



February 9, 2022

Greg Nehen, Superintendent
Antelope Valley Union High School District
44811 North Sierra Highway
Lancaster, CA 93534

Sent via U.S. Mail and email (gnehen@avhsd.org)

RE: UCP complaint regarding Antelope Valley Union High School District's failure to comply with legal requirements governing the Local Control Accountability Plan

Dear Superintendent Nehen,

Neighborhood Legal Services of Los Angeles County ("NLSLA") and Equal Justice Society ("EJS") submit this complaint regarding the Antelope Valley Union High School District's ("AVUHSD" or "District") failure to comply with the legal requirements pertaining to its Local Control Accountability Plan ("LCAP"). This complaint is submitted on behalf of our clients, AVUHSD parent Diana Padilla and Cancel the Contract-Antelope Valley, a project of Reform LA Jails.

Currently, the District's LCAP fails to meet the basic legal requirements of the statutes and regulations governing the LCAP under the Local Control Funding Formula ("LCFF"). As explained in more detail below, the District fails to explain large discrepancies in its budgeted versus estimated actual expenditures of supplemental and concentration grant ("S&C") funding for the 2019-2020 school year and fails to adequately justify several key allocations of S&C funding for the 2021-2022 school year. The District also fails to describe its annual goals for unduplicated pupils and numerically significant pupil subgroups including, but not limited to, low-income students, Black students, homeless students and/or foster youth as required by Section 52064 of the California Education Code. The District also fails to meet its obligation to proportionately increase or improve services for high-needs students as required by 5 CCR § 15496.

I. AVUHSD's LCAP indicates significant shortfalls and overspending in budgeted v. estimated actual spending in several actions supported by S&C funding in 2019-2020.

The table below identifies several actions in which the District has indicated a significant shortfall with respect to budgeted items that are presumed to use S&C funding, as they are directed towards serving one or all of the three high needs student groups identified and targeted for S&C funds in LCFF legislation: foster youth, English learners, and low-income students.

AVUHSD LCAP ANNUAL UPDATE		
ACTION	BUDGETED V. ESTIMATED ACTUAL	SHORTFALL
Goal 1, Action 2: Administer PSAT for all students grades 9, 10, and 11 and administer SAT to all 11 th grade students as an indication of college readiness.	S&C Funds Budgeted: \$478,786 S&C Estimated Actual: \$10,399	\$468,387
Goal 1, Action 3: Provide new Curriculum Coordinator to focus on writing across all subject areas.	S&C Funds Budgeted: \$140,079 S&C Estimated Actual: \$0	\$140,079
Goal 1, Action 4: Send requisite number of teachers to summer AP training to maintain appropriate levels of qualified staffing.	S&C Funds Budgeted: \$220,000 S&C Estimated Actual: \$15,753	\$204,247
Goal 1, Action 5: Expand tutoring and remediation options outside of the regular school day to enhance academic support for all students.	S&C Funds Budgeted: \$761,882 S&C Estimated Actual: \$188,181	\$573,701
Goal 1, Action 7: Reduce class sizes to a 25:1 ratio for intensive ELA and literacy support classes.	S&C Funds Budgeted: \$41,907 S&C Estimated Actual: \$0	\$41,907
Goal 1, Action 8: Reduce class sizes to a 25:1 ratio for intensive Algebra and support classes.	S&C Funds Budgeted: \$41,907 S&C Estimated Actual: \$17,672	\$24,235
Goal 1, Action 16: Three additional professional development days per teacher focused on best practices for low income, English learner, and foster youth student achievement.	S&C Funds Budgeted: \$1,873,685 S&C Estimated Actual: \$1,424,473	\$449,212
Goal 1, Action 17: Provide above and beyond alternative means for students to recapture credits after unsuccessful attempts above and beyond core services and what is offered.	S&C Funds Budgeted: \$3,369,985 S&C Estimated Actual: \$2,253,979	\$1,116,006
Goal 1, Action 20: Provide ancillary instructional materials, beyond the core, to increase and improve interactivity at the classroom level.	S&C Funds Budgeted: \$1,003,102 S&C Estimated Actual: \$553,876	\$449,226
Goal 2, Action 4: Utilize "DigiCOACH" classroom walk-through tool to gather evidence about Common Core implementation, 21 st Century teaching practices and best practices for targeted students for coaching purposes.	S&C Funds Budgeted: \$23,970 S&C Estimated Actual: \$0	\$23,970
Goal 2, Action 5: Utilize external professional development to build the capacity of teachers and school leadership to ensure the effective implementation of Common Core and NGSS.	S&C Funds Budgeted: \$405,293 S&C Estimated Actual: \$315,965	\$89,328
Goal 2, Action 6: Increase the number of students who pass an AP exam with a score of 3 or better. This will include increasing access for students to take the AP exam.	S&C Funds Budgeted: \$664,688 S&C Estimated Actual: \$553,048	\$111,640

