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13 Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 CASEY A.; CARL C., by and through
17 Kendra Tankersley; and MIGUEL B.,
18 by and through L.L., on behalf of
themselves and all those similarly
19 situated,

20 Plaintiffs,

21 vs.

22 DARLINE P. ROBLES, in her official
capacity, Superintendent, Los Angeles
County Office of Education; WILLIAM
23 ELKINS, in his official capacity,
Director, Los Angeles County Office of
24 Education Division of Juvenile Court
Schools; LAUREN RAMOS-ALLEN,
25 in her official capacity, Principal, Los
Angeles County Office of Education
26 Challenger Center School; and LOS
ANGELES COUNTY PROBATION
27 DEPARTMENT,

28 Defendants.

CASE NO.:

CLASS ACTION

**COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF
FOR VIOLATIONS OF:**

- (1) 42 U.S.C. Section 1983 (Due Process Clause of the 14th Amendment)
- (2) 42 U.S.C. Section 1983 (Equal Protection Clause of the 14th Amendment)
- (3) 42 U.S.C. Section 1983 (Due Process Clause of the 14th Amendment)
- (4) Article IX, Sections 1 and 5 of the California Constitution
- (5) Article I, Section 7(a) & Article IV, Section 16(a) of the California Constitution
- (6) Article I, Section 7(b) of the California Constitution
- (7) Miscellaneous Provisions of the California Education Code

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1 The following allegations are based on information and belief, unless otherwise
2 specified:

3 **JURISDICTION**

4 1. This court has jurisdiction over Plaintiffs' claims under 28 U.S.C.
5 § 1331, because those claims arise under the Constitution of the United States; under
6 28 U.S.C. § 1343(a)(3), because those claims seek to redress deprivations, under
7 color of state authority, of rights, privileges and immunities secured by the United
8 States Constitution; and under 28 U.S.C. § 1343(a)(4), because those claims seek to
9 secure equitable relief under an Act of Congress, specifically under 42 U.S.C. § 1983.
10 This court also has jurisdiction over Plaintiffs' state law claims under 28 U.S.C. §
11 1367.

12 2. Pursuant to the Court's jurisdiction over this matter, Plaintiffs Casey A.,
13 Carl C., by and through his guardian ad litem, Kendra Tankersley, and Miguel B., by
14 and through his guardian ad litem, L. L., bring this action on behalf of themselves
15 and on behalf of all other persons similarly situated.¹

16
17 **VENUE**

18 3. Venue is proper in the Central District of California under 28 U.S.C.
19 § 1391(b) because Defendants are located in this District and all of the acts and/or
20 omissions complained of herein have occurred or will occur in the District.

21
22 **INTRODUCTION**

23 4. Courts have long recognized that education is critical to our democratic
24

25 ¹ Because, among other things, Carl and Miguel are minors and remain wards of the state
26 either in custody or on probation, and, therefore, subject to serious risk of retaliation, pseudonyms
27 are used to protect their identities and protect them from harm. Because, among other things,
28 Plaintiff Casey remains on probation and subject to the supervision of agents of Defendant Los
Angeles County Probation Department, and, therefore, subject to serious risk of retaliation, a
pseudonym is used to protect his identity and protect him from harm. Because Miguel's guardian
ad litem is his parent, a pseudonym is used to protect Miguel's identity.

1 society and is the foundation of good citizenship because it instills cultural values,
2 prepares children for a productive career, and allows children to become full
3 participants in our polity. *See, e.g., Brown v. Board of Educ.*, 347 U.S. 483, 493
4 (1954). Furthermore, as the United States Supreme Court recognized over half a
5 century ago, “it is doubtful that any child may reasonably be expected to succeed in
6 life if he is denied the opportunity of an education.” *Id.*

7 5. Consistent with this understanding, every state in the union has
8 established a system of free public schools and every state requires children to attend
9 school under compulsory attendance laws. The decision by each state in our union to
10 provide free public schools and require attendance by children in that state reflects
11 that the importance of education is a notion deeply rooted in our nation’s history and
12 tradition.

13 6. Moreover, “[s]ince its admission to the Union, California has assumed
14 specific responsibility for a statewide public education system open on equal terms
15 to all,” *Butt v. The State of California*, 4 Cal. 4th 668, 680 (1992), and the California
16 Supreme Court has repeatedly held that under the State Constitution, “education [is]
17 a fundamental interest ‘which [lies] at the core of our free and representative form of
18 government.’” *Id.* at 683 (quoting *Serrano v. Priest* 18 Cal. 3d 728, 767-68 (1976)
19 (“*Serrano II*”) (bracket in original)).

20 7. Juvenile detention facilities in California, including county probation
21 camps, exist “solely for the purpose of rehabilitation and not punishment,” *People v.*
22 *Olivas*, 17 Cal. 3d 236, 254 (1976), and education is the “foundation for
23 programming in most juvenile institutions,” U.S. Department of Justice Office of
24 Juvenile Justice and Delinquency Prevention, *Conditions of Confinement: Juvenile*
25 *Detention and Corrections Facilities* 129 (1994).

26 8. Juveniles detained in detention facilities, as wards of the state and with
27 no choice but to attend the schools provided in these facilities, have a liberty interest
28 in minimally adequate care and treatment, including a minimally adequate education,

1 appropriate to the youth's age and circumstances, protected by the federal
2 constitution.

3 9. Juveniles detained in detention facilities in California also share in the
4 guarantee of a fundamental right to equal educational opportunity protected by the
5 State Constitution.

6 10. California law provides that the County Board of Education shall
7 provide for the administration and operation of juvenile court schools in conjunction
8 with the county's chief probation officer, or a designee. Defendants Robles, Elkins,
9 and Ramos-Allen, as officers of the Los Angeles County Office of Education
10 ("LACOE"), are therefore responsible, together with Defendant Los Angeles County
11 Probation Department ("Probation" or "Probation Department"), for ensuring
12 detained youth in Los Angeles County receive an education that complies with the
13 state and federal constitutions and applicable state and federal laws.

14 11. Nonetheless, Defendants have abdicated their core responsibility of
15 providing education to youth forced to attend the school operated by LACOE while
16 detained at the Challenger Memorial Youth Center ("Challenger" or "Camp
17 Challenger"), a facility operated by Defendant Probation Department in Lancaster,
18 California. The violations of youth's rights and illegal deprivations of educational
19 services at Challenger are rampant, widespread, and well-known, yet Defendants
20 have allowed them to persist, despite their duties to ensure the provision of
21 appropriate educational services to the youth at Challenger. Specifically, Defendants
22 have violated the rights of youths at Challenger as follows:

- 23 • Decisions on what services and class assignments students receive are not
24 governed by what services will provide an educational benefit based on the
25 student's specific needs, such that some students were deprived of needed
26 educational services for months at a time;
- 27 • Despite the high incidence of reading deficits among the population of
28 students served at Challenger and the central importance of literacy to any

1 educational program, students are not systematically screened for reading
2 problems and staff are not trained to provide the research-based
3 interventions that are proven to help the students address their literacy
4 deficits;

- 5 • Students who are functionally illiterate are routinely awarded credits,
6 regardless of whether they master academic content and without efforts to
7 address their illiteracy. Consequently, students receive high school
8 diplomas based simply on their time at Challenger, even when Defendants
9 and their employees are aware that the student cannot read or write;
- 10 • Students are regularly deprived of the full 240 minutes of instruction
11 mandated by state law and are not provided access to physical education
12 classes required by state law;
- 13 • Teachers, without accountability or consequences, routinely deprive
14 students of class time by showing up late to work, refusing to teach to the
15 content standards for academic subjects, screening movies or reading books
16 aloud that are not at all related to academic subjects, and refusing to grade
17 assignments completed by students, thereby depriving students of any
18 educational benefit;
- 19 • Students are routinely excluded from class, purportedly for disciplinary
20 reasons, without any explanation of the reason for the suspension or an
21 opportunity to challenge the basis for the deprivation of educational
22 services; and
- 23 • Students are routinely removed from class, without cause or proper
24 procedure, to perform tasks on Camp Challenger grounds, including
25 painting, housekeeping and landscaping services.

