

Zaragoza-Diaz & Associates

Martha Zaragoza-Diaz

MEMORANDUM

Date: November 8, 2013
To: CAFE Board Members
From: Martha Zaragoza Diaz, Lobbyist
Subject: Legislative Report
Cc: Jan Gustafson Corea, Executive Director

I. CSBA Meetings on the LCFF

CSBA Executive staff convened three meetings of their Council of Presidents, which consists of the presidents of various ethnic education associations such as the California Latino School Boards Association. The first meeting was convened August 26, 2013 and the second meeting was convened on October 14, 2013.

Twenty-eight statewide organizations were invited to the meeting including our esteemed President, representing CAFE and our esteemed Executive Director Jan Gustafson Corea. I was asked to represent Californians Together along with Shelly Spiegel Coleman, Executive Director. Also attending were Cynthia Rice, with CRLA was in attendance along with representatives from MALDEF, NCLR, ACLU, Public Advocates, Urban League, NAACP, ACSA, & State PTA.

The focus of the first meeting was on the implementation of the LCFF---What three things should happen next for successful implementation of the LCFF? Attached are the notes ("LCFF Roundtable Notes") reflecting what was discussed at that meeting. Three "shared interests" were identified:

- Parent Engagement Strategy & Guidance
- Identify a common approach to "proportionality" & spending
- Define Adequacy: What is the full core program? What is the Cost?

The second meeting of the Council Presidents took place on October 14, 2013. This meeting was only for the Council members to continue to discuss the LCFF. The majority of the discussion focused on the implications for governance, student achievement and the "conditions" of children. Our President, Francisca Sanchez (representing CAFE) and I (representing Californians Together) were given an hour to present before the Council on the LCFFs impact on student achievement, specifically for students of color and in particular, English Learners.

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Francisca developed a PowerPoint, "Target Populations & LCFF: Ensuring Excellence and Equity". The focus of the presentation, how implementing the LCFF can lead to ensuring excellence for our students was very well received by the Council Presidents and especially by the CSBA staff. Francisca was awesome!! I am informed that Ms. Sanchez will present the PowerPoint at the Board meeting. Attached to this report is a copy of the PowerPoint.

The third meeting took place on October 24, 2013 to follow up on what was discussed at the first meeting. Participants included in this meeting, again, were statewide organizations representing various education groups as well as advocates. This meeting focused on potential "collaborative" activities between these organizations and CSBA.

II. Proposed LCFF Expenditure Regulations & LCAP Template

There was a flurry of activity in preparation for the November 7, 2013 State Board of Education meeting on the proposed LCFF expenditure regulations and LCAP Template.

Included with this report, you should find, CDE Memorandum Item #13, West Ed Power Point on LCFF Implementation, Broad Coalition LCFF letter to SBE, Joint letter from CRLA, CAFE, Californians Together and Youth Law Center on proposed amendments to the regulations and a joint LCFF letter from CAFE, Californians Together & CRLA expressing overall concerns with proposed regulations and LCAP template.

Approximately 200 people, many of them parents from throughout California, were there to comment on the proposals. I want to send a "shout out" to Barbara Flores for sending two DELAC parents to testify. It was a pleasure to work with them...they were outstanding. Also "thank you" to those who responded to, the various requests for letters to be sent to the SBE.

Major provisions of the LCFF include, but are not limited, to:

- The obligation of LEAs to demonstrate "increased or improved services" in proportion to the increased funds received based on the number and concentration of unduplicated pupils (low-income, English Learners and Foster Youth pupils) is required, Education Code Section 422380.7.
- The obligation of LEAs to increase student achievement is also required, Education Code Section 52060.
- The State Board of Education of Education is to adopt a LCAP Template that meets, among other requirements, the state priorities specified in Education Code Section 52060.

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Major issues associated with the proposed expenditure regulations and the proposed LCAP Template, include but are not limited, to:

- The proposed expenditure regulations provides for 3 options of which school districts can choose 1 to implement:
 - Spend more
 - Provide more
 - Achieve more
- As proposed, providing the aforementioned options to school districts does not establish a clear requirement of LEAs to demonstrate that concentration and supplemental **funding is connected to** the increase or improvement of services for students who are low-income, foster youth, or English Learners (unduplicated pupils) for the purpose of increased student achievement. It disconnects spending and services in a manner that is inconsistent with the LCFF statute.
- The spend more and provide more options are not linked to the requirement that school districts show increased student achievement.
- The “achieve more” option relieves school districts of the need to demonstrate any increase in spending, services or improvement of program.
- The proposed LCAP Template is not a “template” and fails to address ALL of the State priorities and fails to have school site focus and an unduplicated pupils focus as required in Education Code Section 52064.

All 188 persons signed up to speak before the SBE was given 1 minute to comment. Translators and translation equipment were made available to non-English speaking persons. If I do so say myself, my 1 minute testimony was awesome and to the point! Also testifying were representatives from CRLA and MALDEF. Again there were many parents that were brought up by Families in Schools, MALDEF and PICO California. Students were brought up by CFJ and other student advocate organizations.

Much discussion occurred by Board members after public comment but overall it appeared that they still favor providing to school districts at least two options; spend more and provide more but with a proviso that they be linked to “achieve more”. There was consensus among the Board members that more guidance needs to be provided to school districts regarding authentic parent engagement and perhaps a “guidance document” on this point should be developed. Again, the mantra of “local control” and “local flexibility” continues to be strong and members appeared to not want to change the proposed regulations if it affects local control and flexibility.

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Staff were directed to go back and “think some more” on how the proposed regulations and LCAP template can:

- Be clearer regarding the first two options of spend more and provide more regarding increased student achievement.
- Inclusion of a school wide definition and role, pursuant to Title I, in the proposed expenditure regulations. This may assist in addressing the concerns regarding ensuring funding for unduplicated pupils.
- Explore recognition of school, county and district wide distinctions and roles. Again cannot be more restrictive than Title I.
- Inclusion of clearer “guidance and instruction” in the LCAP template specific to parent engagement.

It is anticipated that staff will present to SBE revised expenditure regulations and a revised LCAP template in January 2014. No decision was made whether additional meetings would take place with stakeholders between now and January 2014. It is expected that the proposed regulations will be “emergency regulations” with a shorter timeframe for public input. Stay tuned for more information!

III. Update on ELA/ELD Framework

Working jointly with Shelly Spiegel Coleman, Executive Director of Californians Together, there has been much activity specific to the development of the new ELA/ELD Framework. Chapter 608, Statutes of 2011 (AB 250-Brownley) require the adoption of a new ELA/ELD Curriculum by May 2014. In order to reach this goal, many meetings of the ELA/ELD Curriculum Framework & Evaluation Criteria Committee of the IQC have occurred. We (Californians Together & CAFE) have done a fantastic job in attending those committee meetings and providing testimony on specific elements of the chapters of the proposed Framework. This Committee has finished its work and will now present its recommendations to the Instructional Quality Commission at its November 21st (Thursday) and November 22nd (Friday) meetings. We think the ELA/ELD Framework will be presented on November 21, 2013.

Please note, **SERIOUS PROBLEMS** remain regarding the proposed Framework, especially the proposed evaluation criteria that publishers need to follow in developing the instructional materials. Please see included with my report “Three Critical Issues...in the Draft ELA/ELD Framework”.

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The critical issues are:

1. Instructional minutes are tied to each program.
2. Program 4 is a **supplemental as well as a stand alone program**
3. The inclusion of Foundational skills in category 1 of evaluation criteria (required of publishers) without reference to the other overarching concepts such as Meaning Making, Effective Expression, Language Development & Discipline Knowledge.

Our Executive Director, Ms. Gustafson Corea, developed a paper as to how maintaining the proposed instructional materials would prevent a majority of students from access to & participation in a "broader curriculum". This document is also included with my report.

WE NEED YOUR HELP!!! PLEASE ATTEND THE IQC MEETING AND REGISTER YOUR CONCERN ON THESE ITEMS.

Instructional Quality Commission Meeting

Dates: November 21-22, 2013

Time: November 21st: 9am to 5pm

November 22nd: 8:30 am to 5pm

Location: CDE, 1st Floor Board Room

1430 N Street, Room 1101

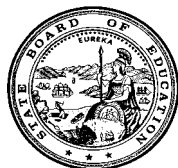
Sacramento CA 95814

916-319-0881

Here is the link to the IQC Meeting Agenda:

<http://www.cde.ca.gov/be/cc/cd/nov2013iqcagenda.asp>.

Please let me know if you can attend so I can provide you with talking points.



CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2013 AGENDA

SUBJECT	
Local Control Funding Formula: Discussion of Proposed Changes to California's Local Educational Agency and School Planning and Accountability System.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

SUMMARY OF THE ISSUE(S)

Assembly Bill 97 (Chapter 47, Statutes of 2013), as amended by Senate Bill 91 (Chapter 49, Statutes of 2013) and by Senate Bill 97 (Chapter 357, Statutes of 2013), enacted the Local Control Funding Formula (LCFF). This agenda item is the third in a series of regular updates to inform the State Board of Education (SBE) and the public regarding the implementation of the LCFF.

RECOMMENDATION

No specific action is recommended at this time.

BRIEF HISTORY OF KEY ISSUES

The LCFF is intended to provide a funding mechanism that is simple and transparent while allowing local educational agencies (LEAs) maximum flexibility in allocating resources to meet local needs. As LEAs embark on the transition to full LCFF implementation scheduled for 2020–21, the State Board of Education (SBE) will encounter issues that will require their input and action in order to support local implementation of LCFF. Specifically, the SBE is required to review and take action on the following:

- On or before January 1, 2014, the SBE must review for approval the updated standards and criteria for use by LEAs in the adoption of local budgets (*Education Code [EC] Section 33127*). The California Department of Education (CDE) has completed the process to update the criteria and standards to align with the local control and accountability plan (LCAP) requirements with guidance

from the committee as required by statute. The revised criteria and standards are presented to the SBE for approval (See November 2013 SBE Item 14).

- Before January 30, 2014, the SBE must review for approval any changes that the Public School Accountability Act Advisory Committee (PSAA) recommends to the Academic Performance Index (API) after a review of LCFF statute to ensure current regulations on assignment of accountability data to districts of residence are consistent with LCFF funding and accountability provisions (*EC 52052.1*). The PSAA advisory committee will meet on December 9, 2013, to finalize its recommendations to the State Superintendent of Public Instruction (SSPI) and SBE. Recommendations will be presented to the board no later than the January 2014 SBE meeting.
- By January 31, 2014, the SBE must review for approval spending regulations that clarify how expenditures of funds should be managed to demonstrate compliance (*EC 42238.07*). A draft of proposed regulations is presented in Attachment 1. The final draft of spending regulations will be presented to the board for approval of emergency regulations and commencement of the rulemaking process at the January 2014 SBE meeting.
- On or before March 31, 2014, the SBE must review for approval the local control and accountability plan (LCAP) templates for use by LEAs to support local adoption and annual review of the LCAP (*EC 52064*). A proposed conceptual framework, including options for consideration for the LCAP template, is presented in Attachment 1. The final draft of the LCAP template may be presented to the board for approval of emergency regulations and commencement of the rulemaking process at the January 2014 SBE meeting.
- On or before October 1, 2015, the SBE must review for approval evaluation rubrics that provide a “holistic multidimensional assessment” of LEA strengths and weaknesses to be used by entities providing technical assistance and evaluating LEAs that may need intervention. (*EC 52064.5*)

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has historically been responsible for adopting standards and criteria for LEA and school accountability, and for assigning interventions according to those criteria, in both state and federal accountability systems.

July 2013: The CDE and WestEd presented to the SBE an informational update on the implementation of the LCFF.

September 2013: The CDE and WestEd presented to the SBE an informational update that provided an overview of the process used to guide the LCFF stakeholder

engagement activities. Included was a summary of the preliminary themes that emerged from stakeholders that related to the LCFF spending regulations and LCAP templates.

FISCAL ANALYSIS (AS APPROPRIATE)

The 2013 Budget Act appropriates \$2.067 billion for allocation to school districts and charter schools in the first year of LCFF implementation, and \$32 million for allocation to county offices of education for the County LCFF. The budget also provides \$2 million to the Governor's Office of Planning and Research to provide assistance to the SBE to develop and adopt specified regulations, evaluation rubrics, and local control and accountability plan templates.

ATTACHMENT(S)

- Attachment 1: Conceptual Framework and Options for the Local Control Funding Formula Expenditure of Funds Regulations and Local Control and Accountability Plan Templates (9 pages)
- Attachment 2: Local Control Funding Formula Stakeholder Outreach and Engagement Activities (8 pages)
- Attachment 3: Local Control Funding Formula Guidance and Communication (1 page)
- Attachment 4: At a Glance: Summary of State Board of Education Action Items Relative to the State Board of Education Meeting Schedule (2 pages)
- Attachment 5: Relevant Local Control Funding Formula Education Code Sections (14 pages)

Conceptual Framework and Options for the Local Control Funding Formula Expenditure of Funds Regulations and Local Control and Accountability Plan Templates

Draft Language for Regulations:

Stakeholder input indicates significant variability in the local contexts within which LCFF will be implemented. This document reflects an *options-based policy framework* for regulations. In other words, rather than creating regulations that direct an LEA to spend or account for funding use in a single specific way, this approach is intended to provide each LEA with flexibility to determine how it will demonstrate it has met the requirement to “increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils.” This approach reflects the intent of the LCFF legislation as a whole to focus on improving outcomes for all students. This draft regulation proposal should be considered jointly with the concepts for the local control and accountability plan.

Article 1. Local Control and Accountability Plan and Spending Requirements for Supplemental and Concentration Grants.

§ XXX1. Scope.

- (a) This chapter applies to all local educational agencies as defined in subdivision (a) of **§XXX2**.
- (b) Funding restrictions specified in Education Code section 42238.07 apply to local control funding formula funds apportioned pursuant to Education Code Sections 2574, 2575, 42238.02, and 42238.03.

§ XXX2. Definitions.

In addition to those found in Education Code sections 2574-2579 and 42238-42303, the following definitions are provided:

- (a) “Local educational agency” means a school district, county office of education, or charter school.
- (b) “Services” as used in Education Code section 42238.07 may include, but are not limited to, services associated with the delivery of instruction, administration, facilities, technology, and other general infrastructure necessary to operate and deliver educational instruction and related services.

- (c) "Prior year" means one fiscal year immediately preceding the fiscal year for which a local control and accountability plan or annual update to the local control and accountability plan is approved.
- (d) "Unduplicated pupil" means any of those pupils to whom any of the definitions included in Education Code section 42238.01 apply.

