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19 JESSY CRUZ; BRIAN CRUZ, a minor, by  
Jonathan Cruz, guardian ad litem; BRIANA  
20 LAMB, a minor, by Ronald Lamb, guardian ad  
litem; CRISTIAN GASPAS, a minor, by  
21 Guadalupe Gaspar, guardian ad litem; LEE  
SIMMONS, a minor, by Rhae Ray Eason,  
22 guardian ad litem; MYRIAM GISELLE  
GONZALEZ; SAMARIA HUDSON, a minor, by  
23 Chawmein Hudson, guardian ad litem; TALIYAH  
JACOBS, a minor, by Katherine Jacobs, guardian  
24 ad litem; JUMANTAE SMITH; ARNOLD  
GUTIERREZ, a minor, by Norma Gutierrez,  
25 guardian ad litem; ERIC FLOOD, a minor, by  
Nicole King, guardian ad litem; EDITH  
26 QUINTERO; DAISY ROMO, a minor by  
Elizabeth Rodriguez, guardian ad litem; RIANNA  
27 BROWN, a minor, by Victoria Williams, guardian  
ad litem; EMMANUEL ENRIQUEZ, a minor, by  
28 Olga Enriquez, guardian ad litem; NATHAN  
SAUCEDA, a minor, by Olga Enriquez, guardian

Case No.: RG14727139

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Assigned for All Purposes to:  
Judge: The Hon. George Hernandez, Jr.  
Dept. 17

Date: March 26, 2015  
Place: 2:30 p.m.  
Place: Dept. 17  
1221 Oak Street  
Oakland, CA 94612

Complaint filed: 05/29/14

1 ad litem; IGNACIA BARAJAS, a minor, by  
2 Genoveva Barajas, guardian ad litem; LUCIA  
3 BARAJAS, a minor, by Genoveva Barajas,  
4 guardian ad litem; JASON MAGAÑA, a minor,  
5 by Ofredo Magaña, guardian ad litem; JESUS  
6 TAMAYO, a minor, by Natividad Rangel,  
7 guardian ad litem; EDUARDO TAMAYO, a  
8 minor, by Natividad Rangel, guardian ad litem;  
9 and JORDAN PARX, a minor, by Tara Sexton,  
10 guardian ad litem.

11  
12 Plaintiffs,

13 vs.

14 STATE OF CALIFORNIA; STATE BOARD OF  
15 EDUCATION; STATE DEPARTMENT OF  
16 EDUCATION; TOM TORLAKSON, and DOES  
17 1-100, inclusive,

18 Defendants.

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1       **I. Introduction**

2           As the Court’s decision granting plaintiffs’ application for a Temporary Restraining Order  
3 made clear, real learning time matters, yet children who can least afford to suffer extreme  
4 deprivations of classroom coursework do so on a regular basis. As the Court also found, the State of  
5 California has a constitutional obligation to prevent and correct these deprivations as an integral part  
6 of its duty to ensure basic educational equality for all children, yet the State Superintendent of Public  
7 Instruction, California Department of Education, State Board of Education, and all other state entities  
8 affirmatively continue to deny that this responsibility exists. As a result, no defendant in this action  
9 has ever taken any steps to monitor, limit, or remediate the loss of instructional time, even when the  
10 facts were served up to them—other than when ordered by this Court, and even then proclaiming  
11 emphatically that it would provide no resources to stop the injuries suffered by children already  
12 enrolled in some of California’s most underperforming, disadvantaged schools.

13           Plaintiffs who are current or future students at the high schools in this action—Castlemont  
14 and Fremont in Oakland; Dorsey, Fremont, and Jefferson in Los Angeles; and Compton High School  
15 in Compton—(“Plaintiffs”) therefore seek a preliminary injunction to prevent the Defendants State of  
16 California, California Department of Education, State Board of Education, and State Superintendent  
17 Tom Torlakson (collectively, “the State”) from further permitting irreparable injury caused by severe  
18 and ongoing deprivations of educational opportunity at their schools. On October 8, 2014, to halt and  
19 remediate the extreme loss of learning time experienced by students at Jefferson High School in Los  
20 Angeles Unified School District, this Court issued a Temporary Restraining Order directing the State  
21 to develop a plan with the local school district that would limit the inappropriate assignment of  
22 students to course periods devoid of curricular content and pedagogical value and to restore learning  
23 time lost due to scheduling chaos and insufficient teacher and counselor resources.

24           But the assignment of students to class periods where no instruction is provided is scarcely an  
25 isolated issue limited to Jefferson this year. Nor was the truncated educational program at Jefferson  
26 unique to that campus. Rather, the high schools under the authority of the State of California attended  
27 by Plaintiffs continue to regularly send students home midway through the school day, assign  
28 students to class periods during which they perform menial administrative tasks or simply sit around

1 instead of being educated, and begin the school year without a proper master schedule in place. The  
2 absence of any rational pedagogical basis for assigning students to “courses” in name only—where  
3 no instruction takes place, feedback given, or learning occurs—is part and parcel of every such  
4 schedule in this case, and has been for years. While the State stands idly by, far too many low-income  
5 children of color are effectively taught that they are not worthy of a curriculum with content.

6 At Plaintiffs’ high schools—situated in three school districts in California—these deprivations  
7 of learning time routinely take place, with many students experiencing these denials all at once:

- 8 • Instead of substantive classes, students are assigned to course periods during which they clean  
9 classrooms, make photocopies, run errands, or simply sit around and socialize.
- 10 • Students are assigned to course periods during which they receive no instruction at all and are  
11 simply sent home during the school day.
- 12 • Students are placed in incorrect classes, overcrowded classrooms, or receive no schedules at all,  
13 requiring weeks and months of changes to student and teacher schedules.

14 These practices depart dramatically from professional education standards and typical  
15 practices in California schools. As implemented in Plaintiffs’ schools, contentless courses, which  
16 provide no educational value, are not assigned to students voluntarily, but because no substantive,  
17 instructional, and grade-level appropriate classes are available. Students are enrolled in multiple such  
18 course periods, without regard to whether they are academically behind or on track to meet  
19 requirements for graduation and college entry. Plaintiffs’ schools also experience many changes to  
20 course schedules late into the school year, long after most California schools have their final  
21 schedules locked in place.

22 The widespread, improper assignment to contentless classes and chaotic changes to the master  
23 schedule are only two of many factors that rob Plaintiffs of meaningful learning time, which also  
24 include instability in the teaching and administrative staff, high student trauma and mental health  
25 need, and resultant disproportionate rates of student and teacher absences. Taken together, the  
26 cumulative effect of these losses deprives students of productive learning time and delivers an  
27 educational program that falls fundamentally below prevailing statewide standards.

28 These profound disparities in learning time have denied and continue to deny Plaintiffs and

1 their peers the basic equality of educational opportunity to which they are entitled under the  
2 California Constitution. *See, e.g., Serrano v. Priest*, 18 Cal.3d 728, 747-48 (*Serrano II*) (1976); Cal.  
3 Const. art. I, § 7(a); *id.* art. IV, § 16(a). As the Court’s Temporary Restraining Order made clear, the  
4 nature of the loss of instruction time in Plaintiffs’ schools exceeds in number of hours, occurs on a  
5 more regular basis, and is more disruptive than the threatened loss of instruction time at issue in *Butt*  
6 *v. State of California*, 4 Cal.4th 668, 692 (1992), which our Supreme Court held required State  
7 intervention through interim injunctive relief, *id.* at 693-94.

8 Without injunctive relief, it is a virtual certainty that these problems will continue to occur at  
9 the high schools that Plaintiffs attend, severely deprive students of educational opportunity, and result  
10 in further irreparable injury. Well-functioning schools plan their master schedules in spring of the  
11 prior school year. In order to prevent yet another cohort of students from suffering the same fate as  
12 their predecessors, this Court must order the State to develop a plan to ensure that appropriate master  
13 schedules that enroll students in full schedules of substantive courses are in place in Plaintiffs’  
14 schools well before the beginning of the next school year.

15 **II. Statement of Facts**

16 Plaintiffs attend schools under the authority of the State of California that serve among the  
17 highest concentrations of low-income students, students of color, English language learners (“ELs”),  
18 and foster youth. App’x 1; Decl. of Sally Chung ¶¶ 111, 115-125 & Exs. II-OO. These schools have  
19 consistently failed to meet minimal statewide student achievement goals, and the students who attend  
20 them lag far behind their California peers on state achievement tests and exams necessary for high  
21 school graduation and college entry. App’x 1; Chung Decl. ¶¶ 74, 77-87, 91, 94-105, 134, 137-148,  
22 151, 155-166, & Exs. V-AA, BB-HH, PP-VV, WW-CCC. On the most recent statewide achievement  
23 tests in mathematics, for example, only between three and eight percent of students in Plaintiffs’  
24 schools scored proficient or above. App’x 1; Chung Decl. ¶¶ 137-148 & Exs. QQ-VV.

25 Education research has established conclusively that students who attend high-poverty  
26 schools in California, like Plaintiffs’, consistently receive fewer minutes of meaningful instruction  
27 time per day, per year, and over the course of their K-12 education than more affluent students. Decl.  
28 of Jeannie Oakes (“Oakes Decl.”) ¶ 7. This disparity in lost learning time stems from the issues that

1 are at the heart of this preliminary injunction—assignment to course periods devoid of content and  
2 failure to finalize a master schedule in advance of the school year—as well as other challenges  
3 commonly encountered by high-poverty schools, including high teacher turnover and absences,  
4 traumatic disruptions, and resulting low student attendance. *Id.* ¶¶ 7-9.

5 Poor and disadvantaged children and youth not only receive less instruction time overall, but  
6 also suffer disproportionate harm to their academic achievement and life chances as a result of this  
7 lost time. Decl. of Jeannie Oakes in Supp. of Appl. for TRO, Sept. 20, 2014 (“Oakes TRO Decl.”)  
8 ¶ 17. The loss of learning time not only threatens academic and career achievement; it also sends a  
9 clear message to children they are not valued by the State. Oakes Decl. ¶¶ 8, 42.

10 **A. The State Fails to Ensure that Students Are Assigned to Courses with Content and**  
11 **that Adequate Master Schedules Are Timely Completed**

12 The State exercises no supervision to ensure that California schoolchildren are not sent home;  
13 assigned to contentless courses with no educational value; or sitting in auditoriums, incorrect courses,  
14 or overflowing classrooms because of an inadequate master schedule. The State’s inaction has been  
15 repeatedly confirmed by the State, the districts, and Plaintiff schoolchildren who continue to lose  
16 hours of learning time each week.

17 The State admits that it has not investigated and does not monitor these practices at Plaintiffs’  
18 schools or any other schools in California, nor does it have any mechanism currently in place to  
19 ensure that students’ fundamental right to equal educational opportunity is not violated as a result of  
20 these practices. Chief Deputy Superintendent of Public Instruction Richard Zeiger admitted he does  
21 not know and has not endeavored to find out whether California schools assign students to classes  
22 without content, Ex. 1 at 81:1-19<sup>1</sup>, and takes the position that it is “not the responsibility of [CDE] to  
23 track” this information. *Id.* 79:25-80:14. Likewise, he does not know and has not sought to  
24 investigate whether California schools begin the school year without a fully-prepared master  
25 schedule, *id.* 142:1-144:23 and admits that CDE “do[es]n’t review the scheduling activities of school  
26 districts,” *id.* 75:7-9. Plaintiffs’ districts and/or schools confirm that the State has never inquired  
27 regarding the assignment of students to course periods without content or the untimely completion of

28 <sup>1</sup> All citations in the format of “Ex. \_\_\_” or “Ex. \_\_\_ ¶ \_\_\_” are to the Eidmann Declaration.



1 master schedules. Ex. 2 at 143:9-144:3; Ex. 3 at 162:23-163:20, 96:17-100:17; Ex. 4 at 37:11-40:4,  
2 41:11-42:13; 30:20-25, 31:5-32:4, 32:13-24. Nor has the State communicated any policies or  
3 regulations to its districts and/or schools limiting or regulating assignment to such course periods. Ex.  
4 2 at 145:3-10; Ex. 3 at 152:16-153:10, 167:21-168:15, 102:17-103:12; Ex. 4 at 40:5-19, 44:18-45:11.

5 Even after the Court’s October 8, 2014 Temporary Restraining Order (“TRO”) directing the  
6 State to intervene at Jefferson, the State has held steadfast in its refusal to act elsewhere to ensure that  
7 the educational rights of California schoolchildren are not compromised by content-free courses and  
8 incomplete master schedules. At the October 10, 2014 meeting of State and LAUSD personnel  
9 mandated by the TRO, Chief Deputy Superintendent Zeiger, on behalf of the State, refused to provide  
10 the District with any resources to comply with the TRO,<sup>2</sup> and issued a thinly-veiled threat that the  
11 State would withhold funding if the district requested assistance from the State. Ex. 5 (“I recall Mr.  
12 Zeiger saying the state was not going to provide LAUSD with any funding to assist with TRO, and  
13 that State can audit LAUSD with respect to instructional minutes and determine impact to funding as  
14 a result of the audit.”). In deposition, Zeiger denied making such a statement. Ex. 1 at 151:8-13.

15 Although Zeiger admits that LAUSD represented that it had “no resources” in its “tight  
16 budget” and that the State’s refusal to assist would require a “substantial shift in resources,” Ex. 1 at  
17 154:7-11, 158:17-159:4, no one from the State made any inquiries as to the consequences of the  
18 State’s refusal to assist the district on equal educational opportunity for all students in the district, *id.*  
19 159:9-161:21, Ex. 4 at 91:5-13. Zeiger repeated this position at the meeting of the LAUSD school  
20 board, stating, “the responsibility for issues like this typically rests with your district [LAUSD] and  
21 the State does not interfere in those [sic] or get involved.” Ex. 7, at 5.

22 Moreover, even subsequent to Plaintiffs’ specific claims of educational deprivation and this  
23 Court’s TRO, the officials responsible for maintaining the State educational system have carried out  
24 no investigation and have taken no action to address similar circumstances at other schools, including  
25 Plaintiffs’ schools. No personnel other than the attorneys defending the lawsuit have conducted any  
26 investigation into the events at Jefferson, Ex. 1 at 131:1-132:14, and Zeiger has never even read the  
27 declarations of Jefferson students and teachers submitted in the case, *id.* 51:1-7. No representative of

28 <sup>2</sup> Ex. 1 at 151:15-19; *see also* Ex. 4 at 84:18-22; Ex. 6 at LAUSD00008; Ex. 5.

1 the State investigated whether similar conditions were occurring at other schools, *id.* 162:18-16,  
2 162:18-163:16, 164:8-12; Ex. 4 at 86:14-24, 87:5-23, or directed any action in response to the TRO  
3 in any school in California, Ex. 1 at 165:12-23; *see also* Ex. 4 at 104:24-105:14.

4 **B. Contentless Courses and Improper Master Schedules in Plaintiffs' Schools**

5 As a result of the State's deliberate indifference and inaction, students who attend Plaintiffs'  
6 schools are sent home or assigned empty course periods during the school day; assigned to menial  
7 administrative tasks instead of real classes; and assigned to incorrect, incomplete, or absent course  
8 schedules.<sup>3</sup> And these conditions are not confined to Plaintiffs' schools; they take place in other high-  
9 poverty schools like Plaintiffs' throughout OUSD, CUSD, and LAUSD. Exs. 8-16. Students therefore  
10 lose substantial amounts of meaningful learning time throughout the academic year and over the  
11 course of their academic careers that materially impairs their right to equal educational opportunity.

12 **1. Contentless Course Periods<sup>4</sup>**

13 ***Home Periods:*** Plaintiffs' schools assign students to course periods during which students  
14 receive no instruction at all and are instead simply sent home or instructed to wait on campus during  
15 the school day, a practice referred to by various names including (at times) "no class" in Oakland, Ex.  
16 2 at 38:4-22, "Home" in Los Angeles, Ex. 32, and "early out", Ex. 3 at 164:21-24, or "free" in  
17 Compton,<sup>5</sup> Ex. 33 ¶ 4. We refer to such course periods collectively here as "Home" periods. The  
18 types of student activities that may take place during Home periods at Plaintiffs' schools are not  
19 monitored or limited by the State. *See* Section II.A *supra*. During Home periods, student activities are  
20 not supervised, and students are not provided any instruction or other educational activities.<sup>6</sup>

21 <sup>3</sup> We do not here repeat or review the facts at Jefferson High School, with which the Court is familiar,  
22 TRO at 2-7, but rather focus on the remaining five California high schools attended by Plaintiffs.  
23 Plaintiffs incorporate by reference the declarations and other evidence in support of Plaintiffs'  
Application for Temporary Restraining Order, Oct. 1, 2014, and the accompanying briefing, which  
details that evidence.

24 <sup>4</sup> Master schedules for the California high schools attended by Plaintiffs in this action reflect that  
25 hundreds of students have been enrolled in Service periods in Plaintiffs' schools and other similar  
26 high-poverty high schools in Plaintiffs' districts in recent years. *See* App'x 2. Due to the State's  
failure to require monitoring and record-keeping with respect to contentless Home periods, most  
master schedules do not report the number of students assigned to Home periods in Plaintiffs'  
schools. Exs. 17-24. Partial information is available for LAUSD schools. App'x 2; Exs. 25-31.

27 <sup>5</sup> After this lawsuit was filed, Compton High School elected to limit assignment of students to Home  
28 periods in the 2014-2015 school year. Ex. 3 at 142:21-24. There is no evidence that the remaining  
two high schools in Compton Unified School District made similar changes to policies or practices.

<sup>6</sup> For Plaintiffs' districts' policies and practices on Home periods, *see* Oakes Decl. ¶¶ 14 -19; *see also*  
(Footnote Cont'd on Following Page)

1            **Service Periods:** Plaintiffs’ school districts assign students to course periods during which  
2 students receive no instruction and instead are designated to assist a teacher, administrator, or other  
3 school personnel with menial administrative tasks, a practice referred to by various names including  
4 “IWE” in Oakland, Ex. 2 at 75:14-17, “Service”, Ex. 39, at LAUSD1713, or “Library Practice” in  
5 Los Angeles, Ex. 39 at LAUSD01714, and “School Services,” Ex. 3 at 95:14-22, or “TA” in  
6 Compton, Ex. 33 ¶ 4. We refer to these course periods collectively here as “Service” periods.

7            The types of student activities that may take place during Service periods at Plaintiffs’ schools  
8 are not monitored or limited by the State,<sup>7</sup> and any district expectations that purportedly exist go  
9 unmonitored and unenforced.<sup>8</sup> The State does not require the teachers or staff nominally connected to  
10 Service periods to provide a curriculum, assignments, formal instruction, or written feedback.<sup>9</sup>

11 Instead, some of the activities in which students typically engage during Service periods include:<sup>10</sup>

- 12 • cleaning and organizing classrooms,<sup>11</sup> “water[ing] plants” and “tak[ing] out the recycling,”<sup>12</sup>  
13 shelving books,<sup>13</sup> and “maintaining decorations”<sup>14</sup>;
- 14 • making copies,<sup>15</sup> shredding paper,<sup>16</sup> data entry,<sup>17</sup> filing,<sup>18</sup> and filling out tardy slips,<sup>19</sup>; and

15 (Footnote Cont’d From Previous Page)

16 Ex. 2 at 96:23-35, 140:13-25, 141:23-142:7; Ex. 3 at 154:1-6, 158:13-20; Ex. 34 at LAUSD02576  
17 (“The students assigned to home are not necessarily supervised or provided with written educational  
18 objectives.”); Ex. 35 ¶ 4; Ex. 36 ¶ 6; Ex. 37 ¶ 6; Ex. 39 ¶ 8; Ex. 121 ¶ 11; Ex. 122 ¶ 3.

19 <sup>7</sup> See Section II.A *supra*; see also Ex. 2 at 145:3-6; Ex. 3 at 112:6-13; 111:7-14.

20 <sup>8</sup> For a discussion of Plaintiffs’ school districts’ policies and practices with respect to Service periods,  
21 see Oakes Decl. ¶¶ 22-32 and App’x 4. For example, OUSD’s deponent suggested that while any  
22 activity relating to teaching—including taking out the trash—would be permissible, Ex. 2 at 79:3-10,  
23 it is not permissible for an IWE student to “chill or hang out.” *Id.* 84:1-14. Yet numerous OUSD  
24 students and teachers describe doing exactly that during IWE periods. *E.g.*, Ex. 40 ¶¶ 5-6; Ex. 35 ¶ 6;  
25 Ex. 41 ¶ 6; Ex. 42 ¶ 8; Ex. 44 ¶ 14; Ex. 45 ¶ 18; Ex. 46 ¶ 37; Ex. 47 ¶ 20; Ex. 48 ¶¶ 4-5.

26 <sup>9</sup> See Section II.A *supra*; see also App’x 4; Ex. 2 at 78:9-79:10, 80:5-13, 81:13-18, 109:12-17,  
27 109:23-110:3; Ex. 3 at 112:6-9 (no written document stating what students may or may not do during  
28 service periods), 121:9-13 (Glass gives his TAs no written assignments), 124:18-125:6 (teachers not  
required to log student activities); Ex. 39 at LAUSD01713-14.

<sup>10</sup> For evidence from student and staff declarations in table form, see Appendix 3.

<sup>11</sup> Ex. 50 ¶ 7; Ex. 51 ¶ 14; Ex. 52 ¶ 10; Ex. 53 ¶ 9 (“When the TAs do show up, some of my teachers  
have them . . . clean out desks or sweep the floors.”).

<sup>12</sup> Ex. 48 ¶ 5.

<sup>13</sup> Ex. 54 ¶ 21.

<sup>14</sup> Ex. 55 ¶ 16; see Ex. 121 ¶ 6 (“making posters”).

<sup>15</sup> Ex. 35 ¶ 6; Ex. 56 ¶ 6; Ex. 57 ¶ 6; Ex. 43 ¶ 8; Ex. 44 ¶ 14; Ex. 58 ¶ 5; Ex. 59 ¶ 11; Ex. 53 ¶ 9; Ex.  
60 ¶ 8; Ex. 61 ¶ 9; Ex. 38 ¶ 9.

<sup>16</sup> Ex. 40 ¶ 5.

<sup>17</sup> Ex. 35 ¶ 6; Ex. 50 ¶ 7; Ex. 62 ¶ 24; Ex. 59 ¶ 12; Ex. 52 ¶ 10; Ex. 63 ¶ 8; Ex. 53 ¶ 9; Ex. 33 ¶ 7.

<sup>18</sup> Ex. 43 ¶ 8; Ex. 44 ¶ 14; Ex. 58 ¶ 5; Ex. 54 ¶ 21.

<sup>19</sup> Ex. 58 ¶ 5; Ex. 48 ¶ 5.

1 • walking around summoning students from class or delivering items<sup>20</sup> or running errands.<sup>21</sup>

2 Much of the time, students are assigned to no tasks at all and simply sit in classrooms or offices,  
3 sometimes socializing or using their cell phones.<sup>22</sup>

4 ***Assignment to Multiple Contentless Course Periods:*** Plaintiffs and their peers are assigned  
5 multiple contentless periods in a single day and over the course of high school.<sup>23</sup> This is not an  
6 isolated or idiosyncratic problem: according to district audit results, 165 students at Fremont in Los  
7 Angeles had multiple Home and/or Service periods as of December 2014. Ex. 73.<sup>24</sup> Of Castlemont’s  
8 121 seniors, 46 do not have a full course schedule and 35 have a Service period. Ex. 75 ¶¶ 8, 13.

9 ***Academically-Behind Students in Contentless Course Periods:*** The State permits academically  
10 struggling and at-risk students to be assigned to contentless course periods, including those who are  
11 below grade level in literacy or numeracy or have not passed the California High School Exit  
12 Examination (“CAHSEE”).<sup>25</sup> Moreover, even students who need curricular classes to graduate and/or  
13 complete the “A-G” requirements for admission to a California state college or university are  
14 nonetheless assigned to contentless course periods,<sup>26</sup> and may remain in them all semester.<sup>27</sup> This  
15 occurs even where district policies indicate that such course placements are inappropriate.<sup>28</sup>

16 <sup>20</sup> Ex. 40 ¶ 5; Ex. 50 ¶ 7; Ex. 43 ¶ 8; Ex. 3 at 122:15-17; 130:8-14; Ex. 61 ¶ 9; Ex. 54 ¶ 21; Ex. 64  
17 ¶ 20; Ex. 38 ¶ 9; Ex. 49 ¶ 3.

18 <sup>21</sup> Ex. 35 ¶ 6; Ex. 43 ¶ 8; Ex. 63 ¶ 8; Ex. 59 ¶ 12; Ex. 33 ¶ 7; Ex. 60 ¶ 8; Ex. 61 ¶ 9.

19 <sup>22</sup> Ex. 65 ¶ 5 (“I go on Twitter, Facebook, and Tumblr since I don’t have anything else to do.”); Ex.  
20 45 ¶ 18 (“Other students do not even go to the classroom in which their IWE period is assigned, they  
21 just walk around the school until it is time to go to their next class.”); Ex. 41 ¶ 9 (“Since it was the  
22 early morning class, I would just sleep in and come to school late.”); *see also* Ex. 40 ¶¶ 5-6; Ex. 35  
23 ¶ 6; Ex. 43 ¶ 8; Ex. 42 ¶ 9; Ex. 44 ¶ 14; Ex. 48 ¶ 4; Ex. 59 ¶ 11; Ex. 52 ¶ 10; Ex. 63 ¶ 8; Ex. 53 ¶ 9;  
24 Ex. 33 ¶ 7; Ex. 37 ¶ 20; Ex. 60 ¶ 8; Ex. 64 ¶ 20; Ex. 38 ¶ 9; Ex. 66 ¶ 5; Ex. 121 ¶ 6; Ex. 72 ¶ 6.

25 <sup>23</sup> Ex. 40 ¶ 3 (two Home, one Service); Ex. 67 ¶ 10 (two Home); Ex. 41 ¶ 5 (one Home, one Service);  
26 Ex. 78 ¶ 5 (two Service, one Home); Ex. 43 ¶ 8 (two Service); Ex. 44 ¶ 14 (two Service); Ex. 61 ¶ 9  
27 (two Home); Ex. 37 ¶ 17 (two Service, one Home); Ex. 68 ¶ 4 (one Home, one Service); Ex. 118 ¶ 3  
28 (two Home one Service); Ex. 119 ¶ 3 (one Home one Service); Ex. 120 ¶ 5 (two Home); Ex. 121  
¶¶ 4-5 (one Home one Service); Ex. 122 ¶ 3 (two Home); *see* Ex. 35 ¶ 3; Ex. 69 ¶ 3; Ex. 70 ¶ 13; Ex.  
58 ¶ 7; Ex. 54 ¶ 22; Ex. 71 ¶ 27; *see also* Ex. 59 ¶ 5 (schedule eventually changed); Ex. 60 ¶ 8  
(same); Ex. 65 ¶ 4 (same); Ex. 57 ¶ 4 (“I originally had three IWEs on my schedule.”); App’x 4; Ex.  
2 at 90:13-92:7, 100:14-101:15.

<sup>24</sup> Both Jefferson and Dorsey also continue to enroll students in multiple Home and Service periods in  
the same semester. Ex. 34; Ex. 74.

<sup>25</sup> Oakes Decl. ¶ 23; Ex. 2 at 63:11-64:1, 67:12-16, 68:10-18; *see* Ex. 3 at 119:8-120:17; Ex. 76.

<sup>26</sup> Ex. 59 ¶ 5; Ex. 60 ¶ 3; Ex. 68 ¶ 3; Ex. 65 ¶ 4.

<sup>27</sup> Ex. 56 ¶ 3 (not on track to meet A-G requirements); Ex. 42 ¶ 5 (same); Ex. 77 ¶ 5 (missing a course  
needed for graduation); Ex. 49 ¶¶ 3, 7 (same); Ex. 37 ¶ 17 (not on track to graduate).

<sup>28</sup> App’x 4; Ex. 2 at 55:20-57:3, 61:17-25, 88:1-5 (“expectation but not requirement” that IWE  
student has completed A through G requirements)); Ex. 3 at 104:22-25. For example, while LAUSD  
(Footnote Cont’d on Following Page)

1                                   **2. Master Schedule Changes Weeks and Months into the School Year**

2                   Akin to the scheduling issues present at Jefferson this year, Plaintiffs’ schools have a pattern  
3 and practice of failing to begin the school year with appropriate master schedules in place, reducing  
4 instruction time as schedules repeatedly change weeks and months into the school year.<sup>29</sup>

5                   Students begin the year without courses required for either graduation or college-entry, and  
6 may not be transferred into these core courses until weeks into the school year, depriving them of  
7 critical learning time for the courses in which they are ultimately enrolled.<sup>30</sup> Students are assigned to  
8 courses inappropriate for their grade or proficiency level as a function of teacher and/or counselor  
9 shortages or classroom space availability as opposed to student needs.<sup>31</sup> Students are placed in  
10 courses they have already taken and passed,<sup>32</sup> or in contentless courses instead of necessary  
11 substantive courses.<sup>33</sup> Failure to accurately predict enrollment leads to severe class-size imbalances  
12 and overflowing classrooms with more students than desks until some students are eventually  
13 transferred to other classes.<sup>34</sup> For example, Fremont in Oakland began the 2014-2015 school year  
14 with over 80 students assigned to some classrooms. Ex. 88 ¶¶ 4, 11. These failures disrupt instruction  
15 for the entire class—even those students in the class since the beginning of the year—and undermines  
16 the ability of teachers to do their jobs and deliver instruction meaningfully. Oakes Decl. ¶ 36.

17                   Course schedules change repeatedly throughout the first weeks of school, disrupting  
18 classrooms.<sup>35</sup> Teachers, aware that the class placements are not permanent, must adjust their lesson

19 \_\_\_\_\_  
20 (Footnote Cont’d From Previous Page)

21 policy limits service classes to students who, *inter alia*, failed no courses the preceding semester and  
22 being on track to graduate, Ex. 39 at LAUSD01713-01714, Fremont-Los Angeles student Jessy Cruz  
23 was assigned to two service classes in his senior year of high school despite having failed multiple  
24 classes and not being on track to graduate. Ex. 37 ¶ 17.

25 <sup>29</sup> Ex. 35 ¶ 17; Ex. 46 ¶ 35; Ex. 78 ¶¶ 12-13; Ex. 45 ¶ 14; Ex. 62 ¶ 23; Ex. 47 ¶ 17; Ex. 59 ¶ 15; Ex.  
26 53 ¶ 4; Ex. 55 ¶ 22; Ex. 71 ¶ 32; Ex. 38 ¶ 6; Ex. 79 ¶ 3.

27 <sup>30</sup> Ex. 80 ¶¶ 4-5 (transferred into Spanish II eight weeks into the semester); Ex. 81 ¶ 3; Ex. 42 ¶ 7; Ex.  
28 45 ¶ 15; Ex. 59 ¶¶ 5, 15-16; Ex. 60 ¶ 3; Ex. 83 ¶ 4; Ex. 38 ¶¶ 4, 6; Ex. 79 ¶ 3; Ex. 84 ¶¶ 5-10; Ex. 65  
¶¶ 7-9; Ex. 85 ¶¶ 3-4; Ex. 86 ¶ 4-6.

<sup>31</sup> Ex. 87 ¶ 18; Ex. 44 ¶ 16; Ex. 81 ¶ 3; Ex. 45 ¶ 15; Ex. 58 ¶ 10; Ex. 88 ¶ 6; Ex. 89 ¶ 13; Ex. 90 ¶ 15;  
Ex. 65 ¶ 13; Ex. 91 ¶ 13.

<sup>32</sup> Ex. 78 ¶ 13; Ex. 80 ¶¶ 4-5; Ex. 57 ¶ 5; Ex. 42 ¶ 7; Ex. 88 ¶ 6; Ex. 59 ¶ 16; Ex. 60 ¶ 3; Ex. 38 ¶ 4;  
Ex. 92 ¶ 3.

<sup>33</sup> Ex. 93 ¶ 8; Ex. 59 ¶ 5; Ex. 60 ¶ 3; Ex. 68 ¶ 3; Ex. 65 ¶ 4; Ex. 66 ¶¶ 4-5.

<sup>34</sup> Ex. 40 ¶ 13; Ex. 94 ¶ 17; Ex. 95 ¶ 13; Ex. 87 ¶ 18; Ex. 56 ¶ 9; Ex. 78 ¶ 14; Ex. 81 ¶ 6; Ex. 42\_¶ 12;  
Ex. 43 ¶ 10; Ex. 45 ¶ 14; Ex. 58 ¶ 2; Ex. 89 ¶ 13; Ex. 55 ¶ 24; Ex. 71 ¶ 34.

<sup>35</sup> Ex. 87 ¶ 18; Ex. 96 ¶ 19; Ex. 91 ¶ 13; Ex. 89 ¶ 13; Ex. 62 ¶ 23; Ex. 55 ¶¶ 23, 25; Ex. 90 ¶ 15.

1 plans accordingly.<sup>36</sup> At Fremont in OUSD, “[t]he administration candidly tells teachers at the  
2 beginning of the year that student schedules will be changing for the next month, and so we shouldn’t  
3 get too attached to any of our students because they will probably be gone in a few weeks.” Ex. 62  
4 ¶ 23. Compton student Maria Sanchez recounts, “A lot of my classes don’t even hand out textbooks  
5 until the class gets settled, usually 3-4 weeks into the semester.” Ex. 53 ¶ 6.

