



Los Angeles Unified School District

It Can Do More to Reduce the Impacts of Removing Teachers From Classrooms Because of Alleged Misconduct

Report 2016-103

COMMITMENT
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October 27, 2016

2016-103

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the California State Auditor presents this audit report concerning the Los Angeles Unified School District's (LAUSD) policies and practices for removing teachers from the classroom in response to allegations of misconduct and for resolving those allegations.

This report concludes that LAUSD can do more to reduce the impacts of those teacher removals, known as reassignments. The costs of reassigning teachers, who generally continue to receive their regular salaries and benefits while reassigned, have declined at LAUSD in recent years. However, recent trends in LAUSD's resolution of reassignments suggest that case backlogs—and costs—could rise again in coming years. Specifically, LAUSD's data show that the district is resolving fewer reassignments annually and taking longer to resolve the cases it does close. LAUSD often exceeded the time frames it has set for itself to investigate alleged misconduct and make disciplinary decisions, and it does not sufficiently monitor compliance with these time frames or evaluate how the district has performed over time. In cases where teachers have been reassigned for particularly long periods, LAUSD has taken months or even years to identify appropriate placements for some teachers after the district or administrative and legal hearings have determined the teachers should return to work.

Additionally, LAUSD can do more to ensure that its decisions to reassign teachers are necessary and that local administrators approach those decisions consistently. Although most of the reassignment cases we reviewed indicated a clear safety threat, we noted two instances in which local administrators reassigned teachers without demonstrating a clear safety threat. Improved training and guidance, and development of a comprehensive evaluation tool for local administrators to use when making reassignment decisions, will help ensure reassignments are necessary and consistent.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

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Summary

Results in Brief

The policy of the Los Angeles Unified School District (LAUSD) is to remove teachers from the classroom in response to credible allegations of misconduct that poses a clear threat to the safety of students, staff, or the workplace. LAUSD's policy cites sexual misconduct and violence as examples of the types of misconduct that warrant this removal, known as *reassignment*. This policy is consistent with practices at other large California school districts we surveyed. Over the past five fiscal years, LAUSD has reassigned more than 600 credentialed teachers from classrooms for some period of time in response to allegations of misconduct. As of early June 2016, 104 of LAUSD's approximately 27,000 credentialed teachers were reassigned. Reassigned teachers remain at home for the duration of their reassignment.

The costs of reassignment and the number of open reassignment cases have both declined over the last several years but remain substantial. During a reassignment, state law requires the school district to continue paying the teacher's salary until the district acts to dismiss the teacher. During fiscal year 2015–16, LAUSD paid \$12.6 million in salaries and benefits for credentialed teachers who were reassigned after allegations of misconduct. This amount represents a decrease from previous years and is the result of a trend toward smaller numbers of open reassignment cases. In addition to continuing to pay the teachers during a reassignment, the district pays for substitute teachers (substitutes) to replace the reassigned teachers. Although LAUSD does not specifically track salary costs for substitutes that replace reassigned teachers, we estimated that the cost of replacing reassigned teachers in fiscal year 2015–16 was at least \$3.3 million. Again, this amount is lower than in the preceding years. However, recent trends in LAUSD's resolution of reassignment cases suggest that case backlogs—and costs—could begin to rise again in coming years.

LAUSD has often exceeded the time frames specified for its reassignment and investigation process. LAUSD's current policy for handling teacher reassignments, which took effect in August 2015, includes specific time frames for completing each phase of this process. For example, the policy gives administrators of operations at LAUSD's six local districts (local administrators) five days to make a preliminary assessment as to whether to reassign a teacher, and our review found that they consistently met this time frame. However, LAUSD frequently exceeded each of its other process time frames, including those set for completing investigations of the allegations against reassigned teachers and for making decisions about whether to discipline those teachers. According to its policy,

Audit Highlights . . .

Our review of the Los Angeles Unified School District's (LAUSD) policies and practices for removing teachers from classrooms because of alleged misconduct revealed the following:

- » *LAUSD has reassigned more than 600 credentialed teachers from classrooms in response to allegations of misconduct over the past five fiscal years.*
- » *Costs related to its teacher reassignments have decreased in recent years but remain substantial.*
 - *During fiscal year 2015–16, LAUSD paid \$12.6 million in salaries and benefits for reassigned teachers and at least \$3.3 million for teacher replacements.*
- » *Recent trends in LAUSD's resolution of reassignment cases suggest that case backlogs—and costs—could begin to rise again.*
- » *LAUSD has often exceeded the time frames specified for its investigation process and decisions on discipline.*
- » *LAUSD does not sufficiently monitor or comprehensively track and report on whether it meets key time frames in its policy for resolving teacher reassignments.*
- » *LAUSD reassigned some teachers without demonstrating clear risks to safety.*
- » *Substitute teachers serving in place of reassigned teachers have been allowed to remain in classrooms longer than permitted by state law and regulations.*

LAUSD's goal for completing investigations of alleged employee misconduct is 90 workdays. As of June 2016, of the 21 reassignment cases we reviewed for compliance with time frames, the district had exceeded this goal for 10 investigations by a range of 25 to 60 workdays. LAUSD administrators also missed deadlines for deciding what discipline, if any, reassigned teachers should receive in four of the seven cases we reviewed that required such a decision.

LAUSD also currently does not sufficiently monitor or comprehensively track and report on whether it meets key time frames in its policy for resolving teacher reassignments. Its Incident Reporting System Database (database) allows staff to view a snapshot of the status of open reassignments, the division responsible for the current step in the process, and how long the cases have been with that group. However, although LAUSD maintains historical records for its reassignment cases, it has not used the data to determine how long reassignments have taken to move through the steps in the process or reported on its performance in resolving reassignment cases over time. LAUSD is in the process of implementing a new data system that will use this historical reporting and plans to begin using that system in late October 2016. LAUSD indicated to us that district staff use the database to track open reassignment cases as part of monitoring compliance with time frames in its reassignment policy, but our review indicates that any monitoring it has done was insufficient.

In some of the cases we reviewed, even after LAUSD had concluded its investigations and reached a decision to either return the teacher to the classroom or dismiss him or her, delays in subsequent activities contributed to additional months, and sometimes years, that reassignments remained open. The lengthiest of the open reassignments at the time of our review had remained open since May 2008. In some cases, delays of more than six months resulted from legal steps in the process, such as scheduling a legal hearing or appeal, delays that LAUSD cannot always fully control. However, in other cases, we found that LAUSD waited long periods—in one case nearly eight months—between deciding to dismiss a teacher and actually acting to do so. We also noted that the district took months or even years to return some teachers to the classroom after determining that they would not be dismissed. LAUSD lacks formal timelines for key steps, such as identifying placements and meeting with the returning teachers, which has contributed to delays that might have otherwise been avoided.

Further, LAUSD can take additional steps to ensure that its teacher reassignments are necessary. We reviewed 21 cases to evaluate whether the decisions of the local administrators complied with district policy to reassign teachers in response to

a clear safety threat, and we determined that they generally did. However, in two instances, neither the case documentation nor the explanations of decision makers demonstrated a clear risk to safety. Additionally, some local administrators proactively considered how circumstances other than the nature of the misconduct, such as the age of the students affected, might compound or mitigate risk, but others did not indicate that they took these factors into account when deciding whether to reassign a teacher. In some cases, local administrators were unable to provide any documentation from the initial assessment period to support the reasons they gave us for their reassignment decisions. Increased training, guidance, and development of improved resources, such as a comprehensive risk evaluation tool for local administrators and other key personnel involved in the reassignment decision, would help ensure that local administrators use formal reassignment consistently and only when necessary.

In addition, certain aspects of LAUSD's policy—specifically, its current time frame of five days by which local administrators must decide whether to formally reassign a teacher—may, in some cases, be contributing to overall delays in resolving teacher reassignments. LAUSD policy gives local administrators five workdays after temporarily removing a teacher from a classroom to decide whether to formally reassign him or her. If the administrators are unable to make this assessment within those five days, they are to reassign the teacher, at which point LAUSD's Student Safety Investigation Team (Investigation Team) conducts an investigation. However, our review indicated that there may be some limited instances in which a short and specific extension of the five-day time frame, along with close supervision by LAUSD, would allow for a more timely resolution to the allegation than would be obtained by referring the case to the Investigation Team.

Finally, we noted that LAUSD has allowed substitutes serving in place of reassigned teachers to remain in classrooms longer than permitted. State law and regulations prohibit certain substitutes from serving in the same classroom for more than 30 school days in a single year. Although LAUSD monitors assignments of substitutes for compliance with requirements, it has not always successfully prevented them from serving in classrooms longer than permitted. Specifically, we noted four instances in which substitutes were allowed to remain in classrooms from six to 160 days longer than state law and regulations allow. By allowing substitutes who do not meet the standards set in state law and regulations, LAUSD is further negatively affecting students whose instruction has already been interrupted by teacher reassignments.

Recommendations

To help reduce the impacts of removing teachers from classrooms because of alleged misconduct, LAUSD should take the following steps by April 2017:

To ensure that LAUSD is adequately monitoring compliance with key time frames of its reassignment policy, begin using its new database to report on how long reassignments have taken to move through the various steps in its policy or begin reporting on all key time frames by another means. LAUSD should also establish procedures to periodically monitor each key decision point throughout the reassignment process to ensure that responsible parties meet the time frames it has set for resolving teacher reassignments.

To avoid significant delays in returning reassigned teachers to work, develop written procedures to guide staff in identifying appropriate placement options.

To improve the consistency of its formal reassignments, develop a comprehensive risk evaluation tool to guide its local administrators in determining whether allegations against a teacher represent a clear risk to students or district personnel. LAUSD's evaluation tool should consider factors such as a teacher's prior behavior, the vulnerability of affected students, and the complexity of the allegations.

To minimize the number of reassignment investigations unnecessarily referred to its Investigation Team, revise its policy to allow local administrators, in certain circumstances, to request small, specific additional amounts of time to complete their initial investigations and possibly avoid formal reassignments. When it grants additional time to a local administrator, LAUSD should continue to closely monitor the local administrator's activities until the preliminary investigation is complete.

To ensure that substitutes do not exceed assignment time limits established by state law and regulations, formalize its recent practice of monitoring assignments of substitutes frequently for compliance with these time limits.

Agency Comment

LAUSD agreed with our recommendations and has identified actions it plans to take to implement them.

Introduction

Background

The Los Angeles Unified School District (LAUSD) is one of the largest school districts in the nation and is the largest in California, serving most of the city of Los Angeles and all or part of 31 smaller cities and unincorporated areas of Los Angeles County. For fiscal year 2015–16, LAUSD employed nearly 60,000 individuals—about 27,000 of whom are teachers—to educate more than 528,000 students enrolled in kindergarten through 12th grade. LAUSD consists of six geographically organized local district offices overseen by the LAUSD Board of Education and district superintendent.

Reassignment of Teachers From Classrooms After Allegations of Misconduct

According to its data, over the past five fiscal years LAUSD has removed more than 600 teachers from their classrooms for some period of time to formally investigate allegations of misconduct. This type of removal is referred to as *reassignment*. As of June 2016, LAUSD's data indicate that 104 teachers were reassigned pending the resolution of the allegations against them. In some instances, reassignment ends when teachers separate from the district, either by resigning or because the district dismisses them. In other cases, teachers return to work after the conclusion of the investigation, either with or without a lesser form of discipline than dismissal.

Information we obtained by surveying a selection of California public school districts indicates that removing teachers in response to misconduct allegations is a common practice. Specifically, 59 of 60 districts responding to our survey stated that their district had removed a credentialed teacher in the past five years in order to investigate an allegation of the teacher's misconduct. All 59 have a current practice of removing credentialed teachers from their classrooms in order to investigate allegations of misconduct. Further, those districts all responded that they might remove teachers in response to allegations of violent or sexual misconduct, which is also LAUSD's policy. Many responding school districts also indicated that they may remove teachers in response to alleged drug or alcohol use, inappropriate language, or verbal abuse. When we followed up with a selection of these districts, they generally reported that the underlying goal of their practices in this area is to ensure safety, which is also the stated goal of LAUSD's policy. Finally, many districts reported that they may remove teachers in order to prevent them from interfering with the investigation into their misconduct, a practice LAUSD's policy also includes.

Table 1 summarizes the number of teacher reassignments at LAUSD for each of the last five fiscal years, 2011–12 through 2015–16. As the table shows, LAUSD has reassigned fewer teachers in recent years after reaching a high of 195 reassignments during fiscal year 2012–13. However, teacher reassignments increased from 63 in fiscal year 2014–15 to 90 reassignments during the first 11 months of fiscal year 2015–16, or by more than 40 percent. We reviewed all of LAUSD’s reassignment policies that were in effect during our audit period, the oldest of which was published in 2010. During that period, reasons in the policies for why teachers should be reassigned have been consistent. However, LAUSD has no formal policy for how to categorize misconduct in the database it uses to track reassignments. Therefore, the categories shown in the table, which are drawn from the database, may not be consistent. For example, a similar allegation might have been characterized as *inappropriate language* in one case and *sexual misconduct* in another.

Table 1
LAUSD Teacher Reassignments for Fiscal Years 2011–12 Through 2015–16

MISCONDUCT TYPE	FISCAL YEAR					GRAND TOTAL
	2011–12	2012–13	2013–14	2014–15	2015–16*	
Drugs or alcohol	2	2	1	3	3	11
Inappropriate language	1	4	5	4	5	19
Sexual misconduct†	67	39	36	23	37	202
Violence	66	103	41	24	37	271
Other‡	42	47	26	9	8	132
Totals	178	195	109	63	90	635

Source: California State Auditor’s analysis of data obtained from Los Angeles Unified School District’s (LAUSD) Incident Reporting System Database (database).

Note: LAUSD does not establish clear or mutually exclusive definitions for incident types in its policy. As a result, similar circumstances may be reported in different categories.

Refer to Table 4 on page 13 for the discussion on the reliability of the data presented here.

* Reflects data from July 1, 2015, through June 1, 2016.

† LAUSD breaks *sexual misconduct* into multiple categories related to *contact* and *harassment*.

‡ LAUSD’s database has an *other* category, as well as several categories with relatively few instances of reassignment, such as *fraud* and *finances*. We combined all those categories into *other* for this table.

Table 2 provides information about the range and median length, in calendar days, of the reassignment cases LAUSD resolved for fiscal years 2011–12 through 2015–16, regardless of when the teacher was originally reassigned. LAUSD’s acting director of the Student Safety Investigation Team (Investigation Team) told us that complex cases can take longer to resolve. In addition to the fact that the misconduct categories are not always clearly defined, there are other reasons a reassignment may take more or less time

to complete, including how promptly investigators begin and how long it takes LAUSD administrators to impose discipline or return teachers to class. We discuss the timeliness and appropriateness under its policy for specific reassignments in the Audit Results section of this report.

Table 2
Number and Length of Reassignments LAUSD Resolved for Fiscal Years 2011–12 Through 2015–16, by Misconduct Type

MISCONDUCT TYPE	TOTAL COMPLETED	DAYS*		
		MEDIAN	SHORTEST	LONGEST
Drugs or alcohol	13	405	22	617
Inappropriate language	13	578	69	1,485
Sexual misconduct†	195	380	0	2,121
Violence	275	309	0	1,988
Other‡	139	226	0	2,272

Source: California State Auditor’s analysis of data obtained from Los Angeles Unified School District’s (LAUSD) Incident Reporting System Database (database).

Note: LAUSD does not establish clear or mutually exclusive definitions for incident types in its policy. As a result, similar circumstances may be reported in different categories.

Refer to Table 4 on page 13 for the discussion on the reliability of the data presented here.

* Data are current as of June 1, 2016. Length is measured in calendar days.

† LAUSD breaks *sexual misconduct* into multiple categories related to *contact* and *harassment*.

‡ LAUSD’s database has an *other* category, as well as several categories with relatively few instances of reassignment, such as *fraud* and *finances*. We combined all those categories into *other* for this table.

Since May 2014, it has been LAUSD’s policy for reassigned teachers to remain at home while their cases are resolved instead of reporting to a district office during the workday. The school districts responding to our survey also reported that most teachers stay at home while reassigned. A minority of districts reported that some teachers may be reassigned to an alternative administrative site or district building or in a different location at their normal school site. Additionally, as is the case at LAUSD, all districts we surveyed reported that the districts continue paying teachers over the course of their removal from the classroom. Districts continue to pay reassigned teachers because state law requires that school districts act to dismiss teachers before they stop paying them. We provide more detailed information from the results of the survey in Appendix A beginning on page 51.

