

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

Ysaura Mezón, individually and as parent of	:	
O.M.; Lucia Mejia, individually and as parent of	:	
E.V.; Maria Pirir, individually and as parent of M.P.;	:	
Juan Cruz Estevez, individually and as	:	
parent of Y.T.;	:	
on behalf of themselves and all others similarly	:	
situated,	:	
Plaintiffs	:	
V.	:	C.A. No.:
	:	
Providence Public School Department;	:	
the Providence School Board;	:	
the Rhode Island Department of Education;	:	
and Angélica Infante-Green,	:	
Commissioner of Education;	:	
Defendants	:	

**VERIFIED CLASS ACTION COMPLAINT
PRELIMINARY STATEMENT**

1. This case is a direct descendant of the U.S. Supreme Court’s decision in *Brown v. Board of Education*, 347 U.S. 483 (1954) eliminating de jure race discrimination in America’s public schools. In the seventy years since that landmark decision sought to open our nation’s public schools to all children without regard to race, we have followed a fraught and winding path to remove discriminatory barriers based on race, national origin,

immigration status, (*Plyler v. Doe*, 457 U.S. 202 (1982)) and language access (*Lau v. Nichols*, 414 U.S. 563 (1974)).

2. After the Court in *Brown v. Board* sought to integrate historically excluded Black children in the public schools, the Court in *Plyler* acted to ensure that all immigrant children, regardless of immigration status, would also be enrolled in the public schools.
3. This year marks the 50th anniversary of the decision in *Lau v. Nichols*, brought by Chinese speaking families in San Francisco to demand meaningful language access to education for their children and themselves. The Court in *Lau* held that the denial of specialized instruction for English learners and barriers to linguistic access to schools for their parents violated the Civil Rights Act of 1964. Congress enacted the Equal Educational Opportunity Act of 1974 (EEOA) seven months after the decision in *Lau*.
4. In the EEOA, Congress enshrined the *Lau* holding in federal statute and reinforced the provisions of the Civil Rights Act of 1964 by making it clear that not only is discrimination based on “race, color, sex, or national origin” prohibited in public education (20 USC §1701(a)), but that in order to prohibit and repair national origin discrimination, Congress imposed affirmative duties on public schools to provide specialized instruction to English language learners and make other affirmative efforts, including communicating with families in their own language, in order to provide effective and meaningful access to equal educational opportunities and to remove barriers for parents and guardians to fully participate in their children’s schooling. (20 USC §1703(f))
5. The Rhode Island Department of Education (RIDE) and the Providence Public School District (PPSD), collectively RIDE/PPSD, are no strangers to the Equal Educational

Opportunity Act. In 2018 PPSD entered into a settlement agreement with the U.S. Department of Justice (DOJ) after DOJ presented PPSD with a notice of violation of the EEOA citing 12 specific areas of violation of the EEOA by PPSD. The Settlement Agreement remains in effect and PPSD is still working to remediate the cited violations. After the State's takeover of the Providence Public Schools the parties to the Settlement Agreement agreed that due to the Takeover Order the Settlement is binding on RIDE in the same manner as PPSD.

6. RIDE/PPSD's decision to close 360 High School as a separately functioning high school, displace the school's teachers and administrators, and reassign the school's current students to the neighboring Juanita Sanchez Educational Complex (JSEC) High School, with no transition plan to protect the students and their families from the immediate harm they experience by losing the significant and unusual support found in their current school for Spanish speaking students and their parents, constitutes a new and continuing violation of the 360 High School students and parents rights under the EEOA.
7. The individual Plaintiffs, Spanish speaking immigrant families and students at the 360 High School in Providence, who comprise nearly 60% of the students at the school, bring this action on behalf of themselves and others similarly situated, under the Equal Educational Opportunities Act of 1974. 20 U.S.C. §§ 1701 *et seq.* ("EEOA") for declaratory and injunctive relief.
8. This action is brought to prevent the Defendants from disestablishing their school, reassigning the students to a school that is, in all critical regards relating to their language access and support, lower performing than the school being closed. The action is brought to prevent the Defendants from scattering to the four corners of the school district and

beyond the stable school leadership and faculty team that has been working together to serve the MLL students and families of 360 High School in a manner that is recognized by the MLL students and families as being exceptionally supportive and effective for over nine years.

9. If not prevented, this school closure will deny Plaintiffs access to equal educational opportunity on the basis of their national origin as they are multilingual learners (MLLs)¹ who require additional intentionally designed instruction and support to acquire English fluency sufficient to succeed in their instructional programs. These student plaintiffs and their families rely upon their current teachers and administrators to remediate the PPSD/RIDE policies, procedures, and practices, found by the DOJ in 2018 to violate the EEOA by failing to “take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.” Plaintiffs therefore assert that the closing of 360 High School is a failure by Defendants to take appropriate action in the meaning of the EEOA and thus violates the EEOA, 20 U.S.C. §1703(f) (EEOA).²
10. The disestablishment of their school community prevents students from having an equal educational opportunity to progress as evidence shows that school closures immediately harm the educational outcomes of students displaced from the closed school, harm that continues both short and long term, and violates the rights of the parents to be fully included in their children’s education as required by the EEOA.

¹ Multilingual Learners (MLLs) are students whose first language or language primarily used in the home is not English. These students have in the past been referred to as English Learners or English Language Learners (ELLs) but in contemporary regulations and educational policies these students are most often referred to as MLL in recognition that they may speak one or more languages in addition to English.

