UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

LESLY METHELUS, on behalf of Y.M., a minor; ROSALBA ORTIZ, on behalf of G.O., a minor; ZOILA LORENZO, on behalf of M.D., a minor; MARIE ANGE JOSEPH, on behalf of K.V., a minor; EMILE ANTOINE, on behalf of N.A., a minor; LUCENIE HILAIRE DUROSIER, on behalf of T.J.H., a minor; MARTA ALONSO, as next friend on behalf of I.A.; WAYBERT NICOLAS, on behalf of themselves and all others similarly situated,	)	Civil Case No. 2:16-cv-00379-SPC-MRM
Plaintiffs,	)	
v.	)	
THE SCHOOL BOARD OF COLLIER COUNTY, FLORIDA, and KAMELA PATTON, Superintendent of Collier County Public Schools, in her official capacity,	)	
Defendants.	)	

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND INCORPORATED MEMORANDUM OF LAW

With eight weeks until the start of the school year in Collier County, Plaintiffs seek preliminary relief allowing English Language Learner (ELL) children to attend public high school. Plaintiffs Marta Alonzo, Emile Antoine, and Lucenie Hilaire move this Court for a preliminary injunction on behalf of three ELL children (I.A., N.A., and T.J.H., "Plaintiff Children") who were excluded from public school and unlawfully denied equal access to educational opportunities as a result of the policy and practice of Defendants, the School Board of Collier County and Superintendent Kamela Patton (Defendants). Plaintiffs move for

to last year of secondary school. Id. ¶ 5. After arriving in the United States at age seventeen, T.J.H. moved to Georgia, where he was placed in the tenth grade. Id. ¶ 9. He attended school there from January to April 2016, and moved to Immokalee in May 2016. Id. ¶ 9.

Plaintiff Children attempted to enroll in Defendants' public schools in either the 2015-16 (N.A. and T.J.H.) or 2016-17 (I.A.) school year. Ex. 2 ¶ 10; Ex. 3 ¶ 10; Ex. 1 ¶ 10. Each Plaintiff Child went at age seventeen with a parent or family member to attempt to enroll in school, and each was denied enrollment. Ex. 1 ¶¶ 10-17; Ex. 2 ¶¶ 10-15, Ex. 3 ¶¶ 10-14. School officials gave various reasons for the denial, including: age, lack of English proficiency, insufficient academic credits, and lack of high school qualifications. Ex. 1 ¶ 17; Ex. 2 ¶¶ 11, 13-14; Ex. 3 ¶ 14. None of Plaintiff Children was provided a "Home Language Survey"—the tool used to determine whether newly-enrolling students should be classified as ELLs. Ex. 1 ¶ 18; Ex. 2 ¶ 16; Ex. 3 ¶ 15; Ex. 4 (Dr. R. Burns Decl.) ¶ 9. None was assessed for English language proficiency or academic achievement before being denied enrollment. Ex. 1 ¶ 18; Ex. 2 ¶ 16, Ex. 3 ¶ 15. No Plaintiff Child filed any document declaring intent to terminate school enrollment. Ex. 1 ¶ 19; Ex. 2 ¶ 18; Ex. 3 ¶ 15. Defendants did not document the denial of enrollment of Plaintiff Children or of any other recently-arrived, foreign-born ELL students ages fifteen and older. See Ex. 5 (Defs.' Am. Resp. to Pls.' First Req. for Prod.), No. 9 (conceding that Defendants do not track enrollment denials).

II. Plaintiffs Enrolled in Adult English for Speakers of Other Languages (ESOL) Programs After Defendants Denied Them Public School Enrollment.

Plaintiff Children I.A. and N.A. were denied enrollment outright and not directed to any educational program. Ex. 1 ¶ 21; Ex. 2 ¶ 20. Family or friends told them about the Adult

English for Speakers of Other Languages ("Adult ESOL") program at Lorenzo Walker Technical College ("Lorenzo Walker"). Ex. 1 ¶ 21; Ex. 2 ¶ 20. School officials directed T.J.H. to Adult ESOL at Immokalee Technical Center ("iTech"). Ex. 3 ¶¶ 14, 16. Lorenzo Walker and iTech are operated by Defendants, but are not part of the regular primar Defu 8c

Development (GED) exam, they do not receive live instruction in subjects on that exam. Ex. 2 ¶ 27; Ex. 3 ¶ 28. Moreover, the GED is not equivalent to a high school diploma. Ex. 4 (Burns Decl.) ¶ 26.