LAUSD Policy Requirements for Reporting and Investigating Allegations of Employee Misconduct

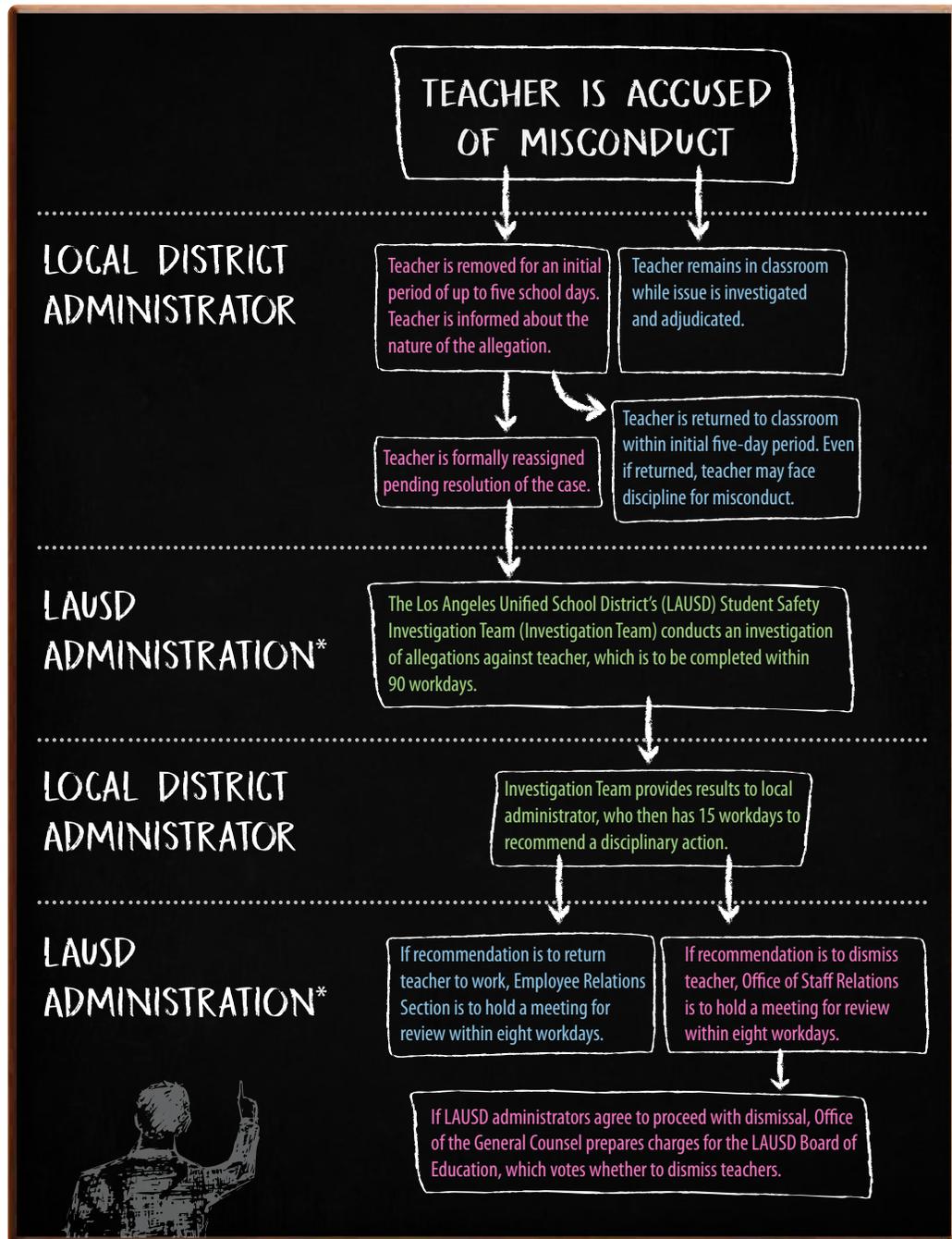
LAUSD's policy states that employees will be reassigned when the safety of students, schools, or the workplace is clearly at risk. Since at least 2010, LAUSD policy has consistently stated that employees should not be reassigned in response to competence or judgment issues unrelated to safety. LAUSD has updated its reassignment policy three times since July 2010. Some iterations of that policy, including the current policy published on August 5, 2015, and revised in May 2016, cite examples of the types of misconduct that may cause an employee to be reassigned. The current policy also states that teachers may be reassigned if their presence disrupts district operations or threatens the integrity of an investigation. Although these and other aspects of LAUSD's reassignment policy apply to both credentialed teachers and classified and administrative employees, such as bus drivers and school administrators, the audit request directed us to focus our review on credentialed teachers.

LAUSD's policy includes various time frames and directives for investigating and resolving the cases of reassigned teachers, many of which we reviewed and report on in the Audit Results section of this report. Figure 1 depicts key elements of the current policy and the responsible parties involved. Some of the steps in the policy represent changes in the length of time or responsibility from previous versions of the policy. These changes include assigning responsibility for all formal reassignment investigations to LAUSD's Investigation Team and shortening the timeline goal for investigations from 120 workdays to 90 workdays. However, the Investigation Team's acting director told us that in complex cases, the district's intention is still to allow investigators 120 workdays. The 90-day versus 120-day distinction for more complex cases was specified in the May 2016 policy revision. Other aspects of the policy, such as the five-day preliminary assessment period, have existed for multiple policy versions going back to July 2012.

Relevant Previous Audits of LAUSD by the California State Auditor

In November 2012, the California State Auditor (State Auditor) issued a report titled *Los Angeles Unified School District: It Could Do More to Improve Its Handling of Child Abuse Allegations*, Report 2012-103. As part of that review, the audit report noted that the district did not investigate some allegations in a timely manner, and the State Auditor recommended that LAUSD increase its oversight of open investigations into alleged misconduct. In response, the district created the Investigation Team to investigate all allegations of abuse and sexual misconduct and to help administrators conduct other types of investigations thoroughly and in a timely manner.

Figure 1
 LAUSD's Process for Resolving Allegations of Teacher Misconduct



Source: California State Auditor's analysis of LAUSD policy bulletin number 6532, dated August 5, 2015.

* Responsible parties include the Human Resources department and the Office of the General Counsel.

In 2015 the State Auditor also conducted a follow-up audit that reviewed LAUSD's revised policies and procedures related to investigating teachers as well as 12 allegations the Investigation Team handled. The audit report noted that the district had made improvements in the time it took to complete its investigation of an allegation. Specifically, for the 12 cases reviewed, the audit reported that the Investigation Team complied with the district's policy at that time to complete investigations within 120 workdays.

Procedural Due Process Rights for Credentialed Teachers Accused of Misconduct

Both the United States Constitution and the California Constitution specify that the government may not deprive a person of life, liberty, or property without due process of law. In this regard, the California Supreme Court has ruled that a California public employee's permanent civil service job, such as that of a permanent LAUSD teacher, is property that is subject to the due process requirements of the federal and state constitutions. Under this ruling, LAUSD generally may not dismiss a permanent teacher from his or her job without ensuring that the teacher has been notified of the reason for the dismissal and is provided with an opportunity to challenge the disciplinary action. These rights of permanent teachers are called *procedural due process rights*.

The Joint Legislative Audit Committee (Audit Committee) directed us to determine whether LAUSD's reassignment processes were sufficient to protect the due process rights of teachers who had been reassigned for significant periods of time. Because reassigned credentialed teachers are on paid administrative leave during LAUSD's investigation into their alleged misconduct, procedural due process rights generally do not apply to the reassignment process. By contrast, disciplinary actions that LAUSD decides to undertake as a result of its investigations into the allegations associated with reassigned teachers, such as dismissing them, could trigger procedural due process requirements if LAUSD takes action to stop paying those teachers.

Scope and Methodology

The Audit Committee directed the State Auditor to conduct an audit of LAUSD's credentialed employee discipline process. Table 3 outlines the audit objectives approved by the Audit Committee and our methods for addressing them.

Table 3
Audit Objectives and the Methods Used to Address Them

AUDIT OBJECTIVE	METHOD
1	Review and evaluate the laws, rules, and regulations significant to the audit objectives.
<p>2 Determine the circumstances under which the Los Angeles Unified School District (LAUSD) houses teachers who are the subject of a misconduct investigation, and determine the cost of housing teachers, based on the per-teacher cost and overall cost, for the past five years. In determining these costs, include the cost of compensating the housed employee and the cost of a substitute teacher (substitute), when applicable.*</p>	<ul style="list-style-type: none"> Reviewed LAUSD’s policy for reassigning teachers for allegations of misconduct. Reviewed relevant portions of LAUSD’s contract with its credentialed teachers. Obtained expenditure amounts from LAUSD for reassigned teachers’ salaries and benefits for fiscal years 2011–12 through 2015–16. Using information in LAUSD’s Incident Reporting System Database (database) of reassigned employees, determined the total number of school days teachers were reassigned each year between fiscal year 2011–12 and June 1, 2016. Used general compensation information for LAUSD substitutes, including benefits, to estimate the total costs associated with replacing reassigned teachers during that time period. Reviewed the actual assignment and compensation information, including benefits, for a selection of 18 teachers reassigned during fiscal years 2011–12 through 2015–16 and their substitutes to determine the actual costs of these reassignments.
<p>3 Survey a selection of school districts regarding their policies and practices used when a teacher is the subject of an investigation for misconduct requiring his or her removal from the classroom.</p>	<ul style="list-style-type: none"> Used information from the California Department of Education and the Commission on Teacher Credentialing (Teacher Credentialing) to identify the California public school districts with the most teachers, school sites, and reports of teacher misconduct in order to identify a selection of districts to survey. We used these data primarily as background or contextual information; as such, no data reliability assessment was necessary. Selected 71 California school districts to survey regarding their policies and practices for employee discipline processes. We received 60 responses and analyzed the results of the 59 districts that indicated they had removed one or more teachers from the classroom in the last five years in response to allegations of misconduct. Conducted follow-up interviews with a selection of eight school districts to collect more specific information about how the districts manage teacher reassignments and the reasons for those processes.
<p>4 Determine the reasons LAUSD houses teachers who are the subject of a misconduct investigation, evaluate the appropriateness of those reasons, and determine whether other, less costly alternatives exist.</p>	<ul style="list-style-type: none"> Reviewed LAUSD’s policy bulletin concerning teacher reassignments. When we began our review in March 2016, LAUSD had published its most recent policy in August 2015. This policy instituted new timelines and responsibilities for managing teacher reassignments. We therefore focused our review on individual teacher reassignments that took place between August 2015 and March 2016. In May 2016, LAUSD published minor revisions to the existing policy. When those revisions were relevant to the results of our testing, we discuss them in the body of the report. Reviewed case documentation and interviewed decision makers to determine whether the rationale decision makers used to formally reassign 10 teachers accused of violent or sexual misconduct between August 2015 and March 2016 was consistent with decisions to return 10 other teachers accused of the same categories of misconduct to the classroom. Reviewed current practices at LAUSD for reassigning teachers that may contribute to unnecessary costs.
<p>5 For a selection of teachers, assess the manner in which their cases were evaluated, investigated, and resolved. For a selection of teachers who have been housed for a significant amount of time, determine whether the investigations related to those teachers were conducted timely. Also, to the extent possible, for those cases that are still unresolved or were not resolved timely, determine whether the process LAUSD uses to investigate teacher misconduct and to house teachers who are the subject of such an investigation is sufficient to protect the procedural due process rights of the teachers involved.</p>	<ul style="list-style-type: none"> Reviewed a selection of 21 teachers reassigned under the August 2015 employee misconduct policy to assess the timeliness with which LAUSD resolved the cases and the consistency of LAUSD’s communication with the teachers. Using LAUSD’s database, identified 15 teacher reassignment cases that were at least two years old and still ongoing when we began our review in March 2016. We reviewed case documentation for those 15 cases and interviewed responsible LAUSD staff to determine why they were still open and what factors contributed to the delays in resolving the cases. Identified the procedural due process rights of credentialed teachers.

continued on next page...

AUDIT OBJECTIVE	METHOD
6 Evaluate whether housing teachers who are on paid leave pending the outcome of a misconduct investigation is a reasonable practice, and determine whether LAUSD follows appropriate policies and practices in making the decision to house such employees.	<ul style="list-style-type: none"> Analyzed the results of our survey of California school districts, described in Objective 3, to determine whether they have policies that include removing teachers from the classroom during an investigation of alleged misconduct. Reviewed case documentation and conducted interviews with LAUSD administrators to determine the rationale used in deciding to formally reassign 11 teachers between August 2015 and March 2016 whose alleged misconduct, as categorized in LAUSD's database, did not appear to be consistent with LAUSD's reassignment policy.
7 Determine, to the extent possible, whether employees, including those employees who had been housed for a significant period of time during the last five years, ultimately have disciplinary action taken against them by LAUSD or by the Commission on Teacher Credentialing with respect to their teaching credential.	<ul style="list-style-type: none"> Obtained data from Teacher Credentialing and created a summary of disciplinary actions taken against LAUSD teachers in the last five years. We used these data primarily as background or contextual information; as such, no data reliability assessment was necessary. For reassignments begun and resolved between July 1, 2011, and June 1, 2016, determined the number and proportion of teachers who returned to class, resigned, or were dismissed from LAUSD during each year. The results of that analysis are given in Table 9 on page 41. For the selection of 18 teachers we reviewed under Objective 2, determined what, if any, discipline LAUSD issued to the seven teachers who ultimately returned to the classroom. When reviewing a separate selection of 15 long-running open reassignment cases under Objective 5, determined what disciplinary actions were taken against those teachers.
8 Review data from the last five years concerning the number of credentialed school employees at LAUSD who have been housed and the length of time they have been housed. To the extent possible, categorize and present the data grouped by the type of misconduct alleged.	<ul style="list-style-type: none"> Reviewed LAUSD's database and determined the number of reassignments each year between July 1, 2011, and June 1, 2016, categorized by the types of misconduct used in LAUSD's database. The results of this review are provided in Table 1 on page 6. For those misconduct types, and for all cases LAUSD resolved between July 1, 2011, and June 1, 2016, also determined the range and median number of days those reassignments were active. The results of this review are provided in Table 2 on page 7.
9 To the extent possible, review the impact on students whose teachers have been housed.	<ul style="list-style-type: none"> Asked LAUSD and the school districts we surveyed what steps they take to minimize disruption to classroom instruction when a teacher is removed. Reviewed credential information for all of the substitutes that replaced the 18 teachers we reviewed for Objective 2 to determine whether they were appropriately credentialed both for the classrooms they served in and the amount of time they served in those classrooms.
10 Review and assess any other issues that are significant to the audit.	Reviewed training records for a selection of reassigned teachers to assess whether they completed any training during the period of their reassignments.

Sources: California State Auditor's analysis of the Joint Legislative Audit Committee audit request 2016-103, and information and documentation identified in the table column titled *Method*.

* LAUSD's policy for removing teachers from classrooms in response to alleged misconduct refers to that practice as *reassignment*. Therefore, we use that term in place of *housing* in this table and throughout the report.

Assessment of Data Reliability

In performing this audit, we relied on various electronic data files that we obtained from the entities listed in Table 4. The U.S. Government Accountability Office, whose standards we are statutorily required to follow, requires us to assess the sufficiency and appropriateness of computer-processed information that we use to support our findings, conclusions, or recommendations. Table 4 describes the analyses we conducted using data from these information systems, our methodology for testing them, and the limitations we identified in the data. Although we recognize

that these limitations may affect the precision of the numbers we present, there is sufficient evidence in total to support our audit findings, conclusions, and recommendations. Specifically, although we base certain conclusions about the number and length of LAUSD’s teacher reassignments on these data, our overall findings and the recommendations we make as a result of those findings are supported by our review of additional documentation and evidence, such as individual reassignment case files. Further, we present these data because they represent the best available data source of this information.

