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13 SUPERIOR COURT OF CALIFORNIA  
14 COUNTY OF LOS ANGELES

15 CANCEL THE CONTRACT-ANTELOPE  
16 VALLEY; B.Y.; C.Y.; L.W.; O.W.; V.X.,  
17 minor by and through their guardian *ad*  
18 *litem* T.X.; H.N., minor by and through  
19 their guardian *ad litem* J.N.; and K.D.;  
20 A.D.,

21 PLAINTIFFS,  
22 v.

23 ANTELOPE VALLEY UNION HIGH  
24 SCHOOL DISTRICT; GREG NEHEN in  
25 his official capacity as  
26 SUPERINTENDENT; and CHARLES  
27 HUGHES, JILL MCGRADY, DONITA  
28 WINN, CARLA CORONA, and MIGUEL  
SANCHEZ IV in their official capacities as  
members of the BOARD OF TRUSTEES.

DEFENDANTS.

Case No.:

PETITION FOR WRIT OF MANDATE  
AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF

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1 **INTRODUCTION**

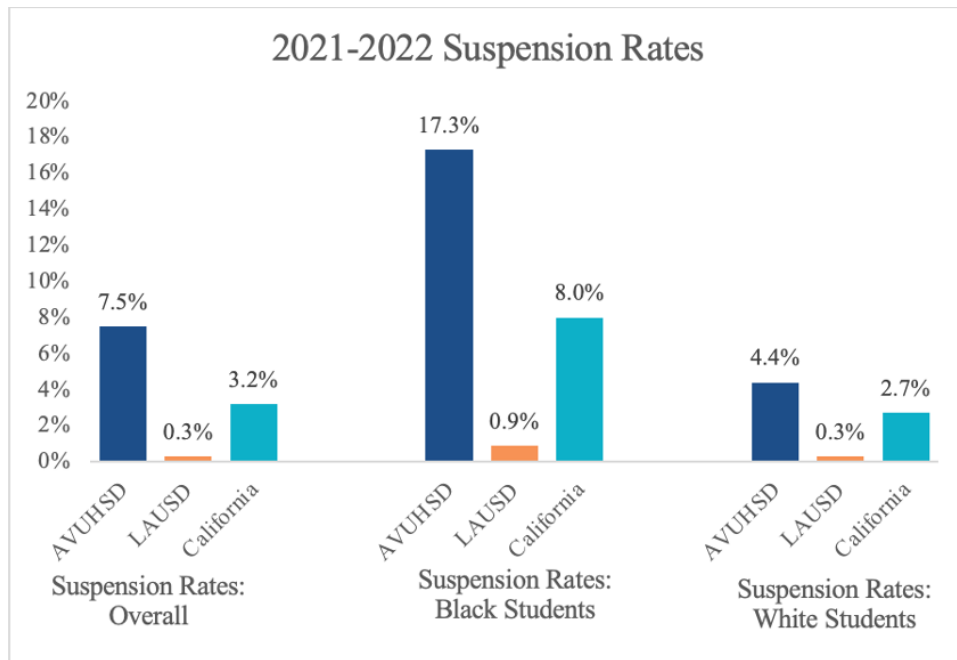
2 1. The Antelope Valley Union High School District (“AVUHSD” or “District”)  
3 has created and maintains a discriminatory public school system that harms, excludes, and  
4 criminalizes students based on race and disability, in violation of state and federal law.

5 2. AVUHSD’s own data reveals that, for years, it has subjected Black students and  
6 students with disabilities to discipline and school assignment policies that (i) disproportionately  
7 suspend and expel them, (ii) disproportionately exclude them from proper learning  
8 environments, and (iii) disproportionately encourage unnecessary, improper, and harmful  
9 contacts with school-based law enforcement. Such practices defy the educational obligations  
10 imposed by the California Constitution and federal and state law and fail to provide a safe and  
11 supportive learning environment, with significant consequences for these students – including  
12 lost instructional time, poor academic outcomes, emotional and psychological trauma, social  
13 isolation, and higher risk of drop-out and incarceration.

14 3. As a direct result of AVUHSD’s failure to support and protect Black and  
15 disabled students, shocking disparities persist. AVUHSD data demonstrates that these students  
16 are disciplined and policed more frequently and more harshly than their white and non-disabled  
17 counterparts. For example, according to data from the most recent year available and the first  
18 full year of in-person instruction since the pandemic (2021-2022):

- 19 • AVUHSD reported 2,762 suspensions—nearly 60% more suspensions than the Los  
20 Angeles Unified School District, the largest district in the state and second largest  
21 district in the nation;
- 22 • AVUHSD suspended Black students at a rate 4 times higher than white students;
- 23 • AVUHSD’s suspension rate for students with disabilities was nearly twice its  
24 suspension rate for nondisabled students; and
- 25 • AVUHSD suspended one in four Black students with disabilities—a rate nearly 6.5  
26 times the suspension rate for white nondisabled students.

1 As shown by its data, AVUHSD undermines Black and disabled students’ fundamental right to  
2 education and leaves them languishing in a hostile and destructive learning environment.



4. Due to the severe consequences of suspensions and expulsions, California law restricts the use of these measures to a specified list of serious offenses, such as causing physical injury, bringing a gun to school, or selling controlled substances. Ignoring the law, AVUHSD has created its own “Discipline Matrix” which gives school staff complete discretion to recommend student suspensions or expulsions for *any* Education Code violation – including conduct as minor as “profanity” and as subjective as “disrupting the classroom.” AVUHSD’s use of this “Discipline Matrix” is a direct violation of California law and contributes to the discriminatory discipline imposed on Black students and students with disabilities by allowing staff the discretion to punish them for typical adolescent behavior.

5. AVUHSD further discriminates against Black students and students with disabilities in its use of “informal,” off-the-books disciplinary measures, such as removing students from their classrooms and sending them to on-campus detention rooms or to disingenuously-named “Student Support Centers.” AVUHSD created these off-the-books

1 disciplinary measures after it was identified by the state as having too many “in-school  
2 suspensions” – a category the state requires the District to report. The reality is, however, that  
3 these “informal” measures are an exact replica of in-school suspensions: students who are sent  
4 out of their classrooms not only receive no academic support, but often no instruction or  
5 educational services of any kind for days at a time. Because the state does not require school  
6 districts to report data on this type of informal discipline, AVUHSD carries it out knowing that  
7 there is no oversight and that it will not be held accountable for those discriminatory  
8 disparities.

9         6. AVUHSD also separates disabled students from their non-disabled peers.  
10 Disabled students are disproportionately relegated to segregated “behavioral” classes or sent to  
11 an alternative campus, Desert Pathways, where they are separated from non-disabled students.  
12 AVUHSD uses a so-called “level system” which gives teachers unfettered discretion to deprive  
13 disabled students of participation in recess and lunch periods where they would mingle with  
14 non-disabled students. This treatment violates federal and state mandates that require disabled  
15 students to be integrated with non-disabled peers.

16         7. Where the presence of law enforcement is pervasive—as it is on every single  
17 campus in AVUHSD—suspensions and expulsions have been found to forge a direct pathway  
18 from school to the criminal legal system, a phenomenon referred to as the “school-to-prison  
19 pipeline.” AVUHSD’s problematic use of school policing against Black and disabled students  
20 undermines those students’ success and has become so extreme that it has attracted local and  
21 national media attention.

22         8. AVUHSD has been on notice of its failings since at least 2018, when it reported  
23 significant disproportionality in its discipline of Black students with disabilities to the  
24 California Department of Education (CDE). Since then, AVUHSD has twice *admitted* to the  
25 CDE that use of the Discipline Matrix contributes to racial disparities in discipline.  
26 Nevertheless, AVUHSD has failed to take any measures to revise the Discipline Matrix or to  
27 correct any of the other policies and practices addressed in this Complaint.



1 reliance on policies and practices that unjustly discipline and police Black students and  
2 students with disabilities, Cancel the Contract-Antelope Valley has had to devote extensive  
3 funds, time, and resources to further its mission of attaining student equity and an end to racist  
4 policing at AVUHSD.

5 13. Plaintiff B.Y. is an eighteen-year-old Black student attending AVUHSD’s  
6 William “Pete” Knight High School. He has an Individualized Education Program (“IEP”), a  
7 legal document developed for each public-school child in need of special education that  
8 outlines their education program, services, and accommodations. B.Y. qualifies for special  
9 education and related services due to his diagnoses of attention deficit hyperactivity disorder,  
10 schizophrenia, and a learning disability. B.Y.’s disability substantially limits major life  
11 activities including language, learning, and concentration. Thus, B.Y. is a qualified individual  
12 under Title II and Section 504.

13 14. B.Y.’s educational experience has been marred by AVUHSD’s discriminatory  
14 and unlawful practices. AVUHSD has repeatedly referred B.Y. to on-campus detention for  
15 disability-related behaviors, such as talking during class and struggling to focus. AVUHSD has  
16 also placed B.Y. in a highly restrictive special education setting known as a Special Day Class-  
17 Behavioral, or SDC-B, where he is segregated for over half the school day and receives no  
18 supportive services. B.Y.’s probation officer cited him for a violation because B.Y. was outside  
19 of class, despite the fact that he has an accommodation in his IEP allowing him to take breaks  
20 outside the classroom as needed. B.Y. has also been arrested twice on campus, including once  
21 merely for being late to class. In both incidents, officers handcuffed B.Y. in front of peers.

22 15. B.Y. shows strong academic potential but has been unable to progress due to  
23 repeated formal and informal suspensions, classroom exclusions, contact with school police  
24 and probation officers, and a lack of supportive services in his education. He has been denied  
25 due process protections and equal access to educational instruction and school programs.

26 16. Plaintiff C.Y. is a taxpayer in Los Angeles County and the state of California.  
27 She is the parent of B.Y. In addition to the discrimination against her son B.Y., Plaintiff C.Y.  
28

1 has witnessed AVUHSD's mistreatment of other Black students and students with disabilities.  
2 C.Y. has other children who either attend or will attend AVUHSD schools.

3 17. Plaintiff L.W. is an eighteen-year-old Black student currently in twelfth grade.  
4 He attended Palmdale High School in AVUHSD from tenth to eleventh grade. He has an IEP  
5 and qualifies for special education services due to diagnoses of attention deficit hyperactivity  
6 disorder and a visual processing disorder. L.W.'s disability substantially limits major life  
7 activities including learning, concentration, and communication. Thus, L.W. is a qualified  
8 individual under Title II and Section 504. At AVUHSD, L.W. experienced multiple formal and  
9 informal suspensions and classroom exclusions as punishment for his disability-related  
10 behaviors. The discipline that L.W. experienced has exacerbated his academic deficits and  
11 behavioral challenges.

12 18. Until the end of the 2021-2022 school year, AVUHSD offered L.W. just 30  
13 minutes *per month* of counseling services. Due to unmet emotional needs, he received repeated  
14 probation violations on campus, fell behind academically, and experienced harassment and  
15 restraint by security. L.W. was restrained by campus security after they escalated a simple  
16 truancy issue by harassing, insulting, and goading L.W. to the point of anger.

17 19. Plaintiff O.W. is a taxpayer in Los Angeles County and the state of California.  
18 She is the parent of L.W. In addition to the discrimination against her son L.W., O.W. has  
19 witnessed the mistreatment of other Black students and students with disabilities in AVUHSD.  
20 O.W. has other children who either attend or will attend AVUHSD schools.

21 20. Plaintiff V.X. is a sixteen-year-old Latinx student in eleventh grade at  
22 AVUHSD's Highland High School. He has an IEP and is eligible for special education and  
23 related services due to his diagnosis of attention deficit hyperactivity disorder. V.X.'s disability  
24 substantially limits major life activities including communication, concentration, and reading.  
25 Thus, V.X. is a qualified individual under Title II and Section 504. He has been subjected to  
26 informal and formal classroom exclusions and removals for his behavior, worsening his  
27 anxiety diagnosis and causing his academics to fall further below grade-level. V.X.'s teachers



1 have sent him to the Student Support Center for disability-related behaviors or to separate him  
2 from peers who themselves are not receiving appropriate behavioral supports. None of those  
3 referrals have been appropriate, and all of them have deprived him of class time.

4 21. Plaintiff T.X. is a taxpayer in Los Angeles County and the state of California.  
5 She is the parent of V.X. In addition to the discrimination against her son V.X., T.X. has  
6 witnessed the mistreatment of other students with disabilities in AVUHSD and has other  
7 children who either attend or will attend AVUHSD schools.

8 22. Plaintiff J.N. is a sixteen-year-old Black student in tenth grade who formerly  
9 attended AVUHSD's Highland High School. While at Highland High School, J.N. was the  
10 victim of severe bullying. Despite being on notice of the bullying and harassment, Highland  
11 High School administrators failed to keep J.N. safe and subjected her to harsh punishment  
12 instead of support. After being forced to defend herself during a physical attack, she was  
13 unlawfully expelled and sent to AVUHSD's alternative school, Phoenix High School, without  
14 a hearing, in violation of her right to due process.

15 23. Once at Phoenix High School, J.N. continued to be severely bullied. In one  
16 instance, J.N.'s guardian was asked to pick J.N. up and was handed an envelope with a clump  
17 of J.N.'s hair in it and was not offered any explanation as to what happened. J.N. later shared  
18 that the bullies ripped her hair out. In response to J.N. being bullied, rather than helping her,  
19 Phoenix High School administrators would send J.N. home early and exclude her from school  
20 for days at a time, in violation of her rights.

21 24. J.N. has been denied due process protections and equal access to educational  
22 instruction and school programs. As a result of her experiences in AVUHSD, she has suffered  
23 acute anxiety and depression.

24 25. Plaintiff H.N. is a taxpayer in Los Angeles County and the state of California.  
25 She is the parent of J.N. In addition to the discrimination against her daughter, J.N., H.N. has  
26 witnessed the mistreatment of other Black students in AVUHSD and has another child who  
27 attends an AVUHSD school.

1           26. Plaintiff K.D. is an eighteen-year-old white student who recently graduated  
2 from AVUHSD’s Lancaster High School. He had an IEP and qualified for special education  
3 and related services as a student with autism and emotional disturbance. K.D.’s disability  
4 substantially limits major life activities including communication, self-care, and concentration.  
5 Thus, K.D. is qualified under Title II and Section 504. K.D. spent his first year and a half of  
6 high school in Desert Pathways, a highly restrictive and segregated small site set aside for  
7 AVUHSD students with acute behavioral needs. No non-disabled students attend Desert  
8 Pathways. When AVUHSD finally agreed to a less-restrictive placement, they moved K.D. to  
9 another highly-regulated and segregated setting—a Special Day Class-Behavioral at Lancaster  
10 High School. In that class, he received limited live instruction and had next to no opportunities  
11 to learn alongside students taking the same courses or subjects as he was. His grades and test  
12 scores plummeted in his last year, and he found himself a frequent victim of bullying and  
13 harassment. Like V.X., K.D. was also sent to the Student Support Center for disability-related  
14 behaviors or to separate him from peers, depriving him of class time.

15           27. Plaintiff A.D. is a taxpayer in Los Angeles County and the state of California.  
16 She is the parent of K.D. In addition to the discrimination against her son K.D., A.D. has  
17 witnessed AVUHSD’s mistreatment of other students with disabilities.

18           28. Plaintiffs B.Y., L.W., V.X., J.N., and K.D. are collectively referred to as  
19 “Student Plaintiffs.”

20           29. Plaintiffs C.Y., O.W., T.X., H.N., and A.D. are collectively referred to as  
21 “Parent Plaintiffs.”

22       **II.       Defendants**

23           30. Defendant ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT is a  
24 government agency responsible for providing the high school students who reside within its  
25 boundaries full and equal access to the public education programs and activities it offers in  
26 compliance with federal and state laws and regulations. AVUHSD is, and at all times  
27 mentioned herein was, a local agency as that term is defined in 22 California Code of  
28

1 Regulations § 98010 and receives state financial assistance from and is funded directly by the  
2 State of California to provide educational services to students enrolled in its public schools.  
3 Additionally, AVUHSD receives, and at all times mentioned herein has received, federal  
4 financial assistance and/or sub-grants of federal financial assistance from the State of  
5 California to provide educational services to students who reside and/or are enrolled in public  
6 schools within its boundaries. Thus, AVUHSD is subject to Title II of the Americans with  
7 Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act, the Individuals with  
8 Disabilities Education Act (“IDEA”), and California Government Code § 11135. AVUHSD’s  
9 responsibilities include adopting policies and practices and making and implementing  
10 administrative decisions for the schools and students within its jurisdiction.