Goal 2, Action 8: Increase number of academy and pathway options and offerings available.	S&C Funds Budgeted: \$53,245 S&C Estimated Actual: \$29,253	\$23,992
Goal 2, Action 11: Conduct site, regional, and district-wide STEM based expositions.	S&C Funds Budgeted: \$32,730 S&C Estimated Actual: \$11,382	\$21,348
Goal 2, Action 13: Provide a director who will focus on "Linked Learning" initiatives and creating concurrent enrollment above and beyond what already may exist.	S&C Funds Budgeted: \$180,931 S&C Estimated Actual: \$172,627	\$8,304
Goal 2, Action 16: Enhance staffing and infrastructure to improve data systems that provide students, teachers, parents and administrators with timely information to provide proactive resources.	S&C Funds Budgeted: \$272,393 S&C Estimated Actual: \$205,961	\$66,432
Goal 2, Action 17: Provide a teacher on assignment to work with staff on Next Generation Science Standards (NGSS) to assist unduplicated students in finding success in the sciences.	S&C Funds Budgeted: \$114,006 S&C Estimated Actual: \$0	\$114,006
Goal 3, Action 1: Increase staff and student awareness of our diverse student and community populations.	S&C Funds Budgeted: \$537,059 S&C Estimated Actual: \$295,576	\$240,483
Goal 3, Action 6: Provide incentives to recruit and retain hard to staff programs directed at targeted student groups.	S&C Funds Budgeted: \$102,028 S&C Estimated Actual: \$4,348	\$97,680
Goal 3, Action 10: Increase average daily attendance through increased contact with parents.	S&C Funds Budgeted: \$135,000 S&C Estimated Actual: \$130,900	\$4,100
Goal 3, Action 11: Support MTSS framework with At-Risk Coordinators.	S&C Funds Budgeted: \$895,370 S&C Estimated Actual: \$612,631	\$282,739
Goal 3, Action 13: Reduce suspension rates through implementation and support of Positive Behavior Intervention and Support (PBIS) strategies. Reduce suspension rates through implementation of PBIS strategies.	S&C Funds Budgeted: \$354,188 S&C Estimated Actual: \$323,944	\$30,244
Goal 3, Action 14: Expand professional development opportunities for classified staff.	S&C Funds Budgeted: \$101,616 S&C Estimated Actual: \$743	\$100,873
Goal 3, Action 15: Additional staff to ensure a positive learning environment.	S&C Funds Budgeted: \$1,210,130 S&C Estimated Actual: \$1,176,541	\$33,589
Goal 3, Action 20: The district and sites will be given an allocation to account for expenses/actions that arise from the following themes and which are principally directed to unduplicated students: - College trips -Tutoring/Remediation -Professional Development and Training -EL Services -STEM Expos -Parent Engagement Activities -Additional staffing to meet the needs of targeted students -	S&C Funds Budgeted: \$2,114,207 S&C Estimated Actual: \$782,347	\$1,331,860

Curriculum and Assessment directed at improving achievement of targeted students.		
Goal 3, Action 21: Transportation will be provided to students, above and beyond what is required, who need assistance getting to school or to school events.	S&C Funds Budgeted: \$2,200,000 S&C Estimated Actual: \$2,179,757	\$20,243
Goal 3, Action 23: Add a contract with the Los Angeles County Sheriff Department to increase safety in order to enhance and improve school learning environments.	S&C Funds Budgeted: \$1,700,000 S&C Estimated Actual: \$1,422,143	\$277,857
Goal 3, Action 24: Add Coordinator of Student Services to improve PBIS implementation at the school sites.	S&C Funds Budgeted: \$157,583 S&C Estimated Actual: \$0	\$157,583
Goal 4, Action 1: Use data/analytics platform "Qualtrix" to better communicate important information to students, parents, teachers, and administration.	S&C Funds Budgeted: \$135,000 S&C Estimated Actual: \$120,531	\$14,469
Goal 4, Action 3: Conduct college information, goal setting and financial aid workshops for non-English speaking parents of English Learner students.	S&C Funds Budgeted: \$102,045 S&C Estimated Actual: \$68,712	\$33,333
Goal 4, Action 5: Increase contact and interaction with students' parents/guardians of targeted groups through technology, face-to-face meetings and workshops intended to foster parent involvement.	S&C Funds Budgeted: \$291,791 S&C Estimated Actual: \$209,118	\$82,673
Goal 4, Action 6: Employ a Director of Communications to better engage the families and community partners of the District and individual schools.	S&C Funds Budgeted: \$196,249 S&C Estimated Actual: \$0	\$196,249
Goal 4, Action 8: Utilize various agencies to better communicate and market programs and services that are directed at unduplicated students.	S&C Funds Budgeted: \$174,451 S&C Estimated Actual: \$30,953	\$143,498

