

Parents Rights: The Case for Madera Unified School District

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Abstract

The purpose of this article is to identify power through voting-school boards; it must be explicitly identified and highlighted as a way to empower students and their families. Implications for teachers are discussed, as their role in public schools is crucial to improved parent participation. It examines how Latino parents have used the justice system to secure fair representation to improve the needs of minority children attending public schools. It highlights the activist's role and parental participation in the legal and educational system that led to the improvement of the quality of education and an end to segregationist practices in the early history of California public schools.

The evening topic for the Education Foundations course I teach was Governing and Administering Public Schools. The students' typically demonstrated good rapport and the Socratic method of teaching subscribed in class allowed for good discussions. During my fourth slide I cited a local case brought to court by the San Francisco Lawyers Association to the Madera Unified School district using the California Voting Rights Act (DeFrias, 2008). The case caused a heated discussion where the class erupted while debating the necessity of bringing a lawsuit in order to change the way school board members were elected. Students questioned why it was necessary for the school board to be comprised of people representative of the entire community not just those who are traditionally in power. One asked if it was possible they (minorities) were not interested being on the school board; as they questioned the citizenship of the mainly farm worker population. It was apparent to the class and myself that this was a touchy subject and led me to investigate further

The California Voting Rights Act in Historical Context

The Madera Unified School District lawsuit mentioned during my class discussion was filed by the San Francisco based Lawyers' Committee for Civil Rights on behalf of three plaintiffs in the district. According to the claim, the district violated the California Voting Rights Act enacted in 2002 banning atlarge voting if it does not allow or impairs the ability of a minority group to choose a candidate of their choice or to influence the outcome of an election. The Act follows a similar federal mandate enacted in 1965 during the Civil Rights era; the Voting Right Act that sought to protect minority interests in elections (Arrona, & Donoso, 2006).

A study conducted by the Latino Issues Forum in 2006 defines severely underrepresented as one where "the difference between the percent of the Latino district population and Latino school board member representation is 50% or greater...Madera Unified [has] 65% Latino district population and one Latino School board member in the district (14%) [A] 50.74% difference...making it severely underrepresented" (Arrona, & Donoso, 2006).

SEE FIGURE 1

Madera Unified School District had full knowledge and advanced notice of the need

to change their voting practices. They had received notification of the illegality of those practices and the intent to file a lawsuit by the San Francisco Lawyers Association. They chose not to respond, were sued and are now protesting the legal fees associated with the case citing the damage and financial impact it would have on the students. Although the case never went to trial after school officials reluctantly agreed to change the way trustees are elected; the district was billed by the lawyers on the winning side. The district and the lawyers association are now negotiating the legal fees totaling \$1.4 million dollars (Collins, 2009).

Although Madera Unified was aware of the illegality of the election process, they attempted to proceed with a school board election in the Fall of 2008. Upon learning of the pending lawsuit against the district, the school board election scheduled for November 2008 was nullified-in advance, when Madera County Superior Court Judge James E. Oakley learned of the violation of the terms in the California Voting Rights Act and *Education Law 51100*. He became aware that at-large elections for school board put Latino candidates at a disadvantage because a percentage of the Latino population are not citizens or too young to vote. Eligible Latino voters are 44%, which gives the Anglo population a majority. Since 1996, Latinos have run for the school board; except for one case they have been defeated by what lawyers called an "Anglo voting block." In the last 25 years, there has only been one Latino school board member within the school district of this small community of 55,000 although 82% of its students are Latino (Landsberg, 2009). Public schools have always served as a way to acquire new ideas and knowledge that will allow a person to become a contributing member of society. The school board serves as a clearing house for the distribution of state funding, interpretation of state curricular goals, and the hiring of personnel that will best address the educational needs of that particular school district. Nieto, (2008) renowned

researcher in the area of multicultural education and who has conducted many studies on the topic, states; "knowledge is neither neutral nor apolitical...every education decision made at any level, whether by a teacher or by an entire school system, reflects the political ideology and worldview of the decision maker" (p. 55).

