
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 540 **Hearing Date:** April 14, 2021
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Urgency: No **Fiscal:** Yes
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Subject: Pupil instruction: improving pupil success: grant program

SUMMARY

This bill requires the California Department of Education (CDE), subject to an appropriation, to administer a grant program to provide additional targeted assistance to 10 low-performing school districts with identified opportunity gaps among their peers, including but not limited to, opportunity gaps for pupils of color and pupils from low-income backgrounds, to help those school districts close their opportunity gaps.

BACKGROUND

Existing law establishes the Local Control Funding Formula (LCFF) with per-pupil funding targets, adjustments for different student grade levels, and supplemental and concentration funding for local educational agencies (LEAs) serving students who are low-income, English learners, or foster youth. (Education Code § 42238.02)

ANALYSIS

This bill requires the CDE, subject to an appropriation, to administer a grant program to provide additional targeted assistance to 10 low-performing school districts with identified opportunity gaps among their peers, including but not limited to, opportunity gaps for pupils of color and pupils from low-income backgrounds, to help those school districts close their opportunity gaps. Specifically, this bill:

- 1) Requires the CDE, contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for these purposes, to administer a grant program to provide additional targeted assistance to 10 low-performing school districts with identified opportunity gaps among peers, including for pupils of color and pupils from low-income backgrounds, to help those school districts close their opportunity gaps.
- 2) Requires the school districts to be competitively selected based on 2018–19 fiscal year data on the California School Dashboard.
- 3) Requires CDE to allocate a sum of one million two hundred fifty thousand dollars (\$1,250,000) to each of the 10 selected school districts under the grant program for each of the 2021–22, 2022–23, and 2023–24 fiscal years.
- 4) Requires a selected school district, in consultation with the CDE, to use the funds it receives for both of the following purposes:

- a) Hiring and funding one distinguished educator with experience in improving pupil performance and outcomes:
 - i) For the purpose of leveraging the distinguished educator's experience in improving pupil performance and to apply it to the school district, in consultation with the district superintendent, the governing board of the school district, school district staff, and relevant stakeholders of the school district.
 - ii) To perform duties, including, but not limited to, analyzing and using a continuous improvement process, in partnership with the department, to develop a three-year customized action plan to improve the school district's performance on key indicators and pupil outcomes, and educate on the benefits of continuity of administrative service.
- b) Implementing a customized action plan, which must include both of these key considerations:
 - i) Assisting the school district in understanding and developing instructional practices, standards-aligned materials, and pedagogies that are culturally relevant.
 - ii) Professional development opportunities for schoolsite administrators, certificated staff, and classified staff.
- 5) States that it is the intent of the Legislature:
 - a) To provide resources to school districts to support their efforts in closing opportunity gaps among their pupils, including, but not limited to, opportunity gaps for pupils of color and pupils from low-income backgrounds.
 - b) To best meet the goal described in subdivision (a), it is the intent of the Legislature to establish a program to provide school districts with distinguished educators with knowledge and expertise in closing opportunity gaps to support school districts through a continuous improvement process.
 - c) That these distinguished educators work directly with school districts and focus on efforts to help school districts improve pupil outcomes and ensure that teachers and administrators are provided with coaching, professional development, and training that aligns with state standards and with distance learning, hybrid, and in-person instructional models.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office, "this bill would help close the equity gaps that are commonly experienced in historically underserved

communities through an aggressive three-year funding package with strategic investments to schools with the highest needs, including, provide high-need schools with grants to help them access the top educators from across the nation with direct experience in closing the equity gap, who can use their expertise to identify the most appropriate interventions for the needs of students. Equity coaches will work with CDE and school districts to develop three-year plans designed to close equity and opportunity gaps in their system.”

- 2) ***What is the Opportunity Gap?*** The Legislature tasked the Legislative Analyst’s Office (LAO) with convening a work group on the K-12 achievement gap and submit a report with the work group’s findings and recommendations.

