

March 23, 2020,

Jeff Breshears  
California Department of Education  
Local Agency Systems Support Office  
[LCFF@cde.ca.gov](mailto:LCFF@cde.ca.gov)

Via Email Only

**RE: LCFF Equity Coalition Recommendations re LCAPs During COVID-19 Crisis**

Dear Jeff,

We appreciate your efforts to solicit recommendations from organizations, community members, and stakeholders as you determine how to amend the Local Control Funding Formula (“LCFF”) requirements in light of the COVID-19 pandemic. We are submitting these recommendations on behalf of the LCFF Equity Coalition and hope we can work together to implement the most effective course of action that will support California students, ease the burden on education leaders, and address the public health crisis facing our schools and communities.

As you are well aware, the COVID-19 situation has posed unprecedented challenges for our Local Educational Agencies (“LEAs”) and local communities. Over the past several weeks, almost all California LEAs have closed their schools to address public health concerns, requiring school leaders to develop new plans to create distance learning curricula, provide meals for pick up, and maintain other essential services for their students and families. We understand that LEAs are inundated with unanticipated responsibilities and are doing their best to support their communities in these uncertain times. Nonetheless, schools will continue receiving LCFF funding, and it is more important than ever that they use those dollars to support their high-need students, many of whom are impacted most by the COVID-19 outbreak and educational disruption. As district and school leaders move forward, it remains critical that they exercise effective “local control” in these grave times in consultation with local community rather than reverting to top-down, insular decision making. Any adjustments you make to the LCFF requirements will require balancing the need to ease the administrative burden on LEAs to allow them to respond to this fast-moving and challenging situation with maintaining LCFF’s engagement, transparency and equity values.

We are encouraged to see that many LEAs have already prioritized providing targeted services to high-need students during the pandemic. Across the state, LEAs are offering meals to high-need families, developing targeted curriculum for particular student groups such as English learners, providing technology solutions to low-income students who lack access to traditional distance learning options, and offering many other services to their most vulnerable families. We applaud

their focus on equity and hope that we and the state can provide all the support necessary to ensure that these critical services continue and expand.

Given this context, we recommend the following adjustments to the Local Control and Accountability Plan (“LCAP”) process this year and for the 2020-21 cycle:

### **Departures from and Changes to 2019-20 LCAPs**

Under normal circumstances, LCFF requires LEAs to follow the community engagement, public hearing, and approval processes required by law when making any substantial changes in actions and spending from their previously adopted LCAP. *See* Cal. Educ. Code 52062(c). To address the extraordinary needs presented by the COVID-19 crisis, LEAs may need to adjust their spending this year to shift funding towards remote learning options, providing meals and childcare, and other emergency measures. As such, the goals, actions and services and/or associated spending LEAs originally set forth in their 2019-20 LCAPs may substantially change. Such a change would normally trigger the need for a formal LCAP amendment. However, in the interest of minimizing the impact on LEAs this academic year, we suggest that LEAs be allowed to forgo publishing revised LCAPs or formally soliciting community input for any of those rapid response changes and instead attempt to account for all material changes in the 2019-20 Annual Update reporting in their 2020-21 LCAP, which we propose below to be submitted on a delayed timeline.<sup>1</sup> The CDE should specifically direct LEAs to identify in their description of “Actual Actions/Services” what new or different actions they undertook with their LCFF funds in response to COVID-19. In addition, where those new actions or services were supported by supplemental and concentration funds and were districtwide or schoolwide in nature, LEAs should be directed by a new prompt in the 2019-20 Annual Update to demonstrate how those revised actions were principally directed toward and effective in serving their high-need students. Again, we seek to minimize the administrative burden on LEAs in the immediate coming months so they can focus their energy on best supporting our students, particularly those high-need students most impacted by the crisis.

High-need students will suffer the most from the COVID-19 pandemic. During this crisis, we urge the CDE and State Board to encourage LEAs to expand the provision of targeted services to support these pupils and ensure that they do not fall further behind their peers. We share here just a few of the ideas emerging from our community partners that we hope LEAs will be pursuing in the coming months and to which they could quickly pivot with the LCAP process changes we propose:

- New technology expenditures and public/private partnerships to ensure low-income students access distance learning opportunities;
- Extra efforts to tailor remote learning for English learners and foster youth;
- Summer programming to address learning loss for high-need students;
- Investment in outreach and support to high-need families (particularly for non-native English speakers) as partners in their children’s learning; and
- Counseling and trauma services once shelter-in-place orders are lifted.

