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24 ATTORNEY TO BE NOTICED

25 **Attorneys for Plaintiffs**

26 **UNITED STATES DISTRICT COURT**  
27 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

28 **DANIELLE HOWARD MARTINEZ**, an )

individual and guardian ad litem, on behalf )

of **D.P.**, a minor, **K.P.**, a minor, and **T.W.**, )

a minor; **AMBER WOOD**, an individual; )

**LASHONDA HUBBARD**, an individual )

and guardian ad litem, on behalf of **P.C.**, a )

minor, all individually and on behalf of all )

**CASE NO.**

**JUDGE:**

**CLASS ACTION COMPLAINT**

1	others similarly situated,	)	<b>FOR DECLARATORY AND</b>
2		)	<b>INJUNCTIVE RELIEF AND</b>
	<b>Plaintiffs,</b>	)	<b>DAMAGES</b>
3	<b>v.</b>	)	
4		)	
5	<b>GAVIN NEWSOM</b> , in his official	)	
6	capacity as Governor of California;	)	
7	<b>STATE OF CALIFORNIA; TONY</b>	)	
8	<b>THURMOND</b> , in his official capacity as	)	
9	State Superintendent of Public Education	)	
10	and Director of Education; <b>CALIFORNIA</b>	)	
11	<b>DEPARTMENT OF EDUCATION;</b>	)	
12	<b>STATE BOARD OF EDUCATION;</b>	)	
13	<b>SONIA Y. ANGELL</b> , in her official	)	
14	capacity as the State Public Health Officer	)	
15	and Department of Public Health Director;	)	
16	<b>CALIFORNIA HEALTH AND</b>	)	
17	<b>HUMAN SERVICES AGENCY;</b>	)	
18	<b>CALIFORNIA DEPARTMENT OF</b>	)	
19	<b>PUBLIC HEALTH; ALAMEDA</b>	)	
20	<b>COUNTY STUDENT EXCHANGE</b>	)	
21	<b>PROG.; ALAMEDA UNIFIED</b>	)	
22	<b>SCHOOL DISTRICT; ALBANY CITY</b>	)	
23	<b>UNIFIED SCHOOL DISTRICT;</b>	)	
24	<b>BERKELEY UNIFIED SCHOOL</b>	)	
25	<b>DISTRICT; CALIFORNIA SCHOOL</b>	)	
26	<b>FOR THE BLIND (STATE SPECIAL</b>	)	
27	<b>SCHOOL); CALIFORNIA SCHOOL</b>	)	
	<b>FOR THE DEAF-FREMONT (STATE</b>	)	
	<b>SPECIAL SCHOOL); CASTRO</b>	)	
	<b>VALLEY UNIFIED SCHOOL</b>	)	
	<b>DISTRICT; DIAGNOSTIC CENTER,</b>	)	
	<b>NORTHERN CALIFORNIA (STATE</b>	)	
	<b>SPECIAL SCHOOL); DUBLIN</b>	)	
	<b>UNIFIED SCHOOL DISTRICT;</b>	)	
	<b>EMERY UNIFIED SCHOOL</b>	)	
	<b>DISTRICT; FREMONT UNIFIED</b>	)	
	<b>SCHOOL DISTRICT; HAYWARD</b>	)	

1 UNIFIED SCHOOL DISTRICT; )  
2 LIVERMORE VALLEY JOINT )  
UNIFIED SCHOOL DISTRICT; )  
3 MOUNTAIN HOUSE ELEMENTARY )  
4 SCHOOL DISTRICT; NEW HAVEN )  
UNIFIED SCHOOL DISTRICT; )  
5 NEWARK UNIFIED SCHOOL )  
6 DISTRICT; OAKLAND UNIFIED )  
7 SCHOOL DISTRICT; PIEDMONT )  
CITY UNIFIED SCHOOL DISTRICT; )  
8 PLEASANTON UNIFIED SCHOOL )  
9 DISTRICT; SAN LEANDRO UNIFIED )  
SCHOOL DISTRICT; SAN LORENZO )  
10 UNIFIED SCHOOL DISTRICT; SBE - )  
11 LATITUDE 37.8 HIGH SCHOOL; )  
SUNOL GLEN UNIFIED SCHOOL )  
12 DISTRICT; ALPINE COUNTY )  
13 UNIFIED SCHOOL DISTRICT; )  
14 AMADOR; COUNTY UNIFIED )  
SCHOOL DISTRICT; BANGOR )  
15 UNION ELEMENTARY SCHOOL )  
16 DISTRICT; BIGGS UNIFIED )  
SCHOOL DISTRICT; CHICO )  
17 UNIFIED SCHOOL DISTRICT; )  
18 DURHAM UNIFIED SCHOOL )  
DISTRICT; GOLDEN FEATHER )  
19 UNION; ELEMENTARY SCHOOL )  
20 DISTRICT; GRIDLEY UNIFIED )  
SCHOOL DISTRICT; MANZANITA )  
21 ELEMENTARY SCHOOL DISTRICT; )  
22 OROVILLE CITY ELEMENTARY )  
SCHOOL DISTRICT; OROVILLE )  
23 UNION HIGH SCHOOL DISTRICT; )  
24 PALERMO UNION ELEMENTARY )  
SCHOOL DISTRICT; PARADISE )  
25 UNIFIED SCHOOL DISTRICT; )  
26 PIONEER UNION ELEMENTARY )  
SCHOOL DISTRICT; THERMALITO )  
27

28

1 UNION ELEMENTARY SCHOOL )  
2 DISTRICT; BRET HARTE UNION )  
HIGH SCHOOL DISTRICT; )  
3 CALAVERAS UNIFIED SCHOOL )  
4 DISTRICT; MARK TWAIN UNION )  
ELEMENTARY SCHOOL DISTRICT; )  
5 VALLECITO UNION SCHOOL )  
6 DISTRICT; COLUSA UNIFIED )  
7 SCHOOL DISTRICT; MAXWELL )  
UNIFIED SCHOOL DISTRICT; )  
8 PIERCE JOINT UNIFIED SCHOOL )  
9 DISTRICT; WILLIAMS UNIFIED )  
SCHOOL DISTRICT; ACALANES )  
10 UNION HIGH SCHOOL DISTRICT; )  
11 ANTIOCH UNIFIED SCHOOL )  
DISTRICT; BRENTWOOD UNION )  
12 ELEMENTARY SCHOOL DISTRICT; )  
13 BYRON UNION ELEMENTARY )  
14 SCHOOL DISTRICT; CANYON )  
ELEMENTARY SCHOOL DISTRICT; )  
15 CONTRA COSTA SELPA SCHOOL )  
16 DISTRICT; JOHN SWETT UNIFIED )  
SCHOOL DISTRICT; KNIGHTSEN )  
17 ELEMENTARY SCHOOL DISTRICT; )  
18 LAFAYETTE ELEMENTARY )  
SCHOOL DISTRICT; LIBERTY )  
19 UNION HIGH SCHOOL DISTRICT; )  
20 MARTINEZ UNIFIED SCHOOL )  
21 DISTRICT; MORAGA )  
ELEMENTARY SCHOOL DISTRICT; )  
22 MT. DIABLO UNIFIED SCHOOL )  
23 DISTRICT; OAKLEY UNION )  
ELEMENTARY SCHOOL DISTRICT; )  
24 ORINDA UNION ELEMENTARY )  
25 SCHOOL DISTRICT; PITTSBURG )  
26 UNIFIED SCHOOL DISTRICT; SAN )  
RAMON VALLEY UNIFIED SCHOOL )  
27 DISTRICT; SBE - JOHN HENRY )

28

1 HIGH SCHOOL DISTRICT; SBE - )  
2 ROCKETSHIP FUTURO ACADEMY; )  
3 WALNUT CREEK ELEMENTARY )  
4 SCHOOL DISTRICT; WEST )  
5 CONTRA COSTA UNIFIED SCHOOL )  
6 DISTRICT; DEL NORTE COUNTY )  
7 UNIFIED SCHOOL DISTRICT; )  
8 BLACK OAK MINE UNIFIED )  
9 SCHOOL DISTRICT; BUCKEYE )  
10 UNION ELEMENTARY SCHOOL )  
11 DISTRICT; CAMINO UNION )  
12 ELEMENTARY SCHOOL DISTRICT; )  
13 EL DORADO UNION HIGH SCHOOL )  
14 DISTRICT; GOLD OAK UNION )  
15 ELEMENTARY SCHOOL DISTRICT; )  
16 GOLD TRAIL UNION ELEMENTARY )  
17 SCHOOL DISTRICT; INDIAN )  
18 DIGGINGS ELEMENTARY SCHOOL )  
19 DISTRICT; LAKE TAHOE UNIFIED )  
20 SCHOOL DISTRICT; LATROBE )  
21 SCHOOL DISTRICT SCHOOL )  
22 DISTRICT; MOTHER LODGE UNION )  
23 ELEMENTARY SCHOOL DISTRICT; )  
24 PIONEER UNION ELEMENTARY )  
25 SCHOOL DISTRICT; PLACERVILLE )  
26 UNION ELEMENTARY SCHOOL )  
27 DISTRICT; POLLOCK PINES )  
28 ELEMENTARY SCHOOL DISTRICT; )  
RESCUE UNION ELEMENTARY )  
SCHOOL DISTRICT; SILVER FORK )  
ELEMENTARY SCHOOL DISTRICT; )  
ALVINA ELEMENTARY SCHOOL )  
DISTRICT; BIG CREEK )  
ELEMENTARY SCHOOL DISTRICT; )  
BURREL UNION ELEMENTARY )  
SCHOOL DISTRICT; CARUTHERS )  
UNIFIED SCHOOL DISTRICT; )  
CENTRAL UNIFIED SCHOOL )

1 DISTRICT; CLAY JOINT )  
2 ELEMENTARY SCHOOL DISTRICT; )  
3 CLOVIS UNIFIED SCHOOL )  
4 DISTRICT; COALINGA-HURON )  
5 UNIFIED SCHOOL DISTRICT; )  
6 DIAGNOSTIC CENTER, CENTRAL )  
7 CALIFORNIA (STATE SPECIAL )  
8 SCHOOL); FIREBAUGH-LAS )  
9 DELTAS UNIFIED SCHOOL )  
10 DISTRICT; FOWLER UNIFIED )  
11 SCHOOL DISTRICT; FRESNO )  
12 UNIFIED SCHOOL DISTRICT; )  
13 GOLDEN PLAINS UNIFIED SCHOOL )  
14 DISTRICT; KERMAN UNIFIED )  
15 SCHOOL DISTRICT; KINGS )  
16 CANYON JOINT UNIFIED SCHOOL )  
17 DISTRICT; KINGSBURG )  
18 ELEMENTARY CHARTER SCHOOL )  
19 DISTRICT; KINGSBURG JOINT )  
20 UNION HIGH SCHOOL DISTRICT; )  
21 LATON JOINT UNIFIED SCHOOL )  
22 DISTRICT; MENDOTA UNIFIED )  
23 SCHOOL DISTRICT; MONROE )  
24 ELEMENTARY SCHOOL DISTRICT; )  
25 ORANGE CENTER SCHOOL )  
26 DISTRICT; PACIFIC UNION )  
27 ELEMENTARY SCHOOL DISTRICT; )  
28 PARLIER UNIFIED SCHOOL )  
DISTRICT; PINE RIDGE )  
ELEMENTARY SCHOOL DISTRICT; )  
RAISIN CITY ELEMENTARY )  
SCHOOL DISTRICT; RIVERDALE )  
JOINT UNIFIED SCHOOL )  
DISTRICT; SANGER UNIFIED )  
SCHOOL DISTRICT; SELMA )  
UNIFIED SCHOOL DISTRICT; )  
SIERRA UNIFIED SCHOOL )  
DISTRICT; WASHINGTON COLONY )

1 **ELEMENTARY SCHOOL DISTRICT; )**  
2 **WASHINGTON UNIFIED SCHOOL )**  
3 **DISTRICT; WEST PARK )**  
4 **ELEMENTARY SCHOOL DISTRICT; )**  
5 **WESTSIDE ELEMENTARY SCHOOL )**  
6 **DISTRICT; CAPAY JOINT UNION )**  
7 **ELEMENTARY SCHOOL DISTRICT; )**  
8 **HAMILTON UNIFIED SCHOOL )**  
9 **DISTRICT SCHOOL DISTRICT; )**  
10 **LAKE ELEMENTARY SCHOOL )**  
11 **DISTRICT; ORLAND JOINT )**  
12 **UNIFIED SCHOOL DISTRICT; )**  
13 **PLAZA ELEMENTARY SCHOOL )**  
14 **DISTRICT; PRINCETON JOINT )**  
15 **UNIFIED SCHOOL DISTRICT; )**  
16 **STONY CREEK JOINT UNIFIED )**  
17 **SCHOOL DISTRICT; WILLOWS )**  
18 **UNIFIED SCHOOL DISTRICT; )**  
19 **ARCATA ELEMENTARY SCHOOL )**  
20 **DISTRICT; BIG LAGOON UNION )**  
21 **ELEMENTARY SCHOOL DISTRICT; )**  
22 **BLUE LAKE UNION ELEMENTARY )**  
23 **SCHOOL DISTRICT; BRIDGEVILLE )**  
24 **ELEMENTARY SCHOOL DISTRICT; )**  
25 **CUDDEBACK UNION )**  
26 **ELEMENTARY SCHOOL DISTRICT; )**  
27 **CUTTEN ELEMENTARY SCHOOL )**  
28 **DISTRICT; EUREKA CITY )**  
**SCHOOLS SCHOOL DISTRICT; )**  
**FERNDALE UNIFIED SCHOOL )**  
**DISTRICT; FIELDBROOK )**  
**ELEMENTARY SCHOOL DISTRICT; )**  
**FORTUNA ELEMENTARY SCHOOL )**  
**DISTRICT; FORTUNA UNION HIGH )**  
**SCHOOL DISTRICT; FRESHWATER )**  
**ELEMENTARY SCHOOL DISTRICT; )**  
**GARFIELD ELEMENTARY SCHOOL )**  
**DISTRICT; GREEN POINT )**

1 **ELEMENTARY SCHOOL DISTRICT; )**  
2 **HYDESVILLE ELEMENTARY )**  
3 **SCHOOL DISTRICT; JACOBY )**  
4 **CREEK ELEMENTARY SCHOOL )**  
5 **DISTRICT; KLAMATH-TRINITY )**  
6 **JOINT UNIFIED SCHOOL )**  
7 **DISTRICT; KNEELAND )**  
8 **ELEMENTARY SCHOOL DISTRICT; )**  
9 **LOLETA UNION ELEMENTARY )**  
10 **SCHOOL DISTRICT; MAPLE CREEK )**  
11 **ELEMENTARY SCHOOL DISTRICT; )**  
12 **MATTOLE UNIFIED SCHOOL )**  
13 **DISTRICT; MCKINLEYVILLE )**  
14 **UNION ELEMENTARY SCHOOL )**  
15 **DISTRICT; NORTHERN HUMBOLDT )**  
16 **UNION HIGH SCHOOL DISTRICT; )**  
17 **ORICK ELEMENTARY SCHOOL )**  
18 **DISTRICT; PACIFIC UNION )**  
19 **ELEMENTARY SCHOOL DISTRICT; )**  
20 **PENINSULA UNION SCHOOL )**  
21 **DISTRICT; RIO DELL )**  
22 **ELEMENTARY SCHOOL DISTRICT; )**  
23 **SCOTIA UNION ELEMENTARY )**  
24 **SCHOOL DISTRICT; SOUTH BAY )**  
25 **UNION ELEMENTARY SCHOOL )**  
26 **DISTRICT; SOUTHERN HUMBOLDT )**  
27 **JOINT UNIFIED SCHOOL )**  
28 **DISTRICT; TRINIDAD UNION )**  
**ELEMENTARY SCHOOL DISTRICT; )**  
**BRAWLEY ELEMENTARY SCHOOL )**  
**DISTRICT; BRAWLEY UNION HIGH )**  
**SCHOOL DISTRICT; CALEXICO )**  
**UNIFIED SCHOOL DISTRICT; )**  
**CALIPATRIA UNIFIED SCHOOL )**  
**DISTRICT; CENTRAL UNION HIGH )**  
**SCHOOL DISTRICT; EL CENTRO )**  
**ELEMENTARY SCHOOL DISTRICT; )**  
**HEBER ELEMENTARY SCHOOL )**



1 DISTRICT; HOLTVILLE UNIFIED )  
2 SCHOOL DISTRICT; IMPERIAL )  
3 UNIFIED SCHOOL DISTRICT; )  
4 MAGNOLIA UNION ELEMENTARY )  
5 SCHOOL DISTRICT; MCCABE )  
6 UNION ELEMENTARY SCHOOL )  
7 DISTRICT; MEADOWS UNION )  
8 ELEMENTARY SCHOOL DISTRICT; )  
9 MULBERRY ELEMENTARY )  
10 SCHOOL DISTRICT; SAN PASQUAL )  
11 VALLEY UNIFIED SCHOOL )  
12 DISTRICT; SEELEY UNION )  
13 ELEMENTARY SCHOOL DISTRICT; )  
14 WESTMORLAND UNION )  
15 ELEMENTARY SCHOOL DISTRICT; )  
16 BIG PINE UNIFIED SCHOOL )  
17 DISTRICT; BISHOP UNIFIED )  
18 SCHOOL DISTRICT; DEATH )  
19 VALLEY UNIFIED SCHOOL )  
20 DISTRICT; INYO COUNTY CAREER )  
21 TECHNICAL EDUCATION; LONE )  
22 PINE UNIFIED SCHOOL DISTRICT; )  
23 OWENS VALLEY UNIFIED SCHOOL )  
24 DISTRICT; ROUND VALLEY JOINT )  
25 ELEMENTARY SCHOOL DISTRICT; )  
26 ARVIN UNION SCHOOL DISTRICT; )  
27 BAKERSFIELD CITY SCHOOL )  
28 DISTRICT; BEARDSLEY )  
ELEMENTARY SCHOOL DISTRICT; )  
BELRIDGE ELEMENTARY SCHOOL )  
DISTRICT; BLAKE ELEMENTARY )  
SCHOOL DISTRICT; )  
BUTTONWILLOW UNION )  
ELEMENTARY SCHOOL DISTRICT; )  
CALIENTE UNION ELEMENTARY )  
SCHOOL DISTRICT; DELANO )  
JOINT UNION HIGH SCHOOL )  
DISTRICT; DELANO UNION )

1 **ELEMENTARY SCHOOL DISTRICT; )**  
2 **DI GIORGIO ELEMENTARY )**  
3 **SCHOOL DISTRICT; EDISON )**  
4 **ELEMENTARY SCHOOL DISTRICT; )**  
5 **EL TEJON UNIFIED SCHOOL )**  
6 **DISTRICT; ELK HILLS )**  
7 **ELEMENTARY SCHOOL DISTRICT; )**  
8 **FAIRFAX ELEMENTARY SCHOOL )**  
9 **DISTRICT; FRUITVALE )**  
10 **ELEMENTARY SCHOOL DISTRICT; )**  
11 **GENERAL SHAFTER ELEMENTARY )**  
12 **SCHOOL DISTRICT; GREENFIELD )**  
13 **UNION SCHOOL DISTRICT; KERN )**  
14 **HIGH SCHOOL DISTRICT; )**  
15 **KERNVILLE UNION ELEMENTARY )**  
16 **SCHOOL DISTRICT; LAKESIDE )**  
17 **UNION SCHOOL DISTRICT; )**  
18 **LAMONT ELEMENTARY SCHOOL )**  
19 **DISTRICT; LINNS VALLEY-POSO )**  
20 **FLAT UNION SCHOOL DISTRICT; )**  
21 **LOST HILLS UNION ELEMENTARY )**  
22 **SCHOOL DISTRICT; MAPLE )**  
23 **ELEMENTARY SCHOOL DISTRICT; )**  
24 **MARICOPA UNIFIED SCHOOL )**  
25 **DISTRICT; MCFARLAND UNIFIED )**  
26 **SCHOOL DISTRICT; MCKITTRICK )**  
27 **ELEMENTARY SCHOOL DISTRICT; )**  
28 **MIDWAY ELEMENTARY SCHOOL )**  
**DISTRICT; MOJAVE UNIFIED )**  
**SCHOOL DISTRICT; MUROC JOINT )**  
**UNIFIED SCHOOL DISTRICT; )**  
**NORRIS ELEMENTARY SCHOOL )**  
**DISTRICT; PANAMA-BUENA VISTA )**  
**UNION SCHOOL DISTRICT; POND )**  
**UNION ELEMENTARY SCHOOL )**  
**DISTRICT; RAND JOINT )**  
**ELEMENTARY SCHOOL DISTRICT; )**  
**RICHLAND UNION ELEMENTARY )**

1 SCHOOL DISTRICT; RIO BRAVO- )  
2 GREELEY UNION ELEMENTARY )  
3 SCHOOL DISTRICT; ROSEDALE )  
4 UNION ELEMENTARY SCHOOL )  
5 DISTRICT; SEMITROPIC )  
6 ELEMENTARY SCHOOL DISTRICT; )  
7 SIERRA SANDS UNIFIED SCHOOL )  
8 DISTRICT; SOUTH FORK UNION )  
9 SCHOOL DISTRICT; SOUTHERN )  
10 KERN UNIFIED SCHOOL DISTRICT; )  
11 STANDARD ELEMENTARY )  
12 SCHOOL DISTRICT; TAFT CITY )  
13 SCHOOL DISTRICT; TAFT UNION )  
14 HIGH SCHOOL DISTRICT; )  
15 TEHACHAPI UNIFIED SCHOOL )  
16 DISTRICT; VINELAND )  
17 ELEMENTARY SCHOOL DISTRICT; )  
18 WASCO UNION ELEMENTARY )  
19 SCHOOL DISTRICT; WASCO UNION )  
20 HIGH SCHOOL DISTRICT; )  
21 ARMONA UNION ELEMENTARY )  
22 SCHOOL DISTRICT; CENTRAL )  
23 UNION ELEMENTARY SCHOOL )  
24 DISTRICT; CORCORAN JOINT )  
25 UNIFIED SCHOOL DISTRICT; )  
26 HANFORD ELEMENTARY SCHOOL )  
27 DISTRICT; HANFORD JOINT UNION )  
28 HIGH SCHOOL DISTRICT; ISLAND )  
UNION ELEMENTARY SCHOOL )  
DISTRICT; KINGS RIVER- )  
HARDWICK UNION ELEMENTARY )  
SCHOOL DISTRICT; KIT CARSON )  
UNION ELEMENTARY SCHOOL )  
DISTRICT; LAKESIDE UNION )  
ELEMENTARY SCHOOL DISTRICT; )  
LEMOORE UNION ELEMENTARY )  
SCHOOL DISTRICT; LEMOORE )  
UNION HIGH SCHOOL DISTRICT; )

