

FACT SHEET

The purpose of this fact sheet is to address misconceptions about the *Cruz et al. v. State of California et al.* lawsuit.

Frequently asked questions about the lawsuit:

Was the lawsuit filed against school district, school, principals, counselors or teachers? No. School districts, schools sites, and school staff are not named in the lawsuit. The only defendants in the lawsuit are the state of California and state education officials.

Does the lawsuit allege that teachers or school staff are doing a bad job? No. The lawsuit was filed in support of teachers, counselors, and administrators, and is intended to ensure that they receive the proper support from and are sufficiently empowered by the state.

Does the lawsuit call for the replacement of teachers or staff? No. The lawsuit calls for the state to provide additional resources to school districts so that teachers and staff are able to provide students with sufficient instructional time. Potential solutions could include hiring additional teachers and counselors, increasing class offerings, and restoring lost instructional time.

What is the lawsuit about?

The lawsuit is about the protection of a fundamental element of a student's education: **learning time**.

All students in California have a right to an equal education under the California constitution. However, thousands of students who attend many of California's underperforming public schools consistently receive far less meaningful instructional time than their peers in higher income areas. A number of factors combine to deprive students of learning time, which include:

- The assignment of content-less classes to students who are not on track to graduate, are not at or above grade level in reading and mathematics, or have already taken one content-less class.
- The failure to ensure that schools complete their master calendars accurately and on time.
- The failure to prevent high rates of teacher turnover.
- The failure to put the right policies in place to prevent students from skipping school.
- The failure to provide safe campuses.

This accumulation of lost learning time has devastating consequences. The students who consistently receive fewer hours of instruction often fail to reach grade-level reading and math proficiencies, have lower graduation rates, have lower college attendance rates, and suffer dramatically reduced job prospects.

For too long, the state of California and state education officials have endorsed a two-tier education system and have stood by idly while thousands of students have fallen behind. This lawsuit was filed to force the state to take responsibility and fix the problems described above. The state must provide school districts, administrators, counselors, and teachers with the resources they need to ensure that all students receive appropriate instructional time and have an equal opportunity to learn.

Who are the parties involved in the lawsuit?

On behalf of students from nine schools across California, the ACLU Foundation of Southern California and Public Counsel, in collaboration with the law firms of Carlton Fields Jorden Burt and Arnold & Porter LLP, filed a class action lawsuit against the State of California and state education officials. No school districts, school sites, administrators, teachers, or school staff were named in the lawsuit.

Timeline of events:

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| May 29, 2014 | Plaintiffs file the lawsuit in Alameda County Superior Court. |
| October 2, 2014 | Plaintiffs ask the court to issue a temporary restraining order, which is a temporary order courts issue usually to address emergencies, to compel the state to address the severe scheduling problems students experienced at Thomas Jefferson High School (LAUSD) at the beginning of the 2014-15 school year. |
| October 8, 2014 | Judge Hernandez issues the temporary restraining order, requiring the state to step in and work with LAUSD to fix problems at Jefferson and restore lost learning time to students. |
| February 5, 2015 | Plaintiffs file a motion for preliminary injunction (further described below). A preliminary injunction is an order from the court requiring the parties to do something, or stop doing something, before the court makes its final determination. |
| April 9, 2015 | Judge Hernandez will hold a hearing on the motion for preliminary injunction. |

What is the purpose of Plaintiffs' motion for preliminary injunction?

Plaintiffs filed the motion for preliminary injunction to attempt to reduce or eliminate some of the clearest and most damaging sources of lost learning time at Jefferson, Dorsey, Fremont (LAUSD), Compton, Fremont (OUSD), and Castlemont High Schools. Plaintiffs have sought this court order because the schools have not finalized their schedules on time or provided enough substantive classes for students year after year.

The motion is designed to make sure that students are enrolled in substantive classes that will help them learn and graduate on time. Specifically, the motion calls for:

1. The elimination of classes that have no content (which includes home, free, service, and teacher's aide classes) for students who are not on track to graduate, are not at or above grade level in reading and mathematics, or have already taken one content-less class;
2. Schools to finalize accurate master calendars prior to the beginning of the school year; and
3. Schools to review the transcripts of each high school senior no later than two weeks into the school year to determine whether they are on track to attain the necessary credits to graduate and to qualify for admission to California colleges

If the court grants the motion, the changes at the six schools will take effect before the beginning of the 2015-16 school year.

