

No. A165899

**IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT, DIVISION FIVE**

JAMES V. LACY; MICHAEL DENNY;
UNITED STATES JUSTICE
FOUNDATION; AND CALIFORNIA
PUBLIC POLICY FOUNDATION,
Plaintiffs and Respondents,
v.
CITY AND COUNTY OF SAN
FRANCISCO; AND JOHN ARNTZ,
Defendants and Appellants.

Appeal from a Decision by the San Francisco Superior Court
No. CPF-22-517714
Hon. Richard B. Ulmer Jr.

**APPLICATION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF AND BRIEF OF
CAREGIVER ORGANIZATIONS IN SUPPORT OF DEFENDANTS AND
APPELLANTS CITY AND COUNTY OF SAN FRANCISCO AND JOHN ARNTZ**

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APPLICATION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* CAREGIVER ORGANIZATIONS

Under Rule 8.200(c) of the California Rules of Court, the proposed *amici curiae* African Advocacy Network (“AAN”), Arab Resource and Organizing Center (“AROC”), Central American Resource Center – San Francisco (“CARECEN-SF”), Chinese for Affirmative Action (“CAA”), Coleman Advocates for Children and Youth (“Coleman Advocates”), GO Public Schools, Harbor Institute/National Day Laborer Organizing Network, La Raza Community Resource Center (“LRCRC”), Long Beach Immigrant Rights Coalition (“LBIRC”), Mission Economic Development Agency Media (“MEDA”), Mission Graduates (“Mission Grads”), Orange County Congregation Community Organization (“OCCCO”), Services, Immigrant Rights & Education Network (“SIREN”), and Uniting Parents of Pasadena (collectively, “Caregiver Organizations”) respectfully seek the Court’s permission to file the attached *Amici Curiae* brief in support of Defendants and Appellants City and County of San Francisco and John Arntz.

I. STATEMENT OF INTEREST OF *AMICI CURIAE*

Amici AAN, AROC, CARECEN-SF, CAA, Coleman Advocates, LRCRC, MEDA, and Mission Grads make up the Immigrant Parent Voting Collaborative (“IPVC”). The interests of the individual IPVC organizations are listed in Appendix A. The IPVC was founded in 2018 by a group of eight community-based organizations who work at the intersection of immigrant rights, civic engagement, and education equity. IPVC organizations supported the passage of non-citizen voting in school board elections in San Francisco in 2016 and remain committed to civic engagement of immigrant parents and ensuring smooth implementation of San Francisco’s noncitizen voting program. The organizations within IPVC have deep roots in their respective communities, with organizational histories that span anywhere from 13 to more than 50 years. Within the

collaborative, the IPVC serves the Arab, African and Afro-Caribbean, Latinx, and Chinese immigrant communities, and member organizations have language capacity for more than 10 languages and dialects. They also have culturally competent staff members. The IPVC's goals are to: expand non-citizens' access to voting and government representation; promote participation in democratic processes and civic engagement opportunities; encourage immigrant parent leadership in K-12 issues; and support immigrants interested in registering and voting to get more information on how to do so.

The interests of additional amici that are invested in expanding immigrant voting throughout California are listed in Appendix A. These organization are: GO Public Schools, Harbor Institute/National Day Laborer Organizing Network, LBIRC, OCCCO, SIREN, and United Parents of Pasadena.

II. THE ACCOMPANYING BRIEF WILL ASSIST THE COURT IN DECIDING THIS MATTER

To complement the California constitutional and statutory analysis provided by Defendants and Appellants City and County of San Francisco and John Arntz and other *amici curiae*, this brief presents the important policy reasons to expand the electorate in local school board elections to noncitizen caregivers. In particular, the brief focuses on the benefits of voting for caregivers and their school-age children. The first part of the brief provides an overview of San Francisco's noncitizen population, SFUSD's Latine, Asian, and English learner population, as well as disparities in educational outcomes. The section further details studies that confirm that caregiver involvement in education, including through decision-making and participation in school governance, is associated with improved student academic outcomes. The second section outlines the many ways in which California already centers caregiver involvement in

students' education and how noncitizen voting supports existing efforts. The third and final section highlights the urgent need to continue to incorporate noncitizen caregivers into the electorate given, among other things, San Francisco's sizeable immigrant population. The section further highlights how noncitizen caregiver voting is consistent with legal and historical arguments in favor of expanding the franchise and of guaranteeing the education of the children of immigrants. It concludes with a discussion of the civic engagement benefits noncitizen caregiver voting provides to students, including by making it more likely that students themselves will vote when they become eligible.

III. IDENTIFICATION OF AUTHORS AND MONETARY CONTRIBUTIONS

ACLU Foundation of Northern California and ACLU Foundation of Southern California hereby certify under Rule 8.200(c)(3)(A) of the California Rules of Court that no party or counsel for any party authored the proposed brief in whole or in part or made any monetary contributions intended to fund the preparation or submission of the brief. ACLU Foundation of Northern California and ACLU Foundation of Southern California further certify under Rule 8.200(c)(3)(B) of the California Rules of Court that no person or entity other than *Amici*, their members, and their counsel made any monetary contribution intended to fund the preparation or submission of the brief.

IV. CONCLUSION

For the foregoing reasons, *Amici* respectfully request that that the Court grant this application and accept the attached brief for filing and consideration.

Dated: March 7, 2023

Respectfully submitted,

By: /s/ Julia A. Gomez

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***AMICI CURIAE* BRIEF OF CAREGIVER ORGANIZATIONS**

I. INTRODUCTION

Parents, legal guardians, and legally recognized caregivers (collectively, “caregivers”) play a critical role in the educational outcomes of their school-age children. For this reason, California has long centered many of its educational laws around promoting caregiver involvement and participation. With the passage of Proposition N, San Francisco voters went even further by amending their charter to permit noncitizen caregivers to vote in San Francisco Unified School District (“SFUSD”) board elections. Extending the right to vote to noncitizen caregivers is not only in line with core principles of democracy and representation, but also ensures that community members who have a direct stake in students’ education have a voice in who serves the school board and have a tangible influence over shaping the board’s policy decisions.