²No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools; [or] **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.** (emphasis added)

11. State and local level education officials have substantial authority to determine the configuration, staffing and programs of the public schools. However, since *Brown v. Board* Congress has recognized that the federal courts have a critical role to play in fulfilling the promise of that decision for students and families who have been traditionally excluded or treated less well in the schools due to race, color, sex or national origin. As decades of controversy and even violent struggle have demonstrated, the federal courts are essential to enforce the civil rights of public school students when states and local districts fail to do so. This has been demonstrated in desegregation litigation (the bussing cases), anti-discrimination litigation (gender and race cases), and immigrant and language access rights litigation under the EEOA. Congress has assigned the role and duty to the federal courts as a necessary bastion for civil rights enforcement while the public schools in our nation have historically and today continue to fail to afford equal education opportunity to federally protected groups. Congress has thus limited the authority of state and local education officials as it relates to federally protected classes of students and families, and has vested jurisdiction and responsibility in the federal courts to protect students and families from denial of equal educational opportunity on account of race, color, sex, national origin and disability.
12. This is an action for violation of the affirmative duty, imposed by the EEOA, for educational agencies to take appropriate action to ensure equal opportunity for MLL students and their families. It alleges institutional and structural harm and does not allege, nor do EEOA plaintiffs need to allege, discriminatory intent based on the explicit bias of any individual defendant. There is a private right of action under the EEOA with no need to plead or prove discriminatory intent or even discriminatory effect. *Issa v. Sch.*

Dist. of Lancaster, 847 F.3d 121, 132 (3rd. Cir. 2017) Plaintiffs can sue in federal court if they are harmed by the failure of an educational agency to take affirmative steps to ensure their equal education opportunity in violations of the EEOA. (20 U.S.C. §1706)

13. Defendants' actions have caused the individual plaintiffs and members of the proposed class substantial, irreparable harm by denying them equal educational opportunities and the opportunity to attend the high school that they selected for its well established and highly rated extensive support to and positive educational outcomes for them as MLL students. This action seeks relief for the plaintiff class from the harms and burdens resulting from RIDE/PPSD's failure to take affirmative steps to protect the MLL English language learners who attend 360 High School, and their families, from the harm they experience under the school elimination plan.

JURISDICTION AND VENUE

14. The action arises pursuant to the Equal Education Opportunity Act codified as 20 U.S.C. §1701, *et seq.*
15. This Court has jurisdiction to hear the claims under 20 U.S.C. §1708, 28 U.S.C. §1331, 28 U.S.C. §1343(3) and (4), and 28 U.S.C. §§2201 and 2202.
16. Venue is proper in this district pursuant to 28 U.S.C. §1391(b).
17. Pursuant to 42 U.S.C. § 2000d-7, RIDE/PPSD is not entitled to assert immunity from suit under the Eleventh Amendment to the United States Constitution where, as here, equitable remedies are sought for state violations of a federal statute prohibiting discrimination, here 20 U.S.C. § 1703(f). *Gomez v. Illinois State Bd. of Education*, 811 F.2d 1030, 1037 (7th Cir. 1987).

PARTIES

INDIVIDUAL PLAINTIFFS

18. Plaintiffs are MLL parents and students, all of whom are Providence residents, who are harmed by the Defendants' closing of 360 High School.

19. Ysaura Mezón, a Providence resident, is the mother of 10th grade student O.P. She brings this action individually and as the parent of O.P. She is originally from the Dominican Republic and moved to Rhode Island with her children in 2020 just as the global COVID pandemic took hold. Her primary language is Spanish. The ability to communicate with the teachers and staff at the 360 High School in her native language has allowed both her and O.P. be more included and to have a more effective educational experience than in other Providence schools. She has been able to be more hands on in O.P.'s education in a way she was unable to at his other Providence school. Ms. Mezón has weathered two medical crises, during a pandemic, since arriving in the United States. When her twins were born in 2020 they were in the Neonatal Intensive Care Unit for two months and then immediately entered Early Intervention services due to special needs linked to her high risk pregnancy. While she struggled with accessing early intervention services for her twins she was diagnosed with cancer in 2021. In October, 2022, within weeks of O.P.'s enrolling at 360 High School, Ms. Mezón underwent brain surgery and then began a course of cancer treatment, including chemotherapy. Although O.P. was a new freshman at their school, the school administrators and faculty at 360 High School supported her son throughout the crisis, speaking with her, and checking in with O.P. daily regarding his mother's health and

the twins, his own well-being and educational progress. They provided support and communication unprecedented in the families' educational experience to coordinate O.P.'s care and education during the dual crisis of Ms. Mezon accessing services for special needs twins while undergoing her own cancer treatment for a condition that had stricken her with paralysis at the outset. Her son needed adults in his life to support him through the stress of his mother's cancer treatment and she needed their support to continue to care for her babies with special needs while undergoing her own surgery and treatment. Thanks to the support from the school staff, O.P., remarkably, continued to thrive academically, stayed on track at school, has excelled in his studies at 360 High School and now has a solid plan for college. Ms. Mezon receives regular updates in her own language from the school about her son's academic progress. She is very close to and communicates in Spanish with her son's teachers and 360 High School administrators on a routine basis. She opposes the closing of 360 High School and can't imagine how she and her son could have survived the last two years with his educational progress intact if it were not for the unique and exceptional support they have received from the 360 High School administrators, faculty, staff and community.

20. O.P. is a 10th grade student at 360 High School. O.P. arrived in Rhode Island in 2020 from the Dominican Republic and enrolled in Gilbert Stuart Middle School. O.P.'s family specifically selected 360 High School for O.P.'s high school education based on input from community members with whom they consulted. O.P. is now excelling both academically and socially, which he and his mother attribute to individualized academic attention that the teachers at 360 High School have provided to O.P. since he started at the school. O.P. and his mother observe that the faculty and administrators at

360 High School prioritize helping O.P. to reach his life goals. His teachers have assisted him in using the online Naviance database to research his post-secondary plans. He plays baseball and basketball at 360 High School and goes in early several days a week to play basketball with 360's Assistant Principal who hosts regular basketball workouts for students in the morning before school. Because of O.P.'s strengthened language skills, acquired while at 360 High School, he is now in 360's Honors Program. O.P. plans to pursue a degree in computer science, focusing on cybersecurity. When O.P.'s mother experienced two simultaneous, life-changing health crises, including a cancer diagnosis and treatment, it was the 360 High School staff who supported O.P. through the crises and communicated with his mother frequently to coordinate their support to O.P. and his mother. O.P. opposes the closing of 360 High School. He does not want to lose the support he has found there and jeopardize the educational progress he has made since arriving in this country.

21. Juan Cruz Estevez, a Providence resident, is the father of Y.C., a 10th grade student at 360 High School. He is opposed to the decision to close 360 High School because he specifically selected 360 High School for his daughter based on its reputation in the community as a safe, supportive and tight knit learning community. He researched his daughter's choices for high school and selected 360 High School due to what he learned about how exceptionally safe and supportive the school is. His experience since his daughter enrolled at the school has confirmed his reasons for sending her to 360 High School. He finds it easy to communicate with the adults in the school and is proud of the exceptional academic progress Y.C. has made while at 360 High School. He frequently emphasizes to all three of his children that education is the single most

important thing in their life. When his daughter began at 360 High School he was impressed by the calm, orderly and peaceful environment of the school. He views it to be in contrast to other PPSD schools he has experienced with his children. He has confidence about the ease of communication and Spanish language access he has with the teachers and administrators at 360 High School and believes that the school uniquely provides the learning environment he seeks for his daughter. He is very proud of the tremendous academic and English language growth he has observed in his daughter since she became a 360 High School student.

