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*Exempt from filing fees pursuant to
Government Code section 6103*

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11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SACRAMENTO
14

15
16 **THE PEOPLE OF THE STATE OF**
17 **CALIFORNIA, EX REL. ROB BONTA,**
18 **ATTORNEY GENERAL OF THE STATE**
19 **OF CALIFORNIA,**

Plaintiff,

20 v.

21 **SACRAMENTO CITY UNIFIED SCHOOL**
22 **DISTRICT,**

Defendant.
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Case No.

**COMPLAINT FOR INJUNCTIVE
RELIEF**

1 The People of the State of California, by and through Rob Bonta, Attorney General of the
2 State of California, allege on information and belief as follows:

3 INTRODUCTION

4 1. This complaint results from the Attorney General's comprehensive investigation into
5 Sacramento City Unified School District's (District) compliance with state laws and regulations
6 that require: (1) non-discrimination in school enrollment and transfers; (2) procedural and
7 substantive protections to ensure fair, transparent, and unbiased enrollment and transfer
8 processes; and (3) stability in school placements and transportation to school for foster youth and
9 students experiencing homelessness. The Attorney General's investigation revealed multiple
10 violations of laws and regulations, which have resulted in harm to students.

11 2. Upon learning of the violations, the District began to take positive steps to revise
12 procedures and worked cooperatively with the Office of the Attorney General (OAG) to develop
13 and agree to a remedial plan that will bring the District into compliance.

14 JURISDICTION AND VENUE

15 3. The Court has jurisdiction over the subject matter of this complaint and the
16 allegations, which arise under the constitution, laws, and regulations of the State of California.
17 The Court has jurisdiction over the parties to this action and to enter the judgment sought by this
18 Complaint and venue is proper in this County.

19 PARTIES

20 4. Plaintiff Rob Bonta is the Attorney General of the State of California. The Attorney
21 General is the State's chief law officer. (Cal. Const., art. V, § 13.) It is the Attorney General's
22 duty to see that the laws of the State are uniformly and adequately enforced for the protection of
23 public rights and interests. (*Ibid*; *Pierce v. Super. Ct.* (1934) 1 Cal.2d 759, 761-62.)

24 5. Defendant Sacramento City Unified School District is a public school district
25 organized and existing under the laws of the State of California. The District is responsible for
26 providing public education to its students. The District receives state education funds.

27 6. Plaintiff and Defendant may be referred to collectively herein as the "Parties."
28

LEGAL BACKGROUND

7. The right to education is a fundamental right and students have a right to equal protection with respect to its provision. (*Serrano v. Priest* (1971) 5 Cal.3d 584, 608-609, 616-617.)

8. The District is required to ensure that all students, regardless of race, color, national origin, or disability, are treated equally in all aspects of education, including school enrollment and school transfers. (*Ibid.*; Cal. Const., art. I, § 7, subds. (a)-(b); Ed. Code, §§ 220, 262.3, 262.4; Gov. Code, § 11135.)

9. With respect to discrimination based on disability, the District is subject to the protections and prohibitions contained in state law, including the mandate to provide a free and appropriate public education and to find all students with disabilities. (Gov. Code, § 11135, subd. (b); Ed. Code, § 56000 et seq.; Ed. Code, § 56301; see also 20 U.S.C. §§ 1400(d), 1412(a)(1)(A); 34 C.F.R. § 104.33; 20 U.S.C. § 1412(a)(3).)

10. The District is required to adopt a policy of Open Enrollment to allow district parent(s)/guardians(s) to enroll their student(s) in any Open Enrollment district based on a random, unbiased process, without regard to district residence, subject to available space (“Open Enrollment”). (Ed. Code, § 35160.5, subd. (b).)

11. The District is required to ensure that foster youth and students experiencing homelessness have a right to stay in their school of origin¹ and immediately enroll in a new school, even if they do not have otherwise mandatory enrollment paperwork, such as vaccination records. (Ed. Code, §§ 48853.5 & 48852.7; see also 42 U.S.C. § 11432; 20 U.S.C. § 6312.) The District is required to provide transportation for foster youth and youth experiencing homelessness so that they can attend their school of origin. (Ed. Code, § 48853.5, subd. (f)(5); see also 20 U.S.C. § 6312(c)(5); 42 U.S.C. § 11432(g)(1)(J)(iii).)

