LAW OFFICES OF YOUNG · MINNEY · CORR LLP

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VIA: ELECTRONIC MAIL

Board of Trustees
Pacifica School District
375 Reina Del Mar Ave
Pacifica, CA 94044

Re: Demand to Delay Action on School Closure/Restructuring Proposal and Provide Forum for Meaningful Parent Input

Dear Board President Bredall, Members of the Board of Trustees, and Superintendent Williams:

This firm has been retained as legal counsel to represent the interests of hundreds of parents of students attending Ocean Shore School who are disturbed and aggrieved by the District's plans to ram through a plan to effectively close the beloved and unique school. The District's label of this all as "reconfiguration" or "co-location" (previously the District called it a "merger") is nothing more than spin – either this is a closure or a merger, but it does not preserve and provide for the continuation of Ocean Shore School as it is known. The proposal reflects the work of a broken process behind closed doors that has been devoid of genuine and meaningful parent participation of the kind required and indicated under the law (participants were apparently sworn to secrecy and fear retaliation), it is contrary to directives from the California Attorney General, the approach is deeply disrespectful to District parents (especially after the District asked parents to approve Measure G to improve their campuses), and it is based on flawed analysis that has not been fully fleshed out for the community and the Board. If adopted, this course of action stands to create a deep fissure within the District that could take generations to repair, if ever.

The District Board has a responsibility to work in good faith with parents whose children will be adversely affected by the proposed decision before the decision is finally made. This decision will have immense long-term implications and consequences and must not be rushed, including adverse and disorienting impact on the academic and social-emotional well-being of hundreds of children. There is no reason for it to be rushed through this month as the District is asking the Board to do. In fact, just a month ago in December 2024, the District issued a positive certification to the County Superintendent and the State of California, attesting that the District's fiscal operations would be sound for the next three years. This District is going down a dangerous road that other districts have tried, and it has not ended well; consider Los Altos School District which has lost 25% of its enrollment after closing a beloved school against parent voices over 20 years ago – that enrollment is not coming back.

Our ask right now is very simple: we respectfully ask that the Board make a motion to table the current proposal, engage with parents in meaningful study sessions, consider all of the options (I am certain that all of the options have not been considered), and reconvene after an appropriate timeline for a potential decision on a path forward after there has been adequate time for real community review and input. There is no reason to rush when the stakes are so high for students, and so much of the proposal is based on underlying analysis and assumptions that are flawed. With respect to my firm's engagement, I want to be clear that nothing is off the table, but my hope is that the District will take this olive branch that is being extended for the good of the community, and that parents will not need to look for other options when they feel heard and respected by the District. If the District says "no" to meaningful engagement and insists on pushing ahead right now, the parents will hear that message loud and clear and proceed accordingly to do what is necessary to protect the interests of their children.

By way of introduction, since 1992, my partners and I have supported and empowered parents in establishing over 1,000 public school choice options throughout California. Time and time again, we have witnessed parents compelled to leave the traditional public school system because school districts disregard parent voices at their peril. By all appearance that is happening here. It is eminently clear here that the District is gaslighting the Ocean Shore community by insisting there has been transparency and parent buy-in, when there has been nothing of that sort. There is no better example than the District's use of a Saturday "special meeting" with quiet notice two nights before on Thursday and lengthy unlawful closed sessions to box parents out of the process. The sheer speed of this process that stands to decide the fate of hundreds of students in this small District – within the span of a week's time – does not reflect good faith governance and stakeholder engagement.

This letter is a call to listen to parent and community voices and pause, slow down, engage, and reconsider a path forward for Ocean Shore School. I recognize that this letter may fall on deaf ears, and that would be a shame. Time and time again, I have seen districts ignore parents as "crazy," "selfish," and worse, and see parent dissenters as adversaries who must be beaten. That is wrong. That kind of thinking produces outcomes that may seem like a win to district staff who achieve the vote they want in the short term, but it is shortsighted and only leads to division.

