

*Senate Budget and Fiscal Review—Scott D. Wiener, Chair*

# SUBCOMMITTEE NO. 1

# Agenda

**Senator John Laird, Chair**  
**Senator Dave Min**  
**Senator Scott Wilk**



**Thursday, April 4, 2024**  
**9:30 a.m. or Upon Adjournment of Session**  
**1021 O Street, Room 2100**

Consultant: Yong Salas

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## Public Comment

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**6100 DEPARTMENT OF EDUCATION****Issue 1: Expanded Learning Opportunities Program – Update****Panel.**

- Sabrina Adams, Department of Finance
- Michael Funk, Department of Education
- Edgar Cabral, Legislative Analyst’s Office

**Background.**

**Expanded Learning Opportunities Program.** The 2021 Budget established the Expanded Learning Opportunities Program to provide students access to after school and intersessional expanded learning opportunities for nine hours of developmentally appropriate academics and enrichment activities per instructional day and for at least 30 non-school days. Classroom-based local educational agencies are allocated funds based on their prior year enrollment of unduplicated pupils (low-income, foster youth, and English learners) in grades TK through sixth grade.

Beginning with the current 2023-24 fiscal year, local educational agencies with an unduplicated pupil percentage of 75 percent or above must offer expanded learning opportunity program services to all of its students and provide access to services to any student in kindergarten through sixth grade whose parent or guardian requests it. Local educational agencies with an unduplicated pupil percentage below 75 percent are required to offer it to all of its K-6 unduplicated students and provide program access to at least 50 percent of its unduplicated population. Funds provided to local educational agencies for the Expanded Learning Opportunities Program in the 2021-22 and 2022-23 fiscal year must be used to develop an expanded learning opportunity program or provide services in accordance with program requirements, and local educational agencies may use these funds until June 30, 2024.

Local educational agencies are allowed to incorporate all three after school programs and funding streams – After School Education and Safety (ASES), 21<sup>st</sup> Century Community Learning Centers, and the Expanded Learning Opportunities Program – into one comprehensive program for its communities. For example, unduplicated students who are counted towards ASES program funding are allowed to be counted towards the expanded learning program requirements, and funds provided through the expanded learning opportunities program are allowed to be used for the local match in ASES.

Funding for the Expanded Learning Opportunities Program is \$4 billion annually, with a guaranteed rate of \$2,750 per pupil multiplied by the unduplicated pupil percentage for local educational agencies with unduplicated pupil percentages of 75 percent and above (known as Tier 1). The remaining funds are divided by the local educational agencies with unduplicated pupil percentages below 75 percent (also known as Tier 2). In 2022-23, the Tier 2 rate per pupil was \$2,052, and in 2023-24, the Tier 2 rate per pupil dropped to \$1,803. Local educational agencies

may charge a fee for after school programs to students that are not eligible for free or reduced priced meals or are homeless.

**Licensure for offsite Expanded Learning Programs serving TK and Kinder Students.** During the budget development for the 2023-24 Budget Act, the Administration proposed language that would require licensure under the Department of Social Services for third-party providers of expanded learning programs serving TK and kindergarten students on off-campus sites. Ultimately, while the 2023-24 Budget did not include the licensure requirement of expanded learning programs, it did include the following provisions to give the Legislature more information and time to consider this proposal:

- Requires local educational agencies to submit expanded learning program access information for purposes of the resource and referral agency.
- Requires the Department of Education, in consultation with the Department of Social Services, to submit a report to the Legislature by February 1, 2024 on relevant data from local educational agencies on expanded learning contract partners and how many TK and kindergarten students served on a non-school site.
- Requires an expanded learning program operated by a third party that was licensed by the Department of Social Services to maintain its license if it is offering expanded learning programs in the 2023-24 school year, until June 30, 2024.

**Suggested Questions.**

- Department of Education: What have been the challenges in collecting information on expanded learning programs for statewide purposes?

