



MAYER • BROWN

April 23, 2018

Sent via email and Priority Mail

Karen Sakata
County Superintendent of Schools for Contra Costa
77 Santa Barbara Road
Pleasant Hill, California 94523

RE: Uniform Complaint Procedure Complaint re: Contra Costa County Office of Education's Failure to Comply with Legal Requirements by Approving WCCUSD's 2017-18 LCAP

Dear County Superintendent Sakata,

Public Advocates and Mayer Brown LLP present this Uniform Complaint Procedure (UCP) complaint on behalf of Wendy Lopez, Reginaldo Ochoa, and student Kateryn Ochoa (collectively, "Complainants") to the Contra Costa County Office of Education ("CCCOE" or "the County"). Complainants represent parents and students who have been working to ensure that the West Contra Costa Unified School District ("WCCUSD" or "the District") report all annual measurable outcome data in its Local Control Accountability Plan (LCAP). Public Advocates has been engaged in supporting the implementation of the Local Control Funding Formula (LCFF) in a way that makes real the promise of increased and improved services for high-need students, and greater transparency and meaningful engagement for school communities. Complainants bring this complaint because CCCOE approved WCCUSD's 2017-18 LCAP without ensuring that the District complied with the LCAP template, as required by law.

I. Complainants

The Complainants in this complaint are the same complainants as those of the attached UCP complaint against WCCUSD.

For the purposes of investigating this complaint and reporting any findings or decisions, complainants can be contacted through counsel listed on this letter.

II. Basis for the UCP Complaint

Under LCFF, County Offices of Education serve the critical role of ensuring districts adhere to the LCAP template requirements, so that the LCAP is an effective planning tool to improve outcomes for all students. Each year, after a district adopts its LCAP, it must file the LCAP with the County

Superintendent of Schools.¹ The County Superintendent may seek clarification from the district, and may submit recommendations for amendments to the LCAP.² The County Superintendent may approve a district's LCAP, but only if the County Superintendent determines, among other things, that the LCAP complies with the regulations adopted by the State Board of Education (SBE), including ensuring that:

*"The local control and accountability plan or annual update to the local control and accountability plan adheres to the template adopted by the state board pursuant to Section 52064 and follows any instructions or directions for completing the template that are adopted by the state board."*³ (Emphasis added.)

Reporting actual annual measurable outcomes is required by the LCAP Template itself. The Analysis portion of the Annual Update section of the LCAP Template requires districts to "[u]se actual annual measurable outcome data, including [but not limited to] performance data from the LCFF [Dashboard]..." (emphasis added).⁴

Despite these legal requirements to include actual annual outcome data for its metrics in the 2017-18 LCAP's Annual Update, WCCUSD failed to do so, merely repeating 2015-16 data (or leaving metrics blank), thus rendering its outcome metrics neither "actual" nor "annual." Accordingly, CCCOE's approval of WCCUSD's 2017-2018 LCAP violated the Education Code because it failed to ensure that WCCUSD's LCAP adhered to the SBE template and instructions. (See also attached UCP against WCCUSD.) It was CCCOE's responsibility to seek WCCUSD's full adherence to LCAP template requirements, especially as concerns such a wholesale failure to include outcome data. The County should have required the District to report its 2016-2017 annual measurable outcomes data for LCAP approval. Absent such, the County was required to deny approval.

As explained in the attached UCP complaint against WCCUSD, this error has significantly impaired WCCUSD stakeholders' ability to engage in continuous improvement work with the district to ensure progress against the eight state priorities.

III. Relief Requested

Complainants urge CCCOE to fulfill its supervisory duty to ensure that WCCUSD amend its 2017-18 LCAP to include data for its 2016-17 annual measurable outcomes.

For the 2018-2019 LCAP and all future LCAPs, the County should further ensure that WCCUSD properly uses the LCAP template by reporting actual annual data essential to the evaluation of the District's actions, services and investments in support of continuous improvement.

We appreciate your attention to this complaint and are available to respond to any requests for information or assistance as you investigate. Thank you for your attention to this important matter.

¹ See Ed. Code § 52070(a).

² See *id.* at §§ 52070(b)-(c).

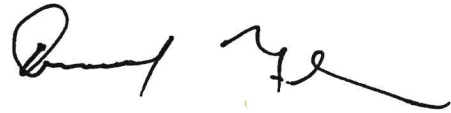
³ *Id.* § 52070 (d)(1). See also California County Superintendent Educational Services Association: Local Control and Accountability Plan (LCAP) Approval Manual, 2017-18 Edition, at pp. 15-16.

⁴ See LCAP Template at <https://www.cde.ca.gov/re/lc/documents/approvedlcaptemplate2018.docx>.

Sincerely,



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Attachments:

- 1) UCP Complaint to WCCUSD
- 2) Public Records Act request
- 3) October 2017 email from Public Advocates to the District
- 4) February 2018 email from Public Advocates to the District
- 5) February 2018 letter from Public Advocates and WCCUSD community organizations to the District
- 6) WCCUSD's 2017-2018 LCAP

ATTACHMENT 1

(UCP COMPLAINT TO WCCUSD)



MAYER • BROWN

April 23, 2018

Sent via email and Priority Mail

Matthew Duffy, Superintendent
West Contra Costa County Office of Education
1108 Bissell Avenue
Richmond, CA 94801
Matthew.duffy@wccusd.net

RE: Uniform Complaint Procedure Complaint and Public Records Act Request re: West Contra Costa Unified School District’s 2017-2018 LCAP

Dear Superintendent Duffy,

Community engagement and participation in local decision-making is at the core of the new Local Control Funding Formula (LCFF) reforms and the state’s new continuous improvement process. To provide effective input, parents, students, and school community members need basic data from the District explaining its progress or lack thereof in meeting state and local priorities. Because the District—despite repeated requests—has failed to provide the community with actual, annual data about school conditions and has, thereby, undermined LCFF’s core principle of community engagement, Wendy Lopez, Reginaldo Ochoa and student Kateryn Ochoa (collectively, “Complainants”) hereby file this UCP Complaint.

