



CRLA



June 9, 2014

Dr. Steven Lowder, Superintendent
Stockton Unified School District
701 North Madison Street
Stockton, CA 95202
Email: slowder@stockton.k12.ca.us

Sent via U.S. Mail and email

Dear Superintendent Lowder,

We write on behalf of the Stockton Education Equity Coalition ("SEEC") to raise concerns regarding the Stockton Unified School District's ("SUSD" or "District") implementation of the Local Control Funding Formula (LCFF) and Local Control Accountability Plan (LCAP).

Since approximately October 2013, our offices have monitored the District's implementation of the LCFF, including its community input sessions and available public information. Additionally, we reviewed SUSD's draft LCAP as obtained by our organizations on June 5, 2014 (hereafter referred to as "SUSD draft LCAP"). Based on our collective monitoring and review, SUSD must correct the following violations in order to bring its draft LCAP into compliance with the minimum statutory requirements, as discussed below.

We understand that this is the District's first time implementing the LCFF and developing a LCAP. Also, we understand that many aspects of district-level implementation have evolved in real-time as the State Board of Education finalized the emergency regulations and the LCAP template earlier this year. However, this does not relieve SUSD from statutory requirements as prescribed under the law.

We request that you respond in writing to this letter no later than Monday, June 16, 2014. Specifically, please advise us on what steps SUSD will take to address the violations of the LCFF requirements described in this letter. If the District possesses an updated draft LCAP, please make it publicly available and provide us a copy as soon as possible.

I) SUSD's Stakeholder Engagement process

Before the District may adopt a LCAP, it must adequately engage stakeholders. Meeting this requirement is critical to ensuring statutory compliance and a successful implementation of the LCFF. Education Code §52062 and §52063 describe the District's minimum requirements for doing so.

A) The District Must Provide Notice to the Public of Opportunity to Submit Written Comments.

Under Education Code § 52062, the superintendent is required to notify the public of the opportunity to submit written comments on proposed specific actions *and expenditures* included in the District's draft LCAP. Based on the District's website and public information available to our organizations, we could find no indication that the District provided such notice. Additionally, the draft LCAP document that is currently posted is not complete: it lacks a complete listing and description of expenditures in Sections 3A and 3B, and Sections 3C and 3D are not filled out. Presentation of this

preliminary draft to members of the public at the upcoming June 10, 2014, public hearing, as well as to the DAC & DELAC, will not and cannot satisfy the public input requirements outlined in Education Code §52062 and §52063 because it does not contain critical information that is essential to allow "review and comment" by the DAC, the DELAC, and members of the community.

B) The District Must Present the LCAP to the DELAC and DAC and Follow All Relevant Provisions of the Education Code.

On May 29, 2014, the District held a joint meeting for the District English Language Learners Committee ("DELAC") and District Advisory Committee ("DAC") (hereafter referred to as "Joint DELAC/DAC Meeting"). We understand the purpose of this meeting was to satisfy Education Code §52062 and §52063 which requires that the District present its draft LCAP to the DELAC and DAC.

- 1) Under the Education Code, at its Joint DELAC/DAC meeting, the District was required to provide handout and materials in Spanish.

Under Education Code §48985, if 15% or more of students enrolled in a public school speak a language other than English, all notices, reports, statements and records sent to the parents of those students must be in English and the other language. Thus, at its Joint DELAC/DAC Meeting, the District was required to provide all meeting handouts and materials in Spanish.

However, the District presented its PowerPoint in English with Spanish oral interpretation only. Also, all of the materials distributed were provided only in English. In doing this, not only did the District violate the Education Code, it also effectively foreclosed monolingual Spanish speaking-parents from the opportunity to participate in its required stakeholder engagement. Instructing parents to call the District to obtain the materials in Spanish is not adequate compliance and in practice creates an additional barrier to access information for monolingual Spanish-speaking parents.