**Staff Recommendation.** Hold open.

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**Issue 2: Attendance Recovery**


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**Panel.**

- Alex Shoap, Department of Finance
- Aaron Heredia, Department of Education
- Michael Alferes, Legislative Analyst's Office

**Background.*****Chronic Absenteeism***

California experienced a record high statewide chronic absenteeism rate of 30 percent in 2021-22 during the COVID-19 pandemic. In 2022-23, the statewide chronic absenteeism rate remained high at 24.3 percent. Further disaggregation of the 2022-23 chronic absenteeism data shows that chronic absenteeism rates for African American, Latino, Indigenous, and Pacific Islander students are higher than the statewide average:

Race / Ethnicity	Chronic Absenteeism Eligible Enrollment	Chronic Absenteeism Count	Chronic Absenteeism Rate
African American	301,921	110,537	36.6%
American Indian or Alaska Native	26,551	9,647	36.3%
Asian	578,202	58,964	10.2%
Filipino	134,249	17,988	13.4%
Hispanic or Latino	3,344,977	966,459	28.9%
Pacific Islander	25,120	9,191	36.6%
White	1,221,741	241,143	19.7%
Two or More Races	263,620	56,315	21.4%
Not Reported	62,508	16,058	25.7%

Source: Department of Education, Data Quest

According to a May 2022 report<sup>1</sup> by the Legislative Analyst's Office, statewide attendance and enrollment declined at higher rates during the pandemic. After a few decades of significant growth, the state has faced declining enrollment and attendance over the last decade. These declines are mainly due to declines in the school-age population caused by historically low birth rates.

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<sup>1</sup> Legislative Analyst's Office, *Update on K-12 Attendance*, <https://lao.ca.gov/Publications/Report/4595>, 11 May 2022

Additionally, birth rates are projected to remain relatively low, resulting in continued declines in K-12 student enrollment.

At Governor’s Budget, the average daily attendance (ADA) – the average number of students in class each day throughout the school year, which also determines the funding a local educational agency receives through its Local Control Funding Formula apportionment – was estimated to be 5,396,404 in 2022-23 (reflecting a 0.87% growth), 5,401,820 in 2023-24 (reflecting a 0.10% growth), and 5,400,244 in 2024-25 (reflecting a decline of -0.03%).

In order to address declining attendance and enrollment and create a softer landing for the correlated decreases in funding, the 2022-23 Budget Act modified the way in which the funded ADA is calculated for school districts under the Local Control Funding Formula. Trailer bill legislation related to the 2022-23 Budget Act allowed school districts to be funded at either the current year, prior year, or the average of the three prior years of ADA, whichever is higher. Prior to this change, school districts were funded at either their current year or prior year ADA, whichever was higher.

***Minimum Instructional Time***

Existing law specifies the number of required days and required total minutes that school districts and charter schools must provide for instruction to students, with school districts also being required to meet minimum daily instructional minutes, or risk fiscal penalties for any audit findings. Below are these requirements, as provided by the Department of Education:

Charter School	Required Days	Required Minutes	Minimum Daily Instructional Minutes Requirement	Penalty for Not Offering Required Instructional Minutes	Penalty for Not Offering Required Instructional Days
Applicable to all charter schools	175	K 36,000 1-3 50,400 4-8 54,000 9-12 64,800	Charter schools do not have minimum day requirements by law.  However, charter schools do have annual day and minute requirements.	Product of total apportionment for affected students multiplied by percentage of instructional time the school failed to offer.	Apportionment proportionately reduced for each school day less than 175.

