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Sent via e-mail

Paul Gothold, Superintendent of Schools
San Diego County Board of Education
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Re: Comments to SDUSD Local Control Accountability Plan

Dear Superintendent Marten and Superintendent Gothold:

ACLU Foundation of San Diego & Imperial Counties ("ACLU") is dedicated to advancing education equity so that all students have equal opportunities to prosper in school and reach their fullest potential. We support all efforts to meaningfully implement the Local Control Funding Formula ("LCFF"), and its goals of equity, transparency, accountability and meaningful engagement of communities.

Parents and stakeholders have raised questions and concerns about San Diego Unified School District's ("SDUSD" or the "District") 2018-19 Local Control Accountability Plan ("LCAP"). Specifically, that the LCAP lacks transparency regarding the District's spending decisions and fails to properly allocate supplemental and concentration ("S&C") funds. Our review of the 2017-18 LCAP raised concerns regarding (1) the District's proposed uses of S&C funds, and (2) whether the funds reserved for low-income, English Learner and foster youth students (collectively "high-need students") increased or improved educational services for these students as required. Many of these deficiencies appear to continue in the 2018-19 LCAP, which was approved on June 26, 2018, just one week after the full Draft LCAP was published. In this letter, we raise some preliminary concerns based on our review of the 2018-19 LCAP:

- It is unclear whether unspent S&C funds from last year have been carried over and there are unexplained discrepancies between budgeted and estimated actual expenditures;
- The LCAP fails to establish that each districtwide S&C expenditure is principally directed towards and effective in meeting goals for high-need students;
- Many of the Measurable Outcomes are omitted from the Annual Update;

- Certain Stakeholder Engagement requirements have not been met.

We hope this presents an opportunity to work collaboratively with the community, District and County to resolve any deficiencies and ensure that the LCAP reflects equitable and purposeful plans to help students succeed.

1. The LCAP fails to identify how carryover funds were spent or reallocated, or to account for differences between budgeted and actual S&C expenditures.

As part of the Annual Update, districts must identify the amounts budgeted for specific LCAP Actions and the estimated actual amounts spent. We aggregated the difference between the budgeted and estimated actual amount for each allocation of S&C funds, and approximately \$3.5 million went unspent in the 2017-18 school year. Districts are required to carry over unspent S&C funds into the next LCAP year. Though the LCAP notes generally that the 2018-19 spending plan “takes into account the carryover from 2017-18,” it fails to identify the amount or describe how the funds have been allocated in the 2018-19 LCAP.¹ Setting aside concerns that many S&C expenditures were not justified, significant discrepancies cause concerns that the District did not meet its minimum obligation to increase and improve services for high-need students, as compared to all students, last year.²

The LCAP also fails to account for unspent S&C funds and explain how the funds were ultimately invested, though districts are required to include explanations for all material budget differences.³ As just one example, the District explains approximately \$1.6 million in unspent S&C funds budgeted for Action 1.5.b. as reallocation to Action 1.3.b., but the offset amounts do not match, and it is unclear why the funds were reallocated.⁴ The District should clearly explain *why* it deviated from its spending plans, as advised in the State Board-adopted LCAP Template.⁵ Vague explanations such as “realignment of teachers/resources,” and “decrease in expenditures due to multiyear commitment to programs,”⁶ fail to describe what prompted the decision to adjust spending plans. This is important when the plans are developed to improve educational services for students with the highest needs. Moreover, the budget reallocations raise additional concerns that the District unilaterally reallocated S&C funds without first engaging stakeholders as required.

¹ See LCAP at 304.

² 5 CCR § 15496(a); Educ. Code § 42238.07(a)(1).

³ See LCAP Template, Annual Update Analysis Instructions.

⁴ See LCAP at 34, 60. Next year, the District has budgeted \$5.6 million more in S&C funds for the unchanged actions and services in Action 1.5.b.

⁵ See LCAP Template Appendix B, Guiding Questions: Annual Review and Analysis.

⁶ Notably, “decrease in expenditures due to multiyear commitment to programs” is the only explanation offered for significant unspent S&C funds under Action 1.10.b., one of few LCAP Actions targeted *solely* for low-income student services (see LCAP at 60). The explanation suggests that the District prioritized implementation of other unspecified programming over improved services for low-income students. The LCAP should explain the basis for this decision or provide more clarity as to why the services were not provided. This is particularly critical when the amount of S&C funds budgeted on supports that *solely* target low-income students is minimal compared to the District’s total S&C funding. Low-income students represent 59.4% of the population and are the largest high-need student group, according to SDUSD’s website: <https://www.sandiegounified.org/about-san-diego-unified>.

