

Highland Park Students File Class-Action "Right to Read" Lawsuit

Students' basic right to education violated by low-performing school district

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DETROIT—The American Civil Liberties Union of Michigan filed a class-action lawsuit today in state court on behalf of eight students who represent nearly 1,000 children attending K-12 public schools in Highland Park, Mich.

This groundbreaking lawsuit names the state of Michigan, its agencies charged with overseeing public education and the Highland Park School District for failing to take effective steps to ensure that students are reading at grade level as set forth by state law and Constitution.

"This is a first-of-its-kind lawsuit asserting a child's fundamental right to read. The capacity to learn is deeply rooted in the ability to achieve literacy. A child who cannot read will be disenfranchised in our society and economy for a lifetime," said Kary L. Moss, executive director of the ACLU of Michigan. "Highland Park students want to be educated. However, their hopes and dreams for a future are being destroyed by an ineffective system that does not adequately prepare them for life beyond school."

Less than 10 percent of the district's students in grades third through eighth are proficient in reading and math, based on Michigan Education Assessment Program (MEAP) scores. By 11th grade, students do not fare any better, with less than 10 percent of students scoring proficient in reading or math on the Michigan Merit Exam (MME).

An independent evaluation to assess the reading proficiency of the plaintiffs found that students were reading between four and eight grades below their current grade level. The organization also cited serious academic deficiencies caused by a documented lack of books, outdated materials, filthy classrooms and bathrooms.

Inadequate mastery of basic reading skills for students in any Michigan school district is a violation of state law, continued Moss, which requires districts to provide additional remedial assistance to students who are not performing at grade level. In addition, our state Constitution requires that "the legislature shall maintain and support a system of free public elementary and secondary schools as defined by law" and singles out education as a uniquely important state function.

The ACLU of Michigan is asking for immediate remedy by the state, including research-based methods of instruction, highly trained educators and administrators, a process for monitoring progress, new educational materials and textbooks, and a clean and safe learning environment.

"No one can walk through the halls of Highland Park schools and say that this is a suitable and safe environment to learn," said Michelle Johnson, a lifelong Highland Park resident whose daughter is entering her junior year, but reads between five and seven levels below her grade. "I spoke out at nearly every public meeting and I went to school with my kids every day, all day this year. But nothing I do will work if the district and the state don't meet me half way. All I am asking for is a full partner in my child's education so that she can learn the basics – reading."

Highland Park School District operates two K-8 schools and a high school with a total of 973 students. During its investigation, the ACLU of Michigan found that the district is hindered by the lack of counselors and assistant principals. Additionally, students often shared outdated textbooks because of insufficient supply, and had to return them at the end of the day, eliminating the possibility of additional study at home. School buildings were typically filthy, unheated and lacked security, making it a haven for vagrants often found sleeping in unattended rooms. Bathrooms were also filthy and had no toilet paper or soap.

"No case ever filed anywhere in the U.S. has addressed a school system in such dire straits. The Highland Park School District is among the lowest achieving school districts in the nation, let alone Michigan," said Mark Rosenbaum, University of Michigan Law School Professor and ACLU cooperating attorney. "How the State responds to this lawsuit—whether it opposes a right to read for the two-thirds of Highland Park schoolchildren who score below proficient on the Michigan reading assessment test—reveals its concern for the fate of these children and their community. The destiny of these children will be the destiny of Michigan."

According to 2011-2012 MEAP scores, 65 percent of fourth graders are not reading at a proficient level; 87 percent are not proficient at math. In seventh grade, 75 percent are not reading at a proficient level while 93 percent are not proficient at math. According to 2011-2012 MME results, by eleventh grade, when students should be college-ready, 90 percent failed reading; 97 percent failed math, 94 percent failed writing and 100 percent failed the social studies and science portions of the exam.

In its lawsuit, the ACLU of Michigan argues that the dismal test scores and reading evaluations prove that the state of Michigan and Highland Park Schools have violated the students' right to read as set forth by state laws, which requires the state to provide "additional assistance" to children who are not reading at grade level.

"We only ask that the state fulfill its obligation to our students and provide them with a quality education, which is every child's right," said Moss. "Financial interventions such as the appointment of an emergency manager and charter operator are evidence that the state has been on notice of this serious problem for quite a while. The district will continue to hang by a thread with no lifeboat in sight, unless the state acts swiftly and decidedly."

In addition to Moss and Rosenbaum, the ACLU's legal team includes Rick Haberman, Michael J. Steinberg and Shana Schoem of the ACLU of Michigan; Jennifer B. Salvatore of Nacht Law; and Steven Guggenheim of the law firm of Wilson Sonsini Goodrich & Rosati.