Policy 6171: Title I Programs

Status: ADOPTED

Original Adopted Date: 11/01/2002 | **Last Revised Date:** 03/01/2018 | **Last Reviewed Date:** 03/01/2018

The Governing Board desires to provide a high-quality education that enables all students to meet challenging state academic standards. In schools with a large number or percentage of economically disadvantaged families, the district shall use Title I funds to provide services that strengthen the academic program and provide support to students at risk of failing to achieve academic standards.

Title I funds shall be used to supplement, not supplant, funds available from state and local sources for the education of students participating in Title I programs. (20 USC 6314, 6321)

Descriptions of how the district will address the required components of the Title I local educational agency plan, as specified in 20 USC 6312, shall be included within the district's control and accountability plan (LCAP), the LCAP Federal Addendum, or another document. School-level strategies shall be aligned with the district's plan and be tailored to the specific needs of the students at the school.

In addition, the district and each school receiving Title I funds shall develop a written parent/guardian and family engagement policy in accordance with 20 USC 6318.

Comparability of Services

In schools receiving Title I funds, state and local funds shall be used to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds or, if all district schools are receiving Title I funds, that are substantially comparable in each school. Comparability may be determined on a school-by-school basis or by grade span. (20 USC 6321)

To demonstrate comparability of services among district schools, the district shall:

1. Adopt and implement a districtwide salary schedule
2. Ensure equivalence in teachers, administrators, and other staff, as measured by either or both of the following:
    a. The ratio of students to instructional staff at each Title I school within a grade span, which shall not exceed 110 percent of the average ratio for all non-Title I district schools within that grade span
    b. Salary expenditures for instructional staff at each Title I school, which shall be no less than 90 percent of the average salary expenditure across non-Title I district schools.
3. Ensure equivalence in the provision of curriculum materials and instructional supplies, by determining whether the per-student expenditure of state and local funds for curriculum materials and instructional supplies in Title I schools is between 90 and 110 percent of the district wide average
4. Determine whether the amount of state and local funds allocated per student for each grade span is between 90 and 110 percent of the per student average for each grade span in non-Title I schools

In determining comparability, the district shall not include staff salary differentials for years of employment. The district also may exclude unpredictable changes in student enrollment or personnel assignments that occur after the beginning of the school year, state and local funds expended for language instruction educational programs, state and local funds expended for the excess costs of providing services to students with disabilities, and supplemental state or local funds expended in any school attendance area or school for programs that specifically meet the intent and purposes of Title I. (20 USC 6321)

The Superintendent or designee shall annually assess comparability in accordance with the above criteria and maintain records documenting the district's compliance. If any instances of noncomparability are identified, the Superintendent or designee shall promptly implement adjustments as needed to ensure comparability.

Participation of Private School Students

The district shall provide or contract to provide special educational services, instructional services (including evaluations to determine the progress being made in meeting students' academic needs), counseling, mentoring, one-on-one tutoring, or other Title I benefits to eligible private school students residing in a participating school attendance area. Such services and benefits shall be provided on an equitable basis in comparison to services and other benefits for public school students. (20 USC 6320, 7881)

Program Evaluation

The Board shall regularly monitor the progress of economically disadvantaged and low-achieving students in Title I schools. During the annual evaluation of the district's progress toward achieving each goal identified in the LCAP or other planning document addressing 20 USC 6312, the Board shall review disaggregated data on academic achievement, school attendance, and other outcomes for such students and shall ensure that strategies are revised as necessary to support continuous improvement.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
Ed. Code 11503	Parent involvement programs in Title I schools - https://simbli.eboardsolutions.com/SU/WQgyojIHVioZr87hsXXBlQ==
Ed. Code 52060-52077	Local control and accountability plan - https://simbli.eboardsolutions.com/SU/kjIplusPzLslshIt7rP0BfXZYJuQ==
Ed. Code 54420-54425	State Compensatory Education - https://simbli.eboardsolutions.com/SU/FuvMslshOo2WtsLQ8AKjJIYOw==
Ed. Code 64001	School plan for student achievement; consolidated application programs - https://simbli.eboardsolutions.com/SU/upluszkLmgwIL58slshU3z7Tsm3w==

Federal References	Description
20 USC 6301	Highly qualified teachers
20 USC 6311-6322	Improving basic programs for disadvantaged students
20 USC 6312	Local educational agency plan
20 USC 6313	Eligibility of schools and school attendance areas; funding allocation
20 USC 6314	Title I schoolwide program
20 USC 6315	Targeted assistance schools
20 USC 6318	Parent and family engagement
20 USC 6320	Participation of private school students
20 USC 6321	Fiscal requirements/comparability of services
20 USC 6333-6335	Grants to local educational agencies
20 USC 6391-6399	Education of migratory children
20 USC 7881	Participation of private school students
34 CFR 200.1-200.73	Improving basic programs for disadvantaged students

