

M E M O R A N D U M**Staff Summary No. 4**

Date: March 9, 2016

To: Members of the California School Finance Authority

From: Katrina M. Johantgen, Executive Director

Subject: Consideration of Appeal Regarding the Charter School Facility Grant Program for New West Charter

Background: The California School Finance Authority (CSFA) has an established appeal process for Applicants appealing staff determinations. On February 1, 2016, CSFA received an appeal from New West Charter (NWC) (CDS# 19-75663-6120158) requesting the school's appeal be considered by the Authority Board. Pursuant to Section 10170.10 of Program regulations, CSFA staff followed the steps set forth below:

1. The Authority will provide notification of Applicant's eligibility determination.
2. The school shall have 30 calendar days from receipt of the Authority's notice to request a reconsideration of eligibility.
3. Staff shall have 30 calendar days to review Applicant's request for reconsideration and provide a final staff decision.
4. The Applicant had 30 calendar days to appeal staff's final decision and request the matter to be considered by the Authority Board at the next regularly scheduled Authority meeting.

Set forth below is NWC's appeal and supporting information.

Issue: In July 2015 the staff of CSFA began the California School Facility Grant Program (SB740) 2014-15 true-up process for all 2014-15 eligible schools. Through the true-up review process, the actual facility costs and current year P-2 Average Daily Attendance (ADA) documents are reviewed to determine the remainder of the charter school's award, or amount owed back to the program.

After completing the true-up process, in October 2015, CSFA determined NWC was ineligible due to Education Code, Section 47614.5(c)(2)(A) or (B). The California Department of Education (CDE) verified NWC's free reduced priced meal (FRPM) percentage of 21.33% and NWC's local elementary school, Brockton Elementary (CDS #19647336016133) FRPM of 67.76%. Therefore, NWC does not meet either of the FRPM eligibility thresholds set forth in Education Code, Section 47614.5(c)(2)(A) or (B). CSFA notified the school by email on October 22, 2015 concerning their eligibility status.

In November 2015, CSFA received an Appeal claiming "the 2014-15 FRPM data provided by the California Department of Education ("CDE") for Brockton Avenue Elementary ("Brockton") and used by CSFA staff to make their determination that New West is ineligible for SB 740 funding, was based on inaccurate and corrupted data supplied by Los Angeles Unified School District ("LAUSD")." The supporting documentation included in the appeal cited that, "Brockton's FRPM in recent years has remained around 79% for the previous 10 years LAUSD recognized issues with its attendance database, My Integrated Student

Information System (MiSiS), but claimed these issues were rectified prior to submitting the information to California Longitudinal Pupil Achievement Data System (CALPADS)." NWC's Appeal requests the CSFA disburse all funds based on the determination of eligibility.

Subsequent to NWC's appeal, CSFA researched and responded to NWC on January 18, 2016 CSFA. Staff reviewed the information provided by NWC, as well as Brockton Avenue Elementary, sent the information provided by the school to the LAUSD for feedback and contacted CDE /CALPADS to inquire if this issue has been reported by other schools or districts and, if so, having an impact on FRPM data. To date, CSFA has not received a response from the district or CDE / CALPADS.

Despite efforts made by the school and its advocates, the FRPM data has not been revised nor an explanation provided regarding MiSiS and any reporting anomalies. Pursuant to Section 10170.2(l) of the SB 740 Regulations, CSFA must use FRPM data as reported by the Department and certified through certified through the annual Fall 1 data submission to the California Longitudinal Pupil Achievement Data System (CALPADS). At this time, the school (nor CSFA) has no further recourse to address the concerns raised by NWC, and determined that its finding of ineligibility should stand. If the board were to grant NWC's appeal, determining Program eligibility using differing data sets would make program management untenable for CSFA.

In February 2016, CSFA received an Appeal to appeal the final decision by CSFA staff regarding NWC's alleged ineligibility for SB740 funding dollars for the 2014-15 year, as well as CSFA's demand that NWC repay all SB740 monies received by NWC for 2014-15. As part of this appeal NWC has submitted a California Public Records Act request to LAUSD for certain records regarding the number of students or percentage of students eligible for FRPM at Brockton during the 2014-15 school year LAUSD has yet to provide the requested documents. As soon as they are received, NWC will provide to CSFA with additional analysis based on these records. As a result, NWC requests that the CSFA Board consider this appeal at its March 2016 Board meeting.

Recommendation: CSFA maintains that its January 18, 2016 finding of ineligibility shall stand. CSFA has complied with the SB740 Program Regulations 10170.10 "Notification of Grantee; Appeal Process." To date the Authority has not received a response from LAUSD, and representatives from CALPADS responded they had not received any complaints about this data or requests to modify them. Further CALPADS representatives notified CSFA that it does not change or modify "official" data.

Attachments: New West Appeal and supporting documents.



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Public Instruction

MICHAEL COHEN
Director of Finance

EXECUTIVE DIRECTOR
Katrina M. Johantgen

October 22, 2015

Dr. Sharon Weir, Executive Director
New West Charter
1905 Armacost Ave
Los Angeles, CA 90025

Dr. Weir:

New West Charter (CDS # 19756636120158) did not meet the eligibility threshold for free or reduced-price meals (FRPM) required for an award of funds under the 2014-15 funding round of the Charter School Facility Grant Program (Program), and therefore owes the Program \$358,857.00. Pursuant to Education Code, Section 47614.5(c)(2)(A) and (B), Program eligibility is based on pupil eligibility for free and reduced-price meals. The California School Finance Authority (Authority) makes this determination based on whether the schoolsite meets one of the following criteria:

“(A) The charter schoolsite is physically located in the attendance area of a public elementary school in which 70 percent or more of the pupil enrollment is eligible for free or reduced-price meals and the schoolsite gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter schoolsite is located.

(B) Seventy percent or more of the pupil enrollment at the charter schoolsite is eligible for free or reduced-price meals.”

In addition, Education Code section 47614.5(d)(3) requires that the Authority adjust grant amounts based on final, year-end data. Based on a review of 2014-15 FRPM data provided by the California Department of Education, the Authority found that New West Charter had an FRPM of 21.33% and New West Charter’s local elementary school, Brockton (CDS # 19647336016133) had an FRPM of 67.76%. Therefore, New West Charter does not meet either of the FRPM eligibility thresholds set forth in Education Code, Section 47614.5(c)(2)(A) or (B).

Where final CDE FRPM data establishes that a Grantee is not eligible for the Program, Education Code section 47614.5(d)(3) and section 10170.9(h)(3) of Program regulations

Notice to Return Funds

New West Charter

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requires the charter school to reimburse for grant funds already disbursed to the Grantee. Once the Authority notifies the school of the change in its eligibility, the charter school is required to return the funds within 60 days. Authority hereby gives notice that New West Charter owes the Program \$358,857.00, and has until December 21, 2015, to return the 2014-15 program funds. Absent a return of the funds, the Authority will pursue all available remedies to obtain reimbursement from New West Charter.

Mail a check payable to the Authority for \$358,857.00 to the following address:

California School Finance Authority
915 Capital Mall, Suite 101
Sacramento CA, 95814

Pursuant to Program Regulations Section 10170.10(b) the applicant may appeal staff's determination, by submitting a letter of appeal within 30 calendar days of this notice to the above address.

Pursuant to section 10170.3(e) of the Program regulations until the Authority receives these funds, New West Charter will be ineligible for funds under the 2015-16 funding round of the Program. In addition, while these funds are due and owing, New West Charter will be ineligible for funds under State Charter School Facilities Incentive Grants Program and Charter School Revolving Loan Fund.

Program Regulations can be found here:

<http://www.treasurer.ca.gov/Authority/csfqp/regulations.pdf>

Should you have any questions or need additional information, please feel free to contact Ian Davis or Anne Osborne at (916) 651-7710.

Sincerely,

Katrina Johantgen

A handwritten signature in blue ink, appearing to read "Katrina Johantgen".



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November 20, 2015

California School Finance Authority
915 Capitol Mall, Suite 101
Sacramento, CA 95814

***Re: New West Charter School
Appeal of CSFA's Eligibility Determination
California School Facilities Grant Program***

Pursuant to Title 4, California Code of Regulations Section 10170.10(b), this letter serves as New West Charter School's ("New West") appeal of the California School Finance Authority's ("CSFA") staff determination regarding New West's alleged ineligibility for SB740 funding dollars for the 2014-15 year, as well as CSFA's demand that New West repay all SB740 monies received by New West for 2014-15.

CSFA's October 22, 2015 letter to Dr. Sharon Weir, Executive Director of New West (sent and received on October 26, 2015), states that "[b]ased on review of the 2014-15 FRPM data provided by the California Department of Education, the Authority found that New West Charter had an FRPM of 21.33% and New West Charter's local elementary school, Brockton (CDS # 19647336016133) had an FRPM of 67.76%. Therefore, New West Charter does not meet either of the FRPM eligibility thresholds set forth in Education Code, Section 47614.5(c)(2)(A) or (B)."

