

Williams Settlement News Coverage Highlights (Through 8/12/04)

Editorial Note: The following articles include highlights of news coverage addressing the proposed settlement in Williams v. California that appeared in August 2004. These news articles are compiled solely for educational purposes. To view the original sources, please see the link to the news outlet cited for each article.

– Just Schools California

CNN

Deal ends California suit over shoddy schools

Wednesday, August 11, 2004 Posted: 11:48 AM EDT (1548 GMT)

SACRAMENTO, California (AP) -- The state agreed to improve its worst schools to settle a long-running class-action lawsuit targeting shoddy facilities, outdated textbooks and unqualified teachers, Gov. Arnold Schwarzenegger's administration said Tuesday.

The proposed settlement with the American Civil Liberties Union is aimed at boosting conditions for students in the state's 2,400 lowest-performing schools, concentrated in inner cities, but provides little funding to carry out those goals.

The ACLU sued four years ago in San Francisco Superior Court on behalf of children in 18 different school districts, alleging the state was neglecting its poorest students.

Textbooks are so scarce in some schools that children have to share. Some pupils go through entire school years without a permanent teacher. Leaky roofs, a shortage of

desks and rodents plague some schools.

All the plaintiffs and defendants agreed to settle the case, according to state officials and the ACLU. The state Board of Education signed off on the deal last week. School boards in Los Angeles and San Francisco, which have an interest in the case but are not defendants or plaintiffs, were expected to vote Tuesday night on whether to endorse the deal.

An official in Schwarzenegger's office said the deal would give students proper instructional materials, provide clean and safe schools and guarantee qualified teachers.

The budget signed earlier this month by Schwarzenegger contained \$188 million to handle expenses related to the settlement this year, including \$138 million for textbooks and \$50 million to assess and make repairs --

a task that could cost more than \$1 billion in years ahead.

Part of the agreement includes legislation the administration has drafted that would make test score results and teacher qualifications easily available to the public and make it easier to file complaints against schools. If the legislation isn't passed, the suit would not be dismissed, said Catherine Lhamon, an ACLU attorney.

<http://www.cnn.com/2004/EDUCATION/08/11/schools.lawsuit.ap/index.html>

Los Angeles Times

State, ACLU Settle Suit on Education

The agreement would set aside up to \$1 billion to repair deteriorating schools, many of them in L.A. It requires a judge's approval.

By Duke Helfand and Cara Mia DiMassa, Times Staff Writers

Gov. Arnold Schwarzenegger's administration and the American Civil Liberties Union have tentatively settled a major education lawsuit that accused the state of denying poor children adequate textbooks, trained teachers and safe classrooms, lawyers for both sides said Tuesday.

The proposed agreement would require the state to devote as much as \$1 billion over a period of several years for 2,400 low-performing schools to repair deteriorating facilities and \$50 million to assess such needs. It also would provide nearly \$139 million this year for textbooks.

The tentative pact in the Williams vs. California suit, which was reached after five months of negotiations, would provide additional resources and beefed-up oversight for the bottom third of California's schools

Superintendent of Public Instruction Jack O'Connell, one of the defendants, said he agreed to the deal, but he criticized the lack of specifics and lack of funding, which has been attributed to the state's massive budget deficits in recent years.

as ranked by scores on standardized tests.

ACLU attorneys hailed the proposed agreement as a revolution for the education of poor children in California and praised Schwarzenegger's efforts to settle the case, an about-face from his predecessor, Gray Davis, whose administration spent \$18 million fighting it.

"It's going to end generations of neglect with respect to these kids," said Mark Rosenbaum, the ACLU's Southern California legal director. "The state is stepping up for the first time in its history to satisfy its constitutional and moral responsibility."

The lawsuit, which was filed in May 2000 in San Francisco Superior Court, alleged that the state deprives

tens of thousands of low-income students the necessities for a quality education, such as adequately trained teachers, functioning toilets, modern textbooks, and proper heat and air conditioning.

Named after a San Francisco middle-school student, Eliezer Williams, the suit argued that such conditions violated the California Constitution's requirement that all students receive a free and equal public education.

In addition to the ACLU, the suit was filed by the Mexican American Legal Defense and Educational Fund, the nonprofit San Francisco law firm Public Advocates and the Morrison & Foerster firm.

The deal would establish a process for students, teachers and parents to report complaints, and it would give county education superintendents powers to monitor low-performing campuses to ensure adequate textbooks and other necessities, including qualified teachers.

County officials would report their findings to local school boards and the state.

The two sides were scrambling to reach an agreement so state lawmakers could pass legislation, as expected, to enact many of the agreement's reforms before adjourning Sept. 1. For example, existing education money that is currently unspent must be redirected to fund the \$1 billion for school repairs.

A Schwarzenegger spokeswoman said the settlement, which must be approved by a San Francisco Superior Court judge, reflected the governor's desire to resolve the matter.

"The governor believes that we should spend our time, energy and money fixing what is wrong with our schools and not fighting them," said Ashley Snee.

"He wanted to find a settlement that was in the best interest of all California students. That's what we found."

Not everyone was as enthusiastic. Some educators said the proposal offered too little money and too much paper-pushing.

