

# SUMMONS (CITACION JUDICIAL)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

KERN HIGH SCHOOL DISTRICT; BOARD OF TRUSTEES OF KHSD;  
(Continued on Attachment)

## YOU ARE BEING SUED BY PLAINTIFF:

### (LO ESTÁ DEMANDANDO EL DEMANDANTE):

ARLENE SANDERS, RUBY WATSON, PATRICIA CRAWFORD,  
MARIO RAMIREZ, JUAN MORAN, (Continued on Attachment)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

# RECEIVED

OCT 09 2014

SUPERIOR COURT  
METROPOLITAN DIVISION  
COUNTY OF KERN

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California, County of Kern  
1415 Truxtun Avenue  
Bakersfield, CA 93301

CASE NUMBER: (Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Sahar Durali  
601 High Street, Suite C  
Delano, CA 93215

California Rural Legal Assistance, Inc  
(661) 725-4350

DATE: 10/9/2014

(Fecha)

Clerk, by

(Secretario)

, Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

### NOTICE TO THE PERSON SERVED: You are served

- ☒ as an individual defendant.
- ☒ as the person sued under the fictitious name of (specify):

- ☐ on behalf of (specify):

under:

- ☐ CCP 416.10 (corporation)
- ☐ CCP 416.20 (defunct corporation)
- ☐ CCP 416.40 (association or partnership)
- ☐ other (specify):

- ☐ CCP 416.60 (minor)
- ☐ CCP 416.70 (conservatee)
- ☐ CCP 416.90 (authorized person)

- ☐ by personal delivery on (date):

|                                                        |                     |
|--------------------------------------------------------|---------------------|
| <b>SHORT TITLE:</b><br>Sanders, et al. v. KHSD, et al. | <b>CASE NUMBER:</b> |
|--------------------------------------------------------|---------------------|

**INSTRUCTIONS FOR USE**

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☒ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

CHAD VEGAS, MIKE WILLIAMS, MARTHA MILLER, BRIAN BATEY, in their official capacity as members of KERN HIGH SCHOOL DISTRICT BOARD OF TRUSTEES; BRYON SCHAEFER, in his official capacity as Superintendent of the KERN HIGH SCHOOL DISTRICT; KERN COUNTY OFFICE OF EDUCATION; CHRISTINE LIZARDI FRAZIER, in her official capacity as Kern County Superintendent of Schools; the STATE OF CALIFORNIA; TOM TORLAKSON, in his official capacity as STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; and the CALIFORNIA DEPARTMENT OF EDUCATION

**ADDITIONAL PARTIES ATTACHMENT**

Attachment to Summons

Arlene Sanders, et al.

|                                                        |                     |
|--------------------------------------------------------|---------------------|
| <b>SHORT TITLE:</b><br>Sanders, et al. v. KHSD, et al. | <b>CASE NUMBER:</b> |
|--------------------------------------------------------|---------------------|

**INSTRUCTIONS FOR USE**

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- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☒ Plaintiff
 ☐ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

VIRGINIA MELCHOR, ISIDRO LARRALDE, GABRIEL ELDER, CARMEN RAMIREZ, LORI DE LEON,  
 DOLORES HUERTA FOUNDATION, THE NATIONAL BROTHERHOOD ASSOCIATION, and FAITH IN  
 ACTION KERN COUNTY

|                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                  |                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><b>Sahar Durali 292793</b><br><b>California Rural Legal Assistance, Inc.</b><br><b>601 High Street, Suite C</b><br><b>Delano, CA 93215</b><br>TELEPHONE NO.: (661) 725-4350 FAX NO.: (661) 725-1062<br>ATTORNEY FOR (Name): <b>Arlene Sanders, et. al.</b> |                                                                                                                                                                                                  | FOR COURT USE ONLY<br><br><b>RECEIVED</b><br><br><b>OCT 09 2014</b><br><br><b>SUPERIOR COURT</b><br><b>METROPOLITAN DIVISION</b><br><b>COUNTY OF KERN</b> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Kern</b><br>STREET ADDRESS: <b>1415 Truxtun Avenue</b><br>MAILING ADDRESS: <b>Same</b><br>CITY AND ZIP CODE: <b>Bakersfield, CA 93301</b><br>BRANCH NAME: <b>Metropolitan Division</b>                                                                                                       |                                                                                                                                                                                                  |                                                                                                                                                           |
| CASE NAME: <b>Arlene Sanders, et al. v. Kern High School District, et al.</b>                                                                                                                                                                                                                                                           |                                                                                                                                                                                                  |                                                                                                                                                           |
| <b>CIVIL CASE COVER SHEET</b><br><input checked="" type="checkbox"/> <b>Unlimited</b><br>(Amount demanded exceeds \$25,000)<br><input type="checkbox"/> <b>Limited</b><br>(Amount demanded is \$25,000 or less)                                                                                                                         | <b>Complex Case Designation</b><br><input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b><br>Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) | CASE NUMBER:<br><br>JUDGE:<br><br>DEPT.:                                                                                                                  |

*Items 1-6 below must be completed (see instructions on page 2).*

1. Check one box below for the case type that best describes this case:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Auto Tort</b><br><input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46)<br><br><b>Other P/VPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b><br><input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input type="checkbox"/> Other P/VPD/WD (23)<br><br><b>Non-P/VPD/WD (Other) Tort</b><br><input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-P/VPD/WD tort (35)<br><br><b>Employment</b><br><input type="checkbox"/> Wrongful termination (36)<br><input type="checkbox"/> Other employment (15) | <b>Contract</b><br><input type="checkbox"/> Breach of contract/warranty (06)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37)<br><br><b>Real Property</b><br><input type="checkbox"/> Eminent domain/inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26)<br><br><b>Unlawful Detainer</b><br><input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38)<br><br><b>Judicial Review</b><br><input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input checked="" type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | <b>Provisionally Complex Civil Litigation</b><br>(Cal. Rules of Court, rules 3.400-3.403)<br><input type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)<br><br><b>Enforcement of Judgment</b><br><input type="checkbox"/> Enforcement of judgment (20)<br><br><b>Miscellaneous Civil Complaint</b><br><input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42)<br><br><b>Miscellaneous Civil Petition</b><br><input type="checkbox"/> Partnership and corporate governance (21)<br><input type="checkbox"/> Other petition (not specified above) (43) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Large number of separately represented parties<br>b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve<br>c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses<br>e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court<br>f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **Ten**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 10/9/2014

Sahar Durali

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

### NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)-Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) *(If the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability *(not asbestos or toxic/environmental)* (24)  
Medical Malpractice (45)  
Medical Malpractice-Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

## Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice *(not medical or legal)*  
Other Non-PI/PD/WD Tort (35)

## Employment

Wrongful Termination (36)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract *(not unlawful detainer or wrongful eviction)*  
Contract/Warranty Breach-Seller Plaintiff *(not fraud or negligence)*  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case-Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage *(not provisionally complex)* (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) *(If the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ-Administrative Mandamus  
Writ-Mandamus on Limited Court Case Matter  
Writ-Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal-Labor  
Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment *(non-domestic relations)*  
Sister State Judgment  
Administrative Agency Award *(not unpaid taxes)*  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint *(not specified above)* (42)  
Declaratory Relief Only  
Injunctive Relief Only *(non-harassment)*  
Mechanics Lien  
Other Commercial Complaint Case *(non-tort/non-complex)*  
Other Civil Complaint *(non-tort/non-complex)*

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition *(not specified above)* (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief from Late Claim  
Other Civil Petition

**RECEIVED**

OCT 09 2014

SUPERIOR COURT  
METROPOLITAN DIVISION  
COUNTY OF KERN

1 SAHAR DURALI (SBN 292793)  
2 CALIFORNIA RURAL LEGAL ASSISTANCE, INC.  
3 601 High Street, Suite C  
4 Delano, CA 93215  
5 Telephone: (661) 725-4350  
6 Facsimile: (661) 725-1062  
7 sdurali@crla.org

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8 LILLIAN MAY MARSHALL-BASS (SBN 264806)  
9 LYNDSEI ANDREAS (SBN 277235)  
10 GREATER BAKERSFIELD LEGAL ASSISTANCE, INC.

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Attorneys for Plaintiffs/Petitioners, Gabriel Elder,  
Carmen Ramirez, Mario Ramirez, Isidro Larralde,  
Arlene Sanders, Ruby Watson and Patricia Crawford

13 Additional Counsel Listed on the following page

14 KERN COUNTY SUPERIOR COURT  
15 CIVIL DIVISION

16 ARLENE SANDERS, RUBY WATSON,  
17 PATRICIA CRAWFORD, MARIO RAMIREZ,  
18 JUAN MORAN, VIRGINIA MELCHOR,  
19 ISIDRO LARRALDE, GABRIEL ELDER,  
20 CARMEN RAMIREZ, LORI DE LEON,  
21 DOLORES HUERTA FOUNDATION, THE  
22 NATIONAL BROTHERHOOD ASSOCIATION,  
23 and FAITH IN ACTION KERN COUNTY,

Petitioners/Plaintiffs,

24 vs.

25 KERN HIGH SCHOOL DISTRICT, BOARD OF  
26 TRUSTEES OF KHSD, CHAD VEGAS, MIKE  
27 WILLIAMS, MARTHA MILLER, BRIAN  
28 BATEY, in their official capacity as members of  
KERN HIGH SCHOOL DISTRICT BOARD OF  
TRUSTEES, BRYON SCHAEFER, in his official  
capacity as Superintendent of the KERN HIGH

Case No.:

**COMPLAINT AND PETITION  
FOR WRIT OF MANDATE**

1 SCHOOL DISTRICT, KERN COUNTY  
2 OFFICE OF EDUCATION, CHRISTINE  
3 LIZARDI FRAZIER, in her official capacity as  
4 Kern County Superintendent of Schools, the  
5 STATE OF CALIFORNIA, TOM TORLAKSON,  
6 in his official capacity as STATE  
7 SUPERINTENDENT OF PUBLIC  
8 INSTRUCTION and the CALIFORNIA  
9 DEPARTMENT OF EDUCATION,

Respondents/Defendants.

---

**ADDITIONAL COUNSEL FOR PLAINTIFFS/PETITIONERS**

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MARTHA L. GOMEZ (SBN 274024)  
MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND  
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Dolores Huerta Foundation, the National Brotherhood Association,  
and Faith in Action Kern County

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Attorneys for Plaintiffs/Petitioners, Gabriel Elder,  
Carmen Ramirez, Mario Ramirez, Isidro Larralde,  
Arlene Sanders, Ruby Watson and Patricia Crawford

## INTRODUCTION

1. KERN HIGH SCHOOL DISTRICT ("KHSD" or "District") is a Kern County school district located in California's Central Valley. It has a racially and ethnically diverse school population that includes 6.3% African-American students and 62% Latino students. Over the last five years that student population has been subjected to discipline and school assignment policies that have made it far more likely than the general school population for African-American and Latino students to be suspended, expelled, and assigned to alternative schools. In 2009-10, KHSD reported 2,205 expulsions, the highest actual number of expulsions in the State of California for a school district, even when compared to far larger school districts such as Los Angeles Unified School District. In that year, as a result of expulsion and other school assignment practices, 4% of Latino students and 4% of African-American students were taken out of their local school and assigned to alternative schools operated by KHSD while only 2% of White students were assigned to such schools. Students at these alternative schools have far fewer academic and extracurricular activities, are less likely to be taught by a qualified or highly qualified teacher, and have limited access to the courses necessary to enroll in California universities. As a result, these students also have disproportionately higher dropout rates and lower graduation rates.

2. The U.S. Department of Education Office of Civil Rights issued a report that included information about the 2009-10 expulsion and suspension rates for KHSD and other districts around the nation. The dramatic disparities between KHSD and other districts' expulsion and suspension rates for Latinos and African-Americans were the subject of press stories, public fora and legislative hearings. Plaintiffs/Petitioners believe and empirical research conducted by social scientists from leading universities suggests that such disparities are in part the result of

1 intentional discrimination, implicit bias, implicit associations, stereotype threat, racial anxiety,  
2 the effects of in-group preferences, and the use of negative stereotypes.

3 3. After KHSD was subjected to public scrutiny and criticism regarding the discriminatory  
4 impact of its policies and practices, KHSD failed to report expulsion and suspension information  
5 for 2011-12 in a manner that was disaggregated by race/ethnicity and nature of offense, although  
6 required to do so by California law. Educ. Code §§ 48900.8, 48916.1. KHSD then reported a  
7 dramatic reduction in the number of expulsions reporting 256 expulsions in that 2012-13 and a  
8 reported 80 expulsions in 2013-14. These reductions did not appear to reflect any change in the  
9 disparate effect of the expulsion policies, and in 2012-13, the last year for which disaggregated  
10 data is available, 56.6 % of Latino students were expelled (compared to 60.5% in 2009-10),  
11 21.9% of African-American students were expelled (compared to 14.5% in 2009-10), and 17.9%  
12 of the White student population was expelled (compared to 22.7% in 2009-2010). Moreover, the  
13 number of African-American and Latino students disproportionately enrolled in alternative  
14 schools saw no significant decrease. As in 2009 10.4% of African-American and 4% of Latino  
15 students enrolled in the district were assigned to KHSD operated alternative schools in 2013-14.  
16 This does not include the number or percentages of KHSD students who were involuntarily  
17 assigned to alternative schools operated by the Kern County Office of Education ("KERN  
18 COE") as that data is not publicly reported. It also does not include students who  
19 Plaintiffs/Petitioners are informed and believe are characterized as "voluntary transfers" who had  
20 no option but to accept a voluntary transfer or assignment to independent study if they wanted to  
21 be enrolled in school. However, the data that is available clearly shows that African-American  
22 and Latino students in KHSD are still more likely to be pushed out of their schools and into  
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1 inferior educational environments that reduce the likelihood of their academic success and  
2 subsequent post graduate opportunities.

