

ATTORNEYS AT LAW (amgreene@sandi.net)

4275 EXECUTIVE SQUARE, SUITE
700

LA JOLLA, CALIFORNIA 92037-1477
(858) 485-9526

PASADENA

(626) 583-8600

PLEASANTON (925) 227-9200

RIVERSIDE

(951) 683-1122

SACRAMENTO (916) 923-1200

OUR FILE NUMBER: 005555.00343
28562683.1

CERRITOS (562) 653-3200

FRESNO

(559) 225-6700

IRVINE

(949) 453-4260

MARIN

(628) 234-6200

ATKINSON, ANDELSON, L

OYA, RUUD & ROMO

July 15, 2020

A PROFESSIONAL LAW CORPORATION

VIA EMAIL ONLY

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Andra Greene
General Counsel
San Diego Unified School District
4100 Normal Street
San Diego, California 92103

**Re: Confidential Report of Findings
Public Allegations Regarding Lincoln School Site Council
[Misappropriation/Misdirection of Funds]**

Dear Ms. Greene:

As you are aware, the San Diego Unified School District (“SDUSD”) requested my assistance in reviewing allegations raised by community member Roosevelt Blackmon about Lincoln High School’s School Site Council (“SSC”) and its Title I budget, and in particular, allegations that budget determinations made by the Lincoln SSC were not implemented by site or District administration.

Brief Summary of Findings

1. A preponderance of the evidence showed that a majority of SSC members present at the January 31, 2019 SSC meeting voted to approve the recommended and itemized budget as represented in attachments/handouts presented by then-principal Jose Sotoramos. A preponderance of the evidence did not support that there were multiple versions of the January 31, 2019 minutes.
2. A preponderance of the evidence indicated that at times between February and summer 2019, the SSC failed to comply with basic requirements to effectively transfer funds between budgeted items, such as identifying an unencumbered source of funding for approved expenditures, or approving expenditures that included expenses that were not authorized under Title I. These omissions resulted in additional monies being rapidly sent on supplies, rather than other programs, at the end of the 2018-2019 fiscal year. However,

the weight of the evidence did not support that any funds that were allocated to Lincoln were spent on another SDUSD school or were misappropriated by any individual for personal financial gain.

Summary of Allegations

The allegations regarding the Lincoln budget and Lincoln SSC were raised by community member Roosevelt Blackmon after a budget vote that occurred in a January 31, 2019 SSC meeting. In a February 25, 2019 email, Mr. Blackmon wrote:

Good morning!! To You All [sic]

As Chair of Lincoln/SSC

It's my duty to protect the integrity of the committee [sic] and votes of every member, One thing I don't stand for is dishonesty and unethical practices. going forward I will not sign off [sic] on any budget items or lines items and minutes for approval I no longer trust the process any questions about this action and stance im [sic] always free to discuss unless all person on this email is present there will not be any discussion individually [sic] with anyone , Best Regards! [typos and errors appear in original].

In a July 25, 2019 email from community member Sally Smith, Ms. Smith wrote:

Roosevelt told me that Principal Soto pushed through Title I money for a math program but never stated he was going to fund teacher positions and just attached a list to the minutes. That needs to be investigated. Math teachers cannot be paid with Title I monies.

In a September 19, 2019 email² from Roosevelt Blackmon to Superintendent Cindy Marten, SDUSD Trustee Sharon Whitehurst-Payne, Sofia Freire, and Debbie Foster, Mr. Blackmon wrote:

To All

Its pains me to send this this way the constant lying to me has push me to the edge when I was supposed to be a partner I never lied to anyone to treat me this way is disrespectful at best in this doc this will expose and show the flaws that the level of protection to protect this from happening was not there (basically people drop the ball!!!) violations everywhere, I could as a community member exploit this with ease my level of knowledge is very high, I tried to work with everyone for the best interest of students because that's my passion!! Last thing No staff member should never be the SSC Chair of anysite, its nagates what the federal government insitute for the check in balance against the site.