According to the LAO report, *Narrowing California’s K-12 Student Achievement Gaps*, published January 31, 2020, “year after year, Latino and African American students consistently have lower average state standardized test scores than white and Asian students. Latino and African American students also tend to have worse outcomes on other academic performance measures, such as attendance and suspension rates. Similar achievement gaps can be observed between students with and without disabilities and students who do and do not come from low-income families.”

Specifically, the LAO report, “on average, across all grade levels, African American students had the lowest scores on state standardized tests in spring 2018. African American students also had the lowest graduation rates and were the least likely to be prepared for college/career at graduation. On average, African American students missed much more school than other students, with a chronic absenteeism rate about double that of Latino and white students in 2017-18. Similarly, they were suspended at nearly double the rate of Latino and white students. Racial/ethnic achievement gaps held even after taking family income into account. For example, low-income African American students as a group performed worse across a range of outcome measures relative to other low-income students.”

Moreover, “African American and Latino students comprise a disproportionate share of certain student groups. Although African American students comprise 5.4 percent of all public school students in California, they make up a greater share of certain student subgroups. For example, 19 percent of foster youth and 8.3 percent of homeless youth are African American. In a similar vein, Latino youth make up 55 percent of all students, but 81 percent of English learners and 71 percent of low-income students.”

- 3) ***LAO Work Group Recommendations.*** The LAO work group proposed four options for consideration by the Legislature:
- **Make Achievement Gap Information More Readily Available** by “requiring CDE to post the progress of the state and each district in narrowing student achievement gaps over time. In addition, the Legislature could direct CDE to profile districts making particularly good progress, including information about their improvement strategies. Knowing which districts are performing well and

what they are doing to attain better outcomes could help other districts improve.”

- **Monitor Efforts to Improve School Leadership.** According to the report “Districts that have narrowed achievement gaps tend to benefit from stable, experienced school leaders who know how to use data to inform their improvement efforts. A second legislative option is to specify how the state’s recently created California School Leadership Academy is to be evaluated. Then, if signs emerge that the academy might have shortcomings, the Legislature could seek to rectify them through subsequent legislation.”
 - **Create Standards for Reviewing Districts’ Academic Plans.** According to the report, “currently, the state tasks COEs with reviewing whether districts fill out the LCAP template correctly, but it does not require COEs to do a qualitative review of these plans. Importantly, COEs are not tasked with assessing if districts have ascertained their most pressing performance issues, identified promising strategies for improving their performance, and made budget decisions that are well aligned with their improvement plans. A third legislative option is to convene certain experts to develop a set of LCAP review standards. Based upon a holistic review of districts using the new review standards, COEs could identify poorly performing districts and increase support for them.”
 - **Establish Academic Assistance Program for the Lowest- Performing Districts.** A fourth legislative option is to “establish an academic assistance program for districts with the most significant achievement gaps that have not narrowed over time. The California Collaborative for Educational Excellence (CCEE), in partnership with other agencies, could provide these types of districts with intensive intervention over a multiyear period. The assistance could include a comprehensive improvement redesign and realignment of core spending within the district such that ongoing funding is used more effectively.” (see No. 4 below)
- 4) ***What about Systemic Instructional Reviews (SIRs)?*** CCEE, a statewide agency that is part of the Statewide System of Support and is “designed to help deliver on California’s promise of a quality, equitable education for every student,” works with other state agencies, partner agencies, county offices of education (COEs), and stakeholders to address the most pressing needs of local educational agencies (LEAs).

In its own words, CCEE is “designed to advise and assist, not carry out compliance or accountability functions. CCEE serves as strategic thought partner working alongside educators to listen, identify goals and needs, promote innovative thinking, and jointly solve problems.” As such, the CCEE is staffed by accomplished and experienced educators, researchers and facilitators who are passionate about assuring each and every student in California receive a high-quality education.