As further explained below, the 2014-15 FRPM data provided by the California Department of Education ("CDE") for Brockton Avenue Elementary ("Brockton") and used by CSFA staff to make their determination that New West is ineligible for SB 740 funding, was based on inaccurate and corrupted data supplied by Los Angeles Unified School District ("LAUSD"). New West contends that CSFA should reconsider its determination of ineligibility because of the continuing, well-documented, and significant data inaccuracies caused by LAUSD's implementation of the My Integrated Student Information System ("MiSiS") in the 2014 school year. Rather than solely relying on the inaccurate and unreliable data supplied by LAUSD, CSFA staff should consider all appropriate, verifiable prior year data on pupil eligibility at Brockton that evidences New West's qualification for funding under the SB740 framework.

As evidence that in the 2014-2015 school year, Brockton Avenue Elementary School's FRPM was well over the 70% threshold for SB 740 eligibility, attached as Exhibit A please find the School Budget Summary prepared by LAUSD for Brockton dated February 19, 2015. The School Budget Summary indicates that Brockton had a 2014-2015 enrollment of 225, and a poverty rate of 79.59%, and confirms that 195 of its 225 students were low-income (a percentage of 86.6%). This evidence provides a clear



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indication that the data contained in the CALPADS FRPM spreadsheet is incorrect and corrupted.

Furthermore, listed below are Brockton's FRPM percentages from the 2004-2005 through 2013-2014 school years (excerpted from the Student Poverty-Free or Reduced Price Meals data files on the CDE's website available at <http://www.cde.ca.gov/ds/sd/sd/filessp.asp>).

Year	School Name	FRPM %
2004-2005	Brockton Avenue Elementary	81.63%
2005-2006	Brockton Avenue Elementary	78.23%
2006-2007	Brockton Avenue Elementary	78.36%
2007-2008	Brockton Avenue Elementary	75.76%
2008-2009	Brockton Avenue Elementary	79.59%
2009-2010	Brockton Avenue Elementary	75.63%
2010-2011	Brockton Avenue Elementary	82.25%
2011-2012	Brockton Avenue Elementary	75.41%
2012-2013	Brockton Avenue Elementary	81.20%
2013-2014	Brockton Avenue Elementary	82.00%

As you can see, Brockton has not been ineligible for FRPM funding in the past ten years, and from 2004-05 through 2013-14 its FRPM percentages range from 75.41% to 82.25% (79.01% on average). In 2013-14, its October 2013 percentage Adjusted Percent (%) Eligible FRPM (Ages 5-17) was 82.00%. Therefore, it is highly improbable that Brockton's FRPM percentage would drop to 67.76% -- a drop of 14.24%. In just the prior year, Brockton's FRPM percentage was 82% and its FRPM has never been below 75% in the past ten years; its FRPM percentage has never dropped more than 6.84% in one year (and most drops were between 2 and 5%).

We have also attached as Exhibit B numerous documents demonstrating that much of the data submitted by LAUSD to CALPADS was corrupted and inaccurate. We have included a copy of LAUSD's March 18, 2015 MiSiS Release Notes which list the numerous reported record maintenance and data corruption issues within MiSiS at that time. The attached MiSiS Release Notes, along with the other MiSiS Release Notes from August 2014 through November 2015 (which list countless record maintenance and data corruption issues including issues with students' meal codes and homeless data) are available at <http://lausd.schoolwires.net/Page/6877>. As you can see on the attached March 18, 2015 MiSiS Release Notes, under the "State Reporting" heading, on March 18, 2015 LAUSD reported, "Data fixes for approximately 20 elementary and secondary schools have been deployed. These schools' statistical reports are now available for school months 1 thru 7."

Also attached is an LAUSD Weekly Update dated January 16, 2015 wherein Superintendent Ramon Cortines admits that "the District needs to reduce the substantial



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backlog of attendance data from the Fall Semester, and our staff members need to continue correcting data inaccuracies.” Superintendent Cortines also states, “We continue to help schools address the backlog of attendance records; this is imperative, as it will enable us to claim critical revenue” and “We are preparing to submit accurate data to CALPADS in February.” We also included LAUSD’s MiSiS Weekly Update from March 6, 2015 (the certification deadline for CALPADS) which states that “There are approximately 660 schools (roughly 75%) that have zero to minimal attendance backlog and are taking attendance correctly for every student in every class period.” Thus, it is likely that FRPM data inaccuracies existed at the time LAUSD reported the 2014-15 FRPM data to the CDE and that these inaccuracies were not resolved in time for the last date when CALPADS data could be corrected (in March of 2015).

In addition, attached are news articles containing statements from Diane Pappas, LAUSD’s CEO of Strategic Planning and Digital Innovation, Megan Reilly, LAUSD’s Chief Financial Officer, and Arnold Viramontes, an outside technology expert hired by former superintendent John Deasy to evaluate the MiSiS issues. On November 6, 2014, Thomas Himes of the Los Angeles Daily News, briefing a report issued by Arnold Viramontes, noted that the “integrity of data and student records continues to pose a problem for the educators of LAUSD,” as Mr. Viramontes’s “report found ‘there was no evidence suggesting a detailed plan for data integrity.’” On January 14, 2015, CBS Los Angeles reported, “In a report to the school board Tuesday, the district CFO said that partly because of the record keeping problems, enrollment numbers will drop. . . . by as much as 16 percent.” On May 29, 2015, Thomas Himes of the Los Angeles Daily News also reported that Diane Pappas said that makeshift repairs need to be unraveled before MiSiS works properly. Mr. Himes also quoted Ms. Pappas as stating, “There’s been a lot of short cuts and fixes to the system that weren’t done in the most appropriate way, so now we have to do an awful lot of clean up.”

Also attached is a Temporary Restraining Order issued by Alameda County Superior Court Judge George Hernandez, Jr. on October 8, 2014 ordering LAUSD to fix the scheduling fiasco caused by MiSiS that left countless LAUSD students without instructional time for at least 8 weeks.

In light of the foregoing, New West appeals CSFA’s October 22, 2015 determination of ineligibility, and respectfully requests that CSFA instead determine that for purposes of accuracy and actual eligibility, the documentation attached hereto, including the report supplied by Brockton containing verifiable prior year data on pupil eligibility at Brockton for 2014-15, is sufficient to establish New West’s eligibility for SB 740 funding for the 2014-2015 school year.



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Please note that New West has previously contacted LAUSD on several occasions to request that LAUSD correct the 2014-15 FRPM CALPADS data for Brockton. However, LAUSD has not responded to New West's requests. New West's counsel has now submitted a California Public Records Act request to LAUSD for records regarding the number of students or percentage of students eligible for FRPM at Brockton during the 2014-2015 school year, but LAUSD has not yet provided the requested records. As soon as the records are received, New West will provide the additional information to CSFA.

Please do not hesitate to contact me should you have any questions.



Sharon Weir Ed.D
Principal/Executive Director

New West Charter School
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Los Angeles, CA 90025
(310) 943-5444
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EXHIBIT A

School Budget Summary

Fiscal Year 2014 - 2015

Brockton EL

Fund Center: 1254801

Division: 2M - ESC-WEST-OPERATIONS

School Type: ELEMENTARY

Enrollment and Demographic Information

K-12 Regular Enrollment	225	Poverty Rate	79.59 %
Special Day Class Enrollment (SDC)	24	Low-Income Students	195
School Readiness Language Development Program (SRLDP)	35	English Learners	121
Pre-Kindergarten Special Day Class (SDC) Enrollment	4	Reclassified English Learners	0
Magnet Enrollment with Special Day Class Students	0	Grades 4-6 Enrollment	81
Total Enrollment	288	Grades 9-12 Enrollment	0
State Pre-School Enrollment	0	Program Improvement Status	
Early Education Enrollment	0	Academic Performance Index (API)	0
Adult Education Enrollment	0		
P2 Average Daily Attendance % (K-12 Regular Students)	93.91 %	Magnet Centers	0
Projected Average Daily Attendance	215.78	Small Learning Communities	0

Budget Overview

Category	General Fund Unrestricted	General Fund Restricted	Specialty Funded	Cafeteria	Other Specially Funded	Other (Non-Specially Funded)	Grand Total	Share of Total
Positions	\$1,412,330	\$842,205	\$64,629	\$82,214			\$2,401,378	87.93 %
Other Salary Items	\$121,865	\$32,842	\$29,403				\$184,110	6.74 %
Certificated Supervisors' and Administrators' Salaries	\$2,078						\$2,078	0.08 %
Classified Support Salaries	\$646			\$472			\$1,118	0.04 %
Clerical, Technical, and Office Staff Salaries	\$997						\$997	0.04 %
Teachers' Retirement System	\$171						\$171	0.01 %
Employees' Retirement System	\$233			\$62			\$295	0.01 %
OASDI/Medicare/Alternative	\$125			\$36			\$161	0.01 %
State Unemployment Insurance	\$2						\$2	0.00 %
Workers' Compensation Insurance	\$109			\$14			\$123	0.00 %
Materials and Supplies	\$81,576	\$1,777	\$28,588				\$111,941	4.10 %
Non Capitalized Equipment	\$170						\$170	0.01 %
Professional/Consulting Services and Operating Exp	\$4,000	\$2,050	\$22,536				\$28,586	1.05 %
Total	\$1,624,302	\$878,874	\$145,156	\$82,798			\$2,731,130	100.00 %

EXHIBIT B

MiSiS Updates - March 18, 2015

Posted by The MiSiS Team at 3/18/2015

******Master Scheduling is available now for secondary schools in MiSiS. Schools can begin to prepare for the 2015-2016 school year. ******

Training courses for Master Scheduling have begun. Please sign up in the Learning Zone at lz.lausd.net. More classes are being posted each week so check back often.

