

October 2014



Legal Guidance Regarding Grade Span Adjustment Requirements

This guidance provides significant detail regarding the requirements for districts to receive the Grade Span Adjustment under the Local Control Funding Formula. This information is important for school board members to know to ensure that their districts continue to receive such funding.

As part of the Local Control Funding Formula (LCFF), school districts can augment their K-3 grade span target funding amount by limiting their K-3 class sizes or by negotiating K-3 class size with their teachers' collective bargaining unit. This is known as the K-3 grade span adjustment (GSA), and it amounts to approximately 10% of the LCFF base grant. The GSA, while similar in focus to the prior Class Size Reduction (CSR) program, is an entirely separate program with different conditions, procedures, and requirements.*

For a district to receive the GSA, all K-3 schools within the district must be "GSA-qualified." For a K-3 school site to be GSA-qualified, it must meet one of three criteria. First, the average class enrollment at the school site is at or below 24 students. Second, the required progress is being made towards an average class enrollment of 24 students at the school site. Third, an agreement is reached with the teachers' collective bargaining unit that specifies an alternative annual average class enrollment for the K-3 school site.

According to the California Department of Education, the GSA is automatically calculated and added each year to a district's apportionment without any required documentation. However, this automatic allocation is based on the assumption that all K-3 schools in a district are GSA-qualified. If an audit later determines that one or more K-3 schools within the district were not GSA-qualified, then the entire amount of the GSA would be disallowed. That is, if even one K-3 school in a district is not GSA-qualified, then an amount equivalent to all district GSA funds allocated that year to the district will be deducted from the next apportionment.

This guidance is intended to provide districts with information relevant to securing and maintaining their GSA funding. However, questions relating to a district's particular situation should be directed to legal counsel.

* While the prior CSR program has been eliminated, the average K-3 school size limits established by Education Code sections 41376 and 41378 were unaffected by LCFF. Thus, they still limit the annual enrollment for a single kindergarten class to 33, the average annual enrollment for all kindergarten classes within a district to 31, the average annual enrollment for a single first, second, or third grade class to 32, and the average annual enrollment of all first, second, and third grade classes in a district to 30.

DEFINITIONS

A ***K-3 class*** is a group of students scheduled to report regularly at a particular time to a particular teacher during the regular school day. However, for classes other than self-contained K-3 classes, a ***K-3 class*** is where (i) attendance is recorded and the investigation of absences is pursued, (ii) each student has a desk, locker, or drawer, (iii) the teacher handles the administrative duties (e.g., keeping records, distributing items to go home, distributing and collecting report cards, etc.), (iv) the teacher is the usual contact with student families, and (v) some planned instruction is given. Transitional kindergarten is part of kindergarten and, hence, always included while special day classes, evening classes, and summer school classes are excluded. (5 CCR § 15498.1(a)-(c).)

The ***active enrollment count*** for a particular *K-3 class* on a particular day is the number of students enrolled in that class on the first day of the school year that the class was in session, plus the number of all students later enrolled between that first day and the day of the count, minus the number of all students later withdrawn between that first day and the day of the count. All students in a combination *K-3 class* (e.g., classes with third and fourth graders), even students not in grades K-3, are included, but students enrolled in independent study for the full regular school day are not included. (5 CCR § 15498.1(d); 5 CCR § 15498.2.)

The ***average number of pupils enrolled per class*** is the mean of the *active enrollment counts* on the last teaching day of each school month ending prior to April 15 for a particular *K-3 class*. (5 CCR § 15498.1(d) and (e).)

The ***average class enrollment*** at a school site is the mean of the *average number of pupils enrolled per class* for all *K-3 classes* at that school site. This number is rounded to the nearest half or whole integer. (5 CCR § 15498.1(f).)

OPTION 1: AT OR BELOW 24 STUDENTS

The first way for a K-3 school site to be GSA-qualified is for the average (K-3) class enrollment to be at or below 24 students. To calculate the average class enrollment at a particular school site, the following steps should be followed.