22. Y.C. is a 10th grade student at 360 High School. Y.C. moved to Rhode Island with her family in 2020 from the Dominican Republic. When they arrived, Y.C. spoke only Spanish, enrolling in Providence Public Schools with very limited English language skills. Y.C. first enrolled at 360 High School for the 2022-2023 school year. After only one full year at 360, Y.C. tested out of her English Language Development (ELD) class, signifying a higher level of English proficiency. Y.C. and her parents attribute this success to not only the quality of the ELD program at 360, but also the supportive community that the teachers at 360 have cultivated. She is now also studying French. Y.C. said the environment allows her to feel comfortable using her emerging English skills, to “speak freely and fearlessly,” noting that 360’s ELD program focuses more on presentations and public speaking opportunities, rather than predominantly the written work that she experienced in previous ELD programs in PPSD. By being encouraged to use her emerging English skills in group settings Y.C. became “fearless” about speaking English.

Y.C. is excited about the great relationships and good communication she has with her teachers at 360 High School. She is comfortable speaking with her teachers. The relatively small size of the school is paramount to Y.C. She is on a first name basis, knows and is known by both the students and adults in the school, and observes that everyone knows each other better than in other schools she has attended. Based on the exceptional guidance and support she has benefitted from at 360 High School Y.C. expects to go to college and study psychology.

23. Maria Pirir, a Providence resident, is the mother of M.J., a student at 360 High School. She arrived in Rhode Island from the Dominican Republic in 2002. She enrolled her son in the Providence Public Schools. When M.J. began attending 360 High School he had significant limitations in his language skills in both English and Spanish due to his disabilities. Spanish is the language spoken in his home. Ms. Pirir has observed that M.J.'s ability to understand and produce speech in general has increased rapidly since he enrolled at 360. Since M.J. has been enrolled at 360 High School, Ms. Pirir has noticed significant improvement in M.J.'s language skills, both in English and Spanish. She notes that M.J. has been able to achieve, and even progress beyond the goals stated in his IEP, reaching academic achievements that she never thought were possible for her child. M.J.'s mother attributes this to 360's small, safe learning environment, and the bond that she had been able to cultivate with the teachers and staff at 360 on behalf of her son who has complex disabilities. She meets with them multiple times each year to discuss M.J.'s development; these meetings are conducted in Spanish. At M.J.'s other schools, the burden was placed on her to bring a Spanish interpreter to be

able to communicate with M.J.'s teachers and other school staff. M.J. has significant disability related mobility limitations caused by serious balance problems. At M.J.'s prior schools he fell regularly during the school day, including falls down stairs. When this happened in the schools M.J. attended before 360 High School, school staff would call M.J.'s mother to inform her that her son had fallen but would not follow up with solutions and safety plans. In contrast, the staff at 360 has taken a holistic approach to M.J.'s physical limitations. They connected Ms. Pirir with appropriate doctors, assisted her to procure appropriate orthotics for M.J.'s shoes for the first time, and coordinated at-home exercises to improve his balance and mobility. M.J. can now walk safely, stably, and independently. Before Ms. Pirir enrolled her son in 360 High School, school officials in his prior schools had not advised her that her son is eligible to continue to attend the high school until he is 22 years old. Based on the clear and open communication she has experienced while her son has been enrolled at 360 High School she has modified her expectations for her son and has a new plan for his future including pursuing his education through 360 High School until he is 22. Ms. Pirir opposes the closing of 360 High School. Her son will be harmed and his educational and language development progress will be damaged without the exceptional support both he and she have experienced at 360 High School.

24. M.J. is a student at 360 High School. M.J. has been enrolled in English Language Development classes since he entered PPSD, previously attending Pleasant View Elementary School, Lima Annex, and DelSesto Middle School before enrolling at 360 High School. M.J. has had an individualized education plan (IEP) since

enrolling in Providence Public Schools. M.J. has experienced substantial growth in language development since enrolling at 360 High School, in both English and Spanish. Although his mobility and balance issues caused him to fall frequently in his other schools, since arriving at 360 High School his mobility has improved so much with the support of the school staff guiding his mother through the process with medical providers that he is now confident to independently go up and down stairs, something that terrified him at his previous schools. M.J. opposes the closing of his school and wants to know why he can't continue to attend a school that he loves and that has been so supportive to him. When transitioning between schools in the past, M.J. has lost considerable progress when having to adjust to working with new teachers but he is thriving and has made significant language, academic and physical advances while at 360 High School.

25. Lucia Mejia, a Providence resident, is the mother of E.V., a student at 360 High School. E.V. is a student with complex disabilities who has had an IEP as long as he has been in school. Ms. Mejia attributes E.V.'s substantial growth in receptive language and in meeting the goals in his I.E.P to her ability to communicate with all of the staff at 360 about E.V.'s progress in her native language, something she was only able to do with one other teacher since her child has been in Providence Public Schools. She notes that this allows her to work with E.V.'s teachers to be able to ensure her child is progressing both in and out of the classroom. Ms. Mejia is extremely alarmed about the disruption in E.V.'s progress that would result from the proposed closure of 360 High School, as her son has been especially vulnerable to changes in his learning environment. For example, when only one

teacher changed on his team in 2023 he stopped progressing for over three months. Ms. Mejia is concerned that the disruption of closing 360 High School has an immediate, significant, and lasting harmful impact on her child's educational progress. Ms. Mejia is also concerned about her son's safety if he changes schools. Because E.V. is non-verbal he cannot report to his mother on incidents and injuries at school. Ms. Mejia worried about her son's physical safety in other Providence schools, but is confident about her son's physical and emotional safety at 360 High School due to the enhanced relationships and open communication she has with the administrators and staff at 360. When E.V. was in a prior Providence school he came home from school with bumps and contusions on his head. Although Ms. Mejia requested an investigation, she was never provided with an adequate explanation of how her son had been injured. A one-on-one aide was assigned at the time to protect E.V. on the bus but Ms. Mejia never felt confident that her son was safe at school until he started to attend 360 High School. Ms. Mejia opposes the closing of 360 High School. It will undermine her son's safety and damage the powerful educational progress he has made while attending 360 High School.