School District Conditions	Required Days	Required Minutes	Minimum Daily Instructional Minutes Requirement	Penalty for Not Offering Required Instructional Minutes	Penalty for Not Offering Required Instructional Days
Applicable to all school districts	180	K 36,000 1-3 50,400 4-8 54,000 9-12 64,800	School districts have minimum day requirements by law.  A day that doesn't meet these requirements is not considered an instructional day.	Product of total apportionment for affected grade level multiplied by percentage of instructional time school district failed to offer.	Sum of the Local Control Funding Formula (LCFF) apportionment for affected grade level average daily attendance (ADA) times .0056 times the number of days short, up to five days. For each day beyond five days that falls below the minimum required days the penalty is the product of .01143 times the school district's LCFF apportionment.

Further, classroom-based charter schools must offer at least 80 percent of its instructional time in the classroom; if a charter school offers less than 80 percent in-classroom instructional time, it

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must apply to the State Board of Education for a funding determination in order to receive funding for its nonclassroom-based average daily attendance.

### **Governor’s Budget.**

The Governor’s Budget would allow local educational agencies, excluding non-classroom based charter schools, to add attendance recovery time to the attendance data submitted to the Department of Education, both for funding purposes and chronic absenteeism data, through “attendance recovery programs.” These programs would allow students who were absent to recover instructional time through expanded learning programs (before or after school programs and/or summer intersession), and Saturday schools (which is already allowed). Expanded learning programs that would allow students to recover attendance must have instruction provided by certificated staff, include content that is substantially equivalent to what the student would have received as part of their instruction, and meet ratio requirements (1:10 for TK students, and 1:20 for all other grades).

### **Legislative Analyst’s Office.**

***Proposals Could Potentially Address Key Issues for Schools and Students.*** The proposed attendance recovery and instructional continuity programs could be effective ways to address key issues currently facing schools. Attendance recovery programs could help students mitigate learning loss due to absences. They could also help LEAs recover lost funding associated with increased rates of student absences while incentivizing additional instruction. The added flexibility provided to students through instructional continuity programs, relative to current short-term independent study, could potentially help students have an easier transition in and out of their classroom-based instructional program as issues arise throughout the school year, while also making the process less administratively burdensome for school districts.

***State Likely Cannot Support Costs Associated With New Programs.*** The Governor’s budget does not include any funding associated with the cost of attendance recovery or instructional continuity programs. Given most school districts are experiencing declining enrollment and are being funded based on the rolling average of three prior years, they likely would not generate significant additional funding in the first year of implementation. Additionally, as we discuss below, it may take time for districts to implement their new programs. Charter schools, however, would see immediate increases in funding given they are funded based on their attendance in the current year. Over the longer run, the programs likely would increase LCFF costs more substantially. Although the estimated effects of the proposals are unknown, even a 0.1 percent increase in statewide ADA could result in LCFF costs of roughly \$100 million statewide. (Of the two proposals, attendance recovery programs likely would have higher costs in the long run. Since instructional continuity programs would be replacing short-term independent study, they are less likely to result in significant additional costs.) If the Legislature is interested in implementing these programs, we recommend the Legislature delay them for at least one year. In future years, the Legislature may want to consider whether it can cover the associated costs of this proposal within its ongoing Proposition 98 funding levels. Below, we describe other specific issues the Legislature may want

to consider if it does adopt this proposal, or if it is interested in adopting the proposal in future years.

***Implementing Changes Immediately Would Be Logistically Challenging.*** Under the Governor’s proposal, LEAs could implement attendance recovery and instructional continuity programs beginning in 2024-25. Even if the state can afford to pay for these new programs immediately, the Legislature may want to delay the effective date to give the state and LEAs more time to carefully implement these programs. For attendance recovery, LEAs would need time to integrate attendance recovery into their existing programs. Trailer legislation directs CDE to develop guidance on attendance recovery programs by June 30, 2025. Delaying implementation would give LEAs the opportunity to incorporate this guidance into their initial plans. Regarding instructional continuity, LEAs cannot generate funding through the program unless their governing board adopts a written policy in line with rules and regulations set forth by CDE. Given the typical time lines for adopting regulations, final regulations may not be available in time for local governing boards to develop and adopt written policies in 2024-25. In the meantime, under the proposed language, LEAs would not be able to offer short-term independent study. Delaying implementation would allow for more time for the state and LEAs to more deliberately work through the details and would ensure that LEAs would not generate funding from these programs until they comply with rules and regulations set by CDE.

