Desegregation and School Board Politics: The Limits of Court-Imposed Policy Change

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It is difficult to imagine a Supreme Court decision more consistent with the promise of American democracy\(^1\) than *Brown v. Board of Education of Topeka, KS*, in 1954. By finally declaring unconstitutional the overwhelming disparities in educational opportunity between so many African Americans and whites, the U.S. was given yet another chance to make available to all its citizens the unlimited prospects for upward mobility and political incorporation that are at the foundation of any meaningful understanding of inclusive citizenship. Not since Reconstruction had a major institution of national government forced America to take such a hard look at itself in the mirror of history.

Nonetheless, it took less than a year for this promise to confront the overwhelming challenges of implementation that have always served as the keys to meaningful shifts in public policy (Brown II, 1955). Courts decide and legislators enact, but in the American federal system administrators implement policy to make it real for all citizens. With great disappointment, recent data regarding the resegregation of public education on the basis of race, made even more dramatic by the concomitant rise of class segregation, demonstrate that U.S. public schools today may be just as vulnerable to the claims of disparate opportunity between many whites and people of color as they were in 1954 (Orfield 2001). Why has it been so difficult for the U.S. to maintain the necessary consensus to inclusive citizenship that was at the heart of *Brown v. Board*?

In this essay we will use school desegregation in the San Francisco Unified School District (SFUSD) to demonstrate both the great promise of *Brown v. Board*, and what have

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\(^1\)We are, of course, not suggesting that the U.S. was founded solely on the basis of principles of individual liberalism and civic republicanism that have historically served as the means through which inclusive citizenship has applied to more and more Americans over the course of history. We are informed by Rogers Smith that “ascriptive inegalitarianism” is just as significant a founding principle to the origins and continuing evolution of American democracy. (Smith 1996). In fact, *Brown v. Board* (1954) can be understood as a major attempt by the U.S. to overcome a fundamental application of ascriptive inegalitarianism as it applies to race.
become overwhelming obstacles preventing its full realization. Key among these obstacles has been the evolving factionalism on the San Francisco Board of Education. As in few districts in the country, the desegregation of public schools in San Francisco, ultimately resulting in a Consent Decree accepted in 1983, represented one of the greatest opportunities to finally implement desegregation in a way fully consistent with the expectations of Brown. A judge sympathetic to desegregation pushed the parties in Johnson v. SFUSD (1978), which included the San Francisco NAACP, the SFUSD, and the California Department of Education, to reach agreement on important elements associated with the desegregation of San Francisco’s schools. Although enrollment desegregation was a key goal of the Decree, a parallel goal was the enhanced academic achievement of all students, especially African Americans, in the district. Moreover, the mechanism of reconstitution, as directed by the Superintendent, was the means to promote the school reform necessary to increase academic achievement.

The comprehensive nature of desegregation in San Francisco did not develop by chance. Attorneys for both the NAACP and the SFUSD learned from failed desegregation attempts in other cities. The suit that led to the Decree was originally filed twenty-five years after Brown v. Board. These attorneys appreciated that if desegregation efforts in San Francisco only led to white flight and continued in-school segregation in educational achievement, such as through tracking (Meier, England, and Fraga 1988), the position of African American children in San Francisco would not improve substantially. Clearly a type of political learning (Heclo 1994) occurred that led to policy innovations that had rarely been tried. Finally, the funding for both desegregation and enhanced achievement was to be provided by the State of California.

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2 Reconstitution refers to the practice of changing the administration and teaching staff at a school that is identified as low performing. In San Francisco this most often occurred one year after a school had been put on notice that it was a target for reconstitution. Reconstitution can also be referred to as zero-based staffing. For a full discussion of the scope of reconstitution in the SFUSD see Erlichson and Fraga (2003).
Substantial resources were available to make the hope of desegregation, and expected increased academic achievement, a reality. It is, however, noteworthy that the court imposed policy change did not specify collaborative roles for either the Board of Education or the teachers union in these efforts. We will demonstrate that this was, perhaps, a fatal omission.

Within the first ten years the SFUSD was able to demonstrate that it had implemented many aspects of the original Decree. In fact, one study headed by a court-appointed Committee of Experts concluded that the educational attainment of African American and Latino students had improved noticeably in some of the schools that were the most segregated in the City prior to 1983 (Experts’ Report 1992). However, despite early success in achieving both enrollment desegregation and improved academic achievement, the implementation of the Consent Decree was neither consistent across schools nor years. Using the Decree as a mandate, some superintendents in San Francisco pursued changes through the mechanism of reconstituting schools. Other political actors, namely the Board of Education and the teachers’ union, were pulled into the implementation of reconstitution, forced to comply with the court’s direction. Not surprisingly, one result of this forced role was to breed resentment within a teacher’s union and to push some members of the School Board to build on this resentment for their own political gain.

We will also demonstrate that the “court-induced consensus” (Fraga, Erlichson, and Lee 1998) that guided the Decree, has largely fallen apart in recent years, and that as a result, a substantial number of the schools in the SFUSD have begun to follow the national pattern of increased racial and ethnic segregation. Clearly the changing legal climate directed by a number of Supreme Courts has established overwhelming legal constraints on efforts to realize the promise of Brown. Just as significantly, the changing demographics in San Francisco since 1983
with Latinos and Chinese increasing as a percent of the students enrolled in the SFUSD, now outnumbering African Americans by a substantial margin, led to claims on the Decree that it was, by its initial design, ill equipped to address. This was especially the case for a group of five Chinese students whose lawsuit in *Ho v. SFUSD* (1998) led to a settlement agreement in 2001 that now prevents the District from using race or ethnicity to maintain enrollment desegregation in its schools. Counterintuitively, the same Court that had been so instrumental in the design of the 1983 Decree would make a string of judgments in the last three years that worked directly against the promise of *Brown*.

Just as significantly, the politics on the Board of Education was directly responsible for the uneven commitment of the SFUSD to the Decree and today contribute to the low priority the District gives to many of the original goals of the Decree. Because the Consent Decree was an agreement reached by parties to a lawsuit, it depended on shared understanding and mutual cooperation in its implementation. Thus, each SFUSD superintendent – appointed by the Board of Education – was able to interpret the agreement and structure its implementing priorities. As the superintendent’s and Board’s commitment to the Decree waxed and waned, so too did the degree to which the Decree was implemented, expanded, and supported. A consent decree is even more fragile than a court opinion in that it relies on a shared understanding or agreement between the parties, a mutual understanding of what course of action is to be followed. Unlike court opinions that can be translated into policy by legislatures, consent decrees are formulated by and implemented directly by the parties to the case.

It may have been unrealistic to expect that any court order or consent decree could, over time, work to attain the ambitious goals of *Brown*. Why should a court be able to maintain a consensus for inclusive citizenship that was not apparent in the traditional arenas of electoral,
legislative, or administrative politics? Additionally, courts work to impose solutions that are as rigid as they are permanent. Continuous review is not a forte of most courts. Their strength is in issuing final judgments, not in the details of implementation. The San Francisco case makes evident that court-imposed solutions are unable to respond effectively to changing enrollment demographics and related changing school board politics.

Perhaps because the promise of *Brown v. Board* was so great in San Francisco, the demise of the Consent Decree provides a sobering reminder of how much our nation still has to work to maintain the policy consensus necessary to realize inclusive citizenship for all Americans regardless of race, ethnicity, or class status. It is also a reminder of the limits of court imposed policy change. The traditional electoral and legislative politics of the Board of Education were, in the end, extremely effective competitors to the will of an activist court. We conclude our essay with a consideration of a model of policy change that begins to identify key elements of a consensus based commitment to realize the promise of *Brown*. In our view, the lessons drawn from the roles of school boards and courts in desegregation, provide us opportunities to consider alternative models for promoting more permanent, and one hopes more democratic, policy change.

I. DESEGREGATION AND SCHOOL BOARD POLITICS

Our analysis of the relationship between the politics on the Board of Education and implementation of the Consent Decree from 1983 to 2001 reveals that there were nine years of clear commitment to the goals of the Decree and nine years of very weak support for its provisions. Two superintendents, Robert Alioto (1980-85) and Waldemar “Bill” Rojas (1992-
1999) were active supporters of the Decree. Carlos Cornejo (85-86) and Ramon Cortines (86-92) displayed weak support, and at times pointed criticism of the Decree. As is the case for many superintendents, each of these leaders began his tenure with overwhelming support from the Board. The SFUSD is governed by a seven member board, elected at-large, for four year terms. These terms are staggered; three members are elected at one two year interval and four others are elected at the next two year interval. There are no term limits to serve on the school board. Over time each Superintendent lost Board support for a variety of reasons. Among the most consistent one was the commitment each displayed for important provisions of the Consent Decree. In a way largely beyond the reach of Court authority, the Decree served to establish a very significant dimension to the range of cleavages that characterized Board politics. Most interestingly, the support provided by the local branch of the California Teacher Association (CTA), and separate California Federation of Teachers (CFT), and later the combined United Educators of San Francisco (UESF) were key to the maintenance of a consistent block of school board members critical of important elements of the Decree.