In total, there is a shortfall of \$6,974,913. There is no explanation for this multi-million-dollar shortfall or any statement indicating how these S&C funds were ultimately allocated or will be allocated for foster youth, English learners, and/or low-income students. It is not possible to tell from AVUHSD's descriptions where the money allocated to these students has been re-directed or used on their behalf. There is no accounting whether or how the S&C funds were in fact used to increase or improve services for unduplicated pupils, and no indication of whether the funds were or will be re-allocated for their legislatively mandated purpose. It is also alarming that the district spent less than 65% of the total funds budgeted for improving school culture in 2019-2020.

The following table identifies several actions for which the District spent significant S&C funds in excess of what was budgeted for the 2019-2020 school year.

AVUHSD LCAP ANNUAL UPDATE		
ACTION	BUDGETED V. ESTIMATED ACTUAL	OVERSPENDING
Goal 1, Action 1: Provide students the opportunity to visit colleges and universities.	S&C Funds Budgeted: \$26,387 S&C Estimated Actual: \$28,726	\$2,339
Goal 1, Action 9: Add additional staff to administer and monitor ELPAC outcomes.	S&C Funds Budgeted: \$186,404 S&C Estimated Actual: \$240,890	\$54,486
Goal 1, Action 15: Designated English Learner staff to monitor academic progress of all Reclassified Fluent English Proficient (RFEP) students for 4 years after reclassifications including the addition of regional staff to ensure equitable practices.	S&C Funds Budgeted: \$1,283,610 S&C Estimated Actual: \$1,346,841	\$63,231
Goal 1, Action 18: Provide "Naviance" software to students to improve College and Career readiness.	S&C Funds Budgeted: \$98,000 S&C Estimated Actual: \$107,424	\$9,424
Goal 2, Action 2: Augment guidance services to ensure that students have multiple opportunities for academic, collegiate, professional and personal growth. This includes the addition of four full-time social workers.	S&C Funds Budgeted: \$7,627,903 S&C Estimated Actual: \$7,942,269	\$314,366
Goal 2, Action 3: Increase professional development opportunities using both internal and external expertise to further the development of Common Core State Standard curriculum.	S&C Funds Budgeted: \$1,312,948 S&C Estimated Actual: \$2,086,069	\$773,121
Goal 2, Action 7: Professional development for staff to engage in facilitated interdepartmental and cross-curricular lesson design to improve student achievement on Next Generation Assessments.	S&C Funds Budgeted: \$326,903 S&C Estimated Actual: \$354,321	\$27,418
Goal 2, Action 9: The revised 9 th grade AVID Health Survey/Healthful Living curriculum will be implemented.	S&C Funds Budgeted: \$924,693 S&C Estimated Actual: \$949,828	\$25,135
Goal 2, Action 10: Expand technology infrastructure (including enhanced staffing), wireless capacity, and online access and lower student to device ratio.	S&C Funds Budgeted: \$3,482,239 S&C Estimated Actual: \$3,757,803	\$275,564
Goal 2, Action 14: Provide students with opportunities to take enrichment courses above and beyond their 6 period day through a virtual platform.	S&C Funds Budgeted: \$964,438 S&C Estimated Actual: \$1,087,703	\$123,265
Goal 2, Action 15: Expand infrastructure to implement and monitor 21 st century learning environments and enhancements.	S&C Funds Budgeted: \$480,249 S&C Estimated Actual: \$1,928,707	\$1,448,458
Goal 3, Action 5: Enroll in "LinkedIn" account to recruit and retain teachers for programs targeted at our unduplicated students that are difficult to staff.	S&C Funds Budgeted: \$20,000 S&C Estimated Actual: \$27,850	\$7,850
Goal 3, Action 9: Hire a Director of Attendance /Chronic Absenteeism Intervention.	S&C Funds Budgeted: \$203,592 S&C Estimated Actual: \$204,962	\$1,370