Noncitizen voting benefits the individual voter, their families, their communities, and democracy writ large. This brief focuses on the benefits of noncitizen voting for caregivers and their school-age children. Section II of the brief provides an overview of studies that confirm that caregiver involvement in education, including through decision-making and participation in school governance, is associated with improved student academic outcomes. Section III outlines the many ways in which California already centers caregiver involvement in students’ education and how noncitizen voting complements existing efforts. Finally, Section IV highlights the urgent need to continue to incorporate noncitizen caregivers into the electorate given, among other things, San Francisco’s sizeable immigrant population. The section further highlights how noncitizen caregiver voting is consistent with legal and historical arguments in favor of expanding the franchise and of guaranteeing the education of the children of immigrants. The section concludes with a discussion of the civic

engagement benefits noncitizen caregiver voting provides to students, including by making it more likely that students themselves will vote when they become eligible.

Accordingly, the Court should reverse the trial court’s order invalidating and enjoining the enforcement of Proposition N’s implementing ordinance.

II. NONCITIZEN CAREGIVER ENGAGEMENT IN DECISION-MAKING IS KEY TO IMPROVING EDUCATIONAL OUTCOMES FOR STUDENTS.

Political scientists have long recognized that representatives “are under no compulsion to pay much heed to classes and groups of citizens who do not vote.”¹ It is for this reason that the engagement of noncitizen caregivers in SFUSD elections is so crucial. As many as one in two children in the San Francisco metro area have at least one immigrant caregiver,² and 27% of SFUSD students are English language learners, 30% are Latine, and 38% are Asian or Pacific Islander.³ Noncitizen residents in San Francisco make up 14% of the city’s voting-age population, with Latine and Asian residents disproportionately represented in this population.⁴ This means that, absent Proposition N, 26% of Latine and 20% of Asian San Francisco residents are ineligible to vote.⁵

¹ V.O. Key, *Southern Politics in State and Nation*, New York, NY: Vintage Books (1949).

² *Profile of the Foreign-Born Population in San Francisco, California*, Vera Institute of Justice (2020), <https://bit.ly/3gCf8VB>.

³ Facts About SFUSD at a Glance, SFUSD, <https://bit.ly/3u4ecws> (last updated Nov. 4, 2022) [hereinafter, “SFUSD at a Glance”].

⁴ 2021 5-year American Community Survey (“ACS”) Citizen Voting Age Population by Race and Ethnicity Special Tabulation, <https://bit.ly/3Vcj7qS> [hereinafter, “2021 5-year ACS”] (showing that Latine and Asian residents make up 75% of San Francisco’s voting-age noncitizen population).

⁵ *Id.*

Many of the same communities that have, until recently, been excluded from SFUSD’s electorate are also the communities with children who continue to face poor educational outcomes. For example, a recent SFUSD report highlights disparities among students, showing that, compared to the student body as a whole, Latine students have higher suspension and chronic absenteeism rates and lower high school graduation, college enrollment, and math proficiency rates.⁶ When it comes to reading, students who are Asian American, Filipino, Pacific Islander, Latine, English learners, and low-income have much lower proficiency rates than their White peers.⁷ During the 2021-2022 school year, only 17.5% of students who were English learners and 34.2% of Latine students were reading proficient, compared to 80.8% of their White peers.⁸

There are many reasons for these opportunity gaps, including documented disinvestment in immigrant, Latine, and Asian communities,⁹ and, relevant here, the impact of the historical disenfranchisement of certain communities.¹⁰ With respect to the latter, a 2021 report by Vladimir Kogan, Stéphane Lavertu, and Zachary Prestowitz (“Kogan report”) looked at the racial and socioeconomic composition of California school district student

⁶ SFUSD Student Performance Analysis at 8, SFUSD (June 2022), <https://bit.ly/3mdBD5B>.

⁷ 4-year Reading Inventory Report, SFUSD (June 27, 2022), <http://bit.ly/3xW25Du>.

⁸ *Id.*

⁹ See, e.g., Urban Displacement Project, Redlining and Gentrification, <https://bit.ly/3Z34Q1D> (noting that, historically, San Francisco neighborhoods that were home to African American residents and immigrant residents from Japan, China, Mexico, and countries in Eastern Europe were deemed hazardous by the federal government, resulting in disinvestment from these communities).

¹⁰ For example, California’s Constitution included an English literacy test until 1970. *Castro v. State of California*, 2 Cal.3d 223 (1970).

bodies and the racial composition of voters in school district elections between 2008 and 2016.¹¹ The report found that “the gap between the achievement of white and Hispanic students is more pronounced in [California] districts where white voters are most over-represented in the electorate.”¹² For each of the four states researchers looked at, they found that “increasing white over-representation in the electorate by one percentage point is associated with an increase in the white-Hispanic achievement gap.”¹³ The report results suggest “that school board members face the least political pressure to address persistent racial achievement gaps in precisely the districts where the gaps are the largest because minority populations are most politically underrepresented in these jurisdictions.”¹⁴

The correlation between achievement gaps and electoral participation is not surprising given academic literature on the importance of caregiver engagement. In 1995, Dr. Joyce L. Epstein identified six foundational categories of caregiver engagement: creating a home environment that supports children as students; maintaining regular two-way communication with schools; volunteering for school activities; helping children learn at home; participating in school decision-making; and collaborating with the community-at-large.¹⁵ Increased caregiver

¹¹ Kogan et al., *The Democratic Deficit in U.S. Education*, Annenberg Institute at Brown University (Jan. 2021), <https://bit.ly/41yx9GX>.

¹² *Id.* at 10.

¹³ *Id.*

¹⁴ *Id.* at 12.

¹⁵ Cheng Yong Tan et al., *Academic Benefits from Parental Involvement are Stratified by Parental Socioeconomic Status: A Meta-analysis*, 20:4 Parenting 241, 242-43 (2020), <https://bit.ly/3kDXoLs> (citing Epstein, *School/Family/Community Partnerships: Caring for the Children We Share*, 76:9 Phi Delta Kappan, 701, 701-712 (1995)).

participation can make a crucial difference in children's academic, behavioral, and socioemotional development.¹⁶ In particular, studies time and again show that student achievement is boosted when caregivers engage with their children's school experience, including by engaging in school governance.¹⁷ In addition, caregiver involvement in school governance often "foster[s] a groundswell of activism around school issues that le[ad] to significant change in schools."¹⁸ This school-home partnership requires involving families, school staff, district staff, and other community organizations in joint decision-making around school and district-related matters.¹⁹

Countless studies also confirm the real impacts that involvement in decision-making has on student achievement. For example, English learners in a California school district saw greater improvement in English proficiency when their caregivers were more involved in leadership opportunities.²⁰ More concretely, when noncitizen caregivers engage in

¹⁶ Tyler E. Smith et al., *Understanding Family-School Engagement Across and Within Elementary and Middle-School Contexts*, 34:4 Sch. Psych. 363, 364 (2019), <https://bit.ly/3xUbbk2>.