It is important to note that we are not suggesting that Board members and teachers unions who provided greatest support for board members who were most critical of the Decree were for the increased segregation of racial and ethnic minority students in the San Francisco schools. They were, however, very much against those provisions of the Decree that gave great authority and effective power to the Superintendent to make decisions on important matters of administrator, teacher, and student assignment. The strategic decision in the Decree to secure support from district administrators by enhancing the Superintendent’s powers, provided him more opportunities to be creative in the implementation of provisions of the Decree, but it also
gave him more chances to limit that creativity when that seemed to be the direction desired by a majority on the Board.

What follows is a narrative of significant elements of the politics of the Board of Education as they relate to support for the Superintendent, informed by his commitment to provisions of the Consent Decree. It is this narrative that allows us to appreciate the consistent power of the Board and how, despite Court expectations, it was able to control much of the pace and scope of the implementation of the Decree separate from any substantial Court review.

**Robert Alioto, 1975-1985**

When Robert Alioto was hired as Superintendent in 1975, the SFUSD had already been dealing with calls for desegregation since 1962.\(^4\) In 1971, Judge Stanley Weigel issued an order to desegregate elementary schools. Attempts were made to comply with the Judge’s order by utilizing busing to reassign many students to elementary schools. Alioto pursued a more modest plan when he came into office. His plan restructured grade levels, capped a school’s enrollment of students from one ethnic group at 45%, and required each school to have enrolled students from four distinct ethnic-racial groups in the City. For this reason, his appointment was viewed with suspicion by the local NAACP. Interestingly, Judge Weigel dismissed the desegregation suit in 1978 without prejudice citing his disappointment with oversight of his order by all parties and also noting that the District had experienced significant changes in its student enrollment, administration, and that legal standards had evolved. It was the refiling of this suit in 1978 that ultimately led to the Consent Decree that would define important elements of Alioto’s stewardship.

It is important to note that at this time San Francisco teachers were represented by two teachers’ unions, the California Federation of Teachers (CFT) and the California Teacher

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\(^4\) For a fuller discussion of this earlier period of desegregation politics see Kirp (1982).
Alioto had angered both unions when in 1981 he made necessary budget cuts to deal with the immediate fiscal consequences of the aftermath of Proposition 13, a statewide proposition that greatly limited the District’s capacity to secure locally generated revenues. At this time he had the consistent support of five members on the Board. The other two members of the Board were his critics, and one of them, Myra Kopf, was his most vocal critic. Kopf was a staunch ally of teachers and she saw Alioto as a dismissive and arrogant leader. This was based in large part on his willingness to cut teacher salaries in lean fiscal circumstances.

Three incumbents who had been supporters of Alioto ran for reelection in 1980 and were opposed by a coalition of teachers’ unions, parent groups, and others. Although each of them was reelected, Libby Denebeim was elected to an additional seat. She was a critic of Alioto. This reduced his majority on the Board to four members.

However, it should be noted that the rancor against Alioto as an uncompromising reformer was not substantial; budget cuts, more than the need to flex muscles of managerial reform, drove Alioto’s conflict with teachers. It was not until the implementation of the Consent Decree, approved at the very end of the 1983, that questions arose over the tension between Alioto’s reform leadership style and the protections for teachers that ran counter to this style.

The NAACP suit had arisen in part because of Alioto, who, along with other district leaders, had largely neglected the segregated schools in the city’s Bayview Hunter’s Point area. Community leaders blamed Alioto for the lack of progress, and Alioto, in turn, blamed community leaders for their unwillingness to engage in dialogue on the issue. Still, Alioto reached an understanding with NAACP leaders in negotiations over the suit; there were many

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5 For a fascinating discussion of the full social, economic, and political consequences of Proposition 13 in California see Shrag (1998).
who said that the settlement was reached only because NAACP leaders had come to “trust” Alioto. The Consent Decree, and the new powers that it gave to the Superintendent in school reform, such as through reconstitution, would further exacerbate the controversies surrounding Alioto by injecting the politics of race into the existing debate over his reform-minded style of leadership.

In the summer of 1982, months before she would stand for re-election, Jule Anderson, a critic of Alioto, resigned citing personal reasons. She was replaced by Sodonia Wilson, who would become the board’s only African American member and the beginning of a new pro-Alioto coalition, dedicated not just to reform but to reform for those who needed it most. The board alignment thus became 5-2 in support of Alioto.

In the early part of the 1983-1985 term, the final Consent Decree was approved. Alioto claimed that it would solve the problems regarding desegregation and the achievement gap while holding mandatory busing to a minimum. Recall that the 1983 Consent Decree placed desegregation and enhanced academic achievement as co-equal goals to be pursued. The essential mechanism for education reform was reconstitution, which would be applied to the Hunter’s Point schools in an effort to make them more attractive to white and other non-African American students. Though it seemed like a good plan, there were many difficulties in its implementation; these difficulties ignited a political firestorm of coalitions on both sides who felt that they had been betrayed by the agreement. In the end, Alioto’s leadership during this period, and his almost obsessive commitment to improvement of Hunter’s Point schools, set the board up for a power shift and a defection from his coalition that would be his undoing. The consequences for the District’s commitment to the goals of the Consent Decree would become clear as well.
After a successful negotiation to increase teacher salaries by 6%, Alioto committed himself to the full implementation of the Consent Decree in March of 1983. The initial plan was to use money provided by the state to reconstitute and improve the quality of several Hunter’s Point schools, and to start new schools in the area. For example, Drew Elementary was to be converted into an academic middle school, Drake Elementary was to be given the resources to start a computer science enrichment program, and Carver Elementary was to be established as a laboratory school with a local university partner. There was even going to be a public relations campaign encouraging parents from outside the area to send their children to Hunter’s Point schools.

All of these plans were jeopardized when Governor Deukmejian vetoed the state money for integration. Board members like Denebeim and Kopf, who were known to be suspicious of the Consent Decree for the powers it granted the Superintendent over teachers, used this as an excuse to stall implementation of the plan, arguing, when the press cited slow progress, that they were “waiting for state money.

Meanwhile, the NAACP filed contempt of court charges against both the District and the state of California for implementing the plan too slowly, stating that the district had a mandate, with or without the money, to move faster. The plan also generated local resistance: citizens’ groups, including those in African American communities, who opposed it because they had not been a part of the discussion leading up to the agreement. The very premise of the plan—mandatory busing of students out of Hunter’s Point, and voluntary busing in—came under attack from several Board members who argued that the District was only trying to achieve desegregation by numbers, with little focus on achievement gains for African American students. It also faced opposition from neighborhoods who wanted to build communities through the
promotion of high-quality neighborhood schools. Again, money was the source of this problem: lacking the funds to implement the desired school reforms in Hunter’s Point, all the District could do was enforce one-way busing to achieve one of the two stated goals of the Decree.

Despite these setbacks, Alioto persisted in his commitment to the Hunter’s Point schools. It would later be asserted by critics that he ran the schools under the Consent Decree “like a separate district.” He took liberties in their management, cutting through much of the usual red tape to ensure that they were provided with the resources they needed to improve. This management style was, for Alioto’s detractors, more of the same and worse; it added a racial element to the ample criticisms that they had already leveled against him, and would lead to a surprising upset in the election of 1984. However, Alioto’s actions in this term had an impact on one of his longtime supporters, Rosario Anaya. As he became increasingly cavalier about reforming schools without consulting the Board, she grew to be at odds with him over both the nature and style of his efforts.

One example is particularly telling. In June of 1984, perhaps sensing a lack of support from the board for his efforts, Alioto proposed a new structure in which a series of “mini school boards” would be delegated a number of responsibilities for site management that had previously been held by the elected School Board. On its face, the purpose of this plan was to decentralize responsibility and make management more accountable to local communities. It is likely that Alioto was trying to circumvent the authority of a Board that was growing uncomfortable with his work on the Consent Decree. The proposal gained momentum, but it died when Anaya and others came out against it, accusing Alioto of trying to take power away from the Board.

This alone might not have been enough to turn Anaya against Alioto. However, Anaya also had a very strong interest in the protection of her Latino constituency and of other students
in socio-economically disadvantaged neighborhoods. To the extent that Alioto was singly focused on schools in an area that served a limited population of mostly African American students, Anaya would come to fault him for failing to correct overall academic disparities between rich and poor throughout the district. This problem was unique to Anaya amongst Alioto’s supporters of color; Wilson had a vested interest in the African American students at Hunter’s Point, and two other Board members, Cerbatos (Pilipino American) and Tom (Chinese American), committed to issues involving people of color in general, supported the Hunter’s Point effort. For these reasons, Anaya’s lost much of her enthusiasm for Alioto in the summer of 1984. While she was not explicitly arrayed against him, as were Kopf and Denebeim, she became the decided “swing vote” on the board. The coalition on the Board was now 4-3 in favor of Alioto.

