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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

JANE DOE 1, et al.,  
Petitioners and Plaintiffs,

v.

JOHN DEASY, Superintendent, Los Angeles Unified School District; MONICA GARCIA, President, Board of Education, Los Angeles Unified School District; TAMAR GALATZAN, BENNETT KAYSER, MARGUERITE LAMOTTE, NURY MARTINEZ, RICHARD VLADOVIC, STEVE ZIMMER, Members, Board of Education, Los Angeles Unified School District; and DOES 1 through 10, inclusive,

Respondents and Defendants,

UNITED TEACHERS LOS ANGELES; and ASSOCIATED ADMINISTRATORS OF LOS ANGELES,

Real Parties in Interest,

PUBLIC EMPLOYMENT RELATIONS BOARD,

Intervenor.

Case No. BS134604

[The Honorable James C. Chalfant]

**WRIT OF MANDATE**

Date Action Filed: November 1, 2011

1 To John Deasy, Monica Garcia, Tamar Galatzan, Bennett Kayser, Marguerite LaMotte, Nury  
2 Martinez, Richard Vladovic, Steve Zimmer, Los Angeles Unified School District (“LAUSD” or  
3 “District”) their employees, assigns, and successors) (all collectively “Respondents”):

4 Judgment having been entered in this action, directing that a writ of mandate be issued from  
5 this Court, RESPONDENTS ARE HEREBY COMMANDED, immediately upon receipt of this writ,  
6 as follows:

7 a. The LAUSD must modify its current evaluation process to comply with the Stull  
8 Act requirement in Education Code § 44662(b)(1) that the final evaluation of teachers,  
9 principals and assistant principals incorporate an assessment of the employee’s  
10 performance as it reasonably relates to the progress of pupils toward the District  
11 standards at each grade level in each area of study, however measured.

12 b. The LAUSD must modify its current evaluation process to comply with the Stull  
13 Act requirement in Education Code § 44662(b)(1) that the final evaluation of teachers,  
14 principals and assistant principals incorporate an assessment of the employee’s  
15 performance as it reasonably relates to the progress of pupils toward State adopted  
16 academic content standards as measured by State adopted criterion referenced  
17 assessments, if applicable.

18 c. The District has a great deal of discretion in how it complies with the pupil progress  
19 requirement. The discretionary issues which the District must decide include (1)  
20 whether the District adopts the Academic Growth Over Time (“AGT”) System, uses  
21 student grades or pass/fail rates, or uses some other means of measuring student  
22 performance, (2) how student performance criteria are incorporated into teacher and  
23 administrator evaluations - e.g., directly as an express provision on a Stull final  
24 evaluation form or indirectly in some other manner, (3) the importance of student  
25 progress in relation to the other factors on which teachers and administrators are  
26 evaluated, and (4) the training requirements for principals and assistant principals in  
27 how to use student progress in teacher evaluations. Some or all of these issues may be  
28

1 required to be the subject of collective bargaining with UTLA and AALA. The Court is  
2 not opining on that issue.

3 d. Additionally, while principals and assistant principals are clearly within the scope of  
4 Education Code section 44662(b)(2), the District must determine in the first instance  
5 whether administrators located outside of schools and in the Local Districts also are  
6 within its scope, or instead fall within Education Code section 44662(c) as certificated  
7 noninstruction personnel whose responsibilities cannot be evaluated appropriately under  
8 Education Code section 44662(b).

9 e. The District may make pupil progress a direct factor in the final teacher and  
10 principal evaluations, or it may consider pupil progress indirectly in such evaluations,  
11 incorporating it through other measurements and means. But there must be a nexus  
12 between pupil progress and the evaluations. First, the evaluator must know what the  
13 pupil progress is with respect to that teacher. Second, the evaluator must know how to  
14 use the pupil progress information (that is, the evaluator must be trained or otherwise  
15 know how significant the information is concerning pupil progress to the overall  
16 evaluation of the teacher). Third, since the evaluation must be in writing (§ 44663), the  
17 evaluator's determination of the impact of pupil progress must be reflected somewhere  
18 in writing (this does not mean that there must be a box on a form which directly address  
19 pupil progress; it does mean that pupil progress must be reflected in some factor on a  
20 written teacher evaluation).

21 f. Respondents are further commanded to make and file a return to this writ on or  
22 before September 4, 2012, showing what Respondents have done to comply with this  
23 writ.

24 Respondents are further commanded to make and file a return to this writ on or before  
25 December 4, 2012, showing that Respondents have fully-complied with the  
26 requirements of this writ. This date is selected to allow for necessary time to conclude  
27 negotiations between the District and Real Parties In Interest UTLA and AALA on  
28

1 matters connected to compliance with this writ (if any) that are subject to collective  
2 bargaining under the Educational Employment Relations Act (Government Code section  
3 3540 et seq.), including sufficient time to conclude the impasse procedures set forth in  
4 the EERA.

5  
6 IT IS SO ORDERED.  
7 **AUG 08 2012**




8 **John A. Clarke** \_\_\_\_\_, Clerk

A handwritten signature in blue ink, appearing to be "Olivia Reyes", is written over a horizontal line.

9  
10 \_\_\_\_\_, Deputy Clerk  
**OLIVIA REYES**

11 LET THE FORGOING WRIT ISSUE:

12 Dated: **8/7/12**

13 By  \_\_\_\_\_  
14 Honorable James C. Chalfant  
15 Judge of the Superior Court

# SA LEGAL NETWORK

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## SPECIAL

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110 N. GRAND AVENUE  
LOS ANGELES CA 90012

Order Date: **Aug 8, 2012**

DATE PAID: 08/08/12 02:05:06 PM  
RECEIPT #: LAC485720023

3550

Contact: **Andrea Johnson**

Ext: **3783**

E-Mail: **ajohnson@btlaw.com**

10) 284-3894

Billing Ref: **55409-1**

CIT/CASE: BS134604 LEA/DEF#:

PAYMENT: \$25.00 0310  
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CHECK: 25.00  
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CHANGE:  
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n: **MESSENGER**

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Filing Fee:

Court Location:

Stanley Mosk Courthouse

111 N. Hill Street

Los Angeles, CA 90012

Dept No: 85

Documents:

**WRIT OF MANDATE (Received on July 25, 2012)**

- Priority
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- Attached \$
- Please Advance \$ **25.00**
- First Appearance Fee Paid On: \_\_\_\_\_

Case Number:	<b>BS134604</b>
Case Name:	<b>DOE, et al. v. DEASY, et al.</b>

### SPECIAL INSTRUCTIONS:

Please take this document to Jennifer, she is the Clerk in Dept. 85 ask her to have it signed by the Judge. Please inform her that is in accordance with the telephone conversation that she had with Devin Stone in our office - this is his # (310.284.3868) in case she needs to call for verification. After the Writ is signed please take it to the Writ clerk. Please call us immediately if there are any issues. Thanks.

*Adv. \$25  
Ch.#: 142654 Filed 989*

RETURN INFORMATION  Special  Priority  Rush  Regular  Route  US Mail

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