The decision the District is considering making ignores that parents have choices and options that do not depend on the District. The $1.5 million annual savings that the District hopes to achieve through its "consolidation" plan can quickly be erased in a heartbeat as hundreds of parents vote with their feet and take their child's enrollment elsewhere. And more may follow, and they may never come back. Again, this letter presents an opportunity for a good faith dialogue. I hope the District will take the opportunity to engage and resist the temptation to dig in and defend and protect a position at all odds. The District Board is not too far down any road; it can and must pause.

I. The Reorganization Plan is Highly Flawed and Devoid of Analysis; Adoption Without Considering All of the Factors Would Be an Abuse of Discretion

The parents of this District know that the proposal before the Board is a plan to close Ocean Shore; it is frankly insulting to their intelligence and the good will they have brought to

the District that the District has insisted otherwise through marketing spin like "reconfiguration." The school closure laws in California treat a reorganization/consolidation of this kind in the same category as a closure. (*See, e.g.,* Education Code Section 41329.) Here, where the District is ending Ocean Shore's K-8 program and creating something new at another campus – a K-5 program that will be part of a crowded mega-sized elementary school, eliminating programs, and consolidating operations, this is not a continuation of Ocean Shore – it is a closure of the school as we know it. It dismantles the educational model that lies at the core of Ocean Shore's program, e.g., where students in the 6-8 span support the K-5 span, and students in 6-8 benefit and grow academically and social-emotionally from their service to younger students.

Incredibly, and putting aside all the marketing spin around "benefits," the plan for Ocean Shore is a giant step backwards for students. The academic consensus is well established, that "on average, students do worse academically when they attend middle schools than when they attend K–8 schools — and that this is true in urban, suburban, and rural settings. This suggests that it may be harder to create an effective middle school than an effective K–8 school, and that part of the challenge is simply that middle school grade configurations require an additional school transition…" (*See Do Middle Schools Make Sense*? Ed. Magazine, Harvard Graduate School of Education.) As one article notes, "When you have kids who make it all the way through your K–8 school, you provide a wonderful sense of continuity. You can create a family environment, a community environment around kids you know really well. You can get optimal emotional and social outcomes because you know them and their families really well." (*See Back to the Future: The Shift to K-8 Schools,* SEDL Letter Volume XX, Number 1, April 2008, Making the Most of Middle School.) The research also indicates that students in K–8 schools felt safer than they did in middle schools, which is consistent with fewer discipline problems seen at K–8 schools. (Weiss & Kipnes, 2006.)

None of the District's posted materials indicate that there has been any consideration of the pedagogical harms associated with going backwards and against the consensus around the middle school gradespan, i.e., going from a K-8 model that is lauded to a K-5 and 6-8 model that is being rejected in this era based on the research. In fact, the posted materials do not reflect any study or analysis at all of the academic considerations, including existing performance of the schools that will be affected. The District has posted a presentation with bullet points to persuade the District Board to adopt District staff's proposal, but the District has not engaged in any actual studies to assess the academic, social-emotional and equity, considerations and best interests of students. The District has not presented any written analysis of the academic and social-emotional implications of the proposal. The presentation seeks to persuade the District Board through platitudes and conclusions, but it does no actual work of the rigor that the District Board must demand before engaging in such a significant change in the operation of the District's schools and programs. Our review also indicates that the financial scenario documents and Board packet documents are laden with errors, and numbers and bullet points shifted over the weekend as slides were edited. The District is producing shifting narratives and numbers at this late hour to justify a highly flawed plan. This also calls into question whether the District is truly eligible for the CEQA exemption for which the District claims eligibility. The District Board cannot have full confidence in the accuracy and merits of the District proposal under the circumstances. The District's assumptions and calculations must undergo independent third-party professional review before the District Board acts upon them.