[Errors appear in original.]

On or about February 21, 2020, Mr. Blackmon declined to participate in an investigation interview with me unless and until he had an attorney to represent him. (**Exhibit 11.**) Mr. Blackmon did not thereafter reach out in response to my request for an investigation interview.

Mr. Blackmon again raised allegations regarding Lincoln's budget in a February 10, 2020 Lincoln High School Cluster meeting, as described in a Voice of San Diego (VOSD) online news article dated February 13, 2020.³ According to the VOSD article, and as depicted in a Facebook Live video linked therein from the account of former San Diego Mayoral Candidate Tasha Williamson, Mr. Blackmon's allegations were as follows:

Nearly a year ago, school administrators illegally bucked the orders of the School Site Council (an official group composed of parents and teachers) and spent \$400,000 on purposes for which the money was not intended, he contended.¹ * *

Blackmon insisted that he and other parents on the council wanted some of the money spent on math tutoring. Instead, Lincoln's principal spent the money on other things, Blackmon said. (Exactly what the money was spent on remains unclear.)

A June 7, 2020 email from the "Lincoln Cluster"² to Area Superintendent Bruce Biven asked:

How will the district address previously expressed concerns regarding misappropriation of education money involving several area 1 schools?

More recently, in a July 10, 2020 email from the "Lincoln Cluster" to Area Superintendent Bivens, it was stated:

We are concerned that the various meeting invites exclude serious immediate items of concern and also exclude all stakeholders from the participating in these discussions.

In Feb 2020, our scheduled cluster meeting included all stakeholders to address serious immediate concerns of misappropriation and theft of Title 1 funds and other school budget allocations. To date, these items of serious and immediate concern have not been adequately addressed by anyone at SDUSD (including Area 1 superintendent, the Trustee, Lincoln Cluster Principals, and district officials).

Instead, since Feb 2020, concerted efforts to suppress our serious and immediate concerns persists. Multiple invites from your office to discuss items that do not align with the serious immediate concerns mentioned are evidence of this. While student achievement and high quality education remain our priority our attempts to advocate for justice have been ignored. In each instance, we have been ignored. We have sent sent [sic] you multiple communications to document this and to reaffirm our unwavering stance.

Please review the email below to recap the numerous attempts we have made to open the discussion to improve our cluster schools in an adequate manner. Here you will find we are requesting collaboration that extends dignity to our students and community.

¹ Quotes are from the VOSD article.

² The "Lincoln Cluster" emails were sent by the "Lincoln Cluster Chair, Co-Chair, and Parliamentarian" without using names.

Please provide us with action items, next steps, and intentions to adequately address these serious and immediate concerns of the misuse of [T]itle 1 funds and school budget misappropriations. We also request action items, next steps, and intentions regarding Covid -19 impacts on students of the Lincoln cluster, the quality of their education, and school safety. All other information such as the discussion for meeting dates, the vision. [T]he bylaws can be sent to our entire team via email for review and response. Our team is comprised of myself as Chair, Emilia Castillo as Co-Chair, and Keashonna Christopher as Parliamentarian. For some reason, Keashonna has been excluded from your communications to Emilia and I. Please include her as part of these discussions.

We stand in solidarity for the children who cannot speak for themselves.

We also stand in solidarity with all stakeholders who have demanded quality schools in the Lincoln Cluster.

We are open to meeting with you provided your office and staff are prepared to address our serious and immediate concerns, actions items to resolve this, and next steps. Next week[']s meeting invite does not appear to be a clear, concise, and safe forum for this discussion to be conducted.

Other Legal and Factual Background

The U.S. Department of Education's website³ describes Title I funding as:⁴

Title I, Part A (Title I) of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESEA) provides financial assistance to local educational agencies (LEAs) and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards.

The California Department of Education ("CDE") describes Title I funding as:

[Title I Part A] Funds are used to support effective, evidence-based educational strategies that close the achievement gap and enable the students to meet the state's challenging academic standards. Title I-funded schools are either Targeted Assistance Schools (TAS) or Schoolwide Program (SWP) schools.