11 31. Defendant GREG NEHEN is the Superintendent of AVUHSD. Defendant  
12 Nehen was appointed by AVUHSD Board of Trustees to implement policies created by the  
13 Board and/or mandated by federal and state laws and regulations. Defendant Nehen is  
14 responsible for ensuring that children in AVUHSD are provided equal access to public  
15 education programs and activities offered by AVUHSD. Defendant Nehen is also responsible  
16 for ensuring that all eligible children with disabilities are provided access to education in  
17 integrated settings, including services, accommodations, and modifications, in compliance with  
18 federal and state laws and regulations. Defendant Nehen is sued in his official capacity.

19 32. Defendant BOARD OF TRUSTEES OF AVUHSD (“Board of Trustees”)  
20 provides leadership and oversight of AVUHSD. Among its many responsibilities, the Board of  
21 Trustees establishes a long-term vision for AVUHSD and establishes AVUHSD policies,  
22 administrative regulations, and goals. In addition, the Board of Trustees bears a fiduciary  
23 responsibility for the management and expenditure of public funds in a manner consistent with  
24 state and federal law that ensures all students, including Black students, students with  
25 disabilities, and Black students with disabilities, have equal access to public education  
26 programs and services. The Board of Trustees selects, appoints, and oversees the work of  
27  
28

1 AVUHSD’s Superintendent, Defendant Nehen. The Board of Trustees works with AVUHSD’s  
2 Superintendent to fulfill its major responsibilities.

3 33. Defendants CHARLES HUGHES, JILL MCGRADY, CARLA CORONA,  
4 DONITA WINN, and MIGUEL SANCHEZ IV are the currently elected Members of the Board  
5 of Trustees (collectively, “Board Member Defendants”). In their official capacities, they bear  
6 the duties and responsibilities of the Board of Education as described above. They are sued in  
7 their official capacities.

8 34. Unless otherwise noted, Defendants Nehen, Board of Trustees, Board Member  
9 Defendants, and AVUHSD are collectively and interchangeably referred to as “AVUHSD,” the  
10 “District,” or “Defendants.”

### 11 **JURISDICTION & VENUE**

12 35. This Court has jurisdiction over Plaintiffs’ request for a writ of mandate under  
13 Code of Civil Procedure § 1085.

14 36. This Court has jurisdiction over Plaintiffs’ claims for declaratory and injunctive  
15 relief under Article VI, § 10 of the California Constitution and Code of Civil Procedure §§ 526,  
16 1060.

17 37. Venue in this Court is appropriate under Code Civ. Proc. § 393, as Defendants  
18 are located and operate AVUHSD within Los Angeles County and the facts giving rise to the  
19 causes of action arose in Los Angeles County.

### 20 **FACTUAL ALLEGATIONS**

#### 21 **I. The Student Population of AVUHSD**

22 38. AVUHSD—located in the cities of Lancaster and Palmdale, California, in a  
23 region of north Los Angeles County commonly referred to as the Antelope Valley—serves  
24 more than 23,000 students in grades 9 through 12. AVUHSD’s student population is racially  
25 and ethnically diverse: 67% Hispanic/ Latino, 16.2% Black, 9.8% white, 4.4% multiple races,  
26  
27  
28

1 2.6% Asian-Pacific Islander, and 0.3% American Indian or Alaska Native.<sup>1</sup> AVUHSD includes  
2 eight high schools and four alternative high schools.

3 39. 66% of AVUHSD students are deemed by the state to be of low socioeconomic  
4 status, a reality that makes public education a particularly important opportunity for these  
5 students. 17% of enrolled students have a disability and receive services through IDEA or  
6 Section 504. Nearly 3,300 students, 14% of the population district-wide, are eligible for  
7 Individualized Education Programs (IEP). Of students with disabilities, 57% are Latinx, 25%  
8 are Black, 10% are white, and 6% are multiracial.

9 **II. AVUHSD’s Discriminatory Discipline**

10 **A. AVUHSD Disciplines Black Students and Students with Disabilities at**  
11 **Staggering Rates.**

12 40. AVUHSD has for years developed and implemented written, oral, formal, and  
13 informal policies and practices that disproportionately single out Black students and students  
14 with disabilities and subject them to exclusionary discipline, including suspensions, expulsions,  
15 referrals to law enforcement, placement in more restrictive and less supportive educational  
16 settings, and involuntary transfers out of the general education setting and into alternative  
17 schools. These practices prevent these students from accessing the appropriate public education  
18 to which state and federal law entitles them.

19 41. In 2020 and 2021, AVUHSD admitted to the State of California that its written  
20 policies were a “root cause” of racial disparities in its disciplinary practices. Nevertheless,  
21 AVUHSD has done nothing to correct those disparities.

22 42. Specifically, AVUHSD publishes a Discipline Matrix specifying the minimum  
23 and maximum disciplinary actions authorized for various Education Code violations. The  
24 Discipline Matrix gives school staff discretion to recommend students for suspension or  
25 expulsion for *any* Education Code violation, including conduct as minor as profanity and as

26 \_\_\_\_\_  
27 <sup>1</sup> Enrollment figures reflect the 2021-2022 school year.

1 subjective as “disrupting” the classroom. The Discipline Matrix provides no guidance to school  
2 staff about how to exercise discretion in decisions about discipline, including how to avoid bias  
3 in their decisions. The Discipline Matrix directly violates California law, which restricts the  
4 issuance of suspensions and expulsions to limited and specified circumstances.

5 43. Beginning in 2018, AVUHSD reported significant disproportionality in the  
6 discipline of Black students with disabilities to the California Department of Education  
7 (“CDE”). As a result, the CDE required AVUHSD to submit yearly Comprehensive  
8 Coordinated Early Intervening Services Plans, known as CCEIS plans, to remedy the areas of  
9 significant disproportionality AVUHSD had identified.

10 44. In its 2020 CCEIS plan, AVUHSD stated: “We identified that our current  
11 discipline policy [the Discipline Matrix] contributes to . . . inequitable campus discipline  
12 policies and practices. The current policy is outdated (revised in 2014) and subjectively  
13 inconsistent in its implementation from school to school.” Despite *admitting* that its policy  
14 created racial disparities, AVUHSD did not revise the policy. Meanwhile, AVUHSD’s  
15 discipline data remained significantly disproportionate for Black students and students with  
16 disabilities.

17 45. In its 2021 CCEIS plan, AVUHSD *again* admitted that the Discipline Matrix  
18 contributed to racial disparities in campus discipline policies and practices. It further stated that  
19 the policy, “which was [last] revised in 2014, is outdated and lacks specificity, therefore,  
20 discipline practices vary greatly from school to school.” The 2021 CCEIS plan also identified  
21 as root causes of discipline disproportionality “a lack of cultural intelligence among Staff,”  
22 “inequitable campus discipline policies and practices,” and “an inconsistent district-wide multi-  
23 tiered system of support.” The Discipline Matrix remains in effect today.

24 46. Even while admitting that its disciplinary policies are inequitable, AVUHSD  
25 has attempted to avoid accountability by dodging its legal requirements to report accurate data  
26 to the state. Section 60900 of the Education Code requires all California school districts to  
27 retain and report discipline statistics and several other datapoints. This data is compiled and  
28

1 published on California’s web-based data reporting system, DataQuest, for public review.

2 AVUHSD underreports its true discipline figures by disguising suspensions and expulsions as  
3 informal removals and transfers, two datapoints that the state does not collect or publicly  
4 report.

5 47. Thus, while AVUHSD’s suspension and expulsion numbers are high, and the  
6 race- and disability-based disparities are staggering, this does not even constitute the complete  
7 picture of discriminatory discipline in AVUHSD schools. AVUHSD’s efforts to obscure the  
8 discriminatory impact of its discipline policies and practices speaks to its knowledge of, and  
9 deliberate indifference toward, the harmful effects of those policies and practices.

10 **B. AVUHSD’s Formal Disciplinary Procedures Are Applied**  
11 **Disproportionately to Black and Disabled Students**

12 48. Under the California Education Code, school districts can suspend or expel  
13 students only for a specified list of behaviors, *e.g.*, causing physical injury, bringing a gun to  
14 school, or selling controlled substances. Cal. Educ. Code § 48900. Although they have  
15 discretion in when and in what circumstances to issue suspensions or expulsions, districts  
16 cannot suspend or expel students for behaviors outside the list enumerated in the Education  
17 Code. Where a student’s behavior is not serious, violent, or dangerous to others, Section  
18 48900.5 states that schools should suspend students only when all other means of correction  
19 fail. Other means of correction include a conference with the school and parent, a counseling or  
20 social worker referral, referral for behavioral or special education assessments, participation in  
21 a restorative justice program, or another tiered intervention. Contrary to the letter and spirit of  
22 the law, AVUHSD’s data indicates that it treats school and classroom exclusions as its primary  
23 response and remedy for student behavior, to the detriment of vulnerable student groups.

24 49. Moreover, AVUHSD routinely violates parents’ and students’ due process  
25 rights when it comes to student discipline. For example, AVUHSD is legally mandated to  
26 provide parents and students with written notice and an opportunity for a pre-suspension  
27 conference *at the time* of a suspension, not hours or days later, as is common practice for

1 AVUHSD. Additionally, AVUHSD fails to make reasonable efforts to contact parents or  
2 guardians at the time of the suspension to offer an opportunity to participate in the process.  
3 When AVUHSD does provide the conference and written notice, they often fail to state the  
4 reasons for the suspension and the evidence against the student, depriving the student and their  
5 parents of the opportunity to meaningfully advocate for themselves.

6 50. Numerous parents have reported being completely unaware of their child’s  
7 suspension. This means that AVUHSD schools are in some cases suspending students and  
8 adding documentation to their files without informing parents, as is legally required.

9 51. Because AVUHSD’s primary means of addressing students’ behavioral issues is  
10 through school and classroom exclusions, students are unlawfully removed from classes for  
11 disciplinary reasons without AVUHSD attempting, or even considering, other means of  
12 correcting student conduct. This is reflected in AVUHSD discipline data.

13 52. Under its punitive policies and discretionary practices, including the Discipline  
14 Matrix, AVUHSD suspends and expels its students at very high rates, with the rates for Black  
15 students and students with disabilities being drastically higher than those for white and  
16 nondisabled students.

17 *i. Data Regarding Suspensions*

18 53. In the 2018-2019 school year, the last full year before the pandemic disrupted  
19 in-person instruction, AVUHSD reported 2,972 suspensions. By way of comparison, this is  
20 600 more suspensions than were reported that same year in the entire Los Angeles Unified  
21 School District (“LAUSD”), a district 18 times the size of AVUHSD and the largest district in  
22 the state. At 8.3%, AVUHSD’s suspension rate is over twenty (20) times that of LAUSD  
23 (0.4%), and nearly 2.5 times the state average (3.6%).

24 54. This trend continued in 2021-2022, the first full school year in which Antelope  
25 Valley students returned to in-person instruction after the pandemic. Again, AVUHSD reported  
26 a high number of suspensions—2,762. This is over 870 more suspensions than were reported in  
27

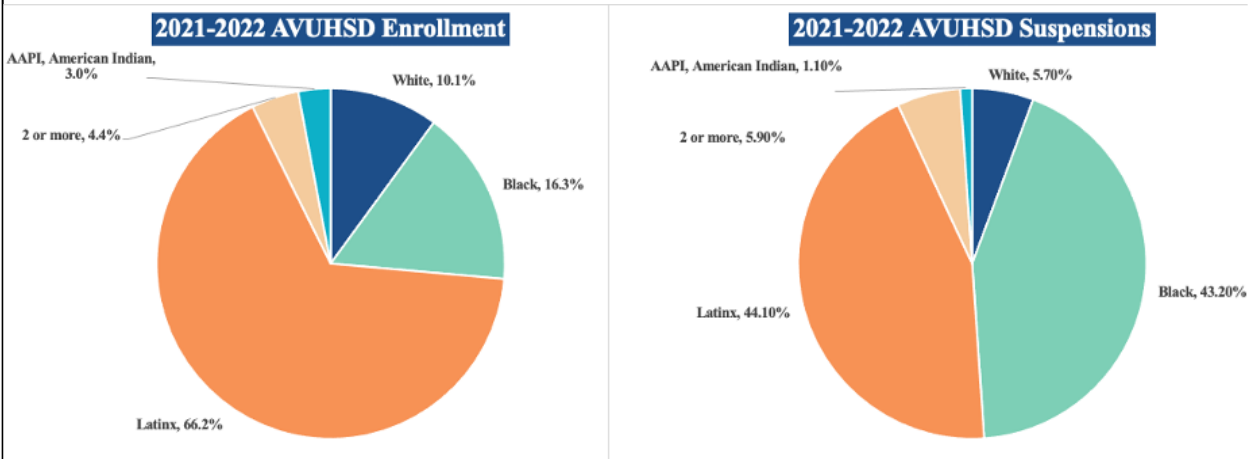


1 LAUSD. AVUHSD's suspension rate, at 7.5%, is twenty-five (25) times LAUSD's (0.3%),  
2 and more than double the state average (3.4%).

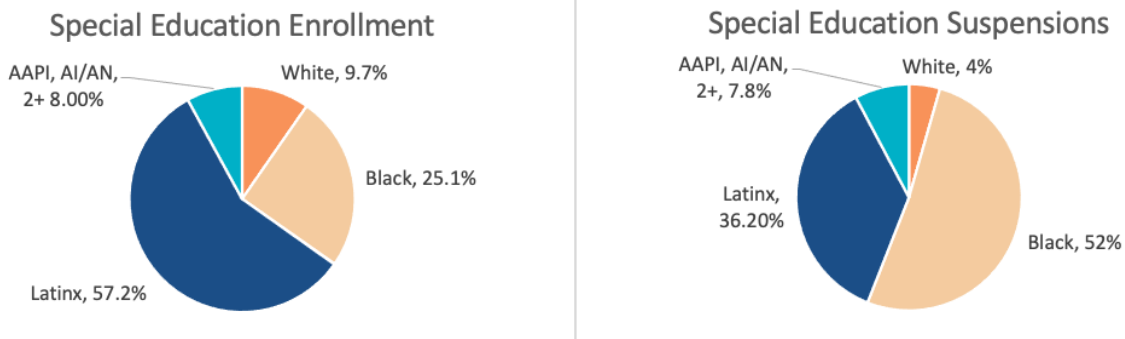
3 55. While overall suspensions in AVUHSD are high compared to both LAUSD and  
4 the state, suspensions of Black students and students with disabilities are even higher. In 2018-  
5 2019, the average suspension rate for white students was 5.1 per 100 students. The average rate  
6 for Black students was 18.3 per 100 students, 3.6 times higher than the rate for white students,  
7 1,120% higher than the rate for Black students in LAUSD, and 101% higher than the rest of the  
8 state.

9 56. This trend continued in 2021-2022. White students were suspended at a rate of  
10 4.4 per 100 students. Black students were suspended at a rate of 17.3 per 100 students, 293%  
11 higher than the rate for white students, 1,822% higher than the rate for Black students in  
12 LAUSD, and 116% higher than the rest of the state.

13 57. Moreover, as AVUHSD's overall suspensions and suspensions given to white  
14 and non-disabled students have decreased over the past several years, suspension rates of Black  
15 students have largely remained constant. In 2011-2012, Black students, at 19% of the  
16 population, received 44% of suspensions, while white students, at 20% of the population,  
17 received 12.5% of suspensions. In 2021-2022, Black students, now at 16% of the population,  
18 received 43% of suspensions, while white students, at 10% of the population, received just  
19 5.7% of suspensions, less than half of the 2011-2012 rate.



58. AVUHSD’s suspension rate for students with disabilities (14%) is nearly 2.5 times the suspension rate for nondisabled students (6.0%). Further, AVUHSD suspends one in four Black students with disabilities (25%). This rate is nearly 6.5 times the suspension rate for white nondisabled students (3.9%). In 2018-2019, 47.6% of Black students with disabilities who received a suspension were suspended multiple times, compared to just 10.5% of white nondisabled students. And, in the 2018-2019 and 2019-2020 school years, Black students comprised nearly two-thirds of students with disabilities suspended for more than ten days in a single school year.



