

A graffiti-covered bathroom at Jefferson High School, L.A. Photo: Courtesy of the American Civil Liberties Union



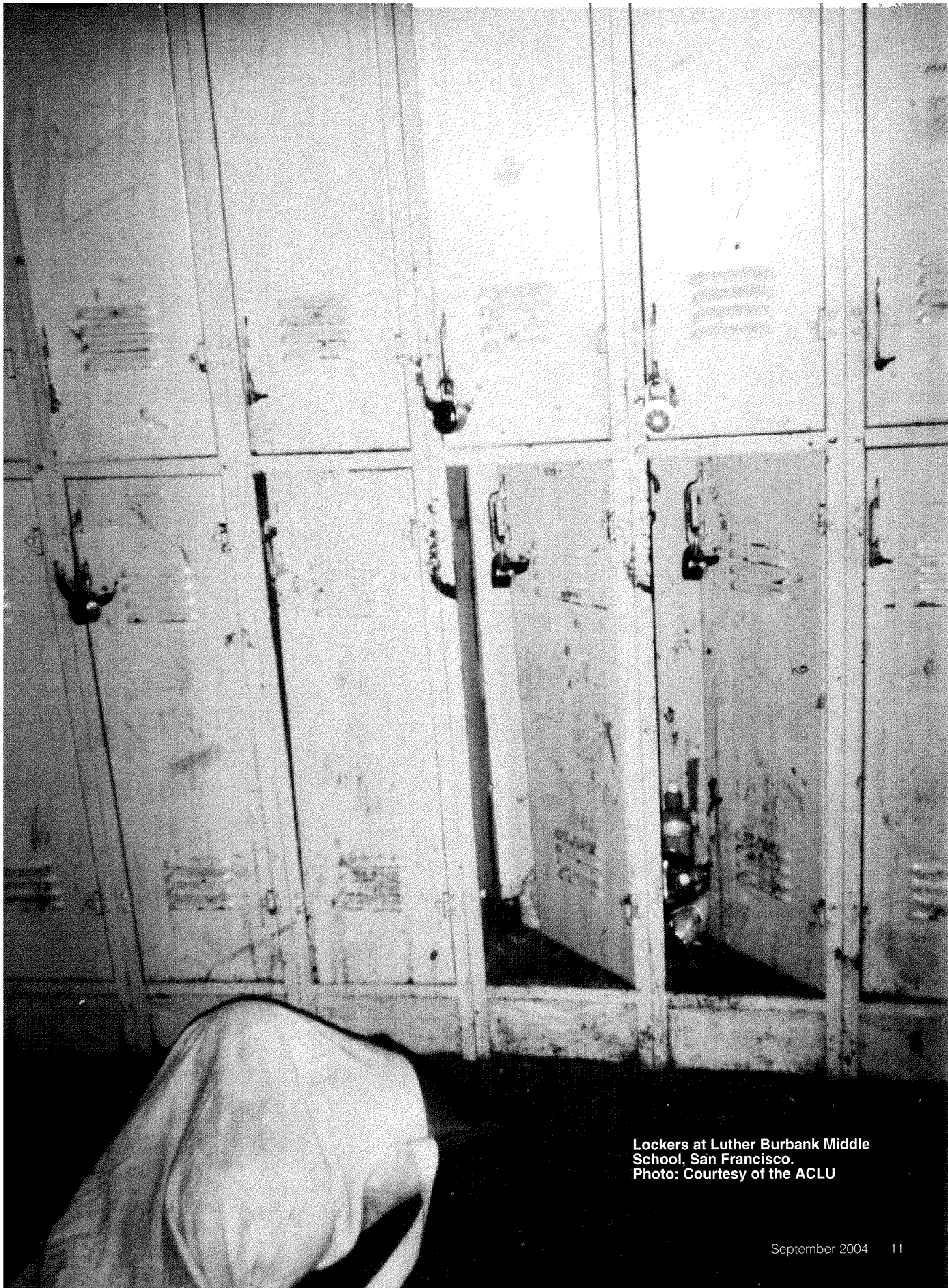
The 'Mississippification' of California schools

Fifty years after the U.S. Supreme Court's landmark decision in *Brown v. Board of Education* held that discrimination in education is unconstitutional, a distinctly two-tiered educational system persists in California. The state's fractured educational system continues to struggle with the realities of substandard schooling for many California children. By Sigrid Bathen



When Moises Canel, Magaly de Loza, Yeimi Alba, Arturo Escutia and Edgardo Solano attended Wendell Helms Middle School in San Pablo, California, conditions in the public school were appalling.