---

<sup>1</sup> That said, LEAs should nonetheless be encouraged to keep the local community updated on material changes to the 2019-20 LCAP and the LEA’s planned actions and services as soon as possible by way of its website and the other stakeholder engagement practices discussed below.

## **Development of 2020-21 LCAPs**

Given the unpredictable and immense challenges LEAs face in dealing with the current crisis and planning for the future, we recommend significant changes to the development and approval of next year's LCAPs.

### **Timing**

Currently, LEAs must adopt and approve their LCAPs by June 30, 2020 and counties must review and approve them by October 8, 2020. To allow time for the crisis to subside, we suggest deferring the timeline and allowing LEAs until September or, even better, into October to approve their LCAPs and pushing back counties' obligations accordingly, including allowing counties to approve LCAPs by December 31, 2020, with a deadline for county preliminary review and response of November 1st instead of August 15th. While we hope that the outbreak will wane by the summer, we urge the state to make clear that it will monitor the public health situation closely and may alter deadlines further if schools do not return to normalcy by then.

### **Content**

First, we believe that LEAs should not adopt a new three-year LCAP next year. As their resources are stretched thin by the crisis, we fear that, understandably, some LEAs will lack the capacity to develop their LCAPs with sufficient care and thought. Also, as discussed below, we anticipate many LEAs may struggle to perform robust stakeholder engagement this year, even with deferred timelines. Moreover, the upcoming LCAP must be developed in a time of great fiscal and programmatic uncertainty. The May Revise (which itself may be delayed due to anticipated delays in federal tax filings) will be substantially changed from the Governor's January 10 budget proposal and even then will be based on a very unstable fiscal forecast due to a greatly contracted economy. There is also substantial uncertainty about how long this pandemic will last, what it might mean for districts going forward. Longer term strategic planning is not likely to be done well when districts face all of these uncertainties. As such, we recommend that LEAs adopt a one-year LCAP that continues their current 3-year LCAP for the 2020-21 school year or, at the LEA's option may be a substantially revised one-year LCAP.<sup>2</sup> Either way, LEAs should be directed to wait until the following school year to develop their next full, three-year LCAP.

Second, we believe that the state should not *require* LEAs to learn how to use the new LCAP template this year. To make things more straightforward for LEAs, we suggest that they retain the choice to develop LCAPs under last year's familiar template if they so choose. Alternatively, if LEAs have already started developing their LCAPs under the new format or if they prefer to use it for any other reason, they should have the option to submit a 2020-21 LCAP using the new template. However, as discussed, LEAs should do their best to identify material changes in spending from the 2019-20 LCAP under either format using the January SBE-adopted 2019-20 Annual Update (as modified with the one additional prompt suggested above). Also, in the event LEAs elect to continue to use the prior LCAP template, they should, nonetheless, be instructed to

---

<sup>2</sup> Some districts, like Oakland and West Contra Costa Unified, are already in the midst of substantial revisions to their LCAPs due to implementation of major budget cuts. LAUSD has committed to its Board to substantially revise its LCAP for the coming year, *inter alia*, based on a UCP Complaint from Public Advocates and has been engaged with more robust stakeholder conversations already this year toward that end.

follow the clarifying instructions in the revised template that elucidate existing law, for example, on how to properly justify a districtwide or schoolwide use of supplemental and concentration funds that increases or improves services for high-need students.

### Effective Virtual Stakeholder Engagement for Current LCAP Changes & Development of the 2020-21 LCAP

Finally, we understand that most LEAs will not be able to perform in-person stakeholder engagement at the current time due to the social distancing mandates. LEAs will face difficulties convening their Parent Advisory Committees, District English Learner Advisory Committees, School Site Councils, and other stakeholder groups because their members cannot meet in person, stakeholders will be preoccupied with other personal concerns, and staff capacity will also be stretched during this crisis.