Management Resources References	Description
California Department of Education Publication	Frequently Asked Questions About Title I Schoolwide Programs

California Department of Education Publication	Local Control and Accountability Plan Federal Addendum Template
California Department of Education Publication	Meeting Title I, Part A Comparability Requirements, October 2017
U.S. Department of Education Publication	Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA)
U.S. Department of Education Publication	Designing Schoolwide Programs, Non-Regulatory Guidance, March 22, 2006
U.S. Department of Education Publication	Title I Services to Eligible Private School Students, October 17, 2003
U.S. Department of Education Publication	Title I Fiscal Issues, Non-Regulatory Guidance, February 2008
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==

Cross References	**Description**
0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/9j90oJApxGvO9isI1IyD8g==
0400	Comprehensive Plans - https://simbli.eboardsolutions.com/SU/UlLsVqPZvBpSMYEMSsSpgQ==
0420	School Plans/Site Councils - https://simbli.eboardsolutions.com/SU/sbIVsLKslsh5w2LSplusZQekYNgQ==
0420	School Plans/Site Councils - https://simbli.eboardsolutions.com/SU/U9OQXvYz5b4Tplusjru34pnqw==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpI4A==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/PbLTuOplus1cucax34urDgEfw==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==
0520.1	Comprehensive And Targeted School Improvement - https://simbli.eboardsolutions.com/SU/MplusfOGBEYRmYrPqTdplusplusOjgw==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/7wRcaQ9gjBXCOuqWB54wfA==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/WXKjOn8KOplusMpLzpTd3ujpQ==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/c3bzU5HxDAULaslshm6slshY5Cfg==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/ROv5x6plusDgBotyKnO8gWH3A==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/hDRtFslshga5Gr8pNr9UsKuNA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/6xy2cJsuplusYAi4etObMmYiQ==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/viccIxcmyjqgK8RRHm2Nkg==
1312.3-E(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/xVUTW3cplusaalR0zsW6DCG1w==

3512	Equipment - https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==
3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/htmpluswvNopsrGRvHnZmL57Q==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/N7wbmnm9H944SplusVnwq4I9g==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/5MEfuuu2ZJemVftwplusskZYw==
3580	District Records - https://simbli.eboardsolutions.com/SU/oUKwNocrXXzS22jsg93hnA==
3580	District Records - https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFoIgJHPZg==
4111	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/8ilQZSj0C8m6ODHzDnKlnA==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BhXFYknfTlZslshK6TX1rcPNw==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BHJLvt0UWpluspJ20aXCvNApQ==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/lYMIfYPYXEiEMhaRz6slshWJQ==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/4MJWRHUOUR8BTo1HTbOYLA==
4222	Teacher Aides/Paraprofessionals - https://simbli.eboardsolutions.com/SU/711NKzpluscCSc9QZsJCydyEA==
4222	Teacher Aides/Paraprofessionals - https://simbli.eboardsolutions.com/SU/jKXUUgTR98mNmDdapRslshHplusw==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
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4331	Staff Development - https://simbli.eboardsolutions.com/SU/3BIIBFE9slshf2AlnlIsFw7ag==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/FsvN2C1nRUVplusLuYiI2oJvg==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/TKr7nslshlSzxVl1Lek8gR1YA==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/b5QjnmUpQBtgBNxpBLZKJw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/SRCRvplus9wpuzSot3FQ8a2gw==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/RoY7foslshVVCuCn7ASBE4vKg==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/riiMgqWrRNGEclUEGl02Rg==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/8BBlLRHFPN4Ze3lDgijtIg==