26. E.V. is a student at 360 High School. E.V. entered Providence Public Schools in 2015. E.V. is non-verbal and requires specialized classroom instruction. He communicates with a tablet and responds to both English and Spanish but is most comfortable when receiving communication in Spanish. When E.V. was in his Providence middle school, his mother was specifically advised by the staff to enroll E.V. for high school at 360 High School due to the enhanced level of

support he would receive there. E.V.'s family and the teachers at 360 High School have noticed dramatic improvements in E.V.'s ability to understand speech in both English and Spanish since he started at the school. When E.V. uses his communication tablet the teachers at 360 High School are able to provide language prompts to E.V. in Spanish thus enhancing his use of his tablet for expressive communication. Receiving communication prompts in Spanish has notably eased E.V.'s anxiety around communication, earned E.V.'s trust, and ultimately created a more comfortable learning environment that has allowed E.V. to thrive. E.V. now arises early each day and communicates to his mother that he is excited to get to school. He looks forward to the close relationships he has with adults and other students in the school. His entire experience of his education has been transformed.

27. The students listed in paragraphs 18 through 26 are being and will continue to be harmed by the actions of the Defendants including but not limited to, the failure to provide equal educational opportunities by closing their school and depriving them of the exceptional language access and support that they have not experienced in other Providence public schools. These students reside in the City of Providence and are minors who bring these claims through their parents as next friends.

28. The parents listed in paragraphs 18 through 26 are being and will continue to be harmed by the actions of the Defendants including but not limited to, the failure to provide equal educational opportunities by closing their school and depriving them of the exceptional language access and support that they have not

experienced in other Providence public schools as the Spanish speaking parents of MLLs. These parents reside in the City of Providence and bring these claims on their own behalf and on behalf of their children.

29. Parent and student plaintiffs bring this action on their own behalf, and on behalf of a class of all similarly-situated 360 High School students pursuant to Fed. R. Civ. P.

23.

Defendants

30. Defendant Providence Public School Department (PPSD) is a school district that receives federal funds within the definition in the EEOA.

31. Defendant PPSD is the agency responsible for providing plaintiffs and members of the proposed plaintiff class language access to public education within the meaning of the EEOA in the City of Providence. PPSD receives federal funds within the meaning of the EEOA.

32. Pursuant to Rhode Island General Law § 16-2-9, Defendant Providence School Board is the entity in which is vested the entire care, control, and management of all the public schools in the Providence School District. The Providence Public School Department and the Providence School Board are referred to collectively as “the District.”

33. Defendant Rhode Island Department of Education (RIDE) is the state department of education and receives federal funds within the meaning of the EEOA. RIDE is primarily responsible for the state supervision of public elementary and secondary schools in Rhode Island under state and federal law.

34. Defendant Angélica Infante-Green is the Rhode Island Commissioner of Elementary and Secondary Education. She is sued in her official capacity.
35. On July 23, 2019, the Council of Elementary and Secondary Education of the State of Rhode Island Board of Education delegated to the Commissioner its: “power and authority to take actions consistent with, and in furtherance of, RIDE’s intervention in and support of the Providence Public School District, which would include, but not be limited to, assuming control of the District, the reconstitution of the Providence Public Schools and any other power (at law and in equity) available to the Council as may be authorized by law and as may be determined to be necessary and appropriate by the Commissioner.” (Minutes of the July 23, 2019 meeting of the Council of Elementary and Secondary Education.)
36. On October 15, 2019, the Commissioner entered: (a) a Decision Establishing Control over the Providence Public School District and Reconstituting Providence Public Schools; and (b) an Order of Control and Reconstitution providing, *inter alia*, that: “The Commissioner shall control the budget, program, and personnel of PPSD and its schools and, if further needed, the Commissioner shall reconstitute PPSD schools, which may include restructuring the individual school’s governance, budget, program, personnel and/or decisions related to the continued operation of the school. The Commissioner shall exercise all the powers and authorities delegated by the Council to the Commissioner and all powers of RIDE over the budget, program, and personnel of PPSD and over the individual school’s governance. The Commissioner shall also have all powers and authorities currently exercised by the Providence School Board and Superintendent (Acting, Interim or Permanent), as

well as all powers and authorities of the Mayor of the City of Providence and the Providence City Council as it pertains to PPSD and its schools.”

37. On November 1, 2019, the Mayor of the City of Providence entered into a Collaboration Agreement recognizing that “RIDE has assumed full managerial and operational control and responsibility over PPSD’s budget, program and personnel,” and agreeing “to collaborate in RIDE’s exercise of control over PPSD’s budget, program and personnel, and its schools.”
38. Pursuant to the Order of Control and Reconstitution and Collaboration Agreement, effective November 1, 2019 (State Takeover Order) Commissioner Infante-Green and RIDE have the sole responsibility for supervising the Providence School District pursuant to state law and therefore serve as both the school district and the state educational agency within the meaning of the EEOA.
39. With respect to all matters complained of herein, the defendants are the recipients of federal financial assistance within the meaning of and subject to the requirements of the EEOA.

CLASS ALLEGATIONS

40. Plaintiffs bring this class action on their own behalf and on behalf of all other persons similarly situated as members of a proposed plaintiff class under Federal Rule of Civil Procedure 23(a) and (b)(2).
41. Numerosity: The proposed class is so numerous that joinder of all members is impracticable. On information and belief, there are more than three hundred members of the overall class, comprised of both MLL students enrolled in 360 High School and their

parents, who are and will be harmed by the closing of their school. They are and will be denied access to equal educational opportunities by the failure of the Defendants to take appropriate action to overcome language barriers that impede equal participation by its students and their parents in its instructional programs.

