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ACLU Sues State Over Conditions in Poor Schools

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The state denies tens of thousands of minority students an equal educational opportunity by allowing them to attend substandard schools that lack textbooks, trained teachers and clean, modern facilities, the American Civil Liberties Union alleged in a lawsuit Wednesday.

The conditions, most often found in urban schools populated by low-income and nonwhite students who are still learning to speak English, violate requirements in the California Constitution that the state offer all students a free and equal public education, the suit alleges.

The lawsuit is designed to force the state to ensure "minimal educational standards" for students enrolled in California public schools.

It is the second major legal assault this year by a civil rights organization on the state's poor school conditions, and the latest in a long succession of legal cases across the country that have sought to establish constitutional guarantees for basic minimal standards in educational resources and funding. Those suits have met with mixed success, according to legal scholars.

The ACLU action charges that substandard campuses frequently are made worse by severe overcrowding and year-round schedules that present students with formidable obstacles to learning.

"These schools are the shame of California," Mark Rosenbaum, the ACLU's legal director in Southern California, told a news conference in Los Angeles. "If these schools were housing, they would be treated as slums.

"This is the 'Mississippification' of California's schools, a separate and unequal system for the have-nots," Rosenbaum said. "These are the schools a government would create if it didn't care about all its children."

The class-action suit was filed in San Francisco Superior Court on behalf of students at 18 schools throughout the state. It names Delaine Eastin, the state superintendent of public instruction, the state Department of Education and the State Board of Education.

Eastin said she could not comment on the suit because she and her department had not yet been served.

Another state education official said the state has sought to distribute resources and funding equitably, regardless of location.

Of about 40 state lawsuits filed nationwide over the last 30 years, between one-third and one-half have succeeded in winning some reform in the way states deliver resources or funding to students, said John Coons, a professor emeritus of law at Boalt Hall, UC Berkeley's law school, and a specialist in the field.

"It's part of a new wave of school finance lawsuits," said Stephen Sugarman, another UC Berkeley law professor and an expert on school resource litigation.

Blacks, Latinos and Asians constitute a majority at 15 of the 18 schools listed in the lawsuit, according to state data. At 16 of the schools, more than half the student body is eligible for free or reduced-price meals, the standard measure of student poverty.

Among the disparities cited in the lawsuit:

- * About 40% of the state's public schools lack adequate heating, ventilation or air conditioning.

- * At least 131 school districts statewide have had to create at least 3,400 class spaces out of areas previously used as gymnasiums, libraries and school auditoriums.

- * About 22% of all California public school students attend schools on year-round schedules, which reduce the number of days available for instruction.

- * More than one in 10 public school classrooms are staffed by teachers who have not yet obtained teaching credentials. In at least 100 California public schools, at least half the teachers lack credentials.

Those problems fall most heavily on schools serving minority students in urban areas, the suit says.

Poverty-stricken English learners are most likely to study in classrooms with under-qualified teachers, the lawsuit said, and generally lack essential educational ingredients that other students take for granted.

The suit contends that the state has failed its constitutional obligations to children in four ways.

First, state officials have delegated authority to local school districts without establishing minimal standards for educational facilities. Second, in those few instances in which the state has established minimum standards, they are inadequate. Third, the state has done "nothing effective" to determine whether public schools violate those standards. Finally, even when violations of standards are reported, state officials have taken no steps to fix the situations.

The ACLU suit follows a lawsuit filed in March alleging that the rules that California uses to distribute money for school construction are unfair to large urban districts with fast-growing enrollments and severely crowded campuses.

State regulations reward districts that file applications first, according to the suit, filed by the Mexican American Legal Defense and Educational Fund and other law firms. Urban districts often are unable to act as swiftly as suburban districts because of the difficulty of acquiring land in built-up areas.

MALDEF is a co-counsel in the ACLU lawsuit, along with other private and public interest firms.

Among the schools cited in the ACLU suit was Luther Burbank Middle School in San Francisco, where vermin and roaches roam, classrooms lack computers and students cannot take textbooks home in any core subject.

Jefferson High School in South-Central Los Angeles is plagued by multiple problems: overcrowding, too few courses, disruptive scheduling, no seat covers on toilets and too few textbooks, according to the suit.

In an interview, Jefferson student Fabiola Tostado, 16, a plaintiff in the case, said there are not enough seats in her science lab to accommodate all the students, some of whom must sit on counter tops where "we can't even see what the teacher has written on the blackboard," she said.

Another Jefferson plaintiff, Sonia Felix, held back tears as she asked: "Why are they doing this to us? It's like they think that because we're black or brown we don't care, or won't complain. But just look at us. We're not getting a good education and that's not right."

Jefferson Principal Virginia Preciado defended her school, saying that the allegations had not been brought to her attention. Preciado would not comment on the suit because she had not seen it, but she did say that the school provides enough desks and textbooks for students and maintains clean bathrooms.

At Berendo Middle School, the lawsuit states that the library has been closed for two months, and plaintiffs complained about not having textbooks for many classes. In some English and history classes, they allegedly have no texts at all.

One eighth-grader at Berendo named Jesse, also a plaintiff, said he's had to watch noneducational movies in class this year, including "A Nightmare on Elm Street" and "Scream." The boy called the bathrooms "disgusting."

Assistant Principal Jeanette Stevens said the bathrooms are checked daily for cleanliness and graffiti and monitors are posted outside the doors. She said that teachers have to get approval before showing movies of any kind.

At Lynwood Middle School sixth-grade science teacher Yusef Abdul-Alim, a plaintiff, said his students cannot take textbooks home for homework or study. The Lynwood principal did not return a phone call seeking comment.