

November 1, 2021

CONTACT

Jerry Simmons
Partner Young Minney & Corr, LLP

916-646-1400

Michelle Stanley
Chief Communications Officer
The Classical Academies

760- 213-6136

FOR IMMEDIATE RELEASE

Kids and Schools Appeal Court Decision on School Funding

Students Fight Governor Newsom’s Decision to Deny Public School Funding to Tens of Thousands of Black and Latinx Students Amid Record Budget Surplus

Student plaintiffs, along with almost 300 California public charter schools serving nearly 200,000 California public school students in every corner of the state, have decided to appeal the Superior Court decision in *Reyes v. California*, a class-action lawsuit filed in Sacramento Superior Court against Governor Newsom and the State Department of Education. The lawsuit is asking for equitable public education funding for the public education of more than 25,000 students in the 2020-21 academic year. The case seeks an order compelling the Governor and Department of Education to provide more than zero public education funding to the affected students, more than sixty percent of whom are students of color.

The precedent-setting *Reyes v. California* case is perhaps the most important education law case since *Brown v. Board of Education* because it will set the precedent that every child has the right to have their public education equitably funded by the state.

The lawsuit was filed on September 24, 2020 because the Governor signed budget bills last year that prevented public charter schools from being funded for tens of thousands of additional students who the state-mandated they enroll before the budget bills were approved. These new students were funded at a rate of zero this last year, which then forced schools to reallocate resources intended to support existing students to cover costs associated with serving the new students.

Tanner Rico, a medically fragile student, enrolled at the Classical Academy who has been a leader among students seeking full funding for their education, said that “Charter schools are great for students like me with an assortment of disabilities. Sometimes I need to be in the hospital while receiving my treatments,

and the charter school provides my education there. My public education matters just as much as the education of every other student in California, and I will keep fighting until the Governor and Legislature fund my education. I cannot accept that I live in a world where kids have had to sue the Governor to get their public education funded.”

Lee Rosenberg, Senior Counsel with Young, Minney & Corr, LLP, who argued the case, said, “I am so proud to be fighting for Tanner Rico. It inspires me that a kid who already has so many challenges found the courage and strength to fight the Governor not only on behalf of himself, but more than 25,000 other students. The Superior Court Judge said that the Governor has the right to defund the public entirely school education of more than 25,000 students, most of whom are low-income students of color who desperately needed to attend these high performing charter schools when their school districts closed and failed to provide them an education. The question people should be asking is why the Governor is so deliberately putting himself on the wrong side of history by defunding certain childrens’ education at the same time be bragging about the State’s \$75 billion surpluses.”

“We are disappointed that the Superior Court could not see its way to do the right thing for students,” stated Cameron Curry, Chief Executive Officer for The Classical Academies, a lead plaintiff in the case. “There is never an excuse for funding a child’s public education at zero and shame on the Governor and other state officials for defunding public education to schools who stepped up to serve students.”

Dr. Kathleen Hermsmeyer is the Superintendent of Springs Charter Schools and the second of three lead plaintiffs in the case. “During the pandemic, our schools experienced incredible growth because the school districts shut down,” stated Hermsmeyer, “We were legally required to enroll these students and were pleased to do so, but when the Governor and Legislature denied us funding for these students that they asked us to enroll, they really let down families who needed their leadership most.”

“This court loss is sad because it reflects the stubbornness of state officials who are determined not to fund all public school students equitably,” stated Debi Gooding, Executive Director of The Learning Choice Academy, the third lead plaintiff in the case. “We stepped up and did the right thing by continuing to educate low-income students, students with special needs, homeless students, and others who weren’t being served by their local school districts even after the Governor and Legislature stepped back and did not fund their education.”

BACKGROUND ON THE CASE

The lawsuit was filed on September 24, 2021. The parties filed their final written briefs on June 17, 2021, and oral arguments were heard by the Sacramento County Superior Court on July 2, 2021. The decision of the court was issued on July 27, 2021.

Students enrolling in California non-classroom-based charter schools (“NCB”) are 60.2% people of color, 48.4% are eligible for free and reduced-price lunch, and 11.5% qualify for special education services. A total of 194,575 students enrolled in NCB in 2019-20, which is the last year's data. All of these students had their education impacted by the State funding of 25,000 students at zero because funds had to be taken away from other students' education to fund the education of these newly enrolled students. The plaintiffs, in this case, sought to compel the state to fund every child's public education at the same rate.

The term “non-classroom-based charter schools” is a legal term of art that frequently does not reflect the true nature of the academic programs operated by these schools. Although some of these schools offer education entirely online, most of these schools do operate facilities where students participate in educational activities.

###