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COUNTY OF CONTRA COSTA  
By \_\_\_\_\_  
G. Cardinale, Deputy Clerk

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF CONTRA COSTA**

11 Mark S., by and through his guardian ad litem,  
12 Anna S., Rosa T., by and through her guardian  
ad litem Sofia L., and Jessica Black, Michell  
13 Redfoot, and Dr. Nefertari Royston, as  
taxpayers,

Plaintiffs and Petitioners,

14 v.

15 STATE OF CALIFORNIA; TONY  
16 THURMOND, in his official capacity as STATE  
SUPERINTENDENT OF PUBLIC  
17 INSTRUCTION; STATE BOARD OF  
EDUCATION; CALIFORNIA DEPARTMENT  
18 OF EDUCATION; and Pittsburg Unified  
SCHOOL DISTRICT, DOES 1-100,  
19 INCLUSIVE

Defendants and Respondents.

Case No. N21-1755

UNLIMITED JURISDICTION

**PLAINTIFFS' OPPOSITION TO  
DEMURRER FILED BY  
DEFENDANTS CALIFORNIA  
DEPARTMENT OF EDUCATION  
(CDE), STATE BOARD OF  
EDUCATION (SBE), AND TONY  
THURMOND, IN HIS OFFICIAL  
CAPACITY AS STATE  
SUPERINTENDENT OF PUBLIC  
INSTRUCTION (SSPI)**

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**TABLE OF CONTENTS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

INTRODUCTION ..... 1

BACKGROUND ..... 1

LEGAL STANDARD..... 2

ARGUMENT ..... 3

    I.        TAXPAYER PLAINTIFFS’ FOURTH CAUSE OF ACTION PROPERLY STATES A CLAIM  
                AGAINST STATE DEFENDANTS FOR ILLEGAL EXPENDITURE OF TAXPAYER FUNDS.. 3

    II.       PLAINTIFFS’ FIFTH CAUSE OF ACTION PROPERLY STATES A CLAIM AGAINST STATE  
                DEFENDANTS FOR A WRIT OF MANDATE ..... 5

CONCLUSION..... 9

**TABLE OF AUTHORITIES**

**Page(s)**

**Cases**

*Agric. Lab. Rels. Bd. v. Exeter Packers, Inc.*,  
184 Cal. App. 3d 483 (1986) .....5

*Aubry v. Tri-City Hosp. Dist.*,  
2 Cal. 4th 962 (1992) .....3

*Butt v. State*,  
4 Cal. 4th 668 (1992) .....5

*Cal. Hosp. Ass’n v. Maxwell-Jolly*,  
188 Cal. App. 4th 559 (2010) .....5, 7

*Citizens for Amending Proposition L v. City of Pomona*,  
28 Cal. App. 5th 1159 (2018) .....7

*City of Ceres v. City of Modesto*,  
274 Cal. App. 2d 545 (1969) .....3

*Collins v. Thurmond*,  
41 Cal. App. 5th 879 (2019) .....3, 4, 9

*Grimes v. State Dep’t of Soc. Servs.*,  
70 Cal. App. 4th 1065 (1999) .....7

*Molar v. Gates*,  
98 Cal. App. 3d 1 (1979) .....5

*Regents of Univ. of Cal. v. Superior Court*,  
220 Cal. App. 4th 549 (2013), *as modified on denial of reh’g* (Nov. 13, 2013) .....3

*Schifando v. City of Los Angeles*,  
31 Cal. 4th 1074 (2003) .....3

*Tinsley v. Palo Alto Unified Sch. Dist.*,  
91 Cal. App. 3d 871 (1979) .....3

*Vasquez v. State*,  
105 Cal. App. 4th 849 (2003) .....3

**Statutes**

Cal. Civ. Proc. Code § 452 .....3

Cal. Civ. Proc. Code § 526(a) .....3, 4

1  
2  
3  
4  
5  
6  
7  
8  
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10  
11  
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14  
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27  
28

Cal. Educ. Code § 56836.04 .....6  
**Other Authorities**  
C.C.R. § 4900.....7  
C.C.R. § 4900(c).....8