¹ School of origin is defined as the school the foster youth: (1) attended when they first entered foster care or when they were permanently housed, (2) most recently attended, or (3) attended in the last 15 months that they feel connected to. (Ed. Code, § 48853.5, subd. (g); Ed. Code, § 48852.7, subd. (f)(2).)

12. The Attorney General, in his sole discretion, has the authority to bring claims against a school district for violation of the aforementioned constitutional provisions, laws, and regulations.

FACTUAL BACKGROUND

I. THE OFFICE OF THE ATTORNEY GENERAL’S INVESTIGATION AND FINDINGS AND THE REMEDIAL PLAN

A. Overview

13. In July 2024, the OAG began an investigation under Government Code section 11180 et seq. to determine whether the District has complied with laws and regulations related to school enrollment and mid-year transfers.

14. In August 2025, after a comprehensive investigation focusing on the 2023-2024 and 2024-2025 school years, the OAG found that the District’s policies, procedures, and practices with respect to Open Enrollment did not comply with Education Code section 35160.5 subdivision (b) and resulted in discrimination in Open Enrollment for Latinx, Black, Asian, English learner and socioeconomically disadvantaged students.

15. Based on data and information from 2021-2025, the OAG found that the District’s mid-year student transfer policy, procedures, and practices, which the District refers to as “ConCapping” (ConCapping) resulted in discrimination against Black, socioeconomically disadvantaged, and homeless students.

16. The OAG found that District violated state (and federal) law because the District failed to immediately enroll some foster students and students experiencing homelessness, failed to provide transportation to school for homeless youth, and transferred some foster students and students experiencing homelessness away from their schools of origin without conducting a school of origin assessment.

17. The investigation raised concerns that the District may have discriminated against students with disabilities by denying some students Open Enrollment admission due to their disabilities and failing to identify all students at one of the District’s Open Enrollment elementary

1 schools who might be entitled to special education and/or provide them with a free appropriate
2 public education.

3 18. The Parties worked together cooperatively to agree to a remedial plan that addresses
4 the violations found and concerns identified by the OAG during the investigation.

5 19. The remedial plan includes but is not limited to: (1) a five-year monitoring term; (2)
6 OAG-approved changes to board policies, administrative regulations, and processes to ensure
7 legal compliance; (3) an evaluation of District admission exams for kindergarten and first grade
8 to ensure non-discrimination; (4) a centralized District position to supervise enrollment, seat
9 capacity calculations, and ConCapping; (5) a centralized internal dashboard to display enrollment
10 data and trends to ensure accessibility, transparency, and fairness in seat availability and
11 allocation; (6) public seat enrollment capacity and Open Enrollment availability reports provided
12 to the school board for approval and the public; (7) diverse and representative community
13 advisory groups to provide public recommendations related to Open Enrollment and ConCapping
14 policies and practices; (8) staff training, including training related to Open Enrollment,
15 ConCapping, and the rights of foster youth and youth experiencing homelessness; (9) OAG-approved
16 public communications and enrollment portal and website descriptions and instructions related to
17 enrollment and transfers to ensure accessibility regardless of education or socio-economic level or
18 language; (10) OAG review of any complaints of legal violations related to registration, Open
19 Enrollment, ConCapping, intradistrict permitting, and transportation of students with disabilities,
20 students experiencing homelessness, and foster youth for corrective action; and (11)
21 compensatory educational services for foster youth and youth experiencing homelessness who
22 were impacted by the District's unlawful enrollment and transfer practices.