- 2) The District must provide notice to the DELAC and DAC of the superintendent's statutory requirement to respond to comments.

At its Joint DELAC/DAC meeting, the District failed to inform members of both committees that the superintendent is required to respond to their comments on the LCAP. For example, the District's meeting agenda simply informs committee members that they may submit comments by the prescribed deadline, but does not state that the superintendent must respond to any comments provided. (See Attachment A).

- 3) The District failed to Provide Adequate Public Notice of the Joint DELAC/DAC Meeting.

School district advisory committees are governed by Education Code §35147 which requires that meetings be "open to the public" and "[n]otice of the meeting shall be posted at the schoolsite, or other appropriate place accessible to the public." Here, based on information provided by parents, prior to its Joint DELAC/DAC meeting, it appears that SUSD only mailed letters to DAC and DELAC members and did not provide public notice of the meeting. (See Attachment B). Thus, the District did not provide adequate notice as required by the Education Code.

- 4) The District failed to provide a substantive draft of the LCAP at the Joint DELAC/DAC Meeting.

As described in Section (I)(A) of this letter, the draft LCAP document that was presented in English at the Joint DELAC/DAC meeting was not complete: it lacks a complete listing and description of expenditures in Sections 3A and 3B, and Sections 3C and 3D are not filled out. Presentation of this preliminary draft to members of the DAC & DELAC did not satisfy the stakeholder engagement minimum requirements outlined in Education Code §52062 and § 52063 because it does not contain critical information that is essential to allow "review and comment" by the DAC and DELAC.

C) The District's Draft LCAP Failed to Adequately and Specifically Describe Stakeholder Engagement to Subgroups Identified in Education Code §52052 as required by the LCAP Template.

The LCAP template makes clear that the District should strive for “[m]eaningful engagement of parents, pupils, and other stakeholders, including those representing the subgroups identified in Education Code § 52052.” These subgroups include ethnic and/or minority subgroups, socioeconomically disadvantaged pupils, English learners, pupils with disabilities, and foster youth, per Education Code §52052.

The District's draft LCAP fails to discuss the specific efforts the District undertook to engage each of these subgroups. For example, it is historically well known that the District has a sizeable Hmong community population, yet the District provided no specific information on efforts to reach out to members of that community. Furthermore, the District's LCAP fails to specifically identify the data or information related to the state priorities that was made available to participating stakeholders throughout the LCAP development process.

II) SUSD's draft LCAP's Goals, Actions & Expenditures

A) LCAPs Must Address Each Statutorily Identified Element of Each State Priority.

LCAPs must include goals and specific actions for *each* statutorily required element of *each* state priority area. See 5 CCR 15497 (“LEAs must, at minimum, use the specific metrics that [the] statute explicitly references as required elements for measuring progress within a particular state priority area.”). The LCAP must include goals and specific actions that address *each* statutory element, for every state priority area. Additional information about this requirement is available through resources created by CSBA, CCSESA, and CDE. (Please see Attachment C for links to these additional resources to assist the district in remedying the issues described in this letter).

The following state priority elements are not directly addressed by goals, actions and/or expenditures in the SUSD draft LCAP:

- 1) **Basic:** degree to which teachers are appropriately assigned pursuant to Education Code section 44258.9 (Priority 1),
- 2) **Basic:** the degree to which teachers are fully credentialed in the subject areas and for the pupils they are teaching (Priority 1),
- 3) **Basic:** pupils have access to standards-aligned instructional materials pursuant to Education Code section 60119 (Priority 1),
- 4) **Basic:** school facilities are maintained in good repair pursuant to Education Code section 17002(d) (Priority 1),
- 5) **Implementation of State Standards:** implementation of academic content and performance standards adopted by the state board for all pupils, *including English learners* (Priority 2),
- 6) **Parent involvement:** efforts to seek parent input in decision making (Priority 3),
- 7) **Pupil achievement:** English learner reclassification rate (Priority 4),
- 8) **Pupil achievement:** share of pupils that pass Advanced Placement exams with 3 or higher (Priority 4),
- 9) **Pupil achievement:** share of pupils determined prepared for college by the Early Assessment Program (Priority 4),
- 10) **Pupil engagement:** chronic absenteeism rates (Priority 5),
- 11) **Pupil engagement:** middle school dropout rates (Priority 5),
- 12) **School climate:** pupil suspension rates (Priority 6), and
- 13) **School climate:** pupil expulsion rates (Priority 6).

