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Case No. S266254

SUPREME COURT OF THE STATE OF CALIFORNIA

BRENNON B., *Plaintiff, Appellant, and Petitioner,* vs. SUPERIOR COURT, CONTRA COSTA *Defendant and Respondent,* WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT, et al. *Real Parties in Interest.*	First Appellate District, Division One No. A157026 Contra Costa Superior Court No. MSC16-01005

APPLICATION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF PLAINTIFF AND APPELLANT BRENNON B.; PROPOSED AMICUS CURIAE BRIEF OF AIDS LEGAL REFERRAL PANEL, ARC OF CALIFORNIA, ASSOCIATION OF HIGHER EDUCATION AND DISABILITY, CALIFORNIA ASSOCIATION OF PARENT-CHILD ADVOCACY, CIVIL RIGHTS EDUCATION AND ENFORCEMENT CENTER, COMMUNICATION FIRST, DISABILITY RIGHTS ADVOCATES, DISABILITY RIGHTS CALIFORNIA, DISABILITY RIGHTS LEGAL CENTER, IMPACT FUND, LEGAL AID AT WORK, MENTAL HEALTH ADVOCACY SERVICES AND PUBLIC LAW CENTER IN SUPPORT OF PLAINTIFF AND APPELLANT BRENNON B.

First Appellate District, Division One No. A157026
On Review of an Order Sustaining a Demurrer
Contra Costa Superior Court, No. MSC16-01005
The Honorable Charles Treat, Judge

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CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Pursuant to California Rules of Court, Rule 8.208, I hereby certify that no entity or person has an ownership interest of 10 percent or more in proposed *amicus curiae*. I further certify that I am aware of no person or entity, not already made known to the Justices by the parties or other *amici curiae*, having a financial or other interest in the outcome of the proceedings that the Justices should consider in determining whether to disqualify themselves, as defined in Rule 8.208(e)(2).

Executed on September 15, 2021, in San Francisco, California.

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Alexis Alvarez
Legal Aid at Work

Attorneys for *Amici Curiae*

I. INTRODUCTION

Pursuant to California Rule of Court 8.520(f), the following disability and civil rights organizations hereby apply for leave to file a brief as *amici curiae* in support of plaintiff-appellant's request for reversal of the Court of Appeal's decision: AIDS Legal Referral Panel, Arc of California, Association for Higher Education and Disability, California Association for Parent-Child Advocacy, Civil Rights Education and Enforcement Center, Communication First, Disability Rights Advocates, Disability Rights California, Disability Rights Legal Center, Impact Fund, Legal Aid at Work, Mental Health Advocacy Services and Public Law Center.

Amici believe it is important to highlight that based on the plain meaning and legislative history of the Unruh Civil Rights Act, a violation of the Americans with Disabilities Act, including Title II which covers public schools, is a violation of the Unruh Civil Rights Act. Applying such a reading is consistent with California's commitment to full and equal access to people with disabilities and will have a profound impact on public school students with disabilities who continue to face widespread discrimination.

II. STATEMENTS OF INTEREST

Amici curiae are public interest organizations dedicated to advancing and protecting the civil rights of persons with disabilities. A brief description of the work and mission of each of the *amicus curiae*, explaining our interest in the case, is as follows:

AIDS Legal Referral Panel

AIDS Legal Referral Panel ("ALRP") is a non-profit organization helping people living with HIV/AIDS maintain and

improve their health by resolving their legal issues. ALRP provides legal assistance and education on virtually any civil matter to persons living with HIV/AIDS. This includes such widely disparate areas as housing, employment, insurance, confidentiality matters, family law, credit, government benefits or public accommodations, and immigration.

Arc of California

The Arc of California is the state chapter of the nation's largest and oldest community-based organization providing services, supports and advocacy with and for people with intellectual and developmental disabilities (IDD) and their families. The state office represents thousands of individuals with disabilities, their families, and services providers in advancing policies that promote and protect the human and civil rights of people with IDD. Founded in 1950, the Arc of California has a long history of advocacy at all levels – local, state, and federal – centered on the belief that people with IDD are entitled to the respect, dignity, equality, safety, and security accorded to other members of society, and are equal before the law.

Association for Higher Education and Disability

The Association for Higher Education and Disability (AHEAD) is a national nonprofit association representing over 4,000 members who are actively engaged in service provision, consultation and training, and policy development to create just and equitable higher education experiences for disabled individuals on college campuses throughout the country. AHEAD promotes disability accessibility across the field of higher education and beyond by developing and sharing relevant knowledge; strategically engaging in actions that

enhance higher educational professionals' effectiveness; and advocating on behalf of its membership, their institutions, their work, and those they serve, ensuring full, effective participation by individuals with disabilities in every aspect of the postsecondary experience. AHEAD affirms that the enforcement of federal and state disability rights laws is fundamental to full participation in education and advancement for disabled people.

California Association for Parent-Child Advocacy

The California Association for Parent-Child Advocacy (CAPCA) is a volunteer-based organization engaging in legislative and policy advocacy on matters of concern to students with disabilities in California. Members of CAPCA participate as professionals and/or as family members of students with disabilities, in Individualized Education Program (IEP) meetings, resolution sessions, mediations, due process hearings and appeals throughout California. CAPCA was founded in 2003 when parents and advocates came together to resist proposals in the California legislature to drastically shorten the statute of limitations in special education cases and to impose other restrictions on the exercise of parental and student rights.

Civil Rights Education and Enforcement Center

The Civil Rights Education and Enforcement Center ("CREEC") is a national nonprofit membership organization whose mission is to defend human and civil rights secured by law, including laws prohibiting discrimination on the basis of disability. CREEC is based in Denver and has one-attorney offices in Berkeley, Los Angeles, and Nashville. CREEC's efforts to defend human and civil

rights extend to all walks of life, including ensuring that people with disabilities have access to all programs, services, and benefits of public entities, especially programs as fundamental as public education. CREEC lawyers have extensive experience in the enforcement of Title II and Title III of the Americans with Disabilities Act. We believe the arguments in this brief are essential to ensure that public school students with disabilities are protected from discrimination by the Unruh Act.

Communication First

Communication First is a national, disability-led nonprofit organization based in Washington, DC, dedicated to protecting the human, civil, and communication rights and advancing the interests of the estimated 5 million people in the United States, including California, who cannot rely on speech to be heard and understood due to disability. Communication First's mission is to reduce barriers, expand equitable access and opportunity, and eliminate discrimination against our historically marginalized population in all aspects of community and society, including education.