2. The District continues to spend the majority of supplemental and concentration funds on districtwide actions and services without meeting its burden to show they are principally directed toward, and effective in, meeting goals for high need students.

While districts have flexibility in S&C expenditures, the law requires that S&C funds “increase or improve services for unduplicated pupils as compared to the services provided to all pupils.”⁷ “[T]o increase or improve services” means “to grow services in quality [or] quantity,” and districts must demonstrate this growth in their LCAP.⁸ When S&C funds are spent on a districtwide or schoolwide basis, districts must describe how the expenditures are “principally directed towards, and are effective in, meeting the district’s goals” for high-need students.⁹ In other words, districts must demonstrate that S&C funds are being spent to improve educational services for low-income, English Learner and foster youth students specifically; it is insufficient that S&C expenditures only incidentally benefit them. The justification for *each* planned action and service must be identified in the “Demonstration of Increased or Improved Services for Unduplicated Pupils” LCAP section.¹⁰

In 2017, the California Department of Education (“CDE”) issued a decision establishing how a local education agency (“LEA”), such as a school district, meets its burden of adequately justifying districtwide S&C expenditures (“CDE Fresno Decision”).¹¹ The CDE stated that a service is principally directed towards and effective in meeting goals for high-need (or “unduplicated”) students when a district describes in the LCAP “factors such as the needs, conditions or circumstances of its unduplicated pupils, and how the service takes these factors into consideration (such as, for example, by the services design, content methods or location). In addition, the description must explain how the LEA expects the service to support the LEA’s conclusion that the service will be effective to meet the LCAP goals for its unduplicated pupils. **When properly explained in the LCAP, it will be apparent how the LEA is acting to increase or improve services for unduplicated pupils, and why it has determined the services identified will be effective to achieve its goals**” (emphasis added).¹² A district’s LCAP additionally “must distinguish between services directed toward unduplicated pupils based on that status, and services available to all pupils without regard to their status as unduplicated pupils or not.”¹³ In other words, districts must not use S&C funds on actions and services designed for all students regardless of circumstance or need.

The majority of SDUSD’s S&C funds are allocated to support districtwide actions and services but lack the required justifications. Instead, the LCAP is mostly replete with cursory and unsupported explanations that exemplify the District’s blanket approach of designating virtually any districtwide program as though it is targeted towards high-need students. Even in districts with a high population of

⁷ 5 CCR § 15496(a); Educ. Code § 42238.07.

⁸ 5 CCR § 15495(f)-(g); see LCAP Template.

⁹ 5 CCR § 15496(b)(2)(B); see LCAP Template Instructions, Demonstration of Increased or Improved Services for Unduplicated Students.

¹⁰ LCAP Template Instructions clearly apprise LEA’s of their obligations, instructing them to “[d]escribe how these services are principally directed to and effective in meeting its goals for unduplicated pupils in the state and any local priorities.”

¹¹ See May 2017 CDE Fresno Decision, issued in response to a Uniform Complaint against Fresno Unified School District for improper S&C expenditures, in which the CDE determined that multiple S&C allocations were unjustified and ordered FUSD to take corrective actions. The Decision is available here:

https://www.aclunc.org/docs/20170505-cde_response_to_aclu.pdf.

¹² CDE Fresno Decision at 6.

¹³ *Id.*

high-need students, the CDE has made clear that this generalized approach is improper.¹⁴ This deficiency also occurred in the 2017-18 LCAP.

Compounding the problem is the pattern in the LCAP's "Goals, Actions and Services" section of grouping numerous planned actions and services under one LCAP Action and providing only vague, undefined descriptions that do not identify specifically what the District intends to do.¹⁵ The following actions and services illustrate some of the deficiencies, but the list is not exhaustive.

