Agenda--November 9-10, 2004

California State Board of Education.

State Board Members

Ruth E. Green, President
Glee Johnson, Vice President
Ruth Bloom
Don Fisher
Ricky Gill
Reed Hastings
Jeannine Martineau
Joe Nuñez
Bonnie Reiss
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Secretary & Executive Officer

Hon. Jack O'Connell

Acting Executive Director

Karen Steentofte

SCHEDULE OF MEETING	LOCATION
Tuesday, November 9, 2004 9:00 a.m. ± STATE BOARD OF EDUCATION Closed Session - IF NECESSARY (The public may not attend.)	California Department of Education 1430 N Street, Room 1101 Sacramento , California 916-319 - 0827

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 9:00 a.m.

CLOSED SESSION AGENDA

Under *Government Code* section 11126(e)(1), the State Board of Education hereby provides public notice that some or all of the pending litigation which follows will be considered and acted upon, as necessary and appropriate, in closed session:

- *Acevedo, et al. v. State of California , et al* ., Sacramento County Superior Court, Case No. 03CS00827
- *Adkins, et al* . v. State of California , et al., Sacramento County Superior Court, Case No. 03CS00938
- *Aguayo, et al. v. State of California , et al* ., Sacramento County Superior Court, Case No. 03CS00825
- *Amy* v. *California Dept. of Education, et al.,* Los Angeles County Superior Court, Case No. 99CV2644LSP
- *Boyd, et al.* v. *State of California , et al.,* Sacramento County Superior Court, Case No. 01CS00136
- *Brian Ho, et al.,* v *. San Francisco Unified School District , et al.* , United States District Court, Northern District of California,
- Case No. C-94-2418 WHO
- *Buckle, et al. v. State of California , et al* ., Sacramento County Superior Court, Case No. 03CS00826
- *California Association of Private Special Education Schools, et al., v. California Department of Education, et al.* ,

Los Angeles County Superior Court, Case No. BC272983

- *California Department of Education, et al.,* v . *San Francisco Unified School District, et al.,* San Francisco Superior Court,
- Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions
- *California State Board of Education* v. *Delaine Eastin, the Superintendent of Public Instruction for the State of California* ,
- Sacramento County Superior Court, Case No. 97CS02991 and related appeal
- *Californians for Justice Education Fund, et al. v. State Board of Education, S* an Francisco City/County Superior Court,
- Case No. CPF-03-50227
- *Campbell Union High School District, et al.* v. *State Board of Education, et al.,* Sacramento Superior Court, Case No. 99CS00570
- *Centinela Valley Union High School District v* . *State Board of Education, et.al.* , Los Angeles Superior Court, Case No. BS093054
- *Chapman, et al. v. California Department of Education, et al.,* Alameda County Superior Court, Case No. 2002-049636
- *Chapman, et al.* v. *California Department of Education, et al.,* United States District Court, Northern District of California,
- Case No. C-01-1780 BZ
- *City Council of the City of Folsom* v. *State Board of Education* , Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems* v. *State Board of Education* , Sacramento County Superior Court,
- Case No. 96-CS00939
- *Comité de Padres de Familia* v. *Honig* , Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford* v. *Honig , United States District Court, Northern District of California, Case No. C-89-0014 DLJ*
- *CTA, et al.* v. *Wilson,* United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al.* v . *State of California , et al.,* Los Angeles Superior Court, Case No. BC214156
- *Donald Urista, et al.* v. *Torrance Unified School District, et al.* , United States District Court, Central District of California ,
- Case No. 97-6300 ABC
- *Dutton v. State of California , et al* . Sacramento County Superior Court, Case No. 03CS01723
- *Educational Ideas, Inc.* v. *State of California, et al.,* Sacramento County Superior Court, Case No. 00CS00798
- *Emma C., et al.* v. *Delaine Eastin, et al.* , United States District Court, Northern District of California, Case No. C 96 4179
- *EMS-BP, LLC, Options for Youth Burbank, Inc* . *et al. v. California Department of Education, et al.* , Sacramento County Superior Court,
- Case No. 03CS01078 / 03CS01079
- *Ephorm, et al.* v. *California Board of Education, et al.,* Los Angeles Superior Court, Case No. TC013485
- *Grant Joint Union High School District v. California State Board of Education, et al* . Sacramento County Superior Court, Case No. 03 CS 01087
- *Larry P.* v. *Riles* , 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maureen Burch, et al.* v. *California State Board of Education* , Los Angeles County Superior Court , Case No. BS034463 and
- related appeal
- *McNeil* v. *State Board of Education* , San Mateo County Superior Court , Case No. 395185
- *Meinsen, et al.* v. *Grossmont Unified School District, et al.* , U.S. District Court, Southern District of California,
- Case No. C 96 1804 S LSP (pending)
- *Miller, et al. v. California Department of Education, et al.* , San Diego Superior Court, North District , Case No. GIN036930
- *Ocean View School District, et al. v SBE, et al* ., Superior Court of San Francisco, Case No. CGC-02-406738
- *Pazmiño, et al* . v. *California State Board of Education, et al.* , San Francisco City/County Superior Court, Case No. CPF-03-502554
- *Porter, et al.,* v. *Manhattan Beach Unified School District , et al.* , United States District Court, Central District, Case No. CV-00-08402
- *Renaissance Academy Charter School , et al. v. Los Angeles Unified School District, et al.,* Los Angeles County Superior Court , Case No. BS090869
- *Roxanne Serna, et al.,* v. *Delaine Eastin, State Superintendent of Public Instruction, et al* ., Los Angles County Superior Court,
- Case No. BC174282
- *San Francisco NAACP* v. *San Francisco Unified School District , et al.* , United States District Court, Northern District of California,
- Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al.,* v. *State Board of Education* , San Mateo County Superior Court , Case No. 387127
- *San Rafael Elementary School District* v. *State Board of Education, et al.,* Sacramento County Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education* , United States District Court, Central District of California,
- Case No. CV 97-6483 IH (CT)
- *Sonoma County Superintendents of Schools, et. al. v. Special Education Hearing Office, et.al.* Sacramento County Superior

Court, Case No. 04AS0393

- *Valeria G., et al.* v . *Wilson, et al.,* United States District Court, Northern District of California, Case No. C-98-2252-CAL;
- *Angel V.* v. *Davis* , Ninth Circuit No. 01-15219
- *Tinsley v. State of California* , San Mateo County Superior Court, Case No. 206010
- *Wilkins, et al.* , v. *California Board of Education, et al.,* Los Angeles Superior Court, Case No. TC014071
- *Williams, et al.* v . *State of California , et al.,* San Francisco Superior Court, Case No. 312236
- *Wilson , et al.* v. *State Board of Education, et al.,* Los Angeles Superior Court, Case No. BC254081

Under *Government Code* section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see *Government Code* section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see *Government Code* section 11126(e)(2)(B)(i)]; or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see *Government Code* section 11126(e)(2)(C)].

Under *Government Code* section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests (including, but not limited to, the High School Exit Exam) that have been submitted for State Board approval and/or approved by the State Board.

Under *Government Code* section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

Schedule of Meeting	Location
Tuesday, November 9, 2004 9:00 a.m. ± (Upon Adjournment of Closed Session, if held) STATE BOARD OF EDUCATION Public Session	**California Department of Education** 1430 N Street, Room 1101 Sacramento , California 916-319 - 0827

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

Schedule of Meeting	Location
Wednesday, November 10, 2004 8:00 a.m. ± STATE BOARD OF EDUCATION Closed Session -- IF NECESSARY (The public may not attend.)	**California Department of Education** 1430 N Street, Room 1101 Sacramento , CA 95814 916-319 - 0827

Please see **Closed Session Agenda** above. The Closed Session (1) may commence earlier than 8:00 a.m.; (2) may begin at or before 8:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:00 a.m.

Schedule of Meeting	Location
Wednesday, November 10, 2004 8:00 a.m. ± (Upon Adjournment of Closed Session, if held) STATE BOARD OF EDUCATION Public Session	**California Department of Education** 1430 N Street, Room 1101 Sacramento , CA 95814 916-319 - 0827

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY
ALL ITEMS MAY BE RE-ORDERED TO BE HEARD
ON ANY DAY OF THE NOTICED MEETING
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Persons wishing to address the State Board of Education on a subject to be considered at this meeting, including any matter that may be designated for public hearing, are asked to notify the State Board of Education Office (see telephone/fax numbers below) by noon of the third working day before the scheduled meeting/hearing, stating the subject they wish to address, the organization they represent (if any), and the nature of their testimony. Time is set aside for individuals so desiring to speak on any topic NOT otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990* , any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone, 916-319-0827; fax, 916-319-0175.

California State Board of Education

FULL BOARD
Public Session

AGENDA

November 9-10, 2004

Tuesday, November 9, 2004 -- 9:00 a.m.± (Upon adjournment of Closed Session if held)
California Department of Education, 1430 N Street, Room 1101, Sacramento, California

- Call to Order
- Salute to the Flag
- Approval of Minutes (August 2004 and September 2004 Meetings)
- Announcements
- Communications
- REPORT OF THE SUPERINTENDENT
- SPECIAL PRESENTATIONS
  Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEM 1 (DOC; 157KB; 8pp.)	STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; Board Liaison Reports; and other matters of interest.	INFORMATION ACTION

ITEM 2 (DOC; 56KB; 1p.)	PUBLIC COMMENT. Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION

ITEM 3 (DOC; 207KB;	2004 Base Academic Performance Index (API) Content Weightings.	INFORMATION

27pp.)	• Last Minute Memorandum (PPT; 191KB; 20pp.)	ACTION

ITEM 4 (DOC; 73KB; 3pp.)	School Accountability Report Cards: Proposed Changes Pursuant to Senate Bill 550 (Implementation of Settlement Agreement in *Williams, et al.* v *State of California , et al* .). • Last Minute Memorandum (DOC; 74KB; 8pp.)	INFORMATION ACTION

ITEM 5 (DOC; 60KB; 2pp.)	California High School Exit Examination (CAHSEE): Including, but Not Limited to, CAHSEE Program Update.	INFORMATION ACTION

ITEM 6 (DOC; 66KB; 3pp.)	California High School Exit Examination (CAHSEE): Presentation of the Independent Evaluation of the CAHSEE: Year Five Report. • Attachment (PDF; 1.05MB; 191pp.) • Last Minute Memorandum (DOC; 31KB; 1p.) • Last Minute Memorandum Attachment 1 (PPT; 136KB; 19pp.)	INFORMATION ACTION

ITEM 7 (DOC; 64KB; 2pp.)	Standardized Testing and Reporting (STAR) Program: Program Update Including, but Not Limited to, Grade 4 and 7 California English-Language Arts Standards Test Writing Component.	INFORMATION ACTION

ITEM 8 (DOC; 65KB; 8pp.)	Standardized Testing and Reporting (STAR) Program: One-Year Extension of Educational Testing Service (ETS) California Standards Tests (CSTs) and California Achievement Tests, Sixth Edition Survey (CAT/6) Survey Contract. • Attachment (DOC; 1.14MB; 82pp.)	INFORMATION ACTION

ITEM 9 (DOC; 64KB; 2pp.)	Standardized Testing and Reporting (STAR) Program: Release of Ten Percent Withheld for 2003-04 Educational Testing Service (ETS) California Standards Tests (CSTs) and California Achievement Tests, Sixth Edition Survey (CAT/6) Survey Contract.	INFORMATION ACTION

ITEM 10	Standardized Testing and Reporting (STAR) Program: Approve Releasing Ten	INFORMATION

(DOC; 60KB; 1p.)	Percent Withheld for 2004 CTB/McGraw-Hill Spanish Assessment of Basic Education, Second Edition (SABE/2) Contract.	ACTION

ITEM 11 (DOC; 57KB; 1p.)	California English Language Development Test (CELDT) Update: Including, but Not Limited to, 2003-04 Initial Identification Results. • Last Minute Memorandum (DOC; 79KB; 4pp.)	INFORMATION ACTION

ITEM 12 (DOC; 56KB; 2pp.)	*No Child Left Behind (NCLB) Act of 2001* - Including, but Not Limited to, California 's Proposed Amendments to the state's Accountability Workbook, 2004 Program Improvement Schools and Districts, and Request to Waive the Title III Requirement for Assessing Kindergarten and First Grade English Learners in Reading and Writing. • Last Minute Memorandum (DOC; 75KB; 3pp.)	INFORMATION ACTION

ITEM 13 (DOC; 63KB; 2pp.)	*No Child Left Behind Act (NCLB) of 2001* : Approve Local Educational Agency Plans Title I Section 1112. • Last Minute Memorandum (DOC; 51KB; 2pp.)	INFORMATION ACTION

ITEM 14 (DOC; 63KB; 2pp.)	*No Child Left Behind Act (NCLB) of 2001* : Approve Additional Supplemental Educational Service Providers for the List of 2004-2005 School Year Providers. • Last Minute Memorandum (DOC; 132KB; 8pp.)	INFORMATION ACTION

ITEM 15 (DOC; 57KB; 1p.)	*No Child Left Behind Act (NCLB) of 2001* : Revised Application and Scoring Rubric for Prospective Supplemental Educational Services Providers.	INFORMATION ACTION

ITEM 16 (DOC; 85KB; 3pp.)	*No Child Left Behind (NCLB) Act of 2001* : Title IX, Persistently Dangerous Schools, Proposed Title 5 Regulations -Approve Proposed Amendments and Circulate for a Second 15-Day Public Comment Period. • Attachment (DOC; 39KB; 4pp.)	INFORMATION ACTION

ITEM 17 (DOC; 73KB; 4pp.)	Reading First Special Education Referral Reduction Program: Approval of Supplemental Instructional Materials. • Last Minute Memorandum (DOC; 81KB; 6pp.)	INFORMATION ACTION

ITEM 18 (DOC; 56KB; 1p.)	2005-06 State Board of Education Student Member: Interview of Six Candidates and Selection of Three Finalists. • Last Minute Memorandum (DOC; 76KB; 2pp.)	INFORMATION ACTION

ITEM 19 (DOC; 57KB; 1p.)	Advisory Commission on Special Education: Report on Activities.	INFORMATION

ITEM 20 (DOC; 107KB; 9pp.)	Gifted and Talented Education (GATE): Approval of Local Educational Agency (LEA) Applications for Funding.	INFORMATION ACTION

ITEM 21 (DOC; 64KB; 3pp.)	Proposed Changes to Be Included in the California School Information Services (CSIS) Data Dictionary, Version 6.0. • Attachment (DOC; 154KB; 4pp.)	INFORMATION ACTION

ITEM 22 (DOC; 120KB; 7pp.)	Mathematics and Reading Professional Development Program (AB 466): Approve Local Education Agencies' (LEAs) Reimbursement Requests.	INFORMATION ACTION

ITEM 23 (DOC; 60KB; 2pp.)	Mathematics and Reading Professional Development Program (AB 466) (Chapter 737, Statutes of 2001): Including, but Not Limited to, Approval of Training Providers and Training Curricula.	INFORMATION ACTION

ITEM 24 (DOC; 81KB; 5pp.)	The Principal Training Program (AB 75): Approval of Local Educational Agencies (LEAs) and Consortia Applications for Funding.	INFORMATION ACTION

ITEM 25 (DOC; 64KB; 2pp.)	The Principal Training Program (AB 75): Approval of Training Providers.	INFORMATION ACTION

