



## Students Count More than Zero Percent

Trial for *Doe et al. v. Deasy et al.*, set for tomorrow, June 5, 2012 in L.A. Superior Court

Tomorrow, Tuesday, June 5, 2012, the Los Angeles Superior Court will rule on the *Doe v. Deasy* parent lawsuit. The parent petitioners have asked the court to require the Los Angeles Unified School District (LAUSD) to comply with the law and include evidence of student learning in job performance evaluations of teachers and principals. Superintendent Deasy, one of the named respondents, has been subpoenaed to appear in court.

Counsel for the parents will continue to contend that the district has presented no evidence of compliance with the law, even after LAUSD finally delivered 600 (599 unduplicated) random staff evaluations, redacted of names, that the District attempted to withhold from the petitioners. In fact these latest documents underscore the District's leadership's utter disregard for the actual progress of students in the job performance evaluations of adults as required by California law.

No wonder the District has tried to hide some key evidence since day one! The 599 individual evaluations eventually produced, in addition to earlier evidence, reveal that LAUSD systematically ignores student learning in the Stull Act mandated job performance evaluations of adults.

- **Zero Percent** of the evaluation forms' mandatory prompts for the evaluator/reviewer reference a requirement to review students' actual learning toward grade level expectations;
- **Only 3 evaluations** in total, or 0.5 percent of the random sample of hundreds of evaluations reviewed over a three-year period, included an analysis of students' progress toward grade level expectations and linked such progress to teacher job performance of a teacher identified as performing below standards—and then only in the voluntary comment section;
- **Only 2.3 percent** of 599 evaluations contained a voluntary comment on standards or tests;
- Yet, 98 percent of teachers were supposedly meeting overall job performance expectations; and
- Only 2 percent of the 599 teachers were alleged to be overall performing below standard.

For over 40 years, LAUSD has ignored state law at the expense of kids. The ignored law is simple – evaluations of adults employed to educate kids must include information on how well those children are actually doing toward grade level expectations; and if staff are identified as struggling, the district must endeavor to help the employee improve so the employee will be more effective with helping his or her students learn.

All children in California have a right to a basic public education. The California Constitution guarantees this fundamental right and provides that the Legislature and local school districts take positive steps to safeguard it. The legislatively-mandated mechanism by which local school district leadership is to ensure satisfactory job performance of teachers and principals is codified in the California Education Code and is known as the Stull Act.

Originally signed into law by Governor Reagan, and fine-tuned over the years by bipartisan legislation signed by Governors Brown, Deukmejian, Wilson, Davis, and Schwarzenegger, the Stull Act establishes minimum mandatory criteria and due process provisions to address human resource management of local school districts. Specifically related to the *Doe v. Deasy* lawsuit, the Stull Act explicitly mandates that districts adopt local standards of expected student achievement at each grade level in each area of study, and prescribes four minimum categories for the multiple measures that must be included in the job performance evaluations of adults. The first mandatory category is the required review of the progress of students toward district grade level expectations in each area of study and, if applicable, progress toward state adopted academic content standards as measured by state adopted assessments; LAUSD has systematically failed to do so.

Last year, a group of parents learned that LAUSD places ZERO PERCENT WEIGHT on whether or not students are learning in a teacher's classroom or principal's school when conducting the job performance evaluation mandated by the Stull Act. The parents then united to sue the District Superintendent, John Deasy and the School Board to force it to finally follow the law and include the required category of multiple measures of student progress toward district adopted standards of achievement at each grade level in each area of study in the evaluations of administrators and the teachers they support. And to make sure that struggling staff receive the help required by law so their performance improves and their children receive effective instruction.

While the District has wasted time and taxpayers' money defending against the lawsuit, it has provided no evidence that it is following the law. Much of its effort has been spent in preventing the parents' counsel and the public from having access to any documents, including memos, emails and copies of evaluations (already redacted to protect the privacy of individuals), that would prove the District knowingly does not include evidence of student learning in job performance evaluations of teachers and principals. It even unsuccessfully tried to seal the entire lawsuit and all the documents related to the lawsuit so that the public would never know what happened during the litigation or the trial.

Ultimately the petitioners secured evidence to keep the case going forward, including proof that none of the 27 mandatory prompts in the evaluation forms or training materials of evaluators require the evaluator to assess or comment on the actual progress of students. The petitioners' counsel also forced Superintendent Deasy to admit under oath in a deposition that the District is not following the law. And just two weeks ago, the Superior Court ordered the District to hand over the 600 random staff evaluations mentioned above.

*Doe et al. v. Deasy et al.* trial tomorrow, June 5, 2012 at 1:30 PM  
Los Angeles Superior Court  
111 Hill Street, Department 85

For more information, visit [www.edvoice.org/parentlawsuit](http://www.edvoice.org/parentlawsuit) or contact Steve O'Mara at 415.250.6876 or [steve@edvoice.org](mailto:steve@edvoice.org).