During the research of the California Voting Rights Act, similar cases were identified in which school districts and/or school boards were mandated by law to be more inclusive and equitable towards minorities. In all cases it was the parents' activist role and participation in the legal and educational system that led to the improvement and an end to segregationist practices in the early history of California public schools. These active parents understood the necessity of receiving a quality education in order to improve the future lives of their children. They also understood that those in power would not easily give in to their demands. In this way the Madera Unified lawsuit transcended time as today's parents asked for redress through the law because of the lack of attention to their demands. Parent activism is not limited to Latinos. Lawyers representing African American parents cited the *Alvarez v. Lemon Grove* when they made demands to end segregation of children in public schools. The now historical case of *Brown v. Topeka* of 1954 ended segregation in our nation (Alvarez, 1986).

The questions that guide this article are: What other cases in California public school history set a legal precedence to the California Voting Rights Act? Do school boards cause inequality in education when the prescribed ideology is implemented but not representative of the population? What does empowering parents/students accomplish towards the goals of success and graduation? Finally, how can knowledge of public school law and the power of school boards enhance a teachers' ability to advocate for the parents and students they are charged to teach?

Three Cases for Educational Equity in California through Litigation

The Lemon Grove incident in the 1930s was California's and the United States' first case where parents united in a lawsuit against the school board of Lemon Grove in San Diego. In the case of Roberto Alvarez v. the Board of Trustees of the Lemon Grove School District, parents presented a united front when their children were segregated from the school population. On directions from the school board, the principal of the school denied access to the Mexican American children as they tried to enter the only public school building (Alvarez, 1986). After an arduous struggle, the Mexican Immigrant parents succeeded to establish the right of their children to an equal education.

Mendez et al. v. Westminster School District of Orange County California in 1946 became a landmark case. Gonzalo Mendez and William Guzman sued the district for violation of the Fourteenth Amendment to the Constitution of the United States. As veterans of World War II, they felt it was important to challenge the idea of segregation for the benefit of children at the time, and future generations. They initiated the civil law case because parents of Mexican American students were not allowed to transfer their children out of segregated schools. They were assisted by The League of United Latin-American Citizens (LULAC) a progressive civil rights group comprised of mainly native born middle class Mexican Americans who "began to seek political solutions to the many problems that beset the ethnic community" (Gonzalez, p.178 as cited in Spring, 2004).

Brown v. Topeka Kansas (1954) was decided by the United States Supreme Court to end segregation for African Americans. This successful and nationally known case cited the Mendez case as a legal precedent during the deliberation phase. Justice Earl Warren was the Chief Justice of the United States Supreme Court. However, at the time of the Mendez case, Earl Warren was the governor of California

when it was "ruled that the equal protection provision of the Fourteenth Amendment pertained to equal access to education...[and] segregation based solely on national origin was unconstitutional" (www.teachersdomain.org).

These two cases; Mendez v. Westminster and Alvarez v. Lemon Grove brought justice and positive attention to the segregation of Mexican American students in California schools and later assisted the Topeka v. Kansas (1954) case for desegregation in the United States. These cases held the promise of ending segregation, providing an equitable education and placed school districts in check. Also, they demonstrated that school districts have a tacit history and agenda that disallows opportunities to share power and decision making with minority populations. As stated by Spring (2004), "local school districts used many tactics to avoid integration, including manipulation of school district lines, choice plans, and different forms of secondgeneration segregation" (p. 111). All of these cases were brought forward by parents concerned for the education of their children, as they knew it would have direct impact on their child's future in this country.

Manipulation notwithstanding, the case of Madera Unified goes in direct conflict with California Education Code 51100 which states the following: parents and guardians need to be involved "in the education process because it is fundamental to a healthy system of public education, [and] research demonstrates parent involvement at home and school results in both pupil achievement ...high levels of performance, [and encourages that] schools genuinely welcome, encourage, and guide families into establishing equal partnerships with schools to support pupil learning" (www.leginfo.ca.gov).

The four cases Lemon Grove, Westminster, Brown v. Topeka, and Madera represent a view of cases that have implication for parents over a period of time in the history of this country. The time in which these cases came forward

represented not only different periods in history, but also an activist attitude by parents who only wanted a better education for their children and were willing to bring forth a lawsuit to bring necessary changes in education. In all cases, it took a lawsuit to bring those in positions of power to change their practices of inequity, discrimination, and segregation towards minority students and families.