Specifically, Public Advocates and Mayer Brown LLP present this Uniform Complaint Procedure (UCP) complaint on behalf of the Complainants to West Contra Costa Unified School District (“WCCUSD” or “District”) for the District’s failure to comply with the legal requirements pertaining to its 2017-2018 Local Control and Accountability Plan (“LCAP”) and its 2018-2019 LCAP to the extent the same errors are repeated. WCCUSD has violated Education Code sections 52060 and 52061 and State Board of Education LCAP template requirements by failing to report its 2016-2017 Annual Measurable Outcomes in the Annual Update section of its 2017-2018 LCAP, so that parents, students, community members, and educators can evaluate and improve its programming for all students, including high-need students, during the 2017-2018 LCAP process. Public Advocates is also submitting a UCP complaint to the Contra Costa County Office of Education for approving the WCCUSD LCAP without this data pursuant to Ed. Code § 52070, (see Attachment A) and is submitting a Public Records Act request pursuant to Government Code § 62050 et. seq. (See Attachment B.)

The 2016-2017 LCAP data for WCCUSD provides critical information about student achievement, school climate, parent engagement and teacher and administrator retention, and the LCAP is the only place where stakeholders can assess whether the LCAP Actions and Services are enabling the District to meet its Annual Measurable Objectives. Public Advocates and community-based organizations have requested the District publish this data on four separate occasions between October 2017 and March 2018. (See Attachment C.) By failing to publish this data, the District has denied parents, students and the WCCUSD community the right, pursuant to Education Code section 52062, to review and provide informed input into the creation of the 2018-2019 LCAP and to participate in the local implementation of California's Continuous Improvement Accountability System.

Accordingly, Complainants request that WCCUSD amend its 2017-2018 LCAP to include all actual annual measurable outcomes for 2016-2017, alongside any 2017-2018 data available at this point, and provide opportunities for stakeholders—including both parent committees, the Youth Commission and the Board—to analyze this data and suggest data-driven changes to the 2018-2019 LCAP. Complainants also request that the District circulate these outcomes via email and on its website to the entire WCCUSD community, including Parent Advisory Committee (DLCAP) members, English Learner Parent Advisory Committee (MDAC) members, School Site Councils, teachers, administrators, and support staff.

I. Complainants

Complainants are parents of low-income and English learner students and students themselves who have a demonstrated commitment to improving the educational opportunities in WCCUSD. They serve as members of the WCCUSD Youth Commission and the District LCAP Committee which by law has the right to review and comment on the LCAP, including how its actions and services are helping the district meet its goals for high-need students. As members of this committee, complainants expected in the Spring of 2017 the opportunity to review outcome data from 2016-2017 LCAP metrics to help them engage in the District's continuous improvement process, particularly when weighing in on the 2017-18 LCAP. Complainants represent different schools in WCCUSD and have a deep knowledge of the needs of high-need students in their communities. Had they been given their statutory right to review the 2016-2017 LCAP outcome data, they would have advocated for actions and services in the current LCAP to address specific challenges or deficits the data reveals. Collectively, complainants are particularly concerned about school climate, the academic achievement of English learners and low-income students, teacher credentialing and parent engagement.

Wendy Lopez is a mother of two children, both of whom attend public schools in WCCUSD. Mrs. Lopez's eldest child is a sixth-grade student classified as an English learner. Both of Mrs. Lopez's children are eligible to receive free or reduced-price meal and thus qualify as low-income students. Mrs. Lopez is also a member of the District LCAP Committee (DLCAP), the district's Parent Advisory Committee established pursuant to LCFF. Without the District's 2016-2017 annual measurable outcomes data, Mrs. Lopez was unable to provide meaningful advice to the District regarding the LCAP's goals, actions and services. If Mrs. Lopez had access to parent survey results, English learner reclassification rates, and other local measures (e.g., student survey results), she would have made informed decisions to demand greater resources for parent engagement, English learners and low-income students.

Reginaldo Ochoa is the father of three children. One daughter attends a public school in WCCUSD and is eligible to receive free or reduced-price meals and thus qualifies as a low-income student. Without the missing annual measurable data about school climate and parent engagement, Mr.

Ochoa was unable to make meaningful public comments during DLCAP and board meetings about the District's goals, actions and services, to support his daughter.

Kateryn Ochoa, Mr. Ochoa's daughter and co-complainant, is an eleventh-grade English learner student and active member of WCCUSD's LCAP committee. The 2016-2017 annual measurable outcomes data were critical to inform Ms. Ochoa's concerns for reducing classroom sizes, improving school climate, and increasing support for English learners. Specifically, the opportunity to analyze 2016-2017 data about the percent of properly credentialed teachers, English learner reclassification rates, and student suspension and expulsion rates, were critical for Ms. Ochoa to fulfill her obligation to the District's LCAP committee by providing meaningful input to the District about its 2017-2018 LCAP goals, actions and services.

For the purposes of investigating this complaint and reporting any findings or decisions, complainants should only be contacted through counsel listed on this letter.

II. Previous Requests for WCCUSD's 2016-2017 Annual Measurable Outcomes

In June 2017 WCCUSD adopted its 2017-18 LCAP, which omitted 40 distinct 2016-17 annual measurable outcomes from the Annual Update. In the place of this data, the district re-reported its progress between 2014-15 and 2015-16 and reported six outcomes as "pending."¹ In October 2017 the Contra Costa County Office of Education (CCCOE) approved the District's 2017-2018 LCAP without the critical 2016-2017 data points, thus failing to exercise adequate oversight over the District's adherence with the LCAP template.