Action 1.2.c. "Support for Early Learning" (\$7.5 million in S&C funding budgeted) purports to target all high-need elementary school students, and the District describes its "planned actions/services" as:

- Differentiated instruction for first grade students including development of strategy cards for oral language based on Common Core State Standards, sustained focus of and inquiry into novice English Learner readers; and development of demonstration sites throughout the district;
- Lower class sizes will continue to be provided at elementary grades to benefit high-need students;
- Targeted intervention and support will continue to be provided for at risk learners, including foster youth and low-income students;
- The district will continue to supplement and provide Early Childhood Services to meet the needs of thousands of low income families. Classrooms will continue to be converted to serve families in need. All other areas will be maximized.¹⁶

The District's corresponding justifications are:

- "Additional teachers are principally directed toward and effective in meeting the district's goals for unduplicated pupils by allowing for more focus on classroom preparation and planning, identification and support of high risk students creating a wraparound service environment. Unduplicated students often have other undue influences, peer pressure and responsibilities outside of school that cause stress and anxiety and additional teachers provide a more focused and supportive learning environment. At the secondary level, additional allocations for teachers allow for broader access through classes like AVID, intervention courses, etc. (Goals 1.2.c., 1.3.b., 1.5.b., 2.2.b.)."¹⁷
- "The Early Childhood Education program is principally directed towards and effective in meeting the district's goals for low income students by creating equitable and affordable access to preschool and early childhood development by ensuring students enter kindergarten prepared with the critical foundational skills, strategies, and experiences that promote success in school and beyond (Goal 1.2.c.)."¹⁸

¹⁴ "While a high unduplicated pupil percentage may be a reason to offer a majority of services directed towards increasing or improving services for unduplicated pupils on a 'wide' basis, by itself it does not provide a sufficient explanation of how such services are principally directed towards unduplicated students." CDE Fresno Decision at 7.

¹⁵ See Educ. Code § 52060(c)(2).

¹⁶ LCAP at 181.

¹⁷ LCAP 305.

¹⁸ LCAP at 304.

The District provides sweeping generalizations to justify multiple distinct services.¹⁹ We urge the District to provide focused explanations and justifications for *each* districtwide S&C expenditure, rather than summarily justifying disparate LCAP Actions. This includes clearly identifying each districtwide service funded with S&C dollars in the “Demonstration of Increased or Improved Services for Unduplicated Pupils” LCAP section and relating the justifications to planned services as they are described in each LCAP Action. The CDE has rejected proposed S&C expenditures for failure to adequately connect actions and services to the purported needs and circumstances of high-need students. In rejecting FUSD’s described actions and justifications, the CDE found that, “[t]he description of these actions states benefits for each. However, neither provides any description of how the District considered the factors such as the needs, conditions or circumstance of its unduplicated pupils in particular, *in connection with these actions*. The description fails to explain how the actions are principally directed towards and effective in meeting the District’s goals for unduplicated pupils.”²⁰ Here, and frequently throughout the LCAP, the justifications fail to relate high-need student needs to associated services. This justification also fails because it lacks any information or support regarding how services will be “effective in” meeting goals for high-need students.

“Lower class size” and “targeted support” also appear to lack proper justifications.

We agree that class size reduction is an important priority and request that the justification is properly described in the LCAP. The CDE has found that a justification for similar S&C expenditures to reduce class size and “introduce additional supports” was insufficient because it provided “no information as to how reducing large core classes in high schools is an action principally directed toward unduplicated pupils.”²¹ Here, the proposed justification lacks any meaningful discussion of how the actions as described will improve services for high-need students in elementary schools.

The services fail to clarify which high-need student group is being served.

LCAP Template Instructions are clear that “for any action/service contributing to the LEA’s overall demonstration that it has increased or improved services for unduplicated students above what is provided to all students, the LEA must identify the unduplicated student group(s) being served.” This distinction is important to help parents and stakeholders understand what investment is being made with funds generated by their students to target their specific needs. Though this LCAP Action is marked as serving all high-need students, certain sub-actions as described appear to target only one category of high-need students, such as Early Childhood Programming and the “sustained focus on EL students.” Moreover, the approach of lumping numerous, disparate districtwide expenditures together in the same Action item makes it impossible to determine which student groups are being served and how spending is distributed across the various services.

¹⁹ Actions 1.2.c., 1.3.b., 1.5.b., and 2.2.b. are districtwide actions that serve a range of students from elementary school through high school and encompass vastly different services ranging from online access to Advanced Placement courses (see Action 1.5.b.) and a variety of extracurricular activities (see 2.2.b.). The LCAP must explain how *each* districtwide action is principally directed towards high need students and effective in meeting their goals.

²⁰ CDE Fresno Decision at 11.

