

1 Title 5. EDUCATION

2 Division 1. California Department of Education

3 Chapter 14.5. Local Control Funding Formula

4 Subchapter 1. Local Control Funding Formula Spending Regulations for
5 Supplemental and Concentration Grants and Local Control and Accountability
6 Plan Template

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

9
10 **§ 15494. Scope.**

11 (a) This chapter applies to all local educational agencies (LEAs) as defined in
12 section 15495(d).

13 (b) Funding restrictions specified in Education Code section 42238.07 apply to local
14 control funding formula (LCFF) funds apportioned on the basis of unduplicated pupils
15 pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03.

16 (c) The local control and accountability plan (LCAP) shall demonstrate how services
17 are provided according to this chapter to meet the needs of unduplicated pupils and
18 improve the performance of all pupils in the state priority areas.

19 NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference:
20 Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5,
21 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section
22 6312.

23
24 **§ 15495. Definitions.**

25 In addition to those found in Education Code sections 2574, 42238.01, and
26 42238.02, the following definitions are provided:

27 (a) "Consult with pupils," as used in Education Code sections 52060, 52066, and
28 47606.5, means a process to enable pupils, including unduplicated pupils and other
29 numerically significant pupil subgroups, to review and comment on the development of
30 the LCAP. This process may include surveys of pupils, forums with pupils, pupil
31 advisory committees, or meetings with pupil government bodies or other groups

1 representing pupils.

2 (b) "English learner parent advisory committee," as used in Education Code sections
3 52063 and 52069 for those school districts or schools and programs operated by county
4 superintendents of schools whose enrollment includes at least 15 percent English
5 learners and at least 50 pupils who are English learners, shall be composed of a
6 majority of parents, as defined in subdivision (e), of pupils to whom the definition in
7 Education Code section 42238.01(c) applies. A governing board of a school district or a
8 county superintendent of schools shall not be required to establish a new English
9 learner parent advisory committee if a previously established committee meets these
10 requirements.

11 (c) "Local control and accountability plan (LCAP)" means the plan created by an LEA
12 pursuant to Education Code sections 47606.5, 52060, or 52066, and completed in
13 conformance with the LCAP and annual update template found in section 15497.5.

14 (d) "Local educational agency (LEA)" means a school district, county office of
15 education, or charter school.

16 (e) "Parents" means the natural or adoptive parents, legal guardians, or other
17 persons holding the right to make educational decisions for the pupil pursuant to
18 Welfare and Institutions Code section 361 or 727 or Education Code sections 56028 or
19 56055, including foster parents who hold rights to make educational decisions.

20 (f) "Parent advisory committee," as used in Education Code sections 52063 and
21 52069, shall be composed of a majority of parents, as defined in subdivision (e), of
22 pupils and include parents of pupils to whom one or more of the definitions in Education
23 Code section 42238.01 apply. A governing board of a school district or a county
24 superintendent of schools shall not be required to establish a new parent advisory
25 committee if a previously established committee meets these requirements, including
26 any committee established to meet the requirements of the federal No Child Left Behind
27 Act of 2001 (Public Law 107-110) pursuant to Section 1112 of Subpart 1 of Part A of
28 Title I of that act.

29 (g) "Prior year" means one fiscal year immediately preceding the fiscal year for
30 which an LCAP is approved.

31 (h) "Services" as used in Education Code section 42238.07 may include, but are not

1 limited to, services associated with the delivery of instruction, administration, facilities,
2 pupil support services, technology, and other general infrastructure necessary to
3 operate and deliver educational instruction and related services.

4 (i) "State priority areas" means the priorities identified in Education Code sections
5 52060 and 52066. For charter schools, "state priority areas" means the priorities
6 identified in Education Code section 52060 that apply for the grade levels served or the
7 nature of the program operated by the charter school.

8 (j) "Subgroup" means the numerically significant pupil subgroups identified pursuant
9 to Education Code section 52052.

10 (k) "to improve services" means to grow services in quality.