(CDE's guidance regarding SSCs is attached as **Exhibit 11**.)

I also reviewed various SSC guidance documents and training resources linked on SDUSD's Monitoring and Accountability Reporting Department website. SDUSD Administrative Procedure 9060 sets forth roles of SSCs (and other organizations) under the law and in light of state guidance. (**Exhibit 12**.)

³ See

[https://www2.ed.gov/programs/titleiparta/index.html#:~:text=Title%20I%2C%20Part%20A%20\(Title.ensure%20th at%20all%20children%20meet](https://www2.ed.gov/programs/titleiparta/index.html#:~:text=Title%20I%2C%20Part%20A%20(Title.ensure%20th at%20all%20children%20meet) (last visited July 14, 2020).]

⁴ See <https://www.cde.ca.gov/sp/sw/t1/> (last visited July 14, 2020).

The Lincoln SSC Bylaws provide that the duties of the SSC include developing and approving the Single Plan for Student Achievement (SPSA) and related expenditures for specific categorical budgets in accordance with all state and federal laws and regulations.⁵ The Bylaws specify that the “SSC shall be composed of 12 members, selected by their peers,” which shall include four (4) classroom teachers; one (1) other school staff member; three (3) parents or community members; three (3) students; and one (1) principal who shall be an *ex officio* member. SSC members are elected to serve two-year terms, and members are eligible to serve successive terms. “Each member of the SSC is entitled to one vote.” Officers of the SSC are elected annually and serve for one year. The Bylaws further state that meetings of the council shall be conducted in accordance “with an adaptation of *Robert’s Rules of Order*.”

Additionally, in the 2018-2019 school year SDUSD/Lincoln underwent Federal Program Monitoring (“FPM”) by the CDE. FPM is akin to an audit and in that process, CDE personnel reviews expenditures of federal funds including Title I, and compliance with various federal funding-related provisions.

Factual Findings

1. A preponderance of the evidence showed that a majority of SSC members present at the January 31, 2019 SSC meeting voted to approve the recommended and itemized budget as represented in attachments/handouts presented by then-principal Jose Sotoramos. A preponderance of the evidence did not support that there were multiple versions of the January 31, 2019 minutes.

January 31, 2019 SSC Meeting Minutes

The January 31, 2019 SSC Meeting Minutes (confirmed by to be a true and accurate copy of the minutes) reflect the following:

Blackmon note: “I support the MTSS Coordinator. I think we need that here. I 100% stand behind it. The Attendance clerk’s role looks a lot like the MTSS’s role. The Attendance Liason [sic] also seems like a very expense [sic] person. They are written at the same cost of the MTSS.”

Soto: “We can approve the budget now, and then we can change how much goes where.”

Blackmon: “We can approve this budget, so we can set aside monies for the future and how we want to put those monies, we can decide later.”

Blackmon: “We should approve the budget and the[n] come back to revisit the details.

Motion: Pachall motions to approve the budget for 2019-2020 Title 1 Basic and Supplemental

Second: Davis

⁵ The Bylaws are available at: <https://www.sandiegounified.org/schools/lincoln/ssc-bylaws> (last visited July 14, 2020).

Vote: Yes: 7

Abstention: 1 (Patmon)

Motion passes

Whigham: Since we approved the budget today, we will not need to meet tomorrow, Friday, February 1, 2019

February 7, 2019 SSC Meeting Minutes

The SSC meeting minutes reflect approval of the January 31, 2019 minutes as follows:

Motion: Reyes motions to approve the minutes from January 31, 2019.