ITEM 26 (DOC; 77KB; 4pp.)	Immediate Intervention/Underperforming Schools program (II/USP): Proposed Intervention for Cohort I, II, and III Schools that Failed to Show Significant Growth. • Attachment (XLS; 19KB; 1p.) • Last Minute Memorandum (DOC; 34KB; 1p.) • Last Minute Memorandum Attachment 2 and 3 (XLS; 23KB; 2pp.)	INFORMATION ACTION

ITEM 27 (DOC; 67KB; 2pp.)	Immediate Intervention/Underperforming Schools Program (II/USP): School Assistance and Intervention Team (SAIT): Approval of Expenditure Plan to Support SAIT Activities and Corrective Actions in State-Monitored Schools. • Last Minute Memorandum (DOC; 51KB; 3pp.)	INFORMATION ACTION

ITEM 28 (DOC; 75KB; 3pp.)	Immediate Intervention/Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP): Adopt Title 5 Regulations Sections 1030.5 and 1030.6: Definition of Significant Growth and Criteria to Demonstrate Academic Growth for II/USP and HPSGP Schools Without Valid APIs. • Last Minute Memorandum (DOC; 35KB; 2pp.)	INFORMATION ACTION

ITEM 29 (DOC; 64KB; 3pp.)	High Priority Schools Grant Program (HPSGP): Review of Schools Not Meeting Growth Targets After 24 Months: Development of State Board of Education Procedure. • Last Minute Memorandum (DOC; 32KB; 1p.) • Last Minute Memorandum Attachment 1 (XLS; 33KB; 4pp.) • Last Minute Memorandum Attachment 2 (XLS; 32KB; 4pp.)	INFORMATION ACTION

ITEM 30 (DOC; 113KB; 6pp.)	Senate Bill (SB) 1058 Follow-Up Adoption for K-8 Instructional Materials.	INFORMATION ACTION

ITEM 31 (DOC; 63KB; 3pp.)	2005 History-Social Science Primary Adoption of Instructional Materials: Appointment of Instructional Materials Advisory Panel (IMAP) Members and Content Review Panel (CRP) Experts. • Attachment 1 (PDF; 116KB; 24pp;)	INFORMATION ACTION

	• Attachment 2 (PDF; 22KB; 2pp;)	

***** PUBLIC HEARING*****

A Public Hearing on the following agenda item will commence no earlier than 1:00 p.m. The Public Hearing will be held after 1:00 p.m. as the business of the State Board permits.

ITEM 32 (DOC; 346KB; 42pp.)	2004 Health Primary Adoption of Instructional Materials: Curriculum Development and Supplemental Materials Commission Recommendations. • Last Minute Memorandum (DOC; 42KB; 3pp.)	INFORMATION ACTION PUBLIC HEARING

*****END OF PUBLIC HEARING*****

ITEM 33 (DOC; 69KB; 3pp.)	Assignment of Numbers for Charter School Petitions.	INFORMATION ACTION

ITEM 34 (DOC; 77KB; 4pp.)	Charter Schools: Determination and Redetermination of Funding Requests for 2004-05 (and beyond) for Nonclassroom-Based Charter Schools.	INFORMATION ACTION

ITEM 35 (DOC; 58KB; 1p.)	Assembly Bill 1994: Statewide Charter Schools: Adopt Proposed Title 5 Regulations. • Attachment (DOC; 48KB; 7pp.) • Last Minute Memorandum (DOC; 59KB; 8pp.) • Last Minute Memorandum Attachment 1 (DOC; 52KB; 7pp.)	INFORMATION ACTION

ITEM 36 (DOC; 69KB; 4pp.)	Federal Public Charter Schools Grant Program Request for Applications. • Attachment (DOC; 539KB; 28pp.)	INFORMATION ACTION

ITEM 37 (DOC; 78KB; 7pp.)	Proposed State Board of Education Policy for Independent Study through Nonclassroom-Based, On-Line Distance Learning in Charter Schools. • Last Minute Memorandum (DOC; 47KB; 5pp.)	INFORMATION ACTION

ITEM 38 (DOC; 91KB; 9pp.)	Request by New West Charter Middle School to Make Material Amendments to Its Charter.	INFORMATION ACTION

	• Attachment (DOC; 608KB; 90pp.) • Last Minute Memorandum (DOC; 36KB; 2pp.)	

ITEM 39 (DOC; 61KB; 2pp.)	Uniform Complaint Procedures (UCP): Approve Commencement of the Rulemaking Process. • Attachment 1 (DOC; 45KB; 5pp.) • Attachment 2 (DOC; 65KB; 5pp.) • Attachment 3 (DOC; 119KB; 29pp.) • Attachment 4 (DOC; 27KB; 1p.) • Last Minute Memorandum (DOC; 33KB; 1p.) • Last Minute Memorandum Attachment 2 (DOC; 119KB; 29pp.)	INFORMATION ACTION

ITEM 40 (DOC; 58KB; 2pp.)	Petition to Amend Title 5 section 4910(k) of the California Code of Regulations (definition of gender) pursuant to Government Code section 11340.6	INFORMATION ACTION

*****PUBLIC HEARINGS*****

Public Hearings on the following agenda items will commence no earlier than 3:00 p.m. The Public Hearings will be held after 3:00 p.m. as the business of the State Board permits.

ITEM 41 (DOC; 67KB; 4pp.)	Proposed Unification of Alpine Union School District with the Corresponding Portion of Grossmont Union High School District in San Diego County .	INFORMATION ACTION PUBLIC HEARING

ITEM 42 (DOC; 177KB; 11pp.)	Environmental Effect of Proposed Dissolution of Folsom Cordova Unified School District and the Creation of Folsom Unified School District and Rancho Cordova Unified School District in Sacramento County .	INFORMATION ACTION PUBLIC HEARING

ITEM 43 (DOC; 239KB; 34pp.)	Proposed Dissolution of Folsom Cordova Unified School District and the Creation of Folsom Unified School District and Rancho Cordova Unified School District in Sacramento County .	INFORMATION ACTION PUBLIC HEARING

END OF PUBLIC HEARINGS

ADJOURNMENT OF DAY'S SESSION

Wednesday, November 10, 2004 - 8:00 a.m.± (Upon adjournment of Closed Session if held)

California Department of Education, 1430 N Street, Room 1101, Sacramento , California

REPORT OF THE SUPERINTENDENT (unless presented on the preceding day)

SPECIAL PRESENTATIONS
Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEMS DEFERRED FROM PRECEDING DAY
Any matters deferred from the previous day's session may be considered.

The State Board of Education will also consider and take action as appropriate on the following agenda items:

WAIVER REQUESTS

CONSENT MATTERS

The following agenda items include waivers and other administrative matters that California Department of Education (CDE) staff has identified as having no opposition and presenting no new or unusual issues requiring the State Board's attention.

CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998

ITEM WC-1 (DOC; 58KB; 2pp.)	Request by Silver Valley Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-12-2004 (Recommended for APPROVAL)	ACTION

ITEM WC-2 (DOC; 58KB; 2pp.)	Request by Southern Humboldt Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-14-2004 (Recommended for APPROVAL)	ACTION

ITEM WC-3 (DOC; 58KB; 2pp.)	Request by Coast Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-15-2004 (Recommended for APPROVAL)	ACTION

ITEM WC-4 (DOC; 58KB; 2pp.)	Request by Butte Valley Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332).	ACTION

	Waiver Number: Fed-16-2004 (Recommended for APPROVAL)	

ITEM WC-5 (DOC; 58KB; 2pp.)	Request by Lucerne Valley Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-17-2004 (Recommended for APPROVAL)	ACTION

ITEM WC-6 (DOC; 58KB; 2pp.)	Request by Los Molinos Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-18-2004 (Recommended for APPROVAL)	ACTION

ITEM WC-7 (DOC; 58KB; 2pp.)	Request by Fall River Joint Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-19-2004 (Recommended for APPROVAL)	ACTION

ITEM WC-8 (DOC; 58KB; 2pp.)	Request by Trona Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-20-2004 (Recommended for APPROVAL)	ACTION

ITEM WC-9 (DOC; 60KB; 2pp.)	Request by John Swett Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-21-2004 (Recommended for APPROVAL)	ACTION

ITEM WC-10 (DOC; 59KB; 2pp.)	Request by Sierra Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-22-2004 (Recommended for APPROVAL)	ACTION

ITEM WC-11 (DOC; 59KB; 2pp.)	Request by Cloverdale Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-23-2004 (Recommended for APPROVAL)	ACTION

ITEM WC-12 (DOC; 60KB; 2pp.)	Request by Eastern Sierra Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-24-2004 (Recommended for APPROVAL)	ACTION

FEDERAL WAIVER - SAFE AND DRUG FREE

ITEM WC-13 (DOC; 61KB; 2pp.)	Request by Sierra Sands Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of The Great Body Shop, a Comprehensive Health, Substance Abuse, Violence Prevention Program prekindergarten to eighth grade. Waiver Number: Fed-13-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

ITEM WC-14 (DOC; 62KB; 2pp.)	Request by Eastside Union School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115(a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of The Great Body Shop, a Comprehensive Health, Substance Abuse, Violence Prevention Program prekindergarten to eighth grade. Waiver Number: Fed-11-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM WC-15 (DOC; 59KB; 2pp.)	Request by Adelanto Elementary School District (SD) for a retroactive waiver of *Education Code* (EC) Section 60119 regarding the Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2002-2003 that they failed to properly notice (10 days) the public hearing. Waiver Number: 12-9-2004 (Recommended for APPROVAL)	ACTION

NONPUBLIC SCHOOL (annual timeline certification renewal application)

ITEM WC-16 (DOC; 58KB; 2pp.)	Request by San Mateo Union High School District to waive *Education Code* (EC) Section 56366.1(g), the August 1 through October 31 timeline on annual certification renewal application for Bay Area Communication Access. Waiver Number: 6-9-2004 (Recommended for APPROVAL)	ACTION

NON-CONSENT

The following agenda items include waivers and other administrative matters that CDE staff has identified as having opposition, being recommended for denial, or presenting new or unusual issues that should be considered by the State Board. On a case by case basis public testimony may be considered regarding the item, subject to the limits set by the Board President or the President's designee; and action different from that recommended by CDE staff may be taken.

BUDGET RESERVE REQUIREMENT

ITEM W-1 (DOC; 63KB; 3pp.)	Request by San Diego Unified School District (USD) to waive Title 5 CCR, Section 15443, (specifically the cut point of 400,000 Average Daily Attendance (ADA), to allow San Diego USD, to keep a budget reserve requirement of one percent for the fiscal year 2005-06 only. Waiver Number: 108-4-2004 (Recommended for APPROVAL WITH CONDITIONS) • Last Minute Memorandum (DOC; 36KB; 1p.)	ACTION

CHARTER SCHOOL (revolving loan)

ITEM W-2 (DOC; 64KB; 3pp.)	Request by Loleta Union Elementary School District for Pacific View Charter School for a waiver of portions of *Education Code* (EC) Section 41365 (b) that specifies that a charter school that "obtains renewal of a charter" is not eligible for a Charter School Revolving Loan for "startup costs." Waiver Number: 16-9-2004 (Recommended for DENIAL)	ACTION

COMMUNITY DAY SCHOOL (collocation/commingle)

ITEM W-3 (DOC; 68KB; 3pp.)	Request by Clovis Unified School District for a waiver of portions of *Education Code* (EC) sections 48660 and 48916.1(d) to permit the establishment of a community day school (CDS) for grades kindergarten to eighth to be operated by a unified school district, and a portion of EC Section 48661(a)(2) relating to the placement of a CDS on the same site as Excel (Continuation) High School. Waiver Number: 6-8-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

DISTRICT LAYOFF PROCEDURE

ITEM W-4 (DOC; 69KB; 3pp.)	Request by San Lorenzo Valley Unified School District to waive portions of *Education Code* (EC) Section 45308, that states the required order of layoff for classified employees within the class shall be determined by length of service, for one specific position in the district. Waiver Number 13-9-2004 (Recommended for APPROVAL WITH CONDITIONS) EC 33051(c) will apply	ACTION

EQUITY LENGTH OF TIME (full day kindergarten)

ITEM W-5 (DOC; 62KB; 2pp.)	Request by Ocean View Elementary School District (Ventura County) to waive *Education Code* (EC) Section 37202, the equity length of time requirement, to allow full day kindergartens at two of the district's three elementary schools, Laguna Vista and Tierra Vista. Waiver Number: 2-8-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

ITEM W-6 (DOC; 63KB; 3pp.)	Renewal request by Fresno Unified School District to waive *Education Code* (EC) Section 37202, the equity length of time requirement, to allow full day kindergartens at four of the district's sixty-one elementary schools, Burroughs, Greenberg, King and Winchell. Waiver Number: 5-7-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

ITEM W-7 (DOC; 63KB; 3pp.)	Request by Los Angeles Unified School District (LAUSD) to waive *Education Code* (EC) Section 37202, the equity length of time requirement, to allow a full day kindergarten program at Lillian Street School, one out of 440 schools (in addition to the 205 elementary schools with an approved equity length of time waiver). Waiver Number: 11-9-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

FEDERAL WAIVER - SAFE AND DRUG FREE

ITEM W-8 (DOC; 387KB; 6pp.)	Request by Santa Rita Union School District to waive No Child Left Behind Act (NCLB); Title IV, Part A Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of Here's Looking At You (HLAY), a kindergarten through twelve grade drug prevention program. Waiver Number: Fed-09-2004 (Recommended for DENIAL)	ACTION

II/USP (state monitored)

ITEM W-9 (DOC; 70KB; 3pp.)	Request by Hawthorne School District for Zella Davis Elementary School in the Immediate Intervention/Underperforming Schools Program (II/USP) to waive sanctions in portions of *Education Code* (EC) Section 52055.5(h), in effect to keep the school on "watch" for the 2004-05 school year. Waiver Number: 14-9-2004 (Recommended for DENIAL) • Last Minute Memorandum (DOC; 34KB; 1p.)	ACTION

ITEM W-10 (DOC; 72KB; 3pp.)	Request by Chino Valley Unified School District for E. J. Marshall Elementary School in the Immediate Intervention/Underperforming Schools Program (II/USP) to waive sanctions in portions of the *Education Code* (EC) Section 52055.5 (h), in effect to keep the school on "watch" for the 2004-05 school year. Waiver Number: 1-10-2004 (Recommended for DENIAL) • Last Minute Memorandum (DOC; 35KB; 1p.)	ACTION

INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM W-11 (DOC; 67KB; 3pp.)	Request by Parlier Unified School District for a retroactive waiver of *Education Code* (EC) Section 60119 regarding the annual public hearing and resolution on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2002-2003 for failing to properly notice (ten days and three public places) the public hearing. This is the second time the district has had this same finding on improper posting of public notice (Waiver Number 9-5-2003, for the 2001-2002 fiscal year). Waiver Number: 7-6-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

CLASS SIZE REDUCTION

ITEM W-12 (DOC; 66KB; 3pp.)	Request by Petaluma Joint Union High School District (USD) to waive *Education Code* (EC) Sections 52084(a)(c) and 52086(a), 9th Grade Class Size Reduction Program (Morgan-Hart) the requirement for an average of 20, no more than 22 to 1 student-teacher ratio in two courses, so that the district may provide a 23 to 1 ratio (with no more than 24 pupils in any class) across three core courses, English, math and science. Waiver Number: 8-9-2004 (Recommended for DENIAL)	ACTION

ITEM W-13 (DOC; 61KB; 2pp.)	Request by Long Beach Unified School District to waive *Education Code* (EC) Section 52084(a) the 9th Grade Class Size Reduction Program (Morgan-Hart) to receive funding for a full year, double period of English (ELD English I & II) and mathematics (Intensive Algebra ABCD) for targeted low performing students. Waiver Number: 5-9-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

	EC 33051(c) will apply	

PHYSICAL EDUCATION

ITEM W-14 (DOC; 58KB; 2pp.)	Request by the San Lorenzo Unified School District to waive portions of *Education Code* (EC) Section 51222 related to physical education instructional minutes in order to implement a block schedule at Arroyo High School , San Lorenzo High School , and Royal Continuation High School . Waiver Number: 5-8-2004 (Recommended for APPROVAL WITH CONDITONS)	ACTION

END OF WAIVER REQUESTS

ITEM 44 (DOC; 60KB; 2pp.)	Consolidated Applications 2004-2005: Approval. • Attachment 1 (PDF; 13KB; 3pp.) • Attachment 2 (PDF; 13KB; 1p.)	INFORMATION ACTION

ITEM 45 (DOC; 58KB; 2pp.)	*No Child Left Behind Act (NCLB) of 2001* : Adopt Supplemental Educational Services Regulations. • Attachment 1 (DOC; 45KB; 6pp.)	INFORMATION ACTION

***** PUBLIC HEARING*****

A Public Hearing on the following agenda item will commence no earlier than 9:00 a.m. The Public Hearing will be held after 9:00 a.m. as the business of the State Board permits.