42. Common Questions of Law and Fact: There are numerous questions of fact and law common to the class concerning whether defendants' policies, procedures and practices related to programming for MLLs and their parents who currently attend 360 High School and the closing of 360 High School and dispersal of the school staff constitute a failure to take appropriate action to overcome language barriers in violation of the EEOA. Including:

- a. Whether the RIDE/PPSD plan to close 360 High School violates the requirements of the EEOA by denying MLL students access to equal educational opportunities;
- b. Whether the RIDE/PPSD plan to close 360 High School violates the requirements of the EEOA by denying the parents of MLL students full linguistic access to parent/school communication to facilitate their full inclusion as equal partners in the education of their children;
- c. Whether MLL students and their parents are and will experience immediate and continuing harm due to the Defendants' decision to close 360 High School.

43. Typicality: The individual plaintiffs seeking to represent the class present claims that are typical of the class as a whole (failure to take appropriate action to overcome language barriers that impede equal participation by its students and parents in its instructional

programs). Both the named plaintiffs and members of the proposed class are and will continue to be denied equal educational opportunity in violation of the EEOA. MLL students whose parents maintain undocumented immigrant status receive the same legal protection as students whose parents maintain documented immigrant status. *Doe v. Plyler*, 458 F. Supp. 569, *affirmed* 628 F.2d448 (E.D. Tex. 1978), *affirmed* 457 U.S. 202, 102 S. Ct. 2382, 72 L. Ed. 2d 786 (1982), *rehearing denied* 458 U.S. 1131, 103 S. Ct. 14, 73 L. Ed. 2d 1401 (1982). Thus, to the extent that children of undocumented immigrants are included in the plaintiff class, they are similarly situated to all other class members.

44. Injunctive and Declaratory Relief : Declaratory and injunctive relief are appropriate with respect to the class as a whole because defendants have acted and failed to act on grounds applicable to the class.
45. Adequacy of Class Representation: The named plaintiffs will adequately represent the class because their interests do not conflict with the interests of the members of the class they seek to represent.
46. Adequacy of Legal Representation: The proposed class is represented by Jennifer Wood who is experienced in class action litigation in federal court. She and her colleagues from the Rhode Island Center for Justice will adequately represent the class and subclasses.

STATUTORY SCHEME

47. The Equal Educational Opportunity Act of 1974 (EEOA) was passed in the aftermath of the U.S. Supreme's Court Decision in *Lau*. It states "[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).

48. An individual denied an equal educational opportunity may bring a civil action in federal court “against such parties, and for such relief, as may be appropriate.” 20 U.S.C. §1706.
49. “An individual alleging a violation of §1703(f) must satisfy four elements: (1) the defendant must be an educational agency, (2) the plaintiff must face language barriers impeding her equal participation in the defendant’s instructional programs, (3) the defendant must have failed to take appropriate action to overcome those barriers, and (4) the plaintiff must have been denied equal educational opportunity on account of her race, color, sex, or national origin.” *Issa v. Sch. Dist. of Lancaster*, 847 F.3d 121, 132 (3rd. Cir. 2017)
50. An educational agency is defined in 20 U.S.C. 1720(a) as follows: “(a) The term “educational agency” means a “local educational agency” or a “State educational agency” as defined by the Elementary and Secondary Education Act of 1965.”
51. In the Elementary and Secondary Education Act (ESEA) “[t]he term “local educational agency” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its

public elementary schools or secondary schools.” 20 U.S.C. §7801(26)(a). PPSD is a local education agency within the definition of the EEOA.

52. In the ESEA “[t]he term "State educational agency" means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.” 20 U.S.C. §7801(41). RIDE is a State educational agency within the definition of the EEOA and is operating dually with the authority of the local education agency in the Providence public schools due to the State Takeover Order.

53. In 2018 RIDE/PPSD entered into a Settlement Agreement with the United States Department of Justice to remedy sweeping violations of the EEOA by PPSD. The agreement provided in part:

“Providence Public Schools (“the District”) agrees to the terms of this Settlement Agreement (“Agreement”) and to comply fully with its provisions to address and resolve the noncompliance issues raised by the United States Department of Justice (“United States”) regarding the District’s legal obligations under the Equal Educational Opportunities Act of 1974, 20 U.S.C. §§ 1701 et seq. (“EEOA”). After conducting a thorough review of the District’s EL programs and services, the United States notified the District on March 8, 2018, that the United States has identified conditions that violate Section 1703(f) of the EEOA. Specifically, the United States identified that the District: [among other violations of the EEOA] (9) did not effectively communicate with LEP parents;”

Settlement Agreement Between the United States and Providence Public Schools (August 9, 2018)

54. The affirmative obligations in the EEOA include the requirement (recognized in the Settlement Agreement between RIDE/PPSD and DOJ) for educational agencies to take action to ensure parental participation by the non-English speaking parents of MLL students to the same extent that English speaking parents can participate. In the ESEA “[t]he term "parental involvement" means the participation of parents in regular, two-way, and meaningful

communication involving student academic learning and other school activities, including ensuring—

- (A) that parents play an integral role in assisting their child's learning;
- (B) that parents are encouraged to be actively involved in their child's education at school;
- (C) that parents are full partners in their child's education and are included, as appropriate, in decision making and on advisory committees to assist in the education of their child;
- (D) the carrying out of other activities, such as those described in section 6318 of this title.”

20 U.S.C. §7801 (32)

55. All of the student plaintiffs are “limited English proficient” students within the meaning of the ESEA and thus are individuals with language barriers to educational participation within the meaning of the EEOA. As such their parents are also protected by the EEOA and entitled to “appropriate action” taken to ensure their ability to fully and equally participate in the education of their children to the same extent as those parents who have no language barrier to participation in their children’s education. In the ESEA [t]he term “limited English proficient”. when used with respect to an individual, means an individual—

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)
 - (i) who was not born in the United States or whose native language is a language other than English;
 - (ii)
 - (I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
 - (i) the ability to meet the State's proficient level of achievement on State assessments described in section 6311(b)(3) of this title;

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
(iii) the opportunity to participate fully in society.
20 U.S.C. §7801(25)

56. EEOA claims may address the failure of a school district (LEA) to provide appropriate ELL services, or the failure of a state department of education (SEA) to provide sufficient structure and oversight to school districts to ensure that school districts in the state are taking meaningful “appropriate action” to ensure equal educational opportunities for MLL students. Other EEOA claims focus on violations of the Act caused by school districts closing schools and/or assigning MLL students to the “wrong school”, that is one that does not meet their educational needs when another school that better meets those needs is available. This case falls into this latter group. The Plaintiffs have received equal educational opportunities at 360 High School because of the unique environment provided by 360 High School in terms of equitable language access and equal educational opportunity for the students, and full access to equal participation in their childrens’ education for the parents. This equal educational opportunity has been greater than they experienced in any other Providence School that their child has attended, and without the Court’s intervention and protection they will lose access to equal educational opportunity.