- Step 1.1:** Determine the number of eligible K-3 classes at the school site. Recall that transition kindergarten classes and all combination classes are included.
- Step 1.2:** Determine the active enrollment count for each eligible K-3 class as of the last teaching day for each school month that ends prior to April 15.
- Step 1.3:** Determine the average number of pupils enrolled per class for each eligible K-3 class by dividing the sum of active enrollment counts for the eligible K-3 class for each school month that ends prior to April 15 by the number of school months that end prior to April 15.

Step 1.4: Determine the average class enrollment by adding together the number determined by step 3 for each eligible K-3 class and dividing by the total number of eligible K-3 classes.

Example 1.1: Consider the following 2014-15 monthly active enrollment counts for a hypothetical school site.

2014-15 Month Active Enrollment Counts

DATES	CLASSES												
	TK	K	K	1	1	2	2	3	3	3-4	4	4-5	5
Oct 3	18	24	24	24	24	23	22	24	25	28	29	28	30
Oct 31	18	24	24	24	24	24	23	24	25	28	28	28	30
Nov 28	17	24	23	24	24	24	23	24	25	28	28	29	30
Dec 26	17	24	23	25	24	24	22	25	24	28	27	29	29
Jan 23	17	23	23	25	25	24	22	25	24	27	28	29	29
Feb 20	18	23	23	23	25	23	22	25	24	28	28	28	29
Mar 20	18	23	23	23	25	23	22	25	24	28	28	28	29
Apr 17	17	23	23	25	25	24	22	25	24	27	28	29	29
May 15	18	23	23	24	25	24	22	25	25	27	28	29	29
Jun 12	18	23	24	24	25	23	22	24	24	28	28	28	29

Applying Steps 1.1-1.4 to these monthly active enrollment counts results in an average class enrollment of 23.58, which is rounded to 23.5. (See the appendix for more details on the calculation.) Thus, this hypothetical school site is GSA-qualified.

OPTION 2: MAKING PROGRESS

The second way for a K-3 school site to be GSA-qualified is for progress to be made towards an average K-3 class enrollment of 24 students. To determine whether a particular school site is making such progress in a given year, its average K-3 class enrollment for that year must first be calculated (see Steps 1.1-1.4 above). Then the school site's maximum average class enrollment for that year must be calculated. The actual average class enrollment must be equal to or below the maximum average class enrollment. To calculate the maximum average class enrollment for a particular school site, the following steps should be followed.

Step 2.1: Determine the school site's prior year average class enrollment. For 2013-14, the prior year average class enrollment shall be the 2012-13 average class enrollment calculated pursuant to Steps 1.1-1.4. (If the relevant information to do so is not available, consult district counsel.) For 2014-15 and beyond, the prior year average class enrollment shall be the prior year's maximum average class enrollment as calculated pursuant to Steps 2.1-2.4. The prior year average class enrollment for a school site that did not exist in

the prior year shall be the median prior year average class enrollment of the other K-3 school sites in the district.

Step 2.2: Determine the difference between the number determined in Step 2.1 and the number 24 (the average class size goal).

Step 2.3: Determine the product of (i.e., multiply) the number determined in Step 2.2 and the percentage of the LCFF funding gap that was closed in the audit year (e.g., 11.78% in 2013-14, 29.56% in 2014-15, est. 30.39% in 2015-16, and est. 19.50% in 2016-17).

Step 2.4: Determine the maximum average class enrollment by subtracting the number determined in Step 2.3 from the number determined in Step 2.1 and then rounding to the nearest half or whole integer.

Example 2.1: Assume that the 2012-13 average class enrollment for a hypothetical school site was 29.5. Applying Steps 2.1-2.4 results in a 2013-14 maximum average class enrollment of 28.85, which is rounded to 29.0. Applying Steps 2.1-2.4 again results in a 2014-15 maximum average class enrollment of 27.37, which is rounded to 27.5. (See the appendix for more details on these calculations.) Here, the school site is GSA-qualified because the requisite progress has been made to reduce the average class size at the school site.

Example 2.2: Now consider the following 2014-15 monthly active enrollment counts for the same hypothetical school site as in Example 2.1.