3 4. The discipline and involuntary transfer policies of KHSD have resulted in a pattern that  
4 has been nationally studied and described as the "School-to-Prison Pipeline" – characterized as  
5 the use of educational policies and practices that have the effect of pushing students, especially  
6 students of color and students with disabilities, out of schools and into the juvenile and criminal  
7 justice system. Education research has shown that punitive school discipline policies are more  
8 harmful towards vulnerable student populations than they are effective in correcting student  
9 misbehavior. Students who receive harsh discipline and are transferred out of a general school  
10 setting are also more likely to dropout, less likely to graduate on time, if at all, and are less likely  
11 to attend or complete college or post-high school vocational training. This affects their overall  
12 ability to succeed in life and is more accurately described as the "school-to-nowhere" pipeline,  
13 because while most students from alternative schools do not end up in jail, they do end up  
14 unemployed, underemployed, and in the lowest paying jobs. Student Plaintiffs/Petitioners in this  
15 action are African-American or Latino students who have similarly suffered long-term negative  
16 effects of discipline and/or involuntary transfers. Plaintiffs/Petitioners are informed and believe  
17 that other African-American and Latino students in KHSD have suffered similarly.

18 5. The State of California and KERN COE each bear responsibility under state and federal  
19 law to ensure that KHSD acts in accordance with various state and federal obligations regarding  
20 the education of students enrolled in KHSD, but have failed to take any effective action to  
21 require that KHSD develop and implement discipline and school assignment plans that  
22 ameliorate the rampant racial and ethnic disparities in the District.

1 6. The California Constitution has recognized education as a fundamental right and  
2 mandates that all children in California have equal access to a public education system. The  
3 State of California through its education policy has recognized that education is essential to  
4 preserving an individual's opportunity to compete successfully in the marketplace, despite a  
5 disadvantaged background. Equal access to an education will ensure that students are taught the  
6 skills needed to be successful and productive members of society. Expulsion and involuntary  
7 assignment out of a general school setting and into alternative schools is a denial of equal access  
8 to education because alternative schools are not designed to provide the rigorous educational  
9 program necessary to graduate, much the less enroll in college.  
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11 7. Plaintiffs/Petitioners are African-American and Latino students and parents of students,  
12 as well as community members and community organizations, who have suffered the impacts of  
13 these detrimental expulsion and school assignment policies and fought to bring equity to the  
14 KHSD system, without success. They seek judicial intervention from the court to ensure that  
15 KHSD and the other Defendants/Respondents take all steps necessary to eliminate the racially  
16 and ethnically discriminatory policies and practices that are depriving students of color an equal  
17 educational opportunity in Kern County.  
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## 20 PARTIES

### 21 PLAINTIFFS/PETITIONERS

22 8. Plaintiffs/Petitioners ARLENE SANDERS, RUBY WATSON and PATRICIA  
23 CRAWFORD are African-American parents who reside within the boundaries of KHSD. They  
24 are the parents of current or former students of KHSD who were subjected to suspensions,  
25 expulsion or involuntary transfer out of their general attendance area school and assigned to  
26 continuation schools, community schools and/or independent study by KHSD. Their  
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1 reassignments were based on the application of KHSD policies that have driven disproportionate  
2 suspension, expulsion and/or involuntary transfers of African-American and Latino students to  
3 alternative schools.

4 9. Plaintiffs/Petitioners MARIO RAMIREZ, JUAN MORAN and VIRGINIA MELCHOR  
5 are Latino parents who reside within the boundaries of KHSD. They are the parents of current or  
6 former students of KHSD, who were subjected to suspensions, expulsion or involuntary transfer  
7 out of their general attendance area school and assigned to continuation schools, community  
8 schools and/or independent study by KHSD. Their reassignments were based on the application  
9 of KHSD policies that have driven disproportionate suspension, expulsion and/or involuntary  
10 transfers of Latino and African-American students to alternative schools.  
11

12 10. Plaintiffs/Petitioners ISIDRO LARRALDE, GABRIEL ELDER and CARMEN  
13 RAMIREZ are Latinos who are current or former students of KHSD who were each subjected to  
14 suspensions, expulsion or involuntary transfer out of their general attendance area school and  
15 assigned to continuation schools, community schools and/or independent study by KHSD. Their  
16 reassignments were based on the application of KHSD policies that have driven disproportionate  
17 suspension, expulsion and/or involuntary transfers of African-American and Latino students to  
18 alternative schools.  
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20 11. Plaintiff/Petitioner LORI DE LEON is a resident and taxpayer of Kern County, in the  
21 State of California. Within the last year, Ms. de Leon has been assessed for, and is liable to pay  
22 taxes in the county in which she resides, and is also liable to pay income taxes to the State of  
23 California and the United States of America. Within a year before the commencement of this  
24 action, De Leon was assessed for, and paid taxes in the county in which she resides, and to the  
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1 State of California and the United States. De Leon also has filed a state and federal tax return  
2 during the past year demonstrating payment of those taxes.

3 12. Plaintiff/Petitioner DOLORES HUERTA FOUNDATION ("DHF") is a non-profit  
4 membership organization whose mission includes pursuing social justice through systemic and  
5 structural transformation and advocating for systemic change to ensure academic success for all  
6 students. Some of its members are parents of students or students who reside in KHSD. They  
7 are concerned about the high incidence of suspensions and expulsions, and high dropout rates of  
8 African-American and Latino students in KHSD and have participated in multiple meetings with  
9 the District to specifically address their concerns about the high incidence of suspensions,  
10 expulsions and dropout of Latino and African-American students in KHSD, but their concerns  
11 have largely been ignored by Defendants/Respondents. Since early 2014, DHF has partnered  
12 with the Kern Education Justice Collaborative ("KEJC") to engage KHSD on its discipline issues  
13 in a number of ways. DHF has attended KHSD Board of Trustee meetings, met with Board  
14 members, held several meetings with the Superintendent of KHSD and other staff members,  
15 visited local high school sites and attended a meeting with CHRISTINE LIZARDI FRAZIER,  
16 Kern County Superintendent of Schools. DHF has suggested changes to KHSD's Local Control  
17 and Accountability Plan ("LCAP") regarding its discipline policies and offered numerous  
18 suggestions about possible programs that would improve school discipline, increase parent  
19 engagement, and better serve English Learner students, low-income students, and foster students.  
20 Despite its best efforts to initiate concrete steps to reduce student suspensions, expulsions, and  
21 involuntary transfers of students, KHSD and the other Defendants/Respondents have largely  
22 ignored its requests.  
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1 13. Plaintiff/Petitioner THE NATIONAL BROTHERHOOD ASSOCIATION ("NBA") is a  
2 community based non-profit organization that works with parents and students who reside in  
3 Kern County and/or attend schools within KHSD. Its members are concerned about the large  
4 disparities in discipline carried out against students of color, as well as the educational and  
5 achievement opportunities and school climate afforded low income students, English learners  
6 and/or students in foster care who are enrolled in the KHSD. The NBA has participated in  
7 multiple meetings with the District to specifically address their concerns about the high  
8 incidence of suspensions, expulsions, and dropout of African-American and Latino students in  
9 KHSD, but their concerns have largely been ignored by Defendants/Respondents.  
10

11 14. Plaintiff/Petitioner FAITH IN ACTION KERN COUNTY ("FIAKC") is a multi-faith,  
12 non-partisan, non-profit organization that works with faith communities, pastors, and  
13 parishioners. FIAKC is a network of faith communities in Kern County committed to improving  
14 the quality of life for families in the county. FIAKC's work in South Kern County, and in areas  
15 in East and South Bakersfield, led it to work with Kern County parents and youth who are  
16 greatly concerned about the educational climate and educational opportunities available to them.  
17 Parents and youth have expressed great alarm over both the punitive nature of discipline at their  
18 high school, and the large disparities in such discipline among youth of color. In addition,  
19 parents have expressed concern over the educational and achievement opportunities and school  
20 climate afforded low income students, English learners and students in foster care who are  
21 enrolled in KHSD. Since early 2014, FIAKC has partnered with the Kern Education Justice  
22 Collaborative ("KEJC") to engage KHSD on its discipline issues in a number of ways. FIAKC  
23 has attended KHSD Board of Trustee meetings, met with Board members, held several meetings  
24 with the Superintendent of KHSD and other staff members, visited local high school sites and  
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1 attended a meeting with CHRISTINE LIZARDI FRAZIER, Kern County Superintendent of  
2 Schools. FIAKC has suggested changes to KHSD's Local Control and Accountability Plan  
3 ("LCAP") regarding its discipline policies and offered numerous suggestions about possible  
4 programs that would improve school discipline, increase parent engagement, and better serve  
5 English Learner students, low-income students, and foster students. Despite its best efforts to  
6 initiate concrete steps to reduce student suspensions, expulsions, and involuntary transfers of  
7 students, KHSD and the other Defendants/Respondents have largely ignored its requests.

#### 9 **DEFENDANTS/RESPONDENTS**

10 15. Defendant/Respondent KERN HIGH SCHOOL DISTRICT is and at all times mentioned  
11 herein was, a local education agency and a school district duly organized and existing under the  
12 laws of the State of California. The District is charged with providing a public education and  
13 education related services to all high school aged children within its district boundaries. KHSD  
14 is, and at all times mentioned herein was, a local agency as that term is defined in 22 California  
15 Code of Regulations § 98010 and receives state financial assistance from the State of California  
16 and is funded directly by the State of California to provide educational services to children who  
17 reside and/or are enrolled in public schools within its boundaries. Additionally, KHSD receives,  
18 and at all times mentioned herein has received, federal financial assistance and/or sub-grants of  
19 federal financial assistance from the State of California to provide educational services to  
20 children who reside and/or are enrolled in public schools within its boundaries.

23 16. Defendants/Respondents BOARD OF TRUSTEES OF KHSD ("KHSD BOARD") and  
24 CHAD VEGAS, MIKE WILLIAMS, MARTHA MILLER, and BRIAN BATEY, in their official  
25 capacity as members of the KHSD BOARD, constitute the governing body of KHSD and are  
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1 charged with the oversight of KHSD and its compliance with state and federal laws regarding the  
2 education of its students.

3 17. Defendant/Respondent BRYON SCHAEFER is the Superintendent of KHSD and is sued  
4 in his official capacity. As Superintendent of the District he is charged with the oversight of  
5 KHSD and its compliance with state and federal laws regarding the education of its students.  
6

7 18. Defendant/Respondent KERN COUNTY OFFICE OF EDUCATION ("KERN COE") is,  
8 and at all times mentioned herein was, a local education agency and a school district duly  
9 organized and existing under the laws of the State of California and is charged with providing a  
10 public education and education related services to children within Kern County. KERN COE is,  
11 and at all times mentioned herein was, a local agency as that term is defined in 22 California  
12 Code of Regulations § 98010 and receives state financial assistance from the State of California  
13 and is funded directly by the State of California to provide educational services to children who  
14 reside and/or are enrolled in public schools within its boundaries. Additionally,  
15 Defendant/Respondent KERN COE receives, and at all times mentioned herein has received,  
16 federal financial assistance and/or sub-grants of federal financial assistance from the State of  
17 California to provide educational services to children who reside and/or are enrolled in public  
18 schools within its boundaries. Pursuant to Educ. Code § 48926 KERN COE, in conjunction with  
19 KHSD and other districts, is required to develop a plan for providing educational services to all  
20 expelled students that identifies gaps in services to expelled students and strategies for filling  
21 those gaps. KERN COE, in conjunction with KHSD and other districts, is also required to  
22 update that plan triennially, taking into consideration outcome data.  
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25 19. Defendant/Respondent CHRISTINE LIZARDI FRAZIER is the Kern County  
26 Superintendent of Schools, the head of the KERN COE, and is sued in her official capacity. As  
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1 County Superintendent, she is charged with the oversight of KHSD and other school districts in  
2 Kern County and their compliance with state and federal laws regarding the education of their  
3 students.

4 20. Defendant/Respondent STATE OF CALIFORNIA ("State") is a state government and  
5 the legal entity with the ultimate authority and responsibility to guarantee an equal public  
6 education under the California Constitution. Cal. Const. art. I § 7; art. 4 § 16(a); art. 9 § 1, the  
7 Equal Protection Clause of the 14th Amendment to the United State Constitution, and the Equal  
8 Educational Opportunities Act ("EEOA"), 20 U.S.C. § 1703. The State is a "grantee" within the  
9 meaning of 34 C.F.R. § 80.3. The State receives federal grants from the U.S. Department of  
10 Education to provide education services to California children and youth, including those  
11 enrolled in KHSD and KERN COE schools, consistent with the provisions of federal law and the  
12 express conditions of grant agreements.

13 21. Defendant/Respondent TOM TORLAKSON is the State Superintendent of Public  
14 Instruction ("SPI") for the State and is a Constitutional Officer of the State charged with the  
15 supervision of all California schools and school districts. Cal. Educ. Code § 33112. He is sued  
16 in his official capacity. In such capacity, he is obligated to take all necessary steps to ensure that  
17 school districts comply with state and federal legal requirements concerning educational  
18 programs and services. He is also the Director of Education, in whom all executive and  
19 administrative functions of the California Department of Education are vested, and is the  
20 Executive Officer for the State Board of Education. Cal. Educ. Code §§ 33111 and 33301-03.

