# Attachment 1: Summary of Required and Proposed Revisions to the Local Control and Accountability Plan and Annual Update Template and Instructions and Requirements for the Supplement to the Annual Update to the 2021–22 Local Control and Accountability Plan

Senate Bill 98 (2020) and Assembly Bill 130 (2021) amended California *Education Code* (*EC*) sections 42238.07 and 52064 to require specific revisions of the Local Control and Accountability Plan and Annual Update (LCAP) template and instructions. Additionally, Section 124 of AB 130 requires the State Board of Education (SBE) to adopt a one-time supplement template to the Annual Update to the 2021–22 LCAP (2021-22 Supplement) on or before November 30, 2021. This attachment provides specifics for each of the revisions that are required by SB 98 and AB 130, one revision from the California Department of Education (CDE) to remove a term with negative historical connotations for native communities[[1]](#footnote-1), and the required 2021–22 Supplement template and instructions.

## Requirement to Include Specific Goals in the LCAP

In order to create a clear connection between a local educational agency’s (LEA’s) performance and the planning process that is memorialized in the LCAP, SB 98 updated the LCAP statute to specify certain required goals focused on improving student outcomes of low-performing student groups and schools. The legislative intent of these requirements is two-fold: first, to ensure that LEAs are addressing the needs of consistently low-performing student groups; and second, to ensure that higher performing LEAs are addressing the needs of low-performing schools within the LEA. The proposed instructions for these requirements can be found on pages 20-21 of Attachment 3.

*EC* Section 52064(e)(5) and (e)(6) require the instructions for the LCAP template be revised to include requirements for local educational agencies (LEAs) that meet certain performance criteria within the California School Dashboard (Dashboard) to include specific goals within their LCAPs.

* *EC* Section 52064(e)(5) requires an LEA that meet the criteria to receive technical assistance pursuant to Section 47607, 47607.2, 52071, or 52071.5, as applicable, based on the performance of the same student group or groups for three or more consecutive years must include a goal in the LCAP focused on improving the performance of that student group or groups.
* *EC* Section 52064(e)(6) requires that a school district or county office of education (COE) with two or more schools, that for two consecutive years, has a school that has received the two lowest performance levels on all but one of the state indicators for which the school receives performance levels on the Dashboard and the performance of the school district or COE for the “All Students” student group on the Dashboard is at least one performance level higher on all of those indicators, must include a goal in the LCAP focused on addressing the disparities in performance at the applicable school or schools compared to the performance of the school district or COE as a whole.

It should be noted that CDE staff will annually prepare files that indicate, for all applicable LEAs, which student groups and schools are required to have goals based on these new instructions. These files will provide writers and reviewers of LCAPs as well as educational partners with assurance on which student groups and schools are required to have goals.

## Requirement to Calculate Carryover

In January 2020, AB 1835 was introduced. According to the legislative counsel digest, the bill would have done the following:

This bill would require each school district, county office of education, and charter school to identify unspent supplemental and concentration grant funds by annually reconciling and reporting to the State Department of Education its estimated and actual spending of those moneys. The bill would require unspent funds identified pursuant to these provisions to continue to be required to be expended to increase and improve services for unduplicated pupils, and would require each local educational agency to report the amounts of unspent funds identified in its local control and accountability plan. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

In September 2020, Governor Newsom vetoed the bill with the following message:

To the Members of the California State Assembly:

I am returning Assembly Bill 1835 without my signature.

I deeply support the underlying goal of this bill - to ensure that unspent Local Control Funding Formula (LCFF) supplemental and concentration grant funds are expended on services for our most vulnerable students - and I applaud Dr. Weber for her continued leadership. However, I believe there are some fundamental flaws with the bill, and I am concerned that it cannot be implemented in a manner that is smooth or timely.

There is a simpler solution that allows us to address the objectives of AB 1835 much sooner and with more transparency. Therefore, I am directing the Department of Finance to propose language for your consideration as part of my budget in January.

As written, AB 1835 would necessitate that the State Board of Education initiate a lengthy rulemaking process to amend the LCFF spending regulations to add definitions and make other necessary changes to clarify the requirements of the bill. This process would likely delay implementation for two school years. This bill would also impose new and unnecessary procedural requirements on schools that are and will be managing unprecedented challenges related to COVID-19.

We all share the same goal, and it is critical that we act quickly to ensure that funding meant to support our state's most vulnerable students is used for that purpose. I look forward to working with Dr. Weber and the Legislature to implement this requirement in next year's budget.