23 **B. The District's Open Enrollment Policies, Procedures, and Practices**
24 **Violated State Law and Discriminate Against Protected Student Groups.**

25 20. The District has two types of enrollment processes: registration and Open Enrollment.
26 Registration is a mandatory process that occurs on a rolling basis throughout the year. Every
27 District student must complete registration to attend their assigned neighborhood school.
28

1 21. Open enrollment is a voluntary process. The purpose of Education Code section
2 35160.5, subdivision (b) is to allow students to attend any school with an open seat, regardless of
3 where the child lives within the District.² Parents and guardians may choose to apply through
4 Open Enrollment to 1) certain schools with no neighborhood boundary; and 2) schools which
5 prioritize students within its neighborhood boundaries, but that have identified space to enroll
6 non-neighborhood students.³ However, neighborhood students retain priority for spaces at these
7 neighborhood schools throughout the school year.

8 22. The Education Code provides that the District “shall adopt rules and regulations
9 establishing a policy of Open Enrollment within the district for residents of the district.” (Ed.
10 Code, § 35160.5, subd. (b)(1).) The Education Codes mandates several components to these
11 adopted rules and regulations, including the following three provisions.

12 23. First, the District is required, under Education Code section 35160.5, subdivision (b),
13 to allow parents or guardians of each child who is a resident in the district to “select the school
14 they attend, regardless of the child’s residence...” (Ed. Code, § 35160.5, subd. (b)(2)(A).)

15 24. For school year 2024-2025, the OAG found that the District failed to comply with this
16 provision. The District used a third-party software program called SchoolMint to manage its
17 Open Enrollment applications. SchoolMint ran all applications through a random lottery based
18 on priorities set manually by the District through a process called lottery design. Witnesses
19 stated and documents for school year 2024-2025 show that the District gave priority for Open
20 Enrollment transitional kindergarten to applicants whose residences are closest to the school,
21 including for schools with no neighborhood boundary.

22 25. Second, “[t]he governing board of a school district shall calculate the capacity of the
23 schools...in a nonarbitrary manner using pupil enrollment and available space.” (Ed. Code, §
24 35160.5, subd. (b)(2)(B).)

26
27 ² Sen. Rules Com., Off. Of Sen. Floor Analyses, 3d reading analysis of Assem. Bill No. 1114
28 (1993–1994 Reg. Sess.) as amended July 7, 1993, p. 1.; Assem. Ways and Means Com. on Ed., Analysis
of Assem. Bill No. 1114 (1993–1994 Reg. Sess.) as amended Apr. 21, 1993, p. 1.

³ *Ibid.*

26. The District Board of Education did not review, approve, nor have any role in calculating school capacity.

27. The District had no written policy as to how to calculate school capacity or Open Enrollment seats, and the OAG found numerous examples of the District calculating school capacity in arbitrary ways.

28. Witnesses stated and evidence showed that the District did not consistently consider the number of physical classrooms at a school-site when assigning students to schools, even though the statute directed the District’s calculations to consider “available space.” (Ed. Code, § 35160.5, subd. (b)(2)(B).)

29. For example, the District considered Caleb Greenwood Elementary School (Greenwood) to be at maximum capacity and as a result, rarely made seats available during the Open Enrollment process. Greenwood offered no seats for Open Enrollment in the 2021-2022 and 2022-2023 school years. For school year 2023-2024, the District opened grades one, two, four, and five for Open Enrollment and accepted five students for these four grades in total. For school year 2024-2025, Greenwood offered no Open Enrollment for K-6. However, a May 28, 2025 inspection of Greenwood's classrooms raised significant concerns that the District could have made additional seats available for Open Enrollment.

30. Finally, the District must also select students for Open Enrollment “through a random, unbiased process...” (Ed. Code, § 35160.5, subd. (b)(2)(B).)

31. The District's Open Enrollment processes were not "random, unbiased[.]" The Attorney General's 2002 Opinion regarding the statutory requirement states that "[r]andomness implies that everyone has an equal chance[.]" and a process "is definitely not unbiased, [if] it gives certain parents an advantage over others (e.g., in a family in which only one parent works outside the home, the other parent may have the time to stand in line for two days to ensure their application is first to be accepted. A family in which both parents work would not have this same opportunity)." ⁴ As discussed above, in the 2024-2025 school year, the District gave a priority to transitional kindergarten applicants who lived closest to the Open Enrollment schools.