Table 4
Methods Used to Assess Data Reliability

INFORMATION SYSTEM	PURPOSE	METHOD AND RESULT	CONCLUSION
Los Angeles Unified School District (LAUSD) Incident Reporting System Database as of June 1, 2016	To select allegations of misconduct for review.	This purpose did not require a data reliability assessment. Instead, we needed to gain assurance that the population of allegations of misconduct reported through email was complete for our review purposes. However, in accordance with its record retention policy, LAUSD did not maintain all email records necessary for our testing, so we did not perform this testing.	We were unable to determine whether the universe from which we made our selection was complete.
	To determine the number, length, status, and cost of LAUSD teacher reassignments for fiscal years 2011–12 through 2015–16.	We performed accuracy testing for a random sample of 29 incidents of alleged employee misconduct and verified that the supporting documentation matched key data elements, including date fields that we used to determine the length of teacher reassignments. We identified a total of 12 errors. Specifically, we found four errors in the removal date that were inaccurate by a range of one to eight days. Additionally, we found eight errors in the resolution date that were inaccurate by a range of one day to 135 days. Because of the significance of the errors identified in our accuracy testing and because LAUSD did not maintain all email records necessary for our testing, we did not perform completeness testing.	Not sufficiently reliable. Although this determination may affect the precision of the numbers we present, there is sufficient evidence in total to support our audit findings, conclusions, and recommendations. Further, we present these data because they represent the best available data source of this information.
LAUSD Systems Applications and Products (SAP) accounting system	To obtain the salary and benefit costs of reassigned teachers for fiscal years 2011–12 through 2015–16.	We did not perform accuracy testing on these data because SAP is a mostly paperless system. Alternatively, we could have reviewed the adequacy of selected information system controls but determined that this level of review was cost-prohibitive. To gain some assurance of the completeness of the salary and benefit amounts provided, we traced and materially agreed the amounts provided to the audited financial statements for fiscal years 2011–12 through 2014–15. The audit for fiscal year 2015–16 was not yet complete at the time of our review.	Undetermined reliability. Although this determination may affect the precision of the numbers we present, there is sufficient evidence in total to support our audit findings, conclusions, and recommendations. Further, we present these data because they represent the best available data source of this information.

Source: California State Auditor’s analysis of various documents, interviews, and data from LAUSD.

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Audit Results

Costs Associated With Teacher Reassignments Have Decreased but Remain Substantial, and Recent Trends Indicate They May Rise Again

Over the past few years, the overall amount that the Los Angeles Unified School District (LAUSD) spent related to its process of removing—or *reassigning*—teachers from classrooms in response to allegations of misconduct has decreased. Part of the reduction in these expenses occurred because LAUSD reassigned fewer teachers than it did several years ago. However, although recent expenses do not represent a significant proportion of LAUSD's total budget, they remain substantial. Further, we noted that even though LAUSD has had fewer teacher reassignments to investigate, it is taking longer to resolve them. This has created a recent increase in the number of open reassignments that could cause costs to rise again in coming years. Our review shows that the expenses associated with individual reassignment cases can vary widely. For a selection of 18 reassignments, costs per case ranged from about \$7,000 to nearly \$315,000 during the period we reviewed.

LAUSD's Costs Related to Its Teacher Reassignments Have Decreased in Recent Years but Remain Substantial

As described in the Introduction, state law generally requires school districts to take action to dismiss teachers before they stop paying them.¹ According to data from its Incident Reporting System Database (database), LAUSD has reassigned more than 600 teachers for some period of time during the past five fiscal years while formally investigating allegations of misconduct. The expenses associated with compensating those employees were substantial. Although these expenses represent teacher salaries and benefit costs that the district would incur if they were not reassigned and were performing their normal duties, during the reassignment period they represent costs for the teachers to stay at home and not perform any duties.

The overall salary and benefit costs of reassigned teachers have decreased in recent years. LAUSD tracks the amount it spends on the salaries and benefits of reassigned teachers while they are out of the classroom. According to its assistant budget director for the Budget Services and Financial Planning Division (assistant budget director), LAUSD accounts for those costs in a centralized way

¹ According to the California Education Code sections 44940 and 44940.1, if a teacher is charged with certain serious criminal offenses, the district that employs the teacher must place the teacher on unpaid leave. According to LAUSD's data and the cases we reviewed as part of this audit, this happens infrequently.

because while teachers are reassigned, their salaries represent an administrative expense that is not included in individual school budgets. LAUSD provided us the salary and benefit amounts of reassigned teachers for fiscal years 2011–12 through 2015–16. As shown in Table 5, LAUSD’s salary and benefit costs of reassigned teachers for each of the last five fiscal years reached a high of nearly \$16.6 million in fiscal year 2012–13 before dropping to \$12.6 million for fiscal year 2015–16. However, unless LAUSD reassigns significantly fewer teachers in fiscal year 2016–17, the costs of reassigned teachers will likely increase in that year, as LAUSD had significantly more open reassignments at the end of fiscal year 2015–16 than it did at the end of fiscal year 2014–15, as we discuss in the next section.

Table 5
Salary and Benefit Costs of Reassigned Teachers and the Substitute Teachers That Replaced Them by Fiscal Year

	FISCAL YEAR					TOTAL
	2011–12	2012–13	2013–14	2014–15	2015–16	
Reassigned teachers	\$9,202,947	\$16,589,080	\$14,975,327	\$12,694,649	\$12,640,580	\$66,102,583
Substitute teachers (substitutes)— low estimate	4,323,813	7,510,266	6,288,751	4,304,759	3,251,785*	25,679,374
Substitutes—high estimate	7,591,333	13,246,822	11,353,689	7,782,162	5,844,344*	45,818,350

Sources: Los Angeles Unified School District’s (LAUSD) controller for the costs of reassigned teachers and California State Auditor’s analysis of data obtained from LAUSD’s Incident Reporting System Database and compensation and benefits information for substitutes.

Note: The amounts for reassigned teachers include the costs of their salaries and health benefits. In calculating the low estimated amount LAUSD paid substitutes, we applied LAUSD’s lower, or standard, daily pay rate and did not include the cost of health benefits. In calculating the high estimated amount LAUSD paid substitutes, we applied the higher, or extended, daily pay rate to reassignments lasting at least 20 days and the lower daily pay rate to those that did not, and applied the cost of benefits to all reassignments.

Refer to Table 4 on page 13 for the discussion on the reliability of the data presented here.

* Estimate is based on data from July 1, 2015, through June 1, 2016.

When LAUSD reassigns teachers, it arranges for substitute teachers (substitutes) to serve in their classrooms. One way LAUSD does this is to pay for the services of day-to-day substitutes, who are assigned as needed to replace a regular credentialed employee and compensated for each day they teach. We refer to this type of pay as the *standard daily pay rate*. In those instances when a day-to-day substitute works for more than 20 school days in the same classroom, the substitute is entitled to a higher daily rate of pay that is retroactive to the start of the assignment. We refer to this type of pay as the *extended daily pay rate*. Day-to-day substitutes can also qualify for health benefits through the district when they were in paid status at least 100 full days in certificated service in the preceding school year.

Although it tracks the costs of salaries and benefits paid to reassigned teachers, LAUSD does not centrally track amounts spent to compensate the substitutes. Instead, salaries and benefits paid to substitutes, including those filling in for reassigned teachers, are tracked at the individual school. Therefore, to estimate the costs of teacher reassignments, we calculated a range of costs for substitutes who replaced reassigned teachers during fiscal year 2011–12 through June 1, 2016.

Like the costs of the reassigned teachers, the costs of the day-to-day substitutes who replace these teachers have decreased in recent years. To account for the different ways in which substitutes are compensated, we calculated a range of costs, as shown in Table 5. The lower estimate is based on the standard daily pay rate plus related employment costs and assumes that none of the substitutes received benefits. Under this method, we estimated that LAUSD's costs were roughly \$3.3 million over 11 months in fiscal year 2015–16, down from a high of \$7.5 million in fiscal year 2012–13. We based the higher estimate on the extended daily pay rate for substitutes when the reassignment lasted more than 20 consecutive days. This higher estimate also assumes that the substitutes received benefits. Under this higher estimate, LAUSD's costs for substitutes were \$5.8 million over 11 months in fiscal year 2015–16, after reaching a high of \$13.3 million in fiscal year 2012–13. The actual costs of the daily substitutes that fill in for reassigned teachers are likely to be somewhere between these two estimates. We calculated the actual costs of substitutes in 18 completed reassignment cases, which we discuss in more detail in the next section. As part of that review, we found that 12 of 33 day-to-day substitutes were paid the extended daily rate and 21 were paid the standard daily rate. Additionally, 24 of the 33 received benefits while filling in for reassigned teachers.

LAUSD also uses another type of substitute to fill in for reassigned teachers, with different implications for the related costs. At any given point, LAUSD has a pool of full-time credentialed teachers who are employed and paid by the district but who do not currently have classroom assignments; these teachers have been displaced by factors such as declining enrollment. LAUSD's policy is to prioritize the use of these displaced teachers as substitutes to cover teacher absences, including teacher reassignments. When the district is able to assign a displaced teacher to a reassigned teacher's classroom, it avoids the cost of hiring a day-to-day substitute. However, according to LAUSD's deputy chief human resources officer (human resources officer), the district's demand for substitute teachers at any given time exceeds the number of available displaced teachers. As a result, the use of displaced teachers to fill in for reassigned teachers means a day-to-day substitute is needed to serve in a different class with an absent teacher, creating a cost that LAUSD would not have otherwise incurred without the reassignment.

Like the costs of the reassigned teachers, the costs of the day-to-day substitutes who replace these teachers have decreased in recent years.

Although the costs of reassignment represent a very small proportion of LAUSD's total budget of \$12.6 billion for fiscal year 2015–16, they represent funds that could be put to use elsewhere.

Although the costs of reassignment represent a very small proportion—less than 1 percent—of LAUSD's total budget of \$12.6 billion for fiscal year 2015–16, they represent funds that could be put to use elsewhere. For example, even the lowest estimates exceed both the amounts set aside in LAUSD's fiscal year 2015–16 budget for training employees who work in the district's gifted and talented program (\$1.3 million) and its budget to support district employees' professional development (\$1.1 million). Therefore, reducing the amounts spent on teacher reassignments could provide more resources for the district to use in developing its teaching force or for other worthwhile purposes.

The Costs of Reassigning Teachers Vary Widely Depending on the Circumstances of the Individual Reassignment

To further analyze the expenses associated with teacher reassignments, we reviewed 18 cases that were completed during fiscal years 2011–12 through March 15, 2016. We reviewed three reassignments each in fiscal years 2011–12 through 2014–15 and all six reassignments that LAUSD started after it issued its revised reassignment policy on August 5, 2015, and that it completed by March 15, 2016, when we obtained the data. For each reassignment we reviewed, we determined the length of the reassignment, the reassigned teacher's actual salary throughout the reassignment, the cost of benefits the teacher was receiving throughout the reassignment, the specific substitutes that replaced the teacher and for how long, how much those specific substitutes were paid, and the cost of any benefits for those substitutes.

Depending on the length of the reassignment and the specific substitutes that replaced the reassigned teacher, we found that the expenses associated with a single reassignment varied significantly. For our selection of 18 reassignments, the total expenses per case ranged from about \$7,000 to nearly \$315,000. The expenses associated with the shortest reassignment we reviewed, lasting only nine school days, were about \$7,000. The teacher was reassigned just before the end of the school year and was replaced with a substitute paid at the standard daily rate. Although the reassignment continued into the summer, the teacher retired before the next school year began. The longest reassignment we reviewed lasted 557 school days, or more than three school years, and cost nearly \$315,000. The expenses we calculated associated with the 18 reassignments totaled nearly \$1.2 million in salaries and benefits for the reassigned teachers and nearly \$0.5 million in salaries and benefits for the substitutes that replaced them.

LAUSD’s Increased Volume of Open Reassignments Could Result in Rising Costs

LAUSD’s data show it has experienced a reduction in the costs of reassignments in recent years, primarily from reductions in the number of open teacher reassignment cases during those years. Specifically, at the end of fiscal year 2012–13, the district had 216 open reassignments, and by June 2016 this number had decreased to 104. As Table 6 shows, LAUSD reassigned fewer teachers during this time, which is one reason for the decrease. After a five-year high of 195 new reassignments in fiscal year 2012–13, LAUSD reassigned significantly fewer teachers in each of the next three years. However, we noted that its 90 reassignments during the first 11 months of fiscal year 2015–16 represent a considerable increase from the previous year’s 63 reassignments. Because LAUSD’s policy regarding the reasons teachers should be reassigned has not changed substantially, the cause of the fluctuation in reassignments is unclear. When we asked LAUSD for its perspective on this, the director of the Employee Relations Section (Employee Relations) stated that employees are reassigned to ensure student and school safety, regardless of the number reassigned.

Table 6
Number of Open and Resolved LAUSD Reassignments by Fiscal Year

FISCAL YEAR	NEW TEACHER REASSIGNMENTS IN FISCAL YEAR	NUMBER OF RESOLVED REASSIGNMENTS				
		2011–12	2012–13	2013–14	2014–15	2015–16 THROUGH JUNE 1, 2016
Previous*	104	76	9	7	5	4
2011–12	178	55	63	36	14	5
2012–13	195		58	89	29	14
2013–14	109			39	51	10
2014–15	63				27	24
2015–16	90					20
Total resolved in fiscal year		131	130	171	126	77
Open reassignments, end of fiscal year†		151	216	154	91	104

Source: California State Auditor’s analysis of data obtained from Los Angeles Unified School District’s (LAUSD) Incident Reporting System Database (database).

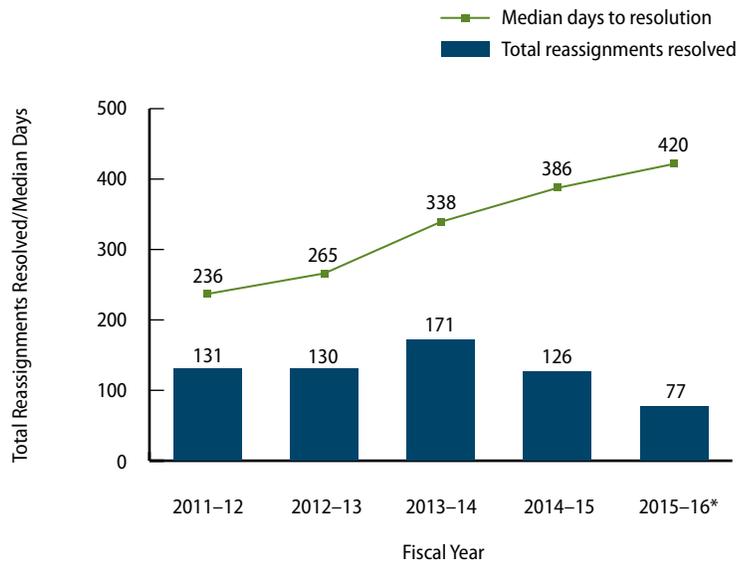
Note: Refer to Table 4 on page 13 for the discussion on the reliability of the data presented here.

* We included all teacher reassignment cases contained in LAUSD’s database that were still open as of July 1, 2011.

† Open reassignment totals are as of June 30 each year, except in fiscal year 2015–16, when the total is as of June 1, 2016.

Despite LAUSD’s recent reduction in its total number of open teacher reassignments, its reassignment data indicate an increasing number of open cases, which could lead to rising costs. As Table 6 shows, LAUSD resolved 77 reassignments in fiscal year 2015–16, significantly fewer than in any of the previous four years, and down from a high of 171 reassignments resolved in fiscal year 2013–14. However, LAUSD’s data show that the length of time LAUSD is now taking to resolve the reassignments it has open has significantly increased. As Figure 2 shows, the 77 teacher reassignments LAUSD resolved in fiscal year 2015–16 remained open for a median length of 420 calendar days, compared to a median length of 236 calendar days for reassignments resolved in fiscal year 2011–12. We discuss the reasons for this increase in the following section. Although the number of open reassignments at the close of the year is partly a function of how late in the year the most recent reassignments took place, the recent increase in the number of reassignments, coupled with LAUSD’s longer resolution times, indicates a growing backlog and raises concerns that the reassignments costs will rise again.

Figure 2
Number of Reassignments LAUSD Resolved Each Year for Fiscal Years 2011–12 Through 2015–16, and Their Median Length When Resolved



Source: California State Auditor’s analysis of data obtained from Los Angeles Unified School District’s (LAUSD) Incident Reporting System Database.

Note: We compared the median number of days—the midpoint of the range—that LAUSD took to resolve reassignments completed in a fiscal year, rather than the average number of days, in order to reduce the effect of strong outliers in our year-to-year comparison.

Refer to Table 4 on page 13 for the discussion on the reliability of the data presented here.

* Fiscal year 2015–16 data are as of June 1, 2016.

Investigators and Administrators Frequently Exceeded Certain Key Time Frames for Resolving Teacher Reassignments

LAUSD's policy for investigating employees reassigned because of alleged misconduct includes specific time frames for completing each phase of the reassignment and investigation process. However, LAUSD currently does not sufficiently monitor or comprehensively track and report on the frequency with which the divisions or individuals responsible for each phase in the process comply with these time frames. Our review determined that the administrators of LAUSD's six local districts (local administrators) consistently met the time frame set for determining whether to formally reassign teachers. However, LAUSD frequently exceeded each of its other time frames, including those for investigating allegations against reassigned teachers and for making decisions about whether to discipline those teachers. Together, these delays contributed to teacher reassignments taking longer to resolve than necessary. Further, LAUSD has not established a formal time frame for coordinating the return of reassigned employees to the classroom when allegations are deemed unfounded or do not warrant dismissal. As a result, our review of long-open cases revealed significant additional delays, some of which LAUSD likely could have prevented if its administrators better monitored and managed the process of returning teachers to the classroom.

