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June 21, 2021

VIA EMAIL

Sue Ann Salmon Evans and Ellen Wu
Dannis Woliver Kelley
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Long Beach, CA 90802
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Re: **The LAUSD's 2021-2022 School Year Schedule and Budget**

Dear Ms. Evans and Ms. Wu:

Please forward this correspondence to Superintendent Austin Beutner, Chief Academic Officer Alison Yoshimoto-Towery, and the members of the LAUSD Board of Education in advance of the June 22, 2021 Board meeting.

We recently learned that, despite the overwhelming consensus among District officials and education experts that students need more instructional time to address the learning loss they suffered over the past year, the LAUSD has approved a 2021-2022 schedule that does not provide any additional instructional time beyond what students received before the pandemic began. We also learned that, despite receiving over \$5.5 billion in state and federal COVID-relief funding to extend and improve student learning opportunities, the LAUSD is considering a 2021-2022 budget proposal that does not include districtwide funding to guarantee students additional instructional time. This is unacceptable and we request that the District adopt a proper 2021-2022 school year schedule and budget at the June 22, 2021 Board meeting.

For the past nine months, parents and guardians of students enrolled in the LAUSD have been embroiled in a class action lawsuit against the District for its failure to provide an education during the pandemic that meets the California Constitution's guarantee of a public education. They were forced to pursue this lawsuit because the LAUSD continually has failed to prioritize the needs of its students during an unprecedented emergency situation, which in turn has exacerbated the existing educational crisis within the District. At bottom, the distance learning side letter agreements negotiated by the LAUSD and UTLA have violated students' fundamental

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right to basic educational equality and disproportionately harmed low-income, Black, and Latino students. The plainly deficient terms of those agreements, as well as the resulting declines in student attendance, grades, and assessment scores, clearly establish that the District has failed to provide its students with the education they deserve in their time of greatest need.

Since the pandemic forced schools across California to transition to a distance learning model, the LAUSD has provided its students with far less instructional time than other large school districts within the state. For example, over the course of this past year, high school students in the San Diego Unified School District received hundreds of hours of instructional time more than high school students enrolled in the LAUSD. Assessment data from the 2020 fall semester confirms what many predicted—that the LAUSD’s distance learning policies have caused serious academic harm to students, and particularly to Black, Latino, English-learning, low-income, and homeless students. The results further show that kindergarten and first-grade students experienced substantial learning loss, and only one in three middle and high school students were on grade level in reading and math.¹ The LAUSD has even predicted that as many as 40,000 current LAUSD high school students are at-risk of not graduating.²

The LAUSD now has the responsibility to address and reverse the damaging and needless harm its distance learning policies have caused students over the past fifteen months. It must uphold its mission of “embracing our diversity to educate L.A.’s youth, ensure academic achievement, and empower tomorrow’s leaders,” especially now that it has received over \$5.5 billion in state and federal COVID-relief funding. However, families are deservedly fearful that the LAUSD will squander this unprecedented influx of financial resources, and negotiate more deficient collective bargaining agreements that do not align with the District’s mission or uphold student’s constitutional rights.

Over the past year, the LAUSD has tried to convince families that the sub-standard education the District was providing actually “leads the nation.” For example, District leadership touted additional services that it negotiated for high-needs students more than half-way through the 2020 fall semester. But the provision of these services was voluntary, not mandatory, and the LAUSD has admitted that less than 1% of its students received those services before they were discontinued. The District further dared to publicly characterize the policies it negotiated for the 2021 spring semester as “enhanced” distance learning, while notes from its negotiations with

¹ Great Public Schools Now, Educational Recovery Now: LA’s Children and Schools Need a Comprehensive Plan (March, 2021).

² Los Angeles Unified, “Distance Learning Update,” Los Angeles Unified Board of Education Meeting, Superintendent’s Report (March 9, 2021).

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UTLA show that the LAUSD was “not looking to gain an inch.” Indeed, the sole difference between the 2020 fall semester school day and the 2021 spring semester school day was additional office hour time—not more instructional time.

The LAUSD’s representations that it was “not looking to gain an inch” during negotiations with UTLA is especially disheartening because the District already knew its distance learning policies were deleterious to students. It possessed data, including data generated by its own Independent Analysis Unit,³ that showed student attendance, grades, and assessment scores were in steep decline.⁴ Due to the alarming results from the 2020 fall semester, the LAUSD advocated for more instructional time and longer teacher work days during the 2021 spring semester. But when UTLA refused, the LAUSD agreed to adopt a relatively unchanged schedule that further caused serious and preventable harm to students.

