

# **EXPANDED SCHOOL BASED MANAGEMENT MODEL (ESBMM) Manual**



**WORKING TOGETHER !**

Los Angeles Unified School District  
Division of Intensive Support and Intervention  
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LOCAL OPTIONS OVERSIGHT COMMITTEE  
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## I. INTRODUCTION AND OVERVIEW

### A. BACKGROUND

**Expanded School Based Management (ESBMM)** is one of the voluntary autonomous school models available to schools, providing flexibilities to improve the educational learning environment and their students' academic performance. ESBMM originated at Woodland Hills Academy (formerly Parkman Middle School) in the spring of 2006 as a result of the school's efforts to improve the school. In August 2007 UTLA proposed expanding this reform model to other schools within the District. An ESBMM Memorandum of Understanding was signed in April 2010 with the intent to enhance flexibility, accountability, and local control for participating schools in order to promote academic excellence and full engagement by the school community.

ESBMM Schools transfer authority directly to the school level through autonomies granted to approved ESBMM schools. Responsibility and decision-making over school operations is transferred to the administrator, teachers, parents, and in some cases, the students and community members through the School Leadership Council to collaboratively make decisions that best meet the needs of their student population. ESBMM schools will be held to higher levels of accountability in exchange for increased autonomy. The ESBMM schools remain part of the District.

All students and families deserve quality schools and a rigorous instructional program that meets the needs of each student. With this in mind, educational quality, community involvement, and a school culture of shared responsibility are the leading factors that guide the Extended School Based Management Model (ESBMM).

### B. PURPOSE OF THE MANUAL

The purpose of this manual is to define the policies, practices, and responsibilities that govern ESBMM Schools as determined by the three agreements between Los Angeles Unified School District (LAUSD) and United Teachers Los Angeles (UTLA).

- 2006 Woodland Hills Academy ESBMM Agreement (Attachment A)
- 2010 Expanded School-Based Management Memorandum of Understanding (Attachment B)
- 2011 Local School Stabilization and Empowerment Initiative (Attachment C)

This manual is intended for use by various audiences including, but not limited to:

- LAUSD Central office staff and Educational Service Centers staff, especially as it pertains to their work with ESBMM Schools
- Leaders of existing and newly converted ESBMM schools, to assist them in understanding the full scope of autonomies and responsibilities inherent in the ESBMM School model
- Design teams of prospective Autonomous Schools, to assist them in gaining an understanding of what becoming an ESBMM School entails

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It is important to note that this manual is a living document. As current agreements are revisited and new issues are uncovered, this manual will continue to be revised to reflect any changes that may occur within the MOUs previously agreed upon.

## **C. PRINCIPLES AND PRACTICES OF ESBMM SCHOOLS**

The key **principles** of ESBMM are **collaboration** and **shared decision-making** at the school site, embodying freedoms from District-imposed constraints.

The following **practices** form the foundation for ESBMM schools:

- **Distributed Leadership** throughout the school so that many stakeholders participate in making decisions. Local school councils and subcommittees are two examples of such decision-making groups; these groups have a formal structure with assigned members and regular meeting times.
- **Focused and Intentional Professional Development** as an ongoing, school-wide activity. Successful schools orient activities toward building a school-wide capacity for change, creating a professional community and developing a shared knowledge base.
- **On-going Transparent Communication** so that participants are informed of school performance and can make educated decisions about the organization and direction of the school.
- **Effective Leadership** by a principal who can lead, collaborate and delegate. The principal plays a key role in several areas: dispersing power, promoting a school-wide commitment to growth in skills and knowledge, and getting all stakeholders to participate in the work of the school.

## **D. ELEMENTS OF ESBMM**

ESBMM schools are based on the six elements of School Based Management, which support success because the schools have, to the maximum extent permitted by law:

1. Funding to the local school site, based on the State ADA and Categorical Funding framework
2. Control over its financial resources (per pupil funding)
3. Control over the selection of administrative, certificated, and classified employees, subject to applicable laws, regulations, and collective bargaining agreements
4. Control over curriculum
5. Control over professional development
6. Control over bell schedules, in accordance with District requirements for minimum instructional minutes

## **E. ESTABLISHMENT OF ESBMM SCHOOLS**

ESBMM schools shall be established through a Request for Proposal (RFP) process developed by the Local Options Oversight Committee with final decision-making by the Superintendent/designee.

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At the school site the process includes:

- Consideration of a planning year
- Outreach and involvement of school stakeholders, including documentation of these efforts
- Approval by the Local School Leadership Council to pursue ESBMM
- Submission of a Letter of Intent signed by the school Principal and UTLA Chapter Chair
- Per the ESBMM Memorandum of Understanding, all ESBMM proposals shall explain how **each** of the six elements will apply to school's program. The proposal shall contain a comprehensive description of each of the following components:
  1. Establish clear accountability measures for each component listed in this section, including objectively measureable metrics for each accountability measure.
  2. The academic program, curriculum, instruction and assessment practices, including for example standards-based curricular framework, instructional materials, instructional methodology for academic and innovative approaches, bell schedule and annual calendar, professional development, and support for all subgroups. ESBMM Schools shall, at a minimum, provide at least the number of student instructional days and the amount of instructional minutes as other District schools of the applicable grade level.
  3. Professional Development offerings and how they will support the school's objectives.
  4. Governance, including, for example, organizational structure, composition of governing councils and committees, and roles and responsibilities, in keeping with all legal requirements.
    - a) Governance functions include but are not limited to the following tasks: set the school vision, approve the annual budget, and the selection of the school leader.
      - i. An ESBMM School shall form a School Leadership Council, and the School Leadership Council will function according to Article XXVII, Sections 2.0-2.9 of the LAUSD-UTLA Collective Bargaining Agreement, unless otherwise provided for herein. The Council will participate in shared decision-making on all of the matters provided in Section 2.4.
      - ii. To the extent permitted by applicable laws, regulations, and collective bargaining agreements, members of the School Leadership Council will be actively involved in the selection of personnel, evaluations of teacher performance, and design and conduct professional development.
      - iii. The School Leadership Council shall establish a committee comprised of the school principal, chapter chair, teachers, parents, classified staff for the purpose of selecting personnel in accordance with District Staffing policies and procedures. All members of this committee shall sign a Non-Disclosure agreement regarding applicant information. For the purpose of selecting the school principal, the Superintendent/designee shall appoint a representative to serve on the selection committee. The committee shall select personnel by consensus.
    - b) ESBMM Schools shall also have properly formed advisory committees and School Site Council. Refer to the current District bulletin 6332.0 regarding Advisory Committees and School Site Councils, for complete information regarding policies and state guidelines related to the composition of School Site Councils.
  5. Parent involvement (at a minimum, ESBMM school proposals shall demonstrate that three meetings were held at various times to ensure access).

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6. Community engagement (at a minimum, ESBMM school proposals shall demonstrate that three meetings were held at various times to ensure access).
  - The written proposal shall be shared with all school staff (certificated and classified) and stakeholders for input. The final proposal as submitted shall include evidence of engagement from classified staff and parents in support of the proposal.
  - The proposal shall show evidence that 67% of the UTLA bargaining members who work 50% or more time at the school site support the proposal.