Jack O'Connell, the state superintendent of public instruction, said that he was glad the case was ending but that the settlement "relies heavily on bureaucratic solutions."

Los Angeles Unified School District Supt. Roy Romer said he was pleased with the extra funds and support that the agreement would provide. But he echoed O'Connell's concern about increased bureaucracy, and said the district had acted to address some of the problems identified in the settlement. The Los Angeles district's current \$14-billion construction program, for example, aims at eliminating an unpopular calendar at crowded schools that shaves 17 days off the school year.

The Los Angeles Board of Education, which oversees a large number of schools involved in the case, on Tuesday approved the agreement, although with some reservations. The settlement did not require the board's support, but state officials wanted it.

Sweetie Williams, the father of the lead plaintiff in the case, said he was

thrilled that an agreement had been reached.

"I thank God that it's coming to an end," Williams said. "This has been a great opportunity not only to help my children [but] also to remind parents that we've got to stand up for what is right."

<http://www.latimes.com/news/education/la-me-williams11aug11,1,408390.story?coll=la-news-learning>

Sacramento Bee

Deal on schools lawsuit crafted

ACLU accused state of failing to provide an equal education to the disadvantaged.

By Jim Sanders -- Bee Capitol Bureau

Published 2:15 am PDT Wednesday, August 11, 2004

Gov. Arnold Schwarzenegger has tentatively settled a landmark lawsuit that accused California of providing many of its most disadvantaged students with run-down and poorly equipped campuses.

An "agreement in principle" was announced by the Governor's Office on Tuesday, more than four years after the American Civil Liberties Union filed Williams v. California on behalf of nearly 24,000 students in 18 school districts.

Mark Rosenbaum, legal director of the Southern California ACLU, characterized the tentative settlement as the "first shot in a revolution for public education in California."

The suit, named after a San Francisco student, complained of

rotting classrooms, locked bathrooms, uncredentialed teachers, an inadequate supply of textbooks and myriad other problems that deprived students of their "constitutional right to a free, common and equal public school education."

Schwarzenegger did not comment personally about the settlement Tuesday, but his office released a letter to the San Francisco Unified School District in which he called the deal "a very important step toward bringing quality services, facilities and instruction to the kids that are most underserved."

Details of the tentative agreement will be amended into legislation that is expected to be acted upon quickly by lawmakers.

The pact would affect more than a million elementary, middle and high school students attending campuses that rank in the bottom 30 percent statewide in academic performance.

Key provisions of the proposed settlement, outlined by a senior administration official who asked not to be named, call for California to:

- * Provide \$138 million to bolster textbook and other instructional materials.

- * Provide \$50 million for an assessment of facility needs at the 2,400 targeted schools - from broken locks to run-down bathrooms - and to bankroll some critical repairs immediately.

- * Agree to reimburse school districts in coming years for fixing deficient facilities. Cost projections have ranged from a few hundred million dollars to more than \$1 billion.

- * Phase out a controversial year-round program, Concept 6, in which students attend school for 163 days rather than the standard 180. The program is offered primarily in Los Angeles.

- * Require school districts to collect and release to the public data about the adequacy of schools, such as whether all students have books and whether facilities are in good repair.

- * Allow county offices of education to intervene if school districts fail to provide children with textbooks within four weeks after the start of a new semester.

The proposed pact also would allow county offices of education - or the state superintendent of public instruction - to intervene if districts fail to respond adequately to urgent facility needs or chronic teacher vacancies.

Hoping to resolve minor problems quickly, the tentative settlement calls for families or teachers to receive a response within 30 days to complaints about textbook shortages or other campus problems.

One of the primary complaints in the ACLU lawsuit was that many of the state's lowest-performing schools had difficulty attracting the state's best and brightest teachers.

The tentative pact does not guarantee that every classroom in California will have a credentialed teacher.

But the federal No Child Left Behind Act requires that students in core content areas - such as English, science or mathematics - be taught by "highly qualified" teachers by the end of the 2005-06 school year.

Rosenbaum said improving school facilities and materials would improve prospects for attracting top-notch teachers.

"I think that when kids haven't performed well, it's because they haven't been supplied with the basic resources," he said.

The proposed pact also calls for expansion of an existing principal

training program to include issues such as teacher recruitment and retention.

John Affeldt, managing attorney of Public Advocates, which teamed with the ACLU in filing the suit, said the settlement would "make a huge difference in the lives of poor kids."

"But as all the parties acknowledge, it's the first step in making sure that all kids have equal opportunities in this state," Affeldt said.

The deal would fall apart if lawmakers fail to adopt the required legislation.

Assembly Speaker Fabian Núñez has not yet reviewed final documents, but he is aware of the key provisions and "we expect to do whatever necessary to facilitate passage," spokesman Nick <http://www.sacbee.com/content/news/education/story/10333606p-11253700c.html>

San Francisco Chronicle

Landmark deal reached for state's poor schools

1 million low-income students to get equal access to good facilities and textbooks

Nanette Asimov, Chronicle Staff Writer

Wednesday, August 11, 2004

Gov. Arnold Schwarzenegger and attorneys representing 1 million low-income students have reached an agreement in a landmark education case they say will ensure equal access to good schools and textbooks for the first time in state history.

