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**FOR IMMEDIATE RELEASE**

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## **Court Rules that Lawsuit Can Move Forward On Behalf of Latino, Black Students Facing Discrimination in Kern County**

(Bakersfield, Calif.) – A California District Court of Appeal panel has refused to dismiss a lawsuit brought by a coalition of civil rights groups against Kern High School District (KHSD) over disciplinary policies that unlawfully target African American and Latino students. The court summarily denied KHSD’s extraordinary writ request to revisit the trial court’s denial of dismissal.

The lawsuit, first filed in 2014, was brought by MALDEF (Mexican American Legal Defense and Educational Fund), California Rural Legal Assistance, Inc., Equal Justice Society, Greater Bakersfield Legal Assistance, Inc., and Wilson Sonsini Goodrich & Rosati alleging that the district’s discriminatory policies push African American and Latino students out of regular district schools and into alternative schools that provide substantially diminished opportunities.

Last Thursday’s ruling by the 5th District Court of Appeal marks the third time that courts have rebuffed Kern High School District’s efforts to eliminate the case.

“We hope this sends a clear message to the district that their obligations are legally enforceable and that they will be held accountable for any further delays in implementing real changes needed to stop the push out of Latino and African American students and to eliminate the racially hostile environment that students of color are subjected to,” said Cynthia L. Rice, Director of Litigation, Advocacy & Training at California Rural Legal Assistance, Inc.

In 2009-10, KHSD reported the highest actual number of expulsions in California, even when compared to far larger school districts, such as the Los Angeles Unified School District. In that year, the percentage of African American and Latino students taken out of their local schools and assigned to alternative schools was double that of white students.

While expulsions have gone down since the lawsuit was filed, KHSD continues to transfer a high number of African American and Latino students to alternative schools. As a result, those schools continue to disproportionately enroll Latinos and African Americans.

The lawsuit contends that the district’s policies are highly subjective, resulting in Latino and African American students being suspended for minor offenses, including willful defiance, which can include



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wearing a hat in violation of an informal dress code. By comparison, white students are more likely to be suspended only in cases involving far more serious offenses, such as physical altercations.

“After almost two years since the case was filed, KHSD should cease its continued efforts to delay the resolution of this important challenge to its denial of equal educational opportunity to thousands of students,” stated Thomas A. Saenz, MALDEF’s President and General Counsel. “Dilatory tactics serve no one’s interests, least of all the students and families of KHSD.”

The Kern High School District, located in California’s Central Valley, has a student population that is majority Latino. African Americans comprise 6.3 percent of the enrolled students.

The plaintiffs include parents and students in the Kern High School District, taxpayer plaintiff Lori De Leon, and community organizations Dolores Huerta Foundation, National Brotherhood Association, and Faith in Action – Kern County.

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