The help desk has been receiving calls about how to update student enrollment information in the system. Click [here](#) for directions.

Schools are reporting that they are unable to generate substitute slips this morning. This is a known issue and it is being worked on.

Master Scheduling/Scheduling

- 2015-2016 Calendar and terms are set up for schools to begin Master Scheduling process.
 - Import button available for schools – selecting this option will copy last fall's master schedule to next fall's master schedule.
 - Continuing students will be promoted to the next grade level for programming in the future year. Matriculating students will be viewable once the next year enrollment process is finalized.
- Section Assignments and Sections Editor
 - User has ability to set individual capacity for combined courses.
- Mass Request Editor
 - User has ability to add multiple courses for students instead of adding courses individually.
- Student Request Not Scheduled Report
 - added columns for SPED and Grad Year
 - ability to run for Magnet centers on a school campus
- Various bug fixes to different schools
 - Duplicate sections
 - Walk-in errors
 - Students missing from rosters

Ad-Hoc Reporting

- Attributes have been added to MiSiS Explorer
 - Service learning data under Counseling-Student Support
 - Computer literacy data under Counseling-Student Support
 - Last School under Enrollment – Last Enrollment
 - SSID number under Demographics - Personal
 - District Attribute Clusters to help with programming and placement
 - EL
 - GATE
 - Schedules
 - SPED

- Testing

Attendance

- Continuation High Schools now have access to the Update Attendance screen located under the student profile Attendance tab. A job aid will be available on the MiSiS website under Training > Job Aids > Attendance > Continuation Schools.
- At 8 schools, Meeting Patterns have been updated as requested by school staff.

Student Support

- In the Student Suspension page, when selecting "Yes" in the "Did Student Admit" field, an error message will no longer display. The user will be able to save the suspension record successfully.

State Reporting

- Data fixes for approximately 20 elementary and secondary schools have been deployed. These schools' statistical reports are now available for school months 1 thru 7.

Student Testing

- A new "CAHSEE Grade 10 Makeup" screen option under the Admin menu will allow users with Principal, Categorical Program Coordinator, and Office Manager user role to enter students who need to take CAHSEE makeup test in the month of May because they were absent from February and/or March CAHSEE tests.
- A new "CAHSEE Grade 10 Makeup" report will also be available for school users under the Report Menu > Testing sub menu to review students identified to take the CAHSEE makeup test in May.

Health

- Student Immunizations – Duplicate records fixed for specific students.
- Health Screening Screen – Schools may enter CHDP dates.

Enrollment

- Parent Text Number now included in the Blackboard Connect Interface
- Delete button on Parent/Guardian screen is now working.
- Student dropped from the class prior to L date fixed for a specific school.
- Student with similar name assigned the same District ID number fixed for a specific school.

Next Year Enrollment

- Students in grades 6-11 continuing in the same school have been promoted to the next grade level for the 2015-16 school year.
- Enrollment History Screen – 2015-16 enrollment record is 'non editable'

Grades

- CUM Labels
 - Sorting capabilities have been enabled.
 - Alignment issues have been resolved.
 - Facility name will now be used instead of full school name in order to allow school name to fit on label.

Transcripts

- Transcript Report logic has been modified to address Algebra 1 year long courses taken in combination with semester long Algebra 1 A/B and will display a max of 10 credits when requirement is completed.

Grad Standards

- 2015 Individualized Graduation Plan (IGP) reports are now available.

SUPERINTENDENT'S WEEKLY UPDATE

Friday, January 16, 2015

Although we have a great deal of work to do, this week was an indication that we are making progress with MiSiS. Before the first day of classes, the majority of students were enrolled with complete schedules. Throughout the week, there were no significant issues with enrolling new students, placing students in courses, or taking attendance. As of yesterday morning, we had 2,148 students enrolled but without schedules; while this number is not unusual for the first week of Spring Semester, I have asked staff to continue analyzing the numbers carefully and support schools as needed to ensure that every single student is placed in the appropriate courses.

The central office facilitated the opening of the second semester by deploying several hundred additional employees to schools according to anticipated need. The Chief Deputy Superintendent and I visited several schools and regularly checked in with the MiSiS team. The additional support was well received by school staff.

While this week represents progress, we have not lost focus on the many challenges still facing the District. Schools need more reliable and efficient customer support from MiSiS staff, the District needs to reduce the substantial backlog of attendance data from the Fall Semester, and our staff members need to continue correcting data inaccuracies. These steps will get us closer to the goal of having all students enrolled in the appropriate courses, prepared to graduate college and career ready.

Superintendent Ramon C. Cortines

Key Updates and Highlights

Attendance

- We continue to help schools address the backlog of attendance records; this is imperative, as it will enable us to claim critical revenue.

English Learners

- There is currently a bug that generates inaccurate English Learner counts for schools; when this is fixed, schools will be able to submit accurate data to the California Longitudinal Pupil Achievement Data System (CALPADS).
- By early February MiSiS should allow schools to reclassify students accurately; schools should continue monitoring reclassification eligibility and assigning students to the correct classes even as the system is being updated.



SUPERINTENDENT'S WEEKLY UPDATE

Friday, January 16, 2015

Enrollment

- The team is working on enhancements to reduce the number of clicks needed to enroll students who recently transferred from other LAUSD schools.

Gifted and Talented Education (GATE)

- We are on track to provide reports and notifications of student eligibility for gifted programs to schools and parents/guardians on schedule.

Graduation Standards

- An enhancement is being put into the system, which will allow secondary schools to print cumulative record labels.

Scheduling

- Two reports—Student Sections and Student Schedule Summary—were updated to include courses taken at magnet centers or off site; students no longer need to manage multiple schedules.
- A new Add or Drop Report was released allowing counselors to print records for students' changing classes.

Upcoming Milestones

- The District needs to provide official notifications of 14-15 reclassifications.
- Elementary schools will have their second reporting period for grades in February.
- Secondary schools will administer the California High School Exit Exam (CAHSEE) in February.
- We are preparing to submit accurate data to CALPADS in February.
- Schools will be completing master schedules between March and May.
- Schools will be planning summer school schedules in April.



SUPERINTENDENT'S WEEKLY UPDATE

Friday, February 27, 2015

I cannot say enough about how much I appreciate the MiSiS team's ongoing collaboration with schools, educational service centers, and administrative offices. Not only have these efforts facilitated improvement of MiSiS, but they have yielded valuable insight about the need for more effective training and support around educational policies.

As an example, the MiSiS team has been working closely with a sample of four large secondary schools to review the accuracy of student transcripts one-by-one. This process has revealed the need for better training and support on the rules governing course credit, graduation standards, and college and university eligibility. At the same time, the process has assured us that many of the technical problems with student transcripts have been resolved.

I look forward to continued lessons learned and action steps following efforts like these. As a team, we will provide our students with everything they need to graduate college prepared and career ready.

Superintendent Ramon C. Cortines

Key Updates and Highlights

Attendance

- This week, schools continued to make steady progress reducing the attendance backlog. There are now approximately 630 schools (or 70%) that have zero to minimal attendance backlog and are taking attendance correctly for every student in every class period.

Grades

- Given that elementary schools are preparing for parent-teacher conferences, we are aiming to make some critical updates to elementary report card functioning ahead of schedule.

English Learners

- Availability of English Learner rosters is the one major item remaining before schools can begin reclassifying students in MiSiS.

Enrollment

- The team performed some fine-tuning to improve student search screens, allowing office staff to locate students more quickly during walk-in enrollment processes.



SUPERINTENDENT'S WEEKLY UPDATE

Friday, February 27, 2015

Gifted and Talented Education (GATE)

- Employees can now search for GATE-eligible students by educational service center or from a range of referral dates; search results now show ethnicity and language classification for each student.

Scheduling

- The Courses and Individual Request screens were enhanced to display sortable columns for grade span, credits earned, and A-G requirements. Schools can use this information to select the appropriate courses when building master schedules and assigning classes to students.

Upcoming Milestones

- **February 19 to March 6** – Second reporting period for elementary grades
- **March 1-31** – Schools are preparing for fall 2015 master scheduling, which can begin once 2015-16 instructional calendar is approved
- **March 6** – Certification deadline for California Longitudinal Pupil Achievement Data System (CALPADS)
- **March 10** – Smarter Balanced Testing begins at most schools
- **March 12-20** – Mid-term for spring; most summer school enrollment begins during this period
- **March 17 & 18** – March California High School Exit Exam (CAHSEE) administration

SUPERINTENDENT'S WEEKLY UPDATE

Friday, March 6, 2015

No programmatic effort can succeed unless there is effective communication with all stakeholders. Recognizing this, the MiSiS team has been working closely with a Communications Taskforce—including the Office of Communications and Media Relations—to carry out a comprehensive communications management plan. The strategy is to promote consistent and timely communications among the project team, MiSiS business owners (those who shape and implement policies involving student information), MiSiS users, and the general public. Communications activities will include some that you are familiar with—such as the weekly update you are reading now—as well as new efforts to fill communications gaps.

