



VIA ELECTRONIC AND U.S. MAIL

December 12, 2018

Jeff Breshears, Director
Local Agency Systems Support Office
California Department of Education
1430 N Street
Sacramento, CA 95814
Jbreshears@cde.ca.gov

RE: Appeal of Uniform Complaint Procedure Complaint re: Klamath Trinity Joint Unified School District's Failure to Comply with the LCAP Legal Requirements Pertaining to 2017-2018 and 2018-2019 LCAP and Annual Update

Dear Director Breshears,

We submit this appeal of the Klamath-Trinity Joint Unified School District's ("District") determination on the Uniform Complaint Procedure ("UCP") complaint ("Complaint") the Hoopa Valley Tribe, Yurok Tribe, and ACLU Foundations of California ("ACLU") filed on September 28, 2018 regarding the District's 2018-2019 Local Control and Accountability Plan ("LCAP") and Annual Update. On September 28, 2018, we concurrently sent a copy of the Complaint to the Humboldt County Office of Education ("HCOE"). On November 27, 2018, the District issued a Final Written Decision regarding the September 28 Complaint ("November 27 Response"), finding that its 2018-2019 LCAP met all applicable legal requirements. We disagree and appeal the District's failure to comply with the LCAP's legal requirements.

Additionally, we appeal the District's determination on the allegation contained in our appeal submitted to your office on September 21, 2018 that the District failed to meet basic legal requirements for the LCAP stakeholder engagement process, including that it failed to form a parent advisory committee in developing its 2017-2018 LCAP. On October 1, 2018, your office referred this allegation to District Superintendent Jon Ray for investigation under the uniform complaint procedures. On November 30, 2018, the District issued a Final Written Decision about this allegation ("November 30 Response"), finding that it complied with all legal requirements in its stakeholder engagement process in developing its 2017-2018 LCAP. We strongly disagree with the District's findings.

To summarize, it appears that the District has completely disregarded the guidance issued by the California Department of Education ("CDE") in your November 2, 2018 decision regarding the

District's 2017-2018 LCAP ("November 2, 2018 CDE Decision"), which sustained our allegations and directed the District to resolve the *very same* legal problems that are again presented in the District's 2018-2019 LCAP. Rather than acknowledging these legal problems, the District has inexplicably determined that its 2018-2019 LCAP complies with all legal requirements despite clear repetition of the same 1) insufficient justifications for spending supplemental and justification ("S&C") funds on districtwide programs; 2) failure to meaningfully assess goals or outcomes in its Annual Update, and 3) failure to account for hundreds of thousands of dollars in S&C funds in its Annual Update. These violations are fully detailed in Petitioners' Complaint, attached here as Exhibit 1.

Because your office directed the District to work with the Humboldt County Office of Education ("HCOE") to revise its 2018-2019 LCAP in accordance with the November 2, 2018 CDE Decision, we expected that the District's November 27 Response (attached here as Exhibit 2) would lay out a plan to revise the 2018-2019 LCAP that would resolve our concerns. Instead, the November 27 Response duplicates much of our Complaint and offers cursory dismissals of the serious legal concerns outlined in the Complaint with little or no analysis. Petitioners should not be forced to exhaust all legal remedies for every single LCAP simply to realize basic guarantees of equity, transparency, and accountability that are clearly laid out in the text of the LCFF statutes, the accompanying regulations, and CDE's decisions (including the November 2, 2018 CDE Decision that squarely addresses the violations in the District's substantially identical LCAP and Annual Update from 2017-2018).

Moreover, as described in Petitioners' appeal to CDE dated September 21 (attached here as Exhibit 3) and Petitioners' Complaint (Exhibit 1), up to the present time, the District has failed to convene a parent advisory committee or otherwise adequately obtain the significant input from its communities as required by California Education Code §§ 52062-52063. The District addresses this allegation in its November 27 Response and again in its November 30 Response (attached here as Exhibit 4). In sum, the District argues that various meetings held during the year to discuss school site plans function as the equivalent of gathering community and parent input for the LCAP, because information gathered in those meetings "assist in the development of the School Plans, which serve as the foundation for the development of the District's LCAP." November 30 Response at 5. The District also claims that its Indian Policies and Procedures ("IPP") Task Force is the parent advisory committee because it is "composed of a majority of parents/guardians and includes parents/guardians of students who are foster youth and students of limited English proficiency," even though – by the District's own description in its Responses – the IPP Task Force did not discuss the LCAP but instead discussed *other topics* (such as school site plans) which Superintendent Ray deems "relevant to the development of the District's LCAP." November 30 Response at 5-6. As outlined in the attached declaration from Hoopa Tribal Education Association Executive Director Erika Tracy (attached here as Exhibit 5), from September 2017 through the present, there was only one IPP Task Force meeting where there was any discussion of the District's LCAP, and that meeting was held in October 2018, after our September 28, 2018 Complaint was filed. Notwithstanding the District's post hoc, self-serving

mislabeling of the school site planning and IPP Task Force meetings, both the November 27 Response and the November 30 Response reveal that no parent advisory committee (or its functional equivalent) was involved in the development of either the 2017-2018 LCAP or the 2018-2019 LCAP, and the District has failed to obtain the required community and stakeholder input demanded by the clear text of Education Code §§ 52062-52063.

On July 11, 2018, HCOE sent a letter to the District requesting that the District address a significant number of issues in its 2018-19 LCAP and Annual Update before HCOE could approve that LCAP. Petitioners received this letter from the District on July 30, 2018 and it is attached here as Exhibit 6. There is significant overlap between the issues identified by HCOE regarding the 2018-2019 LCAP and Annual Update and those detailed in Petitioners' Complaint. In September 2018, HCOE approved the District's 2018-2019 LCAP, a fact which the District repeatedly highlights in its November 27 Response, despite the fact that HCOE also approved the 2017-2018 LCAP and CDE sustained all of Petitioners' allegations of the legal violations in that document, as well. Petitioners have been in recent contact with HCOE to support gathering stakeholder input for revisions to the 2018-2019 LCAP. We understand from HCOE that, to date, the District has determined to make minimal revisions to the 2018-2019 LCAP and has no plan for meaningful stakeholder input in the District.

Below is a summary of the issues presented in our Complaint and the District's November 27 and November 30 Responses.

1. The District fails to explain how the majority of its S&C funds will be “principally directed towards, and effective in,” meeting the District’s goals for its high-need students.

Petitioners' Complaint alleges that the District violated its legal requirements under Education Code § 42238.07 and 5 CCR § 15496 in its 2018-2019 LCAP and Annual Update by failing to adequately identify and justify districtwide expenditures of S&C funds, including districtwide allocations to teacher salaries, the technology department, and other personnel expenditures.

The District uses an impermissibly broad brush to explain districtwide uses of S&C funds, stating summarily that “the justification for district-wide implementation of these practices is the importance of making an impact on the learning environment and the climate of the schools as a whole which will have a positive impact on the targeted subgroups.” District 2018-2019 LCAP and Annual Update at 107. In the section reserved for the District to demonstrate how it has or will increase or improve services for high-need students, the LCAP does not identify all schoolwide or districtwide uses of S&C funds as directed by the LCAP template. Instead, the District offers a peremptory statement that it will “offer a variety of programs and supports specifically for low income students and foster youth. These include: mental health support, added family support for engagement, literacy training, positive behavior support, positive attendance support and culturally inclusive training.” *Id.* The rest of this section describes services intended for *all* students. *Id.* at 108-109 (stating that the District “will also offer services and programs...that serve all students” and describing several other services from which high-

need students may benefit but which are intended for all students). The District does not explain in its LCAP how it considered factors such as the needs, conditions, or circumstances of its high-need students in districtwide allocations of S&C funds.

In its November 27 Response, the District recites similarly conclusory and/or mystifying justifications for its S&C funding allocations, stating on page 9-10 that it “appropriately justified S&C funds” on each of the items challenged in the Complaint because teacher salaries, expenditures in the technology department, and “direct services to all District students implementing Indian Land Tenure” are related to LCAP Goal 1. On page 10 of the November 27 Response, the District simply repeats the language from its LCAP and summarily concludes that “it adequately considered the needs, conditions, or circumstances of its unduplicated pupils and how the services take those factors into consideration.” Throughout its LCAP and November 27 Response, the District’s rationale appears to be that because the District has a large population of high-need students, it is not required to explain how the actions are principally directed towards and effective in meeting the District’s goals for high-need students *as compared to the goals for all students*; instead, any allocation of S&C funding is automatically justified because it benefits all students, including high-need students. November 27 Response at 10 (noting that “the LCAP effectively aims to increase or improve services for unduplicated pupils by offering various programs to upgrade the entire educational program within the District.”). This reasoning would render the text of the statute and accompanying regulations meaningless and has already been squarely rejected by your office, most recently in the November 2, 2018 CDE Decision regarding the District’s 2017-2018 LCAP. The District did not address the November 2, 2018 CDE Decision at all in its November 27 or November 30 Responses. Instead, the District erroneously claims that because HCOE approved the 2018-2019 LCAP, the District has therefore necessarily “satisfied all LCAP template requirements and satisfied the expenditure requirements applicable to S&C funds for unduplicated pupils.” *Id.* But the controlling standards are governed by the text of the LCFF statutes and regulations, and by guidance provided by CDE; not by HCOE.

2. The District failed to account for all S&C funds in its estimated actual spending and, as reflected in the Annual Update, reallocated significant amounts of S&C funds after the LCAP approval process without undergoing the requisite stakeholder engagement process.

As noted on page 6 of the Complaint (Exhibit 1), in its Annual Update, the District failed to account for \$1,072,583 in S&C funds – 40% of its total S&C funds for the 2017-2018 LCAP year – and failed to explain what happened to \$236,348 in S&C funds that was budgeted, but apparently went unspent, from the 2017-2018 LCAP year.

The District’s November 27 Response is similarly conclusory with regard to this point, stating that the District adequately accounted for S&C funds because the “LCAP template does not require the District to provide dollar-for-dollar accounting.” November 27 Response at 10. In a nearly identical turn of phrase from its Response to Petitioners’ Complaint regarding the 2017-

2018 LCAP and Annual Update, the District claims in its November 27 Response that “pursuant to the LCAP template, the District identified and explained all *material differences* between budgeted expenditures and actual estimated expenditures” (emphasis added) thus implying if not outright stating that nearly a quarter of a million dollars is not a “material difference” in expenditures.

Your office made clear in the November 2, 2018 CDE Decision that there is no “blanket rule that serves to identify a difference as material...[and w]hat is considered a material difference is not only a function of either absolute or relative size of the expenditure difference, but is also determined in part by those differences that cause meaningful changes in the implementation of actions or services that support a goal.” *Id.* at 13-14. Under this standard, each unexplained difference in KTJUSD’s Annual Update between the amount previously budgeted (and approved) and the amount actually spent *is* material. For example, the District reported in its Annual Update that it did not spend \$85,515 of the \$97,298 budgeted for a school counselor position. This amount is material, because it could have been spent to hire at least a part-time school counselor, which is a significant addition for a rural school district like KTJUSD; but the Annual Update does not state why this amount remained unspent during the 2017-2018 school year. The unaccounted-for \$150,833 that was originally budgeted for outreach consultants, instructional aides and monitors could have been used to hire multiple full-time or part-time staff in those roles. Those budgetary differences caused meaningful changes in the implementation of actions or services supporting Goal 1 of the District’s LCAP.

Unfortunately, the District’s November 27 Response completely fails to explain how the \$236,348 in S&C funds was reallocated. As noted by your office in its November 2 decision, “determining material differences and explaining them in the LCAP is critically important to meaningful stakeholder engagement.” November 2, 2018 CDE Decision at 14. The District’s Annual Report falls seriously short in this regard, and even more so since the District did not engage stakeholders – as required – when it decided to reallocate those S&C funds. Particularly in a school district that serves so many high-need students, nearly a quarter of a million dollars would fund services that make a *significant* contribution to the lives of hundreds of those students. The legal requirement to identify and explain material differences between budgeted and actual expenditures of S&C dollars would be rendered meaningless if school districts could withhold spending for a year and simply roll those dollars into their unrestricted “base” funds the following year, or if they could spend S&C dollars in other ways that circumvent the stakeholder engagement process

3. The District fails to provide in its Annual Update adequate description of the actions/services implemented and how these are effective in meeting the District’s goals.

The District’s LCAP and Annual Update fails to explain how parents and students can meaningfully evaluate high-need student data and specific actions regarding the previous years’ LCAP goals in its Annual Update. *See* 5 CCR § 15497.5, LCAP Template, Annual Update

Instructions (noting that the District must “include an assessment of the effectiveness of the specific actions.”) First, the District describes overall implementation for each of its four goals with the following identical sentence: “Although faced with multiple challenges, the overall implementation was successful.” This is an insufficient description of the efforts purportedly undertaken across the District to serve its hundreds of high-need students. Although the District repeatedly fell short of its own goals, when asked in the LCAP Template to “describe any changes made to this goal, expected outcomes, metrics, or actions and services to achieve this goal as a result of this analysis,” the following identical statement is repeated throughout the LCAP and Annual Update: “instead of seeking part-time positions, extra efforts were made to make as many positions full-time, with benefits to encourage more applicants and fill more vacancies.” District LCAP at 5-6, 20-21. The attached Complaint (Exhibit 1) details other legal shortcomings in the Annual Update.

The District’s November 27 Response to our Complaint is again conclusory, noting only that “the report on each goal included specific information and/or data regarding the applicable measurable outcomes, described whether each action item was implemented as written or otherwise; and included the required overall analysis of each goal” and summarily stating that “the District complied with the applicable legal requirements of section 52061 of the Education Code.” This language is identical to the language the District used before, when it tried unsuccessfully to rebut an identical allegation in Petitioners’ Complaint regarding the 2017-2018 LCAP and Annual Update. The November 2, 2018 CDE Decision discusses at length the reasons that the District’s Annual Update in that instance failed to provide adequate descriptions of the actual services/actions in the Annual Update; failed to follow the clear instructions laid out in the LCAP template to “analyze whether the planned actions/services were effective in achieving the goal”; failed to describe “the overall effectiveness of the actions/services to achieve the articulated goal” for high-need students; and failed to respond adequately to the prompt in the LCAP template to describe changes made to the goals, expected outcomes, metrics, or actions and services.” November 2, 2018 CDE Decision at 9-13. CDE’s reasoning applies equally to the District’s 2018-2019 LCAP and Annual Update.

4. The District has failed to meet basic legal requirements for the LCAP stakeholder engagement process.

As described at length in the attached Complaint (Exhibit 1), the District failed to meaningfully engage with stakeholders in developing its 2017-2018 LCAP and 2018-2019 LCAP. One of the most obvious legal violations on this issue is that the District has failed to constitute a parent advisory committee, as required by California Education Code §§ 52062-52063. Instead, between 2016-2018, the District convened a series of school site council and IPP Task Force meetings – none of which grapple with the questions of districtwide decision-making but only with decisions regarding individual school sites – and claims that these are (in the aggregate) somehow transformed into an LCAP-specific districtwide parent advisory committee meetings and/or were spaces for stakeholder input on the 2017-2018 and 2018-2019 LCAPs.

The District's November 27 and November 30 Responses to this allegation vainly try to cobble together a picture of LCAP stakeholder engagement that does not hold up even within its own terms. For example, the District's November 30 Response describes the activities of the IPP Task Force, *none of which* include reviewing, providing input, or even discussing the District's LCAPs. November 30 Response at 3, 5. The District claims that the IPP Task Force is the LCAP parent advisory committee because it "is composed of a majority of parents/guardians and includes parents/guardians of students who are foster youth and students of limited English proficiency." November 30 Response at 5. But again, there is no assertion in either of the District's Responses that the IPP Task Force engages in any kind of review of the LCAP or that the members of the IPP Task Force provide consultation to the District about the LCAP (basic activities of any LCAP parent advisory committee) – because that cannot be factually asserted. As stated in the attached declaration by Erika Tracy (Exhibit 5), the Chair of the IPP Task Force, she was never asked to provide consultation about the District's LCAP at IPP Task Force meetings prior to October 2018, i.e., after Petitioners' Complaint was filed on September 28, 2018, alleging that the District has no statutorily-required parent advisory committee. That the District may find its consultations with the IPP Task Force "relevant to the development of the District's LCAP" is of no consequence here if the members of the school site planning committees and the IPP Task Force are not even made aware that they can or should be providing input and consultation on the District's LCAP.

Petitioners reiterate their strong concerns laid out in the Complaint (Exhibit 1) about the deficiencies of the District's stakeholder engagement process. Moreover, documents provided to Petitioners by the District pursuant to an August 2018 Public Records Act ("PRA") request reveal a truly disturbing pattern of obfuscation and lack of open, candid communication with key stakeholders that is completely at odds with the intent of the LCFF statutes to increase transparency in decision-making in school districts. For example, in response to our request for all materials used to "notify students, employees, parents or guardians, community members, school advisory committees, and other stakeholders of opportunities to provide input and feedback on the LCAP" and the same for school site council meetings, we received a total of two public notices for LCAP public hearings and a total of four notifications for school site council meetings, including three Facebook posts, none of which mention the LCAP. Of all the school site council agendas and minutes received, only Trinity Valley Elementary School and Hoopa Valley High School site council minutes mention the LCAP at all. Although the Hoopa Valley High School Site Council "discussed need to review the LCAP and our districts process of site council and District LCAP Goals" during its September 25, 2017 meeting, future agendas and minutes for this site council do not reflect review of or input on the LCAP itself. In fact, minutes from the Hoopa Valley High Site Council meeting on March 19, 2018 reflect ongoing confusion about the school site planning process and the role of school site committees: "It is difficult to compare our site plan to the district LCAP, how do we improve our understanding of both documents." Trinity Valley Elementary School site council agendas include an "evaluation of current LCAP/Site Plan Goals" for its March and April 2018 meetings, but the meeting minutes do not reflect review or discussion of the LCAP. School site planning agendas and minutes for

Hoopa Valley Elementary School, Jack Norton Elementary School, Orleans Elementary School, and Weitchpec Elementary School contain no mention whatsoever of the LCAP.

Furthermore, despite the District's assertion in its November 30 Response that the IPP Task Force functions as the parent advisory committee, the IPP Task Force agenda and minutes Petitioners received pursuant to our August 2018 PRA request include no mention of the LCAP. The District did not produce a single document regarding a "parent advisory committee" nor any evidence that the IPP Task Force functioned as a parent advisory committee in developing the District's LCAP. Petitioners' August 2018 PRA request and all of the PRA documents we received from the District related to the IPP Task Force are attached here as Exhibit 7.

Even District School Board members had basic confusion about the District's LCAP and LCAP development process, as reflected in School Board meeting minutes received by Petitioners through our PRA request to the District. For example, at the June 26, 2018, meeting at which the School Board was slated to review and receive public input on the District's LCAP, one Board member asked if there was a public input process: "So when we first started doing this process, we used to have community meetings. Have we had those?" The Superintendent responded, "Yes, but remember we do because the LCAP is generated from the school sites so the school sites conduct the community meetings," to which a third board member responded: *"I don't think there is a distinction between a community meeting that took input on the LCAP and the Site Council Meeting ... to me there didn't seem to be any separation of the two or they didn't distinguish that it was an input meeting for the LCAP."* I would like to see more transparency there; that it's more apparent to the public that that is what's happening" (emphasis added). Board members continued to ask the Superintendent questions about the content of school site council meetings, whether those are open to the public and advertised as such, and expressed their own doubts about whether school site council meetings addressed the LCAP. One School Board member reflected, "if there is one Site Council meeting a year dedicated to the LCAP and taking suggestions, that is not apparent to the public." A District teacher stated that "it's very confusing to figure out when or where the site meetings are held. That is just my experience. *And I never knew that we had LCAP meetings through site council.*" The June 26, 2018 School Board minutes are attached to this appeal as Exhibit 8.

The District also continues to violate other statutory mandates related to stakeholder engagement and transparency. Despite a statewide email announcement from your office on November 6, 2018 reminding school districts and county offices of education to post LCAPs "**prominently on the homepage**" of the district's website (emphasis in original), as required by California Education Code § 52065(a), the District's LCAP is not posted on its homepage. In fact, the District's LCAP is difficult to find anywhere on its website. A search through the website's search function yields only one result, a hyperlink which redirects to the homepage in a frustrating and circular process. Petitioners conducted a manual search of the District's website to unearth the LCAP, which is buried in the "District Reports" subpage of the "About Us" section of the website: <http://www.ktjUSD.k12.ca.us/documents/District%20Reports/2018-2019%20LCAP.pdf>. The document posted is dated September 7, 2018, prior to the date of the

September 11, 2018 Board meeting during which the LCAP was approved. Hence, it is impossible that the LCAP currently available on the District's website is the "plan approved by the governing board of the school district." California Education Code §§ 52065(a).