2014-15 Monthly Active Enrollment Counts

DATES	CLASSES												
	TK	K	K	1	1	2	2	3	3	3-4	4	4-5	5
Oct 3	21	28	28	28	28	27	26	28	29	33	34	35	35
Oct 31	22	28	28	28	28	27	26	28	29	34	34	35	35
Nov 28	22	28	28	28	28	28	27	28	29	34	34	35	34
Dec 26	22	28	28	28	28	28	27	28	29	34	34	36	34
Jan 23	21	28	27	28	28	28	26	29	28	34	34	35	34
Feb 20	21	27	27	28	29	28	26	29	28	34	34	34	34
Mar 20	21	27	27	27	29	27	26	29	28	33	34	34	34
Apr 17	21	27	27	29	29	28	26	29	28	34	35	34	34
May 15	22	27	27	27	29	27	26	29	28	33	35	34	34
Jun 12	22	27	27	27	29	27	26	29	28	33	35	34	34

Applying Steps 1.1-1.4 as discussed in Option 1 to these monthly active enrollment counts results in an average class enrollment of 27.74, which is rounded to 27.5. (Do not round the average number of pupils enrolled per class to the nearest half or whole integer. Doing so here will result in an average class enrollment for the school site of 27.75, which is rounded to 28.0 rather than 27.5.) Here, this hypothetical school site is also GSA-qualified because its 2014-15

average class enrollment (27.5) is equal to its 2014-15 the maximum average class enrollment (27.5).

OPTION 3: COLLECTIVELY BARGAINED ALTERNATIVE

The third way a district can qualify for the GSA is to collectively bargain an alternative annual average class enrollment for each school site that meets all the following conditions:

- i. It is a written document (e.g., a side letter, an MOU, part of a new contract, etc.).
- ii. It must be signed by both the district and the teachers' union after June 30, 2013.[†]
- iii. It must clearly set an average class enrollment for each school site, and cannot merely refer to a district-wide average.

Example 3.1: *A district has a collective bargaining agreement signed on July 1, 2012 that covers the 2012-13, 2013-14, and 2014-15 school years. The agreement provides that all K-3 class sizes shall have a maximum of 26 students. This document satisfies condition (i) because it is a written document. It also satisfies condition (iii) because it sets a maximum class enrollment for each K-3 class, which implicitly sets an average class enrollment for each school site. However, condition (ii) is not satisfied because the collective bargaining agreement was not signed after June 30, 2013. Here, the district is not eligible for the GSA under the collectively bargained alternative option.*

Example 3.2: *A district with two K-3 schools has a side letter signed on July 1, 2013 that covers the 2013-14 and 2014-15 school years. The letter provides that the district shall maintain an average K-3 class size of 26 students. This document satisfies conditions (i) and (ii) because it is a written document that was signed after June 30, 2014. However, it does not satisfy condition (iii) because it only establishes a district rather than school site average class enrollment. (This hypothetical district has two K-3 schools. If the district had only one K-3 school, then condition (iii) would be satisfied because a district average would be a school*

[†] Neither the law (Education Code section 42238.02(d)(3)) nor the implementing regulations (5 CCR section 15498.3(b)) expressly provides that an agreement establishing an collectively bargained alternative annual average class enrollment must be signed after June 30, 2013. The California Department of Education (CDE), however, published answers to "Frequently Asked Questions" (referenced below in the "Sources" section) providing that the collectively bargained alternative should be "in contemplation of or subsequent to" the enactment of Education Code section 42238.02. Moreover, the current 2014-15 *Standards and Procedures for Audits of California K-12 Local Education Agencies* (K-12 Audit Guide), also indicate the necessity of districts providing documentation to auditors that the bargaining unit and school district have agreed to an alternative class size ratio "pursuant to Education Code section 42238.02(d)(3)(B) or (C) that is applicable to the audit year." According to the Audit Guide, if such agreement is provided to the auditor, then no further audit procedures would need to be performed. Based on CDE's direction and the current K-12 Audit Guide, the approach set forth above should be followed. If, however, the district intends to rely on existing contract language negotiated prior to June 30, 2013, then legal counsel should be consulted due to possible audit and financial consequences.

average.) Here, the district is not eligible for the GSA under the collectively bargained alternative option.