Sadly, the LAUSD has persisted in its practice of abandoning its students’ rights and interests at the bargaining table. District officials, along with many other education experts, resoundingly agree that providing students with more instructional time is essential to remedying the learning loss they have suffered during the past year. The LAUSD’s Independent Analysis Unit has recommended lengthening the school year based on research that points to the positive impact it will have on students, particularly on younger students and low-income students.⁵ Superintendent Beutner has publicly championed the District’s effort to increase opportunities for students to learn in the upcoming school year.⁶ Chief Academic Officer Yoshimoto-Towery has stated that “[e]xtending the academic year with additional high-quality learning time for students and transformational learning for educators is a critical need for students, in particular those who live in high needs communities.” And the majority of the Board also agreed that this is the right approach.⁷ For example, Jackie Goldberg said: “That’s how you make up time. It isn’t with hours. It is with days and it’s with consistent instruction.” Monica Garcia said: “I was convinced that ten more days was the way our structure would help families the most.” And Nick Melvoin said: “We have fewer days than many other urban school districts and now is the time, as Ms. Gonez and others have said, to be bold and to lead.”

³ The LAUSD Board created the Independent Analysis Unit to advise the Board’s decision-making by providing objective and nonpartisan analysis.

⁴ LAUSD Independent Analysis Unit, *Fall 2020 Schoology Usage Update: Student Engagement Online between August 18 and October 31* (January 2021).

⁵ LAUSD Independent Analysis Unit, *Interoffice Correspondence: Existing Research on Extended School Year* (February 5, 2021).

⁶ *Statement by Superintendent Austin Beutner On 2021-22 School Year Calendar* (May 4, 2021).

⁷ Statements by Board Members Gonez, Melvoin, Goldberg and Garcia, LAUSD Board of Education Meeting (May 4, 2021).

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But when UTLA rejected the District’s proposal for extending the 2021-2022 school year by a mere ten days—even though teachers would be fully compensated for working those additional days—the LAUSD could only express its disappointment. Board President Kelly Gonez said: “I was supportive of the proposal to add additional instructional days to the calendar to provide for healing and socioemotional services for our students, especially many from our hardest hit communities who, in reality, will not be setting foot on our campuses until next fall.” Board member Dr. George McKenna said: “I feel so sorry for the children that can’t get the blessings of the rest of the education they are missing.” And Superintendent Beutner stated: “UTLA leadership were asked to consider all of the different ways to do this with full pay, including pension benefits, for any additional work—extending the school year or school day, regular Saturday school or shortening the long Thanksgiving or January breaks. They would not agree to any of these. Unfortunately, that means most students, in particular high-needs students, have no guarantee of additional time in the classroom they need to recover.”⁸

These meek statements of disappointment are from the Superintendent and Board of Education for the second largest school district in the United States. You collectively have the power to influence the educational opportunities of more children than almost anyone else in the country. You collectively are responsible for protecting LAUSD students’ rights and interests. You collectively should dictate the education that students within the District receive, not UTLA. But despite the overwhelming consensus that students need more instructional time to address the learning loss they suffered over the past year, the Board has approved a 2021-2022 school year schedule dictated by UTLA, which is identical to the schedule that was in effect before the pandemic began. It does not include a longer school year, or shorter holiday breaks, or extended school days. How is that even possible? The District’s continued dereliction of duty, which has put in jeopardy the academic trajectory of hundreds of thousands of students, is simply astounding.

We agree with District officials that students need more instructional time to recover from the past year of deficient distance learning, which is why we are asking for more instructional time in this lawsuit. It remains to be seen why the LAUSD is so vehemently opposed to that requested relief when its own Independent Analysis Unit, Superintendent, Chief Academic Officer, and Board of Education agree that it is essential to addressing the needs of students.

⁸ *Statement by Superintendent Austin Beutner On 2021-22 School Year Calendar* (May 4, 2021).

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The time to act is now. The LAUSD has \$5.5 billion in state and federal COVID-relief funding that it must use to extend and improve student learning opportunities. However, the District currently is considering a budget proposal for the 2021-22 school year that does not include districtwide funding to guarantee students additional instructional time. Instead, the budget proposal punts the issue to individual teachers, schools, and administrators to determine whether students need more instructional time. It is unfathomable that the District—which has the resources to guarantee the additional learning opportunities that students need and deserve—would even consider such an opt-in, scattershot, and voluntary approach.

The District must adopt a new 2021-2022 school year schedule that provides more instructional time to students. The District must also adopt a 2021-2022 school year budget that ensures its \$5.5 billion of COVID-relief funding will be used to guarantee services that will help students recover from the past year of deficient distance learning, including additional instructional time delivered by certified teachers as well as small group and one-on-one tutoring services for students who need them. The District must do so at the June 22, 2021 Board meeting.

Sincerely,



Mark Holscher