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20 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
21 **COUNTY OF ALAMEDA**

22 MILIANI RODRIGUEZ, et al.,
23 Plaintiffs,
24 v.
25 STATE OF CALIFORNIA, et al.,
26 Defendants.

Case No. 25CV150626

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Date: May 13, 2026
Time: 1:30 PM
Dept: 18
Judge: Hon. Patrick McKinney

Reservation ID: 838915506940

Action Filed: October 23, 2025

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TABLE OF ABBREVIATIONS

Abbreviation	Term
Calexico USD	Calexico Unified School District
Coachella Valley USD	Coachella Valley Unified School District
Defendants	State of California, State Allocation Board, Office of Public School Construction, State School Building Finance Committee, and California Department of Education, Does 1-100
Del Norte County USD	Del Norte County Unified School District
Emery USD	Emery Unified School District
Fall River JUSD	Fall River Joint Unified School District
Firebaugh-Las Deltas USD	Firebaugh-Las Deltas Unified School District
Lynwood USD	Lynwood Unified School District
OPSC	Office of Public School Construction
Palm Springs USD	Palm Springs Unified School District
Palo Alto USD	Palo Alto Unified School District
Parent Plaintiffs	Sandra Ramirez, Raul Leon, Karesha Boyd, D’arcy Villere, Brenda Contreras, Brenda Rivera, Norma Sandoval, and Areli Landa
Parlier USD	Parlier Unified School District
Pittsburg USD	Pittsburg Unified School District
Plaintiffs	Miliani Rodriguez, Sandra Ramirez, Raul Leon, Perla Penalber, Karesha Boyd, D’arcy Villere, Brenda Contreras, Audrey Kitty Casas, Brenda Rivera, Cynthia Pérez, Norma Sandoval, Areli Landa, Herbert James Hopkins, Angelica G., through her <i>guardian ad litem</i> , Angela Cardenas Gutierrez, True North Organizing Network, Alianza Coachella Valley, and Inland Congregations United for Change
SAB	State Allocation Board
Salinas City ESD	Salinas City Elementary School District
SFP	California’s School Facility Program
Stockton USD	Stockton Unified School District
Student Plaintiffs	Miliani Rodriguez and Angelica G., through her <i>guardian ad litem</i> , Angela Cardenas Gutierrez

TABLE OF DECLARATIONS

Appendix Number	Abbreviation	Source
	Stephens Decl.	Declaration of Matthew Stephens in Support of Plaintiffs' Motion for Preliminary Injunction
	Baker Decl.	Declaration of Bruce D. Baker in Support of Plaintiffs' Motion for Preliminary Injunction
1	Andrade Decl.	Declaration of Rebeca Andrade in Support of Plaintiffs' Motion for Preliminary Injunction
2	Angelica G. Decl.	Declaration of Angelica G. in Support of Plaintiffs' Motion for Preliminary Injunction
3	Boyd Decl.	Declaration of Karesha Boyd in Support of Plaintiffs' Motion for Preliminary Injunction
4	C. Lopez Decl.	Declaration of Cristina Lopez in Support of Plaintiffs' Motion for Preliminary Injunction
5	C. Perez Decl.	Declaration of Cynthia Perez in Support of Plaintiffs' Motion for Preliminary Injunction
6	Cabrera Decl.	Declaration of Evelyn Cabrera-Herrera in Support of Plaintiffs' Motion for Preliminary Injunction
7	Campbell-Blair Decl.	Declaration of Amy Lynne Campbell-Blair in Support of Plaintiffs' Motion for Preliminary Injunction
8	Casas Decl.	Declaration of Audrey Kitty Casas in Support of Plaintiffs' Motion for Preliminary Injunction
9	Collins Decl.	Declaration of Matthew Todd Collins in Support of Plaintiffs' Motion for Preliminary Injunction
10	Contreras Decl.	Declaration of Brenda Contreras in Support of Plaintiffs' Motion for Preliminary Injunction
11	Crosthwaite Decl.	Declaration of G. Crosthwaite in Support of Plaintiffs' Motion for Preliminary Injunction
12	Dolan Decl.	Declaration of Tom Kevin Dolan in Support of Plaintiffs' Motion for Preliminary Injunction
13	Dr. Rodriguez Decl.	Declaration of Dr. Michelle Rodriguez in Support of Plaintiffs' Motion for Preliminary Injunction
14	Esparza Decl.	Declaration of Frances Esparza in Support of Plaintiffs' Motion for Preliminary Injunction
15	Glover Decl.	Declaration of Sheenna Glover in Support of Plaintiffs' Motion for Preliminary Injunction
16	Harris Decl.	Declaration of Jeff Harris in Support of Plaintiffs' Motion for Preliminary Injunction
17	Jimenez Decl.	Declaration of Arturo Jimenez in Support of Plaintiffs' Motion for Preliminary Injunction
18	Landa Decl.	Declaration of Areli Landa in Support of Plaintiffs' Motion for Preliminary Injunction
19	Leon Decl.	Declaration of Raul Alexander Leon in Support of Plaintiffs' Motion for Preliminary Injunction
20	M. Rodriguez Decl.	Declaration of Miliiani Rodriguez in Support of Plaintiffs' Motion for Preliminary Injunction
21	Matos Decl.	Declaration of Elizabeth Fatima Matos in Support of Plaintiffs' Motion for Preliminary Injunction
22	Mendez Decl.	Declaration of Olivia Rodriguez Mendez in Support of Plaintiffs' Motion for Preliminary Injunction
23	Molina Decl.	Declaration of Mayra Molina in Support of Plaintiffs' Motion for Preliminary Injunction