Defendants' Adult ESOL programs isolate Plaintiff Children from same-age peers who are not recently-arrived ELL immigrant children. Ex. 1 ¶ 25; Ex. 2 ¶¶ 24, 28, Ex. 3 ¶ 21; Ex. 4 ¶ 52; Ex. 6 (CCPS Adult Education Core Content and Goals) (noting that "encroachment on any high or middle school facilities is grounds for dismissal"). Plaintiff Children have no access to extracurricular activities that are generally available in public schools. Ex. 1 ¶¶ 35, 36; Ex. 2 ¶ 35; Ex. 3 ¶ 39. Instead, Plaintiff Children attend school with adult students, some of whom are older than their parents or grandparents. Ex. 1 ¶ 24, Ex. 2 ¶ 25, Ex. 3 ¶ 19. Plaintiff Children do not have an opportunity to interact with native speakers of English in Adult ESOL, other than the instructors. See Ex. 1 ¶¶ 29, 42; E

school year during which they attain the age of nineteen (19), shall not be permitted to attend the regular high school program beyond the end of the academic year in which they attain th

LEGAL BACKGROUND

I. The Florida Constitution Mandates a Free Public School Education for All Children.

In its Opinion and Order denying Defendants' motion to dismiss, this Court described Florida's legal framework relating to public school education. Methelus v. Sch. Bd. of Collier Cty., Florida, No. 216CV379FTM38MRM, 2017 WL 1037867, at *3 (M.D. Fla. Mar. 17, 2017). As the Court explained, "[t]he Florida Constitution guarantees a free public school education to all children residing within its borders." Id. (citing Fla. Const. art. IX, § 1(a)). The constitution states that "[t]he education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children in the State." Fla. Const. art. IX, § 1(a); see also Scavella v. Sch. Bd. of Dade Cty., 363 So. 2d 1095, 1098 (Fla. 1978) ("The clear implication is that all Florida residents have the right to attend this public school system for free.").

School attendance is compulsory for children between the ages of six and fifteen. Fla. Stat. § 1003.21(1)(a)(1). A student may drop out at age sixteen, but only if he "files a formal declaration of intent to terminate school enrollment with the district school board." Id. § 1003.21(1)(a)(2)(c). Therefore, all students who have reached age sixteen and have not yet graduated are required by Florida law to remain in school unless and until they file a formal declaration of intent to terminate enrollment. See id.

II. The Right to Attend Florida Public Schools Does Not End at Sixteen and Is Guaranteed to ELLs.

The Court previously found that "Florida guarantees free public education beyond age sixteen." Methelus, 2017 WL 1037867, at *5. Florida law does not specify a maximum

public school attendance age. All Plaintiff children were under eighteen when they were initially denied enrollment. Plaintiff I.A. is currently seventeen and has an unambiguous state constitutional right to attend public school. Plaintiffs N.A. and T.J.H. are currently eighteen, which is the age of majority in Florida. See Fla. Stat. § 743.07(1). Under the circumstances of this case, N.A. and T.J.H. are nonetheless entitled to injunctive relief to be enrolled in school.

N.A. and T.J.H. each lost more than an entire school year due to Defendants' unlawful denial of enrollment. Data that Defendants produced in the course of discovery indicate that students aged eighteen and older are commonly enrolled in public school. See Ex. 8, Attachments C, D. Defendants' own ELL plan even contemplates the enrollment of immigrant students up to age 21. See Ex. 10 (CCPS ELL Plan 2016-19) at CCPS-3789 (identifying "immigrant students" as those between the ages of 3 and 21, born outside of the U.S., who have spent three years or less in U.S. schools). That N.A. and T.J.H. reached the age of majority during the period in which they were unlawfully excluded from public school does not deprive them of the right to enroll now—when nothing in state law or district policy automatically cuts off that right at age eighteen.

