



## California County Superintendents Educational Services Association

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February 22, 2022

Senator Anna Caballero

Senate District 12

State Capitol, Suite 7620

Sacramento, CA 95814

### Re: Senate Bill 3 (Caballero) Letter of Concern

Dear Senator Caballero,

We respectfully submit this letter of concern on behalf of the California County Superintendents Educational Services Association (CCSESA), which represents the 58 county superintendents of schools. CCSESA has appreciated the opportunity to meet with your staff and the open, collaborative spirit they have taken in hearing our concerns to the proposed legislation. We provide our concerns in this letter as a follow up to the conversation between CCSESA staff and your office.

As educational leaders, we are committed to strengthening and making California's K-12 school funding and accountability system more equitable for all of California's kids. We agree with the bill's intention of ensuring that funding meant to support our most vulnerable students will be used for that purpose. We are concerned, however, that the proposed requirements in SB 3 undermine California's current accountability system and the many reforms already underway to improve fiscal transparency and accountability.

### 1. SB 3 contradicts California's current accountability system that is based on capacity building and local control.

California's current accountability system focuses on improving capacity at the local level to identify strengths and weaknesses and prioritize improvement efforts, including narrowing performance gaps for all students. Our current system was developed on the same foundational principles and philosophies as the federal Every Student Succeeds Act (ESSA) of 2015 and is a direct departure from the compliance driven No Child Left Behind Act (NCLB) of 2001. When it comes to making lasting improvements to student outcomes research has proven that solutions are found at the local level. The current requirements in the LCAP provide local educational agencies (LEAs) with opportunities to describe actions and services, which align with locally identified areas of improvement while still accounting for their actions to improve outcomes for all their students, in particular students who are low-income, Foster Youth, and/or English learners.

We are concerned that SB 3 would create a culture where LEAs would be forced to spend greater time and effort focusing on the fiscal inputs, they apply to the system rather than focusing on the outputs, student outcomes. We are deeply concerned

that SB 3 would push California's accountability system back into the compliance-driven practices that we all dealt with through NCLB, and which were not effective for students.

## **2. New efforts are already underway to provide a greater level of fiscal transparency and accountability in the LCAP.**

**LEAs must document how they are implementing, and not just planning to meet, its full proportionality obligation to increase or improve services for unduplicated pupils over and above the level of services provided to all students.** The Budget Act of 2021 (AB 130, Ch. 44, Stats. 2021) established new requirements for LEAs to calculate carryover of their supplemental and concentration grant funds annually in their LCAPs and added to California Education Code (EC) Sections 42238.07 and 52064. These new requirements to calculate carryover were established in direct response and support of the underlying goals of AB 1835 (Weber, 2020). All LEAs must document the actions and services that were implemented and compare them to their proportionality obligation to show how they are implementing, and not just planning to meet, its full proportionality obligation to increase or improve services for unduplicated pupils over and above the level of services provided to all students. EC Section 42238.07 also establishes that any shortfall between the implemented level of actions and services and the proportionality obligation be carried over into the future year to serve their unduplicated student groups. These changes to the LCAP template were adopted by the State Board of Education in November 2021 and are reflected in the current 2022-23 LCAP Template in the Increased or Improved Services section, Contributing Actions Annual Update Table, and the new LCFF Carryover Table, which can be found at: <https://www.cde.ca.gov/re/lc/>.

The 2022-23 LCAP will be the first time that LEAs will be applying these new requirements to increase fiscal transparency that reports the types of services on which they spend their supplemental and concentration grant funds. The requirement to calculate carryover and the changes made to the LCAP template contributed to the California State Auditor's decision to remove K-12 Local Control Funding from High-Risk Status.

**Another current, key statewide initiative that is already underway is the development of the LCAP ePortal.** The Budget Act of 2020 (SB 98, Ch. 24, Stats. 2020) gave the San Joaquin County Office of Education, CodeStack group funding to begin development of the LCAP ePortal. The inclusion of the proposed requirements from SB 3 will require major infrastructure changes to the current LCAP portal, which would result in a complete top-to-bottom system rewrite using ongoing Proposition 98 funding. SB 3 would also change the structure of any query tool that is currently being built and which \$450,000 has already been invested in (see Ch. 24, Stats. 2020, Section 116). SB 3 would add operational, hardware, licensing, and maintenance costs for the current LCAP E-Template system and the current query tool under development. Also, there is no timeline extension mentioned in this proposed bill. The ePortal development is set to meet the current deadline of July 2023; however, any pause or change in the scope of the portal will jeopardize the important transparency and accountability objectives of this program.

**3. SB 3 may not provide the intended levels of transparency or accountability.**

The need for this bill is “to ensure that funding meant to support our most vulnerable pupils will be used for that purpose. Ensuring that supplemental and concentration grant funds are always used to support targeted pupils will safeguard resources needed to meet their unique needs, assist efforts to address the learning loss that has occurred, and ensure the promise of the local control funding formula in times of increases and reductions.”

As the educational leaders who are closest to the work of the LCAP, we believe that the stated need is being addressed in the current LCAP development process and LCAP template. As described in the previous section, new requirements, and changes to the LCAP template will increase fiscal transparency with a clear reporting of the types of services on which LEAs spend their supplemental and concentration grant funds.

Based on the structure of SB 3, we presume the measure may intend to establish the ability for policy and lawmakers to answer questions such as, “how much is being invested to support our unduplicated student groups?” and “what services are being funded and what are the deliverables from these services?” Our concern is that the mechanics of SB 3 do not afford policy makers with the context around the expenditures and would result in data driven decision making based on invalid and potentially, unreliable data.

California’s educational system is founded on the belief that the LEA is the primary unit of change and plays the central role in supporting schools to implement and sustain improvement efforts. California is diverse and the needs of our students are vastly different from one community to the next. The current LCAP template and requirements afford LEAs and their local communities the flexibility to determine what actions and services will be most beneficial to improving outcomes for their children.

We respectfully submit this letter of concern as we see SB 3 as a departure from the fundamental philosophy of California’s current accountability system and a return to the compliance-driven practices that were proven ineffective under NCLB.

Sincerely,



Derick Lennox  
Senior Director, Governmental Relations and Legal Affairs  
California County Superintendents Educational Services Association

cc: Sarah Lillis, California Executive Director, Teach Plus  
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