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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF LOS ANGELES

BC432420

15 SHARAIL REED, a minor, by Victoria
16 Wiggins, guardian ad litem; AYANA
REYNOLDS, a minor, by Shanita Rogers,
17 guardian ad litem; KENYATTA JONES, a
18 minor, by Shanita Rogers, guardian ad litem;
CESAR LOGRONO, by Jorge Arnulfo
19 Logrono Arias, guardian ad litem; VICTOR
SANCHEZ, by Teresa Martinez, guardian ad
20 litem; CONCEPCIONA MANUEL-FLORES,
21 a minor, by Natividad Flores, guardian ad
litem; LILIANE RODRIGUEZ, a minor, by
22 Gabriela Garcia, guardian ad litem;
YAMILETT RIVAS, a minor, by Amparo
23 Hernandez, guardian ad litem,

24 Plaintiffs,

25 v.

26 STATE OF CALIFORNIA; LOS ANGELES
27 UNIFIED SCHOOL DISTRICT,

28 Defendants.

No.

[CLASS ACTION]

**COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

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. Defendants in this case have failed to uphold their
12 constitutional duty.

13 2. At a time when California was already 46th in the nation in per-pupil spending, the
14 State slashed the education budget last year, asking the State's public school students to absorb a
15 significant burden of the State's financial crisis. California's long-broken system of school
16 finance and governance coupled with the latest budget crisis left school districts across the State
17 to balance their budgets with dwindling State dollars. The Los Angeles Unified School District
18 (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, another
25 RIF looms this spring, which, because of Defendants' policies, will again severely impact
26 Plaintiffs' schools while leaving other schools within LAUSD and around the State
27 comparatively unscathed.

1 4. Defendants' decisions caused Plaintiffs educational harm that is devastating,
2 concrete, and well documented. Researchers from many different disciplines have converged on
3 the finding that teachers are the single most important resource in delivering learning opportunity
4 to students. Recent studies have found that student achievement gains are much more influenced
5 by a student's assigned teacher than other factors at the school site. In fact, preeminent
6 education scholars Gary Orfield and Patricia Gándara cite research demonstrating that "even . . .
7 two consecutive years of weak teachers may leave a student without any hope of ever catching
8 up with his or her peers, creating a life-long learning deficit that puts a student at high risk for
9 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 improving
27 student achievement, it is imperative that Plaintiffs' schools build a corps of dedicated teachers
28

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

3 8. In fact, efforts were underway at Plaintiffs' schools to alter the dynamic of
4 rampant teacher turnover that so often besets urban schools serving large numbers of low-income
5 students and students of color. Administrators at Gompers, Liechty and Markham had focused
6 teacher recruitment efforts on young, energetic teachers who decided to become teachers
7 specifically because they wanted to work with the student population served at these schools.
8 The schools had successfully recruited a critical mass of teachers committed to staying at the
9 schools and becoming the foundation for an experienced, effective teaching corps at these
10 schools.

11 9. Unfortunately, Defendants' actions have destroyed those reform efforts and
12 harmed Plaintiffs. Due to decisions made by Defendants, teachers with the least amount of
13 experience are the first teachers let go when school districts reduce their budgets through a RIF,
14 and the priority for layoffs is determined on a district-wide basis.

15 10. Because schools like Plaintiffs', which serve high concentrations of low-income
16 students, students of color, and English learners, have the highest concentrations of young
17 teachers, they bore a disproportionate burden under the RIF. Compared to some schools at
18 which less than 10 percent of teachers were laid off as a result of the RIF, the RIF decimated
19 Plaintiffs' schools. Approximately 50 percent of teachers at Gompers, 57 percent of teachers at
20 Markham, and 72 percent of teachers at Liechty were laid off.

21 11. Many of the young teachers who were the heart of these reform efforts lost their
22 permanent teaching positions at the end of the 2008-2009 year. As a result of the massive
23 teacher turnover that ensued, the students at Gompers, Liechty, and Markham are being deprived
24 of equal educational opportunity and adequate educational services on an ongoing basis. For
25 instance:

- 26 • Multiple positions in core academic subjects were not filled with a permanent
27 teacher by the start of the 2009-2010 school year, so students have been subjected
28 to a series of rotating substitutes – often ten or more – who lack appropriate

1 credentials in the subject area or training to teach effectively in these schools. In
2 these classes, students have not been offered a reasonable opportunity to learn
3 State-mandated content standards because of the teacher disruption and absence
4 of continuity of instruction.