6 In addition to the typical disruptions that take place due to changing course schedules that  
7 take place every fall, it is not unusual for students to be sent to the auditorium for weeks while they  
8 wait to be assigned to classes during particularly chaotic school year openings.<sup>37</sup> These events took  
9 place, for example, at Fremont in Los Angeles during the 2012-2013 school year,<sup>38</sup> as well as  
10 Fremont,<sup>39</sup> Dorsey,<sup>40</sup> and Jefferson<sup>41</sup> in the 2014-2015 school year.

### 11 3. Experiences of Students in Plaintiffs’ Schools

12 The below students represent only a few of the many students in Plaintiffs’ schools who  
13 continue to suffer from the multiple, overlapping consequences of pedagogically indefensible periods  
14 lacking educational value and widespread scheduling failures:<sup>42</sup>

15 **Johnae Twinn**, a senior at Castlemont in Oakland, is currently assigned to no class during  
16 first or sixth period, has an IWE period for second period, and is enrolled in only three substantive  
17 courses: AP Calculus, American Government, and English 4. Ex. 40 ¶ 3. Although Johnae is college-  
18 bound and interested in medicine, *id.* ¶ 2, she is not taking a science class, *id.* ¶ 3. Johnae’s empty  
19 periods originally were partially filled by Physiology and Debate, but both those courses were  
20 cancelled due to lack of staff. *Id.* ¶ 7. Johnae also wanted to take AP courses in Government, History,  
21 and English, but they were all oversubscribed and had no room for her. *Id.* ¶ 8. Johnae was also

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22 <sup>36</sup> Ex. 87 ¶ 18; Ex. 96 ¶ 18; Ex. 89 ¶ 13; Ex. 62 ¶ 23; Ex. 71 ¶ 34; Ex. 92 ¶ 6; Ex. 53 ¶ 6 (“It feels like  
23 most of my classes don’t even really begin until about a month into the school year”).

24 <sup>37</sup> When sophomore Qadir Johnson arrived at Dorsey on the first day of school this year, he received  
25 no schedule and was sent to a classroom to watch movies with dozens of other students. Ex. 97 ¶ 4.  
26 At the end of the first day, the students were told to stay home for the remainder of the week. *Id.*  
27 When Qadir came back at the beginning of the second week of school, he still had not been assigned  
28 a course schedule. *Id.* ¶ 5.

<sup>38</sup> Ex. 54 ¶ 27; Ex. 64 ¶¶ 25-26; Ex. 98 ¶ 9; Ex. 55 ¶¶ 23-24; Ex. 71 ¶¶ 33-34; Ex. 99.

<sup>39</sup> Ex. 68 ¶ 3; Ex. 60 ¶ 3-4.

<sup>40</sup> Ex. 38 ¶ 4; Ex. 79 ¶ 3; Ex. 84 ¶¶ 4-5; Ex. 65 ¶¶ 7-8, 12; Ex. 85 ¶¶ 3, 5; Ex. 86 ¶ 4-5; Ex. 97 ¶ 4; Ex.  
92 ¶ 3; Ex. 66 ¶ 4.

<sup>41</sup> TRO at 2-7.

<sup>42</sup> For additional student profiles, see Appendix 5.

1 originally placed in Math Analysis, which is pre-calculus, until she was switched after two weeks into  
2 AP Calculus. *Id.* ¶ 9. In addition, two of the three substantive courses to which Johnae was  
3 assigned—American Government and English 4—were staffed by substitute teachers for the first  
4 several weeks of the school year. *Id.* ¶ 11. This is not the first time Johnae has had scheduling  
5 problems; in tenth grade, her schedule was switched three times. ¶ 12. During Johnae’s IWE period,  
6 she usually sits in the computer room and is assigned to tasks such as shredding only “once in a blue  
7 moon.” *Id.* ¶ 5. During sixth period when she has no class scheduled, Johnae sits in on a second  
8 section of English 4 because she “get[s] more out of it than just going home.” *Id.* ¶ 3.

9 **Jessy Cruz** attended Fremont High School in Los Angeles. Ex. 37 ¶ 2. Although Jessy—who  
10 was a foster youth, had transferred schools multiple times, and had failed many classes—was not able  
11 to complete the credits to graduate from high school, *id.* ¶¶ 2-3, 5, 7, he was nonetheless assigned to  
12 two Service periods and one Home period during his senior year of high school, *id.* ¶ 17. Instead of  
13 taking courses that would have permitted him to graduate and attend college, Jessy sometimes went  
14 home and took a nap during his Home period, *id.* ¶ 19, and did his homework or played on his  
15 teacher’s iPad during his Service periods, *id.* ¶ 20.

16 **Isaiah Moses**, a Compton junior, started the year with two free periods on his schedule,  
17 instead of the AP courses in which he was supposed to be enrolled. Ex. 59 ¶¶ 5, 8. Isaiah demanded  
18 to be placed in substantive courses for the two free periods, and succeeded in being placed in Pre-  
19 Calculus and Physics. *Id.* ¶ 6. One month into the school year, he was also placed in AP Chemistry  
20 before school. *Id.* ¶¶ 8, 9. In addition, until January of this year, Isaiah was assigned a “TA period”  
21 during which he occasionally made copies, graded papers, and notified teachers of meetings, but  
22 often had nothing to do. *Id.* ¶ 11. In January, he was taken out of the TA period and placed into  
23 Algebra 2 which he had previously taken and passed with a C. *Id.* ¶ 13. Last year, his Algebra 2 class  
24 was taught by several substitute teachers until the second semester of the course, which means that he  
25 did not learn prerequisite material necessary for his pre-calculus course. *Id.* ¶ 18.

26 **III. A Preliminary Injunction is Necessary to Prevent Future Violations of Plaintiffs’**

27 **Constitutional Right to an Equal Education**

28 **A. Preliminary Injunction Standard**

1 A preliminary injunction is appropriate to “restrain[] the . . . continuance of the act  
2 complained of” or when “continuance of some act during the litigation would produce . . . great or  
3 irreparable injury, to a party to the action.” Cal. Civ. Proc. Code. § 526(a)(1), (2). California courts  
4 weigh two factors in determining whether to issue a preliminary injunction: “(1) the likelihood that  
5 the plaintiff will prevail on the merits of its case at trial, and (2) the interim harm that the plaintiff is  
6 likely to sustain if the injunction is denied as compared to the harm that the defendant is likely to  
7 suffer if the court grants a preliminary injunction.” *14859 Moorpark Homeowners’ Ass’n v. VRT*  
8 *Corp.*, 63 Cal. App. 4th 1396, 1402 (Cal. App. 2d Dist. 1998).

9 **B. Plaintiffs Are Likely to Prevail on the Merits Because Lost Learning Time in**  
10 **Plaintiffs’ Schools Denies Plaintiffs Basic Educational Equality**

11 As this Court recognized in its Temporary Restraining Order (“TRO”), students in California  
12 have a “fundamental right to a basically equivalent education.” TRO at 9 (Oct. 6, 2014) (citing *Butt v.*  
13 *State of California*, 4 Cal. 4th 668, 688-89 (1992)); *see also Serrano v. Priest*, 5 Cal. 3d 584, 608-09  
14 (1971) (“*Serrano I*”). California’s Equal Protection Clause prohibits the State from permitting  
15 discrimination among schools or school districts that denies some young people “‘basic educational  
16 equality’ compared to other California high school students.” TRO at 8 (quoting *Butt*, 4 Cal. 4th 668,  
17 *passim*); *see also Butt*, 4 Cal. 4th at 685.

18 The Court has also held that the State “bear[s] ultimate responsibility for any constitutional  
19 deprivations.” TRO at 7; *see also Butt*, 4 Cal. 4th at 681, 684-85 (“The State itself bears the ultimate  
20 authority and responsibility to ensure that its district-based system of common schools provides basic  
21 equality of educational opportunity.”). This duty includes an affirmative responsibility to correct any  
22 disparities in the public education system produced by policies or practices at the district level, “even  
23 when the discriminatory effect was not produced by the purposeful conduct of the State or its agents.”  
24 *Butt*, 4 Cal.4th at 681 (internal quotation marks omitted); *see also* TRO at 10.

25 Thus, the State must not create, compound, or permit the perpetuation of disparities in its  
26 public school system that contribute to students receiving an education that “falls fundamentally  
27 below prevailing statewide standards.” *Butt*, 4 Cal. 4th at 686-87. Conduct that has a “real and  
28 appreciable” impact on this fundamental right to education is subject to strict scrutiny and can be



1 justified only by a compelling state interest. *Id.* at 685-86; *Serrano I*, 5 Cal.3d at 615.

2           The California Supreme Court has held that the State’s failure to remedy disparities in access  
3 to instruction time, in particular, offends the constitutional principle of equality. In *Butt v. California*,  
4 the Supreme Court concluded that a one-time loss of six weeks of instruction time would produce a  
5 “real and appreciable impact on the affected students’ fundamental right to basic educational  
6 equality.” 4 Cal. 4th at 687-88.

7           In its Temporary Restraining Order, this Court found that students at Jefferson had suffered  
8 and continued to suffer “severe and pervasive educational deprivations, in the form of lost hours of  
9 instructional time, compared to other students in LAUSD and the State of California.” TRO at 2. The  
10 Court considered this “shocking loss of instructional time,” TRO at 6, in light of the students’  
11 particular vulnerability; where the students are “disproportionately low-income, minority, first-  
12 generation students, foster children and/or English learners,” lost learning time “has inflicted a  
13 variety of harms” on the students, “few, if any, of whom have the resources needed to successfully  
14 recover from setbacks of this kind,” TRO at 4-5. This Court found that due to the “severe and  
15 pervasive” harms caused by the assignment of Jefferson students to “the wrong courses and  
16 contentless courses” in the 2014-2015 school year, “Jefferson students have suffered, and, absent  
17 intervention, will likely continue to suffer, a denial of ‘basic educational equality’ compared to other  
18 California high school students.” TRO at 7-9 (quoting *Butt*, 4 Cal. at 685, 687-88).

19           Students in Plaintiffs’ schools have repeatedly suffered and continue to suffer the type of  
20 severe and pervasive harms that were subject of the Court’s findings in the Temporary Restraining  
21 Order: they are sent home midway through the school day, assigned to contentless courses devoid of  
22 educational value, and subject to changing course schedules that repeatedly disrupt classes in the  
23 opening weeks and months of the school year and cause students to fall behind at the beginning of  
24 each school year. These harms contribute to profound disparities in learning time that permanently  
25 and systemically set students back academically, sending them out into the world year after year  
26 unprepared for college and a career. The State has admitted that it will do nothing to prevent the  
27 recurrence of this senseless cycle of lost educational opportunity at Plaintiffs’ schools absent an order  
28 from this Court.

1           1. Scheduling Practices in Plaintiffs’ Schools Depart Dramatically from Norms in Other  
2                    California Schools and Professional Standards.

3           The expert testimony of experienced California education professionals and the practices of  
4 other California school districts<sup>43</sup> establish that the experiences of Plaintiffs and their peers with  
5 regard to scheduling and course assignments are inconsistent with professional norms and typical  
6 practices in California schools.

7           **First**, the contentless periods to which students in Plaintiffs’ schools are assigned in most  
8 cases deliver no educational value. As Professor Jeannie Oakes has pointed out, “[u]nder the right  
9 conditions, working with a teacher, counselor, or librarian can be a valuable educational experience  
10 for students who are progressing well in the regular curriculum.” Oakes Decl. ¶ 33; *see also* Decl. of  
11 Merle Price (“Price Decl.”) ¶ 10. Consistent with this professional norm, to the extent that the typical  
12 California school assigns students to such classes, these course periods are typically supervised by  
13 credentialed personnel, who communicate clearly articulated educational objectives and progress  
14 reports to the student or otherwise ensure that the student gains substantive educational benefit from  
15 the experience. Oakes Decl. ¶ 34; Price Decl. ¶ 10; App’x 6. Likewise, typical California schools  
16 either do not assign students to Home periods or require students to participate in specific, pre-  
17 approved educational activities during this time. Oakes Decl. ¶¶ 19-20; App’x 6. By contrast, the  
18 Service classes to which Plaintiffs and their peers are assigned are not guided by these professional  
19 standards necessary to ensure that courses have pedagogical value. *See* Section II.B.1 *supra*. Indeed,  
20 experienced educators agree that the Service<sup>44</sup> and Home<sup>45</sup> courses to which Plaintiffs and their peers

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21  
22 <sup>43</sup> Exhibits 100-110 contain testimony from a random sample of 10 school districts pertaining to those  
23 districts’ practices regarding master scheduling and assignment of students to contentless classes. *See*  
24 Oakes Decl. ¶ 6. For a summary of these declarations in table form, see Appendix 6.

25 <sup>44</sup> *E.g.*, Ex. 46 ¶ 37 (“IWE is not a real class and does not deliver any academic content or  
26 enrichment, students basically receive elective credit for doing nothing.”); Ex. 35 ¶¶ 5-6; Ex. 47 ¶ 20  
27 (“In the majority of cases, students are receiving an elective credit for sitting around and doing their  
28 homework or just listening to music and talking to friends.”); Ex. 45 ¶ 18 (“Almost no learning goes  
on during an IWE period.”).

<sup>45</sup> Compton Principal Stephen Glass, on behalf of Compton High School, admitted that “as a  
standard, we shouldn’t have free periods.” Ex. 3 at 154:5-6. Instead, “[s]tudents should, in our  
opinion, be in classes that are . . . substantive” and promote “college or career readiness.” *Id.* 154:1-6.  
Chief Deputy Superintendent Zeiger also admitted confusion about the paradoxical concept of a  
“Home” period: “[Y]ou’ve got two terms that don’t fit in my mind, ‘classes’ and ‘home.’ So it makes  
it sound like you are assigned as a class, home. That is not familiar to me.” Ex. 1 at 74:1-4.

1 are assigned are wholly devoid of educational value. Oakes Decl. ¶ 14 (Home periods, in which  
2 “there is not even the pretense of learning” “are not intended to contribute to the education of  
3 students), ¶ 32; Price Decl. ¶ 9 (“There is absolutely no legitimate educational purpose served by  
4 simply releasing a student early to go home . . .”).

5 **Second**, many students in Plaintiffs’ schools do not freely choose to enroll in contentless  
6 courses, but are involuntarily assigned because of lack of other available courses that are substantive,  
7 instructional, and grade-level appropriate.<sup>46</sup> For example, when Angelica Rodriguez at Fremont  
8 Oakland, who is not on track to meet her A-G requirements, was assigned to Construction Tech 1  
9 despite having taken and passed both Construction Tech 1 and Construction Tech 2, she was told no  
10 other courses were available and her schedule was changed to reflect that she was an IWE student in  
11 the same Construction Tech 1 class to which she had been improperly assigned. Ex. 56 ¶¶ 3, 5. This  
12 practice departs from professional norms and typical school district procedures in California, in  
13 which students are not assigned to contentless courses because there are no other courses available in  
14 which to place them. Oakes Decl. ¶ 20; Price Decl. ¶ 9; App’x 6. As the Court emphasized in the  
15 TRO, “that other schools have ‘silent’ and ‘study’ periods does not mean that those period are  
16 assigned to students *in lieu of needed substantive courses*.” TRO at 9 n.7. Indeed, in response to the  
17 Court’s TRO requiring students to be provided the option of enrolling in “substitute course[s] that are  
18 substantive, instructional, appropriate for that student’s grade level, and fulfill Jefferson’s obligation  
19 to ensure that the student has timely access to courses needed for graduation and college eligibility,”  
20 TRO at 11, Jefferson hired an additional three teachers and an intervention coordinator to provide  
21 these much-needed additional course offerings. Ex. 115 ¶ 10.

22 **Third**, Plaintiffs’ schools do not place necessary limitations on when contentless courses may  
23 be assigned to ensure that enrollment in such courses do no harm to students’ education. Consistent  
24 with professional standards, in typical California schools, students in contentless periods must be in  
25

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26 <sup>46</sup> See, e.g., Ex. 40 ¶ 7; Ex. 50 ¶¶ 5-6; Ex. 95 ¶ 14; Ex. 35 ¶¶ 7, 14; Ex. 69 ¶ 4; Ex. 70 ¶ 13; Ex. 96  
27 ¶ 20; Ex. 111 ¶ 14; Ex. 112 ¶ 17; Ex. 113 ¶ 27; Ex. 46 ¶ 37; Ex. 56 ¶ 5; Ex. 57 ¶ 5; Ex. 42 ¶ 6; Ex. 43  
28 ¶ 8; Ex. 44 ¶ 14; Ex. 114 ¶ 6; Ex. 45 ¶ 18; Ex. 62 ¶ 24; Ex. 48 ¶ 4; Ex. 59 ¶ 14; Ex. 33 ¶ 4; Ex. 61 ¶ 9;  
Ex. 98 ¶ 11; Ex. 55 ¶ 16; Ex. 54 ¶¶ 21, 22; Ex. 71 ¶ 27; Ex. 64 ¶ 20; Ex. 36 ¶ 6; Ex. 38 ¶ 10; Ex. 65  
¶¶ 5, 15; Ex. 49 ¶ 4; Ex. 118 ¶ 5; Ex. 119 ¶ 7; Ex. 121 ¶ 8; see also Ex. 2 at 50:20-51:3 (“I can’t say  
we would always” find room for them in a class they have not already taken.”).

1 good academic standing and on track to graduate, Oakes Decl. ¶¶ 19, 33-34; Price Decl. ¶ 8; App'x 6,  
2 and are only assigned to a limited number of such periods in a single semester and over the course of  
3 high school (typically no more than one per semester). Price Decl. ¶ 10; App'x 6.

4 By contrast, some students in Plaintiffs' schools are assigned to contentless classes for up to  
5 half of their course periods.<sup>47</sup> Moreover, not only are some students assigned to contentless courses in  
6 Plaintiffs' schools despite not being on track to graduate or meet A-G requirements, *see* Section  
7 II.B.1 *supra*, but Plaintiffs and their peers are also disproportionately disadvantaged by such classes  
8 because they are more likely to be academically behind, English Learners, have low literacy and  
9 numeracy, or have not passed the California High School Exit Exam. Oakes Decl. ¶ 10, 21; Price  
10 Decl. ¶ 9; App'x 1; Chung Decl. ¶¶ 74, 77-87, 91, 94-105, 134, 137-148, 151, 155-166, & Exs. V-  
11 AA, BB-HH, PP-VV, WW-CCC; *see also* Section III.2.a., *infra*.

12 ***Fourth***, many changes to course schedules are made late into the school year in Plaintiffs'  
13 schools, long after most California schools have a final schedule locked in place. Elsewhere in  
14 California, master schedules are typically finalized by the end of the spring, with final balancing of  
15 classes and addition or elimination of sections and classes completed by no later than one to two  
16 weeks after instruction begins. Oakes Decl. ¶ 36; Price Decl. ¶ 11; App'x 6. The many schedule  
17 changes weeks and months into the school year cause extensive educational disruption in Plaintiffs'  
18 schools and necessarily deprives students of critical instruction time at the outset of each school year.  
19 Oakes Decl. ¶¶ 35-36; *see* Section II.B.2. *supra*.

20 2. Contentless Courses and Schedule Changes Contribute to Deprivations of Learning Time  
21 in Plaintiffs' Schools and Fundamentally Depart from the Statewide Standard.

22 The disproportionate harm caused by assignment of students to contentless courses and failure  
23 to finalize an appropriate master schedule in Plaintiffs' schools as compared to practices in other  
24 California schools systemically denies Plaintiffs and their peers of valuable learning time to which  
25 they are entitled and to which other students in California have access.

26 Although for the purpose of achieving an expedient remedy Plaintiffs have limited the  
27

28 <sup>47</sup> *E.g.*, Ex. 75 ¶¶ 8-13 (Castlemont – three of six periods); Ex. 73, at LAUSD02563 (Fremont-LA; four of eight periods); *see* Section II.B.1 *supra*.

1 preliminary injunctive relief sought, these identified practices represent only two of multiple factors  
2 that deprive students of learning time in Plaintiffs’ schools. As pled in the Complaint and described in  
3 teacher and student testimony, students in Plaintiffs’ schools experience the cumulative effect of  
4 many conditions that commonly erode learning time in high-poverty schools, including instability in  
5 the teaching and administrative staff,<sup>48</sup> high student trauma and mental health need,<sup>49</sup> and resultant  
6 disproportionate rates of student absences<sup>50</sup> and teacher absences.<sup>51</sup> See Oakes Decl. ¶¶ 7-9; Oakes  
7 TRO Decl. ¶¶ 15-17. Not only do these factors, taken together, aggregate to substantial losses of  
8 learning time, but they also “interact with and aggravate each other, all to the detriment of the  
9 learning and achievement of students.” Oakes TRO Decl. ¶ 17; see also Oakes Decl. 9. Cumulatively,  
10 they contribute to a quantum of learning time and educational program that “falls fundamentally  
11 below prevailing statewide standards.” *Butt*, 4 Cal. 4th at 686-87. Collectively, these deprivations of  
12 learning time substantially disrupt the educational program at Plaintiffs’ schools, causing students to  
13 fall further and further academically behind.

14 a. Lost Instruction Time in Plaintiffs’ Schools Disrupts the Educational Program.

15 The evidence in this case demonstrates overwhelmingly that practices in Plaintiffs’ schools  
16 have systemically deprived Plaintiffs and their peers of equal access to instructional time. This year  
17 alone, for example, Johnae Twinn is only in substantive courses for half of the school day and lost  
18 two full weeks of school at the beginning of the year when she was in the incorrect math class and  
19 her other two classes were taught by substitute teachers. Ex. 40 ¶¶ 3, 9, 11. But “the loss of a specific

20 \_\_\_\_\_  
21 <sup>48</sup> Ex. 95 ¶¶ 6-8; Ex. 67 ¶¶ 7-8; Ex. 51 ¶¶ 10-11; Ex. 93 ¶ 4; Ex. 44 ¶ 4; Ex. 43 ¶¶ 3-7; Ex. 84 ¶ 16;  
22 Ex. 97 ¶ 8; Ex. 66 ¶¶ 10-12; Ex. 46 ¶¶ 41-42, 46; Ex. 113 ¶¶ 28-32; Ex. 87 ¶¶ 3-5, 7; Ex. 96 ¶¶ 21-  
23 23, 27; Ex. 111 ¶¶ 18, 22-23; Ex. 112 ¶¶ 20, 23; Ex. 70 ¶ 14; Ex. 89 ¶¶ 14-16; Ex. 45 ¶¶ 4, 7; Ex. 62  
24 ¶¶ 11, 13, 25; Ex. 47 ¶¶ 3, 5; Ex. 54 ¶¶ 24-25; Ex. 55 ¶¶ 21, 26; Ex. 64 ¶ 23; Ex. 90 ¶ 17; Ex. 71 ¶¶  
25 30, 37.

26 <sup>49</sup> Ex. 51 ¶¶ 6-7; Ex. 67 ¶ 3; Ex. 95 ¶¶ 3-5; Ex. 116 ¶ 10; Ex. 94 ¶ 11; Ex. 43 ¶ 14; Ex. 44 ¶ 9; Ex. 117  
27 ¶ 7; Ex. 77 ¶ 8; Ex. 38 ¶ 12; Ex. 65 ¶¶ 22-23; Ex. 85 ¶ 7; Ex. 86 ¶ 9; Ex. 92 ¶¶ 12-13; Ex. 46 ¶¶ 6-10,  
28 12, 14, 16, 18, 19; Ex. 113 ¶ 6, 9, 12; Ex. 87 ¶¶ 19-21; Ex. 96 ¶¶ 3-9; Ex. 111 ¶ 10, 16; Ex. 112 ¶¶ 5,  
29 8-9; Ex. 70 ¶¶ 3-5; Ex. 89 ¶¶ 5-6; Ex. 45 ¶¶ 25-27; Ex. 62 ¶¶ 4-5, 8; Ex. 47 ¶ 22; Ex. 54 ¶¶ 6, 8; Ex.  
30 55 ¶ 6-8, 10; Ex. 64 ¶¶ 5-6; Ex. 90 ¶¶ 10-11.

31 <sup>50</sup> Ex. 46 ¶ 17, 20, 25; Ex. 113 ¶¶ 11, 16; Ex. 91 ¶¶ 6-7; Ex. 87 ¶ 11; Ex. 96 ¶¶ 11-12; Ex. 111 ¶ 5-6,  
32 10; Ex. 112 ¶ 10; Ex. 70 ¶ 10; Ex. 89 ¶ 8; Ex. 45 ¶ 10; Ex. 62 ¶ 17; Ex. 54 ¶¶ 12, 15; Ex. 55 ¶¶ 4, 6;  
33 Ex. 64 ¶ 8; Ex. 90 ¶ 5; Ex. 71 ¶¶ 6-10; Ex. 95 ¶¶ 9, 11; Ex. 67 ¶¶ 12-14; Ex. 51 ¶ 13; Ex. 38 ¶ 17; Ex.  
34 65 ¶ 14; Ex. 93 ¶ 6; Ex. 43 ¶ 12; Ex. 83 ¶ 5; Ex. 61 ¶ 5; Ex. 98 ¶ 5.

35 <sup>51</sup> Ex. 113 ¶ 33; Ex. 87 ¶ 10; Ex. 54 ¶ 23; Ex. 55 ¶ 26; Ex. 64 ¶ 21; Ex. 90 ¶ 20; Ex. 71 ¶ 35; Ex. 65  
36 ¶¶ 18-19; Ex. 61 ¶¶ 7-8.

1 number of days, hours, or weeks of academic learning time cannot capture the full measure of the  
2 damage done to the education of these students.” Oakes TRO Decl. ¶ 25. The evidence further reveals  
3 that direct and immediate consequence of this extreme loss of learning time is extensive disruption to  
4 the overall educational program in Plaintiffs’ schools.

5 In addition to the hours and minutes of instruction wasted with students languishing with  
6 nothing to do in Service periods or simply sent home, failure to assign students to meaningful  
7 coursework also disrupts the work of the school by disturbing classrooms in session as students  
8 without anywhere to be wander around campus, Ex. 33 ¶ 5, and by contributing to student  
9 absenteeism. Oakes Decl. ¶ 8 (“[W]hen schools assign students to courses or service duties where  
10 very little or no learning takes place, students understand that being absent has fewer educational  
11 consequences.”); Ex. 65 ¶ 4; Ex. 121 ¶ 7.

12 Likewise, as students’ schedules change weeks and months into the school year, teachers are  
13 faced with a pedagogical dilemma as they determine whether to stop and reteach material for new  
14 students entering the class or move forward with planned curriculum. Oakes Decl. ¶ 36. If teachers  
15 do not spend substantial time reviewing, students who have transferred into classes midway through  
16 the semester will be behind in the coursework,<sup>52</sup> and, having missed foundational instruction that the  
17 curriculum assumes they have received, will be limited in their ability to achieve mastery of  
18 subsequent material. *Id.*; *see also* Oakes TRO Decl. ¶ 27. Yet if teachers reteach prior lessons or wait  
19 until the class roster stabilizes to begin introducing new material, Ex. 55 ¶ 23, curriculum designed to  
20 be delivered over the course of a full academic year must be compressed to a shorter duration. Oakes  
21 TRO Decl. ¶ 27; Ex. 55 ¶ 25. Either way, teachers lack the time to deliver the academic content to  
22 meet state standards. Oakes TRO Decl. ¶ 27. Changes to the schedule at the beginning of the school  
23 year are also particularly disruptive because they prevent the establishment of routines and formation  
24 of a strong classroom culture,<sup>53</sup> which contributes student absenteeism, Ex. 96 ¶ 19; and classroom  
25 management problems Ex. 55 ¶ 23.

26  
27  
28 <sup>52</sup> Ex. 47 ¶ 17; Ex. 98 ¶ 10; Ex. 38 ¶ 5; Ex. 85 ¶ 4,

<sup>53</sup> Ex. 87 ¶ 18; Ex. 96 ¶ 19; Ex. 91 ¶ 13; Ex. 55 ¶ 23 (Gonzalez).



1           Because the State’s failure to intervene to address the educational harm to Plaintiffs has a  
2 “real and appreciable impact” on Plaintiffs’ fundamental interest in education, Defendants’ conduct is  
3 subject to strict scrutiny. *Butt*, 4 Cal. 4th at 685-86; *see also Serrano I*, 5 Cal. 3d at 608-10. They  
4 “shoulder the burden of establishing that [the State’s actions are] necessary to achieve a compelling  
5 state interest.” *Serrano II*, 18 Cal. 3d at 768; *Serrano I*, 5 Cal. 3d at 610-15; *Butt*, 4 Cal. 4th at 682.  
6 Defendants cannot offer any rational pedagogical justification for its permitting such practices to  
7 occur year after year, let alone meet this exacting standard.

8           This Court has already considered and rejected the State’s purported justifications for its  
9 inaction on these issues, including the argument that “an existing state policy and plan recently set  
10 into motion promoting ‘local control’” is “a justification for depriving students of their fundamental  
11 right to a basically equivalent education,” TRO at 9 (citing *Butt*, 4 Cal. 4th at 688-9), and the Court’s  
12 holding applies here.<sup>56</sup> The State can show no compelling interest in abnegating its constitutional  
13 responsibility to ensure that all children in California receive equal educational opportunity.

14           **D.     The Balance of Harms Strongly Favors Plaintiffs**

15           This Court must require the State to intervene immediately to stop further loss of instruction  
16 time in Plaintiffs’ schools. The relative interim harm favors Plaintiffs. In *Butt*, “the trial court also  
17 expressly concluded that plaintiffs, District students and their parents, would suffer ‘substantial and  
18 irreparable harm’ if a preliminary injunction were denied.” *Butt*, 4 Cal. 4th at 692-93. The evidence  
19 presented by Plaintiffs shows that they will suffer devastating educational harm if the State’s conduct  
20 is permitted to continue. *See* Section III.B.2, *supra*. The State, in contrast, will suffer no harm. This  
21 Court has already rejected the argument that State “intervention will interfere with, and undermine,  
22 long-term funding and local control initiatives, concerns that were dismissed in *Butt*.” TRO at 10. Far  
23 from harming the State, an injunction would require only that the State fulfill its constitutional duty to  
24 ensure that each student in California has equal educational opportunity, or, more to the point, the  
25 semblance of educational opportunity in the first place.

26 \_\_\_\_\_  
27 <sup>56</sup> The California Supreme Court also rejected an identical argument in *Butt*, recognizing that “the  
28 local-district system of school administration . . . is not a constitutional mandate, but a legislative  
choice,” and emphasizing that “[t]he Constitution has always vested ‘plenary’ power over education  
not in the districts, but in the State.” 4 Cal. 4th at 688; *see also Tinsley v. Palo Alto Unified Sch. Dist.*,  
91 Cal. App. 3d 871, 904 (1979).