ITEM 46 (DOC; 66KB; 2pp.)	Request by the Livermore Valley Charter School Petitioners to Approve a Petition to Become a Charter Schools Under the Oversight of the State Board of Education. • Attachment 1 (DOC; 147KB; 16pp.) • Attachment 2 (PDF; 256KB; 5pp.) • Attachment 3 (PDF; 109KB; 4pp.) • Attachment 4 (PDF; 610KB; pp.) • Attachment 5 (PDF; 93KB; 7pp.) • Attachment 6 (PDF; 142KB; 3pp.) • Attachment 7 (DOC; 1.75MB; 70pp.) • Attachment 8 (PDF; 194KB; 12pp.) • Attachment 9 (PDF; 1.2MB; 79pp.) • Attachment 10 (PDF; 97KB; 4pp.)	INFORMATION ACTION PUBLIC HEARING

END OF PUBLIC HEARING

ITEM 47 (DOC; 57KB; 1p.)	Reports from the 2004-05 Student Advisory Board of Education (SABE).	INFORMATION

ITEM 48 (DOC; 67KB; 2pp.)	Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST).	INFORMATION

ITEM 49 (DOC; 58KB; 2pp.)	Petition to Amend Title 5 section 9531(c) of the California Code of Regulations (use of instructional materials funding) pursuant to Government Code section 11340.6.	INFORMATION ACTION

ADJOURNMENT OF MEETING

For more information concerning this agenda, please contact Karen Steentofte, Acting Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone 916-319-0827; fax 916-319-0175. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. This agenda is posted on the State Board of Education's Web site [http://www.cde.ca.gov/be]

Questions: State Board of Education | 916-319-0827

Last Reviewed: Wednesday, August 03, 2011

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; Board Liaison Reports; and other matters of interest.	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Consider and take action (as necessary and appropriate) regarding State Board Projects and Priorities.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At each regular meeting, the State Board has traditionally had an agenda item under which to address “housekeeping” matters, such as agenda planning, non-closed session litigation updates, non-controversial proclamations and resolutions, bylaw review and revision, election of State Board officers, and other matters of interest. The State Board has asked that this item be placed appropriately on each agenda.

SUMMARY OF KEY ISSUES

Board Member Liaison Reports
Board Members serve as liaisons to various committees, organizations, and issue areas. When appropriate, the Liaisons provide short oral reports on issues of interest to the State Board.

Curriculum Development and Supplemental Materials Commission Appointee
At the January 2004 meeting, the State Board appointed Rebecca Brown to the Curriculum Commission for a delayed term of office. Ms. Brown was appointed to serve from January 1, 2005, to December 31, 2008. Ms. Brown is currently a Language Arts Coordinator for Sacramento City Unified School District. In her 13 years as an educator, she has been a classroom teacher, reading coach, and principal at the elementary school level. She has a masters in education administration and a bachelors in Spanish and Spanish literature.

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable for this “housekeeping” item.

ATTACHMENT(S)

Attachment 1 State Board Bylaws (as amended July 9, 2003) (10 pages)
Attachment 2: Agenda Planner 2004-05 (4 Pages)
Attachment 3: Acronyms Chart (3 Pages)

AGENDA PLANNER 2004-2005

NOVEMBER 9-10, 2004 BOARD MEETING.....SACRAMENTO

Other Dates of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, November 18-19
- Advisory Commission on Charter Schools, Sacramento, November 29

DECEMBER 2004 .....NO MEETING SCHEDULED

Other Dates of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, December 2-3

JANUARY 12-13, 2005 .....SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary
- Update on SAIT process at McCabe, Rubidoux, and O'Farell schools
- 2007 Primary Mathematics Adoption, adoption of criteria for evaluating instructional materials
- Teacher of the Year presentations
- United States Senate Youth presentations

Other Dates of Interest to the State Board:

- Title I Committee of Practitioners, Sacramento, January 26-27
- Curriculum Development and Supplemental Materials Commission, Sacramento, January 26-28

FEBRUARY 2005.....NO MEETING SCHEDULED

Other Dates of Interest to the State Board:

Advisory Commission on Charter Schools, Sacramento, February 2

MARCH 9-10, 2005 .....SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary
- 2008 Primary Reading/Language Arts/English Language Development Adoption, adoption of criteria for evaluating instructional materials
- Mathematics Framework, minor revisions, for approval

AGENDA PLANNER 2004-2005

APRIL 2005 ..... NO MEETING SCHEDULED

Other Dates of Interest to the State Board:

- 2005 History-Social Science Adoption, training of instructional materials advisory panel and content review panel, Sacramento, April 4-8
- Advisory Commission on Charter Schools, Sacramento, April 4
- Curriculum Development and Supplemental Materials Commission, Sacramento, April 4 (if necessary)
- Title I Committee of Practitioners, Sacramento, April 19-20

MAY 11-12, 2005 ..... SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary
- No Child Left Behind Act, initial reconstitution of list of approved of supplemental educational service providers for 2005-06 school year
- Report from Los Angeles Unified School District on implementation of full-day kindergarten in decile 1, 2, and 3 schools
- Grant Union District Reorganization petition, for action

Other Dates of Interest to the State Board:

- SB 964 report due to Legislature, May 1
- Curriculum Development and Supplemental Materials Commission, Sacramento May 19-20

JUNE 2005 ..... NO MEETING SCHEDULED

Other Dates of Interest to the State Board:

- Advisory Commission on Charter Schools, Sacramento, June 6
- STAR CAPA contract with ETS expires June 15
- STAR CST/CAT6 contract with ETS expires June 30
- Expiration of 2004-05 school year list of approved NCLB supplemental educational services providers
- Expiration of State Board Charter for New West Charter Middle School, June 30

JULY 6-7, 2005 ..... SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- Consolidated Applications for 2005-06, for approval

Other Dates of Interest to the State Board:

- 2005 History-Social Science Adoption, deliberations of instructional materials advisory panel and content review panel, Sacramento, July 11-14

AGENDA PLANNER 2004-2005

AUGUST 2005.....NO MEETING SCHEDULED

Other Dates of Interest to the State Board:

- API and AYP data releases

SEPTEMBER 7-8, 2005 .....SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary
- Consolidated Applications for 2005-06, for approval
- Instructional Materials Fund budget, for approval

Other Dates of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, September 29-30
- 2005 History-Social Science Adoption, Public Hearings at Curriculum Commission meeting

OCTOBER 2005.....NO MEETING SCHEDULED

Other Dates of Interest to the State Board:

NOVEMBER 9-10, 2005 .....SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- CELDT, update/action as necessary
- No Child Left Behind Act, update/action as necessary
- 2005 History-Social Science Adoption, Public Hearing and Board action on Curriculum Commission recommendations for instructional materials adoption
- Student Advisory Board on Education, presentation of recommendations
- Interviews of candidates for 2006-07 Student Member of the State Board
- Presentation of Presidential Awards for Excellence in Mathematics and Science Teaching

Other Dates of Interest to the State Board:

DECEMBER 2005 .....NO MEETING SCHEDULED

Other Dates of Interest to the State Board:

Curriculum Development and Supplemental Materials Commission, Sacramento, December 1-2

ACRONYMS CHART	
ACRONYMS	
AB	Assembly Bill
ACCS	Advisory Commission on Charter Schools
ACES	Autism Comprehensive Educational Services
ACSA	Association of California School Administrators
ADA	Americans with Disabilities Act
ADA	Average Daily Attendance
AFT	American Federation of Teachers
AP	Advanced Placement
API	Academic Performance Index
ASAM	Alternative Schools Accountability Model
AYP	Adequate Yearly Progress
BTSA	Beginning Teacher Support and Assessment
CAHSEE	California High School Exit Examination
CAPA	California Alternate Performance Assessment
CASBO	California Association of School Business Officials
CASH	Coalition for Adequate School Housing
CAT/6	California Achievement Test, 6th Edition
CCSESA	California County Superintendents Educational Services Association
CDE	California Department of Education
CELDT	California English Language Development Test
CFT	California Federation of Teachers
CHSPE	California High School Proficiency Exam
CNAC	Child Nutrition Advisory Council
COE	County Office of Education
ConAPP	Consolidated Applications
CRP	Content Review Panel
CSBA	California School Boards Association
CSIS	California School Information System
CST	California Standards Test
CTA	California Teachers Association
CTC	California Commission on Teacher Credentialing

	ACRONYMS CHART
ACRONYMS	
EL	English Learner
ELAC	English Learner Advisory Committee
ESL	English as a Second Language
FAPE	Free and Appropriate Public Education
FEP	Fluent English Proficient
GATE	Gifted and Talented Education
GED	General Education Development
HPSGP	High-Priority School Grant Program
HumRRO	Human Resources Research Organization
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
II/USP	Immediate Intervention/Underperforming Schools Program
IMAP	Instructional Materials Advisory Panel
IMFRP	Instructional Materials Fund Realignment Program
LEA	Local Educational Agency
LEP	Limited English Proficient
NAEP	National Assessment of Educational Progress
NEA	National Education Association
NCLB	No Child Left Behind Act of 2001
NPS/NPA	Non Public Schools/Non Public Agencies
NRT	Norm-Referenced Test
OSE	Office of the Secretary for Education
PAR	Peer Assistance and Review Program for Teachers
PSAA	Public School Accountability Act
ROP	Regional Occupation Program
RLA/ELD	Reading/Language Arts/English Language Development
SABE/2	Spanish Assessment of Basic Education, 2nd Edition
SAIT	School Assistance and Intervention Team
SARC	School Accountability Report Card
SAT 9	Stanford Achievement Test, 9th Edition

	ACRONYMS CHART
ACRONYMS	
SB	Senate Bill
SEA	State Educational Agency
SELPA	Special Education Local Plan Area
SBCP	School Based Coordination Program
SBE	State Board of Education
SSPI	State Superintendent of Public Instruction (Jack O'Connell)
STAR	Standardized Testing and Reporting Program
TDG	Technical Design Group (PSAA Advisory Committee)
USD	Unified School District
USDE	United States Department of Education
UTLA	United Teachers-Los Angeles
WIA	Workforce Investment Act

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
PUBLIC COMMENT. Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	☐ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Listen to public comment on matters not included on the agenda.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

N/A

SUMMARY OF KEY ISSUES

N/A

FISCAL ANALYSIS (AS APPROPRIATE)

N/A

ATTACHMENT(S)

None

ITEM #3

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
2004 Base Academic Performance Index (API) Content Weightings	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve the Public Schools Accountability Act (PSAA) Advisory Committee recommendations regarding the content weightings for the 2004 Base API.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Each year the State Board of Education (SBE) adopts content weightings for the calculation of the Base API. This is necessary because additional tests are added as the testing system matures.

SUMMARY OF KEY ISSUES

Since the API measures growth from 2004 to 2005 it is necessary to adjust content weights to accommodate both the addition of grade 5 science and grade 8 history-social science and the deletion of the norm referenced test (NRT), except grades 3 and 7, in 2005. The Technical Design Group (TDG), a subcommittee to the PSAA Advisory Committee, made recommendations to the PSAA Advisory Committee at its September 30, 2004 meeting (see Attachment 2). The PSAA Advisory Committee met on October 19, 2004 to finalize their recommendations to the SBE and the State Superintendent of Public Instruction (SSPI). These recommendations are summarized in Attachment 1.

FISCAL ANALYSIS (AS APPROPRIATE)

The California Department of Education reviewed the proposed recommendations and determined that there are no additional costs associated with them.

ATTACHMENT(S)

Attachment 1: Summary of PSAA Recommendations on the 2004 Base API (4 Pages)
Attachment 2: 2004 Academic Performance Index Base: Integrating Results from the California Standards Tests in Science (Grade 5) and in History-Social Science (Grade 8) (22 Pages)

Summary of PSAA Recommendations on the 2004 Base API

The PSAA has identified and made recommendations on two issues that must be resolved to integrate results of the California Standards Tests in science (CST Science), grade 5, History-Social Science (CST HSS), grade 8, and the deletion of the Norm-Referenced Test (NRT) in all but grades 3 and 7 in 2005, into the 2004 Base Academic Performance Index (API).

1. **How should the 2004 Base API be calculated to equitably account for the integration of grade 5 CST Science, grade 8 CST HSS, and the decrease in NRT testing?**

   Three different methods were considered.

   Method 1: divide grades 2 to 8 into two grade spans (grades 2 to 6 and grades 7 to 8) (see Attachment 2, Page 9).

   Method 2: assign new weights to grade 5 and grade 8 only (see Attachment 2, Page 10).

   Method 3 (see Attachment 2, page 12): revise the API calculation methodology for all grades by using individual student content area indicator weights.

Recommendation: The Technical Design Group (TDG) and PSAA Advisory Committee recommend Method 3 that revises the API calculation methodology for all grades by using individual student content area indicator weights. This method has the following advantages.

- This method provides scores with better statistical properties because it is the only method that reflects the fact that students at some grade levels are tested in more content areas, and these students provide more information about the school's achievement than students at other grade levels who are administered fewer tests.
- APIs for schools with different grade spans more accurately represent the schools performance and the contribution of all content areas tested at each grade level.
- This method provides a more natural way of accommodating subjects that are not tested in all grade levels.
- This method easily accommodates the case where a student has valid scores in some but not all content areas tested (missing data adjustments).
- This method offers the greatest flexibility in accommodating future changes to the API.

2. What should be the indicator weights for the 2004 Base API? Recommendations are provided for two grade spans, grades 2 to 8 and grades 9 to 12.

Recommendation for Grades 2 to 8 weightings: The Committee recommended that the level of weights should follow a phase-in approach.

Two-Step Phase-In of Grades 2-8 Weights

Content Areas Grades 2-8	Weights	
	2004 API Base	2007 API Base*
CST ELA	.48	.48
CST Math	.32	.32
CST Science (Gr. 5 only)	**.20**	**.40**
CST HSS (Gr. 8 only)	**.20**	**.40**
NRT Reading (Gr. 3, 7 only)	.06	.06
NRT Language (Gr. 3, 7 only)	.03	.03
NRT Spelling (Gr. 3, 7 only)	.03	.03
NRT Math (Gr. 3, 7 only)	.08	.08
Total	1.40	1.80

* The second column weights should be applied for the 2007 API Base or at least one year after the instructional materials adoption in science and/or in history-social science occurs.

