Los Angeles Times

http://www.latimes.com/news/local/la-me-lausd12dec12,1,495484.story
*From the Los Angeles Times*

# Admissions policy for L.A. Unified magnet schools is upheld

**Citing a 1981 court order, a judge says the district may continue to use a race-based formula for selecting students.**

By Mitchell Landsberg and Joel Rubin
Los Angeles Times Staff Writers

December 12, 2007

A Superior Court judge ruled Tuesday that the Los Angeles Unified School District can continue to base admissions to its popular magnet school system on the race of the students, sharply rejecting a conservative legal group's argument that the system violates California law.

Judge Paul Gutman said that "quite clearly and beyond dispute" the school district had been ordered in 1981 to use a race-based formula for selecting students in the magnet school system, and that the court order remained in effect.

The magnet system established specialty schools that have become, in many cases, the district's brightest centers of academic excellence. It was intended to give families the motivation to voluntarily desegregate a district that was deeply polarized along racial lines. It hasn't fully met that promise -- many schools in the district remain racially isolated. But numerous magnet schools have become models of integration.

"We're obviously very pleased with the court's decision," said L.A. Unified General Counsel Kevin Reed. "We have an important desegregation program that has done great things for kids, and it didn't go away with the passage of [anti-affirmative action] Prop. 209."

Roughly 60,000 of the district's 700,000 students attend magnet schools. The ruling also applied to the district's "permits with transportation" program, which offers voluntary busing to selected students to achieve desegregation.

"I think lots of parents are cheering tonight," said Pam Marton, principal of the Community Magnet School in Bel-Air, one of the oldest magnets. Community, originally located in the Pico-Fairfax area, has long been among the most racially diverse schools in the city, while achieving some of the district's highest standardized test scores.

"I think it's so important for children to interact with and learn with all different types of people," Marton added. "It's what they're going to encounter in the real world. . . . Our city, unfortunately, is very, very racially isolated, if you look at home schools. There aren't many naturally integrated schools in our city."

Gutman's ruling, in Los Angeles County Superior Court, was a rebuke to the Pacific Legal

Foundation, an anti-affirmative action group affiliated with Proposition 209 author Ward Connerly. His 1996 voter initiative amended California's Constitution to bar preferential treatment in public institutions based on race, essentially ending affirmative action in the state.

The proposition made an exception for programs under existing court orders, however, and the legal battle over the magnet schools was largely fought over whether the district remained under such an order.

The case was based entirely on California law and was not affected by a U.S. Supreme Court ruling in July that magnet school systems in Louisville, Ky., and Seattle, could not use race in selecting students for magnet schools.

Paul Beard, an attorney with the Pacific Legal Foundation, said he and his colleagues were "obviously very disappointed in the court's ruling."

Beard said the foundation did not dispute the judge's conclusion that the 1981 court desegregation order, which gave rise to the magnet and permit programs, was still in effect. But his co-counsel, Sharon Browne, has long argued that the order was not in effect, and the foundation's original filing asserted that the court had "terminated its jurisdiction over the matter."

Beard said the 1981 order did not spell out how the district must go about selecting the students for the programs and was, therefore, irrelevant. "There is no mandate that the district use race as a criterion in selecting students," he said. "There are race-neutral ways to do so."

In his ruling, however, Gutman wrote: "It appears quite clearly and beyond dispute that . . . LAUSD was ordered to employ race and ethnicity to ensure that the magnet schools would in fact be desegregated."

Catherine Lhamon, an attorney for the ACLU Foundation of Southern California, which intervened on the side of the school district, said she wasn't surprised by the substance of the ruling, but added: "What I found surprising was the strength of the judge's language."

The 1981 order by Superior Court Judge Robert Lopez established a formula for admissions to magnet schools. It requires that 30% of the seats in most magnet schools (40% in some) be set aside for non-Latino white students, and the remainder for students of all other races and ethnicities. Beyond that, admissions are based on a weighted lottery system, with students assigned points based on a variety of criteria, including the racial composition of their home school.

Although some have criticized the formula as out of step with a district in which fewer than 9% of the students are white, the system is unlikely to change because any tinkering would require a new court order, putting the district under the rules of Proposition 209.

Applications for magnet school fall admissions are due Jan. 11, and Reed, the L.A. Unified lawyer, said the court ruling was a relief for school officials and parents who had worried about the prospect of having to scrap the admission policies. "It's great to be out from under the cloud of doubt," he said.

mitchell.landsberg

@latimes.com

dailynews.com

# L.A. integration plan upheld

The Associated Press

Article Last Updated: 12/11/2007 10:54:27 PM PST

The Los Angeles Unified School District's practice of using race as a factor in enrolling students for its popular magnet programs doesn't violate an anti-discrimination law, a judge has ruled.

In a ruling filed Monday, Superior Court Judge Paul Gutman upheld the nation's second-largest school district's integration plan, which also buses volunteer minority students to schools in certain parts of the city.

The American Civil Rights Foundation had filed a lawsuit in 2005 claiming the district's practice violated a voter-approved initiative that outlaws racial preferences in all public programs in California.

District officials contend they are exempt from the court order and the state law because they're operating under a 1981 court-ordered desegregation program.

"It appears quite clearly and beyond dispute that ... LAUSD was ordered to employ race and ethnicity to ensure that the magnet schools would in fact be segregated," Gutman said. He noted that the 1981 order did not set a date for desegregation goals to be achieved.

"It thereby becomes beyond rational argument that the order approving implementation of the desegregation plan ... still exists ... and has never been affected by any subsequent ruling," the judge said.

An attorney for the foundation said he planned to appeal the decision.