¹⁷ See, e.g., Tan, *supra* note 15, at 271 (finding that parental participation in school governance was significantly related to student achievement); María Castro et al., *Parental Involvement on Student Academic Achievement: A Meta-Analysis*, 14 Educ. Rsch. Rev. 33, 33-46 (2015) <https://bit.ly/3IyYUqm> (collecting 37 studies showing that parental involvement has a positive to moderate impact on academic achievement).

¹⁸ Gavin Shatkin & Alec Ian Gershberg, *Empowering Parents and Building Communities: The Role of School-based Councils in Educational Governance and Accountability*, 42 Urban Educ. 582, 601 (2007) <https://bit.ly/3KD29jd> (finding that parent participation in school governance generated significant change in schools).

¹⁹ Rebecca A. London, *Family Engagement Practices in California Schools at 9*, Public Policy Institute of California (June 2016), <https://bit.ly/41xzGkX>.

²⁰ *Id.*

decision-making by exercising their right to vote, they can help secure representation for their children’s distinct interests. Studies have found that representation of historically disenfranchised communities on local school boards leads to higher numbers of administrators and teachers from these communities, which in turn correlates with improved educational outcomes for students from these same communities.²¹ One study found that an increase in the number of Latine teachers positively impacted Latine students’ college attendance rates and lowered their dropout rates.²² Another study similarly found that Black and Latine students in districts with more teachers from their own racial and ethnic backgrounds performed better on standardized exit exams and had higher pass rates than Black and Latine students in districts with fewer Black and Latine teachers.²³

These findings are consistent with studies that have looked at student achievement in jurisdictions with noncitizen voting.²⁴ For example, a report on school council elections in Chicago found that Latine political

²¹ See Tara Kini, *Sharing the Vote: Noncitizen Voting Rights in Local School Board Elections*, 93 Cal. L. Rev. 271, 312 (2005) (noting that studies show that “minority representation on local school boards correlates with higher numbers of minorities in administrative and teaching positions,” which could be because “school boards hire the school superintendent and often weigh in on district hiring policies”).

²² Bryant Yuan Fu Yang, *Fighting for an Equal Voice: Past and Present Struggle for Noncitizen Enfranchisement* 13 Asian Am. L.J. 57, 68 (2006).

²³ Kini, *supra* note 21, at 312; see also Melissa Marschall, *Parent Involvement and Educational Outcomes for Latino Students*, 23 Rev. of Pol’y Resch. 1053, 1054 (2006) (citing studies that show better academic outcomes for Latine students in districts where there is more representation on school boards and in administrative and teaching positions).

²⁴ For a detailed discussion of these studies, see the amicus brief of Professors Ron Hiroshi Motomura in this appeal. Br. for Professors Ron Hayduk & Hiroshi Motomura as Amici Curiae Supporting Appellants, *Lacy v. City & Cnty. of San Francisco* (Ct. App.) (Mar. 7, 2023) (No. A165899).

incorporation, including through noncitizen voting, “play a crucial role in building stronger, more supportive school-parent relations and in encouraging higher levels of parent involvement in formal school activities,” and that these practices result in improved Latine student academic performance.²⁵ This study, along with the numerous other studies that show that caregiver involvement more generally improves student educational outcomes, confirm how necessary it is for noncitizen caregivers to retain the right to vote in SFUSD elections.

Not only does electoral participation lead to better student educational outcomes, but, as the Chicago report shows, electoral participation also encourages caregivers and staff to commit even more to all of the foundational engagement categories. Noncitizen San Francisco caregivers have shared as much. Amos Lim shared, for example, that he became more involved in his daughter’s school community after he started voting in SFUSD elections.²⁶ Lim started volunteering and assuming leadership roles in the PTA and volunteered to be on the schoolsite council.²⁷ Hwaji Shin, similarly, began to attend English Language Development (“ELD”) meetings more frequently and to share her opinions and suggestions with ELD teachers.²⁸

Although voting provides direct opportunities for caregivers to participate in two foundational forms of caregiver engagement— influencing school district decision-making and collaborating with the community-at-large on important issues—noncitizen caregivers will be shut out of these opportunities if Proposition N is set aside. Not only is it harmful for some residents to have access to the political process while

²⁵ Marschall, *supra* note 23, at 1069-70.

²⁶ Appellants’ Appendix (“AA”) 2:129 (Lim Decl. at 2, ¶ 7).

²⁷ *Id.*

²⁸ AA 2:140 (Hwaji Shin Decl. at 2, ¶ 9).

noncitizens with children are excluded, but access to school board elections is also a key gateway to encourage caregivers to feel more ownership over district decision-making and to inspire school staff and caregivers to commit even more to the other four foundational engagement categories.

III. CALIFORNIA LAW PRIORITIZES CAREGIVER INVOLVEMENT IN STUDENT EDUCATION.

California has long prioritized caregiver involvement in its educational policies. Specifically, state law grants caregivers certain rights and opportunities to participate in their student's education. These rights include caregivers' having the opportunity to work with schools in a mutually supportive and respectful partnership, with the goal of helping their students succeed in school.²⁹ As such, allowing noncitizen caregivers to vote in school board elections complements and reinforces California's commitment to empower caregivers and students to have a voice in their schools and educational policies.

California also recognizes that "[i]t is essential to our democratic form of government that parents and guardians of school-age children attending public schools and other citizens participate in improving public education institutions."³⁰ As discussed above and declared by the California Legislature, "[r]esearch has shown conclusively that early and sustained family involvement at home and at school in the education of children results both in improved pupil achievement and in schools that are successful at educating all children, while enabling them to achieve high levels of performance."³¹ Indeed, everyone in the community reaps societal benefits when all caregivers, regardless of their citizenship status, have expanded opportunities to participate in and influence the education of their

²⁹ Educ. Code § 51100.

³⁰ Educ. Code § 51100(a).

³¹ Educ. Code § 51100(b).

students. By allowing noncitizen caregivers to vote in school board elections, the community sends a message that all caregivers are welcomed and are equal partners with the school to support the success of students.

A. Caregivers Have Extensive Rights under California Law to be Informed and Participate in the Education of their Children.

School boards have an incredible amount of influence on the school climate and the quality of education that students receive.³² The SFUSD Board, for example, is responsible for establishing educational goals and standards, setting the district budget, confirming the appointment of all personnel, approving union contracts, and approving purchases.³³ In short, school districts are ultimately responsible for ensuring that all students have access to a safe and supportive learning environment,³⁴ and all caregivers, regardless of status, should be able to weigh in on these school board decisions.