²¹ CDE Fresno Decision at 9.

The descriptions of actions and services include non-measurable actions that do not fully reveal what the District plans to do.

We urge the District to review and amend LCAP Actions to provide concrete, measurable actions and services that can be evaluated. Otherwise, virtually any post-hoc spending decision can continue to be framed as a justified expenditure, even when it bears little connection to the District's plans. For example, last year, the "actual" services funded with S&C dollars budgeted for Action 1.2.c. included special education programming and several services that only incidentally considered high-need students.²² Next year, the District has allocated approximately \$10 million *less* for nearly identical services, although the proportionality percentage has not significantly changed.

In sum, it is difficult to understand, and virtually impossible to track, the District's spending plans. The lack of specificity in planned actions prevents accountability. Meaningful identification of *specific* actions must be enforced.

LCAP Action 1.7.b. "Additional Support for Unduplicated Students." (\$16.3 million in S&C funding budgeted). According to the District, the services will "provide for improved outcomes and close the achievement gap for *students with disabilities*..."²³ This includes continued education for school sites and special education staff regarding alternatives to expulsion; relocation of the special education translation department to Kimbrough Elementary School; additional teachers to lower special education caseloads and class sizes to focus additional support on high-need students; and centralized support of over-represented students within special education, specifically high-need students.²⁴ One broad justification is offered for the numerous, disparate services: "unduplicated students receiving special education services face a double barrier in education. Additional teachers provide smaller caseloads for the support of unduplicated students through focused intervention and support provided in the general education setting."²⁵

Though high-need students may also be eligible for special education programs, special education is a service available to *all* students. The S&C expenditure does not reflect any increase or improvement of services for high need students specifically.²⁶ The CDE has previously rejected S&C expenditures on special education with similarly limited justifications: "While there is some description of how unduplicated students might benefit from each of these actions, there is no description of how the actions are 'principally directed towards' unduplicated pupils. Each generally describes actions and services that are available to all pupils, and in some cases, are required to be available to all pupils who qualify under the Individuals with Disabilities Act (IDEA). The descriptions are not a sufficient description and justification as principally directed towards and effective in meeting the district's goals for unduplicated pupils as specified in 5 CCCR 15496(b)."²⁷

²² See LCAP at 20-21. The "actual actions/services" under Action 1.2.c. in 2017-18 included "collaboration between Early Learning Acquisition and with Education Specialists resulted in building teacher capacity to serve students with disabilities" (Action 1.2.c.3.); "area superintendents continued regular site visits with a lens on at-risk learners, including Foster Youth and Low income students..." (Action 1.2.c.3.); "Early Childhood Education increased its eligibility and accessibility to students with disabilities..." (1.2.c.4).

²³ See LCAP at 199.

²⁴ See LCAP at 199-200.

²⁵ LCAP at 295.

²⁶ See Educ. Code § 42238.07(a)(1); 5 CCR § 15496(b).

²⁷ CDE Fresno Decision at 12.

Here, the District's descriptions similarly fail to reflect any specific needs or circumstances of high-need students; nor do they explain any enhanced benefits to them. The District has also failed to establish the effectiveness of the proposed spending in meeting high-need student goals. This justification of S&C expenditures for special education services is even less focused and specific than those previously rejected by the CDE and is therefore improper.²⁸

Action 3.1.b. "Acquire, Develop and Retain Classroom Teachers, Certificated Support Personnel and Site Administrators" (\$713,558 S&C funds budgeted). "The district will continue to increase the size, stability and quality of the teacher applicant pool through targeted outreach and support, such as working with universities to assign student teachers to schools with large numbers of English Learners, homeless/fosters, and Low Income youth; bilingual educator events; streamlining the application process to be more informative; and leveraging technology within the application management system to more effectively prioritize candidates for interviews."²⁹ Moreover, "[a]dditional certificated administrative resources are provided to ensure the needs of unduplicated students are being met at school sites."³⁰ This commitment of more than \$700,000 in S&C funds to search for applicants requires more clarity as to how specifically the funds will be spent to principally benefit high-need students. If there is a particular necessity for the expenditure, such as inability to locate applicants with the skills and credentials to best serve high-need students, based on their substantiated needs, then it must be demonstrated in the LCAP. As described, the justification for the expenditure is vague and conclusory and does not reflect expenditures principally directed towards or effective in meeting high-need student goals.