The CCEE provides specialized services to LEAs including, Systemic Instructional Reviews (SIRs). According to the CCEE, “When a LEA, including COE, is experiencing chronic systemic challenges and requires assistance, and at times affirmation, of the root causes and a plan on where to begin systemic changes. With capacity building for sustainability as a base, the SIR creates a laser-like focus with the LEA on instruction and continuous improvement. In collaboration with the LEA, their COE, and other partner agencies recommendations will be developed into a SIR action plan that targets the increase of quality instruction and student outcomes. In addition, the SIR process will provide support to the LEA to further strengthen members in order to sustain the work needed for systemic changes.”

“The SIR is a Pre-K through 12 instructional comprehensive assessment (academic and social emotional) of the LEAs instructional systems, progress of state requirements, and implementation of teaching and learning practices in order to successfully meet the needs of all learners. The Systemic Instructional Review will culminate in a SIR action plan that will receive ongoing progress monitoring and support from the CCEE as needed by the LEA.”

According to the CCEE, an “SIR is designed to guide district teams to change organizational priorities and implement sustainable educational practices grounded in a continuous improvement model of strong conditions for student learning continuum of evidence-based systematic practices to support a rapid response to students’ needs, with regular observation to facilitate data-based instructional decision making.”

SIRs are extensive and expensive undertakings that produce specific calls to action and include ongoing support and monitoring. In the three previous years, CCEE has complete SIRs of Inglewood Unified School District, Vallejo City Unified School District, Salinas Union High School Districts, Sacramento City Unified School District, and Oakland Unified School District. *The committee may wish to consider whether CCEE’s SIR process serves the same purpose of this bill.*

- 5) ***Still Awaiting Final Reports on the Low-Performing Students Block Grant (LPSBG) Program.*** The LPSBG Program, included in AB 1808 (Committee on Budget, Ch. 32, Stats. 2018) provides funds for LEAs serving students identified as low-performing on state English language arts or mathematics assessments, who are not otherwise identified for supplemental grant funding under the LCFF, or eligible for special education services. It allocates \$300 million in the 2018-19 fiscal year for LEAs, including county offices of education, school districts, and charter schools. According to CDE, the funds are designated to address the persistent achievement gap in California’s public schools, and to provide resources and evidence-based practices to initiate and sustain authentic systemic change,” and are available for expenditure or encumbrance through the 2020-21 fiscal year.

Additionally, the LPSBG Program included planning and requirements, including a requirements for recipients to:

- Develop a plan describing how the funds will increase or improve evidence-based services for the pupils identified to accelerate increases in academic achievement, and how the effectiveness of services will be measured. The plan is required to include information regarding how the services align with and are described in the school district's local control and accountability plan (LCAP), the county superintendent's LCAP, or the charter school's LCAP.
- On or before March 1, 2019, report to the Superintendent of Public Instruction (SPI) regarding the adopted plan to use the grant funds to increase the academic performance of pupils identified.
- On or before November 1, 2021, report to the SPI regarding the implementation of the plan, the strategies used, and whether those strategies increased the academic performance of the pupils identified.

The committee may wish to consider whether it would be prudent to await final reporting from LEAs regarding the LPSBG Program before moving forward with additional grant programs aimed at narrowing the opportunity gap.

- 6) ***Proposition 209 implicated?*** In 1996, California voters approved Proposition 209, which added Section 31 of Article I to the California Constitution. This section states, in part, "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting." California voters declined to repeal this provision this past November.

Recent amendments to the bill expand the authorized uses of the grant funds. The grant funds can now be used to address opportunity gaps more broadly, including for gaps for pupils from low-income backgrounds, not just for gaps for pupils of color. These amendments address some of the Proposition 209 concerns, but do not completely eliminate potential Proposition 209 issues, depending on how the bill is ultimately implemented.

- 7) ***Previous Legislation.*** AB 2635 (Weber, 2018) would have augmented the definition of "unduplicated pupil" for Local Control Funding Formula (LCFF) purposes by adding a pupil who is classified as a member of the lowest performing subgroup or subgroups, which, as defined and calculated pursuant to the bill, was African American pupils. AB 2635 was not heard in committee in the Senate.

SUPPORT

None received

OPPOSITION

None received