



May 26, 2016

California School Finance Authority  
915 Capitol Mall, Suite 101  
Sacramento, CA 95814

**Re: *New West Charter School  
Appeal of CSFA's Eligibility Determination to CSFA Board  
California School Facilities Grant Program***

Dear Members of the Board:

New West Charter School ("New West") requests that the California School Finance Authority ("CSFA") reverse the CSFA staff's final decision regarding New West's alleged ineligibility for SB740 funding for the 2014-15 year, as well as CSFA's demand that New West repay all SB740 monies received by New West for 2014-15, on the grounds that the information on which the CSFA staff based its decision was inaccurate and did not reflect the actual percentage of students who were eligible for Free or Reduced Price Meals ("FRPM") at Brockton Elementary School in the 2014-2015 school year.

**Procedural History**

On October 22, 2015, CSFA sent a letter to Dr. Sharon Weir, Executive Director of New West, stating, "Based on review of the 2014-15 FRPM data provided by the California Department of Education, the Authority found that New West Charter had an FRPM of 21.33% and New West Charter's local elementary school, Brockton (CDS # 19647336016133) had an FRPM of 67.76%. Therefore, New West Charter does not meet either of the FRPM eligibility thresholds set forth in Education Code, Section 47614.5(c)(2)(A) or (B)."

On November 20, 2015, pursuant to Title 4, California Code of Regulations Section 10170.10(b), New West requested that the CSFA staff reconsider its decision regarding New West's alleged ineligibility for SB740 funding dollars for the 2014-15 year, as well as CSFA's demand that New West repay all SB740 monies received by New West for 2014-15.

On January 18, 2016, CSFA staff issued a final decision reaffirming its determination that New West was ineligible to receive SB740 funding dollars for the 2014-15 and its demand that New West repay all SB740 monies received by New West for 2014-15.



On February 1, 2016, pursuant to Title 4, California Code of Regulations Section 10170.10(d), New West appealed the final decision of CSFA staff regarding New West's alleged ineligibility for SB740 funding dollars for the 2014-15 year, as well as CSFA's demand that New West repay all SB740 monies received by New West for 2014-15.

## **Factual Background**

- a. **Brockton has not had less than 70% of its students eligible for FRPM in the ten years prior to the 2014-2015 school year and Brockton's School Budget Summary indicates that Brockton's student poverty percentage for the 2014-15 school year was well over the 70% threshold for SB 740 eligibility.**

The Student Poverty-Free or Reduced Price Meals data for Brockton from the 2004-2005 through 2015-2016 school years and a graph depicting Brockton's FRPM percentages from the 2004-2005 through 2014-2015 school years based on the Student Poverty-Free or Reduced Price Meals data files is attached hereto as **Exhibit A**. As you can see, Exhibit A indicates that Brockton has not had less than 70% of its students eligible for FRPM in the ten years prior to the 2014-2015 school year and approximately 81% of its students were eligible for FRPM in 2012-13 and 2013-14. The School Budget Summary dated February 19, 2015 attached hereto as **Exhibit B** indicates that Brockton had a 2014-2015 enrollment of 225, and a poverty rate of 79.59%, and confirms that 195 of its 225 students were low-income (a percentage of 86.6%).

- b. **LAUSD's implementation of the My Integrated Student Information System ("MiSiS") in August 2014 caused continuing, well-documented, and significant data inaccuracies that persisted through the CALPADS certification deadline.**

Attached hereto as **Exhibit C** are numerous documents demonstrating that much of the data submitted by LAUSD to CALPADS was corrupted and inaccurate. Included in Exhibit C is a copy of LAUSD's March 18, 2015 MiSiS Release Notes which list the numerous reported record maintenance and data corruption issues within MiSiS at that time. The attached MiSiS Release Notes, along with the other MiSiS Release Notes from August 2014 through November 2015 (which list countless record maintenance and data corruption issues including issues with students' meal codes and homeless data) are available at <http://lausd.schoolwires.net/Page/6877>. As you can see on the attached March 18, 2015 MiSiS Release Notes, under the "State Reporting" heading, on March 18, 2015 LAUSD reported, "Data fixes for approximately 20 elementary and secondary schools have been deployed. These schools' statistical reports are now available for school months 1 thru 7."



Also included in Exhibit C is an LAUSD Weekly Update dated January 16, 2015 wherein Superintendent Ramon Cortines admits that “the District needs to reduce the substantial backlog of attendance data from the Fall Semester, and our staff members need to continue correcting data inaccuracies.” Superintendent Cortines also states, “We continue to help schools address the backlog of attendance records; this is imperative, as it will enable us to claim critical revenue” and “We are preparing to submit accurate data to CALPADS in February.” We also included LAUSD’s MiSiS Weekly Update from March 6, 2015 (the certification deadline for CALPADS) which states that “There are approximately 660 schools (roughly 75%) that have zero to minimal attendance backlog and are taking attendance correctly for every student in every class period.” Thus, it is likely that FRPM data inaccuracies existed at the time LAUSD reported the 2014-15 FRPM data to the CDE and that these inaccuracies were not resolved in time for the last date when CALPADS data could be corrected (in March of 2015).