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Dated: February 5, 2015

PUBLIC COUNSEL LAW CENTER  
ACLU FOUNDATION OF SO. CALIFORNIA  
ARNOLD & PORTER  
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By: Mark Rosenbaum  
MARK D. ROSENBAUM

By: Kathryn A. Eidmann  
KATHRYN A. EIDMANN

Attorneys for Plaintiffs

## APPENDIX 1 SCHOOL AND STATE DATA SUMMARY

**FIG 1. Student Demographics (2013-14)**

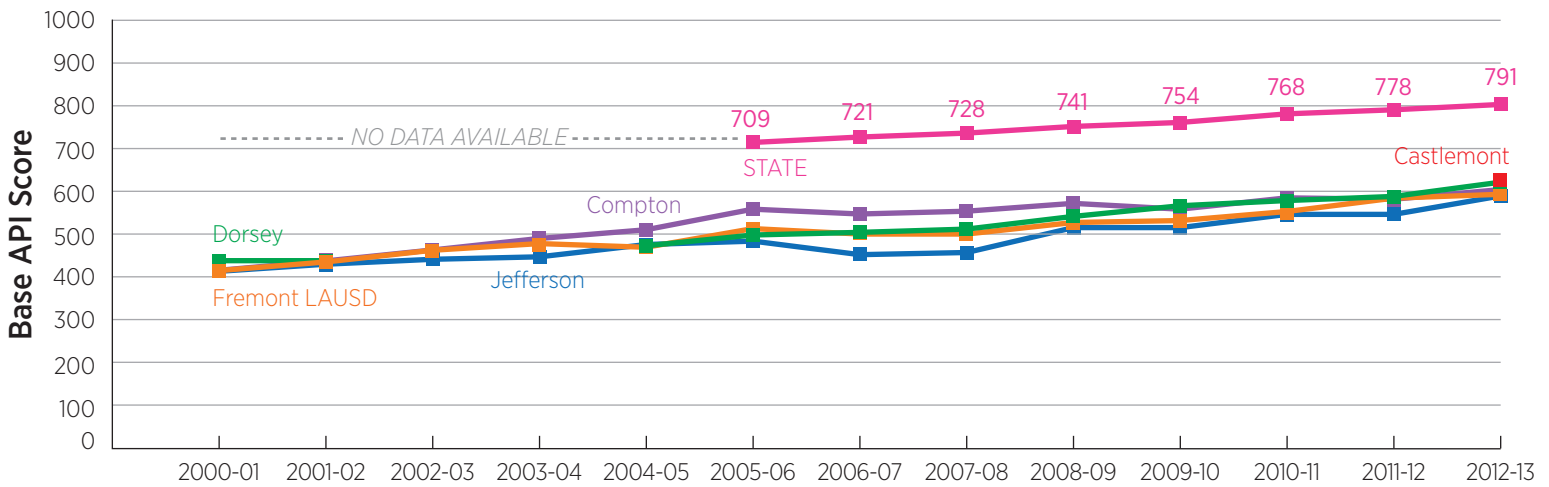
Source: DataQuest

SCHOOL	HISP/LAT	BLACK	WHITE	OTHER	TOTAL	UPC	FRPM	EL	FOSTER
CASTLEMONT	289 (51.2%)	227 (40.2%)	3 (0.5%)	45 (8.1%)	564 (100%)	510 (90.4%)	489 (86.7%)	154 (27.3%)	6 (1.1%)
COMPTON	1778 (81.2%)	390 (17.8%)	6 (0.3%)	16 (0.7%)	2190 (100%)	2043 (93.3%)	1990 (90.9%)	483 (22.1%)	19 (0.9%)
DORSEY	548 (46.4%)	615 (52.1%)	7 (0.6%)	10 (0.9%)	1180 (100%)	986 (83.6%)	941 (79.7%)	228 (19.3%)	20 (1.7%)
FREMONT L	2100 (90.2%)	218 (9.4%)	3 (0.1%)	8 (0.3%)	2329 (100%)	2184 (93.8%)	2089 (89.7%)	678 (29.1%)	16 (0.7%)
FREMONT O	396 (54.5%)	210 (28.9%)	14 (1.9%)	107 (14.7%)	727 (100%)	660 (90.8%)	601 (82.7%)	292 (40.2%)	10 (1.4%)
JEFFERSON	1045 (91.3%)	96 (8.4%)	1 (0.1%)	3 (0.2%)	1145 (100%)	1099 (96.0%)	961 (83.9%)	382 (33.4%)	8 (0.7%)
<b>STATE</b>	<b>3,321,274</b> (53.3%)	<b>384,291</b> (6.2%)	<b>1,559,113</b> (25.0%)	<b>971,994</b> (15.5%)	<b>6,236,672</b> (100%)	<b>3,933,700</b> (63.8%)	<b>3,692,573</b> (59.2%)	<b>1,413,683</b> (22.7%)	<b>30,038</b> (0.5%)

**Unduplicated Pupil Count (UPC):** unduplicated count of students who are eligible for the Free or Reduced Price Meal (FRPM) Program, English learners (EL), and foster youth

**FIG 2. Base Academic Performance Index (API) Scores from 2000-2013**

Source: DataQuest



**FIG 3. California Standardized Testing and Reporting (STAR) Proficiency (2012-13)**

Source: Ed-Data

SCHOOL	ELA	MATH	SCIENCE	HISTORY
CASTLEMONT	17%	8%	20%	9%
COMPTON	23%	6%	27%	21%
DORSEY	25%	7%	28%	16%
FREMONT LAUSD	25%	8%	23%	33%
FREMONT OUSD	13%	3%	24%	17%
JEFFERSON	24%	6%	23%	15%
<b>STATE</b>	<b>55%</b>	<b>50%</b>	<b>59%</b>	<b>49%</b>

**FIG 4. Percent of Students Scoring Proficient or Advanced on the CAHSEE (2012-13)**

Source: SARC

SCHOOL	ELA	MATH
CASTLEMONT	18%	19%
COMPTON	34%	34%
DORSEY	31%	30%
FREMONT LAUSD	25%	36%
FREMONT OUSD	22%	23%
JEFFERSON	23%	28%
<b>STATE</b>	<b>57%</b>	<b>60%</b>

**FIG 5. Graduation Rate and UC/CSU Eligibility (2012-13)**

Source: DataQuest

SCHOOL	COHORT	GRAD	UC/CSU	DROP
CASTLEMONT	137	104 (75.9%)	61 (44.5%)	24 (17.5%)
COMPTON	477	349 (73.2%)	72 (15.1%)	112 (23.5%)
DORSEY	313	233 (74.4%)	70 (22.4%)	50 (16.0%)
FREMONT L	720	475 (66.0%)	166 (23.1%)	181 (25.1%)
FREMONT O	164	110 (67.1%)	44 (26.8%)	34 (20.7%)
JEFFERSON	385	233 (60.5%)	79 (20.5%)	112 (29.1%)
<b>STATE</b>	<b>495,316</b>	<b>398,442</b> (80.4%)	<b>166,521</b> (33.6%)	<b>56,711</b> (11.5%)

**FIG 6. SAT Participation & Performance (2012-13)**

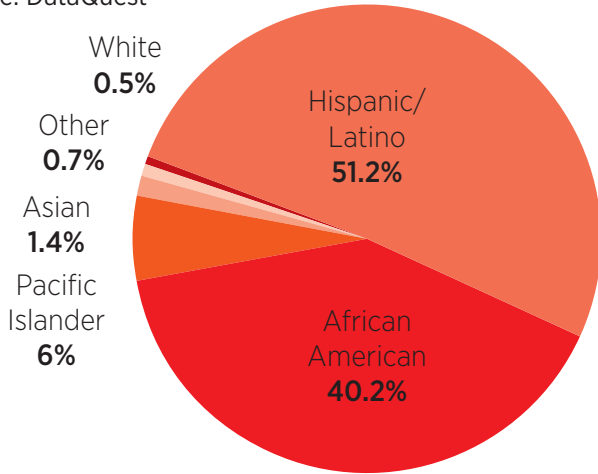
Source: CDE

SCHOOL	SENIORS TAKING	1500+	MEAN
CASTLEMONT	75 (48.4%)	3 (4.0%)	1114
COMPTON	145 (29.8%)	10 (6.9%)	1172
DORSEY	148 (47.6%)	9 (6.1%)	1127
FREMONT L	304 (45.9%)	20 (6.6%)	1147
FREMONT O	76 (44.4%)	4 (5.3%)	1144
JEFFERSON	171 (51.8%)	15 (8.8%)	1166
<b>STATE</b>	<b>200,534</b> (40.4%)	<b>93,136</b> (46.4%)	<b>1489</b>

# CASTLEMONT HIGH SCHOOL (OUSD)

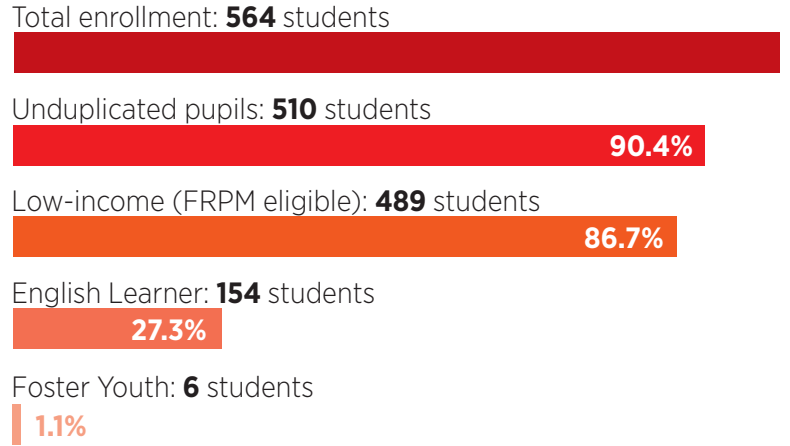
**FIG 1. Student Enrollment by Ethnicity (2013-14)**

Source: DataQuest



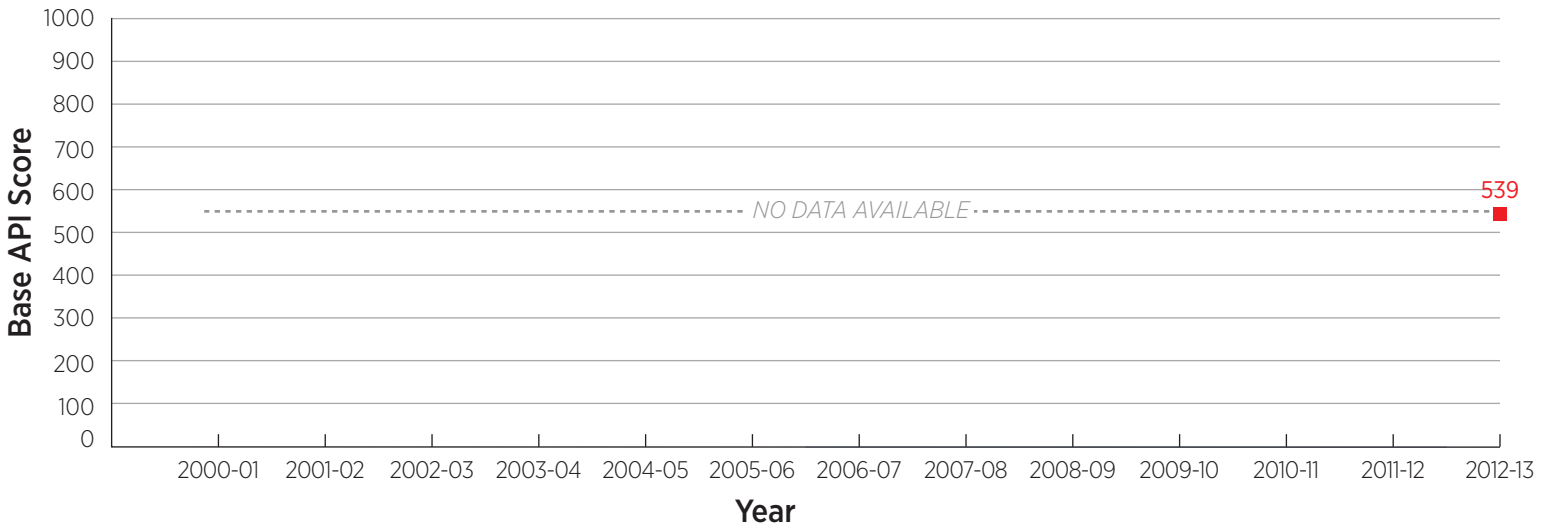
**FIG 2. Unduplicated Pupil Count (2013-14)**

Source: CALPADS



**FIG 3. Base Academic Performance Index (API) Scores from 2000-2013**

Source: DataQuest



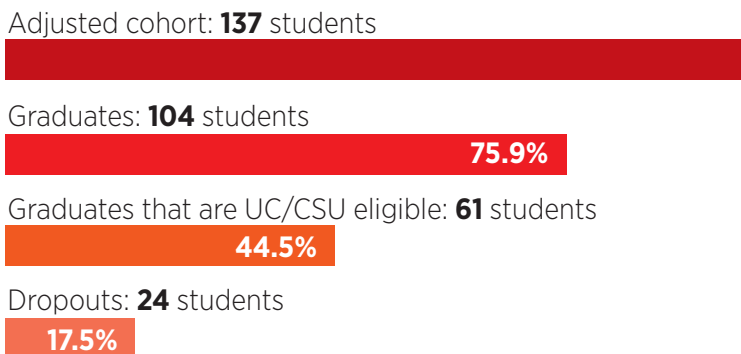
**FIG 4. California Standardized Testing and Reporting (STAR) Proficiency (2012-13)**

Source: Ed-Data

English-Language Arts		Mathematics		Science		History/Social Science	
Proficient + above	Below proficient	Proficient + above	Below proficient	Proficient + above	Below proficient	Proficient + above	Below proficient
17%	83%	8%	92%	20%	80%	9%	91%

**FIG 5. Graduation Rate and UC/CSU Eligibility (2012-13)**

Source: DataQuest



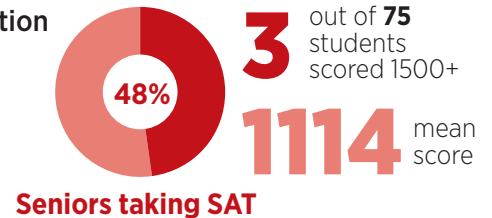
**FIG 6. Percent of Students Scoring Proficient or Advanced on the CAHSEE (2012-13)**

Source: SARC



**FIG 7. SAT Participation and Performance (2012-13)**

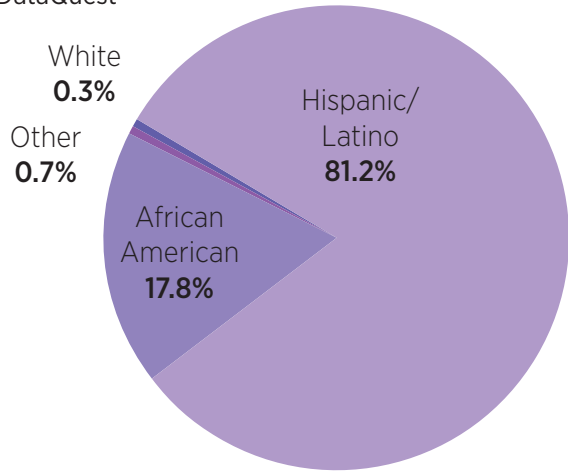
Source: CDE



# COMPTON HIGH SCHOOL (CUSD)

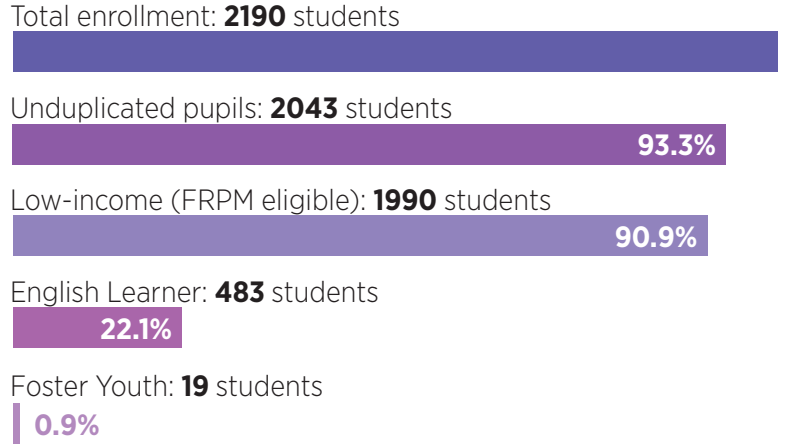
**FIG 1. Student Enrollment by Ethnicity (2013-14)**

Source: DataQuest



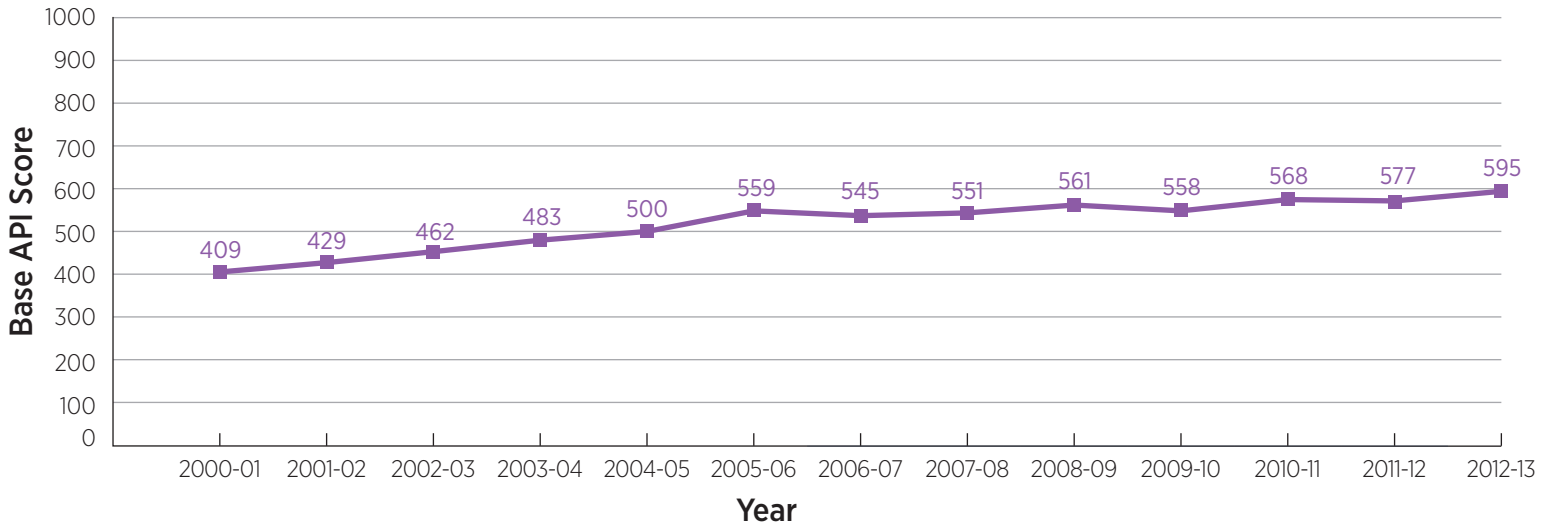
**FIG 2. Unduplicated Pupil Count (2013-14)**

Source: CALPADS



**FIG 3. Base Academic Performance Index (API) Scores from 2000-2013**

Source: DataQuest



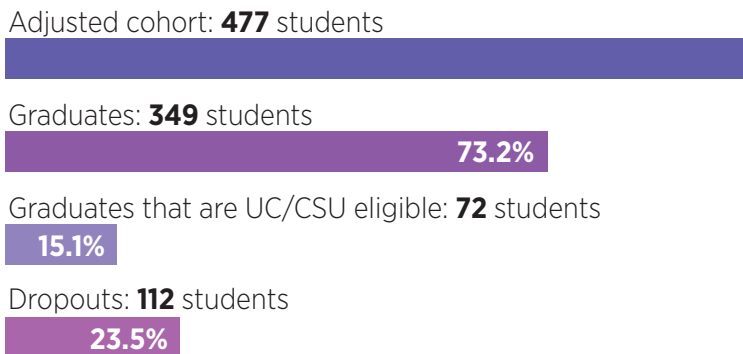
**FIG 4. California Standardized Testing and Reporting (STAR) Proficiency (2012-13)**

Source: Ed-Data

English-Language Arts		Mathematics		Science		History/Social Science	
Proficient + above	Below proficient	Proficient + above	Below proficient	Proficient + above	Below proficient	Proficient + above	Below proficient
23%	77%	6%	94%	27%	73%	21%	79%

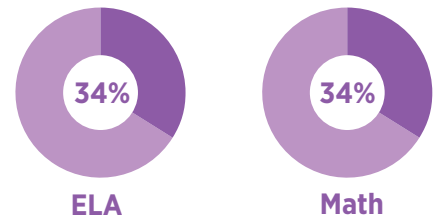
**FIG 5. Graduation Rate and UC/CSU Eligibility (2012-13)**

Source: DataQuest



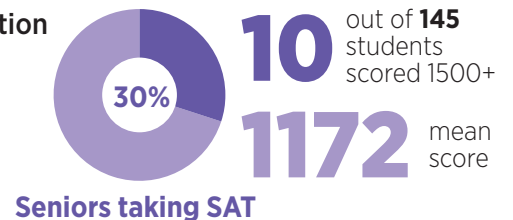
**FIG 6. Percent of Students Scoring Proficient or Advanced on the CAHSEE (2012-13)**

Source: SARC



**FIG 7. SAT Participation and Performance (2012-13)**

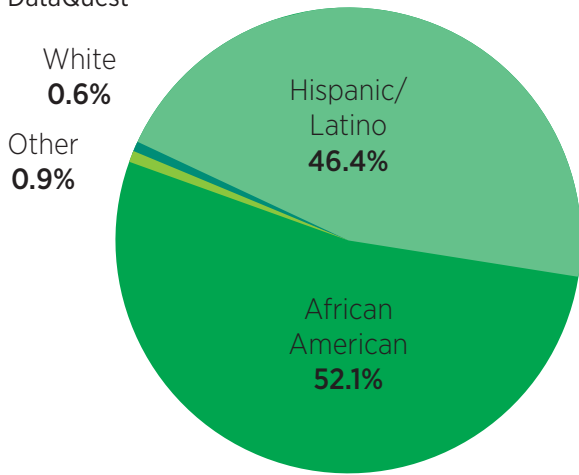
Source: CDE



# SUSAN MILLER DORSEY SENIOR HIGH SCHOOL (LAUSD)

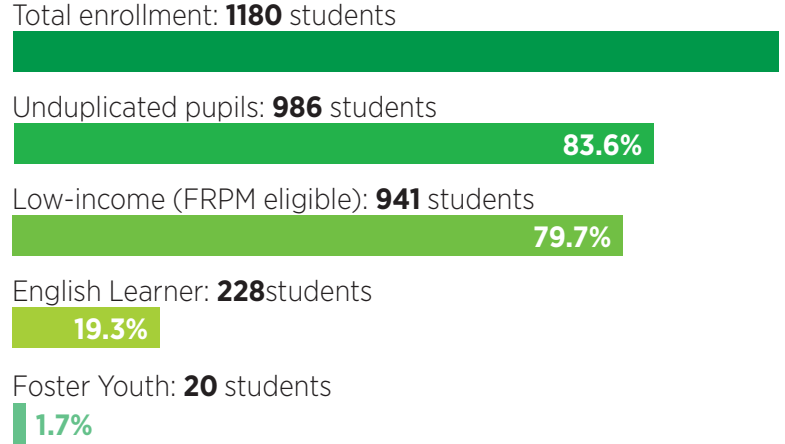
**FIG 1. Student Enrollment by Ethnicity (2013-14)**

Source: DataQuest



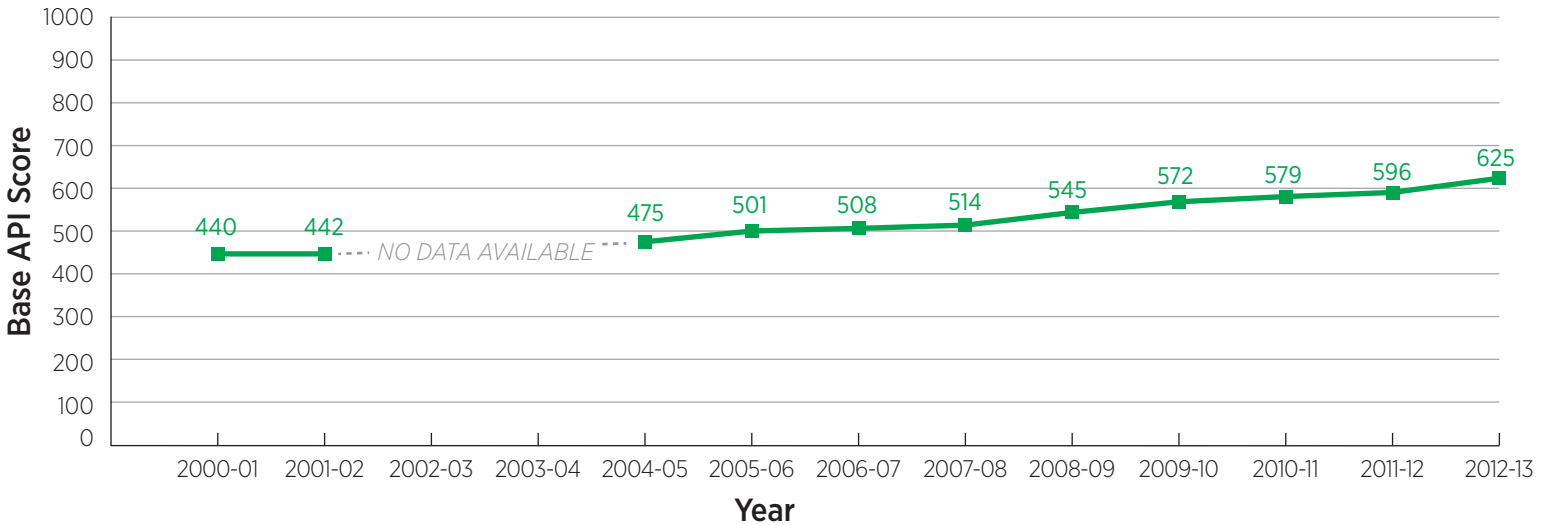
**FIG 2. Unduplicated Pupil Count (2013-14)**

Source: CALPADS



**FIG 3. Base Academic Performance Index (API) Scores from 2000-2013**

Source: DataQuest



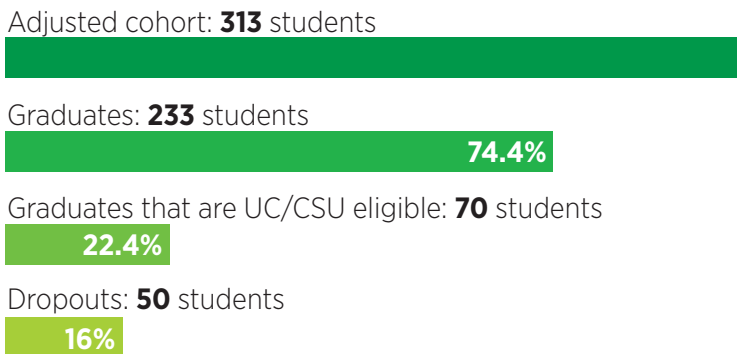
**FIG 4. California Standardized Testing and Reporting (STAR) Proficiency (2012-13)**

Source: Ed-Data

English-Language Arts		Mathematics		Science		History/Social Science	
Proficient + above	Below proficient	Proficient + above	Below proficient	Proficient + above	Below proficient	Proficient + above	Below proficient
25%	75%	7%	93%	28%	72%	16%	84%

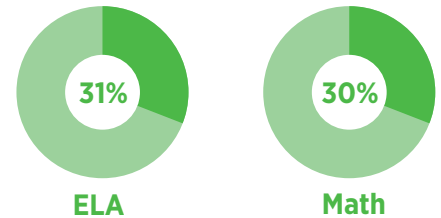
**FIG 5. Graduation Rate and UC/CSU Eligibility (2012-13)**

Source: DataQuest



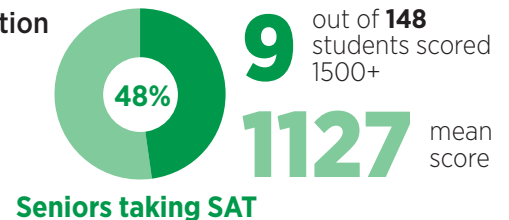
**FIG 6. Percent of Students Scoring Proficient or Advanced on the CAHSEE (2012-13)**

Source: SARC



**FIG 7. SAT Participation and Performance (2012-13)**

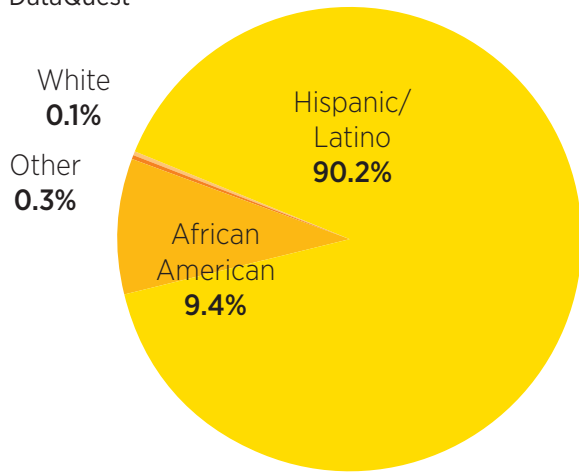
Source: CDE



# JOHN C. FREMONT SENIOR HIGH (LAUSD)

**FIG 1. Student Enrollment by Ethnicity (2013-14)**

Source: DataQuest



**FIG 2. Unduplicated Pupil Count (2013-14)**

Source: CALPADS

Total enrollment: **2239** students

Unduplicated pupils: **2184** students

**93.8%**

Low-income (FRPM eligible): **2089** students

**89.7%**

English Learner: **678** students

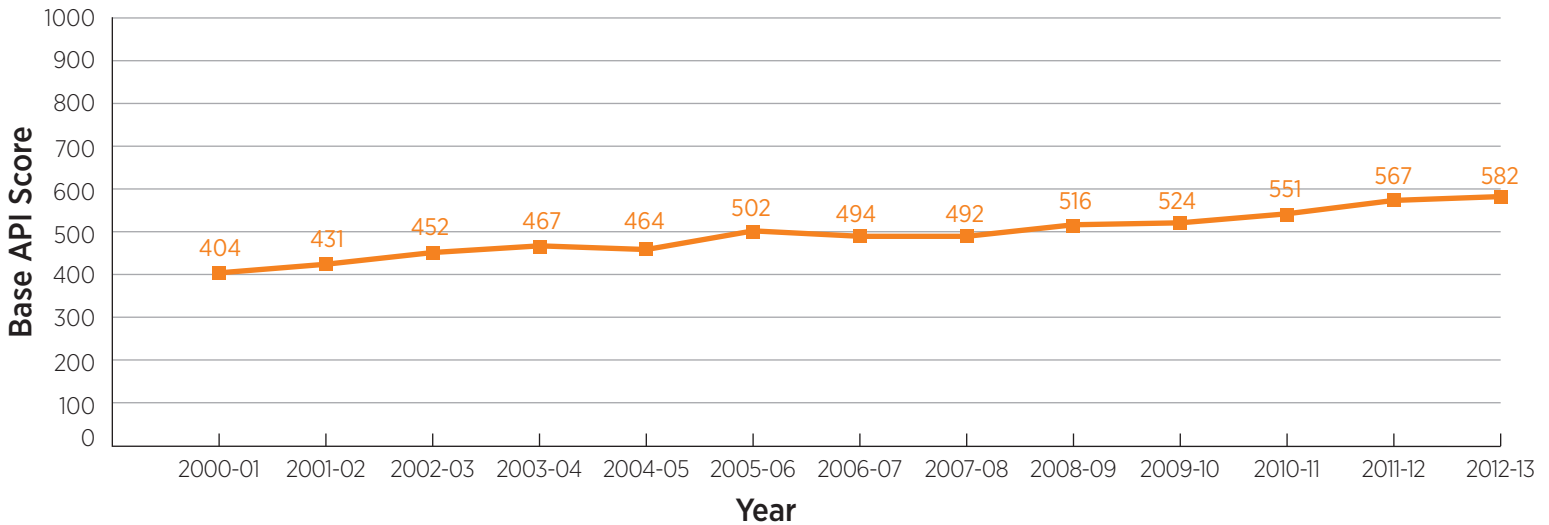
**29.1%**

Foster Youth: **16** students

**0.7%**

**FIG 3. Base Academic Performance Index (API) Scores from 2000-2013**

Source: DataQuest



**FIG 4. California Standardized Testing and Reporting (STAR) Proficiency (2012-13)**

Source: Ed-Data

English-Language Arts		Mathematics		Science		History/Social Science	
Proficient + above	Below proficient	Proficient + above	Below proficient	Proficient + above	Below proficient	Proficient + above	Below proficient
<b>25%</b>	<b>75%</b>	<b>8%</b>	<b>92%</b>	<b>23%</b>	<b>77%</b>	<b>33%</b>	<b>67%</b>

**FIG 5. Graduation Rate and UC/CSU Eligibility (2012-13)**

Source: DataQuest

Adjusted cohort: **720** students

Graduates: **475** students

**66%**

Graduates that are UC/CSU eligible: **166** students

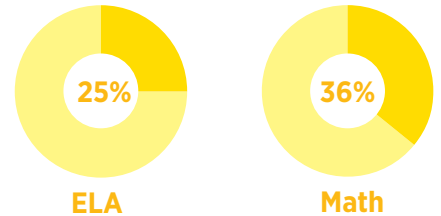
**23.1%**

Dropouts: **181** students

**25.1%**

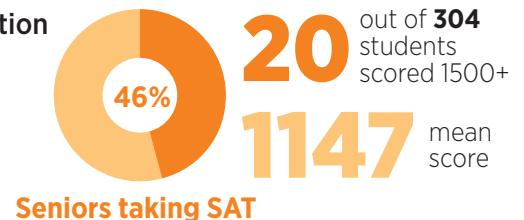
**FIG 6. Percent of Students Scoring Proficient or Advanced on the CAHSEE (2012-13)**

Source: SARC



**FIG 7. SAT Participation and Performance (2012-13)**

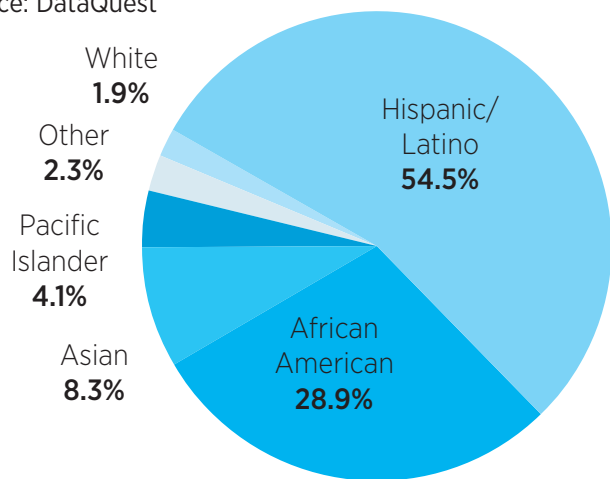
Source: CDE



# FREMONT HIGH SCHOOL (OUSD)

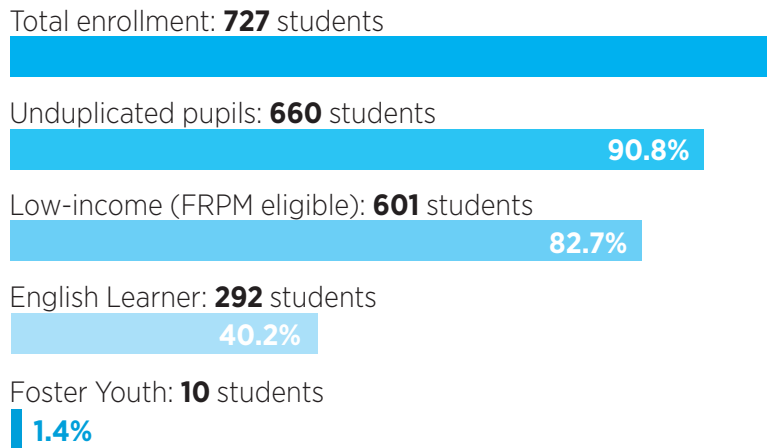
**FIG 1. Student Enrollment by Ethnicity (2013-14)**