- 5 • Many vacant positions were filled by teachers who had not taught at a middle
6 school and were therefore unfamiliar with the state-mandated content standards
7 for the middle school subjects they were assigned to teach.
- 8 • The student-teacher relationships and trust so vital to effective teaching in
9 Plaintiffs' schools have been shattered.
- 10 • Many substitute teachers and permanent teachers who are new to the school are
11 unable to manage classrooms, resulting in rampant disruptive behavior that
12 impacts not only those classrooms but others as well.
- 13 • Instructional quality throughout the schools has deteriorated as numerous teachers
14 who went into teaching specifically to work with the student populations served
15 by these schools and who had gained valuable experience at those schools were
16 forced to leave the schools, only to be replaced by teachers who lacked experience
17 working in a similar environment and preferred to be teaching elsewhere.

18 12. These consequences are especially damaging because the teachers forced to leave
19 were precisely the teachers most needed in the schools: teachers who wanted to stay and provide
20 long-term stability and educational opportunity specifically for the student populations at
21 Gompers, Liechty and Markham; teachers who had trained themselves in and subscribed to the
22 methods of educational reform being implemented at the schools; teachers who, in short,
23 believed in their students and wanted to and were prepared to teach them. Defendants' decisions
24 made teachers who wanted to be at these schools and had built positive relationships with the
25 students and community leave, only to be replaced by teachers who often had little to no
26 experience working with the student populations served by the schools and all too often lacked
27 the commitment necessary to build trust with the students and to help them succeed.

1 13. Plaintiffs now face the prospect of another devastating RIF this year, with yet
2 more turnover and transition in their campuses. Last November, LAUSD Superintendent Ramon
3 Cortines sent a letter to District teachers projecting “layoffs of more than 7,500 to 8,500
4 personnel which will result in more than 14,000 employees being noticed for possible reduction
5 in force”; the letter noted that “the layoffs will commence on July 1, 2010.”

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

16
17 **The California Constitution Guarantees Equal Educational Opportunity**

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

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

15 17. These guarantees are not symbolic and cannot be satisfied formalistically. As the
16 California Court of Appeal most recently articulated it, “[t]he purpose of education is not [simply]
17 to endow students with diplomas, but to equip [students] with the substantive knowledge and
18 skills they need to succeed in life.” *O’Connell*, 141 Cal.App.4th at 1478. In fact, California has
19 set forth the content of the education guaranteed to each student by its Constitution in specific
20 terms: uniform content standards describe what the State promises to teach and what students
21 must learn at each grade level. Thus, the State has given content to the “uniquely fundamental
22 personal interest” of access to a public education, *Butt*, 4 Cal.4th at 681, by adopting content
23 standards directing what students are expected to learn in each grade.

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

PARTIES

1
2 19. Plaintiffs Kenyatta Jones, Ayana Reynolds, and Cesar Logrono reside in the
3 County of Los Angeles and within the boundaries of Los Angeles Unified School District.
4 Plaintiffs Kenyatta Jones, Ayana Reynolds, and Cesar Logrono are students at Samuel Gompers
5 Middle School and are legally required to attend school. The parents of Plaintiffs Kenyatta
6 Jones, Ayana Reynolds, and Cesar Logrono have filed simultaneously with this Complaint a
7 petition with the Court to act as Plaintiffs' guardians ad litem.

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

13 21. Plaintiffs Concepciona Manuel-Flores, Sharail Reed, Yamilett Rivas, and Liliane
14 Rodriguez reside in Los Angeles County and within the boundaries of Los Angeles Unified
15 School District. Plaintiffs Concepciona Manuel-Flores, Sharail Reed, Yamilett Rivas, and
16 Liliane Rodriguez attend Markham Middle School and are legally required to attend school. The
17 parents of Plaintiffs Concepciona Manuel-Flores, Sharail Reed, Yamilett Rivas, and Liliane
18 Rodriguez have filed simultaneously with this Complaint a petition with the Court to act as
19 Plaintiffs' guardians ad litem.