21 22. Defendant/Respondent CALIFORNIA DEPARTMENT OF EDUCATION ("CDE") is  
22 the department of state government responsible for administering and enforcing laws related to  
23 education. Calif. Educ. Code § 33308. CDE is charged with cooperating with federal and state  
24

1 agencies in prescribing rules and regulations and instructions required by those agencies and  
2 monitoring legal compliance by local education agencies. Calif. Educ. Code § 33316(b).

3 23. Defendants/Respondents KHSD, KERN COE, STATE of CALIFORNIA and the  
4 CALIFORNIA DEPARTMENT OF EDUCATION are educational agencies within the meaning  
5 of the EEOA, 20 U.S.C. §§ 1703 and 1720(a), and have the obligation to ensure compliance with  
6 the state and federal laws that address equal access to and non-discrimination in education. 20  
7 U.S.C. § 1703.

9 24. All Defendants/Respondents receive financial assistance from or are responsible for  
10 programs that receive financial assistance from the U.S. Department of Education and must  
11 ensure that no person, including Student Plaintiffs/Petitioners and other African-American and  
12 Latino students in KHSD, is subjected to discrimination under any program or activity receiving  
13 such assistance, and for otherwise complying with the provisions of 42 U.S.C. § 2000d and 34  
14 C.F.R. § 100.1, et seq.

16 25. Defendants/Respondents have each failed to comply with their various statutory and  
17 constitutional obligations by establishing a system and a pattern and practice of discipline and  
18 involuntary transfers that discriminates against Student Plaintiffs/Petitioners and other African-  
19 American and Latino students and directly results in the denial of equal access to the education  
20 services in KHSD, or by failing to effectively monitor, oversee and take action to ensure that  
21 such discrimination does not occur. Defendants/Respondents have taken no action to mitigate  
22 the intentional discrimination and/or discrimination caused by bias, implicit bias, implicit  
23 associations, stereotype threat, racial anxiety, the effects of in-group preferences, and the use of  
24 negative stereotypes.

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1 vulgarity,” to seriously threatening behavior such as “assault and battery,” “extortion and  
2 robbery,” and “hate violence.” With the exception of violations related to dress, there is no  
3 differentiation in the KHSD discipline code with respect to how such behavior is to be addressed.  
4 The KHSD code merely provides that: “Students who fail to comply with these rules and  
5 regulations will be counseled, reprimanded, suspended or expelled and/or arrested as the laws are  
6 applied.” While the KHSD Discipline code provides that “Suspension shall be imposed only  
7 when other means of correction fail to bring about proper conduct,” it fails to articulate any  
8 specific types of alternative measures of correction. Instead that section goes on to clarify that “a  
9 pupil may be suspended for any of the reasons enumerated in Educ. Code. §§ 48900 (a-o)...  
10 48901.5 ... upon a first offense...” The reasons enumerated include disruption of school  
11 activities (Educ. Code § 48900(k)), willful defiance (Educ. Code § 48900(k)), habitual profanity  
12 (Educ. Code § 48900(i)), and possession of a pager (Educ. Code § 48901.5); however, state law  
13 provides that suspension shall be imposed for these type of offenses only when other means of  
14 correction have failed to bring about proper conduct and prohibits the suspension of pupils upon  
15 such first offense unless the student causes a danger to persons. Educ. Code 48900.5. KHSD’s  
16 Discipline Code conflicts with this statutory requirement. Additionally, the KHSD Discipline  
17 Code provides that “involvement in fighting” is grounds for discipline, irrespective of whether  
18 that involvement was in self-defense, in direct violation of Educ. Code § 48900(a)(2).

21  
22 30. In 2010, KHSD gained statewide notoriety for its number of expulsions and suspensions  
23 reported to the U.S. Department of Education, Office of Civil Rights. In the 2009 survey year,  
24 the District reported 2,205 expulsions, the highest number of expulsions of any district in the  
25 state of California, including school districts with much larger enrollment. For that year, the  
26 average expulsion rate in the United States was 1.50 per 1,000 students, the average in California  
27

1 was 3.49 per 1000 students and the average in Kern County was 14.87 per 1,000 students.  
2 Meanwhile, the average in KHSD was 54.47 per 1000 students. Racial and ethnic disparities  
3 were apparent in these numbers. KHSD average expulsion rate for White students was 18.70 per  
4 1,000 students; the average for Latino students was 65.85 expulsions per 1,000 students (20.84%  
5 higher than the KHSD average and 352% higher than the expulsion rate for White students in  
6 KHSD); and the average for African-American students was 110.21 expulsions per 1,000  
7 students (102% higher than the KHSD average and 589% higher than the expulsion rate for  
8 White students in KHSD).

10 31. In 2010-2011, reported expulsions for KHSD dropped to 2,040. KHSD reported no data  
11 on expulsions for the 2011-2012 school year, although required to do so by state law. In 2013,  
12 the number of reported expulsions dropped to 256. However, Plaintiffs/Petitioners are informed  
13 and believe that this drop in expulsions was a function of a significant change in reporting  
14 practices and a change in the District's approach to discipline that resulted in students being  
15 transferred out of a general education setting and into an alternative school through the use of  
16 involuntary transfers, rather than through formal expulsion. Additionally, KHSD has  
17 implemented a "waiver" system, under which students and parents are convinced through  
18 intimidation, coerced or tricked into waiving the due process protections accompanying formal  
19 discipline and accepting immediate placement in alternative schools. These waivers, which  
20 begin as formal discipline and have the same result as expulsions, are not reported as expulsions  
21 for the purpose of KHSD's reporting to state and federal agencies.

24 32. Despite a reduction in the reported number of expulsions, racial and ethnic disparities are  
25 still pervasive, particularly among African-American students. While expulsions for all student  
26 groups have decreased since 2011, both African-American students and Latino students continue  
27

1 to suffer expulsions at higher rates than other student groups. In 2012-13, African-American  
2 students were far more likely than White students to be expelled. Twenty-four African-  
3 American students per thousand, seven Latino students per thousand, and only five White  
4 students per thousand enrolled were expelled during that school year. When the nature of the  
5 offense is considered, the disparities are even more apparent. While 58% of the White students  
6 expelled were expelled for the more serious offenses of possession of drugs or weapons or  
7 inflicting injury on another, 51% of the Latinos and just 33% of African-Americans were  
8 expelled for these reasons. Put another way, 67% of expelled African-American students were  
9 expelled for offenses that did not include physical injury or possession of drugs or weapons,  
10 while only 42% of expelled Whites were expelled for these less serious offenses.  
11

12  
13 33. Suspensions in 2009-2010 were also dramatically above the national and statewide  
14 averages. This trend has continued and there are significant disparities between the suspension  
15 rates of African-American and Latino students and those of White students, when the nature of  
16 the offense is considered. In 2013, 6,536 students were suspended at least once during the  
17 school year by KHSD. This translates to a suspension rate of 16.3%, or three times the state  
18 average. 24.81 per one hundred Latino students were suspended. 38.61 per one hundred  
19 African-American students were suspended. In contrast, only 18.7 per one hundred White  
20 students were suspended. In 2013, only 7.69 per one hundred White students were suspended for  
21 willful defiance (Educ. Code § 48900(k)). However, 27.69 per one hundred African-American  
22 students and 13.08 per one hundred Latino students were suspended for willful defiance.  
23

24 34. The KHSD was historically an intentionally segregated school district. It continues to be  
25 a highly segregated school district. Although 2013-14 enrollment in KHSD was predominately  
26 non-White (25% White, 62% Latino, 6% African-American, and 7% other races), seven (7)  
27

1 schools have an enrollment of over 50% White students; ten (10) schools have an enrollment of  
2 over 80% Latino and three (3) schools have an enrollment of over 15% African-American  
3 students. That is, eighty percent of the schools in the District are racially or ethnically over-  
4 represented to a statistically significant degree. The incidence of suspensions by school  
5 increases dramatically as enrollment of African-American students increases. The three schools  
6 with over 15% African-American enrollment had suspension rates of 20.5%, 25.6%, and 36.9%  
7 respectively, well over the district-wide rate of 16.3%.

9 35. In 2013-14, KHSD enrolled 1,248 students in alternative school settings it administers,  
10 including four (4) continuation high schools and an alternative charter school. District  
11 enrollment for that year was 63% Latino, 6% African-American and 25% White. However  
12 enrollment in the alternative schools within the District was 79.65% Latino, and 7.29% African-  
13 American, which is greater than their respective enrollment in the District, while Whites had  
14 only 16.83% enrollment in alternative schools significantly lower than their representation in the  
15 District population. The pattern of segregation in KHSD is also reflected in its alternative  
16 schools, as nearly 50% of White enrollment in alternative schools operated by the District is  
17 concentrated in one school.  
18

19  
20 36. Plaintiffs/Petitioners are informed and believe that the enrollment in alternative schools,  
21 and the racial and ethnic disparities in enrollment, are caused by KHSD policies and practices  
22 that result in the involuntary transfer of students to alternative schools, just as when assignments  
23 were the result of formal expulsion.

24 37. Alternative schools, by design, are not intended to provide the full educational  
25 opportunity of a general education setting. They do not offer the full opportunity to complete all  
26 courses necessary to enroll in college. It is frequently impossible for students assigned to such  
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1 schools to even complete the courses necessary to graduate without being enrolled an additional  
2 semester or year. They do not offer athletics or extracurricular activities. Community schools, in  
3 particular are not designed to provide a comprehensive course of study but are intended to be a  
4 temporary placement where students can be provided the opportunity to address behavior  
5 problems, credit deficiencies and other circumstances. Students, like many of the  
6 Plaintiffs/Petitioners, spend full semesters and even full school years in such a setting, and  
7 therefore do not and cannot earn the credits necessary to keep them on the normal path to  
8 graduation.  
9

10 38. KHSD operates and involuntarily assigns students to various alternative schools within  
11 the District and to alternative schools operated by the KERN COE. However, KHSD has failed  
12 to provide adequate course offerings, counseling support and other services necessary to  
13 accomplish the purpose and design of these schools and has assigned students, such as  
14 Plaintiffs/Petitioners or their children to alternative schools for extended periods, in some cases  
15 for a longer duration than would have been allowed if the student had been formally expelled.  
16

17 39. KHSD enrolls approximately 480 students in the independent study settings it  
18 administers. Plaintiffs/Petitioners are informed and believe that KHSD routinely assigns  
19 African-American and Latino students to independent study, involuntarily and as a disciplinary  
20 measure. As a result, students receive no classroom instruction and only minimal interaction  
21 with school personnel and other students. They are not assigned sufficient work to complete the  
22 credits needed to graduate on time, and are generally not provided any counseling support or  
23 services. They are prohibited from participating in extra-curricular activities. This practice  
24 violates the provisions of Educ. Code § 51747 which requires that independent study be  
25 voluntary.  
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1 40. KHSD refers students for enrollment in alternative school settings administered by the  
2 KERN COE, including community schools.

3 41. The combined enrollment of students at KHSD-operated continuation schools or  
4 alternative schools, KERN COE operated community schools, and independent study has  
5 remained relatively stable since 2010, reflecting the slight decrease in district enrollment.  
6

7 42. Plaintiffs/Petitioners are informed and believe that the relatively stable enrollment in  
8 alternative schools, with disproportionately greater percentages of Latinos and African-  
9 Americans, is due to the fact that KHSD is implementing the same policies and practices with  
10 respect to the involuntary transfer of students to these alternative schools as it did when  
11 assignments were the result of formal expulsion.  
12

13 43. Disproportionately high suspension and expulsion rates and assignment to alternative  
14 school settings of students of color have been directly correlated to educational practices that  
15 reflect intentional discrimination, implicit bias, implicit association, stereotype threat, racial  
16 anxiety, and the effects of in-group preference arising from a lack of regard for the racial and  
17 ethnic and cultural differences between White communities and communities of color.  
18

19 44. On information and belief, the existence of race-based stereotypes (and stereotypes based  
20 on color, ethnicity, ancestry, and national origin) in addition to implicit and/or unconscious  
21 biases concerning the behavior, deviance, criminality, intellectual capacity, competence, and  
22 relative worth of African-Americans and Latinos are well documented in Kern County as well as  
23 in California and the United States and as a whole, are causes of the disparities and  
24 discrimination described above.  
25

26 45. In particular, and on information and belief, stereotypes concerning the intelligence,  
27 competence, criminality, aggressiveness, trustworthiness, legal status and entitlement to benefits,  
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1 relative worth, and honesty of Latinos and African-Americans, in addition to other invidious  
2 stereotypes and biases, are a cause -- among other race, ethnic and national origin bias-based  
3 causes -- of the disparities and discrimination alleged in this Complaint.

