

**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; 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.)	
)	

**FIRST AMENDED COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF AND FOR DAMAGES**

1. Plaintiffs are parents or guardians of Y.M., G.O., M.D., K.V., N.A., and T.J.H., English Language Learner (“ELL”) immigrant children who recently arrived in the United States and reside in Collier County, Florida. Y.M., G.O., M.D., K.V., N.A., and T.J.H. (“Plaintiff Children”) seek relief from this Court because they have been denied equal access to educational

opportunities as a result of Defendants' custom, policy, and practice of excluding them and those similarly situated from enrollment in public schools.

2. These immigrant children seek to enroll in Collier County Public Schools to further their education, but are excluded from a free public education due to the actions of Defendants, the School Board of Collier County, Florida, and Superintendent Kamela Patton, in her official capacity ("Defendants").

3. When Plaintiff Children and their guardians sought enrollment in public school, Defendants in some cases directed them to noncredit, adult English for Speakers of Other Languages ("Adult ESOL") classes that charge a fee. In other cases, Defendants simply turned them away. In both cases, Defendants did not even keep a record of the interaction that took place at the school.

4. Defendants maintain a custom, policy, and practice of excluding recently-arrived, foreign-born, ELL students ages fifteen (15) and older from enrollment in Collier County public schools. Defendants' actions deny Plaintiffs and class members a free public education alongside their peers, the chance to learn core educational content and skills ("Florida Standards"), and access to other activities and programs available to students enrolled in public school. Defendants deprive Plaintiff Children and class members of the

opportunity to earn credits toward a standard high school diploma and to realize their full learning and eventual earning potential.

5. Defendants' refusal to enroll Plaintiff Children and other recently-arrived ELL immigrant children denies them meaningful and equal educational opportunity and violates the Equal Educational Opportunities Act ("EEOA"), 20 U.S.C. § 1703(f); Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, ("Title VI"); the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the U.S. Constitution, U.S. Const., amend XIV, § 1; the Florida Educational Equity Act, Fla. Stat. § 1000.05; and Fla. Admin. Code Ann. r. 6A-19.001.

6. Plaintiffs ask the Court to grant declaratory and injunctive relief to Plaintiff Children and similarly situated students, including an injunction requiring Defendants to enroll these students in free public school. Named Plaintiffs also seek compensatory damages for their claims under Title VI and the Equal Protection and Due Process Clauses of the Fourteenth Amendment.

JURISDICTION

7. This case arises under the United States Constitution and the laws of the United States, including the EEOA, 20 U.S.C. § 1703; Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d; and 42 U.S.C. § 1983. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331(a), 1343, 2201,

and 2202, and 20 U.S.C. §§ 1706, 1708. The Court may exercise supplemental jurisdiction over Plaintiffs' state law claims under the Florida Educational Equity Act, Fla. Stat. §§ 1000.05 and Fla. Admin. Code Ann. r. 6A-19.001. *See* 28 U.S.C. § 1367(a).

VENUE

8. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because “a substantial part of the events or omissions giving rise to the claim[s] occurred” in this district.

PARTIES

Named Plaintiffs

9. Lesly Methelus and his son, Y.M., reside within Immokalee High School's attendance zone in Collier County. Y.M. is a child with limited English proficiency¹ who is of Haitian national origin.

10. Rosalba Ortiz and her nephew (over whom she has custody), G.O., reside within Immokalee High School's attendance zone in Collier County. G.O. is a child with limited English proficiency who is of Guatemalan national origin.

¹ The term “limited English proficiency” (“LEP”) is interchangeable with “English Language Learner” (“ELL”).

11. Zoila Lorenzo and her son, M.D., reside within Immokalee High School's attendance zone in Collier County. M.D. is a child with limited English proficiency who is of Guatemalan national origin.

12. Marie Ange Joseph and her daughter, K.V., reside within Golden Gate High School's attendance zone in Collier County. K.V. is a child with limited English proficiency who is of Haitian national origin.

13. Emile Antoine and his son, N.A., reside within Golden Gate High School's attendance zone in Collier County. N.A. is a child with limited English proficiency who is of Haitian national origin.

14. Lucenie Hilaire Durosier and her son, T.J.H., reside within Immokalee High School's attendance zone in Collier County. T.J.H. is a child with limited English proficiency who is of Haitian national origin.

Defendants

15. Defendant School Board of Collier County, Florida ("School Board"), is responsible for directing, operating, controlling, and supervising all free public schools in Collier County. *See* Fla. Stat. §§ 1001.32-33 and 1001.40-42. The School Board is responsible for the operation of schools within the Collier County School District. *Id.* § 1001.42(4). The School Board is the contracting agent on behalf of the School District and is subject to suit. *Id.* §§ 1001.41(4), 1001.30. The School Board has acted under color of state

law at all times referenced in this complaint within the meaning of 42 U.S.C. § 1983.

16. Defendant Kamela Patton, as Superintendent of the Collier County Public Schools, is the secretary and executive officer of the Collier County School Board. *See* Fla. Stat. §§ 1001.32(3), 1001.33. Superintendent Patton is responsible for the administration and management of the schools. *Id.*; *see also id.* §§ 1001.49, 1001.51. She is charged with recommending the operation of schools, classes, and services as are needed to provide adequate educational opportunities for all children in the district. *Id.* § 1001.51(6).

17. Defendant Patton is also charged with ensuring that all laws and rules of the State Board of Education are properly observed. *Id.* § 1001.51(14). She is responsible for enforcing school attendance of all students subject to compulsory school age in the school district. *Id.* § 1003.26. Superintendent Patton has acted under color of state law at all times referenced in this complaint within the meaning of 42 U.S.C. § 1983. She is sued in her official capacity.