The American Civil Liberties Union, which sued the state in 2000 on behalf of low-income students, is

Velasquez said of the Los Angeles Democrat.

State Sen. John Vasconcellos, a Santa Clara Democrat who chairs the Senate Education Committee, said he supports the pact.

"While I'd like a few more things in the settlement, I think it's a step forward," he said.

State Superintendent of Public Instruction Jack O'Connell said he is pleased that a settlement is near but that it relies heavily on "bureaucratic solutions and cataloging inputs."

The California Teachers Association, the California School Boards Association and the Association of California School Administrators declined Tuesday to comment publicly on the deal until they see it in writing.

hailing the agreement as a "watershed moment in public education."

It will give all students a clear procedure to demand -- and receive -- clean, well-stocked schools and qualified teachers, attorneys for the ACLU said Tuesday.

But some state and local educators, while welcoming the agreement, said

it involved too much bureaucracy and too few dollars.

The agreement is expected to lead quickly to a formal settlement of what has come to be called the Williams case, named for 12-year-old Eli Williams of San Francisco, one of the students who sued.

According to a senior state official who spoke on condition of anonymity, legislation could be introduced as early as next week to carry out the agreement. If lawmakers act on those bills before the legislative session ends Aug. 31, the San Francisco Superior Court judge handling the case, Peter Busch, could declare it settled.

Much of the new agreement focuses on students in the 2,400 lowest-scoring schools throughout the state -- those ranking 1, 2 or 3 on the state's 10-point scale of academic performance.

In addition to \$138 million already set aside in the current state budget to give those schools extra books and other instructional materials, the plan earmarks \$50 million to assess and make emergency repairs at those schools.

That money comes from so-called reversion funds -- money unspent at the end of the school year that typically is put back into the education budget for the next year. The agreement also promises that the state will use future reversion funds to reimburse the schools for any other repairs they need to make.

The Williams case grew out of California's chronic lack of textbooks and supplies in many schools, as well as crumbling buildings and freezing classrooms where mice and rats sometimes scurried across the floor. Asked why they sued instead of seeking a legislative solution, ACLU attorneys Mark Rosenbaum and Catherine Lhamon have repeatedly said that lawmakers turned a deaf ear to the persistent problems.

Three school districts -- San Francisco, Los Angeles and Long Beach -- intervened in the suit on behalf of the students. Although their approval is not required to settle, the state wants it.

Aides to the governor declined to comment on the agreement. But Schwarzenegger made his views known in an Aug. 3 letter to schools Superintendent Arlene Ackerman of San Francisco, where there had been some resistance to the proposed pact.

"I urge all members of the (San Francisco) Board to demonstrate their commitment to our children and to accountability by voting in favor of the settlement," Schwarzenegger wrote. On Tuesday both the San Francisco and Los Angeles school boards endorsed the agreement behind closed doors, sources said.

Earlier, San Francisco board member Jill Wynns expressed concern that it would add new, costly requirements but provide no money to pay for them. Wynns also said that

the promise of state reimbursements was notoriously unreliable.

State Superintendent Jack O'Connell expressed similar concerns.

"While the tentative agreement takes some positive steps toward assisting our students," he said in a statement, the pact "relies heavily on bureaucratic solutions."

Perhaps the most sweeping change would be a new complaint process for all schools with instructions posted in every class. Under the agreement, complaints such as mice in the classroom, lack of heat, insufficient textbooks and chronically absent teachers would have to be fixed within 30 days.

If a school district failed to cure the problem, students, teachers and parents could turn to the state Office of Public School Construction, which would have to take action, although under no deadline.

Every school also would be required to issue textbooks within the first four weeks of the year.

The state's 58 county superintendents also would be granted new authority to oversee compliance within the public school districts in their counties. And they would have to make unannounced visits yearly to each school with a 1, 2 or 3 ranking.

"It means that for the first time, kids even in the most disadvantaged schools will go to school in the fall knowing that they are entitled to the

most up-to-date books and facilities that are safe and healthy and conducive to learning," said Rosenbaum of ACLU Southern California, the lead attorney in the case. "It's saying to these kids that your education matters, that you can succeed.

"Lack of resources will be no excuse" for noncompliance, he said.

Unlike his predecessor, Schwarzenegger made settling the case a priority. Then-Gov. Gray Davis fought the students mightily, hiring the \$320-an-hour law firm of O'Melveny & Myers to defend the state. The Los Angeles firm drew strong public criticism two years ago for using occasional harsh tactics when deposing children as young as 8.

The state has spent \$18.5 million in taxpayer money on the Williams case. Of that, \$14.5 million went to the attorneys working for the O'Melveny firm. The attorney general has spent an additional \$4 million.

But Schwarzenegger positioned himself on the students' side, calling the state "crazy" for hiring the expensive law firm.

That makes Altagracia Garcia happy. Four years ago, as a student at Jefferson High in Los Angeles, Garcia joined the ACLU's lawsuit, which is also represented by the San Francisco law firms Public Advocates Inc. and Morrison & Foerster.