In fact, Helms was beyond horrid. Ceiling tiles were cracked and falling, and the roof leaked. Eighteen of the 59 teachers lacked full teaching credentials. There were not enough textbooks. One algebra class had no books at all; students had to copy problems from the blackboard. The gym was unusable on



Lockers at Luther Burbank Middle School, San Francisco.
Photo: Courtesy of the ACLU

rainy days. Toilets did not work. Bathrooms, which only rarely had soap, toilet paper or paper towels, were strewn with used condoms, cigarette butts and empty liquor bottles. Most of the stalls in the boys' bathrooms were missing doors.

Conditions at Wendell Helms landed the school on a select list of 46 schools named by the American Civil Liberties Union (ACLU) in a class-action lawsuit — *Williams v. California* — that challenged the stunted educational opportunities and decrepit, filthy facilities attended by thousands of poor California children, predominantly children of color.

For page after damning page, the lawsuit described horrific conditions in schools from Los Angeles to Oakland and points in between. The anecdotes are painful to review: elementary school students in Fresno who “have urinated or defecated on themselves” because “one of the school bathrooms is locked all day, every day.” High school students in San Francisco with only one four-stall bathroom open for girls in a school with 1,200 students. “A soiled feminine napkin and a moldy ice cream bar remained in one of the stalls for the entire 1999-2000 school year.”

At the heart of the ACLU suit is a simple premise: provide students from poor families with inferior educations, and they are likely to be permanently consigned to the bottom rungs of the socioeconomic American dream — undereducated and ill-trained to survive in the competitive workplace, much less thrive or go to college. The fact that most are children of color, predominantly Latino and African-American, further belies the promise of equal educational op-



**The dilapidated gym ceiling at Mark Keppel High School in San Pablo.
Photo: Courtesy of the ACLU**

portunities embedded in American law and policy.

The suit was settled in a tentative agreement announced by Governor Arnold Schwarzenegger and the ACLU last month. Under the agreement, the state will set aside up to \$1 billion to repair deteriorating facilities in 2,400 low-performing schools, plus \$139 million this year for textbooks, and another \$50 million to assess facility needs. It also sets up a system for students, teachers and parents to report complaints, and for county education

superintendents to monitor compliance. The agreement requires legislative and court approval.

“Mississippification” of education

Author and columnist Peter Schrag, an expert on education issues, has deemed the decades-long decline of the state's public schools the “Mississippification” of California education. Legal and education experts who have spent years, sometimes decades, fighting substandard conditions for poor, minority children in California's schools say the characterization is apt.

“I've been working on this case for more than four years. I've met the kids, gone to the schools, talked to the teachers,” said Catherine Lhamon, the ACLU's principal attorney in the *Williams* suit. “I have been aghast at what I've seen. The conditions are so horrendous. ...The message we're sending to these kids is that they are worthless, that the state does not expect them to succeed, that they are deemed to be an underclass.”

Lhamon worked with Dr. Michelle Fine, a psychology and education professor at the City University of New York who has been researching and writing about inequities in the public schools for two decades.

Fine conducted detailed interviews with 101 students of all ages and grade levels, gathered in small “focus groups” at schools throughout California. Eighty-six of those students also completed anonymous written surveys. “The evidence suggests that the more years they spend in their schools, the more shame, anger, and mistrust they develop; the more academic engagement declines, and the

more our diverse democratic fabric frays,” she concluded.

Fine asked students to describe an “ideal school.” The responses were poignant, because their own schools were so unlike the ideal.

Said one girl in a Los Angeles middle school: “It would be a classroom with enough tables, enough chairs, enough books, enough materials, and a teacher who cares. ...I would have a teacher that understands where kids are coming from, especially living in the area that we do.”

The girl also described what the ideal school principal was not: “... Not the principal coming inside the classroom and going like, ‘Shut up. You're going to listen to what I've got to say right here,’ and that's the same way they treat us. We are the same, just because we're smaller and don't know as much as they know, we are the human beings.”

At a Los Angeles high school, a girl responded to the same question: “Enough books. And enough desks in the classroom. And a big enough class[room] ... Our classes are so crowded, and you can't really learn anything because if this person has a problem and somebody else has a problem, she try to help this person out and this side of the room starts talking and it really takes up time to learn.”

