

CONCURRENCE IN SENATE AMENDMENTS

AB 716 (O'Donnell)

As Amended August 22, 2018

Majority vote

ASSEMBLY: 57-19 (May 31, 2018)

SENATE:

Original Committee Reference: **ED.**

SUMMARY: Revises and recasts provisions relating to the consolidated application, the Single Plan for Student Achievement (SPSA), and schoolsite councils, and repeals the School-Based Program Coordination Act, to account for implementation of the local control funding formula (LCFF) and the federal Every Student Succeeds Act (ESSA).

The Senate amendments delete the Assembly version of this bill, and instead:

- 1) Make the following revisions to the consolidated application:
 - a) Delete the list of state categorical programs funded by the consolidated application.
 - b) Define local educational agency, for purposes of the consolidated application, to mean a county office of education, school district, or charter school.
 - c) Specifies that the consolidated application shall apply for funds for the following programs:
 - i) Federal funds provided to the state through the federal Elementary and Secondary Education Act of 1965 (ESEA), as amended by the ESSA. These funds exclude those congressional acts funded other than ESEA or ESSA that are provided through federal acts or grants separate from ESEA or ESSA and those ESSA funds that are allocated separately from the consolidated application process.
 - ii) State categorical programs that are not funded through LCFF. Carryover funds from state categorical programs that have a sunset under their own provisions.
 - d) Require the consolidated application to include annual certifications by the school district English learner parent advisory committee, if one has been established, that the application was developed with the review and advice of that committee.
- 2) Make the following revisions to the SPSA:
 - a) Rename the plan the School Plan for Student Achievement.
 - b) Require a local educational agency to ensure, in the consolidated application, that SPSA were developed with the review, certification, and advice of the school English learner advisory committee, if required.
 - c) Require the CDE to monitor and review to ensure that the consolidated application and SPSA were developed in accordance with law and with the involvement of applicable advisory committees and schoolsite councils.

- d) Require the Superintendent of Public Instruction to monitor onsite school and district compliance review of the categorical programs and develop monitoring instruments for that purpose.
- e) Authorize a complaint that a local educational agency has not complied with the requirements of the consolidated application, the SPSA, or schoolsite council requirements to be filed with the local educational agency pursuant to the Uniform Complaint Procedures.
- f) Notwithstanding any other law, require the schoolsite council to develop the content of the SPSA.
- g) Require the development of the SPSA to include both of the following actions:
 - i) Administration of a comprehensive needs assessment pursuant to the ESSA that forms the basis of the school's goals contained in the SPSA. The comprehensive needs assessment shall include an analysis of verifiable state data, consistent with all eight state priorities, and informed by all federal accountability indicators, including student performance against state-determined long-term goals. To the extent that the plan is required by the local governing board or body of the local educational agency only, the local governing board or body of the local educational agency may determine the extent to which the needs assessment is applicable.
 - ii) Identification of the process for evaluating and monitoring the implementation of the SPSA and progress towards accomplishing the goals set forth in the SPSA.
- h) Require the SPSA shall include all of the following:
 - i) Goals set to improve pupil outcomes, including addressing the needs of pupil groups as identified through the needs assessment, which shall be consistent with the local control and accountability plan (LCAP) of the local educational agency and annual updates to the LCAP.
 - ii) Evidence-based strategies, actions, or services.
 - iii) Proposed expenditures, based on the projected resource allocation from the governing board or body of the local educational agency, to address the findings of the needs assessment consistent with the state priorities, including identifying resource inequities, which may include a review of the local educational agency's budgeting, its LCAP, and school-level budgeting, if applicable.
- i) Authorize SPSAs to serve as school improvement plans required under federal law for schools identified for targeted support or comprehensive support pursuant to the federal ESSA, as long as the SPSAs also meet requirements of the ESSA. A local educational agency may utilize the schoolsite council to meet the stakeholder requirements established by the ESSA.
- j) If a SPSA is not approved by the governing board or body of the local educational agency, specific reasons for that action shall be communicated to the schoolsite council. Modifications to any SPSA shall be developed, recommended, and approved or

disapproved by the governing board or body of the local educational agency in the same manner.