The District must immediately take steps to address each of the state priority elements listed above that are not currently addressed by a goal, action and/or expenditure. Failure to do so will leave the District's LCAP out of compliance with the minimum requirements of the statute and the regulations.

B) LEAs Must Complete All Sections of the LCAP Template, per Education Code §52064 and 5 CCR 15497.

As described earlier, the draft LCAP document that is currently posted is not complete: it fails to document goals and actions for each element of each state priority area in Section 2, 3A and 3B; it lacks a complete listing and description of LCFF expenditures in Sections 3A and 3B; and Sections 3C and 3D are not filled out. The statute unambiguously requires that the District give the public an "opportunity to submit written comments regarding the specific actions and *expenditures* proposed to be included in the local control and accountability plan. See Education Code Section 52062(a)(3). The current draft does not, and cannot, satisfy this requirement because it does not contain sufficient goal, action and expenditure information.

- 1) The District must immediately complete the calculations required of LEAs in LCAP Section 3C.

The questions under Section 3C have not been addressed in the SUSD draft LCAP. The statement "This area is pending LCFF information from SJCOE" provides no clarity on what information the District claims to need. The San Joaquin County Office of Education (SJCOE) does not have a role in preparing the calculation and documentation requested in this section. Per the CCSESA LCAP Approval Manual, SJCOE is merely required to confirm that the calculations performed by the district for Section 3C were computed correctly.

Providing the information requested in Section 3C is both a statutory requirement (and required by the LCAP template instructions) and will aid in transparency and understanding amongst community members on where supplemental and concentration funding is being allocated and how it is meeting high-need students' needs.

The District must immediately complete the calculations required in Section 3C of the LCAP, pursuant to 5 CCR 15496(a)(5), and provide documentation on the use of supplemental and concentration funds, particularly any districtwide and/or schoolwide use of supplemental and concentration funds as specified in 5 CCR 15496.

- 2) The district must immediately complete the calculations required of LEAs in LCAP Section 3D.

The questions under Section 3D have not been addressed in the SUSD draft LCAP. The statement "This area is pending LCFF information from SJCOE" provides no clarity on what information the District claims to need. Section 3D specifically asks districts to calculate the proportion by which districts must measure increased and improved services to unduplicated pupils pursuant to the calculation outlined in 5 CCR 15496(a)(7). The District has not done this calculation. Furthermore, the District must describe, "how the proportionality percentage is met using a quantitative and/or qualitative description of the increased and/or improved services for unduplicated pupils as compared to the services provided to all pupils". This also has not been documented.

SJCOE, again, does not have a role in preparing this calculation for districts. Per the CCSESA LCAP Approval Manual, SJCOE is merely required to confirm that the minimum proportionality percentage calculation performed by the district for Section 3D was computed correctly.

As a transparency matter, parents, students and community members cannot assess if the district is indeed providing increased and improved services to high-need students as compared to all pupils without this crucial piece of information.

The District must immediately complete the calculation required in Section 3D of the LCAP, pursuant to 5 CCR 15496(a)(7), and describe how the proportionality percentage is met using a qualitative and/or quantitative description of the increased and/or improved services for unduplicated pupils.

C) Pass-through of Supplemental and Concentration Funding to School Sites.