Disability Rights Advocates

Disability Rights Advocates ("DRA") is a non-profit public interest center that specializes in high-impact civil rights litigation and other advocacy on behalf of persons with disabilities throughout the United States. DRA's educational cases include *Enyart v. National Conference of Bar Examiners, Inc.*, 630 F.3d 1153 (9th Cir. 2011), which required the National Conference to permit a blind law school graduate to use assistive technology to take the Multistate Bar Exam

and the Multistate Professional Responsibility Exam, and *Breimhorst v. Educational Testing Services* (N.D. Cal.), which ended the practice of "flagging" scores when students received disability-related accommodations when taking several nationally administered standardized tests.

<u>Disability Rights California</u>

Disability Rights California ("DRC") is the protection and advocacy agency mandated under state and federal law to advance the rights of Californians with disabilities. DRC was established in 1978 and is the largest disability rights legal advocacy organization in the nation. As part of its mission, DRC works to ensure that students with disabilities have equal access to a public education.

<u>Disability Rights Legal Center</u>

The Disability Rights Legal Center (DRLC) is a non-profit legal organization founded in 1975 to represent and serve people with disabilities. Individuals with disabilities continue to struggle against ignorance, prejudice, insensitivity, and lack of legal protection in their endeavors to achieve fundamental dignity and respect. DRLC assists people with disabilities in attaining the benefits, protections, and equal opportunities guaranteed to them under the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Individuals with Disabilities Education Act, and other state and federal laws. Its mission is to champion the rights of people with disabilities through education, advocacy, and litigation. DRLC supports access to education in its mission, as people with disabilities continue to face unreasonable barriers in schools, a loss of important human capital throughout the country.

Impact Fund

The Impact Fund is a nonprofit legal foundation that provides strategic leadership and support for impact litigation to achieve economic, environmental, racial, and social justice. The Impact Fund provides funding, offers innovative training and support, and serves as counsel for impact litigation across the country. The Impact Fund has served as party or amicus counsel in a number of major civil rights cases brought under federal, state, and local laws, including cases challenging employment discrimination; unequal treatment of people of color, people with disabilities, and LGBTQ people; and limitations on access to justice. Through its work, the Impact Fund seeks to use and support impact litigation to achieve social justice for all communities.

Legal Aid at Work

Legal Aid at Work (formerly known as the Legal Aid Society – Employment Law Center) is a San Francisco-based, non-profit public interest law firm that has for decades advocated on behalf of the rights of members of historically underrepresented communities, including persons of color, women, immigrants, individuals with disabilities, and the working poor. Founded in 1916 as the first legal services organization west of the Mississippi, Legal Aid at Work frequently appears in state and federal courts to promote the interests of people with disabilities. Legal Aid at Work is recognized for its expertise in the interpretation of state and federal disability rights statutes including the Americans with Disabilities Act, the Fair Employment and Housing Act, and the Unruh Civil Rights Act. Legal Aid at Work has expertise with respect to the disability rights portions of the

California's Unruh Civil Rights Act at issue in this motion, and is familiar with the corresponding legislative history.

Mental Health Advocacy Services

Mental Health Advocacy Services (MHAS) was founded in 1977 as a joint project of the Los Angeles County Bar Association and the Beverly Hills Bar Association. MHAS protects and advances the legal rights of low-income adults and children with mental health disabilities and empowers them to assert those rights in order to maximize their autonomy, achieve equity, and secure the resources they need to thrive. Through its staff's deep-seated knowledge and experience across a broad range of mental health legal issues, MHAS has secured a unique position and ability not only to serve these clients but also to be a highly sought after technical assistance provider; MHAS annually trains hundreds of attorneys, mental health professionals, consumer and family member groups, and other advocates in mental health law and rights.

Public Law Center

The Public Law Center (PLC) is a non-profit legal services organization in Santa Ana, California that provides free civil legal services to low-income residents of Orange County, California in the areas of family law, immigration, health, housing, veterans, microbusiness and consumer. PLC staff and volunteers regularly advocate on behalf of people with disabilities who are not offered the reasonable accommodations needed to fully participate in their lives, whether that is their employment, housing, education, or any other area. Ensuring advocates have every tool available to them is

incredibly important to ensure equal rights for all members of the community PLC serves.

III. PURPOSE OF PROPOSED BRIEF OF *AMICI CURIAE*

The proposed brief presents arguments that materially add to and complement Appellant Brennon B.'s brief on the merits. *Amici curiae* have many years of experience working with the California Legislature to enact disability rights legislation, and have litigated numerous cases of importance involving access for people with disabilities. The proposed brief will assist the Court by highlighting California's long history of expansive disability rights protections, addressing the importance of such protections for California's public school children with disabilities and analyzing the legislative history and statutory scheme of the Unruh Civil Rights Act vis-à-vis the Americans with Disabilities Act.

IV. CONCLUSION

For all the foregoing reasons, *amici curiae* respectfully request that the Court grant *amici curiae's* application and accept the attached brief for filing and consideration.

Dated: September 15, 2021 Respectfully submitted,

Jinny Kim
Alexis Alvarez
Legal Aid at Work

Attorneys for *Amici Curiae*

CERTIFICATE OF COMPLIANCE WITH CAL. RULES OF COURT, RULE 8.520(f)(4)

Amici curiae hereby certify under the provisions of California Rules of Court 8.520(f)(4)(A) that no party or counsel for any party authored the proposed brief in whole or in part or made any monetary contribution intended to fund the preparation or submission of the brief. *Amici curiae* further certify under California Rules of Court 8.520(f)(4)(B) that no person or entity other than *amici curiae* and their counsel made any monetary contribution intended to fund the preparation or submission of the brief.

Executed on September 15, 2021, in San Francisco, California

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SUPREME COURT OF THE STATE OF CALIFORNIA

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PROPOSED AMICUS CURIAE BRIEF OF AIDS LEGAL REFERRAL PANEL, ARC OF CALIFORNIA, ASSOCIATION OF HIGHER EDUCATION AND DISABILITY, CALIFORNIA ASSOCIATION OF PARENT-CHILD ADVOCACY, CIVIL RIGHTS EDUCATION AND ENFORCEMENT CENTER, COMMUNICATION FIRST, DISABILITY RIGHTS ADVOCATES, DISABILITY RIGHTS CALIFORNIA, DISABILITY RIGHTS LEGAL CENTER, IMPACT FUND, LEGAL AID AT WORK, MENTAL HEALTH ADVOCACY SERVICES AND PUBLIC LAW CENTER IN SUPPORT OF PLAINTIFF AND APPELLANT BRENNON B.