An important example of this work is the updated MiSiS website released this week, which provides a more visual and user-friendly experience while highlighting some of the human faces behind MiSiS. The new website serves as a gateway for a variety of information needs, including general information about the project, updates on fixes and enhancements, training opportunities, and—perhaps most importantly-tools our employees can use to discuss MiSiS with their peers or to let us know how we're doing.

I encourage you to review the new website at <http://misis.lausd.net>, ask questions, offer suggestions, and let us know whether your experiences with MiSiS are getting better or if they are falling short. This tool—among others we are shaping—plays an important role in facilitating our work as a team, ultimately providing what we need to support our students.

Superintendent Ramon C. Cortines

Key Updates and Highlights

System Performance

- There was brief unplanned downtime on Thursday morning due to a technical issue with supporting equipment. Although our technicians were able to resolve the problem in 30 minutes, investigations into the cause of the downtime are ongoing in effort to improve the integrity of the system and reduce the chances of unplanned outages going forward.

English Learners

- Schools can now use MiSiS to reclassify and print parent notification letters for English Learners in grades 2 through 5 and 10 through 12. Reclassifying students in grades 6 through 9 is not yet available in MiSiS, as the process is dependent in part on a reading assessment managed by a vendor. We are working closely with the vendor on data transfer issues needed to reclassify those students.



SUPERINTENDENT'S WEEKLY UPDATE

Friday, March 6, 2015

Grades

- Elementary teachers have successfully entered over seven million grades during the current grading window.
- The team corrected a problem early in the week that had prevented teacher comments from translating into the correct home languages on student report cards; all report cards—including comments—are now provided to parents in the correct home languages.

Enrollment

- Schools are now able to see the correct Guardian Information in the Student Transfer Form and the Student Profile.

Gifted and Talented Education (GATE)

- Schools can now view columns for Highly Gifted and Highly Gifted Applicable in GATE search results.

Attendance

- There are approximately 660 schools (roughly 75%) that have zero to minimal attendance backlog and are taking attendance correctly for every student in every class period.
- Remaining schools have made steady progress in addressing the attendance backlog; the District-wide backlog has dropped 18% in the last two weeks.

Scheduling

- The scheduling team is working to improve the master scheduling process for the 2015-2016 school year and working closely with the training team to incorporate the revised process into upcoming trainings.
- The 2015-2016 school calendar year will be open for master scheduling after the Board of Education approves the school calendar.

Upcoming Milestones

- March 6** – The second reporting period for elementary grades ends today.
- March 6** – Today is the certification deadline for California Longitudinal Pupil Achievement Data System (CALPADS).
- March 10** – Master scheduling for 2015-16 begins (pending Board approval of the 2015-16 calendar).
- March 10** – Smarter Balanced Testing begins at most schools.
- March 12-20** – Mid-term for spring; most summer school enrollment begins during this period.
- March 17 & 18** – The March California High School Exit Exam (CAHSEE) is administered.

Report: LAUSD's MiSiS flawed from the get-go, called 'not feasible'

By Thomas Himes, Los Angeles Daily News

DailyNews.com

A tech expert hired to evaluate Los Angeles Unified's now notorious record-keeping system, MiSiS, issued a scathing report Thursday, faulting everything from the decision to model the system after one used by a far smaller school district to insufficient efforts to fix data problems that led to erroneous student records.

Arnold Viramontes, a former high-level tech expert for two school districts in Texas, said the problems that have plagued MiSiS from the get-go continue to pose issues. He was hired by LAUSD in September at a cost of up to \$73,500.

"There are many reasons why the current project plan is not feasible unless it is modified to reflect the dynamics of the implementation," his report states.

The system is still hampering educators, failing for a second time this week on Thursday. It was shut down for work from 12:30 p.m. to 1 p.m. because educators were "unable to log in, take attendance, enter grades and perform other critical school functions," according to an email the district sent to employees Thursday afternoon.

Thursday's failure came on the heels of [Tuesday's meltdown](#), which forced LAUSD to push back elementary school report cards by one week to Nov. 14. The delay caused problems for parents and teachers who planned to have report cards in hand for conferences next week.

Former Superintendent John Deasy plowed ahead with launching the all-purpose record-keeping software at the start of the school year, ignoring the repeated warnings of teachers, principals and counselors who said it was not ready, as reported [first](#) by this news organization.

Board member Bennett Kayser warned Deasy in a July 21 letter that the system was causing numerous problems at Bell High School, which operates on a year-round schedule.

After reviewing Viramontes' report, Kayser expressed outrage at Deasy's disregard for problems the system was causing and repeated efforts to deceive the public and his elected bosses on the school board.

"From ignoring multiple warnings, including my own, to deceiving board members and the public with misinformation about the severity of the crisis, Deasy left us with a big, [expensive](#) mess to clean-up," Kayser said in a written statement. "I am, along with the students, parents and district employees who have been adversely affected, furious."

After repeated requests by this news organization about the scope of problems caused by MiSiS, LAUSD released an Aug. 15 statement claiming "less than 1 percent of students overall were affected" by system glitches. It remains unclear how such a claim could be made considering the system could not accurately track students. Deasy abruptly resigned last month under scrutiny for his handling of MiSiS and another tech fiasco involving efforts to put iPads in classrooms.

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While Deasy made the final decision to launch MiSiS, Viramontes notes leadership of the project ignored "red" conditions in recommending to move forward.

The report notes that building such software from scratch requires coordination, but the decision to modify

software used by a far smaller school district, Fresno Unified School District, added a “different layer of complexity.” According to the report, LAUSD is about 10 times larger than Fresno.

LAUSD spokeswoman Lydia Ramos stated Oct. 23 that using Fresno’s system provided two “key advantages” — the program can be modified because it’s owned by the district, and “it provides a solution that has already been deployed and used successfully in a large urban California school district.”

Educators who spoke on the condition of anonymity have said a key problem with MiSiS is that it searches across all of LAUSD’s 650,000 students each time a counselor tries to do something as simple as bring up a transcript. The previous system would confine searches to a single school. After a lengthy wait time, MiSiS manages to locate student records. But even if the name and identification number displayed are accurate, course schedules for a different student can appear.

The integrity of data and student records continues to pose a problem for the educators of LAUSD, but the report found “there was no evidence suggesting a detailed plan for data integrity.”

Other issues included a lack of clear management responsibility. As noted by an earlier report from a court-appointed monitor tasked with reporting on the district’s effort to build the system and fulfill a 1993 lawsuit that required it to identify and educate special education students, the project manager didn’t have control over important aspects of the project, including quality assurance to test the system and training to ensure educators could use it.

Ron Chandler abruptly resigned his post atop the district’s technology department last week because of the program’s problems. Also last week, MiSiS project manager Bria Jones had her contract terminated.

LAUSD’s efforts to help educators overwhelmed by the faulty system and returning students were also inadequate, according to the report, which notes more calls were “abandoned” by employees working a hotline than answered. Additionally, the help-desk employees never reported back to educators who needed assistance, according to the report.

The partnership with Microsoft that developed MiSiS — “mired with software bugs and missed functionality” — needs an “effective communications model.” According to the report, Microsoft used both “off shore” and on-site resources as a contractor working on the project.

LAUSD decided to hasten MiSiS’s deployment, which was originally set for 2015-16, leaving just one year to develop the software.

Out of a \$29-million budget that was supposed to be spent over two years, only \$10 million was used by the end of year one. Additionally a \$1.5-million contingency fund sat untapped.

“There is little evidence that timelines and expectations were modified and communicated,” according to the report’s review of communication efforts between LAUSD and Microsoft.

In starting to clean up the mess, new Superintendent Ramon Cortines this week called on Microsoft’s top executives to send help. It is one of a number of measures Cortines has undertaken to fix the problem since stepping in to replace Deasy.

“I want you to know that we have already made some changes to address the issues in this first report by Arnold Viramontes, and will continue to work to resolve the problems until we have a fully functioning student information system to serve the students, parents and employees of the Los Angeles Unified School District,” Cortines stated.

Reach the author at thomas.himes@langnews.com or follow Thomas on Twitter: [@LADailyThomas](#).
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Crisis With LAUSD's Computer System Could End Up Costing District Millions In State Funding

<http://losangeles.cbslocal.com/2015/01/14/crisis-with-lausds-misis-system-could-end-up-costing-district-millions-in-state-funding/>

January 14, 2015 7:26 PM

LOS ANGELES (CBSLA.com) — The LAUSD's many woes with its new MISIS could end up costing the district million of dollars in state funding¹.

There have been well-documented problems with the My Integrated Student Information System from the start with keeping records, grades and enrollment numbers.

CBS2's Laurie Perez reports that the glitch with attendance records is what has the district most concerned.

LAUSD admits the computerized student records system has had many flaws, including system performance², problems with the program code and a lack of user training, leading to what they call backlogs of attendance records.

The district could not provide CBS2/KCAL9 with a current attendance figure, saying as a backup, some teachers have been taking attendance by hand.

The problem is the state will look for an actual attendance figure this spring.

LAUSD gets most of its funding from the state, and how much it gets depends on how many students there are. If the system hasn't accurately recorded every student, it's conceivable the district could lose funding.

In a report to the school³ board Tuesday, the district CFO said that partly because of the record keeping problems, enrollment numbers will drop. It's estimated each 3 percent loss in enrollment equals a loss of about \$100 million.