LEGAL BACKGROUND

Plaintiffs Children's Right to Equal Access to Educational Opportunity

18. The education of children is a fundamental value of the people of the State of Florida. Fla. Const. art. IX, § 1(a). The state constitution mandates

“a high quality system of free public schools that allows students to obtain a high quality education.” *Id.* Such education shall be provided to “all children residing within its borders.” *Id.*

19. Florida has developed core skills and subjects that public schools must teach to all students. *See Fla. Stat. § 1003.41* (“Florida Standards”) (requiring skills instruction in critical-thinking, problem-solving, mathematics, contextual and applied-learning, technology-literacy, information and media-literacy, civic-engagement, and subject matter instruction in science, mathematics, social studies, visual and performing arts, physical education and health). *See also id. § 1003.42.*

20. Education in Florida is compulsory for all children between the ages of six (6) and sixteen (16) without exception. *Fla. Stat. § 1003.21(1)(a)(1).*

21. Compulsory education continues for a student aged sixteen (16) or older who has not graduated unless and until the student “files a formal declaration of intent to terminate school enrollment with the school board.” *Id. § 1003.21(1)(c).* The declaration “must acknowledge that terminating school enrollment is likely to reduce the student’s earning potential.” *Id.* The declaration must be signed both by the student and the student’s parent. *Id.*

22. Even on receipt of such a declaration, state law requires school personnel to “determine the reasons for the student’s decision to terminate school enrollment” and any “actions that could be taken to keep the student in school.” *Id.*

23. Under both federal and state law, the right to a free public education applies equally to immigrant children who are not fluent in the English language as it does to other children.

24. Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from engaging in national origin discrimination. 42 U.S.C. § 2000d (“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”).

25. Title VI requires that students be provided equal access to public education regardless of their national origin. It also requires school districts to take affirmative steps to ensure that ELL students can meaningfully participate in educational programs and services. *See Lau v. Nichols*, 414 U.S. 563, 566 (1974); 34 C.F.R. §100.3(b)(1), (2); Dep’t of Health, Education, and Welfare, Identification of Discrimination and Denial of Services on the Basis of National Origin, 35 Fed. Reg. 11,595 (July 18, 1970) *available at*

<http://www2.ed.gov/about/offices/list/ocr/docs/nationaloriginmemo.html> (last visited Aug. 3, 2016). Grouping of ELL students must not operate as an “educational dead-end or permanent track.” *Id.*

26. The Equal Educational Opportunities Act (“EEOA”) prohibits school districts from denying equal educational opportunity to individuals based on their national origin, including by deliberate segregation of students based on national origin or by failing to take appropriate action to overcome language barriers that impede equal participation by students in instructional programs. 20 U.S.C. § 1703 (a); (f).

27. In 2015, the Civil Rights Division of the United States Department of Justice (“DOJ”) and the Office for Civil Rights of the United States Department of Education (“OCR”) issued guidance to school districts reemphasizing that ELL students should not only have access to the core curriculum, but also equal opportunities to meaningfully participate in all school programs and activities whether curricular, co-curricular, or extracurricular. *See* U.S. Dep’t of Justice and U.S. Dep’t of Educ., *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents* 17-18 (Jan. 7, 2015), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf> (last visited Aug. 3, 2016) (“Dear Colleague Letter”).

28. The Dear Colleague Letter further stated that school districts should place ELL students in age-appropriate grade levels so that these students can have meaningful access to their grade-appropriate curricula and an equal opportunity to graduate. *Id.* at 18. While recognizing that some of these students may have had an interruption in their formal education, the Dear Colleague Letter states that these students should still be placed in a setting that is age appropriate and that allows them to access the core curriculum and earn credits toward graduation or promotion. *See id.* n.50.

29. Florida law and administrative regulations also require equal access and prohibit discrimination against ELL students. *See Fla. Stat. § 1000.05* and Fla. Admin. Code Ann. r. 6A-19.001; *see generally Fla. Stat. § 1003.56(3)(d)*; Fla. Admin. Code Ann. rr. 6A-6.0901, 6A-6.0908.

30. Florida law further requires Defendants to not only provide ELL students with English instruction, but also with instruction in the subject areas of mathematics, science, social studies, and computer literacy, either with language support or in the students' home language. Fla. Stat. § 1003.56(3)(d); Fla. Admin. Code Ann. r. 6A-6.0901-09091.

31. Under 20 U.S.C. §§ 6801-6871, federal funds are allocated to help ELL students learn English and meet state academic content and achievement standards. Defendant School Board, as the contracting agent of

the School District, receives federal funding, including but not limited to English Language Acquisition funding, to provide instructional programs and services to ELL students.

32. As required by state law, on February 26, 2013, Defendant Patton signed and submitted to the Florida Department of Education a “District ELL Plan.” *See* Ex. 1; § 1003.56(3)(a), Fla. Stat. The plan certifies Collier County public schools’ compliance with, *inter alia*, the EEOA, Title VI and the requirements of the Office for Civil Rights Standards for Title VI compliance; Fla. Stat. § 1003.56; applicable administrative regulations; and the Florida Educational Equity Act—all of which require equal access to educational opportunities for ELL students. Ex. 1.

33. The District ELL Plan sets forth the policies and procedures for providing instruction to ELL students, including identification, evaluation, and placement. The ELL Plan requires schools to identify ELL students at the time of registration using a home language survey. Ex. 1 at 3-4.; Fla. Admin. Code Ann. r. 6A-6.0902(1).

34. Under Defendants’ ELL Plan, schools must individually assess both 1) the student’s English language skills and 2) the student’s academic skills. Ex. 1 at 4-7; Fla. Admin. Code Ann. r. 6A-6.0902(2). As part of these assessments, schools are to administer the Comprehensive English Language

Learning Assessment (CELLA), specifically the “On-line Form 3 CELLA.”

Ex. 1 at 6.

35. Based on results of the assessment, the school’s ELL committee is then to place the student in an English language class. *Id.* at 6-7.

36. The school is also required to assess ELL students’ academic level using testing and previous school records, and, in the absence of such records, using interviews of the student and parents and other assessment tools. *Id.* at 7-8.

37. To “address the placement of ELLs with limited or no prior school experience(s), or whose prior school records are incomplete,” the ELL plan provides that “school personnel will request records” from the previous school. *Id.* at 8; *see* Fla. Admin. Code Ann. r. 6A-6.0902(3)(b).

38. After such assessment, the ELL contact or guidance counselor is to place the student in an appropriate school grade and develop an ELL student plan for the student. Ex. 1 at 7-10. The ELL plan requires that placements be “age appropriate.” *Id.* at 8.

