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**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF SAN FRANCISCO**

ELIEZER WILLIAMS, et al.,	)	Case No.: 312 236
	)	
Plaintiffs,	)	
	)	
vs.	)	ORDER
	)	
STATE OF CALIFORNIA, et al.,	)	
	)	
Defendants.	)	
	)	

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The student Plaintiffs allege that they are required to try to learn under conditions that, accepting their allegations as true for purposes of the demurrer, include lack of sufficient textbooks, lack of sufficient trained teachers, and lack of adequate facilities. They further allege that other students at other schools do not suffer from these inadequacies, and that, therefore, they are denied equal protection, among other violations of law.

The State of California has taken it on itself through its Constitution, statutes, and regulations to provide universal public education and to do so on a basis that satisfies basic standards of equality, among other legal requirements. That the State has chosen to carry out certain of its obligations through local school districts does not absolve the State of its ultimate

1 responsibility. Butt v. State of California, 4 Cal. 4<sup>th</sup> 668, 685 (1992). Plaintiffs' allegations, if  
2 believed, would demonstrate that, despite the State's legal obligations with respect to public  
3 education, these plaintiffs do not enjoy the level of educational opportunity to which they are  
4 entitled.

5           But this case is not about correcting the specific deficiencies suffered by these  
6 students at their specific schools in their specific school districts. If it were, at least many of the  
7 kinds of problems alleged might well be amenable to resolution through existing administrative  
8 procedures. Rather, as Plaintiffs represented to the Court at the hearing on the demurrer, this  
9 case is exclusively about the State's system of oversight and that system's alleged inadequacies  
10 and failures. The lawsuit is aimed at ensuring a system that will either prevent or discover and  
11 correct such deficiencies going forward. The specific deficiencies that take up so much of the  
12 Complaint are evidence of an alleged breakdown in the State's management of its oversight  
13 responsibilities. As such, they are the result, rather than the fact, of the allegedly  
14 unconstitutional behavior—the consequential injury, rather than the violation. Plaintiffs'  
15 representation, to which the Court will hold Plaintiffs, has and will have ramifications to all  
16 stages of the case, including pleading, class certification, motion practice, trial, and remedies.

17           Based on this understanding of the scope of the case, the Court will not require  
18 Plaintiffs to exhaust the existing district-level administrative remedies pointed to by the State.  
19 Even assuming that those remedies could solve many, if not all, of the alleged deficiencies, it  
20 would not address the violations Plaintiffs attack. If, in fact, the State does not have the legally  
21 required oversight and management systems in place, the same kind of problems would be prone  
22 to recur elsewhere. Instead, to repeat, this case will deal with the oversight and management  
23 systems the State has in place to determine if they are legally adequate and whether they are  
24 being properly implemented.

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1           Of course, in order to carry out that inquiry, it will be necessary to know what  
2 systemic inadequacies Plaintiffs claim exist at the State level. The State's special demurrer  
3 argues that Plaintiffs bear some burden to plead more specifically what is required of the State  
4 and how the State has failed to meet its obligations. The Court understands the State's legitimate  
5 desire to know more exactly what Plaintiffs claim the State should and could have done to avoid  
6 or correct the alleged deficiencies, assuming those deficiencies in fact exist. After considering  
7 the Complaint as a whole, however, the Court is persuaded that the elementary requirements of  
8 notice pleading are met. To analogize to a fender bender, the plaintiff must allege that the  
9 defendant drove negligently, resulting in injury to the plaintiff caused by the negligence. The  
10 plaintiff is not required to plead what aspect of the defendant's driving was negligent or whether  
11 it was the defendant's failure to use the brake properly or inattention due to a car phone  
12 conversation that caused the injury. Here, Plaintiffs have alleged that the State is responsible for  
13 maintaining an educational system meeting the necessary minimum standards, that it has failed  
14 to do so because its oversight and management systems are non-existent or inadequate, and that  
15 the alleged educational inadequacies result from the State's failure. The State has further alleged  
16 the laws it claims are violated as a result. Plaintiffs pray for injunctive relief to require  
17 correction of the problems with the State's oversight and management systems. Therefore, the  
18 Court concludes that Plaintiffs have met the basic requirements of notice pleading. Fleshing out  
19 the contentions will be a task for discovery and motion practice as the case proceeds.

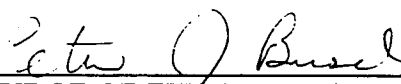
20           Of course, in making this Order, the Court accepts the facts as alleged and makes  
21 no determinations concerning the justiciability of the issues raised, the appropriateness of class  
22 certification, the merits or viability of any of the causes of action, or any other issue not tendered  
23 by the special demurrer.

24           For the reasons stated at the hearing on October 30, 2000, the Court also denies  
25 Plaintiffs' motion for court appointment of an expert to conduct a textbook survey.

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A further status conference will be held at 8:30 a.m. on December 12, 2000 to discuss establishing a schedule for further proceedings in this case. Counsel are ordered to meet and confer prior to that date and submit status conference statements noting scheduling matters on which they agree as well as any matters which require decision by the Court.

DATED: November 14, 2000

  
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JUDGE OF THE SUPERIOR COURT

**Peter J. Busch**



Superior Court of California  
County of San Francisco

ALAN CARLSON  
CHIEF EXECUTIVE OFFICER

GORDON PARK-LI  
ASSISTANT CHIEF EXECUTIVE OFFICER

CERTIFICATION OF SERVICE BY MAIL

I, the undersigned, certify: That I am a Deputy Clerk of the Superior Court, State of California in the City and County of San Francisco, and not a party to the within cause: That on this date, I served a true copy of the document affixed hereto, by depositing a copy thereof, enclosed in separate envelopes, postage prepaid, in the United States Mail, addressed to the respective counsels, or parties appearing in Propria Persona, at their address as shown on the document(s) that have been filed in this matter.

Dated: NOV 15 2000

At San Francisco, California

By:  STEVEN LI  
Deputy Clerk