed on Parcel A and Parcel B of the Shipyard.

The Agency has recently commissioned a fiscal and economic impact analysis with San Francisco-based Seifel Consulting Inc. ("SCI") for Phase I of the Shipyard. The report is currently in draft form and is being reviewed by Agency staff. The study includes an analysis of the SFUSD's June 2003 Facilities Master Plan. The SFUSD projections assume that new housing will be built at Hunters Point Shipyard, including 360 affordable housing units. As the proposed number of affordable housing units is different than projected in 2002 by SFUSD, SCI consulted with SFUSD regarding how to project student enrollment from the Shipyard based on the latest Phase I development projections.

At the direction of Myong Leigh, Chief of Policy and Planning for SFUSD, SCI utilized the same methodology described in the 2002 SFUSD demographic forecast to project SFUSD student enrollment from Phase I. Based on this methodology, the SFUSD student generation is projected to be greater from the affordable, non-age restricted, housing units than the market rate housing units. Approximately 288 students are projected to be generated by the 411 affordable housing units that are not restricted to occupancy by age, based on the SFUSD forecast of 0.7 students per

affordable housing unit. No SFUSD students are projected from the 102 age-restricted, senior affordable housing units.

SFUSD does not make a separate effort to estimate the student generation from market rate housing, since a regular level of enrollment growth from new housing is already included in the historical student grade progression. To account for the total impact from Phase I, the student yield from market rate housing units is projected based on the citywide student yield rate of 0.19 students per housing unit according to SFUSD forecasts. Thus, approximately 206 SFUSD students are projected from the 1087 market rate units. At the build-out of Phase I, 494 SFUSD students are projected from Phase I, or an average yield of 0.31 students per housing unit. The Agency relies on SFUSD's experience and expertise in assessing the capacity of its facilities and notes that the draft SCI report also states:

San Francisco public school enrollment has been steady over the past two decades, but declines in the elementary level have been observed during the past few years and are anticipated to continue as the number of births continues to drop in the city. By 2011, total public school enrollment is projected to decrease by between 9 and 13 percent from its current enrollment of 60,900. Thus, the anticipated 494 students from Phase I development at the Shipyard will not trigger a need for new school facilities.

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

The SFUSD Master Facilities Plan provides objective criteria for planning educational facilities to meet the changing needs of the community, and to provide options in allocating facility resources to achieve the district's goals and objectives. The Master Plan includes a capacity study for the District, and included the following conclusion: "The 10-year enrollment projections, in conjunction with the Capacity Study, forecast excess capacity at San Francisco Unified School District's school facilities of nearly 7,600 seats, or more than 12%, on a district-wide basis for the time frame addressed in this Master Plan." SFUSD will cooperate with the Redevelopment Agency in order to remain informed about its plans for development and its impact on District schools.

As of August 25, 2004, there remained 363 open spaces across all grades in K-12 schools located in the 94124 zip code area. Only 6 of the 35 grades offered in the 94124 zip code area are at capacity.

Marcia Rosen
Executive Director
San Francisco Redevelopment Agency
June 22, 2005

In 2004, the Agency hired Seifel Consulting Inc. ("SCI") to conduct a fiscal and economic impact analysis for Phase I of the Shipyard. Included in the study is an analysis of the SFUSD's June 2003 Facilities Master Plan. Additionally, SCI consulted with SFUSD regarding how to project student enrollment for the Phase I development at the Shipyard. Based upon SCI's analysis, approximately 494 SFUSD students are projected from Phase I. Additionally, by the year 2011, total public school enrollment in the SFUSD is projected to decrease by between 9 and 13 percent from its current enrollment of 60,900.

Based on the aforementioned facts and data, SFUSD has not determined that additional schools will be required as a result of housing to be developed during Phase I of the Shipyard. If in the future, SFUSD determines that additional schools are necessary in the Bayview Hunters Point region as a result of future development at the Shipyard, the Agency will cooperate with the school district to address the need for additional educational facilities.

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
June 30, 2005

As noted in the District's original response, the Master Facilities Plan did not identify a short-term need to develop new schools. Moreover, the Redevelopment Agency's economic impact analysis similarly did not project a short term need for new schools based on the development of the Hunters Point Shipyard. Finally, the Consent Decree includes a plan for Bayview Hunters Point, and therefore the issue of opening new schools would have to be vetted with the parties to the lawsuit and be approved by the federal Court.

However, the District will cooperate with the Redevelopment Agency in order to remain informed about its mid and long term plans for development and the impact on District schools, and will continually re-evaluate the need for new schools based on changing circumstances in the District.

Finding 3: The School District's New Educational Program for Bayview Hunters Point May Not Include the Most Challenged Students

SFUSD has implemented a new educational program, Dream Schools, modeled after the successful Harlem, New York, plan. The District will implement this program in three poorly performing schools in BVHP-the first school to open in Fall 2004. These new schools have hand-picked, motivated teachers and principals; and students who attend them must have signed parental-support contracts, guaranteeing parental involvement. Many children in BVHP do not have traditional parental support.