And another Los Angeles high school student: “I don't really feel like they're preparing me for what I have to do after high school, because I don't even have a math class because they say all the math classes are too crowded. So I don't get math this year.”

A high school boy in Alameda: “I mean, am I getting the same treatment as these more wealthy schools are

A day in the life of an urban school

Students at Jordan High School in Watts write messages on t-shirts in remembrance of friends and family who have been touched by violence. “Throughout this year, we had to endure a variety of setbacks,” wrote English teacher Sean Leys in a recent article on the Web site, “Teaching to Change LA,” an online journal of UCLA's Institute for Democracy, Education & Access (IDEA). “Another year's worth of killings. . . [including] the gang-related murder of a Jordan student. We discovered the neighboring scrap metal yard, which accidentally launched a World War II artillery shell on the campus last year, has also been piling toxic materials next to our field. Students have been eating lunch on ground with 20 times the safe levels of lead and arsenic.” After the gang-related murder, Ley wrote, the class he teaches in grass-roots organizing held a lunch-time peace rally with presentations by community leaders working to reduce gang violence, music commemorating victims of violence and students handing out white T-shirts on which to write “messages of peace, forgiveness and remembrance for the people in their lives who had been touched by violence.”

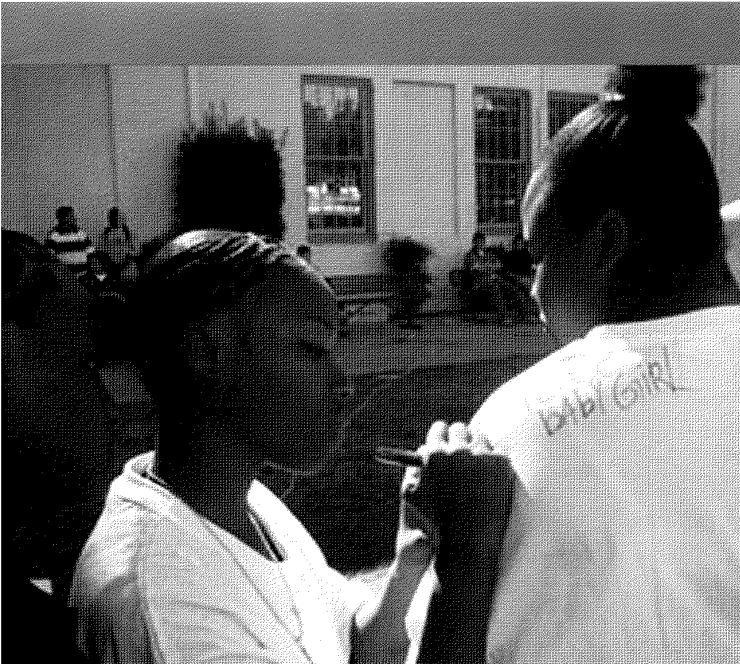


Photo courtesy of “Teaching to Change LA,” UCLA/IDEA Institute, www.tcla.gseis.ucla.edu



Dr. Michelle Fine, CUNY professor

getting and they getting all this new equipment, this new gym, all this stuff, everything, the facilities getting fixed up, and we getting the same old hand-me-down stuff?"

Whose fault?

How did these schools — and others — deteriorate so badly, and who is responsible?

the keys to solving the riddle of school improvement.

In a scathing report on findings by a panel of experts hired by the ACLU, Dr. Jeannie Oakes, a professor in the Graduate School of Education at the University of California, Los Angeles, and a national authority on socioeconomic and educational disparities in schools, said the state "has failed to provide ... basic educational tools to many, many school children."

"Most often, these are children who are poor, non-English speaking, African American and Latino," she added. "It is unacceptable that the educational system would deprive any California child of these basics. It is reprehensible that those children most deprived educationally are also those who society neglects most in other ways."

Resolution of the *Williams* suit has been a tortuous, contentious and expensive process, spanning four years of legal wrangling and a mountain of paper, including a state countersuit against the districts targeted in the suit. (Much of the legal material, including depositions and

"The evidence suggests that the more years they spend in their schools, the more shame, anger, and mistrust they develop; the more academic engagement declines, and the more our diverse democratic fabric frays."
— Dr. Michelle Fine, City University of New York

"Accountability" is a popular buzzword in education circles, but it usually applies to test-score performance attributed to classroom teachers and rarely to administrators and elected officials who oversee schools. In this case, there is plenty of blame to go around. Superintendents, administrators, teaching staff, teachers' unions, elected school boards and the parents of the children themselves all share responsibility.