The California Legislature agrees. Under California law, caregivers have a right to be informed about, and participate in, the education of their children.³⁵ In furtherance of that right, state law outlines at least sixteen ways that caregivers should be informed and have an opportunity to participate in their children's education, including by "volunteer[ing] their time and resources for the improvement of school facilities and school programs."³⁶ While state law does not dictate how caregivers should volunteer their time, voting in school board elections, including by

³² See Educ. Code § 35010(b) (a school board "shall prescribe and enforce rules . . . for its own government").

³³ About SFUSD: Board of Education, SFUSD, <http://bit.ly/3L1TzdZ> [hereinafter "SFUSD BOE"].

³⁴ Educ. Code § 51101(a)(7).

³⁵ Educ. Code § 51101(a).

³⁶ Educ. Code § 51101(a)(3).

noncitizen caregivers, is one of the most important ways to participate in the improvement of a school district because it shapes priorities and policies across the district.

Caregivers also have a right “[t]o have a school environment for their child that is safe and supportive of learning.”³⁷ Over the past two decades, however, police officers have increasingly displaced school administrators as disciplinarians, resulting in increased student-police interactions.³⁸ These interactions have funneled thousands of students into the school-to-prison pipeline. They have also prompted caregivers to call for the reduction or complete elimination of police officers at schools.³⁹ Budgetary decisions to reduce or cut all funding for school resource and police officers often fall on the school board.⁴⁰ Thus, school board elections are consequential to having a safe and supportive school environment. Because of Proposition N, noncitizen caregivers in San Francisco can vote for candidates who embrace district policies that align with their values and interests, including those that promote student safety, mitigate years of disinvestment, and end the criminalization and over-policing of students.

Caregivers, regardless of their citizenship status, can already participate in parent advisory committees, schoolsite councils, and site-

³⁷ Educ. Code § 51101(a)(7).

³⁸ Linnea Nelson et al., *The Right to Remain a Student: How California School Policies Fail to Protect and Serve*, ACLU of Northern California (Oct. 2016), <https://bit.ly/41RfL0w>.

³⁹ See, e.g., Jackie Ward, *San Francisco School Board Votes to Cut Ties with SFPD*, NBC Bay Area (June 24, 2020), <http://bit.ly/3IUy3VZ>.

⁴⁰ SFUSD BOE, *supra* note 33; News: SF Board of Education Passes Resolution to Focus on Safety While Minimizing Police Presence in Schools, SFUSD (June 24, 2020), (noting that SFUSD contributes \$46,000 annually to the San Francisco Police Department under their memorandum of understanding).

based management leadership teams.⁴¹ Allowing noncitizen caregivers to also vote in school board elections is merely an extension of the opportunities caregivers already have to weigh in on important school issues. What’s more, some noncitizen caregivers are inspired to volunteer and assume leadership positions in some of these committees and councils after they have voted for the first time on a school board election.⁴² Others gain more confidence to speak up, share opinions, and share suggestions during school meetings.⁴³ Thus, allowing noncitizen caregivers to vote furthers the rights and opportunities of caregivers that are already outlined in state law.

Limited English proficient caregivers, some who may be noncitizens, also play a vital role in the success of students. School districts must take all reasonable steps to ensure that parents who speak a language other than English are properly notified in their primary language of the rights and opportunities available to them under state law.⁴⁴ These rights include the right “[t]o participate in school and district advisory bodies.”⁴⁵ Each school district must also develop and adopt “a policy that outlines the manner in which parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each schoolsite.”⁴⁶ Specifically, caregivers can support their student’s learning environment by “[p]articipating, as appropriate, in decisions relating to the

⁴¹ Educ. Code § 51101(a)(14).

⁴² *See, e.g.*, AA 2:129 (Lim Decl. at 2, ¶ 7).

⁴³ *See, e.g.*, AA 2:140 (Shin Decl. at 2, ¶ 9-10).

⁴⁴ Educ. Code § 51101.1(a).

⁴⁵ Educ. Code § 51101.1(a)(3).

⁴⁶ Educ. Code § 51101(b).

education of their own child or the total school program.”⁴⁷ Voting on school board elections, including by noncitizen caregivers, is certainly one way for parents to participate in those decisions.

B. Caregiver Involvement and Participation is One of California’s Eight Priority Areas for Local Control Accountability Plans.

In 2013, California enacted the Local Control Funding Formula (“LCFF”), a hallmark piece of legislation that fundamentally transformed how all local education agencies in the state are funded, how they are measured, and the types of services and support they must provide to students.⁴⁸ LCFF is designed to help high-need students succeed, including by giving parents more decision-making power in funding priorities.

Specifically, each year, school districts must include students, caregivers, teachers and community members in a planning process for how the district should spend its money to best serve students. This process informs the creation of a Local Control and Accountability Plan (“LCAP”)—a plan that describes what the district is doing and why and whether its strategies are working.⁴⁹ The plan must be designed so that school districts make progress on eight state priority areas, including parent involvement and family engagement. Districts must include in their planned strategies “to seek parent input in making decisions for the school district and each individual schoolsite.”⁵⁰ State law defines family engagement to include “empowering families to advocate for equity and access” and “treating families as partners to inform, influence, and create practices and programs that support pupil success and collaboration with families and the

⁴⁷ Educ. Code § 51101(b)(3)(G).

⁴⁸ Assemb. B. 97, 2013-2014 Reg. Sess. (Ca. 2013).

⁴⁹ Educ. Code § 52060.

⁵⁰ Educ. Code § 52060(d)(3)(A).

broader community, expand pupil learning opportunities and community services, and promote civic participation.”⁵¹ As part of this process, districts design plans that fit the needs of their communities, students, teachers, and caregivers.

The LCFF also requires certain districts to convene a committee of caregivers of English learners, known as District English Learner Advisory Commissions (“DELAC”).⁵² Because English learners make up 27% of SFUSD’s total enrollment of 50,000 students, SFUSD is required to have DELAC in place.⁵³ As part of the DELAC, caregivers review and provide input on the development or annual update of the district’s LCAP.⁵⁴ School boards ultimately decide whether to approve or reject an LCAP,⁵⁵ and ensuring that noncitizens can vote allows them to have a voice on who serves on the board and, ultimately, a voice on whether the input recommended by the DELAC is actually implemented.