26 12. In short, Defendants have systematically denied youth at Challenger
27 access to minimally adequate educational services, in violation of both federal and
28 state law. The education program at Camp Challenger falls fundamentally below

1 professional standards of care and denies youth access to a public education that will
2 teach them the basic skills they need to succeed as productive members of modern
3 society.

4 13. These illegal deprivations of educational services have been occurring
5 at Challenger for several years and have been repeatedly documented in publicly
6 available reports, yet Defendants have allowed them to persist.

7 14. Instead of attending to their mission of educating the juveniles in Camp
8 Challenger, Defendants are simply ignoring it by allowing a system to operate
9 without adequate oversight, accountability or professionalism. Defendants conduct,
10 acts and omissions are ongoing.

11 15. The result is a generation of Los Angeles youth, already disadvantaged
12 and challenged due to other factors, being deprived of constitutionally mandated
13 educational services and the opportunity to learn despite Defendants' explicit
14 statutory obligation to help rehabilitate them.

15 16. Plaintiff Casey A. ("Casey"), who is eighteen years old, can neither read
16 nor write. Although he was detained at Challenger and educated at Challenger
17 Center School for most of his high school career, LACOE staff refused to provide
18 him with the necessary instruction and services to overcome his illiteracy. Instead,
19 LACOE staff excused Casey from reading assignments, read course materials aloud
20 for him, and orally administered written tests to him, thus ensuring that he would not
21 learn to read and write on his own.

22 17. Regardless, Defendants continually awarded Casey passing grades in
23 his classes, and in late 2009 awarded Casey a high school diploma despite
24 Defendants' awareness of Casey's illiteracy and inability to complete written
25 coursework on his own. Among other violations, in addition, while he was still in
26 school, Defendants routinely excluded Casey from instruction as punishment or to
27 complete menial tasks, with no opportunity to challenge these exclusions, and in
28 violation of federal and state law.

1 18. Plaintiff Carl C. (“Carl”), who is seventeen years old, has been enrolled
2 in the school run by Defendants at Challenger for much of the last year and was
3 tested at a 2nd grade reading level. Among other violations, Defendants have
4 routinely excluded Carl from classes, often as punishment for requesting additional
5 instructional assistance, with no opportunity to challenge these exclusions and in
6 violation of state and federal and state law and have denied him educational
7 instruction appropriate to meet his needs. Consequently, Carl has been and
8 continues to be deprived of significant educational instruction in all areas, has fallen
9 significantly behind and lacks nearly one third of the credits needed for graduation.

10 19. On several occasions, Carl asked for Defendants to stop denying him
11 educational services, but he received no relief or response.

12 20. Plaintiff Miguel B. (“Miguel”), who is fifteen years old, has been
13 enrolled in the school run by Defendants at Challenger for much of the last year.
14 Among other violations, in late 2009, Defendant Probation confined Miguel in a
15 solitary cell in the Special Housing Unit (SHU) containing only a cot for more than
16 two months. During this time, Defendants provided Miguel with two hours or less of
17 educational instruction per day in violation of state laws that establish the required
18 minimum amount of daily instructional minutes and refused him access to state-
19 mandated physical education and recreation and to educational textbooks and
20 materials.

21 21. During his confinement, Miguel would on some days receive no
22 educational instruction at all, and on many other days Miguel’s instruction would
23 consist of copies of school materials shoved under his cell door. On those days, he
24 never saw a teacher or interacted with other students.

25 22. Finally, during the months that he was confined in the SHU, Miguel was
26 not allowed to set foot outside. Due to Miguel’s legitimate fear of retaliation, he was
27 afraid to challenge these illegal conditions.

28 23. The challenged policies and practices constitute a plain denial of

1 juveniles' rights under the United States Constitution to a minimally adequate
2 rehabilitative program, appropriate to their age and circumstances, while a ward of
3 the state, and their fundamental right under the State Constitution to equal
4 educational opportunity.

5 24. In addition, the arbitrary exclusion of detained juveniles from
6 educational instruction as punishment or for no reason at all, with no opportunity to
7 challenge the exclusion, constitutes a violation of these juveniles' substantive and
8 procedural due process rights under the United States and State Constitutions, as well
9 as the specific rights delineated in the state education code.

10 25. By and through their actions, Defendants are perpetuating irreparable
11 harm on these disadvantaged youth by denying them basic educational opportunity
12 and equality and severely limiting their prospects for graduation from high school,
13 meaningful employment, and the possibility for post-secondary education. In effect,
14 Defendants are assuring that these youth have little to no chance of succeeding when
15 they transition back to the community and placing them at serious risk of recidivism.

16 26. These constitutional and statutory deprivations constitute a shameful
17 indictment of the empty services being provided to the youth that are supposed to be
18 rehabilitated in Los Angeles juvenile camps. Defendants' acts and omissions are
19 particularly shocking within the broader context of how juvenile probation camps in
20 Los Angeles County operate. Despite costing an estimated \$30,000 per year per bed
21 to house minors at county juvenile detention camps, *see* Marcus Nieto, *County*
22 *Probation Camps and Ranches for Juvenile Offenders* 13 (Nov. 2008), *available at*
23 <http://www.library.ca.gov/crb/08/08-016.pdf>, Defendants have deprived and
24 continue to deprive Plaintiffs and other wards at Challenger a minimally adequate
25 education, the central component of any rehabilitative program for youths.

26 27. Moreover, during much of the time Plaintiffs were detained at
27 Challenger, the County of Los Angeles, through the Los Angeles County Probation
28 Department, charged families \$11.94 each day a youth was held at a Probation

1 Department camp, purportedly to compensate the county for the rehabilitative
2 services being provided to the youth. *See* Molly Hennessee-Fiske, *L.A. County*
3 *Probation Department Suspends Aggressive Billing of Guardians*, L.A. TIMES
4 (February 14, 2009).

5 28. Plaintiffs seek declaratory and injunctive relief on behalf of themselves
6 and a class of similarly situated youth to remedy the unconstitutional education
7 conditions that exist at Challenger.

8
9 **PARTIES**

10 29. Plaintiff Casey A. is an eighteen-year old citizen of the United States
11 and a resident of Los Angeles County, California. Between October 2005 and
12 September 2009, Casey was detained on three separate occasions at the Challenger
13 Memorial Youth Center in Lancaster, California, for a collective period of time of
14 approximately three years.

15 30. Plaintiff Carl C. is a seventeen-year old citizen of the United States and
16 resident of Los Angeles County, California. Between December 2007 and May 2008,
17 Carl was detained at the Challenger Memorial Youth Center in Lancaster, California,
18 for a collective period of time of approximately three months. Carl was detained at
19 Challenger again in March 2009 and remains there at the present time. His projected
20 release date is March 2010. Carl's education rights holder is contemporaneously
21 filing a petition under seal with this court to act as his guardian ad litem.

22 31. Plaintiff Miguel B. is a fifteen-year old citizen of the United States and
23 resident of Los Angeles County, California. Between the summer of 2009 and early
24 2010, Miguel was detained at the Challenger Memorial Youth Center in Lancaster,
25 California. Miguel's parent is contemporaneously filing a petition under seal with
26 this court to act as his guardian ad litem.

