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**LOS ANGELES
SUPERIOR COURT**

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22 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
23 **COUNTY OF LOS ANGELES**

24 SHARAIL REED, a minor, by Victoria Wiggins,
25 guardian ad litem; AYANA REYNOLDS, a minor,
26 by Shanita Rogers, guardian ad litem;
27 KENYATTA JONES, a minor, by Shanita Rogers,
28 guardian ad litem; CESAR LOGRONO, by Jorge
Arnulfo Logrono Arias, guardian ad litem;
VICTOR SANCHEZ, by Teresa Martinez,
guardian ad litem; CONCEPCIONA MANUEL-
FLORES, a minor, by Natividad Flores, guardian
ad litem; LILIANE RODRIGUEZ, a minor, by
Gabriela Garcia, guardian ad litem; YAMILETT
RIVAS, a minor, by Amparo Hernandez, guardian
ad litem,

Plaintiffs,

v.

STATE OF CALIFORNIA; ARNOLD
SCHWARZENEGGER, Governor of the State of
California; JACK O'CONNELL, State
Superintendent of Public Instruction; STATE
BOARD OF EDUCATION; STATE
DEPARTMENT OF EDUCATION; LOS
ANGELES UNIFIED SCHOOL DISTRICT;
UNITED TEACHERS LOS ANGELES;
PARTNERSHIP FOR LOS ANGELES
SCHOOLS,

Defendants.

No. BC432420

[CLASS ACTION]

**THIRD AMENDED COMPLAINT
FOR INJUNCTIVE AND
DECLARATORY RELIEF**

Trial Date: None set
Dept.: 307

Complaint Filed: February 24, 2010

The Honorable William F. Highberger
Judge Presiding

1 Unless explicitly stated to the contrary, all allegations are based on information and belief.
2 Plaintiffs allege as follows:

3 INTRODUCTION

4 1. Plaintiffs and their peers, students at Samuel Gompers, John H. Liechty, and
5 Edwin Markham Middle Schools in Los Angeles Unified School District, have been denied the
6 basic educational opportunity guaranteed them by the California Constitution. That
7 constitutional guarantee means that the State must ensure that Plaintiffs have equal access to a
8 public education system that will teach them the skills they need to succeed as productive
9 members of modern society. The constitution thus forbids the State, through its subordinate
10 entities such as a local school district, from providing public education that falls fundamentally
11 below prevailing statewide standards. The State Defendants in this case have failed to uphold
12 their constitutional duty.

13 2. At a time when California was already 46th in the nation in per-pupil spending,
14 the State slashed the education budget last year, asking the State's public school students to
15 absorb a significant burden of the State's financial crisis. California's long-broken system of
16 school finance and governance coupled with the latest budget crisis left school districts across
17 the State to balance their budgets with dwindling State dollars. The Los Angeles Unified School
18 District (LAUSD) chose to balance its budget by implementing a Reduction in Force (RIF) that
19 decimated the teaching corps at Plaintiffs' schools.

20 3. Over a single summer, Plaintiffs' schools lost half to two-thirds of their teachers,
21 and many of those positions remained unfilled at the start of the school year. Plaintiffs' schools
22 had to scramble to rebuild their school communities, frequently relying on a series of substitutes
23 to temporarily fill the spots left by the teachers who were laid off. Other schools within LAUSD,
24 however, did not suffer such severe reductions in their teaching corps. Nevertheless, LAUSD is
25 implementing another RIF for the 2010-2011 academic year, which, because of the State
26 Defendants' policies, will again severely impact Plaintiffs' schools while leaving other schools
27 within LAUSD and around the State comparatively unscathed.
28

1 4. The State Defendants' decisions caused Plaintiffs educational harm that is
2 devastating, concrete, and well documented. Researchers from many different disciplines have
3 converged on the finding that teachers are the single most important resource in delivering
4 learning opportunity to students. Recent studies have found that student achievement gains are
5 much more influenced by a student's assigned teacher than other factors at the school site. In
6 fact, preeminent education scholars Gary Orfield and Patricia Gándara cite research
7 demonstrating that "even . . . two consecutive years of weak teachers may leave a student
8 without any hope of ever catching up with his or her peers, creating a life-long learning deficit
9 that puts a student at high risk for school failure and dropping out."

10 5. Research has also demonstrated that a stable corps of teachers is essential to
11 successful outcomes. It is not only teaching experience that matters, but also experience
12 teaching within a school. Teachers must know their students in order to understand and gear
13 their instruction to the intellectual strengths and weaknesses within their classrooms, and to form
14 relationships of trust, caring and expectations essential to a learning environment. This is
15 especially true at schools that serve large populations of socio-economically disadvantaged
16 students, many of whom have had negative experiences at school, and students who have
17 significant academic deficits.

18 6. Where teaching staffs undergo frequent turnover from year to year, and
19 sometimes even from semester to semester, school faculties cannot accrue the benefits of
20 experience within the classroom and cannot create or maintain a solid academic infrastructure
21 within the school. It is well established that teachers learn in their first years from in-class
22 teaching and from contemporaneous training and mentoring by more experienced teachers at the
23 school. Further, as Orfield and Gándara state, studies of effective school reform have
24 consistently shown that "[i]t is virtually impossible to implement school reforms with a
25 revolving door of teachers and administrators."

26 7. Given the central importance of a stable, effective teaching corps to student
27 achievement, it is imperative that Plaintiffs' schools build a corps of dedicated teachers by
28

1 recruiting teachers who want to work with the student population served by the school, investing
2 in their training, and having the resources available to retain these teachers over time.

3 8. The State Defendants, however, did not take action to stem the high level of
4 teacher turnover at Plaintiffs' schools or to ensure an even distribution of teacher experience
5 within LAUSD. Predictably, this led to an aggregation of the least senior teachers at Plaintiffs'
6 schools and others like them. In this regard, LAUSD failed to follow its own policy regarding
7 the distribution of experienced teachers within the district. The other State Defendants took no
8 steps, nor have any policies in place, to prevent this sort of aggregation.

9 9. Given this neglect, efforts were underway at Plaintiffs' schools to alter the
10 dynamic of rampant teacher turnover that so often besets urban schools serving large numbers of
11 low-income students and students of color. Administrators at Gompers, Liechty and Markham
12 had focused teacher recruitment efforts on teachers who decided to become teachers specifically
13 because they wanted to work with the student population served at these schools. The schools
14 had successfully recruited a critical mass of teachers committed to staying at the schools and
15 becoming the foundation for an experienced, effective teaching corps at these schools.

16 10. Unfortunately, the State Defendants' actions have destroyed those reform efforts
17 and harmed Plaintiffs. Due to decisions made by the State Defendants, teachers with the least
18 amount of experience are the first teachers let go when school districts reduce their budgets
19 through a RIF, and the priority for layoffs is determined on a district-wide basis. Although the
20 State Defendants' the recruitment Plaintiffs' schools, the State Defendants did nothing to
21 mitigate the disproportionate impact of the layoffs on Plaintiffs' schools.

22 11. Because schools like Plaintiffs', which serve high concentrations of low-income
23 students, students of color, and English learners, have the highest concentrations of new teachers,
24 they bore a disproportionate burden under the RIF. The average percentage layoffs for LAUSD
25 was 17 percent. Compared to some middle schools at which less than 10 percent of teachers
26 were laid off as a result of the RIF, the RIF decimated Plaintiffs' schools. According to LAUSD
27 data, approximately 46 percent of teachers at Gompers, 48 percent of teachers at Markham, and
28 60 percent of teachers at Liechty were laid off.