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

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

1 24. All Defendants either are recipients of State funds in support of the operation of
2 schools or are responsible for and capable of ensuring that State funds are spent by recipients in a
3 nondiscriminatory manner in the State public school system.
4

5 **CLASS ACTION ALLEGATIONS**

6 25. This action is maintainable as a class action under California Code of Civil
7 Procedure section 382.

8 26. Plaintiffs represent a class of children consisting of all present or future students
9 attending Gompers Middle School, Liechty Middle School, and Markham Middle School.

10 27. There are questions of law or fact common to the entire class. Common questions
11 of fact include, without limitation, whether Defendants’ actions and omissions have failed to
12 assure the delivery of equal educational opportunity and constitutionally adequate educational
13 services to the class. Common questions of law, include, without limitation, the following:

- 14 a. Whether Defendants’ practices violate article I, section 7(a) and article IV, section
15 16(a) of the California Constitution, which guarantee Plaintiffs the equal
16 protection of the law, by failing to provide Plaintiffs basic educational
17 opportunities equal to those that students in other schools receive;
- 18 b. Whether Defendants practices violate article IX, sections 1 and 5 of the California
19 Constitution, which guarantee Plaintiffs a fundamental right to attend a “system of
20 common schools” that are free and “kept up and supported” such that they may
21 receive the “diffusion of knowledge and intelligence essential the preservation of
22 the[ir] rights and liberties”;
- 23 c. Whether Defendants’ practices violate article I, section 7(b) of the California
24 Constitution by denying Plaintiffs educational services capable of allowing
25 students at Plaintiffs’ schools to master state-mandated content standards in all
26 academic subjects, while providing educational services capable of allowing
27 students at other schools to master the content standards in all academic subjects;
28

1 d. Whether Defendants' practices violate California Government Code section
2 11135 by maintaining a system of public schools that does not provide equal
3 educational opportunity and adequate educational services to Plaintiffs without
4 regard to race, ethnicity, or economic status.

5 28. The Plaintiff class is so numerous that joinder of all members is impracticable.
6 The class includes all the students at Gompers Middle School, Liechty Middle School, and
7 Markham Middle School. The size of the class exceeds 5000 students, which is the approximate
8 number of students currently attending Gompers, Liechty, and Markham Middle Schools.
9 Moreover, the inclusion in the class of future members and the dispersal of the class at three
10 school sites make joinder impracticable.

11
12 **FACTUAL ALLEGATIONS**

13 29. Plaintiffs attend three public schools operated by Defendant Los Angeles Unified
14 School District: Samuel Gompers Middle School, John H. Liechty Middle School, and Edwin
15 Markham Middle School.

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

24 31. Liechty Middle School serves students in the Pico-Union and Westlake
25 neighborhoods of Los Angeles. The school was founded in 2007-2008 to alleviate overcrowding
26 at two other middle schools. For the 2008-2009 year, Liechty Middle School's enrollment was
27 just over 1900 students. Of these students, 2 percent were black, 96 percent were Latino, 1
28 percent were Filipino, and 1 percent were Asian / Pacific American. Approximately 42 percent

1 of the students were English language learners, and 90 percent of the students were economically
2 disadvantaged. In the first two years of its existence, just under 24 percent of its students
3 performed at or above proficient on state achievement testing.

4 32. Markham Middle School is located in Watts in South Central Los Angeles. For
5 the 2008-2009 year, Markham Middle School's enrollment was just over 1500 students. Of
6 these students, 27 percent were black and 72 percent were Latino. Just under one third of the
7 students were English language learners, and 82 percent of the students were economically
8 disadvantaged. Like Gompers, Markham is a chronically low performing school, and it has been
9 on Program Improvement status since 1997-1998. On average, over the last five years, fewer
10 than 13 percent of its students performed at or above proficient on state achievement testing.

11
12 **Plaintiffs' Schools Had Implemented Reforms Focused on**
13 **Building Stable, Effective Teaching Corps to Deliver High Quality Education**

14 33. Schools serving high concentrations of low-income students, students of color,
15 and English learners tend to have much higher teacher turnover rates than other schools. This
16 trend is borne out at Plaintiffs' schools. During the 2008-2009 school year, the average years of
17 teaching experience for the teachers at Gompers, Liechty and Markham were 5.0, 3.5 and 7.2,
18 respectively, compared to an average of 11.6 years of teaching experience for all teachers in
19 LAUSD and 13.1 years of teaching experience for all teachers statewide.

