

CRLA

in the News

April, 2004

"It is still one of the tragedies of human history that 'the children of darkness' are frequently more determined and zealous than the 'children of light.'"

Dr. Martin Luther King

Dear Friend of CRLA:

This is the fourth issue of "*CRLA In the News*". Its purpose is to present you with examples of our daily work as reported in newspaper stories. It tries to give you a sense of how legal service touches real people daily as they go about surviving their poverty. Today, the news is full of war and the politics of war. Here the stories we present are rarely headline news because the issues of the poor and domestic poverty do not win votes. On the contrary, it is CRLA's experience that any effective defense of the poor will invite political controversy.

In 2003, there were two important matters that CRLA went through that are noteworthy. In mid-year, CRLA Board members, staff and community representatives engaged in a statewide priority selection process that occurs every 4-5 years. Generally, review of program priorities is an annual process per Federal mandate and CRLA will review priority work office by office and its Board approves program priorities annually. But CRLA will periodically convene a statewide conference for the purpose of examining existing agendas and determining new programmatic directions. The process identified 5 areas of work that will direct CRLA statewide resources in the next few years—rural education, housing, labor, civil rights, and family security & public benefits.

This issue of *CRLA In The News* shows how the broader vision impacts legal service work on the ground. The education work provides equal opportunity to low-income, language-minority and disabled students; for CRLA, schooling is a critical factor in breaking the cycle of poverty. Securing funding for poorer schools, securing funds for English learners, and securing physical access to classes were issues addressed by our advocacy. We continued working on issues related to conditions of employment and housing that negatively impact the health and well-being of CRLA clients. "Rat-infested" housing, unlawful evictions, and pesticide exposure are examples. Affirmative efforts to increase affordable housing for low-income families went forward. For farm workers, collecting unpaid wages and health care access continued to require CRLA assistance.

As reported last year, CRLA continues to be vigorously audited by the Federal government. In 2002 and 2003, CRLA went through the most extensive audit conducted by the LSC Office of Inspector General to date. It was a 30-month ordeal, costing CRLA nearly 5000 hours of work and more than \$125,000. The December IG report found, among other things, that CRLA had "subsidized" an independent organization \$511 by failing to charge late rent interest. In an \$18 million period of operations, this is immaterial yet it became a subject of national attention. Less obvious was the interference by the dairy industry that led to multiple audits, to a call for CRLA defunding and to the involvement of rural Congressmen on the industry's behalf—Congressmen William Thomas, Calvin Dooley and Devin Nunes. The audit is still in process, but the politics evolved to a point where CRLA was asked to present Congressional testimony in its defense. We did so successfully. In the end, CRLA must continue to aggressively defend the interests of rural and working poor as against any industry "of darkness" that fails to respect the existing rights and well-being of our hard working clients.

Thank you for joining us in this pursuit of rural justice. Your generosity makes you an equal partner in the work. *Adelante hacia la luz. Forward toward light. Adelante hacia la luz. Forward toward light.*

Jose R. Padilla,
CRLA State Director

-38 Years of advocacy-

SANTA BARBARA NEWS-PRESS

FRIDAY, AUGUST 8, 2003

S.B. school district settles with dis - *Insurance to pay majority of costs*

By Camilla Cohee
NEWS-PRESS STAFF WRITER

The Santa Barbara school district must pay \$600,000 to three students in wheelchairs who sued over their daily struggles to get around campus.

In addition to the cash, the settlement in Santa Barbara Superior Court requires the district to spend millions of dollars to improve accessibility for disabled students on its campuses. Most of these improvements were scheduled anyway – and will be paid for out of bond money – but this case puts them on the fast track.

School board President Nancy Harter said Thursday that trustees want to do whatever it takes to correct the violations.

“I think everybody felt galvanized that we need to do exactly what was required in order to bring our campuses up to snuff,” said Ms. Harter, who provided the News-Press with details about the settlement. “We were all on the same page here. We want to work together and make the necessary changes.”

Ms. Harter said that about \$75,000 of the \$600,000 awarded to students Graviela Mora, Liana Mitchum and Maricela Diosdado will come from the district’s general fund. Insurance covers the rest.

Graviela and Liana are both students at Santa Barbara High School. Maricela was a seventh-grader at Santa Barbara Junior High School when the suit was filed in December 2001.

At that time, Graviela and Liana told of being sideswiped by cars on dangerous campus roadways. One said she soiled herself on multiple occasions because of the lack of adequate restrooms. The students



Graviela Mora



Liana Mitchum

said their grades suffered due to their tardiness, in part because one of only two doors they could use to get into the main building is often locked.

“They see the barriers we have to go through every day, but they don’t do anything,” said Graviela, a freshman when the suit was filed.

All three girls have spina bifida, in which one or more vertebrae fail to close properly. The disability can damage the spinal cord and nerves, resulting in paralysis. Walking may be difficult or impossible and people with spina bifida may also experience incontinence.

The lawsuit claimed that because of numerous architectural barriers, students in wheelchairs were being denied the same educational opportunities that their peers received.

Ms. Harter said most of the needed renovations are at Santa Barbara High and involve “uneven pavement, curbs that were not accessible, access doors that were locked, the inability to get from one floor of the school to another. It’s an old building. Obviously these buildings were built way

before the Americans with Disabilities Act.”

That wide-reaching federal law took effect in 1992.

The girls are represented by Santa Barbara attorney Kirk Ah Tye, of California Rural Legal Assistance Inc., along with Rhoda Benedetti, an attorney with Disability Rights Advocates of Oakland.

Under state law, which incorporates the Americans with Disabilities Act, schools were required to survey their facilities and identify and remove architectural barriers in the 1980s, and again in the early 1990s.

“All access barriers were to be removed no later than 1995,” Mrs. Benedetti said in 2001. “At Santa Barbara High, students who use wheelchairs are forced to traverse a campus that can best be described as an advanced obstacle course.”

On Thursday, Mr. Ah Tye described the settlement as “wonderful.”

“It’s a wonderful global settlement for our plaintiffs who each use wheelchairs, and for all other physically disabled students K-12.”

The girls and their families could not be reached for comment.

When the lawsuit was first filed, Superintendent Debbie Flores said she had received no reports of the students’ struggles from then-Santa Barbara High Principal J.R. Richards.

“I’m not saying these students are lying,” she said at the time. “It’s just hard to believe that school administrators would know about something like this and not do anything about it.”

Ms. Flores, who is on vacation, could not be reached for comment Thursday.

The Record

STOCKTON, CALIFORNIA

THURSDAY, MAY 1, 2003

Stockton Unified declared integrat - *District last in California to have court order lifted*

By Joe Tone

RECORD STAFF WRITER

Stockton's largest school district Wednesday became the last in California to have a legally imposed desegregation order lifted, ending 33 years of court oversight.

San Joaquin County Superior Court Judge K. Peter Saiers formally declared Stockton Unified School District racially integrated, leaving the district to begin phasing out its long-standing desegregation plan and to redistribute millions of dollars in grant money to district schools.

