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12 California Charter Schools Association

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES

15 CALIFORNIA CHARTER SCHOOLS  
ASSOCIATION, a not-for-profit California  
16 Corporation,

17 Plaintiff,

18 v.

19 LOS ANGELES UNIFIED SCHOOL DISTRICT,  
BOARD OF EDUCATION OF THE LOS  
20 ANGELES UNIFIED SCHOOL DISTRICT, and  
RAMON C. CORTINES, in his capacity as  
21 Superintendent of Schools,

22 Defendants.

CASE NO. BC438336

Assigned To: Hon. Terry A. Green,  
Department 14

**[PROPOSED] ORDER GRANTING  
CCSA'S MOTION TO ENFORCE THE  
COURT'S DECEMBER 7, 2010, ORDER**

Hearing:

Date: June 11, 2012  
Time: 8:45 a.m.  
Dept.: 14

Action Filed: May 24, 2010  
Trial Date: N/A

ORIGINAL FILED  
JUN 27 2012  
LOS ANGELES

1 On June 11, 2012 at 8:45 a.m., before the Honorable Terry A. Green, in Department 14 of  
2 the above-entitled Court, Plaintiff California Charter Schools Association's ("CCSA") Motion  
3 To Enforce The Court's December 7, 2010, Order (the "Motion") came on regularly for hearing.  
4 Appearances were as set forth in the record.

5 Having reviewed the Motion, the parties' briefs, and the admissible evidence, and having  
6 heard argument of counsel, the Court finds that:

7 LAUSD's use of "norming ratios" to determine the number of classrooms to provide to  
8 charter schools in LAUSD's Prop. 39 facilities offers violated Section 11969.3(b)(1) of the Prop.  
9 39 Implementing Regulations, and LAUSD thus failed to provide facilities to charter schools "in  
10 the same ratio of teaching stations (classrooms) to ADA as those provided to students in the  
11 school district attending comparison group schools."

12 Accordingly, CCSA's Motion is **GRANTED**.

13 **IT IS THEREFORE ORDERED** as follows.

14 1. In determining the number of teaching stations to provide to charter schools  
15 requesting facilities under Prop. 39, LAUSD must comply with Section 11969.3(b)(1) of the  
16 Prop. 39 Implementing Regulations, and must not use "norming ratios" to reduce teaching  
17 stations offered to charter schools in the future.

18 2. For the current Prop. 39 cycle, for the 2012-2013 school year, LAUSD must do  
19 the following:

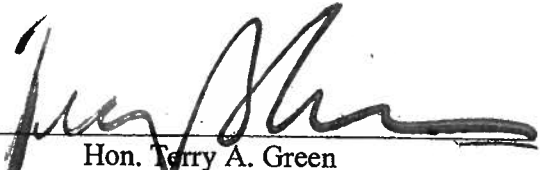
20 (a) For charter schools that already accepted Final Offers (as they had to do  
21 by May 1), within 14 days of this Order, LAUSD shall issue revised Final Offers that comply  
22 with this Order, and that comply with Prop. 39 and the Implementing Regulations in all other  
23 respects. Charter schools receiving revised Final Offers shall have 14 days from receipt of the  
24 revised Final Offers in which to accept the revised Final Offers or occupy facilities pursuant to  
25 the original Final Offers issued on April 1, 2012. A charter school's failure to respond to the  
26 revised Final Offer shall be deemed a rejection of that offer, but that charter school shall be  
27 entitled to occupy the facilities pursuant to the original Final Offer made on April 1, 2012;  
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(b) For charter schools that did not accept Final Offers by May 1 and did not enter into "alternative arrangements" with LAUSD pursuant to Implementing Regulations Section 11969.1(b), within 14 days of this Order, LAUSD shall issue revised Final Offers that comply with this Order, and that comply with Prop. 39 and the Implementing Regulations in all other respects. Those charter schools shall have 14 days from receipt of the revised Final Offers in which to accept the revised Final Offers. A charter school's failure to respond to the revised final offer shall be deemed a rejection of that offer.

3. For future Prop. 39 cycles, beginning with the 2013-2014 school year, LAUSD shall make Prop. 39 facilities offers that comply with this Order, and that comply with Prop. 39 and the Implementing Regulations in all other respects.

Dated: June 25, 2012

  
\_\_\_\_\_  
Hon. Terry A. Green  
Superior Court Judge

**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 355 South Grand Avenue, Los Angeles, CA 90071-1560.

On June 4, 2012, I served the following document described as:

**[PROPOSED] ORDER GRANTING CCSA'S MOTION TO ENFORCE THE COURT'S  
DECEMBER 7, 2010, ORDER**

by serving a true copy of the above-described document in the following manner:

**BY OVERNIGHT MAIL DELIVERY**

I am familiar with the office practice of Latham & Watkins LLP for collecting and processing documents for overnight mail delivery by Express Mail or other express service carrier. Under that practice, documents are deposited with the Latham & Watkins LLP personnel responsible for depositing documents in a post office, mailbox, subpost office, substation, mail chute, or other like facility regularly maintained for receipt of overnight mail by Express Mail or other express service carrier; such documents are delivered for overnight mail delivery by Express Mail or other express service carrier on that same day in the ordinary course of business, with delivery fees thereon fully prepaid and/or provided for. I deposited in Latham & Watkins LLP's interoffice mail a sealed envelope or package containing the above-described document and addressed as set forth below in accordance with the office practice of Latham & Watkins LLP for collecting and processing documents for overnight mail delivery by Express Mail or other express service carrier:

David M. Huff, Esq.  
Marley S. Fox, Esq.  
Joanna Braynin, Esq.  
Orbach, Huff & Suarez LLP  
191 Avenue of the Stars, Suite 575  
Los Angeles, CA 90067

**BY ELECTRONIC MAIL**

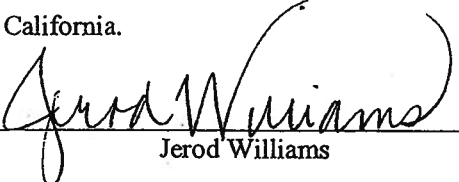
The above-described document was transmitted via electronic mail to the following party on June 4, 2012 at 3:00PM:

David M. Huff, Esq.  
Marley S. Fox, Esq.  
Joanna Braynin, Esq.  
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The party on whom this electronic mail has been served has agreed in writing to such form of service pursuant to agreement.

I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 4, 2012, at Los Angeles, California.

  
\_\_\_\_\_  
Jerod Williams