Completed RFPs will be reviewed by a proposal review team designated by the Superintendent. The review team shall recommend proposals to the Superintendent/designee for approval. Schools may be asked to clarify or revise portions of their proposal prior to the Superintendent making a decision.

A comprehensive plan includes the following steps and may take longer than a year to accomplish:

## **Planning Phase**

- Attend training to learn more about ESBMM
- Develop an outreach plan that includes involvement and engagement of all school community stakeholders in the decision to pursue the model
- Document all engagement efforts (e.g., meeting agendas, notes, etc.)
- Seek approval from the Local School Leadership Council to pursue the ESBM model

## **Plan Development**

- Identify a team who will support the writing and development of the proposal
- Submit a Letter of Intent and write the proposal
- Engage all school community stakeholders in the development of the proposal; must host a minimum of three (3) different meetings at various times with parents and community members
- Document all meetings
- Periodically share draft proposal with all stakeholder groups for feedback

## **Staff Support**

- Share final proposal with all school staff (certificated and classified)
- Conduct and document UTLA represented staff vote
- Submit proposal to the District for approval if 67% of UTLA bargaining unit members who work at least 50% of the time at the site vote in favor of the ESBMM Proposal

## **Proposal Submission and Approval**

- Submit the final proposal, with evidence of UTLA bargaining staff vote in support as well as evidence of engagement and support from the classified staff and the parents, to the Local Options Oversight Committee (Supt. Designee) for approval
- School receives written notification from the Superintendent or the Designee regarding next steps relative to the proposal submitted

## II. ESBMM SCHOOL AUTONOMIES

As stated in the ESBMM Agreement and the LSSEI Agreement between LAUSD and UTLA, ESBMM Schools are exempt from Board Rules and District policies except those necessary to ensure legal compliance with Federal and State laws, including the impact of the waiver on the District's ability to comply with legal requirements district-wide, approval of the ESBMM proposal constitutes approval of the waiver request from policies and Board Rules. After approval of the ESBMM proposal, any decision of an ESBMM school that is in conflict with any applicable laws, regulations, or collective bargaining agreements shall be null and void unless the appropriate parties have agreed to a waiver or exemption. The school's ESBMM plan continues to be subject to District review to maintain compliance with any additional legal requirements and to ensure continuing accountability.

### A. Staff Selection

#### ***Staff Selection Autonomy Language***

*ESBMM Schools have control over the selection of administrative, certificated and classified employees.*

*ESBMM Memorandum of  
Understanding, April 2010*

To the extent permitted by applicable laws, regulations and collective bargaining agreements, members of the School Leadership Council will be actively involved in the selection of personnel. The School Leadership Council shall establish a committee comprised of the school principal, chapter chair, teachers, parents, and classified staff for the purpose of selecting personnel in accordance with District Staffing Policies and Procedures. All members of the committee shall sign a Non-Disclosure agreement regarding applicant information. The committee shall select the personnel by consensus. For the purposes of selecting the school principal, the Superintendent/designee shall appoint a representative to serve on the committee. Final approval for the selection of Principal shall be approved by the superintendent.

#### **General Staffing Guidelines**

1. The staffing plan is based on student needs.
2. Staff must be selected to support the vision and mission of the school.
3. Teachers at ESBMM Schools maintain their full status as UTLA members and as employees of the District.
4. ESBMM Schools are required to comply with all applicable collective bargaining agreements as they relate to staff. In addition, they must adhere to Personnel Commission rules pertaining to classified employees.

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## **Selection of Principal**

The Local School Leadership Council shall make recommendations to the Superintendent regarding the filling of the position for Principal by forwarding their nominee for the position. Should the nominee not be approved by the Superintendent, the selection committee has the option of putting forth their next candidate or conduct a new search.

CORE Waiver requirements on interventions for Priority Schools may impact principal selection for some ESBMM Schools, **if the ESBMM School has been identified as a Priority School under the CORE Waiver criteria**. CORE identified Priority School Principals are reviewed for leader effectiveness and, if deemed necessary, the Principal may be replaced. If this occurs, the District is federally required to select a new principal that:

- Has a track record of increasing student growth on standardized test scores as well as overall student growth, as well as in subgroups in the school
- Exhibits competencies in the areas of driving for results, problem-solving, and showing confidence to lead
- Has a minimum of 3 years of experience as a principal
- Has experience supervising the implementation of multiple programs at the school level, including but not limited to special education, Title I, and ELL

For more detailed information regarding CORE Priority Schools, please review the “Priority Schools” section in the [CORE Waiver FAQs](#).

## **Human Resources Guidelines**

1. UTLA members work in ESBMM Schools on a voluntary basis and may request a voluntary transfer to another District school at the end of any school year.
2. UTLA members who work in an ESBMM School maintain their full status as members of the UTLA Bargaining Unit and as employees of the District. All provisions of the UTLA-LAUSD Collective Bargaining Agreement shall continue to apply to UTLA bargaining unit members assigned to ESBMM schools.

## **Filling Vacancies**

ESBMM Schools are required to post all vacant positions for certificated staff and administration through the Human Resources Division. ESBMM Schools may select faculty from any candidate eligible throughout LAUSD, and not just in their local instructional area, subject to rehire lists. Any and all selection of staff for ESBMM Schools must be processed and approved through the Human Resources Division. The selection of non-UTLA staff members who are in other LAUSD unions shall be in compliance with the applicable collective bargaining agreements.

Policies, regulations, and collective bargaining agreements pertaining to classified employees are in effect and shall govern all classified employees working in ESBMM Schools.

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## **Performance Evaluations for UTLA Members**

Per the LAUSD-UTLA Collective Bargaining Agreement and the ESBMM MOU, UTLA represented staff shall be evaluated in the same manner as their colleagues working in a traditional school.

### **New Supplemental Evaluation Agreement (Addition to Article X)**

The Los Angeles Unified School District (LAUSD) and United Teachers Los Angeles (UTLA) 2012 Evaluation Procedures Supplement to Article X (the “Supplemental Agreement”) is an important addition to Article X of the LAUSD-UTLA Collective Bargaining Agreement (the “CBA”). The new Supplemental Agreement was ratified by UTLA members on January 19, 2013 and adopted by the Board of Education on February 12, 2013. The Supplemental Agreement was reached in response to the Doe v. Deasy Court Order enforcing the requirements of the Stull Act in all LAUSD schools which compel the District to evaluate teacher performance as it reasonably relates to student growth and progress toward District standards and State standards for pupil achievement, as measured by State-adopted criterion-referenced student testing results.

Under the Court Order, implementation of the statutory requirements (under the conditions detailed in the Supplemental Agreement) must begin immediately. The previous Article X of the CBA also remains in full force and effect, together with the additional terms set forth in the Supplemental Agreement. Under the recent UTLA agreement, the assessment of pupil progress will not be the “sole, primary or controlling” factor in the final rating determination, but is to be considered “an important, but clearly limited part of the overall evaluation of the employee’s performance.” Observed classroom performance and other similar factors will remain the primary and controlling factors.