***Attendance Recovery Language Raises Several Implementation Issues.*** Many of these issues are related to how this proposal interacts with existing statute related to calculating attendance for funding purposes. Prior to adopting this proposal, the Legislature will want to ensure it understands how the proposed changes could affect attendance, which would, in turn, affect LCFF costs.

- ***Proposal Creates Two Attendance Recovery Programs With Different Requirements.*** Under the Governor’s proposal, new attendance recovery programs would operate before or after school and during intersessions, while the existing Saturday school program would operate on weekends. This would result in two programs with different requirements. Currently, Saturday school makeup classes do not have any cap on the number of days of attendance a student can generate and do not have comparable requirements around student-to-teacher ratios. To provide a more consistent set of standards, the Legislature may want to align current Saturday school requirements with the proposed attendance recovery program requirements, or consolidate both into one program.
- ***Student Participation Is Not Limited by Their Absences.*** The proposed trailer legislation specifies that students cannot generate more than 15 days of attendance through attendance recovery. The language, however, does not require that the amount of attendance generated be less than the student’s absences. This means that a student could potentially generate attendance for more than 180 days in the year. (For example, a student who attends school for 170 days and participates in 15 days’ worth of attendance recovery could generate 185 days’ worth of attendance.) We recommend the Legislature limit the amount a student can generate to no more than the amount of absences they have within the school year.
- ***Overlap Between Attendance Recovery and Other Programs.*** Attendance recovery programs also could be integrated with other existing programs that occur after school and in intersessions, such as high school credit recovery. Under the existing proposal, LEAs

likely could generate attendance recovery funding for students participating in existing credit recovery programs. This could result in significant statewide costs without necessarily higher levels of service.

- ***Expectations Around Instruction.*** The Governor’s proposal provides significant discretion to LEAs in deciding the type of instruction that will be provided in attendance recovery programs. The Legislature may want to consider setting more specific expectations for instruction provided in these programs. For example, the Legislature could direct LEAs to focus their before and after school programs for high school students on helping them keep up with their existing coursework, while intersession instruction could prioritize credit recovery. In deciding on the level of specificity, however, the Legislature will want to weigh the benefits of these requirements with the loss of flexibility that may reduce LEA participation in the program.
- ***Lack of Clarity Regarding Implementation for Charter Schools.*** The proposed trailer legislation specifies that, for the purposes of calculating ADA generated through attendance recovery programs, the minimum instructional day requirements apply to all LEAs, including charter schools. However, it is unclear how this would be implemented. For example, the proposed language does not specify whether charter schools would need to comply with the daily minimum minutes of school districts or programs operated by COEs. The Legislature may want to add more specificity to the language to ensure expectations for charters schools are clear.

### **Staff Comment.**

Since the establishment of the Expanded Learning Opportunities Program and its associated funding, local educational agencies have exercised various ways to provide enrichment and developmentally appropriate activities to its students outside of the instructional day. These activities can be provided in partnership with local community partners or be provided by the local educational agency’s certificated staff, and local educational agencies do both.

The Administration’s intent for its attendance recovery proposal is to “provide attendance recovery opportunities to students to make up lost instructional time, thereby offsetting student absences, and mitigating learning loss and chronic-absenteeism, as well as related fiscal impacts.” Certificated teachers can and in some districts already do provide academic enrichment as part of the district’s expanded learning programs. Depending on how the state determines whether the lessons meet the standard of being substantially equivalent to the student’s instruction, some of these programs may qualify for attendance recovery if these changes were enacted today.