The importance of the noncitizen caregiver vote with respect to the LCFF is highlighted in the Kogan report. The report summarized studies showing that, although the LCFF has been effective in directing more state funds to districts that serve larger disadvantaged student populations, only a fraction of those funds ultimately reached the specific schools that enrolled the most disadvantaged students.⁵⁶ A recent state audit further found that the

⁵¹ Educ. Code § 52060(d)(3)(B).

⁵² DELAC, California Department of Education (last accessed Feb. 24, 2023), <http://bit.ly/3ZqSaSq> [hereinafter “DELEAC”].

⁵³ *Id.* (noting that a district must convene a DELAC if it has at least 50 English learners who total at least 15% of enrollments); Advisory Councils & Committees: DELAC, SFUSD, <http://bit.ly/3ZG5FOB>; SFUSD at a Glance, *supra* note 3.

⁵⁴ DELAC, *supra* note 52.

⁵⁵ Educ. Code § 42127(a).

⁵⁶ Kogan, *supra* note 11, at 14.

LCFF “has not ensured that funding is benefiting the intended student groups and closing achievement gaps.”⁵⁷ The Kogan report concluded that the results were not surprising considering that, “[w]hen disadvantaged groups are poorly represented in the political process, local elected officials may not have strong incentives to make decisions with their interests in mind.”⁵⁸ Thus, while state law and programs like the LCFF go a long way in encouraging the participation of caregivers in their students’ education, these reforms can only go so far if noncitizen caregivers cannot hold their representatives truly accountable.

IV. PROPOSITION N IS CONSISTENT WITH CORE PRINCIPLES OF DEMOCRACY AND PROVIDES NONCITIZEN CAREGIVERS AND THEIR CHILDREN WITH A CIVIC EDUCATION.

San Francisco is home to more than 100,000 voting-age noncitizen residents and, as previously noted, many of these residents are Latine and Asian.⁵⁹ These are residents who are part of the workforce and contribute significantly to state and local taxes.⁶⁰ The need for the political integration of noncitizen caregivers is even more evident when taking into account the student body of SFUSD: 38% of students are Asian or Pacific Islander, 30% are Latine, and 27% are English language learners.⁶¹ The interests of many of these children would effectively be left unrepresented if their

⁵⁷ *Id.* (citing Overview of Local Control Funding Formula, Legislative Analyst’s Office (Apr. 10, 2018)).

⁵⁸ *Id.*

⁵⁹ 2021 5-year ACS, *supra* note 4.

⁶⁰ Vera Institute of Justice *supra* note 3, (showing that immigrant workers comprise of 34% of the city’s labor force); *Essential Fairness: The Case for Unemployment Benefits for California’s Undocumented Immigrant Workers*, UC Merced at 1 (Mar. 2022), <https://bit.ly/3F54rEB>] (noting that in California, undocumented workers alone annually contribute \$3.7 billion in state and local taxes).

⁶¹ SFUSD at a Glance, *supra* note 3.

caregivers are again denied the vote.

Historically, the right to vote in elections has been tied to residency, not citizenship.⁶² In fact, throughout various times since the country's founding, most groups of citizens, including women of all races, Black men, and White men who did not own property, were unable to cast ballots, while noncitizens who met other criteria were enfranchised in as many as twenty-two states and territories and in numerous other localities.⁶³ Despite restrictions on the right to vote, "history has seen a continuing expansion of the scope of the right of suffrage in this country."⁶⁴ The move toward universal suffrage includes the ratification of the Fifteenth, Nineteenth, and Twenty-sixth Amendments to the U.S. Constitution, which granted the right to vote, respectively, to Black men,⁶⁵ women of all races, and—as recently as 1971—young adults over the age of eighteen.⁶⁶ Many states, including

⁶² *Evenwel v. Abbott*, 578 U.S. 54, 65 n.8 (2016) (noting that "when the [United States] Constitution was drafted and later amended, the right to vote was *not* closely correlated with citizenship") (emphasis added) (citation and quotation marks omitted); James B. Raskin, *Legal Aliens, Local Citizens: The Historical, Constitutional and Theoretical Meanings of Alien Suffrage*, 141 U. Pa. L. Rev. 1391, 1399-1404 (1993) (detailing how, in the Early Republic, noncitizens who met residency and other requirements voted freely in local, territorial, state, and federal elections), 1417-19 (providing an overview of U.S. Supreme Court cases that have recognized that historically not all citizens were voters and not all voters were citizens).

⁶³ See *Evenwel*, 578 at 65 n.8. (noting that large groups of citizens were unable to cast ballot in the Early Republic); Raskin, *supra* note 62 at 1397 & n.36 (citing Leon E. Aylsworth, *The Passing of Alien Suffrage*, 25 Am. Pol. Sci. Rev. 114, 114 (1931)).

⁶⁴ *Reynolds v. Sims*, 377 U.S. 533, 555 (1964).

⁶⁵ Black voters were unable to effectively cast their ballots until the passage of the Twenty-Fourth Amendment in 1964, U.S. Const. amend. XXIV (prohibiting poll taxes), and of the Voting Rights Act of 1965, 52 U.S.C. § 10101 *et seq.*

⁶⁶ U.S. Const. amends. XV, XIX, XXVI.

California, have also moved to restore the right to vote to individuals with criminal convictions following decades of disenfranchisement as a result of Jim Crow era laws.⁶⁷

Like for other groups,⁶⁸ noncitizen voting has contracted and expanded in waves, with a large contraction culminating in the xenophobia and nationalism surrounding World War I.⁶⁹ But there is nothing inevitable about excluding noncitizens from the franchise, and efforts in recent decades in San Francisco and throughout the country represent another wave to again include noncitizens. These efforts should not be surprising given that the logic that underpins American independence, American democracy, and past successful suffrage movements—that government must rest on the consent of the governed, there should be no taxation without representation, individuals who are “old enough to fight, [are] old enough to vote,”⁷⁰ and the right to vote provides its holders with dignity, community standing, and a political education⁷¹—applies with equal force

⁶⁷ *Can People Convicted of a Felony Vote? Felony Voting Laws by State*, Brennan Center for Justice (updated Sept. 26, 2022), <https://bit.ly/3Usj3SS>; Erin Kelley, *Racism & Felony Disenfranchisement: An Intertwined History*, Brennan Center for Justice (May 9, 2017), <https://bit.ly/2CnlqBE>.

⁶⁸ See *supra* notes 65 and 67.

⁶⁹ Raskin, *supra* note 62 at 1397 & n.36 (citing Leon E. Aylsworth, *The Passing of Alien Suffrage*, 25 Am. Pol. Sci. Rev. 114, 114 (1931)), 1398-1417 (detailing that noncitizen voting was common until the War of 1812, had a resurgence following the North’s victory in the Civil War, and again came to a near halt in the wake of World War I).

