NO. 25-475

In the Supreme Court of the United States

JASON CAMP,

Petitioner,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT,

Respondent.

On Petition for a Writ of Certiorari to the Court of Appeal of California, Second Appellate District

REPLY BRIEF OF PETITIONER

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REPLY BRIEF OF PETITIONER

Federal courts interpret Title I of the Elementary and Secondary Education Act, 20 U.S.C. § 6301 *et seq.*, to further its statutory purpose to provide supplemental educational services to disadvantaged children. When Petitioner, Jason Camp disclosed flagrant diversion of federal funds from its intended recipients, the California Court of Appeal imposed unnecessary requirements which protected the second largest school district in the United States from accountability for its conduct. Ignoring evidence of systematic manipulation of Title I funding, the Court of Appeal threw out the jury verdict because Camp could not identify a regulation that specifically required the funds to follow the students – the intended recipients of the funds. The California Court of Appeal's demand for regulatory specificity when the undisputed evidence shows diversion of Title I funds from its intended recipients, contradicts federal law. Camp asks the Court to grant the petition for certiorari and set aside California's barrier to regulatory enforcement of Title I.

A. The California Court of Appeal's Decision Interpreting and Applying Federal Law Is Wrong

1. The California Court of Appeal's Decision Interpreting a Report of Violation of 20 U.S.C. § 6301, Title I, Rests on Federal Law

The Court of Appeal reversed the jury verdict because Camp did not cite a nonexistent regulation requiring the Title I funds to follow the students. Instead of addressing Camp's challenge to this require-

ment for regulatory specificity, LAUSD cautions the Court not to interfere, claiming the decision rests on independent state grounds. The argument is false.

When the Court of Appeal interprets a federal statute, to determine that the information disclosed by a whistleblower does not provide reasonable cause to support a violation of federal law, it necessarily interprets the federal law.

Camp's unrefuted testimony is a matter of record. Camp's operative complaint reported violations of Title I funding requirements. *Camp v. Los Angeles Unified Sch. Dist.*, 2025 WL 900506, at *3 (Cal. Ct. App. Mar. 25, 2025) The jury found Camp "disclosed a violation of law regarding illegal misuse of Title I funds." The Court of Appeal necessarily interpreted federal statutory requirements to determine whether Camp's belief was "objectively reasonable." The court analyzed Title I's framework and determined what it prohibits. *Camp*, 2025 WL 900506, at *6, *9-10. The Court of Appeal found as a matter of federal law Camp did not have reasonable cause to believe that the information disclosed a violation of Title I, a federal statute. The Court of Appeal then identified the precise deficiency again by reference to federal law. Camp, the court found, did not identify a specific statute, rule or regulation that required Title I funds to "follow" students.

Under *Michigan v. Long*, 463 U.S. 1032, 1040-41 (1983), this Court has jurisdiction when, as here, "a state court decision fairly appears to rest primarily on federal law, or to be interwoven with the federal law." By weighing Camp's complaints against the statutory requirements of Title I, to find them insufficient, and then proceeding to identify the precise requirement to

fill that gap by reference to federal law, the Court of Appeal unquestionably interacted with, interpreted, and applied federal law.

2. The Jury Found LAUSD Engaged in Deliberate Manipulation — A Factual Determination That Stands

LAUSD tries to obfuscate and muddy the waters, but the facts are straightforward and undisputed. Camp testified about a deliberate, multi-year scheme to manipulate norming counts and divert Title I funds. He presented evidence of LAUSD's manipulation of the "norming" process, a date early in the Fall of each school year where LAUSD looks at student enrollment numbers in a school and uses that number to qualify for Title I funds, and to allocate its funds and resources. (6RT 3063-3064.)

After "norming" day, LAUSD transfers students from comprehensive high schools to continuation school campuses, expanding LAUSD's options school population. (8RT 4211-4214.)[1] However, Title I funds that LAUSD received for the benefit of eligible students, many of whom were transferred out of the comprehensive schools, did not follow the students, depriving the low-income, at-risk students of the resources that Title I funds were intended to provide.

Camp presented testimony that this post-"norming" day expansion of enrollment at options schools was neither routine nor accidental, but a result of LAUSD's

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[1] LAUSD misrepresents Camp's testimony, and the evidence found by the jury, to mischaracterize Camp's complaints were about "students who took classes mid-year at his continuation high school." (Respondent's Brief at page 14)

deliberate manipulation of the process to retain control of funds for comprehensive high schools. He presented evidence that explained how LAUSD's practice of (1) not allowing Title I funds to follow the students impacted the already struggling options schools' ability to fund teachers in the core subjects for graduation, (2) limited campuses to part-time single counselors and (3) aggravated food security by denying options schools funds to feed breakfast to low-income students. (8RT 4212- 4214.)