The provisions of the agreement apply to all School-Based, Instructional Personnel and Support Services Personnel, including all ESBMM Schools. Essentially, the agreement changes the Stull Act evaluation process in LAUSD to explicitly incorporate inclusion and consideration of data of pupil progress into both the goal-setting phase (initial planning sheets) and in the summative process (final evaluation meeting and forms). All LAUSD administrators, including ESBMM School Administrators, must ensure that a student performance data goal be incorporated into a teacher’s initial planning sheet AND that both classroom level student outcome data and school-wide AGT information be considered and commented upon in the Final Evaluation Form, and may also be noted/discussed in the Comments for Overall Evaluations section of the Final Evaluation Form.

The Supplemental Agreement can be accessed at <http://achieve.lausd.net/Page/3087>

Additional guidelines and information are provided through [BUL-5335.2 \(Performance Evaluation for UTLA Bargaining Unit Personnel\)](#) and the [Supplemental Agreement Evaluation Procedures FAQ](#) document. Both documents can also be accessed through the Professional Learning and Leadership Development Division formerly known as Talent Management Division - website: <http://achieve.lausd.net/Page/4404>.

## **Displacement and Transfers**

Per the UTLA-LAUSD collective Bargaining Agreement all employees work in an ESBMM School on a voluntary basis and may request a voluntary transfer to another district school effective at the end of any school year. Any UTLA bargaining unit employee who is transferred from an ESBMM school (for example, due to programmatic changes at the school site) during the term of the agreement shall be transferred to a vacancy for which the employee is qualified at a school within the geographic area in

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which the ESBMM school is located, or if no such vacancy exists, shall be transferred to another geographic area.

## **Reduction in Force**

As stated at the beginning of this section, and as detailed in the MOUs currently in effect, all provisions of the [LAUSD-UTLA Collective Bargaining Agreement](#) remain in full force. Per the provisions concerning Reduction in Force, Article XIII of the UTLA contract, whenever the District is forced by budgetary constraints to lay off teachers by issuing Reduction in Force notices, there will be limitations on the ability of ESBMM Schools to select new teachers. Article XIII provides the language concerning the order of re-employment for terminated probationary and permanent employees. The California Education Code § 44955-44959.5 provides statutory provisions for termination by seniority and re-assignment by seniority and qualifications. However, the CA Ed Code also includes provisions for a school district to reappoint certificated employees based on a number of reasons, without following the order of seniority (“skipping”). “Skipping” criteria (exceptions for deviating from seniority to protect specialized teachers) on rehire lists based on special skills and qualifications is not guaranteed and must be approved by the Board of Education each year. Because this involves careful review of the employee’s credentials and qualifications, it is recommended that ESBMM School administrators work closely with the Human Resources staff in filling vacancies.

## **B. BUDGET**

### **Budget Autonomy Language**

*ESBMM schools shall be funded through a site-based funding model determined by the District.*

*ESBMM Memorandum of  
Understanding, April 2010*

### **General Fund School Program**

The current site-based funding model used by the District to fund ESBMM schools is the General Fund School Program, the same model used for traditional schools. This section provides a general framework for budget development for ESBMM Schools.

Currently the District allocates most of the General Fund resources under program 13027, the General Fund School Program. Schools shall use their allocation to develop a budget that meets the needs of the local instructional and operational programs within the constraints of State and Federal laws, court orders and consent decrees, collective bargaining agreements, Personnel Commission Rules, and the Human Resources Division. These funds support core positions such as administrators, teachers, and clerical staff.

In addition schools receive other types of resources:

- Resources to support targeted disadvantaged students
- Resources specific to individual site needs, such as campus aides

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- Centrally-budgeted resources and services such as police and gardeners
- Federal allocations distributed based on student characteristics (i.e. English Learner, low-income) meant to supplement the school's core program

ESBMM schools have control over their financial resources. The budget autonomy allows the school to use *its financial resources* to provide for the vision and mission identified in their approved proposals. While the School Leadership Council approves the annual budget, the School principal is the final budget manager and assumes responsibility for ensuring that the budget is available to support staffing request and all other costs for a fiscal year.

After Norm Day, the school's allocation is recalculated using Norm Day enrollment. The District will implement increases or decreases to a school's General Fund School Program Allocation, as applicable. Refer to the [General Fund School Program Manual](#).

## **Local School Leadership Council Budget Authority (Article XXVII, Section 2.4 (b) 5 of the District – UTLA Collective Bargaining Agreement)**

Schools implementing the Local School Leadership Council (LSLC) budget authority will have the same authority preserved (neither expanded nor reduced) under Object Code/Commitment Item 4310/430010 of Program Code 13027. Local School Leadership Council budget authority will continue to require LSLC approval to transfer funds out of object code/commitment item 4310/430010. On the other hand, if additional funds are transferred in from other object codes/commitment items or program codes, the LSCL will not have budget authority. For example, suppose a school is allocated \$5,000 in commitment item 430010 during Budget Development. The LSLC will have budget authority over the \$5,000. Then, \$1,000 is transferred from commitment item 430001 to 430010. The LSLC will not have budget authority over the \$1,000.

Please see the Budgeting for Student Achievement (BSA) website <http://achieve.lausd.net/budget> for the training module entitled "Stakeholder Engagement." Additional training modules are available on the BSA website and the Learning Zone to support the school's budget development and planning process.

## **General Guidelines**

1. If schools close positions that are allocated to them, these positions cannot be re-purchased from Specially Funded Programs to ensure that Specially Funded resources supplement, not supplant the District's core program.
2. If a school purchases positions in excess of the District's staffing levels, the school is responsible to fund the cost of all benefited absences, substitute days, longevity/differentials and actual costs for each additional position.
3. Each year the District resets school staffing patterns to match the District's recommended levels of staffing. Flexibility must be implemented on an annual basis.
4. The District will allocate positions with incumbents at the employees' actual salaries and vacant positions at the District's average cost.
5. Some schools may receive augmentations to their school's budget for various resources. If a school receives an augmentation for a particular resource, the school may not exercise flexibility over the same resource allocated as part of the General Fund. These resources must supplement, not supplant, General Fund resources.

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## **Engaging the School Community in the Budget-Building Process**

Because transparency is a key goal of the District, principals are expected to engage their school community in the budget-building process. Principals shall convene their school stakeholders for a collaborative discussion about their school's priorities, the Superintendent's instructional goals and priorities, the school's other strategic documents, and how best to budget the school's unrestricted resources to meet those priorities. The school principal will have final budget decision-making authority for Program 13027 funds, except as defined under Local School Leadership Council Budget Authority and subject to the approval of the Educational Service Center Superintendent or designee.

## **Carryover**

Each year, the Budget Services and Financial Planning Division issues a memorandum on carryover policies and timelines for school accounts for the current school year. The carryover policies may vary year to year, based on the District's financial condition. Schools are encouraged to expend their entire Program 13027 allocation, without over-drafting the account. The District intends to allow schools to carryover the full ending balance in the General Fund School Program.

See the [General Fund School Program Manual](#) for additional information.

## **Targeted Student Population (Program 10183)**

Schools will receive an allocation based on their unduplicated count of Free and Reduced Price Meal (FRPM) eligible students, English Learners, and Foster Youth students under Program 10183. The resources from this program, known as Targeted Student Population, must support the needs of low-income, foster youth, and English learners. During the transition year and prior to the submission and adoption of the District's Local Control Accountability Plan (LCAP), positions, services, and programs funded with Program 10183 must be targeted and aligned to the following three LCAP priorities for at-risk students:

- Student Achievement
- Student Engagement
- Parental Involvement

Expenditures in Program 10183 must directly support increased achievement or improved services for the three populations that generated the resources and provide opportunities for parents/guardians to engage in and support the school's efforts per Education Code 52060 (d) (3). To that end, principals should share the draft Targeted Student Population budget with all existing councils and committees in order to provide opportunities for input. Although the decision about how to use these funds does not require a vote of existing councils and/or committees, there is an expectation that their input has been sought. Schools may list the date(s) that they sought input from their school community and denote it on the School's Front End Budget Signature Page.