§ XXX3. Options for Local Educational Agencies to Demonstrate Increased or Improved Services for Unduplicated Pupils in Proportion to the Increase in Funds Apportioned for Supplemental and Concentration Grants.

- (a) A local educational agency shall provide evidence in its local control and accountability plan, using the template adopted by the State Board of Education, to demonstrate increased or improved services for unduplicated pupils as required by paragraph (1) of subdivision (a) of Education Code section 42238.07 by describing how the local educational agency expends funds in accordance with of the following options:
 - (1) Spend more on services for unduplicated pupils in proportion to the increase in supplemental and concentration grant funds over the amount spent in the prior year.
 - (2) Provide more, or improve, services for unduplicated pupils in proportion to the increase in supplemental and concentration grant funds. These services may include, but are not limited to, expanding existing services, extending learning time, increasing learning options, or providing professional development opportunities.
 - (3) Achieve more for unduplicated pupils in proportion to the increase in supplemental and concentration grant funds. Local educational agencies may demonstrate an increase in achievement by providing evidence of achievement in the applicable state priorities referenced in subdivision (d) of Education Code Section 52060, subdivision (d) of Education Code Section 52066, and subparagraph (B) of paragraph (5) of subdivision (b) of Education Code Section 47605, including a description of the increase in achievement for unduplicated pupils in proportion to the increase in supplemental and concentration grant funds.
- (b) Pursuant to paragraph (2) of subdivision (a) of Education Code section 42238.07, local educational agencies are authorized to use the funds apportioned for the purposes provided on the basis of the number of unduplicated pupils for schoolwide purposes, for school districts, districtwide purposes, for county offices of education, countywide purposes, or for charter schools, charterwide purposes, in a manner that is no more restrictive than the restrictions provided for in Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301, et seq.).

Examples of How Regulations May be Demonstrated

Stakeholder input indicates there is significant variability in the local context within which the Local Control Funding Formula (LCFF) will be implemented. However, the expectation that the LCFF supports increased performance and improved outcomes applies to all local educational agencies (LEAs). A document providing non-binding examples of how LEAs may provide evidence of the selected option to demonstrate “increased or improved services for unduplicated pupils in proportion to the increase in funds apportioned,” (EC 42238.07) while satisfying the intent of the LCFF statute may be useful. The following are some examples that could be included in such a document.

Spend More

The following is an example of how an LEA may demonstrate the “spend more” option. This is example is one way this could be demonstrated and is not intended to serve as guidance or direction.

Increase Spending Relative to the Proportion of Local Control Funding Formula Base and Supplemental Funding

For increased funding attributable to the LCFF above the prior year (i.e., incremental increase attributable to the LCFF), calculate the proportion of “new” funding that is provided as base versus supplemental/concentration. Add this amount to the prior year level of spending for students in need (e.g., low income, English learners, and foster youth) in the relative ratio of such funding at the LCFF target (full implementation). At full implementation the amount spent will meet or exceed the target for the supplemental/concentration funding level.

Provide More

The following are examples of how an LEA may demonstrate the “provide more” option. These examples are not intended to serve as guidance or direction.

Add or improve services to provide more to unduplicated students; examples include, but are not limited to:

- Extend learning time for unduplicated pupils: Add learning time through summer school, intersession, and/or before- or after-school programs.

- Increase learning options: Add specialized programs and/or staff (e.g., intervention support, instructional aides, reduced class sizes, and technology support) to increase support for unduplicated pupils.
- Offer targeted professional development: Some or all teachers participate in professional development to improve learning support for unduplicated pupils.
- Provide supplemental learning materials: Provide print, technology, equipment, and/or supplies to address learning needs of unduplicated pupils.

Achieve More

The following option is an example of how local educational agencies (LEAs) may demonstrate the “achieve more” option. This example is not intended to serve as guidance or direction.

Provide evidence of significant growth in the preceding two- or more year period for unduplicated pupils, as documented by state or local data indicating student performance on the Local Control Funding Formula (LCFF) state priorities as identified in *Education Code* sections 52060(d), 52066(d), or 47605(b)(5)(B) for the local educational agency.

Local Control and Accountability Plan Concept

The following describes possible content to include in the Local Control and Accountability Plan (LCAP) template, organized by elements and including instructions and guiding questions. It is envisioned that the “other considerations” section may be included in separate, nonbinding guidance for addressing the questions that would be contained in the LCAP and will accompany the template to support its use and value.

Comments about Format

The first version of the LCAP will be in an editable template format that can be downloaded for use and posted for review at an LEA Web site. In all likelihood it will be organized into sections (elements) with guiding questions intended to generate thoughtful analyses of each LEA’s data and findings. It is envisioned that once the State Board of Education (SBE) adopts the template, an online tool can then be created that pre-populates data, aids in the efficient completion of the LCAP, and facilitates transparency.

Local Control and Accountability Plan Guiding Principles

- Simple: Avoids plan duplication, jargon, and non-essential information.
- Transparent: Includes information necessary to demonstrate/describe/explain how LCFF funding supports student performance and outcomes.
- Local: Expects information shared to be highly contextual and supports the sharing of a local story.
- Performance-Focused: Emphasizes student performance outcomes and avoids compliance-oriented information requests and questions (e.g., checkboxes and explanation of processes).

Local Control and Accountability Plan Content Description

Element - Purpose	Instructions and Guiding Questions	Other Considerations (potentially included in separate guidance)
<p>Stakeholder Engagement Engagement of parents, students, and other stakeholders is critical to the Local Control and Accountability Plan (LCAP) process and supports transparency. It is also important that engagement support improved student performance and outcomes.</p>	<ul style="list-style-type: none"> • How have parents, community members, students, and other stakeholders (e.g., local educational agency personnel, other governmental agencies) been engaged and involved in developing, reviewing, and supporting implementation of the LCAP? • How has the involvement of stakeholders supported improved performance and outcomes for students? 	<ul style="list-style-type: none"> • Are engaged parents and students representative of the school community? • How have the English learner and parent advisory committees been engaged? • What type of documentation and/or training has been provided to parent and community stakeholders about the budget, state priorities, and other information useful to engaging in the development of the LCAP? • What form of outreach to parents has been taken and has it yielded results? • How are parents engaged by sites in support of the state priorities and goals identified in the LCAP? • How were teachers, principals, administrators,

Element - Purpose	Instructions and Guiding Questions	Other Considerations (potentially included in separate guidance)
		<p>other school personnel, and local bargaining units involved in the development of the LCAP?</p> <ul style="list-style-type: none"> • How are governmental agencies engaged by LEAs to support effective partnerships to provide students with services?
<p>Needs Analysis Capture information about the type of data used, relationship to state priorities, and findings that will inform goals, services, and actions.</p>	<p>Ensure as appropriate that data for the state priorities are addressed that apply to the grade levels served and, for charter schools, the nature of the program; encourage inclusion of local priorities; ensure that subgroup analysis is completed for all significant subgroups and/or special populations; if data analysis has been completed for other plans and aligns to the state and local priorities, simply refer to these data and provide a summary within the LCAP; encourage plain language, avoid jargon.</p> <ul style="list-style-type: none"> • What data were reviewed/considered to assess student needs? • What results identified the primary needs of students attending schools within the LEA? 	<ul style="list-style-type: none"> • What are the growth needs of the LEA based on an analysis of data that considers all state and local priorities? • Are there significant differences in performance between subgroups of students? If so, what might be developed (e.g., goals, actions, and services) to close the observed gap? • Which data sources did the LEA use for analysis and to generate goals (e.g., Dataquest, School Accountability Report Cards, Healthy Kids Survey, and local data)
<p>Goals Describe the expectation for student success through goals that reflect an understanding of the changes/improvements</p>	<p>Provide clear explanation of what a goal is and how to address the question (level of detail)</p> <p>Describe LEA goals for all students and describe any differentiation or focus within or among goals related to significant subgroups and/or special populations; encourage plain language, avoid jargon.</p> <ul style="list-style-type: none"> • What are the LEA's goals to 	<ul style="list-style-type: none"> • Are there specific goals needed to address to the unique needs of low income, English learners, foster youth, or other special populations? If so, what are these goals? • What are the local goals and are they reflected in the goals included in the LCAP?

Element - Purpose	Instructions and Guiding Questions	Other Considerations (potentially included in separate guidance)
<p>needed and that provide sufficient direction to guide action.</p>	<p>improve student outcomes that address the needs identified?</p> <ul style="list-style-type: none"> • How do these goals relate to the state priorities and locally identified priorities? • Are there any specific goals for individual sites that add to or differentiate from the LEA goals listed above? If so, please describe. 	<ul style="list-style-type: none"> • How did the LEA consider site goals when developing LEA goals and vice versa? • Do the goals create urgency to act? • Do the goals support coherence in the initiatives of the LEA? In other words, will the LCAP goals be evidenced in the overall strategic focus and values of the LEA or are they viewed as another layer or area of work? If the latter is the case, it may be necessary to revisit the goals and/or manner in which the LCAP is being shared with stakeholders.
<p>Performance A clear and concise description of what improvements have and will occur for students. As a plan for three years, the description of performance is expected to show a progression across this period.</p>	<p>Provide clear explanation of what is meant by “change and/or improvement” and how to address the question (level of detail).</p> <ul style="list-style-type: none"> • What will be the noticeable changes and/or improvements for students and their learning outcomes when the goals are met? • What will be the noticeable changes and/or improvements for students in your special populations (e.g., low income, English learners, foster youth, and other significant subgroups) and their learning outcomes when the goals are met? • What will be different/improved for students (all and by subgroups) in Year 1? Year 2? Year 3? 	<ul style="list-style-type: none"> • Is the performance of low income, English Learners, and Foster Youth specified? • How did the LEA consider site-level performance expectations when developing LEA goals and vice versa?

Element - Purpose	Instructions and Guiding Questions	Other Considerations (potentially included in separate guidance)
<p>Services The actions taken by a local educational agency (LEA) are captured as services to students. This emphasizes the student-focus of activities and requests details regarding expenditures, which will be summarized in the budget section.</p>	<p>Organize into sub-sections for “all” and then separate sections for subgroups (describe by year 1, year 2, and year 3).</p> <ul style="list-style-type: none"> • Describe the services the LEA will provide as they relate to all pupils and special populations and reflecting the nature of the program you provide (e.g., type and/or focus of your LEA) • What is the LEA’s program of support for ALL students and a description of related expenses? • What increased or improved services or programs will be provided with LCFF funding for <i>low income students</i> and a description of related expenses? • How will outcomes be improved for <i>low income students</i> because of such services? • What increased or improved services or programs will be provided with LCFF funding for <i>English learners</i> and a description of related expenses? • How will outcomes be improved for <i>English learners</i> because of such services? • What increased or improved services or programs will be provided with LCFF funding for <i>foster youth</i> and a description of related expenses? • How will outcomes be improved for <i>foster youth</i> because of such services? 	<p>Specific questions may be helpful to elicit broad thinking about priorities and/or expectations for program strategies. For instance, addressing specific questions regarding safety, facilities, Common Core State Standards implementation, climate, significant subgroups, etc. could be provided to aid in discussion regarding the LCAP and completion of the LCAP.</p> <ul style="list-style-type: none"> • What existing programs have a track record of success? How will they be supported and/or expanded? • How are services prioritized and addressed into the three-year plan?

Element - Purpose	Instructions and Guiding Questions	Other Considerations (potentially included in separate guidance)
<p><i>Budget Information</i> Provide budget information that explains how Local Control Funding Formula (LCFF) funds are used to support student performance and address needs of special populations. This should be simple yet complete.</p>	<p>Provide budget display options (tables and graphics) to share summary of pertinent details (e.g., organize by goals, subgroups, and/or location of services).</p> <ul style="list-style-type: none"> • How has the LEA ensured that LCFF funds provide for increased or improved services for low income, English Learners, and Foster Youth in proportion to funding provided for such pupils? (See CCR XXX for guidance) • How will LCFF funds be spent to provide for students (options for budget displays, goals, subgroups, etc.)? • How are the expenses described under “services” displayed in the LEA’s budget or budget display included in this section? 	

Local Control Funding Formula Stakeholder Outreach and Engagement Activities

The Local Control Funding Formula (LCFF) Implementation Working Group was comprised of representatives from approximately 20 statewide organizations directly involved with local implementation of the LCFF. The implementation working group meetings were held on the following dates:

- July 23, 2013
- August 22, 2013
- September 19, 2013
- October 24, 2013

Overview of the August Implementation Working Group Meeting

At the August meeting, the Implementation Working Group was presented with concrete examples to consider for developing regulations and templates that support the legislative intent of the LCFF. Implementation Working Group participants compared two scenarios based on real local educational agencies (LEAs) as a means to inform recommendations to the State Board of Education for regulations and templates.

The following ideas were expressed during the meeting:

- The need to support accountability, equity, and performance through local flexibility.
- The current structural deficit in many LEA budgets that may make it difficult to immediately begin adding new services.
- The need to define “base” services, including a specific year for a point of reference.
- The importance of the state priorities.
- Expectations for evidence of need based on data in the Local Control and Accountability Plan (LCAP) with clear linkages between the budget, plan, and outcomes.
- The need for genuine parent engagement throughout the process.
- The need for both detail and simplicity in the content and structure of the LCAP.

Overview of the September Implementation Working Group Meeting

At the September meeting, the Local Control Funding Formula (LCFF) Implementation Working Group members focused on guidance for regulation and plan development. This working session was framed by the key points made by State Board of Education (SBE) members at the September 2013 meeting:

- There should be coherence between the regulations, templates, and rubrics.
 - Seeing how the pieces fit together may alleviate some of the stated concerns.
- The task before the SBE is to implement current law.
 - The SBE is a regulatory body and must develop regulations that meet current law or the regulations will be rejected by the Office of Administrative Law.
- Legislative priorities and guidance for the Local Control and Accountability Plan (LCAP) are clearly identified in *EC 52060*.
 - Implementing the LCFF is not an either-or choice: it should reflect both flexibility and equity.
 - The LCFF is a seismic shift from state-directed to locally-directed planning and budgeting within broad state goals.
 - The SBE is tasked with providing guidance and consistency across LEAs while minimizing duplication of effort.
 - There is nothing invisible in the intent of the LCFF; the state priorities are in the legislation. LEAs looking for guidance should look to the law as it exists.
- The LCFF facilitates locally developed plans and budgets that are simple and transparent.
 - Provide practical examples to guide implementation.
- The LCFF supports ALL students; the LCAP must address the needs of ALL students.
- The LCFF supports improved outcomes for students, and LEAs must demonstrate how they are addressing the needs at each school and for each subgroup.