59. AVUHSD’s data shows that Black students generally and in all subcategories of vulnerable students fare far worse than white students. It would be statistically expected for Black students, at 16.3% of AVUHSD population, to receive about 16.3% of suspensions; instead, they received 43.2% of suspensions in 2021-2022, over 165% higher than their expected share. White students, by comparison, accounted for 10.1% of the population in 2021-2022 and received only 4% of suspensions, 153% lower than their expected share.

60. Of suspensions given to students with disabilities in 2018-2019, Black students received 56%, while white students received only 9%. Suspensions of students with disabilities in 2021-2022 had Black students receiving 52% and white students only 4.5%.

ii. Data Regarding Expulsions

61. Expulsions in AVUHSD are also used as an exclusionary practice in a manner that disparately impacts Black students and students with disabilities. In 2018-2019,

1 AVUHSD’s overall expulsion rate (2.6 per 1,000 students) was nearly twenty-nine (29) times  
2 the state average. At over 20 times the size of AVUHSD, Los Angeles Unified had fewer  
3 expulsions in 2018-2019 than AVUHSD.

4 62. The expulsion rate for Black students is even higher. At 6.6 per 1,000 students,  
5 the expulsion rate for Black students is 2.5 times higher than AVUHSD’s overall rate. Notably,  
6 AVUHSD did not expel a single white student during the 2018-2019 or the 2021-2022 school  
7 years.

8 63. The expulsion rate for students with disabilities (3.3 per 1,000 students) is 32%  
9 higher than the rate for nondisabled students in AVUHSD and 37% higher than the state’s rate.  
10 Black students with disabilities comprise nearly half of the students with disabilities who are  
11 expelled, despite representing just 27% of students with disabilities district wide.

12 64. By law, a student’s IEP team must consider including a Behavior Intervention  
13 Plan (“BIP”) or other positive behavioral interventions when the student’s behavior “impedes  
14 the child’s learning or that of others” but can and should include these supports much sooner as  
15 a targeted response to behavioral issues. 34 C.F.R. § 300.324(a)(2), Cal. Educ. Code §  
16 56341.1(b)(1). Between the 2018-2019 and 2021-2022 school years, more than two-thirds  
17 (67.6%) of AVUHSD students with disabilities who were expelled had no BIP in place at the  
18 time of expulsion. This demonstrates that AVUHSD is using what is supposed to be an  
19 absolute last resort (expulsion) as a means to “deal with” students with disabilities, rather than  
20 proactively addressing their behavioral issues through a BIP as the law requires.

21 *iii. Unlawful Practices in Carrying Out Manifestation Determination*  
22 *Reviews*

23 65. AVUHSD also routinely disregards procedural protections for students with  
24 disabilities experiencing exclusionary discipline. One such protection is a Manifestation  
25 Determination Review, an IEP team meeting required before a school considers changing a  
26 student’s placement for code of conduct violations. This meeting is designed to avoid changes  
27 in a student’s educational setting that are due to disability-related conduct.

1           66.     The law defines a “change of placement” for purposes of the Manifestation  
2 Determination Review requirement as any exclusion of a student with disabilities exceeding 10  
3 consecutive instructional days or a series of removals that constitute a pattern and exceed 10  
4 total instructional days in a single school year. This means that Manifestation Determination  
5 Reviews are required for all expulsions, extended suspensions, and patterns of formal or  
6 informal suspensions cumulatively amounting to 10 days.

7           67.     The law specifies how schools are to conduct Manifestation Determination  
8 Reviews. Within 10 school days of any decision to change the placement of a child with a  
9 disability because of a violation of a code of student conduct, AVUHSD, the parent, and  
10 relevant members of the child’s IEP Team must review all relevant information in the student’s  
11 file to determine whether: (1) the conduct was caused by, or had a direct and substantial  
12 relationship to, the child’s disability; or (2) the conduct was a direct result of AVUHSD’s  
13 failure to implement the IEP. If the team answers “yes” to either question, it must, inter alia,  
14 return the child to the placement from which they were removed, unless the parent and  
15 AVUHSD agree to a change of placement. 34 C.F.R. §§ 300.530(e), (f)(2).

16           68.     Policies and practices across AVUHSD campuses violate the legal requirements  
17 for conducting Manifestation Determination Reviews. As a threshold matter, students with  
18 disabilities are being excluded from school for more than the statutorily defined 10 days  
19 without their school convening a Manifestation Determination Review.

20           69.     When Manifestation Determination Reviews are conducted, in determining the  
21 outcome – namely whether the conduct in question was a manifestation of a student’s disability  
22 or a direct result of the school’s failure to implement an IEP – AVUHSD practices allow  
23 school psychologists to carry more weight than other team members. On information and  
24 belief, these school psychologists often do not know and have not previously worked with or  
25 evaluated the student personally. These practices violate special education law.

26           70.     Additionally, many AVUHSD schools do not require all IEP team members to  
27 attend the Manifestation Determination Review, inhibiting the team’s ability to make an  
28

1 informed decision as to the impact of the student’s disability. Many Manifestation  
2 Determination Reviews proceed without parent or general education teacher participation or  
3 without parents being informed of their right to invite individuals with knowledge of the  
4 student’s disability to the meeting. These practices violate special education law.

5 71. Further, on information and belief, AVUHSD staff lack understanding of the  
6 legal standards governing Manifestation Determination Reviews. For example, the  
7 Manifestation Determination Review team will often conclude that a student requires more  
8 services in their IEP to receive a free and appropriate public education (FAPE), as guaranteed  
9 under IDEA. Yet, even after finding a student requires more support, AVUHSD most often still  
10 orders expulsion. Instead, AVUHSD makes findings that the behavior is not a manifestation of  
11 disability or a failure to implement the IEP and expels the student.

12 72. Also, AVUHSD staff do not review or consider all relevant information in the  
13 student’s file at the Manifestation Determination Review, including behavior logs, IEP services  
14 logs, medical records provided to the school, and past assessments and evaluations. Review of  
15 these documents is required by law and is critical to ensuring an accurate assessment of the  
16 student's behavior.

17 73. Disturbingly, on information and belief, school staff –including school  
18 psychologists and special education case carriers – are meeting privately before the  
19 Manifestation Determination Reviews to ensure all staff are “on the same page.”

20 74. Several AVUHSD schools have never found that their failure to implement an  
21 IEP caused the student’s behavior. This situation is so statistically unlikely that it indicates  
22 predetermination/coordination by school staff, deliberate obfuscation, or gross incompetence.

23 75. AVUHSD also employs a policy wherein school IEP teams are instructed to  
24 provide “compensatory instructional time at the rate of 1 hour per day” for every day over 10  
25 days of suspension given a student with a disability. AVUHSD unlawfully uses this policy as a  
26 replacement for Manifestation Determination Reviews, excluding students with disabilities  
27 from school for longer than 10 days in violation of their rights.

1                   **C. AVUHSD Employs a Shadow System of Informal Discipline That Also**  
2                   **Disproportionately Impacts Black and Disabled Students**

3           76.     AVUHSD’s staggering suspension and expulsion rates do not provide a  
4 complete picture of AVUHSD’s discriminatory discipline policies and practices. AVUHSD’s  
5 informal classroom removals and suspensions, as well as its coerced school transfers – none of  
6 which it reports to the state – also disproportionately impact Black and disabled students.  
7 Significantly exacerbating the negative effects of these informal, unrecorded disciplinary  
8 practices is the role that law enforcement and security play in carrying them out.

9                   *i.    On-Campus Detention*

10          77.     AVUHSD school sites operate on-campus detention rooms, which are holding  
11 spaces where staff can send students out of class. AVUHSD has no written policy dictating  
12 when staff may refer students to on-campus detention. In practice, AVUHSD allows staff to  
13 send students to on-campus detention for minor behaviors, including disability-related  
14 behaviors that, by law, require reasonable accommodations or supports outlined in IEPs.

15          78.     There is no daily limit on how long students may be held in on-campus  
16 detention rooms, and on information and belief, AVUHSD staff assign students to on-campus  
17 detention rooms for days without ever reporting these often-prolonged assignments as  
18 suspensions, which they constructively are.

19          79.     No instruction is provided to students who are held in these on-campus  
20 detention rooms. Students are forced to sit quietly with no access to teachers or service  
21 providers, schoolwork, or instruction. Rather than providing any sort of educational services,  
22 AVUHSD delegates the surveillance of these on-campus detention rooms to campus security.

23                   *ii.   “Student Support Centers”*

24          80.     Many AVUHSD sites also operate so-called “Student Support Centers.”  
25 AVUHSD describes these centers as spaces where students are provided positive behavioral  
26 interventions and supports. In practice, however, these centers function as locations where  
27 students are sent for informal suspensions, sometimes lasting multiple days. As with on-

1 campus detention, AVUHSD policy permits staff to send students to Student Support Centers  
2 for disability-related behaviors, regardless of IEP provisions or any need for reasonable  
3 accommodations. Students have access to a special education teacher in the Student Support  
4 Center for just one class period per day, even if their IEP requires more special education time.

5 81. AVUHSD’s Student Support Center Fidelity Inventory encourages schools to  
6 ensure that “security has a clearly define[d] role in student pickup.” Using security to escort  
7 students to the Student Support Centers stigmatizes the students and institutionalizes the setting  
8 as a punitive, rather than restorative, intervention. Some school sites also allow a School  
9 Resource Officer—a Los Angeles County Sheriff’s deputy assigned through the AVUHSD’s  
10 contract with the Sheriff’s Department to patrol the campus—to be present when the staff  
11 member running the Student Support Center questions the student about their behavior.

12 *iii. Informal, “Off-the-Books” Suspensions*

13 82. In addition to referrals to Student Support Centers and on-campus detention,  
14 AVUHSD also pervasively relies on informal, “off-the-books” suspensions as a means of  
15 disciplinary classroom removal and exclusion. In AVUHSD, informal suspensions often take  
16 the form of a phone call to a parent asking them to pick their child up from school. Parents are  
17 not provided with any written notice or opportunity for a conference, in violation of the law.  
18 This puts the parent in the disadvantaged position of having their word pitted against the  
19 District when they attempt to contest or resist these exclusions down the line. Because informal  
20 suspensions lack the requisite documentation showing when and why they occurred, they are  
21 often not counted as an “exclusion” that would trigger Manifestation Determination Reviews  
22 that must be held for students with IEPs after a pattern of disciplinary exclusions cumulatively  
23 exceeding 10 school days. See 34 C.F.R. § 300.530, 300.536.

24 *iv. Involuntary Transfers*

25 83. Similar to its practice of underreporting suspensions, AVUHSD also  
26 underreports expulsions by using involuntary transfers. Through involuntary transfers,  
27 AVUHSD removes students from general education campuses and sends them to an alternative  
28

1 setting—often the same setting to which they would have been sent had they been expelled. By  
2 utilizing these involuntary transfers, AVUHSD obscures its expulsion numbers.

3 84. AVUHSD’s policies regarding these transfers permit staff to shuffle Black  
4 students and students with disabilities to alternative schools as punishment for minor or  
5 disability-related behaviors, such as school avoidance or “disrupting” the classroom. The  
6 policies also permit involuntary transfers for disability-related academic challenges.

7 85. Although the state gives districts the freedom to establish their own policies and  
8 criterion for such transfers (*see* Educ. Code § 48432.3, 48432.5), AVUHSD has abused that  
9 power. Its policies do not provide students subjected to involuntary transfer with mandated  
10 procedural protections, such as an expulsion hearing, an involuntary transfer hearing, and a  
11 Manifestation Determination Review for students with disabilities.

12 86. Relatedly, on information and belief, AVUHSD has implemented a “waiver”  
13 system that permits staff to use coercion, intimidation, and misrepresentation to convince  
14 parents and students to waive due process protections and consent to immediate “voluntary”  
15 transfers to an alternative school. These “voluntary” transfers are functionally similar to  
16 expulsion as they remove students from the general education setting and place them in  
17 academic settings that are less supportive, less resourced, and less academically rigorous.  
18 Again, these are often the same settings to which students would have been sent had they been  
19 expelled.

20 87. AVUHSD’s policy also does not require IEP teams to discuss the  
21 appropriateness of the new placement before a voluntary transfer, resulting in students with  
22 disabilities being sent to placements that cannot meet their disability-related needs. Students  
23 transferred to alternative school campuses are denied the full educational opportunities and  
24 experiences available on general education campuses. a

25 v. *Data Regarding Informal Discipline*

26 88. AVUHSD policy does not require staff to document removals to on-campus  
27 detention or a Student Support Center as suspensions and does not require staff to report them



1 to the California Department of Education. AVUHSD also does not require staff to document  
2 these removals in students' educational records, track the total days of removal, or hold  
3 Manifestation Determination Reviews for students with disabilities whose removals from the  
4 classroom exceed ten school days, as obligated by law. *See* 34 C.F.R. § 300.530, 300.536.

5 89. Instead, AVUHSD maintains internal logs that track referrals to on-campus  
6 detention and the Student Support Centers, including the length of the removal and the  
7 student's name, race, gender, and disability status. These internal logs demonstrate that Black  
8 students and students with disabilities are disproportionately affected by use of these "off-the-  
9 books" disciplinary practices. Thus, while AVUHSD's practices evade formal reporting  
10 requirements in violation of the law, AVUHSD's internally maintained data puts the AVUHSD  
11 on notice of its discriminatory practices.

12 90. Data also establishes that Black students and students with disabilities are  
13 disproportionately affected by AVUHSD's misuse of involuntary and voluntary transfers.

14 **III. AVUHSD Maintains Student Records and Data in a Manner that Contributes**  
15 **to Rampant Underreporting of Discipline and Policing Data and Prevents**  
16 **Parents and Students from Accessing Accurate Student Files.**

17 **A. Discipline "Investigation Files"**

18 91. AVUHSD further disadvantages families of Black students and students with  
19 disabilities by failing to collect and maintain accurate student records and data. Its data  
20 collecting and reporting practices obstruct public transparency, interfering with the public's  
21 right to review comprehensive and valid AVUHSD data.

22 92. For example, AVUHSD school administrators fail to (a) maintain complete  
23 expulsion records and cumulative files and (b) provide them to parents prior to an expulsion  
24 hearing or even pursuant to a parent request, in violation of the law. Instead, AVUHSD  
25 maintains many discipline records in a separate "investigation file." That file is often readily  
26 accessible to campus security and school-based law enforcement. Yet, parents are not made  
27 aware, either through written policies or parent notifications, that this investigation file exists.  
28

1           93. AVUHSD does not provide all documents in this separate file to students in  
2 expulsion packets when they are issued, in violation of the law. While AVUHSD has  
3 maintained that documents in these separate “investigation files” would be made available to  
4 parents through a records request, administrators at several sites confirmed that these  
5 documents must be specifically requested for AVUHSD to provide them *in addition* to the  
6 cumulative file. In other words, the only way for parents to get access to these records is if they  
7 (1) know this additional file exists and (2) know specifically what is in the file in order to  
8 specifically request it. Notably, when such records have been specifically requested, even by  
9 attorneys, AVUHSD administrators have denied access, claiming that these documents are not  
10 “student records” maintained in the “cumulative file.”

11           94. This puts students and families at a disadvantage when it comes to defending  
12 themselves in expulsion proceedings, as they are not given the totality of evidence AVUHSD  
13 has access to and will rely on in such proceedings. This makes it difficult, if not impossible, for  
14 families and advocates to access regularly maintained and relevant student discipline records. It  
15 also allows AVUHSD to move any student records into new, separate files, and then claim that  
16 because the records are not in the student’s cumulative file, the family cannot access them.  
17 This blatantly violates the law.

### 18           **B. AVUHSD Data Collection and Reporting**

19           95. AVUHSD relies on multiple platforms for data collection and reporting,  
20 creating conflicting, inconsistent, or unreliable data that is reported to the state. For example,  
21 school administrators at all school sites use a combination of Google Forms to record  
22 discipline data, referrals to police, referrals to security, referrals to on-campus detention,  
23 referrals to Student Support Centers, referrals to administrators, instances of restraint, and  
24 completing Behavior Emergency Reports. Different school sites have inconsistent policies for  
25 how all of these data sources are compiled, and on information and belief, there are no internal  
26 monitoring processes at the campus or District level to ensure that data is recorded and  
27  
28

1 transferred accurately to the state. As a result, AVUHSD fails to meet the state’s mandatory  
2 reporting requirements for data concerning school discipline.

