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Milbank partner sends demand letter to LA school district on behalf of special needs students

The Los Angeles Unified School District has not taken substantive action to start in-person instruction in small groups for special needs students although the state has allowed it since September, according to a letter written by Milbank LLP on Thursday.

Milbank LLP partner Alex G. Romain wrote on behalf of Alliance for Children's Rights, which demands the district carry out its plans to address irreparable damage to vulnerable students who haven't been able to go back to school since March under Gov. Gavin Newsom's shutdown orders.

A spokesperson for the school district could not be reached to comment on the issue by press time.

"We appreciate that the obstacles the district faces are substantial, and we would like to believe that the district is working in good faith to address these issues for all its

constituents," Romain wrote. "Our inquiry here does not seek to address every problem, to encompass every student, or to magically resolve every challenge inherent in distance learning. Rather, our sole focus is on students with disabilities and students who need special education — those children whom the California Legislature described as pupils who have experienced significant learning loss due to school closures"

The California Education Code directs schools to provide in-person or remote learning whenever possible, but does not allow districts to choose one or the other, Romain said.

He claimed School District Superintendent Austin Beutner had promised starting Nov. 10 that special education professionals would start conducting assessments of students. The plan was to avoid litigation, he said.

Romain's letter is one of several actions filed on behalf of students during the school closures. In September, Kirkland & Ellis LLP sued the Los Angeles schools, claiming they deprived Black and Latino students of adequate online learning. *Keshara Shaw et al v. Los Angeles Unified School District, Austin Beutner, et al 20STCV36489* (L.A. Super. Ct., filed Sept. 24, 2020).

In August, Deborah S. Reisdorph filed a federal lawsuit against all school districts in California on behalf of a proposed class of 800,000 special needs students over similar issues, saying the districts violated the Individuals with Disabilities Act. *Martinez et al v. Gavin Newsom, Tony Thurmond, San Bernardino City Unified School District, et al, 5:20CV01796* (C.D. Cal., filed Aug. 31, 2020).

— Gina Kim