- Be clear what LEAs will be asked to explain and what process will be in place if local decisions fail to yield results. In other words, how will districts be guided to redirect resources and attention?

Participants received a preliminary sample of options to prompt specific feedback on the development of the expenditure of funds regulations and the Local Control and Accountability Plan (LCAP) template.

The following key decision points were presented for consideration:

Regulations	Templates	Rubric
<p>Define Clarify key terms and conditions to support local implementation that achieves LCFF implementation objectives</p>	<p>Organize and Communicate Demonstrate through the development and sharing of the LCAP that local implementation supports LCFF implementation objectives and regulations</p>	<p>Assess and Indicate Assistance Provide a process for assessing performance and identifying assistance based on review of the LCAP that meets specific areas of need related to LCFF implementation objectives and regulations</p>
<p>Connecting Elements/Guiding Principals</p> <ul style="list-style-type: none"> • Performance-focused: relationship between plans, funding use, and outcomes for students • Simplicity and transparency • Student-focused : local identification of needs, provides equitable opportunity • State priorities: define metrics, but rely on local determination of measurement • Stakeholder Engagement : parents, community, educators 		

Using these decision points, participants were encouraged to consider regulations as providing options for local educational agencies (LEAs) to demonstrate “increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils.” Two distinct parts of the regulations were identified for discussion: 1) regulations could include definitions (e.g., baseline for calculations), and 2) regulations could include options for demonstrating through the LCAP (e.g., spend more, provide more, and achieve more).

This first iteration of key decision points was used to facilitate small group discussion at the meeting. Specific recommendations were reported out to the larger group and recorded to further inform the regulation development process. Working group members were asked to share these key decision points to solicit more in depth recommendations from their respective colleagues and stakeholders.

Overview of the October Implementation Working Group Meeting

Following the September 19, 2013, LCFF Implementation Working Group meeting, Working Group participants and other interested parties submitted written feedback and suggestions. That feedback, as well as direction from the State Board of Education (SBE), was the basis of a draft conceptual framework for the regulations and the Local Control and Accountability Plan (LCAP). Given the diverse perspectives and interests of the Implementation Working Group, these frameworks did not reflect a consensus opinion, but struck a balance between the various interpretations of the Local Control Funding Formula (LCFF) intent and implementation objectives, within the parameters of the entirety of the LCFF legislation. The draft regulations and LCAP conceptual framework presented to the SBE reflect consideration of the input provided as part of this recent session, with continued attention to providing the SBE with a coherent approach to implement the LCFF legislation.

The Implementation Working Group also discussed what local implementation would look like once regulations and templates are in place. Participants in this discussion represented the diverse perspectives of local stakeholders (e.g., parent/community member, teacher, LEA leader, and board member), as well as the perspective of civil rights organizations, to identify what changes are to be expected, a vision for a high-quality LCAP, identification of potential supports and/or resources that would be useful to an LEA's ability to successfully prepare its LCAP and budget, and indicators that the LCFF is delivering on its stated goals. There was broad recognition that communication and enhanced engagement by all stakeholders is critical to the success of the LCFF. Furthermore, it was noted that the LCFF can support a shift from compliance to efficacy and performance, but changes in the focus of planning and how the process of planning proceeds are necessary. The most significant needs identified by the Implementation Working Group participants included training of stakeholders and development/provision of planning tools to support local implementation.

Since July 2013 the LCFF Implementation Working Group has met four times. Participants have articulated the opportunities, challenges, and diversity of perspectives that exist for the LCFF. It is clear from the Working Group's conversations and ideas that the LCFF is very different from the prior funding model and structure. Acclimating to this change will take some time, but there is general agreement that now is the time to begin.

Regional Input Sessions: Preliminary Summary

In August 2013, regional input sessions were hosted at three primary locations with remote locations connected via video conference. Facilitators were available onsite at both primary and remote locations to guide the sessions and help record public comments.

The regional input sessions were held on the following dates and locations:

August 8, 2013

- Primary Location: Los Angeles County Office of Education, Downey, CA
- Remote Location: San Diego County Office of Education, San Diego, CA

August 12, 2013

- Primary Location: Sacramento County Office of Education, Mather, CA
- Remote Location: Shasta County Office of Education, Redding, CA

August 13, 2013

- Primary Location: Kern County Office of Education, Bakersfield, CA
- Remote Location: Fresno County Office of Education, Fresno, CA

WestEd summarized input from these sessions as follows:

Educators, community organization leaders, parents, stakeholders, and others gathered to give and hear testimony on the implementation of the LCFF. A total of 320 comments were recorded from verbal testimony and written input on comment cards from individuals in attendance at the sessions, in addition to written comments submitted electronically to the public comment portal located on the LCFF Web page at <http://lcff.wested.org/>.

The majority of input came from school, district, and county office personnel (38%), followed by representatives of organizations or advocacy groups (37%). The bulk of comments (77%) did not take a position for or against the LCFF, but made regulatory recommendations, expressed concern around funding flexibility, and stated that parents and community members would likely not be engaged or informed throughout the LCAP process.

Of the comments that expressed support one way or another, those in favor (13%) slightly outnumbered those opposed (10%) to the LCFF.

Following is a sample of comments and concerns:

- It's important for the state to provide maximum flexibility as the districts move towards economic recovery.
- We request the regulations maintain flexibility to allow school agencies to exercise local control so they can focus effectively on individual needs of every student without excessive and unnecessary bureaucracy and oversight.
- This has potential to make a powerful difference for outcomes for students who have historically not been well served by public education, but the keyword is potential.
- In the world of reform, the Local Control Funding Formula is sea change.

- We believe the measurements identified under the LCAP will provide for all student needs being met.
- I want our parents to be trained. We also need to make sure that they understand the process they are talking about.
- My concern isn't primarily with the development of plans and spending LCFF funds but with the subsequent evaluation of the effectiveness of these plans.
- On a very practical note, the LCAP should align with all budget reporting requirements both at the state and federal level and make it possible to utilize fewer forms while providing clear expenditure information for our stakeholders. It is of critical importance that the regulations developed by the...State Board of Education articulate specific tasks so districts must take the time to ensure that they involve and include parents, particularly parents of English learners and low income students.
- Parents need to understand the budget of their districts so that they can have meaningful participation in the future budget decisions.

Three primary topics, *Budget and Funding Use*, the *Local Control and Accountability Plan*, and *Transparency and Community Involvement*, emerged from the collection of comments and were used to organize a more detailed synthesis of the stakeholder comments. The comprehensive summary and analysis can be retrieved from the LCFF Web page at <http://lcff.wested.org/resources/>.

Local Control Funding Formula Community Forums

The Local Control Funding Formula (LCFF) community forums are coordinated and sponsored by the California Endowment (<http://www.calendow.org/>). Strategically positioned throughout the state, these forums introduce interested stakeholders (e.g., students, teachers, parents, and community members) to the LCFF and how this historic funding formula will impact local communities. Free transportation on the "School Success Express" bus, in addition to free food, child care, and translation services, are provided to maximize participation and engage broad stakeholder input. Members of the public are welcome to deliver public comments both verbally and in writing. Each forum concludes with a discussion on how parents, students, and residents can become more involved in local educational activities. Additional forums are tentatively scheduled for November 4 (Salinas), November 7 (Fresno), November 9 (San Diego) and November 13 (Del Norte - Crescent City). Exact times and locations will be posted on the California Endowment Web site (http://www.calendow.org/uploadedFiles/Health_Happends_Here/In_Schools/School%20Success%20Express%20Schedule%2010-22.pdf).

Date	Time	Region	Location
Monday September 30	6 p.m. to 8 p.m.	South Kern County	Myrtle Avenue Elementary School 10421 Myrtle Ave Lamont, CA 93241
Monday October 7	6 p.m. to 8 p.m.	Coachella	Our Lady of Soledad Catholic Church 52555 Oasis Coachella, CA 92236
Wednesday October 9	6 p.m. to 8 p.m.	South Sacramento	Will C. Wood Middle School 6201 Lemon Hill Ave Sacramento, CA 95824
Tuesday October 22	5:30 p.m. to 8 p.m.	Richmond	DeJean Middle School 3400 Macdonald Ave. Richmond, CA 9480
Thursday October 24	5:30 p.m. to 8 p.m.	Merced	Merced Senior Center 755 West 15th St. Merced, CA 95340
Monday October 28	6 p.m. to 8 p.m.	Los Angeles	Hollenbeck Middle School 2510 East 6th St. Los Angeles, CA 90023
Tuesday October 29	6 p.m. to 8:30 p.m.	Santa Ana	Century High School 1401 S. Grand Ave. Santa Ana, CA 92705
Wednesday October 30	4:30 p.m. to 6:30 p.m.	Oakland	Fremont High School, 4610 Foothill Blvd, Oakland

The first three forums were held in South Kern County, Coachella and Sacramento and each event attracted between 100 and 150 people. While the feedback is wide ranging, some preliminary themes have emerged:

- **Parents are eager to be involved, but don't always know how.** School districts do not always communicate with parents in a clear way and in their preferred language. When districts hold meetings during the work day, parents cannot afford to take time away from work to attend. School district materials on budgets are not always easy to obtain or understand. Some parents feared districts would simply seek "rubber stamp" approval from existing parent committees rather than engage parents in a new way, as the LCFF envisions. Parents called on school districts to share more information and open up the process so they can fully participate and see where the money is going, but were concerned school districts would not be held accountable for doing this.
- **Parents and students want new funds to "follow the students" and result in improvements at the school site level.** They have seen schools struggle with

years of budget cuts and want to see new dollars used for tangible things such as reduced class sizes, improved technology, longer library hours, positive rather than punitive school discipline, improved school facilities, mentoring, tutoring, more programs in the arts and physical education and other necessities of a quality education.

- **Students in disadvantaged communities want to see schools held accountable for truly preparing them for college and careers.** At the Coachella forum, there were a number of students who said they graduated from high school but struggled in college and in their jobs because the quality of their education was poor compared to peers who went to school in higher-income communities. “We want an education that is equal to our dreams,” one student said.

In addition to providing the State Board of Education (SBE) with a transcription of public comments, the California Endowment recorded written comments with a total of 160 written comments to date. All community forum public input will be gathered and entered into the public comment database organized by WestEd (<http://lcff.wested.org/resources/>). The feedback provided has directly contributed to the refinement of the conceptual framework and options, as presented in Attachment 1, for the State Board of Education (SBE) to consider with regard to adopting Local Control Funding Formula (LCFF) expenditure of funds regulations and the Local Control and Accountability Plan (LCAP) template.

Local Control Funding Formula Guidance and Communication

Ongoing communication with the field continues to be a major priority for the California Department of Education (CDE) and the State Board of Education (SBE) staff with support from WestEd. This includes statewide outreach through correspondences and webinars, conference presentations, information updates and public comment opportunities at meetings of the SBE.

- The online posting of resources specific to Local Control Funding Formula (LCFF) information and implementation is located on the CDE LCFF Web page at <http://www.cde.ca.gov/fg/aa/lc/index.asp>.
- The LCFF Channel was created to provide informational videos on LCFF implementation and is located on the WestEd Web page at <http://lcff.wested.org/lcff-channel/Information>.
- Regular information updates are distributed to local educational agencies (LEAs) and interested stakeholders through the CDE LCFF listserv. To receive updates regarding the LCFF via e-mail notification, subscribe to the LCFF listserv by sending a "blank" message to join-LCFF-list@mlist.cde.ca.gov.
- Staff representatives from the SBE, CDE, and WestEd have provided panel presentations and information sessions on the LCFF at various conferences throughout the state.

At a Glance: Summary of State Board of Education Action Items Relative to the State Board of Education Meeting Schedule

		State Board of Education Action Items				
State Board of Education Meetings		Update to Budget Standards and Criteria Adoption Due January 1, 2014	Public School Accountability Act Advisory Committee (PSAA) Recommendations Due January 30, 2014	Spending Regulations Adoption Due January 31, 2014	Local Control and Accountability Plan (LCAP) Templates Adoption Due March 21, 2014	LCAP Evaluation Rubric Adoption Due October 1, 2015
	September 2013	Information update provided to the board.	Information update provided to the board.	Introduce overview of spending regulations conceptual framework for discussion.	Information update provided to the board.	Information update provided to the board.
	November 2013	Recommendations for budget standards and criteria presented to the board for approval.	Recommendations for technical changes to the API presented to the board for discussion.	Further refinement of spending regulations conceptual framework and options presented to the board for discussion.	Introduce LCAP templates conceptual framework for discussion.	Information update provided to the board.
	January 2014		Recommendations for technical changes to the API presented to the board for adoption.	Final regulations presented to the board with the request for approval to commence the rulemaking process and emergency regulations.	Final LCAP templates presented to the board with the request for approval to commence the rulemaking process and emergency regulations.	Introduce conceptual framework for discussion.

		State Board of Education Action Items				
		Update to Budget Standards and Criteria Adoption Due January 1, 2014	Public School Accountability Act Advisory Committee (PSAA) Recommendations Due January 30, 2014	Spending Regulations Adoption Due January 31, 2014	Local Control and Accountability Plan (LCAP) Templates Adoption Due March 21, 2014	LCAP Evaluation Rubric Adoption Due October 1, 2015
State Board of Education Meetings	March 2014					To be determined (TBD).
	May 2014					TBD
	July 2014					TBD
	September 2014					TBD
	November 2014					TBD
	January 2015					TBD
	February 2015					TBD
	March 2015					TBD
	May 2015					TBD

Note: Dates and activities that support the completion of SBE action items are subject to change. The table will be updated and presented at each subsequent SBE meeting.

Relevant Local Control Funding Formula Education Code Sections

The scope of the State Board of Education (SBE) responsibilities with regard to Local Control Funding Formula (LCFF) implementation is specified in Assembly Bill 97 (Chapter 47, Statutes of 2013) with recent amendments enacted in Senate Bill 97 (Chapter 357, Statutes of 2013). Below are relevant Education Code sections reflecting current law.

Spending Regulations

Education Code Section 42238.07

(a) On or before January 31, 2014, the state board shall adopt regulations that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 2574, 2575, 42238.02, and 42238.03. The regulations shall include, but are not limited to, provisions that do all of the following:

(1) Require a school district, county office of education, or charter school to increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils in the school district, county office of education, or charter school.