The Board must not make a decision without considering and taking into account the prevailing educational research around the substantial merits of the K-8 model over traditional 6-8 middle school programs, analysis around the academic and social-emotional implications of the proposal and accurate financial information and assumptions. Notably, the proposal does not actually address the equity issues around academic performance at Sunset Ridge, which performs far below other District schools and would benefit from the K-8 model. For the Board to approve the proposal without evaluating the full spectrum of issues would constitute an abuse of discretion, because it would reflect a decision made arbitrarily and capriciously. When courts review school district decisions for abuse of discretion, they evaluate the record to "ensure that the agency adequately considered all relevant factors, and demonstrated a rational connection between those factors, the choice made, and the purposes of the enabling legislation." (*Coachella Valley Unified Sch. Dist. v. State of California* (2009) 176 Cal. App.4th.93, 121.) The District has not done so here and in making a hasty decision, the District exposes itself to unnecessary litigation that would be highly wasteful of public funds.

II. The District's Proposal Does Not Account for the Significant Enrollment Loss the Course of Action Is Expected to Cause

In the void of the District's genuine respect for and consideration of parent voices and in the rush to obtain approval from the Board, the District is on a dangerous path to permanently disengaging parents and causing enrollment loss substantially above the levels projected by the District's demographic analysis. Eliminating a unique and sought after K-8 program like Ocean Shore stands to have significant impact on enrollment in the District that will likely erase any cost savings that the District proposal is expecting to achieve. Parents have many options, including existing charter school options, the establishment of new charter school options, interdistrict transfers, and independent schools.

The fiscal analysis underling the District's proposal is fundamentally flawed because it does not account for average daily attendance ("ADA") loss caused not by demographic shifts, but parents who choose other options in response to the proposed course of action. The table below roughly reflects the incremental lost revenue the District may experience. Until the District assesses the full impact of the proposal, the District Board must not proceed.

ADA Loss	Gross Value*	Percentage of 2025-26 Revenues
150	$2,250,000	~6%
200	$3,000,000	~8%
250	$3,750,000	~10%
300	$4,500,000	~12%
350	$5,250,000	~13%
400	$6,000,000	~15%

*Assuming average revenue of $15,000 per ADA based on current District revenue divided by 2023-24 total ADA.

III. The District's Plan is Unlawful Because it Will Create Segregated School Programs

The District's approach is also unlawful because it would segregate the District into two classes of schools: an existing K-8 program with a superior K-8 model (Cabrillo) and relegate the rest to a K-5 and separate 6-8 model that is contrary the prevailing pedagogical research and consensus among education professionals. Indeed, this course of action would segregate the valuable K-8 program availability unacceptably along lines of socioeconomic status and race and confer a benefit upon one set of students (Cabrillo) but not others. Cabrillo would remain protected as a K-8 school with the largest white population, minimal diversity, and the smallest socioeconomically disadvantaged population, and Ingrid B. Lacy Middle School would concentrate students of color and socioeconomically disadvantaged students in an inferior program model. This approach violates numerous principles under state and federal constitutional and statutory law.

With respect to the co-location of Sunset Ridge and Ocean Shore in particular, the District's two-schools-on-one campus model unlawfully segregates students into two schools along the lines of race and socioeconomic status. And, it segregates Asian students (inclusive of Filipino students) from the rest of the District by concentrating 40% of the District's Asian population at a single campus, notwithstanding that Asian students account for only 15% of the District as a whole. Again, this approach violates numerous principles under state and federal constitutional and statutory law. It also appears that the District is proposing to engage in this segregated approach in order for the District to retain Title I status for Sunset Ridge and to continue to claim associated federal funds. As the District is aware, if it were to combine these two schools, it would lose Title I eligibility for Sunset Ridge because the combined school's percentage of socioeconomically disadvantaged students would fall below the 40% threshold for Title I status:

School	**% Socioeconomically Disadvantaged**	**% White Students**
Separate - Sunset Ridge (Title I)	46%	20.5%
Separate - Ocean Shore (Non-Title I)	14%	34.9%
Combined (Non-Title I)	29%	27%

It also appears from the District's plans that while it intends to maintain two segregated schools to preserve Title I funding, it also intends to merge certain operations of the schools for cost savings, a course of action which would cause misuse of Title I funds and expose the District to liability. In its projections related to the closure proposal, the District is not accounting for the fact that this scheme violates federal law, will ultimately be shut down through litigation or government action, and that the District will lose funding it is counting on as part of its budget analysis. The entire financial analysis underlying the proposal is thus flawed.