The CFO reportedly said the LAUSD's numbers could drop by as much as 16 percent, which would add up to more than \$500 million.

"That would be beyond tragic; it would be catastrophic for the district's funding," said Scott Folsom, a member of the California State PTA.

Folsom says even if the district gets a waiver from attendance reporting this year, he has concerns that funding won't be exact.

"The state is entitled to good numbers from us," Folsom said.

The district has not said if it will apply for a waiver.

The problem with MISIS for students is having a more immediate effect.

Student Bryan Rodriguez tried to take algebra last semester, and it led to a real-life word problem.

He says because of MISIS bugs, he was reassigned to a math class 10 times with different teachers and different periods².

In the end, when he got his grades yesterday, he got no grades for algebra.

"Just question mark ... question mark," Rodriguez said.

"But you were in that class? Perez asks. "Yes," he replied.

"And you did all the work," she says. To which he replied, "Yes."

He didn't get a grade or credit, as if he were never in the class at all.

LAUSD to spend two more years and \$133.6 million fixing MiSiS

By Thomas Himes, Los Angeles Daily News

DailyBreeze.com

The Los Angeles Unified School District will spend the next two years rebuilding its problem-plagued record-keeping system, MiSiS, as the computer software's costs skyrocket to more than \$133.6 million.

District officials rushed to launch the software in August, leading to widespread problems with transcripts, attendance reports, class schedules and other vital records.

While quick fixes helped place students in the proper classrooms and restored some functionality months into the school year, the makeshift repairs need to be unraveled before MiSiS works properly, said Diane Pappas, chief advisor to the superintendent.

"There's been a lot of short cuts and fixes to the system that weren't done in the most appropriate way, so now we have to do an awful lot of clean up," Pappas said. "This system will be pretty much rebuilt by the time we get done."

Part of the trouble is district officials decided to model MiSiS after a system used by Fresno Unified. But LAUSD, the state's largest school district with more than 600,000 students, needs to keep records for about eight times as many students as Fresno Unified.

Over the next 12 months, Pappas said the district will focus on restoring "basic functionality." Bugs in the system's ability to track attendance — records the state uses to allocate funding — and reports that educators need to review essential information about students will be priorities, Pappas said.

"It will be substantially better than it is now, but it will not be complete," Pappas said.

During the following year, Pappas said the district will concentrate on creating features that were requested by educators and enhancing user-friendliness.

The project's cost has grown by more than five times its original budget to \$133.6 million from the \$25 million that district officials initially anticipated paying.

A committee appointed by school board members to oversee the district's spending of bond dollars this week approved a request to spend an additional \$79.6 million, up from the project's current budget of \$54 million.

But the additional \$79.6 million will only include the cost of restoring basic functions over the next 12 months, while more money will be needed the following year to add functionality requested by educators.

Last year, Superintendent Ramon Cortines was prepared to request an [additional \\$71 million for fixing the system he inherited from his predecessor](#). The additional dollars would have brought MiSiS' price tag to \$98 million, but Cortines later decided to request smaller allocations of bond funding, as work on the system progressed.

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District officials said in a statement this week they have restructured their contract with Microsoft — a key contractor working on MiSiS — to withhold full payment "until functions are working at schools."

Aside from the cost of building MiSiS, LAUSD earmarked \$11 million in emergency funds to help pay for

manpower needed to manually review records, place students in the proper classes and ensure the system didn't stop seniors from graduating.

MiSiS' next test will come in August, when students arrive at campuses for the new school year. At the start of this school year, educators were left without the [ability to enroll students](#), because MiSiS malfunctioned under the load of thousands of educators trying to access records at the same time. While many campuses reverted to paper forms last used decades ago, scheduling and enrolling students without software caused numerous issues.

Some students were [stranded inside the wrong classes for several weeks](#), as counselors worked nights and weekends trying to access the system during off-peak hours.

While the start of the second semester went comparatively smoothly, the first week of school provides unique challenges as students attempt to transfer schools and enroll at the last minute.

"We're doing everything possible to make sure we have a smooth opening of the school year," Pappas said.

Reach the author at thomas.himes@langnews.com or follow Thomas on Twitter: [@LADailyThomas](#).

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
RENE C. DAVIDSON ALAMEDA COUNTY COURTHOUSE

JESSY CRUZ, et al.,

Plaintiffs,

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

Case No.: RG14727139

**TEMPORARY RESTRAINING
ORDER**

Assigned for All Purposes to:

Judge: The Hon. George Hernandez, Jr.
Dept. 17

Date: Oct. 6, 2014
Time: 2:30 p.m.
Place: Dept. 17
1221 Oak Street
Oakland, CA 94612

Complaint filed: 05/29/14

Having considered Plaintiffs' *Ex Parte* Application for the Issuance of a Temporary Restraining Order and Order to Show Cause re: Preliminary Injunction Against All Defendants (the "Application"), the Memorandum of Points and Authorities in Support of the *Ex Parte* Application and all supporting declarations filed therewith, the Reply in Support of the *Ex Parte* Application and all supporting declarations filed therewith, upon the [Proposed] Supplemental Complaint, all papers filed by Defendants¹ in opposition to the Application, as well as the argument of counsel at hearings on October 2, 2014 and October 6, 2014, the court finds that unless the court issues a temporary restraining order, plaintiffs will suffer irreparable injury before the matter can be heard on formal notice. For the reasons stated below, the court declines to issue an order to show cause at this time.

LEGAL STANDARD

The standard for issuance of a temporary restraining order ("TRO") is well-established. A TRO is appropriate to "restrain[] the...continuance of the act complained of" when "great or irreparable injury will result to the applicant before the matter can be heard on notice." (Code Civ. Proc. §§ 526(a), 527(c).) Two interrelated factors must be considered in determining whether to issue a TRO: (1) the likelihood that the applicant will prevail on the merits at trial; and (2) the relative interim harm the parties will sustain from the issuance or non-issuance of the TRO. (See, e.g., *Church of Christ in Hollywood v. Superior Court* (2002) 99 Cal.App.4th 1244, 1251-52.)

The trial court's determination must be guided by a 'mix' of the potential-merit and interim-harm factors; the greater the plaintiff's showing on one, the less must be shown on the other to support [a restraining order].... Of course, '[t]he scope of

¹ Defendants State Board of Education, California Department of Education, and State Superintendent Tom Torlakson (the "State Education Defendants") submitted written opposition papers. Defendant the State of California also appeared at both hearings to oppose the application, and joined in the State Education Defendants' arguments.

On October 7, 2014, the State Education Defendants also filed Objections to Plaintiffs' Second Amended [Proposed] Temporary Restraining Order, which Plaintiffs subsequently moved to strike. Although the Objections do contain extended, unauthorized arguments - and new evidence - in response to the court's questions at the October 6 hearing, the court has considered those arguments as well as the issues raised regarding the proposed TRO language.

1 available preliminary relief is necessarily limited by the scope of the relief likely to be
 2 obtained at trial on the merits.¹ ... A trial court may not grant a [restraining order],
 3 regardless of the balance of interim harm, unless there is some possibility that the
 plaintiff would ultimately prevail on the merits of the claim.

4 (*Id.*, quoting *Butt v. State of California* (1992) 4 Cal.4th 668, 678, internal citations omitted.)

5 FACTUAL FINDINGS

6 On the present record, the court FINDS as follows:

7 1. Those Plaintiffs who are students at Jefferson Senior High School in South Los
 8 Angeles² ("Jefferson") have presented evidence that they and other students (including those
 9 who submitted declarations in support of Plaintiffs' application for TRO) have suffered and
 10 continue to suffer severe and pervasive educational deprivations, in the form of lost hours of
 11 instructional time, compared to other students in LAUSD and the State of California. This
 12 deprivation is the direct result of Jefferson's failure to provide the students with appropriate
 13 course schedules on August 12, 2014, the first day of the 2014-2015 school year, and
 14 Jefferson's failure, over the last 8 weeks, to promptly remedy the problem.

15 2. These widespread scheduling failures were due in part to Jefferson's (and/or
 16 LAUSD's) inability to implement new scheduling software. Hundreds of students were sent
 17 to the auditorium to wait for course assignments for periods in which no class was assigned.
 18 Those students who did receive schedules were assigned to inappropriate courses (e.g.,
 19 courses already taken with a passing grade). Many were told, sometimes for weeks, to wait
 20 until students with "no classes at all" received assistance.

21 3. Some students were enrolled in "courses" called "College Class," "Adult Class,"
 22 "Home," and "Service," which are devoid of content and during which students receive no
 23 instruction; rather, they were either sent to the auditorium to do as they pleased, roamed
 24

25 ² Concurrently with this application, Plaintiffs filed an application for order shortening time on a
 26 motion to for leave to supplement the complaint to add events which transpired after the
 27 complaint was filed and to amend the complaint to add Plaintiffs, including students Jason
 28 Magana, Jesus Tamayo and Eduardo Tamayo, who attend Jefferson High School. These matters
 were set for hearing with the TRO application. The court granted both of these requests, via
 separate orders, after the hearing.