Source: DataQuest



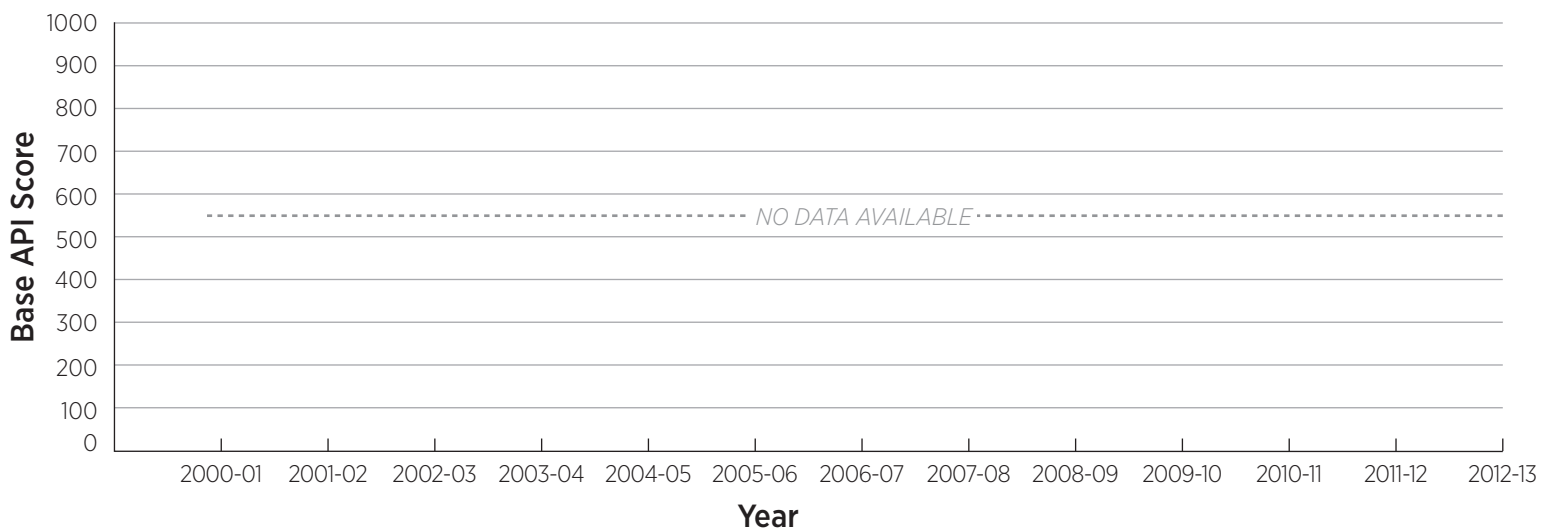
**FIG 2. Unduplicated Pupil Count (2013-14)**

Source: CALPADS



**FIG 3. Base Academic Performance Index (API) Scores from 2000-2013**

Source: DataQuest



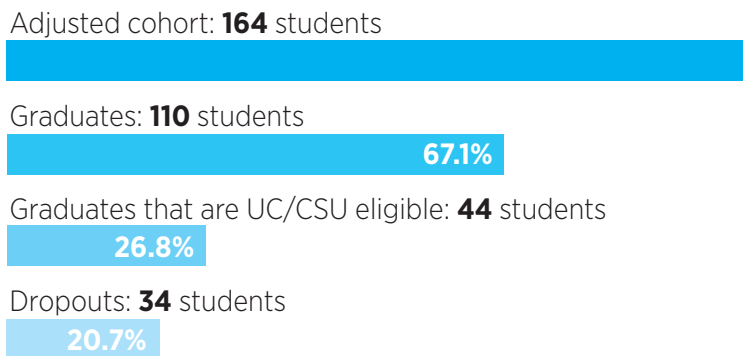
**FIG 4. California Standardized Testing and Reporting (STAR) Proficiency (2012-13)**

Source: Ed-Data

English-Language Arts		Mathematics		Science		History/Social Science	
Proficient + above	Below proficient	Proficient + above	Below proficient	Proficient + above	Below proficient	Proficient + above	Below proficient
13%	87%	3%	97%	24%	76%	17%	83%

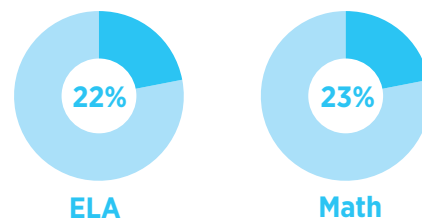
**FIG 5. Graduation Rate and UC/CSU Eligibility (2012-13)**

Source: DataQuest



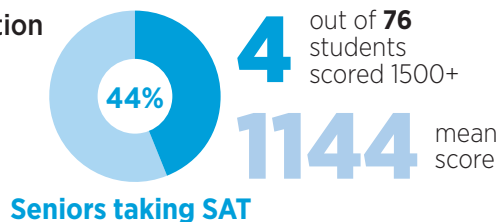
**FIG 6. Percent of Students Scoring Proficient or Advanced on the CAHSEE (2012-13)**

Source: SARC



**FIG 7. SAT Participation and Performance (2012-13)**

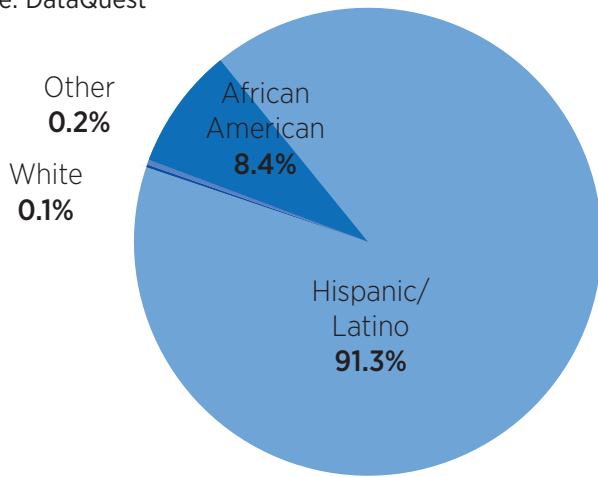
Source: CDE



# THOMAS JEFFERSON SENIOR HIGH SCHOOL (LAUSD)

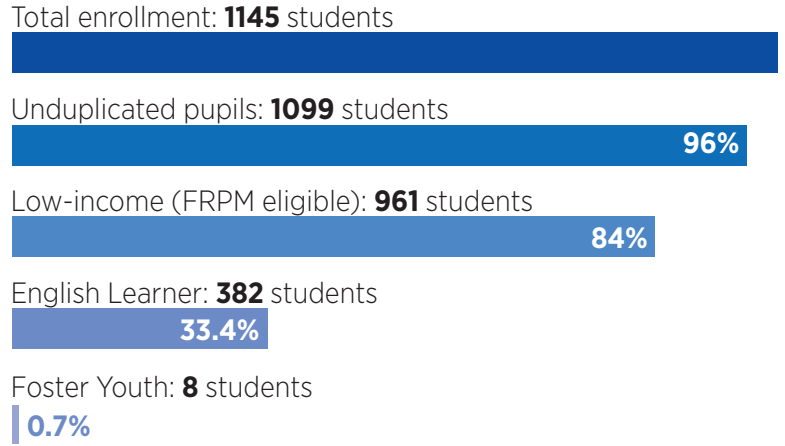
**FIG 1. Student Enrollment by Ethnicity (2013-14)**

Source: DataQuest



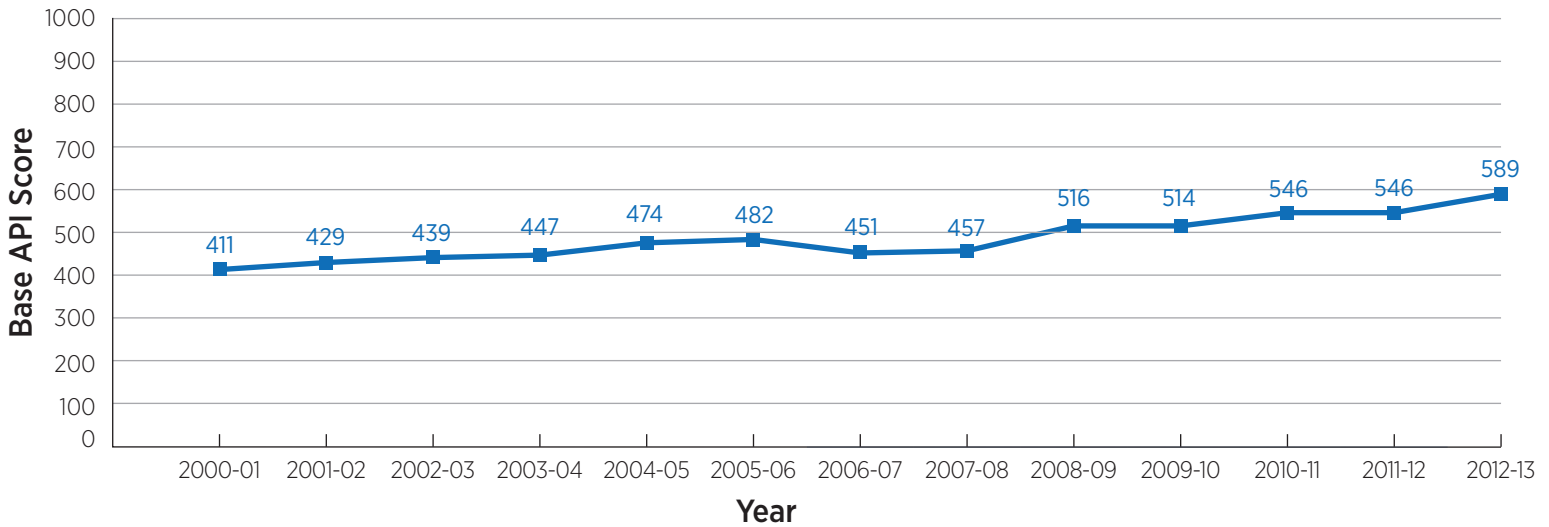
**FIG 2. Unduplicated Pupil Count (2013-14)**

Source: CALPADS



**FIG 3. Base Academic Performance Index (API) Scores from 2000-2013**

Source: DataQuest



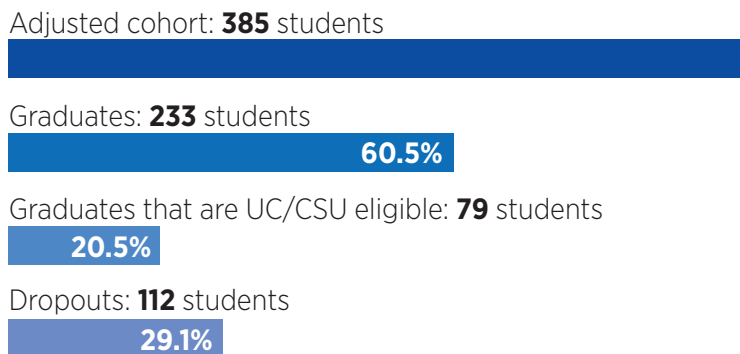
**FIG 4. California Standardized Testing and Reporting (STAR) Proficiency (2012-13)**

Source: Ed-Data

English-Language Arts		Mathematics		Science		History/Social Science	
Proficient + above	Below proficient	Proficient + above	Below proficient	Proficient + above	Below proficient	Proficient + above	Below proficient
24%	76%	6%	94%	23%	77%	15%	85%

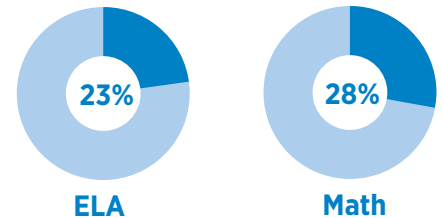
**FIG 5. Graduation Rate and UC/CSU Eligibility (2012-13)**

Source: DataQuest



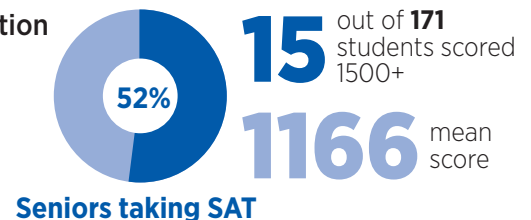
**FIG 6. Percent of Students Scoring Proficient or Advanced on the CAHSEE (2012-13)**

Source: SARC



**FIG 7. SAT Participation and Performance (2012-13)**

Source: CDE





**APPENDIX 2  
INSTRUCTION-FREE PERIODS IN PLAINTIFFS' SCHOOLS  
AND OTHER SCHOOLS IN PLAINTIFFS' DISTRICTS (2012-2015)**

		2012-2013			2013-2014			2014-2015		
SCHOOL (DISTRICT)		TOTAL ENROLLMENT	HOME PERIODS	SERVICE PERIODS	TOTAL ENROLLMENT	HOME PERIODS	SERVICE PERIODS	TOTAL ENROLLMENT	HOME PERIODS	SERVICE PERIODS
<b>PLAINTIFFS' SCHOOLS</b>	<b>CASTLEMONT OUSD</b>	641	-*	109 <sup>1</sup>	564	-	135 <sup>2</sup>	N/A**	-	82 <sup>3</sup>
	<b>FREMONT OUSD</b>	795	-	38	727	-	58	N/A	-	71
	<b>COMPTON CUSD</b>	2,224	-	242	2,190	-	136	N/A	-	75
	<b>FREMONT LAUSD</b>	2,515	670	277	2,329	N/A	N/A	N/A	N/A	N/A
	<b>DORSEY LAUSD</b>	1,207	N/A	N/A	1,180	N/A	N/A	N/A	71	50
	<b>JEFFERSON LAUSD</b>	1,425	113 (F) <sup>†</sup> 237(S) <sup>‡</sup>	59 (F) 57 (S)	1,145	239 (F) 348 (S)	87 (F) 299 (S)	N/A	156	29
<b>ADDITIONAL SCHOOLS</b>	<b>MCCLYMONDS OUSD</b>	268	N/A	N/A	275	N/A	17	N/A	N/A	23
	<b>CENTENNIAL CUSD</b>	1,044	N/A	56	929	N/A	28	N/A	N/A	44
	<b>DOMINGUEZ CUSD</b>	609	N/A	110	579	N/A	113	N/A	N/A	79

\* Indicates that the information was not provided in the master schedules produced to Plaintiffs.

\*\* Indicates that the information was not made available to Plaintiffs.

† Fall semester

‡ Spring semester

1. 55 of which were scheduled in a zero period held before school.

2. 82 of which were scheduled in a zero period held before school.

3. 53 of which were scheduled in a zero period held before school.

**Master schedules for the California high schools attended by Plaintiffs reflect that hundreds of students have been enrolled in Service periods in Plaintiffs' schools and similar high poverty schools in Plaintiffs' districts in recent years.**

**Data Sources**

Data for **Castlemont High School** are from the following exhibits to the Declaration of Kathryn Eidmann in Support of Plaintiffs' Motion for Preliminary Injunction: Exhibit 17 at OPS001310-12 (2012-2013 school year); Exhibit 18 at OPS001214-1217 (2013-2014 school year), Exhibit 131 at OPS001319-1321 (2013-2014 school year); and Exhibit 19 at OPS001230-1231 (2014-2015 school year).

Data for **Fremont High School in Oakland** are from: Exhibit 126 at OPS001288-1289 (2012-2013 school year), Exhibit 20 at OPS001250-1252 (2013-2014 school year) and Exhibit 21 at OPS001273-1275 (2014-2015 school year).

Data for **Compton High School** are from: Exhibit 22 at CUSD00559-597, CUSD00600-603 (2012-2013 school year); Exhibit 23 at CUSD00525-529, CUSD00531-542, CUSD00544-553, CUSD00556-557 (2013-2014 school year); and Exhibit 24 at CUSD00496-500, CUSD00502-513, CUSD00515-516 (2014-2015 school year).

Data for **John C. Fremont High School in Los Angeles** are from: Exhibit 127 at LAUSD00193, LAUSD00195-196, LAUSD00215 (service periods, 2012-2013 school year) and LAUSD00165 (home periods, 2012-2013 school year).

Data for **Dorsey High School** are from Exhibit 128 at LAUSD02764 (service periods, 2014-2015 school year) and LAUSD02758 (home periods, 2014-2015 school year).

Data for **Jefferson High School** are from: Exhibit 27 at LAUSD01335, LAUSD01337, LAUSD01339, LAUSD01342 (service periods, 2014-2015 school year) and LAUSD01339 (home periods, 2014-2015 school year). Exhibit 28 at LAUSD00614-632 (service periods, fall 2012 semester) and LAUSD00570, LAUSD00619-620 (home periods, fall 2012 semester); Exhibit 29 at LAUSD01132, LAUSD01150 (service periods, spring 2013 semester) and LAUSD01086-1087, LAUSD01137 (home periods, spring 2013 semester); Exhibit 30 at LAUSD00674, LAUSD00677, LAUSD00695 (service periods, fall 2013 semester) and LAUSD00683-684 (home periods, fall 2013 semester); Exhibit 31 at LAUSD01199-1200, LAUSD01203-1204, LAUSD1209, LAUSD01230 (service periods, spring 2014 semester) and LAUSD01156, LAUSD01216 (home periods, spring 2014 semester).

Data for **McClymonds High School** are from: Exhibit 8 at OPS000865-866 (2013-2014 school year); Exhibit 9 at OPS000878-879 (2014-2015 school year).

Data for **Centennial High School** are from: Exhibit 10 at CUSD00141 (2012-2013 school year); Exhibit 11 at CUSD00133 (2013-2014 school year); and Exhibit 12 at CUSD00111-120 (2014-2015 school year).

Data for **Dominguez High School** are from: Exhibit 13 at CUSD01051-1052 (2012-2013 school year); Exhibit 14 at CUSD01014 (2013-2014 school year); and Exhibit 15 at CUSD00983 (2014-2015 school year).

All data concerning **school enrollment numbers** are from: the California Department of Education dataquest website, <http://data1.cde.ca.gov/dataquest/>

## APPENDIX 3 SUMMARY OF STUDENT AND STAFF DECLARATIONS

STATEMENT	DECLARANTS	EVIDENCE
Students are assigned to Home periods.	<b>CASTLEMONT</b>	<b>STUDENTS</b> 2014-2015 <ul style="list-style-type: none"> <li>• Ex. 40 at ¶ 3 (Johnae Twinn) (no class first or sixth period and one IWE second period)</li> <li>• Ex. 118 at ¶ 3 (BreAnna Gonzalez) (no class for two periods and one IWE first period)</li> <li>• Ex. 119 at ¶ 3 (Daja McCulloch) (IWE fifth period and no class sixth period)</li> <li>• Ex. 120 at ¶ 5 (Stephanie Gutierrez) (no class for two course periods)</li> <li>• Ex. 121 at ¶ 5 (Alban Lopez) (no class sixth period and one IWE first period)</li> <li>• Ex. 122 at ¶ 3 (Jayla Davis) (no class for two course periods)</li> <li>• Ex. 49 at ¶ 4 (Precious Braziel) (no class sixth period)</li> </ul>
		<b>STUDENTS</b> 2013-2014 <ul style="list-style-type: none"> <li>• Ex. 67 at ¶ 10 (Lee Simmons) (no class fifth or sixth period)</li> <li>• Ex. 95 at ¶ 14 (Jazmin Stenson) (no class sixth period)</li> <li>• Ex. 94 at ¶ 19 (Warner Rosales) (no class fourth period)</li> <li>• Ex. 51 at ¶ 14 (Miriam Giselle Gonzalez) (originally no class sixth period, changed to IWE)</li> </ul>
		<b>STAFF</b> <ul style="list-style-type: none"> <li>• Ex. 35 at ¶ 3 (Claire Shorall) (“A significant proportion of Castlemont’s seniors have a reduced schedule . . . I estimate that this year, about 30 or 35 of Castlemont’s senior class of approximately 124 do not have a full schedule.”)</li> <li>• Ex. 69 at ¶ 3 (Leslie Hsu) (“A significant number of seniors at Castlemont and Fremont have incomplete schedules. I personally know multiple students who are only taking two or three substantive classes in their senior year.”)</li> <li>• Ex. 96 at ¶ 20 (Kateri Dodds Simpson) (“I have a planning period during sixth period, and I regularly have up to ten seniors who do not have classes scheduled during sixth period hanging around my classroom.”)</li> <li>• Some students have no class fifth or sixth period. Ex. 46 at ¶ 37 (Aryn E. Bowman); Ex. 70 at ¶ 13 (Timothy Bremner); Ex. 113 at ¶ 27 (Sagnicthe Salazar); Ex. 111 at ¶ 14 (Marguerite Sheffer)</li> </ul>
	<b>FREMONT OUSD</b>	<b>STUDENTS</b> 2014-2015 <ul style="list-style-type: none"> <li>• Ex. 41 at ¶ 5 (Carmen Jimenez) (“Seventh period is my IWE class and eighth period is nothing at all.”)</li> </ul>
		<b>STUDENTS</b> 2014-2015 <ul style="list-style-type: none"> <li>• Ex. 59 at ¶ 5 (Isaiah Moses) (originally assigned to two free periods out of six)</li> </ul>
	<b>COMPTON</b>	<b>STUDENTS</b> 2013-2014 <ul style="list-style-type: none"> <li>• Ex. 77 at ¶ 5 (Lucia Barajas) (last year, assigned to a free period instead of a chemistry course necessary for graduation)</li> </ul>
		<b>STAFF</b> <ul style="list-style-type: none"> <li>• Ex. 33 at ¶ 5 (Joseph William Gaerttner) (“Many students have been assigned ‘free’ periods during the last three years at CHS. . . . Students with free periods frequently hang around in the hallways or stroll around on campus because they have no class or extracurricular activities to occupy their time.”)</li> <li>• Ex. 33 at ¶ 6 (Joseph William Gaerttner) (expands on this and adds that students “loiter” in the hallways)</li> </ul>
		<b>STUDENTS</b> 2014-2015 <ul style="list-style-type: none"> <li>• Ex. 36 at ¶ 6 (Cameron Williams) (assigned to “Home” class eighth period)</li> <li>• Ex. 68 at ¶ 4 (Erika Gonzales) (no class for one period and assigned a service period during another)</li> </ul>
	<b>FREMONT LAUSD</b>	<b>STUDENTS</b> 2013-2014 <ul style="list-style-type: none"> <li>• Ex. 37 at ¶ 17 (Jessy Cruz) (assigned to two service periods and one “home” period)</li> <li>• Ex. 61 at ¶ 9 (Roxana Mucino) (“Next semester I will be enrolled in two home periods.”)</li> <li>• Ex. 98 at ¶ 11 (Precious Willis) (assigned “Home” period during eighth period)</li> <li>• Ex. 36 at ¶ 6 (Cameron Williams) (assigned “Home” period during eight period)</li> </ul>
		<b>STAFF</b> <ul style="list-style-type: none"> <li>• Ex. 55 at ¶ 18 (Jordan Gonzalez) (“A student with a Home period leaves campus and return [sic] to his or her home for the remainder of the day. . . . If a student is assigned a Home period, then the student is more likely to stay home for the entire school day because he or she will be home for half of the day, anyway.”)</li> <li>• Ex. 54 at ¶ 22 (Marquis Jones) (“Because students may be assigned to multiple periods of Service and/or Home, some students may have only one or two actual class periods each day and are out of school the rest of the day.”)</li> <li>• Ex. 71 at ¶ 27 (Kelly Maloney) (“Some seniors are assigned up to four home periods, which means they leave school and go home every day halfway through the school day.”)</li> </ul>
<b>STUDENTS</b> 2014-2015 <ul style="list-style-type: none"> <li>• Ex. 38 at ¶ 8 (Juan Fernando Nuñez) (enrolled in “Home” for seventh period and leaves around 1:00 p.m. Monday, Wednesday and Friday)</li> <li>• Ex. 65 at ¶ 4 (Jordan Parx) (for first nine weeks of school had one service and one Home and finished with courses at 11:30 on Wednesday and Friday; after nine weeks, Home period replaced with chemistry)</li> </ul>		
<b>DORSEY</b>	<b>STUDENTS</b> 2014-2015 <ul style="list-style-type: none"> <li>• Ex. 38 at ¶ 8 (Juan Fernando Nuñez) (enrolled in “Home” for seventh period and leaves around 1:00 p.m. Monday, Wednesday and Friday)</li> <li>• Ex. 65 at ¶ 4 (Jordan Parx) (for first nine weeks of school had one service and one Home and finished with courses at 11:30 on Wednesday and Friday; after nine weeks, Home period replaced with chemistry)</li> </ul>	

STATEMENT	DECLARANTS	EVIDENCE	
No educational activities take place during Home periods.	<b>CASTLEMONTE</b>	<b>STUDENTS</b> 2014-2015	<ul style="list-style-type: none"> <li>Ex. 40 at ¶ 3 (Johnae Twinn) (“I usually sit in on my English teacher’s other English class because I like writing and get more out of it than just going home.”)</li> <li>Ex. 121 at ¶ 11 (Alban Lopez) (“I sometimes find a teacher’s room to sit in [so] I can try to catch up on homework. Other times, I just wander the halls.”)</li> <li>Ex. 122 at ¶ 3 (Jayla Davis) (“I just go home.”)</li> </ul>
		<b>STAFF</b>	<ul style="list-style-type: none"> <li>Ex. 35 at ¶ 4 (Claire Shorall) (“There is no requirement that students who do not have full schedules use their free time for any work or educational purpose . . . Many of the students who do not have classes scheduled just hang around the campus.”)</li> </ul>
	<b>FREMONT OUSD</b>	<b>STUDENTS</b> 2014-2015	<ul style="list-style-type: none"> <li>Ex. 41 at ¶ 8 (Carmen Jimenez) (“I basically don’t do anything. Sometimes I do my homework or try to organize with other students to have study groups for my other subjects. Other times I just visit the school clinic to waste time or ask around if there [are] any teachers who need help.”)</li> </ul>
		<b>STAFF</b>	<ul style="list-style-type: none"> <li>Ex. 33 at ¶ 5 (Joseph William Gaerttner) (“Students with free periods frequently hang around in the hallways or stroll around on campus because they have no class or extracurricular activities to occupy their time.”)</li> <li>Ex. 33 at ¶ 6 (Joseph William Gaerttner) (expands on this and adds that students “loiter” in the hallways)</li> </ul>
	<b>FREMONT LAUSD</b>	<b>STUDENTS</b> 2013-2014	<ul style="list-style-type: none"> <li>Ex. 37 at ¶ 19 (Jessy Cruz) (“During my Home period, I would sometimes go back to my house and take a nap.”)</li> <li>Ex. 36 at ¶ 6 (Cameron Williams) (“For my [eighth] period ‘Home’ class, I just go Home. I don’t get any homework and am not supervised by a teacher.”)</li> </ul>
		<b>STAFF</b>	<ul style="list-style-type: none"> <li>Ex. 55 at ¶ 18 (Jordan Gonzalez) (“A student with a Home period leaves campus and return [sic] to his or her home for the remainder of the day. . . [H]ome periods increase student absences. If a student is assigned to a Home period, then the student is more likely to stay home the entire day because he or she will be out half the day, anyway.”)</li> </ul>
<b>DORSEY LAUSD</b>	<b>STUDENTS</b> 2014-2015	<ul style="list-style-type: none"> <li>Ex. 38 at ¶ 8 (Juan Fernando Nuñez) (“Often I have nothing to do during [my Home] period and I wish I could be doing something.”)</li> </ul>	

STATEMENT	DECLARANTS	EVIDENCE	
Students are assigned to Service periods.	<b>CASTLEMONTE</b>	<b>STUDENTS</b> 2014-2015	<ul style="list-style-type: none"> <li>Ex. 40 at ¶¶ 3, 5 (Johnae Twinn) (assigned to “IWE” with a counselor during second period)</li> <li>Ex. 50 at ¶¶ 3, 5, 7 (Ronye Sherrell Cooper) (assigned to “IWE” sixth period)</li> <li>Ex. 118 at ¶¶ 3, 5 (BreAnna Gonzalez) (assigned to “IWE” first period)</li> <li>Ex. 119 at ¶ 3 (Daja McCulloch) (assigned to “IWE” fifth period); 5 (assigned to IWE junior year)</li> <li>Ex. 121 at ¶ 5 (Alban Lopez) (assigned to “IWE” first period)</li> <li>Ex. 49 at ¶ 3 (Precious Braziel) (assigned to “IWE” period with a counselor first semester)</li> <li>Ex. 72 at ¶ 6 (Kourtenee King) (assigned to “IWE” sixth period)</li> </ul>
		<b>STUDENTS</b> 2013-2014	<ul style="list-style-type: none"> <li>Ex. 51 at ¶ 14 (Miriam Giselle Gonzalez) (assigned to “IWE” sixth period)</li> <li>Ex. 95 at ¶ 14 (Jazmin Stenson) (“I was originally given an Instructional Work Experience (‘IWE’) period, but since I never did anything in this class, I switched it for a free period so I could spend the time doing college applications instead.”)</li> </ul>
		<b>STAFF</b>	<ul style="list-style-type: none"> <li>Ex. 35 at ¶ 3 (Claire Shorall) (“Some of the students without full schedules are also assigned to IWE periods.”)</li> <li>Ex. 96 at ¶ 20 (Kateri Dodds Simpson) (“Four of these students are my Instructional Work Experience (‘IWE’) students for sixth period.”)</li> <li>Ex. 46 at ¶ 37 (Aryn E. Bowman) (“[S]ome students have one or even two periods of Instructional Work Experience (‘IWE’)”)</li> <li>Ex. 113 at ¶ 27 (Sagnicthe Salazar) (“Some students are also enrolled in a Instructional Work Experience classes (‘IWE’), where they receive credit for providing administrative assistance to a teacher.”)</li> </ul>
	<b>FREMONT OUSD</b>	<b>STUDENTS</b> 2014-2015	<ul style="list-style-type: none"> <li>Ex. 56 at ¶¶ 4-5 (Angelica Rodriguez) (assigned to IWE for Construction Tech after originally assigned to Construction Tech for a third time)</li> <li>Ex. 41 at ¶ 5 (Carmen Jimenez) (“Seventh period is my IWE class and eighth period is nothing at all.”)</li> <li>Ex. 41 at ¶ 9 (Carmen Jimenez) (“In my sophomore year, my first period was another IWE period.”)</li> <li>Ex. 78 at ¶ 5 (Loata Fine) (“I did not have class for three course periods last semester. I had an IWE class for second period, ‘Academic Literacy’ for fifth period, and ‘Concurrent Enrollment’ for eighth period. All of these are basically free periods.”)</li> <li>Ex. 78 at ¶ 7 (Loata Fine) (“I think they put Academic Literacy on my transcript because they think it would look bad for me to have IWE on my transcript multiple times.”)</li> <li>Ex. 57 at ¶ 4 (Quenajonay Frazier) (“I originally had three IWEs on my schedule. I thought a college would think that I am just being lazy.”)</li> <li>Ex. 42 at ¶ 4 (Stephanie Valencia Chavez) (assigned to IWE fourth period)</li> </ul>
<b>STUDENTS</b> 2013-2014		<ul style="list-style-type: none"> <li>Ex. 43 at ¶ 8 (Eric Flood) (assigned to two IWE periods out of six periods total)</li> <li>Ex. 44 at ¶ 13 (Edith Quintero) (assigned to two IWE periods this year and one last year)</li> <li>Ex. 93 at ¶ 8 (Daisy Romo) (initially given IWE instead of science required for graduation)</li> </ul>	

STATEMENT	DECLARANTS	EVIDENCE		
Students are assigned to Service periods. <i>(cont.)</i>	FREMONT OUSD	<b>STAFF</b> <ul style="list-style-type: none"> <li>Ex. 45 at ¶ 18 (Ji Lee) (“It is very common that eleventh and twelfth grade students have Instructional Work Experience (‘IWE’) classes.”)</li> <li>Ex. 58 at ¶ 5 (Ji Lee) (“Not only juniors and seniors are assigned to IWE classes; I know of at least one tenth grader with an IWE.”);</li> <li>Ex. 58 at ¶ 7 (Ji Lee) (“Some students have two IWE periods but because they are only technically allowed to have one on their schedule at any given time, the second IWE is labeled ‘Academic Literacy.’ This is distinct from an actual class that is also called ‘Academic Literacy.’”)</li> <li>Ex. 62 at ¶ 24 (Johanna Paraiso) (“Many seniors at Fremont have Instructional Work Experience (‘IWE’) classes....I have about 10 IWE students assigned to me....I estimate that at least one-third of my seniors have at least one IWE period....I have a senior student who has three IWE periods.”)</li> <li>Ex. 48 at ¶ 4 (Johanna Paraiso) (“Students continue to be assigned to IWEs this year [2014-2015].”)</li> <li>Ex. 47 at ¶ 20 (Lisa Shafer) (“Out of 14 seniors in my advisory, 5 have IWE periods. Many of these students have both an IWE period and an internship period, during which students receive credit for work experience with an outside organization.”)</li> </ul>		
		<b>STUDENT</b> 2014-2015	Ex. 59 at ¶ 11 (Isaiah Moses) (enrolled in TA period for fall semester)	
		<b>STAFF</b>	Ex. 33 at ¶ 7 (Joseph William Gaertner) (“Many students also have TA periods at CHS. I generally have had one or two TAs per class since I have taught at CHS.”)	
		FREMONT LAUSD	<b>STUDENTS</b> 2014-2015	Ex. 60 at ¶ 8 (Daniel Madrigal) (had two service periods, one in the counseling office and one in the library for first four weeks of school; “There were six other students in this service period with me.”) Ex. 68 at ¶ 4 (Erika Gonzalez) (enrolled in one service period and one Home period)
			<b>STUDENTS</b> 2013-2014	Ex. 37 at ¶ 17 (Jessy Cruz) (enrolled in two service periods and one Home period) Ex. 61 at ¶ 9 (Roxana Mucino) (“I had a service class both semesters of my junior year and the first semester of my senior year . . . .”)
			<b>STAFF</b>	Ex. 55 at ¶ 16 (Jordan Gonzalez) (“Although I did not request any service students, last fall I was assigned four service students.”) Ex. 54 at ¶ 22 (Marquis Jones) (“Because students may be assigned to multiple periods of Service and/or Home, some students may have only one or two actual class periods each day and are out of school the rest of the day.”)
		DORSEY	<b>STUDENTS</b> 2014-2015	Ex. 38 at ¶ 9 (Juan Fernando Nuñez) (“Last year, I had one service period each semester.”) Ex. 65 at ¶ 4-5 (Jordan Parx) (assigned to “Library” period for sixth period; for first eight weeks also had a “home” period for seventh period) Ex. 65 at ¶ 5 (Jordan Parx) (“Library is like a Service period except it’s in the library.”) Ex. 66 at ¶ 5 (Valerie Santana) (For first two weeks “I was originally scheduled into a library service period, even though I didn’t want one.”)

