

SUPERIOR COURT FOR THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA

**Notice of Class Action Settlement to students who have attended or will attend the California high schools listed below between May 29, 2014 and June 30, 2020,  
(and their parents and guardians):**

- (1) Castlemont High School (Oakland Unified School District)**
- (2) Fremont High School (Oakland Unified School District)**
- (3) John C. Fremont High School (Los Angeles Unified School District)**
- (4) Susan Miller Dorsey High School (Los Angeles Unified School District)**
- (5) Thomas B. Jefferson High School (Los Angeles Unified School District)**
- (6) Compton High School (Compton Unified School District)**

*A court authorized this notice. This is not a solicitation from a lawyer.*

- This Notice is being sent to you to inform you of the settlement of this class action lawsuit.
- Plaintiffs, on behalf of the students attending these schools (the “Class”), brought a lawsuit against the State of California and some of its agencies arguing that they were receiving less meaningful learning time than students in most California schools. **You are receiving this notice because school district records show that you are a member of the Class.**
- California passed a new law called AB 1012 that limits when students can be assigned to courses with no educational content or when they can be assigned to classes they have already passed. The parties also reached a Settlement Agreement, which is described in this notice. The Court has preliminarily approved the Settlement.
- This Notice describes the basic terms of the Settlement so that you are aware of your rights and the changes that the State of California has agreed to make as part of this Settlement. Please be aware that this is a case to change practices and policies only and that Plaintiffs are not seeking and will not receive money damages on behalf of the Class.
- You have a right to object to the Settlement by April 11, 2016. You can also ask to speak in Court about the fairness of the Settlement at the hearing on **April 26, 2016 at 2:30 p.m.**

**BASIC INFORMATION**

**1. WHY DID I GET THIS NOTICE PACKAGE?**

You or someone in your family may have attended or will likely attend one of these high schools between May 29, 2014 and June 30, 2020:

- Castlemont High School (Oakland Unified School District)
- Fremont High School (Oakland Unified School District)
- John C. Fremont High School (Los Angeles Unified School District)
- Susan Miller Dorsey High School (Los Angeles Unified School District)
- Thomas B. Jefferson High School (Los Angeles Unified School District)
- Compton High School (Compton Unified School District)

The Court sent you this notice because you have a right to know about a proposed settlement of a class action lawsuit that may impact your rights, and what you can do if you disagree, before the Court decides whether to approve the settlement.

This package explains the lawsuit, the settlement, your legal rights, what benefits are available, and how to object to the settlement.

The Court in charge of the case is the Superior Court for the State of California, County of Alameda, and the case is known as *Cruz et al v. State of California et al*, No. RG14727139. The people who sued are called Plaintiffs. The entities who are being sued are called the Defendants, and they include the State of California, the State Board of Education, Department of Education, and State Superintendent of Public Instruction Tom Torlakson.

**2. WHAT IS THIS LAWSUIT ABOUT?**

The student Plaintiffs filed this lawsuit because they believe that students attending certain schools in California were receiving

less “meaningful learning time” than students in most other California schools. By “meaningful learning time,” Plaintiffs are referring to time when students are in class with a qualified teacher who is teaching them content that will give them knowledge, skills, and the ability to succeed in school.

Plaintiffs argued that students were losing meaningful learning time in certain schools in the following ways:

- Students were being sent home for certain periods instead of being in class with a teacher.
- Students were being assigned to “service” courses, “teacher aide” courses, or “IWE” courses but were not being taught anything during those periods.
- Students were assigned to those kinds of periods even if they still needed courses to graduate or to get into college.
- Students were being put into classes that they had already taken and passed because there were not enough other course options for them.
- For the first few weeks or even months of the school year, students’ schedules were changed and they would end up missing out on hours or days of class.
- Plaintiffs also argued that students in these schools were losing meaningful learning time because of teacher turnover, teacher and student absences and tardiness, and a lack of counseling and other support services.

