



- [About Us](#)
 - [History and Mission](#)
 - [Value Proposition](#)
 - [Leadership Team](#)
 - [Our Members](#)
 - [Green Apple Award](#)
 - [Contact Us](#)
- [Support & Services](#)
 - [Advocacy](#)
 - [Membership](#)
 - [Leadership Trainings](#)
 - [Consulting](#)
 - [Governance Certification](#)
 - [Accountability & Renewal](#)
 - [Resources](#)
- [Leadership Trainings](#)
 - [CSDC Trainings Calendar](#)
 - [2022 Form 700 Webinar](#)
 - [Leadership Update Conference](#)
 - [CBO Training Program](#)
 - [Leadership Intensive](#)
 - [Governance Academy](#)
 - [Accountability & Renewal Trainings](#)
 - [May Revise Webinar](#)
 - [Start Smart](#)
 - [Partner Trainings](#)
 - [Earn Graduate Level Credit](#)
- [Resources & Tools](#)
 - [Annual Planning Calendar](#)
 - [Charter Currents](#)
 - [Board Bulletins](#)
 - [Sample Board Policies](#)
 - [CBO Direct](#)
 - [Webinar Resource Pages](#)
 - [CapitolTrack](#)
 - [Charter Jobs](#)
 - [Vendor Directory](#)
- [My Organization](#)
- [My Account](#)
- [Sign Out](#)

[Resources](#) > [Charter Currents](#) > **Charter Currents: Draft Budget Trailer Bill Defers Expanded Learning, Shorts Transitional Kindergarten Funding**

Sacramento, CA—Governor Newsom’s staff posted 103 pages of draft K-12 education budget “trailer” legislation this week, fleshing out some key details of his proposed 2022-23 state budget. The trailer bill includes several remarkable twists, especially related to independent study and delaying a mandate to offer expanded learning. CSDC addressed most of the governor’s proposals [during our recent webinar](#), while this article summarizes and explains the key new items of interest to charter schools revealed in the trailer bill, including the following:

Expanded Learning Opportunities Program (ELOP) Delay: The trailer bill would continue and expand funding for the huge new Expanded Learning Opportunities Program (ELOP), but also push back the deadline for local education agencies (LEAs, including charter schools) to offer the requisite services as a “condition of apportionment (funding).” This huge new program will provide funding based on counts of high needs students in grades K-6 to extend the school year to 205+ days and school day to 9 hours.

Current law is already funding LEAs to provide these programs, despite the fact that most have little or no capacity to launch them during the pandemic. Eligible schools were automatically provided funding by the state in the current 2021-22 school year to launch these programs. In practice, however, launching these programs is nearly impossible during a pandemic with associated staffing shortages. In response, the Legislature amended the ELOP laws to defer the requirement to provide the requisite services in 2021-22 by one year to 2022-23. The amended law also allows LEAs to spend the 2021-22 funds on planning/launch costs and to carry over funds into the following year.

The draft trailer bill would further defer the “condition of apportionment” deadline by a second year, until 2023-24, while technically continuing the requirements related to offering the program. It would continue and augment funding and allow carryover of funding into subsequent years.

Funding would increase to \$2,500 per ADA in grades K-6 for those schools serving a population consisting of at least 75 percent “unduplicated” pupils who qualify for supplemental funding due to low-income, English learner, and/or foster youth status. These schools would be expected to offer all students in grades K-6 with access to expanded learning by 2023-24. The trailer bill would provide unspecified smaller amounts to LEAs serving lower proportions of unduplicated pupils and these schools would be expected to provide access to expanded learning for at least half of their unduplicated pupils.

Starting in 2023-24, the trailer bill establishes pro-rata, claw-back penalties for LEAs that fail to offer compliant programs for each day they failed to provide the requisite access to expanded learning. The bill also appropriates \$800 million of one-time funds to provide additional grants based on a formula that rides piggyback on the main program formulas. The funds would be allocated over a four-year period. LEAs would be required to spend at least 75 percent of the funds on arts-related infrastructure, as defined.

For further information on this massive and complex new program and how it relates to several other key program expansions, CSDC has posted recordings of our in-depth [New Categorical Programs workshop](#) from our December conference on our website.

