

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

ASD MEMORANDUM #173 (2002-2003)

March 3, 2003

TO: SCHOOL BOARD

FROM: OFFICE OF THE SUPERINTENDENT

SUBJECT: REVISIONS TO SCHOOL BOARD POLICY 332.3 LOTTERY
PROCEDURES (SECOND READING)

RECOMMENDATION:

It is the Administration's recommendation that the School Board approve on Second Reading, the proposed changes to School Board Policy 332.3, Lottery Procedures. (Attachment A)

PERTINENT FACTS:

To resolve allegations presented in a complaint filed with the US Office of Civil Rights (OCR), the Anchorage School District agreed to review and modify the District's procedures for admission to its alternative educational programs to make it clear that the race, color, and national origin of applicants will not be considered in its admissions process for such programs. The major requirement in the agreement reached with the Office of Civil Rights is the deletion of all references in the policy favoring a racial preference. The agreement is provided as Attachment B. On the advice of the District's legal counsel, the Administration is also recommending eliminating gender as a consideration in its admissions to alternative educational programs. All references to racial and gender preference have been deleted in the proposed policy.

In section g., Continued Participation, two sentences were added to allow a child to remain on the waiting list for an additional lottery period if the school was unable to make contact with a parent/guardian within the two-day period. There was discussion that some parents/guardians are out of town during the lottery process and are unable to be contacted or do not contact the school. Rather than remove their children from the waiting list when contact cannot be made, the children will stay on the waiting list through the next lottery. In that

same section, the term “temporary” was deleted to indicate that positions would not be held for students who withdraw from the program.

In section i., Waiting List (4), the last sentence was added to delineate that registration in the program should occur no later than five school days after acceptance into the program.

The other changes to the policy were grammatical in nature, corrected dates, and/or clarified existing language.

The School Board Policy Subcommittee reviewed the proposed changes at their meeting on January 17, 2003, and agreed to forward the proposed policy changes to the full School Board for approval.

The Board voted at the First Reading of the Lottery Procedures to reinstate gender preference. On first reading, the Board also voted to change specified years in the procedures to read as “200X-200Y.”

In section g., Continued Participation, two sentences were added on the recommendation of the Board Policy Subcommittee to allow a child to remain on the waiting list for an additional lottery period if the school was unable to make contact with a parent/guardian within the two-day period. On First Reading, the Board voted to change that language to state, “If an attempt to contact a parent/guardian to offer a space to a waiting list student is not successful, the student will remain on the list through the next lottery period. If an attempt to contact a parent/guardian is again unsuccessful during the next lottery period, the student will be removed from the waiting list.” There was discussion at the Board Policy Subcommittee meeting on January 17, 2003, that some parents/guardians are out of town during the lottery process and are unable to be contacted or do not contact the school. Rather than remove the children from the waiting list when contact cannot be made, the children will stay on the waiting list through the next lottery. In that same section, the term “temporary” was deleted in order to indicate that positions would not be held for students who withdraw from the program.

SUPERINTENDENT'S COMMENT:

The Administration will work closely with the alternative school principals and their advisory committees, the MECC, and the various ASD advisory committees to encourage applications in the lottery process. Our goal to increase diversity in all of our programs is very important, and the impact of these required changes will be monitored by the Administration. Our programs have been strengthened by our use of the racial and gender balance priorities since 1995.

Following the School Board meeting and passage on First Reading, the Superintendent and legal counsel contacted OCR via audio conference. On February 21, 2003, Howard Trickey, Andie Stone, and myself had a conference call with Tim Sell of the Seattle office for Civil Rights. Our purpose was to discuss two issues: 1) the ramifications to the District should it decide not to eliminate the minority preference, and 2) any recommendations OCR could provide regarding race-neutral criteria that could be incorporated in the future into a permissible policy that would promote our goal of diversity. On the first question, Mr. Sell anticipates that he would be directed by OCR headquarters to issue a letter indicating that the District's policy violates Title VI. It is his anticipation that we would be given a specified timeframe (probably 30 to 90 days) to correct the violation or OCR would begin steps to withdraw federal funds. He clarified that it is all federal funds that are cut off, not just programmatic funds. He also explained that there are two options for enforcement available to OCR, an administrative hearing or a suit filed by the Department of Justice to enjoin our practice of granting a minority preference.

On the second question, Mr. Sell repeated his earlier guidance that a lottery with no preference is clearly permitted by Title VI. Additionally, he indicated that other race-neutral factors could be considered in an attempt to promote diversity, such as geographic or socio-economic factors. I stated my belief that the District would be interested in pursuing this type of policy in the future and inquired whether he had sample policies from other districts. He was unaware of any, but committed to provide further guidance to us as may be necessary.

Attachment

Prepared by: Jan Christensen, Assistant Superintendent, Instruction
Carol Comeau, Superintendent

Approved by: Carol Comeau, Superintendent