39. Under both Florida administrative code and Defendants’ ELL plan, ELL students are to be taught to the Florida Standards, and to “receive equal access to the regular curriculum.” *Id.* at 11; Fla. Admin. Code Ann. r. 6A-6.0904(1)(a).

40. Further, both the administrative code and the ELL plan require that “instruction provided to ELLs is equal in amount, sequence and scope to that provided to non-ELL students.” Ex. 1 at 12; Fla. Admin. Code Ann. r. 6A-6.0904(1)(a).

**Defendants’ Policy and Practice of Denying Equal Access
to Educational Opportunity**

41. Beginning around 2011, there was a sharp increase in the number of unaccompanied minors arriving in the United States from abroad. *See* Pew Charitable Trusts, *Number of Undocumented Children Who Cross U.S. Border Alone has Tripled* (May 9, 2013) <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2013/05/09/number-of-undocumented-children-who-cross-us-border-alone-has-tripled> (last visited Aug. 3, 2016). Most of these youth were 16 or 17 years old when they came to the United States.

Congressional Research Service, *Unaccompanied Alien Children:*

Demographics in Brief 4-5 (Sept. 24, 2014)

<https://www.fas.org/sgp/crs/homsec/R43734.pdf> (last visited Aug. 3, 2016).

42. In 2011, an advocate from Catholic Charities met personally with Collier County school officials and Defendant Patton after a teenaged Cuban student was denied enrollment at Palmetto Ridge High School. Defendant Patton refused to permit the student to enroll.

43. On or about February 12, 2013, Defendant School Board adopted School Board Policy 5112.01 (“the Policy”), which states:

Persons **who are seventeen (17) years old or older** and who by earning eight (8) credits per academic year, cannot meet graduation requirements including grade point average (GPA), prior to the end of the school year in 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 the age of seventeen (17)**. Such persons shall be afforded an opportunity to pursue a high school diploma through the Adult High School or General Educational Development (GED) programs of the District.

Ex. 2 (emphasis added).

44. By its plain language, the Policy applies only to children “who are seventeen (17) years old or older.” *Id.* It allows those children to attend school through the end of the academic year in which they “attain the age of seventeen (17).” However, Defendants purport to rely on the Policy to deny enrollment to ELL students as young as fifteen (15) years old.

45. Defendants have a custom, policy, and practice of denying high school enrollment to recently-arrived, foreign-born, ELL students aged fifteen (15) and older.

46. Upon information and belief, children aged fifteen (15) and older who are not recently-arrived, foreign-born, ELL students are permitted to either enroll in or continue to attend Collier County public schools and receive a free public education in which they earn credits toward a standard high school diploma. This includes

students who have been retained, who are not on grade level, and who are not on track to graduate.

47. During a January 2013 School Board Workshop meeting discussing the proposed policy, Board members raised a concern about the Policy's impact on currently enrolled students. District employee Christy Kutz emphasized that the Policy was targeted at "new kids enrolling at our schools."

48. The District maintains no records of attempts of recently-arrived, foreign-born ELL students aged 15 and older who seek to enroll in schools but are turned away.

49. School officials make the discriminatory assumption that such children are likely to fail academically when they deny them enrollment. This assumption is not based on any testing or assessment of the individual student; rather, the denial of enrollment occurs without any individualized assessment.

50. By denying enrollment to recently-arrived, foreign-born ELL students ages fifteen (15) and older, Defendants procedurally and substantively depart from the norms as embodied in their ELL Plan and enrollment of students in general.

51. Not only are these students not assessed as required by the ELL Plan; they are also deprived of the other benefits of the ELL Plan required by law. They are not offered an individualized ELL student plan; classes required

under state law for ELL students, including mathematics, science, and social studies; classes taught to the Florida Standards; equal access to the regular curriculum; instruction equal in amount, sequence and scope to that provided to non-ELL students; or assessments of their academic and language progress.

52. After denying enrollment, school officials refer some of these students to off-site, noncredit, Adult ESOL programs at Immokalee Technical College, also known as Immokalee Technical Center (“iTech”), Lorenzo Walker Technical College, or other locations, which charge a fee. Defendants provide other students with no additional information and leave them to fend for themselves.

53. Since 2013, several hundred foreign-born children between the ages of fifteen (15) and eighteen (18) have found their way to these Adult ESOL programs after being excluded from Collier County public schools.

54. Defendants are aware of the large numbers of foreign-born ELL students turned away from Collier County public high schools.

55. To the extent Defendants divert these students to a noncredit, fee-based Adult ESOL program, Defendants procedurally and substantively depart from the norms set out in the ELL Plan in a number of ways, as described below.

56. Adult ESOL is an English language program. It does not teach the skills and subject matters required under Florida law and the ELL Plan. The program was designed only “to improve the employability of the state’s workforce through acquisition of communication skills and cultural competencies that enhance ability to read, write, speak, and listen in English.” Fla. Stat. § 1004.02(2).

57. The Adult ESOL program does not provide instruction in basic subject areas of math, science or social studies, as required by Fla. Stat. § 1003.56(3)(d), accompanying regulations, and the ELL Plan. Students enrolled at Collier County public high schools, by contrast, do receive such instruction.

58. The Adult ESOL program does not provide any credit toward a standard high school diploma. *See* Fla. Stat. § 1004.02(2) (defining Adult ESOL as “noncredit English literacy courses”). By contrast, basic ESOL classes for ELL students in free public schools must provide credits toward a high school diploma. Fla. Admin. Code Ann. r. 6A-6.0904(1)(d).

59. Defendants do not evaluate ELL children excluded from public school to determine whether and when they should transition into high school. For these children, Adult ESOL classes are an educational dead-end.

60. Adult ESOL costs Plaintiffs and class members thirty dollars (\$30.00) per semester plus other costs, in violation of the Florida Constitution, which mandates “free public schools.” Fla. Const. art. IX, § 1(a).

