



Florida grads: The state says 68.7 percent of its students graduate from high school. Others say the number is lower. Terry Barner/The News Herald/AP

Low graduation rate draws Florida lawsuit

The case against the Palm Beach County district aims to clarify its duty to keep more kids in school.

By Stacy Teicher Khadaroo / Staff writer of *The Christian Science Monitor*
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Reporter Stacy Teicher Khadaroo talks about an ACLU lawsuit filed on behalf of high school students who say their educational rights are being violated because of low graduation rates.

Amid mounting national frustration over high school graduation rates, the School District of Palm Beach County in Florida has been thrust onto center stage.

In a class-action lawsuit, the American Civil Liberties Union is demanding that the district boost its graduation rates and reduce the gaps in those rates between racial and socioeconomic groups. The lawsuit is the first in the United States to make such demands of a school district, the ACLU and other sources say.

Lawyers from the national ACLU and its Florida chapter filed the suit in state court on March 18. Specifically, the ACLU is asking the court to require the district to improve its graduation rates by a certain percentage each year – overall and for subgroups. It also wants the court to determine a more accurate way of calculating graduation rates – a complex issue nationwide.

For educators and education experts, the case raises some controversial questions: What is an acceptable rate of graduation? And who should be held responsible when schools miss the mark – schools, students, society?

"If the ACLU is successful, this is going to shake everything up, because it will be a whole different set of expectations about who is supposed to solve the problems," says Paul Houston, executive director of the American Association of School Administrators in Arlington, Va.

Under the state-required reporting system, the graduation rate in the Palm Beach County District last year was 71.4 percent. The suit claims that other methods of calculation would yield an even lower rate. But either way, it argues, the success level is inadequate. It also notes that in Palm Beach County, the state-reported rate for whites was 29 percentage points higher than that of African-Americans and 20 points higher than that of Hispanics.

Some observers say they'd be surprised to see the case go far unless the state is also brought in as a defendant, because the state determines so much education policy and funding. To others, the suit skirts over the role of individuals, families, and society in ensuring that students qualify for a diploma.

The plaintiffs argue there's more the district can be doing. "The graduation rates in Palm Beach County are shamefully low," says Vanita Gupta, an ACLU staff attorney in New York. The district needs to "live up to its constitutional obligations [in Florida] to provide a uniform, efficient, safe, secure, and high-quality education."

"We all want to see graduation rates rise," counters the district's superintendent, Arthur Johnson. The suit is "misguided" and designed to get attention, he says. "We do have a gap [in graduation rates].... But so does the state, so does the nation.... Suing Palm Beach County is not going to solve it."

Superintendent Johnson defends the performance of the 170,000-student district. Under Florida's testing system, he says, Palm Beach is the only A-rated urban district. And a higher percentage of total students graduated in 2007 than in 2006.

Many students drop out of school not because they are failing courses, but because "they just don't see school as being part of their life," Johnson says. "They want to go get a job." Setting up career-academy options to help students prepare for fields as diverse as construction and biotechnology has proved "more motivational in terms of keeping students in school to graduate," he says.

Johnson also disputes the usefulness of the alternative methods of calculation that the plaintiffs put forward.

One of those cited in the lawsuit, the Cumulative Promotion Index, was developed by Christopher Swanson, director of the Editorial Projects in Education Research Center in

Bethesda, Md. It allows for comparisons of districts across the country by looking at federally reported data. It shows the probability that a ninth-grader in a given district will graduate within four years with a regular diploma. "The official state-reported rates that parents, teachers, and members of the public will be most familiar with are often not very accurate," Mr. Swanson says, in that they overstate success.

Florida's calculation allows for counting those who earn alternative graduation credentials. A number of advocacy groups, including the ACLU in this lawsuit, say graduation rates should count regular diplomas earned within four years, because those who take GED (General Educational Development) tests or other alternative routes tend to be at a long-term disadvantage.

How to calculate graduation rates has long been the subject of debate. Efforts are under way among governors, Congress, and the Department of Education to create a more uniform system for accurate tracking and comparison. To some degree, that's a missing link in the current accountability system, since federal law puts more emphasis on test scores.

"This case might now get some courts involved in recognizing that graduation rates are an important determinant of the quality of education," says Bob Wise, president of the Alliance for Excellent Education, which tracks state graduation issues.

The ACLU points to a number of school districts with demographics similar to Palm Beach's that have higher graduation rates and smaller gaps. "The ACLU has never said parents have zero role, but the school districts have a tremendous role in ensuring that as many as possible are graduating," Ms. Gupta says.

Houston argues that's not a fair standard. "There will always be some districts that I call heroic exceptions, that for some set of reasons have been able to beat the odds," he says.

The Palm Beach County district is due to file its response in court by April 29.