In addition, the history of the Florida Constitution indicates that the entitlement to education applies to all children up to and including age 21. The 1868 Florida Constitution, which established the state's "paramount duty" to provide education for "all children," also created a "Common School Fund" to finance that education, and required the Common School Fund to be distributed among the counties "in proportion to the number of children residing therein between the ages of four and twenty-one years." Fla. Const. art. VIII, §§ 1, 4, 7 (1868). The 1868 Florida Constitution therefore contemplated that the "children" entitled to

a public education included children through age 21. Although the language regarding distribution of the Common School Fund has since been removed from the Florida Constitution, that constitution retains language establishing the state's "paramount duty" to provide for the education of "all children" in the state. Fla. Const. art. XI §1. The Florida Supreme Court has noted that the "paramount duty" language—which was removed from the Constitution in 1885 before being reinstated in 1998—"represents a return to the 1868 Constitution." See Bush v. Holmes, 919 So. 2d 392, 404 (Fla. 2006) (quoting William A. Buzzett and Deborah K. Kearney, Commentary, art. IX, § 1) Florida's current constitution therefore incorporates the definition of "children" contemplated by the drafters of the 1868 constitution, who understood "children" to include all persons up to and including age 21.[2]

Florida law also guarantees free public education to all students regardless of their national origin and expressly prohibits discrimination by school districts against national origin minorities. Fla. Stat. § 1000.05. Each school board must implement procedures regarding limited English proficient students that include, inter alia: identifying ELL students through assessment; providing ELL students with ESOL instruction in English and ESOL instruction or home language instruction in reading, math, science, social studies, and computer literacy; providing qualified teachers;

Education for review and approval. Id. § 1003.56(3)(a); Ex. 9 at CCPS 3861-64, 3868-70; Ex. 10 at CCPS 3788-91, 3796-98.

ARGUMENT

Plaintiffs merit a preliminary injunction because: (1) there is a substantial likelihood of success on the merits of their claims; (2) Plaintiffs will suffer irreparable injury unless the injunction issues; (3) the threatened injury to Plaintiffs outweighs whatever damage the proposed injunction may cause Defendants; and (4) the injunction would not be adverse to the public interest. Hispanic Interest Coal. of Alabama v. Governor of Alabama, 691 F.3d 1236, 1242 (11th Cir. 2012).

I. PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS

A. Defendants' Policy and Practice Violates the EEOA.

Plaintiffs are likely to succeed on the merits of their claim that Defendants' denial of regular public school enrollment to recently-arrived, foreign-born ELL students violates the EEOA.[3] Under the EEOA, "[n]o State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin by . . . the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs." 20 U.S.C. §1703(f). "[S]chools are not free to ignore the needs of limited English speaking children for language

[3] Plaintiffs bring two separate EEOA claims, one under 20 U.S.C. § 1703(f) and another under § 1703(a). Plaintiffs seek a preliminary injunction only on the § 1703(f) claim.

assistance to enable them to participate in the instructional program of the district." Castañeda v. Pickard, 648 F.2d 989, 1008 (5th Cir. 1981).[4]

This Court has previously found that "[a] individual alleging a § 1703(f) violation must satisfy four elements: (1) defendant is an educational agency; (2) plaintiff faces language barriers that impede his equal participation in defendant's instructional programs; (3) defendant failed to take appropriate action to overcome those barriers; and (4) plaintiff was denied equal educational opportunity on account of his national origin." Methelus, 2017 WL 1037867, at *7 (citing Issa v. Sch. Dist. of Lancaster, 847 F.3d 121, 132 (3d Cir. 2017)). A violation of § 1703(f) does not require an intent to discriminate. Castañeda, 648 F.2d at 1008. Nor does § 1703(f) require proof of discrimination of any kind, including disparate impact discrimination. Issa, 847 F.3d at 139. The first and second elements of the § 1703(f) test are clearly met here: it is undisputed that the School Board is an educational agency, and the record establishes that Plaintiffs are all ELL students who face language barriers impeding their equal participation in the District's instructional programs. See Defs.' Ans.

As for the third element, the Fifth Circuit in *Castañeda* devised a three-pronged framework to determine whether school districts have taken "appropriate action" to overcome language barriers impeding ELL students' equal access to the instructional program. 648 F.2d at 1009–10. However, this Court need not analyze the three-pronged *Castañeda* framework because Defendants have not met the minimum steps to comply with the EEOA. In *Castañeda*, the defendant school district enrolled the plaintiff children in

Defendants also fail

considered a reasonable experimental strategy under any recognized theory of education or second language acquisition. Id. ¶ 6.