1 12. Many of the new teachers who were the heart of these reform efforts lost their
2 permanent teaching positions at the end of the 2008-2009 year. As a result of the massive
3 teacher turnover that ensued, the students at Gompers, Liechty, and Markham are being deprived
4 of equal educational opportunity and adequate educational services on an ongoing basis. For
5 instance:

- 6 • Multiple positions in core academic subjects were not filled with a permanent
7 teacher by the start of the 2009-2010 school year, so students have been subjected
8 to a series of rotating substitutes – often ten or more – who lack appropriate
9 credentials in the subject area or training to teach effectively in these schools. In
10 these classes, students have not been offered a reasonable opportunity to learn
11 State-mandated content standards because of the teacher disruption and absence
12 of continuity of instruction. In many of these classes, students were simply not
13 taught State-mandated curriculum and no coherent instruction took place.
- 14 • Many vacant positions were filled by teachers who had not taught at a middle
15 school and were therefore unfamiliar with the state-mandated content standards
16 for the middle school subjects they were assigned to teach.
- 17 • The student-teacher relationships and trust so vital to effective teaching in
18 Plaintiffs' schools have been shattered, impairing the ability of students to learn
19 State-mandated curriculum.
- 20 • Many substitute teachers and permanent teachers who are new to the school are
21 unable to manage classrooms, resulting in rampant disruptive behavior that
22 prevents learning and impacts not only those classrooms but others as well.
- 23 • Instructional quality throughout the schools has deteriorated as numerous teachers
24 who went into teaching specifically to work with the student populations served
25 by these schools and who had gained valuable experience at those schools were
26 forced to leave the schools, only to be replaced by teachers who lacked experience
27 working in a similar environment and preferred to be teaching elsewhere.

1 13. These consequences are especially damaging because the teachers forced to leave
2 were precisely the teachers most needed in the schools: teachers who wanted to stay and provide
3 long-term stability and educational opportunity specifically for the student populations at
4 Gompers, Liechty and Markham; teachers who had trained themselves in and subscribed to the
5 methods of educational reform being implemented at the schools; teachers who, in short,
6 believed in their students and wanted to and were prepared to teach them. The State Defendants'
7 decisions made teachers who wanted to be at these schools and had built positive relationships
8 with the students and community leave, only to be replaced by teachers who often had little to no
9 experience working with the student populations served by the schools and all too often lacked
10 the commitment necessary to build trust with the students and to help them succeed.

11 14. Plaintiffs now face the prospect of another devastating RIF this year, with yet
12 more turnover and transition in their campuses. In March 2010, LAUSD sent layoff notices to
13 21 percent of teachers at Gompers, 30 percent of teachers at Markham, and 49 percent of
14 teachers at Liechty. At over 30 other LAUSD middle schools, however, less than 10 percent of
15 the teachers received layoff notices.

16 15. A broad array of state governmental commissions and academic studies have for
17 decades now documented that California's school governance and finance structures are
18 fundamentally flawed, dysfunctional to a degree that spending is both inadequate and not
19 rationally directed at students' needs such as the effective delivery of course instruction
20 mandated by the state's core academic standards. This is demonstrated by the disproportionate
21 impact on plaintiffs here; students in schools most in need of stable teaching corps are denied
22 that outcome. It is in fact the default position of California's broken system of school
23 governance and finance that at times of severe budget shortfalls, constitutionally impermissible
24 teacher layoffs are visited disproportionately on schools like Gompers, Liechty and Markham,
25 which enroll almost exclusively children of color from low income families.
26
27
28

1 **The California Constitution Guarantees Equal Educational Opportunity**

2 16. The California Supreme Court has repeatedly emphasized that under the State
3 Constitution, “education [is] a fundamental interest ‘which [lies] at the core of our free and
4 representative form of government.’” *Butt v. State of California* (1992) 4 Cal.4th 668, 683
5 (quoting *Serrano v. Priest* (1976) 18 Cal.3d 728, 767-68 (“*Serrano I*”) (second alteration in
6 original)). The fundamental nature of the right to education arises from “the distinctive and
7 priceless function of education in our society.” *Serrano v. Priest* (1971) 5 Cal.3d 584, 608-09
8 (“*Serrano I*”). As the Court has noted, education plays an indispensable role in our society in
9 two ways. First, education serves as a major determinant of an individual’s chances for
10 economic and social success. *Id.* at 605. Second, education asserts a unique influence on an
11 individual’s development as a citizen and participant in political and community life. *Id.* Thus,
12 “education is the lifeline of both the individual and society.” *Id.*

13 17. California courts have repeatedly recognized that the California Constitution
14 requires that all California students have “equal access to a public education system that will
15 teach them the skills they need to succeed as productive members of modern society.” *Hartzell v.*
16 *Connell* (1984) 35 Cal.3d 899, 906-09; *see also Serrano I*, 5 Cal.3d at 608-08; *Piper v. Big Pine*
17 *Sch. Dist.* (1924) 193 Cal. 664; *O’Connell v. Superior Court* (2006) 141 Cal.App.4th 1452, 1482.
18 Consistent with the California Constitution’s recognition of education as a fundamental interest
19 and the equal protection guarantees found in the California Constitution, a student may not be
20 provided with a program of education that “falls fundamentally below prevailing statewide
21 standards.” *Butt*, 4 Cal.4th at 685, 686-87. Any action that has a real and appreciable impact
22 upon the right to basic educational equality is subject to strict scrutiny. *See Serrano II*, 18 Cal.3d
23 at 761, 767-68. The State bears the ultimate responsibility for ensuring public school students
24 receive equal educational opportunity and adequate educational services. Local school districts,
25 like Defendant Los Angeles Unified School District (LAUSD), are responsible for delivering
26 day-to-day instruction and educational services that comport with the California Constitution.

27 18. These guarantees are not symbolic and cannot be satisfied formalistically. As the
28 California Court of Appeal most recently articulated it, “[t]he purpose of education is not [simply]

to endow students with diplomas, but to equip [students] with the substantive knowledge and skills they need to succeed in life.” *O’Connell*, 141 Cal.App.4th at 1478. In fact, California has set forth the content of the education guaranteed to each student by its Constitution in specific terms: uniform content standards describe what the State promises to teach and what students must learn at each grade level. Thus, the State has given content to the “uniquely fundamental personal interest” of access to a public education, *Butt*, 4 Cal.4th at 681, by adopting content standards directing what students are expected to learn in each grade.

19. In short, the State Defendants have an obligation to provide Plaintiff students at Gompers, Liechty and Markham, with equal and adequate educational opportunity. The State Defendants have failed to do so and must be stopped from failing to do so in the future.

PARTIES

20. Plaintiffs Kenyatta Jones, Ayana Reynolds, and Cesar Logrono reside in the County of Los Angeles and within the boundaries of Los Angeles Unified School District. Plaintiffs Kenyatta Jones, Ayana Reynolds, and Cesar Logrono are students at Samuel Gompers Middle School and are legally required to attend school. The parents of Plaintiffs Kenyatta Jones, Ayana Reynolds, and Cesar Logrono have filed simultaneously with this Complaint a petition with the Court to act as Plaintiffs' guardians ad litem.

21. Plaintiff Victor Sanchez resides in the County of Los Angeles and within the boundaries of Los Angeles Unified School District. Plaintiff Victor Sanchez is a student at John H. Liechty Middle School and is legally required to attend school. The parent of Plaintiff Victor Sanchez has filed simultaneously with this Complaint a petition with the Court to act as Plaintiff's guardian ad litem.

22. Plaintiffs Concepciona Manuel-Flores, Sharail Reed, Yamilett Rivas, and Liliane Rodriguez reside in Los Angeles County and within the boundaries of Los Angeles Unified School District. Plaintiffs Concepciona Manuel-Flores, Sharail Reed, Yamilett Rivas, and Liliane Rodriguez attend Markham Middle School and are legally required to attend school. The parents of Plaintiffs Concepciona Manuel-Flores, Sharail Reed, Yamilett Rivas, and Liliane

1 Rodriguez have filed simultaneously with this Complaint a petition with the Court to act as
2 Plaintiffs' guardians ad litem.