(2) Authorize a school district, county office of education, or charter school to use funds apportioned on the basis of the number of unduplicated pupils for schoolwide purposes, or, for school districts, districtwide purposes, for county offices of education, countywide purposes, or for charter schools, charterwide purposes, in a manner that is no more restrictive than the restrictions provided for in Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301, et seq.).

(b) The state board may adopt emergency regulations for purposes of this section

Local Control Accountability Plan Template

Education Code Section 52064

(a) On or before March 31, 2014, the state board shall adopt templates for the following purposes:

(1) For use by school districts to meet the requirements of Sections 52060 to 52063, inclusive.

(2) For use by county superintendents of schools to meet the requirements of Sections 52066 to 52069, inclusive.

(3) For use by charter schools to meet the requirements of Section 47606.5.

(b) The templates developed by the state board shall allow a school district, county superintendent of schools, or charter school to complete a single local control and accountability plan to meet the requirements of this article and the requirements of the federal No Child Left Behind Act of 2001 related to local educational agency plans pursuant to Section 1112 of Subpart 1 of Part A of Title I of Public Law 107-110. The state board shall also take steps to minimize duplication of effort at the local level to the

greatest extent possible. The template shall include guidance for school districts, county superintendents of schools, and charter schools to report both of the following:

(1) A listing and description of expenditures for the 2014–15 fiscal year, and each fiscal year thereafter, implementing the specific actions included in the local control and accountability plan.

(2) A listing and description of expenditures for the 2014–15 fiscal year, and each fiscal year thereafter, that will serve the pupils to whom one or more of the definitions in Section 42238.01 apply and pupils redesignated as fluent English proficient.

(c) If possible, the templates identified in paragraph (2) of subdivision (a) for use by county superintendents of schools shall allow a county superintendent of schools to develop a single local control and accountability plan that would also satisfy the requirements of Section 48926.

(d) The state board shall adopt the template pursuant to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The state board may adopt emergency regulations for purposes of implementing this section.

(e) Revisions to a template or evaluation rubric shall be approved by the state board by January 31 before the fiscal year during which the template or evaluation rubric is to be used by a school district, county superintendent of schools, or charter school.

(f) The adoption of a template or evaluation rubric by the state board shall not create a requirement for a governing board of a school district, a county board of education, or a governing body of a charter school to submit a local control and accountability plan to the state board, unless otherwise required by federal law. The Superintendent shall not require a local control and accountability plan to be submitted by a governing board of a school district or the governing body of a charter school to the state board. The state board may adopt a template or evaluation rubric that would authorize a school district or a charter school to submit to the state board only the sections of the local control and accountability plan required by federal law.

Local Control Accountability Plan Contents: School Districts

Education Code Section 52060

(a) On or before July 1, 2014, the governing board of each school district shall adopt a local control and accountability plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by a governing board of a school district shall be effective for a period of three years, and shall be updated on or before July 1 of each year.

(c) A local control and accountability plan adopted by a governing board of a school district shall include, for the school district and each school within the school district, both of the following:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subdivision (d) and for any additional local priorities identified by the governing board of the school district. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in paragraphs (2) and (3) of subdivision (a) of Section 52052.

(2) A description of the specific actions the school district will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1), including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities listed in paragraph (1) of subdivision (d). The specific actions shall not supersede the provisions of existing local collective bargaining agreements within the jurisdiction of the school district.

(d) All of the following are state priorities:

(1) The degree to which the teachers of the school district are appropriately assigned in accordance with Section 44258.9, and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the school district has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair as specified in subdivision (d) of Section 17002.

(2) Implementation of the academic content and performance standards adopted by the state board, including how the programs and services will enable English learners to access the common core academic content standards adopted pursuant to Section 60605.8 and the English language development standards adopted pursuant to Section 60811.3 for purposes of gaining academic content knowledge and English language proficiency.

(3) Parental involvement, including efforts the school district makes to seek parent input in making decisions for the school district and each individual schoolsite, and including how the school district will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.

(4) Pupil achievement, as measured by all of the following, as applicable:

(A) Statewide assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or any subsequent assessment, as certified by the state board.

(B) The Academic Performance Index, as described in Section 52052.

(C) The percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study that align with state board-approved career technical educational standards and frameworks, including, but not limited to, those described in subdivision (a) of Section 52302, subdivision (a) of Section 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

(D) The percentage of English learner pupils who make progress toward English proficiency as measured by the California English Language Development Test or any subsequent assessment of English proficiency, as certified by the state board.

(E) The English learner reclassification rate.

(F) The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher.

(G) The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program, as described in Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3, or any subsequent assessment of college preparedness.

(5) Pupil engagement, as measured by all of the following, as applicable:

(A) School attendance rates.

(B) Chronic absenteeism rates.

(C) Middle school dropout rates, as described in paragraph (3) of subdivision (a) of Section 52052.1.

(D) High school dropout rates.

(E) High school graduation rates.

(6) School climate, as measured by all of the following, as applicable:

(A) Pupil suspension rates.

(B) Pupil expulsion rates.

(C) Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.

(7) The extent to which pupils have access to, and are enrolled in, a broad course of study that includes all of the subject areas described in Section 51210 and subdivisions

(a) to (i), inclusive, of Section 51220, as applicable, including the programs and services developed and provided to unduplicated pupils and individuals with exceptional needs, and the program and services that are provided to benefit these pupils as a result of the funding received pursuant to Section 42238.02, as implemented by Section 42238.03.

(8) Pupil outcomes, if available, in the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable.

(e) For purposes of the descriptions required by subdivision (c), a governing board of a school district may consider qualitative information, including, but not limited to, findings that result from school quality reviews conducted pursuant to subparagraph (J) of paragraph (4) of subdivision (a) of Section 52052 or any other reviews.

(f) To the extent practicable, data reported in a local control and accountability plan shall be reported in a manner consistent with how information is reported on a school accountability report card.

(g) A governing board of a school district shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, parents, and pupils in developing a local control and accountability plan.

(h) A school district may identify local priorities, goals in regard to the local priorities, and the method for measuring the school district's progress toward achieving those goals.

Local Control Accountability Plan Contents: Charter Schools

Education Code Section 47604.33.

(a) Each charter school shall annually prepare and submit the following reports to its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority:

(1) On or before July 1, a preliminary budget. For a charter school in its first year of operation, the information submitted pursuant to subdivision (g) of Section 47605 satisfies this requirement.

(2) On or before July 1, an annual update required pursuant to Section 47606.5.

(3) On or before December 15, an interim financial report. This report shall reflect changes through October 31.

(4) On or before March 15, a second interim financial report. This report shall reflect changes through January 31.

(5) On or before September 15, a final unaudited report for the full prior year.

(b) The chartering authority shall use any financial information it obtains from the charter school, including, but not limited to, the reports required by this section, to assess the fiscal condition of the charter school pursuant to subdivision (d) of Section 47604.32.

(c) The cost of performing the duties required by this section shall be funded with supervisorial oversight fees collected pursuant to Section 47613.

Education Code Section 47605.

(a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district, as long as each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (b) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school's charter.

(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exists:

(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.

(B) The site is needed for temporary use during a construction or expansion project.

(6) Commencing January 1, 2003, a petition to establish a charter school may not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) A description, for the charter school, of annual goals, for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the school.

(F) The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.

(G) The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

(H) Admission requirements, if applicable.

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled.

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

(N) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

(O) A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(P) A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(c) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the school's educational programs.

(d) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the school.

(B) If the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(e) The governing board of a school district shall not require any employee of the school district to be employed in a charter school.

(f) The governing board of a school district shall not require any pupil enrolled in the school district to attend a charter school.

(g) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be used by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and upon the school district. The description

of the facilities to be used by the charter school shall specify where the school intends to locate. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.

(h) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as it read before July 19, 2006.

(i) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(j) (1) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The county board of education shall review the petition pursuant to subdivision (b). If the petitioner elects to submit a petition for establishment of a charter school to the county board of education and the county board of education denies the petition, the petitioner may file a petition for establishment of a charter school with the state board, and the state board may approve the petition, in accordance with subdivision (b). A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the entity to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(2) In assuming its role as a chartering agency, the state board shall develop criteria to be used for the review and approval of charter school petitions presented to the state board. The criteria shall address all elements required for charter approval, as identified in subdivision (b) and shall define "reasonably comprehensive" as used in paragraph (5) of subdivision (b) in a way that is consistent with the intent of this part. Upon satisfactory completion of the criteria, the state board shall adopt the criteria on or before June 30, 2001.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) If either the county board of education or the state board fails to act on a petition within 120 days of receipt, the decision of the governing board of the school district to deny a petition shall, thereafter, be subject to judicial review.

(5) The state board shall adopt regulations implementing this subdivision.

(6) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition to the department and the state board.

(k) (1) The state board may, by mutual agreement, designate its supervisory and oversight responsibilities for a charter school approved by the state board to any local

educational agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition.

(2) The designated local educational agency shall have all monitoring and supervising authority of a chartering agency, including, but not limited to, powers and duties set forth in Section 47607, except the power of revocation, which shall remain with the state board.

(3) A charter school that is granted its charter through an appeal to the state board and elects to seek renewal of its charter shall, before expiration of the charter, submit its petition for renewal to the governing board of the school district that initially denied the charter. If the governing board of the school district denies the school's petition for renewal, the school may petition the state board for renewal of its charter.

(l) Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (l) of paragraph (5) of subdivision (b), to its chartering entity, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering entity, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering entity pursuant to Section 41020.

Education Code Section 47606.5.

(a) On or before July 1, 2015, and each year thereafter, a charter school shall update the goals and annual actions to achieve those goals identified in the charter pursuant to subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605 or subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6. The annual update shall be developed using the template adopted pursuant to Section 52064 and shall include all of the following:

(1) A review of the progress toward the goals included in the charter, an assessment of the effectiveness of the specific actions described in the charter toward achieving the goals, and a description of changes to the specific actions the charter school will make as a result of the review and assessment.

(2) A listing and description of the expenditures for the fiscal year implementing the specific actions included in the charter as a result of the reviews and assessment required by paragraph (1).

(b) The expenditures identified in subdivision (a) shall be classified using the California School Accounting Manual pursuant to Section 41010.

(c) For purposes of the review required by subdivision (a), a governing body of a charter school may consider qualitative information, including, but not limited to, findings that result from school quality reviews conducted pursuant to subparagraph (J) or paragraph (4) of subdivision (a) of Section 52052 or any other reviews.

(d) To the extent practicable, data reported pursuant to this section shall be reported in a manner consistent with how information is reported on a school accountability report card.

(e) The charter school shall consult with teachers, principals, administrators, other school personnel, parents, and pupils in developing the annual update

Local Control Accountability Plan Contents: County Offices of Education
Education Code Section 52066.

(a) On or before July 1, 2014, each county superintendent of schools shall develop, and present to the county board of education for adoption, a local control and accountability plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by a county board of education shall be effective for a period of three years, and shall be updated on or before July 1 of each year.

(c) A local control and accountability plan adopted by a county board of education shall include, for each school or program operated by the county superintendent of schools, both of the following:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subdivision (d), as applicable to the pupils served, and for any additional local priorities identified by the county board of education.

(2) A description of the specific actions the county superintendent of schools will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1), including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities listed in paragraph (1) of subdivision (d). The specific actions shall not supersede the provisions of existing local collective bargaining agreements within the jurisdiction of the county superintendent of schools.

(d) All of the following are state priorities:

(1) The degree to which the teachers in the schools or programs operated by the county superintendent of schools are appropriately assigned in accordance with Section 44258.9 and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the schools or programs operated by the county superintendent of schools has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair as specified in subdivision (d) of Section 17002.

(2) Implementation of the academic content and performance standards adopted by the state board, including how the programs and services will enable English learners to access the common core academic content standards adopted pursuant to Section 60605.8 and the English language development standards adopted pursuant to Section 60811.3 for purposes of gaining academic content knowledge and English language proficiency.

(3) Parental involvement, including efforts the county superintendent of schools makes to seek parent input in making decisions for each individual schoolsite and program operated by a county superintendent of schools, and including how the county

superintendent of schools will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.

(4) Pupil achievement, as measured by all of the following, as applicable:

(A) Statewide assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or any subsequent assessment, as certified by the state board.

(B) The Academic Performance Index, as described in Section 52052.

(C) The percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study that align with state board-approved career technical education standards and frameworks, including, but not limited to, those described in subdivision (a) of Section 52302, subdivision (a) of Section 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

(D) The percentage of English learner pupils who make progress toward English proficiency as measured by the California English Language Development Test or any subsequent assessment of English proficiency, as certified by the state board.

(E) The English learner reclassification rate.

(F) The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher.

(G) The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program, as described in Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3, or any subsequent assessment of college preparedness.

(5) Pupil engagement, as measured by all of the following, as applicable:

(A) School attendance rates.

(B) Chronic absenteeism rates.

(C) Middle school dropout rates, as described in paragraph (3) of subdivision (a) of Section 52052.1.

(D) High school dropout rates.

(E) High school graduation rates.

(6) School climate, as measured by all of the following, as applicable:

(A) Pupil suspension rates.

(B) Pupil expulsion rates.

(C) Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.

(7) The extent to which pupils have access to, and are enrolled in, a broad course of study that includes all of the subject areas described in Section 51210 and subdivisions

(a) to (i), inclusive, of Section 51220, as applicable, including the programs and services developed and provided to unduplicated pupils and individuals with exceptional needs, and the program and services that are provided to benefit these pupils as a result of the funding received pursuant to Section 42238.02, as implemented by Section 42238.03.

(8) Pupil outcomes, if available, in the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable.

(9) How the county superintendent of schools will coordinate instruction of expelled pupils pursuant to Section 48926.

(10) How the county superintendent of schools will coordinate services for foster children, including, but not limited to, all of the following:

(A) Working with the county child welfare agency to minimize changes in school placement.

(B) Providing education-related information to the county child welfare agency to assist the county child welfare agency in the delivery of services to foster children, including, but not limited to, educational status and progress information that is required to be included in court reports.

(C) Responding to requests from the juvenile court for information and working with the juvenile court to ensure the delivery and coordination of necessary educational services.

(D) Establishing a mechanism for the efficient expeditious transfer of health and education records and the health and education passport.

(e) For purposes of the descriptions required by subdivision (c), a county board of education may consider qualitative information, including, but not limited to, findings that result from school quality reviews conducted pursuant to subparagraph (J) of paragraph

(4) of subdivision (a) of Section 52052 or any other reviews.