With that said, LEAs still must transparently communicate their plans and make efforts to conduct community engagement, shifting from an emphasis on in-person meetings to remote options. This is true both as to changes being made to the current-year LCAP and the development of the 2020-21 LCAP. In particular, we wish to highlight that virtual engagement may well be a necessity even as to the latter for which we expect full compliance with LCFE's community engagement provisions. We are aware that many districts were already fairly far along in the development of next year's LCAP and, assuming delayed timelines are put in place as discussed above, believe that others will essentially develop their 2020-21 LCAPs prior to the Fall, including during the period when social distancing may still be in place. We cannot accept and do not believe the State wants to create a situation whereby pro forma adoptions happen in the Fall in public after all the substantive decisions were made behind closed doors without community input well before then. Thus, to the extent that LEAs have the time over the coming months to devise and decide upon the content and spending plans for their 2020-21 LCAPs, then it is incumbent upon them to be engaging community stakeholders virtually at the same time.

We understand that different communities will have different needs, but we recommend LEAs attempt creative solutions for virtual engagement, such as:

- Online, telephone, and mail surveys;
- Paper surveys for families who pick up meals or come to school for other services;
- E-mail and telephone hotlines;
- Townhalls, meetings, and two-way community engagement opportunities in real time using text and voice/video communication applications such as Discord, Slack, and Zoom;
- Live meetings and for a broadcast via Instagram Live, Facebook Live, and Periscope on Twitter;
- Teleconferences; and
- Other social media outreach and/or other creative solutions.

Given the shift to remote options, we urge LEAs to ensure that such options are accessible for all families, including for people with disabilities, family members who are non-native English speakers, and families that lack access to the Internet or other technologies. At the moment, we understand communication with families, especially non-native English speakers, can be quite uneven from district to district and school to school. We know the State Board and the CDE

agree with us that authentic community engagement in decision-making remains a core value at the heart of LCFF.

As we offer these recommendations, we also want to reiterate that extreme time pressure for providing feedback to the Department has meant that we have not had the opportunity to have the full conversation with organizations representing most impacted community members. In the days and weeks ahead, we will continue to consult with our allies and partners and may have further feedback. We appreciate that you are considering adjusting the LCFF requirements and hope that we can work together to ensure that any modifications will most effectively serve our students and educational leaders in these uncertain times. We look forward to serving as a resource as you consider options. Please feel free to reach out to us if you would like to discuss further.

Sincerely,

**John T. Affeldt**  
Managing Attorney  
Public Advocates Inc.

**Elisha Smith Arrillaga**  
Executive Director  
The Education Trust–West

**Sharon Balmer-Cartagena**  
Directing Attorney – Children’s Rights Project  
Public Counsel

**Cecelia Castro**  
Education Policy Director  
Dolores Huerta Foundation

**Alma Cervantes**  
Education Equity Organizer  
Salinas Building Healthy Communities

**Shelly Spiegel Coleman**  
Executive Director  
Californians Together

**Shimica D. Gaskins**  
Executive Director  
Children’s Defense Fund-CA

**Jan Gustafson-Corea**  
Chief Executive Officer  
California Association for Bilingual Education

**Pastor Jim Hopkins**  
Board Co-Chair  
Faith in Action East Bay

**Taryn Ishida**  
Executive Director  
Californians for Justice

**Manuel Lares**  
President  
Lorenzo Patiño League of United Latin  
American Citizens (LULAC) Council 2862 (Sacramento)

**Sarah Lillis**  
Executive Director  
Teach Plus California

**Bill Lucia**  
President  
EdVoice

**Pecolia Manigo**  
Executive Director  
Bay Area Parent Leadership Action Network (PLAN)

**Diane Ortiz**  
Executive Director  
Youth Alliance (Hollister)

**Karla V. Salazar**  
Interim President & CEO  
Families In Schools

**Luis Santana**  
Executive Director  
Reading and Beyond (Fresno)

**Kathy Sher**  
Legislative Attorney  
ACLU of California.

**Araceli Simeón**  
Project Director  
Parent Organization Network

**Samantha Tran**

Senior Managing Director, Education  
Children Now

**Gabriela Trejo**

Executive Director  
Sacramento ACT

cc: Linda Darling-Hammond, President, State Board of Education (SBE)  
State Board of Education members (via sbe@cde.ca.gov)  
Karen Stapf-Walters, Executive Director, SBE  
Judy Cias, Chief Counsel, SBE  
Sara Pietrowski, Policy Consultant, SBE  
Tony Thurmond, State Superintendent, California Department of Education (CDE)  
Stephanie Gregson, Deputy Superintendent of Public Instruction, CDE  
Jenny Singh, Accountability Unit, CDE  
Joshua Strong, System of Support, CDE