6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/Q0ib1gK3KHGsHNIpTjqI8A==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjf3rslshEslshKMoslshZA==
6112	School Day - https://simbli.eboardsolutions.com/SU/05atqxQBa68mlO84XP5vNw==
6112	School Day - https://simbli.eboardsolutions.com/SU/XRplus7M06NPTlz3YyiADAJMA==
6120	Response To Instruction And Intervention - https://simbli.eboardsolutions.com/SU/YopBQ2VrklsMGNYQPvMr6w==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9G7aplusvrw==
6141.4	International Baccalaureate Program - https://simbli.eboardsolutions.com/SU/3HplusWL7Ol2YANMyMpgmHLBQ==
6141.5	Advanced Placement - https://simbli.eboardsolutions.com/SU/VKU0plusZC9i4xPUaA9uN30nA==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/JHqPQilZ5q5cUDGR0jx9slshA==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/RLXU3fzRV2Ht3T6GH7BQsw==
6161.1-E(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/IplusFG9UqhKo1uIzhX3FE9LA==
6162.5	Student Assessment - https://simbli.eboardsolutions.com/SU/b9KIXbby9XYctijplusnXY84A==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKHo40A==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBrg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/XrnslshQlPaFW9wMoMV2IEKpg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==
6172.1	Concurrent Enrollment In College Classes - https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSFL0plusslsh4RvQw==
6172.1	Concurrent Enrollment In College Classes - https://simbli.eboardsolutions.com/SU/ajpiUq98FhxslshYujjwlZdRg==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/SBoNplusBJj6IORBiim4CgVaw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/22plusZOHjy6HWBgK8mxgQgvw==
6173-E(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/VL0yRplusvu4ZCLHIlycdkxJw==
6173-E(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/Oziu5plusO24Cwf3qrg2IwW1A==
6173.4	Education For American Indian Students - https://simbli.eboardsolutions.com/SU/FHpluslz9jSWj6dzqBZ7yYJ7A==

6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/QvYBDv5g7Jy72aIVMTz12g==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/82RXSw2plusDvkWiz1w2DqfLg==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/roLeyXGgp5l03jclK5slshG1A==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/KztAlGnaxUQBJN76aWKRlg==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/teeV5kkJryiahKMzNBplus8Tg==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/2rbbha1T98IHWiOTkslshUErg==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/S4qxTuQvqZWs07diDIxw9g==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/okRYD9py3tHKzr20XkWFZg==

Regulation 6171: Title I Programs

Status: ADOPTED

Original Adopted Date: 08/01/2006 | **Last Revised Date:** 03/01/2018 | **Last Reviewed Date:** 03/01/2018

Schoolwide Programs

A school may operate a Title I schoolwide program in order to upgrade the entire educational program of the school when at least 40 percent of the students in the school attendance area, or at least 40 percent of the students enrolled in the school, are from low-income families. (20 USC 6314; 34 CFR 200.25)

A school that does not meet these criteria may operate a Title I schoolwide program if it receives a waiver from the California Department of Education. (20 USC 6314)

Any school operating a schoolwide program shall develop a comprehensive plan with the involvement of parents/guardians, other members of the community to be served, and individuals who will carry out the plan, including teachers, principals, other school leaders, paraprofessionals present in the school, administrators (including administrators of other federal education programs), the district, tribes and tribal organizations present in the community, and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, secondary school students as applicable, and other individuals determined by the school. (20 USC 6314)

The schoolwide program plan shall be based on a comprehensive needs assessment of the entire school and shall be incorporated into a single plan for student achievement which also incorporates the plans required for other categorical programs included in the state's consolidated application. (Education Code 64001; 20 USC 6314)

The plan shall describe the strategies that the school will implement to address school needs, including a description of how such strategies will: (20 USC 6314)

1. Provide opportunities for all students, including economically disadvantaged students, ethnic subgroups, students with disabilities, and English learners, to meet state academic standards

2. Use methods and instructional strategies that strengthen the school's academic program, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education

3. Address the needs of all students in the school, but particularly the needs of those at risk of not meeting state academic standards, through activities which may include the following:

    a. Counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas

    b. Preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school

    c. Implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervention services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act

    d. Professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments and to recruit and retain effective teachers, particularly in high-need subjects

    e. Strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs

The plan shall also include a description of any applicable federal, state, and local programs that will be consolidated

in the schoolwide program. (20 USC 6314; 34 CFR 200.27)

The plan and its implementation shall be regularly monitored and revised as necessary based on student needs to ensure that all students are provided opportunities to meet state academic standards. (20 USC 6314)

Targeted Assistance Programs

Any school that receives Title I funds but does not operate a schoolwide program shall use Title I funds to provide services to eligible students who are failing, or most at risk of failing, to meet state academic standards. Students shall be identified on the basis of multiple, educationally related, objective criteria, except that students in preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the district and supplemented by the school. (20 USC 6315)

Eligible students include those who are economically disadvantaged; students with disabilities; migrant students, including those who participated in a migrant education program pursuant to 20 USC 6391-6399 in the preceding two years; English learners; students who participated in a Head Start or state preschool program in the preceding two years; students in a local institution for neglected or delinquent children and youth or attending a community day program for such students; and homeless students. (20 USC 6315)

