

Sue Ann Salmon Evans, State Bar No. 151562  
sevans@DWKesq.com  
Keith A. Yeomans, State Bar No. 245600  
kyeomans@DWKesq.com  
DANNIS WOLIVER KELLEY  
115 Pine Avenue, Suite 500  
Long Beach, CA 90802  
Telephone: 562.366.8500  
Facsimile: 562.366.8505

David R. Holmquist, State Bar No. 179872  
david.holmquist@lausd.net  
LOS ANGELES UNIFIED SCHOOL DISTRICT  
OFFICE OF GENERAL COUNSEL  
333 S. Beaudry Avenue, 24th Floor  
Los Angeles, CA 90017  
Telephone: 213.241.6601  
Facsimile: 213.241.8444

Attorneys for Plaintiff-Intervenor  
Los Angeles Unified School District

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

STATE OF CALIFORNIA, et al.,  
  
Plaintiffs,  
  
v.  
  
WILBUR L. ROSS, JR., et al.,  
  
Defendants.

Case No. 3:18-cv-01865-RS

**TRIAL DECLARATION OF KAREN  
RYBACK**

*Assigned for all purposes to Hon. Richard  
Seeborg, Courtroom 3*

Complaint filed March 26, 2018  
First Amended Complaint filed May 4, 2018

Trial: January 7-15, 2019

DANNIS WOLIVER KELLEY  
115 PINE AVENUE, SUITE 500  
LONG BEACH, CA 90802

**DECLARATION OF KAREN RYBACK**

I, Karen Ryback, declare as follows:

1. I am the Executive Director for the Federal and State Education Programs Branch of the Los Angeles Unified School District ("LAUSD" or "District").

2. The Federal and State Education Programs Branch provides technical support to the District, including its schools and administrators, regarding various federal educational funding programs. These programs include, among others, Title I ("Title I"), Title II ("Title II"), and Title IV of the Elementary and Secondary Education Act of 1965 ("ESEA"), 20 U.S.C. §§ 6301-6577, 6601-6692, & 7101-7294.

3. The ESEA has undergone a number of amendments since its initial passage, most notably by the No Child Left Behind Act of 2001 ("NCLB") and the Every Student Succeeds Act of 2015 ("ESSA").

4. LAUSD's Federal and State Education Programs Branch provides guidance regarding the District's eligibility for, and receipt of, these federal program grant funds. Other responsibilities for LAUSD's Federal and State Education Programs Branch include providing guidance on fiscal and program requirements, federal program monitoring, development and review of schoolwide programs, preparation and review of Single Plan for Student Achievement as required by Title I, and federal program application in private schools.

5. As Executive Director for the Federal and State Education Programs Branch of LAUSD, my responsibilities include, in part, monitoring of District eligibility and receipt of Title I, Title II, and Title IV grant funds; oversight of fiscal resources for over 700 Title I-funded schools; federal program reviews; Single Plan for Student Achievement development; Title I equitable services in private schools; District-wide Title I investments; and overall District federal program and fiscal compliance.

6. I also currently serve on the District's Local Control Accountability Plan ("LCAP") implementation team and collaborated on the development and implementation of processes to maintain oversight of school site use of Local Control Funding Formula funds—California State educational funding apportionment programs.

1           7. I have served as Executive Director for the Federal and State Education Programs  
2 Branch of LAUSD since 2014.

3           8. From 2007 to 2014, I was the Project Director III for the Categorical Programs  
4 Unit of the Division of Instruction for the Los Angeles County Office of Education ("LACOE").

5           9. As a Project Director at LACOE, I was responsible for providing technical  
6 assistance to schools and school districts in Los Angeles County, including holding monthly  
7 meetings for school district directors. I also directed and oversaw the publishing of handbooks,  
8 newsletters, and guidance on effective implementation of federal and state categorical programs,  
9 including Title I and Title II. Similarly, I collaborated on the development of support tools and  
10 delivery of workshops to promote school district engagement with their school communities and  
11 in the development of their LCAPs. During this process, I would often review and give feedback  
12 to school districts on their draft LCAPs.

13           10. From 2003 to 2007, I was a Title I/NCLB Consultant for LACOE's Division for  
14 School Improvement. During this time, I provided a wide array of services and technical  
15 assistance to Title I schools and administrative staff in school district offices throughout Los  
16 Angeles County. Primarily, these services focused on categorical programs and all areas of the  
17 ESEA as amended by NCLB, including Schoolwide and Targeted Assistance Programs, School  
18 Improvement requirements, school and school district-level planning processes, preparation for  
19 Categorical Program Monitoring visits, Consolidated Applications, effective parent involvement  
20 practices, and roles and responsibilities of advisory councils and committees.

21           11. From 2000 to 2003, I worked as a consultant for LACOE's Regional School  
22 Support and Improvement Center. During this time, I helped plan, develop and implement Title I  
23 schoolwide programs and plan writing.

24           12. From 1990 to 2000, I worked as a specialist for LAUSD's Specially Funded  
25 Programs Branch, designing, implementing, and monitoring Title I Program Quality Review  
26 ("PQR") activities for over 600 schools. I also trained PQR teams and provided technical  
27 assistance to schools and offices on PQR, schoolwide programs and school plan writing.