(f) To the extent practicable, data reported in a local control and accountability plan shall be reported in a manner consistent with how information is reported on a school accountability report card.

(g) The county superintendent of schools shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the county office of education, parents, and pupils in developing a local control and accountability plan.

(h) A county board of education may identify local priorities, goals in regard to the local priorities, and the method for measuring the county office of education's progress toward achieving those goals.

Academic Performance Index: PSAA Review

Education Code Section 52052.1.

(a) Beginning July 1, 2011, in addition to the test scores specified in subparagraph (B) of paragraph (4) of subdivision (a) of Section 52052, the Academic Performance Index (API) for a school or school district shall do all of the following:

(1) Include the test scores and other accountability data of enrolled pupils who were referred by the school or school district of residence to an alternative education program, including community, community day, and continuation high schools and independent study, and be calculated by assigning all accountability data on pupils in alternative education programs, including community, community day, and continuation high schools and independent study, to the school and school district of residence to ensure that placement decisions are in the best interests of affected pupils. If a pupil is referred to an alternative education program by a juvenile court judge or other correctional or judicial official, or if the pupil is expelled pursuant to subdivision (a) or (c) of Section 48915, the test scores of that pupil shall remain with the alternative education program and with the school district or county office of education serving that pupil. This section does not prohibit the alternative education program from counting the test scores of those pupils served in their alternative education program. It is the intent of

the Legislature that these alternative education programs remain accountable to the pupils they serve.

(2) Exclude the test scores or other data of those pupils exempt pursuant to federal statute or federal regulation.

(3) Include school and school district dropout rates for pupils who drop out of school while enrolled in grade 8 or 9. If reliable data is not available by July 1, 2011, the Superintendent, on or before that date, shall report to the Legislature the reasons for the delay and date he or she anticipates the specified dropout rates will be included in the API.

(b) The advisory committee established pursuant to Section 52052.5 shall recommend to the Superintendent and the state board all of the following:


(1) The length of time for which the accountability data on pupils in alternative education programs shall be assigned to the school and school district of residence pursuant to paragraph (1) of subdivision (a).

(2) Whether it is appropriate to assign accountability data to the school or the school district, pursuant to paragraph (1) of subdivision (a), if the pupil never attended the school of residence or has been absent for more than one year from the school district of residence due to placement in another school or school district or out of state.

(c) Before January 30, 2014, the advisory committee established pursuant to Section 52052.5 shall review, and recommend to the Superintendent and the state board any changes proposed for, the assignment of accountability data to the school district of residence pursuant to paragraph (1) of subdivision (a) based on the addition of Sections 2574, 2575, 42238.02, and 42238.03, and Article 4.5 (commencing with Section 52060) by the act adding this subdivision.

Local Control Funding Formula



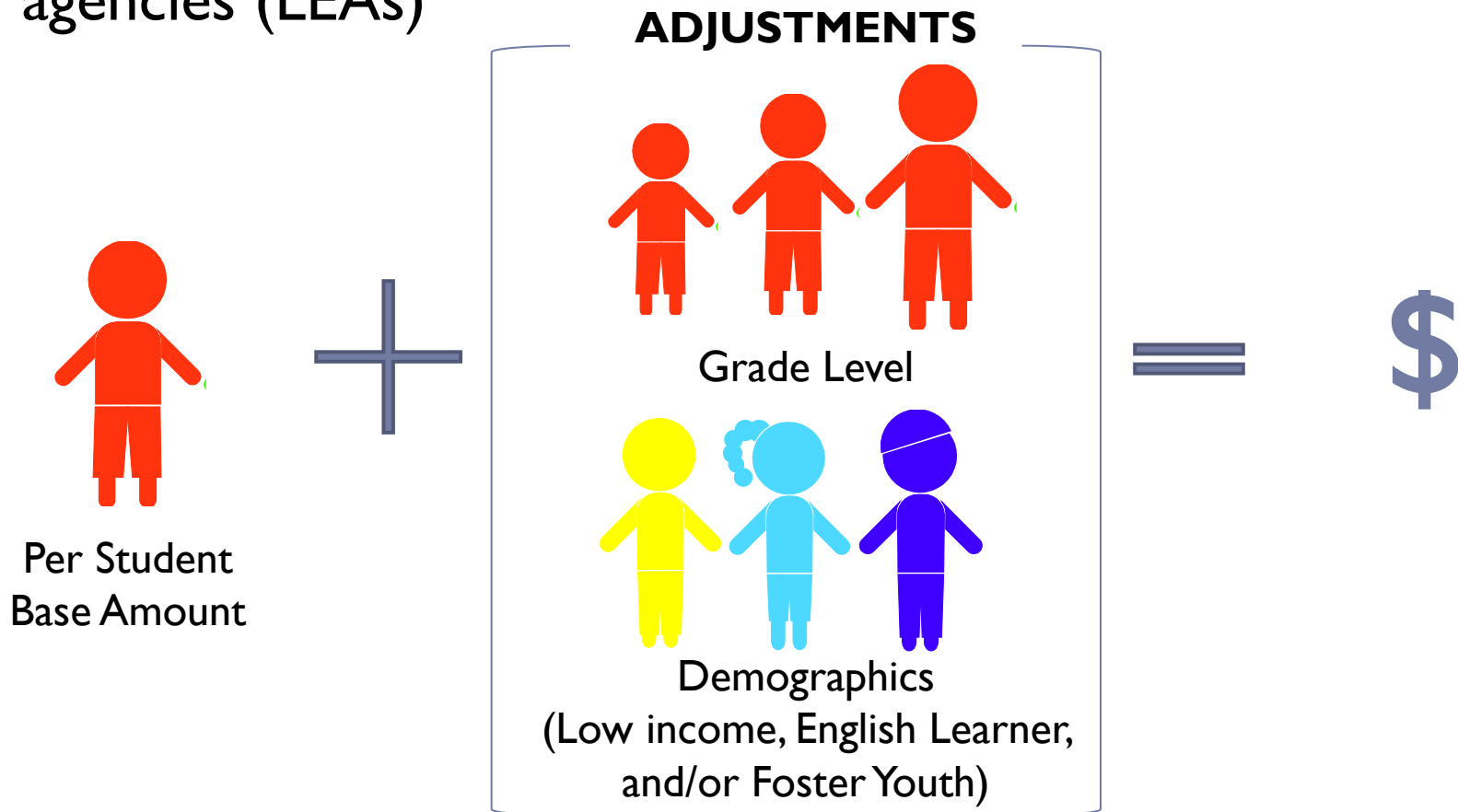
WestEd 

Local Control Funding Formula Implementation Update

State Board of Education, November 2013

Revisiting the Local Control Funding Formula (LCFF)

- ▶ Greatly simplifies state funding for local educational agencies (LEAs)



This slide shows images that illustrate how the Local Control Funding Formula works. LCFF provides the same amount of funding per student with two adjustments (1) grade level and (2) demographics.

Revisiting the Local Control Funding Formula

- ▶ It will take time to fully implement, but LEAs started 2013-14 with new expectations and funding formula
- ▶ State Board of Education (SBE) actions to support implementation:
 - ▶ Updates to Standards and Criteria by January 1, 2014
 - ▶ Technical changes to the Academic Performance Index by January 30, 2014
 - ▶ Emergency spending regulations by January 31, 2014
 - ▶ Local Control and Accountability Plan (LCAP) template by March 31, 2014
 - ▶ LCAP evaluation rubric by October 1, 2015

Guidance from September SBE Meeting

- ▶ **Support intent of LCFF and implement current law**
 - ▶ Simplicity
 - ▶ Transparency
 - ▶ Performance-focused rather than compliance-oriented
 - ▶ Equity, support for all students
 - ▶ Accountability
 - ▶ Local flexibility
- ▶ **Provide coherence between regulations, templates, and rubrics**

A Plan for LCFF Coherence

Regulations	Templates	Rubric
<p><i>Define</i> Clarify key terms and conditions to support local implementation that achieves LCFF implementation objectives</p>	<p><i>Organize and Communicate</i> Demonstrate through the development and sharing of the LCAP that local implementation supports LCFF implementation objectives and regulations</p>	<p><i>Assess and Indicate Assistance</i> Provide a process for assessing performance and identifying assistance based on review of the LCAP that meets specific areas of need related to LCFF implementation objectives and regulations</p>
<p>Connecting Elements/Guiding Principles</p> <ul style="list-style-type: none"> • Performance-focused – relationship between plans, funding use, and outcomes for students • Simplicity and transparency • Student-focused – local identification of needs, provides equitable opportunity • State priorities – define metrics, but rely on local determination of measurement • Stakeholder Engagement – parents, community, educators 		

Stakeholder Input

- ▶ To inform the development of LCFF regulations and the LCAP template stakeholder input was sought
- ▶ What we heard:
 - ▶ Commitment to LCFF guiding principles
 - ▶ Desire to focus on student performance
 - ▶ Engagement and communication key to success
 - ▶ Range of understanding and ideas for how flexibility should be operationalized

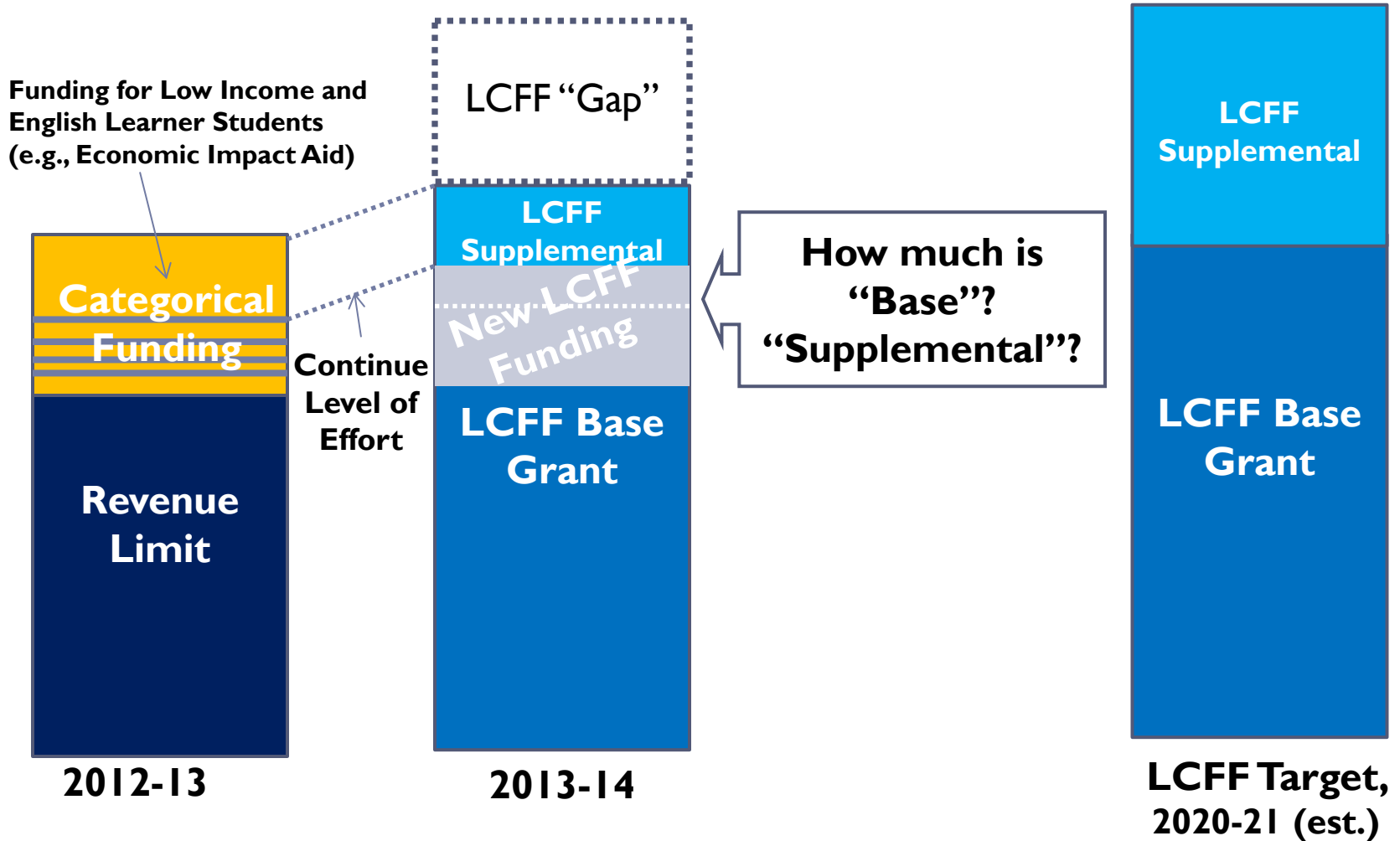
SBE Implementation Tasks

- ▶ Draft emergency spending regulations and LCAP concept are provided
 - ▶ Developed with SBE guidance, current law, and stakeholder input in mind
- ▶ Provided as information item today to solicit further input to inform revisions for subsequent adoption

SBE Implementation Task: Spending Regulations

- ▶ Regulation Proposal – Local Options Framework
 - ▶ Basic definitions
 - ▶ Options for local selection to demonstrate “increase or improve services for unduplicated pupils in proportion to the increase in funds”
 - ▶ Spend more
 - ▶ Provide more
 - ▶ Achieve more

LCFF Regulations – “Increase or Improve Services”



This slide shows three bar graphs. The first graph is for 2012-13 and shows revenue limit and categorical funding. The next bar graph is for 2013-14 and shows LCFF base grant, LCFF Supplemental, and LCFF Gap. Overlapping the LCFF Base and Supplemental is a shaded area labeled “New LCFF Funding” with a box that reads “How Much is Base? Supplemental?” The final bar chart shows LCFF Target funding in 2020-21 (est.) comprised of LCFF Base Grant and LCFF Supplemental.