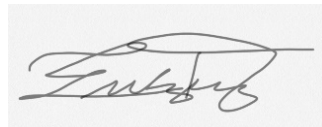
Conclusion

For the reasons stated above and in the Complaint, the District must revise its 2018-2019 LCAP and Annual Update to identify and properly justify all S&C funds allocated on a districtwide and schoolwide basis; fully report any reallocations of S&C funds from the prior year's LCAP and the process used to determine and approve those reallocations; reallocate all S&C funds for classroom services for high-need students, rather than actions and services that must be paid out of base funds; and engage in meaningful stakeholder engagement including—but not limited to—convening an authentic parent advisory committee to assist in the development of the revised LCAP and Annual Update. We request that CDE investigate and issue a ruling to require the District to revise its 2018-2019 LCAP with clear and detailed instructions about the steps the District must take to implement CDE's decision requiring it to revise the 2018-2019 LCAP (given the District's refusal to act up to the present time). We look forward to CDE's initial response within 14 days of receipt. Please contact Linnea Nelson at lnelson@aclunc.org if you have any additional questions or require any additional information to adjudicate the appeal.

Sincerely,



Jim McQuillen, MFT, PPS
Education Director
Yurok Tribe



Erika Tracy
Executive Director
Hoopa Tribal Education Association



Linnea Nelson, ACLU Foundation of Northern California
Theodora Simon, ACLU Foundation of Northern California
Sylvia Torres-Guillén, ACLU Foundations of California

cc: Jon Ray, Superintendent, Klamath Trinity Joint Unified School District
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Heidi Moore-Guynup, Assistant Superintendent, Humboldt County Office of Education
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Encl.: Exhibit 1: Uniform Complaint Procedure Complaint from ACLU Foundations of California, Yurok Tribe, and Hoopa Valley Tribe to Klamath-Trinity Joint Unified School District Superintendent Jon Ray (September 28, 2018)

Exhibit 2: Klamath-Trinity Joint Unified School District’s Response to UCP Complaint from ACLU Foundations of California, Yurok Tribe, and Hoopa Valley Tribe (November 27, 2018)

Exhibit 3: Appeal to California Department of Education of Klamath-Trinity Joint Unified School District’s Response to UCP Complaint from ACLU Foundations of California, Yurok Tribe, and Hoopa Valley Tribe (September 21, 2018)

Exhibit 4: Klamath-Trinity Joint Unified School District’s Response to UCP Complaint from ACLU Foundations of California, Yurok Tribe, and Hoopa Valley Tribe (November 30, 2018)

Exhibit 5: Declaration of Hoopa Tribal Education Association Executive Director Erika Tracy (December 12, 2018)

Exhibit 6: Letter from Humboldt County Office of Education Superintendent Chris Hartley to (July 11, 2018)

Exhibit 7: Public Records Act Request from ACLU Foundations of California, Yurok Tribe, and Hoopa Valley Tribe to Klamath-Trinity Joint Unified School District Superintendent Jon Ray (August 29, 2018); and all documents related to the IPP Task Force received from Klamath-Trinity Joint Unified School District in response to Petitioners' August 29, 2018, Public Records Act Request (17 pages)

Exhibit 8: Minutes of Klamath-Trinity Joint Unified School District School Board (June 26, 2018) (received by Petitioners from District pursuant to Petitioners' August 29, 2018 Public Records Act Request)

EXHIBIT 1



September 28, 2018

Superintendent Jon Ray
Klamath-Trinity Joint Unified School District
11800 State Highway 96
Hoopa, CA 95546

Sent via Email and U.S. Mail

RE: Uniform Complaint Procedure Complaint regarding Klamath Trinity Joint
Unified School District's 2018-2019 LCAP

Dear Superintendent Ray,

The American Civil Liberties Union Foundations of California ("ACLU"), the Yurok Tribal Council, and the Hoopa Valley Tribal Council submit the following Uniform Complaint Procedure ("UCP") complaint regarding Klamath Trinity Joint Unified School District's ("KTJUSD" or "District") failure to comply with the legal requirements of the Local Control Funding Formula ("LCFF") in its 2018-2019 Local Control Accountability Plan ("LCAP") and Annual Update.

The District's LCAP fails to meet basic legal requirements of the statutes and regulations governing LCFF. Specifically, the District violated its legal obligations under Education Code § 42238.07 and 5 CCR § 15496 by failing to adequately identify and justify districtwide expenditures of Supplemental and Concentration ("S&C") funds – intended to benefit low-income, English Learner, or foster youth and homeless students (collectively, "high-need students") – including districtwide allocations to teacher salaries, the technology department, and other personnel expenditures. Further, the Annual Update section fails to include any meaningful assessment of the District's 2017-18 LCAP goals or outcomes, and the District failed to account for approximately 40% of its received S&C funds for the 2017-18 LCAP year. Finally, the District's stakeholder engagement process is inadequate and fails to comply with the text and intent of LCFF, including by failing to create a Parent Advisory Committee and making substantial revisions to the LCAP without seeking stakeholder input.

We met with the District in August 2018 to share our concerns with both the 2017-18 LCAP and the 2018-19 LCAP approved in June 2018. At this meeting, we clearly and repeatedly expressed our desire to work collaboratively with the District to make the necessary changes. We also attended the September 11, 2018 School Board meeting to describe shortcomings in the District's amended LCAP and Annual Update and asked to meet with the Superintendent to review these issues. While we engaged in productive dialogue with the Board of Trustees, the District nonetheless voted to approve the amended LCAP released to us on September 7, 2018 – a document that failed to correct the shortcomings clearly identified.

We are committed to fostering an inclusive school climate and access to the highest quality education for all students in California, especially the most vulnerable, including American Indian students, low-income youth, English learners, and homeless and foster youth. We reiterate our desire to work with the District to ensure its LCAP meets legal requirements and is in the best interests of all students served by the District.

1. The District fails to justify each schoolwide and districtwide S&C expenditure as “principally directed towards” and “effective in meeting” its goals for high-need students.

All districts receiving LCFF funds are required to demonstrate how they will use S&C funds to increase and improve services for high-need students. 5 CCR § 15496(a). A district’s LCAP must include an explanation of how expenditure of these funds will meet the district’s goals for its high-need students in the state priority areas. *Id.* If a district’s high-need student population is 55% or greater, as in KTJUSD, it must identify the districtwide and schoolwide services that will be funded by S&C dollars and “describe in the LCAP how such services are *principally directed* toward and are *effective* in meeting the district’s goals for its unduplicated pupils in the state and local priority areas.” 5 CCR Section 15496(b) (emphasis added).

The California Department of Education (“CDE”) has previously issued clear guidance that a district’s LCAP “*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. An LEA describes how a service is principally directed to meeting the LEA’s goals for unduplicated pupils when it explains in its LCAP how it considered factors such as the *needs, conditions or circumstances of its unduplicated pupils*, and how the service takes these factors into consideration.”¹ (emphasis added)

¹ Letter from Jeff Breshears, Director of Local Agency Systems Support Office, to Abre’ Conner, ACLU of Northern California, Regarding Request for Appeal – Fresno Unified School District at 6 (May 5, 2017), https://www.aclunc.org/docs/20170505-cde_response_to_aclu.pdf (hereinafter “CDE FUSD Decision”).

CDE’s 2017 determination was in response to an appeal by the ACLU of a UCP complaint against Fresno Unified School District (FUSD), based on deficiencies in its LCAP. Among other things, the complaint challenged the explanations provided by the District for the use of S&C funds for several districtwide actions and services. In its review of the FUSD’s LCAP, the CDE found inadequate FUSD’s conclusory statement that “the District is able to allocate services that are principally directed towards, and are effective in meeting the District’s goals for its unduplicated pupils...” based on its percentage of unduplicated pupils (above 55%) and “all districtwide and schoolwide actions and services have been developed based upon the needs of all students as well”:

“the CDE finds the LCAP enumerates in summary fashion ‘Supplemental and Concentration fund expenditures’ and indicates that actions enumerated are being provided on a districtwide or schoolwide basis due to its unduplicated student population of 88% (described as a high risk population.) There is no description of how the use of funds proposed are ‘principally directed towards’ and ‘effective in’ meeting its goals for

CDE has made it abundantly clear that a high percentage of high-need students is not, by itself, justification for districtwide use of S&C funds: “while a high unduplicated pupil percentage may be a reason to offer a majority of services directed toward 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.”² Similarly, in 2016, CDE found that Los Angeles Unified School District’s (“LAUSD”) LCAP offered insufficient justifications for districtwide expenditures:

The 55 percent or more qualifies a district to use funds on a districtwide basis, but it must then identify in its LCAP those services provided on such basis and describe how they are ‘principally directed towards and are effective in ‘meeting the district’s goals for its unduplicated pupils in the state and any local priority areas.’ (5 CCR Section 15496(b)(1)(B).) ... [T]he required articulation of reasons supporting districtwide or schoolwide use is *critical to meeting the statutory requirement* ... [and is] a critical step that should reflect the culmination of the significant stakeholder engagement called for by the LCFF, and is essential to transparency.³

Here, in its 2018-2019 LCAP, the District fails to identify and justify all uses of S&C funds, and at best uses an impermissibly broad brush in an attempt to explain districtwide uses of S&C funds: “the justification for district-wide implementation of these practices is the importance of making an impact on the learning environment and the climate of the schools as a whole which will have a positive impact on the targeted subgroups.”⁴ Further, the District does not explain in its LCAP how it considered factors such as the needs, conditions, or circumstances of its high-need students in districtwide allocations of S&C funds. Vague, summary statements that simply restate statutory language do not suffice as expenditure-specific explanations of how these uses are principally directed towards, and effective in, meeting the District’s goals for its high-need students.⁵

unduplicated pupils. The LCAP statement that the District ‘had the needs of our unduplicated population in mind’ is a conclusory statement that fails to provide the required description.” CDE FUSD Decision at 6-7.

² CDE FUSD Decision at 7.

³ CDE Investigation of Appeal Against the Los Angeles Unified School District at 16 (August 5, 2016), https://www.publicadvocates.org/wp-content/uploads/lausd_investigation_report.pdf (hereinafter “CDE LAUSD Decision”).

⁴ The same reasoning was addressed in the CDE FUSD Decision at page 12: “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 toward’ unduplicated pupils. Each generally describes actions that are available to all pupils ... 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 CCR 15496(b).”

⁵ In the CDE FUSD Decision, CDE determined that FUSD failed to justify its use of S&C funds on custodial and maintenance staff and high school bathroom renovation, stating that while “the description of these actions states benefits for each ... neither provides any description of how the District considered the factors such as the needs, conditions or circumstances of its unduplicated

KTJUSD allocated \$2,464,351 in S&C funds in its 2018-19 LCAP. For at least \$1.4 of those expenditures, the District failed to include any meaningful description of its planned actions, did not justify how these funds will principally target the District's high-need students, and failed to demonstrate how these services will be effective in meeting the District's goals for high-need students. The expenditures listed below exemplify these concerns.

1. Teacher Salaries

The District budgets \$982,632 in S&C funds for "highly qualified teachers in all classrooms maintaining a low student:teacher ratio class[room] size reduction." This amount represents nearly 40% of the District's total S&C funds for the entire LCAP year.⁶

While class size reduction is an important and laudable goal for the District, KTJUSD fails to demonstrate how this expenditure is principally directed at high-need students and effective in meeting the District's goals for its *high-need students*, in particular, in the state and local priority areas. In 2015, CDE issued guidance on a nearly identical issue, clarifying that in order for a district to use S&C funds for teacher compensation, "a district must demonstrate in its LCAP how this use of the grant funds will increase or improve services for unduplicated pupils *as compared to services provided all pupils*"⁷ (emphasis added). Similarly, CDE found that Fresno USD's purported justification for spending S&C funds to reduce class sizes and "introduce additional supports" did not meet the requirements of 5 CCR 15496(b) or the LCAP template, as it provided "no information as to how reducing large core classes in high schools is an action principally directed towards unduplicated pupils."⁸ KTJUSD's description is equally inadequate. The LCAP not only fails to offer any detail about how S&C funds will be utilized to reduce class sizes, but also fails to explain or justify how this expenditure will increase or improve services for high-need students *in particular*, above and beyond what all students receive.⁹

2. Technology Spending

The District allocates \$394,150 in S&C funds for the "Information Technology department."¹⁰ This accounts for over 15% of the District's S&C funds. KTJUSD offers no detail of how,

pupils in particular, in connection with these actions." CDE concluded: "the description fails to explain how the actions are principally directed towards and effective in meeting the District's goals for unduplicated pupils. Accordingly, the requirements of 5 CCR 15496(b) and the LCAP Template are not met with regard to these actions" (emphasis added).

⁶ LCAP at 47, 50-51.

⁷ See Letter from Tom Torlakson, State Superintendent of Instruction, to County and District Superintendents and Charter School Administrators (June 10, 2015) at 3: <https://www.documentcloud.org/documents/2096328-lcff-teacherraises-cdememo-ttrevised061015.html> (hereinafter "CDE Guidance Letter on Use of S&C Funds").

⁸ CDE FUSD Decision at 9.

⁹ See CDE Guidance Letter on Use of S&C Funds and CDE FUSD Decision at 9-10, where CDE offers a clear example of how a district may justify use of S&C funds on districtwide teacher salaries.

¹⁰ LCAP at 54-55.

specifically, these funds will be utilized nor where these funds will be directed.¹¹ Further, there is no statement about how these expenditures will increase or improve services for high-need students or how these funds are principally directed towards meeting the District's goals for these students.¹² In fact, the only description the District offers suggests that this spending is intended to benefit *all* students rather than considering the specific needs of and challenges faced by high-need students: "Aides in the implementation of digital curriculum and *all* of student technology needs." (emphasis added).

3. Additional S&C Expenditures

The LCAP fails to justify planned S&C expenditures on numerous other actions and services, including \$74,735 for "Indian Land Tenure curriculum," which is described as "Director provides direct services to *all* district students implementing Indian Land Tenure utilizing the Indian Education Department."¹³ (emphasis added). This description does little to clarify what "direct services" the Director will provide, does not describe how high-need students will benefit, and explicitly references *all* students – explicitly suggesting that the District does not intend for this service to be principally directed towards high-need students.

Demonstration of Increased or Improved Services for Unduplicated Pupils

In the "Demonstration of Increased or Improved Services for Unduplicated Pupils," the District does not identify all schoolwide or districtwide uses of S&C funds as directed by the LCAP template.¹⁴ KTJUSD only states that it will "offer a variety of programs and supports specifically for low income students and foster youth. These include: mental health support, added family support for engagement, literacy training, positive behavior support, positive attendance support and culturally inclusive training."¹⁵ While KTJUSD offers a limited explanation for how districtwide use of S&C funds would target high-need students, such as "resource/Rtl specialists

¹¹ In fact, outside of reporting on estimated actual expenditures, technology spending is not mentioned at any other place in the LCAP, including the "Demonstration of Increased or Improved Services for Unduplicated Pupils" section, in which the LCAP Template instructs the District to "identify each action/service being funded and provided on a schoolwide or LEA-wide basis. Include the required descriptions supporting each schoolwide or LEA-wide use of funds."

¹² The CDE FUSD Decision is consistent and clear that school districts must do more to describe and justify districtwide S&C spending: "One aspect [of a specific FUSD Action] appears to give all students access to electives. There is no explanation offered as to how this is 'principally directed towards' unduplicated pupils ... as stated, the description is insufficient to meet the requirement to describe and justify Action #48 in total as 'principally directed towards and effective in meeting the goals for unduplicated pupils.' ... 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 toward' unduplicated pupils. Each generally describes actions that are available to all pupils ... 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 CCR 15496(b)." *Id.* at 9, 12.

¹³ LCAP at 76.

¹⁴ This section is an exact duplication of the 2017-18 LCAP.

¹⁵ LCAP at 126.

will identify and allocate resources to students targeting foster youth, students with disabilities, and/or students who are Native American, and/or Socio-Economically Disadvantaged” and “there will be a focus on increased attendance, Advanced Placement and A-G enrollment, CAASPP proficiency, parent involvement through Outreach Consultants, and graduation rates/promotion rates in the identified sub-groups” the District fails to provide any evidence demonstrating the efficacy of these services, nor does it relate these services to the specific needs of high-need students. Many of these services could be effective for high-need students and help the District make progress towards its goals, including improved academic performance and school climate. Stakeholders continue to ask the District to incorporate more trauma-informed care and culturally inclusive practices, and we support the District’s use of S&C funds towards these areas. However, the District’s language is too broad and vague to allow the reader to understand *how* the District will “focus on” high-need students or what these services will entail.

Summary

The legal requirement to identify and justify districtwide uses of S&C funds is critical to LCFF’s commitment to transparency and community engagement. While parents and community members, along with students and teachers, may support many of these services, the LCAP as presented does not provide sufficient information to meaningfully participate in the stakeholder engagement process. Stakeholders cannot provide input if they do not know how the District is spending its money and, specifically, how such expenditures support high-need student groups. Accordingly, the District must revise its LCAP to comply with the law by identifying each schoolwide and districtwide use of S&C funding in detail and by explaining how each proposed use is “principally directed towards, and effective in, meeting the district’s goals for its high-need pupils in the state priority areas.”

2. The District fails to account for all S&C funds in its estimated actual spending and reallocated significant amounts of S&C funds after the LCAP approval process.

Generally, KTJUSD’s Annual Update lacks transparency and clarity regarding its use of S&C funds over the last year. First, the District fails to account for well over one-third of its S&C funds received during the 2017-2018 year. Further, the District underspent S&C dollars on numerous important services for high-need students while failing to describe how these funds were reallocated or offer a meaningful description of the decision making process to reallocate these funds. Additionally, in its process to revise its Annual Update after feedback from complainants and the Humboldt County Office of Education (“HCOE”) from June through August 2018, the District deleted multiple action items funded by S&C dollars without explanation. Finally, the District did not explain how it engaged any stakeholders in this significant reallocation of funds.

Shortfall in S&C Funds

The District reports receiving a total of **\$2,446,550** in S&C funds for high-need students for the 2017-2018 LCAP year, but in its Annual Update, only reports spending **\$1,373,967** of its S&C funds. This is a shortfall of **\$1,072,583**, or 40% of the District’s total S&C funds. The District should explain this shortfall in S&C funds, and if the District did not spend all its S&C funds, it

should account for these funds in its budget documents and engage in a process with community stakeholders to prioritize use of these remaining S&C funds in the coming year.

Reallocation of S&C Funds

The Annual Update reflects significant variation in spending that is not adequately explained. The District reports that it did not spend \$85,515 on a school counselor of the \$97,298 budgeted, spent \$42,329 less than budgeted on Outreach Consultants, and spent \$108,504 less than budgeted on Instructional Aides and Monitors. These three actions figure heavily into the District's priorities for identifying and supporting high-need students and yet, the District reports a shortfall of nearly a quarter-million dollars on these services. While the District lists "material differences" between budgeted and actual expenditures for its LCAP goals, the District does not offer any justification for the significant changes to the LCAP goals, actions, and budget overall. Additionally, the District failed entirely to report whether the \$103,649 budgeted for highly qualified teachers for the 2017-2018 LCAP year was, in fact, spent on that item.

Moreover, the District provides no explanation as to how it engaged stakeholders, such as parents of high-need students, in the decision-making process to reallocate these funds as required by 5 CCR § 52062(c).¹⁶ The Districts cannot circumvent the stakeholder engagement process by shifting its limited resources for high-need students *after* the LCAP approval process without informing and receiving input from the community.

This serious issue of obfuscating the use of S&C funds and reallocating these limited funds intended for high-need students after the District has gone through its purported stakeholder engagement process and sought approval from HCOE and CDE is ongoing and was raised with the District in the June 25, 2018 UCP Complaint regarding its 2017-2018 LCAP and at both in-person meetings with complainants on August 20 and September 11, 2018, without resolution.

3. The District fails to adequately describe the actions/services implemented and how these are effective in meeting the District's goals in its Annual Update.

The Annual Update is a critical tool to support a district's cycle of continuous improvement. A district must describe the previous years' goals and demonstrate improvements of specific outcomes for its high-need students.¹⁷ Districts must also monitor progress towards expected outcomes and indicate areas requiring improvement.¹⁸ Finally, the LCAP template instructions state that a district must "include an assessment of the effectiveness of the specific actions."¹⁹ CDE has reiterated that the Annual Update portion of the LCAP "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

¹⁶ See 5 CCR § 52062(c) (noting that a district may "adopt a revision to a local control and accountability plan if it follows the process to adopt a local control and accountability plan pursuant to this section and the revisions are adopted in a public meeting.").

¹⁷ Educ. Code Sec. 52061.

¹⁸ See 5 CCR § 15497.5, LCAP Template, Annual Update Instructions.