TK Class Size Reduction on the Cheap: The trailer bill calls for boosting the Local Control Funding Formula (LCFF) by \$2,813 per ADA in transitional kindergarten to meet a recently-adopted target of reducing the adult-to-pupil ratio in transitional kindergarten to 12:1 in 2022-23 and 10:1 in 2023-24. CSDC presumes that this modest level of funding is inadequate to fund such change. For many schools, this additional funding will not even cover facilities costs, much less the additional staffing costs.

Mixed Bag of Proposed Changes to Independent Study Laws: The trailer bill contains a curious mix of amendments to the state’s increasingly complex laws governing independent study. They amend current laws that generally express a pejorative mindset toward independent study as an instructional modality and instead express legislative intent that LEAs offer “a range of quality educational options, including classroom-based, hybrid, and non-classroom based (sic) programs.” This is a significant change in tone for a state that has long treated independent study as undesirable or worse. The verbiage goes on to encourage LEAs to “consider offering more than one independent study model for short- and long-term placements” and strikes current law prohibiting offering “an alternative curriculum” via independent study. This perhaps-significant change tone, however, comes on the heels of extensive additional restrictions heaped on independent study programs in recent years, a few of which would be further tweaked by the draft trailer bill.

Some of the other technical and substantive changes to independent study law include the following:

- Amending the recently imposed mandate to offer “synchronous instruction” to additionally require that synchronous instruction teachers of record are “appropriate to the subject matter being taught.” Under current law and widespread practice, independent study teachers often teach across the full subject-matter domain, without regard to California’s detailed subject-matter credentialing restrictions. It is not clear how this new mandate would affect this widespread current practice.
- Amending the recently imposed mandate that triggers “tiered reengagement” requirements for students who miss three days or 60 percent of the instructional days in a school week. The amendments would instead trigger the reengagement mandate when a student is absent for 10 percent or more of the instructional time or synchronous instruction in a school month. It would also expand the reengagement mandate to require referral to a local attendance review board and similar programs.
- Softening the requirement to obtain signed, written independent study agreements prior to the commencement of such study to allow short-term (<15 days) agreements to be signed within 10 days of starting independent study. CSDC presumes the intent is to facilitate rapid transitions to short-term independent study during pandemic and emergency situations.
- Reducing the number of staff who are required to sign independent study agreements. Current law calls for “all persons who have direct responsibility for providing assistance” to sign the agreement, which can be burdensome. The draft

trailer bill would focus this instead requiring the certificated employee who is responsible for “general supervision” plus the certificated employee responsible for special education programming (if applicable) to sign the agreement along with the parent/guardian and student (as required per current law).

- Amending current law which calls for teachers to compute apportionment credit (average daily attendance, or ADA) based on the “time value” of student’s work products. The bill would explicitly allow counting the time students spend on recently mandated “synchronous instruction” toward these time value computations. The draft amendments go on to attempt to define “work products” with various verbiage, including “physical or digital academic assignments,” “asynchronous instruction via videos, interactive software, and/or other methods” if pupils create notes or written documentation of them. The draft also refers to “asynchronous works,” including “reading texts, watching videos, as well as quizzes or projects” as allowing the time value of students’ work to be counted. While CSDC appreciates the attempt at clarity here, we are concerned that adding this fuzzy and open-ended language to the law may further muddy the waters.

Local Control Accountability Plan (LCAP) Special Education Addendum: The trailer bill would require those LEAs that are subject to federally-mandated monitoring for special education compliance and/or that fail to meet state achievement targets for special education students for three consecutive years to complete a new special education addendum to their local control and accountability plan (LCAP). Given widespread low testing scores for special education students across the state, CSDC presumes this could impact a high proportion of LEAs. The draft calls for the State Board to adopt a template for this addendum by January of 2024, presumably meaning the requirement will not take effect until the adoption of the 2024-25 LCAP. The bill also would expand the current mandate to post an LCAP on an LEA’s website to require that LEAs also post updates, revisions, and addenda. CSDC is concerned that the current LCAP Template is already excessively long and complex, and that adding another component, even if well-intended, exacerbates what is already a large problem.

