

Education Equity Project: Implementing *Williams*

Annual Report

(Fall 2007 – Summer 2008)

The Lawyers' Committee for Civil Rights of the San Francisco Bay Area and the ACLU of Southern California ("ACLU-SC") launched the Education Equity Project: Implementing *Williams* ("EEP") as a joint venture in the fall of 2006. It is currently staffed by Skadden Fellow Marc Tafolla Young and Lutheran Volunteer Connor Cole. It is supervised by LCCR staff attorney Kendra Fox-Davis and ACLU-SC staff attorney Brooks Allen.

OVERVIEW OF THE EDUCATION EQUITY PROJECT

Mission: The EEP works to ensure that students in California's public schools receive the full benefits of the *Williams v. California* settlement legislation ("*Williams*"). *Williams* requires that all California public school students receive the most basic resources they need to be successful in school: sufficient textbooks and instructional materials, qualified teachers, and clean, safe, and functional school facilities. In addition to these minimum standards, *Williams* also established a Uniform Complaint Process ("UCP") that allows students, parents, teachers and community members to file complaints to enforce the *Williams* minimum standards.

Program Structure: The EEP, with the help of *pro bono* attorneys, files UCP complaints on behalf of community members and monitors the district-level implementation of *Williams* in four districts: San Francisco, Oakland, West Contra Costa, and East Side Union High. Our volunteer attorneys come from four law firms. Each law firm is paired with a school district:

Heller Ehrman LLP	East Side Union High School District ("ESUHSD")
Morgan Lewis & Bockius	West Contra Costa Unified School District ("WCCUSD")
Morrison & Foerster	San Francisco Unified School District ("SFUSD")
Reed Smith LLP	Oakland Unified School District ("OUSD")

The EEP's district advocacy varies depending on the needs of each district, but is generally focused on ensuring that school districts meet the obligations of *Williams* and avail themselves of the resources provided by *Williams*.

COMPLAINTS

Complaint Overview: Many students, parents, and teachers in our four target districts turn to the EEP for help when a *Williams* issue occurs. On the first day that an elementary school lost its heat in January 2008, a student and two community members called the EEP about the problem. The EEP immediately filed a complaint and within the week the heat was restored.

Over the past school year, the EEP has filed 211 complaints on behalf of 30 complainants to remedy specific concrete problems in Bay Area public schools. During this period the EEP has filed approximately 60% of the total *Williams* complaints filed in its four target districts. Of those 211 complaints, 198 were related to unsafe facilities; 10 were related to teacher vacancies and misassignments; and 3 were related to textbook deficiencies. By contrast, in the 2006-07 year, the EEP filed 50 complaints on behalf of 13 complainants.

The complaints the EEP has filed this past year have helped fix a number of issues around the Bay Area, some of them long-standing, including:

- At Mission High in SFUSD, extensive work was completed to repair the gym's broken heating system. Previously, students and staff had been forced to wear coats, hats and gloves, and some students had reported numb hands and feet during gym class.
- Science textbooks were provided to a class of second graders in Nystrom Elementary in WCCUSD who had been without them for most of the school year.
- Lead paint was discovered and removed from OUSD's Tilden Elementary which serves many special-needs children. Children had been seen eating the paint chips.

Some other successes in the past year include:

- Heat was restored to the kindergarten wing of an elementary school.
- Broken air-conditioners in a high school's portables were fixed.
- An 8th grade Algebra teacher was hired after two months of rolling substitutes.
- A heater that was emitting toxic fumes in a reading resource room was replaced.
- Mold in three kindergarten classrooms at a school was removed.
- A broken hot water heater was repaired in a gym bathroom.
- Heat was restored to a school office for the first time in three years.
- Locked restrooms at a high school were opened, and an improved cleaning schedule was implemented.

Of the 211 complaints filed by the EEP, 20 were filed in SFUSD, 155 in WCCUSD, 32 in OUSD and 4 in ESUHSD. As these numbers make clear, the response to the EEP has been strong in WCCUSD, SFUSD and OUSD. The EEP has begun evaluating other districts for possible expansion for this coming school year.