The next table demonstrates the impact of the initial indicator weights for the most common grades K to 8 grade spans.

2004 API Base
Impact of Initial Indicator Weights for the Most Common K-8 Grade Spans

Content Area	Current 2003 Weights	Initial Indicator Weight	Percent Indicator Weight for a School		
			K-5 School	6-8 School	K-8 School
CST ELA	48.0%	0.48	53.3%	51.4%	52.5%
CST Math	32.0%	0.32	35.6%	34.3%	35.0%
CST Science		**0.20**	5.6%		3.1%
CST History		**0.20**		7.1%	3.1%
NRT Reading	6.0%	0.06	1.7%	2.1%	1.9%
NRT Language	3.0%	0.03	0.8%	1.1%	0.9%
NRT Spelling	3.0%	0.03	0.8%	1.1%	0.9%
NRT Math	8.0%	0.08	2.2%	2.9%	2.5%
Total	100.0%	1.40	100.0%	100.0%	100.0%

Note: Example assumes equal numbers of students at each grade level and no missing data.

2007 API Base
(or one year after materials adoption)
Impact of Indicator Weights for the Most Common K-8 Grade Spans

Content Area	Current 2003 Weights	Indicator Weight	Percent Indicator Weight for a School		
			K-5 School	6-8 School	K-8 School
CST ELA	48.0%	0.48	50.5%	48.0%	49.4%
CST Math	32.0%	0.32	33.7%	32.0%	32.9%
CST Science		**0.40**	10.5%		5.9%
CST History		**0.40**		13.3%	5.9%
NRT Reading	6.0%	0.06	1.6%	2.0%	1.8%
NRT Language	3.0%	0.03	0.8%	1.0%	0.9%
NRT Spelling	3.0%	0.03	0.8%	1.0%	0.9%
NRT Math	8.0%	0.08	2.1%	2.7%	2.4%
Total	100.0%	1.80	100.0%	100.0%	100.0%

Note: Example assumes equal numbers of students at each grade level and no missing data.

Recommendation for Grades 9 to 12 weightings: The Committee recommended that the initial level of weights is the following.

2004 API Base
Weights for Grades 9 to 12

Content Area	Current 2003 Weights	Indicator Weight and Impact for a School		
		Initial Indicator Weight	9-12 School	10-12 School
CST ELA	38.0%	0.30	30.0%	25.5%
CST Math	19.0%	0.20	20.0%	17.0%
CST Science	8.0%	0.15	15.0%	12.8%
CST History	20.0%	0.225	15.0%	19.1%
CAHSEE ELA	10.0%	0.30	10.0%	12.8%
CAHSEE Math	5.0%	0.30	10.0%	12.8%
Total	100.0%	1.48	100.0%	100.0%

Note: Example assumes equal number of students at each grade level and no missing data.

2004 Academic Performance Index Base

Integrating Results from the California Standards Tests in Science (Grade 5) and in History-Social Science (Grade 8)

A Report of the Technical Design Group to the Public Schools Accountability Act Advisory Committee

September 2004

Summary

2004 Academic Performance Index Base

Integrating Results from the California Standards Tests in Science (Grade 5) and in History-Social Science (Grade 8)

The Technical Design Group (TDG) for the Public Schools Accountability Act (PSAA) Advisory Committee has identified and made recommendations on two issues that must be resolved to integrate results of the California Standards Test in science (CST Science), grade 5, and in history-social science (CST HSS), grade 8, into the Academic Performance Index (API):

1. **How should the 2004 API Base be calculated to equitably account for the integration of the grade 5 CST Science and grade 8 CST HSS as well as the decrease in NRT testing?1**

   Recommendation: Revise the API calculation methodology for all grades by using individual student content area indicator weights (method 3 as described on pages 12-15). This method should be used so that the APIs for schools with different grade spans most accurately represent their performance and the contributions of all content areas tested at each grade level. This method would provide a more natural way of accommodating the fact some subjects are not tested in all grade levels than past methods or other proposed methods. The proposed method would also result in small weighting adjustments in cases where students received valid scores in some but not all content areas tested at their grade levels (missing data adjustments). It would provide a score with better statistical properties, because it is the only method among those considered that reflects the fact that students at some grade levels are tested in more content areas, and these students provide more information about the school's achievement than students at other grade levels who are administered fewer tests. The method proposed in this paper would greatly simplify the API calculation. Calculating the API using the current method (by first grouping together student test results by content areas within grade spans) is becoming increasingly more complex and difficult to communicate. The method recommended in this paper would make calculations clearer for all schools. It would also offer the greatest flexibility in accommodating future changes to the API. Since the NRT is also changing for 2005, this is a good time to revise the 2004 API Base methodology.

   When the API was first established in 1999, students were tested in almost all content areas at all grade levels, and it was not necessary to adjust API scores for the specific numbers of students in each grade level. But the composition of the

1 Senate Bill 1448 (Ch. 233 of 2004) reduces the norm-referenced testing (NRT) from grades 2-11 to grades 3 and 7 beginning with the 2005 test administration of the Standardized Testing and Reporting (STAR) Program.

API has changed so that more content areas are tested in only some grade levels. It now appears desirable to adjust the composition of the API to reflect the number of students actually taking tests in each content area, because test results derived from many students are more reliable than test results derived from few students.

2. What should be the indicator weights for grades 2-8 for the 2004 API Base?

Recommendation: Using method 3 as recommended in issue #1, use current content area weights as initial weight indices. In addition, the TDG recommends an initial weight of 0.30 for the grade 5 CST Science and 0.30 for the grade 8 CST HSS. These initial weight indices are recommended because they reflect the proportional increase in testing time for fifth and eighth grade students taking the CST Science (30 percent of the total CST testing time) or CST HSS (27 percent of the total CST testing time). The initial weight of 0.30 for each new content area would still maintain a substantial proportion of the overall weight of the API in English-language arts and mathematics, which continue to be foundations of the curriculum at the elementary and middle grades. At the same time, it would assign a significant initial weight to the CST Science at grade 5 and to the CST HSS at grade 8. Each school's actual weight for CST Science and CST HSS would reflect the school's specific proportions of student results in each content area relative to the results in other content areas. In a typical K-5 elementary school with similar numbers of students in each grade level, for example, the final, overall weight for science would be 8.1%, reflecting the fact that science scores are only obtained from about one-quarter of the students and are therefore less reliable. Weights for CST ELA plus NRT results in Reading, Language, and Spelling would total 55.1%, and CST Math plus NRT math results would total 36.8% (see Appendix A).

These recommendations for indicator weights assume no countervailing policy considerations exist. It is important to recall that the PSAA Advisory Committee and ultimately the State Board of Education (SBE) adopted the original content area weights in 1999 because they believed that the weights reflected the curriculum priorities in California public education. If the Committee and SBE so choose, the development of the 2004 API Base may be an opportune time to revisit this question. The TDG for the PSAA Advisory Committee has recognized that in the final analysis the question of content area weights is a policy and not a technical question.

2004 Academic Performance Index Base

Integrating Results from the California Standards Tests in Science (Grade 5) and in History-Social Science (Grade 8)

A Report of the TDG to the PSAA Advisory Committee

The Public Schools Accountability Act (PSAA) of 1999 (Chapter 3, Statutes of 1999) requires that the State Superintendent of Public Instruction (SSPI), with approval of the SBE, develop an Academic Performance Index (API) to measure the performance of schools. The law also provides for an Advisory Committee to assist the SSPI and the SBE in the creation of the Index. The Committee established a Technical Design Group (TDG), comprised of educational measurement specialists, to provide guidance on technical issues. The TDG developed this report.

The purpose of this paper is to evaluate the alternatives for incorporating the standards-based tests for science, grade 5, and history-social science, grade 8, into the API. The paper, organized into four sections, provides the following:

- Background information about current standards-based science and history-social science tests, changes in norm-referenced testing, and current API indicator weights
- Issues to be resolved
- Options and recommendations on the resolution of each issue
- Listing of TDG committee members

Background

CSTs in Science

Results of the California Standards Test in Science (CST Science), grades 9-11, have been incorporated in the API since the 2003 API Base. These CSTs in Science are end-of-course exams. They are not universally administered (i.e., not administered to all students within a grade level). Three standards-based, universally-administered cumulative science tests are currently under development to meet No Child Left Behind (NCLB) requirements. The grade 5 CST Science was field tested in 2003 and became operational in 2004. It meets the NCLB requirement to administer a science test in grades 3-5. A science test for grades 6-9, to be administered at grade 8, and a science test for grades 10-12, to be administered at grade 10, are also under development. They are scheduled to be field tested in 2005 and administered in 2006. The universally-administered grade 5 CST Science would be the only new CST Science available for inclusion in the 2004 API Base.

For 2004, the Standardized Testing and Reporting (STAR) Program administered the CST Science in grade 5 (cumulative based on grades 4-5 standards) and in grades 9-11. All students in grade 5 were required to participate in the assessment unless otherwise exempted. The tests for grades 9-11 were specific to the following subjects:

- Biology/life sciences
- Earth science
- Chemistry
- Physics
- Integrated/coordinated science 1, 2, 3, or 4

Students in the grades tested were required to participate in these assessments if they had completed a science course in biology/life sciences, earth science, chemistry, physics, integrated/coordinated science 1, 2, 3, or 4, or a specialized science course that met specific requirements.

CSTs in History-Social Science

Results of the CSTs in History-Social Science (CST HSS), grades 10 and 11, have been included in the API since the 2002 API Base. In 2003, the STAR Program dropped both the Stanford 9 norm referenced social studies test as well as the grade 9 CST HSS. At the same time, a grade 8 cumulative CST HSS was added, but this test has not yet been incorporated into the API.

For 2004, the STAR Program administered the CST HSS in the following grade levels:

- Grade 8 (cumulative based on grades 6-8 standards)
- Grade 10 (world history)
- Grade 11 (U.S. history)

All students in the grades tested were required to participate in these assessments unless otherwise exempted.

Changes in NRT Administration

In August 2004, Senate Bill 1448 (Ch. 233 of 2004) was enacted and reauthorized the STAR Program. The bill also specified a change in the administration of California's norm-referenced test (NRT) under the STAR Program, the California Achievement Test, Sixth Edition, Survey (CAT/6 Survey). Beginning with the 2005 test administration, only grades 3 and 7 are to be administered the NRT. In previous years, grades 2-11 were administered the NRT. This change in the number of grade levels tested poses challenges in calculating the 2004 API Base. The primary challenge is that the 2004 API Base indicators, weights, and calculation will need to match the growth API based on 2005 test results when not all students will be tested on the NRTs. This means that the 2004 API Base should include only grade 3 and grade 7 NRT results.

API Indicator Weights

Currently, API indicator weights are calculated separately according to two types of grade spans. The indicator weights for the elementary/middle level are applied to grades 2-8, and the indicator weights for the secondary level are applied to grades 9-11. The indicator weights are separate to account for differences in assessments used at different grade levels. The following table shows the current 2003 API Base indicator weights.

Table 1
API Indicator Weights
2003 API Base

Grades 2-8		Grades 9-11	
Content Area	**Grades 2-8**	**Content Area**	**Grades 9-11**
California Standards Test (CST)		California Standards Test (CST)	
English-language arts (ELA)	48%	ELA	32%
Mathematics	32%	Mathematics	16%
Norm-referenced Test (NRT)		Science	5%
Reading	6%	History-social science	20%
Language	3%	Norm-referenced Test (NRT)	
Spelling	3%	Reading	3%
Mathematics	8%	Language	3%
		Science	3%
		Mathematics	3%
		California High School Exit Examination (CAHSEE)	
		ELA	10%
		Mathematics	5%
	100%		100%

Table 1 shows that the 2003 API Base for grades 2-8 was based on only two content areas on the CST and NRT: English-language arts (which includes reading, language, and spelling on the NRT) and mathematics. Under the current weighting method, if a new assessment is to be added to the API, the current weights must be reduced and the new indicator assigned that proportion. For example, the CST Science, grades 9-11, was added to the 2003 API Base at a weight of 5 percent. The CST ELA was reduced by 3 percent, and the mathematics CST was reduced by 2 percent to accommodate the inclusion of the CST Science at 5 percent.

Table 2 on the following page shows how the current indicator weights are used in the calculation of the API for a school with grades 2-8. For each content area and test, the example indicator scores (shown in row a.) are multiplied by the indicator weights (shown in row b.) to produce the total weighted scores for the indicators (shown in row c.) The total weighted scores are summed to produce the API.

Table 2
Example of 2003 API Base Calculation for an Elementary School (Grades 2-8)

California Standards Test

	A	B	English Language Arts C	English Language Arts D	Mathematics E	Mathematics F
	Performance Levels	Weighting Factors	Percent of Pupils in Each Level	Weighted Score in Each Level (B x C)	Percent of Pupils in Each Level	Weighted Score in Each Level (B x E)
5	Advanced	1000	8%	80.00	9%	90.00
4	Proficient	875	23%	201.25	22%	192.50
3	Basic	700	35%	245.00	33%	231.00
2	Below Basic	500	21%	105.00	22%	110.00
1	Far Below Basic	200	13%	26.00	14%	28.00

a Indicator Score	a	657.25		651.50	
b Indicator Weight	x b	48%		32%	
c Total Weighted Score for Indicator	= c	315.48	+	208.48	+

	ELA	Math
Content area weights Calif. Standards Test CST	48%	32%
Content area weights Stanford 9 NRT	12%	8%
Portion of API	60%	40%

Stanford 9

	A	B	English-Language Arts (ELA) Reading C	Reading D	Language E	Language F	Spelling G	Spelling H	Mathematics K	Mathematics L
	Performance Bands	Weighting Factors	Percent of Pupils in Each Band	Weighted Score in Each Band (B x C)	Percent of Pupils in Each Band	Weighted Score in Each Band (B x E)	Percent of Pupils in Each Band	Weighted Score in Each Band (B x G)	Percent of Pupils in Each Band	Weighted Score in Each Band (B x K)
5	80-99th NPR	1000	13%	130.00	17%	170.00	12%	120.00	19%	190.00
4	60-79th NPR	875	20%	175.00	20%	175.00	19%	166.25	30%	262.50
3	40-59th NPR	700	29%	203.00	30%	210.00	32%	224.00	22%	154.00
2	20-39th NPR	500	20%	100.00	19%	95.00	24%	120.00	16%	80.00
1	1-19th NPR	200	18%	36.00	14%	28.00	13%	26.00	13%	26.00

a Indicator Score	a	644.00		678.00		656.25		712.50			2003 API Base
b Indicator Weight	x b	6%		3%		3%		8%			
c Total Weighted Score for Indicator	= c	38.64	+	20.34	+	19.69	+	57.00	=	660	

In the example shown in Table 2, the results of all students in grades 2-8 together are weighted in the same way to calculate the school's API. If science, grade 5, and history-social science, grade 8, are added to the API for 2004, an issue arises about equity in indicator weights. The grade 5 CST Science and grade 8 CST HSS are each administered at only one grade level. This is different from the other API indicators, which are administered to all students in grades 2-8. Historically, using the same indicator weights for an entire grade span (rather than separate weights for each grade level) generally reduced the complexity of the API and facilitated ease of calculation. Ideally, though, the indicator weights should apply to the grade levels actually tested. That suggests the need for separate grade level indicator weights for the grade 5 CST Science and grade 8 CST HSS. One option would be just to make grade 5 or grade 8 a separate API grade span. But if science is given some proportion of the API weight for fifth graders, that would mean that the weight for fifth graders' scores in ELA and Math would have to be reduced, even though their math and ELA scores contribute as much information about the school as math and ELA scores from fourth or sixth graders. In addition, inequities occur when one or more students in a school do not take a test. For example, a student may be absent and have a missing score for English-language arts. In these cases, current API calculation methodology lacks precision in equitably adjusting for the missing test scores at a grade level.