Goal 3, Action 16: Provide release periods at Comprehensive Sites for administrative interns to provide for a safer and more secure environment.	S&C Funds Budgeted: \$364,512 S&C Estimated Actual: \$448,299	\$83,787
Goal 3, Action 17: Add administrative support to each comprehensive site to monitor additional actions contained within Goal #3 (Certificated and Classified Staff).	S&C Funds Budgeted: \$2,021,227 S&C Estimated Actual: \$2,105,859	\$84,632
Goal 3, Action 18: Utilize Community Attendance Workers to improve attendance rates and lower chronic absenteeism.	S&C Funds Budgeted: \$847,176 S&C Estimated Actual: \$880,411	\$33,235
Goal 3, Action 22: Hire a Director of School Personnel to ensure safe and supportive learning environments.	S&C Funds Budgeted: \$189,295 S&C Estimated Actual: \$193,467	\$4,172
Goal 4, Action 2: Use "Parent Link" system for messaging families (phone, text, and email), creating a digital app and coordinating Social Media. This should provide more information to families in multiple formats.	S&C Funds Budgeted: \$32,450 S&C Estimated Actual: \$65,110	\$32,660

Overall, as indicated in the table above, AVUHSD's estimated actual expenditures of S&C funds are in excess of \$3,264,513 of what was budgeted for in 2019-2020. Again, no explanation is provided for these significant over-expenditures of S&C funds, which must be used to increase or improve services for unduplicated pupils.

These excessive expenditures are particularly troubling because they are mainly for basic services that could be paid for by other funds. In particular, expanding infrastructure, staff recruitment, and improving attendance are expenses that are attendant to baseline educational services. AVUHSD has failed to articulate how these additional S&C funds are being used to increase or improve services on behalf of low-income students, English learners, and/or foster youth, and has similarly failed to demonstrate how, if at all, the funding is principally directed towards, and effective in meeting goals for these students.

After accounting for all budget shortfalls and overages in AVUHSD's LCAP Actions, there is a total shortfall of \$3,610,400 from the \$40,644,167 of S&C funds that were budgeted in 2019-2020. This sizeable carry-over is not accounted for in the 2021-2022 LCAP outside of a vague and legislatively insufficient mention in Goal 2, Action 12, which states:

"Mini-grants will be made available to school sites to support innovative initiatives that are likely to enhance experiences and opportunities principally directed towards unduplicated student groups. Dollars devoted to these grants may include Targeted **carry-over** from prior years to ensure services go to appropriate student groups. Grants will be awarded based on justification, need, available resource and innovation."

There are no funds attached to this Goal/Action, and no further explanation documenting how these "mini-grants" will target appropriate student groups or how much carry over will be used in furtherance of this goal, in violation of 5 CCR § 15496.

2. AVUHSD fails to articulate any goals for unduplicated pupils and numerically significant pupil subgroups as required by Educ. Code § 52064.

Education Code § 52064(b)(1) requires a district's LCAP to include:

A description of the annual goals, **for all pupils and each subgroup of pupils identified pursuant to Section 52052**, to be achieved **for each of the state priorities** identified in subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6, subdivision (d) of Section 52060, or subdivision (d) of Section 52066, as applicable, and for any additional local priorities identified by the governing board of the school district, the county board of education, or in the charter school petition. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in subdivision (a) of Section 52052.

Numerically significant subgroups, as defined by Section 52052(a)(2) of the Education Code, include: (A) Ethnic subgroups; (B) socioeconomically disadvantaged pupils; (C) English learners; (D) Pupils with disabilities; (E) Foster youth; (F) Homeless youth. A numerically significant subgroup, according to Section 52052(a)(3) of the Education Code, is one that consists of at least 30 pupils, or 15 pupils for foster youth or homeless youth.