57. RIDE/PPSD have acknowledged that they are in violation of the EEOA. They have made specific commitments to DOJ to ensure that MLL students and their families are provided true and complete language access in the Providence schools and PPSD programs. Yet PPSD/RIDE has unyieldingly ignored the entreaties of MLL students and their families to have their educational opportunity protected and to be able to remain in a

school that they trust, where they are thriving, and which communicates with them effectively in the language they use in their homes. They have been excluded from any deliberations, discussions or planning, in any language, for the potential transition of that school's management and structure. They have been deprived of any transition plan that will protect and/or transfer and preserve the equal educational opportunity, and unique attributes of the 360 High School climate, culture and approach that have uniquely served their MLL and parental needs.

58. PPSD/RIDE announced the disestablishment of 360 High School as a fait accompli, sending notices informing the faculty and administrators that they will no longer be employed at the 360 High School, and reassigning the MLL students who attend 360 High School to a neighboring high school, **Juanita Sanchez Educational Complex (JSEC)**.
59. JSEC is a school that has notably worse teacher attendance, student attendance, lower average college scholarship funds obtained by graduates, lower ranking in the federal school improvement accountability framework, and dramatically lower approval from MLL students and their families on the state administered survey of students and families, particularly as it relates to communicating effectively with Spanish speaking families and lowering barriers to their equal participation in the public schools.
60. Both schools, like the majority of PPSD high schools, have unacceptably low, largely single digit proficiency scores on standardized testing. Because these standardized test results are statistically indistinguishable they do not justify denying MLL students and families access to an innovative learning community in which they are invested and which quantitative evidence shows serves them well in the ways that are most meaningful to them. This decision by RIDE/PPSD is the antithesis of taking "appropriate action to

overcome language barriers that impede equal [educational] participation” by the students who attend 360 High School and their families as required by the EEOA. The RIDE/PPSD closing of 360 High School denies these students and families equal educational opportunities and defines the failure to take appropriate action by the Defendants in violation of the EEOA.

FACTS

360 High School

61. 360 High School has been in existence for nine years and was founded with a grant from the Carnegie Foundation to create a smaller learning community than is typical for an urban high school. The grant targeted the creation of a school with a student centered approach and using innovative teaching techniques. Design teams that created the school included administrators, parents, teachers, and students. The design of the school is reflected in the name 360 which is a “reference to the broad opportunity, support and feedback the school will both provide for students and seek from them.”³
62. 360 High School serves nearly 60% MLL students - the highest proportion of any high school in PPSD other than the “Newcomer Academy”, a temporary placement solely for newly arrived immigrants within a Providence high school.
63. The state administered Surveyworks⁴ data shows that year after year 360 High School students and families report that they are more supported in meeting their educational and

³ <https://thepublicsradio.org/article/providence-announces-names-new-high-schools/>

⁴ The Rhode Island Department of Elementary and Secondary Education (RIDE) conducts annual surveys of students, parents, teachers/staff, and administrators as part of a coordinated effort to improve schools. <https://ride.ri.gov/information-accountability/ri-education-data/surveyworks>.

life goals than students in other PPSD high schools and indeed, in some metrics, better than those students and families in other high schools statewide.

64. 71% of 360 High School families rate Family School Communication as a strength at 360 High School compared to only 54% of Rhode Island families statewide and roughly 40% at the school to which students are reassigned under the RIDE/PPSD closure plan JSEC. Given the EEOA's requirements for reducing language barriers and communicating effectively with the families of MLL students, a focus repeated in the requirements of the RIDE/PPSD Settlement Agreement with the Department of Justice, 360 High School's remarkably high family communication ranking is reflective of a school that uniquely provides equal educational opportunity to MLL students and families. MLL students and families have a protected right to attend a school that does so pursuant to the requirements of the EEOA.
65. While the 71% favorable rating of Family School Communication is the highest ranking by 360 High School parents in the 2023 survey, parental survey ratings for Special Education Services, Cultural Awareness and Action, Family Support, School Climate, School Safety and Family Engagement are all ranked higher by 360 High School parents than JSEC parents and even all parents statewide in the 2023 Survey Works results.

The decision to close 360 High School

66. On February 6th and 7th, 2024 RIDE/PPSD sent shock waves through the 360 High School community as first faculty and staff, and then students and families, learned that 360 High School would no longer exist after the 2023-2024 school year. Teachers

learned of the closure from Superintendent Javier Montañez in an “emergency” meeting after school on February 6th. Families were notified by email the same day. Students were told in person at school on Wednesday February 7th.⁵

67. Students mounted a walk-out in protest to the announcement. In interviews they reflected that everyone at 360 High School knows them by name and supports them, an experience they have not had in other Providence schools. Students report that they were not considered in the decision, that they were not seeking the school change that the RIDE/PPSD announcement tried to describe as a positive opportunity for them. They oppose the closing of their school where faculty and staff have demonstrated effectively that they are dedicated to seeing their students graduate and succeed.⁶

68. Superintendent Montañez acknowledged that 360 High School students would have no priority to enroll in a school of their choosing within PPSD and would only be guaranteed enrollment at JSEC, not any other PPSD high school. They could fill out preference forms like any other high school student, but would not get priority assignment to a school ranked higher than 360 High School in the school accountability system rankings, and instead would be auto-enrolled in JSEC, if they took no action.⁷

The RIDE/PPSD Failure to Protect Equal Educational Opportunities for 360 High School Students and Their Families

⁵ Providence Students, Teachers Decry Planned Closure of 360 High School, Boston Globe, February 7, 2024. <https://www.bostonglobe.com/2024/02/07/metro/360-high-school-closure/>

⁶ Ibid.

⁷ Ibid.