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24	Musbach Decl.	Declaration of Terrin Dawn Musbach in Support of Plaintiffs' Motion for Preliminary Injunction
25	Nugent Decl.	Declaration of Morgan Nugent in Support of Plaintiffs' Motion for Preliminary Injunction
26	Paz Decl.	Declaration of Silvia Paz in Support of Plaintiffs' Motion for Preliminary Injunction
27	Penalber Decl.	Declaration of Perla Yvonne Penalber in Support of Plaintiffs' Motion for Preliminary Injunction
28	Perez Decl.	Declaration of Juana Leticia Perez de Trujillo in Support of Plaintiffs' Motion for Preliminary Injunction
29	Ramirez Decl.	Declaration of Sandra Ramirez in Support of Plaintiffs' Motion for Preliminary Injunction
30	Rivera Decl.	Declaration of Brenda Rivera in Support of Plaintiffs' Motion for Preliminary Injunction
31	Rubio Decl.	Declaration of John Joseph Rubio, Jr. in Support of Plaintiffs' Motion for Preliminary Injunction
32	S. Lopez Decl.	Declaration of Silvano P. Lopez in Support of Plaintiffs' Motion for Preliminary Injunction
33	Sandoval Decl.	Declaration of Norma M. Sandoval in Support of Plaintiffs' Motion for Preliminary Injunction
34	Villere Decl.	Declaration of D'Arcy Francois Villere in Support of Plaintiffs' Motion for Preliminary Injunction
35	A. Cardenas Gutierrez Dec.	Declaration of Cardenas Gutierrez in Support of Plaintiffs' Motion for Preliminary Injunction

INDEX OF EXHIBITS

Exhibit Number	Page Number	Description
1	0001 - 0004	Priority Funding Acceptance List, published by the California Department of General Services, dated December 11, 2025
2	0005 - 0034	California State Allocation Board Meeting Notice and Agenda, dated January 22, 2025
3	0035 - 0073	California Acting State Auditor Report 2021-115, <i>School Facilities Program: California Needs Additional Funding and a More Equitable Approach to Modernizing its School Facilities</i> , dated January 27, 2022
4	0074 - 0162	California School Facility Program Handbook, prepared by the Office of Public School Construction, dated January 2019
5	0163 - 0172	Eric J. Brunner, professor of Economics and Public Policy at the University of Connecticut, and Jeffrey M. Vincent’s, director of Public Infrastructure Initiatives at the Center for Cities + Schools at the University of California, Berkeley, Research Brief, <i>Financing School Facilities in California: A 10-Year Perspective</i> , dated September 2018
6	0173 - 0175	Election Results of the Coachella Valley Unified School District, California, Measure G, Bond Issue (March 2020)
7	0176 - 0179	Election Results of the Del Norte Unified School District, California, Measure H, School Infrastructure Bond Measure (November 2024)
8	0180 - 0193	“ <i>CVUSD student helps sue California over funding gap for poor districts</i> ,” published by Desert Sun, dated October 23, 2025
9	0194 - 0198	Election Results of the Salinas City Elementary School District, California, Measure G, School Improvements Bond Measure (November 2022)
10	0199 - 0203	Election Results of the Salinas City Elementary School District, California, Measure H, School Modernization Bond Measure (November 2022)
11	0204 - 0229	Report published by the Public Policy Institute of California, <i>Equitable State Funding for School Facilities: Assessing California’s School Facility Program</i> , dated March 2022
12	0230 - 0232	Webpage from the California Department of General Services, Office of Public School Construction, titled <i>Priority Funding for School Construction</i>
13	0233 - 0251	Susanna Loeb, School of Education at Stanford University, Anthony Bryk, School of Education at Stanford University, and Eric Hanushek’s, Hoover Institution at Stanford University, article, “ <i>Getting Down to Facts: School Finance and Governance in California</i> ,” published September 2018
14	0252 - 0262	Policy Brief titled “ <i>Education Equity Requires Modern School Facilities</i> ,” published by BASIC ([Re]Build America’s School Infrastructure Coalition) September 2018
15	0263 - 0322	Joshua Goodman, Harvard University, Michael Hurwitz, College Board, R. Jisung Park, University of California, Los Angeles, and Jonathan Smith’s, Georgia State University, EdWorking Paper No. 19-30, <i>Heat and Learning</i> , dated April 11, 2019
16	0323 - 0336	Sara Hinkley’s blogpost, <i>Moving to Equity: California School Facility Program Reform</i> , published by the University of

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		California, Berkely Center for Cities + Schools on May 21, 2024
17	0337 - 0352	California State Allocation Board Meeting Notice and Agenda, dated February 26, 2025
18	0353 - 0369	California State Allocation Board Meeting Notice and Agenda, dated January 28, 2026
19	0370 - 0381	California State Allocation Board Meeting Notice and Agenda, dated October 22, 2025

1 **I. INTRODUCTION**

2 Plaintiffs seek to stop further apportionment of Proposition 2 school facilities
3 modernization funds under the state’s School Facilities Program (SFP) until a trial on the merits.
4 Unless enjoined, Defendants will continue to distribute \$4 billion in voter-approved bond funds
5 pursuant to a wealth-based allocation scheme that irreparably denies students in low-wealth
6 districts equal educational opportunity and violates the California Constitution.

7 For more than 25 years, the SFP has allocated state modernization funds in a manner that
8 systematically favors wealthy districts and shortchanges low-wealth districts. The result is a stark
9 and enduring disparity: students in high-wealth districts attend modern, well-equipped schools,
10 while students in low-wealth districts attend facilities with unsafe and degrading conditions—
11 including water damage, asbestos, mold, inadequate HVAC, unsafe playgrounds, and unusable
12 bathrooms—that materially impair their ability to learn. The California Constitution forbids
13 wealth-based disparities in educational opportunity and requires a uniform statewide system of
14 common schools that delivers basic equality of opportunity. (Cal. Const., art. IX, §§ 5, 7.) Yet the
15 SFP entrenches disparity and denies students in low-wealth districts basic educational equality.