On the issue of school site level accountability and transparency, we are concerned with the \$11,458,366 allocation of LCFF funds to school sites described in Section 3B. We imagine that these block allocations directed to low income, English Learner and foster youth students are derived from the district's allocation of supplemental and concentration funding, given that they are generally directed to school sites based on their low-income, English Learner and foster youth pupil counts. It is, of course, impossible for us as advocates and community members to know this for sure, given the absence of information in Section 3C of the LCAP.

In order to fully document this large allocation to school sites **we recommend that the district clearly itemize the following in Section 3B or Section 3C: (1) which school sites will receive a portion of the low-income, English Learner and foster youth block funding allocations, (2) how much funding each school site will receive, and (3) how the district will ensure that school site level uses of supplemental and concentration funds are "directed towards meeting the district's goal for its unduplicated pupils in the state priority areas" per 5 CCR 15496 (b)(1)(B).**

To be clear, the individual school site uses of supplemental and concentration funds under this block allocation must be further documented in the LCAP in order to track measurable increases and/or improved services for high need students, and to allow the District to determine in annual updates whether the uses of funds are, in fact, increasing and improving services for unduplicated pupils.

D) Goal Related to Special Education.

Under state and federal law, the District has an affirmative obligation to "identify, locate, and evaluate" students with disabilities. See 34 C.F.R. Sec. 300.11; California Education Code §56300. Also, parents may make a referral for a special education assessment to be completed at anytime. Once the District receives a parental referral, it *must* begin the assessment process. Thus, an attempt to reduce special education referrals, as proposed in the draft LCAP, conflicts with the District's affirmative obligation to evaluate student who may have a disability. The goal instead should reflect improvement in evaluations, placements or the determination of appropriate services for any child referred for special education evaluation.

We look forward to hearing from you by Monday, June 16, about the steps the District will take to remedy the statutory shortfalls described in this letter, and the steps that the District will take to present a completed LCAP draft to the DELAC, DAC, and public (and to allow for public comment on the completed LCAP draft). We stand ready to provide guidance regarding the legal requirements for developing and finalizing LCAPs.

Sincerely,

Jory Steele
Director, Educational Equity Project
ACLU of Northern California

Sammy Nuñez
Executive Director
Fathers & Families of San Joaquin

Vicki Cody
Directing Attorney
California Rural Legal Assistance

Gracie Madrid
Vice President
Coalition of Mexican American
Organizations (COMA)

Michael Tubbs & Sammy Nuñez
Co-Chairs
San Joaquin County Boys and Men of Color Alliance

Attachments:

- A) Joint DELAC/DAC meeting agenda, dated May 29, 2014
- B) Joint DELAC/DAC meeting invitation letter, dated May 22, 2014
- C) ACLU-CA & Public Advocates letter to all district and county superintendents, dated May 22, 2014

cc:

Kathy Garcia, SUSD Board of Education President
David Midura, SUSD Board of Education Vice President
Gloria Allen, SUSD Board of Education member
Colleen Keenan, SUSD Board of Education member
Sal Ramirez, SUSD Board of Education member
Steve Smith, SUSD Board of Education member
David Varela, SUSD Board of Education member
Michele Huntoon, Chief Business Officer

LCAP Meeting
May 29, 2014
Stockton Unified Boardroom

Welcome/Bien Venidos

Kennetha Stevens

Introductions/Introducciones

Aurora Ramirez

Overview/Repaso

LCAP Presentation/Presentación de LCAP

Michele Huntoon
CPA Chief Business Official

Closing/Cerradura

Dr. Steven Lowder

Note/Notas: _____

(Please submit comments either by 4pm on June 4, 2014 email to lcap@stockton.k12.ca.us, or by letter to: Superintendent Steven Lowder, 701 N. Madison St. Stockton, Ca, 95202.)

(Por favor de someter los comentarios para el 4 de Junio del 2014 a las 4pm por correo electronico a lcap@stockton.k12.ca.us, o por carta a: Superintendent Steven Lowder, 701 N. Madison St. Stockton, Ca, 95202.)

