**Supplemental and Concentration Grant Carryover Requirement (Amends Education Code Sections 42238.07, 52064, 52070, and 52070.5)**

SEC 13. 42238.07. (a) On or before January 31, 2014, the state board shall adopt regulations that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 2574, 2575, 42238.02, and 42238.03. The regulations shall include, but are not limited to, provisions that do all of the following:

(1) Require a school district, county office of education, or charter school 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.

(2) Authorize a school district, county office of education, or charter school to use funds apportioned on the basis of the number of unduplicated pupils for schoolwide purposes, or, for school districts, districtwide purposes, for county offices of education, countywide purposes, or for charter schools, charterwide purposes, in a manner that is no more restrictive than the restrictions provided for in Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301, et seq.)

(b) The state board may adopt emergency regulations for purposes of this section.

(c)(1) Beginning with the first local control and accountability plan adopted after July 1, 2021, each school district, county office of education, or charter school shall annually calculate the total difference between the total budgeted expenditures on planned specific actions reported in the local control and accountability plan pursuant to paragraph (4) of subdivision (b) of section 52064 and the total estimated actual expenditures for those actions reported in the local control and accountability plan pursuant paragraph (7) of subdivision (b) of section 52064.

(2) Beginning with the first local control and accountability plan adopted after July 1, 2021, if the total budgeted expenditures are less than the total increase or improvement in services required by paragraph (1) of subdivision (a), each school district, county office of education, or charter school shall also annually calculate the total difference between the total planned quality improvements and the actual actions reported in the local control and accountability plan pursuant to subparagraph (B) of paragraph (6) of subdivision (b) of section 52064 and the total actual quality improvements for those actions reported in the local control and accountability plan pursuant paragraph (7) of subdivision (b) of section 52064.

(3) If the total actual expenditures and the total actual quality improvements described in paragraph (1) and (2) are less than the total budgeted expenditures and total planned quality improvement described in paragraphs (1) and (2) and together these efforts are less than the increase or improvement in services required by paragraph (1) of subdivision (a), then all of the following requirements shall apply:

(A) The unrealized **expenditures and** quality improvements shall be expressed as an **unutilized unused** portion of the increase **or improvement in services required by 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 set forth in** paragraph (1) of subdivision (a).

**(B) The local educational agency shall include in its local control and accountability plan for the ensuing year specific actions for the unused portion of the increase or improvement in services requirement identified in subparagraph (A) of this paragraph.**

**(B) (C)** The **funds herein shall be expended only to implement** specific actions **included in the local control and accountability plan pursuant to subparagraph (B) shall that** satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement pursuant to the regulations adopted by the state board pursuant to subdivision (a).

**(C) The local educational agency shall report the planned uses of the funds in its local control and accountability plan.**

(d) The requirements specified in subdivision (c) shall apply independent from and in addition to the requirement to increase or improve services for the ensuing fiscal year established in regulations adopted by the state board pursuant to subdivision (a).

52064. (a) On or before March 31, 2014, the state board shall adopt a template for a local control and accountability plan and an annual update to the local control and accountability plan for the following purposes:

(1) For use by school districts to meet the requirements of Sections 52060 to 52063, inclusive.

(2) For use by county superintendents of schools to meet the requirements of Sections 52066 to 52069, inclusive.

(3) For use by charter schools to meet the requirements of Section 47606.5.

(b) On or before January 31, ~~2020,~~ 2022, the template adopted by the state board shall require the inclusion of all of the following information:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6, subdivision (d) of Section 52060, or subdivision (d) of Section 52066, as applicable, and for any additional local priorities identified by the governing board of the school district, the county board of education, or in the charter school petition. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in subdivision (a) of Section 52052.

(2) A description of the specific actions the school district, county office of education, or charter school will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1). The specific actions shall not supersede the provisions of existing local collective bargaining agreements, if any, within the jurisdiction of the school district, county office of education, or charter school.

