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Case No.: RG14727139

**REPLY IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

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

Date: April 9, 2015
Time: 2:30 p.m.
Place: Dept. 17
1221 Oak Street
Oakland, CA 94612

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2 ad litem; EMMANUEL ENRIQUEZ, a minor, by
3 Olga Enriquez, guardian ad litem; NATHAN
4 SAUCEDA, a minor, by Olga Enriquez, guardian
5 ad litem; IGNACIA BARAJAS, a minor, by
6 Genoveva Barajas, guardian ad litem; and LUCIA
7 BARAJAS, a minor, by Genoveva Barajas,
8 guardian ad litem,

9 Plaintiffs,

10 vs.

11 STATE OF CALIFORNIA; STATE BOARD OF
12 EDUCATION; STATE DEPARTMENT OF
13 EDUCATION; TOM TORLAKSON, and DOES
14 1-100, inclusive,

15 Defendants.

Complaint filed: 05/29/14

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1 **I. STATEMENT OF UNDISPUTED FACTS**

2 Nothing in Defendants’ Opposition (“Opp.”)¹ refutes the basic, undisputed facts upon
3 which Plaintiffs’ motion rests: the State has historically failed and continues to fail to ensure that
4 students in Plaintiffs’ schools are assigned to courses with content and that adequate master
5 schedules are timely completed, depriving students of essential time to learn.

6 **A. Learning Time Matters**

7 Defendants have introduced no percipient or expert testimony disputing that learning
8 time matters, particularly in schools with high numbers of poor and disadvantaged students. *See*
9 *Oakes TRO ¶ 17*. Indeed, the administrators in Plaintiffs’ schools whom Defendants put forth
10 strongly agree that “every minute counts.”²

11 Nor do Defendants dispute that the subject of the instant motion—assignment of students
12 to contentless classes and failure to timely construct master schedules—represent only two of
13 multiple factors that commonly erode learning time in Plaintiffs’ schools, which cumulatively
14 deprive students of substantial amounts of learning time throughout the academic year and over
15 the course of their academic careers. *Oakes PI ¶¶ 7-9*.

16 **B. Contentless Course Periods**

17 Plaintiffs’ schools and districts continue their longstanding practice of assigning students
18 to course periods devoid of content.³ Defendants do not deny that hundreds of students have
19 been, and continue to be, assigned to “Home” and “Service”⁴ course periods in Plaintiffs’
20 schools and in other similar high-poverty schools in Plaintiffs’ districts in recent years.⁵ Nor that
21

22 ¹ All references to “Opp.” refer to the State Education Defendants’ Opposition to Motion for
23 Preliminary Injunction, which the State of California has joined. The State of California’s
24 opposition is referred to as “State Opp.”

25 ² *Ex. 132 91:1-4; Ex. 133 29:3-30:1* (“[E]very instructional minute counts,” particularly in
26 schools with underperforming students), *31:2-16, 34:3-4*. Citations in the format of “*Ex. __*”
27 numbered 1 – 131 are to the *Eidmann Decl. ISO Mtn. for PI*. Citations in the format of “*Ex. __*”
28 numbered 132-153 are to the *Eidmann Dec. ISO Reply ISO Mtn. for PI*.

³ Only Compton High School has ceased Home periods since this suit was filed. *See Section I.F.*

⁴ Plaintiffs continue referring to all course periods in which students are sent home instead of
receiving instruction collectively as “Home” periods, and all course periods in which students
perform menial administrative tasks collectively as “Service” periods.

⁵ *See App’x 2; Exs. 17-31; PI Br. at 6 n. 4*. For example, Defendants admit that at least 277

1 students in Plaintiffs' schools are assigned to multiple contentless periods in a single semester
2 and over the course of high school.⁶ And it is undisputed that students who are far behind and
3 academically struggling are assigned to such periods.⁷ One student, for example, was assigned to
4 multiple contentless course periods in Fremont in Los Angeles after having failed 18 courses,
5 many of which were required for graduation, and was ultimately unable to graduate from high
6 school. Ex. 133 114:21-123:24.

7 **C. Home and Service Periods in Plaintiffs' Schools Lack Educational Value**

8 Defendants do not contest the student and teacher testimony establishing Plaintiffs'
9 schools assign students to Home periods who engage in no educational activities during that
10 time,⁸ and/or who do not have a job, college course, or any emergency family or home
11 circumstances that require them to take a Home period.⁹

12 Two of Plaintiffs' school districts do not defend the value of assigning students to Home
13 periods at all, Ex. 3 153:12-154:6, and LAUSD's limited defense focuses nearly exclusively on
14 the truly exceptional cases in which, for example, a student must care for a very ill parent.¹⁰

15
16 students at Fremont in Los Angeles were assigned to Home and/or Service as of approximately
17 December 2014, Opp. at 6 (citing Ibarra Ex. 11); *see also* Ex. 73 (reflecting 308 students
18 assigned to Home periods). It is also uncontested that 42 senior students at Fremont in Oakland
19 were assigned to at least one IWE period, Ex. 75 ¶ 6, and that of 121 Castlemont seniors, 46 do
20 not have a full course schedule and 35 have a Service period, *id.* ¶¶ 8-13. *See also* Ex. 40 ¶¶ 3, 5;
21 Ex. 49 ¶¶ 3, 4; Ex. 50 ¶¶ 3, 5, 7; Ex. 51 ¶ 14; Ex. 67 ¶ 10; Ex. 72 ¶ 6; Ex. 94 ¶ 19; Ex. 95 ¶ 14;
22 Ex. 118 ¶¶ 3, 5; Ex. 119 ¶ 3; Ex. 120 ¶ 5; Ex. 121 ¶ 5; Ex. 122 ¶ 3; Ex. 41 ¶ 5; Ex. 42 ¶ 4; Ex. 43
23 ¶ 8; Ex. 44 ¶ 13; Ex. 56 ¶¶ 4-5; Ex. 57 ¶ 4 (one IWE uncontested); Ex. 78 ¶ 5; Ex. 93 ¶ 8; Ex. 59
24 ¶¶ 5, 11; Ex. 77 ¶ 5; Ex. 36 ¶ 6; Ex. 37 ¶ 17; Ex. 61 ¶ 9; Ex. 98 ¶ 11; Ex. 38 ¶ 8; Ex. 65 ¶ 4.

25 ⁶ *E.g.*, Fremont (LAUSD): Ex. 73 (165 students have more than one Home period); Ex. 37 ¶ 17;
26 Ex. 61 ¶ 9; Ex. 65 ¶ 4; Ex. 74; Ex. 34 (“[M]any of the students [at Jefferson] have completed the
27 required courses and are assigned to home periods”); Ex. 75 ¶¶ 10-11 (19 students at Castlemont
28 have more than one Home period); Ex. 40 ¶¶ 3, 5; Ex. 50 ¶¶ 3, 5, 7; Ex. 67 ¶ 10; Ex. 72 ¶ 6; Ex.
118 ¶¶ 3, 5; Ex. 119 ¶ 3; Ex. 120 ¶ 5; Ex. 121 ¶ 5; Ex. 122 ¶ 3; Ex. 41 ¶ 5; Ex. 42 ¶ 4; Ex. 43 ¶ 8;
24 Ex. 44 ¶ 13; Ex. 56 ¶¶ 4-5; Ex. 57 ¶ 4; Ex. 78 ¶ 5; Ex. 93 ¶ 8; Ex. 59 ¶¶ 5, 11.

25 ⁷ Ex. 133 76:3-21 (students who have not passed the CAHSEE in Home and Service periods);
26 Ex. 49 ¶¶ 3, 7; Ex. 42 ¶ 5; Ex. 59 ¶ 5; Ex. 77 ¶ 5; Ex. 37 ¶ 17; Ex. 60 ¶ 3; Ex. 65 ¶ 4.

26 ⁸ Ex. 40 ¶ 3; Ex. 121 ¶ 11; Ex. 122 ¶ 3; Ex. 35 ¶ 4; Ex. 41 ¶ 8; Ex. 33 ¶¶ 5-6; Ex. 37 ¶ 19; Ex. 36
27 ¶ 6; Ex. 38 ¶ 8.

27 ⁹ Ex. 122 ¶¶ 3-4; Ex. 120 ¶ 5; Ex. 121 ¶¶ 9, 11; Ex. 118 ¶ 4; Ex. 40 ¶ 3; Ex. 94 ¶ 19; Ex. 67 ¶ 10;
28 Ex. 95 ¶ 14; Ex. 78 ¶ 9; Ex. 41 ¶ 8; Ex. 51 ¶ 14; Ex. 36 ¶ 6; Ex. 68 ¶ 4; Ex. 66 ¶ 4; Ex. 99 ¶ 10.

¹⁰ This is so exceptional that that LAUSD's declarants admit that they have never actually

1 Ibarra Ex. 28 ¶¶ 25-26; Ibarra Ex. 30 ¶ 24; Campbell ¶ 22; McCaulay ¶ 10; Timar ¶ 35; *see also*
2 Ibarra Ex. 27 ¶ 30. Even if this post hoc rationalization had merit, it is uncontested that Plaintiffs’
3 school districts do not systemically confirm that any justification for the placement exists, Ex.
4 133 101:21-102:24; Ex. 134 70:9-25; and Defendants have disclaimed *any* responsibility or role
5 in assuring such wholesale placements do not take place.

6 Likewise, it is undisputed that the student declarants were assigned the following
7 activities on their Service periods: cleaning classrooms, watering plants, taking out the recycling,
8 making copies, shredding paper, summoning students from class, and sitting around socializing
9 or using cell phones. *See* PI Br. at 7-8 & nn.11-22; *see also* App’x 3. *Defendants have not*
10 *submitted a single declaration from a student or teacher who actually participates in a Service*
11 *period in Plaintiffs’ schools to testify to the value of these courses in practice.*

12 Defendants’ own evidence confirms that students are assigned to Home and Service
13 courses not because it is academically in the students’ best interest, but to “fill a hole” at
14 Castlemont and Fremont in Oakland. Ibarra Ex. 19 ¶ 6; Ibarra Ex. 20 ¶ 4. Similarly, the
15 administrators at Dorsey and Fremont in Los Angeles put forth by the State testified that their
16 schools lack the resources to offer a sufficient number of classes to fill student schedules without
17 assigning students to Home and Service periods.¹¹

18 **D. Master Schedule Changes Weeks and Months into the School Year**

19 Defendants have introduced no evidence to rebut Plaintiffs’ showing that schools
20 regularly fail to begin the academic year with appropriate schedules in place, reducing
21 instruction time as schedules repeatedly change weeks and months into the school year in two of
22 Plaintiffs’ school districts.¹² Even the LAUSD administrators that Defendants put forth
23 acknowledge that students had problems scheduling and changing classes at the beginning of the
24

25 encountered it, *see* Ex. 133 129:4-131:2; Ex. 134 104:13-24.

26 ¹¹ Ibarra Ex. 30 ¶ 32; Ibarra Ex. 28 ¶ 34; *see also* Ex. 133 12:23-15:12; Ex. 132 21: 23.

27 ¹² Ex. 89 ¶ 13; Ex. 45 ¶¶ 14-15; Ex. 88 ¶ 3; Ex. 62 ¶ 22; Ex. 43 ¶ 10; Ex. 111 ¶ 13; Ex. 87 ¶ 18;
28 Ex. 91 ¶ 13; Ex. 96 ¶¶ 17-18; Ex. 94 ¶ 17; Ex. 40 ¶ 12; Ex. 77 ¶ 6; Ex. 53 ¶¶ 5-7. Defendants’
evidence confirms that Fremont in Oakland had particularly severe problems with student
scheduling at the beginning of this school year. Ibarra Ex. 19 ¶ 9.

1 current year at Dorsey and Fremont.¹³ Defendants’ assertions about this mid-year semester, *e.g.*,
2 Opp. 5:18-19, miss the point that this problem occurs most acutely at the beginning of the school
3 year and that it often takes weeks or months for schools to resolve these problems.

4 **E. The Cumulative Effect of Lost Learning Time Leaves Students Academically**
5 **Far Behind Their California Peers and Unprepared for College.**

6 Defendants do not dispute that the consequence of learning time lost to contentless
7 courses, tardy schedules, and other factors accumulate to cause devastating educational harm. PI
8 Br. at 19. This is particularly so given the undisputed fact that students in Plaintiffs’ schools
9 consistently lag far behind their California peers on state achievement tests and exams necessary
10 for high school graduation and college entry.¹⁴ For example, Defendants’ own witness testified
11 that the overwhelming majority of students at Fremont in Los Angeles are academically behind
12 and in need of intervention and remediation. Ex. 133 42:13-43:18; 44:8-45:3. It is unsurprising,
13 then, that Defendants cannot dispute Plaintiffs’ testimony that students who do manage to
14 graduate and attend college from Plaintiffs’ schools are typically far behind their peers from
15 higher-performing schools and struggle to compete in college and career. *See* Oakes Supp. ¶ 7;
16 PI Br. at 19. As Professor Jeannie Oakes has put it, these students “require more, not less,
17 meaningful instructional time.” Oakes Supp. ¶ 7.

18 **F. The State Refuses to Ensure that Students Are Assigned to Courses with**
19 **Content and that Adequate Master Schedules Are Timely Completed.**

20 Defendants continue to disclaim that the State has any responsibility for practices at
21 Plaintiffs’ schools and districts that deprive schoolchildren of equal learning time. And they do
22 not dispute that the State has no mechanism to ensure that students’ fundamental right to equal
23 educational opportunity is not violated as a result of these practices. *See* PI Br. at 4-6. Indeed,
24 Defendants admit that they lack any system or process that would even put the State on notice of
25 the deprivations at issue in this motion. Opp. at 11.

26 Although these practices have persisted for years, un rebutted evidence shows that the

27 ¹³ Ibarra Ex. 28 ¶ 4; Ibarra Ex. 30 ¶ 4; Ex. 134 73:17-74:12, 77:21-78:7; 90:7-91:9; 100:25-
101:11.

28 ¹⁴ PI Br. 3; App’x 1; Chung ¶¶ 74, 77-87, 91, 94-105, 134, 137-148, 151, 155-166, & Exs. V-
AA, BB-HH, PP-VV, WW-CCC.

1 only efforts to address, or even inquire about, these problems came in response to this lawsuit.
2 The only evidence of any State action related to these issues is an investigation by Defendants’
3 lawyers in order to defend this lawsuit. Opp. at 11 n.27 (citing Zeiger ¶¶ 4-6). Nor was there any
4 local attempt to reduce or limit the assignment of students to contentless courses until after this
5 lawsuit was filed last May.¹⁵ After this case was filed, a temporary restraining order was
6 necessary to ensure that LAUSD appropriately addressed the crisis at Jefferson High School.¹⁶

7 The State has consistently demonstrated that it will not alter its pattern of inaction and
8 deliberate indifference with respect to these issues. And while LAUSD has offered to take some
9 measures to limit Home and Service periods and timely complete master schedules “going
10 forward,”¹⁷ school-site and district administrators testified that the district lacks the resources to
11 hire the required additional teachers without cutting other essential staff. Ibarra Ex. 30 ¶ 32;
12 Ibarra Ex. 28 ¶ 34; Ibarra Ex. 27 ¶ 38. On top of the existing resource limitations, LAUSD and
13 CUSD have each noticed budget-based lay-offs for the next school year (2015-2016), which
14 would significantly reduce teaching staff throughout the districts.¹⁸ In addition, the State will
15 eliminate Quality Education Investment Act (“QEIA”) support to all schools next year, which
16 will further impact the ability of Plaintiffs’ schools to offer complete course offerings. At one
17 school, loss of QEIA will eliminate 14 teacher and counselor positions, such that the student-
18 counselor ratio would skyrocket from 300:1 to 700 :1 and the student-teacher ratio from 25:1 to

19
20
21 ¹⁵ Compton High School prohibited assignment of students to Home periods shortly after the
22 case was filed in May 2014, Ibarra Ex. 23 139:24-140:5; Ex. 3 142:21-24; 168:11-169:1, and
23 placed limitations on assignment of students to Service periods in January 2015, after the TRO
24 was issued and shortly after Principal Glass was deposed on these topics in December, *id.* 139:6-
25 22; 141:2-10. Notably, the assignment of students to contentless course periods persists at the
26 two other high schools in CUSD, Centennial and Dominguez High Schools. Ex. 135 ¶¶ 3-4, 7-8;
27 Ex. 136 ¶¶ 3, 6, 8; Ex. 137. Moreover, voluntary cessation does not preclude issuance of
28 injunctive relief, as there is evidence that they will probably recur, *Palo Alto-Menlo Park Yellow
Cab Co. v. Santa Clara County Transit Dist.*, 65 Cal. App. 3d 121, 132 (Cal. App. 1st Dist.
1976); *Lee v. Gates*, 141 Cal. App. 3d 989, 993 (Cal. App. 2d Dist. 1983).

¹⁶ LAUSD investigated the use of Service and Home periods at Dorsey, Fremont and other
district schools only after this court issued the TRO regarding Jefferson. Ex. 138 65:15-66:22.

¹⁷ Ibarra Ex. 32; *see also* Ibarra Ex. 28 ¶ 33; Ibarra Ex. 30 ¶ 29.

¹⁸ Eidmann Decl. ISO Plaintiffs’ Request for Judicial Notice, Exs. A-C.

1 42:1. Ex. 132 30:8-24; *see* Ibarra Ex. 30 ¶ 18.

2 **II. DEFENDANTS' LIMITED EVIDENCE OF SCHOOL CONDITIONS IS**
3 **INADMISSIBLE, NOT CREDIBLE, AND/OR SPECULATIVE.**

4 While the undisputed facts detailed above are central to Plaintiffs' claim and establish the
5 likelihood of constitutional violations, Plaintiffs also must correct misrepresentations in
6 Defendants' brief and supporting declarations.

7 **A. Unfounded Declarations of Plaintiffs' School-Site Administrators**

8 The only disputes that Defendants introduce into the factual record are based solely on
9 conclusory, self-serving declarations from school administrators with no percipient knowledge of
10 the facts testified. Plaintiffs' Motion to Strike, filed concurrently herewith, details the fatal
11 evidentiary deficiencies that necessitate striking from the record the declarations of LAUSD and
12 OUSD personnel Carolyn Chang, Samuel Diaz, William Chavarin, and Emiliano Sanchez in full,
13 and Pedro Avalos and Reginald Sample in part. *See* Pls.' Mtn. to Strike Subsections III.a-e.

14 It is apparent from the face of the declarations themselves,¹⁹ and the deposition
15 testimony of the declarants who submitted to deposition,²⁰ that these witnesses lack personal
16 knowledge of the facts to which they have testified and that the declarations violate the
17 secondary evidence and hearsay rules. Defendants have not submitted the declaration of a single
18 student or teacher with personal knowledge to corroborate their baseless claims.

19 By contrast, numerous students have provided contemporaneous accounts of their own,
20 first-hand experiences that contradict the self-serving declarations from school district
21 administrators who lack foundation for their testimony. The consistent testimony from dozens of
22 students with first-hand experience about their education experience is credible. Accordingly,
23 even if defendants' declarations are admitted into the record in this case, Plaintiffs have carried

24 _____
25 ¹⁹ *E.g.*, Ibarra Ex. 33 ¶¶ 13, 17, 20, 26, 34; Ibarra Ex. 29 ¶¶ 8, 11, 12, 21, 27, 34, 39 (referring to
26 Jessy Cruz's "parents" when his brother is his legal guardian); Ibarra Ex. 20 ¶ 3(c) (referring to
27 student Alban Lopez by the incorrect gender).