LAUSD frequently exceeded each of its other time frames, including those for investigating allegations against reassigned teachers and for making decisions about whether to discipline those teachers.

LAUSD Does Not Sufficiently Monitor or Report on Whether It Meets Key Time Frames for Resolving Teacher Reassignments

LAUSD's reassignment policy includes several time frame goals that responsible parties are expected to meet to help ensure timely resolutions for teacher reassignments. As discussed in the Introduction and depicted in Figure 1 on page 9, these goals include a five-day preliminary assessment period during which the local administrator must decide whether to formally reassign the teacher and refer the case to LAUSD's centralized Investigation Team. LAUSD's policy in effect for the cases we reviewed stated the goal for completing all investigations is 90 workdays. However, according to the acting Investigation Team director, the team then has either 90 or 120 workdays—based on the complexity of the case—to conclude its investigation. After that, the policy outlines additional time frames for administrators to come to a disciplinary decision.

Despite the specific time frames in its policy, LAUSD does not use its database to comprehensively track and report on the time it takes relevant LAUSD staff to investigate cases, reach disciplinary decisions, or to return a teacher to the classroom. LAUSD's database does allow staff to view a snapshot of the status of open reassignment cases. Specifically, it includes the division or

LAUSD has not used its historical information to determine how long reassignments take to move through the process to identify where it is frequently exceeding the time frames in its policy.

individual responsible for the current step in the process, and the date the case was transferred to that responsible party. The database uses this date to calculate how many days the case has been with the party currently responsible. LAUSD's co-lead chief human resources officer provided examples of monthly point-in-time reports on open reassignment cases he provides to the district superintendent and the LAUSD Board of Education (School Board). However, according to the analyst who enters data into the system, although the database keeps historical records of this information, the database is only programmed to report on the responsible party at a particular point in time. As a result, LAUSD has not used its historical information to determine how long reassignments take to move through the steps of the process to identify where it is frequently exceeding the time frames in its policy, nor has it reported on its performance in resolving reassignment cases over time.

LAUSD indicated to us that district staff use the database to track open reassignment cases as part of monitoring compliance with the time frames in its policy. However, LAUSD did not provide evidence that this monitoring process occurs consistently. Additionally, our review indicates that any monitoring that did occur was not sufficient; as we discuss in later sections of this report, our review of a selection of teacher reassignments found that LAUSD frequently exceeded the time frames in its policy. For example, we identified three cases in which the local administrator exceeded the policy time frame for making a disciplinary determination about a reassigned teacher. LAUSD could only provide evidence of oversight by LAUSD staff in one of these three cases: an email to the local administrator from a coordinator in Employee Relations—the section responsible for tracking teacher reassignments. However, the local administrator had already exceeded the policy time frame by seven days when Employee Relations followed up on the case. The assistant general counsel stated that LAUSD is aware of the extent to which it is exceeding its time frame goals, such as those that we identified in our review. However, our review indicates that LAUSD does not currently have effective processes to prevent unnecessary delays, nor has it used historical data to identify which steps in the process are contributing to delays so it can take corrective action.

According to LAUSD's Employee Relations deputy director, LAUSD is currently developing a new incident tracking and reporting system, which Employee Relations plans to implement in late October 2016. The administrative analyst who works with the current database explained that as part of implementing the new system, LAUSD will have reports that will produce the historical data on its reassignments in addition to reports on the current status of open cases. The Employee Relations deputy director

also stated that as part of implementing that system, LAUSD plans to develop reporting capabilities to centrally monitor active cases to determine their compliance with all policy time frames. Developing these capabilities will give LAUSD tools it needs to monitor active cases to determine their compliance with key reassignment time frames. However, to ensure that it uses its monitoring and reporting capabilities effectively, LAUSD should also establish a formal process to periodically monitor and report on overall compliance with each key decision point over time to identify where it needs improvement. In addition to helping identify and address delays, establishing a formal process to monitor its compliance will allow LAUSD to provide more detailed information to its stakeholders, such as the School Board.

In addition to helping identify and address delays, establishing a formal process to monitor its compliance will allow LAUSD to provide more detailed information to its stakeholders.

Local Administrators Complied With the Time Frames for Preliminary Assessments

Since August 2012, LAUSD policy has given local decision makers five workdays to perform a preliminary assessment of misconduct allegations before deciding whether to formally reassign a teacher. During this preliminary assessment, the teacher is temporarily removed from his or her classroom but is not yet formally reassigned. Under LAUSD's reassignment policy, published in August 2015 and depicted in Figure 1 on page 9, during this five-day period the local administrator is responsible for determining whether to return the teacher to the classroom or proceed with formal reassignment pending the outcome of LAUSD's investigation of the misconduct allegation. If the local administrator determines there is a credible allegation of employee misconduct that indicates a significant safety risk to students, staff, other employees, or members of the school community, he or she will reassign the teacher. The policy states that employees may be reassigned as a result of inappropriate conduct occurring at or away from the work site, including but not limited to credible allegations of sexual misconduct, acts of workplace violence that threaten or result in serious injury, or any allegations, arrests, or filing of criminal charges related to serious criminal acts, in accordance with applicable law. Further, the policy states that teachers may be reassigned if their presence disrupts district operations or threatens the integrity of an investigation. After deciding that reassignment is necessary, the local administrator submits a request to the Investigation Team director for a full investigation. Additionally, if the local administrator has not completed the preliminary assessment within those five days, he or she is to formally reassign the teacher and turn the matter over to the Investigation Team.

We reviewed 21 reassignments that occurred after LAUSD published its updated policy in August 2015. As Table 7 shows, local administrators complied with the five-day time frame for completing a preliminary assessment of whether to formally reassign the teacher. LAUSD's director of Employee Relations stated that LAUSD implemented procedures to better monitor compliance with the five-day goal after it found that in some instances local administrators were exceeding that time frame.

Table 7
LAUSD's Compliance With Key Time Frames for Reassignments Reviewed

TIME FRAME GOAL CATEGORY	RESPONSIBLE PARTY	NUMBER OF CASES REVIEWED*	NUMBER OF INSTANCES GOAL WAS MISSED	PERCENTAGE THAT MISSED GOAL
Five-workday preliminary assessment of allegation	Local district administrator of operations (local administrator)	21	0	0%
90-workday investigation [†]	Student Safety Investigation Team (Investigation Team)	21	10 [‡]	48
15-workday disciplinary determination	Local administrator	7	3	43
Eight-workday case determination review	Employee Relations Section or Office of Staff Relations	7	4	57

Source: California State Auditor's analysis of Los Angeles Unified School District (LAUSD) case files for reassigned teachers and its employee reassignment policy.

* Some of these cases were ongoing at the time of our review or did not go through the entire process because of a teacher's resignation. Therefore, not all categories in this table apply to each case we reviewed.

[†] The LAUSD policy in effect for the cases we reviewed states that the goal for completing all investigations is 90 workdays. As we discuss in greater detail in the report text, LAUSD indicated it had a practice of allowing 120 workdays for complex investigations. LAUSD made this distinction clear in a May 2016 revision to its policy.

[‡] According to the acting director of the Investigation Team, law enforcement requested that LAUSD refrain from actively investigating two of these cases for a portion of the time. When we exclude the days that the cases were on hold for the law enforcement investigation, one of the cases was within the 90-workday investigation goal. However, this case was still ongoing at the time that we completed our review of the investigation in early June 2016. The other investigation had been open for 121 days and was also ongoing.

LAUSD Investigators Regularly Missed Key Time Frames for Reassignments Reviewed

As part of its updated reassignment policy in August 2015, LAUSD increased the responsibilities of its Investigation Team while shortening its time frame goal. The updated policy expanded the Investigation Team's responsibilities by making the team responsible for all investigations of alleged misconduct that result in formal reassignments rather than just complex cases of alleged sexual misconduct. Additionally, the policy reduced the goal for completion from 120 workdays to 90 workdays. However, the Investigation Team's acting director told us that in complex cases, namely those involving allegations of sexual misconduct, LAUSD's practice continues to apply a goal of 120 workdays.

Although local administrators complied with the LAUSD's five-day time frame for completing preliminary assessments, the Investigation Team frequently exceeded the time frames for completing its investigations. For the 21 reassignment cases we reviewed, the Investigation Team had exceeded its 90-workday goal for completing investigations in 10 cases at the time of our review, as Table 7 shows. Further, we noted that at the time of our review, nine of those 10 investigations had already taken more than 120 days.

Table 8 on the following page provides the length and status of each investigation at the time of our detailed review in early June 2016. For the 10 late cases, the Investigation Team exceeded its 90-workday goal by a range of 25 to 60 workdays. According to the Investigation Team's former director, two of these investigations were delayed because of long-term holds by law enforcement, during which law enforcement asked that LAUSD not perform any further investigation until it had completed the criminal matter. However, in one of these two cases, excluding the roughly four-month hold by law enforcement, LAUSD's investigation had already exceeded the 120-workday goal by one day in early June 2016—the time of our review—and the investigation was ongoing. In the other case, when we exclude the three-month hold by law enforcement, the investigation had been open for 63 workdays in early June 2016 and was still open. The case notes that LAUSD staff members entered into the database are consistent with the director's explanation that law enforcement placed a hold on investigation efforts by LAUSD during these periods.

In two other cases in which LAUSD's investigation exceeded 90 workdays, the reassigned teacher separated from the district while the investigation was ongoing. The former director told us that investigative work was prioritized in an attempt to complete investigations in which the teacher is a current employee. The acting director explained that the Investigation Team's practice is to complete all investigations involving sexual misconduct, even if the reassigned employee resigns before the investigation is completed, which is why the Investigation Team continued with one of the two cases. He stated that for the other case involving a nonsexual allegation, the Investigation Team might have completed the investigation because it was very close to completion, or LAUSD's Office of the General Counsel (General Counsel) or Human Resources did not inform the Investigation Team of the resignation. He explained that he plans to close future investigations of nonsexual cases if the employee resigns before the investigation is completed. In those cases, state law requires LAUSD, along with all other school districts in the State, to report on the teacher's misconduct and separation from the district to the Commission on Teacher Credentialing (Teacher Credentialing). According to a manager in Teacher Credentialing's Division of Professional Practices, Teacher Credentialing will evaluate the information that

For the 21 reassignment cases we reviewed, the Investigation Team had exceeded its 90-workday goal for completing investigations in 10 cases at the time of our review.

it has received and will send a request for all additional documents when it begins its investigation to ensure it has received all pertinent documents from the school district. The manager also stated that this information and Teacher Credentialing's resulting actions are considered by Teacher Credentialing's Committee of Credentials. This committee is responsible for deciding whether to recommend disciplinary action for teachers accused of misconduct, such as suspending or revoking their teaching credential.

Table 8
Length and Status of Reassigned Teacher Investigations Reviewed

CASE NUMBER	LENGTH OF INVESTIGATION* (AS OF JUNE 8, 2016, IN WORKDAYS)	INVESTIGATION STATUS (AS OF JUNE 8, 2016)
1	28	Complete
2	29	Complete
3	32	Complete
4	35	Complete
5	61	Ongoing
6	64	Complete
7	69	Complete
8	79	Complete
9	85	Ongoing
10	85	Ongoing
11	88	Ongoing
12	115	Complete
13	121 [†]	Ongoing
14	127	Complete
15	130	Ongoing
16	130	Ongoing
17	140	Ongoing
18	144	Ongoing
19	144	Ongoing
20	150	Ongoing
21	196 [†]	Ongoing

Source: California State Auditor's analysis of case files for reassigned teachers.

Note: The Los Angeles Unified School District (LAUSD) policy in effect for the cases we reviewed states that the goal for completing all investigations is 90 workdays. As we discuss in greater detail in the report text, LAUSD indicated it had a practice of allowing 120 workdays for complex investigations. LAUSD made this distinction clear in a May 2016 revision to its policy.

* Number of workdays between the date of the formal reassignment and the completion of the investigation.

[†] According to the former director of the Investigation Team, law enforcement requested that LAUSD not actively investigate these cases for a certain period of time contained within the total days displayed in the table. When we exclude those days, one investigation (number 13) had been going on for 63 days and the other (number 21) for 121 days. Both investigations were still ongoing at the time of our review.

In the remaining six cases we reviewed in which the Investigation Team did not complete the investigations on time, the former director stated that staffing and workload issues contributed to the delays. For example, for one completed investigation into an incident in which the teacher allegedly pushed a student into a locker and then threw the student to the floor, the investigation took 127 workdays. In this case, the director stated that because of a temporary lack of staff to work on cases, he did not assign the case to an investigator for nearly a month after his team received the investigation request. In another case, the director stated that his team received a request for an investigation on October 30, 2015, and he did not assign the case until December 16—or 30 workdays later. The acting director explained that he matches incoming cases with investigators based on case complexity and the investigators' experience and availability. He stated that in the past, this has led to triaging cases based on available resources and has necessitated leaving some cases initially unassigned.

According to the district's data, the Investigation Team's workload increased substantially during the 2015–16 fiscal year. As we discussed earlier, with the publication of LAUSD's updated policy in August 2015, the Investigation Team was given responsibility for all investigations of alleged misconduct that result in formal reassignments. According to LAUSD's previous reassignment policy, before August 2015 the Investigation Team was responsible for completing investigations of only complex cases—those involving allegations of sexual misconduct. The Investigation Team's acting director noted that the team also performed investigations of substitutes who were blocked from teaching as a result of sexual misconduct allegations, and local districts handled all other employee reassignments and investigations into misconduct. In fiscal year 2014–15, LAUSD formally reassigned only 63 teachers. Of those, 23 were reassigned because of allegations of sexual misconduct and therefore these cases were the responsibility of the Investigation Team. In contrast, after the August 2015 policy took effect, LAUSD local administrators formally reassigned 90 teachers in the first 11 months of fiscal year 2015–16, and all of these cases fell under the Investigation Team's expanded responsibilities. The Investigation Team's acting director provided an internal reporting document showing that the increased responsibility more than doubled the team's workload between 2014–15 and 2015–16, including investigations into misconduct by substitutes and nonteachers. The acting director stated that when the Investigation Team's responsibility increased, he understood it to cover only cases in which student safety was at risk. However, he noted that in the past year the team had investigated reassignments that went beyond safety concerns.

For one completed investigation into an incident in which the teacher allegedly pushed a student into a locker and then threw the student to the floor, the investigation took 127 workdays.

Because of the increased caseload, LAUSD decided to begin using outside investigators to handle cases on an ongoing basis.

Long investigation times contribute to the substantial expense of reassignments as well as the stigma formally reassigned teachers may experience. According to the acting director when its responsibilities increased, the Investigation Team requested six additional investigators to handle the anticipated workload. However, he stated that the Investigation Team initially received only three additional positions for fiscal year 2015–16. In April 2016, the team received a fourth position. Also, in May 2016, LAUSD began assigning cases to an outside investigation firm to assist the Investigation Team in completing its investigations. The acting director stated that the outside investigators were intended to provide support in rare situations in which an allegation involved an extraordinary number of victims or witnesses. However, because of the increased caseload, LAUSD decided to begin using the outside investigators to handle cases on an ongoing basis. The acting director stated that LAUSD’s General Counsel is responsible for ensuring the quality and consistency of the investigations these outside investigators complete. With the added capacity of the outside investigators since May 2016, he expects to be able to assign all new cases as they come in.

Local Administrators and District Managers Also Missed Key Decision Deadlines

Our review also showed additional delays in the administrative processes that occurred after completion of the investigations. These processes include determining the disciplinary action, if any, that the reassigned teachers will face and whether to return the employee to a work site or to initiate dismissal proceedings. According to LAUSD’s policy, within 15 workdays of receiving the investigation report, the local administrator has to determine whether to return the teacher to the classroom—with or without disciplinary action—or to initiate the dismissal process. When submitting their determinations to LAUSD for review, local administrators are required to complete and submit to Employee Relations a packet of reassignment documents, including a checklist designed to ensure that they have included all of the necessary information. This reassignment packet includes documents such as the investigation report, employment summary, and written statements from the reassigned teacher, witnesses, and alleged victims. The local administrator and the principal from the reassigned teacher’s school also each provide a proposed decision regarding whether to dismiss the teacher or return him or her to the classroom and a written rationale for their decisions. Table 7 on page 24 provides the results of our review of LAUSD’s compliance with timelines for key steps in its reassignment process.