In addition, attached are news articles containing statements from Diane Pappas, LAUSD’s CEO of Strategic Planning and Digital Innovation, Megan Reilly, LAUSD’s Chief Financial Officer, and Arnold Viramontes, an outside technology expert hired by former superintendent John Deasy to evaluate the MiSiS issues. On November 6, 2014, Thomas Himes of the Los Angeles Daily News, briefing a report issued by Arnold Viramontes, noted that the “integrity of data and student records continues to pose a problem for the educators of LAUSD,” as Mr. Viramontes’s “report found ‘there was no evidence suggesting a detailed plan for data integrity.’” On January 14, 2015, CBS Los Angeles reported, “In a report to the school board Tuesday, the district CFO said that partly because of the record keeping problems, enrollment numbers will drop. . . . by as much as 16 percent.” On May 29, 2015, Thomas Himes of the Los Angeles Daily News also reported that Diane Pappas said that makeshift repairs need to be unraveled before MiSiS works properly. Mr. Himes also quoted Ms. Pappas as stating, “There’s been a lot of short cuts and fixes to the system that weren’t done in the most appropriate way, so now we have to do an awful lot of clean up.”

- c. The implementation of MiSiS in August 2014 significantly corrupted LAUSD’s enrollment and FRPM data in September 2014, causing the reported enrollment and the reported number of FRPM eligible students to drastically decrease at both Gledhill and Brockton.**

Attached hereto as **Exhibit D** are the redacted LAUSD Meal Compliance Unit’s Master Student Lists for Brockton for the 2013-14, 2014-15 and 2015-16 school years. Attached hereto as **Exhibit E** are the redacted LAUSD Meal Compliance Unit’s Master Student Lists for Brockton and Gledhill Elementary School (“Gledhill”), another LAUSD elementary school, for the 2013-14, 2014-15 and 2015-16 school years. Attached hereto as **Exhibit F** are tables and graphs depicting the percentage of students eligible for FRPM at Brockton and Gledhill during each month in the 2013-14, 2014-15 and 2015-16 (to



December 2015) school years as indicated in the Master Student Lists (**Exhibits D and E**).

As you can see in **Exhibit F**, from the 2013-14 school year to the 2014-15 school year, the reported percentage of students eligible for FRPM at both Brockton and Gledhill plummeted. Most shocking are the approximately 21% drop and 19% drop in reported percentage of students eligible for FRPM at Brockton and Gledhill, respectively, just from June 2014 to September 2014, when LAUSD implemented MiSiS. Almost as shocking are the 17% and the 6% increase in the reported percentage of students eligible for FRPM as of October 31, 2014 at Brockton and Gledhill, respectively. Specifically, between August 2014 and September 2014, Brockton reportedly lost 23 FRPM-eligible students and then just as quickly gained 24 FRPM-eligible students by the end of October 2014 even though the total active enrollment at Brockton dropped by 10 students from September 2014 to October 2014. Not surprising, in the 2015-16 school year, once the majority of MiSiS's problems were resolved, the reported percentage of students eligible for FRPM at both Gledhill and Brockton began to rise to historically normal levels, though the system continues to deal with problems.

In addition, based on the Master Student Lists for May 2014 and August 2014 (**Exhibit D**), the total active enrollment at Brockton dropped from 298 students as of May 30, 2014 to 257 students as of August 29, 2014 (i.e. a drop of 41 students in just three months). The Master Student List for May 2014 indicates that there were 64 pre-k/kindergarten students eligible for FRPM at Brockton as of May 30, 2014. However, when MiSiS was implemented at the beginning of the following school year in August 2014, the number of first grade students eligible for FRPM drastically dropped to 25. In sum, between May 30, 2014 and August 29, 2014, Brockton's total active enrollment dropped by 41 students and the pre-k/kindergarten cohort from 2013-2014 lost 39 FRPM-eligible students when they entered first grade in August 2014.

Predictably, as the MiSiS issues continue to linger, even though the total number of FRPM-eligible students at Brockton increased by 24 students from September 30, 2014 to October 31, 2014, the pre-k/kindergarten cohort from 2013-14 never recovered as they matriculated into second grade in 2015-16. The current second grade cohort at Brockton in 2015-16 still reported only 22 FRPM-eligible students even though the kindergarten enrollment at Brockton has remained fairly steady since 2013-14 as evidenced by the CARs for Brockton (**Exhibit G**).

**d. The 2014-15 enrollment and FRPM data for Brockton that LAUSD provided to the CDE is inconsistent with LAUSD's records.**

The attached documents demonstrate that the implementation of MiSiS caused LAUSD to report 2014-15 enrollment and FRPM data for Brockton to the CDE that was inconsistent with its own recently produced records.