School sites must adhere to the English learner mandates outlined in the District's agreement with the Office for Civil Rights (OCR) and operationalized in the 2012 Master Plan for English Learners. These mandates include, but are not limited to, English language development instructional services, intervention, monitoring student's academic and English language proficiency and building teacher capacity. Schools may purchase an out of classroom position (i.e. Targeted Student Population Coordinator or adviser) to ensure compliance with above mentioned agreements. Schools must

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implement these mandates as appropriate and fund them using Targeted Student Population program funds (10183). For guidance and assistance, please consult the Multilingual and Multicultural Education Department (MMED) website at [lausd.net/mmed](http://lausd.net/mmed), contact your ESC EL Program Coordinator or call the MMED department at 213-241-5582.

Schools should ensure that Pupil Personnel staff monitor compliance with District and Federal Mandates (AB216, AB490 including partial credits) for all foster youth.

Positions budgeted in the Targeted Student Population Program (TSP) should be budgeted at their actual costs.

For register-carrying teachers that are budgeted in the Targeted Student Population Program, four days of substitute time must be budgeted in the program. Another six days of substitute time will be allocated in the General Fund School Program (program 13027). The first four days of substitute time for the teacher must be time-reported from the TSP program.

## **Categorical Resources**

While general funds are unrestricted discretionary resources used to support the basic instructional and operational program of a school, categorical funds are resources earmarked for specific purposes. These resources may be grants or special funding coming from the state and/or federal governments that are targeted for particular categories of students, special programs, or special purposes. Typically, categorical funds have restrictions as to how they may be spent. The intent of supplementary categorical programs funding is to provide direct instructional support to students beyond the core educational program provided by the district. All expenses must be clearly identified and justified as supporting student achievement in alignment with the school's Single Plan for Student Achievement (SPSA).

Based on the program criteria and their students' eligibility, ESBMM Schools may receive Title I and other State and Federal grants and special program funding. These funds are not included in the General Fund allocation and are allocated separately. Allocations of categorical funds will be based on the school's eligibility and will also reflect the District's budgeting practices. As part of the budget development process, categorical funds will be based on the school's program eligibility. District budgeting practices will also be taken into consideration (e.g., for programs allowing this, the District withholds portions of some funding sources to help in balancing the District budget, to provide centralized resources, to provide for centralized purchase of materials for schools, etc.). ESBMM schools will receive the same per pupil allocation from these sources as traditional schools.

## **Budgeting Categorical Funds**

The California Education Code requires that the School Site Council (SSC) oversee the strategies and budgets associated with the Single Plan for Student Achievement (SPSA), which includes schools operating under an intervention plan, Corrective Action Plan, and those operating under a Western Association of Schools and Colleges (WASC) plan. ESBMM Schools should use their SPSA as a guide for allocating their categorical funds. As plans are adjusted during the year, budget allocations may need to be adjusted as well.

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In building their budgets, schools should consider all of their available resources, including categorical funds. While ESBMM schools desire maximum flexibility in the conduct of their programs, the District must ensure compliance with categorical program guidelines in order to avoid audit exceptions and loss of District funding. Following are some important guidelines regarding categorical programs.

**When budgeting and planning expenditures using categorical funds, schools should ask themselves the following questions:**

- Do these expenditures provide supplementary services (above and beyond the services that must be provided to all students) that would not be provided absent categorical funds?
- Do position allocations for categorical funds match the proportion of each position actually performing direct, supplementary services to students?
- Do these expenditures directly affect each student in progressing to proficiency on the state standards?
- Are these expenditures based on what is good for students at our school?
- Does this categorical funding allocation help us reach our achievement goals and benchmarks?

The [Program and Budget Handbook](#) produced annually by the Federal and State Education Programs Office, provides further detail on effectively using categorical resources to enhance the core program.

## **Conditions of Budget Autonomy**

ESBMM Schools will use their monetary allocation to build a budget that meets the needs of their school's instructional and operational program within the constraints of State and Federal laws, court orders and consent decrees, Personnel Commission rules, and Collective Bargaining Agreements.

## **Deficit Reduction**

ESBMM Schools will equitably participate in all LAUSD deficit reduction programs.

## **Purchasing of Goods and Services**

In expending LAUSD funds, ESBMM Schools must comply with applicable public contract laws and regulations.

## **C. CURRICULUM AND ASSESSMENT GUIDELINES**

### **Curriculum and Assessment Autonomy Language**

*ESBMM Schools have the freedom to structure their curriculum and assessment practices, as long as they are equal or greater in rigor to the District's, to best meet students' learning needs. While ESBMM Schools have the flexibility to determine their school-based curriculum and assessments, they must meet state content standards requirements and are held accountable to Federal and State required tests.*

## EXERCISING CURRICULAR AUTONOMY OVER CERTAIN DISTRICT PROGRAMS

### Guidelines for ESBMM schools adopting an alternate curriculum:

- ESBMM Schools' curriculum shall be based on the Common Core State Standards, and shall meet or exceed in rigor the LAUSD curriculum
- ESBMM Schools can create or modify curriculum to fulfill each school's mission but there must be a core curriculum for all students
- ESBMM High Schools must provide to every student a college preparatory curriculum that meets or exceeds UC/CSU A-G requirements, guided by a multiple pathways approach that recognizes the value of career or intern-based education as well as college readiness
- ESBMM Schools assess rigorous A-G curricula in multiple ways

### English Learner Program

Federal and State law requires the District to provide services, which include daily English Language Development (ELD) and access to the core curriculum for all English Learners (ELs). In addition, the District entered into an agreement with the federal Office for Civil Rights, and as a result, revised the English Learner Master Plan. The agreement and law requires the District to ensure that ELs are provided access to standards-based ELD and content area instruction by placing students in instructional settings that meet their language and academic needs.

The District's Multilingual & Multicultural Education Department recognizes that some schools may have a successful English Learner Program that may not necessarily align with the English Learner Master Plan. ESBMM Schools that want to continue with their English Learner Program should utilize the English Master Plan Waiver Request process. The waiver allows schools to waive out of components of the English Learner Master Plan, if the school can present a compelling educational reason based on student needs and outcomes. To find out how to submit a waiver and a plan, please review BUL 6260 (English Learner Master Plan Waiver Request: Procedures and Guidelines for Requesting English Learner Master Plan Waiver Request, K-12).

In addition, ESBMM Schools interested in submitting a waiver should take note of the following key points:

- Each waiver is taken on its individual merit (there is no blanket policy to refuse all waivers.)
- A waiver for the prescribed curriculum or curricular program must differentiate between the two levels of LTEL (Long Term English Learner) courses.
  - One type of curriculum or curricular program cannot be used for students in both secondary LTEL levels.
- Data metrics such as AMAO 1 (Annual Measurable Achievement Objective) and AMAO 2 must be considered when demonstrating justification to waive an identified component of the English Learner Master Plan, as well as the English learner API improvement data or appropriate CORE Waiver metric.
- The intention of a waiver is not to exempt a school from doing something; it is a waiver to use a different evidence-based practice.

