



## ! Equal Justice Society Seeks Research Memo on Impact of Trump’s Executive Orders on Class Action Settlement

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### Project Title

Equal Justice Society Seeks Research Memo on Impact of Trump’s Executive Orders on Class Action Settlement

### Scope of Work

Produce a research memo on the impact of Trump’s Executive Orders on a class action settlement.

### Timing

Timeline: EJS is seeking the research memo to be completed by the first week of March.

### Jurisdiction

### Contact Information

Please contact Mona Tawatao ([mtawatao@equaljusticesociety.org](mailto:mtawatao@equaljusticesociety.org)), Legal Director at the Equal Justice Society if you are interested in taking this on.

### Description

**Background:** The Equal Justice Society (EJS) filed a class action in the EDCA in fall 2019 on behalf of several Black students with disabilities against a large Northern California school district with a total student population of around 48,000 students. The members of the classes defined in the complaint—students with disabilities and Black students with disabilities—total around 6,000. The action was seeking to remedy two major categories of harms: 1) the district’s disproportionate discipline (suspension and expulsions) of students with disabilities, particularly Black students

with disabilities; and 2) the disproportionate placement of students with disabilities, particularly Black students with disabilities, in segregated educational settings (separate from their non-disabled peers). The complaint alleged unlawful race and disability discrimination by the district against the class members in violation of the ADA, Section 504, Equal Protection, Title VI, and California Government Code section 11135.


The district, which holds itself out as a “liberal” school district, asked to enter settlement negotiations fairly quickly; EJS never had to move for class certification or litigate further than filing. By December 2019, the parties entered into a structured negotiations agreement/process and the parties eventually reached settlement in May 2023. To operationalize the settlement agreement, per the terms of the agreement, the parties and independent monitor (who was selected in fall 2023) finalized an Action Plan in September 2024. The five year compliance period of the settlement agreement started running then.

**Request for Help:** EJS is concerned about the potential impact of Trump’s Executive Orders (EOs), including the order that seeks to prohibit programs in public schools based on an ill-defined “discrimination equity ideology.” The concern is twofold: 1) Will the district, in response to the EOs, seek to water down or refuse to comply with certain sections of the settlement agreement and action plan; and/or 2) will the Department of Education, such that it exists, and Department of Justice (DOJ) seek to prohibit the school district from implementing all or some of the action plan on threat of defunding or other penalty against the district. EJS is prepared to provide a detailed list of the provisions of the settlement agreement and action plan that they would like reviewed in light of the EOs; they are seeking a research memo to be drafted to memorialize the findings.

**Timeline:** EJS is seeking the research memo to be completed by the first week of March.

**Subtasks (0)**

**Reminders(1)**

 1 day(s) before