16 The inequities perpetuated by the SFP have reached a critical phase. In November 2024,
17 voters approved Proposition 2, authorizing \$4 billion for K–12 school facility modernization as
18 part of an overall \$10 billion facilities bond authorization. Defendants are, with minor,
19 inconsequential adjustments, distributing those funds under the same unconstitutional framework.
20 More than \$800 million has already been committed. Absent an injunction, the remaining funds
21 will be exhausted long before they can ever reach the low-wealth districts that need them most.
22 Once spent, these funds will not be replenished until a future voter bond initiative, which history
23 suggests may not occur for another decade—years after the Student Plaintiffs matriculate.

24 An injunction is needed now to preserve the status quo and prevent the irreversible
25 depletion of Proposition 2 funds before trial.

26 **II. BACKGROUND**

27 **A. The School Facilities Program**

1 State funding for school facility modernization is administered through the SFP. (Ed.
2 Code §§ 17070.10 *et seq.*) “Modernization” means modification or replacement of a permanent
3 school structure that is at least 25 years old or a portable classroom that is at least 20 years old, to
4 enhance its ability to “achieve educational purposes.” (Ed. Code, § 17070.15, subd. (1).)

5 Since SFP’s 1998 inception, the state has generally funded 60 percent of eligible
6 modernization project through the SFP, subject to a local 40 percent match. (Ed. Code,
7 § 17074.16.) There is a substantial statewide backlog of SFP modernization applications.
8 (Stephens Decl. Ex. 1.) If all projects submitted before the passage of Proposition 2 are approved,
9 the SFP would distribute approximately \$3.47 billion in matching funds—nearly the entire
10 amount allocated for modernization under Proposition 2—using the historical 60 percent match
11 rate. (*Id.*, Ex. 2, at pp. 0011-0012.)

12 To access SFP funds, districts submit applications to the OPSC, which reviews eligibility
13 and forwards recommendations to the SAB for approval. Approved projects are placed on an
14 unfunded approval list until state funds become available. (Stephens Decl., Ex. 3 at p. 0046)
15 When bond funds are authorized, OPSC opens a “priority funding round,” during which districts
16 on the unfunded approval list may request funding. OPSC then makes recommendations to the
17 SAB, which apportions funds on a first-come, first-served basis based on the date of the original
18 application submission. (*Ibid.*, Stephens Decl., Ex. 4 at p. 0117.)

19 In 2024, the Legislature passed AB 247, which made marginal adjustments to the SFP
20 matching formula for projects submitted on or after October 31, 2024. Projects submitted before
21 that date are treated under the prior 60/40 formula under AB 247. (Ed. Code, § 101412, subd.
22 (a)(2)(B).) Although AB 247 could increase the state match from 60 percent up to 65 percent for
23 some districts, it does little to address entrenched disparities, as wealthier districts have
24 historically received approximately 2.5 times more SFP modernization funding per student than
25 the poorest districts. (Baker Decl. ¶¶ 5, 10.) At the same time, construction costs are often higher,
26 particularly for lower-wealth, rural districts. (See Harris Decl. ¶ 14; Andrade Decl. ¶¶ 9–11.)

27 The SFP amplifies wealth disparity by tying eligibility to a district’s capacity to raise local
28

1 funding. School modernization is primarily funded through local bonds. (Baker Decl. ¶ 3.) Local
2 bonding capacity depends on assessed property values, as districts may only issue local bonds up
3 to 2.5 percent of assessed property value for unified districts and 1.25 percent for elementary and
4 high school districts. (Ed. Code, §§ 15270, 15268.) Districts with higher-value property can
5 therefore raise far more local funding per student and thus qualify for greater state modernization
6 funds under the SFP. This uniform match framework enables wealthier districts to pursue more
7 and larger modernization projects, while low-wealth districts are limited to fewer and smaller
8 improvements. (Baker Decl. ¶¶ 5, 10; Stephens Decl., Ex. 5.)

9 Specifically, poorer, smaller, and rural school districts often cannot meet the SFP’s
10 40 percent local matching requirement because their ability to raise local bond funding is
11 structurally constrained by low-assessed property values, limited tax bases, and higher relative tax
12 burdens on residents. In fact, the highest wealth districts are 61 percent more likely to pass bonds
13 than the poorest quintile. (Baker Decl. ¶ 57.) For example, both Coachella Valley USD and Del
14 Norte USD failed to pass bonds in 2022 and 2024, respectively. (Stephens Decl., Exs. 6, 7) Del
15 Norte USD has only passed one bond measure in *its entire 60-year history*. (Harris Decl. ¶ 11.)

16 Many low-wealth school districts are simply discouraged from even putting bonds
17 measures on the ballot. (See, e.g., Esparza Decl. ¶ 14 [noting how in 2024, Coachella decided
18 against pursuing a bond, predicting that the bond measure would not pass]; Stephens Decl., Ex. 8;
19 see also Coachella Valley USD, *CVUSD Board Meeting 01/18/2024*, at 46:42 (YouTube, Jan. 23,
20 2024), [tabling discussion of new bond measure, citing a “tough budget year” and belief a bond
21 would not pass], <<https://www.youtube.com/watch?v=Djo35fBx3VM>>.) Even if low-wealth
22 districts do manage to pass a bond and receive modernization funding, they receive substantially
23 less than their wealthy counterparts. (Baker Decl. ¶¶ 57, 58.) (receiving \$1,787 less per pupil than
24 the wealthiest quintile districts). Further, bonds that do pass in these districts often fall far short of
25 what is needed. To illustrate, although Salinas City ESD passed two bonds in 2022 for a total of
26 \$149 million in funding, the district’s current assessment to modernize its facilities is more than
27 three times that. (Andrade Decl. ¶ 19; Stephens Decl., Exs. 9, 10.) Calexico USD passed a \$47
28

1 million bond in 2020, but due to its limited bonding capacity tied to low property values, the bond
2 “was not enough to modernize even a single school.” (Jimenez Decl. ¶ 11.) Modernizing Calexico
3 High alone will cost \$82 million, but the District has only about \$57 million available. (*Id.* ¶ 13.)