"I'm just glad it's over," school district Board of Trustees member Clarence Chan said outside the courtroom as relieved district officials and lawyers debriefed after the ruling. "It's definitely a weight off our shoulders."

The settlement approved Wednesday was reached in March between the district and parents of several minority students, the original plaintiffs in a 1970 class-action lawsuit against Stockton Unified.

Those parents, initially represented by California Rural Legal Assistance, now by a San Francisco-based advocacy group, agreed in the settlement that the district is no longer racially segregated and allowed about \$5 million in grant money to be redistributed to the district's other schools.

The original order, imposed in 1975 as schools across the country were forced to desegregate, created diverse school campuses by mandating that students be bused around the district. It also led to the creation of several specialized schools in heavily minority neighborhoods intended to draw students from outside those areas and

level the playing fields for students there.

Some also blame the order for creating so-called "white flight" from the city to the suburbs.

Some families who didn't leave tried instead to illegally enroll in other, less-integrated school districts, such as Lincoln Unified to the north.

As Stockton Unified moved toward becoming a heavily minority district, the order was amended in 1992 to eliminate mandatory busing.

That amendment also allotted grant money – the state Targeted Instructional Improvement Grant, now worth \$5 million – to 14 schools initially harmed by segregation.

The settlement approved Wednesday calls for that money to be slowly moved to the district's other low-performing schools – 25 percent of it next school year, 40 percent of it the year after.

"The whole centerpiece of this settlement is transition," said Peter Moos, the attorney representing the plaintiffs.

With so many schools operating so many programs based on that funding, Moos said, quickly changing how the money is spent "would be an utter disaster."

Wednesday's settlement and the planned redistribution of money will be overseen by the court for the next two years.

While the plaintiffs, district and Board of Trustees all signed off on the settlement, it was not unanimously applauded at Wednesday's hearing.

Parents, teachers and administrators from King School said reductions in the money they receive could harm its high population

of low-income students.

"Desegregation funding has been used to enrich, encourage and educate the students," Tina Archibeque, a King parent, told the judge, reading a letter from the school-site council and its bilingual committee.

"The annually decreasing funds will be a further burden upon these disadvantaged students."

Another small group of parents also tried to dissuade Saiers from approving the settlement.

Represented by a Beverly Hills law firm, four local parents last year sued to have the order removed altogether, a move district officials say blindsided them, slowed down the settlement and cost the district thousands of dollars in attorneys' fees.

The attorney for those parents, Nick Sanchez, urged Saiers to lift the order immediately, declare the district "unitary" and dissolve the proposed settlement.

If the district is in fact racially balanced, he argued, why draft an agreement that will be overseen by the courts for two more years?

"The court's involvement," he told Saiers, "is an extension of its desegregation order."

But Saiers seemed committed to approving the settlement from the start of the hearing. Because he had no role in drafting the agreement, and because the court's future role will be only to ensure that the deal's conditions are met, the settlement virtually removed the court system from the picture, Saiers said.

"And believe me," the judge said with a chuckle, "I would love to be out of this picture."



CRIA



San Francisco Chronicle

NORTHERN CALIFORNIA'S LARGEST NEWSPAPER

THURSDAY, MAY 8, 2003

Dairy settles with ex-workers

Eight filed suit after being fired for protesting squalid housing

Peter Fimrite
CHRONICLE STAFF WRITER

The owners of a Petaluma dairy who were accused of forcing workers to live in filthy, rat- and insect-infested trailers have agreed to pay \$235,000 to their former employees to settle a lawsuit.

Tony and Charles Spaletta agreed Wednesday to pay the money to eight former herders and dairy production barn workers at the Cypress Lane Ranch, which straddles the border of Marin and Sonoma counties.

The California Department of Housing and Community Development cited the Spalettas last year for 55 housing code violations and for not having a license to provide housing for workers.

"My firm does farmworker cases throughout the state of California, and I have never seen housing that was this bad," said Mark Talamantes, who represented the workers. "But, to my clients' credit, they worked, and they worked, and they worked."

The eight workers are Agustin Gonzalez, Jesus Gonzalez, Hector Gonzalez, Nicolas Gonzalez, Juan Gutierrez, Miguel Maravillas, Fernando Sanchez and Luis Vasquez.

The Spalettas and their attorney could not be reached for comment Wednesday.

The lawsuit was filed in United States District court in San Francisco on April 28, 2002, alleging that the defendants withheld wages, refused to pay overtime, did not provide rest or meal time and violated the Employee Housing Act by operating an "unlicensed and uninhabitable labor camp."

Talamantes said the workers labored on the ranch at night and lived during the day in three mobile home trailers and one building. He said the walls and floors had holes in them, wires were exposed, and several windows were broken, so the wind blew right through the rooms.

Dairy waste flowed under the buildings when it rained, causing rat and insect infestations. In the winter, the trailers and cabin leaked, and mushrooms grew out of the carpets. During the summer, the rooms turned into virtual ovens because there was no insulation, Talamantes said.

He said the microwave ovens were so infested with roaches that they would often burn out after cooking so many bugs.

The eight plaintiffs finally got fed up and

on Jan. 5, 2002, they complained about the living conditions and deductions for housing costs taken from their paychecks, according to the lawsuit.

But instead of fixing the housing, Charles Spaletta fired the workers, Talamantes said. Five workers left immediately, he said, but three could not find any other place to stay, so Spaletta served them with eviction notices.

"I guess he didn't really appreciate the workers' complaining about the conditions," Talamantes said.

The eight workers filed a complaint with California Rural Legal Assistance in Santa Rosa, which referred them to Talamantes.

The money will be split among the eight plaintiffs and any of the 14 other workers who labored at the ranch over the past four years and can still be found, Talamantes said.

"There are probably many more cases where dairy farms are illegally housing workers," Talamantes said. "The purpose of this lawsuit is to compel dairy owners . . . to provide safe and licensed housing and also pay those workers."

Email the writer at
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Santa Maria Times

Pulitzer Central Coast Newspapers

SATURDAY, SEPTEMBER 15, 2003

Farmworkers given overdue pay

State agency takes care of unpaid wages

By ELIZABETH RODRIGUEZ
STAFF WRITER

Area farmworkers received more than \$68,000 in overdue paychecks Sunday in Santa Maria.

Staff from the California Department of Industrial Relations and California Rural Legal Assistance handed out the checks, which ranged from \$300 to \$2,000, to workers who were never paid by an unlicensed farm labor contractor.

Dozens of families filled the Atkinson Community Center to receive their past due wages and hear a lecture on labor rights from CRLA attorney Jeff Ponting, who represented the unpaid workers.

"I feel relieved," said strawberry fieldworker Salvador Ortiz, who had not been paid for almost a week's worth of work.

Ortiz said he doesn't know how much money he is going to get, but plans to send the



Ismael Raymundo, a California Department of Industrial Relations employee, prepares to hand out \$68,000 worth of paychecks that have been due to a group of farmworkers

Elizabeth

money to Mexico for his teenage sons who are going to school.