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- The most critical lens with which the waiver will be evaluated is based on the *Castañeda v. Pickard*<sup>1</sup> three-part test:
  - Is the requested waiver (program or practice) based on an educational theory recognized as sound by some experts in the field or considered by experts as a legitimate experimental strategy?
  - Is the requested waiver (program or practice), including resources and personnel, reasonably calculated to implement effectively?
  - How will the school evaluate and make adjustments where needed to ensure language barriers are actually being overcome?

## ASSESSMENTS

### Interim Assessments (formerly called Periodic Assessments)

ESBMM Schools recognize that ongoing assessments are required as part of an effective instructional program. Assessment autonomy provides ESBMM Schools the opportunity to design their own formative measures, enabling teachers to identify data points to inform their instruction and to provide differentiated support for students in their classroom. To access this autonomy, ESBMM Schools may choose from the following assessment options:

- District provided CCSS aligned assessments
- Use the District provided assessments and additional CCSS aligned assessments
- Replace or modify District Program components
- Develop their own CCSS aligned assessments

### **ESBMM Schools are expected to use the following guidelines for assessment:**

- Assessments are first and foremost a tool for informing and improving instruction.
- Assessments should be a tool to measure student progress.
- Assessment practices must be fair and equitable for all students, regularly reviewed, and refined
- Assessment results should be used to promote reflective practice in teachers, collaboration and relevant professional development leading to improved instruction
- Assessment goals, dates and results should be clearly communicated to students and parents.

### **An alternative assessment system at an ESBMM School should do the following:**

- Provide multiple ways of assessing student competency in meaningful ways, rather than relying on one single method
- Enhance transparency, so that all students, families, and the public understand the knowledge, skills, and habits of mind that students are expected to know and be able to do,

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<sup>1</sup> In 1981, a federal court of appeals decision, *Castañeda v. Pickard*, created a test for evaluating the adequacy of a school district's approach to addressing the needs of its non-English speaking students and limited-English-speaking students. The Department of Education uses the test set forth in the *Castañeda* decision as the basis for determining whether a school district program for serving students with limited English proficiency is complying with Title VI.

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how they will be expected to demonstrate this knowledge, and what constitutes high quality work

- Be developed/used by those working most closely with students, while also involving families and the community
- Provide information to students, families, and the community on how students are progressing toward meeting goals
- Provide opportunities for students to be successful, to learn from mistakes and challenges, and to build persistence and resiliency as learners
- Help students become independent, self-reliant and reflective learners and self-assessors who monitor their own growth, build on their strengths, and develop their skills
- Reflect the best research on instruction and assessment

## **District, State, and Federal Mandates**

- State and federally mandated assessments will be used to assess both student progress and school effectiveness.
- All ESBMM Schools are held accountable for all federal- and state-mandated testing. They are required to administer the California High School Exit Exam (CAHSEE) and the Smarter Balanced Assessments.
- No school may opt out of the administration of the Foundational Reading Assessment (DIBELS Next) for English learners or Students with Disabilities. These assessments are required by the Modified Consent Decree and for the purpose of reclassification.
- No middle school may opt out of administering the Math 6 placement assessment or the Algebra 1 summative assessment. These assessments are used for placement and to determine whether students will earn numerical credits in high school.
- Annually, ESBMM Schools will inform their ESC Instructional Superintendent if the school plans on administering the LAUSD interim assessments to students.

## **Calendar for Comprehensive Assessment Program - Review REF-6327.1**

(REF-6327.1) Pilot Schools, Local Initiative Schools (LIS), Expanded School Based Management Model (ESBMM) and Affiliated Charter Schools are the schools that have flexibility to waive out of some of the District required assessments. Assessments should reveal how well students have learned what we want them to learn while instruction ensures that they learn it. For this to occur, assessments, learning objectives, and instructional strategies need to be closely aligned so that they reinforce one another.

Any school electing to waive out of the interim assessments that is not operating under one of the autonomy models listed above must formally request a waiver through the instructional director at the Educational Service Center.

## **California Office to Reform Education (CORE) Waiver and Common Core State Standards (CCSS) Assessment Requirements**

The Los Angeles Unified School District is part of a consortium of 10 districts in California working together to support school reform. Eight of the school districts, including LAUSD, collaborated to create an NCLB CORE Waiver Application to the US Department of Education for a waiver of certain

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aspects (i.e., section 1116) of the Elementary and Secondary Education Act (ESEA, formerly NCLB). This waiver directly impacts schools that receive Title I funds and their Program Improvement accountability system under NCLB. While the waiver grants some flexibility, it comes with the promise and accountability that the District will gear up for Common Core, develop an accountability system in lieu of Program Improvement, and develop strong teacher and leader support and evaluation systems. Essentially, with respect to ESBMM Schools' autonomy, CORE Waiver requirements are to be considered federal requirements, and as such must be adhered to.

With the District's adoption of the Common Core State Standards (CCSS), CST state assessments will be replaced by the Smarter Balanced Assessments (SBAC) beginning 2014-15.

For more information regarding the CORE Waiver, please go to the [Superintendent's Web page](#) and click on [CORE Corner](#).

## ***The Local Educational Agency Plan (LEA Plan)***

The approval of a Local Educational Agency Plan by the local school board and State Board of Education is a requirement for receiving federal funding sub-grants for NCLB programs. The LEA Plan includes specific descriptions and assurances as outlined in the provisions included in NCLB. In essence, LEA Plans describe the actions that LEAs will take to ensure that they meet certain **programmatic** requirements, including student academic services designed to increase student achievement and performance, coordination of services, needs assessments, consultations, school choice, supplemental services, services to homeless students, and other as required. In addition, LEA Plans summarize assessment data, school goals and activities from the *Single Plans for Student Achievement* developed by the LEA's schools.

Because of the NCLB requirement, ESBMM Schools must align their locally developed assessments to Federal requirements on interim assessments and the assessment commitments and description in the District's State approved LEA Plan. It is important to note that even with the approval of the CORE Waiver the District is still required, under NCLB, to submit a LEA Plan.

## ***Federal Requirements on District Interim Assessments (or Local Measures of Student Performance other than State-level assessments)***

Per NCLB Section 1112 regarding Local Educational Plans, each LEA must provide the following descriptions in its Plan:

A description of high-quality student academic assessment, if any, that are in addition to the academic assessments described in the State Plan under section 1111(b)(3), that the Local Educational Agency (LEA) and schools served under this part will use to:

- a) Determine the success of students in meeting the State student academic achievement standards and provide information to teachers, parents, and students on the progress being made toward meeting student academic achievement standards;
- b) Assist in diagnosis, teaching, and learning in the classroom in ways that best enable low-achieving students to meet State student achievement academic standards and do well in the local curriculum;
- c) Determine what revisions are needed to projects under this part so that such children meet the State student academic achievement standards; and

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- d) Identify effectively students who may be at risk for reading failure or who are having difficulty reading, through the use of screening, diagnostic, and classroom-based instructional reading assessments.