Second: Phonisha Pruitt

Vote: All in favor, motion passes

September 12, 2019 Emails between Mr. Blackmon and Lincoln Administration

Mr. Blackmon expressed dissatisfaction with administration emailing him a proposed SSC meeting agenda, as follows:

All Do Respect!!

this agenda cannot be just about district guidelines or time lines

The community has a input on what can be discuss on the Agenda and was not afforded that opportunity, I can't be more clear!! Just because there was a over site does not mean as Chair I have to comply or go along without being consulted. (like your dictating the ground rules) and let me be clear that's not how things are done. This is beginning to angry me!! This not the first time a over site or lack of communication have happen!!! . I overlooked what happen before and move on from it. But Not This!! No courtesy was given or respect was shown here!!! I've been very respectful of everyone and expected the same thing[.] [Errors appear in original.]

2019 SSC Meeting Minutes

The minutes reflect statements by Mr. Blackmon to the following effect:

Since last year's budget, there is some confusion on what we voted and didn't vote for. As the chair, I would like to discuss what was not voted for. I want to call an emergency meeting. Date to be determined. I will ask for documents to show what has been spent, how it's being spent and what hasn't been spent.

October 3, 2019 SSC Meeting Minutes

The minutes reflect statements by Mr. Blackmon to the following effect:

I am still going over it with HR and Acacia. I can't tell you everything now. We need to take a look at it and we need to solve it through HR and it needs to come through me. There's over \$400,000 misappropriated funds. So we need to have this discussion. Until I'm satisfied, I need to push forward until it's rectified. I'm sorry

we still have to have another Emergency SSC meeting. When it comes to children, I won't take any shortcuts to this. I'm sorry, I can't overlook that. As the chair, this needs to get fixed and we are stuck here in limbo. I'm hoping that everything works out. I'm trying to be patient, it's taken over 8 months. I'm hoping that there will be a resolution on Monday, but I don't see a resolution. We'll play it by ear. We're [sic] reconnect when we find out a date.

Affirmation by Roosevelt Blackmon that SSC Complied with Legal Requirements

In the 2019-2020 School Plan for Student Achievement Recommendations and Assurances (October 4, 2019), **Exhibit 15**, Mr. Blackmon affirms:

The School Site Council (SSC) recommends this school's site plan and its related expenditures to the district Board of Education for approval, and assures the Board of the following:

1. The SSC is correctly constituted, and was formed in accordance with SDUSD Board of Education policy and state law.
2. The SSC reviewed its responsibilities under state law and SDUSD Board of Education policies, including those Board policies relating to material changes in the school plan requiring Board approval.
3. The SSC sought and considered all recommendations from the following site groups or committees before adopting this plan.

[Check all that apply....]

4. The SSC reviewed the content requirements for school plans of programs included in the site plan and believes all such content requirements have been met, including those found in SDUSD Board of Education policies and in the Local Educational Agency (LEA) Plan.
5. The site plan is based upon a thorough analysis of student academic performance. The actions proposed herein form a sound, comprehensive, coordinated plan to reach stated school goals to improve student academic performance.
6. The site plan or revisions to the site plan were adopted by the SSC on: 10/3/19.

[Signed under penalty of perjury by Roosevelt Blackmon and Stephanie

Brown] Workbook (2018-2019 and 2019-2020 Tentative Budget Allocations): ·

Exhibit 16 — Workbook Index/Contents

Site: 3637 Lincoln High
As of Date 10-28-2019
18-19 Tentative Budget Allocations

Spreadsheet of Resources, Allocations, Distributed

Includes:

- Resources: 30100 Title I Basic Program
Allocations: 399775
Distributed: 399775

· **Exhibit 17** — Workbook Index/Contents

Site: 3637 Lincoln High
As of Date 10-28-2019
19-20 Tentative Budget Allocations

Includes:

- Resource: 30100 Title I Basic Program
Allocations: 432435
Distributed: 432434.5

Google Survey Regarding January 31, 2019 SSC Vote

In a Public Records Act production I received from SDUSD, I was able to view the Google Survey form at: <https://goo.gl/forms/D1DExAHmN2XYSKRM2> (last visited July 14, 2020). District email records indicate that it was emailed to SSC members by Ms. Whigham on March 18, 2019. Rather than responding in the online survey, on March 20, 2019 community member Robert Pattmon responded to Ms. Whigham via email, “I voted abstain.”