⁴ 85 Ops.Cal.Atty.Gen. 95 (2002).

1 32. The investigation also found that for all participating schools the District’s Open
2 Enrollment process violated the statutory requirements because it “[gave] certain parents an
3 advantage over others[.]”⁵

4 33. The Attorney General’s investigation identified barriers to Open Enrollment, which
5 gave an advantage to higher income and well-educated parent(s)/guardian(s) with internet,
6 computer, and car access over less educated parent(s)/guardian(s) with lower-income, less
7 flexible work schedules, and less access to internet, computer and cars. These barriers included:

- 8 • The District’s Open Enrollment process was exclusively online, and the District
9 communicated primarily through template emails.
- 10 • The District’s Open Enrollment webpage and subsequent District communications
11 on the Open Enrollment process require a 12th-grade education to review and
12 understand.
- 13 • The District had no policy or practice for, nor did it train, school site staff to assist
14 parent(s)/guardian(s) or allow parents(s)/guardian(s) to use school site computers
15 at the school site closest to their homes.
- 16 • The information contained in District text communications to parent(s)/guardian(s)
17 was incomplete, such that parent(s)/guardian(s) who only had phone/text access
18 would not receive all required information.
- 19 • Parent(s)/guardian(s) could only complete and submit an application during a
20 brief two-week window in February.

21 34. As a result of these District policies and practices, some families who wished to apply
22 to Open Enrollment but lacked internet or car access could be required to travel up to one and a
23 half hours by public transit to the central District enrollment office located in South Sacramento
24 during the designated two-week window in February, which was generally only open during
25 business hours.

26 35. The OAG found additional barriers to Open Enrollment at three highly sought after
27 Open Enrollment schools: Alice Birney Elementary (Birney), A.M. Winn Elementary (Winn)

28 ⁵ *Ibid.*

1 and LdV, further hindering parent(s)/guardian(s) with lower educational and income levels and
2 non-flexible work hours from exercising their legal right under the Education Code.

3 36. Before the 2025 enrollment cycle, these schools mandated that parent/guardians attend
4 a school visit during the workday to complete Open Enrollment. Birney and Winn mandated that
5 parents complete a separate, lengthy questionnaire before an application is entered into the
6 lottery for admission.

7 37. Evidence shows that as late as 2024, the LdV Parent and Student Handbook stated that
8 volunteer hours were required for admission. Witnesses also reported that the principal verbally
9 asked parents to consider whether LdV was a good a fit for their family, if they could not
10 commit to the volunteer hours.

11 38. After being notified by OAG, the District proactively sought to remove these school
12 specific barriers in January 2025.

13 39. The District did not track the demographics of students who applied for Open
14 Enrollment. OAG's analysis of District data showed that compared to student populations in the
15 District as a whole, the District's Open Enrollment barriers, as described above, resulted in a
16 disproportionate over-representation of white students and a disproportionate under-
17 representation of Latinx, Black, Asian, English learner and socioeconomically disadvantaged
18 students who completed and submitted applications to Birney, Winn, LdV, and Greenwood.

19 40. The OAG's investigation identified no legitimate justification for the barriers
20 described in paragraphs 33-37.

21 41. Numerous comparably effective and less discriminatory alternatives exist, including
22 the terms agreed to in the proposed Stipulated Judgment.

23 **C. The District's ConCapping Policies, Procedures, and Practices Resulted in**
24 **Discrimination against Protected Student Groups.**

25 42. The Attorney General's investigation also found that if a District school registered
26 more students than the classroom maximum identified by the District's collective bargaining
27 agreement with its teacher's union, the District transferred students out of the over-registered
28

1 school after the start of the school year through a process called “contract capping” or
2 ConCapping.

3 43. The District had no ConCapping Board Policy or Administrative Regulation.