SBE Implementation Task: Local Control and Accountability Plan

▶ Guiding principles:

- ▶ Simple – avoids duplication with other plans, jargon, and non-essential information
- ▶ Transparent – includes information necessary to demonstrate, describe, and explain how LCFF funding supports student performance and outcomes
- ▶ Local – expects information shared is highly contextual and supports the sharing of a local story
- ▶ Performance-focused – emphasizes student performance outcomes and avoids compliance-oriented information request and questions

SBE Implementation Task: Local Control and Accountability Plan

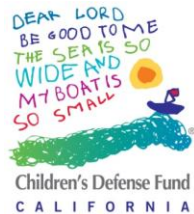
- ▶ **Elements**
 - ▶ Stakeholder engagement
 - ▶ Needs analysis
 - ▶ Goals
 - ▶ Performance
 - ▶ Services
 - ▶ Budget information
- ▶ **Instructions and guiding questions**
 - ▶ As necessary, differentiation for districts, charters, and county offices of education
- ▶ **Other considerations, to be included in potential handbook/guidance document**

Process and Next Steps

- ▶ Today provides another opportunity for stakeholder input and discussion by the State Board of Education
- ▶ Ideas shared will be used to revise draft emergency spending regulations and LCAP based upon:
 - ▶ Further consultation with stakeholders
 - ▶ Input provided through community sessions and LCFF comment channels
 - ▶ Consultation with SBE liaisons



Center for Leadership Equity And Research





Green Education, Inc.



ICUC



California Association of African-American Superintendents & Administrators



MALDEF
The Latino Legal Voice for Civil Rights in America.



National Center for Youth Law

NCLR
NATIONAL COUNCIL OF LA RAZA



OAKLAND COMMUNITY ORGANIZATIONS
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November 1, 2013

Mike Kirst, President
California State Board of Education
1430 N Street, Suite 5111
Sacramento, CA 95814

Re: SBE November 2013 Agenda Item #13 - LCFF

Dear President Kirst:

Many of us were privileged to work in collaboration with you on two historic changes – the passage of Proposition 30 and the Local Control Funding Formula (LCFF). In both cases, California’s most underserved communities made their voices heard in unprecedented numbers and confronted the defenders of the status quo. When Governor Brown stated in January of this year that “equal treatment for children in unequal situations is not justice,” we cheered. For the first time in California history, a Governor had the courage to speak a truth that our children and families have lived with for decades. More importantly, we believed him when he said that LCFF would correct these historic inequities in our districts and schools.

However, over the last five months, our faith has been shaken. Throughout the development of LCFF, we were repeatedly assured by the Governor’s staff that the new funding model would contain the elements necessary to truly correct local inequalities and create the deep public engagement of parents and community members necessary to make local control meaningful. These included (1) strong assurances that the supplemental and concentration grant funding would primarily benefit low-income students, foster youth, and English Learners in their schools; (2) the financial transparency required to assure the public that LCFF dollars were benefitting high-need students; and (3) the conditions necessary to foster the authentic engagement of parents, students, and community members in the development of Local Control and Accountability Plans (LCAPs) and district budgets.

The legislature ensured that provisions establishing these priorities were fixed in the final LCFF statute with implementation details delegated to the State Board of Education. This included the law’s requirement that Local Education Agencies (LEAs) “increase or improve services for unduplicated [high need] pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils.”

In refining the meaning of this and other critical language through the regulatory process, we hoped that the State Board would model the broad and inclusive process it would expect to see at the local level in the implementation of LCFF. To the disappointment of many of the organizations signing this letter, the Board’s stakeholder process did not reflect the racial, ethnic, and linguistic diversity of California’s schools and communities. Instead, the process was disproportionately weighted toward feedback from Sacramento-based interest groups who represent adults working inside the public school system and who have sought the loosest possible interpretation of the language of the law.

Even more disappointing are the draft spending regulations submitted to the Board for review on November 7, 2013 (see the agenda item's Attachment #1). These proposed regulations would do little to correct the historical inequities decried by our Governor and Dr. Kirst in his 2008 paper on reforming California's school finance system. They could, in fact, exacerbate them. Rather than ensuring that the LCFF funds generated by high-need students are "spent wisely by local districts to boost performance especially among the neediest students and schools" (Kirst, Bersin, and Liu, 2008), these funds could be used to offset LEA costs in other areas and underwrite the educational programs of non-needy students.

There are four specific areas of concern related to these spending regulations:

1. First, the proposed regulations make no distinction between the core services provided to every student through the base grant and the types of supplemental services supported by supplemental and concentration funding. As a result, school districts will be free to play an unfortunate shell game. They could spend their base funding disproportionately on non-needy students, spend their supplemental and concentration dollars to provide high-need students with basic services such as their classroom teachers, and never provide them with any additional services such as reading supports, counselors, or professional development for teachers to address their unique educational needs. To prevent this result, the regulations should clarify that LEAs must proportionally spend their base funding on high-need students as required by the statute. Otherwise, our neediest students and their parents will not see any real changes in their schools.
2. Second, it makes no sense to offer LEAs three different options to prove that they are providing more or better services to high-need students by spending more on those services. Rather, the first two options—"spend more" and "provide more"—should be consolidated into a single requirement. Doing so is both consistent with the statute and avoids undermining LCFF's promise of proportionate service increases for high-need students. By itself, the "provide more" option creates a significant loophole. "Provide more" would allow LEAs to satisfy the law's requirements by providing any additional level of new services for high need students, no matter how insignificant or far below the supplemental and concentration funding levels they receive. Districts that receive tens of millions of dollars to support the needs of low-income students, English Learners, and foster youth should not be allowed to spend just pennies of those dollars on their educational needs.
3. Third, the "achieve more" option is not a demonstration of the "expenditure of funds" required by the law and should not be conflated with the expenditure regulations. This option simply has no connection to any proportionate increase in services for high-need students. Under the "achieve more" example provided in Attachment #1, page 4 of your agenda materials, a district could provide NO additional services to high-need students such as foster youth if it increased reading results by one point in the preceding two years and deemed this "significant." The district could then spend all of its supplemental or concentration dollars entirely on non-needy students, salaries, or central office expenditures without any real consequence. The promise to achieve more rightly belongs in the Local Control and Accountability Plan, not the spending regulations. Indeed, the overarching LCFF statutory structure establishes that high-need students will "achieve more" as the result of LEAs working with their communities to establish goals within the eight state priority areas and then both "providing" and "spending" more on high-need students.
4. Fourth, there is no instruction to districts on how to implement school-wide and district-wide expenditures of funding, leaving it up to LEAs to define this for themselves. This is one more giant loophole that could result in school districts diluting LCFF funding without increasing services for the needy students who

generated those funds. This could be especially harmful in districts with “two sides of the track” where the funding generated by students in low-income schools is transferred to higher wealth schools and district-level expenditures unrelated to services for high-need students.

In addition to the concerns listed above regarding the spending regulations, we also have deep concerns about the proposed LCAP template and its relationship to authentic parent and community involvement in local decision-making. As currently drafted, the LCAP template fails to provide LEAs with the guidance necessary to ensure financial transparency or that the data used in establishing local goals is fully accessible to parents and the public for accountability purposes. It similarly fails to provide guidance to districts on processes and practices to elicit the input of diverse stakeholders, particularly those who have historically not been part of local decision-making. At a minimum, the LCAP should include (1) clear information on both district funding and expenditures; (2) easy access to the underlying data used to establish district-level goals; and (3) disaggregation of data and goals by school and subgroup in order to assess the impact of district actions and strategies on individual schools and groups of students. The LCFF statute calls for nothing less. Moreover, this level of information and the inclusion of basic requirements for public engagement such as language translation are critical to engaging parents and communities as ongoing partners in the Local Control and Accountability Plan processes.

From the very beginning, we believed in Governor Brown’s and Dr. Kirst’s commitment to LCFF as a historic and transformative achievement that could fix the inequities we see every day in our districts and schools. The proposed regulations have shaken that faith.

Leadership can survive many challenges but not the loss of faith in its veracity. In the coming months, the State Board of Education has the power to align the rhetoric of economic and social justice used to promote LCFF with the reality of implementation. We call on you to reject these proposed regulations and request changes, such as those offered above, in order to ensure that children in unequal situations truly benefit from the promise of Local Control Funding Formula. We stand ready to work with you in those efforts.

Sincerely,

Francisco Lobaco,	Legislative Director,	ACLU
Angelica Solis,	Executive Director,	Alliance for a Better Community
Ruben Lizardo,	State Policy Coordinator,	Alliance for Boys and Men of Color
Nicole Ochi,	Staff Attorney,	Asian Americans Advancing Justice - Los Angeles
Jay Conui,	Organizational Director,	AYPAL: Building API Community Power
Linda Galliher, J.D.,	Vice President Public Policy,	Bay Area Council
Carl Pinkston,	Secretary,	Black Parallel School Board
B. Cole,	Executive Director,	BrownBoi Project
Dr. Pamela Short-Powell,	President,	CAAASA
Maisie Chin,	Executive Director,	CADRE
Debra Watkins,	President and Executive Director,	California Alliance of African American Educators
Jan Corea,	CEO,	California Association for Bilingual Education
Ellen Wu,	Executive Director,	California Pan-Ethnic Health Network

Cynthia L. Rice,	Director of Litigation, Advocacy & Training,	California Rural Legal Assistance, Inc
Phyllida Burlingame,	Co-Convener,	California Sex Ed Roundtable
Sergio Cuellar,	Statewide Campaign Director,	Californians for Justice
Shelly Spiegel-Coleman,	Executive Director,	Californians Together
Brian Goldstein,	Policy Analyst,	Center on Juvenile and Criminal Justice
Jessica Quintana,	Executive Director,	Centro CHA Inc. (Long Beach Community Hispanic Association)
Jamila Iris Edwards,	Northern California Director,	Children's Defense Fund -- California
Kenneth Magdaleno, Ed. D.,	Executive Director,	CLEAR
Manuel Criollo,	Director of Organizing,	Community Rights Campaign
Adam Kruggel,	Executive Director,	Contra Costa Interfaith Supporting Community Organization
Rev. Samuel J. Casey,	Executive Director,	COPE
Nancy Valencia,	Executive Director,	Downtown Associated Youth Services
Arun Ramanathan,	Executive Director,	ETW
Andy Levine,	Executive Director,	Faith in Community, Fresno
Oscar Cruz,	President and CEO,	Families in Schools
Sammy Nunez,	Executive Director,	Fathers & Families of San Joaquin
Barrie Becker,	State Director,	Fight Crime: Invest in Kids
Jonathan Klein,	Executive Director,	GO Public Schools
Stella Ursua,	President,	Green Education Inc.
Tom Dolan,	Executive Director,	Inland Congregations United for Change
Maria Brenes,	Executive Director,	InnerCity Struggle
Lian Cheun,	Executive Director,	Khmer Girls in Action
Adam Anderson,	Executive Director,	Kingdom Causes Long Beach
Raymond Chavarria,	Executive Director,	Latin American Community Center
Xavier Morales,	Executive Director	Latino Coalition for Healthy California
Oren Sellstrom,	Legal Director,	Lawyers Committee for Civil Rights
Abigail Trillin,	Executive Director,	Legal Services for Children
Thomas A. Saenz,,	President and General Counsel,	MALDEF
John F. O'Toole,	Director,	National Center for Youth Law
Delia de la Vara,	VP of California Region,	National Council of La Raza
Amy Fitzgerald,	Executive Director,	Oakland Community Organizations
Debbie Phares,	Executive Director,	Orange County Congregation Community Organization
Tarah Fleming,	Education Director,	Our Family Coalition
Goldie Buchanan,	Parent Organization Network Manager,	Parent Organizing Network
Akemi Flynn,	Executive Director,	People Acting in Community Together
Roberta Furger,	Director of Policy and Research,	PICO California
Judith Bell,	President,	Policy Link
Liz Guillen,	Director of Legislative & Community Affairs,	Public Advocates
Laura Faer,	Statewide Education Rights Director,	Public Counsel

Luis Santana,	Executive Director,	Reading and Beyond
Stella Connell Levy, JD,	President/Executive Director,	Restorative Schools Vision Project
Tavae Samuelu,	Education & Career Coordinator,	RYSE Center
Ashlin Spinden,	Executive Director,	Sacramento Area Congregations Together
Erica Katske,	Executive Director,	Sam Francisco Organizing Project
Bill Koski,	Youth & Education Law Project,	Stanford Law School
Mynor Godoy,	CA State Program Director,	Students for Education Reform
John R. Lee,	Executive Director,	Teach Plus Los Angeles
Dana Goodrow, MSW, MPH	Executive Director,	TeenNow California
Daniel Zingale,	Senior Vice President,	The California Endowment
Elise Buik,	Chief Executive Officer,	United Way of Greater Los Angeles
Kaile Shilling,	Coalition Director,	Violence Prevention Coalition
Kim McGill,	Organizer,	Youth Justice Coalition / FREE L.A. High School
Ama Nyamekye	Executive Director	Educators 4 Excellence
Vincent Jones	Senior Advisor	Brothers, Sons, Selves Coalition
All Members,		Building Healthy Communities: Long Beach Steering Committee
Deborah Escobedo,	Staff Attorney,	Youth Law Center

CC: Members, California State Board of Education

Karen Stapf Walter, Executive Director, California State Board of Education

Janelle Kubinec, Director of National, State and Special Projects, WestEd

Judy Cias, Chief Counsel, California State Board of Education

Christine Swenson, Director of Improvement and Accountability, California Department of Education

Nick Schweizer, Department of Finance

Cathy McBride, Governor's Office



November 5, 2013

Dr. Michael W. Kirst, President
Members of the State Board of Education
California State Board of Education
1430 N Street, Suite 5111
Sacramento CA 95814

Re: Item #13: Local Control Funding Formula: Discussion of Proposed Changes to California's Local Educational Agency and School Planning and Accountability System.

Dear Dr. Kirst and Members of the State Board of Education,

INTRODUCTION

California Rural Legal Assistance, Inc. is a statewide legal services organization that, for more than 40 years, has represented low income families, including farmworkers, in rural California. Since its inception CRLA has advocated for equal education for the most vulnerable student populations, including limited English proficient students (English Learners), Migrant students and other students of poverty in rural California. Inequities driven by California's school funding system have particularly affected these rural student populations.

Californians Together is a statewide coalition of parents, teachers, education advocates and civil rights groups committed to securing equal access to quality education for all children. Founded in 1988, Californians Together is joined with twenty-~~five~~^{three} statewide organizations to foster full participation in a democratic society through quality education for children and parents from underserved communities with a focus on English Learners.

The California Association for Bilingual Education (CABE) is a statewide educational non profit organization that was incorporated in 1976 to promote bilingual education and quality educational experiences for all students in California. CABE works to promote equity and student achievement for students with diverse cultural, racial, and linguistic backgrounds. CABE's vision is biliteracy, educational equity, and 21st century success for all.

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The Youth Law Center is a national, public interest children's advocacy organization that works to protect the rights of children in the child welfare and juvenile justice systems.