## 1. Enrollment

The CDE's Student Poverty-Free or Reduced Price Meals data for Brockton in the 2014-15 school year (**Exhibit A**) indicates that there were 222 students at Brockton as of October 2014. However, the School Budget Summary for Brockton for the 2014-15 school year (**Exhibit B**) indicates that Brockton had a 2014-2015 enrollment of 225. In addition, the 2014-15 CAR for Brockton (**Exhibit G**) indicates that total enrollment at Brockton as of September 16, 2014 was 227. Further, according to the Master Student Lists in **Exhibit D**, the active enrollment at Brockton as of September 30, 2014 was 258 students. If both of the enrollment totals listed in the September 16, 2014 CAR and the September 30, 2014 Master Student List were accurate, that would mean that Brockton increased its enrollment by 31 students in just two weeks.

## 2. FRPM counts

According to the Master Student Lists in **Exhibit D**, there were 167 students who were eligible for FRPM at Brockton as of October 31, 2014. Similarly, the public records produced by LAUSD (**Exhibit H**) indicate that there were 168 students who were eligible for FRPM in the 2014-15 school year. However, the Student Poverty-Free or Reduced Price Meals data for Brockton for the 2014-15 school year (**Exhibit A**), which was captured by LAUSD and reported to the CDE around the middle of October 2014, indicates that there were 148 students who were eligible for FRPM.

### **e. A large number of FRPM-eligible student who were enrolled in Brockton in the 2014-15 school year were not reported by LAUSD.**

Based on the information that LAUSD produced in response to New West's counsel's Public Record Act requests (**Exhibit H**), *there were 22 FRPM-eligible students enrolled at Brockton in the 2013-14 and the 2014-15 school year who, according to LAUSD, submitted an FRPM application in the 2013-14 school year but did not submit an FRPM application in the 2014-15 school year. Similarly, there were 18 FRPM-eligible students enrolled at Brockton in the 2014-15 and the 2015-16 school year who, according to LAUSD, submitted an FRPM application in the 2015-16 school year but did not submit an FRPM application in the 2014-15 school year.* As evidenced by LAUSD's response to PRA#1 for Brockton in **Exhibit H**, on average, for the 2013-14, 2014-15 and 2015-16 school years, 79% of the students who submit FRPM applications at Brockton were eligible for FRPM. In the 2014-15 school year specifically, 79% of the students who submitted FRPM applications at Brockton were eligible for FRPM.



## Legal Argument

- a. **The 2014-15 FRPM data for Brockton that LAUSD reported to the CDE did not accurately reflect the actual percentage of Brockton's enrollment in the 2014-15 school year who were eligible for FRPM, which was over 70%.**

Based on the foregoing facts, New West contends that the 2014-15 FRPM data provided by the CDE for Brockton and used by CSFA staff to make its determination that New West is ineligible for SB 740 funding, was based on inaccurate, corrupted, and unreliable data supplied by LAUSD. The historical FRPM rates at Brockton and the records recently produced by LAUSD including the Master Students Lists, the 2014-15 Budget Summary and LAUSD's responses to Public Records Act requests all demonstrate that more than 70% of the enrollment at Brockton in the 2014-15 school year were eligible for FRPM.

As explained above, the 2014-15 Budget Summary for Brockton (**Exhibit B**) indicated that there was a poverty rate of 79.59% at Brockton in the 2014-15 school year. According to the Master Student Lists in **Exhibit D**, there were 167 students who were eligible for FRPM at Brockton as of October 31, 2014. Similarly, the public records produced by LAUSD (**Exhibit H**) indicate that there were 168 students who were eligible for FRPM in the 2014-15 school year. Based on the enrollment figures that LAUSD provided to the CDE, there were 222 students enrolled in Brockton in the 2014-15 school year. *Accordingly, based on LAUSD's current records regarding the number of students who were deemed eligible for FRPM in the 2014-15 school year and the enrollment figures that LAUSD reported to the CDE, approximately 75-76% of the enrollment at Brockton in the 2014-15 school year were eligible for FRPM (167 or 168/222).*

Further, that figure does not even include those numerous FRPM-eligible students who were enrolled at Brockton in the 2014-15 school year who, according to LAUSD, did not submit an FRPM application in 2014-15 as set forth above. Based on all of the documentation attached hereto, a more plausible explanation for LAUSD's failure to report those students' FRPM eligibility to the CDE is that the implementation of MiSiS caused corruption of LAUSD's FRPM records or caused LAUSD to lose those students' records. Such an explanation is supported by the reported loss of 23 FRPM eligible students at Brockton just between August 2014 and September 2014 (**Exhibit F**), *which is only one more than the number of FRPM-eligible students who were enrolled at Brockton in 2013-14 and 2014-15 but, according to LAUSD, only submitted an FRPM application in 2013-14.*



In addition, since the FRPM percentage at Brockton in just the prior year was approximately 81%, it is highly unlikely that Brockton could lose 13% of its FRPM-eligible students in just one year especially given that its FRPM percentage had never dropped more than 6.84% in one year (and most drops were between 2 and 5%). Moreover, Brockton retained 254 common students over the course of the three school years (2013-2014, 2014-2015, and 2015-2016) (**Exhibit H**), and it had 205 FRPM-eligible students enrolled in 2013-14. In that year and the next two years, Brockton enrolled a Kindergarten class of approximately the same size, and graduated 5<sup>th</sup> grade classes of between 34 and 45 students. As such, it would be numerically impossible for the actual number of FRPM-eligible students to have dropped 13% from 2013-14 to 2014-15.