3 23. Defendant State of California is the legal and political entity with plenary
4 responsibility for educating all California public school students, including the responsibility to
5 establish and maintain the system of common schools and a free education, under the California
6 Constitution, article IX, section 5, and to assure that all California public school students receive
7 their fundamental right to an equal education, under the equal protection clauses of the California
8 Constitution, article I, section 7(a), and article IV, section 16(a).

9 24. Defendant Arnold Schwarzenegger, sued here in his official capacity, is the
10 Governor of the State of California, possessing the powers as set forth in Article V of the
11 California Constitution and the laws of the State of California. He is responsible for overseeing
12 that the law in California is faithfully executed.

13 25. Defendant Jack O'Connell, sued here in his official capacity, is the State
14 Superintendent of Public Instruction for the State of California, the Secretary and Executive
15 Officer for the State Board of Education, and the Chief Executive Officer of the California
16 Department of Education. As such, he is obligated to take all necessary steps to ensure that
17 school districts comply with the California Constitution and State laws. Pursuant to California
18 Education Code Sections 33301-33303, he is the Director of Education in whom all executive
19 and administrative functions of the California Department of Education are vested. Pursuant to
20 California Education Code Section 33112(a), he shall superintend the schools of this state. He is
21 responsible for ensuring that children within the State of California receive a free and equal
22 public education.

23 26. Defendant State Board of Education and its members are responsible for
24 determining the policies governing California's schools and for adopting rules and regulations
25 for the supervision and administration of all local school districts. Pursuant to California
26 Education Code Sections 33030-33032, Defendant State Board of Education is required to
27 supervise local school districts to ensure that they comply with State and federal law
28 requirements concerning educational services.

1 27. Defendant State Department of Education is the department of State government
2 responsible for administering and enforcing laws related to education. Pursuant to California
3 Education Code Sections 33300-33316, the State Department of Education is responsible for
4 revising and updating budget manuals, forms, and guidelines; cooperating with federal and state
5 agencies in prescribing rules and regulations, and instructions required by those agencies; and
6 assessing the needs and methods of collecting and disseminating financial information.

7 28. Defendant Los Angeles Unified School District is a school district organized
8 pursuant to law and possessing those powers set forth in articles IX and XVI of the California
9 Constitution and the laws of the State of California.

10 29. Defendants State of California, Arnold Schwarzenegger, Jack O'Connell, State
11 Board of Education, State Department of Education, and Los Angeles Unified School District are
12 herein referred to as "the State Defendants."

13 30. All the State Defendants either are recipients of State funds in support of the
14 operation of schools or are responsible for and capable of ensuring that State funds are spent by
15 recipients in a nondiscriminatory manner in the State public school system.

16 31. Defendant United Teachers Los Angeles ("UTLA") is the exclusive bargaining
17 representative of certificated teachers and health and human services personnel in the Los
18 Angeles School District. By order dated April 30, 2010, the Court found UTLA is a necessary
19 party and ordered UTLA joined as a party in this action.

20 32. Defendant the Partnership for Los Angeles Schools ("Partnership") is a California
21 non-profit corporation, which has entered into a collaboration with LAUSD regarding the
22 operation of twelve LAUSD schools, including Gompers and Markham. By order dated April 30,
23 2010, the Court found the Partnership is a necessary party and ordered the Partnership joined as a
24 party in this action.

25
26 **CLASS ACTION ALLEGATIONS**

27 33. This action is maintainable as a class action under California Code of Civil
28 Procedure section 382.

1 34. Plaintiffs represent a class of children consisting of all present or future students
2 attending Gompers Middle School, Liechty Middle School, and Markham Middle School.

3 35. There are questions of law or fact common to the entire class. Common questions
4 of fact include, without limitation, whether the State Defendants' actions and omissions have
5 failed to assure the delivery of equal educational opportunity and constitutionally adequate
6 educational services to the class. Common questions of law, include, without limitation, the
7 following:

- 8 a. Whether the State Defendants' practices violate article I, section 7(a) and article
9 IV, section 16(a) of the California Constitution, which guarantee Plaintiffs the
10 equal protection of the law, by failing to provide Plaintiffs basic educational
11 opportunities equal to those that students in other schools receive;
- 12 b. Whether the State Defendants' practices violate article IX, sections 1 and 5 of the
13 California Constitution, which guarantee Plaintiffs a fundamental right to attend a
14 "system of common schools" that are free and "kept up and supported" such that
15 they may receive the "diffusion of knowledge and intelligence essential the
16 preservation of the[ir] rights and liberties";
- 17 c. Whether the State Defendants' practices violate article I, section 7(b) of the
18 California Constitution by denying Plaintiffs educational services capable of
19 allowing students at Plaintiffs' schools to master state-mandated content standards
20 in all academic subjects, while providing educational services capable of allowing
21 students at other schools to master the content standards in all academic subjects;
- 22 d. Whether the State Defendants' practices violate California Government Code
23 section 11135 by maintaining a system of public schools that does not provide
24 equal educational opportunity and adequate educational services to Plaintiffs
25 without regard to race, ethnicity, or economic status.

26 36. The Plaintiff class is so numerous that joinder of all members is impracticable.
27 The class includes all the students at Gompers Middle School, Liechty Middle School, and
28 Markham Middle School. The size of the class exceeds 5000 students, which is the approximate

1 number of students currently attending Gompers, Liechty, and Markham Middle Schools.
2 Moreover, the inclusion in the class of future members and the dispersal of the class at three
3 school sites make joinder impracticable.
4

5 **FACTUAL ALLEGATIONS**

6 37. Plaintiffs attend three public schools operated by Defendant Los Angeles Unified
7 School District: Samuel Gompers Middle School, John H. Liechty Middle School, and Edwin
8 Markham Middle School.

9 38. Gompers Middle School is located in Watts in South Central Los Angeles. For
10 the 2008-2009 school year, Gompers Middle School's enrollment was just over 1600 students.
11 Of these students, 29 percent were black and 71 percent were Latino. Just over one third of the
12 students were English language learners, and 76 percent of the students were economically
13 disadvantaged. Gompers is a chronically low performing school, having been on Program
14 Improvement status since 1997-1998, which means it has consistently failed to meet student
15 achievement goals for over a decade. On average, over the last five years, fewer than 15 percent
16 of students at Gompers performed at or above proficient on state achievement testing.

17 39. Liechty Middle School serves students in the Pico-Union and Westlake
18 neighborhoods of Los Angeles. The school was founded in 2007-2008 to alleviate overcrowding
19 at two other middle schools. For the 2008-2009 year, Liechty Middle School's enrollment was
20 just over 1900 students. Of these students, 2 percent were black, 96 percent were Latino, 1
21 percent were Filipino, and 1 percent were Asian / Pacific American. Approximately 42 percent
22 of the students were English language learners, and 90 percent of the students were economically
23 disadvantaged. In the first two years of its existence, just under 24 percent of its students
24 performed at or above proficient on state achievement testing.