The communities we serve are looking forward to delivery on the promises made while the Local Control Funding Formula ("LCFF") was being negotiated, considered, passed and signed into law. Unfortunately the proposed regulations and concept for the Local Control Accountability Plan ("LCAP") template will leave those promises unfulfilled. Instead, as many advocates feared, they create a challenge for districts to do it on their own, without explicit direction, or even meaningful guidelines, and do so in a manner that leaves students and parents with fewer protections than existed under the prior system.

We have addressed the deficiencies of the regulations and template in prior comments submitted with Californians Together and the California Association for Bilingual Education. We have also joined in the comments of the coalition of statewide education advocacy groups. We stand by those comments, and join the recent comments submitted by Public Advocates and the ACLU of Southern California. We submit these comments to provide the Board with suggestions about how specific regulatory language could be drafted to accomplish the goals of the LCFF. We urge the Board to consider these comments and those previously submitted, and send staff back to work. Given the fact that it is likely that these regulations will be passed as emergency regulations, it is important that the public be involved in the further refinement of actual regulatory language. We suggest that the next stage of drafting include the opportunity for stakeholders to review proposed regulatory language and provide direct feedback on that language.

COMMENTS AND PROPOSED ALTERNATIVE REGULATORY LANGUAGE

I. PROPOSED REGULATIONS

The proposed regulatory language is inconsistent with specific provisions in the LCFF and fails to fulfill the specific charge given to the State Board of Education ("SBE") to issue regulations regarding the allocation of funding designed to address the greater needs of students who are English Learners, economically disadvantaged or foster youth. It is also vague and, in many ways, invites manipulation of definitions in a way that allows diversion of base, supplemental and concentration funding, and concomitant services, away from these students.

"Services"

This broad definition should be clarified to ensure that staff and services are funded with supplemental or concentration grant funding, only to the extent that it can be demonstrated that those services represent an increase or improvement of services to unduplicated students, that those

services are designed to accomplish the state priorities for those students, and are allocated proportional to their representation at the district or school level where the funds are expended.

Proposed Regulatory Modifications¹:

(b)“Services” as used in Education Code section 42238.07 may include, but are not limited to, services associated with the delivery of instruction, administration, facilities, technology, and other general infrastructure necessary to operate and deliver educational instruction and related services *so long as it is demonstrated that such services increase or improve services for unduplicated pupils in proportion to the number and concentration of unduplicated pupils where the services are provided and are designed to improve achievement with respect to those students in the state priorities described in subdivision (d) of Section 52060.*

“ Options for Local Educational Agencies to Demonstrate Increased or Improved Services..”

This proposed regulation is inconsistent with the specific statutory language of Sec. 42238.07 of the LCFF which requires that LEAs “increase or improve services” for unduplicated pupils. The statute does not allow for the alternative of demonstrating an increase in “achievement.” The proposed regulation does so, and would relieve LEAs of the need to demonstrate any increase in spending, services or improvement of program based on any measurable increase in achievement. It also fails to require that LEAs connect their increase in or improvement of services to increased achievement.

The fundamental purpose of the LCFF is to revise the school funding system in order to improve achievement within the eight priority areas. It is not an either or situation. Sec. 52060 expressly requires that school districts include goals for each of the eight state priority areas to be addressed in the LCAP, including pupil achievement. The clear intent of Sec. 42238.07 is to provide direction to ensure that supplemental and concentration grant funding is expended in a manner that improves achievement in all priority areas. Sec. 42238.07(a)(1) expressly requires that Districts, Count Offices of Education (“COE”) and charter schools demonstrate that they are, in fact, using this funding to increase or improve services, thereby imposing an additional requirement on education agencies receiving the funding. This obligation to demonstrate that concentration and supplemental funding is connected to an increase or improvement of programs for unduplicated

¹ Proposed changes are to the regulatory language included in the agenda materials. Additions to the language are in italics and underlined and deletions have are indicated by strikeout.

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students and cannot be subsumed into or replaced by an achievement measurement, which is what the current regulation allows.

This conflation of achievement with improvement or increase in services under the proposed regulation fails to provide any means for determining whether increases or improvements to services are likely to improve achievement in the eight priority goals for unduplicated pupils. Offering the alternatives of “spend more” or “provide more” or “improve” disconnects spending and services in a manner that is inconsistent with the statutory purpose.

The clearest direction is one that tracks the expenditure of additional funds and connects it to achievement in the state priority areas for the children who generate that additional funding. The regulation, as proposed, does not do that. The following changes to the proposed regulatory language are necessary to make it compliant with the statute.

Proposed Changes:

§ XXX3. Options for Local Educational Agencies to Demonstrate Increased or Improved Services for Unduplicated Pupils in Proportion to the Increase in Funds Apportioned for Supplemental and Concentration Grants.

(a) A local educational agency shall provide evidence in its local control and accountability plan, using the template adopted by the State Board of Education, to demonstrate increased or improved services *designed to improve achievement in each of the state priorities* for unduplicated pupils as required by paragraph (1) of subdivision (a) of Education Code section 42238.07 by describing how the local educational agency expends funds in accordance with of the following options:

(1) Spend more *by improving existing* ~~on~~ services *provided where the students are enrolled* for unduplicated pupils in proportion to the increase in supplemental and concentration grant funds over the amount spent in the prior year.

(2) *Spend more by providing new* ~~Provide more, or improve,~~ services *where the students are enrolled* for unduplicated pupils in proportion to the increase in supplemental and concentration grant *funds over the amount spent in the prior year*. These services may include, but are not limited to, expanding existing services, extending learning time, increasing learning options, or providing professional development opportunities.

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~~(3) — Achieve more for unduplicated pupils in proportion to the increase in supplemental and concentration grant funds. Local educational agencies may demonstrate an increase in achievement by providing evidence of achievement in the applicable state priorities referenced in subdivision (d) of Education Code Section 52060, subdivision (d) of Education Code Section 52066, and subparagraph (B) of paragraph (5) of subdivision (b) of Education Code Section 47605, including a description of the increase in achievement for unduplicated pupils in proportion to the increase in supplemental and concentration grant funds.~~

The regulation is also seriously deficient in its failure to provide any direction to Districts regarding use of supplemental and concentration funding for school-wide or district wide programs. By failing to require that increased or improved services are affected in programs provided for unduplicated students, where they are enrolled, the regulations allow almost unfettered discretion about how to use these funds. Subsection (b) of XXX3 exacerbates this problem by leaving it to Districts, COE and charter schools to decide what the requirements of Title I of the NCLB are, and how they relate to programs for each of the subgroups included in the unduplicated student count. Such direction is necessary because of the need for services designed to address the unique educational needs of students who are English Learners or foster youth. LCFF anticipates specific actions by education agencies for these subgroups which result in improved achievement in the priority areas. (See, sections 52072(b)(1), which applies to Districts, 52072.5 which applies to COE and sections 47605.6(b)(5)(A)(ii) and 64605.6(b)(5)(B) which apply to charter schools.) It is critical that the allocation of supplemental and concentration funding for programs applicable to these students be transparent and provide a means of determining whether funds are spent for the educational well-being of these students, whether student based, or included in a school, district, county or charter-wide program. The legislative incorporation of the Title I restrictions on such programs indicates a desire for specific direction in the nature of that provided to recipients of Title I funding. Accordingly it is appropriate to track the requirements of Title I, making adjustment, as appropriate to reflect the different scope of the LCFF funding.

Proposed Changes:

(b) Pursuant to paragraph (2) of subdivision (a) of Education Code section 42238.07, local educational agencies are authorized to use the funds apportioned ~~for the purposes provided~~ on the basis of the number of unduplicated pupils for schoolwide purposes, for school districts, districtwide purposes, for county offices of education, countywide purposes, or for charter schools, charterwide purposes, so long as

(1) the total schoolwide, districtwide or countywide, or charter school enrollment of the subgroup of unduplicated students for which the services are provided equals or exceeds 40% of the total student population where the funds are expended, and;
(2) the allocation is based upon the development of a schoolwide, districtwide, countywide or charterwide program that includes:

- A) A comprehensive needs assessment based upon improving achievement of the priority goals by the specific unduplicated student subgroup(s); and
- B) Schoolwide, districtwide, countywide or charterwide reform strategies provide opportunities for the specific unduplicated student subgroup(s) to meet the annual goals identified in the state priorities, as described in subdivision (d) of Section 52060; and
- (C) Instruction by highly qualified teachers; and
- (D) High-quality and ongoing professional development for teachers, principals, and paraprofessionals and, if appropriate, pupil services personnel, parents, and other staff to enable the specific unduplicated student subgroup(s) to meet the annual goals identified in the state priorities, as described in subdivision (d) of Section 52060; and
- (E) Strategies to attract high-quality highly qualified teachers to high-need schools.
- (F) Strategies to increase parental involvement in accordance with Section 52060(d)(3)
- (G) Strategies, such as research-based programs or services, that address the linguistic needs of students who are English Learners that will provide opportunities for English Learners to meet the annual goals identified in the state priorities.

~~(2) in a manner that is no more restrictive than the restrictions provided for in Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301, et seq.).~~

The undersigned have concerns about the proposed articulation of “Examples of How Regulations May be Demonstrated.” Are these regulations, guidelines, background or commentary? What form are they supposed to take and will they be controlling over a CDE construction or interpretation to the contrary? Who is to develop this “document”? While some of the proposed examples could be helpful and are consistent with the purpose of the LCFF, others suggest that concentration and supplemental funding may be used to provide what are core education services to English Learners, such as instructional aides, and supplies that are part of the school’s or district’s basic educational program that it must provide to English Learners under both state constitutional and statutory requirements and under the mandates of the Equal Educational Opportunity Act. The State Board should not adopt these particular guidelines, but should, instead

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identify how such direction and technical support will be provided to LEAs during the development of their LCAPs

II. PROPOSED CHANGES TO THE LCAP PLAN CONCEPT

While we are heartened that the expressed desire to have the elements of the LCAP anticipated, if not specifically addressed, as part of the regulatory process, the concept provides no real guideline for what is to be substantively included in the LCAP. It also fails to provide any real expectations about what Districts, COE and charters will have to present to demonstrate meaningful parental involvement and consideration.

We believe the entire concept must be revisited to provide minimum standards and directions. This is not a function of micro-management of program development, but the articulation of consistent expectations and criteria that are necessary to the effective implementation of a statewide education system, with common core and achievement standards, administered through local control. Basic criteria for developing and assessing the achievement goals for each of the eight priority areas is limited and completely lacking for some priorities. Some areas in particular were addressed at the stakeholder meetings have been completely ignored in the draft of the template.

Parental Involvement (encompassed in the “Stakeholder Engagement” aspect of the template) is a stand-alone priority. Yet the template buries it in a section including input from teachers, staff and other governmental personnel. During the input sessions parent after parent expressed frustration and the lack of access to district-level and school site meetings due to scheduling and lack of language support services. That frustration was increased for parents who managed to become members of site councils or parent advisory committees whose recommendations were not solicited, ignored or summarily rejected. This resounding message merited no mention in the summary of the Implementation Working Group meetings. However LCFF expressly addresses parental involvement and the LCAP template must include address those requirements.

We recommend that the template include a discrete section for parental involvement that requires the following:

A summary of the District, COE or charter schools parental involvement efforts in the development of the LCAP including a plan for the inclusion of parents or guardians from each subgroup identified in Section 52062. The plan must demonstrate:

- Language appropriate outreach to and support of all subgroups;

- Scheduling of LCAP input sessions that allows participation by working families, and which include language appropriate support;
- The formation of the LCAP advisory committee mandated by Section 52063(a) prior to commencing the development of the LCAP;
- Design and implementation of a method for obtaining, reviewing and, if appropriate, incorporating parent or guardian recommendations regarding program development for all subgroups;
- Meaningful opportunity for review and approval of proposed LCAPs, including providing translated LCAPs and their program materials in advance of meetings held to approve those proposals.
- A mechanism for recording parent or guardian recommendations, the evaluation of those recommendations and the reasons they were included or not included in the LCAP.

Needs Analysis, Goals, Performance, Services and Budget Information - The template deconstructs the LCFF requirements by addressing these issues separately. The LCFF provides core or base funding, plus supplemental funding and concentration grant funding for three subgroups. It identifies eight priorities for which achievement goals must be set, and specifically addressed for subgroups. The template should be redesigned to reflect this approach.

All educational agencies must be required to use the LCAP to set goals and develop program in all priority areas, for the entire school population using base funding, including addressing goals, performance and services for the subgroups identified in 52060 and how English Learners and other special needs populations have access to core instruction and services, and meet other state requirements such as those included in Educ. Code sec. 300, et. seq. and Educ. Code sec. 48850 et seq, irrespective of whether the agency receives supplemental or concentration grant funding. Transparency demands that the allocation of base funding for these activities by program and school site be available to all parents and guardians.

Educational agencies that receive supplemental and concentration funding must do the same from services provided with that funding. The budget information to be reported, must allow parents, other stakeholders, and the state to determine how services have been increased or improved by linking specific programs, staffing or services to unduplicated student achievement and funding. Additionally, the LCAP, as anticipated by the statute, must ensure that agencies identify the programs funded by base, core and supplemental funding to ensure that any additional Title III or other federal funding supplements both base and state supplemental or concentration grant funding.

III. ADDITIONAL REGULATIONS TO BE CONSIDERED

The LCFF expressly directs the State Board to develop regulations with respect to some areas of the new law. However, the public comment process, and meetings held with stakeholders have identified other areas where the statute itself provided inadequate direction to LEAs. The State Board has the power to address these deficiencies through the regulatory process, and should do so now. That is the only way to ensure full and effective implementation of the LCFF.

Title 5 Complaint Process

Sec. 52075 provides that a complaint may be filed regarding an LEA's failure to comply with the provisions of the LCFF. However as currently drafted the Title 5 (5 CCR 4600, *et seq.*) regulations do not encompass such complaints. Moreover, as mentioned at various hearings, the complaint process has not been effective in the past as a means of addressing, in a timely manner, the mis-allocation of funds for special populations, such as English Learners, or the elimination of programs necessary for compliance with other state mandates, such the Proposition 227. Nor does the complaint process allow for complaints to address the requirements set forth in the Education Code concerning the educational rights of foster youth as found under Educ. Code sec. 48850 *et seq* and other AB490-related provisions.

Title 5 regulations should be reviewed and completely revised. The following are examples that raise specific issues with respect to the process of LCFF complaints.