4 46. On information and belief, the punitive and disparate discipline policies implemented by  
5 KHSD demonstrates that its actions have not only been intentional, but also influenced by  
6 implicit and/or unconscious biases concerning African-Americans and Latinos and reflect  
7 pervasive racial, color, ethnicity, ancestry, and national origin stereotypes that exist in the United  
8 States, California, and Kern County today. Defendants/Respondents' biases and stereotypes  
9 affect the administration of student discipline and result in relatively harsher treatment of  
10 African-American and Latino students.  
11

12 47. Defendants/Respondents' suspension, expulsion, and school assignment processes are  
13 highly discretionary. On information and belief, Defendants/Respondents' intentionally  
14 discriminatory practices in concert with their implicit and/or unconscious biases and stereotypes  
15 have negatively impacted, and interfered with, the provision of equal educational opportunities  
16 for African-American and Latino students in KHSD, as alleged in this Complaint.  
17

18 48. In light of the substantial discretion afforded to Defendants/Respondents in suspension,  
19 expulsion, and school assignment, and the above-identified stereotypes and implicit and/or  
20 unconscious race-based biases, the only reasonable explanation, the only explanation more  
21 probable than not, and the overriding and but-for cause of the existence of the above-described  
22 unjustified racial disparities is invidious racial discrimination.  
23

24 49. As a consequence of the above-described stereotypes and biases, as well as for other  
25 race-based reasons, Plaintiffs/Petitioners ISIDRO LARRALDE, GABRIEL ELDER and  
26 CARMEN RAMIREZ, in addition to other African-American and Latino students, have been  
27

1 denied equal access to education; educational opportunities have been afforded to students in  
2 KHSD in a racially discriminatory manner; and the laws governing the suspension, expulsion,  
3 and assignment of students to alternative school settings have been administered in a racially  
4 discriminatory manner.

5  
6 50. On information and belief, the existence of race-based and other color, ethnicity,  
7 ancestry, and national origin-based stereotypes, and implicit and/or unconscious biases  
8 concerning Latinos and African-Americans, which have been documented to exist in Kern  
9 County as well as in California and the United States as a whole, are a cause of the disparities  
10 and discrimination alleged in this complaint.

11  
12 51. Numerous studies have demonstrated that students who are suspended, expelled, or  
13 assigned to alternative school settings have lower rates of academic success, are more likely to  
14 dropout, less likely to graduate, less likely to attend college, more likely to have contact with the  
15 juvenile justice system, more likely to be incarcerated and in general found to have lower  
16 indicators of life success in employment, family and social life.

17  
18 52. Numerous studies have demonstrated that implementation of racially and culturally  
19 appropriate policies, practices, and training, including implicit bias training and Positive  
20 Behavioral Intervention and Supports ("PBIS") programs, can significantly reduce suspensions,  
21 expulsions and assignments to alternative schools generally, and specifically ameliorate the  
22 disparate impacts suffered by children of color that result from explicit and implicit bias. KHSD  
23 has not broadly adopted these policies, practices, and training, despite being on notice of the  
24 stark racial disparities resulting from its discipline practices.

25  
26 53. Respondents/Defendants State of California, SPI and CDE have exempted alternative  
27 schools from many reporting requirements, including those related to graduation and dropout  
28

1 rates. While a unique system was developed for the purpose of monitoring and evaluating  
2 alternative schools – ASAM – that system was never fully implemented or funded and at this  
3 time is not being funded or implemented in a manner that allows effective oversight of  
4 alternative schools, or the policies and practices that result in a student's assignment to those  
5 schools.  
6

7 54. Plaintiffs/Petitioners have themselves been the victims of the subjective and  
8 discriminatory practices in effect in KHSD and KERN COE.

9 55. Plaintiff/Petitioner ARLENE SANDERS is African-American and the parent of Kenton  
10 M., who is also African-American and a former student at South High School of KHSD. Arlene  
11 has three other African-American children who are currently enrolled in an elementary school  
12 that feeds into the KHSD. Sanders and her children reside in the attendance district for South  
13 High School in the KHSD. Kenton was subjected to repeated discipline while attending South  
14 High School. During the 2013-2014 school year, Kenton was suspended, both in school and out  
15 of school, ten times for alleged disruption and/or willful defiance (Educ. Code §48900(k)).  
16 Ultimately, Kenton was involuntarily transferred from South High School in May 2014 for  
17 alleged attempted theft (Educ. Code §48900(g)) after Sanders was pressured into signing a  
18 waiver of Kenton's right to expulsion proceedings. He is currently enrolled at a community  
19 school operated by Defendant KERN COE. As a result of his assignment to a county community  
20 school, Kenton has had no access to extracurricular activities, such as football and basketball,  
21 and limited access to the courses necessary for graduation and post-secondary education  
22

23  
24 56. Plaintiff/Petitioner RUBY WATSON is African-American and the parent of Avery S.,  
25 who is also African-American. Watson has one other African-American child who is currently  
26 enrolled in schools that feed into the KHSD. Watson and her children reside in the attendance  
27

1 district for West High School in KHSD. Avery was expelled in November 2013, when he was  
2 in eighth grade, and enrolled in the Bakersfield City School District ("BCSD"). The original  
3 expulsion term was one year, but the BCSD Board exercised its discretion under Educ. Code §  
4 48916(a) to reduce the term of the expulsion to end on May 29, 2014, which would have allowed  
5 Avery to enroll and attend high school as scheduled in Fall 2014. Avery completed all the  
6 requirements of the rehabilitation plan given him by BCSD, but KHSD nonetheless denied  
7 Avery enrollment and admission to the District for the 2014-15 school year. KHSD has acted in  
8 excess of its legal authority by denying Avery admission to the District upon completion of his  
9 expulsion term as modified by BCSD. Instead, KHSD attempted to involuntarily assign Avery  
10 to a continuation high school. KHSD further conditioned his enrollment upon agreement to sign  
11 a "Probation Agreement" that would allow KHSD to expel Avery automatically, without due  
12 process, for even minor violations of school rules. Because he does not want to forfeit his due  
13 process protections Avery has refused to sign the Probation Agreement and KHSD has refused  
14 and continues to refuse Avery admission to the District, effectively denying him an educational  
15 program. At this time, Avery has missed more than one month of high school instruction with  
16 no access to extracurricular or school enrichment activities. Due to KHSD's actions, Avery is  
17 falling quickly behind his peers and, as an avid football athlete, has likely missed the opportunity  
18 to join school sports including the football team for his ninth grade year.

21  
22 57. Plaintiff/Petitioner PATRICIA CRAWFORD is African-American and the parent of Jade  
23 Crawford, who is also African-American and a former student of Highland High School of  
24 KHSD. They reside in the attendance district for Highland High School in KHSD. In  
25 December 2010, Jade was suspended and recommended for expulsion from Highland High  
26 School for allegedly causing or attempting to cause physical injury to another (Educ. Code §  
27  
28

1 48900(a)(1)) and disruption and/or willful defiance of school personnel (Educ. Code §  
2 48900(k)). In February 2011, an expulsion hearing was held and the KHSD Board denied the  
3 recommendation to expel Jade, cleared Jade's record, and granted a request that Jade be granted  
4 an intra-district transfer. During the time that Jade was awaiting her expulsion hearing, Patricia  
5 repeatedly contacted the school to receive make-up homework assignments. In some instances,  
6 the teachers informed Patricia that Jade could not do the assignment outside of the classroom.  
7 Despite Jade's exoneration, she was placed on probation when she transferred back to Highland  
8 High School in August 2012. This probation prevented her from participating in extracurricular  
9 activities and sports, including volleyball. Jade ultimately graduated from high school with a 3.0  
10 GPA through the independent study program after transferring through three different schools  
11 within the KHSD including Highland High, East Bakersfield High, and Bakersfield High.  
12 Plaintiffs/Petitioners are informed and believe that, irrespective of the fact that she was  
13 exonerated, Jade was identified in her school records as a problem student and that this record  
14 followed her from school to school and impacted school administrators' and teachers' treatment  
15 of her.

16  
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18 58. Plaintiff/Petitioner ISIDRO LARRALDE is Latino and a former student of KHSD who  
19 lives in the attendance area for Shafter High School. Larralde has a history of discipline with  
20 multiple suspensions and expulsions from Shafter High School. He was expelled/involuntarily  
21 transferred and assigned to Central Valley High School ("CVHS"). CVHS is a continuation  
22 school operated by Defendant/Respondent KHSD. Many of Larralde's disciplinary referrals  
23 both at Shafter and at CVHS resulted from being bullied and harassed because of his perceived  
24 sexual orientation. When Larralde acted in self-defense against the bullies, he was punished due  
25 to Defendants/Respondents' zero-tolerance policy toward fighting even when a student acts in  
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1 self-defense. CVHS was made aware of the bullying Larralde was subjected to, but did nothing  
2 to stop it. To the contrary, Larralde was repeatedly subjected to harsher discipline than his  
3 bullies. Larralde was expelled from CVHS in May 2014 for allegedly causing, attempting to  
4 cause, or threatening to cause physical injury to another person (Educ. Code § 48900(a)(1)).  
5 This allegation was the result of an altercation in which Larralde was provoked by prolonged  
6 bullying that went unaddressed by CVHS. As a result of this expulsion, he was assigned to  
7 Sillect Community School operated by Defendant/Respondent KERN COE. As a result of his  
8 assignment to the community school and the administration's treatment of him, he made the  
9 decision to drop out of high school.  
10

11 59. Plaintiff/Petitioner CARMEN RAMIREZ is a Latina student who resides in the  
12 attendance district for Arvin High School in the KHSD. In November 2012, Carmen was  
13 suspended for three days for disruption and/or willful defiance of school personnel (Educ. Code  
14 § 48900(k)) for not picking up trash. In December 2012, an armed Arvin High School police  
15 officer searched Carmen's backpack and discovered a small amount of marijuana. District  
16 officials referred Carmen to the local police department; however the department did not  
17 investigate or charge her with an offense. Carmen was involuntarily transferred to Community  
18 Learning Center in Bakersfield, a community school operated by Defendant/Respondent KERN  
19 COE, for possession of marijuana. (Educ. Code § 48900(c)). Carmen's family has limited access  
20 to transportation and subsequently could not take her to Community Learning Center in  
21 Bakersfield. The public bus route to Community Learning Center from her home is a 4-hour  
22 round trip. Without other options, Carmen's family sent her to live with relatives and attend  
23 school in Mexico for the remainder of the 2012-2013 school year. When Carmen returned home  
24 in summer 2013, she immediately went to Arvin High School and asked to be enrolled for the  
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1 2012-2013 school year. School officials refused to admit Carmen. They informed Carmen that  
2 she had to attend the Community Learning Center. Faced with the same transportation problem,  
3 Carmen remained home for several weeks during the 2012-2013 school year. It was not until  
4 Carmen obtained legal counsel that KHSD's governing board immediately reinstated Carmen to  
5 Arvin High School. However, Carmen is still credit deficient as a result of KHSD's delay in  
6 readmitting her to the District and its refusal to provide her even partial credit for the work  
7 completed during her expulsion term. Carmen was transferred to Nueva Continuation School in  
8 Lamont for the 2014-2015 school year to recover credits at an accelerated rate. Carmen plans to  
9 go to college and wants to ensure she is on track with her credits, but it has been a difficult task  
10 to make up the courses and credits she lost due to her prior involuntary transfer.  
11

12  
13 60. Plaintiff/Petitioner MARIO RAMIREZ is Latino and the parent of the Plaintiff/Petitioner,  
14 Carmen Ramirez. Mario Ramirez speaks limited English; Spanish is his primary language and  
15 the dominant language of his household. School personnel were aware of Ramirez' limited  
16 English proficiency at all times during Carmen's tenure at Arvin High School. When Carmen  
17 was suspended in November 2012 for three days for disruption and/or willful defiance of school  
18 personnel (Educ. Code § 48900(k)), the suspension notice sent home to Mario Ramirez was  
19 entirely in English. In December 2012 Carmen was involuntarily transferred to Community  
20 Learning Center in Bakersfield operated by Defendant/Respondent. Records reflect, in English  
21 only, that this assignment was characterized as a "voluntary assignment" but neither Mario  
22 Ramirez nor Plaintiff/Petitioner Carmen Ramirez understood that they could reject the  
23 assignment.  
24

25  
26 61. Prior to transferring Carmen, school officials met with Mario Ramirez to discuss  
27 disciplinary options. Mario Ramirez was presented with an English document for his signature.  
28

1 School officials informed Mario Ramirez that the paperwork stated that Carmen would be  
2 suspended for little over a week and then be allowed to return to school. Shortly after he signed  
3 the document, school officials began explaining that Carmen would be attending the Community  
4 Learning Center in Bakersfield approximately 30 miles away from the family's home. Mario  
5 Ramirez protested immediately that his daughter could not attend school in Bakersfield as the  
6 family had no transportation to take her to school. He stated that he would not be able to work  
7 and provide for his family if forced to transport Carmen daily. He informed school officials that  
8 he would not have signed the document had he known that his daughter would be transferred to a  
9 school in Bakersfield. He asked school officials to arrange for transportation for his daughter.  
10 School officials responded by saying, "these are not our problems, and these are the  
11 consequences of what your daughter did." Bewildered, Mario Ramirez sent his daughter to  
12 Mexico for schooling for the remainder of the 2011-2012 school year.

13  
14  
15 62. Plaintiff/Petitioner GABRIEL ELDER is a Latino student who resides in the attendance  
16 district for Kern Valley High School in KHSD. Gabriel and his family immigrated to Lake  
17 Isabella, CA from Chile. Gabriel spoke limited English upon his entry to Kern Valley High  
18 School. He was neither classified as an English Language Learner nor provided with any  
19 language access services throughout his tenure at Kern Valley High School. During the 2012-  
20 2013 school year, Gabriel's grades dropped drastically because of domestic violence in the home  
21 and mental health issues. In 2012, Gabriel was diagnosed with major depression. Gabriel's  
22 mother immediately informed the school of the diagnosis. The school therapist attempted  
23 repeatedly to set up a meeting with the acting Dean of Students, David Baker. The Dean refused  
24 to meet with the family and the therapist. Nevertheless, Gabriel's mother repeatedly visited the  
25 school and asked for school officials to provide counseling or other services to Gabriel.  
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1 Gabriel's mother also asked for an assessment for special education services. School officials  
2 refused.

