

West Mar Vista Residents Association



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June 16, 2015

The Honorable Members, Board of Education, and
Members, Citizens Bond Oversight Committee
Los Angeles Unified School District
333 Beaudry, Los Angeles CA 90017

Copy: Superintendent Ray Cortines

RE: Cancellation of the \$30 million Mandarin Immersion Program Construction Project at Mark Twain Middle School

REQUEST TO THE BOARD TO PLEASE:

- 1. Affirm Superintendent Cortines' cancellation of the construction of the proposed new \$30 million facility at Mark Twain Middle School campus (Informative, May 26, 2015)**
- 2. Be aware of the West Mar Vista Community's concern about LAUSD board member Zimmer's intemperate accusations and comments**
- 3. Work with the West Mar Vista and other communities with excess classroom space to mitigate negative impacts from locating commuter schools (charter or LAUSD-operated) on school sites with limited traffic and other supportive infrastructure**

1. BACKGROUND AND SUPPORT FOR SUPERINTENDENT CORTINES' RECOMMENDATIONS

The West Mar Vista Residents Association (WMVRA) is a community-benefit organization whose members reside and/or own property in the West Mar Vista neighborhood, mostly within the attendance boundaries of Mark Twain Middle School.

1.1. WMVRA has reviewed and supports Superintendent Cortines' recommendations in his May 26, 2015 communication to you and the Citizens' Bond Oversight Committee to not move forward with the proposed new \$30 million facility construction at the Mark Twain Middle School campus. We support his proposals that immediately provide for fulfillment of LAUSD'S original goal of expansion of the Mandarin and Spanish Immersion programs at Broadway Elementary School, the current site. We, however, request that the number of Kindergarten classes in the Mandarin Program be kept at four.

1.2. We thank the LAUSD Office of Environmental Health and Facilities Division for their courage and leadership for following the evidentiary record in the DEIR and recommending "The Redistricting Alternative" as preferable to the construction of a new \$30m facility at Mark Twain MS.

1.3. We particularly thank the Superintendent for his careful review of the responses to the Draft Environmental Impact Review (DEIR) of the proposed \$30 million new school facility at the Mark Twain MS campus and his investigation into issues surrounding the Mandarin Foreign Language Immersion Program offered at Broadway Elementary School (Broadway). We appreciate his careful analysis of the relevant instructional, facilities, environmental, parental, and community impacts, which stands in marked, positive contrast to other LAUSD documents for the Project for its clarity and factual bases.

Both the WMVRA and the Mar Vista Neighborhood Council, while supportive of LAUSD and language immersion programs, are opposed to the project construction at the Mark Twain campus due to very



serious health and safety, traffic, pedestrian safety, and other negative impacts detailed in written comments submitted in response to the project's DEIR. Our May 18, 2015 letter details 53 issues that have not been adequately addressed or are fundamentally flawed in complying with the requirements of CEQA for the project. Furthermore, the \$30 million project would not provide any direct benefits to the children living in the neighborhood as the facility would serve students drawn from throughout LAUSD's service area and from outside.

It is important that you, as Board Members, affirm the Superintendent's May 26, 2015 Informative so as to stop the current project and address any future similar plans

2. ADOPT ACTION TO END THE \$30M PROJECT AT MARK TWAIN MS

Despite the Superintendent's Informative and the DEIR's recommendation of a superior alternative to new construction, Mr. Zimmer has stated his intent to renew the project in his May 26, 2015 letter.