Alioto’s work on reconstitution clearly gave his opponents fodder with which to attack him during the election cycle of 1984. In particular, Denebeim and Kopf, his two most consistent critics, worked with a coalition of disgruntled, mostly white parents and teachers to support a challenger, JoAnne Miller, to oust the aging Eugene Hopp. Hopp, seen as the most vulnerable incumbent (and supporter of Alioto) seeking reelection, was also the last remnant of the “white coalition” that had kept Alioto in power during the late ’70s and early ’80s. The singling-out of Hopp may have reflected a strategy to claim that if Alioto’s coalition consisted of three strong supporters of the Consent Decree (Wilson, Cerbatos, Tom) and a “centrist” (Hopp), the elimination of the latter would paint Alioto as out of touch with mainstream District interests.

Miller, a white parent in the District, ran hard as the only potential board member who had children in the SFUSD schools. She also ducked the issue of support for Alioto, claiming that she was unaligned even as the press speculated about her potential to tip the board against
the embattled Superintendent. In the end, her work paid off: in November, she managed to take Hopp’s seat on the Board. Tom, Cerbatos, and Denebeim were re-elected. Going into office, Miller claimed that she would not join the anti-Alioto faction, but did say that she had “reservations about how he deals with people.” Within six months, those “reservations” would help to polarize Board factions more than ever before, souring relationships amongst the District leadership to a breaking point. Alioto was now firmly wedded to the interests of the people of color he had fought for in his reform efforts; arrayed against him were the parents and teachers, again mostly white, who resented his neglect of their interests. The balance of Board power for and against him was now 3-3, with one swing vote—Rosario Anaya’s—in the balance.

The first bad news for the embattled Superintendent came in January 1985, when Myra Kopf was elected board president with the support of Denebeim, Miller, and Anaya. Even the press pointed out that this was the signal of a power shift on the board; where Kopf had been one of a two-person minority three years earlier, she had built a coalition that carried her to power. Anaya’s membership in this coalition, which came early in the term, made it clear that she favored Kopf over Alioto, although she was not quite ready to fire him.

Anaya was, in a sense, tipped over the edge by the increasingly bad relationship that was developing between the Kopf coalition and the Superintendent, and between the board members themselves. At several points, it was suggested that the Board needed a third-party mediator to ease the tensions between the district’s leaders. This, of course, sparked another fight, as Alioto, willing to accept the mediator’s authority, accused the Board (and Kopf) of being intransigent. The dispute between Alioto and Kopf even became personal: when the district settled a suit with a bus contractor for an uncompetitive 1980 bidding process in March of 1985. Alioto was quick
to order an investigation into the Board’s conduct during that period, insinuating that Myra Kopf was in the pocket of the bus company who had been unfairly awarded the contract.

During this period, editorial after editorial brought the bickering amongst District officials into sharp relief. In June of 1985, along with all the other Board members, Anaya accepted a report that criticized both the Board and Superintendent, but asserted firmly that it was mostly Alioto’s fault that the situation had degenerated over the last several months. Anaya had reached her breaking point; all she needed was a small incentive from the Kopf coalition to break entirely with Alioto. That incentive came the following month, when the Kopf coalition promised to appoint Carlos Cornejo, a district administrator whose career had suffered under Alioto, as acting Superintendent in exchange for Anaya’s vote. The deal was done, and in late July, Alioto was fired in a closed-door meeting without so much as a formal public vote. As Alioto’s supporters on the Board would later complain, they were not even present at the meeting when the board took action. The cost to the district of buying out Alioto’s contract was over $900,000—a point for which the Kopf coalition would be later criticized as well.

The most vivid testament to the sudden nature of Alioto’s departure from SFUSD was the fact that all the news stories prior to the firing talk about the Superintendent’s critics and the protracted fight on the Board. Only after the firing did his supporters surface in the press. An editorial in the Chronicle asserted that Alioto deserved better than “a firing in the night.” Bill Honig, the State Superintendent of Public Instruction, criticized the Board for its overtly political firing of a well-qualified superintendent. CTA President Judy Dellamonica praised Alioto for standing up to Kopf and her “old guard” of “do-nothing cronies.” Others praised Alioto for his leadership and his effectiveness: by any measure, wrote one columnist, Alioto had been a good
superintendent, scaling down the busing plan, gaining the support of the black community on
desegregation, and raising test scores in the District.

Perhaps even more telling was the radically different characterization of the dispute
between Kopf and Alioto in the wake of the firing. Recall that, in the months leading up to July
of 1985, most of the news had focused on bad relationships, ego issues, political bickering, and
questions over leadership style. However, the response to the firing from communities of
color—and those who followed issues that affected communities of color—revealed a different
side of the debate. The NAACP warned that the new administration would set back progress on
the Consent Decree. Bill Honig, the State Superintendent of Education, asserted that Cornejo
was “a puppet” of Kopf who would do her bidding and dismantle Alioto’s work on
desegregation. Board members Wilson and Cerbatos went further, suggesting that Alioto’s firing
was racially motivated, done in secret without three board members of color present. CTA
President Dellamonica put it best when she wrote that Kopf “never forgave the Superintendent
for negotiating the Consent Decree that resolved San Francisco’s desegregation problems.”
These criticisms gave new meaning to the nickname that the Chronicle had created for Kopf,
Miller, and Denebeim: the “three white ladies.”

These criticisms did not go unanswered. In what would become a huge battle for coming
elections, San Francisco Federation of Teachers President Joan-Marie Shelley wrote an editorial
blasting Alioto, saying that he had run roughshod over the rights of teachers and that his
departure had come not a moment too soon. Anaya defended her decision to oust Alioto, citing
the reasons listed earlier: his neglect of poor schools outside the Consent Decree’s mandate and
his spotty record on Latino issues, a key reason why she favored Cornejo to replace him. Indeed,
Alioto enjoyed far less support from the Latino community than from the African American
community. Kopf defended her leadership of the coalition against Alioto as well, repeating the criticisms of his management style and asserting that he ran the Consent Decree schools like a separate district under his own fiat.

Alioto had poured resources into the revitalization of Hunter’s Point schools, neglecting and even hurting the constituents of the Board members who ousted him. The bottom line was simple: Kopf and her constituencies had no stake in desegregation or the narrowing of the achievement gap, much less a singular focus on those things that weakened the protections enjoyed by teachers in targeted schools. But Kopf and her allies managed to bring Alioto down with criticisms that were, to use a favorite term, “race neutral.” It was only after Alioto’s sudden firing that his supporters had the courage to couch the debate in their terms.

Carlos Cornejo, 1985-1986

To a large extent, Carlos Cornejo lived up to the assessment that he was a “puppet” of Kopf and her allies; he paid attention to personnel evaluations that Alioto had never examined, he reorganized the district around the wishes of the Board majority, and he even asked the San Francisco District Attorney to investigate charges of wrongdoing in Alioto’s dealings with the CTA (a prospect that delighted both the Federation of Teachers and their staunch supporter, Myra Kopf). Perhaps the greatest sign of the malleability of the new Superintendent was his negotiation of a 9.5% increase in teacher salaries in September of 1985, contingent on the payment of $5.8 million in reimbursements from the State for desegregation costs. This was to be the beginning of a long dependence by SFUSD on desegregation money, using a substantial amount of it to cover general operating expenses rather than the specific purposes for which it was earmarked. Again, in Myra Kopf’s language, the money was now being spent equally on
everyone, instead of being hoarded for “those” children in Hunter’s Point. Cornejo was supported by a split on the Board of 4-3.

Cornejo also had ambitions of his own. He had chafed at the bit under Alioto’s leadership; now was his time to shine, and in a sense, he was doing his best to make a great impression in the short time he had as interim Superintendent. His ambitions were confirmed when, despite a promise to the contrary, he applied for the permanent position when the Board began its selection process, stating that SFUSD needed him now more than ever. Several in the coalition against him, particularly Cerbatos, criticized him for breaking this promise. Even Kopf was described as “furious” at him for misleading the board.

In the end, however, it was Cornejo’s presence that determined the final outcome of the selection process. As the selection process heated up, three candidates emerged, Cornejo, San Jose Superintendent Ramon Cortines, and St. Louis Superintendent Robert Jones. Jones won wide support from the African American community as the only African American candidate; as such, he also had the votes of Cerbatos, Tom, and Wilson. The Kopf coalition favored Cortines. However, the Board had agreed that they would not pick a Superintendent without at least five votes. Board Member Ben Tom later told the story of how, seeking to break the impasse, Libby Denebeim had proposed keeping Cornejo for an additional year. The prospect was so unacceptable to Tom that he threw his support to Cortines in order to keep Cornejo out of power. The African American community was naturally angry, asking why any Superintendent would take such a job with such a lack of consensus on the Board.

