

# ***Williams v. California:*** **Hope and Confidence for Students and Parents**

By Michelle N. Rodriguez and Angelica K. Jongco

**G**raciela Cruz finally had enough. Her daughter attended Huron Elementary School in Huron, California, a small farm community in the heart of the San Joaquin Valley. Recalls Cruz, “One day, I went to pick my daughter up from school and she was holding a book... in a matter of seconds, the teacher comes out and practically tears it from her hands. And I asked myself, ‘Why take away a book that could help her?’”<sup>1</sup>

Being from a working class, Spanish-speaking, immigrant community, the parents were hesitant to speak out at their schools and felt that their concerns were ignored whenever they approached school officials.

However, in March 2007, after over 20 years of discouragement, the Huron community was rewarded with a new tool for school improvement. Public Advocates, a civil rights law and advocacy organization, and Latino Issues Forum, a policy and advocacy group, joined with Graciela and other parents in Huron to utilize the *Williams* complaint process—a means for everyday people to speak out against unjust school conditions—resulting from the historic *Williams v. California* settlement.

## **The Unequal State of Education in California**

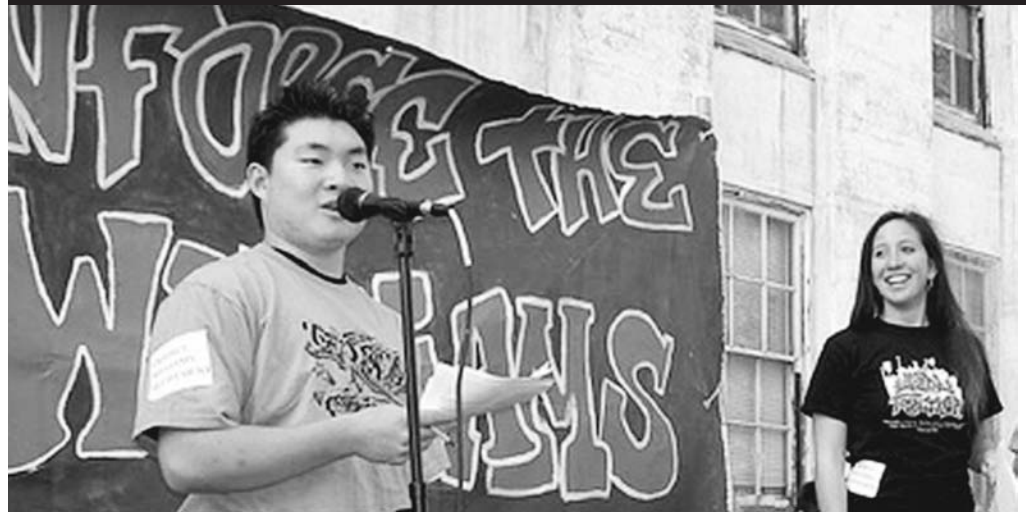
California is one of the wealthiest states in the nation, and the sixth largest economy in the world. With 6.3 million children in public schools, it has one of the largest school systems in the country. But on numerous measures—test scores, education funding, teacher quality, graduation rates, and facilities—California’s school system is among the nation’s worst.

Sixty-eight percent of California’s public school students are children of color. Over half of all students qualify for free or reduced-price meals. A quarter of the students, 1.6 million, are English learners. As low-income children of color disproportionately attend impoverished public schools, and more affluent white children attend private schools or

public schools benefiting from surrounding wealthy communities, the poor quality of learning opportunities provided to many students echoes the racial and class patterns that existed before the United States Supreme Court declared that “separate but equal” schools were “inherently unequal” in *Brown v. Board of Education*, more than 50 years ago.

Reports reveal significant per-pupil spending gaps among California public schools,<sup>2</sup> particularly in the area of teacher salaries. Higher salaries and better working conditions in more affluent, white schools attract experienced and fully credentialed teachers. Conversely, under-prepared teachers end up in schools with a higher concentration of low-income and students of color. Teacher quality is one of the most significant factors in student achievement. Students in low-achieving schools are five times more likely to have an under-prepared teacher than their counterparts in high-achieving schools. Over the course of their schooling, one in four students in the lowest-performing schools will have more than one under-prepared teacher. In contrast, only one in fifty students in the highest-performing schools will have more than one under-prepared teacher.<sup>3</sup>

Against this backdrop of unequal and substandard learning conditions for many of the most marginalized students, the state continues to pursue a largely one-way accountability system. Students and schools are held accountable for standardized test scores, but the state itself does not take responsibility for providing students with the academic resources they need to



succeed. For example, the California High School Exit Exam, a requirement for a diploma, greatly affects marginalized students. At Miramonte High School in Orinda, the mostly white and affluent students passed the English portion of the exam at a rate of 99 percent in 2006. Meanwhile, just 20 miles away, at Richmond High School, which has mostly low-income students of color, only 37 percent passed the English exam.<sup>4</sup> These disparate outcomes are not surprising, given the different investments in the learning environments of the students. Left unchecked, these inequities will only worsen.