Accountability for the horrific conditions described in the *Williams* suit is a trip down the proverbial rabbit hole, complicated by California's complex system of education governance and finance (an elected superintendent, Jack O'Connell, who heads a state education department, plus an appointed state board of education and an education secretary to the governor, Richard Riordan) as well as the sheer size of the state and its K-12 student population (last count: 6.5 million students in some 9,000 schools overseen by 1,000 elected local school boards, plus 58 county offices with elected boards). "Money and management" are most often cited as



expert testimony from all sides of the complex case, is available on the ACLU website, www.decentsschools.org). Some estimates place the cost to the state at more than \$20 million, including millions paid to private lawyers hired by the administration of former Governor Gray Davis, who made education reform a cornerstone of his administration.

As the ACLU's top expert, Oakes endured 17 days of depositions. "I've been studying these issues for a long time," she said in an interview, "but this was really quite extraordinary." She said she was "dumbfounded and surprised" by the Davis administration's response to the lawsuit. "It appears the suit was taken very personally, that somehow this was against him, that he had done bad things. It seemed like a farsighted administration might view this case as an opportunity ... to do something heroic."

Awash in negative press, the state resumed settlement negotiations rather than take the no-win case to trial, which had been scheduled to start late last summer. When Davis was recalled in October, incoming Governor Arnold Schwarzenegger wasted little time in castigating the legal strategy of the previous administration, which otherwise had earned high marks from educators for implementing major education reforms.

"It's terrible. It should never have happened," Schwarzenegger told reporters during a June 29 press

conference at Sacramento High School. "It was crazy for the state to go out and hire an outside firm to fight the lawsuit. Fight what? To say this is not true what the ACLU is saying, that they actually got equal education? All anyone has to do is just go to those schools."

The *Williams* suit was filed in San Francisco Superior Court on May 17, 2000, the 46th anniversary of *Brown v. Board of Education*, on behalf of some 1 million students in public schools throughout the state. Named as defendants

were the state (in the person of the governor), the state Department of Education, the state Board of Education and the state superintendent of public instruction. The lead plaintiff was Eliezer Williams, then 12 years old and a student at Luther Burbank Middle School in the San Francisco Unified School District.

There is evidence that the *Will-*

Signs of improvement?

While few of the central factual issues in the *Williams* suit are questioned by state and local educators — they often disagree on the steps needed to effect major change.

"This is the most important civil rights issue of our time," says Russlyn Ali, a prominent civil rights attorney who is executive director of The Education Trust-West, an influential, Oakland-based education policy group. "Underachievement is not inscribed on the DNA of black and brown children. The cycle of low expectations for kids of color has to be broken."

And, while high school graduation rates — and college attendance — continue to be dismal for many poor, low-income students, particularly blacks and Latinos (see EdTrust-West charts, p. 18), Ali and others are cautiously optimistic that major education reforms of recent years are beginning to have an impact on student achievement.

"There has been improvement," says the ACLU's Lhamon, "and there is no question that passage of the bonds was an unqualified good thing for the state. But infusion of dollars alone will not be enough to satisfy the needs that are identified in the lawsuit. There are still absolutely appalling conditions in the schools, and there are management issues."

"We have to figure out ways to empower local communities to keep the pressure on, which is far more preferable



Dr. Jeannie Oakes, UCLA professor

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**— Russlyn Ali,
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Russlyn Ali, executive director,
The Education Trust-West

iams suit has prodded some school districts to address their problems. Louise Renne, the former San Francisco city attorney who is special counsel for the school district, told the *Los Angeles Times* that the last five years have seen a "sea change" in improvements to San Francisco schools: Luther Burbank has been "extensively" remodeled, maintenance has improved throughout the district and more textbooks are now available.

In San Francisco, as elsewhere around the state, state educators say facility improvements have been made possible by the passage of major bond measures, including a \$300 million bond passed last year in San Francisco. Local bond issues no longer require a two-thirds majority to pass as a result of a successful ballot measure pushed by former Governor Davis and O'Connell to reduce the required vote to 55 percent.

to hiring a myriad of state monitors," says Kevin Gordon, executive director of the California Association of School Business Officials. "When that kind of local politics is injected, you can see change pretty quickly. One of the big issues in the recall of the Sacramento school board was the cleanliness of bathrooms. To this day, there is a heightened level of sensitivity to bathroom maintenance in that district."