Issues

Two key issues need to be resolved in order to incorporate the grade 5 CST Science and grade 8 CST HSS into the 2004 Base API and account for the reduction of NRT testing to just two grade levels:

1. How should the API be calculated to equitably account for the integration of the grade 5 CST Science and grade 8 CST HSS as well as the decrease in NRT testing?
2. What should the indicator weights for the 2004 API Base be?

Options and Recommendations

Issue #1
How should the API be calculated to equitably account for the integration of the grade 5 CST Science and grade 8 CST HSS as well as the decrease in NRT testing?

At its July 2004 meetings, the TDG discussed three methods for reconfiguring the 2-8 grade span in order to incorporate the grade 5 CST Science and grade 8 CST HSS into the 2004 Base API. In September 2004, the TDG further refined the third method for calculating the API to address the disadvantages of the first two methods. The three proposed methods are:

1. Divide 2-8 into two grade spans (2-6 and 7-8)
2. Assign new weights to grade 5 and to grade 8 only
3. Revise the API calculation methodology for all grades by using individual student content area indicator weights

Method 1: Divide 2-8 into two grade spans (2-6 and 7-8)

Under this method, the new grade span for elementary grades would be grades 2-6, and the new grade span for middle grades would be grades 7-8. The 2-6 configuration would include the grade 5 CST Science and have separate indicator weights. Likewise, the 7-8 configuration would include the grade 8 CST HSS and have separate indicator weights. The following table illustrates the calculation for a school with grades 2-6 and for a school with grades 7-8.

Table 3
Method 1 Examples for 2004 API Base

	School with Grades 2-6			School with Grades 7-8		
	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores
CST English-Language Arts (ELA)	700	45%	315	800	45%	360
CST Math	700	30%	210	800	30%	240
CST Science	**500**	**5%**	**25**			
CST History-Social Science				**500**	**5%**	**25**
NRT Reading	600	6%	36	750	6%	45
NRT Language	600	3%	18	750	3%	22.5
NRT Spelling	600	3%	18	750	3%	22.5
NRT Math	600	8%	48	750	8%	60
		100%	670.00		100%	775.00
		API	**670**		**API**	**775**

In Table 3, the indicator weights for the CST Science and CST HSS are each proposed at 5 percent, and the weights for the CSTs in ELA and mathematics are reduced to 45 percent for ELA and 30 percent for math. Under method 1, the weight assigned for the CST Science is relatively less than the other weights for grades 2-6, since the CST Science would represent one grade out of five. (The grade 5 test is cumulative based on standards for grades 4-5.) A similar consideration would need to be given to the indicator weight for the CST HSS, which would represent one grade out of three. (The grade 8 test is cumulative based on standards for grades 6-8.) Scores from the California Alternate Performance Assessment (CAPA) currently have the same indicator weights as the CST ELA and CST Math and would need to remain so under this method.

Advantages. Under method 1, all schools of the same grade span type (2-6, 7-8, or 9-12) would have the same indicator weights. Also, the proposed grade span configurations of 2-6 and 7-8 would match the current configurations used in calculating the scale calibration factors (SCFs) for the API, which would help to reduce the complexity of the calculation process.[2]

2 The SCF provides a positive or negative adjustment to a school's API in order to reduce the inconsistency in the statewide API scale from one reporting cycle to the next.

Disadvantages. Method 1 would apply the same indicator weights across the 2-6 or 7-8 grade span. However, weights appropriate for grade 5 or grade 8 may not necessarily be as appropriate for grade spans of 2-4 and 6-7. **Also, schools with grade spans that do not include grade 5 or grade 8 would need separate complex calculation adjustments.** These types of adjustments are currently used in API calculations for a small number of schools that lack grade 10 scores within the 9-11 grade span. However, these special adjustments add significant workload to the process of calculating the API. If method 1 were adopted, adjustments would include approximately 350 schools that would need an adjustment for lack of a grade 5 and approximately 800 schools with a grade span of 6-8. These special calculations greatly increase the complexity of determining the API. Missing data would continue to result in inequities in indicator weighting.

Method 2: Assign new weights to grade 5 and to grade 8 only

Method 2 would eliminate separate calculations for special adjustments. Under this method, grade 5 and grade 8 would have separate new indicator weights. The other grade levels would maintain the current indicator weights. For schools with grade spans that include both grades 2, 3, 4, or 7 and grade 5 or 8, the API would be calculated as a weighted average. For example, for a school with a grade span of 2-5, the API is the weighted average of the APIs for grades 2-4 and grade 5.

Method 2 would essentially calculate a grade-level API, which would be weighted by the number of valid scores at each grade level and summed to produce an API. Method 2 would be more sensitive than method 1 in adjusting for missing data and in reflecting differences in students' scoring across grade levels.

The following page shows a simplified example of the method 2 calculation for a school with grades 2-6. The number of students (i.e., 20 students) is the same at each grade level to simplify the calculations.

Table 4
Method 2 Example for 2004 API Base

School with Grades 2-6

	Gr 2, Valid Scores = 20			Gr 3, Valid Scores = 20			Gr 4, Valid Scores = 20			Gr 5, Valid Scores = 20			Gr 6, Valid Scores = 20			
	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores	
CST ELA	650	60%	390	650	48%	312	750	60%	450	700	45%	315	650	60%	390	
CST Math	700	40%	280	650	32%	208	650	40%	260	700	30%	210	750	40%	300	
CST Science										500	25%	125				
NRT Reading				600	6%	36										
NRT Language				600	3%	18										
NRT Spelling				600	3%	18										
NRT Math				600	8%	48										
Total		100%	670.00		100%	640.00		100%	710.00		100%	650.00		100%	690.00	
Grade Level Valid Scores			x 20 =			x 20 =			x 20 =			x 20 =			x 20 =	
																Sum
Total Weighted by Scores			13400		+	12800		+	14200		+	13000		+	13800	= 672.00
															API	**672**

"Sum"=Sum "Total Weighted by Scores"/(Gr. 2-6 valid scores)

Notes:

NRT in 2005 will be administered at grades 3 and 7 only.

The 2004 API Base example indicator weights are adjusted to reflect the reduction in NRT testing for grades 2, 4, 5, and 6; however, the same relative proportions across content areas are maintained.

Advantages. No separate calculation adjustments would be needed. This would streamline the process and would be a more efficient method than method 1. In addition, method 2 would reflect variations in results across grade levels.

Disadvantages. The indicator weights would not be the same for all schools and would vary according to the grade span of the school. **Establishing separate indicator weights for grade 5 and for grade 8 would add to the complexity of the API calculation and would increase the difficulty in communicating the calculation of the API. In addition, method 2 (as well as method 1) would not adjust for the fact that grade 5 and grade 8 students take more tests and, therefore, contribute more information about the school's achievement level.** Relatively, the CSTs in ELA and math for grade 5 and grade 8 would not count as much as the CSTs in ELA and math for other grades. Moreover, the logic of this approach would seem to imply that different weights should also be employed for grades 3 and 7, because beginning next year, those are the only grades at which the NRTs will be administered.

Method 3: Revise the API calculation methodology for all grades by using individual student content area indicator weights

Rather than reconfiguring the 2-8 grade span, a complete revision to the method for calculating the API is proposed. The new method would determine a school's API based upon individual student content area indicator weights, which would vary according to the tests taken by each student. Table 5 shows an example of the method 3 calculation for a school with grades 2-5.

Table 5
Method 3 Example for 2004 API Base
School with Grades 2-5

		Student				School				
		API Performance Scores								
Content Area	**Initial Indicator Weight**	**Student 1 (Gr. 2)**	**Student 2 (Gr. 3)**	**Student 3 (Gr. 4)**	**Student 4 (Gr. 5)**	**Number of Student Scores**	**Indicator Weight, All Scores**	**Percent Indicator Weight, All Scores**	**Average of Student Scores**	**Weighted Average of Student Scores**
	A	**B**	**C**	**D**	**E**	**F**	**G**	**H**	**I**	**J**
						Count of B, C, D, & E	A x F	G / Total of Column G	Average of B, C, D, & E	H x I
CST ELA	0.48	1000	875	700	1000	4	1.92	53.3%	893.75	476.666667
CST Math	0.32	1000	875	700	875	4	1.28	35.6%	862.50	306.666667
CST Science	0.20				875	1	0.20	5.6%	875.00	48.611111
NRT Reading	0.06		700			1	0.06	1.7%	700.00	11.666667
NRT Language	0.03		875			1	0.03	0.8%	875.00	7.291667
NRT Spelling	0.03		700			1	0.03	0.8%	700.00	5.833333
NRT Math	0.08		875			1	0.08	2.2%	875.00	19.444444
Total							3.60	100.0%	**School API =**	**876**

API = weighted average of student scores, based upon the tests taken

The initial indicator weights are shown in column A; these are a continuation of the current weights with the exception of the CST Science. The initial weight for the CST Science is shown as 20 percent for illustrative purposes only. (It is not necessary for column A to total 100 percent.) The student API performance scores are shown in columns B-E, and the school results are shown in columns F-J. Column H shows the unique indicator weights for the school and must total 100 percent.

Under method 3, the API is calculated as the weighted average of student scores based on the number and types of tests taken. This is a completely new and more direct way of calculating the API. All schools would have the same initial indicator weights (column A above), but each school would have its own unique school indicator weights (column H) according to the numbers of student test scores in each content area. In this example, the CST ELA and math weights for the school are higher than the initial indicator weights (i.e., column H result is greater than column A level), because all students contribute CST ELA and CST Math scores. For the NRT and the CST Science, weights for the school are lower than the initial indicator weights because fewer students contributed scores in these areas. **For schools in which there are no missing test scores, the current (2003 Base/2004 Growth) API would be mathematically identical using either method 3 or the current method**. For schools that have missing test scores, the indicator weights under method 3 will vary according to the distribution of the other scores in the school in order to adjust for the missing scores. In these cases, the API will differ for method 3 compared to the current method.

This flexibility to apply indicator weights to a wide variety of grade spans and to easily and equitably accommodate student records that do not have scores is a strong advantage of method 3. As with methods 1 and 2, scores from the CAPA would have the same indicator weights as the CST ELA and CST Math.

Since method 3 produces a unique set of indicator weights for each school, the TDG was interested in the extent of variation in weights across school types. To illustrate the variation, the following two tables provide examples of indicator weights for the most common grade spans. These examples again use an indicator weight of .20 for CST Science and for CST History, but this is for illustrative purposes only. The TDG has no specific proposal as to what these weights should be.

Table 6
Method 3 Indicator Weights for the Most Common K-8 Grade Spans
(Examples assume equal numbers of students at each grade level and no missing data)

		Percent Indicator Weight for a School				
Content Area	Initial Indicator Weight	K-5 School	K-6 School	6-8 School	7-8 School	K-8 School
CST ELA	0.48	53.3%	54.5%	51.4%	48.0%	52.5%
CST Math	0.32	35.6%	36.4%	34.3%	32.0%	35.0%
CST Science	0.20	5.6%	4.5%			3.1%
CST History	0.20			7.1%	10.0%	3.1%
NRT Reading	0.06	1.7%	1.4%	2.1%	3.0%	1.9%
NRT Language	0.03	0.8%	0.7%	1.1%	1.5%	0.9%
NRT Spelling	0.03	0.8%	0.7%	1.1%	1.5%	0.9%
NRT Math	0.08	2.2%	1.8%	2.9%	4.0%	2.5%
Total	1.40	100.0%	100.0%	100.0%	100.0%	100.0%

Table 7
Method 3 Indicator Weights for the Most Common 9-12 and K-12 Grade Spans
(Examples assume equal numbers of students at each grade level and no missing data)

		Percent Indicator Weight for a School			
Content Area	**Initial Indicator Weight**	**9-12 School**	**10-12 School**	**K-12 School**	**7-12 School**
Grades 2-8					
CST ELA	0.48			40.3%	23.2%
CST Math	0.32			26.9%	15.5%
CST Science	0.20			2.4%	
CST History	0.20			2.4%	4.8%
NRT Reading	0.06			0.7%	1.4%
NRT Language	0.03			0.4%	0.7%
NRT Spelling	0.03			0.4%	0.7%
NRT Math	0.08			1.0%	1.9%
Grades 9-11					
CST ELA	0.32	44.9%	39.8%	11.5%	23.2%
CST Math	0.16	22.4%	19.9%	5.8%	11.6%
CST Science	0.05	7.0%	6.2%	1.8%	3.6%
CST History	0.20	18.7%	24.8%	4.8%	9.7%
CAHSEE ELA	0.10	4.7%	6.2%	1.2%	2.4%
CAHSEE Math	0.05	2.3%	3.1%	0.6%	1.2%
Total	2.28	100.0%	100.0%	100.0%	100.0%

Note: CST ELA and math weights are shown twice (once for grades 2-8 and once for grades 9-11). The total CST weight would be the sum of the two weights. For CST ELA in a K-12 school, for example, the school's indicator weight would be 55.8 percent (40.3 percent plus 11.5 percent).

In Tables 6 and 7, all students have scores for all tests used in the API. The tables show that method 3 can easily adapt to various grade spans. The initial indicator weights could be increased or decreased according to policy needs.

Advantages. Method 3 offers a more direct and simpler way of calculating the API. It would provide the most equitable distribution of indicator weights for each school. The new method would be more equitable because the weights would be based on the content area tested. The weights would only apply if the student has a performance level score. The method would provide a more natural way of accommodating missing data than methods 1 or 2. It would provide a score with better statistical properties, because it is the only method among those considered that reflects the fact that students at some grade levels are tested in more content areas, and these students provide more information about the school's achievement than students at other grade levels who are administered fewer tests. The new proposed method could revise how to account for students who do not take a test that is not universally administered (e.g., CST Math and Science). For example, a lower weight could be assigned to a ninth grader who did not take the Math CST to lessen the non-tested penalty. Method 3 would greatly simplify the complexity of API calculation. Continuing to calculate the API by grade span and grade level is becoming increasingly more complex and difficult to communicate. The new method would allow for the greatest flexibility in

accommodating changes to the API in the future. Since the NRT is changing for 2005, it would be a good time to revise the 2004 API Base.

Disadvantages. All schools would not have the same school level indicator weights. However, this is a disadvantage for method 2 as well. More importantly, there may be increasing emphasis to produce individual student APIs. Such a trend should strongly be avoided to protect the privacy and confidentiality of student records and because, at the individual student level, use of performance level weighting factors would result in substantial imprecision.

Recommendation: Method 3 should be used so that the API for all grades most accurately represents a school's performance and the contributions of all content areas tested at each grade level. This method would greatly simplify the complexity of API calculation. It would make calculations clearer for all schools. The new method would offer the greatest flexibility in accommodating changes to the API in the future. Since the NRT is changing for 2005, it would be a good time to revise the 2004 API Base.