### Towards a Two-Way Accountability System

California's systematic under-investment in education has eroded the quality of public schools dramatically. The crisis finally came to a head in 2000, when a San Francisco middle school student, Eliezer Williams—who year after year had experienced the lack of adequate teachers, textbooks, and broken down facilities—and his father decided that they had had enough. On May 17, 2000—the 46th anniversary of *Brown v. Board of Education*—Public Advocates, along with the ACLU, Morrison & Foerster LLP, and others, filed *Williams v. California*, seeking to equalize basic educational opportunities across the state.

*Williams* challenged the state for subjecting low-income students and students of color to learning environments with: (a) high numbers of under-prepared and emergency-credentialed teachers; (b) unhealthy facilities that were infested with rodents and lacked functioning bathrooms; and (c) outdated or insufficient numbers of textbooks that students had to share and could not take home.

This was not the first time Public Advocates had challenged the state's under-investment in the neediest schools. In the 1970s, Public Advocates litigated *Serrano v. Priest*, which successfully established education as a fundamental right in California and required public school funding to be equalized. *Serrano* was one of the first state school finance cases in the nation (although Proposition 13, which severely curtailed property taxes, later undercut the case's promise of reform). The *Serrano* court's equal protection ruling formed a key basis for the *Williams* suit.

After more than four years of litigation in which the state fought vigorously to defeat the plaintiffs' claims, the parties announced a settlement agreement on August 13, 2004. The *Williams* settlement acknowledged for the first time the state's obligation to provide California public school students a minimum level of educational necessities: (1) qualified teachers, (2) clean, safe, and functional school facilities, and (3) adequate textbooks. It also established new standards, new accountability mechanisms, and \$1 billion in funding to implement the promises of the settlement. As part of the settlement, Governor Arnold Schwarzenegger signed into law five bills.

### Making Rights Real Through *Williams*

Legislation under the *Williams* settlement paved new ways for students, parents, and community members to hold their districts, and ultimately the state, accountable for educating their children. One key measure was an improved complaint process to enable concerned individuals or groups to report deficiencies in textbooks, teachers, or school facilities.

In the past two years, Public Advocates has trained and supported over a thousand students, parents,



teachers, and administrators throughout California on using the *Williams* complaint process to improve school conditions. Working with district, county, and state officials has been critical to making these education rights a reality. Most crucial, perhaps, has been Public Advocates' work on the ground, in partnership with community-based organizations, to create *Williams* campaigns. This entails informing students and parents of their rights, providing technical and strategic support in developing relationships with the school, district, and state administrators, garnering public attention, and following-up on complaints. (For details on filing a *Williams* complaint, see box: "Williams Complaint Process.")

In the San Joaquin Valley, Public Advocates staff met with Spanish-speaking immigrant parents fed up with the conditions in their children's schools, and as they have done across the state, informed them of their new rights under the *Williams* settlement and how to use the complaint process to make change. And a new organization—Padres Unidos, Mejores Escuelas (PUME)—or United Parents, Better Schools, was born to make the promises of *Williams* a reality in the local community. PUME parents demanded prompt action on the lack of education necessities for their children. Their demands were basic but critical to a safe and healthy learning environment: provide books for their children to take home; ensure that teachers are trained to help English learners; and remove harmful carcinogens from the drinking water. In March 2007, with the assistance of Public Advocates and Latino Issues Forum, PUME submitted over 70 formal complaints, in Spanish, as permitted by law.

## Williams Complaint Process

### All students have the right to:

- Qualified teachers.
- Adequate textbooks and instructional materials.
- Clean, safe, and functional school facilities.

### Steps in the *Williams* complaint process:

- Get a complaint form from your school, or download a form from your district's website or [www.decentschools.org](http://www.decentschools.org).
- Fill out the complaint form. Be specific. Any person or organization may file a complaint.
- Send the completed complaint form to your principal or district office. Make three extra copies: keep one, send one to your District Superintendent, and one to your County Superintendent.
- The principal must investigate and provide a solution to a valid complaint within 30 working days; or 40 working days, if the district is responsible for taking action.
- The principal/district must respond to you in writing within 45 working days to inform you of how the complaint was resolved.
- If you are not satisfied with the response, speak at a school board meeting. For facilities complaints, file an appeal with the State Superintendent of Public Instruction within 15 days of receiving the response. For textbook and teacher issues, notify your County Superintendent.

For more information, contact Public Advocates at (415) 431-7430 or [www.publicadvocates.org/resources.html](http://www.publicadvocates.org/resources.html)

In the course of collecting and following up on complaints, the parents met often with school and district officials and found courage within themselves to speak up. Public Advocates' policy advocate, Mónica Henestroza, described a meeting between the parents and a district superintendent: "A parent looked the superintendent straight in the eye and asked, '¿Cómo puedes esperar un día más para mejorar el agua cuando la salud de mis hijos están en riesgo?' (How can you wait even one more day to improve the quality of the water when my children's health is at risk?)" That afternoon, the superintendent picked up an application for funding to repair the water system.