4 Moreover, chronic underinvestment and deteriorating facilities mean low-wealth districts
5 often face higher modernization needs yet lack the capacity to raise the local funds required to
6 qualify for state assistance. (Baker Decl. ¶¶ 25, 30-33.) Even when low-wealth districts pass local
7 bonds, the limited revenue is typically consumed by basic repairs—roof replacements, plumbing
8 fixes, electrical upgrades—rather than broader modernization efforts such as those updating
9 technology or climate measures or investing in modern athletic fields or performing arts centers.
10 (*Id.* ¶¶ 12, 14, 30, 39.) In fact, over a 23-year period, high-wealth districts have spent
11 proportionally more on capital projects, while low-wealth districts have been compelled to spend
12 more on maintenance and operations. (*Id.* ¶¶ 30, 50-52) Because schools generally use operation
13 funding (not capital funding) for maintenance, low-wealth districts have fewer dollars available
14 for student instruction. (*Id.* ¶¶ 49, 51-52.)

15 The SFP’s first-come, first-served allocation amplifies the disparity further by building in
16 advantages for higher-wealth districts, which typically have greater technical expertise, staffing
17 resources, and financial flexibility to move quickly through the SFP process. (Stephens Decl.,
18 Ex. 11 at p. 0210.) Indeed, many can finance projects independently and later obtain
19 reimbursement from the SFP. (Stephens Decl., Ex. 3 at pp. 0054-0058; see, e.g. Collins Decl. ¶ 7;
20 Harris Decl. ¶ 13.) Low-wealth districts often must secure all financing and approvals first and
21 cannot break ground until modernization funds are apportioned. (Stephens Decl., Ex. 3 at pp.
22 0054-0058.) This leaves low-wealth districts, particularly those seeking hardship assistance,
23 susceptible to rising costs for materials and labor. (*Ibid.*) These built-in delays virtually guarantee
24 either cost overruns or a reduction in project scope. (*Ibid.*) AB 247 does nothing to address this
25 allocation system.

26 Plaintiffs do not seek to halt the distribution of the first two rounds of approvals under
27 Proposition 2, *i.e.*, those projects submitted for funding through December 11, 2025. These
28

1 projects are estimated at a total cost of around \$800 million. Thus, the rationale is that sufficient
2 funds remain going forward to allow for an overall equitable use of Proposition 2 funds with
3 respect to wealth disparities. Rather, Plaintiffs ask the Court to halt funding for additional rounds
4 until the merits of their claim can be determined, beginning with the additional funding round
5 scheduled to open on May 13, 2026. (Stephens Decl., Ex. 12.)

6 Once Proposition 2 funds are spent, there is no further authority for modernization funds.

7 **B. SFP Modernization Fund Distribution Is Concentrated in the Highest Wealth**
8 **Districts**

9 Between 1998 and 2023, state modernization funds were distributed inequitably across
10 California, consistently disadvantaging low-wealth districts. In the chart below, California’s more
11 than 800 school districts are grouped into five equal-sized quintiles based on wealth from lowest-
12 wealth (quintile one) to highest-wealth (quintile five). The disparity in SFP allocation of
13 modernization funding between the highest and lowest quintiles over this period is staggering:

Assessed Value Quintile	SFP Modernization per Pupil
Lowest	\$3,371
Highest	\$7,116

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16 (Baker Decl. tbls. 2–3.) Over this 25-year period, districts in the lowest-wealth quintile received
17 less than half the SFP modernization funding per student received by districts in the highest-
18 wealth quintile. (*Id.*) Multiple studies since 2007—including those commissioned by the state—
19 have reached the same conclusion: modernization funds flow disproportionately to high-wealth
20 districts due to: (1) unequal access to local bond funding to meet the required 40 percent local
21 match and (2) a uniform 60 percent state match that ignores district wealth and capacity.
22 (Stephens Decl., Exs. 3, 5, 11, 13.)

23 When a low-wealth district cannot raise its local match, it may apply for “financial
24 hardship” status, which allows the state to contribute more than the standard 60 percent match.
25 Although intended to mitigate inequities in the SFP’s core funding formula, the hardship
26 exception process is burdensome, inconsistently applied, and inadequate to overcome low-wealth
27 districts’ disadvantages. To qualify, districts must demonstrate high indebtedness, bonding
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1 capacity below \$15 million, or “other evidence” of exhaustive efforts to raise local revenue,
2 including levying maximum developer fees. (Ed. Code, §17075.15.) These requirements force
3 low-wealth districts to devote significant time and resources just to prove hardship—resources
4 wealthier districts do not have to expend. Moreover, the SAB admits that “[t]here are no set
5 criteria to qualify for Financial Hardship status under ‘other evidence’” and that more than half of
6 the applications that fall under the “other evidence” category have been denied at least in part.
7 (Ex. 17 at p. 0348.)

8 Even when granted, hardship status comes with rigid timelines and requirements that can
9 discourage full-scope projects or participation in the SFP altogether. To illustrate, after
10 completing extensive paperwork and utilizing a consultant to prove eligibility, Del Norte USD
11 had to navigate a near-impossible timeline that required a signed construction contract within
12 six months of approval. (Harris Decl. ¶¶ 11-13.) Fall River JUSD was disqualified from receiving
13 hardship due to an increase in bonding capacity from \$15 to \$20 million owing to the recent
14 construction of wind farms and solar fields. However, added bonding capacity in Fall River JUSD
15 “does not translate to additional accessible funds for the District.” (Nugent Decl. ¶ 10.) Fall River
16 accordingly lost the opportunity to apply for hardship “even though the [district’s] financial
17 resources have not increased.” (*Ibid.*)

18 Consequently, the hardship exception has had minimal impact. Between 1998 and 2022,
19 only 2.6 percent of SFP modernization funds were distributed through the hardship program, and
20 high-wealth districts have also qualified for and received hardship assistance, undermining the
21 program’s basic purpose. (Baker Decl. ¶ 54.) Moreover, if a district is awarded financial hardship
22 assistance, they often face rigid, punitive rules and ongoing monitoring.