4 44. Based on witness statements and documents, the OAG’s investigation found the
5 following to be elements of the District’s ConCapping process and procedure:

- 6 • The District identifies the student to be ConCapped by their registration date. The last
7 student to register is the first student to be ConCapped and transferred to another
8 school. Then, if the original school has room for the ConCapped student later in the
9 year, District policy allows students to be transferred back to their original school,
10 sometimes as late as two weeks before the end of the school year.
- 11 • A ConCap may be canceled at the District’s discretion. The District has had no written
12 policy detailing the process by which, and the factors considered, when the District
13 canceled a ConCap.
- 14 • The set of reasons for which the District has canceled a ConCap transfer were not
15 communicated to parent(s)/guardian(s). For example, OAG found that the District
16 canceled ConCap transfers by opening a new class, combining two classes together, or
17 after an individual teacher agreed to accept the extra students for extra pay.
- 18 • Because the District did not consistently consider physical capacity in calculating
19 school capacity, arbitrary school capacity calculations and inaccurate enrollment
20 projections may have caused unnecessary ConCap transfers.
- 21 • The District does not consistently translate parent notifications and communications
22 related to ConCapping.

23 45. District documents and the OAG’s review and analysis of District student level data
24 showed that more Black, socio-economically disadvantaged students, and students experiencing
25 homelessness were ConCapped compared to their proportion of the District population as a
26 whole. For example, Black students made up 11.9% of the District’s student population, but
27 made up on average of approximately 20% of the students who were ConCapped in the three
28 school years between 2021 and 2024.

1 46. Witnesses reported and documents showed that ConCapped students attended their
2 new school at lower rates than students who were not ConCapped. ConCapped students were
3 more frequently tardy because of transportation difficulties, struggled with behavioral issues,
4 performed lower academically, and left the District in higher numbers. For example, in school
5 year 2021-2022, more ConCapped students left the District after being ConCapped than students
6 who left the District each year on average.

7 47. The OAG's investigation identified no legitimate justification for the District's
8 ConCapping processes and practices described in paragraph 44.

9 48. Numerous comparably effective and less discriminatory alternatives exist, including
10 the terms agreed to in the proposed Stipulated Judgment.

11 **D. The District's Policies and Practices Violated State and Federal Statutes**
12 **Protecting Foster Youth and Students Experiencing Homelessness.**

13 49. Although District's staff communications prohibit ConCapping homeless and foster
14 youth, documents and analysis of District data showed that the District did in fact ConCap
15 foster youth and students experiencing homelessness.

16 50. The District did not consistently provide a school of origin assessment to ConCapped
17 students experiencing homelessness, nor did it consistently inquire whether the ConCapped
18 students experiencing homelessness preferred to stay in their school of origin before transfer.

19 51. District employees delayed or declined to register students experiencing
20 homelessness who could not produce otherwise mandatory enrollment paperwork, and the
21 District did not consistently provide transportation to homeless students who were ConCapped.

22 52. Despite the District's written policy prohibiting ConCapping of foster youth, the
23 District had ConCapped certain foster youth, without providing transportation and without
24 considering their school of origin.

25 **E. The District's Policies and Practices Raised Compliance Concerns of**
26 **Discrimination Against Students with Disabilities.**

27 53. Witnesses stated that the District rejected the Open Enrollment application of some
28 students with disabilities on the basis of their physical or learning disability.

1 54. Several witnesses also stated that at one school, a school leader, in separate instances
2 over the last several years, verbally dissuaded parents/guardians from seeking Section 504 plans
3 or Individualized Education Programs (IEPs) for their children with disabilities. The principal
4 stated that the District was less likely to accept students into its schools if the student has a
5 disability.

6 55. The Attorney General’s investigation identified serious concerns with the entrance
7 exams, also known as screening tools, used by Phoebe A. Hearst Elementary School and
8 Camellia Basic Elementary School.

9 56. First, for students who have an established Section 504 plan or IEP, witnesses stated
10 that the District failed to provide the appropriate exam-related accommodations to these
11 students during the exams.

