



## **Basic Necessities: LCAP Guidance for Developing Goals and Specific Actions for the First State Priority**

Under LCFF, districts are required to develop Local Control and Accountability Plans (LCAPs) that demonstrate how they will use their funds to advance each of eight state priority areas. The first of these priority areas concerns the basic necessities for educational opportunity: qualified teachers, sufficient instructional materials, and facilities in good repair. Districts must establish goals, specific actions, and a listing of expenditures for each of these three areas.

**EC 52060(d)(1):** The degree to which the teachers of the school district are appropriately assigned in accordance with Section 44258.9, and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the school district has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair as specified in subdivision (d) of Section 17002.

These basic necessities and the standards defining them were established and/or refined by the *Williams* Settlement Legislation in 2004.<sup>1</sup> This legislation included a provision requiring county offices of education to conduct annual site visits and reviews of every decile 1-3 school in California. For nine years, county superintendents and staff have been working together with schools to ensure these standards are being met.

The following are recommendations for LCAP goals and specific actions, based on the clear successes and experiences of the *Williams* monitoring process, for the three statutorily required elements of Priority 1: (1) fully credentialed and appropriately assigned teachers, (2) sufficient instructional materials, and (3) facilities in good repair.

---

<sup>1</sup> *Williams v. State of California* was an education equity case that argued that all students deserve qualified teachers, sufficient instructional materials, and safe, clean learning environments. It settled in 2004. The Settlement Legislation established new standards and accountability measures to ensure that all California public school students have access to these basic necessities of educational opportunity. For more information, see “*Williams v. California: Lessons From Nine Years of Implementation*,” accessible at <http://www.aclusocal.org/cases/williams-v-california/nineyears> and also <http://www.publicadvocates.org/williams-v-california>.

## **TEACHERS**

A “fully credentialed” teacher has fully completed his or her preparation relative to the teacher’s years of experience—namely, a preliminary credential for new teachers or a clear credential for veterans; any teacher with less training and thereby a lesser authorization than that associated with either of these two credentials lacks “full certification” status under California law. (*See* EC 44225.7; 44259; *Renee v. Duncan*, 686 F.3d 1002, 1008-09, 1014 (9th Cir. 2012)). A “misassignment” occurs when a teacher lacks subject matter, EL, or other required training or authorization. A “vacancy” (which is also referenced in the misassignment code section, EC 44258.9) occurs when a classroom has no single, designated full-time teacher but is instead staffed by a series of substitutes. A teacher lacking a full credential may be “appropriately assigned” by holding any lawful authorization for the teaching position (including, *e.g.*, STPs, PIPs, intern credentials or emergency permits). Conversely, a “fully credentialed” teacher may be misassigned by virtue of not having the proper subject matter, EL or other authorization. Because the elements are distinct, LCAPs must separately address each.

### **Recommended Approach to Goals:**

- Include goals for fully credentialed teachers and teacher misassignments and vacancies. EC 52060(d)(1) includes fully credentialed teachers and appropriate teacher assignments. Ed Code provisions define the requirements for full credential holders who are deemed fully prepared and who must be hired above all other authorizations when available. *See* EC 44225.7; 44259. Appropriate teacher assignments, as defined in EC 44258.9, address both teacher misassignments and teacher vacancies. Both the LCFF statute and LCAP template require districts to set goals for each statutorily identified element of each state priority. (EC 52060(c)(1); 5 CCR 15497.) Accordingly, the LCAP *must* include goals for fully credentialed teachers and both aspects of appropriate teacher assignments.
- Review both district- and site-level data when setting goals and include the baseline data to promote transparency. Nine years of experience with *Williams* monitoring confirm that disparities in access to fully credentialed teachers and in the number of teacher misassignments and vacancies often exist between schools in the same district. Districts should review and establish both district- and site-level goals, and report both district- and site-level data to ensure full transparency and accountability.

### **Recommended Approach to Specific Actions and Expenditures:**

- Utilize a digital database for monitoring teacher assignments. Many districts lack digital databases capable of providing real-time teacher certification and assignment information, and instead monitor assignments by hand. This makes the critical task of identifying teacher misassignments and vacancies a lengthy and inefficient process. Districts that lack a digital database should include a specific action (and identify expenditures) to implement one. Districts that already have a digital database should specify that they utilize it (and identify any associated expenditures) as a specific action to support their goals in this area.
- Adopt hiring practices that maximize full credentials and minimize misassignments. The *Williams* Legislation (and NCLB) has prompted a number of districts to change their hiring practices, requiring candidates to have EL authorizations and declining to hire teachers that lack full credentials. Districts should include specific actions and supporting expenditures to support proactive hiring practices to reduce the likelihood of misassignments or of hiring less than fully credentialed teachers, including outreach and recruitment for teachers for high-need credentials.
- Develop a protocol for annually monitoring and remedying teacher misassignments and vacancies. Prior to *Williams*, there were no monitoring or accountability measures in place to address vacancies, and experience shows that some districts do little to resolve vacancies. Districts should include specific actions and supporting expenditures to support ongoing processes that allow the district to monitor teacher assignments at every school throughout the school year and collaborate with site staff to quickly remedy any misassignments or vacancies.

## **INSTRUCTIONAL MATERIALS**

Sufficiency of instructional materials means that “each pupil, including English Learners, has a standards-aligned textbook or instructional materials, or both, to use in class and to take home” (EC 60119(c)(1)). This includes digital instructional materials.