The role of expanded learning programs in a student’s educational experience can be integral in not only academic enrichment, but also in personal enrichment. CalMatters<sup>2</sup> reports:

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<sup>2</sup> Jones, Carolyn. “California Schools gained billions during COVID-19. Now the money is running out.” *CalMatters*, 5 March 2024. <https://calmatters.org/education/k-12-education/2024/03/funding-for-schools/>



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*“Mia Cooper, a parent with three children in San Bernardino City Unified, said her childrens’ after-school program has been a life-saver. In fact, it’s the main reason they want to go to school, she said.*

*“They not only benefit from tutoring, but they get to enjoy ballet and acting lessons, field trips to science museums and Disneyland, robotics classes, performances by folklórico dance troupes and other fun activities.*

*“During the pandemic, one of Cooper’s daughters was withdrawn and depressed, but the after-school program helped her reconnect with friends and fall in love with school again. Keeping the program intact should be a priority, Cooper said.*

*“‘The kids were exposed to so many different activities and cultural things,’ she said. ‘If program is working for kids and we’re seeing good outcomes, I think it’s something we need to keep. ... We shouldn’t lose that sparkle in kids’ eyes.’”*

The subcommittee may wish to consider whether the proposed changes may discourage school districts from providing interactive and non-traditional experiences that may not meet the requirements of attendance recovery programs but would otherwise provide enrichment and experiences to students that they may not otherwise receive.

Additionally, the subcommittee may wish to consider whether after school and intersession programs are an appropriate space for students to recover core instructional minutes and days, and whether local educational agencies will have the capacity to implement what essentially is a new program.

Finally, the subcommittee may wish to consider whether the proposed changes to count time spent during expanded learning programs toward funded attendance authentically target the root causes of chronic absenteeism and learning loss. While most districts may experience an immediate increase in both their Local Control Funding Formula funds and improvement in their chronic absenteeism indicator on the School Dashboard should this proposal be enacted, would these outcomes end up plateauing in a few years or will the state continue to see improvement? And, if the enrollment continues to decline, will districts face decreasing revenues again in a few years?

**Staff Recommendation.** Hold open.

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**Issue 3: Instructional Continuity**

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**Panel.**

- Katie Lagomarsino, Department of Finance
- Aaron Heredia, Department of Education
- Michael Alferes, Legislative Analyst's Office

**Background.**

***Independent Study.*** Independent Study programs are intended to be an alternative to classroom instruction consistent with the local educational agency's (LEA) course of study, and is not an alternative curriculum. The flexibility of independent study programs allows it serve a variety of students – for example, students who are parents, who have been bullied, or are child actors or aspiring Olympic athletes.

In general, attendance for apportionment purposes in independent study is earned based on how long it would take to complete a lesson or assignment and not on “seat-time,” or the statutorily required time that students must be in school. In traditional independent study, a time value is assigned to student work products as determined by the teacher. Students in course-based independent study earn attendance if all of the certified course requirements are met and the student is making satisfactory progress.

With the emergency declaration of the COVID-19 pandemic in March 2020, the Governor issued a series of executive orders that allowed LEAs to waive or suspend certain requirements and provide instruction through distance learning or independent study, which continued into the 2020-21 school year. For the 2021-22 school year, however, students who wished to remain in distance learning were shifted into independent study programs.