Finding 3.1: The 2003- 2004 Civil Grand Jury investigated educational resources available to residents of the Bayview Hunters Point district. Over the course of eight months, the CGJ visited over 20 SFUSD schools and facilities, interviewing SFUSD staff as well as teachers and students from BVHP.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

The District does not have knowledge about the scope of activities of the Civil Grand Jury.

Finding 3.2: In January 2004, SFUSD announced a new program to improve academic achievement in three poorly performing BVHP schools; the new program, named Dream Schools, is described on the SFUSD website as (emphasis added):

Three Bayview-Hunter's Point schools--Dr. Charles R. Drew, Gloria R. Davis and Twenty-First Century Academy--will mark the first of several sites for cutting-edge learning meant to boost students' academic potential.

Dubbed "Dream Schools," the rigorous, pre-school to college program is meant to accelerate the academic growth of students with high expectations, individualized academic plans, staff development and meaningful parental and community involvement.

The high-achieving schools are built around comprehensive instruction tied to standards and safe, structured learning environments, uniforms and nightly homework. The schools are modeled on the successful Frederick Douglass Academy created by Dr. Lorraine Monroe and featured on CBS's *60 Minutes*. Monroe took a Harlem, N. Y. school infamous for violence, low achievement and poor attendance and turned it into a scholastic powerhouse.

The San Francisco Dream Schools are rooted in the district's strategic plan, "Excellence for All," which is focused on creating excellent and equitable opportunities for all students throughout the city. The first three schools are expected to open in August 2004.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Agree that the SFUSD website provides this description of Dream Schools. However, the Dream School Initiative is only partially modeled on the Frederick Douglas Academy created by Dr. Lorraine Monroe.

Finding 3.3: The CGJ found that in BVHP's existing elementary and middle schools, as many as 80% of the children qualified for free or reduced-cost lunch programs. For example 86.8% at Gloria R. Davis qualify, but staff has identified that as many as 20-30% of their eligible students (equally true for other BVHP schools) do not return appropriate documentation and, therefore, are denied free or reduced-cost lunches, lack of parental support being cited in most cases. These students also are most likely to be low-performing students.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Disagree. SFUSD does not deny any student a free or reduced price lunch due to their parent's failure to return the appropriate documentation. If a parent fails to return such documentation, the result is that the District will not be reimbursed for the lunch that is provided to the student. The District also does not agree with the generalization that students who do not return the free and reduced lunch documentation are the lowest performing students.

Finding 3.4: Children in these target Dream Schools have to have a "signed parental participation contract" in order to attend the converted Dream Schools next fall.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Disagree. Children are not required to have a signed parental participation contract as a prerequisite to enroll in a Dream School. However, parent or guardian participation is a required component of the Dream Schools model, because it encourages and supports student academic success. The parent participation contract is a tool that will be used to educate parents about their responsibilities to support their child's success, and to encourage their participation in their child's education.⁹ On August 21, 2004, SFUSD held parent orientation meetings at the three Dream Schools, each of which had a standing room only crowd of parents in attendance. The orientation meetings included signing ceremonies where parents signed and returned their parent participation contract. SFUSD will continue to conduct outreach to any parents that did not attend and take part in this ceremony. Students will not be excluded from enrollment or attendance due to their parent's failure to sign the contract.

The Dream Schools Initiative provides parents with support that will build their capacity to participate in their child's education. For example, the pre-kindergarten curriculum at Charles Drew will be delivered through home visits and group meetings that facilitate parent education and development. Parents will be trained by means of sample activities and role-playing, and will be paid to deliver services to other parents through weekly home visits or group meetings. In addition, these schools will offer Saturday sessions that will include family programs that emphasize parental empowerment to permit parents to participate actively in their child's education. Parents at these Dream Schools may also be able to participate in General Educational Development ("GED") test preparation, computer training, job skills and employment search skills programs.

Finding 3.5: CGJ interviews with staff in these schools produced information that the same 20-30% of the children who's parents aren't signing up for free/reduced cost lunches are also not doing the paperwork necessary to enroll their children in the new Dream Schools. These are the children who will be left behind-the ones who most need a Dream School.

Response to Finding

Arlene Ackerman
Superintendent of Schools
San Francisco Unified School District
August 30, 2004

Disagree. As noted above, a signed parental participation contract is not a prerequisite for enrolling in a Dream School. In fact, any student that attended a school that is being converted into a Dream School has been assigned to remain at the newly converted Dream School, unless they affirmatively requested reassignment to a new site.

⁹ The types of participation listed on the contract include: attending parent meetings; providing a quiet study place; reducing the number of hours the child watches television; checking the child's homework; sending their child to the Dream School's after-school program daily; and assisting their child's efforts to attend college by filing the necessary college forms in a timely fashion, paying application fees or applying for waivers, and checking over college applications.