The differences in these cases can be found in their occurrence over time. Each one was brought to the attention of the school board in different cities and state. The Madera case was a lawsuit brought forth to change voting procedures so as to ensure that parents and students are represented on the school board by offering a minority perspective in decision making. Rather than appeal for change in the education practices of their district, they took matters into their own hands. They accomplished this by causing a change in the composition of the school board in order to assure representation using the vote as a basic principle of democracy. Their involvement would ensure access to the mechanisms and procedures that are responsible for school finance, distribution of materials, and resources, hiring of teachers and staff, and attention to specific school site issues. Historically, the two other cases are different because at the time separate but equal was accepted in California and the rest of the country.

The similarities of the cases are that they were all brought to the attention of the school board by concerned parents for an equal educational opportunity for their children. The bottom line issue was power and money; who controls the power and in turn who controls the finances of a school district. Parents knew who had the power to make decisions that affected the education of their children. In all cases, they requested redress of the inequities found in public schools and were willing to work with the system in place. When their requests for equality of access and education were ignored, they took matters into their own hands through

the law. Parents had to challenge the status quo in order to demand what they wanted from the school district. All parents involved were not willing to accept the circumstances created by those in power, nor their continued role as a dominated population. Questioning of the status quo was the mantra they held in common as they sought to resolve the issues on behalf of their children.

While power and control appears to be the issues leading to discrimination and inequalities, every legal case had similarities and differences; understanding these similarities and differences offers a better analysis of parent's rights. Table 1 depicts cases related to equity participation lawsuits and their respective similarities and differences.

SEE TABLE 1

Current Research: Ideology and Educational Inequality

When it comes to decisions involving inequality in education, the judicial system and courts have the ultimate decision. Although the U.S. Constitution does not contain an amendment for education, most states have an explicit clause on providing education for its citizens. This allows for tailoring the curricular emphasis to the needs of the state and its population. Most clauses have wording that proclaim education will be "efficient," "thorough," or "adequate" in some way (Yin, 2005, p.101).

Although there may be a clause on what is taught or how education should be provided in a given state, the local school board decides how that clause is translated. The ideology of the voters is represented by the elected board members and is demonstrated through the inherent power accorded to them. Bourdieu states (as cited in Swartz, 1997), "the educational system [is] the principal institution controlling the allocation of status and privilege in contemporary societies [and] has become the institution most responsible for the

transmission of social inequality in modern societies” (pp. 190-191).

On the outside, it appears to represent the community, but on the inside, politics and decisions are rendered behind closed doors among power brokers and the ideology they represent. In a case study conducted by Soto (1997), it is possible to understand how the power structure through the school board can ignore the needs of a minority group of people. The students of the Latino/a population were bused out of their neighborhoods after the local bilingual program was dismantled against the wishes of the parents in the community.

As in the case of Madera, the school board members are not representative of the Latino/a school population (82%). What is common about the two cases is the repeated demonstration of how heated and controversial local school politics can become. Also, in both cases, it demonstrates “how educational issues can be embedded within a community’s history, culture and politics” (Yin, 2005, p. 328). Finally, it demonstrates how a governing body can utilize its power against the will and desire of a politically weak minority.

The cases presented (Madera & cited Soto case) contain examples of inadequate representation or misrepresentation of a population of students’ in school districts who are monolingual or bilingual. Political and ideological controversy has surrounded the education of English Learners since bilingual education programs were introduced at a federal level. “The United States has never had a language policy, consciously planned and national in scope” (Crawford, 2004, p.55). This does not stop policies that encourage “English” as the official language of the state or country from influencing politics where politics exist.

When it comes to formation of policy for English Learners, and when there is a need to demonstrate ideology, the normal route towards formation is not followed. As a representation of the end result of policy through school boards, bilingual education can be cited as one. Instead of a rational process

supported by “analyzing problems, gathering data, considering options, and setting goals...[it] becomes in practice a highly politicized activity, sensitive to opinion polls and pressure groups” (Crawford, 2004, p. 71).