¹⁹ *Id.*

goals, and a description of any changes to the specific actions the school district plans to make as a result of the review.”²⁰ Despite this clear guidance, the District’s Annual Update does not include meaningful analyses of the effectiveness of its actions or adequate measurements of District progress towards its own goals.

Analysis: Implementation and Effectiveness

Where the LCAP Template instructs the District to “describe the overall implementation of the actions/services” and to “describe the overall effectiveness,” the District copied much of the same, insufficient language it used in the previous year’s Annual Update. For each of its four goals, the District described overall implementation with the following identical sentence: “Although faced with multiple challenges, the overall implementation was successful.” The Annual Update almost no information on actual implementation of any listed action.²¹

The Annual Update also fails to assess the effectiveness of its actions towards reaching its goals. For example, the District did not establish meaningful links between its actions and the concomitant measures of effectiveness, which makes it impossible to assess whether the District’s investments resulted in a positive impact on student outcomes. In describing the effectiveness of the actions and services to reach its goals, the District states that “goals were clear and schools (and their individual communities) were able to communicate [to] successfully obtain their goals.”²² Nowhere does the Annual Update analyze the needs, conditions, or circumstances of unduplicated pupils, nor does it describe how the District’s actions will address these needs.²³

Outcome Measurement & Metrics

A comprehensive analysis of how the District invests its limited dollars in services for high-need students is particularly critical given the need for the District to improve outcomes in many areas, including math, AP and A-G completion, and suspension rates as well as overall

²⁰ CDE FUSD Decision at 13.

²¹ For each goal, the District added one non-specific sentence regarding implementation. For example, “The area that still needs to be addressed is staffing shortages. Due to the staffing shortages, more outreach to community members has been tasked to our school staff.” LCAP at 27. The only goal for which the District offers explanation of its activities is Goal 4, which included only one action – music teacher – and did not include any estimated actual expenditures. *Id.* at 37.

²² *Id.* at 27.

²³ The LCAP Template suggests “identifying any specific examples of how past increases or improvements in services for low-income students, English learners, and foster youth have led to improved performance for these students.” LCAP Template at 1.

school climate.²⁴ Although the District repeatedly fell short of its own goals,²⁵ when asked to “describe any changes made to this goal, expected outcomes, metrics, or actions and services to achieve this goal as a result of this analysis,” the following identical statement is repeated throughout: “instead of seeking part-time positions, extra efforts were made to make as many positions full-time, with benefits to encourage more applicants and fill more vacancies.”²⁶

It is also effectively impossible to assess the District’s progress towards reaching its goals for high-need students, because the District fails to offer data specific to the 2017-2018 for comparison. In fact, there are only two annual measurable outcomes in the entire LCAP that cite comparable data from the 2017-2018 LCAP year.²⁷ For Goal 2, the high school graduation rate from 2014-2015 and the dropout rates from 2015-2016 are used.²⁸

Furthermore, the District offers contradictory information in reporting progress on its own goals. For example, the District reports that 54% of students feel safe at school and met its school climate goal.²⁹ However, in the Plan Summary, the District reports one of its areas of Greatest Needs is that “students are feeling significantly less safe at school.”³⁰ It cannot be that students are feeling simultaneously “safe at school” and “significantly less safe at school.” In addition to confusing the reader about the District’s progress toward its school climate goals specifically, this calls into question the credibility of the District’s outcome metrics and assessment of its own performance throughout the LCAP.

The District’s failure to describe its actions with specificity and to assess whether its actions have helped it achieve its goals precludes its LCAP from serving as a tool for local accountability and continuous improvement. The District cannot improve services for high-need students or make steps to close significant performance gaps if it does not critically evaluate its progress to serve these students. Further, this lack of transparency undermines the stakeholder engagement process because stakeholders cannot determine whether the District’s actions are effective and thus have incomplete information with which to provide input on District spending.

²⁴ The District references these challenges in the Plan Summary, listing a number of its greatest needs: “Math test scores indicate an “Orange” performance level overall and in all subgroups except the white subgroup. AP exam passing rates, A-G completion and EAP passing levels at the high school also need improvement. Finally, understated suspension rates on the Dashboard do not accurately reflect the high suspension rates across the district. According to the CA Healthy Kids Survey, students are feeling significantly less safe at school than in the previous year.” See LCAP at 2.

²⁵ *Id.* at 5-6, 20-21.

²⁶ *Id.* at 33.

²⁷ LCAP at 5.

²⁸ *Id.* at 28.

²⁹ *Id.* at 31.

³⁰ *Id.* at 2.

4. The District Must Strengthen Its LCAP Stakeholder Engagement Process

Authentic community input and transparency are cornerstones of the LCFF. However, KTJUSD is falling short of its obligation to obtain the “significant input from their communities” required³¹ by failing to provide sufficient time for public comment, to notify stakeholders of opportunities for input, and to meaningfully take contributions of the community into account in reviewing and updating the LCAP.

The school board is required to hold at least one public hearing with an opportunity for public comment and recommendations regarding the specific actions and expenditures proposed in the LCAP and Annual Update.³² The public hearing for the first version of the LCAP was held on June 26th at 5p.m., less than 24 hours before the school board was set to adopt the LCAP at the next Board meeting on June 27th at 9:30a.m. Alarming, stakeholders received the 173-page LCAP and Annual Update via email at 6:17 p.m. on June 26th, at the very time they were expected to be attending a School Board meeting to provide public input into this critical tool for transparency and accountability. It is almost certainly impossible that community stakeholders could read or analyze the LCAP and Annual Update within that time, let alone provide meaningful feedback on the draft. It is even more unlikely that the District could have received, meaningfully assessed, responded to, and incorporated community feedback within that time frame.

Furthermore, the District does not post information about LCAP input sessions on school marquees or its website, and no Board Meetings are listed as LCAP Public Hearings or input sessions on the District calendar. Parents and community members do not have access to information about how and when to provide their input into this important local planning and accountability tool.

In the Stakeholder Engagement portion of its LCAP, the District reports that “school plans are transposed to the LCAP” after being developed by School Site Councils, with input gathered through student groups and “community input nights.”³³ Upon information received from community members, complainants believe the school site meetings are not advertised as LCAP input sessions, the attendees are not trained on the LCAP process, and these meetings are not open to all of the stakeholders required by law (including students). In addition, at a Board of Trustees meeting on September 11, 2018, the District admitted that it has never constituted an LCAP parent advisory committee, as required by statute.³⁴ Instead, the District convenes a series of school site

³¹ CDE Guidance Letter on Use of S&C Funds; *see also* Letter from Tom Torlakson, State Superintendent of Instruction, to District Superintendents (Oct. 2, 2017) (stating that “[r]ather than top-down, transactional exchanges between districts and support providers, the new system expects support providers to work collaboratively with districts to identify key challenges and opportunities. And rather than packaged interventions, the new system favors teams of local educators engaging with their communities to tailor approaches to specific needs ... To create change that is supported at the grassroots level, stakeholders must be authentically engaged and transparency must be a top priority. Ensuring that each student has the support they need to succeed is a collective responsibility we all share. As such, we urge you to redouble your efforts to increase awareness and use of the Dashboard, the LCAP, and any improvement plans within your district this fall.”).

³² California Education Code § 52062(b)(1).

³³ LCAP at 38.

³⁴ Cal. Educ. Code §§ 52062-52063.

council meetings – none of which grapple with the questions of districtwide decision-making but only with decisions regarding individual school sites – and claims that series of school site meetings are (in the aggregate) a replacement for the LCAP-specific districtwide parent advisory committee. Further, it is unclear how or whether local input is actually being considered when forming the LCAP, as school site plans for some District schools are identical and at the time the Board approved its LCAP on June 26, 2018, the Board had not yet voted on all School Site Plans. None of this evidence suggests the District has come close to engaging stakeholders in the LCAP process at the minimum level required by statute and accompanying regulations.

Further, the District made many substantial changes to its LCAP between June 2018 and September 2018 without engaging in any stakeholder engagement process. When stakeholders attended the September 11, 2018 Board meeting to express concern about the LCAP and Annual Update, while Board members engaged in a dialogue about the changes, the District failed to recognize any problems with the LCAP itself and the LCAP was summarily approved.

5. Conclusion

For the reasons described in this UCP complaint, the District must amend its LCAP to provide the robust justifications required for all districtwide and schoolwide spending of S&C funds and account for and explain all uses of S&C funds in its Annual Update. We particularly urge the District to assess its stakeholder engagement with local Tribes and the broader Klamath Trinity community. The District's actions have tremendous impacts on the communities' children and it is critical for the Tribes to participate in the process to ensure that their students receive the highest quality education as possible. Accordingly, as sovereign nations, the Tribes appreciate future opportunities to consult with the District to develop and collaborate on strategies that impact their community and future.

We deeply value the education of all students and are committed to supporting the District in its efforts to improve school climate and outcomes for unduplicated pupils. We can work with the District to ensure its LCAP is fully compliant with state laws and regulations and offer best practices for stakeholder engagement.

We look forward to seeking a collaborative resolution that will best serve the District's students and families. Please feel free to contact Tedde Simon directly by email at tsimon@aclunc.org or by telephone at 415-621-2493 to set up a meeting to resolve these concerns.

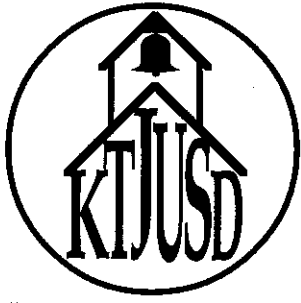
Sincerely,

Sylvia Torres-Guillén, ACLU Foundation of California
Tedde Simon, ACLU Foundation of Northern California
Linnea Nelson, ACLU Foundation of Northern California

Jim McQuillen, Education Director, Yurok Tribe

Ryan Jackson, Hoopa Valley Tribal Chairman

EXHIBIT 2



Klamath-Trinity Joint Unified School District

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Via U.S. Mail and E-mail

November 27, 2018

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Re: Klamath Trinity Joint Unified School District's Response to UCP Complaint

Dear Ms. Torres-Guillen, Ms. Simon, Ms. Nelson, Mr. McQuillen, and Mr. Jackson:

On September 28, 2018, you submitted a uniform complaint ("Complaint") to the Klamath Trinity Joint Unified School District ("District") concerning the District's 2018-2019 Local Control and Accountability Plan ("LCAP"). Following receipt of the Complaint, the District initiated the instant investigation in accordance with Board Policy ("BP") and Administrative Regulation ("AR") 1312.3. The report serves as the Final Written Decision described in BP 1312.3. BP 1312.3 and AR 1312.3 are attached for your reference.

A. SUMMARY OF ALLEGATIONS

In the Complaint, you raise various concerns regarding the District's 2018-2019 LCAP. Specifically, we understand the Complaint to raise the following allegations for investigation:

1. *The District fails to justify each schoolwide and districtwide supplemental and concentration ("S&C") expenditure as "principally directed towards" and "effective in meeting" its goals for high-need students.*
2. *The District fails to account for all S&C funds in its estimated actual spending and reallocated significant amounts of S&C funds after the LCAP approval process.*
3. *The District fails to adequately describe the actions/services implemented and how these are effective in meeting the District's goals in its Annual Update.*
4. *The District must strengthen its LCAP stakeholder engagement process.*

B. INVESTIGATION PROCEDURE

BP and AR 1312.3 govern the investigation and processing of complaints including certain specified allegations, including but not limited to those relating to the District's compliance with laws applicable to the LCAP. Pursuant to BP and AR 1312.3, within 60 days of receiving the complaint, the Compliance Officer must prepare and send to the complainant a written report of the District's investigation and decision. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees to an extension of the timeline in writing. The Complaint in this instance was processed and investigated as a uniform complaint in accordance with BP 1312.3 and AR 1312.3.

C. THE FINDINGS OF FACT BASED ON THE EVIDENCE GATHERED

The evidence discovered during the investigation resulted in the factual findings discussed below.

General Review and Approval Process of 2018-2019 LCAP

Overall, to develop each year's LCAP, the District begins with a review of each school site plan ("School Plan"). Typically, School Site Council ("SSC") meetings are held on at least a monthly basis, and each school site develops its own School Plan. In developing the LCAP, the District considers and includes input from each site's School Plan.

Prior to approval of the LCAP, each year, the District will publish a draft and include a notice in the local newspaper that the draft LCAP is available at the District office for anyone to review it or obtain a copy.

The District's current LCAP is for the three-year period from July 1, 2017 through June 30, 2020. The District conducted the annual update to the 2017-2018 LCAP and developed the 2018-2019 LCAP concurrently.

On June 26, 2018, the District held a public hearing to solicit recommendations and comments from the community on the proposed 2018-2019 LCAP and District budget.

On June 27, 2018, the District's Governing Board ("Board") held a public meeting, during which staff presented the proposed annual LCAP to the Board for its consideration and approval. After discussing the LCAP, including an opportunity for the public to provide comments, the Board voted to approve the LCAP. Thereafter, the District submitted the LCAP to the Humboldt County Office of Education ("HCOE") for its review and approval.

After regularly consulting with HCOE staff regarding the 2018-2019 LCAP, on July 11, 2018, the District received feedback from HCOE Superintendent Dr. Chris Hartley identifying necessary changes to the District's LCAP. The changes related to, in sum: providing further explanation for specific action items; more specifically analyzing outcomes for the four 2017-2018 LCAP goals; splitting certain action items in accordance to S&C versus base grant funds; and identifying all actions utilizing S&C dollars in the "demonstration of increased or improved services for unduplicated pupils" section.

Between July and September 2018, the District worked extensively to address HCOE's recommended changes.

On September 11, 2018, the Board re-approved the 2018-2019 LCAP, after it was updated to incorporate necessary changes for clarification.

On September 12, 2018, Dr. Hartley approved the District's 2018-2019 LCAP.

LCAP Stakeholder Engagement Process

Throughout the 2017-2018 school year, the District engaged relevant stakeholders in the planning process for the 2018-2019 LCAP. Parents and community members, including student groups, were invited to monthly SSC meetings throughout the school year. Additionally, each school site hosted at least two "Community Input Nights" where community members had the opportunity to provide feedback on the relevant School Plan and LCAP development.

Between September and December 2017, SSCs collaborated with District Administration to complete the "Fall Revision" for their School Plans. On December 12, 2017, the Board reviewed and approved the revised School Plans. The "Action Plans" in each School Plan served as the starting point for the development of the 2018-2019 LCAP.

In February 2018, SSCs began to revise and update their School Plans for the "Spring Submission." The revisions to each School Plan incorporated input from various stakeholders, including parents of unduplicated students.

In May 2018, each school site moved to ratify their respective School Plan, which reflected the new "Action Plans." Subsequently, the School Plans were transposed to the 2018-2019 LCAP.

In addition to SSCs, the District diligently engaged stakeholders through the Indian Policies and Procedures Task Force ("IPP Task Force"). Additionally, the District uniquely maintains an Indian Education and Native Language Program, which District Director Margo Robbins administers. Throughout the 2017-2018 school year, the Indian Education and Native Language Program alternated monthly meetings of the Indian Education Program and the IPP Task Force. Ms. Robbins attended all IPP Task Force meetings during the 2017-2018 school year; Superintendent Ray attended all but one.

According to our Board Policy 0410.1, the IPP Task Force shall have standing positions for the Chairpersons (or their designee) and the Education Directors (or their designee) from the Karuk Tribe, the Yurok Tribe, the Hoopa Valley Tribe, and representatives from the Tsnungwe Tribe. Parent positions will be solicited through a general call for interested persons each year during the fall in the local paper(s), radio station, flyers at local businesses and Board announcements. The District's IPP Task Force is composed of 17 members, which includes one Board member, five District staff members, and 11 parents/guardians of District students, some of whom also serve as Chairpersons (or their designees) and the Education Directors from the Karuk Tribe, the Yurok Tribe, the Hoopa Valley Tribe,

and the Tsnungwe Tribe. At least two of the IPP Task Force members are parents/guardians of students who are foster youth.

Tribal representatives actively participate in the IPP Task Force. For example, Mr. McQuillen attended the January 10, 2018 and October 3, 2018 IPP Task Force meetings. Hoopa Tribal Education Association Director Erika Tracy attended the January 10, 2018 and the April 4, 2018 IPP Task Force meetings. Hoopa Tribal Education Association Manager Jenna Hailey attended the November 2, 2017 IPP task force meeting. Karuk Education Program Coordinator Michael Dyer attended the April 4, 2018 IPP Task Force meeting. Karuk representative Bari Talley attended the November 2, 2017 and January 10, 2018 IPP Task Force meetings. Karuk representative Jeanerette Jacups Johnny attended the January 10, 2018 IPP Task Force meeting.

In addition, the District solicits parents to participate in the IPP Task Force through a general call for interested persons each year, during the fall, through the local paper(s), radio stations, flyers at local businesses, and Board announcements.

Each year, the IPP Task Force reviews the Annual Impact Aid Report to Tribes and Community to determine if data collected adequately addresses impact aid program concerns from tribes and parents and recommends goals and priorities to the Superintendent. Additionally, the IPP Task Force focuses on ways to improve student performance and address gaps in student achievement.

According to Board Policy 0410.1, the district will merge the IPP Task Force recommendations with the district's overall plan (LCAP) and long term strategic plan. As part of the LCAP review and approval process, the IPP Task Force reviews all of the Single Plan for Student Achievement (Site Plans) and provides comments prior to consideration and adoption of the Plans and the creation of the LCAP and/or annual update. For example, Trinity Valley Elementary Principal Liz Franklin and Hoopa Valley High School teacher Brian Hooper submitted their respective School Plans to Ms. Tracy (who serves as the Chairperson for the IPP Task Force) for her review and signature. Ms. Robbins submitted the School Plans for three District school sites to Ms. Tracy and Ms. Talley for their review.

Additionally, throughout the 2017-2018 school year, the Superintendent met with additional stakeholders, including the Klamath Trinity Teachers Association ("KTTA") and the California School Employees Association ("CSEA") to gather input regarding the 2018-2019 LCAP.

Update on 2017-2018 Annual LCAP Goals

Within the 2018-2019 LCAP, the District also conducted, as required, the annual review and update on the 2017-2018 LCAP goals.

Goal 1 of the 2017-2018 LCAP aimed for "all students [to] receive high quality instruction, aligned to Common Core Standards, which will engage them as 21st Century learners and prepare them for college and careers."

In the annual update to the 2017-2018 LCAP, the District reported specific data on nine listed, expected annual measurable outcomes, specifically indicating whether the target was met. For each of the supporting twenty action items, the District reported whether the action was implemented as written or otherwise. Overall, the District stated that "although faced with multiple challenges, the overall implementation [of Goal 1] was successful. The area that still needs to be addressed is staffing shortages."

Goal 2 of the 2017-2018 LCAP aimed for “all students [to] have the opportunity to learn in a culturally responsive, socially, emotionally and physically safe environment.”

In the annual update to the 2017-2018 LCAP, the District reported specific data on five listed, expected annual measurable outcomes, specifically indicating whether the target was met. For each of the supporting ten action items, the District reported whether the action was implemented as written or otherwise. Overall, the District stated that “although faced with multiple challenges, the overall implementation [of Goal 2] was successful. The area that still needs to be addressed is staffing shortages. Due to the staffing shortages, more outreach to community members has been tasked to our school staff.”

Goal 3 in the 2017-2018 LCAP aimed for “all schools [to] provide a safe and welcoming learning environment for students and families.”

In the annual update to the 2017-2018 LCAP, the District reported specific data on seven listed, expected annual measurable outcomes, specifically indicating whether the target was met. For each of the supporting two action items, the District reported whether the action was implemented as written or otherwise. Overall, the District stated that “although faced with multiple challenges, the overall implementation [of Goal 3] was successful. We continue to increase the expectations to increase the overall effectiveness of the plan.”

Goal 4 in the 2017-2018 LCAP aimed that “all students will have access to a variety of engaging offerings, including but not limited to drama, physical education, cultural activities, etc.”

In the annual update to the 2017-2018 LCAP, the District reported detailed information on two listed, expected annual measurable outcomes, specifically indicating whether the target was met. For the supporting action item, the District reported whether the action was implemented as written or otherwise. Overall, the District stated that “although faced with multiple challenges, the overall implementation [of Goal 4] was successful.”

2018-2019 LCAP

Relevant to the 2018-2019 LCAP, in the 2017-2020 Plan Summary section, the District identified the three most significant ways it planned to increase/improve services for unduplicated pupils (foster youth, English learner, or low income/socioeconomically disadvantaged):

- Increasing full time paraprofessionals to enable all classes to implement student centers;
- Maintain the implementation of one to one technology for all students; and
- Increase educational opportunities including sports, travel study, Visual and Performing Arts (“VAPA”) and Career Technical Education.