20 34. Research demonstrates that high levels of teacher turnover contribute
21 substantially to low academic achievement, especially at schools with these student
22 demographics. Teacher stability is a key aspect of student achievement at such schools in large
23 part because it is necessary to build trusting student-teacher relationships and because it helps
24 teachers learn how to teach effectively and within the particular school community.

25 35. Each of the schools that Plaintiffs attend had developed plans to reduce or prevent
26 teacher turnover to counter the negative impacts of turnover on students. For all three schools,
27 the approach focused on hiring young, energetic teachers who wanted to work in the schools and
28 were committed to working with the student population served by that school.

1 36. Before the 2008-2009 year, the Partnership for Los Angeles Schools
2 (“Partnership”) took over management of Gompers. The Partnership is a non-profit agency
3 whose goal is to turn around some of LAUSD’s lowest performing schools by implementing a
4 school reform plan that can be replicated throughout the District. A key component of the
5 reform plan at Gompers was to hire, invest in, and retain young and energetic teachers who did
6 not just want to teach, but who wanted to teach *at Gompers* and specifically went into the
7 teaching profession to work with student populations like those served by Gompers. During the
8 course of the 2008-2009 year, Gompers invested more than \$200,000 on professional
9 development for the young teachers who were recruited to work at the school and become the
10 foundation of an effective, stable faculty.

11 37. Liechty was founded to function as a model for urban schools serving
12 predominantly low-income students of color, especially with the goal of providing a stable
13 faculty with strong relationships of trust with the students and the community. The school was
14 structured around four small learning communities (SLCs), and each student was to spend his or
15 her entire middle school career within the same SLC. The school day was structured to allow
16 cross-curricular planning and interdepartmental collaboration on a regular basis, which would
17 improve the quality of classroom instruction. Additionally, students were to have the same team
18 of teachers in sixth and seventh grade, allowing students and teachers to build strong
19 relationships and help teachers understand more about the academic strengths of their students.
20 The founding faculty was specifically recruited to develop and implement this vision. The
21 school administration hired teachers who were committed to spending their careers working with
22 Liechty’s student population. The approach at Liechty was proving successful in preventing
23 teacher turnover experienced at schools that serve similar student populations. After the 2007-
24 2008 year, fewer than ten of Liechty’s sixty-five teachers left the school. Accordingly, the
25 school was in a position to provide stability and continuity for its students from year to year.

26 38. The Partnership also took over management of Markham before the 2008-2009
27 year. Like Gompers, a key component of the reform plan at Markham was to hire young and
28 energetic teachers committed to working with student populations like those served by Markham.

1 The new principal was able to recruit sought-after young teachers by offering them a chance to
2 be part of the team that would reform Markham. Part of that offer was the promise that in
3 exchange for their hard work and dedication to students, the school would provide them
4 permanence, training, and support that would allow them to deliver high quality instruction for
5 Markham's students. During the course of the 2008-2009 year, Markham invested over
6 \$250,000 on professional development for the young teachers who were recruited to be the
7 foundation of an effective faculty.

8
9 **Defendants' Actions Gutted the Teaching Corps at Plaintiffs' Schools**

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

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

17 41. In LAUSD, as in most urban school districts, the highest percentages of new
18 teachers aggregate in schools with the highest concentrations of low-income students and
19 students of color. Thus, although thousands of LAUSD teachers received RIF notices last year,
20 the teachers who were laid off were disproportionately concentrated at schools serving high
21 concentrations of low income students and students of color. The policies that Defendants
22 established to govern the decisions about which teachers must be laid off do not take into
23 account the impact on student educational opportunity.

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

27 43. Defendants' decisions had devastating effects on Plaintiffs' schools. At Liechty,
28 approximately 47 of its 65 teachers (72 percent) lost their jobs at the end of the 2008-2009 year

1 due to the RIF. Although 21 of these teachers were rehired as long-term substitutes, 26
2 vacancies were created by the RIF.

3 44. At Gompers, approximately 38 of its 75 teachers (51 percent) received RIF
4 notices. Although 7 teachers were rehired as long-term substitutes, approximately 20 Gompers
5 teachers had to be replaced before the 2009-2010 school year began. Of these vacancies, 13
6 were directly caused by the RIF.