28           13. For nearly thirty years, I have worked continually with LAUSD and LACOE in

1 federal education funding program compliance and operations, with a particular emphasis on Title  
 2 I, Title II, and Title IV. Throughout my career, I have acquired extensive experience with the  
 3 Title I, Title II, and Title IV educational funding programs.

4 14. Title I provides federal financial assistance to local educational agencies ("LEAs")  
 5 with high numbers or high percentages of children from low-income families. LEAs typically  
 6 include school districts, charter schools, county offices of education, and similar educational  
 7 entities that operate locally and not directly by the state.

8 15. Title I funds are allocated through a series federal grants based on the number of  
 9 'formula children' within an LEA. Formula children include economically disadvantaged  
 10 children between 5 and 17 years old. Economic disadvantage is determined primarily on census  
 11 poverty estimates and the cost of education in each state.

12 16. Title I funds are allocated pursuant to four different allocation grant formulas—  
 13 basic grants, concentration grants, targeted grants, and educational finance incentive grants.  
 14 There are minimum thresholds for school size and percentage of formula children that increase  
 15 for each grant, with basic grants having the lowest threshold and educational finance incentive  
 16 grants having the highest threshold.

17 17. For larger school districts, the higher percentage of qualifying formula children,  
 18 the greater a school district's allocation of Title I grant funds.

19 18. LAUSD is the largest school district in the State and has more qualifying formula  
 20 children than any other district. Correspondingly, LAUSD receives a greater allocation of Title I  
 21 funds than any other school district in California, as reflected in the California Department of  
 22 Education ("CDE") 2017-18 Title I Allocation tables. I have the reviewed the document marked  
 23 as PTX-845, which is a correct copy of CDE's 2017-18 Title I Allocation tables and listing  
 24 LAUSD's final allocation of Title I grant funds on page LAUSD000575.

25 19. In the 2017-18 school year, LAUSD received \$333,498,040 in Title I funds.

26 20. In the 2016-17 school year, LAUSD received \$329,413,803 in Title I funds.

27 21. In the 2015-16 school year, LAUSD received \$299,618,648 in Title I funds.

28 22. Title II provides federal financial assistance to help LEAs improve teacher and

1 principal quality through professional development and to increase low-income and minority  
2 students' access to effective teachers, principals, and other school leaders.

3 23. After allocation of a baseline figure tied to an LEA's 2001-02 entitlement, the  
4 remaining funds are distributed pursuant to formulas using census derived data sets. Eighty  
5 percent of these remaining funds are distributed to LEAs in proportion to the number of families  
6 with incomes below the poverty line within an LEA while the other twenty percent is distributed  
7 to LEAs in proportion to their general population.

8 24. In the 2017-18 school year, LAUSD received \$27,580,219 in Title II funds.

9 25. In the 2016-17 school year, LAUSD received \$41,348,874 in Title II funds.

10 26. In the 2015-16 school year, LAUSD received \$42,042,847 in Title II funds.

11 27. Given LAUSD's high number of economically disadvantaged students, LAUSD  
12 also receives a greater allocation of Title II funds than any other school district in California, as  
13 reflected in the California Department of Education ("CDE") 2017-18 Title II Allocation tables. I  
14 have the reviewed the document marked as PTX-846, which is a correct copy of CDE's 2017-18  
15 Title II Allocation tables and listing LAUSD's final allocation of Title II grant funds on page  
16 LAUSD000654.

17 28. I have the reviewed the document marked as PTX-847, which accurately lists  
18 LAUSD's Title I, Title II, and Title III allocation amount for the 2015-16, 2016-17, and 2017-18  
19 school years and which was produced from LAUSD's Major Categorical Program Entitlement  
20 database records.

21 29. Title IV provides federal financial assistance to LEAs to improve student access to  
22 specific educational programs as well as educational technology.

23 30. Title IV funds are allocated in direct proportion to an LEA's Title I funds. For the  
24 2017-18 school year, CDE had the option to convert these Title IV funds into competitive grants  
25 which it distributes to the LEAs. For the 2017-18 school year, LAUSD was slated to receive an  
26 estimated \$7,000,000 in Title IV funds, if directly allocated based on the District's Title I  
27 entitlement. However, CDE changed the allocation to a competitive grant. LAUSD has  
28 submitted its application to receive these funds although has not yet received a response from

1 CDE.

2 31. CDE does not have the option to convert Title IV funds into competitive grants for  
3 the 2018-19 school year and based on LAUSD's Title I entitlements, the District's Title IV  
4 entitlements for the 2018-19 school year total \$21,573,705.

5 32. LAUSD depends on federal education funding for critical educational programs  
6 and services. LAUSD's share of Title I, Title II, and Title IV federal grant funds are directly  
7 proportional to census population and poverty data.

8 33. As compared to other school districts within the United States, LAUSD has a  
9 disproportionately high number and percentage of immigrant, non-citizen, and Hispanic students  
10 that is reflective of the general population of the City and County of Los Angeles. Any  
11 differential net undercount of these subpopulations will have a correlated impact on LAUSD and  
12 a resulting loss of Title I, Title II, and Title IV federal grant funds.

13 34. I have personal knowledge of the facts set forth in this declaration.

14  
15 I declare under penalty of perjury, under the laws of the State of California and the United  
16 States, that the foregoing is true and correct.

17 Executed December 16, 2018, in Los Angeles, California.

18  
19   
20 Karen Ryback