There are no annual goal statements in the 2019-2020 or 2021-2022 AVUHSD LCAP for any of the pupil groups identified in Section 52052 of the Education Code. There are zero goals for ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, or homeless youth despite the fact that all of these groups constitute numerically significant pupil subgroups for the Antelope Valley Union School District. For example, during the 2019-2020 school year, AVUHSD had 3,750 Black students, making up over 16% of its total student population, and 14,438 Latinx students, representing 64% of all students. Additionally, 61 students identified as American Indian or Alaska Native, 615 identified as Asian, Filipino, or Pacific Islander, and 1,043 identified as having two or more races. Over 16,700 students in AVUHSD are socio-economically disadvantaged, 2,033 are English learners, 2,879 are students with disabilities, 425 are foster youth, and 184 are experiencing homelessness.

AVUHSD's LCAP fails to identify goals that would measure any improvement expected to result from allocations of LCAP funds. Without specific annual goals to address the unique academic needs of these numerically significant pupil subgroups, the District cannot meaningfully track or improve outcomes for these students. Of particular concern is the lack of goals for Black students, students with disabilities, homeless students, and foster youth as the indicators for these student groups were at the lowest ranking levels in every reported indicator.

3. AVUHSD continually fails to describe how allocations of S&C funds are principally directed towards and effective in meeting the goals for unduplicated pupils in violation of 5 CCR § 15496.

While districts have flexibility in how they allocate S&C funds, the money must be allocated to “increase or improve services for unduplicated pupils as compared to the services provided to all pupils.” 5 CCR § 15946. “[T]o increase or improve services” means “to grow services in quality [or] quantity,” and districts must demonstrate this growth in their LCAP in addition to demonstrating how the funds “are principally directed towards, and are effective in, meeting the district’s goals for its unduplicated pupils.” 5 CCR § 15946(b)(1)(B). AVUHSD fails to adequately identify an increase or improvement in the overwhelming majority of actions which use districtwide S&C funds.

In its 2021-2022 LCAP, AVUHSD has budgeted \$42,570,718 in S&C funds, however there are several key Actions for which the District fails to include language describing how LEA-wide uses of this funding will be principally directed towards, or effective in meeting, the District’s goals for unduplicated pupils in 24 key Actions, as required by 5 CCR § 15946(b)(1)(B).

According to its 2019-2020 LCAP, AVUHSD budgeted LEA-wide S&C expenditures for the following actions:

- Goal 1, Action 7 (1.7a) – Reduce class sizes - \$41,907
- Goal 1, Action 8 (1.7b) – Reduce class sizes - \$41,907
- Goal 1, Action 9 (1.8) – Additional staff for ELPAC outcome monitoring - \$186,404
- Goal 1, Action 17 (1.14) – Credit recovery - \$3,369,985
- Goal 1, Action 18 (1.15) – Software for “College and Career readiness” - \$98,000
- Goal 1, Action 19 (1.16) – Hiring for Computer Science Coordinator - \$153,435
- Goal 1, Action 20 (1.17) – Instructional materials - \$1,003,102
- Goal 2, Action 17 (2.17) – NGSS Teacher on Assignment - \$114,006
- Goal 3, Action 1 (3.1) – Increase staff and student awareness of diversity - \$536,059
- Goal 3, Action 5 (3.4b) – Enroll in “LinkedIn” - \$20,000
- Goal 3, Action 6 (3.4c) – Recruit and retain staff - \$102,028
- Goal 3, Action 15 (3.13) – Staff to ensure positive learning environment - \$1,210,130
- Goal 3, Action 16 (3.14) – Release periods for safer environment - \$364,512
- Goal 3, Action 17 (3.15) – Additional administrative support - \$2,021,227
- Goal 3, Action 18 (3.16) – Community Attendance Worker - \$847,176
- Goal 3, Action 20 (3.18) – Expenses and actions for unduplicated students - \$2,114,207
- Goal 3, Action 21 (3.19) – Transportation - \$2,200,000
- Goal 3, Action 22 (3.20) – Hire Director of School Personnel - \$189,295
- Goal 3, Action 23 (3.21) – Contract with Sheriff - \$1,700,000
- Goal 3, Action 24 (3.22) – PBIS Coordinator - \$157,583

- Goal 4, Action 1 (4.1) – Parent communication software - \$135,000
- Goal 4, Action 4 (4.4) – Contract with Spanish radio station - \$14,400
- Goal 4, Action 5 (4.5) – Technology for parent involvement - \$291,791
- Goal 4, Action 8 (4.8) – Marketing programs and services - \$174,451

None of these Actions are included in the LCAP section listing the required descriptions for Goals and Actions; therefore, AVUHSD's LCAP does not contain statements as to these Actions identifying the needs, conditions, or circumstances of unduplicated pupils or how services being provided by the Action will take these factors into consideration, in violation of 5 CCR § 15496.