7 45. At Markham, approximately 43 of its 75 teachers (57 percent) received RIF
8 notices. Although 17 teachers were rehired as long-term substitutes, approximately 24 teachers
9 had to be replaced before the 2009-2010 school year began. At least 18 of the vacancies were
10 created by the RIF.

11
12 **Defendants' Policies Divorce Hiring Decisions from Educational Needs**

13 46. Because of State law and local policies, LAUSD fills vacancies caused by the RIF
14 with teachers who had lost their jobs at other schools within LAUSD. LAUSD thus replaced
15 teachers who specifically trained for and wanted to teach in Plaintiffs' schools, who had
16 experience teaching at Plaintiffs' schools, and who had invested time and energy building
17 relationships and trust with Plaintiffs, with teachers who did not necessarily want to be in these
18 schools. In many instances, the teachers on the rehire list refused to accept the positions, further
19 delaying placement of a permanent teacher in the classroom. Other teachers initially accepted
20 positions but then quit after only a few days because they are not able or willing to work in the
21 school. Teachers who were credentialed to teach specific classes were replaced with teachers
22 without such a credential. Many diverted teachers did not have the classroom management skills
23 necessary to keep control of students in Plaintiffs' schools.

24 47. For example, at Gompers, the school hired a long-term substitute to fill one of the
25 science classes whose teacher position was vacant as a result of the RIF and was not able to fill
26 that position with a permanent teacher from the rehire list until January. The newly hired
27 permanent teacher quit after only five days, and that position is now filled by another substitute
28

1 who lacks the credential, and training to provide the students with the content standards
2 mandated by the State for that subject.

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

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

13
14 **Defendants' Actions Forced Plaintiffs' Schools to Fill Vacancies With**
15 **Rotating Short-Term Substitutes**

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

19 51. Under State law, individuals cannot substitute for a single teacher for longer than
20 30 days, unless the substitute is fully credentialed and teaching in the subject area authorized by
21 the credential. Individuals who obtain an Emergency 30-Day Substitute Teaching Permit are not
22 permitted to substitute for a single teacher for longer than 30 days in any situation.

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

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

6 54. At Markham, there were approximately twelve vacant positions at the start of the
7 2009-2010 year. The Markham History Department was especially hard hit by the RIFs, having
8 lost every eighth grade history teacher. Because there was not a permanent teacher for these
9 positions, the school had to rely on short-term substitutes to fill these classrooms. Students in
10 classes ranging from History to English to Math have had at least six to ten different teachers in
11 the first four months of school.

12 55. Defendants' actions have therefore led to severe problems in maintaining
13 classroom order in Plaintiffs' schools. On many occasions, classes led by substitute teachers
14 have descended into chaos.

15 56. Defendants' actions have deprived students of the opportunity to learn core
16 subjects. Many short-term substitutes were not credentialed to teach in the subject areas for
17 which they were assigned. A large number of the short-term substitutes do not have credentials
18 at all. Some short-term substitutes simply did not teach the subject matter of the course. Other
19 substitutes covered the same materials repeatedly. The rotation of substitutes has precluded the
20 development of coherent lesson plans and prevented the creation of adequate student records.
21 Unable to evaluate the students, several substitutes have simply given all students a C grade.
22 When asked what they have learned in the classes led by rotating substitute teachers, many
23 students can only reply: "Nothing."

24 57. With this level of instability and discontinuity in a classroom, it is not possible
25 that students can be taught the rigorous State content standards in the subject. For example,
26 when Concepciona Manuel-Flores, who is otherwise a straight-A student, took a Periodic Exam
27 for English in December, she did not even recognize the information and concepts in many of the
28 questions. Similarly, after her U.S. History class was taught by at least nine different substitutes,

1 Sharail Reed found herself guessing answers on questions in the December Periodic Assessment
2 for U.S. History that covered topics she had not been taught. Yamilett Rivas suffered the same
3 rotating-substitute experience in U.S. History for the first three months of her school year, until
4 she was able to transfer into a different U.S. History class that did have a permanent teacher
5 assigned. That teacher worked with Yamilett after school to cover the content Yamilett missed
6 during the three months when she had not had a permanent teacher assigned to her class. Liliane
7 Rodriguez's U.S. History class went through ten different substitute teachers until December
8 2009 when a permanent teacher finally was assigned to her class. Liliane does not remember a
9 single instance when substitutes returned corrected class work to the students. The only day
10 Liliane can remember when a substitute lectured, called on students by name, and asked students
11 questions about the topic she was teaching was one day when the assistant principal covered the
12 class.