Any targeted assistance program shall: (20 USC 6315)

1. Use program resources to help participating students meet state academic standards, which may include programs, activities, and academic courses necessary to provide a well-rounded education

2. Use methods and instructional strategies that strengthen the academic program, through activities which may include:

    a. Expanded learning time, before- and after-school programs, and summer programs and opportunities

    b. A schoolwide tiered model to prevent and address behavior problems, and early intervention services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act

3. Coordinate with and support the regular education program, which may include services to assist preschool students in the transition to elementary school programs

4. Provide professional development to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel and other school personnel who work with eligible students in Title I programs or in the regular education program. The professional development shall be provided using funds from Title I and, to the extent practicable, other sources.

5. Implement strategies to increase the involvement of parents/guardians of participating students

6. If appropriate and applicable, coordinate and integrate federal, state, and local services and programs, such as programs supported by the Elementary and Secondary Education Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career technical education programs, and comprehensive or targeted support and improvement activities under 20 USC 6311

7. Provide assurances to the Superintendent or designee that the program will:

    a. Help provide an accelerated, high-quality curriculum

    b. Minimize the removal of students from the regular classroom during regular school hours for instruction supported by Title I funds

    c. On an ongoing basis, review the progress of participating students and revise the targeted assistance program, if necessary, to provide additional assistance to enable such students to meet state academic standards

Participation of Private School Students

Teachers and families of participating private school students shall have an opportunity to participate, on an equitable basis, in parent/guardian and family engagement activities and professional development pursuant to 20 USC 6318. (20 USC 6320, 7881)

Each year the Superintendent or designee shall contact officials of private schools with students who reside within district boundaries, regardless of whether the private school they attend is located within the district or whether or not those officials have previously indicated any interest in program participation, and invite them to a meeting to discuss the intent of Title I and the roles of public and private school officials.

The Superintendent or designee shall consult with appropriate private school officials, in a meaningful and timely manner, during the design and development of the district's Title I programs, with the goal of reaching agreement on how to provide equitable and effective programs for eligible private school students. Such consultation shall occur before the district makes any decision that affects the opportunities of eligible private school students to participate in Title I programs and shall include consultation on issues such as the following: (20 USC 6320, 7881; 34 CFR 200.56)

1. How the needs of private school students will be identified
2. What services will be offered
3. How, where, and by whom the services will be provided
4. How the services will be academically assessed and how assessment results will be used to improve those services
5. The size and scope of the equitable services to be provided to eligible private school students, the proportion of funds to be allocated for such services, and how that proportion of funds is determined
6. The method or sources of data that are used to determine the number of students from low-income families in participating school attendance areas who attend private schools
7. How and when the district will make decisions about the delivery of services to such students, including a thorough consideration and analysis of the views of private school officials on the provision of services through a third-party provider
8. How, if the district disagrees with the views of private school officials on the provision of services through a third-party provider, the district will provide to private school officials a written analysis of the reasons that the district has chosen not to use a contractor
9. Whether the district will provide services directly or through a separate government agency, consortium, entity, or third-party contractor
10. Whether to provide services to eligible private school students by pooling funds or on a school-by-school basis
11. When services will be provided, including the approximate time of day
12. Whether to consolidate and use funds provided under Title I with other funds available for services to private school students

If the district disagrees with the views of private school officials with respect to any of the above issues, the district shall provide the officials, in writing, the reasons that the district disagrees. (20 USC 6320)

Meetings between district and private school officials shall continue throughout implementation and assessment of services. (20 USC 6320)

The district shall maintain, and shall provide to the CDE, a written affirmation signed by officials of each participating

private school that consultation has occurred. The affirmation shall provide the option for private school officials to indicate their belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to private school students. If private school officials do not provide the affirmation within a reasonable period of time, the district shall send documentation to the CDE demonstrating that the consultation has, or attempts at such consultation have, taken place. (20 USC 6320)

The Superintendent or designee shall also maintain copies of program descriptions, notices, funding allocations, and other communications and records pertaining to the provision of services to private school students.