1 **INTRODUCTION**

2 Plaintiffs have brought a California Constitutional challenge and several California  
3 statutory challenges against the California Department of Education (“CDE”); State  
4 Superintendent of Public Instruction (“SSPI”) Tony Thurmond, the State Board of Education  
5 (“SBE”); and the State of California (collectively “State Defendants”),<sup>1</sup> based on State  
6 Defendants’ persistent and systematic failure to fulfill their non-delegable duty of ensuring equal  
7 educational opportunity to students at Pittsburg Unified School District (“Pittsburg Unified” or  
8 “the District”). In their First Amended Verified Petition for Writ of Mandate and Complaint for  
9 Declaratory and Injunctive Relief (“First Amended Complaint” or “FAC”), Plaintiffs provided  
10 comprehensive and detailed allegations about the severe inequities and discrimination Pittsburg  
11 Unified has inflicted on its students of color and students with disabilities and State Defendants’  
12 failure to fulfill their duty to ensure equal educational opportunity to Pittsburg Unified’s  
13 students. However, rather than address these allegations, State Defendants<sup>2</sup> simply recycle  
14 previous arguments from their January 11, 2022 demurrer and refuse to acknowledge the First  
15 Amended Complaint’s detailed and comprehensive allegations supporting Plaintiffs’ taxpayer  
16 and writ of mandate claims. This Court should deny State Defendants’ demurrer because  
17 Plaintiffs have properly pleaded their claims in the First Amended Complaint. Prevailing caselaw  
18 makes clear that State Defendants have mandatory constitutional and statutory obligations to  
19 ensure that students in California have equal educational opportunity, and these obligations are  
20 enforceable through taxpayer claims and a writ cause of action. Accordingly, Plaintiffs  
21 respectfully ask the Court to deny State Defendants’ demurrer.

22 **BACKGROUND**

23 Plaintiffs allege that State Defendants have: (1) permitted Pittsburg Unified to  
24 disproportionately identify Black and English learner students as eligible for special education,  
25

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26 <sup>1</sup> Plaintiffs also bring these claims against Pittsburg Unified School District.

27 <sup>2</sup> On April 25, 2022, Defendant State of California filed a request to join in the demurrer filed on  
28 the same date by the Superintendent of Public Instruction, State Board of Education, and California  
Department of Education. For purposes of this opposition, Plaintiffs include the State of California  
when referring to “State Defendants.”

1 including identifying them with more significant or restrictive disabilities, FAC ¶¶ 6, 10-12, 44,  
2 47-49, 97, 100-103, 113, 114, 133, 140, 141, 143; (2) failed to act when their own data confirms  
3 that Pittsburg Unified is disproportionately placing students found eligible for special education,  
4 and particularly Black and English learner students, in segregated special education classrooms,  
5 FAC ¶¶ 10-12, 44, 47-49, 54-56, 58, 97, 100-103, 113, 114, 133, 140, 141, 143; (3) persistently  
6 fail to intervene to remedy Pittsburg Unified’s known disproportionate discipline of students  
7 with disabilities, students of color, and particularly disabled students of color, FAC ¶¶ 15, 44, 75,  
8 81, 97, 101, 103, 113, 114, 133, 140, 141, 143; and (4) ignored that Pittsburg Unified  
9 consistently fails to provide students with evidence-based instruction and services tied to  
10 statewide academic content standards. FAC ¶¶ 14, 72, 97, 100-103, 113, 114, 133, 140, 141, 143.  
11 The FAC makes clear that State Defendants were aware of each of Pittsburg Unified’s  
12 discriminatory policies and practices; in fact, much of the underlying data supporting Plaintiffs’  
13 allegations comes from State Defendants’ records. FAC ¶¶ 10-12, 14, 47-49, 54-56, 58, 75, 81,  
14 97, 100-103. Still, State Defendants, who have the ultimate responsibility to ensure that all  
15 students receive equal educational opportunity in the State, have refused to prevent or remedy  
16 these systematic violations by Pittsburg Unified, which have harmed Plaintiffs. *See, e.g.*, FAC  
17 ¶¶ 44, 58, 97, 100-103, 113, 114, 133, 140, 141, 143.