12 57. Second, these exams may exclude young students with suspected disability who have
13 not yet been assessed by the District and provided appropriate accommodations. Research has
14 shown that learning disabilities are often not diagnosed or detected in children until the child
15 has attended school.⁶

16 58. Third, the use of such screening tools for students who have not yet been exposed to
17 education can significantly disadvantage low-income students. Research has also shown that
18 disparities in what children know and can do in early childhood is strongly associated with their
19 socioeconomic circumstances before attending school.⁷

20 59. Finally, there appeared to be no legitimate justification for these exams. Phoebe A.
21 Hearst Elementary School and Camellia Basic Elementary School, “operate[] under the BASIC
22 Model, an educational program that emphasizes the development of strong skills in Language
23

24
25 ⁶ See, e.g., U.S. Dept. of Health and Human Services, Center for Disease Control, National Center
26 for Health Statistics, Developmental, Learning, and Emotional Problems, Health of Our Nation’s Children
(1988) p. 5 <<https://web.archive.org/web/20251122034342/http://www.cdc.gov/nchs/data/ad/ad190.pdf>>
(as of Jan. 8, 2026).

27 ⁷ See, e.g., National Research Council (US) and Institute of Medicine (US) Committee on
28 Integrating the Science of Early Childhood Development, From Neurons to Neighborhoods: The Science
of Early Childhood Development (2000) p. 5
<https://www.ncbi.nlm.nih.gov/books/NBK225557/pdf/Bookshelf_NBK225557.pdf> (as of Jan. 8, 2026).

1 Arts and Mathematics, excellent study habits, exemplary citizenship and attendance.”⁸ These
2 exams are not related to the District’s Gifted and Talented Education (GATE) Program.

3 60. According to the District website, the District determines GATE Program eligibility
4 by screening all first and third grade students in the District. Parents, teachers, and principals
5 may refer students in grades 2, 4-6 for screening.⁹

6 61. According to the District website, Phoebe A. Hearst Elementary School is one of four
7 District elementary schools with a “GATE Cohort Model[.]” None of the District’s other three
8 elementary schools with a “GATE Cohort Model” have an entrance exam.¹⁰

9 62. According to the District website, Camellia Basic Elementary School is one of six
10 District elementary schools with a “GATE School-Wide Cluster Model.” None of the District’s
11 other five “GATE School-Wide Cluster Model” have an entrance exam.¹¹

12 63. Numerous school districts around the country have removed entrance exams for
13 elementary schools because they are ineffective at identifying high performing students, and
14 because they create unlawful barriers to high quality schools.¹²

15 **II. THE PEOPLE AND DISTRICT’S PROPOSED RESOLUTION**

16 64. Since August 2025, the District and OAG have negotiated in good faith on numerous
17 policy and procedure changes and have come to an agreement to address the findings of the
18 investigation. The District proactively made several changes to its policies, procedures, and
19 practices and is in the process of implementing several of the terms agreed upon by the parties.

22 ⁸ Sacramento Unified School District, Phoebe Hearst Elementary
23 <<https://www.scusd.edu/dbpp/~board/general-programs/post/phoebe-hearst-elementary>> (as of Jan. 8,
2026); see also Sacramento Unified School District, Camellia Basic Elementary School Enrollment
24 <<https://camellia.scusd.edu/about/enrollment>> (as of Jan. 8, 2026).

24 ⁹ Sacramento Unified School District, Gifted and Talented (GATE)
25 <<https://web.archive.org/web/20251229204120/https://www.scusd.edu/explore/academic-programs/gate>>
(as of January 8, 2026).

26 ¹⁰ *Ibid.*

26 ¹¹ *Ibid.*

27 ¹² Shapiro, *Should a Single Test Decide a 4-Year-Old’s Educational Future?*, N.Y. Times (Sep. 4,
2019) <<https://www.nytimes.com/2019/09/04/nyregion/nyc-gifted-talented-test.html>> (as of Jan. 8, 2026);
28 Bellafante, *What’s the Best Way to Find a Gifted 4-Year-Old?*, N.Y. Times (May 20, 2022)
<<https://www.nytimes.com/2022/05/20/nyregion/nyc-gifted-and-talented.html>> (as of Jan. 8, 2026).