1 PIONEER UNION ELEMENTARY )  
2 SCHOOL DISTRICT; REEF-SUNSET )  
3 UNIFIED SCHOOL DISTRICT; )  
4 KELSEYVILLE UNIFIED SCHOOL )  
5 DISTRICT; KONOCTI UNIFIED )  
6 SCHOOL DISTRICT; LAKEPORT )  
7 UNIFIED SCHOOL DISTRICT; )  
8 LUCERNE ELEMENTARY SCHOOL )  
9 DISTRICT; MIDDLETOWN UNIFIED )  
10 SCHOOL DISTRICT; UPPER LAKE )  
11 UNIFIED SCHOOL DISTRICT; BIG )  
12 VALLEY JOINT UNIFIED SCHOOL )  
13 DISTRICT; FORT SAGE UNIFIED )  
14 SCHOOL DISTRICT; JANESVILLE )  
15 UNION ELEMENTARY SCHOOL )  
16 DISTRICT; JOHNSTONVILLE )  
17 ELEMENTARY SCHOOL DISTRICT; )  
18 LASSEN UNION HIGH SCHOOL )  
19 DISTRICT; RAVENDALE-TERMO )  
20 ELEMENTARY SCHOOL DISTRICT; )  
21 RICHMOND ELEMENTARY )  
22 SCHOOL DISTRICT; SHAFFER )  
23 UNION ELEMENTARY SCHOOL )  
24 DISTRICT; SUSANVILLE )  
25 ELEMENTARY SCHOOL DISTRICT; )  
26 WESTWOOD UNIFIED SCHOOL )  
27 DISTRICT; ABC UNIFIED SCHOOL )  
28 DISTRICT; ACTON-AGUA DULCE )  
UNIFIED SCHOOL DISTRICT; )  
ALHAMBRA UNIFIED SCHOOL )  
DISTRICT; ANTELOPE VALLEY )  
UNION HIGH SCHOOL DISTRICT; )  
ARCADIA UNIFIED SCHOOL )  
DISTRICT; AZUSA UNIFIED )  
SCHOOL DISTRICT; BALDWIN )  
PARK UNIFIED SCHOOL DISTRICT; )  
BASSETT UNIFIED SCHOOL )  
DISTRICT; BELLFLOWER UNIFIED )

1 SCHOOL DISTRICT; BEVERLY )  
2 HILLS UNIFIED SCHOOL )  
3 DISTRICT; BONITA UNIFIED )  
4 SCHOOL DISTRICT; BURBANK )  
5 UNIFIED SCHOOL DISTRICT; )  
6 CASTAIC UNION SCHOOL )  
7 DISTRICT; CENTINELA VALLEY )  
8 UNION HIGH SCHOOL DISTRICT; )  
9 CHARTER OAK UNIFIED SCHOOL )  
10 DISTRICT; CLAREMONT UNIFIED )  
11 SCHOOL DISTRICT; COMPTON )  
12 UNIFIED SCHOOL DISTRICT; )  
13 COVINA-VALLEY UNIFIED )  
14 SCHOOL DISTRICT; CULVER CITY )  
15 UNIFIED SCHOOL DISTRICT; )  
16 DIAGNOSTIC CENTER, SOUTHERN )  
17 CALIFORNIA (STATE SPECIAL )  
18 SCHOOL); DOWNEY UNIFIED )  
19 SCHOOL DISTRICT; DUARTE )  
20 UNIFIED SCHOOL DISTRICT; EAST )  
21 WHITTIER CITY ELEMENTARY )  
22 SCHOOL DISTRICT; EASTSIDE )  
23 UNION ELEMENTARY SCHOOL )  
24 DISTRICT; EL MONTE CITY )  
25 SCHOOL DISTRICT; EL MONTE )  
26 UNION HIGH SCHOOL DISTRICT; )  
27 EL RANCHO UNIFIED SCHOOL )  
28 DISTRICT; EL SEGUNDO UNIFIED )  
SCHOOL DISTRICT; GARVEY )  
ELEMENTARY SCHOOL DISTRICT; )  
GLENDALE UNIFIED SCHOOL )  
DISTRICT; GLENDORA UNIFIED )  
SCHOOL DISTRICT; GORMAN )  
JOINT SCHOOL DISTRICT )  
HACIENDA LA PUENTE UNIFIED )  
SCHOOL DISTRICT; HAWTHORNE )  
SCHOOL DISTRICT; HERMOSA )  
BEACH CITY ELEMENTARY )

1 SCHOOL DISTRICT; HUGHES- )  
2 ELIZABETH LAKES UNION )  
3 ELEMENTARY SCHOOL DISTRICT; )  
4 INGLEWOOD UNIFIED SCHOOL )  
5 DISTRICT; KEPPEL UNION )  
6 ELEMENTARY SCHOOL DISTRICT; )  
7 LA CANADA UNIFIED SCHOOL )  
8 DISTRICT; LANCASTER )  
9 ELEMENTARY SCHOOL DISTRICT; )  
10 LENNOX SCHOOL DISTRICT; )  
11 LITTLE LAKE CITY ELEMENTARY )  
12 SCHOOL DISTRICT; LONG BEACH )  
13 UNIFIED SCHOOL DISTRICT; LOS )  
14 ANGELES COUNTY OFFICE OF )  
15 EDUCATION; LOS ANGELES )  
16 UNIFIED SCHOOL DISTRICT; LOS )  
17 NIETOS SCHOOL DISTRICT; )  
18 LOWELL JOINT SCHOOL )  
19 DISTRICT; LYNWOOD UNIFIED )  
20 SCHOOL DISTRICT; MANHATTAN )  
21 BEACH UNIFIED SCHOOL )  
22 DISTRICT ; MONROVIA UNIFIED )  
23 SCHOOL DISTRICT; MONTEBELLO )  
24 UNIFIED SCHOOL DISTRICT; )  
25 MOUNTAIN VIEW ELEMENTARY )  
26 SCHOOL DISTRICT; NEWHALL )  
27 SCHOOL DISTRICT; NORWALK-LA )  
28 MIRADA UNIFIED SCHOOL )  
DISTRICT; PALMDALE )  
ELEMENTARY SCHOOL DISTRICT; )  
PALOS VERDES PENINSULA )  
UNIFIED SCHOOL DISTRICT; )  
PARAMOUNT UNIFIED SCHOOL )  
DISTRICT; PASADENA UNIFIED )  
SCHOOL DISTRICT; POMONA )

1 UNIFIED SCHOOL DISTRICT; )  
2 REDONDO BEACH UNIFIED )  
3 SCHOOL DISTRICT; ROSEMEAD )  
4 ELEMENTARY SCHOOL DISTRICT; )  
5 ROWLAND UNIFIED SCHOOL )  
6 DISTRICT; SAN GABRIEL UNIFIED )  
7 SCHOOL DISTRICT; SAN MARINO )  
8 UNIFIED SCHOOL DISTRICT; )  
9 SANTA MONICA-MALIBU UNIFIED )  
10 SCHOOL DISTRICT; SAUGUS )  
11 UNION SCHOOL DISTRICT; SBE - )  
12 ACADEMIA AVANCE CHARTER; )  
13 SBE - CELERITY HIMALIA; SBE - )  
14 LOS ANGELES COLLEGE PREP )  
15 ACADEMY; SBE - NEW WEST )  
16 CHARTER; SBE - PREPA TEC LOS )  
17 ANGELES HIGH; SBE - THE )  
18 SCHOOL OF ARTS AND )  
19 ENTERPRISE; SOUTH PASADENA )  
20 UNIFIED SCHOOL DISTRICT; )  
21 SOUTH WHITTIER ELEMENTARY )  
22 SCHOOL DISTRICT; SULPHUR )  
23 SPRINGS UNION SCHOOL )  
24 DISTRICT; TEMPLE CITY UNIFIED )  
25 SCHOOL DISTRICT; TORRANCE )  
26 UNIFIED SCHOOL DISTRICT; )  
27 VALLE LINDO ELEMENTARY )  
28 SCHOOL DISTRICT; WALNUT )  
VALLEY UNIFIED SCHOOL )  
DISTRICT; WEST COVINA UNIFIED )  
SCHOOL DISTRICT; WESTSIDE )  
UNION ELEMENTARY SCHOOL )  
DISTRICT; WHITTIER CITY )  
ELEMENTARY SCHOOL DISTRICT; )  
WHITTIER UNION HIGH SCHOOL )  
DISTRICT; WILLIAM S. HART )  
UNION HIGH SCHOOL DISTRICT; )  
WILSONA ELEMENTARY SCHOOL )

1 DISTRICT; WISEBURN UNIFIED )  
2 SCHOOL DISTRICT; ALVIEW- )  
3 DAIRYLAND UNION ELEMENTARY )  
4 SCHOOL DISTRICT; BASS LAKE )  
5 JOINT UNION ELEMENTARY )  
6 SCHOOL DISTRICT; )  
7 CHAWANAKEE UNIFIED SCHOOL )  
8 DISTRICT; CHOWCHILLA )  
9 ELEMENTARY SCHOOL DISTRICT; )  
10 CHOWCHILLA UNION HIGH )  
11 SCHOOL DISTRICT; GOLDEN )  
12 VALLEY UNIFIED SCHOOL )  
13 DISTRICT; MADERA UNIFIED )  
14 SCHOOL DISTRICT; RAYMOND- )  
15 KNOWLES UNION ELEMENTARY )  
16 SCHOOL DISTRICT; YOSEMITE )  
17 UNIFIED SCHOOL DISTRICT; )  
18 BOLINAS-STINSON UNION SCHOOL )  
19 DISTRICT; KENTFIELD )  
20 ELEMENTARY SCHOOL DISTRICT; )  
21 LAGUNA JOINT ELEMENTARY )  
22 SCHOOL DISTRICT; LAGUNITAS )  
23 ELEMENTARY SCHOOL DISTRICT; )  
24 LARKSPUR-CORTE MADERA )  
25 SCHOOL DISTRICT; LINCOLN )  
26 ELEMENTARY SCHOOL DISTRICT; )  
27 MILL VALLEY ELEMENTARY )  
28 SCHOOL DISTRICT; MILLER )  
CREEK ELEMENTARY SCHOOL )  
DISTRICT; NICASIO SCHOOL )  
DISTRICT; NOVATO UNIFIED )  
SCHOOL DISTRICT; REED UNION )  
ELEMENTARY SCHOOL DISTRICT; )  
ROSS ELEMENTARY SCHOOL )  
DISTRICT; ROSS VALLEY )  
ELEMENTARY SCHOOL DISTRICT; )  
SAN RAFAEL CITY ELEMENTARY )  
SCHOOL DISTRICT; SAN RAFAEL )



1 CITY HIGH SCHOOL DISTRICT; )  
2 SAUSALITO MARIN CITY SCHOOL )  
DISTRICT; SBE - ROSS VALLEY )  
3 ELEMENTARY SCHOOL DISTRICT; )  
4 SHORELINE UNIFIED SCHOOL )  
DISTRICT; TAMALPAIS UNION )  
5 HIGH SCHOOL DISTRICT; )  
6 MARIPOSA COUNTY UNIFIED )  
SCHOOL DISTRICT; ANDERSON )  
7 VALLEY UNIFIED SCHOOL )  
8 DISTRICT; ARENA UNION )  
9 ELEMENTARY SCHOOL DISTRICT; )  
ARENA UNION )  
10 ELEMENTARY/POINT ARENA )  
11 JOINT UNION HIGH SCHOOL )  
DISTRICT; FORT BRAGG UNIFIED )  
12 SCHOOL DISTRICT; LAYTONVILLE )  
13 UNIFIED SCHOOL DISTRICT; )  
14 LEGGETT VALLEY UNIFIED )  
SCHOOL DISTRICT; MANCHESTER )  
15 UNION ELEMENTARY SCHOOL )  
16 DISTRICT; MENDOCINO UNIFIED )  
SCHOOL DISTRICT; POINT ARENA )  
17 JOINT UNION HIGH SCHOOL )  
18 DISTRICT; POTTERVALLEY )  
COMMUNITY UNIFIED SCHOOL )  
19 DISTRICT; ROUND VALLEY )  
20 UNIFIED SCHOOL DISTRICT; )  
21 UKIAH UNIFIED SCHOOL )  
DISTRICT; WILLITS UNIFIED )  
22 SCHOOL DISTRICT; ATWATER )  
23 ELEMENTARY SCHOOL DISTRICT; )  
BALLICO-CRESSEY ELEMENTARY )  
24 SCHOOL DISTRICT SCHOOL )  
25 DISTRICT; DELHI UNIFIED )  
SCHOOL DISTRICT; DOS PALOS )  
26 ORO LOMA JOINT UNIFIED )  
27 SCHOOL DISTRICT; EL NIDO )

28

1 ELEMENTARY SCHOOL DISTRICT; )  
2 GUSTINE UNIFIED SCHOOL )  
3 DISTRICT; HILMAR UNIFIED )  
4 SCHOOL DISTRICT; LE GRAND )  
5 UNION ELEMENTARY SCHOOL )  
6 DISTRICT; LE GRAND UNION HIGH )  
7 SCHOOL DISTRICT; LIVINGSTON )  
8 UNION SCHOOL DISTRICT; LOS )  
9 BANOS UNIFIED SCHOOL )  
10 DISTRICT; MCSWAIN UNION )  
11 ELEMENTARY SCHOOL DISTRICT; )  
12 MERCED CITY ELEMENTARY )  
13 SCHOOL DISTRICT; MERCED )  
14 RIVER UNION ELEMENTARY )  
15 SCHOOL DISTRICT; MERCED )  
16 UNION HIGH SCHOOL DISTRICT; )  
17 PLAINSBURG UNION )  
18 ELEMENTARY SCHOOL DISTRICT; )  
19 PLANADA ELEMENTARY SCHOOL )  
20 DISTRICT; SNELLING-MERCED )  
21 FALLS UNION ELEMENTARY )  
22 SCHOOL DISTRICT; WEAVER )  
23 UNION SCHOOL DISTRICT; )  
24 WINTON SCHOOL DISTRICT; )  
25 MODOC JOINT UNIFIED SCHOOL )  
26 DISTRICT; SURPRISE VALLEY )  
27 JOINT UNIFIED SCHOOL )  
28 DISTRICT; TULELAKE BASIN )  
JOINT UNIFIED SCHOOL )  
DISTRICT; EASTERN SIERRA )  
UNIFIED SCHOOL DISTRICT; )  
MAMMOTH UNIFIED SCHOOL )  
DISTRICT; ALISAL UNION SCHOOL )  
DISTRICT; BIG SUR UNIFIED )  
SCHOOL DISTRICT; BRADLEY )  
UNION ELEMENTARY SCHOOL )  
DISTRICT; CARMEL UNIFIED )  
SCHOOL DISTRICT; CHUALAR )

1 UNION SCHOOL DISTRICT; )  
2 GONZALES UNIFIED SCHOOL )  
3 DISTRICT; GRAVES ELEMENTARY )  
4 SCHOOL DISTRICT; GREENFIELD )  
5 UNION ELEMENTARY SCHOOL )  
6 DISTRICT; KING CITY UNION )  
7 SCHOOL DISTRICT; LAGUNITA )  
8 ELEMENTARY SCHOOL DISTRICT; )  
9 MISSION UNION ELEMENTARY )  
10 SCHOOL DISTRICT; MONTEREY )  
11 PENINSULA UNIFIED SCHOOL )  
12 DISTRICT; NORTH MONTEREY )  
13 COUNTY UNIFIED SCHOOL )  
14 DISTRICT; PACIFIC GROVE )  
15 UNIFIED SCHOOL DISTRICT; )  
16 SALINAS CITY ELEMENTARY )  
17 SCHOOL DISTRICT; SALINAS )  
18 UNION HIGH SCHOOL DISTRICT; )  
19 SAN ANTONIO UNION )  
20 ELEMENTARY SCHOOL DISTRICT; )  
21 SAN ARDO UNION ELEMENTARY )  
22 SCHOOL DISTRICT; SAN LUCAS )  
23 UNION ELEMENTARY SCHOOL )  
24 DISTRICT; SANTA RITA UNION )  
25 ELEMENTARY SCHOOL DISTRICT; )  
26 SOLEDAD UNIFIED SCHOOL )  
27 DISTRICT; SOUTH MONTEREY )  
28 COUNTY JOINT UNION HIGH )  
SCHOOL DISTRICT; SPRECKELS )  
UNION ELEMENTARY SCHOOL )  
DISTRICT; WASHINGTON UNION )  
ELEMENTARY SCHOOL DISTRICT; )  
CALISTOGA JOINT UNIFIED )  
SCHOOL DISTRICT; HOWELL )  
MOUNTAIN ELEMENTARY )  
SCHOOL DISTRICT; NAPA VALLEY )  
UNIFIED SCHOOL DISTRICT; POPE )  
VALLEY UNION ELEMENTARY )

1 SCHOOL DISTRICT; SAINT )  
2 HELENA UNIFIED SCHOOL )  
3 DISTRICT; CHICAGO PARK )  
4 ELEMENTARY SCHOOL DISTRICT; )  
5 CLEAR CREEK ELEMENTARY )  
6 SCHOOL DISTRICT; GRASS )  
7 VALLEY ELEMENTARY SCHOOL )  
8 DISTRICT; NEVADA CITY )  
9 ELEMENTARY SCHOOL DISTRICT; )  
10 ;NEVADA JOINT UNION HIGH )  
11 SCHOOL DISTRICT; PENN VALLEY )  
12 UNION ELEMENTARY SCHOOL )  
13 DISTRICT; PLEASANT RIDGE )  
14 UNION ELEMENTARY SCHOOL )  
15 DISTRICT; TWIN RIDGES )  
16 ELEMENTARY SCHOOL DISTRICT; )  
17 UNION HILL ELEMENTARY )  
18 SCHOOL DISTRICT; ANAHEIM )  
19 ELEMENTARY SCHOOL DISTRICT; )  
20 ANAHEIM UNION HIGH SCHOOL )  
21 DISTRICT; BREA-OLINDA UNIFIED )  
22 SCHOOL DISTRICT; BUENA PARK )  
23 ELEMENTARY SCHOOL DISTRICT; )  
24 CAPISTRANO UNIFIED SCHOOL )  
25 DISTRICT; CENTRAL ORANGE )  
26 COUNTY CTE PARTNERSHIP; )  
27 CENTRALIA ELEMENTARY )  
28 SCHOOL DISTRICT; COLLEGE AND )  
CAREER ADVANTAGE; CYPRESS )  
ELEMENTARY SCHOOL DISTRICT; )  
FOUNTAIN VALLEY ELEMENTARY )  
SCHOOL DISTRICT; FULLERTON )  
ELEMENTARY SCHOOL DISTRICT; )  
FULLERTON JOINT UNION HIGH )  
SCHOOL DISTRICT; GARDEN )  
GROVE UNIFIED SCHOOL )  
DISTRICT; HUNTINGTON BEACH )  
CITY ELEMENTARY SCHOOL )

1 **DISTRICT; HUNTINGTON BEACH )**  
2 **UNION HIGH SCHOOL DISTRICT; )**  
3 **IRVINE UNIFIED SCHOOL )**  
4 **DISTRICT; LA HABRA CITY )**  
5 **ELEMENTARY SCHOOL DISTRICT; )**  
6 **LAGUNA BEACH UNIFIED SCHOOL )**  
7 **DISTRICT; LOS ALAMITOS )**  
8 **UNIFIED SCHOOL DISTRICT; )**  
9 **MAGNOLIA ELEMENTARY )**  
10 **SCHOOL DISTRICT; NEWPORT- )**  
11 **MESA UNIFIED SCHOOL DISTRICT; )**  
12 **OCEAN VIEW SCHOOL DISTRICT; )**  
13 **ORANGE UNIFIED SCHOOL )**  
14 **DISTRICT; PLACENTIA-YORBA )**  
15 **LINDA UNIFIED SCHOOL )**  
16 **DISTRICT; SADDLEBACK VALLEY )**  
17 **UNIFIED SCHOOL DISTRICT; )**  
18 **SANTA ANA UNIFIED SCHOOL )**  
19 **DISTRICT; SAVANNA )**  
20 **ELEMENTARY SCHOOL DISTRICT; )**  
21 **SBE - MAGNOLIA SCIENCE )**  
22 **ACADEMY SANTA ANA; TUSTIN )**  
23 **UNIFIED SCHOOL DISTRICT; )**  
24 **WESTMINSTER SCHOOL )**  
25 **DISTRICT; OUT-OF-STATE, NON- )**  
26 **PUBLIC, NON-SECTARIAN )**  
27 **SCHOOLS; ACKERMAN CHARTER )**  
28 **SCHOOL DISTRICT; ALTA-DUTCH )**  
**FLAT UNION ELEMENTARY )**  
**SCHOOL DISTRICT; AUBURN )**  
**UNION ELEMENTARY SCHOOL )**  
**DISTRICT; COLFAX ELEMENTARY )**  
**SCHOOL DISTRICT; DRY CREEK )**  
**JOINT ELEMENTARY SCHOOL )**  
**DISTRICT; EUREKA UNION )**  
**SCHOOL DISTRICT; FORESTHILL )**  
**UNION ELEMENTARY SCHOOL )**  
**DISTRICT; LOOMIS UNION )**

1 **ELEMENTARY SCHOOL DISTRICT; )**  
2 **NEWCASTLE ELEMENTARY )**  
3 **SCHOOL DISTRICT; PLACER HILLS )**  
4 **UNION ELEMENTARY SCHOOL )**  
5 **DISTRICT; PLACER UNION HIGH )**  
6 **SCHOOL DISTRICT; ROCKLIN )**  
7 **UNIFIED SCHOOL DISTRICT; )**  
8 **ROSEVILLE CITY ELEMENTARY )**  
9 **SCHOOL DISTRICT; ROSEVILLE )**  
10 **JOINT UNION HIGH SCHOOL )**  
11 **DISTRICT; TAHOE-TRUCKEE )**  
12 **UNIFIED SCHOOL DISTRICT; )**  
13 **WESTERN PLACER UNIFIED )**  
14 **SCHOOL DISTRICT; PLUMAS )**  
15 **UNIFIED SCHOOL DISTRICT; )**  
16 **ALVORD UNIFIED SCHOOL )**  
17 **DISTRICT; BANNING UNIFIED )**  
18 **SCHOOL DISTRICT; BEAUMONT )**  
19 **UNIFIED SCHOOL DISTRICT; )**  
20 **CALIFORNIA SCHOOL FOR THE )**  
21 **DEAF-RIVERSIDE (STATE SPECIAL )**  
22 **SCHOOL); COACHELLA VALLEY )**  
23 **UNIFIED SCHOOL DISTRICT; )**  
24 **CORONA-NORCO UNIFIED )**  
25 **SCHOOL DISTRICT; DESERT )**  
26 **CENTER UNIFIED SCHOOL )**  
27 **DISTRICT; DESERT SANDS )**  
28 **UNIFIED SCHOOL DISTRICT; )**  
**HEMET UNIFIED SCHOOL )**  
**DISTRICT; JURUPA UNIFIED )**  
**SCHOOL DISTRICT; LAKE )**  
**ELSINORE UNIFIED SCHOOL )**  
**DISTRICT; MENIFEE UNION )**  
**ELEMENTARY SCHOOL DISTRICT; )**  
**MORENO VALLEY UNIFIED )**  
**SCHOOL DISTRICT; MURRIETA )**  
**VALLEY UNIFIED SCHOOL )**  
**DISTRICT; NUVIEW UNION )**

1 SCHOOL DISTRICT; PALM )  
2 SPRINGS UNIFIED SCHOOL )  
3 DISTRICT; PALO VERDE UNIFIED )  
4 SCHOOL DISTRICT; PERRIS )  
5 ELEMENTARY SCHOOL DISTRICT; )  
6 PERRIS UNION HIGH SCHOOL )  
7 DISTRICT; RIVERSIDE UNIFIED )  
8 SCHOOL DISTRICT; ROMOLAND )  
9 ELEMENTARY SCHOOL DISTRICT; )  
10 SAN JACINTO UNIFIED SCHOOL )  
11 DISTRICT; TEMECULA VALLEY )  
12 UNIFIED SCHOOL DISTRICT; VAL )  
13 VERDE UNIFIED SCHOOL )  
14 DISTRICT; ARCOHE UNION )  
15 ELEMENTARY SCHOOL DISTRICT; )  
16 CENTER JOINT UNIFIED SCHOOL )  
17 DISTRICT; ELK GROVE UNIFIED )  
18 SCHOOL DISTRICT; ELVERTA )  
19 JOINT ELEMENTARY SCHOOL )  
20 DISTRICT; FOLSOM-CORDOVA )  
21 UNIFIED SCHOOL DISTRICT; GALT )  
22 JOINT UNION ELEMENTARY )  
23 SCHOOL DISTRICT; GALT JOINT )  
24 UNION HIGH SCHOOL DISTRICT; )  
25 NATOMAS UNIFIED SCHOOL )  
26 DISTRICT; RIVER DELTA JOINT )  
27 UNIFIED SCHOOL DISTRICT; )  
28 ROBLA ELEMENTARY SCHOOL )  
DISTRICT; SACRAMENTO CITY )  
UNIFIED SCHOOL DISTRICT; SAN )  
JUAN UNIFIED SCHOOL DISTRICT; )  
TWIN RIVERS UNIFIED SCHOOL )  
DISTRICT; AROMAS - SAN JUAN )  
UNIFIED SCHOOL DISTRICT; )  
BITTERWATER-TULLY )  
ELEMENTARY SCHOOL DISTRICT; )  
CIENEGA UNION ELEMENTARY )  
SCHOOL DISTRICT; HOLLISTER )