	2013-14	2014-15	2015-16
<b>K enrollment</b>	51	53	49
<b>5<sup>th</sup> grade enrollment</b>	59	34	45

In sum, the evidence demonstrates that the implementation of MiSiS in August 2014 caused significant, continuing, district-wide corruption of the FRPM and enrollment data, including the CAPPADS data reported to the CDE by LAUSD during the beginning of the 2014-15 school year, thereby making such data significantly less reliable than historical FRPM rates for Brockton and the FRPM counts reflected in the October 2014 through May 2015 Master Students Lists, the 2014-15 Budget Summary and the data provided in LAUSD's recent responses to Public Records Act requests.

**b. CSFA is not limited to relying on the data reported to CALPADS when making its determination of New West's eligibility for SB740 funds for the 2014-15 school year.**

Pursuant to 2014 version of the Education Code § 47614.5(c)(2), a charter schoolsite is eligible for Charter School Facility Grant Program funding if the charter schoolsite meets either of the following conditions:

(A) The charter schoolsite is physically located in the attendance area of a public elementary school in which 70 percent or more of the pupil enrollment is eligible for free or reduced-price meals and the charter schoolsite gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter schoolsite is located.

(B) Seventy percent or more of the pupil enrollment at the charter schoolsite is eligible for free or reduced-price meals.



While 4 CCR § 10170.2(l) states that “‘Free or Reduced-Price Meal Eligibility’ or ‘FRPM Eligibility’ shall mean the percentage of enrolled students in grades Kindergarten through 12th grade or students ages 5 through 17, whichever is greater, eligible for free or reduced-price meals, as reported by the Department and certified through the annual Fall 1 data submission to the California Longitudinal Pupil Achievement Data System (CALPADS),” nothing in Education Code § 47614.5 explicitly allows CSFA to restrict its determination of a charter school’s eligibility to the information reported to CALPADS.

“It is a fundamental rule of law and public policy that administrative regulations must conform to the legislative will if we are to preserve an orderly system of government.” (*Miller v. Woods* (1983) 148 Cal. App. 3d 862, 876.) “[There] is no agency discretion to promulgate a regulation which is inconsistent with the governing statute.” (*Id.*) “In construing state statutes vis-a-vis administrative regulations, a court should look first to the language (*California Mfrs. Assn. v. Public Utilities Com.* (1979) 24 Cal.3d 836, 844), then to the legislative history (*Cooper v. Swoap* (1974) 11 Cal.3d 856, 863-864) and finally to the general principles and policies underlying the statutory scheme. (*Id.*, pp. 866-867.)” (*Miller v. Woods, supra*, 148 Cal. App. 3d at p. 876-877.)

Based on the clear and unambiguous language in Education Code § 47614.5(c)(2), the California Legislature intended for all charter schools who meet the eligibility requirements set forth in Education Code § 47614.5(c)(2), to receive Charter School Facility Grant Program funding to the extent it is available. Any regulation that operates to restrict charter schools who are otherwise eligible to receive such funds under Education Code § 47614.5(c)(2) is inconsistent with the clear intent of the California Legislature. Further, by amending Education Code § 47614.5(c)(2) to allow charter schools with only 55% of FRPM eligibility to qualify for Charter School Facility Grant Program funding, it is clear that the California Legislature intended the statute to be less restrictive and more inclusive.

In *As You Sow v. Conbraco Industries* the court analyzed whether Regulation 12901 from the California Health and Welfare Agency (“CHWA”) was overly restrictive given the statutory language (among other considerations). Proposition 65, creating Health & Safety Codes §§ 25249.5 and 25249.6 was passed and the CHWA adopted Regulation 12901 to implement the proposition.

Health and Safety Codes §§ 25249.5 and 25249.6 forbade the knowing discharge or release of certain chemicals and the intentional exposure of any individual to certain chemicals without a warning. Regulation 12901 provided that “no discharge, release, or exposure occurs unless a listed chemical is detectable as provided in this section.” (*As You Sow v. Conbraco Industries* (2005) 135 Cal. App. 4th 431, 437.) The statutes in question did not define “detectable amount,” but Regulation 12901(a) undertook to define it, stating “For purposes of Section 25249.11, subdivision (c), of the Health and Safety





Code, the term ‘any detectable amount’ means a level detected using a method of analysis referred to in this section. For purposes of this section, ‘method of analysis’ refers to the method of detection or detection and calculation for a listed chemical in a specific medium, including, but not limited to, water, air, food, or soil, and shall include methods and procedures concerning the number of samples and the frequency and site of sampling that are specific for the listed chemical in question.” (Reg., § 12901, subd. (a), italics added.)” (*Id.* at p. 449.)