27 32. Defendant Darline P. Robles is the Superintendent of LACOE. She is
28 sued in her official capacity. LACOE is a public agency with headquarters in

1 Downey, California. Defendant Robles' official duties as LACOE Superintendent
2 include direct supervisory responsibilities over LACOE's Division of Juvenile Court
3 Schools, which operates the public schools at camps run by the Los Angeles County
4 Department of Probation, including the school that Casey, Carl, and Miguel attended
5 while they were housed at Challenger.

6 33. In her official capacity, Defendant Robles is also statutorily responsible
7 for superintending all of the schools in Los Angeles County, visiting and examining
8 each school in the county at reasonable intervals to observe its operation and to learn
9 of its problems, enforcing the course of study mandated by the state, enforcing the
10 use of state textbooks and instructional materials and of high school textbooks and
11 instructional materials, ensuring that sufficient textbooks and instructions are being
12 used and provided to the students, and otherwise ensuring that the rights of students
13 to an education in compliance with state and federal statutes and constitution are
14 upheld.

15 34. Defendant William Elkins is the Director of LACOE's Division of
16 Juvenile Court Schools. He is sued in his official capacity. Defendant Elkins'
17 official duties include operation of and supervision of the Division of Juvenile Court
18 Schools, including the Challenger Center School.

19 35. Defendant Lauren Ramos-Allen is the Principal of Challenger Center
20 School, the LACOE school located at the Challenger Memorial Youth Center. She is
21 sued in her official capacity. Defendant Ramos-Allen's official duties include
22 operation and supervision of Challenger Center School.

23 36. Defendant Los Angeles County Probation Department is a public
24 agency with headquarters in Downey, California. Probation's Office of Juvenile
25 Institutions Bureau is responsible for the care of youth detained in the 18 juvenile
26 camps, including those at Challenger, and 3 juvenile halls operated by Probation and
27 the treatment components designed to assist detained youth in their transition back
28 into society. Under California law, Probation must ensure that youth detained at

1 Challenger have access to constitutionally and legally adequate educational services,
2 which are currently provided by LACOE, during their term of commitment.

3
4 **CLASS ALLEGATIONS**

5 37. Plaintiffs bring this action on behalf of themselves and all other persons
6 similarly situated pursuant to Federal Rule of Civil Procedure 23.

7 38. The class includes all current, former and future wards at Challenger
8 Memorial Youth Center who are, were or will be denied their fundamental right to
9 education and educational equality, to minimally adequate educational services as
10 part of their rehabilitative program while being confined against their will, to
11 educational instructional without due process of law, or access to educational
12 materials or services required by state statutes.

13 39. Class action status for this litigation is proper because:

14 (a) the class of students is so numerous that joinder of all members is
15 impractical in that Plaintiff maintains, upon information and belief, the class of
16 persons consists of hundreds if not thousands of youth;

17 (b) there are questions of law and fact common to the class and the
18 claims of Plaintiff are typical of the claims of the class in that Plaintiffs are and were
19 denied their fundamental right to education and educational equality, to minimally
20 adequate educational services, to educational instructional without due process of
21 law, and access to educational materials or services required by state statutes and the
22 claims are not subject to unique defenses;

23 (c) Plaintiffs will fairly and adequately protect the interests of the
24 class as there is no conflict between Plaintiffs and the other class members; and

25 (d) Plaintiffs can adequately represent the interests of the class
26 members and have retained counsel experienced in class action litigation.

27 40. Defendants have acted and/or refused to act on grounds generally
28 applicable to the class, thereby making appropriate final declaratory and injunctive

1 relief with respect to the class as a whole.

2
3 **FACTUAL ALLEGATIONS**

4 **The Challenger Memorial Youth Center**

5 41. Defendant Probation Department operates the Challenger Memorial
6 Youth Center in Lancaster, California. Challenger consists of six probation camps,
7 each of which houses approximately 110 youth, plus the SHU.

8 42. Under California law, county offices of education, in conjunction with
9 the county probation departments, are responsible for operating public schools for
10 youth detained at county probation camps.

11 43. Accordingly, LACOE operates, in conjunction with Defendant
12 Probation Department, a public school that provides educational services to the
13 youth held at Challenger: the Challenger Center School.

14
15 **Education Rights of Youth Detained at Challenger**

16 44. When states assume wardship of minors, they assume a special
17 relationship with the minors and owe the minors, as part of the minors' liberty
18 interest protected by the United States Constitution, minimally adequate care and
19 treatment, including a minimally adequate education, appropriate to the minors' age
20 and circumstances.

21 45. In this regard, California law provides that each county probation
22 department must administer juvenile facilities in such a way that they provide a "safe
23 and supportive home and family environment" for the youth placed under their
24 supervision. Cal. Welf. & Inst. Code § 880. Furthermore, probation camps are
25 required to provide "individualized guidance and treatment for juvenile offenders
26 which enables them to return to their families and communities as productive and
27 law abiding citizens." Cal. Welf. & Inst. Code § 886.5.

28 46. Educational services play a central role in the mission of California's

1 juvenile justice system, that of rehabilitation rather than punishment. To have any
2 chance of achieving that rehabilitative purpose, youth held in California juvenile
3 detention facilities must, at a minimum, be provided with minimally adequate
4 educational services suitable to their age and circumstances.

5 47. Additionally, the State Constitution grants every child a fundamental
6 right to an education and requires that all California children have “equal access to a
7 public education system that will teach them the skills they need to succeed as
8 productive members of modern society.” *Hartzell v. Connell* 35 Cal. 3d 899, 906-09
9 (1984); *see also Serrano v. Priest* 5 Cal. 3d 584, 608 (1971) (“*Serrano I*”) (same);
10 *Piper v. Big Pine Sch. Dist.* 193 Cal. 664 (1924)(same); *O’Connell v. Superior Court*
11 141 Cal. App. 4th 1452, 1482 (2006)(same). The fundamental nature of the right to
12 education arises from “the distinctive and priceless function of education in our
13 society,” *Serrano I*, 5 Cal. 3d at 608-09, and the California Supreme Court has
14 recognized that “education is the lifeline of both the individual and society,” *id.*
15 Under the State Constitution, a student may not be provided with a program of
16 education that “falls fundamentally below prevailing statewide standards,” *Butt*, 4
17 Cal. 4th at 685, 686-87, and any action that has a real and appreciable impact upon
18 such right is subject to strict scrutiny. *Serrano II*, 18 Cal. 3d at 761, 767-68.

19 48. California has set forth the content of the education guaranteed to each
20 child by its constitution in specific terms: rigorous content standards describe what
21 the State promises to teach and what students need to learn if they are to become
22 competent members of our society and employable in today’s economy.

23 49. Although the State of California is ultimately responsible for ensuring
24 the system of common schools does not deny equal educational opportunity to
25 students in a particular school district, the California State Legislature has assigned
26 much of the governance of public schools to local educational agencies that operate
27 the schools. In its capacity as the educational agency that operates the Challenger
28 Center School, LACOE is a local educational agency.

1 50. LACOE, as a county office of education, is also statutorily responsible
2 for overseeing and monitoring schools throughout Los Angeles County and ensuring
3 that all schools in the county, including the Challenger Center School it operates,
4 meet statutory and constitutional minimums for the provision of education.

