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Atkins v. California

Prompts Legislature to Adopt Charter School Funding Fix YM&C Now Challenges Defunding of Students at Non-Classroom Based Charter Schools

At the end of June, the Legislature adopted a State budget that defunded the education of more than 50,000 new students attending growing charter schools and school districts. Just a few weeks after SB 98 was signed into law, Young, Minney & Corr, LLP filed a lawsuit against the State, the Governor, the State Superintendent of Public Education, the State Controller, and the California Department of Education, on behalf of John Adams Academies, Fortune School, Voices College-Bound Language Academies, and Sycamore Creek Community Charter School, as well as nineteen of their students to challenge the unconstitutional student defunding scheme. Shortly thereafter, the Legislature adopted a “fix” for classroom-based schools in response to the litigation, but not non-classroom-based schools were excluded, prompting YM&C to file a second lawsuit on their behalf, *Reyes v. California*.

In *Atkins*, YM&C contended that by requiring charter schools to incur the cost to educate already-enrolled students who the State would not provide funding for, SB 98 upended charter school budgets throughout the State. For some charter schools, the impact was so severe that they faced a risk of closure during the school year thereby displacing students and hard-working employees; for many other charter schools, defunding students was going to cause deep programmatic cuts, layoffs, and large class sizes which would be devastating to students.

Given these impacts, YM&C argued that the State was acting illegally, in violation of the constitutional rights of students to receive a public education on an equitable basis, as well as the legal rights of charter schools to serve their students according to their charters. The case soon garnered considerable attention in national and regional media, and an outpouring of support from all corners of the State.

Just over a month after *Atkins v. State of California* was filed, the Legislature passed SB 820, ensuring that classroom-based charter schools would be funded for the growth they officially budgeted for, as of June, in the 2020-21 school year. YM&C is proud to have assisted the plaintiffs in the *Atkins* lawsuit to force the legislature to make meaningful change to the law. We know this result will strengthen charter school budgets for the benefit of tens of thousands of children. We would like to thank the charter schools and the student plaintiffs for their courage in bringing this lawsuit that ultimately benefited all classroom-based charter schools.

To be sure, SB 820 is far from perfect. It excludes non-classroom-based schools from claiming any funding for growth enrollment and leaves classroom-based schools unfunded for students who were not expressly budgeted for as of June.

Legal Alert
Atkins v. California Legal Alert
October 14, 2020

YM&C will continue zealously advocating for classroom-based and non-classroom-based charter schools to secure their right to be funded for students who continue to be left behind under SB 98 and SB 820. The *Atkins* case will go forward alongside *Reyes v. State of California*, a class action lawsuit against the same state parties, seeking similar relief for non-classroom based charter schools and their students. We are determined that *every* child will be funded and have access to high quality public schools. #FundAllKids.

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