1 SCHOOL DISTRICT; JEFFERSON )  
2 ELEMENTARY SCHOOL DISTRICT; )  
3 NORTH COUNTY JOINT UNION )  
4 ELEMENTARY SCHOOL DISTRICT; )  
5 PANOCHÉ ELEMENTARY SCHOOL )  
6 DISTRICT; SAN BENITO HIGH )  
7 SCHOOL DISTRICT; SOUTHSIDE )  
8 ELEMENTARY SCHOOL DISTRICT; )  
9 TRES PINOS UNION ELEMENTARY )  
10 SCHOOL DISTRICT; WILLOW )  
11 GROVE UNION ELEMENTARY )  
12 SCHOOL DISTRICT; ADELANTO )  
13 ELEMENTARY SCHOOL DISTRICT; )  
14 ALTA LOMA ELEMENTARY )  
15 SCHOOL DISTRICT; APPLE )  
16 VALLEY UNIFIED SCHOOL )  
17 DISTRICT; BAKER VALLEY )  
18 UNIFIED SCHOOL DISTRICT; )  
19 BARSTOW UNIFIED SCHOOL )  
20 DISTRICT; BEAR VALLEY UNIFIED )  
21 SCHOOL DISTRICT; CENTRAL )  
22 ELEMENTARY SCHOOL DISTRICT; )  
23 CHAFFEY JOINT UNION HIGH )  
24 SCHOOL DISTRICT; CHINO )  
25 VALLEY UNIFIED SCHOOL )  
26 DISTRICT; COLTON JOINT )  
27 UNIFIED SCHOOL DISTRICT; )  
28 CUCAMONGA ELEMENTARY )  
SCHOOL DISTRICT; ETIWANDA )  
ELEMENTARY SCHOOL DISTRICT; )  
FONTANA UNIFIED SCHOOL )  
DISTRICT; HELENDALE )  
ELEMENTARY SCHOOL DISTRICT; )  
HESPERIA UNIFIED SCHOOL )  
DISTRICT; LUCERNE VALLEY )  
UNIFIED SCHOOL DISTRICT; )  
MORONGO UNIFIED SCHOOL )  
DISTRICT; MOUNTAIN VIEW )



1 ELEMENTARY SCHOOL DISTRICT; )  
2 MT. BALDY JOINT ELEMENTARY )  
3 SCHOOL DISTRICT; NEEDLES )  
4 UNIFIED SCHOOL DISTRICT; )  
5 ONTARIO-MONTCLAIR SCHOOL )  
6 DISTRICT; ORO GRANDE SCHOOL )  
7 DISTRICT; REDLANDS UNIFIED )  
8 SCHOOL DISTRICT; RIALTO )  
9 UNIFIED SCHOOL DISTRICT; RIM )  
10 OF THE WORLD UNIFIED SCHOOL )  
11 DISTRICT; SAN BERNARDINO CITY )  
12 UNIFIED SCHOOL DISTRICT; )  
13 SILVER VALLEY UNIFIED SCHOOL )  
14 DISTRICT; SNOWLINE JOINT )  
15 UNIFIED SCHOOL DISTRICT; )  
16 TRONA JOINT UNIFIED SCHOOL )  
17 DISTRICT; UPLAND UNIFIED )  
18 SCHOOL DISTRICT; VICTOR )  
19 ELEMENTARY SCHOOL DISTRICT; )  
20 VICTOR VALLEY UNION HIGH )  
21 SCHOOL DISTRICT; YUCAIPA )  
22 CALIMESA JOINT UNIFIED )  
23 SCHOOL DISTRICT; ALPINE UNION )  
24 ELEMENTARY SCHOOL DISTRICT; )  
25 BONSALL UNIFIED SCHOOL )  
26 DISTRICT; BORREGO SPRINGS )  
27 UNIFIED SCHOOL DISTRICT; )  
28 CAJON VALLEY UNION SCHOOL )  
DISTRICT; CARDIFF ELEMENTARY )  
SCHOOL DISTRICT; CARLSBAD )  
UNIFIED SCHOOL DISTRICT; )  
CHULA VISTA ELEMENTARY )  
SCHOOL DISTRICT; CORONADO )  
UNIFIED SCHOOL DISTRICT; )  
DEHESA ELEMENTARY SCHOOL )  
DISTRICT; DEL MAR UNION )  
ELEMENTARY SCHOOL DISTRICT; )  
ENCINITAS UNION ELEMENTARY )

1 SCHOOL DISTRICT; ESCONDIDO )  
2 UNION SCHOOL DISTRICT; )  
3 ESCONDIDO UNION HIGH SCHOOL )  
4 DISTRICT; FALLBROOK UNION )  
5 ELEMENTARY SCHOOL DISTRICT; )  
6 FALLBROOK UNION HIGH )  
7 SCHOOL DISTRICT; GROSSMONT )  
8 UNION HIGH SCHOOL DISTRICT; )  
9 JAMUL-DULZURA UNION )  
10 ELEMENTARY SCHOOL DISTRICT; )  
11 JULIAN UNION ELEMENTARY )  
12 SCHOOL DISTRICT; JULIAN UNION )  
13 HIGH SCHOOL DISTRICT; LA )  
14 MESA-SPRING VALLEY SCHOOL )  
15 DISTRICT; LAKESIDE UNION )  
16 ELEMENTARY SCHOOL DISTRICT; )  
17 LEMON GROVE SCHOOL )  
18 DISTRICT; MOUNTAIN EMPIRE )  
19 UNIFIED SCHOOL DISTRICT; )  
20 NATIONAL ELEMENTARY SCHOOL )  
21 DISTRICT; OCEANSIDE UNIFIED )  
22 SCHOOL DISTRICT; POWAY )  
23 UNIFIED SCHOOL DISTRICT; )  
24 RAMONA CITY UNIFIED SCHOOL )  
25 DISTRICT; RANCHO SANTA FE )  
26 ELEMENTARY SCHOOL DISTRICT; )  
27 SAN DIEGO UNIFIED SCHOOL )  
28 DISTRICT; SAN DIEGUITO UNION )  
HIGH SCHOOL DISTRICT; SAN )  
MARCOS UNIFIED SCHOOL )  
DISTRICT; SAN PASQUAL UNION )  
ELEMENTARY SCHOOL DISTRICT; )  
SAN YSIDRO ELEMENTARY )  
SCHOOL DISTRICT; SANTEE )  
SCHOOL DISTRICT; SBC - HIGH )  
TECH HIGH SCHOOL DISTRICT; )  
SBE - AUDEO CHARTER II SCHOOL )  
DISTRICT; SBE - BAYPOINT )

1 PREPARATORY ACADEMY SAN )  
2 DIEGO; SBE - COLLEGE )  
3 PREPARATORY MIDDLE; SBE - )  
4 GROSSMONT SECONDARY; SBE - )  
5 SWEETWATER SECONDARY; SBE - )  
6 VISTA SPRINGS CHARTER; )  
7 SOLANA BEACH ELEMENTARY )  
8 SCHOOL DISTRICT; SOUTH BAY )  
9 UNION SCHOOL DISTRICT; )  
10 SPENCER VALLEY ELEMENTARY )  
11 SCHOOL DISTRICT; SWEETWATER )  
12 UNION HIGH SCHOOL DISTRICT; )  
13 VALLECITOS ELEMENTARY )  
14 SCHOOL DISTRICT; VALLEY )  
15 CENTER-PAUMA UNIFIED SCHOOL )  
16 DISTRICT; VISTA UNIFIED )  
17 SCHOOL DISTRICT; WARNER )  
18 UNIFIED SCHOOL DISTRICT; SAN )  
19 FRANCISCO UNIFIED SCHOOL )  
20 DISTRICT; ;SBE - KIPP BAYVIEW )  
21 ELEMENTARY SCHOOL DISTRICT; )  
22 SBE - THE NEW SCHOOL OF SAN )  
23 FRANCISCO SCHOOL DISTRICT; )  
24 BANTA ELEMENTARY SCHOOL )  
25 DISTRICT; ESCALON UNIFIED )  
26 SCHOOL DISTRICT; JEFFERSON )  
27 ELEMENTARY SCHOOL DISTRICT; )  
28 LAMMERSVILLE JOINT UNIFIED )  
SCHOOL DISTRICT; LINCOLN )  
UNIFIED SCHOOL DISTRICT; )  
LINDEN UNIFIED SCHOOL )  
DISTRICT; LODI UNIFIED SCHOOL )  
DISTRICT; MANTECA UNIFIED )  
SCHOOL DISTRICT; NEW HOPE )  
ELEMENTARY SCHOOL DISTRICT; )  
NEW JERUSALEM ELEMENTARY )  
SCHOOL DISTRICT; OAK VIEW )  
UNION ELEMENTARY SCHOOL )

1 DISTRICT; RIPON UNIFIED )  
2 SCHOOL DISTRICT; STOCKTON )  
3 UNIFIED SCHOOL DISTRICT; )  
4 TRACY JOINT UNIFIED SCHOOL )  
5 DISTRICT; ATASCADERO UNIFIED )  
6 SCHOOL DISTRICT; CAYUCOS )  
7 ELEMENTARY SCHOOL DISTRICT; )  
8 COAST UNIFIED SCHOOL )  
9 DISTRICT; LUCIA MAR UNIFIED )  
10 SCHOOL DISTRICT; PASO ROBLES )  
11 JOINT UNIFIED SCHOOL )  
12 DISTRICT; PLEASANT VALLEY )  
13 JOINT UNION ELEMENTARY )  
14 SCHOOL DISTRICT; SAN LUIS )  
15 COASTAL UNIFIED SCHOOL )  
16 DISTRICT; SAN MIGUEL JOINT )  
17 UNION SCHOOL DISTRICT; )  
18 SHANDON JOINT UNIFIED SCHOOL )  
19 DISTRICT; TEMPLETON UNIFIED )  
20 SCHOOL DISTRICT; BAYSHORE )  
21 ELEMENTARY SCHOOL DISTRICT; )  
22 BELMONT-REDWOOD SHORES )  
23 ELEMENTARY SCHOOL DISTRICT; )  
24 BRISBANE ELEMENTARY SCHOOL )  
25 DISTRICT; BURLINGAME )  
26 ELEMENTARY SCHOOL DISTRICT; )  
27 CABRILLO UNIFIED SCHOOL )  
28 DISTRICT; HILLSBOROUGH CITY )  
ELEMENTARY SCHOOL DISTRICT; )  
JEFFERSON ELEMENTARY )  
SCHOOL DISTRICT; JEFFERSON )  
UNION HIGH SCHOOL DISTRICT; )  
LA HONDA-PESCADERO UNIFIED )  
SCHOOL DISTRICT; LAS LOMITAS )  
ELEMENTARY SCHOOL DISTRICT; )  
MENLO PARK CITY ELEMENTARY )  
SCHOOL DISTRICT; MILLBRAE )  
ELEMENTARY SCHOOL DISTRICT; )

1 **PACIFICA SCHOOL DISTRICT;** )  
2 **PORTOLA VALLEY ELEMENTARY** )  
3 **SCHOOL DISTRICT; RAVENSWOOD** )  
4 **CITY ELEMENTARY SCHOOL** )  
5 **DISTRICT; REDWOOD CITY** )  
6 **ELEMENTARY SCHOOL DISTRICT;** )  
7 **SAN BRUNO PARK ELEMENTARY** )  
8 **SCHOOL DISTRICT; SAN CARLOS** )  
9 **ELEMENTARY SCHOOL DISTRICT;** )  
10 **SAN MATEO UNION HIGH SCHOOL** )  
11 **DISTRICT; SAN MATEO-FOSTER** )  
12 **CITY SCHOOL DISTRICT; SEQUOIA** )  
13 **UNION HIGH SCHOOL DISTRICT;** )  
14 **SOUTH SAN FRANCISCO UNIFIED** )  
15 **SCHOOL DISTRICT; WOODSIDE** )  
16 **ELEMENTARY SCHOOL DISTRICT;** )  
17 **BALLARD ELEMENTARY SCHOOL** )  
18 **DISTRICT; BLOCHMAN UNION** )  
19 **ELEMENTARY SCHOOL DISTRICT;** )  
20 **BUELLTON UNION ELEMENTARY** )  
21 **SCHOOL DISTRICT; CARPINTERIA** )  
22 **UNIFIED SCHOOL DISTRICT; COLD** )  
23 **SPRING ELEMENTARY SCHOOL** )  
24 **DISTRICT; COLLEGE** )  
25 **ELEMENTARY SCHOOL DISTRICT;** )  
26 **CUYAMA JOINT UNIFIED SCHOOL** )  
27 **DISTRICT; GOLETA UNION** )  
28 **ELEMENTARY SCHOOL DISTRICT;** )  
29 **LOMPOC UNIFIED SCHOOL** )  
30 **DISTRICT; LOS OLIVOS** )  
31 **ELEMENTARY SCHOOL DISTRICT;** )  
32 **MONTECITO UNION ELEMENTARY** )  
33 **SCHOOL DISTRICT; ORCUTT** )  
34 **UNION ELEMENTARY SCHOOL** )  
35 **DISTRICT; SANTA BARBARA** )

1 UNIFIED SCHOOL DISTRICT; )  
2 SANTA MARIA JOINT UNION HIGH )  
3 SCHOOL DISTRICT; SANTA )  
4 MARIA-BONITA SCHOOL )  
5 DISTRICT; SANTA YNEZ VALLEY )  
6 UNION HIGH SCHOOL DISTRICT; )  
7 SBE - OLIVE GROVE CHARTER – )  
8 BUELLTON; SBE - OLIVE GROVE )  
9 CHARTER – LOMPOC; SBE - OLIVE )  
10 GROVE CHARTER - )  
11 ORCUTT/SANTA MARIA; SBE - )  
12 OLIVE GROVE CHARTER - SANTA )  
13 BARBARA; SOLVANG )  
14 ELEMENTARY SCHOOL DISTRICT; )  
15 VISTA DEL MAR UNION SCHOOL )  
16 DISTRICT; ALUM ROCK UNION )  
17 ELEMENTARY SCHOOL DISTRICT; )  
18 BERRYESSA UNION ELEMENTARY )  
19 SCHOOL DISTRICT; CAMBRIAN )  
20 SCHOOL DISTRICT; CAMPBELL )  
21 UNION SCHOOL DISTRICT; )  
22 CAMPBELL UNION HIGH SCHOOL )  
23 DISTRICT; CUPERTINO UNION )  
24 SCHOOL DISTRICT; EAST SIDE )  
25 UNION HIGH SCHOOL DISTRICT; )  
26 EVERGREEN ELEMENTARY )  
27 SCHOOL DISTRICT; FRANKLIN- )  
28 MCKINLEY ELEMENTARY )  
SCHOOL DISTRICT; FREMONT )  
UNION HIGH SCHOOL DISTRICT; )  
GILROY UNIFIED SCHOOL )  
DISTRICT; LAKESIDE JOINT )  
SCHOOL DISTRICT; LOMA PRIETA )  
JOINT UNION ELEMENTARY )  
SCHOOL DISTRICT; LOS ALTOS )  
ELEMENTARY SCHOOL DISTRICT; )  
LOS GATOS UNION ELEMENTARY )  
SCHOOL DISTRICT; LOS GATOS-

1 SARATOGA UNION HIGH SCHOOL )  
2 DISTRICT; LUTHER BURBANK )  
3 SCHOOL DISTRICT; METRO )  
4 EDUCATION SCHOOL DISTRICT; )  
5 METROPOLITAN EDUCATION )  
6 SCHOOL DISTRICT; MILPITAS )  
7 UNIFIED SCHOOL DISTRICT; )  
8 MORELAND SCHOOL DISTRICT; )  
9 MORGAN HILL UNIFIED SCHOOL )  
10 DISTRICT; MOUNT PLEASANT )  
11 ELEMENTARY SCHOOL DISTRICT; )  
12 MOUNTAIN VIEW WHISMAN )  
13 SCHOOL DISTRICT; MOUNTAIN )  
14 VIEW-LOS ALTOS UNION HIGH )  
15 SCHOOL DISTRICT; OAK GROVE )  
16 ELEMENTARY SCHOOL DISTRICT; )  
17 ORCHARD ELEMENTARY SCHOOL )  
18 DISTRICT; PALO ALTO UNIFIED )  
19 SCHOOL DISTRICT; SAN JOSE )  
20 UNIFIED SCHOOL DISTRICT; )  
21 SANTA CLARA UNIFIED SCHOOL )  
22 DISTRICT; SARATOGA UNION )  
23 ELEMENTARY SCHOOL DISTRICT; )  
24 SBE - KIPP NAVIGATE COLLEGE )  
25 PREP; SBE - PERSEVERANCE )  
26 PREPARATORY; SUNNYVALE )  
27 SCHOOL DISTRICT; UNION )  
28 ELEMENTARY SCHOOL DISTRICT; )  
29 BONNY DOON UNION )  
30 ELEMENTARY SCHOOL DISTRICT; )  
31 HAPPY VALLEY ELEMENTARY )  
32 SCHOOL DISTRICT; LIVE OAK )  
33 ELEMENTARY SCHOOL DISTRICT; )  
34 MOUNTAIN ELEMENTARY )  
35 SCHOOL DISTRICT; NORTH SANTA )  
36 CRUZ COUNTY SELPA SCHOOL )  
37 DISTRICT; PACIFIC ELEMENTARY )  
38 SCHOOL DISTRICT; PAJARO )

1 VALLEY UNIFIED SCHOOL )  
2 DISTRICT; SAN LORENZO VALLEY )  
3 UNIFIED SCHOOL DISTRICT; )  
4 SANTA CRUZ CITY ELEMENTARY )  
5 SCHOOL DISTRICT; SANTA CRUZ )  
6 CITY ELEMENTARY/HIGH )  
7 SCHOOL DISTRICT; SANTA CRUZ )  
8 CITY HIGH SCHOOL DISTRICT; )  
9 SBE - WATSONVILLE PREP )  
10 SCHOOL DISTRICT; SCOTTS )  
11 VALLEY UNIFIED SCHOOL )  
12 DISTRICT; SOQUEL UNION )  
13 ELEMENTARY SCHOOL DISTRICT; )  
14 ANDERSON UNION HIGH SCHOOL )  
15 DISTRICT; BELLA VISTA )  
16 ELEMENTARY SCHOOL DISTRICT; )  
17 BLACK BUTTE UNION )  
18 ELEMENTARY SCHOOL DISTRICT; )  
19 CASCADE UNION ELEMENTARY )  
20 SCHOOL DISTRICT; CASTLE ROCK )  
21 UNION ELEMENTARY SCHOOL )  
22 DISTRICT; COLUMBIA )  
23 ELEMENTARY SCHOOL DISTRICT; )  
24 COTTONWOOD UNION )  
25 ELEMENTARY SCHOOL DISTRICT; )  
26 ENTERPRISE ELEMENTARY )  
27 SCHOOL DISTRICT; FALL RIVER )  
28 JOINT UNIFIED SCHOOL )  
DISTRICT; FRENCH GULCH- )  
WHISKEYTOWN ELEMENTARY )  
SCHOOL DISTRICT; GATEWAY )  
UNIFIED SCHOOL DISTRICT; )  
GRANT ELEMENTARY SCHOOL )  
DISTRICT; HAPPY VALLEY UNION )  
ELEMENTARY SCHOOL DISTRICT; )  
IGO, ONO, PLATINA UNION )  
ELEMENTARY SCHOOL DISTRICT; )  
INDIAN SPRINGS ELEMENTARY )



1 SCHOOL DISTRICT; JUNCTION )  
2 ELEMENTARY SCHOOL DISTRICT; )  
3 MILLVILLE ELEMENTARY )  
4 SCHOOL DISTRICT; MOUNTAIN )  
5 UNION ELEMENTARY SCHOOL )  
6 DISTRICT; MOUNTAIN VALLEY )  
7 SPECIAL EDUCATION JPA; NORTH )  
8 COW CREEK ELEMENTARY )  
9 SCHOOL DISTRICT; OAK RUN )  
10 ELEMENTARY SCHOOL DISTRICT; )  
11 PACHECO UNION ELEMENTARY )  
12 SCHOOL DISTRICT; REDDING )  
13 ELEMENTARY SCHOOL DISTRICT; )  
14 SHASTA UNION ELEMENTARY )  
15 SCHOOL DISTRICT; SHASTA )  
16 UNION HIGH SCHOOL DISTRICT; )  
17 WHITMORE UNION ELEMENTARY )  
18 SCHOOL DISTRICT; SIERRA- )  
19 PLUMAS JOINT UNIFIED SCHOOL )  
20 DISTRICT; WILLIAM (R) ROUSE )  
21 ROP SCHOOL DISTRICT; BIG )  
22 SPRINGS UNION ELEMENTARY )  
23 SCHOOL DISTRICT; BOGUS )  
24 ELEMENTARY SCHOOL DISTRICT; )  
25 BUTTE VALLEY UNIFIED SCHOOL )  
26 DISTRICT; BUTTEVILLE UNION )  
27 ELEMENTARY SCHOOL DISTRICT; )  
28 DELPHIC ELEMENTARY SCHOOL )  
DISTRICT; DUNSMUIR )  
ELEMENTARY SCHOOL DISTRICT; )  
DUNSMUIR JOINT UNION HIGH )  
SCHOOL DISTRICT; FORKS OF )  
SALMON ELEMENTARY SCHOOL )  
DISTRICT; GAZELLE UNION )  
ELEMENTARY SCHOOL DISTRICT; )  
GRENADA ELEMENTARY SCHOOL )  
DISTRICT; HAPPY CAMP UNION )  
ELEMENTARY SCHOOL DISTRICT; )

1 **HORNBROOK ELEMENTARY )**  
2 **SCHOOL DISTRICT; JUNCTION )**  
3 **ELEMENTARY SCHOOL DISTRICT; )**  
4 **KLAMATH RIVER UNION )**  
5 **ELEMENTARY SCHOOL DISTRICT; )**  
6 **LITTLE SHASTA ELEMENTARY )**  
7 **SCHOOL DISTRICT; MCCLOUD )**  
8 **UNION ELEMENTARY SCHOOL )**  
9 **DISTRICT; MONTAGUE )**  
10 **ELEMENTARY SCHOOL DISTRICT; )**  
11 **MT. SHASTA UNION ELEMENTARY )**  
12 **SCHOOL DISTRICT; SCOTT )**  
13 **VALLEY UNIFIED SCHOOL )**  
14 **DISTRICT; SEIAD ELEMENTARY )**  
15 **SCHOOL DISTRICT; SISKIYOU )**  
16 **UNION HIGH SCHOOL DISTRICT; )**  
17 **WEED UNION ELEMENTARY )**  
18 **SCHOOL DISTRICT; WILLOW )**  
19 **CREEK ELEMENTARY SCHOOL )**  
20 **DISTRICT; YREKA UNION )**  
21 **ELEMENTARY SCHOOL DISTRICT; )**  
22 **YREKA UNION HIGH SCHOOL )**  
23 **DISTRICT; BENICIA UNIFIED )**  
24 **SCHOOL DISTRICT; DIXON )**  
25 **UNIFIED SCHOOL DISTRICT; )**  
26 **FAIRFIELD-SUISUN UNIFIED )**  
27 **SCHOOL DISTRICT; TRAVIS )**  
28 **UNIFIED SCHOOL DISTRICT; )**  
**VACAVILLE UNIFIED SCHOOL )**  
**DISTRICT; VALLEJO CITY UNIFIED )**  
**SCHOOL DISTRICT; ALEXANDER )**  
**VALLEY UNION ELEMENTARY )**  
**SCHOOL DISTRICT; BELLEVUE )**  
**UNION SCHOOL DISTRICT; )**  
**BENNETT VALLEY UNION )**  
**ELEMENTARY SCHOOL DISTRICT; )**  
**CINNABAR ELEMENTARY SCHOOL )**  
**DISTRICT; CLOVERDALE UNIFIED )**