1 CAUSES OF ACTION

2 **FIRST CAUSE OF ACTION**

3 **(Open Enrollment Policies and Practices Violate Education Code section 35160.5**
4 **subdivision (b).)**

5 65. The Attorney General re-alleges paragraphs 1-64 set forth above and incorporates
6 them by reference as though they were fully set forth in this cause of action.

7 66. Education Code section 35160.5, subd. (b) requires the District to adopt a policy of
8 Open Enrollment that (1) the parent or guardian of “each schoolage child who is a resident in the
9 district may select the school they attend, *regardless of the child’s residence...*”; (2) selects for
10 students “through a random, unbiased process...”; and (3) that the Board of Education “calculate
11 the capacity of the schools...*in a nonarbitrary* manner using pupil enrollment and available
12 space.” (Ed. Code, § 35160.5, subds. (b)(2)(A), (b)(2)(B), emphasis added.)

13 67. The District violated Education Code section 35160.5, subdivision (b) by considering
14 a child’s residence in its Open Enrollment process, by having a process that is not random and
15 unbiased because it favors educated parents with internet, computer, and car access over low-
16 income, less-educated families without flexible work schedules, and by the Board of Education’s
17 failure to calculate school capacity in a nonarbitrary manner using pupil enrollment and available
18 space.

19 68. Injunctive relief is the appropriate remedy for these violations.

20 **SECOND CAUSE OF ACTION**

21 **(Open Enrollment Policies and Practices Violate Government Code section 11135 et seq.**
22 **and Education Code section 200 et seq.)**

23 69. The Attorney General re-alleges paragraphs 1-68 set forth above and incorporates
24 them by reference as though they were fully set forth in this cause of action.

25 70. Government Code section 11135 prohibits discrimination based on race and disability
26 in state-funded programs and activities, including prohibiting unlawful denial of full and equal
27 access to the benefits of and unlawful discrimination under any such program or activity
28 receiving funding or financial assistance from the state.

1 71. Education Code section 200 et seq. incorporates similar requirements on educational
2 institutions to ensure non-discrimination.

3 72. The District receives state financial assistance.

4 73. This District violated Government Code section 11135 and Education Code section
5 200 by having Open Enrollment policies, practices, and procedures that result in discrimination
6 against Latinx, Black, Asian, English learner and socioeconomically disadvantaged students.

7 74. The District violated Education Code section 220 by failing to prevent discrimination
8 in its programs and activities related to Open Enrollment.

9 75. Injunctive Relief is the appropriate remedy for these violations.

10
11 **THIRD CAUSE OF ACTION**
12 **(ConCapping Policies and Practices Violate Government Code section 11135 et seq. and**
13 **Education Code section 200 et seq.)**

14 76. The Attorney General re-alleges paragraphs 1-75 as set forth above and incorporates
15 them by reference as though they were fully set forth in this cause of action.

16 77. The District receives state financial assistance.

17 78. Government Code section 11135 prohibits discrimination based on race and disability
18 in state-funded programs and activities, including prohibiting unlawful denial of full and equal
19 access to the benefits of and unlawful discrimination under any such program or activity
20 receiving funding or financial assistance from the state.

21 79. Education Code section 200 et seq. incorporates similar requirements on educational
22 institutions to ensure non-discrimination.

23 80. The District violated Government Code section 11135 and Education Code section
24 200 by having ConCapping policies, practices, and procedures that result in discrimination
25 against Black students, socioeconomically disadvantaged students, and homeless students.

26 81. The District violated Education Code section 220 by failing to prevent discrimination
27 in its programs and activities related to ConCapping.

28 82. Injunctive Relief is the appropriate remedy for these violations.

1 **FOURTH CAUSE OF ACTION**
2 **(Foster Youth ConCapping Practices Violate Education Code section 48853.5 and Title 20**
3 **United States Code section 5312.)**

4 83. The Attorney General re-alleges paragraphs 1-82 as set forth above and incorporates
5 them by reference as though they were fully set forth in this cause of action.