Action 1.4.a. "Supplemental School Allocations for Multiple Levels of Support" (\$10.6 million in S&C funding budgeted). SDUSD is allocating S&C funds to school sites in proportion to the number of high-need students in each school. The justification offered is that "each school has unique needs based on student population. To supplement district-wide strategies, intervention dollars are allocated to schools to assist in specifically addressing specific needs in relation to and for the principal benefit of unduplicated students. The board has approved three categories for use: classroom support, interventions and professional development."³¹

While we support the idea of allowing individual school sites the opportunity to use S&C funds to best meet the unique needs of their high-need students, proper care must be taken to ensure that high-need students are the principal beneficiaries. The District should identify the amounts each school will receive and identify measures taken to ensure they are properly spent. It must also include a justification for how spending in the three identified categories for use in districtwide schools is principally directed towards, and effective in, helping high-need students achieve their goals.

Moreover, the District appears to authorize, if not instruct, school sites to use their S&C allocations to "set goals, design plans for improvement and provide multiple levels of support for all student groups identified in their Single Plan for Student Achievement."³² This is not limited to high-need students. The CDE found that FUSD's similar S&C distribution among school sites was not justified, noting that "[b]ecause the description states that the sites were to direct plans focused on the needs of low income,

²⁸ See CDE Fresno Decision at 11-12.

²⁹ LCAP at 237.

³⁰ LCAP at 307.

³¹ LCAP at 305.

³² LCAP at 189.

English Learner, and foster youth student populations, *as well as other subgroups*, it is not possible to definitely conclude that the action is 'principally directed towards' unduplicated students. In addition, the description lacks sufficient information describing how the actions are 'effective in' meeting goals for unduplicated pupils, as required for districtwide actions. Thus, the requirements of 5 CCR 15496(b) and the LCAP Template are not met."³³ Before allocating funds among school sites, the District must amend this LCAP Action to demonstrate how the allocations are principally directed towards and effective in meeting goals for high-need students.

Action 1.3.b. Support for Student Access to High-Level Coursework Leading to Graduation (\$6.7 million in S&C funding budgeted). The described services include "Grades 9 and 10 Intervention counselors" to support at-risk students and strengthen reconnection strategies; "Integrated Multi-Tiered Systems of Support (I-MTSS) in Grades TK-12 through the Academics and Agency model," and "lower class sizes." The justification offered is that "Counseling and guidance services support teaching and learning by assuring *all* students achieve academic success and develop life skills through acquisition of academic, career and personal/social competencies...This is critically important and principally directed towards and effective in meeting the district's goals for unduplicated students *by providing access to resources and services and ensuring continuous education without disruption*....Additionally, the work of intervention counselors *supports the varying needs of unduplicated students that may be wide ranging and beyond the educational realm*. Intervention counselors ensure that students experiencing academic and personal/social barriers to learning receive guidance and information to ensure success in student attendance, behavior, and graduation" (emphasis added).³⁴

While counselors remain an important priority, the use of S&C funds to accomplish this goal must be adequately justified. The broad description lacks any meaningful discussion regarding the specific needs of ninth-grade low-income, English Learner and foster youth students. It also fails to explain how the counselors are *effective in* meeting the associated goal of closing the achievement gap for high-need students.

CDE guidance on similar S&C expenditures for middle school vice principals is instructive. The CDE found the allocations justified because "The explanation provided shows the action is directed to two middle schools with among the highest concentrations of unduplicated pupils and that [consequently] the test scores and attendance have increased, and discipline incidences decreased. Thus, the LCAP describes how this portion of the action is principally directed towards and effective in meeting the district's goals for unduplicated pupils."³⁵ By contrast, the District's description indicates that counselors will benefit *all* students and includes only a generalized, unsubstantiated conclusion about the efficacy of intervention counselors.

Action 1.10.b. Additional Support for Low Income Students (\$271,000 S&C funds budgeted). The described services include undefined statements such as "the district will improve graduation rates for low-income students," which appears to be a restatement of metric for Goal 1; and "the district will provide support for parents and families of low income students," which does not identify any specific actions or services. There are numerous programs included in this Action item that are not targeted towards high-need students and are instead implemented to "promote social behavior and academic

³³ CDE Fresno Decision at 8.

³⁴ LCAP at 304.