IV. The District's Planned Action Constitutes Waste of Public Funds

The Board has a responsibility to safeguard the use of public funds and property, and the proposed course of action will effect a massive waste of public funds and resources. Code of Civil Procedure Section 526a authorizes "[a]n action to obtain a judgment, restraining and preventing any illegal expenditure of, waste of, or injury to, the … funds, or other property of a local agency." The proposal, if enacted, would cause the waste of hundreds of thousands of public dollars that have been recently allocated and spent in support of Ocean Shore's campus

towards capital improvements. It also stands to waste the value of the Ocean Shore campus, a waste of millions of dollars of public funds.

V. The District's Planned Action Violates Parent Participation Rights Under the Law

The District's claim of robust parent participation in connection with the closure proposal is belied by the facts, and the District's approach is fundamentally inconsistent with the law, appropriate practices, and stated District policy and values. To be clear, whether the District feels that its process was adequate, parents do not feel that way, and that alone is reason to pause and proceed differently. As the District knows, it did not reveal the details of its "reconfiguration" proposals to the parent community until about one week ago on January 9, 2025 when it posted a special board meeting agenda. The District limited the opportunity for participation and visibility by announcing the meeting after hours on Thursday and chose not to broadcast the meeting or make it available over the internet so that parents could participate from home.

Whatever process ensued over Spring of 2024 through the Superintendent's Budget Collaborative Committee did not involve genuine discussion or consideration of the ultimate proposals that were presented on January 11, 2025. As the District is aware, the Superintendent Budget Collaborative Committee was not widely advertised and did not widely invite parent participation or provide genuine visibility into the proposals that were under consideration. The ultimate proposals that were raised on January 11, 2025 were borne from District staff, not parents, and they were not meaningfully vetted by parents. In fact, the "Scenario Considered" document was not discussed or shared in the Superintendent's Budget Collaborative at all. These were only addressed in sub-committee meetings, the members of which were all selectively chosen by the Superintendent to support the Superintendent's intended outcome. The sub-committee only included one parent (from Sunset Ridge, not Ocean Shore or any other school), and the committee members were sworn to secrecy and prohibited from discussing the meeting with other parents.

The Superintendent arranged the process to preclude dissent and meaningful parent participation in development of the scenarios. We understand that members of the subcommittee were sworn to secrecy and those who presented differing opinions were sidelined, silenced, and risk retaliation. This raises serious issues under state and federal law. At minimum, it indicates that the proposal does not reflect a rigorous process, but instead reflects a process designed to achieve a particular predetermined outcome.

Now, the District is asking the Board to approve a radical change to the District's structure and academic program and affect the closure of schools and movement of hundreds of students with a mere week for parents at large to consider and comment. This does not provide a meaningful opportunity for parent participation, and it does not indicate respect for parent voices at large.

Specific to school closure and "reconfiguration," the District's approach is inconsistent with guidance from the California Attorney General,[1] that "[f]or all school districts, including non-financially distressed school districts, it is best practice to approach the school closure and redesign process, including the AB 1912 process, as one part of a broader, multi-year equity effort between the community and school district aimed to alleviate entrenched disparities in educational opportunity and improve student achievement for all students." Here, we do not have a "multi-year" effort – we have an effort to push forward radical change in one week's time with no meaningful parent involvement.

