

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(b).

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

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

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

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

7 (e) “State priority areas” means the priorities identified in Education Code sections
8 52060 and 52066. For charter schools, “state priority areas” means the priorities
9 identified in Education Code section 52060 that apply for the grade levels served or the
10 nature of the program operated by the charter school.

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

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

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

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

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

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

1 LEA's goals for its unduplicated pupils in the state priority areas. An LEA shall
2 determine the percentage by which services for unduplicated pupils must be increased
3 or improved above services provided to all pupils in the fiscal year as follows:

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

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

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

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

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

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

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

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

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

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

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

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

17 (2) A school district that has an enrollment of unduplicated pupils that is less than 55
18 percent of the district's total enrollment in the fiscal year for which an LCAP is adopted
19 or in the prior year may expend supplemental 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 provided on a districtwide
22 basis.

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

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

27 (3) A school district that has an enrollment of unduplicated pupils at a school that is
28 in excess of 40 percent of the school's total enrollment in the fiscal year for which an
29 LCAP is adopted or in the prior year may expend supplemental and concentration grant
30 funds on a schoolwide basis. A school district expending funds on a schoolwide basis
31 shall do all of the following:

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

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

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

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

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

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

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

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

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

24 (c) County superintendent of schools oversight of demonstration of proportionality: In
25 making the determinations required under Education Code section 52070(d)(3), the
26 county superintendent of schools shall review any descriptions provided under
27 subdivisions (b)(2)(B) and (b)(2)(C) or subdivisions (b)(4)(B) and (b)(4)(C) when
28 determining whether the LEA has fully demonstrated that it will increase or improve
29 services for unduplicated pupils under subdivision (a). If a county superintendent of
30 schools does not approve an LCAP because the LEA has failed to meet its
31 proportionality requirement as specified in this section, it shall provide technical

1 assistance to the LEA in meeting that requirement pursuant to Education Code section
2 52071.

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