"Everything was chaotic at school," said Garcia, now 21 and a college junior hoping to transfer to Cal State Northridge as a political science major. "We really didn't have many textbooks, and when we did, we had to share them with two or three students.

"And the lack of teachers, oh, my goodness -- especially in (advanced placement) English," she said, referring to courses that grant college credit to high school students who score at least 3 on a 5-point scale.

"We were supposed to be advanced, but it was a joke," she said. "The teacher was there only for like a month, and she quit. Then we had sub after sub."

Although Garcia studied on her own, she earned only a 1 on the test. "I tried," she said, "but you need a teacher to help. It was frustrating."

Under the new agreement, the complaint process would be clear to students, and ideally a new teacher would be in place within a month.

"I'm glad," Garcia said. "It'll help my little brother in sixth grade. He wants to be an engineer."

As to whether the process can succeed, Rosenbaum expects "a high level of compliance," he said. "And we're not going anywhere. We'll make sure it works."

The deal

Highlights of the agreement reached in the case of Williams vs. California:

School supplies: Provides \$138 million this year for extra materials to lowest-performing schools.

Health and safety: Budgets \$50 million this year to identify and repair crumbling, low-performing schools. It promises to reimburse districts for similar problems in future years.

Complaint procedure: Establishes a clear policy for lodging complaints, including a 30-day deadline for remedies. County superintendents would have enforcement power.

Public accountability: Requires school districts to collect and present more data about school quality.

Teachers: Holds school districts to new federal standards on teacher quality.
<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2004/08/11/MNGNS861JL1.DTL>

San Jose Mercury News

Decrepit schools may get millions under state deal

By Kate Folmar and Dana Hull Mercury News Sacramento Bureau

Posted on Wed, Aug. 11, 2004

SACRAMENTO - Gov. Arnold Schwarzenegger is willing to invest several hundred million dollars or more to buy new textbooks and repair rundown campuses to settle a landmark lawsuit over decrepit school conditions.

The tentative agreement, announced Tuesday, would give sweeping new powers to parents and county superintendents of education to ensure that about a million poor and minority students in 2,400 schools statewide learn from current textbooks and in decent classrooms. Many schools in San Jose, East Palo Alto, San Francisco, Oakland and Richmond could be helped by the settlement.

The reforms, many of which would require legislative approval, target schools in the lowest three rungs of the state's academic rating system.

The agreement offers modest cash up front -- \$188 million for new classroom materials and maintenance -- with the promise that the state will later reimburse schools for fixing critical building problems, such as faulty wiring, clogged bathrooms and broken locks. Those repairs could cost anywhere from an estimated few hundred million dollars to more than \$1 billion over several years.

Students' complaints

Some of the students who filed suit have gone an entire year without a permanent teacher, never had their own textbook to bring home and were afraid to open their backpacks in class for fear that a rat would scurry in, said Catherine Lhamon, a lawyer with the American Civil Liberties Union of Southern California, one of the groups that filed the suit in May 2000.

One third-grader at Cesar Chavez Academy in East Palo Alto testified that the bathrooms in her school were constantly filthy and that the toilet stalls had doors that didn't lock.

The conceptual settlement ``works a revolution in California public education," Lhamon said. ``This governor has made a commitment that has no parallel in California history."

Ousted Gov. Gray Davis spent almost four years and nearly \$20 million fighting the class-action lawsuit, known as Williams vs. State of California. His administration contended that local school districts, not the state, were responsible for ensuring decent schools.

Schwarzenegger, who has been appalled by decrepit school conditions in his work on after-school programs, took a different tack. His advisers and plaintiffs' attorneys have worked for six months on a settlement.

When the lawsuit was first filed, physical conditions in many of the Bay Area's poorest schools were abysmal. In scores of declarations, students told of sharing textbooks with friends or waiting to go to the bathroom until after school.

At Castlemont Elementary School in Campbell, a first-grader said her classroom was so hot that even the silkworms and caterpillars kept as classroom pets ``didn't like it. . . . They would try to get into the leaves because it was so hot."

``It was so hot in my classroom that I would feel like I want to go home because my house has air conditioning," she said.

The Campbell Union Elementary School district passed a bond in March 2002, and a district official said Tuesday that it has added air conditioning as it has upgraded classrooms.

Terms of settlement

According to an administration official, the settlement would:

- Give schools in the lowest two levels of 10 in the state rankings \$138 million for new instructional materials, such as textbooks and workbooks. That's on top of \$363 million allocated statewide this year for instructional materials.
- Change state law to allow county superintendents to step in when schools lack textbooks, fail to fix critical maintenance problems or

have persistent teacher shortages. That conflicts with a recent recommendation from the governor's California Performance Review to consolidate county education offices, but the official said the settlement needed to work within the state's existing oversight structure.

- Immediately evaluate the facilities of all 2,400 schools, using \$50 million in the current budget.

The most urgent repairs would be paid with unused money set aside for specific education purposes, such as buying school buses or funding adult education. When school districts do not spend that money, it returns to the state, which receives back an average \$350 million annually.