First, Adult ESOL is an unsound method for educating Plaintiff Children and similarly situated ELLs because it does not teach core subjects or allow students to obtain a high school diploma. To comply with the EEOA, a school district must not only remedy language barriers, but also provide ELLs meaningful access to the same academic curriculum as their English-speaking peers. Castañeda, 648 F.2d at 1011 (school districts must design programs "reasonably calculated to enable [ELLs] to attain parity of participation in the standard instructional program within a reasonable length of time after they enter the school system.") (emphasis added). Defendants' own ELL plan, which is designed to implement the EEOA, confirms that ELL students should receive equal access to the regular public school curriculum and should be assessed based on understanding of academic content. Ex. 9 at CCPS 3869 ("ELL students receive equal access to the regular curriculum" and "ELLs have equal access to grade level curriculum that is comparable in scope and sequence to that provided to mainstream students.") (emphasis added); Ex. 10 at CCPS 3797 (same).

Referring Plaintiff Children and similarly situated ELLs to Adult ESOL contravenes these mandates. Adult ESOL programs are not "public schools" (i.e., part of Florida's uniform "K-12" school system). Rather, Adult ESOL is a noncredit English language program "designed to improve the employability of the state's workforce." Fla. Stat. § 1004.02(2). As explained *supra* (pp. 4-5), students in Adult ESOL, including Plaintiff Children, are not taught curricular content tailored to the Florida Standards, and they cannot earn a regular

(pp. 4-5), Plaintiff Children spend hours each day on the computer. They are wholly segregated from their English-speaking peers and lack the opportunity to interact with native English speakers apart from their instructors. Unlike ESOL teachers in the public schools, Adult ESOL instructors are not required to be certified in an academic subject or to have, or be working toward, an ESOL endorsement,[7] and the District may set any qualifications it wants for these instructors. Fla. Stat. § 1012.39(6)(f); Ex. 4 (Burns Decl.) ¶¶ 34, 54; Ex. 10 at CCPS 3784, 3796-97. Referring children to Adult ESOL is a fundamentally unsound educational practice. If Defendants genuinely believed that exclusion from public school and referral to Adult ESOL were based on a sound educational theory, they would have laid out such procedures in their ELL Plan. They do not. Ex. 4 (Burns Decl.) ¶¶ 13-17; Exs. 9, 10. Defendants' stark departure from their own ELL Plan highlights their noncompliance with the EEOA.

2. Adult ESOL is Not Reasonably Calculated to Overcome Language Barriers to ELLs' Equal Participation.

Defendants also fail Castañeda's second prong. This prong requires a school district to take measures "reasonably calculated to implement effectively" the educational theory that it adopts to overcome language barriers to equal participation in the standard instructional program. Castañeda, 648 F.2d at 1010. The school district must "follow through with the practices, resources and personnel necessary to transform the theory into reality." Id.

It is unclear what educational theory Defendants pursue by excluding Plaintiff Children from public school. No matter what the theory, Defendants' practices could not be

[7] A teacher who is already certified in another subject can receive an additional specialization in ESOL, called an ESOL endorsement. Fla. Admin. Code R. 6A-4.0244.

18 a “deasionably, calculated” to any assigned Plaintiff work, the lack of

content standards." Ex. 9 at CCPS 3870; Ex. 10 at 3798, 3799 (providing that all public school students, including ELLs, take statewide content area assessments). However, the Adult ESOL program contains no such assessment of student progress in academic content, in violation of Castaneda's third prong. Ex. 3 (T.J.H. Decl.) ¶ 26; Ex. 4 (Burns Decl.) ¶¶ 45-46.