### Williams Gives Students a Voice

The *Williams* complaint process also provides youth—the ones most directly affected by education decisions—with a way to speak out about problems in their schools.

Photo: A member of United Parents, Better Schools, March 2007.

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Mónica Henestroza



Public Advocates provided *Williams* complaint training and campaign support to two Oakland-based youth leadership organizations, Asian Pacific Islander Youth Promoting Advocacy and Leadership and Youth Together. Sophomore Tiffany Parker, described how Youth Together used their training to educate other youth: “We did massive education around the school to let students know that we do have the right to have a fair school and that we do have a right to complain. We do need clean bathrooms and qualified teachers. The PE teacher should not be teaching Spanish class!”

In Spring 2006, these students collected and filed over 700 *Williams* complaints from high school students throughout the Oakland Unified School District, to highlight the substandard conditions in their schools—gaining press coverage in the local media in the process. Two hundred students confronted school district officials directly in an “accountability session” to demand fixes for the problems raised in their complaints. Consequently, many longstanding problems—from dirty bathrooms to missing textbooks—were fixed throughout the district. However, while the district’s response to the complaints was exemplary in some instances, it fell far short and required follow-up in others.

Whatever the tangible results, most critical was the effect on the students who worked on the campaign. Rose Ann Leybag, an Oakland Tech High School senior, and member of Asian Pacific Islander Youth Promoting Advocacy and Leadership, describes feeling “empowered” because of the changes she helped to make happen and feels that *Williams* teaches adults an important lesson: “If we’re really

given an opportunity to speak for ourselves, about what we think is good for us, people will be surprised how youth can make changes in our community.”

### Continuing Enforcement

Because of the *Williams* settlement, tens of thousands of California students now have updated textbooks and properly trained teachers. Many teachers are seeking qualification to instruct English learners. And hundreds of dangerous conditions have been repaired throughout the state’s schools.<sup>5</sup> These stories are not an end, but a beginning. Fulfilling the promises of the *Williams* settlement requires constant attention and consistent enforcement.

The processes born out of the settlement build public confidence and political will for improving the education system and directing more resources to schools and students most in need. While the complaint process is just one tool for fixing specific types of problems, the value to students and parents of engaging in that process is immeasurable. By training and supporting communities and grassroots organizations to use the *Williams* complaint process, Public Advocates has helped students, parents, teachers, schools, and state officials to work together. As communities achieve concrete improvements at specific schools, they also build a consciousness of their potential to create social change.

Graciela Cruz describes the impact of the PUME *Williams* campaign on herself: “There’s a saying, ‘If you don’t speak, God won’t hear you.’ What has changed in me is that I have come to realize how true this is. Not until the people rose up, did they begin to make changes.”<sup>6</sup> ■

### Endnotes

1. Translated from Spanish by Mónica Henestroza, Public Advocates.
2. *California’s Hidden Teacher Spending Gap: How State and District Budgeting Practices Shortchange Poor and Minority Students*, Education Trust West (2005).
3. The Center for the Future of Teaching and Learning, Fact Sheet 3 in California’s Teaching Force: Key Issues and Trends (2006), available at <http://www.cftl.org>.
4. California Department of Education, Dataquest, California High School Exit Exam (CAHSEE) Results for Mathematics and English Language Arts by Program (Combined 2006) for All Grades, available at <http://dq.cde.ca.gov/dataquest/>.
5. See *The Williams v. California Settlement: The First Year of Implementation* (Nov. 2005), available at [www.decentsschools.org](http://www.decentsschools.org).
6. Translated from Spanish by Mónica Henestroza, Public Advocates.

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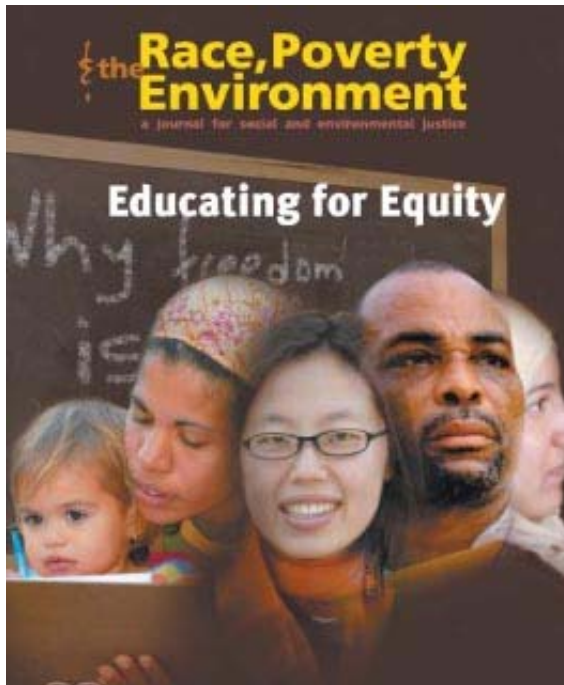
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