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INTRODUCTION

California's Unruh Civil Rights Act embodies the state's strong public policy against arbitrary discrimination and aims to eradicate discriminatory practices from California's community life. (Civ. Code, § 51). In 1992, the California Legislature amended the Unruh Civil Rights Act to make it unmistakably clear that a violation of the Americans with Disabilities Act is a violation of the Unruh Civil Rights Act.

This Court should adopt the straight-forward interpretation of the Unruh Civil Rights Act intended by the Legislature. Despite this clear legislative mandate and this Court's repeated holdings that the Unruh Civil Rights Act must be construed liberally to effectuate its goals, the Respondent argues that only violations of Title III of the ADA – the section of the federal disability legislation that addresses discrimination by public accommodations – are covered by the Unruh Civil Rights Act. Such a narrow reading of the plain statutory language of the Unruh Civil Rights Act and the legislative history is nowhere to be found and is inconsistent with California's long history of enacting expansive laws designed to promote the integration of persons with disabilities into all institutions of public life.

The guarantees of the Unruh Civil Rights Act are critical to students with disabilities who face widespread discrimination by the very public schools mandated to provide an appropriate and accessible education. Unjustly denying Unruh Civil Rights Act protections to students with disabilities in public schools will have a disproportionate impact on Black students and low-income students who are overrepresented in California's education system.

Amici submit this brief to aid this Court in answering issue number two in a way that is both consistent with the proper construction of the Unruh Civil Rights Act's disability protections and fulfills California's promise to students with disabilities to banish harmful and arbitrary discrimination.

ARGUMENT

I. LIMITING UNRUH ACT PROTECTIONS IS CONTRARY TO CALIFORNIA'S HISTORY OF EXPANSIVE DISABILITY RIGHTS PROTECTIONS AND ITS COMMITMENT TO FULL AND EQUAL ACCESS FOR PEOPLE WITH DISABILITIES.

California has long recognized the problem of lack of access for people with disabilities and promoted full integration in every aspect of social and economic life, including in public schools. Its commitment to ensuring full and equal access for people with disabilities is expressed in a comprehensive statutory scheme that provides multiple and overlapping protections barring disability-based discrimination in employment, housing, public accommodation and public services, such as transportation and education. Key statutory provisions include the California Disabled Persons Act (Civ. Code, § 54 et seq.); California Government Code section 11135 et seq.; the Fair Employment and Housing Act, (Gov. Code, § 12920 et seq.); and, as particularly relevant here, the Unruh Civil Rights Act (Civ. Code, § 51 et seq.).

A. California's Long History of Expansive Disability Rights Protections Reflects a Strong Public Policy of Eradicating Disability Discrimination.

The State of California has a long and independent history of enacting laws designed to ensure and promote the integration of persons with disabilities into all institutions of public life, and to provide effective remedies against disability discrimination. While at times referencing and incorporating the standards of federal law as a minimum floor of protection for Californians with disabilities, these enactments create independent state law rights and are statements of California's law and public policy.

California enacted Section 54.1 of the Civil Code, known as the Disabled Persons Act in 1968, as its first law directed specifically at prohibiting discrimination based on disability. (Civ. Code, § 54.1 [originally enacted as Stat. 1968, ch. 461, § 1, p. 1092].) As public awareness of the "many unnecessary obstacles" to disabled individuals' "participation in community life" grew, the Disabled Persons Act became part of a "growing body of legislation intended to reduce or eliminate" those obstacles. (*In Re Marriage of Carney*, (1979) 24 Cal.3d 725, 738 [citing Gov. Code, § 4450 et seq. requiring access to buildings and facilities constructed with public funds]; Health & Saf. Code, § 19955 et seq. [access to private buildings open to the general public]; Gov. Code, § 4500 [access to public transit systems]; Pub. Resources Code, § 5070.5, subd. (c) [access to public recreational trails].) The Disabled Persons Act provides that individuals with disabilities are "entitled to full and equal access" to "places to which the general public is invited," including public

conveyances, places of public accommodation, and housing accommodations. (Civ. Code, § 54.1.)

In 1973, more than 15 years before the enactment of the federal Americans with Disabilities Act (ADA), the Legislature amended the Fair Employment Practices Act, a precursor to the Fair Employment and Housing Act, to include physical "handicap" as a prohibited basis for discrimination, and, in 1977, the Legislature added the following declaration to the Fair Employment Practices Act: "It is the policy of this state to encourage and enable disabled persons to participate fully in the social and economic life of the state." (Stats. 1977, ch. 1196, § 2 [adding Cal. Gov. Code, § 19230]; see also *In Re Marriage of Carney*, *supra*, 24 Cal.3d at p. 740 ["Both the state and federal governments now pursue the commendable goal of total integration of handicapped persons into the mainstream of society," and quoting California Government Code section 19230].)

In 1977, the Legislature enacted Government Code section 11135, which bars any program or activity funded by the state from discriminating based on disability, among other protected categories. Then, in 1982, it enacted similar legislation prohibiting discrimination based on a number of protected characteristics, including disability, in any program or activity conducted by an educational institution "that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid." (Ed. Code, § 220; see *Donovan v. Poway Unified School Dist.* (2008) 167 Cal.App.4th 567, 594 [discussing Section 220's legislative history].)

In 1987, the Legislature amended the Unruh Civil Rights Act—first adopted in its modern form in 1959—to add "blindness and

physical disability” to the Unruh Act’s list of protected classifications. (Stats. 1987, ch. 159, § 1; see also *Harris v. Capital Growth Investors XIV* (1991) 52 Cal.3d 1142, 1153 [describing Unruh Act’s history].)

