

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 967 (Smith) – As Introduced February 21, 2019

SUBJECT: Local control and accountability plans

SUMMARY: Requires school districts and charter schools to increase efforts to obtain stakeholder engagement while developing the Local Control Accountability Plan (LCAP), requires school districts and charter schools to establish a LCAP foster youth advisory committee, and adds requirements to the charter school LCAP development and review processes. Specifically, **this bill:**

- 1) Amends the requirements of the annual update of the goals and annual actions to achieve those goals identified in the charter school petition to be included only in the charter school's LCAPs and annual updates completed prior to July 1, 2019. Repeals the annual update as of January 1, 2021.
- 2) Requires charter schools to one of the existing statutorily identified purposes of the Statewide System of Support: to improve outreach and collaboration with stakeholders to ensure the goals, actions and services described in school district and county office of education (COE) LCAPs reflect the needs of pupils and the community.
- 3) Requires the governing body of each charter school to adopt an LCAP using a template adopted by the SBE, as follows:
 - a) The charter LCAP shall include all of the information specified in the template adopted by the SBE.
 - b) If the LCAP includes more than one charter school authorized in a single charter petition, the LCAP adopted by the governing body of the charter school shall include, for each charter school referenced, the information specified in the template adopted by the SBE.
- 4) Requires charter schools to include LCAPs:
 - a) The degree to which teachers of the charter school are appropriately assigned and fully credentialed in the subject areas;
 - b) Implementation of academic and content and performance standards adopted by the SBE; and
 - c) Parental involvement and family engagement.
- 5) Allows the governing board of charter schools to consider qualitative information for the descriptions required in the LCAP template.
- 6) Requires governing boards of charter schools to include teachers, principals, administrators, other school personnel, local bargaining units, parents, and pupils be involved in the development of the LCAP.

- 7) Requires charter schools to annually update their LCAP.
- 8) Requires the administrator of a charter school, prior to the adoption of the LCAP or annual update, to consult parent, English learner parent, and foster youth parent advisory committees:
 - a) The LCAP and annual update shall not be presented at the same meeting as the adoption; and
 - b) The superintendent of the school district or the administrator of the charter school shall respond, orally and in writing, to oral comments during the course of the parent advisory committee meeting or to written comments received from the parent advisory committee following the presentation of the LCAP or the annual update and before the first public hearing. Any written responses shall be posted on the school district's or charter school's website and provided to the governing board of the school district or the governing body of the charter school no later than the same time a draft or proposed LCAP or the annual update is provided to the governing board of the school district or the governing body of the charter school.
- 9) Requires governing bodies of charter schools to notify members of the public to submit written comments regarding the LCAP or the annual update.
- 10) Requires administrators of charter schools to review, if applicable, charter School Plans for Student Achievement (SPSA) from multiple schools authorized in a single charter petition.
- 11) Requires governing bodies of charter schools to hold at least one public hearing regarding the proposed LCAP or annual update.
- 12) Requires governing bodies of charter schools to update the LCAP or annual update in a public meeting.
- 13) Requires the superintendent of a school district or the administrator of a charter school to engage their communities in open, data-driven, two-way communication throughout the school year to build and support the capacity of parents, pupils and stakeholders to participate in the development, implementation, monitoring, and revision of the LCAP for the purposes of holding school districts and charter schools accountable to improving pupil outcomes through the continuous improvement process. Further requires governing bodies of charter schools to meet existing requirements for communication with communities.
- 14) Requires the governing board of a school district or the governing body of a charter school to establish a foster youth parent advisory committee if the school district or charter school enrolls at least 50 pupils who are foster youth.
- 15) Requires school districts and charter schools to engage with the parent, English learner parent, and foster youth parent advisory committees, as applicable, to do all of the following:
 - a) Provide training regarding the LCFF, LCAP, the budget for the school district or charter school, the statewide system of support, differentiated assistance, and level three assistance

- b) Engage the committees in data-driven analysis of the California School Dashboard (Dashboard) results, and efforts made to address performance gaps in state and local indicators and relevant pupil groups
 - c) Engage the committees in development and adoption of instruments and measures used to measure the local indicators in the Dashboard
 - d) Meetings of committees must be held to accommodate the needs of parents, including translation of materials into additional primary languages if 15% or more of the pupils enrolled speak a single primary language other than English
- 16) Requires charter schools with more than one charter school authorized in a single petition to include summary tables listing and describing the specific actions and budgeting expenditures in the LCAP template.
- 17) Removes a sunsetted provision allowing for the SBE to adopt or revise the LCAP template in accordance with the requirements of the Bagley Keene Open Meeting Act.
- 18) Requires charter schools to post an approved LCAP prominently on the school's homepage of its website.
- 19) Requires charter schools to file an approved LCAP or annual update with the county superintendent of schools.
- 20) Includes conforming changes in other sections of Education Code including: the Low-Performing Students Block Grant, the College Readiness Block Grant, the duties of a charter school authorizer to ensure that each charter school complies with all reports required of charters under state law, submitting the LCAP to the chartering authority, the SBE's purpose for adopting the LCAP template, and the LCFF budget overview for parents.