1 around campus (disrupting other classes), or were sent home. Although "College Class" and
2 "Adult Class" are supposed to be used to allow students (with parental permission) to obtain
3 instruction elsewhere, it does not appear that Jefferson obtained the necessary permission or
4 ensured that students were obtaining such instruction. Staff recommended that students
5 attempt to enroll in "Adult School" for courses (mainly math and science) which may not be
6 offered through adult school. They also recommended Adult School courses to students
7 were unable to pass the entrance (writing) exam.

8 4. "Service" periods, which were assigned to many students, are ostensibly to enable
9 students who are interested in gaining employment experience to do so at school, e.g.
10 assisting teachers and administrators with office tasks, working as teaching assistants, etc.
11 However, declarants testify that they were put into Service classes because Jefferson was
12 unable or unwilling to assign the students to appropriate classes with educational content.
13 Further, when these students reported for duty, they were often told that there was nothing
14 for them to do. In the instances when duties are provided, they usually menial tasks, such as
15 summoning students from classes.

16 5. While "home" classes are ostensibly limited to students who have completed state
17 requirements, Jefferson assigned them to students without any verification that such
18 requirements have been met. Although these periods are designed to permit students to take
19 college courses, help out their families at home, or meet other personal needs, and require
20 parental consent, the evidence is that they were assigned to students against their will,
21 without parental consent, for the convenience of Jefferson - not to facilitate students'
22 educational or personal goals.

23 6. Jefferson assigned students to multiple non-instructional periods per school day
24 (sometimes up to four such periods), despite the students' repeated requests to enroll in core
25 classes, which the students needed to graduate and/or to meet college eligibility
26 requirements for CSU or UC schools.

27 7. The declarants who have themselves been assigned to the wrong courses or to
28 contentless "courses" testify that they have been deprived of significant instructional time,

1 sometimes for 6 to 8 weeks, while they attempt to obtain a final, satisfactory schedule. Last
2 year, one such student was assigned to trigonometry 10 weeks into the semester, experienced
3 great difficulty understanding the material after missing so many weeks of instruction, and
4 received a "D" grade. Students testify that they face the same problem this year.

5 8. Even those students who received timely class schedules are experiencing chaotic
6 classrooms with constantly changing students, which has caused teachers to adjust their
7 expectations and even hold off teaching some materials until schedules are more settled.
8 Teachers have been required to review and re-review prior material. Some anticipate having
9 to cut out significant instructional units later in the year. Teachers also observe that
10 Jefferson's inability to promptly address the issues has severely impacted student morale,
11 causing serious anxiety for upperclassmen and inducing complacency and truancy among
12 younger students. The harms flowing from Jefferson's inability to provide appropriate
13 schedules are thus not limited to only those students who are not enrolled in courses with
14 appropriate content, but are more widespread.

15 9. Defendants contend that no constitutional deprivations are occurring because
16 Plaintiffs and other affected students are Jefferson's more successful students and are merely
17 unhappy because they cannot get assigned to their desired electives. While there is some
18 evidence to suggest that some of the students assigned to contentless classes (or the wrong
19 classes, or classes they have already passed) seek to enroll in advanced placement courses or
20 electives needed to satisfy college eligibility requirements, there is no evidence that the
21 above-described harms are limited to these students, alone. (E.g., Defendants do not dispute
22 that special education students have also suffered disproportionately.) More importantly,
23 there is evidence in the record showing that overall, Jefferson's students are
24 disproportionately low income, minority, first-generation students, foster children and/or
25 English learners, and that even Jefferson's standouts have had difficulty competing at the
26 college level. Thus, the failure to timely provide appropriate class schedules, and the ensuing
27 chaos and disruption, has inflicted a variety of harms on a significant number of Jefferson
28 student students, few, if any, of whom have the resources needed to successfully recover

1 from setbacks of this kind.

2 10. Jefferson's attempts to address these issues have not succeeded. Over the last
 3 eight weeks, students' schedules have constantly shifted, and some are still not final.
 4 Although students have demanded reassessments to appropriate courses, many remain
 5 enrolled in more than one contentless period or the wrong classes (inappropriate for their
 6 grade/skill level, already taken with a passing grade, etc.) and are missing classes they need to
 7 graduate and/or qualify for college.³

8 11. Although Jefferson's scheduling issues and the resulting chaos have been widely
 9 publicized and communicated to the Los Angeles School Board and Dr. John Deasey (the
 10 LAUSD Superintendent) in at least early September, scheduling problems still persist and,
 11 more importantly, there is no evidence of any organized effort to help those students who
 12 have been assigned to courses several weeks into the semester to catch up to their peers.⁴
 13 Jefferson teachers have testified that some students are unaware of which classes they have
 14 been assigned to, or removed from, and that there is no systematic effort to identify students
 15 who need to be reassigned to appropriate courses, e.g. to graduate, and thus some students
 16 are not aware that they need to ask for help.⁵

17 12. Further, while Dr. Deasey expresses appropriate outrage regarding the
 18 assignment of empty, contentless "courses" to students, particularly those who are not on
 19 track to graduate or meet college eligibility requirements, he does not admit to knowing
 20

21 ³ Even Defendants admit that Jefferson students have "endure[d] a maddening degree of
 22 mismanagement from the school and the District." (Supp. Opp. at p. 4.) Their arguments that
 23 "the situation is improving" are based upon misreadings of Plaintiffs' declarations that verge on
 24 the acrobatic, and in any event are belied by the evidence submitted by Plaintiffs on reply.

25 ⁴ Defendants contend that efforts are underway to assist students in catching up, citing one
 26 student's belief that his biology teacher is creating a packet to assist late-assigned students (a
 27 packet which had not yet been provided), one biology teacher who is holding after school make-
 28 up classes, and one teacher who is "helping" a late-assigned student by "telling [her] which
 assignments [she] need[s] to make up." (See Opp. Mem. at 5-6, citing Eidmann Decl. Exs. G ¶
 11, L ¶ 9, N ¶ 9.)

29 ⁵ One student, Valerie Toro, is still assigned to four classes she passed as a sophomore, and
 30 despite pleas to put her in appropriate classes, her counselor has told her that her scheduling
 31 issues are a lower priority than students with no classes.

1 about Jefferson's scheduling problems approximately one month ago or describe any actual
2 or anticipated efforts by LAUSD to remedy them.

3 13. From all of the foregoing, the court reasonably infers that neither the Los
4 Angeles Unified School District nor Jefferson Senior High School are able and willing to
5 take immediate and substantial steps to remedy this shocking loss of instructional time. The
6 court further concludes that, absent immediate and substantial intervention by Defendants,
7 the students of Jefferson will continue to suffer educational deprivations of the kind
8 described above. Absent such intervention, there is a significant likelihood that Jefferson
9 students will continue to endure chaos and disruption due to ongoing scheduling issues and
10 low morale, will not have the opportunity to enroll in courses needed to graduate or qualify
11 for college admission, will fail courses or receive poor grades due circumstances beyond their
12 control (including the scheduling fiasco and lack of remedial resources) and, as a result, will
13 be less equipped to succeed in life, in the job market, and (if they are able to gain admission)
14 in college.

15 14. Plaintiffs did not provide any direct evidence of the number of hours of
16 educational instruction, or the nature of that instruction, made available to other high school
17 students in LAUSD or other California high schools. However, Plaintiffs did provide the
18 declaration of Jennie Oakes, an expert with more than 30 years of work in the education
19 field, including in California. She states, "In more than 30 years of work in this field, I have
20 encountered nothing that compares with the deprivations of educational opportunity being
21 visited upon these students." (Oakes Decl. ¶ 10. See also ¶¶ 20-21 [scheduling issues are
22 common in low-income area schools but not ongoing problems for 6 weeks or more, which
23 she finds shocking].) Dr. Deasey, the Superintendent of LAUSD, implies in his declaration
24 that the practice of assigning contentless courses to Jefferson students is unacceptable. The
25 court also reasonably infers from the declarations of Jefferson's teachers and staff members
26 that the losses caused by Jefferson's scheduling problems are both unprecedented and
27 unacceptable in California high schools (and indeed would not be tolerated at high-
28 performing schools and schools where parents have more resources). In their Opposition,

Defendants did not argue or supply any evidence tending to show, that the hours of substantive instruction that Plaintiffs and other Jefferson students can expect to receive during the 2014-15 school year is basically "on par" with that provided by other California public high schools.⁶

15. Defendants did not provide evidence of any harm that they will suffer if an injunction is entered. They contend that injunctive relief may result in another round of course reassessments, implying that it would cause further constitutional deprivations to Plaintiffs or other students. However, on this record, there is no evidence to support this contention. Defendants also argue that Plaintiffs' proposed order would deprive some students who want "Home" or "Service" or "College" periods from using those periods; but there is no evidence to suggest that the proposed order would do that or that such students exist (and have provided parental consent).

ANALYSIS

A. Plaintiffs and their Peers are likely to Suffer Great or Irreparable Injury before a Noticed Motion can be Heard

The factual findings set forth above clearly establish that Plaintiffs and other Jefferson students are suffering continuing harms and, absent an order by this court, will suffer irreparable injury. Students remain assigned to the wrong courses or contentious courses, or have only recently been assigned to substantive courses and need assistance with the course material they missed, earlier. With each day that passes, all of these students fall further behind and the need for supplemental instruction increases. There is no evidence of any concerted effort by Jefferson to offer remedial instruction to such students. Further, LAUSD's superintendent, though ostensibly aware of these issues for more than a month, is silent as whether LAUSD intends to take any steps to remedy these problems. Defendants, who bear ultimate responsibility for any constitutional deprivations, disclaim any obligation or ability assist LAUSD or Jefferson, financially or otherwise.