The Attorney General further states that "[e]xperts who have studied school closures across the country recommend meaningful participation and true collaborative problem solving between the district and the community throughout a school district's closure and redesign process. Studies show that deep community engagement pays dividends beyond school closures: increased parent and student engagement leads to better academic achievement and attendance, which in California leads to more funding and decreased likelihood of further closures… A transparent and community-centered process can help ensure an end result that reflects the community's interests." The Attorney General advises that "districts … use AB 1912's equity impact analysis process not just as a step in the closure process, but as an opportunity to assess resource allocation within the district, in order to ensure a quality, equitable education for all students." The District has not implemented the AB 1912 equity analysis process here.

Even putting aside the Attorney General's guidance and AB 1912, a decision of this magnitude, i.e., the closure of schools or the complete reconfiguration of middle school education, and fiscal adjustment involving millions of dollars, demands so much more transparency and parent participation than the District has provided. At minimum, this change stands to radically change the substance of the LCAP that was approved in Spring 2024, subject to parent participation prior to its adoption. The LCAP "shall be effective for a period of three years." (Education Code Section 52060(b).) As required, it addressed "[p]arental involvement and family engagement, including efforts the school district makes to seek parent input in making decisions for the school district," (Subd. (d)(3)(A)) which is not being observed here. For example, the LCAP specifically adopted a plan for four meetings a year by year-three of the LCAP to address issues around program "reconfiguration." The District's proposal effectively changes plans under the LCAP without compliance with the LCAP revision process. Education Code Section 52062(c) provides that "[a] governing board of a school district may only adopt a revision to a local control and accountability plan if it follows the process to adopt a local control and accountability plan pursuant to [the Education Code] and the revisions are adopted in a public meeting." That process requires specific parent engagement procedures that have not been followed here, including for the Superintendent to respond in writing to parent comments.

Furthermore, Education Code Section 11500 provides that "[t]he governing board of each school district and county office of education shall establish a written parent and family engagement program for each school in the district that receives funds under the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), as amended by the federal Every Student Succeeds Act (Public Law 114–95). That program shall contain at least the following elements: ... Procedures to ensure that parents and family members are consulted and

[1] https://oag.ca.gov/system/files/media/letter-school-districts-school-closures-04112023.pdf

participate in the planning, design, implementation, and evaluation of the [school] program." Pursuant to federal law, "programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children." (20 U.S. Code § 6318.) We see no indication that the District is in compliance.

We also see no indication that the District is in compliance with numerous other Education Code provisions addressing parent participation, including Education Code Section 51101, which provides that:

- "the parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children…," including the right "[t]o participate as a member of a parent advisory committee, schoolsite council, or site-based management leadership team."
- "[i]n order to facilitate parental participation, schoolsite councils are encouraged to schedule a biannual open forum for the purpose of informing parents about current school issues and activities and answering parents' questions. The meetings should be scheduled on weekends, and prior notice should be provided to parents."
- "parents and guardians of pupils, … shall have the opportunity to work together in a mutually supportive and respectful partnership with schools, and to help their children succeed in school. Each governing board of a school district shall develop jointly with parents and guardians, and shall adopt, a policy that outlines the manner in which parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each schoolsite. The policy shall include, but is not necessarily limited to…" the means by which parents may participate "in decisions relating to the education of their own child or the total school program."

Again, given the significant changes to the District's programs and the likelihood of adverse impact and harm to students, the District Board must table the proposed action and require the District to provide opportunity for meaningful parent participation in reviewing the proposals and developing alternative proposals.

VI. The District Has Violated the Brown Act Leading Up to the January 22 Meeting

Under the Ralph M. Brown Act, Government Code Section 5495, the law guarantees that the District Board's "actions be taken openly and that their deliberations be conducted openly," because "[t]he people … do not yield their sovereignty to the agencies which serve them," and "do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. Contrary to these rights and the interests of the public, the District has undertaken multiple efforts to deprive the public of access to the District's business. These Brown Act violations must be cured before the District may move forward with consideration of the closure proposal.