Per Mr. Sotoramos, the Google Survey was completed by: Roosevelt Blackmon; Myeshia Whigham; Carl Davis; Jenny Lieu; Bonita Pachall; Norma Reyes; and Jose Sotoramos. The survey asked:

In the budget meeting held on 1/31/2019, you voted for the following: Please select one.

Name

Budget with no attachments (attachments are MTSS Coordinator, Attendance Support Liaison, Staff PD, Teacher Summer Planning Retreats)

Budget with attachments (attachments are MTSS Coordinator, Attendance Support Liaison, Staff PD, Teacher Summer Planning Retreats)

Did not vote or was not present

According to Mr. Sotoramos, all the aforementioned individuals who completed the survey, with the exception of Mr. Blackmon, selected, “Budget with attachments[.]”

Rationale for Finding:

It should be noted that the SSC makes determinations regarding only Title I funding; there are various other funding sources that support school site expenses and programs. Per the Lincoln SSC Bylaws, each SSC member has one vote, and SSC officers' votes do not get weighted more heavily than the votes of other members. Membership on the SSC is determined by election. Although SSC meetings are open to the public, members of the public who attend SSC meetings are not authorized to vote.

The weight of the evidence indicated that Mr. Blackmon and some community members mentioned proposals for how to spend Title I monies that (a) would not comply with the Title I requirements; and (b) were not favored by the majority of the SSC members, such as by paying/hiring the football coach at Lincoln. Although Dr. Freire reported suggesting (in a phone call) to Mr. Blackmon that if there was disagreement on how to spend the monies, the funds could be put in a "holding space" such as instructional materials, and shifted later when the SSC reaches agreement. Admittedly, in the January 31, 2019 SSC minutes, Principal Sotoramos was reported to make a comment to the effect of, "We can approve the budget now, and then we can change how much goes where." However, the evidence indicated a personnel expenditure cannot be used as a holding space, and moreover, most SSC members were in favor of the positions created in the budget (such as the MTSS Coordinator). It is possible that Mr. Blackmon felt misled that monies committed for personnel expenses could not be changed. Nevertheless, it was unanimously affirmed that an SSC cannot merely accept a flat budget without itemizing proposed expenditures.

The weight of the evidence supported that the Lincoln administration sent out a survey, and the results of the survey confirmed that the majority of SSC members (all other than Mr. Pattmon, who abstained, and Mr. Blackmon, who answered that he approved the budget without attachments) voted in favor of the recommended itemized Title I budget distributed by Principal Sotoramos in "T-charts" (**Exhibit 13**) at the January 31, 2019 SSC meeting.

Regarding the \$400,000 misappropriation allegation, **Exhibits 16-17** shows that the full Title I budget at Lincoln was approximately \$400,000 in 2018-2019 and 2019-2020. Other than surmising that Mr. Blackmon is referring to the entirety of Lincoln's Title I allocation, there was no other indication of how Mr. Blackmon came to the figure of \$400,000 of alleged misappropriated funds. Overall, the weight of the evidence and District records reviewed shows that all Title I funds allocated to Lincoln for the 2019-2020 school year were utilized on expenditures for Lincoln.

2. A preponderance of the evidence indicated that between February and summer 2019, the SSC failed to comply with basic requirements, such as identifying a source of funding for approved expenditures, or approving expenditures that included expenses that were not authorized under Title I. These omissions resulted in additional monies being rapidly spent on supplies, rather than other programs, at the end of the 2018-2019 fiscal year. However, the weight of the evidence did not support that any funds that were allocated to Lincoln were spent on another SDUSD school or were misappropriated by any individual for personal financial gain.

January 31, 2019 SSC Meeting Minutes

The minutes reflect that Mr. Sotoramos cautioned, after a Cal-SOAP presentation by Ms. Tabor, "I need to clarify that SSC looks closely at the budget that was proposed because Title 1 monies

cannot be spent on incentives for students, teachers, parents etc. We also can't use Title 1 money in mileage and travel expenses. So keep that in mind if you decide to approve this plan. We can't approve anything with those types of items in the proposal.”