²⁰ Ex. 133 125:2-126:1; 128:18-131:2; 133:4-134:20; 140:1-25. Ex. 134 45:11-46:9; 46:14-19;
46:22-23; 50:14-24; 81:2-7; 82:4-6; 84:21-24; 85:14-86:4; 86: 20-22; 140: 15-20.

28 The refusal of declarants Diaz, Chavarin, and Sample to submit to deposition is further ground to
strike these declarations from the record. *See* Mtn. to Strike Subsection III.f.

1 their burden to prove irreparable injury for the purposes of a preliminary injunction, especially in
2 light of the overwhelming, unrebutted testimony detailed in Sections I.A-F. *See Univ. of Texas v.*
3 *Camenisch*, 451 U.S. 390, 395 (1981).

4 Plaintiffs provide in Appendix 7 detailed corrections to the inaccuracies introduced into
5 the record by these flawed declarations. In particular, Dorsey’s administrators engage in a
6 breathtaking denial of the scheduling problems at Dorsey.²¹ Administrators claim to be unaware
7 of any student who waited in the auditorium or was missing classes for more than two days,
8 Ibarra Ex. 33 ¶ 13; Ibarra Ex. 30 ¶ 5. Yet numerous students provide detailed accounts of the
9 *weeks* they spent being warehoused in the auditorium and library with scores of other students.²²
10 In a survey of more than 400 Dorsey students, 291 experienced scheduling difficulties in the
11 first week of school (including waiting in the auditorium for schedules), and 103 did not have a
12 complete course schedule for at least three weeks into the school year. Ex. 141 ¶ 5.

13 Defendants’ declarations instead are evidence that this Court must direct the State to
14 support the districts to ensure that students are provided constitutionally required equal
15 educational opportunity: the school district declarations reflect that the schools and districts are
16 more interested in damage control than protecting their students. At best, these declarations
17 reflect a staggering lack of awareness on the part of administrators as to the true conditions in the
18 schools and experience of the Dorsey students.²³

19 **B. Student Records**

20 Other than these inadmissible and self-serving declarations, the Defendants’ only
21 evidence are school records of the student declarants who submitted testimony in this case and
22 general records of the courses offered by the schools. Defendants improperly use these records to
23 speculate about hypotheticals with no factual basis, as well as to reinforce the low academic
24

25 ²¹ Administrators at Fremont in Los Angeles make analogous misrepresentations concerning
26 problems with student schedules in this and past school years. *See App’x 7.*

26 ²² Ex. 139 ¶¶ 3-4; Ex. 140 ¶¶ 5-6; Ex. 84 ¶ 8; Ex. 86 ¶ 5; Ex. 65 ¶¶ 8-9; *see also App’x 7.*

27 ²³ They are particularly troubling viewed in the context of recent events: Dorsey High School
28 personnel have intimidated and interrogated students who submitted testimony to the Court in
this case, Ex. 142 ¶¶ 2, 4-5; Ex. 143 ¶ 2, and expelled from the campus a community-based
organization perceived to be sympathetic to the litigation, Ex. 144 ¶ 11; Ex. 142 ¶ 7; Ex. 143 ¶ 5.

1 expectations and the harmful message that students do not want to learn.

2 1. Defendants Unfairly and Baselessly Blame Students for “Choosing”
3 Contentless Courses.

4 Defendants speculate that students assigned to contentless course periods could have
5 taken other courses listed on their school’s master schedule. Opp. at 6 & n.13, 9 nn.22-23. But
6 Defendants identify no evidence that: there were spaces available for additional students in any
7 of the identified courses, that the courses were appropriate for the students’ grade or proficiency-
8 level, or that students were ever provided the opportunity to enroll in any of those classes. For
9 example, contrary to Defendants’ suggestion that Plaintiffs “terribly misrepresent” Johnae
10 Twinn’s circumstances, Opp. at 8-9, it is undisputed that Johnae is enrolled in only three courses
11 this year and lacks a science course. Ex. 40 ¶ 3. Johnae has two empty periods because two
12 courses she was enrolled in at the beginning of the year, Physiology and Debate, were canceled.
13 *Id.* ¶ 7; *see* Opp. at 9. Defendants seek to excuse these facts by contending that Johnae should
14 have asked to be placed in AP Biology after her Physiology class was canceled weeks into the
15 school year, but Defendants have introduced no evidence that there was space in that AP Biology
16 class for Johnae, or that she actually could have transferred into it. *See also* Ibarra Ex. 16 (29 of
17 30 seats in AP Biology filled on the date that the master schedule was finalized).

18 Plaintiffs have presented unrebutted student testimony from many students who do *not*
19 want these contentless Home and Service periods.²⁴ And the acceptance of a Home or Service
20 period when there are no other appropriate courses available is not a free “choice.”

21 But California law requires every public school student between age 6 and 18 to attend
22 school “for the full time designated as the length of the school day by the governing board of the
23 school district,” Cal. Educ. Code § 48200, and provides for civil and criminal penalties for
24 associated violations.²⁵ *E.g.*, Cal. Educ. Code §§ 48264, 48293; Cal. Vehicle Code § 13202.7.
25 This compulsory education law reflects the State Legislature’s policy determination that is it not

26 ²⁴ Ex. 72 ¶¶ 7-8; Ex. 120 ¶ 5; Ex. 121 ¶¶ 8, 14; Ex. 118 ¶¶ 4, 6; Ex. 119 ¶ 4; Ex. 56 ¶ 5; Ex. 41
27 ¶¶ 5, 7, 9, 10; Ex. 50 ¶ 7; Ex. 43 ¶ 8; Ex. 77 ¶ 5.

28 ²⁵ The Attorney General defending the State in this litigation has made the enforcement of the
State’s compulsory attendance law a policy priority and has conceded that lack of school
attendance denies children their fundamental right to education. *See* Ex. 145.

1 “inhumane and unconscionable,” Ibarra Ex. 27 ¶ 30, to require students to attend school until the
2 age of majority, even when they might prefer to be somewhere else. A full and appropriate
3 education is the best way to provide children with the knowledge and skills necessary to become
4 employable for jobs that will be fulfilling and enable them to earn meaningful wages. *See*
5 *Serrano v. Priest*, 5 Cal. 3d 584, 609 (1971) (public schools serve as “the bright hope for entry of
6 the poor and oppressed into the mainstream of American society”). Defendants, as the guarantors
7 of the fundamental right to equal educational opportunity, are responsible for ensuring that
8 students are not even given this “choice” in the first place.

9 2. Defendants Must Ensure Equal Educational Opportunity, Not Merely
10 Compliance with Minimum Requirements.

11 Defendants and their declarants stress that many (though not all) student declarants are on
12 track to graduate or have graduated,²⁶ and some have been admitted to or intend to attend college
13 next year.²⁷ These accomplishments, particularly in light of the educational deprivations to
14 which they have been subjected, are a testament to the students’ resilience and perseverance.
15 But the fact that students were ultimately able to graduate does not excuse the assignment of
16 students to contentless courses or the weeks lost to incorrect classes or no classes at all at the
17 opening of the school year. Plaintiffs’ evidence establishes disparities in access to *learning time*,
18 and, as Defendants’ witnesses concede, “every minute counts” for all students in Plaintiffs’
19 schools. Ex. 132 89:2-91:4; Ex. 133 29:3-30:1. Indeed, Defendants do not dispute that, in
20 Plaintiffs’ schools, it is not uncommon for students to have passed the classes necessary to be on
21 track to graduate and yet be performing far below grade level in math and reading,²⁸ and that
22 even high-achieving students in Plaintiffs’ schools typically graduate unprepared to succeed at
23 the college level.²⁹ Assignment to contentless courses also affects students’ ability to be admitted
24 to college at all. As the University of California’s website cautions that “meeting the minimum

25 _____
26 ²⁶ Opp. at 7 n.16, 8 n.20, App’x B, C; Ibarra Ex. 20 ¶ 3; Ibarra Ex. 19 ¶ 3; Ibarra Ex. 33 ¶ 19, 21;
Ibarra Ex. 29 ¶ 11, 21, 24, 27, 43.

27 ²⁷ Opp. at 9 n.23; Ibarra Ex. 20 ¶ 3; Ibarra Ex. 19 ¶ 3; Ibarra Ex. 28 ¶¶ 11, 21, 24, 29, 35, 6.

28 ²⁸ Chung ¶¶ 138-148; PI Br. App’x 1; 56:2-6; Ex. 132 61:4-62:9; 63:1-11; Ex. 35 ¶¶ 8-9, 15; Ex.
29 45 ¶ 3; Ex. 112 ¶¶ 25-27; Ex. 47 ¶¶ 18-19; Ex. 90 ¶ 4.

²⁹ PI Br. at 19 & nn.54-55; Oakes Supp. ¶ 7.

1 [A-G] requirements does not guarantee admission,” which often “requires students to satisfy far
2 more demanding standards.” Ex. 146. Defendants’ obligation to ensure equal access to
3 educational opportunity thus does not end with ensuring access to courses necessary to meet
4 minimum graduation and college entry requirements. It is not the prevailing statewide standard
5 to discontinue access to meaningful education when students meet the minimum requirements.

6 **III. DEFENDANTS HAVE A DUTY TO PREVENT VIOLATION OF PLAINTIFFS’**
7 **CONSTITUTIONAL RIGHT TO AN EQUAL EDUCATION.**

8 Our constitutional system assigns responsibility for ensuring that local district conduct
9 does not threaten students’ fundamental right to an equal education in California to the State and
10 its education entities. *Butt v. State*, 4 Cal. 4th 668, 688-89 (1992). Although the State has
11 repeatedly attempted to evade its constitutional responsibility to ensure basic equality of
12 educational opportunity by shifting blame to the local school districts, no California court has
13 ever adopted this argument.³⁰ For more than a century, California courts have held that the State
14 has ultimate responsibility for the management and control of the public schools.³¹ The
15 obligation to carry out this duty has repeatedly been enforced by our court system.³²

16 **A. The Requested Relief Is Consistent with the Separation of Powers Doctrine.**

17 Defendants argue that granting Plaintiffs’ motion would violate separation of powers
18 principles “because issues involving educational policy and governance are constitutionally
19 committed to the Legislature.” Opp. at 1, *see id.* at 2-4. The California Supreme Court has
20 repeatedly disagreed³³ and affirmed the well-established role of the judiciary: to make findings

21 ³⁰ *See* Order Overruling Demurer at 2 (taking judicial notice of trial court orders in *D.J. v. State*,
22 *Doe v. State*, and *Vergara v. State*).

23 ³¹ *E.g.*, *Kennedy v. Miller*, 97 Cal. 429, 431 (1893) (“Article IX of the constitution makes
24 education and the management and control of the public schools a matter of state care and
25 supervision.”); *Butt*, 4 Cal. 4th at 680; *San Francisco Unified Sch. Dist. v. Johnson*, 3 Cal. 3d
26 937 951-52 (1971); *Piper v. Big Pine Sch. Dist. of Inyo Cnty.*, 193 Cal. 664, 669 (1924).

27 ³² The State of California again argues that the State itself is not a proper defendant. State Opp. at
28 1-4. This Court previously rejected this argument, Order Overruling Demurrer at 2, and should
do so again, *see, e.g.*, *Butt v. State of California*, 4 Cal. 4th at 676 (holding that the trial court
appropriately ordered “the State and its agents” to develop a proposed remedy).

³³ *See Butt*, 4 Cal. 4th at 676 (rejecting defendants’ separation of powers argument and holding
that the trial court had “correctly held the State constitutionally responsible for the students’
rights” and appropriately invited “the State and its agents” to develop a proposed remedy);

1 as to whether the State and its agents have violated their duty to ensure constitutionally equitable
2 educational opportunity, and, when necessary, to direct the State and its agents to formulate an
3 appropriate remedy in the first instance.

4 This is precisely the relief Plaintiffs have requested here: for the State to work with the
5 districts to develop a plan to ensure that assignment to contentless classes does not inequitably
6 deprive students of learning time. *See* Proposed Order. Notably, the only case cited in support of
7 Defendants’ separation of powers argument, *Wilson v. State Bd. of Ed.*, 75 Cal. App. 4th 1125
8 (1999), does not address whether relief may be granted consistent with separation of powers
9 principles at all. Rather, the case involves a request to invalidate a charter school statute passed
10 by the California Legislature, *id.* at 1133, and in fact repeatedly recognizes that the State
11 Legislature’s power over education is subject to “constitutional restraints,” *id.* at 1134.³⁴

12 **B. Legislative Preference for Local Decision-Making Does Not Obviate the**
13 **State’s Duty to Ensure Constitutional Educational Equity.**

14 Defendants contend that the Legislature’s recent enactment of Local Control Funding
15 Formula (“LCFF”) should preclude a finding of liability on the part of the State because it
16 evinces a legislative choice to promote local control over education. Opp. at 2-4; State Opp. at 4-
17 13. Defendants’ invocation of the LCFF’s “legislative balance in favor of localism,” Opp. at 4,
18 is merely a rehashed version of the argument soundly rejected in *Butt*: “[T]he legislative decision
19 to emphasize local administration does not end the State’s constitutional responsibility for basic
20 equality in the operation of its common school system.” 4 Cal. 4th at 688-89.

21 Moreover, this case is not a challenge to a particular funding formula. If the court-ordered
22 relief ultimately requires additional resources at the school site, *Butt* makes clear that the State
23 can enforce that mandate as it reasonably chooses, including by ensuring that existing resources

24
25 *Serrano v. Priest* (“*Serrano II*”), 18 Cal. 3d 728, 751-52 (1976) (holding that order enjoining
26 operation of statutory school finance scheme and retaining jurisdiction to ensure the political
27 branches adopted a constitutional system did not violate separation of powers).

28 ³⁴ Defendants’ citation to *Crawford v. L.A. Bd. of Ed.*, 17 Cal. 3d 280 (1976) is likewise
inapposite to the instant action because it applies only to instances in which a school board has
“embarked upon a course of action designed to eliminate” the specific problems identified, *id.* at
286, which no district here has undertaken.

1 (including those available through LCFF)³⁵ be directed for this purpose. In any case, Plaintiffs
2 seek only that their schools stop assigning contentless courses to students, not that any particular
3 means be utilized to achieve that result. *See id.* at 695.

4 **C. The State Has, in Fact, Established Standards to Ensure that Courses of**
5 **Study Deliver Educational Benefit.**

6 Contrary to representations by Defendants and their experts that the State plays virtually
7 no role with respect to courses of study “beyond minimum courses,”³⁶ the State establishes
8 standards and requires accountability to ensure that courses of study offered by local school
9 districts deliver educational value to students. For example, the State has carefully circumscribed
10 minimum standards for work-based learning,³⁷ including:

- 11 • certifications by the school’s principal that: the student has sufficient credits for eleventh
12 grade standing, needs “immediate work experience education in order to pursue employment
13 opportunities,” will likely cease to be “a full-time pupil without being provided the
14 opportunity to enroll in a work experience program,” Cal. Educ. Code § 51760.3;
- 15 • a formal agreement that identifies the responsibilities of the student and outlines the
16 educational objectives that the student is to accomplish, Cal. Code Regs. tit. 5, § 10071; and
- 17 • formal supervision is provided by a credentialed teacher, *id.*

18 Districts must demonstrate compliance with these and other standards before they may offer
19 work experience courses by submitting a “Secondary District Plan for Work Experience
20 Education” to the California Department of Education. *Id.*; *see* Ex. 147.

21 Plaintiffs’ schools have not relied on, or complied with, these existing *State* programs
22 related to work experience in assigning students to contentless courses. Additionally, regulatory
23 measures flatly contradict Defendant’s assertion (and that of their experts)³⁸ that the State has no
24 role whatsoever in setting standards for academic course offerings provided to students

25 **D. Students Need Not Exhaust Remedies at the District Level Before Seeking**

26 ³⁵ In any event, the LCFF’s accountability measures are not available until 2017, and failure to
27 act now will result in the lost instruction time for an entire generation of students. RJN Exs. D-E.

28 ³⁶ *Opp.* at 2; Campbell ¶ 19, McCauley ¶ 28; Timar ¶ 45; Whitmore ¶¶ 8-9.

³⁷ *See also* Cal. Educ. Code § 51760 (independent study); *id.* § 51747 (experimental education).

³⁸ Defendants’ experts’ failure to account for these programs plainly undermines the reliability of
their opinions.

1 **IV. PLAINTIFFS HAVE ESTABLISHED THAT THE SCHEDULING PRACTICES**
2 **IN PLAINTIFFS' SCHOOLS FALL SIGNIFICANTLY BELOW PREVAILING**
3 **STATEWIDE STANDARDS.**

4 The applicable prevailing statewide standard that Plaintiffs have identified is that students
5 will be educated at school, during the school day. This common-sense conclusion forms the basis
6 of our educational system itself and is embodied in State laws and policies, in the testimony of
7 school district administrators from Plaintiffs' school districts and comparison districts, and in the
8 testimony of both Plaintiffs' and Defendants' experts.

9 Defendants attempt to challenge the existence of this prevailing standard through two
10 principal arguments: first, that no state law or policy establishes that students should not be
11 assigned to classes without educational content; and second, that it is impossible to discern a
12 prevailing professional standard or practice that schools provide students real academic classes
13 throughout the designated school day. In making these arguments, however, Defendants and
14 their experts fail entirely to account for the overwhelming evidence about the actual experience
15 of students at Plaintiffs' schools. Rather, they assume a level of educational rigor that the record
16 evidence establishes is entirely lacking in the contentless classes at Plaintiffs' schools. In fact,
17 Defendants' experts reinforce Plaintiffs' position: it is the norm in California that schoolchildren
18 are present at school and engaged in educational activities during the designated school day.

19 1. State Laws and Policies Establish that Children Are Expected to Attend
20 School for the Full Length of the School Day and Engage in Instructional
21 Activities While at School.

22 Defendants claim that Plaintiffs "cannot point to any state law or policy" that supports the
23 asserted statewide standard. Opp. at 12. Although Defendants' suggestion that state statute must
24 form the basis for any statewide standard under *Butt* is mistaken, many California laws reflect
25 State policy determinations that, during the school day, students are to be present in school, and
26 are to be provided meaningful educational opportunities rather than being warehoused in periods
27 without academic value.

28 *First*, the State's policy of ensuring that all children attend school for the duration of the
school day so that they may receive a full and appropriate education is reflected in its
compulsory attendance law. Cal. Educ. Code § 48200; *see also id.* §§ 48264, 48293; Cal.

1 Vehicle Code § 13202.7; Subsection II.B.1.

2 *Second*, the State expresses its policy determination that students are entitled to sufficient
3 learning time by establishing minimum standards for the number of instructional days and
4 minutes during which schools must be in session. Cal. Educ. Code §§ 46208, 46207.

5 *Third*, state statutes and regulations providing for supervision and regulation of district
6 Work Experience Education offerings, *see* Subsection III.B, also reflect State policy requiring
7 that, when students are in school, they engage in activities calculated to be instructional. Indeed,
8 the State’s careful regulation of authorized work experience programs reflects that school
9 districts’ assignment to non-educational courses without complying with these requirements falls
10 below what is expected, that is, prevailing statewide standards.