According to the state's office of industrial relations, the case opened in July 2001. A group of workers, harvesting berries for Sutti Farms, filed claims against contractor Leandro Diaz saying they did not receive two weeks worth of pay.

The claim also said the workers were not allowed to take meal or rest breaks.

Diaz, who initially claimed that he was the worker's super-

visor, was not licensed under the office's Division of Labor Standards Enforcement. The industrial relations office now requires growers to show proof that they have a farm labor contractor's license in order to be released of wage liabilities.

The workers are being paid out of the state's farmworker remedial fund. Portions of contractor licensing fees make up this special fund designed to compensate workers who have not been paid by unlicensed contractors.

Wages could not be retrieved from either Diaz or Sutti Farms, the industrial relations office said.

Staff writer Elizabeth Rodriguez can be reached at 347-4580 or by e-mail at erodriguez@pulitzer.net.

Napa Valley Register

FRIDAY, SEPTEMBER 26, 2003

Napa housing talks stall, lawsuit gathers

By Jay Goetting
REGISTER STAFF WRITER

Predictions that affordable housing talks between Napa County and the city of American Canyon would “crash and burn” may be coming true, according to officials close to the negotiations.

The faltering negotiations jeopardize broader efforts by the county to meet state-mandated affordable housing goals, including an already approved deal with the city of Napa.

Meanwhile, advocates for more low income housing in the county are proceeding with a lawsuit that could jeopardize several developments already in the works.

If the lawsuit is successful or the talks between Napa County and American Canyon break down, it could spell disaster for local land use control as well as American Canyon’s plans for future annexations and orderly development.

Howard Siegel, the county’s community partnership manager, outlined the process this way: “Our anticipated completion date is probably sometime between next March and June – essentially next spring.”

In the meantime, Sebastopol lawyer Neil Herring, representing two legal groups suing the county, said they will ask the Napa Superior Court to stop all county construction or find a way to halt building until a final resolution is reached.

A suit filed in late July seeks to halt all building except for affordable housing and force the county to adopt a housing element that would be acceptable to state officials.

County Counsel Robert Westmeyer said letters of settlement are going back and forth in an attempt to settle the matter before a court date is set.

Under a worst-case scenario, the state could name a judge or special master to oversee county land use decisions that would lead to the designation of property for housing.

In all likelihood, that would involve land is currently zoned for agricultural use and would compromise the county’s long-time preservation policies.

Meanwhile, the county and the cities of Napa and American Canyon continue to

work on a complex agreement that shifts part of the county’s housing obligation to the cities.

The deals call for the American Canyon and the city of Napa to take on affordable housing units, and the county to offer the cities some revenues and development benefits.

The city of Napa and the county have reached an accord, but talks have again bogged down with American Canyon. City attorney William Ross said characterizing the talks as stalled is not fair. “The council has questions,” he said.

An ad hoc committee of two American Canyon council members has been appointed. They will meet with counterparts from the board of supervisors. The same facilitator that has been mediating the talks for nearly two years has been called in to assist.

Before that happens, Napa Councilman Kevin Block said he will continue his telephone diplomacy and talk with the players in American Canyon.

“I want to go down there and reiterate that the city of Napa will be there with them,” he said. “We need them as a full partner.”

Nancy Palandati, attorney for California Rural Legal Assistance, said the on-going negotiations have no effect on the suit that her group, along with the California Affordable Housing Law Project, is bringing.

“I know there’s a memorandum of understanding being passed around,” but added, “That doesn’t really change our position.”

Palandati said CRLA has been monitoring the process between the county and its cities but said the group will proceed with the legal action, which seeks to bring a halt to all construction in the county’s unincorporated areas until affordable housing, especially for farmworkers, is built.

In addition to the advocacy groups, the suit was brought by Latinos Unidos de Napa and fieldworkers Jorge Deharo and Hector Olvera, plaintiffs who allegedly have suffered as a result of the lack of adequate housing.

Attorney Herring says there is a conflict between Napa County’s agricultural and open space policies and the need for housing. “It’s definitely a conflict,” he said.

“They’re allowing new wineries and resorts and the situation is being aggravated without addressing the needs of those who work there.”

Herring said the county had also “recently submitted a ton of material” which the plaintiffs will study in the days ahead.

“There are some that would like to see (the agreement) fail,” said Supervisor Mike Rippey, speaking of the plaintiffs who brought the legal action.

He characterized CRLA and the Housing Law Project as the county’s “adversaries” in the effort, and reminded his colleagues that this is still very much a political process.

Rippey said they also need the support of the agricultural community, particularly in light of the lawsuit still hanging over the county, charging that its General Plan Housing Element is inadequate.

Sandy Elles, executive director of the Napa County Farm Bureau, views the agreement as a short-term answer to the housing dilemma.

“You can’t continue to look at the cities,” she said.

The long-term answer, Elles believes, lies in getting the state and regional bodies to look at the agricultural protections in place in Napa County and present more reasonable numbers.

If and when the county and the two cities reach agreements, the county’s housing plan must still be approved by the state’s Housing and Community Development and the Association of Bay Area Governments.

Both entities have been in on the process and are expected to give conditional approval.

“We’ve had some discussion (with HCD). The transfer element is only part of the process,” said Siegel.

With the complex machinations involved in following guidelines of the California Environmental Quality Act, comment periods and public hearings are involved.

Siegel said it then becomes a matter of how much scrutiny and review are given the documents.

“It could be a month. It could be six months,” he said.

San Jose Mercury News

MONDAY, OCTOBER 6, 2003

School officials renew call for separate Aptos district

LATEST PLAN HAS RACIAL, FINANCIAL UNDERTONES

David I. Beck,
MERCURY NEWS

Can the tractor and the beach umbrella continue to coexist in the same school district?

Those symbols represent Watsonville and Aptos on a Santa Cruz County Office of Education map. And that question is being asked — for the third time in a decade — of school officials and parents in the sprawling Pajaro Valley Unified School District, which stretches from the Forest of Nisene Marks State Park in mid-Santa Cruz County south into Monterey County.

The tractor stands for the farming community in and around Watsonville — a region that sends millions of strawberries to the nation's markets and thousands of relatively poor and primarily Latino students to Pajaro Valley schools. Watsonville is the county's second-largest and fastest-growing city.

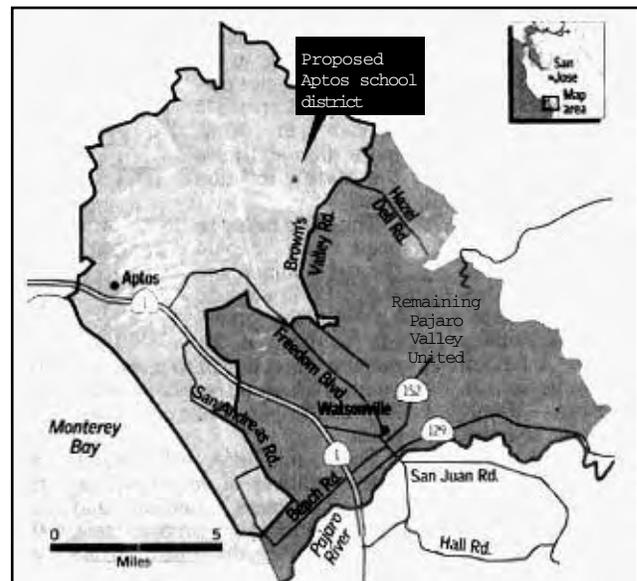
The umbrella signifies Aptos — an unincorporated and

mostly white community of homes, hills, pine trees, long beaches and small businesses. The area annually boasts the world's shortest Fourth of July parade and made headlines in 2002 by landing a team in the Little League World Series.