STATEMENT	DECLARANTS	EVIDENCE	
Non-educational activities take place during Service periods.	CASTLEMONT	<b>STUDENTS</b> 2014-2015	Ex. 40 at ¶ 5 (Johnae Twinn) (My supervisor “doesn’t have time to assign me to do anything and usually doesn’t even check to see if we are there. There is no designated seat for me, so I just sit in the computer room and work on my college applications. Once in a blue moon she will have one of us shred paper or show a new student where the classrooms are or fetch a student from class. But mostly we just do our own thing.”) Ex. 40 at ¶ 6 (Johnae Twinn) (During IWEs, most students “just sit around and look at their phones.”) Ex. 50 at ¶ 7 (Ronye Sherrell Cooper) (“As [my English teacher’s] IWE, I help her on whatever she needs help on, like logging in students’ grades, rearranging her desk, and going to other teachers’ classroom to drop stuff off.”) Ex. 118 at ¶ 6 (BreAnna Gonzalez) (“I help the teacher prepare before class, grade papers, staple papers, and get computers ready for students.”) Ex. 119 at ¶ 5 (Daja McCulloch) (“My junior year, I was an IWE for a math teacher, and all I did was things like grading papers with an answer key and printing stuff for the teacher.”) Ex. 121 at ¶ 6 (Alban Lopez) (“I help the teachers prepare for their classes by doing things like making posters. . . . Other times they don’t have anything for me to do so I just sit there on my phone, texting friends or playing on social media.”) Ex. 49 at ¶ 3 (Precious Braziel) (“We would print things and take them to teachers or others.”) Ex. 72 at ¶ 6 (Kourtenee King) (“I sometimes help my teacher grade papers or sort things out. But when she doesn’t have things for me to do I just walk around.”)
		<b>STUDENTS</b> 2013-2014	Ex. 51 at ¶ 14 (Miriam Giselle Gonzalez) (“During my IWE, I help Ms. Dodds clean the room, organize the desks, or write the ‘To Do’ list on the board. Sometimes I just do my homework or work on my college applications.”)
		<b>STAFF</b>	Ex. 35 at ¶ 5 (Claire Shorall) (“IWE periods are a farce. My first principal at Castlemont . . . told me [that IWE means] ‘I Walk Everywhere.’”) Ex. 35 at ¶ 6 (Claire Shorall) (“Last year I had six IWEs at the same time . . . . [T]hey sat at a table in the back of my classroom and studied. I occasionally asked them to help me with errands like bringing me my mail, or entering grades into a spreadsheet. . . . I know other IWE students generally spend the whole time hanging out in the library on their phone or making photocopies.”)

STATEMENT	DECLARANTS	EVIDENCE
<p>Non-educational activities take place during Service periods. (cont.)</p>	<p><b>CASTLEMONT</b></p>	<p><b>STAFF</b></p> <ul style="list-style-type: none"> <li>Ex. 46 at ¶ 37 (Aryn E. Bowman) (In IWE, students “are assigned to a teacher and perform administrative tasks for that teacher. IWE is not a real class and does not deliver any academic content or enrichment; students basically receive elective credit for doing nothing.”)</li> <li>Ex. 96 at ¶ 20 (Kateri Dodds Simpson) (My four IWE “students would otherwise have had sixth period free, so instead they do a little work for me and I can supervise them doing their college applications and homework. I think it is better that they are here in my classroom than just at home or wandering the campus, but all of these students should really be in a college preparatory class.”)</li> </ul>
	<p><b>STUDENTS</b> 2014-2015</p>	<ul style="list-style-type: none"> <li>Ex. 56 at ¶ 6 (Angelica Rodriguez) (“Sometimes [my teacher] needs help and I help him with things like printing, copying, or unloading wood. . . . If he doesn’t need any help, then I usually go to my English teacher’s classroom.”)</li> <li>Ex. 41 at ¶ 6 (Carmen Jimenez) (“During [my] seventh period IWE class I sit in a classroom and teach myself AP Calculus BC.”)</li> <li>Ex. 41 at ¶ 9 (Carmen Jimenez) (“Since [my IWE] was the early morning class, I would just sleep in and come to school late. There was no point coming in for first period if there was nothing to do.”)</li> <li>Ex. 78 at ¶ 6 (Loata Fine) (“Sometimes the teacher needs me to help her, and then I do things like staple papers, make copies, set up lab stations, or grade papers. Mostly I just sit there and sometimes do my homework.”)</li> <li>Ex. 78 at ¶ 7 (Loata Fine) (“‘Academic Literacy’ is exactly the same thing as IWE. . . . During Academic Literacy, I also mostly sit in the classroom and do my homework.”)</li> <li>Ex. 57 at ¶ 6 (Quenajonay Frazier) (“I am really good with the copy machine now.”)</li> <li>Ex. 42 at ¶ 8 (Stephanie Valencia Chavez) (“My IWE period basically functions as an extra newspaper period for me. I just do newspaper work during it. I’m not learning any additional skills, beyond what I’m learning in newspaper. I get a grade for the IWE class, but I have no idea what I’m being assessed on for it. I have never been told what the expectations are in the IWE for a grade. It seems like, if you show up, then you get a passing grade.”)</li> <li>Ex. 42 at ¶ 9 (Stephanie Valencia Chavez) (“I see that other kids use the time to do a combination of studying and socializing or texting.”)</li> </ul>
	<p><b>STUDENTS</b> 2013-2014</p>	<ul style="list-style-type: none"> <li>Ex. 43 at ¶ 8 (Eric Flood) (“One of my IWE periods is with the school office. During my IWE period, sometimes I file things, sort the mail, or run errands around the school. Sometimes the office doesn’t have anything for me to do and I just chill. My other IWE period is with the after-school program I participate in, called The Den. During that period, I help them make copies, bring passes to students, and help them file papers.”)</li> <li>Ex. 44 at ¶ 13 (Edith Quintero) (“During my IWE period this year in the school office, I sometimes file papers and walk from classroom to classroom collecting homework for students who are absent. The rest of the time, I usually sit around and talk. During my IWE period this year in the after-school program office, I help them with tasks in the office, like filing the attendance forms they have to fill out or making copies.”)</li> </ul>
	<p><b>STAFF</b></p>	<ul style="list-style-type: none"> <li>Ex. 58 at ¶ 5 (Ji Lee) (“There are definitely students working in the office. They write passes for tardy students, make copies, and do filing. Students assigned to teachers also grade multiple choice exams.”)</li> <li>Ex. 45 at ¶ 18 (Ji Lee) (“Almost no learning goes on during an IWE period. Some students do homework during their IWE periods. Other student do not even go to the classroom or office in which their IWE period is assigned, they just walk around the school until it is time to go to their next class.”)</li> <li>Ex. 62 at ¶ 24 (Johanna Paraiso) (“Students who have an IWE period with a teacher tend to enter the attendance information or organize papers. Students who have an IWE period in the school office may be used as translation help or may deliver items to classrooms.”)</li> <li>Ex. 48 at ¶ 4 (Johanna Paraiso) (“In most [IWE] classes the students do no substantive work. Many of these are 90 minute blocks in which the supervising teacher is simultaneously teaching a full class. . . . In most cases, the student is surreptitiously playing on his or her phone.”)</li> <li>Ex. 48 at ¶ 5 (Johanna Paraiso) (“At most, students fulfilling IWE periods in classrooms will do mindless tasks like take attendance, water plants, grade multiple-choice tests, and take out the recycling. . . . When I visit the office, I have seen students going through drawers, answering the phones without any professionalism, and incorrectly filling out tardy slips.”)</li> <li>Ex. 47 at ¶ 20 (Lisa Shafer) (“The IWE program is largely filler for students. In the majority of cases, students are receiving an elective credit for sitting around and doing their homework or just listening to music and talking to friends.”)</li> </ul>
	<p><b>COMPTON</b></p>	<p><b>STUDENTS</b> 2014-2015</p> <ul style="list-style-type: none"> <li>Ex. 59 at ¶ 11 (Isaiah Moses) (“During my TA period, I usually helped the teacher run errands like making copies and grading papers and checking that students have turned in their homework. She’s also the science department chair, so I helped her notify teachers in the science department of meetings. . . . I often had nothing to do during the TA period. For example, during the first weeks of school there aren’t many assignments to help grade, so I sat around during the period.”)</li> <li>Ex. 59 at ¶ 12 (Isaiah Moses) (“There is another TA in that class who is a senior. She also helped grade papers and run errands, but she also had nothing to do sometimes. She helped the teacher input grades into the school’s grading system . . . .”)</li> </ul>

STATEMENT	DECLARANTS	EVIDENCE
<p>Non-educational activities take place during Service periods. (cont.)</p>	<p><b>COMPTON</b></p>	<p><b>STUDENTS</b> 2014-2015</p> <ul style="list-style-type: none"> <li>Ex. 52 at ¶ 10 (Alejandro Torres) (“[The TAs] just sit there the entire period and talk to each other or play with their phones. . . . In my other classes, I see the TAs help the teachers with administrative tasks like inputting grades or cleaning the room, but most of the time they also just sit there and talk or play on their phones.”)</li> <li>Ex. 63 at ¶ 8 (Angel Preciado) (“Three of my classes have TAs. I see the TAs help teachers run errands or input grades sometimes, but most TAs I’ve seen in my classes just sit there and play on their phones.”)</li> <li>Ex. 53 at ¶ 9 (Maria Sanchez) (“When the TAs do show up, some of my teachers have them input grades or make copies, and others have their TAs clean out desks or sweep the floors. However, usually the TAs just do whatever they feel like doing because the teachers don’t tell them to do anything else. The TAs in my classes usually just play on their cellphones or talk to each other.”)</li> </ul>
		<p><b>STAFF</b></p> <ul style="list-style-type: none"> <li>Ex. 33 at ¶ 7 (Joseph William Gaerttner) (“The school does not have set rules for how teachers use TAs. . . . There is no structure to the TA program. I try to keep my TAs busy, but there isn’t always work for them to do. My TAs primarily help me with data entry. They input grades into the gradebook and grade multiple choice tests by comparing answers to a key. . . . Occasionally, I have TAs carry files or messages to the office. When there are no grading or other ministerial tasks for them to perform, they just sit quietly. I usually have my TAs do homework for other classes or read a book. . . . I do not have a formal curriculum or provide substantial lessons for my TAs.”)</li> </ul>
	<p><b>FREMONT LAUSD</b></p>	<p><b>STUDENTS</b> 2014-2015</p> <ul style="list-style-type: none"> <li>Ex. 60 at ¶ 8 (Daniel Madrigal) (“During the service period in the counseling office, I would sign my name in and then do random tasks. I was told to greet people as they walked in, ask them what they needed help in, and help out with office errands. For example, I would cut papers, print copies of documents, or pass out summoning sheets. Sometimes I would have nothing to do, so me and the other students would just sit down and do nothing. During those times, I would just go on the Internet on my phone.”)</li> </ul>
		<p><b>STUDENTS</b> 2013-2014</p> <ul style="list-style-type: none"> <li>Ex. 37 at ¶ 20 (Jessy Cruz) (“I remember that one of my service teachers, a history teacher, would sometimes offer to lend me her iPad because I had finished my homework and had nothing to do. Sometimes, every once in a blue moon, I would help her run errands, but most of the time I would just sit there.”)</li> <li>Ex. 61 at ¶ 9 (Roxana Mucino) (“I was assigned to the Medical, Environmental Science, and Agriculture (MESA) Academy office, which is where the academy’s counselors and administrators are located. During my service period, I walked around the school and passed out summons slips to other students, made copies, printed schedules, and ran other office errands.”)</li> </ul>
		<p><b>STAFF</b></p> <ul style="list-style-type: none"> <li>Ex. 55 at ¶ 16 (Jordan Gonzalez) (“I tried to give my students administrative work, such as helping me organize my files, typing up examples of student work, and maintaining decorations in my classroom.”)</li> <li>Ex. 54 at ¶ 21 (Marquis Jones) (“Students in ‘Service’ periods perform administrative tasks such as answering phone calls, filing, and helping out with whatever the teacher or staff needs. Students assigned to ‘Peer Counseling’ work with me or other counselors; they go around the school to summon other students when we need to meet with them and sometimes help translate during student and parent meeting. Students assigned to ‘Library Practice’ work in the library, shelving books and assisting the librarians.”)</li> <li>Ex. 64 at ¶ 20 (Robert Vidana) (“Students assigned to service periods are often asked to go around the school pulling other students from class that the office or an administrator wants to talk with. Most students use the remainder of their service period time to socialize with their friends.”)</li> </ul>
	<p><b>DORSEY</b></p>	<p><b>STUDENTS</b> 2014-2015</p> <ul style="list-style-type: none"> <li>Ex. 38 at ¶ 9 (Juan Fernando Nuñez) (Service class “was a waste of my time. They put me in different offices like, for example, the main office, counseling office, or attendance office. At times they’d ask me to deliver things or make copies, but they mostly just had me sitting there doing nothing, waiting for another assignment. It wasn’t useful. It was boring and uninteresting. They wouldn’t even let me do schoolwork—they told me to just wait around in case they needed me.”)</li> </ul>
STATEMENT	DECLARANTS	EVIDENCE
<p>Students are assigned to Home and Service periods because no grade-appropriate, substantive, and instructional classes are available.</p>	<p><b>CASTLEMONT</b></p>	<p><b>STUDENTS</b> 2014-2015</p> <ul style="list-style-type: none"> <li>Ex. 40 at ¶ 3, 7 (Johnae Twinn) (has two free periods because Physiology and Debate classes canceled due to lack of teachers)</li> <li>Ex. 50 at ¶ 5-7 (Ronye Sherrell Cooper) (has IWE because Debate class canceled two weeks after start of school year and “no real other options of classes”)</li> <li>Ex. 118 at ¶ 5 (BreAnna Gonzalez) (has free period because Physiology class canceled a month after start of school year).</li> <li>Ex. 119 at ¶ 7 (Daja McCulloch) (“I got to school in the fall and they handed me my schedule with an IWE and a free period; I was not given any options of classes I could take.”)</li> <li>Ex. 121 at ¶ 8 (Alban Lopez) (“I’d rather use the IWE time learning real things and skills. I went to a different school for my junior year and they had classes like ceramics, ROTC, or culinary arts. I would really like to take a class like that rather than just help a teacher. But I guess we don’t get those opportunities here.”)</li> <li>Ex. 49 at ¶ 4 (Precious Braziel) (“The counselor didn’t have any other classes to offer me.”)</li> </ul>

STATEMENT	DECLARANTS	EVIDENCE
<p>Students are assigned to Home and Service periods because no grade-appropriate, substantive, and instructional classes are available. <i>(cont.)</i></p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>CASTLEMONT</b></p>	<p><b>STUDENTS</b> 2013-2014</p> <ul style="list-style-type: none"> <li>Ex. 95 at ¶ 14 (Jazmin Stenson) (Had no class sixth period because: “There was no regular class available for me to take that would help me prepare for college.”)</li> </ul> <p><b>STAFF</b></p> <ul style="list-style-type: none"> <li>Ex. 35 at ¶ 14 (Claire Shorall) (“Lack of availability of classes, both core and elective is another problem.”)</li> <li>Ex. 69 at ¶ 4 (Leslie Hsu) (“There are not enough teachers at Castlemont to provide non-required classes for students who have met the minimum requirements to graduate.”)</li> <li>Ex. 70 at ¶ 13 (Timothy Bremner) (“My understanding is that these students are not assigned to fifth and sixth period classes because they have enough credits to graduate and there is not enough room in any non-required elective courses.”)</li> <li>Ex. 96 at ¶ 20 (Kateri Dodds Simpson) (“Castlemont does not offer enough AP courses or courses with A-G status to fill the schedules of all of our seniors.”)</li> <li>Ex. 111 ¶ 14 (Marguerite Sheffer) (“Many seniors at Castlemont do not have any classes scheduled during fifth and sixth periods. These are typically students who have met their graduation requirements and there are no other classes for them to take. . . . In most cases, students have no choice but to take an IWE period or have no class scheduled at all, because Castlemont offers very few electives, particularly electives that are academically rigorous.”)</li> <li>Ex. 112 at ¶ 17 (Mitchell Singsheim) (“Seniors who have fulfilled their graduation requirements have very few options for courses to take because we do not have a sufficient number of teachers at Castlemont to offer classes beyond the basic courses that are required for graduation.”)</li> <li>Ex. 113 at ¶ 27 (Sagnicthe Salazar) (“[T]here are not enough classes offered by Castlemont for every student to have a full schedule.”)</li> <li>Ex. 46 at ¶ 37 (Aryn E. Bowman) (“Castlemont assigns students to IWE periods or unscheduled periods because the school cannot offer enough classes to fill its students’ schedules. . . . Castlemont does not have the resources to provide meaningful electives outside of the core requirements. I strongly believe that the school should mandate that every student must have a full schedule of real classes. In order for this to happen, however, Castlemont would need to offer meaningful electives for students who have met their graduation requirements to take.”)</li> </ul>
		<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>FREMONT OUSD</b></p>
<p><b>STUDENTS</b> 2013-2014</p> <ul style="list-style-type: none"> <li>Ex. 43 at ¶ 8 (Eric Flood) (“I have IWE periods because the only elective classes that I could take were the two elective classes offered by Media Academy: journalism and video production. I am already taking journalism, and my counselor told me I couldn’t take video production because I already took it last year. I wish that there were other elective classes I could have taken instead of IWE.”)</li> <li>Ex. 44 at ¶ 14 (Edith Quintero) (“I have two IWE periods because I do not need any additional classes to graduate, and there were no elective classes available that I could have taken. Fremont has many fewer electives than other schools. For example . . . Skyline has many electives like drama, theater, music and dance. Most of these courses were not available to me.”)</li> </ul>		
<p><b>STAFF</b></p> <ul style="list-style-type: none"> <li>Ex. 114 at ¶ 6 (Christie Lee Blakley) (“Today a sophomore student asked me if she could be an IWE for me. She told me that she was failing Spanish and that they were going to take her out of the class and put her in IWE. . . . If there were more classes available and there were a pedagogical decision to move her, there would have been another class to put her in instead of an IWE. . . . It is also an example of how IWE periods are being used; she is being put into IWE because there is nowhere else to put her.”)</li> <li>Ex. 45 at ¶ 18 (Ji Lee) (“Students are assigned to IWE periods because the school does not have any real courses to offer them. . . . Fremont does not have enough classes to offer its students generally. . . . Fremont’s science course offerings are so limited that most students run out of classes to take by their junior year of high school.”)</li> <li>Ex. 62 at ¶ 24 (Johanna Paraiso) (The IWE students assigned to me “are primarily students who have fulfilled all of their graduation requirements and there are no electives or any other courses to offer them except for an IWE period.”)</li> <li>Ex. 48 at ¶ 2 (Johanna Paraiso) (“Fremont does not have enough teachers to offer enough classes to fill our students’ schedules.”)</li> </ul>		

STATEMENT	DECLARANTS		EVIDENCE
Students are assigned to Home and Service periods because no grade-appropriate, substantive, and instructional classes are available. (cont.)	<b>FREMONT</b>	<b>STAFF</b>	<ul style="list-style-type: none"> <li>Ex. 48 at ¶ 3 (Johanna Paraiso) (“Due to the 8-period schedule, even more of our students are assigned to filler classes than in the past. . . . This is especially problematic for students who haven’t failed classes they need to make up. There aren’t enough substantive courses to fill such students’ schedules.”)</li> </ul>
	<b>COMPTON</b>	<b>STUDENTS</b> 2014-2015	<ul style="list-style-type: none"> <li>Ex. 59 at ¶ 14 (Isaiah Moses) (“I would always rather take an elective or retake a class to try to get a better grade than to take a TA period where I don’t really learn anything. I do not want to take a TA period next year, if I can help it, but seniors have told me that there often aren’t a lot of electives to choose from, so I may be forced to take a TA class.”)</li> </ul>
		<b>STAFF</b>	<ul style="list-style-type: none"> <li>Ex. 33 at ¶ 4 (Joseph William Gaerttner) (The “reduction in the number of classes offered at CHS resulted in many students having gaps in their schedules. Because CHS offered fewer elective classes to students, the students were assigned ‘free’ periods or ‘teacher aide’ (‘TA’) periods instead.”)</li> </ul>
	<b>FREMONT LAUSD</b>	<b>STUDENTS</b> 2014-2015	<ul style="list-style-type: none"> <li>Ex. 36 at ¶ 6 (Cameron Williams) (“I did not ask for a ‘Home’ period, but my counselor told me I should have a Home period since I am on track to graduate.”)</li> </ul>
		<b>STUDENTS</b> 2013-2014	<ul style="list-style-type: none"> <li>Ex. 37 at ¶ 25 (Jessy Cruz) (“I wish Fremont had more elective courses that I could have taken instead of service or home.”)</li> <li>Ex. 61 at ¶ 9 (Roxana Mucino) (“I did not request service my junior year, but my counselor told me there were no other classes available. . . .”)</li> <li>Ex. 61 at ¶ 9 (Roxana Mucino) (“I wish that there were more interesting electives or other classes that I could take instead of service or home.”)</li> <li>Ex. 98 at ¶ 11 (Precious Willis) (“I have a Home period during 8th period, which I didn’t ask for. . . . I was told that there were no other classes for me to take. I wish Fremont had more classes for students to take when they are done with their credits.”)</li> </ul>
		<b>STAFF</b>	<ul style="list-style-type: none"> <li>Ex. 55 at ¶ 16 (Jordan Gonzalez) (“Students usually do not request service periods. Typically, students are enrolled in service periods because they have completed their credit requirements and the school does not have any classes available for them to take or because they were randomly assigned to service.”)</li> <li>Ex. 54 at ¶ 21 (Marquis Jones) (“I think that eligible students who take Service periods do so because that is the only option they are aware of, because our electives are pretty limited.”)</li> <li>Ex. 54 at ¶ 22 (Marquis Jones) (“We do have some advanced classes that those students could be enrolling in, but we don’t have enough.”)</li> <li>Ex. 71 at ¶ 27 (Kelly Maloney) (“Most of these students have no choice but to enroll in home or service classes because Fremont does not offer enough electives that match the students’ interests and their abilities.”)</li> <li>Ex. 64 at ¶ 20 (Robert Vidana) (“While it is theoretically the student’s choice whether to enroll in a service or Home period, most students are not offered realistic alternatives of upper-level academic courses or electives that they could take instead of service or home periods. Fremont does not have enough upper-level courses to accommodate students who have completed their graduation requirements.”)</li> </ul>
		<b>STUDENTS</b> 2014-2015	<ul style="list-style-type: none"> <li>Ex. 38 at ¶ 10 (Juan Fernando Nuñez) (“I have done the required classes, so they gave me service classes last year and a Home period this year because there were no other classes for me to take.”)</li> <li>Ex. 65 at ¶ 4 (Jordan Parx) (“I did not request to be given a Library period this year. I was put in this class because there was nothing else available for me to take.”)</li> <li>Ex. 65 at ¶ 15 (Jordan Parx) (“I wish Dorsey would offer more classes instead of Home, Service, or Library.”)</li> </ul>

STATEMENT	DECLARANTS		EVIDENCE
Home and Service periods send a message of low expectations.	<b>CASTLEMONT</b>	<b>STAFF</b>	<ul style="list-style-type: none"> <li>Ex. 35 at ¶ 10 (Claire Shorall) (“I am very worried that, despite all this evidence that our students are not-college ready, the school is sending them a message that they are prepared to enter college and do not need to take a full schedule, including that they do not need to take math or science. My students have so much resilience and so many other impressive skills, but for many of them, algebra is not yet one of those skills, and we are not serving them by pretending that it is.”)</li> <li>Ex. 69 at ¶ 7 (Leslie Hsu) (“Due to the counselors’ high workloads, if a student requests an easier schedule, the counselors don’t take the time to encourage the student to take challenging classes and explain the benefits of a more rigorous schedule.”)</li> <li>Ex. 70 at ¶ 13 (Timothy Bremner) (“Simply allowing students to leave after four periods instead of providing them with meaningful opportunity for learning and enrichment is a sign of low academic expectations.”)</li> <li>Ex. 96 at ¶ 20 (Kateri Dodds Simpson) (“[S]tudents, even students who would be very competitive for college, are not required or pushed to take at least four solid academic courses. Instead, students are told they can just take the minimum required courses for graduation.”)</li> <li>Ex. 113 at ¶ 27 (Sagnicthe Salazar) (“The second reason [why students do not have full schedules] is low expectations. Often there is an idea that we are helping our students by making it easier for them to graduate, but this is a disservice to kids. For example, I have seen counselors who, instead of pushing kids to take hard classes to ensure they graduate college-ready, allow students</li> </ul>



STATEMENT	DECLARANTS	EVIDENCE
Home and Service periods send a message of low expectations. <i>(cont.)</i>	<b>CASTLE</b> <b>STAFF</b>	to drop classes in which they are struggling and take an IWE period instead.”) • Ex. 46 at ¶ 38 (Aryn E.Bowman) (“Not having enough classes for our student is an incredible disservice to kids. Not having a full schedule should not be seen as a reward for being on track to meet graduation requirements.”)
	<b>FREMONT OUSD</b> <b>STUDENTS</b> 2014-2015	• Ex. 57 at ¶ 7 (Quenajonay Frazier) (“I do not need Physics to graduate, but I am taking it because I want to be learning something. The counselor asked me if I would take a second IWE instead, and told me that my grades will depend on Physics but not on IWE. I said no, I want Physics.”)
		<b>STAFF</b>
	<b>COMPTON CUSD</b> <b>STUDENTS</b> 2014-2015	• Ex. 59 at ¶ 5 (Isaiah Moses) (“I want to make sure I have enough credits to graduate and go to a good college. . . . I don’t just want to do the minimum to graduate.”)
	<b>FREMONT LAUSD</b> <b>STUDENTS</b> 2013-2014	• Ex. 37 at ¶ 27 (Jessy Cruz) (“I love to be challenged, and I think privileged schools provide more opportunities to challenge students and encourage their imaginations.”)
		<b>STAFF</b>
<b>DORSEY LAUSD</b> <b>STUDENTS</b> 2014-2015	• Ex. 79 at ¶ 10 (Jesse Romero) (“Knowing that other schools have better opportunities than us makes me mad. Seeing the opportunities that other schools get that Dorsey doesn’t tells me that the state doesn’t want to spend the money on Dorsey because of the neighborhood it is in.”)	

STATEMENT	DECLARANTS	EVIDENCE
Students who are unprepared for college and career are assigned to Home and Service periods.	<b>STUDENTS</b> 2014-2015	• Ex. 120 at ¶ 2 (Stephanie Gutierrez) (“Even though by the time I graduate, I will have completed all of the graduation and A through G requirements, I am afraid that I haven’t learned enough here, and if I were to go to a four year school, I would have to take remedial classes and repeat subjects that I took here and passed, and so should have learned here. For example even though I’ve taken English each year and passed, I feel like I don’t know where I am supposed to put a comma in sentences or how to use exclamation points.”) • Ex. 49 at ¶¶ 4, 7 (Precious Braziel) (has a free period even though she has an “F” from last semester that she will need to make up in order to graduate.)
	<b>CASTLEMONT</b> <b>STAFF</b>	• Ex. 35 at ¶¶ 8-10 (Claire Shorall); e.g., 8 (“Although these students technically have the classes they need to graduate, putting them on reduced schedules prevents them from advancing academically and building the skills needed to prepare for college. Very few students, even the ones who do enroll in community or four-year colleges, graduate from Castlemont college-ready.”) • Ex. 69 at ¶ 5 (Leslie Hsu) (“In my experience as a college readiness specialist, not having a full schedule makes students less competitive for college.”) • Ex. 69 at ¶ 6 (Leslie Hsu) (“Not having a full schedule also affects students’ ability to succeed in college. Even those Castlemont and Fremont students who are admitted to community or four-year colleges often have a difficult time succeeding in college because they are underprepared.”) • Ex. 70 at ¶ 13 (Timothy Bremner) (“Although they may have enough credits to graduate, almost all of our seniors at Castlemont could use substantially more preparation to successfully complete college-level work and college reading. Our graduates experience culture shock when they arrive at four-year colleges because they are not accustomed to the expectation of rigor or the amount of work typical at a four year college.”) • Ex. 96 at ¶ 20 (Kateri Dodds Simpson) (“The college services coordinator told me that she keeps running into college-eligible seniors who are only taking two or three A-G classes, when the minimum recommendation for senior year is to have four. My students’ incomplete schedules hurt their ability to be accepted to a college in the University of California system, and also means that they are less prepared to do college level work.”) • Ex. 111 at ¶ 14 (Marguerite Sheffer) (“I am very worried that many of them are not prepared to start their first year of college. These students should be pushed to do academic work instead of wasting time in the middle of the day.”) • Ex. 113 at ¶ 27 (Sagnicthe Salazar) (“For our students who are trying to attend a four-year college, if they only have four classes their senior year and two of those four classes are non-academic, they will not be prepared to take college classes.”)