In 1992, following the enactment of the Americans with Disabilities Act, the Legislature incorporated the ADA as a floor of state law protection (retaining California law where it provided greater advantage) and proposed amendments to a range of civil rights statutes, adding or amending nearly 50 sections over 12 code books, and making 19 explicit references to the parallel provisions and standards in the ADA. (Stats. 1992, ch. 913, § 1 [quoting Assem. Bill 1077].) With respect to the Unruh Act in particular, in addition to incorporating the ADA, the Legislature also amended the Unruh Act to declare that all persons “no matter their … disability” are entitled to “full and equal” access. (Stats. 1992, ch. 913, § 3; Civ. Code, § 51, subds. (a), (f).) The 1992 amendment was intended to extend to persons with disabilities aggrieved by an ADA violation the full panoply of Unruh Act remedies which include injunctive relief, actual damages (and in some cases treble damages), and minimum statutory damages of $4,000 per violation. (Civ. Code, § 52, subds. (a), (c); *Jankey v. Song Koo Lee* (2012) 55 Cal.4th 1038, 1044.)

The process of conforming California’s statutes, including the Unruh Act with the ADA, reveals a clear legislative intent to broaden access to California courts for people with disabilities.

B. California's Many Overlapping Laws That Mutually Reinforce the State's Strong Public Policy of Eradicating Disability Discrimination.

The State's expansive disability rights protections provide Californians with disabilities multiple protections against discrimination and denials of access. (See *Jankey v. Song Koo Lee, supra*, 55 Cal.4th at p. 1044.) For example, both the Unruh Act (see *Marina Point v. Wolfson* (1982) 30 Cal.3d 721, 731 ["[T]he provisions of the Unruh Act … apply with full force to the business of renting housing accommodations."]), and the FEHA (Gov. Code, §§ 12920, 12921, subd. (b), 12955, subd. (a)) prohibit disability discrimination in rental housing.[1] Additionally, the Unruh Act broadly "outlaws arbitrary discrimination in public accommodations," a prohibition that substantially overlaps with and complements the Disabled Persons Act but is more narrow in focus. (*Jankey v. Song Koo Lee*, *supra*, 55 Cal.4th at p. 1044-45.)

California law also prohibits disability discrimination in programs and activities administered by the state or its agencies that receive financial assistance from the state under Government Code section 11135, an obligation that can overlap with the Unruh Act (Civ. Code, § 51, subd. (b)), FEHA (see, e.g., Gov. Code, § 12920), state constitutional guarantees (Cal. Const., art. I, § 7), and others (see, e.g., Ed. Code, § 220.). Government Code section 11135, however, expressly limits enforcement to a civil action for equitable relief. (Gov. Code, § 11139.) Therefore, contrary to Respondent's assertion,

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[1] FEHA also makes it an unlawful practice to violate the Unruh Civil Rights Act. (Gov. Code, § 12948; *Smith v. Fair Employment & Housing Com.* (1996) 12 Cal.4th 1143, 1194.)

Government Code section 11135 is not an alternative "robust statutory scheme" that holds a public school district accountable. (Answering Brief at 43.)

The reliance upon multiple claims is a standard and appropriate course that the Legislature has recognized and encouraged through the enactment of various disability rights statutes. Taken together, this combined statutory scheme reflects not only California's strong public policy of eradicating disability discrimination, but also the Legislature's acknowledgment of the ongoing discrimination endured by individuals with disabilities. (See e.g., Eyer, *Claiming Disability* (2021) 101 B.U. L. Rev. 547, 559-562 [discussing persistence of disparate treatment, bias, and stigma borne by people with disabilities].) In fact, when the Legislature created California's Commission on Disability Access in 2009, it specifically found that "persons with disabilities [were] still being denied full and equal access" in many instances, despite the codification of that right since 1968. (Gov. Code, § 14985.) California's overlapping provisions, and the ADA which the statutes incorporate, are designed to combat disability discrimination by providing people with disabilities broad enforcement of their civil rights.

II. REMOVING UNRUH ACT PROTECTIONS FOR CALIFORNIA PUBLIC SCHOOL STUDENTS WILL HARM CHILDREN WITH DISABILITIES.

The landmark *Brown v. Board of Education* ruling in 1954 was a unanimous victory for the civil rights movement and became a foundation for further change in the education system. As Chief Justice Warren stated,

> Today, education is perhaps the most important function of state and local governments…In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right that must be available to all on equal terms.

(*Brown v. Board of Ed. of Topeka, Shawnee County, Kan.* (1954) 347 U.S. 483, 493.) In the struggle for disability rights, the *Brown* decision laid the groundwork for advocates to seek equal educational opportunities for children with disabilities.

By 1975, Congress recognized that public schools were failing to provide appropriate educational services to more than half of the millions of children with disabilities in this country. (See *Porter v. Board of Trustees of Manhattan Beach Unified School Dist*. (9th Cir. 2002) 307 F.3d 1064, 1066.) In Congress's view, the majority of disabled children in the United States at the time "were either totally excluded from schools or were sitting idly in regular classrooms awaiting the time when they were old enough to drop out." (*Board of Educ. of Hendrick Hudson Central School Dist., Westchester County v. Rowley* (1982) 458 U.S. 176, 179.) To reverse this "history of educational neglect," Congress enacted what is now known as the Individuals with Disabilities Education Act to guarantee all children with disabilities access to appropriate education at a public school. (*Timothy O. v. Paso Robles Unified School Dist.* (9th Cir. 2016) 822 F.3d 1105, 1109.) Federal law, through the Individuals with

Disabilities Education Act and later the ADA[2], applies to school districts in California to guarantee a minimum floor of appropriate and accessible educational services and facilities for students with disabilities. California law exceeds federal guarantees and when California public school districts discriminate against the very students with disabilities they are required to serve, those students – like Brennon B. and others like him—need a means to seek redress in California courts.

A. Anti-Discrimination Protections for the Growing Number of California Students with Disabilities Remain Vitally Important.

In California, public schools serve 749,295 students with disabilities; one in eight California public school students has a disability. (Cal. Dep't of Educ., California Enrollment Multi-Year Summary by Ethnicity ("California Enrollment Data") (2021).) Furthermore, California public school enrollment of students with disabilities grew by 13% over the last five years. (*Ibid.*) This increase is noteworthy considering the overall student population fell by 4% during this period. (*Ibid.*) Robust protections are needed for all students with disabilities in California.

B. Discrimination Against California Students with Disabilities Is Widespread.

Disability discrimination in public schools has long jeopardized the quality and safety of public education. California public schools continue to provide unequal education to students with disabilities.

