

August 4, 2020

Betty Yee, State Controller
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Sacramento, California 95814

Via email only (byee@sco.ca.gov)

Revisions to State Audit Guide to Reflect Requirements in Senate Bill 98 (Education Trailer Bill)

Dear Controller Yee:

We represent a coalition of civil rights, advocacy, community, parent, student and other organizations which have worked diligently on passage and implementation of the Local Control Funding Formula (LCFF) and the state's school accountability system. LCFF creates an historic opportunity to focus resources on helping California's neediest students overcome the barriers they face in closing the opportunity and achievement gap and graduating college and career ready. It also promises a new level of transparency and local engagement for parents, students, and community members in the design of their local schools. While the standard tool that our local stakeholders have relied upon to hold schools accountable, specifically the Local Control and Accountability Plan, is not available for the upcoming school year because of the disruptions caused by Covid-19, the Legislature and Governor have created a new set of requirements for in-person instruction and distance learning and outlined a new stakeholder engagement and planning document known as the Learning Continuity and Attendance Plan or "Learning Continuity Plan." The legislation enacting requirements for the 2020-21 school year, SB 98, relies on the school district auditing process to enforce requirements and ensure that all students have access to a full educational experience in 2020-21 even if all or part of that experience is delivered through distance learning.

We write this letter to identify specific areas where the Audit Guide can monitor the educational programs that schools and districts are providing to ensure that specific required expectations are met. **Specifically, SB 98 (Chapter 24, Statutes of 2020) requires the Controller to amend the school Audit Guide to enforce a new "part" of the Education Code (EC) which provides school finance and accountability for the 2020-21 school year.** This part of the statute includes specific compulsory education requirements, requirements for implementation of distance learning if school districts provide instruction through this delivery model, and the adoption and implementation of a Learning Continuity Plan that provides certain assurances for the education that students should receive in the 2020-21 school year, regardless of the delivery method.

EC Section 43504(h): "The Controller shall include instructions necessary to enforce the requirements of this part in the 2020–21 Audit Guide required by Section 14502.1."

Below we identify key areas in this "part" of the statute where we believe districts should be required to document specific information that is then reviewed by the district's auditor to ensure and enforce implementation of the Legislature's and Governor's intent in this part of statute, so that appropriate consequences for non-compliance are enforced pursuant to section 43504(i).

1. **Ensure Districts Define and Track Daily "Participation" in Part and in Whole – Sec. 43504(d).**
Traditionally, compulsory education is ensured through a combination of minimum days, minimum instructional minutes and tracking of individual student daily attendance. While the minimum number of days requirement is maintained, the other requirements are replaced for the 2020-21 school year with the

tracking of daily “participation” for distance learning. The Audit Guide must provide a review to ensure that school districts track this participation. This will include at least the following elements that should be reflected in the auditing guidance:

- **Board defined length of day.** Require a review of local board policy, learning continuity plan or other evidence on the length of day offered either through in-person instruction or through distance learning.
 - **Board adopted policy on what “participation” means by grade level.** For distance learning, require a review of local board policy, documentation or evidence on defining what “participation” means. Sec. 43504(d)(2). For distance learning, districts are required to track each student’s participation “in part” or “in whole” on a daily basis as is required by section 43504(d), and thus there must be a district determination of what the participation expectation is to meet the length of day requirement.
 - **Daily live interaction.** Review the board policy to ensure daily live (or synchronous) interaction with students to provide instructions, progress monitoring and school connectedness. In collecting data on participation for distance learning, the participation should be divided between the time expectations for synchronous instruction and the time expectation for asynchronous time earned through a system of a certificated teacher assigning a time equivalent for the completion of assignments.
 - **Time value of assignments.** This section of the Audit Guide should build on the process for verifying the time value of assignment for independent study in the current Audit Guide.
 - **Review documentation of daily participation.** The review should look at a sample of student records to ensure districts are documenting daily participation via synchronous instruction and interaction and asynchronous assignment time equivalent. This review should compare the student documentation to the instruction policy adopted by the Board.
2. **Ensure that Weekly Engagement Records Are Completed – Sec. 43504(e).** The Audit Guide should require a review weekly of engagement tracking for a sample of students, including an oversampling of English learners, students with disabilities, and students in the foster care and juvenile justice systems.
 3. **Ensure District Provides Tiered Re-Engagement – Sec. 43504(f).** The Audit Guide should require verification of a local board policy on re-engagement, review of daily parent/ education rights holders notification for absent students, and review the implementation of an outreach plan for each pupil who misses 3 days in a week. The review should sample re-engagement outreach to families who speak languages other than English, and the other targeted groups.
 4. **Ensure Pupil Progress is Assessed to Mitigate and Prevent Further Learning Loss – Sec. 43509(f)(1)(C)(i)-(iii).** The Audit Guide should verify that districts are assessing students upon return to school to assess learning loss, particularly in the areas of English language arts, English language development, and mathematics, and periodically throughout the academic year to assess student progress.
 5. **Ensure Connectivity and Devices Required for Adequate Participation – Sec. 43503(b)(1).** The Audit Guide should require the review of records and a sample of individual student records documenting that each student has access to devices needed to adequately participate in distance learning, and that each student has necessary connectivity. This should also review professional development participation logs to ensure that staff are being provided distance learning supports, including technological support, pursuant to section 43509(f)(1)(B)(iv).
 6. **Ensure Special Needs Students, English Learners and other Students with Unique Needs Receive Academic and Other Supports – Sec. 43503(b)(3)-(5).** The Audit Guide should require the review of district support provided to these specified groups:
 - **English Learners (ELs).** This review should sample a subset of ELs to determine whether ELs were assessed including for reclassification, provided supports to access the curriculum, received English language development, both designed and integrated in core content, and supports for dual language learning in a distance learning setting, as applicable.

- ***Special Needs Students.*** This review should include a review of records to show how the district made accommodations to the Individualized Education Programs (“IEPs”) to account for distance learning including: 1) a subset of IEPs to ensure that the IEP team addressed, and the parent consented to, the plan for how the IEP will be executed in a distance learning environment; 2) a subset of prior written notices (“PWNs”), when an IEP was not held, which notify a parent of the district’s plan for a change to an IEP during distance learning.
 - ***Academic and Other Supports.*** The review should determine whether the district plan is meeting the academic needs for students behind grade level, and other support needs for students with needs including EL, special needs, foster youth, homeless, and pupils needing mental health supports. This would initially require a review to ensure that all students are assessed to determine whether the students was behind grade level.
7. **Ensure Mental Health and Social and Emotional Well-Being of Pupils and Staff is Monitored and Supported – Sec. 43509(f)(1)(D)-(E).** The Audit Guide should review whether districts are monitoring and supporting student and staff mental health and social-emotional well-being.
 8. **Ensure Targeted Students Receive Required Increased and Improved Services – Sec. 43509(f)(3).** Funding provided through the Local Control Funding Formula on the basis of the number and concentration of English learners, foster youth and low-income students must be used to increase and improve services for those targeted student populations. This part of statute requires that the learning continuity plan document how the district will increase and improve services. The Audit Guide should review that the planned use of those funds met the statutory requirements including if the funds are used on a districtwide or schoolwide basis in which case the district must meet specific requirement outlined in Education Code section 15496 depending on the concentration of targeted students. Generally, the review should ensure that the funds are principally directed to and be the most effective use of the funds to meet the needs of the targeted students.
 9. **Ensure Community Engagement in Development of Learning Continuity Plan – Sec. 43509(b).** A critical part of district planning in the LCFF era is the authentic engagement of community in the plan development. The Audit Guide should instruct auditors to review and ensure the district has appropriately documented this engagement including recommendations and written and verbal comments on the specific actions and expenditures proposed in the plan. This review should include ensuring that district staff met with parent advisory committee and the English learner parent advisory committee, and that the district responded in writing to comments received from these two groups. Lastly, the review should confirm that remote participation opportunities were provided and that efforts were made to reach stakeholders who do not have internet access and/or who speak language other than English.

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Thank you for the opportunity to comment. We look forward to continuing working with the State Board of Education to realize the full promise of LCFF for our neediest students.

Sincerely,

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