⁷⁰ Declaration of Independence, para 2 (1776) (governments “deriv[e] their just powers from the consent of the governed.”); Declaration of Rights and Grievances of the Stamp Act of Congress (Oct. 14, 1765) (declaring that “no taxes should be imposed” on people without their own consent “given personally, or by their representatives”); Richard Nixon Presidential Library and Museum: The 26th Amendment, <https://bit.ly/3U6Q3Ql>.

⁷¹ Cass R. Sunstein, *Beyond the Republican Revival*, 97 Yale L.J. 1539 (1988).

in the noncitizen voting context. Just like citizens, noncitizen caregivers have a deep stake in local politics and particularly in the education of their children,⁷² are governed by laws at all levels of government, are employed in local government,⁷³ are taxed,⁷⁴ and many serve in the military.⁷⁵

It is for these reasons that as far back the 1800s courts acknowledged the deep injustice involved in depriving noncitizens of the vote. As one judge noted in an 1809 Pennsylvania case on local noncitizen voting:

[B]eing an inhabitant[] gives [a resident] an interest in the police or regulations of the borough generally; [] paying tax[es] gives an interest in the appropriation of the money levied It is the wise policy of every community to collect support from all on whom it may be reasonable to impose it: and it is but reasonable that all on whom it is imposed should have a voice to some extent in the mode and object of the application.⁷⁶

⁷² See *infra* Sections II and III.

⁷³ See, e.g., Annika Hom, *For the First Time, Non-Citizens can Serve on San Francisco Boards*, Mission Local (Nov. 6, 2020), <https://bit.ly/3gEa9Up> (reporting that in November 2020, San Francisco voters approved Proposition C to allow any person, regardless of citizenship, to be appointed to city advisory boards and commissions); Gov. Code § 1020(b) (“Notwithstanding any other law, a person, regardless of citizenship or immigration status, is eligible to hold an appointed civil office if the person is 18 years of age and a resident of the state.”).

⁷⁴ See 26 C.F.R. § 1.1-1(b) (2016) (requiring that all citizens and noncitizens must pay federal taxes); see also *Ambach v. Norwick*, 441 U.S. 68, 81 n.14 (1979) (“As our cases have emphasized, resident aliens pay taxes [and] serve in the Armed Forces”).

⁷⁵ See, e.g., LTC Che T. Arosemena, *Immigrants and the US Army: A Study in Readiness and the American Dream*, School of Advanced Military Studies at 55 (2016), <https://bit.ly/3ODk1dE> (showing that between 2011 and 2015 an average of about 10,000 noncitizens served in the U.S. Army per year).

⁷⁶ *Stewart v. Foster*, 2 Binn. 110, 122, (Pa. 1809) (Blackenridge J., concurrence); c.f. *Worden v. Mercer Cnty. Bd. of Elec.*, 294 A.2d 233, 347 (N.J. 1972) (striking down a restriction against registration of college students because, like noncitizen residents, students “are subject to and

Later that century, the Supreme Court of Vermont expressed similar views when it held in *Woodcock v. Bolster* that noncitizens had the right to vote for and serve as school committee members in Vermont localities.⁷⁷ In so holding, the court noted that extending these rights at the local level would help prepare noncitizens “for the exercise of the more important and extensive rights and duties of citizens” and ensured that their “feelings and interests may become identified with the government and the country.”⁷⁸ Especially relevant here, the court emphasized the importance of educating the children of immigrants and the importance of encouraging parents to send their children to school.⁷⁹ The court concluded that noncitizens “would be much more likely” to send their children to school and take an interest in their children’s education if they were allowed to participate in the “regulation and management” of schools, “than if [they were] wholly excluded.”⁸⁰ Thus, even in the 1800s, courts recognized that caregiver involvement in the education of their children, including through voting, was essential for academic outcomes.

U.S. courts have also long warned against harms to the children of immigrants as a result of their caregivers’ immigration status. In *Plyler v. Doe*, for example, a 1982 U.S. Supreme Court case where the court held that states cannot constitutionally deny students a free public education, the court recognized that the country’s immigration laws and practices raised “the specter of a permanent caste of undocumented resident [immigrants] . .

concerned with . . . the local laws and regulations” because “[i]t is there that they pay their sales and gasoline taxes,” “deal with the local courts and local government bodies,” and “are classified as residents by the Census Bureau”).

⁷⁷ 35 Vt. 362, 640 (1863).

⁷⁸ *Id.* at 640-41.

⁷⁹ *Id.* at 641.

⁸⁰ *Id.* at 641.

. [who are] denied the benefits that our society makes available to citizens and lawful residents.”⁸¹ The “existence of such an underclass,” the court continued, “presents most difficult problems for a Nation that prides itself on adherence to principles of equality under law.”⁸² Particularly relevant here, the court further recognized that the children of undocumented immigrants were “special members of this underclass,” that public schools are “a most vital civic institution for the preservation of democratic system of government,” and that “the primary vehicle for transmitting the values on which our society rests” are schools.⁸³

The *Plyler* court recognized not only the importance of educating the children of immigrants, including through literacy and by preparing children to be self-reliant and self-sufficient,⁸⁴ but also the importance of school for a political education. In addition to a political education at school, studies on voter behavior show that caregiver voting helps to ensure the future civic engagement of children. These studies have found that the best predictor of whether a person votes when they are first eligible to vote and whether they become lifelong voters is whether a parent voted in the presidential election before their child could vote.⁸⁵ This is because, when children are exposed to their parents voting, voting is seen as a habit or routine to be replicated. This “habit” is formed early in life: people who vote three times in a row after they become eligible to vote are more likely

⁸¹ 457 U.S. 202, 218-19 (1982)

⁸² *Id.*

⁸³ *Id.* at 221-22 (citations and quotation marks omitted).

⁸⁴ *Id.* at 221.