For the 2018-2019 LCAP year specifically, the District identified an unduplicated pupil count of 89.35%. Based on this count, the District estimated receiving \$2,236,861 in S&C grant funds for the 2018-2019 LCAP year. Accordingly, the District was required to increase or improve services for unduplicated pupils by 28.54% as compared to all students.

In the 2018-2019 LCAP, the District planned to use some S&C funds on a District- and/or school-wide basis, as appropriate. For example, in the “Demonstration of Increased or Improved Services for Unduplicated Pupils” section of the LCAP, the District stated its intent to use the S&C funds to “offer a

variety of programs and supports specifically for low income students and foster youth.” Such services were to include mental health support, added family support for engagement, literacy training, positive behavior support, positive attendance support, and culturally inclusive training. The District described its plan to offer services and programs aligned with LCAP goals to serve all students, including Native American students and students with disabilities.

This section of the LCAP further explains that implementing the services and practices on a District-wide basis is justified by “the importance of making an impact on the learning environment and the climate of the schools as whole which will have a positive impact on the targeted subgroups.” The LCAP specifies that these are the most effective use of funds because:

- The resource/Response to Instruction and Intervention (“RtI”) specialists will identify and allocate resources to students targeting foster youth, students with disabilities, and/or students who are Native America, and/or Socio-Economically Disadvantaged.
- All students will be enrolled in classes with a lower teacher to student ratio and will not be in combination grade classes.
- Students will participate in Restorative Justice Practices, Behavioral Intervention and Support, Common Core State Standards, College and Career readiness programs, and After School Education and Safety.
- There will be a focus on attendance, Advanced Placement, A-G enrollment, CAASPP proficiency, parent involvement, and graduation/promotion rates in the identified sub-groups, as well as decreased dropout rates, and lower suspension and expulsion rates.
- Staff training for emotional-social well-being, trauma informed care, resiliency, and students in poverty that will be especially targeted for Foster Youth and Low Socio-Economic students.

Additionally, and as relevant to the Complaint, the 2018-2019 LCAP Actions/Services set forth the following actions:

- Highly Qualified Teachers in all classrooms maintaining a low student:teacher ratio: The 2018-2019 LCAP includes this as Actions 2 and 4 in support of Goal 1. The LCAP identifies these Actions as contributing to meeting the increased or improved services requirements for unduplicated pupils. The District budgets an estimated \$982,632 in S&C funds for this purpose.
- Information Technology Department. Aides in the implementation of digital curriculum and all of student technology needs: The 2018-2019 LCAP included this as Action 7 in support of Goal 1. The LCAP identifies this Action as contributing to meeting the increased or improved services requirement for unduplicated pupils. The District budgets an estimated \$394,150 in S&C funds for this purpose.
- Director provides direct services to all District students implementing Indian Land Tenure utilizing the Indian Education Department: The 2018-2019 LCAP includes this as Action 21 in support of Goal 1. The LCAP identifies this Action as contributing to meeting the increased or improved services requirement for unduplicated pupils. The District budgets an estimated \$74,735 in S&C funds for this purpose.

D. LEGAL AUTHORITY

The legal authority applicable to each of the general subject areas at issue in the Complaint is set forth below.

1. General LCAP Requirements

The governing board of each school district is required to adopt a LCAP using a template adopted by the state board. (Educ. Code § 52060(a).) The LCAP is effective for a three-year period. (*Id.* § 52060(b).) The LCAP must include certain, specified information, including but not limited to, a description of the annual goals for all pupils to be achieved for each of the state priorities and for any additional local priorities identified by the governing board. (*Id.* § 52060(c)(1).)

2. LCAP Requirements Related to S&C Funds

The local control funding formula (“LCFF”) apportions additional funds to school districts based on the number and concentration of unduplicated pupils.¹ (Educ. Code §§ 42238.01, 42238.02.) A school district must increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the bases of the number and concentration of such pupils in the district. (*Id.* § 42238.07(a)(1).) “To improve services,” means to “grow services in quality,” and “to increase services” means “to grow services in quantity.” (5 C.C.R. § 15495(k), (l).)

Furthermore, in this context, “services” include but are not limited to delivery of instruction, administration, facilities, pupil support services, technology, and other general infrastructure necessary to operate and deliver educational instruction and related services. (*Id.* § 154945(h); see also Educ. Code § 42238.07.)

A district may demonstrate that it has increased or improved services for unduplicated pupils by using funds to upgrade the entire educational program of a school site or the district. (*Id.* § 42238.07(a)(2); 5 C.C.R. § 15496(b).) To do so, and if the district’s unduplicated pupil enrollment is 55% or more of the total enrollment in the applicable fiscal year, the LCAP must:

- 1) identify services being funded and provided on a districtwide basis; and
- 2) describe how services are principally directed towards and effective in meeting the district’s goals for unduplicated pupils in state and local priority areas. (5 C.C.R. § 15496(b)(1).)

3. LCAP Annual Updates

The school district must update the LCAP on an annual basis. (*Id.* § 52061(a).) The update must include:

- (1) A review of any changes in the applicability of the goals described in paragraph (1) of subdivision (c) of Section 52060.
- (2) A review of the progress toward the goals included in the existing [LCAP], an assessment of the effectiveness of the specific actions described in the existing [LCAP] toward achieving the goals, and a description of changes to the specific actions the school district will make as a result of the review and assessment.

¹ Unduplicated pupils are those who are English Learners, eligible for a free or reduced-price meal, or are a foster youth. (Educ. Code § 42238.02.)

- (3) A listing and description of the expenditures for the fiscal year implementing the specific actions included in the [LCAP] and the changes to the specific actions made as a result of the reviews and assessment required by paragraphs (1) and (2).
- (4) A listing and description of expenditures for the fiscal year that will serve the pupils to whom one or more of the definitions in Section 42238.01 apply and pupils redesignated as fluent English proficient. (Educ. Code § 52061(a)(1)-(4).)

Additionally, CDE's LCAP template instructs the school district to use actual annual measurable outcome data to analyze the effectiveness of planned actions and services, describe overall implementation and effectiveness of actions and services, and describe any changes made to the goal, outcomes, metrics, or actions or services to achieve the goal. The LCAP template also required the District to explain material differences between budgeted expenditures and actual estimated expenditures but does not require dollar-for-dollar accounting.

4. LCAP Approval Process

Before the governing board considers an adoption of or annual update to the LCAP, the District's Superintendent must:

- (1) present the LCAP or annual update to the LCAP to the parent advisory committee for review and comment. The superintendent shall respond, in writing, to comments received from the parent advisory committee.
- (2) present the LCAP or annual update to the LCAP to the English learner parent advisory committee, if applicable, for review and comment. The superintendent shall respond, in writing, to comments received from the English learner parent advisory committee.
- (3) notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP or annual update to the LCAP, using the most efficient method of notification possible (printed notices or sending notices by mail is not required). The superintendent shall ensure that all written notifications related to the LCAP or annual update to the LCAP are provided consistent with Section 48985.
- (4) review school plans submitted pursuant to Section 64001 for schools within the school district and ensure that the specific actions included in the LCAP or annual update to the LCAP are consistent with strategies included in the school plans submitted pursuant to Section 64001. (*Id.* § 52062(a).)

Thereafter, in considering the LCAP or its annual update, the governing board must:

- (1) hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP or annual update to the LCAP. The agenda for the public hearing shall be posted at least 72 hours before the public hearing and shall include the location where the LCAP or annual update to the LCAP will be available for public inspection. The public hearing shall be held at the same meeting as the public hearing required by paragraph (1) of subdivision (a) of Section 42127; and

- (2) adopt an LCAP or annual update to the LCAP in a public meeting. This meeting shall be held after, but not on the same day as, the public hearing referenced above. This meeting shall be the same meeting as that during which the governing board of the school district adopts a budget pursuant to paragraph (2) of subdivision (a) of Section 42127. (*Id.* § 52062(b).)

The governing board may also adopt revisions to the LCAP during the period the LCAP is in effect, using the same process as to adopt the LCAP pursuant to section 52062, described above, and if the revisions are adopted in a public meeting. (*Id.* § 52062(c).)

Within five days after adoption of the LCAP or annual update to the LCAP, the governing board must file the LCAP or its annual update with the county superintendent of schools. (*Id.* § 52070(a).) The county superintendent of schools may submit requests for clarification or make recommendations for the LCAP or its annual update. (*Id.* § 52070(b)-(d).) Otherwise, the county superintendent of schools shall approve the LCAP or its annual update after determining that the LCAP or its annual update meets the specified legal requirements. (*Id.* § 52070(d).)

E. CONCLUSIONS OF LAW

We analyze each of your factual allegations and describe our legal conclusions below:

1. *The District failed to justify each schoolwide and districtwide S&C expenditure as “principally directed towards” and “effective in meeting” its goals for high-needs students.*

The Complaint focuses on four main areas in which the District allegedly failed to sufficiently justify school- and/or district-wide S&C expenditures for high-needs students. We address each sub-issue below.

- a. Highly qualified teachers in all classrooms maintain a low student: teacher ratio.

Based on the evidence gathered during the investigation, the District concludes it appropriately justified S&C funds on this Action. This Action is directly related to the state priority to have fully credentialed teachers, as well as the LCAP Goal 1 that “all students will receive high quality instruction, aligned to Common Core Standards, which will engage them as 21st Century learners and prepare them for college and careers.” Moreover, relevant to the 2018-2019 LCAP year, in the “Demonstration of Increased or Improved Services for Unduplicated Pupils,” the District specifically described that S&C funds would support enrolling students in classes with a lower teacher-to-student ratio and how such enrollment and ratio will positively impact unduplicated pupils.

- b. Information Technology Department. Aides in the implementation of digital curriculum and all of student technology needs.

Here, the Complaint alleges the District failed to justify how the funds will be utilized or how they will increase or improve services for unduplicated pupils. Based on the evidence gathered during the investigation, the District concludes it appropriately justified S&C funds on this Action item. This Action directly relates to the LCAP Goal 1 and is appropriately included within the defined scope of “services” for unduplicated pupils. (See 5 C.C.R. § 15495(h).)

- c. Director provides direct services to all District students implementing Indian Land Tenure utilizing the Indian Education Department

Here, the Complaint alleges the District failed to justify what direct services the Director will provide and failed to describe how high-needs students will benefit. Based on the evidence gathered during the investigation, the District concludes it appropriately justified S&C funds on this Action item. The Action directly relates to the LCAP Goal 1 and is appropriately included within the defined scope of services for unduplicated pupils. (See 5 C.C.R. § 15495(h).)

d. Demonstration of increased or improved services for unduplicated pupils.

In this section of the 2018-2019 LCAP, the District appropriately identified its estimated S&C funds for the 2018-2019 school year and the associated percentage by which it was required to increase or improve services to unduplicated pupils. The District detailed how it would use the S&C funds specifically to offer programs and services to unduplicated pupils, such as low-income students and foster youth. The District adequately justified the District-wide use of such funds based on impacting the learning environment at the school, which would in turn, positively impact unduplicated pupils, especially considering the District's nearly 90% unduplicated pupil count. This section details why the identified programs and services would be an effective use of funds, and how staff training is "especially targeted" for unduplicated pupils.

Overall, the District concludes that it adequately considered the needs, conditions or circumstances of its unduplicated pupils and how the services take those factors into consideration. As such, the LCAP effectively aims to increase or improve services for unduplicated pupils by offering various programs to upgrade the entire educational program within the District.

In addition, as related to all sub-issues above, HCOE approved the District's 2018-2019 LCAP, specifically confirming, among other things, that it satisfied all LCAP template requirements and satisfied the expenditure requirements applicable to S&C funds for unduplicated pupils. (See Educ. Code § 52070(d).) Therefore, the District finds that it followed the applicable legal and LCAP template requirements to justify Districtwide S&C fund spending.

2. *The District failed to account for all S&C funds in its estimated actual spending and reallocated significant amounts of S&C funds after the LCAP approval process.*

Based on the evidence gathered during the investigation, the District concludes that it adequately accounted for S&C funds and did not inappropriately reallocate S&C funds after the LCAP approval process. The LCAP template does not require the District to provide dollar-for-dollar accounting. Rather, pursuant to the LCAP template, the District identified and explained all material differences between budgeted expenditures and actual estimated expenditures. The analysis of each LCAP goal included adequate explanation and justification for any material differences in budgeted versus actual expenditures.

3. *The District fails to provide in its Annual Update adequate description of the actions/services implemented and how these are effective in meeting the District's goals.*

Based on the evidence gathered during the investigation, the District concludes that its 2017-2018 annual update included adequate and legally-compliant descriptions of the implemented actions and services, and how they were effective in meeting the District's goals.

Specifically, as described above, the report on each goal included specific information and/or data regarding the applicable measurable outcomes; described whether each action item was implemented as written or otherwise; and included the required overall analysis of each goal. As such, the District complied with the applicable legal requirements of Education Code section 52061. Additionally, as stated above, HCOE approved the 2018-2019 LCAP, indicating that the District satisfied the applicable template requirements.

4. *The District must strengthen its LCAP stakeholder engagement process.*

Here, the Complaint asserts that the District should “strengthen” its engagement process but does not appear to identify a specific legal or LCAP template requirement that the District allegedly violated.

Based on the evidence gathered during the investigation, the District concludes that it complied with the legal requirements applicable to reviewing, updating and adopting the LCAP, including the stakeholder engagement process. For example, for the 2018-2019 LCAP, the District timely held required meetings, such as the public hearing and Board meeting to adopt the 2018-2019 LCAP, sought applicable committee input, notified the public of the opportunity to submit comments to the LCAP and where to view a copy of the LCAP.

Regardless of technical legal compliance, the District values community input and stakeholder engagement, and always seeks ways to better serve the community. Accordingly, the District is considering ways to improve stakeholder engagement and participation in the LCAP process.

F. DISPOSITION OF THE COMPLAINT AND RATIONALE FOR THE DISPOSITION

For the reasons described above, the investigation revealed that the District complied with the legal requirements applicable to the 2018-2019 LCAP and the included annual update on the 2017-2018 LCAP. Accordingly, the District finds the Complaint without merit.

G. CORRECTIVE ACTION

As remedies for the allegations in the Complaint, you requested that the District, in sum:

- *Amend the 2018-2019 LCAP to provide robust justification required for all districtwide and school wide spending of S&C funds and account for and explain all uses of S&C funds in its Annual Update*
- *Assess the District’s stakeholder engagement process with local Tribes and the broader Klamath Trinity community...and [provide] future opportunities for the Tribes to consult with the District to develop and collaborate on strategies that impact their community and future.*

Relevant to the requested remedies in the Complaint, on November 2, 2018, the California Department of Education (“CDE”) issued a decision (“Decision”) in response to your appeal concerning the District’s 2017-2018 LCAP, wherein the CDE issued corrective actions to the District. Specifically, CDE directed the District to work with HCOE, with the support of CDE, to ensure that the District’s 2018-2019 LCAP meets the requirements of the LCAP template, specifically with respect to CDE’s findings in the Decision.

Though we believe the District’s 2018-2019 LCAP was legally compliant, the District intends to fully comply with CDE’s corrective actions. Accordingly, the District has continued to engage in consultation and collaboration with HCOE to improve the LCAP as directed by CDE. The District will consider the input you have provided to date in its revisions. The District believes that many, if not all, concerns will be addressed in the revised 2018-2019 LCAP; however, we remain open to discussing and seeking to resolve any remaining concerns you may have.

For example, going forward, the District will aim to:

- Provide more detailed explanations and justifications for all uses of S&C funds;

- Provide more detailed explanations as to any material differences in budgeted versus actual S&C funds, as well as any difference in funds received versus funds budgeted; and
- Improve the stake holder engagement process by, for example, making the draft LCAP available to the community more efficiently and timely, better publicizing opportunities for LCAP input, and where required, providing written explanation regarding whether community feedback was incorporated into the LCAP.

H. APPEAL RIGHTS

If the complainant is dissatisfied with the compliance officer's findings, he or she may file his or her complaint in writing to the Board of Education. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final. The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened to meet the 60-day time limit within which the complaint must be answered. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the District's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. The report of the District's decision shall be in writing.

The complainant may appeal the District's final decision in writing to CDE within 15 days of receiving the District's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the District's decision.

The CDE may directly intervene in the complaint without waiting for action by the District when one of the conditions listed in Title 5, California Code of Regulations, sections 4650 exists, including cases in which the District has not taken action within 60 calendar days of the date the complaint was filed with the District.

Board Policy and Administrative Regulation 1312.3- Uniform Complaint Procedures are attached hereto for your reference.

Thank you for your attention to this matter. If you have any questions or concerns, please do not hesitate to call my office.

Sincerely,



Jon Ray
Superintendent

Enclosures: BP & AR 1312.3

Klamath-Trinity Joint USD | BP 1312.3 Community Relations

Uniform Complaint Procedures

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Klamath Trinity Joint Unified School District of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees and our Local Control and Accountability Plan (LCAP).

This document presents information about how we process UCP complaints concerning particular programs or activities in which we receive state or federal funding. A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of our LCAP. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees or non-compliance with the requirements of our LCAP. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

Programs and activities that are implemented by our district and subject to the UCP in which we receive state or federal funding are:

After School Education and Safety; American Indian Education Centers; California Peer Assistance and Review Programs for Teachers; Career Technical and Technical Education and Career Technical and Technical Training; Career Technical Education; Child Nutrition; Compensatory Education; Consolidated Categorical Aid; Course Periods Without Educational Content; Education of Pupils in Foster Care and Pupils who are Homeless; Every Student Succeeds Act / No Child Left Behind; Local Control Accountability Plans; Physical Education Instructional Minutes; Pupil Fees; Reasonable Accommodations to a Lactating Pupil; Regional Occupational Centers and Programs; School Safety Plans; Special Education; and Tobacco - Use Prevention Education.

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to County Dept of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to Dept of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the State Dept of Fair Employment and Housing (DFEH).
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF we are required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to Education Code Section 52060(d).

The responsibilities of the Klamath Trinity Joint Unified School District

We have the primary responsibility to insure compliance with applicable state and federal laws and regulations. We shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations including, including, but not limited to, allegations of discrimination, harassment, intimidation, bullying or noncompliance with laws relating to all programs and activities implemented by the district that are subject to the UCP.

We shall ensure annual dissemination of the written notice of our complaint procedures to students, employees, parents or guardians of its students, school and district advisory committees member, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

Our UCP Annual Notice shall also include information regarding the requirements of Education Code sections 49010 through 49013 relating to pupil fees and information regarding the requirements of Education Code section 52075 relating to the LCAP.

Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

The following is responsible for receiving and investigating complaints and ensuring our compliance:

Superintendent

Superintendent's Office

P.O. Box 1308

Hoopla, CA 95546

530-625-5600 ext. 1001

www.ktjUSD.k12.ca.us

The above, responsible for compliance and investigations, is knowledgeable about the laws and programs assigned to investigate.

We will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the agency, which is funded directly by, or that receives or benefits from any state financial assistance.

An unlawful discrimination, harassment, intimidation and bullying complaint shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

The time for filing a discrimination, harassment, intimidation or bullying complaint may be extended in writing by our district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. The period for filing a discrimination, harassment, intimidation or bullying complaint may be extended by our superintendent or his or her designee for good cause for a period not to exceed 90 calendar days following the expiration of the six month time period. Our superintendent shall respond immediately upon a receipt of a request for extension.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, and bullying prohibited by this part.

We ensure that complainants are protected from retaliation.

An investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Complainants are advised of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. Civil law remedies, including, injunctions, restraining orders, or other remedies or orders may also be available at any time.

If we find merit in a pupil fees, LCAP, and/or a Course Period without Educational Content complaint, we shall provide a remedy. Specifically, in Course Period without Educational Content complaints the remedy shall go to the affected pupil. In LCAP and pupil fee complaints, the remedy shall go to all affected pupils, parents and guardians, which in the case of pupil fees, also includes reasonable efforts by us to ensure full reimbursement to all affected pupils, parents and guardians subject to procedures established through regulations adopted by the state board.

We submitted our UCP policies and procedures to our local governing board or authorized designee for approval and adoption on May 9, 2017.

Filing a complaint with the Klamath Trinity Joint Unified School District

Except for Williams complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation, and bullying, any individual, public agency or organization may file a written complaint with our district superintendent or his or her designee alleging a matter which, if true, would constitute a violation by our agency of federal or state law or regulation governing a program. A pupil fees complaint may be filed with the principal of a school or the agency superintendent or his or her designee.