[2] Section 504 of the Rehabilitation Act of 1973 also requires a public school district to provide appropriate education regardless of the nature and severity of a student's disability. (See 34 C.F.R. § 104.33.)

While public schools nationwide are lagging in fulfilling their obligations to students with disabilities, California schools provide particularly poor quality, safety, and outcomes for students with disabilities. Students with disabilities are about three times more likely to be victims of sexual abuse than non-disabled children. (VERA Institute of Justice, *Sexual Abuse of Children with Disabilities: A National Snapshot* (2013) p. 4.). Children with intellectual or mental disabilities like Brennon B. are five times as likely to experience sexual abuse than their nondisabled peers. (*Ibid.*) In addition, California segregates students with disabilities from other students at higher rates than almost any other state. (Policy Analysis for Cal. Educ., *Promising Policies to Address the Needs of Students with Disabilities: Lessons from Other States* (2020) p. 1.)

Moreover, understaffing and underqualified teachers can lead to dangerous and traumatizing treatment of students with disabilities in the school setting, as Brennon B.'s experience highlights. A study of restraint complaints from 2015 to 2019 identified a pattern of excessive use of force against students with disabilities resulting in the death and serious injury of children. (Disability Rights Cal., *Protect Children's Safety and Dignity: Recommendations on Restraint and Seclusion in Schools* (2019) p. 2.) For example, at the end of 2018, a student with a disability died while held in a prone restraint for over an hour. (*Ibid.*) The prone restraint is one of the most dangerous forms of restraints and banned in over 21 states. (*Id.* at p. 6.)

In addition, schools are failing to protect students with disabilities from bullying and harassment; students with disabilities face safety threats from not only staff, but also fellow students. A

nationwide study found that more than one third of students with disabilities had been victimized by their peers and have been subjected to a hostile educational environment. (Pinquart, *Systematic Review: Bullying Involvement of Children With and Without Chronic Physical Illness and/or Physical/Sensory Disability—a Meta-Analytic Comparison With Healthy/Nondisabled Peers* (2016) pp. 249-252.) The unfortunate prevalence of the foregoing types of abuses in the public school setting makes it vital that students with disabilities be protected by the rights and remedies afforded by the Unruh Act. In this regard, it must be emphasized that children with disabilities (like all others) are legally required to attend school and often have no choice but to enter environments with persons who are behaving toward them in a discriminatory and/or abusive manner.

Finally, California public schools are also failing to prepare students with disabilities for independent and financially secure adulthoods. Students with disabilities have lower test scores, four-year graduation rates, and employment opportunities than almost any other student group and a suspension rate that is almost double the statewide average. (Legis. Analyst, Overview of Special Education in California ("Legis. Analyst Report") (Nov. 6, 2019) p. 1.) The California Legislative Analyst's Office has acknowledged that "state accountability data show that school districts have poor outcomes for their students with disabilities." (*Id.* at p. 3.) When California students with disabilities are discriminated against by the very institution that was designed to educate and nurture them, they need the Unruh Act to protect them.

C. Black Students and Low-Income Students Suffer Disproportionately from Disability Discrimination in Public Schools.

There is a significant relationship and overlap between disability and other protected statuses. Students with disabilities in California are disproportionately low-income and Black. (Overview of Special Education in California, Legis. Analyst Report at p. 8.) Black students represent six percent of the overall student population but 9 percent of students with disabilities. (*Id.* at p. 1.) Students who are English Language Learners, gender non-binary, and in foster care also have high rates of disability. (California Enrollment Data.)

In West Contra Costa Unified School District, where Brennon B. was enrolled, 91% of students with disabilities are students of color. (Cal. Dep't of Educ., W. Contra Costa Unified Enrollment Multi-Year Summary by Ethnicity (2021).) Because most students with disabilities have multiple marginalized identities, they are among the most likely to experience discrimination at school. Limiting the Unruh Act would reduce accountability for discrimination against California's most vulnerable students.

D. The First District's Interpretation of the Unruh Act Would Create an Unjust Distinction Between Discrimination Occurring at Public and Private Schools.

In addition to the disproportionate impact that the First District's decision has on disabled students who are low-income and Black, it also creates unequal legal protections for public and private school students. Under the First District's interpretation, students attending private, but not public, schools would be able to bring

discrimination actions under the Unruh Act. (See *Brennon B. v. Superior Court of Contra Costa County* (2020) 57 Cal.App.5th 367, 391 ["a secular private school, charging tuition and generally open to school-age children, is likely a business establishment for purposes of the Act"].)

This distinction between public and private schools is unjust and without basis in law or logic. Both public and private schools aim to foster student achievement, and in doing so they both operate facilities, manage budgets, and employ teachers and other staff. In certain circumstances, school districts also place and pay for private school costs when they cannot serve a student with a disability. (See *Forest Grove School District v. TA* (2009) 557 U.S. 230; see also 20 U.S.C. § 1412(5); 34 C.F.R. § 300.133.)

Under the First District's interpretation, private school students with disabilities will have more legal rights than their counterparts in public schools. Consequently, when a public school fails to provide appropriate education services, only those students with disabilities who are placed in a private school will be able to assert their rights under the Unruh Act. Yet, private school placements are less accessible to low-income and historically marginalized families who do not have the time, resources, or information for the extensive advocacy and expensive outside evaluations often needed to convince a school district to fund a private school placement. (Elsen-Rooney, *Students with Dyslexia Disability Battle NYC DOE,* USA Today News (Feb. 10 2020), https://www.usatoday.com/in-depth/news/education/2020/02/09/disability-special-education-dyslexia-doe-nyc-sped-private-placement/4651419002/ (As of July

13, 2021).) In California, low-income students with disabilities are half as likely to receive a private placement as their wealthier peers. (*Ibid.*) These wealthy students are overwhelmingly white. White students are thus overrepresented in private school placements, with the share of white students with disabilities in private school placement exceeding the share in public schools by about 10%. (*Ibid.*) By limiting the legal rights of students in public schools, which serve more Black students and low-income students, the First District's interpretation would have a disparate impact on these student populations.

III. The Plain Statutory Language and the Legislative History of Section 51(F) Demonstrate the Legislature's Intent to Establish that a Violation of the Americans with Disabilities Act is a Violation of the Unruh Act.