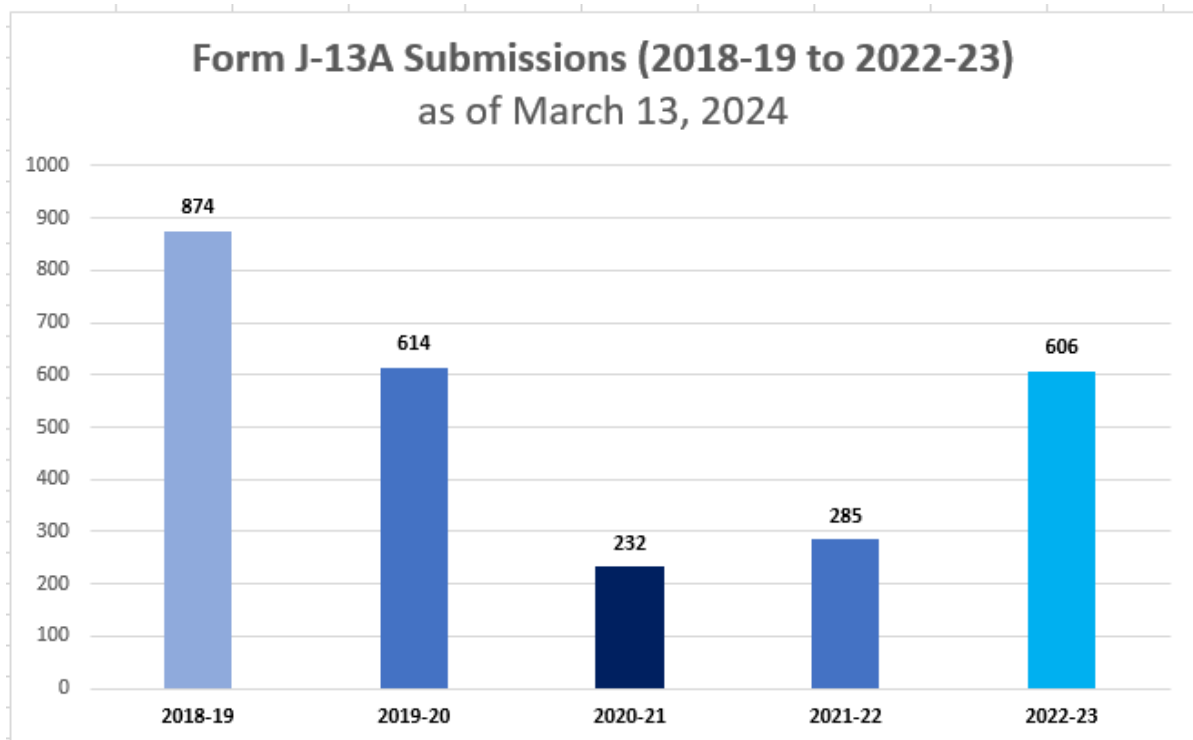
AB 130 (Chapter 44, Statutes of 2021) allowed independent study for students whose parent or guardian determined that in-person instruction would put the student's health at risk, and to allow for the tracking of ADA. Independent study can be used on a short-term or long-term basis. Short-term independent study applies to students who participate in independent study for less than 15 cumulative instructional days, and long-term independent study applies to students that participate in this program for longer than 15 days. For short-term independent study programs, some of the independent study requirements would not apply.

***Emergency-Related Funding Protection***

In the event of emergency-related school closures or material decreases in attendance, local educational agencies can use the Request for Allowance of Attendance Due to Emergency Conditions, Form J-13A to obtain approval of attendance and instructional time credit without incurring a fiscal penalty to its Local Control Funding Formula funding. Recent emergencies that resulted in the submission of J-13A forms are wildfires, flooding, power outages, and unanticipated inclement weather. Currently, local educational agencies must submit a certified plan for which independent study will be offered to students within ten days of the first day of a

school closure or material decrease with all J-13A requests. According to the Department of Education’s website, approval of a Form J-13A request is not conditioned upon the implementation of the independent study plan.

Since 2018-19, an average of 522 J-13A forms have been submitted annually to the state. According to the Department of Education, the below chart details the total number of J-13A requests that have been submitted each year:



Source: California Department of Education

These requests are broken down by types of emergencies, as follows:

Type of Emergency	2018-19	2019-20	2020-21	2021-22	2022-23
Illness Outbreak	10	9	4	73	28
Incident Weather	164	21	23	41	238
Power Outage - not PSPS	91	36	20	24	225
PSPS	19	390	57	50	61
Threat of Violence	32	27	0	17	3
Wildfire	495	114	120	25	15
Other	63	17	8	61	36
<b>Grand Total</b>	<b>874</b>	<b>614</b>	<b>232</b>	<b>285</b>	<b>606</b>