1 SCHOOL DISTRICT; COTATI- )  
2 ROHNERT PARK UNIFIED SCHOOL )  
3 DISTRICT; DUNHAM )  
4 ELEMENTARY SCHOOL DISTRICT; )  
5 FORESTVILLE UNION )  
6 ELEMENTARY SCHOOL DISTRICT; )  
7 FORT ROSS ELEMENTARY )  
8 SCHOOL DISTRICT; GEYSERVILLE )  
9 UNIFIED SCHOOL DISTRICT; )  
10 GRAVENSTEIN UNION )  
11 ELEMENTARY SCHOOL DISTRICT; )  
12 GUERNEVILLE ELEMENTARY )  
13 SCHOOL DISTRICT; HARMONY )  
14 UNION ELEMENTARY SCHOOL )  
15 DISTRICT; HEALDSBURG UNIFIED )  
16 SCHOOL DISTRICT; HORICON )  
17 ELEMENTARY SCHOOL DISTRICT; )  
18 KASHIA ELEMENTARY SCHOOL )  
19 DISTRICT; KENWOOD SCHOOL )  
20 DISTRICT; LIBERTY ELEMENTARY )  
21 SCHOOL DISTRICT; MARK WEST )  
22 UNION ELEMENTARY SCHOOL )  
23 DISTRICT; MONTE RIO UNION )  
24 ELEMENTARY SCHOOL DISTRICT; )  
25 MONTGOMERY ELEMENTARY )  
26 SCHOOL DISTRICT; OAK GROVE )  
27 UNION ELEMENTARY SCHOOL )  
28 DISTRICT; OLD ADOBE UNION )  
SCHOOL DISTRICT; PETALUMA )  
CITY ELEMENTARY SCHOOL )  
DISTRICT; PETALUMA CITY )  
ELEMENTARY/JOINT UNION HIGH )  
SCHOOL DISTRICT; PETALUMA )  
JOINT UNION HIGH SCHOOL )  
DISTRICT; PINER-OLIVET UNION )  
ELEMENTARY SCHOOL DISTRICT; )  
RINCON VALLEY UNION )  
ELEMENTARY SCHOOL DISTRICT; )

1 ROSELAND SCHOOL DISTRICT; )  
2 SANTA ROSA CITY SCHOOLS; )  
3 SANTA ROSA ELEMENTARY )  
4 SCHOOL DISTRICT; SANTA ROSA )  
5 HIGH SCHOOL DISTRICT; )  
6 SEBASTOPOL UNION )  
7 ELEMENTARY SCHOOL DISTRICT; )  
8 SONOMA VALLEY UNIFIED )  
9 SCHOOL DISTRICT; TWIN HILLS )  
10 UNION ELEMENTARY SCHOOL )  
11 DISTRICT; TWO ROCK UNION )  
12 SCHOOL DISTRICT; WAUGH )  
13 ELEMENTARY SCHOOL DISTRICT; )  
14 WEST SIDE UNION ELEMENTARY )  
15 SCHOOL DISTRICT; WEST )  
16 SONOMA COUNTY UNION HIGH )  
17 SCHOOL DISTRICT; WILMAR )  
18 UNION ELEMENTARY SCHOOL )  
19 DISTRICT; WINDSOR UNIFIED )  
20 SCHOOL DISTRICT; WRIGHT )  
21 ELEMENTARY SCHOOL DISTRICT; )  
22 CERES UNIFIED SCHOOL )  
23 DISTRICT; CHATOM UNION )  
24 SCHOOL DISTRICT; DENAIR )  
25 UNIFIED SCHOOL DISTRICT; )  
26 EMPIRE UNION ELEMENTARY )  
27 SCHOOL DISTRICT; GRATTON )  
28 ELEMENTARY SCHOOL DISTRICT; )  
HART-RANSOM UNION )  
ELEMENTARY SCHOOL DISTRICT; )  
HICKMAN COMMUNITY CHARTER )  
SCHOOL DISTRICT; HUGHSON )  
UNIFIED SCHOOL DISTRICT; )  
KEYES UNION SCHOOL DISTRICT; )  
KNIGHTS FERRY ELEMENTARY )  
SCHOOL DISTRICT; MODESTO )  
CITY ELEMENTARY SCHOOL )  
DISTRICT; MODESTO CITY HIGH )

1 SCHOOL DISTRICT; MODESTO )  
2 CITY SCHOOLS; NEWMAN-CROWS )  
3 LANDING UNIFIED SCHOOL )  
4 DISTRICT; OAKDALE JOINT )  
5 UNIFIED SCHOOL DISTRICT; )  
6 PARADISE ELEMENTARY SCHOOL )  
7 DISTRICT; PATTERSON JOINT )  
8 UNIFIED SCHOOL DISTRICT; )  
9 RIVERBANK UNIFIED SCHOOL )  
10 DISTRICT; ROBERTS FERRY )  
11 UNION ELEMENTARY SCHOOL )  
12 DISTRICT; SALIDA UNION )  
13 ELEMENTARY SCHOOL DISTRICT; )  
14 SHILOH ELEMENTARY SCHOOL )  
15 DISTRICT; STANISLAUS UNION )  
16 ELEMENTARY SCHOOL DISTRICT; )  
17 SYLVAN UNION ELEMENTARY )  
18 SCHOOL DISTRICT; TURLOCK )  
19 UNIFIED SCHOOL DISTRICT; )  
20 VALLEY HOME JOINT )  
21 ELEMENTARY SCHOOL DISTRICT; )  
22 WATERFORD UNIFIED SCHOOL )  
23 DISTRICT; BRITTAN ELEMENTARY )  
24 SCHOOL DISTRICT; BROWNS )  
25 ELEMENTARY SCHOOL DISTRICT; )  
26 EAST NICOLAUS JOINT UNION )  
27 HIGH SCHOOL DISTRICT; )  
28 FRANKLIN ELEMENTARY SCHOOL )  
DISTRICT; LIVE OAK UNIFIED )  
SCHOOL DISTRICT; MARCUM- )  
ILLINOIS UNION ELEMENTARY )  
SCHOOL DISTRICT; MERIDIAN )  
ELEMENTARY SCHOOL DISTRICT; )  
NUESTRO ELEMENTARY SCHOOL )  
DISTRICT; PLEASANT GROVE )  
JOINT UNION SCHOOL DISTRICT; )  
SUTTER UNION HIGH SCHOOL )  
DISTRICT; WINSHIP-ROBBINS )

1 SCHOOL DISTRICT; YUBA CITY )  
2 UNIFIED SCHOOL DISTRICT; )  
3 ANTELOPE ELEMENTARY )  
4 SCHOOL DISTRICT; CORNING )  
5 UNION ELEMENTARY SCHOOL )  
6 DISTRICT; CORNING UNION HIGH )  
7 SCHOOL DISTRICT; EVERGREEN )  
8 UNION SCHOOL DISTRICT; )  
9 FLOURNOY UNION ELEMENTARY )  
10 SCHOOL DISTRICT; GERBER )  
11 UNION ELEMENTARY SCHOOL )  
12 DISTRICT; KIRKWOOD )  
13 ELEMENTARY SCHOOL DISTRICT; )  
14 LASSEN VIEW UNION )  
15 ELEMENTARY SCHOOL DISTRICT; )  
16 LOS MOLINOS UNIFIED SCHOOL )  
17 DISTRICT; RED BLUFF JOINT )  
18 UNION HIGH SCHOOL DISTRICT; )  
19 RED BLUFF UNION ELEMENTARY )  
20 SCHOOL DISTRICT; REEDS CREEK )  
21 ELEMENTARY SCHOOL DISTRICT; )  
22 RICHFIELD ELEMENTARY )  
23 SCHOOL DISTRICT; BURNT RANCH )  
24 ELEMENTARY SCHOOL DISTRICT; )  
25 COFFEE CREEK ELEMENTARY )  
26 SCHOOL DISTRICT; DOUGLAS )  
27 CITY ELEMENTARY SCHOOL )  
28 DISTRICT; JUNCTION CITY )  
ELEMENTARY SCHOOL DISTRICT; )  
LEWISTON ELEMENTARY SCHOOL )  
DISTRICT; MOUNTAIN VALLEY )  
UNIFIED SCHOOL DISTRICT; )  
SOUTHERN TRINITY JOINT )  
UNIFIED SCHOOL DISTRICT; )  
TRINITY ALPS UNIFIED SCHOOL )  
DISTRICT; TRINITY CENTER )  
ELEMENTARY SCHOOL DISTRICT; )  
ALLENSWORTH ELEMENTARY )

1 SCHOOL DISTRICT; ALPAUGH )  
2 UNIFIED SCHOOL DISTRICT; ALTA )  
3 VISTA ELEMENTARY SCHOOL )  
4 DISTRICT; BUENA VISTA )  
5 ELEMENTARY SCHOOL DISTRICT; )  
6 BURTON ELEMENTARY SCHOOL )  
7 DISTRICT; COLUMBINE )  
8 ELEMENTARY SCHOOL DISTRICT; )  
9 CUTLER-OROSI JOINT UNIFIED )  
10 SCHOOL DISTRICT; DINUBA )  
11 UNIFIED SCHOOL DISTRICT; )  
12 DUCOR UNION ELEMENTARY )  
13 SCHOOL DISTRICT; EARLIMART )  
14 ELEMENTARY SCHOOL DISTRICT; )  
15 EXETER UNIFIED SCHOOL )  
16 DISTRICT; FARMERSVILLE )  
17 UNIFIED SCHOOL DISTRICT; HOPE )  
18 ELEMENTARY SCHOOL DISTRICT; )  
19 HOT SPRINGS ELEMENTARY )  
20 SCHOOL DISTRICT; KINGS RIVER )  
21 UNION ELEMENTARY SCHOOL )  
22 DISTRICT; LIBERTY ELEMENTARY )  
23 SCHOOL DISTRICT; LINDSAY )  
24 UNIFIED SCHOOL DISTRICT; )  
25 MONSON-SULTANA JOINT UNION )  
26 ELEMENTARY SCHOOL DISTRICT; )  
27 OAK VALLEY UNION )  
28 ELEMENTARY SCHOOL DISTRICT; )  
29 OUTSIDE CREEK ELEMENTARY )  
30 SCHOOL DISTRICT; PALO VERDE )  
31 UNION ELEMENTARY SCHOOL )  
32 DISTRICT; PIXLEY UNION )  
33 ELEMENTARY SCHOOL DISTRICT; )  
34 PLEASANT VIEW ELEMENTARY )  
35 SCHOOL DISTRICT; PORTERVILLE )  
36 UNIFIED SCHOOL DISTRICT; )  
37 RICHGROVE ELEMENTARY )  
38 SCHOOL DISTRICT; ROCKFORD )

1 **ELEMENTARY SCHOOL DISTRICT; )**  
2 **SAUCELITO ELEMENTARY )**  
3 **SCHOOL DISTRICT; SEQUOIA )**  
4 **UNION ELEMENTARY SCHOOL )**  
5 **DISTRICT; SPRINGVILLE UNION )**  
6 **ELEMENTARY SCHOOL DISTRICT; )**  
7 **STONE CORRAL ELEMENTARY )**  
8 **SCHOOL DISTRICT; STRATHMORE )**  
9 **UNION ELEMENTARY SCHOOL )**  
10 **DISTRICT; SUNDALE UNION )**  
11 **ELEMENTARY SCHOOL DISTRICT; )**  
12 **SUNNYSIDE UNION ELEMENTARY )**  
13 **SCHOOL DISTRICT; TERRA BELLA )**  
14 **UNION ELEMENTARY SCHOOL )**  
15 **DISTRICT; THREE RIVERS UNION )**  
16 **ELEMENTARY SCHOOL DISTRICT; )**  
17 **TIPTON ELEMENTARY SCHOOL )**  
18 **DISTRICT; TRAVER JOINT )**  
19 **ELEMENTARY SCHOOL DISTRICT; )**  
20 **TULARE CITY SCHOOL DISTRICT; )**  
21 **TULARE JOINT UNION HIGH )**  
22 **SCHOOL DISTRICT; VISALIA )**  
23 **UNIFIED SCHOOL DISTRICT; )**  
24 **WAUKENA JOINT UNION )**  
25 **ELEMENTARY; WOODLAKE )**  
26 **UNIFIED SCHOOL DISTRICT; )**  
27 **WOODVILLE UNION ELEMENTARY )**  
28 **SCHOOL DISTRICT; BELLEVIEW )**  
**ELEMENTARY SCHOOL DISTRICT; )**  
**BIG OAK FLAT-GROVELAND )**  
**UNIFIED SCHOOL DISTRICT; )**  
**COLUMBIA UNION SCHOOL )**  
**DISTRICT; CURTIS CREEK )**  
**ELEMENTARY SCHOOL DISTRICT; )**  
**JAMESTOWN ELEMENTARY )**  
**SCHOOL DISTRICT; SONORA )**  
**ELEMENTARY SCHOOL DISTRICT; )**  
**SONORA UNION HIGH SCHOOL )**



1 **DISTRICT; SOULSBYVILLE )**  
2 **ELEMENTARY SCHOOL DISTRICT; )**  
3 **SUMMERVILLE ELEMENTARY )**  
4 **SCHOOL DISTRICT; )**  
5 **SUMMERVILLE UNION HIGH )**  
6 **SCHOOL DISTRICT; TWAIN HARTE )**  
7 **SCHOOL DISTRICT; BRIGGS )**  
8 **ELEMENTARY SCHOOL DISTRICT; )**  
9 **CONEJO VALLEY UNIFIED )**  
10 **SCHOOL DISTRICT; FILLMORE )**  
11 **UNIFIED SCHOOL DISTRICT; )**  
12 **HUENEME ELEMENTARY SCHOOL )**  
13 **DISTRICT; MESA UNION )**  
14 **ELEMENTARY SCHOOL DISTRICT; )**  
15 **MOORPARK UNIFIED SCHOOL )**  
16 **DISTRICT; MUPU ELEMENTARY )**  
17 **SCHOOL DISTRICT; OAK PARK )**  
18 **UNIFIED SCHOOL DISTRICT; )**  
19 **OCEAN VIEW SCHOOL DISTRICT; )**  
20 **OJAI UNIFIED SCHOOL DISTRICT; )**  
21 **OXNARD SCHOOL DISTRICT; )**  
22 **OXNARD UNION HIGH SCHOOL )**  
23 **DISTRICT; PLEASANT VALLEY )**  
24 **SCHOOL DISTRICT; RIO )**  
25 **ELEMENTARY SCHOOL DISTRICT; )**  
26 **SANTA CLARA ELEMENTARY )**  
27 **SCHOOL DISTRICT; SANTA PAULA )**  
28 **UNIFIED SCHOOL DISTRICT; SIMI )**  
**VALLEY UNIFIED SCHOOL )**  
**DISTRICT; SOMIS UNION SCHOOL )**  
**DISTRICT; VENTURA UNIFIED )**  
**SCHOOL DISTRICT; DAVIS JOINT )**  
**UNIFIED SCHOOL DISTRICT; )**  
**ESPARTO UNIFIED SCHOOL )**  
**DISTRICT; WASHINGTON UNIFIED )**  
**SCHOOL DISTRICT; WINTERS )**  
**JOINT UNIFIED SCHOOL )**  
**DISTRICT; WOODLAND JOINT )**

1 **UNIFIED SCHOOL DISTRICT;** )  
2 **CAMPTONVILLE ELEMENTARY** )  
**SCHOOL DISTRICT; MARYSVILLE** )  
3 **JOINT UNIFIED SCHOOL** )  
4 **DISTRICT; PLUMAS LAKE** )  
**ELEMENTARY SCHOOL DISTRICT;** )  
5 **WHEATLAND SCHOOL DISTRICT;** )  
6 **WHEATLAND UNION HIGH** )  
**SCHOOL DISTRICT,** as public entities )  
7 organized and existing pursuant to the laws )  
8 of the State of California and doing )  
9 business as public school districts, )  
10 **Defendants.** )  
11 )

12 **COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

13  
14 **COME NOW** Plaintiffs Danielle Howard Martinez, D.P., K.P., T.W.,  
15 LaShonda Hubbard and P.C., individually and on behalf of all others similarly  
16 situated, and for their Complaint For Declaratory Relief, Injunctive Relief, and  
17 Damages against the Defendants named herein, and allege as follows:

18 **JURISDICTION AND VENUE**

19 1. This Honorable Court has jurisdiction over this matter under 28  
20 U.S.C. §1331 as this matter arises under the Constitution and laws of the United  
21 States, including but not limited to 20 U.S.C. §1400 *et seq.* and 42 U.S.C. §1983,  
22 and under 28 U.S.C. §1343 as this matter seeks to redress the deprivation, under  
23 color of state law, a right, privilege or immunity secured by the Constitution of  
24 the United States or by any Act of Congress providing for equal rights of citizens  
25 or of all persons within the jurisdiction of the United States. This Honorable  
26 Court has the authority to hear class action suits under 28 U.S.C. §1332(d).  
27



1 needs are placed on an equal footing with their non-special needs peers. By  
2 transferring these students to distance learning without even learning what  
3 accommodations needed to be made for these students, they have been set up for  
4 failure and, thereby, denied a free appropriate public education, the cornerstone of  
5 the right to a basic minimum education.

6 8. Now, these students face the loss of their basic minimum education  
7 for the 2020-2021 School Year because (1) Governor Newsom has not properly  
8 addressed the IDEA in his Executive Orders, (2) Defendants State Department of  
9 Education, State Board of Education, California Health and Human Services  
10 Agency, California Department of Public Health, California Governor Gavin  
11 Newsom, State Superintendent of Public Instruction and Director of Education  
12 Tony Thurmond, State Public Health Officer & Director of the California  
13 Department of Public Health Sonia Y. Angell mishandled and inadequately  
14 implemented the IDEA through their Covid-19 related guidances and regulations,  
15 and (3) the District Defendants chose not to comply with the IDEA, thrusting  
16 their responsibilities onto untrained parents.  
17

18 9. Plaintiffs seek declaratory and injunctive relief to require the  
19 Defendants to comply with the IDEA and receive the accommodations necessary  
20 to ensure that they do not lose another year of education in 2020-2021 as a result  
21 of the Defendants' failures, as well as catch-up assistance to compensate them for  
22 their loss of a basic minimum education for the end of the 2019-2020 School  
23 Year. Ultimately, they seek to be placed on the same footing as their non-special  
24 needs peers.

### 25 **CLASS ACTION ALLEGATIONS**

26 10. "Proposed Class" are an unknown number of students who are  
27 entitled to receive special education services from the District Defendants but  
28

1 have been denied the services to which they are entitled under their IEPs because  
2 they have been assigned to distance-learning without any accommodations being  
3 made for the difficulties they face as a result of their disabilities. The exact  
4 number and identity of these individuals is not known, but are believed to number  
5 approximately 800,000. These students are spread throughout the District  
6 Defendants. Each member of the Proposed Class has suffered deprivations of  
7 their rights that entail the identical questions of law being addressed herein by  
8 Plaintiffs, could legally make the same claims raised herein by Plaintiffs subject  
9 only to minor factual differences depending on the nature of their disabilities, and  
10 would face the same defenses expected to be raised herein. Allowing these  
11 matters to be addressed as a class would adequately address the concerns and  
12 interests of all members of the Proposed Class, whereas requiring those matters to  
13 proceed separately could lead to inconsistent adjudications. Plaintiffs are  
14 representative of the members of the Proposed Class and of the problems the  
15 members of the Proposed Class are having as a result of distance learning, and  
16 Plaintiffs' counsel has extensive experience in matters related to representing  
17 students with disabilities. Thus, Plaintiffs can fairly and adequately protect the  
18 interests of the class and, if certified, Plaintiffs will move by separate motion  
19 under Rule 23 of the Federal Rules of Civil Procedure to certify this action as a  
20 class action to allow Plaintiffs to represent all members of the Proposed Class.  
21

### 22 **THE PARTIES**

23 11. Plaintiff Danielle Howard Martinez ("Plaintiff Martinez") is *suis*  
24 *juris* and a resident of San Bernardino County. She is the guardian of three  
25 children who all qualify for special needs education. Plaintiff D.P. is her foster  
26 son. Plaintiff K.P. is her foster daughter. Plaintiff T.W. is her foster son.  
27

1 12. Plaintiff D.P., a minor, is a fifth-grade student at Falcon Ridge  
2 Elementary School within Etiwanda School District in San Bernardino County.  
3 D.P. is a special needs student.

4 13. Plaintiff K.P., a minor, is a third-grade student at John L. Golden  
5 Elementary within Etiwanda School District in San Bernardino County. K.P. is a  
6 special needs student.

7 14. Plaintiff T.W., a minor, attends Los Osos High School within  
8 Chaffey Joint Union High School District in Rancho Cucamonga. T.W. is a  
9 special needs student.

10 15. Plaintiff Amber Wood is T.W.’s biological mother and holds  
11 educational rights for T.W.

12 16. Plaintiff LaShonda Hubbard (“Plaintiff Hubbard”) is *suis juris* and a  
13 resident of San Bernardino County. She is the mother of Plaintiff P.C.

14 17. Plaintiff P.C., a minor, is a tenth grader at Rancho Cucamonga High  
15 School within Chaffey Joint Union High School District. P.C. is a special needs  
16 student.

17 18. Defendant State of California is subject to the United States  
18 Constitution, Federal law, and its own Constitution and laws.

19 19. Defendant Gavin Newsom (“Governor Newsom”) is the Governor of the  
20 State of California and is vested by the California Constitution with the “supreme  
21 executive power of the state” and is charged with seeing “that the law is faithfully  
22 executed.” Cal. Const. Art. V, §1. As such, he has the authority to issue  
23 Executive Orders to ensure that the law is faithfully executed. Governor Newsom  
24 is sued in his official capacity for the issuance of various Executive Orders which  
25 have deprived the Plaintiffs of their rights under United States and California law.  
26  
27

1           20. Defendant State Department of Education (“Department of  
2 Education”) is the agency within the State of California which oversees public  
3 education. It issued guidance which deprived the Plaintiffs of their rights under  
4 United States and California law.

5           21. Defendant State Board of Education (“Board of Education”) is the  
6 governing and policy-making body of the California Department of Education. It  
7 issued guidance which deprived the Plaintiffs of their rights under United States  
8 and California law.

9           22. Defendant Tony Thurmond (“Superintendent Thurmond”) is the  
10 State Superintendent of Public Instruction and Director of Education, and is  
11 responsible for establishing the rules for special education in the State of  
12 California to ensure that all “eligible children with exceptional needs are given  
13 equal access to all child care and development programs.” *See* Education Code  
14 Title 1, Division 1, Part 6, Chapter 2, Article 9, Sec. 8250. Superintendent  
15 Thurmond is sued in his official capacity for guidance he issued which has  
16 deprived Plaintiffs of their rights under United States and California law.

