

EXHIBIT C



June 23, 2015

Via electronic mail

Dr. Bruce Harter
Superintendent
West Contra Costa Unified School District
bharter@wccusd.net

RE: \$4.3 million in unallocated supplemental and concentration funding

Dear Superintendent Harter:

At the West Contra Costa Unified School District (“WCCUSD” or “the District”) Board Meeting on June 10, 2015, Public Advocates and Public Counsel testified about proposed Resolution 80-1415 (“the Resolution”) to commit \$4.3 million in supplemental and concentration dollars to the General Fund, among other actions. We write now to request that the District account for these funds in the 2015-2018 LCAP it sends to the Contra Costa County Office of Education and allocate these funds with community input, after a public hearing and in accordance with the LCFF law and regulations.

Public Advocates and Public Counsel are part of an LCAP coalition of community organizations parents and students that met with District staff and two members of the WCCUSD Board on June 16, 2015. While we were not present at that meeting, we understand from our partners that the District plans to allocate the \$4.3 million in unspent supplemental and concentration funding within the next 45 days, and in compliance with the Local Control Funding Formula law regulations. We support this plan of action, as the California Department of Education has stated that district LCAPs must include funds from the May Revise. Cal. Dep’t of Educ. LCFF FAQs.¹ We note, however, that the Resolution approved on June 10 left us with questions about the District’s intended use of the \$4.3 million in supplemental and concentration funding.²

¹ The LCFF FAQs are available here: <http://www.cde.ca.gov/fg/aa/lc/lcfffaq.asp>.

² The Resolution cites to California Education Code 42717, which does not exist. We believe the District meant to cite California Education Code 42127(a)(2)(B), a law pertaining to school districts’ financial reserves for economic uncertainties. It requires districts to supply a rationale for assigned and unassigned ending fund balances in excess of the statutory minimum reserve standards. The statute requires three statements: 1) the minimum financial reserve mandated by statute, 2) the combined assigned and unassigned ending fund balance in excess of the minimum recommended reserves, and 3) the reasons that substantiate the need for reserves in excess of the statutory minimum. The cited law is only applicable to financial reserves for economic uncertainties, and LCFF did not change the statutory minimum recommended for such reserves. See LCFF FAQs.

The Resolution did not state when the funds would be allocated and is not clear about why the funds are not accounted for in the LCAP presented to the Board for approval by the July 1 deadline. Indeed, the Resolution provides at least seven reasons the Board should take the four actions outlined, leaving the reader confused about which reasons apply to which actions. We believe the District is choosing to allocate the \$4.3 million in supplemental and concentration funding after the July 1 deadline because of the late arrival of the May Revise dollars. However, the District appears to justify its allocation of supplemental and concentration money to the General Fund for protection against “the volatility of factors . . . including student enrollment, free and reduced lunch counts, English language learner status, [and] identified foster youth students . . .” Resolution 80-1415, p. 2. Of course, the uncertainty of future funding applies to all LCFF funds, and it cannot be used to relieve the District of its obligation to spend all supplemental and concentration funds to increase or improve services for high need students in the fiscal year they were received. Cal. Code of Regs. § 15496(a). We note that a plain reading of the Resolution conveys that the \$4.3 million is being identified under Education Code 42127(a)(2)(B) “for the purposes aforementioned,” which include a potentially illegal use of supplemental and concentration funds.³ Resolution 80-1415, p. 3.

We offer the following suggestions to make the process for allocating the funding transparent and open to stakeholder input, as required by law.

1. INCLUDE THE DISTRICT’S PLAN FOR UNALLOCATED FUNDS IN SECTION 3(A) OF WCCUSD’S 2015-2016 LCAP

WCCUSD does not mention the unallocated \$4.3 million in its full LCAP; rather, it notifies the public of the unallocated supplemental and concentration funds via a short footnote in the Executive Summary.⁴ The District must identify the *total* amount of funds calculated on the basis of unduplicated pupils in LCAP Section 3, including May revise figures. LCAP Template at 19; Cal. Dep’t of Educ. LCFF FAQs.

Section 3 provides the public with important information about how the District plans to increase services for unduplicated students. Unless Section 3 includes all supplemental and concentration funding, including as yet unappropriated funding, the LCAP cannot fulfill its function of increasing transparency. In the interim, before the District incorporates the \$4.3 million into the LCAP’s 2015-2018 Goals, we ask that it amend its LCAP to elaborate on its plans for determining how to allocate the money. Including these funds in Section 3 would moreover clarify the confusion with the Resolution, as described above.

2. HOLD A PUBLIC HEARING TO ALLOW COMMUNITY INPUT ON THE REVISED PLAN

The coalition’s understanding from the June 16 meeting was that the District did not plan to have additional input sessions or an additional public hearing before the Board approves a

³ One of the justifications the District provides, “open contract negotiations for subsequent years for all labor groups for which it will require funds for potential salary and benefit increases,” would likely constitute an impermissible use of supplemental and concentration funds. Resolution 80-1415, p. 3.

⁴ The footnote in the WCCUSD LCAP Executive Summary posted for the June 24 meeting reads: “\$4,344,883 of Supplemental and Concentration funds will be prioritized for allocation by the Board of Education in 2015-2016.”

plan for the use of the \$4.3 million in supplemental and concentration dollars. The District must follow processes required by California law, however, to amend its LCAP in order to permit parents, students, and community stakeholders to provide input on the May revise spending. California law provides districts an opportunity to adapt to changing circumstances by revising their LCAPs, so long as districts follow the same process used for approving LCAPs. Cal. Educ. Code § 52062(c). WCCUSD must hold an additional public hearing and second adoption hearing to give parents and students a voice in determining how best to spend the additional supplemental and concentration funding. Cal. Educ. Code § 52062(b)(1-2).

It is disappointing that WCCUSD failed to allocate these additional May revise funds in time to include them in its final LCAP, especially when many other districts managed to do so and when there still exists a substantial need for these funds to support student wellness and learning in the LCAP. Because the summer recess poses additional challenges to community engagement, we expect that WCCUSD will take appropriate extra steps to engage stakeholders during the break. We request that the District develop a stakeholder engagement plan and describe that plan in Section 1 of its LCAP so that stakeholders can hold it accountable for incorporating community priorities into spending these additional funds.

We plan to attend any further public hearings to revise WCCUSD's LCAP during the summer and look forward to working alongside the District's Board to ensure that West Contra Costa's high need students receive the attention and the funding they deserve.

Sincerely,



Lilly Chen
Statewide Education Rights Attorney
Public Counsel



Rigel S. Massaro
Staff Attorney
Public Advocates Inc.

CC: Members of the Board of West Contra Costa Unified School District, *via electronic mail*