3 96. In addition, AVUHSD does not consistently or accurately record and report data  
4 on students referred to law enforcement. This causes AVUHSD law enforcement data to be  
5 significantly underreported and highly inaccurate.

6 **IV. AVUHSD Policies Unlawfully Segregate Students with Disabilities into**  
7 **Restrictive Settings for Disability-Related Behaviors.**

8 97. The California Education Code requires that disabled students receive specially  
9 designed instruction, services, and supports to meet their unique academic and social-  
10 emotional needs. These can include individualized classroom instruction, education in social-  
11 emotional skills, and behavioral supports and services.

12 98. Federal and state law require districts to educate students with disabilities in the  
13 least restrictive environment, meaning that “to the maximum extent appropriate, children with  
14 disabilities . . . are educated with children who are not disabled, and special classes, separate  
15 schooling, or other removal of children with disabilities occurs only when the nature or  
16 severity of the disability of a child is such that education in regular classes with the use of  
17 supplementary aids and services cannot be achieved satisfactorily.” 20 U.S.C. § 1412(a)(5)(A).

18 99. In contravention of this established law, AVUHSD employs policies and  
19 practices that unlawfully and systematically segregate, exclude and mistreat students with  
20 disabilities, particularly Black students with disabilities. Moreover, despite being on notice of  
21 its discriminatory conduct for years—as evidenced by its own CCEIS plans—AVUHSD has  
22 chosen not to comply with the law. Instead, AVUHSD fails to provide legally required  
23 services, accommodations, and modifications to allow disabled students the opportunity to  
24 access, and thrive in, the general education setting.

25 **A. AVUHSD’s Policies for the Special Day Class-Behavioral**

26 100. AVUHSD has organized its programs and resources in a way that segregates  
27 and systematically denies its students with disabilities, particularly Black students with

1 disabilities, a meaningful opportunity to be educated side-by-side with their peers in an  
2 inclusive, general education environment.

3 101. AVUHSD segregates the majority of its students with disabilities by relegating  
4 them to separate classrooms on otherwise integrated campuses for a majority of the school day  
5 or removing them to entirely segregated campuses. These segregated students receive disparate  
6 and sub-par academic instruction and opportunities and are less likely to graduate from high  
7 school, less likely be ready for college or a career, and less likely to meet the grade-level  
8 education standards established by the state. This disparate education is more acute for Black  
9 students with disabilities.

10 102. AVUHSD makes improper use of a placement called the Special Day Class-  
11 Behavioral (SDC-B), into which AVUHSD segregates students with emotional and behavioral  
12 disabilities. Most or all AVUHSD campuses have at least one SDC-B setting, and AVUHSD  
13 policy ensures that these classrooms remain segregated and punitive. For instance, AVUHSD  
14 locates most SDC-B classes in portable buildings, physically separated from the main campus.

15 103. AVUHSD implements a “level system” in SDC-B classes. Based on a student’s  
16 behavior, the teacher places them on levels one through four. Students who have not met  
17 “behavioral expectations”—levels one and two—must remain in the classroom during lunch  
18 and passing periods. This level system punishes students for disability-related behaviors by  
19 depriving them of contact with their peers. Through its application, AVUHSD keeps these  
20 students in the SDC-B class, segregated from non-disabled students, for most of the day.  
21 Because the level system is built into the structure of each SDC-B class, all students in the  
22 setting are automatically subject to the system, regardless of whether it is appropriate to their  
23 unique and individual needs.

24 104. In addition, AVUHSD has a practice of placing students enrolled in different  
25 courses into the same SDC-B class. For instance, in a third period Special Day Behavioral  
26 Class, one student may be enrolled in Biology while another is enrolled in Geometry. This  
27 often precludes teachers from providing live instruction to students because it is not feasible to  
28

1 do so when students are simultaneously enrolled in different courses. Instead, teachers mostly  
2 provide students with packet work, which they are expected to complete independently.  
3 AVUHSD does not maintain a similar practice in general education classes. As a result,  
4 students in SDC-B classes are deprived of educational opportunities that their non-disabled  
5 peers are receiving in general education classes.

6 105. AVUHSD segregates students with disabilities from nondisabled peers at rates  
7 far exceeding targets set by the state. It places less than one-third of students with disabilities in  
8 general education classes for the majority of the day. This is about half the target rate set by the  
9 state.

10 106. AVUHSD segregates Black students with disabilities into SDC-B classes at  
11 disproportionate rates. Of the students enrolled in this placement during the 2021-2022  
12 academic year, 41.6% were Black, even though Black students comprised just 27% of students  
13 with disabilities and 16.7% of all students District wide. Further, nearly half of the students  
14 currently enrolled in the SDC-B have no Behavior Intervention Plan, even though this could  
15 enable them to access a general education class.

### 16 **B. Desert Pathways**

17 107. AVUHSD utilizes a placement that is even more segregated and restrictive than  
18 the SDC-B class: Desert Pathways. One of AVUHSD's small site campuses, Desert Pathways  
19 enrolls only disabled students, all of whom have emotional and behavioral disabilities.

20 108. AVUHSD fails to offer enough behavioral and emotional supports in general  
21 education classrooms and campuses. As a result, IEP teams have no choice but to segregate  
22 students needing these supports into Desert Pathways, even though these students likely could  
23 have succeeded in a general education setting with supports.

24 109. AVUHSD policy separates and stigmatizes Desert Pathways students. While  
25 Desert Pathways is located on the campus of Quartz Hill High School, a comprehensive high  
26 school, it is entirely segregated in a dirt parking lot adjacent to the Quartz Hill football field. It  
27 can take ten minutes or more to walk from Desert Pathways to the Quartz Hill main campus.

1           110. Under AVUHSD’s policy, Desert Pathways students are not enrolled at Quartz  
2 Hill, even though Desert Pathways is physically located on its campus.<sup>2</sup> As a result, AVUHSD  
3 denies Desert Pathways students the opportunity to participate in enrichment activities  
4 available to their Quartz Hill peers, such as rallies, clubs, and competitive athletics. And  
5 AVUHSD *forbids* Desert Pathways students from eating lunch with Quartz Hill students.

6           111. AVUHSD segregates Black students with disabilities into Desert Pathways at a  
7 rate even more disproportionate than that for the SDC-B. In 2018-2019 school year, nearly half  
8 of the 31 students enrolled at Desert Pathways were Black (48.4%), despite Black students  
9 comprising just 27% of students with disabilities and 16.7% of all students district wide. By  
10 contrast, just 6.5% of Desert Pathways students were white, though white students comprised  
11 14% of students with disabilities District-wide. This segregation is discriminatory and  
12 unlawful. Most or all Desert Pathways students could and should be effectively served on  
13 general education campuses, such as neighboring Quartz Hill, with appropriate aids and  
14 services.

15       **V. Law Enforcement and Security Practices in AVUHSD Create a School-To-**  
16       **Prison Pipeline**

17           **A. AVUHSD Policies and Practices Criminalize Adolescent Conduct in Schools**

18           112. AVUHSD deploys Los Angeles County Sheriff’s Department deputies as  
19 School Resource Officers on every one of its high school campuses. AVUHSD spends \$1.9  
20 million a year to police its students. AVUHSD also employs dozens of unsworn “Campus  
21 Security Supervisors” who are responsible for further surveilling students. AVUHSD policies  
22 and practices empower and incite School Resource Officers and campus security to intervene  
23 in minor and disability-related school discipline incidents that would be better handled by

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24  
25 <sup>2</sup> The California Department of Education requires all public and nonpublic, nonsectarian schools to annually  
26 provide information to the public on student achievement, school environment, resources, and demographics  
27 through a School Accountability Report Card (“SARC”). Desert Pathways does not have its own SARC—  
28 although it is physically located on QHHS’ campus, AVUHSD classifies it as part of Desert Winds, an  
alternative school, and its data is combined collectively with Desert Winds.

1 teachers and administrators. On information and belief, neither School Resource Officers nor  
2 campus security supervisors receive any training on how to engage with youth with disabilities,  
3 or on the protections afforded these students under the law. As a result, officer involvement  
4 often escalates these situations, with officers criminally citing students or using force, such as  
5 restraint or handcuffs, against students. Officers disproportionately target Black and disabled  
6 students with these traumatic interventions.

7 113. Because of the overwhelming body of research pointing to the harms of police  
8 on school campuses, some school districts throughout the state have begun to review and  
9 redress racial and disability disparities present in school discipline and school policing  
10 statistics. This has resulted in several large school districts—including Oakland Unified School  
11 District and Sacramento City Unified School District—abolishing their School Resource  
12 Officer programs completely.

13 114. AVUHSD is not one of these districts. Despite multiple petitions garnering over  
14 4,000 signatures, hundreds of public comments, dozens of protests, and several community  
15 meetings with AVUHSD and local government officials to try to remove law enforcement  
16 from AVUHSD campuses, AVUHSD has opted to continue, and expand, its longstanding  
17 contract with the Los Angeles County Sheriff’s Department.

18 115. AVUHSD improperly uses campus security and School Resource Officers to  
19 discipline students. Campus security and School Resource Officers are vested with unlimited  
20 authority to employ law enforcement tactics on school campus, such as random sweeps,  
21 searches, and interrogations for non-criminal or disability-related behavior, all without  
22 AVUHSD oversight. These tactics are disproportionately used on Black students and students  
23 with disabilities.

24 *i. AVUHSD’s Policies for Referrals to Police*

25 116. AVUHSD’s Discipline Matrix also governs referrals to law enforcement. As  
26 with suspensions and expulsions, the Discipline Matrix gives school staff broad discretion to  
27 refer students to police for any Education Code violation, including non-criminal conduct as  
28

1 benign as profanity or “disrupting” the classroom – behavior which is frequently disability-  
2 related.

3 117. The Discipline Matrix also fails to reference legal requirements to make  
4 reasonable modifications for students with disabilities and to implement students’ Behavior  
5 Intervention Plans. 28 C.F.R. § 35.130(b)(7) (describing the requirement to reasonably modify  
6 policies, practices, and procedures for students with disabilities). Instead, District  
7 Administrative Regulation 5144.2 fails to incorporate the notice requirements of Section  
8 48902(e) of the Education Code and instead states that “law enforcement notification  
9 requirements involving students with disabilities shall be the same as those specified for all  
10 students[.]”

11 *ii. AVUHSD’s Policies for Restraint*

12 118. District Administrative Regulation 5131.41, AVUHSD’s “Use of Seclusion and  
13 Restraint” policy, does not incorporate any of the procedural requirements for students with  
14 disabilities. For example, it does not require staff to complete a Behavioral Emergency  
15 Report,<sup>3</sup> notify the parent, guardian, or residential care provider within one school day, or hold  
16 an IEP meeting within two school days after restraining or secluding a student with a  
17 disability.<sup>4</sup>

18 119. As a result of this policy, staff fail to complete Behavioral Emergency Reports  
19 for at least one-third of all incidents of restraint. For example, although AVUHSD reported 71  
20 incidents of restraint of students with disabilities between the 2018-2019 school year and the  
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23 <sup>3</sup> Section 56521.1 requires a Behavioral Emergency Report to be completed when emergency interventions are  
24 employed to control “unpredictable, spontaneous behavior that poses clear and present danger of serious  
25 physical harm to the individual with exceptional needs or others and that cannot be immediately prevented by  
26 a response less restrictive than the temporary application of a technique used to control the behavior”; *see*  
27 *also* Cal. Ed. Code §§ 49005, 49005.5.

28 <sup>4</sup> *Id.*; E 5145.6 also fails to incorporate most procedural and documentation requirements in Educ. Code §  
56521.1, mentioning only the requirement to notify parents of the use of an emergency behavioral  
intervention within one school day. AVUHSD, E 5145.6, “Parental Notifications” (Jun. 11, 2018), *available*  
at <http://www.gamutonline.net/district/antelopevalley/DisplayPolicy/728167/>.



1 present, it completed just 47 Behavioral Emergency Reports during this period, in violation of  
2 the law.

3 120. Further, District Administrative Regulation 5131.41 does not prohibit staff from  
4 using seclusion or restraint “as a substitute for a systematic behavioral intervention plan.” As a  
5 result, over half (57.7%) of the 71 reported incidents of restraint involved students with  
6 disabilities who had no Behavior Intervention Plan in place at the time of the restraint.

7 121. AVUHSD policy also allows security staff to use physical force, including on  
8 students with disabilities, “to the extent reasonably necessary to maintain order,” even where  
9 there is no clear and present danger of serious physical harm to the student or others. This is a  
10 clear violation of California law.

11 **B. As a Result of its Policies and Practices, AVUHSD Disproportionately**  
12 **Restrains Black Students and Students with Disabilities and Refers Them**  
13 **to Law Enforcement.**

14 122. Data reveals that AVUHSD refers Black students and students with disabilities  
15 to police at disproportionate rates, resulting in highly disparate police contact data. According  
16 to available data from the Racial Identity and Profiling Act, in 2019, Black students in  
17 AVUHSD experienced 54.18% of all law enforcement contacts and 55% of contacts based on  
18 reasonable suspicion of criminal activity, more than all other racial and ethnic groups  
19 combined. 51% of arrests, 58% of citations, and 60% of psychiatric holds in AVUHSD were  
20 inflicted on Black students.

21 123. AVUHSD referred 298 students to police during the 2017-2018 school year.  
22 35% of these referrals were of Black students and 42% of referred students had disabilities.  
23 This means that Black students were more than three times likelier to be referred to police than  
24 white students, and disabled students were nearly three times likelier to be referred to police  
25 compared to their nondisabled peers. Of students with disabilities that AVUHSD referred to  
26 police during the 2017-2018 school year, 44% were Black, even though Black students with  
27 disabilities were only 27% of the disabled population in the District that year.

1           124. In the first two months of the 2021-2022 school year, School Resource Officers  
2 issued at least 70 citations and arrests to students with disabilities on AVUHSD campuses. Of  
3 these citations and arrests, nearly two-thirds (62.9%) were issued to Black students with  
4 disabilities. Almost three-fourths of citations and arrests were issued to students who had no  
5 Behavior Intervention Plan in place at the time of referral.

6           125. Data also shows that School Resource Officers and other AVUHSD staff  
7 restrain Black students and students with disabilities at excessively high rates. According to the  
8 U.S. Department of Education, AVUHSD staff or School Resource Officers handcuffed 41  
9 students during the 2017-2018 school year and 48 students during the 2015-2016 school year.  
10 Of students handcuffed in the 2015-2016 school year, half were students with disabilities and  
11 60% were Black students. During the 2017-2018 school year, AVUHSD staff or School  
12 Resource Officers physically restrained an additional eleven students, all of whom had  
13 disabilities and 45% of whom were Black.

14           126. Black students with disabilities are, by far, the most likely of all students to be  
15 subjected to on-campus law enforcement trauma in AVUHSD. From the 2018-2019 school  
16 year to 2021-2022 school year, nearly two-thirds of students with disabilities who were  
17 handcuffed were Black, and nearly three-quarters of students with disabilities who were  
18 physically restrained were Black.

19                   **C. AVUHSD Fails to Train, Adequately Supervise, or Investigate Abuses by**  
20                   **Officers and Security Staff on Its Campuses**

21           127. On information and belief, AVUHSD does not provide School Resource  
22 Officers and campus security with training related to the special legal protections that exist for  
23 students with disabilities; to the contrary, AVUHSD training for security staff regarding  
24 physical interventions fails to include any mention of the requirements of the California  
25 Education Code concerning disabled students. For example, the training does not instruct  
26 security staff to complete a Behavioral Emergency Report, notify the parent, guardian, or  
27 residential care provider within one school day, or hold an IEP meeting within two school days  
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1 after restraining a student with a disability. AVUHSD also fails to provide many security staff  
2 with training on how to use physical restraints, such as Nonviolent Crisis Intervention training.

