

IF YOU ARE THE PARENT/GUARDIAN OF OR YOU ARE AN AFRICAN-AMERICAN OR LATINO STUDENT AND LIVE IN THE BERKELEY UNIFIED SCHOOL DISTRICT PLEASE READ THIS NOTICE CAREFULLY.

Smith v. Board of Education is a class action lawsuit affecting (1) all African Americans and Latinos self-identified as such in official records (2) who have been students in the Berkeley Unified School District and (3) who have been involuntarily excluded from comprehensive school or involuntarily reassigned from comprehensive school programs to noncomprehensive school programs for alleged violations of the District's student conduct rules without having received appropriate due process of law. After extensive negotiation, the parties in the case have reached a Settlement Agreement that provides for the immediate reinstatement of class members to regular high school or middle school programs with individualized plans for compensatory educational services and credit repair; the development of a plan for reducing disproportionality in the number of African-American and Latino students subject to disciplinary measures; the establishment of a Students' Rights Monitoring Committee to review BUSD's compliance with the Settlement Agreement; and payment of reasonable attorney fees and costs to Plaintiffs' attorneys by the District.

Class members have the right to agree with or object to the Settlement Agreement, but may not opt-out of the class. Before determining the fairness of the Settlement Agreement, the Court will consider any comments or objections made by class members at a hearing on August 3, 2005 at 1:00 p.m. at the District Court for the Northern District of California, 1301 Clay Street, 3rd floor, Courtroom 4 in Oakland. Class members who agree with the Settlement Agreement do not need to take any action at this time. Class members who wish to object, should file written statements that identify what they object to and that explain why they object. These written statements must include the Class Members' names, addresses, contact telephone numbers, and email addresses if available indicating their objection to the Settlement Agreement. These statements must be filed with the U.S. District Court in Oakland by no later than July 11, 2005. Class members may file the statements at the courthouse or by mail to the Court's address above. Class members must mail copies of the statements to the following addresses: Youth and Education Law Project, 559 Nathan Abbott Way, Stanford, CA 94305 and Atkinson Andelson Loya Rudd & Romo, 5776 Stoneridge Mall #200, Pleasanton, CA 94588. You can find out more information about this class action and the fairness hearing and get a complete copy of the Settlement Agreement at www.lsc-sf.org or www.law.stanford.edu/clinics/yelc or by calling Legal Services for Children at 415-863-3762 or the Youth and Education Law Project at 650-723-4336.