

S.J. DISTRICTS FILE LAWSUIT AGAINST PROP. 187

San Jose Mercury News (California)

November 11, 1994 Friday ALAMEDA COUNTY/AM EDITION

Copyright 1994 San Jose Mercury News All Rights Reserved

Section: LOCAL; Pg. 1B

Length: 570 words

Byline: MICHELLE GUIDO, Mercury News Staff Writer

Body

Attorneys for four San Jose school **districts filed** suit in federal court Thursday to block enforcement of Proposition **187** and bar state agencies from forcing the **districts** to expel students who are undocumented immigrants.

A judge in Los Angeles issued a temporary order Wednesday that bars enforcing the measure statewide. San Jose school officials acknowledged that their suit may not force any new action, but they wanted to formally challenge the new law themselves.

"Since there's so many injunctions throughout the state, this would be just be one more injunction," said San Jose Unified School **District** spokesman Bill Erlendson. "But it's our way of showing the community that we are not going to roll over on this one."

The suit was brought by Alum Rock, Franklin-McKinley, San Jose Unified and East Side Union High school **districts**. It charges that Proposition **187** -- which passed by a 3-2 ratio Tuesday -- violates the U.S. Constitution. The measure would deny education, social services and all but emergency health care to those who cannot prove their legal residency.

"I think we ought to be doing things to promote education and to assist young people regardless of their nation of origin," said East Side Superintendent Joe Coto.

Coto's 25,000-student **district** is about one-third Hispanic and one-third Asian. More than 6,000 East Side students speak little or no English, and Coto speculates that those students could be unfairly targeted if **districts** are forced to comply with the new law.

"We believe that implementing **Prop. 187** will be a very difficult process," Coto said. "It was such a divisive issue in this community. We had administrators and teachers opposed to it, and parents and students **against** it."

School **district** officials would not speculate Thursday on how many illegal residents are enrolled in their schools. All four of the **districts** have large -- in some cases up to 90 percent -- minority populations.

An army of civil rights lawyers across the state **filed** legal challenges to the ballot measure in state and federal court Wednesday. The suits were **filed** on behalf of taxpayers and children, arguing that their federal right to a public education was being violated.

Legal challenges

Defendants in those cases included Gov. Pete Wilson, Attorney General Dan Lungren, acting state schools chief William Dawson and some individual school **districts**.

In the San Jose case, by contrast, the **lawsuit** was **filed** by the school **districts** themselves.

S.J. DISTRICTS FILE LAWSUIT AGAINST PROP. 187

"They were very concerned that they were going to be placed in this role of policeman and forced to deny education to students," said Marilyn Kaplan, one of the attorneys on the case.

Erlendson said the **districts** will ask the court to order the state, which is the defendant, to pay the cost of the **lawsuit**. He said he did not know what the cost would be.

Federal mandate

He said San Jose Unified joined in this **lawsuit** to show solidarity with other local **districts** with large minority and immigrant populations. Nearly a quarter of San Jose Unified's 31,000 students speak little or no English. He also said that federal law mandates that school **districts** provide an education to all children.

"The question for us is which law do you follow -- federal or state law?" Erlendson said. "If we don't obey the federal law we stand to lose a great deal of (federal magnet school and desegregation) money."

Notes

Shorter edition ran in the Morning Final Edition.

Classification

Language: ENGLISH

Subject: SCHOOL **DISTRICTS** (91%); EDUCATION SYSTEMS & INSTITUTIONS (90%); HISPANIC AMERICANS (90%); STUDENTS & STUDENT LIFE (90%); LAW COURTS & TRIBUNALS (89%); LEGISLATION (89%); EDUCATION ADMINISTRATION (89%); SUITS & CLAIMS (89%); LAWYERS (89%); LITIGATION (89%); PUBLIC SCHOOLS (89%); JUDGES (79%); PRIMARY & SECONDARY SCHOOL TEACHERS (78%); CHILDREN (78%); LAW ENFORCEMENT (78%); RIGHT TO EDUCATION (78%); EDUCATIONAL INSTITUTION EMPLOYEES (78%); SCHOOL SUPERINTENDENTS (78%); MINORITY GROUPS (77%); REFERENDUMS (73%); HIGH SCHOOLS (73%); ATTORNEYS GENERAL (73%); IMMIGRATION (72%); CIVIL RIGHTS (72%); ILLEGAL IMMIGRANTS (72%); DEMOGRAPHIC GROUPS (72%); SCHOOL SUSPENSION & EXPULSION (72%); HUMAN RIGHTS & CIVIL LIBERTIES LAW (71%); BALLOTS (62%); San-jose School Organization **Lawsuit** Election Immigration; Issue

Industry: EDUCATION SYSTEMS & INSTITUTIONS (90%); LAWYERS (89%); PUBLIC SCHOOLS (89%); HIGH SCHOOLS (73%)

Person: DANIEL E LUNGREN (54%)

Geographic: SAN JOSE, CA, USA (90%); CALIFORNIA, USA (79%); UNITED STATES (79%)

Load-Date: October 25, 2002