

11/8/05

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School Reform News

Fla. Court OKs Class-Action Suit Against Schools

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Published: The Heartland Institute 11/01/2005

A three-judge appeals panel in Florida granted class-action status September 28 to the plaintiffs in a lawsuit against the Pinellas County School Board that alleges educational inequity. The decision allows more than 20,000 African-American families to stand together in their claim that the board has failed to ensure African-American students are properly educated.

The case, originally filed in 2000, names each member of the school board, along with former superintendent Howard Hinesley, as defendants. The plaintiffs allege the school board is denying black students equality before the law and depriving them of the right to a high-quality education because of their race.

The suit was brought forth under the Florida Educational Equity Act, which states in part, "no person in this state shall, on the basis of race be denied the benefits of any education program conducted by a public educational institution," and Article IX of the Florida Constitution, which states in part, "adequate provision shall be made by law for a high quality system of free public schools."

Black Students Lagging

Tola Thompson, a spokesperson for the Black Alliance for Educational Options, applauded the decision. "All students deserve an equal opportunity for a quality education, regardless of the color of their skin or where they live," she said.

The complaint lists eight statistics to support the claim that black students' needs are not being met. Among them:

- in 2000, when the case was filed, black students in Pinellas County were failing in all subjects 2.5 times as often as their white peers;

- by fourth grade, almost two-thirds of all black students were failing at reading to such a degree that the school system was legally required to hold them back or enroll them in remedial programs;
- the proportion of black students enrolled in the free/reduced lunch program who read below grade level was 88 percent, compared to 41 percent of white students enrolled in the program who read below grade level at the time; and
- two-thirds of black students who were failing reading in the fourth grade did not graduate from high school, indicating that "no adequate provision is made to provide these children" with a high-quality education, the plaintiffs said.

No Clear Remedy Available

While the statistics are clear, a solution to the problem is not: The plaintiffs did not even make a request for a remedy in the lawsuit. Guy Burns, attorney for lead plaintiff William Crowley, told the *St. Petersburg Times* on September 28 it was the school district's job under state law to come up with a remedy.

The lawsuit does not surprise Yvonne Clayton, a 34-year veteran teacher and administrator of the Pinellas school system, who started her own independent school, Yvonne C. Reed Christian School, nine years ago. Though she accepts students of any race, she founded it especially for black boys who were being incorrectly identified as special-needs students.

"Something should have been done a long time ago," she said. "I retired in 1996, and things were not up to par then. On the whole, black students aren't treated fairly [in Pinellas public schools]. It is a positive thing that people are finally stepping up."

Florida Law Is Asset

While a class-action lawsuit with 20,000 plaintiffs is rare, lawsuits alleging educational inequity are not. Nationwide, plaintiffs bringing equity suits have won about 50 percent of their cases, said Dick Komer, a senior litigation attorney for the Institute for Justice. However, Florida law could be an asset for the plaintiffs in this case, he said.

"The Florida Constitution is the best in terms of trying to crystallize the guarantee of quality education," Komer said. "If you are going to do this under a state constitutional provision, Florida is the best place to do it."

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