25 40. Markham Middle School is located in Watts in South Central Los Angeles. For
26 the 2008-2009 year, Markham Middle School's enrollment was just over 1500 students. Of
27 these students, 27 percent were black and 72 percent were Latino. Just under one third of the
28 students were English language learners, and 82 percent of the students were economically

1 disadvantaged. Like Gompers, Markham is a chronically low performing school, and it has been
2 on Program Improvement status since 1997-1998. On average, over the last five years, fewer
3 than 13 percent of its students performed at or above proficient on state achievement testing.
4

5 **Plaintiffs' Schools Had Implemented Reforms Focused on**
6 **Building Stable, Effective Teaching Corps to Deliver High Quality Education**

7 41. Schools serving high concentrations of low-income students, students of color,
8 and English learners tend to have much higher teacher turnover rates than other schools. This
9 trend is borne out at Plaintiffs' schools. During the 2008-2009 school year, the average years of
10 teaching experience for the teachers at Gompers, Liechty and Markham were 5.0, 3.5 and 7.2,
11 respectively, compared to an average of 11.6 years of teaching experience for all teachers in
12 LAUSD and 13.1 years of teaching experience for all teachers statewide. The State Defendants
13 failed to take action to reduce teacher turnover at Plaintiffs' schools or to ensure even
14 distribution of experienced teachers within the District, which contributed to the aggregation of
15 less experienced teachers at Plaintiffs' schools.

16 42. Research demonstrates that high levels of teacher turnover contribute
17 substantially to low academic achievement, especially at schools with student demographics such
18 as Plaintiffs' schools. Teacher stability is a key aspect of student achievement at such schools in
19 large part because it is necessary to build trusting student-teacher relationships and because it
20 helps teachers learn how to teach effectively and within the particular school community.

21 43. Given the State Defendants' failure to reduce turnover at Plaintiffs' schools, each
22 of the schools developed plans to reduce or prevent teacher turnover to counter the negative
23 impacts of turnover on students. For all three schools, the approach focused on hiring teachers
24 who wanted to work in the schools and were committed to working with the student population
25 served by that school.

26 44. Before the 2008-2009 year, the Partnership for Los Angeles Schools
27 ("Partnership") took over management of Gompers. The Partnership is a non-profit agency
28 whose goal is to turn around some of LAUSD's lowest performing schools by implementing a

1 school reform plan that can be replicated throughout the District. A key component of the
2 reform plan at Gompers was to hire, invest in, and retain teachers who did not just want to teach,
3 but who wanted to teach *at Gompers* and specifically went into the teaching profession to work
4 with student populations like those served by Gompers. During the course of the 2008-2009 year,
5 Gompers invested more than \$200,000 on professional development for the new teachers who
6 were recruited to work at the school and become the foundation of an effective, stable faculty.

7 45. Liechty was founded to function as a model for urban schools serving
8 predominantly low-income students of color, especially with the goal of providing a stable
9 faculty with strong relationships of trust with the students and the community. The school was
10 structured around four small learning communities (SLCs), and each student was to spend his or
11 her entire middle school career within the same SLC. The school day was structured to allow
12 cross-curricular planning and interdepartmental collaboration on a regular basis, which would
13 improve the quality of classroom instruction. Additionally, students were to have the same team
14 of teachers in sixth and seventh grade, allowing students and teachers to build strong
15 relationships and help teachers understand more about the academic strengths of their students.
16 The founding faculty was specifically recruited to develop and implement this vision. The
17 school administration hired teachers who were committed to spending their careers working with
18 Liechty's student population. The approach at Liechty was proving successful in preventing
19 teacher turnover experienced at schools that serve similar student populations. After the 2007-
20 2008 year, fewer than ten of Liechty's sixty-five teachers left the school. Accordingly, the
21 school was in a position to provide stability and continuity for its students from year to year.

22 46. The Partnership also took over management of Markham before the 2008-2009
23 year. Like Gompers, a key component of the reform plan at Markham was to hire teachers
24 committed to working with student populations like those served by Markham. The new
25 principal was able to recruit sought-after teachers by offering them a chance to be part of the
26 team that would reform Markham. Part of that offer was the promise that in exchange for their
27 hard work and dedication to students, the school would provide them permanence, training, and
28 support that would allow them to deliver high quality instruction for Markham's students.

1 During the course of the 2008-2009 year, Markham invested over \$250,000 on professional
2 development for the new teachers who were recruited to be the foundation of an effective faculty.

3
4 **The State Defendants' Actions Guttled the Teaching Corps at Plaintiffs' Schools**

5 47. In response to State budget issues, the State Defendants, directly or indirectly,
6 chose to implement a Reduction in Force (RIF) in LAUSD beginning in the 2009-2010 school
7 year.

8 48. Under State law and local district policies, when a school district elects to
9 implement a RIF to address a budgetary shortfall, the teachers with the least seniority are the
10 ones who must be laid off first. The determination of whom to lay off is made on a district-wide
11 basis and without regard to whether the distribution will disproportionately impact particular
12 schools.

13 49. In LAUSD, as in most urban school districts, the highest percentages of new
14 teachers aggregate in schools with the highest concentrations of low-income students and
15 students of color. This aggregation occurred despite LAUSD's own policy regarding the
16 distribution of experienced teachers throughout the district. Thus, although thousands of
17 LAUSD teachers received RIF notices last year, the teachers who were laid off were
18 disproportionately concentrated at schools serving high concentrations of low income students
19 and students of color. The policies that the State Defendants established to govern the decisions
20 about which teachers must be laid off do not take into account the impact on student educational
21 opportunity.

22 50. Under State law, notices to teachers affected by a RIF must be delivered on
23 March 15 of the year prior to the school year in which the reduction will be effective. LAUSD
24 delivered RIF notices on March 15, 2009.

25 51. The State Defendants' decisions had devastating effects on Plaintiffs' schools. At
26 Liechty, approximately 47 of its 78 teachers (60 percent) lost their jobs at the end of the 2008-
27 2009 year due to the RIF. Although 21 of these teachers were rehired as long-term substitutes,
28 26 vacancies were created by the RIF.

1 52. At Gompers, approximately 38 of its 79 teachers (46 percent) received RIF
2 notices. Although 7 teachers were rehired as long-term substitutes, approximately 20 Gompers
3 teachers had to be replaced before the 2009-2010 school year began. Of these vacancies, 13
4 were directly caused by the RIF.

5 53. At Markham, approximately 33 of its 72 teachers (47 percent) received RIF
6 notices. Although 17 teachers were rehired as long-term substitutes, approximately 24 teachers
7 had to be replaced before the 2009-2010 school year began. At least 18 of the vacancies were
8 created by the RIF.

9 54. On a district-wide basis, however, LAUSD sent notices to only 17.9 percent of its
10 teachers. A large number of other LAUSD middle schools had less than 15 percent of their
11 teachers laid off (e.g., Columbus, Frost, Hale, Henry, Holmes, Mulholland, Reed, Mark Twain,
12 Portola, Revere, Woodland Hills Academy, Dana, etc.). Moreover, LAUSD left the teaching
13 corps at several other middle schools almost completely intact. For example, at Lawrence
14 Middle School in Chatsworth, only 1 of 76 teachers, or 1.3 percent of its staff, received a RIF
15 notice. At Madison Middle School in North Hollywood, only 4 of 82 teachers – less than 5
16 percent of the staff – received RIF notices. At Nobel Middle School in Northridge, only 6 of 86
17 teachers, or 7 percent, were given RIF notices.

18
19 **The State Defendants' Policies Divorce Hiring Decisions from Educational Needs**

20 55. Because of State law and local policies, LAUSD fills vacancies caused by the RIF
21 with teachers who had lost their jobs at other schools within LAUSD. LAUSD thus replaced
22 teachers who specifically trained for and wanted to teach in Plaintiffs' schools, who had
23 experience teaching at Plaintiffs' schools, and who had invested time and energy building
24 relationships and trust with Plaintiffs, with teachers who did not necessarily want to be in these
25 schools. In many instances, the teachers on the rehire list refused to accept the positions, further
26 delaying placement of a permanent teacher in the classroom. Other teachers initially accepted
27 positions but then quit after only a few days because they are not able or willing to work in the
28 school. Teachers who were credentialed to teach specific classes were replaced with teachers

1 without such a credential. Many diverted teachers did not have the classroom management skills
2 necessary to keep control of students in Plaintiffs' schools.