Additionally, in order to justify services “provided on a ‘wide’ basis, the District must distinguish between services directed toward unduplicated pupils based on the status and services available to all pupils.”¹ School districts may not fund services with S&C funds that are, in fact, designed for and provided to all students regardless of circumstance or need. Because AVUHSD's LCAP neglected to include any required descriptions for the above Actions, AVUHSD has failed to justify its planned expenditures of S&C funds for 2021-2022 LCAP in a manner that is consistent with the requirements of 5 CCR § 15946.

4. AVUHSD's Expenditure of S&C Funds on Sheriff Contract

One particularly problematic and improper expenditure of S&C funds in AVUHSD's LCAP is allocating \$1,700,000 to a contract with the Los Angeles County Sheriff's Department, found in Goal 3, Action 23. AVUHSD designates contract with the Sheriff's Department as contributing to the increased and improved services requirement for high needs students, but it makes no effort to describe how this action is either principally directed or effective at meeting the needs of these students. This disbursement harms high needs students rather than increasing or improving services for them and is not tailored to the particular needs, conditions, or circumstances of high-need students.² As research and data consistently show, the presence of law enforcement is not effective in improving school climate or students' sense of safety.³ In fact, evidence shows that the presence of

¹ See California Department of Education (“CDE”) decision dated May 5, 2017 regarding a UCP complaint filed against the Fresno Unified School District based on violations of LCAP requirements. In its review of Fresno Unified's LCAP, CDE found that the District'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...” and “all districtwide and schoolwide actions and services have been developed based on the needs of all students as well” was inadequate without more:

“(A)n 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... When properly explained in the LCAP, it will be apparent how the LEA is acting to increase or improve services for unduplicated pupils, and why it has determined the services identified will be effective to achieve its goals for unduplicated pupils.”

² See Emily Elena Dugdale, In the Antelope Valley, Sheriff's Deputies Settle Schoolyard Disputes. Black Teens Bear the Brunt, LAIST (Sept. 29, 2021), https://laist.com/news/criminal-justice/antelope-valley-schools-sheriffs-deputies-discipline-black-teens-bear-the-brunt?utm_campaign=20212909+School+Police+Racism&utm_medium=email&utm_source=sfmc_&utm_content=&utm_term=188728864.

³ See, e.g., ALEXIS STERN & ANTHONY PETROSINO, WHAT DO WE KNOW ABOUT THE EFFECT OF SCHOOL-BASED LAW ENFORCEMENT ON SCHOOL SAFETY? 2 (WestEd, 2018), <https://www.wested.org/wpcontent/uploads/2018/04/JPRC-Police->

law enforcement on school campuses disproportionately harms the high-needs students of color who are supposed to benefit from S&C funds under LCFF.⁴ Law enforcement expenditures are antithetical to the purpose of LCFF and should not be counted towards the increased and improved services requirement, especially when they come at the cost of positive students supports proven to close opportunity gaps for high needs students, including mental health support, counseling, and restorative justice and/or positive behavior intervention and support.⁵

AVUHSD's contract with the Los Angeles County Sheriff's Department assigns deputies as School Resource Officers at every single campus in the District. Contacts with law enforcement are highly racially disparate, with Black students accounting for more than 60% of deputy interactions and more than 50% of arrests despite making up less than 20% of enrollment.⁶ Because Black students are heavily overrepresented in foster youth and low income student populations—making up 31.9% of foster youth and 18% of low income students—consequences of racially-disproportionate numbers of police encounters impact the high-needs groups targeted by LCFF legislation.

5. AVUHSD's LCAP lacks transparency regarding the use of S&C funding.

Meaningful engagement of parents, students, and other stakeholders, including those representing and/or serving unduplicated pupils, is critical to the development of LCAP and the budget process. The current LCAP makes it impossible for anyone to determine how AVUHSD is using its S&C grant funds including what services and supports the S&C funding is expected to provide for unduplicated pupils on several key Actions (see above). The current LCAP does not provide sufficient information for stakeholders regarding how S&C funds are going to be used to increase and improve services for unduplicated pupils or how the funds are principally directed towards, and effective at, meeting the needs of unduplicated students this school year.