17           23. Defendant California Health and Human Services Agency (“Health  
18 and Human Services Agency”) is the agency within the State of California tasked  
19 with administration and oversight of state and federal programs for health care,  
20 social services, public assistance and rehabilitation. It issued guidance which  
21 deprived the Plaintiffs of their rights under United States and California law.  
22

23           24. Defendant California Department of Public Health (“Department of  
24 Public Health”) is a subdivision of the California Health and Human Services  
25 Agency and is the state department responsible for public health in California. It  
26 issued guidance which deprived the Plaintiffs of their rights under United States  
27 and California law.  
28

1           25. Defendant Sonia Y. Angell, MD, MPH (“Director Angell”) is the  
2 State Public Health Officer & Director of the California Department of Public  
3 Health. She is sued in her official capacity for guidance she issued which has  
4 deprived Plaintiffs of their rights under United States and California law.

5           26. California School Districts named in the caption, (“District  
6 Defendants” or “Districts”) are sued for failing to comply with United States and  
7 California law and thereby depriving Plaintiffs of their rights.

8           27. Each and every Defendant acted under color of state law with respect  
9 to all acts or omissions herein alleged.

#### 10                               **FACTS**

11           28. On March 4, 2020, Governor Newsom proclaimed a State of  
12 Emergency as a result of the Covid-19 virus. *See* Exhibit A.

13           29. On March 13, 2020, Governor Newsom issued Executive Order N-  
14 26-20 (“March 13, 2020 Executive Order”) which allowed school districts to  
15 close and assign students to distance learning / online learning, and which  
16 required the Department of Education and the Health and Human Services  
17 Agency to “jointly develop and issue guidance by March 17, 2020” which would  
18 cover, among other things, the following topics:  
19

20           (i) Implementing distance learning strategies and  
21 addressing equity and access issues that may arise due  
22 to differential access to internet connectivity and  
23 technology;

24           (ii) Ensuring students with disabilities receive a free and  
25 appropriate public education consistent with their  
26 individualized education program and meeting other  
27 procedural requirements under the Individuals with  
28 Disabilities Act and California law.

*See* Exhibit B.



1           30. On March 17, 2020, the California Department of Education, the  
2 State Board of Education, and the California Health and Human Services Agency  
3 issued the guidance required by the March 13, 2020 Executive Order (“March 17,  
4 2020 CDE Guidance”). <https://www.cde.ca.gov/ls/he/hn/strongertogether.asp>.  
5 This Guidance included a section on ensuring a Free Appropriate Public  
6 Education (“FAPE”) under the Individuals with Disabilities Education Act, 20  
7 U.S.C. §1400 *et seq.* (the “IDEA”). In this section, the March 17, 2020 CDE  
8 Guidance encouraged, but did not require, the state’s school districts, including  
9 each of the District Defendants, to:

- 11           ● Work with each family and student to determine  
12 what FAPE looks like for each student and family  
13 during COVID-19. It may be different than the  
14 individualized education program (IEP) developed pre-  
15 COVID-19.
- 16           ● Use the LEA model(s) for all students as the basis  
17 for establishing FAPE.
- 18           ● Ensure children with disabilities are included in  
19 all offerings of school education models by using the  
20 IEP process to customize educational opportunities and  
21 provide supports when necessary.
- 22           ● Use annual IEP to plan for traditional school year  
23 and while not required, it is suggested LEAs include  
24 distance learning plans or addendums to address  
25 distance learning needs during immediate or future  
26 school site closures.

27 See <https://www.cde.ca.gov/ls/he/hn/strongertogether.asp>. This guidance applied  
28 to each of the District Defendants.

1           31. Supplemental guidance was provided as well, on March 21, 2020,  
2 which also does not require that each students' needs be determined. *See* Exhibit  
3 C.

4 32. The District Defendants did not reassess special needs students.

5           33. On March 19, 2020, Governor Newsom issued Executive Order N-  
6 33-20 ("March 19, 2020 Executive Order") which ordered all Californians to stay  
7 at home, effectively shutting down all schools in the state and effectively  
8 transferring all special needs students to distance learning / online learning for the  
9 remainder of the 2019-2020 School Year. *See* Exhibit D.

10           34. On May 4, 2020, Governor Newsom issued Executive Order N-60-  
11 20 ("May 4, 2020 Executive Order") reaffirming that all residents of California  
12 continue to obey the state public health directives and directed the Public Health  
13 Office to establish criteria for re-opening the state. *See* Exhibit E.

14           35. The 2019-2020 School Year ended in May 2020 plus an ESY  
15 (Summer School) session in June 2020.

16           36. On July 17, 2020, Defendant California Health and Human Services  
17 Agency, through Defendant Department of Public Health, issued a framework for  
18 the reopening of in-person learning for K-12 schools in California ("July 17, 2020  
19 DPH Guidance"). *See* Exhibit F. Issued by State Public Health Officer &  
20 Director Sonia Y. Angell, MD, MPH, and titled: "COVID-19 and Reopening In-  
21 Person Learning Framework for K-12 Schools in California, 2020-2021 School  
22 Year, July 17, 2020," the July 17, 2020 DPH Guidance provides, among other  
23 things:  
24

- 25           (1) California schools have been closed for in-person  
26 instruction since mid-March 2020 due to the COVID-19  
27 pandemic.

1 (2) Schools and school districts may re-open for in-  
2 person instruction only if they are located in a local  
3 health jurisdiction which has not been on the county  
4 monitoring list within the prior 14 days.

5 (3) Waivers can be obtained for the 14 day requirement,  
6 but only by elementary schools.

7 (4) Schools are not required to close again if the local  
8 health jurisdiction is returned to the county monitoring  
9 list, but are required to close if 25% or more of the other  
10 schools in the district have closed.

11 No mention was made in this Guidance of Special Education students or their  
12 needs.

13 37. Under the July 17, 2020 DPH Guidance, local health officers (district  
14 superintendents, private school principals, or executive directors of charter  
15 schools) could request waivers for elementary schools (K-6 only) for these  
16 requirements. [https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-  
17 19/In-Person-Elementary-Waiver-Process.aspx](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/In-Person-Elementary-Waiver-Process.aspx) This has not resulted in the  
18 consistent opening of schools, nor has this tool been used to remedy the effect of  
19 closure on special needs students. None of the Plaintiffs' schools has reopened.

20 38. Compliance by California schools with the July 17, 2020 DPH  
21 guidance was made mandatory by the May 4, 2020 Executive Order.

22 39. Under the plan created by the May 4, 2020 Executive Order and the  
23 July 17, 2020 DPH Guidance, most schools remain closed with special needs  
24 students continuing distance learning / online learning for the 2020-2021 School  
25 Year even though their IEPs have never been adjusted to account for the  
26 difficulties these students face in distance learning / online instruction as  
27 compared to in-person instruction as a result of their individual disabilities.

1           40. Under this plan, as of July 30, 2020, Governor Newsom through the  
2 Department of Public Health has allowed school athletics to resume in-person.  
3 [https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Youth-Sports-](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Youth-Sports-FAQ.aspx)  
4 [FAQ.aspx](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Youth-Sports-FAQ.aspx)

5           41. On August 14, 2020, Governor Newsom issued Executive Order N-  
6 73-20 (“August 14, 2020 Executive Order”) related to broadband issues. *See*  
7 Exhibit G. This Order stated, among other things:

8                   **WHEREAS** the COVID-19 pandemic has caused  
9 schools to shift to distance learning;

10   \*       \*       \*

11  
12                   **NOW, THEREFORE, I, GAVIN NEWSOM,**  
13 Governor of the State of California in accordance with  
14 the power and authority vested in me by the  
15 Constitution and statutes of the State of California, do  
16 hereby issue this Order to become effective  
17 immediately.

18                   **IT IS HEREBY ORDERED THAT:**

19   \*       \*       \*

20                   14. The California Department of Education is  
21 requested to continue leading statewide efforts to ensure  
22 that students have the computing devices and  
23 connectivity necessary for distance learning and online  
24 instruction.

25           42. The same day, August 14, 2020, Governor Newsom released a press  
26 release (“August 14, 2020 Press Release”) stating that schools would receive \$5.3  
27 billion to support learning during the pandemic and that he had issued the August

1 14, 2020 Executive Order to direct state agencies to “bridge the digital divide.”

2 Said Governor Newsom:

3  
4 Schools may be physically closed, but in California at  
5 least, class is still in session. While more work remains,  
6 districts across the state are in a far better position this  
7 semester to provide meaningful distance instruction to  
8 every child.

9 In these challenging circumstances, our state has  
10 profound respect and gratitude for the parents and  
11 teachers who are doing all they can to make sure  
12 our students’ educational and social-emotional needs  
13 are met.

14 See Exhibit H.

15 43. The August 14, 2020 Press Release further states:

16 New statewide requirements have been enacted to  
17 ensure quality instruction through distance learning,  
18 including:

- 19 ● Access to devices and connectivity for all  
20 kids
- 21 ● Daily live interaction with teachers and  
22 other students
- 23 ● Challenging assignments equivalent to in-  
24 person classes
- 25 ● Adapted lessons for English-language  
26 learners and special education students

27 The “statewide requirements” to which the August 14, 2020 Press Release linked,  
28 however, were the July 17, 2020 DPH Guidance which makes no mention of  
special needs students.

1           44. On August 25, 2020, the Department of Public Health issues  
2 Guidance for “Small Cohort.” This provides guidance for in-person child  
3 supervision and limited instruction, targeted support services, and facilitation of  
4 distance learning in small group environments for a specified subset of children,  
5 numbering 14 or fewer with no more than two supervising adults, stay together  
6 for all activities (e.g., meals, recreation, etc.), and avoid contact with people  
7 outside of their group in the setting. This Guidance explicitly notes that it does  
8 not supersede “Guidance and directives related to schools, child care, day camps,  
9 youth sports, and institutions of higher education,” and it has no operative  
10 provision allowing teaching in cohorts – it only describes the requirements for  
11 such teaching where it is allowed. *See* Exhibit I. This Guidance has not resulted  
12 in any of the Plaintiffs being allowed to return to in-person instruction.  
13

14           45. On August 28, 2020, Governor Newsom revised his school opening  
15 plan by eliminating the County Data Monitoring system, which was created by  
16 the July 12, 2020 DPH Guidance, and replacing it with a “Blueprint for a Safer  
17 Economy,” which makes opening even harder as it designates almost every  
18 county in the state as having widespread Covid and it requires counties to step  
19 down through a tier system toward reopening. [https://covid19.ca.gov/safer-](https://covid19.ca.gov/safer-economy/)  
20 [economy/](https://covid19.ca.gov/safer-economy/) Only 19 counties currently are within the tiers where they can attempt  
21 reopening. The others must first reach the “substantial” tier and stay there for two  
22 weeks.

23           46. Plaintiff D.P. attends Falcon Ridge Elementary School within  
24 Etiwanda School District in San Bernardino County as a fifth grader. Plaintiff  
25 D.P. is eligible for special education services because he has significant multiple  
26 developmental and communication challenges that include basic areas of self-  
27 care, communication of his needs, and response to his environment. He has an  
28

1 existing Individualized Education Program (“IEP”) and has been attending a  
2 combination of special day class and mainstreaming in general education. His  
3 IEP goals include Letter Identification, Number Identification, Reading  
4 Comprehension, Focus and Attention, Motor Skills involving hand-over-hand  
5 tracing, Receptive and Expressive language, Intelligibility and Sound Production,  
6 and Communication Pragmatics.

7 47. D.P. needs personal interaction with instructors and other students.  
8 Prior to the issue of Covid-19, psychologists determined that D.P. enjoys  
9 interacting with neuro-typical general education peers and the staff in the  
10 classroom and learns best through visual models and hands-on activities in  
11 addition to playing with musical instruments, listening to music, and dancing. He  
12 suffers severe delays in pragmatics communication, though he has been showing  
13 improvement from interacting with his general education peers in his partially  
14 mainstreamed academic setting as he benefits from imitating his age-typical  
15 peers. It also has been noted that D.P. requires the daily assistance of a staff  
16 member to guide him through an iPad app or computer program. He uses  
17 Classroom Assistive Technology and needs accommodations including a 1:1 aide  
18 for mainstreaming, and behavior support in the areas of attention, motivation, and  
19 transitions, as well as for frequent breaks. D.P. also receives occupational  
20 therapy services requiring hand-over-hand assistance, and he receives 1:1  
21 assistance from an aide.  
22

23 48. D.P. has not been in a school environment since March 13, 2020  
24 when Falcon Ridge Elementary School closed in response to the March 13, 2020  
25 Executive Order.

26 49. D.P. is now displaying regressive behaviors such as being distracted  
27 by nearby visuals, frequently spilling contents when opening containers, stomping  
28

1 his feet when walking, and communicating by pointing or bringing an object to an  
2 adult rather than using his words. He has tried numerous times to focus but  
3 cannot learn via an online format.

4 50. At no point during the 2019-2020 School Year was D.P.'s IEP  
5 changed to reflect the differences between distance learning / online instruction  
6 and in-person instruction, and has not been changed since.

7 51. Plaintiff D.P.'s parent, Plaintiff Martinez, was not contacted to  
8 provide input into any revision to D.P.'s IEP.

9 52. No accommodations were offered to Plaintiff D.P. or Plaintiff  
10 Martinez to account for the difficulties Plaintiff faces in distance learning / online  
11 instruction as compared to in-person instruction as a result of D.P.'s disabilities.

12 53. Plaintiff K.P. attends John L. Golden Elementary within Etiwanda  
13 School District in San Bernardino County. Plaintiff K.P. is eligible for special  
14 education services with an eligibility of Intellectual Disability and Speech and  
15 Language impairment. She has an existing IEP and receives academics, speech  
16 and language, or other services mandated by her IEP. Her IEP includes goals in  
17 the areas of Phonics/Decoding Skills, Reading High-Frequency Words, Rote  
18 Counting to 100, Addition Skills, Visual Motor Skills, Learning to raise her hand  
19 at appropriate times, Speech and Language skills, and communication goals.

20 54. K.P. has not been in a school environment since March 13, 2020  
21 when John L. Golden Elementary closed in response to the March 13, 2020  
22 Executive Order.

23 55. K.P. needs personal interaction with instructors and other students.  
24 There has been no progress made toward any of her IEP goals for the last six  
25 months. Without constant prompts and redirection, K.P. cannot remain on task;  
26 according to her educational records, she has a marked tendency toward  
27



1 regression in her learning progress, and environmental reinforcements are  
2 unavailable during distance learning. Her guardian has attempted to oversee K.P.  
3 along with her other two fosters in a distance learning setting, yet these attempts  
4 have repeatedly failed.

5 56. Plaintiff K.P.'s IEP was not changed to reflect the differences  
6 between distance learning / online instruction and in-person instruction, and has  
7 not been changed since.

8 57. Plaintiff K.P.'s parent, Plaintiff Martinez, was not contacted to  
9 provide input into any revision to K.P.'s IEP.

10 58. No accommodations were offered to Plaintiff K.P. or Plaintiff  
11 Martinez to account for the difficulties Plaintiffs faces in distance learning /  
12 online instruction as compared to in-person instruction as a result of K.P.'s  
13 disabilities.

14 59. Plaintiff T.W. attends Los Osos High School within Chaffey Joint  
15 Union High School District in Rancho Cucamonga. Plaintiff T.W. is eligible for  
16 special education services with an eligibility of Multiple Disability and,  
17 secondarily, under Orthopedic Impairment, and currently is attending a Special  
18 Day Class program that operates within Los Osos High School. T.W. has  
19 attended that program for the past three academic years, with inclusion in a few  
20 general education classes with 1:1 aide assistance. T.W. has severe impairments  
21 with neurocognitive and motility differences due to neurological medical  
22 conditions, originating with his surgery at the age of two months to remove an  
23 intracranial tumor, wherein he received a shunt. Three years ago, he suffered a  
24 stroke, as a result of a prolonged seizure, resulting in paralysis. His seizures have  
25 been so significant they occasionally result in paralysis. T.W. has episodes where  
26 he loses his balance and falls. He has right hemiplegia, intellectual disability,  
27

1 short-term memory loss, and is prescribed psychotropic medications to address  
2 his mood disorders. His challenges in development, communication, and  
3 behavior are pervasive and impede his education, including but not limited to the  
4 ability to adapt to new situations and develop rewarding or sustained  
5 interpersonal relationships with peers.

6 60. Plaintiff T.W. was sent home when Los Osos High School closed in  
7 response to the March 13, 2020 Executive Order and/or March 19 2020 Executive  
8 Order, and reassigned to distance learning / online learning.

9 61. T.W. needs the assistance of a 1:1 behavioral aide throughout the  
10 entire school day to assist with social skills and interactions with peers and  
11 teachers in the school environment. T.W. is overly sensitive and makes  
12 inappropriate conversation necessitating constant prompting and consistent  
13 monitoring and assistance during all parts of the school day, in the classroom, and  
14 in lunch and assemblies. T.W. needs a behavioral aide not only to model  
15 appropriate behavior, but to prompt him to remain focused and assist with  
16 academic, behavioral, and functional tasks and interactions. T.W. requires lines  
17 drawn on his papers and an aide to assist him with any item that requires a two  
18 handed grasp, as well as verbal reminders or prompts to stay on task. When T.W.  
19 is confused, he shuts down and refuses to comply. He needs physical therapy in  
20 additional to the occupational therapy he receives.

21 62. Plaintiff T.W.'s IEP was not changed to reflect the differences  
22 between distance learning / online instruction and in-person instruction, and has  
23 not been changed since.

24 63. Neither Plaintiff T.W.'s biological mother and educational rights  
25 holder, Plaintiff Wood, nor T.W.'s guardian, Plaintiff Martinez, was contacted to  
26 provide input into any revision to T.W.'s IEP.  
27

1           64. No accommodations were offered to Plaintiff T.W. or Plaintiff  
2 Martinez or Plaintiff Wood to account for the difficulties Plaintiff faced in  
3 distance learning / online instruction as compared to in-person instruction as a  
4 result of T.W.'s disabilities.

5           65. It can be reasonably anticipated T.W. will experience a loss of a  
6 whole year's worth of academic and functional skills learning from home.

7           66. Plaintiff Martinez has tried valiantly and genuinely to oversee the  
8 online learning of K.P., D.P. and T.W. yet she is untrained in special education, a  
9 true specialty. She also is untrained in behavioral sciences, occupational therapy,  
10 physical therapy, and speech and language therapy. She is overextended and has  
11 struggled with limited support, caring for more than one special needs child who  
12 need daily hands-on personal assistance to maintain focus and learn. She made  
13 repeated attempts to secure a line of communication with K.P.'s school. She  
14 shared her difficulties with the district when it addressed distance learning options  
15 on July 30 and at an Open House. Yet, the distance learning program being  
16 offered to her has proven entirely inadequate.

17           67. Plaintiff P.C. is a tenth grader at Rancho Cucamonga High School  
18 within Chaffey Joint Union High School District. P.C. is eligible for special  
19 education services as a student with a Specific Learning Disability. She presents  
20 behaviors of Inattention, Distraction, and Emotionality, crying easily, and her  
21 feelings are easily hurt. P.C. is kind and polite, but that belies her sense of  
22 inadequacy: she has difficulty remembering learning previously taught lessons,  
23 overcoming her reading comprehension deficits, dealing with her learning  
24 difficulties with mathematical concepts and learning writing conventions, as well  
25 as difficulty in struggling alone with her lack of ability to focus and pay attention,  
26 thanks to her auditory processing deficits.  
27

1           68. P.C. has struggled tremendously to steadily attend her virtual school,  
2 remain focused on her online lessons, and complete the work necessary to address  
3 her goals in the areas of Reading Comprehension, Math Reasoning and  
4 Calculations, Work Completion, and Transition. A settlement agreement with the  
5 school district placed P.C., during the 2019-2020 school year, into general  
6 education classes for 50% of the school day and 50% into the special day class or  
7 resource study skills classes so she would have the additional 1:1 support she  
8 needs. If school performance was challenging before the pandemic, requiring  
9 remedial assistance for at least half of the day in attaining academic goals, it has  
10 become an ever-increasing impossibility as more time passes and her work slips  
11 further and further behind. No one at home can assist P.C. sufficiently to see that  
12 her work is completed, answer her questions, and see that she advocates for  
13 herself in getting the distance help she needs in a synchronous or asynchronous  
14 assignment. Without an active and involved person at her side during the  
15 learning process, and without her peers to set the norms of give and take  
16 classroom dialogue, P.C. is a cypher in a cyber universe, a non-squeaky wheel  
17 who will simply be left to fail quietly in the corner.

19           69. Plaintiff P.C. was sent home when Rancho Cucamonga High School  
20 closed in response to the March 13, 2020 Executive Order and/or March 19 2020  
21 Executive Order, and reassigned to distance learning / online learning.

22           70. At no point during the 2019-2020 School Year was P.C.'s IEP  
23 changed to reflect the differences between distance learning / online instruction  
24 and in-person instruction, and has not been changed since.

25           71. Plaintiff P.C.'s parent, Plaintiff Hubbard, was not contacted to  
26 provide input into any revision to P.C.'s IEP.  
27

1 72. No accommodations were offered to Plaintiff P.C. or Plaintiff  
2 Hubbard to account for the difficulties Plaintiff faced in distance learning / online  
3 instruction as compared to in-person instruction as a result of P.C.'s disabilities.

4 73. Plaintiff Hubbard has tried valiantly and genuinely to oversee the  
5 online learning of P.C. yet she is untrained in special education, a true specialty.  
6 She also is untrained in behavioral sciences, occupational therapy, physical  
7 therapy, and speech and language therapy. The distance learning program being  
8 offered to her has proven entirely inadequate.

9 74. Like the named Plaintiffs, each member of the Proposed Class is  
10 eligible for special needs services and either has or is entitled to an IEP.

11 75. Like the named Plaintiffs, each member of the Proposed Class was  
12 transferred to distance learning / online instruction during the 2019-2020 School  
13 Year.

14 76. None of the their IEPs were changed for the 2019-2020 School Year  
15 to reflect the differences vis-à-vis their disabilities between distance learning /  
16 online instruction and in-person instruction. No accommodations were made for  
17 the 2019-2020 School Year to account for the difficulties they faced in distance  
18 learning / online instruction as compared to in-person instruction as a result of  
19 their disabilities.

20 77. The 2020-2021 School Year began in August.

21 78. Under current policy created by the Defendants, Plaintiffs, as well as  
22 each member of the Proposed Class, are to continue distance learning and online  
23 instruction for the 2020-2021 School Year until told otherwise.

24 79. None of the Plaintiffs has had their IEP reassessed or any other  
25 accommodation made for the 2020-2021 School Year for the affect of their  
26

1 disabilities on their ability to learn in a distance learning / online learning  
2 environment as compared to in-person instruction.

3 80. Each member of the Proposed Class faces the same violations faced  
4 by the named Plaintiffs, including lack of noteworthy changes to their IEPs for  
5 the 2019-2020 and 2020-2021 School Years and lack of accommodation for the  
6 effect of distance learning / online instruction on their disabilities.

7 81. Per a prior agreement with P.C.'s District, Chaffey Joint Union High  
8 School District was to fund a Lindamood Bell program to P.C. Due to Covid-19  
9 school closures, P.C. was unable to attend. Now that Lindamood Bell services  
10 have resumed, however, the District refuses to provide make-up sessions for  
11 reading comprehension and math comprehension with Lindamood Bell.

12 82. In June 2020, during an IEP meeting for Plaintiff P.C., the Special  
13 Education Advisor communicated to parent that online instruction was the same  
14 as in-person education.

15 83. Plaintiffs' will provide expert testimony explaining how distance  
16 learning negatively affects the IEPs of the various Plaintiffs and other special  
17 needs students generally.