18 Plaintiffs are two English learner students with disabilities at Pittsburg Unified  
19 (collectively “Student Plaintiffs”), through their guardians ad litem, as well as three taxpayer  
20 Plaintiffs, who are parents of current and former Pittsburg Unified students and/or current and  
21 former staff at Pittsburg Unified (collectively “Taxpayer Plaintiffs”). FAC ¶¶ 22-28. As detailed  
22 in the FAC, each Plaintiff has been harmed by discriminatory policies and practices in Pittsburg  
23 Unified schools; State Defendants’ systematic and longstanding refusal to accept their  
24 obligations to address the discriminatory policies and practices taking place at Pittsburg Unified  
25 has caused further harm. FAC ¶¶ 22-28, 58-59, 68-69, 71, 76-78, 83-94, 96, 97.

### **LEGAL STANDARD**

27 In ruling on a demurrer, a court must “assume the truth of the properly pleaded factual  
28 allegations, facts that reasonably can be inferred from those expressly pleaded and matters of

1 which judicial notice has been taken.” *Regents of Univ. of Cal. v. Superior Court*, 220 Cal. App.  
2 4th 549, 558 (2013), *as modified on denial of reh’g* (Nov. 13, 2013); *Schifando v. City of Los*  
3 *Angeles*, 31 Cal. 4th 1074, 1081 (2003). Courts “liberally construe[] [the pleading], with a view  
4 to substantial justice between the parties.” Cal. Civ. Proc. Code § 452; *Schifando*, 31 Cal. 4th at  
5 1081. “[A]verments with respect to racial segregation should be treated on general demurrer as  
6 allegations of ultimate facts and not mere conclusions of law.” *Tinsley v. Palo Alto Unified Sch.*  
7 *Dist.*, 91 Cal. App. 3d 871, 892 (1979). “[I]t is error for a . . . court to sustain a demurrer when  
8 the plaintiff has stated a cause of action under any possible legal theory.” *Aubry v. Tri–City*  
9 *Hosp. Dist.*, 2 Cal. 4th 962, 966-67 (1992). “[I]t is [also] an abuse of discretion to sustain a  
10 demurrer without leave to amend if the plaintiff shows there is a reasonable possibility [that the]  
11 defect . . . can be cured by amendment.” *Id.* at 967.

## 12 ARGUMENT

### 13 **I. Taxpayer Plaintiffs’ Fourth Cause of Action Properly States a Claim Against State** 14 **Defendants for Illegal Expenditure of Taxpayer Funds**

15 Any resident of a “local agency” who, “within one year before the commencement of the  
16 action, has paid a tax that funds the defendant local agency” may bring “[a]n action to obtain a  
17 judgment, restraining and preventing any illegal expenditure of, waste of, or injury to, the estate,  
18 funds, or other property of [the] local agency.” Cal. Civ. Proc. Code § 526(a). “[Section 526a]  
19 has been judicially extended to all state and local agencies and officials.” *Vasquez v. State*, 105  
20 Cal. App. 4th 849, 854 (2003). While “waste” as used in section 526a “means something more  
21 than an alleged mistake by public officials in matters involving the exercise of judgment or wide  
22 discretion[,] . . . a court must not close its eyes to wasteful, improvident and completely  
23 unnecessary public spending.” *City of Ceres v. City of Modesto*, 274 Cal. App. 2d 545, 555  
24 (1969). Code of Civil Procedure (“CCP”) section 526a is liberally construed, particularly at the  
25 demurrer stage where disputes of fact do not defeat the statement of a claim. *See id.* (reversing  
26 dismissal of taxpayer claim under CCP section 526a where complaint alleged a useless  
27 expenditure and waste of public funds even though performed in the exercise of a lawful power);  
28 *Collins v. Thurmond*, 41 Cal. App. 5th 879, 911 (2019) (upholding taxpayer claim of waste



1 through inaction where plaintiff-appellants alleged “that the state-level defendants approved  
2 budgets with knowledge that local-level defendants would use approved funds to engage in  
3 discriminatory and illegal practices”).