3 56. For example, at Gompers, the school hired a long-term substitute to fill one of the
4 science classes whose teacher position was vacant as a result of the RIF and was not able to fill
5 that position with a permanent teacher from the rehire list until January. The newly hired
6 permanent teacher quit after only five days, and that position is now filled by another substitute
7 who lacks the credential, and training to provide the students with the content standards
8 mandated by the State for that subject.

9 57. At Liechty, three of the new teachers hired to fill vacancies left within two weeks.
10 Even though they had more years of experience than the RIFed teachers they replaced, these
11 teachers had taught students of a different age and who came from a different community, and
12 the teachers did not adjust to the environment at Liechty.

13 58. Likewise, at Markham, the administration had difficulty filling vacant positions
14 off the rehire list. Numerous teachers would accept interviews only to cancel when they learned
15 that Markham was located in Watts. On several occasions, teachers accepted permanent
16 positions only to quit within the first week of teaching. Moreover, several teachers who had
17 been hired to fill vacancies created by the RIF quit midway through the year, creating more
18 instability in the classroom and greater gaps in instruction for the students.

19
20 **The State Defendants' Actions Forced Plaintiffs' Schools to Fill Vacancies With**
21 **Rotating Short-Term Substitutes**

22 59. Due to the extremely high number of vacancies, some positions in Plaintiffs'
23 schools were not filled before – or even well after – the start of the school year. Plaintiffs'
24 schools were thus forced to use short-term substitutes to fill these positions.

25 60. Under State law, individuals cannot substitute for a single teacher for longer than
26 30 days, unless the substitute is fully credentialed and teaching in the subject area authorized by
27 the credential. Individuals who obtain an Emergency 30-Day Substitute Teaching Permit are not
28 permitted to substitute for a single teacher for longer than 30 days in any situation.

1 61. Due to the State Defendants' actions, therefore, Plaintiffs' schools were forced to
2 fill positions with short-term substitutes on a rotating basis, even for core subjects. Some
3 students in core academic subjects ranging from U.S. History to Algebra I to English were
4 therefore forced to attend classes for which no permanent teacher had been hired and that were
5 staffed by as many as 10 rotating substitutes, many of whom lacked appropriate credentials and
6 training.

7 62. Liechty began the 2009-2010 year with approximately seven unfilled positions, so
8 the school had to rely on short-term substitutes to staff these classes. As of December 2009, two
9 of these positions – a U.S. History class and an Algebra class – were still not filled. The students
10 in the History class have had at least seven different substitute teachers rotate through the
11 classroom this year.

12 63. At Markham, there were approximately twelve vacant positions at the start of the
13 2009-2010 year. The Markham History Department was especially hard hit by the RIFs, having
14 lost every eighth grade history teacher. Because there was not a permanent teacher for these
15 positions, the school had to rely on short-term substitutes to fill these classrooms. Students in
16 classes ranging from History to English to Math have had at least six to ten different teachers in
17 the first four months of school.

18 64. The State Defendants' actions have therefore led to severe problems in
19 maintaining classroom order in Plaintiffs' schools. On many occasions, classes led by substitute
20 teachers have descended into chaos.

21 65. The State Defendants' actions have deprived students of the opportunity to learn
22 core subjects. Many short-term substitutes were not credentialed to teach in the subject areas for
23 which they were assigned. A large number of the short-term substitutes do not have credentials
24 at all. Some short-term substitutes simply did not teach the subject matter of the course. Other
25 substitutes covered the same materials repeatedly. The rotation of substitutes has precluded the
26 development of coherent lesson plans and prevented the creation of adequate student records.
27 Unable to evaluate the students, several substitutes have simply given all students a C grade.
28

1 When asked what they have learned in the classes led by rotating substitute teachers, many
2 students can only reply: "Nothing."

3 66. With this level of instability and discontinuity in a classroom, it is not possible
4 that students can be taught the rigorous State content standards in the subject. In many classes,
5 in fact, students were not taught at all: the classrooms were effectively reduced to nothing more
6 than child care. For example, when Concepciona Manuel-Flores, who is otherwise a straight-A
7 student, took a Periodic Exam for English in December, she did not even recognize the
8 information and concepts in many of the questions. Similarly, after her U.S. History class was
9 taught by at least nine different substitutes, Sharail Reed found herself guessing answers on
10 questions in the December Periodic Assessment for U.S. History that covered topics she had not
11 been taught. Yamilett Rivas suffered the same rotating-substitute experience in U.S. History for
12 the first three months of her school year, until she was able to transfer into a different U.S.
13 History class that did have a permanent teacher assigned. That teacher worked with Yamilett
14 after school to cover the content Yamilett missed during the three months when she had not had
15 a permanent teacher assigned to her class. Liliane Rodriguez's U.S. History class went through
16 ten different substitute teachers until December 2009 when a permanent teacher finally was
17 assigned to her class. Liliane does not remember a single instance when substitutes returned
18 corrected class work to the students. The only day Liliane can remember when a substitute
19 lectured, called on students by name, and asked students questions about the topic she was
20 teaching was one day when the assistant principal covered the class.

21 67. Some Liechty eighth-grade students did not have a permanent teacher until late
22 November or early December. For the first part of that school year, these students had
23 approximately nine different substitutes. Usually, the substitutes simply told the class to read a
24 text book and answer questions from the book, but at least one student frequently saw the
25 substitutes throw their work into the trash after they turned it in. Other times the substitutes
26 would tell them to write lines from a text book on days when they were supposed to have a test
27 or a quiz. Liechty substitutes in the English as a Second Language (ESL) classes lacked the
28 ability to communicate with students in their native language, rendering them ineffective.

1 68. As a result of the RIF, many students at Plaintiffs' schools were completely
2 deprived of instruction that satisfied any professional standard for months at a time because the
3 qualified, permanent teachers who had experience working at Plaintiffs' schools, specifically
4 wanted to work at Plaintiffs' schools, and who had built relationships of trust within Plaintiffs'
5 schools were laid off by LAUSD and replaced by a line of short-term substitutes, leaving the
6 students without an opportunity to learn the State-mandated content and in many instances
7 without any instruction at all.

8
9 **The State Defendants' Actions Resulted in Vacancies Filled by**
10 **Underqualified and Ineffective Teachers**

11 69. When Plaintiffs' schools were able to hire permanent teachers off the rehire list,
12 the schools often had to assign teachers who lacked subject matter training or expertise. The
13 LAUSD layoffs therefore substantially increased the number of "misassigned" teachers –
14 teachers assigned to teach courses in which they do not have the requisite certification or training
15 – at Plaintiffs' schools. An appropriately certified teacher is an essential resource. As Dr. Linda
16 Darling-Hammond has shown, the overall proportion of correctly assigned teachers is "the most
17 significant predictor of state-level average student achievement in mathematics and reading."

18 70. At Gompers, the total teacher misassignments rose from 100 in 2008-2009 to 152
19 after the RIF. The number of teachers misassigned to teach English learners rose from 47 to 63.
20 At Markham, the total rose from 112 to 216 and for English learners from 50 to 99. At Liechty,
21 the total rose from 283 to 317 and for English learners from 35 to 56. The RIF therefore
22 reversed trends reducing the number of misassignments at Plaintiffs' schools.