Exhibit A

School Site LCAP Meeting Input

	Spanish	English
1	<ol style="list-style-type: none"> 1. More counselors 2. More staff/teachers 3. Full-time nurse 4. Resources for teachers 5. Cleaner restrooms & smaller class size 	<ol style="list-style-type: none"> 1. More counselors 2. Longer school day 3. Librarians 4. More one-on-one time with teachers & students 5. More qualified students
2	<ol style="list-style-type: none"> 1. More staff (bilingual, counselors, ADD & ADHD counselors, teachers) 2. Tutors 3. Computer classes 4. More inclusion classes for students with disabilities 5. More cases for future education readiness 	<ol style="list-style-type: none"> 1. More P.E. teachers 2. More after-school programs 3. More counselors 4. More tutors 5. Teacher focus on student
3	<ol style="list-style-type: none"> 1. More counselors 2. More tutors 3. More activities/.supplies for activities 4. More teachers 5. Different school schedules 	
4	<ol style="list-style-type: none"> 1. More programs (homework clubs, after school programs, enrichment programs) 2. More tutors 3. More classes 4. More teachers 5. More parent-teacher conferences 	<ol style="list-style-type: none"> 1. Life Skills training 2. Homework clubs 3. Tutoring
5	<ol style="list-style-type: none"> 1. More workshops (common core, college & career, study habits, basic living skills, assistance to get into college) 2. More parent-teacher conferences 3. More tutors 4. More teachers 5. More clubs 	<ol style="list-style-type: none"> 1. Lifetime skills (basic skills, budgeting, resume, language) 2. College and career programs 3. Reduce class size



May 22, 2014

Dear DAC and DELAC Parents,

On behalf of the Parent/Community Empowerment Department we would like to invite you to attend the LCAP Review Meeting. The meeting will take place in the Stockton Unified School District Boardroom located at 701 N. Madison Street. It will be held on Thursday, May 29, 2014 from 1 – 2pm; hope you can join us. Last, please park and enter the building through the main door located on Madison Street.

Kim,

Kim Romena
Senior Office Assistant
Parent/Community Empowerment
(209)933-7470 Ext. 2228



May 22, 2014

Dear County and District Superintendents:

As organizations committed to strengthening our public school system to provide all children a meaningful opportunity to learn, we are working to ensure that the foundational principles of the Local Control Funding Formula (LCFF) are reflected in the Local Control Accountability Plans (LCAPs) that local educational agencies (LEAs) are developing. We write to advise you of resources that we and our partners have developed to assist parents, students, community members, and LEA staff and boards in developing their initial LCAPs and to highlight several critical legal requirements that all LEAs should be conscious of when finalizing their LCAPs.

Resources to Assist LEAs in Developing and Finalizing Their Initial LCAPs. We and our partners have created a number of resources identifying best practices and summarizing the legal requirements for LCAPs that we wanted to highlight:

- A broad coalition of parent, student, community organizing, and advocacy organizations recently released a document highlighting best practices for engaging parents in the development of LCAPs that can be accessed [here](#).
- Additional resources addressing best practices for school climate and the minimum legal requirements for stakeholder engagement and expenditure of supplemental and concentration funding can be accessed [here](#) or [here](#).

Legal Requirements that LEAs Should Review as They Finalize Their Proposed LCAPs. We understand that this is the first time that LEAs are developing their LCAPs and that many aspects of LEA-level implementation have evolved in real-time as the State Board of Education finalized the emergency regulations and the LCAP template earlier this year. We also appreciate that some draft documents that have been released are early drafts and that LEAs are continuing to develop, refine, and flesh out their proposed LCAPs.

Nonetheless, to ensure that initial LCAPs comply with basic legal requirements, we want to highlight a few issues based on our review of draft LCAPs that have been released to date.