A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

We will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

The investigation shall provide an opportunity for the complainant, or the complainant's representative, or both, to present evidence or information.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by Klamath Trinity Joint Unified School District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

Except for Williams complaints and pupil fees complaints, a UCP complaint will be investigated and a written report (also known as the Decision) issued to the complainant within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

We shall issue a Decision based on the evidence and will contain the following elements:

- (i) the findings of fact based on the evidence gathered,
- (ii) conclusion of law,
- (iii) disposition of the complaint,
- (iv) the rationale for such disposition,
- (v) corrective actions, if any are warranted,
- (vi) notice of the complainant's right to appeal our agency Decision to the CDE,

* We shall inform the complainant of his or her right to appeal the agency Decision to CDE and

* The complainant may appeal our Decision of a UCP complaint regarding all specified federal and state educational programs subject to the UCP.

(vii) procedures to be followed for initiating an appeal to the CDE.

* To appeal our UCP Complaint Decision the complainant must file a written appeal within 15 days of receiving the Decision to the California Department of Education (CDE). This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of the agency's Decision are incorrect and/or the law is misapplied.

* The appeal shall be sent with (1) a copy of the locally filed complaint and (2) a copy of the Decision.

Nothing in this document shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation. Nor are we prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.

Copies of these Uniform Complaint Procedures shall be available free of charge.

Legal Reference:

20 United States Code [USC] 6301 et seq.

34 Code of Federal Regulations [CFR] 299.11 & 300.510-511

California Education Code [EC] 200, 220, 222, 234.1 - 234.5, 262.3, 8200 - 8493, 8500 - 8538, 32280 - 32289; 33380 - 33385, 35186, 44500, 47606 - 47606.5, 47607.3, 48204, 48645.5, 48853, 48853.5, 48985, 49010 - 49013, 49069.5, 49490 - 49570, 51210, 51223, 51225.1, 51225.2, 51226 - 51226.1, 51228.1 - 51228.3, 52059, 52060 - 52075, 52160, 52300 - 52480, 52500 - 52616.4, 52800, 54100, 54440 - 54445, 56000 - 56865, 59000 - 59300, 64000 (a)

California Government Code [GC] 11135, 11138

California Health and Safety Code [HSC] 104420

California Penal Code [PC] 422.55

California Welfare and Institutions Code [WIC] 300, 309, 602

California Code of Regulations [CCR] Title 5 4600-4687

Policy KLAMATH-TRINITY JOINT UNIFIED SCHOOL DISTRICT

adopted: May 9, 2017 Hoopa, California

Klamath-Trinity Joint USD | AR 1312.3 Community Relations

Uniform Complaint Procedures

Except as the Board of Trustees may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Superintendent

P.O. Box 1308

Hoopa, California 95546

(530) 625-5600 x 1001

jay@ktjUSD.k12.ca.us

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, provided through district-supported social media.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
 2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
 3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
 4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.
 - e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.
- If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation reveals that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.
- f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
 - g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
 - h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.
 - i. A foster youth or homeless student who transfers into a district high school or between district high schools shall be notified of the district's responsibility to:
 - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed

(2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

(3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

j. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.

k. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

l. Copies of the district's UCP are available free of charge.

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A

complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present

the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, and respondent if there is one, a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent also shall be sent the district's decision and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

- a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)
- d. The number of persons engaged in the conduct and at whom the conduct was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different individuals

5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
 - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the district's decision to the CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

If a public school or LEA finds merit in a student fees, LCAP, and/or a Course Period without Educational Content complaint, the public school or LEA shall provide a remedy. Specifically, in Course Period without Education Content complaints the remedy shall go to the affected student. In LCAP and student fee complaints, the remedy shall go to all affected students, parents and guardians, which in the case of student fees also includes reasonable efforts by the public school or LEA to ensure full reimbursement to all affected students, parents and guardians subject to procedures established through regulations adopted by the state board.

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with the CDE.

The complainant or respondent shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant or respondent has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

Regulation KLAMATH-TRINITY JOINT UNIFIED SCHOOL DISTRICT

approved: November 8, 2016 Hoopa, California

EXHIBIT 3



VIA ELECTRONIC AND U.S. MAIL

September 21, 2018

State Superintendent Tom Torlakson
c/o Local Agency Systems Support Office
California Department of Education
1430 N Street
Sacramento, CA 95814
lcff@cde.ca.gov

RE: Uniform Complaint Procedure complaint re: Klamath Trinity Joint Unified School District's Failure to Comply with the LCAP Legal Requirements Pertaining to 2017-2018 LCAP and Annual Update

Dear Superintendent Torlakson,

We submit this appeal of the Klamath Trinity Joint Unified School District's ("District") determination on the Uniform Complaint Procedure ("UCP") complaint ("Complaint") the Hoopa Valley Tribal Council, Yurok Tribal Council, and ACLU filed on June 25, 2018 regarding the District's 2017-2018 Local Control and Accountability Plan ("LCAP") and Annual Update. We appeal the District's failure to comply with the LCAP's legal requirements. On July 19, 2018, we sent a copy of the Complaint to the Humboldt County Office of Education ("HCOE").

As discussed more fully in the attached Complaint, Exhibit 1, in its 2017-2018 LCAP and Annual Update the District violated its legal obligations under 5 CCR Section 15496(a) by failing to adequately justify supplemental and concentration ("S&C") fund allocations to maintenance, operations and transportation department staff and supplies; teacher salaries; and "tech department" and library/media technicians, among other expenditures. Additionally, the District failed to account for \$651,077 – equaling 26% of its total S&C funds for the 2017-2018 year – and reallocated significant amounts of S&C funds from the 2016-2017 LCAP after the 2016-2017 LCAP was approved by the District Board of Trustees and HCOE while failing to engage stakeholders in the decision-making process, as required by 5 CCR § 52062(c).¹ Further, the Annual Update section fails to describe the previous years' goals or demonstrate improvements of specific outcomes for its unduplicated ("high-need") students. Finally, up to

¹ See 5 CCR § 52062(c) (noting that a district may "adopt a revision to a local control and accountability plan if it follows the process to adopt a local control and accountability plan pursuant to this section and the revisions are adopted in a public meeting.").

the present time, the District has failed to convene a parent advisory committee or otherwise adequately obtain the significant input from its communities as required by California Education Code §§ 52062-52063.

On July 11, 2018, HCOE sent a letter to the District requesting that the District address a significant number of issues in its 2018-19 LCAP and Annual Update before HCOE could approve that LCAP. Petitioners received this letter from the District on July 30, 2018 and it is attached here as Exhibit 2. There is significant overlap between the issues identified by HCOE regarding the 2018-2019 LCAP and Annual Update and those detailed in Petitioners' Complaint regarding the 2017-2018 LCAP and Annual Update.

On July 27, 2018, Petitioners agreed to extend the District's UCP response deadline to September 7, 2018; and after multiple attempts on our part to schedule a meeting, we met with the District on August 20, 2018. At this meeting, Petitioners agreed to provide the District with any additional evidence for its investigation by August 31, 2018. On August 29, 2018, Petitioners sent a letter to the District (attached here as Exhibit 3) requesting that it consider information and documents in its possession as a part of its investigation. On September 7, 2018, Petitioners received Exhibit 4, the District's response to the Complaint ("Response"), where the District concluded that it complied with all relevant legal requirements in its 2017-2018 LCAP and Annual Update.

Petitioners will not duplicate here the extensive discussion in our Complaint of how the District's 2017-2018 LCAP and Annual Update falls short of legal requirements, but instead note – as is obvious from the exhibits – that the two parties are at a considerable distance with respect to our interpretations of the relevant law and regulations. The District's Response duplicates much of our Complaint and offers cursory dismissals of the serious legal concerns outlined in the Complaint with little or no analysis. Below is a summary of the issues presented in our Complaint and the District's Response.

1. The District fails to explain how the majority of its S&C funds will be “principally directed towards, and effective in,” meeting the District’s goals for its high-need students.

In its 2017-2018 LCAP and Annual Update, the District uses an impermissibly broad brush to explain districtwide uses of S&C funds, stating summarily that “the justification for district-wide implementation of these practices is the importance of making an impact on the learning environment and the climate of the schools as a whole which will have a positive impact on the targeted subgroups.”² Moreover, in the section reserved for the District to demonstrate how it has or will increase or improve services for high-need students, the LCAP does not identify all schoolwide or districtwide uses of S&C funds as directed by the LCAP template. Instead, the District offers a peremptory statement that it will “offer a variety of programs and supports specifically for low income students and foster youth. These include: mental health support,

² District 2017-2018 LCAP and Annual Update at 126.

added family support for engagement, literacy training, positive behavior support, positive attendance support and culturally inclusive training.”³ The District does not explain in its LCAP how it considered factors such as the needs, conditions, or circumstances of its high-need students in districtwide allocations of S&C funds.

In its Response, the District recites similarly vague and conclusory justifications for its S&C funding allocations, stating on page 10 that, “[t]he District adequately justified the District-wide use of [S&C] funds based on impacting the learning environment at the school, which would in turn positively impact unduplicated pupils, especially considering the District’s nearly 90% unduplicated pupil count.” On page 11, the District purports to justify spending the prior year’s S&C funds on “maintenance, operations and transportation department, staff and supplies” as a general matter by stating that “in the requirement to increase or improve services for unduplicated pupils, ‘services’ specifically includes uses such as facilities and other general infrastructure. (See 5 C.C.R. § 15495(h)).” Throughout its LCAP and Response, the District’s rationale appears to be that because the District has a large population of high-need students, it is not required to explain how the actions are principally directed towards and effective in meeting the District’s goals for high-need students *as compared to the goals for all students*; instead, any allocation of S&C funding is automatically justified because it benefits all students, including high-need students. This reasoning would render the text of the statute and accompanying regulations meaningless and has already been rejected by your office in its May 2017 determination regarding the Fresno Unified School District’s LCAP.⁴ That decision made clear that a district’s LCAP “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.”⁵ In fact, it likely will be impossible for the District to characterize certain expenditures as principally directed towards high-need students because of the nature of the spending, including: general maintenance and operations, technology, and transportation. Although Petitioners provided the District with relevant text of the May 2017 CDE decision and other guidance, the District did not address this CDE guidance at all in its Response.

2. The District fails to provide in its Annual Update adequate description of the actions/services implemented and how these are effective in meeting the District’s goals.

Second, the District’s LCAP and Annual Update fails to explain how parents and students can meaningfully evaluate high-need student data and specific actions regarding the previous years’

³ District 2017-2018 LCAP and Annual Update at 126.

⁴ May 5, 2017 Letter from California Department of Education re: Request for Appeal – Fresno Unified School District, American Civil Liberties Union, Appellant, available at https://www.aclunc.org/docs/20170505-cde_response_to_aclu.pdf.

⁵ See also California Department of Education Investigation of Appeal Against the Los Angeles Unified School District, *As Clarified on Reconsideration August 5, 2016*, available at https://aclusocal.org/sites/default/files/aclu_socal_coco_laUSD_reconsideration_ruling_cde_20160805.pdf.

LCAP goals in its Annual Update.⁶ First, the District’s descriptions of actions and services are deficient because, for the vast majority of “planned actions/services,” the District merely copied its planned action or wrote “Implemented” into the “actual actions/services,” and offered little to no substantive information. Further, the District described overall implementation for each of its four goals – including Goal 1, which contains 71 distinct actions and to which the District allocated over \$1.2 million S&C funds, or half of its total S&C grant for the 2016-2017 LCAP year – with the following identical sentence: “Although faced with multiple challenges, the overall implementation was successful. The area that still needs to be addressed is staffing shortages.” This is an insufficient description of the efforts purportedly undertaken across the District to serve its hundreds of high-need students.

The District’s Response is conclusory on this point, noting only that “the report on each goal included specific information and/or data regarding the applicable measurable outcomes, described whether each action item was implemented as written or otherwise; and included the required overall analysis of each goal” and summarily stating that “the District complied with the applicable legal requirements of section 52061 of the Education Code.”

3. The District failed to account for all S&C funds in its estimated actual spending and, as reflected in the Annual Update, reallocated significant amounts of S&C funds after the LCAP approval process without undergoing the requisite stakeholder engagement process.

As noted on page 10 of the Complaint, the District failed to account for over \$650,000 in its LCAP – 26% of its total S&C funds for the 2017-2018 LCAP year – and reported in its Annual Update that it spent nearly \$300,000 more in S&C funds on “maintenance” during the 2016-2017 LCAP year than had been approved in its 2016-2017 LCAP.

The District’s Response is similarly perfunctory and insufficient with regard to this point. The Response fails to address the lack of accounting for nearly \$650,000 in S&C funds. While the District admits it actually spent \$296,450 *more* in S&C funds on “maintenance” than budgeted in the 2016-2017 LCAP without explanation in the Annual Update, it claims that “the LCAP template required the District to explain only *material differences* between budgeted expenditures and actual estimated expenditures,” (emphasis added) thus implying if not outright stating that nearly \$300,000 is not a “material difference” in expenditure – an untenable statement that belies the flippant nature of the District’s Response. Particularly in a district that serves so many high-need students, nearly \$300,000 would fund services that make a significant contribution to the lives of hundreds of those students. The District’s purported justification in its LCAP that some positions were left unfilled “due to a lack of application or qualified personnel”⁷ is both inadequate and appears to be totally unrelated to spending on “maintenance.” The legal requirement to identify and explain material differences between budgeted and actual

⁶ See 5 CCR § 15497.5, LCAP Template, Annual Update Instructions (noting that the District must “include an assessment of the effectiveness of the specific actions.”)

⁷ District 2017-2018 LCAP and Annual Update at 33, 67, 74, and 82.

expenditures of S&C dollars would be rendered meaningless if school districts could withhold spending for a year and simply roll those dollars into their unrestricted “base” funds the following year, or if they could spend S&C dollars in other ways that circumvent the stakeholder engagement process. In fact, the District’s own “Demonstration of Increased or Improved Services for Unduplicated Pupils,” which the District claims throughout its Response provides sufficient justification for schoolwide and districtwide use of S&C funds, completely fails to mention spending on “maintenance” or the impact this spending had on unduplicated pupils.

4. The District has failed to meet basic legal requirements for the LCAP stakeholder engagement process.

In addition to the information presented on this issue in the Complaint, over the course of exchanging information with the District as described above, Petitioners have become aware that the District has never constituted an LCAP parent advisory committee, as required by statute.⁸ Instead, the District convenes a series of school site council meetings – none of which grapple with the questions of districtwide decision-making but only with decisions regarding individual school sites – and claims that series of school site meetings are (in the aggregate) somehow transformed into an LCAP-specific districtwide parent advisory committee. Upon information received from community members, Petitioners believe the school site meetings are not advertised as LCAP input sessions, the attendees are not trained on the LCAP process, and these meetings are not open to all of the stakeholders required by law (including students). Furthermore, upon review of the District’s school site plans, Petitioners have become aware that some of these site plans are nearly identical, suggesting that they do not accurately reflect the specific needs of each individual school site as the District insists. For example, the 2017-2018 School Site Plans for Jack Norton, Weitchpec, and Orleans Elementary Schools (attached here as Exhibits 5, 6 and 7) are nearly identical. Petitioners understand that Jack Norton and Weitchpec Elementary Schools have a combined school site council, which may partly explain the duplication in those two plans. However, the Orleans Elementary School Site Plan is nearly identical, with only two minor differences: two sentences about the music program and the reported attendance rate, in which the attendance rate of 92.17% at Jack Norton and Weitchpec is crossed out in blue ink and replaced with a handwritten “70.33%.”⁹ None of this evidence suggests the District has come close to engaging stakeholders in the LCAP process at the minimum level required by statute and accompanying regulations.

On this point, the District’s Response summarily states that the District “sought applicable committee input,” held required meetings, and notified the public of the opportunity to submit comments to the LCAP – without providing any evidence that any of these actions were actually taken. Petitioners reiterate their strong concerns laid out in the Complaint regarding the deficiencies of the District’s stakeholder engagement process, in addition to submitting newly

⁸ Cal. Educ. Code §§ 52062-52063.

⁹ See Orleans Elementary School Site Plan at 9, 10.

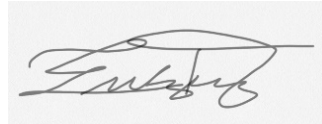
uncovered information that the District does not have and never has had a parent advisory committee as envisioned in California Education Code §§52062-52063.

For the reasons stated above and in the Complaint, the District must revise its 2017-2018 LCAP and Annual Update to identify and properly justify all S&C funds allocated on a districtwide and schoolwide basis; fully report any reallocations of S&C funds from the prior year's LCAP and the process used to determine and approve those reallocations; and reallocate all S&C funds for classroom services for high-need students, rather than actions and services (including maintenance) that must be paid out of base funds. We request that CDE investigate and issue a ruling to require the District to revise its 2017-2018 LCAP as soon as possible. We look forward to CDE's initial response within 14 days of receipt. Please contact Linnea Nelson at lnelson@aclunc.org if you have any additional questions or require any additional information to adjudicate the appeal.

Sincerely,



Jim McQuillen, MFT, PPS
Education Director
Yurok Tribe



Erika Tracy
Executive Director
Hoopa Tribal Education Association



Sylvia Torres-Guillén, ACLU Foundations of California
Linnea Nelson, ACLU Foundation of Northern California
Theodora Simon, ACLU Foundation of Northern California

cc: Jon Ray, Superintendent, Klamath Trinity Joint Unified School District
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Encl.: June 25, 2018 Letter from ACLU Foundations of California, Hoopa Valley Tribe, and Yurok Tribe to Superintendent Jon Ray

July 11, 2018 Letter from Humboldt County Office of Education Superintendent Chris Harley to KTJUSD Superintendent Jon Ray

August 29, 2018 Letter from ACLU Foundations of California, Hoopa Valley Tribe, and Yurok Tribe to KTJUSD Superintendent Jon Ray

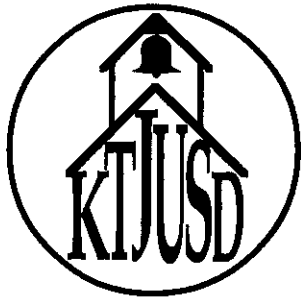
September 7, 2018 Letter from KTJUSD Superintendent Jon Ray re: District’s Response to UCP Complaint from Hoopa Valley Tribe, Yurok Tribe, and ACLU Foundations of CA

Orleans Elementary School Title 1 Evaluation Tool School Plan 2017-2018

Jack Norton Elementary School Title 1 Evaluation Tool School Plan 2017-2018

Weitchpec Elementary School Title 1 Evaluation Tool School Plan 2017-2018

EXHIBIT 4



Klamath-Trinity Joint Unified School District

P. O. BOX 1308 + HOOPA, HUMBOLDT COUNTY, CALIFORNIA 95546

JON RAY
Superintendent

Telephone (530) 625-5600

FAX (530) 625-5611

Web address: <http://www.ktjUSD.k12.ca.us>

Via U.S. Mail and E-mail

November 30, 2018

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Re: Klamath Trinity Joint Unified School District's Response to UCP Complaint

Dear Ms. Torres-Guillen, Ms. Simon, Ms. Nelson, Mr. McQuillen, and Ms. Tracy:

On June 25, 2018, you submitted a uniform complaint ("Complaint") to the Klamath Trinity Joint Unified School District ("District") concerning the District's 2017-2018 Local Control and Accountability Plan ("LCAP"). On September 7, 2018, the District issued a Final Written Decision, finding that your allegations lacked merit.

On September 21, 2018, you appealed the District's decision to the California Department of Education ("CDE"). On October 1, 2018, CDE notified the District that your appeal "includes

the new allegation that the ‘District has failed to meet basic legal requirements for the LCAP stakeholder process,’ including failure to form a parent advisory committee as required by California *Education Code* section 52063.” CDE referred this allegation to the District to investigate as a new complaint pursuant to its Uniform Complaint Procedures, and to issue a decision within 60 days from receipt of the October 1, 2018 correspondence.

Accordingly, the District initiated the instant investigation in accordance with its Uniform Complaint Procedures located in Board Policy (“BP”) and Administrative Regulation (“AR”) 1312.3. This report serves as the Final Written Decision described in BP 1312.3. BP 1312.3 and AR 1312.3 are attached for your reference.

A. SUMMARY OF ALLEGATIONS

As stated above, in your September 21, 2018 appeal, you raised the following allegation:

The District has failed to meet basic legal requirements for the LCAP stakeholder engagement process, including failing to form a parent advisory committee as required by California Education Code section 52063.

The District understands this allegation to be limited to the District’s 2017-2018 LCAP, as that LCAP was the basis for your original June 25, 2018 Complaint.

B. INVESTIGATION PROCEDURE

BP and AR 1312.3 govern the investigation and processing of complaints including certain specified allegations, including but not limited to those relating to the District’s compliance with laws applicable to the LCAP. As noted above, the Complaint in this instance was processed and investigated as a uniform complaint in accordance with BP 1312.3 and AR 1312.3.

C. THE FINDINGS OF FACT BASED ON THE EVIDENCE GATHERED

The evidence discovered during the investigation resulted in the factual findings discussed below.

