

# National Report

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## Rights Groups Sue California Public Schools

By TODD S. PURDUM

LOS ANGELES, May 17 — A coalition of civil rights groups filed a class-action lawsuit today saying that the disparities between California's best and worst public schools are so great as to violate the state constitution's guarantee of a free and equal public education for all, and demanding that the state assure that all schools have the bare necessities of teachers, textbooks, classrooms and toilets.

Lawyers for the plaintiffs described the state court suit as the first in the nation to seek a guarantee of education basics, and said they hoped it would open a new front in a three-decade drive that began with efforts to equalize school financing, then moved on to address adequacy of conditions. The suit seeks no monetary damages, only an order requiring the state to assure certain essentials like textbooks and safe buildings throughout California.

The suit was filed on the 46th anniversary of the landmark *Brown v. Board of Education* decision. It comes as Gov. Gray Davis and other state politicians are grappling with how to return the state, which once led the nation in educational spending, standards and achievement, to something close to the national average in spending per student, computers per student and the like. In his revised budget this week, Mr. Davis proposed more than \$3 billion in new spending for education, including a controversial plan to exempt public school teachers from state income taxes.

"This is the first case that has said what are the bare essentials that a kid needs to even have a hope of equal educational opportunities," said Mark D. Rosenbaum, legal director of the American Civil Liberties Union of Southern California, which filed the suit along with other civil rights organizations, including the Mexican-American Legal Defense and Education Fund, on behalf of students and parents in poor and minority districts.

"California used to be the model which all states would look to for a public education system that was the institution for democratizing the citizenry," Mr. Rosenbaum added, referring to the era before the late 1970's when Proposition 13 and tax revolt set off a decline in school financing that the state has struggled to stem. "Now it's a measure of the Mississippification of California that the national average is looked at as a goal to accomplish, and not necessarily one that will be met anytime soon."

Doug Stone, a spokesman for the State Department of Education, and for Delaine Eastin, the superintendent of public instruction and the lead defendant named in the suit, said the department would have no immedi-

ate comment.

"The department counsel, which just received the lawsuit, has not had an opportunity to thoroughly review it," Mr. Stone said. "The next logical step is for our counsel to work with the attorney general's office and the governor's office to develop a response."

A somewhat similar suit was filed last year in Florida and is pending in state court there, accusing the state of violating the constitutional rights of tens of thousands of schoolchildren by failing to provide them with an adequate education. In contrast to the California case, which seeks to establish a floor for such basics as heat, ventilation and plumbing, the Florida suit focuses more on educational outcomes, arguing that students are unable to pass standardized tests, learn basic skills and compete in the workplace. Similar suits have been filed in Alabama, North Carolina, Ohio and Connecticut.

Over the last several decades, various court decisions have sought to rectify imbalances in financing

### *Seeking not money but guarantees on basics in teachers, books and buildings.*

among districts, or to end overt racial discrimination. But because equalizing current financing cannot address disparities built up between rich and poor districts over time, and because discrimination suits have faded with the end of legally sanctioned segregation, the latest wave of cases has begun focusing on conditions and programs, not money.

In California, for example, state chapters of the Civil Liberties Union, have already filed suits against the state university system and the state's public schools, arguing that a lack of advanced placement classes in poorer high schools leads to discrimination in college admissions and advancement, since students in many schools have no access to the classes that could gain them extra credit.

The suit filed against the state Department of Education today, based on five months of research in schools around the state and interviews with students, parents and teachers, found some textbooks so outdated that they describe the Soviet Union as still in existence and locked in a cold war with the United States. In at least 100 schools, at least half the teachers lack full credentials. Others require students to pay for basic instructional materials in

core subjects like English and science, while others lack bathrooms, ventilation or adequate seats in classrooms.

"The staggering range of disparities in public education in this state offend the core constitutional principle of equality," according to the plaintiffs' 44-page complaint, which catalogs a range of horror stories. At Jefferson Senior High School in Los Angeles, for example, students in five classes must share one set of 30 Spanish textbooks, students lack desks and teachers must pay for gas for field trips out of their own pockets, the suit says.

Theodore M. Shaw, associate director and counsel of the national office of the NAACP Legal Defense and Educational Fund, which is not a party to the suit but supports its goals, said it was "obviously no coincidence that the suit was filed today," on the anniversary of the Supreme Court case that held separate schools for blacks and whites were inherently unequal.

"The irony lies that 46 years ago we had the Supreme Court saying that separate but equal is never equal, and almost half a century later, the Supreme Court and lower federal courts have been making it more difficult to achieve racial desegregation," Mr. Shaw said. "And this suit, in a sense, is circling back around to the pre-Brown days, focusing on conditions in the schools, the tangibles, and saying you have to make schools equal. The argument here is not so much that there's invidious segregation and discrimination, but that the policies and practices and the willful ignorance of the disparities that characterize our public schools still have this racially disparate effect."

"Ultimately, it's a reflection of the kind of retrogression we've seen," Mr. Shaw added, "or to use a term popular in black churches, the backsliding we've seen."

Matthew I. Kreeger, a lawyer in San Francisco for the firm of Morrison & Foerster, which is helping to argue the case pro bono, said the timing was apt.

"On the one hand, there are resources available from the state now to deal with problems like this, and a commitment from state officials to try," Mr. Kreeger said. At the same time, he said, the need for adequate conditions is "even more acute" in the face of newly adopted standards for students, including strict new exit examinations for high school that will make it harder than ever for students from disadvantaged schools to pass.

Mr. Rosenbaum of the Civil Liberties Union added: "At a time when the governor is properly calling for accountability from students and teachers, it's the state that must be held accountable first. Right now the back isn't stopping anywhere."