11 2. Defendants’ Experts Confirm that the Practices in Plaintiffs Schools Are
12 Neither Acceptable Professional Practice Nor the Prevailing Norms and
13 Standards for California Students.

13 Defendants’ experts never testify that it is acceptable, much less commonplace, that
14 schools assign students, wholesale, to contentless classes. As established in Section I, the
15 evidence establishes that students at Plaintiffs’ schools are subjected to such a practice.
16 Defendants’ experts do not confront this testimony. As such, their opinions are non-responsive to
17 the prevailing statewide standard that Plaintiffs have identified.

18 In disputing the existence of a statewide standard, Defendants’ experts assume a baseline
19 professional practice that is absent at Plaintiffs’ schools. Testimony from Defendants’ experts in
20 fact confirms that there *are* practices that “the great majority of professional educators would
21 agree . . . fall below what is generally acceptable in education,” Oakes Supp. ¶ 10, and that some
22 of those practices are taking place in Plaintiffs’ schools. Defendants’ experts fail to refute the
23 central premises of the testimony of Professor Jeannie Oakes and Merle Price. Specifically, as
24 Professor Oakes notes, Defendants’ experts do not dispute that the following practices are neither
25 acceptable professional practice nor the prevailing norms and standards for California students:

- 26 • assignment to “periods without curricular content, including being released to go home,”
27 “without regard to their academic progress or proficiency and with no input from the students
28 or their parents/guardians,” *id.* ¶ 5;

- 1 • “to fill out student schedules by *assigning* them to periods to non-instructional “courses”
2 instead of real academic courses, absent an individualized determination that such
3 assignment was appropriate,” *id.* ¶ 6;
4 • “begin[ning] the school year with no assigned courses or an incomplete schedule,” *id.* ¶ 5, or
5 “begin[ning] actual instruction many weeks into the school year,” *id.* ¶ 6.

6 Indeed, Defendants’ defense to Plaintiffs’ motion reflects acceptance—either express or
7 implied—of a shared understanding that it is not acceptable to assign students to contentless
8 classes in which they do not learn and that master calendars should be set before the school year
9 begins. For example, Defendants and their declarants repeatedly take the following positions,
10 summarized in Appendix 8 attached hereto:

- 11 • Service periods are appropriate where the student derives educational benefit from his
12 activities in the course, App’x 8 (No. 1), and when the student’s academic needs were taken
13 into account when making the placement, *id.* (No. 2);
14 • Home periods, to the extent defensible, are more acceptable when they have a purpose: when
15 the student is taking a college course, has a job, or has urgent family needs, *id.* (No. 3);
16 • students’ academic needs should be taken into account in making Home and Service
17 placements, *id.* (No. 4);
18 • master schedules should be established prior to the beginning of the school year, or as soon
19 thereafter as reasonably feasible, *id.* (No. 5).

20 Moreover, the elimination of Home and sharp limitations placed on Service periods at
21 Compton High School and LAUSD’s recent attempts to regulate them, *supra* nn.16-18, shows
22 that administrators at these school and district sites have acknowledged—at least after the
23 conditions have been brought to light in this lawsuit—that these practices were unacceptable, and
24 have sought to bring their practices in line with prevailing standards.

25 Defendants’ experts rest their opinion that it is impossible to discern a standard about
26 educational practice on the assumption that home and service periods have some educational
27 value, Timar ¶ 35, Guthrie ¶ 19, notwithstanding the record evidence establishing that is simply
28 not the case at Plaintiffs’ schools. Taken together, these positions reflect an overwhelming

1 consensus that course periods *without* educational value, that are assigned without purpose solely
2 due to lack of resources, are neither acceptable professional practice nor in line with prevailing
3 norms and standards in California.

4 Defendants and Their Experts Misapprehend the Purpose of the 10 Comparison Districts
5 and Misrepresent the District Responses to Manufacture “Variance.” Because Defendants’
6 experts are clearly unable to agree that the outrageous scenarios in Plaintiffs’ schools comport
7 with what they consider to be acceptable educational practices, they instead construct straw-man
8 arguments and manufacture distinctions that do not exist in a misguided attempt to undermine
9 the value of the comparison districts.

10 Defendants’ critique of Professor Oakes’ survey of 10 comparison districts misconstrues
11 the purpose of the sample. Defendants critique the sample as being “of little or no value
12 statistically” because the sample size—10 districts—is “far too small.” Opp. at 13 (citing Haertel
13 ¶¶ 11-14). But as Oakes explains, the purpose of the sample was never “to estimate some
14 parameter of a population of schools,” which would require a large sample size. Oakes Supp.
15 ¶ 17. Instead, the question was: “whether the experiences of students and teachers regarding
16 ‘home periods,’ ‘service periods,’ and long delays in finalizing course schedules are common in
17 other schools and districts across the state.” Oakes PI ¶ 6. If such practices *were* common in
18 other schools and districts, they would be expected to appear in the sample of ten districts.⁴⁰

19 Defendants also contend that that there is no statewide standard on any of the subjects at
20 issue in this motion because the practices around the state are “quite varied.” Opp. at 13; Timar
21 ¶ 10; Guthrie ¶¶ 13-14. On first glance, Timar’s two charts, Exhibits 2 (on Service Periods) and 3
22 (on Home Periods), may appear to show variation among the districts. However, closer study
23 makes clear that Timar “manufactures much of the ‘variance’” he observes “by identifying
24 distinctions without a difference.” Oakes Supp. ¶ 24. For example, in his determination of
25

26 ⁴⁰ Timar’s assertion that comparing the district declarations with experiences at the Plaintiffs’
27 schools is like comparing “apples and oranges” is similarly misplaced. Timar ¶ 14. The
28 declarations are sworn statements that refer to what happens in the district high schools, and
“[t]here is no reason to believe that the administrators chosen by the districts themselves know
only about policy and nothing about practices in district high schools.” Oakes Supp. ¶ 22.

1 whether an “educational objective” exists for Service periods, Timar asserts in his chart that
2 three districts that state they have “specific, written educational objectives” for service periods⁴¹
3 only “possibly” have a “specific educational objective requirement.” Timar Ex. 2; *see* Oakes
4 Supp. ¶ 24 (“It could not be more clear that these three districts require a ‘specific educational
5 objective.’”). He also distinguishes between districts that require supervision by “certificated
6 personnel” and those that required supervision by a “certificated educator,” Timar Ex. 2, even
7 though “[i]n California K-12 education there are extremely few certificated persons who are not
8 also educators. One can become a certificated administrator, but virtually all such persons are
9 also educators. There are no certificated secretaries or custodians.” Oakes Supp. ¶ 26.

10 Defendants’ attempts to introduce variation and uncertainty where there is none are
11 beside the point. As Professor Oakes explained, the purpose of the comparison districts was to
12 assess “whether the experiences of students and teachers [in Plaintiffs’ schools] regarding ‘home
13 periods,’ ‘service periods,’ and long delays in finalizing course schedules are common in other
14 schools and districts across the state.” Oakes PI ¶ 6. There is no evidence that Plaintiffs’
15 examples presented in Part I of this memorandum—students waiting for weeks to be assigned to
16 classes, being sent home or warehoused in the back of a classroom because no other courses are
17 available—take place in any of the comparator districts.

18 **V. THE BALANCE OF HARMS STRONGLY FAVORS PLAINTIFFS.**

19 Undisputed facts establish that students in Plaintiffs’ schools will suffer irreparable
20 educational harm if the State’s conduct is permitted to continue, *see* Section I.E, PI Br. at 17-18,
21 and that the State’s inaction will continue absent Court order, *see* Section I.F.

22 **A. The Proposed Relief Is Necessary and Will Not Harm the State or Students.**

23 In *Butt*, the Supreme Court rejected Defendants’ assertion that potential “damage [to] the
24 State’s public school policies of local control and accountability” outweighs the protections of
25 students’ constitutional rights. *Butt*, 4 Cal. 4th at 693. But even if this were not so, the relief
26 proposed by Plaintiffs does not harm and is entirely consistent with the balance of State and local
27

28 _____
⁴¹ Ex. 100 ¶ 6 (emphasis added); Ex. 103 ¶ 8 (emphasis added); Ex. 106 ¶ 4 (emphasis added).

1 accountability upon which the LCFF is premised. Contrary to mischaracterizations by
2 Defendants’ experts that Plaintiffs seek State “takeover” of school districts, Guthrie ¶ 25;
3 McCauley ¶¶ 19-21, 31; Timar ¶ 43, the injunctive relief sought retains the management of
4 student schedules and master calendars at the school-district and school-site level. It requires
5 only that the State work with the districts to develop a plan to ensure that students have
6 appropriate schedules and real classes next year, and to intervene only if the subject districts are
7 unable to comply with this plan.⁴² [Proposed] Order at 2. This approach is fully consistent with
8 the approach to state-level technical assistance and support contemplated by the LCFF. *See, e.g.*,
9 Cal. Educ. Code §§ 52064.5, 52072; Burr ¶¶ 26-27, 30; McCauley ¶ 31; Timar ¶ 32 (stating that
10 State education officials provide oversight to local districts under LCFF).

11 Defendants’ speculation that providing students with appropriate schedules and real
12 classes will harm students, Opp. at 17, is likewise entitled to no weight. *See Oiyee v. Fox*, 211
13 Cal. App. 4th 1036, 1057 (2012). Particularly without basis is the circular speculation that
14 requiring students to attend school will pose a hardship that “may” cause them to drop out.⁴³
15 Opp. at 17; McCauley ¶ 10; Timar ¶ 35; Ibarra Ex. 28 ¶ 26; Ibarra Ex. 27 ¶ 30; Ibarra Ex. 30
16 ¶ 24. To the contrary, as Professor Oakes makes clear, “[a] primary cause of dropouts is
17 disengagement,” which follows from the low academic expectations communicated to students
18 in these schools—including the message that students are worthy of no more than the absolute
19 minimum and “might as well be sent home or assigned, with no educational plan or purpose, to
20 the most menial tasks.” Oakes Supp. ¶ 36. Moreover, California compulsory education laws do
21

22 ⁴² Defendants appear to presume that if the State develops rules to prevent the practices of
23 contentless courses and tardy schedules like those in Plaintiffs’ schools, that the response will be
24 large-scale inability or unwillingness to comply, thereby broad State intervention. While no such
25 resistance seems likely, if that is the State’s belief and it were well-founded, then the need for the
26 proposed injunctive relief would, if anything, be even greater than it is now.

27 ⁴³ Truly exceptional student circumstances that necessitate early departure from school could be
28 accounted for within the framework of the proposed injunction by including a narrow exception
in the plan developed similar to that found in the Work Experience Education requirements. *See*
Cal. Educ. Code § 51760.3 (requiring the principal certifies that “there is a probability that the
pupil will no longer be enrolled as a full-time pupil without being provided the opportunity to
enroll in a work experience program”).

1 not allow students or their parents to choose whether or not to attend schools and receive
2 instruction. *See* Subsection I.G.2.a.

3 Finally, Defendants’ argument that *O’Connell v. Superior Ct.*, 141 Cal. App. 4th 145-42
4 (2006) is relevant because many Plaintiffs or student declarants have graduated or may graduate,
5 *Opp.* at 19, ignores the unrebutted evidence and misapprehends the nature of the irreparable
6 harm Plaintiffs have established. Defendants have failed to rebut Plaintiffs’ evidence of the
7 devastating educational harms that flow from lost learning time, *see* Section I.E, which are not
8 limited to failure to graduate, but include the cumulative loss of academic opportunity that
9 results in the inability to attain the knowledge and skills necessary to achieve proficiency and
10 succeed in college or the professional world. *See* Subsection I.G.2.a; PI Br. at 17-18.

11 **B. District-wide Relief Is Appropriate to Address the Documented Harms.**

12 Unrebutted evidence establishes that other low-income schools in LAUSD exhibit the
13 same patterns of failing to provide students with appropriate, timely class schedules and
14 assignment of students to contentless courses as Plaintiffs’ schools.⁴⁴ Data from the only other
15 two high schools in CUSD and the high school in OUSD most demographically similar to
16 Plaintiffs’ schools reveal similar patterns. Exs. 8-15; App’x 2. The Court may exercise its power
17 to restrain “acts which are of the same type or class as unlawful acts which the court has found to
18 have been committed or whose commission in the future, unless enjoined, may fairly be
19 anticipated from the defendant’s conduct in the past.” *Mering v. Yolo Grocery & Meat Market*,
20 127 P.2d 985, 990 (Cal. Ct. App. 1942); *NLRB v. Express Publ’g Co.*, 312 U.S. 426, 435 (1941).
21 A district-wide preliminary injunction is thus appropriate here, in light of the evidence that the
22 threatened constitutional harm is not limited to the six schools at issue in this injunction and that
23 these deprivations are likely to recur next year without State intervention.

24
25 _____
26 ⁴⁴ Student survey results establish that master schedule problems in the current school year
27 abounded throughout low-income schools in LAUSD. Ex. 141. District-wide audit results reveal
28 the same pattern. Ex. 16. Chief Academic Officer of LAUSD, Gerardo Loera, acknowledged the
prevalence of home and service periods in District schools, stating that if the District had to
provide additional courses at all of the District’s 325 high schools, it would need additional
funding in the amount of \$400 million. Ibarra Ex. 27 ¶ 38.

1 Dated: April 2, 2015

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APPENDIX 7
EVIDENCE CONTRADICTING UNFOUNDED STATEMENTS
INTRODUCED BY DEFENDANTS

DECLARATION OF **CAROLYN CHANG**, ASSISTANT PRINCIPAL OF DORSEY HIGH

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“Dorsey Staff meets with students twice per year, especially to comply with Individual Graduation Plan (‘IGP’) requirements.” Chang Decl. ¶ 7.</p>	<p>Lack of personal knowledge, Ms. Chang was not employed at Dorsey prior to the August 5, 2015. Chang Depo. at 10:8-13; Chang Decl. ¶ 3.</p> <p>Ms. Chang stated that she “do[es]n’t spend a lot of time supervising the counselors”, id. at 11:15-24; had not “personally counseled any students at the school”, id. at 11:15-12:9; has never “sat in on a counseling session . . . for any of the students in Dorsey”, id. at 18:14-22; and has never personally conducted an IGP conference at Dorsey, id. at 30:5-11.</p>	<p>“I did not have any [IGP] meetings with counselors before my senior year.” Moton Second Supp. Decl. ¶ 9.</p>
<p>“In accordance with District Bulletin 2537.6 regarding ‘Individualized Graduation Plan For All Secondary Students,’ Dorsey counseling staff ensures that all students have access to a rigorous curriculum and opportunities to support, enrich and challenge their educational experiences. The IGP conferences address data-driven decisions, mastery of content standards, and individual goal setting, and IGPs are reviewed and revised by the counselors, students and parents on a regular basis.” Chang Decl. ¶ 8.</p>	<p>Lack of personal knowledge, Ms. Chang stated that she “do[es]n’t spend a lot of time supervising the counselors”, id. at 11:15-24; had not “personally counseled any students at the school”, id. at 11:15-12:9; has never “sat in on a counseling session . . . for any of the students in Dorsey”, id. at 18:14-22; and has never personally conducted an IGP conference at Dorsey, id. at 30:5-11.</p>	<p>“My IGP took about five minutes. I don’t remember talking about college in detail. We just talked about what classes I was taking and he told me not to fail anything. My parents were not involved in this meeting.” Bell. Supp. Decl. ¶ 5.</p> <p>“I had my first IGP meeting this year when I was a senior in December, almost at the end of the first semester, but it only lasted 15 minutes and it wasn’t very helpful. The counselor just asked me if I’m on track to graduate, went over my classes quickly, and told me not to fail any classes. We didn’t talk about college or anything else.” Moton Second Supp. Decl. ¶ 9.</p> <p>Dorsey’s School Accountability Report Card states that the percentage of “students [who] have an individual graduation plan . . . for 2003 [is] 15 percent.” Sample Depo. 43:23-44:16.</p>
<p>“In addition to Dorsey’s IGP requirements, Dorsey’s counseling staff meets with students to review their transcripts during ‘Advisory’ period.” Chang Decl. ¶ 9.</p>	<p>Lack of personal knowledge, Ms. Chang stated that she “do[es]n’t spend a lot of time supervising the counselors”, id. at 11:15-24; had not “personally counseled any students at the school”, id. at 11:15-12:9; has never “sat in on a counseling session . . . for any of the students in Dorsey”, id. at 18:14-22; and has never personally conducted an IGP conference at Dorsey, id. at 30:5-11.</p>	<p>“As long as I have been at Dorsey, no counselor has ever come into my advisory period to go over my transcripts with me or discuss graduation or college requirements.” Bell. Supp. Decl. ¶ 6.</p>
<p>“While the MiSiS system did not work well on certain occasions, most students (with the exception of new enrollees) at Dorsey were pre-programmed correctly. By the third day of the school year, all students had their full and complete schedules and were sent [sic] their classes.” Chang Decl. ¶ 13.</p>	<p>Lack of personal knowledge.</p>	<p>“Our office was already aware that Valerie needed certain classes changed.” Chang Decl. ¶ 17.</p> <p>“Counselors(s) have spoken with Jesse on several occasions [sic] made diligent efforts to fix Jesse’s course schedule[.]” Chang Decl. ¶ 22.</p> <p>“Jordan was advised to attend the classes while the corrections were made to add sports medicine and chemistry to his schedule.” Chang Decl. ¶ 26</p> <p>“Lisset did have an Algebra 2 class on the first day of school, though it took a little longer to obtain the English class.” Chang Decl. ¶ 31.</p> <p>“When I got my schedule, I saw that I was missing classes for three periods.” Parx Decl. ¶ 7.</p> <p>“I didn’t have an English class for about four weeks, both class that I need in order to graduate. My schedule didn’t say anything for those periods[.]” Mancilla Decl. ¶ 3.</p>

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“While the MiSiS system did not work well on certain occasions, most students (with the exception of new enrollees) at Dorsey were pre-programmed correctly. By the third day of the school year, all students had their full and complete schedules and were sent [sic] their classes.” Chang Decl. ¶ 13. <i>(cont.)</i></p>	<p>Lack of personal knowledge. <i>(cont.)</i></p>	<p>“For the first month of school, I did not have a math class at all and I had two advisory periods on my schedule, when you’re only supposed to have one.” Malone Decl. ¶ 4.</p> <p>“Five weeks into the start of school, they finally gave me my full schedule, but I’m still not in Algebra 1B, which I may need for my ‘A-G Requirements.’” Bell Decl. ¶ 5.</p> <p>Of 418 students polled, 65 reported waiting in the auditorium or gym at least a few weeks. 102 reported that it took three weeks or more to finalize their schedules. Eidmann Decl. Ex. 141 Para. 5 & App’x 9.</p>
<p>“No student spent more than two days in the campus auditorium as a result of the scheduling issues.” Chang Decl. ¶ 13.</p>	<p>Lack of personal knowledge, Ms. Chang was only in the auditorium for three days. Chang Depo. 74:6-21.</p>	<p>“Q: Okay. Were you ever in that school auditorium? A: Yes. . . . Q: During any other day? A: Up to the third day, yes.” Chang Depo. 74:6-21</p> <p>“I was forced to sit in the auditorium for two weeks.” Moton Decl. ¶ 8</p> <p>“After two weeks of going to the counseling office almost every day and sitting in the library or auditorium doing nothing, I finally got classes for those here empty periods.” Parx Decl. ¶ 9</p> <p>“I spent at least four weeks in the auditorium.” Malone Decl. ¶ 5.</p> <p>Of 418 students polled, 65 reported waiting in the auditorium or gym at least a few weeks. 102 reported that it took three weeks or more to finalize their schedules. Eidmann Decl. Ex. 141 Para. 5 & App’x 9.</p>
<p>“Contrary to allegations, problems with student scheduling is not normal at Dorsey, nor does it occur year after year. It is simply untrue that, for the last several years, students would receive ‘random schedules’ that do not have the classes that they need to graduate.” Chang Decl. ¶ 13.</p>	<p>Lack of personal knowledge, Ms. Chang was not employed at Dorsey prior to the August 5, 2015. Chang Depo. at 10:8-13; Chang Decl. ¶ 3.</p>	<p>“These scheduling problems happened last year too. Fall 2013 was my first year at Dorsey, and when I showed up my name wasn’t on the bulletin board of class assignments. They sent me to the library, where I just sat there waiting for them to call my name.” Moton Second Supp. Decl. ¶ 8.</p> <p>“During my first three years at Dorsey, at the beginning of the school year, students would usually get a random schedule that doesn’t have the classes they need to graduate.” Nunez Decl. ¶ 6.</p> <p>“At the beginning of every year, about half of the students at Dorsey have problems with their schedules.” Romero Decl. ¶ 3.</p> <p>“Dorsey has scheduling issues every year.” Santana Decl. ¶ 3.</p> <p>“This is not the first time my schedule was messed up.” Parx ¶ 13.</p>
<p>“All students were scheduled into the appropriate A-G classes. . . . Our students were properly programmed before the start of the school year to meet the appropriate A-G requirements. Thus, allegations that students were missing classes that they needed in order to graduate are not true.” Chang Decl. ¶ 14.</p>	<p>Lack of personal knowledge.</p>	<p>“Five weeks into the start of school, they finally gave me my full schedule, but I’m still not in Algebra 1B, which I may need for my ‘A-G Requirements.’” Bell Decl. ¶ 5.</p> <p>“I didn’t have an English class for about four weeks, both class that I need in order to graduate. My schedule didn’t say anything for those periods[.]” Mancilla Decl. ¶ 3.</p>

STATEMENT**WHY STATEMENT LACKS BASIS****CONTRADICTORY EVIDENCE**

"All students were scheduled into the appropriate A-G classes. . . . Our students were properly programmed before the start of the school year to meet the appropriate A-G requirements. Thus, allegations that students were missing classes that they needed in order to graduate are not true." Chang Decl. ¶ 14. (*cont.*)

Lack of personal knowledge. (*cont.*)

"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 requirement to graduate or to satisfy the requirements to attend University of California or California State universities." Moton Decl. ¶ 5.