In November 2017, Public Advocates contacted the District to inquire about its anticipated release date of its 2016-17 annual measurable outcome data. In November 2017, the District responded that "[d]ata will be updated in our dashboards and shared throughout the year in data presentations or data dives at Board of Education meetings. We will work to get what we can into the actual LCAP document." To our knowledge, the WCCUSD data dashboards were not updated and 2016-2017 data was not presented to the Board.

In early February 2018 Public Advocates again asked the District to publish its 2016-2017 Annual Measurable Outcomes. (See Attachment D.) Ten days later, having received no response, Public Advocates sent a letter signed by eight community stakeholders to the superintendent again asking for the data so the community could "evaluate the district's actions, services and investments in support of continuous improvement." (See Attachment E.) The District replied that it was still working to publish the data. Public Advocates and stakeholders followed up via email in March, and the District responded that it would schedule an additional parent advisory committee meeting in April at which time it would present data on its Annual Measurable Outcomes. That meeting took place last week, on April 18th. At this meeting, the District presented four of the 40 data points from the 2016-2017 actual annual

¹ See WCCUSD 2017-18 LCAP pp. 12, 24, 30, and 35, available at <https://www.wccusd.net/cms/lib/CA01001466/Centricity/Domain/961/2017-18%20LCAP%20County%20Final%20Aug%2014.pdf>. The District published the 2015-2016 annual measurable outcomes in the Annual Update section of the 2016-2017 LCAP in October 2016 after Public Advocates requested the district update its 2015-2016 annual measurable outcomes.

measurable outcomes, in addition to results from the 2018 DLCAP Committee Stakeholder Feedback survey, and select progress points from 2017-2018 school year. (See Attachment F.) As of the date of this filing, the District still has not released the annual measurable outcomes data for 2016-2017, a full year after it was properly owed to the WCCUSD community for development of the 2017-2018 LCAP.

III. The District's Failure to Publish 2016-17 Annual Measurable Outcome Data in its 2017-18 LCAP Violates Education Code Section 52060 et seq. and LCAP Template Requirements.

California's new accountability system is rooted in the Legislature's adoption of eight state priorities and over 25 metrics designed to measure access to qualified educators, up-to-date materials, facilities in good repair, implementation of state standards, course access, parent engagement, student engagement, school climate and school achievement.² Local education agencies (LEAs) are not limited to these metrics, and may capture additional data that helps inform their process of continuous improvement. In developing yearly Local Control and Accountability Plans (LCAPs), LEAs must reflect on their progress against each of these metrics in the Annual Update and plan for improvement against these metrics in the LCAP's Goals, Actions and Services section.

The Annual Update section enables districts and stakeholders to track progress against all metrics and assess the effectiveness of districts' chosen strategies and investments to reach desired outcomes.³ According to the statute, "[t]he annual update... shall include...[a] review of the progress toward the goals included in the existing local control and accountability plan, an assessment of the effectiveness of the specific actions in the existing local control and accountability plan..."⁴ As made clear by the requirements of the State Board-adopted LCAP template itself, this review of progress is captured in the annual measurable outcomes data in the Annual Update section. The Analysis portion of the Annual Update section requires districts to "[u]se actual annual measurable outcome data, including [but not limited to] performance data from the LCFF [Dashboard]..." (emphasis added).

The requirement of including actual annual data in each metric is further elaborated in the Instructions to the LCAP Template. In the Goals, Actions and Services section, the requirements for reporting "Expected Annual Measurable Outcomes" clarifies that "...at minimum an LEA must use the applicable required metrics for the related state priorities, in each LCAP year..." and that the outcome data reported in the LCAP is to "identify progress to be made in each year of the three-year cycle of the LCAP" by annually updating the data as the district moves through the cycle. Similarly, the Annual Update section instructions state that "[f]or each goal in the prior year, identify and review the actual measurable outcomes as compared to the expected annual measurable outcomes identified in the prior year for the goal."⁵ These comparisons of data over time empowers LEA's and stakeholders to engage in

² Ed. Code § 52060(d). See also LCAP and Annual Update Instruction: State Priorities, available at <https://www.cde.ca.gov/re/lc/templateinstructions.asp#StatePriorities>.

³ *Id.* at § 52061.

⁴ *Id.* at § 52061(a)(1).

⁵ See <https://www.cde.ca.gov/re/lc/templateinstructions.asp#AnnualUpdate>.

the continuous improvement process and ensure the district is progressing in each of the eight state priorities for all student groups, particularly high-need students.⁶

WCCUSD's annual measurable outcomes go above and beyond the 27 metrics required by the state priorities. The District sets specific goals for high-need student groups, and includes important metrics not mentioned by the state priorities, including PSAT/SAT results, UC/CSU completion rates, rates of teacher and principal retention, and tangible measures of parent engagement (such as Parent University graduates, home visits and number of survey responses).⁷ Several of these data points cannot be found on any education database (e.g. Dataquest, EdData, or CHKS). Complainants praise the inclusion of these additional measures. As with all locally adopted priorities or metrics for measuring progress on state or local priorities, it remains incumbent on the local district to follow through on its efforts by fully engaging local stakeholders in the required continuous improvement processes as concerns local measures.