If Defendants' only legal mandate were to monitor ELL students' English language acquisition, they would still fail Castañeda's third prong. The District's assessment of language development in Adult ESOL is far less rigorous than its assessment of language development in public schools, as set forth in its ELL Plan. Defendants evaluate Adult ESOL students' language acquisition through the CASAS test, which measures progress in attaining very basic English, and measures only reading and listening, not speaking or writing. Ex. 3 (T.J.H. Decl.) ¶ 26; Ex. 4 (Burns Decl.) ¶¶ 45-46. In contrast, ELL students in Defendants' public schools are assessed using the WIDA ACCESS for ELLs 2.0 test, which measures speaking and writing, in addition to reading and listening, and tests students' knowledge of language used in an academic setting. Ex. 4 ¶¶ 10, 37; Ex. 10 at CCPS 3800-01. The contrast between these two methods of evaluation reveals the District's lower expectations for students in Adult ESOL than for those in regular public high schools. Because Defendants fail to adequately assess whether the language barriers to equal participation are actually being overcome, Defendants fail Castañeda's third prong.

Failure to meet any one of the three Castañeda prongs would violate the EEOA, and Defendants fail all three prongs. Plaintiffs are likely to succeed on the merits of their claim that Defendants' refusal to enroll their child in public school violates the EEOA.

decision to deny public school enrollment. Indeed, Defendants take the position that Plaintiff Childrens' lack of English fluency supports their decision to exclude them from public school. See, e.g., Defs.' Counterclaim (ECF No. 80) ¶ 89 ("Because . . . Plaintiffs have been out of school for many years and or years behind linguistically and educationally, placing them in a regular high school . . . would only cause them to fall further behind, set them up for failure, and is not either in their best interests or those of traditional students.") (emphasis added); Defs.' Mot. to Dismiss (ECF No. 37) at 12 (same); Ex. 11 (Letter of J. Fishbane to L. Carmona) "G.O. and M.D., who did not know English, would have to successfully complete . . . four years of English; which is especially problematic since they lacked three years of middle school English . . Your insistence that the District should have nevertheless enrolled them in high school would have set them for academic failure.") (emphasis added).

As further evidence that the District denies enrollment to children based on English language ability, N.A. was told by school staff that he could not enroll in school because he did not understand English well enough. Ex. 2 ¶ 11. Similarly, Defendants told Catholic Charities that a Cuban child could not enroll in public school due to, inter alia, his lack of English skills and gaps in his education. Ex. (Scanlan Decl.) ¶ 18. Denial of public school enrollment due to a lack of English proficiency violates the FEEA.

Defendants also violate the FEEA to the extent that Policy 5112.01—as well as the broader practice barring the enrollment of recently-arrived foreign born adolescent ELLs—disparately impact national origin minorities. See Fla. Stat. § 1000.05(2)(b). I.A. and T.J.H. were told by school staff that they were too old to enroll in school in light of the grade in which they would be placed. Ex. 1 ¶ 17; Ex. ¶ 14. N.A. was likewise told by school staff

that his age—together with his status as an English Learner—made him ineligible for public school. Ex. 2 ¶ 11. At that time, all three students were seventeen. Ex. 1 at ¶¶ 7, 10; Ex. 2 at ¶¶ 9–11; Ex. 3 at ¶ 10. Recently-arrived immigrant and refugee students, like national origin minorities—often have educational interruptions due to conditions in their home countries or the process of immigrating to the United States. Ex. 7 (Scanlan Decl.) ¶ 19. Application of a maximum age policy to deny these students enrollment has a disparate impact on the basis of national origin and violates the FEEA. Because Plaintiff Children were denied enrollment in high school based on their status as national origin minorities, they are likely to prevail on their FEEA claim.

II. PLAINTIFFS FACE IRREPARABLE INJURY ABSENT AN INJUNCTION

With a new school year scheduled to begin on August 16, 2017,[9] Defendants' refusal to enroll Plaintiffs in public school results in irreparable harm. "An injury is irreparable if it cannot be undone through monetary remedies" or when monetary damages "would be

The Third Circuit recently upheld a district court's finding of irreparable harm where recently-arrived foreign-born ELL students were sent to an alternative, accelerated "credit-recovery" school and excluded from a public high school designed to meet the needs of ELLs. Issa, 847 F.3d at 142-43. There, the court stressed that the ELL students were attending an unsound academic program that failed to overcome their language barriers, and noted the narrowing window for public school attendance as ELLs got older. Id. Here, Plaintiff Children's loss of opportunity to attend public school with their peers, earn credits toward a high school diploma, and benefit from the ELL Plan available in public school, is irreparable.