The Plaintiff argued that the interpretation of the “specific medium” requirement to require actual California drinking water was an unnecessarily narrow interpretation that contradicted the statute, and the court agreed. (*Id.* at p. 448.) The court decided that interpreting Regulation 12901 to require actual California drinking water was an “unduly narrow construction of the term ‘specific medium.’” (*Id.* at p. 451.) Nothing in the regulation required an exact identity of medium, and as a result the interpretation was considered too narrow. (*Id.*)

Here, similar to *As You Sow*, the CSFA regulation that operates to restrict otherwise eligible charter schools from receiving Charter School Facility Grant Program funding is an unnecessarily narrow interpretation of eligibility that contradicts the clear language of Education Code § 47614.5(c)(2). A charter school, such as New West, that can reasonably demonstrate that it meets the requirements of Education Code § 47614.5(c)(2) is entitled to receive Charter School Facility Grant Program funding to the extent it is available, especially given that the overwhelming weight of the evidence indicates that the CALPADS data is inaccurate.

**c. CSFA’s amending of its regulations did not permit New West sufficient time to address and remedy any potential inaccuracies in the CALPADS data.**

The CSFA amended the regulations in question in March of 2015; CALPADS certified its 2014-2015 FRPM data in April, leaving an extremely narrow window for New West to work with LAUSD to attempt to identify and rectify mistakes in the FRPM data for Brockton before CALPADS certified it. While emergency regulations such the ones promulgated to 4 CCR 10170.2 become effective immediately, basic minimum procedural requirements must be still be afforded for the adoption of emergency regulations. (*See* Cal. Gov’t Code § 11346.1; *California Asso. of Nursing Homes, etc. v. Williams* (1970) 4 Cal. App. 3d 800, 807.) The immediate implementation of the CALPADS certification requirement deprived New West of a reasonable period of time to discover the problem with LAUSD’s data, work with LAUSD to identify any data inaccuracies, and ask LAUSD to coordinate with CALPADS and ensure that the data being certified was accurate. As described in detail above, Brockton’s conversion to MiSiS resulted in well-documented and ongoing data corruption issues, making the CSFA’s submission timeline impossible for New West to adhere to. Given the California



Legislature's clear intent to expand the Charter School Facility Grant Program as embodied in the amendments to Education Code § 47614.5, the CSFA should take into consideration the unrealistically narrow timeframe in which New West had to attempt to identify and correct data mistakes in LAUSD's submission to CALPADS.

**d. This appeal presents unique facts that are unlikely to reoccur.**

New West believes that the kind of situation leading to this appeal, with CALPADS data compromised by a massive failure of a school district's data system, is unlikely to reoccur with New West or other schools in the future. Not only is New West unaware of any similar set of circumstances in the last ten years, but LAUSD is the second largest school district in the country, which simply magnifies the issues in this appeal.

**Conclusion**

For all of the foregoing reasons, CSFA should give less weight to the FRPM counts that LAUSD supplied to CDE and more weight to the FRPM counts contained in the October 2014 through May 2015 Master Students Lists, the 2014-15 Budget Summary and LAUSD's recent responses to Public Records Act requests, which all indicate that New West was eligible to receive Charter School Facility Grant Program funding for the 2014-15 school year. Therefore, New West respectfully requests that the CSFA Board reverse the CSFA staff's final determination of ineligibility and determine that for purposes of accuracy and actual eligibility, the documentation provided by New West, which contain verifiable prior year data on pupil eligibility at Brockton for 2014-15 (attached to New West's notice of appeal), is sufficient to establish New West's eligibility for SB 740 funding for the 2014-2015 school year.

Please do not hesitate to contact me should you have any questions.

Sharon Weir Ed.D  
Principal/Executive Director

New West Charter School  
1905 Armacost Ave  
Los Angeles, CA 90025  
(310) 943-5444  
(310) 231-3399 fax  
sweir@newwestcharter.org



## Davis, Ian

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**From:** Karen Almquist <KAlmqis@cde.ca.gov>  
**Sent:** Wednesday, June 01, 2016 12:50 PM  
**To:** Randy Bonnell; Davis, Ian  
**Cc:** JOHANTGEN, Katrina; Jones, Jodie; Paula Mishima; Jonathan Isler  
**Subject:** RE: LAUSD FRPM

Hi

I have not been contacted by anyone regarding the issue below, but I completely concur with Randy—they certified the data and had ample time to make any changes before the amendment window closed. These are the data they certified and submitted to CDE as correct and accurate.