In 1990, Congress enacted the ADA "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." (42 U.S.C. § 12101(b)(1).) Congress intended to implement broad protections for people with disabilities, drafting the ADA to permit reliance on state laws that provide great protections. (42 U.S.C. §12201(b).) "Title II [of the ADA] forbids any 'public entity' from discriminating based on disability" and applies broadly "in both public schools and other settings." (*Fry v. Napoleon Community Schools* (2017) 137 S.Ct. 743, 749.) The ADA, like the Unruh Act, is intended to protect the civil rights of people with disabilities.

A. Under the Plain Language of the Unruh Act, a Violation of the ADA is a Violation of the Unruh Act.

The California Legislature amended the Unruh Act in 1992 explicitly to incorporate rights guaranteed under the federal law by providing that "a violation of the right of any individual under the federal Americans with Disabilities Act of 1990 shall constitute a violation of this section." (Civ. Code, § 51, subd. (f).) The plain language of the amendment incorporates the entire ADA into Section 51, including the ADA provisions related to discrimination by public entities such as public schools. All violations of the ADA are violations under the Unruh Act.

Given the clarity and lack of ambiguity in the Unruh Act, the Court need not go beyond an analysis of the plain meaning of the statute. This Court adheres to well-established principles of statutory construction in which the plain text analysis is the first and, in this case, the only step. "The statute's plain meaning controls the court's interpretation unless its words are ambiguous. If the plain meaning of a statute is unambiguous, no court need, or should go beyond that pure expression of legislative intent." (*Kobzoff v. Los Angeles County Harbor/UCLA Med. Ctr.* (1998) 19 Cal.4th 851, 861; *Solberg v. Superior Court* (1977) 19 Cal.3d 182, 198 ["When statutory language is thus clear and unambiguous there is no need for construction, and courts should not indulge in it."].) If the language is unambiguous, courts "presume the Legislature meant what it said, and the plain meaning of the statute controls." (*People v. Evans* (2008) 44 Cal.4th 590, 597 [internal quotation marks omitted].)

The plain meaning rule is not merely an abstraction to be invoked and then dismissed out of hand. Indeed, the Unruh Act "could not be clearer" in its statement that "'[a] violation of any right of any individual under the [ADA] shall also constitute a violation of this section.'" (*Wilson v. Haria & Gogri Corp.* (E.D. Cal. 2007) 479 F.Supp.2d 1127, 1137, quoting section 51(f).) Therefore, once a plaintiff has met the proof requirements to establish an ADA violation, the plaintiff has also established a violation of the Unruh Act. The plain meaning of the Unruh Act's language "mandate[s]" that a violation of the ADA is, *per se,* a violation of the Unruh Act." (*Lentini v. Cal. Ctr. for the Arts* (9th Cir. 2004) 370 F.3d 837, 847.)

B. The Legislative History Confirms the Intent to Include ADA Violations Within the Scope of the Unruh Act.

Even if there were any ambiguity in the language of Civil Code § 51, the Legislature made its intention unmistakably clear when it considered the 1992 amendments to the Unruh Act. In response to the passage of the ADA, California amended the Unruh Act as part of omnibus legislation designed to "strengthen California law where it is weaker than the ADA and to retain California law when it provides more protection than the ADA." (*See* Stats. 1992, ch. 913, § 1 [quoting Assem. Bill 1077]; Assembly Judiciary Committee, Assem. Bill 1077 (Jan. 22, 1992), at 2.) The express purpose of the 1992 amendment was to "conform state anti-discrimination laws with the provisions of the Americans with Disabilities Act." (*Bass v. County of Butte* (9th Cir. 2006) 458 F.3d 978, 981 [citing Assem. Off. of Research, 3d reading analysis, Assem. Bill 1077 (Cal. 1992 Reg.

Sess.)].) That incorporation contains no exclusion of the ADA as it affects public entities. Further, such a narrow interpretation is contrary to the stated legislative intent that California law not provide lesser protection than the federal act. Respondent's assertion to the contrary that "the ADA was not incorporated into the Unruh Act in its entirety" is flatly incorrect. (Answering Brief at 13.)[3]

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[3] If the Legislature had intended to exclude public entities, it could easily have done so. Indeed, the California Code includes references to the ADA as delineating a minimum floor of protection. When the Legislature intended a specific title of the ADA to apply, it explicitly stated so. *See, e.g.,* Civ. Code § 54, subd. (c) ("A violation of the right of an individual under the Americans with Disabilities Act … also constitutes a violation of this section."); Civ. Code § 54.1, subd. (d) ("A violation of the right of an individual under the Americans with Disabilities Act … also constitutes a violation of this section"); Civ. Code § 54.8, subd. (k) ("In no case shall this section be construed to prescribe a lesser standard of accessibility or usability than that provided by Title II of the Americans with Disabilities Act of 1990 … and federal regulations adopted pursuant to that act."); Gov. Code § 4450, subd. (c) ("in no case shall the State Architect's regulations … prescribe a lesser standard of accessibility or usability than [federal guidelines adopted] to implement the Americans with Disabilities Act of 1990"); Gov. Code § 4451, subd. (d) (provisions "shall meet or exceed the requirements of Title III … of the Americans with Disabilities Act of 1990"); Gov. Code § 4500, subd. (b) ("[I]f the laws of this state … prescribe higher standards than the Americans with Disabilities Act of 1990 … and federal regulations adopted pursuant thereto, then those public transit facilitates and operations shall meet the higher standards."); Gov. Code § 11135, subd. (b) (programs "shall meet the protections and prohibitions contained in … the Americans with Disabilities Act of 1990 … and the federal rules and regulations adopted in implementation thereof, except that if the laws of this state prescribe stronger protections and prohibitions, the programs . . . shall be subject to the stronger protections and prohibitions."); Gov. Code § 12926, subd. (n) ("if the definition of 'disability' used in the federal Americans with Disabilities Act … would result in broader protection of the civil rights of individuals … then that broader protection or coverage shall be deemed incorporated by reference … and shall prevail"); Health & Safety Code § 19952, subd. (d) ("In no case shall this section be construed to prescribe a lesser standard of

Should any doubt remain as to the Legislature's intent to provide greater (not less) protection than the ADA, one need only refer to its enactment of the Prudence K. Poppink Act in 2000. In keeping with California's commitment to broad disability rights protections, the Poppink Act amended restrictive definitions of disability found in some California civil rights statutes (including the Unruh Act) to "require [only] a 'limitation' upon a major life activity," not a "substantial limitation" as required by the ADA. (See *Colmenares v. Braemar Country Club, Inc.* (2003) 29 Cal.4th 1019, 1027 [citing Gov. Code, § 12926.1, subd. (d).]). Thus, "the Poppink Act 'standardize[d]' the definition of … disability 'in California civil rights laws, *clarifying* that California's disability protections are broader than federal protections.'" (*Ibid.* [citations omitted] [emphasis in original]; Stats. 2000, ch. 1049, §§ 2, 5, pp. 2-8 (Assem. Bill 2222) [amending Civil Code section 51 and Government Code section 12926].)