The most recent proposal comes not from parents but from school board members. Fraught with racial and financial undertones for Pajaro Valley, a school district of about 19,000 students, it would carve an Aptos Unified School District out of Pajaro Valley Unified.

If the split were to occur, the resulting Aptos district would take four elementary schools, one junior high school, one high school and a continuation high school — and their estimated 3,158 students — from Pajaro Valley, according to a report prepared for the district.

The split would leave a reorganized Pajaro Valley Unified with 15,710 students in 11 elementary schools, four inter-



MERCURY NEWS

mediate schools and one high school. A second high school is scheduled to open in January 2005. Two elementary schools also are also being added. A new continuation high school would be needed, unless the two districts agreed to share.

The Watsonville City Council voted 5-2 against the split Tuesday. That hearing was intended merely as a chance for school officials to outline their

report. But it became "passionate to the point of being hostile," Mayor Judy Doering-Nielson said. She voted no on the non-binding resolution, calling it premature.

The proposed split was controversial when it was rejected by the state in 1995 and 1999, and remains so today for two key reasons:

- Race, because splitting the mostly white north from the

Continues next page

San Jose Mercury News

MONDAY, OCTOBER 6, 2003

SCHOOLS | Aptos district sought

Continued

mostly Latino south “just promotes re-segregation,” said school Trustee Rhea de Hart, who opposes the split. Pajaro Valley, about 76 percent Latino according to district figures, could be as much as 89 percent Latino under the reorganization.

“It’s illegal,” said [California Rural Legal Assistance](#) lawyer Luis Alejo, a Watsonville native and activist. He doesn’t think the proposal will pass muster with the state Board of Education, or with voters, if it comes to that. “But even if it does,” he said, “it’s illegal.”

■ Money, because some say the Aptos area has always paid more in property taxes and gotten less in school funding. For example, people on both sides of the issue say Aptos, with less than a quarter of the students, has about 50 percent of the district’s assessed valuation, on which bonding ability is based. (Aptos’ share of a 2002 bond issue, \$24 million to renovate Aptos High School and add a performing arts center, gym and other facilities, would go to the new district in case of a split.)

Trustee Willie Yahiro, a principal backer of the split, argues that the schools are already segregated — “racially isolated” is

the phrase many use — and that the distribution of money is unfair in the other direction.

Unlike the Aptos parents who promoted secession five years ago, Yahiro thinks it’s the Watsonville area, which he represents, that’s getting shortchanged. Aptos residents “have 17 percent of the kids up there,” he said, “but they’re using 40 percent of the transportation funds . . . and 40 to 50 percent of the extended after-school program funds. Go through every department, you’ll see these things happening.”

A point of universal agreement is that this proposal is about the kids. But it’s not at all clear whether splitting off the highest-performing schools in the district helps or hurts the students left behind.

Yahiro said he believes that splitting the schools would enable the new Pajaro Valley district to focus on its own needs and improve education for its students. Alejo said racially isolated Latino schools “have the worst conditions and the lowest student achievement rates,” while mostly white districts are “deprived of the integrated educational experience.”

In 1999, county schools Superintendent Diane Siri said everyone agreed that the zone plan “was a temporary solution” that

would likely be revisited. With Pajaro Valley High School scheduled to open in 2005, that time may have arrived.

In 1999, secession was pushed by Aptos parents and opposed by the school board. (Under the law, petitioners can bypass the board.)

This year it’s being called “reorganization” and is being pushed by school board members, particularly Yahiro. The full board has yet to vote on it, although Alejo said there already is a majority for reorganization.

If the board votes for the split, it goes to the county Office of Education and then, if approved, to the state Board of Education. If the state board endorses the plan, it would be put to a public vote, with the state deciding the crucial question of who gets to vote.

When Scotts Valley, then part of the Santa Cruz high school district, built a new high school of its own, the creation of a Scotts Valley high school district was put only to voters in Scotts Valley in 1994; Santa Cruz didn’t vote on it.

“In this case,” Siri said, “the likely argument will be that all of the citizens in the current Pajaro district vote.”

Orange County News

THURSDAY, MAY 22, 2003

Migrant workers focus of exhibit

An exhibit spotlighting the migrant farm workers will take over the Fullerton Museum Center starting June 6.

Titled "The Migrant Project: Contemporary California Farm Workers," the exhibit features the work of photographer writer and filmmaker Rick Nahmias and was funded by the University of California, Berkeley, Center for Latino Policy Research, The Kurz Family Foundation and California Rural Legal Assistance.

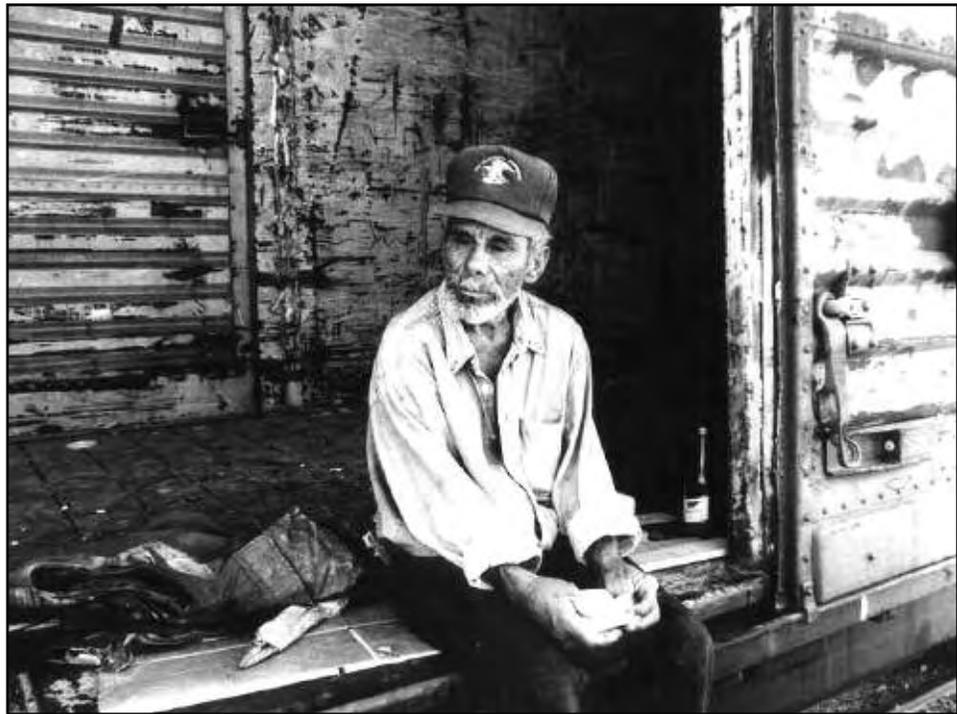
Through his images, Nahmias "puts a human face to what is sometimes called California 'invisible population,' a reference to the farm workers' often nomadic existence," the museum has announced.