- Give parents more detailed reports on their schools, including teacher quantity and qualifications, and offer them a uniform complaint system -- with deadlines for fixing school problems.

- Offer more training to principals on teacher recruitment and retention.

- Eliminate by 2012 a certain kind of year-round school, with a shortened instructional calendar, common in overcrowded areas of Los Angeles.

Stanford education Professor Mike Kirst sees much to laud in the deal, although he is not convinced it will address chronic shortages of qualified teachers.

``The victory is that kids who were not going to get the minimum in the

past will now be assured of that," said Kirst, co-director of Policy Analysis for California Education.

The agreement reached between California and the public-advocacy groups, including the ACLU, must pass muster with a federal judge in <http://www.mercurynews.com/mld/mercurynews/news/9370397.htm?ERIGHTS=6221218282951422930mercurynews>

Oakland Tribune

Help on the way for worst schools

Suit wins help for the worst schools

By Jill Tucker, Staff Writer

Gov. Arnold Schwarzenegger has agreed to infuse California's worst schools with an immediate \$188.6 million to buy more books and fix shoddy buildings in a deal that would settle a class-action lawsuit over the state's substandard classroom conditions.

A senior administration official announced the preliminary deal Tuesday. The governor and state education officials are expected to announce a formal settlement in *Williams v. State of California* later this week.

Representatives for both the defendants and plaintiffs -- which included children attending Oakland, Richmond, San Pablo and Ravenswood schools -- said the deal was historic, albeit less than a full fix.

"The governor, of course, wanted to do more, but our fiscal conditions made us put a rope around what we can do," the administration official said.

San Francisco. Indications are that he will look favorably on the deal.

The ACLU and other groups representing the students did so without pay. It has not been determined how much in legal fees the state will pay for their work.

The deal would provide an almost immediate \$138.6 million to buy books for the 2,400 schools scoring in the bottom 30 percent on state standardized tests.

That includes about 100 schools in Alameda County, about 50 schools in Contra Costa County, about 20 schools in San Mateo County and 25 schools in San Joaquin County, based on the 2003 Academic Performance Index -- a system that ranks schools on a scale of 1 to 10. Schools with an API score of 1, 2 or 3 will qualify for the money and be included in the other provisions of the settlement.

Another \$20 million would be allocated to do a facility inventory on those schools, with the state reimbursing districts with the last \$30 million for urgent and emergency repairs, the administration official said.

Ultimately, however, another \$1 billion could be needed to fix all

needy facilities, education officials said.

The lawsuit, filed in May 2000, alleged millions of students across the state lack textbooks, while simultaneously

facing massive overcrowding, degraded and unhealthful facilities and a lack of qualified teachers.

The announcement of the preliminary deal took both co-defendants and plaintiffs by surprise Tuesday. They were expecting a joint announcement Friday or early next week.

Nonetheless, John Affeldt, a plaintiffs' attorney with Public Advocates Inc., said the settlement was good for both sides.

Perhaps as important as the money and other components of the settlement is the fact that the state is acknowledging it is ultimately responsible for fixing needy schools, he said.

"That's why I think this is a historic agreement," Affeldt said. "Because for the first time the state has acknowledged the basic responsibility to ensure a basic educational opportunity for all kids."

Those from both sides, however, said the settlement included significant compromises. While the deal addresses resources for materials and facilities, the state would only agree to meet the federal requirement to staff all classrooms with highly qualified teachers by the

2005-06 school year -- an unlikely goal.

"I would like to see the state be able to do more on teachers," Affeldt said. "But what this settlement does is improve the working conditions of teachers in the lowest-performing schools by fixing facilities and instructional materials. They're going to a more attractive place to work."

The agreement also would create a streamlined complaint procedure -- with appeals available to the state Department of Education and the Board of Education -- for students, parents or even teachers to address lack of materials or urgent facilities needs.

The settlement would require legislative action on several issues, which, if passed, would lead to plaintiffs formally dismissing the lawsuit, Affeldt said.

One such piece of legislation would give county superintendents new authority to monitor the adequacy of instructional materials and facilities.

The settlement would end what was initially a contentious battle between the plaintiffs and former Gov. Gray Davis, who paid a prestigious private law firm several million dollars to fight the lawsuit. When Schwarzenegger took office late last year, he reversed course and ordered his legal teams to settle the suit.

Although both sides admit to high hopes that the settlement will help address inequities in the schools,

there is still a lot more to be done, said state Superintendent of Public Instruction Jack O'Connell, a defendant in the case.

"I continue to believe a more comprehensive approach is needed," O'Connell said in a prepared statement. "There is no doubt that we can do a better job of funding education in California.

<http://www.oaklandtribune.com/Stories/0,1413,82~1865~2327249,00.html>

KNBC

Schwarzenegger Reaches Deal To End Lawsuit Over Shoddy Schools

State Agrees To Improve Worst Schools

POSTED: 6:41 am PDT August 11, 2004

UPDATED: 7:10 am PDT August 11, 2004

LOS ANGELES -- The state agreed to improve its worst schools to settle a long-running class-action lawsuit targeting shoddy facilities, outdated textbooks and unqualified teachers, but critics said the proposed settlement doesn't provide the tools to help schools improve.

