



IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

SOUTHERN POVERTY LAW CENTER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. _____
)	
DR. THOMAS R. BICE, in his official)	
capacity as State Superintendent of the)	
Alabama Department of Education,)	
)	
Defendant.)	

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is an action under the Alabama Open Records Act, Ala. Code § 36-12-40, to compel the production of certain public writings held by Dr. Thomas R. Bice in his official capacity as State Superintendent of the Alabama Department of Education. The requested public writings have previously been produced by Dr. Bice to the U.S. Department of Justice.

2. In 2011, The Alabama Legislature passed Act 2011-535, which is commonly referred to by its House Bill Number, H.B. 56. This legislation created a state immigration enforcement scheme.

3. Section 28 of H.B. 56, codified as Section 31-13-27 of the Alabama Code, creates a system to collect immigration data from families when they enroll their children in public K-12 schools. Section 28 went into effect on September 29, 2011, and was subsequently preliminarily enjoined by a federal court on October 14, 2011.

4. During the two-week period when Section 28 was in effect, there were numerous press reports documenting a spike in absenteeism of immigrants in Alabama’s public schools, which problems appear to have continued after Section 28 was enjoined. The Civil Rights

Division of the Department of Justice solicited and received certain data from the Alabama Department of Education related to student enrollment during this time, and based on that data, the Department of Justice stated in a letter dated May 1, 2012, that “it appears that H.B. 56 has had significant and measurable impacts on Alabama’s schoolchildren”

5. In order to better understand this educational crisis, and pursuant to the Alabama Open Records Act, Plaintiff Southern Poverty Law Center (“SPLC”) requested that Defendant Dr. Bice provide copies of the public writings sent to the Department of Justice, subject to appropriate redactions consistent with privacy laws. To date, Defendant Dr. Bice has refused to release the public records.

JURISDICTION AND VENUE

6. This is an action arising under Ala. Code § 36-12-40.

7.

between Defendant and the U.S. Department of Justice related to this data, are public writings under Alabama's Open Records Act;

(B) Declare that the Defendant's withholding of the req

Dr. Dick State Superintendent of Education

Dr. Dick, State Superintendent of Education

June 7, 2012

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Sincerely,



Sam Brooke
Staff Attorney