



October 30, 2013

Michael W. Kirst
President, California State Board of Education
1430 N Street, Room 1101
Sacramento, CA 95814

Dear President Kirst:

We write on behalf of the organizations representing the local elected officials and district and county leaders charged with developing and approving the Local Control and Accountability Plans (LCAP) to provide our recommendations concerning Education Code Section 42238.07, which requires that the State Board of Education adopt regulations to govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils. We are sharing these recommendations with our respective members and asking them to provide their comments to the State Board as well.

First, we want to express our appreciation to you and to members and staff of the State Board for encouraging broad-based input on the many issues related to implementation of the Local Control Funding Formula (LCFF). We have enjoyed the opportunity to participate in the LCFF Implementation Working Group and hear the perspectives of the many other organizations with concerns about these important issues, and that share a deep commitment to improving outcomes for California students.

We also want to express our strong support for the comments made by you and other members of the State Board that decisions on specific issues must be made in the context of a coherent plan for the new system of funding and accountability being established under the LCFF. We are concerned that some of the discussions in the Working Group have focused too narrowly on governing the use of new funding, without recognizing the broad goals of the LCFF: to promote program flexibility, broad-based engagement, local accountability and equity for students.

Guiding Principles

Overall, we urge the Board to be guided by the following principles in developing and approving regulations:

1. Rely on the law—unless there is some inconsistency or significant lack of clarity in the state statute, local school districts should be able to implement the law without additional state regulations. The Local Control Funding Formula (LCFF) is intended to accomplish several objectives—one is to reduce state regulatory constraints.

2. Rely on the Local Control and Accountability Plans—a key feature of the LCFF is to place the responsibility on local school districts and their communities to work through the difficult choices of balancing limited resources, while at the same time explicitly addressing a series of clearly articulated state priorities. The vehicle for this local debate and decision-making process is the Local Control and Accountability Plan (LCAP). The Board should reaffirm and rely on the LCAP. If the Board relies on the LCAP, it will be a vital and important document and people will remain engaged in its development and approval. Conversely, if important decisions are made elsewhere (such as in state regulations), the LCAP can become just another required plan that generates little interest or attention.
3. Recognize the enormous diversity of the state—not only are school districts in California enormously diverse in terms of their size, geography and demographics, they are diverse in their financial condition and the decisions they have made leading into the 2013-14 school year. Attempting to equitably respond to this diversity through state regulation will inevitably lead to increasingly complex regulations. Before attempting to address such diversity through state regulations, the Board should first ask if an issue is better resolved locally and publicly through development and approval of the LCAP. We believe the answer to that question is “yes.”

Recommendations

Based on these guiding principles, our organizations recommend the following:

- That the State Board adopt regulations requiring school districts, county offices of education and charter schools to explicitly address in their LCAPs how they are complying with the requirement in provision 1 of Section 42238.07 to “increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils in the school district, county office of education, or charter school.”
- That the regulations allow local agencies to demonstrate they have met this requirement through one or more of the following indicators: spend more; provide more; achieve more. These phrases have been discussed within the Implementation Working Group and they would provide local agencies with viable and meaningful options.
- That the regulations clearly authorize use of supplemental and concentration funds as noted in provision 2 of the statute for schoolwide purposes or for districts for districtwide, for counties for countywide, and for charter schools for schoolwide purposes. The statute calls for regulations that are no more restrictive than Title 1 restrictions on use of funds and we feel that this recommendation meets that test.

We recognize that some are asking the State Board for more prescriptive guidance on what the sentence to “increase or improve services” means, but we believe local school districts and their communities are capable of addressing this important requirement. To some extent, asking for state guidance reflects the old, categorical way of thinking: “we don’t want to make a local decision and then

be found out of compliance—so tell us what the requirement means.” Under LCFF, we believe the appropriate approach is: “these decisions are best made locally through a deliberative and open process that involves all stakeholders and explicitly addresses the priorities established in state law.”

As you know, by October 2015, the State Board of Education is required to develop evaluation rubrics to help school districts, county offices of education and charter schools evaluate their strengths, weaknesses and areas that require improvement. This requirement is a key part of the coherent approach to LCFF that seeks to shift from an overly prescriptive system to a system of accountability based on performance and outcomes.

We urge the State Board to reaffirm that vision of a new accountability system and to avoid reliance on complicated regulations that focus on inputs and restrict the ability of communities to develop programs that address their local needs, demographics and resources.

Sincerely,



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