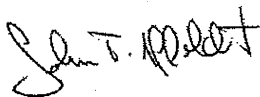
- **LCAPs must address each statutorily identified element of each state priority.** LCAPs must include goals and specific actions for *each* statutorily required element of *each* state priority area. *See* 5 CCR 15497 (“LEAs must, at minimum, use the specific metrics that [the] statute explicitly references as required elements for measuring progress within a particular state priority area.”). As one example, Priority 1 (Basics) includes three distinct statutory elements derived from the *Williams* standards: (1) qualified teachers (vacancies and misassignments); (2) sufficient instructional materials; and (3) school facilities in good repair. The LCAP must include goals and specific actions that address *each* statutory element, for this and every state priority area. Additional information about this requirement is available through resources created by [CSBA](#), [CCSESA](#) (see pages 23-24 & 30), and [CDE](#).

- **Legal requirements for stakeholder engagement.** There also appears to be confusion over the minimum legal requirements for stakeholder engagement in developing the LCAP, particularly the requirements for involving parents and students in developing the LCAP. CSBA and CCSESA (see pages 19-21) have created resources addressing this issue, and a coalition of organizations created a document detailing the minimum requirements for involving parents, students, and other stakeholders in the process that can be accessed [here](#) or [here](#). We encourage LEAs to evaluate their stakeholder engagement efforts now to determine whether they will be able to demonstrate in Section 1 of their LCAPs that they have addressed each of these legal requirements and explain the role that stakeholders played in shaping the final LCAP.
- **LEAs must identify and justify *each* schoolwide and LEA-wide use of supplemental and concentration funding in the LCAP.** The LCAP template specifies that districts must describe in Section 3.C “the use of any funds in a districtwide, schoolwide, countywide, or charterwide manner” and justify each such use “as specified in 5 CCR 15496.” LEAs must therefore list *each* schoolwide or LEA-wide use of supplemental and concentration funding and explain how each is “directed towards meeting the district’s goals for its unduplicated pupils in the state priority areas,” 5 CCR 15496(b)(1)(B). For districts below 55% unduplicated pupil enrollment or schools below 40%, the justification must also explain why the proposed use is the “most effective use of funds” to meet unduplicated pupil goals.
- **LCAP must reflect specific uses of supplemental and concentration funding set aside for schools to spend.** A number of LEAs have proposed “pushing down” a portion of supplemental and concentration funding to schools. Letting school sites decide how to spend supplemental and concentration funding is consistent with LCFF’s principles. LEAs must, however, ensure that they follow the regulations and LCAP template if they push funding down to school sites:
 - LEAs must have a mechanism in place to ensure that the discretionary school-level expenditures “are directed towards meeting the [LEA’s] goals for unduplicated pupils.” 5 CCR 15496(b).
 - As noted above, the LEA must separately list and justify *each* schoolwide use of supplemental and concentration funding in Section 3.C, so the LEA must have a process in place to capture any schoolwide use of such funds in its LCAP, whether in the body of Section 3.C or as an appendix.¹
- **The final LCAP must be approved at the same meeting where the board adopts the LEA budget.** As both CSBA and CCSESA (see page 21) have advised, the statute requires that the board to adopt the LCAP at “the same meeting as that during which the governing board . . . adopts a budget.” EC 52062(b)(2). LEAs should assure that their timeline for adopting the LCAP aligns with the timeline for adopting the budget.

As LCAPs are developed and presented to local boards for adoption in the coming weeks, we hope that the resources identified above are helpful, and we encourage you to be particularly conscious of the issues that we have outlined. We will be monitoring both the process for developing LCAPs and the ultimate content of LCAPs and look forward to working with LEAs to ensure that implementation of LCFF results in improved educational outcomes for all of our children. If you have any questions, please do not hesitate to contact us.

¹ Indeed, during annual updates, the LCAP template requires that districts assess “progress made . . . based on an identified metric” to determine whether “any changes to actions” are warranted. If school-specific actions are not reflected in the LCAP, the LEA will be unable to review progress and adjust the actions, if necessary.

Respectfully,



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