61. ELL students who are diverted from high school and who enroll in the Adult ESOL program are segregated from their peers and denied the opportunity to participate in any of the high school’s academic enrichment, sports, or extracurricular activities. This violates Florida administrative regulations that entitle ELL students to “equal access to programs and services other than ESOL.” *See* Fla. Admin. Code Ann. r. 6A-6.0908. It is also contrary to federal guidance stating that ELL students should have equal opportunities to meaningfully participate in all school programs and activities. *See* Dear Colleague Letter, *supra*, at 17-18.

62. At the Adult ESOL programs, students as young as fifteen (15) are enrolled in classes with adults, some of whom are older than the students’ parents or grandparents. This contravenes the Dear Colleague Letter and Defendants’ ELL Plan, which require age appropriate placement. *See* Dear Colleague Letter, *supra* at 18, n. 50; Ex. 1 at 8.

63. By signing the District ELL Plan, Defendant Patton certified the District’s compliance with civil rights statutes, including Title VI and the EEOA, and with federal administrative guidance on the District’s obligations

under these laws. Defendants were on notice that these laws require them to provide meaningful access to a public education for ELL students.

64. Through their custom, policy, and practice, Defendants segregate Plaintiff Children and class members from their peers and deprive them of equal access to educational opportunities offered in high school and the opportunity to earn credits toward a high school diploma and to learn skills and core subject matter that they will need in the future—limiting these children’s educational and career opportunities, and their future earning potential.

65. Upon information and belief, Defendants’ custom, policy, and practice of denying enrollment to recently-arrived, foreign-born ELL students have had a chilling effect on student enrollment. Some immigrant students have not sought to enroll in school because they have heard that they cannot enroll if they are fifteen (15) or older.

NAMED PLAINTIFFS’ ALLEGATIONS

66. Y.M. arrived in Collier County from Haiti on March 27, 2015, at the age of fifteen (15). Before coming to the United States, Y.M. was enrolled in what is considered the eighth grade in Haiti.²

67. During the week of March 30, 2015, Y.M., at the age of fifteen (15), and his father, Mr. Methelus, went to Immokalee High School to enroll in

² Grade levels in other countries may not correspond with grade levels in the United States. That is why individual assessment of foreign-born students’ language and academic skills is essential to placement.

school. A school staff person immediately asked Y.M.'s age. When Mr. Methelus told her that Y.M. would be turning sixteen (16) on April 4, 2015, the employee responded that Y.M. could not enroll at Immokalee High because it was "too close to his sixteenth birthday." Defendants' employee did not give Y.M. and his father an enrollment packet for school. Instead, she directed them to iTech.

68. Mr. Methelus enrolled Y.M. in the Adult ESOL program at iTech. At iTech, Y.M. did not receive instruction in the core subject areas and skills required by the Florida Standards, nor was he able to earn credits toward a high school diploma. The refusal to enroll Y.M. in an academic program and decision to isolate him from his non-immigrant peers has caused him to feel frustrated and anxious about his future.

69. G.O. arrived in Collier County from Guatemala in the summer of 2014. G.O. wants to become a police officer so that he can serve and protect his community.

70. In August 2014, when G.O. was sixteen (16), he went with his aunt, Rosalba Ortiz, to Immokalee High School to enroll.

71. At the school's front office, they completed school registration paperwork and provided a copy of G.O.'s report card showing he had completed what is considered the sixth grade in Guatemala. Defendants'

employee said that she had to send G.O.'s paperwork to district headquarters in Naples to find out if G.O. could enroll. When Ms. Ortiz contacted the school days later, she was told G.O. could not enroll.

72. Ms. Ortiz learned about the Adult ESOL program at iTech from a friend. Having been offered no other option, Ms. Ortiz paid thirty dollars (\$30.00) per semester to enroll G.O. at iTech in the Adult ESOL program, where he received only English language instruction. G.O. did not receive instruction in the core subject areas and skills required by the Florida Standards. He feels frustrated and hopeless.

73. M.D., who is from Guatemala, arrived in Immokalee in December 2014 at the age of sixteen (16).

74. Shortly after his arrival, M.D. and his mother, Zoila Lorenzo, went to Immokalee High School to enroll M.D. in school. They were met in the front office by a school employee who immediately asked about M.D.'s age and educational history. M.D. advised that he was sixteen (16) years old and had finished what is considered the sixth grade in Guatemala. Defendants' employee told them that M.D. could not attend high school, but could enroll at iTech. Ms. Lorenzo and M.D. were not given an enrollment packet. Ms. Lorenzo took M.D. to iTech where she paid thirty dollars (\$30.00) to enroll him in the Adult ESOL class.

75. M.D. is a soccer enthusiast and skilled player. Shortly after his arrival in Immokalee, he joined a recreational soccer league. A local coach recognized his ability and encouraged him to try out for Immokalee High School's soccer team. As M.D. has not been able to enroll in high school, he has not been able to try out for the high school soccer team.

76. M.D. attended the Adult ESOL program at iTech. At iTech, he did not receive instruction in the basic subject areas required by the Florida Standards nor was he allowed to participate in Immokalee High School's programs and activities. He feels frustrated and isolated due to the Defendants' refusal to allow him to access a high school education.

77. K.V., who is from Haiti, arrived in Naples in January 2015 at the age of sixteen (16). K.V. was in what was considered to be her third year of high school in Haiti and aspires to become a pediatrician.

78. Shortly after her arrival, K.V. went with her uncle to Golden Gate High School in Naples to enroll in school.

79. A school staff person at Golden Gate High School told K.V. that she had to bring in her records from her previous school in Haiti.

80. K.V.'s mother, Marie Ange Joseph, requested the records. When the records arrived in February 2015, K.V. again went to Golden Gate High School, this time with her mother and uncle. After K.V. and her family

provided the records, the staff person told K.V. that she could not enroll because she did not speak English well and because she did not have enough credits. The staff person never gave K.V. an enrollment packet.

81. K.V.'s cousin suggested that she might be able to enroll in an Adult ESOL program at night at Barron Collier High School. K.V. paid thirty dollars (\$30.00) to enroll, and attended the program from 6:00 p.m. to 8:30 p.m. each night. The other students in the class were much older than K.V.

82. K.V. applied for a job, but was told that she was not permitted by law to work during the day because she was supposed to be in school. *See* Fla. Stat. § 450.081(2) (“On any school day, minors 16 and 17 years of age who are not enrolled in a career education program shall not be gainfully employed during school hours.”).