Superintendent of Public Instruction Jack O'Connell, one of the defendants in the suit, said he agreed to the deal, but he criticized the lack of specifics and lack of funding, which has been attributed to the state's massive budget deficits in recent years.

"There's very little money to make sure the textbooks are updated," said Rick Miller, a spokesman for O'Connell.

The settlement with the American Civil Liberties Union is aimed at boosting conditions for students in the 2,400 lowest-performing schools, concentrated in inner cities, but provides little funding to carry out those goals.

The ACLU sued four years ago in San Francisco Superior Court on behalf of children in 18 different school districts, alleging the state was neglecting its poorest students.

Textbooks are so scarce in some schools that children often have to share and some don't have books for homework. Some pupils went through entire school years without a permanent teacher. Bathrooms were so filthy there was an increase in urinary tract infections at one school and leaky roofs, a shortage of desks and rodents plagued others.

"We're talking about schools you can't legitimately call schools," said Catherine Lhamon, an ACLU attorney. "With this settlement we ought to be able to call the place we assign our students schools and expect them to be able to learn in them."

All the plaintiffs and defendants have agreed to settle the case, according to state officials and the ACLU. The

state Board of Education signed off on the deal last week.

A senior official in Schwarzenegger's office who released details of the plan on the condition of anonymity said the deal would give students proper instructional materials, provide clean and safe schools and guarantee qualified teachers.

The budget signed earlier this month by Schwarzenegger contained \$188 million to handle expenses related to the settlement this year, including \$138 million for textbooks and \$50 million to assess and make repairs -- a task that could cost more than \$1 billion in years ahead.

Part of the agreement includes legislation the administration has drafted that would make test score results and teacher qualifications easily available to the public and make it easier to file complaints against schools. If the legislation isn't passed, the suit would not be dismissed, Lhamon said.

The agreement would also phase out a type of school by 2012 that evolved to deal with overcrowding in Los Angeles, Vista, Palmdale and Lodi by having three tracks of students rotate through the same schools year-round. While those schools save money, they shortened the school year by 17 days.

The settlement, which would make county school superintendents

responsible for ensuring teachers have credentials and students have books, also conflicts with one of Schwarzenegger's goals to trim government.

Last week, the administration released its 2,500-page book of reforms that called for eliminating county education superintendents.

The senior Schwarzenegger official said the settlement works through the existing structure and does not know what will happen if county education offices are axed.

Lhamon said the proposed settlement would revolutionize schools in the state and she hailed Schwarzenegger for negotiating where his predecessor chose to fight.

Former Gov. Gray Davis countersued school districts to force them to make improvements required by state law. Legal costs were expected to total \$16 million by the end of the year.

After taking office, Schwarzenegger committed to settling the suit known as *Williams v. California*. If the state had won in court, nothing would have been done to fix the schools.

"He believes we should spend our time, energy and money on fixing what is wrong with our schools, not fighting them," said Schwarzenegger spokeswoman Ashley Snee

Associated Press

Deal ends California suit over shoddy schools

SACRAMENTO, California (AP) -- The state agreed to improve its worst schools to settle a long-running class-action lawsuit targeting shoddy facilities, outdated textbooks and unqualified teachers, Gov. Arnold Schwarzenegger's administration said Tuesday.

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San Francisco Chronicle
Classrooms vs. courtrooms
Editorial/Thursday, August 12, 2004

SEVERAL PARTIES are to be commended for reaching an agreement on a class-action lawsuit charging the state with renegeing on its constitutional

obligation to provide students with the bare essentials necessary for an adequate education.

The first is the American Civil Liberties Union, which filed the case more than four years ago. The second is the San Francisco law firm of Morrison and Foerster, which spent thousands of hours at no cost on the case. The third is Gov. Arnold Schwarzenegger, who abandoned the futile and costly strategy of his predecessor, former Gov. Gray Davis, who chose to hire the private Los Angeles law firm of O'Melveny and Myers to fight the charges, instead of dealing with the substance of the allegations.

The lawsuit illuminated totally unacceptable conditions in many of the poorest schools in the Bay Area and elsewhere -- a lack of textbooks, a shortage of qualified teachers, and health and safety conditions that no child should have to endure.

Catherine Lhamon, an ACLU staff attorney, told us that the case was compelling from the start, making Davis' strategy to fight it so inexplicable. "We thought it was very clear that the state has a constitutional obligation to ensure educational equality for all students," Lhamon told us.

The agreement gets at the heart of the messy governance structure of K-12 education in California: whether the state or local school districts are responsible for poor conditions in the schools. Davis' lawyers had tried to argue that the guilty parties were the local school districts, not the state. "It (the agreement) makes clear what the state's responsibility is, and ends the facade that this was simply a local responsibility," said Michael Kirst, a professor of education at Stanford University.

Under the agreement, the state will spend \$38.7 million for textbooks over the next year in the state's poorest schools. For the first time, the state will establish minimum health-and-safety standards for schools. County superintendents of schools will be empowered to intervene when local schools fail to act. Schwarzenegger has agreed to spend up to \$1 billion to remedy those health and safety problems -- although it is far from clear where that money will come from.