(3) One or more summary tables listing and describing the budgeted expenditures for the ensuing fiscal year implementing each specific action included in the local control and accountability plan, including expenditures for the ensuing fiscal year that will serve unduplicated pupils, as defined in Section 42238.02, and pupils redesignated as fluent English proficient. The summary table or tables shall include both of the following:

(A) The total overall expenditures for all specific actions included in the local control and accountability plan, broken down by personnel and nonpersonnel expenditures.

(B) The subtotals of expenditures for each specific action included in the local control and accountability plan broken down into the following categories:

(i) Funds apportioned under the local control funding formula pursuant to Section 42238.02.

(ii) All other state funds.

(iii) All local funds.

(iv) All federal funds.

(4) One or more summary tables listing and describing the specific actions and budgeted expenditures in paragraph (3) that contribute to the demonstration that the school district, county office of education, or charter school will 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, consistent with regulations adopted by the state board pursuant to Section 42238.07, grouped as follows:

(A) Specific actions and budgeted expenditures provided to all pupils on a districtwide, countywide, or charterwide basis.

(B) Specific actions and budgeted expenditures that are targeted only to one or more unduplicated pupil subgroups. For these specific actions, the description shall specify the unduplicated pupil subgroup or subgroups that are targeted by each specific action and, if not provided at all schools, the school or schools where the specific action is provided.

(C) Only for school districts and county offices of education that operate more than one schoolsite, specific actions and budgeted expenditures provided to all pupils on a schoolwide basis, but only at schools serving certain grade spans or only at one or more schools. For these specific actions, the description shall specify the school or schools at which the specific action is provided.

(5) An estimate of the funds to be apportioned in the ensuing fiscal year on the basis of the number and concentration of unduplicated pupils and calculation of the percent the school district, county office of education, or charter school will 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, consistent with regulations adopted by the state board pursuant to Section 42238.07.

(6) (A) A demonstration that the school district, county office of education, or charter school will increase or improve services for unduplicated pupils in the ensuing fiscal year in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07.

(B) To the extent the total budgeted expenditures described in paragraph (4) is less than the estimate described in paragraph (5), an additional summary table listing and describing how one or more specific actions included in the local control and accountability plan serve to improve services for unduplicated pupils, consistent with regulations adopted by the state board pursuant Section 42238.07 and any applicable instructions adopted by the state board of education pursuant to paragraph (1) of subdivision (d), and how the degree of improvement in services is of a magnitude sufficient to satisfy the requirement 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 beyond the demonstration of total budgeted expenditures described in paragraph (4).

(7) A review of the progress toward the goals included in the existing local control and accountability plan, a review of any changes in the applicability of the goals, an assessment of the effectiveness of the specific actions described in the existing local control and accountability plan toward achieving the goals, a description of changes to the specific actions and related expenditures or quality improvements the school district, county office of education, or charter school will make as a result of the review and assessment, and an update on progress implementing the specific actions in the current fiscal year, including estimated actual expenditures for the specific actions and actual quality improvement.

(8) (A) The calculations required pursuant to paragraphs (1) and (2) of subdivision (c) of section 42238.07.

(B) If applicable to the school district, county office of education, or charter school pursuant to paragraph (3) of subdivision (c) of section 42238.07, a description the specific actions, and related expenditures **or quality improvements**, to be implemented **for the unused portion of the increase or improvement in services requirement using the specified funds**, including a demonstration that the planned uses of those funds satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement pursuant to regulations adopted by the state board pursuant to Section 42238.07.

~~(8)~~

(9) A plan summary that includes general information about the school district, county office of education, or charter school and highlights of the local control and accountability plan and annual update to the local control and accountability plan, including reflections on annual performance on the California School Dashboard authorized in Section 52064.5 and other local data.

~~(9)~~

(10) A summary of the stakeholder engagement process and how stakeholder engagement influenced the development of the adopted local control and accountability plan and annual update to the local control and accountability plan.

(c) If possible, the templates identified in paragraph (2) of subdivision (a) for use by county superintendents of schools shall allow a county superintendent of schools to develop a single local control and accountability plan that would also satisfy the requirements of Section 48926.