**Ramon Cortines, 1986-1992**

Cortines, however, was a consensus builder. Starting in April 1986, when he assumed his responsibilities, he made a point of visiting schools, meeting with stakeholders, and doing all of
the things that Alioto had never done to win popular support. He quickly won over other members of the Board; his leadership style was like a breath of fresh air after over a year of bickering and distrust in SFUSD politics.

However, Cortines began as and remained the darling of the Kopf coalition. He favored many of the same policies of “neutrality” and “fairness” that were the strategic tools of Kopf and her allies. Almost echoing Kopf’s language in May 1986, he stated that there was a problem when SFUSD was run like separate districts, with a separate mandate and management for the Consent Decree schools. Right out of the gate Cortines made his position clear: he wanted to see SFUSD become “one school district.” In December of 1986 he criticized the magnet and alternative schools that had been the hallmark of Alioto’s reforms, and said that the desegregation plan needed to be reworked to ensure that students attend neighborhood schools. He did not favor targeted access to these schools either; in the same month, he proposed to put admission to them on a lottery system, rather than allowing them to serve the students with the greatest needs. Though he came under fire for some of these statements, he received a favorable evaluation from both the Board and the community after his first several months in office.

Sadly, the era of good feelings that Cortines ushered in would be accompanied by neglect of the Consent Decree and an adherence to the principles of “neutrality” that had brought him into the limelight in the first place. It is apparent that before the end of his first year, Cortines enjoyed the support of all seven members of the Board.

The 1986 election was described by everyone as one of the most political in the District’s history. Kopf had angered many education officials and interest groups with her power politicking on the board; at the same time, her success in dumping Alioto had won her fervent support from parents’ groups and the San Francisco Federation of Teachers. Other politicians
got involved; Willie Brown, Speaker of the California State Assembly, and Bill Honig, State Superintendent of Public Instruction, helped to form and fund an anti-Kopf coalition. They ran a slate with three members: Sodonia Wilson, the relatively unknown Leland Yee, and, surprisingly, Jule Anderson, the former Board member whose relationship with Kopf had been quite good. Anaya had been asked to join the slate, but had declined because she would not support the conditions of membership. These included active work for Kopf’s defeat and a promise to vote with the pro-Alioto minority on the board. Other enemies of Kopf included the bus contractor that had been rejected in the not-so-competitive bidding process of 1980, in which Kopf was rumored to have played a part.

Kopf’s own movement was very much alive, however. When Honig called a press conference to attack her, he was criticized for abusing his office by a PTA activist named Jill Wynns, who would later be elected to the board herself and, in a very large sense, follow in Kopf’s footsteps. The Federation of Teachers bucked a CTA walkout, saying it was an election gimmick to fuel rumors that Kopf had caused “chaos in the schools.” The election was divided and close: the San Francisco Chronicle endorsed Anaya, an unknown challenger, and Wilson, while the Examiner endorsed Anaya, the same unknown challenger, and Kopf.

In the end, Anaya took the most votes, followed by Sodonia Wilson. Kopf came in third, but finished comfortably ahead of Leland Yee. Triumphant in her victory, she sharply criticized Honig and other “power brokers” who had tried to unseat her, saying that her victory was a sign that meddling was not appreciated by San Francisco voters.

Her election was a sign of another thing: the constituency that had elected her was very much alive and well. Despite vociferous opposition from those who worried about the fate of children in Hunter’s Point schools, Kopf had managed to win by appealing to the self-interests of
those who benefited from the status quo. Kopf had no need for the Consent Decree, and neither did they. Her election also put an end to any last qualms that Board members may have had about Cortines; eager to put the past behind them, most Board members saw it easier to simply move on, as Cortines institutionalized the gains, or losses as they may have been, for which the Kopf coalition had so tenaciously fought.

The Cortines honeymoon with the Board and community generally began to change in 1987. The District again faced significant financial shortfalls at a time when it needed to close one major high school, McAteer, because of asbestos contamination. Moreover, new tensions emerged over the Consent Decree. They arose in multiple places—at the district’s prestigious Lowell High School, in the McAteer controversy, and in the alternative schools that had been built by Alioto. These tensions re-energized the power struggle on the Board between the members of color and the Kopf Coalition’s “three white ladies.” Perhaps more importantly, they forced Cortines to take a stand against the spirit of the Consent Decree that Alioto had promoted. The events that ensued showed how differently a situation similar to that in 1985 could play out when the Superintendent was oriented towards the consent decree differently.

Cortines had been an ally of the Kopf coalition from the start, though this fact had receded into the background in the time when the entire Board was behind him and had put aside their own quarrels. As such, he slowly but surely took steps to dismantle some of Alioto’s Consent Decree institutions that had irked Kopf and her allies, such as the alternative school system and the commitment to reconstitution. Again, the strategy of “race neutrality” was employed: even as Cortines was praised in May of 1987 for a great first year, he had earned the ire of the Latino community because he seemed to be bending over backwards to show that he was not catering to their interests and needs.
In this period, Cortines took two significant steps in this direction. First, amidst criticism that Lowell High School had a Chinese enrollment of 44% (4% above the maximum allowable percentage of any one race under the district’s desegregation plan), Cortines suggested in June of 1987 that his solution might be to raise this enrollment cap to 45%, thus weakening a key provision of the Decree. This suggestion was followed up in July of 1987 by a plan to save the district money on busing by raising enrollment caps to 45% at several of these schools.

Second, Cortines pushed for students to be assigned to the alternative schools on a random-assignment lottery system, rather than the system in place that took demographic factors into account in admitting students. Irrespective of how well funded the Consent Decree schools were, this system effectively barred the District from being able to concentrate resources on any one group of students. The result was that, while desegregation continued (in its weakened form, given new enrollment caps), the Consent Decree’s unique second goal—the closing of the achievement gap between students of color and white students—was neglected further.

However quietly Cortines managed to make these changes, the overall fate and interpretation of the Consent Decree was brought into the limelight through the McAteer situation. The challenges to student displacement were not simply rooted in community discontent; the NAACP had something to say about the implications of the various moves for the desegregation goals of the Consent Decree as well. In August of 1987, they forced Cortines to appear in Court to explain how this action did not constitute a violation of the Consent Decree. The plan, the NAACP contended, both devastated the population of an integrated school and disrespected the agreement that all parties to the Consent Decree be consulted before such changes took place. Judge Orrick agreed and halted work on the plan until the District was able to broker a settlement with the other parties. In order to mediate the bitter negotiations, Orrick
even had to bring in a mediator—Professor Gary Orfield, at that time at the University of Chicago—to help resolve the issue.

A few days later, an agreement was approved by Orrick: James Lick Middle School students would be bused to the campus of Fremont Elementary School, a nearby empty site that was in need of renovation. The renovation and the move would cost the district an additional $1.5 million. Cortines was furious with the Court’s intervention with his job as chief administrative officer of the District, but he swallowed his objections and went forward with the plan. In addition to creating additional costs for the District, it added insult to injury for Cortines: the renovations that Fremont needed were for asbestos removal, and it was as badly handled there as it had been everywhere else. James Lick students still had to attend school at various other high schools for several weeks before their new school would be ready. In addition, the financial burden incurred by the district would lead, in late 1987, to additional battles with the State over reimbursement for desegregation costs.

The issue of academic achievement at Lick also re-energized the debate over reconstitution. With test scores slipping, educators at Lick voiced fears in October 1987 that the school would be reconstituted. They claimed that such a move would be unfair, given the tumult through which the entire school had gone in recent months. In a nod to the powers that backed him, Cortines promised that he had no intention of reconstituting the school; he had responded in the same way to a similar situation at Balboa High School in 1986. However, in April of 1988, Orrick, citing the low test scores, ordered the reconstitution of James Lick Middle School.

More important than the outcome of this struggle was the unprecedented intervention of the Court in the business of the district. The Consent Decree had been established with the understanding that the District would be in charge of its implementation. Orrick was far more of
an “activist judge” with Cortines as Superintendent than he had ever been with Alioto, who had ordered all of the previous reconstitutions himself and had pushed hard to implement the letter and spirit of the Consent Decree. Orrick’s activism during this period suggests that he had decided that Cortines was not carrying out the intentions of the Decree in good faith. As much as Cortines’ resistance to these interventions can be characterized as a fight against judicial activism, the fact remained: Cortines fought, in every instance, to prevent reconstitution and to eliminate considerations of Consent Decree goals in his decisions about the District. Even when these goals simply involved flagging academic achievement, he was noncommittal: in December 1988, when a report criticized the District for allowing performance to decrease at James Lick, Potrero Hill, and Visitacion Valley schools, Cortines said that the report should have focused more on the improvements that had been made to those schools. The NAACP quipped that he had missed the point of the report: that it provided important feedback for additional improvement.