5 51. Defendants Robles, Elkins, and Ramos-Allen, as managing officers of
6 LACOE and the school at Challenger, are responsible for ensuring LACOE operates
7 the Challenger Center School in a manner that fulfills its obligations under the
8 Federal Constitution, the State Constitution, and state statutes. Accordingly, they
9 must ensure students at Challenger Center School receive day-to-day instruction
10 sufficient to meet federal constitutional standards of a minimally adequate education;
11 ensure students at Challenger Center School are not unlawfully denied access to
12 educational instruction and services; and ensure Challenger Center School operates
13 consistently with state constitutional standards of providing each child with their
14 fundamental right to equal educational opportunity.

15 52. Defendant Probation Department, as the agency charged with the care
16 and custody of youth held at Challenger, is responsible for ensuring Plaintiffs and
17 students like them are not denied educational instruction and services to which they
18 are entitled. State law explicitly imposes obligations on Defendant Probation
19 Department to provide for the administration and operation of schools for youth
20 detained at Challenger.

21 53. Nonetheless, Defendants consistently fail to provide educational
22 services to youth held at Challenger that meet either the state or federal constitutional
23 requirements.

24 **Defendants' Policy and Practice of Denying Minimally Adequate Educational**
25 **Services to Detained Youth, Appropriate to their Age and Circumstances**

26 54. Defendants operate an educational system at Camp Challenger in Los
27 Angeles County that determines each youth's educational program based on what
28 service is available at any given time rather than what service the youth needs and is

1 entitled to in order to receive the education mandated by state and federal law.

2 55. For example, Defendants have failed to provide an appropriate
3 screening mechanism to determine a youth's reading level and reading deficits and
4 utilize research-based interventions to address those deficits, even though it is well
5 documented that detained youth are substantially more likely than the general
6 population to have learning disabilities and reading deficiencies. They also have
7 failed to provide any supplemental or remedial reading programs for the youth in
8 their custody who require such programs in order to access basic grade level
9 curriculum and content standards, and have refused to employ necessary staff, such
10 as reading specialists, to meet the education mandate for all students.

11 56. Defendants have also awarded students diplomas, terminating the
12 provision of continuing education instruction, even when they have known that the
13 student cannot even read or write or is so severely behind in reading and writing that
14 could not possibly be in their interest to terminate educational instruction.

15 57. The State of California clearly recognizes the importance of ensuring
16 children are educated and taught to read, and thus requires reading to be taught early
17 in a child's education. California content standards state that by the second grade
18 students should be able to read aloud fluently, accurately, and with appropriate
19 intonation and expression.

20 58. The State's decision to mandate universal public education ensures that
21 every child will be able to read and write fluently and independently, skills that are
22 essential for self-sufficiency. When a child fails to master these skills, the negative
23 consequences for that child and for society are myriad and serious.

24 59. Literacy is the irreducible foundation for education. Students who
25 cannot read or write are unable to access the curriculum, which is often structured on
26 the assumption that students can read materials and textbooks provided by the
27 classroom teachers and can complete written assignments and examinations to
28 demonstrate their mastery of the materials. For example, students at the high school

1 level are generally expected to acquire knowledge in most subjects by reading
2 textbooks and other materials independently. Students who cannot read or
3 comprehend what they are reading are obviously unable to do so. Simply put,
4 students who are not taught to read and write fluently and independently are not
5 provided a meaningful or even a minimally adequate education.

6 60. The problems caused by illiteracy are even greater for youths in the
7 juvenile justice system. Once involved with the juvenile justice system, minors with
8 unaddressed reading deficits are far more likely to recidivate than minors leaving the
9 system with adequate reading capabilities. Disturbingly, in Los Angeles, the typical
10 detained youth is 16 years old, yet is reading at only a 5th grade level.

11 61. Tragically for both their own lives and for society, students who do not
12 learn to read and write are more likely to commit crimes and be incarcerated as
13 adults. One study reported that 82 % of prison inmates are high school drop outs,
14 and a high percentage of these inmates were unable to read. *See Ernest Fleishman,*
15 *“Adolescent Literacy: A National Reading Crisis,” Scholastic Professional Paper*
16 *(2004), available at [http://teacher.scholastic.com/products/READ180/overview/pdfs/](http://teacher.scholastic.com/products/READ180/overview/pdfs/Paper_LiteracyCrisis.pdf)*
17 *Paper_LiteracyCrisis.pdf.*

18 62. Furthermore, one study of the relationship between literacy and juvenile
19 delinquency found that minors with reading deficits are disproportionately
20 represented in detention facilities. The study concluded that providing quality
21 educational services with a strong emphasis on literacy development was one
22 mechanism that would reduce crime and recidivism among minors. *See Project*
23 *READ, To Make a Difference, REDUCED RECIDIVISM AND INCREASED EMPLOYMENT*
24 *OPPORTUNITY THROUGH RESEARCH-BASED READING INSTRUCTION 27 (M.S. Brunner,*
25 *ed., 1993).*

26 63. Despite the central importance of literacy to a child’s education and to
27 rehabilitative programs for delinquent youth, and despite the disproportionate
28 number of youth held in detention whose reading and writing abilities are below

1 grade level, Defendants have refused to employ a protocol that screens youth for
2 their reading ability using a research-based method that provides sufficient
3 information about the student's reading level and the reason for any deficits from
4 which to formulate an effective reading intervention strategy, or, if such information
5 is available, to use this information to formulate an effective reading intervention
6 strategy.

7 64. In addition, LACOE Defendants have refused to provide the educational
8 services necessary to overcome literacy and reading deficits. Until recently, they
9 employed no reading specialists and did not provide evidence-based reading
10 programs to the youth who required them. Even now, LACOE Defendants employ
11 only a single reading specialist, despite the overwhelming evidence that numerous
12 students in the Challenger Center School require access to evidence-based reading
13 programs to address their serious reading deficits.

14 65. Defendants also routinely award credits to students who cannot read or
15 write, even when Defendants are aware of students' illiteracy. Defendants also
16 routinely award credits to student who are so severely behind in reading and writing,
17 that they cannot meet the most basic state standards or complete grade level
18 curriculum. This practice is one means utilized by Defendants to attempt to conceal
19 the constitutional deficiencies inherent in their denial of the fundamental right to
20 education under the State Constitution and the right to a minimally adequate
21 education under the United States Constitution.

22 66. There is no excuse for these deprivations of fundamental education
23 rights. Nearly all students can learn to read with adequate intervention. Specifically,
24 education research has demonstrated the effectiveness of structured, systematic,
25 direct and explicit teaching of the English language reading code to older students
26 who are substantially behind grade level in their reading ability. For example,
27 programs that teach the reading code to students struggling with literacy through
28 direct instruction in a structured, sequential and cumulative manner, using

1 multisensory techniques, are recognized for their consistent effectiveness in
2 remediating older students with reading delays.

3 67. Although students often are enrolled at LACOE schools for short
4 periods of time and spend, on average, six months in the LACOE schools at the
5 probation camps, research shows that older students can make substantial gains in
6 literacy within such a timeframe if provided appropriate evidence-based reading
7 remediation programs.

8 68. Accordingly, Defendants could and should have established a protocol
9 that screens students for severe deficits in literacy and provides those in need of
10 reading remediation access to an effective and appropriate reading intervention
11 program based on the results of the screening assessment. Defendants were aware of
12 the high rates of reading delays among the population served at the Challenger
13 Center School and that certain programs could be implemented that would help those
14 students overcome their problems, but they elected not to do so.

