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ACLU urges judge to toss schools suit

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SAN FRANCISCO--The American Civil Liberties Union on Wednesday urged a judge to throw out Gov. Gray Davis' suit against local school districts for failing to correct allegedly substandard conditions. Davis is trying "to scapegoat 18 local school districts for the state's failure to fulfill its ultimate responsibility to deliver public school education in California," said an ACLU brief filed in Superior Court here.

A hearing has been set for Feb. 2.

The governor's legal complaint was filed in December in response to a suit the ACLU filed against the state in May, seeking to hold the state accountable for denying students in poor and minority communities the "basic educational necessities."

The ACLU suit cleared the first hurdle in November, when San Francisco Superior Court Judge Peter Busch turned down Davis' bid to dismiss it. Then Davis filed a cross-complaint in the same case, seeking to shift the responsibility to the school districts.

On Wednesday, the ACLU asked Busch to throw out the cross-complaint.

Busch already has determined that the suit is about the state's oversight system, the ACLU's brief argued.

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