

**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(d).

(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) "Consult with pupils," as used in Education Code sections 52060, 52066, and 47606.5, means a process to enable pupils, including unduplicated pupils and other numerically significant pupil subgroups, to review and comment on the development of the LCAP. This process may include surveys of pupils, forums with pupils, pupil advisory committees, or meetings with pupil government bodies or other groups representing pupils.

1        (b) “English learner parent advisory committee,” as used in Education Code sections  
2 52063 and 52069 for those school districts or schools and programs operated by county  
3 superintendents of schools whose enrollment includes at least 15 percent English  
4 learners and at least 50 pupils who are English learners, shall be composed of a  
5 majority of parents, as defined in subdivision (e), of pupils to whom the definition in  
6 Education Code section 42238.01(c) applies. A governing board of a school district or a  
7 county superintendent of schools shall not be required to establish a new English  
8 learner parent advisory committee if a previously established committee meets these  
9 requirements.

10       (c) “Local control and accountability plan (LCAP)” means the plan created by an LEA  
11 pursuant to Education Code sections 47606.5, 52060, or 52066, and completed in  
12 conformance with the LCAP and annual update template found in section 15497.5.

13       (d) “Local educational agency (LEA)” means a school district, county office of  
14 education, or charter school.

15       (e) “Parents” means the natural or adoptive parents, legal guardians, or other  
16 persons holding the right to make educational decisions for the pupil pursuant to  
17 Welfare and Institutions Code section 361 or 727 or Education Code sections 56028 or  
18 56055, including foster parents who hold rights to make educational decisions.

19       (f) “Parent advisory committee,” as used in Education Code sections 52063 and  
20 52069, shall be composed of a majority of parents, as defined in subdivision (e), of  
21 pupils and include parents of pupils to whom one or more of the definitions in Education  
22 Code section 42238.01 apply. A governing board of a school district or a county  
23 superintendent of schools shall not be required to establish a new parent advisory  
24 committee if a previously established committee meets these requirements, including  
25 any committee established to meet the requirements of the federal No Child Left Behind  
26 Act of 2001 (Public Law 107-110) pursuant to Section 1112 of Subpart 1 of Part A of  
27 Title I of that act.

28       (g) “Prior year” means one fiscal year immediately preceding the fiscal year for  
29 which an LCAP is approved.

30       (h) “Services” as used in Education Code section 42238.07 may include, but are not  
31 limited to, services associated with the delivery of instruction, administration, facilities,  
32 pupil support services, technology, and other general infrastructure necessary to

1 operate and deliver educational instruction and related services.

2 (i) "State priority areas" means the priorities identified in Education Code sections  
3 52060 and 52066. For charter schools, "state priority areas" means the priorities  
4 identified in Education Code section 52060 that apply for the grade levels served or the  
5 nature of the program operated by the charter school.

6 (j) "Subgroup" means the numerically significant pupil subgroups identified pursuant  
7 to Education Code section 52052.

8 (k) "to improve services" means to grow services in quality.

9 (l) "to increase services" means to grow services in quantity.

10 (m) "unduplicated pupil" means any of those pupils to whom one or more of the  
11 definitions included in Education Code section 42238.01 apply, including pupils eligible  
12 for free or reduced price meals, foster youth, and English learners.

13 NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference:  
14 Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5,  
15 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section  
16 6312.

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18 **§ 15496. Requirements for LEAs to Demonstrate Increased or Improved Services**  
19 **for Unduplicated Pupils in Proportion to the Increase in Funds Apportioned for**  
20 **Supplemental and Concentration Grants.**

21 (a) An LEA shall provide evidence in its LCAP to demonstrate how funding  
22 apportioned on the basis of the number and concentration of unduplicated pupils,  
23 pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03 is used to  
24 support such pupils. This funding shall be used to increase or improve services for  
25 unduplicated pupils as compared to the services provided to all pupils in proportion to  
26 the increase in funds apportioned on the basis of the number and concentration of  
27 unduplicated pupils as required by Education Code section 42238.07(a)(1). An LEA  
28 shall include in its LCAP an explanation of how expenditures of such funding meet the  
29 LEA's goals for its unduplicated pupils in the state priority areas. An LEA shall  
30 determine the percentage by which services for unduplicated pupils must be increased  
31 or improved above services provided to all pupils in the fiscal year as follows:

32 (1) Estimate the amount of the LCFF target attributed to the supplemental and

1 concentration grants for the LEA calculated pursuant to Education Code sections  
2 42238.02 and 2574 in the fiscal year for which the LCAP is adopted.

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

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

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

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

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

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

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

28 (b) This subdivision identifies the conditions under which an LEA may use funds  
29 apportioned on the basis of the number and concentration of unduplicated pupils for  
30 districtwide, schoolwide, countywide, or charterwide purposes: Pursuant to Education  
31 Code section 42238.07(a)(2), an LEA may demonstrate it has increased or improved  
32 services for unduplicated pupils under subdivision (a) of this section by using funds to

upgrade the entire educational program of a schoolsite, a school district, a charter school, or a county office of education as follows:

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

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

(B) Describe in the LCAP how such services are principally directed towards, and are effective in, meeting the district's goals for its unduplicated pupils in the state and any local priority areas.

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

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

(B) Describe in the LCAP how such services are principally directed towards, and are effective in, meeting the district's goals for its unduplicated pupils in the state and any local priority areas.

(C) Describe how these services are the most effective use of the funds to meet the district's goals for its unduplicated pupils in the state and any local priority areas. The description shall provide the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experience, or educational theory.

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

(A) Identify in the LCAP those services that are being funded and provided on a

1 schoolwide basis.

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

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

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

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

15 (C) Describe how these services are the most effective use of the funds to meet the  
16 district's goals for its unduplicated pupils in the state and any local priority areas. The  
17 description shall provide the basis for this determination, including, but not limited to,  
18 any alternatives considered and any supporting research, experience, or educational  
19 theory.

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

23 (A) Identify in the LCAP those services that are being funded and provided on a  
24 countywide or charterwide basis.

25 (B) Describe in the LCAP how such services are principally directed towards, and  
26 are effective in, meeting the county office of education's or charter school's goals for its  
27 unduplicated pupils in the state and any local priority areas, as applicable.

28 NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference:  
29 Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5,  
30 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section  
31 6312.

1 **§ 15497. County Superintendent of Schools Oversight of Demonstration of**  
2 **Proportionality.**

3 In making the determinations required under Education Code section 52070(d)(3),  
4 the county superintendent of schools shall include review of any descriptions of  
5 districtwide or schoolwide services provided pursuant to sections 15496(b)(1) through  
6 (b)(4) when determining whether the school district has fully demonstrated that it will  
7 increase or improve services for unduplicated pupils pursuant to section 15496(a). If a  
8 county superintendent of schools does not approve an LCAP because the school district  
9 has failed to meet its requirement to increase or improve services for unduplicated  
10 pupils as specified in this section, it shall provide technical assistance to the school  
11 district in meeting that requirement pursuant to Education Code section 52071.

12 NOTE: Authority cited: Sections 42238.07 and 52064, Education Code. Reference:  
13 Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5,  
14 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section  
15 6312.

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