Veteran state education official John Mockler, who has held numerous top positions in the state education bureaucracy and is now a private education consultant, says both "money and management" are central to addressing the disparities in public education. "Why do some schools have books, and others don't?" he asks. "That's management, but it's money, too. When people say money doesn't matter, I look 'em right in the eye and say, 'Good, give me

yours.”

“The bottom line is partly dollars, but it is also creating an environment in which people want to work,” says Dave Gordon, Sacramento County superintendent of schools. “All kids should have access to a quality facility, adequate books and teachers; that should go without saying. At the same time, I’m very worried about some elaborate compliance mechanism which will have the effect of draining even more resources ... leaving [schools] awash in paperwork.”

Marion Joseph, a former top state education department official, served on the state Board of Education for five years under two governors — Republican Pete Wilson and



David Gordon, Sacramento County Schools superintendent

“We have to figure out ways to empower local communities to keep the pressure on, which is far more preferable to hiring a myriad of state monitors.”

— Kevin Gordon, California Association of School Business Officials



Kevin Gordon, CA Assoc. of School Business Officials

Democrat Davis. At 78, she has seen every “quick fix” in the business and is skeptical of them all. A lifelong advocate of “high-level, rigorous stan-

standards” for all students, she insists those standards must be paired with equally rigorous teacher training and administrative accountability.

“Obviously, you want clean bathrooms,” she says.

“Obviously you want more money for textbooks, but what books? There must be a system in place where the textbooks are those that will, in fact, bring results, as well as training programs for teachers and coaching of teachers.”

Joseph and other veteran state education experts point to schools in low-income areas that have excelled, usually with strong principals who maintain quality programs and facilities.

“The job of the schools is not that complicated,” says Nancy Ichinaga, a former state Board of Education member who became an education legend in the 26 years she served as principal of Bennett-Kew Elementary

School in Inglewood. “Our job is to teach the kids how to read and how to write and how to do math,” she said.

With a predominantly Latino, black and low-income student body, Bennett-Kew under her leadership has been a “high-achieving” school with a teaching staff whose average length of service is more than 16 years. “I made sure the bathrooms were clean,” Ichinaga adds, “or I went and cleaned them myself.”

“My feeling is that if the kids come from wealthy homes, it makes the job easier. But if the kids come from poor homes, they will learn. Kids will learn whatever you teach them. ... We focused on teaching our kids to learn how to read and do math as well as those kids in Beverly Hills. That’s what we’ve always done.”

Clearly, the standards set by Ichinaga and other principals in low-income areas of California are a far cry from the schools targeted by the ACLU. Despite some signs of improvement, the troubling conditions revealed by the Williams lawsuit still persist.

“Since the filing of the lawsuit,” says O’Connell, “we have made some real, positive steps forward in our schools.”

Perhaps we have. The question, which O’Connell was asked but did not answer, remains: Why did progress require a lawsuit? 🏛️

Sigrid Bathen is a longtime health and education writer who teaches journalism at California State University, Sacramento. She currently is media director for the state Fair Political Practices commission. Send comments to comments@californiajournal.org

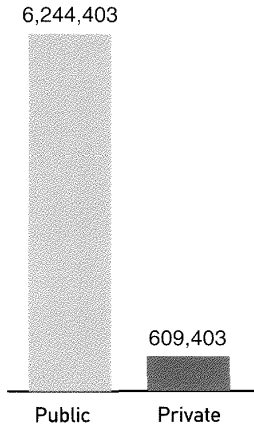


By the Numbers:



Public Schools 2002-2003	
Number of School Districts	
Unified	327
Elementary	566
High	92
TOTAL	1,056
Number of Public Schools	
Elementary	6,456
Middle	11,183
High	1,006
K-12	93
Continuation	522
Alternative	241
Community Day	305
Special Education	123
TOTAL	9,087

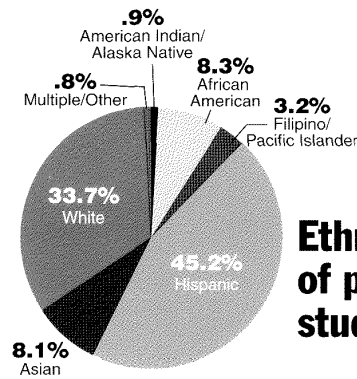
Students Enrolled: Public vs. Private Schools 2002-2003