4 State Defendants challenge Taxpayer Plaintiffs’ standing under CCP section 526a by  
5 relying on a single argument, that “the taxpayer claim remains grounded in a challenge to the  
6 discretion granted to and employed by State Defendants.” Memorandum of Points and  
7 Authorities in Support of Demurrer of California Department of Education, State Board of  
8 Education, and Tony Thurmond to First Amended Petition for Writ of Mandate and Complaint  
9 for Declaratory and Injunctive Relief at 4, Mark S v. State, No. MSN21-1755 (Cal. Super. Apr  
10 25, 2022) (“CDE MPA”). But Taxpayer Plaintiffs have alleged a taxpayer claim arising from  
11 illegal action which cannot be a legal exercise of discretion by State Defendants. *Collins*, 41 Cal.  
12 App. 5th at 910-11. State Defendants repeatedly identify *Collins* as the controlling precedent, but  
13 that case plainly held that taxpayer claims may proceed under such circumstances. Indeed,  
14 Taxpayer Plaintiffs have followed the framework set forth in *Collins* in alleging the taxpayer  
15 claim in their First Amended Complaint, because the facts involving illegal expenditures are  
16 substantially similar in both cases. Specifically, there, the appellate court held that plaintiffs  
17 stated a viable taxpayer claim where they alleged that the CDE and SSPI “‘approved budgets and  
18 authorized payments’ to local school districts,” thereby “authorizing funds that they know are  
19 being illegally used by their recipients, that illegality arising, at a minimum, from a violation of  
20 the equal protection clause.” *Id.* at 909-11. Taxpayer Plaintiffs here allege the same:

21 “State Defendants continue to permit or authorize the allocation or  
22 reimbursement of public funds to Pittsburg Unified despite  
23 knowing that the funds are being illegally used. Because State  
24 Defendants have permitted the use of these funds or authorized  
25 these funds without fulfilling their statutory and constitutional  
26 obligation to ensure these funds are not used to deprive students of  
27 equal educational access in a discrimination-free environment, they  
28 have also committed waste.”

FAC ¶ 132. That illegal use arises, at a minimum, from violations of the Equal  
Protection Clause that are alleged in the FAC, ¶¶ 108-115, which this Court has held  
Plaintiffs properly pled in their original Complaint. Order after hearing on February 24,

1 2022 at 20-21, *Mark S v. State*, No. MSN21-1755 (Cal. Super. Mar. 9, 2022). Plaintiffs’  
2 First Amended Complaint also references several state statutes that require State  
3 Defendants to ensure public funds are spent by school districts for lawful purposes,  
4 including for the provision of a public education system free of unlawful discrimination.  
5 *See* FAC ¶¶ 128-29.

6 Accordingly, Taxpayer Plaintiffs have properly pleaded their Fourth Cause of Action,  
7 and this Court should deny the State Defendants’ demurrer and allow the case to proceed to  
8 discovery so Plaintiffs can have the opportunity to review Pittsburg Unified’s budgets and prove  
9 that State Defendants have consistently wasted taxpayer funds by approving illegal expenditures.

10 **II. Plaintiffs’ Fifth Cause of Action Properly States a Claim Against State Defendants**  
11 **for a Writ of Mandate**

12 To state a cause of action for a writ of mandate, a plaintiff must plead: (1) a clear duty to  
13 act by the defendant; (2) a beneficial interest in the defendant’s performance of that duty; (3) the  
14 defendant’s ability to perform the duty; (4) the defendant’s failure to perform that duty or abuse  
15 of discretion if acting; and (5) “no other plain, speedy, or adequate remedy exists.” *Agric. Lab.*  
16 *Rel. Bd. v. Exeter Packers, Inc.*, 184 Cal. App. 3d 483, 489 (1986). While “[m]andamus will not  
17 lie to control an exercise of discretion, i.e., to compel an official to exercise discretion in a  
18 particular manner[,] . . . [it] may issue . . . to compel an official both to exercise [their] discretion  
19 . . . and to exercise it under a proper interpretation of the applicable law.” *Cal. Hosp. Ass’n v.*  
20 *Maxwell-Jolly*, 188 Cal. App. 4th 559, 570 (2010) (quoting *Common Cause v. Board of*  
21 *Supervisors*, 49 Cal.3d 432, 442 (1989)).