3 128. Further on information and belief, security and other staff place students in  
4 prone restraint even though they do not have the required training to do so. Security staff also  
5 restrain students with metal handcuffs, even though they have received no formal training or  
6 certification from AVUHSD on the use of handcuffs or other mechanical restraints. AVUHSD  
7 permits security staff to choose whether to use AVUHSD-issued handcuffs or handcuffs they  
8 bring from home, suggesting that AVUHSD does not verify that mechanical restraints used on  
9 its students are safe.

10 129. Further, on information and belief, AVUHSD does not ensure that security staff  
11 comply with the minimal training requirements that are in place. For instance, in 2012 (the  
12 most recent year for which AVUHSD provided a report), security staff failed to complete  
13 nearly half of the required training modules almost two years after they were due. There is no  
14 indication that AVUHSD disciplined security staff for this noncompliance.

15 130. AVUHSD fails to supervise and hold accountable security officers and School  
16 Resource Officers and security personnel deployed to its campuses. There are no written  
17 policies or procedures governing any aspect of campus security's jobs or day-to-day duties.  
18 Moreover, there is no consistency across campuses regarding the scope of security staff's  
19 authority or when and how security staff can be called upon. Campus security supervisors at  
20 each site have complete discretion in creating security programs with no oversight by  
21 AVUHSD officials. Supervision of individual security officers varies by school site, and  
22 meetings with AVUHSD-level officials occur infrequently, if ever. AVUHSD's contract with  
23 the Sheriff's Department does not provide any additional clarity—it includes only a short and  
24 vague description of deputy responsibilities: "provide law enforcement services . . . [that] shall  
25 encompass duties and functions of the type coming within the jurisdiction of and customarily  
26 rendered by the Sheriff under the Charter of the County and statutes of the State of California."  
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1           131.    Concretely, this means that school security is given broad discretion to search  
2 students, seize their property, remove students from class, physically restrain students, question  
3 students, and refer them to law enforcement with minimal to no AVUHSD guidance or  
4 oversight. As a result of this unfettered discretion, there are many problematic examples of  
5 school security’s abuse of discretion on AVUHSD campuses. School Resource Officers have  
6 free rein to independently stop, search, cite, restrain, and arrest students as they see fit, leaving  
7 students unprotected from overzealous policing and needless criminal legal system contact.  
8 Security officers frequently target students for “random” searches of their persons, phones, and  
9 belongings as a form of harassment and without reasonable suspicion. Black students and  
10 students with disabilities are disproportionately the targets of this type of abuse.

11           132.    Another alarming overreach on the part of campus security is their creation of  
12 fake Instagram and other social media accounts to monitor students’ out-of-school online  
13 activity. On information and belief, this practice is not proscribed, regulated, or monitored by  
14 AVUHSD to ensure that there are no disparities in who is being surveilled. Troublingly,  
15 AVUHSD has relied on this surveillance to suspend and expel students for off-campus,  
16 afterschool or weekend social media postings, in violation of the law.

17           133.    On information and belief, AVUHSD does not investigate or discipline School  
18 Resource Officers who use force on students or who fail to make reasonable accommodations  
19 for students with disabilities. AVUHSD also discourages staff from reporting incidents of  
20 police violence to the Department of Children and Family Services to avoid any outside  
21 scrutiny of its policing program or the activities of Sheriff’s deputies.

22                   **D. AVUHSD’s Policies for On-Campus Probation Officers**

23           134.    In addition to School Resource Officers and campus security, AVUHSD  
24 stations Los Angeles County Probation Department (“Probation”) juvenile probation officers  
25 on each campus. AVUHSD permits staff to refer students to Probation, yet it has no formal  
26 memorandum of understanding in place to govern the relationship with Probation and their  
27 interactions with students. On information and belief, referrals to Probation are used to retaliate  
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1 against Black students for behavioral infractions or to punish students for disability-related  
2 behaviors or for using accommodations, such as taking a break from class. AVUHSD policies  
3 and practices do not require staff to send a student’s special education file to Probation after a  
4 referral, meaning that students can experience delinquency system consequences for school-  
5 based behaviors that are manifestations of their disabilities.

6 **E. AVUHSD’s Policies for Threat Assessments**

7 135. The stated intent of threat assessments is evaluating and responding to  
8 communicated and perceived “threats” to a school community. However, on information and  
9 belief, AVUHSD targets “threat assessments” against students with disabilities and uses them  
10 to punish and exclude students for disability-related behaviors. Although its threat assessment  
11 team includes both law enforcement and mental health professionals, AVUHSD has stated that  
12 its first call when handling a student experiencing a mental health crisis is to law enforcement  
13 officers who are not trained in identifying or supporting students with disabilities or in need of  
14 mental health interventions. Those officers have total discretion on whether to handle the issue  
15 within the department or reach out to mental health providers. This exacerbates and escalates  
16 mental health emergencies by removing a supportive safety net and replacing it with criminal  
17 legal system contact.

18 136. In addition, on information and belief, AVUHSD’s threat assessment policies  
19 do not require staff to document and consider students’ disabilities, obtain parental consent to  
20 assess, incorporate input from parents and the IEP team, or use objective tools to distinguish  
21 substantive threats from transient threats. Nor does AVUHSD count its threat assessments as  
22 “referrals to law enforcement” for purposes of reporting to the U.S. Department of Education’s  
23 Civil Rights Data Collection, even though School Resource Officers are members of the threat  
24 assessment teams at several school sites.

1 **VI. AVUHSD’s Policies and Practices Create a Racially Hostile Educational**  
2 **Environment**

3 137. AVUHSD’s policies and practices have created a racially hostile educational  
4 environment. AVUHSD’s administration of discipline—through suspensions, expulsions,  
5 transfers, alternative school assignments, and referrals to law enforcement and campus  
6 security—impermissibly and invidiously targets Black students on account of their race,  
7 depriving them of their right to full and equal access to education.

8 138. AVUHSD has been on notice and has even admitted that its policies and  
9 practices (e.g., the Discipline Matrix) disproportionately subject Black students, especially  
10 Black students with disabilities, to exclusionary discipline and School Resource Officer  
11 referrals, arrests, and citations. Nonetheless, AVUHSD has for years failed to take remedial  
12 action. Instead, AVUHSD has concealed its actions by using informal suspensions and  
13 transfers to avoid public reporting on suspensions and expulsions that would require  
14 disaggregation by race, ethnicity, disability status, and nature of offense.

15 139. AVUHSD has also increasingly relied on School Resource Officers and campus  
16 security to respond to behavioral incidents that could and should be addressed by trained  
17 school counselors and mental health professionals. Comparing the AVUHSD student-to-  
18 counselor ratio—323 students to 1 counselor<sup>5</sup>—and the student-to-law enforcement/security  
19 ratio—conservatively estimated to be 200:1—shows that AVUHSD places a greater  
20 investment on punishment and criminalization than it does on the social-emotional wellness of  
21 its students. This has resulted in the disproportionate criminalization and traumatization of  
22 Black students and Black students with disabilities.

23 140. The racially hostile educational environment in AVUHSD also manifests in  
24 staff interactions with students. AVUHSD fails to take appropriate action in addressing biased  
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<sup>5</sup> The American School Counselor Association recommends a student-to-counselor ratio of 250:1. See  
<https://www.schoolcounselor.org/About-School-Counseling/School-Counselor-Roles-Ratios>.

1 actions and statements from school staff that demean Black students with stereotypes and racial  
2 epithets.

3 141. For example, Black students have been presumed to be and regarded as gang-  
4 involved without any other evidence besides the color clothing they choose to wear. Such  
5 unfounded presumptions have been written into student permanent records, echoing a harmful  
6 and wrongful stereotype that Black people are more inclined toward criminality and  
7 aggression. In 2020, Black students on an AVUHSD basketball team were repeatedly called  
8 the n-word by their coach. Another AVUHSD teacher was found in 2019 to have used racial  
9 slurs targeting Latinx and Black students in class. For years, many staff and administrators at a  
10 AVUHSD school openly resisted changing the school’s mascot from the “Rebels,” a nickname  
11 the school celebrated with a cartoon Confederate soldier and Confederate flag; only recently  
12 did school administrators finally relent to public pressure and drop the mascot in 2020.

13 **VII. AVUHSD Fails to Maintain Legally Required Anti-Discrimination and**  
14 **Harassment Complaint Procedures.**

15 142. AVUHSD fails to maintain legally compliant Uniform Complaint Procedures  
16 (“UCP”). On information and belief, AVUHSD rejects UCP complaints about discriminatory  
17 staff behavior and requires parents to instead file “personnel complaints.” This practice denies  
18 complainants the due process protections that are preserved by the UCP process. Moreover,  
19 AVUHSD fails to adequately publish its procedures and purposefully occludes its UCP  
20 complaint procedures from students, parents, staff, and community members seeking to file  
21 complaints based on harassment and discrimination, as they are required to do under 5 Cal.  
22 Code Regs. §§ 4917, 4960-4962.

23 143. AVUHSD’s failure to provide legally mandated UCP procedures denies  
24 students, parents, staff, and community members their rights to lodge formal complaints about  
25 harassment, discrimination and intimidation and further contributes to the AVUHSD’s racially  
26 hostile educational environment.

1 **VIII. AVUHSD Fails to Provide Legally Compliant Language Access Services for**  
2 **Limited English Proficient Parents.**

3 144. In AVUHSD, 10.6% of the student population is made up of English Learners.  
4 This does not include the number of students who are English speakers while their families are  
5 not. AVUHSD routinely fails to provide translated documents to these families, as the law  
6 requires.

7 145. For example, AVUHSD fails to send notices of suspensions and expulsions to  
8 parents in their primary languages, including in widely spoken languages like Spanish.

9 146. Moreover, on information and belief, AVUHSD often fails to provide  
10 interpreters at IEP meetings, denying limited English proficient parents the opportunity to  
11 access and impact their children's education plans. Further on information and belief, when  
12 AVUHSD does provide an interpreter, the interpreter is usually not certified, and the  
13 translations are wrong or misleading.

14 147. On information and belief, AVUSHD also fails to translate IEPs and  
15 assessments for limited English proficient parents. IEPs, assessment reports, and other special  
16 education documents are often not translated at all, translated with immense delay, or  
17 incompletely translated. IEP assessment reports are not translated prior to the IEP meetings so  
18 parents do not have an opportunity to review the information prior to the meeting and actively  
19 participate.

20 148. Most translated IEPs only include translated headers, subjects, and introductions  
21 while the main part of the document, the structured notes, and the actual substance of the IEP  
22 remains in English.

23 **FIRST CAUSE OF ACTION**

24 **VIOLATION OF THE EQUAL PROTECTION CLAUSES OF THE**  
25 **CALIFORNIA CONSTITUTION, ARTICLE I, SECTION 7(A) & ARTICLE IV,**  
26 **SECTION 16(A)**

27 **ALL PLAINTIFFS AGAINST ALL DEFENDANTS**



1           149. Plaintiffs incorporate by reference all preceding paragraphs as though fully set  
2 forth here.

3           150. Defendants have knowingly and perpetually violated the rights of Plaintiffs and  
4 other Black students and students with disabilities in AVUHSD to equal educational  
5 opportunities and equal access to educational services and supports, as guaranteed by Article  
6 I, § 7(a) and Article IV, § 16(a) of the California Constitution. In implementing, sanctioning, or  
7 failing to curb discriminatory discipline policies and practices, Defendants have failed to  
8 provide Plaintiffs and other similarly situated students with equal educational opportunities that  
9 meet statewide standards.

10           151. An environment cannot foster necessary student engagement and advancement  
11 if it is plagued by abusive punishments and school exclusions, including suspensions,  
12 expulsions, transfers, and police contacts. Yet Defendants have for years subjected Black  
13 students and students with disabilities at disproportionate rates to discipline and school  
14 assignment policies that suspend, expel, assign them to alternative schools, or lead to contacts  
15 with school-based law enforcement. Such practices defy the educational obligations imposed  
16 by the California Constitution and fail to provide a safe and supportive learning environment,  
17 contributing to lost instructional time, poor academic outcomes, emotional and psychological  
18 trauma, social isolation, and higher risk of drop-out and incarceration.

19           152. Defendants discipline and refer students to law enforcement at rates  
20 significantly higher than county and state averages. Black students and students with  
21 disabilities fare far worse than the general population, with rates that far exceed similarly  
22 situated white and non-disabled peers. Defendants have failed to meet their constitutional duty  
23 to prevent these discriminatory practices or implement practices that do not result in  
24 discrimination; thus, they have deprived Black students and students with disabilities of their  
25 education rights and equal protection under the law.

26           153. Student Plaintiffs have a personal interest in their education rights, Parent  
27 Plaintiffs have a personal interest in the education rights of their children, and the  
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1 Organizational Plaintiff has a personal interest in the education rights of members of their  
2 organization and the Antelope Valley community.

3 154. Plaintiffs seek a judicial determination of their rights. Declaratory relief is  
4 proper here because Plaintiffs are informed and believe that Defendants will deny that they  
5 have violated, or that they continue to violate, the rights of district students to receive equal  
6 protection of the laws under the California Constitution. Unless enjoined, Defendants will  
7 continue to violate the right to receive equal protection of the laws under the California  
8 Constitution, and Plaintiffs and Black students and students with disabilities at AVUHSD  
9 schools will suffer irreparable harm.

10 155. Plaintiffs bring this action in furtherance of public policy and to enforce  
11 important rights affecting the public interest as established by the U.S. Constitution, the  
12 California Constitution, and the federal and state laws alleged in this complaint. Therefore,  
13 Plaintiffs seek attorneys' fees pursuant to Code Civ. Proc. § 1021.5 or as otherwise allowed by  
14 law.

15 **SECOND CAUSE OF ACTION**

16 **VIOLATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964,  
17 42 U.S.C. § 2000d *ET SEQ.***

18 **ALL PLAINTIFFS AGAINST ALL DEFENDANTS**

19 156. Plaintiffs incorporate by reference all preceding paragraphs as though fully set  
20 forth here.

21 157. Defendants are recipients of federal funding sufficient to invoke the coverage of  
22 Title VI. 42 U.S.C. § 2000d *et seq.*

23 158. Defendants have intentionally discriminated against Student Plaintiffs and other  
24 Black students and students with disabilities on the basis of race, color, or national origin by  
25 approving, authorizing, and using suspension, expulsion, school assignment, and school  
26 policing and security policies and practices that have resulted in a denial of educational  
27 opportunities equal to and on par with those afforded to white students. These practices have  
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1 excluded Black students and students with disabilities from their classrooms, programs, and  
2 comprehensive schools, and subjected them to segregation on the basis of perceived cultural,  
3 social, and disability-related behaviors associated with their race, ethnicity, and/or national  
4 origin. Defendants have thus intentionally denied Black students and students with disabilities  
5 the resources, services, and supports to which they are entitled under the law.

6 159. Defendants have demonstrated a widespread and longstanding pattern of  
7 intentional discrimination by selectively enforcing neutral disciplinary policies, in violation of  
8 Title VI of the Civil Rights Act. This selective enforcement has resulted in Black students and  
9 students with disabilities being denied access to education with no nondiscriminatory  
10 justification.

11 160. Defendants have engaged in unlawful national origin discrimination through  
12 their failure to provide appropriate language communication services, including translation and  
13 interpretation, to limited English proficient parents.

14 161. In addition, Defendants have engaged in intentional discrimination by denying  
15 Black students and students with disabilities access to education through their deliberate  
16 indifference to the hostile educational environment that exists for these students in AVUHSD,  
17 despite their actual knowledge of its existence and impact.

18 162. As a result of Defendants' violations, Plaintiffs and Black students and students  
19 with disabilities suffer or may suffer irreparable harm, including substantial loss of educational  
20 opportunities and contact with the criminal legal system.

21 163. Due to Defendants' ongoing violations of Title VI, injunctive and declaratory  
22 relief are appropriate remedies.

23 164. Plaintiffs bring this action in furtherance of public policy and to enforce  
24 important rights affecting the public interest as established by the U.S. Constitution, the  
25 California Constitution, and the federal and state laws alleged in this complaint. Therefore,  
26 Plaintiffs seek attorneys' fees pursuant to Code Civ. Proc. § 1021.5 or as otherwise allowed by  
27 law.

