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Civil Rights Groups Sue State for Refusal to Identify Number of Students Struggling to Learn English

Parents left unable to determine which programs are best for their children

(San Francisco, CA) – The Lawyers' Committee for Civil Rights (LCCR) and Public Counsel filed suit Monday in Sacramento County Superior Court challenging the California Department of Education's (CDE) refusal to disclose the number of long-term English learners in California public schools.

State law requires CDE to count how many long-term English learners are enrolled in each California public school and to report that number to local school districts. Twice this year, LCCR and Public Counsel requested the most recent reports for several Bay Area and Southern California school districts, including the nation's second-largest school district, Los Angeles Unified School District. On the first occasion, CDE refused to provide the information. CDE simply ignored the second request. Both actions violate state law. California's Public Records Act requires CDE to provide this information to the public upon request.

"CDE's refusal to provide this information is inexcusable," said Travis Silva, Equal Justice Works Fellow at the Lawyers' Committee for Civil Rights of the San Francisco Bay Area. "No state agency is above the law and CDE must release this data into the public domain immediately."

"For over forty years, California's Public Records Act has increased transparency in state and local government," said Thomas R. Burke, partner at Davis Wright Tremain LLP in San Francisco. "The California Department of Education has failed the test of transparency by unlawfully withholding from the public this valuable data on the number of long-term English learners." Davis Wright Tremain LLP is representing LCCR and Public Counsel pro bono.

Parent groups use this data to monitor their school districts' English Language Development programs. "These data are vital to parents deciding which English programs are right for their children," said Gabriella Barbosa, Equal Justice Works Fellow at Public Counsel in Los Angeles. "We share these data with parent leaders to help them monitor district programs. Without it, parents and community members are unable to evaluate which English programs work and which ones are failing." LCCR and Public Counsel regularly work with

parent and community groups to evaluate the quality of English Language Development programs throughout California.

Long-term English learners are students whose primary language is not English, have been enrolled in U.S. schools for more than six years, but lack enough proficiency in English to participate in the mainstream curriculum without language support. Many have spent more than six years in California's English Language Development program without gaining English proficiency. California is home to more students learning English than any other state, serving over 1.3 million English learners during the 2014-2015 school year.

The case is [*LCCR et al. v. California Department of Education*](#), filed in Sacramento County Superior Court on August 10, 2015. A copy of the writ petition is available [here](#).

About the Lawyers' Committee for Civil Rights of the San Francisco Bay Area

Lawyers' Committee for Civil Rights of the San Francisco Bay Area, founded in 1968, works to advance, protect and promote the legal rights of communities of color, low-income persons, immigrants, and refugees. Assisted by hundreds of pro bono attorneys, LCCR provides free legal assistance and representation to individuals on civil legal matters through direct services, impact litigation and policy advocacy. For more information, visit www.lccr.com.

About Public Counsel

Founded in 1970, Public Counsel strives to achieve three main goals: protecting the legal rights of disadvantaged children; representing immigrants who have been the victims of torture, persecution, domestic violence, trafficking, and other crimes; and fostering economic justice by providing individuals and institutions in underserved communities with access to quality legal representation. Public Counsel annually assists more than 30,000 families, children, immigrants, veterans, and nonprofit organizations and addresses systemic poverty and civil rights issues through impact litigation and policy advocacy.
www.publiccounsel.org

About Davis Wright Tremaine LLP

Davis Wright Tremaine LLP is a national, full-service, business and litigation law firm representing clients located in the United States and around the world. The firm today has approximately 500 attorneys working in nine offices (including San Francisco and Los Angeles) covering a wide range of practice and industry areas. With more than 40 years of experience handling a wide range of media and First Amendment matters, the firm's media group is widely recognized as among the best in the country. Davis Wright Tremaine LLP is the firm of choice for many of the nation's most prominent media, news, and content companies, including traditional and new media, and major online networks.

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