### **Recommended Approach to Goals:**

- Ensure sufficiency at every school site throughout the entire school year. Every district’s goal should be to provide sufficient instructional materials to *all* students (including ensuring sufficient materials at the start of each academic term) and to identify and correct any insufficiency that arises promptly.

### **Recommended Approach to Specific Actions and Expenditures:**

- Develop districtwide procedures to plan for and distribute sufficient instructional materials at the start of school. Districts should include specific actions and supporting expenditures to support site staff at each school in following a consistent process for ordering and distributing sufficient instructional materials that begins early enough to account for delivery time, potential publisher delays, and potential changes in enrollment.
- Assess sufficiency at all schools and remedy any identified insufficiencies. Districts should include specific actions and expenditures to ensure any deficiencies are promptly identified and corrected. This could include, in addition to strategies recommended below: (1) implementing an internal oversight system, modeled on the *Williams* county oversight process detailed in EC 1240, that includes site visits within the first four weeks of the school year; (2) establishing formal district policy for how long schools have to remedy an identified insufficiency; and/or (3) creating a fund to purchase materials needed to cure insufficiencies. Note that schools are not allowed to make a student pay for a lost or stolen textbook before issuing a replacement.
- Utilize a digital inventory and tracking system. Experience with *Williams* monitoring demonstrates that many schools are still relying on paper trails and counting books by hand to manage their inventory and assure sufficiency. A digital inventory and tracking system provides real-time information concerning what textbooks have been distributed and what stock is available. Particularly in light of transition to Common Core and the need to update instructional materials, districts that lack a digital inventory and tracking system should include a specific action (and identify expenditures) to implement one. Districts that already have one should specify that they utilize it (and identify any associated expenditures) as a specific action to support their goals in this area.
- Create a centralized repository of instructional materials. Districts should include specific actions and supporting expenditures to maintain a centralized, district-wide repository so that schools can share resources and work together to ensure all students receive the materials that they need. Having a centralized system not only improves efficiency but also helps eliminate unnecessary costs; for example, if one school needs a few copies of a textbook and another school has extras, a district-wide system can notify the school in need to request materials to be transferred rather than purchasing more books.
- Develop a plan for phasing in Common Core materials. Since the Legislature suspended the process for textbook adoptions in 2009-10, many districts have been holding onto materials from old adoption cycles and only purchasing small numbers of new materials to replace lost or deteriorating copies. With the onset of Common Core, many districts will be purchasing and distributing large quantities of new instructional materials for the first time in years. Districts should include in their LCAPs specific actions and supporting expenditures reflecting a comprehensive plan for adopting and deploying the new materials. These specific actions and expenditures could also support goals related to Priority 2 on implementation of Common Core.

## **FACILITIES**

“Good repair” means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined by the Facilities Inspection Tool (“FIT”) (EC 17002 (d)(1)). County offices of education from across the state have stressed the importance of making school maintenance a priority, and warn that a facilities crisis is looming.

Especially in the face of cuts to maintenance and custodial staff as a result of the recent fiscal crisis, the elimination of deferred maintenance requirements, and the exhaustion of state bond authority, it is critical that districts establish robust facilities maintenance goals and identify specific actions, supported by sufficient expenditures, to ensure that all schools are maintained in good repair.

### **Recommended Approach to Goals:**

- Ensure good repair at every school site. County office visits focus on decile 1-3 schools, but the good repair requirement applies to *all* schools. The goals and actions in the LCAP should be crafted accordingly.
- Develop annual maintenance and capital renewal goals. The LCAP presents an opportunity for districts to evaluate their facilities needs and set forward-looking goals to ensure that they address deficiencies and keep all schools in good repair. Districts can and should align their LCAP goals with long-term capital investment plans, including specific benchmarks related to modernization, new construction, refurbishment, and maintenance priorities, as appropriate.

### **Recommended Approach to Specific Actions and Expenditures:**

- Conduct thorough annual assessments of good repair and existing deficiencies. Districts are already required to conduct annual facilities assessments for all schools using the FIT. Districts should include specific actions and supporting expenditures for annually using the FIT to assess good repair at all schools, address deficiencies, and document progress towards district- and site-specific maintenance goals reflected in a long-term maintenance plan.
- Use the LCAP as framework for describing a three-year facilities maintenance plan. The FIT is a point-in-time evaluation and is not a goal- or outcome-planning instrument. Districts should use the information gathered from annual assessments to develop a 3-year maintenance plan with discrete actions (and supporting expenditures) identified, as appropriate, to align with the district’s overall capital improvement and maintenance plan. Revisions can be incorporated into annual updates as necessary based on annual assessments. The LCAP provides districts with an opportunity to align LCFF expenditures on facilities with other sources of facilities funding (e.g., local bonds) and assure a comprehensive, coordinated strategy for maintaining good repair and investing in capital infrastructure.
- List and describe expenditures related to maintenance, operations, and custodial expenditures. Districts must list the expenditures of LCFF funds that support the specific actions that implement the goals in the LCAP. Maintaining good repair generally includes capital, maintenance, operations, and custodial expenditures. District LCAPs should therefore list actions and related expenditures of LCFF funds that capture these aspects of maintaining good repair.
- Restore maintenance and custodial staff. Many districts have made significant cuts to maintenance and custodial staff over the last few years. Districts should assess whether restored staffing levels are necessary to ensure that the work necessary to maintain good repair can be accomplished.

(Last updated on June 20, 2014)