



# MEDIA ADVISORY

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## **Court of Appeal Hears Oral Argument in ‘No Child Left Behind’ Case**

JUDICIAL COUNCIL OF  
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San Francisco—The Court of Appeal, First Appellate District, will hear oral arguments in a case involving the federal No Child Left Behind Act at 1:30 p.m., Monday, May 18, 2009. Oral arguments will be held in the Court of Appeal Courtroom, Fourth Floor, Earl Warren Building, 350 McAllister Street, San Francisco. (*Coachella Valley Unified School District v. State of California*, A120667)

*A summary of the case follows:*

California participates in the federal No Child Left Behind Act (NCLBA) and includes in its assessment program for purposes of NCLBA accountability most of the nearly 1.6 million students attending public schools in this state who are classified as “English learners.” California tests all of its public students in English. However, school districts are obligated to provide English learners certain accommodations or testing variations if these accommodations are regularly used in the classroom or for assessment.

Appellants are nine school districts that receive funds under the NCLBA. Their lawsuit has challenged the decision of the State Board of Education to test all students in English for NCLBA purposes. Appellants contend that the State respondents have not adhered to requirements of the NCLBA to (1) assess English learners in a “valid and reliable manner,” and (2) provide reasonable accommodations on assessments that are most likely to yield accurate data on what these students know and can do in academic content areas.

Appellants sought a writ of mandate compelling the State respondents to comply with these requirements and further contended that respondents’ selection of the NCLBA assessment program amounted to an abuse of discretion. Denying the writ petition, the trial court concluded that the manner in which the State respondents conducted student assessments for NCLBA purposes did not violate any ministerial duty; and nor, as a matter of law, did it constitute an abuse of any discretionary authority. This appeal followed, challenging these decisions.

Press seating in the courtroom will be limited. An overflow viewing area will be available in the Milton Marks Conference Center Auditorium, Hiram Smith State Office Building, Lower Level, 455 Golden Gate Avenue, San Francisco 94102.

For more information, such as the attorneys of record, see the Court of Appeal's online case information system:

[http://appellatecases.courtinfo.ca.gov/search/case/mainCaseScreen.cfm?dist=1&doc\\_id=1199620&doc\\_no=A120667](http://appellatecases.courtinfo.ca.gov/search/case/mainCaseScreen.cfm?dist=1&doc_id=1199620&doc_no=A120667).

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