



**CALIFORNIA DEPARTMENT
OF EDUCATION**

TONY THURMOND
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

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July 30, 2020

John Affeldt, Managing Attorney
Public Advocates, Inc.
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Laura E. Muschamp
Covington & Burling LLP
1999 Avenue of the Stars
Los Angeles, CA 90067

Subject: **Appeal of Decision – LACOE
Public Advocates, Inc. and Covington & Burling LLP, Appellants**

Case #: 2019-0354

Dear Mr. Affeldt and Ms. Muschamp:

The Local Agency Systems Support Office (LASSO) of the California Department of Education (CDE) is in receipt of your request for appeal dated October 28, 2019. You are appealing the Los Angeles County Office of Education's (LACOE's) Decision dated October 11, 2019. We have reviewed your appeal alleging that LACOE incorrectly approved LAUSD's 2019–2020 Local Control and Accountability Plan (LCAP) that did not adhere to the LCAP statutory requirements or expenditure regulations consistent with California *Education Code (EC)* Section 52070 and *California Code of Regulations*, Title 5 (5 *CCR*) Section 15496. In its Decision, dated July 30, 2020, in the matter of LAUSD, the CDE found that LAUSD's 2019–2020 LCAP failed to adhere to requirements of the LCAP Template. As such, the allegation that LACOE approved LAUSD's 2019–2020 LCAP in a manner inconsistent with the requirements of *EC* Section 52070, has merit.

As described in the CDE's Decision dated July 30, 2020, LAUSD is required to adhere to the following corrective actions:

- In response to Allegation 1: The District must prominently post on the homepage of its website the most current LCAP document approved by its governing board.
- In response to Allegation 2: In consultation with LACOE and stakeholders pursuant to *EC* Section 52062, the District must ensure that actions in its 2021–

22 LCAP adhere to the LCAP Template and do not include separate actions for which the information required by the LCAP Template for each action does not equally apply.

- In response to Allegation 3: In consultation with LACOE and stakeholders pursuant to *EC* Section 52062, the District must ensure that the descriptions of actions in its 2021–22 LCAP adhere to the LCAP Template and provide sufficient information to identify an action in order that the local educational agency (LEA) and its stakeholders are able to track implementation and to address the effectiveness of the action over time, as required by the annual update process.
- In response to Allegation 5: In consultation with LACOE and stakeholders pursuant to *EC* Section 52062, the District must ensure that actions in its 2021–22 LCAP adhere to the LCAP Template and do not include separate actions for which the information required by the LCAP Template for each action does not equally apply. The District must ensure that the descriptions of actions in its 2021–22 LCAP adhere to the LCAP Template and provide sufficient information to identify an action in order that the LEA and its stakeholders are able to track implementation and to address the effectiveness of the action over time, as required by the annual update process.
- In response to Allegation 6: In consultation with LACOE and stakeholders pursuant to *EC* Section 52062, the District must ensure that actions in its 2021–22 LCAP adhere to the LCAP Template and do not include separate actions for which the information required by the LCAP Template for each action does not equally apply. Also, the District must ensure that the descriptions of actions in its 2021–22 LCAP provide sufficient information to identify an action in order that the LEA and its stakeholders are able to track implementation and to address the effectiveness of the action over time, as required by the annual update process. The District must ensure that the identification of actions included as contributing to meeting the increased or improved services requirement sufficiently supports the District’s explanation of how the actions are principally directed towards, and are effective in, meeting goals for the District’s unduplicated students.

As such, LACOE is required to ensure LAUSD’s 2021–22 LCAP adheres to these corrective actions.¹ Additionally, LACOE is required to consider the findings of the CDE’s Decision dated July 30, 2020, as it fulfills its statutory duty to review and approve the school district LCAPs in Los Angeles County consistent with the approval criteria provided in *EC* Section 52070.

¹ Senate Bill 98 provided that LEAs are not required to adopt an LCAP for the 2020–21 school year. As such, corrective actions noted in the report are being addressed within the 2021–24 three-year LCAP, provided that further delays do not occur due to any additional extenuating circumstances.

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As described in 5 CCR 4665, within 30 days of receipt of this report, either party may request reconsideration by the Superintendent or the Superintendent's designee. The request for reconsideration shall specify and explain why:

- (1) Relative to the allegation(s), the Department Investigation Report lacks material findings of fact necessary to reach a conclusion of law on the subject of the complaint, and/or
- (2) The material findings of fact in the Department Investigation Report are not supported by substantial evidence, and/or
- (3) The legal conclusion in the Department Investigation Report is inconsistent with the law, and/or
- (4) In a case in which the CDE found noncompliance, the corrective actions fail to provide a proper remedy.

I may be reached in the Local Agency Systems Support Office by phone at 916-319-0809 or by email at jbreshears@cde.ca.gov.

Sincerely,



Jeff Breshears, Administrator
Local Agency Systems Support Office

JB:br

cc: Debra Duardo, Superintendent, Los Angeles County Office of Education
Patricia Smith, Chief Financial Officer, Los Angeles County Office of Education
Vibiana Andrade, General Counsel, Los Angeles County Office of Education
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