3 63. Throughout the Fall, 2012 semester, Gabriel was suspended intermittently for a total of  
4 10 days for disruption and/or willful defiance of school personnel and engaging in profanity  
5 (Educ. Code § 48900(k); (i)). Several of these suspensions were for "being a distraction in  
6 class," "talking back," and "engaging in profanity." In October 2012, Gabriel was suspended for  
7 3 days for profanity. He asked permission to go to the office to call his mother. After being  
8 forced to wait in the office for three hours, he remarked "this is f\*\*\*d up," and was suspended  
9 accordingly. In November 2012, Gabriel was suspended for three days for interrupting class by  
10 "falling out of his desk to make noise" and for being "rude and argumentative." During the  
11 2011-2012 school year, Gabriel was suspended 8 times, served 4 in school suspension days, and  
12 was placed on step 4 of the KHSD Truancy Reduction program. Throughout this time period,  
13 Gabriel's mother repeatedly asked the school to provide her son with counseling services, but  
14 none were provided

15 64. On December 19, 2012, Gabriel was suspended for five days pending involuntary transfer  
16 to community school for causing physical injury to another person and engaging in habitual  
17 profanity. (Educ. Code § 48900(a)(1); (i)). Gabriel was walking to the bus when he saw a  
18 student with whom he had a conflict. After a verbal encounter Gabriel walked away and the  
19 student attacked Gabriel and punched him from behind. Gabriel attempted to ignore this student;  
20 however the student continued to harass and attack Gabriel. Gabriel fought back in self-defense,  
21 and was suspended based on KHSD's zero tolerance policy pending involuntary transfer.  
22 Gabriel was out of school for over a month while the school was attempting to determine  
23 placement. Gabriel was not given any instruction or homework during this suspension.  
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1 65. While Gabriel's involuntary transfer was pending, Gabriel's mother finally secured a  
2 meeting with the then-acting Dean of Students, David Baker. She handed Dean Baker Gabriel's  
3 therapist's business card and asked for the therapist to be present at Gabriel's upcoming  
4 involuntary transfer hearing. This therapist was unaffiliated with the school. Mr. Baker became  
5 enraged and told Gabriel's mother to shut up. He tore up the therapist's business card and threw  
6 it at Gabriel's mother's face. He informed her that Gabriel would not be readmitted to school  
7 until after the hearing unless she signed the agreement to his involuntary transfer.  
8

9 66. KHSD moved forward with its involuntary transfer of Gabriel in spite of Gabriel's  
10 mother's repeated requests to help her son and evidence that Gabriel was acting in self-defense.  
11 Gabriel's mother also attempted to speak with the school on a number of occasions prior to his  
12 transfer. She and Gabriel asked school officials to allow Gabriel to remain at Kern Valley High  
13 School. She again requested services and a special education assessment, but school officials  
14 refused to provide Gabriel with assistance. The KHSD incident report in Gabriel's school  
15 records identifies Gabriel as the victim of Battery on School Grounds for the December 2012  
16 fight. Gabriel's attacker is listed as the suspect and aggressor on the police report. Despite this  
17 fact, the referral for "expulsion and involuntary transfer" issued by the District stated that: (1)  
18 other means of correction have repeatedly failed to bring about proper conduct; (2) the presence  
19 of the pupil on school grounds causes a continuing danger to the physical safety of the pupil or  
20 others; (3) other means of correction are not feasible.  
21  
22

23 67. KHSD involuntarily transferred Gabriel to Lake Isabella Community School operated by  
24 Defendant/Respondent KCOE for the Spring 2013 semester. At Lake Isabella Community  
25 School, Gabriel was not provided any specific services to address his truancy or other behavior  
26 issues or to ensure that he completed the credits necessary to re-enroll in Kern Valley High  
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28

1 School. Gabriel was scheduled to return to Kern Valley High School in the Fall of 2013. The  
2 high school refused to readmit Gabriel on the grounds that he failed to obtain the number of  
3 necessary credits to return. Gabriel therefore remained in community school for the 2013-2014  
4 school year.

5  
6 68. Gabriel is currently still attempting to finish his schooling to obtain the credits necessary  
7 to graduate. Throughout his tenure at Lake Isabella Community School, Gabriel has been in an  
8 independent study program with approximately one day of instruction per week. On the  
9 remaining days of the week Gabriel completes homework to obtain credits necessary to graduate.  
10 Gabriel had ambitions to join the Air Force and obtain a university education but now questions  
11 whether these options are still feasible. Now, he plans to finish school and attend trade school.

12 69. Plaintiffs/Petitioners VIRGINIA MELCHOR and JUAN MORAN are the parents of  
13 Antonio M., a Latino student at Arvin High School. Melchor and Moran have two other Latino  
14 children, one who is currently enrolled in an Elementary school that feeds into the KHSD and  
15 another who also attends Arvin High School. Melchor, Moran, and their children reside in the  
16 attendance district for Arvin High School in the KHSD.

17  
18 70. In or about January 2013, Arvin High School expelled Antonio M. for allegedly being  
19 involved in a fight. Arvin High School personnel told Moran that Antonio had been involved in  
20 a fight, and that as a result, Antonio would be suspended for five days. Arvin High School  
21 personnel placed paperwork in front of Moran and falsely represented that the paperwork would  
22 give Antonio a five day suspension. In reality, the paperwork was a "waiver of hearing for  
23 expulsion" from the KHSD. The paperwork was entirely in English. Melchor and Moran are  
24 monolingual Spanish speakers and do not speak or read English, and this fact was known to  
25 District personnel. Moran signed the paper believing, as he was told, that their son would  
26 receive a five day suspension. Arvin High School personnel actively deceived Melchor and  
27  
28

1 Moran into signing a document that "waived" their right to contest their son's expulsion from the  
2 district for the Spring and Fall semesters of 2013.

3 71. Melchor and Moran believed that their son had received a five day suspension. After  
4 serving the five day suspension, Melchor took Antonio back to school. At that time, Arvin High  
5 School personnel refused to accept Antonio, and informed Melchor that Antonio would be  
6 attending the Community Learning Center in Bakersfield, a community school operated by  
7 Defendant/Respondent KCOE, for two semesters. Melchor protested to the Arvin High School  
8 personnel that this school was too far, approximately 30 miles away from the family's home, and  
9 they did not have the transportation to get Antonio there. The school personnel suggested that  
10 Antonio take the bus, which requires three transfers, or in the alternative, ride a bicycle.  
11

12 72. During his one year expulsion from the Kern High School District, Antonio was unable  
13 to attend Community Learning Center because of the great distance and lack of transportation.  
14 Melchor and Moran, moreover, also perceived Community Learning Center as an inferior school  
15 that provided lower quality teachers, lower quality content, limited extracurricular activities, and  
16 limited access to courses needed to enroll in college.  
17

18 73. In January 2014, after Antonio had completed his one year expulsion, Melchor and  
19 Moran tried to re-enroll Antonio at Arvin High School. Arvin High School, however, again  
20 refused to accept Antonio, arguing that he had insufficient credits. After extensive engagement  
21 with the District, including legal proceedings, Arvin High School accepted Antonio back to  
22 school. Antonio's educational path has been delayed, and continues to be undermined. Arvin  
23 High School has placed him in predominantly athletic classes rather than in the substantive  
24 courses he needs to bridge the academic gap caused by Arvin High School's stringent discipline  
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1 policies. Antonio hopes to obtain a university education, but now questions whether college is  
2 feasible.

3 74. Defendants/Respondents KHSD and KERN COE have the affirmative obligation to take  
4 steps to address policies and practices that discriminatorily impact Latinos and African-  
5 Americans under California law and because they receive federal funding. 42 U.S.C.2000d; 34  
6 C.F.R. § 100.1, Govt. Code §§ 11135, *et seq.*

8 75. Instead of taking actions to remedy the discriminatory effect of its policies and practices,  
9 on information and belief, KHSD changed the method by which it reports suspensions and  
10 expulsions in an effort to conceal the disparate impacts of its policies and practices, and refused  
11 to report information to the State of California in a manner that would disclose the subjective and  
12 discriminatory nature of their discipline and school assignment policies.

14 76. Additionally, on information and belief, KHSD implemented changes in its discipline and  
15 school assignment policies and practices that resulted in students being involuntarily assigned to  
16 alternative school settings administered by KHSD or KERN COE through intimidation,  
17 misrepresentation and other coercive actions which led Plaintiffs/Petitioners and other African-  
18 American and Latino students and their parents to believe they had no choice but to accept  
19 reassignment to an alternative school or independent study setting, despite the fact that these  
20 assignments were then characterized by KHSD as "voluntary" in school records and mandatory  
21 reporting.

23 77. Additionally, KHSD personnel encouraged and/or coerced Plaintiffs/Petitioners and other  
24 limited English proficient ("LEP") parents and students to sign documents waiving their due  
25 process rights associated with formal expulsion proceedings, even though such documents were  
26 presented to LEP parents and students in English only.

1 78. KHSD forced these assignments to alternative school settings knowing that many  
2 African-American and Latino students would be unable to attend the alternative school to which  
3 they were assigned due to lack of transportation. As a result of KHSD's actions, these students  
4 suffered an involuntary placement in an independent study setting, despite the fact that  
5 independent study was not an appropriate educational setting for them.  
6

7 79. KERN COE, in addition to administering various alternative schools that KHSD students  
8 were assigned to, has various responsibilities, such as reviewing the truancy and habitual  
9 insubordination referrals to alternative school placements, and acting as the ultimate  
10 administrative review body for expulsions that take place in KHSD and other Kern County  
11 school districts.  
12

13 80. Defendants/Respondents KHSD and KERN COE have been on actual notice of the  
14 disproportionate impacts that their policies have had on African-American and Latino children  
15 since at least 2010 and have had the opportunity to review, revise and implement new discipline  
16 and school assignment policies and practices that would ameliorate the disparities in educational  
17 access that resulted from Latinos and African-American children being pushed out of the general  
18 education setting. KHSD and KERN COE have failed to implement any changes designed to  
19 address those issues.  
20

21 81. All Defendants/Respondents have been on actual notice of the disproportionate impacts  
22 that subjective and highly discretionary suspension, expulsion, and involuntary transfer policies  
23 have on African-American and Latino students. In particular, punishing or effecting the transfer  
24 of students for subjective and highly discretionary offenses such as disruption, willful defiance,  
25 or habitual profanity or vulgarity, in KHSD, and on information and belief in other districts in  
26 Kern County and throughout the state, results in disproportionately higher numbers of African-  
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1 American and Latino students being suspended, expelled or involuntarily transferred. Further, in  
2 KHSD, and on information and belief in other schools and districts in Kern County and  
3 throughout the state, teachers and administrators are inconsistent in the application of discipline  
4 or involuntary transfer decisions based on such behaviors because the terms are vague,  
5 ambiguous and subject to different interpretations by different staff and when applied to different  
6 students. Yet Defendant/Respondent KHSD continues to discipline and/or transfer students  
7 based on such behavior.  
8

9 82. Although establishing school climate goals for improvement is required by the California  
10 Education Code and its regulations, KERN COE has made no attempt, through its review of the  
11 KHSD Local Control and Accountability Plan (LCAP) or implementation of the County  
12 Discipline plan, to address this disproportionality.  
13

14 83. Plaintiffs/Petitioners are informed and believe that, within the last two years, KHSD was  
15 provided the opportunity to apply for special grant funding that could have been used to develop  
16 alternative approaches to discipline and involuntary transfers and to address racial and ethnic  
17 disparities, as well as high transfer rates. There are evidence-based alternatives to discipline  
18 practices that do not lead to disparate discipline, including restorative justice, Positive Behavioral  
19 Interventions and Supports (PBIS), and social and emotional learning. KHSD refused to even  
20 apply for such funding.  
21

22 84. Plaintiffs/Petitioners, NBA, DHF and FIAKC have for the last three and one-half years  
23 provided the District with community input and offers of technical support to address the School-  
24 to-Nowhere pipeline at KHSD. Those efforts have been largely rebuffed. KHSD had an  
25 additional opportunity to meaningfully address the disparities in discipline and involuntary  
26 transfers as a result of the enactment of the Local Control Funding Formula (LCFF), which  
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1 resulted in an allocation of \$17.6 million in supplemental and concentration grant funding. State  
2 law requires that this \$17.6 million be spent on improving or increasing services to low income  
3 students, English learners and foster youth. This, along with an increase in KHSD's base  
4 funding, was an opportunity for KHSD to meaningfully address disproportionate discipline  
5 issues through the state-mandated establishment of annual goals for all pupils and for each  
6 numerically-significant subgroup of pupils and to improve school climate, as measured by  
7 suspension and expulsion rates. Educ. Code §§ 52060(c) and (d)(6). KHSD failed to take  
8 advantage of this opportunity or even to comply with the mandates of the LCFF. Specifically,  
9 both African-Americans and Latinos constitute numerically-significant subgroups under the  
10 LCFF definition (thirty or more pupils, Educ. Code § 52052). Latino students are numerically  
11 significant both district-wide and at each school site within the KHSD. African-American  
12 students are a numerically significant subgroup district-wide and at all but three school sites.  
13 Nonetheless, the LCAP submitted by KHSD and approved by the KERN COE lacks any goals  
14 regarding suspensions or expulsions for these subgroups. The LCAP submitted by KHSD and  
15 approved by KERN COE allocates \$2,400,000 to pay for police on campuses, including  
16 \$900,000 in supplemental and concentration grant funding. This dwarfs the amount of funds  
17 allocated to provide educational supports and behavior interventions, and is allocated in the  
18 absence of any data or specific goals for improving outcomes for Latino or African-American  
19 students. This is evidence of the negative stereotypes that drive decision making by the district.  
20 More resources are allocated based on the perception that the affected students are criminals  
21 rather than students who need educational support in order to thrive and excel.  
22

23 85. Plaintiffs/Petitioners DHF, NBA, FIAKC and RUBY WATSON asked that  
24 Defendants/Respondents KERN COE and the CDE intervene and direct KHSD to revise the  
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1 LCAP to specifically address these deficiencies in a manner that could help ameliorate the racial  
2 and ethnic disparities in KHSD's discipline and involuntary transfer policies. Both KERN COE  
3 and the CDE had the power and authority to intervene and require changes to the LCAP as a  
4 condition of approving funding for KHSD, but refused to do so.