Cortines’ actions reflected a broader strategy on the part of the Kopf coalition: weaken and neutralize the Consent Decree without eliminating it. The District depended too heavily on State reimbursements from the Decree for its everyday operations; for this reason, nobody really opposed the extension of it when the question came up in August of 1988. However, Cortines helped to take the “teeth” out of the Decree through his continued appeal to the idea of serving all San Francisco students equally. He made enemies of the NAACP and the black community in San Francisco for his neglect of the Decree. In fact, he almost resigned in June 1988 when the community branded him a racist. At the time, he revealed his own strained relationship with some Board members, criticizing them for pressuring him to hire staff members from their various ethnic communities. This debate over “serving ethnic constituencies” versus “serving all
students” would become a hallmark of Cortines’ tension with members of the Board. By mid-1988, Cortines retained the support of the Board for his job as Superintendent, but the four members of color—McLeod, Tom, Anaya, and Wilson—regularly disagreed with him on a number of issues. In August of 1988, they passed a plan to hire more teachers of color in the District, which Cortines opposed on the grounds that he thought it was not constitutionally defensible. Affirmative action thus became one of the central debates surrounding the 1988 election, and it completed the re-factionalization of the board in the wake of Cortines’ “era of good feelings.”

However, for any number of reasons—the closeness to the ousting of 1985, McLeod’s new arrival on the board, and Anaya and Tom’s original support of Cortines—this tension between the four Board members and the Superintendent did not translate into a move to dump him. Had this coalition remained on the Board for a longer time, such a movement might have materialized. However, a series of difficult circumstances would remove this nascent coalition from power in the following election, making it possible for Cortines and the Kopf coalition to continue dismantling Consent Decree reforms. After the 1988 elections, there was a solid vote of four Board members, led by Myra Kopf, in favor of Cortines.

One important development was the change in the collective bargaining agent for San Francisco teachers. After many years of domination by the CTA who first came to power in 1981, the local affiliate of the AFT managed to win a majority of the teachers’ support in May of 1989. Some of that support had come from AFT’s endorsement of a proposal to merge the two unions. In the next year, this proposal eventually created the United Educators of San Francisco (UESF), which bargains on behalf of San Francisco’s teachers to this day. The shift in power over collective bargaining was significant because, during nearly the entire period that is studied
here, the CTA had represented teacher interests in a manner that was sympathetic to the letter and spirit of the Consent Decree. Recall that at the time that Alioto was fired, the CTA condemned the power grab by the Kopf coalition, while the AFT expressed its satisfaction at the Superintendent’s departure.

It is easy for teachers as an interest group to oppose the Consent Decree; its provisions on school reform, particularly those on reconstitution, give the Superintendent far more authority over the District’s certificated staff in terms of hiring, firing, and involuntary transfers than he or she would normally have. Yet for some reason the CTA had been relatively muted on the subject of the Decree. The Kopf coalition can be characterized in terms of race and privilege: white, wealthy parents and residents of the city who felt threatened by policies that catered to people of color. Teachers should have been their natural allies for economic reasons, but the CTA, perhaps because of its cast as a professional organization, saw that the Decree was important to helping all students to be successful. For this reason, they supported it to the extent that a teacher’s union could.

The AFT was aligned in the opposite way: it guarded its members’ jobs far more zealously, which explains why it did not take kindly to Alioto’s administration of the Consent Decree schools “like a separate district” in which he exercised far more power. The takeover of collective bargaining responsibilities by the “anti-Consent Decree” forces amongst San Francisco’s teachers (or, at the very least, the inclusion of these forces at the bargaining table) would bring a powerful new element to the coalition with an interest in undercutting the city’s desegregation plan. In this time, when the Superintendent was already hostile to the Decree, this shift manifested itself in small ways. For example, by September of 1990, the District had adopted a method of school administration known as “restructuring”—a process that empowered
teachers, principals, and other staff to share in decisions made about school governance. The new union fought hard for this and other similar reforms that ran counter to the type of top-down authority granted to the Superintendent by the Consent Decree. In the decade to come, this new posturing of San Francisco’s teachers would have a significant effect on the debate over the implementation of the Decree.

The election of 1990 led to the ouster of three incumbents, Sodonia Wilson (African American), Myra Kopf (Caucasian), and Rosario Anaya (Latina). In what might be termed an anti-incumbent sentiment, three new, relatively unaligned, members joined the School Board. Cortines announced his intention to leave soon after these new Board members were seated. Nonetheless, in his last few months in office, Cortines continued to show limited concern for the goals of the Consent Decree. In January of 1991 he announced a plan to offer “more choice for parents” in where their children would attend school. Some described this as a parting shot to the goals of the Decree. Whatever the purpose of this statement, Cortines left early in 1992.


Although there was some controversy over the selection of Rojas over Rudy Crew, a prominent African American Superintendent at that time in Sacramento, Rojas soon pledged support for the Consent Decree and met with leaders of the African American community. He soon developed a reputation for having a “cowboy” style in his approach to education reform. This was evident at his first Board meeting in June of 1992, when he delivered a “state of the schools” address that proposed a slew of changes—including evening classes for working students, partnerships with local universities, and, most controversial, “annexes” to successful high schools that would allow more students (rejected applicants) to benefit from their programs. This last proposal angered parent and teacher associations at the schools, particularly Lowell and...
Wallenberg, because they did not want to degrade the quality of the program offered to students who had secured admissions.

This attitude would come to characterize Rojas’ time as superintendent. Ultimately, he was concerned with education reform that would redistribute resources to the city’s most underprivileged groups. Like Alioto, he was willing to do so by any means necessary—including the tools available to him via the Consent Decree. The Board had hired him because he had a good reputation and because the board itself was in a time of transition. However, for better or for worse, they had set the stage for the continuation of the battle over the Consent Decree by hiring a superintendent who was willing to use the powers it granted him aggressively.

November of 1992 created as large a transition on the board as did November of 1990. The difference was that this time, it was peaceful and voluntary. Three incumbents chose not to run for re-election. There was no anti-incumbent fever, the Board’s reputation was in fair shape, and the election was simply a contest between newcomers. In the end, Yee was re-elected to the board and the three victorious challengers were Jill Wynns, Angie Fa, and Steve Phillips. Jill Wynns had been an active parent in the District for several years, having served as president of Parents’ Lobby, a group that had been aligned with the Kopf coalition. Angie Fa, the chairwoman of Asian American studies at City College, was a member of the Asian American community who shared its somewhat ambiguous, and increasingly hostile, stance towards the Consent Decree. Steve Phillips, the first African American to serve on the board since Sodonia Wilson, was very much in touch with his community and in the camp of a reformer like Rojas.

The election of this new group completed the transition that had been taking place since November of 1990. Leland Yee was the only person who remained on the Board from before that time, and Rojas had just been hired. As mentioned above, Rojas’ positions on the Decree
would help to create the new paradigm of conflict over it, but the makeup of the new Board was equally important in defining the debate. The board was now composed of two progressive Caucasians (Ammiano and Kelly), two ethnic advocates (del Portillo and Phillips), two Asian Americans (Yee and Fa), and one member of the Kopf old guard (Wynns). With no coalitions formed, the Board majority was up for grabs. In the years that followed, the “blank slate” began to be filled, and polarization over the Consent Decree re-emerged around a whole new set of issues. For now, however, the new board supported its Superintendent, if only tentatively.

Rojas became superintendent just as a court-appointed Committee of Experts submitted its review of the first ten years of implementation of the Decree. Judge Orrick had ordered such a report out of concern that the District’s commitment to the Decree has waned over the last several years. The Committee of Experts, headed by Professor Gary Orfield, found that the District had largely met the goals of enrollment desegregation, but that the goals of higher achievement for all students were still unfulfilled (Experts’ Report 1992). They found that Phase One schools, i.e., those that had been fully reconstituted in the early 1980s, demonstrated substantial achievement gains. Building on this finding and the mandate offered by the Court, Rojas began to develop a plan to expand the efforts begun in Phase One schools, the five schools that were originally reconstituted and established in 1983 under Robert Alioto. Rojas’ program was released in 1993. It was called the Comprehensive School Improvement Program (CSIP) and specified both quantitative and qualitative criteria to use in identifying low-performing schools. Nine schools were initially declared to be low achievers and were put on CSIP probation, lasting one school year, during which the school had an opportunity to demonstrate improvement. Failure to improve meant that the school would be reconstituted at the end of the probation period.
Of the nine schools placed on probation in 1993, five schools were reconstituted by 1995-96 while four schools eventually ‘graduated’ from the CSIP probation process. Rojas, however, continued and expanded the CSIP process, utilizing reconstitution as a major school reform strategy. In 1994, four additional schools were put on CSIP probation, all would graduate without being reconstituted. In 1995, six additional schools entered the CSIP process, three of which were reconstituted during the 1996-97 school year. And in 1996, five schools were placed on probation, two of which were reconstituted. In sum, under Rojas’ leadership, nearly 25 schools engaged in the CSIP reform process, resulting in ten schools being fully reconstituted in addition to the original Phase One schools.