In California, an excellent example of ideology, politics, and power, taking charge over rational processes for education policy can be examined. Proposition 227 (1994) touted that it was created for the purpose of helping students learn English sooner so they can begin to take advantage of education offered in this language. Ron Unz proposed an initiative that would create a program of teaching English to non-English speaking students in one year contrary to vast research on language acquisition the measure was passed as it relied on “common sense” ideology, a confused voting population, and a dominant voting group comprised of a white affluent-childless electorate (Diaz-Rico & Weed, 2006).

Finally, as a note on the importance of recognizing the political nature of education and minority populations, the California Association of Bilingual Educators (CABE) and the California Teachers Association (CTA) were strongly opposed to Prop. 227 (1998). Both organizations rallied against the initiative in public through sponsored commercials and activism by dedicated teachers in a failed attempt to stop it. Prior to the initiative, these organizations relied on Latino legislators in Sacramento to force school districts to follow the law and meet their obligations to English learners. “The problem remained prevalent... in the Central Valley (includes Madera County), where language-minority communities commonly lacked political influence on school boards (Crawford, 2004, p. 316).

Currently, there are almost three million Latino students enrolled in California public schools, which accounts for 47% of all students in the state’s public school system. Twenty years ago, the Latino student population was 1 million, or 29% of the total student population in public schools. Despite the incredible growth of the Latino population, La

tino representation on school boards continues to lag throughout the state.

Implications for Teacher Education Programs

Pre-service teachers should be made aware of the dynamics of politics and power associated with the distribution of resources as defined in this article. They must be afforded many opportunities for serious discussion and dialogue of ideology, voting practices, and the use of power, knowledge and cultural wealth in a given community through the school board. Power and finance must be identified, discussed and understood by preservice students so they can go into communities well aware of the dynamics and their role as teachers and citizens on behalf of their own working conditions and the learning environment for the students they serve.

Students in teacher education courses must be made aware of the difference in educating students of color and the poor. Best practices dictate a different approach towards teaching this population because of the unique circumstances that accompany their education endeavors. For the purpose of this article, power through voting-school boards, must be explicitly identified and highlighted as a way to empower students and their families. Delpit (1988) identifies a “culture of power at work in schools, revealing how the ways in which power is and not used inside the classroom operate to either maintain the societal status quo or create change that can ultimately lead to achieving equity in educational experience for all students” (p. 325).

Her study also revealed the difference in opinion between Black and Native American educators and their White counterparts. It suggested there is more than one worldview when it comes to knowledge and the sharing of information. Usually, it is those in power who legitimize their worldview over the minority. Delpit (1988) reaches a conclusion of a connection, an ongoing theme, in a “culture of power” which includes the following aspects:

- Issues of power are enacted in classrooms.
- The codes or rules for participating in power; that is, there is a “culture of power.”
- The rules of the culture of power are a reflection of the rules of the culture of those who have power.
- If you are not already a participant in the culture of power, being told explicitly the rules of that culture makes acquiring power easier.
- Those with power are frequently least aware of—or at least willing to acknowledge—its existence. Those with less power are often most aware of its existence (p. 327).

Once the culture of power is revealed, it is imperative to use this knowledge in addressing the needs of English Learners, the poor and people of color. “Strong parental involvement is one factor that research has shown time and time again to have positive effects on academic achievement and attitudes” (Nieto & Bode, 2008, p. 144). Preservice teachers should learn they have a moral obligation when they become public school teachers to make parents aware of the importance of parent involvement through activism in the school community. In tandem with parents, they can become influential and supportive of programs that serve English learners. By participating in school committees and presenting at school board meetings using relevant research, they (teachers) send the message that actions taken by the board are monitored.