11 (l) "to increase services" means to grow services in quantity.

12 (m) "unduplicated pupil" means any of those pupils to whom one or more of the
13 definitions included in Education Code section 42238.01 apply, including pupils eligible
14 for free or reduced price meals, foster youth, and English learners.

15 NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference:
16 Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5,
17 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section
18 6312.

19
20 **§ 15496. Requirements for LEAs to Demonstrate Increased or Improved Services**
21 **for Unduplicated Pupils in Proportion to the Increase in Funds Apportioned for**
22 **Supplemental and Concentration Grants.**

23 (a) An LEA shall provide evidence in its LCAP to demonstrate how funding
24 apportioned on the basis of the number and concentration of unduplicated pupils,
25 pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03 is used to
26 support such pupils. This funding shall be used to increase or improve services for
27 unduplicated pupils as compared to the services provided to all pupils in proportion to
28 the increase in funds apportioned on the basis of the number and concentration of
29 unduplicated pupils as required by Education Code section 42238.07(a)(1). An LEA
30 shall include in its LCAP an explanation of how expenditures of such funding meet the
31 LEA's goals for its unduplicated pupils in the state priority areas. An LEA shall

1 determine the percentage by which services for unduplicated pupils must be increased
2 or improved above services provided to all pupils in the fiscal year as follows:

3 (1) Estimate the amount of the LCFF target attributed to the supplemental and
4 concentration grants for the LEA calculated pursuant to Education Code sections
5 42238.02 and 2574 in the fiscal year for which the LCAP is adopted.

6 (2) Estimate the amount of LCFF funds expended by the LEA on services for
7 unduplicated pupils in the prior year that is in addition to what was expended on
8 services provided for all pupils. The estimated amount of funds expended in 2013-14
9 shall be no less than the amount of Economic Impact Aid funds the LEA expended in
10 the 2012-13 fiscal year.

11 (3) Subtract subdivision (a)(2) from subdivision (a)(1).

12 (4) Multiply the amount in subdivision (a)(3), by the most recent percentage
13 calculated by the Department of Finance that represents how much of the statewide
14 funding gap between current funding and full implementation of LCFF is eliminated in
15 the fiscal year for which the LCAP is adopted.

16 (5) Add subdivision (a)(4) to subdivision (a)(2).

17 (6) Subtract subdivision (a)(5) from the LEA's total amount of LCFF funding pursuant
18 to Education Code sections 42238.02 and 2574, as implemented by Education Code
19 sections 42238.03 and 2575 respectively, excluding add-ons for the Targeted
20 Instructional Improvement Grant program and the Home to School Transportation
21 program, in the fiscal year for which the LCAP is adopted.

22 (7) Divide the amount in subdivision (a)(5) by the amount in subdivision (a)(6).

23 (8) If the calculation in subdivision (a)(3) yields a number less than or equal to zero
24 or when LCFF is fully implemented statewide, then an LEA shall determine its
25 percentage for purposes of this section by dividing the amount of the LCFF target
26 attributed to the supplemental and concentration grant for the LEA calculated pursuant
27 to Education Code sections 42238.02 and 2574 in the fiscal year for which the LCAP is
28 adopted by the remainder of the LEA's LCFF funding, excluding add-ons for the
29 Targeted Instructional Improvement Grant program and the Home to School
30 Transportation program.

31 (b) This subdivision identifies the conditions under which an LEA may use funds

1 apportioned on the basis of the number and concentration of unduplicated pupils for
2 districtwide, schoolwide, countywide, or charterwide purposes: Pursuant to Education
3 Code section 42238.07(a)(2), an LEA may demonstrate it has increased or improved
4 services for unduplicated pupils under subdivision (a) of this section by using funds to
5 upgrade the entire educational program of a schoolsite, a school district, a charter
6 school, or a county office of education as follows:

7 (1) A school district that has an enrollment of unduplicated pupils of 55 percent or
8 more of the district's total enrollment in the fiscal year for which an LCAP is adopted or
9 in the prior year may expend supplemental and concentration grant funds on a
10 districtwide basis. A school district expending funds on a districtwide basis shall do all of
11 the following:

12 (A) Identify in the LCAP those services that are being funded and provided on a
13 districtwide basis.