Karen

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**From:** Randy Bonnell  
**Sent:** Wednesday, June 01, 2016 10:33 AM  
**To:** Davis, Ian  
**Cc:** JOHANTGEN, Katrina; Jones, Jodie; Paula Mishima; Karen Almquist; Jonathan Isler  
**Subject:** RE: LAUSD FRPM

Ian,

I don't know the answer to that question; I haven't been contacted. I have copied Karen Almquist and Paula Mishima who work in the Educational Data Management Division in the CALPADS Operations Office. Karen is the administrator of the CALPADS Operations Office and Paul works for the division on CALPADS related issues.

I've dealt with Ms. Kollman on similar issues from previous years. The fact is that districts and charter schools submitted and certified these data in CALPADS. Additionally, they received a "private preview" during the CALPADS amendment window, which is the appropriate time to resolve any data reporting inaccuracies. It is imperative that districts and charter schools deal with data related issues during the appropriate windows. Failure to resolve these issues during the windows should not mean a "correction" after the fact. Doing so undermines the legitimacy of the data collection and certification process. Districts and charter schools had from October 7, 2015 to March 18, 2016 to submit, review, correct, and certify these data. That is ample time to get the data submitted correctly. If this is so important, they need to pay attention to these critical data during the submission/amendment window.

Thank you,

Randy Bonnell, Administrator  
Data Reporting Office  
California Department of Education  
(916) 319-0395  
[rbonnell@cde.ca.gov](mailto:rbonnell@cde.ca.gov)

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**From:** Davis, Ian [<mailto:lan.Davis@treasurer.ca.gov>]  
**Sent:** Wednesday, June 01, 2016 10:18 AM  
**To:** Randy Bonnell  
**Cc:** JOHANTGEN, Katrina; Jones, Jodie  
**Subject:** FW: LAUSD FRPM

Good Morning,  
I have one follow-up question:

Has CALPADS or CDE been contacted by any of the below Elementary, Charter schools or their representatives (such as Sarah J. Kollman or the **LAW OFFICES OF YOUNG, MINNEY & CORR, LLP**) regarding 2014-15 FRPM inaccuracies or LAUSD reporting issues?

Charter School	Local Elementary	Local ES CDS	Local (ES) 2014-15 FRPM
Valley Charter Elementary	Gledhill Street ES	19647336017289	67.06%
New West Charter	Brockton Ave ES	19647336016133	67.76%

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**From:** JOHANTGEN, Katrina  
**Sent:** Tuesday, May 31, 2016 9:19 PM  
**To:** Randy Bonnell <[RBonnell@cde.ca.gov](mailto:RBonnell@cde.ca.gov)>  
**Cc:** Davis, Ian <[lan.Davis@treasurer.ca.gov](mailto:lan.Davis@treasurer.ca.gov)>; Osborne, Anne <[Anne.Osborne@treasurer.ca.gov](mailto:Anne.Osborne@treasurer.ca.gov)>  
**Subject:** Re: LAUSD FRPM

Randy,

Thank you for your response.

We have an inquiry into LAUSD about the schools assertions.

We will circle back if we have further questions.

Katrina

Sent from my iPhone

On May 31, 2016, at 5:28 PM, Randy Bonnell <[RBonnell@cde.ca.gov](mailto:RBonnell@cde.ca.gov)> wrote:

Katrina,

There are two issues that I see.

First, with regard to both schools, they are arguing that the numerator should be higher, which would push the rate over the 70% threshold. As we have discussed before, these data are submitted and certified in CALPADS, which is the official source of these data both for FRPM eligibility reporting, both state and federal, including for local control funding formula determination. I know they would like to use another number, but this is the number.

Second, with regard to Gledhill, their alleged denominator, or the number of students enrolled in October, is far lower than what was certified in CALPADS, which results in a lower rate.

Both official enrollment and FRPM eligibility are certified in CALPADS. I can't comment on the impact that their SIS had on the accuracy of these data. I can only say that they certified these data in CALPADS. We can certainly inquire with LAUSD regarding the reasons for the FRPM decrease, but I don't lend any credence to the data they've cited as they are not what was certified in CALPADS.