³⁵ CDE Fresno Decision at 9-10.

achievement for **all** students.”³⁶ The majority of services described are not discussed in the “Demonstration of Increased or Improved Services for Unduplicated Pupils” section of the LCAP and the proposed justification programs that are not identified in the corresponding LCAP Action, such as Advanced Placement courses.³⁷ The LCAP should be reviewed for accuracy and all such discrepancies should be revised.

SDUSD’s Blanket S&C Allocations on Multiple Districtwide Services. There are multiple districtwide S&C expenditures that do not appear to principally target high-need students or increase or improve their educational services. This includes Library Services (Action 2.4.b.); districtwide nurses, which “provide access to a variety of essential health services,” (Action 4.2.b); and extracurricular programs such as JROTC, arts program, and behavior supports (Action 2.2.b.).

We agree with the District and the community that libraries, healthcare and extracurricular programs are critical to student success, but the District may use S&C funds for these purposes only when the LCAP demonstrates how they are principally directed towards and effective in, meeting the district’s goals for its unduplicated pupils in state priority areas. It may be more appropriate for districts to use its base LCFF funding on such programs and activities, which were intended for services that benefit all students. We urge the District to review the LCAP to ensure that *each* districtwide expenditure is properly justified.

3. The District Has Not Published All Annual Measurable Outcome Data in the Annual Update

Districts must track progress toward meeting student goals in state and local priority areas. This requires identification of the metrics and indicators that will measure outcomes. According to LCAP Template Instructions, “at a minimum, an LEA must use the applicable required metrics for the related state priorities, in each LCAP year.” Districts must define expected annual outcomes for its actions each year, and thereafter identify the actual outcomes, as compared to what was projected.

SDUSD has failed to meet these reporting requirements. Instead of identifying required metrics for actual outcomes; it notes that results are “pending” in multiple categories.³⁸ The CDE has reiterated that the Annual Update “must include a review of any changes in the applicability of an action, a review of progress on the goals included in the LCAP, an assessment of the effectiveness of the specific actions included in the LCAP toward achieving the goals, and a description of any changes to the specific actions the school district plans to make as a result of the review.”³⁹ In the 2018-19 LCAP, many reported metrics are omitted, or demonstrate considerable shortcomings, but corresponding analyses regarding the effectiveness of the associated actions do not acknowledge the omissions or shortfalls. The LCAP should be amended to correct these deficiencies.

The District indicates that certain omitted outcomes for English Learner students are unavailable due to program changes, explaining that “major changes at the state level in assessments administered or with calculation methods have interrupted measurement of progress. The new English Language Proficiency System for California sets a new baseline to measure the performance of English Learners and changes to state definition of which students can be counted as graduates and which students are included in a

³⁶ LCAP at 211-212.

³⁷ See LCAP at 305-306.

³⁸ See LCAP at 11, 64 84, 103, 135.

³⁹ See 5 CCR § 15497.5, LCAP Template, Annual Update Instructions.

graduation cohort essentially create new baselines for graduation outcomes.”⁴⁰ However, in its written response to DELAC feedback dated June 2018, the District states that it will be administering the ELPAC beginning in August of this year.⁴¹ Notwithstanding the conflicting representations, even if ELPAC was implemented last year and impacted the established metrics, the District must still find a way to meet its obligation to measure progress and provide the outcomes. The LCAP must be amended to reflect all outcomes as required.

We hope that the Annual Update is leveraged by the District as an opportunity to meaningfully reflect and improve educational outcomes for all students. This requires the disclosure of all student outcomes to assess progress and a thorough assessment of the efficacy of all actions, especially those that do not appear to be working. The inability to assess whether certain actions are helping students meet educational goals prevents the LCAP from serving as a tool for local accountability and continued improvement.

4. The District Did Not Meet All Stakeholder Engagement Requirements.

Student success, particularly for students with the highest needs, is driven by the way funds are allocated through the LCAP. The way this money is spent has profound implications for the staffs’ capabilities to best facilitate learning; for parents who cannot provide supplemental education for their struggling students; and for disadvantaged students’ ability to realize their potential. Given the high stakes, it is clear why California law insists that districts should *meaningfully* engage with its stakeholders in implementing the LCAP.⁴² Parents and students in particular can provide unique insights into what programs and policies may best improve student outcomes. We are concerned that the District has not sufficiently engaged with parents and students in the development of the 2018-2019 LCAP.