14 (B) Describe in the LCAP how such services are principally directed towards, and
15 are effective in, meeting the district's goals for its unduplicated pupils in the state and
16 any local priority areas.

17 (2) A school district that has an enrollment of unduplicated pupils less than 55
18 percent of the district's total enrollment in the fiscal year for which an LCAP is adopted
19 may expend supplemental and concentration grant funds on a districtwide basis. A
20 school district expending funds on a districtwide basis shall do all of the following:

21 (A) Identify in the LCAP those services that are being funded and provided on a
22 districtwide basis.

23 (B) Describe in the LCAP how such services are principally directed towards, and
24 are effective in, meeting the district's goals for its unduplicated pupils in the state and
25 any local priority areas.

26 (C) Describe how these services are the most effective use of the funds to meet the
27 district's goals for its unduplicated pupils in the state and any local priority areas. The
28 description shall provide the basis for this determination, including, but not limited to,
29 any alternatives considered and any supporting research, experience, or educational
30 theory.

31 (3) A school district that has an enrollment of unduplicated pupils at a school that is

1 40 percent or more of the school's total enrollment in the fiscal year for which an LCAP
2 is adopted or in the prior year may expend supplemental and concentration grant funds
3 on a schoolwide basis. A school district expending funds on a schoolwide basis shall do
4 all of the following:

5 (A) Identify in the LCAP those services that are being funded and provided on a
6 schoolwide basis.

7 (B) Describe in the LCAP how such services are principally directed towards, and
8 are effective in, meeting the district's goals for its unduplicated pupils in the state and
9 any local priority areas.

10 (4) A school district that has an enrollment of unduplicated pupils that is less than 40
11 percent of the schoolsite's total enrollment in the fiscal year for which an LCAP is
12 adopted may expend supplemental and concentration grant funds on a schoolwide
13 basis. A school district expending funds on a schoolwide basis shall do all of the
14 following:

15 (A) Identify in the LCAP those services that are being funded and provided on a
16 schoolwide basis.

17 (B) Describe in the LCAP how such services are principally directed towards, and
18 are effective in, meeting the district's goals for its unduplicated pupils in the state and
19 any local priority areas.

20 (C) Describe how these services are the most effective use of the funds to meet the
21 district's goals for its unduplicated pupils in the state and any local priority areas. The
22 description shall provide the basis for this determination, including, but not limited to,
23 any alternatives considered and any supporting research, experience, or educational
24 theory.

25 (5) A county office of education expending supplemental and concentration grant
26 funds on a countywide basis or a charter school expending supplemental and
27 concentration grant funds on a charterwide basis shall do all of the following:

28 (A) Identify in the LCAP those services that are being funded and provided on a
29 countywide or charterwide basis.

30 (B) Describe in the LCAP how such services are principally directed towards, and
31 are effective in, meeting the county office of education's or charter school's goals for its

1 unduplicated pupils in the state and any local priority areas, as applicable.

2 NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference:
3 Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5,
4 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section
5 6312.

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7 **§ 15497. County Superintendent of Schools Oversight of Demonstration of**
8 **Proportionality.**

9 In making the determinations required under Education Code section 52070(d)(3),
10 the county superintendent of schools shall include review of any descriptions of
11 districtwide or schoolwide services provided pursuant to sections 15496(b)(1) through
12 (b)(4) when determining whether the school district has fully demonstrated that it will
13 increase or improve services for unduplicated pupils pursuant to section 15496(a). If a
14 county superintendent of schools does not approve an LCAP because the school district
15 has failed to meet its requirement to increase or improve services for unduplicated
16 pupils as specified in this section, it shall provide technical assistance to the school
17 district in meeting that requirement pursuant to Education Code section 52071.

18 NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference:
19 Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5,
20 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section
21 6312.

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