Introducing and eliminating grade-specific tests requires the API to reflect the percent of student results at each grade level, because students at different grade levels contribute different information. If fifth and eighth graders are tested in more content areas than other grade levels, the API should capture this extra contribution without at the same time discounting their performance on tests in other subject areas, particularly since the performance of these students in Science (fifth grade) and History-Social Science (eighth grade) reflects their cumulative achievement. Method 3 would reflect the extra contribution of fifth and eighth graders while still equitably reflecting the contributions of the other grade levels included in the school's API.

Issue #2
What should be the indicator weights for grades 2-8 for the 2004 API Base?

Options for indicator weights would vary according to the method adopted for calculating indicator weights. The following three tables present options for method 1, 2 or 3.

Table 8
Method 1 Options for 2004 API Base Indicator Weights: 5%, 10%, or 18% for CST Science or CST HSS, Grades 2-8

	2003 API Base	2004 API Base					
		Option 1 - Reduce NRT 5%		Option 2 - Reduce NRT 5% and CST 5%		Option 3 - Reduce NRT 8% and CST 10%	
		Gr. 2-6	Gr. 7-8	Gr. 2-6	Gr. 7-8	Gr. 2-6	Gr. 7-8
CST ELA	48%	48%		45%		40%	
CST Math	32%	32%		30%		30%	
CST Science (Gr. 2-6) or History (Gr. 7-8)		5%	5%	10%	10%	18%	18%
Subtotal, CST	**80%**	**85%**		**85%**		**88%**	
NRT Reading	6%	4%		4%		3%	
NRT Language	3%	3%		3%		3%	
NRT Spelling	3%	3%		3%		3%	
NRT Math	8%	5%		5%		3%	
Subtotal, NRT	**20%**	**15%**		**15%**		**12%**	
Total:	100%	100%		100%		100%	

Table 9
Method 2 Options for 2004 API Base Indicator Weights: 25% or 30% for CST Science or CST HSS, Grades 2-8

	2003 API Base	2004 API Base									
		Option 1					Option 2				
		Gr. 2, 4, 6	Gr. 3	Gr. 5	Gr. 7	Gr. 8	Gr. 2, 4, 6	Gr. 3	Gr. 5	Gr. 7	Gr. 8
CST ELA	48%	60%	48%	45%	48%	45%	60%	48%	43%	48%	43%
CST Math	32%	40%	32%	30%	32%	30%	40%	32%	27%	32%	27%
CST Science (Gr. 5) or History (Gr. 8)				25%		25%			30%		30%
Subtotal, CST	**80%**	**100%**	**80%**	**100%**	**80%**	**100%**	**100%**	**80%**	**100%**	**80%**	**100%**
NRT Reading	6%		6%		6%			6%		6%	
NRT Language	3%		3%		3%			3%		3%	
NRT Spelling	3%		3%		3%			3%		3%	
NRT Math	8%		8%		8%			8%		8%	
Subtotal, NRT	**20%**	**0%**	**20%**	**0%**	**20%**	**0%**	**0%**	**20%**	**0%**	**20%**	**0%**
Total:	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Table 10
Method 3 Options for 2004 API Base Indicator Weights: .20, .25, .30, .35, .40, or .50 Initial Weights for CST Science or CST HSS

	Initial Indicator Weight					
	Option 1	**Option 2**	**Option 3**	**Option 4**	**Option 5**	**Option 6**
CST ELA	0.48	0.48	0.48	0.48	0.48	0.48
CST Math	0.32	0.32	0.32	0.32	0.32	0.32
CST Science	0.20	0.25	0.30	0.35	0.40	0.50
CST History	0.20	0.25	0.30	0.35	0.40	0.50
NRT Reading	0.06	0.06	0.06	0.06	0.06	0.06
NRT Language	0.03	0.03	0.03	0.03	0.03	0.03
NRT Spelling	0.03	0.03	0.03	0.03	0.03	0.03
NRT Math	0.08	0.08	0.08	0.08	0.08	0.08
CST ELA	0.32	0.32	0.32	0.32	0.32	0.32
CST Math	0.16	0.16	0.16	0.16	0.16	0.16
CST Science	0.05	0.05	0.05	0.05	0.05	0.05
CST History	0.20	0.20	0.20	0.20	0.20	0.20
CAHSEE ELA	0.10	0.10	0.10	0.10	0.10	0.10
CAHSEE Math	0.05	0.05	0.05	0.05	0.05	0.05
Total	2.28	2.38	2.48	2.58	2.68	2.88

Table 10 shows that if method 3 were adopted, all previous indicator weights could remain unchanged, and the primary decision could be the level of the initial Science and CST HSS weights. **Appendix A on pages 18-20 shows how each method 3 option would impact the final weights for schools with the most common K-8 grade spans. Appendix B on page 21 shows a comparison of indicator weights across grade levels using the current API calculation method and method 3.**

Recommendation: Method 3 using option 3 is recommended. This option is recommended because it proposes a 30 percent adjustment factor for the CST Science and the CST HSS, which can be viewed as adding about one-third extra CST weight for each test at the applicable grade level. This coincides with the proportion of a student's total CST testing time taken by the CST Science (30 percent of the total CST testing time) or CST HSS (27 percent of the total CST testing time). This option would still maintain a substantial proportion of the initial weight of the API in English-language arts and mathematics, which continue to be foundations of the curriculum at the elementary and middle grades. At the same time, it would assign a significant initial weight to the CST Science at grade 5 and to the CST HSS at grade 8.

Conclusions

The recommendations for indicator weights assume no countervailing policy considerations exist. It is important to recall that the Public Schools Accountability Act (PSAA) Committee and ultimately the State Board of Education (SBE) adopted the original content area weights in 1999 because they believed that the weights reflected the curriculum priorities in California public education. If the Committee and SBE so choose, the development of the 2004 API Base may be an opportune time to revisit this question. The Technical Design Group (TDG) for the PSAA Committee has recognized that in the final analysis the question of content area weights is a policy and not a technical question.

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RAND

Appendix A

Method 3 Indicator Weight Options for the Most Common K-8 Grade Spans

(Examples assume equal numbers of students at each grade level and no missing data)

Indicator Weight Option 1:
CST Science and CST HSS Initial Indicator Weight = .20

Content Area	Initial Indicator Weight	Percent Indicator Weight for a School				
		K-5 School	K-6 School	6-8 School	7-8 School	K-8 School
CST ELA	0.48	53.3%	54.5%	51.4%	48.0%	52.5%
CST Math	0.32	35.6%	36.4%	34.3%	32.0%	35.0%
CST Science	0.20	5.6%	4.5%			3.1%
CST History	0.20			7.1%	10.0%	3.1%
NRT Reading	0.06	1.7%	1.4%	2.1%	3.0%	1.9%
NRT Language	0.03	0.8%	0.7%	1.1%	1.5%	0.9%
NRT Spelling	0.03	0.8%	0.7%	1.1%	1.5%	0.9%
NRT Math	0.08	2.2%	1.8%	2.9%	4.0%	2.5%
Total	1.40	100.0%	100.0%	100.0%	100.0%	100.0%

Indicator Weight Option 2:
CST Science and CST HSS Initial Indicator Weight = .25

Content Area	Initial Indicator Weight	Percent Indicator Weight for a School				
		K-5 School	K-6 School	6-8 School	7-8 School	K-8 School
CST ELA	0.48	52.6%	53.9%	50.5%	46.8%	51.7%
CST Math	0.32	35.1%	36.0%	33.7%	31.2%	34.5%
CST Science	0.25	6.8%	5.6%			3.8%
CST History	0.25			8.8%	12.2%	3.8%
NRT Reading	0.06	1.6%	1.3%	2.1%	2.9%	1.8%
NRT Language	0.03	0.8%	0.7%	1.1%	1.5%	0.9%
NRT Spelling	0.03	0.8%	0.7%	1.1%	1.5%	0.9%
NRT Math	0.08	2.2%	1.8%	2.8%	3.9%	2.5%
Total	1.50	100.0%	100.0%	100.0%	100.0%	100.0%

Indicator Weight Option 3:
CST Science and CST HSS Initial Indicator Weight = .30

Content Area	Initial Indicator Weight	Percent Indicator Weight for a School				
		K-5 School	K-6 School	6-8 School	7-8 School	K-8 School
CST ELA	0.48	51.9%	53.3%	49.7%	45.7%	50.9%
CST Math	0.32	34.6%	35.6%	33.1%	30.5%	33.9%
CST Science	0.30	8.1%	6.7%			4.5%
CST History	0.30			10.3%	14.3%	4.5%
NRT Reading	0.06	1.6%	1.3%	2.1%	2.9%	1.8%
NRT Language	0.03	0.8%	0.7%	1.0%	1.4%	0.9%
NRT Spelling	0.03	0.8%	0.7%	1.0%	1.4%	0.9%
NRT Math	0.08	2.2%	1.8%	2.8%	3.8%	2.4%
Total	1.60	100.0%	100.0%	100.0%	100.0%	100.0%

Indicator Weight Option 4:
CST Science and CST HSS Initial Indicator Weight = .35

Content Area	Initial Indicator Weight	Percent Indicator Weight for a School				
		K-5 School	K-6 School	6-8 School	7-8 School	K-8 School
CST ELA	0.48	51.2%	52.7%	48.8%	44.7%	50.1%
CST Math	0.32	34.1%	35.2%	32.5%	29.8%	33.4%
CST Science	0.35	9.3%	7.7%			5.2%
CST History	0.35			11.9%	16.3%	5.2%
NRT Reading	0.06	1.6%	1.3%	2.0%	2.8%	1.8%
NRT Language	0.03	0.8%	0.7%	1.0%	1.4%	0.9%
NRT Spelling	0.03	0.8%	0.7%	1.0%	1.4%	0.9%
NRT Math	0.08	2.1%	1.8%	2.7%	3.7%	2.4%
Total	1.70	100.0%	100.0%	100.0%	100.0%	100.0%

Indicator Weight Option 5:
CST Science and CST HSS Initial Indicator Weight = .40

Content Area	Initial Indicator Weight	Percent Indicator Weight for a School				
		K-5 School	K-6 School	6-8 School	7-8 School	K-8 School
CST ELA	0.48	50.5%	52.2%	48.0%	43.6%	49.4%
CST Math	0.32	33.7%	34.8%	32.0%	29.1%	32.9%
CST Science	0.40	10.5%	8.7%			5.9%
CST History	0.40			13.3%	18.2%	5.9%
NRT Reading	0.06	1.6%	1.3%	2.0%	2.7%	1.8%
NRT Language	0.03	0.8%	0.7%	1.0%	1.4%	0.9%
NRT Spelling	0.03	0.8%	0.7%	1.0%	1.4%	0.9%
NRT Math	0.08	2.1%	1.7%	2.7%	3.6%	2.4%
Total	1.80	100.0%	100.0%	100.0%	100.0%	100.0%

Indicator Weight Option 6:
CST Science and CST HSS Initial Indicator Weight = .50

Content Area	Initial Indicator Weight	Percent Indicator Weight for a School				
		K-5 School	K-6 School	6-8 School	7-8 School	K-8 School
CST ELA	0.48	49.2%	51.1%	46.5%	41.7%	48.0%
CST Math	0.32	32.8%	34.0%	31.0%	27.8%	32.0%
CST Science	0.50	12.8%	10.6%			7.1%
CST History	0.50			16.1%	21.7%	7.1%
NRT Reading	0.06	1.5%	1.3%	1.9%	2.6%	1.7%
NRT Language	0.03	0.8%	0.6%	1.0%	1.3%	0.9%
NRT Spelling	0.03	0.8%	0.6%	1.0%	1.3%	0.9%
NRT Math	0.08	2.1%	1.7%	2.6%	3.5%	2.3%
Total	2.00	100.0%	100.0%	100.0%	100.0%	100.0%

Appendix B

Comparison of Current API Calculation Method with Proposed Method 3

Examples for a K-8 School

Current API Calculation Method (same indicator weight of .20 for each CST and for NRT)
(Example assumes equal numbers of students at each grade level and no missing data)

Content Area	Percent Indicator Weight for K-8 School	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	
CST ELA	0.20	2.9%	2.9%	2.9%	2.9%	2.9%	2.9%	2.9%	
CST Math	0.20	2.9%	2.9%	2.9%	2.9%	2.9%	2.9%	2.9%	
CST Science	0.20	0.0%	0.0%	0.0%	20.0%	0.0%	0.0%	0.0%	
CST History	0.20	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	20.0%	
NRT Reading	0.06	0.0%	3.0%	0.0%	0.0%	0.0%	3.0%	0.0%	
NRT Language	0.03	0.0%	1.5%	0.0%	0.0%	0.0%	1.5%	0.0%	
NRT Spelling	0.03	0.0%	1.5%	0.0%	0.0%	0.0%	1.5%	0.0%	
NRT Math	0.08	0.0%	4.0%	0.0%	0.0%	0.0%	4.0%	0.0%	
Total	1.00	5.7%	15.7%	5.7%	25.7%	5.7%	15.7%	25.7%	100.0%

Method 3 Indicator Weight Option 1 (same indicator weight of .20 for each CST and for NRT)

(Example assumes equal numbers of students at each grade level and no missing data)

Content Area	Initial Indicator Weight	Percent Indicator Weight for K-8 School	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	
CST ELA	0.20	38.9%	5.6%	5.6%	5.6%	5.6%	5.6%	5.6%	5.6%	
CST Math	0.20	38.9%	5.6%	5.6%	5.6%	5.6%	5.6%	5.6%	5.6%	
CST Science	0.20	5.6%	0.0%	0.0%	0.0%	5.6%	0.0%	0.0%	0.0%	
CST History	0.20	5.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	5.6%	
NRT Reading	0.06	3.3%	0.0%	1.7%	0.0%	0.0%	0.0%	1.7%	0.0%	
NRT Language	0.03	1.7%	0.0%	0.8%	0.0%	0.0%	0.0%	0.8%	0.0%	
NRT Spelling	0.03	1.7%	0.0%	0.8%	0.0%	0.0%	0.0%	0.8%	0.0%	
NRT Math	0.08	4.4%	0.0%	2.2%	0.0%	0.0%	0.0%	2.2%	0.0%	
Total	1.00	100.0%	11.1%	16.7%	11.1%	16.7%	11.1%	16.7%	16.7%	100.0%

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2004 API Base Content Weightings

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Co-chair, PSAA Advisory Committee

State Board of Education Meeting
November 9, 2004

Indicator Weights
2003 API Base

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Grades 2-8

Content Area	Percent
California Standards Test (CST)	
English-language arts (ELA)	48%
Mathematics	32%
Norm-referenced Test (NRT)	
Reading	6%
Language	3%
Spelling	3%
Mathematics	8%
	100%

Grades 9-11

Content Area	Percent
California Standards Test (CST)	
ELA	32%
Mathematics	16%
Science	5%
History-social science	20%
Norm-referenced Test (NRT)	
Reading	3%
Language	3%
Science	3%
Mathematics	3%
California High School Exit Examination (CAHSEE)	
ELA	10%
Mathematics	5%
	100%

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Example Calculation 2003 API Base (Gr. 2-8)

