



The Alliance for Children's Rights, the Learning Rights Law Center and Milbank File Lawsuit Against LAUSD on Behalf of Students with Special Needs

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LOS ANGELES, December 15, 2020 — In order to secure essential in-person educational services for students with special needs during the COVID-19 pandemic, a litigation team from Milbank LLP, led by partner Alex G. Romain, [filed suit](#) on December 11 on behalf of petitioners Alliance for Children's Rights ("the Alliance") and Learning Rights Law Center ("Learning Rights"), both nonprofit organizations. The organizations are also represented by co-counsel Valerie Vanaman, of Newman Aaronson Vanaman, and Alexis Casillas, of The Law Offices of Alexis Casillas. The suit was filed in the Supreme Court of California against the Los Angeles Unified School District ("LAUSD") and LAUSD Superintendent Austin Beutner, in his official capacity seeking to prevent LAUSD from denying safe in-person assessments and instruction to those who want it and for whom it is an essential service. On December 14, the Supreme Court directed LAUSD to respond and address all issues raised in the petition. All briefings will be completed by December 28, 2020.

The petition for writ of mandate seeks immediate injunctive relief in response to LAUSD's shutdown of all in-person assessments and instruction, effective December 10, 2020. The petition argues that California's emergency Senate Bill 98 requires LAUSD to provide in-person assessments and instruction to students who cannot access the educational curriculum through distance learning. Senate Bill 98 directs local educational agencies, including public schools, to offer classroom-based instruction "whenever possible, particularly for pupils who have experienced significant learning loss due to school closures." The petition does not seek to compel any students, teachers, or staff who are in COVID-19 high-risk categories, or live with someone in a high-risk category, to participate in in-person assessments or instruction, but rather to make them available for those who need it and want to participate.

"There is no question that significant learning loss has already occurred, is ongoing, and will lead to irreparable harm for these students," said Milbank partner and Alliance board member Alex G. Romain. "This slow-motion catastrophe may have irreversible and life-long negative consequences for students. It can and should be addressed immediately, consistent with state and local public health guidelines that allow for safe, in-person instruction and related services in small cohorts."

"Children with special needs urgently require support and services to thrive," stated Jennifer L. Braun, President and CEO of the Alliance. "The public health authorities have said that there

are safe ways to meet the needs of these students for months now, and other districts have found ways to support these vulnerable students. These children simply cannot wait any longer as these delays are leading to irreversible learning loss and trauma.”

Janeen Steel, Founder and Executive Director of the Learning Rights Law Center, added: “School closures have disrupted education for all children. But for vulnerable students with special needs, distance learning is impossible. That is why we have filed suit to ensure that these students safely receive the assessments and instruction that they need.”

The Milbank pro bono team representing the Alliance and Learning Rights includes Mr. Romain, associates Elena Kilberg, Alexandra Achamallah, Mollie Galchus and Lou Testani, and law clerks Kristen Kido and David Louison. Representatives for the Alliance for Children’s Rights include Ms. Braun and Angie Schwartz, Vice President, Policy and Advocacy. Representatives for Learning Rights include Ms. Steel.

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ABOUT THE ALLIANCE FOR CHILDREN’S RIGHTS

The Alliance for Children’s Rights protects the rights of impoverished, abused, and neglected children and young adults impacted by foster care. By providing free legal representation and social services, and by advocating for broad solutions through ground-breaking child welfare policy reform, the Alliance clears barriers to stability and opportunity so that young people and families can access the support and services they need to thrive. For more information, visit www.allianceforchildrensrights.org.

ABOUT LEARNING RIGHTS LAW CENTER

[Learning Rights Law Center](#) (“LRLC”) is a nonprofit organization that provides legal services to disadvantaged students not receiving an equitable public education. LRLC focuses its efforts on the most vulnerable K-12 students who have learning disabilities, physical disabilities, or otherwise face discrimination. LRLC addresses the crisis in the education system through advocacy, litigation, training and community organizing.

ABOUT NEWMAN AARONSON VANAMAN

For more than four decades, Valerie Vanaman has represented students who need help obtaining services from private and governmental agencies, providing knowledgeable and compassionate legal representation to families with special situations. [Newman Aaronson Vanaman](#) provides representation for individuals challenged with disabilities and for their families, securing for their clients a basic education, as well as their rights under such programs as the Individuals with Disabilities Education Act, Social Security Act, Supplemental Security Income Act, Americans with Disabilities Act and the Lanterman Developmental Disabilities Services Act.

ABOUT LAW OFFICES OF ALEXIS CASILLAS

[Ms. Casillas](#) holds leadership roles in local, regional, and national non-profit organizations that work on behalf of students and on behalf of individuals with disabilities. She is a past Chair of the Board of the

Council of Parent Attorneys and Advocates, the oldest and largest network of parents, attorneys, and advocates working to protect the civil rights of students with disabilities. She has created numerous trainings on special education rights and procedures for students, parents, related professionals, and other attorneys. Her firm works with students on a variety of educationally-related issues, and handles IDEA-related appeals across the country.

ABOUT MILBANK

Milbank LLP is a leading international law firm that provides innovative legal services to clients around the world. Founded in New York over 150 years ago, Milbank has offices in Beijing, Frankfurt, Hong Kong, London, Los Angeles, Munich, New York, São Paulo, Seoul, Singapore, Tokyo and Washington, DC. Milbank's lawyers collaborate across practices and offices to help the world's leading commercial, financial and industrial enterprises, as well as institutions, individuals and governments, achieve their strategic objectives. To learn more about Milbank, please visit www.milbank.com and follow us on [LinkedIn](#), [Twitter](#) and [Instagram](#).