23 **C. Students in Lower-Wealth Districts Experience Dangerous, Outdated, and**
24 **Dilapidated Facilities Compared to High-Wealth Districts**

25 Thousands of students in low-wealth districts attend schools with conditions that pose
26 serious and ongoing risks to their health, safety, and ability to learn. In these schools, students
27 lack access to basic laboratory equipment necessary to run basic scientific experiments in STEM
28 courses. For instance, high schools in Lynwood USD “lack Bunsen burners, chemical showers,

1 eyewash stations, and fume hoods,” depriving students of “whole-rounded programs in chemistry
2 and physics.” (Crosthwaite Decl. ¶ 13.)¹

3 In others, students endure shocking health and sanitation issues, ranging from plumbing
4 failures, infestations, leaking roofs, and mold. In Calexico USD, plumbing at many schools in the
5 district has “deteriorated to the point of disintegration,” resulting in frequent blockages and
6 wastewater overflowing from restroom floor drains. (Jimenez Decl. ¶ 8; Sandoval Decl. ¶5.)
7 Plumbing failures at an elementary school even forced the closure of all but one restroom, leading
8 the district to bring in portable restrooms as an emergency measure. (Jimenez Decl. ¶ 8.) In
9 Coachella Valley USD, ceilings are stained with animal urine and rats crawl into backpacks, (M.
10 Rodriguez Decl. ¶ 8; Cabrera Decl. ¶ 7) and pigeon droppings contaminate classrooms in
11 Calexico USD. (Molina Decl. ¶ 7.)

12 Water damage plagues many districts. In Salinas City ESD, students “maneuver around
13 the buckets in the hallways” to catch leaks during heavy rains and leaking classroom walls soak
14 student backpacks and restrict teachers’ ability to showcase students’ work. (Matos Decl. ¶ 4;
15 Leon Decl. ¶¶ 9, 11; Contreras Decl. ¶ 9.) In 2024, Lynwood USD experienced roof leaks that
16 damaged 45 classrooms—60 the year before—leaving ongoing water damage throughout their
17 schools. (Crosthwaite Decl. ¶ 7; *see also* C. Perez Decl. ¶ 6.) In many districts, mold is
18 commonplace: in floors (Leon Decl. ¶ 11); in ceilings and roofs (Matos Decl. ¶ 4; Nugent Decl. ¶
19 7; L. Perez Decl. ¶ 8, 12; Musbach Decl. at p. 5); in walls (Leon Decl. ¶ 8; Nugent Decl. ¶ 7; L.
20 Perez Decl. ¶ 8); and in water fountains. (Ramirez Decl. ¶ 7; Angelica G. Decl. ¶ 9.)

21 Moreover, students often face unsafe conditions. In Coachella Valley USD, antiquated
22 electrical fuses blow regularly and cannot support modern technology or reliable HVAC.
23 (Esparza Decl. ¶ 11.) In Pittsburg USD, dilapidated restrooms repel students. (Glover Decl. ¶ 7.)
24 In Salinas City ESD, half of the playground’s slides are boarded up. (Leon Decl. ¶ 17.) Unshaded
25 playgrounds in districts with extreme heat, such as Calexico USD and Stockton USD, have led to
26 burns and prevent children from playing outdoors. (C. Lopez Decl. ¶ 8; Dr. Rodriguez Decl. ¶ 6.)
27

28 ¹ A table of declarations indexed by condition is attached hereto in the Appendix of Declarations.

1 Asbestos and lead-based paint also persist in many districts, which risks harm from
2 exposure and increases the cost for any repairs. In Fall River JUSD, asbestos identified 20 years
3 ago remains unabated. (Nugent Decl. ¶ 6.) Broken and outdated HVAC systems restrict access to
4 necessary facilities and result in hazardous conditions. (Boyd Decl. ¶ 14 [Stockton USD: lack of
5 ventilation in gymnasium and no working heat in wrestling facilities]; Jimenez Decl. ¶ 6
6 [Calexico USD: HVAC failures during extreme heat exceeding 115 degrees can make classrooms
7 “dangerously hot and humid,” forcing the relocation of students and teachers and disrupting
8 instruction]; M. Rodriguez Decl. ¶ 5; Dolan Decl. ¶ 12 [Coachella Valley USD: classroom
9 temperatures regularly reach over 85 degrees due to unreliable air conditioning and poor
10 ventilation]; Casas Decl. ¶ 9 [Lynwood USD: faulty air conditioners force relocation to the
11 library or the use of loud portable air conditioning units]; Villere Decl. ¶ 12 [Firebaugh-Las
12 Deltas USD: faulty HVAC systems result in poor air quality in classrooms]; A. Cardenas
13 Gutierrez Decl. ¶ 15 [SBCUSD, broken air conditioning].)

14 While modernization in low-wealth districts often can only maintain rather than enhance
15 facilities, their neighboring high-wealth districts build impressive, specialized structures to bolster
16 college and career pathways. Palo Alto USD, a high-wealth district, has modernized gyms and
17 libraries resembling those found on college campuses. (Collins Decl. ¶¶ 11, 13.) Desert Hot
18 Springs High School in the Palm Springs USD has an entire “wellness wing.” (Paz Decl. ¶ 12.)
19 Emery USD, another high-wealth district, with only 700 students, has upgraded its facilities with
20 enhanced classroom technology, science labs, and a health center where one dental chair alone
21 cost \$100,000. This \$90 million effort was all completed with local bonds. (Rubio Decl. ¶¶ 6–9.)