Instead of providing the 2016-2017 annual measurable outcomes in the Annual Update section of the 2017-2018 LCAP as required by Sections 52060(d) and 52061(a)(2), the District re-reported the 2015-2016 annual measurable outcomes, rendering the data neither "actual" nor "annual" for the current LCAP as required. With only two-year old data to consider, the WCCUSD community, including complainants, was denied its right to meaningfully participate in the District's local reflection and planning process. LCFF's increased funding flexibility was accompanied by the requirement that each district adopt an LCAP that meets certain transparency, equity and engagement requirements. WCCUSD's unwillingness to disclose the data about its 2016-2017 annual measurable outcomes denies transparency and inhibits stakeholders' efforts to ensure continuous improvement. The District cannot in good faith expect stakeholders to meaningfully participate in the LCAP process without providing the data in question.⁸

IV. Remedy Requested

For the reasons stated in this complaint, Complainants request that WCCUSD amend its 2017-2018 LCAP to include data for its 2016-2017 actual annual measurable outcomes in the Annual Update. Additionally, complainants request that the District:

- 1. Amend the 2017-18 LCAP to reflect actual annual 2016-17 data.**

⁶ In addition to the statutory requirements, the LCAP Template itself establishes independent mandatory duties for school districts. The Template was adopted by the State Board pursuant to the California APA and subsequently revised pursuant to the Bagley-Keene Act (Ed Code Section 52064(d)-(e)) "[f]or use by school districts to meet the requirements of Sections 52060 to 52063, inclusive" (Ed. Code Section 52064(a)(1)). As such, LCAPs may not be approved by county offices of education unless the LCAP "adheres to the template adopted by the State Board." (Ed. Code § 52070(d)(1)).

⁷ See WCCUSD LCAP Annual Update Section.

⁸ LCFF's minimum legal requirements for community and stakeholder engagement direct school districts to "consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, parents and pupils" in developing their LCAP. *Id.* at § 52060(g). These requirements are further defined in the LCFF regulations. See 5 CCR § 15495(a), (b), (e), (f).

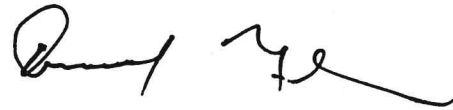
2. **Publish the 2016-17 data for all LCAP outcomes**, via email and on its website to the entire WCCUSD community, including District LCAP Committee members, Multilingual District Advisory Committee (MDAC) members, Youth Commission members, School Site Council and English Learner Advisory Council members, teachers, administrators, and support staff;
3. **Present all outcomes to the District LCAP Committee, the Multilingual District Advisory Committee, the Youth Commission and the Board before the first public hearing on the 2018-2019 LCAP;** and
4. For its 2018-2019 LCAP and all future LCAPs, the **District should ensure that it properly uses the LCAP template by reporting actual annual data** essential to the evaluation of the District's actions, services and investments in support of continuous improvement.

We appreciate your attention to this complaint and are available to respond to any requests for information or assistance as you investigate. Thank you for your attention to this important matter.

Sincerely,



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(916) 767-0007

Attachments:

- A) UCP Complaint to Contra Costa County Office of Education
- B) Public Records Act request
- C) October 2017 email from Public Advocates to the District
- D) February 2018 email from Public Advocates to the District
- E) February 2018 letter from Public Advocates and WCCUSD community organizations to the District
- F) WCCUSD handouts distributed during the April 18, 2018 DLCAP working group meeting
- G) WCCUSD's 2017-2018 LCAP

ATTACHMENT 2
(PUBLIC RECORDS ACT REQUEST)



MAYER • BROWN

April 23, 2018

Sent via email and Priority Mail

Superintendent Matthew Duffy
Custodian of Records
West Contra Costa Unified School District
1108 Bissell Avenue
Richmond, CA 94801
dhaynie@wccusd.net

**RE: PUBLIC RECORDS ACT REQUEST REGARDING 2016-2017 LCAP DATA REQUIRED
UNDER THE LCFF REGULATIONS FOR STATE PRIORITIES**

Dear Superintendent Duffy:

Pursuant to the California Public Records Act (California Government Code § 6250 *et seq.*), Public Advocates Inc., by and through its undersigned counsel at Mayer Brown LLP, writes to request disclosure of the following documents in possession of the West Contra Costa Unified School District (“WCCUSD” or “the District”) regarding the data the District is statutorily required to publish in the District’s Local Control and Accountability Plan (LCAP), under the Local Control Funding Formula (“LCFF”) regulations and the California Education Code §§ 52060-52061.

The Annual Measurable Outcomes data pertaining to the academic year of 2016-2017 reflecting and underlying the metrics for the state and local priorities identified in the Annual Update section of the District’s 2017-2018 LCAP. The required metrics are set forth in the District’s 2017-2018 LCAP. *See* Exhibit A, at 11-12 (Goal 1 metrics), 24 (Goal 2 metrics), 30 (Goal 3 metrics), 35 (Goal 4 metrics), and 45 (Goal 5 metrics).

All Records

This request for public records encompasses any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. *See* California Government Code § 6252(e). As used in this request and consistent with the California Public Records Act, “writing” means 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. *See California Government Code § 6252(g).*

Full Disclosure and Specific Explanation

If any records are claimed to be exempt from disclosure, we request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest, consistent with California Government Code § 6253(a).

Additionally, if any records are withheld or redacted, please provide a written response that describes with specificity each and every record that is being withheld or redacted and the claimed reason for exemption under the California Public Records Act, along with supporting legal authority or authorities.

Assistance With Obtaining Records/Clarifying Our Request

If you contend that this request does not reasonably describe identifiable public records, we request that you promptly assist us by eliciting additional information that will clarify our request and more clearly identify the records we are seeking. *See California Government Code § 6253.1.*

Waiver of Fees and Costs

We request that you waive any copying fees because the information requested will be used in the public interest to further the public's understanding of public schools. 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.

Electronic Format Preferred

We also request that you provide any public record identified above that exists in the following electronic formats to us in that electronic format, instead of in paper format: PDF format or all Microsoft Office formats, including Word, Excel, and PowerPoint. *See California Government Code § 6253.9.*

Response Within 10 Days

We look forward to working with you to obtain the public records identified in this request and look forward to your response to this request ***within ten (10) days*** of receipt of this letter. *See California Government Code § 6253(c).* Additionally, please provide all records as they become available, rather than waiting to send them together.