In accepting the 1992 Committee of Expert’s findings, the court also appointed a new advisory committee to serve as an additional monitor. Orfield was named again to serve as its chair. At this time, representatives from Multicultural Education, Training and Advocacy, Inc. (META), representing Latino interests, the Chinese American Democratic Club, and the teachers union motioned to intervene. In 1992 Chinese students represented 24.5 percent of the student body and Latino students accounted for 19.9 percent of those enrolled, representing increases from 19.9 percent Chinese and 17.3 percent Latino at the time of the Decree’s formation in 1983. The percentage of African Americans within the student body had declined from 22.5 percent in 1983 to 18.5 percent in 1992-93. Although Judge Orrick noted the shift in demographics, he denied their motions to intervene, finding the NAACP capable of representing all the children’s interest in the District. However, he did allow these groups to act as amicus curiae and each were allowed to submit possible representatives to be added to the advisory committee.

Rojas made two major proposals during this term: the reconstitution of three schools (Bret Harte Elementary, Visitacion Valley Middle School, and Woodrow Wilson High) and the
transfer of students from the academically successful Burton High to Wilson High in order to make room for an alternative school. Again, these proposals reflected Rojas’ desire to create dramatic changes in the school system and to redistribute the benefits of success at certain San Francisco schools. They were so sweeping and so sudden that even the NAACP voiced concern over the idea. Naturally, the proposals also sparked the ire of both parents and teachers that were affected by the changes, and the Board’s first real division emerged on the vote for reconstitution. In May of 1994, the board passed the plan on a 4-3 vote with the support of Yee, Phillips, Kelly, and del Portillo. Fa, Wynns, and Ammiano voted against the plan. Of the three who opposed the plan, only two—Wynns and Fa—can be said to consistently disagree with Rojas on a number of issues. They were, however, the beginnings of an anti-Rojas coalition that was to gain strength in the years to come. Ammiano remained a swing vote on Consent Decree issues, but still a supporter of the Superintendent. The divisions on the Board tended to be 5-2 in favor of Rojas at this time.

There was very little news in the 1995-1997 term. Two trends bear mention. First, the issue surrounding racial quotas in San Francisco’s best high schools escalated another notch. Second, Rojas continued to push reforms and reconstitutions that would make his style of leadership the issue in the election of 1996. His coalition survived and was ultimately strengthened, but the events of the term added volume to the chorus of voices that were speaking out against the Superintendent’s reforms.

As the Asian American community continued to grow, it began to feel the strain on enrollment caps at San Francisco’s academic high schools. The cap of 45% made it much more difficult for Asian Americans to gain admission to schools like Lowell and Wallenberg than people from other ethnic groups. Charging reverse discrimination, Asian American parents filed
a lawsuit against the district in June of 1995 and asked that the quotas be eliminated. Though the

case would not be resolved for another four years, the District felt the criticism immediately.

Under pressure from members like Leland Yee, the Board changed Lowell’s admissions policy

in February of 1996. Before, the school had had separate standards for members of different

ethnic groups; in this change, they replaced this system with an “individualized assessment”

process of the type used by leading universities—a move which, while somewhat conciliatory to

the Asian American community, allowed the District to preserve affirmative action at schools

like Lowell.

Rojas’ work continued to arouse a great deal of discussion in the District. The entire

community surrounding Mission High School erupted in protest when Rojas made the decision
to reassign three popular administrators there in April of 1996. The board quietly approved

Rojas’ recommendation. Mission High School was, at the time, the lowest performing high

school in the SFUSD, but many said that the removed administrators, who had only been there

for a few years, were turning it around. Some accused Rojas of using the firings as tools in a

strategy to reduce the contract length of administrators in San Francisco; there had been

complaints that Rojas tended to pick the targets of his reforms and “shake-ups” using his own

criteria rather than those determined by any objectively measurable standard.

The same went for Rojas’ proposal to reconstitute three additional schools—Starr King

Elementary, Aptos Middle, and Balboa High—in May of 1996. Like at Mission High School,
the proposals drew strong criticism from the communities served by the targeted schools. In
both cases, Rojas was supported by a slim majority on the board: del Portillo, Kelly, Phillips, and
Jackson. The other three—Wynns, Fa, and Yee—either voted against or abstained from voting

on the proposals. The votes reflect the continued faith on the part of Rojas’ coalition that his
reforms, however much perceived as offensive and heavy-handed by local communities, were in the best interest of San Francisco’s students, particularly its low-income students of color. Of those in opposition, Jill Wynns was the most adamant; in fact, she was the only Board member who can be said to have uniformly opposed Rojas as Superintendent at this time.

The Asian American community—and its representatives on the board—tended to be a “swing vote” on the major issues involving race and the Consent Decree. One the one hand, they were a constituency of color that was sensitive to the need for integration and school reform; in fact, Yee was probably more sensitive to this need than most of his constituents. On the other hand, they were increasingly cognizant of the fact that most school reforms and restructurings were not helpful to them. While they may have been ambiguous in their position on such reforms, they increasingly opposed the Decree for its numerical integration objectives. This constituency, represented by Yee and Fa on the board, could have become a major ally to Wynns, who at the time was alone in her “white parent” opposition to the Decree. The record shows that they were voting with her more and more as Rojas continued to push his reforms on the District. However, this potential alliance was never completely realized, and both Yee and Fa chose to leave the Board at the end of the term—further delaying the formation of a coalition against Rojas.

As people continued to question the need for the Consent Decree—and the powers it granted the superintendent—Rojas took steps to institutionalize his reforms beyond the power of the Consent Decree. Facing a lawsuit that challenged the Consent Decree itself and knowing that there was a nationwide trend against desegregation court orders, Rojas began to seek other ways (besides reconstitution) to circumvent the education bureaucracy and fix schools. He found those other ways in the state’s charter school law and the Edison project, which contracted with
districts to manage school sites and operated free of most of the traditional restrictions on school governance. If Rojas’ heavy use of reconstitution had angered the teachers and community members it displaced, his embrace of the Edison project—a move labeled as “school privatization” by its detractors—took the anger up another notch and caused some of his allies to turn away from him. The Edison project—and Rojas himself—replaced reconstitution as the major election issue of the term. The conflict became extremely personal during these years, so much so that one is led to wonder whether the Board that emerged from the following election is more accurately characterized as anti-Consent Decree or anti-Rojas. Regardless, the signals became clearer and clearer that both Rojas and the things he did would be under strict scrutiny by the Board from now on.

As the term opened, the consensus in favor of the Consent Decree continued to weaken. The proponents of the neighborhood school movement in the Tenderloin, for example, began to complain that, after all of their hard work to build a new school, not everyone in the neighborhood would attend it because of the busing and enrollment requirements imposed by the Decree. Statewide class size reduction problems also exacerbated the need for busing and made it more unpopular across the board. The plaintiffs in the Ho case, first filed in 1995 and near a settlement, were actually asking Judge Orrick to put an end to the Consent Decree altogether.

Rojas’ support was based on two things at the time: the solidarity of ethnic communities and a belief in his unconventional leadership. This support was so strong that the Board approved, 6-1, a major salary increase for Rojas in October 1997 that elevated his salary above that of the mayor. And in December 1997, despite widespread community protest, the board approved, 4-3, a proposal by Rojas to give preference in the city’s popular alternative schools to students who lived in the neighborhoods of those schools and students who came from
disadvantaged backgrounds. This change was the exact opposite of that made over a decade earlier by Rojas’ predecessor, and it is a reflection of the diametrically opposed views of the two superintendents on the nature and mandate of the Consent Decree. The community protests had arisen because Rojas was essentially proposing a major redistribution of education resources to the city’s disadvantaged groups. Even with weakening support for the Decree (which caused the defection of Kelly and Owens from his coalition on this vote), Rojas managed to push this change through in 1997.

However, in 1998, a combination of events weakened Rojas’ support on the Board. First and foremost was Rojas’ introduction of the Edison project. In April 1998, he brought a proposal before the Board to allow Edison to take over two schools—the coincidentally named Edison Elementary (the worst elementary school in the district), and the new neighborhood school in the Tenderloin which was scheduled to open that fall. The ire this aroused in the Tenderloin community, which had worked for 9 years to build its own school, caused the Tenderloin school to eventually be dropped from the plan. In the end, the board voted, 5-2, to enter a contract with Edison to take over Edison elementary. However, the strength of the anti-Edison sentiment was evident when the two dissenters, Wynns and Kelly, attempted to re-open the discussion by challenging the legality of the vote that had taken place. In June of 1998, over a controversy that he had unpaid child support obligations, Keith Jackson, then the Board president and a member of Rojas’ coalition, resigned. His resignation took effect at midnight on the evening of the vote over Edison, but Jackson voted anyway. The challenge was largely symbolic, since even without Jackson’s vote the board had a 4-2 majority in favor of Edison. However, it represented an escalation of the conflict on the Board which had been relatively quiet up to this point. True to form, Rojas used the Edison contract to do what he had always
done with reconstitution: he negotiated the entire contract, and helped determine how the school would be run, without input or advice from the teachers’ union.