No one should be under the illusion that the agreement will solve the larger educational challenges facing teachers, principals, students and parents. It establishes minimum conditions in the schools, but does not deal with issues, such as whether the state is adequately funding the schools so as to ensure that students reach the high educational goals set by the state and federal government. It does not address the stubborn achievement gaps between students from various racial and ethnic groups that exist even when they attend the same schools. "The agreement gets you from the basement to the first floor, but there are still three more floors in the house," said Kirst.

What's tragic is that nearly \$20 million, most of it to a politically connected law firm, were wasted on unnecessarily fighting a suit that simply aimed to tackle the most visible deficiencies in our schools.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2004/08/12/EDGSV85SB41.DTL>

San Francisco Chronicle

Big win for run-down schools brings hope

Landmark accord still must be OK'd by judge in S.F.

Nanette Asimov, Chronicle Staff Writer/Thursday, August 12, 2004

Students say the bathrooms at Oakland High are messed up because they lack supplies, leak, or are always locked.

At Far West High in the same city, students complain of classrooms so crowded that they have to sit on tables.

Mice scurried across classroom floors for years at Grattan Elementary in San Francisco, while across town at Taylor Elementary the problem was rats.

Now students, teachers and parents have hope -- and a strong dose of skepticism -- that a new legal agreement between Gov. Arnold Schwarzenegger and lawyers for 1 million low-income students will keep problems like these from festering. The agreement, which the courts must still approve, addresses crumbling classrooms, teacher recruitment, the complaint process and more.

"It's a long overdue agreement, and we've been stressing it for four years," said 15-year-old Chip Johnson of Oakland, who will be a 10th-grader this fall at Far West.

As a low-income student, Johnson is among the California youngsters on whose behalf the American Civil Liberties Union sued the state four years ago in a class-action lawsuit. The students complained of being denied the same safe, well-functioning public schools enjoyed by middle-class students.

Known as the Williams case, named for one of the students, the suit came to symbolize a two-tiered education system: attractive, well-run schools for one group -- and broken-down schools with tattered texts for the other. Now, after spending nearly \$20 million to fight the students, state officials have shaken hands with the ACLU and law firms representing the students.

The state has committed \$188 million this year for new textbooks and repairing buildings at about 2,400 of the lowest-performing schools -- those scoring so low on state tests that they rank just 1, 2, or 3 on California's 10-point Academic Performance Index.

The state is also promising to reimburse low-performing schools for repairs in future years, said state sources who declined to comment

publicly until the settlement is approved by the San Francisco judge handling the case.

Next week, legislation will be introduced in Sacramento to carry out the agreement. If lawmakers act on the bills by Aug. 31, when their session ends, the matter could move quickly to San Francisco Superior Court Judge Peter Busch for approval.

The plan calls for every classroom to post a sign telling students and teachers how to lodge a complaint about serious problems, and advising them of the school district's 30-day deadline to fix them. County superintendents would monitor compliance.

"I would definitely call and complain," said Johnson, whose first year at high school was marked by a class that kept switching subjects in midyear.

"It was biology," Johnson said. "Our so-called permanent substitute teacher left. As soon as the teacher left, the biology class became chemistry. We don't know why. Then that substitute left, and it became biology again."

Teacher turnover is a problem at many urban schools, and the new agreement includes a provision to help principals learn new techniques for recruiting and retaining good teachers.

Crummy bathrooms are another problem so pervasive that those opposing the students' lawsuit once

asked sarcastically if state officials were supposed to become bathroom monitors with mops.

But Johnson said he likes the proposed new complaint process, with its deadline for repairs.

"I want teachers to pay attention to things like that," he said. "Kids go in the bathroom and stay there for like 30 minutes, painting graffiti and peeing on the floor."

Juan Munoz, also 15, called the agreement cool. Overcrowding is also a problem at Oakland High, he said, as are the plumbing and heating.

"I'd complain," he said. "It's the first thing I would do."

In San Francisco, school board President Dan Kelly said there are two good things about the new agreement: "It gets everyone talking about the problems, and it gets rid of the lawsuit."

Kelly said that although he is hopeful it will all work out, he doubts the state has committed enough money to make that happen. The dollars are supposed to come from "reversion funds" -- money unspent at year's end that would otherwise go back into the education budget.

"The reversion account doesn't have enough money in it to pay for facilities," Kelly said. "Taking money from programs and using it for facilities -- that's a problem."

Others agreed.

"The settlement amount is trivial," said Dave Fairley, whose son goes to Chavez Elementary in San Francisco, ranked "1."

He guessed the money amounts to less than \$100 per student. "Compare that with the million-dollar bonuses that PG&E executives got from us ratepayers. This contrast says a lot about our society's values."

Eric Hanushek, a senior fellow at the conservative Hoover Institution at Stanford University, has said all along that the students' suit was

wrongheaded. Hanushek was retained as an expert witness by Gray Davis who, as governor, battled the students in court.

Then, as now, Hanushek favored a reward system to entice better scores, and said that a better-cushioned nest does not help birds fly.