83. K.V. asked administrative staff at Barron Collier High School if she could go to school during the day. She hoped they would allow her to go to high school. Instead, they sent her to Lorenzo Walker Technical College. K.V. began the Adult ESOL program there in April 2015.

84. At these Adult ESOL programs, K.V. has not received instruction in the core subject areas and skills required by the Florida Standards such as math, science, or social studies, nor was she able to earn credits toward

a high school diploma. Being excluded from an academic program and segregated in an Adult ESOL class has made K.V. feel sad and frustrated.

85. N.A., who is from Haiti, arrived in Naples in February 2016 at the age of seventeen (17). He lives with his father, Emile Antoine. N.A.'s favorite subjects are math, physics, and French. He likes to tinker with electronics in his spare time. He aspires go to college, study computer science, and work with computers and electronics when he grows up. When N.A. left his school in Haiti in January 2016 to move to the United States, he was in what was considered there to be the ninth grade.

86. On February 29, 2016, N.A. and his father, Emile Antoine, went to Lely High School in Naples to enroll N.A. in school. They brought their cousin along to interpret. School staff told them that N.A. needed immunizations to enroll.

87. N.A. obtained the required immunizations and returned to Lely High School on March 4, 2016, with proof of immunizations, along with his passport, social security card, and his report cards from Haiti. The school staff person then told N.A. and his father that N.A. was too old to attend Lely High School.

88. N.A. and his father later learned that the assigned high school for their home was actually Golden Gate High School, not Lely.

89. Soon after, in March 2016, N.A. went with his father to Golden Gate High School to request enrollment. They did not have anyone available to interpret, and the school did not provide an interpreter. N.A. and his father presented the same paperwork that they had presented at Lely to the Golden Gate staff person. A staff person at the school gave N.A. and Mr. Antoine a piece of paper written only in English that stated that N.A. was, “no longer eligible to pursue a traditional High School Diploma in Collier County Public Schools, including those programs offered through Alternative Programs.” Mr. Antoine understood that a staff person at Golden Gate High School would communicate with him by phone about N.A.’s enrollment in school, but no one ever called him. Mr. Antoine followed up by telephone, but N.A. was not permitted to enroll at Golden Gate High School.

90. Soon after, a friend told Mr. Antoine about a program at Lorenzo Walker Technical College. Mr. Antoine took N.A. to Lorenzo Walker where he paid thirty dollars (\$30.00) to enroll N.A. in Adult ESOL.

91. At Lorenzo Walker, N.A. attends a program with people much older than he is, including one man N.A. estimates is in his 40s. N.A. does not receive instruction in the basic subject areas required by the Florida Standards such as math, science or social studies, and does not receive credits toward a high school diploma. High school programs and activities are not available to

him. He feels frustrated and desperate due to the Defendants' refusal to allow him to access a high school education.

92. T.J.H. moved from Haiti to Georgia in December 2015. T.J.H. loves art, and aspires to work in foreign affairs when he grows up. T.J.H. enrolled in Lovejoy High School in Hampton, Georgia, where he was placed in the tenth grade. T.J.H. attended high school in Georgia until April 2016, when he moved to Immokalee, Florida.

93. At age seventeen (17), T.J.H. went with his mother, Lucenie Hilaire, to Immokalee High School to enroll.

94. Upon arrival at the school's front office, the school staff person asked for identification and his report card from his last school. Ms. Hilaire provided T.J.H.'s identification along with his report cards from both Haiti and from his school in Georgia. The staff person told Ms. Hilaire that T.J.H. was too old and did not have enough credits to attend school. The school gave Ms. Hilaire a card with information about iTech.

95. Having been offered no other option, Ms. Hilaire paid thirty dollars (\$30.00) per semester to enroll T.J.H. at iTech in the Adult ESOL program. There he received only basic English language instruction and did not receive credits toward a high school diploma. T.J.H. did not receive instruction

in the core subject areas and skills required by the Florida Standards, such as math, science or social studies.

96. At iTech, T.J.H. attends a program with people old enough to be his parents and grandparents. He feels frustrated because he believes that he would have learned English much faster if he were in high school, and he would be earning credits toward a high school diploma so that he can go to college.

97. All of the Plaintiff Children want to continue their education. None of these children has ever filed a declaration of intent to terminate school enrollment with any school board or otherwise relinquished their right to attend school. No one at Immokalee, Lely, or Golden Gate High School ever assessed these students to determine their academic level or English proficiency before denying them enrollment in Collier County public schools. None of these children or their parents or guardians were given the opportunity to appeal the decision to deny them enrollment.

98. On September 17, 2015, Plaintiffs' attorney wrote a letter to Defendant Patton, identifying the Defendants' refusal to enroll ELL students aged sixteen (16) and older in Collier County public schools; stating that enrollment of students in Adult ESOL rather than in school violated state and federal laws; requesting rescission of the Policy; requesting that immediate

steps be taken to enroll G.O. and M.D. in school; and requesting that similarly situated students be ensured equal access to educational opportunities.

99. Defendants' general counsel responded to the letter, but refused to enroll the students in high school or to revise the School Board's policy or practice relating to enrollment.

CLASS ACTION ALLEGATIONS

100. Plaintiffs bring this action on behalf of Plaintiff Children and a class of similarly-situated individuals, pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure.

101. The class is defined as:

All recently-arrived, foreign-born, English Language Learner (ELL) students ages fifteen (15) and older who, after May 18, 2012, resided or will reside in Collier County, sought or will seek to enroll in a Collier County public school, and were or will be denied enrollment by the Defendants.

Rule 23(a)(1) – Numerosity

102. According to federal government data, more than 200 unaccompanied minors have been released to family or sponsors in Collier County each fiscal year since 2013, including 241 from October 2013 to

September 2014, 219 from October 2014 to September 2015, and 266 from October 2015 to June 2016 (the most recent data available).³

103. A report by the Congressional Research Service shows that nationally, children 16-17 years old made up 55% of the unaccompanied minors population in fiscal year 2013 and 46% of the population in fiscal year 2014. On average, children 16-17 years old have accounted for about half of the unaccompanied minors entering the United States. Congressional Research Service, *Unaccompanied Alien Children: Demographics in Brief* 4-5, (Sept. 24, 2014), <https://www.fas.org/sgp/crs/homsec/R43734.pdf> (last visited Aug. 8, 2016).