Stakeholders cannot meaningfully participate in developing, reviewing, and supporting implementation of the LCAP without information relevant to the services being provided to students. If it is not possible to tell how money is or is not being used, the most basic principle of being involved in its funding decisions is missing. Parents and other stakeholders cannot provide feedback about the Plan for students in their schools and District if significant information is obscured. The risk of AVUHSD using funding in a way that does not create effective outcomes for students and does not increase or improve services for unduplicated pupils is too great to not inform stakeholders properly.

Schools-Brief.pdf ("There is no conclusive evidence that the presence of school-based law enforcement has a positive effect on students' perceptions of safety in schools."); Emily K. Weisburst, *Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-Term Education Outcomes*, U. OF TEXAS AUSTIN EDUC. RES. CTR. 3 (2018), <https://texaserc.utexas.edu/wp-content/uploads/2018/11/21-UTA034-BriefBPCAB-11.1.18.pdf> ("Police presence may create an adversarial school culture and alter the experience of attending school.")

⁴ See Nicole Gon Ochi, et al., *OUR RIGHT TO RESOURCES: SCHOOL DISTRICTS ARE CHEATING STUDENTS TO FUND LAW ENFORCEMENT* 26-27 (2020).

⁵ See Richard T. Lapan et al., *Connecticut Professional School Counselors: College and Career Counseling Services and Smaller Ratios Benefit Students*, 16(2) *PROF. SCH. COUNSELING* 117–24 (2012); see also Susan C. Whiston et al., *School Counseling Outcome: A Meta-Analytic Examination of Interventions*, 89 *J. OF COUNSELING & DEV.* 37–55 (2010) (establishing a strong connection between comprehensive counseling programs and the reduction of suspension rates and student discipline in secondary schools).

⁶ *Supra* note 2.

Remedy Requested

1. Investigate the discrepancies in budgeted versus actual spending of S&C funds for 2019-2020 and 2021-2022 and provide a report identifying:
 - a. For shortfalls, how S&C funds budgeted but not used were or will be re-allocated;
 - b. For overspending, why the additional spending of S&C funds was necessary and how those funds were used to increase or improve services as well as principally directed towards and effective in meeting the needs of unduplicated pupils.

2. Before adopting its 2022-2023 LCAP, the District must:
 - a. Review and revise the descriptions and justification for AVUHSD's 2019-2020 LCAP LEA-wide Actions, including:
 - i. Goal 1, Actions 7, 8, 9, 17, 18, 19, and 20
 - ii. Goal 2, Action 17
 - iii. Goal 3, Actions 1, 5, 6, 15, 16, 17, 18, 20, 21, 22, 23, and 24
 - iv. Goal 4, Actions 1, 4, 5, and 8;
 - b. Provide the required descriptions and justifications consistent with 5 CCR § 15496, and as further described by the California Department of Education;⁷
 - c. Specify annual goals for unduplicated pupils and numerically significant pupil subgroups as required by Educ. Code § 52064.

3. Present any revisions to AVUHSD's parent advisory committee, the English learner parent advisory committee, and members of the public in accordance with Educ. Code § 52062.
 - a. Consult with NLSLA and EJS regarding additional necessary outreach and effective stakeholder engagement for this year's LCAP cycle.

4. In the event there are such expenditures which cannot be described and justified as set forth in #3:
 - a. AVUHSD shall not include those expenditures, including law enforcement expenditures, in its estimate of prior year expenditures for unduplicated pupils that were in addition to what was expended for all pupils when it calculates the minimum proportion by which it must increase or improve services for unduplicated pupils in the 2022-2023 LCAP year. 5 CCR § 15946.
 - b. In addition, the District must exclude any such services included in its 2021-2022 LCAP from services that contribute to meeting the requirement to increase or

⁷ *Supra* note 1.

improve services for unduplicated pupils over services provided to all pupils in the LCAP year.

We are interested in working directly with you to resolve this complaint. Please contact Chelsea Helena at ChelseaHelena@nlsia.org or Alexandra Santa Ana at ASantaAna@equaljusticesociety.org with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to be "Chelsea Helena", with a long, wavy tail extending to the right.

NEIGHBORHOOD LEGAL SERVICES OF LOS ANGELES COUNTY
Chelsea Helena
Sahar Durali
Attorneys for Diana Padilla

A handwritten signature in black ink, reading "Alexandra Santa Ana", written in a cursive style.

EQUAL JUSTICE SOCIETY
Alexandra Santa Ana
Mona Tawatao
Attorneys for Cancel the Contract