

Judge orders Calif. to teach English learners

By Brian Melley, AP

LOS ANGELES – California was ordered to educate all children who don't speak English after reports revealed a quarter of its school districts fail to meet that requirement, which is mandated by both the federal government and California itself.

Judge James Chalfant said it is particularly important that the California Department of Education determine the best way to make sure the requirement is met in a state where more than fifth of students are deficient in English.

"You've got to go ferret this out because you can't have even one child that isn't getting their instructional services," Chalfant said in issuing Tuesday's order. "You have a report that 20,000 aren't getting their instructional services. That's not good enough."

The American Civil Liberties Union, which represented three Spanish-speaking Compton students in the lawsuit that led to Chalfant's ruling, claimed language barriers held students back a grade or led to low test scores.

ACLU lawyer Mark Rosenbaum said he was thrilled with the ruling, but added it was unfortunate he had to go to court to make the state investigate why children aren't getting proper instruction.

"The state can't disconnect the 911 phone when it gets news that children are not receiving instructional services," he said.

Attorneys for the state wouldn't comment after the ruling. The Department of Education also declined to comment.

The ACLU brought the suit after finding figures on the state Education Department's website that showed 20,300 English learners were not given language instruction. The numbers were reported to the state by school districts statewide as part of a broader census.

Statewide, 251 school districts reported deficiencies in educating English learners. They ranged from Los Angeles Unified School District, which said it didn't educate 4,150 of 194,904 English learners, to Twain Harte-Long Barn Union Elementary in the Sierra foothills, which failed to teach its lone English learner, according to the ACLU. The results showed that Compton, where the three students were from, failed to educate 1,697, or 16 percent, of its 10,505 English learners.

Chara Crane, deputy attorney general, argued that the report was not reliable because some of the districts didn't respond properly and it was not intended to monitor English language instruction. The state also said the case shouldn't be in court because the three Compton students were all proficient English speakers.

But Chalfant asked why a school district would say it wasn't providing classes if it was providing those services. At the least, he said, the state had a duty to investigate further.

Rosenbaum said that when confronted with the figures, the state put out a press release proclaiming it educated 98 percent of students who needed English instruction. He said that amounted to an admission schools weren't following state and federal laws requiring an equal education for all students.

Crane said the ACLU had not provided evidence of one student who had been deprived of services.

Chalfant returned again and again to the state's own findings, saying there was credible evidence it had failed to provide

necessary schooling.

“I’m ordering you to do something,” Chalfant said, although he added the specifics were up to the state. “If I’m wrong, the court of appeal will have something to say.”