Because LAUSD kept the Title I funding at the comprehensive schools rather than transferring it to the options school to which the student was transferred, the options schools lacked the necessary resources to support these students in recovering credits. (9RT 4563.)

Critically, LAUSD offered no evidence to rebut Camp's testimony about intentional manipulation. The jury believed Camp and found he reported a Title I violation.

The appellate court reversed because Camp could not cite "a Title I regulation 'requir[ing] funds to follow a student'" or "a specific rule, regulation, or statute proscribing the use of a norming day." *Camp*, 2025 WL 900506, at *3, *10. This legal determination about regulatory specificity—not any factual finding—drives the reversal.

3. LAUSD's Preservation Argument Fails

LAUSD complains Camp is making new arguments and citing to new "statutes," but LAUSD is wrong.

Camp and witness Alex Placencio, testified to a myriad of Title I violations by LAUSD. When conduct guts a statute so pervasively that it implicates several

of its implementing regulations, citing the statute alone captures the broad scope of the conduct's violation of the law.

Title I exists for one purpose: serving "formula children"—economically disadvantaged students. Title I's allocation mechanism is the core legal requirement. The statute allocates funds based on eligible student counts. 20 U.S.C. §§ 6333, 6337. Systematically manipulating those counts to capture funds, then transferring students but retaining money, violates the statute itself.

When a scheme perverts this core purpose it implicates the rank-order requirements (34 C.F.R. § 200.78), the supplement-not-supplant provisions (34 C.F.R. § 200.79), and the entire allocation framework. Searching for a regulation specifically stating "do not manipulate norming day" misses the forest for the trees. The flagrant illegality of LAUSD's scheme undermines the statute's central purpose so thoroughly that citing Title I captures the sweeping scale of LAUSD's contravention of the law. Had LAUSD thought differently at trial, it would have pressed the Court to require a specified Title I provision.

Undisputed trial testimony of systematic manipulation of funds shows that LAUSD violated specific regulatory mandates: 34 C.F.R. § 200.78(a)(1) requires funds be allocated "in rank order on the basis of the total number of public school children from low-income families in each school." When Options schools serve 100% Title I-eligible populations but receive disproportionately less Title I funds while comprehensive schools with lower poverty concentrations retain funding based on transferred students, the rank-order requirement is violated. Similarly, 34 C.F.R. § 200.78(b)(1)'s per-

pupil minimum requirements cannot be satisfied when schools do not receive the per student funding despite serving exclusively Title I students.

LAUSD complains Camp did not make the same arguments below and did not cite the same regulations.[2] Camp alleged the scheme violated Title I, cited the federal statute, and described the fraudulent manipulation. The state appellate court engaged with this federal claim and rejected it imposing a new requirement of specificity directed not at the undisputed illegal conduct, but on Camp's response to a question for regulatory specificity. Camp could not anticipate or

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[2] LAUSD submission of the table of content and table of authorities of Camp's Combined Respondent's Brief and Cross-Appellant' Brief (Res.App.37a-48a) is another strained attempt to mislead. Camp was the prevailing party on his whistleblower retaliation cause of action and therefore served as Respondent in the Court of Appeal. As the responding party, Camp's brief necessarily addressed the specific issues LAUSD raised in its appeal—not every conceivable legal theory. A respondent's brief cannot fairly be cited as evidence that arguments were forfeited when the respondent had no obligation or opportunity to raise them. Second, the arguments in LAUSD's Opening Brief in the Court of Appeal (Sections A and B) were premised on the anticipated outcome in *People ex rel Garcia-Brower v. Kolla's, Inc.* (2023) 14 Cal.5th 719, then pending before the California Supreme Court. (*See* Res. App. 37a, Table of Contents Nos. I, A-C.) When the decision was issued LAUSD had to scramble. LAUSD raised an entirely new argument in its Reply Brief—one Camp moved to strike or, alternatively, for leave to respond to Camp cannot be faulted for failing to anticipate and respond to arguments he was procedurally barred from addressing. Finally, Camp could not have anticipated that the Court of Appeal would impose a requirement that no "specific rule" prohibited the necessary consequences of LAUSD's unlawful manipulation scheme—a legal standard never advocated by LAUSD and unsupported by controlling authority.

challenge that standard before the court articulated it. The issue—whether the scheme violated Title I—is identical; only the court's erroneous reasoning differs.