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Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==

Cross References	**Description**
0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/9j90oJApxGvO9isI1IyD8g==
0400	Comprehensive Plans - https://simbli.eboardsolutions.com/SU/UlLsVqPZvBpSMYEMSsSpgQ==
0420	School Plans/Site Councils - https://simbli.eboardsolutions.com/SU/sbIVsLKslsh5w2LSplusZQekYNgQ==
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0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpI4A==
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0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==
0520.1	Comprehensive And Targeted School Improvement - https://simbli.eboardsolutions.com/SU/MplusfOGBEYRmYrPqTdplusplusOjgw==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/7wRcaQ9gjBXCOuqWB54wfA==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/WXKjOn8KOplusMpLzpTd3ujpQ==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/c3bzU5HxDAULaslshm6slshY5Cfg==
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Governor Signs A.B. 1078, Effective Immediately, to Address Textbooks and Instructional Materials in Public Schools

10.24.2023

Signed into law on September 25, 2023, Assembly Bill ("A.B.") 1078 addresses issues related to insufficient textbooks or instructional materials within California public schools. As the bill contained an urgency provision, the bill took effect the day it was signed.

A.B. 1078 added Education Code section 202, in which the Legislature "reaffirm[ed] that its laws and public policy support accurate and inclusive education in all of California's schools." The Legislature specifically included references to instructional and supplemental materials written by or featuring LGBTQ+ individuals, or materials that touch on "race, ethnicity, gender, sexual orientation, or other protected characteristics." The Legislature stated restricting access to such materials because they feature or were written by individuals from such groups is discrimination and "constitutes censorship in violation of California law and policy."

A.B. 1078 amends various provisions of the Education Code regarding instructional and supplemental materials, and policies related to nondiscrimination. Specifically, A.B. 1078 amended Education Code section 234.1, subdivision (a), and requires school districts and county offices of education to amend their existing nondiscrimination policies to include language clarifying that these nondiscrimination policies apply to the governing board and the superintendent when they enact policies and procedures.

To address concerns regarding insufficient textbooks or instructional materials, A.B. 1078 added Education Code section 243. The new statute states that a school district or county board of education "shall not

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refuse to approve the use or prohibit the use" of instructional or supplemental materials, including library materials, "on the basis that it includes a study of the role and contributions of any individual or group" who is "Native American, African American, Latino American, Asian American, Pacific Islanders, European American, LGBTQ+ American, persons with disabilities, or members of other ethnic, cultural, religious, and socioeconomic statues groups." The law states that such action by a school district or county board of education constitutes unlawful discrimination in violation of Education Code section 220, and an allegation or complaint regarding a violation may be filed under the Uniform Complaint Procedure ("UCP").

Under A.B. 1078, a complaint of insufficient textbooks or supplemental materials may also be filed directly with the Superintendent of Public Instruction. In response, the Superintendent of Public Instruction "may directly intervene without waiting for an investigation" by the educational agency. If the Superintendent of Public Instruction determines that a school district does not have sufficient textbooks or instructional materials, the school district will be assessed "a financial penalty against its local control funding formula" ("LCFF") and the California Department of Education will purchase sufficient textbooks and instructional materials and create a loan to be paid by the school district. If the loan is not repaid by an agreed upon schedule with the Superintendent of Public Instruction, the State Controller will deduct the amount of the loan from the school district's apportionment of state funds.

A.B. 1078 also imposes new duties on county superintendents of schools and county offices of education in overseeing instructional and supplemental materials. Under existing law, a school district is required to hold a public meeting within the first eight weeks of the start of a new school year to determine if it has sufficient textbooks or instructional materials. If the governing board determines there are insufficient textbooks or instructional materials, it must pass a resolution to that effect. Under the law as amended by A.B. 1078, the governing board must now submit a copy of that resolution to the county superintendent of schools within three business days. Under A.B. 1078, if the county superintendent of schools determines there are insufficient textbooks or instructional materials pursuant to the

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resolution, a complaint filed under Education Code section 243, or an audit, the county superintendent is now required to provide the school district until the second month of the school year to remedy the deficiency. If the deficiency is not remedied by the deadline, the county superintendent must request that the California Department of Education purchase the materials to remedy the deficiency. The California Department of Education will work with the school district determine which materials to purchase. The materials will be purchased through a loan to the school district. If the loan is not repaid by an agreed upon schedule with the Superintendent of Public Instruction, the State Controller will deduct the amount of the loan from the school district's apportionment of state funds.

In response to A.B. 1078, school districts and county offices of education are encouraged to ensure their current nondiscrimination policy complies with the law as amended. Moreover, because of the potential financial consequences of a determination of insufficient textbooks or instructional materials, school districts are encouraged to consult with legal counsel both when there are complaints regarding sufficiency of materials and before taking action to remove challenged textbooks or supplemental materials.

Please contact the authors of this Alert or your usual AALRR counsel with any questions regarding A.B. 1078 or addressing challenges to textbooks or supplemental materials.

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