"At the beginning of this year I was assigned to classes I did not need and classes I had taken, and I wasn't assigned to the classes I still need to graduate to get into college." Nunez Decl. ¶ 4.

"I'm . . . not scheduled into two classes that I do need to graduate—a health class and chemistry class." Romero Decl. ¶ 4.

"Valerie's declaration states that during the first two weeks of school she visited the administration office every day to request that certain courses be switched. However, Valerie did not make daily visits to the administration to make such requests. In fact, Valerie never expressly requested to switch classes during the first two weeks of school." Chang Decl. ¶ 17.

Lack of foundation, Ms. Chang has never spoken to Valerie Santana, would not recognize her, and does not know to which counselor she is assigned. Chang Depo. at 45:14-15; 46:22-23; 81:2-4.

"I went to the counseling and main office every day in order to get my service class changed to Constitutional Law." Santana Supp. Decl. ¶ 4.

"I never saw Ms. Chang or Principal Sample in the counseling office when I was trying to get my schedule changed." Santana Supp. Decl. ¶ 4.

"Valerie was switched out of library service period and into constitutional law after just one week[.]" Chang Decl. ¶ 18.

Lack of foundation, Ms. Chang has never spoken to Valerie Santana, would not recognize her, and does not know to which counselor she is assigned. Chang Depo. at 45:14-15; 46:22-23; 81:2-4.

"Finally, at the beginning of the third week of school, one of the administrators—Mr. McDavid—switched me out of the library service period and into a constitutional law class." Santana Decl. ¶ 6.

"Eventually, in the third week of school, the Magnet Assistant Principal, Mr. McDavid, was able to change my class [to constitutional law]." Santana Supp. Decl. ¶ 4.

"While we strongly encourage students to review the 'senior contract' to identify Dorsey graduation requirements, Jesse was never advised to figure out on his own which courses he was required to take." Chang Decl. ¶ 20.

Lack of personal knowledge, Ms. Chang was not employed at Dorsey prior to the August 5, 2015. Chang Depo. at 10:8-13; Chang Decl. ¶ 3.

"Instead of looking at our schedules and placing us into the classes we need, the counselors tell us to figure out what classes we have to take on our own and to find an open period that we can transfer into. We are supposed to figure this out from a 'senior contract' the school gives us that lists the graduation requirements." Romero Decl. ¶ 3.

Ms. Chang has never spoken to Jesse Romero, would not even recognize him, and does not know to which counselor he is assigned. Chang Depo. at 45:16-17; 46:18-19; 81:5-7.

"Jesse had all the required courses needed for his SLC and graduation from the beginning of the school year." Chang Decl. ¶ 21.

Lack of personal knowledge, Ms. Chang has never spoken to Jesse Romero, would not even recognize him, and does not know to which counselor he is assigned. Chang Depo. at 45:16-17; 46:18-19; 81:5-7.

"Currently, I need to have my schedule changed but my guidance counselor won't help me. I'm scheduled into two electives I don't need to graduate . . . but am not scheduled into two classes that I do need to graduate[.]" Romero Decl. ¶ 4.

"Counselor(s) have spoken with Jesse on several occasions made diligent efforts to help fix Jesse's course schedule, but it does not appear from his statements that Jesse entirely understood the assistance that he was being provided." Chang Decl. ¶ 22.

Lack of personal knowledge, Ms. Chang stated she hasn't "personally counseled any students at the school", Chang Depo. at 11:15-12:9, and has never "sat in on a counseling session . . . for any of the students in Dorsey", *id.* at 18:14-22.

"Since I got my schedule at the beginning of August, I went to see my guidance counselor, Mr. Cadres, at least four times to get my schedule fixed. Each time I asked him to switch me out of these electives and into health and chemistry, but he didn't help me." Romero Decl. ¶ 4.

Ms. Chang has never spoken to Jesse Romero, would not even recognize him, and does not know to which counselor he is assigned. Chang Depo. at 45:16-17; 46:18-19; 81:5-7.

"Qadir's declaration states that after the first day of school, Dorsey staff told him that he could go home for the rest of the week and that he was not given homework or assignments to take home during the first week. . . . This is not correct. Qadir was not enrolled in Dorsey . . . until August 20, 2014." Chang Decl. ¶ 23.

Lack of personal knowledge, Ms. Chang has never spoken to Qadir Johnson, would not even recognize him, and did not review his student records. Chang Depo. at 45:22-23; 46:16-17; 85:24-86:1.

"Because I did not have a class schedule, Dorsey staff told me to sit in a classroom and watch movies. They didn't teach us anything at all. . . . Dorsey staff told me and other students in the class that we could go home for the rest of the week." Johnson Decl. ¶ 4.

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<p>“Qadir’s declaration states that after the first day of school, Dorsey staff told him that he could go home for the rest of the week and that he was not given homework or assignments to take home during the first week. . . . This is not correct. Qadir was not enrolled in Dorsey . . . until August 20, 2014.” Chang Decl. ¶ 23. (cont.)</p>	<p>Ms. Chang stated that she has no personal knowledge of when Qadir enrolled at Dorsey. (Ex. O, Chang Depo. 85:18-23 (“Q: Sure. Do you know if Quadir [sic] went to Dorsey prior to the beginning of the school year to enroll? A: No. Q: You don’t have personal knowledge one way or the other? A: I don’t have personal knowledge.”).</p>	<p>Ms. Chang states new enrollees were not “pre-programmed correctly” due to the malfunctioning computer system. Chang Decl. ¶ 13. Ms. Chang confirmed students were placed in a room for at least several whole days with other new enrollees to wait to receive class schedules. Chang Depo. 125:18-25 (“Q Do you know how many new enrollees were told to go there? A: I don’t know, but the room was full”).</p>
<p>“Monique did not have two advisory periods. Also, she was placed in her geometry class during the second week of school.” Chang Decl. ¶ 24.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Monique Malone, would not even recognize her, and did not review her student records. Chang Depo. at 45:20-21; 46:14-15; 86:2-4.</p>	<p>“For the first month of school, I did not have a math class at all and I had two advisory periods on my schedule, when you’re only supposed to have one.” Malone Decl. ¶ 4.</p>
<p>“Monique’s declaration also states that she spent at least four weeks in the auditorium and that she did not have any math instruction during this time. Again, this is not true. Contrary to these allegations, Monique spent no more than two days in the auditorium due to MiSiS issues.” Chang Decl. ¶ 24.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Monique Malone, would not even recognize her, and did not review her student records. Chang Depo. at 45:20-21; 46:14-15; 86:2-4. Ms. Chang was only in the auditorium for three days. Chang Depo. at 74:6-21.</p>	<p>“Because I did not have a math class, I was sent to sit in the auditorium with other students who also did not have a class that period. . . . I spent at least four weeks in the auditorium.” Malone Decl. ¶ 5.</p>
<p>“Jordan’s declaration states that he was given [sic] home period because there were no other courses available for him. That is incorrect. Jordan requested [sic] home period.” Chang Decl. ¶ 25.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Jordan Parx and did not personally review his records. Chang Depo. at 45:18-19; 86:5-7.</p>	<p>“I did not want a Home period. I was given a Home period for seventh period because there were no other courses available for me to take.” Parx Decl. ¶ 4.</p>
<p>“Five out of seven of Jordan’s classes were scheduled from the first day of the school year. The remaining two classes—sports medicine and chemistry—were added within a week.” Chang Decl. ¶ 25.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Jordan Parx and did not personally review his records. Chang Depo. at 45:18-19; 86:5-7.</p>	<p>“For two weeks, I had no classes for three periods.” Parx Decl. ¶ 8.</p>
<p>“Jordan was never asked to sit in the auditorium until we finalized his schedule.” Chang Decl. ¶ 26.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Jordan Parx and did not personally review his records. Chang Depo. at 45:18-19; 86:5-7.</p>	<p>“[My counselor . . . told me to sit in the auditorium, where students were sent when they didn’t have a class. It was a complete waste of time to be there.” Parx Decl. ¶ 8.</p>
<p>“Christian was not enrolled at Dorsey at the beginning of the school year. Christian was enrolled at Crenshaw High School and transferred to Dorsey after the beginning of the school year.” Chang Decl. ¶ 28.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Christian Moton. Chang Depo. at 45:24-25.</p>	<p>“On the first day of school at Dorsey, the school posts every single student’s schedule on a wall along with a corresponding advisory class assignment. I know I was enrolled at Dorsey because my name was on the wall and I was assigned to an advisory classroom.” Moton Second Supp. Decl. ¶ 4.</p>
<p>“Christian was not advised that courses at Dorsey were over-enrolled or that there was no available class space at Dorsey to satisfy the A-G requirements.” Chang Decl. ¶ 29.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Christian Moton. Chang Depo. at 45:24-25</p>	<p>“I need a Spanish class to fulfill my A-G requirements, but my counselor told me that I couldn’t enroll in the class because it was full.” Moton Decl. ¶ 10.</p>
<p>“Lisset’s declaration states that she was sent to sit in the auditorium with about 40 to 50 students who also did not have classes. Lisset had a full schedule by the second day of school, which included the Algebra 2 course she requested.” Chang Decl. ¶ 30.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Lisset Mancilla, would not even recognize her, and does not know to which counselor she is assigned. Chang Depo. at 46:1-3; 46:8-9; 82:4-6. Ms. Chang was only in the auditorium for three days. Chang Depo. at 74:6-21.</p>	<p>“For four weeks, I was sent to sit in the auditorium with about 40 to 50 students who also didn’t have classes. I didn’t do anything productive in the auditorium.” Mancilla Decl. ¶ 3.</p>
<p>“Lisset did have an Algebra 2 class on the first day of school, though it took a little longer to obtain the English class.” Chang Decl. ¶ 31.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Lisset Mancilla, would not even recognize her, and does not know to which counselor she is assigned. Chang Depo. at 46:1-3; 46:8-9; 82:4-6.</p>	<p>“About a month after school started, I was finally given an English class and Algebra 2. It has been really hard for me to catch up in English and Algebra 2.” Mancilla ¶ 4.</p>

DECLARATION OF **CAROLYN CHANG**, ASSISTANT PRINCIPAL OF DORSEY HIGH (cont.)

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“At the beginning of the school year, the counseling staff offered Juan the necessary courses to graduate as well as provide him with the opportunity to retake certain classes he previously failed.” Chang Decl. ¶ 32.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Juan Fernando Nunez and would not even recognize him. Chang Depo. at 46:4-7.</p>	<p>“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 classes I still need to graduate and to get into college.” Nunez Decl. ¶ 4.</p>
<p>“Although Juan’s declaration states that it took until the third or fourth week before most students were in the correct classes, most students including Juan, were programmed correctly before the second week of school.” Chang Decl. ¶ 32.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Juan Fernando Nunez and would not even recognize him. Chang Depo. at 46:4-7.</p>	<p>“In order to get those classes, my whole schedule had to be rearranged. This did not happen until the third or fourth week of school.” Nunez Decl. ¶ 4.</p>
<p>“Juan’s declaration also states that he was originally assigned to culinary arts, which he claims he had already taken and passed for 3 years in a row. This allegation is no correct. Juan did not have culinary arts included in his schedule this school year.” Chang Decl. ¶ 33.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Juan Fernando Nunez and would not even recognize him. Chang Depo. at 46:4-7.</p>	<p>“I also was originally assigned to Culinary Arts, which I had already taken and passed for 3 years in a row. They finally switched me out of Culinary Arts in the third or fourth week of school, after I went to the counselor.” Nunez Decl. ¶ 4.</p>
<p>“Juan changed two classes at the beginning of the school year, but was never one month behind in course work.” Chang Decl. ¶ 34.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Juan Fernando Nunez and would not even recognize him. Chang Depo. at 46:4-7.</p>	<p>“I am very behind in all the new classes I switched into about one month into the school year.” Nunez Decl. ¶ 5.</p>
<p>“Juan requested service classes last year and home period this year.” Chang Decl. ¶ 34.</p>	<p>Lack of personal knowledge, Ms. Chang has never spoken to Juan Fernando Nunez and would not even recognize him. Chang Depo. at 46:4-7.</p>	<p>“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.” Nunez Decl. ¶ 10.</p>

DECLARATION OF **REGINALD SAMPLE**, PRINCIPAL OF DORSEY HIGH

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“At the beginning of the current 2014-15 school year, my administration and staff quickly resolved these [scheduling] issues.” Sample Decl. ¶ 3.</p>	<p>Lack of personal knowledge.</p>	<p>“I didn’t have an English class for about four weeks, both class that I need in order to graduate. My schedule didn’t say anything for those periods[.]” Mancilla Decl. ¶ 3.</p> <p>“For the first month of school, I did not have a math class at all and I had two advisory periods on my schedule, when you’re only supposed to have one.” Malone Decl. ¶ 4.</p> <p>“Five weeks into the start of school, they finally gave me my full schedule, but I’m still not in Algebra 1B, which I may need for my ‘A-G Requirements.’” Bell Decl. ¶ 5.</p> <p>Of 418 students polled, 65 reported waiting in the auditorium or gym at least a few weeks. 102 reported that it took three weeks or more to finalize their schedules. Eidmann Decl. Ex. 141 Para. 5 & App’x 9.</p>
<p>“When staff was diligently working to resolve the scheduling issues, we did not instruct students to sit in their classrooms and watch movies, and did not tell them they could go home for the rest of the week.” Sample Decl. ¶ 3.</p>	<p>Lack of personal knowledge.</p>	<p>“Because I did not have a class schedule, Dorsey staff told me to sit in a classroom and watch movies. They didn’t teach us anything at all. . . . Dorsey staff told me and other students in the class that we could go home for the rest of the week.” Johnson Decl. ¶ 4.</p> <p>Ms. Chang confirmed students were placed in a room for at least several whole days with other new enrollees to wait to receive class schedules. Chang Depo. 125:18-25 (“Q . . . Do you know how many new enrollees were told to go there? A: I don’t know, but the room was full”).</p>

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<p>“The majority of students were not provided with faulty schedules on the first day of school and the vast majority of students were pre-programmed, with the exception of new enrollees. In other words, the students were properly programmed into the master schedule prior to the first day of school.” Sample Decl. ¶ 4.</p>	<p>Lack of personal knowledge.</p>	<p>“Our office was already aware that Valerie needed certain classes changed.” Chang Decl. ¶ 17.</p> <p>“Counselors(s) have spoken with Jesse on several occasions [sic] made diligent efforts to fix Jesse’s course schedule[.]” Chang Decl. ¶ 22.</p> <p>“Jordan was advised to attend the classes while the corrections were made to add sports medicine and chemistry to his schedule.” Chang Decl. ¶ 26</p> <p>“Lisset did have an Algebra 2 class on the first day of school, though it took a little longer to obtain the English class.” Chang Decl. ¶ 31.</p> <p>“When I got my schedule, I saw that I was missing classes for three periods.” Parx Decl. ¶ 7.</p> <p>“I didn’t have an English class for about four weeks, both class that I need in order to graduate. My schedule didn’t say anything for those periods[.]” Mancilla Decl. ¶ 3.</p> <p>“For the first month of school, I did not have a math class at all and I had two advisory periods on my schedule, when you’re only supposed to have one.” Malone Decl. ¶ 4.</p> <p>“Five weeks into the start of school, they finally gave me my full schedule, but I’m still not in Algebra 1B, which I may need for my ‘A-G Requirements.’” Bell Decl. ¶ 5.</p> <p>Of 418 students polled, 65 reported waiting in the auditorium or gym at least a few weeks. 102 reported that it took three weeks or more to finalize their schedules. Eidmann Decl. Ex. 141 Para. 5 & App’x 9.</p>
<p>“In addition, requested changes [to classes] were before the second week of school of the fall semester. Therefore, the statements made in some of the declarations that students, for example, were placed in incorrect classes or no classes at all for weeks on end are untrue.” Sample Decl. ¶ 4.</p>	<p>Lack of personal knowledge.</p>	<p>“Five weeks into the start of school, they finally gave me my full schedule, but I’m still not in Algebra 1B, which I may need for my ‘A-G Requirements.’” Bell Decl. ¶ 5.</p> <p>“I didn’t have an English class for about four weeks, both class that I need in order to graduate. My schedule didn’t say anything for those periods[.]” Mancilla Decl. ¶ 3.</p> <p>“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 requirement to graduate or to satisfy the requirements to attend University of California or California State universities.” Moton Decl. ¶ 5.</p> <p>“At the beginning of this year I was assigned to classes I did not need and classes I had taken, and I wasn’t assigned to the classes I still need to graduate to get into college.” Nunez Decl. ¶ 4.</p> <p>“I’m . . . not scheduled into two classes that I do need to graduate—a health class and chemistry class.” Romero Decl. ¶ 4.</p>
<p>“By the second day of the school year, all students had their full and complete schedules and were sent [sic] their classes.” Sample Decl. ¶ 4.</p>	<p>Lack of personal knowledge.</p>	<p>“Our office was already aware that Valerie needed certain classes changed.” Chang Decl. ¶ 17.</p> <p>“Counselors(s) have spoken with Jesse on several occasions [sic] made diligent efforts to fix Jesse’s course schedule[.]” Chang Decl. ¶ 22.</p>