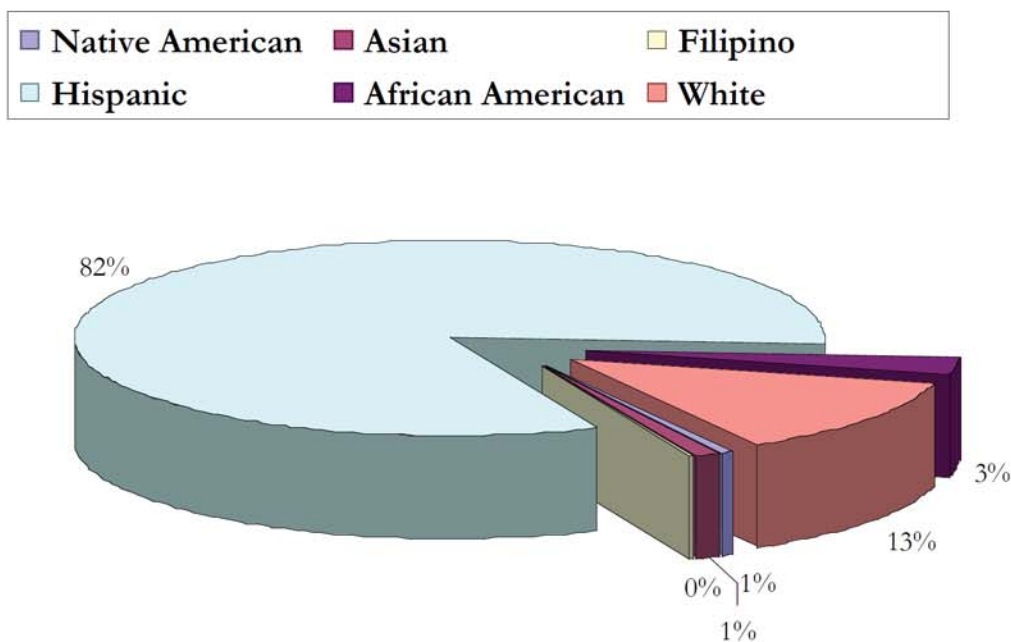
Pre-service teachers should be taught that their voice is important and should be heard by the school board, members of the business community and fellow teachers. Those qualified to teach English Learners or who are committed to ensuring that democratic practices define school board policies, develop relationships with parents and community and are obligated to do so with more vigor and enthusiasm. They should “draw attention to the hidden curriculum of the school, quality of interaction between teachers and students, diverse learning styles, the use of community

as a resource, and a commitment to democratic ideals in the classroom” (Gollnick & Chinn, 2002, p. 289 as cited in Rico & Weed). As a professor and former bilingual Spanish schoolteacher, I have come to realize that what I learned in the classroom and in public schools in terms of politics and power are not so readily identifiable by the pre-service teacher students. The questions and discussions in my courses always include the latest news brought from the local public schools through their student teaching assignments.

There is much concern on the part of teachers in the field and the students placed there. They are aware of what it is to be RIF(ed) “Reduction in Force.” We have already had the discussion of power, decision-making and voting even though that chapter has not been assigned. I am grateful to be able to discuss and empower my students with knowledge so they may be “aware” of how things come to be in public schools and how deep ideology and politics are when decisions are rendered. Knowledge is power.

Figure 1: Students by Ethnicity

Madera Unified School District, 2007-08



Note. Percentages based on information from Education Data Partnership Home Page/District: Students by Ethnicity Madera Unified School District, 2007-08.

Table 1: Similarities and Differences in Equity Participation Lawsuits

Cases	Similarities	Differences
Roberto Alvarez v. the Board of Trustees of the Lemon Grove School District	Parent involvement in fighting to achieve equal schooling for all children – fighting segregated schools.	Segregation was accepted at the time in California and the United States. The great depression contributed to maltreatment of people of Mexican descent.
Mendez et al. v. Westminster School District of Orange County California (1946)	Parent involvement in fighting to achieve equal schooling for all children-fighting segregated schools.	Segregation was still in place but was not readily acceptable by most families. World War II caused a change in attitude by families who served in the military while fighting for democracy.
Brown v. Topeka Kansas (1954)	Parent involvement in fighting to achieve equal schooling for all children-fighting segregation.	Segregation was banned but not enforced. After World War II many families who fought for democracy; asked the same for their children.
Lopez v. Madera Unified School District	Parent involvement through activism in order to achieve equal schooling for all children; by achieving representation on the School Board.	De-facto segregation as a result of income levels among families in Madera. Some formal political skills on the part of the plaintiff-Lopez. Parents won the right to district elections and would encourage the dominated population to run for school board.

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