22 **D. Adequate School Facilities Are Essential to Education Outcomes**

23 Safe, high-quality school facilities are foundational to student health, learning, and teacher
24 retention. Studies across major school districts confirm that poor facility conditions depress
25 attendance, increase dropout rates, and reduce academic performance, while investments in
26 ventilation, lighting, and overall building quality produce measurable gains in achievement and
27 engagement, particularly for low-income students. (Stephens Decl., Ex. 14; Baker Decl. ¶¶ 41-
28

1 42.) And research has shown that the harm from unequal investment in safe, comfortable facilities
2 disproportionately falls on low-income students, Black and Latine students, and English learners.
3 (Baker Decl. ¶ 43.)

4 **Well-regulated temperatures are essential for student learning.** Heat exposure has
5 proven to be a meaningful contributor to achievement gaps between Black and Latine students
6 and their white counterparts. (Baker Decl. ¶ 14, fn. 16; Stephens Decl., Ex. 15.) Research has
7 shown Black and Latine students’ learning is “roughly three times as inhibited” by heat exposure
8 as compared to white students. (Stephens Decl., Ex. 15 at p. 0269.) Investments in HVAC and
9 shade structures are therefore critical. Indeed, without air conditioning, a one-degree Fahrenheit
10 increase in school year temperature can reduce learning by one percent, with heat-related
11 disruptions accounting for roughly five percent of the racial achievement gap. (*Id.* at p. 0277.)

12 Plaintiffs have observed the deleterious effects of extreme heat firsthand. Plaintiff Areli
13 Landa has two children attending schools in Calexico USD, where temperatures reach extremes
14 for much of the year. Last year, inadequate protection caused both children to experience heat
15 stroke. (Landa Decl. ¶ 7; see also M. Rodriguez Decl. ¶ 10 [describing difficulty focusing in class
16 when temperatures are high and everyone is “sweaty and miserable.”].) The high heat and lack of
17 poor ventilation in Coachella Valley USD exposes students to toxic agricultural odors, leading to
18 physical agitation and instances of fainting. (Paz. Decl. ¶ 9; Mendez Decl. ¶ 6.)

19 **Poor facilities depress morale and overall effectiveness.** Modernized facilities also
20 support teachers and strengthen communities. Improved working conditions help districts retain
21 qualified educators, whereas poor facility quality is linked to higher teacher turnover and reduced
22 instructional engagement, as teachers are less likely to invest fully in classrooms they perceive as
23 unsafe or deteriorating. (Baker Decl. ¶ 18.) Plaintiffs detail inadequate spaces for parent-teacher,
24 disciplinary, and special education meetings. (Penalber Decl. ¶ 9; Casas Decl. ¶¶ 12–13.)
25 Teachers in Coachella Valley USD, Salinas City ESD, and Lynwood USD describe the personal
26 toll of these conditions; for 13 years, Plaintiff Penalber taught in the same deteriorating portable
27 in Coachella Valley USD where mold, failing HVAC, falling ceiling debris, and internet outages
28

1 frequently obstructed her ability to teach. (Penalber Decl. ¶ 4.) Capital investments also
2 strengthen parent and community engagement by creating safe, functional shared spaces, in line
3 with the state’s community schools approach. (Campbell-Blair Decl. ¶ 6; S. Lopez Decl. ¶ 10.)

4 Inadequate facilities undermine students’ sense of dignity and pride, and interfere with
5 their future academic trajectories. (See Cabrera Decl. ¶ 10; M. Rodriguez Decl. ¶ 11; Musbach
6 Decl. at p. 6.) For example, Plaintiff Karesha Boyd’s son lost a competitive paid STEM internship
7 with the University of the Pacific because he had not completed a laboratory component “which
8 was impossible for him to do” because his high school did not have fully functioning laboratories.
9 (Boyd Decl. ¶ 13.)

10 **III. LEGAL STANDARD**

11 A plaintiff seeking a preliminary injunction must show: (1) it “is likely to succeed on the
12 merits”; (2) it “is likely to suffer irreparable harm in the absence of preliminary relief”; (3) “the
13 balance of equities tips in [the plaintiff’s] favor;” and (4) “particularly where the public harm is
14 implicated, ‘that an injunction is in the public interest.’” (See *People v. Uber Techs., Inc.* (2020)
15 56 Cal.App.5th 266, 272 [citing *Winter v. Nat. Res. Def. Council, Inc.* (2008) 555 U.S. 7, 20].)

16 **IV. ARGUMENT**

17 **A. Plaintiffs Have a Strong Likelihood of Success on the Merits**

18 **1. The SFP Discriminates on the Basis of District Wealth**

19 California’s equal protection clause prohibits wealth-based discrimination that “makes the
20 quality of a child’s education a function of the wealth of his parents and neighbors.” (See
21 *Serrano*, 5 Cal.3d at p. 589; Cal. Const., art. I, § 7; *id.* art. IV.) Because wealth is a suspect
22 classification and education is a fundamental right under the California Constitution, policies that
23 discriminate based on wealth or impair educational opportunity are presumptively
24 unconstitutional, even absent discriminatory intent. (*Serrano*, at p. 603; *Crawford v. Board of*
25 *Education* (1976) 17 Cal.3d 280, 297.) Indeed, the State has an affirmative duty to “correct basic
26 ‘interdistrict’ disparities” that deny students basic educational equality, regardless of intent. (*Butt,*
27 *supra*, 4 Cal.4th at p. 681.) Here, the SFP discriminates based on district wealth. (See, *supra*, §§
28

1 II.B-C.) Yet, the state refuses to reform its discriminatory system.

2 In *Serrano*, the Supreme Court invalidated a funding system that relied on local property
3 taxes, which allowed wealthier districts to outspend poorer districts. (*Serrano, supra*, 5 Cal.3d at
4 pp. 598–600.) The system was unconstitutional because total school funding tracked district
5 wealth. (*Id.* at pp. 592–595, 614–615.) The SFP is similarly constitutionally unsound. Rather than
6 redressing or merely reflecting differences in local capacity, the state affirmatively compounds
7 those disparities by layering a uniform 60 percent match on top of unequal local funding,
8 ensuring that wealthier districts receive more state modernization funds. By amplifying rather
9 than mitigating the effects of local wealth, the SFP reinforces the very inequality *Serrano* forbids.