EXISTING LAW:

- 1) Requires governing boards of school districts and county boards of education to adopt an LCAP and an annual update which establish annual goals and identify specific actions, in eight state priority areas.
- a) Further requires the governing board of a school district to:
 - i) Establish a parent advisory committee to provide advice to the governing board of the school district and the superintendent of the school district regarding the LCAP
 - ii) Establish an English learner parent advisory committee if the school district includes at least 15 percent English learners in the school district and the school district enrolls at least 50 pupils who are English learners
 - iii) Hold at least one public hearing to solicit recommendations and comments of members of the public
 - iv) Adopt the LCAP or annual update at a public meeting

- v) Submit the approved LCAP with the county superintendent of schools within five days of local adoption
- b) Further requires the district superintendent to:
- i) Present the LCAP to the parent advisory committee and the English learner parent advisory committee for review and comment
 - ii) Notify members of the public of the opportunity to submit written comments related to the LCAP
 - iii) Review school plans to ensure consistency with the strategies included in the School Plan for Student Achievement
 - iv) Consult with the special education local plan administrator(s)
 - v) Post approved LCAPs prominently on the homepage of the website of the school district
- 2) Requires charter schools to annually adopt an LCAP to update the goals and annual actions to achieve the goals identified in the charter petition.
- 3) Requires the SBE to adopt LCAP templates to be used by school districts, county superintendents of schools, and charter schools.
- 4) The LCFF provides a supplemental grant equal to 20 percent of the adjusted base grant multiplied by average daily attendance (ADA) and the unduplicated percentage of targeted disadvantaged pupils. Targeted pupils are those classified as English learners (EL), meet income requirements to receive a free or reduced-price meal (FRPM), foster youth, or any combination of these factors (unduplicated count). The LCFF also provides a concentration grant equal to 50 percent of the adjusted base grant multiplied by ADA and the percentage of targeted pupils exceeding 55 percent of a local educational agency's (LEA) enrollment.

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill. The author's office states, "AB 967 brings school transparency for all parents and students. During my tenure as a schoolboard member, we had an extremely thorough LCAP process. In doing so, we were able to engage parents and students to make sure our school district was best serving them. Not all parents and students are fortunate to have the means and access to their schoolboards and LCAPs. AB 967 ensures that there are accountability measures in place to have a thorough and transparent stakeholder process."

What are the LCAP community engagement requirements? Current law identifies the minimum consultation requirements for development of the LCAP and annual update. School districts and COEs are required to have and consult with the parent advisory committee and English learner parent advisory committee, as applicable, as well as parents, students, teachers, principals, administrators, other school personnel, local bargaining units, and the local community. However, an LEA is not required to establish a new advisory committee if the LEA has already established an advisory committee that meets the LCFF statutory and regulatory

requirements. Parent advisory committees and English learner parent advisory committees are subject to the meeting requirements of the Greene Act. These committees are not subject to the Brown Act requirements. The LCAP instructions provided by the CDE state that the LCAP should be shared with, and LEAs should request input from, school-site level advisory groups as applicable (e.g. school site councils, English Learner Advisory Councils, student advisory groups, etc.) to facilitate alignment between school-site and district level goals and actions.

LCAP Parent and Community Engagement since 2013. Since the establishment of the LCFF in 2013, LEAs have been well underway with implementing the LCAP development process. The research related to the parent and community components of LCAP development has been limited; the majority of research comes from a small set of case studies but not a representative sample.