The photos were taken over the past year during the photographer's multiple trips to more than three dozen towns, from Calexico to Sacramento.

The exhibit also documents the life of Maria, a farm worker and single mother of four, who was infected with HIV by her husband, who has since died.

Dr. Kurt Organista, chairman of UC Berkeley's Center for Latino Policy Research, observes: "Nahmias' work takes us beyond stoop labor stills and into the intimate moments and inner lives of America's farm workers.

"His photos capture the luminous human spirit behind



'The Paycheck': One of the Rick Nahmias photos in "The Migrant Project" Fullerton Museum Center exhibit opening June 6

faces, frames and personal effects overly constrained by farm labor."

The museum center has put together a biographical display about farm labor leader Cesar Chavez to complement the exhibit. And there is also a display of vintage poster art chronicling the struggle of the United Farm Workers Union.

Hours at the Museum Center, 302 N. Pomona Ave.,

are noon to 4 p.m. Tuesday, Wednesday, Friday, Saturday and Sunday and noon to 8 p.m. Thursday.

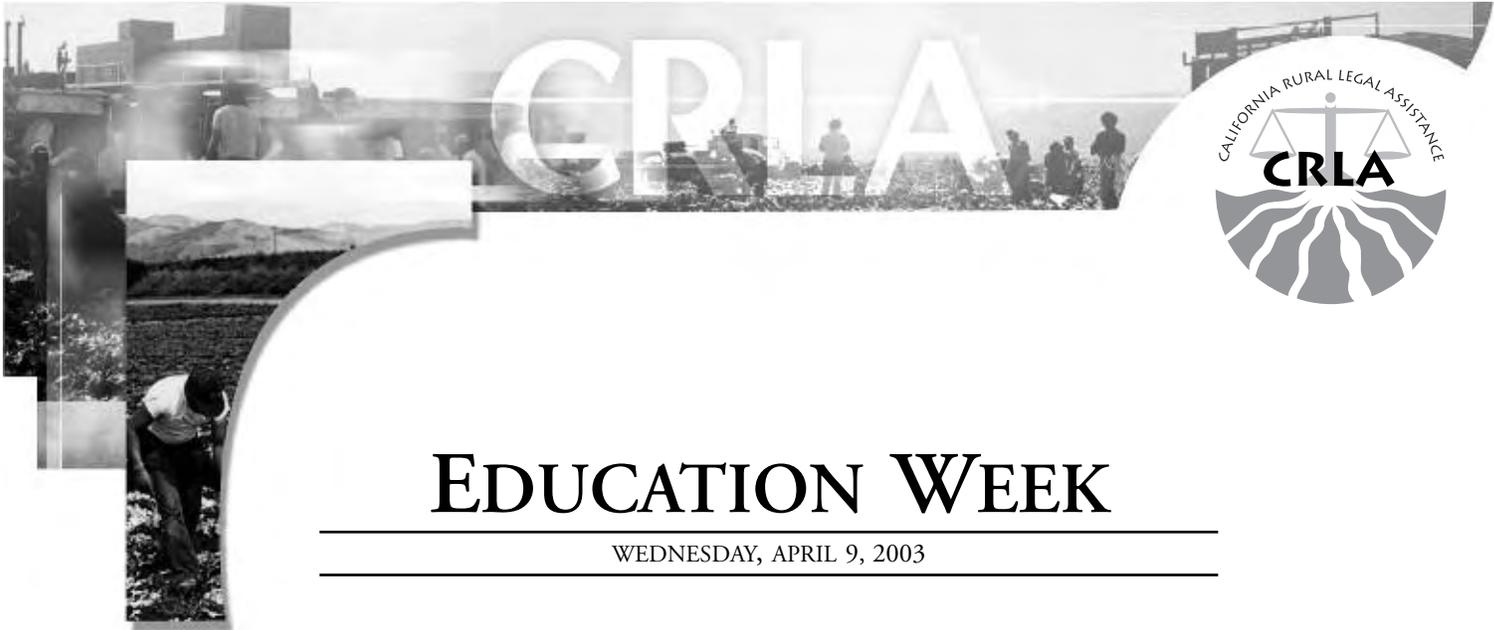
Admission is \$4 for adults; \$3 for students with identification and seniors 65 and older; \$1 for children 6 to 12 and free to children under 5 and also to member of the Museum Center.

On the first Thursday of each month, from 6 to 8 p.m.

admission is \$1 for all visitors.

A special preview reception will be held from 6-9 p.m. June 6 and will feature a "Curator's Talk" by Nahmias as well as dinner and entertainment. Admission is \$10.

Call (714)738-6545. Information in Spanish is available at (714) 738-3338.



CRLA



EDUCATION WEEK

WEDNESDAY, APRIL 9, 2003

Calif. Judge: State Can't Bar Bilingual Classes From Grants

By **Kathleen Kennedy Manzo**
EDUCATION WEEK

Rules Modified

A California judge has issued a preliminary injunction that orders the state—at least for now—to allow local bilingual education programs to qualify for federal reading grants.

Under current state policy, bilingual education programs essentially are barred from receiving some of the \$133 million in Reading First grants that go to California from the U.S. Department of Education.

The April 1 decision came in response to a lawsuit filed last month by parents of students in bilingual education programs. They argued that the Reading First grants were intended to help schools with large numbers of English-learners and other students at risk of academic failure.

After receiving the federal grant earlier this year, the California state board of education voted to use the money only for classes that teach the state's English-only reading curriculum. That rule, the lawsuit charged, unfairly disqualified bilingual classrooms, in which reading lessons are generally taught in students' native languages.

In 1998, California voters approved Proposition 227, a law that curbs bilingual education, but permits bilingual classes for students whose parents request waivers.

The state Reading First guidelines initially stated that schools with bilingual classes were ineligible for the money, which is used for teacher training and curriculum materials. After a clarification from a state reading committee, the state board issued new rules. While the rules allowed those schools to apply for the grants, they prevented the money from being used in bilingual classrooms.

Lawyers for the plaintiffs argued that the state board drafted the grant-eligibility rules behind closed doors and approved them without the required public input.

Superior Court Judge Ronald Evans Quidachay told state officials to stop enforcing the funding ban, and to notify school districts that the deadline to apply for the grants would be extended until April 16.

Now, many districts "will have the opportunity to receive funding that will enable them to train the teachers of some of the neediest children in the state," said Deborah Escobedo, a lawyer with Multicultural, Education, Training and Advocacy, an advocacy group for immigrant parents that represented the plaintiffs.