22 State Defendants assert that Plaintiffs challenge only discretionary acts rather than  
23 ministerial duties that State Defendants are required to perform. This is incorrect. In the First  
24 Amended Complaint, Plaintiffs have identified multiple clear, ministerial duties of State  
25 Defendants to intervene on behalf of students with and without disabilities and students of color  
26 when unlawful discrimination occurs. FAC. ¶¶ 109, 129, 131; *Butt v. State*, 4 Cal. 4th 668, 688,  
27 692 (1992) (discussing the State’s obligation and “duty to intervene” when a denial of equal  
28 educational opportunity is at issue); *Molar v. Gates*, 98 Cal. App. 3d 1, 25 (1979) (holding that a

1 traditional mandamus is an appropriate remedy to enforce plaintiff’s constitutional right to equal  
2 protection). Plaintiffs’ FAC alleges violations of these duties, both because State Defendants  
3 failed to perform its required duties and because State Defendants abused their discretion in  
4 purportedly acting on those duties. FAC ¶¶ 44, 56, 58, 81, 95-99,113, 114, 129, 132, 140, 143,  
5 144.

6 **A. Plaintiffs assert State Defendants fail to perform mandatory duties.**

7 State Defendants have failed to intervene to remedy and prevent constitutional  
8 deprivations brought to their knowledge, thus failing to act on their mandatory duties to ensure  
9 equal educational opportunity to students in Pittsburg Unified. FAC ¶¶ 95-99, 113, 114, 140,  
10 146. For example, the State, through the CDE, has been aware of racial discrimination in the  
11 District’s discipline practices for years, as shown by its own statistics over several years and  
12 multiple written complaints over the last two years. FAC ¶¶ 75, 81, 97, 101, 103. Despite this  
13 knowledge, the State and the CDE have not taken action to correct the policies and practices  
14 leading to substantial disparate impact on the minority children of Pittsburg Unified. FAC ¶¶ 95,  
15 96 (“[T]he State has abdicated its legal responsibilities to Mark S. and Rosa T. . . . and their  
16 disabled peers and other students of color to provide equal educational opportunities.”), 97  
17 (noting that “the State . . . has only flagged the District on a small subset of issues described in  
18 this Writ and Complaint”), 140 (stating “the State’s system for monitoring school districts and  
19 selecting them for more intensive review and intervention fails to identify the scope of systemic  
20 issues at school districts”).

21 The SSPI has a mandatory, non-discretionary duty to “monitor and review all special  
22 education programs approved” under the State’s special education programs “to ensure that all  
23 funds appropriated to special education local plan areas . . . are expended for the purposes  
24 intended,” including “to assist local educational agencies to provide special education and related  
25 services to individuals with exceptional needs.” Cal. Educ. Code § 56836.04. This mandate  
26 includes not only an obligation to monitor, but also to take *some* action besides monitoring to  
27 intervene to ensure that the funds appropriated are expended for the intended purposes. Plaintiffs  
28 allege that the State, including the SSPI, has failed both to monitor Pittsburg Unified’s special

1 education program *and* failed to ensure funds are expended to provide legally-required special  
2 education and related services to disabled students beyond merely monitoring. FAC ¶¶ 97 (“[the  
3 State] failed to proactively or adequately monitor, review, inspect, and remedy the District’s  
4 unlawful policies and practices”), 132 (“State Defendants continue to permit or authorize the  
5 allocation or reimbursement of public funds to Pittsburg Unified despite knowing that the funds  
6 are being illegally used.”). Plaintiffs further allege that the State has failed to ensure that  
7 educational programs and activities under the jurisdiction of the SBE, including curriculum  
8 aligned to statewide academic content standards, are available to students without regard to race,  
9 ancestry, national origin, or disability, as required by 5 C.C.R. § 4900. FAC ¶ 129 (alleging that  
10 State Defendants “fail[ed] to prevent and remedy unlawful discrimination in special education  
11 programs and disciplinary policies and practices, and otherwise fail[ed] to take steps to ensure  
12 equal educational access for Black, Native American, multiracial, English learner, and disabled  
13 students”).