For the 21 teacher reassignments we reviewed under its August 2015 reassignment policy, LAUSD had completed seven investigations at the time we began our review.² Table 7 also shows that of those seven cases, the local administrator exceeded the 15-workday goal in three instances, with the delays ranging from eight workdays to 20 workdays. In one of the three cases, the local administrator exceeded the 15-workday goal by eight days when submitting a disciplinary determination to Employee Relations. This local administrator stated that the district was already on winter recess at the time he received the investigation report, and after excluding the winter recess, he submitted his decision within 12 workdays. However, LAUSD's policy does not indicate an exception for winter recess and summer breaks with regard to meeting the 15-workday time frame for completing disciplinary determinations. In a fourth instance, we identified a case in which the local administrator appeared to take 16 workdays to make a disciplinary determination, exceeding the policy goal by one day. When we asked LAUSD about this case, the Employee Relations director gave us documentation that the Investigation Team did not provide the investigation report to the local administrator until 10 workdays after completing the investigation. Although the local administrator did not violate the 15-workday time frame, this delay in providing the investigation report to the local administrator further demonstrates the need for better monitoring of open reassignment cases that we discussed earlier.

Once a local administrator submits the reassignment packet containing his or her disciplinary determination to LAUSD for review, it has eight workdays to conduct a case review of the determination. If the local administrator has decided to return the employee to work, Employee Relations conducts a case review of the reassignment packet, in consultation with other departments as appropriate, to ensure that preventive and corrective measures have been implemented before the teacher returns to work. If the local administrator has decided to initiate discipline, including dismissal, LAUSD's Office of Staff Relations (Staff Relations) conducts the case review instead of Employee Relations.

We noted that other staff members responsible for portions of the reassignment process, such as those in Employee Relations and Staff Relations, also exceeded the time frames established in LAUSD's reassignment policy. Specifically, as shown in Table 7 on page 24, of the seven reassignments that required a case review, the district staff was late in completing case reviews in

Other staff members responsible for portions of the reassignment process also exceeded the time frames established in LAUSD's reassignment policy.

² When we began our review in March 2016, investigations were complete for only seven of the 21 reassignments we selected for our review. By the time we completed our review of these reassignments in June 2016, the Investigations Team had completed two more investigations, which we indicate in Table 8 on page 26.

These administrative delays not only added to the costs of the reassignment process, but also increased the amount of time that teachers who ultimately returned to the classroom had to deal with the stigma and uncertainty of that process.

four instances, ranging from three days to 11 days late. The case that was 11 days late is the same case in which the local administrator exceeded the disciplinary determination time frame by eight days because of the winter recess. According to the Employee Relations director, the delay in completing the case review was caused by a transition between the previous and current Employee Relations coordinator, the individual responsible for scheduling case review meetings. The current coordinator's first day with Employee Relations was one day after the local administrator's disciplinary determination. These administrative delays not only added to the costs of the reassignment process, but also increased the amount of time that teachers who ultimately returned to the classroom had to deal with the stigma and uncertainty of that process.

Significant Delays in Legal and Administrative Actions Also Postponed Resolutions of Some Reassignments Even After Disciplinary Decisions Had Been Made

Even after LAUSD concluded its investigations of reassigned teachers' misconduct and reached a disciplinary decision, delays in subsequent activities in the reassignment process contributed to additional months, or sometimes years, that some reassignment cases remained open. We reviewed 15 teacher reassignment cases at LAUSD that had been open for two or more years to determine why these cases remained open. The oldest of these reassignments began in May 2008 and was still open as of June 2016. In reviewing these cases, we identified several points in the process where delays occurred, and some of these delays resulted from a lack of formal processes to monitor the progress of the cases.

The time LAUSD spent investigating the alleged misconduct and reaching disciplinary decisions in these cases contributed to the length of time the reassignments had been open; in some instances, case documentation indicates that this process took more than a year. However, as of January 2014, LAUSD's reassignment policy changed the parties responsible for completing certain investigations. Specifically, the policy transferred responsibility for complex investigations involving allegations of sexual misconduct to the Investigation Team. We discuss the time it took LAUSD to investigate more recent teacher reassignments in a previous section of this report.

In some of these 15 cases, the delays of more than six months resulted from long waits for hearings and appeals regarding the teachers' dismissals, both of which are generally beyond LAUSD's control. After the School Board votes to dismiss a teacher, that teacher has the right to request a hearing at the Office of Administrative Hearings (Hearings office), an independent state

entity that, among other responsibilities, presides over a wide variety of disputes, including those involving teacher disciplinary matters. Following that hearing, either the teacher or LAUSD can appeal the Hearings office's decision and then request a subsequent hearing in court. In nine of the 15 cases reviewed, case notes indicate six months or more of the reassignment periods lapsed while the cases were at the Hearings office or during subsequent legal appeals. Additionally, case notes for two of the cases indicate significant delays because law enforcement requested that LAUSD wait to investigate the allegations until it had concluded criminal investigations. Those notes indicate that one case was delayed by a law enforcement investigation for 10 months and the other case for two years. However, many of the 15 cases also involved significant delays by LAUSD's General Counsel, Employee Relations, or both.

In nine of the 15 cases, delays in resolving the reassignment took place after responsibility for the case transferred to LAUSD's General Counsel. Once Staff Relations, which is the LAUSD division responsible for reviewing and forwarding local administrators' decisions to dismiss reassigned teachers, has sent a reassignment case to the General Counsel, that office is responsible for preparing the case for the School Board to vote on the teacher's dismissal. Long periods elapsed while the cases were with the General Counsel as it was deciding whether to send the case forward to the School Board for a dismissal vote and preparing those cases it decided to send. In some of these cases, the chief administrative counsel explained that a previous LAUSD superintendent had directed the General Counsel to pursue dismissal for teachers whose accusations of misconduct were more than four years old and therefore LAUSD could not move these cases forward. (State law changed in January 2015 to allow the district to admit evidence more than four years old as part of dismissal proceedings.)

We identified other instances when the delays might have been avoided had the General Counsel better monitored these cases among its overall workload. In one such instance, case notes indicate that LAUSD decided to proceed with dismissal in June 2014. When we asked why the case was still unresolved, an assistant general counsel stated that LAUSD had waited to proceed with submitting the case for a dismissal vote until the California Department of Social Services (Social Services) concluded its investigation of this same teacher because the district's case essentially involved the same witnesses and evidence and a decision in Social Services' favor would eliminate the need to move forward with an identical dismissal action.³ Social Services did not prevail

In nine of the 15 cases, delays in resolving the reassignment took place after responsibility for the case transferred to LAUSD's General Counsel.

³ According to case notes, the teacher in this case was an employee of an early education center. Social Services investigated this case because it licenses these centers.

and its case was dismissed in December 2015. The assistant general counsel stated that in June 2016 LAUSD drafted charges against that teacher to be brought before the School Board; however, after further evaluation, it decided instead to return the teacher to work. When we followed up with the General Counsel's office, staff could not explain why LAUSD took another six months to decide to return the teacher to work after waiting for more than a year for Social Services to conclude its investigation. According to the Employee Relations director, the teacher may now return to work but had not been placed at the time of our review in September 2016. In another instance, case notes indicate that nearly eight months passed between the time the case was transferred to the General Counsel and the date on which the School Board voted to dismiss the teacher. The assistant general counsel explained that the case was delayed, in part, because other higher-priority cases were being prepared before this case.

In six cases, we noted delays of six months or more in returning teachers to work after approval was received to do so.

In six cases, we noted delays of six months or more in returning teachers to work after approval was received to do so. When a teacher is approved to return to work, the case is transferred back to Employee Relations, which is then responsible for processing the teacher's return to a work site and finding an appropriate assignment. However, Employee Relations failed to place some of these teachers into a classroom in a timely manner. One of the longest such delays involved a teacher for whom the Hearings office dismissed the charges in January 2013 but the teacher was not returned to a classroom until August 2016. When we asked for an explanation about the delays while the case was with Employee Relations, its director stated that staff members met with the teacher in October 2015, but there were no available assignments in either of the two local districts near where the teacher lived. However, she did not provide any other explanation for the delay. We also identified three other teachers who waited five months for placements. All three of those teachers had been placed when we followed up in September 2016.

Unlike other types of leave, reassignment does not give teachers the right to return to their prior classrooms or schools. Therefore, if LAUSD fills the reassigned teacher's position during the reassignment period, it will have to identify another placement for the teacher if the teacher is cleared to return to work. Further, LAUSD's tentative contract agreement with its teachers indicates that the district may determine that some reassigned teachers' previous positions are no longer appropriate for those teachers when they are cleared to return to work. However, because the contract gives LAUSD discretion over teacher placement, albeit with some geographical restrictions, it is LAUSD's responsibility to use that discretion to place teachers as quickly as possible, not only for financial reasons but also out of an obligation to the teacher.

Implementing formal time frames within which the relevant LAUSD divisions must coordinate and formalize placement plans for returning teachers could help reduce future delays. The Employee Relations director confirmed that currently no such time frames exist, but the staff member responsible for coordinating the placement of returning teachers has been conducting internal meetings about these teachers returning to work as well as meeting with the teachers themselves. However, our review found that in several cases, delays in placing teachers back in classrooms were compounded by months-long periods between the decision that the teacher would not be dismissed and when the Employee Relations office met with the teacher concerning a placement. One such meeting took place seven months after the General Counsel had decided not to appeal the Hearings office's ruling to return the employee to work. The Employee Relations director stated that some of these delays resulted from turnover in the leadership of LAUSD's Human Resources division, within which Employee Relations is situated, and she described two instances in which communications between the General Counsel and Employee Relations delayed teachers' returns. However, given how long cases can be delayed by legal proceedings that LAUSD cannot always fully control, it is crucial that LAUSD not extend the teacher's reassignment with avoidable delays in beginning the placement process. A policy that requires Employee Relations staff to meet promptly with teachers who are cleared to return to work after having been reassigned for a long time period and that includes time frames for coordinating with the General Counsel and other LAUSD personnel involved in finalizing those returns could help reduce future delays and better identify timely placement options.

Given how long cases can be delayed by legal proceedings that LAUSD cannot always fully control, it is crucial that LAUSD not extend the teacher's reassignment with avoidable delays in beginning the placement process.

LAUSD Should Take Additional Steps to Ensure That Reassignment Decisions Are Appropriate

LAUSD's policy is to reassign a teacher when there are credible allegations that the teacher's alleged misconduct poses a clear threat to the safety of students, staff, or the workplace. While most of the cases we reviewed indicated that a clear safety threat was present when local administrators decided to reassign the teachers, we also identified two cases in which administrators formally reassigned teachers without demonstrating such a threat. Additionally, some local administrators proactively considered how circumstances other than the nature of the misconduct (such as the age of the students affected) may compound or mitigate risk, while others did not indicate that they took these factors into account. Further, some local administrators were unable to provide any documentation demonstrating key facts that led them to their reassignment decisions, in some cases because the information was relayed to them verbally during their investigations. Increased training

LAUSD's policy states that employees are to be reassigned when there are credible allegations of misconduct that threaten the safety of students, staff, or the workplace.

and guidance for local administrators and other key personnel involved in the reassignment decision may help ensure that formal reassignment is used consistently and only when necessary.

LAUSD Reassigned Some Teachers Without Demonstrating Clear Risks to Safety

Although LAUSD has updated its reassignment policy three times since 2010, each version of the policy, including its August 2015 version, has provided guidance stating that employees are to be reassigned when there are credible allegations of misconduct that threaten the safety of students, staff, or the workplace. As examples of incidents that may require reassignment, the August 2015 policy cites credible allegations of sexual misconduct; acts of workplace violence that threaten or result in serious injury; and any allegations, arrests, or filing of criminal charges against the teacher related to serious criminal acts. Teachers also may be reassigned if their presence disrupts district operations or threatens the integrity of an investigation. The policy states that employees will not typically be reassigned based on performance, competence, or judgment issues unrelated to safety.

The district identified clear safety risks in a majority of the formal reassignment cases we reviewed. LAUSD's data show that between August 2015, when it updated its policy, and June 2016, local administrators formally reassigned 16 teachers for types of misconduct other than violent or sexual misconduct. We reviewed 11 of these cases as well as 10 more involving alleged violent or sexual misconduct to determine whether the circumstances discovered during the local administrators' preliminary assessments indicated clear safety risks and therefore warranted a formal reassignment. For all 10 of the cases categorized as involving violent or sexual misconduct, local administrators provided documentation or perspective that made clear that the circumstances indicated that the teachers posed clear risks to student or school safety. This was also true for most of the 11 cases that did not involve allegations of violent or sexual misconduct. For example, in one case, categorized as *Other*, the related case documentation revealed that the teacher had initially been removed from the classroom for talking about shooting the "annoying kids." According to the case notes, when the school principal interviewed the teacher as part of the preliminary assessment to determine whether formal reassignment was appropriate, the teacher refused to answer questions regarding whether he had firearms at or near the school or planned to harm himself or others. At the conclusion of the interview, the teacher fled the campus. In response, the local administrator formally reassigned the teacher, indicating school safety concerns. Although the teacher's actions did not involve

any actual violence, the circumstances during the preliminary assessment were compelling that this teacher posed a clear safety risk to the school site.

Although safety risks were evident in many of these cases, we identified two cases in which the documentation and local administrator perspective do not indicate a clear safety risk. In one, a teacher was caught by school police in possession of marijuana in his classroom during a weekend, when students were not on campus. The case notes indicate that it appeared he had been smoking the marijuana onsite. Although this behavior is clearly inappropriate, nothing in the case file explained why the local administrator thought the conduct represented a clear safety risk to students or the school site. When we asked the local administrator about his decision to formally reassign this teacher, he explained that the teacher posed a risk to students because he demonstrated poor judgment. The local administrator stated that he was concerned that if the teacher thought it was all right to smoke marijuana on campus on a weekend, he did not know what else the teacher might do. Although this teacher clearly demonstrated poor judgment, the local administrator's rationale is not consistent with LAUSD's policy stating that a teacher should be formally reassigned only if the alleged misconduct presents a clear risk to safety. When we asked the Employee Relations director whether the local administrator's decision and reasoning were consistent with LAUSD reassignment policy, the director responded yes because there was a strong possibility that the teacher would come to school under the influence and that students might have access to drugs or drug paraphernalia. However, nothing in the case file or the local administrator's explanation indicates that he believed these specific risks were present or described circumstances that would have led him to believe so. To the contrary, the reasoning he provided again included only general concerns that the teacher's judgment was poor.

In the other case, the local administrator formally reassigned a teacher after an allegation that the teacher stole information technology equipment belonging to the school. The local administrator stated on the reassignment memo that he was reassigning the teacher because the teacher's presence at school disrupted district and school operations and the integrity of the investigation. However, nothing else in the case documentation explained why the local administrator believed this. When we asked the local administrator about this case, he stated that he reassigned the teacher because the teacher was alleged to have committed theft, which he deemed a serious crime. In addition, he had concerns that there could be child pornography on the equipment. However, the case documentation related to the preliminary assessment of the allegation does not mention

the possibility of child pornography being on the equipment. Additionally, law enforcement had already communicated to the local district that it would not file theft charges against the teacher because of insufficient evidence. We asked the Employee Relations director whether she agreed that formal reassignment in this case was consistent with LAUSD's reassignment policy. She responded yes because this appeared to be a serious crime, and even though the police had not filed charges and were not investigating, school equipment was found at the teacher's home and the teacher could potentially remove more equipment if allowed to be at the school site. However, this response does not explain how the teacher posed a safety risk. Additionally, it is unclear how leaving the teacher in the classroom would disrupt school operations and prevent LAUSD from investigating the allegation. Therefore, the local administrator's and Employee Relations director's reasoning is inconsistent with LAUSD's policy to limit reassignment to teachers who pose a clear safety risk or who could undermine the integrity of an investigation or cause disruption.

When local administrators formally reassign teachers who do not pose a clear safety risk, those decisions may unnecessarily disrupt classrooms, stigmatize teachers, and cause LAUSD to incur substantial costs.

When local administrators formally reassign teachers who do not pose a clear safety risk to students, staff, or the workplace, those decisions may unnecessarily disrupt classrooms, stigmatize teachers, and cause LAUSD to incur substantial costs. In addition, unnecessary reassignments further increase the workload for LAUSD's Investigation Team, which, as discussed previously, is experiencing delays caused, in part, by a rapid increase in demand for its services. Without requiring local administrators to more clearly define and document their reasoning as to why reassigned teachers pose safety risks, LAUSD cannot ensure that all reassignments it has made—along with the costs and the disruptive impacts to teachers and students—have been necessary.