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“By the second day of the school year, all students had their full and complete schedules and were sent [sic] their classes.” Sample Decl. ¶ 4. (cont.)</p>	<p>Lack of personal knowledge. (cont.)</p>	<p>“Jordan was advised to attend the classes while the corrections were made to add sports medicine and chemistry to his schedule.” Chang Decl. ¶ 26</p> <p>“Lisset did have an Algebra 2 class on the first day of school, though it took a little longer to obtain the English class.” Chang Decl. ¶ 31.</p> <p>“When I got my schedule, I saw that I was missing classes for three periods.” Parx Decl. ¶ 7.</p> <p>“I didn’t have an English class for about four weeks, both class that I need in order to graduate. My schedule didn’t say anything for those periods[.]” Mancilla Decl. ¶ 3.</p> <p>“For the first month of school, I did not have a math class at all and I had two advisory periods on my schedule, when you’re only supposed to have one.” Malone Decl. ¶ 4.</p> <p>“Five weeks into the start of school, they finally gave me my full schedule, but I’m still not in Algebra 1B, which I may need for my ‘A-G Requirements.’” Bell Decl. ¶ 5.</p> <p>Of 418 students polled, 65 reported waiting in the auditorium or gym at least a few weeks. 102 reported that it took three weeks or more to finalize their schedules. Eidmann Decl. Ex. 141 Para. 5 & App’x 9.</p>
<p>“No student spent more than two days in the campus auditorium as a result of the scheduling issues.” Sample Decl. ¶ 4.</p>	<p>Lack of personal knowledge.</p>	<p>“Q: Okay. Were you ever in that school auditorium? A: Yes. . . . Q: During any other day? A: Up to the third day, yes.” Chang Depo. 74:6-21</p> <p>“I was forced to sit in the auditorium for two weeks.” Moton Decl. ¶ 8</p> <p>“After two weeks of going to the counseling office almost every day and sitting in the library or auditorium doing nothing, I finally got classes for those here empty periods.” Parx Decl. ¶ 9</p> <p>“I spent at least four weeks in the auditorium.” Malone Decl. ¶ 5.</p> <p>Of 418 students polled, 65 reported waiting in the auditorium or gym at least a few weeks. 102 reported that it took three weeks or more to finalize their schedules. Eidmann Decl. Ex. 141 Para. 5 & App’x 9.</p>
<p>“Contrary to allegations, problems with student scheduling is not normal at Dorsey, nor does it occur year after year. It is simply untrue that, for the last several years, students would receive ‘random schedules’ that do not have the classes that they need to graduate.” Sample Decl. ¶ 4.</p>	<p>Lack of personal knowledge.</p>	<p>“These scheduling problems happened last year too. Fall 2013 was my first year at Dorsey, and when I showed up my name wasn’t on the bulletin board of class assignments. They sent me to the library, where I just sat there waiting for them to call my name.” Moton Second Supp. Decl. ¶ 8.</p> <p>“During my first three years at Dorsey, at the beginning of the school year, students would usually get a random schedule that doesn’t have the classes they need to graduate.” Nunez Decl. ¶ 6.</p> <p>“At the beginning of every year, about half of the students at Dorsey have problems with their schedules.” Romero Decl. ¶ 3.</p>

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“Contrary to allegations, problems with student scheduling is not normal at Dorsey, nor does it occur year after year. It is simply untrue that, for the last several years, students would receive ‘random schedules’ that do not have the classes that they need to graduate.” Sample Decl. ¶ 4. (<i>cont.</i>)</p>	<p>Lack of personal knowledge. (<i>cont.</i>)</p>	<p>“Dorsey has scheduling issues every year.” Santana Decl. ¶ 3.</p> <p>“This is not the first time my schedule was messed up.” Parx ¶ 13.</p>
<p>“All students were scheduled into the appropriate A-G classes. . . . Our students were properly programmed before the start of the school year to meet the appropriate A-G requirements. Thus, allegations that students were missing classes that they needed in order to graduate are not true.” Sample Decl. ¶ 5.</p>	<p>Lack of personal knowledge.</p>	<p>“Five weeks into the start of school, they finally gave me my full schedule, but I’m still not in Algebra 1B, which I may need for my ‘A-G Requirements.’” Bell Decl. ¶ 5.</p> <p>“I didn’t have an English class for about four weeks, both class that I need in order to graduate. My schedule didn’t say anything for those periods[.]” Mancilla Decl. ¶ 3.</p> <p>“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 requirement to graduate or to satisfy the requirements to attend University of California or California State universities.” Moton Decl. ¶ 5.</p> <p>“At the beginning of this year I was assigned to classes I did not need and classes I had taken, and I wasn’t assigned to the classes I still need to graduate to get into college.” Nunez Decl. ¶ 4.</p> <p>“I’m . . . not scheduled into two classes that I do need to graduate—a health class and chemistry class.” Romero Decl. ¶ 4.</p>
<p>“The allegation that Dorsey’s College Counselor left in mid-October is untrue.” Sample Decl. ¶ 4.</p>	<p>Lack of personal knowledge.</p>	<p>Ms. Chang stated that Mr. Tony, a counselor affiliated with the Upward Bound Program who worked in Dorsey’s counseling office left during the first semester. Chang Depo 16:25-17:25.</p>
<p>“Our students are informed with regard to what classes that they need for graduation or college admissions and staff works closely with students to ensure their needs are met.” Sample Decl ¶ 10.</p>	<p>Lack of personal knowledge.</p>	<p>“It’s been hard for me to prepare for college because I haven’t received any guidance from Dorsey.” Moton Second Supp. Decl. ¶ 10.</p> <p>“As long as I have been at Dorsey, no counselor has ever come into my advisory period to go over my transcripts with me or discuss graduation or college requirements. The only times when I was informed by school staff about those requirements were during school assemblies.” Bell Second Supp. Decl. ¶ 6.</p> <p>“Currently I don’t know any of the requirements of Adult School because no one at Dorsey has explained them to me.” Romero Decl. ¶ 5.</p>
<p>“Staff also meets with students during advisory periods to review their transcripts.” Sample Decl. ¶ 10.</p>	<p>Lack of personal knowledge.</p>	<p>“I did not have any [IGP] meetings with counselors before my senior year.” Moton Second Supp. Decl. ¶ 9.</p>
<p>“No student is provided with a home period without having first requested it, meeting certain criteria, and obtaining appropriate parent permission.” Sample Decl. ¶ 20.</p>	<p>Lack of personal knowledge.</p>	<p>“For about eight weeks, I had a ‘Library Service’ period for sixth period and a Home period for seventh period. I did not want a Home period. I was given a Home period because there were no other courses available for me to take.” Parx ¶ 4.</p>

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“Staff meets with students twice a year and complies with Individual Graduation Plan (“IGP”) requirements. In an effort to expand the personalized relationships among counselors, students and parents relative to academic, personal and career planning, IGP’s are designed to document and monitor student and parent involvement in student course selections, postsecondary plans, and educational career goals. IGP’s are initiated in 5th or 6th grade and are reviewed at least annually with the student. In accordance with District Bulletin 2537.6 regarding ‘Individualized Graduation Plan For All Secondary Students,’ Dorsey ensures that all students have access to a rigorous curriculum and opportunities to support, enrich and challenge their educational experiences. The IGP conferences address data-driven decisions, mastery of content standards, and individual goal setting, and IGP’s are reviewed and revised by the counselors, students and parents on a regular basis.” Sample Decl. ¶ 10.</p>	<p>Lack of personal knowledge. (<i>cont.</i>)</p>	<p>Dorsey’s School Accountability Report Card states that the percentage of “students [who] have an individual graduation plan . . . for 2003 [is] 15 percent.” Sample Depo. 43:23-44:16.</p> <p>“My IGP took about five minutes. I don’t remember talking about college in detail. We just talked about what classes I was taking and he told me not to fail anything. My parents were not involved in this meeting.” Bell. Supp. Decl. ¶ 5.</p> <p>“I had my first IGP meeting this year when I was a senior in December, almost at the end of the first semester, but it only lasted 15 minutes and it wasn’t very helpful. The counselor just asked me if I’m on track to graduate, went over my classes quickly, and told me not to fail any classes. We didn’t talk about college or anything else.” Moton Second Supp. Decl. ¶ 9.</p>
<p>Service periods “are designed to develop practical skills including clerical tasks, assisting with student assignments, leading small groups, making presentations, preparing equipment, developing positive work attitudes and interacting with students, parents and staff.” Sample Decl. ¶ 21.</p>	<p>Lack of personal knowledge.</p>	<p>“Last year, I had one service period each semester. It was a waste of my time. They put me in different offices 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.” Nunez ¶ 9.</p> <p>During a library service period “I usually just go in, sit down, and read or play games on my phone. I go on Twitter, Facebook, and Tumblr since I don’t have anything else to do. There is no supervision.” Parx ¶ 5.</p> <p>“I was originally scheduled into a library service period even though I didn’t want one. I was told to go to the library during this service period and help the librarians, but they never had any work for me to do. No one would be in the library during the school day and all I did was sit around and waste time.” Santana Decl. ¶ 5.</p>

OPPOSITION BRIEF

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“The principals at both Dorsey and Fremont certified that only students who are on track to graduate, who have met A-G requirements, and who have parental consent are given early release or service periods, otherwise known as Inside Work Experience (‘IWE’).” Opp. at 6.</p>		<p>Erika Gonzalez testified: “The school never asked me to notify my parents that I had home or service periods. I was never asked by anyone at Fremont to get permission from them to take or keep my home periods. I do not believe my parents ever signed anything related to my home or service periods or gave anybody at Fremont permission for me to take them.” E. Gonzalez Suppl. Decl ¶ 8</p> <p>Erika Gonzalez confirms that she lacked a number of classes she needed to graduate or satisfy the A-G requirements when the school year started. Gonzalez Supp. Decl. ¶¶ 4-11. 17. Mr. Diaz acknowledged that Erika did have a Home period. Diaz Decl. ¶ 15</p>

OPPOSITION BRIEF

STATEMENT

WHY STATEMENT LACKS BASIS

CONTRADICTIONARY EVIDENCE

"The principals at both Dorsey and Fremont certified that only students who are on track to graduate, who have met A-G requirements, and who have parental consent are given early release or service periods, otherwise known as Inside Work Experience ('IWE')." Opp. at 6. (cont.)

Mr. Diaz also confirms that Jessie Cruz was enrolled in both service and home periods, despite not being on track to graduate or satisfy A-G requirements. Diaz Decl. ¶ 39. See also, Cruz Decl. Ex.s 1 and 2.

Mr. Diaz confirms that Daniel "did not have what he needed to graduate or to go to college" and during his service period he would "do random tasks such as greet people, ask them if they needed help, and run errands[.]" Diaz Decl. ¶¶ 31, 33.

"They also certified that no student is assigned to such periods because there are no other courses available and no student is assigned to a class that the student has already taken and passed unless the student requested the assignment in order to get a better grade." Opp. at 6.

"For about eight weeks, I had a 'Library Service' period for sixth period and a Home period for seventh period. I did not want a Home period. I was given a Home period because there were no other courses available for me to take." Parx ¶ 4.

"Dorsey's principal says that plaintiffs' statements about problems with Dorsey's master schedule 'are exaggerated and untrue' and that students did not spend a week or more in the campus auditorium as a result of the scheduling issues caused by the MiSiS system." Opp. at 6.

"Our office was already aware that Valerie needed certain classes changed." Chang Decl. ¶ 17.

"Counselors(s) have spoken with Jesse on several occasions [sic] made diligent efforts to fix Jesse's course schedule[.]" Chang Decl. ¶ 22.

"Jordan was advised to attend the classes while the corrections were made to add sports medicine and chemistry to his schedule." Chang Decl. ¶ 26

"Lisset did have an Algebra 2 class on the first day of school, though it took a little longer to obtain the English class." Chang Decl. ¶ 31.

"When I got my schedule, I saw that I was missing classes for three periods." Parx Decl. ¶ 7.

"I didn't have an English class for about four weeks, both class that I need in order to graduate. My schedule didn't say anything for those periods[.]" Mancilla Decl. ¶ 3.

"For the first month of school, I did not have a math class at all and I had two advisory periods on my schedule, when you're only supposed to have one." Malone Decl. ¶ 4.

"Five weeks into the start of school, they finally gave me my full schedule, but I'm still not in Algebra 1B, which I may need for my 'A-G Requirements.'" Bell Decl. ¶ 5.

"I was forced to sit in the auditorium for two weeks." Moton Decl. ¶ 8

"After two weeks of going to the counseling office almost every day and sitting in the library or auditorium doing nothing, I finally got classes for those here empty periods." Parx Decl. ¶ 9

"I spent at least four weeks in the auditorium." Malone Decl. ¶ 5.

Of 418 students polled, 65 reported waiting in the auditorium or gym at least a few weeks. 102 reported that it took three weeks or more to finalize their schedules. Eidmann Decl. Ex. 141 Para. 5 & App'x 9.

OPPOSITION BRIEF (cont.)

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“Fremont’s counselor testifies that Jessy Cruz, the lead plaintiff in this lawsuit, was originally enrolled in all academic courses, but he and his parents asked to drop some because he wanted to take his missing courses online, against the advice of his counselor and the county social worker.” Opp. at 6.</p>		<p>“I never understood why I was placed in service and home classes even though I had failed a lot of courses in previous year, including spring of junior year. Fremont says that in order to be given a home or service class, students must be on track to graduate and in good academic standing, which means having enough credits and passing your classes, but obviously, I did not. I did not even have enough credits to be a regular senior!” Jessy Decl. ¶ 21</p> <p>Jessy’s parents could not have made requests for him because he is a foster child who lives with his brothers and grandma. Cruz Decl. ¶ 3</p>
<p>“Cameron Williams’ fall 2014 course schedule contained one scheduling error that was corrected within three days; he is on track to graduate and with parent permission, he requested early release to enroll in a college class.” Opp. at 6.</p>		<p>“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. For my 8th period ‘Home’ class, I just go home. I don’t get any homework and am not supervised by a teacher. I would prefer to at least take a college class during this home period. They said they will try to get me in a class, but I’m not sure when this will happen.” Williams Decl. ¶ 6</p> <p>“My schedule was really messed up at the beginning of the [2014-15] school year. For example, I was placed in Art class that I did not need to take because I had taken and passed my art requirement in 10th grade. I had to wait a week to check out of the class because my counselor was really busy helping other students.” Williams Decl. ¶ 3</p> <p>“Last year, during one of my classes, a counselor stopped by and handed out slips of paper and told us to write down our class preferences for the next year. I didn’t write down that I wanted a home period because it wasn’t one of the options.” Williams Suppl. Decl. ¶ 3</p>
<p>“Dorsey’s assistant principal testifies that Valerie Santana was transferred from a library service period to constitutional law, a transfer that took one week.” Opp. at 7.</p>		<p>“Finally, at the beginning of the third week of school, one of the administrators—Mr. McDavid—switched me out of the library service period and into a constitutional law class.” Santana Decl. ¶ 6.</p> <p>“Eventually, in the third week of school, the Magnet Assistant Principal, Mr. McDavid, was able to change my class [to constitutional law].” Santana Suppl. Decl. ¶ 4.</p>
<p>“Although Qadir Johnson testified that he had scheduling issues into the second week of school, Dorsey records show that he did not enroll until nine days after instruction began[.]” Opp. at 7.</p>		<p>“Because I did not have a class schedule, Dorsey staff told me to sit in a classroom and watch movies. They didn’t teach us anything at all. . . . Dorsey staff told me and other students in the class that we could go home for the rest of the week.” Johnson Decl. ¶ 4.</p> <p>Ms. Chang states new enrollees were not “pre-programmed correctly” due to the malfunctioning computer system. Chang Decl. ¶ 13.</p> <p>Ms. Chang confirmed students were placed in a room for at least several whole days with other new enrollees to wait to receive class schedules. Chang Depo. 125:18-25 (“Q . . . Do you know how many new enrollees were told to go there? A: I don’t know, but the room was full”).</p>

OPPOSITION BRIEF (cont.)

	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“Christian Moton also was not enrolled at the beginning of the school year.” Opp. at 7.</p>		<p>“On the first day of school at Dorsey, the school posts every single student’s schedule on a wall along with a corresponding advisory class assignment. I know I was enrolled at Dorsey because my name was on the wall and I was assigned to an advisory classroom.” Moton Second Supp. Decl. ¶ 4.</p>
<p>“Ms. Twinn declares that she wanted AP courses, and in fact she switched into AP Calculus this fall—not week late, as plaintiffs claim, but four days after classes began.” Opp. at 9.</p>		<p>“I asked Ms. Shorall to let me switch into her AP Calculus class after two weeks and finally got into the class one week after that.” (Eidmann Decl. Exh. 40 para. 9 & App’x 9)</p>
<p>“So too Castlemont students Braziel, Cooper, Simmons, King, Stenson and Davis, all of whom say there are a lack of elective offerings 6th period, could have asked to be placed in AP Biology, Art 2, Band, Ethnic Studies, Green Urban Design, Media Studies, Raza Studies, Small Business Management, Social Skills, Study Tech, or Sustainable Urban Energy, all of which are offered then.” Opp. at 9 n.23.</p>		<p>AP Biology had, at least 29 of the 30 seats filled (Ibarra II, pg 225); Art 2 is only available to 10th graders during 6th period (Ibarra II, pg 226); Green Urban Design is only available to 10th graders (Ibarra II, pg 230); Raza Studies has “Vacancy” as the teacher description (Ibarra II, pg 234). They provide no evidence that the other classes were, in fact, available or that students could, in fact, transfer into them.</p>
<p>“Mr. Simmons took extra courses earlier in his school career and at the end of this semester he will have completed more credits than required, and has a very strong academic record.” Opp. at 9 n.23.</p>		<p>“This year I have no class scheduled during fifth or sixth period. I fulfilled my A-G requirements for Spanish and math, so this year I only have four classes....” (Decl. of Lee Simmons ¶ 10)</p>
<p>“Fremont OUSD student Nohemi Lucas requested a number of schedule changes, all of which were made within three days.” Opp. at 11 n.29.</p>		<p>Nohemi recounts the series of events in some detail: “The counselor gave me a third schedule at the beginning of the second week, but she took off another class I needed in order to fit in PE. So I went back to her again and finally got a fourth schedule during the second week of school that seemed right, although later I realized I had problems with my English requirements.” (Decl. of Nohemi Lucas, ¶ 3)</p>

STATEMENT**WHY STATEMENT LACKS BASIS****CONTRADICTORY EVIDENCE**

"All students are encouraged to meet with counselors..." Diaz Decl. ¶ 5

Lack of personal knowledge. Mr. Diaz cannot possibly know the experience of every student at Fremont. He has not alleged any personal knowledge of any of the declarants.