Sincerely,

Gavin Newsom

The Governor’s administration introduced trailer bill language in early 2021 to fulfil this commitment and with the support of the legislature, AB 130 was signed into law on July 9, 2021.

These new requirements to *EC* sections 42238.07 and 52064 ensure an LEA is implementing, and not just planning to meet, its full proportionality obligation to increase or improve services for students who are low-income, English learners, and/or foster youth over and above the level of services provided to all pupils. This is accomplished through the establishment of a calculation that requires LEAs to document the actions and services that were implemented and compare that to the proportionality obligation. *EC* Section 42238.07 also establishes that any shortfall between the implemented level of actions and services and the proportionality obligation be carried over into the future year to serve students who are foster youth, English learners and low income.

This new requirement introduced new terminology to make a distinction between actions that increase and actions that improve since LEAs can utilize both to meet their proportionality obligation. Actions and services that have associated expenditures, commonly thought of as increases, are referred to as quantitative actions or services since they are expressed as dollar figures. Actions and services that do not have associated expenditures, commonly thought of as improvements, are referred to as qualitative actions or services. This new terminology is used in the stature directing changes to the LCAP template.

Within the current LCAP template, the summary tables are labelled “Expenditure Tables.” As part of this revision, the tables in the LCAP will be re-labelled as “Summary Tables” to align the titles of the tables with statute and reflect the addition of qualitative actions and services that do not have associated expenditures. The proposed revisions related to this requirement can be found on pages 8 and 12 of Attachment 3 and the instructions for this requirement can be found on page 28-30 of the same Attachment.

*EC* Section 52064(b)(6)(B) requires that the summary table listing and describing all the specific actions and budgeted expenditures that contribute to the demonstration of how the LEA will increase or improve services for students who are low-income, English learners and/or foster youth in proportion to the increase in funds apportioned on the basis of the number and concentration of those students be revised to include:

* Each action’s quantitative contribution toward the proportional obligation as an expenditure or its qualitative contribution toward the proportional obligation as a percentage of increased or improved services for unduplicated pupils. This proposed revision can be found on page 10 of Attachment 3; instructions related to the proposed revision can be found on page 30 of the same Attachment.
* A contributing actions annual update summary table that demonstrates the difference between the total budgeted expenditures (quantitative) and/or total qualitative improvements on planned actions included in the LCAP that contribute to increased or improved services for unduplicated pupils and the total estimated expenditures (quantitative) and/or the total actual qualitative improvements reported by the LEA. The contributing actions annual update summary table will identify any unused portion of the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils in the LEA, as required by *EC* Section 42238.07(d). This proposed revision can be found on page 12 of Attachment 3; instructions related to the proposed revision can be found on page 30 of the same Attachment.
* A demonstration that the full proportionality obligation referenced in *EC* Section 42238.07(a)(1) is being met annually through the listed actions and services; and
* Each action’s quantitative contribution toward the proportionality obligation as expenditures or its qualitative contribution as a percentage of increased or improved services for unduplicated pupils over and above the level of services provided to all pupils, consistent with the regulations adopted by the SBE pursuant to Section 42238.07.

*EC* Section 52064(b)(8) requires the LCAP Template be revised to include the following:

* A calculation of the total difference between the total budgeted expenditures of planned actions reported in the contributing summary table of the LCAP and the total estimated actual expenditures for those actions reported in the annual update summary table reported in the LCAP.
* If the total budgeted expenditures of planned actions reported in the contributing summary table of the LCAP is less than the estimated amount of funds apportioned to the LEA on the basis of the number and concentration of its unduplicated pupils, the LEA must provide a determination of the total percentage point difference, if any, between the total planned qualitative improvements based on the planned specific actions reported in the contributing summary table of the LCAP and the total actual qualitative improvements for those actions reported in the annual update summary table reported in the LCAP.
* A description of the specific actions and related expenditures to be implemented using any unused portion of the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils from the prior year, including a demonstration that the planned uses of those funds satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement, as applicable to the LEA. This proposed revision can be found on page 6 of Attachment 3; instructions related to the proposed revision can be found on pages 27-28 of the same Attachment.

