



EQUAL JUSTICE SOCIETY  Wilson Sonsini Goodrich & Rosati  
PROFESSIONAL CORPORATION

**FOR IMMEDIATE RELEASE**

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**APPELLATE COURT RULES STUDENTS MAY SUE STATE OF CALIFORNIA**

*State Superintendent and the California Department of Education May Be Sued for Failing to Intervene When Districts Engage in Discriminatory Discipline Practices*

**Fresno, CA.** A California Court of Appeals ruled Tuesday that students and community organizations may sue the State of California, through the Superintendent of Public Instruction, for failing to monitor and hold school districts accountable for discriminatory suspension, expulsion or transfer practices.

[The ruling](#) by the California Court of Appeals for the Fifth Appellate District in *Collins v. Torlakson* (Case No. F075781), reverses a Kern County Superior Court decision dismissing the State Superintendent from a lawsuit filed in October 2014 by California Rural Legal Assistance, MALDEF (Mexican American Legal Defense and Educational Fund), Greater Bakersfield Legal Assistance, Equal Justice Society, and pro bono counsel Wilson, Sonsini, Goodrich & Rosati.

The plaintiffs are 14 current and former KHSD students and their parents and three nonprofit organizations: the Dolores Huerta Foundation, the National Brotherhood Association and Faith in the Valley Kern.

The lawsuit alleges that the State Superintendent and the California Department of Education (CDE) violated the California State Constitution when they failed to take action regarding Kern High School District (KHSD) suspension, expulsion and school transfer policies that discriminated against African American and Latino students.

The Court of Appeals decision rejects the Superintendent's argument that he and the State of California have no duty to act when presented with evidence of discriminatory exclusion of students from the general education setting. The court also concluded that the State has a duty to

monitor whether or not school districts are complying with federal and state anti-discrimination laws and that they may be sued when they fail to do so.

“This is a long-needed affirmation of what we all know to be true, the State of California may not sit back and do nothing in the face of discriminatory practices by school districts that push students of color out of the classroom,” said Cynthia L. Rice, lead counsel for the Plaintiffs and Director of Litigation, Advocacy & Training for California Rural Legal Assistance, Inc., “We welcome the opportunity to meet with Superintendent Thurmond to discuss how CDE will address its duty under the law.”

“The state of California has always had a moral duty and, this court ruling confirms, also a legal duty to make real the promises in both federal and state law of equal educational opportunity for all,” said Thomas A. Saenz, MALDEF president and general counsel. “Sixty-five years after *Brown v. Board*, this is a critical holding for California’s public school students.”

The goal of the lawsuit was to correct the school district’s disciplinary practices, to eliminate the disproportionate suspensions of students of color, to foster a safe environment with effective disciplinary responses, and to improve student educational access.

“The State contributes to the problem by failing to hold school districts accountable when there is clear evidence that practices are hurting students of color. The Court of Appeals decision makes it clear that the State must act,” said Chris Bridges of the Equal Justice Society.

Other school districts around the state have discipline disparities that demonstrate these discriminatory practices continue to fill the school-to-nowhere pipeline by denying students of color classroom time.

“The Court’s decision goes a long way toward protecting students from discrimination by ensuring the State of California and State Superintendent of Public Instruction cannot ignore discrimination by local school districts,” said Lyndsi Andreas of Greater Bakersfield Legal Assistance, Inc.

Plaintiffs and KHSD, a separate defendant in this lawsuit, reached a landmark settlement in which KHSD officials agreed to comprehensive changes to its disciplinary policies. That settlement is still in effect and a community meeting will be held on September 4, 2019 to hear from parents and students about whether the district is complying with the settlement.

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**CALIFORNIA RURAL LEGAL ASSISTANCE, INC.**

Founded in 1966, CRLA’s mission is to fight for justice and individual rights alongside the most exploited communities of our society. Through a network of regional offices and cross-cutting programs, CRLA provides legal services to nearly 50,000,000 low-income people annually. Our work impacts farmworkers, individuals with disabilities, immigrant populations, LGBT communities, women, children and families in rural areas. For more information on CRLA, please visit: [www.crla.org](http://www.crla.org).

**EQUAL JUSTICE SOCIETY**

The Equal Justice Society is transforming the nation’s consciousness on race through law, social science, and the arts. Led by President Eva Paterson, our legal strategy aims to broaden conceptions of present-day discrimination to include unconscious and structural bias by using social science, structural analysis, and real-life experience. Currently, EJS targets its advocacy efforts on school discipline, special education, and the

school-to-prison pipeline, race-conscious remedies, and inequities in the criminal justice system. The Oakland, Calif.-based nonprofit also engages the arts and artists in creating work and performances that allow wider audiences to understand social justice issues and struggles. For more information, please visit [www.equaljusticesociety.org](http://www.equaljusticesociety.org).

**GREATER BAKERSFIELD LEGAL ASSISTANCE, INC**

Founded in 1968, GBLA's mission is to promote social change and justice by providing high-quality legal services to the low-income community of Kern County, California. GBLA assists clients in the areas of housing and homelessness, domestic violence, guardianship, children and family services, health law, consumer law, and others. For more information on GBLA, please visit: [www.gbla.org](http://www.gbla.org).

**MALDEF**

Founded in 1968, MALDEF (Mexican American Legal Defense and Educational Fund) is the nation's leading Latino legal civil rights organization. Our commitment is to protect and defend the rights of all Latinos living in the United States and the constitutional rights of all Americans. For more information, please visit [www.maldef.org](http://www.maldef.org).