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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** AB 967 **Hearing Date:** June 19, 2019  
**Author:** Smith  
**Version:** April 2, 2019  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Ian Johnson

**Subject:** Local control and accountability plans.

### SUMMARY

This bill applies various Local Control and Accountability Plan (LCAP) requirements that currently apply to school districts and county offices of education to charter schools, and requires charter school LCAPs to be reviewed and approved by charter school authorizers.

### BACKGROUND

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.
- 2) Requires the governing board of a school district to:
  - a) 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.
  - b) 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.
  - c) Hold at least one public hearing to solicit recommendations and comments of members of the public.
  - d) Adopt the LCAP or annual update at a public meeting.
  - e) Submit the approved LCAP with the county superintendent of schools within five days of local adoption.
- 3) Requires the superintendent of a school district to:
  - a) Present the LCAP to the parent advisory committee and the English learner parent advisory committee for review and comment.

- b) Notify members of the public of the opportunity to submit written comments related to the Local Control and Accountability Plan (LCAP).
  - c) Review school plans to ensure consistency with the strategies included in the School Plan for Student Achievement.
  - d) Consult with the special education local plan administrator(s).
  - e) Post approved LCAPs prominently on the homepage of the website of the school district.
- 4) Requires charter schools to annually adopt an LCAP to update the goals and annual actions to achieve the goals identified in the charter petition.
  - 5) Requires the State Board of Education (SBE) to adopt LCAP templates to be used by school districts, county superintendents of schools, and charter schools.
  - 6) Requires charter school authorizers to ensure that each charter school under its authority complies with all report required under charter law, including the LCAP.
  - 7) Establishes the Local Control Funding Formula (LCFF) with per-pupil funding targets, adjustments for different student grade levels, and supplemental funding for local educational agencies serving students who are low-income, English learners, or foster youth.

**ANALYSIS**

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) Adds charter schools to the local educational agencies that are intended to held accountable as part of the Statewide System of Support through improved outreach and collaboration with stakeholders to ensure the goals, actions and services described in 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 in their Local Control and Accountability Plan's (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 State Board of Education (SBE).
  - 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.
- 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 the administrator of a charter school to consult with its special education local plan area administrator to determine that specific actions for individuals with exceptional needs are included in the LCAP.
- 12) Requires governing bodies of charter schools to hold at least one public hearing regarding the proposed LCAP or annual update.
- 13) Requires governing bodies of charter schools to update the LCAP or annual update in a public meeting.
- 14) 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.
- 15) 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.

- 16) Requires charter schools to post an approved Local Control and Accountability Plan (LCAP) prominently on the school's homepage of its website.
- 17) Requires charter schools to file an approved LCAP or annual update with the county superintendent of schools or the chartering authority, as applicable.
- 18) Requires chartering authorities to approve a charter school's LCAP or annual update on or before October 8, as specified.
- 19) 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 State Board of Education's (SBE's) purpose for adopting the LCAP template, and the Local Control Funding Formula (LCFF) budget overview for parents.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "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."
- 2) ***Charter school LCAPs.*** All charter schools must complete an LCAP and annual update, using the LCAP template adopted by the SBE. 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. However, charter school authorizers are not required to approve LCAPs. 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.

- 3) ***Community engagement through the LCAP process.*** 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, the local education agency (LEA) is not required to establish a new advisory committee if the LEA has already established an advisory committee that meets the Local Control Funding Formula (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 Local Control and Accountability Plan (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.

- 4) ***How has statewide community engagement been going so far?*** Since the establishment of the LCFF in 2013, LEAs have been 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 LCFF: What can we learn from the past four years to guide next steps?” reports the following related to stakeholder engagement:

- a) 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.
- b) 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.
- c) 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 Local Control Funding Formula (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.

- 5) ***Recent report cites lack of Local Control and Accountability Plan (LCAP) compliance, transparency, and engagement by some charter schools.*** A 2018 report “Keeping the Promise of LCFF in Charter Schools” by Public Advocates 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. The report cites that in the 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 percent clearly measured how they engaged parents in school decision-making, and only 37 percent described how community engagement impacted their planning process.
- 6) ***Arguments in support.*** The California Association of School Business Officials (CASBO) states, "CASBO supports this legislation, which is to align the requirements of adopting the local control and accountability plans and the annual updates for charter schools as required for school districts. We believe that in the spirit of accountability and transparency, it is important to ensure that all local educational agencies, including charter schools, meet the funding formula's accountability and engagement process."
- 7) ***Arguments in opposition.*** The Charter Schools Development Center states, "By definition, charter schools are outcome-based and not rules-based. This measure tries to apply a rules-based platform and shows a misunderstanding of the existing law. Primarily charter schools are beholden to the outcomes outlined in their charter document and under existing law an authorizer may not renew a charter if those outcomes are not met. This is a different system that exists for traditional schools. Therefore, the process for and importance of the LCAP document is weighted differently for charters than it is for traditional schools."

## SUPPORT

Bay Area Parent Leadership Action Network  
 Building Blocks for Kids—Richmond  
 Coleman Advocates  
 Gente Organizada  
 Public Advocates  
 West Contra Costa Parents Council

**OPPOSITION**

California Charter Schools Association  
Charter Schools Development Center

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