104. Assuming the age breakdown nationally is comparable to the age breakdown of the children who have resettled to Collier County, this would mean that approximately 50% of the unaccompanied minors who have come to Collier County are 16-17 years old.

105. This data shows that the proposed class consists of at least 110 to 130 children a year (50% of 241, 219, 266), or at least 330-390 total.

106. In the 2015-2016 school year alone, at least three hundred and sixty-nine (369) foreign-born students under the age of eighteen (18) years old

³ See Office of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by County FY 15*, <http://www.acf.hhs.gov/orr/unaccompanied-children-released-to-sponsors-by-county> (last visited Aug. 4, 2016).

were attending a Collier County Adult ESOL program instead of regular public school.

107. This is sufficient to show numerosity.

108. Joinder of the members of the class would be impracticable. The proposed class members are foreign-born students who are not proficient in English or familiar with the U.S. legal system.

109. Many parents or guardians of children in this situation will themselves have limited English proficiency, lack familiarity with the U.S. legal system, and lack resources necessary to advocate for these children.

110. In addition, the proposed class includes future members whose identities cannot yet be known.

Rule 23(a)(2) – Commonality

111. Members of the proposed class have been or will be adversely affected by Defendants' refusal to enroll recently-arrived ELL students aged 15 and older into public school with their peers.

112. Common questions for all class members include: (1) whether Defendants' refusal to enroll children in school violates the U.S. Constitution, the EEOA, and Title VI; and (2) whether Defendants' actions unlawfully segregate children from their peers and deny them access to programs and

activities in violation of the EEOA, Title VI of the Civil Rights Act of 1964 and the Florida Educational Equity Act.

113. Determination of these common questions will turn on an evaluation of the same legal standards, requirements, and policy and practice of the Defendants.

Rule 23(a)(3) – Typicality

114. The named Plaintiffs' claims are typical of those of the proposed class. They arise from Defendants' enrollment policy and practice that deny class members the opportunity to enroll in the public school, deny them equal access to educational opportunities, and segregate them from their peers. These claims are based on the same injuries and application of the same legal theories to all class members' claims.

115. All class members will benefit from an end to Defendants' discriminatory policy and practice.

Rule 23(a)(4) – Adequacy of Representation

116. The named Plaintiffs will fairly and adequately represent the class. They have no interests antagonistic to those of the class. They seek declaratory and injunctive relief to provide relief to all class members.

117. Plaintiffs' counsel is also fully qualified and prepared to pursue this litigation on behalf of the class. Plaintiffs are represented by the Southern

Poverty Law Center, a nonprofit organization with significant experience litigating class actions and with sufficient financial and human resources to litigate this matter.

118. Plaintiffs and their counsel will vigorously and competently prosecute this action on behalf of the class.

Rule 23(b)(2) – Defendants’ Refusal to Act on Grounds Applicable Generally to the Class

119. The named Plaintiffs challenge a policy and practice by the Defendants that is generally applicable to the class as a whole. That policy and practice operates to exclude class members from enrollment in their local public school alongside their peers.

120. Defendants have acted or refused to act on grounds that apply generally to the class, making final injunctive and corresponding declaratory relief appropriate with regard to the class as a whole.

CLAIMS FOR RELIEF

COUNT I

Equal Educational Opportunities Act of 1974 (“EEOA”)

121. The named Plaintiffs, on behalf of Plaintiff Children, and all others similarly situated, re-allege and incorporate by reference the allegations set forth in the foregoing paragraphs of this complaint as if fully restated herein.

122. Defendants Collier County School Board and Superintendent Patton are bound by the provisions of the EEOA, 20 U.S.C. § 1703.

123. Section 1703 of the EEOA states in part:

No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex or national origin by:

(a) the deliberate segregation by an educational agency of students on the basis of race, color, sex or national origin among or within schools;

[or] . . .

(f) the failure of 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(a), (f).

124. Through their actions and inactions, including excluding these students from public school, Defendants have denied Plaintiff Children and similarly situated students equal educational opportunity on account of their national origin by deliberately segregating them from their peers because of their national origin.

125. Through their actions and inactions, including denying these students enrollment, Defendants have denied Plaintiff Children and class members equal educational opportunities on account of their national origin by

failing to take appropriate action to overcome language barriers that impede these students' equal participation in Defendants' public school programs.

126. Defendants' failure to take appropriate action includes but is not limited to: a) refusal to enroll Plaintiff Children and class members in public school; b) referral of some recently-arrived, foreign-born ELL children in noncredit Adult ESOL classes that do not teach to the Florida standards or provide any opportunity to reintegrate into public school or earn credits toward a standard high school diploma; and c) failure to properly assess the English proficiency and academic levels of recently-arrived, foreign-born ELL children, place them according to English and academic skills, and develop an ELL student plan for each student in accordance with Defendants' ELL Plan.

127. As a result, Defendants deny Plaintiff Children and similarly situated students a free public education, the opportunity to learn the skills and subject matter set forth in the Florida Standards, credits toward a standard high school diploma, access to the other activities and programs available to students enrolled in public schools, and their full learning and earning potential.

128. Defendants' conduct violates the rights of Plaintiff Children, and others similarly situated, under the EEOA.

129. As a result of Defendants' actions and inactions, Plaintiff Children have suffered and will continue to suffer irreparable harm, which includes, but is not limited to, the loss of education, an inability to overcome language barriers, and diminished educational and future employment opportunities.

130. Named Plaintiffs, on behalf of Plaintiff Children, and all other similarly-situated students, request declaratory and injunctive relief to remedy Defendants' ongoing violation of these rights.

COUNT II

Title VI of the Civil Rights Act of 1964

131. The named Plaintiffs, on behalf of Plaintiff Children, and all other similarly-situated students, re-allege and incorporate by reference the allegations set forth in the foregoing paragraphs of this complaint as if fully restated herein.