**THIRD CAUSE OF ACTION**

**WRIT OF MANDATE (CODE CIV. PROC. § 1085)  
VIOLATION OF EDUCATION AND GOVERNMENT CODES REGARDING DUE  
PROCESS PROTECTIONS FOR SUSPENSIONS**

**ALL PLAINTIFFS AGAINST ALL DEFENDANTS**

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165. Plaintiffs incorporate by reference all preceding paragraphs as though fully set forth here.

166. Defendants have a clear and present ministerial duty to provide for equal access to educational opportunities for all children enrolled in schools within AVUHSD; to take appropriate action to identify and eliminate policies and practices that interfere with equal participation of students in instructional programs; and to ensure that district and school operations are in compliance with state and federal laws applicable to the provision of equal education to Black students and students with disabilities. Cal. Educ. Code §§ 48910, 48911, 48918, 48432.3, 48432.5, 48662, 220; Cal. Gov. Code § 11135 *et seq.*

167. Defendants have failed and are failing to comply with those duties and obligations through their deliberate inaction in the face of facts pointing to discipline and school assignment policies and practices that discriminate against Black students and students with disabilities.

168. The California Education Code affords students and parents/guardians due process protections in the formal suspension process that AVUHSD openly skirts and defies. By law, AVUHSD is mandated to provide parents and students with written notice and an opportunity for a pre-suspension conference *at the time* of the suspension, not hours or days later, as is common practice in AVUHSD. Cal. Educ. Code § 48911(b), (d). Additionally, the law requires AVUHSD to make reasonable efforts to contact parents or guardians at the time of the suspension to offer an opportunity to participate in the process, which AVUHSD routinely fails to do. Cal. Educ. Code § 48911(d). The conference and written notice must also inform students and parents/guardians of the reasons for the suspension and the evidence against them

1 to give students a chance to present their version of events and evidence in their defense. Cal.  
2 Educ. Code § 48911(b). AVUHSD regularly disregards this obligation as well.

3 169. In particular, on information and belief, Defendants are failing to provide due  
4 process protections enshrined in the Education Code with respect to suspensions by, among  
5 other things:

6 a. Failing to immediately report teacher suspensions to the principal, pursuant to  
7 Section 48910(a) of the California Education Code;

8 b. Failing to immediately send students to the principal or their designees for  
9 appropriate action, pursuant to Section 48910(a) of the California Education Code;

10 c. Failing to ask parents or guardians to attend conferences regarding teacher  
11 suspensions as soon as possible, pursuant to Section 48910(a) of the California Education  
12 Code;

13 d. Failing to include a school administrator in the conferences at a parent or  
14 guardian's request, pursuant to Section 48910(a) of the California Education Code;

15 e. Suspending students before determining that other means of correction have  
16 failed to bring about proper conduct, in violation of Section 48900.5(a) of the Education Code;

17 f. Failing to provide informal pre-suspension conferences prior to formal in-school  
18 or out-of-school suspensions, pursuant to Section 48911(b) of the California Education Code;

19 g. Failing to inform students at the time of the informal pre-suspension  
20 conferences of the reasons for the suspensions and the evidence against them, pursuant to  
21 Section 48911(b) of the California Education Code;

22 h. Failing to provide students with an opportunity to present their version and  
23 evidence in their defense during informal suspension conferences, pursuant to Section  
24 48911(b) of the California Education Code;

25 i. Failing to make reasonable efforts to contact students' parents or guardians at  
26 the time of a suspension, pursuant to Section 48911(d) of the California Education Code;

1 j. Failing to notify parents or guardians of suspensions in writing, pursuant to  
2 Section 48911(d) of the California Education Code;

3 i. Failing to provide other means of correction prior to formal in-school or out-of-  
4 school suspensions, pursuant to Section 48900.5 of the California Education Code; and

5 j. Using informal, off-the-books suspensions that illegally exclude students from  
6 school for offenses that are not outlined in Section 48900 of the Education Code or without due  
7 process protections outlined in Sections 48900 *et seq.* of the Education Code.

8 170. Defendants, despite clear duties to act, fail to ensure that the requirements of the  
9 California Education Code and their related regulations are met. As a result of Defendants'  
10 failure to comply with their duties, Black students and students with disabilities have been  
11 disproportionately denied critical procedural safeguards and equal educational opportunity, and  
12 they continue to suffer harm.

13 171. Plaintiffs have no clear and present alternative remedy available to them with  
14 respect to Defendants' failure to comply with their statutory duties.

15 172. Plaintiffs desire a judicial determination of their rights as well as a writ of  
16 mandate pursuant to Code of Civil Procedure § 1085 directing Defendants to comply with their  
17 legal duties and obligations.

18 173. Plaintiffs bring this action in furtherance of public policy and to enforce  
19 important rights affecting the public interest as established by the U.S. Constitution, the  
20 California Constitution, and the federal and state laws alleged in this complaint. Therefore,  
21 Plaintiffs seek attorneys' fees pursuant to Code Civ. Proc. § 1021.5 or as otherwise allowed by  
22 law.

23 **FOURTH CAUSE OF ACTION**

24 **WRIT OF MANDATE (CODE CIV. PROC. § 1085)**  
**VIOLATION OF EDUCATION AND GOVERNMENT CODES REGARDING DUE**  
**PROCESS PROTECTIONS IN EXPULSIONS**

25 **ALL PLAINTIFFS AGAINST ALL DEFENDANTS**  
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1           174. Plaintiffs incorporate by reference all preceding paragraphs as though fully set  
2 forth here.

3           175. Defendants have a clear and present ministerial duty to provide for equal access  
4 to educational opportunities for all children enrolled in schools within AVUHSD; to take  
5 appropriate action to identify and eliminate policies and practices that interfere with equal  
6 participation of students in instructional programs; and to ensure that District and school  
7 operations are in compliance with state and federal laws applicable to the provision of equal  
8 education to Black students and students with disabilities; and to ensure that limited English  
9 proficient families have access to appropriate language communication services. Cal. Educ.  
10 Code §§ 48910, 48911, 48918, 48985, 48432.3, 48432.5, 48662, 220; Cal. Gov. Code § 11135  
11 *et seq.*

12           176. Defendants, as alleged herein, have failed and are failing to comply with those  
13 duties and obligations through their deliberate inaction in the face of facts pointing to  
14 discipline and school assignment policies and practices that discriminate against Black students  
15 and students with disabilities.

16           177. The California Education Code affords students and their parents/guardians due  
17 process protections in the expulsion process that AVUHSD consistently fails to provide.  
18 Before a student can be expelled, AVUHSD is required to hold a hearing within 30 school  
19 days, unless the student requests that the hearing be postponed. Cal. Educ. Code § 48918. Ten  
20 (10) days before the hearing, AVUHSD must provide the student and their parent/guardian  
21 with written notice of the expulsion hearing, the right to be represented by counsel at the  
22 hearing, and their ability to inspect all documents and question all witnesses to be relied on at  
23 the hearing. *Id.* All these notices must be furnished in a parent or education rights holder's  
24 primary language. Cal. Educ. Code § 48985. In the event a student is expelled, the Education  
25 Code requires that AVUHSD still provide them with an adequate education program. Cal.  
26 Educ. Code § 48916.1.

1           178. On information and belief, Defendants are failing to provide due process  
2 protections in expulsions, as follows:

3           a. Failing to consider other means of correction before expulsions are  
4 recommended for expellable offenses explicitly outlined in the Education Code, pursuant to  
5 Section 48915(a) and (b)(1) of the Education Code;

6           b. Implementing a minimum and maximum penalties Discipline Matrix that  
7 permits school staff to expel students for behaviors that cannot by law lead to an expulsion, in  
8 violation of Sections 48900-48915 of the Education Code;

9           c. Failing to provide an adequate education program to expelled students, pursuant  
10 to Section 48916.1 of the California Education Code;

11           d. Failing to hold expulsion hearings for students recommended for expulsion  
12 within 30 school days, unless the students request that the hearings be postponed, pursuant to  
13 Section 48918 of the California Education Code;

14           e. Failing to provide adequate written notices of expulsion hearings, the right to be  
15 represented by legal counsel or non-attorney advisor, to inspect all documents to be used at the  
16 hearing, and to confront and question all witnesses who testify at the hearing to students and  
17 their parents or guardians at least 10 calendar days prior to the hearings, pursuant to Section  
18 48918 of the California Education Code;

19           f. Failing to provide written notice and procedural safeguards in a parent's native  
20 language or a mode of communication used by the parent when feasible to do so, pursuant to  
21 34 C.F.R. Section 300.503(c)(1)(ii), 34 C.F.R. Section 300.504(d), and Section 48985 of the  
22 Education Code; and

23           g. Failing to adopt rules and regulations establishing a procedure for the filing and  
24 processing of requests for readmission and the process for the required review of all expelled  
25 pupils for admission including setting specific date for when an expelled pupil will be  
26 reviewed for readmission in violation of Educ. Code § 48916.





1           185. Defendants, as alleged herein, have failed and are failing to comply with those  
2 duties and obligations through their deliberate inaction in the face of facts pointing to  
3 discipline and school assignment policies and practices that discriminate against Black students  
4 and students with disabilities.

5           186. AVUHSD continues to violate multiple provisions of the Education Code  
6 governing transfers. Specifically, AVUHSD has failed to comply with the requirements of  
7 Education Code § 48432.3(a), as it has failed to establish policies and procedures with clear  
8 criterion governing the identification, placement, and intake procedures for students who are  
9 voluntarily transferred.

10           187. Furthermore, on information and belief, AVUHSD has by pattern and practice  
11 failed to implement or follow a policy ensuring that all voluntary placements promote the  
12 educational interests of a student in violation of Education Code section § 48432(a).

13           188. On information and belief, AVUHSD has also failed to comply with the  
14 requirements of Education Code § 48432.3(b) through its practices and policies by: failing to  
15 ensure that alternative means of correction are used prior to initiating disciplinary voluntary  
16 placements of students to continuation schools; failing to ensure that Black students are not  
17 disproportionately enrolled in continuation schools; failing to provide policies and procedures  
18 to parents of pupils whose children are voluntarily transferred to continuation schools; and  
19 failing to allow students to return to their home schools.

20           189. On information and belief, AVUHSD through its practices and policies  
21 regularly violates the provisions of Education Code § 48432.5, the relevant statute governing  
22 involuntary transfers to continuation schools. In particular, AVUHSD fails to provide parents  
23 with an opportunity to request a meeting with a designee of AVUHSD's superintendent prior  
24 to involuntary transfer. AVUHSD also fails to provide written documentation stating the facts  
25 and reasons for the decision, including information about whether the decision is subject to  
26 periodic review and the accompanying procedure. It also fails to initiate involuntary transfers

1 to continuation schools as a last resort and only after alternative means of correction have been  
2 implemented, as the law requires.

3 190. Moreover, AVUHSD's use of informal transfers and exclusions from the  
4 classroom violates numerous due process protections. For example, Section 48910 of the  
5 Education Code requires teachers who suspend students from their classroom for part or all of  
6 a class period to immediately report these removals to the principal, connect the student to an  
7 administrator (not law enforcement or security), and offer parents and guardians the  
8 opportunity to attend a conference with the teacher and school administrator to discuss the  
9 student's behavior. When AVUHSD's teachers informally remove students from their  
10 classrooms and send them to on-campus detention, these procedures are not followed,  
11 suspensions are not properly reported, and students are denied legal protections.

12 191. In particular, on information and belief, Defendants are failing to provide due  
13 process protections in voluntary and involuntary transfers as follows:

14 a. Failing to create and implement policies and procedures that ensure there is a  
15 clear criterion for determining which pupils may voluntarily transfer or be recommended for a  
16 transfer to a continuation school, pursuant to Section 48432.3 of the California Education  
17 Code;

18 b. Failing to ensure that its voluntary transfer criterion is not applied arbitrarily,  
19 but is consistently applied on a district-wide basis, pursuant to Section 48432.3 of the  
20 California Education Code;

21 c. Approving voluntary transfers for pupils to continuation schools without finding  
22 that the voluntary placement would promote the educational interests of the pupil, in violation  
23 of Section 48432.3 of the California Education Code;

24 d. Using voluntary transfers to continuation schools as an alternative to expulsion  
25 when alternative means of correction have not been attempted pursuant to Section 48900.5 of  
26 the Education Code, in violation of Section 48432.3 of the California Education Code;

1 e. Failing to ensure that no specific groups of pupils, including a group based on  
2 race, ethnicity, language status, or special needs, are disproportionately enrolled in  
3 continuation schools within the district, pursuant to Section 48432.3 of the California  
4 Education Code;

5 f. Failing to provide copies of the policies and procedures for voluntary transfers  
6 to pupils and their parents/guardians when a transfer to a continuation school is being  
7 considered, pursuant to Section 48432.3 of the California Education Code;

8 g. Failing to ensure that a pupil is aware of their right to return to their previous  
9 school in the event a voluntary transfer is recommended and approved, pursuant to Section  
10 48432.3 of the California Education Code;

11 h. Failing to provide a pupil's parent/guardian with information on their right to  
12 meet with a counselor, principal, or administrator from both the transferring school and the  
13 continuation school to determine if a voluntary transfer is the best option for the pupil,  
14 pursuant to Section 48432.3 of the California Education Code;

15 i. Failing to ensure that a voluntary transfer to a continuation school occurs within  
16 the first four weeks of each semester, pursuant to Section 48432.3 of the California Education  
17 Code;

18 j. Failing to provide written notice to the pupil and their parent/guardian  
19 informing them of the opportunity to request a meeting with a designee of the AVUHSD  
20 superintendent prior to an involuntary transfer, pursuant to Section 48432.5 of the California  
21 Education Code;

22 k. Failing to provide the pupil or the pupil's parent/guardian with the specific facts  
23 and reasons for a proposed involuntary transfer, the opportunity to inspect and question all  
24 documents, evidence, and witness statements presented, the opportunity to present evidence on  
25 the pupil's behalf, and the opportunity to bring one or more witnesses or representatives to a  
26 meeting with a district superintendent designee, pursuant to Section 48432.5 of the California  
27 Education Code;

1           l.       Failing to base an involuntary transfer of a pupil on a finding that the pupil has  
2 committed an act enumerated in Section 48900 of the Education Code or habitual truancy,  
3 pursuant to Section 48432.5 of the California Education Code, and instead involuntarily  
4 transferring pupils for improper purposes;

5           m.       Failing to provide a pupil's parent/guardian with written documentation of an  
6 involuntary transfer that states the facts and reasons for the decision and the fact that the  
7 decision is subject to periodic review, pursuant to Section 48432.5 of the California Education  
8 Code;

9           n.       Failing to ensure that other means of correction have been attempted to bring  
10 about pupil improvement before imposing an involuntary transfer, unless the pupil's presence  
11 causes a danger to persons or property, pursuant to Section 48432.5 of the California Education  
12 Code;

13           o.       Permitting involuntary transfers to continuation schools to extend beyond the  
14 end of the semester following the semester during which the acts leading to the transfer occurs,  
15 in violation of Section 48432.5 of the California Education Code;

16           p.       Failing to inform a pupil who has voluntarily transferred to a continuation  
17 school of their right to return to a comprehensive high school at the beginning of the following  
18 school year or at any time with AVUHSD permission, pursuant to Section 48432.5 of the  
19 California Education Code; and

20           q.       Violating the requirement that independent study be voluntary and that students  
21 on independent study have the same access to existing services and resources as provided to  
22 other students as required under Education Code § 51747 *et seq.* and 5 C.C.R. 11700 *et seq.*

23           192.     Defendants, despite clear duties to act, failed to ensure that the requirements of  
24 the California Education Code and their related regulations were met. As a result of the  
25 Defendants' failure to comply with their duties, Black students and students with disabilities  
26 enrolled in the district have been disproportionately denied equal educational opportunity and  
27 continue to suffer academic deficits.





1 education to Black students and students with disabilities; and to ensure that limited English  
2 proficient families have access to appropriate language communication services. Cal. Educ.  
3 Code §§ 48910, 48911, 48918, 48985, 48432.3, 48432.5, 48662, 220; Cal. Gov. Code § 11135  
4 *et seq.*

5 205. Defendants, as alleged herein, have failed and are failing to comply with those  
6 duties and obligations through their deliberate inaction in the face of facts pointing to  
7 discipline and school assignment policies and practices that discriminate against Black students  
8 and students with disabilities.