LCAP Stakeholder Engagement Process

To develop each year’s LCAP, the District begins with a review of each school site plan (“School Plan”). Typically, School Site Council (“SCC”) meetings are held on at least a monthly basis, and each school site develops its own School Plan. Parents and community members, including student groups, are invited to each SSC meeting throughout the school year. In developing the LCAP, the District considers and includes input from each site’s School Plan.

During this time and as part of the SSC School Plan revision process, the Superintendent meets with various stakeholders, including parents, the Klamath Trinity Teachers Association (“KTTA”), the California School Employees Association (“CSEA”), the

Indian Policies and Procedures Task Force (“IPP Task Force”), and SSCs, to gather input regarding the LCAP.

Additionally, each school site hosts at least two “Community Input Nights” where community members have the opportunity to provide feedback on the relevant School Plan and LCAP development.

Once the School Plans are approved by the District’s Governing Board, the information contained in the School Plans is transferred to the District’s LCAP.

Prior to approval of the LCAP, each year, the District will publish a draft and include a notice in the local newspaper that the draft LCAP is available at the District office for anyone to review it or obtain a copy. The LCAP is also available on the District website.

Indian Policies and Procedures Task Force

The District uniquely maintains an Indian Education and Native Language Program, which District Director Margo Robbins administers. Through this program, the District facilitates alternate monthly meetings of the Indian Education Program and the IPP Task Force.

Ms. Robbins and District Superintendent Jon Ray attend the bi-monthly IPP Task Force meetings to discuss the needs of unduplicated students¹, discuss programmatic changes, and offer feedback regarding program activity efficiencies and effectiveness.

According to our Board Policy 0410.1, the IPP Task Force shall have standing positions for the Chairpersons (or their designee) and the Education Directors (or their designee) from the Karuk Tribe, the Yurok Tribe, the Hoopa Valley Tribe, and representatives from the Tsnungwe Tribe. Parent positions will be solicited through a general call for interested persons each year during the fall in the local paper(s), radio station, flyers at local businesses and Board announcements. The District’s IPP Task Force is composed of 17 members, which includes one Board member, five District staff members, and 11 parents/guardians of District students, some of whom also serve as Chairpersons (or their designees) and the Education Directors from the Karuk Tribe, the Yurok Tribe, the Hoopa Valley Tribe, and the Tsnungwe Tribe. At least two of the IPP Task Force members are parents/guardians of students who are foster youth.

In addition, the District solicits parents to participate in the IPP Task Force through a general call for interested persons each year, during the fall, through the local paper, the radio station, flyers at local businesses and each school site, and Board announcements.

Each year, the IPP Task Force reviews the Annual Impact Aid Report to Tribes and Community to determine if data collected adequately addresses impact aid program

¹ Unduplicated pupils are those who are English Learners, eligible for a free or reduced-price meals, or are a foster youth. (Educ. Code § 42238.02.)

concerns from tribes and parents, and recommends goals and priorities to the Superintendent. Additionally, the IPP Task Force focuses on ways to improve student performance and address gaps in student achievement.

As part of the LCAP review and approval process, the District merges the IPP Task Force recommendations with the District's LCAP and long-term strategic plan. Additionally, District school sites have historically consulted with and requested feedback from Tribal representatives, including Ms. Tracy and Mr. McQuillen regarding their School Plans. The IPP Task Force reviews all of the School Plans and provides comments prior to consideration and adoption of the School Plans and the creation of the LCAP and/or annual update.

2017-2018 LCAP Approval and Adoption

On June 23, 2017, the District held a public hearing to solicit recommendation and comments from the community on the proposed LCAP and District budget.

On June 27, 2017, the District's Governing Board held a public meeting, during which staff presented the proposed annual LCAP to the Board for its consideration and approval. After discussing the LCAP, including an opportunity for the public to provide comments, the Board voted to approve the LCAP.

Between July and September 2017, the District and HCOE staff worked collaboratively to correct errors and clarifications on the LCAP.

On September 15, 2017, the Humboldt County Superintendent of Schools approved the District's 2017-2018 LCAP.

On September 17, 2017, the Board re-approved the 2017-2018 LCAP, after it was updated to incorporate necessary changes for clarification.

D. LEGAL AUTHORITY

The legal authority applicable to the general subject area at issue is set forth below.

1. Stakeholder Engagement Process and Parent Advisory Committee

In developing an LCAP, a school board must "consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, parents, and pupils." (Educ. Code § 52060(g).)

Education Code section 52063(a)(1) requires school districts to establish a parent advisory committee ("PAC") to provide advice to the Board regarding the LCAP requirements. However, a new PAC is not required if a district has already established such a committee that meets certain legal requirements. (Educ. Code § 52063(a)(3); 5

C.C.R. § 15495(f).) To constitute a PAC, such committee must contain a majority of parents of the school district's students. (5 CCR § 15495(f).) "Parents" include natural parents, adoptive parents, legal guardians, foster parents who hold educational rights, and other persons who hold educational rights. (5 CCR § 15495(e).) Such committee must include parents of students who are eligible for free or reduced-price meals, foster youth, or students of limited English proficiency. (Educ. Code § 52063(a)(2); 5 C.C.R. § 15495(f).)

2. LCAP Approval Process Relative to the Parent Advisory Committee

Before the governing board considers an adoption of or annual update to the LCAP, the District's Superintendent must, in relevant part, present the LCAP or annual update to the LCAP to the parent advisory committee "for review and comment." (Educ. Code § 52062(a)(1).) The superintendent shall respond, in writing, to comments received from the parent advisory committee. (*Id.*)

E. CONCLUSIONS OF LAW

We analyze your factual allegation and describe our legal conclusions below:

The District has failed to meet basic legal requirements for the LCAP stakeholder engagement process, including failing to form a parent advisory committee as required by California Education Code section 52063.

Based on the evidence gathered during the investigation, the District concludes that it complied with the legal requirements for the LCAP stakeholder engagement process. Specifically, the District invited parents and community members, including student groups, to all SSC meetings throughout the 2016-2017 and 2017-2018 school years to provide stakeholders with opportunities to assist in the development of the School Plans, which serve as the foundation for the development of the District's LCAP.

Pursuant to California Education Code section 52063(a), the District is not required to establish a new parent advisory committee as part of the LCAP review process if it has already established such a committee. Here, the District's IPP Task Force serves as the LCAP parent advisory committee. In accordance with LCAP parent advisory committee composition requirements, the IPP Task Force is composed of a majority of parents/guardians and includes parents/guardians of students who are foster youth and students of limited English proficiency. (See Educ. Code § 52063(a); 5 C.C.R. § 15495(f).)

As described above, the District's IPP Task Force is composed of 17 members, which includes one Governing Board member, five District staff members, and 11 parents/guardians of District students. At least two of the members are parents/guardians of students who are foster youth and students of limited English proficiency.

Additionally, the District solicits parents to sit on the IPP Task Force Committee through a general call for interested persons each year, during the fall, through the local paper, the radio

station, flyers at local businesses and all school sites, and Board announcements.

Further, the IPP Task Force meets with the Superintendent on a bi-monthly basis to identify the needs of unduplicated students and focus on ways to improve student performance, propose programmatic changes, and offer feedback regarding program activity efficiencies and effectiveness, all of which are relevant to the development of the District's LCAP.

As part of the LCAP review and approval process, the District merges the IPP Task Force recommendations with the District's LCAP and long-term strategic plan. Additionally, District school sites have historically consulted with and requested feedback from Tribal representatives, including Ms. Tracy and Mr. McQuillen regarding their School Plans. The IPP Task Force reviews all of the School Plans and provides comments prior to consideration and adoption of the School Plans and the creation of the LCAP and/or annual update.

F. DISPOSITION OF THE COMPLAINT AND RATIONALE FOR THE DISPOSITION

For the reasons described above, the investigation revealed that the District complied with the legal requirements applicable to the stakeholder engagement process and the parent advisory committee in the development of the 2017-2018 LCAP. Accordingly, the District finds the Complaint without merit.

G. CORRECTIVE ACTION

Based upon the findings of the investigation, which concluded the allegations in the Complaint to be unfounded, corrective actions are not warranted.

H. APPEAL RIGHTS

If the complainant is dissatisfied with the compliance officer's findings, he or she may file his or her complaint in writing to the Board of Education. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final. The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened to meet the 60-day time limit within which the complaint must be answered. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the District's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. The report of the District's decision shall be in writing.

The complainant may appeal the District's final decision in writing to the CDE within 15 days of receiving the District's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the District's decision.

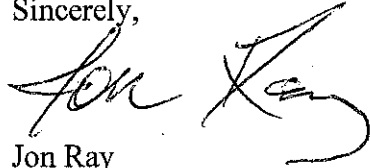
The CDE may directly intervene in the complaint without waiting for action by the District when

one of the conditions listed in Title 5, California Code of Regulations, sections 4650 exists, including cases in which the District has not taken action within 60 calendar days of the date the complaint was filed with the District.

Board Policy and Administrative Regulation 1312.3- Uniform Complaint Procedures are attached hereto for your reference.

Thank you for your attention to this matter. If you have any questions or concerns, please do not hesitate to call my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Ray", written in a cursive style.

Jon Ray
Superintendent

Enclosures: BP & AR 1312.3

Klamath-Trinity Joint USD | BP 1312.3 Community Relations

Uniform Complaint Procedures

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Klamath Trinity Joint Unified School District of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees and our Local Control and Accountability Plan (LCAP).

This document presents information about how we process UCP complaints concerning particular programs or activities in which we receive state or federal funding. A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of our LCAP. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees or non-compliance with the requirements of our LCAP. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

Programs and activities that are implemented by our district and subject to the UCP in which we receive state or federal funding are:

After School Education and Safety; American Indian Education Centers; California Peer Assistance and Review Programs for Teachers; Career Technical and Technical Education and Career Technical and Technical Training; Career Technical Education; Child Nutrition; Compensatory Education; Consolidated Categorical Aid; Course Periods Without Educational Content; Education of Pupils in Foster Care and Pupils who are Homeless; Every Student Succeeds Act / No Child Left Behind; Local Control Accountability Plans; Physical Education Instructional Minutes; Pupil Fees; Reasonable Accommodations to a Lactating Pupil; Regional Occupational Centers and Programs; School Safety Plans; Special Education; and Tobacco - Use Prevention Education.

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to County Dept of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to Dept of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the State Dept of Fair Employment and Housing (DFEH).
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF we are required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to Education Code Section 52060(d).

The responsibilities of the Klamath Trinity Joint Unified School District

We have the primary responsibility to insure compliance with applicable state and federal laws and regulations. We shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations including, including, but not limited to, allegations of discrimination, harassment, intimidation, bullying or noncompliance with laws relating to all programs and activities implemented by the district that are subject to the UCP.

We shall ensure annual dissemination of the written notice of our complaint procedures to students, employees, parents or guardians of its students, school and district advisory committees member, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

Our UCP Annual Notice shall also include information regarding the requirements of Education Code sections 49010 through 49013 relating to pupil fees and information regarding the requirements of Education Code section 52075 relating to the LCAP.

Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

The following is responsible for receiving and investigating complaints and ensuring our compliance:

Superintendent

Superintendent's Office

P.O. Box 1308

Hoopa, CA 95546

530-625-5600 ext. 1001

www.ktjUSD.k12.ca.us

The above, responsible for compliance and investigations, is knowledgeable about the laws and programs assigned to investigate.

We will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the agency, which is funded directly by, or that receives or benefits from any state financial assistance.

An unlawful discrimination, harassment, intimidation and bullying complaint shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

The time for filing a discrimination, harassment, intimidation or bullying complaint may be extended in writing by our district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. The period for filing a discrimination, harassment, intimidation or bullying complaint may be extended by our superintendent or his or her designee for good cause for a period not to exceed 90 calendar days following the expiration of the six month time period. Our superintendent shall respond immediately upon a receipt of a request for extension.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, and bullying prohibited by this part.

We ensure that complainants are protected from retaliation.

An investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Complainants are advised of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. Civil law remedies, including, injunctions, restraining orders, or other remedies or orders may also be available at any time.

If we find merit in a pupil fees, LCAP, and/or a Course Period without Educational Content complaint, we shall provide a remedy. Specifically, in Course Period without Educational Content complaints the remedy shall go to the affected pupil. In LCAP and pupil fee complaints, the remedy shall go to all affected pupils, parents and guardians, which in the case of pupil fees, also includes reasonable efforts by us to ensure full reimbursement to all affected pupils, parents and guardians subject to procedures established through regulations adopted by the state board.

We submitted our UCP policies and procedures to our local governing board or authorized designee for approval and adoption on May 9, 2017.

Filing a complaint with the Klamath Trinity Joint Unified School District

Except for Williams complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation, and bullying, any individual, public agency or organization may file a written complaint with our district superintendent or his or her designee alleging a matter which, if true, would constitute a violation by our agency of federal or state law or regulation governing a program. A pupil fees complaint may be filed with the principal of a school or the agency superintendent or his or her designee.

A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

We will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

The investigation shall provide an opportunity for the complainant, or the complainant's representative, or both, to present evidence or information.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by Klamath Trinity Joint Unified School District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

Except for Williams complaints and pupil fees complaints, a UCP complaint will be investigated and a written report (also known as the Decision) issued to the complainant within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

We shall issue a Decision based on the evidence and will contain the following elements:

- (i) the findings of fact based on the evidence gathered,
- (ii) conclusion of law,
- (iii) disposition of the complaint,
- (iv) the rationale for such disposition,
- (v) corrective actions, if any are warranted,
- (vi) notice of the complainant's right to appeal our agency Decision to the CDE,

* We shall inform the complainant of his or her right to appeal the agency Decision to CDE and

* The complainant may appeal our Decision of a UCP complaint regarding all specified federal and state educational programs subject to the UCP.

(vii) procedures to be followed for initiating an appeal to the CDE.

* To appeal our UCP Complaint Decision the complainant must file a written appeal within 15 days of receiving the Decision to the California Department of Education (CDE). This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of the agency's Decision are incorrect and/or the law is misapplied.

* The appeal shall be sent with (1) a copy of the locally filed complaint and (2) a copy of the Decision.

Nothing in this document shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation. Nor are we prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.

Copies of these Uniform Complaint Procedures shall be available free of charge.

Legal Reference:

20 United States Code [USC] 6301 et seq.

34 Code of Federal Regulations [CFR] 299.11 & 300.510-511

California Education Code [EC] 200, 220, 222, 234.1 - 234.5, 262.3, 8200 - 8493, 8500 - 8538, 32280 - 32289; 33380 - 33385, 35186, 44500, 47606 - 47606.5, 47607.3, 48204, 48645.5, 48853, 48853.5, 48985, 49010 - 49013, 49069.5, 49490 - 49570, 51210, 51223, 51225.1, 51225.2, 51226 - 51226.1, 51228.1 - 51228.3, 52059, 52060 - 52075, 52160, 52300 - 52480, 52500 - 52616.4, 52800, 54100, 54440 - 54445, 56000 - 56865, 59000 - 59300, 64000 (a)

California Government Code [GC] 11135, 11138

California Health and Safety Code [HSC] 104420

California Penal Code [PC] 422.55

California Welfare and Institutions Code [WIC] 300, 309, 602

California Code of Regulations [CCR] Title 5 4600-4687

Policy KLAMATH-TRINITY JOINT UNIFIED SCHOOL DISTRICT

adopted: May 9, 2017 Hoopa, California

Klamath-Trinity Joint USD | AR 1312.3 Community Relations

Uniform Complaint Procedures

Except as the Board of Trustees may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Superintendent

P.O. Box 1308

Hoopa, California 95546

(530) 625-5600 x 1001

jray@ktjusd.k12.ca.us

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, provided through district-supported social media.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
 2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
 3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
 4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.
 - e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.
- If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation reveals that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.
- f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
 - g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
 - h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.
 - i. A foster youth or homeless student who transfers into a district high school or between district high schools shall be notified of the district's responsibility to:
 - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed

(2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

(3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

j. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.

k. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

l. Copies of the district's UCP are available free of charge.

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A

complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present

the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, and respondent if there is one, a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent also shall be sent the district's decision and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The relationship between the alleged victim(s) and offender(s)
 - d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
 - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the district's decision to the CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

If a public school or LEA finds merit in a student fees, LCAP, and/or a Course Period without Educational Content complaint, the public school or LEA shall provide a remedy. Specifically, in Course Period without Education Content complaints the remedy shall go to the affected student. In LCAP and student fee complaints, the remedy shall go to all affected students, parents and guardians, which in the case of student fees also includes reasonable efforts by the public school or LEA to ensure full reimbursement to all affected students, parents and guardians subject to procedures established through regulations adopted by the state board.

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with the CDE.

The complainant or respondent shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant or respondent has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

Regulation KLAMATH-TRINITY JOINT UNIFIED SCHOOL DISTRICT

approved: November 8, 2016 Hoopa, California

EXHIBIT 5

DECLARATION

I, Erika Tracy, declare as follows:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts set forth in this declaration if called upon to do so.

2. I make this declaration in support of Petitioners' December 12, 2018 appeal to the California Department of Education of the Klamath-Trinity Joint Unified School District's ("District") determination on the Uniform Complaint Procedure complaint the Hoopa Valley Tribe, Yurok Tribe, and ACLU Foundations of California ("ACLU") filed on September 28, 2018 of legal violations arising from the process by which the District's 2018-2019 Local Control and Accountability Plan and Annual Update ("LCAP") was developed.

3. I am the Executive Director of the Hoopa Tribal Education Association. The Hoopa Tribal Education Association is a chartered organization of the Hoopa Valley Tribal Council. The Hoopa Valley Tribal Council has delegated to the Hoopa Tribal Education Association the authority to oversee all education matters as they pertain to the Hoopa Valley Tribe ("Tribe").

4. In my capacity as the Executive Director of the Hoopa Tribal Education Association, I represent the Tribe in its interactions with the District.

5. Over the past two years, in my official capacity as a representative of the Tribe, I have attended meetings of the Indian Policies and Procedures ("IPP") Task Force that were convened by the District. I am the Chair of the IPP Task Force. My understanding of the IPP Task Force is that is intended to assist with the provision of educational services to federally-connected children, such as children residing on the Hoopa Valley Indian Reservation.

6. From September 2017 through the present, I estimate that there have been approximately four IPP Task Force meetings convened by the District. I estimate this based on my personal recollection of those meetings, email notifications that were sent to me by the

District to inform me of the IPP Task Force meeting schedule, and sign-in sheets that were provided to me by the District pursuant to a Public Records Act request. According to the email notifications and sign-in sheets, those four IPP Task Force meetings were held on November 2, 2017; January 10, 2018; April 4, 2018; and October 3, 2018.

7. From September 2017 through the present, I estimate that I attended three IPP Task Force meetings: on January 10, 2018, April 4, 2018; and October 3, 2018. Jenna Hailey, a Hoopa Tribal Education Association employee, attended the IPP Task Force meeting on November 2, 2017, on my behalf.

8. To the best of my recollection, the District's LCAP was neither placed on the agenda nor discussed during the IPP Task Force meetings on January 10, 2018 and April 4, 2018.

9. Ms. Hailey reported to me the topics that were covered in the IPP Task Force meeting on November 2, 2017. To the best of my recollection of her report to me, the District's LCAP was neither placed on the agenda nor discussed during that meeting.

10. The only time that I recall the District's LCAP was discussed during an IPP Task Force meeting was on October 3, 2018, after the Hoopa Valley Tribe, Yurok Tribe and ACLU filed the UCP complaint dated September 28, 2018 alleging that the District had not complied with the legally-required stakeholder engagement process in developing its LCAP.

11. Prior to October 2018, I had never heard District Superintendent Jon Ray refer to the IPP Task Force as the "parent advisory committee" that would provide advice to the District regarding its LCAP.

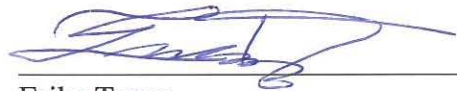
12. Prior to October 2018, I have never heard District Superintendent Jon Ray otherwise state or infer that the IPP Task Force was intended to function as the parent advisory committee to provide advice to the District regarding its LCAP.

13. Based on my review of the sign-in sheets provided to me by the District which list the attendees at each of the four IPP Task Force meetings held from September 2017 through the present, there was only one IPP Task Force meeting where any parent attended the meeting in

their capacity as the parent of a student attending a District school. That IPP Task Force meeting was held on January 10, 2018, and was attended by two parents from the same household.

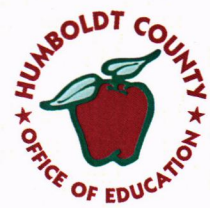
I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on December 12, 2018, in Hoopa, California.