5 86. KERN COE SUPERINTENDENT FRAZIER and KHSD SUPERINTENDENT  
6 SCHAEFER, along with other District superintendents, are responsible for the development of a  
7 plan to provide services to all expelled students in Kern County, which identifies gaps in services  
8 to expelled students and strategies for fulfilling those service gaps; and submitting that plan to  
9 Defendant/Respondent TORLAKSON. Plaintiffs/Petitioners are informed and believe that  
10 Defendants/Respondents knew that service gaps were created by the disproportionate expulsion  
11 of African-American and Latino students, but failed to develop and submit a plan that addressed  
12 those service gaps, as required by Education Code § 48926.

13 87. Officials and employees of Defendants/Respondents STATE OF CALIFORNIA, CDE,  
14 and SUPERINTENDENT TORLAKSON had actual notice of the disparities in educational  
15 opportunity that resulted from the disproportionately high suspension, expulsion and assignment  
16 to alternative schools of Latinos and African-Americans in KHSD and KERN COE schools, but  
17 took no action to compel KHSD or KERN COE to address or rectify these disparities and,  
18 specifically, failed to even enforce the mandate that KHSD submit data regarding discipline  
19 disaggregated by race, ethnicity and offense.

20 88. The State of California, in Education Code § 48900, has statutorily recognized disruption,  
21 willful defiance, and habitual profanity or obscenity as grounds for suspension or expulsion, but  
22 the State, SUPERINTENDENT TORLAKSON, and the CDE have failed to provide any explicit  
23 guidelines, definitions, or limitations on the use of these categories and they continue to be  
24

1 applied in a manner that provides no notice to students, or their parents, about what kind of  
2 behavior constitutes a ground for suspension, expulsion, or transfer, and what behavior does not.

3 89. As a direct result of Defendants/Respondents' actions and deliberate inaction,  
4 Plaintiffs/Petitioners, Plaintiffs/Petitioners' children, and thousands of African-American and  
5 Latino students have suffered and will continue to suffer a loss of educational opportunity,  
6 limited access to higher education, lack of lucrative job opportunities, and other harms, some of  
7 which are irreparable.  
8

## 9 CAUSES AND CLAIMS

### 10 FIRST CAUSE OF ACTION

#### 11 VIOLATION OF THE EQUAL PROTECTION CLAUSES OF THE CALIFORNIA 12 CONSTITUTION, ARTICLE I, SECTION 7(A) & ARTICLE IV, SECTION 16(A) 13 (All Plaintiffs/Petitioners against All Defendants/Respondents)

14 90. Plaintiffs/Petitioners incorporate all preceding paragraphs as though fully set forth here.

15 91. The California Constitution guarantees all students in California basic educational  
16 equality. A constitutional violation of basic educational equality occurs where a public  
17 educational program "falls fundamentally below prevailing statewide standards" that effects  
18 disparate treatment upon a group of students. This right is fundamental, so any action that has a  
19 real and appreciable impact upon such right is subject to strict scrutiny.  
20

21 92. The State bears the non-delegable responsibility and the ultimate authority to ensure that  
22 public schools are providing basic educational equality to all students, as guaranteed by the  
23 Constitution. Cal. Const. Art. IX, § 5; Cal. Const. Art. I, § 7. Public education is an obligation,  
24 which the State assumed by the adoption of the Constitution. The Constitution prohibits the  
25 State from maintaining and operating the common public school system in a way that denies  
26 educational equality to the students, and requires that educational agencies and the State act  
27 when a local district's policies or practices deny basic educational equality, unless there is a  
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1 compelling reason for failing to do so. KHSD and KERN COE, and CDE, as agencies of the  
2 State, also have a duty to provide basic educational equality to all children enrolled in their  
3 schools. SUPERINTENDENTS TORLAKSON, FRAZIER, and SCHAEFER, in their official  
4 capacity, also have a duty to provide basic educational equality to all children enrolled in their  
5 schools.  
6

7 93. Defendants/Respondents have violated the rights of Student Plaintiffs/Petitioners and  
8 other African-American and Latino students to receive equal protection of the laws, pursuant to  
9 article I, section 7(a) and article IV, section 16(a) of the California Constitution, by failing to  
10 provide them with basic educational opportunities equal to those of White students in KHSD and  
11 Kern County. Parent Plaintiffs/Petitioners have a personal interest in the educational rights of  
12 their children and the obligation under state law to ensure that their children attend school and  
13 are hampered in the performance of that obligation by their reluctance to send their children to a  
14 school where they will be subjected to an inferior education and discriminatory practices.  
15

16 94. Unless enjoined, Defendants/Respondents will continue to violate Students  
17 Plaintiffs/Petitioners' rights and the rights of the other children of the Parent Plaintiffs/Petitioners  
18 to receive equal protection of the laws under the California Constitution, and Student  
19 Plaintiffs/Petitioners and other African-American and Latino students will suffer irreparable  
20 harm.  
21

22 95. Declaratory relief is proper here because all Plaintiffs/Petitioners are informed and  
23 believe that Defendants/Respondents will deny that they have violated and continue to violate  
24 the right of KHSD students to receive equal protection of the laws under the California  
25 Constitution.  
26

27 //

1 **SECOND CAUSE OF ACTION**

2 **VIOLATION OF ARTICLE IX, SECTIONS 1 AND 5 OF THE CALIFORNIA**  
3 **CONSTITUTION**

4 **(All Plaintiffs/Petitioners against All Defendants/Respondents)**

5 96. Plaintiffs/Petitioners incorporate all preceding paragraphs as though fully set forth here.

6 97. Defendants/Respondents have violated the rights of Student Plaintiffs/Petitioners and  
7 other African-American and Latino students pursuant to article IX, sections 1 and 5 of the  
8 California Constitution, to learn in a "system of common schools" that are "kept up and  
9 supported" such that students may learn and receive the "diffusion of knowledge and intelligence  
10 essential to the preservation of the[ir] rights and liberties."

11 98. Unless enjoined, Defendants/Respondents will continue to violate the right to receive  
12 equal protection of the laws under the California Constitution, and Student Plaintiffs/Petitioners,  
13 the other children of Parent Plaintiffs/Petitioners and the general public will suffer irreparable  
14 harm.  
15

16 99. Declaratory relief is proper here because all Plaintiffs/Petitioners are informed and  
17 believe that Defendants/Respondents will deny that they have violated and continue to violate  
18 the right of KHSD students to receive equal protection of the laws under the California  
19 Constitution.  
20

21 **THIRD CAUSE OF ACTION**

22 **VIOLATION OF GOVERNMENT CODE § 11135**

23 **(All Plaintiffs/Petitioners Against All Defendants/Respondents)**

24 100. Petitioners incorporate by reference paragraphs all preceding paragraphs as though fully  
25 set forth here.

26 101. Government Code §§ 11135 et seq. provides that no person within the state shall "on the  
27 basis of ethnic group identification [or] color, be unlawfully denied the benefits of, or be  
28

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1 unlawfully subjected to discrimination under, any program or activity that is funded directly by  
2 the state or receives any financial assistance from the state.”

3 102. The prohibition against discrimination applies to the State of California, its departments  
4 and agencies, school districts and recipients of direct funding or state financial assistance,  
5 including KHSD and KERN COE.  
6

7 103. Government Code §§ 11135, et seq. also authorizes regulations “to establish standards for  
8 determining which persons are protected by [the statute] and guidelines for determining what  
9 practices are discriminatory.”

10 104. Plaintiffs/Petitioners are persons protected by the anti-discrimination provisions and the  
11 regulations based on their racial and ethnic group identification and color, which is defined by  
12 the regulations as “the possession of the racial, cultural or linguistic characteristics common to a  
13 racial, cultural or ethnic group or the country or ethnic group from which a person or his or her  
14 forebears originated.” 22 C.C.R. § 98210(b) (emphasis added).  
15

16 105. Government Code §§ 11135 et seq. requires that Defendants/Respondents ensure that  
17 Plaintiffs/Petitioners, and other African-American and Latino students and their parents, not be  
18 “unlawfully denied the benefits of, or be unlawfully subjected to discrimination under, any  
19 program or activity” because of their race or ethnicity.  
20

21 106. It is illegal discrimination for the District “in carrying out any program or activity directly  
22 . . . on the basis of ethnic group identification . . . [or] color:

23 a. to deny a person the opportunity to participate in, or benefit from an aid,  
24 benefit or service;

25 b. to afford a person the opportunity to participate in or benefit from an aid,  
26 benefit or service that is not equal to that afforded others;

27 c. to provide a person with an aid, benefit or service that is not as effective in  
28 affording an equal opportunity to obtain the same result, to gain the same benefit,

1 or to reach the same level of achievement as that provided to others. In some  
2 situations, identical treatment may be discriminatory;

3 d. to provide aid, benefits or services at a different time, unless such action is  
4 clearly necessary to provide such persons with an equal opportunity to receive as  
truly effective aid, benefits or services as those provided to others;

5 i) to utilize criteria or methods of administration that:

6 (1) have the purpose or effect of subjecting a person to  
discrimination on the basis of ethnic group identification. . . [or]

7 color . . . ;

8 (2) have the purpose or effect of defeating or substantially  
9 impairing the accomplishment of the objectives of the recipient's  
program with respect to a person of a particular  
ethnic group identification [or] color . . . .

10 22 C.C.R. §98101.

11 107. Respondents have violated the provisions of Government Code §§ 11135, et seq. and its  
12 implementing regulations by failing to afford Plaintiffs/Petitioners and other African-American  
13 and Latino students and parents a full and equal educational opportunity and implementing and  
14 applying suspension, expulsion and involuntary transfer policies and practices that disparately  
15 affect the rights of African-American and Latino students to attend school in a general education  
16 setting.

17 108. As a direct and proximate cause of Defendants/ Respondents' failures to comply with  
18 their obligations Student Plaintiffs/Petitioners and other African-American and Latino students  
19 have been expelled or involuntarily transferred to an alternative school and/or independent study  
20 and thereby denied equal access to educational opportunities, programs and activities and have  
21 been irreparably harmed. Parent Plaintiffs/Petitioners have a personal interest in the educational  
22 rights of their children and the obligation under state law to ensure that their children attend  
23 school and are hampered in the performance of that obligation by their reluctance to send their  
24  
25  
26  
27  
28

1 children to a school where they will be subjected to an inferior education and discriminatory  
2 practices.

3 **FOURTH CAUSE OF ACTION**

4 **DISCRIMINATION ON THE BASIS OF RACE AND ETHNICITY IN VIOLATION OF**  
5 **THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT TO**  
6 **THE UNITED STATES CONSTITUTION**  
7 **VIOLATION OF 42 U.S.C. § 1983**

8 **(Student and Parent Plaintiffs/Petitioners against all Defendants/Respondents)**

9 109. Plaintiffs/Petitioners incorporate all preceding paragraphs as though fully set forth here.

10 110. The Fourteenth Amendment to the U.S. Constitution provides that "No State shall . . .  
11 deny to any person within its jurisdiction the equal protection of the laws."

12 111. Defendants/Respondents, acting under color of state law, knowingly and intentionally  
13 perpetuated widespread and persistent policies and practices in the administration of the  
14 discipline, suspension, expulsion, truancy, and involuntary transfer and alternative school  
15 assignment of students, in a manner that impermissibly and invidiously targets African-American  
16 and Latino students on account of their race, color, ethnicity, ancestry, and/or national origin.  
17 Defendants/Respondents' policies and practices impermissibly deprived African-American and  
18 Latino students of their right to full and equal access to education, which is unconstitutional  
19 discrimination on the basis of race, color, ethnicity, ancestry, and/or national origin, in violation  
20 of the Equal Protection Clause of the United States Constitution.

21 112. In addition and in the alternative, Defendants/Respondents' widespread and persistent  
22 policies and practices in the administration of the discipline, suspension, expulsion, truancy and  
23 involuntary transfer and alternative school assignment of students, including the enforcement of  
24 provisions that allow suspension, expulsion and involuntary transfer based on subjective criteria  
25 such as willful disruption and obscenity, violates the Equal Protection Clause of the United  
26

1 States Constitution because they resulted in harmful and invidious racially-disproportionate  
2 impact on African-American and Latino students, which is unconstitutional discrimination on the  
3 basis of race, color, ethnicity, ancestry and/or national origin at KHSD and, on information and  
4 belief in other districts around the state.