Plaintiffs are devastated by their exclusion from public school. Ex. 1 ¶ 40-42; Ex. 2 ¶ 37-38, 40 ("With each day that passes, the difference between high school students and me gets larger . . . At this point, I have missed over a year of school. This has delayed my life, my career and my future. I am working so hard, and I just need access to a real school to give

(1982) (noting the "lasting impact of [education's] deprivation on the life of the child"); Brown v. Board of Education, 347 U.S. 483, 493 (1954) (observing that "it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education"). Plaintiffs suffer irreparable injury by being denied access to public school.[10]

III. THE BALANCE OF EQUITIES STRONGLY FAVORS AN INJUNCTION

The equities tip sharply in favor of a preliminary injunction. As noted above, Plaintiffs have a strong interest in attending school. In contrast, Defendants have no interest in continuing practices that violate the EEOA, the FEEA, and their own ELL plan. See Issa, 847 F.3d at 143 ("the School district has 'no interest in continuing practices' that violate § 1703(f) of the EEOA" (quoting Issa v. Sch. Dist. of Lancaster, No. CV 16-3881, 2016 WL 4493202, at *8 (E.D. Pa. Aug. 26, 2016)).

IV. A PRELIMINARY INJUNCTION SERVES THE PUBLIC INTEREST

The public is not served by allowing an unlawful policy to remain in effect. See Louis v. Meissner, 530 F. Supp. 924, 929 (S.D. Fla. 1981) ("The public's interest is not served by continued acts violative of the law."). To that end, courts have held that the public interest is

[10] Plaintiffs acknowledge that the Eleventh Circuit has held that "delay in seeking a preliminary injunction of even only a few months—though not necessarily fatal—militates against a finding of irreparable harm." Wreal, LLC v. Amazon.com, Inc., 840 F.3d 1244, 1248 (11th Cir. 2016). In Wreal, the moving party had "failed to offer any explanation" for the delay. Id. This case is distinguishable. First, Plaintiff I.A. became party with the filing of the Second Amended Complaint on May 3, 2017 (ECF 76). Second, Plaintiffs support this motion with evidence that has only come to light through the discovery process. See, e.g., Exs. 5, 6, 8; contra Wreal, 840 F.3d at 1248-49. Third, Defendants' motion to dismiss was pending from September 2016 until March 2017, and judicial efficiency may have weighed against adjudicating a preliminary injunction motion where a pending motion to dismiss implicated the same dispositive issues. See Bagley v. Yale Univ., No. 3:13-CV-1890 CSH, 2014 WL 7370021, at *3 (D. Conn. Dec. 29, 2014).

served by enjoining action that violates the EEOA or the FEEA. *See Issa*, 847 F.3d at 143 (it is "'undeniably in the public interest for providers of public education to comply with the requirements' of the EEOA" (quoting *Issa*, 2016 WL 4493202, at *8)); *Daniels*, 985 F. Supp. at 1462 (noting in granting injunction that students, "the school system as a whole, and the public at large, will benefit from a shift to equal treatment").

More generally, protecting children's access to a public education serves the public interest. Recognizing that "education has a fundamental role in maintaining the fabric of our society," the Supreme Court has cautioned that "we cannot ignore the significant social costs borne by our Nation when select groups are denied the means to absorb the values and skills upon which our social order rests." *Plyler*, 457 U.S. at 221; *see also Brown*, 347 U.S. at 493 (emphasizing the "importance of education to our democratic society"); *Ray*, 666 F. Supp. at 1535 (it "is the concern of the public to provide adequate, non-discriminatory education to all children of this state."). The public interest is served by an injunction.

CONCLUSION

For the foregoing reasons, Plaintiffs request a preliminary injunction directing Defendants to: 1) enroll Plaintiff Children and permit them to attend regular public school beginning August 16, 2017; 2) assess Plaintiff Children's language proficiency and allow them to access the benefits of the Defendants' ELL Plan; 3) provide services to compensate for the educational opportunities that Plaintiff Children were denied; and 4) cease excluding recently-arrived, foreign-born ELLs aged fifteen and older from public school.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on June 21, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will provide service to the following:

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