9 206. Defendants are failing in their duty to provide the following protections to  
10 students with disabilities:

11 a. Failure to hold a Manifestation Determination Review within ten school days of  
12 changing a student with a disability's placement due to a code of conduct violation, pursuant to  
13 34 C.F.R. Section 300.530(e), (f)(2);

14 b. Failure to hold a Manifestation Determination Review when it subjects a student  
15 with a disability to a pattern of classroom removals amounting to more than ten days of lost  
16 instruction, including removals to the Student Support Center and on-campus detention,  
17 pursuant to 71 Fed. Reg. Section 46715, 34 C.F.R. Sections 300.530(e), (f)(2), 300.536;

18 c. Failure to require a Manifestation Determination Review for students  
19 involuntarily transferred as a result of conduct violations, in violation of 34 C.F.R. Section  
20 300.530(e), (f)(2);

21 d. Failure to require all relevant members of a student's IEP team to attend  
22 Manifestation Determination Reviews, in violation of 34 C.F.R. Section 300.530(e), (f)(2);

23 e. Permitting school psychologists to determine the outcome of Manifestation  
24 Determination Reviews, rather than it being a team decision, in violation of 34 C.F.R. Section  
25 300.530(e), (f)(2);

26 f. Failing to review all relevant information in the student's file before the  
27 Manifestation Determination Review, in violation of 34 C.F.R. Section 300.530(e), (f)(2);



1 g. Failing to apply the correct legal standard in Manifestation Determination  
2 Reviews, in violation of 34 C.F.R. Section 300.530(a), (e), (f)(2);

3 h. Predetermining the outcome of Manifestation Determination Reviews, in  
4 violation of 34 C.F.R. Section 300.530(a), (e), (f)(2);

5 i. Implementing a minimum and maximum penalties Discipline Matrix that  
6 permits school staff to refer students to police for minor, disability-related behaviors, such as  
7 profanity or disruption, without appropriately implementing the services and accommodations  
8 present in IEPs or 504 plans, in violation of 34 C.F.R. Section 300.323(c), 20 U.S.C. Section  
9 1401(9)(D), and 34 C.F.R. Section 104.35;

10 j. Permitting students with IEPs and 504 plans to be sent to the Student Support  
11 Center and on-campus detention for disability-related behaviors, even when students' IEPs,  
12 504 plans, or Behavior Intervention Plans require alone time for a break or other  
13 accommodations that cannot be provided in these settings, in violation of 34 C.F.R. Section  
14 300.530(e), (f)(2), and 34 C.F.R. Section 104.35;

15 k. Denying students access to their teachers, service providers, and instructional  
16 supports when they are in on-campus detention and often in the Student Support Center when  
17 they are sent there for behavior that is caused by disability or AVUHSD's failure to implement  
18 their IEP, in violation of 34 C.F.R. Section 300.323(c) and 20 U.S.C. Section 1401(9)(D);

19 l. Permitting staff to refer students to on-campus detention and the Student  
20 Support Center when it is inappropriate to the student's needs or reinforces student behaviors  
21 that function to escape the classroom setting, in violation of 34 C.F.R. Section 300.323(c) and  
22 20 U.S.C. Section 1401(9)(D);

23 m. Failing to provide live instruction to students in SDC-B placements in  
24 implementing IEPs, in violation of 34 C.F.R. Section 300.323(c) and 20 U.S.C. Section  
25 1401(9)(D);

1 n. Using emergency interventions, including restraint and seclusion, as a substitute  
2 for systematic positive behavior plans in controlling predictable behaviors, in violation of  
3 Section 56521.2(a)-(b) of the California Education Code;

4 o. Failing to ensure that force is not used for longer than necessary and that the  
5 amount of force used in emergency situations is reasonable, in violation of Section 56521.2(c)-  
6 (d) of the California Education Code;

7 p. Failure to notify a pupil's parent or guardian within one school day of an  
8 emergency intervention, in violation of Section 56521.2(e) of the California Education Code;

9 q. Failure to immediately create a Behavior Emergency Report for a student's file  
10 after the use of an emergency intervention, in violation of Section 56521.2(e) of the California  
11 Education Code;

12 r. Failure to forward a Behavior Emergency Report to a school site administrator  
13 for immediate review, in violation of Section 56521.2(f) of the California Education Code;

14 s. Failure to ensure that all Behavior Emergency Reports include required  
15 information—the name and age of the student, the setting of the incident, the name of staff or  
16 other persons involved, a description of the incident and intervention, any behavior plans that  
17 already exist for the student, and any injuries sustained—in violation of Section 56521.2(e) of  
18 the California Education Code;

19 t. Failure to convene an IEP following an emergency intervention used on a  
20 student that does not have a Behavior Intervention Plan, who experiences previously unseen  
21 behavioral issues, or whose previous interventions have been unsuccessful, in violation of  
22 Section 56521.2(h) of the California Education Code;

23 u. Failure to incorporate statutory requirements related to restraint and seclusion  
24 into its Administrative Regulations (see A.R. 5131.41);

25 v. Failure to provide supplementary aids and services before removing students  
26 with disabilities from the general education setting in violation of 34 C.F.R Sections 300.114  
27  
28

1 and 300.116, 20 U.S.C. Section 1412(a)(5)(A), and Section 56031 of the California Education  
2 Code;

3 w. Failure to ensure that students with disabilities are able to participate in  
4 nonacademic and extracurricular services and activities with nondisabled peers to the  
5 maximum extent appropriate, in violation of 34 C.F.R. Sections 300.107 and 300.117;

6 x. Failure to provide supplementary aids, services, and reasonable  
7 accommodations to ensure that students with disabilities can participate in nonacademic  
8 settings, such as meals, recess periods, athletics, clubs, and recreational activities, in violation  
9 of 34 C.F.R. Sections 300.117 and 300.107;

10 y. Failure to make reasonable modifications to policies, practices, and procedures  
11 to avoid discrimination against students with disabilities, in violation of 28 C.F.R. Section  
12 35.130(b)(7)(i);

13 z. Using methods of administration that discriminate against students with  
14 disabilities and have the effect of defeating or substantially impairing the accomplishment of  
15 AVUHSD's program objectives for students with disabilities, including using police to enforce  
16 school rules instead of teachers and administrators, removing students from the classroom to  
17 on-campus detention or the Student Support Center for behaviors caused by their disabilities,  
18 using threat assessments that do not consider disability or use objective assessment tools, and  
19 reporting students to Probation for disability-related behaviors or using their accommodations,  
20 in violation of 28 C.F.R. Section 35.130(b)(3) and 34. C.F.R. Section 104.4(b)(4);

21 aa. Denying students with disabilities an opportunity to participate in and benefit  
22 from educational services that is equal to that afforded to other students, in violation of 28  
23 C.F.R. Section 35.130(b)(1)(i-iii) and 34. C.F.R. Section 104.4(b)(1)(i-iii);

24 bb. Denying students at Desert Pathways and in the SDC-B classes an equal and  
25 equally effective educational opportunity in the most integrated setting appropriate, and instead  
26 providing a separate, different, and inferior educational experience, in violation of 28 C.F.R.  
27 Section 35.130(d);

1 cc. Aiding or perpetuating discrimination against students with disabilities by  
2 providing significant assistance to the Los Angeles County Sheriff's Department, a public  
3 entity that discriminates based on disability, in violation of 28 C.F.R. Section 35.130(b)(1)(v)  
4 and 34. C.F.R. Section 104.4(b)(1)(v);

5 dd. Subjecting students with disabilities to disability-related harassment—including  
6 referring them to police, Probation, on-campus detention, and the Student Support Center for  
7 behaviors caused by their disabilities—that is so severe and pervasive that it creates a hostile  
8 learning environment, in violation of 28 C.F.R. Section 35.130(b)(3) and 34. C.F.R. Section  
9 104.4(b)(4);

10 ee. Subjecting students with disabilities in special day classes to differential  
11 treatment, including denying them access to live instruction and extracurricular activities and  
12 placing them in portable classrooms, in violation of 28 C.F.R. Section 35.130(b)(3) and 34  
13 C.F.R. Section 104.4(b)(4); and

14 ff. Denying students with disabilities an equal opportunity to participate in  
15 nonacademic and extracurricular activities, including meals, passing periods, athletics, rallies,  
16 and clubs, in violation of 34 C.F.R. Section 104.37.

17 207. As a result of the Defendants' failure to comply with their duties, Black students  
18 and students with disabilities enrolled in AVUHSD have been disproportionately denied equal  
19 educational opportunity and continue to suffer academic deficits.

20 208. Plaintiffs have no clear and present alternative remedy available to them with  
21 respect to Defendants' failure to comply with their statutory duties.

22 209. Plaintiffs desire a judicial determination of their rights as well as a writ of  
23 mandate pursuant to Code of Civil Procedure § 1085 directing Defendants to comply with their  
24 legal duties and obligations.

25 210. Plaintiffs bring this action in furtherance of the public policy and to enforce  
26 important rights affecting the public interest as established by the U.S. Constitution, the  
27 California Constitution, and the federal and state laws alleged in this complaint. Therefore,  
28

1 Plaintiffs seek attorneys' fees pursuant to Code Civ. Proc. § 1021.5 or as otherwise allowed by  
2 law.

3 **EIGHTH CAUSE OF ACTION**

4 **WRIT OF MANDATE (CODE CIV. PROC. § 1085)**  
5 **PROTECTIONS FOR LIMITED ENGLISH PROFICIENT FAMILIES**

6 **ALL PLAINTIFFS AGAINST ALL DEFENDANTS**

7 211. Plaintiffs incorporate by reference all preceding paragraphs as though fully set  
8 forth here.

9 212. Defendants have a clear and present ministerial duty to provide for equal access  
10 to educational opportunities for all children enrolled in schools within AVUHSD; to take  
11 appropriate action to identify and eliminate policies and practices that interfere with equal  
12 participation of students in instructional programs; to ensure that AVUHSD and school  
13 operations are in compliance with state and federal laws applicable to the provision of equal  
14 education to Black students and students with disabilities; and to ensure that limited English  
15 proficient families have access to appropriate language communication services. Cal. Educ.  
16 Code §§ 48910, 48911, 48918, 48985, 48432.3, 48432.5, 48662, 220; Cal. Gov. Code § 11135  
17 *et seq.*

18 213. By law, school districts must provide translation of notices, reports, statements,  
19 and records for limited English proficient parents and families, and must provide interpretation  
20 services at meetings with limited English proficient parents and families. AVUHSD has failed  
21 to provide limited English proficient parents with appropriate language communication  
22 services in violation of Education Code § 48985. In particular, AVUHSD regularly fails to  
23 provide suspension and other discipline notices to families and education rights holders in their  
24 primary language.

25 214. As a result of Defendants' failure to comply with their duties, Black students,  
26 limited English proficient students, and students with disabilities enrolled in AVUHSD have  
27 been disproportionately denied equal educational opportunity.



1 ministerial duty under Title VI of the Civil Rights Act of 1964 and Section 504 of the  
2 Rehabilitation Act to maintain complete and accurate student records. 34 C.F.R. §§ 100.6(b),  
3 104.61. Section 504 requires school districts to create a system of procedural safeguards that  
4 includes an opportunity for parents to examine student records (34 C.F.R. § 104.36); therefore,  
5 inaccurate recordkeeping can also constitute a violation of Section 504's Free and Appropriate  
6 Public Education requirements. 34 C.F.R. §§ 104.35(a), (c)(2); 104.36. The Individuals with  
7 Disabilities Education Act also provides parents with the right to examine their student's  
8 education records. 20 USC §1415(b)(1); 34 C.F.R. § 300.613. California law also gives  
9 students facing expulsion the right to inspect and receive copies of all documents that will be  
10 used at their expulsion hearing. Cal. Ed. Code § 48918. Additionally, Section 60900 of the  
11 California Education Code requires that districts collect and maintain records and data  
12 accurately and completely to comply with state and federal data reporting requirements.

13         221. Defendants, as alleged herein, have failed and are failing to comply with their  
14 duties and obligations by:

15             a. Failing to maintain complete and accurate student records, in violation of 34  
16 C.F.R. § 104.35(a), (c)(2), 104.36, 300.613, 20 U.S.C. § 1415(b)(1), Cal. Ed. Code § 48918;

17             b. Failing to provide parents with access to full student cumulative files, in  
18 violation of 20 U.S.C. § 1415(b)(1), Cal. Ed. Code § 48918; and

19             c. Failing ensure that education data is recorded and reported to state and federal  
20 agencies accurately, in violation of Cal. Educ. Code § 60900.

21         222. Plaintiffs have no clear and present alternative remedy available to them with  
22 respect to Defendants' failure to comply with their statutory duties.

23         223. Plaintiffs desire a judicial determination of their rights as well as a writ of  
24 mandate pursuant to Code of Civil Procedure § 1085 directing Defendants to comply with their  
25 legal duties and obligations.

26         224. Plaintiffs bring this action in furtherance of the public policy and to enforce  
27 important rights affecting the public interest as established by the U.S. Constitution, the  
28

1 California Constitution, and the federal and state laws alleged in this complaint. Therefore,  
2 Plaintiffs seek attorneys' fees pursuant to Code Civ. Proc. § 1021.5 or as otherwise allowed by  
3 law.

4 **TENTH CAUSE OF ACTION**

5 **WRIT OF MANDATE (CODE CIV. PROC. § 1085)**  
6 **UNIFORM COMPLAINT PROCEDURE (5 Cal. Code Regs. §§ 4620, 4900, et seq)**

7 **ALL PLAINTIFFS AGAINST ALL DEFENDANTS**

8 225. Plaintiffs incorporate by reference all preceding paragraphs as though fully set  
9 forth here.

10 226. Defendants have a clear and present ministerial duty to provide for equal access  
11 to educational opportunities for all children enrolled in schools within AVUHSD; to take  
12 appropriate action to identify and eliminate policies and practices that interfere with equal  
13 participation of students in instructional programs; to ensure that AVUHSD and school  
14 operations are in compliance with state and federal laws applicable to the provision of equal  
15 education to Black students and students with disabilities; and to ensure that limited English  
16 proficient families have access to appropriate language communication services. Cal. Educ.  
17 Code §§ 48910, 48911, 48918, 48985, 48432.3, 48432.5, 48662, 220; Cal. Gov. Code § 11135  
18 *et seq.*

19 227. As part of their duties to eliminate policies and practices that interfere with  
20 equal participation of students in instructional programs, Defendants have a clear and present  
21 ministerial duty to maintain legally compliant Uniform Complaint Procedures (“UCP”).  
22 Pursuant to the UCP process, and its implementing statutes and regulations, Defendants have  
23 an affirmative duty to combat and eliminate discrimination in programs and services; ensure  
24 that all students have the same access to district programs and services regardless of their race,  
25 gender, religion, sexual orientation, or disability; comply with specific requirements for anti-  
26 discrimination and anti-harassment complaint procedures; and publish complaint procedures  
27 and make them accessible. 5 Cal. Code Regs. §§ 4900, 4960 *et seq.*





1           233. All Student Plaintiffs are qualified individuals within the meaning of Title II of  
2 the Americans with Disabilities Act and meet the essential eligibility requirements for the  
3 receipt of services, programs, or activities of Defendants. 42 U.S.C. § 12131(2).

4           234. Each Defendant is either a public entity subject to Title II of the ADA or an  
5 official responsible for supervising the operations of a public entity subject to Title II of the  
6 ADA. *Id.* at § 12131(1).

7           235. Defendant AVUHSD is legally responsible for all violations of the ADA  
8 committed by the Sheriff's Department in the course of performing policing services to  
9 students within the district. *See* 28 C.F.R. § 35.130(b)(1).