5  
6 113. Defendants/Respondents were on notice that African-American and Latino students were  
7 disproportionately disciplined or assigned to alternative schools than the general school  
8 population, yet failed to take remedial action. Defendants/Respondents, KHSD and its Board of  
9 Trustees, instead covered up its actions by changing its reporting practices to categorize  
10 "expulsions" as "involuntary transfers" and altogether withholding 2011-2012 data regarding  
11 expulsion and suspension that is disaggregated by race/ethnicity and nature of offense, although  
12 required to do so by California law. This further demonstrates KHSD's malicious intent to  
13 continue discrimination against African-American and Latino students on account of their race,  
14 color, ethnicity, ancestry, and/or national origin.

15  
16 114. In addition and in the alternative, KHSD's practices and policies have no non-pretextual,  
17 race-neutral explanation and therefore must be subjected to strict scrutiny.  
18 Defendants/Respondents cannot identify a compelling governmental interest furthered by their  
19 conduct or the existence of such disparities and discrimination of which they are a cause, nor can  
20 Defendants/Respondents demonstrate that they are furthering any such interest (if it were to  
21 exist) by a narrowly tailored means. Accordingly, Defendants/Respondents' conduct violates the  
22 Equal Protection Clause of the United States Constitution.

23  
24 115. In addition and in the alternative, Defendants/Respondents cannot identify a rational basis  
25 for their policies, practices, and conduct, or the disparities that result from their policies,  
26 practices, and conduct. Nor can Defendants/Respondents identify a rational basis for creating  
27

1 and sustaining discrimination against African-American and Latino students that deprives those  
2 students of state-created entitlements and interest, which they may not be deprived of arbitrarily  
3 or irrationally. Accordingly, Defendants/Respondents' conduct violates the Equal Protection  
4 Clause of the United States Constitution.

5  
6 116. In addition and in the alternative, Defendants/Respondents' policies, practices, and  
7 conduct in causing and/or allowing to continue to exist the gross race-based disparities in the  
8 provision of public education that have been identified above demonstrates their intent to  
9 discriminate against Plaintiffs/Petitioners and other African-American and Latino students on  
10 account of their race, color, ethnicity, ancestry, and/or national origin. Accordingly,  
11 Defendants/Respondents' conduct violates the Equal Protection Clause of the United States  
12 Constitution.

13  
14 117. In addition and in the alternative, Defendants/Respondents' policies, practices, and  
15 conduct in causing and/or allowing to continue to exist the gross race-based disparities in the  
16 provision of public education that have been identified above demonstrates their deliberate  
17 indifference to state actors' discriminatory conduct against Plaintiffs/Petitioners and other  
18 African-American and Latino students on account of their race, color, ethnicity, ancestry, and/or  
19 national origin. Accordingly, Defendants/Respondents' policies, practices, and conduct violate  
20 the Equal Protection Clause of the United States Constitution.

21  
22 118. In addition and in the alternative, Defendants/Respondents' implicit and/or unconscious  
23 biases and stereotypes against African-American and Latino students have been a significant  
24 motivating factor in causing and/or allowing to continue to exist and/or deliberate indifference to  
25 the gross race-based disparities in the provision of a public education that have been identified  
26

1 above. Accordingly, Defendants/Respondents' policies, practices, and conduct violate the Equal  
2 Protection Clause of the United States Constitution.

3 119. As a direct and proximate result of Defendants/Respondents' intentional discrimination,  
4 Plaintiffs/Petitioners Isidro Larralde, Gabriel Elder and Carmen Ramirez have personally  
5 suffered the loss of educational opportunity, the lack of access to a full curriculum, limited  
6 access to extracurricular activities, limited access to courses necessary to graduate, limited access  
7 to courses necessary to enroll in higher education, and academic deficits that have resulted in  
8 their inability to perform well in a regular classroom and/or to pass mandatory achievement tests  
9 that are a pre-condition for graduation from high school. Parent Plaintiffs/Petitioners have a  
10 personal interest in the educational rights of their children and the obligation under state law to  
11 ensure that their children attend school and are hampered in the performance of that obligation  
12 by their reluctance to send their children to a school where they will be subjected to an inferior  
13 education and discriminatory practices.

14  
15  
16 **FIFTH CAUSE OF ACTION**

17 **DENIAL OF DUE PROCESS (VOID FOR VAGUENESS – FACIAL CHALLENGE),**  
18 **14TH AMENDMENT U.S. CONSTITUTION**  
19 **(All Student and Parent Plaintiffs/Petitioners against the State of California)**

20 120. Plaintiffs/Petitioners incorporate all preceding paragraphs as though fully set forth here.

21 121. Defendants/Respondents are acting under color of state law and have and are subjecting  
22 and/or causing Plaintiffs/Petitioners or their children to be subjected to a deprivation of rights,  
23 privileges, and immunities secured by the Constitution.

24 122. Education is a fundamental right established under the California Constitution and  
25 Student Plaintiffs/Petitioners are expressly entitled to receive the benefit of a free public school  
26  
27  
28

1 education. Student Plaintiffs/Petitioners have a property and liberty interest in that education  
2 that may not be withdraw or infringed without due process.

3 123. Parent Plaintiffs/Petitioners have a personal interest in the educational rights of their  
4 children and the obligation under state law to ensure that their children attend school and are  
5 hampered in the performance of that obligation by their reluctance to send their children to a  
6 school where they will be subjected to an inferior education and discriminatory practices.

7  
8 124. Defendants/Respondents have established and applied discipline policies, pursuant to  
9 Education Code §§ 48900(i) and 48900(k), that are vague, ambiguous and overbroad by allowing  
10 students to be removed from a general education setting for actions characterized as an "obscene  
11 act," for having "engaged in habitual profanity or vulgarity," for having "[d]isrupted school  
12 activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators,  
13 school officials, or other school personnel." Defendants/Respondents State of California, CDE  
14 and the Superintendent of Public Instruction have failed and continue to fail to define these terms  
15 or provide consistent guidelines to schools and school districts regarding what type of behavior is  
16 encompassed in these terms.  
17

18 125. Plaintiffs/Petitioners lack adequate notice of the types of behavior that fit within the  
19 definitions of Education Code §§ 48900(i) and 48900(k) but nonetheless have been subjected to  
20 suspension, expulsion, involuntary transfer and effective denial of educational services based on  
21 behavior subjectively defined as fitting within these definitions. As a result, Student and Parent  
22 Plaintiffs/Petitioners have been deprived of their rights to education, without due process.  
23

24 //

25 //

26 //

27 //

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**SIXTH CAUSE OF ACTION**

**DENIAL OF DUE PROCESS (AS APPLIED), 14TH AMENDMENT U.S.  
CONSTITUTION**

**(All Parent and Student Plaintiffs/Petitioners against Defendants/Respondents KHSD, the  
KHSD Board and Superintendent BRYON SCHAEFER)**

126. Plaintiffs/Petitioners incorporate all preceding paragraphs as though fully set forth here.

127. Defendants/Respondents KHSD, the KHSD Board and Superintendent BRYON  
SCHAEFER are acting under color of state law and have caused Student Plaintiffs/Petitioners to  
be subjected to a deprivation of rights, privileges, and immunities secured by the Constitution.

128. Education is a fundamental right established under the California Constitution and  
Student Plaintiffs/Petitioners are expressly entitled to receive the benefit of a free public school  
education. Student Plaintiffs/Petitioners have a property and liberty interest in that education  
that may not be withdraw or infringed without due process.

129. The State of California has established various procedural protections which are designed  
to provide notice, an opportunity to be heard and an impartial decision maker to students who are  
threatened with suspension or expulsion.

130. Defendants/Respondents KHSD, the KHSD Board and Superintendent BRYON  
SCHAEFER, through express policies and practices have implemented a system whereby  
students, including Student Plaintiffs/Petitioners, are not afforded the procedural protections to  
notice, hearing, the right to call witnesses and decision by an impartial body prior to being  
transferred out of their general education setting and into an alternative school that fails to  
provide full and equal access to the educational opportunities provided in KHSD regular high  
schools. As a result, Student Plaintiffs/Petitioners have been deprived of their rights to  
education, without due process.

1 131. Parent Plaintiffs/Petitioners have a personal interest in the educational rights of their  
2 children and the obligation under state law to ensure that their children attend school and are  
3 entitled to participate in any formal discipline and transfer decisions made regarding their  
4 children. Defendants/Respondents KHSD, the KHSD Board and Superintendent BRYON  
5 SCHAEFER have deprived Parent Plaintiff/Petitioners of those rights and denied them due  
6 process.  
7

8 **SEVENTH CAUSE OF ACTION**

9 **VIOLATION OF THE EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1974**  
10 **(20 U.S.C. § 1703)**

11 **(All Plaintiffs/Petitioners against All Defendants/Respondents)**

12 132. Plaintiffs/Petitioners incorporate all preceding paragraphs as though fully set forth here.

13 133. Defendants/Respondents have approved, authorized, and used suspension, expulsion,  
14 truancy, and school assignment policies and practices that have resulted in the denial of equal  
15 educational opportunity to African-American and Latino students by transferring them from their  
16 attendance area school to alternative schools with the effect and purpose of segregating those  
17 students based on perceived cultural and social behaviors associated with their race, ethnicity,  
18 and/or national origin, in violation of 20 U.S.C. § 1703(e) of the Equal Educational  
19 Opportunities Act.  
20

21 134. Defendants/Respondents previously practiced deliberate segregation through the  
22 operation and condoned operation of a dual school system in Kern County, and the vestiges of  
23 that dual school system have remained and been exacerbated by new policies and practices based  
24 on race, ethnicity, and/or national origin, and perceived cultural and social behaviors associated  
25 with the race, ethnicity, and/or national origin of their African-American and Latino students,  
26 and have failed to take affirmative steps to remove the vestiges of that dual school system.  
27

1 135. Unless enjoined, Defendants/Respondents will continue to violate the rights of  
2 Plaintiffs/Petitioners and other African-American and Latino students to receive equal  
3 educational opportunity under the EEOA, and Plaintiffs/Petitioners and other African-American  
4 and Latino students will suffer irreparable harm.

5 136. Declaratory relief is proper here because Plaintiffs/Petitioners are informed and believe  
6 that Defendants/Respondents will deny that they have violated and continue to violate  
7 Plaintiffs/Petitioners' and other African-American and Latino students' rights to equal  
8 educational opportunity under the EEOA.  
9

#### 10 EIGHTH CAUSE OF ACTION

#### 11 ILLEGAL EXPENDITURE OF TAXPAYER FUNDS (CODE CIV. PROC. § 526a) 12 (Plaintiff/Petitioner Lori de Leon against All Defendants/Respondents)

13 137. Plaintiffs/Petitioners incorporate all preceding paragraphs as though fully set forth here.

14 138. Plaintiff/Petitioner LORI DE LEON is a resident and taxpayer of Kern County, in the  
15 State of California. Within the last year, Ms. de Leon has been assessed for, and is liable to pay  
16 taxes in the county in which she resides, and is also liable to pay income taxes to the State of  
17 California and the United States of America. Within a year before the commencement of this  
18 action, Ms. de Leon was assessed for, and paid taxes in the county in which she resides and to  
19 the State of California and the United States. Ms. de Leon also has filed a state and federal tax  
20 return during the past year demonstrating payment of those taxes.  
21

22 139. Defendants/Respondents, individually and through the actions of their agents, have  
23 expended tax moneys and threaten to continue and will continue to expend tax moneys in an  
24 illegal manner in violation of state law as alleged in this complaint.  
25

26 140. Defendants/Respondents received state and federal funds which have been appropriated  
27 and allocated to the Defendants/Respondents, CDE, and Defendant/Respondent State of  
28

1 California through its Board of Education, for the purpose of complying with state and federal  
2 mandates regarding specialized education programs for students. By failing to implement  
3 adequate monitoring and oversight of these programs and otherwise failing to take steps to  
4 ensure equal educational access for English language learner ("ELL") students, as alleged herein,  
5 Defendants/Respondents have unlawfully diverted money intended for monitoring and oversight  
6 to other uses in violation of state and federal law.

8 141. Plaintiff/Petitioner LORI DE LEON, and other taxpayers, have suffered and continue to  
9 suffer irreparable injury; money damages would be difficult to ascertain; and money damages  
10 would not adequately compensate taxpayers for unlawful governmental activity.

11 142. The acts and omissions outlined in this Complaint were committed by  
12 Defendants/Respondents, either personally or through the actions of their agents, acting pursuant  
13 to policies set by Defendants/Respondents. Plaintiff/Petitioner LORI DE LEON brings this  
14 action on behalf of herself and other taxpayers to enjoin the wasteful expenditure of taxpayers'  
15 dollars by Defendants/Respondents.

#### 17 NINTH CAUSE OF ACTION

#### 18 WRIT OF MANDATE CODE CIV. PROC. § 1085 19 (All Plaintiff/Petitioners against Defendants/Respondents)

20 143. Plaintiffs/Petitioners incorporate all preceding paragraphs as though fully set forth here.

21 144. Defendants/Respondents each have a clear and present ministerial duty to provide for  
22 equal access to educational opportunity for all children enrolled in the schools and school  
23 districts they administer and/or oversee; to take appropriate action to identify and eliminate  
24 policies that interfere with the equal participation by their students in their instructional  
25 programs; and to monitor and ensure that the schools and/or school districts are in compliance  
26 with state and federal statutory and regulatory requirements and the underlying purposes and  
27

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1 specific provisions of the California Constitution, the EEOA, and state laws applicable to the  
2 provision of equal education to African-American and Latino children.

3 Defendants/Respondents, as alleged herein, have failed and are failing to comply with those  
4 duties and obligations.