Example 3.3: An MOU signed on July 1, 2014 that covers the 2014-15 school year provides that the district's two elementary schools shall each maintain an average K-3 class size of 26 students. This document again satisfies conditions (i) and (ii) because it is a written document that was signed after June 30, 2014. It also satisfies condition (iii) because it sets an average class enrollment for each eligible K-3 school site. Here, the district is eligible for the GSA under the collectively bargained alternative option.

SOURCES

For further information on receiving the GSA funding, districts should look to four different sources: the relevant legislation enacting the GSA (Education Code § 42238.02(b)(3)), the relevant regulations implementing the GSA (5 CCR §§ 15498-15498.3), the relevant audit regulations detailing how the GSA will be audited (5 CCR § 19810), and the Frequently Asked Questions webpage on the California Department of Education's website (<http://www.cde.ca.gov/fg/aa/lc/lcffffaq.asp>).

APPENDIX

The following provides the calculations for Examples 1.1, 2.1, and 2.2 found in this guidance.

Calculation for Example 1.1:

Step 1.1: The number of eligible K-3 classes is $1+2+2+2+2+1 = 10$ (1 transitional kindergarten class, 2 kindergarten classes, 2 first grades, 2 second grades, 2 third grades, and 1 third-fourth grade combination). The fourth grade class, the fourth-fifth grade combination class, and the fifth grade class are not eligible.

	CLASSES												
DATES	TK	K	K	1	1	2	2	3	3	3-4	4	4-5	5
<i>Oct 3</i>	18	24	24	24	24	23	22	24	25	28	29	28	30
<i>Oct 31</i>	18	24	24	24	24	24	23	24	25	28	28	28	30
<i>Nov 28</i>	17	24	23	24	24	24	23	24	25	28	28	29	30
<i>Dec 26</i>	17	24	23	25	24	24	22	25	24	28	27	29	29
<i>Jan 23</i>	17	23	23	25	25	24	22	25	24	27	28	29	29
<i>Feb 20</i>	18	23	23	23	25	23	22	25	24	28	28	28	29
<i>Mar 20</i>	18	23	23	23	25	23	22	25	24	28	28	28	29
<i>Apr 17</i>	17	23	23	25	25	24	22	25	24	27	28	29	29
<i>May 15</i>	18	23	23	24	25	24	22	25	25	27	28	29	29
<i>Jun 12</i>	18	23	24	24	25	23	22	24	24	28	28	28	29

Step 1.2: There are 7 active enrollment counts per grade prior to April 15.

	CLASSES												
DATES	TK	K	K	1	1	2	2	3	3	3-4	4	4-5	5
<i>Oct 3</i>	18	24	24	24	24	23	22	24	25	28	29	28	30
<i>Oct 31</i>	18	24	24	24	24	24	23	24	25	28	28	28	30
<i>Nov 28</i>	17	24	23	24	24	24	23	24	25	28	28	29	30
<i>Dec 26</i>	17	24	23	25	24	24	22	25	24	28	27	29	29
<i>Jan 23</i>	17	23	23	25	25	24	22	25	24	27	28	29	29

<i>Feb 20</i>	18	23	23	23	25	23	22	25	24	28	28	28	29
<i>Mar 20</i>	18	23	23	23	25	23	22	25	24	28	28	28	29
<i>Apr 17</i>	17	23	23	25	25	24	22	25	24	27	28	29	29
<i>May 15</i>	18	23	23	24	25	24	22	25	25	27	28	29	29
<i>Jun 12</i>	18	23	24	24	25	23	22	24	24	28	28	28	29

Step 1.3: The average number of pupils enrolled per class is calculated below.

	CLASSES												
DATES	TK	K	K	1	1	2	2	3	3	3-4	4	4-5	5
<i>Oct 3</i>	18	24	24	24	24	23	22	24	25	28	29	28	30
<i>Oct 31</i>	18	24	24	24	24	24	23	24	25	28	28	28	30
<i>Nov 28</i>	17	24	23	24	24	24	23	24	25	28	28	29	30
<i>Dec 26</i>	17	24	23	25	24	24	22	25	24	28	27	29	29
<i>Jan 23</i>	17	23	23	25	25	24	22	25	24	27	28	29	29
<i>Feb 20</i>	18	23	23	23	25	23	22	25	24	28	28	28	29
<i>Mar 20</i>	18	23	23	23	25	23	22	25	24	28	28	28	29
<i>Apr 17</i>	17	23	23	25	25	24	22	25	24	27	28	29	29
<i>May 15</i>	18	23	23	24	25	24	22	25	25	27	28	29	29
<i>Jun 12</i>	18	23	24	24	25	23	22	24	24	28	28	28	29
Avg:	17.571	23.571	23.286	24.000	24.429	23.571	22.286	24.571	24.429	27.857	N/A	N/A	N/A