23 71. By contrast, the RIF actually resulted in fewer misassignments of teachers at other
24 LAUSD schools. For example, at Revere Middle School in Pacific Palisades, the number
25 dropped by 53%; at Burroughs Middle School in Hancock Park, by 5%; and at Palms Middle
26 School, by 15%. Similarly, while total teacher misassignments (TMA) and misassignments for
27 English Learners (ELMA) to skyrocketed at Plaintiffs' schools, both total and English learner
28 misassignments dropped Lawrence, Madison, and Nobel middle schools:

School	2008 TMA	2009 TMA	2008 ELMA	2009 ELMA
Liechty MS	283	317	35	56
Markham MS	112	216	50	99
Gompers MS	10	152	47	63
Lawrence	77	38	23	4
Madison MS	70	60	33	3
Nobel MS	66	51	24	9

72. The position of the chair of the Science Department at Gompers provides one example. The chair received a RIF notice in the spring of 2009 and then took a teaching position elsewhere at a charter school because of the uncertainty of her position at Gompers. Her position was filled by a long-term substitute who does not have a science teaching credential and does not have any background in science.

73. Likewise, a math teacher at Gompers whose students had demonstrated considerable growth on state test scores and who had been nominated as Teacher of the Year was forced to leave after the 2008-2009 year due to the RIF. The teacher who was hired to replace her had not taught in a classroom for several years and expressed unfamiliarity with current teaching methods and the relevant state content standards.

74. Last year's RIFs likewise forced Liechty to replace dedicated and skilled teachers who were excited about their students with teachers with inadequate skills and credentials. For example, one of the teachers who lost her job at Liechty at the end of the 2008-2009 year due to the RIF was featured on NPR for her teaching excellence.

75. Another teacher at Liechty who had raised student literacy level by 1.5 years and raised student scores to proficiency level was forced out by the RIF. A permanent teacher from the rehire list was assigned to the class but could not handle the position and left within two weeks.

76. The rehire list also includes teachers with experience only in elementary school or high school, who are therefore not familiar with subject content and state standards or with challenges dealing with middle school students. The learning curve for these teachers is extremely steep. These teachers generally struggle with classroom management and instructional quality suffers as a result.

1 77. For example, a teacher hired mid-year to fill a vacancy in the History Department
2 at Markham had several years of prior experience teaching at Pacoima Elementary and working
3 as a substitute in other schools within LAUSD. Yet at the end of his second day he told another
4 teacher that he had never had a day as challenging as that day in his teaching career. This was
5 not surprising because he was unfamiliar with middle school students generally and Markham
6 students specifically, and he was the fifth or sixth new teacher those students had seen in that
7 class since September. Another teacher who was hired as a long-term substitute at Markham had
8 taught honors history for several years at Roosevelt Senior High School, yet he told another
9 teacher after only a few days at Markham that he could not believe how difficult it was to
10 manage the classroom.

11
12 **The State Defendants' Actions Decimated Instructional Quality at Plaintiffs' Schools**

13 78. The instability at these schools created by the rampant teacher turnover had made
14 it difficult to impossible for all teachers to deliver quality instruction in the classroom. The
15 instability undermines trust with the students and devastates infrastructure vital to helping all
16 teachers improve their effectiveness in the classroom. The RIF shattered the foundation of
17 teachers who had come to and stayed at Plaintiffs' schools because they were committed to the
18 reform methods newly implemented at the school sites and replaced this foundation with new
19 teachers who made no similar commitment either to stay or to subscribe to the reform visions of
20 the schools.

21 79. Effective instruction is not merely a matter of whether a teacher is able to teach
22 the course content; it is also a matter of whether the teacher is able to teach that content to the
23 students who attend that school. Plaintiffs' schools' test scores show that their students are often
24 years below grade level in reading. Many of the students are disengaged from school after years
25 of attending schools that failed to address their academic needs. At this point in their learning
26 careers, many of them have encountered several teachers who did not care about them and
27 believed they were incapable of learning.

1 80. Understandably, many students in these schools have a hard time believing that
2 their teachers care about them and will not abandon them mid-way through the year. Thus, one
3 of the greatest challenges of teaching at these schools is earning the trust and respect of the
4 students so that they want to learn the academic content the teacher presents. Schools like
5 Gompers, Liechty, and Markham therefore present a huge learning curve for novice teachers *and*
6 for experienced teachers who are not familiar with the school culture. Because of the instability,
7 students at Plaintiffs' schools often call teachers they know are committed to remaining at the
8 school "real teachers" and those who have not demonstrated that commitment – or are unable to
9 because they have been forced out of permanent positions – "fake teachers." Teachers must
10 overcome students' understandable skepticism and gain their trust in order to teach effectively.

11 81. The net result of the the State Defendants' actions, however, was to force out
12 teachers who have learned about the students, built relationships with them, and gained
13 experience in what strategies and approaches work with the students at the school, and replace
14 them with teachers who have to start from scratch, many of whom are not familiar with the age
15 group or academic subjects they must teach.

16 82. Because of the sheer number of new teachers at Plaintiffs' schools this year, there
17 has been a substantial decrease in effective instruction as so many new teachers cope to adjust to
18 the new learning environment and other teachers must divert time and energy to supporting these
19 teachers. For example, about 43 of Markham's 75 classrooms are currently staffed by new
20 teachers or rotating substitutes. Yet the school has only four teaching coaches on staff, which is
21 not enough to provide adequate support and training to all of the teachers. Teachers in their
22 second year of teaching do not receive support because it must be focused on the classrooms
23 with teachers who are brand new to the school. Additionally, the numerous long-term substitutes
24 who are staffing classrooms do not receive support because the instructional support staff does
25 not know if they will be in the classroom long enough for the investment of their time to be
26 worthwhile. Consequently, instructional quality has suffered, and students are not consistently
27 receiving the information required by California's academic standards in many core subjects. In
28 many classes, virtually no instruction is taking place.

1 83. Classroom management has also been a significant challenge throughout the
2 current school year, as students adjust to so many new teachers and react to the number of
3 classes that lack permanent teachers. Incidents of disruptive behavior have increased
4 dramatically, preventing instruction and affecting not only the classrooms led by new teachers
5 but others as well.

6 84. The extreme teacher losses precipitated by the RIF also damaged infrastructure at
7 these schools that was critical to improving student achievement. Most significantly, the RIF
8 drove out some of the most effective teachers who were leaders within the schools and mentors
9 to new teachers, devastated formal leadership structures within the schools, and decimated
10 certain departments and other administrative structures that were central to improving academic
11 achievement. At Gompers, the RIF forced out two of the highest performing teachers and
12 several teachers who were serving as department chairs. At Liechty, all 13 teachers in one SLC
13 were RIFed. Six of these teachers left the school, and others elected to return as long-term
14 substitutes this year, without any guarantee that they would be able to finish out the year or have
15 a job the next year. At Markham, three out of the four teachers on the school's intervention
16 curriculum team were laid off, the sixth grade English/History Department chair was laid off,
17 almost the entire English Department lost their jobs in the RIF, and the Math Department chair
18 left due to the instability caused by the RIF.

19 85. The rampant teacher turnover also destroyed opportunities for collaboration
20 among teachers. Collaboration is particularly important for a student population that includes
21 many students with history of low academic achievement and who may be disengaged from
22 academics. With so many teachers who are new to the school, however, teachers at these
23 schools are forced to spend valuable planning periods helping teachers who are new to the school
24 with such basic tasks as figuring out where the bathrooms are and understanding to keep control
25 of the classroom.

26 86. Students in these schools are additionally harmed because the extreme teacher
27 losses mean the schools lose valuable knowledge about particular students' strengths and
28 educational needs. In schools with stable teaching staffs, the teacher who worked with a student

1 the prior year is able to provide suggestions and feedback to the teachers who have that student
2 during the current year. This is especially important in schools like the ones Plaintiffs attend
3 where many students struggle in the classroom, but, when so many teachers leave each year, that
4 knowledge is lost. For example, one math teacher at Gompers was able to intervene on behalf of
5 seventh grade students she taught during the 2008-2009 year who were being placed in a math
6 readiness class instead of Algebra I, even though they were capable of succeeding in Algebra.
7 Another seventh grade math teacher, however, had left the school because of the RIF, so no one
8 was familiar enough with the students in his classes to intervene if students were placed in the
9 wrong math class.