First, the District did not post its agendas for the January 11 or 22, 2025 meeting in compliance with the Brown Act. Any actions that the District may take at the January 22, 2025

meeting would be void. (*See* Government Code Section 54960.1.) Specifically, the District failed to comply with Government Code Section 54954.2(a)(2)(A) which provides that "[a]n online posting of an agenda shall be posted on the primary internet website home page of a ... school district … through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu… " Insofar as the District was attempting to comply with this requirement by linking to GAMUT, the District is not in compliance with subdivision (C). The link to GAMUT is to the District Board's policies, and not the current agenda.

Second, it is apparent that the District is abusing the privilege of using closed session to discuss matters of policy that are required to be before the public. The District has shielded the public from view of its business around the closure plan through abuse of hours' long "anticipated litigation" items. Closed session on this basis requires that "[a] point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency." (Government Code Section 54956.9(d)(2).) However, it has been factually impossible for there to have been "existing facts and circumstance" creating a "significant exposure" to litigation because the District Board had taken no action to approve any closure plans. On this basis, the District cannot move forward in approving the closure plan until it details the basis of its closed session on January 11, 2025 and releases the information within the closed session that was required to be made public. Any vote on January 22, 2025 on the basis of closed session discussion related to the open session item exposes the action to being vacated as a Brown Act violation.

The District should consider this letter to be a demand to cure within the meaning of Government Code Section 54960.1.

VII. The District Must Table the Action Until it Complies with the Outstanding Public Records Request

As the District is aware, my client issued a Public Records Act request on January 14, 2025 to obtain critical public records that are essential to the proper analysis and understanding of the District's proposal. Parents must have that information and the analysis before the Board votes so that parents can be fully informed of all of the background information and analysis that has not yet surfaced. Production of these records is crucial to ensure fulsome parent participation, including so that parents can review the assumptions and considerations that underly the District's proposal. This review is necessary to ensure that the Board itself is making a decision with the benefit of all of the information, considerations, and analysis that underly the District's proposal.

I also request production of the following additional categories of records:

1. All analyses regarding the academic and social-emotional considerations and impacts to students in connection with the District's proposals related to the potential reorganization, reconfiguration, and/or closure of District schools.
2. All communications among District Staff and/or members of the Board of Trustees regarding the potential reorganization, reconfiguration, and/or closure of District schools. For the avoidance of doubt, communication includes but is not limited to all text

messages, instant messages, and emails, regardless of whether they were sent or received on a District-issued or personal device.

3. All records regarding the Superintendent's Budget Collaborative Committee, including any and all sub-committees (formal and informal), including but not limited to agendas, minutes, notes, handouts.
4. All records regarding the selection of members to participate in subcommittee(s) of the Superintendent's Budget Collaborative Committee.
5. All records regarding the District's engagement of parents in the development of proposals to reorganize, reconfigure, and/or close District schools.
6. All records regarding the implementation of and expenditures related to implementation of the 2024-25 LCAP regarding the District's planning for school reorganization, reconfiguration, and/or closure.

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Again, there is too much at stake here for students to warrant rushed action to adopt a "reconfiguration" plan that has so many serious flaws. Many of these flaws are so nuanced and complex that they cannot possibly and fairly be fully understood and worked out in the course of a single board meeting. Until the Board truly opens up the process to provide for true parent and community participation (businesses and homeowner associations have an interest in the decision as well), the District Board will be overlooking valuable ideas and considerations and input that have not been taken into account yet. The Board must in good conscience and in the interest of parents slow down and table the action so there can be a fulsome process for parent engagement. Only then can the Board move forward with any plan with confidence that the analysis and approach is sound, that students will not be exposed to undue harm, and to the contrary, that the plan will be in the best interests of students. Again, all options are on the table for my clients, but I stand ready to work with the District towards finding common ground and a way forward.

Sincerely,

LAW OFFICES OF YOUNG, MINNEY & CORR, LLP

Lee J. Rosenberg
ATTORNEY AT LAW