February 4, 2019 email from Roosevelt Blackmon to Jose Sotoramos (Exhibit

20): Mr. Blackmon wrote:

There's a need for an emergency SSC Meeting before the Feb 10 to include Ms. Tabor plan on the agenda as a voting item Cal Soap has a deadline and need to start Feb 11 for the semester. Sofia is [sic] with this agreement

February 7, 2019 SSC Meeting Minutes

The minutes describe the Cal-SOAP vote and discussion on February 7, 2019 as follows:

Whigham: We are voting to approve the Cal-Soap funding for the Cal-Soap 9th Grade Academic Achievement Title 1 Proposal, we are using the excess money from the Librarian position in the 2018-2019 school year budget.

Whigham: Dario said that they will add an account line for the budget if we vote in favor of the proposal, the date the account line will be created is to be determined. They understand that the date for Connie's proposal is February 11, and the finance department will be working with Lincoln Admin and SSC to create an account line.

Reyes: Has the incentives and mileage been fixed on the proposal – given when Soto said at the last meeting?

Whigham: The proposal was sent to the budget analyst and they approved it. They said that some of the budget lines are allowable under Title 1.

Motion: Reyes motions to approve the Cal-Soap 9th Grade Academic Achievement Title 1 Proposal.

Second: Phonisha Pruitt

Vote: 7 in favor

Oppose: Davis

Motion passes

Email from Connie Tabor to Jose Sotoramos dated February 7, 2019

In a collection of records I received from SDUSD, I located a February 7, 2019 from Connie Tabor to Jose Sotoramos in which she states that she attached a revised budget and Cal SOAP proposal limited only to items allowable under Title I. The attachment was not included in the production I received.

April 2019 emails between Ms. Tabor and Ms. Glanz

April 2019 emails between Ms. Glanz and Ms. Tabor show that there were discussions of what expenses are permissible for a summer program, and the back-and-forth on the proposed budget

for this contracted service. The April 23, 2019 email in the chain, on which Mr. Blackmon was copied, shows that because there must be prior SDUSD governing board approval, the contract would not be able to be paid in June as requested. An excel spreadsheet attached to those emails itemizes the program as follows:

MONEY OUT	
Sally Ride Junior Academy	\$17,500
Sea World Field Trip	\$3,500
Universal Studios Hollywood Field Trip	\$8,000
Educational Supplies	\$1,788
Science Supplementals	
TOTAL EXPENSES	\$30,788

May 22, 2019 SSC Meeting Minutes

Exhibit 7 shows in the narrative notes in the minutes that the SSC voted to spend \$123,040 on Cal-SOAP tutors (Blackmon moves, and it is approved (all in favor), to “continue” funding Cal SOAP in the amount of \$123,040). However, SDSU and AVID tutors were discussed in the lead-up to the vote, which some witnesses distinguished from Cal-SOAP tutors. In the tables inserted in the May 22, 2019 SSC minutes, the only amount budgeted for Cal-SOAP is \$45,000, and \$40,000 is budgeted to “Computers for Computer Lab.”

Administrative Assistant Jeanine Fleur notes later in the minutes that monies budgeted for a UCSD initiative “did not work” and will therefore need to be reallocated. Those monies are reallocated into a series of illegible (small and blurry font) tables within the minutes.

Title I Resource Forms

The amount approved by the SSC in the May 22, 2019 meeting for Cal-SOAP (\$123,040) is not reflected in the Title I resource forms, which instead allocate \$45,000 to Cal-SOAP. (See **Exhibit 21.**)

Emails in July 2019 regarding computer lab funds

In a July 11, 2019 email from Mr. Blackmon to Ms. Glanz, he asked, “Hi Debbie, can look at the computer order of 40,000k The SSC approved of and the kind of computers they where? and the amount of computers where ordered. And what the Budget look like this upcoming year.” [Errors appear in original.]