15 69. The consequences of Defendants' wholesale failure to address the
16 severe literacy deficiencies of students at Challenger are apparent: During the
17 academic years ending in 2006, 2007 and 2008, no more than 5% of students in
18 grades 9 through 11 at LACOE's schools performed at Proficient or Advanced on the
19 language arts portion of the California Standards Test. Thus, fewer than one out of
20 twenty students attending LACOE schools at probation camps and juvenile halls
21 demonstrate competence with the grade-level language arts content standards
22 established by the state. Defendants are well aware of these facts.

23 70. Youth at Challenger are also routinely denied access to textbooks to use
24 and to study with in violation of the "Williams Act" and the state constitution, even
25 though such textbooks are available in sufficient numbers to be provided to students
26 for use at school and in their dorms.

27 71. Furthermore, youth are routinely denied access to state-mandated
28 physical education classes and recreation. In this regard, in spring of 2009, the

1 Probation Commission found that no Physical Education classes were being
2 provided to any youth at Camp Onizuka, one of the Challenger Camps, due to the
3 failure of LACOE and Probation to resolve a dispute amongst themselves.

4 72. Finally, youth at Challenger generally receive subpar educational
5 instruction or little to no instruction at all. Teachers do not show up for entire days
6 of instruction, fail to ensure that there are substitutes to cover absences, take lengthy
7 and unapproved lunches or arrive late leaving their classes uncovered and their
8 students with nowhere to go, ignore assignments turned in by students and refuse to
9 grade them, staple the state's educational standards to the wall and fail to teach them,
10 screen inappropriate and non-educational movies instead of teaching the state's
11 mandated educational curriculum, and otherwise fail to provide education instruction
12 that could provide even a faint promise of what the federal and state constitutions
13 and state education code require for these youth.

14
15 **Defendants' Policy and Practice of Arbitrarily Depriving Youth of Educational**
16 **Services Without Providing an Explanation for the Removal or an Opportunity**
17 **to Challenge the Exclusion**

18 73. Defendants have maintained a policy and practice of arbitrarily
19 depriving detained children access to educational services for alleged disciplinary
20 violations or for no apparent reason at all, with neither accountability nor oversight.
21 These deprivations occur without following minimal federal and state procedural
22 protections that are clearly spelled out in court decisions, statutes and regulations and
23 are designed to protect student's liberty interests and prevent the improper denial of
24 educational instruction.

25 74. Defendants routinely exclude juveniles from educational instruction as
26 punishment, with no opportunity to challenge these exclusions. Many of these
27 exclusions are entirely arbitrary.

28 75. In some instances, Defendants have denied educational instruction to

1 students for requesting additional help in schoolwork.

2 76. In other instances, they have placed juveniles in solitary confinement
3 for months on end, without providing them the minimum hours of educational
4 instruction required by state law and while denying them access to state mandated
5 physical education and recreation.

6 77. Entire classes of students have been removed from educational
7 instruction due solely to an individual teacher's decision, without justification, to not
8 teach that day or to punish the behavior of one student, with little accountability or
9 oversight of the teachers for their illegal conduct. On some school days, entire
10 classes of students have been forced to stand outside in the rain in the winter or in the
11 100-plus degree heat during the summer as punishment, all the while being denied
12 any and all educational services.

13 78. On still other occasions, Defendants have removed children from state-
14 mandated education instruction to perform menial tasks like sweeping and mopping
15 floors, painting dorms, mowing lawns, and weeding.

16 79. Still other students have been removed for arriving to class late, a
17 circumstance that is most often not in their control while they are detained, or
18 because they failed to properly greet the teacher.

19 80. Although evidence-based methods for implementing class and school-
20 wide positive behavior supports that consistently reduce instructional exclusions by
21 as much as 60 percent are available and known to the Defendants, they neither
22 implemented such supports nor any type of reasonably adequate or minimally
23 sufficient program to improve or correct the student's behavior.

24 81. Students at the Challenger Center School are also being excluded from
25 educational instruction in excess of the maximum number of days allowable per year
26 by state law for legally valid suspensions, without receiving statutory or procedural
27 protections, and in violation of the state mandate to use exclusions as a last resort
28 and only after other means of remediation have failed.

1 82. Thus, Defendants arbitrarily deny students access to educational
2 instruction and services and fail to provide notice of the reason for the exclusion or
3 an opportunity to challenge the basis for the exclusion from class. They maintain a
4 pattern and practice of illegally excluding students from educational instruction for
5 disciplinary violations, for no apparent reason, or because they lack space in the
6 appropriate classroom.

7 83. This pattern and practice has been going on for some time and has been
8 repeatedly documented in publicly available reports. For example, in June 2009, a
9 County of Los Angeles Probation Commission inspection team documented
10 numerous instances in which students at Challenger Center School were removed
11 from class and denied education instruction and documented that the youth were
12 deprived of education services without being afforded an opportunity to challenge
13 the deprivation. The inspection team observed that 14 youths were denied access to
14 class because there were not enough teachers and noted that large numbers of
15 students were removed from class, often within the first five minutes, and returned to
16 their living areas without LACOE personnel attempting to resolve the issue that
17 caused the removal. The inspection team also noted that LACOE staff often
18 removed students from the classroom without completing referral paperwork stating
19 the reasons for the removal.

20 84. Another report prepared by the Learning Rights Law Center in 2007
21 documented similar violations. This report found that the minimum school day
22 required by law is not being provided at all school sites at Probation camps and
23 juvenile halls, that students are often removed from the classroom without a properly
24 completed referral explaining the reasons for the removal, and that mandatory
25 conferences to address the reason for the removal were not held.

26 85. The Learning Rights Law Center report also noted that removals from
27 class are not closely documented. Accordingly, LACOE staff failed to deduct the
28 time students miss as a result of referrals from the Average Daily Attendance

1 reported to the state, which is the basis for the amount of state funding LACOE
2 receives. This means that the LACOE juvenile court schools received funding from
3 the State based the purported attendance of students who had, in fact, been removed
4 from the class for disciplinary or other reasons.

5 86. A November 2009 report by the California Corrections Standards
6 Authority found Defendant Probation out of compliance with state standards because
7 youths held in the SHU at Challenger were denied access to school. The report
8 noted that youths in the SHU who were not in school either did not receive
9 schoolwork or received work that the teacher threw under the doors to their cells.

10 87. Students in the SHU who are allowed to attend class and meet with a
11 teacher are deprived of a full school day. Some students in the SHU receive only
12 one-and-a-half to two hours of instruction each school day. Thus, students assigned
13 to the SHU, whether for disciplinary reasons or because of special treatment needs,
14 are being unlawfully denied educational services, the opportunity to learn grade-level
15 content, and the ability to earn credit hours that will allow them to advance in school
16 and graduate.

17 88. In May of 2009, the Youth Law Center notified Defendant Robles and
18 Robert Taylor, the Chief Probation Officer who is responsible for the management of
19 Defendant Los Angeles County Probation Department, of these educational
20 deficiencies in a letter discussing the aforementioned violations of the youth's basic
21 educational rights and requested an immediate remedy. Nevertheless, and in spite of
22 more than two years of reports detailing the extensive and egregious education
23 failures at Camp Challenger, Defendants have failed to remedy the deficiencies.

24 **Other Conditions that Impede Effective Delivery of Minimally Adequate**
25 **Educational Services**

26 89. Even outside the regular school day, youth at Challenger are subjected
27 to conditions and conduct by Defendants' employees that undermine the delivery of
28 educational services.

1 then read the questions to him and wrote down his oral answers. At times, the para-
2 educator provided Casey the correct answer and simply required that Casey repeat
3 the correct answer aloud.