Source: California Department of Education

Additionally, of the requests since 2020-21, the number of J-13A requests that have been 5 days or longer comprise approximately 17.5% of the total requests submitted during the same time:

5 + Day Closures by Fiscal Year	Total Submissions	% of Total Submissions
2022-23	89	14.7%
2021-22	53	31.2%
2020-21	54	38.4%
<b>Total 5 + Day Closures</b>	<b>196</b>	<b>17.5%</b>

Source: California Department of Education

Most of the J-13A submissions for closures that were 5 days or longer in 2020-21 and 2022-23 were related to weather and wildfire-related emergencies; in 2021-22, the submissions were related to the COVID-19 pandemic and wildfire-related emergencies.

### **Governor's Budget.**

The proposed budget would effectively replace short-term independent study programs with instructional continuity programs. Beginning on July 1, 2025, any Form J-13As that are submitted for events that causes a school closure or material decrease of more than five days would require local educational agencies to offer students access to remote or in-person instruction, or support students and families that may be enrolled or temporarily re-assigned to another local educational agency.

The proposed budget also includes \$6 million one-time Proposition 98 General Fund to do the following:

- (1) Research existing, and develop new, models of hybrid and remote learning to support students' attendance, including developing and disseminating guidance and resources for local educational agencies to develop their own hybrid and remote learning programs to enable instructional continuity; and
- (2) Investigate local student information systems to identify opportunities and make recommendations to allow local educational agencies to report individual student absence data to the state in a manner that allows for, at a minimum, local and statewide disaggregation of absences related to emergency events that prevent students from attending school.

### **Legislative Analyst's Office.**

***Instructional Continuity Exception Language Is Too Broad.*** Although instructional continuity is intended to be used for short periods of time, the language provides broad exceptions with no limit on how long instructional continuity could be used in these cases. The proposed language provides a broad definition of what it means for a student to be facing significant personal difficulties that make them unable to attend school. (We have no concerns with the other two proposed exceptions, for students dealing with an emergency or undergoing medical or other inpatient treatments.) Moreover, students exempt from the 15 day cap would have no limit on the amount of time they

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could be enrolled in an instructional continuity program. This creates an opportunity for students to be enrolled in instructional continuity for up to a full year. Considering the proposal also does not require written agreements be signed until the end of the school year, students could be enrolled in an instructional continuity program for a long period of time without having understood expectations of the program, and without having known key details required to be included in the written agreement (such as that the program is voluntary). We recommend the Legislature set narrower exemptions to the 15 day cap. The Legislature may also want to set more specific rules for students who remain enrolled beyond the 15 day cap. For example, the Legislature could set a maximum cap for all students, or it could require that a written agreement be signed by the student and parent or guardian prior to enrolling in instructional continuity more than 15 days. This would ensure that students with longer-term needs are enrolled in independent study, where LEAs are required to implement tiered reengagement strategies to better support students who are not completing their coursework.

***Consider Feasibility of Changes to Emergency Planning.*** The Legislature may want to consider whether requiring LEAs to offer instruction to all students within five calendar days of an emergency (rather than ten days) is feasible under emergency circumstances. Providing instruction as soon as possible can mitigate possible learning loss and could benefit students socioemotionally by giving them the opportunity to interact with familiar peers and adults in times of possible distress. In cases of major emergencies, however, offering instruction within five calendar days may be particularly challenging.

***Recommend Rejecting \$6 Million Grants.*** Due to the Proposition 98 shortfall, we recommend rejecting the one-time funding for COEs to conduct research. Although the specific activities proposed to be funded could be beneficial, the state currently cannot support its existing Proposition 98 commitments. The Legislature could consider providing funding for this purpose in the future when more funding is available.