Some Administrators Consider Different Factors When Making Reassignment Decisions and Keep Varying Levels of Investigation Records

Some local administrators told us that they consider factors beyond the nature of a teacher's alleged misconduct when deciding whether to formally reassign a teacher, while other administrators did not. For example, when we spoke to local administrators of cases we reviewed, one specifically mentioned the age of the students affected by the allegations. In one case, the case notes state that an early education teacher allegedly "popped" a student on the mouth multiple times with an open hand and also grabbed the student by the wrists, walked the student around the table, and sat the student down. The local administrator explained that he decided to reassign the teacher because the alleged physical misconduct took place in an early education class with very young students, and he did not

want to risk that the teacher would continue this conduct with the students. In a different case, the case notes indicated that a teacher allegedly made inappropriate sexual comments to students. The local administrator told us that he did not formally reassign the teacher, in part because the allegation did not include physical contact and also because it involved high school students, so he did not perceive a danger for the students. However, we reviewed other cases concerning students of varying ages in which there was no indication in the case file documentation or during our discussions with the local administrators that the administrators considered the age or relative vulnerability of the affected students when evaluating safety risks.

We also noted that local administrators did not consistently document or reference whether they considered teachers' previous conduct when deciding whether to formally reassign them. LAUSD's reassignment policy specifies that during the initial five-day assessment of allegations, local administrators are to check the teacher's files and contact Staff Relations, Employee Relations, and other appropriate offices to identify whether the teacher has been involved in any prior misconduct, including previous discipline issued or served, employment history, and prior allegations. However, the policy does not describe how the local administrators should use this information when determining whether the present allegations against the teacher warrant formal reassignment. In several cases we reviewed, local administrators explained to us or the case notes indicated that they considered a teacher's past behavior and misconduct allegations and that history led them, in part, to the decision to reassign the teacher. For example, a local administrator stated that she formally reassigned a teacher because he displayed a pattern of unpredictable behavior that caused both students and staff to fear for their safety around him.

In other cases, local administrators did not describe whether they considered teachers' previous misconduct. We observed instances in both formal reassignments and preliminary assessments when local administrators returned teachers to their class within the initial five days and we found records of these teachers' previous misconduct in the case files or in LAUSD's reassignment database, but the administrators did not mention if or how they considered the respective teacher's history when making their decisions regarding formal reassignment for that teacher. For example, one local administrator formally reassigned a teacher for taking inappropriate pictures of students on campus but did not describe in the case notes taking the teacher's previous misconduct of annoying and making female students feel uncomfortable into consideration when making his decision. When speaking to a different local administrator about another case, he stated that he

Local administrators did not consistently document or reference whether they considered teachers' previous conduct when deciding whether to formally reassign them.

planned to review whether the reassigned teacher had a history of similar allegations when considering what disciplinary actions to take, but he did not indicate that the teacher's history played a part in his decision for reassignment.

Additionally, local administrators were not always able to provide documentation to support the rationale for their decisions. When we asked local administrators to provide us the support they used to make their decisions in cases we reviewed, they sometimes had documentation related to their decisions. However, in other instances, they could not provide supporting documentation because information was relayed to them verbally during their investigations.

Increased Training and Guidance for Local Administrators Could Improve the Consistency and Appropriateness of Reassignment Decisions

LAUSD has not yet provided sufficient training or tools to its local administrators and school site personnel regarding how to ensure consistent identification of safety risks. In June 2016, we asked the Investigation Team's acting director what LAUSD and his unit do to help local administrators make consistent and appropriate decisions regarding reassignment during the five-day preliminary assessments. He gave us documentation demonstrating that his unit provided a training session to local administrators in February 2016 as well as some sample investigation questions to assist local district staff with their investigations. The acting director stated, however, that the portions of the training that involved investigation practices were at a high, general level and that he sees a need to provide more detailed training on investigative techniques. Further, he stated that the training was not provided to school principals, even though local administrators told us—and case documentation shows—that principals often assist with the initial five-day preliminary assessment. He also told us that the Investigation Team plans to provide a revised training on the preliminary assessment to local administrators and school principals and that the training should help reduce the number of formal investigation requests by improving the preliminary assessment and moving forward only those investigations that concern incidents with an impact on safety. As of August 30, 2016, LAUSD had supplied us with documentation of training sessions provided to four of its six local district support teams and three districts' principals, and it has plans to train the remaining teams and principals.

LAUSD's reassignment policy does not provide guidance concerning what constitutes a clear safety risk to students or school sites.

LAUSD's reassignment policy does not provide guidance concerning what constitutes a clear safety risk to students or school sites. The policy provides examples of incidents that may require reassignment because they threaten students, staff, or workplace

safety, but it does not offer guidance regarding other factors and circumstances that may compound or mitigate the risk a teacher's alleged misconduct might pose. LAUSD can improve assistance to its local administrators by establishing a risk assessment tool to guide the process and by requiring the administrators to use this tool to document the specific factors they consider when determining whether a teacher's continued presence constitutes a threat to safety.

When designing the risk assessment tool, LAUSD should consider what factors, beyond the type of misconduct involved, might contribute to or mitigate the safety risks posed by alleged misconduct. Our review of notes in the reassignment case files and discussions with local administrators and LAUSD administrators about the cases indicate that the age of the children, or other vulnerabilities to the alleged misconduct, may be risk factors to consider. Other possible factors could include the teacher's previous conduct, which some local administrators said they had considered, and also whether the alleged behavior, if found to have occurred, is severe enough to likely warrant the teacher's dismissal. If enough or sufficiently severe risk factors were present, the risk assessment tool could serve to guide the administrator toward formal reassignment while the district is formally investigating the allegation. In addition to being a resource for local administrators, the risk assessment tool would document the local administrators' reasoning and would enable LAUSD administrators to review this reasoning to help ensure consistent districtwide application of reassignment decisions. Finally, the tool would enable a decisive record of the reasons for those decisions, thereby eliminating the need for future reviewers to speculate about the factors the decisions were based on.

In Certain Cases, LAUSD Removed Teachers From Classrooms for Extended Periods When Local Administrators Might Have Completed Investigations More Quickly

LAUSD's policy requiring local administrators to make a decision regarding reassignment within five days may have resulted in longer formal reassignments than necessary in some cases. If local administrators have not completed the preliminary assessment within five workdays, they are to reassign the teacher. As shown in Table 7 on page 24, in all 21 cases we reviewed for compliance with this policy, local administrators adhered to this five-day time frame. However, even if LAUSD staff complied with the other time frames for the key processes in the reassignment policy, a teacher's formal reassignment can take more than half a school year. Further, as we described earlier, LAUSD frequently exceeds these other time frames and is resolving fewer formal reassignments than in the past. In those instances in which local administrators

When designing the risk assessment tool, LAUSD should consider what factors, beyond the type of misconduct involved, might contribute to or mitigate the safety risks posed by alleged misconduct.

We identified two instances in which a local administrator specifically indicated that she reassigned teachers because five days was not enough time to determine the severity or accuracy of the allegations.

formally reassign teachers because the five-day preliminary assessment period has expired and not because they have identified a clear risk to students, staff, or workplace safety, the strict enforcement of the five-day preliminary assessment may contribute to more and longer reassignments than necessary.

During our review of preliminary assessments, we identified two instances in which a local administrator specifically indicated that she reassigned teachers because five days was not enough time to determine the severity or accuracy of the allegations. In one case, the local administrator stated in the reassignment documentation that she reassigned the teacher—who was accused of pulling a child to the ground using the child’s shirt collar—because law enforcement did not clear the principal to conduct an investigation until the fifth day of the five-day preliminary assessment period and because she observed photos of the alleged injury. However, the case notes state that during the preliminary assessment, one of the child’s relatives came to the school and spoke to the principal. She told the principal that the child sustained the injuries fighting with siblings at home and that she did not believe the teacher would hurt the child. The case notes also indicate that on the fifth day of the preliminary assessment, the local administrator requested a two-day extension on the preliminary assessment because the photographed injuries did not match the allegation. Nearly seven months after being reassigned, the teacher was ultimately returned to the classroom after being issued an unpaid suspension. In the other case, the local administrator conducted a preliminary assessment of allegations that a teacher pushed a student out of the way and used profanity. Case documentation indicates that while the principal was interviewing witnesses, a different student raised a previously unreported allegation that the same teacher had once slammed that student’s fingers in a door. When we discussed this case with the local administrator, she explained that she decided to formally reassign the teacher because investigating the additional allegation would have taken longer than the five-day time frame allows. The formal investigation was still ongoing as of our review in early June 2016, having been open at that time for 88 days.

The outcomes of LAUSD’s teacher reassignments also indicate that some cases may benefit from some flexibility around the five-day time frame. Table 9 shows the outcomes of LAUSD’s data for resolved reassignments for fiscal years 2011–12 through 2015–16. In more than a third of the resolved reassignment cases for the last four of five fiscal years, LAUSD returned the teachers to work as opposed to dismissing them or the teacher resigning. When LAUSD returns a teacher, it may be because it did not substantiate the allegation or, if it did substantiate the allegation, it determined that it could safely place the teacher back in a classroom with corrective action. For the 18 reassignment cases we reviewed going

back to fiscal year 2011–12 and discussed in the earlier section on reassignment costs, LAUSD returned seven reassigned teachers to the classroom. Five of these teachers faced lesser forms of discipline, such as a letter of reprimand or suspension. In three of those instances, the case documentation indicates a return to the classroom because of a lack of evidence to substantiate the allegations.

Table 9
Outcomes of Resolved Reassignments for Fiscal Years 2011–12 Through 2015–16

CASE OUTCOME	NUMBER OF RESOLVED TEACHER MISCONDUCT REASSIGNMENTS										TOTAL RESOLVED
	FISCAL YEAR 2011–12		FISCAL YEAR 2012–13		FISCAL YEAR 2013–14		FISCAL YEAR 2014–15		FISCAL YEAR 2015–16		
	NUMBER RESOLVED	PERCENTAGE OF TOTAL RESOLVED	NUMBER RESOLVED	PERCENTAGE OF TOTAL RESOLVED	NUMBER RESOLVED	PERCENTAGE OF TOTAL RESOLVED	NUMBER RESOLVED	PERCENTAGE OF TOTAL RESOLVED	NUMBER RESOLVED	PERCENTAGE OF TOTAL RESOLVED	
Returned to work	30	17%	71	37%	44	44%	24	47%	7	35%	176
Teacher dismissed	24	14	17	9	9	9	7	14	1	5	58
Teacher resigned or retired	118	68	102	54	45	45	20	39	12	60	297
Other*	1	1	0	0	2	2	0	0	0	0	3
Totals	173	100%	190	100%	100	100%	51	100%	20	100%	534

Source: California State Auditor’s analysis of data obtained from Los Angeles Unified School District’s Incident Reporting System Database.

Note: This table reflects data as of June 1, 2016. There were reassignments that remained open from each year as of June 1, 2016.

Refer to Table 4 on page 13 for the discussion on the reliability of the data presented here.

* Represents individuals who died while formally reassigned.

Local administrators have demonstrated the ability to complete certain investigations quickly. LAUSD’s data indicate that between June 2015—when it began tracking this information—and May 2016, local administrators removed 89 teachers from their classrooms for an initial five days to conduct a preliminary assessment and returned the teachers to their classrooms instead of formally reassigning them. The data indicate that in many cases five days is enough time for local administrators to complete the preliminary assessment. Further, our review of 10 preliminary assessments in which teachers were subsequently returned to class included cases in which local administrators determined that the allegations against teachers were unfounded and cases in which they concluded that misconduct did occur but did not indicate a need to formally reassign the teacher. This lends support to the idea that LAUSD should continue to generally hold local administrators to the current policy time frame of five days. However, some of the formal reassignments we reviewed and discuss earlier in this

section indicate that there may be situations in which the five-day time frame could lead to overall delays in resolving the allegations by forcing local administrators to formally reassign the teachers and transfer the investigation to the Investigation Team. In the resolution referenced by LAUSD's reassignment policy, the School Board states that delays in determining the legitimacy of the claims against employees are costly to the district, cause undue mental hardship to employees, and are disruptive to students.

LAUSD's assistant general counsel stated that the five-day deadline is a key element of the current reassignment process and that allowing extensions may result in initial reassignment periods dragging on to unacceptable lengths. Nonetheless, we noted that none of the other school districts we spoke to as part of our survey indicated that they had an equivalent preliminary removal period after which unresolved cases were automatically transferred to another unit. Instead, some districts we interviewed reported that school administrators either pass more severe cases forward to, or request assistance investigating cases from their central districts if needed, based on the circumstances of the individual case.

Although we understand LAUSD's concern about preliminary assessments dragging on, we believe some limited flexibility could be beneficial to the district. Under such an approach, local administrators could request a limited extension of a specific duration and explain why the extension is warranted. Based on the facts of the individual case, LAUSD could then approve the extension and monitor the local administrator's progress, or deny the extension and require that the case be referred to the Investigation Team. In these limited instances, this approach may result in a more timely resolution to the teacher's removal from the classroom than would be obtained by referring the case to the Investigation Team. The fact that LAUSD's Investigation Team is facing an increased workload further underscores the importance of using their services only when necessary to ensure school safety.

Improvements to Standard Documents Would Help Ensure Consistent and Effective Communication With Reassigned Teachers

Our review of documents that local administrators are required to provide to reassigned teachers found that teachers received inconsistent levels of detail about the reasons for their reassignments. Because LAUSD was not centrally collecting these forms, it was not aware of the inconsistencies in the local administrators' practices. LAUSD made changes to the documents and its monitoring process in May 2016 that should allow it to ensure consistency in the future. Additionally, although LAUSD informed us that its teachers were free to voluntarily pursue

Because LAUSD was not centrally collecting the forms provided to reassigned teachers, it was not aware of the inconsistencies in the local administrators' practices. It has since made changes that should correct this problem.

professional development during reassignments, our review revealed that reassigned teachers may not be aware of that option and have not been pursuing nonmandatory training. To the contrary, we found that wording on documents provided to reassigned teachers may actually discourage them from participating in professional development opportunities.

Local Administrators Did Not Always Provide Consistent Information to Reassigned Teachers

When local administrators remove teachers from the classroom, LAUSD's reassignment policy requires that they provide teachers with written explanations of the reasons for their reassignment within three days. The policy requires local administrators to provide this written notification through a form letter and supplies a list of recommended brief descriptions that the local administrator can insert into the form letter, if applicable. However, the list does not include all possible reasons for reassignment, and the administrator may also provide other reasons. Examples of these listed reasons include "the use of corporal punishment with students at the school site" and "inappropriately touching a student." These examples are specific and provide the teacher with an idea of the allegations while also protecting the alleged victims' identities. However, the list of possible reasons also includes a broadly worded option citing "an ongoing investigation about allegations concerning your conduct or job performance issues."

Although our review indicated that local administrators were generally prompt in providing teachers these written notices as required, they were inconsistent in the amount of detail they provided to the teachers. For the 21 reassignments we reviewed, local administrators provided the notice within the required three workdays in 18 cases. In one of the three remaining cases, the local administrator provided the notice two days late. In another, the local administrator stated that he met with the teacher to discuss the reassignment but did not provide the notice. In the third case, local district staff members were unable to locate a copy of the notice. In the notices we collected, we observed that the local administrators varied in how frequently they provided specific reasons to the teachers they reassigned. One local administrator provided specific reasons on four of the five notices for cases we reviewed from that local district. For example, the local administrator used "allegation of misconduct involving inappropriate touching of a student" when describing the reason for a teacher's reassignment. However, most local administrators were consistently vague regardless of the nature of the allegations they were describing. For example, one local administrator cited "conduct or job performance issues" in all three reassignments we reviewed at that local district, all of which were related to sexual misconduct.

Although local administrators were generally prompt in providing teachers these written notices as required, they were inconsistent in the amount of detail they provided to the teachers.

LAUSD made revisions to its reassignment policy in May 2016 that address some of the inconsistencies we noted in our review.

Another local administrator was similarly vague in all three cases we reviewed, and the exact wording provided to the reassigned teacher was also difficult to understand. In each communication, the local administrator wrote that the teacher had been reassigned because of an “allegation of misconduct involving allegations concerning your conduct.” As a result of the varying specificity among the local administrators, reassigned teachers received inconsistent levels of information about the reasons for their reassignments. LAUSD’s chief administrative law and litigation counsel stated that the goal is to provide information when possible but, in some cases, a vaguely worded reason may be necessary to protect the integrity of an investigation. However, we believe the district can do a more effective job of ensuring that reassigned teachers are better informed.

LAUSD made revisions to its reassignment policy in May 2016 that address some of the inconsistencies we noted in our review. Before these revisions, Employee Relations, which is responsible for tracking reassignments, did not collect several of the required written communications that local administrators provide to reassigned teachers. The updated policy directs local administrators to send copies of all required communications with the reassigned employee to Employee Relations. When we asked why LAUSD had not previously monitored some of the reassignment documents, the Employee Relations director stated that LAUSD did not initially see a need to collect these communications. However, as a result of requests for these documents from various parties, including our requests, LAUSD determined that it should be collecting all documents related to the reassignment policy. In addition to this change, LAUSD revised the list of standard reasons that local administrators can choose to include in the letters provided to reassigned teachers. In doing so, LAUSD specified that local administrators should use the broadly worded incident description only when the investigating law enforcement agency directs them to not release details.