Please send all public records responsive to this request to Rigel S. Massaro, either by email at rmassaro@publicadvocates.org or mail:

Attention: Rigel S. Massaro
1225 Eight St. Suite 435
Sacramento, CA 95814

If you have any questions, please do not hesitate to contact Rigel S. Massaro at (916) 767-0007.
Thank you in advance for your timely response.

Sincerely,



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Senior Staff Attorney
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ATTACHMENT 3

(OCTOBER 2017 EMAIL FROM PUBLIC ADVOCATES TO WCCUSD)

Hans Moore

To: Rigel Spencer Massaro
Subject: RE: Check-in

From: Rigel Massaro
Sent: Tuesday, October 17, 2017 9:41 AM
To: Matthew Duffy
Cc: Hans Moore
Subject: Check-in

Matthew,

Thanks for the call back in August. I appreciate your openness to feedback and dialogue. My apologies for the tardy follow up.

First and foremost, congratulations on your daughter to be! Your wife must be about to give birth any minute now. I'm thinking of you and your family during this special time (except that I am writing you a long email about LCAP, which doesn't seem very nice given that you're likely preparing for parental leave).

*Second, I'd like to introduce to you to our newest PA staff member on the Education Equity Team, **Hans Moore**.* Hans came to the U.S. as an English learner and has an extensive record advocating on behalf of low-income people of color and immigrants. He is getting to know some of our Richmond partners and is working with me to support parents and students in WCCUSD.

This email is long! Here are the color-coded topics:

1. When do you anticipate updating the LCAP with the 16-17 annual measurable outcomes? **We would like to update the outcomes 1 pager we made last year.**
2. As requested, I have some suggested DIISUP sections for your review. I also have feedback on WCCUSD's final DIISUP section. **SEE BELOW.**
3. I like, and have feedback on, the district's 16-17 LCAP Year-End Review Presentation that you shared with me. **SEE BELOW.**
4. Would you be willing to share the letter(s) of clarification WCCUSD received from the CCCOE?
5. FYI - I am working with Healthy Richmond's Schools and Neighborhoods Action Team Members on their DLCAP advocacy. I understand the DLCAP has become overly politicized AND I'm committed to working with community and the district to ensure it transforms into a meaningful mechanism to obtain districtwide parent/community input.
6. Want to check in? Hans and I are happy to check in about any or all of the above.

THE WCCUSD DIISUP AND OTHER DISTRICTS' DIISUP SECTIONS.

Congratulations on the early COE LCAP approval, and kudos on the amendments to the DIISUP section on pp. 118-119. The table is helpful, and a great improvement from what the district has adopted in previous years. Were any other changes made to the final LCAP?

I do have remaining concerns with the DIISUP section, even as amended:

1. **It does not appear that all of the districtwide expenditures are included** in the table provided (e.g. teacher professional development on page 78 or typist clerk on page 113).
2. In addition, **the "principally directed and effective" justifications are often vague when it comes to effectiveness--the district instead lists the outcomes each service will produce.** I understand how with new expenditures (e.g. the VP's) there may not be past evidence of effectiveness within the district, but your choice to hire those individuals is rooted in some reasoning that it's going to make a difference for UDP's, no? And for other long-standing programs, the district can and should explain their success for UDP's, not just what they should be doing. Instead of saying a program will do something, what has it done on a district or school-wide basis? I know this gets to program effectiveness, and that that is a work in progress at WCCUSD. At the same time, the way it's written right now is so vague that it's a challenge to accept at face value. Does that make sense?

A colleague of mine at CCEE suggested this approach to the DIISUP section: 1) seek to articulate why the district believes in what it is doing, how they believe it will have distinct positive impact on students from low income families, English learners, and/or foster youth, and 2) the basis for their belief (prior experience in the district or elsewhere or evidence of success in research literature, etc.).

I asked around and found a few good examples of districts in San Mateo County with decent "principally directed" and "effective" justifications:

Sequoia Union HSD (pp. 104-112): <http://www.seq.org/documents/Departments/Educational%20Services/LCAP/SUHSD%20LCAP/2017-18%20LCAP%20Board%20Approved.pdf> This district is NOT concentrated like WCCUSD, but they clearly pull out how each districtwide service is "principally directed" and "effective." You could essentially ignore the final column in their table (which explains the "most effective use" justification) and their approach would work well for WCCUSD.

LCAP Year Local Control Accountability Plan

www.seq.org

Page 1 of 112 LCAP Year 2017 –18 2018 19 2019 20 Local Control Accountability Plan and Annual Update (LCAP) Template

Jefferson USD (pp. 81-90): <https://drive.google.com/file/d/0Bx2CB1d-JHJaVXdMYUc2b0hPMjg/view> This district is concentrated (77% UDP), but also provides a column on the "most effective use" like Sequoia. The difference is that Jefferson doesn't go into the research that Sequoia does, so the last column actually strikes me as more of an "effective" justification. Does that make sense?

I acknowledge both these districts are smaller than WCCUSD, and so likely have fewer district and schoolwide services. At the same time, their format encourages legal compliance in a way I find helpful and clear. I am interested to hear your thoughts.

2016-2017 LCAP YEAR-END REVIEW PRESENTATION

Finally, I want to thank you for sharing the 2016-2017 LCAP Year-End Review Presentation. I think this is a great leap forward in the district's efforts to evaluate its programs. And, I think there is significant room for improvement. My critiques are as follows:

- The evaluation does not have a consistent equity lens. The evaluation of many programs (e.g. Full Day Kindergarten) does not consider the specific impact on high-need students.
- Some programs are assessed as effective when data validation is still in progress (e.g. additional calendar days for teachers). This assessment seems inauthentic without the supporting data.
- Some programs weren't actually evaluated, e.g. the EL Master Plan. The plan for evaluation is established, but the data (which the district has) is not included...
- Finally, I think it would be helpful to date each initiative, so we have a sense of how long it's been going on. If you wanted to add \$\$ too, that would be great! Wait, now we're turning it into the LCAP annual update! It would be great to chat and figure out how to make one reporting mechanism...