Ms. Glanz emailed back the purchase order (approximately \$49,000) and wrote, “42 computers for the computer lab. I think they only had enough money for one lab. (maybe two)”

Rationale for Finding:

According to most of the witnesses, Mr. Blackmon’s preeminent interest in allocating Title I monies through the SSC was seeking to have the Cal-SOAP contract approved for 2019-2020.

There was some confusion, reflected in both the SSC meeting minutes dated May 22, 2019 as well as in Mr. Sotoramos’ and Ms. Whigham’s statements in their investigation interviews, regarding which tutors would be funded by the SSC and what the SSC was voting for in the May 22, 2019 meeting with regard to Cal-SOAP.

The alleged approval by the SSC of \$123,040 for Cal-SOAP tutoring services was convoluted by (1) Mr. Sotoramos’ statements that the SSC was merely voting on “how much it [Cal-SOAP] would cost,” which Ms. Whigham similarly reported (SSC was voting on the anticipated cost); and (2) that Cal-SOAP was changed from an informational agenda item for the May 22, 2019 meeting to a voting item during the meeting;⁶ and (3) portions of the Cal-SOAP budget proposed by Ms. Tabor were regarded as expenses that would not be permissible under Title I. Despite these complications, Ms. Reyes and Ms. Lieu recalled that they were told there was money somehow available for Cal-SOAP tutors and that they voted to approve using Title I funds for the Cal-SOAP tutoring program.

According to Dr. Freire, the Cal-SOAP proposal presented by Ms. Tabor included expenses of approximately \$46,000 as needed to pay for the tutors while approximately \$74,000 of the proposed expense would go to paying for Ms. Tabor’s services coordinating those tutors. Ms. Lieu similarly shared that she recalled a substantial cost involved for Ms. Tabor to coordinate, which she found to be helpful, but ultimately did not find that the quality of tutoring services were lessened in any way by not having someone coordinate those tutors. SDUSD budget documents (Budget Transaction Details) linked on the SDUSD website supports that \$45,000 was allocated to pay for Cal-SOAP tutoring as a contracted service.

Although at times during the 2018-2019 school year site administration advised the SSC of additional funding becoming available, the overall weight of the evidence indicates the source of those monies was not well-articulated. There also seemed to be confusion whether the decisions made for that money would be in effect during the 2018-2019 school/fiscal year only versus an expense that would carry over to the 2019-2020 school/fiscal year.

⁶ Education Code section 35147(c)(1) provides that the SSC may not take action on any item of business unless that item appeared on the posted agenda or unless the SSC members present, by unanimous vote, find that there is a need to take immediate action and that the need for action came to the attention of the SSC subsequent to the posting of the agenda.

Conclusions

Significantly, Mr. Blackmon did not meet with me to articulate the basis/bases for his allegations that approximately \$400,000 was misappropriated from Lincoln High School, or that the will of the SSC was not executed by SDUSD leadership. Despite not meeting with me, I interviewed others who had met with Mr. Blackmon about his concerns and/or heard him describe those concerns, reviewed the VOSD news article, and watched the Facebook Live video wherein he generally describes the allegations.

I was able to interview voting members of the SSC who specified that they fully understood that they were voting for the proposed budgets, and the commitment that entailed. Responses provided in the interviews matched responses provided to the Google Survey distributed by administration. The weight of the evidence did not support that the SSC voted on anything other than the Lincoln Title I budget that was eventually processed through the SBB. The evidence indicated, however, that in subsequent meetings, administration was not entirely clear in conveying to SSC members what funding was available, resulting in SSC approvals of expenditures when there was no identified monies, and moreover, no available/unencumbered monies to spend.

Should SDUSD have any further questions, or desire that I interview additional witnesses or review any additional information to supplement this report, please contact me.

Sincerely,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO



Amy W. Estrada

Encl.: **Exhibits 1-23**