The 2018 report, “Getting Down to Facts II: Taking stock of stakeholder engagement in California’s Local Control Funding Formula: What can we learn from the past four years to guide next steps?” reports the following related to stakeholder engagement:

- Despite reported learning and improvement over time, most districts are complying with the letter of the LCFF policy but not the full spirit of democratic engagement. We find variation in the breadth and depth of engagement in case study districts within and across years: the majority of districts demonstrated shallow forms of engagement, while a set of “outlier” districts achieved deeper and broader engagement. Statewide survey and case study data indicate widespread struggles to attract participation, particularly among traditionally underserved stakeholders and groups targeted by LCFF.
- State guidelines for completing the LCAP (the “template”) state the importance of “meaningful engagement” from parents, students, and other stakeholders individuals connected to subgroups targeted for extra funding (e.g., foster youth and English learners). Neither the statute nor template provides guidance on the number or proportion of individuals or groups to involve and or how to engage them (or what “meaningful” engagement entails). While the statute established the California Collaborative for Educational Excellence (CCEE) to support districts in achieving the goals outlined in their adopted LCAPs, the state has not provided technical assistance or information on how to implement stakeholder engagement requirements.
- While superintendents statewide perceive a lack of interest on the part of stakeholders, polling data indicate that the majority of voters are in fact interested in contributing to school and district decisions around goals and resources and would like to be more involved. Instead, our data suggest that a host of other conditions may be contributing to the low participation in LCFF-related activities and the shallow nature of these interactions with the district, including conditions related to individual stakeholders (lack of awareness, fatigue, limited capacity), relationships of trust (between districts and community, unions and districts), organizations (lack of capacity) and broader institutional pressures. Conversely, districts demonstrating deeper and/or broader forms of engagement appeared to benefit from not only greater capacity and levels of trust, but also a history of community engagement, strategic plans, and assistance from external organizations and partners.

The Committee may wish to consider that the requirement for school leaders to engage the community on a wide scale is relatively new. Many LEAs have limited capacity to organize and facilitate these efforts. State efforts may be best spent supporting culturally relevant strategies for engagement, as was initiated by the \$13.3 million in the 2018-19 Budget Act to support a network of districts and capacity building around community engagement. As recommended in the Getting Down to Facts II report cited above, the Committee may wish to consider investments in, “disseminating information about promising practices, supporting trainings in community engagement, and partnering with intermediary organizations to reach traditionally disenfranchised groups.”

Recent updates to the LCAP development process related to community engagement.

1. ***LCFF Budget Overview for Parents.*** State law provides the SBE with the opportunity to adopt revisions to the LCAP and annual update template necessary to implement the LCFF Budget Overview for Parents which requires county offices of education, school districts and charter schools to develop the budget overview. The template and budget overview were updated at the January 2019 meeting of the SBE. The LCFF Budget Overview for Parents is required to contain the following:
 - The total projected LCFF revenue for the coming LCAP year;
 - The projected general fund expenditures for the coming LCAP year;
 - The budgeted expenditures for Planned Actions/Services for the coming LCAP year; and
 - A brief description of the activities or programs supported by general fund expenditures that are not included in the LCAP.

2. ***Community Engagement Initiative.*** The California Collaborative for Educational Excellence (CCEE) and the CDE are directed to establish a process to select an agency to serve as a lead expert to co-administer the Community Engagement Initiative (Initiative) with the CCEE. AB 1808 (Committee on Budget), Chapter 32, Statutes of 2018, appropriated \$13,274,000 to establish the Initiative. The selected Lead Agency Consortium is led by the San Bernardino County Superintendent of Schools. The Initiative has been established for the purpose of:
 - Building capacity in communities and school districts to facilitate difficult conversations that focus on improving outcomes for students
 - Identifying effective models of community engagement and metrics to evaluate those models
 - Developing effective peer-to-peer partnerships between school districts and county offices of education to deepen community engagement
 - Expanding successful community engagement practices statewide

- Serving as a facilitator, resource connector, capacity builder, and relationship builder concerning school districts’ efforts to develop community engagement

Foster Youth. According to the results displayed on the 2018 California School Dashboard (Dashboard), foster youth make up 0.6% of California’s student population. LEAs and schools receive one of five color-coded performance levels on the state indicators. From highest to lowest, the five performance levels are: Blue, Green, Yellow, Orange, and Red. Performance levels are calculated based on how current year data (Status) compares to prior year data (Change). Table 1 displays data from the 2018 Dashboard related to the performance levels of foster youth. Low performance of foster youth is significant and persistent over the last decade.