If the LEA uses such assessments in addition to State Academic assessments, the LEA must provide a succinct description in their Plan, and indicate grade levels and students served with such assessments.

## **The District's Interim Assessments (as described in the LEA Plan):**

- Are informative assessments which are used for continuously gathering evidence about learning progress in order to inform teachers about what instructional adaptations need to be taken to promote further learning
- Occur at least two times a year
- Are written to ensure their alignment to the Common Core State Standards
- Are designed to provide diagnostic information en route to students demonstrating mastery on corresponding Common Core State Standards and California State Standards in content areas

## **Schools planning to design their own local or interim assessments should consider the following implementation guidelines:**

1. Locally designed assessments should be of equal or higher quality than the District model(s) and include the following information:
  - Description of the alternate assessment and the Common Core State Standards being addressed by the alternate assessment
  - How the assessment will be implemented and a timeline showing when the administration and grading of the assessment will occur
  - Copies of assessment materials that will be used, including teacher directions and student protocols
  - A copy of the rubric that will be used to score the assessment
  - Description of how the assessment will be used (interpretation) and how results will be communicated (reporting). Data from these assessments should be used at the school level to inform instructional practice.
2. Locally designed assessments must be validated through a process that involves administering the assessments, determination of their effectiveness, and correcting any problems that surface.
3. A data collecting, tracking and reporting system should be part of the alternate assessment model. If possible, assessment data should be tracked centrally using MyData and/or other applicable platforms. (NOTE: MyData may not always have the necessary functionality to collect and report the data from customized assessments so schools should plan to develop a corresponding data collection and reporting system for their site.) Schools may choose from a variety of options for providing the assessments:
  - *Hard copies, paper materials:* students take the assessment test with pen and paper
  - *Electronically:* computer, tablet, or other technological device is used to take the test, either through an external provider's website or a proprietary software, or both

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4. School leaders shall be accountable for regularly sharing assessment information and results with their respective School Leadership Councils and the ESC Instructional Superintendent.

## **Textbook Adoption And Purchase**

ESBMM Schools exercising their flexibility with curriculum design in order to meet the unique needs of their students should be aware how this could impact selection of instructional materials. In particular, there are specific guidelines concerning use of state funds for the purchase of textbooks.

The State Instructional Materials Funding Realignment Program (IMFRP) is the source of funding for textbooks. Funds are allocated based on the prior year's K-12 ADA enrollment as reported in April of the previous fiscal year by the California Basic Educational Data System (CBEDS) count. Education Code mandates that:

- For grades K-8, these funds are used to purchase textbooks adopted by the State Board of Education (SBE).
- For grades 9-12, funds are used for locally adopted textbooks that are aligned with state content standards. (There are no state adoptions in grades 9-12.) However, all students in the same grade level or course within the District must use textbooks from the same adoption. (*EC § 42605(e)(2)(B) states that: "... all pupils within the local education agency who are enrolled in the same course shall have identical textbooks and instructional materials..."*)
- All instructional materials used in California's public schools must be in compliance with the social content standards as well as with SBE (State Board of Education) guidelines contained in the document *Standards for Evaluating Instructional Materials for Social Content (2000 Edition)*.
- The District meets reporting and sufficiency requirements.

In addition, IMFRP also requires that:

- 1) Funds should be used to provide each pupil with adopted standards-aligned textbooks or basic instructional materials in Reading/Language Arts, Mathematics, Science and History-Social Science.
- 2) When all pupils have standards-aligned instructional materials in the 4 subjects listed above, the governing board certifies that this has been accomplished.
- 3) Districts may now use IMFRP funds to purchase other adopted materials, such as Foreign Language, Health, and Visual & Performing Arts.
- 4) The District governing board holds its annual hearing and adopts a Suggested Resolution on Sufficiency of Instructional Materials.

If all of the above has been accomplished, then the District may use any remaining IMFRP funds for "other approved purposes."

If an ESBMM School is considering adopting new textbooks or instructional materials for grades 9-12, efforts must be coordinated with the District's Integrated Library and Textbook Services. When making adoption decisions, schools are encouraged to use the content standards, the curriculum frameworks, the SBE-adopted evaluation criteria, and the reports on each adoption as resources.

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## Williams Legislation

*Williams* legislation mandates districts and schools to provide sufficient textbooks and/or instructional materials to all students. The California Education Code defines sufficient textbooks to mean that "... each pupil, including English learners, has textbooks or instructional materials, or both, to use in class and to take home."

Specifically, the law requires that:

- Each student should have a basic or basic-aligned-to-standards textbook and/or instructional materials for use in:
  - Reading/ELA
  - History/Social Science
  - Mathematics
  - Science
  - Health
  - Foreign Language (when offered)
- Each student should have a single textbook in the above subjects that he/she can use both at home and in class.

*State textbook funding is not used for the purchase of class sets in addition to the books issued directly to students nor is it required by CA Ed Code.*

All schools are accountable to the mandates of the *Williams* legislation. However, there is focus on the lowest performing schools currently defined as those ranked in the bottom 1/3 (deciles 1-3) of the Academic Performance Index. Under the law, the Los Angeles County Office of Education (LACOE) has the responsibility of conducting school visits, to validate that schools are using District adopted and/or approved textbooks and that students have access to sufficient textbooks and/or instructional materials.

	Description	Williams Compliant	State Textbook Funding
District Adopted Textbooks	Textbooks in the defined subject areas that have been adopted for use in the District for grades K-12	Yes	Yes
District Approved Textbooks	<ul style="list-style-type: none"> <li>• Additional textbooks in the defined subject areas that have been approved by the District's instructional units for grades K-12</li> <li>• Not gone through the formal State or District adoption process</li> </ul>	Yes	No
Supplemental Textbooks	Used to enhance core instructional program	No	No; can use categorical or discretionary funds

## **PROFESSIONAL DEVELOPMENT**

### **Professional Development Autonomy Language**

*ESBMM Schools will have control over professional development.*

*ESBMM Memorandum of  
Understanding, April 2010*

In order to create personalized learning environments for their students to raise student achievement and meet other school wide goals, ESBMM Schools have flexibility with the design of their professional development. Teachers are active participants in identifying the type of professional development that aligns with their school's curriculum, assessment, and intervention. Having this flexibility encourages collegiality and fosters agreement on goals and visions among the participants. Research has shown that buy-in among participants is crucial as the process acknowledges their existing beliefs and practices. With professional development autonomy, an ESBMM School can decide on the content that will best meet their students' learning needs and address the strengths and weaknesses of their teaching staff internally and/or by contracting with outside PD providers.

## **D. SCHOOL SCHEDULES**

### **School Schedule Autonomy Language**

*ESBMM Schools will have control over bell schedules in accordance with District requirements for minimum instructional minutes.*

*ESBMM Memorandum of  
Understanding, April 2010*

Scheduling autonomy for ESBMM Schools allows flexibility to increase planning and professional development time for faculty and to organize the school schedule in ways that maximize learning time for students.

### **Agreements about Schedules**

ESBMM Schools may set their own school schedules as long as they meet the **daily** and **annual instructional minutes** as required by the District.