10          236. Through the acts and omissions described above, Defendants are violating the  
11 ADA, 42 U.S.C. § 12132, and its implementing regulations, 28 C.F.R. Pt. 35, including by:

12           a. Failing to make reasonable modifications to policies, practices, and procedures  
13 to avoid discrimination against Student Plaintiffs and other students with disabilities;

14           b. Utilizing methods of administration that discriminate against students with  
15 disabilities and have the effect of defeating or substantially impairing the accomplishment of the  
16 objectives of Defendants' programs with respect to all Student Plaintiffs, including:

17           i. Implementing the Discipline Matrix, which grants staff discretion to  
18 recommend students for expulsion and refer them to police for any Education Code violation,  
19 such that staff biases against students with disabilities, and Black students with disabilities,  
20 influence these decisions;

21           ii. Requiring staff to implement the same criteria for discipline and police referrals  
22 to students with disabilities as they do for their nondisabled peers;

23           iii. Using police to enforce school rules, rather than teachers and administrators;

24           iv. Removing students from the classroom to on-campus detention and the Student  
25 Support Center based on behaviors caused by their disabilities;

26           v. Using threat assessments that do not consider disability or use objective  
27 assessment tools; and

1 vi. Reporting students to Probation for disability-related behaviors and for using  
2 their accommodations;

3 c. Denying all Student Plaintiffs and other students with disabilities an opportunity  
4 to participate in and benefit from educational services that are equal to those afforded to other  
5 students;

6 d. Denying students with disabilities at Desert Pathways and in Special Day  
7 Behavioral Classes an equal and equally effective educational opportunity in the most integrated  
8 setting appropriate, and instead providing a separate, different, and inferior educational  
9 experience;

10 e. Aiding or perpetuating discrimination against students with disabilities by  
11 providing significant assistance to the Los Angeles County Sheriff's Department, a public entity  
12 that discriminates against all Student Plaintiffs and other students with disabilities;

13 f. Subjecting all Student Plaintiffs to disability-based harassment, including  
14 excluding them from school for behaviors caused by their disabilities and referring them to  
15 police, Probation, on-campus detention, and the Student Support Center for behaviors caused by  
16 their disabilities, that is so severe and pervasive that it creates a hostile learning environment;

17 g. Subjecting students with disabilities in Special Day Classes to differential  
18 treatment, including denying them access to live instruction and extracurricular activities and  
19 placing them in portable classrooms; and

20 h. Denying students with disabilities an equal opportunity to participate in  
21 nonacademic and extracurricular activities, including meals, passing periods, athletics, rallies,  
22 and clubs.

23 237. Defendants at all times have known or should have known that Student  
24 Plaintiffs named above are students with disabilities and require reasonable modifications.

25 238. Defendants have demonstrated a deliberate indifference that violation of  
26 Plaintiffs' federally protected rights under the ADA was substantially likely and failed to act  
27 upon that likelihood.



1 discriminate against Student Plaintiffs by reason of their disability. Defendants’ policies and  
2 practices regarding identification and evaluation; provision of services, accommodations, and  
3 modifications; student discipline; exclusion of students with disabilities based on behaviors  
4 caused by their disabilities; and addressing bullying and harassment constitute a persistent and  
5 systemic failure to meet the requirements of Section 504.

6 246. Defendants have demonstrated a deliberate indifference that harm to Plaintiffs’  
7 federally protected rights under Section 504 was substantially likely and failed to act upon that  
8 likelihood.

9 247. The acts and omissions of Defendant have caused and will continue to cause  
10 Student Plaintiffs to suffer irreparable harm, and they have no adequate remedy at law.

11 248. Under Section 504, Plaintiffs are entitled to attorneys’ fees and costs as  
12 appropriate and permitted by law, pursuant to 29 U.S.C. § 794a.

13  
14 **THIRTEENTH CAUSE OF ACTION**

15 **VIOLATIONS OF CALIFORNIA GOVERNMENT CODE § 11135 AND CAL. CODE  
16 REGS. TIT. 2, §§ 11154, 11161, and 11162**

17 **ALL PLAINTIFFS AGAINST ALL DEFENDANTS**

18 249. Plaintiffs incorporate by reference the above paragraphs as though fully set forth  
19 herein.

20 250. California Government Code § 11135 prohibits discrimination under, and the  
21 denial of full and equal access to the benefits of, state-funded programs and activities on the  
22 basis of race, ethnicity, and disability.

23 251. At all times relevant to this action, Student Plaintiffs have been and are  
24 qualified individuals with disabilities within the meaning of California law. Cal. Gov. Code §  
25 12926. As Black and Latinx students, Student Plaintiffs are entitled to California legal  
26 protections against discrimination on the basis of race and ethnicity.

27 252. Regulations at 2 C.C.R. §§ 11161 and 11162 state that it is discriminatory not to  
28 take appropriate steps to provide “alternative communication services” for individuals based on

1 their national origin or ethnic group identification, which include linguistic characteristics.  
2 These alternative communication services can include “the provision of the services of a  
3 multilingual employee or an interpreter for the benefit of an ultimate beneficiary and the  
4 provision of written materials in a language other than English.”

5 253. Defendants are or are agents for a public agency that receives financial  
6 assistance from the state of California. Defendants are officials responsible for running and/or  
7 supervising the operations of AVUHSD.

8 254. Through the acts and omissions described above, Defendants are violating  
9 Government Code § 11135, and its implementing regulations, Cal. Code Regs. tit. 2, § 11154.  
10 Defendants discriminate against Student Plaintiffs and other similarly situated Black students  
11 and students with disabilities by implementing and applying suspension, expulsion, and  
12 involuntary transfer policies and practices that disproportionately exclude Black students and  
13 students with disabilities from the general education setting. In addition, Defendants  
14 discriminate against Student Plaintiffs and other similarly situated Black students and students  
15 with disabilities with respect to law enforcement referrals that result in an adverse disparate  
16 impact. Defendants selectively enforce facially neutral policies by referring Black students and  
17 students with disabilities to police for less severe behaviors than their white peers. Defendants  
18 also disproportionately arrest Black students and students with disabilities for minor and/or  
19 disability-related behaviors. Defendants’ actions deny Black students and students with  
20 disabilities full and equal access to the benefits of their education without nondiscriminatory  
21 justification.

22 255. These disparities result in part from Defendants’ implicit and unconscious  
23 biases and stereotypes against Black students and students with disabilities, which are  
24 incorporated into AVUHSD’s policies.

25 256. Defendants have also aided or perpetuated discrimination by transferring state  
26 support to the Los Angeles County Sheriff’s Department, another recipient of state support that  
27 discriminates against Plaintiffs and other similarly situated Black students. Defendants utilize  
28

1 methods of administration that have the effect of defeating or substantially impairing the  
2 accomplishment of the objectives of Defendants' programs with respect to Student Plaintiffs  
3 and other similarly situated Black and Latinx students, including:

4 a. Using police to enforce school rules, rather than teachers and administrators;  
5 and

6 b. Excluding Black students and students with disabilities from the general  
7 education setting, rather than providing positive behavior supports, Restorative Justice, mental  
8 health support, and other non-punitive measures.

9 257. Defendants subject Student Plaintiffs and other similarly situated Black students  
10 and students with disabilities to racial harassment that is so severe and pervasive that it creates  
11 a hostile learning environment.

12 258. Defendants have also violated Government Code § 11135 by discriminating  
13 against Student Plaintiffs and other similarly situated students with disabilities in violation of  
14 the ADA (*see* Eleventh Claim for Relief, *supra*).

15 259. Through the District's failure to provide appropriate language communication  
16 services to limited English proficient families, Defendants are similarly violating Cal. Code  
17 Regs. tit. 2 §§ 1161 and 1162.

18 260. Defendants' actions have caused and will continue to cause Plaintiffs to suffer  
19 irreparable harm, and they have no adequate remedy at law. Because Defendants'  
20 discriminatory conduct is ongoing, declaratory and injunctive relief are appropriate remedies.

21 261. Plaintiffs are also entitled to reasonable attorneys' fees and costs.

22 **FOURTEENTH CAUSE OF ACTION**

23 **ILLEGAL EXPENDITURE OF TAXPAYER FUNDS (CODE CIV. PROC. § 526a)**

24 **PARENT PLAINTIFFS AND CANCEL THE CONTRACT-ANTELOPE VALLEY**  
25 **AGAINST ALL DEFENDANTS**

26 262. Plaintiffs incorporate by reference all preceding paragraphs as though fully set  
27 forth here.

1           263. Guardian and Organizational Plaintiffs are residents and taxpayers of Los  
2 Angeles County, California. Within the last year, Guardian and Organizational Plaintiffs have  
3 been assessed for and are liable to pay taxes in the county in which they reside and are liable to  
4 pay income taxes to the state of California and the United States of America. Within a year  
5 before the commencement of this action, Guardian and Organizational Plaintiffs were assessed  
6 and paid taxes in the county in which they reside and to the state of California and the United  
7 States.

8           264. Defendants, individually and through the actions of their agents, have expended  
9 tax money and will continue to expend tax money in an illegal manner in violation of state law,  
10 as alleged in this complaint.

11           265. Defendants received state and federal funds which have been apportioned and  
12 allocated to them through the California Department of Education for the purpose of  
13 complying with state and federal mandates regarding specialized education programs for  
14 students. By failing to exercise their statutorily mandated responsibility to properly oversee  
15 their programs and otherwise failing to take steps to ensure equal educational access for  
16 students with disabilities, Defendants have unlawfully diverted money intended for monitoring  
17 and oversight of programming designed to expressly benefit such students to other uses in  
18 violation of state and federal law. There is no adequate administrative remedy to challenge  
19 Defendants' unlawful failure to exercise its oversight responsibility and resulting illegal  
20 diversion of money.

21           266. Guardian and Organizational Plaintiffs and other taxpayers have suffered and  
22 continue to suffer irreparable injury. Money damages would not adequately compensate  
23 taxpayers for unlawful government activity.

24           267. The acts and omissions outlined in this Complaint were committed by  
25 Defendants, either in their official capacities or through the actions of their agents, acting  
26 pursuant to policies set by Defendants. Parent Plaintiffs bring this action on behalf of  
27 themselves to enjoin the wasteful expenditure of taxpayers' dollars by Defendants.





1           1.     Declaratory judgment affirming that Defendants’ policies, practices, and  
2 procedures regarding segregation, law enforcement referrals, and discipline of Black students  
3 and students with disabilities, and regarding students with disabilities who require access to  
4 services, accommodations, and modifications to access education in the general education  
5 environment, violate the rights of all Plaintiffs and other Black students and students with  
6 disabilities under Section 504, the ADA, the IDEA, and state law;

7           2.     Declaratory judgment affirming that Defendants’ policies, practices, and  
8 procedures regarding segregation, law enforcement referrals, and discipline of Black students  
9 and students with disabilities and the racial and disability-related harassment experienced at  
10 district school sites by Plaintiffs and Black students and students with disabilities violate the  
11 rights of all Plaintiffs and other Black students and students with disabilities under the Equal  
12 Protection Clause, Title VI, and state law;

13           3.     Issue permanent injunctions pursuant to Section 504, the ADA, the Equal  
14 Protection Clause of the California Constitution, Title VI, and state law that enjoin Defendants,  
15 their successors in office, agents, employees and assigns, and all persons acting in concert from  
16 violating Section 504, the ADA, the Equal Protection Clause, Title VI, and state law and  
17 require Defendants to promulgate compliant policies, procedures, and practices;

18           4.     Issue a writ of mandate ordering Defendants to immediately discontinue all  
19 policies, procedures, and practices that do not comply with the laws cited in this complaint and  
20 to comply with the law;

21           5.     Issue an order requiring Defendants to disseminate to teachers and other  
22 AVUHSD staff, parents, and students a new Board of Trustees-approved written policy  
23 statement acknowledging the rights of Black students and students with disabilities as set forth  
24 in this complaint and reasserting Defendants’ commitment to honor those rights, including:

25           a.     The right to access the same educational opportunities as their peers regardless  
26 of disability or race;

1           b. The right to services, accommodations, and modifications necessary to remain  
2 in the general education environment; and

3           c. The right to an educational environment free of discriminatory discipline,  
4 policing, harassment, and bullying;

5           6. Take immediate action to reform policies, procedures, and practices to fully  
6 comply with 504, the ADA, the Equal Protection Clause, Title VI, and state law; such action  
7 must include securing a team of third-party experts to assist the district to:

8           a. Develop and implement a clear and defined plan to achieve inclusivity for all  
9 students throughout AVUHSD, including Black students and students with disabilities, that  
10 enables these students to receive access to equal education side-by-side with their peers  
11 without disabilities in the least-restrictive, most safe and welcoming educational environment;

12           b. Implement a District-wide Multi-Tiered System of Supports to identify the  
13 needs of and improve educational outcomes for all students using multiple data measures, and  
14 to provide strategic, targeted, appropriate, and culturally relevant interventions for all students  
15 that are available regardless of a student's disability status or race;

16           c. Establish appropriate programs that are based on peer-reviewed research or  
17 other evidence-based programs to provide services, accommodations, and modifications to  
18 students with disabilities in the general education environment;

19           d. Provide for immediate and continuing education for all AVUHSD staff and  
20 school-based law enforcement by qualified third-party experts on the topics of Section 504, the  
21 ADA, the Equal Protection Clause, Title VI, and relevant state law regarding race and  
22 disability discrimination. Such education or training must include identification of students  
23 with disabilities, provision of appropriate and culturally relevant instruction, services  
24 accommodations and modifications in the least restrictive environment, stopping and  
25 preventing harassment and bullying based on disability or race, eliminating or significantly  
26 reducing reliance on exclusionary discipline and school-based law enforcement, implicit bias,  
27 and administration of discipline without racial or disability discrimination;

1 e. Develop and implement a system to identify staff who are not complying with  
2 the laws cited in this Complaint, retrain and provide appropriate supports to any staff to enable  
3 them to come into compliance, and take appropriate disciplinary action regarding any staff who  
4 fail to come into compliance after such retraining or provision of supports;

5 f. Analyze all aspects of education for students with disabilities in AVUHSD for  
6 implicit racial bias and structural discriminatory racialization, and develop and implement a  
7 comprehensive plan to eliminate or mitigate such bias and discrimination;

8 g. Review and analyze the credentials and qualifications of all AVUHSD  
9 administrators and staff; identify gaps in credentials or qualifications to administer or instruct  
10 students with disabilities; and develop and implement a detailed plan to eliminate such gaps;  
11 and

12 h. Determine appropriate AVUHSD staffing levels, staff qualifications, methods  
13 of data collection and analysis, and effective measures to prevent and protect all students,  
14 including students with disabilities and Black students, against bullying; develop and  
15 implement a detailed plan based on such determination;

16 7. Enjoin all disciplinary action, including any pending action, against any student  
17 with disabilities unless and until a Manifestation Determination Review has been completed,  
18 and maintain such injunction until a district-wide Multi-Tiered System of Services and  
19 Supports has been implemented and determined effective by a qualified third-party expert or  
20 experts;

21 8. Enjoin the use of on-campus detention or disciplinary removals to the Student  
22 Support Center until a district-wide Multi-Tiered System of Supports is in place and a qualified  
23 third-party expert or experts have determined whether AVUHSD should continue use of such  
24 measures;

25 9. Enjoin referrals to school-based law enforcement until a district-wide Multi-  
26 Tiered System of Supports is in place and a qualified third-party expert or experts have  
27 determined whether AVUHSD should continue use of such measures;

1           10. Provide students with positive supports and services in lieu of School Resource  
2 Officer and security staff intervention so that they may enjoy full and equal access to  
3 AVUHSD's programs;

4           11. Permanently enjoin School Resource Officers and security staff from interacting  
5 with Black students and students with disabilities until they have undergone training on  
6 adolescent development, how to recognize disability-related behaviors, the legal protections  
7 afforded students with disabilities, and implicit bias;

8           12. Permanently enjoin Defendants from maintaining Los Angeles County Sheriff's  
9 Department deputies on or about school grounds;

10          13. Provide limited English proficient families appropriate language communication  
11 services as required under state and federal law;

12          14. Provide ongoing biannual community forums to seek input from parents and  
13 students regarding the issues described in this Complaint;

14          15. Provide the Court and the public with an annual report of AVUHSD's  
15 compliance with the Court's orders for four consecutive years;

16          16. Retain jurisdiction of this case until Defendants have fully complied with the  
17 orders of this Court, and there is reasonable assurance that Defendants will continue to comply  
18 in the future absent continuing jurisdiction;

19          17. Award Plaintiffs reasonable attorneys' fees, costs, and disbursements as  
20 authorized by law; and

21          18. Grant further relief as the Court may deem just and proper.

22  
23  
24 DATED: May 24, 2023

Respectfully submitted,

25  
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