Language in LAUSD’s Reassignment Documents May Inadvertently Dissuade Reassigned Teachers From Participating in Training

As discussed in the Introduction, school districts reported that it is a common practice for reassigned employees to stay at home while reassigned from their classrooms. According to LAUSD’s associate superintendent for District Operations, a primary reason for this approach is the stigma involved in requiring reassigned employees to report to a central district office. In addition, LAUSD’s contract with its teachers states that all duties required of employees must meet the test of reasonableness. According to LAUSD’s chief

administrative law and litigation counsel, assigning teachers office work would not meet this test, but that teachers could be assigned other duties, such as professional development.

However, LAUSD generally does not require its teachers to participate in professional development while reassigned. Because LAUSD teachers' job descriptions include professional development and because the School Board has stated that reassigned teachers should be actively engaged in professional development, we asked whether LAUSD requires reassigned teachers to pursue training during their reassignments, such as through the online Learning Zone system, LAUSD's professional development and training portal. According to the Employee Relations director, LAUSD decided against requiring additional training during reassignment for two reasons. First, she stated that monitoring such requirements would require resources that would outweigh the benefit to the district. The Employee Relations director also stated that LAUSD does not require training for reassigned teachers because doing so would carry legal risks. Specifically, she stated that in the context of a contentious employment relationship, there is potential for meritless employment law claims if the district makes the teacher's home into his or her place of work. The Employee Relations director specifically cited workers' compensation claims as one such liability. Among the California public school districts we surveyed, some districts had similar concerns about the legal implications of employees' homes functioning as their workplace.

Reassigned LAUSD teachers are allowed to participate in training voluntarily, but our review indicated that they do not. The Employee Relations director stated that reassigned teachers can voluntarily pursue online training through the Learning Zone. However, when we reviewed the training records for a selection of 18 employees who were reassigned from one month to three years, we found that none had completed any nonmandatory training during their reassignments, even though one of those reassignments was about three years long. That teacher, who was reassigned from August 2012 through August 2015, completed only the annual mandatory training.

LAUSD's teachers may not be aware that they are allowed to pursue professional development. Although the Employee Relations director stated that voluntary training is permissible, some local administrators—who are responsible for overseeing communication with reassigned teachers—told us that they do not make voluntary training a point of emphasis during these communications. One local administrator stated that his district allows reassigned employees to complete only the annual mandated training. Further, one of the standard documents that a reassigned teacher receives states that the teacher is not to perform any services for

Reassigned LAUSD teachers are allowed to participate in training voluntarily, but our review indicated that they do not.

LAUSD faces a challenge in covering the gap in instruction created when teachers are reassigned for extended periods.

the district or students relating to his or her former assignment or any other work for the district. This language may lead teachers to believe they should refrain from pursuing training or professional development. By including language in its official reassignment documents that voluntary training is allowed and by directing local administrators to emphasize that point during standard conversations with reassigned teachers, LAUSD may increase the likelihood that reassigned teachers will undertake training and provide some value to the district while on paid leave.

The Methods LAUSD Uses to Monitor Substitute Teaching Assignments Have Not Prevented Substitutes From Serving Longer Than Permitted

LAUSD faces a challenge in covering the gap in instruction created when teachers are reassigned for extended periods; although consistent instruction is important for the learning environment of students, state law and regulations limit how long some substitutes may serve in classrooms. According to local administrators, although LAUSD does not monitor the effect of teacher reassignments on the students in those classrooms, the district attempts to reduce the effect of formal reassignments by assigning credentialed long-term substitutes to reassigned teachers' classrooms. When describing its reasoning for regulations proposed in 2016, Teacher Credentialing stated that rotating through a series of substitutes during a teacher's extended leave can result in an inconsistent and inadequate learning environment. However, state law and regulations prohibit certain substitutes from serving in the same classroom for more than 30 school days in a single year. For special education classrooms, the law limits these substitutes from serving more than 20 school days per year in a single classroom. These limits apply to substitutes who have an Emergency 30-Day Substitute Teaching Permit (emergency permit) as well as those who are credentialed but do not have the right credential for the type of classroom in which they substituting. For instance, a substitute holding a standard elementary teaching credential may serve in an elementary special education classroom or a high school science classroom for only 20 days or 30 days, respectively.

LAUSD's policy is to replace absent teachers with substitutes that provide a consistent quality of instruction for the students and are appropriately credentialed when assigned for longer than 20 days. The district's policy guide instructs teachers and principals to identify substitutes based on the substitute's credential and subject matter expertise, previous successful service at the school site, and their ability to provide instruction at the highest level of consistency with the regular classroom teacher. The policy also describes its approach to filling temporary classroom vacancies created by

teacher absences, including teacher reassignments. As the text box shows, LAUSD’s approach focuses on prioritizing the most qualified and stable substitute instruction possible. Further, LAUSD’s policy states that if a substitute is in an extended assignment—one longer than 20 consecutive days—the substitute must hold a valid credential for the level and subject being taught.

In some instances, LAUSD has kept substitutes in classroom assignments longer than state law and regulations permit. Among the 18 reassignments we reviewed as part of our cost evaluation, going back to fiscal year 2011–12, nine lasted long enough for limits on substitute assignments to apply—20 or 30 school days, depending on classroom type. Collectively, these nine assignments lasted 98 school days. Among those reassignments, we identified four instances in which substitutes remained in the classroom longer than permitted. The four instances exceeded the allowable time frame by between six and 160 school days and together accounted for 213 school days during which a substitute was in a class inappropriately, corresponding to 22 percent of the 987 total school days. The six-day violation was the most recent we observed and occurred in the fall of fiscal year 2014–15, when LAUSD had an emergency permit substitute in a biology classroom for six days longer than permitted. The majority of the 213 school days were because of a credentialed substitute assigned to a special education classroom for longer than permitted; however, LAUSD also improperly kept emergency substitutes in classrooms for 53 of those school days. As a result, during these reassignments LAUSD was out of compliance with requirements and provided instruction to students of reassigned teachers beyond the limits the State’s educational standards prescribe.

LAUSD’s efforts to monitor the length of time that substitutes serve are not sufficient to reliably prevent them from serving too long. According to the co-lead chief human resources officer, since 2014 the district has monitored the length of extended substitutes’ time in classrooms monthly by reviewing database reports from its SubFinder system, a system LAUSD uses to track substitute assignments. Further, she stated that LAUSD will notify school administrators when substitute lengths are nearing or have exceeded the service limits and direct them to replace the substitute.

However, this approach is neither fully preventive nor complete. LAUSD’s monthly monitoring is not performed frequently enough to reliably and efficiently prevent violations. Because the limits

Summary of Los Angeles Unified School District Priority Order for Obtaining Substitute Teacher Types

- Contract pool teachers
- Substitute teachers (substitutes) requested by name and employee number from preferred substitute calling list
- Day-to-day substitutes:
 - Available five days per week, in order of seniority
 - Available at least two consecutive days per week but less than five days, in order of seniority
- Teachers who have classroom assignments but whose classes are not in session, ranked in order of availability and seniority
- Substitutes on a standby list

Source: Los Angeles Unified School District’s policy guide for substitute assignments.

of service are 20 or 30 days, and there are about 17 school days in a month, the district would have to notify principals monthly regarding nearly every special education assignment—and any regular education assignment lasting at least 13 days—in order to give principals advance notice that the substitutes in these assignments may exceed the legal limits before the next time LAUSD performs a review. As a result, LAUSD is forced to choose between notifying principals about a large number of substitutes each month or risking that those substitutes may exceed time limits. According to LAUSD's substitute unit assistant director, the district performs its monitoring monthly and not more frequently because the SubFinder system is difficult to work with and makes more frequent monitoring so time consuming as to be cost-prohibitive.

The frequency of these reviews notwithstanding, reviewing substitute assignments with SubFinder does not guarantee that LAUSD will be able to identify all such assignments that are active at any given time. We identified 13 instances in which substitutes we reviewed were not recorded in the SubFinder system. One of these gaps lasted 55 school days, and another lasted 48 school days, while the remaining instances lasted only 12 or fewer school days. LAUSD's policy requires the use of SubFinder to fill all substitute assignments. However, the co-lead chief human resources officer stated that principals are able to hire substitutes without using SubFinder, and they sometimes do. Also, she stated that some of these substitute record gaps are explained by schools reassigning students to other classrooms or covering classrooms by assigning extra periods to faculty staff members.

LAUSD has recently begun using a new tracking system called Smart Find, but it alone will not resolve all of the issues we identified.

LAUSD has recently begun using a new tracking system called Smart Find, but it alone will not resolve all of the issues we identified. According to the assistant director, Smart Find allows the district to more easily track substitute assignment lengths, and in June 2016 LAUSD began using Smart Find to monitor substitute assignments weekly instead of its previous monthly approach using SubFinder. However, according to the co-lead chief human resources officer, although Smart Find will enable the district to better track substitute assignments, it does not resolve the problem of principals requesting substitutes directly without entering the assignments into the system. As a result, increased frequency of monitoring alone will not ensure that all substitute assignments are recorded and monitored. LAUSD's goal should be to prevent substitutes from staying too long in classes, as opposed to identifying when they have already stayed too long, and formalizing its new practice of monitoring Smart Find weekly would help it achieve this goal. However, because there continue to be substitute assignments that are not registered in that system, there is also a need for LAUSD to take additional steps as part of that monitoring process to confirm that all substitute assignments for reassigned teachers are entered into the Smart Find system once the teacher is formally reassigned.

Recommendations

To help reduce the impacts of removing teachers from classrooms because of alleged misconduct, LAUSD should take the following steps by April 2017:

To ensure that LAUSD is adequately monitoring compliance with key time frames of its reassignment policy, begin using its new database to report on how long reassignments have taken to move through the various steps in its policy or begin reporting on all key time frames by another means. LAUSD should also establish procedures to periodically monitor each key decision point throughout the reassignment process to ensure that responsible parties meet the time frames it has set for resolving teacher reassignments.

To avoid significant delays in returning reassigned teachers to work, develop written procedures to guide staff in identifying appropriate placement options. These procedures should include time frames by which relevant LAUSD personnel including, but not limited to, Employee Relations and the General Counsel, are to meet with one another to ensure an appropriate and timely placement. In cases in which the teacher has been reassigned for a long time, such as in cases returning from the Hearings office, the procedure should also establish time frames by which LAUSD meets with the teacher to discuss the teacher's placement preferences.

To improve the consistency of its formal reassignments, develop a comprehensive risk evaluation tool to guide its local administrators in determining whether allegations against a teacher represent a clear risk to students or district personnel. LAUSD's evaluation tool should consider factors such as a teacher's prior behavior, the vulnerability of affected students, and the complexity of the allegations.

To minimize the number of reassignment investigations unnecessarily referred to its Investigation Team, revise its policy to allow local administrators, in certain circumstances and with sufficient justification, to request small, specific additional amounts of time to complete their initial investigations and possibly avoid formal reassignments. When it grants additional time to a local administrator, LAUSD should continue to closely monitor the local administrator's activities until its preliminary investigation is complete.

To ensure that local administrators are providing appropriate and consistent information to reassigned teachers regarding the reasons for their reassignments, develop procedures to

periodically review the documents it began collecting under its May 2016 policy revision and determine whether those documents are consistent with its policy and with the facts of the individual reassignments.

To ensure that it clearly informs reassigned teachers that they may voluntarily pursue professional development during their reassignments, including online training through LAUSD's Learning Zone program, revise the language in its standard reassignment documents.

To ensure that substitutes do not exceed assignment time limits that state law and regulations have established, formalize its recent practice of reviewing assignments of substitutes in its Smart Find system weekly. As part of this formalized practice, LAUSD should review open teacher reassignments to ensure that the Smart Find system includes all substitute assignments for those teachers.

We conducted this audit under the authority vested in the California State Auditor by section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives specified in the Scope and Methodology section of the report. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

Date: October 27, 2016

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For questions regarding the contents of this report, please contact Margarita Fernández, Chief of Public Affairs, at 916.445.0255.

Appendix A

SURVEY RESULTS OF SELECTED CALIFORNIA PUBLIC SCHOOL DISTRICTS

We surveyed selected public school districts throughout California to learn whether they remove teachers from their classrooms in response to allegations of misconduct and, if so, the process they used for removing them. Because the Los Angeles Unified School District is the largest school district in California, we selected other large districts around the State. We sent our survey to 71 school districts. We selected all of the State's districts that had at least 1,000 teachers and any districts that had fewer teachers but that were among the 50 districts in the State with the highest number of schools. Additionally, to include districts likely to have experience in addressing teacher misconduct, we included in the 71 district total those school districts with the highest number of misconduct reports made to the California Commission on Teacher Credentialing. We received responses to our survey from 60 of the school districts we selected. Because one of the districts responding indicated that it had not removed a teacher from the classroom in the past five years for allegations of misconduct, we analyzed the responses of the remaining 59 districts.

Our survey consisted of 20 questions regarding the district's approach to handing allegations of teacher misconduct. For example, the survey included questions about the conditions under which the districts would remove a teacher to investigate misconduct. We also asked the districts to provide the number of teachers currently removed from their classrooms at the time of the survey as well as the total number removed during fiscal year 2014–15. In addition, we asked several questions about the districts' general policies and procedures related to investigating and resolving these cases.

We observed notable similarities in teacher removal practices among the school districts responding to our survey. For example, among districts that have removed a credentialed teacher in the past five years, all districts stated that they have a current policy to remove teachers from their classrooms in certain situations to investigate an allegation of misconduct. When we followed up with a selection of districts to ask about the reasoning behind this practice, most generally reported that their goal is to ensure student safety and to prevent potential interference with the pending investigation. Additionally, all districts reported that violence and sexual misconduct would be circumstances under which a teacher would be removed from the classroom for purposes of investigating those allegations. Districts also reported similar administrative practices, such as directing teachers to stay at home as opposed to requiring them to report to a district building during the reassignment. Table A beginning on the following page more completely summarizes the trends we identified among the school districts' responses.

Table A
Survey Results From Selected California School Districts

- 1 In the past five years, has your district removed a certificated teacher from his or her classroom in order to investigate an allegation of the teacher's misconduct?

RESPONSE	TOTAL	PERCENTAGE
Yes	59	98%
No	1	2
Totals	60	100%

- 2 Is it a current practice for your district to remove a certificated teacher from his or her classroom in order to investigate an allegation of the teacher's misconduct?
(Note: Only districts that responded "Yes" to question 1 responded to this question.)

RESPONSE	TOTAL	PERCENTAGE
Yes	59	100%

- 3 Does your district have written policies or procedures that describe this practice?
(Note: Only districts that responded "Yes" to question 1 responded to this question.)

RESPONSE	TOTAL	PERCENTAGE
Yes	24	41%
No	35	59
Totals	59	100%

- 4 What circumstances might lead your district to remove a teacher from his or her classroom? (Please check all that apply).
(Note: Only districts that responded "Yes" to question 1 responded to this question; more than one response possible.)

	TOTAL	PERCENTAGE
An allegation of a teacher's violent misconduct.*	59	100%
An allegation of a teacher's sexual misconduct.*	59	100
An allegation of a teacher's drug or alcohol use.	56	95
An allegation of a teacher's inappropriate language or verbal abuse.	55	93
Problems with the teacher's instructional performance or effectiveness.	25	42
The teacher's alleged failure to adhere to administrative policies (attendance, record keeping, training, etc.).	21	36
Concern that the teacher's ongoing presence in the classroom may influence an investigation into his or her alleged misconduct.*	52	88
Other	12	20

* Indicates a reason for teacher removal consistent with examples called out in Los Angeles Unified School District's policy.

- 5 Who is responsible for deciding whether to remove a teacher from his or her classroom?
 (Note: Only districts that responded “Yes” to question 1 responded to this question; more than one response possible.)

	TOTAL	PERCENTAGE
A school site administrator	2	3%
A district-level administrator	59	100
Other	5	8

- 6 Who is responsible for investigating the teacher’s alleged misconduct?
 (Note: Only districts that responded “Yes” to question 1 responded to this question; more than one response possible.)

	TOTAL	PERCENTAGE
A school site administrator	36	61%
A district-level administrator	57	97
A dedicated investigation officer(s) or team	26	44
Other	16	27

- 7 Who decides whether to return a teacher to his or her classroom or to discipline the teacher?
 (Note: Only districts that responded “Yes” to question 1 responded to this question; more than one response possible.)