California Standards Test

	A	B	English Language Arts C	English Language Arts D	Mathematics E	Mathematics F
	Performance Levels	Weighting Factors	Percent of Pupils in Each Level	Weighted Score in Each Level (B x C)	Percent of Pupils in Each Level	Weighted Score in Each Level (B x E)
5	Advanced	1000	8%	80.00	9%	90.00
4	Proficient	875	23%	201.25	22%	192.50
3	Basic	700	35%	245.00	33%	231.00
2	Below Basic	500	21%	105.00	22%	110.00
1	Far Below Basic	200	13%	26.00	14%	28.00
a Indicator Score			a	657.25		651.50
b Indicator Weight			x b	48%		32%
c Total Weighted Score for Indicator			= c	315.48	+	208.48

	ELA	Math
Content area weights Calif. Standards Test CST	48%	32%
Content area weights CAT/6 Survey NRT	12%	8%
Portion of API	60%	40%

+

California Achievement Test, Sixth Edition Survey (CAT/6 Survey)

	A	B	English-Language Arts (ELA) Reading C	Reading D	Language E	Language F	Spelling G	Spelling H	Mathematics K	Mathematics L
	Performance Bands	Weighting Factors	Percent of Pupils in Each Band	Weighted Score in Each Band (B x C)	Percent of Pupils in Each Band	Weighted Score in Each Band (B x E)	Percent of Pupils in Each Band	Weighted Score in Each Band (B x G)	Percent of Pupils in Each Band	Weighted Score in Each Band (B x K)
5	80-99th NPR	1000	13%	130.00	17%	170.00	12%	120.00	19%	190.00
4	60-79th NPR	875	20%	175.00	20%	175.00	19%	166.25	30%	262.50
3	40-59th NPR	700	29%	203.00	30%	210.00	32%	224.00	22%	154.00
2	20-39th NPR	500	20%	100.00	19%	95.00	24%	120.00	16%	80.00
1	1-19th NPR	200	18%	36.00	14%	28.00	13%	26.00	13%	26.00
a Indicator Score			a	644.00		678.00		656.25		712.50
b Indicator Weight			x b	6%		3%		3%		8%
c Total Weighted Score for Indicator			= c	38.64	+	20.34	+	19.69	+	57.00

= **2003 API Base 660**

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Weight per Student (Current Method)

	Students (Valid Scores)	CST ELA	CST Math	CST History	CST Science	CAHSEE ELA-Math	CAT/6	Total Weight	Average Weight per Student
Total	1010	32.00%	16.00%	20.00%	5.00%	15.00%	12.00%	100.00%	0.099%
Grade 9	1000	31.68%	15.84%	0.00%	4.95%	0.00%	11.88%	64.36%	0.064%
Grade 10	10	0.31%	0.16%	20.00%	0.05%	15.00%	0.12%	35.64%	3.564%

Each grade 10 student contributes 56 times as much weight compared to each grade 9 student

CST=California Standards Test

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STAR Content Areas Tested, Gr. 2-8

	Grades Tested						
	2	3	4	5	6	7	8
CST ELA	X	X	X	X	X	X	X
CST Math	X	X	X	X	X	X	X
CST Science				X			
CST History							X
NRT		X				X	

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2004 API Base Method 1

	School with Grades 2-6			School with Grades 7-8		
	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores
CST English-Language Arts (ELA)	700	45%	315	800	45%	360
CST Math	700	30%	210	800	30%	240
CST Science	**500**	**5%**	**25**			
CST History-Social Science				**500**	**5%**	**25**
NRT Reading	600	6%	36	750	6%	45
NRT Language	600	3%	18	750	3%	22.5
NRT Spelling	600	3%	18	750	3%	22.5
NRT Math	600	8%	48	750	8%	60
		100%	670.00		100%	775.00
		API	**670**		**API**	**775**

For a school with grades 2-6 (having 300 valid scores) AND 7-8 (having 150 valid scores), the school API = [(670 x 300) +(775 x 150)] / (300 + 150) = 705

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2004 API Base Method 2

School with Grades 2-6

	Grade 2, Valid Scores = 20			**Grade 3**, Valid Scores = 20			**Grade 4**, Valid Scores = 20		
	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores
CST ELA	650	60%	390	650	48%	312	750	60%	450
CST Math	700	40%	280	650	32%	208	650	40%	260
CST Science									
NRT Reading				600	6%	36			
NRT Language				600	3%	18			
NRT Spelling				600	3%	18			
NRT Math				600	8%	48			
Total		100%	670.00		100%	640.00		100%	710.00
Grade Level Valid Scores			x 20 =			x 20 =			x 20 =
Total, Weighted by Scores			13400		+	12800		+	14200

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2004 API Base Method 2 (continued)

School with Grades 2-6 (continued)

	Grade 5, Valid Scores = 20			**Grade 6**, Valid Scores = 20		
	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores	Example Indicator Scores	2004 Base Example Indicator Weights	Weighted Scores
CST ELA	700	45%	315	650	60%	390
CST Math	700	30%	210	750	40%	300
CST Science	500	25%	125			
NRT Reading						
NRT Language						
NRT Spelling						
NRT Math						
Total		100%	650.00		100%	690.00
Grade Level Valid Scores			x 20 =			x 20 =
Total, Weighted by Scores		+	13000		+	13800 = API 672

API = (13400 + 12800 + 14200 + 13000 + 13800) / (20 + 20 + 20 + 20 + 20) = 672

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Most Common Grade Spans

Grade Span	Number of Schools	Grade Span	Number of Schools
K-5	2,386	7-8	332
K-6	2,011	10-12	160
9-12	1,067	7-12	139
6-8	810	K-12	108
K-8	547	K-3	101

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2004 API Base Method 3

(PSAA Committee recommended method)

Grades 2-5 Example

		Student Scores				School				
Content Area	**Initial Weight**	**# 1 (Gr. 2)**	**# 2 (Gr. 3)**	**# 3 (Gr. 4)**	**# 4 (Gr. 5)**	**Number of Student Scores**	**Weight, All Scores**	**% Weight, All Scores**	**Average, Student Scores**	**Weighted Ave., Student Scores**
	A	**B**	**C**	**D**	**E**	**F**	**G**	**H**	**I**	**J**
						Count of B, C, D, & E	A x F	G / Total of Column G	Average of B, C, D, & E	H x I
CST ELA	0.48	1000	875	700	1000	4	1.92	53.3%	893.75	476.666667
CST Math	0.32	1000	875	700	875	4	1.28	35.6%	862.50	306.666667
CST Science	0.20				875	1	0.20	5.6%	875.00	48.611111
NRT Reading	0.06		700			1	0.06	1.7%	700.00	11.666667
NRT Language	0.03		875			1	0.03	0.8%	875.00	7.291667
NRT Spelling	0.03		700			1	0.03	0.8%	700.00	5.833333
NRT Math	0.08		875			1	0.08	2.2%	875.00	19.444444
Total							3.60	100.0%	**School API =**	**876**

JACK O'CONNELL
State Superintendent
of Public Instruction

Proposed 2004 API Base Method 3

(simple way of calculating)

Example: School with Grades 9-11			A Initial Weights	B Score	C Weight x Score
Student 1	9	CST ELA	0.32	500	160.00
Student 1	9	CST Math	0.16	1000	160.00
Student 1	9	CST Science	0.05	875	43.75
Student 2	10	CST ELA	0.32	1000	320.00
Student 2	10	CST Math	0.16	1000	160.00
Student 2	10	CST Science	0.05	875	43.75
Student 2	10	CST HSS	0.20	875	175.00
Student 2	10	CAHSEE ELA	0.10	1000	100.00
Student 2	10	CAHSEE Math	0.05	1000	50.00
Student 3	11	CST ELA	0.32	200	64.00
Student 3	11	CST Math	0.16	500	80.00
Student 3	11	CST Science	0.05	200	10.00
Student 3	11	CST HSS	0.20	200	40.00
Student 4	11	CST Math	0.16	200	32.00
Student 4	11	CST Science	0.05	500	25.00
Student 4	11	CST HSS	0.20	875	175.00
Student 4	11	CAHSEE Math	0.05	1000	50.00
			2.60		1689

Grades 9-11 Example

School's API

649

(total Column C divided by total Column A)

JACK O'CONNELL
State Superintendent
of Public Instruction

Method 3

- For Method 3, the weight for every student taking a given test is the same, but the overall content contribution to a school's API will vary depending on the number of students that took that particular test.

JACK O'CONNELL
State Superintendent
of Public Instruction

2004 API Base Weights Impact Gr. 2-8

(PSAA Committee recommendation)

Content Area	Current 2003 Weights	Initial Indicator Weight	Percent Indicator Weight for a School		
			K-5 School	6-8 School	K-8 School
CST ELA	48.0%	0.48	53.3%	51.4%	52.5%
CST Math	32.0%	0.32	35.6%	34.3%	35.0%
CST Science		**0.20**	5.6%		3.1%
CST History		**0.20**		7.1%	3.1%
NRT Reading	6.0%	0.06	1.7%	2.1%	1.9%
NRT Language	3.0%	0.03	0.8%	1.1%	0.9%
NRT Spelling	3.0%	0.03	0.8%	1.1%	0.9%
NRT Math	8.0%	0.08	2.2%	2.9%	2.5%
Total	100.0%	1.40	100.0%	100.0%	100.0%

Note: Example assumes equal numbers of students at each grade level and no missing data.

JACK O'CONNELL
State Superintendent
of Public Instruction

Two-Step Phase-In Grade 2-8 Weights

(PSAA Committee recommendation)

Content Areas Grades 2-8	Weights	
	2004 API Base	2007 API Base*
CST ELA	.48	.48
CST Math	.32	.32
CST Science (Gr. 5 only)	**.20**	**.40**
CST HSS (Gr. 8 only)	**.20**	**.40**
NRT Reading (Gr. 3, 7 only)	.06	.06
NRT Language (Gr. 3, 7 only)	.03	.03
NRT Spelling (Gr. 3, 7 only)	.03	.03
NRT Math (Gr. 3, 7 only)	.08	.08
Total	1.40	1.80

*** 2007 API Base or at least one year after materials adoption**

JACK O'CONNELL
State Superintendent
of Public Instruction

2007 API Base Weights Impact Gr. 2-8

(PSAA Committee recommendation)

Content Area	Current 2003 Weights	Indicator Weight	Percent Indicator Weight for a School		
			K-5 School	6-8 School	K-8 School
CST ELA	48.0%	0.48	50.5%	48.0%	49.4%
CST Math	32.0%	0.32	33.7%	32.0%	32.9%
CST Science		**0.40**	10.5%		5.9%
CST History		**0.40**		13.3%	5.9%
NRT Reading	6.0%	0.06	1.6%	2.0%	1.8%
NRT Language	3.0%	0.03	0.8%	1.0%	0.9%
NRT Spelling	3.0%	0.03	0.8%	1.0%	0.9%
NRT Math	8.0%	0.08	2.1%	2.7%	2.4%
Total	100.0%	1.80	100.0%	100.0%	100.0%

Note: Example assumes equal numbers of students at each grade level and no missing data.

JACK O'CONNELL
State Superintendent
of Public Instruction

Four Weight Options Method 3, Gr. 9-12

Option 1

Current Weights		Method 3 Weights			
				Percent Indicator Weights	
2003 API Base Indicator Weights		Content Area	Initial Indicator Weight	9-12 School	10-12 School
32%+3%+3% =	38.0%	CST ELA	0.32	44.9%	39.8%
16%+3% =	19.0%	CST Math	0.16	22.4%	19.9%
5%+3% =	8.0%	CST Science	0.05	7.0%	6.2%
20% =	20.0%	CST History	0.20	18.7%	24.8%
10% =	10.0%	CAHSEE ELA	0.10	4.7%	6.2%
5% =	5.0%	CAHSEE Math	0.05	2.3%	3.1%
	100.0%	Total	0.88	100.0%	100.0%

Note: Example assumes equal numbers of students at each grade level and no missing data.

JACK O'CONNELL
State Superintendent
of Public Instruction

Four Weight Options Method 3, Gr. 9-12

Option 2

Current Weights		Method 3 Weights			
				Percent Indicator Weights	
2003 API Base Indicator Weights		Content Area	Initial Indicator Weight	9-12 School	10-12 School
32%+3%+3% =	38.0%	CST ELA	0.30	36.7%	33.3%
16%+3% =	19.0%	CST Math	0.20	24.5%	22.2%
5%+3% =	8.0%	CST Science	0.15	18.4%	16.7%
20% =	20.0%	CST History	0.15	12.2%	16.7%
10% =	10.0%	CAHSEE ELA	0.10	4.1%	5.6%
5% =	5.0%	CAHSEE Math	0.10	4.1%	5.6%
	100.0%	Total	1.00	100.0%	100.0%

Note: Example assumes equal numbers of students at each grade level and no missing data.

JACK O'CONNELL
State Superintendent
of Public Instruction

Four Weight Options Method 3, Gr. 9-12

Option 3

Current Weights		Method 3 Weights			
				Percent Indicator Weights	
2003 API Base Indicator Weights		Content Area	Indicator Weight	9-12 School	10-12 School
32%+3%+3% =	38.0%	CST ELA	0.30	30.0%	25.5%
16%+3% =	19.0%	CST Math	0.20	20.0%	17.0%
5%+3% =	8.0%	CST Science	0.15	15.0%	12.8%
20% =	20.0%	CST History	0.225	15.0%	19.1%
10% =	10.0%	CAHSEE ELA	0.30	10.0%	12.8%
5% =	5.0%	CAHSEE Math	0.30	10.0%	12.8%
	100.0%	Total	1.475	100.0%	100.0%

Note: Example assumes equal numbers of students at each grade level and no missing data.

JACK O'CONNELL
State Superintendent
of Public Instruction

Four Weight Options Method 3, Gr. 9-12

Option 4

Current Weights		Method 3 Weights			
				Percent Indicator Weights	
2003 API Base Indicator Weights		Content Area	Initial Indicator Weight	9-12 School	10-12 School
32%+3%+3% =	38.0%	CST ELA	0.30	32.7%	28.6%
16%+3% =	19.0%	CST Math	0.20	21.8%	19.0%
5%+3% =	8.0%	CST Science	0.15	16.4%	14.3%
20% =	20.0%	CST History	0.20	14.5%	19.0%
10% =	10.0%	CAHSEE ELA	0.20	7.3%	9.5%
5% =	5.0%	CAHSEE Math	0.20	7.3%	9.5%
	100.0%	Total	1.25	100.0%	100.0%

Note: Example assumes equal numbers of students at each grade level and no missing data.

JACK O'CONNELL
State Superintendent
of Public Instruction

2004 API Base Weights Gr. 9-12

(PSAA Committee recommendation: Option 3)

Content Area	Current 2003 Weights	Indicator Weight and Impact for a School		
		Initial Indicator Weight	9-12 School	10-12 School
CST ELA (32%+3%+3%)	38.0%	0.30	30.0%	25.5%
CST Math (16%+3%)	19.0%	0.20	20.0%	17.0%
CST Science (5%+3%)	8.0%	0.15	15.0%	12.8%
CST History	20.0%	0.225	15.0%	19.1%
CAHSEE ELA	10.0%	0.30	10.0%	12.8%
CAHSEE Math	5.0%	0.30	10.0%	12.8%
Total	100.0%	1.475	100.0%	100.0%

Note: Example assumes equal number of students at each grade level and no missing data.

