



EQUAL JUSTICE SOCIETY

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**MEDIA CONTACTS:**

Cynthia L. Rice, Director of Litigation & Training, CRLA  
(510) 267-0762, [crice@crla.org](mailto:crice@crla.org)

Sandra Hernandez, MALDEF  
(213) 629-2512 x129, [shernandez@MALDEF.org](mailto:shernandez@MALDEF.org)

Keith Kamisugi, Equal Justice Society  
415-288-8710, [kkamisugi@equaljusticesociety.org](mailto:kkamisugi@equaljusticesociety.org)

## **Kern Latino and African American Students Achieve Victory in Landmark Settlement with Kern High School District**

*Civil Rights Groups Battled for Three Years to Stop Discriminatory Practices  
Denying Students Their Educational Rights*

BAKERSFIELD, Calif. (July 26, 2017) – Latino and Black students enrolled in the Kern High School District, together with their parents and community activist organizations Dolores Huerta Foundation, National Brotherhood Association, and Faith in Kern, obtained a historic settlement in their challenge to discriminatory practices.

The plaintiffs were represented by a coalition of civil rights lawyers, including California Rural Legal Assistance, Inc. (CRLA), MALDEF (Mexican American Legal Defense and Educational Fund), Equal Justice Society, Greater Bakersfield Legal Assistance, Inc. (GBLA), and Wilson, Sonsini, Goodrich & Rosati, P.C. The settlement with the Kern High School District (KHSD) Board of Trustees is the result of a three-year court battle to stop years of discriminatory discipline practices that deprived African American and Latino students of their right to an education.

The settlement, the first of its kind in California ([Download PDF](#)), includes an immediate change to Kern High School District discipline practices and an acknowledgment by the school district that students of color face higher rates of discipline than white students. KHSD agreed to implement major policy changes to reduce the disproportionate suspensions, expulsions and involuntary school transfers of African American and Latino students.

The lawsuit was filed in October 2014 alleging that KHSD discriminated against African American and Latino students in its suspension, expulsion and school transfer policies.

The immediate and profound policy changes required by the settlement are based on approaches developed by nationally recognized experts, including Dr. Jeffrey Sprague of the University of Oregon, Rachel Godsil of the Perception Institute, Dr. Jon Eyler of Collaborative Learning Solutions, Dr. Nancy Dome of Epoch Education, and Dr. Edward Fergus of New York University's Steinhardt School of Culture, Education and Human Development Center for Equity and Achievement.

## **Kern Latino and African American Students Achieve Landmark Settlement with Kern High School District**

Page 2

The settlement requires that KHSD specifically:

- Implement mandatory training for teachers and staff (including security and police) to include cultural competence, implicit bias, racial anxiety, stereotype threat, Positive Behavioral Intervention Supports (PBIS) and the Uniform Complaint Process that students or parents may use to complain about discriminatory practices;
- Issue public reports regarding alternative discipline practices, data on school discipline rates, school survey results, and training that has been done at each of the schools to hold the District accountable, as well as staffing patterns and an annual report assessing the comparative services offered at the continuation high schools;
- Organize and facilitate two public forums each school year to report to and get feedback from the community on the student behavior, discipline data, school climate survey results and training;
- Provide translation of all documents related to disciplinary actions in the primary language of the parent and/or student and interpretation at all discipline proceedings; and
- Provide educational funds to the 14 individual student plaintiffs (a maximum of \$5,000 per student, total of \$70,000) who were suspended, expelled or involuntarily transferred from their regular school.

Located in California's Central Valley, the 38,000-student Kern High School District is 62 percent Latino and 6.3 percent African American. In 2009-10, KHSD reported the highest actual number of expulsions in California, even when compared to far larger school districts, such as the Los Angeles Unified School District. In that year, the percentage of African American and Latino students taken out of their local schools and assigned to alternative schools was double that of white students.

The alternative schools offer fewer academic and extracurricular opportunities and limited access to courses required to enroll in California universities. Students in these alternative schools have higher dropout rates and lower graduation rates, hurting their overall ability to succeed in life.

"This settlement provides structure and accountability for addressing the discriminatory effects of the District's past practices. The Plaintiffs and the community spent years before the lawsuit and nearly three years after it was filed working to have the District comply with their legal requirements to educate all students and to stop discriminating against the most vulnerable students. We are proud to have been at their side helping them obtain this settlement," said **Cynthia L. Rice, CRLA Director of Litigation and Training**, "and CRLA will be right here during the next 3 years to make sure the terms of the settlement are met."

"A primary purpose of the federal ESSA (Every Student Succeeds Act) is to eliminate achievement gaps," said **Kip Hustace, staff attorney at MALDEF**. "To accomplish that goal, all educators—whether in school districts or county and state agencies—must focus on eliminating disparities that contribute to those gaps, especially discipline and transfer disparities. This settlement, with community members' vigilance and participation, will help the Kern High School District to make good on California's guarantee that all students will receive a high-quality education regardless of circumstance."