I think it would be great to check in when you're back from leave. I hope this isn't too overwhelming, and that it doesn't strike you unnecessarily critical (beyond criticism to bring the district into compliance with legal and equity requirements). I very much appreciate you being open to my feedback and I hope to continue to foster an open and mutually beneficial working relationship!

All my best,

Rigel

From: Matthew Duffy [<mailto:matthew.duffy@wccusd.net>]
Sent: Tuesday, August 15, 2017 12:24 PM
To: Rigel Massaro <rmassaro@publicadvocates.org>
Subject: LCAP Review

Take a look.

Matthew Duffy

Superintendent, West Contra Costa Unified

Matthew Duffy

Superintendent, WCCUSD

510-231-1101

Matthew.Duffy@wccusd.net

Hans Moore

From: Matthew Duffy <matthew.duffy@wccusd.net>
Sent: Friday, November 17, 2017 4:00 PM
To: Rigel Massaro; Nicole Joyner; Alicia Bowman
Cc: Hans Moore; Nia Rashidchi
Subject: Re: WCCUSD Local Indicators Reporting on Dashboard by 12/1?
Attachments: Public Advocates Letter 2017 MD.docx

Hello Rigel. Thank you for the email and thank you for the congrats. hello Hans. Sorry for lots of delays. I am going to try here to answer as many of your questions as I can.

First, yes the Dashboard is being completed with local indicators. Going to Board December 6th.

Second, when you sent your original letter, I wasn't sure if we were obligated to respond or needed to talk to county. Anyway, we wrote you a pretty comprehensive letter that is attached here and I hope it is helpful.

Third, in response to your last email, here are the answers:

1. When do you anticipate updating the LCAP with the 16-17 annual measurable outcomes? We would like to update the outcomes 1 pager we made last year. **Data will be updated in our dashboards and shared throughout the year in data presentations or data dives at Board of Education meetings. We will work to get what we can into the actual LCAP document.**
2. As requested, I have some suggested DIISUP sections for your review. I also have feedback on WCCUSD's final DIISUP section. It does not appear that all of the districtwide expenditures are included in the table provided (e.g. teacher professional development on page 78 or typist clerk on page 113). **The section on increased or improved services only includes actions and services which are identified as increased or improved services.**
In addition, the "principally directed and effective" justifications are often vague when it comes to effectiveness--the district instead lists the outcomes each service will produce. **Thank you for these thoughtful suggestions on how to improve the LCAP. We will keep them in mind when drafting the 18-19 LCAP.**
3. I like, and have feedback on, the district's 16-17 LCAP Year-End Review Presentation that you shared with me. **SEE BELOW. Thank you for the excellent critiques on the Year-End Presentation. This was a project completed by an Ed Pioneer Fellow as part of his internship.**
4. Would you be willing to share the letter(s) of clarification WCCUSD received from the CCCOE? **We received clarification from the CCCOE by telephone.**

I know there is a lot here and I think there may be other questions I have not answered. Let me know what still needs clarification. Thanks and hope you are also enjoying new baby (maybe not so new)!

Matthew Duffy

Superintendent, West Contra Costa Unified

Matthew Duffy

Superintendent, WCCUSD

On Thu, Nov 16, 2017 at 10:36 AM, Rigel Massaro <rmassaro@publicadvocates.org> wrote:

Hi, Matt,

I'm sure I owe you a congratulations by now! Yay for baby girls.

I'm writing to see if WCCUSD plans to report on its local indicators to the governing board and into the CA School Dashboard by Dec. 1st. I didn't see this item on last night's agenda, the data isn't yet in the Dashboard, and I don't see another meeting scheduled before 12/1. See attached for a few CDE letters regarding implementation of the local indicators. See also: <https://www.cde.ca.gov/ta/ac/cm/localindicators.asp>

I'm going to forward you an email we sent to partners yesterday, including partners in Richmond. I'm happy to check in by phone if you'd like: [707-761-5672](tel:707-761-5672).

My best,

Rigel



Rigel S. Massaro

SENIOR STAFF ATTORNEY

She/Her

1225 Eighth St. | Suite 210 | Sacramento, CA 95814
Cell: (707) 761-5672 rmassaro@publicadvocates.org
www.publicadvocates.org



ATTACHMENT 4

(FEBRUARY 2018 EMAIL FROM PUBLIC ADVOCATES TO WCCUSD)

From: Rigel Spencer Massaro
Sent: Monday, February 05, 2018 1:55: PM
To: Matthew Duffy <matthew.duffy@wccusd.net>; Nicole Joyner <njoyner@wccusd.net>; Alicia Bowman <alicia.bowman@wccusd.net>
Cc: Hans Moore <hmoore@publicadvocates.org>; Nia Rashidchi <NRashidchi@wccusd.net>
Subject: Belated response...and more questions ;-)

Now it's my turn to apologize! I'm embarrassed it's taken me so long to reply to your letter and email. I'm sorry. I hope you and your family have managed to stay healthy this cold and flu season; it seems like we've basically been passing along the germs to one another in my household. I think I literally have two hours of sick time left!!! Anyway, the weather is lovely now and everyone is healthy. Hallelujah!