"There were so many people trying to get into classes and all the offices were in chaos, so no administrator or counselor had the time to help me." Peñaloza Decl. ¶ 4

"I spent the first three weeks of school going to the counseling offices trying to get out of the home and service classes and into the classes I needed, but the counselors' office was overflowing with other students who also needed to get their schedules fixed. Every time I went to the counseling office there were over 40 students in line to see the counselor.....A big problem at Fremont is that there aren't enough counselors to help us get the right classes or to help us get into a good college." E. Gonzalez Decl. ¶¶ 3, 8.

"I personally have complained to many different people that I have not been able to access counseling services at Fremont." E. Gonzalez Suppl. Decl ¶ 10

"Although some Fremont students may have experienced some difficulties with their course schedules in early fall semester of 2012-13 school year, this was not the case for the 2013-14 or 2014-15 school years." Diaz Decl. ¶ 7

Lack of personal knowledge and lack of foundation. Mr. Diaz does not indicate that he ever spoke with any of the declarants nor does he offer any basis for his assertion.

Of the 444 Fremont (LAUSD) students surveyed by classmates with help from Community Coalition in response to the MiSiS scheduling crisis in 2014, 95 stated it took a week to finalize their schedule, 88 stated that it took two weeks to finalize their schedule, 52 stated it took 3 weeks, and 46 stated it took more than 4 weeks. 229 students stated that they spent at least a few days in the auditorium, while 65 stated they spent at least a few weeks. App'x, 9, Graves Decl. ¶ 5 and Exhibit B.

Erika Gonzalez testified that she started out the 2014-15 school year with two home periods and one service, was missing a Spanish class she needed for A-G and spent the "first three weeks of school going to the counseling office trying to get out of the home and service classes and into the classes I needed, but the counselor's office was overflowing with other students who also need to get their schedules fixed. Every time I went to the counseling office there were over 40 students in line to see the counselor." E. Gonzalez Decl. ¶ 3. After 3 weeks she got the Spanish class in place of one Home period but is still enrolled in one home and one service. As of first she still needed an English class to complete the A-G requirements for college. Id. ¶¶ 4, 6.

"My schedule was Really messed up at the beginning of the [2014-15] school year. For example, I was placed in Art class that I did not need to take because I had taken and passed my art requirement in 10th grade. I had to wait a week to check out of the class because my counselor was really busy helping other students." Williams Decl. ¶ 3

"The beginning of this school year [2014-15] at Fremont was very hectic for me. My initial schedule included two home periods and two service periods.... 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." Madrigal Decl. ¶ 3). "Even though I got some of the right classes on my second week, it took four weeks to finalize most of my classes." Id. ¶ 8.

DECLARATION OF **SAMUEL DIAZ**, LEAD COUNSELOR AT FREMONT HIGH SCHOOL (LAUSD) (*cont.*)

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“Although some Fremont students may have experienced some difficulties with their course schedules in early fall semester of 2012-13 school year, this was not the case for the 2013-14 or 2014-15 school years.” Diaz Decl. ¶ 7 (<i>cont.</i>)</p>	<p>Lack of personal knowledge and lack of foundation. Mr. Diaz does not indicate that he ever spoke with any of the declarants nor does he offer any basis for his assertion. (<i>cont.</i>)</p>	<p>“I have seen lots of problems with student schedules this year, too. At the beginning of the [2013-14] school year, lots of students were placed in the wrong classes and were not allowed to change them.” Willis Decl. ¶ 10.</p>
<p>“[A]ll students who matriculated at Fremont for the current 2014-15 school year were in class within the first 20 minute on the first day of school.” (Diaz Decl. ¶ 8)</p>	<p><i>See above.</i></p>	<p><i>See above.</i></p>
<p>It is “inaccurate” that “Ashley [Peñaloza] did not know that she had to take certain classes to complete the A-G requirements.” Diaz Decl. ¶ 11</p>	<p>Lack of personal knowledge. Mr. Diaz cannot possibly know Ashley’s state-of-mind better than Ashley does. He does not state that he ever spoke to Ashley or that he could even recognize her. Further, Mr. Diaz’s declaration suggests that it was another counselor who was assigned to Ashley and that he never communicated directly with her. Diaz Decl. ¶¶ 11-13 (“The counselor did assist Ashley . . .”).</p>	<p>“At the time, I did not know that I had to take certain classes in order to complete my A-G requirements to be eligible to go to college....” Peñaloza Decl. ¶ 4</p> <p>The only evidence Mr. Diaz provides in support of his assertion is that Erika completed all A-G requirements and is enrolled at college. Diaz Decl. ¶ 11. This is unrelated to her personal knowledge of what was required of her.</p>
<p>In response to Ashley Peñaloza’s declaration, Mr. Diaz asserts that it is “untrue” that “counselors are difficult to approach at Fremont.” Diaz Decl. ¶ 12</p>	<p>Lack of personal knowledge. Mr. Diaz cannot more accurately testify to a student’s personal experience or state-of-mind than the student can.</p>	<p>“I went to see my counselor, who was really overwhelmed because so many students were enrolled in the wrong classes.” Penaloza Decl. ¶ 4</p>
<p>It “is inaccurate” that Erika Gonzalez “made no request for home or service periods....Erika did request home period (i.e., peer counseling) due to the fact that she is a member of the Heart program for peer mediation and conflict resolution.” Diaz Decl. ¶ 15</p>	<p>Lack personal knowledge. Mr. Diaz is not Erika’s counselor, nor has he ever spoken with her. Gonzalez Supp. Decl. ¶ 12</p>	<p>“At the beginning of the school year, I was given a class schedule with two home periods and one service period. I spent the first three weeks of school going to the counseling office trying to get out of the home and service classes and into the classes I needed....” E. Gonzalez Decl. ¶ 3</p> <p>Erika has challenged all of Mr. Diaz’s testimony regarding her and has confirmed that she did not choose the contentless classes was assigned and lacked a number of classes she needed to graduate or satisfy the A-G requirements at the beginning of the school year. Gonzalez Supp. Decl. ¶¶ 4-11</p>
<p>“The declaration states that Erika [Gonzalez]’s schedule had two home periods and one service period. That is untrue. Erika carried a full course load at Fremont.” Diaz Decl. ¶ 14</p>	<p>Lack of personal knowledge and lack of foundation. Mr. Diaz is not Erika’s counselor and he has never met or spoken with her. E. Gonzalez Supp. Decl. ¶ 12</p>	<p>Diaz himself concedes that Erika did have at least one home period, and doesn’t explain how this squares with her carrying a “full course load.” Diaz Decl. ¶ 15</p>
<p>“Erika [Gonzalez] and all students beginning in 5th or 6th grade” participate in IGP meetings.” Diaz Decl. ¶ 17</p>	<p>Lack of personal knowledge. Mr. Diaz is not Erika’s counselor, nor does he allege he attends every student’s yearly meeting.</p>	<p>Erika confirms that she never chose content-less classes and that she lacked a number of classes she needed to graduate or satisfy the A-G requirements when the school year started. Gonzalez Supp. Decl. ¶¶ 4-11; 17.</p>
<p>“Erika [Gonzalez] and all students beginning in 5th or 6th grade” participate in IGP meetings.” Diaz Decl. ¶ 17</p>	<p>Lack of personal knowledge. Mr. Diaz is not Erika’s counselor, nor does he allege he attends every student’s yearly meeting.</p>	<p>Although the Fremont Senior High School Report Card for 2013-14 does say that 93% of students have an IGP in the 2013-14 school year (pg 1), it also says that only 51% of student “had a meeting this year with someone on the school staff to discuss my IGP” (pg 4).</p> <p>Erika Gonzalez testified: “I actually never had any IGP meeting until my senior year.... Having my first IGP meeting during my senior year wasn’t very helpful, because there wasn’t enough time for me to fix my transcript to make my college applications as strong as they could have been.” E. Gonzalez Suppl. Decl. ¶ 11</p>

STATEMENT**WHY STATEMENT LACKS BASIS****CONTRADICTORY EVIDENCE**

"Erika [Gonzalez] was not missing an English class to satisfy the 'A-G' requirement."
Diaz Decl. ¶ 20

Lack of personal knowledge and lack of foundation. He is not Erika's counselor, he hasn't spoken with her, and he does not provide a basis for his statement. Gonzalez Supp. Decl. ¶ 12

"I also need an English class for my 'A-G' requirements but I'm supposed to take that next semester. I hope that class is not full so I can take it and graduate on time." E. Gonzalez Decl. ¶ 6; See also E. Gonzalez Suppl. Decl. ¶ 9.

It is "untrue" that Precious did not request her 8th period home period. Diaz Decl. ¶ 22

Lack of personal knowledge. Mr. Diaz provides no basis for this assertion, nor does he allege that he personally knows Precious or has ever had a conversation with her.

"This semester, I have a home period during 8th period, which I didn't ask for. I am on schedule to have enough credits to graduate, but instead of just going home, it would be more useful to take another class or have an educational program to do where I could actually learn something. But I was told that there were no other classes for me to take." Willis Decl. ¶ 11

It is "inaccurate" that "Precious viewed the college center and college counselor as a resource she could rely on, but when she became a senior, those resources were no longer available."
Diaz Decl. ¶ 23

The response is nonresponsive and misleading. Mr. Diaz does not directly refute that the college center as Precious knew it was no longer available, just that other college-related resources were available. Diaz Decl. ¶ 23

"[T]his year they got rid of our college counselor and college center. Because we now have Small Learning Communities, with two academic counselors each, it has been decided that the academic counselors will also be our college counselors. Academic counselors already have a lot of duties and often look stressed, and now they also have to guide us through the college application process. The college counselor also used to organize events such as college visits, EOP talks, and personal statement workshops. Those events have not been organized this year. It used to feel like a college-bound atmosphere, but this year it doesn't. I saw the college center and college counselor as a resource I could rely on when I became a senior; now I feel lost because that resource is not there." Willis Decl. ¶ 12

It is "inaccurate" that "Cameron's schedule was 'messed up' at the beginning of the school year."
Diaz Decl. ¶ 25

Lack of foundation and contradictory testimony. "Messed up" is certainly not a term of art, but to the extent it means anything, it suggests a schedule that is not accurate. Mr. Diaz acknowledges changes needed to be made to Cameron's schedule. Diaz Decl. ¶ 26

Mr. Diaz acknowledges that Cameron needed to transfer out of his "Art" class to "World History A." (Id. ¶ 26.)

It is "not accurate" that "it took a week to check Cameron out of his Art class due to the fact that his counselor was too busy helping others. Fremont started classes on August 12, 2014 and Cameron's Art class was changed on August 15, 2014."
Diaz Decl. ¶ 26

Lack of personal knowledge and lack of foundation. Mr. Diaz does not state that he was Cameron's counselor or that he ever spoke to Cameron, and his own declaration suggests that another counselor was assigned to Cameron.

"I had to wait a week to check out of the class because my counselor was really busy helping other students." Williams Decl. ¶ 3

Tuesday, August 15th, 2014 was a Friday. Just because the computer states the switch happened on the 15th does not mean that Cameron did not actually start the class until the following Monday.

It is untrue that "Cameron is unsure about all of his requirements to graduate." Diaz Decl. ¶ 27

Lack of personal knowledge. Diaz could not possibly have superior personal knowledge of Cameron's state of mind to Cameron.

"I'm not sure that I have all my requirements to graduate." Williams Decl. ¶ 7

It is "inaccurate" that "Cameron did not request a 'Home' period." Diaz Decl. ¶ 28

Lack of personal knowledge. Mr. Diaz was not present when Cameron made his request for classes and Cameron disputes ever requesting the period. Williams Supp. Decl. ¶ 3

Cameron confirmed that he did not request a Home period. "Last year, during one of my classes, a counselor stopped by and handed out slips of paper and told us to write down our class preferences for the next year. I didn't write down that I wanted a home period because it wasn't one of the options." Williams Suppl. Decl. ¶ 3

It is "incorrect" that "the beginning of the school year was hectic and that Daniel [Madrigal]'s initial schedule included 2 home periods and 2 service periods.... Daniel was in one home period to start the year." Diaz Decl. ¶ 30

Lack of personal knowledge and lack of foundation. Mr. Diaz does not state that he ever spoke with Daniel or that he would even recognize him. Mr. Diaz does not claim to have any personal knowledge of Daniel's schedule and thus cannot testify as to its contents.

"The beginning of this school year at Fremont was very hectic for me. My initial schedule included two home periods and two service periods, but only four real classes." Madrigan Decl. ¶ 3

STATEMENT**WHY STATEMENT LACKS BASIS****CONTRADICTORY EVIDENCE**

“The only time Fremont students had to wait for corrected schedules was in Fall 2012.”
Diaz Decl. ¶ 32

Lack of foundation and lack of personal knowledge. Mr. Diaz contests Daniel’s statement that Daniel was sent to the auditorium at the beginning of the year to wait for classes, but does not indicate that he was either at the auditorium or provide any other reason why he believes Daniel’s story to be inaccurate. Further, he does not provide any support for his assertion that no other student had to wait for a schedule either.

Of the 444 Fremont (LAUSD) students surveyed by classmates with help from Community Coalition in response to the MISIS scheduling crisis in 2014, 95 stated it took a week to finalize their schedule, 88 stated that it took two weeks to finalize their schedule, 52 stated it took 3 weeks, and 46 stated it took more than 4 weeks. 229 students stated that they spent at least a few days in the auditorium, while 65 stated they spent at least a few weeks. App’x, 9, Graves Decl. ¶ 5 and Exhibit B.

Erika Gonzalez testified that she started out the 2014-15 school year with two home periods and one service, was missing a Spanish class she needed for A-G and spent the “first three weeks of school going to the counseling office trying to get out of the home and service classes and into the classes I needed, but the counselor’s office was overflowing with other students who also need to get their schedules fixed. Every time I went to the counseling office there were over 40 students in line to see the counselor.” E. Gonzalez Decl. ¶ 3. After 3 weeks she got the Spanish class in place of one Home period but is still enrolled in one home and one service. As of first she still needed an English class to complete the A-G requirements for college. Id. ¶¶ 4, 6.

“My schedule was really messed up at the beginning of the [2014-15] school year. For example, I was placed in Art class that I did not need to take because I had taken and passed my art requirement in 10th grade. I had to wait a week to check out of the class because my counselor was really busy helping other students.” Williams Decl. ¶ 3

“The beginning of this school year [2014-15] at Fremont was very hectic for me. My initial schedule included two home periods and two service periods.... 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.” Madrigal Decl. ¶ 3. “Even though I got some of the right classes on my second week, it took four weeks to finalize most of my classes.” Id. ¶ 8.

“I have seen lots of problems with student schedules this year, too. At the beginning of the [2013-14] school year, lots of students were placed in the wrong classes and were not allowed to change them.” Willis Decl. ¶ 10.

It is “incorrect” that “Daniel would have appreciated if the counselors sat with students at the end of each year and advised them what classes they needed.” Diaz Decl. ¶ 34

Lack of personal knowledge. Mr. Diaz cannot possibly know Daniel’s state-of-mind, nor does he allege that he was present at any of Daniel’s IGP meetings.

“It would be great if our counselors could sit with students at the end of each year and let us know what classes we’re taking the following year, what classes we need, and what classes, if any, we need to retake.” Madrigal Decl. ¶ 10

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“The declaration further states that because Jessy’s teachers were not told that he was in Victorville, most thought he had missed a lot of school at Fremont. This is not accurate. The teachers routing sheet, which informs the teachers of student departure, was signed and completed by all teachers. All of Jessy’s teachers were notified of Jessy’s check out.” Diaz Decl. ¶ 37</p>	<p>Lack of foundation and lack of personal knowledge. Mr. Diaz does not establish at what point in time the routing sheet was circulated, and he lacks personal knowledge of Jessy’s experiences. Further, Mr. Diaz does not cite to the a copy of the routing sheet itself.</p>	<p>The mere existence of the routing sheet does not demonstrate that Jessy’s teachers knew of his transfer from the beginning, nor does it demonstrate they knew about it before the incidents Jessy describes took place.</p> <p>Diaz does not refute the following statement in Jessy’s declaration, which is the crux of the point: “teachers would ask me why I was absent for two months in front of the entire class. I didn’t want to tell people that I was put into foster care, so I couldn’t give them an explanation.” Cruz Decl. ¶ 15</p>
<p>“The declaration further states that Jessy wished someone sat him down earlier and told him just how behind he was. We did meet with Jessy to discuss these very issues.” Diaz Decl. ¶ 40</p>	<p>Nonresponsive and misleading. Jessy does not state that no one ever sat down with him, just that he wished someone had done so earlier. Mr. Diaz does not refute that the meetings did not take place until senior year. Cruz Decl. ¶ 22. Jessy himself admits he met with counselors his senior year. Id.</p>	<p>“I knew I was behind, but I didn’t realize just how behind I was until my counselor sat me down my senior year. By that time, it was hard to catch up.” Cruz Decl. ¶ 22</p>
<p>“The declaration additionally states that Fremont does not have college centers. On the contrary, Fremont’s small learning community structure provides a college going environment for its students.” Diaz Decl. ¶ 42</p>	<p>Nonresponsive and misleading. Mr. Diaz does not state that there are, in fact, college centers, just that there is a “college going environment.” Diaz Decl. ¶ 42</p>	<p>“The schools in Long Beach also had great college centers with so much information to help students learn about how to go to college. Fremont does not have anything like this.” Cruz Decl. ¶ 26</p> <p>“[T]his year they got rid of our college counselor and college center. Because we now have Small Learning Communities, with two academic counselors each, it has been decided that the academic counselors will also be our college counselors. Academic counselors already have a lot of duties and often look stressed, and now they also have to guide us through the college application process. The college counselor also used to organize events such as college visits, EOP talks, and personal statement workshops. Those events have not been organized this year. It used to feel like a college-bound atmosphere, but this year it doesn’t. I saw the college center and college counselor as a resource I could rely on when I became a senior; now I feel lost because that resource is not there.” Willis Decl. ¶ 12</p>
<p>“While it is true that home was assigned for first period, we changed Roxana’s class to service after student declined other options for electives.” Diaz Decl. ¶ 43</p> <p>It is “inaccurate” that “her counselor advised her that no other classes were available and that the only options were to take ROTC or service.” Diaz Decl. ¶ 44</p>	<p>Lack of personal knowledge. Mr. Diaz does not state that he ever spoke with Roxana or that he even could recognize her. Further, his own declaration suggests she was assigned to a different counselor. See Diaz Decl. ¶ 44 (“...her counselor advised her...”). Nor does he state he was present when conversations about her schedule took place.</p>	<p>“I did not request a service class my junior year, but my counselor told me that there were no other classes available, and that my only options were to take Reserve Officers’ Training Corps (ROTC) or a service period. I chose service because I am not interested in ROTC.” Mucino Decl. ¶ 9</p> <p>“I wish that there were more interesting elective or other classes that I could take instead of service or home. It would be very helpful to have tutoring classes. I would also appreciate something like a home economics class where we could learn helpful and practical skills that will help us in our future.” Mucino Decl. ¶ 9</p>
<p>It is “inaccurate” that “Roxana did not request a service class her junior year, and that her counselor advised her that no other classes were available and that the only options were to take ROTC or service.” (Diaz Decl. ¶ 44)</p>	<p>Lack of personal knowledge and lack of foundation. Mr. Diaz does not state that he ever spoke with Roxana or that he even could recognize her. Nor does he provide any basis for his assertion.</p>	<p>Mr. Diaz admits that Roxana was provided a home period for first period which she did not request, and confirmed that she changed it to a service period. Diaz Decl. ¶ 44</p> <p><i>See above.</i></p>

STATEMENT

WHY STATEMENT LACKS BASIS

CONTRADICTORY EVIDENCE

“Although some Fremont students may have experienced some difficulties with their course schedules in early fall semester of the 2012-13 school year, this was not the case for the 2013-14 or the 2014-15 school years.” Avalos Decl. ¶ 3

Lack of personal knowledge and lack of foundation. Mr. Avalos admits to not knowing any of the declarants and states he has never had a conversation with them as far as he knows. Avalos Dep. 125:2-23. Further, he offers no basis for his assertion.

