

## No Child Left Behind Implementation Struggle Moves to Judicial Arena

Two separate lawsuits have been filed challenging the implementation of the No Child Left Behind law by the state and federal governments.

On April 20, 2005, a diverse network of school districts, the National Education Association (NEA) and several state education associations filed the first-ever national lawsuit to force the Bush Administration to pay the costs of its own rules and regulations under NCLB.

Then, on June 1, 2005, ten California public school districts sued the state for what they call invalid and unlawful testing of English-learners – 85 percent of whom are Latino.

The federal suit, *Pontiac School District v. Spellings*, was filed in the U.S. District Court for the Eastern District of Michigan. The plaintiffs represent several school districts in Vermont, Texas, Michigan as well as NEA.

NEA President Reg Weaver said, "Today we're standing up for children, whose parents are saying 'no more' to costly federal regulations that drain money from classrooms and spend it on paperwork, bureaucracy, and big testing companies. The principle of the law is simple; if you regulate, you have to pay."

It is estimated that since NCLB's enactment in 2002, there has been a \$27 billion shortfall in what congress was supposed to provide schools to meet the law's regulations and what has been funded. The plaintiffs are not asking the court to bring down the law. The best court remedy would be to relieve schools of the current, illegal obligation to spend their money following the NCLB regulations and to allow districts to focus their funds on their own ed-

## 10 School Districts Sue State for Unfair Testing of English Learners

The suit demands that California test its 1.6 million children whose first language is not English, and who are not yet proficient in English, in a "language and form" they understand, as mandated by NCLB.

California, in contrast to 14 other states, tests limited-English proficient children for academic knowledge in English only—whether they understand it or not. As a result, school districts with large numbers of English learners are failing NCLB accountability standards unjustifiably and sinking deeper and deeper into more sanctions.

Three statewide nonprofit parent and civil-rights advocacy groups joined the suit against the State of California, Governor Arnold Schwarzenegger, the State Board of Education, the State Department of Education, and the State Supt. Of Public Instruction Jack O'Connell.

The English Learner Plaintiff School Districts are: Coachella Valley Unified, Chula Vista Elementary, Sweetwater Union High School, Alisal Union Elementary, Salinas Union High School, Terra Bella Union Elementary, Pajaro Valley Unified, Oxnard



Terry Macy & Maryann Richmond work together with the MHS team at the CTA Region 3 office September 20. MHS received a planning grant from the CTA Institute for Teaching for the purpose of improving student learning.

**CTA Recommends Vote No**  
**Prop. 74 - Extends Probationary Period**  
**Prop. 75 - Depletes Political Action Funds**  
**Prop. 76 - Decimates Prop. 98 Funding**  
**MTA Endorsements for Board of Education**  
**Hector Chacon, Edwin Chau, & Gerri Guzman**  
**Phone Banks Open October 5!**  
**Monday thru Thursday until 8 p.m.**