⁸⁵ Janice D’Arcy, *A Parental Act that Predicts if a Child Becomes a Voter*, The Washington Post (Nov. 5, 2012), <https://wapo.st/3h0JLEj>; Perri Klass, M.d., *What Really Makes Us Vote?*, It May Be Our Parents, N.Y. Times (Nov. 7, 2016), <https://nyti.ms/3OUgW9j>.

to be lifetime voters.⁸⁶ Noncitizen caregivers in San Francisco expressed that they vote precisely for this reason. One parent noted that he votes in SFUSD elections “to show my daughter that voting as an important right and if you have the right to vote, you must participate and vote.”⁸⁷ Another parent shared that she is proud that her son “understands how voting has empowered [them] to become more engaged in” their school community.⁸⁸

Importantly, extending the right to vote to noncitizen caregivers provides benefits to caregivers and their children without concomitant harms to other voters. Other eligible voters may continue to participate in school board elections, and San Francisco citizen voters dispelled fears of vote dilution when they voted to pass Proposition N and extend voting rights to their noncitizen neighbors. Like citizens, noncitizens are already enumerated in the decennial census and are included in the Census Bureau’s total population counts that are then used for the redrawing of voting districts.⁸⁹ In fact, the U.S. Supreme Court held as recently as 2016 that, to comply with the one-person, one-vote requirement—the federal constitutional requirement that voting districts within a political subdivision be substantially equal in population—states may use total population for state redistricting and must use total population for congressional redistricting.⁹⁰ California, for its part, requires line drawers to use total

⁸⁶ Klass, *supra* note 86.

⁸⁷ AA 2:129 (Lim Decl. at 2, ¶ 6).

⁸⁸ AA 2:140 (Shin Decl. at 2, ¶ 12).

⁸⁹ See, e.g., Frequently Asked Questions, U.S. Census Bureau, <https://bit.ly/3ixBkAS> (noting that citizens and noncitizens who reside in the United States are enumerated in the decennial census); see also *Dept’t of Commerce v. New York*, 139 S. Ct. 2551, 2576 (2019) (affirming district court decision rejecting the U.S. Department of Commerce’s attempt to add a citizenship question to the 2020 decennial census).

⁹⁰ *Evenwel*, 578 U.S. at 57, 67-70.

population numbers that already include noncitizen residents for local redistricting.⁹¹

San Francisco noncitizen caregivers have already made important ties to their local communities through long-term residency, children, marriage, friendship, homeownership, business ownership, work, and school.⁹² Because of Proposition N, many are now beginning to make further ties to their communities through voting.⁹³ Without the right for noncitizen caregivers to vote, however, these are community members who must remain voiceless anywhere from a few years (for those who can naturalize) to an indefinite period of time (for those who do not have a clear path to citizenship). Keeping Proposition N in place will thus help to ensure that the school board truly reflects the opinions and needs of San Francisco residents who have a direct stake and investment in the city and in the school district. Proposition N gives these vital community members the power to vote for school board members who align with their values and remove school board members who fail to be responsive to their opinions and needs.

⁹¹ See, e.g., Elec. Code § 21500(a)(1) (requiring the use of total population data for county redistricting).

⁹² In the San Francisco metro area: 1.2 million immigrants have lived in the United States for more than 10 years, 99,500 immigrants are entrepreneurs, 305,000 immigrants are homeowners, 157,900 immigrants are students enrolled in pre-K through college or graduate school, and 867,200 immigrants comprise of 34% of the city's labor force. Vera Institute of Justice, *supra* note 2.

⁹³ See, e.g., AA 2:137 (Deng Delc. at 3, ¶ 9) (noting that, since first voting, they have “learned even more about the school district’s policies and procedures” and have “continued to advocate for immigrant families and children by sharing what [they] have learned with others” in their community.”).

V. CONCLUSION

For the foregoing reasons, the Court should reverse the trial court's order invalidating and enjoining the enforcement of Proposition N's implementing ordinance.

Dated: March 7, 2023

Respectfully submitted,

By: /s/ Julia A. Gomez

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CERTIFICATE OF WORD COUNT

The undersigned hereby certifies that the computer program used to generate this amicus brief indicates that the text contains 8,049 words, including footnotes.

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APPENDIX A

ADDITIONAL *AMICI CURIAE*

Amicus AAN is part of the IPVC and is a tax-exempt, non-profit civil rights organization founded in 2009 to serve the growing diaspora of African and Afro-Caribbean immigrants. AAN provides immigration legal services, case management, and social integration services based on a unique cultural brokering model. AAN is dedicated to, among other goals, serving vulnerable refugees and immigrants by collaborating with community partners, individuals, faith-based groups, and advocates to amplify the organization's impact to ensure the equity of all voices and sustain AAN's mission. Through outreach and legal services, AAN reaches thousands of non-citizen immigrant parents seeking to have a stronger voice in their child's education. To meet this need, AAN conducts outreach and know-your-rights workshops on various topics related to immigrant rights, including immigrant non-citizen voting in San Francisco, and provides screenings and consultations to immigrant parents interested in registering to vote.

Amicus AROC is part of the IPVC and is a tax-exempt organization founded in 2007 to serve poor and working-class Arabs and Muslims across the San Francisco Bay Area, while organizing to overturn racism, forced migration, and militarism. AROC is dedicated to, among other goals, organizing to fight for racial and economic justice and the dignity and liberation of Arab and Muslim communities through the utilization of a multi-pronged strategy that provides a centralized space for social services meeting material needs, developing analysis, creating strategy, and leading grassroots campaigns for systemic changes that make tangible impacts in the lives of working-class Arab and Muslim communities.

Amicus CARECEN-SF is part of the IPVC and is a tax-exempt, non-profit organization founded in 1986 to empower and respond to the needs,

rights, and aspirations of Latino, immigrant, and under-resourced families in the San Francisco Bay Area—building leadership to pursue self-determination and justice. CARECEN-SF is dedicated to building diverse immigrant communities that are thriving—where families prosper, build effective community institutions and participate confidently in civic life. As part of these efforts, the organization hosts many programs, most directly related to immigrant non-citizen voting, being the immigration legal services program which helps immigrants navigate the U.S. immigration system in both affirmative and defensive matters, and the peer educator program that empowers immigrants to lead peer-to-peer activities based on a model of popular education that centers cultural assets of immigrant participants, including outreach on issues and topics related to non-citizen immigrant voting.

Amicus CAA is part of the IPVC and is a tax-exempt, non-profit civil rights organization founded in 1969 to protect the civil and political rights of Chinese Americans and to advance multiracial democracy in the United States. CAA is dedicated to various strategies including direct services, community education, and policy advocacy to reach its goals of advancing immigrant rights, and encouraging civic engagement of marginalized limited-English-proficient immigrant communities, including non-citizen immigrant voting. CAA serves hundreds of low-income, limited English-proficient Chinese immigrants annually with direct services, and engages thousands in community education on topics related to immigrant rights. Since the early 2000s, CAA has operated parent leadership development cohorts to engage marginalized immigrant parents to improve school conditions for their children. Through CAA's work, parents who would have been left out of decision-making spaces have had the opportunity to engage in processes to have their voices heard on crucial issues such as school budget allocations, curriculum, admissions policies,

bilingual education, and, since 2018, casting ballots in SFUSD school board elections.