Hidden Dangers: A number of the complaints the EEP has worked with in this past year have involved facilities health and safety threats that are perhaps more difficult to see than other problems, but are just as dangerous. Some of these problems include mold, toxic fumes from heaters, and malfunctioning ventilation systems. Given the prevalence of some these problems in the EEP's target districts, the EEP is in the planning stages of a 'Hidden Dangers' campaign for the 2008-2009 year in order to file complaints on these problems. In preparation for this campaign, the EEP has already met with industry officials and public health experts.

EEP Complainants: The EEP's complainants have reported positive experiences working with the EEP. Harry Campbell, a teacher at Kennedy High, told his volunteer attorney, Renee Lawson of Morgan Lewis: "I think you guys were sent by some divine power because for the first time in six years, things are getting done." After years of trying to get his district to repair his school gym's restroom, which had black mold, Mr. Campbell filed a complaint through the EEP. Within 30 working days, the district removed the mold, refinished the walls, and repaired the ventilation system. Another complainant, who upon learning about the scope of *Williams* surveyed his fellow teachers and filed multiple complaints through the EEP, told us: "It's been a pleasure to work with you and the other attorneys . . . I've learned a great deal." The executive director of an active partner organization told us: "This has been one of the most, if not *the most* productive partnerships I have ever been a part of." These testimonials are evidence that the EEP is both successfully educating people about what the *Williams* complaint process can do for them, as well as getting powerful results in the schools.

District Accountability and Responsiveness: Districts are responding to *Williams* complaints positively on a number of levels. Districts have been directly responsive to the EEP's complaints. Of the 211 complaints filed this year, the EEP has only had to file five appeals due to inadequate district responses. In addition to getting results on the ground level, the EEP's activity has also strengthened the general accountability structures of these school districts. For example: one high school principal said that our complaints helped reveal accountability issues that would be addressed. The possibility of *Williams* complaints has pushed many district officials to quickly fix problems in their local schools. At two different schools, heaters which had been broken for over a month were quickly fixed after district officials heard that community members were planning to file complaints. Another community member told us: "I told people I was going to contact you, and workmen showed up here the next day." These experiences and others the EEP has had show that many of our districts are starting to take complaints seriously, and are responding to problems more quickly due to the possibility of a complaint being filed. Also, there is evidence of a positive attitude shift among school administrators towards *Williams*. One principal said he was "actually kind of glad we sent the letter [of complaint]" and asked for additional information about *Williams*. During a meeting with officials at one district, administrators promised that the next district principals' training will communicate that "*Williams* is an opportunity."

Thus, the EEP has directly solved many problems in schools, and has pushed target school districts to be more responsive to the problems that come up in their schools.

DISTRICT-LEVEL ADVOCACY

The EEP has been active in its target districts, working as collaboratively as possible with district officials to build strong, lasting district structures that ensure that students and teachers have access to the resources that they need. This work varies by district.

School District Textbook Resolutions: Under *Williams*, every student must have his or her own textbooks and instructional materials to use in class and to take home, and each district's governing board must pass a textbook resolution reporting any textbook deficiencies in the district. The EEP's partner firms monitored their districts' textbook resolutions for the second year in a row. During the first year, the EEP discovered serious compliance issues in a number of the school districts' textbook resolutions, and wrote follow-up letters to district personnel. Generally, each district showed substantial progress in the second year of monitoring and was responsive to recommendations by the EEP for improving methodology for determining results for textbook resolutions. Also, the EEP staff monitored textbook resolutions in two additional districts.

SFUSD and the Emergency Repair Program: At the beginning of the school year in 2007, SFUSD was one of only two districts in the entire state ineligible for the Emergency Repair Program ("ERP"). This program funds repairs of *Williams*-related facilities problems at low-performing schools. The EEP worked with education advocates both within and outside of the school district to encourage SFUSD to take the steps necessary to qualify for ERP. As a result of these efforts, SFUSD revised its budget and made the required deposit to become eligible for the ERP. This spring the district submitted its first two ERP grant requests for a total of over \$650,000.