LAUSD is mistaken when it claims Camp is raising violations of Title I's requirement for rank order allocation for the first time and making new argument. He is not.

In his Petition for Review and in his trial testimony Camp presented evidence of violation of Title I rank order allocation. *See* Petition for Review, Res.App.13a-14a ("100% of the students at the Options/ Continuation schools were Title I eligible. Yet, they received little to no Title I funds. (11RT-5522; 6RT-3089:9-13; 3091:24-3092:5.)"); Res.App.25a ("Under Title I, public schools are eligible to receive funding for schoolwide programs if 40 percent or more of the children in the Local Educational Agencies attendance area come from low-income families." (20 U.S.C.S. § 6314(a)(1)) and Res.App.25a-26a ("The entire purpose of a Title I grant is to close the achievement gap by equalizing access to resources. Title I's central mission—to assist the formula (i.e., eligible) child—is evident in the stated purpose of both the ESSA, the NCLB, the regulations, the funding formula, and the requirement to rank and serve the schools based on poverty levels of children.")

Furthermore, at trial, to persuade the jury that LAUSD had no discretion to change funding formulas, LAUSD presented the testimony of Carol Alexander, testimony relied upon by the state appellate court. Alexander testified that the funding for Title I is based upon "census data and population data" (as set out in 34 C.F.R. §§ 70(b)) and explained that funds are distributed based on 'rank and serve' of every school

with schools with higher poverty numbers receiving the greater share of the funds. Reply.App.2a (Trial Transcript 5504:21-5505:9.) Alexander acknowledged that LAUSD had no discretionary authority to change the funding formulas.[3] (as set out in 34 C.F.R. 78(a)(1).) Reply.App.3a (Trial Transcript 5505:18-22.)

Camp's Combined Respondent's Brief and Cross-Appellant' Brief also referred to the requirements of several Code of Federal Regulations, collectively referring to them as "Title I", including 34 C.F.R. 200.70(b). [4]

4. LAUSD's Remaining Arguments Lack Merit and are Immaterial to Questions Presented

LAUSD's reliance on *Insurance Exchange v. Collins*, 37 Cal. Rptr. 2d 126 (Cal. App. 2d Dist. 1994) is misplaced. That case addressed California's procedural forfeiture rules in a purely state law context. Here, federal questions pervade the case—the Court of Appeal necessarily interpreted federal Title I requirements to determine whether Camp's belief was "objectively reasonable." This federal law interpretation triggers *Michigan v. Long*'s jurisdictional presumption.

Camp raised myriad Title I violations at every stage of the litigation, and the jury's resounding verdict in Camp's favor confirms that these issues were tried

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[3] In its briefing to the California courts and here, LAUSD argues it exercised discretionary authority. (Res. Brief at p. 17-19.) LAUSD neither has nor did it claim to have discretion to change Title I formulas for distribution of funds to its intended recipients.

[4] There are 87 references to Title I including discussion about its purpose and allocation of funds.

and that LAUSD defended against them. Thus, no forfeiture occurred. In any event, California procedural rules cannot dictate this Court's jurisdiction over federal questions. *See* e.g. *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).The petition properly focuses on the federal question presented, not relitigating state whistleblower law interpretations.

B. The Continued Viability of Title I warrants this Court's review

Title I allocates funds based on eligible student populations. A multi-year scheme of inflating counts until funds are allotted, then immediately transferring students while retaining funds, does not require a separate 'portability rule' to be unlawful - it violates the allocation statute itself through fraudulent manipulation. *See* 20 U.S.C. § 6333 (Basic grants based on counts); 20 U.S.C. § 6337 (Targeted assistance based on counts)

As discussed in the Petition for Certiorari at pp. 15-16, this Court enforced Title I as a comprehensive scheme in *Bennett v. Kentucky Dep't of Educ.*, 470 U.S. 656, 665-66 (1985), without requiring citation to granular regulations.

In *Bennett*, this Court rejected Kentucky's argument that its conduct complied with Title I because no regulation specifically prohibited its approach. The Court found violations based on conduct that undermined Title I's statutory framework—requiring federal funds to supplement, not supplant, state spending—without requiring citation to a regulation stating, "do not use Title I funds to replace state funds." *Id.* at 672. Kentucky's scheme, like LAUSD's here, perverted Title I's core purpose. The Court ordered full repayment,

demonstrating that comprehensive regulatory schemes cannot be circumvented through creative manipulation simply because regulators haven't anticipated each specific method of fraud.