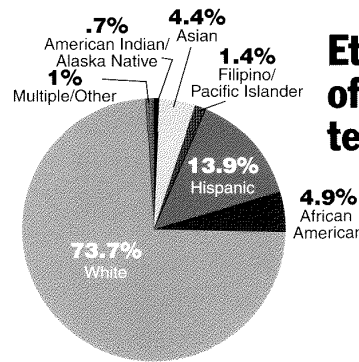
Examining High Schools

When it comes to equal education for its public high school students, many California schools are not making the grade. A recent study by The Education Trust-West, a California branch of the national policy institute, looked at three indicators: graduation rates, course completions and student achievements. The results show that California high schools are shortchanging many students by not helping them master rigorous classes, by not ensuring they graduate after four years and by not offering enough college-ready coursework. There are some notable exceptions, however, which also are noted. For the complete details and analysis, visit the Web site at: www.edtrustwest.org

RICH DISTRICT, POOR



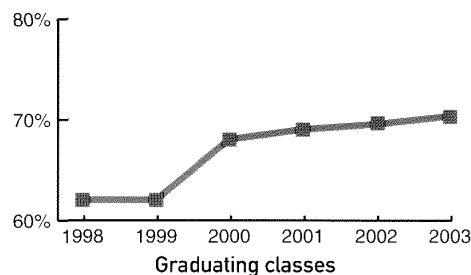
Ethnic breakdown of public school students



Ethnic breakdown of public school teachers



Graduation rates improve, but only slightly



One of the best indicators of high school completion is comparing the number of high school graduates with the number of ninth graders who started four years earlier. By that calculation, about one-third of CA students do not earn a high school diploma. Although the state's graduation rate has improved slightly, roughly 150,000 students each year do not remain in school long enough to graduate, according to The Education Trust-West.



DISTRICT

Raising the roof on graduation rates in California

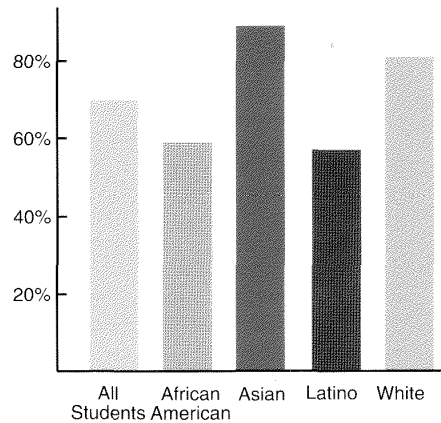
Several school districts have defied the statistics and dramatically boosted their high school graduation rates. The three shown below attribute their success to high standards and rigorous academics that insure all kids have a chance to succeed.

	High school students receiving free/reduced-priced lunch	African American and Latino students	9th graders who graduated four years later, class of 2003
North Monterey County Unified	40%	53%	91%
Bassett Unified	71%	94%	81%
Garden Grove Unified	54%	54%	80%
State Average	34%	53%	70%

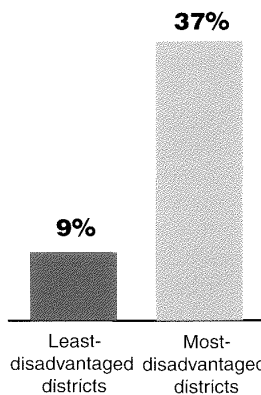
Sources: CA Dept. of Education, The Education Trust-West, 2004

Graduation gaps by ethnicity

There are large disparities in high school graduation rates among CA's ethnic groups. For graduating seniors in 2003, the gap was pronounced: Roughly 80% and 90% of white and Asian students graduated, compared with fewer than 60% of African American and Latino students.



All curriculums not equal



In California, only one in six (17%) of public school districts make available to all students the necessary coursework to be qualified for the state's four-year public colleges and universities. Among the "most disadvantaged" districts (those with the highest poverty levels, lowest parent education levels and lack of English proficiency), only 9% give their students the opportunity to complete college-level classes.

Unprepared for college

To be eligible for college, high school students must have mastery of so-called "A-G" courses, including English, math, history and foreign language. In CA, fewer than one in four students have successfully completed the required courses. Among African American and Latino students, the numbers are even lower.