OUSD UCP Procedures and Facilities Advocacy: The EEP, along with Public Advocates and the ACLU-SC, met with OUSD officials to ensure district compliance with the mandates of *Williams* as well as to make certain that OUSD was aware of the tools available to them as a result of *Williams*. As a result of these meetings, OUSD improved its UCP procedures by amending its administrative regulations and adopting a best practices document. Also as a result of those meetings, the OUSD facilities department produced a repair schedule to address the facilities issues identified in the fall 2007 Facilities Inspection Tool (“FIT”) reports prior to the start of the 2008-09 school year. Additionally, we have worked closely with the Alameda County Office of Education, which has agreed to continue its increased monitoring of OUSD facilities.

WCCUSD Facilities Advocacy: As a result of the wide-spread facilities problems in WCCUSD, the EEP, together with Brooks Allen of the ACLU-SC and Lilit Asadourian of Morgan Lewis, met with the WCCUSD facilities department. In this meeting, the EEP and WCCUSD opened lines of communication to address the large number and severity of WCCUSD facilities complaints. Additionally, WCCUSD is now second only to Los Angeles Unified School District in Emergency Repair Program applications.

OUTREACH

Outreach Overview: The EEP, through its outreach efforts, educates parents, students, educators, and school staff throughout the Bay Area about the tools of the *Williams* settlement and the EEP. Outreach is an essential component of the EEP’s work because the EEP has found that, despite the fact that *Williams* was put into law in August 2004, many people in the Bay Area still do not know about what *Williams* can do for them and their schools.

As a new project working to implement a new law, community outreach was a labor intensive endeavor. In late 2007, EEP staff mailed information to over 250 community groups. That mailing, along with subsequent individual mailings, e-mails, and phone calls resulted in the EEP offering presentations to approximately 650 individuals at over 40 different organizations and groups throughout the Bay Area, including: Youth Together at Skyline High School, the NAACP, the Bayview / Hunters’ Point YMCA, the Youth Leadership Class at Oakland High School, the OMI Family Resource Center, the San Francisco After-School Beacon Centers, the Wu Yee Children’s Services Center, and the East Bay Asian Youth Center. The EEP has also had an official presence at almost a dozen other civic events in the Bay Area.

Additionally, the EEP has offered presentations to groups servicing monolingual, non-English and non-Spanish-speaking clients as well as printed outreach materials in Spanish, Chinese, Vietnamese, and Tagalong,

Teacher Union Outreach: The EEP’s outreach efforts have been particularly successful with respect to teachers’ unions. The EEP has been active with teachers’ unions in three of our target districts. The United Teachers of Richmond (“UTR”), the United Educators of San Francisco (“UESF”) and the Oakland Education Association all invited the EEP to present about *Williams* at member meetings. Additionally, the UTR website prominently lists the EEP as a resource for teachers.

Parent Group Outreach: Many parents’ groups in the Bay Area have also been responsive to the EEP. The EEP has presented to umbrella PTA groups in Contra Costa, San Francisco, and

Alameda counties, as well as eight individual PTAs, including Claremont Middle school in Oakland. After a presentation at Claremont, a school whose facilities were ranked 'poor' on the fall 2007 facilities inspection, the PTA set up an impromptu '*Williams* issues' committee. Given the responsiveness of some of these parents groups to *Williams* and the EEP, the EEP is developing and planning to publish a user's guide to the UCP directed to PTAs as a means to establish further contacts with parents' groups and encourage greater general use of the UCP.

In all, the EEP's outreach is spreading awareness about *Williams* and interest in the EEP through the Bay Area.

CONCLUSION

In its first two years of operation, the EEP has resolved hundreds of concrete problems in schools by filing complaints, educated the public about *Williams* and successfully worked together with Bay Area school districts to improve the way districts use *Williams*. Much remains to be done, though. There is a continued need for public education regarding the rights and tools provided by *Williams*. In particular, the EEP needs to do further outreach to parents and students. The EEP also needs to carry on its work of improving district responsiveness to *Williams* problems. The significant gains that have been made this year will provide an even stronger base for the EEP to continue its work in the future. The EEP will continue to challenge a history of neglect in California public schools and push towards offering opportunities for success to all California public school students.