State officials defended the requirement, saying it was intended to ensure that all students are prepared for state reading tests in English beginning in the 3rd grade. The state board could decide at its meeting this week whether to appeal.

*NOTE FROM CRLA'S EXECUTIVE DIRECTOR:

The case Pazmino v. California Board of Education was co-counseled with a number of programs including META. CRLA's Education priority emphasizes advocacy that will impact the K-12 schooling of language minority and other low-income students.

Daily Journal

THURSDAY, JULY 17, 2003

Grape Pickers' Suit Bears Fruit

Workers Need Not Taste Dusty, Pesticide-Sprayed Crops



Attorney Arturo Rodriguez is suing Coachella Valley vineyard Richard Bagdasarian Inc. on behalf of farmworkers who claim they were forced to

By Jason W. Armstrong
DAILY JOURNAL STAFF WRITER

INDIO — As a worker at one of the Coachella Valley's largest vineyards, Maria Leticia Banda used to suffer headaches, internal ailments and numb lips from being forced to eat dozens of unwashed grapes a day, she says.

So Banda joined with four colleagues and sued, claiming that their boss caused the problems by ordering them to taste the dusty, pesticide-sprayed grapes to test for ripeness and sweetness.

Banda and other workers say their legal tactic has borne fruit.

"It is better to work there now", Banda said earlier last month after a day of toiling in a field owned by Richard Bagdasarian Inc. near Indio in the Coachella Valley.

Banda said the grower no longer requires that she and the company's other 1,300 harvesters taste its grapes. Not only that, she said, the company allows more breaks, another point of contention in the suit.

The reason conditions have improved, Banda said, is that a court ordered Bagdasarian in a May preliminary injunction to refrain from making workers eat the fruit or deny them breaks.

Bagdasarian has denied any wrongdoing. The company has vowed to litigate the grape-tasting assertions and the suits' other allegations when the case goes to trial in February.

"We have quite a bit of evidence supporting our case that (the allegations) never happened," said Bagdasarian lawyer Joseph E. Herman, a Los Angeles attorney who represents management in labor matters. "A lot of employees deny that any of this ever happened."

Other growers support the farm saying they had never used nor even heard of the taste-testing procedure.

But some field workers employed by 50-year old Bagdasarian, as well as officials with the Coachella Valley chapter of United Farm Workers, said that the tasting

procedure was widespread. Growers stopped the procedure only after the suit was filed, the workers said.

Bagdasarian "hasn't forced workers to taste grapes for about a year," said Gustavo Mendoza, who has worked for the company for four seasons and was not a plaintiff on the complaint, which was filed a year ago.

"Things have changed since the lawsuit," Mendoza, 44, said through an interpreter while picking large clusters of "Flame Seedless" grapes in one of Bagdasarian's expansive fields.

Mendoza works for Bagdasarian from May through July—peak harvest time for table grapes, which are grown for consumption rather than wine.

Later in the summer, he moves to grape fields near Temecula, he said. Then he spends time with his family in Mexico, where he sends most of his earnings.

Until last year, Mendoza said, foremen in the fields told him and other workers to

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Grape Pickers' Suit Bears Fruit

Continued

taste grapes to check the crops' ripeness and sweetness. He said he commonly ate 50 to 60 unwashed grapes a day.

"It was part of the job," Mendoza said, dabbing beads of sweat dripping from a tattered headband he uses as a shield from the blazing sun.

"I have worked for other (table grape) growers in this area," he said, "and they had the same practice for their employees."

Gustavo Aguirre, a representative of United Farm Workers in Coachella, agreed. He said several growers who pressured harvesters to eat the grapes quit doing so after getting wind of the lawsuit against Bagdasarian.

"When this company was sued," Aguirre said, "(other growers) started changing their ways."

Most of the dozen table grape growers in the region did not return phone calls for comment or declined to comment, but those who did respond disputed the allegation of forced taste testing.

"It was never a requirement at all," said another Bagdasarian lawyer, Dawn M. Swajian, who is with Palm Desert's Swajian & Swajian.

Mike Aiton, senior vice president of sales and marketing at Sun World International, called claims in the lawsuit "frivolous."

The growers, he said, use a refractometer to measure the sugar content of grapes.

"Grapes here are federally inspected," Aiton said. "There is a science to sugar level (in grapes) that is more accurate than the taste bud."

Sun World, a table grape grower in Coachella that also farms produce in Bakersfield, grows 75 varieties of fruits and vegetables. It employs 2,000 workers during peak harvest season, Aiton said.

Fred Berry, acting president of the California Grape & Tree Fruit League in Fresno, said the grape-tasting charges were new to him.

The nonprofit agricultural trade associa-

tion represents 85 percent of the deciduous tree fruit and table grapes grown for consumption in the state.

"I've never heard of anything that remotely resembles this sort of situation," Berry said.

Lawsuit plaintiffs Banda, 52, who is a Mexico native and 18-year Bagdasarian employee, Maria Eva Estrada, Cecilio Banda and Mercedes Ramirez Moreno all complained of headaches, stomach aches and dizziness that they believed came from eating unwashed grapes at Bagdasarian.

"I felt weak all the time," said Cecilio Banda, 30, Maria Leticia Banda's son.

Arturo Rodriguez, a [California Rural Legal Assistance Inc.](#) lawyer who filed the suit on behalf of the workers, said the harvesters might have become ill from pesticides sprayed on grapes and vines.

"The grapes also get covered with bird feces, dirt and other grime," Rodriguez said.

A spokesman for the riverside County office of the agricultural commissioner said he doubts that chemicals applied to the fields made the workers sick.

Charles Kregl, an agricultural standard investigator for the agricultural commissioner's office, said Bagdasarian sprays the weed killer glyphornax on the ground around the grapevines several times a month during the harvest in May, June and July. The herbicide can cause irritation to the eyes and skin Kregl said.

The company also sprays bayleton on the grapes and vines before the harvest.

The fungicide is rated as toxic but dissipates over time, Kregl said. People aren't supposed to enter a field sprayed with bayleton for 12 hours after an application. Kregl said the chemical can be applied no later than 14 days before the harvest.

Last year, Kregl said, Bagdasarian sprayed bayleton in several of its fields, with the final application on April 27, two weeks before the harvest began.

Rodriguez maintained that leftover residue from the fungicide could have contributed to the ailments of some workers who ate

unwashed grapes.

Kregl acknowledged the possibility but said it's "probably unlikely" that pesticides caused the workers to get sick.

Bagdasarian's lawyer Herman, who is a Los Angeles sole practitioner, said the lawsuit "isn't about pesticide use."

"There is no allegation in the complaint that the company used (a pesticide) in an unlawful manner," Herman said. "The company is in complete compliance with every state and federal law and regulation as to agricultural chemicals."

Rodriguez said harvesters began complaining to him about having to eat unwashed grapes 15 years ago. But most were reluctant to take their complaints to a higher level, he said.