STATEMENT	DECLARANTS	EVIDENCE
Students who are unprepared for college and career are assigned to Home and Service periods. (cont.)	<b>CASTLEMONT</b> <b>STAFF</b>	<ul style="list-style-type: none"> <li>Ex. 46 at ¶ 38 (Aryn E. Bowman) (“Providing our students less learning time sets them up to not be successful if they do go to college. Most of our kids, even the ones on track to graduate, are behind academically and read significantly below grade level. Then on top of this, many of them spend their entire senior year with only a half day of school. The Castlemont students who do attend college arrive there so far behind their peers who went to better schools and had full days for all four years of high school.”)</li> </ul>
	<b>FREMONT OUSD</b> <b>STUDENTS</b> 2014-2015	<ul style="list-style-type: none"> <li>Ex. 56 at ¶ 3-4 (Angelica Rodriguez) (assigned to IWE period, despite not meeting A-G requirements: “I wish I could go to a four-year college, but I got a D in biology and a C-minus my sophomore year, so I have not met the A-G requirements . . .”)</li> <li>Ex. 57 at ¶ 4 (Quenajonay Frazier) (“I thought a college would think that I am just being lazy.”)</li> <li>Ex. 42 at ¶ 5 (Stephanie Valencia Chavez) (assigned an IWE even though she needed to make up Geometry to be A-G eligible)</li> </ul>
		<b>STAFF</b>
	<b>FREMONT LAUSD</b> <b>STUDENTS</b> 2013-2014	<ul style="list-style-type: none"> <li>Ex. 37 at ¶ 26 (Jessy Cruz) (“I am pretty sure that if a student with a 3.4 GPA from Fremont and a student with a 3.4 GPA from Long Beach both go to college at USC, it will be obvious which kid came from where and who is prepared to succeed in college.”)</li> </ul>
		<b>STAFF</b>

STATEMENT	DECLARANTS	EVIDENCE
There are many changes to the master schedule and student/teacher schedules that cause lost instruction time at the beginning of the school year; many students are given incorrect schedules.	<b>CASTLEMONT</b> <b>STUDENTS</b> 2014-2015	<ul style="list-style-type: none"> <li>Ex. 40 at ¶ 7 (Johnae Twinn) (Physiology class &amp; debate classes canceled after start of school year)</li> <li>Ex. 40 at ¶ 9 (Johnae Twinn) (Switched into AP Calculus from Math Analysis three weeks into the school year)</li> <li>Ex. 40 at ¶ 12 (Johnae Twinn) (“In tenth grade, they switched my schedule three times”)</li> <li>Ex. 50 at ¶ 5 (Ronye Sherrell Cooper) (Debate class canceled after start of school year)</li> <li>Ex. 118 at ¶ 5 (BreAnna Gonzalez) (Physiology class canceled after start of school year)</li> </ul>
	<b>STUDENTS</b> 2013-2014	<ul style="list-style-type: none"> <li>Ex. 94 at ¶¶ 15-16 (Warner Rosales) (Student’s third period environmental science class was going to be switched to second or fourth period, requiring everyone’s schedules to change. Instead, a different teacher created a new third period science class that most of the students switched into two weeks before Thanksgiving.)</li> </ul>
	<b>STAFF</b>	<ul style="list-style-type: none"> <li>Ex. 35 at ¶ 17 (Claire Shorall) (“Castlemont has one counselor for around 500 students. Especially because Castlemont serves a transient student population and we often cannot anticipate which students will show up at the beginning of the year, there are frequently mistakes and problems with student schedules at the beginning of the school year.”)</li> <li>Ex. 96 at ¶ 17 (Kateri Dodds Simpson) (“Some classes that have low attendance are canceled, and the schedules of the students who are enrolled in those classes are changed. For example, one section of eleventh grade English class last year was closed after the first semester. Another section of 10th grade [sic] English was added after the first marking period (6 weeks). I may close one of my sections of senior English this year because less than 15 students typically attend the class.”)</li> <li>Ex. 46 at ¶ 37 (Aryn E. Bowman) (“Every year, Castlemont loses instruction time at the beginning of the year because of the many changes and adjustments that must be made to the course schedule.”)</li> <li>Ex. 87 at ¶ 18 (Jacob Berry) (“Students are also often placed in the incorrect classes as well. For the first week of school, teachers often do not know which kids are actually supposed to be in the class.”)</li> </ul>

STATEMENT	DECLARANTS	EVIDENCE
<p>There are many changes to the master schedule and student/teacher schedules that cause lost instruction time at the beginning of the school year; many students are given incorrect schedules. <i>(cont.)</i></p>	<p><b>STUDENTS</b> 2014-2015</p>	<ul style="list-style-type: none"> <li>• Ex. 78 at ¶ 12 (Loata Fine) (“During the first few weeks at the beginning of this school year, my schedule changed so many times.”)</li> <li>• Ex. 78 at ¶ 13 (Loata Fine) (“This is not the first year I have had problems with my schedule or problems getting into the right classes. In my freshman year, I was put in Algebra I, even though I had already taken and passed Algebra I in eighth grade.”)</li> <li>• Ex. 80 at ¶¶ 4-5 (Michael Adams) (Adams was originally put into Spanish I, which he had already taken and passed, when he needed Spanish II to graduate: “I started Spanish 2 in the middle of the second marking period, about 8 weeks into the semester.”)</li> <li>• Ex. 81 at ¶ 3 (Nohemi Lucas) (“When the school year started, my schedule was completely wrong.” Lucas had AP Government on her schedule twice, and hadn’t met the prerequisites for two assigned classes. She did not have math or a PE needed to graduate.)</li> <li>• Ex. 81 at ¶ 4 (Nohemi Lucas) (“I didn’t start my Chemistry class until the second week of school, and I didn’t start my Government class until the third week. I was behind when I started both classes.”)</li> <li>• Ex. 81 at ¶ 5 (Nohemi Lucas) (After the school year started her senior year, she learned that she needed to take English 2 to meet A-G requirements, despite being in English 3. Then, In January of that year, she learned that she needed to take English 1 as well.)</li> <li>• Ex. 57 at ¶ 3 (Quenajonay Frazier) (“My schedule has changed five times, going back and forth between different classes.”)</li> <li>• Ex. 57 at ¶ 5 (Quenajonay Frazier) (“I was originally put into Spanish 1, which I had already taken and passed with a B.”)</li> <li>• Ex. 82 at ¶ 4 (Stephanie Revoreda) (“[F]or the whole first semester, I was taking two classes that I did not need, and I was not making up the classes that I did need to graduate.”)</li> <li>• Ex. 42 at ¶ 6 (Stephanie Valencia Chavez) (“At the start of this school year, I was put in physics originally, but I had already passed physics with an A last year.”)</li> <li>• Ex. 42 at ¶ 7 (Stephanie Valencia Chavez) (“Last year, I was originally enrolled in AP Spanish, but I also needed to take my first semester of PE. I noticed for myself that it would be a problem and that the next year I would have to take two PE classes to catch up.”)</li> </ul>
	<p><b>STUDENTS</b> 2013-2014</p>	<ul style="list-style-type: none"> <li>• Ex. 43 at ¶ 9 (Eric Flood) (“Most years, my course schedule has changed a lot at the beginning of the year. For example, during the beginning of my junior year, my schedule kept changing because my elective courses had to be changed.”)</li> <li>• Ex. 44 at ¶ 16 (Edith Quintero) (“When I got my course schedule at the beginning of this year, my schedule was wrong. . . . Even though I had not passed intermediate algebra, I was put in advanced algebra this year.”)</li> </ul>
	<p><b>STAFF</b></p>	<ul style="list-style-type: none"> <li>• Ex. 45 at ¶ 14 (Ji Lee) (“It is very typical at Fremont that students’ course schedules change several times during the first few weeks, or even months, of the school year.”)</li> <li>• Ex. 45 at ¶ 15 (Ji Lee) (“Sometimes schedules have to be changed because students are placed in inappropriate classes. For example, one year the Spanish department was eliminated. The next year, there were many students who had to take Spanish to qualify to graduate, and there were not enough Spanish teachers. A huge number of students were being moved around during the beginning of the school year to try to get every student who needed Spanish to graduate into a Spanish class. In addition, students are often placed in the wrong math classes or they are placed in science classes for which they have not taken the necessary math prerequisites.”)</li> <li>• Ex. 45 at ¶ 16 (Ji Lee) (“This year, almost all of the English Learner students had scheduling problems. For example, an entire class of English Learners was assigned to one of my mainstream twelfth grade government classes.”)</li> <li>• Ex. 58 at ¶ 11 (Ji Lee) (“I heard that Math Analysis had 47 students. . . . I went through the roster and checked the transcripts of the students that I could access because they were in my classes. I saw that at least half of the students had never taken Algebra II, which was the prerequisite for Math Analysis. I told the principal about this, and he said that Algebra II was already full.”)</li> <li>• Ex. 58 at ¶ 12 (Ji Lee) (“There was also a problem with the placement of EL students in sheltered classes.”)</li> <li>• Ex. 89 at ¶ 13 (Christie Lee Blakley) (“We have a lot of scheduling changes at the beginning of the year at Fremont as a result of problems with the master schedule and individual student’s course schedules. Sometimes students are placed in the incorrect classes.”)</li> <li>• Ex. 62 at ¶ 22 (Johanna Paraiso) (“There have been problems with the master course schedule every year I have been at Fremont. Even the year that we had the fewest changes, I estimate that only about 80% of students’ course schedules were correct and did not require changing. This year was complete chaos. The way the master course schedule was set up, I estimate that only about 50% of schedules were correct. . . . There were lines of students out the door to see counselors who do all of the scheduling changes. It took about a month before classes stabilized.”)</li> <li>• Ex. 48 at ¶ 8 (Johanna Paraiso) (“At the beginning of the school year, there was a line out the door of the counselor’s office of students who needed their schedules adjusted. Halfway through the school year I still have students who haven’t finalized their schedules.”)</li> <li>• Ex. 48 at ¶ 10 (Johanna Paraiso) (“Fremont is currently over-enrolled by about 120 students. Many of these students are unaccompanied minors or students who are supposed to receive special education services. Despite being assigned 120 students over our projected enrollment, we did not get any additional teachers or resources.”)</li> </ul>

FREMONT OUSD

STATEMENT	DECLARANTS	EVIDENCE
<p>There are many changes to the master schedule and student/teacher schedules that cause lost instruction time at the beginning of the school year; many students are given incorrect schedules. <i>(cont.)</i></p>	<p><b>FREMONT OUSD</b></p> <p><b>STAFF</b></p>	<ul style="list-style-type: none"> <li>• Ex. 47 at ¶ 17 (Lisa Shafer) (“At Fremont, we usually lose a significant amount of class time during the first several weeks of the school year because there are so many changes to class rosters and schedules during the first few weeks of school. This year, classes did not stabilize until six weeks into the school year.”)</li> <li>• Ex. 47 at ¶ 17 (Lisa Shafer) (“[T]here are frequently mistakes or problems with the master schedule that need to be fixed several weeks into the school year.”)</li> <li>• Ex. 88 at ¶ 3 (Lisa Shafer) (“There was chaos at the beginning of the year as [the newcomer] kids were moved around. . . . PE and Art were being overloaded in part because there is not enough support for these students or classes in which to put them. No additional teachers were added at the beginning of the year as a result of the increased numbers of students.”)</li> <li>• Ex. 88 at ¶ 6 (Lisa Shafer) (“At the beginning of the year, so many students were placed in classes they had already taken or classes that were over their head. For instance, there were kids placed in Physics but who had not passed Geometry. . . . These kids were placed in those inappropriate classes because there was nowhere else to put them.”)</li> </ul>
	<p><b>COMPTON</b></p> <p><b>STUDENTS</b> 2014-2015</p> <p><b>STUDENTS</b> 2013-2014</p> <p><b>STAFF</b></p>	<ul style="list-style-type: none"> <li>• Ex. 59 at ¶ 5 (Isaiah Moses) (originally assigned to two free periods on a six-period schedule)</li> <li>• Ex. 59 at ¶ 7 (Isaiah Moses) (“I was told by my counselor that the reason they assigned me two free periods this year is because a number of AP classes were cut from the schedule at the last minute. I heard from a lot of other students that their schedules were also missing AP classes and that they were given free periods or other periods they did not want.”)</li> <li>• Ex. 59 at ¶ 8 (Isaiah Moses) (students petitioned for AP classes to be added and they were able to add some “at the end of the first quarter, about a month into the school year.”)</li> <li>• Ex. 59 at ¶ 10 (Isaiah Moses) (“I don’t think it’s fair that I lost a month of class. . . . I worry that I won’t be able to learn everything before the AP exam.”)</li> <li>• Ex. 59 at ¶ 15 (Isaiah Moses) (“Scheduling problems are common at Compton High School. . . . This year, during fall semester, I was placed in an Algebra 2 class instead of Pre-Calculus. Freshman year, I was not given a Physical Education (‘PE’) class.”)</li> <li>• Ex. 59 at ¶ 5 (Isaiah Moses) (“I have seen many students stay in the wrong classes. Some of my classmates told me that they repeated classes they didn’t need to take again, and others said they were placed in classes they weren’t ready for or were too easy for them.”)</li> <li>• Ex. 53 at ¶ 4 (Maria Sanchez) (“I have experienced major problems with my schedule at the start of the school year every year I’ve attended Compton High School. For example, when I arrived at school this year, I was missing two classes that I had signed up for . . . .”)</li> <li>• Ex. 53 at ¶ 6 (Maria Sanchez) (“Ever year, the school creates and closes a lot of classes, and students transfer classes and drop classes for about a month into the school year. It’s very disruptive when students switch classes.”)</li> <li>• Ex. 77 at ¶ 6 (Lucia Barajas) (“[M]y friend was given a wrong schedule at the beginning of [the 2013-2014] school year. She was enrolled in classes she didn’t need and she was not placed in the classes she needed to graduate on time. The counselors were so busy at the beginning of the year that it was nearly impossible to meet with them, so she was stuck in the wrong classes for weeks. During the first few weeks of the school year, so many students have been put in the wrong classes and are trying to make changes that the counselors close the doors to their offices and don’t let anyone come in because otherwise their offices get too crowded.”)</li> <li>• Ex. 33 at ¶ 3 (Joseph William Gaerttner) (“I was scheduled to teach AP U.S. Government and Politics again this year, but that class was cancelled before the beginning of the school year. I found out that the class was no longer being offered when I showed up for work on the first day of school.”)</li> </ul>
<p><b>FREMONT LAUSD</b></p> <p><b>STUDENTS</b> 2014-2015</p>	<ul style="list-style-type: none"> <li>• Ex. 36 at ¶ 3 (Cameron Williams) (“My scheduled [sic] was really messed up at the beginning of the school year. For example, I was placed in an Art class that I did not need to take because I had taken and passed my art requirement in 10th grade.”)</li> <li>• Ex. 36 at ¶ 4 (Cameron Williams) (“The names of some of my classes also changed [after the beginning of the year].”)</li> <li>• Ex. 60 at ¶ 3 (Daniel Madrigal) (“My initial schedule included two home periods and two service periods, but only four real classes. I initially only had English, Government, Video Production, and Health, but I had already taken and passed Video Production and Health. I did not have what I needed in order to graduate, much less go to college. I needed Algebra 2 to fulfill my graduation requirements.”)</li> <li>• Ex. 60 at ¶ 4 (Daniel Madrigal) (“I, and other students who didn’t have real classes, were sent to sit in the auditorium. It was very hectic because they didn’t have any classes or assignments for us. We just sat around and talked to each other. We didn’t learn anything and didn’t know when they would fix our schedules and put us in real classes.”)</li> <li>• Ex. 60 at ¶ 8 (Daniel Madrigal) (“[I]t took four weeks to finalize most of my classes.”)</li> <li>• Ex. 68 at ¶ 3 (Erika Gonzalez) (“At the beginning of the school year, I was given a class schedule with two home periods and one service period. I was missing a Spanish class, which I needed to take again to satisfy my ‘A-G’ requirements for college.”)</li> </ul>	

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<p>There are many changes to the master schedule and student/teacher schedules that cause lost instruction time at the beginning of the school year; many students are given incorrect schedules. <i>(cont.)</i></p>	<p><b>FREMONT LAUSD</b></p> <p><b>STUDENTS</b> 2013-2014</p>	<ul style="list-style-type: none"> <li>• Ex. 98 at ¶ 9 (Precious Willis) (“[T]here were so many students [in the 2012-2013 school year] who were enrolled in the wrong classes and whose schedules changed several times. There were other students who didn’t have classes at all. Students were always changing in and out of classes . . .”)</li> <li>• Ex. 98 at ¶ 10 (Precious Willis) (“I have seen lots of problems with student schedules this year [2013-2014], too. At the beginning of the school year, lots of students were placed in the wrong classes and were not allowed to change them. . . . Some students have been told that they have to stay in the classes they had been given, even though the classes were wrong, because there is no space in any other classes.”)</li> </ul>
	<p><b>STAFF</b></p>	<ul style="list-style-type: none"> <li>• Ex. 55 at ¶ 22 (Jordan Gonzalez) (“The constant administrative turnover at Fremont contributes to a repeated failure to finalize the master class schedule prior to the beginning of the school year. As a result of constant schedule changes at the beginning of the school year, Fremont typically restarts the year several times, causing the students to lose out on weeks of instruction time.... Several weeks into the [2011-2012] school year, the administration changed the master course schedule. Some teachers were displaced, many students had entirely new class schedules, and my teaching assignments changed as well.”)</li> <li>• Ex. 55 at ¶ 24 (Jordan Gonzalez) (“On several occasions during the first two months of [the 2012-2013 school year], an administrator came into my classroom while I was teaching to reassign students in front of the entire class. The administrator would walk into the classroom, point at about ten students and say, ‘You, you, and you, come with me.’ . . . Some students left my class, got assigned to a different class, and then got reassigned to my class about two weeks later. My student rosters did not stabilize until two months into the school year. I knew other teachers who struggled or dealt with disruptive changes to their student rosters even weeks after that.”)</li> <li>• Ex. 54 at ¶ 27 (Marquis Jones) (“[O]ver 200 students who arrived at Fremont on the first day of school [in the 2012-2013 school year] had no course schedules ready for them. Many students just sat in an auditorium for up to three weeks, waiting to get assigned to classes.”)</li> <li>• Ex. 71 at ¶ 32 (Kelly Maloney) (“The high administrative turnover at Fremont has led to a failure to finalize the master course schedule prior to the beginning of the school year, which causes Fremont students to lose weeks of instruction time. In my first year, Fremont had just reconstituted and needed to hire an entirely new faculty....I was hired five weeks into the school year and, in the weeks prior to my arrival, my students had seven different teachers.”)</li> <li>• Ex. 71 at ¶ 33 (Kelly Maloney) (“There was no correct schedule for the first ten weeks of school [in the 2012-2013 school year]. The schedule was not finalized until Halloween, and, as a result, our students missed out on over two months of instruction time.”)</li> <li>• Ex. 90 at ¶ 15 (Herbert Niebergall) (“Frequent changes to Fremont’s course schedule at the beginning of the school year typically cause us to lose significant instruction time during the first several weeks of the school year. . . . [In 2013-2014] three new students were switched from my Algebra I class to my Geometry class in the tenth week of school.”)</li> <li>• Ex. 64 at ¶ 25 (Robert Vidana) (Describes beginning of 2012-2013 school year: “Many students who were enrolled did not have class schedules and either sat all day in the auditorium or wandered the halls. There were some days when there was a line of more than one hundred parents waiting to speak to counselors at the beginning of the year. It looked like the worst DMV line you have ever seen. The counselors were overwhelmed. They said they would only meet with students during lunch or after school so the students did not miss class, but, of course, many students weren’t enrolled in any classes, so they weren’t missing anything. Then, because so many students were trying to see the counselors during the lunch period and the counselors could not handle the volume, the counselors locked the doors to keep students out.”)</li> <li>• Ex. 64 at ¶ 26 (Robert Vidana) (“[I]t took anywhere from four weeks to three months to resolve the scheduling problems. Some of my students did not have final schedules until three months into the school year.”)</li> </ul>
<p><b>DORSEY</b></p>	<p><b>STUDENTS</b> 2014-2015</p> <ul style="list-style-type: none"> <li>• Ex. 38 at ¶ 4 (Juan Fernando Nuñez) (“At the beginning of this year I was assigned to classes I did not need and classes I had already taken, and I wasn’t assigned to the classes I still need to graduate and to get into college. . . . In order to get [the classes I need to graduate], my whole schedule had to be rearranged. This did not happen until the third or fourth week of school. I also was originally assigned to Culinary Arts, which I had already taken and passed for 3 years in a row.”)</li> <li>• Ex. 79 at ¶ 4 (Jesse Romero) (“I’m scheduled into two electives I don’t need to graduate—a sports medicine class and a business class—but am not scheduled into two classes that I do need to graduate—a health class and a chemistry class.”)</li> <li>• Ex. 84 at ¶ 4 (Christian Moton) (“I and everyone else at Dorsey had huge problems with our schedules this year”)</li> <li>• Ex. 84 at ¶ 5 (Christian Moton) (“At the beginning of the school year, even though I was a senior, I didn’t have a lot of the classes I needed to satisfy the A-G requirements to graduate or to satisfy the requirements I needed to attend University of California or California State universities. My schedule was filled with the wrong classes . . .”)</li> </ul>	

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<p>There are very large class sizes in the first few weeks of school, disrupting instruction. In many classrooms, there are more students than seats.</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>CASTLE MONT</b></p>	<p><b>STUDENTS</b> 2014-2015</p> <ul style="list-style-type: none"> <li>Ex. 40 at ¶ 13 (Johnae Twinn) (“All of our classes start out too full. We have to go into other classrooms to borrow chairs because there aren’t chairs for all of the students to sit.”)</li> </ul>
		<p><b>STUDENTS</b> 2013-2014</p> <ul style="list-style-type: none"> <li>Ex. 94 at ¶ 17 (Warner Rosales) (“[A]t the beginning of the year, I have been in classes where there are too many students and there is not room to sit anywhere. The school usually does not change this right away. The class stays like that for about two months. After about two months, then the school changes some students’ schedules to make the class smaller.”)</li> <li>Ex. 95 at ¶ 13 (Jazmin Stenson) (“For example, in my American Government class this year, there were so many people in the class at the beginning of the year that there were students sitting on top of desks and the teacher had to give up his seat to let students sit down. The class was like this for a week, and then a lot of students were switched to other classes.”)</li> </ul>
		<p><b>STAFF</b></p> <ul style="list-style-type: none"> <li>Ex. 87 at ¶ 18 (Jacob Berry) (“Classes are usually imbalanced during the first few weeks of the school year . . . .”)</li> </ul>
	<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>FREMONT OUSD</b></p>	<p><b>STUDENTS</b> 2014-2015</p> <ul style="list-style-type: none"> <li>Ex. 56 at ¶ 9 (Angelica Rodriguez) (“Both my Math Analysis and AP Spanish classes were really huge at the beginning of the school year. In Math Analysis, there were students sitting on all of the lab benches and on chairs brought in, and the classroom was overflowing. It was so cramped and distracting, so it was difficult to learn.”)</li> <li>Ex. 56 at ¶ 10 (Angelica Rodriguez) (“In AP Spanish, for the first few weeks the classroom was so crowded that students had to stand up.”)</li> <li>Ex. 78 at ¶ 14 (Loata Fine) (“The first few weeks of the school year, a lot of my classes were really big. . . . [In my Math Analysis class], [t]here were not enough seats in the classroom for all of the students. . . . It was really impossible to learn when the classroom was so full.”)</li> <li>Ex. 81 at ¶ 3 (Nohemi Lucas) (“My AP Spanish and Math Analysis classes were very overcrowded at the beginning of the year. My AP Spanish class had over 70 students. Many of us had to stand because there weren’t enough seats . . . .”)</li> <li>Ex. 42 at ¶ 12 (Stephanie Valencia Chavez) (“My precalculus class was very large at the start of the school year. . . . My AP Spanish class also is very large and at the beginning of the year, it didn’t even fit into the regular classroom. When I walked in to the class on the first day, there weren’t even enough seats for all of the students, so we had to have class in the library for the first couple of weeks of the school year. . . . Because of the class size, we didn’t have lessons for the first few weeks, because it was just too big for the teacher to teach.”)</li> </ul>
		<p><b>STUDENTS</b> 2013-2014</p> <ul style="list-style-type: none"> <li>Ex. 43 at ¶ 10 (Eric Flood) (“I also have had courses that had way too many students in them during the first week of school, and a lot of students were switched out. For example, in my tenth grade media studies class, for the first week of school, there were way too many students in the class. There were not enough desks, and most of the class was standing up. There was hardly any room to move. It was basically impossible to learn or do anything. After the first week of school, a lot of students were switched out to other classes. For a while, the class got pretty small. Then the school started transferring students back into the class, and it got really packed again.”)</li> <li>Ex. 93 at ¶ 8 (Daisy Romo) (“I was switched into a different English class after about two weeks. It was tough to change classes. Ms. Lee’s class was quieter and under control, and it felt more challenging. When I switched into my new English class, it felt crowded and loud. Eventually, a lot of students stopped coming to my new English class. Now it is smaller and quieter.”)</li> </ul>
		<p><b>STAFF</b></p> <ul style="list-style-type: none"> <li>Ex. 58 at ¶ 2 (Ji Lee) (“Fremont does not have enough elective classes, so the few we have are severely overloaded. For eight weeks, the Physical Education (‘PE’) class had over 60 students per class. . . . AP Spanish had 50 students, and it is still over the limit, and the other Spanish class has close to 40 students which is still really large.”)</li> <li>Ex. 45 at ¶ 14 (Ji Lee) (“[S]ome classes had severe imbalance issues this year. There were some classes that had 36 students and other classes that had only 10 students. The issue took a long time to resolve; classes were not fully balanced until two months into the school year.”)</li> <li>Ex. 89 at ¶ 13 (Christie Lee Blakley) (“Sometimes classes are also shifted because of class size imbalances – one classroom will be overcrowded with students and another class will have very few students.”)</li> <li>Ex. 62 at ¶ 22 (Johanna Paraiso) (“The classes were completely unbalanced. There were classes that had 45 students in them on the first day of school, and these classes did not get rebalanced for weeks. There were teachers who did not have enough desks in their classrooms for all of the students.”)</li> <li>Ex. 48 at ¶ 11 (Johanna Paraiso) (In the Newcomer academy, “[t]he classes are over-enrolled and too large, and the students are not getting the supports they need beyond the most basic classes.”)</li> <li>Ex. 47 at ¶ 20 (Lisa Shafer) (“For example, this fall many teachers had a prep period or a conference period during the same period, and the classes during that period were significantly oversubscribed. Sometimes classes had over 45 students in them, and the administration had to transfer some students out to balance their class sizes.”)</li> <li>Ex. 88 at ¶ 4 (Lisa Shafer) (“For 10 weeks he had 83 kids in one PE class which he had to manage himself. . . . Some of his other classes had as many as 70 kids in each.”)</li> <li>Ex. 88 at ¶ 11 (Lisa Shafer) (“AP Spanish had 80 students on the roster at the beginning of the year; it was weeks before the numbers went down.”)</li> </ul>

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There are very large class sizes in the first few weeks of school, disrupting instruction. In many classrooms, there are more students than seats. (cont.)	FREMONT LAUSD STAFF	<ul style="list-style-type: none"> <li>Ex. 55 at ¶ 24 (Jordan Gonzalez) (At the beginning of the 2012-2013 school year, "I had class sizes of over 60 students per class.")</li> <li>Ex. 71 at ¶ 34 (Kelly Maloney) ("In order to absorb the new students who are coming to school and roughly equalize class sizes, class rosters change constantly throughout the first few weeks of school.")</li> <li>Ex. 90 at ¶ 16 (Herbert Niebergall) (In 2012-2013, "I began the school year teaching an Algebra 2 class with 60 students on my roster. . . .")</li> </ul>
Teachers do not teach content in the first week of the school year.	CASTLEMONT STAFF	<ul style="list-style-type: none"> <li>Ex. 87 at ¶ 18 (Jacob Berry) ("I do not teach content in the first week of the school year.")</li> <li>Ex. 96 at ¶ 18 (Kateri Dodds Simpson) ("Even though I collect work and give feedback, I don't give any student a grade on anything for the first two weeks of school. . . . Now I wait until around the third week of school to create any of these organizational structures because the changes in schedules are so extreme that there is really no point.")</li> <li>Ex. 111 at ¶ 13 (Marguerite Sheffer) ("I characterize the first week of school as a lost week. I never plan foundational curriculum for the first week of school because it is so transitional and unstable.")</li> </ul>
	FREMONT OUSD STAFF	<ul style="list-style-type: none"> <li>Ex. 89 at ¶ 13 (Christie Lee Blakley) ("Usually for the first week of the school year, I try to do things that will not be entirely critical for the rest of the year because I expect to have schedule changes because students are misplaced or because of problems with class size balancing.")</li> <li>Ex. 62 at ¶ 23 (Johanna Paraiso) ("I received my son's course schedule [from Berkeley High School] weeks before the beginning of the school year, and Berkeley High School's policy is that no schedule changes are permitted once school has already started because everything has already been arranged in advance. By contrast, at Fremont, the administration candidly tells teachers at the beginning of the year that student schedules will be changing for the next month, and so we shouldn't get too attached to any of our students because they will probably be gone in a few weeks.")</li> </ul>
	COMPTON STUDENTS 2014-2015	<ul style="list-style-type: none"> <li>Ex. 53 at ¶ 6 (Maria Sanchez) ("It feels like most of my classes don't even really begin until about a month into the school year. . . . And then once the class roster is settled and we really start the semester, we're a month behind and we need to rush to finish the material. My teachers usually have to skip chapters because they lose so much time at the beginning of every semester.")</li> <li>Ex. 53 at ¶ 7 (Maria Sanchez) ("A lot of my classes don't even hand out textbooks until the class gets settled, usually 3-4 weeks into the semester.")</li> </ul>
	FREMONT LAUSD STAFF	<ul style="list-style-type: none"> <li>Ex. 71 at ¶ 34 (Kelly Maloney) ("I know some teachers who deal with this instability by not even attempting to teach until Norm Day, which is in the middle of September.")</li> </ul>
	DORSEY STUDENTS 2014-2015	<ul style="list-style-type: none"> <li>Ex. 92 at ¶ 6 (Ryan Bell) ("I was enrolled in Pre-Calculus, but that class only had five students so the teacher didn't bother teaching us. The teacher knew that we would transfer to a bigger class at some point, so he didn't create a plan for the semester and didn't teach us any lessons. . . . Five weeks after the start of the semester, I was finally able to transfer into a full Pre-Calculus class.")</li> </ul>
STATEMENT	DECLARANTS	EVIDENCE
Changes to the schedule at the beginning of the school year disrupt instruction and the formation of strong classroom culture.	CASTLEMONT STAFF	<ul style="list-style-type: none"> <li>Ex. 87 at ¶ 18 (Jacob Berry) (Late changes make "developing [a] classroom culture" difficult.)</li> <li>Ex. 96 at ¶ 19 (Kateri Dodds Simpson) ("Late changes to the master course schedule often means that teachers are unable to build routines and establish class culture, which can affect the class for the rest of the year. For example, last year I got a class of sophomores after the first marking period (seven weeks into the school year) because the sophomore class had more students than anticipated. I was not able to form relationships in the first few weeks of the school year, and the class was completely dysfunctional. I was never able to get meaningful attendance. Of the 20 or so students on the roster, usually only two kids would be there when the bell rang at the start of the class, and only about 7 students attended regularly.")</li> <li>Ex. 91 at ¶ 13 (Clarissa Chan) ("My schedules and the schedules of my students changed repeatedly at the beginning of this year. My students had their schedules changed three times. . . . I was originally scheduled for two freshman workshop periods, but those classes were consolidated into one period about three weeks into the school year. When those classes were consolidated. . . all of my freshmen students were put in the same general education classes. It would be incredibly disruptive to have twelve or more students with Individualized Education Programs ('IEPs') in a single general education class. As a result, my students' schedules were changed again so they were not all in the same general education classes. All of these changes were incredibly disruptive to my students. Consistency is very important, especially for the population of students I teach, and my students were very disturbed by all of the changes.")</li> </ul>
	FREMONT OUSD STAFF	<ul style="list-style-type: none"> <li>Ex. 62 at ¶ 22 (Johanna Paraiso) ("All of these changes disrupt the process of establishing procedures and routines in the classroom at the beginning of the year and prevent us from meaningfully teaching content for weeks.")</li> <li>Ex. 47 at ¶ 20 (Lisa Shafer) ("Switching to a new teacher several weeks into the school year is very damaging academically. The student typically has to start at the beginning because he or she has missed out on several weeks of lessons.")</li> </ul>

STATEMENT	DECLARANTS	EVIDENCE
Changes to the schedule at the beginning of the school year disrupt instruction and the formation of strong classroom culture. (cont.)	<b>FREMONT LAUSD</b>	<b>STUDENTS 2013-2014</b> <ul style="list-style-type: none"> <li>Ex. 98 at ¶ 10 (Precious Willis) (“I feel this is really bad for students because they miss out on so much learning when they have to switch classes. Then, when they finally get placed in the proper classrooms, they’re starting the class far behind because of all the material they have missed.”)</li> </ul>
		<b>STAFF</b> <ul style="list-style-type: none"> <li>Ex. 55 at ¶ 23 (Jordan Gonzalez) (“I had to start my lesson plan from scratch because the teachers I replaced had a different approach to covering the material than I did. In addition to essentially losing the first three weeks, at least, of the school year, the students were—understandably, upset and angry about the scheduling changes, which caused disruptions and behavior problems the rest of the semester. The students had already gotten used to and begun to develop relationships with their prior teachers, and they felt badly those teachers had been taken from them. Students expressed their frustration by misbehaving in class or refusing to pay attention to my lessons. I would not have had to deal with these behavior problems if those students had been assigned to me on the first day of school because I would have laid a foundation of rules at the outset and the students’ relationship with their teacher would not have been disrupted.”)</li> <li>Ex. 55 at ¶ 25 (Jordan Gonzalez) (“It was tremendously difficult to provide meaningful instruction to my students during the two months in which the students enrolled in my classes were regularly changing. . . . At some point, I was getting new students with such frequency that it was impossible to keep starting over . . . . I was not able to cover the material that I otherwise would have if we did not have the scheduling problems at the beginning of the year.”)</li> <li>Ex. 90 at ¶ 15 (Herbert Niebergall) (“Integrating new students in the middle of the year takes away from class time because I need to help the students catch up on the material they have missed and make sure they understand what I am teaching. In addition, the instability caused by changing classes or schools during the school year tends to mean that new students bring with them discipline problems that must be addressed.”)</li> </ul>
	<b>DORSEY</b>	<b>STUDENTS 2014-2015</b> <ul style="list-style-type: none"> <li>Ex. 38 at ¶ 5 (Juan Fernando Nuñez) (“For the first three weeks of school I went to the classes I was assigned to, even though I knew I wasn’t going to stay in them. As a result, I am very behind in all the new classes I switched into about one month into the school year. . . . In my English class, we were reading <i>The Song of Solomon</i> by Toni Morrison, and when I entered the class, they were already several chapters into the book. . . . By the time I got into [math], I had missed four packets.”)</li> <li>Ex. 38 at ¶ 7 (Juan Fernando Nuñez) (“Not being placed into the right class causes a lot of problems. To transfer into one class that you need all of your other classes often have to be changed to make the schedule work. Even if you’re in a class you’re supposed to take, you often get bumped into a different room at a different time with another teacher, so you still will be behind. This is a big waste of time. If the school figured out which classes kids need before the semester started, classes would be a lot more organized.”)</li> <li>Ex. 85 at ¶ 4 (Lisset Mancilla) (“It has been really hard for me to catch up in English and Algebra 2. . . . I am especially frustrated that I was put into Algebra 2 so late because I love math and I am really good at it. . . . I usually get A’s and B’s in math but I’m getting an F right now because the school didn’t let me in the class until 6 weeks into the semester. . . .”)</li> </ul>