18 84. Plaintiffs have been forced to retain private counsel to vindicate their  
19 rights in this matter.

20 85. To satisfy the IDEA for the 2020-2021 School Year, the Defendants  
21 must either re-open the schools to the parents of those special need students  
22 whose children cannot obtain the education to which they are entitled in a  
23 distance-learning / online setting, or they must alternatively provide these  
24 students with accommodations and substitute services equivalent to the direct  
25 education services and supports to which they agreed in their IEPs, whether those  
26  
27

1 are provided by private educational agencies, NPA's or private professionals until  
2 such time as schools are reopened.

3 86. Further, without the ability to conduct immediate, timely, valid  
4 reassessments, there should be a presumption of need in this regard that allows  
5 these students to obtain, at the defendants' expense, all of the DIS services listed  
6 in Exhibit J until such time as each student can be reassessed and their specific  
7 needs and required accommodations ascertained.

8 87. With regard to the 2019-2020 School Year, there should be a  
9 presumption of regression entitling members of the Proposed Class to intensive  
10 makeup services including ESY and the DIS services listed in Exhibit J to catch  
11 these students up to where they should have been.  
12

13 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

14 88. Plaintiffs are not required to further exhaust their administrative  
15 remedies prior to bringing this action.

16 89. Judicial review under the IDEA is normally not available until all  
17 administrative proceedings are completed, but the exhaustion doctrine is subject  
18 to certain exceptions. *Hoelt v. Tucson Unified Sch. Dist.*, 967 F.2d 1298, 1302-02  
19 (9th Cir. 1992).  
20

21 90. First, Plaintiffs have been told that the assessments required to  
22 trigger the OAH administrative process cannot be performed until schools reopen  
23 because they cannot be done online. Similarly, the March 21, 2020 supplemental  
24 guidance suggests that the normal time requirements for completion of the  
25 evaluation process do not apply in circumstances such as the Covid-19 pandemic.  
26 *See* Exhibit C. This prevents Plaintiffs from availing themselves of the  
27 administrative process until after the Governor chooses to grant the relief sought  
28

1 herein, and/or lets Districts delay as long as desired. In effect, there are no  
2 remedies at the moment because of the very actions being challenged. Not to  
3 mention, with potentially 800,000 appeals needing to be processed by OAH,  
4 OAH will be incapable of providing the process it is meant to provide. Also,  
5 standardized assessments are deemed illegitimate when done by zoom or other  
6 virtual means. In essence students would need to wait until schools reopened to  
7 obtain new appropriate assessment which could then be appealed to OAH.

8  
9 91. Secondly, parents may bypass the administrative process where  
10 exhaustion of the process would be futile or where it would be inadequate. *Honig*  
11 *v. Doe*, 484 U.S. 305, 325 (1988) (“parents may bypass the administrative process  
12 where exhaustion would be futile or inadequate”); *Smith v. Robinson*, 468 U.S.  
13 992, 1014, n.17 (1984); *Hoelt v. Tucson Unified Sch. Dist.*, 967 F.2d 1298, 1302-  
14 02 (9th Cir. 1992) (citing H.R.Rep. No. 296, 99th Cong., 1st Sess. 7 (1985)); *J.F.*  
15 *v San Diego County USD*, 19-CV-2495-CAL-LL, 4 (S.D. Cal. April 7, 2020). An  
16 example of this is where it is improbable that adequate relief can be obtained by  
17 pursuing administrative remedies because, for example, the hearing officer lacks  
18 the authority to grant the relief sought. *Id.*

19 92. Plaintiffs herein challenge various Executive Orders issued by the  
20 Governor and/or guidance and regulations issued by the agency heads as those  
21 Executive Orders and Guidances interfered with their existing IEPs and frustrated  
22 their rights to obtained the benefits of those IEPs through the change to the  
23 distance-learning setting ordered by the Governor and agency-level defendants.

24 93. Challenging those matters administratively would be futile because  
25 the IEP teams have no power or authority to ignore or overturn Executive Orders  
26 or regulations or guidance.  
27



1           94. Moreover, California Education Code section 56505 has established  
2 a right to appeal the decision of a local school district (IEP team) to the California  
3 Office of Administrative Hearing, but the OAH has authority over the local  
4 agency only; it has no authority over the agency heads or the Governor whose  
5 actions caused the deprivations. Thus, Plaintiffs could not challenge the matters  
6 that need to be challenged to repair the harm being done in this instance through  
7 OAH because the hearing officer lacks the authority to hear the matter. That  
8 makes the administrative remedies futile.

9           95. OAH could not issue an injunction against the Governor or the  
10 agencies who issues the Executive Orders and Guidances being challenged either  
11 because it lacks the power to issue an injunction. Thus, even if the OAH agreed  
12 entirely with the Plaintiffs, Plaintiffs still would need to bring this matter to this  
13 Honorable Court to obtain the remedies to which they are ultimately entitled  
14 because the hearing officer lacks the authority to grant the relief sought. That  
15 makes the administrative remedies inadequate.

16           96. Further, time is critical for these Plaintiffs because the nature of their  
17 injury causes their injury to grow each day they don't receive a basic minimum  
18 education, and the time it would take to assemble an IEP team (which cannot be  
19 done in any event with schools closed), assess a particular plaintiff, issue a  
20 decision, appeal that decision to OAH and receive a futile decision allowing  
21 Plaintiffs to move to this Honorable Court to seek an effective remedy would cost  
22 each Plaintiff who tried their right to a basic minimum education for most or all  
23 of the 2020-2021 School Year, which injury cannot be made whole in any true  
24 sense as the student would lose a year of education and fall behind their peers,  
25 permanently changing their educational circumstances. In effect, requiring  
26 exhaustion of administrative remedies would have the effect of permanently  
27  
28

1 injuring the Plaintiffs for the sake of a procedure that is both futile and inadequate  
2 to addressing the injuries the Defendants have caused and are causing. To  
3 exhaust the available remedies would take:

4 (1) The District would have up to 60 days from the date  
5 the parents sign the reassessment plan to complete any  
6 reassessment;

7 (2) An IEP meeting could in theory be done in hours,  
8 but have historically taken between 2-3 months to  
9 schedule;

10 (3) Once an OAH appeal is filed, OAH is required to  
11 issue a decision within 45 day, though through  
12 continuances, which are almost always granted, these  
13 decision typically take six months. Due to Covid-19,  
14 OAH cases are taking even longer.

15 Even in an ideal world, this process would take 106 days, assuming instant action  
16 by Plaintiffs in preparing the appeal to OAH and no continuances granted, and  
17 would wipe out the first semester of the 2020-2021 School Year for the Plaintiffs.  
18 In the real world, particularly with 800,000 children needing reassessment, this  
19 will take well into the 2021-2022 School Year, assuming the system is not  
20 overwhelmed and backs up even worse and assuming assessments are actually  
21 begun without waiting for schools to re-open.

22 97. *Hoelt* also held that an exception to the exhaustion doctrine is where  
23 “an agency has adopted a policy or pursued a practice of general applicability that  
24 is contrary to the law.” *Hoelt v. Tucson Unified Sch. Dist.*, 967 F.2d 1298, 1302-  
25 02 (9th Cir. 1992) (citing H.R.Rep. No. 296, 99th Cong., 1st Sess. 7 (1985)); *J.F.*  
26 *v San Diego County USD*, 19-CV-2495-CAL-LL, 4 (S.D. Cal. April 7, 2020).  
27 *Hoelt* held that for a policy or practice of general applicability to justify excepting  
28 exhaustion, the quality of the violations must be sufficiently serious and pervasive

1 to challenge the statutory goal or have the practical effect of denying the Plaintiffs  
2 a forum for their grievance or the challenged policies and practices must be  
3 enforced at the highest administrative level so their only meaningful remedy is  
4 through the courts.

5 98. In this instance, the challenged policies come directly from the  
6 Governor of California, its highest administrative source, or agency heads directly  
7 beneath him. Those policies have the effect of vitiating every existing IEP agreed  
8 to by the state, of eliminating the IDEA's guarantee that each IEP account for  
9 each individuals' circumstances during at least the 2020-2021 School Year just  
10 beginning. That policy affects the abilities of IEP teams system-wide to offer  
11 required relief, creates disparate abilities for the few schools that may reopen, and  
12 effectively blocks the start of the administrative process in any event.

13 99. Finally, as non-special needs students would not be required to  
14 engage in these administrative procedures to be allowed to challenge the same  
15 Executive Orders and Guidances, requiring special needs students to exhaust their  
16 remedies under the IDEA creates a unwarranted hurdle that would apply only to  
17 special needs students.  
18

### 19 **COUNT ONE**

### 20 **REQUEST FOR DECLARATION, TEMPORARY RESTRAINING** 21 **ORDER, AND PERMANENT INJUNCTION AGAINST GOVERNOR** 22 **NEWSOM**

23 100. Plaintiffs reallege and incorporate by reference herein paragraphs 1  
24 through 99 as though set forth fully here in.

25 101. The State of California is subject to the United States Constitution,  
26 Federal law, and its own Constitution and laws.  
27

1           102. Governor Newsom, as Governor of the State of California, is vested  
2 by the California Constitution with the “supreme executive power of the state”  
3 and is charged with seeing “that the law is faithfully executed.” Cal. Const. Art.  
4 V, §1. As such, he has the authority to issue Executive Orders to ensure that the  
5 law is faithfully executed.

6           103. On March 4, 2020, Governor Newsom proclaimed a State of  
7 Emergency as a result of the Covid-19 virus. *See* Exhibit A.

8           104. On March 13, 2020, Governor Newsom issued the March 13, 2020  
9 Executive Order, allowing school districts to close and assign students to distance  
10 learning / online learning. *See* Exhibit B.

11           105. Such an Order, with nothing more, would violate the IDEA because  
12 it would interfere with the existing IEPs of special needs students by placing them  
13 into a setting where they could no longer receive services necessarily provided in-  
14 person such as hand-over-hand guidance, having lessons drawn for them on paper  
15 or pointed to by hand on computers, physically being shown proper behaviors,  
16 physical therapy and the such, and would thereby deprive them of a FAPE.

17           106. It would also violate the IDEA's stay-put procedures. “The purpose  
18 of the stay-put provision is to prevent school districts from ‘effecting unilateral  
19 change in a child’s educational program.’” *Erickson v. Albuquerque Public*  
20 *Schools*, 199 F.3d 1116, 1121 (10th Cir. 1999) (quoting *Susquenita Sch. Dist. v.*  
21 *Raelee S.*, 96 F.3d 78, 83 (3d Cir. 1996)). The Ninth Circuit has defined  
22 “placement” as the child’s last implemented IEP. *N.E. ex rel. C.E. & P.E. v.*  
23 *Seattle Sch. Dist.*, 842 F.3d 1093, 1096 (9th Cir. 2016). And a change in  
24 placement occurs “when there is a significant change in the student’s program.”  
25 *N.D. v. Haw. Dep’t of Educ.*, 600 F.3d 1104, 1116 (9th Cir. 2010); *Erickson v.*  
26 *Albuquerque Public Schools*, 199 F.3d 1116, 1121 (10th Cir. 1999). Taking a  
27

1 student who requires constant in-person supervision, to be physically shown  
2 proper behaviors, to be instructed hand-over-hand, to have lessons drawn for  
3 them on paper or an instructor leading them through computer lessons by pointing  
4 suddenly or other in-person instruction and sending them to remote learning  
5 where none of those services is available would be a prime example of a change  
6 in educational placement.

7  
8 107. In an attempt to avoid this violation, the March 13, 2020 Executive  
9 Order also ordered Defendants Department of Education and Health and Human  
10 Services Agency to “jointly develop and issue guidance by March 17, 2020”  
11 which would implement distance learning while “[e]nsuring students with  
12 disabilities receive a free and appropriate public education consistent with their  
13 individualized education program and meeting other procedural requirements  
14 under the Individuals with Disabilities Act and California law.” *See* Exhibit B.

15 108. That guidance was issued on March 17, 2020 by Defendants  
16 Department of Education, State Board of Education, and Health and Human  
17 Services Agency. The March 17, 2020 CDE Guidance encouraged, but did not  
18 require, the state’s school districts, including each of the District Defendants, to:

- 19 ● Work with each family and student to determine  
20 what FAPE looks like for each student and family  
21 during COVID-19. It may be different than the  
22 individualized education program (IEP) developed pre-  
23 COVID-19.
- 24 ● Use the LEA model(s) for all students as the basis  
25 for establishing FAPE.
- 26 ● Ensure children with disabilities are included in  
27 all offerings of school education models by using the  
28 IEP process to customize educational opportunities and  
provide supports when necessary.

- Use annual IEP to plan for traditional school year and while not required, it is suggested LEAs include distance learning plans or addendums to address distance learning needs during immediate or future school site closures.

See Exhibit <https://www.cde.ca.gov/ls/he/hn/strongertogether.asp>; Exhibit C.

109. The Defendant Districts did not reassess special needs students.

110. Plaintiff D.P. had an IEP.

111. Plaintiff D.P. was sent home on or around March 13, 2020 when Falcon Ridge Elementary School closed in response to the March 13, 2020 Executive Order, and reassigned to distance learning / online learning.

112. At no point during the 2019-2020 School Year was D.P.'s IEP changed to reflect the differences between distance learning / online instruction and in-person instruction, and has not been changed since.

113. Plaintiff D.P.'s parent, Plaintiff Martinez, was not contacted to provide input into any revision to D.P.'s IEP.

114. No accommodations were offered to Plaintiff D.P. or Plaintiff Martinez to account for the difficulties Plaintiffs faces in distance learning / online instruction as compared to in-person instruction as a result of D.P.'s disabilities.

115. Plaintiff K.P. had an IEP.

116. Plaintiff K.P. was sent home on or around March 13, 2020 when John L. Golden Elementary closed in response to the March 13, 2020 Executive Order, and reassigned to distance learning / online learning.

117. At no point during the 2019-2020 School Year was K.P.'s IEP changed to reflect the differences between distance learning / online instruction and in-person instruction, and has not been changed since.

1 118. Plaintiff K.P.'s parent, Plaintiff Martinez, was not contacted to  
2 provide input into any revision to K.P.'s IEP.

3 119. No accommodations were offered to Plaintiff K.P. or Plaintiff  
4 Martinez to account for the difficulties Plaintiffs faces in distance learning /  
5 online instruction as compared to in-person instruction as a result of K.P.'s  
6 disabilities.

7 120. Plaintiff T.W. had an IEP.

8 121. Plaintiff T.W. was sent home when Los Osos High School closed in  
9 response to the March 13, 2020 Executive Order and/or March 19 2020 Executive  
10 Order, and reassigned to distance learning / online learning.

11 122. At no point during the 2019-2020 School Year was T.W.'s IEP  
12 changed to reflect the differences between distance learning / online instruction  
13 and in-person instruction, and has not been changed since.

14 123. Neither Plaintiff T.W.'s biological mother and educational rights  
15 holder, Plaintiff Wood, nor T.W.'s guardian, Plaintiff Martinez, was contacted to  
16 provide input into any revision to T.W.'s IEP.

17 124. No accommodations were offered to Plaintiff T.W. or Plaintiff  
18 Martinez to account for the difficulties Plaintiff faces in distance learning / online  
19 instruction as compared to in-person instruction as a result of T.W.'s disabilities.

20 125. Plaintiff P.C. had an IEP.

21 126. Plaintiff P.C. was sent home when Rancho Cucamonga High School  
22 closed in response to the March 13, 2020 Executive Order and/or March 19 2020  
23 Executive Order, and reassigned to distance learning / online learning.

24 127. At no point during the 2019-2020 School Year was P.C.'s IEP  
25 changed to reflect the differences between distance learning / online instruction  
26 and in-person instruction, and has not been changed since.  
27



1 128. Plaintiff P.C.'s parent, Plaintiff Hubbard, was not contacted to  
2 provide input into any revision to P.C.'s IEP.

3 129. No accommodations were offered to Plaintiff P.C. or Plaintiff  
4 Hubbard to account for the difficulties Plaintiff faces in distance learning / online  
5 instruction as compared to in-person instruction as a result of P.C.'s disabilities.

6 130. The same is true for each member of the Proposed Class, including  
7 having an IEP, being sent home in response to the March 13, 2020 Executive  
8 Order or the March 19, 2020 Executive Order, being reassigned to distance  
9 learning / online instruction, being reassigned to distance learning / online  
10 instruction without any changes being made to their IEP or any accommodations  
11 being made for the disabilities they would face in distance learning / online  
12 instruction as compared to in-person instruction.

13 131. On March 19, 2020, Governor Newsom issued the March 19, 2020  
14 Executive Order ordering all Californians to stay at home (*see* Exhibit D),  
15 effectively shutting down all schools in the state and effectively transferring all  
16 special needs students to distance learning / online learning for the remainder of  
17 the 2019-2020 School Year.

18 132. On May 4, 2020, Governor Newsom issued the May 4, 2020  
19 Executive Order reaffirming that all residents of California continue to obey the  
20 state public health directives and directing Defendant State Public Health Office  
21 to establish criteria for re-opening the state. *See* Exhibit E.

22 133. The 2019-2020 School Year ended in May 2020 plus an ESY  
23 (Summer School) session in June 2020.

24 134. On July 17, 2020, Defendant California Health and Human Services  
25 Agency, through Defendant Department of Public Health, issued the July 17,  
26 2020 DPH Guidance. Issued by Director Angell, this provided a framework for  
27



1 the reopening of in-person learning for K-12 schools in California. *See* Exhibit F.  
2 This guidance required schools to remain closed until certain countywide medical  
3 conditions had been achieved. It made no mention of any exception or change for  
4 special education students.

5 135. Compliance by California schools with the July 17, 2020 DPH  
6 Guidance was made mandatory by the May 4, 2020 Executive Order.

7 136. Under this plan, created by the May 4, 2020 Executive Order and the  
8 July 17, 2020 DPH Guidance, most schools remain closed with special needs  
9 students continuing distance learning / online learning for the 2020-2021 School  
10 Year even though their IEPs have never been adjusted to account for the  
11 difficulties these students face in distance learning / online instruction as  
12 compared to in-person instruction as a result of their individual disabilities.

13 137. Under this plan, Governor Newsom has allowed school athletics to  
14 resume in-person.

15 138. Changes were made to the July 17, 2020 DPH Guidance, but none  
16 has alleviated the issues complained of herein.

17 139. The 2020-2021 School Year began in August.

18 140. Neither Plaintiff D.P. nor Plaintiff K.P. nor Plaintiff T.W. nor  
19 Plaintiff P.C. nor any other member of the Proposed Class has had their IEP  
20 reassessed or any other accommodation made for the effect of their disabilities on  
21 their ability to learn in a distance learning / online learning environment.

22 141. The May 4, 2020 Executive Order violates the Individuals with  
23 Disabilities Education Act, 20 U.S.C. §§1400-1487 (the “IDEA”).

24 142. Under the IDEA, students with disabilities are entitled to a free  
25 appropriate public education (a “FAPE”). *See* 20 U.S.C. § 1400(d)(1)(A)); 20  
26 U.S.C. § 1400 *et. seq.*; 34 C.F.R. § 300.1 (2006) *et seq.* According to the United  
27

1 States Supreme Court, to ensure that a disabled student receives a FAPE, the  
2 school district must “tailor [] to the unique needs of the handicapped child by  
3 means of an ‘individual educational program’ (IEP).” *Hendrick Hudson Cent.*  
4 *Sch. Dist. Bd. of Educ. v. Rowley*, 458 U.S. 176, 181 (1982) (quoting 20 U.S.C. §  
5 1401(18)); *M.C. v. Antelope Valley Union High Sch. Dist.*, No. 14-56344, slip op.  
6 at 5 (9th Cir. 2017); 20 U.S.C. §§ 1401(14), 1414(d)(1)(A). An IEP is  
7 individually designed to provide educational benefit through an IEP reasonably  
8 calculated to enable a child to make progress appropriate in light of the child’s  
9 circumstances. *Rowley*, 458 U.S. at 201-204.

10  
11 143. Parents and school personnel develop an IEP for an eligible student  
12 based upon state law and the IDEA. 20 U.S.C. §§ 1401(14), 1414(d)(1). The  
13 United States Supreme Court has recognized that parental participation in the  
14 development of an IEP is the cornerstone of the IDEA. *Winkelman v. Parma City*  
15 *School Dist.*, 550 U.S. 516, 524, 127 S.Ct. 1994, 167 L.Ed.2d 904 (2007). The  
16 informed involvement of parents is central to the IEP process: “Among the most  
17 important procedural safeguards are those that protect the parents’ right to be  
18 involved in the development of their child’s educational plan.” *Amanda J. v.*  
19 *Clark Cty. Sch. Dist.*, 267 F.3d 877, 892 (9th Cir. 2001) (“[p]rocedural violations  
20 that interfere with parental participation in the IEP formulation process  
21 undermine the very essence of the IDEA”); *W.G. v. Board of Trustees of Target*  
22 *Range School Dist. No. 23,960* F.2d 1479, 1483-1484 (9th Cir. 1992).

23 144. A local educational agency’s predetermination of an IEP seriously  
24 infringes on parental rights. The IEP team must consider the concerns of the  
25 parent for enhancing the student’s education and information on the student’s  
26 needs provided to or by the parent. 20 U.S.C. § 1414(d)(3)(A) (ii) and  
27 (d)(4)(A)(iii).

1 145. None of that has happened here.

2 146. Plaintiffs' IEPs were violated when the March 13, 2020 Executive  
3 Order or the March 19, 2020 Executive Order resulted in reassigning them to  
4 distance learning because they no longer received the specific services they were  
5 to receive which could only be provided in-person and no accommodations were  
6 made for their new circumstances.

7 147. The May 4, 2020 Executive Order requires Plaintiffs to continue  
8 distance learning / online learning for the 2020-2021 School Year without  
9 requiring that their IEPs be reassessed.

10 148. Reassigning the Plaintiffs to distance learning / online learning  
11 without reassessing their IEPs violates the IDEA because it alters the conditions  
12 of their individual IEPs, many of which contain provisions that cannot be  
13 obtained by a reassignment to distance learning without special accommodation.

14 149. These items will be identified by expert testimony.

15 150. Even if the Districts have done some undisclosed reassessments,  
16 such reassessments violated the procedural safeguards of the IDEA by excluding  
17 parental participation and with local educational agencies predetermining the  
18 outcomes.

19 151. The Plaintiffs each have struggled in the distance-learning  
20 environment and are expected to continue struggling by being made to continue  
21 distance-learning without accommodation to the point that they are being denied a  
22 FAPE for the 2020-2021 School Year, costing them their right to a basic  
23 minimum education as defined by Congress through the IDEA.

24 152. This violates the IDEA.

25 153. The IDEA may be enforced through 42 U.S.C. §1983, which creates  
26 a private right of action against officials acting under color of state law who  
27

1 deprive a person of their federal rights. *Smith v. Guilford Bd. Of Educ.*, 226 Fed.  
2 Appx. 58 (2d Cir. 2007) (“[i]t is well-settled that, while the IDEA itself does not  
3 provide for monetary damages, plaintiffs may sue pursuant to [Section 1983] to  
4 enforce its provisions – including the right to a FAPE – and to obtain damages for  
5 violations of such provisions.”).