Erika Tracy

EXHIBIT 6



July 11, 2018

Jon Ray, Superintendent
Klamath-Trinity Joint Unified School District
PO Box 1308
Hoopa, CA 95546

Dear Jon,

As you are aware, HCOE staff have been reviewing and providing feedback to you regarding the Klamath Trinity Joint Unified School District's (KTJUSD) 2018 Local Control & Accountability Plan (LCAP). Before we can approve the LCAP for KTJUSD, the following items still need to be addressed.

Plan summary – You indicate you have a chart that summarizes performance, however ADA requirements say you may not have a chart without a written summary of the chart. Either way, there needs to be a summary of performance.

Greatest needs – You indicate you need to add actions to improve math scores, decrease suspension and increase feelings of safety, yet you have no actions reflecting these needs.

Annual Update – In Goal 1, 2, 3 and 4 you have several items that have material differences that need to be explained:

- Goal 1 = actions 2,4,5,7,8,9,10,11,12,17,27,47,49,52,61,66
- Goal 2 = actions 1,2,3,9,16,21,22,26,50,52,54,57,59,61
- Goal 3 = actions 1,2,3,9,11,12,13,15,20,32,38
- Goal 4 = actions 5,8,16,17

Analysis Sections for Goal 1, 2, 3 and 4

- Your responses are repetitive and seem like they were cut and pasted for all. These responses need to be specific to each goal, action and outcome (or lack thereof).
- It appears several actions were removed due to duplication. All actions removed need to be identified in your analysis section of your annual update for each goal, individually.

Goals, Actions and Services

- Goal 1 action 2 needs to be split in accordance to supplemental/concentration and base grant funds. This may require an additional action. Supplemental/concentration portion
-

July 11, 2018

Page 2

- should be clearly marked in the source section. Also, the budget reference for line A should include GL 1110.
- Goal 1 action 3 needs to be split between supplemental/concentration and base grant funds. This may require an additional action.
- Goal 1 action 7 the core technology support should be paid for through base grant funds (IT director, etc.) not supplemental/concentration. Any portion of the technology support that is paid for out of supplemental/concentration will need justification.
- Goal 1 action 12 description states this is for “all students” but above is marked as serving only the unduplicated students. Should this be split into two actions (one supplemental/concentration and one base grant)?
- Goal 1 action 21 this action is not clear on how it relates to the students to be served marked above. Also, how is it different from Goal 1 action 1?
- Goal 2 actions 5-10 are duplicated (Goal 1) and can be removed this year if you mention it in the analysis section of the Annual update, under Goal 2; or we can address it next year.
- Goal 3 Action 1 budgeted expenditures reference will need to be changed based on how Goal 1 action 2 is changed (see above)
- Goal 3 Action 2 budgeted expenditures reference will need to be changed based on how Goal 1 action 2 is changed (see above)
- Goal 4 Action 1 budgeted expenditures reference will need to be changed based on how Goal 1 action 2 is changed (see above)

Demonstration of Increased or Improved Services for Unduplicated Pupils section

- All actions utilizing Supplemental/Concentration dollars need to be identified here and the goal/action reference.

Missing Metrics

This may have occurred when actions were deleted, however they need to be added back, with corresponding actions. If you do not have ELL youth, you can leave priority 2 and 4 out but have to acknowledge that these specific metrics do not apply due to not having enrolled EL youth at this time. This information should be placed in the “Story” section of the Plan Summary.

- Priority 1- Pupils have access to sufficient number of standards aligned instructional materials

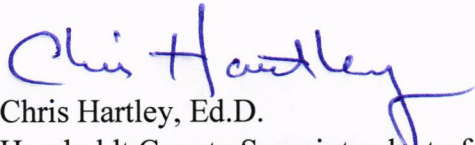
July 11, 2018

Page 3

- Priority 2- How the programs and services will enable English Language Learners to access the CCSSSS and ELD standards for the purposes of gaining academic content knowledge and English Language Proficiency as measured by the CELDT/ELPAC
- Priority 4-
 1. The English Language Learner reclassification rate
 2. The percentage of ELL that make progress towards English Proficiency as measured by the CELDT or ELPAC

If you have any questions regarding these items, please contact Jennifer Fairbanks (707-441-4651) or Angela West (707-441-3946).

Sincerely,



Chris Hartley, Ed.D.

Humboldt County Superintendent of Schools

EXHIBIT 7



VIA ELECTRONIC AND U.S. MAIL

August 29, 2018

Jon Ray, Superintendent
Klamath-Trinity Joint Unified School District
11800 State Hwy 96
Hoopa, CA 95546
jray@ktjUSD.k12.ca.us

Dear Superintendent Ray,

Thank you for meeting with us on August 20th, 2018 to discuss the Klamath-Trinity Joint Unified School District's (KTJUSD or the District) Local Control Accountability Plan (LCAP), the urgent need for tribal consultation, and opportunities for stakeholder engagement and collaboration. We appreciate your willingness to hear some of the community's concerns. We remain committed to collaborating with you and your staff to ensure all students in KTJUSD receive the high-quality education they deserve in a supportive and welcoming environment.

During our meeting, we reached a number of agreements:

1. We will schedule a follow-up meeting to continue the conversation about tribal consultation and Local Control Funding Formula (LCFF) stakeholder engagement, to which you will invite other district representatives as you see appropriate and necessary to advance the conversation;
2. The Hoopa Valley Tribe Education Association, the Yurok Tribe, and the ACLU Foundation of California will submit additional evidence for your ongoing investigation of our June 26, 2018 UCP complaint;
3. The District will conclude its investigation of the UCP complaint by September 7, 2018; and
4. The District will make publicly available and send via email its amended LCAP no later than September 8, 2018 and will discuss the amended LCAP at the KTJUSD School Board meeting scheduled for September 11, 2018.

We write to confirm and follow up on these agreements. Please let us know if you would like to add any agreements. Additionally, should you have any clarification or follow-up questions from our letter or conversation, please do not hesitate to contact us.

In addition to the evidence submitted with our June 25, 2018 joint letter to the District about its LCAP, along with the text of the LCAP approved by the KTJUSD School Board on June 27, 2018 and the District's adopted 2017-2018 LCAP and 2016-17 Annual Update, we respectfully request that you consider the following information with the timeframe of the 2017-18 academic year in your investigation:

American Civil Liberties Union of Northern California

EXECUTIVE DIRECTOR Abdi Soltani • BOARD CHAIR Magan Pritam Ray

SAN FRANCISCO OFFICE: 39 Drumm St. San Francisco, CA 94111 • FRESNO OFFICE: PO Box 188 Fresno, CA 93707
TEL (415) 621-2493 • FAX (415) 255-1478 • TTY (415) 863-7832 • WWW.ACLUNC.ORG

1. Any materials used to promote, publicize, advertise, inform of, or notify about School Site Council (SSC) meetings, events, public hearings, and opportunities for participation in SSCs;
2. Meeting agendas, minutes, sign-in sheets, presentations, packets, meeting schedules, such as a yearly meeting calendar, and other relevant materials from SSCs at each of Klamath Trinity's school sites;
3. School site plans, including drafts of these plans, plans submitted to the School Board, and Board-approved site plans;
4. Any materials used to promote, publicize, advertise, inform or notify parents and guardians about Parent Advisory Council (PAC) meetings, events, public hearings, and opportunities for participation in the PAC;
5. Meeting agendas, minutes, sign-in sheets, presentations, packets, handouts, and other relevant materials from PAC meetings or sessions;
6. All drafts of the District's LCAP dating back to September 2017;
7. KTJUSD Board of Trustees Board Packets and Agendas, all correspondence with the Board of Trustees regarding school site plans and LCAP, correspondence between the Board of Trustees and the District regarding school site plans and the LCAP, and Board of Trustee minutes
8. Any materials used to notify students, employees, parents or guardians, community members, school advisory committees, and other stakeholders of opportunities to provide input and feedback on the LCAP, including efforts to promote, publicize, advertise or inform regarding public LCAP input sessions;
9. Meeting agendas, minutes, sign-in sheets, email correspondence regarding, and other documents related to meetings with the tribes and tribal representatives, including but not limited to Indian Policy and Procedure (IPP) meetings;
10. Correspondence with the Humboldt County Office of Education regarding the formulation of and amendments to the LCAP;
11. All documents related to or demonstrating that maintenance, operations and transportation; IT services; library and media technicians; instructional aides; outreach consultants; after school activities; and other actions and services as outlined in our June 25, 2018 letter are principally directed towards and effective in supporting high need students

In addition to requesting that you consider the aforementioned information in your investigation, the ACLU Union of Northern and Southern California are also submitting this request pursuant to the California Public Records Act (Govt. Code §§ 6250 *et seq.*) for copies of all such records in the possession, custody, or control of KTJUSD. Our records request includes, but is not limited to, physical and electronic documents¹ such as: policies, procedures, trainings or training manuals, guidelines, memoranda, written complaints, internal and external correspondence, directives,

¹ The term "document" as used in this request has the same broad definition as is given the term "writing" in Section 6252(g) of the Government Code: "Any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored."

American Civil Liberties Union of Northern California

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instructions, orders, notices, bulletins, pamphlets or brochures, handouts, curricula, data, evaluations, reports, summaries, writings, or other written or electronic records.

We request copies of the aforementioned documents either in electronic form or on paper, whichever is less expensive. The California Public Records Act requires within ten days either production of the requested documents and/or notice of the specific reasons the materials requested or portions of the materials requested are exempt from disclosure. We request that you waive any copying fees because the ACLU Union of Northern and Southern California are non-profit organizations and the information requested will be used in the public interest to further the public's understanding of KTJUSD's LCAP and stakeholder engagement processes. No part of the information obtained will be sold or distributed for profit. If you are unable to waive the copying fees, please inform us of any potential duplication costs exceeding \$50.00 prior to copying. To minimize copying costs, please provide records in an electronic form when possible pursuant to section 6253.9 of the Government Code.

At this time, this request does not require production of personally identifiable information of any pupil that may be protected by state or federal confidentiality laws. Accordingly, please redact any such information from the documents that you provide us under this request. In addition, we request that if there are documents responsive to this request that you contend may or need not be produced pursuant to applicable law, you provide a log of those documents that includes a description of the nature of the documents, communications, or things not produced, without revealing information itself privileged or protected, that will enable us to assess the applicability of the privilege.

Finally, we would like to schedule a follow up meeting to discuss the amended LCAP draft and further the conversation regarding opportunities and proposals for stakeholder engagement. We would like to meet as soon as possible after the public LCAP hearing, and therefore propose the afternoon of Wednesday, September 12. We are also available to meet on September 13.

We look forward to seeking a collaborative resolution that will best serve the District's students and families. Please feel free to contact us at tsimon@aclunc.org, hoopa.ed.director@gmail.com, and jmcquillen@yuroktribe.nsn.us.

Sincerely,

Sylvia Torres-Guillén, ACLU of California
Victor Leung, ACLU of Southern California
Theodora Simon, ACLU of Northern California

Jim McQuillen,
Education Director, Yurok Tribe

Erika Tracy
Executive Director, Hoopa Tribal Education Association

American Civil Liberties Union of Northern California

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KTJUSD
**Indian Education
& Native Language Program**
P.O. Box 1308
11500 State Highway 96
Hoopa, CA 95546
(530) 625-5600 x 2335



November 13, 2017

Hello Donna

Please find attached a copy of the November Indian Policies and Procedures Task Force meeting minutes.

Below is a schedule of meetings for the rest of the school year.

December 6	4:00 p.m.	Indian Education Program Meeting
January 10	4:00 p.m.	IPP meeting
February 7	4:00 p.m.	Indian Education Program Meeting
March 7	4:00 p.m.	IPP meeting
April 4	4:00 p.m.	Indian Education Program Meeting
May 2	4:00 p.m.	IPP meeting
June 6	4:00 p.m.	Indian Education Program Meeting

Thank you for your valuable input into the Indian Education Program.

Respectfully yours,

Margo Robbins
Indian Education & Native Language Director
Klamath-Trinity Joint Unified School District

IPP Schedule



M Robbins

Wed 11/8/2017, 4:57 PM

mraigosa@ktjsud.k12.ca.us; jmcquillen@yuroktribe.nsn.us; btalley@karuk.us; Carol Lewis; hoopa.ed.director@gmail.com; +2 more

Sent Items



Action Items

Hello all

Here is the IPP schedule for the rest of the year:

Jan 10, 2018

Mar 7

May 2

All meetings begin at 4:00 p.m.

If you have questions give me a call at (530) 625-5600 x2335

Margo

**Indian Policies and Procedures
Agenda
11/2/17**

- 1. Fall Site Plan Revisions**
- 2. Behavior Accountability Program**
- 3. Other**

Indian Policies and Procedures
Task Force Meeting
11-2-17

Present: Jenna Hailey, Bari Talley, Mary Raigosa, Margo Robbins, David Sanders, Jon Ray

School Site Plans

The principal of the river schools, Jeff Landry is proposing to do one site plan for all three river schools. Jack Norton and Orleans Elementary are opposed to having the site plans and site councils blended. It is unknown how Weitchpec elementary school teachers feel about it. Jon Ray explained that the make up of the school site councils is currently out of compliance, and have been for some time. State Ed Code states that teachers need to be a majority, and this is not possible with an even number of school staff on the site council.

This issue had been brought up in the past, and Cheryl Inghan said that small schools don't need to have a majority of teachers on the site council, that there could be a special accomodation made. David Sanders will check with HCOE regarding the legality of this issue.

Jack Norton and Weitchpec could come into compliance only if they decide to eliminate the classified person from the site council, in which case it would have 2 teachers, the principal, and parents. The Site Council bylaws would more than likely need to be amended to accommodate this change. Orleans could come into compliance the same way, or they could have 3 teachers, the principal, one "other" staff plus an equal number of parents.

The three schools could combine their three site council documents into one plan with each school retaining the same amount of funding dedicated to their site. The site council would be composed of the principal, teachers, and other staff from all three sites plus an equal number of parents. Each school would keep their same funding allocation, there could be NO shifting of funds from one school to another. The whole site council would decide on how money will be spent. Another option is that Orleans would remain with a single school site plan while Jack Norton and Weitchpec would combine theirs.

Site Plan time lines are:

- Spring Submission due in May of previous year using approximate/projected numbers provided by Carmie Hostler
- Fall Revision is due Dec 1 to Jon Ray. It must be signed by the the Site Council and the IPP Chairperson prior to submitting it to the superintendent. The revised Site Plan is for this school year and reflects actual \$ allocated to each site.
- The School Board will review, and hopefully approve, the revised plan on Dec. 12

Behavior Accountability Program

The District-wide Behavior Program has been renamed the "Behavior Accountability Program". School Detention has been included as an added step before suspension. To date there have been 38 suspensions district-wide; 36 students were suspended.

Other

There were concerns about a couple of teachers in the district being culturally in-sensitive. We will check the records for who attended the cultural sensitivity training in mid August, and request staff that missed it to attend a special training addressing this issue. There may also be a possibility of beinging in a special presenter.

KTJUSD Indian Policies and Procedures Task Meeting

January 10, 2018

Agenda

- 1) Review Impact Aid Report DRAFT
- 2) Discuss Footsteps 2 Brilliance Program

Adjourn:

Indian Policies and Procedures

Task Force Meeting

Minutes

1/10/18

Present: Jim McQuillen, Erica Tracy, Lynn Abarr, Elsie McLaughlin-Feliz, Margo Robbins, Mary Raigosa, Jon Ray, Priscella Kinney, Isaac Kinney, Jeanerette Jacups Johnny, Bari Talley, Gael Stallings, Billie Sanderson

IMPACT AID REPORT TO TRIBES AND PARENTS OF INDIAN CHILDREN

Out of District Transfers

There was a concern about out of district transfers. The task force requested a survey be done to find out why students are transferring out of the district.

Drop Outs

There is no support by the District Attorney's office for the SARB process. List the school that each student is dropping out from.

A-G requirements/fulfillment

List the college going rates over time, as well as the number of students completing the A-G requirements, as well as those that start out on the path and do not finish.

Seal of Biliteracy Requirements

Share information with Erica Chase, have a collaborative meeting to support native language teachers help their students earn this seal on their diploma.

Discipline

Set meeting date for the discipline committee to continue working on the Student Accountability Program.

The Task Force needs to know the number of expulsions and the number of expulsion hearings. There were 3 expulsions last year, plus an additional four hearing.

FOOTSTEPS2BRILLIANCE

K-2 replace Compass Learning with Footsteps2Brilliance. Have the program fully implemented by Fall, 2018 including the parent and teacher training component. We need to get teacher input and support for the program prior to purchasing. Curriculum Leader O'Neil will host an orientation for teachers, and get a password for them to try it out.

MOTION: The school district should buy the footsteps2brilliance program motion made by Jim McQuillen, 2nd by Erica Chase. Passed unanimously

Indian Policies and Procedures
Task Force Meeting
Minutes
4/4/18

Present: Paula Abarr, Tom O’Gorman, Margo Robbins, Erika Tracy, Billie Sanderson, Michael Sonn, Michael Dyer, Mary Raigosa

Discussion: Trauma Informed Movement “For Our Kids”

Erika shared information on TIM. The five priorities are:

- 1) K-T become a trauma informed district
- 2) Student Health Center
- 3) Leadership buy in
- 4) Reflection rooms (for students) and zen dens (for staff) at all schools
- 5) Bridging Resources, increased collaboration.

The Trauma Informed Movement team is hoping to bring a group from Menominee here to provide professional development for our staff. Lynn recommended going to Meominee again to see how far they’ve progressed.

RECOMMENDATION: All School Site Plans should include trauma informed practices.

RECOMMENDATION: Professional Development to include opportunity for administrators and teachers to attend the Trauma Informed Schools Conference in Sacramento the first week of October.

Discussion: There was a brief discussion on student test scores and the GPA requirement to go on the 8th grade trip and walk in the 8th grade graduation ceremony.

RECOMMENDATION: Provide tutoring in the after-school programs including district adopted computer intervention and homework help.

Discussion about the need for more in-depth cultural orientation/training for teachers throughout the year. It should be tailored to the issues in our area (do’s, don’ts, understanding). Look online for the movie “Unseen Tears”

RECOMMENDATION: Provide more cultural education for teachers throughout the year.

There were concerns about the Eighth Grade Student Contract for the Promotion Ceremony and 8th Grade Trip. A parent reported that only 9 of the 19 8th graders at TVES are eligible to walk in the ceremony. The Task Force felt like the contract is too strict and there are not enough supports in place to help students be successful. Also, it is unclear what the appeal process is.

RECOMMENDATION: Revise the 8th grade trip and promotion ceremony contracts

Discussion: There were concerns about the increasing number of students put up for expulsion in our district.

RECOMMENDATION: The only time students should be put up for expulsion is if it clearly states in Ed code that the behavior is a MANDATORY Expulsion. See CDE Administrator Recommendation of Expulsion Matrix <https://www.cde.ca.gov/ls/ss/se/expulsionrecomm.asp>

KTJUSD

Indian Policies and Procedures

Task Force Meeting

Wednesday, April 4

4:00 p.m. – 5:00 p.m.

at the

Indian Education Resource Center

located on the

Hoopla Elementary School Campus

Agenda to include:

Impact Aid Report to Tribes and Community

Trauma Informed Practices

Paula Wyant

Tue 6/19, 1:04 PM



June 18 2018 SSC Appr...

2 MB



Download Save to OneDrive - Klamath-Trinity Joint Unified School District

Hello.

Last night, the HVES Site Council approved our SPSA submission to the IPP Chair for approval and for the Governing Board's approval. Please see attached for the approvals. I am away from school/district today and tomorrow and working via computer. Please forward any concerns to me. Because I had to make the changes, Virgil Pole, Jr., the SSC chair will be in on Thursday to sign. I'm hoping that IPP might be able to review and offer suggestions or approval at the same time. That way I can get the signatures to Irish for the Governing Board prior to their June 26/June 27th meetings.

I look forward to hearing IPP's thoughts and/or concerns.

Most Sincerely,
Paula M. Wyant, HVES Principal
530.625.5600 X 2225



Elizabeth Franklin

Mon 6/18, 11:51 AM

Erika Chase <hoopa.ed.director@gmail.com>; Jon Ray; M Robbins



Inbox



assurance signature pag...

28 KB



TVES Site Plan 2018-19....

225 KB



2 attachments (253 KB) Download all Save all to OneDrive - Klamath-Trinity Joint Unified School District

Dear Erika,

Attached please find the TVES 2018-19 Site Plan that was finalized on June 14 at our last site council meeting and the assurance and signature page. Please review the plan, sign the assurance and signature page and return to me by Wednesday morning so that the plan can be presented at the Board meeting on June 27th for approval. Please let me know if you have any questions.

Also, I am hoping that there will be funding for the Johnson O'Malley Program to be reinstated this coming school year. I had to remove it from our site plan last year because there was not enough funding to extend the program to Trinity Valley. While we do have reading intervention for Native American students in Grades 1st and 2nd, there are still a number of Native American students in grades 3-8 who could benefit from additional academic support. Please let me know if this is possible and I will add it to our 2018-19 Site plan.