## **Kern Latino and African American Students Achieve Landmark Settlement with Kern High School District**

Page 3

"While nothing can ever make up for the trauma and struggles experienced by the parent and student plaintiffs, we believe this settlement will bring incredible improvements to the culture and environment of the Kern High School District and ensure future students do not experience the same discrimination within the District," said **Lyndsi Andreas, staff attorney at GBLA**.

"Racially biased discipline is often the result of unacknowledged stereotypes of Latino and Black students that result in their being suspended and expelled in disproportionately higher numbers than their white counterparts. The district has retained a number of experts on how to lessen the negative impact of implicit bias, racial anxiety, and other mind science phenomena," said **Eva Paterson, President of the Equal Justice Society**.

"This is a major first step, but it will take commitment and continuous effort on behalf of all of the parties involved to bring our students of color in KHSD to the highest level of quality education that all students deserve," said **Dolores Huerta, President of the Dolores Huerta Foundation**.

"Faith In Kern looks forward to partnering with the KHSD on continuing to implement restorative justice practices, improving school climate and dismantling the school to prison pipeline," said **Joey Williams, Faith in Kern Chapter Director**. "The settlement will help ensure that our children have access to colleges, universities, good jobs and a life of opportunity that God intended, not one dictated by divestment, discrimination and incarceration. We are excited about this settlement, but will be vigilant and active in ensuring all students receive an equitable education and these agreements are kept."

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### **California Rural Legal Assistance, Inc. (CRLA)**

Founded in 1966, CRLA's mission is to fight for justice and individual rights alongside the most exploited communities of our society. Through a network of regional offices and cross-cutting programs, CRLA provides legal services to over 32,000 low-income people annually. Our work impacts farmworkers, individuals with disabilities, immigrant populations, LGBT communities, women, children and families in rural areas. For more information on CRLA, please visit: [www.crla.org](http://www.crla.org).

### **MALDEF**

Founded in 1968, MALDEF is the nation's leading Latino legal civil rights organization. Often described as the "law firm of the Latino community," MALDEF promotes social change through advocacy, communications, community education, and litigation in the areas of education, employment, immigrant rights, and political access. For more information on MALDEF, please visit: [www.maldef.org](http://www.maldef.org).

### **Equal Justice Society**

The Equal Justice Society is transforming the nation's consciousness on race through law, social science, and the arts. Led by President Eva Paterson, our legal strategy aims to broaden conceptions of present-day discrimination to include unconscious and structural bias by using social science, structural analysis, and real-life experience. Connect with EJS at <http://equaljusticesociety.org>, @equaljustice, and [fb.com/equaljusticesociety](https://www.facebook.com/equaljusticesociety).

## **Kern Latino and African American Students Achieve Landmark Settlement with Kern High School District**

Page 4

### **Greater Bakersfield Legal Assistance, Inc**

Founded in 1968, GBLA's mission is to promote social change and justice by providing high-quality legal services to the low-income community of Kern County, California. GBLA assists clients in the areas of housing and homelessness, domestic violence, guardianship, children and family services, health law, consumer law, and others. For more information on GBLA, please visit: [www.gbla.org](http://www.gbla.org).

### **Wilson Sonsini Goodrich & Rosati, Professional Corporation**

Wilson Sonsini Goodrich & Rosati is the premier provider of legal services to technology, life sciences, and growth enterprises worldwide, as well as the public and private capital markets that finance them. The firm has more than 50 years' experience providing expert and effective legal services to its clients. A commitment to giving back to the community is one of the founding values of our firm, and WSGR demonstrates this through its robust pro bono practice.

### **Dolores Huerta Foundation**

The Dolores Huerta Foundation (DHF) is a 501 (c)(3) community benefit organization that organizes at the grassroots level, engaging and developing natural leaders. DHF creates leadership opportunities for community organizing, leadership development, civic engagement, and policy advocacy in the following priority areas: health and environment; education and youth development; and economic development. Our mission is to create a network of organized healthy communities pursuing social justice through systemic and structural transformation. Learn more at <http://doloreshuerta.org>.

### **National Brotherhood Association of Kern County**

National Brotherhood Association of Kern County works with people who have offended and those who have been victims of crime in order to reduce crime and the harm it causes. Our approach to tackling crime involves supporting offenders to exit a life of crime and providing opportunities that help them play a positive role in society. We also support victims of crime to tackle and recover from injustices that have happened to them.

### **Faith in Kern**

Faith in Kern is a chapter of Faith in the Valley, a city-, county- and Valley-wide organizing effort comprised of five multiracial, multi-faith PICO chapters. Our mission is to unlock the power of people to put faith into action, and to advance a movement for racial justice and health equity. With 100 member Congregations, we seek to build relational power, lift up a new narrative about the lives of people of color, and drive civic engagement efforts that move our community priorities forward. Faith in the Valley and our community partners believe a different, better future is possible for the San Joaquin Valley if we work together. A future in which everyone is included, treated as sacred, has a chance to thrive and live a healthy life. <http://www.faithinthevalley.org>