



Santa Clara County Office of Education

Mary Ann Dewan, Ph.D.
County Superintendent of Schools

August 5, 2021

Superintendent Rudolph

Board President Conley

Re: 2021-2022 Local Control Accountability Plan Recommendations

Dear Superintendent Rudolph and Board President Conley:

I am writing to thank you for the submission of the Mountain View Whisman School District 2021-22 Local Control Accountability Plan ("MVWSD LCAP" or "District") and the tremendous amount of community and staff collaboration and planning that is reflected in the MVWSD LCAP. In accordance with California Education Code section 52070, the Santa Clara County Office of Education ("SCCOE") is required to review the District's LCAP Plan and provide technical support when necessary to aid the District in data driven, educational related planning and provide oversight of school districts within Santa Clara County to ensure compliance with applicable rules and regulations underlying the LCAP development and approval process. My oversight responsibilities as County Superintendent also require that I ensure that the LCAP focuses on services and outcomes for all students, with special emphasis on English learner, low income, and foster youth students. As you know, county superintendents are responsible for the approval and oversight of district's LCAPs pursuant to California Education Code section 52070, et. seq.

In performance of this oversight function, the COE may seek clarification and make recommendations to any district to ensure that a submitted LCAP meets applicable criteria for approval. A recent administrative decision regarding Uniform Complaints issued by the California Department of Education has provided additional guidance to county offices of education to clarify the statutory and regulatory guidelines which govern the review of LCAPs. This correspondence provides guidance based upon the criteria for review and approval of an LCAP set forth in Education Code 52070. Also reflected in this communication is a discussion of the regulations promulgated in Title 5 of the California Code of Regulations that articulate the requirements for LEAs to demonstrate increased or improved services for unduplicated pupils in proportion to the increase in funds apportioned for supplemental and concentration grants. The recent administrative decision of the California Department of Education which applies these standards to the review of a school district LCAP is also discussed in this letter.

As you know, California Education Code section 52070(d) states in pertinent part that:

The county superintendent of schools shall approve a local control and accountability plan or annual update to a local control accountability plan on or



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before October 8, if the county superintendent of schools determines all of the following:

- (1) The local control and accountability plan or annual update to the local control and accountability plan adheres to the template adopted by the state board of education pursuant to Section 52064 and follows any instructions or directions for completing the template that are adopted by the state board.
- (2) The budget for the applicable fiscal year adopted by the governing board of the school district includes expenditures sufficient to implement the specific actions and strategies included in the local control and accountability plan adopted by the governing board of a school district, based on the projections of the costs included in the plan.
- (3) The local control and accountability plan or annual update to the local control and accountability plan adheres to the expenditure requirements adopted pursuant to Section 42238.07 (Title 5, CA Code of Regulations Sections 15494-97) for funds apportioned on the basis of the number and concentrations of unduplicated pupils pursuant to Sections 42238.02 and 42238.03.

Our review criteria was recently affirmed when the California Department of Education provided additional guidance to county offices of education about the standard by which LCAPs should be reviewed. This information is shared with you as an additional resource that the MVWSD may utilize to strengthen the demonstration and articulation of its educational goals and objectives in the MVWSD LCAP. Moreover, the County Superintendent offers this guidance in keeping with the oversight function authorized by applicable law to bolster MVWSD's explanation of its locally developed educational planning in connection with the allocation of educational resources.

The CDE issued a decision dated June 18, 2021 entitled "*Appeal of County Decision – SBCSS, Public Advocates, Inc. and ACLU Foundation of Southern California*" ("SBCSS Decision") wherein the CDE provided clarification regarding how a school district must demonstrate qualitatively or quantitatively how district funds will be used to improve or provide services to pupils represented in the LCAP. The issues and facts referenced in the SBCSS Decision differ from the facts of the MVWSD LCAP. Nevertheless, the SBCSS Decision provides valuable insight on how MVWSD can strengthen its explanation regarding effectiveness of the District's response to intervention for unduplicated students.