But even he had a good word for the new agreement:

"We certainly don't want to have unsafe or unsanitary schools where our kids are," he said. "And this could potentially help with that."

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2004/08/12/BAGJ086K491.DTL>

San Jose Mercury News

Teen's goal in sight for fixing schools

By Dana Hull/ Posted on Thu, Aug. 12, 2004

Eliezer Williams was 12 and in the seventh grade at San Francisco's Luther Burbank Middle School when the American Civil Liberties Union filed a class-action lawsuit charging that at least 1 million California students did not have current textbooks, clean schools or qualified teachers.

Now, more than four years later, the case named in his honor, Williams vs. California, is on the verge of being settled, with an official announcement by Gov. Arnold Schwarzenegger expected any day.

The settlement would help improve classroom conditions for students attending the state's 2,400 poorest schools, including many in San Jose,

East Palo Alto, Oakland and San Francisco. Eli, who helped document filthy bathrooms and crumbling ceiling tiles at Luther Burbank, says his high school is in better shape, but the bathrooms are still a problem.

Details of the settlement are still being hashed out, so it is not clear precisely how the deal would affect the neediest Bay Area schools. Even so, the phone at the Williams home in San Francisco's Bayshore neighborhood has been ringing off the hook.

"I don't consider myself famous," said Eli, now 16 and about to start his senior year at Balboa High School. "But it's been a busy week for me."

Eli and his father will be in Los Angeles today to meet with their attorneys, the latest leg in a long journey that began in 2000.

The landmark legal challenge grew out of frustration with the abysmal conditions in California's poorest schools. It was filed on behalf of more than 60 students, including Eli, in 18 districts across the state. A sophomore at Castlemont High School in Oakland testified that the heat did not work during the winter months: It was so cold he could see his breath when he spoke. A Costaña Elementary School parent in East Palo Alto said his young son had multiple substitute teachers and never brought books home because there were not enough.

Eli Williams became the named plaintiff in the lawsuit because he and his father, Sweetie Williams, heard about a meeting with the ACLU held by a sixth-grade teacher and decided to attend.

Sweetie Williams, a pastor at the First Samoan Full Gospel Pentecostal Church, is deeply involved in the education of his six children and wanted to see the case through to completion.

"I'm excited that it's coming to a close, but I'm kind of upset that it took this long," said Williams, who works the overnight shift as an airport screener at San Francisco International Airport. "My son will be out of school next year. We took on the fight not just for him, but for all the kids."

Eli took an active interest in the case, snapping photographs of precarious ceiling tiles and clogged-up bathrooms at Luther Burbank that he turned over to the ACLU. He testified that he avoided using the bathrooms because they always overflowed and never drank from the water fountains because the discolored water tasted funny. When he played ball in the school gym, he worried that ceiling tiles would fall on him. And the few textbooks that he did have were missing covers and pages, and he could never bring them home to study.

The Williams family grew so frustrated with the conditions at Luther Burbank that Eli transferred to Visitacion Valley Middle School for eighth grade. Though he admits his grades "could be better," his favorite thing about Balboa High School is his media-arts teacher, Mr. Lee. Eli is a huge fan of the "Matrix" movies, and he wants to study film and special effects at City College or San Francisco State.

The shy teenager feels that San Francisco's schools have improved in the years since the suit was first filed.

"At Balboa, we have more books. We have one set of books for class and one set at home," he said. "But the bathrooms are about the same. There is one main bathroom that everybody uses, and last year it flooded and was out of service for about half the year. But then they did fix it."

San Francisco Unified officials say Superintendent Arlene Ackerman made a long-range facilities plan one of her top priorities, and the district passed a \$265 million bond in November 2003 to address many maintenance problems.

“We're doing the best that we can with the funding that we have,” said Lorna Ho, a district spokeswoman. “If we had more, we could do more.”

As part of the proposed Williams case settlement, \$138 million has been set aside in the current state budget to give the neediest schools extra books and materials, with an additional \$50 million earmarked to evaluate the schools' most dire facilities needs. Those repairs could cost more than \$1 billion over several years.

Many Bay Area school districts are still waiting for details on how -- or even whether -- the settlement would affect them.

“The biggest frustration we have is having high aspirations for our children but limited funds to provide what we want to for them,” said Todd Gaviglio, president of the Ravenswood City School District school board.

Because of budgetary constraints, the 4,500 students from East Palo Alto and eastern Menlo Park who attend Ravenswood schools do not get a “really good junior high experience,” which leaves them ill-prepared for the transition to high school, Gaviglio said. Most of the district's schools lack lockers. Physical education classes resemble recess because students do not have gym uniforms, locker rooms, showers or adequate sports equipment.

Ty Williams, director of construction for San Jose Unified, said he did not know enough about the proposed settlement to comment.

It is unclear exactly when the governor's office will unveil the final details of the settlement. But Eli and his father plan to meet with their ACLU attorneys today. And Eli, with his enormous interest in film, is excited about the possibility of meeting the governor.

“I want to ask him about the ‘Terminator’ movies,” said Eli. “It will be nice to meet him. He was a movie star, and now he's the governor.”

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