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TIDE RISING; A.P.,  
8 a minor, by and through  
his Guardian ad Litem; J.P.

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10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 TIDE RISING, an unincorporated association of )  
13 parents and guardians; A.P., a minor, by and )  
14 through his Guardian ad Litem; J.P. )  
15 Plaintiffs, )  
16 v. )  
17 SEQUOIA UNION HIGH SCHOOL DISTRICT, )  
18 Defendant. )

Case No.:  
**COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF FOR:**  
**1. Violation of Title II of the Americans  
with Disabilities Act;**  
**2. Violation of Section 504 of the  
Rehabilitation Act**



1 Act ("ADA"), 42 U.S.C. § 12101 et seq., and Section 504 of the Rehabilitation Act,  
2 29 U.S.C. § 794.

3 7. Venue is proper in this District under 28 U.S.C. § 1391(b) because the Defendants  
4 reside in this District and the events giving rise to the claim occurred in San Mateo  
5 County, California.

6 **III. EXHAUSTION OF ADMINISTRATIVE REMEDIES IS NOT REQUIRED**

7 8. Plaintiffs are not required to exhaust administrative remedies under the Individuals  
8 with Disabilities Education Act (IDEA) because the gravamen of this Complaint is  
9 discrimination and systemic exclusion, not the adequacy of an individual  
10 student's Individualized Education Program (IEP). *Fry v. Napoleon Community Schools*,  
11 580 U.S. 154 (2017).

12 9. This action challenges a "Method of Administration," pursuant to 34 C.F.R. §  
13 104.4(b)(4), of the systemic decision to eliminate a school site—rather than an individual  
14 placement offer.

15 10. Furthermore, exhaustion is futile. Plaintiffs seek an injunction preventing the  
16 closure of a public school facility. An Administrative Law Judge (ALJ) in a due process  
17 hearing lacks the statutory authority to order a School Board to keep a building open.  
18 Thus, the administrative process cannot provide the relief sought.

19 **IV. PARTIES**

20 11. Plaintiff TIDE RISING is an unincorporated association of parents, guardians, and  
21 community members dedicated to preserving equitable access to education at TIDE Academy.  
22 Its members include Plaintiffs J.P. and A.P., as well as other parents of students with disabilities  
23 who will be directly injured by the closure.

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12. Plaintiff A.P., a minor, by and through his Guardian ad Litem; J.P., a student currently enrolled at TIDE Academy who is a qualified individual with a disability under the ADA. They require a small learning environment to access their education and faces imminent regression if transferred to a comprehensive site.

13. Defendant SEQUOIA UNION HIGH SCHOOL DISTRICT is a public entity and a recipient of federal financial assistance, making it subject to the mandates of Title II of the ADA and Section 504.

14. Any acts or omissions taken by District employees are alleged to have been taken within the scope of their duties as employees for the District and as agents for the District.

**V. BACKGROUND OF THE PROCESS**

**a. Initiation of the Closure Process and Initial Rationales**

15. The process to close TIDE Academy began in earnest in late 2025, following the ratification of a negotiated teacher salary increase on November 5, 2025. On November 12, 2025, the Board of Trustees for the Sequoia Union High School District (“the District”) directed the Superintendent to develop a timeline for the potential closure of the school. On November 19 and 20, 2025, during initial “listening meetings” with the TIDE community, Superintendent Crystal Leach explicitly stated that finances were not the reason for considering the closure, framing the issue solely as one of enrollment.

**b. The Shift to Fiscal Justification**

16. Despite these initial assurances, the District’s rationale shifted significantly over the subsequent two months. By the Board meeting on December 10, 2025, the District presented its First Interim Budget Report, which showed the District “in the red” following the approval of

1 the teacher salary increases. By the January 26, 2026 study session, financial considerations had  
2 replaced enrollment as the primary justification for the proposed closure. During this session,  
3 District staff presented data suggesting the District was projected to dip below the minimum  
4 required cash reserves. However, the District failed to provide pro forma financial analyses or  
5 comparative budget impact studies demonstrating how closing TIDE would result in material net  
6 savings, especially as staff admitted that per-student special education costs—a major budget  
7 driver—would simply “shift in location” rather than decrease.

8 **c. Constructive Closure During Open Enrollment**

9 17. The District’s actions during the open enrollment period, which began on October  
10 15, 2025, served to actively depress interest in the school. During the January 26, 2026 session,  
11 District staff admitted they were “having to inform families about the potential closure” during  
12 school tours and shadowing events. The District further acknowledged that without this self-  
13 created “uncertainty,” enrollment requests were on track to surpass previous years and could have  
14 exceeded 100 students for the upcoming term. By publicly doubting the school's future while  
15 enrollment was ongoing, the District engaged in a “constructive closure,” deterring prospective  
16 families and then citing the resulting “uncertainty” as a justification for the final vote.