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

21 59. As a result of the RIF, many students at Plaintiffs' schools were completely
22 deprived of instruction that satisfied any professional standard for months at a time because the
23 qualified, permanent teachers who had experience working at Plaintiffs' schools, specifically
24 wanted to work at Plaintiffs' schools, and who had built relationships of trust within Plaintiffs'
25 schools were laid off by LAUSD and replaced by a line of short-term substitutes, leaving the
26 students without an opportunity to learn the State-mandated content.

27
28

Defendants' Actions Resulted in Vacancies Filled by
Underqualified and Ineffective Teachers

60. When Plaintiffs' schools were able to hire permanent teachers off the rehire list, the schools often had to assign teachers who lacked subject matter training or expertise.

61. 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.

62. 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.

63. 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.

64. 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.

65. 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 66. 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 **Defendants' Actions Decimated Instructional Quality at Plaintiffs' Schools**

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

21 68. 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 69. 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 70. The net result of the Defendants' actions, however, was to force out teachers who
12 have learned about the students, built relationships with them, and gained experience in what
13 strategies and approaches work with the students at the school, and replace them with teachers
14 who have to start from scratch, many of whom are not familiar with the age group or academic
15 subjects they must teach.

16 71. 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.

28

1 72. 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, affecting not only the classrooms led by new teachers but others as well.

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

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

25 75. Students in these schools are additionally harmed because the extreme teacher
26 losses mean the schools lose valuable knowledge about particular students' strengths and
27 educational needs. In schools with stable teaching staffs, the teacher who worked with a student
28 the prior year is able to provide suggestions and feedback to the teachers who have that student

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

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

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

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

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

7
8 **Defendants' Irrational Actions Have Sabotaged Reform Efforts**

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

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

26 82. Although the RIF was theoretically intended to save money, it has caused these
27 schools to waste hundreds of thousands of dollars on professional development and teacher
28 training. For example, the principal at Gompers spent \$360,000 on teaching coaches from

1 UCLA to help the teachers improve. Many of the teachers who were coached by these
2 individuals were let go due to the RIF, so the money that had been invested on them is wasted.
3 Likewise, the more than \$250,000 that Markham spent on professional development in 2008-
4 2009 was targeted mostly toward the young teachers who had been recruited to become the
5 foundation for a stable teaching corps. That money was wasted, because most of those teachers
6 were lost in the RIF.

7
8 **The Level of Teacher Turnover That Defendants Have Created at Plaintiffs' Schools**
9 **Denies Plaintiffs Educational Equality**

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

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

23 85. Numerous schools in LAUSD and around the State do not suffer from such
24 rampant teacher turnover, and, for many schools, the budget cuts that led to RIFs in most school
25 districts had a negligible effect on the teacher turnover rate. In contrast to the devastating effects
26 high teacher turnover and the RIF had on Gompers, Liechty and Markham, at some middle
27 schools within LAUSD and around the State less than 10 percent of teachers lost their jobs due
28 to the RIF. Students at these schools did not experience the harms created at Plaintiffs' schools.

1 86. Given the academic challenges facing the students at Gompers, Liechty and
2 Markham, teacher stability is more critical at these schools than in higher performing schools.
3 Even so, the policies and decisions made by Defendants have led to *higher* turnover rates at these
4 schools. Without stability and continuity in the faculty, these schools are unable to provide their
5 students equal educational opportunity or adequate educational services.

6
7 **Another RIF This Year Will Irreparably Cripple These Schools**

8 87. Although the constitutional harm to Plaintiffs and other students who attend their
9 schools this year was substantial and irreparable, the RIF that is expected to occur again this year
10 will make things even worse. According to a November 2009 letter written by LAUSD
11 Superintendent Ramon Cortines, as many as 14,000 RIF notices could go out in March 2010 to
12 allow for a projected 7,500-8,500 layoffs.