5  
6 145. Defendants/Respondents KHSD and SUPERINTENDENT SCHAEFER have a clear and  
7 present ministerial duty to provide data and student information to the California Department of  
8 Education regarding suspensions and expulsions by race, ethnicity, national origin and sex.  
9 Defendants/Respondents CDE and SUPERINTENDENT TORLAKSON have the clear and  
10 present ministerial duty to collect and report that data and ensure compliance with the data  
11 reporting requirements imposed on school districts. Defendants/Respondents KHSD, CDE, and  
12 SUPERINTENDENTS SCHAEFER and TORLAKSON, as alleged herein, have failed and are  
13 continuing to fail to comply with these duties in that KHSD and SUPERINTENDENT  
14 SCHAEFER have not submitted that data and information for the 2011-12 school year and CDE  
15 and SUPERINTENDENT TORLAKSON have taken no action to procure that data.

16  
17 146. Defendants/Respondents KHSD and SUPERINTENDENT SCHAEFER have a clear and  
18 present ministerial duty to develop a LCAP that establishes goals for subgroups including  
19 Latinos and African-Americans, addressing suspensions and expulsions as required by Educ.  
20 Code 52060(c)(1). Defendants/Respondents KERN COE, CDE, and SUPERINTENDENTS  
21 FRAZIER and TORLAKSON have the clear and present ministerial duty to review LCAPs  
22 submitted by districts, including KHSD, and to ensure compliance with requirements of the  
23 LCFF in accordance with Educ. Code § 52060 et seq. and applicable regulations.

24  
25 Defendants/Respondents KHSD, KERN COE, CDE and SUPERINTENDENTS SCHAEFER,  
26 FRAZIER, and TORLAKSON, as alleged herein, have failed and are failing to comply with  
27

1 these duties in that KHSD and SUPERINTENDENT SCHAEFER have not submitted a LCAP  
2 that identifies such goals in violation of Educ. Code §52060(c)(1) and KERN COE, CDE and  
3 SUPERINTENDENTS FRAZIER and TORLAKSON, although asked by Plaintiffs/Petitioners  
4 to intervene pursuant to the uniform complaint procedures as set forth in Educ. Code §52075,  
5 have taken no action to ensure that KHSD develops and implements a LCAP that complies with  
6 LCFF mandates.

8 147. Defendants/Respondents KHSD, SUPERINTENDENT SCHAEFER, and BOARD OF  
9 TRUSTEES have a clear and present duty under Educ. Code §§ 48432.3 and 48432.5 to adopt  
10 policies and procedures governing the voluntary and involuntary transfer of pupils to  
11 continuation high schools. As part of that duty, Defendants/Respondents must ensure that there  
12 is a clear criterion for determining which pupils may voluntarily transfer or be recommended for  
13 transfer to a continuation high school and that this criterion is not applied arbitrarily. Educ. Code  
14 48432.3(a). Defendants/Respondents may not impose an involuntary transfer unless other means  
15 fail to bring about student improvement. Educ. Code 48432.5. In addition,  
16 Defendants/Respondents must ensure that no specific group of pupil is disproportionately  
17 enrolled in continuation high schools. Educ. Code 48432.3(b).

19 148. Defendants/Respondents KHSD, SUPERINTENDENT SHAEFER, and BOARD OF  
20 TRUSTEES have transferred, and continue to transfer, students to continuation high schools  
21 without following the voluntary and/or involuntary transfer procedures set forth in Educ. Code  
22 §§ 48432.3 and 48432.5.

24 149. Defendants/Respondents KHSD, SUPERINTENDENT SHAEFER, and BOARD OF  
25 TRUSTEES have failed to develop and/or implement policies and procedures consistent with  
26 their statutory duties pursuant to Educ. Code §§ 48432.3 and 48432.5. Defendants/Respondents'

1 failure has resulted in the disproportionate transfer of African-American and Latino pupils to  
2 continuation high schools that fail to address their individual educational needs or promote their  
3 educational interests.

4 150. Defendants/Respondents KHSD, SUPERINTENDENT SHAEFER, and BOARD OF  
5 TRUSTEES have a clear and present duty under Educ. Code § 48918 to adopt rules and  
6 regulations governing procedures for the expulsion of pupils which must include an expulsion  
7 hearing, written notice of the hearing with a statement of the specific facts and charges, a record  
8 of the hearing, and written notice of the decision accompanied by notice of the right to appeal.  
9

10 151. Defendants/Respondents KHSD, SUPERINTENDENT SHAEFER, and BOARD OF  
11 TRUSTEES have a clear and present duty under Educ. Code § 48916 to adopt rules and  
12 regulations establishing a procedure for the filing and processing of requests for readmission and  
13 the process for the required review of all expelled pupils for admission including setting a  
14 specific date for when an expelled pupil will be reviewed for readmission.  
15

16 152. Defendants/Respondents KHSD, SUPERINTENDENT SHAEFER, and BOARD OF  
17 TRUSTEES have failed to develop and/or implement policies and procedures consistent with  
18 their statutory duties pursuant to Educ. Code §§ 48916 and 48918. Defendants' failure has  
19 resulted in the disproportionate transfer of African-American and Latino pupils to county  
20 community schools including the transfer of Plaintiff/Petitioners Isidro Larralde, Gabriel Elder,  
21 and Carmen Ramirez in addition to Kenton M. and Antonio M.; transfers of students, including  
22 Plaintiff/Petitioner Carmen Ramirez and Antonio M., following a coerced waiver of rights and  
23 without adequate notice or an expulsion hearing; unlawful failure to readmit students, as was the  
24 case for Plaintiff/Petitioner Gabriel Elder, Antonio M. and Avery S., who have completed their  
25 expulsion term and satisfied the conditions of their rehabilitation plan; and the placement of  
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1 Plaintiff/Petitioners, and other African-American and Latino students, into community schools  
2 with higher dropout rates, limited course offerings, and no access to the extracurricular activities  
3 otherwise available in traditional schools.

4 153. Defendants/Respondents have a clear and present ministerial duty to comply with Educ.  
5 Code § 51747 et seq. and 5 C.C.R 11700 et seq. governing the administration of independent  
6 study programs, including the requirement that participation in an independent study program be  
7 voluntary and that students on independent study have the same access to existing services and  
8 resources as is provided to other students.

9 154. Defendants/Respondents administer or oversee independent study programs in violation  
10 of the statutory and regulatory requirements governing those programs. Defendants place  
11 students on independent study programs as a discipline measure, force their participation in these  
12 programs against their will and without their informed consent, and deny students in independent  
13 study programs equal access to existing services and resources such as counselors, computer  
14 labs, libraries, and extracurricular activities.

15 155. State funded recipients are prohibited from discriminating on the basis of protected  
16 characteristics, including race or national origin. "No person in the State of California shall, on  
17 the basis of race, [or] national origin [], be unlawfully denied full and equal access to the benefits  
18 of, or be unlawfully subjected to discrimination under, any program or activity that is conducted,  
19 operated, or administered by the state or by any state agency, [or] is funded directly by the state."

20 Education Code § 11135(a). Defendants/Respondents have violated their duty to comply with  
21 these anti-discrimination provisions by implementing and failing to intervene to stop the  
22 implementation of suspension, expulsion, truancy, and involuntary transfer policies that have  
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1 denied and are denying African-American and Latino students full and equal access to public  
2 education.

3 156. As recipients of Federal financial assistance in the form of education grants and contracts,  
4 Defendants/Respondents are subject to the provisions of Title VI of the Civil Rights Act of 1964,  
5 20 U.S.C. § 2000d, and its implementing regulations, which prohibit discrimination on the basis  
6 of race, color or national origin. As a condition of the receipt of federal funding for educational  
7 programs, Defendants/Respondents are prohibited from implementing programs or criteria for  
8 participation in educational programs that disparately limit the participation of Petitioners and  
9 other LEP children who are Latino or African-American. In violation of Title VI,  
10 Defendants/Respondents have implemented and are continuing to implement highly  
11 discretionary suspension, expulsion, and involuntary transfer policies that result in the  
12 disproportionate suspension, expulsion, and transfer of African-American and Latino students  
13 and involuntary assignment to alternative school settings that offer inferior educational services.

16 157. As a result of the Defendants/Respondents' failure to comply with their constitutional,  
17 statutory and regulatory duties, African-American and Latino students enrolled in KHSD and  
18 KERN COE schools have been disproportionately placed in alternative school settings and  
19 denied equal educational opportunity and continue to suffer educational deficits.

20 158. Plaintiffs/Petitioners have no clear and present alternative remedy available to them with  
21 respect to the various violations of Defendants/Respondents' failure to comply with their  
22 statutory duties.  
23

#### 24 TENTH CAUSE OF ACTION

#### 25 DECLARATORY RELIEF, CODE CIV. PROC. § 1085 26 (All Plaintiff/Petitioners against Defendants/Respondents)

27 159. Plaintiffs/Petitioners incorporate all preceding paragraphs as though fully set forth here.  
28

COMPLAINT AND PETITION FOR  
WRIT OF MANDATE

1 160. An actual controversy has arisen and now exists between Plaintiffs/Petitioners and  
2 Defendants/Respondents concerning their respective rights and duties in that  
3 Plaintiffs/Petitioners contend that each Defendant/Respondent has violated one or more of its  
4 legal duties or obligations as to Plaintiffs/Petitioners, whereas Defendants/Respondents dispute  
5 these contentions and contends that their actions are consistent with those duties and obligations  
6

7 161. Plaintiffs/Petitioners desire a judicial determination of their rights and duties, and a  
8 declaration as to legal duties and obligations of Defendants/Respondents

9 162. A judicial declaration is necessary and appropriate at this time under the circumstances in  
10 order that Plaintiffs/Petitioners may ascertain their rights and the duties and obligations of  
11 Defendants/Respondents.  
12

13 163. Plaintiffs/Petitioners bring this action in furtherance of the public policy and to enforce  
14 important rights affecting the public interest as established by the U.S. Constitution, the  
15 California Constitution and the federal and state laws alleged in this complaint. Therefore,  
16 Plaintiffs/Petitioners seek attorneys' fees pursuant to Code Civ. Proc. § 1021.5.  
17

#### 18 PRAYER FOR RELIEF

19 WHEREFORE, Plaintiffs/Petitioners pray for judgment as follows:

20 164. Plaintiffs/Petitioners respectfully request that this Court enter a declaratory judgment  
21 stating that the administration of student discipline, in KHSD violate Article IX, Sections 1 and 5  
22 of the California Constitution; the Equal Protection Clauses of the California Constitution,  
23 Article I, Section 7(A) & Article IV, Section 16(A); Govt. Code § 11135; the Equal Protection  
24 Clause and Due Process Clause of the Fourteenth Amendment to the United States Constitution;  
25 as well as 42 U.S.C. §1983, the Equal Educational Opportunity Act, 20 U.S.C. § 1703.  
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1 165. Plaintiffs/Petitioners respectfully request that this Court enter a permanent injunction  
2 barring the race-based administration of state law providing for the administration of student  
3 discipline in Kern High School District.

4 166. Plaintiffs/Petitioners respectfully request that this Court enter a decree enjoining  
5 Defendants/Respondents to eradicate race-based discrimination in the administration of student  
6 discipline in Kern High School District.

7 167. Plaintiffs/Petitioners respectfully request that this Court order Defendant/Respondent  
8 KHSD to provide educational remediation services to Student Plaintiffs/Petitioners, and to  
9 identify and provide remediation services other students of KHSD who were subjected to  
10 suspension, expulsion or involuntary transfer as a result of KHSD's unlawful and discriminatory  
11 policies and that such services be specifically designed to meet the unique educational needs of  
12 each student.

13 168. Plaintiffs/Petitioners respectfully request that this Court order Defendants/Respondents  
14 KERN COUNTY OFFICE OF EDUCATION, TOM TORLAKSON, in his capacity as STATE  
15 SUPERINTENDENT OF PUBLIC INSTRUCTION; CALIFORNIA DEPARTMENT OF  
16 EDUCATION and the STATE OF CALIFORNIA to take all steps necessary to ensure that state  
17 laws regulating the discipline and involuntary transfer of students and racially and ethnically  
18 neutral and ensure that school districts, including KHSD, comply with their obligations under  
19 state and federal law to provide equal educational opportunity to all students.

20 169. Plaintiffs/Petitioners respectfully request that this Court enter a writ of mandate directing  
21 Defendants/Respondents to comply with their mandatory constitutional and statutory duties  
22 alleged in this Complaint/Petition.

1 170. Plaintiffs/Petitioners respectfully request costs of suit, including reasonable attorneys'  
2 fees under 42 U.S.C. § 1988 and Code Civ. Proc. § 1021.5 and any and all further relief to which  
3 they may be entitled.  
4

5  
6 Dated: October 8, 2014

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10 Franchesca Verdin  
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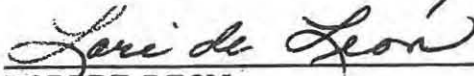
1 VERIFICATION

2 I, Lori de Leon, declare and say:

3 I am a Plaintiff/Petitioner in the above-entitled action; I have read the foregoing  
4 COMPLAINT AND PETITION FOR WRIT OF MANDATE and know the contents thereof. I  
5 declare that the same is true of my own knowledge, except as to those matters which are therein  
6 stated upon information or belief, are recitations of the law or public records, or which relate to  
7 other named Plaintiff/Petitioners, and as to those matters I believe them to be true.  
8

9 I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct.

11 Executed on October 8, 2014, at Bakersfield, California.  
12

13   
14 LORI DE LEON  
15 Plaintiff/Petitioner  
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