Table 1: Foster Youth Performance Levels (2018)

Red Performance Level	Orange Performance Level
Academic Performance <ul style="list-style-type: none"> • English Language Arts • Mathematics 	College/Career Academic Engagement <ul style="list-style-type: none"> • Chronic Absenteeism
Academic Engagement <ul style="list-style-type: none"> • Graduation Rate 	
Conditions and Climate <ul style="list-style-type: none"> • Suspension Rate 	

Current law does not require all school districts or charter schools to have some form of foster youth parent advisory group. However, existing parent advisory groups, such as the LCAP parent advisory group and school site councils are open to all parents, including parents and guardians of foster youth. Supporters of the bill contend, “Foster youth have unique educational and social-emotional needs, frequently associated with the trauma of leaving their biological parent(s) and being in the foster care system. Engaging parents of foster youth is critical to properly meeting their complex needs.”

LCAPs and charter schools. All charter schools must complete an LCAP and annual update, using the LCAP template adopted by the SBE. There are no waivers or exemptions to this requirement. Charter schools are required to consult with parents, students, principals, teachers, administrators, and other school personnel as part of the development of the LCAP. A charter school’s LCAP is a separate document from the charter petition. Both the charter petition and LCAP must describe goals and specific actions to achieve those goals, as well as measurable pupil outcomes, for all pupils and each subgroup of pupils, including pupils with disabilities, for each of the state priorities that apply to the grade levels served and the nature of the charter school program.

A charter school is required to submit its LCAP 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. Statute does not require the authorizer to approve the LCAP. School districts must post their approved LCAP prominently on their district's website homepage. This bill proposes to require charter schools to also post their LCAPs prominently on their website's homepage.

A 2018 report "Keeping the Promise of LCFF in Charter Schools" by Public Advocates, sponsors of this proposal, included an investigation of 43 schools in Oakland, Sacramento, Richmond, Los Angeles, and San Jose and found that one-third of all charter schools examined had no LCAP online. Public Advocates found that in their sample the majority of state funds generated by high needs students were unaccounted for in 2017-18 LCAP documents. Finally, in the sample used in the report only 21% clearly measured how they engaged parents in school decision-making, and only 37% described how community engagement impacted their planning process.

Recommended amendments. Staff recommends the following amendments:

- 1) Current law articulates the stakeholder engagement and requirements of a superintendent and governing board of a school district, including notifying members of the public of the opportunity to submit written comments regarding specific actions and expenditures proposed to be included in the LCAP, and holding at least one public hearing. The governing bodies and administrators of charter schools are included in this bill, and **staff recommend** that these provisions remain in order to increase parity between all types of public schools. **Staff also recommend the bill be amended to** remove the added provisions related to additional requirements for school districts and charter schools to respond to stakeholder input at parent and English learner parent advisory committees.
- 2) Current law requires school districts and COEs to have and consult with the parent advisory committee and English learner parent advisory committee as a component of the LCAP development process. This bill proposes to add a foster youth parent advisory committee for school districts or charter schools that enroll at least 50 students who are foster youth. **Staff recommend the bill be amended to** remove the requirement to create foster youth parent advisory committees, and also remove the additional requirements to further train and engage parent advisory committee members.
- 3) Current law does not specify to whom charter schools must submit their LCAP and annual update for approval. This bill proposes to require charter schools to submit their LCAPs to the county superintendent of schools. Since the county office of education is not necessarily the authorizer of the charter school, **staff recommend the bill be amended to** require a charter school to submit their LCAP to their authorizer. This will allow the charter school authorizer, who is the entity providing oversight and monitoring of the charter school, to review and approve the charter school's LCAP.

Prior and related legislation. AB 1240 (Weber) of this Session proposes to add to the LCAP the percentage of pupils who have successfully completed courses that satisfy the requirements for career technical education sequences or programs of study that align with state board-approved career technical education standards and frameworks. This proposal is set to be heard by this committee on April 10, 2019.

AB 1808 (Committee on Budget), Chapter 32, Statutes of 2018, appropriated \$13,274,000 to establish the Community Engagement Initiative (Initiative) with the California Collaborative for Educational Excellence (CCEE).

AB 2878 (Chávez) Chapter 826, Statutes of 2018, added family engagement to the state priorities that must be addressed by school district, charter school, and county office of education LCAPs.

AB 1965 (Kim) of the 2015-16 Session would have required LCAPs and updates and revisions to the LCAPs to be posted on a school district's and county office of education's website in languages other than English if specified conditions are met. The bill further required charter schools to post on their website their annual update of goals and actions and requires each update to also translate these documents, as specified. Required the Superintendent of Public Instruction (SPI) to post on the CDE website links to the approved LCAP of each school district and county office of education in each language posted on the website of the district or county office of education. This proposal died in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Public Advocates Inc.

Opposition

Association of California School Administrators
California Charter Schools Association
Charter Schools Development Center

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