

### **Item 6.1: CDE Decision on LCAP UCP**

The California Department of Education (CDE) [issued a revised decision](#) today in a dispute over five Local Control Accountability Plans (LCAP) approved by the San Bernardino County Office of Education.

At Tuesday's General Membership meeting, we will discuss this decision with the San Bernardino County Superintendent of Schools and his lead attorney in the matter.

In its three-part decision, the CDE addressed allegations filed by the Public Advocates, Inc., and the ACLU Foundation of Southern California against the county office and five school districts.

First, the CDE ruled school districts must justify how their expenditures benefit unduplicated students by citing planned results or outcomes, not simply naming the expenditures. Specifically, a county office should not approve an LCAP lacking "demonstration, either qualitatively or quantitatively, of how the districts increased or improved services for their unduplicated students as compared to services provided for all students in proportion to the increase in funding generated by the number and concentration of their unduplicated students" (page 12).

Second, the CDE rejected the allegations relating to supplemental and concentration (S&C) carryover funds and proportionality obligations. They noted, however, that proposed trailer bill language in the Budget Act of 2021-22 would address this issue going forward.

Third, the CDE determined the districts needed to show how S&C grants, which were used to pay for law enforcement and other security services, specifically benefited their unduplicated students. Specifically, an LCAP must describe how services provided on a districtwide or schoolwide basis are "principally directed towards" and "effective in" meeting its goals for unduplicated pupils (page 19).

The remedy in both issues is to provide the prescribed level of oversight and approval prospectively.

Even though the CDE's decision is narrow in scope and applies only prospectively, the impact is potentially significant because it targets the LCAP oversight and approval role held by county superintendents of schools.