



IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

SOUTHERN POVERTY LAW CENTER,)
)
 Plaintiff,)
)
 v.)
)
DR. THOMAS R. BICE, in his official)
 capacity as State Superintendent of the)
 Alabama Department of Education,)
)
 Defendant.)

CIVIL ACTION NO. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is an action under the Alabama Open Records Act, Ala. Code § 36-12-40, to compel the production of certain public writings held by Dr. Thomas R. Bice in his official capacity as State Superintendent of the Alabama Department of Education. The requested public writings have previously been produced by Dr. Bice to the U.S. Department of Justice.

2. In 2011, The Alabama Legislature passed Act 2011-535, which is commonly referred to by its House Bill Number, H.B. 56. This legislation created a state immigration enforcement scheme.

3. Section 28 of H.B. 56, codified as Section 31-13-27 of the Alabama Code, creates a system to collect immigration data from families when they enroll their children in public K-12 schools. Section 28 went into effect on September 29, 2011, and was subsequently preliminarily enjoined by a federal court on October 14, 2011.

4. During the two-week period when Section 28 was in effect, there were numerous press reports documenting a spike in absenteeism of immigrants in Alabama’s public schools, which problems appear to have continued after Section 28 was enjoined. The Civil Rights

Division of the Department of Justice solicited and received certain data from the Alabama Department of Education related to student enrollment during this time, and based on that data, the Department of Justice stated in a letter dated May 1, 2012, that “it appears that H.B. 56 has had significant and measurable impacts on Alabama’s schoolchildren”

5. In order to better understand this educational crisis, and pursuant to the Alabama Open Records Act, Plaintiff Southern Poverty Law Center (“SPLC”) requested that Defendant Dr. Bice provide copies of the public writings sent to the Department of Justice, subject to appropriate redactions consistent with privacy laws. To date, Defendant Dr. Bice has refused to release the public records.

JURISDICTION AND VENUE

6. This is an action arising under Ala. Code § 36-12-40.

7.

between Defendant and the U.S. Department of Justice related to this data, are public writings under Alabama's Open Records Act;

(B) Declare that the Defendant's withholding of the req

Seeking Justice

Southern Poverty Law Center
400 Washington Avenue
Montgomery, AL 36104
334.966.8200
www.splcenter.org

June 7, 2012

Dr. Thomas R. Bice
State Superintendent of Education
50 North Ripley Street
P.O. Box 302101
Montgomery, Alabama 36104

on

SECRET - SPL RECORD REQUEST RE: - Open Records Request

Dear Dr. Bice:

I write on behalf of myself and the Southern Poverty Law Center to submit an open records request pursuant to Ala. Code § 36-13-27. This request is directed to you in your role as the State Superintendent of Education. Please produce within fifteen calendar days any public information responsive to the following:

All data produced to the U.S. Department of Justice Civil Rights Division related to its inquiries into the impact of Section 31-13-27 of the Alabama Code on K-12 schools, as well as any data sent before or after that date which relates to the U.S. DOJ inquiry.

All copies of any documents received by you or your immediate subordinates in your official capacity from the U.S. Department of Justice Civil Rights Division, including any communications which relate to the law, the impact of the implementation of the provisions of the Alabama Code on K-12 schools, or any other matter related to the U.S. DOJ inquiry. This request is a request for all such information, regardless of whether it was received by you or your immediate subordinates in your official capacity from the U.S. Department of Justice Civil Rights Division, including any communications which relate to the law, the impact of the implementation of the provisions of the Alabama Code on K-12 schools, or any other matter related to the U.S. DOJ inquiry. Please produce this requested information in its native format, such as in an excel spreadsheet or in a pdf format. To the extent the materials exist in a digital format, please provide them in that format. If you are unable to provide the materials in their native format, please provide them in a pdf format. If you are unable to provide the materials in a digital format, please provide them in a pdf format. If you are unable to provide the materials in a digital format, please provide them in a pdf format.



Dr. Dick State Superintendent of Education

Dr. Dick, State Superintendent of Education

June 7, 2012

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san.brooke@splcenter.org

Sincerely,



Sam Brooke
Staff Attorney