6 84. Education Code section 48853.5 and Title 20 United States Code section 5312 require
7 the District to provide the option for foster youth to stay at their school of residence. (Ed. Code, §
8 48853.5; 20 U.S.C. § 5312(c)(5).) Education Code section 48853.5 and Title 20 United States
9 Code section 5312 require the District to provide transportation to the school of residence. (Ed.
10 Code, § 48853.5, subd. (f)(5); 20 U.S.C. § 5312(c)(5).)

11 85. The District violated Education Code section 48853.5 and Title 20 United States
12 Code section 5312 by ConCapping foster youth in the District without identifying their school of
13 residence or offering them a chance to stay at their school of residence. The District also failed to
14 provide transportation to all ConCapped foster youth.

15 86. Injunctive relief and equitable relief, in the form of compensatory services, are the
16 appropriate remedies for these violations.

17 **FIFTH CAUSE OF ACTION**
18 **(Enrollment and ConCapping Practices Related to Youth Experiencing Homelessness**
19 **Violate Education Code section 48852.7 and Title 42 United States Code section 11432.)**

20 87. The Attorney General re-alleges paragraphs 1-86 as set forth above and incorporates
21 them by reference as though they were fully set forth in this cause of action.

22 88. Education Code section 48852.7 and Title 20 United States Code section 11432
23 require the District to provide the option for homeless youth to stay at their school of residence
24 and to immediately enroll in a new school, even if they do not have otherwise mandatory
25 enrollment paperwork, such as vaccination records. (Ed. Code, § 48852.7; 42 U.S.C. § 11432.)
26 Education Code section 48853.5 and Title 20 United States Code section 5312 require the District
27 to provide youth experiencing homelessness with transportation to their school of residence. (Ed.
28 Code, § 48852.7, subd. (f)(2); 42 U.S.C. § 11432(g)(J)(iii).)

89. The District violated Education Code section 48852.7 and Title 20 United States Code section 11432 by ConCapping youths experiencing homelessness without identify their school of residence and offering them a chance to stay at their school of residence. The District did not provide transportation to all ConCapped youths experiencing homelessness. The District did not immediately enroll all youths experiencing homelessness at their schools.

90. Injunctive relief and equitable relief, in the form of compensatory services, are the appropriate remedies for these violations.

SIXTH CAUSE OF ACTION

(Practices Related to Students with Disabilities, violate Education Code sections 220, 56000 et. seq, and 56301.)

91. The Attorney General re-alleges paragraphs 1-90 set forth above and incorporates them by reference as though they were fully set forth in this cause of action.

92. Education Code section 220 prohibits discrimination based on disability “in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance.”

93. Education Code section 56000 mandates that the District provide students with disabilities “free [and] appropriate public education and special education instruction and services . . . to meet their unique needs.” (Ed. Code, § 56000, subd. (a).)

94. Education Code section 56301 mandates that the District shall identify, locate, and assess all students, who by reason of their disability, “need[] special education and related services as an individual with exceptional needs defined in Section 56026.” (Ed. Code, § 56301, subd. (a).)

95. The District has violated Education Code sections 220, 56000, and 56301 by failing to prevent discrimination on the basis of disability by rejecting some Open Enrollment applications of students with disabilities on the basis of their disability, dissuading some parents/guardians from seeking Section 504 plans or IEPs for their children with disabilities at one district elementary school, and failing to consistently provide the accommodations related to

1 testing that is detailed in students' Section 504 or IEP during school entrance exams at two
2 elementary schools.

3 96. Injunctive relief is the appropriate remedy for these violations.

4
5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff respectfully prays for the Court to enter judgment as follows:

7 97. For the Court to issue an order: (1) enjoining the District from engaging in the
8 unlawful practices challenged in this Complaint; (2) requiring the District to implement the
9 injunctive and equitable relief provisions set forth in the proposed Stipulated Judgment to be
10 submitted to the Court; and (3) entering final judgment;

11 98. For the Court to exercise, pursuant to Code of Civil Procedure section 664.6,
12 subdivision (a), continuing jurisdiction over this action to ensure that the District complies with
13 the judgment as set forth in the proposed Stipulated Judgment; and

14 99. For such other and further relief as the Court deems just and proper.

15
16 Dated: January 9, 2026

Respectfully Submitted,

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