- 2.1. Mr. Zimmer states that while he now assigns full responsibility to Mr. Cortines "*for executing the vision and policies of the Board of Education both as it relates (sic) Mark Twain, Mandarin/Spanish Immersion at Broadway and enrollment growth initiatives throughout LAUSD,*" ... "*there are substantive and valid academic reasons to present a building program to the community*" and "*I believe even more strongly today that a building project at Mark Twain MS is the best strategy ...*".
- 2.2. Mr. Zimmer's stated position ignores the Project DEIR, which does not recommend building a new \$30m facility at Mark Twain. Mr. Zimmer also ignores the finding in the Superintendent's May 26, 2015 Informative that the DEIR is based on a fundamental error: that the Mandarin Immersion Program is a Dual Language Immersion Program which requires a new 27-classroom facility to succeed. The assertion is false, as demonstrated in the DEIR process and in the Superintendent's May 26, 2015 analysis of the existing Program.
- 2.3. Mr. Zimmer's letter does acknowledge the Superintendent's factual analysis, the consequent cancellation of the proposed \$30 million project at Mark Twain MS, and the public comments to the DEIR. He states, "*I now believe that the proposed design will not address the impacts of increased traffic, parking and the loss of potential community recreational space.*" However, he then asks the Superintendent and Facilities Division to "*redesign the project to better address these issues and more equitably distribute the benefits of project between Mandarin Immersion, Beethoven and Mark Twain.*" These contradictory statements are confusing.
- 2.4. As neighbors of the project site, we are left apprehensive about the intent of LAUSD, as expressed by Mr. Zimmer. Therefore, we request you to affirm the Superintendent's May 26, 2015 recommendations as they are fact-based, clear and cogent. Furthermore, LAUSD's own DEIR did not favor the construction of the \$30m facility at Mark Twain MS. Your action to close down the project will be much appreciated and lauded. It will also avoid any potential lengthy and costly litigation.

We renew our request that LAUSD take action to stop further pursuit of this project at the Mark Twain location. We do request that LAUSD, as the agency of record, honor the Public Records Retention Act and maintain its evidentiary record for the project created to date, which can be cited in the event of litigation.

3. LAUSD PROCESS FOR LOCATING "COMMUTER" SCHOOLS

We are grateful to the Superintendent for providing much needed clarification regarding the need for the new facility as earlier Board Reports, District documents and the DEIR had all insisted that the DUAL



Immersion nature of the Program at Broadway ES site necessitated the construction of a new \$30 million facility at the Mark Twain MS site.

- 3.1. According to Mr. Zimmer and the DEIR, a new 27-classroom facility was needed because the Mandarin Program was a Dual Immersion Program where children must be enrolled no later than Grade 1. It was important to have a new facility where children would preferably start in one of four kindergarten classrooms and progress through the 5th grade. This demand is based on the premise that in a Dual Language Immersion Program, “children from two different languages group together to learn from and with each other in an integrated setting.”
- 3.2. However, the Superintendent’s May 26, 2015 Informative report made clear that the Mandarin Immersion Program at Broadway is not a Dual Immersion Program but is and shall remain a Foreign Language Immersion Program in which children learn from their teacher, and peer assisted language learning is not a necessity although a desirable outcome. Thus the key reason to build and locate a \$30m new facility at Mark Twain MS was incorrect.

These new, post-DEIR, facts raise questions about the credibility of the LAUSD’s determination of facility needs. *LAUSD should review and revise its facility needs processes for legitimate communication of facts, curriculum and fiscal issues.*

4. FAILURE OF LAUSD TO OUTREACH TO THE COMMUNITY

LAUSD repeatedly failed to inform the West Mar Vista community of its plans to construct a new facility at the Mark Twain MS site during its planning and CEQA-required notification process.

- 4.1. On two previous occasions, this Project faced serious objections from the neighborhoods of other proposed sites – in 2012, Broadway ES and in 2013, Marina del Rey MS. Having “learned its lesson” at the earlier proposed sites, we maintain that, in 2014 LAUSD deliberately concealed the project from the neighborhood (Mark Twain MS) in order to approve and proceed with the project without having to address neighborhood concerns.
- 4.2. For example, during the planning process, LAUSD informed the Citizens Bond Oversight Committee in response to a specific question regarding outreach concerns from Member Barry Waite (March 27, 2014 meeting, Minutes, Page 5), that “*there was a community meeting for the Twain community on March 6, 2014.*” West Mar Vista residents do not recall such a meeting or a Notice for such a meeting, including those who live across the street from the campus.
- 4.3. For example, over two dozen West Mar Vista residents living within 300 feet of the project site submitted written statements to LAUSD stating that they did not receive the CEQA-required Notices for the DEIR.
- 4.4. Upon Mr. Cortines’ return to his role as LAUSD Superintendent, he learned late, much as we did, that the Facilities staff was already engaged in the development of the project, and the Office of Environmental Health and Safety was already developing the DEIR, with the Board of Education in January 2015 awarding a design-build contract for the project without having heard from those in our community that would be most impacted.
- 4.5. In these circumstances, we thank the Superintendent for his acknowledgement of neighborhood safety and quality of life issues that LAUSD ignored during its planning and DEIR process.