	TOTAL	PERCENTAGE
A school site administrator	6	10%
A district-level administrator	59	100
Other	0	0

- 8 When a teacher is removed from his or her classroom pending the completion of an investigation, where does that teacher report for duty?
 (Note: Only districts that responded “Yes” to question 1 responded to this question; more than one response possible.)

	TOTAL	PERCENTAGE
His or her normal school site	1	2%
An alternative administrative site or district building	8	14
The teacher stays home but must be reachable	59	100
Other	0	0

9 How many certificated teachers are currently removed from their classrooms (regardless of the removal date)?

(Note: Only districts that responded "Yes" to question 1 responded to this question.)

0	13	22%
1-3	33	56
4-6	5	9
7-9	6	10
10	2	3
Totals	59	100%

10. Has your district removed a certificated teacher from his or her classroom while your district investigated an allegation of his or her misconduct since July 1, 2014?

(Note: Only districts that responded "Yes" to question 1 responded to this question.)

RESPONSE	TOTAL	PERCENTAGE
Yes	59	100%

11 How many times did your district remove a certificated teacher from his or her classroom between July 1, 2014, and June 30, 2015?

(Note: Only districts that responded "Yes" to question 1 responded to this question.)

	TOTAL	PERCENTAGE
0	2	3%
1-10	40	68
11-20	11	18
21-30	4	7
31-40	1	2
41-50	0	0
50+	1	2
Totals	59	100%

12 For teacher removals occurring between July 1, 2014, and June 30, 2015, what is the average length, in workdays, between the date the teacher was removed from his or her classroom and the date the teacher was either reinstated or dismissed?

Please only include instances of completed investigations in your response.

(Note: Only districts that responded greater than 0 to question 11 responded to this question.)

	TOTAL	PERCENTAGE
0	0	0%
1-30	34	60
31-60	14	25
61-90	4	7
91-120	2	3
120-150	1	2
150 +	2	3
Totals	57	100%

- 13 How many times has your district removed a certificated teacher from his or her classroom since July 1, 2015?
 (Note: Only districts that responded "Yes" to question 1 responded to this question.)

	TOTAL	PERCENTAGE
1-10	47	80
11-20	6	10
21-30	4	6
31-40	1	2
41-50	0	0
50+	1	2
Totals	58	100%

- 14 Does your district pay teachers while they are removed from their classroom during an investigation of an allegation of their misconduct?
 (Note: Only districts that responded "Yes" to question 1 responded to this question.)

	TOTAL	PERCENTAGE
Yes	59	100%

- 15 Are teachers removed from their classrooms during an investigation of an allegation of their misconduct paid their full salary and benefits?
 (Note: Only districts that responded "Yes" to question 1 responded to this question.)

RESPONSE	TOTAL	PERCENTAGE
Yes	59	100%

- 16 Has your district evaluated the cost of removing teachers from their classrooms while your district investigates an allegation of teachers' alleged misconduct?
 (Note: Only districts that responded "Yes" to question 1 responded to this question.)

RESPONSE	TOTAL	PERCENTAGE
Yes	17	29%
No	42	71
Totals	59	100%

- 17 Has your district documented the results of its cost evaluation?
 (Note: Only districts that responded "Yes" to question 16 responded to this question).

RESPONSE	TOTAL	PERCENTAGE
Yes	1	6%
No	16	94
Totals	17	100%

- 18 Has your district evaluated the effect on the students of teachers who are removed from their classrooms while your district investigates an allegation of a teacher's misconduct?
 (Note: Only districts that responded "Yes" to question 1 responded to this question.)

RESPONSE	TOTAL	PERCENTAGE
Yes	14	24%
No	45	76
Totals	59	100%

- 19 Has your district documented the results of that evaluation?
(Note: Only districts that responded "Yes" to question 18 responded to this question.)

RESPONSE	TOTAL	PERCENTAGE
No	14	100%
Totals	14	100%

- 20 What steps, if any, does your district take to minimize disruption to classroom instruction when a teacher is removed from his or her classroom? (Please describe)
(Note: Only districts that responded "Yes" to question 1 responded to this question.)

Districts generally reported that qualified (certificated), long-term substitute teachers are used in order to minimize classroom disruption and/or that they try to complete misconduct investigations quickly.

Source: California State Auditor's analysis of survey responses from 60 California school districts.

The following 11 California school districts selected did not respond to our survey:

- Anaheim Union High School District
- Baldwin Park Unified School District
- Chula Vista Elementary School District
- Compton Unified School District
- Hayward Unified School District
- Mt. Diablo Unified School District
- Pajaro Valley Unified School District
- Palm Springs Unified School District
- Pasadena Unified School District
- Pomona Unified School District
- Saddleback Valley Unified School District

Appendix B

DISCIPLINARY ACTIONS TAKEN BY THE COMMISSION ON TEACHER CREDENTIALING

The Commission on Teacher Credentialing (Teacher Credentialing) is an agency tasked with licensing educators within the State. It is also responsible for administering discipline to credential holders when necessary. Teacher Credentialing provided us with data that included the number and status of disciplinary cases for credentialed employees, including teachers, employed by the Los Angeles Unified School District (LAUSD) as well as the type of disciplinary actions taken in each case, if applicable. The data included information for fiscal year 2011–12 through mid-March 2016.

Table B on the following page reflects our summary of the Teacher Credentialing data related to the number of disciplinary actions it had taken based on reports of misconduct during that time period. A manager in Teacher Credentialing's Division of Professional Practices explained that misconduct reports go through a lengthy review process. Teacher Credentialing investigates the allegations before its Committee of Credentials makes a disciplinary recommendation, if any. Credential holders may appeal a recommended discipline decision by requesting an administrative hearing. Therefore, cases reported in a given year may close with adverse actions in the following year after completion of the administrative hearing. Additionally, the manager indicated that Teacher Credentialing's data reflect the date the case was opened in the Teacher Credentialing database, not the date of the misconduct. Together, these facts may help explain why Table B shows fewer cases resulting in no adverse actions for fiscal year 2015–16 and also why fewer total cases were reported to Teacher Credentialing by LAUSD that year than in previous years.

Table B
California Commission on Teacher Credentialing's Case Status for Reports of Misconduct by Credentialed LAUSD Employees, July 1, 2011, Through March 2016

CASE OUTCOME	NUMBER OF CASES IN FISCAL YEAR 2011-12	NUMBER OF CASES IN FISCAL YEAR 2012-13	NUMBER OF CASES IN FISCAL YEAR 2013-14	NUMBER OF CASES IN FISCAL YEAR 2014-15	NUMBER OF CASES IN FISCAL YEAR 2015-16 (THROUGH MARCH 2016)
No adverse action	215	103	194	155	35
Private admonition	6	2	1	0	0
Public reproof	13	1	11	4	0
Revocation	44	23	43	11	0
Suspension	67	38	25	13	0
Pending cases*	7	3	28	28	57
Totals	352	170	302	211	92

Source: California State Auditor's analysis of unaudited data for the Los Angeles Unified School District (LAUSD) provided by the California Commission on Teacher Credentialing (Teacher Credentialing) from its Credentialing Automation System Enterprise database.

* According to a manager at Teacher Credentialing's Division of Professional Practices, some of the pending cases in this table are awaiting administrative hearings at the Office of the Attorney General.



Los Angeles Unified School District

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October 10, 2016

Elaine Howle, State Auditor *
California State Auditor's Office
621 Capitol Mall, Suite 1200
Sacramento, CA 95819

Dear Ms. Howle:

The following is in response to the California State Auditor's Office's recommendations set forth in its recent report entitled "Los Angeles Unified School District – It can do more to reduce the impacts of removing teachers from classrooms because of alleged misconduct." At the outset, allow me to express the appreciation of the Los Angeles Unified School District ("LAUSD") for the cooperation and thoughtful exchange that ultimately led to your final report. It is apparent that your Office appreciates the important work that the LAUSD must do in order to ensure the safety of our students, while also balancing the rights of employees.

INTRODUCTION

As part of our mission to ensure a quality education for students, the LAUSD not only strives for a 100 percent graduation rate, but also school environments in which our students are safe to learn. Our challenges are plenty, but our commitment to continuous growth and improvement is even greater. Over recent years, we endured events that revealed areas where we could do better in terms of protecting students. In response, we created a Student Safety Investigation Team ("SSIT"), developed a Certificated Performance Evaluation Support ("CPES") team, created a legal team focused solely on the dismissal of employees who engage in misconduct or are otherwise poor performers, and implemented firm policies and procedures to support our efforts to ensure the safety and well-being of our students.

We appreciate that your findings and tone of your report encourage the LAUSD to continue these effective measures with an eye toward continuing to make improvements wherever possible. While student safety remains our foremost concern, an important part of providing a quality education for our students is remaining an employer of choice – one that cares for employees and treats all with respect. To that end, we aspire to ensure that all misconduct allegations that result in employees being temporarily removed from the workplace are investigated promptly, diligently, and in a manner that balances all important interests and rights involved.

* California State Auditor's comments begin on page 63.

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RESPONSE TO RECOMMENDATIONS

With the foregoing in mind, the LAUSD responds to the recommendations set forth in your final draft report below.

1. Establish procedures to periodically monitor each key decision point throughout the reassignment process to ensure compliance with time frames.

① Currently, the LAUSD has in place an electronic system that tracks reassigned employees and their cases. A regular report is shared with senior staff on a need to know basis. The system allows the LAUSD to track the status of all cases, including at what stage in the decision making process the case resides. The LAUSD is also prepared to deploy an even more comprehensive system entitled "CASE," which will assist the LAUSD in its diligence. As part of its next revision to its bulletin governing reassignment procedures, the LAUSD agrees that it would be beneficial to highlight the capabilities of these systems in periodic tracking and implement best practices to ensure compliance with our goals regarding ideal time frames.

2. Develop written procedures to guide staff in appropriate placement options.

② Currently, the LAUSD convenes a regular meeting to discuss employee reassignment in cases where reassignment is appropriate. The attendees are those best positioned to ensure the safety of students, as well as the rights of employees, when making the reassignment. The LAUSD agrees to update its relevant bulletin and practices to ensure that the parties continue to convene in a timely fashion, monitor the length of reassignment cases, and make the most sensible and timely reassignments as appropriate.

3. Develop a comprehensive risk evaluation tool to guide local administrators in deciding when employees present a risk to students or personnel.

③ The LAUSD believes that trained administrators are in the best position to evaluate risk at their school sites. Our professional administrators know their school environment, know their students and families, and know their staff. While the LAUSD should continue to rely on the best judgment of its trained educators, it certainly can provide guidance in the form of a checklist within the relevant bulletin. It is our hope that such a checklist will assist administrators in considering all factors in order to arrive at the most sensible decision regarding removing an employee from the school site. Again, the LAUSD is committed to student safety and we appreciate any and all measures that will assist in that effort.

4. Revise LAUSD policy to allow administrators additional time to complete initial investigations and possibly avoid formal reassignments.

The LAUSD agrees that this recommendation makes sense. It is important to allow sufficient time at the outset so that the correct decision is made regarding formal reassignment. The LAUSD is aware that formal reassignment presents expense and may greatly impact employee morale, even if the employee remains in paid status through

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formal investigation. Allowing more time for administrators to make the best initial decision will certainly minimize the likelihood that employees are unnecessarily removed from the classroom. The LAUSD will survey administrators to identify a more appropriate initial time frame and amend its relevant bulletins and procedures accordingly.

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5. Develop procedures to periodically review the documents the LAUSD has begun collecting under its May 2016 policy revision and ensure consistency with policy.

The LAUSD recently revised its reassignment bulletin to include attached documents designed to guide administrators through the reassignment process. In addition to the suggested bulletin amendments discussed in the report, the LAUSD will implement a centralized review of the attachments so that information inconsistent with the reassignment policy is more efficiently identified and addressed.

6. Revise language in standard reassignment documents to ensure employees are clearly informed of their right to voluntarily pursue professional development.

As discussed throughout the audit process, the LAUSD does not deny any reassigned employee the right to pursue voluntary professional development. Complications regarding mandatory professional development were discussed, however. The LAUSD agrees to ensure that employees are aware of their right to pursue professional development and this point will be covered in the upcoming revision to the relevant bulletin. The LAUSD will continue conversations with labor partners to support this effort as well.

7. Formalize LAUSD's recent practice of reviewing substitute teacher assignments in its Smart Find system on a weekly basis and review assignments to ensure it includes all substitute assignments.

The parties discussed how substitute teachers are called and utilized throughout the reassignment process. The LAUSD agrees that complete tracking of the use of substitutes is in its best interest, as such use is an unfortunate but necessary expense associated with ensuring student safety. The LAUSD will work through its Human Resources/Employee Relations and related departments to ensure timely and accurate information through routine reviews.

* * *

It has been a pleasure working with the State Auditor's Office on these important matters. We look forward to implementing your recommendations in order to enhance our efforts to educate our students in the safest environment possible. Thank you for your cooperation and assistance.

Elaine Howle, State Auditor
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October 10, 2016
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Please contact the undersigned at (213) 241-7600 if you have any questions or concerns.

Sincerely,



Kathleen E. Collins
Chief Administrative Law & Litigation Counsel

CC: Michelle King
David Holmquist
Jose Cantu
Marjorie Josaphat
Donna Gilliland

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE LOS ANGELES UNIFIED SCHOOL DISTRICT

To provide clarity and perspective, we are commenting on the response to our audit report from the Los Angeles Unified School District (LAUSD). The numbers below correspond to the numbers we have placed in the margin of LAUSD's response.

We acknowledge that LAUSD has an Incident Reporting System Database (database). However, as we discuss on page 21, LAUSD does not use this database to comprehensively track and report on the time it takes relevant LAUSD staff to investigate cases, reach disciplinary decisions, or to return a teacher to the classroom. As we state on page 22, although the database keeps historical records of the data entered into the system, the database is only programmed to report on the responsible party at a particular point in time. Further, our review indicates that LAUSD does not currently have effective processes to prevent unnecessary delays nor has it used historical data to identify which steps in the process are contributing to delays so it can take corrective action. Therefore, part of our recommendation on page 49 is that LAUSD establish procedures to periodically monitor each key decision point throughout the reassignment process to ensure that responsible parties meet the time frames LAUSD has set for resolving teacher reassignments.

①

Although we agree with LAUSD's plan to update its relevant bulletin and practices, we disagree with LAUSD's comment that indicates that parties were convening in a timely fashion. Our review of 15 teacher reassignment cases that had been open for two or more years identified significant delays in LAUSD returning teachers to work after approval to do so. As we state on page 33, in several cases delays in placing teachers back in classrooms were compounded by months-long periods between the decision that the teacher would not be dismissed and when applicable LAUSD staff met with the teacher concerning a placement. Our recommendation on page 49 that LAUSD develop written procedures to guide staff in identifying appropriate placement options, including time frames by which relevant personnel are to meet with one another and with returning teachers who have been reassigned for a long time, is critical to ensure it avoids significant delays in returning reassigned teachers to work.

②

Our recommendation on page 49 leaves it to LAUSD's discretion to determine the specific design of the risk assessment tool that would best assist local administrators in reaching appropriate and

③

consistent reassignment decisions. However, we emphasize that the tool—whether based on a checklist or another format—should contain specific factors of consideration that may exacerbate or mitigate risk, such as a teacher’s prior behavior and the vulnerability of affected students, as we discuss on page 39. On that page we also state that the tool should be designed in a way that documents the local administrator’s reasoning when making the decision. This would enable LAUSD administrators to review the reasoning to help ensure consistent reassignment decisions districtwide and would maintain a decisive record of the reasons for those decisions.

- ④ We are pleased that LAUSD agrees that allowing more time for local administrators to complete their initial assessments may in some cases prevent unnecessary formal reassignments. However, LAUSD’s response indicates that it may have misunderstood our recommendation. Specifically, LAUSD states that it will survey administrators to identify a more appropriate initial time frame and amend its relevant bulletins and procedures. However, as we discuss on page 41, LAUSD’s data indicate that in many cases five days is enough time for the local administrators to complete the preliminary assessment. Additionally, our review of 10 preliminary assessments in which teachers were subsequently returned to classrooms included cases in which local administrators determined the allegations were unfounded and cases in which they concluded that misconduct occurred but did not indicate a need to formally reassign the teacher. This lends support to the idea that LAUSD should continue to generally hold local administrators to the current policy time frame of five days.

Our recommendation on page 49 is for LAUSD to revise its policy to allow local administrators, in certain circumstances and with sufficient justification, to request small, specific additional amounts of time to complete the preliminary assessment and possibly avoid formal reassignments. We specify in the recommendation that when it grants additional time to a local administrator, LAUSD should continue to closely monitor the local administrator’s activities until the preliminary assessment is complete. In this way, LAUSD can provide limited flexibility that would help minimize the number of formal reassignment investigations it must complete without allowing preliminary assessments to carry on for unreasonable periods of time.