4 97. On March 31, 2009, a LACOE employee wrote, “Casey has
5 demonstrated interest in Reading, but is unable to read on his own,” and, “Casey has
6 demonstrated interest in writing, but is unable to write on his own. Casey needs to
7 verbally tell someone what he’s thinking and they write it down for him.” Even at
8 this point, over three years since Defendants first discovered or should have
9 discovered that Casey was illiterate, Defendants did not offer Casey appropriate
10 remedial reading services. Instead, the para-educator simply continued to read to
11 Casey and write down the answers that Casey spoke aloud.

12 98. Thus, rather than teach Casey how to read, Defendants allowed him to
13 languish, leaving him farther and farther behind each year. Instead of providing
14 Casey with the minimally adequate services necessary to remedy his illiteracy,
15 LACOE masked Casey’s problems.

16 99. Casey was discharged from LACOE schools in September 2009.
17 Although Defendants were aware of Casey’s continued illiteracy, upon his discharge
18 Defendants did not provide Casey the basic, functional transition services necessary
19 for Casey to obtain appropriate reading remediation assistance upon his release.

20 100. Despite knowledge of Casey’s illiteracy, after his discharge from the
21 Challenger, LACOE notified Casey by mail that he had attained sufficient credits to
22 graduate high school and would be awarded a diploma at a ceremony in December of
23 2009.

24 101. Casey received at least 64 documented disciplinary referrals during his
25 time at Challenger Center School, and many of these referrals resulted in his
26 exclusion from school for all or the remainder of the school day. Casey was not
27 provided notice of the reasons for removal, an explanation of the evidence
28 supporting the removal or an opportunity to present his side of the story. His parent

1 was never informed of the removals. During those 64 days, Casey received no
2 educational benefit and was completely denied his fundamental right to education.

3 102. In any event, the number of days that Casey was out of class exceeds
4 the yearly cap placed on school districts for suspension from classroom instruction.
5 This cap is designed to stop school districts from failing to educate students like
6 Casey who need more classroom instruction not less.

7 103. Casey was assigned to the “work crew” during school days during his
8 third term at Challenger in lieu of instruction time. Probation staff removed him
9 from class to work on landscaping tasks around the Camp grounds, including cutting
10 the grass, for approximately half of the school day. These assignments were in clear
11 violation of the law. In light of his documented and acknowledged inability to read
12 or write, he needed additional educational services and intensive reading intervention
13 assistance, not less time in the classroom, so the decision to limit his instructional
14 time was unconscionable.

15 104. As a result of Defendants’ acts and omissions, Casey remains
16 functionally illiterate and unable to read or write, even though he is intellectually
17 capable of learning to do so.

18 105. Casey desperately wants to learn to read and write. He recognizes that
19 his illiteracy will make it difficult for him to apply for a job, to execute a basic
20 contract to rent an apartment or obtain utilities in his residence, to vote in an election,
21 or to complete an application for a marriage application.

22 106. Given the availability of reading remediation programs that would help
23 illiterate students and other students with severe reading deficits learn to read and the
24 critical importance of literacy to a youth’s education, rehabilitation and ability to be
25 self-sufficient in contemporary society, Defendants’ failure to provide appropriate
26 services to ensure that students at Challenger Center School are literate shocks the
27 conscience.

28 ///

Class Representative Carl C.

1
2 107. For approximately two months, Carl was placed in a classroom where
3 he did not understand the assignments, and he repeatedly asked for additional help so
4 he could succeed in the classroom. For example, he repeatedly told his teacher that
5 was having trouble comprehending the reading passages contained on the worksheets
6 she passed out to the class. Instead of receiving the assistance he requested, Carl was
7 suspended from school for having the audacity to ask for more help.

8 108. When school administrators finally acknowledged his requests for
9 additional assistance and concluded he would be better served in a different
10 classroom, he was told that he would have to be on a “wait list” because there was
11 not sufficient space in that classroom. Thus, the determination about what services
12 he would receive was guided by what LACOE was willing to provide at the time,
13 without regard to Carl’s individual needs.

14 109. Throughout his time at Challenger, Carl has been disciplined by
15 Probation staff for conduct outside the classroom in such a way that he is denied
16 access to education. On at least eight occasions shortly after his arrival at Challenger,
17 Carl was sent by Probation staff to “the box,” which is disciplinary segregation in the
18 SHU. Although he was supposed to be in class on those days, he was not provided
19 any educational instruction when he was in the box. As recently as this month, Carl
20 was sent to the SHU for a half day and denied educational services during his
21 confinement there, even though he was supposed to be in his class.

22 110. When Carl is sent to the box instead of attending class, he is suspended
23 from school without being given notice of the reasons for the disciplinary removal
24 from school, an explanation of the evidence to justify the suspension or an
25 opportunity to present his side of the story and explain why he should be able to
26 return to class or receive educational services.

27 111. As a result of his repeated exclusion from the classroom without access
28 to a fundamentally fair procedure to determine the propriety of the disciplinary

1 removals, Carl missed out on credits he must complete to graduate from high school,
2 as well as any educational benefit on those days.

3 112. Additionally, Carl is not provided access to text books in his classes at
4 Challenger. Instead, he is provided only with photocopies of a short section of a
5 textbook. This policy and practice precludes him from referring to earlier lessons or
6 other information that is included in the textbook but not in the photocopied section
7 provided to him that day. He is therefore unable to refer back to foundational
8 concepts and lessons that would be helpful to understanding the materials being
9 covered that day in class.

10 113. Moreover, Carl has never been assigned homework and is not provided
11 access to textbooks or other academic materials in the dorm. He is unable to study
12 on his own and does not have an opportunity to review and master the concepts
13 presented in class.

14 114. Furthermore, Carl was tested at an approximately 2nd grade reading
15 level and yet is not being provided with instruction and services appropriate to meet
16 his needs.

17
18 **Class Representative Miguel B.**

19 115. Miguel arrived at Challenger in July 2009. On November 1, 2009, he
20 was removed from the general population and placed in the SHU for disciplinary
21 reasons.

22 116. While he was housed in the SHU, his cell contained only a small cot.
23 There were no windows except for a hand-sized opening covered with opaque plastic.

24 117. On some days during his confinement in the SHU, Miguel received no
25 educational instruction at all.

26 118. On other days, approximately once or twice a week, the teacher shoved
27 photocopies of school materials under his cell door. On the days that materials were
28 shoved into his cell, he did not meet with a teacher, interact with other students, or

1 have an opportunity to ask questions if he did not understand the materials. The
2 teacher did not ever return to retrieve the worksheets. He was not provided access to
3 a text book when he was required to complete assignments in his cell.

4 119. On days when he received educational services from a teacher, the
5 length of instruction varied, but was never greater than two and a half hours. On
6 some days, he was brought out to the day room in the SHU to meet with the teacher
7 for only 15 minutes. On other days, he was brought out to the day room from
8 approximately 9 a.m. until 10:30 a.m. and then again from 2 p.m. until 2:30 p.m. for
9 school, which amounted to only two hours of school a day. On a few days, he met
10 with the teacher for one session that lasted two and a half hours.

11 120. While he was in the SHU, Miguel never received tests or quizzes in his
12 classes. He would turn in completed worksheets to the teacher on days when he met
13 with her in the day room, but he never received any of those assignments back with
14 grades or comments. As far as he knows, the teacher never looked at those
15 completed assignments.

16 121. Miguel was required to eat all his meals in his room. He was taken to
17 the showers at around 4 p.m. each day, and, on some days, he was allowed to watch
18 television in the dayroom for an hour or two after he finished eating dinner in his cell.
19 He was not given an opportunity for recreation or physical exercise, although he did
20 pushups and crunches and paced back in forth in his cell to pass the time. At all
21 other times, he was locked in his cell. Thus, Miguel was forced to spend, at a
22 minimum, 18 to 20 hours each day in his tiny cell.