Thank you,

Randy Bonnell, Administrator  
Data Reporting Office  
California Department of Education  
(916) 319-0395  
[rbonnell@cde.ca.gov](mailto:rbonnell@cde.ca.gov)

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**From:** JOHANTGEN, Katrina [<mailto:Katrina.Johantgen@treasurer.ca.gov>]  
**Sent:** Tuesday, May 31, 2016 2:38 PM  
**To:** Randy Bonnell  
**Cc:** Davis, Ian; Osborne, Anne  
**Subject:** FW: LAUSD FRPM

Randy,

New West Charter (CDS 19756636120158) and Valley Charter Elementary (CDS 19647330122754) are appealing the FRPM as reported to CDE by LAUSD. During the 2014-15 SB740 Funding Round these schools relied upon their local elementary schools to meet the 70% FRPM requirement. New West and Valley Charter are arguing LAUSD's MiSiS database system was corrupt and did not accurately reflect the below elementary school's 2014-15 FRPM data:

Charter School	Local Elementary	Local ES CDS	Local (ES) 2014-15 FRPM
Valley Charter Elementary	Gledhill Street ES	19647336017289	67.06%
New West Charter	Brockton Ave ES	19647336016133	67.76%

The following issues have been presented in their appeal:

- As shown in Attachment 1 both schools experienced a significant drop in FRPM during the 2014-15 fiscal year.
- Of the students who were enrolled in both 2013-2014 year and the 2014-2015 a portion of students submitted an FRPM application for 2013-14 but did not submit an FRPM application for 2014-2015. (See Attachment 2)
- The appeals included several pages from each Elementary Schools' 2014-15 Master Student Lists. The appeal argues LAUSD's information as reported in Attachment 2 conflicts with the 2014-15 Master Student Lists. (see below table)

Local Elementary	2014-15 FRPM Eligible Students (Per LAUSD)	2014-15 FRPM Eligible Students (Master Student List)
Gledhill Street ES	180	196
Brockton Ave ES	168	167

**CSFA's Questions to CDE:**

- Do the above issues raise any concerns or does CALPADS believe the information submitted by LAUSD appear to be accurate?
- The appeals are arguing our regulations are too restrictive because we rely only on data certified by CALPADS - is there a section in the Education Code which states CALPADS shall be the only agency to manage and certify FRPM data?

Please let us know your thoughts on the information being set forth by the appellants.

Thanks!

**Katrina Johantgen, Executive Director**  
**California School Finance Authority**  
 300 South Spring Street, Suite 8500  
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 (213) 620-2305 Direct Line  
 (213) 620-6309 Facsimile  
[kjohantgen@treasurer.ca.gov](mailto:kjohantgen@treasurer.ca.gov)

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**From:** JOHANTGEN, Katrina  
**Sent:** Tuesday, May 31, 2016 12:07 PM  
**To:** 'Randy Bonnell' <[RBonnell@cde.ca.gov](mailto:RBonnell@cde.ca.gov)>  
**Cc:** Davis, Ian <[Ian.Davis@treasurer.ca.gov](mailto:Ian.Davis@treasurer.ca.gov)>  
**Subject:** RE: LAUSD FRPM

Randy,

This appeal is still active and the schools' attorney wants to present the appeal at our June 2016 board meeting,

Ian Davis and I are working on data for you from the schools and LAUSD, and compiling an e-mail to you.

Do you time this afternoon or tomorrow to look over some data / information being sent to CSFA for consideration?

Thanks,

Katrina

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**From:** Randy Bonnell [<mailto:RBonnell@cde.ca.gov>]  
**Sent:** Monday, January 25, 2016 4:14 PM

**To:** JOHANTGEN, Katrina <[Katrina.Johantgen@treasurer.ca.gov](mailto:Katrina.Johantgen@treasurer.ca.gov)>

**Subject:** RE: LAUSD FRPM

So the charter schools funding is dependent on the FRPM data of their local elementary?

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**From:** JOHANTGEN, Katrina [<mailto:Katrina.Johantgen@treasurer.ca.gov>]

**Sent:** Monday, January 25, 2016 4:06 PM

**To:** Randy Bonnell

**Subject:** RE: LAUSD FRPM

Sorry Randy.....it's already been a long year.

The charters, New West and Valley Charter, are contesting the FRPM of their respective local elementary schools.

In the case of New West, Brockton Avenue sent school level FRPM to support New West's claims.

Does this make sense....both are LAUSD schools that in 2013-14 had relatively high FRPM counts, and in 14-15, they dropped. Both schools are contesting that the drop was due to LAUSD's MiSiS (computer software) issue.

Let me know if you need further clarification.

Katrina

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**From:** Randy Bonnell [<mailto:RBonnell@cde.ca.gov>]

**Sent:** Monday, January 25, 2016 3:48 PM

**To:** JOHANTGEN, Katrina <[Katrina.Johantgen@treasurer.ca.gov](mailto:Katrina.Johantgen@treasurer.ca.gov)>

**Subject:** RE: LAUSD FRPM

Katrina,

I don't understand. Are you asking about the first or second school in each row? New West does not equal Brockton Elementary nor does Valley Charter = Gledhill Street Elementary; they are different schools.

Is it that the Elementary schools are contesting the charter school data or vice versa? They are different schools, so I'm not sure how they are claiming data for another school, regardless of the direction of the contestation.