(d) (1) The template for the local control and accountability plan and annual update to the local control and accountability plan shall, to the greatest extent practicable, use language that is understandable and accessible to parents. The state board shall include instructions for school districts, county offices of education, and charter schools to complete the local control and accountability plan and annual update to the local control and accountability plan consistent with the requirements of this section. The state board may include more technical language in the instructions.

(2) Except as provided in paragraph (3), the state board shall not require school districts, county offices of education, or charter schools to provide any information in addition to the information required pursuant to subdivision (b).

(3) The state board may require the inclusion of additional information in the template in order to meet requirements of federal law.

(e) (1) The process of developing and annually updating the local control and accountability plan should support school districts, county offices of education, and charter schools in comprehensive strategic planning, accountability, and improvement across the state priorities and any locally identified priorities through meaningful engagement with local stakeholders.

(2) In developing the template for the local control and accountability plan and annual update to the local control and accountability plan, the state board shall ensure that school districts, county offices of education, and charter schools track and report their progress annually on all state priorities, including the applicable metrics specified within each state priority and, for charter schools, in accordance with Section 47606.5.

(3) The instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools should prioritize the focus of the goals, specific actions, and related expenditures included within the local control and accountability plan and annual update to the local control and accountability plan within one or more state priorities. The instructions shall further specify that school districts, county offices of education, and charter schools should consider their performance on the state and local indicators, including their locally collected and reported data for the local indicators, that are included in the California School Dashboard authorized in Section 52064.5 in determining whether and how to prioritize the goals, specific actions, and related expenditures included within the local control and accountability plan and annual update to the local control and accountability plan.

(4) The instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools that have a numerically significant English learner pupil subgroup shall include specific actions in the local control and accountability plan related to, at a minimum, the language acquisition programs, as defined in Section 306, provided to pupils and professional development activities specific to English learners.

(5) On or before January 31, 2022, the instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools that meet the criteria to receive technical assistance pursuant to Section 47607, 47607.2, 52071, or 52071.5, as applicable, based on the performance of the same pupil subgroup or subgroups for three or more consecutive years shall include a goal in the local control and accountability plan focused on improving the performance of the pupil subgroup or subgroups.

(6) (A) On or before January 31, 2022, the instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that, for any school district or county office of education with a school that meets the criteria described in subparagraph (B), the school district or county office of education shall include a goal in the local control and accountability plan focused on addressing the disparities in performance at the school or schools compared to the school district or county office of education as a whole.

(B) The requirement described in subparagraph (A) shall apply for any local educational agency with two or more schools if, for two consecutive years, a school receives the two lowest performance levels on all but one of the state indicators for which the school receives performance levels on the California School Dashboard pursuant to subdivision (d) of Section 52064.5 and the performance of the local educational agency for all pupils is at least one performance level higher on all of those indicators.

(f) (1) Except as provided in subdivision (g), the state board shall adopt the template pursuant to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The state board may adopt emergency regulations for purposes of implementing this section. The adoption of emergency regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare.

(2) Notwithstanding paragraph (1), the state board may adopt or revise the template in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). When adopting the template pursuant to the requirements of the Bagley-Keene Open Meeting Act, the state board shall present the template at a regular meeting and may only take action to adopt the template at a subsequent regular meeting. This paragraph shall become inoperative on January 31, 2019.

(g) Notwithstanding subdivision (f), revisions of the template for the local control and accountability plan and annual update to the local control and accountability plan necessary to implement Assembly Bill 1808 and Assembly Bill 1840 of the 2017–18 Regular Session or legislation passed during the 2019–20 Regular Session shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The state board may make necessary revisions to the template in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(h) Notwithstanding subdivision (f), revisions of the template for the local control and accountability plan and annual update to the local control and accountability plan necessary to implement [pending carryover requirement legislation] shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The state board may make necessary revisions to the template in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

~~(h)~~

(i) Revisions to a template shall be approved by the state board by January 31 before the fiscal year during which the template is to be used by a school district, county superintendent of schools, or charter school.

