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Round Rock Students Sue for Free Speech, Fair Treatment

December 22, 2006

CHRONICLE

DECEMBER 29, 2006: NEWS

Naked City

On Dec. 21, a group of Round Rock High School parents slapped a class-action lawsuit on the city and school district for their strong-arm response in prosecuting students for allegedly skipping or disrupting school to join in a nationwide protest of immigration policy. The lawsuit accuses the city of Round Rock and RRISD of conspiring to violate students' constitutional rights of free speech and assembly, according to Texas Civil Rights Project director Jim Harrington, who is representing the 51 plaintiffs. "These unjustified and unlawful arrests are a very poor example of a city and school district preparing students to be leaders in a democracy," Harrington says. Instead of wielding the "heavy hand of oppression" by arresting more than 200 students on March 30 and 31, Harrington asserts, the city should have treated the situation as a "teaching moment" "to help students learn about leadership and dissent" as did other school districts across the country. Not only that, the plaintiffs' case argues, the city's youth curfew ordinance does not apply to participation in activities protected by the U.S. Constitution. The lawsuit will seek unspecified damages and "a judgment specifying the rights of the Round Rock students to prevent any further injustice," according to Harrington. City officials have consistently declined comment on the arrests, because litigation is still pending. The score is 1-1, with an acquittal for Irvin DeLuna and a conviction for Jennifer Avilez. Forty trials remain. Patricia J. Ruland

Austin American Statesman
statesman.com

Parents of Round Rock students sue city, school district over citations

Suit claims students' free-speech rights were violated after they protested immigration policy proposal

By Bob Banta
 AMERICAN-STATESMAN STAFF
 Friday, December 22, 2006

Four parents of Round Rock students charged with misdemeanors during an immigration demonstration last spring sued the City of Round Rock and the Round Rock school district on Thursday, saying the charges violated the teenagers' constitutional rights of assembly and free speech.

The federal lawsuit is a class action suit, which means it also seeks fair treatment on behalf of other Round Rock students who were detained and issued tickets during the protests in March, said Jim Harrington of the Texas Civil Rights Project, which is representing the parents and students.

The suit accuses the city and school officials of conspiring to deprive students of their right to assemble and protest during protests against proposed immigration laws on March 30 and 31.

At a Thursday news conference, Harrington noted that the immigration protests were nationwide and said the Round Rock school district "instead of reacting punitively . . . should have done what almost all school districts around the country did and use the protests as a 'teaching moment' to help students learn about leadership and dissent in a democracy."

The protests began March 30 when a large group of Stony Point High School students left class at midday to march to Round Rock High.

The next day, a crowd of Round Rock High School students gathered in a mall parking lot before school and later walked to Stony Point High.

Harrington said Round Rock police overreacted when they gave Class C misdemeanor citations to 204 students, accusing them of violating the city's youth curfew or disrupting class on the second day of demonstrations. The ordinance says anyone under age 17 must be in school between 9 a.m. and 2:30 p.m. It also says exercising First Amendment rights can be used as a defense in court.

"The curfew ordinance itself said First Amendment rights were an absolute defense," Harrington said. "With all the signs that were present, it had to have been obvious to the police that the kids were just exercising that right."

Emily Tellez, one of the four parents who filed the lawsuit, said she was proud of her 16-year-old daughter's participation in the demonstrations. The girl was a student at Round Rock High School during the protest and now attends Stony Point in Round Rock.

"My daughter was treated unfairly," Tellez said. "All she was doing was speaking her rights."

JoyLynn Occhiuzzi, a spokeswoman for the school district, said Thursday that district officials have not seen the lawsuit because of the winter break from classes.

"We will comment on the lawsuit as soon as we receive it and have our legal counsel review it," she said. "We will be cooperative with any investigation that follows."

City of Round Rock spokesman Will Hampton said that city officials also had not seen the lawsuit Thursday and that "it would be irresponsible for us to comment until we do." Under the Texas Education Code, people can be charged with disruption of classes if they deliberately disturb classes or other school activities while on school property or on public property within 500 feet of a school. Maximum punishment for violating the curfew or disruption laws is a \$500 fine.

Two cases have gone to trial so far, and Municipal Court juries have acquitted one student and convicted another.

Municipal Court Judge Dan McNery dismissed 49 curfew violation cases at the request of the city prosecutor. Other students pleaded guilty or no contest in exchange for community service or a \$200 fine. Harrington said the lawsuit may be amended to ask for a federal injunction against trying students still awaiting court action.

The lawsuit asks for an unspecified amount of damages for the students and for attorney's fees.