Thank you,

Randy

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**From:** JOHANTGEN, Katrina [<mailto:Katrina.Johantgen@treasurer.ca.gov>]

**Sent:** Monday, January 25, 2016 1:49 PM

**To:** Randy Bonnell

**Subject:** RE: LAUSD FRPM

Randy,



Yes – there are two LAUSD schools that are contesting the data for their local elementary:

- 1) New West Local ES= Brockton Elementary CDS: 19-64733-6016133
- 2) Valley Charter Elementary Local ES= Gledhill Street Elementary CDS: 19-64733-6017289

Thank you!

Katrina

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**From:** Randy Bonnell [<mailto:RBonnell@cde.ca.gov>]  
**Sent:** Monday, January 25, 2016 12:59 PM  
**To:** JOHANTGEN, Katrina <[Katrina.Johantgen@treasurer.ca.gov](mailto:Katrina.Johantgen@treasurer.ca.gov)>  
**Subject:** RE: LAUSD FRPM

Hi Katrina,

Are there specific schools that you want to know about or just LAUSD FRPM data generally?

Thanks,

Randy

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**From:** JOHANTGEN, Katrina [<mailto:Katrina.Johantgen@treasurer.ca.gov>]  
**Sent:** Friday, January 22, 2016 11:00 AM  
**To:** Randy Bonnell  
**Subject:** RE: LAUSD FRPM

Hi Randy,

If you could ask your colleagues about any anomalies that may have been recorded with LAUSD, and let us know, we will need this information for what I am sure will become an appeal to the CSFA board.

We appreciate your willingness to assist with this matter.

Thanks!

Katrina

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**From:** Randy Bonnell [<mailto:RBonnell@cde.ca.gov>]  
**Sent:** Wednesday, January 20, 2016 4:22 PM  
**To:** JOHANTGEN, Katrina <[Katrina.Johantgen@treasurer.ca.gov](mailto:Katrina.Johantgen@treasurer.ca.gov)>  
**Cc:** Davis, Ian <[Ian.Davis@treasurer.ca.gov](mailto:Ian.Davis@treasurer.ca.gov)>; PAXSON, Mark <[Mark.PAXSON@treasurer.ca.gov](mailto:Mark.PAXSON@treasurer.ca.gov)>; Osborne, Anne <[Anne.Osborne@treasurer.ca.gov](mailto:Anne.Osborne@treasurer.ca.gov)>  
**Subject:** RE: LAUSD FRPM

Hi Katrina,

I've been out of the office, so I apologize for not responding sooner. To my knowledge, my office has not been contacted; however, they may have submitted a service ticket to the

CALPADS Service Desk, which is operated by the California School Information Services (CSIS). Given that there are now regulations in place, I don't know that there's much that can be done.

I'm happy to look into whether CDE has received any complaints about these data or requests to modify them. Please let me know the names of the two schools. That said, I know that CDE will not be changing any of the "official" public data regardless of their complaints.

Thank you,

Randy Bonnell, Administrator  
Data Reporting Office  
California Department of Education  
(916) 319-0395  
[rbonnell@cde.ca.gov](mailto:rbonnell@cde.ca.gov)

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**From:** JOHANTGEN, Katrina [<mailto:Katrina.Johantgen@treasurer.ca.gov>]  
**Sent:** Wednesday, January 20, 2016 2:05 PM  
**To:** Randy Bonnell  
**Cc:** Davis, Ian; PAXSON, Mark; Osborne, Anne  
**Subject:** FW: LAUSD FRPM

Hi Randy,

Hope 2016 is off to a great start for you.

We have two (contrary to Ian's email below) schools that are contending that, due to a software issue at LAUSD, FRPM reporting was compromised, and is skewing FRPM data for schools.

Has your office been contacting about this matter? In both cases, sizeable first apportionments need(ed) to be returned to the program. And both schools have retained attorneys in the matter.

As you know, CSFA cannot rely on FRPM data from schools or their local elementary schools, regardless of the circumstances. We made a regulation change a few years ago that states: "Free or Reduced-Price Meal Eligibility" or "FRPM Eligibility" shall mean the percentage of enrolled students in grades Kindergarten through 12th grade or students ages 5 through 17, whichever is greater, eligible for free or reduced-price meals, as reported by the Department and certified through the annual Fall 1 data submission to the California Longitudinal Pupil Achievement Data System (CALPADS)."

Please let us know if this is a matter your office is aware of and is looking into.

Katrina

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**From:** Davis, Ian  
**Sent:** Wednesday, January 13, 2016 5:06 PM  
**To:** 'Randy Bonnell'  
**Cc:** Martinez, Laura; JOHANTGEN, Katrina; Martinez, Laura; Osborne, Anne  
**Subject:** LAUSD FRPM

Good Afternoon,

A SB740 applicant has recently raised concerns regarding 2014-15 FRPM data submitted by LAUSD. The applicant claims LAUSD FRPM data may be inaccurate and corrupt due to issues LAUSD was experiencing with their data system, My Integrated Student Information System (MiSiS). Is CALPADS reevaluating LAUSD school's 2014-15 FRPM?

Ian Davis

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