"They were afraid of losing their jobs," Rodriguez said.

The Coachella Valley sprawls across eastern Riverside County and is home to a dozen table grape farms that rely on irrigation and pesticides to coax high yields out of the arid land.

Migrant workers who mostly are from Mexico descend on the valley each spring to harvest table grapes in a region that produces 10 percent of the state's crop.

The other 90 percent comes from the central San Joaquin Valley, which extends from Bakersfield north to Madera, industry officials said.

Harvesters typically get minimum wage plus bonuses based on productivity. The extra pay ranges from 10 cents to 30 cents a box, Rodriguez said.

The workers' complaint against Bagdasarian also contends they were bilked out of thousands of dollars in overtime pay. *Banda v. Richard Bagdasarian Inc.*, INC029768 (Riverside County Super. Ct., filed 2002).

The action seeks unspecified damages. It is scheduled to be tried in February before Riverside Superior Court Judge Christopher J. Sheldon.



APPEAL-DEMOCRAT Marysville-Yuba City, California

FRIDAY, JUNE 27, 2003

Yuba starts housing update

Low-income, minority issues raised

By Harold Kruger
APPEAL-DEMOCRAT

If they're talking about housing plans in Yuba County, chances are Ilene Jacobs will be there.

Jacobs battled county officials in the 1990s, suing them to ensure they didn't lose sight of affordable housing as they dreamed of upscale homes for executives.

County officials again are discussing housing. They have to update the county's Housing Element - the key chapter in the county's General Plan.

Wednesday night, the Board of Supervisors and the Planning Commission met together to hear from Jeffrey Goldman, their Housing Element consultant.

Jacobs, a California Rural Legal Assistance lawyer, was there too, reminding officials of the legal wars of the 1990s and how they still are relevant today, especially as houses begin to sprout in the Plumas Lake Specific Plan area.

"I am curious about your schedule, as well as the inventory of adequate sites for affordable housing," Jacobs said.

She wanted to know if interpreters would be present for the community meetings that will be held in the Housing Element process.

Supervisor Mary Jane Griego also emphasized the importance of community involvement.

"We have a large ethnic community in this county, such as Hmong and Hispanics," she

said. "We need to be real creative to get spokespersons for those groups to interact. I think it's important for the board and the county to go to every (supervisory) district."

Supervisor Hal Stocker asked if the county has any say in the type of housing built in the Plumas Lake area.

"As far as cost, no," replied Jim Manning, Community Development director.

Jacobs then gave officials a history refresher course.

"The Plumas Lake Specific Plan was the subject of litigation," she said. "There is a court order that covers some of the questions of affordability. You need to take a look at that."

Jacobs filed the Plumas Lake lawsuit in December 1993, alleging that the county's then-Housing Element violated state law and that the Plumas Lake plan, which calls for about 12,000 homes, would reduce the land available to build affordable housing.

"Providing affordable housing for minorities and for very low-income people is the last thing the county appears interested in doing because it seems the county would prefer to have people living in the county who are not (now) living in the county," Jacobs said a decade ago.

"They would rather have a county made up of wealthier people, when in fact the county population is substantially made up of very low-income and minority people who are

inadequately housed and who the county is required to plan for and doesn't when it comes to housing."

During Wednesday night's meeting, Supervisor Dan Logue told Jacobs she's "done a great job," but "sometime down the road you have to tell the taxpayers enough is enough."

Logue said he was concerned that too much government regulation and interference in the housing market will stifle development.

"If interest rates go up, the bottom could fall out of the market," Logue said. "I don't want to kill the goose that laid the golden egg. The thing that makes the market go is supply and demand. Any time government gets involved, it screws it up."

He said 70 percent of the housing stock in Linda is low income.

"It is important to remember it is the subsidized housing programs that have put the best quality housing into many areas of the county, including Linda," Jacobs said.

Yuba County has "a lot of affordable housing, but the health of that housing is deteriorating," said Griego. "Rents are skyrocketing. ... The big picture here is we improve our affordable housing. Most of it is substandard. There's a way for all of us to address all of the segments of income in our community."

Yuba County "over the last

AT A GLANCE

► Cotton/Bridges/Associates in Sacramento will prepare Yuba County's updated Housing Element. A draft is expected to be released in September, said Jeffrey Goldman, a principal with the firm.

► The Housing Element will cover the county's policies and needs through 2007. Marysville and Wheatland prepare their own Housing Elements.

► Goldman can be reached via e-mail at jeffg@cbaplanning.com or by calling (916) 649-0196. His firm's Web site is www.cbaplanning.com

► For more information about Housing Elements, go to the state Housing and Community

30 years has been known as a starter community," said Supervisor Don Schrader. "Once those houses appreciate enough, they sell it and move to Sutter County or move to Nevada County. We have to provide the same housing. We are basically a starter-home community. We've got to attract the type of housing, the upper-income housing, as well as low-income housing."

STAR Oxnard and Port Hueneme

SATURDAY, JUNE 21, 2003

Languages complicate health care *County has only two translators for Mixteco Indians*

By Sylvia Moore
smoore@insiders.com

When Celia Reyes arrived at the Ventura County Medical Center earlier this year complaining of numbness and paralysis in her legs, she couldn't understand anything the doctors and nurses told her.

Reyes doesn't speak English or Spanish. She is Mixteco Indian from the state of Oaxaca, Mexico. Her language is Mixteco Bajo. Her husband, Gaudencio Diaz, understands some Spanish and translated for her. California Rural Legal Assistance says the couple should have been provided with a Mixteco interpreter as soon as Reyes was admitted.

Some 7,000 to 10,000 Oaxacan immigrants live in Ventura County, many of them farmworkers. Most speak Mixteco Alto o Bajo. A smaller number speak other indigenous languages, such as Zapoteco, Trique and Piurhepecha. The county has two Mixteco interpreters, who work for the Las Islas Family Medical Clinic in Oxnard. Rural Legal Assistance says that's not enough.

The lack of adequate translation services for people who don't speak major immigrant languages such as Spanish, Chinese and Vietnamese is a problem in Ventura County and throughout the state and nation, according to Jeffrey Ponting, a lawyer for the organization's Indigenous Farmworker Project in Oxnard.

"This community is isolated linguistically and culturally," Ponting said of the Mixteco community. "They don't believe they're going to get help provided in their language, and as a consequence, they don't go get help."

Rural Legal Assistance, which has been acting in behalf of the couple, wrote a letter to the Board of Supervisors May 27 accusing the county of violating their civil rights by not providing adequate interpretive services. Ponting said the couple are shy and declined to be interviewed.

Mike Powers, the county hospital administrator, said he is aware of the couple's



Sofia Gonzales, above, Primitivo Mauro Reyes, 3 months, and Primitivo Reyes listen to the discussion at the Mixteco/Indigena

complaint and would investigate. He insisted the hospital is complying with state and federal law. Powers said he was not aware of any situation in which a patient received improper care because of a translation problem. He said many Oaxacan patients also speak Spanish.