Step 1.4: First, calculate the sum of the average number of pupils enrolled per class:

$$17.571 + 23.571 + 23.286 + 24.000 + 24.429 + 23.571 + 22.286 + 24.571 + 24.429 + 27.857 = 235.571.$$

Then divide that sum by the number of eligible classes to determine the average class enrollment:

$$235.571 \div 10 = 23.5571$$

Finally, round the number to the nearest whole or half-integer: $23.5571 \approx 23.5$.

Calculation for Example 2.1:

First, calculate the 2013-14 maximum average class enrollment.

Step 2.1: By assumption, the 2012-13 average class enrollment was 29.5.

Step 2.2: The difference between 29.5 and 24 is 5.5.

Sept 2.3: The product of 5.5 and 11.78% is 0.6479.

Sept 2.4: The amount of progress that needs to be made is $29.5 - 0.6479 = 28.8521 \approx 29.0$.

Second, calculate the 2014-15 maximum average class enrollment.

Step 2.1: By the previous calculation, the 2013-14 prior year (maximum) average class enrollment was 29.0.

Step 2.2: The difference between 29.0 and 24 is 5.0.

Sept 2.3: The product of 5.0 and 29.56% is 1.6258.

Sept 2.4: The amount of progress that needs to be made is $29.0 - 1.6258 = 27.3742 \approx 27.5$.

Calculation for Example 2.2:

Step 1.1: The number of eligible K-3 classes is 10. (See Calculation of Example 1.1.)

Step 1.2: There are 7 active enrollment counts per grade prior to April 15. (See Calculation of Example 1.1.)

Step 1.3: The average number of pupils enrolled per class is calculated below.

DATES	CLASSES												
	TK	K	K	1	1	2	2	3	3	3-4	4	4-5	5
<i>Oct 3</i>	21	28	28	28	28	27	26	28	29	33	34	35	35
<i>Oct 31</i>	22	28	28	28	28	27	26	28	29	34	34	35	35
<i>Nov 28</i>	22	28	28	28	28	28	27	28	29	34	34	35	34
<i>Dec 26</i>	22	28	28	28	28	28	27	28	29	34	34	36	34
<i>Jan 23</i>	21	28	27	28	28	28	26	29	28	34	34	35	34
<i>Feb 20</i>	21	27	27	28	29	28	26	29	28	34	34	34	34
<i>Mar 20</i>	21	27	27	27	29	27	26	29	28	33	34	34	34
<i>Apr 17</i>	21	27	27	29	29	28	26	29	28	34	35	34	34
<i>May 15</i>	22	27	27	27	29	27	26	29	28	33	35	34	34
<i>Jun 12</i>	22	27	27	27	29	27	26	29	28	33	35	34	34
Avg:	21.429	27.714	27.571	27.857	28.286	27.571	26.286	28.429	28.571	33.714	N/A	N/A	N/A

Step 1.4: First calculate the sum of the average number of pupils enrolled per class:

$$21.429 + 27.714 + 27.571 + 27.857 + 28.286 + 27.571 + 26.286 + 28.429 + 28.571 + 33.714 = 277.429.$$

Then divide that sum by the number of eligible classes to determine the average class enrollment:

$$277.429 \div 10 = 27.7429$$

Finally, round the number to the nearest whole or half-integer: $27.7429 \approx 27.5$.

(If one were to first round each average number of pupils enrolled per class to the nearest whole or half-integer, it would lead an incorrect and harmful result:

$$21.5 + 27.5 + 27.5 + 28.0 + 28.5 + 27.5 + 26.5 + 28.5 + 28.5 + 33.5 = 277.5 \div 10 = 27.75 \approx 28.0.)$$