The Legislature also adopted a codified statement of legislative intent explicitly reaffirming the independent and more protective nature of California's disability discrimination jurisprudence:

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accessibility or usability than provided by the [federal guidelines] to implement the Americans with Disabilities Act of 1990 …"); Pen. Code § 365.5, subd. (d) ("guide dog" includes any dog "that meets the definitional criteria under federal regulations adopted to implement Title III of the Americans with Disabilities Act of 1990 …."); Pen. Code § 1347.5, subd. (k) ("This section shall not be construed … [to] prescribe a lesser standard of accessibility or usability for persons with disabilities than that provided by Title II of the Americans with Disabilities Act …."); Rev. & Tax Code § 74.6, subd. (f) (describing state tax deduction for construction "to meet or exceed the accessibility standards of the 1990 Americans with Disabilities Act").

> The Legislature finds and declares as follows: … The law of this state in the area of disabilities provides protections independent from those in the federal Americans with Disabilities Act of 1990 (P.L. 101-336). Although the federal act provides a floor of protection, this state's law has always, even prior to passage of the federal act, afforded additional protections.

(Stats. 2000, ch. 1049, § 6 [codified at Gov. Code, 12926.1].)

This Court's decision in *Munson v. Del Taco* is also instructive. The case considered the question of whether a plaintiff seeking damages under the Unruh Act, predicated on a violation of the public accommodations section of the ADA, must prove "intentional discrimination." (*Munson v. Del Taco, Inc.* (2009) 46 Cal.4th 661, 669.) To answer that question, this Court first considered the specific statutory language providing that a violation of the ADA would constitute a violation of the Unruh Act, noting that in 1992, the California Legislature amended multiple sections of the Civil Code to incorporate the "full expanse" of protections into California's anti-discrimination statutes. (*Id.* at pp. 670-672.) Relying in part on the legislative history of the 1992 amendments to the Unruh Act, this Court found that the goal of the amendments was to "make a violation of the ADA a violation of the Unruh Act." (*Id.* at p. 672.) This Court further found that the 1992 amendments sought to promote the Unruh Act's goal of equality "by incorporating ADA accessibility law into California's own law." (*Id.* at p. 673.)

Ultimately, the *Munson* Court refused to "restrict, artificially and contrary to the statutory language, the types of ADA violations remediable under the Unruh Civil Rights Act." (*Munson v. Del Taco,*

Inc., supra, 46 Cal.4th at pp. 672, 675.) It follows then that the Unruh Act, through section 51(f), protects against discrimination by public entities such as school districts. The *Munson* Court did not find "that the Unruh Act is this state's equivalent of Title III of the ADA" and the answering brief on this point misstates the holding. (Answering Brief at 15.) Without "contrary legislative direction," this Court should continue to choose "a reasonable reading that gives full effect to the law's guarantees." (*Munson v. Del Taco, Inc., supra* at p. 669). Consistent with the decision in *Munson,* this Court should confirm that the plain language and legislative history of the Unruh Act was intended to cover public schools.

C. Federal Courts Have Already Held that a Violation of the ADA is a Per Se Violation of the Unruh Act.

The plain meaning and the legislative history of the Unruh Act clearly mandate that a violation of the ADA is a violation of the Unruh Act. (Civ. Code, § 51, subd. (f).) Therefore, once a plaintiff establishes an ADA violation, the plaintiff has also established a violation of the Unruh. This non-controversial holding has been clear and established by numerous federal court decisions including several from the Ninth Circuit. (See e.g., *K.M. ex rel. Bright v. Tustin Unified Sch. Dist.* (9th Cir. 2013) 725 F.3d 1088, 1094 n.1 ["[A] violation of the ADA [by a public school] is, *per se,* a violation of the Unruh Act." (relating to rights of a student with a hearing disability in a public school in California)]; *Lentini v. California Center for the Arts, supra,* 370 F.3d at p. 847 [reviewing the plain meaning of the statutory language and finding that "a violation of the ADA is, *per se*, a violation of the Unruh Act"]; *Molski v. M.J. Cable, Inc.* (9th Cir.

2007) 481 F.3d 724, 731 ["[a]ny violation of the ADA necessarily constitutes a violation of the Unruh Act."]; *R.N. by and through her Guardian ad litem, Neff v. Travis Unified School Dist*. (E.D. Cal. Dec. 8, 2020) 2020 WL 7227561, *10 [holding that Unruh claims are derivative of the ADA claims and that public schools are business establishments]; *Presta v. Peninsula Corridor Joint Powers Board* (N.D. Cal. 1998) 16 F.Supp.2d 1134, 1135 [finding "all violations of the ADA are actionable under the Unruh Act" and that the "Unruh Act has adopted the full expanse of the ADA"]. See also *Poway Unified School District v. K.C. ex rel Cheng* (S.D. Cal. Jan. 14, 2014) 2018 WL 129086, *9 [finding "[a] violation of the ADA is a violation of the Unruh Civil Rights Act" and not discussing the Unruh Act claim separately from the ADA claim].) While this Court is not bound by the decisions of the federal courts, those courts have applied an expansive interpretation of the 1992 amendments, as intended by the Legislature.

D. The Remedial Purpose of California's Disability Anti-Discrimination Laws, Including the Unruh Act, Mandates Liberal Construction.

Even if the language of Section 51(f) were ambiguous and the legislative history unclear—which they are not—this Court has repeatedly held that the Unruh Act must be interpreted in the "broadest sense possible" to further "[t]he Legislature's desire to banish [discriminatory] practices from California's community life" and that "courts must consider its broad remedial purpose and overarching goal of deterring discriminatory practices by businesses" and construe it "liberally in order to carry out its purpose." (*Ibister v.*

Boys' Club of Santa Cruz, Inc. (1985) 40 Cal.3d 72, 75-76 [internal quotation marks omitted]; *White v. Square, Inc.* (2019) 7 Cal.5th 1019, 1025.) The Unruh Act must be construed liberally in order to carry out its purpose to create and preserve a nondiscriminatory environment … by 'banishing' or 'eradicating' arbitrary, invidious discrimination." (*Munson v. Del Taco, Inc., supra*, 46 Cal.4th at p. 666 [citing *Angelucci v. Century Supper Club* (2007) 41 Cal.4th 160, 167].)