23 122. From December 23 until January 4, Miguel did not receive any
24 educational services because of winter break. The only times he was let out of his
25 cell during this time was to use the bathroom, for his daily shower, and for one or
26 two hours in the evening on some days to watch television in the day room.

27 123. Miguel was denied state-mandated education services, either through
28 the complete denial of education programming on some days or through a truncated,

1 school day on others, without ever having been afforded an explanation for the
2 deprivation or an opportunity to respond to the allegations against him. Moreover,
3 he was deprived of educational services as punishment for conduct that occurred
4 outside of school and solely by virtue of his disciplinary placement in the SHU by
5 Probation staff.

6 124. The only time Miguel was allowed outdoors during the more than two
7 months he was held in the SHU was one occasion when his school counselor
8 demanded that he be allowed to meet with her in her office. Over the supervising
9 probation officer's objection, she escorted Miguel outside to walk to her office and
10 back to the SHU at the end of the counseling session. It had been so long since
11 Miguel had been allowed outside that, when he first stepped into the sunlight beyond
12 the SHU's outside door, he stood dazed, surveying the courtyard and lawn.

13 125. Even before his placement in the SHU, Miguel was denied educational
14 services arbitrarily and was not provided an opportunity to challenge the basis for his
15 removal from class.

16 126. On two or three occasions he was kicked out of class for allegedly
17 disrupting class. He was returned to the dormitory and not allowed to return to class
18 that day. He never met with school administrators to discuss the reason for his
19 suspension. Moreover, his mother was never contacted or otherwise notified of the
20 suspension.

21 127. On at least three other occasions, Miguel was suspended from class
22 because he needed to use the restroom. His teacher refused to allow students to use
23 the restroom unless they had earned sufficient "points." On these occasions, Miguel
24 did not have points, so when he asked to use the restroom, his teacher refused. When
25 Miguel reiterated that he needed to use the restroom, the teacher told him that if he
26 left the class, he would be considered AWOL and not allowed to return to class.
27 Rather than urinating on himself, Miguel left class to use the bathroom, was returned
28 to his dorm, and was not allowed to return to class that day. He never met with

1 school administrators to discuss the reason for his suspension. Moreover, his mother
2 was never contacted or otherwise notified of the suspension.

3 128. Finally, on at least two occasions, Miguel witnessed an entire class of
4 students who were returned to the dormitory at the beginning of the school day
5 because the teacher did not let the students into class.

6
7 **Defendants' Systemic Failure to Provide Adequate Educational Services**

8 129. Defendants Robles, Elkins, and Ramos-Allen are the LACOE officials
9 charged with providing educational services to youth like Plaintiffs who are detained
10 at Challenger. Plaintiffs, like other students detained at Challenger, had no choice
11 but to accept the services Defendants provide while they are detained.

12 130. Defendants have engaged in a pattern and practice of violating students'
13 basic and fundamental rights to receive appropriate educational services.

14 131. These failures have been documented in written reports by the County
15 of Los Angeles Probation Commission, the California Corrections Standards
16 Authority, and the Learning Rights Law Center, among others. These reports are
17 publicly available and are known to Defendants. For example, Defendant Elkins was
18 present at a meeting where the County of Los Angeles Probation Commission
19 presented an inspection report documenting the inadequate educational services and
20 illegal exclusion of students from classes at Challenger Center School.

21 132. Upon information and belief, Defendant Robles was also provided
22 copies of all of the aforementioned reports, as well as the May, 2009 letter from
23 Youth Law Center which refers to and cites from the Probation Commission report
24 detailing a number of these allegations regarding the denial of the most basic
25 educational opportunity.

26 133. Defendants have also been informed about specific instances of the
27 deprivations outlined in the foregoing paragraphs through internal written and oral
28 communication from employees at Challenger who have become concerned with the

1 state of affairs at Challenger.

2 134. Given their knowledge of the repeated public reports documenting the
3 woefully deficient educational programs and illegal deprivations of educational
4 services, Defendants were personally aware of the violations and have failed to act to
5 prevent them.

6 135. The violations outlined above are ongoing and will continue unless this
7 Court grants the relief Plaintiffs seek in this Complaint.

8
9 **CAUSES OF ACTION**

10 **First Cause of Action—Violation of 42 U.S.C. Section 1983**
11 **(Based on Violation of the Due Process Clause of the Fourteenth Amendment to**
12 **the United States Constitution)**

13 136. Plaintiffs incorporate by reference the foregoing paragraphs of this
14 Complaint as though fully set forth herein.

15 137. Defendants, who are charged with providing educational services to
16 juveniles who are detained at the Challenger Memorial Youth Center, have denied
17 and continue to deny Plaintiffs and others similarly situated a minimally adequate
18 education appropriate to their circumstances and needs, in violation of their
19 substantive due process rights protected by the Fourteenth Amendment to the United
20 States Constitution.

21 138. Defendants were acting under color of state law, thereby violating
22 section 1983.

23
24 **Second Cause of Action—Violation of 42 U.S.C. Section 1983**
25 **(Based on Violation of the Equal Protection Clause of the Fourteenth**
26 **Amendment to the United States Constitution)**

27 139. Plaintiffs incorporate by reference the foregoing paragraphs of this
28 Complaint as though fully set forth herein.

1 140. Defendants, who are charged with providing educational services to
2 juveniles while they are detained at the Challenger Memorial Youth Center, have
3 denied and continue to deny Plaintiffs and others similarly situated a minimally
4 adequate education, as compared to other students in Los Angeles County receiving
5 an education in schools overseen, monitored, and superintended by LACOE, in
6 violation of their right to equal protection of the law protected by the Fourteenth
7 Amendment to the United States Constitution.

8 141. Defendants were acting under color of state law, thereby violating
9 section 1983.

10 **Third Cause of Action---Violation of 42 U.S.C. Section 1983**
11 **(Based on Violation of the Due Process Clause of the**
12 **Fourteenth Amendment to the United States Constitution)**

13 142. Plaintiffs incorporate by reference the foregoing paragraphs of this
14 Complaint as though fully set forth herein.

15 143. Defendants, who are charged with providing educational services to
16 juveniles while they are detained at the Challenger Memorial Youth Center,
17 excluded Plaintiffs from educational programming without providing notice, an
18 explanation of the reason for the exclusion, and an opportunity to dispute the
19 legitimacy of the exclusion, and continue to exclude Plaintiff Carl C. and others
20 similarly situated from educational programming without providing notice, an
21 explanation of the reason for the exclusion, and an opportunity to dispute the
22 legitimacy of the exclusion, in violation of Plaintiffs' substantive and procedural due
23 process rights protected by the Fourteenth Amendment to the United States
24 Constitution.

25 144. Defendants were acting under color of state law, thereby violating
26 section 1983.

27 ///

28 ///

1 article IV, section 16(a) of the California Constitution, by failing to provide them
2 with basic educational opportunities equal to those that other children in Los Angeles
3 County receive.

4 **Sixth Cause of Action---Violation of Article I, Section 7(b) of the**
5 **California Constitution**

6 150. Plaintiffs incorporate by reference the foregoing paragraphs of this
7 Complaint as though fully set forth herein.

8 151. The State of California has established content standards and other
9 commitments of care and services to Kindergarten through Grade 12 students,
10 defining the education to which students are entitled. These commitments are among
11 the privileges and immunities that may not be granted to some citizens or classes of
12 citizens but not provided on the same terms to all citizens.

