



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

## **LAWSUIT FILED TO PROTECT PROGRAMS FOR HOMELESS, NEGLECTED, MIGRANT, ENGLISH LEARNERS AND OTHER “AT RISK” STUDENTS**

**June 11, 2009:** Concerned parents and community groups throughout California filed suit in San Francisco Superior Court today challenging State Superintendent Jack O’Connell’s decision to suspend monitoring of specialized education programs for Homeless, Neglected, Juvenile Justice, Migrant, English learners, and other disadvantaged youth for at least one year.

The money for these special programs comes primarily from federal funding under the No Child Left Behind Act, and must be spent to augment general education programs funded by the state. The lawsuit, **Alejo, et al. v. O’Connell, et al, Case No. CPF 09-509568**, alleges that the state must monitor and oversee the use of these funds by school districts to ensure that they are used to help academically “at risk” students overcome educational challenges. The state retains a percentage of these federal funds so that it can fulfill the promise it made to the U.S. Government to monitor and evaluate these programs. The Petitioners allege that the state is unlawfully spending the money for other purposes and leaving school districts to do the same.

“We are concerned about the message this sends to school districts throughout the state facing tough choices as they see their state funding dwindle. In essence, the state is saying that for the next year, they won’t be paying attention to how schools use these funds, so have at it.” said Cynthia Rice, of California Rural Legal Assistance, Inc. attorney for some of the Petitioners. “We saw what the banking and financial industry did with federal money when no one was watching. We should learn from this lesson and increase monitoring, not eliminate it so that the rights of these vulnerable children will continue to be protected.” said Youth Law Center attorney, Deborah Escobedo.

Californians Together, one of the groups bringing suit, is a state wide organization of educational, civil rights, parent, and immigrant organizations that works to ensure adequate programs for the 2.7 million school children in California whose home language is other than English. The organization raised its concerns directly to O’Connell at a meeting held in late February urging that monitoring not be suspended. “We received no assurance that the state would continue this critical oversight. Instead the Superintendent issued his March announcement reiterating his decision that on-site monitoring visits would be cancelled,” said Rosalia Salinas, President of Californians Together.

The Petitioners seek a court order that the hundreds of cancelled on-site monitoring visits be reinstated or rescheduled. “This special funding provides the only mechanism by which the most disadvantaged children in California can have access to programs and services that give them a fighting chance to have the educational opportunities necessary to succeed in life. The State of California has an obligation to ensure that these children receive these services, and has turned its back on that obligation,” said Petitioner, Luis Alejo, Mayor Pro Tem of Watsonville, California and long time education advocate.

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