17 **d. Lack of Transparency and Material Omissions**

18 18. Throughout this process, the District has maintained that “there is no predetermined  
19 decision as to the ‘next’ use of the facility.” However, the District has withheld responsive records  
20 to California Public Records Act (CPRA) requests regarding the financial basis of the closure, and  
21 other requests, with a production date set for February 9, 2026—five days *after* the scheduled final  
22 vote on February 4, 2026—even though the requests were made on November 16 and 20, 2025.  
23 Furthermore, despite the stated “fiscal emergency,” the District has not publicly evaluated or

1 disclosed alternative revenue-generating options, such as leasing the facility, which it is suspected  
2 the District has essentially pre-decided to do, nor has it considered lesser-restrictive fiscal  
3 alternatives like reducing the District's high-cost administrative overhead. The Board is now  
4 poised to vote on a recommendation to close or relocate TIDE Academy on February 4, 2026,  
5 based on a record that parents allege is fundamentally incomplete, engineered and procedurally  
6 defective.

7 **VI. FACTUAL ALLEGATIONS**

8 **A. TIDE Academy Functions as a Unique "Full Inclusion" Model**

9 19. TIDE Academy is a small, specialized high school (~200 students, 300 at maximum  
10 capacity) designed with "Nucleus" advisory cohorts. This structural design has attracted a  
11 disproportionately high number of students with disabilities who struggle in large environments.

12 20. According to the District's 2023-24 School Accountability Report Cards (SARC),  
13 20.2% of TIDE students were Students with Disabilities. By comparison, Carlmont High  
14 School's population was only 9.2% Students with Disabilities, and other high schools are  
15 comparable or somewhat higher.

16 21. TIDE students with disabilities succeed in General Education classrooms because  
17 the school's physical environment serves as an implicit accommodation.

18 22. TIDE Academy is the most accommodating educational environment in the District for  
19 students with disabilities.

20 23. For the Class of 2025, TIDE Academy ranked first among all high schools in the  
21 District for the A-G completion rate of its students with disabilities.

22 24. Approximately 41.18% of TIDE graduates with disabilities met A-G requirements,  
23 significantly outperforming the state average of 23.61% and the county average of 30.69%.

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1 25. TIDE maintains a close to 100% cohort graduation rate, tied for the highest in the  
2 District, demonstrating the school's unique ability to retain and graduate students who might  
3 otherwise fall through the cracks in larger environments.

4 26. By comparison, students with disabilities at the District's large comprehensive schools,  
5 such as Menlo-Atherton (26.47%) and Sequoia (27.12%), achieve A-G completion at substantially  
6 lower rates.

7 27. TIDE Academy's small-school structure is not merely a preference but a structural  
8 accommodation that allows neurodivergent students and those with 504 plans to access the general  
9 education curriculum.

10 28. The District's own data acknowledges that large comprehensive schools are  
11 "structurally designed" differently and that TIDE provides a personal, closely monitored  
12 environment that is difficult to replicate at sites with thousands of students.

13 29. Testimony from students and parents confirms that TIDE's environment has directly  
14 resulted in decreased bullying and improved mental health outcomes for students who struggled in  
15 traditional, large-scale educational settings. At the large schools, educators throw up their hands  
16 and proclaim kids will be kids while that continuously and historically has meant that disabled  
17 students become the target of ridicule and derision.

18 **B. The Closure Decision Disparately Impacts a Protected Class**

19 30. Closing TIDE disproportionately burdens the disabled community. While non-disabled  
20 students may transfer to comprehensive schools with minimal academic disruption, TIDE's  
21 disabled students face a fundamental loss of access.

22 31. Transferring these students to campuses with 2,000+ students (e.g., Menlo-Atherton  
23 or Woodside) removes the environmental accommodation. This will force the District's  
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1 IEP teams to place in large part these students in More Restrictive Environments (e.g., Special  
2 Day Classes or isolated “quiet rooms”) solely to manage the sensory and anxiety-related  
3 barriers of the new location.

4 32. This constitutes a regression on the continuum of placements—moving students from  
5 “Full Inclusion” to “Segregation”—caused entirely by the District’s administrative choice creating  
6 a disparate impact on students with disabilities.

7 **C. The District’s Financial Justification is Pretextual**

8 33. Defendants justify the closure based on “financial distress.” This justification is  
9 either pretextual or self-created, such as maintaining bloated administrative staff, and then  
10 imposing the burden on a weaker class already susceptible to bullying tactics.

11 34. The District holds a “Positive Certification” with the State of California,  
12 indicating it can meet its financial obligations for the current and subsequent two  
13 fiscal years.

14 35. Furthermore, SARC data reveals that TIDE is fiscally efficient in delivering Special  
15 Education. TIDE’s “Restricted” (Special Education) expenditures per pupil are  
16 approximately \$5,180, compared to approximately \$7,835 at East Palo Alto Academy.