10 87. The uncertainty that teachers experience over their jobs and fears over economic
11 security affect classroom instruction. When teachers were notified in March 2009 that they were
12 being RIFed, many understandably became distracted with concerns about their future
13 employment and economic stability. Instead of being able to focus solely on preparing for the
14 next lesson or on determining what instructional strategies would work with a student who was
15 struggling, many teachers were worrying about their savings or preparing to interview at other
16 schools because of a legitimate fear for their jobs. The students, too, picked up on the
17 uncertainty. Some students broke into tears when asking their principal why a particular teacher
18 was being let go, whereas other students angrily reacted to the news by telling teachers that the
19 students didn't have to listen to the teachers who had received RIF notices anymore because they
20 were being laid off.

21 88. In sum, with such a high number of teachers who are new to the school, order,
22 discipline, and morale deteriorate. The net result is deterioration in the school climate and in the
23 quality of classroom instruction. Simply put, when so many classes are being taught by short-
24 term substitutes or teachers who are new, Plaintiffs' schools cannot deliver educational services
25 that will allow Plaintiffs to satisfy the California content standards in all their subjects. Plaintiffs
26 have been deprived of instruction that is consistent with professional standards and their schools
27 have failed to provide Plaintiffs an opportunity to master the content standards mandated by the
28

1 State. In many instances, Plaintiffs have been denied the opportunity to learn the mandated
2 content.

3 89. The harm is not lost on the students. The decimation of teacher corps at their
4 schools but not others highlights the existence of a dual school system, in which other students
5 but not Plaintiffs are supported in their educational goals.

6 90. Students in Plaintiffs' schools have, for example, complained to their permanent
7 teachers about the numerous substitutes and high teacher turnover, stating that the same situation
8 would not occur at a public school serving a more affluent population and fewer students of color.

9
10 **The State Defendants' Irrational Actions Have Sabotaged Reform Efforts**

11 91. Many teachers who lost their jobs due to the RIF want to come back and work in
12 the schools they left. These teachers would provide a stable presence and would bring their
13 valuable experience working at the school and with its students to the classroom. But the State
14 Defendants' policies do not allow Plaintiffs' schools to hire these teachers, even when they could
15 not fill vacant positions. For example, one English teacher at Markham who received a RIF
16 notice in the spring of 2009 took a job at a non-governmental organization. Because she
17 technically left Markham voluntarily, she is not eligible for inclusion in the rehire list for
18 consideration to teach at any LAUSD schools, even though she wants to return to Markham. She
19 is therefore teaching at a charter school in Los Angeles County.

20 92. Numerous teachers who were RIFed after the 2008-2009 year elected to return to
21 the schools as long-term substitutes because they did not want their students to suffer. In doing
22 so, however, these teachers took a pay cut and lost their benefits, and their jobs are not secure.
23 Without the sacrifices that these teachers made, the teacher turnover problem would have been
24 greater. As long-term substitutes, however, they are not entitled to take sick leave, so many of
25 them had to come into school and try to teach while sick or risk losing their jobs. Moreover,
26 long-term substitutes cannot participate in school governance, limiting these teachers' ability to
27 shape reform efforts at the school.

1 93. Although the RIF was theoretically intended to save money, it has caused these
2 schools to waste hundreds of thousands of dollars on professional development and teacher
3 training. For example, the principal at Gompers spent \$360,000 on teaching coaches from
4 UCLA to help the teachers improve. Many of the teachers who were coached by these
5 individuals were let go due to the RIF, so the money that had been invested on them is wasted.
6 Likewise, the more than \$250,000 that Markham spent on professional development in 2008-
7 2009 was targeted mostly toward the new teachers who had been recruited to become the
8 foundation for a stable teaching corps. That money was wasted, because most of those teachers
9 were lost in the RIF.

10
11 **The Level of Teacher Turnover That the State Defendants Have Created at Plaintiffs'**

12 **Schools Denies Plaintiffs Educational Equality**

13 94. By forcing out over half of the teaching staff at these schools, and in particular the
14 new teachers who were recruited specifically because they bought into a reform approach to
15 changing school culture, the State Defendants' decisions have derailed reform efforts that had
16 shown considerable promise. The State Defendants' decisions, by gutting the faculty and
17 creating a devastatingly high teacher turnover, eliminated the possibility that these efforts can
18 succeed. Thus, although the level of teacher turnover precipitated by the State Defendants'
19 actions would hinder any school's ability to fulfill its constitutional role of providing equal
20 educational opportunity and adequate education, the consequences were especially harmful to
21 these schools which were in the midst of school reform efforts focused on building a stable,
22 effective teaching corps.

23 95. It is not surprising then that the rate of teacher turnover at Gompers, Liechty and
24 Markham is different from the prevailing standards at schools throughout the State and LAUSD
25 and makes it impossible for the schools to deliver adequate education that will enable students to
26 master state content standards.

27 96. Numerous schools in LAUSD and around the State do not suffer from such
28 rampant teacher turnover, and, for many schools, the budget cuts that led to RIFs in most school

1 districts had a negligible effect on the teacher turnover rate. In contrast to the devastating effects
2 high teacher turnover and the RIF had on Gompers, Liechty and Markham, at some middle
3 schools within LAUSD and around the State less than 10 percent of teachers lost their jobs due
4 to the RIF. Students at these schools did not experience the harms created at Plaintiffs' schools.

5 97. Given the academic challenges facing the students at Gompers, Liechty and
6 Markham, teacher stability is more critical at these schools than in higher performing schools.
7 Even so, the policies and decisions made by the State Defendants have led to *higher* turnover
8 rates at these schools. Without stability and continuity in the faculty, these schools are unable to
9 provide their students equal educational opportunity or adequate educational services. The State
10 Defendants' actions have had a real and appreciable impact on Plaintiffs' fundamental interest in
11 education.

12
13 **Another RIF This Year Will Irreparably Cripple These Schools**

14 98. Although the constitutional harm to Plaintiffs and other students who attend their
15 schools this year was substantial and irreparable, LAUSD in March 2010 sent notices to its
16 teachers of another RIF.

17 99. The 2010 RIF again had a disproportionate impact on Plaintiffs' schools.
18 LAUSD sent layoff notices to 21 percent of teachers at Gompers, 30 percent of teachers at
19 Markham, and 49 percent of teachers at Liechty. At over 30 other LAUSD middle schools,
20 however, less than 10 percent of the teachers received layoff notices.

21 100. Plaintiffs' schools were the hardest hit by the combination of the 2009 and 2010
22 RIFs. Other LAUSD middle schools escaped virtually untouched. For instance, Lawrence,
23 Madison, and Nobel middle schools had little RIF-induced teacher turnover:

24
25
26
27
28

School	2009 RIF	2010 RIF
Liechty MS	60%	49%
Markham MS	48%	30%
Gompers MS	46%	21%
Lawrence	1%	3%
Madison MS	5%	4%
Nobel MS	7%	5%

1 101. The 2010 RIF will devastate the leadership and infrastructure at Plaintiffs'
2 schools, harming Plaintiffs' educational opportunity. All five of Markham's administrators
3 (including the principal) and four of seven counselors have been given RIF notices. Gompers'
4 principal and one of its three counselors received RIF notices. Six department chairs at
5 Markham and the chairpersons of the Science Department at Gompers received RIF notices.
6 Markham's principal has used teachers receiving 2010 RIF notices "extensively to teach
7 instructional and classroom management strategies to the teachers who are new to campus, and
8 [has] used their classes as model classrooms for other teachers."