Plaintiffs argued that all of this lost learning time violates the constitutional rights of students in those schools to an education. The defendants disagree with plaintiffs’ claims, and the court has not yet ruled on these issues.

### 3. WHY IS THIS A CLASS ACTION?

In a class action, one or more people, called Class Representatives (in this case Jessy Cruz and other students who attend the schools listed above), sue on behalf of people who have similar claims. All these people together are called a Class and each person is called a Class Member. One court resolves the issues for all Class Members. California Superior Court Judge George C. Hernandez, Jr. is in charge of this class action.

### 4. WHY IS THERE A SETTLEMENT?

The Court did not decide in favor of Plaintiffs or Defendants. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, and the people affected will get a remedy to these problems. The Class Representatives and the attorneys think that the settlement is best for all student class members. The settlement is not final until it is approved by the Court.

### WHO IS IN THE SETTLEMENT?

### 5. HOW DO I KNOW IF I AM PART OF THE SETTLEMENT?

Judge Hernandez has decided that everyone who fits this description is a Class Member: *all students who have attended, who currently attend, and who will attend school at Castlemont High School and Fremont High School in Oakland Unified School District; John C. Fremont High School, Susan Miller Dorsey High School, and Thomas B. Jefferson High School in Los Angeles Unified School District; and Compton High School in Compton Unified School District between May 29, 2014, and June 30, 2020.*

### THE SETTLEMENT BENEFITS—WHAT YOU GET

### 6. WHAT BENEFITS DO I GET FROM THE SETTLEMENT?

#### A New Law: AB 1012

The settlement agreement was partly based on the Legislature and the Governor passing a new law. The new law is called AB 1012, and it applies to all public school students in California in grades 9 through 12 starting in the fall of 2016.

Under the new law, a student can be assigned to a course period without educational content only if a school official decides that the specific student will benefit from that course. A student cannot be put in a course without educational content because there are not enough other courses for a student to take during that period. The student’s parent or guardian has to consent.

The new law also provides that a student can retake some classes the student has already taken and passed, like music or art, but it stops schools from placing students in a class like math that the student has passed unless the student (or if the student is under 18, his or her parent or guardian) consents. Schools cannot make students repeat a class like math just because there are no other courses that the student can take that semester.

Finally, the new law creates a way for students, parents, and teachers to file a formal complaint if a school is violating this law.

### The Settlement Agreement: Support for LA, Oakland, and Compton School Districts

The Defendants have agreed to help the Los Angeles, Oakland, and Compton school districts to make sure they can follow the new law and to make sure the schools in those districts do not have serious problems with student schedules. The Defendants will also help make it possible to keep track of the number of students assigned to classes without educational content. They will also inform all California schools about the new law and what they must do to comply. Finally, the Defendants will pay Plaintiffs' lawyers for part of the time that they spent on this lawsuit.

Neither you nor any other student will get any money from this settlement.

#### **7. HOW DOES THE SETTLEMENT AFFECT MY LEGAL RIGHTS?**

If the settlement is approved, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the State of California, the State Board of Education, the California Department of Education, or State Superintendent Tom Torlakson about the legal issues in this case for any incident that occurs before June 30, 2020. The legal issues in this case are summarized in Question 2, above. For more information about the types of lawsuits that may be barred, you can call **213-977-5276**, email [cruzsettlement@aclusocal.org](mailto:cruzsettlement@aclusocal.org), or visit our website at [www.aclusocal.org/cruzsettlement](http://www.aclusocal.org/cruzsettlement).

This settlement does not in any way affect your right to sue your school district, which was not a party to the lawsuit, about anything, including issues that were raised in the lawsuit.

In addition, if you believe that AB 1012 has been violated, you can file a complaint with your school district. That complaint can be appealed to the California Department of Education.