17 36. TIDE’s higher “per pupil” cost is driven entirely by “Unrestricted” overhead  
18 (administration, support services), not special education services. This evidences that the school  
19 environment *is itself* the reasonable accommodation.

20 37. By closing TIDE, the District will not save “Restricted” funds; those costs follow  
21 the students. Conversely, the closure will likely increase District costs by forcing  
22 displaced students into Non-Public School (NPS) placements (costing \$75,000+ per year)  
23 when they fail in the comprehensive environment.

1 38. A decision that targets the highest-density disabled population for displacement,  
2 based on a financial rationale that ignores the inevitable spike in “Restricted”  
3 encroachment costs, is arbitrary, irrational, and evidence of discriminatory intent: forcing the brunt  
4 of alleged financial distress onto the backs of disabled families.

5 39. The District has a pattern and practice of failing to accommodate students with  
6 disabilities in the larger schools, whether through Section 504 of the Rehabilitation Act of 1974 or  
7 the Individuals with Disabilities Education Act.

8 40. The District's decision to close TIDE is akin to the demolition of a wheelchair  
9 ramp. A school district cannot remove a structural accommodation that provides access for  
10 students with disabilities, cite “budget concerns,” and offer no equivalent means of access. Just as  
11 a district may not eliminate physical accessibility features without providing alternatives, it may  
12 not eliminate an educational environment that functions as the sole means by which a subset of  
13 students can access the general curriculum.

14 **VII. CAUSES OF ACTION**

15 **FIRST CAUSE OF ACTION: VIOLATION OF TITLE II OF THE**  
16 **AMERICANS WITH DISABILITIES ACT**

17 **(42 U.S.C. § 12132)**

18 41. Plaintiffs re-allege and incorporate the preceding paragraphs.

19 42. Defendants have denied Plaintiffs the benefits of the District’s educational  
20 services by eliminating the environmental accommodation required for them to access  
21 the curriculum.

22 43. The closure of TIDE constitutes a policy that has the disparate impact of removing  
23 the Least Restrictive Environment for 20% of the student body.

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1 44. TIDE was implemented as a reasonable accommodation to students with disabilities  
2 who could not otherwise function in a larger school and where the accommodations offered were  
3 inadequate.

4 45. The District specifically “marketed” the school as a school appropriate for students  
5 with disabilities who could not perform at the larger schools. Distributed materials referred to  
6 “whole school” supports. Subsequent materials stated: “Small community allows more focus on  
7 students who are supported academically and social emotionally with Nucleus, our advisory class  
8 and small counselor caseloads.”

9 46. Removing the reasonable accommodation creates a systemic violation of the rights of  
10 the disabled students who chose to attend TIDE to receive that accommodation and disparately  
11 impacts disabled students causing a denial of equal access.

12 47. Despite knowledge that TIDE serves a unique, high-needs population, Defendants  
13 failed to conduct a standard Budget Advisory Committee review or analyze the disparate impact  
14 before voting to close the school. Defendants have acted in a rushed and noncollaborative process  
15 revealing a callous disregard to the consequences of closure.

16 **SECOND CAUSE OF ACTION: VIOLATION OF SECTION 504 OF THE**  
17 **REHABILITATION ACT**

18 (29 U.S.C. § 794)

19 48. Plaintiffs re-allege and incorporate the preceding paragraphs.

20 49. Defendants receive federal financial assistance.

21 50. Under 34 C.F.R. § 104.4(b)(4), recipients may not utilize criteria or methods of  
22 administration that have the effect of subjecting handicapped persons to discrimination.

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1 51. The District’s decision to consolidate schools is a “method of administration” pursuant  
2 to 34 C.F.R. § 104.4(b)(4) that effectively excludes Plaintiffs from the General Education program  
3 by transferring them to environments where they cannot function absent accommodations that are  
4 systemically under-provided.

5 **VIII. PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiffs respectfully request that this Court:

7 A. Issue a Preliminary and Permanent Injunction enjoining Defendants from closing TIDE  
8 Academy or dispersing its student body until a plan is in place that guarantees the  
9 preservation of the same level of inclusion and environmental accommodation;

10 B. Declare that the decision to close TIDE Academy violates Title II of the ADA and  
11 Section 504 of the Rehabilitation Act;

12 C. Award Plaintiffs their reasonable attorneys’ fees and costs pursuant to 42 U.S.C.  
13 § 12205 and 29 U.S.C. § 794a; and

14 D. Grant such other relief as the Court deems just and proper.

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16 DATED: January 30, 2026

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18 **LEIGH LAW GROUP, P.C.**

19 By: /s/Jay T. Jambeck  
20 JAY T. JAMBECK  
21 Attorney for Plaintiffs