Again, this email contains a lot. I apologize in advance. I am happy to address these issues by phone, and/or with any member of your staff (Hi, Nicole, Nia and Alicia!). Here's what's on our minds:

1. **Thank you for your letter** explaining some of your largest S&C funding expenditures. Some of the explanation (e.g. re special education funding) is very helpful. On that specific item, we would love to see the significant investment to be further broken down in the LCAP to explain to the public the what you contain in the letter (funds are spent on RBT's, Nurses, and SDC's). Other explanations (e.g. for teacher professional development, recruitment and retention) is not as helpful—in that case we don't understand what type of PD/recruitment/retention was funded by S&C expenditures, and how this complements the district's overall approach to these important topics.
2. I'd like to make an explicit offer: **we would love to work with the district on this year's LCAP**, to help folks understand some of this detail you shared, so they can better know how the district is making change for all students as well as its high-need students. Please let me know if you're interested.
3. On a related topic: **would you be interested in a CCEE training?** Public Advocates is teaming up with Josh Daniels, the training director for the California Collaborative for Educational Excellence, to offer an in-person workshop to LEAs on the DIISUP section of the LCAP and continuous improvement. I wanted to invite you and whoever you work with on the LCAP to participate. It would be a chance to build shared understanding about what LCFF requires and also to workshop specific strategies in the district's LCAP. Would this be something that you and your LCAP team would be willing to do? We haven't yet set a date and hopefully we could find one in February/March that would work for you.
4. Another offer: **we would love to work with the district and the DLCAP and MDAC** executive committees and membership to ensure their members are prepared to take on the role contemplated under the Education Code (to actually review and comment on the document in a meaningful, informed way). We have training materials and experience working with the community. Again, let me know if we might be able to collaborate.

5. **2016-2017 Data:** in November you said the 16-17 data would be updated in the dashboards, but I still only see 15-16 data on that platform. Have there been data dives (apart from CAASPP scores) at the board meetings? If so, would you please forward along those presentations? It seems imperative for folks to have last year's data to actually evaluate the current programming and recommend any changes in the 18-19 LCAP.
6. Finally: **Congratulations on receiving a CalEd grant!** I hear it was an extremely competitive process. Would you be willing to share your proposal? Many in the district are interested in teacher issues and I'm sure would be thrilled to know the district is receiving these additional funds.

All my best,

Rigel

From: Matthew Duffy [<mailto:matthew.duffy@wccusd.net>]
Sent: Friday, November 17, 2017 4:00 PM
To: Rigel Massaro <rmassaro@publicadvocates.org>; Nicole Joyner <njoyner@wccusd.net>; Alicia Bowman <alicia.bowman@wccusd.net>
Cc: Hans Moore <hmoore@publicadvocates.org>; Nia Rashidchi <NRashidchi@wccusd.net>
Subject: Re: WCCUSD Local Indicators Reporting on Dashboard by 12/1?

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year in data presentations or data dives at Board of Education meetings. We will work to get what we can into the actual LCAP document.

2. As requested, I have some suggested DIISUP sections for your review. I also have feedback on WCCUSD's final DIISUP section. It does not appear that all of the districtwide expenditures are included in the table provided (e.g. teacher professional development on page 78 or typist clerk on page 113). **The section on increased or improved services only includes actions and services which are identified as increased or improved services.**

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I know there is a lot here and I think there may be other questions I have not answered. Let me know what still needs clarification. Thanks and hope you are also enjoying new baby (maybe not so new)!

Matthew Duffy

Superintendent, West Contra Costa Unified

Matthew Duffy

Superintendent, WCCUSD

510-231-1101

Matthew.Duffy@wccusd.net

On Thu, Nov 16, 2017 at 10:36 AM, Rigel Massaro <rmassaro@publicadvocates.org> wrote:

Hi, Matt,

I'm sure I owe you a congratulations by now! Yay for baby girls.

I'm writing to see if WCCUSD plans to report on its local indicators to the governing board and into the CA School Dashboard by Dec. 1st. I didn't see this item on last night's agenda, the data isn't yet in the Dashboard,

and I don't see another meeting scheduled before 12/1. See attached for a few CDE letters regarding implementation of the local indicators. See also: <https://www.cde.ca.gov/ta/ac/cm/localindicators.asp>

I'm going to forward you an email we sent to partners yesterday, including partners in Richmond. I'm happy to check in by phone if you'd like: [707-761-5672](tel:707-761-5672).

My best,

Rigel



Rigel S. Massaro

SENIOR STAFF ATTORNEY

She/Her

1225 Eighth St. | Suite 210 | Sacramento, CA 95814
Cell: [\(707\) 761-5672](tel:707-761-5672) rmassaro@publicadvocates.org
www.publicadvocates.org



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ATTACHMENT 5

(FEBRUARY 2018 LETTER FROM PUBLIC ADVOCATES AND WCCUSD
COMMUNITY ORGANIZATIONS TO THE DISTRICT)



Building Blocks for Kids
Richmond Collaborative



CHAMBERLIN FAMILY FOUNDATION



Irene J. Scully
FAMILY FOUNDATION

February 16, 2018 – updated 2/27/18 with additional signatories

Sent via e-mail

Superintendent Matthew Duffy
West Contra Costa County Office of Education
1108 Bissell Avenue
Richmond, CA 94801

Superintendent Duffy,

We are writing to request that WCCUSD disclose its 2016-2017 LCAP data, so that parents, students, community members, educators and the district itself can evaluate and improve its programming for all students, including high-need students, during the 2018-19 LCAP process. Data is critical for the evaluation of the district's actions, services and investments in support of continuous improvement. Describing outcomes is also a requirement of Education Code § 52060(d).

In October 2017, Public Advocates inquired regarding when the district would be releasing its 2016-17 data. In November, the district responded that "Data will be updated in our dashboards and shared throughout the year in data presentations or data dives at Board of Education meetings. We will work to get what we can into the actual LCAP document." Public Advocates wrote to the district again last week, and did not receive a response. As of the date of this letter, the district's data dashboards do not contain 2016-17 data and the LCAP has not been updated.