### **Suggested Questions.**

- During severe climate, health, or other related emergencies, is it reasonable to expect that the adults of the local educational agency, who may also be affected by the emergency, offer instruction or support to students who transferred to neighboring local educational agencies within 5 days?

**Staff Recommendation.** Hold open.

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**Issue 4: Learning Recovery Emergency Block Grant**

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**Panel.**

- Hugo Solis Galeana, Department of Finance
- William McGee, Department of Education
- Legislative Analyst's Office

**Background.**

The 2022 Budget Act budget included a \$7.9 billion one-time Proposition 98 General Fund for the Learning Recovery Emergency Block Grant, to be allocated based on a local educational agency's unduplicated pupil percentage and available for use for up to five years to establish learning recovery initiatives. Specifically, these funds were intended to be used to:

- Increase the number of instructional days or minutes, providing summer school or intersessional instructional programs, or other programs that increases or stabilizes the amount of instructional time or services, or decreases or stabilizes staffing ratios, provided to students.
- Implement, expand, or enhance learning supports to close learning gaps. For example, tutoring, early intervention and literacy programs, expanded learning programs, and community schools.
- Address other barriers to learning – for example, mental health and counseling services, access to school meals, and expanded learning programs.
- Support credit recovery programs for students to complete graduation or grade promotion.

In the 2023 Budget Act, the budget delayed the Learning Recovery Block Grant by \$1.1 billion, for a revised total available appropriation of \$6.8 billion Proposition 98 General Fund.

A lawsuit filed in 2020, *Cayla J. v. California*, alleged that the state failed to provide the equipment, services, and support needed for low-income students to keep pace with classmates when the COVID-19 pandemic forced schools to shut down in March 2020. The state settled the lawsuit with the plaintiffs in early 2024, which include the following conditions, among others:

- Any unencumbered funds from the Learning Recovery Block Grant as of July 1, 2024 are to be used for purposes of the settlement, and a needs assessment on identified student need related to academic performance on English Language Arts and Mathematics, as well as chronic absenteeism, must be done before further spending can occur. Assessments done during the differentiated assistance process for identified local educational agencies can be leveraged for this provision.

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- Require the Local Control and Accountability Plan (LCAP) to include actions supported by the Learning Recovery Block Grant funds address student needs as identified by the needs assessment, and the rationale for selecting these actions.
  - Add a provision to the Learning Recovery Block Grant statute to encourage local educational agencies to contract or partner with community-based organizations with “a track record of success” serving high-need students to deliver services or programs funded by the block grant.
  - Clarify the Uniform Complaint Procedure complaints around LCAP adoption/approval include any member of the public.

The terms of the settlement are subject to trailer bill legislation enacted as part of the 2024-25 budget process, as passed by the Legislature, and must “substantially conform” with the parties’ agreed-upon proposals. The Administration has stated that should these changes be enacted, the LCAP template for 2025-26, 2026-27, and 2027-28 will be affected.

### **Governor’s Budget.**

The budget does not propose to adjust the total allocation amount for the Learning Recovery Emergency Block Grant, and proposes trailer bill legislation that is aligned with the settlement. In addition, the Administration proposes to add as an eligible expenditure professional development related to the July 2023 adoption of the Mathematics Framework.

### **Legislative Analyst’s Office.**

*Approve Clarification That Learning Recovery Emergency Block Grant Funds Can Be Used for Mathematics Framework Professional Development.* Using block grant funds for Mathematics Framework professional development aligns with and further supports the overall goal of accelerating learning and closing the learning gaps.

### **Suggested Questions.**

- DOF: Local educational agencies have raised concerns around the length and complexity of the Local Control and Accountability Plans. How will the template be updated to help streamline some of the requiring information in the LCAP?
- DOF: Why include the use of the Learning Recovery Emergency Block Grant funds for professional development related to the Mathematics Framework if it is not a stipulation of the settlement?

**Staff Recommendation.** Hold open.