9 102. Affected teachers at Plaintiffs' schools have already begun their job searches.
10 The same thing happened in 2009, resulting in losses of teachers whose RIF notices were later
11 rescinded. Based on his experience, Markham's principal anticipates that almost half the
12 classrooms will be staffed at the start of the 2010-11 school year by a teacher who has not taught
13 at Markham, is not familiar with its student body, and has no background in the school
14 improvement efforts that Markham has implemented over the last two years. Many of these
15 classrooms are anticipated to be staffed again by rotating substitutes. Due to the RIF, Markham
16 may be forced to cancel summer programs despite students' need for remediation.

17 103. In March and April 2010, LAUSD reduced the overall size of the 2010 RIF from
18 approximately 2800 teachers to approximately 860 teachers by using furlough days. These
19 reductions, however, did little to alleviate the disproportionate impact on Plaintiffs' schools.
20 LAUSD's tentative estimate still shows dramatic discrimination: Leighty will still lose 41
21 percent of its teachers, Markham 27 percent, and Gompers 12 percent. At Lawrence the
22 percentage drops to 1 percent, Madison 1 percent, and Nobel 0 percent. Over 30 other LAUSD
23 middle schools will lose less than 5 percent of their teachers.

24
25 **Other Factors within the State Defendants' Control**

26 **Deprive Plaintiffs of Educational Opportunity**

27 104. Standing alone, the level of turnover caused by the RIF at Plaintiffs' schools
28 deprives students of the constitutional right to equal educational opportunity and adequate

1 educational services. However, other factors within the State Defendants' control make the
2 teacher turnover problem at these schools even worse. Specifically, these schools lack resources
3 that are necessary to attract and retain qualified, effective teachers over time. For example, it is
4 more challenging for teachers to manage large class sizes at schools with high concentrations of
5 students with academic deficits. Thus, the large class sizes at Plaintiffs' schools make it difficult
6 for the schools to recruit and retain effective teachers, especially in light of the more challenging
7 teaching environment when compared to other schools within LAUSD. Additionally, the
8 resources in the classrooms at these schools often lag behind what is available in other schools,
9 making the school less attractive as a place to teach and work.

10 105. Additionally, based on information and belief, the State Defendants are
11 considering additional cuts to instruction in core academic subjects to cope with the budget crisis.
12 Plaintiffs already have been deprived of critical academic instruction in the State content
13 standards in some subjects as a result of the high teacher turnover caused by the RIF. They need
14 more academic instruction, not less, to ensure they are taught the content they missed due to the
15 RIF. Any reduction in instruction time at Plaintiffs' schools will further deprive them of
16 educational opportunity.

17 CAUSES OF ACTION

19 **First Cause of Action – Violation of the Equal Protection Clauses of the California** 20 **Constitution, Article I, Section 7(a) & Article IV, Section 16(a)**

21 106. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
22 though fully set forth herein.

23 107. The State Defendants have violated the rights of Plaintiffs and those similarly
24 situated to receive equal protection of the laws, pursuant to article I, section 7(a) and article IV,
25 section 16(a) of the California Constitution, by failing to provide them with basic educational
26 opportunities equal to those that other students in Los Angeles Unified School District and
27 elsewhere in the State receive.
28

Second Cause of Action – Violation of Article IX, Sections 1 and 5 of the California Constitution

108. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as though fully set forth herein.

109. The State Defendants have violated the rights of Plaintiffs and those similarly situated, pursuant to article IX, sections 1 and 5 of the California Constitution, to learn in a “system of common schools” that are “kept up and supported” such that students may learn and receive the “diffusion of knowledge and intelligence essential to the preservation of the[ir] rights and liberties.”

110. These constitutional provisions impose on the State Defendants the duty to provide Plaintiffs an education that will teach them the skills they need to succeed as productive members of modern society.

Third Cause of Action – Violation of Article I, Section 7(b) of the California Constitution

111. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as though fully set forth herein.

112. The State of California has established content standards and other commitments of care and services to Kindergarten through Grade 12 students, defining the education to which students are entitled. These commitments are among the privileges and immunities that may not be granted to some citizens or classes of citizens but not provided on the same terms to all citizens.

113. The State Defendants have violated the rights of Plaintiffs and those similarly situated to receive privileges and immunities on the same terms as all other citizens by failing to ensure that the rights enumerated *supra* were provided to Plaintiffs.

1 **Fourth Cause of Action – Violation of California Government Code Section 11135**

2 114. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
3 though fully set forth herein.

4 115. California Government Code section 11135 provides:

5 No person in the State of California shall, on the basis of race, national origin,
6 ethnic group identification, religion, age, sex, sexual orientation, color, or
7 disability, be unlawfully denied full and equal access to the benefits of, or be
8 unlawfully subjected to discrimination under, any program or activity that is
9 conducted, operated, or administered by the state or by any state agency, is funded
10 directly by the state, or receives any financial assistance from the state.

11 116. The State Defendants have violated and continue to violate Plaintiffs' and
12 members of the Plaintiff class' right to receive educational opportunity regardless of economic
13 status, nationality, race or ethnicity, pursuant to California Government Code section 11135, by
14 failing to provide Plaintiffs and members of the Plaintiff class equal educational opportunity and
15 adequate educational services, as described above.

16
17 **Fifth Cause of Action – Declaratory Relief**

18 103. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as
19 though fully set forth herein.

20 104. An actual and existing controversy exists between the Plaintiffs and the State
21 Defendants because Plaintiffs contend, and the State Defendants dispute, that the State
22 Defendants' actions and inactions as described above have violated article I, section 7(a) and
23 article IV, section 16(a) of the California Constitution; article I, section 7(b) of the California
24 Constitution; article IX, sections 1 and 5 of the California Constitution; and California
25 Government Code section 11135.

26 105. Plaintiffs seek a judicial declaration that the State Defendants have violated these
27 constitutional and statutory provisions.
28

REQUEST FOR RELIEF

Plaintiffs request relief as follows:

A. A determination by this Court that this action may be maintained as a class action;

B. Injunctive relief forbidding the State Defendants, their officers, agents, and employees from engaging in Reduction In Force layoffs of teachers at Plaintiffs' schools who wish to remain for the 2010-2011 school year;

C. Injunctive relief prohibiting the State Defendants and their officers, agents, and employees from implementing at any time in the future a layoff of a higher percentage of teachers at Plaintiffs' schools than the average school in the LAUSD;

D. Injunctive relief prohibiting the State Defendants and their officers, agents, and employees from allowing budget-based teacher layoffs to create a higher rate of annual teacher turnover at Plaintiffs' schools than the average rate of annual teacher turnover across schools in the LAUSD;

E. Injunctive relief preventing further educational harm to students at Plaintiffs' schools and providing supplemental educational services to make up for the educational opportunities lost as a result of the RIF;

F. Injunctive relief preventing the State Defendants, their officers, agents, and employees from denying sufficient financial resources to enable Plaintiffs' schools to sustain an effective, stable teaching corps;

G. A declaration that the State Defendants' actions violate Plaintiffs' rights under the Equal Protection Clauses of the California Constitution, article I, section 7(a), and article IV, section 16(a);

H. A declaration that the State Defendants' actions violate Plaintiffs' rights under Article IX, sections 1 and 5 of the California Constitution;

I. A declaration that the State Defendants' actions violate Plaintiffs' rights under Article I, section 7(b) of the California Constitution;

J. A declaration that the State Defendants' actions violate Plaintiffs' rights under California Government Code section 11135;

1 K. An award of costs, disbursements, and reasonable attorneys' fees and expenses
2 pursuant to California Code of Civil Procedure section 1021.5 and any other applicable provision
3 of law; and

4 L. Such other relief as this Court deems just and proper.
5

6 DATED: May 4, 2010

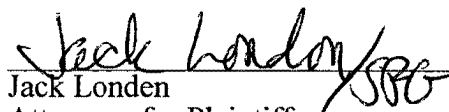
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