13 152. The ability to read and write independently and fluently, without
14 assistance, is specifically included among the content standards for language arts,
15 and many, if not most, students in public high schools have attained that standard.

16 153. The right to attend classes for statutory minimum number of days and
17 hours per day is a right that all students in public schools enjoy.

18 154. Moreover, the right to be taught by a competent teacher who complies
19 with the most basic professional standards is a right that most students in public
20 schools enjoy.

21 155. Similarly, the right to receive state approved textbooks and materials for
22 use at school and after-school is statutorily mandated for all students.

23 156. In addition, the right to receive physical education and recreation in
24 keeping with the state's minimum standards for such instruction is also a right
25 enjoyed by most, if not all, public school students.

26 157. Defendants, who are charged with providing educational services to
27 Plaintiffs while they were detained at the Challenger Memorial Youth Center, have
28 violated and continue to violate their rights and the rights of those similarly situated

1 to receive privileges and immunities on the same terms as all other citizens by failing
2 to ensure that the rights enumerated above were provided to Plaintiffs and others
3 similarly situated.

4 **Seventh Cause of Action---Violation of**
5 **Various California Education Code Provisions**

6 158. Plaintiffs incorporate by reference the foregoing paragraphs of this
7 Complaint as though fully set forth herein.

8 159. Defendants, who were charged with providing educational services to
9 Plaintiffs at the Challenger Memorial Youth Center, allowed and continue to allow
10 Plaintiffs and others similarly situated to be suspended from school by teachers and
11 administrators for reasons not permitted under the education code and without being
12 allowed to have an informal conference with the school principal to allow Plaintiffs
13 to present reasons why they should not be suspended or the provision of written
14 notice to their parents, in violation of Cal. Educ. Code §§ 48910, 48911, and 48900,
15 *et seq.*

16 160. Defendants, who were charged with providing educational services to
17 Plaintiffs at the Challenger Memorial Youth Center, have and continue to suspend
18 students from school in excess of 30 percent of the schools student's enrollment and
19 have not implemented alternatives to suspension or considered other non-
20 exclusionary methods of improving social skills and behavior, in violation of Cal.
21 Educ. Code § 48911.2.

22 161. Defendants, who were charged with providing educational services to
23 Plaintiffs at the Challenger Memorial Youth Center, have and continue to suspend
24 Plaintiffs and others similarly situated in excess of five consecutive schooldays, in
25 violation of Cal. Educ. Code § 48900.5.

26 162. Defendants, who were charged with providing educational services to
27 Plaintiffs at the Challenger Memorial Youth Center, allowed and continue to allow
28 Plaintiffs and others similarly situated to be suspended from school for more than 20

1 schooldays within a school year, in violation of Cal. Educ. Code § 48903.

2 163. The State of California has set forth 240 minutes as the minimum
3 schoolday for juvenile court schools, including the school at Challenger. Cal. Educ.
4 Code § 48645.3. Defendants, who were charged with providing educational services
5 to Plaintiffs at the Challenger Memorial Youth Center, failed to provide and continue
6 to fail to provide Plaintiffs and others similarly situated with even the minimum
7 schoolday.

8 164. Defendants, who were charged with providing educational services to
9 Plaintiffs at the Challenger Memorial Youth Center, failed to provide and continue to
10 fail to provide Plaintiffs and others similarly situated with a physical education
11 course of study that satisfies the California Education Code, which requires that
12 schools provide students with “the courses of physical education for a total period of
13 not less than 400 minutes each 10 schooldays” and that such courses have “emphasis
14 given to physical activities.” Cal. Educ. Code §§ 51220(d) and 51222.

15 165. Defendants, who were charged with providing educational services to
16 Plaintiffs at Challenger Memorial Youth Center, failed to provide and continue to
17 fail to provide Plaintiffs and others similarly situated with state approved textbooks
18 and instructional materials so that each student has a textbook or instructional
19 materials, or both, to use in class and to take home, in violation of Cal. Educ. Code §
20 35186(f)(1).

21
22 **REQUEST FOR RELIEF**

23 Plaintiff requests relief as follows:

24 A. An injunction directing Defendants, their officers, agents, and
25 employees to fulfill their constitutional obligations by, among other things, screening
26 and assessing for reading and writing disorders and providing intensive reading and
27 writing remediation services in the form of ongoing and/or compensatory services
28 suited to the individual needs of current, former and future students at Challenger

1 Center School who were and are unable to read, comprehend, and write
2 independently and fluently when they enrolled at Challenger Center School, and
3 therefore were and are unable to access grade-level materials and content on their
4 own and meet grade level standards.

5 B. An injunction forbidding Defendants, their officers, agents, and
6 employees from excluding students from the classroom for non-statutorily defined
7 and impermissible or arbitrary reasons and without providing notice and an
8 opportunity to be heard to challenge the basis for removal or to receive state
9 statutory protections related to removals, and directing Defendants, their officers,
10 agents, and employees to fulfill their constitutional and statutory obligations by
11 providing educational services covering the academic content that illegally
12 suspended students missed.

13 C. An injunction forbidding Defendants, their officers, agents, and
14 employees from denying Plaintiffs and others similarly situated from receiving the
15 protections, privileges and immunities on the same terms as all other citizens by
16 failing to ensure that the right to, among other things, read and write independently
17 and fluently, without assistance, to attend classes for statutorily minimum numbers
18 for days and hours per day, to be taught by a competent teacher who complies with
19 the most basic professional standards, and to receive physical education and
20 recreation in keeping with the state's minimum standards are provided. An
21 injunction forbidding Defendants, their officers, agents, and employees from
22 depriving students of even the statutorily defined mandatory minimum number of
23 education instructional minutes, physical education, textbooks and instructional
24 materials, and directing Defendants, their officers, agents, and employees to fulfill
25 their constitutional obligations by providing educational services covering the
26 academic content that the students who were deprived of such educational instruction
27 missed.

28 D. A declaration that Defendants' actions violate Plaintiffs' rights to

1 substantive due process under the Constitution of the United States;

2 E. A declaration that Defendants' actions violate Plaintiffs' rights to
3 procedural due process under the Constitution of the United States;

4 F. A declaration that Defendants' actions violate Plaintiffs' rights to equal
5 protection under the Constitution of the United States

6 G. A declaration that Defendants' actions violate Plaintiffs' rights under
7 Article IX, Sections 1 and 5 of the California Constitution;

8 H. A declaration that Defendants' actions violate Plaintiffs' rights under
9 the Equal Protection Clauses of the California Constitution, Article I, Section 7(a) &
10 Article IV, Section 16(a);

11 I. A declaration that Defendants' actions violate Plaintiffs' rights under
12 Article I, Section 7(b) of the California Constitution;

13 J. A declaration that Defendants' actions violate Plaintiffs' rights under
14 the various California education code provisions listed above;.

15 K. Costs of suit pursuant to 28 U.S.C. § 1920 and 42 U.S.C. § 1988;

16 L. Attorneys' fees pursuant to 42 U.S.C. § 1988 and Cal. Code Civ. Proc.
17 §1021.5 and any other appropriate statutory basis; and

18 M. Such other relief as this Court deems just and proper.

19 Respectfully Submitted,

ACLU Foundation of Southern California

20

21 Dated: January 11, 2010

By: Mark D. Rosenbaum
Mark D. Rosenbaum

22

Public Counsel

23

24 Dated: January 11, 2010

By: Laura Faer
Laura Faer

25

Disability Rights Legal Center

26

27 Dated: January 11, 2010

By: Shawna L. Parks
Shawna L. Parks
Attorneys for Plaintiffs

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