Thank you,

Liz Franklin

Principal

Trinity Valley Elementary School

Hoopa High Site plan

0 1 v



Hoopa Education Director <hoopa.ed.director@gmail.com>

Reply | v

Wed 11/29/2017, 9:49 AM

BHopper; M Robbins v

Inbox

This one looked good to me and I went over it with Dusty yesterday, it's signed and ready to go :)

...



BHopper

Tue 11/28/2017, 8:46 AM

0 v



Hoopa High Site Plan 2...
7 MB

Download Save to OneDrive - Klamath-Trinity Joint Unified School District

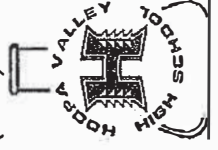
Hey Erica

Here is our site plan, with the fall revisions that was approved at last nights site council meeting.
If you have any questions let me know
thanks

Brian Hopper

Science Teacher

Hoopa Valley High School
(530) 625-5600 ext 1033





Hoopa Education Director <hoopa.ed.director@gmail.com>

Wed 11/29/2017, 9:48 AM



Thanks for your read through Bari!

If they look fine with everyone else, these look good to go for signature Margo :) Was wondering if Jim or Elsie had any additions/thoughts??

...



M Raigosa

Is the principal supposed to meet with the site council to approve these?

Mon 11/27/2017, 8:34 PM



Bari Talley <btalley@karuk.us>

Mon 11/27/2017, 5:53 PM



These look pretty good. Here's some minor edits:

OES Site Plan – remove Kim Hyde's name on page18; remove one "o" from Jeff Morehead's name on page 26.
JNES Site Plan – didn't see any changes
WYMS Draft Plan – #6 on page 4 ends in a comma; paragraph format inconsistent on #4 on page 11

...



M Robbins

Mon 11/27/2017, 1:27 PM



OES-School Plan 17-1...
kiamatht-my.sharepoint.com



WYMS-School Plan 1...
kiamatht-my.sharepoint.com



JNES-School Plan 17-...
kiamatht-my.sharepoint.com

✓ Show all 3 attachments

Hello All

Please let me know if these revised School Site Plans look okay.

Margo

...

Indian Policies and Procedures
Task Force Meeting
11-2-17

Present: Jenna Hailey, Bari Talley, Mary Raigosa, Margo Robbins, David Sanders, Jon Ray

School Site Plans

The principal of the river schools, Jeff Landry is proposing to do one site plan for all three river schools. Jack Norton and Orleans Elementary are opposed to having the site plans and site councils blended. It is unknown how Weitchpec elementary school teachers feel about it. Jon Ray explained that the make up of the school site councils is currently out of compliance, and have been for some time. State Ed Code states that teachers need to be a majority, and this is not possible with an even number of school staff on the site council.

This issue had been brought up in the past, and Cheryl Inghan said that small schools don't need to have a majority of teachers on the site council, that there could be a special accommodation made. David Sanders will check with HCOE regarding the legality of this issue.

Jack Norton and Weitchpec could come into compliance only if they decide to eliminate the classified person from the site council, in which case it would have 2 teachers, the principal, and parents. The Site Council bylaws would more than likely need to be amended to accommodate this change. Orleans could come into compliance the same way, or they could have 3 teachers, the principal, one "other" staff plus an equal number of parents.

The three schools could combine their three site council documents into one plan with each school retaining the same amount of funding dedicated to their site. The site council would be composed of the principal, teachers, and other staff from all three sites plus an equal number of parents. Each school would keep their same funding allocation, there could be NO shifting of funds from one school to another. The whole site council would decide on how money will be spent. Another option is that Orleans would remain with a single school site plan while Jack Norton and Weitchpec would combine theirs.

Site Plan time lines are:

- Spring Submission due in May of previous year using approximate/projected numbers provided by Carmie Hostler
- Fall Revision is due Dec 1 to Jon Ray. It must be signed by the the Site Council and the IPP Chairperson prior to submitting it to the superintendent. The revised Site Plan is for this school year and reflects actual \$ allocated to each site.
- The School Board will review, and hopefully approve, the revised plan on Dec. 12

Behavior Accountability Program

The District-wide Behavior Program has been renamed the "Behavior Accountability Program". School Detention has been included as an added step before suspension. To date there have been 38 suspensions district-wide; 36 students were suspended.

Other

There were concerns about a couple of teachers in the district being culturally in-sensitive. We will check the records for who attended the cultural sensitivity training in mid August, and request staff that missed it to attend a special training addressing this issue. There may also be a possibility of being in a special presenter.

11-2-17
1PP

Jenna Hailey - Hoopa Tribal Ed. Assn.

Bari Talley - Karuk Tribe

Jon Ray - KTJUSD

MARY RAIGOSA - JNES

David Sanders - JNES

Margo Rabby

IPP
1-10-18

Ann L
Elsie McLaughlin-Feliz

J. M. C.

Priscilla Kinney

Isaac Kinney

Kee-poon Kinney

Peetah Iko Kinney

Tseeyaba Kinney

Margo Robbix

Janette Jacobs Johnny Karuk Lang K-84
627-3374

Bari Tallen

Macl Halling

Billie Sanderson

IPP
4-4-18

Pinch Ab

701-267-0891

Tom Gorman

629-3327

Margo Rebbig

Erika Tracy

707-739-3400

Billie Sanderson

Michael Sonn

707 601 6884

Michael Dyer

(530) 643-3811

Mary Rayon

707 402-7541

Billie Smullen

IPP

10-3-18

1 Jim McQuillen

Margo Robby

Jon La

~~Ruby~~

~~Andy~~

Bellie Sanders

EXHIBIT 8

KLAMATH TRINITY JOINT UNIFIED SCHOOL DISTRICT

DRAFT MINUTES

REGULAR MEETING BOARD OF EDUCATION

DATE: Tuesday, June 26, 2018

TIME: 5:00 p.m.

**LOCATION: District Office Conference Room
11800 State Highway 96
Hoopa, Ca 95546**

Meeting Called to Order – 5:00 pm

Flag Salute – 5:00 pm

Roll Call – Annelia Hillman, President; Kerry Watty, Clerk; Laura Lee George; Patti Kelley (6:40pm); Tom O’Gorman; Darlene Magee; Lois Risling; Jon Ray, Superintendent; Carmelita Hostler, Assistant Superintendent of Business and Personnel; Trisha Cisneros, Administrative Assistant to the Superintendent

OPEN SESSION

ITEM NO. 1 ADOPTION OF AGENDA

MSC to adopt agenda.

Watty/O’Gorman

George: Aye

O’Gorman: Aye

Hillman: Aye

Watty: Aye

Magee: Aye

Risling: Aye

6-0

PUBLIC COMMENT ON CLOSED SESSION ITEMS

ADJOURN TO CLOSED SESSION

5:05 p.m.

ITEM NO. 1 CLOSED SESSION

EMPLOYMENT OF PUBLIC EMPLOYEES: Government Code Section 54957

- Literary Paraprofessional/Classified/Orleans Elementary School – *Salena McLaughlin*
- Food Specialist II/Classified/Extended School Year – *Denise George*
- Instructional Assistant/Special Needs Aide/Classified/Extended School Year – *Bonnie Olan*

- Instructional Assistant/Severely Handicapped/Classified/Extended School Year – *Destinie Rose Rodriguez*
- Instructional Assistant/Severely Handicapped/Classified/Extended School Year – *Zhanette Wickerd*
- Math Teacher/Certificated/Hoopa Valley High School – *Perry Pieri*
- Freshman Seminar/Cultural Connections Teacher/Certificated/Hoopa Valley High School – *Natalie Scott*

All positions, except two, passed with a vote of 7-0

Hillman recused herself on Literary Paraprofessional/Classified/Orleans Elementary School

6-0-1

George recused herself on Freshman Seminar/Cultural Connections Teacher/Certificated/Hoopa Valley High

6-0-1

GOVERNMENT CODE SECTION 54957: Public Employee discipline, dismissal, release, non re-election, acceptance of the resignation of, or other action which otherwise affects the employment status of a public employee.

- Resignation – Attendance Clerk/Classified/Hoopa High School
- Released during probation – Grounds Supervisor/Classified/Trinity Valley Elementary School
- Resignation – Certificated/Hoopa Elementary School
- Resignation – Certificated/Hoopa Elementary School

The Board voted 7-0 in acceptance of these positions.

GOVERNMENT CODE SECTION 54956.9 Conference with Legal Counsel – Anticipated Litigation: Under Government Code sections 54956.9(d)(2), the Klamath Trinity Joint Unified Board of Trustees hereby provides public notice that it may meet in Closed Session to decide whether there is significant exposure to litigation, and to consider and act in connection with matters for which there is a significant exposure to litigation. Under Government Code sections 54956.9, the Klamath Trinity Joint Unified Board of Trustees hereby provides public notice that it may meet in Closed Session to decide to initiate litigation and to consider and act in connection with litigation it has decided to initiate Conference with Legal Counsel – Anticipated Litigation: Significant exposure to Litigation.

GOVERNMENT CODE SECTIONS 6549.1(d) AND 54957.6 CONFERENCE WITH LABOR

NEGOTIATOR Agency Negotiator: Jon Ray, Superintendent, Employee Organizations: Klamath Trinity Teachers Association (KTTA); California School Employees Association, Chapter 347 (CSEA); Unrepresented Employees.

RETURN TO OPEN SESSION

6:33 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

ITEM NO. 3 ANNOUNCEMENT OF ACTIONS TAKEN IN CLOSED SESSION, WHICH ARE REQUIRED TO BE ANNOUNCED

ITEM NO. 4 PUBLIC COMMENT AND COMMUNICATION ON NON-AGENDA ITEMS TO INCLUDE INDIAN POLICIES AND PROCEDURES

During this portion of the meeting, members of the public may address the Board on matters not on the agenda if such matters are within the subject jurisdiction of the Board. Members of the public may address the Board regarding items on this agenda immediately prior to their being discussed by the Board. Time limits, generally three minutes per speaker, 20 minutes per subject will be imposed by the Board President. No person shall initiate charges or complaints against individual employees or students of the District at a public meeting.

ITEM NO. 5 CONSENT AGENDA

George asked that the Consent items be considered separately.

5.1 MINUTES OF PREVIOUS MEETING

March 26, 2018 – Special Meeting
April 10, 2018 – Regular Meeting
April 25, 2018 – Special Meeting
May 8, 2018 – Regular Meeting
May 29, 2018 – Special Meeting
June 5, 2018 – Regular Meeting

MSC to approve minutes with corrections:

March 26 –

- 2.2 – Ricklefs needs to be spelled correctly.
- 2.11 – clarify which bus stop.
- 2.17 – what was the action? (i.e. MSC)

April 10 –

- Bills and warrants – What action? (i.e. MSC)
- 6.7 – “Laura Lee” was misspelled, two separate names
- 7.13 – What action? (i.e. MSC)

June 5 – Special Meeting

- No transition to public hearing.
- 3.3 – Name the 2018-19 calendar, capitalized.
- 3.8 – What action? (i.e. MSC)
- 3.9 – What action? (i.e. MSC)

George/Magee

George: Aye
Kelley: Aye
O’Gorman: Aye
Hillman: Aye

Watty: Aye
Magee: Aye
Risling: Aye

7-0

5.2 OVERNIGHT/OUT OF STATE TRAVEL

MSC to approve travel for two teachers and an administrator to Riverton, Wyoming from August 7-10, 2018 to attend the Wyoming State Native American Education Conference.

Watty/Kelley

George: Aye
Kelley: Aye
O’Gorman: Aye
Hillman: Aye
Watty: Aye
Magee: Aye
Risling: Aye

7-0

ITEM NO. 6 DISTRICT REPORTS

- 6.1** Indian Education Director’s Report – Margo reported that they had history night at JNES. They also had an elder and his wife tell stories, as well as a scavenger hunt. It was a very good time and they are looking at making it an annual event. Margo also reported about field trips they have taken. Students were able to meet and have lunch with Winona LaDuke. Other students were able to tour dams and headwaters.
- 6.2** Construction Update – Kevin Nolen reported JNES is going well. They are trying to get the generator started up in July. PG&E says their schedule shows power at the end of July, but they also said that last year. The generator building at JNES has a completed steel frame. HES and HVES is still on schedule to move in before school starts. All classrooms at HES and HVHS are on target to be completed by August 17th. TVES will be ready for move in September 17th.
- 6.3** Student Board Member Report - None
- 6.4** Special Education Report - None
- 6.5** Employee Group Reports –

KTТА – Dave Sanders reported they had history night. The whole cafeteria was filled with people. JNES, the whole school, took a field trip to Patrick’s Point on a camping trip. Graduation was fantastic. There were five retirees this year. They all have spent most of their lives in this district and it is amazing to see them be able to retire but it is a great loss to the district.

CSEA - none

- 6.6** School Site Reports - none
- 6.7** Trustee Area Reports

Patti Kelley (Weitchpec)– reported that she thoroughly enjoyed the graduations.

Laura Lee George (Hoopa)– reported that she was pleasantly pleased to see the number of scholarships given out at the high school.

Kerry Watty (Salyer) – reported that she was happy to see all the scholarships, as well and that it was amazing to see how well the students have done.

ITEM NO. 7 ITEMS FOR BOARD ACTION

7.1 PUBLIC HEARING – LOCAL CONTROL ACCOUNTABILITY PLAN (LCAP)

Opening of hearing: 7:17 pm
Comments:

Margo Robbins (Indian Education Director) – noticed Goal 2 says to maintain four outreach consultants and Goal 3 says to maintain three outreach consultants so she wasn't clear on how many there were.

Jon Ray (Superintendent) – clarified that 2016-17 said to maintain four, the 2017-18 should say maintaining three, and the 2018-19 should say maintaining three as well. There was a reduction of one at Captain John.

Margo Robbins – said the LCAP is hard to understand.

Jon Ray – agreed and said that while it was created to provide more transparency, it's created more confusion.

Margo Robbins – also was unclear regarding Jack Norton having a priority to have a van, but no longer have that. It is in next year's site plan, but cannot tell if it is in this LCAP.

Jon Ray – believes that it was in 2017-18 and it was purchased. They have access to it, but it is maintained by Missie Ammon (MTO).

Margo Robbins – So if they are doing after school activities, they could have it for an extended period of time down there?

Jon Ray – Yes. They would just have to go through the request, but it is for there. However, we have been short bus drivers, so we have had to pull some of the vans to provide transportation because we do not have a qualified bus driver pool. Folks have had to load up the vans to get kids to and from school.

Annelia Hillman (Board President) – How do we include or integrate trauma informed care into our LCAP? What does that look like?

Kerry Watty (Board Clerk) – It is in there. I read it. A lot of the new things have been italicized so you can pick them out.

Annelia Hillman – Any other comments?

Laura Lee George (Board Member) – A question I have on procedure – So we have the hearing tonight, which the board has not had an opportunity to read the LCAP, and it is on tomorrow's agenda to adopt, so if we see something we feel should be added, at that point do we still have the opportunity to do that?

Jon Ray – Yes. What we can't do is hold a public hearing and adopt both the plan and the budget on the same day. There has to be a chance for the public to give their input, i.e. a hearing and then you have to go back and discuss, make any adjustments, and then adopt at another meeting.

Patti Kelley (Board Member) – So when we first started doing this process, we used to have community meetings. Have we had those? At the school sites?

Jon Ray – Yes, but remember we do because the LCAP is generated from the school sites so the school sites conduct the community meetings.

Patti Kelley – And that happened this year?

Jon Ray – Yes. They are responsible to give me their schedule of their community meetings and their input.

Annelia Hillman – I think it would be beneficial to clarify with our administrators to make sure the community understands that the School Site meetings are the community meetings because I don't think there is a distinction between a community meeting that took input on the LCAP and the Site Council Meeting. So, I don't think there was.. to me there didn't seem to be any separation of the two or they didn't distinguish that it was an input meeting for the LCAP. I would like to see more transparency there; that it's more apparent to the public that that is what's happening.

Laura Lee George – I have run into some of the same issues, where someone has said, "Well where can I get that?" and I have said, "Well you need to go to the school site council meeting." The Site Council meetings are public meetings, but are they advertised as public and for input? There are a lot of good suggestions popping up on Facebook, and I don't see how they are connected to the meetings at the site council.

Annelia Hillman – Or if there is one Site Council meeting a year dedicated to the LCAP and taking suggestions, that is not apparent to the public.

Jon Ray – So there wouldn't be just one meeting that is dedicated to LCAP because the LCAP is not a stand-alone document. The LCAP is generated from the Site Plans.

Laura Lee George – That is what we are talking about – is that the public – I have heard, and it's a minimal amount, but that they don't understand that to get things implemented, it's at the Site Council Meetings. They know about the Site Council, but not that it's public and that anyone can go to those meetings throughout the year.

Patti Kelley – I remember when they first started LCAP, at one school they had it really well advertised and there was a good turnout. People had post-its and went table to table for each item to post ideas. I went to some other sites that weren't as well attended, but it was advertised.

Jon Ray – Paula [Wyant, Principal HES], maybe you can tell us how you generate input from the community.

Paula Wyant (Principal HES) – We do a survey. I agree with the comments that the board members have voiced. I know for me, we need to be much more proactive in getting the word out.

Laura Lee George – Dawn [Blake, Chair of Hoopa Tribal Board of Education], you seem to be the only non-school affiliated person. How has Hoopa Tribal Ed – have they been

active in Site Council?

Dawn Blake (Chair of Hoopa Tribal Board of Education) – Erika [Tracy, Hoopa Education Director/IPP Chair] tries to stay involved in everything – the big impact things – in the school. I am a little bit concerned with her involvement and just having to do, or participate as a community member. Like here, at the board level, she has to do public comment. There should be – it just feels like public comment is one thing, there should be more involvement, table time I guess.

Laura Lee George – Is there a mechanism available to get more parents involved at the Site Council through the Tribe?

Dawn – We had a public meeting to talk about parent concerns and a lot of parents showed up with their concerns and the direct they want to see the school going.

Laura Lee George – Let me frame it another way, do they understand that the decisions, the money, all of that starts at the Site Council – for programs at the school - and if they are more active there that they have a better say in the outcome of what is funded and what programs are there?

Dawn Blake – I think a couple of the parents who showed up felt like they still weren't having enough of a voice. At least one of the parents.

Rose Leazer – I work at Hoopa Elementary and it's very confusing to figure out when or where the site meetings are held. That is just my experience. And I never knew that we had LCAP meetings through site council, but that's just me.

Laura Lee George – The Site Plans drive the LCAP.

Rose Leazer – Yeah, I know, but I didn't know where they were sometimes.

Patti Kelley – I really think it would be helpful to have them more advertised and maybe more community meetings with the Site Council there. It just seemed to be more welcoming and open and your ideas were – the sites were wanting people there. It really felt like you had a say and you were being heard.

Rose Leazer – Yes, Site Council feels like you need to be invited. It's a little bit – non council members feel like they're stepping into territory that's...

Patti Kelley – I feel like that would be a good bridge for a school family connection.

Kerry Watty – It would be nice if people thought of Site Council not just as the people on the council but as their forum to the people on the council.

Annelia Hillman – Yeah I think that's where the miscommunication is. People don't understand that that is what that is for. So how do we better clarify that to the public and to families?

Rose Leazer – Maybe advertise separately?

Margo Robbins – Maybe a big write up in the paper.

Kerry Watty – That's a good idea.

Margo Robbins – With the dates of each sites council meetings.

Annelia Hillman – Does anyone else have any comments? No? Then we will close the public hearing at 7:33.

Closing of hearing: 7:33 pm

7.2 PUBLIC HEARING – 2018-2019 BUDGET

Opening of hearing: 7:34 pm

Comments: **LISTEN TO RECORDING**

Paula – How much are we encroaching in SPED?

Laura Lee – about \$1.5 million

Carmelita - \$1.9 million

Margo – When we have a certain percent of positions that never go filled, are we require to act like we are paying people who aren't there?

Jon – That's what we do at first and second interim.

LISTEN TO RECORDING

Closing of hearing: 7:50 pm

7.3 CONSOLIDATED APPLICATION FOR FUNDING CATEGORICAL AID PROGRAMS PART I

MSC to review and authorize the Superintendent to submit the Consolidated Application.

George/Kelley

George: Aye

Kelley: Aye

O'Gorman: Aye

Hillman: Aye

Watty: Aye

Magee: Aye

Risling: Aye

7-0

7.4 WEITCHPEC ELEMENTARY SCHOOL – SITE PLAN AND PLAN EVALUATION

MSC to table.

Risling/Magee

George: Aye

Kelley: Aye

O'Gorman: Aye

Hillman: Aye