69. On the 2023 state-collected Surveyworks data MLL students, their families, faculty and staff all rated 360 High School higher than did those at JSEC and indeed higher than the districtwide and statewide ratings on nearly every measure.
70. 360 High School MLL students rated school climate, school engagement, school rigorous expectations, school safety, school belonging, student teacher relationships, social emotional learning, risk protective outcome and college and career readiness higher than MLL students at JSEC and all other PPSD high schools.
71. 360 High School parents rated family support, family school communication, family engagement, cultural awareness, school safety, school climate, and special education services higher than JSEC parents and, remarkably, higher than parents in all RI high schools.
72. Currently serving 360 High School teachers rated school leadership, school climate, cultural awareness for both students and adults, high quality instructional materials and professional learning higher than their peers at JSEC, all Providence schools, and all schools statewide.
73. In 2020, 360 High School was one of just two high schools in the state selected to win a competitive \$125,000 Acceleration Grant from XQ Institute emphasizing the school's mission to have their students become creators of their education, not just consumers of education. XQ Institute "help[s] high schools become centers of innovative and rigorous learning, where every student is prepared to succeed in college, career, and life," and is "the nation's leading organization dedicated to rethinking high school."⁸ In 2018 XQ Institute entered into a partnership with RIDE focused on high school redesign. "RI+XQ

⁸ <https://xqsuperschool.org/about/>

is a first-of-its-kind statewide initiative powered by a partnership between the Rhode Island Department of Education (RIDE) and XQ.”⁹

74. Aligned with the 360 High School mission that students are creators as well as consumers of their education, each student completes an Individual Learning Plan that helps guide their progress through the school.
75. 360 High School boasts the longest serving high school principal in the district, part of an experienced administrative team including a principal and assistant principal who have worked with the stable faculty of the school for most of the nine years of the school’s existence.
76. 360 High School has the highest teacher attendance in the district’s secondary schools, low staff turnover, and only 7% of the teaching staff are not fully certified compared to 24% district wide.
77. Every teacher at 360 High School has completed at least three days of Restorative Practices training. This approach maintains consistent positive regard for all students, using circles to discuss and jointly solve recurring problems and conflicts, and making meaningful efforts to restore trust when transgressions occur. The commitment of faculty and students to this process has reduced suspensions.
78. For three consecutive years 360 High School teachers had zero percent chronic absenteeism, contrasted with JSEC’s 9.9%, 6.3%, and 14.6% chronic teacher absenteeism during this same three year period (2018-2021). The decision to dismantle 360’s experienced and capable administrative team and faculty and reassign the 360 High School students to JSEC, with a first year high school principal and a faculty with more than six times the rate of chronic absenteeism over the past six years (2% at 360 and

⁹ <https://xqsuperschool.org/where-we-work/xq-ri/>

12.6% at JSEC), constitutes a failure by PPSD/RIDE to take appropriate action to ensure that 360 High School MLL students and families have access to equal educational opportunities in the Providence public schools.

79. In 2010, JSEC was identified by RIDE in the first group of Providence public schools identified as “persistently lowest achieving” and required to undergo intervention for turnaround under the federal No Child Left Behind Act (NCLB). JSEC was the only Providence high school in this first group targeted for accountability action.¹⁰

80. In the thirteen years since, and through two successive versions of the federal school accountability ranking systems, JSEC has not been able to move out of the lowest ranking status and thus has now been required to enter a status called “Redesign” which is an alternative to closing in the federal accountability system.¹¹

81. 360 High School was ranked for the first time in the accountability system in 2015 and received a 2 star rating, above the JSEC ranking of the past 14 years. In the three non-pandemic ranking years since (no ranking was done during the pandemic) it has remained at the same lower ranking as JSEC.

82. Under the successor to NCLB, the Every Student Succeeds Act (ESSA) accountability system, 360 High School is not required to enter “Redesign” (or another intervention such as closing) until next year even if the school’s accountability ranking remains the same for a fourth year. If the school were being closed under the federal accountability system, which it is not because that would require another year of evidence, the District would not be able to assign the students to JSEC or any other high school currently in

¹⁰ In re: Providence Public Schools District: RIDE No. 19-089 Decision Establishing Control Over the Providence Public School District and Reconstituting Providence Public Schools, October 15, 2019. Addendum B. p. A-6. ride.ri.gov/sites/g/files/xkgbur806/files/Commissioner/Decision-And-Order_FINAL.pdf

¹¹ Ibid.

intervention. The system requires that students from a school that is being closed must be assigned to a higher performing school.¹²

83. Research shows that students disrupted by school closure experience long term harmful effects on their educational progress.¹³ Such disruption is per se harmful. The harmful impact of closing 360 High School is compounded by the fact that Spanish speaking families and students report greater connection and satisfaction with their educational experience at 360 High School than families enrolled in any other Providence high school on the 2023 SurveyWorks Survey data.

84. Students and families have no opportunity other than a petition to this Court to preserve the status quo and protect their access to their most precious educational resource, full language access and exceptional support for students and open communication with their child's school for parents. They have no other avenue to change the PPSD/RIDE decision to close the school. The decision was abruptly announced in February as a final decision, not open to input from those directly affected in the school. Students and families have since testified before the Providence School Board and the Providence City Council¹⁴, entities with no power to reverse the school closure under the terms of the State Takeover Order. They expressed the loss and harm they are faced with confronted by what has been presented to them as an irreversible position. They have been denied any opportunity to enroll their children in a higher functioning high school in Providence that the school they currently attend. They have been offered no transition plan that

¹² In re: Providence Public Schools District: RIDE No. 19-089 Decision Establishing Control Over the Providence Public School District and Reconstituting Providence Public Schools, October 15, 2019. Addendum A Intervention Models. p. A-5. ride.ri.gov/sites/g/files/xkgbur806/files/Commissioner/Decision-And-Order_FINAL.pdf

¹³ See University of Chicago Consortium on School Research, School Closings in Chicago, May 2018; Economics of Education Review, Does closing schools close doors? The effect of high school closings on achievement and attainment, Larsen. <https://doi.org/10.1016/j.econedurev.2020.101980>

¹⁴<https://www.providencejournal.com/story/news/local/2024/03/28/hearing-coming-on-360-high-school-closure-but-where-is-infante-green/73121801007/>

would preserve the unique attributes and practices of 360 High School to which they credit their childrens' academic successes and their own unprecedented inclusion in their childrens' education as a full partner. The School Board issued a resolution opposing the closing of 360 High School but in the context of the State Takeover this is an advisory action only.¹⁵

The RIDE/PPSD history of EEOA violations

85. In 2018 PPSD entered into a Settlement Agreement agreeing to address 12 violations of the EEOA. The Settlement Agreement stated in part: "After conducting a thorough review of the District's EL programs and services, the United States notified the District on March 8, 2018, that the United States has identified conditions that violate Section 1703(f) of the EEOA. Specifically, the United States identified that the District:

"(1) placed hundreds of EL's in schools that lacked EL services without obtaining the parent's voluntary and informed waivers of these services; (2) used an educationally unsound EL program called the Consultation Model; (3) failed to adequately implement several of its EL programs, including by not providing sufficient ESL; (4) failed to staff its EL programs with enough qualified teachers; (5) segregated some EL's in its Sheltered ESL program for an unreasonable amount of time; (6) lacked sufficient materials to implement some of its EL programs; (7) failed to adequately train principals; (8) did not timely identify all EL's; (9) did not effectively communicate with LEP parents; (10) did not provide EL's equal opportunities to participate in specialized programs; (11) used inappropriate exit criteria and did not adequately monitor former EL's; and (12) did not properly evaluate its EL programs for effectiveness."¹⁶

¹⁵ <https://providencepublic.ic-board.com/Attachments/32f8a614-6c87-458b-8748-1b9a692a8694.pdf>

¹⁶ Settlement Agreement between the United States and the Providence Public Schools, August 9, 2018, p. 1

86. PPSD committed to come into compliance with the EEOA by taking “appropriate action to overcome language barriers that impede equal participation” by MLL’s in its instructional programs. Citing 20 U.S.C. §1703(f).¹⁷
87. By closing 360 High School, RIDE/PPSD is contravening its 2018 commitment to take appropriate action to overcome language barriers that impede equal education opportunities. It is closing the high school with the highest concentration of MLL students and families when research shows that the greatest harm associated with school closings falls on those students who were enrolled in the closed school. RIDE/PPSD is closing a school in which 78% of the students identify as Latino, and which has the highest ranking of satisfaction, effective communication, and belonging from MLL students and their families of any school in the district. RIDE/PPSD has assigned the MLL students to the only Providence high school which has been in the lowest ranking category for the entire 14 years that federal school ranking systems have been in effect. RIDE/PPSD has thus failed to take appropriate action to be responsive to and meaningfully serve the particularized needs of MLLs as required by the EEOA and is a violation of the EEOA.

COUNT I
Equal Education Opportunity Act of 1974

88. Plaintiffs repeat and reallege each and every allegation above as if fully set forth herein.
89. Section 1703 of the Equal Education Opportunity Act of 1974, 20 U.S.C §1701 et. seq. provides in relevant part:

¹⁷ Ibid. p.3

No 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.

90. The Defendants' actions and inactions as set forth perpetuate the preexisting EEOA violations experienced in Providence Public Schools by MLL students now attending 360 High School and additionally violate the EEOA by closing 360 High School and thus failing to take appropriate action to overcome their language barriers by closing 360 High School.
91. The Defendants' actions and inactions as set forth perpetuate the preexisting EEOA violations experienced in Providence Public Schools by MLL students and t now attending 360 High School and their families and additionally violate the EEOA by closing 360 High School and thus failing to take appropriate action to overcome parental language barriers by closing 360 High School.
92. Through its actions and inactions the District has failed to take appropriate steps to overcome language barriers that impede equal participation in its instructional programs including, but not limited to, preventing the harmful impact of the abrupt and arbitrary closing of the 360 High School on language access, achievement and attainment for the nearly 60% of 360 High School students who are MLL students and the harmful impact on their families' ability to fully participate in their childrens' education in violation of the EEOA.
93. Through its actions and inactions the District has failed to take appropriate steps to overcome language barriers that impede equal participation in their children's education for the parents MLL students.

94. The conduct of the Defendants described in this Complaint violates the rights of the Plaintiffs under the Equal Education Opportunity Act.

REQUEST FOR RELIEF

95. Wherefore, the Plaintiffs request that the Court:

- a. Assume jurisdiction of this matter;
- b. Certify the proposed class under Rule 23 of the Federal Rules of Civil Procedure;
- c. Declare Defendants' plan for closure of 360 High School and reassignment of the students to JSEC to be in violation of the EEOA requirement that Defendants take appropriate steps to overcome language barriers that impede equal participation in its instructional programs for both MLL students and their parents;
- d. Temporarily and preliminarily enjoin Defendants from closing 360 High School;
- e. Issue a preliminary and/or permanent injunction requiring defendants to engage with the administrators, faculty, students and families of 360 High School during the 2024-2025 school year to develop a transition plan for the future of the school, its students, and families that does not violate the EEOA. The transition plan must protect the unique attributes, practices, and educational approaches of 360 High School that have been critical to MLL students who now attend 360 High School and their parents to provide the existing highly rated language access, support and inclusion for these students and their parents. The transition

plan must comply with the requirements of the EEOA and the DOJ settlement agreement.

g. Award the Plaintiffs their reasonable attorneys' fees and litigation costs and expenses pursuant to 20 U.S.C. § 1415(i)(3)(B); 42 U.S.C. § 1988, and 42 U.S.C. § 12205.

h. Grant such other and further relief as the Court deems necessary and proper.

Plaintiffs,
By their attorneys

/s/ Jennifer L. Wood

Jennifer L. Wood

Bar No. 3582

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**VERIFICATION
DECLARATION OF YSAURA MEZÓN**

I, , hereby make the following declaration:

1. I am the parent of O.P., one of the named plaintiffs in the above-captioned action, and I myself am a named plaintiff in the above-captioned action.
2. I have read the foregoing complaint and it is true and correct to the best of my knowledge, information and belief.

In accordance with 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on 04/19/2024

Ysaura Mezon

**VERIFICATION
DECLARATION OF LUCIA MEJIA**

I, , hereby make the following declaration:

1. I am the parent of E.V., one of the named plaintiffs in the above-captioned action, and I myself am a named plaintiff in the above-captioned action.
2. I have read the foregoing complaint and it is true and correct to the best of my knowledge, information and belief.

In accordance with 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on

4/18/2024



**VERIFICATION
DECLARATION OF MARIA PIRIR**

I, , hereby make the following declaration:

1. I am the parent of M.P., one of the named plaintiffs in the above-captioned action, and I myself am a named plaintiff in the above-captioned action.
2. I have read the foregoing complaint and it is true and correct to the best of my knowledge, information and belief.

In accordance with 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on 4-19-2024

Maria Pirir Subyuj