Amicus Coleman Advocates is part of the IPVC and is a tax-exempt, non-profit organization founded in 1975 to advocate alongside children and families to ensure access to high quality education, living wage jobs, family-supporting benefits, affordable housing, and a voice in the decisions that affect them, to ultimately advance rights, safety, and full inclusion of low-income people of color. Coleman Advocates is dedicated to, among other goals, building more effective, equitable, and supportive public schools in San Francisco and beyond. Transformation of the educational system requires the involvement of the entire community. The organizational model combines the development of rigorous policy proposals and implementation plans with deep community engagement and leadership development involving youth and parents. As an example, each year where there is a school board election, Coleman Advocates hosts a youth-led, non-partisan, candidate forum to ensure that their community base has direct access to the information they need to make informed decisions.

Amicus GO Public Schools is a nonprofit organization that amplifies the work of families and their champions—educators, school leaders, community members, elected and appointed officials—to promote and advocate for the equitable public education of underserved students in California communities. GO Public Schools holds systems and leaders accountable for the outcomes they create for students.

Amicus Harbor Institute/National Day Laborer Organizing Network is a collaboration of movement academics and organizers, fiscally sponsored by National Day Laborer Organizing Network (“NDLON”). NDLON improves the lives of day laborers, migrants, and low-wage workers. NDLON build’s leadership and power among those facing

injustice so they can challenge inequality and expand labor, civil and political rights for all.

Amicus LRCRC is part of the IPVC and is a tax-exempt, bilingual, multi-service non-profit organization dedicated to meeting the social service, immigration, educational, and leadership development needs of low-income families and individuals. LRCRC is located in the heart of the historic San Francisco Mission District, the vibrant cornerstone of San Francisco's Latino community. LRCRC has been serving the community for over 50 years. LRCRC's Social Services Program services include a food pantry, family counseling, educational workshops, support groups, and civic engagement including immigrant parent voting. LRCRC's immigration program attorneys provide both affirmative family-based immigration services and deportation defense. All of LRCRC's legal and social services are free.

Amicus LBIRC is a grassroots network of community organizations and individuals working for just immigration policies that respect human rights. LBIRC is building and sustaining a thriving immigrant-led movement to end the criminalization of immigrants and secure bold protections and opportunities that allow immigrant communities to thrive.

Amicus MEDA is part of the IPVC and has been advancing a mission to create equity for Latinos and immigrants seeking a better life since 1973. MEDA is a Latino-led nonprofit organization that invests in the lives of underserved Latino families through direct services, community development initiatives and policy advocacy. Along with its partners, MEDA leverages the community's inherent strengths to collectively build Latino prosperity, community ownership and civic power. An essential component involves spurring civic engagement and building student success through immigrant parent voting, ensuring that non-citizen parents whose children attend SFUSD schools have a voice in selecting the school

board that decides policy that impacts their children's opportunity to achieve, today and tomorrow. MEDA advances the civic engagement of immigrant non-citizen parents as a student and family success strategy. Student and family success through school is also a key component of the Mission Promise Neighborhood, MEDA's community anti-poverty education initiative, which MEDA created in 2012.

Amicus Mission Grads is part of the IPVC and is a tax-exempt organization, founded in 1972, to establish a college education as an expectation and goal for every child, thereby allowing them to find a fulfilling career and call San Francisco home. Mission Grads is dedicated to, among other goals, increase the number of K through 12 students in San Francisco who are prepared for and complete a college education, which is often impacted by parental involvement. As such, Mission Grads, not only reaches 4,800 low-income students annually, but the organization also has a parent partner program which hosts a sustainable network of engaged families within San Francisco schools. Providing culturally relevant tools and resources through peer-led workshops, our parents are supporting student academic success at school, in the home, and in the community. Working on-site at 11 schools, the parent partner program is developing a community of engaged, educated, and empowered parents and nurturing a college-going culture for San Francisco youth and families.

Amicus OCCCO's mission is to develop transformational leaders within diverse, multicultural, interfaith communities who together have the power to shape equitable public policy throughout Orange County. For more than 30 years, OCCCO has successfully implemented a community organizing approach for social justice and has worked on education equity throughout those 30 years, mostly on midstream and upstream issues. OCCCO works for social justice and equity with the low-income Latinx immigrant community in Orange County. One of OCCCO's priority issues

is education justice, and more specifically, OCCCO is focused on creating transformational community schools so that all students are prepared for careers, college, and life. OCCCO's experience has shown that students thrive when parents/caregivers have a voice in their education. To this end, OCCCO believes parents/caregivers that currently are not eligible must have a vote for the school board members that represent them.

Amicus SIREN is a registered 501(c)(3) nonprofit organization that began as an ad-hoc coalition of immigrant rights activists and advocates in 1987. SIREN's mission is to empower low-income immigrants and refugees through community education and organizing, leadership development, policy advocacy, civic engagement and legal services. SIREN believes that all people regardless of legal status or nationality are entitled to essential services, human dignity, basic rights and protections, and access to full participation in society.

Amicus Uniting Parents of Pasadena is a coalition of residents, advocates, and parents who have been fighting since 2016 for one shared goal: to extend voting rights in Pasadena Unified School District ("PUSD") elections to all parents of PUSD children, regardless of citizenship status. The coalition's name signifies its overarching purpose: to bring together all PUSD parents by ensuring that they have a truly equal voice in the struggle to foster a more inclusive environment and provide the best education for everyone in PUSD.

PROOF OF SERVICE

I, Julia A. Gomez, declare as follows:

I am a citizen of the United States, over eighteen years old, and not a party to this action. My place of employment and business address is ACLU Foundation of Southern California, 1313 West Eighth Street, Los Angeles, California 90017.

On March 7, 2023, I served true copies of the within *Amici Curiae* Brief on the trial court and on the parties interested in this proceeding as follows:

By U.S. mail, first-class postage prepaid to counsel for each party and on the Superior Court clerk for delivery to the trial judge: I am readily familiar with the firm's practice in this office of processing correspondence for mailing. Under that practice, such correspondence is placed in a sealed envelope and deposited with the U.S. Postal Service on that same day with first-class postage thereon fully prepaid in the ordinary course of business.

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

By: /s/ Julia A. Gomez
Julia A. Gomez