~~(i)~~

(j) In developing the template, the state board shall take steps to minimize duplication of effort at the local level to the greatest extent possible. The adoption of a template or evaluation rubric by the state board shall not create a requirement for a governing board of a school district, a county board of education, or a governing body of a charter school to submit a local control and accountability plan to the state board, unless otherwise required by federal law. The Superintendent shall not require a local control and accountability plan to be submitted by a governing board of a school district or the governing body of a charter school to the state board. The state board may adopt a template or evaluation rubric that would authorize a school district or a charter school to submit to the state board only the sections of the local control and accountability plan required by federal law.

~~(j)~~

(k) Notwithstanding any other law, the templates developed by the state board pursuant to this section, as it read on June 30, 2018, shall continue in effect until the state board adopts a new template pursuant to subdivision (b) on or before January 31, 2020, except that the state board may adopt revisions to those templates pursuant to subdivision (g) that are necessary to implement Assembly Bill 1808 of the 2017-18 Regular Session or meet federal requirements.

52070. (a) Not later than five days after adoption of a local control and accountability plan or annual update to a local control and accountability plan, the governing board of a school district shall file the local control and accountability plan or annual update to the local control and accountability plan with the county superintendent of schools.

(b) On or before August 15 of each year, the county superintendent of schools may seek clarification, in writing, from the governing board of a school district about the contents of the local control and accountability plan or annual update to the local control and accountability plan. Within 15 days the governing board of a school district shall respond, in writing, to requests for clarification.

(c) Within 15 days of receiving the response from the governing board of the school district, the county superintendent of schools may submit recommendations, in writing, for amendments to the local control and accountability plan or annual update to the local control and accountability plan. The governing board of a school district shall consider the recommendations submitted by the county superintendent of schools in a public meeting within 15 days of receiving the recommendations.

(d) The county superintendent of schools shall approve a local control and accountability plan or annual update to a local control and accountability plan on or before October 8, if ~~he or she~~ the county superintendent of schools determines all of the following:

(1) The local control and accountability plan or annual update to the local control and accountability plan adheres to the template adopted by the state board pursuant to Section 52064 and follows any instructions or directions for completing the template that are adopted by the state ~~board.~~ board, including, but not limited to, all of the following requirements:

(A) The local control and accountability plan includes one or more specific actions consistent with the instructions adopted pursuant to paragraph (4) of subdivision (e of Section 52064, if applicable to the school district.

(B If applicable to the school district, the local control and accountability plan includes a goal consistent with the instructions adopted pursuant to paragraph (5) of subdivision (e) of Section 52064.

(C) If applicable to the school district, the local control and accountability plan includes a goal consistent with the instructions adopted pursuant to paragraph (6) of subdivision (e) of Section 52064.

**(D) Each specific action identified as contributing to the demonstration that the school district will 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, consistent with regulations adopted by the state board pursuant to Section 42238.07, with subdivision (c) and (d) of Section 42238.07 and any applicable instructions adopted by the state board of education pursuant to paragraph (1) of subdivision (d) of Section 52064, that is provided on a schoolwide or districtwide basis is supported by the required description.**

**(E) If applicable to the school district, the local control and accountability plan includes a description of the specific action or actions that improve services for unduplicated pupils, meets the requirements of subparagraph (D) and demonstrates how the degree of improvement in services is sufficient to satisfy the requirement 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, as required by subparagraph (B) of paragraph (6) of subdivision (b) of section 52064.**

(2) The budget for the applicable fiscal year adopted by the governing board of the school district includes expenditures sufficient to implement the specific actions and strategies included in the local control and accountability plan adopted by the governing board of the school district, based on the projections of the costs included in the plan.

(3) The local control and accountability plan or annual update to the local control and accountability plan adheres to the expenditure requirements adopted pursuant to Section 42238.07 for funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 42238.02 and ~~42238.02.~~ 42238.03, and any applicable instructions for the local control and accountability plan template adopted by the state board of education pursuant to paragraph (1) of subdivision (d) of section 52064 **including, but not limited to, the requirement that any specific action that is provided on a schoolwide or districtwide basis is supported by the required description.**

(4) The local control and accountability plan includes the calculations required by paragraphs (1) and (2) of subdivision (c) of Section 42238.07 and, if applicable to the school district pursuant to paragraph (3) of subdivision (c) of Section 42238.07, includes a description of the**specific actions, and related expenditures or quality improvements, to be implemented for the unused portion of the increase or improvement in services requirement planned uses of the specified funds and a description of how the planned uses of those funds satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement pursuant to regulations adopted by the state board pursuant to Section 42238.07.**

(e) If a county superintendent of schools has jurisdiction over a single school district, the Superintendent shall perform the duties specified in this section.