### LIST OF DECLARANTS

CASTLEMONT	FREMONT OUSD	COMPTON	FREMONT LAUSD	DORSEY
<b>STUDENTS 2014-2015</b> <ul style="list-style-type: none"> <li>Johnae Twinn, Ex. 40</li> <li>Ronye Cooper, Ex. 50</li> <li>BreAnna Gonzalez, Ex. 118</li> <li>Daja McCulloch, Ex. 119</li> <li>Alban Lopez, Ex. 121</li> <li>Jayla Davis, Ex. 122</li> <li>Precious Braziel, Ex. 49</li> <li>Kourtenee King, Ex. 72</li> </ul> <b>STUDENTS 2013-2014</b> <ul style="list-style-type: none"> <li>Miriam Gonzalez, Ex. 51</li> <li>Warner Rosales, Ex. 67</li> <li>Lee Simmons, Ex. 67</li> <li>Jazmin Stenson, Ex. 95</li> </ul> <b>STAFF</b> <ul style="list-style-type: none"> <li>Claire Shorall, Ex. 35</li> <li>Leslie Hsu, Ex. 69</li> <li>Jacob Berry, Ex. 87</li> <li>Aryn Bowman, Ex. 46</li> <li>Timothy Bremner, Ex. 70</li> <li>Clarissa Chan, Ex. 91</li> <li>Kateri Dodds Simpson, Ex. 96</li> <li>Sagnicthe Salazar, Ex. 113</li> <li>Marguerite Sheffer, Ex. 111</li> <li>Mitchell Singsheim, Ex. 112</li> </ul>	<b>STUDENTS 2014-2015</b> <ul style="list-style-type: none"> <li>Angelica Rodriguez, Ex. 56</li> <li>Carmen Jimenez, Ex. 41</li> <li>Loata Fine, Ex. 78</li> <li>Michael Adams, Ex. 80</li> <li>Nohemi Lucas, Ex. 81</li> <li>Quenajonay Frazier, Ex. 57</li> <li>Stephanie Revoreda, Ex. 82</li> <li>Stephanie Valencia Chavez, Ex. 42</li> </ul> <b>STUDENTS 2013-2014</b> <ul style="list-style-type: none"> <li>Eric Flood, Ex. 43</li> <li>Edith Quintero, Ex. 44</li> <li>Daisy Romo, Ex. 93</li> </ul> <b>STAFF</b> <ul style="list-style-type: none"> <li>Ji Lee, Ex. 45</li> <li>Christie Blakley, Ex. 89</li> <li>Johanna Paraiso, Ex. 62</li> <li>Lisa Shafer, Ex. 47</li> </ul>	<b>STUDENTS 2014-2015</b> <ul style="list-style-type: none"> <li>Isaiah Moses, Ex. 59</li> <li>Alejandro Torres, Ex. 52</li> <li>Angel Preciado, Ex. 63</li> <li>Maria Sanchez, Ex. 53</li> </ul> <b>STUDENTS 2013-2014</b> <ul style="list-style-type: none"> <li>Lucia Barajas, Ex. 77</li> </ul> <b>STAFF</b> <ul style="list-style-type: none"> <li>Joseph William Gaerrtner, Ex. 33</li> </ul>	<b>STUDENTS 2014-2015</b> <ul style="list-style-type: none"> <li>Cameron Williams, Ex. 36</li> <li>Daniel Madrigal, Ex. 60</li> <li>Erika Gonzalez, Ex. 68</li> </ul> <b>STUDENTS 2013-2014</b> <ul style="list-style-type: none"> <li>Jessy Cruz, Ex. 37</li> <li>Ashley Penalzoza, Ex. 83</li> <li>Roxana Mucino, Ex. 61</li> <li>Precious Willis, Ex. 98</li> </ul> <b>STAFF</b> <ul style="list-style-type: none"> <li>Jordan Gonzalez, Ex. 55</li> <li>Marquis Jones, Ex. 54</li> <li>Kelly Maloney, Ex. 71</li> <li>Herbert Niebergall, Ex. 90</li> <li>Robert Vidana, Ex. 64</li> </ul>	<b>STUDENTS 2014-2015</b> <ul style="list-style-type: none"> <li>Fernando Nuñez, Ex. 38</li> <li>Jesse Romero, Ex. 79</li> <li>Christian Moton, Ex. 84</li> <li>Jordan Parx, Ex. 65</li> <li>Lisset Mancilla, Ex. 85</li> <li>Monique Malone, Ex. 86</li> <li>Qadir Johnson, Ex. 97</li> <li>Ryan Bell, Ex. 92</li> <li>Valerie Santana, Ex. 66</li> </ul>



## APPENDIX 4

### SUMMARY OF COMPTON, LAUSD, OUSD, AND STATE POLICIES AND PRACTICES

SERVICE PERIODS		
POLICY / PRACTICE	ENTITY	SUMMARY
Students are assigned to Service Periods.	<b>COMPTON</b> Glass	<ul style="list-style-type: none"> <li>Nominally, it's "[s]imilar to a TA, a teacher's assistant." Ex. 3 at 95:14-19.</li> <li>Service courses are not described in the orientation materials sent to students because "[i]t's not a course in the same sense that we offer to a student to matriculate." <i>Id.</i> at 96:5-16. Not aware of any written communication or materials about service periods. <i>Id.</i> at 100:20-101:2.</li> <li>"[T]here are not" students assigned to non-teachers. <i>Id.</i> at 146:20-147:3. Glass does not know whether students are assigned to service periods with counselors <i>Id.</i> at 146:16-19.</li> </ul>
	<b>LAUSD</b>	<ul style="list-style-type: none"> <li>"Service Classes are not intended to fill vacancies in students' schedules. Specific students may be placed in Service Classes when it benefits the students because of their academic and/or social/emotional needs." Ex. 39 at LAUSD01713.</li> <li>Supervised by certificated teacher, counselor, administrated, or librarian. <i>Id.</i> at LAUSD01714.</li> </ul>
	<b>OUSD</b> Taylor	<ul style="list-style-type: none"> <li>Students are assigned to IWEs with a particular teacher, Ex. 2 at 77:12-16, including the principal, <i>id.</i> at 81:21-25, and can perform duties in other offices on campus, <i>id.</i> at 82:1-6.</li> </ul>
	<b>STATE</b> Zeiger	<ul style="list-style-type: none"> <li>Zeiger has not inquired to determine the meaning of service classes. Ex. 1 at 71:3-5, 83:21-84:14.</li> <li>Zeiger does not know if there are students in classes without content. "There's no reason I would . . . It's not the responsibility of ours to track that." <i>Id.</i> at 79:25-80:14.</li> </ul>
POLICY / PRACTICE	ENTITY	SUMMARY
There are no substantive requirements on teachers or students for a Service Period.	<b>COMPTON</b> Glass	<ul style="list-style-type: none"> <li>Glass does not give his students homework or written assignments as part of service periods. Ex. 3 at 121:9-13.</li> <li>Teachers are not required to log student activities. <i>Id.</i> at 124:18-125:6.</li> </ul>
	<b>LAUSD</b>	<p>"[M]ajor emphasis is "to provide students with opportunities to develop the knowledge, skills, and attitudes that will prepare them for the world of work and to achieve personal fulfillment through productive service," Ex. 39 at LAUSD01714; "provide students an opportunity to develop a working knowledge of the use of books and other library materials as well as research techniques. The course emphasizes leadership and citizenship responsibilities and encourages personal enrichment through acquisition of knowledge," <i>id.</i> at LAUSD01714-01715; "provide instruction in basic communication theory, both visual and verbal. This includes instruction and activities in the use of photography and graphics, in the operation of multi-media/computer equipment, and in the use of various duplicating processes and machines," <i>id.</i> at LAUSD01715; "provide students with an opportunity to apply skills learned in computer programming, business organization, word processing, and data processing to business situations in school offices," <i>id.</i> at LAUSD01716, etc.</p>
	<b>OUSD</b> Taylor	<ul style="list-style-type: none"> <li>The only requirement of teacher contact with student is "to account for whether the student has attended your class or is participating and has interacted with you." Ex. 2 at 81:13-18.</li> <li>Some students receive a letter grade depending on the school, site, and teacher. <i>Id.</i> at 109:18-22.</li> <li>The teacher of record "would" provide feedback, <i>id.</i> at 109:23-110:3, but there is no formal mechanism or requirement for doing so.</li> </ul>
	<b>STATE</b>	<ul style="list-style-type: none"> <li>Chang (LAUSD) has had no communication with anyone from CDE, SPI, State about service courses. Ex. 4 at 37:11-40:4. Has never seen any publication, regulation, rule, or guideline from the State referring to service courses, <i>id.</i> at 40:5-19.</li> <li>Taylor (OUSD) knows of no State requirements about IWEs, Ex. 2 at 145:3-6.</li> <li>No communication between Compton HS and state regarding service periods, Ex. 3 at 97:4-9, 97:20-25, or between district and state, <i>id.</i> at 97:10-12. Never received anything from CDE, SPI, or SBE regarding service periods, <i>id.</i> at 98:8-99:7.</li> </ul>

POLICY / PRACTICE	ENTITY	SUMMARY
<p>Activities a student can be asked to perform during a Service Period are not defined or limited to activities deemed to be pedagogically or academically valuable.</p>	<p><b>CUSD</b> Glass</p>	<p>There is no written document on service periods that defines what students can or cannot do. Ex. 3 at 112:6-9. See also Ex. 76 (Glass Dep. Ex. 7, Student Worker Application for "School Service").</p> <p><i>Tasks Glass assigns for his students:</i></p> <ul style="list-style-type: none"> <li>• Summoning other students, Ex. 3 at 122:15-17.</li> <li>• Act as "ambassadors," viz. tour guides for guests, <i>id.</i> at 127:4-10.</li> <li>• Taking things to teachers, like a notice, <i>id.</i> at 130:8-14.</li> <li>• When his students aren't doing "something specific, they read," <i>id.</i> at 149:4-5; his three students read "about 95 percent of the time" in service class, <i>id.</i> at 149:9-12.</li> <li>• He has never set out to determine what happens in service periods, <i>id.</i> at 111:7-10.</li> <li>• He has never directed anyone to look into what happens in service periods, <i>id.</i> at 111:11-14, 112:10-13.</li> </ul> <p><i>Glass does not know whether students in service courses with other supervisors:</i></p> <ul style="list-style-type: none"> <li>• Make copies, <i>id.</i> at 125:8-13.</li> <li>• Take attendance, <i>id.</i> at 125:14-24.</li> <li>• Take out garbage, <i>id.</i> at 125:25-126:7. "I wouldn't want my child to take out trash, so no. I mean, sorry to be hesitant with that, but that threw me off", <i>id.</i> at 126:11-13.</li> <li>• Erase white/blackboards, <i>id.</i> at 126:16-22.</li> <li>• Clean, <i>id.</i> at 129:2-15.</li> <li>• Shelve books, <i>id.</i> at 129:16-130:1.</li> </ul>
	<p><b>LAUSD</b></p>	<p>2012 Reference Guide, "Student Enrollment in Service Courses." REF- 5886.0, "provide[s] directions to secondary schools . . ." Ex. 39 at LAUSD01713.</p> <p>Representative course descriptions:</p> <p><b>School Service Course Description</b> "Representative Objectives In accordance with his or her present capacities, the student grows in ability to:</p> <ul style="list-style-type: none"> <li>• Relate in a positive manner to certificated and classified staff members, students, and the public.</li> <li>• Practice and develop skills in recordkeeping, organizing material, communicating with peers and adults.</li> <li>• Design and arrange bulletin boards and display case exhibits.</li> <li>• Practice and develop skills in merchandising, bookkeeping, managing inventory, and selling.</li> <li>• Appreciate the importance of service to personal fulfillment, independence, maturity, and a positive self-image.</li> </ul> <p>Application of Basic Skills The student will use:</p> <ul style="list-style-type: none"> <li>• Mathematical skills in a variety of practical applications.</li> <li>• Listening skills to comprehend and use information.</li> <li>• Reading skills effectively in a variety of disciplines and printed materials.</li> <li>• Oral and written communication skills in a variety of work situations.</li> <li>• Oral and written communication skills to provide school information to new students and adults visiting the school."</li> </ul> <p>Ex. 39 at LAUSD01720.</p> <p><b>Office Technician Course Description</b> "Representative Objectives In accordance with his or her ability and capacities, the student will demonstrate the ability to:</p> <ul style="list-style-type: none"> <li>• Produce business correspondence and complete forms.</li> <li>• Sort, file and retrieve correspondence and other materials.</li> <li>• Design appropriate flyers and announcements.</li> <li>• Operate duplicating machines, fax machines, scanning machines, poster makers and laminating machines.</li> <li>• Meet employment-level competency in written and oral communications and in computational skills.</li> </ul> <p>Application of Basic Skills The student will use:</p> <ul style="list-style-type: none"> <li>• Reading skills in following written instructions and in proofreading accurately.</li> <li>• English usage skills in written and oral communication.</li> <li>• Computational skills in general office recordkeeping.</li> <li>• Listening and speaking skills in telephone communications.</li> <li>• Composition skills in writing business correspondence."</li> </ul> <p>Ex. 39 at LAUSD01723.</p>

POLICY / PRACTICE	ENTITY	SUMMARY
<p>Activities a student can be asked to perform during a Service Period are not defined or limited to activities deemed to be pedagogically or academically valuable. (cont.)</p>	<p><b>OUSD</b> Taylor</p>	<ul style="list-style-type: none"> <li>• No district policy on what an IWE will entail. Ex. 2 at 78:9-79:2. “There is no restriction on having students empty a wastebasket which would be within the classroom, as that would be what a teacher would do. That’s part of being an educator, is that you have to prepare your classroom environment for instruction.” <i>Id.</i> at 79:3-10.</li> <li>• No specific written policies about what it is or is not permissible for a teacher to ask a student to do in an IWE. <i>Id.</i> at 80:5-13.</li> <li>• Policy is that there must be work experience, not “chilling.” <i>Id.</i> at 84:1-14.</li> <li>• “The expectation of the high school office would be that they are not assigned to be an IWE to do their homework,” <i>id.</i> at 86:6-9, but no district requirements that an IWE will involve assigned homework, <i>id.</i> at 109:12-14, or written assignments, <i>id.</i> at 109:15-17.</li> <li>• Goals of IWE not written anywhere. <i>Id.</i> at 110:23-111:13. For him the goal is “for the student to be exposed to a professional educator [ ], and, hopefully, in my mind and in the high school office’s mind, is that encourages those students to become professional educators.” <i>Id.</i> at 110:13-20.</li> </ul>
	<p><b>STATE</b></p>	<ul style="list-style-type: none"> <li>• Chang (LAUSD) has had no communication with anyone from CDE, SPI, State about service courses. Ex. 4 at 37:11-40:4. Has never seen any publication, regulation, rule, or guideline from the State referring to service courses, <i>id.</i> at 40:5-19.</li> <li>• Taylor (OUSD) knows of no State requirements about IWEs, Ex. 2 at 145:3-6.</li> <li>• No communication between Compton HS and state about service periods, Ex. 3 at 97:4-9, 97:20-25, or between district and state, <i>id.</i> at 97:10-12. Never received anything from CDE, SPI, or SBE about services. <i>Id.</i> at 98:8-99:7.</li> </ul>
POLICY / PRACTICE	ENTITY	SUMMARY
<p>Requirements to be placed in Service Period</p>	<p><b>COMPTON</b> Glass</p>	<ul style="list-style-type: none"> <li>• Glass does not know if any of his students are proficient in reading, proficient in math, or English Learners, Ex. 3 at 119:24-120:17.</li> <li>• Written policy is that a student must have a 2.0 GPA. Ex. 3 at 107:5-108:2.</li> <li>• Written document also appears to require a minimum number of units, good attendance, and good behavior. Ex. 76 (Glass Dep. Ex. 7, Student Worker Application for “School Service”).</li> </ul>
	<p><b>LAUSD</b></p>	<ul style="list-style-type: none"> <li>• “School service is a course reserved for seniors in high school who are on-track to graduate . . . . Any student in grades 9-11 should not be enrolled in a service class.” Ex. 123 at LAUSD01572.</li> <li>• Students in 8th or 12th grade may take one semester of service if they have no “Ds,” “Fails,” or “Us” on the previous semester marks; student is on schedule to graduate with his/her class, “[s]tudent is not in need of academic intervention,” student is “Proficient” on California Standards Test or Common Core Standards in ELA or Math, 96% attendance, good standing with Code of Conduct, passed both sections of CAHSEE. Ex. 39 at LAUSD01713-01714.</li> </ul>
	<p><b>OUSD</b> Taylor</p>	<ul style="list-style-type: none"> <li>• No requirement that student be on track to graduate to be assigned to an IWE. Ex. 2 at 86:21-87:2.</li> <li>• Expectation but not requirement that student is on track to graduate and has at least 2.0 GPA, <i>id.</i> at 87:17-25, and that IWE student has completed A-G requirements. <i>Id.</i> at 88:1-5.</li> <li>• No expectation/policy that an IWE not be assigned to students who have not passed English and math CAHSEE, <i>id.</i> at 89:10-14, students reading below grade level, <i>id.</i> at 89:15-20, or students with math ability below basic, <i>id.</i> at 89:21-24.</li> </ul>
	<p><b>STATE</b></p>	<ul style="list-style-type: none"> <li>• Chang (LAUSD) has had no communication with anyone from CDE, SPI, State about service courses. Ex. 4 at 37:11-40:4. Has never seen any publication, regulation, rule, or guideline from the State referring to service courses, <i>id.</i> at 40:5-19.</li> <li>• Taylor (OUSD) knows of no State requirements about IWEs, Ex. 2 at 145:3-6.</li> <li>• No communication between Compton HS and state regarding service periods, Ex. 3 at 97:4-9, 97:20-25, or between district and state, <i>id.</i> at 97:10-12. Never received anything from CDE, SPI, or SBE regarding service periods, <i>id.</i> at 98:8-99:7.</li> </ul>

POLICY / PRACTICE	ENTITY	SUMMARY
Limits on number of Service Periods	<b>COMPTON</b> Glass	A student should only be able to take services once, Ex. 3 at 101:16-19.
	<b>LAUSD</b>	One semester or five credit limit. Ex. 39 at LAUSD01720.
	<b>OUSD</b> Taylor	<ul style="list-style-type: none"> <li>No prohibition on assigning students to more than one IWE per semester, Ex. 2 at 90:13-15, or more than two, <i>id.</i> at 91:5-7, or more than 3 per semester (though 3 are unlikely), <i>id.</i> at 91:8-16. Limit of four semesters of IWE. <i>Id.</i> at 90:5-7.</li> <li>No prohibition on having both “no class” and IWE. <i>Id.</i> at 91:17-92:7.</li> </ul>
	<b>STATE</b> Zeiger	Does not know whether there are children in California today who have more than one class without content. “I don’t personally know of any student. There’s no reason why I would.” Ex. 1 at 79:25-80:9. “It’s not the responsibility of ours to track that.” <i>Id.</i> at 80:12-14.

### HOME PERIODS

POLICY / PRACTICE	ENTITY	SUMMARY
Students are assigned to Home Periods.	<b>COMPTON</b> Glass	<ul style="list-style-type: none"> <li>They refer to it as “early out”, Ex. 3 at 164:21-24</li> <li>The “hair on the back of [his] head kind of goes up” when he hears about free periods, <i>id.</i> at 153:16-17. “Students should, in our opinion, be in classes that are -- I used this term before --substantive, but more importantly, they’re going to lead them into a particular college or career readiness. There are always exceptions, but as a standard, we shouldn’t have free periods.” <i>Id.</i> at 154:1-6.</li> </ul>
	<b>LAUSD</b>	<ul style="list-style-type: none"> <li>Policy (for classes of 2017 and 2018): a senior in his or her last semester/quarter before graduation who will complete all graduation requirements and is enrolled in a “work experience education program,” which is not “student employment alone,” may have a shortened school day (min of 180 minutes) upon request of parent/guardian. Ex. 123 at LAUSD01572.</li> <li>A junior or senior enrolled part time in college classes for credit may attend high school for a min. of 180 minutes. <i>Id.</i> at LAUSD01572.</li> </ul>
	<b>OUSD</b> Taylor	There are “absolutely” cases where “a junior or senior student may have exceeded the number of courses necessary to fulfill our graduation requirement.” Ex. 2 at 50:8-11. The school would “highly encourage” those students to take additional courses, “but at that point it is student and family choice.” <i>Id.</i> at 50:14-19. “I can’t say we would always” find room for them in a class they have not already taken, but would find a way to service them. <i>Id.</i> at 50:20-51:3.
	<b>STATE</b> Zeiger	<ul style="list-style-type: none"> <li>Zeiger has not inquired about the meaning of home period, Ex. 1 at 72:14-20, and was never curious to find out, <i>id.</i> at 83:21-84:14. “[Y]ou’ve got two terms that don’t fit in my mind, ‘classes’ and ‘home.’ So it makes it sound like you are assigned as a class, home. That is not familiar to me.” <i>Id.</i> at 74:1-4.</li> <li>Does not know if anyone in DOE knows whether there are “classes without content,” <i>id.</i> at 81:1-82:15, and has never made any inquiry to find out, 82:16-17, or been so directed, 82:18-19.</li> </ul>

POLICY / PRACTICE	ENTITY	SUMMARY
Home Periods have no required content and need not have any content at all.	<b>COMPTON</b> Glass	Free periods are “periods where [students] don’t have class.” Ex. 3 at 158:16-17.
	<b>LAUSD</b>	<ul style="list-style-type: none"> <li>At Fremont HS (LAUSD), out of the 276 students in Home Periods, 32 have a job, 21 are enrolled in a class, and 195 are using the time for “other activities.” Ex. 124 at LAUSD 00025.</li> <li>At Jefferson HS, “The students assigned to home are not necessarily supervised or provided with written educational objectives.” Ex. 34 at LAUSD02576.</li> </ul>
	<b>OUSD</b> Taylor	<ul style="list-style-type: none"> <li>“It’s No Class, because there is no class for them that period. Students may call it a free period.” Ex. 2 at 38:16-22.</li> <li>There is no “particular instruction, content instruction, going on when a student does not have a class.” <i>Id.</i> at 96:23-25.</li> <li>Students could be taking a class at a community college, going home to watch their brother and sister (for “parental experience”). <i>Id.</i> at 140:8-18. “Technically” they could be “walking [the streets], taking the bus, or driving somewhere.” <i>Id.</i> at 140:19-25. The district does not know what they do with their time. <i>Id.</i> at 141:23-142:7. If the students are doing something does not require the consent or approval of school, the school does not know what they are doing. <i>Id.</i> at 142:18-143:5.</li> </ul>

POLICY / PRACTICE	ENTITY	SUMMARY
Home Periods have no required content and need not have any content at all. (cont.)	STATE	<ul style="list-style-type: none"> <li>• Chang (LAUSD) has not seen any policies, regulations, guidelines, or directives about home periods from State. Ex. 4 at 44:18-45:7.</li> <li>• No State requirements about zero instruction periods. Ex. 2 at 145:7-10.</li> <li>• Glass (Compton) is unaware of any CDE, SPI, SBE policy on home periods. Ex. 3 at 152:5-21. To Glass's knowledge, the State has never contacted the district about free periods. Id. at 97:10-12.</li> </ul>

POLICY / PRACTICE	ENTITY	SUMMARY
Requirements to be placed in Home Period	COMPTON Glass	Compton USD doesn't have a policy on it. Ex. 3 at 152:5-9.
	LAUSD	<ul style="list-style-type: none"> <li>• Policy (for classes of 2017 and 2018): a senior in his or her last semester/quarter before graduation who will complete all graduation requirements and is enrolled in a "work experience education program," which is not "student employment alone," may have a shortened school day (min of 180 minutes) upon request of parent/guardian. Ex. 123 at LAUSD01572.</li> <li>• A junior or senior enrolled part time in college classes for credit may attend high school for a min. of 180 minutes. Id. at LAUSD01572.</li> <li>• In the past 2.5 years, neither Chang nor his staff has had communication with anyone from SPI, CDE, SBE regarding Home Periods. Ex. 4 at 41:11-42:13.</li> </ul>
	OUSD Taylor	<ul style="list-style-type: none"> <li>• No prohibition on assigning a student who scored basic or below basic on the scholastic reading inventory (SRI literacy test). Ex. 2 at 67:12-16. No policy preventing a student scoring well below basic on math from being assigned to No Class. Id. at 68:15-18.</li> <li>• No policy preventing a student with a GPA below 2.5 from being assigned No Class. Id. at 69:4-7.</li> </ul>
	STATE	<ul style="list-style-type: none"> <li>• Chang (LAUSD) has not seen any policies, regulations, guidelines, or directives about home periods from State. Ex. 4 at 44:18-22, 45:7-11.</li> <li>• No State requirements about zero instruction periods. Ex. 2 at 145:7-10.</li> <li>• Glass (Compton) is unaware of any CDE, SPI, SBE policy on home periods. Ex. 3 at 152:5-21. To Glass's knowledge, the State has never contacted the district about free periods. Id. at 97:10-12.</li> </ul>

POLICY / PRACTICE	ENTITY	SUMMARY
Numerical limits on Home Periods	LAUSD	Policy (for classes of 2017 and 2018): For last semester seniors only; min. of 180 minutes of class. Ex. 123 at LAUSD01572.
	OUSD Taylor	There is no district policy prohibiting a student having more than two, Ex. 2 at 100:14-18, three, id. at 100:19-22, or four zero instruction periods/blocks per semester, id. at 100:23-101:2. Has never seen more than two, id. at 101:3-7, but there are students that have more than one, id. at 101:8-15, though he does not know how many, id. at 101:21-24. Has directed his staff to ask for that number this past week (Jan. 5, 2015). Id. at 102:22-103:5. Had not previously asked for that information. Id. at 103:17-23.
	STATE Zeiger	Does not know whether there are children in California today who have more than one class without content. "I don't personally know of any student. There's no reason why I would." Ex. 1 at 79:25-80:9. "It's not the responsibility of ours to track that." Id. at 80:12-14.

POLICY / PRACTICE	ENTITY	SUMMARY
Changes made as a result of or after the filing of the lawsuit	COMPTON Glass	<ul style="list-style-type: none"> <li>• There are fewer students with free periods this year than last, Ex. 3 at 142: 21-24. Reducing free periods was what was "best for kids." Id. at 168:21-169:1. No one from CDE, SPI, or SBE told him to change the practice. Id. at 168:1-15.</li> <li>• This year they reduced the number of students in service periods because they "just had too many" before, id. at 139:6-22. "You just don't need three TAs for PE. There's no need for that. And certain classes require, quote, unquote, require a lot more TAs. We just didn't do it. We just made a decision to reduce the number of students that would have this," id. at 141:2-6. "[W]e'd say we want more students in classes, in substantive classes. That's it." Id. at 142:4-6.</li> </ul>
	LAUSD	Pursuant to the court order, Jefferson extended the school day by 30 minutes per day, added three additional teachers, and reviewed every student's transcript, among other changes. Ex. 125 at LAUSD00019-20. Chang does not recall or know of any State representative asking him or his team about any schools in LAUSD besides Jefferson. Ex. 4 at 86:14-24, 87:5-23.
	OUSD Taylor	Fremont reduced numbers of Home Periods from 176 down to 85, Ex. 2 at 136:20-137:5; Taylor says that nothing was communicated to the schools to cause that reduction. Id. at 137:10-16.

POLICY / PRACTICE	ENTITY	SUMMARY
Changes made as a result of or after the filing of the lawsuit ( <i>cont.</i> )	STATE Zeiger	The state has not directed that anything needs to be done at Dorsey, Ex. 1 at 165:12-16, Fremont (LAUSD), <i>id.</i> at 165:17-18, any LA high school, <i>id.</i> at 165:19-21, or any high school in California, <i>id.</i> at 165:22-23.

### MASTER SCHEDULES

POLICY / PRACTICE	ENTITY	SUMMARY
Districts have policies of having master schedules in place, but the State provides no requirements or oversight and is not informed about whether Districts in fact do so.	COMPTON Glass	<ul style="list-style-type: none"> <li>The purpose of a master schedule is to serve student needs so that students can “A, graduate from high school and, B, go on to the college or career of their choosing.” Ex. 3 at 59:3-7.</li> <li>It would be “awesome” if CALPADS tracked transcripts—it would make scheduling much easier for transfer students, <i>id.</i> at 204:23-205:8.</li> <li>It’s a “bad thing when kids don’t have classes”, <i>id.</i> at 27:8-10. Because “they come to school to learn, so they need to have classes”, <i>id.</i> at 27:14-16.</li> <li>There are four counselors at Compton HS, <i>id.</i> at 43:13-21.</li> </ul>
	LAUSD Chang	<ul style="list-style-type: none"> <li>Having master schedules in place the first day of school “should be a priority for any school.” Ex. 4 at 35:10-14. “Because the master schedule dictates when and where students are taking courses and when learning is taking place. It is absolutely the most important thing for a high school principal” “[b]ecause, as I stated, . . . it dictates when and where learning is taking place.” <i>id.</i> at 35:16-23.</li> <li>No discussions/communications with CDE, State Board, Superintendent of Public Instruction’s Office, or State, by Chang or anyone on his staff about master schedules in the focus schools. <i>id.</i> at 31:5-32:4. No inquiries from CDE, SPI, State Board, or State re master schedules with him or (to his knowledge) his staff. <i>id.</i> at 32:13-24.</li> </ul>
	OUSD Taylor	<ul style="list-style-type: none"> <li>Policy: Schedule must be completed by first Friday in June per OEA agreement, Ex. 2 at 30:19-31:4, and always adjusted in August. <i>id.</i> at 31:18-19. Typically the school year starts on the last Monday in August. <i>id.</i> at 31:20-22. Actual schedule put together by “counselors and administrator – the administrative team.” <i>id.</i> at 32:3-11. Schedule on average is pretty much fixed in the first few weeks of August. <i>id.</i> at 32:12-17. Students see counselors in order to change schedule, e.g. if they have taken a class before. <i>id.</i> at 33:16-34:14.</li> <li>The only requirements imposed by State as to how master schedules are prepared or completed are the number of days, 180, and the amount of minutes, 63,000, and which courses are eligible, what kind of teachers need credentials, etc. <i>id.</i> at 144:4-145:2.</li> </ul>
	STATE Zeiger	<ul style="list-style-type: none"> <li>Does not know the number of schools that started the year without a master schedule, Ex. 1 at 142:1-6, or whether anyone has so inquired, <i>id.</i> at 142:7-9, or if anyone in the CDE or State Board has so inquired for prior years, <i>id.</i> at 142:10-17. Never was directed, <i>id.</i> at 142:23-25, nor directed anyone, <i>id.</i> at 143:1-3, to so inquire.</li> <li>Does not know the numbers of students in schools where a master schedule was not fully prepared, <i>id.</i> at 143:6-9, or the number of students whose schedules were changed because of problems with the master schedule, <i>id.</i> at 143:10-13, or of any inquiry by CDE or Board to so inquire, <i>id.</i> at 143:14-22.</li> <li>Does not know how many students sat in auditoriums or lunch rooms due to scheduling problems, <i>id.</i> at 143:23-144:3, nor does he know of any investigation by CDE or Board, <i>id.</i> at 144:4-13.</li> <li>Nor does he know the number of students who were in schools where for successive years the master schedule was not fully prepared, <i>id.</i> at 144:14-18, or whether CDE or Board have investigated, <i>id.</i> at 144:19-23.</li> </ul>

## APPENDIX 5 STUDENT PROFILES

### CASTLEMONT

**Johnae Twinn**, a senior at Castlemont in Oakland, is currently assigned to no class during first or sixth period, has an IWE period for second period, and is enrolled in only three substantive courses: AP Calculus, American Government, and English 4. Ex. 40 ¶¶ 2, 3. Although Johnae is college-bound and interested in medicine, *id.* ¶ 2, she is not taking a science class, *id.* ¶ 3. Johnae's empty periods originally were partially filled by Physiology and Debate, but both those courses were cancelled due to lack of staff. *id.* ¶ 7. Johnae also wanted to take AP courses in Government, History, and English, but they were all oversubscribed and had no room for her. *id.* ¶ 8. Johnae was also originally placed in Math Analysis, which is pre-calculus, until she was switched after two weeks into AP Calculus. *id.* ¶ 9. In addition, two of the three substantive courses to which Johnae was assigned—American Government and English 4—were staffed by substitute teachers for the first several weeks of the school year. *id.* ¶ 11. This is not the first time Johnae has had scheduling problems; in tenth grade, her schedule was switched three times. *id.* ¶ 12. During Johnae's IWE period with a counselor, she usually spends that period sitting in the computer room and is assigned to tasks such as shredding only "once in a blue moon." *id.* ¶ 5. During sixth period when she has no class scheduled, Johnae sits in on a second section of English 4 because she "get[s] more out of it than just going home." *id.* ¶ 3.