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	2013-2014 District Requirements
Kindergarten	55,100 (full day kinder)
Grades 1-3	55,100
Grades 4-6	55,100
Grades 7-8	65,300 (62,160 with CPT)*
Grades 9-12	65,300

*\*Middle schools with 6-8 configuration approved for Common Planning Time have the same requirements as the State's*

**Note:**

- For all grade levels (unless a middle school with Common Planning Time), District policy requires a greater number of instructional minutes to be offered annually than is required by the State.
- Schools that are not covered under the middle school Common Planning Time, would need to request a waiver in order to create additional planning time following the middle school Common Planning Time model. See BUL-6020.13 School Based Management (SBM) Waivers and the LAUSD/UTLA Collective Bargaining Agreement Article IX-B Professional Development, 5.0 Common Planning for Middle Schools. A waiver would require the approval of both LAUSD and UTLA.
- Schools should ensure timely online certification of their bell schedules. The online system is the format the District uses to gather data for state reporting.
- Schools should consider breakfast and lunch meal service times as mandated by state and federal laws and regulations (*Federal Regulations (7CFR), Section 22.2(b) and CFR Section 210.10(f)(1)*).
  - Breakfast must be served at or near the beginning of the child's day at school and lunch must be served between 10 am and 2 pm.

## **E. GOVERNANCE**

### **Governance Autonomy Language**

*ESBMM schools shall form School Leadership Council and the School Leadership Council will function according to Article XXVII, Sections 2.0-2.9 of the LAUSD-UTLA collective bargaining agreement, unless otherwise provided by the ESBMM Agreement.*

*ESBMM Memorandum of  
Understanding, April 2010*

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It is the Local School Leadership Council's charge to keep the vision of the school, to ensure that the school is performing at high levels, and to enable all of the school's stakeholders to have a voice in the school's development. Given this charge, it is critical that every ESBMM School have in place a functioning LSLC, with representation from administration, faculty, parents, community representatives, and in the case of secondary schools, a student representative.

## **Composition of the Local School Leadership Council**

The membership of the Local School Leadership Council shall follow Article XXVII of the UTLA-LAUSD CBA. The LSLC shall be composed of:

- The principal;
- Teachers;
- Other school personnel;
- Parents;
- Community members;
- Students (for secondary schools)

The Principal and the UTLA Chair are automatic members of the LSLC. LSLC members are elected by their respective groups, with the exception of community representatives, who are elected by the parent/community members who attend the meeting.

## **The Role of the Local School Leadership Council**

Governance, including, for example organizational structure, composition of governing councils and committees and roles and responsibilities in keeping with all legal requirements functions include but are not limited to the following tasks.

ESBMM schools shall form a School Leadership Council that will function according to Article XXVII Sections 2.0-2.9. Local School Leadership Councils have authority over the following:

- Set and maintain the school's vision, mission, and goals
- Approve the annual budget
- Recommend the selection of the school principal
- Ensure compliance with all federal and state mandates, court orders, and safety policies related to school operation
- Annually review the school's progress on indicators of student engagement and achievement, and ensure that there is a plan in place to address any gaps

All School Leadership Councils must have a set of written and approved bylaws that outline the council's membership, election procedures, terms of office, duties, officers, number of meetings per year, decision-making procedures, and methods of communication with the larger school community.

Any ESBMM School that opts to have a single council must request an annual SBM Waiver and the ESBMM School's LSLC must meet the membership requirements of the California Education Code for school site councils, and the California Government Code regarding conflicts of interest. See BUL-6020.13 School Based Management (SBM) Waivers.

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## **School Site Council**

All schools with a County District School (CDS) code assigned by the California Department of Education (CDE) will establish a School Site Council. For sites with multiple schools on one campus, a SSC will be formed based on the assignment of a CDS code from the CDE, not on the assignment of District-provided location codes.

The membership of the School Site Council (SSC) per the California Education Code shall be as follows:

1. The principal is an automatic member.
2. All members must be elected by their peers, except for the principal.
3. At the **elementary** level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other personnel; and (b) parents or other community members selected by parents.
4. At the **secondary** level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils.
5. At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under category (a).

The School Site Council's decision-making power is shared among constituents, as councils are comprised of staff, administration, community representatives, families, and for high schools and some middle schools, students. *(According to the CA Ed Code, all secondary schools (middle and high) are required to have student members on the SSC, however middle schools may vote not to have them on the SSC. When this vote occurs, the decision should be recorded in the SSC bylaws and in the meeting minutes.)* Community members are elected to the same slots filled by parents if there are no parents who wish to hold those positions. They must, however, be selected by the parents through a formal election.

Please see District BUL No. 6332.0, dated July 21, 2014 (Guidelines for Required School and Central Advisory Committees and School Site Councils) for additional details regarding composition and elections, and the role and responsibilities of a school site council.

## **ADVISORY GROUPS**

### **English Learner Advisory Committee (ELAC)**

All schools, including ESBMM Schools, with 21 or more English learners or students of Limited English Proficiency (LEP) in attendance, regardless of language, must form a functional English Learner Advisory Committee (ELAC). The ELAC is a committee for parents or other community members who want to advocate for English Learners. The ELAC's purpose is to advise the principal and school staff of programs and services for English learners and the SSC on the development of the Single School Plan for Student Achievement (SPSA). The percentage of parents of English learners on the ELAC must be at least the same as that of the English learners at the school. Schools

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with 21 or more English learners are required by State law to form ELACs; however, the committee can delegate their responsibilities to the SSC. Responsibilities can be delegated only after the ELAC has been duly formed and elected, and has been trained on their responsibilities as a committee; then the committee can delegate their responsibilities to the SSC for up to 2 years (EC 52870). Please review *Bulletin No. 6332.0* for detailed information on the ELAC composition and delegation of authority.

## **F. ESBMM SCHOOL RESPONSIBILITIES**

### **Federal and State Requirements**

Every ESBMM School must comply with all Federal and State laws and regulations and court orders. ESBMM Schools must meet the District's responsibilities to ensure quality of education offered, protect the rights and interests of students and staff, and oversee the expenditure of public funds.

ESBMM Schools are responsible for complying with all state and federal requirements. This includes, but is not limited to, Title I, Title III, Title IX, the No Child Left Behind (NCLB) Act, the California Office to Reform Education (CORE) Waiver<sup>2</sup>, the McKinney-Vento Act, Individuals with Disabilities Education Improvement Act, and the Perkins Act at the federal level, and the California Education Code, Public Contract Code, Government Code, and other relevant statutory provisions at the state level.

For more information regarding Title I and Title III requirements, please see the [2014-2015 Program and Budget Handbook](#).

### **Enrollment and Student Assignment**

ESBMM Schools will be open to students in accordance with the LAUSD student assignment plan, including applicable Zones of Choice of which the ESBMM School is a part. In general, ESBMM Schools must not prioritize or penalize students based on academic performance, race, ethnicity, gender, income, test scores, educational program, or current school.

## **G. ESBMM SCHOOL ACCOUNTABILITY PROCESS**

The ESBMM model was created to enhance flexibility, accountability, and local control for participating schools to promote academic excellence and full engagement by the school community to improve the educational learning environment and their students' performance. These schools remain part of the District but have increased control over decision-making and use of their resources. ESBMM schools are held to higher levels of accountability in exchange for increased autonomy.