52070.5. (a) Not later than five days after adoption of a local control and accountability plan or annual update to a local control and accountability plan, the county board of education shall file the local control and accountability plan or annual update to the local control and accountability plan with the Superintendent.

(b) On or before August 15 of each year, the Superintendent may seek clarification, in writing, from the county board of education about the contents of the local control and accountability plan or annual update to the local control and accountability plan. Within 15 days the county board of education shall respond, in writing, to requests for clarification.

(c) Within 15 days of receiving the response from the county board of education, the Superintendent may submit recommendations, in writing, for amendments to the local control and accountability plan or annual update to the local control and accountability plan. The county board of education shall consider the recommendations submitted by the Superintendent in a public meeting within 15 days of receiving the recommendations.

(d) The Superintendent shall approve a local control and accountability plan or annual update to a local control and accountability plan on or before October 8, if ~~he or she~~ the Superintendent determines all of the following:

(1) The local control and accountability plan or annual update to the local control and accountability plan adheres to the template adopted by the state board pursuant to Section 52064 and follows any instructions or directions for completing the template that are adopted by the state ~~board.~~ board, including, but not limited to, all of the following requirements:

(A) If applicable to the county office of education, the local control and accountability plan includes one or more specific action consistent with the instructions adopted pursuant to paragraph (4) of subdivision (e) of Section 52064.

(B) If applicable to the county office of education, the local control and accountability plan includes a goal consistent with the instructions adopted pursuant to paragraph (5) of subdivision (e) of Section 52064.

(C) If applicable to the county office of education, the local control and accountability plan includes a goal consistent with the instructions adopted pursuant to paragraph (6) of subdivision (e) of Section 52064.

**(D) Each specific action identified as contributing to the demonstration that the county office of education will 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, consistent with regulations adopted by the state board pursuant to Section 42238.07, with subdivisions (c) and (d) of Section 42238.07 and any applicable instructions adopted by the state board of education pursuant to paragraph (1) of subdivision (d) of Section 52064, that is provided on a schoolwide or countywide basis is supported by the required description.**

**(E) If applicable to the county office of education, the local control and accountability plan includes a description of the specific action or actions that improve services for unduplicated pupils, meets the requirements of paragraph (D), and demonstrates how the degree of improvement in services is sufficient to satisfy the requirement 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, as required by subparagraph (B) of paragraph (6) of subdivision (b) of Section 52064.**

(2) The budget for the applicable fiscal year adopted by the county board of education includes expenditures sufficient to implement the specific actions and strategies included in the local control and accountability plan adopted by the county board of education, based on the projections of the costs included in the plan.

(3) The local control and accountability plan or annual update to the local control and accountability plan adheres to the expenditure requirements adopted pursuant to Section 42238.07 for funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 2574 and ~~2575.~~ 2575, and any applicable instructions for the local control and accountability plan template adopted by the state board of education pursuant to paragraph (1) of subdivision (d) of Section 52064 **including, but not limited to, the requirement that any specific action that is provided on a schoolwide or districtwide basis is supported by the required description**.

(4) The local control and accountability plan includes the calculation required by paragraphs (1) and (2) of subdivision (c) of Section 42238.07 and, if applicable to the county office of education pursuant to paragraph (3) of subdivision (c) of Section 42238.07, includes a description of the **specific actions, and related expenditures or quality improvements, to be implemented for the unused portion of the increase or improvement in services requirement planned uses of the specified funds and a description of how the planned uses of those funds satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement pursuant to regulations adopted by the state board pursuant to Section 42238.07**.