

The Washington Post

California students who sued the state because they can't read just won \$53 million for troubled schools



Seventh-grade students Daniel Mayen, left, and Victor Gonzalez at Van Buren Elementary school in Stockton, Calif., in 2011. (Paul Sakuma, File)

By

[Valerie Strauss](#)

Feb. 23, 2020 at 9:00 a.m. CST

A group of students and teachers just won \$53 million from California in a first-of-its-kind lawsuit arguing the state had not done enough to ensure students learned how to read.

The settlement last week in *Ella T. v. State of California*, accepted by Los Angeles County Superior Court Judge Rupert A. Byrdson, calls on state officials to introduce legislation that will establish a \$50 million block grant program. The money is to be used over three years by the state's 75 lowest-performing elementary schools, which will work with stakeholders to identify causes of poor academic performance and develop high-quality literacy programs. The 75 schools include charters, which are publicly funded but privately operated.

The settlement also provides \$3 million to install a statewide literacy leader.

This was the first civil rights case brought under a state constitution to establish a right of access to literacy, according to attorney Mark Rosenbaum of the advocacy law firm Public Counsel, which sued with the Morrison & Foerster law firm. This case — which could lead to similar suits in other states — is based on the California constitution’s mandate that all students receive an equal education.

Students in Detroit Public Schools, citing the U.S. Constitution, sued state officials in federal court, arguing the state had violated their constitutional right to learn to read by providing inadequate resources. That case is on appeal.

“Access to literacy is not just the cornerstone of education,” Rosenbaum said. “It is the cornerstone of our democracy.”

The lawsuit was filed in 2017 on behalf of current and former students and teachers at three low-performing elementary schools: La Salle Avenue Elementary in Los Angeles; Van Buren Elementary in Stockton; and the charter school Children of Promise Preparatory Academy in Inglewood. The suit was filed against the State of California, the State Board of Education, the State Superintendent of Public Instruction and the California Department of Education.

Statewide assessments showed that fewer than half of students in third, fourth and fifth grades met California’s literacy standards. The lawsuit identified one plaintiff as 11-year-old Katie T. of La Salle Avenue Elementary, who completed fifth grade reading at a beginning third-grader’s level. Only eight of the school’s 179 students who took the test scored proficient in reading on 2016 tests, the lawsuit said.

Vicky Waters, press secretary for California Gov. Gavin Newsom (D), said the settlement builds on \$600 million in investments Newsom has proposed for low-performing schools with a high percentage of low-income students.

The block grant will provide resources for literacy programs and necessary supports, including:

- Literacy coaches
- Aides
- Bilingual reading specialists
- Culturally responsive curriculums
- Evidence-based professional development in delivery of literacy instruction
- Expanded learning programs
- Before- and after-school programs
- Expanded school day
- Research-based social emotional learning approaches
- Trauma-informed practices
- Literacy training and education for parents and caregivers

The settlement money will not be available until June, when the legislature approves the 2020-2021 budget. It is not clear how soon literacy programs can be implemented in the targeted schools, which are being identified by the state Department of Education.