13 88. Initial estimates of the impact this expected RIF will have on Gompers, Liechty
14 and Markham indicate that the turnover rate for permanent teachers will be at least as high as it
15 was this past year. Those teachers at Plaintiffs' schools who survived last year's RIF or who
16 returned to their schools as long-term substitutes likely will lose their jobs this year because they
17 are now the most junior teachers subject to layoff. Moreover, the teachers who were RIFed and
18 came back as long-term substitutes will likely not return, as their positions are filled by teachers
19 who are displaced from other schools or the teacher must look for more secure employment.

20 89. The teachers at these schools who want to return to teach next year are already
21 concerned about the next round of RIF notices that will be issued in March 2010. Teachers
22 know how many years of experience they have and therefore are able to surmise whether they
23 will be forced to leave the school. The prospect of the next RIF has already begun to demoralize
24 the teachers at these schools. Some have said that they have decided to get special credentialing
25 for special education because teachers with that credential are less at risk in the RIF. Other
26 teachers have advised their administration that they will not return to the school if the next RIF
27 comes through, regardless of whether the teacher actually is laid off, because they cannot handle
28

1 the emotional roller coaster they have had to endure as a result of the RIF and the uncertainty
2 about their employment year after year.

3 90. Even more senior teachers at these schools who are not at risk of losing their jobs
4 in the next RIF are considering leaving the school if the RIF occurs. Some experienced teachers
5 at the schools, who would not be directly affected by a second RIF, are considering whether it
6 will be worth staying at the schools if another RIF occurs, because the culture that they set out to
7 establish and stable environment they hoped to provide for the students will be irretrievably lost.

8
9 **Other Factors within Defendants' Control**

10 **Deprive Plaintiffs of Educational Opportunity**

11 91. Standing alone, the level of turnover caused by the RIF at Plaintiffs' schools
12 deprives students of the constitutional right to equal educational opportunity and adequate
13 educational services. However, other factors within Defendants' control make the teacher
14 turnover problem at these schools even worse. Specifically, these schools lack resources that are
15 necessary to attract and retain qualified, effective teachers over time. For example, it is more
16 challenging for teachers to manage large class sizes at schools with high concentrations of
17 students with academic deficits. Thus, the large class sizes at Plaintiffs' schools make it difficult
18 for the schools to recruit and retain effective teachers, especially in light of the more challenging
19 teaching environment when compared to other schools within LAUSD. Additionally, the
20 resources in the classrooms at these schools often lag behind what is available in other schools,
21 making the school less attractive as a place to teach and work.

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

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CAUSES OF ACTION

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

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

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

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

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

96. 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.”

97. These constitutional provisions impose on 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**

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

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

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

8

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

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

12 102. California Government Code section 11135 provides:

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

19 103. Defendants have violated and continue to violate Plaintiffs' and members of the
20 Plaintiff class' right to receive educational opportunity regardless of economic status, nationality,
21 race or ethnicity, pursuant to California Government Code section 11135, by failing to provide
22 Plaintiffs and members of the Plaintiff class equal educational opportunity and adequate
23 educational services, as described above.

24

25 **Fifth Cause of Action – Declaratory Relief**

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

28

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

6 105. Plaintiffs seek a judicial declaration that Defendants have violated these
7 constitutional and statutory provisions.

8 **REQUEST FOR RELIEF**

9 Plaintiffs request relief as follows:

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

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

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

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

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

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

26 G. A declaration that Defendants' actions violate Plaintiffs' rights under the Equal
27 Protection Clauses of the California Constitution, article I, section 7(a), and article IV, section
28 16(a);

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

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

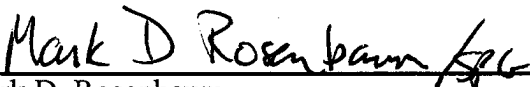
5 J. A declaration that Defendants' actions violate Plaintiffs' rights under California
6 Government Code section 11135;

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

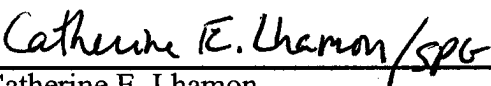
10 L. Such other relief as this Court deems just and proper.

11 DATED: February 24, 2010

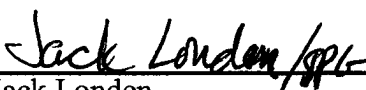
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