Of the 444 Fremont (LAUSD) students surveyed by classmates with help from Community Coalition in response to the MiSiS scheduling crisis in 2014, 95 stated it took a week to finalize their schedule, 88 stated that it took two weeks to finalize their schedule, 52 stated it took 3 weeks, and 46 stated it took more than 4 weeks. 229 students stated that they spent at least a few days in the auditorium, while 65 stated they spent at least a few weeks. App'x, 9, Graves Decl. ¶ 5 and Exhibit B.

Erika Gonzalez testified that she started out the 2014-15 school year with two home periods and one service, was missing a Spanish class she needed for A-G and spent the “first three weeks of school going to the counseling office trying to get out of the home and service classes and into the classes I needed, but the counselor’s office was overflowing with other students who also need to get their schedules fixed. Every time I went to the counseling office there were over 40 students in line to see the counselor.” E. Gonzalez Decl. ¶ 3. After 3 weeks she got the Spanish class in place of one Home period but is still enrolled in one home and one service. As of first semester she still needed an English class to complete the A-G requirements for college. Id. ¶¶ 4, 6.

“My schedule was really messed up at the beginning of the [2014-15] school year. For example, I was placed in Art class that I did not need to take because I had taken and passed my art requirement in 10th grade. I had to wait a week to check out of the class because my counselor was really busy helping other students.” Williams Decl. ¶ 3

“The beginning of this school year [2014-15] at Fremont was very hectic for me. My initial schedule included two home periods and two service periods.... 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.” Madrigal Decl. ¶ 3. “Even though I got some of the right classes on my second week, it took four weeks to finalize most of my classes.” Id. ¶ 8.

“I have seen lots of problems with student schedules this year, too. At the beginning of the [2013-14] school year, lots of students were placed in the wrong classes and were not allowed to change them.” Willis Decl. ¶ 10.

“[A]ll students who matriculated at Fremont for the current 2014-15 school year were in class within the first 20 minutes on the first day of school.” (Avalos Decl. ¶ 4)

Lack of personal knowledge. *See above.*

See above.

This year, “requests to change classes took somewhere between 24 hours to two weeks...” Avalos Decl. ¶ 4

Lack of personal knowledge.

Of the 444 Fremont (LAUSD) students surveyed by classmates with help from Community Coalition in response to the MiSiS scheduling crisis in 2014, 52 stated it took 3 weeks to finalize their schedules, and 46 stated it took more than 4 weeks. 65 students stated that they spent at least a few weeks in the auditorium. App'x, 9, Graves Decl. ¶ 5 and Exhibit B.

DECLARATION OF **PEDRO AVALOS**, PRINCIPAL OF FREMONT HIGH SCHOOL (LAUSD) *(cont.)*

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“Fremont has sufficient counselors to assist students in obtaining the classes that they need for graduation and college admissions.” Avalos Decl. ¶ 5</p>	<p>Lack of foundation. Mr. Avalos does not provide a basis for this assertion. The data and personal experiences of students and staff demonstrate the opposite. Further, Mr. Avalos does not have personal knowledge of the thoroughness of counseling session. Avalos Dep. 94:22-24</p>	<p>The 2013-2014 Fremont Senior High School Report Card states that: 57% of students are graduating in 4 years (pg 1); 31% on track to meet A-G (pg 1), 51% passed the CAHSEE in 10th grade (pg 1); 46% of students say, “Adults at this school know my name.” (pg 4); 60% of staff say, “At this school, decisions are made based on students’ needs and interests” (pg 4). Avalos Dep., Ex. 2.</p> <p>“Fremont doesn’t have enough resources to meet our students’ social service and academic needs.” Jones Decl. ¶ 28.</p> <p>“One time, when I went to try to sign up at Adult School for a Spanish class, I saw the teacher tell about 12 students that there was no room for them.” E. Gonzalez Decl. ¶ 7</p> <p>“I finally got my schedule finalized after four weeks into the school year.... Also, I still have one home period on my schedule.” Madrigal Decl. ¶ 9</p>
<p>“Fremont also provides adequate college support services for its students.” Avalos Decl. ¶ 7</p>	<p>Lacks foundation. Avalos does not provide any basis for this statement. The data and students say otherwise. Further, he does not know how many or what percentage of Fremont students go to a 2-year school, 4-year school, or UC school. Avalos Dep. 36:12-37:6.</p>	<p>According to information provided by the California Department of Education through the Dataquest website, in the 2012-13 school year, only 166 of the 663 students were UC/CSU eligible. Avalos Dep., Ex. 3.</p> <p>According to the 2013-14 Fremont Senior High School Report Card, 40% of students were passing all A-G courses and 31% were on track to meet A-G requirements. Avalos Dep., Ex. 2</p> <p>“One time, when I went to try to sign up at Adult School for a Spanish class, I saw the teacher tell about 12 students that there was no room for them.” (¶ 7) “I do not want to take home or service. I initially tried to get rid of home and service classes completely, but if I did I would get placed in a class I don’t need or want to take like Video Production. I would rather be in a college prep class....” E. Gonzalez Decl. ¶ 4</p> <p>“I finally got my schedule finalized after four weeks into the school year.... Also, I still have one home period on my schedule.” Madrigal Decl. ¶ 9</p>
<p>“The IGP is to be reviewed and revised by the counselor, student, and parent/guardian at least on an annual basis.” Avalos Decl. ¶ 8</p>	<p>Lack of personal knowledge, to the extent Mr. Avalos is testifying that the IGP is reviewed. The very evidence that Mr. Avalos cites to support the existence of yearly IGP meetings provides data that suggests the meetings themselves are not occurring. Further, Mr. Avalos admits that he has never sat in on a counseling session between a counselor and a student. Avalos Dep. 94:22-24.</p>	<p>Although Fremont’s School Accountability Report does say that 93% of students have an individual IGP (pg 1), it also says only 51% of students surveyed (which was 84% of the student body) said they had “had a meeting this year with someone on the school staff to discuss my IGP” (pg 4). While the IGP plans may have been on the books, the actual meetings were not taking place on a yearly basis. Avalos Dep., Ex. 2</p>
<p>“Fremont also has very few foster students, and the number has been declining.” Avalos Decl. ¶ 11</p>	<p>Misstates evidence. This statement is contradicted by the actual data cited in his own declaration to support the statement. Avalos Decl. ¶ 11</p>	<p>“Fremont had 13 foster students in 2011-12; 11 in 2012-13; 7 in 2013-14; and 37 in 2014-2015.” Avalos Decl. ¶ 11 (emphasis added).</p>
<p>“Allegations that a student, if absent, could go by almost two weeks without attending a specific class due to Fremont’s block scheduling is untrue.” Avalos Decl. ¶ 12</p>	<p>Lack of foundation.</p>	<p>“Student absences are particularly damaging at Fremont because Fremont has a block schedule. Students are enrolled in eight classes per semester, and four classes meet each day for about an hour and a half each. As a result of this block schedule, if one of my students misses even a single class period, I may not see that student for almost a week.” Maloney Decl. ¶ 12</p>

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“Allegations that a student, if absent, could go by almost two weeks without attending a specific class due to Fremont’s block scheduling is untrue.” Avalos Decl. ¶ 12. (cont.)</p>	<p>Lack of foundation. (cont.)</p>	<p>“Fremont has a block schedule, so the students have four periods each day. 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.” Jones Decl. ¶ 22</p> <p>“Fremont’s block schedule makes student absences particularly damaging. Even during a typical week, I am only scheduled to see some students twice. This means that if a student misses a single class period, he misses half a week of instruction. On weeks with holidays or furlough days, I may only be scheduled to see students for one class period all week.” If a student is absent the day of that class period, almost two weeks go by between classes. This inconsistency and unpredictability makes it nearly impossible to establish the habits and relationship necessary to effectively teach math.” Niebergall Decl. ¶ 7</p>
<p>Apex online courses are “instructed by credentialed teachers....” Avalos Decl. ¶ 18 (emphasis added)</p>	<p>Contradicted by own testimony.</p>	<p>Avalos himself testified in his deposition that APEX courses are overseen by graduation counselors who “provide opportunities for [the students] as far as the computers, and the time may be after school or in the morning for them to go online and submit some of their work. From that point on, the students are responsible, required to kind of do their assignments online, and that’ where the teacher who’s in charge of that APEX class takes over and grades them....The teacher is not present [when the student is doing APEX work.” Avalos Dep. 60:10-20, 61:6-10.</p>
<p>“To be scheduled in [service and home] periods, a student must have enough credits to graduate and must have passed both parts of the [CAHSEE].” Avalos Decl. ¶ 22</p>	<p>Lack of personal knowledge. Mr. Avalos also provides conflicting testimony as to the requirement that a student have passed the CAHSEE. Avalos Dep. 76:3-21</p>	<p>Mr. Avalos testified that a student could satisfy the requirement for Home and Service periods if that student was in a CAHSEE intervention course, despite having “failed the CAHSEE multiple times” and “not hav[ing] passed the CAHSEE yet.” Avalos Dep. 76:3-21</p> <p>Erika Gonzalez confirms that she lacked a number of classes she needed to graduate or satisfy the A-G requirements when the school year started. Gonzalez Supp. Decl. ¶¶ 4-11. 17. Mr. Diaz acknowledged that Erika did have a Home period. Diaz Decl. ¶ 15</p> <p>Mr. Diaz also confirms that Jessy Cruz was enrolled in both service and home periods, despite not being on track to graduate or satisfy A-G requirements. Diaz Decl. ¶ 39. See also, Cruz Decl. Ex.s 1 and 2.</p> <p>Mr. Diaz confirms that Daniel “did not have what he needed to graduate or to go to college” and during his service period he would “do random tasks such as greet people, ask them if they needed help, and run errands[.]” (Diaz Decl. ¶¶ 31, 33.)</p>
<p>“Students are not eligible to enroll in [service and home] periods unless they are on track to meet their graduation requirements and not failing any classes.” (Avalos Decl. ¶ 22)</p>	<p>See above.</p>	<p>See above.</p>

DECLARATION OF **PEDRO AVALOS**, PRINCIPAL OF FREMONT HIGH SCHOOL (LAUSD) (*cont.*)

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“Some students, primarily seniors who are ahead in credits, are assigned to periods during which they can participate in a work experience program or enroll in a college course, which some have colloquially called ‘home’ periods.” Avalos Decl. ¶ 22</p>	<p>Lack of personal knowledge and lack of foundation.</p>	<p>“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. For my 8th period ‘Home’ class, I just go home. I don’t get any homework and am not supervised by a teacher. I would prefer to at least take a college class during this home period. They said they will try to get me in a class, but I’m not sure when this will happen.” Williams Decl. ¶ 6</p>
<p>“Student J.M. also has a home period to assist her mother, who is suffering from an injury.” Avalos Decl. ¶ 26</p>	<p>Lack of personal knowledge. Mr. Avalos himself states that he has no personal knowledge of any of the students mentioned in this section of his declaration. Avalos Dep. 134:9-21.</p>	<p>Avalos admits to not knowing any details or to having any personal knowledge as to what J.M. does to assist her mother, the nature of the injury, etc. Avalos Dep. 134:9-21.</p>
<p>“Students such as J.S. and A.S. [requested home periods because they] have children themselves and need to be home to take care of them.” Avalos Decl. ¶ 26</p>	<p>Lack of personal knowledge. Mr. Avalos himself states that he has no personal knowledge of any of the students mentioned in this section of his declaration. Avalos Dep. 134:9-21.</p>	<p>Avalos admits to not knowing any details or to having any personal knowledge as to these students. Avalos Dep. 134:9-21.</p>
<p>Student J.A. requested a home period because he “takes care of his siblings.” (Avalos Decl. ¶ 26)</p>	<p>Lack of personal knowledge. Mr. Avalos himself states that he has no personal knowledge of any of the students mentioned in this section of his declaration. Avalos Dep. 134:9-21.</p>	<p>Avalos admits to not knowing any details or to having any personal knowledge of J.A. Avalos Dep. 134:9-21.</p>
<p>O.R. and A.P. requested home periods because “they are responsible for picking up their respective sisters from school.” Avalos Decl. ¶ 26</p>	<p>Lack of personal knowledge. Mr. Avalos himself states that he has no personal knowledge of any of the students mentioned in this section of his declaration. Avalos Dep. 134:9-21.</p>	<p>Avalos admits to not knowing any details or to having any personal knowledge as to these students. Avalos Dep. 134:9-21.</p>
<p>V.V. has requested a home period because she, “a foster child herself, works to support not only herself but also her sibling.” Avalos Decl. ¶ 26</p>	<p>Lack of personal knowledge. Mr. Avalos himself states that he has no personal knowledge of any of the students mentioned in this section of his declaration. Avalos Dep. 134:9-21.</p>	<p>Mr. Avalos admits to not knowing any details or to having any personal knowledge of V.V. Avalos Dep. 134:9-21.</p>
<p>D.M requested a home period because he “helps his dad at work.” Avalos Decl. ¶ 26</p>	<p>Lack of personal knowledge. Mr. Avalos himself states that he has no personal knowledge of D.M or any of the students mentioned in this section of his declaration. Avalos Dep. 133:13-16; 134:9-21.</p>	<p>Mr. Avalos admits to not knowing any details or to having any personal knowledge of D.M. Avalos Dep. 133:13-16; 134:9-21.</p>
<p>J.E. requested a home period because she “works to support her family.” Avalos Decl. ¶ 26</p>	<p>Lack of personal knowledge. Mr. Avalos himself states that he has no personal knowledge of J.E. or any of the students mentioned in this section of his declaration. Avalos Dep. 133:17-20; 134:9-21.</p>	<p>Mr. Avalos admits to not knowing any details or to having any personal knowledge of J.E. Avalos Dep. 133:17-20; 134:9-21.</p>
<p>R.A. requested a home period because he “helps his mom as she has two jobs.” Avalos Decl. ¶ 26</p>	<p>Lack of personal knowledge. Mr. Avalos himself states that he has no personal knowledge of R.A. or any of the students mentioned in this section of his declaration. Avalos Dep. 133:21-25; 134:9-21.</p>	<p>Mr. Avalos admits to not knowing any details or to having any personal knowledge of R.A. Avalos Dep. 133:21-25; 134:9-21. Further, Mr. Avalos emphatically states that “most” of the parents of Fremont students have “two jobs.” Avalos Dep. 30:23-24; 61:21-62:5.</p>
<p>F.G. requested a home period because “he also helps his mom.” Avalos Decl. ¶ 26</p>	<p>Lack of personal knowledge. Mr. Avalos himself states that he has no personal knowledge of F.G. or any of the students mentioned in this section of his declaration. Avalos Dep. 133:4-12; 134:9-21.</p>	<p>Mr. Avalos admits to not knowing any details or to having any personal knowledge of F.G., and specifically states that he does not have any knowledge of what F.G. does with respect to his mom. Avalos Dep. 133:4-12; 134:9-21.</p>
<p>T.N. requested a home period because she “picks up her sisters and also babysits to support her family.” Avalos Decl. ¶ 26</p>	<p>Lack of personal knowledge. Mr. Avalos himself states that he has no personal knowledge of T.N. or any of the students mentioned in this section of his declaration. Avalos Dep. 134:1-21.</p>	<p>Mr. Avalos admits to not knowing any details or to having any personal knowledge of T.N., and specifically states that he does not know if T.N. even does, in fact, babysit. Avalos Dep. 134:1-21.</p>
<p>“To be clear, all of these students [who requested home periods because of family obligations] are on track to graduate and to complete the A-G requirements.” Avalos Decl. ¶ 26</p>	<p>Lack of personal knowledge. Mr. Avalos himself states that he has no personal knowledge of any of the students to which he is referring in this statement. Avalos Dep. 134:9-21.</p>	<p>Mr. Avalos admits to not knowing any details or to having any personal knowledge of any of the students he is referring to here. Avalos Dep. 134:9-21.</p>

DECLARATION OF **PEDRO AVALOS**, PRINCIPAL OF FREMONT HIGH SCHOOL (LAUSD) *(cont.)*

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“[O]nly the appropriate students are being assigned to a home/service period....” Avalos Decl. ¶ 32</p>	<p>Lack of personal knowledge. This statement is contradicted by specific testimony provided by Mr. Diaz, the students, and student transcripts.</p>	<p>Erika Gonzalez confirms that she lacked a number of classes she needed to graduate or satisfy the A-G requirements when the school year started. Gonzalez Supp. Decl. ¶¶ 4-11, 17. Mr. Diaz acknowledged that Erika did have a Home period. Diaz Decl. ¶ 15</p> <p>Mr. Diaz also confirms that Jessy Cruz was enrolled in both service and home periods, despite not being on track to graduate or satisfy A-G requirements. Diaz Decl. ¶ 39. See also, Cruz Decl. Ex.s 1 and 2.</p> <p>Mr. Diaz confirms that Daniel “did not have what he needed to graduate or to go to college” and during his service period he would “do random tasks such as greet people, ask them if they needed help, and run errands[.]” (Diaz Decl. ¶¶ 31, 33.)</p>
<p>“[A]ll students assigned to a home/service period are on track to graduate....” Avalos Decl. ¶ 32</p>	<p>Lack of personal knowledge. <i>See above.</i></p>	<p><i>See above.</i></p>
<p>“[A]ll students assigned to a home/service period are on track to meet A-G requirements” Avalos Decl. ¶ 32</p>	<p>Lack of personal knowledge. <i>See above.</i></p>	<p><i>See above.</i></p>
<p>“[A]ll students who are assigned to a home period have submitted signed written permission of the parent or guardian to allow the students to leave campus to attend a college class or participate in a work experience program....” Avalos Decl. ¶ 32</p>	<p>Lack of personal knowledge and lack of foundation. Defendants did not provide Plaintiffs’ counsel with copies of these forms, and Mr. Avalos does not state that he has reviewed them. In fact, he acknowledges that he has not reviewed the forms for the students he describes needing a home period for family reasons. Avalos Dep. 130:16-131:2; Avalos Decl. ¶ 26</p>	<p>“The school never asked me to notify my parents that I had home or service periods. I was never asked by anyone at Fremont to get permission from them to take or keep my home periods. I do not believe my parents ever signed anything related to my home or service periods or gave anybody at Fremont permission for me to take them.” E. Gonzalez Suppl. Decl ¶ 8</p>
<p>“[N]o student is being assigned to a home/service period because there are no other courses available in which to place the student....” Avalos Decl. ¶ 32</p>	<p>Lack of personal knowledge and lack of foundation.</p>	<p>Mr. Avalos himself states that they do not have enough teachers to provide classes for all students if home and service periods were no longer an option. In fact, he asserts they would need 4 or 5 more teachers if home or service courses were eliminated. Avalos Decl. ¶ 34</p> <p>Roxana Mucino testified: “I had a service class both semesters of my junior year and the first semester of my senior year at Fremont and I will have a service class this semester as well. I did not request a service class my junior year, but my counselor told me that there were no other classes available.” Mucino Decl. ¶ 9</p> <p>Mr. Diaz admits that Roxana was provided a home period for first period which she did not request, and confirmed that she changed it to a service period. Diaz Dec. ¶44</p> <p>“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. For my 8th period ‘Home’ class, I just go home. I don’t get any homework and am not supervised by a teacher. I would prefer to at least take a college class during this home period. They said they will try to get me in a class, but I’m not sure when this will happen.” Williams Decl. ¶ 6</p> <p>“This semester, I have a home period during 8th period, which I didn’t ask for.... But I was told there were no other classes for me to take.” Willis Decl. ¶ 11</p>