10 The state cannot cure this defect by pointing to the hardship exception or the passage of
11 AB 247. The hardship process is so burdensome that it accounts for just 2.9 percent of
12 modernization funds distributed between 1998 and 2022. (Baker Dec. ¶¶ 53-54.) Moreover, AB
13 247’s insistence on maintaining a minimum 60 percent match with only slight upward
14 adjustments for the poorest districts would produce only negligible reductions in wealth-based
15 disparities.²

16 2. SFP Denies Students in Low-Wealth Districts Educational Equality

17 The SFP denies students in low-wealth districts basic educational equality in violation of
18 the California Constitution. Education is a “uniquely fundamental concern of the state” and the
19 Constitution “prohibits maintenance and operation” of the public school system in a manner that
20 “denies basic educational equality to the students of particular districts.” (*Butt, supra*, 4 Cal.4th at
21 p. 1251.) When the state funding structures cause schools in some districts to fall “fundamentally
22 below prevailing statewide standards,” and those disparities have a “real and appreciable” impact
23 on students’ education, equal protection is violated. (*Id.* at pp. 1251–52; see also *Shaw v. Los*
24 *Angeles Unified Sch. Dist.* (2023) 95 Cal.App.5th 74; *Collins v. Thurmond* (2019) 41 Cal.App.5th

25
26 _____
27 ²An analysis by UC Berkeley’s Center for Cities and Schools confirms that AB 247 would not
28 meaningfully narrow these inequities. Had AB 247 been in effect since 1998, the funding gap
between the wealthiest and poorest districts would have declined only marginally, from
90 percent to 87 percent. (Stephens Decl., Ex. 16 at p. 0329.)

1 879, 900.)³

2 Under the SFP, schools in low-wealth districts raise less in local funds and receive
3 substantially less state funding for modernizing facilities than their peers in higher-wealth
4 districts. Consequently, schools in low-wealth districts suffer from deteriorating facilities,
5 including failing roofs, extreme heat without shade or air conditioning, plumbing failures, and
6 asbestos. (See Baker Decl. ¶ 14; Stephens Decl., Ex. 3.) These conditions inflict immediate and
7 ongoing educational harm, undermining student health and concentration, limiting access to
8 academic opportunities, and driving teacher attrition. (*Id.*; *supra*, §§ II.B-D.) As a result, students
9 experience real and appreciable impairment of their fundamental right to education. Parent
10 Plaintiffs report their children’s reluctance to attend school, student Plaintiffs are unable to focus
11 and learn, and teacher Plaintiffs observe diminution of educational quality and declining
12 enrollment. (See Landa Decl. ¶ 7; Rivera Decl. ¶ 15; Angelica G. Decl. ¶ 8; M. Rodriguez Decl. ¶
13 10; Cabrera Decl. ¶ 9.) Low-wealth districts’ limited funds are consumed by basic repairs—roof
14 replacements, plumbing fixes, electrical upgrades—rather than the broader modernization to
15 enhance educational opportunity.

16 3. The SFP Fails to Maintain a Uniform System of Common Schools

17 Defendants’ administration of the SFP also violates the Education Clause. The California
18 Constitution requires the state to maintain “a system of common schools” operating with “a unity
19 of purpose and entirety of operation.” (Cal. Const., art. IX, § 5; *Coulter v. Pool* (1921) 187 Cal.
20 181, 192; *Kennedy v. Miller* (1897) 97 Cal. 429, 432.) The system must function as a single,
21 harmonious whole, applicable to all public schools statewide. (*Coulter*, at p. 192; *Kennedy*, at
22 p. 43.) The SFP compromises that system. By allocating far more modernization funding to
23 higher-wealth districts, the state enables some districts to build and maintain state-of-the-art

24
25 ³ Courts across the country have recognized that deficient school facilities deprive students of
26 equal educational opportunities. (See, e.g., *Abbott v. Burke* (1985) 100 N.J. 269, 284-285 [495
27 A.2d 376, 384] [facility conditions affect “educational success”]; *Campaign for Fiscal Equity,
28 Inc. v. State* (1995) 86 N.Y.2d 307, 317 [655 N.E.2d 661, 666] [“[c]hildren are entitled to
minimally adequate physical facilities”]; *Campbell County School Dist. v. State* (Wyo. 1995) 907
P.2d 1238, 1275 [“deficient physical facilities deprive students of an equal educational
opportunity”]; *DeRolph v. State* (1997) 78 Ohio St.3d 193, 208 [677 N.E.2d 733, 744] [effective
schools require “safe and healthy” facilities and “sufficient funds” for maintenance].)

1 facilities while low-wealth districts operate in chronic disrepair, impacting the health, safety, and
2 ultimately learning of students who reside in these districts. These disparities undermine the
3 uniform operation of the common school system and prevent the system from functioning as a
4 “harmonious whole” with the constitutionally required unity of design and operation. (*Coulter*, at
5 p. 192; cf. *Roosevelt Elementary Sch. Dist. No. 66 v. Bishop* (Ariz. 1994) 877 P.2d 806 [applying
6 similar rational to Arizona’s requirement of a “general and uniform” school system to strike down
7 state school facility funding program that discriminated based on local wealth].)

8 **4. The SFP Does Not Meet Strict Scrutiny Review**

9 Defendants will be unable to show that the SFP satisfies strict scrutiny, as is required in
10 cases involving suspect classifications or fundamental interests such as those involved here. (See
11 *Serrano I, supra*, 5 Cal.3d at p. 597.) Under the strict scrutiny standard, Defendants bear the
12 burden of establishing that a compelling governmental interest justifies the SFP and that the
13 distinctions drawn by the SFP are necessary to further its purpose. (See *Serrano I*, at p. 597; *Butt*,
14 *supra*, 4 Cal.4th at p. 692; cf *Roosevelt Elementary Sch. Dist. No. 66, supra*, 877 P.2d at p. 811.)
15 Defendants will fall far short of meeting that standard.