6 154. Further, because the May 4, 2020 Executive Order discriminates  
7 against children with disabilities, as compared to children without disabilities, as  
8 it deprives them of a basic minimum education which it does not do to children  
9 without disabilities, the May 4 Executive Order likewise violations of Section 504  
10 of the Rehabilitation Act of 1973 (29 U.S.C. §794 as amended), which prohibits  
11 discrimination against any person who has a disability on any federally-funded  
12 “program or activity.” 42 U.S.C. §12131-12132. Section 504 of the  
13 Rehabilitation Act of 1973 protects public school children who have disabilities.  
14 And it is a violation of Title II of the Americans with Disabilities Act of 1990  
15 (“ADA”); 29 U.S.C. § 794, *et seq.*

16 155. It is also a violation of the Due Process Clause of the Fourteenth  
17 Amendment, which provides that no state shall “deprive any person of life,  
18 liberty, or property, without due process of law.” U.S. Const. amend XIV. This  
19 protects “fundamental rights and liberties,” such as the right to a basic minimum  
20 education, which right has been defined by Congress through the IDEA, which  
21 the May 4, 2020 Executive Order eliminates without reason or rational basis.

22 156. The four-part balancing test enunciate by the Supreme Court in  
23 *Winter v. Natural Resources Defense Council*, 555 U.S. 7 (2008) weighs in favor  
24 of Plaintiffs’ request for an injunction:  
25

26 (i) Plaintiffs have a high likelihood of success on the  
27 merits in this matter for the reasons outlined above,  
28

1 specifically the continuing violation of the IDEA which  
2 will deprive the Plaintiffs of a FAPE for the 2020-2021  
3 School Year.

4 (ii) Irreparable harm will occur if the Plaintiffs'  
5 request for an injunction is not granted as Plaintiffs will  
6 not receive a basic minimum education for the 2020-  
7 2021 School Year, which is a real and immediate threat  
8 of future injury to the Plaintiffs because they are losing  
9 and will continue to lose a valuable formative year and  
10 will fall further behind their peers, which injury cannot  
11 be made whole through compensation. *See City of Los*  
12 *Angeles v. Lyons*, 461 U.S. 95, 107 n.8 (1983).

13 (iii) The interests at stake here weigh in favor of  
14 Plaintiffs as Congress has already declared a basic  
15 minimum education to be a fundamental right through  
16 the IDEA and as this matter could needlessly injure  
17 800,000 children and their parents if an injunction is  
18 denied, whereas granting the injunction only requires  
19 Governor Newsom either to open the schools to these  
20 children, as he has already done for student athletes, or  
21 to order the Defendant Districts to do what they are  
22 already required to do under Federal and State law, as  
23 Governor Newsome himself suggested they do in the  
24 March 17, 2020 CDE Guidance.

25 (iv) Ensuring that California's 800,000 special needs  
26 students receive the basic minimum education to which  
27 they are entitled is in the public interest, especially  
28 where safe alternatives are available to achieve the  
Governor's goals.

**WHEREFORE**, Plaintiffs respectfully request:

(1) That this Honorable Court, in accordance with its  
authority under 28 U.S.C. §2201(a), issue an Order  
Declaring that the May 4, 2020 Executive Order denies

1 Plaintiffs and the other members of the Proposed Class  
2 a basic minimum education because it violates the  
3 IDEA by altering the conditions of their individual IEPs  
4 by reassigning the Plaintiffs to distance learning / online  
5 learning without requiring that accommodations be  
6 made to account for the effect of their disabilities on  
7 their ability to learn in a distance learning / online  
8 learning environment to ensure they will substantively  
9 receive the same services to which they were entitled  
10 under the IEP; and

11 (2) That this Honorable Court, in accordance with its  
12 authority under 28 U.S.C. §1343(a), further Order that a  
13 Temporary Restraining Order be issued, followed by a  
14 Permanent Injunction, enjoining Governor Newsom  
15 from assigning special needs students to distance  
16 learning / online learning until his May 4, 2020  
17 Executive Order is modified to eliminate the violations  
18 of the IDEA outlined herein; and

19 (3) That this Honorable Court, in accordance with its  
20 authority under 28 U.S.C. §2202 and under 20 U.S.C. §  
21 1415(i)(2)(C)(iii), further Order that Plaintiffs and the  
22 members of the Proposed Class are entitled to the  
23 services identified in Exhibit J until such time as  
24 appropriate accommodations are made for each or they  
25 are returned to in-person instruction; and

26 (4) That this Honorable Court, in accordance with the  
27 provisions of 42 U.S.C. §1988 and/or 20 U.S.C. §  
28 1415(i)(3)(B), Order that Plaintiffs be awarded  
reimbursement for the attorneys fees and costs they  
incurred in seeking the vindication of their rights herein.

## **COUNT TWO**

### **REQUEST FOR DECLARATION, TEMPORARY RESTRAINING ORDER, AND PERMANENT INJUNCTION AGAINST DEFENDANTS DEPARTMENT OF EDUCATION, BOARD OF EDUCATION,**

1 **SUPERINTENDENT THURMOND, HEALTH AND HUMAN SERVICES**  
2 **AGENCY, DEPARTMENT OF PUBLIC HEALTH, AND DIRECTOR**  
3 **ANGELL**

4 157. Plaintiffs reallege and incorporate by reference herein paragraphs 1  
5 through 99 as though set forth fully here in.

6 158. The State of California is subject to the United States Constitution,  
7 Federal law, and its own Constitution and laws.

8 159. Governor Newsom, as Governor of the State of California, is vested  
9 by the California Constitution with the “supreme executive power of the state”  
10 and is charged with seeing “that the law is faithfully executed.” Cal. Const. Art.  
11 V, §1. As such, he has the authority to issue Executive Orders to ensure that the  
12 law is faithfully executed.

13 160. Defendant Department of Education is the agency within the State of  
14 California which oversees public education and is responsible for ensuring that  
15 California schools and districts follow the law, including but not limited to the  
16 IDEA, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794 as  
17 amended), and Title II of the Americans with Disabilities Act of 1990 (“ADA”);  
18 29 U.S.C. § 794, *et seq.*

19 161. Defendant Board of Education is the governing and policy-making  
20 body of the Department of Education.

21 162. Superintendent Thurmond is the State Superintendent of Public  
22 Instruction and Director of Education, and is responsible for establishing the rules  
23 for special education in the State of California to ensure that all “eligible children  
24 with exceptional needs are given equal access to all child care and development  
25 programs.” California Education Code Title 1, Division 1, Part 6, Chapter 2,  
26 Article 9, Sec. 8250.  
27



1           163. The Department of Education has a Special Education Division  
2 which oversees the District Defendants in their handling of special education  
3 issues and has the authority to investigate complaints against Districts.

4           164. Defendant Health and Human Services Agency is the agency within  
5 the State of California tasked with administration and oversight of state and  
6 federal programs for health care, social services, public assistance and  
7 rehabilitation.

8           165. Defendant Department of Public Health is the subdivision of the  
9 Health and Human Services Agency responsible for public health in California.

10           166. Director Angell is the State Public Health Officer & Director of the  
11 Department of Public Health.

12           167. On March 4, 2020, Governor Newsom proclaimed a State of  
13 Emergency as a result of the Covid-19 virus. *See Exhibit A.*

14           168. On March 13, 2020, Governor Newsom issued the March 13, 2020  
15 Executive Order, allowing school districts to close and assign students to distance  
16 learning / online learning. The Governor specifically ordered Defendants  
17 Department of Education and Health and Human Services Agency to “jointly  
18 develop and issue guidance by March 17, 2020” which would implement distance  
19 learning while “[e]nsuring students with disabilities receive a free and appropriate  
20 public education consistent with their individualized education program and  
21 meeting other procedural requirements under the Individuals with Disabilities Act  
22 and California law.” *See Exhibit B.*

23           169. Defendants Department of Education, State Board of Education, and  
24 Health and Human Services Agency issued that guidance on March 17, 2020.  
25 The March 17, 2020 CDE Guidance encouraged, but did not require, the state’s  
26 school districts, including each of the District Defendants, to:  
27



1 ● Work with each family and student to determine  
2 what FAPE looks like for each student and family  
3 during COVID-19. It may be different than the  
4 individualized education program (IEP) developed pre-  
COVID-19.

5 ● Use the LEA model(s) for all students as the basis  
6 for establishing FAPE.

7 ● Ensure children with disabilities are included in  
8 all offerings of school education models by using the  
9 IEP process to customize educational opportunities and  
provide supports when necessary.

10 ● Use annual IEP to plan for traditional school year  
11 and while not required, it is suggested LEAs include  
12 distance learning plans or addendums to address  
13 distance learning needs during immediate or future  
school site closures.

14 See <https://www.cde.ca.gov/ls/he/hn/strongertogether.asp>; Exhibit C.

15 170. This left the decision of whether or not to reassess students to the  
16 Defendant Districts.

17 171. The Defendant Districts did not reassess special needs students.

18 172. The Defendants were aware or should have been aware of this.

19 173. Plaintiff D.P. had an IEP.

20 174. Plaintiff D.P. was sent home on or around March 13, 2020 when  
21 Falcon Ridge Elementary School closed in response to the March 13, 2020  
22 Executive Order, and reassigned to distance learning / online learning.

23 175. At no point during the 2019-2020 School Year was D.P.'s IEP  
24 changed to reflect the differences between distance learning / online instruction  
25 and in-person instruction, and has not been changed since.  
26

1 176. Plaintiff D.P.'s parent, Plaintiff Martinez, was not contacted to  
2 provide input into any revision to D.P.'s IEP.

3 177. No accommodations were offered to Plaintiff D.P. or Plaintiff  
4 Martinez to account for the difficulties Plaintiffs faces in distance learning /  
5 online instruction as compared to in-person instruction as a result of D.P.'s  
6 disabilities.

7 178. Plaintiff K.P. had an IEP.

8 179. Plaintiff K.P. was sent home on or around March 13, 2020 when  
9 John L. Golden Elementary closed in response to the March 13, 2020 Executive  
10 Order, and reassigned to distance learning / online learning.

11 180. Plaintiff K.P. was sent home on or around March 13, 2020 when  
12 John L. Golden Elementary closed in response to the March 13, 2020 Executive  
13 Order, and reassigned to distance learning / online learning.

14 181. At no point during the 2019-2020 School Year was K.P.'s IEP  
15 changed to reflect the differences between distance learning / online instruction  
16 and in-person instruction, and has not been changed since.

17 182. Plaintiff K.P.'s parent, Plaintiff Martinez, was not contacted to  
18 provide input into any revision to K.P.'s IEP.

19 183. No accommodations were offered to Plaintiff K.P. or Plaintiff  
20 Martinez to account for the difficulties Plaintiffs faces in distance learning /  
21 online instruction as compared to in-person instruction as a result of K.P.'s  
22 disabilities.

23 184. Plaintiff T.W. had an IEP.

24 185. Plaintiff T.W. was sent home when Los Osos High School closed in  
25 response to the March 13, 2020 Executive Order and/or March 19 2020 Executive  
26 Order, and reassigned to distance learning / online learning.  
27

1 186. At no point during the 2019-2020 School Year was T.W.'s IEP  
2 changed to reflect the differences between distance learning / online instruction  
3 and in-person instruction, and has not been changed since.

4 187. Neither Plaintiff T.W.'s biological mother and educational rights  
5 holder, Plaintiff Wood, nor T.W.'s guardian, Plaintiff Martinez, was contacted to  
6 provide input into any revision to T.W.'s IEP.

7 188. No accommodations were offered to Plaintiff T.W. or Plaintiffs  
8 Martinez or Wood to account for the difficulties Plaintiff faces in distance  
9 learning / online instruction as compared to in-person instruction as a result of  
10 T.W.'s disabilities.

11 189. Plaintiff P.C. had an IEP.

12 190. Plaintiff P.C. was sent home when Rancho Cucamonga High School  
13 closed in response to the March 13, 2020 Executive Order and/or March 19 2020  
14 Executive Order, and reassigned to distance learning / online learning.

15 191. At no point during the 2019-2020 School Year was P.C.'s IEP  
16 changed to reflect the differences between distance learning / online instruction  
17 and in-person instruction, and has not been changed since.

18 192. Plaintiff P.C.'s parent, Plaintiff Hubbard, was not contacted to  
19 provide input into any revision to P.C.'s IEP.

20 193. No accommodations were offered to Plaintiff P.C. or Plaintiff  
21 Hubbard to account for the difficulties Plaintiff faces in distance learning / online  
22 instruction as compared to in-person instruction as a result of P.C.'s disabilities.

23 194. The same is true for each member of the Proposed Class, including  
24 having an IEP, being sent home in response to the March 13, 2020 Executive  
25 Order or the March 19, 2020 Executive Order, being reassigned to distance  
26 learning / online instruction, being reassigned to distance learning / online  
27

1 instruction without any changes being made to their IEP or any accommodations  
2 being made for the disabilities they would face in distance learning / online  
3 instruction as compared to in-person instruction.

4 195. On May 4, 2020, Governor Newsom issued the May 4, 2020  
5 Executive Order reaffirming that all residents of California continue to obey the  
6 state public health directives and directing Defendant State Public Health Office  
7 to establish criteria for re-opening the state. *See* Exhibit E.

8 196. On July 17, 2020, Defendant California Health and Human Services  
9 Agency, through Defendant Department of Public Health, issued the July 12,  
10 2020 DPH Guidance. This Guidance was issued by Director Angell and provided  
11 a framework for the reopening of in-person learning for K-12 schools in  
12 California. *See* Exhibit F. This Guidance required schools to remain closed until  
13 certain county-wide medical conditions had been achieved. However, it made no  
14 mention of any exception for special needs students nor did it require any  
15 reassessment of special needs students even though the Defendant Districts had  
16 not conducted reassessments as previously recommended.

17 197. The 2020-2021 School Year began in August.

18 198. Under this plan, created by the May 4, 2020 Executive Order and the  
19 July 17, 2020 DPH Guidance, most schools remain closed with special needs  
20 students continuing distance learning / online learning for the 2020-2021 School  
21 Year even though their IEPs have never been adjusted to account for the  
22 difficulties these students face in distance learning / online instruction as  
23 compared to in-person instruction as a result of their individual disabilities.  
24

25 199. Changes were made to the July 17, 2020 DPH Guidance, but none  
26 has alleviate the issues complained of herein.  
27

1           200. Neither Plaintiff D.P. nor Plaintiff K.P. nor Plaintiff T.W. nor  
2 Plaintiff P.C. nor any other member of the Proposed Class has had their IEP  
3 reassessed or any other accommodation made for the effect of their disabilities on  
4 their ability to learn in a distance learning / online learning environment.

5           201. The March 13, 2020 Executive Order or the March 19, 2020  
6 Executive Order resulted in reassigning Plaintiffs to distance learning, and the  
7 May 4, 2020 Executive Order continued it. The March 19, 2020 Executive Order  
8 instructed the Defendants to issue guidance implementing distance learning in  
9 such a way that it protects the IDEA rights of students with disabilities. The  
10 March 17, 2020 CDE Guidance, however, failed to require the District  
11 Defendants to follow the IDEA, making this only a recommendation, and the July  
12 17, 2020 DPH Guidance failed to correct failure this even after the actions of the  
13 Defendant Districts cost the Plaintiffs (and other members of the Proposed Class)  
14 their FAPE for the end of the 2019-2020 School Year.  
15

16           202. Assigning the Plaintiffs to distance learning without requiring an  
17 accommodation to correct for the effects of distance-learning on the Plaintiffs'  
18 IEPs violates the IDEA because it means the Plaintiffs will no longer receive the  
19 services to which they are entitled under their IEPs which necessarily require in-  
20 person instruction, such as hand-over-hand guidance, having lessons drawn for  
21 them on paper or pointed to by hand on computers, physically being shown  
22 proper behaviors, physical therapy and the such.

23           203. This is a violation of the IDEA which requires that students with  
24 disabilities are entitled to a FAPE which requires school districts to tailor an IEP  
25 "to the unique needs of the handicapped child." *Hendrick Hudson Cent. Sch.*  
26 *Dist. Bd. of Educ. v. Rowley*, 458 U.S. 176, 181 (1982) (quoting 20 U.S.C. §  
27 1401(18)); *M.C. v. Antelope Valley Union High Sch. Dist.*, No. 14-56344, slip op.

1 at 5 (9th Cir. 2017). This IEP must be created with the meaningful input of  
2 parents. *Winkleman v. Parma City School Dist.*, 550 U.S. 516, 524, 127 S.Ct.  
3 1994, 167 L.Ed.2d 904 (2007); *Amanda J. v. Clark Cty. Sch. Dist.*, 267 F.3d 877,  
4 892 (9th Cir. 2001) (“[p]rocedural violations that interfere with parental  
5 participation in the IEP formulation process undermine the very essence of the  
6 IDEA”); *W.G. v. Board of Trustees of Target Range School Dist. No. 23*, 960 F.2d  
7 1479, 1483-1484 (9th Cir. 1992). And must be amended when a student’s then  
8 current educational placement becomes unavailable, such as through distance  
9 learning.

10  
11 204. By failing to require the Defendant Districts to reassess special needs  
12 students as part of the July 17, 2020 DPH Guidance or the March 17, 2020 CDE  
13 Guidance, and any subsequent adjustments like the August 28, 2020 changes, and  
14 provide necessary accommodations, Defendants Department of Education, Board  
15 of Education, Superintendent Thurmond, Health and Human Services Agency,  
16 Department of Public Health, and Director Angell have failed to protect the rights  
17 of the Plaintiffs under the IDEA and have caused or allowed California schools to  
18 violate the IDEA in a manner which denied and is denying Plaintiffs and the  
19 members of the Proposed Class a FAPE for the 2020-2021 School Year.

20  
21 205. As a result of this violation, each of the Plaintiffs has struggled in the  
22 distance-learning environment and are expected to continue struggling by being  
23 made to continue distance-learning without accommodation to the point that they  
24 are being denied a FAPE for the 2020-2021 School Year, costing them their right  
25 to a basic minimum education as defined by Congress through the IDEA.

26  
27 206. The IDEA may be enforced through 42 U.S.C. §1983, which creates  
28 a private right of action against officials acting under color of state law who  
deprive a person of their federal rights. *Smith v. Guilford Bd. Of Educ.*, 226 Fed.

1 Appx. 58 (2d Cir. 2007) (“[i]t is well-settled that, while the IDEA itself does not  
2 provide for monetary damages, plaintiffs may sue pursuant to [Section 1983] to  
3 enforce its provisions – including the right to a FAPE – and to obtain damages for  
4 violations of such provisions.”).

5 207. By failing to require the Defendant Districts to reassess special needs  
6 students prior to the start of the 2020-2021 School Year, Defendants Department  
7 of Education, Board of Education, and Superintendent Thurmond have failed in  
8 their responsibility to establish the rules for special education in the State of  
9 California to ensure that all “eligible children with exceptional needs are given  
10 equal access to all child care and development programs,” and have denied and  
11 are denying Plaintiffs and the members of the Proposed Class their right to a  
12 FAPE for the 2020-2021 School Year.

13 208. By failing to require the Defendant Districts to reassess special needs  
14 students as part of the July 17, 2020 DPH Guidance or the March 17, 2020 CDE  
15 Guidance, or any subsequent adjustments, Defendants Department of Education,  
16 Board of Education, Superintendent Thurmond, Health and Human Services  
17 Agency, Department of Public Health, and Director Angell have denied and  
18 continue to deny the Plaintiffs and the members of the Proposed Class their right  
19 to a basic minimum education in violation of the Due Process Clause of the  
20 Fourteenth Amendment, which provides that no state shall “deprive any person of  
21 life, liberty, or property, without due process of law.” U.S. Const. amend XIV.

22 209. By issuing the July 17, 2020 DPH Guidance, and its subsequent  
23 adjustments, in a manner which appears neutral on its face, but which  
24 discriminates against students with special needs by failing to address the fact  
25 they have been denied a FAPE in the current distance-learning environment,  
26 Defendants Health and Human Services Agency, Department of Public Health,  
27



1 and Director Angell have violated the Plaintiffs’ and the members of the  
2 Proposed Class’s right to equal protection under the United States Constitution.

3 210. The four-part balancing test enunciate by the Supreme Court in  
4 *Winter v. Natural Resources Defense Council*, 555 U.S. 7 (2008) weighs in favor  
5 of Plaintiffs’ request for an injunction:

6  
7 (i) Plaintiffs have a high likelihood of success on the  
8 merits in this matter for the reasons outlined above,  
9 specifically the continuing violation of the IDEA which  
10 will deprive the Plaintiffs of a FAPE for the 2020-2021  
11 School Year.

12 (ii) Irreparable harm will occur if the Plaintiffs’  
13 request for an injunction is not granted as Plaintiffs will  
14 not receive a basic minimum education for the 2020-  
15 2021 School Year, which is a real and immediate threat  
16 of future injury to the Plaintiffs because they are losing  
17 and will continue to lose a valuable formative year and  
18 will fall further behind their peers, which injury cannot  
19 be made whole through compensation. *See City of Los*  
20 *Angeles v. Lyons*, 461 U.S. 95, 107 n.8 (1983).

21 (iii) The interests at stake here weigh in favor of  
22 Plaintiffs as Congress has already declared a basic  
23 minimum education to be a fundamental right through  
24 the IDEA and as this matter could needlessly injure  
25 800,000 children and their parents if an injunction is  
26 denied, whereas granting the injunction only requires  
27 the Defendants to do what they are already charged with  
28 doing by the Governor and the State Code and by  
Federal and State law.

(iv) Ensuring that California’s 800,000 special needs  
students receive the basic minimum education to which  
they are entitled is in the public interest, especially  
where safe alternatives are available to achieve  
California’s health goals.



1  
2 **WHEREFORE**, Plaintiffs respectfully request:

3 (1) That this Honorable Court, in accordance with its  
4 authority under 28 U.S.C. §2201(a), issue an Order  
5 Declaring that the Defendants have violated the IDEA  
6 by (1) failing to require, in either the March 17, 2020  
7 CDE Guidance, the July 17, 2020 DPH Guidance or  
8 some other guidance, directive or order, that all special  
9 needs students assigned to distance learning / online  
10 learning during the 2020-2021 School Year be  
11 reassessed before the start of the 2020-2021 School  
12 Year to determine what changes to their individual IEPs  
13 and/or other accommodations are needed to account for  
14 the disabilities Plaintiffs face in distance learning /  
15 online instruction as compared to in-person instruction;  
16 (2) by Defendants setting conditions on the re-opening  
17 of schools in the July 17, 2020 DPH Guidance, and its  
18 subsequent revisions, which failed to protect the rights  
19 of special needs students under the IDEA; and (3) by  
20 Superintendent Thurmond failing to order the District  
21 Defendants to perform reassessments and continuing to  
22 fail to require reassessments or by failing to order the  
23 District Defendants to make appropriate  
24 accommodations; and

25 (2) That this Honorable Court, in accordance with its  
26 authority under 28 U.S.C. §1343(a), further Order that a  
27 Temporary Restraining Order be issued, followed by a  
28 Permanent Injunction, requiring Defendants to amend  
their guidance or issue new guidance either to allow  
special needs students to return to in-person learning  
immediately, or to require the immediate reassessment  
of special needs students assigned to engage in distance  
learning for the 2020-2021 School Year; and

(3) That this Honorable Court, in accordance with its  
authority under 28 U.S.C. §2202 and under 20 U.S.C. §  
1415(i)(2)(C)(iii), further Order that Plaintiffs and the

1 members of the Proposed Class are entitled to obtain the  
2 DIS services identified in Exhibit J, at the defendants’  
3 expense, until such time as appropriate accommodations  
4 are made for each or they are returned to in-person  
instruction; and

5 (4) That this Honorable Court, in accordance with the  
6 provisions of 42 U.S.C. §1988 and/or 20 U.S.C. §  
7 1415(i)(3)(B), Order that Plaintiffs be awarded  
8 reimbursement for the attorneys fees and costs they  
incurred in seeking the vindication of their rights herein.

9  
10 **COUNT THREE**

11 **REQUEST FOR DECLARATION, TEMPORARY RESTRAINING**  
12 **ORDER, AND PERMANENT INJUNCTION AGAINST DISTRICT**  
13 **DEFENDANTS**

14 211. Plaintiffs reallege and incorporate by reference herein paragraphs 1  
15 through 99 as though set forth fully here in.