"We are very sensitive to our non-English-speaking patients" he said. "The mission of the hospital is access, and we have to have interpretive services available, which is necessary for proper care."

County Supervisor, John Flynn, who represents Oxnard, said the issue deserved high priority.

"If they are big users of health services, they need to have a translator," Flynn said. "If it's a problem, we need to address it."

Ponting said Reyes needed a Mixteco translator who could explain her diagnosis and medication. He said she couldn't walk, but he couldn't say whether her condition was made worse by the language barrier. It's still not clear what she is suffering from, he said.

"I couldn't say yes or no whether she was physically harmed," he said. "Was she emotionally harmed? I would say yes."

Ponting said it was unfair of the hospital to use Reyes' husband as an interpreter.

"If they don't get the same access to services that I get, they're not getting access and they're being unlawfully denied equal access," he said.

That perception prompted employees at Las Islas Family Medical Clinic 2-1/2 years

ago to start an organization to address the rising number of Oaxacan farmworkers immigrating to the county.

"I realized all the patrons here weren't getting the services they needed because they didn't have access to them," nurse practitioner Sandra Young observed. "We decided we wanted to do something about that."

In 2000, Young, Mixteco interpreter Catalina Navarette, prenatal outreach nurse Elvia Guizar and others started the Mixteco/Indigena Community Organizing Project. The organization holds meetings for Oaxacan farmworkers and their families once a month to discuss such topics as education, nutrition, prenatal care, domestic violence and legal issues. The meetings are conducted in Mixteco and Spanish. Literacy classes are held each week in Spanish and English, classes are offered for those who request them.

"I really think we have accomplished a lot with this population," said Guizar, the Mixteco project's public health adviser.

Guizar said she is writing a grant requesting \$500,000 from The California Endowment, a private, statewide health foundation that focuses on improving health-care access. She said the Mixteco Organizing Project and the Mexican consulate would use the money to train at least 30 people in the Mixteco community as lay health-care advocates. These advocates would be taught how to translate health-care issues and medical terms into the Mixteco language.

"When you communicate with people, you are saving money because you are able to intervene before someone is critically ill," said Young, president of the Mixteco Organizing Project.

Ponting praised the group's efforts and said his organization hopes to work with the county on increasing interpretive services.

"I think it's a good step that's being taken by the county," he said.

GRI-A



Slant

P O E M B Y J U A N D E L G A D O

The hissing of onion rings called him,
But he sat on the wet tiles instead.
The orders whirled on the stainless-steel wheel,
And a waitress from across the kitchen yelled:
“What’s he doing on the floor like that?”

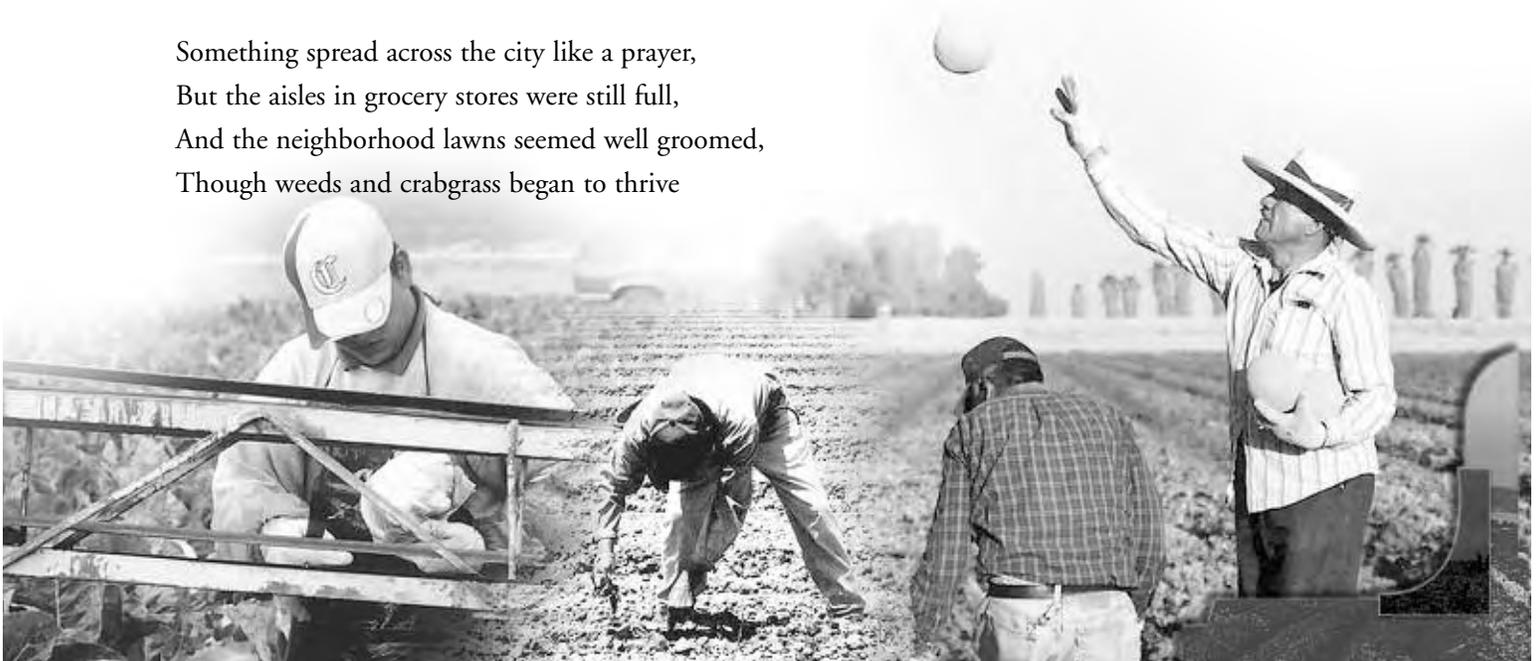
Across town a family of pickers also sat
While a school bus of field hands drove by.
They too were finished with crop picking.

When the factory workers elected to stop,
They didn’t know what to do with their hands.
Some put them in their pockets, others propped
Their heads, a few stared at their palms,
Which made the foreman nervous, prompting him
To run into his office and hide behind a cabinet.

Something spread across the city like a prayer,
But the aisles in grocery stores were still full,
And the neighborhood lawns seemed well groomed,
Though weeds and crabgrass began to thrive

Some people imagined more trash on the sidewalks.
Yet there was no earthquake or great fire of change.
Only the smallest tilting of the day could be sensed.

The price of fruit stayed the same for now.
The children of migrants stayed in their rooms.
The school nurse reported no nosebleeds.
Two bakeries didn’t flip their signs to “Abierto.”
The tortillas, pale and sweaty, were not delivered.
No one would be taking tickets at the theater.
The new off-ramp would stay closed a little longer.
On that first day nothing really big happened
That one could say was out of the ordinary.



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Music, Food & Awards

CRLA'S ORANGE COUNTY COMMUNITY SERVICE AWARDS EVENT & CRLA'S ANNUAL SAN DIEGO TARDEADA EVENT

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