- k) Require SPSAs to be reviewed annually and updated, including proposed expenditure of funds allocated to the school through the consolidated application and the LCAP, if any, by the schoolsite council.
 - l) Authorize single school districts and charter schools to utilize their LCAP to serve as their SPSA, provided that the LCAP meets federal school planning requirements and state stakeholder requirements.
- 3) Make the following revisions to provisions relating to schoolsite council, relative to the provisions for schoolsite councils under the School-Based Program Coordination Act:
- a) State the intent of the Legislature that, to the extent possible, the members of the schoolsite council represent the composition of the school's pupil population and have representation from the school's principal, teachers, non-teaching personnel, parents, and (at the secondary school level) pupils of the school.
 - b) Require parity between the specified groups that comprise a schoolsite council. **Provides that a school with fewer than 300 pupils may operate a schoolsite council with at least one member of each specified group as long as parity among the groups is maintained and the local bargaining group agrees, if applicable.**
 - c) Delete the authority for an existing schoolwide advisory group or school support group to be utilized as the schoolsite council.
 - d) Delete the requirement for the Superintendent of Public Instruction to provide examples of selection and replacement procedures that may be considered by the schoolsite councils.
 - e) Authorize schools with a common site administration to operate a shared schoolsite council if the schoolsite has a combined pupil population of less than 300.
 - f) Authorize up to three schools with a combined pupil population of less than 1,000 may operate a shared schoolsite council if the schools have at least one of the following characteristics:
 - i) A shared campus.
 - ii) Geographic proximity to one another with similar pupil populations.
 - g) Revise the SBE waiver provisions relating to schoolsite councils.
 - h) Authorize the SBE to adopt rules and regulations as necessary to implement the provisions relating to schoolsite councils.
 - i) Delete all other provisions relating to schoolsite councils not otherwise added by the provisions of this bill, and all other provisions of the School-Based Program Coordination Act.

EXISTING LAW:

- 1) Authorizes the School-Based Program Coordination Act, which prior to the implementation of LCFF in 2013, gave school districts flexibility over the use of specified school-based coordinated categorical program funds in exchange for meeting specified requirements. As part of these requirements, participating school districts were required to establish a schoolsite council. The schoolsite councils were required, among other things, to develop a plan made up of specific criteria including, curricula, instructional strategies, and materials that address the individual needs and learning styles of each pupil, instructional and auxiliary services to meet the special needs of certain pupil populations, a staff development program for teachers, other school personnel, paraprofessionals, and volunteers, and the proposed expenditures of funds available to the school, as specified. While the School-Based Program Coordination Act is effectively no longer operative due to the implementation of the LCFF, school districts are still authorized, but not required, to establish and/or operate schoolsite councils. (Education Code Section (EDC) 52850, et seq.)
- 2) Requires each school district that elects to apply for specified categorical state and federal funds to submit to the California Department of Education (CDE), for approval by the State Board of Education (SBE) a single consolidated application for approval or continuance of those state and federal categorical programs. (EDC 64000)
- 3) Requires, notwithstanding any other provision of law, as a condition of receiving state funding for a categorical program pursuant to the consolidated application, school districts to ensure that each school in a district consolidates any plans that are required by those programs into a single plan, authorizes schools to consolidate any plans that are required by federal programs subject to the consolidate application into this plan, unless otherwise prohibited by federal law, and specifies that the plan shall be known as the Single Plan for Pupil Achievement or may be referred to as the SPSA. (EDC 64001)

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

Need for this bill. According to the author, "Federal law, the Evert Student Succeeds Act (ESSA) requires schools that receive federal funding under Title I to develop a school plan. However, the federal school planning requirements are not aligned to the state priorities identified in the local control and accountability plan (LCAP). Under current law, Title I schools identified for comprehensive support or technical assistance are required to submit a Single Plan for Student Achievement (SPSA) as well as a federal school improvement plan, which creates an undue burden on local educational agencies. In addition, the requirements related to the current SPSA are anchored in the School-Based Program Coordination Act, which is no longer relevant, because the provisions it references are largely obsolete, including most state categorical programs.

"Finally, current law does not address the multilayered requirements for the SPSA and its correlations with the Consolidated Application (the funding mechanism for federal programs) and schoolsite councils in a uniform and concise manner. Further, small rural schools or schools with alternative programs often are unable to meet the requirements for schoolsite councils, due

in part to population size, resulting in cumbersome waiver requests to the State Board of Education."

LCFF. The 2013-14 Budget Act restructured the existing K-12 finance system and eliminated over 40 existing programs while implementing a new formula known as the LCFF. The LCFF consolidates the vast majority of state categorical programs and revenue limit apportionments into a single source of funding. Certain categorical programs, including Special Education, Child Nutrition, Preschool, and After School programs, are excluded. In addition, the statutory and programmatic requirements for almost all categorical programs were eliminated—the programs would be deemed "discretionary" and programs in any of these areas would be dependent on local district discretion. The School-Based Program Coordination Act and the requirement for school districts to establish schoolsite councils are no longer in effect due to the implementation of the LCFF. School districts are certainly authorized to establish them, but they are not required to do so.

The consolidated application. This bill revises and recasts provisions relating to the consolidated application by deleting outdated references to repealed categorical programs and accounting for the new LCFF. According to the CDE, under existing law, the consolidated application is used by CDE "to distribute categorical funds from various state and federal programs to county offices, school districts, and direct-funded charter schools throughout California."

The SPSA. Existing law requires schools and school districts that receive state and federal funds via the consolidated application process to prepare, via the schoolsite council, a SPSA for any recipient school. The SPSA is a blueprint to improve the academic performance of all students. According to the CDE, the purpose of the SPSA is to coordinate all educational services at the school. The SPSA shall, at a minimum, address how funds provided to the school through the consolidated application will be used to improve the academic performance of all students. School goals must be based upon an analysis of verifiable state data and the SPSA must integrate the purposes and requirements of all state and federal categorical programs in which the school participates.