

Editorial:

State won't admit blame for schools

By Alan Bonsteel, M.D.
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SINCE late last year the American Civil Liberties Union has been suing the state of California on behalf of millions of children who have been deprived of their constitutional right to an education in California's public schools.

During that period. 19 students provided testimony about missing textbooks, broken toilets, leaky roofs, broken heating systems, dysfunctional air conditioning, rats running amok, and classrooms overrun by fungus and mold. The case, *William v. California*, has already become notorious as the "Bleak House" of the decade.

At the direction of Gov. Gray Davis, the state struck back by hiring \$325-per-hour lawyers of the Los Angeles firm O'Melveny & Myers to cross-examine the kids, some as young as 9 years old. The lawyers' hardball tactics have been so rough that at least one child was left in tears.

Defensive about the \$5 million in taxpayer money that the governor has spent to try to suppress the reality of our public schools, on Sept. 14 the office of Controller Kathleen Connell issued a memo declaring information on the spending of taxpayer money to derail the lawsuit was private under the attorney-client privilege. The memo directed that no information about law office billings "will be released without first conferring with our office and seeking our consent."

This case could easily cost the taxpayers three times the \$5 million that has already been spent.

The state had previously insisted it had no direct responsibility for the condition of California's public schools, and that the lawsuit should be redirected at California's roughly 1,000 public school districts. Given that about 70 percent of funding for our public schools comes from the state, and that the spending of most of it is directed in minute detail by "categorical funding" and the 11-volume Education Code, such a claim amounted to an unbelievably childlike denial of responsibility.

This month, however, the already breathtakingly bizarre Davis defense truly took a turn toward "Alice in Wonderland" when the Davis legal team petitioned the judge to shield eight top state school officials. including Superintendent Delaine Eastin and

Education Secretary Kerry Mazzoni from depositions ? on the grounds they couldn't be expected to have any detailed knowledge of the conditions inside California's public schools.

The events of Sept. 11 and the explosion of violence in Israel have pushed education reporting to the back pages of newspapers or out of the public eye altogether. Nevertheless, the meltdown of our public schools continues unabated, with our public education system hurtling off a cliff ? and taking with it a whole generation of children.

When the highest officials of the state of California deny any responsibility for the conditions inside our schools ? or even any knowledge of what is going on ? what is left to be said?

How much longer will it be before the people of California rise up and demand real reform?

If not us, then whom? And if not now, when?