This Court reinforced these principles in *Universal Health Services v. Escobar*, 579 U.S. 176, 193 (2016), holding that "what matters is not the label the Government attaches to a requirement, but whether the defendant knowingly violated a requirement that the defendant knows is material to the Government's payment decision." LAUSD's systematic diversion of Title I funds from disadvantaged students who generated them violates requirements material to federal funding decisions, regardless of whether a regulation specifically prohibits norming day manipulation.

The Court of Appeal's dismissal of Title I's purpose as mere "higher level statements" (*Camp*, 2025 WL 900506, at *10) cannot be reconciled with federal enforcement principles. Indeed, Congress added the supplement-not-supplant provisions in 1970 specifically to prevent the manipulation LAUSD practices. S. Rep. No. 91-634, at 67 (1970). The legislative history confirms Congress intended to prevent exactly this type of fund diversion from disadvantaged students.

Moreover, LAUSD's scheme violates specific regulatory mandates: 34 C.F.R. § 200.78(a)(1) requires funds be allocated 'in rank order on the basis of the total number of public school children from low-income families in each school.' When Options schools serve 100% Title I-eligible populations but receive disproportionate Title I funds while comprehensive schools with lower poverty concentrations retain funding based on transferred students, the rank-order requirement is violated. Similarly, 34 C.F.R. § 200.78(b)(1)'s

per-pupil minimum requirements cannot be satisfied when schools receive funding inconsistent with rank order despite serving exclusively Title I students.

Title I's allocation mechanism is not aspirational policy—it is the statute's operational requirement. Deliberately gaming allocation formulas to capture funds for ineligible populations violates the statute itself. California's "specific rule" standard guts whistleblower protection. If reporting federal statutory violations requires citing specific regulations, sophisticated schemes that exploit gaps between broad statutes and detailed regulations will go unreported. A reasonable person observing a multi-year scheme of count manipulation would have cause to believe federal law was violated, even without researching specific CFR provisions.

The requirement that whistleblowers identify specific regulations prohibiting particular manipulation methods is superfluous and an intentional distraction from the obvious illegality of LAUSD's actions.

CONCLUSION

With billions in federal education funding at stake, the Court of Appeal's rule invites recipients of federal funding to partake in a perverse game of undermining statutory intent, limited only by their ingenuity in devising schemes that do not prohibit the specific runaround Title I's implementing regulations. This dangerous precedent warrants immediate review.

Respectfully submitted,

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November 26, 2025

REPLY BRIEF
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TRIAL TRANSCRIPT, RELEVANT EXCERPT (NOVEMBER 2, 2021)

COURT OF APPEAL OF THE STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

JASON CAMP,

Plaintiff/Respondent,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT, ET AL.,

Defendant/Appellant.

Case No. BC673403

2DCOA No. B318925

Appeal from the Superior Court of Los Angeles County Honorable Maurice A. Leiter, Judge Presiding Reporter's Transcripts on Appeal

[November 2, 2021, Transcript, p. 5504]

Q Okay. So before we move on from that, the A-G programs, the one that you're the director of, can those be funded by Title 1 funds?

A Yes.

Q And you also mentioned LCFF funds. What are those?

A Local control funding formula is what the acronym stands for. It's basically how the state funds our schools, and it changed for the state how schools were funded in 2014, giving districts a broader range of discretion over how funds were used but also accompanied accountability where each district is allotted a certain amount of money based on, of course, student population and—as well as additional funds based on your English learner population, number of English learners, Students of poverty, your foster youth, and homeless youth.

Q With respect to Title 1 funds, how does the district determine how much Title 1 funds each School receives?

A Well, every district across the nation receives—works the same in every state, that the Federal Government provides funding for Title 1 through census data and population data. And then from there, each district must do what we call "rank and serve," and so every School, based on the number of Students of poverty and Enrollment, receives a certain amount of funding for Title 1.

For example, when I say it's ranked, Schools with 85 percent or more of students of poverty get the most, and then it goes down to 65 percent and 74 percent. And then the next level is 45 percent to 65—64.9 percent. And then any School below 45 percent doesn't get Title 1 funds.

Q Is there any School in the Los Angeles Unified School District that has not received Title 1 funds?

A I believe there's one High School, and there's several Middle and Elementary Schools that do not receive Title 1 funds.

THE COURT: Counsel, 15 minutes.

BY MS. MARTINEZ:

Q With regard to the formula that we just described, does the district have any discretion in how it can change that formula, amend that formula? Does it have any discretion whatsoever?

A No.

Q With respect to—

MS. MARTINEZ: I'm sorry, your honor. I got a little flustered with our time period.

BY MS. MARTINEZ:

Q With respect to allocating the funds based on this formula, if a student moves from one school to . . . .

[. . .]