14 **B. Plaintiffs assert State Defendants abused their discretion in performing**  
15 **mandatory duties.**

16 Plaintiffs have alleged that State Defendants have failed to perform a mandatory duty;  
17 additionally, as an alternative theory, Plaintiffs have properly alleged that State Defendants  
18 abused their discretion in performing their duties. Mandate is available to aggrieved parties, as a  
19 matter of law, to correct an abuse discretion by a public official or agency. *Maxwell-Jolly*, 188  
20 Cal. App. 4th at 570 (noting that “[a]lthough administrative actions enjoy a presumption of  
21 regularity, this presumption does not immunize agency action from effective judicial review”);  
22 *Citizens for Amending Proposition L v. City of Pomona*, 28 Cal. App. 5th 1159, 1173 (2018) (a  
23 writ of mandate “will lie to correct abuses of discretion.”). Courts will find abuse of discretion  
24 where agency action has effectively “alter[ed] or amend[ed] the statute or enlarge[d] or  
25 impair[ed] its scope,” where the agency fails to exercise discretion, or where the agency has  
26 “engage[d] in unjustified, unreasonable delay in the implementation of statutory commands.”  
27 *Grimes v. State Dep’t of Soc. Servs.*, 70 Cal. App. 4th 1065, 1073 (1999) (citations omitted).

1 Here, as outlined in the First Amended Complaint, State Defendants have abused their  
2 discretion by altering, amending, or impairing the scope of statutory and state constitutional  
3 provisions that require State Defendants to eliminate bias or discrimination from the state’s  
4 public education system. State Defendants are governed by the California Constitution and state  
5 laws to provide “equal education to students of color and disabled students of color.” FAC ¶ 140.  
6 The FAC outlines several duties imposed on State Defendants by the State Constitution, the  
7 California Education Code, and California Code of Regulations to govern and oversee a public  
8 education system that is free of unlawful discrimination. For example, the FAC specifically  
9 alleges that it is the “intent of Defendant State Board of Education that Defendant State  
10 Superintendent of Public Instruction assist school districts to ‘recognize and eliminate unlawful  
11 discrimination that may exist within their programs or activities’ and that the ‘Superintendent  
12 shall meet this responsibility through technical assistance and ensuring compliance’ pursuant to  
13 standard complaint procedures.” FAC ¶ 140, *citing* 5 C.C.R. § 4900(c). Yet, Plaintiffs allege that  
14 State Defendants have not taken *any* action to intervene and, if they have provided any technical  
15 assistance and oversight to school districts, such assistance or oversight allowed “unlawful  
16 discrimination that continues unabated in public schools.” *Id.* This impairment of the scope of  
17 the statute is an abuse of discretion.

18 State Defendants’ conduct is impairing, or amending, the scope of their statutory duties  
19 by allowing discrimination to continue, even after State Defendants allegedly intervened on a  
20 small subset of issues Plaintiffs raise in their FAC. Here, Plaintiffs allege that the State  
21 Defendants’ “paper-compliance mindset [] overly focusses on quantitative measures and wholly  
22 fails to capture suspected or known violations” of the State’s proscriptions on discrimination in  
23 schools and that “the State Defendants’ defective system for monitoring, providing leadership to,  
24 and selecting school districts for intensive review and intervention has had and continues to have  
25 the effect of denying Plaintiffs full and equal access to the benefits of the programs and activities  
26 administered by Defendants, or of subjecting Plaintiffs to discrimination under such programs or  
27 activities, on the basis of their race, national origin, or disability.” *Id.* These and other allegations  
28 in the FAC suffice to establish Plaintiffs’ writ of mandate claim under a theory that the State

1 Defendants abused their discretion. *Collins*, 41 Cal. App. 5th at 911 (stating that “disputes of fact  
2 do not defeat the statement of a claim . . . . At the pleading phase, the question is only whether  
3 the allegations constitute a cognizable cause of action, not whether the allegations will be proved  
4 or defeated by a defense to the claim.”).