Student outcomes are crucial in determining which programs and policies are working and which are not. The 2017-2018 student outcomes relating to LCAP expenditures were released just one week prior to the date the scheduled for LCAP approval. It is not reasonable to expect parents and students to analyze the outcomes in relation to the new LCAP spending priorities within one week’s time. Even if they were to do so, the first reading of the 2018-2019 LCAP took place at the same meeting in which the prior year outcomes were released. As a practical matter, it would be difficult for changes to be made in one week. Other districts have been heavily scrutinized for less egregious delays.

The District must establish a Parent Advisory Committee (PAC) to review and comment on the LCAP and must provide written responses to PAC comments prior to LCAP approval.⁴³ SDUSD’s District Advisory Council (DAC) satisfies the PAC requirement and has provided written feedback and questions to the District, but the District did not respond before passing the 2018-19 LCAP last month. The District indicated that it would release its written response to DAC on July 31, 2018, more than one month after the LCAP was approved. This violates LCFF requirements and raises concerns that critical parent feedback did not inform the development of the LCAP as required.

⁴⁰ See LCAP at 11, 60.

⁴¹ See DELAC LCAP Feedback and District Response at pg. 4.

⁴² See § 15497.5; and LCAP Template, Annual Update.

⁴³ Educ. Code § 52062(a)(1).

Additionally, SDUSD has not meaningfully engaged with students in the development of the LCAP. It appears there are two primary ways through which students were incorporated into the process, and neither was specifically tailored toward students. First, the District sent out a budget survey, resulting in 11,257 responses. Yet, students only accounted for one percent of this number, and it is not clear whether this number is rounded up, indicating that student response may be even less. Second, School Site Committees provide input, but it is not clear the students on the committees were representative of high-need students. California law requires districts to develop a process that allows students to review and comment on the development of the LCAP.⁴⁴ This must include high-need students and other “numerically significant” student subgroups. It is unclear the district has met even these minimal standards.

5. Conclusion

For the reasons discussed above, we request that the District and County review the LCAP as part of the county office review and approval process to ensure compliance with all legal requirements and LCFF regulations, and take the following steps:

1. Amend the Plan Summary to identify the “two or three most significant ways that the LEA will increase or improve services for low-income students, English learners and foster youth,” as required.
2. For all S&C funds budgeted but not used, identify how the funds were re-allocated and how they increased or improved services for high-need students.
3. Review the descriptions and justifications for all districtwide actions and services and provide the required justifications for all districtwide actions in the the “Demonstration of Increased or Improved Services” LCAP section.
4. To the extent any of the actions and services cannot be justified, the District must exclude such service currently included in its 2018-19 LCAP from services that contribute to meeting the requirement to increase or improve services for high-need students over services provided to all pupils in the LCAP year and must not use S&C funds for these services. Further, to the extent any of the actions that cannot be justified for 2018-19 were part of the District’s S&C expenditures in 2017-18, they should not be counted as prior year expenditures on high-need students as part of its minimum proportionality percentage calculation.
5. Distinguish between actions and services that serve all high-need student groups and specific categories of high-need students to bring clarity to the LCAP.
6. Revise as necessary all actions and services in the “Goals, Actions & Services” section to reflect only concrete, measurable actions, rather than non-verifiable steps or goals.
7. Amend the Annual Update to clearly explain the reasons for all material differences in budgeted and actual S&C expenditures and for all variances, the reasons why the District deviated from its plans.

⁴⁴ 5 CCR § 15495(a).

8. Provide all Actual Measurable Outcomes in the Annual Update.
9. Provide written responses to DAC's comments and questions and also explain (a) why written responses were not timely provided; (b) how DAC's suggestions are reflected in the 2018-19 LCAP; and (c) for any recommended action by DAC that is not reflected in the LCAP, the basis for the District's decision not to implement the suggestion.
10. Going forward, ensure that all Stakeholder Engagement requirements are timely met and that parents and stakeholders have every opportunity to be engaged in the LCAP process. This includes providing reasonable access to the full LCAP draft to enable ample time for parents and stakeholders to review and provide feedback prior to the proposed LCAP adoption date. At a minimum, this should be prior to the District's all-day LCAP workshop and must be longer than one week.

We request a written response from the District by August 15, 2018 and we look forward to further discussing our concerns with District representatives at our meeting scheduled for August 20, 2018. In the meantime, please contact me with any questions.

Sincerely,



Melissa J. Deleon
Equity Staff Attorney
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