The anger over Edison was part of a growing sentiment against Rojas himself, particularly in his fiscal management of the District. In June of 1998, Rojas also announced huge budget cuts due to a $13 million desegregation reimbursement dispute with Sacramento. Like the superintendents before him, Rojas spent desegregation funds and then argued with the state government over their share of the costs. The difference about this situation was twofold. For one, Rojas had spent a great deal of money, much of it on unconventional reforms that he had proposed to redistribute education resources in the city. Second, he had premised these expenditures on the state’s reimbursement for desegregation (the only school district in California to do this), using the threat of fiscal insolvency to pressure the state to reimburse the entire shortfall. Rojas essentially tried to get more and more money from the state to support his reforms. Of course, what may have been viewed as a daring and risky strategy of brinksmanship to the outside viewer appeared within the District as a fiscal crisis that had been engineered by the Superintendent. Jill Wynns was outraged; the state was running a multi-billion dollar surplus and despite this, the District was in deficit.

There was an important political undercurrent of these events that became a crucial shift of power on the board: the defection of Dan Kelly. Kelly was to Rojas what Rosario Anaya was to Alioto. A board member who put the interests of San Francisco’s children first, Kelly supported Rojas (as recently as April 1997, when he voted for the salary increase) because he felt that Rojas was doing what was best for San Francisco’s students. Kelly was not bound to one constituency or ideology, as can be argued for almost every other member on the Board. His support lent legitimacy to a Rojas coalition that might otherwise have looked a little too much
like a front for a “radical ethnic agenda,” especially given some of the proposals it backed. Kelly had been on record ever since Rojas’ arrival as a frequent supporter of the Superintendent. All of this changed in 1998. The Edison proposal and Rojas’ fiscal management of the District were enough to turn Kelly away from Rojas. That is why he stood with Jill Wynns on the Edison issue, and it is why he ultimately became a part of the coalition against the Superintendent.

Jackson’s resignation also weakened Rojas’ coalition. Mayor Brown filled the seat with Frank Chong, an Asian American who was a lukewarm supporter of the Superintendent. Chong had far less incumbency appeal, and he would become a prime target for campaigns that opposed Edison in the following election.

The election of 1998 was a referendum on Edison and Rojas’ leadership, plain and simple. The ruling coalition had been criticized for its lack of independence from the Superintendent, and this showed in the election returns. Carlota del Portillo lost her seat to a newcomer, Eddie Chin, an avowed opponent of the Edison contract who promised to work to rescind it once in office. Frank Chong, a moderate supporter of Rojas, came close to losing his seat to challenger Mauricio Vela, another outspoken opponent of Edison.

The Board that emerged still contained a fragile majority—Chong, Owens, Hernandez, and Phillips—that supported Rojas and Edison, but Chong’s vote was questionable. It was easy to see how, if trends continued, the next election could sweep a substantial portion of Rojas’ coalition out of office in the same way it had removed del Portillo. This election marked the first time that Rojas would face a Board that was substantially independent from him. With only three solid supporters and a coalition that could easily be pegged as out of touch with middle-class white voters, Rojas knew that his time was limited.
Coming into the 1999-2001 term, Rojas’ coalition had weakened, and so had his power to reform the District. In February of 1999, the Ho case was settled with the embrace of “race-neutral” admissions processes for all San Francisco schools. While it was not completely killed, the Consent Decree was altered beyond recognition by this decision, weakening Rojas’ ability to use its tools for reform. In addition, more questions began to arise over Rojas’ fiscal management of the district, including his purchase of a $7 million building in October 1998 (opposed in the vote by Wynns and Kelly) that stood empty five months later. He had angered teachers, parents, some ethnic constituencies, and even his allies in Sacramento with his tactics and leadership style. A diverse array of constituencies was calling for the superintendent’s resignation by early 1999.

Unlike his predecessor Alioto, who had faced a similarly hostile Board and a defection in 1985, Rojas knew when to take a hint. In April of 1999, he resigned his position to take a better offer from the Dallas Independent School District. Kelly, once known to lavish praise on Rojas in the press, remarked that as far as he was concerned, Rojas “could turn his keys in tomorrow.” Members of the anti-Rojas coalition were angered and disgusted that Rojas had looked for a new job behind their backs and in violation of his contract. They were glad to see him leave, even as some members of his coalition expressed sadness at his departure. “Their gain, our loss,” said Juanita Owens.

It is not entirely fair to say that Rojas’ departure was identical to Alioto’s. Alioto was explicitly fired because of his disagreement of with Myra Kopf over the administration of the Consent Decree. For Rojas, the anger seemed personal as well. He was the type of superintendent, as represented by opinions on the board, who was either loved or hated. Many people saw Rojas’ management of the district and leadership style as signs of irresponsibility,
arrogance, and brazen disregard for community opinion; others cast them differently, as signs of a superintendent fighting the bureaucracy and breaking the rules to find resources for the students he served. He was the quintessential controversial leader for the District, and his style alone might have been cause to remove him, regardless of the ideology or educational philosophy that it supported.

However, there were many parallels between Rojas and Alioto also. Both had a single enemy—Kopf for Alioto and Wynns for Rojas—that was always suspicious of the superintendent, was in the minority for a long time, and slowly built a coalition against him. Both became enemies of teachers’ unions over their attempts to reform schools, whether through reconstitution or the use of Edison. And both were ultimately taken down by a defection from their coalition and increasing polarization of the community over their leadership. For Alioto, this happened through a “firing in the night;” for Rojas, after the election of 1998, he knew that it was only a matter of time before the same would happen to him.

Both men were also singularly committed to school reform as envisioned by the Consent Decree, and—idiosyncrasies aside—both were willing to try anything to achieve the results they desired. Both were controversial in their own right, but their visions sustained Board majorities that supported them for terms that exceeded the average stay for many big-city superintendents. Alioto and Rojas aggressively used reconstitution in the district and fought to expand the scope and reach of the Consent Decree to redistribute district resources to underprivileged students. Cornejo and Cortines largely ignored the Consent Decree, and if anything, took steps to dismantle the reforms made by their predecessors.

Though there is sometimes a lag, superintendents serve at the pleasure of the school boards that hire them. Rojas and Alioto stayed in power because majorities that favored their
work to reform schools sat on the San Francisco Board of Education. When those majorities shifted against these reforms, the impact on implementation of the Consent Decree was noticeable: the new superintendents hired by the new majorities inevitably changed the way that desegregation and closing of the achievement gap occurred, if at all, in the District. With Alioto, the change in leadership happened almost as soon as the coalition against him achieved a board majority; with Rojas, it happened slightly beforehand. Rojas saw his own end coming, and he was right: in the 2000 election, Phillips and Owens chose not to run, and their replacements were both allies of Wynns, who would become the board president for years afterwards. Mary Hernandez barely held onto her seat, and a little under a year later, she resigned from the board, eliminating the last remnants of Rojas’ coalition.

The example of the San Francisco Unified School District provides ample evidence that school board politics play a major role in the direction of court-mandated reforms. To the extent that issues of race and educational equity are controversial subjects in almost any political context, the Consent Decree established a battleground for a conflict over the distribution of resources in the District that has lasted for two decades and played out directly in Board politics and elections. The implications for the efficacy of education reforms are sobering: even when intentions are clear and handed down as mandate, school board politics matter. Left unchecked, they can lend our established institutions in education an uncanny resilience against any change that is deemed too challenging to important stakeholders within the status quo.

II. THE LIMITS OF COURT-IMPOSED POLICY CHANGE

Our extensive examination of the evolution of school board politics in San Francisco reveals that traditional centers of power in educational policy, especially Board factions and teachers’ unions, can work to either support or contradict directives provided by federal courts.
This is a lesson well worth remembering. As much as rights-based advocacy, such as through the pursuit of desegregation litigation, may be a necessary beginning to open a window of opportunity that promotes policy change that better serves the interests of historically underrepresented communities of color, it is teachers, administrators, and especially superintendents, as directed by school boards, who ultimately have the responsibility for making that policy change work. Desegregation was pursued in the courts because of the failure of traditional means of policy decision making, such as in school boards, to respond to the needs and interests of segments of our population. Counterintuitively, for the decisions of those courts to have the desired impact, once again it is traditional leaders and policy decision-makers whose actions are most critical to a court achieving its goals. Our discussion of the San Francisco case makes this abundantly clear.