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“[N]o student is being assigned to a home/ service period because there are no other courses available in which to place the student...” Avalos Decl. ¶ 32. (cont.)</p>	<p>Lack of personal knowledge and lack of foundation. (cont.)</p>	<p>“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. This is a shame because most students enrolled in service or home periods, even though they are on track to graduate, are still struggling academically. Unfortunately, even our best students are usually still below grade level in reading and math skills.” Vidaña Decl. ¶ 20</p>

DECLARATION OF **WILLIAM CHAVARIN**, PRINCIPAL OF CASTLEMONT HIGH SCHOOL

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>Johnae Twinn “opted to transfer out of her debate class....” Chavarin Decl. ¶ 3(a)</p>	<p>Lack of personal knowledge and conflicting testimony. The Defendants even acknowledge in their Opposition Brief that the debate class was cancelled and that Johnae did not voluntarily drop it. Opp. pg 9, line 7.</p>	<p>“I originally had Debate sixth period as well, but that also got cancelled because the school needed the teacher for ‘Cyber High’ instead.” Twinn Decl. ¶ 7</p> <p>“Admittedly she lost 6th period Debate soon after classes began....” Opp. pg 9, line 7.</p>
<p>“Jayla does not have an IWE period this year.” Chavarin Decl. ¶ 3(d) (emphasis in original)</p>	<p>Implicitly misstates testimony.</p>	<p>Jayla never claimed to have had an IWE this year: “This semester I have three substantive classes, one period of Cyberhigh, and two periods with no class.” Davis Decl. ¶ 3</p>
<p>“An IWE experience is part of a teacher’s actual work—from the mundane tasks teachers often perform to those tasks that are more complicated. These experiences can provide our students with real life work experiences and skills....” Chavarin Decl. ¶ 5</p>	<p>Lack of personal knowledge. Mr. Chavarin does not allege having ever spoken with any of the declarants, and all of his descriptions of IWE experiences are in the abstract. Chavarin Decl. ¶¶ 5-6</p>	<p>Johnae Twinn testified: “During my IWE period second period, I’m assigned to the counselor’s office. There is another student assigned to IWE for the same counselor at the same time. She is the only counselor for the entire school and is very busy, so she doesn’t have time to assign me to do anything and usually doesn’t even check to see if we are there.” Twinn Decl. ¶ 5.</p> <p>Alban Lopez testified: “In my first period IWE class sometimes I help the teachers prepare for their classes by doing thing like making posters. I do things that they don’t get to finish on their own time. 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. My friends in IWE do the same thing....I don’t purposely skip first period IWE, but if I wake up late and don’t feel like getting out of bed I don’t worry too much since there isn’t really anything I’m missing by coming late.” Lopez Decl. ¶¶ 6-7</p> <p>Kourtene King testified: “During sixth period I technically have IWE where I sometimes help my teacher grade papers or sort things out. But when she doesn’t have anything for me to do I just walk around. Other people in my class do the same thing, which is basically nothing.” King Decl. ¶ 6</p>

DECLARATION OF **EMILIANO SANCHEZ**, PRINCIPAL OF FREMONT HIGH SCHOOL (OUSD)

STATEMENT	WHY STATEMENT LACKS BASIS	CONTRADICTORY EVIDENCE
<p>“Based on my review of the records here, the Fremont students who provided declarations in support of the Plaintiffs’ Motion for Preliminary Injunction in the present litigation are on track to graduate and/or be eligible for University of California or California State University Admission as explained below.” Sanchez Decl. ¶ 3</p>	<p>Provides conflicting testimony. Mr. Sanchez confirms later in the declaration that Stephanie Revoreda is “working on being on track to graduate....” Sanchez Decl. ¶ 3(d); Revoreda Decl. ¶¶ 4-6</p>	<p>“[Stephanie] is working on being on track to graduate by making up credits through the APEX....She has not yet met the state university ‘A-G’ requirements.” Sanchez Decl. ¶ 3(d)</p>
<p>Angelica Rodriguez “has met the state ‘A-G’ requirements....” Sanchez Decl. ¶ 3(d)</p>	<p>Lack of personal knowledge. Mr. Sanchez does not claim to know Angelica and her testimony provides a detailed explanation of the fact that she is not going to fulfill her A-G requirements before she graduates. Rodriguez Decl. ¶ 3</p>	<p>“Next year, I plan to go to community college. 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 that I need in order to go to a University of California or California State University School.” Rodriguez Decl. ¶ 3.</p>

STATEMENT**WHY STATEMENT LACKS BASIS****CONTRADICTORY EVIDENCE**

"Nohemi Lucas...has met A-G requirements..."
Sanchez Decl. ¶ 3(g)

Lack of personal knowledge and lacks foundation. Mr. Sanchez does not allege that he has ever spoken with Nohemi

"...just last week I got an email from San Diego State University saying that I couldn't go to college because I hadn't taken the required courses. When I looked up what they said was missing, it said English 1 and English 2. I went back to the counselor and she said that ELD 5 and the Berkeley classes must not count. I was so upset because I had asked her multiple times during my junior year and the beginning of my senior year whether I was on track to satisfy all my A-G requirements. Now I have to take English 1, English 2 and English 4 all in the same year." Lucas Decl. ¶ 5

"Quenajonay only had one IWE on her class schedule for the current 2014-2015 school year. At no time during the current school year was Quenajonay placed in a Spanish class."
Sanchez Decl. ¶ 3(f)

Lack of personal knowledge and lacks foundation. Mr. Sanchez does not allege that he has ever spoken with Quenajonay, nor does he provide any basis for his statement.

"My schedule has changed five times, going back and forth between different classes...I originally had three IWEs on my schedule. I thought that a college would think that I am just being lazy...I was originally put into Spanish 1, which I had already taken and passed with a B.... I asked to be taken out of Spanish 1, and they put me in an IWE for a while...." Frazier Decl. ¶¶ 2-5

"IWEs provide important educational opportunities for students." Sanchez Decl. ¶ 4

Lack of personal knowledge. Although Mr. Sanchez does state that he personally supervised "teacher's assistants" when he was a math teacher, his declaration indicates that he was employed as a math teacher outside OUSD. See Sanchez Decl. ¶ 5 ("When I was a math teacher, I personally selected certain students to be my teacher's assistants (what we call an IWE in Oakland)....") (emphasis added).

Loata Fine testified: "Mostly I just sit there (during my IWE) and sometimes do my homework....'Academic Literacy' is exactly the same thing as IWE....During Academic Literacy, I also mostly sit in the classroom and do my homework....No one every told me there were particular skills or concepts I was supposed to learn during IWE or Academic Literacy. They are both study periods. Instead of thee free periods, I wish I could spend that time learning."
Fine Decl. ¶¶ 6-8

Carmen Jimenez testified: "During seventh period IWE class I sit in a classroom and teach myself AP Calculus BC....I don't think I should have to teach myself something I want to learn."
Jimenez Decl. ¶¶ 6-7

Stephanie Valencia Chavez testified: "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." Chavez Decl. ¶ 8

Quenajonay Frazier testified: "[My] IWE is nothing...." Frazier Decl. ¶ 6

APPENDIX 8
STANDARDS SUPPORTED BY DEFENDANT'S EVIDENCE
AND STATEWIDE STANDARD DECLARATIONS

CATEGORY	EDUCATION STANDARD	SOURCE OF ACKNOWLEDGMENT	CITE
1	Service periods are appropriate where the student derives education benefit from his or her activities in the course.	Opposition Brief	Page 17, lines 8-14
		Deposition of School District Officials in Plaintiffs' Districts	Taylor Dep. 84:6-14; 86:3-9; 110: 4-22 Glass Dep. 103:19-104:19; 114:8-13; 123: 13-16, 125: 25-126:13; 140: 16-141:10; 148:2-149:12'
		Defense Expert Declaration	Campbell Decl. ¶ 22
		Declaration of School District Officials in Plaintiffs' Districts Submitted by Defendants	Def. Ex. 34, ¶ 7 (Glass Decl.) Def. Ex. 20 ¶¶ 5-6 (Chavarin Decl.) Def. Ex. 18 ¶ 14 (Smith Decl.) Def. Ex. 27 ¶ 24 (Loera Decl.) Def. Ex. 28 ¶ 21 (Avalos Decl.) Def. Ex. 30 ¶ 21 (Sample Decl.)
	Declaration of School District Officials in Plaintiffs' Districts California Comparison Districts	Ex. 103 ¶ 8 (Delano/ Gregerson Decl.) Ex. 101 ¶ 10 (Antelope Valley/ Nehen Decl.) Ex. 107 ¶ 10 (Modesto/Harrison Decl.) Ex. 100 ¶ 6 (Anaheim/Colon Decl.) Ex. 106 ¶ 4 (Fremont/Morris Decl.) Ex. 108 ¶ 10 (San Francisco/Sanderson Decl.) Ex. 105 ¶ 7 (El Rancho/Kwek Decl.) Def. Ex. 4 ¶ 11 (El Monte/Flores Suppl. Decl.) Def. Ex. 6 ¶ 9 and Exhibit D (Modesto/Harrison Suppl. Dec.) Def. Ex. 8 ¶ 4 and Exhibit A (Fremont/Morris Suppl. Dec.) Def. Ex. 9 ¶ 12 (Antelope Valley/ Nehen Suppl. Dec.)	

CATEGORY	EDUCATION STANDARD	SOURCE OF ACKNOWLEDGMENT	CITE
2	Service periods are appropriate when the student's academic needs were taken into account when making the placement.	Opposition Brief	Page 6, lines 4-6
		Deposition of School District Officials in Plaintiffs' Districts	Sample Dep. 50:2-11;84:8-17 Avalos Dep. 76:3-13 Taylor Dep. 86:21-87:2; 88:1-5 Glass Dep. 103:19-104:19
		Declaration of School District Officials in Plaintiffs' Districts Submitted by Defendants	Def. Ex. 34 ¶ 6 (Glass Decl.) Def. Ex. 27 ¶ 23 (Loera Decl.) Def. Ex. 31 ¶¶ 5, 8 (Foote Decl.)
	Declaration of School District Officials in Plaintiffs' Districts California Comparison Districts	Ex. 110 ¶ 11(Santa Maria/Davis Decl.) Ex. 103 ¶¶ 12-13 (Delano/Gregerson Decl.) Ex. 101 ¶ 10 (Antelope Valley/ Nehen Decl.) Ex. 107 ¶ 10 (Modesto/Harrison Decl.) Ex. 100 ¶¶ 7-8 (Anaheim/Colon Decl.) Ex. 106 ¶¶ 5-6 (Fremont/Morris Decl.) Ex. 108 ¶ 10 (San Francisco/Sanderson Decl.) Ex. 105 ¶¶ 9-10 (El Rancho) Ex. 104 (El Monte/ Flores Decl.) Def. Ex. 1 ¶ 14 (Anaheim/Colon Suppl. Decl.) Def. Ex 7 ¶ 7 (El Rancho/Kwek Suppl. Dec.)	

CATEGORY	EDUCATION STANDARD	SOURCE OF ACKNOWLEDGMENT	CITE
3	To the extent Home periods are defensible, they are more acceptable when they have a purpose: when the student is taking a college course, has a job, or has urgent family needs.	Opposition Brief	Pg 17, lines 18-21
		Deposition of School District Officials in Plaintiffs' Districts	Taylor Dep. 140:4-22 Glass Dep. 152:5-15; 153:23-154:6
		Defense Expert Declaration	Campbell Decl. ¶ 22 Timar Decl. ¶ 35
	Declaration of School District Officials in Plaintiffs' Districts Submitted by Defendants	Def. Ex. 27 ¶¶ 27-28, 30 (Loera Decl.) Def. Ex. 28 ¶¶ 25-26 (Avalos Decl.) Def. Ex. 30 ¶ 24 (Sample Decl.)	

CATEGORY	EDUCATION STANDARD	SOURCE OF ACKNOWLEDGMENT	CITE
3 (cont.)	To the extent Home periods are defensible, they are more acceptable when they have a purpose: when the student is taking a college course, has a job, or has urgent family needs. (cont.)	Declaration of School District Officials in Plaintiffs' Districts California Comparison Districts	Ex. 110 ¶ 7 (Santa Maria/Davis Decl.) Ex. 103 ¶ 7 (Delano/ Gregerson Decl.) Ex. 100 ¶ 6 (Anaheim/Colon Decl.) ¶ 6 Ex. 108 ¶ 6 (San Francisco/Sanderson Decl.) Ex. 104 ¶ 6 (El Monte/Flores Decl.)

CATEGORY	EDUCATION STANDARD	SOURCE OF ACKNOWLEDGMENT	CITE
4	To the extent Home periods are defensible, the student's academic needs should be taken into account in making the placement.	Deposition of School District Officials in Plaintiffs' Districts	Sample Dep. 18:20-19:1; 19:22-20:6; 45:19-46:25; 47:13-17; 50:2-11; 84:8-17 Avalos Dep. 76:3-13; 100:2 Taylor Dep. 71:19-72:10 Glass Dep. 161:12-22; 166:3-19 C. Chang Dep. 102:17-103:1
		Declaration of School District Officials in Plaintiffs' Districts Submitted by Defendants	Def. Ex. 28 ¶ 22 (Avalos Decl.) Def. Ex. 30 ¶ 22 (Sample Dec.) Def. Ex. 31 ¶¶ 5, 8 (Foote Decl.)
		Declaration of School District Officials in Plaintiffs' Districts California Comparison Districts	Ex. 7 ¶ 6 (Santa Maria/Davis Decl.) Ex. 103 ¶¶ 12-13 (Delano/Gregerson Decl.) Ex. 101 ¶ 6 (Antelope Valley/ Nehen Decl.) Ex. 107 ¶ 6 (Modesto/Harrison Decl.) Ex. 100 ¶¶ 7-8 (Anaheim/Colon Decl.) Ex. 108 ¶ 6 (San Francisco/Sanderson Decl.) Ex. 104 ¶¶ 7-8 (El Monte/Flores Decl.) Def. Ex. 1 ¶ 14 (Anaheim/Colon Suppl. Decl.) Def. Ex. 8 ¶ 5 (Fremont/Morris Suppl. Decl.) Def. Ex. 10 ¶ 7 (San Francisco/Sanderson Suppl. Decl.)

CATEGORY	EDUCATION STANDARD	SOURCE OF ACKNOWLEDGMENT	CITE
5	Master schedules should be established prior to the beginning of the school year, or as soon thereafter as reasonably feasible.	Deposition of School District Officials in Plaintiffs' Districts	Sample Dep. 89:22-91:2 Avalos Dep. 29:3-33:6; 34:5-13; 41:6-13 Tommy Chang Dep. 35:10-25 Taylor Dep. 30:19-31:22
		Declaration of School District Officials in Plaintiffs' Districts Submitted by Defendants	Def. Ex. 18 ¶ 16 (Smith Decl.) Def. Ex. 27 ¶ 34 (Loera Decl.) Def. Ex. 34 ¶ 9 (Glass Decl.) Def. Ex. 28 ¶ 16 (Avalos Decl.) Def. Ex. 30 ¶ 16 (Sample Decl.) Def. Ex. 31 ¶¶ 7-8 (Foote Decl.)
		Declaration of School District Officials in Plaintiffs' Districts California Comparison Districts	Ex. 110 ¶ 12 (Santa Maria/Davis Decl.) Def. Ex. 2 ¶ 15 (Santa Maria/Davis Suppl. Decl.) Ex. 103 ¶ 18 (Delano/Gregerson Decl.) Ex. 101 ¶ 12 (Antelope Valley/Nehen) Def. Ex. 9 ¶ 14 (Antelope Valley/ Nehen Suppl. Decl.) Ex. 107 ¶ 11 (Modesto/Harrison Decl.) Def. Ex. 6 ¶¶ 13-14 (Modesto/Harrison Suppl. Decl.) Ex. 100 ¶ 12 (Anaheim/Colon Decl.) Def. Ex. 1 ¶ 16 (Anaheim/Colon Suppl. Decl.) Ex. 106 ¶¶ 11-12 (Fremont/Morris Decl.) Ex. 108 ¶ 11 (San Francisco/Sanderson Decl.) Ex. 105 ¶ 14 (El Rancho/Kwek Decl.) Ex. 104 ¶ 12 (El Monte/Flores Decl.) Def. Ex. 8 ¶¶ 6-7 (Fremont/Morris Suppl. Decl.) Def. Ex. 10 ¶ 9 (San Francisco/Sanderson Suppl. Decl.)

APPENDIX 9
RESULTS OF THE STUDENT-LED SURVEY OF LAUSD SCHEDULING PROBLEMS
AND CONTENTLESS COURSES (FACILITATED BY COMMUNITY COALITION)

SCHOOL	TIME TO FINALIZE SCHEDULE (WEEKS)				TIME SPENT IN AUDITORIUM/GYM	REPEATING CLASSES ALREADY PASSED WITH C OR BETTER	HOME AND SERVICE/ LIBRARY PERIODS	STRUGGLING IN A CLASS DUE TO LATE ENROLLMENT	DISAGREES THAT HE/SHE IS ON TRACK TO GRADUATE ON TIME
	1	2	3	4+					
Crenshaw Students polled: 297	59	43	40	66	At least a few days: 122 A few weeks: 26*	43	At least one home/service: 101 One or more home period: 84	127	82
Dorsey Students polled: 418	96	91	46	56	At least a few days: 229 A few weeks: 65*	91	At least one home/service: 100 One or more home period: 80 Two or more home periods: 35*	136	295
Fremont Students polled: 444	95	88	52	46	At least a few days: 120 A few weeks: 13*	114	At least one service period: 95 One or more home period: 138 Two or more home periods: 65	148	113
George Washington Students polled: 133	40	25	19	15	A few days: 50 A few weeks: 27	43	One or more home period: 45	56	41
Manual Arts Students polled: 301*	82	38	21	24	A few days: 50 A few weeks: 3	75	One or more home period: 51 One or more service/library: 42	81	60
Augustus Hawkins Students polled: 168*	15	18	19	36	A few days: 24 A few weeks: 9	51	One or more home period: 25 One or more service/library: 23	49	50

Figures marked with an asterisk (*) were calculated as described in Eidmann Decl. ¶ 25, based on the data in Appendix A of the Declaration of Elycia Mulholland Graves ¶ 4 (Eidmann Decl. Ex. 141).

All other figures are based on the data summaries attached as Ex. B to Ex. 141.