5 CCR 4610 – The definition of the scope of the complaint process currently includes “specified programs,” complaints regarding discrimination, harassment and bullying, and school fees. Complaints regarding a failure to develop the LCAP, to address the state priorities identified in Sec. 52060 of the LCFF or to spend basic, supplemental or concentration funds in a manner consistent with LCFF mandates are not encompassed in the defined scope of the Title 5 process. This must be addressed. Also, “specific programs” should be expanded to include programs and services found in the Education Code that specifically address the needs of foster youth, which would, in part, Educ. Code sec. 48850 *et seq* and Educ. Code sec. 42920 *et. seq.*

5 CCR 4622 – Requires that districts provide a notice to parents regarding the complaint process. This regulation must be revised to ensure that the notice states that complaints may be filed regarding the failure to comply with the LCFF. In particular, it should be clear that complaints regarding spending allocations or an LEA's failure to afford parents the opportunity to be involved in the development of the LCAP must be specifically addressed.

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5 CCR 4630 – Provides the method and time limits for filing a complaint, and allows certain complaints to be filed anonymously. The regulation must be amended in order to include LCFF complaints, establish a time line for filing such complaints and to provide that any interested party may file a complaint. This is particularly important for ensuring the protection of the parents of English Learners, economically disadvantaged students and foster parents who may not have the knowledge or ability to examine specific funding decisions that have diverted base, supplemental or concentration funding away from programs for their children. Additionally, in small, rural districts, parents and guardian have legitimate fears about retaliation against their children or themselves when they complain. Recently CRLA has been advised of several districts that have responded to parent criticism by imposing unprecedented limitations on volunteering and even visiting classrooms.

5 CCR 4631- 4633, 4665 – Establishes the complaint process at the LEA and appeal to CDE. The process has proved to be completely ineffective because of the LEA's self-interest in defending its own policies and staff. Additionally, the 60 day timeline for responding to a complaint means that LEAs can wait until the school year, budget cycle or decision making process is over before even responding to a complaint. This is not an effective remedy for a parent who has been excluded from the LCAP development process. Moreover, allowing a district 60 days to decide whether concentration or supplemental funding was not properly spent means that money will be long gone before the question is even addressed. LEAs should be required to respond with all appropriate documents and a preliminary response to any complaint within 10 days. Similarly, LCFF complaints should be excluded from the 5 CCR 4632 provision that allows CDE to refer the complaint back to the LEA if the specific issue went unaddressed. Additionally, Sec. 4633 should be revised to make clear that CDE has an independent obligation to develop the record for the complaint under circumstances when information is not readily available to the complainant. These provisions have created an incentive for LEAs to avoid certain issues, and refuse to disclose information, knowing the CDE will not complete the record, resulting in dismissal, or delays for years before a remedy is even considered, much the less effected by CDE. The reconsideration process established in Sec. 4665 exacerbates this process. Any request for reconsideration by an LEA should be limited in time, to not more than 10 working days, and the CDE should have to render its decision within an additional 10 days.

5 CCR 4640- 4651 – Provides a mechanism for direct intervention by CDE. This provision has been completely eviscerated by the practices of CDE. Direct intervention must be mandated under certain circumstances, and specifically when necessary to ensure the ability to order a remedy within the same school year or budget cycle. Direct intervention should be at the option of the complainant, not CDE, for all LCFF complaints, and for other complaints as well.

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5 CCR 4670 – The enforcement mechanisms provided to CDE should be mandatory. Many if not most Title 5 complaints do not result in any findings or corrective action, because they are withdrawn due to delays. Those that have resulted in a finding rarely if ever have the corrective action implemented within the same school year. CDE must be required to enforce its corrective actions, in a timely manner, and to either suspend funding or refer the matter to the attorney general for enforcement if the LEA does not fully comply.

Monitoring

Many of the members of the public who appeared at the input sessions expressed concern about the increased discretion given to LEAs and the impact it would have on the services provided to their children. As demonstrated in those hearings districts have failed to comply with parent involvement requirements for other programs with impunity. Other witnesses testified about mis-allocation of categorical funding that even when brought to CDE's attention through the Title 5 process, was left uncorrected. California has continuing obligations under state and federal law to ensure that LEAs are providing equal access to education for all California children, and specifically ensuring that limited English proficient children are receiving instruction designed to overcome educational deficits resulting from their language limitations. Indeed, the State is ultimately responsible for ensuring that "its district-based system of common schools provides basic equality of educational opportunity." (*Butt v. State of California, supra*, at 685; Article IX, § 5, California Constitution.)

Now that California has revamped its funding system, it must have a monitoring component that ensures that increased local control does not result in increased violation of constitutional and statutory protections afforded to California students. It is within the power of the State Board to issue regulations that address the regular, non-complaint driven, monitoring of LEAs as they implement LCFF and the State Board should do so. We suggest adding an additional regulation to this package that addresses systemic monitoring, that at the least tracks prior monitoring statutes addressing categorical programs, such as Education Code sec. 64001 and Educ. Code sec. 52177.

Suggested language:

Onsite school and district compliance reviews of local educational agencies shall be conducted in a manner that ensures compliance with the provisions of LCFF as well as compliance with applicable state and federal mandates. The LCAP shall be reviewed as part of these onsite visits and compliance reviews. The Superintendent of Public Instruction shall establish the process and frequency for conducting reviews of LEA achievement and compliance with state and federal program requirements in a manner

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that ensures that all LEAs are regularly reviewed and that LEAs that receive concentration grant funding under the LCFF receive an onsite review at least every 4 years. In addition, the Superintendent of Public Instruction shall establish the content of review instruments, including any criteria necessary for evaluating compliance with the LCFF and state priorities for achievement, and evidence of district compliance with state and federal law. The state board shall review the content of these instruments for consistency with state board policy.

CONCLUSION

Californians were promised a new and more equitable approach to school funding with the enactment of the LCFF. It is time to deliver on that promise by developing regulations that fill the gaps left in the statutory language. The current proposals before the Board fail to do so. We urge the Board to direct staff to revise and augment the current regulations and LCAP template proposals and to do so in a manner that more effectively includes participation by the public.

Respectfully Submitted,

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By: Cynthia L. Rice, Director of Litigation Advocacy & Training, crice@crla.org

CALIFORNIANS TOGETHER

By: Shelly Spiegel Coleman, ~~Executive Director~~ **President**, shelly@californianstogether.org

CALIFORNIA ASSOCIATION FOR BILINGUAL EDUCATION (CABE)

By: Jan Gustafson-Corea, CEO, jgcorea@bilingualeducation.org

YOUTH LAW CENTER

By: Deborah Escobedo, descobedo@ylc.org

**INSTRUCTIONAL MINUTES
FOR THE IMPLEMENTATION OF THE CCSS AND TO ENSURE COMPREHENSIVE
CURRICULUM FOR ALL STUDENTS GRADES K-8**

- How do we ensure that all students have access to all content and curricular areas each school day?
- The range of instructional minutes for ELA and ELD proposed in chapter 12, combined with PE and Math, leaves insufficient time for Science, Social Studies, and Art.
 - Kindergarten: 45 to 60 minutes
 - Grades one through three: 120 to 150 minutes
 - Grades four through five: 90 to 120 minutes
 - Grades six through eight: 60 to 120 minutes
 - In addition to the integrated ELA/ELD instruction times above, 60 minutes of daily separate English language development instruction in kindergarten through grade eight
- With a range of 200-300 total instructional minutes per day for students grades K-8, we would like to ask the committee to provide models/examples of how an instructional day can be constructed that allows for all subject areas to be taught.
- In order for the ELA/ELD Standards to be adequately covered, there needs to be explicit guidance to the publishers to include integration of the CCSS in other content areas (Science, History/Social Studies and Art) and clear descriptions and examples on how to do so.
- We are asking for a framework that is expanded and different from our current framework. The CCSS call for a deep and meaningful change in content as well as instructional approaches. From the field we are requesting that the core intent of the CCSS be upheld and that we don't repeat past versions of curriculum, instructional minutes, and approaches that have not effectively met the needs of all students, and particularly those of diverse language and cultural backgrounds.

INSTRUCTIONAL MINUTES

Proposed by CAFE and Californians Together

July 24, 2013 & September 26, 2013

Comprehensive Curriculum for all students, every day ²	Kindergarten Total Instructional Minutes=200/day ³	1 st -3 rd Grade Total Instructional Minutes=280/day ³	4 th -6 th Grades Total Instructional Minutes=300/day ³	7-8 th Grades Total Instructional Minutes=300/day ³
Language Arts	60/day (300/week)	90/day (360/week)	60 (300/week)	50 (250/ week)
Designated ELD/World Language¹	25 (125/week)	40/day (200/week)	40 (200/week)	40 (200/week)
Math²	25/day (125/week)	55/day (275/week)	60 (300/week)	50/day (250/week)
Social Studies²	25/day (125/week)	25/day (125/week)	40 (200/week)	40 (200/week)
Science²	25/day (125/week)	25/day (125/week)	40 (200/week)	40 (200/week)
PE	15/day (75/week)	20/day (100/week)	20/day (100/week)	40 (200/week)
Arts (VAPA)²	25/day (125/week)	25/day (125/week)	40 (200/week)	40 (200/week)
¹ ELD time could be used for World Languages study for non-ELs				
² Inclusive of ELA standards integration				
³ Minutes per day can be combined and blocked for longer periods during the week for improved instruction				

**We support and encourage the integrated approach called for in the Framework chapters, and understand that the publishers and some teachers need direction about how to structure their program.*

Education Code Revised Required Yearly Instructional Minutes:

Grade	Minutes
Kindergarten	34,971 minutes
Grades 1 through 3	48,960 minutes
Grades 4 through 8	52,457 minutes
Grades 9 through 12	62,949 minutes

Education Code Revised Number of Required School Days

- If the LEA was required to offer 180 days, the new requirement is 175 days (applies to almost all LEAs).
- If the LEA was required to offer 175 days, the new requirement is 170 days (applies to 18 LEAs).
- If the LEA operated a multi-track, year round school, then the new requirement dropped from 163 days to 158 days.

Three Critical Issues Needing Attention in the Draft ELA/ELD Framework

Issue Number 1: Narrowing of Curriculum: This is our opportunity to guarantee that all students have access to a broad and comprehensive curriculum consistent with the approach of the Common Core State Standards (CCSS) and the state priority in the Local Control Funding Formula (LCFF)

Language on state priority for LCFF: *The extent to which pupils have access to, and are enrolled in, a broad course of study that includes core subject areas (i.e., English, mathematics, social science, science, visual and performing arts, health, physical education, career and technical education, etc.), including the programs and services developed and provided to economically disadvantaged pupils, English learners, foster youth, and individuals with exceptional needs.*

Language from introductory remarks by Superintendent Torlakson and State Board of Education President Michael Kirst for California CCSS: *The CA CCSS for ELA/Literacy are organized around a number of key design considerations. The College and Career Readiness anchor standards constitute the backbone of the standards and define the general, cross-disciplinary literacy expectations for students in preparation for college and the workforce. The standards are divided into strands: Reading, Writing, Speaking and Listening, and Language. Connected to these design considerations is the interdisciplinary expectation that the development of each student's literacy skills is a shared responsibility—English language arts teachers collaborating with teachers of other academic content subjects for an integrated model of literacy across the curriculum.*

- To allow for each student to receive the needed instruction for a broad curriculum there is a need to reduce the number of minutes requested in Chapter 12 for Language Arts/English Language Development instructional materials
 - Kinder – agree with framework
 - 1st – 3rd – reduce 120-150 minutes to 90 minutes
 - 4th – 6th grade – reduce 90-120 minutes to 90 minutes
 - 6/7th grade – reduce 60-120 minutes to 50-60 minutes (one period)
 - Reducing ELD from 60 minutes to 45 minutes (see attached memo on this issue provided to the Framework Committee)
- There is a need for the IQC to take a look to the future not just the current need for sufficiency of materials subject by subject. Each subject matter or framework committee will want to carve out a significant portion of the day for their subject. But the IQC and SBE have the responsibility to look at the whole picture to assure each student has access to all content and subject

matter. The minutes play a critical role in this discussion.

- The framework suggests that the minutes are not to dictate instruction time but to suggest to the publishers “a sufficiency of materials “ needed for the adoption. It is unrealistic to think that each teacher and site administrator is going to have the flexibility to determine how many minutes and what portion of the materials will be sufficient for their classroom and school. Allowing each teacher to make these decisions could undo the very strength of the vertical alignment of CCSS because of individual differences that will result in the coverage of the standards through their choices. Publishers will respond to the range suggested in the framework by providing materials for the high end of the range of minutes to make sure they address the preferences of everyone. This will make the task of structuring a school day to provide access to all subjects even more difficult.
- There is empirical evidence from science, social science grants, program evaluations and studies to demonstrate that more time spent on literacy while working in the discipline of these subjects enhancing literacy and language proficiency not the opposite of more literacy instruction gives way to access to content.
- The minutes in Chapter 12 are a reflection of the last two frameworks and do not allow for the implementation of instructional shifts and foundational principles contained in the new CCSS and called for in the grade level chapters.

Issue Number 2: Consistency of language from the grade level framework chapters: All five overarching concepts of *Meaning Making, Language Development, Effective Expression, Content Knowledge and Foundational Skills* that organize the discussion of the CA CCSS and the CA ELD Standards in the grade level chapters need to be mirrored in Category 1 of the criteria – not just limited to Foundational Skills. The reference in the criteria “to implementing the Framework “ in Criteria 1 could be considered sufficient for addressing all five concepts or if not then all five concepts with descriptors need to be written into Category 1 not just Foundational Skills.

Issue Number 3: Program 4: This program should serve as a supplement not a replacement stand alone program for all students in grades 4-8 reading 2 or more years below grade level.

- The program should enrich the instruction aligned to all four domains of the CCSS not restrict access to a narrow selection of CCSS standards.

- The suggestion in the criteria that this program could supplement or serve as a stand-alone gives very mixed messages to the publishers as to what to produce for adoption. All students should have access to the full Common Core Standard Curriculum and then additional help with accelerating their language and literacy skills.
- There is possibly a need to narrow the group of students (cohort) to those who are non-readers, at the 1st/2nd grade level of literacy proficiency (as evidenced through a broad set of measures –not isolated skills). Students with almost no literacy skills will have difficulty accessing the core curriculum.
- The reference the multi-tier approach contained in the Framework should help target the students for this option. They should be the students at the tip of the triangle not the next level – possibly paralleling the approach taken in the framework for newcomers
- This is the same program option that we have had for the last 8-10 years. What is the data on students that were in this program for the last 8-10 years??? Do we have evidence that this approach worked?