### **THE LAWYERS REPRESENTING YOU**

#### **8. DO I HAVE A LAWYER IN THE CASE?**

The Court approved the law firms of Public Counsel, the American Civil Liberties Union Foundation of Southern California, Arnold & Porter LLP, and Carlton Fields Jorden Burt LLP to represent you and other Class Members. Together the lawyers are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

#### **9. HOW WILL THE LAWYERS BE PAID?**

The Court will be asked to approve a payment from Defendants to Class Counsel of \$400,000 for attorneys' fees and expenses, which it will do if it decides the payment is fair. This money will compensate Class Counsel for the costs and part of the time they spent on this case. Public Counsel and the ACLU of Southern California are non-profit organizations that depend on attorney's fees to be able to offer free legal services to their clients.

### **OBJECTING TO THE SETTLEMENT**

#### **10. HOW DO I TELL THE COURT THAT I DON'T LIKE THE SETTLEMENT?**

If you're a Class Member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object to the settlement in *Cruz v. State of California*. Be sure to include the student's name, the parent or guardian's name if the student is younger than 18, address, telephone number, your signature, and the reasons you object to the settlement. Mail the objection to this address, postmarked no later than April 11, 2016.

Victor Leung  
ACLU Foundation of Southern California  
1313 West Eighth Street  
Los Angeles, CA 90017

### **THE COURT'S FINAL APPROVAL HEARING**

#### **11. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?**

The Court will hold a Final Approval Hearing on April 26, 2016 at 2:30 p.m. at the California Superior Court, County of Alameda, 1221 Oak Street, Oakland, CA 94612, in Department 17. At this hearing, Judge Hernandez will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Hernandez will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the settlement.

## 12. DO I HAVE TO COME TO THE HEARING?

No. Class Counsel will answer any questions Judge Hernandez may have. But, you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

## 13. MAY I SPEAK AT THE HEARING?

You may ask the Court for permission to tell the Court your views in person or object to the settlement at the Final Approval hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *Cruz v. State of California*." Be sure to include the student's name, the parent or guardian's name if the student is younger than 18, your address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than April 11, 2016, and be sent to the address below:

Victor Leung  
ACLU Foundation of Southern California  
1313 West Eighth Street  
Los Angeles, CA 90017

## GETTING MORE INFORMATION

## 14. ARE THERE MORE DETAILS ABOUT THE SETTLEMENT?

This notice summarizes the proposed settlement. More details are in a Settlement Agreement. You can get a copy of the Settlement Agreement, the other important documents in the case, and more information in English or in Spanish:

### HOW DO I GET MORE INFORMATION?

BY PHONE	Call 213-977-5276 Para español llame al 213-385-2977 ext. 316
BY MAIL OR E-MAIL	Write to Victor Leung, ACLU Foundation of Southern California, 1313 West Eighth Street, Los Angeles, CA 90017 or <a href="mailto:cruzsettlement@aclusocal.org">cruzsettlement@aclusocal.org</a> .
AT OUR WEBSITE	Visit our website at <a href="http://www.aclusocal.org/cruzsettlement">www.aclusocal.org/cruzsettlement</a> , where you can view all of the important documents, including the Settlement Agreement, in the case free of charge.
AT THE COURT	<p>For a small fee, all of the pleadings and other records in this litigation, including the Settlement Agreement, may be examined online on the Alameda County Superior Court's website, known as 'DomainWeb,' at <a href="https://publicrecords.alameda.courts.ca.gov/PRS/">https://publicrecords.alameda.courts.ca.gov/PRS/</a>. After arriving at the website, click the 'Search By Case Number' link, then enter <b>RG14727139</b> as the case number and click 'SEARCH.' Images of every document filed in the case may be viewed (for a charge) through the 'Register of Actions.'</p> <p>You may also view images of every document filed in the case free of charge by using one of the computer terminal kiosks available at each court location that has a facility for civil filings.</p>

Please do not contact the Court, Los Angeles Unified School District, Oakland Unified School District, or Compton Unified School District concerning this action.