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Front Page

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School inequity lawsuit expands

ACCESS TO ESSENTIALS
SOUGHT FOR STUDENTS

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Mercury News

It's a bitter reality of California education: Richer students often get better textbooks, more experienced teachers and more well-maintained classrooms than those from poorer neighborhoods.

Tuesday, a lawsuit designed to make sure all public school students get at least the bare essentials for learning received a dramatic boost when San Francisco Superior Court Judge Peter J. Busch expanded a year-old American Civil Liberties Union case to cover the entire state.

The suit stakes out new ground in the battle to equalize educational opportunities at rich and poor schools. Charging the state with having reneged on its constitutional obligation to provide students with the essentials of education, it calls for state officials to monitor whether students have adequate resources for learning.

If successful, the suit would ``dramatically

ratchet up the state role" in regulating how schools spend money and on what, said Michael Kirst, a Stanford professor and co-director of Policy Analysis for California Education. "It says you can't just send out money to school districts and then expect that districts will provide a minimal education, you've got to find out whether they're doing that. And if they aren't, it's the state's responsibility to intervene."

Bay Area schools

Filed in May 2000 on behalf of students and parents in districts including Ravenswood, San Francisco and Campbell Elementary, the suit claims that many poor and minority students learn their lessons in vermin-infested classrooms without up-to-date textbooks, and are taught by far too many teachers who are learning their craft on the job.

At Luther Burbank Middle School in San Francisco, student Elly Rodrigues said she suffered last year through a rotating cast of substitutes in one class, skittering roaches in another and a general lack of textbooks that weren't damaged in some way.

"How are we going to be able to learn well with those books?" asked 13-year-old Elly, who has since switched to a better-equipped school. "If you wanted us to succeed, help us get better books."

Busch's ruling making the suit a class action expands the number of plaintiffs from the students at 46 schools in 18 districts to potentially millions across the state.

A spokeswoman for Gov. Gray Davis agreed that many of the cited conditions -- if they exist -- are horrible. But Hilary McLean said the state can provide funding and set up rules for spending it, but cannot police every bathroom and classroom.

The state currently spends an average of about \$7,200 per pupil per year on kindergarten through 12th grade. However, the amount districts have to spend varies widely. In Santa Clara County, Palo Alto Unified spent \$3,000 more per student than Morgan Hill Unified in the 1999-2000 school year because of funding formulas based in large part on property taxes.

"We absolutely do" believe students need adequate conditions to succeed in school, McLean said. "That is a hallmark of a well-run school. But, is the way to get at that providing a central state

bureaucracy in charge of clean bathrooms, or is a more efficient way to call these problems to the attention of those closest to the school?"

Currently, the state gives schools much of their funding and sets policy. Local boards are charged with running the schools.

The state's lawyers have filed a cross-complaint, claiming that the 18 local districts named in the initial suit and their elected boards are responsible for ensuring adequate school conditions. Busch has put that complaint off until the ACLU case is resolved.

Ann Bancroft, spokeswoman for Davis' education secretary, said the governor has spent almost \$2.5 billion to recruit qualified teachers, buy textbooks and maintain schools. He's also pushed a high-profile testing and accountability system.

Learning conditions

But Peter Eliasberg, a staff attorney for the ACLU, which filed the suit along with other civil rights groups, said the governor's emphasis on accountability will prove fruitless if students cannot learn because their classrooms reek of rat urine and are too hot for concentration.

State protests to the contrary, Eliasberg said, there are ways to oversee school conditions without creating a new level of bureaucracy. There could be a random inspection system, one involving the county offices of education or a complaint-driven system, he said.

East Palo Alto student Krystal Monje, who was an eighth-grader at Ravenswood's Cesar Chavez Academy last year, is among the student plaintiffs in the suit. In a March interview with the Mercury News, she said that her school's drinking fountains often spouted dirty water.

The school bathrooms were "really messed up," said 14-year-old Krystal, now a student at Ravenswood's Charter High School. "Either you can't go, or you've got to go to the office. You've got to ask and say it's an emergency. Otherwise they won't let you go."

The school's new principal, Doris Roundtree, said she does not know about school conditions last year, although teachers had complained about bathrooms being locked at times.

"The bathrooms aren't locked -- that's my order at this school," she said. "And I don't know anything about the drinking water."

Whatever information is brought forward, those things will be fixed."

A school in the Campbell Union Elementary School District made the case because some of its classrooms get up to 100 degrees in the summer, hindering students' ability to concentrate, Eliasberg said.

"The claims against Campbell are still without merit. We have excellent schools here," said Johanna VanderMolen, the superintendent. She said having no air conditioning is not a health hazard and that schools were urged to conserve during the current power crisis.

Staff Writers Sara Neufeld and Jessica Portner contributed to this report.

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