## Requirement to Use Concentration Grant Add-on

The 2021–22 budget provided LEAs with an additional 15 percent concentration grant add on to hire additional school level staff in schools with greater than 55 percent enrollment of students who are foster youth, English learners, and low-income. AB 130 amended the LCAP template statute to ensure that an LEA receiving the increased concentration grant add-on is providing a clear demonstration of how it is using the additional funding to increase the number of staff providing direct services to students at schools within the LEA that have an enrollment of students who are low-income, English learners, and/or foster youth that is in excess of 55 percent as compared to school campuses with less than 55 percent unduplicated pupil enrollment. The proposed prompt for this requirement can be found on page 7 of Attachment 3; instructions related to the proposed revision can be found on page 28 of the same Attachment.

## One-Time Supplement to the Annual Update to the 2021–22 LCAP

Subsection (a) of Section 124 of AB 130 requires the SBE to adopt a one-time Supplement on or before November 30, 2021. Subsection (e)(1) of Section 124 of AB 130 requires LEAs to use the 2021-22 Supplement to present an update on the Annual Update to the 2021–22 LCAP and Budget Overview for Parents on or before February 28, 2022, at a regularly scheduled meeting of the governing board or body of the LEA.

The Budget Act of 2021 included a significant increase in LCFF funds for LEAs, including an additional concentration grant add-on for applicable LEAs and one-time state and federal funding to assist LEAs in recovering from the COVID-19 pandemic and to address the impacts of distance learning on students. The 2021-22 Supplement is intended to provide local governing boards or bodies, parents, and other educational partners with an update related to how the LEA is using funds received through the 2021 Budget Act and federal Elementary and Secondary School Emergency Relief (ESSER) funds are being used consistent with applicable plans and aligned with the LEA’s 2021–22 LCAP, as well as how the LEA’s community members were engaged on the use of these funds, as applicable. The 2021-22 Supplement is required to include all of the following:

* A description of how and when the LEA’s educational partners were engaged on the use of funds provided in the Budget Act of 2021 that were not included in its LCAP adopted on or before July 1, 2021.
* A description of how the additional concentration grant add-on was used by the LEA to increase the number of certificated staff and/or classified staff who provide direct services to pupils on school campuses, or the location of the actions related to these funds in its 2021–22 LCAP.
* A description of how and when the LEA’s educational partners were engaged on the use of one-time federal funds intended to support recovery from the COVID-19 pandemic and the impacts of distance learning on students.
* An update on the implementation of the federal American Rescue Plan Act of 2021 and federal ESSER III expenditure plan, including successes and challenges.
* A description of how the 2021–22 school year fiscal resources are being used consistent with the applicable plans and aligned with the LEA’s 2021–22 LCAP.

The proposed draft of the 2021-22 Supplement template and instructions is provided as Attachment 4.

## Replacing the term “Stakeholder” throughout the LCAP Template and Instructions

As previously noted, the CDE has received feedback from some Native American communities that they find the use of the term “stakeholder” offensive, as it connotates the practice of “staking a claim” to land during colonial times which was used as justification for not recognizing the rights of Native American communities to their land. In addition, the term “stakeholder” does not acknowledge the fact that Native American Tribes are sovereign nations with constitutionally protected rights. As such, use of the term “stakeholder” in the LCAP template and instructions has created a barrier to engagement for some Native American communities. To remove this barrier, the CDE is recommending that, throughout the LCAP template and instructions, the term “stakeholder” be replaced with a like term that encompasses the stakeholder groups that LEAs are required to engage with in developing the LCAP, pursuant to *EC* sections 52060(g), 52066(g), and 47606.5, and that acknowledges the status of Native American Tribes as sovereign nations.

Based on feedback received from the LCAP advisory group, the CDE is not currently proposing terminology to be used in place of “stakeholder” throughout the LCAP template and instructions. Rather, the CDE is soliciting recommendations related to the terminology to be used. To date, suggested terms include “educational and community partners” and “internal and external community members”. The CDE will continue to solicit and collect feedback from statewide educational partners, from Tribes and the Superintendent’s American Indian Education Oversight Committee prior to providing a recommendation to the SBE at its November 2021 meeting.

1. Throughout this Attachment the stakeholder groups that LEAs are required to engage with in developing the LCAP, pursuant to EC sections 52060(g), 52066(g), and 47606.5 will be referred to using the term “educational partners”. The term “educational partners” is serving as a placeholder until an appropriate term is identified and recommended to the SBE for adoption. Please see pages 6-7 of this Attachment for additional information. [↑](#footnote-ref-1)