As previously noted in the preceding paragraph under the heading entitled "Approval Criteria #3 Required Descriptions," the SCCOE is seeking additional information to address the required descriptions for goals marked as contributing to the increased and improved services that are being implemented LEA wide. It may be helpful to you to consider providing clarification on that topic that reflects the example provided by the CDE



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in the SBCSS Decision. The SBCSS decision explained that the SBE template requires the LEA to identify the amount of its LCFF funds in the LCAP year calculated on the basis of the number and concentration of unduplicated students, and to identify the percentage by which it must increase or improve services for unduplicated students as compared to all students. The SBCSS decision further states that the LEA must also describe how the services provided for unduplicated students are increased or improved by at least this percentage, either quantitatively or qualitatively, as compared to services provided for all students in the LCAP year. (California Education Code section 42238.07; 5 CCR 15496).

Following the reasoning utilized by the CDE in the SBCSS decision, you may also wish to consider how the MVWSD LCAP Plan could be strengthened by demonstrating qualitatively how the Director of Equity and Instructional Coaches will improve the delivery of educational services to unduplicated students in terms of the planned results or outcomes that are anticipated to occur as a result of the related expenditures. Additionally, the MVWSD may utilize examples provided in the SBCSS Decision to demonstrate qualitatively or quantitatively how the District's response to intervention and instruction ("RTI") will improve the delivery of services to and the academic performance of unduplicated students.

Based on our review, we have noted an opportunity for the district to consider more fully examining how it defines and describes RTI and the basis for the determination of expectation for its effectiveness for your students. MVWSD may also wish to consider utilizing data underlying the District's use of RTI to explain how the District is responding to student need and meeting its academic goals.

In order to meet the aforementioned minimum requirements for County approval, we are recommending Mountain View Whisman School District resolve the following areas in its 2021-22 Local Control and Accountability Plan:

Approval Criteria #3 Required Descriptions

We are seeking additional information to address the required descriptions for goals marked as contributing to the increased and improved services that are being implemented LEAwide.

Goal 1, Action 1: Please specify the need of English Learners, Low Income, or Foster Youth students being addressed and how the expectation of effectiveness was determined to continue this action into the 2021-22 LCAP.

Goal 1, Action 5: Please specify how the expectation of effectiveness was determined to continue this action into the 2021-22 LCAP.



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- Goal 1, Action 8: Please specify how the needs of English Learners, Low Income, or Foster Youth students are being addressed and how the expectation of effectiveness was determined to continue this action into the 2021-22 LCAP.
- Goal 1, Action 9: Please specify how the expectation of effectiveness was determined.
- Goal 1, Action 20: Please specify the need of English Learners, Low Income, or Foster Youth students being addressed and how the expectation of effectiveness was determined.
- Goal 3, Action 1: Please specify how the School and Community Engagement Facilitators will principally support English Learners, Foster Youth, and Low Income students. Please specify how the expectation of effectiveness was determined.

COE Technical Assistance and Support

Upon submission and review of MVWSD's LCAP, staff from the SCCOE's Continuous Improvement and Accountability team conducted a thorough review and worked with MVWSD staff to provide guidance around strengthening the required descriptions in the Increased and Improved services section. On July 22, 2021, a meeting was held with District staff to explain where additional description is required in the Board adopted LCAP. Conversations centered around the need for each description to clearly articulate the needs, conditions, and/or circumstances of English Learners, Foster Youth, and Low Income students that are principally being addressed by each action. Additionally, it was emphasized that the descriptions should articulate how the District has determined that an action continuing in the 2021-2024 LCAP is expected to be effective in addressing the identified needs.

During the meeting, MVWSD explained the theory of improvement for each action and articulated both the needs and the determination of effectiveness. Based on those discussions, SCCOE staff provided guidance and recommendations. MVWSD staff stated they intended to update the LCAP to include the additional information and description identified in the SCCOE's recommendations and bring the LCAP back before their Board for reapproval.

If MVWSD staff requires additional technical assistance to strengthen its evidentiary demonstration of the areas identified above, the Santa Clara County Office of Education's Continuous Improvement and Accountability department is available to provide additional support and technical assistance to the District.



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Thank you again for your continuous work and commitment to serving all students and families in the MVWSD community.

Sincerely,

Dr. Mary Ann Dewan, County Superintendent of Schools,
Santa Clara County Office of Education

