

PRESS RELEASE

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State Education Officials Find Massive Equity & Funding Violations by San Bernardino County School Districts

CDE Finds San Bernardino County Superintendent of Schools Failed to Ensure Districts Provided Services Equitably to High Need Students as Required Under State Law

San Bernardino County, CA — The California Department of Education (CDE) issued an historic decision late Monday finding that the San Bernardino County Office of Education (SBCOE) improperly approved school district spending plans that shorted high-needs students the equivalent of more than \$166 million dollars in services. The decision is the first in California to hold a county office of education accountable for its duties to oversee school districts under the Local Control Funding Formula, California’s education funding law.

“This decision will have a far-reaching impact because County Offices of Education (COEs) are the linchpin for accountability under LCFF,” said Nicole Gon Ochi, senior attorney at Public Advocates. “COEs should be on notice that the community is watching and will hold them accountable for ensuring that districts fulfill their equity, transparency, and community engagement obligations.”

The complaint was filed by Public Advocates Inc. and the ACLU Foundation of Southern California on behalf of community groups Inland Congregation United for Change (ICUC) and Congregations Organized for Prophetic Engagement (COPE) in June of 2020. It challenged SBCOE’s improper approval of school district spending plans, claiming the districts were not fully demonstrating they were meeting their equity obligation to increase or improve services for high-need students and that they diverted resources away from high-need students for ineffective services including law enforcement

“As a parent, I’m alarmed that millions of district education dollars can be spent without the consideration of parents, students, and community,” said Devona Robertson, Parent Organizer at COPE. “Once the veil dropped, we took action right away, which is a testament to how strongly we felt about funds being utilized without our knowledge. Accountability is critical.”

In its sweeping decision, the CDE held that SBCOE violated the law by approving spending plans by districts that failed to account for all of their spending and did not show they were meeting their

obligations to provide increased and improved services to the high-need students who generate additional funding for the district.

The decision rejected districts' efforts to count the equivalent of more than \$14 million in law enforcement and school security measures towards their equity obligation, finding that those districts wholly failed to show how those actions supported high-need students.

Organizers and student leaders reacted quickly to the CDE decision.

"The County and districts in San Bernardino must be vigilant in directing LCFF's additional funding and services towards effective supports for high-need students, like social emotional learning instead of law enforcement and other measures which only serve to criminalize and alienate high need Black, Indigenous, and students of color," said Jewel Patterson, Lead Youth Organizer at COPE "As COVID exposed deep-seated racial and socioeconomic inequities in our public education system, it is more important than ever to concentrate resources that support social-emotional well-being for the most directly impacted students and communities."

"We feel vindicated by the decision. For years, our students and parents have tried to be involved in their school district's decision making, but they have been consistently shut out, including when it comes to overspending on school police. Our hope is that this community victory can be leveraged in other school districts and county boards of education to meet their equity obligations to our low income, English Learners and foster youth across the state of California." said Sergio Luna, lead organizer with Inland Congregations United for Change (ICUC) and Education for Liberation campaign at PICO California.

Scarlett Juarez, a senior at Cajon High School in San Bernardino City Unified School Districts and ICUC youth leader added, "As an LGBTQ student who struggles with mental health, I know how important it is to invest in high needs students like me so that we are given the tools we need to succeed. It's disappointing to see that the County has to be pressured into this accountability and I hope they do better in the future."

Despite its acknowledgment that San Bernardino County school districts grossly failed to meet their equity obligation to high-need students in 2019-20, CDE stopped short of ordering SBCOE to require districts to make up for the millions of dollars worth of shortfalls in increased or improved services for high need students. Equity advocates and the Department continue to disagree over whether counties have the authority to order districts to track and carryover to subsequent years shortfalls in increased or improved services to high need students. A long-awaited provision to clarify that such an obligation does exist is now pending approval in the Legislature as part of the state's budget package currently being finalized in Sacramento.

"It is appalling that SBCOE allowed districts to mispend millions of dollars meant for high-need students," said Victor Leung, Director of Education Equity for ACLU Foundation of Southern California.

“SBCOE must fulfill its legal obligation to ensure that the districts actually prioritize equity and invest in the resources that will close the opportunity gap for our most underserved students.”

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- The June 30, 2020 Complaint and October 15, 2020 Appeal, click [here](#) .
- The June 14, 2021 Decision click [here](#).