Emily Tellez (Round Rock parent-Plaintiff), Jim Harrington, Ernest Saadiq Morris, and Michael Rodriguez of TCRP (Photo by KUT)

kvue.com

Protesting students sue City of Round Rock

Thursday, Dec. 21, 2006

By RUDY KOSKI

KVUE News

Dozens of students Thursday filed a class action lawsuit against the City of Round Rock. The suit comes after more than 200 students were arrested and charged for walking out of school to take part in an immigration protest.

The case filed will affect 51 students who were charged with violating the city's curfew. Those charges were eventually dropped based on insufficient evidence that the curfew law was violated.

This all stems from two immigration reform marches taking place March 30 and 31. Students marched from Stony Point High School to Round Rock High School and then to Round Rock City Hall.

According to civil rights attorneys representing four families who had kids arrested, the city curfew ordinance allows for minors to take part in free speech activities like the immigration march. They

accused the school district and city officials of conspiring to shut down the protest.

“It is a shame that Round Rock did this and hopefully Round Rock is going to learn its own lesson as a result of this lawsuit,” said Jim Harrington, Texas Civil Rights Project.



KVUE News / File

The federal lawsuit is based on three points: the students did not violate the curfew, the enforcement by police was done in bad faith and the sole intent was to suppress a protected activity.

“She understands that this was her right to do this, and they totally violated that, and I want her and everyone else, especially the Round Rock Police Department, that it was wrong for them to violate that,” said Emily Tellez, whose daughter was arrested.

There are about 40 students who still have cases pending. They are being charged with disruption of school. Those cases could be included into the lawsuit.

City and school district officials declined comment, saying they have not yet read the lawsuit.



Parents Sue Round Rock Over Immigration Protests

Parents Say Students Were Treated Unfairly During March Protests

(CBS 42) AUSTIN Four Round Rock parents are suing the City of Round Rock and the Round Rock school district on behalf of more than 50 students arrested during the spring immigration protests.

The Texas Civil Rights Project helped bring the class action suit.

The parents claim the city and school district denied students their first amendment rights.

Emily Tellez, a parent of one of the students arrested said the children involved didn't get a fair shake.

“The reason I've decided to participate in this,” she said, was, “I really feel she was treated unfairly along with all the other children.”

This past March more than 200 Round Rock students were arrested and cited for their participation in the nationwide protests.

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KXAN-TV 36 News

Parents File Suit Against Round Rock, School District

Dec 21, 2006 05:36 PM CST

A group of Round Rock parents is suing the city and school district over their children's arrests. The lawsuit stems from immigration rights marches earlier this year.

The lawyer representing the parents and students says the city and school district tried to penalize a lawful activity by arresting the students.

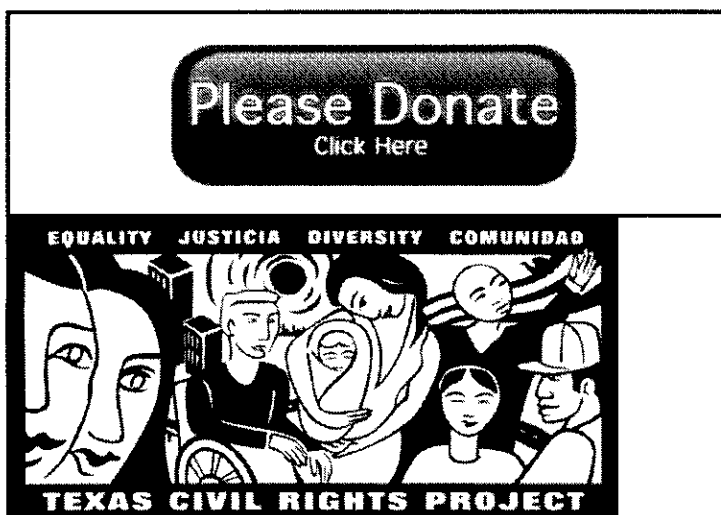
In March 2006, high school students hit the streets in Round Rock as part of the nationwide immigration protests, but about 200 of them were arrested.

The federal lawsuit is on behalf of several parents and about 50 students, who were arrested for violating the city's curfew. The suit claims the arrests themselves were unlawful.

"A large number of them were charged for violating the youth curfew, even though the youth curfew has an exemption in it for First Amendment activities, and of course this is a classic First Amendment activity," Jim Harrington with the Texas Civil Rights Project said.

The suit wants the federal court to declare that the arrests were unlawful, and they're also asking for an unspecified amount of money.

A spokesman for the City of Round Rock said they have not received a copy of the lawsuit, so it would be irresponsible for them to comment on something they haven't seen.

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