16 The SFP requires districts to raise money locally and provides a uniform 60% match of
17 state funds. This scheme, by its very design, privileges high-wealth districts over low-wealth
18 districts. Defendants will be unable to establish that this distribution scheme is necessary to meet
19 any compelling governmental interest, nor that the distribution scheme is necessary to further its
20 purpose. This is particularly true because the state bears the responsibility of establishing a
21 system of common schools that provides basic educational equality, operates with a unity of
22 purpose, and avoids wealth-based discrimination. The historic and persistent inequality in the
23 generation and distribution of funds is not necessary to meet these goals or any other
24 governmental interest and, in fact, squarely contravenes them. The financial hardship program
25 fails to provide an equalizing process for low-wealth districts; in fact, it has been shown that the
26 burdensome process has not operated to offset the inequitable scheme in any meaningful way.

1 **B. Plaintiffs Face Immediate and Irreparable Harm Without an Injunction, and**
2 **the Balance of Harms Weighs in Favor of the Relief Sought**

3 Irreparable injury exists when a party will be harmed in a way that cannot later be
4 repaired. (See *Lenard v. Edmonds* (1957) 151 Cal.App.2d 764, 769.) Courts “compare[] the
5 interim harm the plaintiff is likely to sustain if the injunction is denied to the harm the defendant
6 is likely to suffer if the preliminary injunction is issued.” (*Mae M.*, *supra*, 111 Cal.App.5th at p.
7 221 [quoting *Tulare Lake*, 92 Cal.App.5th at p. 396].)

8 Plaintiffs face immediate and irreparable harm if Defendants continue to allocate school
9 facility modernization funds under the current SFP framework. Nearly one quarter of the
10 \$4 billion in K–12 school facility modernization funds is already allocated to projects under the
11 pre-existing, unconstitutional allocation scheme. Absent an injunction, defendants will continue
12 to allocate the remaining \$3 billion in a way that prevents Plaintiffs from receiving modernization
13 funds. Once SFP funds are depleted, they are unrecoverable. Plaintiffs will be denied an equal
14 opportunity for the remaining funds and the educational opportunities tied to those funds. (See
15 *Am. Indian Model Schs. v. Oakland Unified Sch. Dist.* (2014) 227 Cal.App.4th 258, 272
16 [educational opportunities lost during litigation are irreparable].) Further, historical trends
17 strongly suggest plaintiffs will have to wait years before more state modernization funds become
18 available while suffering from dangerous and deplorable school conditions.

19 Defendants would face no significant harm from a preliminary injunction. Plaintiffs
20 simply seek to maintain the status quo and enjoin further allocation of SFP funds pending the
21 resolution of this action. Pausing further allocation while litigation proceeds would ensure those
22 funds are not extinguished before the merits are reached. At most, if an injunction were granted
23 and Plaintiffs did not prevail at trial, Defendants would have been delayed a year or so in
24 allocating Proposition 2 funds. That delay is insignificant next to the near decade Plaintiffs have
25 waited for Defendants to meaningfully and equitably fund the SFP since the last bond in 2016.

26 Moreover, a temporary stay would not—as would be the case for Plaintiffs were the
27 injunction denied—completely extinguish the opportunity for access to SFP modernization funds.
28 Prospective districts could still receive SFP modernization funds should Plaintiffs ultimately lose

1 on the merits. Conversely, districts are not guaranteed funds prior to actual fund approval. Prior to
2 approval in the priority funding round, the state does not make a commitment to funding for
3 districts that have applied to the SFP nor to those found eligible. The SAB has issued multiple
4 resolutions stating that neither a determination of eligibility nor placement on an unfunded
5 approvals list is a guarantee of funding. (Stephens Decl., Exs. 18 at pp. 280, 590, 19 at pp. 155,
6 512, 518.) Further, districts that apply when modernization funding is not available must
7 themselves pass a resolution that “acknowledges that criteria (including, but not limited to,
8 funding, qualifications, and eligibility) under a future State school facilities program may be
9 substantially different than the current School Facility Program.” (Cal. Code Regs., tit. 2 §
10 1859.95.1, subd. (b)(4).) Where, as here, Plaintiffs face immediate and irreparable harm and
11 Defendants would not meaningfully be harmed by the requested relief, the injunction should
12 issue. (See *Mae M.*, *supra*, 111 Cal.App.5th at p. 198 [trial court abused discretion when it failed
13 to consider plaintiffs’ evidence of harm, especially when weighed against defendants’ “devoid
14 record and unspecified harm”]; *Butt*, *supra*, 4 Cal.4th at p. 668 [injunction was appropriate where
15 plaintiffs’ harm would be greater than defendants would suffer if the injunction was granted].)

16 **C. The Public Interest Supports Immediate Judicial Intervention**

17 The SFP governs distribution of a finite amount of bond funds in a manner that
18 overwhelmingly favors higher-wealth districts. The public interest is served when all students are
19 afforded an equal opportunity to education free from discrimination based on wealth. (See *Hector*
20 *F. v. El Centro Elementary Sch. Dist.* (2014) 227 Cal. App. 4th 331, 341 (recognizing “. . . public
21 interest in ensuring public schools are free from discrimination . . .”).) An injunction, here
22 preserves voter-approved funds, allows for meaningful judicial review, and upholds the public’s
23 interest in constitutional compliance and equitable statewide educational opportunity funding.

24 **V. CONCLUSION**

25 For the reasons set forth above, Plaintiffs respectfully request an order enjoining
26 Defendants from further allocation of Proposition 2 school facilities modernization funds under
27 California’s SFP during the pendency of this action and until further order of the Court.

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