5 State Defendants’ citations to *Collins* do not undermine Plaintiffs’ writ claim. In fact, in  
6 *Collins*, with respect to the “duty to monitor,” the court found that “appellants have stated a  
7 broad challenge to the state-level defendants’ conduct sufficient to support their writ claim.” The  
8 facts of that case supported a finding that the state defendants abused their discretion by failing  
9 to collect data required by law. *Collins*, 41 Cal. App. 5th at 918. While the facts in *Collins* and  
10 the present case are not identical, parallels can be drawn, as the State wholly failed to  
11 acknowledge and ameliorate known or suspected violations of the law in both instances. Here,  
12 Plaintiffs allege that State Defendants abused their discretion by “implement[ing] an  
13 unconstitutional system of public education that deprives students of equal educational access in  
14 a discrimination-free environment.” FAC ¶ 144. Specifically, State Defendants were obligated  
15 to assist school districts in eliminating unlawful discrimination in educational programs or  
16 activities, but then utterly failed to cure or further prevent “suspected or known violations.” FAC  
17 ¶ 140. In short, Plaintiffs’ allegations demonstrate that State Defendants abused their discretion  
18 by altering, amending, or impairing the scope of statutory and state constitutional provisions that  
19 required State Defendants to ensure a public school system free from discrimination based on  
20 race, national origin, and disability.

21 **CONCLUSION**

22 For all of the foregoing reasons, the Plaintiff respectfully request that the Court deny  
23 State Defendants’ demurrer. In the alternative, should the Court find any such amendment  
24 necessary, Plaintiffs request leave to amend their First Amended Complaint and Writ.

25 Dated: May 24, 2022



26 Malhar Shah  
27 Claudia Center  
28 DISABILITY RIGHTS EDUCATION AND  
DEFENSE FUND

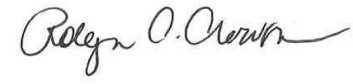
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Ana G. Nájera Mendoza  
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**PROOF OF SERVICE**

I am a resident of, or employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is: Steptoe & Johnson LLP, 633 West Fifth Street, Suite 1900, Los Angeles, California 90071.

On **May 24, 2022**, I served the following listed document(s) **PLAINTIFFS’ OPPOSITION TO DEMURRER FILED BY DEFENDANTS CALIFORNIA DEPARTMENT OF EDUCATION (CDE), STATE BOARD OF EDUCATION (SBE), AND TONY THURMOND, IN HIS OFFICIAL CAPACITY AS STATE SUPERINTENDENT OF PUBLIC INSTRUCTION (SSPI)** by method indicated below, on the parties in this action:

State of California Deputy Attorney General California Department of Justice 455 Golden Gate Avenue # 11000 San Francisco, CA 94102	<a href="mailto:Andrew.Edelstein@doj.ca.gov">Andrew.Edelstein@doj.ca.gov</a> <a href="mailto:Jacquelyn.Young@doj.ca.gov">Jacquelyn.Young@doj.ca.gov</a>
Tony Thurmond, in his official capacity as State Superintendent of Public School Instruction 1430 N Street, Suite 5111 Sacramento, CA 95814  State Board of Education 1430 N Street, Suite 5111 Sacramento, CA 95814  California Department of Education 1430 N Street, Suite 5111 Sacramento, CA 95814	<a href="mailto:LGarfinkel@cde.ca.gov">LGarfinkel@cde.ca.gov</a>
Pittsburg Unified School District c/o Katherine Alberts 1390 Willow Pass Rd #700, Concord, CA 94520	<a href="mailto:kalberts@leonealberts.com">kalberts@leonealberts.com</a>

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused the document(s) to be sent by email to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 24, 2022, at Los Angeles, California.

/s/ Melissa Hernandez  
MELISSA HERNANDEZ