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<sup>2</sup> CORE is a consortium of 10 California school districts working together to support school reform. Eight of the CORE Districts collaborated to create an NCLB CORE Waiver Application to the US Department of Education. The waiver allows for flexibility from certain aspects of the Elementary and Secondary education Act (ESEA, formerly NCLB).

## **Review and Evaluation**

In order to assure continuing accountability, each school will be reviewed annually at a minimum. Additionally, the school will undertake a formal Quality Review Process (QRP) in year three, and then every five years thereafter unless the QRP reveals issues that warrant earlier follow-up. The QRP will be established by the Superintendent/designee, with final accountability to the Board of Education. The ESBMM School Proposal, as noted above, will contain objectively measurable metrics for all accountability measures in the Proposal, and these metrics will be used for evaluation during the Quality Review Process. These metrics will also be reviewed by the Superintendent/designee at least annually to ensure the school is on target. If the school is not on target to meet annual improvement goals and benchmarks as set by the ESBMM School Proposal, the State of California and the federal government (i.e., AYP, API, CAHSEE pass rates, attendance rates, graduation rates, Dashboard data), the Superintendent/designee may determine that some or all autonomies under this MOU for that school will be modified or removed. In the event action by the District is necessary due to a violation by the ESBMM School that constitutes a severe and imminent threat to the health and safety of the pupils or constitutes a criminal act, the District may immediately modify or remove some or all autonomies under this MOU by notifying the ESBMM School.

Additionally, ESBMM schools that went through the Public School Choice (PSC) process typically undergo a PSC renewal review every 5 years.

## **H. STUDENT RIGHTS AND RESPONSIBILITIES**

Below are brief summaries of key requirements regarding student rights and responsibilities, but these summaries are not exhaustive. ESBMM Schools should reference these requirements in any related policies. General questions about this area should be directed to the ESC Administrator of Operations and/or the District's Office of General Counsel.

### **Attendance Requirements**

California Education Code section 48200 requires all students aged 6 through 18 to attend school. Section 48205 provides for excused absences as follows:

1. Due to his or her illness.
2. Due to quarantine under the direction of a county or city health officer.
3. For the purpose of having medical, dental, optometric, or chiropractic services rendered.
4. For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
5. For the purpose of jury duty in the manner provided for by law.
6. Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
7. For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, attendance at an employment conference, or attendance at

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an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.

8. For the purpose of serving as a member of a precinct board for an election

Pupils with excused absences shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit for their work. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to the tests and assignments that the pupil missed during the absence.

## **Student Discipline**

Students have certain due process rights prior to disciplinary action. ESBMM schools will adhere to the LAUSD Student Discipline Foundation Policy which may be accessed directly by using the following link: <http://tinyurl.com/4lkbko8>. For more information about model policies and professional development, please contact your ESC Operations Coordinator.

## **Special Student Populations**

Certain student populations have additional rights. These populations include the following students:

- English Learners
- Special Education students (please see above section regarding Special Education)
- Dropouts
- Homeless students
- Children in foster care
- Children on probation
- Pregnant/parenting teens

## **Homeless students**

Students who are homeless have certain rights under the federal McKinney-Vento Act. The Act defines a homeless student as a child between the ages of two and eighteen who (1) lacks a fixed, regular, and adequate nighttime residence, and (2) meets at least one of the following criteria:

- has a primary nighttime residence that is a shelter designated to provide temporary living accommodations such as motels/hotels, domestic violence shelters, congregate shelters, and transitional housing
- lives in a car, park, abandoned building, public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings.
- lives temporarily in a trailer park or camping area due to the lack of adequate living accommodations
- lives "doubled-up" with another family, due to loss of housing, stemming from financial problems
- is abandoned at a hospital

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- resides in a home for school-aged, unwed mother or mother-to-be, if there are no other available living accommodations
- is awaiting foster care in limited circumstances
- is placed by the state in an emergency shelter due to lack of alternative housing
- is a migratory child or an abandoned, runaway or throwaway youth living in any of the circumstances described above

The McKinney-Vento Act requires school districts to designate a liaison to assist in ensuring students in these populations are enrolled and receive appropriate services. Homeless students shall remain in the “school of origin” (school of attendance at time the student became homeless), where feasible, even after a change of location/placement. Transportation may be provided, where feasible, for the student to continue enrollment in the school of origin. Homeless students must have access to educational programs and services in the same manner as all students. Students who are homeless must be immediately enrolled, even in the absence of school records, including transcripts, immunization records, and IEPs, regardless of which point in the school year it is, whether the student has a school uniform, or whether the student is being enrolled by a parent or other adult (the Caregiver Authorization Affidavit should be used to facilitate enrollment by a nonparent). For more information, please contact the Homeless Education Program (213-765-2880).

## **Children in foster care**

Assembly Bill 490 established California laws regarding the education of foster children. Foster children have the right to immediate enrollment (even without the usual documents), equal access to educational programs and services, partial credit for completed coursework, and enrollment in the school of origin (no transportation from school).

## **Children on probation**

Students who return from juvenile detention centers are entitled to public education like any student. Many have orders requiring enrollment within 48-72 hours of release. Determining appropriate placement is contingent on reviewing the individual child’s file.

## **Pregnant/parenting teens**

Pregnant/parenting teens are entitled to public education and access to the same educational programs and services as all students (Title IX). Accommodations may be made to ensure participation (Section 504, Rehabilitation Act). Pregnant/parenting teens cannot be disciplined or involuntarily transferred solely because of pregnancy, parent or marital status (Title IX). Pregnant/parenting status is private information that must be kept confidential (Cal. Const. Art. 1, Sect. 1). Pregnancy in and of itself does not mean child abuse has occurred (Penal Code § 11166 (a) (1)). Students in grades 7-12 may be excused from school for confidential medical services without parental/guardian consent or prior notice (EC § 46010.1). Teens who are custodial parents may be excused from school for attending their child’s medical appointment (EC § 48205 (a) (6)).

For more information, please contact Student Health & Human Services (213-241-3840). Additional resources include *BUL 3276.1 (Compliance on Services for Pregnant Minors and Parenting Minors; BUL 2060 (Pregnant & Parenting Students Educational Rights))*.

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## **Pupil Records Access and Confidentiality**

Schools must keep pupil record information confidential, in accordance with federal and state laws and regulations (20 U.S.C. section 1232g; 34 C.F.R. part 99; California Education Code section 49061 and following). “Pupil records” include any information directly related to an identified pupil that is maintained by the school. Parents/guardians/adult students have an absolute right to access pupil record information and a parent’s request must be met within five business days. Parents/guardians/adult students may authorize access to pupil record information to third parties. In general, third parties may not access pupil record information without this authorization or a valid court order. A school employee may access pupil record information that the employee needs to perform his/her job duties. The penalty for unauthorized access to pupil record information may include suspension of all federal funding. District Bulletin No. 2469 outlines access and confidentiality procedures.

## **Safe Schools**

ESBMM schools must ensure that students and employees are in a safe environment. California law requires schools to develop safe school plans to meet this mandate. Visit the [School Operations website](#) for more information.

## **Annual Notification**

Pursuant to federal and state law, parents/guardians and adult students must be notified of certain rights, including but not limited to parent involvement, access to school records, student dress codes/uniforms, health and safety issues, and attendance responsibilities. A summary of the notification requirements is also available through the [LAUSD Parent/Student Handbook](#).