132. Title VI provides that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program receiving federal funding. 42 U.S.C. § 2000d.

133. As recipients of federal funding, Defendants are prohibited from discriminating against Plaintiffs by excluding them from instructional services,

failing to provide them with instructional services, or providing them with inferior services on the basis of their national origin. Defendants are aware of their Title VI obligations, as certified in their ELL Plan.

134. Defendants, under color of law, deprived Plaintiff Children and all others similarly situated of their right to a free public education on the basis of their national origin. Defendants acted intentionally or with deliberate indifference to the likelihood that the federally-protected rights of Plaintiff Children and class members would be violated.

135. By excluding Plaintiff Children and class members from their schools, referring some to noncredit Adult ESOL classes that segregate them from their peers, failing to teach math, science, social studies and other skills and subject matter set forth in the Florida Standards, failing to provide credits toward a high school diploma, and denying access to other activities and programs available to students enrolled in public schools, Defendants have discriminated against Plaintiff Children and similarly-situated students on the basis of their national origin.

136. Defendants deny enrollment to Plaintiff Children and similarly-situated students based on a discriminatory blanket assumption that these children are likely to fail academically in a regular high school program, rather

than performing individualized language and academic assessments of Plaintiff Children and class members.

137. Defendants know that recently-arrived, foreign-born ELL students have been and are being denied enrollment from public high schools in Collier County. They are also aware of the large numbers of these students enrolled in noncredit adult ESOL classes that fail to provide instruction in any other curricular areas or offer an opportunity to progress toward a standard high school diploma. Yet Defendants continue to deny these students enrollment in their public schools.

138. Defendants fail to maintain records of putative class members who have attempted to enroll in Collier County high schools, which facilitates the evasion of their own ELL Plan, state and federal law.

139. Through their actions and inactions on the basis of national origin, Defendants have excluded Plaintiff Children, and similarly-situated students, from participation in a public school education and Defendants' ELL program, denied them the benefits of these programs, and subjected them to discrimination as set forth above.

140. As a result of Defendants' actions and inactions, Plaintiffs have suffered and will continue to suffer irreparable harm, which includes, but is not limited to, the loss of educational time, an inability to overcome language

barriers, and diminished educational and future employment opportunities.

Defendants' actions have caused and will continue to cause the named Plaintiffs to suffer compensable injuries, entitling the named Plaintiffs to compensatory damages.

141. The named Plaintiffs, on behalf of Plaintiff Children, and all others similarly situated, seek declaratory and injunctive relief to remedy these ongoing violations. The named Plaintiffs, individually, also seek compensatory damages.

COUNT III

Fourteenth Amendment Equal Protection Clause (42 U.S.C. § 1983)

142. The named Plaintiffs, on behalf of Plaintiff Children, and all other similarly-situated students, re-allege and incorporate by reference the allegations set forth in the foregoing paragraphs of this complaint as if fully restated herein.

143. The Fourteenth Amendment's Equal Protection Clause provides that "[n]o State shall . . . deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV.

144. Defendants, under color of state law, have acted and continue to act pursuant to a policy and practice to deprive Plaintiff Children, and all

others similarly situated, of the right to equal protection of the laws under the Fourteenth Amendment.

145. Defendants maintain a custom, policy, and practice of excluding recently-arrived, foreign-born ELL students from enrollment in public school.

146. School officials deny enrollment, acting purportedly pursuant to a District Policy that excludes children from public school in the academic year after they turn seventeen (17) years old, under the assumption that these children will not meet certain academic requirements by the time they turn nineteen (19). Defendants discriminate against Plaintiff Children and similarly-situated students by enforcing that policy against recently-arrived, foreign-born ELL children as young as fifteen (15) seeking enrollment in school.

147. The Policy was adopted and is enforced with the intent to discriminate against Plaintiff Children and other similarly-situated students on the basis of their national origin.

148. As the result of Defendants' actions, hundreds of recently-arrived, foreign-born ELL students—including those as young as 15—have been prevented from enrolling in public schools. Some have enrolled in the Adult ESOL program for a fee, alongside individuals decades their senior. Defendants are aware of the large numbers of students excluded from public school, but maintain their unconstitutional policy and practice.

149. As a result, Defendants deny Plaintiff Children, and similarly-situated students, a public school education, the opportunity to learn the skills and subject matter set forth in the Florida Standards, credits toward a standard high school diploma, access to the other activities and programs available to public school students, and their full learning and earning potential.

150. Defendants' actions in denying Plaintiffs and class members access to a public school education depart procedurally and substantively from the norms set forth in, *inter alia*, their own ELL Plan.

151. As a result of Defendants' actions and inactions, Plaintiffs and class members have suffered and will continue to suffer irreparable harm, which includes but is not limited to the loss of educational time, an inability to overcome language barriers, and diminished educational and future employment opportunities. Defendants' actions have caused and will continue to cause the named Plaintiffs to suffer compensable injuries, entitling the named Plaintiffs to compensatory damages.

152. The named Plaintiffs, on behalf of Plaintiff Children, and all other similarly-situated students, seek declaratory and injunctive relief to remedy these ongoing, constitutional violations. The named Plaintiffs, individually, also seek compensatory damages.

COUNT IV

Fourteenth Amendment Due Process Clause
(42 U.S.C. § 1983)

153. The named Plaintiffs, on behalf of Plaintiff Children, and all other similarly-situated students, re-allege and incorporate by reference the allegations set forth in the foregoing paragraphs of this complaint as if fully restated herein.

154. Through their actions and inactions, Defendants have deprived Plaintiff Children, and all others similarly situated, of their constitutionally-protected property interest to a public education by denying them the right to enroll in public school.

155. Defendants' lack of any procedures following denial of enrollment is constitutionally inadequate. Defendants denied Plaintiff Children, and all others similarly situated, the right to attend public school without any procedures, including notice, an opportunity to be heard, or an avenue to challenge an adverse determination.

156. As a result, Defendants deny Plaintiff Children, and similarly situated students, notice and an opportunity to be heard regarding their denial of public school enrollment and related educational opportunities.