- 4.6. Given the repeated LAUSD failures with outreach for this Project (Broadway ES, Marina del Rey MS, Mark Twain MS), *we request a public review of the LAUSD's bond expenditure planning process for informing and including the neighborhood where a project is to be sited, pursuant to Section 2.3 of the March 15, 2011 Charter of the LAUSD School Construction Bond Citizens' Oversight Committee.*
- 4.7. *We also request that LAUSD publicly develop and disseminate criteria for the location of any commuter schools, where the majority of students must individually be driven or drive to school from outside the school's attendance boundaries.*

The practice of locating commuter schools needs to be strictly controlled if not prohibited at neighborhood school sites designed to primarily serve students locally within defined attendance boundaries. The fact that a proposed school is a charter or LAUSD operated is irrelevant to measuring the impact of the commuter school on the neighborhood.

5. LAUSD BOARD MEMBER ZIMMER'S MAY 26, 2015 RESPONSE LETTER, REGARDING COMMUNITY CONCERNS ABOUT THE PROJECT

We understand and appreciate Mr. Zimmer's affirmation of his role as an LAUSD Board member, as set forth in his letter. We share his desires to secure quality education and genuine programs that may attract more students back to LAUSD. However, such goals should be derived in honesty and with transparency and a true commitment of benefit to communities and neighborhoods.

- 5.1. After the Superintendent's May 26, 2015 Informative on the Project that recommends that the Project not be built, Mr. Zimmer sent out a strongly worded contradictory response. Mr. Zimmer insists, *"I believe even more strongly today that a building project at Mark Twain MS is the best strategy to meet the instructional needs of the Mandarin Immersion program and to stabilize enrollment throughout the Venice High complex."* He provides neither factual data nor any analytical basis for his position other than his assertions, while egregiously ignoring the negative impacts of the project revealed through the DEIR process.
- 5.2. Left with no factual basis, after the DEIR review process, for his assertion that his "Vision" requires the construction of a new facility at the Mark Twain MS campus, Mr. Zimmer unfortunately turns to bad-mouthing our community by alleging we engaged in a *"campaign designed to scare and intimidate families away from a school or a community..."* and *"an adult version of the very bullying..."*
- 5.3. Our reaction is one of surprise at these allegations. Certainly, the West Mar Vista community has responded to the sudden prospect of a commuter school, as defined in 4.7 above. We have done so on the record and in good faith, with experts secured with our own personal funds to provide professional and expert review of the DEIR. We have comprehensively but fairly and respectfully addressed the inadequacies of the DEIR in our critique of its process and as an informational document.
- 5.4. If any one has a basis for complaining about bullying, we certainly do. LAUSD failed to provide information, notice, consultation or even timely opportunity to us to respond to the \$30 million project. Mr. Zimmer presented it to the community on February 26, 2015 at his Mark Twain MS meeting as a fait accompli, with maps, drawings, engineers, contractors, etc. in tow with the explicit threat that if the community objected, a charter operator take over the campus.
- 5.5. One aspect of Mr. Zimmer's bullying is his public display of affection and favoritism for one "group" - at a time. At the March 5, 2015 community meeting announcing the proposed \$30m



facility to the West Mar Vista Community, he made a pointed, public, and dramatic announcement, directed solely at the parents of the current Mandarin Immersion Program at Broadway ES who were in the audience: He had secured the appointment that very day of the current Broadway ES Principal as their very own Principal of the Mandarin Immersion Program. Earlier, in 2013, he led the creation of another Immersion Program (Spanish) at Broadway ES to please local activists, over the concerns of the other parents at Broadway, as it was clear that there already was not enough space for the two existing programs, Mandarin Immersion and regular K-5, at the campus. Having made sure that there were now three separate Programs at Broadway - Mandarin and Spanish Immersion, and regular K-5 – in a facility that could not accommodate them, Mr. Zimmer then turned to promising a brand new \$30 million facility for one of the three Broadway programs – Mandarin Immersion. Why this Program was chosen over the other two is unknown and an important unresolved issue at Broadway. Mr. Zimmer thus sets up group conflicts in our community which we must then address and attempt to resolve – while he continually encourages the group conflict.