⁶ As noted above, Defendants only seized on this issue after the court asked related questions at the October 6 hearing.

1 Defendants contend that because the Los Angeles School Board will take up the
2 specific issues raised in the Application at its October 14, 2014 meeting, the court should
3 refrain from issuing a TRO. However, LAUSD's protracted and inexplicable inaction,
4 coupled with the Superintendent's statement welcoming a court order, suggest that LAUSD
5 needs State intervention to adequately address the deprivations that have occurred.

6 Put bluntly, the harms already suffered are severe and pervasive; there is no evidence
7 of an imminent solution; Defendants disclaim their constitutional responsibilities; and the
8 harm to students (who are among the State's most challenged) is compounding daily. By the
9 time a noticed motion could be heard and decided, the semester could be two-thirds over, at
10 which point the likelihood that affected students could achieve a passing grade in
11 appropriate courses (particularly without supplemental instruction) may be nil.

12 **B. Plaintiffs Demonstrate a Likelihood of Prevailing at Trial**

13 On this limited record, Plaintiffs have shown that it is more likely than not that they
14 could prevail at trial on their equal protection claims on behalf of Jefferson students.

15 The record tends to show that Jefferson students have suffered and, absent
16 intervention, will likely continue to suffer, a denial of "basic educational equality" compared
17 to other California high school students. (*Butt v. State of California* (1992) 4 Cal. 668.) As
18 noted, Plaintiffs failed to provide direct evidence of how many substantive instructional
19 hours are generally made available to other high school students in California students
20 generally receive in terms of substantive instructional hours. However, a seasoned California
21 education professional testifies that the deprivations visited upon Jefferson students are
22 shocking, unprecedented and unacceptable; this testimony is corroborated by long-time
23 Jefferson teachers and staff members. As such, the court can fairly infer that Jefferson
24 students are thus likely to receive an education in the year 2014-15 that is not "basically
25 equivalent to that provided elsewhere throughout the state," and the quality of which "falls
26 fundamentally below prevailing statewide standards". (*Butt*, *supra*, at 685, 687.) While, at the
27 second hearing, Defendants attacked the sufficiency of Plaintiffs' showing, they did not offer
28

1 any evidence to rebut Plaintiffs' (admittedly minimal) showing.⁷ Thus, Plaintiffs have
 2 provided evidence, uncontroverted by Defendants, that is at least sufficient for the issuance
 3 of the limited relief set forth herein.⁸

4 Defendants did not provide any evidence of a compelling state interest in
 5 discriminating against Plaintiffs or similarly-situated Jefferson students. Defendants'
 6 argument that there is an existing state policy and plan recently set into motion promoting
 7 "local control" was squarely rejected by *Butt* as a justification for depriving students of their
 8 fundamental right to a basically equivalent education. (*Butt*, *supra*, at 688-89 ["educational
 9 policy of local autonomy and accountability" is not sufficiently compelling to justify extreme
 10 local deprivation].)

11 Defendants also contend that there is a compelling State interest in avoiding unlawful
 12 (or even unconstitutional) interference in local school districts' affairs. However, they have
 13 not shown that statutory concerns can trump constitutional ones; nor have they shown that
 14 an order requiring Defendants to participate in a solution to Jefferson's problems would
 15 violate the constitution. Indeed, this court reads *Mendoza v. State* (2007) 149 Cal. App. 4th
 16 1034, and *Cobb v. O'Connell* (2005) 134 Cal.App.4th 91, as modified (Nov. 18, 2005), both
 17 cited by Defendants, to *permit and sometimes require* such intervention by entities or persons
 18 who are part of the "Public School System" pursuant to section Article IX, section 6 of the
 19 California Constitution (which includes the State Education Defendants here), so long as
 20

21 ⁷ The evidence and argument belatedly supplied with Defendants' October 8, 2014 Objections
 22 regarding the use of "home" and "service" periods in other school districts does not undermine,
 23 let alone defeat, Plaintiffs' showing. Defendants' comparisons to high performing, more affluent
 24 school districts (that in any event have not suffered a similar scheduling mishap) are inapt. Their
 25 contention that other schools have "silent" and "study" periods does not mean that those periods
 26 are assigned to students *in lieu of needed substantive courses*. Their contention that some
 27 schools only have 6 instructional periods per day fails to account for periods that last 1 hour and
 28 10 minutes, which appear to be longer than Jefferson's instructional periods. Defendants
 myopically focus on individual facts that they hope will make the deprivations appear to be less
 severe, and fail to take into account the overall picture - which is one of dramatic disparity. (See
Butt, *supra*, at 686 ["A finding of constitutional disparity depends upon the individual facts."].)

⁸ The court does not express any opinion regarding the sufficiency of this showing to obtain
 more lasting relief, however, such as a preliminary or permanent injunction.

1 those entities do not interfere with the constitutional right of local public entities to choose
 2 how members of their school boards are appointed.

3 As stated in *Mendoza*, "the state may, and in some circumstances must, interfere with
 4 a local school board's management of its schools when an emergency situation threatens the
 5 students' constitutional right to basic equality of educational opportunity." (*Mendoza*, *supra*,
 6 at 1056.) In *Mendoza*, the legislature trampled on local constitutional rights by directly
 7 interfering with the right to determine how school board members were appointed and by
 8 giving persons who were not part of the Public School System direct and plenary powers
 9 over low-performing schools.⁹ The relief sought by Plaintiffs threatens neither of these
 10 wrongs, and is less intrusive even than the relief that was upheld in *Cobb*, where control was
 11 only temporarily transferred to the state superintendent (who is a part of the Public School
 12 System) and there was no interference with appointment of school board members.¹⁰

13 **C. The Balancing of Harms Favors Plaintiffs**

14 As discussed above, the evidence strongly indicates that, absent immediate
 15 intervention, Plaintiffs and other Jefferson students will suffer serious and irreparable harm.
 16 Defendants have supplied no evidence of harms that they will suffer if such an order issues.
 17 Defendants express concern that intervention will interfere with, and undermine, long-term
 18 funding and local control initiatives, concerns that were dismissed in *Butt*. Defendants also
 19 cite "unintended consequences" which may harm other students, but cite to no case law that
 20 harms to nonparties are appropriately considered, and provide no evidence of such harm.
 21 Finally, Defendants' contention that Plaintiffs' proposed order would deprive some students
 22 who want "Home" or "Service" or "College" periods from using those periods is belied by
 23 the proposed order (which in any event Plaintiffs are willing to adjust).¹¹ Defendants have

24
 25 ⁹ Further, in *Mendoza*, "[t]he Legislature made no findings that LAUSD was failing in its
 26 obligation to deliver a constitutionally adequate education to its students." (*Id.* at 1045.)

27 ¹⁰ The foregoing also undermines Defendants' arguments that Plaintiffs have improperly failed to
 28 name LAUSD and/or Dr. Deasey (in his capacity as Los Angeles Superintendent of Schools) or
 that they are "necessary parties" to these proceedings.

¹¹ Plaintiffs deny that they seek to prevent students who are "on track" from utilizing such
 benefits.

1 provided no evidence of such students, that they are academically "on track," or that they
2 have obtained the required parental consent. As such, the balancing of harms weighs heavily
3 in Plaintiffs' favor.

4 **TEMPORARY RESTRAINING ORDER**

5 Defendants State of California, State Board of Education, State Department of
6 Education, State Superintendent of Public Instruction Tom Torlakson, their agents,
7 employees, assigns, and all persons acting in concert with them ("Defendants") are hereby
8 ORDERED as follows:

9 1. Each Defendant shall immediately make a representative with decision-making
10 authority available for an in-person meeting with Superintendent Deasey, at LAUSD offices
11 if necessary, to be attended by all Defendants' representatives (and counsel, if desired), and
12 which shall take place as soon as possible but in any event no later than October 13, 2014.

13 2. At the meeting, Defendants shall work with Dr. Deasey to discuss the findings
14 herein and shall attempt to devise a proposed plan designed to do the following (at a
15 minimum):

16 a. identify each Jefferson student who is currently assigned to (i) two or more periods
17 per day of Home, Service, College, Library or Adult classes, and/or (ii) one or more courses
18 that the student has already taken and passed (other than those intended to be repeated, such
19 as art or music classes) (hereinafter "Affected Students");

20 b. make immediately available to each Affected Student the option to enroll in
21 substitute course(s) that are substantive, instructional, appropriate for that student's grade
22 level, and fulfill Jefferson's obligation to ensure that the student has timely access to courses
23 needed for graduation and college eligibility;

24 c. immediately establish a systematic and comprehensive program, including but
25 not limited to additional instruction time, for the purpose of helping every Jefferson student
26 who was enrolled in any academic course more than one week into the semester to grasp the
27 material presented in the course, to date; and

28 d. ensure that there are adequate teachers, classrooms, seats, desks, and instructional

1 materials, and any other resources needed to implement the proposed plan as quickly as
2 possible (and in any event no later than November 3, 2014).

