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Court Allows Discrimination Suit to Proceed Against Kern High School District and County and State Education Agencies

Latino and African American Students Deserve Equal Access to Educational Opportunity

BAKERSFIELD, CALIF. --Judge Eric Bradshaw of the Kern County Superior Court ruled Monday that Latino and Black Plaintiffs can proceed with most of their claims against the Kern High School District, the Kern County Office of Education, and the California Department of Education. A coalition of civil rights legal advocates, including MALDEF, California Rural Legal Assistance, Inc., Equal Justice Society, and Greater Bakersfield Legal Assistance, Inc., representing Latino and African American students and parents in Kern County will pursue the lawsuit against the defendants and are considering whether to appeal or otherwise seek review of the court's other rulings.

The goal of this lawsuit is to correct the school district's current discipline practices, to eliminate the disproportionate suspensions of students of color, to foster a safe environment with effective discipline responses, and to ensure the rights of students to a quality education. The Court made clear that students have the right to advance their constitutional and statutory rights to equal and fair education in Bakersfield.

Plaintiffs will amend their Complaint and continue conducting discovery to prove their case, including seeking information on how the Kern High School District spends the money that the State earmarks for English learners, low income students and foster youth; the discipline data that Defendants have improperly withheld from Plaintiffs and failed to report to the California Department of Education; and the Defendants' overall discipline practices throughout the years.



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With the evidence, Plaintiffs seek to show that African American and Latino students are being denied their fundamental right to an equal and adequate education, are being discriminated against on account of their race or national origin, and are being tracked onto a path to nowhere.

Under the California Constitution, the State must provide every student in public school the educational opportunity to succeed to the best of the student's ability. When disciplinary practices and policies deprive students of that constitutional right to an education, those policies and practices are subject to challenge under the California Constitution. With its increasingly diverse student population, California's future depends on honoring this constitutional right for all students.

Plaintiffs have already begun the process of obtaining documents and testimony regarding the policies and practices of the KHSD and Kern County Office of Education for discipline, involuntary transfers and the course offerings and use of district resources, which they believe will demonstrate both express and implicit bias against Blacks and Latinos in the discipline and transfer system and a lack of adequate educational opportunities at continuation and community schools.

The Kern High School District, located in California's Central Valley, has a student population that is 62 percent Latino and 6.3 percent African American. Over the last five years, discriminatory school assignment policies have made it far more likely for Latino and African American students to be suspended, expelled, and assigned to alternative schools than the rest of the student population.

KHSD's discipline and involuntary transfer policies have created a pattern that has been nationally studied and described as the "School-to-Prison Pipeline" - defined as the use of educational policies and practices that have the effect of pushing students, especially students of color and students with disabilities, out of schools and toward the juvenile and criminal justice systems. Additionally, those disciplined and transferred out of a general school setting are more likely to drop out; less likely to graduate on time, if at all; and less likely to attend or complete college or post-high school vocational training, a reality more accurately described as the "School-to-Nowhere Pipeline."

"This is an historic recognition of the right to hold districts, the County Offices of Education and some aspects of the State responsible for discriminatory discipline practices in local schools. We are looking forward to pursuing our strong case against the KHSD," said Cynthia Rice, Director of Litigation, Advocacy and Training at the California Rural Legal Assistance, Inc. "We are confident that the court will recognize that action needs to be taken by the KHSD, KCOE and State Defendants to ensure that these students have equal access to education. It's disappointing that the court dismissed the some of the claims, as we believe that children in KHSD and KCOE are being denied the free public school education guaranteed by the California constitution and that all Defendants including the State of California, can be held accountable for violating the other federal, state, and constitutional protections against discrimination plead in the complaint. We will consider appealing or otherwise challenging those aspects of the ruling."



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"Today the court ruled that school districts and state agencies are responsible for providing education equity in the context of student discipline," stated Martha L. Gomez, MALDEF staff attorney. "This ruling will help African American and Latino students obtain fair access to education, which is crucial to ensure the success of our entire state."

"Many Black and Latino students in Bakersfield feel they are being mistreated and disciplined because of the color of their skin. Most teachers want to treat all students fairly. Recent advances in the field of neuroscience have shown that all Americans have unconscious or implicit bias about African Americans and Latinos. These unacknowledged attitudes affect decision-making including who gets disciplined. This case will help devise ways to eliminate these biases to result in fewer suspensions and expulsions of children of color," said Eva Paterson, President, Equal Justice Society.

"GBLA believes that all students in Kern County should have access to an educational environment free from the negative impacts of discriminatory practices," said Stanley Wu, staff attorney at Greater Bakersfield Legal Assistance. "The court's ruling today is an important first step in ensuring that all students of color in the Kern High School District have access to the same educational opportunities enjoyed by students across the state of California."

California Rural Legal Assistance:

Founded in 1966, CRLA's mission is to fight for justice and individual rights alongside the most exploited communities of our society. Through a network of regional offices and cross-cutting programs, CRLA provides legal services to over 32,000 low-income people annually. Our work impacts farmworkers, individuals with disabilities, immigrant populations, LGBT communities, women, children and families in rural areas.

For more information on CRLA, please visit: www.crla.org

MALDEF

Founded in 1968, MALDEF is the nation's leading Latino legal civil rights organization. Often described as the "law firm of the Latino community," MALDEF promotes social change through advocacy, communications, community education, and litigation in the areas of education, employment, immigrant rights, and political access.

For more information on MALDEF, please visit: www.maldef.org

EJS

The Equal Justice Society is transforming the nation's consciousness on race through law, social science, and the arts. Led by President Eva Paterson, our legal strategy aims to broaden conceptions of present-day discrimination to include unconscious and structural bias by using social science, structural analysis, and real-life experience.

Connect with EJS at - equaljusticesociety.org, [@equaljustice](https://twitter.com/equaljustice), and [fb.com/equaljusticesociety](https://facebook.com/equaljusticesociety).



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GBLA

Founded in 1968, GBLA's mission is to promote social change and justice by providing high-quality legal services to the low-income community of Kern County, California. GBLA assists clients in the areas of housing and homelessness, domestic violence, guardianship, children and family services, health law, consumer law, and others.

For more information on GBLA, please visit: www.gbla.org