

- The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined.

**Title 5. EDUCATION**

**Division 1. California Department of Education**

**Chapter 14.5. Local Control Funding Formula**

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

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

**§ 15494. Scope.**

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

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

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

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

**§ 15495. Definitions.**

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

(a) "Local control and accountability plan (LCAP)" means the plan created by an LEA pursuant to Education Code sections 47606.5, 52060, or 52066, and completed in conformance with the LCAP and annual update template found in section 15497.

1       (b) “Local educational agency (LEA)” means a school district, county office of  
2 education, or charter school.

3       (c) “Prior year” means one fiscal year immediately preceding the fiscal year for which  
4 an LCAP is approved.

5       (d) “Services” as used in Education Code section 42238.07 may include, but are not  
6 limited to, services associated with the delivery of instruction, administration, facilities,  
7 pupil support services, technology, and other general infrastructure necessary to  
8 operate and deliver educational instruction and related services.

9       (e) “State priority areas” means the priorities identified in Education Code sections  
10 52060 and 52066. For charter schools, “state priority areas” means the priorities  
11 identified in Education Code section 52060 that apply for the grade levels served or the  
12 nature of the program operated by the charter school.

13       (f) “to improve services” means to grow services in quality.

14       (g) “to increase services” means to grow services in quantity.

15       (h) “unduplicated pupil” means any of those pupils to whom one or more of the  
16 definitions included in Education Code section 42238.01 apply, including low income,  
17 foster youth, and English learner.

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.

22  
23 **§ 15496. Requirements for LEAs to Demonstrate Increased or Improved Services**  
24 **for Unduplicated Pupils in Proportion to the Increase in Funds Apportioned for**  
25 **Supplemental and Concentration Grants.**

26       (a) An LEA shall provide evidence in its LCAP to demonstrate how funding  
27 apportioned on the basis of the number and concentration of unduplicated pupils,  
28 pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03 is used to  
29 support such pupils. This funding shall be used to increase or improve services for  
30 unduplicated pupils as compared to the services provided to all pupils in proportion to  
31 the increase in funds apportioned on the basis of the number and concentration of

1 unduplicated pupils as required by Education Code section 42238.07(a)(1). An LEA  
2 shall include in its LCAP an explanation of how expenditures of such funding meet the  
3 LEA's goals for its unduplicated pupils in the state priority areas. An LEA shall  
4 determine the percentage by which services for unduplicated pupils must be increased  
5 or improved above services provided to all pupils in the fiscal year as follows:

6 (1) Estimate the amount of the LCFF target attributed to the supplemental and  
7 concentration grants for the LEA calculated pursuant to Education Code sections  
8 42238.02 and 2574 in the fiscal year for which the LCAP is adopted.

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

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

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

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

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

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

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

1 Targeted Instructional Improvement Grant program and the Home to School  
2 Transportation program.

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

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

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

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

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

23 (A) Identify in the LCAP those services that are being provided on a districtwide  
24 basis.

25 (B) Describe in the LCAP how such services are directed towards meeting the  
26 district's goals for its unduplicated pupils in the state priority areas.

27 (C) Describe how these services are the most effective use of the funds to meet the  
28 district's goals for its unduplicated pupils in the state priority areas.

29 (3) A school district that has an enrollment of unduplicated pupils at a school that is  
30 in excess of 40 percent of the school's total enrollment in the fiscal year for which an  
31 LCAP is adopted or in the prior year may expend supplemental and concentration grant

1 funds on a schoolwide basis. A school district expending funds on a schoolwide basis  
 2 shall do all of the following:

3 (A) Identify in the LCAP those services that are being provided on a schoolwide  
 4 basis.

5 (B) Describe in the LCAP how such services are directed towards meeting the  
 6 district's goals for its unduplicated pupils in the state priority areas.

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

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

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

16 (C) Describe how these services are the most effective use of the funds to meet the  
 17 district's goals for its unduplicated pupils in the state priority areas.

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

21 (A) Identify in the LCAP those services that are being provided on a countywide or  
 22 charterwide basis.

23 (B) Describe in the LCAP how such services are directed towards meeting the  
 24 county office of education's or charter school's goals for its unduplicated pupils in the  
 25 state priority areas.

26 (c) County superintendent of schools oversight of demonstration of proportionality: In  
 27 making the determinations required under Education Code section 52070(d)(3), the  
 28 county superintendent of schools shall review any descriptions provided under  
 29 subdivisions (b)(2)(B) and (b)(2)(C) or subdivisions (b)(4)(B) and (b)(4)(C) when  
 30 determining whether the LEA has fully demonstrated that it will increase or improve  
 31 services for unduplicated pupils under subdivision (a). If a county superintendent of

1 schools does not approve an LCAP because the LEA has failed to meet its  
2 proportionality requirement as specified in this section, it shall provide technical  
3 assistance to the LEA in meeting that requirement pursuant to Education Code section  
4 52071.

5 NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference:  
6 Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5,  
7 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section  
8 6312.

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