157. Defendants acted pursuant to a custom, policy, and practice in depriving Plaintiff Children, and all others similarly situated, of a public education without notice or opportunity to be heard.

158. As a result of Defendants' actions and inactions, Plaintiff Children and class members have suffered and will continue to suffer irreparable harm, which includes, but is not limited to, the loss of educational time, an inability to overcome language barriers, and diminished educational and future employment opportunities. Defendants' actions have caused and will continue to cause the named Plaintiffs to suffer compensable injuries, entitling the named Plaintiffs to compensatory damages.

159. The named Plaintiffs, on behalf of Plaintiff Children, and others similarly situated, seek declaratory and injunctive relief to remedy these ongoing, constitutional violations. The named Plaintiffs, individually, also seek compensatory damages.

COUNT V

Florida Educational Equity Act, Fla. Stat. §§ 1000.05 et seq. and
Fla. Admin. Code Ann. r. 6A-19.001 et seq.

160. The named Plaintiffs, on behalf of Plaintiff Children, and all others similarly situated, re-allege and incorporate by reference the allegations set forth in the foregoing paragraphs of this complaint as if fully restated herein.

161. The Florida Educational Equity Act prohibits the exclusion of or discrimination against students on the basis of national origin. *See* Fla. Stat. § 1000.05(2)(a).

162. Under the Act, “discrimination” includes taking admission actions that adversely affect an applicant for admission based on “linguistic characteristics of a national origin group,” or “belonging to a national origin minority group, unnecessarily based on limited-English-language skills.” Fla. Admin. Code Ann. r. 6A-19.001.

163. The Act also bans admissions criteria that result in a disparate impact. Fla. Stat. § 1000.05(2)(b) (“[T]he criteria for admission to a program or course shall not have the effect of restricting access by persons of a particular race, ethnicity, national origin, gender, disability or marital status”).

164. Defendants’ actions and inactions to exclude Plaintiff Children, and all others similarly situated, from enrollment in public school violate the Florida Educational Equity Act.

165. Defendants’ policy and practice violate the rights of Plaintiff Children, and similarly-situated students, under the Florida Educational Equity Act.

166. Defendants deny Plaintiff Children, and similarly-situated students, a public school education, the opportunity to learn the skills and

subject matter set forth in the Florida Standards, credits toward a standard high school diploma, access to other activities and programs available to students enrolled in public school, and their full learning and earning potential.

167. The named Plaintiffs, on behalf of Plaintiff Children, and others similarly situated, seek declaratory and injunctive relief to remedy these ongoing violations of the Florida Educational Equity Act.

REQUESTS FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- a. Assume jurisdiction over this matter;
- b. Certify Plaintiffs' claims as class claims pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure;
- c. Designate named Plaintiffs as representatives for the class and designate the named Plaintiffs' counsel as counsel for the class pursuant to Federal Rule of Civil Procedure 23;
- d. Declare that Defendants' acts and omissions violate the rights of Plaintiff Children, and class members, under the Equal Educational Opportunities Act;
- e. Declare that Defendants' acts and omissions violate the rights of Plaintiff Children, and class members, under Title VI of the Civil Rights Act of 1964;

- f. Declare that Defendants' actions and omissions violate the rights of Plaintiff Children, and class members, under the Fourteenth Amendment Equal Protection Clause;
- g. Declare that Defendants' acts and omissions violate the rights of Plaintiff Children, and class members, under the Fourteenth Amendment Due Process Clause;
- h. Declare that Defendants' acts and omissions violate the rights of Plaintiff Children, and class members, to be free from discrimination under the Florida Educational Equity Act;
- i. Declare Defendants to be liable for the days of school Plaintiff Children, and similarly-situated students, missed due to Defendants' unlawful policy and practice of denying them enrollment;
- j. Enter injunctive relief in the form of:
 - 1. Requiring Defendants to take affirmative steps to enroll Plaintiff Children, and similarly situated students, in an age-appropriate, public school setting.
 - 2. Requiring Defendants to adopt policies, procedures, and training to end Defendants' ongoing violations of the EEOA, Title VI, the U.S. Constitution and state

law, and to publicize to the community at large and to class members, in a language and form of communication that they understand, those new policies and procedures.

3. Requiring Defendants to communicate to all class members, in a language and form of communication that they understand, that they can enroll in school and can make up any days of school that they missed as a result of Defendants' unlawful policy and practice of denying them enrollment.
4. Requiring Defendants to adopt policies and procedures to provide prospective students with notice and an opportunity to be heard regarding decisions about eligibility for enrollment in Defendants' public schools.
5. Requiring Defendants to provide compensatory education to Plaintiff Children to remedy the harms caused by Defendants' unlawful policy and practice of denying them enrollment.

- k. Award compensatory damages to named Plaintiffs for their Claims Under Title VI and the Equal Protection and Due Process Clauses of the Fourteenth Amendment.
- l. Award Plaintiffs reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and Fla. Stat. § 1000.05(7); and
- m. Grant any other relief the Court deems just and reasonable.

Respectfully submitted this 8th day of August, 2016,

SOUTHERN POVERTY LAW CENTER

By: /s/ Michelle Lapointe
Michelle R. Lapointe*
GA Bar No. 007080
1989 College Avenue NE
Atlanta, GA 30317
T: 404.521.6700
F: 404.221.5857
Michelle.Lapointe@splcenter.org
* *Admitted Pro Hac Vice*

Jessica Zagier Wallace
Fla. Bar. No. 956171
Tania Galloni
Fla. Bar No. 619221
4770 Biscayne Blvd., Ste. 760
Miami, Florida 33137
T: 786.347.2056
F: 786.237.2949
Jessica.Wallace@splcenter.org
Tania.Galloni@splcenter.org

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on August 8, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will provide service to the following:

James D. Fox
ROETZEL & ANDRESS, LPA
850 Park Shore Drive
Trianon Centre – Third Floor
Naples, Florida 34103
T: 239.649.2705
F: 239.261.3659
jfox@ralaw.com

Jon Fishbane
District General Counsel
Collier County School District
5775 Osceola Trail
Naples, Florida 34109
T: 239.377.0499
F: 239.377.0501
fishbj@collierschools.com

/s/ Michelle Lapointe