16 212. District Defendants are public entities organized and existing  
17 pursuant to the laws of the state of California and doing business as a public-  
18 school district. As such, District Defendants are subject to state and federal law,  
19 including but not limited to the IDEA, Section 504 of the Rehabilitation Act of  
20 1973 (29 U.S.C. §794 as amended), and Title II of the Americans with  
21 Disabilities Act of 1990 (“ADA”); 29 U.S.C. § 794, *et seq.*

22 213. The Department of Education has a Special Education Division  
23 which oversees the District Defendants in their handling of special education  
24 issues and has the authority to investigate complaints against Districts.

25 214. On March 4, 2020, Governor Newsom proclaimed a State of  
26 Emergency as a result of the Covid-19 virus. *See* Exhibit A.

1           215. On March 13, 2020, Governor Newsom issued the March 13, 2020  
2 Executive Order, allowing District Defendants to close the schools under their  
3 control and assign students to distance learning / online learning. *See* Exhibit B.

4           216. On March 17, 2020, Defendants Department of Education, State  
5 Board of Education, and Health and Human Services Agency issued the March  
6 17, 2020 Guidance encouraging the District Defendant to:

- 7
- 8           ● Work with each family and student to determine  
9 what FAPE looks like for each student and family  
10 during COVID-19. It may be different than the  
11 individualized education program (IEP) developed pre-  
12 COVID-19.
- 13           ● Use the LEA model(s) for all students as the basis  
14 for establishing FAPE.
- 15           ● Ensure children with disabilities are included in  
16 all offerings of school education models by using the  
17 IEP process to customize educational opportunities and  
18 provide supports when necessary.
- 19           ● Use annual IEP to plan for traditional school year  
20 and while not required, it is suggested LEAs include  
21 distance learning plans or addendums to address  
22 distance learning needs during immediate or future  
23 school site closures.

24 *See* <https://www.cde.ca.gov/ls/he/hn/strongertogether.asp>; Exhibit C.

25           217. On March 19, 2020, Governor Newsom issued the March 19, 2020  
26 Executive Order ordering all Californians to stay at home (*see* Exhibit D),  
27 effectively shutting down all schools in the state and effectively transferring all  
28 special needs students to distance learning / online learning for the remainder of  
the 2019-2020 School Year.

1           218. The 2019-2020 School Year ended in May 2020 plus an ESY  
2 (Summer School) session in June 2020.

3           219. The Defendant Districts did not reassess special needs students.

4           220. Plaintiff D.P. had an IEP.

5           221. Plaintiff D.P. was sent home on or around March 13, 2020 when  
6 Falcon Ridge Elementary School closed in response to the March 13, 2020  
7 Executive Order, and reassigned to distance learning / online learning.

8           222. At no point during the 2019-2020 School Year was D.P.'s IEP  
9 changed to reflect the differences between distance learning / online instruction  
10 and in-person instruction, and has not been changed since.

11           223. Plaintiff D.P.'s parent, Plaintiff Martinez, was not contacted to  
12 provide input into any revision to D.P.'s IEP.

13           224. No accommodations were offered to Plaintiff D.P. or Plaintiff  
14 Martinez to account for the difficulties Plaintiff faces in distance learning / online  
15 instruction as compared to in-person instruction as a result of D.P.'s disabilities.

16           225. Plaintiff K.P. had an IEP.

17           226. Plaintiff K.P. was sent home on or around March 13, 2020 when  
18 John L. Golden Elementary closed in response to the March 13, 2020 Executive  
19 Order, and reassigned to distance learning / online learning.

20           227. At no point during the 2019-2020 School Year was K.P.'s IEP  
21 changed to reflect the differences between distance learning / online instruction  
22 and in-person instruction, and has not been changed since.

23           228. Plaintiff K.P.'s parent, Plaintiff Martinez, was not contacted to  
24 provide input into any revision to K.P.'s IEP.  
25  
26  
27  
28

1 229. No accommodations were offered to Plaintiff K.P. or Plaintiff  
2 Martinez to account for the difficulties Plaintiff faces in distance learning / online  
3 instruction as compared to in-person instruction as a result of K.P.'s disabilities.

4 230. Plaintiff T.W. had an IEP.

5 231. Plaintiff T.W. was sent home when Los Osos High School closed in  
6 response to the March 13, 2020 Executive Order and/or March 19 2020 Executive  
7 Order, and reassigned to distance learning / online learning.

8 232. At no point during the 2019-2020 School Year was T.W.'s IEP  
9 changed to reflect the differences between distance learning / online instruction  
10 and in-person instruction, and has not been changed since.

11 233. Neither Plaintiff T.W.'s biological mother and educational rights  
12 holder, Plaintiff Wood, nor T.W.'s guardian, Plaintiff Martinez, was contacted to  
13 provide input into any revision to T.W.'s IEP.

14 234. No accommodations were offered to Plaintiff T.W. or Plaintiff  
15 Martinez or Plaintiff Wood to account for the difficulties Plaintiff faces in  
16 distance learning / online instruction as compared to in-person instruction as a  
17 result of T.W.'s disabilities.

18 235. Plaintiff P.C. had an IEP.

19 236. Plaintiff P.C. was sent home when Rancho Cucamonga High School  
20 closed in response to the March 13, 2020 Executive Order and/or March 19 2020  
21 Executive Order, and reassigned to distance learning / online learning.

22 237. At no point during the 2019-2020 School Year was P.C.'s IEP  
23 changed to reflect the differences between distance learning / online instruction  
24 and in-person instruction, and has not been changed since.

25 238. Plaintiff P.C.'s parent, Plaintiff Hubbard, was not contacted to  
26 provide input into any revision to P.C.'s IEP.  
27

1 239. No accommodations were offered to Plaintiff P.C. or Plaintiff  
2 Hubbard to account for the difficulties Plaintiff faces in distance learning / online  
3 instruction as compared to in-person instruction as a result of P.C.'s disabilities.

4 240. The same is true for each member of the Proposed Class, including  
5 having an IEP, being sent home in response to the March 13, 2020 Executive  
6 Order or the March 19, 2020 Executive Order, being reassigned to distance  
7 learning / online instruction, being reassigned to distance learning / online  
8 instruction without any changes being made to their IEP or any accommodations  
9 being made for the disabilities they would face in distance learning / online  
10 instruction as compared to in-person instruction.

11 241. On May 4, 2020, Governor Newsom issued the May 4, 2020  
12 Executive Order reaffirming that all residents of California continue to obey the  
13 state public health directives and directing Defendant State Public Health Office  
14 to establish criteria for re-opening the state. *See* Exhibit E.

15 242. On July 17, 2020, Defendant California Health and Human Services  
16 Agency, through Defendant Department of Public Health, issued the July 12,  
17 2020 DPH Guidance. This Guidance was issued by Director Angell and provided  
18 a framework for the reopening of in-person learning for K-12 schools in  
19 California. *See* Exhibit F. This Guidance required schools to remain closed until  
20 certain county-wide medical conditions had been achieved. However, it made no  
21 mention of any exception for special needs students nor did it require any  
22 reassessment of special needs students even though the Defendant Districts had  
23 not conducted reassessments as previously recommended.

24 243. The 2020-2021 School Year began in August.

25 244. Under this plan, created by the May 4, 2020 Executive Order and the  
26 July 17, 2020 DPH Guidance, most schools remain closed with special needs  
27

1 students continuing distance learning / online learning for the 2020-2021 School  
2 Year even though their IEPs have never been adjusted to account for the  
3 difficulties these students face in distance learning / online instruction as  
4 compared to in-person instruction as a result of their individual disabilities.

5 245. Neither Plaintiff D.P. nor Plaintiff K.P. nor Plaintiff T.W. nor  
6 Plaintiff P.C. nor any other member of the Proposed Class has had their IEP  
7 reassessed or any other accommodation made for the effect of their disabilities on  
8 their ability to learn in a distance learning / online learning environment.

9 246. Assigning the Plaintiffs to distance learning without requiring an  
10 accommodation to correct for the effects of distance-learning on the Plaintiffs'  
11 IEPs violates the IDEA because it means the Plaintiffs will no longer receive the  
12 services to which they are entitled under their IEPs which necessarily require in-  
13 person instruction, such as hand-over-hand guidance, having lessons drawn for  
14 them on paper or pointed to by hand on computers, physically being shown  
15 proper behaviors, physical therapy and the such.

16 247. This is a violation of the IDEA which requires that students with  
17 disabilities are entitled to a FAPE which requires school districts to tailor an IEP  
18 "to the unique needs of the handicapped child." *Hendrick Hudson Cent. Sch.*  
19 *Dist. Bd. of Educ. v. Rowley*, 458 U.S. 176, 181 (1982) (quoting 20 U.S.C. §  
20 1401(18)); *M.C. v. Antelope Valley Union High Sch. Dist.*, No. 14-56344, slip op.  
21 at 5 (9th Cir. 2017). This IEP must be created with the meaningful input of  
22 parents. *Winkleman v. Parma City School Dist.*, 550 U.S. 516, 524, 127 S.Ct.  
23 1994, 167 L.Ed.2d 904 (2007); *Amanda J. v. Clark Cty. Sch. Dist.*, 267 F.3d 877,  
24 892 (9th Cir. 2001) ("[p]rocedural violations that interfere with parental  
25 participation in the IEP formulation process undermine the very essence of the  
26 IDEA"); *W.G. v. Board of Trustees of Target Range School Dist. No. 23,960* F.2d  
27



1 1479, 1483-1484 (9th Cir. 1992). And must be amended when a student’s then  
2 current educational placement becomes unavailable, such as through distance  
3 learning.

4 248. The IEP must be in place each year before the start of the year. 34  
5 C.F.R. § 300.323(a) (2006); Cal. Educ. Code, § 56344, subd. (c).

6 249. By failing to reassess special needs students the Defendant Districts  
7 have violated the IDEA in a manner which denied and is denying Plaintiffs and  
8 the members of the Proposed Class a FAPE for the 2020-2021 School Year.

9 250. As a result of this violation, each of the Plaintiffs has struggled in the  
10 distance-learning environment and are expected to continue struggling by being  
11 made to continue distance-learning without accommodation to the point that they  
12 are being denied a FAPE for the 2020-2021 School Year, costing them their right  
13 to a basic minimum education as defined by Congress through the IDEA.  
14

15 251. The IDEA may be enforced through 42 U.S.C. §1983, which creates  
16 a private right of action against officials acting under color of state law who  
17 deprive a person of their federal rights. *Smith v. Guilford Bd. Of Educ.*, 226 Fed.  
18 Appx. 58 (2d Cir. 2007) (“[i]t is well-settled that, while the IDEA itself does not  
19 provide for monetary damages, plaintiffs may sue pursuant to [Section 1983] to  
20 enforce its provisions – including the right to a FAPE – and to obtain damages for  
21 violations of such provisions.”).

22 252. By failing to reassess special needs students the District Defendants  
23 have denied and are denying the Plaintiffs and the members of the Proposed Class  
24 their right to a basic minimum education in violation of the Due Process Clause  
25 of the Fourteenth Amendment, which provides that no state shall “deprive any  
26 person of life, liberty, or property, without due process of law.” U.S. Const.  
27 amend XIV.  
28



1           253. The four-part balancing test enunciate by the Supreme Court in  
2 *Winter v. Natural Resources Defense Council*, 555 U.S. 7 (2008) weighs in favor  
3 of Plaintiffs’ request for an injunction:  
4

5           (i) Plaintiffs have a high likelihood of success on the  
6 merits in this matter for the reasons outlined above,  
7 specifically the continuing violation of the IDEA which  
8 will deprive the Plaintiffs of a FAPE for the 2020-2021  
9 School Year.

10           (ii) Irreparable harm will occur if the Plaintiffs’  
11 request for an injunction is not granted as Plaintiffs will  
12 not receive a basic minimum education for the 2020-  
13 2021 School Year, which is a real and immediate threat  
14 of future injury to the Plaintiffs because they are losing  
15 and will continue to lose a valuable formative year and  
16 will fall further behind their peers, which injury cannot  
17 be made whole through compensation. *See City of Los*  
18 *Angeles v. Lyons*, 461 U.S. 95, 107 n.8 (1983).

19           (iii) The interests at stake here weigh in favor of  
20 Plaintiffs as Congress has already declared a basic  
21 minimum education to be a fundamental right through  
22 the IDEA and as this matter could needlessly injure  
23 800,000 children and their parents if an injunction is  
24 denied, whereas granting the injunction only requires  
25 the Defendants to due what they are already charged  
26 with doing by the Governor and the State Code and by  
27 Federal and State law.

28           (iv) Ensuring that California’s 800,000 special needs  
students receive the basic minimum education to which  
they are entitled is in the public interest, especially  
where safe alternatives are available to achieve  
California’s health goals.

**WHEREFORE**, Plaintiffs respectfully request:

1 (1) That this Honorable Court, in accordance with its  
2 authority under 28 U.S.C. §2201(a), issue an Order  
3 Declaring that the District Defendants have violated the  
4 IDEA by failing to reassess the Plaintiffs and the  
5 members of the Proposed Class before the start of the  
6 2020-2021 School Year to determine what changes to  
7 their individual IEPs and/or other accommodations are  
8 needed to account for the difficulties Plaintiffs face in  
9 distance learning / online instruction as compared to in-  
person instruction as a result of their disabilities; and (2)  
by continuing to fail to reassess Plaintiffs and the  
members of the Proposed Class; and

10 (2) That this Honorable Court, in accordance with its  
11 authority under 28 U.S.C. §1343(a), further Order that a  
12 Temporary Restraining Order be issued, followed by a  
13 Permanent Injunction, requiring the District Defendants  
14 to immediately reassess the Plaintiffs and all members  
15 of the Proposed Class, i.e. special needs students  
assigned to engage in distance learning for the 2020-  
2021 School Year; and

16 (3) That this Honorable Court, in accordance with its  
17 authority under 28 U.S.C. §2202 and under 20 U.S.C. §  
18 1415(i)(2)(C)(iii), further Order that Plaintiffs and the  
19 members of the Proposed Class are entitled to obtain the  
20 DIS services identified in Exhibit J, at the defendants'  
21 expense, until such time as appropriate accommodations  
are made for each or they are returned to in-person  
instruction; and

22 (4) That this Honorable Court, in accordance with the  
23 provisions of 42 U.S.C. §1988 and/or 20 U.S.C. §  
24 1415(i)(3)(B), Order that Plaintiffs be awarded  
25 reimbursement for the attorneys fees and costs they  
26 incurred in seeking the vindication of their rights herein.  
27  
28

**COUNT FOUR**

**DENIAL OF A FAPE FOR THE 2019-2020 SCHOOL YEAR  
BY DISTRICT DEFENDANTS**

254. Plaintiffs reallege and incorporate by reference herein paragraphs 1 through 99 as though set forth fully here in.

255. District Defendants are public entities organized and existing pursuant to the laws of the state of California and doing business as a public-school district. As such, District Defendants are subject to state and federal law, including but not limited to the IDEA, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794 as amended), and Title II of the Americans with Disabilities Act of 1990 (“ADA”); 29 U.S.C. § 794, *et seq.*

256. On March 4, 2020, Governor Newsom proclaimed a State of Emergency as a result of the Covid-19 virus. *See* Exhibit A.

257. On March 13, 2020, Governor Newsom issued the March 13, 2020 Executive Order, allowing District Defendants to close the schools under their control and assign students to distance learning / online learning. *See* Exhibit B.

258. On March 17, 2020, Defendants Department of Education, State Board of Education, and Health and Human Services Agency issued the March 17, 2020 Guidance encouraging the Defendant Districts to:

- Work with each family and student to determine what FAPE looks like for each student and family during COVID-19. It may be different than the individualized education program (IEP) developed pre-COVID-19.
- Use the LEA model(s) for all students as the basis for establishing FAPE.





1 276. No accommodations were offered to Plaintiff T.W. or Plaintiff  
2 Martinez or Plaintiff Wood to account for the difficulties Plaintiff faced in  
3 distance learning / online instruction as compared to in-person instruction as a  
4 result of T.W.'s disabilities.

5 277. Plaintiff P.C. had an IEP.

6 278. Plaintiff P.C. was sent home when Rancho Cucamonga High School  
7 closed in response to the March 13, 2020 Executive Order and/or March 19 2020  
8 Executive Order, and reassigned to distance learning / online learning.

9 279. At no point during the 2019-2020 School Year was P.C.'s IEP  
10 changed to reflect the differences between distance learning / online instruction  
11 and in-person instruction, and has not been changed since.

12 280. Plaintiff P.C.'s parent, Plaintiff Hubbard, was not contacted to  
13 provide input into any revision to P.C.'s IEP.

14 281. No accommodations were offered to Plaintiff P.C. or Plaintiff  
15 Hubbard to account for the difficulties Plaintiff faced in distance learning / online  
16 instruction as compared to in-person instruction as a result of P.C.'s disabilities.

17 282. The same is true for each member of the Proposed Class, including  
18 having an IEP, being sent home in response to the March 13, 2020 Executive  
19 Order or the March 19, 2020 Executive Order, being reassigned to distance  
20 learning / online instruction, being reassigned to distance learning / online  
21 instruction without any changes being made to their IEP or any accommodations  
22 being made for the disabilities they would face in distance learning / online  
23 instruction as compared to in-person instruction.

24 283. Neither Plaintiff D.P. nor Plaintiff K.P. nor Plaintiff T.W. nor  
25 Plaintiff P.C. nor any other member of the Proposed Class has had their IEP  
26  
27

1 reassessed or any other accommodation made for the effect of their disabilities on  
2 their ability to learn in a distance learning / online learning environment.

3 284. Assigning the Plaintiffs to distance learning without requiring an  
4 accommodation to correct for the effects of distance-learning on the Plaintiffs'  
5 IEPs violates the IDEA because it means the Plaintiffs will no longer receive the  
6 services to which they are entitled under their IEPs which necessarily require in-  
7 person instruction, such as hand-over-hand guidance, having lessons drawn for  
8 them on paper or pointed to by hand on computers, physically being shown  
9 proper behaviors, physical therapy and the such.

10 285. This is a violation of the IDEA which requires that students with  
11 disabilities are entitled to a FAPE which requires school districts to tailor an IEP  
12 "to the unique needs of the handicapped child." *Hendrick Hudson Cent. Sch.*  
13 *Dist. Bd. of Educ. v. Rowley*, 458 U.S. 176, 181 (1982) (quoting 20 U.S.C. §  
14 1401(18)); *M.C. v. Antelope Valley Union High Sch. Dist.*, No. 14-56344, slip op.  
15 at 5 (9th Cir. 2017). This IEP must be created with the meaningful input of  
16 parents. *Winkleman v. Parma City School Dist.*, 550 U.S. 516, 524, 127 S.Ct.  
17 1994, 167 L.Ed.2d 904 (2007); *Amanda J. v. Clark Cty. Sch. Dist.*, 267 F.3d 877,  
18 892 (9th Cir. 2001) ("[p]rocedural violations that interfere with parental  
19 participation in the IEP formulation process undermine the very essence of the  
20 IDEA"); *W.G. v. Board of Trustees of Target Range School Dist. No. 23,960* F.2d  
21 1479, 1483-1484 (9th Cir. 1992). And must be amended when a student's then  
22 current educational placement becomes unavailable, such as through distance  
23 learning.

24 286. The Plaintiffs each struggled in the distance-learning environment to  
25 the point that they were denied a FAPE for the 2019-2020 School Year, costing  
26  
27



1 them their right to a basic minimum education as defined by Congress through the  
2 IDEA.

3 287. By failing to reassess special needs students the Defendant Districts  
4 violated the IDEA in a manner which denied Plaintiffs and the members of the  
5 Proposed Class a FAPE for the 2019-2020 School Year.

6 288. The IDEA may be enforced through 42 U.S.C. §1983, which creates  
7 a private right of action against officials acting under color of state law who  
8 deprive a person of their federal rights. *Smith v. Guilford Bd. Of Educ.*, 226 Fed.  
9 Appx. 58 (2d Cir. 2007) (“[i]t is well-settled that, while the IDEA itself does not  
10 provide for monetary damages, plaintiffs may sue pursuant to [Section 1983] to  
11 enforce its provisions – including the right to a FAPE – and to obtain damages for  
12 violations of such provisions.”).

13 289. Plaintiffs and the member of the Proposed Class should be granted  
14 compensatory education, including related services to correct for the denial of a  
15 FAPE in the 2019-2020 School Year. Courts have broad discretion to fashion an  
16 equitable remedy under the IDEA. This can include “compensatory education” to  
17 put the student in the same position he would have been in had he received the  
18 appropriate education from the school district in the first place. *T.B. v. San Diego*  
19 *Uni. Sch. Dist.*, No. 08-CV-28MMA (S.D. Cal. Mar. 30, 2011). The IDEA does  
20 not explicitly authorize the award of compensatory education, but based on the  
21 Supreme Court’s *Burlington* decision, compensatory education as a remedy has  
22 been embraced by most circuits, including the Ninth, under the IDEA’s  
23 authorization that courts may “grant such relief as the court determines  
24 appropriate.” *R.P. v. Prescott Unified Sch. Dist.*, 631 F.3d 1117, 1125 (9th Cir.  
25 2011); *Parents of Student W.*, 31 F.3d at 1496 (9th Cir. 1994); *Reid v. District of*  
26 *Columbia*, 401 F.3d 516, 522 (D.C. Cir. 2005); *Phil v. Mass. Dep’t of Educ.*, 9  
27



1 F.3d 184, 188-89 (1st Cir. 1993); *Ridgewood Bd. of Educ. v. N.E. ex rel. M.E.*,  
2 172 F.3d 238, 249 (3d Cir. 1999); *G. ex rel. RG v. Fort Bragg Dependent Schs.*,  
3 343 F.3d 295, 308-09 (4th Cir. 2003); *Bd. of Educ. of Oak Park & River Forest*  
4 *High Sch. Dist. 200 v. Ill. State Bd. of Educ.*, 79 F.3d 654, 656 (7th Cir. 1996);  
5 *Miener v. Missouri*, 800 F.2d 749, 753 (8th Cir. 1986).

6  
7 **WHEREFORE**, Plaintiffs respectfully request that this Honorable Court grant  
8 the following relief:

9  
10 (1) That this Honorable Court, in accordance with its  
11 authority under 28 U.S.C. §2201(a), issue an Order  
12 Declaring that the District Defendants have violated the  
13 IDEA and denied the Plaintiffs a FAPE for the end of  
14 the 2019-2020 School Year by failing, when Plaintiffs  
15 were sent home to finish the school year in a distance-  
16 learning environment, to determine what changes to the  
17 Plaintiffs' individual IEPs and/or other accommodations  
18 needed to be made to account for the difficulties  
19 Plaintiffs faced in distance learning / online instruction  
20 as compared to in-person instruction as a result of their  
21 disabilities; and

22 (2) That this Honorable Court, in accordance with its  
23 authority under 28 U.S.C. §2202 and under 20 U.S.C. §  
24 1415(i)(2)(C)(iii), further Order that Plaintiffs and the  
25 members of the Proposed Class are entitled to  
26 compensatory education, including but not limited to  
27 those DIS services identified in Exhibit J, to catch them  
28 up for the regression they suffered in the 2019-2020  
School Year while in the distance-learning  
environment; and

(3) That this Honorable Court, in accordance with the  
provisions of 42 U.S.C. §1988 and/or 20 U.S.C. §  
1415(i)(3)(B), Order that Plaintiffs be awarded

1 reimbursement for the attorneys fees and costs they  
2 incurred in seeking the vindication of their rights herein.

3  
4 DATED: August 31, 2020

Respectfully submitted,

5 

6  
7 BY: \_\_\_\_\_  
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