Mr. Zimmer, as a representative of LAUSD, should withdraw these comments or provide evidence in order to undo the tarnish on our community from such ugly, broad brush-stroke defamatory characterizations. Short of his withdrawing the comments, we at least want to make the Board aware of his actions and our rejection of his assertions about our behavior.

6. CAMPUSES WITH UNUSED SPACE

We want to assure you, that WMVRA members have committed to working with you, the Superintendent, and the City (Council and Mayor) to ensure better, safer, and environmentally appropriate use of excess classroom space at neighborhood schools in our community. We believe that schools with unused space are a community resource that should be re-purposed to meet neighborhood needs including non-school use. However, our primary goal should be the continued use of the space for neighborhood children. This is consistent with the stated primary purpose of all voter-approved LAUSD school facilities bonds to provide clean, safe and appropriate learning facilities for children in their neighborhoods.

- 6.1. Our neighborhood schools need working bathrooms, drinking fountains, safe classroom and school fixtures, safe play areas, working classroom equipment, etc. By improving our neighborhood schools so that more neighborhood children attend them, we can reduce unused space. This has occurred at campuses where LAUSD has improved the education environment, including our Beethoven ES. The \$30 million set aside for the rejected Project should be used for that purpose so as to improve and attract neighborhood children to neighborhood schools.
- 6.2. We do not want commuter schools, as defined in 4.7 above, located at neighborhood school sites without adequate notice or environmental impact studies of their impacts on our lives with appropriate and functional mitigation measures. In fact, even the existing situation at Mark Twain does not conform to agreed upon protocols: buses used to bring students to school are parked and idle on a neighborhood street. Such impacts need to be mitigated.
- 6.3. Instead of improving neighborhood schools, which is the stated primary purpose of all voter-approved LAUSD school facilities bonds, LAUSD seeks to locate or build commuter schools at the sites. In the last decade, these threats have materialized at Coeur D’Alene, Westminster, Broadway, Walgrove, Stoner, Mark Twain, Marina del Rey and Webster sites – to cite a few examples. At each site, there have been conflicts and even physical violence accusations. For us, there are always two issues: lack of benefits to the neighborhood children in favor of commuting, usually more affluent children, and significant neighborhood environmental impacts.



- 6.4. State, LAUSD and the Citizens Bond Oversight Committee policies on locating new school facilities do not take account the nature or impact of commuter schools, such as the \$30 m facility proposed for Mark Twain MS, where the majority of students must individually be driven or drive to school from outside the school's attendance boundaries. Similarly, state Education Code Section 17251 and the California Code of Regulations (CCR), Title 5, sections 14001 through 14012 fail to address the issue. Therefore, *we strongly recommend that LAUSD develop criteria, based on Education Code Section 17251 or new statutes, to consider and approve future commuter school projects on existing neighborhood school sites*, in place of the current practices that resulted in a secretly planned, unjustifiable, and environmentally unsustainable \$30m project at Mark Twain MS.

Further, there are now numerous other opportunities for collaborative work on re-purposing school sites with excess space. We hope that LAUSD will move forward with new policies on school locations and re-purposing excess space so that the result improves lives and communities.

7. SUMMARY AND CONCLUSION

Mr. Cortines's May 26, 2015 Informative has ordered a stop planning and construction for a new \$30 million commuter elementary school in Mar Vista meant to house a Mandarin Immersion program. The West Mar Vista Residents Association and the Mar Vista Community Council rejected the project as a poor use of \$30 million since existing schools are adequate to house the program and the traffic and other environmental impacts would be an abomination. We wholly support the Superintendent's position.

Conversely, Board Member Zimmer's position is that the school should nonetheless be built even though the Superintendent recommends that it not be built, community does not want it, the project's Draft Environmental Impact Report was found to be so deficient as to be almost worthless, and the stated reason for creating the new school is fallacious. The program, currently at Broadway ES, can easily stay where it is and the notion that it needs to tie to the middle school where graduates will go (a Pathway) is not used in other Mandarin language immersion programs within the District.

Consequently, we are requesting the Board to act on the Superintendent's recommendations and rescind the design-build contract for the school, direct staff to cease work on the EIR and anything else connected with the project (other than contract cancellation) and direct that the Mandarin language program remain at Broadway ES with four (4) Kindergarten classes per year.

We look forward to your positive response to our request and to working with you on the academic and physical improvement of our neighborhood schools and better space utilization of existing school facilities.

Sincerely,

Saeed Ali
President