How might we begin to build alternative strategies for policy change in education that take into account the limits of court-based intervention? We offer the following consensus-based framework as a start. We base what follows on a consideration of some of the fundamental insights provided by analyses of educational reform in particular, and analytical conclusions reached regarding shifts in American national policy decision-making generally.6

Our framework has four components. First, significant policy change is dependent upon the development of a new policy image. A policy image provides an alternative way to address a matter of continuing concern. This policy image must have a clear goal, a clear end, that the public policy is designed to attain. Of equal importance, this policy image must specify the causal linkages that underlie the attainment of the goal. Stated differently, a clear attribution of roles and responsibilities for public and private actors for both the origin of the matter of

concern, and consistent with this previous understanding a clear attribution of how new roles and responsibilities will address the concern, must be specified. Lastly, a new policy image requires that measures of success be clearly outlined. Stakeholders and the general public must know, precisely, how goal attainment will be determined. Competing policy images are ever present. Major change occurs, however, when one image wins out over others. If a reconciliation of competing policy images cannot occur, the pursuit of any policy change is likely to be short-lived, as the seeds of its severe critique and perhaps dissolution are present before it even begins to be implemented.

Second, policy change is more likely if that new policy image is institutionalized. The type of institutionalization we envision is one where formal rules and procedures are established to enhance the capacity-building of individuals and groups of citizens through public and private institutions. An example of such policy change can be taken from current efforts at school reform. We often hear public officials call for the need to reform public education. Among the recommendations made is to increase school accountability. The new policy image provided in school accountability is that schools, i.e., their teachers and administrators, are held responsible for the performance of their students. We must, however, be mindful of Tyack and Cuban’s distinction between policy rhetoric and policy practice in education (1995). The institutionalization that we see as a facilitating condition to policy change is not one where new pronouncements are made, and little substance in administrative support, professional development for teachers, and funding for schools and programs is provided. Rather, institutionalization requires that the central district office, and perhaps even higher levels of governance, take direct responsibility for providing the training and resources identified in the new policy image that will contribute directly to teachers and administrators doing their work
with greater success. Budgets, personnel, and programmatic authority are central here. Calls for policy change that do not specify such elements are unlikely to change policy for the long term.

The third element of policy change is the identification of beneficial consequences anticipated from the institutionalization of the new policy image, and the actual realization of these consequences soon after the new policy image is implemented. The interests of relevant stakeholders must be served. This element suggests that if a mutuality of interests is met, it is more likely that support can be found for the initial implementation of the reform. This may require considerable compromise among interests that were previously competing. We do not underestimate how difficult such compromise may be, especially in an era where financial resources can be highly restricted and where tenure can insulate teacher interests in very important ways. It is helpful to the adoption and subsequent implementation of reform if stakeholders can each make a rational determination that a valued goal has a realistic change of being attained through the adoption of the reform. Proponents of policy change can well serve their efforts if they devote the necessary time to developing understandings of benefit among diverse constituencies. Proponents of policy innovation must, therefore, demonstrate concern with the distributional consequences of any proposed reform.

The fourth and final facilitating condition is that efforts must be made to maintain the consensus that is developed among stakeholders and suggested by the conditions discussed above. Initial consensus is no guarantee to future acceptance of a new policy image. Initial attempts at institutionalization may fail, and severe criticism of a reform can result. Strategic attempts must be made, therefore, to reassess the successes and failures of the pursuit of reform. In this way, failures have an opportunity to be addressed and the likelihood that the beneficial consequences described above can continue to be acknowledged over a considerable period of
time increases. Various stakeholders can accept the responsibility for maintaining this consensus. In describing this final element of policy change, we are building on a key insight provided by Heclo (1994). In discussing the intersection of ideas, interests, and institutions, he states that policy failures must be seen as “positive constraints” that can enhance “evolutionary learning” and serve as examples of the “transformative capacity” of democratic institutions. Positive constraints is a concept that can be crucial to maintaining the consensus necessary to increase the probability that a policy change will be sustained.

We do not underestimate the great difficulties associated with applying each of these elements of policy change in the value laden area of educational equity. However, the consequences of not thinking creatively about how the interests and power of traditional educational stakeholders, like schools boards and teachers’ unions, can be included within efforts for policy change in education are troubling. A return to San Francisco again makes this clear. In 2002-2003, twenty-eight of a total of sixty-nine elementary schools had over 50% enrollment of members of one of ethnic-racial group. For middle schools seven of seventeen schools have a majority of student from one ethnic-racial group, and six of nineteen high schools have this same enrollment pattern. This resulted in part because of the final resolution of the Ho case (1998).

Of even greater concern, few would argue that the current Superintendent, Arlene Ackerman, and African American woman, has demonstrated very little support for the most significant aspects of the original Consent Decree. Every one, including Supt. Ackerman, is for educational reform that improves the academic performance of all students in San Francisco. There has been, however, virtually no attempt to use the special provisions of the Consent Decree to develop consensus-based, creative policy change that might lead to this goal being realized. Superintendent Ackerman has the unquestioned support of Jill Wynns, a majority of

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7 For example see Hochschild (1984).
members of the Board, and the United Educators of San Francisco. School boards, and supporters of their majority factions, remain critical players in setting the course of much educational policy.
References


*Ho v. SFUSD.* 1998. 147 F.3d 854. 9th Circuit.


METHODOLOGICAL APPENDIX

METHOD OF STUDY

Both the quantitative and qualitative information in our study of local school board politics were taken from over 500 newspaper articles in the San Francisco Chronicle and Examiner, starting in January of 1980 and concluding in May of 2001.

We developed a system of quantitative and qualitative data recording in order to manage and catalogue the massive amount of information available in these news sources. We began by identifying the pertinent news articles. For articles between January 1980 and December 1990, we used the indexes of periodicals at the Stanford University Library. We did a comprehensive search of terms like “San Francisco school board,” “reconstitution,” “school desegregation,” “Rojas,” “Cortines,” etc. and came up with a list of 563 articles that contained these terms in the San Francisco Chronicle and Examiner. We retrieved and collected each of these articles via microfilm at the Stanford University library. For articles between December 1990 and May 2003, we did a similar search in Lexis Nexis and printed out approximately 510 additional articles. After combining the two sets, we read each of the articles and found a total of 522 entries that bore direct relevance to school board politics and the city’s desegregation consent decree. As we read the articles, we also extracted the qualitative and quantitative information that has informed this study.

DATA

Our most important qualitative data set is an index of summaries (2-3 sentences apiece) of each of the 522 articles, organized by date of publication. Viewed in total, this data set provides a convenient “timeline” through which the history of San Francisco school board politics and major events in the district can be read and understood. The data set also serves as an index for referencing the full set of articles, allowing the user to obtain more historical detail where necessary. We used a combination of the index and a closer reading of some of the key articles to draft a comprehensive political history of the San Francisco school board. This history informs our final results in this study.

We also separated some of the most important qualitative data by political actor; important articles about Superintendent Rojas, for example, had their summaries copied into a separate index that was dedicated specifically to Rojas. We did the same for all board members and superintendents. This organization of information yielded a series of “profiles” of political actors in the district that allowed for a better understanding of the alignment of each board member and superintendent with various causes (or superintendents) during the period studied.

We also collected quantitative information which, although it does not appear in our study results, has provided a useful check on our own judgment in making conclusions about the alignments of the various board members and superintendents. For each actor, we noted the number of times that s/he had been mentioned in one of the following ways in our survey of newspaper articles:
- Mentioned or quoted as being supportive or aligned with a particular policy position, interest group, or superintendent
- Mentioned or quoted as being against a particular policy position, interest group, or superintendent
- Mentioned as voting in alignment with a particular policy position, interest group, or superintendent
- Mentioned as voting against a particular policy position, interest group, or superintendent

We also catalogued the dates of each mention, both so that our work could be checked and so that we might be able to build a model of political alignment over time for each actor. This analysis was done for each political actor with respect to any of the following policy positions, interest groups, or superintendents:

- The “liberal interpretation” of the consent decree
- Superintendent Alioto
- Superintendent Cornejo
- Superintendent Cortines
- Superintendent Rojas
- Superintendent Davis
- Superintendent Ackerman
- The California Teachers’ Association (CTA)
- The San Francisco Federation of Teachers
- The United Educators of San Francisco (UESF) (replaced both CTA and FT in second half of period studied)
- Teachers (in the abstract)
- The National Association for the Advancement of Colored People (NAACP)
- Parents (in the abstract)
- Charter/Edison school support

The balance of positions taken for and against these various people, groups, and policies was useful in helping us to determine the nature of each board member’s alignment at any given time in our political history. It also provided a means for us to check the intuitive conclusions that we drew from the qualitative data.

However, these data are problematic in attempting to build a purely quantitative model of board alignment, if only because the number of mentions of alignments constitutes a relatively small sample. We also encountered difficulties relying solely on this data to determine an actor’s alignment. For example, a board member might make a statement in favor of a particular superintendent and then be silent for three more years that s/he serves on the board. We had no way of knowing, from this data alone, to what extent such statements should “count” to fill the frequent silences of several board members. However, qualitative information was available (example: an article that surveyed the “history” of a board member’s alignment) that allowed us to fill in these gaps nicely. In the end, a combination of the quantitative and qualitative data, combined with interviews and other understanding of the history we read and catalogued, provided the basis for our characterization of the school board’s alignment from 1980 to 2001.