While a lot of district data is available on the California School Dashboard, EdData, the California Healthy Kids Survey and Dataquest, none of this data is presented alongside the district's 2015-16 results and 2016-17 goals, and the implementation of the actions, services and investments designed to meet these goals. That is the unique role of the LCAP: it is the centralized place to assess year-to-year progress towards the district's goals, and evaluate the investments of supplemental and concentration funds. Plus, there are key data points that are only available from the district's LCAP, including:

- Multiple college and career readiness measures (e.g. PSAT/SAT results, UC/CSU completion rates, CTE completion rates,* AP Exam pass rates* on p. 11 of the 2016-17 Annual Update);
- Measures of CCSS implementation (student survey responses on p. 23 of the Annual Update);
- Rates of teacher and principal retention (p. 23 of the Annual Update);
- Measures of parent engagement (e.g. Parent University graduates, home visits, number of survey responses on p. 28 of the Annual Update);
- Measures of school climate and student engagement (e.g. certain parent and student survey responses not included in the Dashboard and chronic absenteeism* on pp. 28 and 32 of the Annual Update).

* These measures are required by § 52060(d).

We commend the district for reporting above and beyond the outcome measures listed in Educ. Code § 50260(d). We additionally appreciate the presentation last year, “2017-2017 LCAP Year-End Review,” in which the district began the process of evaluating the programs funded with supplemental and concentration funds. At this time we request that the district:

1. **Publish the 2016-17 data for all LCAP outcomes by Friday, February 23rd**, which is one week before the DLCAPS work session on March 1st, so this evaluation process can continue.
2. **Present all outcomes not otherwise reported to the Board on February 28th.**
3. **Circulate its updated outcomes via email and on its website to the entire WCCUSD community**, including DLCAPS members, MDAC members, SSC and ELAC members, teachers, administrators, and support staff.

We are available if you have any concerns or questions regarding this request.

Thank you,

Rigel S. Massaro & Hans Moore
Senior Staff Attorneys
Public Advocates Inc.

Sheryl Lane
Executive Director
Building Blocks for Kids Collaborative

Julie Wright
Executive Director
Chamberlin Family Foundation

Natalie Walchuk
Executive Director
GO Public Schools West Contra Costa

Jason Singer
Executive Director
Education Matters

Joel Mackey
Executive Director
Ed Fund

Jessie Stewart
Executive Director
Richmond Promise

Kathleen Maloney
Executive Director
Irene S. Scully Family Foundation

Healthy Richmond Schools & Neighborhoods Action Team

CC: Members of the WCCUSD Board of Education

Hans Moore

From: Matthew Duffy <matthew.duffy@wccusd.net>
Sent: Tuesday, February 27, 2018 12:21 PM
To: Rigel Spencer Massaro
Cc: valerie.cuevas@wccusd.net; mister.phillips@wccusd.net; elizabeth.block@wccusd.net; mkronen@aol.com; Tom Panas; Hans Moore
Subject: Re: WCCUSD Community LCAP Data Req.

Hello Rigel,

We are in receipt of this letter and will work on fulfilling the request. Thank you.

Matthew Duffy

Superintendent, WCCUSD

510-231-1101

Matthew.Duffy@wccusd.net

On Tue, Feb 27, 2018 at 11:50 AM, Rigel Spencer Massaro <rmassaro@publicadvocates.org> wrote:

Superintendent Duffy and Members of the Board:

Please see attached. The letter we circulated Friday, February 16th and Tuesday, February 20th now has additional signatories.

We did not receive any reply from the district, and to our knowledge, the district has not shared the 2016-2017 LCAP data with the WCCUSD community in advance of the March 1st DLCAPS meeting. We did not see any update regarding 2016-2017 data to the Board on tomorrow's agenda.

We did learn the DLCAPS will be discussing data on Thursday, which is great news. We hope data is presented across a period of several years, and linked to district initiatives (LCAP actions and services), so DLCAPS members and the public can understand and assess the districts' efforts to improve outcomes. It seems unlikely the district will be able to cover all data during the DLCAPS meeting. If it is helpful in narrowing the scope of the conversations, we have heard a clear desire for the district to tackle student engagement outcomes, parent engagement outcomes, and school climate measures.

Again, we ask that the district publish and circulate all 2016-2017 LCAP data immediately to the entire WCCUSD community and discuss this critical information with the Board. Please call or email us with any questions or concerns.

Thank you.



Rigel S. Massaro
SENIOR STAFF ATTORNEY

She/Her

1225 Eighth St. | Suite 435 | Sacramento, CA 95814
Office: (916) 442-3375 Ext. 203 | Cell: (707) 761-5672 rmassaro@publicadvocates.org
www.publicadvocates.org



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From: Hans Moore

Sent: Tuesday, February 20, 2018 8:40 AM

To: 'Matthew Duffy' <matthew.duffy@wccusd.net>; 'Valerie.Cuevas@wccusd.net' <Valerie.Cuevas@wccusd.net>; 'mister.phillips@wccusd.net' <mister.phillips@wccusd.net>; 'elizabeth.block@wccusd.net' <elizabeth.block@wccusd.net>; 'mkronen@aol.com' <mkronen@aol.com>; 'tmpanas@yahoo.com' <tmpanas@yahoo.com>

Subject: WCCUSD Community LCAP Data Req.

Importance: High

Dear Superintendent Duffy and members of the Board:

Attached please find an updated copy of the letter emailed to you last Friday with an additional community organization signee.

We look forward to working with you and the community to create a strong '17-'18 LCAP.

Have a wonderful week.

Best,

Hans I. Moore

Senior Staff Attorney

131 Steuart Street | Suite 300 | San Francisco, CA 94105
415 431 7430 extension 311 hmoore@publicadvocates.org
www.publicadvocates.org



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ATTACHMENT 6

(WCCUSD 2017-2018 LCAP)