Reading the Unruh Act to cover public schools is consistent with the well-settled purpose that California's anti-discrimination laws are to be liberally construed to effectuate their remedial purposes of ensuring full and equal access for persons with disabilities to public services and accommodations. (See, e.g., Gov. Code, § 12993 ["The provisions ... shall be construed liberally …"]; Gov. Code, § 12926.1["Although the [ADA] provides a floor of protection, this state's law has always, even prior to the passage of the federal act, afforded additional protections."]; Civ. Code, § 54.5, subd. (e) ["[i]t is the policy of this state to encourage and enable disabled persons to participate fully in the social and economic life of the state …"]; Gov. Code, § 11135, subd. (b) ["if the laws of this state prescribe stronger protections and prohibitions [than the ADA], the programs and activities ... shall be subject to the stronger protections and prohibitions."]). This Court has repeatedly confirmed that California's disability discrimination statutes are to be independently construed according to their terms and history, including the intent of the California Legislature. (*Colmenares v. Braemar Country Club, Inc., supra* 29 Cal.4th at pp. 1024-28; see also *Goldman v. Standard Ins.*

Co. (9th Cir. 2003) 341 F.3d 1023, 1030-31 [declining to "restrictive[ly]" read the Unruh Act as "[t]o do so would fly in the face of the California Legislature's clearly expressed intent that the Unruh Act's antidiscrimination provisions be read broadly, and that it looked to the ADA as a model for putting a floor on coverage for the disabled"].)

By interpreting the Unruh Act's broad prohibition of discrimination to exclude public schools, the First District has eroded the Unruh Act's protections and frustrated its purpose. The protections of the Unruh Act are a critical part of the solution to discrimination for the many Californians who face it on a regular basis, including California's students with disabilities.

CONCLUSION

For the foregoing reasons, *Amici* respectfully urge the Court to continue to serve in its constitutional role of safeguarding the breadth and independence of California's civil rights laws, and in implementing the clear intent of the California Legislature. California has a responsibility to all of its students with disabilities to ensure they are protected from discrimination. The Court of Appeal's decision should be reversed.

Dated: September 15, 2021 | Respectfully Submitted,

Jinny Kim
Alexis Alvarez
Legal Aid at Work
Attorneys for *Amici Curiae*

STATEMENT OF COMPLIANCE WITH CAL. RULES OF COURT RULE 8.204(c)(1)

The text in this proposed *Amicus Curiae* brief consists of 6033 words, including footnotes, as counted by the word processing program used to generate this document.

Executed on September 15, 2021, in San Francisco, California.

Jinny Kim
Legal Aid at Work

Attorneys for *Amicus Curiae*

PROOF OF SERVICE

I am employed in the County of San Francisco. I am over the age of eighteen years and not a party to the within entitled action. My business address is 180 Montgomery Street, Suite 600, San Francisco, CA 94104.

On September 15, 2021, I served the following document described as:

- **APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF AIDS LEGAL REFERRAL PANEL, ARC OF CALIFORNIA, ASSOCIATION OF HIGHER EDUCATION AND DISABILITY, CALIFORNIA ASSOCIATION OF PARENT-CHILD ADVOCACY, CIVIL RIGHTS EDUCATION AND ENFORCEMENT CENTER, COMMUNICATION FIRST, DISABILITY RIGHTS ADVOCATES, DISABILITY RIGHTS CALIFORNIA, DISABILITY RIGHTS LEGAL CENTER, IMPACT FUND, LEGAL AID AT WORK, MENTAL HEALTH ADVOCACY SERVICES AND PUBLIC LAW CENTER IN SUPPORT OF PLAINTIFF AND BRENNON B.;**

- **PROPOSED AMICUS CURIAE BRIEF OF AIDS LEGAL REFERRAL PANEL, ARC OF CALIFORNIA, ASSOCIATION OF HIGHER EDUCATION AND DISABILITY, CALIFORNIA ASSOCIATION OF PARENT-CHILD ADVOCACY, CIVIL RIGHTS EDUCATION AND ENFORCEMENT CENTER, COMMUNICATION FIRST, DISABILITY RIGHTS ADVOCATES, DISABILITY RIGHTS CALIFORNIA, DISABILITY RIGHTS LEGAL CENTER, IMPACT FUND, LEGAL AID AT WORK, MENTAL HEALTH ADVOCACY SERVICES AND PUBLIC LAW CENTER IN SUPPORT OF PLAINTIFF AND APPELLANT**

on the interested parties in this action as follows:

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Case No. S266254

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BY U.S. Mail: I served the said document by depositing a true copy thereof with the U.S. Postal Service with the postage fully pre-paid, addressed to the addresses set forth below:

Case No. S265223

Contra Costa County Superior Court Attn: Hon. Charles Treat 1020 Ward Street Martinez, CA, 94553 (for Charles Treat)	MSC16-01005
California Court of Appeal First Appellate District, Division One 30 McAllister Street	A157026

San Francisco, CA 94102	
Solicitor General of California 1515 Clay St. Oakland, CA 94612 (for Attorney General of California)	Service Required by Cal. Rules of Court, rule 8.29

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

Executed on September 15, 2021

Tishon Smith-Bennett

Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
Electronically FILED on 9/24/2021 by Karissa Castro, Deputy Clerk

STATE OF CALIFORNIA
Supreme Court of California

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STATE OF CALIFORNIA
Supreme Court of California

Case Name: **B. (BRENNON) v. S.C. (WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT)**
Case Number: **S266254**
Lower Court Case Number: **A157026**

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REQUEST FOR JUDICIAL NOTICE	REQUEST FOR JUDICIAL NOTICE AS PROPOSED AMICI CURIAE IN SUPPORT OF PLAINTIFF AND APPELLANT BRENNON B.; DECLARATION OF ALEXIS ALVAREZ; PROPOSED ORDER

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/s/Jinny Kim
Signature

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