



**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**SOUTHERN POVERTY LAW CENTER,** )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
**DR. THOMAS R. BICE,** in his official )  
 capacity as State Superintendent of the )  
 Alabama Department of Education, )  
 )  
 Defendant. )

CIVIL ACTION NO. \_\_\_\_\_

**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

Seeking Justice

Southern Poverty Law Center  
400 Washington Avenue  
Montgomery, AL 36104  
334.966.8200  
www.splcenter.org

June 7, 2012

Dr. Thomas R. Bice  
State Superintendent of Education  
50 North Ripley Street  
P.O. Box 302101  
Montgomery, Alabama 36104

RE: **Open Records Request**

Dear Dr. Bice:

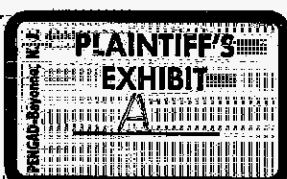
I write on behalf of myself and the Southern Poverty Law Center to submit an open records request pursuant to Ala. Code § 36-13-27. This request is for records in your role as the State Superintendent of Education. Please produce within fifteen calendar days any public information responsive to the following:

All data produced to the U.S. Department of Justice Civil Rights Division related to inquiries into the impact of Section 31-13-27 of the Alabama Code on K-12 schools, as well as any data sent before or after that date which relates to the U.S. DOJ inquiry.

All e-mails sent from and received by you or your immediate family members, including any e-mails sent or received by you or your immediate family members that were sent or received in the course of your official duties as State Superintendent of Education, in the period from April 1, 2011 to the present. This request also includes any e-mails sent or received by you or your immediate family members that were sent or received in the course of your official duties as State Superintendent of Education, in the period from April 1, 2011 to the present.

Please produce the requested materials in their native format, such as in an excel spreadsheet or in a pdf format. If the requested materials exist in both formats, please provide both formats. If the requested materials exist in a format that is not a pdf or excel spreadsheet, please provide a pdf or excel spreadsheet version of the materials. If the requested materials exist in a format that is not a pdf or excel spreadsheet, please provide a pdf or excel spreadsheet version of the materials.

Please do not redact any information from the records requested, except for information that is exempt from disclosure under the Alabama Freedom of Information Act. If you are unable to produce any of the records requested, please advise me in writing of the reasons why you are unable to produce the records.



Dr. Dick State Superintendent of Education

Dr. Dick, State Superintendent of Education

June 7, 2012

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san.brooke@splcenter.org

Sincerely,



Sam Brooke  
Staff Attorney