Dual Enrollment of High School Students in Colleges: The bill contains the parameters for three types of grants to incent LEAs to create and expand dual enrollment programs wherein secondary students earn both high school and college credit. The first grant would provide LEAs with one-time grants of up to \$500 thousand, over a five-year period, to couple “robust student advising” with available dual enrollment opportunities. A second would offer grants of up to \$250 thousand to support start-up costs for early college and middle college programs. A third would provide grants of up to \$100 thousand to establish College and Career Access Pathways dual enrollment partnerships. The trailer bill would appropriate \$500 million to support these competitive grants. Priority would be granted to LEAs serving specified high-needs student populations.

Golden State Pathways Program: The bill would establish this new competitive grant program to promote the new career-technical education pathways in technology, healthcare, education, and climate-related fields. The draft bill contains the authorizing statutes for this new program, establishing it as a competitive grant program that prioritizes LEAs serving high-needs students. Recipients would agree to provide “an integrated program of study that includes all of the courses to meet A-G course requirements” (for state college admission) along with at least one career pathway that would meet the requirements to be deemed career-ready on the California School Dashboard. The trailer bill would appropriate \$1.5 billion for this program for an unspecified number of grants of unspecified size.

Relaxed Graduation Requirements for Students with Exceptional Needs: The bill would allow students with significant cognitive challenges who qualify to take the California Alternative Assessments to graduate from high school with a diploma under specified relaxed standards, effectively prohibiting LEAs from establishing graduation course requirements above state minimums for qualifying students.

State Preschool: The bill includes extensive changes to key eligibility and funding provision of California’s State Preschool program, expanding eligibility for two-year-olds, establishing a target for preschools to serve a population with at least 10 percent special needs students, guaranteeing enrollment for 24 months to families whose income rises above normal eligibility thresholds, and other substantive and technical changes.

Community Schools: The bill proposes a large number of mostly technical changes to the massive, \$3 billion (one-time) Community Schools Partnership Act competitive grant program. The trailer bill language attempts to clarify unclear features of the law governing eligibility, funding amounts, eligible expenditures, sustainability expectations, and other topics.

Expanding State Board of Education Staff: The bill would add four new senior staff positions to the Board’s staff, all of whom would be exempt from state civil service laws. It appears that some of these staff already have been hired as part of a large expansion of the Board’s historically small staff at a time when most of the board’s more experienced appointed members recently termed-off the Board.

Special Education Funding Formulas: The bill includes several changes to existing special education funding formulas, including the large “base” program and the smaller mental health ones. As noted previously, these would compute funding based on each LEA’s average daily attendance instead of the current practice of funding based on SELPA-wide figures.

CSDC presumes the governor intends to make the funding parameters within a given SELPA more transparent such that all LEAs can see who “wins” and who “loses” under locally-adopted, and often opaque, allocation formulas within a SELPA.

School Kitchen Infrastructure Funding: The bill includes language that would allocate \$450 million to LEAs to upgrade their kitchen infrastructure. These would provide one-time grants of at least \$100 thousand to LEAs who participate in federal meal programs, with additional amounts for schools to increase capacity for “scratch” and “speed scratch” cooking.

Extend Substitute Teaching Limit to 60 Days: The bill would extend for another year until July 1, 2023 a provision that allows substitute teachers to serve for 60 days in lieu of the usual 30-day cap.

Literacy/Reading Coach Grants: The bill includes proposed parameters for this one-time grant program. It calls for focusing the funding on schools serving “unduplicated” student populations that constitute at least 95 percent of the students, apportioning on a per-ADA basis for grades K-6 such that each qualifying LEA receives at least \$300 thousand. Recipient LEAs would be required to provide a 50 percent local match, either cash or in-kind.

Budget Hearings Moving Quickly

The Legislature appears to be moving early to start budget deliberations this year. CSDC is weighing-in on key issues with relevant staff and during budget subcommittee public comment periods. If you have questions or concerns regarding any of these proposals, feel free to reach out both [to CSDC](#) and [your local legislators soon](#).

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- [About Us](#)
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