### CASTLEMONT

**BreAnna Gonzalez**, a senior at Castlemont, is taking three classes and an IWE. Ex. 118 ¶¶ 2, 3. During the other two periods, she has no class assigned. *id.* ¶ 3. At the beginning of the school year, BreAnna was assigned to English, AP Calculus, Government/Economics, and Physiology. *id.* ¶ 4. However, one month into the school year, her Physiology teacher's fifth period class was cancelled, and all the students who needed his science class to graduate were moved into BreAnna's first period Physiology section. *id.* ¶ 5. BreAnna, and the other students like her who did not need Physiology in order to graduate, was dropped from Physiology. *id.* BreAnna was disappointed because she hopes to become a physical therapist and thought Physiology would be helpful. *id.* Instead of Physiology, BreAnna has an IWE period, during which she "help[s] the teacher prepare before class, grade papers, staple papers, and get computers ready for students." *id.* ¶ 6. In her eight college applications, BreAnna had to explain why she is taking only three substantive classes. *id.* ¶ 7. She hopes that the colleges will not think that she was "taking the easy way out" or that she "just did not want to take any classes." *id.* Of BreAnna's three substantive classes, two of them (English and Government) had substitute teachers for 2 to 3 weeks in the beginning of the school year. *id.* ¶ 8.

### FREMONT OUSD

**Loata Fine**, a senior at Fremont in Oakland who plans to study political science in college next year, had a schedule this fall that "changed so many times that [she] can't even remember all of the times or all of the ways that it changed." Ex. 78 ¶¶ 2, 3, 12. Fall semester, Loata had content-free classes for three of her eight periods. She was assigned to IWE, where she did things like "staple papers, make copies, set up lab stations, or grade papers," but mostly "just sit there . . ." *id.* ¶ 6. She was also assigned to "Academic Literacy," which "is exactly the same thing as IWE"; during that period, Loata, along with another student, "mostly sit[s] in the classroom" and does homework. *id.* ¶ 7. In the fall Loata also had an additional period free called "Concurrent Enrollment," because she was supposed to be taking a community college class; however, she had to drop that class because it met once a week from 6:30 to 9 pm and it was difficult to travel to class at night. *id.* ¶ 9. As a result, Loata had eighth period free for the whole semester. *id.* ¶ 10. This semester Loata still has two instruction-free periods: IWE and Academic Literacy. *id.* ¶ 5. At the beginning of the school year, Loata's Math Analysis class was so large that students had to bring in chairs from other rooms; eventually that class was split into two sections. *id.* ¶ 14. Scheduling problems are not new to Loata; in ninth grade, she was placed in Algebra I although she had already taken and passed it. *id.* ¶ 13.

### CASTLEMONT

**Jayla Davis**, a senior at Castlemont, has three substantive classes, one period of CyberHigh, and two periods with no class, despite the fact that she needed to make up a number of classes that she had failed. Ex. 122 ¶¶ 2, 3, 6. Every day she leaves school at lunch time, at 12:47. *id.* ¶ 3. In the fall, Jayla was using CyberHigh to make up a number of classes that she had previously failed, including English, Geometry, US History, and science, and also to take some electives. *id.* ¶ 6. This semester Jayla is using CyberHigh to take a physical science course she has never taken before, in order to get science credits she needs to graduate. *id.* At the beginning of this school year, for two to three weeks, only one of Jayla's classes was taught by a permanent teacher; she had substitute teachers in English, Government, and CyberHigh. *id.* ¶¶ 6, 7, 8. Jayla feels that students at other schools "get a much better education and a lot more opportunities and advantages." *id.* ¶ 12.

### FREMONT OUSD

**Angelica Rodriguez**, a senior at Fremont, plans to go to a community college next year to study psychology. Ex. 56 ¶¶ 2, 3, 13. She had hoped to go to a four-year college, but during her sophomore year she got a D in Biology and cannot meet the A-G requirements required for admission to a University of California or California State University. *id.* ¶ 3. At the beginning of her senior year, she was assigned to Construction Tech 1, although she had already taken both Construction Tech 1 and Construction Tech 2. *id.* ¶ 5. She asked the counselor to switch classes, but the counselor told her there were no other classes available. *id.* Instead, Angelica became an IWE for Construction Tech 1. *id.* She and other IWE students sometimes help the teacher with printing, copying, or carrying wood, but if there is nothing for her to do, she goes to her English teacher's classroom to do homework. *id.* ¶ 6. The beginning of Angelica's senior year did not go smoothly. In her Math Analysis class, there were so many students that "the classroom was overflowing," "cramped and distracted," making it "difficult to learn" until the class was split after a few weeks. *id.* ¶ 9. For the first few weeks of her AP Spanish class, there were so many students that some had to stand up during the class, making it difficult to learn. *id.* ¶ 10. Last year, Angelica also had problems with her schedule; her Spanish teacher left during the semester, the class was canceled, and she was placed into PE instead. *id.* ¶ 12.

### FREMONT OUSD

**Eric Flood** attended Fremont High School in Oakland and was a senior in 2013-14. Ex. 43 ¶ 2. During the first semester of his senior year, out of six classes, Eric had only two classes with content and consistent instruction. Eric's schedule was government, journalism, two regular classes, and two IWE periods. *id.* ¶ 8. For twelve weeks, his government class was taught by a series of substitute teachers who assigned students packets of work which he could not complete because he "hadn't learned the information in the class" necessary to complete the packets. *id.* ¶ 3. His journalism class had to be combined with the video production class, whose teacher had left six weeks into the year; his journalism teacher thus had to teach two classes at once, resulting in her spending less time teaching the journalism class. *id.* ¶ 4. During his IWE in the school office, he would "file things, sort the mail, or run errands," or "just chill," and during the second IWE, he would make copies, bring passes to students, and help file papers. *id.* ¶ 8. He was placed into two IWEs because he had already taken the only two available electives. *id.* This is not the first time that Eric lost learning time because his teachers left; in his junior year, the advanced drama teacher left a few weeks before the end of the year, and the substitute teacher showed movies almost every day for the rest of the year. *id.* ¶ 6.

## FREMONT OUSD

**Carmen Jimenez**, a senior at Fremont High School in Oakland, has taken all the AP classes her school offers. Ex. 41 ¶¶ 2, 4. This year, she has two periods “with no real classes”: an IWE and a period with no class. *Id.* ¶ 5. During her IWE, Carmen is trying to teach herself AP Calculus BC; she took the AP Calculus AB class last year and wants to take the BC exam in May, but her school does not offer the class. *Id.* ¶ 6. During the period when she has no class, she “basically do[esn’t] do anything.” *Id.* ¶ 8. This is not the first year Carmen has had contentless courses; her sophomore year, she had an IWE period for first period. *Id.* ¶ 9. She “would just sleep in and come to school late” since “[t]here was no point coming in for first period if there was nothing to do.” *Id.* Carmen has applied to four UC schools and CSU schools and wants to study public health so that she can help her community. *Id.* ¶ 2.

## FREMONT OUSD

**Nohemi Lucas**, a senior at Fremont in Oakland, is a student leader who dreams of becoming a doctor or a lawyer. Ex. 81 ¶¶ 2, 10. She came to Fremont as a freshman in the Newcomer program and did not speak any English, but by her junior year, she was the only Newcomer to be placed in classes with native speakers. *Id.* ¶ 2. This year Nohemi had serious problems with her schedule. She was originally placed in a Construction class that she had already taken twice; placed in two sections of AP Government; not placed in PE, which she needed; and not placed in math, which she loves. *Id.* ¶ 3. Her schedule was changed four times during the first two to three weeks of instruction. *Id.* She did not start Chemistry until the second week of school and did not start Government until the third week, setting her behind in both. *Id.* ¶ 4. Nohemi recently learned that, contrary to what her counselor had told her, the English classes on her transcript do not meet the UC and Cal State requirements; she learned this only when she received an email from San Diego State University stating that she was not eligible for admission because she was missing English 1 and 2. *Id.* ¶ 5. Nohemi was extremely upset, and is now taking a total of ten classes, including English 1, English 2, and English 4, all in the same semester. *Id.*

## COMPTON

**Isaiah Moses**, a Compton junior, started the year with two free periods on his schedule, instead of the AP courses he was supposed to be enrolled in. Ex. 59 ¶¶ 2, 5, 8. Isaiah demanded to be placed in substantive courses for the two free periods, and succeeded in being placed in Pre-Calculus and Physics. *Id.* ¶ 6. One month into the school year, he was also placed in AP Chemistry before school. *Id.* ¶¶ 8, 9. In addition, until January of this year, Isaiah was assigned a “TA period” during which he occasionally made copies, graded papers, and notified teachers of meetings, but often had nothing to do. *Id.* ¶ 11. In January he was taken out of the TA period and placed into Algebra 2 which he had previously taken and passed. *Id.* ¶ 13. Last year, his Algebra 2 class was taught by several substitute teachers until the second semester of the course, which means that he did not learn prerequisite material necessary for his pre-calculus course. *Id.* ¶ 18.

## FREMONT LAUSD

**Erika Gonzalez**, a senior at Fremont in LAUSD, was originally given a schedule that had two home periods and one service period, despite the fact that she needs to retake a Spanish class to be eligible for college and an English class in order to graduate. Ex. 68 ¶¶ 2, 3, 6. After three weeks of waiting in line at the counseling office with over 40 other students, Erika was placed into Spanish 2A instead of one of her two home periods. *Id.* ¶¶ 3, 4. Instead of her remaining home and service periods, which she did not ask for, Erika would have preferred to take substantive classes that she needs to graduate (English), *id.* ¶ 6, that will enhance her college eligibility (Spanish 1A), *id.* ¶ 5, or that will help prepare her to pursue a career in law enforcement (psychology, sociology, or criminal justice), *id.* ¶¶ 2, 5. Erika attempted once, on the recommendation of a counselor, to make up the classes she needed at Adult School, but when she tried to sign up, the teacher told about 12 students that there was no room for them. *Id.* ¶ 7.

## FREMONT LAUSD

**Jessy Cruz** attended Fremont High School in Los Angeles. Ex. 37 ¶ 2. Although Jessy—who was a foster youth, had transferred schools multiple times, and had failed many classes—was not able to complete the credits to graduate from high school, *id.* ¶¶ 2-3, 5, 7, 17, he was nonetheless assigned to two Service periods and one Home period during his senior year of high school, *id.* ¶ 17. Instead of taking courses that would have permitted him to graduate and attend college, Jessy sometimes went home and took a nap during his Home period, *id.* ¶ 19, and did his homework or played on his teacher’s iPad during his Service periods, *id.* ¶ 20. In addition, Jessy’s schedule changed multiple times at the beginning of his senior year. *Id.* ¶ 17.

## DORSEY

When **Christian Moton**, a senior at Dorsey High, received his schedule in fall 2014, he had no class assigned for second or seventh period, he was enrolled in football despite the fact that he is not on the football team, and he was missing the Physics and Spanish classes that he needed to fulfill his A-G requirements. Ex. 84 ¶¶ 2, 5. For two weeks, Christian had nothing to do for three or more periods: he sat in the auditorium with 90-100 other students during his missing or incorrect periods, and during the “football class” period, he sat in a room with another student who had also been misassigned to football. *Id.* ¶¶ 6-8. Concerned that he was falling too far behind and would not be able to graduate, Christian transferred to Crenshaw High School, also in LAUSD, which was far from his home. *Id.* ¶¶ 8, 9. During his two to three weeks at Crenshaw, his schedule was changed twice, but still he could not get the classes he needed to graduate. *Id.* ¶ 9. Exhausted by the commute and frustrated by his inability to get the classes he needed, Christian transferred back to Dorsey five weeks into the semester. *Id.* ¶¶ 9, 10. At Dorsey, Christian again attempted to get the Spanish class he needed to graduate, but was told that it was full; two weeks later--seven weeks into the semester--he was finally placed into that class. *Id.* ¶¶ 10, 12. It has been difficult for Christian to catch up on the material that he missed during those seven weeks. *Id.* ¶ 13. He was also still missing a health class that he needs to graduate. *Id.* ¶ 12. Christian’s Physics class was taught by a substitute at least through October, and his graphic design course (which was originally called “video production”) had a substitute for the first ten weeks of the semester. *Id.* ¶ 14. This is not the first time that Christian has been taught primarily by substitutes; last year, Christian’s Spanish class was taught by six different substitute teachers. *Id.*

## DORSEY

**Juan Fernando Nuñez**, a senior at Dorsey High, originally had a schedule that was missing an English class he needed to graduate and a Trigonometry /Pre-Calculus class he needed for college. Ex. 38 ¶¶ 2, 4. He was assigned to Culinary Arts, which he had already taken and passed three times. *Id.* ¶ 4. In the third or fourth week, he was able to get the needed classes, but as a result his whole schedule had to be rearranged. *Id.* He struggled to catch up in the new classes; his English class had already read several chapters of Toni Morrison’s *Song of Solomon*, making it difficult for him to follow the discussion, and he had missed four packets of work in his math class. *Id.* ¶ 5. This is not the first time his schedule has had problems; students at Dorsey get a “random” schedule and are not systematically told which classes they need in order to graduate or which classes they have already taken. *Id.* ¶ 6. This fall, Fernando also had a home period for seventh period, and on Monday, Wednesday, and Friday, he would leave school at 1:00 pm; he often “ha[s] nothing to do” during his home period and wishes he could “be doing something,” like taking other classes. *Id.* ¶ 8. During his junior year, Fernando had a service class each semester, during which he would “deliver things” or “make copies,” but would usually “sit[] there doing nothing.” *Id.* ¶ 9.



## DORSEY

**Jordan Parx** is a senior at Dorsey High School. In fall 2014, it took about nine weeks for his schedule to be finalized. Ex. 65 ¶¶ 2, 3. For the first two weeks of the year, Jordan had no classes for three periods and he was told to sit in the auditorium with other students waiting to be placed into classes. *Id.* ¶ 8. After two weeks, he was assigned to some courses for those empty periods, including Library Service and Home Period. *Id.* ¶¶ 3-4. In Library Service, there is “actually nothing to do” and he usually “read or play[ed] games on [his] phone.” *Id.* ¶ 5. During the eight weeks that he had both Library Service and Home Period, he was finished with classes at 11:30 a.m. on Wednesdays and Fridays. *Id.* ¶ 4. Jordan had been requesting to be placed in Chemistry since the beginning of the year because he needed to retake it in order to improve his chances of getting into college. *Id.* ¶ 11. He was finally placed into Chemistry instead of Home Period about nine weeks into the semester, but he is concerned he “will not do well in the class because [he] is so far behind.” *Id.* ¶¶ 4, 11. Jordan was also transferred into a Sports Medicine class ten weeks into the semester. *Id.* ¶ 10. This is not the first time that Jordan’s schedule was incorrect; in both 10th and 11th grades, he was placed in the English classes that he had already taken and passed, and had to stay in those classes for multiple weeks. *Id.* ¶ 13.

## APPENDIX 6

### SUMMARY OF TEN SCHOOL DISTRICT SAMPLE DECLARATIONS, BY PROPOSITION

STATEMENT	DISTRICT	EVIDENCE
Service periods are supervised by credentialed personnel, who communicate clearly articulated educational objectives and progress reports to the student or otherwise ensure that the student gains substantive educational benefit from the experience.	<b>ANAHEIM</b> Colon Decl.	"[S]pecific, written educational objectives . . ." Ex. 100 at ¶ 6.
	<b>ANTELOPE VALLEY</b> Nehen Decl.	Supervisor expected to "create and communicate a plan and description of the TA's duties, to communicate expectations to the TA, and to monitor and assess the students' progress . . ." Ex. 101 at ¶ 10.
	<b>COVINA VALLEY</b> Eminhizer Decl.	"[P]rocedures in place to ensure that such assignments are related to work experience, college readiness, and career readiness." Ex. 102 at ¶ 7.
	<b>DELANO</b> Gregerson Decl.	There are "practices in place to ensure that such assignments have specific, educational objectives." Ex. 103 at ¶ 8.
	<b>EL RANCHO</b> Kwek Decl.	There are "procedures in place to ensure that such assignments are related to work experience, college readiness, or career readiness." Ex. 105 at ¶ 7.
	<b>FREMONT</b> Morris Decl.	There are "procedures in place to ensure that such assignments have specific, written educational objectives." Ex. 106 at ¶ 4.
	<b>MODESTO</b> Harrison Decl.	Supervisors are "expected to create and communicate a plan and description of the [TA's] duties, to communicate expectations, and to monitor and assess the student's progress in that role." Ex. 107 at ¶ 10.
	<b>SAN FRANCISCO</b> Sanderson Decl.	Supervisors are "expected to create and communicate a plan and description of TA's duties, to communicate expectations to the TA, and to monitor and assess the student's progress in that role." Ex. 108 at ¶ 10.
	<b>SANTA MARIA</b> Davis Decl.	Supervisors are "expected to create and communicate a plan and description of the duties, to communicate expectations, and to monitor and assess the student's progress in that role." Ex. 110 at ¶ 11.
	STATEMENT	DISTRICT
Students in instruction-free periods must be in good academic standing and on track to graduate.	<b>ANAHEIM</b> Colon Decl.	<ul style="list-style-type: none"> <li>• On track to graduate. Ex. 100 at ¶ 7.</li> <li>• For students seeking to complete A-G, practice is to enroll them in substantive courses. <i>Id.</i> at ¶ 8.</li> </ul>
	<b>ANTELOPE VALLEY</b> Nehen Decl.	<p><i>HOME</i></p> <ul style="list-style-type: none"> <li>• Good academic standing. Ex. 101 at ¶ 6.</li> <li>• Sufficient credits to graduate, <i>id.</i> at ¶ 6, including passing A-G courses with D or better.<sup>1</sup> <i>Id.</i> at ¶ 7.</li> </ul> <p><i>SERVICE</i></p> <ul style="list-style-type: none"> <li>• Good standing. <i>Id.</i> at ¶ 10.</li> <li>• On track to graduate, <i>id.</i> at ¶ 10, including passing A-G courses with D or better. <i>Id.</i> at ¶ 7.</li> </ul>
	<b>COVINA VALLEY</b> Eminhizer Decl.	<ul style="list-style-type: none"> <li>• "Typically" on track to graduate. Ex. 102 at ¶ 9.</li> <li>• "Typically" on track to satisfy A-G. <i>Id.</i> at ¶ 11.</li> </ul>
	<b>DELANO</b> Gregerson Decl.	<ul style="list-style-type: none"> <li>• On track to graduate. Ex. 103 at ¶ 12.</li> <li>• On track to satisfy A-G, except for students graduating outside A-G. <i>Id.</i> at ¶ 13.</li> </ul>
	<b>EL MONTE</b> Flores Decl.	<ul style="list-style-type: none"> <li>• On track to graduate. Ex. 104 at ¶ 7.</li> <li>• On track to satisfy A-G. <i>Id.</i> at ¶ 8.</li> </ul>
	<b>EL RANCHO</b> Kwek Decl.	<ul style="list-style-type: none"> <li>• Meeting graduation requirements. Ex. 105 at ¶ 9.</li> <li>• On track to meet A-G. <i>Id.</i> at ¶ 9.</li> </ul>
	<b>FREMONT</b> Morris Decl.	<ul style="list-style-type: none"> <li>• On track to graduate. Ex. 106 at ¶ 5.</li> <li>• On track to satisfy A-G, except for students who choose not to take A-G required courses. <i>Id.</i> at ¶ 6.</li> </ul>
	<b>MODESTO</b> Harrison Decl.	<p><i>HOME</i></p> <ul style="list-style-type: none"> <li>• Good academic standing with sufficient credits to graduate, Ex. 107 at ¶ 6, including D or better on A-G courses, <i>id.</i> at ¶ 7.</li> <li>• Or 5th year senior, <i>id.</i> at ¶ 6.</li> </ul> <p><i>SERVICE</i></p> <ul style="list-style-type: none"> <li>• Good academic standing and on track to graduate, <i>id.</i> at ¶ 10, including D or better on A-G courses, <i>id.</i> at ¶ 7.</li> </ul>

1. Exceptions for certain Special Education students, certain recently enrolled English Learners, and certain recently enrolled foster youth. These exceptions apply every time that students are required to pass A-G courses with D or better in order to graduate.

Students in instruction-free periods must be in good academic standing and on track to graduate (*cont.*)

**SAN FRANCISCO**  
Sanderson Decl.

*HOME*

- Good academic standing with sufficient credits to graduate, Ex. 108 at ¶ 6, including D or better on A-G courses. *Id.* at ¶ 7.
- Or 5th year senior. *Id.* at ¶ 6.

*SERVICE*

- Good academic standing, and on track to graduate, *id.* at ¶ 10, including D or better on A-G courses. *Id.* at ¶ 7.

**SANTA MARIA**  
Davis Decl.

*HOME - Less than full schedule<sup>2</sup>*

- Usually seniors, in good standing, with sufficient credits to graduate, Ex. 110 at ¶ 6, including A-G courses with D or better. *Id.* at ¶ 8.
- Or 5th year seniors, *id.* at ¶ 6.

*SERVICE*

- In good standing and on track to graduate, *id.* at ¶ 11, including A-G courses with D or better. *Id.* at ¶ 8.

**STATEMENT**

6 out of 10 districts either do not allow home periods or place substantive requirements on those periods. The remaining four schools allow home periods for a small number of students, usually only when the student has enough credits to graduate and has passed all A-G requirements.

**DISTRICT**

**ANAHEIM**  
Colon Decl.

- “[S]pecific educational activities such as participating in previously approved (by the school) work experience program.” Ex. 100 at ¶ 6.
- On track to graduate. *Id.* at ¶ 7.

**ANTELOPE VALLEY**  
Nehen Decl.

- Good academic standing. Ex. 101 at ¶ 6.
- Sufficient credits to graduate, *id.* at ¶ 6, including A-G courses with D or better, *id.* at ¶ 7.
- A “small number” of students have home periods. *Id.* at ¶ 6

**COVINA VALLEY**  
Eminhizer Decl.

No Home Periods<sup>3</sup>

**DELANO**  
Gregerson Decl.

- Students must participate in “specific educational activities such as enrolling in a specific, available community college class or in a previously approved (by the school or district) work experience program.” Ex. 103 at ¶ 7.
- On track to graduate. *Id.* at ¶ 12.
- On track to satisfy A-G, except for students graduating outside A-G. *Id.* at ¶ 13.

**EL MONTE**  
Flores Decl.

Specific educational activities such as specific, available community college class or previously approved work experience (“Concurrent” classes). Ex. 104 at ¶ 6.

**EL RANCHO**  
Kwek Decl.

No Home Periods. Ex. 105 at ¶ 6.

**FREMONT**  
Morris Decl.

No Home Periods. *See, e.g.*, Ex. 106 at ¶ 3.

**MODESTO**  
Harrison Decl.

- A “small number” of students have home periods. Ex. 107 at ¶ 6.
- Usually seniors in good academic standing with sufficient credits to graduate, *id.* at ¶ 6, including D or better on A-G courses, *id.* at ¶ 7.
- Or 5th year seniors, *id.* at ¶ 6.

**SAN FRANCISCO**  
Sanderson Decl.

- A “small number” of students have home periods. Ex. 108 at ¶ 6.
- Usually seniors with good standing with sufficient credits to graduate, *id.* at ¶ 6, including D or better on A-G courses. *Id.* at ¶ 7.
- Or 5th year senior, *id.* at ¶ 6.

**SANTA MARIA**  
Davis Decl.

- A “small number” of students have home periods. Ex. 110 at ¶ 6.
- Usually seniors, in good standing, with sufficient credits to graduate, *id.* at ¶ 6, including A-G courses with D or better. *Id.* at ¶ 8.
- Or 5th year seniors, *id.* at ¶ 6.
- Or full schedule but “late start” or “early release,” *id.* at ¶ 7.

**STATEMENT**

7 of 10 districts explicitly state that they do not assign students to instruction-free periods because there are no other courses to place them in.

**DISTRICT**

**ANAHEIM**  
Colon Decl.

Not assigned because there are no other courses are available. Ex. 100 at ¶ 10.

**ANTELOPE VALLEY**  
Nehen Decl.

Not assigned because there are no other courses are available. Ex. 101 at ¶ 11.

**COVINA VALLEY**  
Eminhizer Decl.

Not assigned because there are no other courses are available. Ex. 102 at ¶ 13.

**DELANO**  
Gregerson Decl.

Not assigned because there are no other courses available. Ex. 103 at ¶ 16.

**EL MONTE**  
Flores Decl.

Not assigned because there are no other courses are available. Ex. 104 at ¶ 10.

2. There is also a “home” period for athletes consisting of a full schedule but “late start” or “early release.” Ex. 110 at ¶ 7.

3. Covina Valley has “tutorial periods,” but they do not appear to allow students to leave campus during those periods. Ex. 102 at ¶ 6.

7 of 10 districts explicitly state that they do not assign students to instruction-free periods because there are no other courses to place them in (*cont.*)

<b>EL RANCHO</b> Kwek Decl.	Not assigned because there are no courses available. Ex. 105 at ¶ 12.
<b>FREMONT</b> Morris Decl.	Not assigned because there are no other courses available. Ex. 106 at ¶ 9.
<b>MODESTO</b> Harrison Decl.	To obtain work experience and develop a relationship with an adult supervisor/mentor. Ex. 107 at ¶ 10.
<b>SAN FRANCISCO</b> Sanderson Decl.	To obtain work experience and develop a relationship with an adult supervisor/mentor. Ex. 108 at ¶ 10.
<b>SANTA MARIA</b> Davis Decl.	To obtain work experience and develop a relationship with an adult supervisor/mentor. Ex. 110 at ¶ 11.

STATEMENT	DISTRICT	EVIDENCE
Students are placed in courses they have taken and passed only if they received a D or if the course was designated to be repeated.	<b>ANAHEIM</b> Colon Decl.	Only if designated to be repeated or student received a D. Ex. 100 at ¶ 13.
	<b>ANTELOPE VALLEY</b> Nehen Decl.	Only where courses are designated to be repeated. Ex. 101 at ¶ 8.
	<b>COVINA VALLEY</b> Eminhizer Decl.	Only if D grade or designated to be repeated. Ex. 102 at ¶ 16.
	<b>DELANO</b> Gregerson Decl.	Repeats only if less than C or designated to be repeated. Ex. 103 at ¶ 19.
	<b>EL MONTE</b> Flores Decl.	No repeats if taken and passed or not designated to be repeated. Ex. 104 at ¶ 13.
	<b>EL RANCHO</b> Kwek Decl.	No repeats if taken and passed with C or better, or not designated to be repeated. Ex. 105 at ¶ 15.
	<b>FREMONT</b> Morris Decl.	No repeats of classes that were taken and passed and not designated to be repeated. Ex. 106 at ¶ 13.
	<b>MODESTO</b> Harrison Decl.	No repeats unless got a D or certain elective courses. Ex. 107 at ¶ 8.
	<b>SAN FRANCISCO</b> Sanderson Decl.	May repeat course with D grades, or certain electives. Ex. 108 at ¶ 8.
	<b>SANTA MARIA</b> Davis Decl.	May repeat course with D grades, or certain electives because of “educational benefit.” Ex. 110 at ¶ 9.

STATEMENT	DISTRICT	EVIDENCE
Six districts limit instruction-free periods to one per semester. Three allow only one service period per semester, independent of home periods, and the remaining district limits service periods to 10 credits.	<b>ANAHEIM</b> Colon Decl.	No more than one instruction-free period per semester. Ex. 100 at ¶ 9.
	<b>ANTELOPE VALLEY</b> Nehen Decl.	<ul style="list-style-type: none"> <li>• No more than one service class per day. Ex. 101 at ¶ 10.</li> <li>• No more than 20 credits from service. <i>Id.</i> at ¶ 10.</li> </ul>
	<b>COVINA VALLEY</b> Eminhizer Decl.	“[T]ypically” not assigned to more than one instruction-free period per semester unless reduced course load is necessary for “academic success.” Ex. 102 at ¶ 12.
	<b>DELANO</b> Gregerson Decl.	<ul style="list-style-type: none"> <li>• No more than 10 units. Ex. 103 at ¶ 6.</li> <li>• No more than one instruction-free period per semester (unless IEP or 504 plan). <i>Id.</i> at ¶ 15.</li> </ul>
	<b>EL MONTE</b> Flores Decl.	No more than one instruction-free period per semester. Ex. 104 at ¶ 9.
	<b>EL RANCHO</b> Kwek Decl.	No more than one instruction-free period per semester. Ex. 105 at ¶ 11.
	<b>FREMONT</b> Morris Decl.	Not more than one service period per semester, Ex. 106 at ¶ 8, and does not have home periods, see, e.g., <i>id.</i> at ¶ 3.
	<b>MODESTO</b> Harrison Decl.	Not more than one TA period per day. Ex. 107 at ¶ 10.
	<b>SAN FRANCISCO</b> Sanderson Decl.	Not more than one TA period per day. Ex. 108 at ¶ 10.
	<b>SANTA MARIA</b> Davis Decl.	10 credits maximum. Ex. 110 at ¶ 11.

STATEMENT	DISTRICT	EVIDENCE
<p>Master schedules are typically finalized by the end of the spring (5 districts), with final balancing of classes and addition or elimination of sections and classes by no later than one to two weeks after instruction begins.</p>	<p><b>ANAHEIM</b> Colon Decl.</p>	<p>Developed no later than May; locked in two weeks before beginning of instruction. Ex. 100 at ¶ 12.</p>
	<p><b>ANTELOPE VALLEY</b> Nehen Decl.</p>	<ul style="list-style-type: none"> <li>• Started Jan/Feb, finalized prior to end spring. Ex. 101 at ¶ 12.</li> <li>• All students begin fall with complete course schedule. <i>Id.</i> at ¶ 12.</li> <li>• First 10-15 days of year, balance class sizes, may eliminate/add sections of classes in light of actual enrollment. <i>Id.</i> at ¶ 13.</li> </ul>
	<p><b>COVINA VALLEY</b> Eminhizer Decl.</p>	<p>Finalized no later than 1 week after beginning of instruction, or in rare circumstances, two weeks after. Ex. 102 at ¶ 15.</p>
	<p><b>DELANO</b> Gregerson Decl.</p>	<p>Draft before year begins, finalized no later than 2 weeks after instruction begins. Then adjusted as needed . Ex. 103 at ¶ 18.</p>
	<p><b>EL MONTE</b> Flores Decl.</p>	<p>Finalized 1 week after beginning of instruction; minor adjustments for up to 20 days after first day of school. Ex. 104 at ¶ 12.</p>
	<p><b>EL RANCHO</b> Kwek Decl.</p>	<p>Finalized typically no later than 2 weeks after beginning of instruction. Ex. 105 at ¶ 14.</p>
	<p><b>FREMONT</b> Morris Decl.</p>	<p>(Washington HS) Finalized no later than one week after beginning of instruction. Ex. 106 at ¶ 11.</p>
	<p><b>MODESTO</b> Harrison Decl.</p>	<ul style="list-style-type: none"> <li>• Started in Jan/Feb, and finalized before end of spring semester. Ex. 107 at ¶ 11.</li> <li>• Students begin with complete course schedule. <i>Id.</i> at ¶ 11.</li> <li>• During the first 10-15 days of the school year, sections/classes may be added/eliminated. <i>Id.</i> at ¶ 12.</li> </ul>
	<p><b>SAN FRANCISCO</b> Sanderson Decl.</p>	<ul style="list-style-type: none"> <li>• Started in Jan/Feb, and finalized before end of Spring semester. Ex. 108 at ¶ 11.</li> <li>• Students begin with complete schedule. <i>Id.</i> at ¶ 11.</li> <li>• During the first 10-15 days of the school year, sections/classes may be added/eliminated. <i>Id.</i> at ¶ 12.</li> </ul>
	<p><b>SANTA MARIA</b> Davis Decl.</p>	<ul style="list-style-type: none"> <li>• Started in Jan/Feb, and finalized end Spring semester. Ex. 110 at ¶ 12.</li> <li>• Students begin with complete course schedule. <i>Id.</i> at ¶ 12.</li> <li>• New students may be assigned to study hall for no more than 3 days while being placed. <i>Id.</i> at ¶ 13.</li> <li>• During the first 10-15 days of the school year, sections/classes may be added/eliminated. <i>Id.</i> at ¶ 13.</li> </ul>