3 3. To the extent that any Affected Student's schedule must be adjusted in order to
4 accomplish the foregoing, the proposed plan shall provide that the resulting class schedule
5 may not include two or more periods without educational content in one day, nor may it
6 include courses already taken and passed by that student (other than those intended to be
7 repeated, such as art or music classes).

8 4. The proposed plan shall provide that any adjustments to a Special Education
9 Student's schedule may not, under any circumstances, interfere with that student's Individual
10 Education Plan (IEP) or any other federal legal requirements applying to that student.

11 5. Defendants shall ask Superintendent Deasey to identify the resources that are
12 needed to implement the foregoing plan and to determine whether LAUSD possesses such
13 resources or requires assistance (financial or otherwise) from Defendants; Defendants shall
14 also determine the types of assistance they can quickly and lawfully provide to LAUSD.

15 6. Defendants and/or Dr. Deasey shall incorporate all of the foregoing into a
16 proposed plan and present the terms of that plan to the Los Angeles School Board on Oct.
17 14, 2014 (the "Oct. 14 meeting").

18 7. Defendants shall request a copy of the School Board's official video recording of
19 the Oct. 14 meeting, and shall provide it to the court on a CD, DVD or thumb drive.

20 8. As soon as possible but in any event no later than October 16, 2014, Defendants
21 and Plaintiffs shall each file a status update including all relevant information, including a
22 description of information disclosed at the Oct. 14 meeting; decisions, if any, that were made
23 (including but not limited to any resolutions passed) at the Oct. 14 meeting; and each side's
24 vision of how best to proceed in this action.

25 9. If the parties are unable to reach agreement, Plaintiffs may file an ex parte
26 application and proposed Order to Show Cause re Motion for Preliminary Injunction that is
27 consistent with the court's findings above and takes into account any new information
28 obtained through the above court-ordered meet and confer process. If such an application

1 is filed by October 20, 2014, and approved by the court, the court would anticipate holding
2 the hearing on the OSC at 10:00 a.m. on November 26, 2014; requiring Defendants'
3 opposition papers to be filed and served no later than November 17, 2014; and requiring
4 reply papers to be filed and served no later than November 21, 2014. (If the foregoing
5 presents a conflict, the parties may meet and confer regarding alternative schedules.)

6 Absent a court order to the contrary, this Order shall remain in effect through
7 November 16, 2014 or, if the court issues an order to show cause, pending a ruling on the
8 OSC re Plaintiff's Motion for Preliminary Injunction.

9 **ORDER TO SHOW CAUSE**

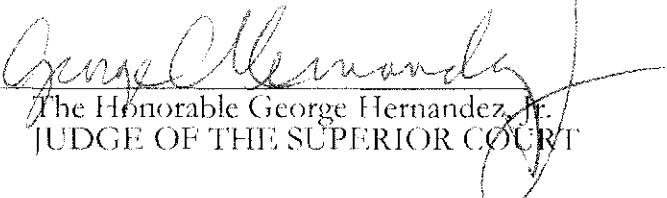
10 In the court's view, it is premature to issue an order to show cause at this time.
11 The record does not adequately explain why LAUSD has been unable to resolve
12 scheduling issues to date, what resources if any it needs to do so, and whether
13 Defendants can provide such resources. The foregoing order is designed to augment
14 the record on these issues so that the parties and the court can make informed
15 decisions about the nature and extent of appropriate relief, if any, in this case.

16 **SERVICE OF THIS ORDER**

17 Plaintiffs are hereby ORDERED to serve each Defendant with a copy of this
18 order by hand (as well as by email), and to serve Dr. John Deasey, Superintendent of
19 LAUSD, and the agent for service of process for the LAUSD School Board, with a
20 copy of this order by hand-delivery or overnight courier.

22 IT IS SO ORDERED

24
25 Dated: October 8, 2014

26 By: 
The Honorable George Hernandez, Jr.
JUDGE OF THE SUPERIOR COURT



CALIFORNIA SCHOOL FINANCE AUTHORITY

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TOM TORLAKSON
State Superintendent of
Public Instruction

MICHAEL COHEN
Director of Finance

EXECUTIVE DIRECTOR
Katrina M. Johantgen

January 18, 2016

Dr. Sharon Weir, Executive Director
New West Charter
1905 Armacost Avenue
Los Angeles, CA 90025

Dr. Weir:

Based on Free and Reduced Price Meal (FRPM) data reported by the California Department of Education (CDE), New West Charter School (CDS #19756636120158) was found ineligible for grant funds under the 2014-15 funding round of the Charter School Facility Grant Program (Program). New West Charter's FRPM was reported at 21.33%, and New West Charter's local elementary school, Brockton Elementary (CDS # 19647336016133), had a FRPM of 67.76%. Based on these figures, on October 22, 2015, the California School Finance Authority (CSFA) notified New West Charter School of its ineligibility.

In its November 11, 2015 appeal to CSFA, New West contends "the 2014-15 FRPM data provided by the CDE for Brockton Avenue Elementary and used by CSFA staff to make their determination that New West is ineligible for SB 740 funding, was based on inaccurate and corrupted data supplied by Los Angeles Unified School District." School representatives allege the FRPM erroneous reporting was related to the District's issues with its MiSiS (My Student Information System) software.

Representatives of New West Charter School requested that CSFA staff utilize FRPM data provided by representatives of Brockton Avenue Elementary. However, Program regulations stipulate that CSFA review FRPM data as reported by California Department of Education. Section 10170.2. (l) states, "Free or Reduced-Price Meal Eligibility" or "FRPM Eligibility" shall mean the percentage of enrolled students in grades Kindergarten through 12th grade or students ages 5 through 17, whichever is greater, eligible for free or reduced-price meals, as reported by the Department and certified through the annual Fall 1 data submission to the California Longitudinal Pupil Achievement Data System (CALPADS)."

To gain additional information relating the alleged reporting error, CSFA staff reviewed the information provided by New West Charter School as well as Brockton Avenue Elementary, sent the information provided by the school to the District for feedback, and contacted CDE / CALPADS to inquire if this issue has been reported by other schools or districts and, if so, having an impact on FRPM data. To date, we have not received a response from the district or CDE / CALPADS.

At this time, CSFA has no further recourse to address the concerns raised by New West Charter School, and our finding of ineligibility stands. Should you have any questions, or need additional information, please feel free to contact Ian Davis or Anne Osborne at (916) 651-7710.

Sincerely,



Katrina Johantgen



February 1, 2016

California School Finance Authority
915 Capitol Mall, Suite 101
Sacramento, CA 95814

***Re: New West Charter School
Notice of Appeal of CSFA's Eligibility Determination to CSFA Board
California School Facilities Grant Program***

Pursuant to Title 4, California Code of Regulations Section 10170.10(e), this letter serves as notice to the California School Finance Authority (“CSFA”) that New West Charter School (“New West”) wishes to appeal the final decision by CSFA staff regarding New West’s alleged ineligibility for SB740 funding dollars for the 2014-15 year, as well as CSFA’s demand that New West repay all SB740 monies received by New West for 2014-15.

CSFA’s October 22, 2015 letter to Dr. Sharon Weir, Executive Director of New West (sent and received on October 26, 2015), states that “[b]ased on review of the 2014-15 FRPM data provided by the California Department of Education, the Authority found that New West Charter had an FRPM of 21.33% and New West Charter’s local elementary school, Brockton (CDS # 19647336016133) had an FRPM of 67.76%. Therefore, New West Charter does not meet either of the FRPM eligibility thresholds set forth in Education Code, Section 47614.5(c)(2)(A) or (B).”

On November 20, 2015, New West appealed the CSFA staff eligibility determination pursuant to Title 4, California Code of Regulations Section 10170.10(b). A copy of New West’s November 20, 2015 appeal letter to CSFA is attached hereto as Exhibit A. In its appeal letter, New West explained that the 2014-15 FRPM data provided by the California Department of Education (“CDE”) for Brockton Avenue Elementary (“Brockton”) and used by CSFA staff to make their determination that New West is ineligible for SB 740 funding, was based on inaccurate and corrupted data supplied by Los Angeles Unified School District (“LAUSD”) to CalPADS. New West contends that CSFA should reconsider its determination of ineligibility because of the continuing, well-documented, and significant data inaccuracies caused by LAUSD’s implementation of the My Integrated Student Information System (“MiSiS”) in the 2014 school year. Rather than solely relying on the inaccurate and unreliable data supplied by LAUSD, CSFA staff should consider all appropriate, verifiable prior year data on pupil eligibility at Brockton that evidences New West’s qualification for funding under the SB740 framework.

On January 19, 2015, New West received CSFA’s final staff decision wherein CSFA staff reaffirmed its determination that New West is ineligible for SB740 funding



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dollars for the 2014-15 year. A copy of CSFA's final staff decision is attached hereto as Exhibit B.

Please note that New West's counsel has submitted a California Public Records Act request to LAUSD for certain records regarding the number of students or percentage of students eligible for FRPM at Brockton Avenue Elementary ("Brockton") during the 2014-2015 school year, but LAUSD has not yet provided all of the requested records. As soon as they are received, New West will provide CSFA with additional analysis based on these records. As a result, New West requests that the CSFA Board consider this appeal at its March 2016 Board meeting.

Please do not hesitate to contact me should you have any questions.

Sharon Weir Ed.D
Principal/Executive Director

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