ITEM #4

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
School Accountability Report Cards: Proposed Changes Pursuant to Senate Bill 550 (Implementation of Settlement Agreement in *Williams, et al.* v. *State of California, et al.*)	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve the proposed changes in the report template and data definitions for the School Accountability Report Card (SARC), and direct staff to make the changes available to local educational agencies (LEAs) on the California Department of Education (CDE) Web site.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) annually approves the SARC report template and associated data definitions in accordance with the requirements of federal and state laws. The SBE last took such action in May 2004, approving the report template and data definitions to be used for SARCs published during the 2004-05 school year.

SUMMARY OF KEY ISSUES

On September 29, 2004, the Governor signed Senate Bill (SB) 550 (Chapter 900, Statutes of 2004). This urgency measure, which takes effect immediately, implements portions of the settlement agreement in the case of *Williams, et al.* v. *State of California, et al.* With respect to the SARCs to be published in the 2004-05 school year, SB 550 adds additional reporting requirements relating to (1) any needed maintenance to ensure "good repair" of school facilities, (2) the number of teacher "misassignments" and "vacant teacher positions," and (3) the availability of "sufficient textbooks and other instructional materials." The measure provides the following definitions for the terms "good repair," "misassignment," "vacant teacher position," and "sufficient textbooks or instructional materials":

- "Good repair" means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the Office of Public School Construction. The instrument shall not require capital enhancements beyond the standards to which the facility was designed and constructed.

- "Misassignment" means the placement of a certificated employee in a teaching or

SUMMARY OF KEY ISSUES

services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

- “Vacant teacher position” means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

- “Sufficient textbooks or instructional materials" means that each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments. It does not require two sets of textbooks or instructional materials for each pupil. It does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

CDE staff has developed reporting formats to address the additional SARC requirements included in SB 550. These formats are displayed in Attachment 1, which contains a proposed 2003-04 report card template addendum. It is anticipated that the additional report card elements will be completed with either narrative or data provided by the local educational agency. The SARC reports data for three years. The CDE will advise the field that reporting the new requirements implemented by SB 550 will only be necessary for 2004, not 2003 or 2002. The revised data definitions to support the reporting format changes are currently undergoing field review. CDE staff will present the revised data definitions in the form of a Last Minute Memorandum.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved by the SBE, the proposed action will result in minor, one-time costs for the CDE to prepare and publish a 2003-04 report card template addendum and revised data definitions. Local educational agencies will also likely incur annual costs related to collecting the required data for inclusion in the SARCs.

ATTACHMENT(S)

Attachment 1: Proposed 2003-04 Report Card Template Addendum (1 Page)

Revised data definitions will be submitted as a Last Minute Memorandum.

Proposed 2003-04 Report Card Template Addendum

School Safety and Climate for Learning

School Facilities [Revised—changes in *italics*]

Safety, cleanliness, and adequacy of school facilities*, including any needed maintenance to ensure good repair*.

Narrative to be provided by LEA

Teacher and Staff Information

Teacher Misassignments [New]

Data reported are the number of placements of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

	2002	2003	2004
Misassignments of Teachers of English Learners	***To be provided by LEA***		
Total Number of Teacher Misassignments			

Vacant Teacher Positions [New]

Data reported are the number of a positions to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

	2002	2003	2004
Total Number of Vacant Teacher Positions	***To be provided by LEA***		

Curriculum and Instruction

Availability of Sufficient Textbooks and Other Instructional Materials [New]

The availability of sufficient textbooks and other instructional materials for each pupil, including English learners, in the core curriculum areas of reading/language arts, mathematics, science, and history/social science; foreign language and health; and science laboratory equipment for grades 9 to 12, inclusive, as appropriate.

Narrative to be provided by LEA

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: October 28, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

RE: Item No. 4

SUBJECT: School Accountability Report Cards: Proposed Changes Pursuant to Senate Bill 550 (Implementation of Settlement Agreement in *Williams, et al. v. State of California, et al.*)

Attachment 1 is a proposed 2003-04 template addendum for the School Accountability Report Card, has been revised from the version included in the Board item. Specifically, for the new teacher-related reporting elements, only 2004 data will be required for this reporting cycle.

Attachment 2 contains proposed data definitions that are needed to support all the reporting format changes mandated by Senate Bill 550. The proposed data definitions have undergone California Department of Education staff and field review.

Attachment 1: Proposed 2003-04 Report Card Template Addendum (1 Page)
Attachment 2: Proposed Revisions to Data Element Definitions and Sources for the School Accountability Report Card (7 Pages)

Proposed 2003-04 Report Card Template Addendum

School Safety and Climate for Learning

School Facilities [Revised—changes in *italics*]

Safety, cleanliness, and adequacy of school facilities*, including any needed maintenance to ensure good repair*.

Narrative to be provided by LEA

Teacher and Staff Information

Teacher Misassignments [New]

Data reported are the number of placements of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

	2002	2003	2004
Misassignments of Teachers of English Learners	--	--	***To be provided by LEA***
Total Number of Teacher Misassignments	--	--	

Vacant Teacher Positions [New]

Data reported are the number of a positions to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

	2002	2003	2004
Total Number of Vacant Teacher Positions	--	--	***To be provided by LEA***

Curriculum and Instruction

Availability of Sufficient Textbooks and Other Instructional Materials [New]

The availability of sufficient textbooks and other instructional materials for each pupil, including English learners, that are consistent with the content and cycles of the curriculum frameworks adopted by the state board in the core curriculum areas of reading/language arts, mathematics, science, and history/social science; foreign language and health; and science laboratory equipment for grades 9 to 12, inclusive, as appropriate.

Narrative to be provided by LEA

Proposed Revisions to Data Element Definitions and Sources for the School Accountability Report Card (In *Italics* and ~~Strikethrough~~ Type)

Specific Requirements		Definitions	Guidelines and Data Sources
SCHOOL SAFETY AND CLIMATE FOR LEARNING			
3.	Safety, cleanliness, and adequacy of school facilities*, including any needed maintenance to ensure good repair*. EC Sec. 33126 (b)(9) *EC Sections 17014, 17032.5, 17070.75 (a), 17089 (b)*	Description of the school's efforts to keep students safe on school grounds before, during, and after the school day. Description of the degree to which the school facility supports teaching and learning. Description of the condition and cleanliness of the school grounds, buildings, and restrooms. *Description of any needed maintenance to ensure good repair as specified in statute. "Good repair" means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the State of California's Office of Public School Construction. The instrument shall not require capital enhancements beyond the standards to which the facility was designed and constructed.*	Narrative is developed by the local educational agency/school. Are students safe on school grounds before, during, and after school? • Before and after school supervision • Limiting/controlling unauthorized access during school day (e.g., entrances, procedures for check-in/visitors, supervision of grounds and buildings) Does the school facility support teaching and learning? • Classroom space • Playground space • Space for staff What is the condition and cleanliness of the school? • Age of school/buildings • Maintenance and repair • Cleaning process and schedule for classrooms, restrooms, ground *Examples of acceptable summary statements on the condition of school facilities are as follows:*

			General ***The district takes great efforts to ensure that all schools are clean, safe, and functional. To assist in this effort, the district uses a facility survey instrument developed by the State of California's Office of Public School Construction. The results of this survey are available at the school office, at the district office, or on the Internet at [Web site address].*** *Below is more specific information on the condition of the school and the efforts made to ensure that students are provided with a clean, safe, and functional learning environment.* *Age of school buildings* *This school has 20 classrooms, a multipurpose room, a library, and an administration building. The main campus was built in 1965. Additions were constructed in 1968 and 1972. Two portable classrooms were constructed in 1997 for Class Size Reduction.* *The school opened in 1990 with all portable buildings. In 1995, permanent classrooms were built. The multipurpose room was built in 1997.* *Maintenance and repair* *District maintenance staff ensures that the repairs necessary to keep the school in good repair and working order are completed in a timely manner. A work order process is used to ensure efficient service and that emergency repairs are given the highest priority.*

			<u>Cleaning process and schedule</u> *The district governing board has adopted cleaning standards for all schools in the district. A summary of these standards is available at the school office, at the district office, or on the Internet at [Web site address]. The principal works daily with the custodial staff to develop cleaning schedules to ensure a clean and safe school.* *Deferred maintenance budget* *The district participates in the State School Deferred Maintenance Program, which provides state matching funds on a dollar-for-dollar basis, to assist school districts with expenditures for major repair or replacement of existing school building components. Typically, this includes roofing, plumbing, heating, air conditioning, electrical systems, interior or exterior painting, and floor systems. For the 2004-05 school year, the district has budgeted $[___] for the deferred maintenance program. This represents [__]% of the district's general fund budget.* *<u>Deferred maintenance projects (if applicable)</u>* *For the 2004-05 school year, the district's governing board has approved deferred maintenance projects for this school that will result in the replacement of the roof on the multipurpose room and the installation of a new fire alarm system for all classrooms. The district's complete deferred maintenance plan is available at the district office or on the Internet at [Web site address].*

			<u>Modernization projects (if applicable)</u> *During the 2004-05 school year, local bond funds [Measure __], and state matching funds will be used to install new air conditioning in all classrooms, provide wiring for technology, and provide for an upgraded electrical service. The work on this project is scheduled to begin in June 2005 and be completed prior to the start of the 2005-06 school year.* *<u>New school construction projects (if applicable)</u>* *Architectural planning for replacing five portable classrooms with permanent classrooms will begin during the 2004-05 school year. State and local bond funds will be used. The new classrooms are scheduled to be occupied by students in the 2006-07 school year.* Data provided by LEA

Specific Requirements		Definitions	Guidelines and Data Sources
SCHOOL SAFETY AND CLIMATE FOR LEARNING			
25.	The total number of the school's fully credentialed teachers, the number of teachers relying upon emergency credentials, the number of teachers working without credentials, ~~and~~ any assignment of teachers outside their subject areas of competence, *misassignments, including misassignments of teachers of English learners, and the number of vacant teacher positions* for the most recent three-year period. EC Sec. 33126 (b)(5)	For the most recent three-year period: • Total number of teachers • Full credential • Teaching Outside Subject Area (fully credentialed but eaching outside subject area) • Teachers in Alternative Routes to Certification (district and university internships) • Pre-Internship *Teacher Misassignments, including misassignments of teachers of Engli* • Emergency Permits (not qualified for a credential or internship but meeting minimum requirements) • Teachers with Waivers (do not have credential and do not qualify for an Emergency Permit) **For the most recently completed school year:** • *Teacher Misassignments, including misassignments of teachers of English learners (the number of placements of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold)* • *Vacant Teacher Positions (the number of positions to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester)*	Data are derived from the Professional Assignment Information Form in CBEDS, except for data regarding the assignment of teachers outside their subject areas of competence, *teacher misassignments, and vacant teacher positions,* which must be determined from local data sources. A report derived from CBEDS data can be generated at the DataQuest Web site: http://data1.cde.ca.gov/dataquest/. Teaching Outside Subject Area*, Teacher Misassignment, and Vacant Teacher Position* data provided by LEA. All other data provided by CDE.

Specific Requirements		Definitions	Guidelines and Data Sources
CURRICULUM AND INSTRUCTION			
32A. [New]	*The availability of sufficient textbooks and other instructional materials for each pupil, including English learners, that are consistent with the content and cycles of the curriculum frameworks adopted by the state board in the core curriculum areas of reading/language arts, mathematics, science, and history/social science; foreign language and health; and science laboratory equipment for grades 9 to 12, inclusive, as appropriate.* *EC Sec. 33126 (b)(6)(B)* *EC Sec. 60119 (c)*	*For the most recently completed school year, a description of the extent to which each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments. Two sets of textbooks or instructional materials for each pupil are not required. Photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage is not statutorily deemed to be sufficient.*	*Data provided by LEA*

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
California High School Exit Examination (CAHSEE): including, but not limited to, CAHSEE Program Update	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

This item is provided to the State Board of Education (SBE) for information and action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In November 2003, the State Board of Education (SBE) approved an Annual Item Release Plan for the CAHSEE, the California Standards Test, and the California Alternate Performance Assessment. Under the new plan, the CAHSEE will release 25 percent of the test questions in each subject, mathematics and English-language arts, each year. CDE had previously released test questions for the CAHSEE from the 2001 through the 2003 tests.

All test questions on the CAHSEE are evaluated by committees of content experts, including California educators, teachers, and administrators, to ensure the questions' appropriateness for measuring the designated California academic content standards in English-language arts and mathematics. In addition to content, all items are reviewed and approved to ensure their adherence to the principles of fairness and reviewed for bias with respect to characteristics such as gender, ethnicity, and language.

SUMMARY OF KEY ISSUES

CAHSEE released new test questions from the February and March 2004 tests. The test questions will be posted to the Web site at *http://www.cde.ca.gov/ta/tg/hs/resources.asp.* The new test questions are combined with the ones released from 2001, 2002, and 2003. The test questions are grouped by strands from the academic content standards (e.g., number sense, word analysis). At the beginning of each strand section is a list of the specific academic content standards assessed on the CAHSEE. Following a group of questions is a table that gives the correct answer for each question, the content standard each question is measuring, and the year each question originally appeared on the CAHSEE.

SUMMARY OF KEY ISSUES

The mathematics portion of the CAHSEE has 80 test questions and CDE has released 150 test questions (20 are from the 2004 test). The English-language arts portion of the CAHSEE has 72 multiple-choice questions and 1 writing essay and has released 147 test questions and five writing essays (18 multiple-choice questions and 1 writing essay are from the 2004 test).

In selecting test questions for release, three criteria are used: (1) the questions adequately cover the academic content standards assessed on the CAHSEE, (2) the questions demonstrate a range of difficulty, and (3) the questions present a variety of ways each standard can be assessed. These released test questions do not appear on future tests.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no cost to this item. CDE will post the new released items on the Web site.

ATTACHMENT(S)

None.

ITEM #6

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
California High School Exit Examination (CAHSEE): Presentation of the Independent Evaluation of the CAHSEE: Year Five Report	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

This item is provided to the State Board of Education (SBE) for information and action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California *Education Code* Section 60855 requires that the California Department of Education (CDE) contract for a multi-year evaluation report on the CAHSEE and requires that reports be provided to the Governor of California, the Office of the Legislative Analyst, the State Superintendent of Public Instruction, the State Board of Education (SBE), the Secretary for Education, and the chairs of the education policy committees in both houses of the California Legislature biennially by February 1, of even-numbered years. The CDE also requires an annual report of the previous year's testing activities. The CAHSEE independent evaluator, Human Resources Research Organization (HumRRO), has prepared an annual report on the CAHSEE each year since 2000. They presented the Year 4 report to the SBE last September. All reports are on the CAHSEE Web site at: *http://www.cde.ca.gov/ta/tg/hs/evaluations.asp.*

HumRRO has focused its efforts on the legislative requirements for reporting on trends in pupil performance, broken down by grade level, gender, race or ethnicity, and subject matter of the exam; and analysis of the exam's effects, if any, on retention, dropout, graduation, and college attendance rates. California legislation requires separately analyzing test results for English learners, students with disabilities, and economically disadvantaged students. The legislation also requires the evaluation reports to "…include recommendations to improve the quality, fairness, validity, and reliability of the exam" and states, "…the evaluator may make recommendations for revisions in design, administration, scoring, processing, or use of the exam" (California *Education Code* Section 60855[c]).

SUMMARY OF KEY ISSUES

HumRRO submitted its Year 5 Evaluation Report to CDE at the end of September 2004. This Year 5 Evaluation Report contains an executive summary, an analysis of the test results from 2003-04, results from student, teacher, principal, and administrator survey, and findings and recommendations. The complete report is attached. Lauress Wise, Project Manager, of HumRRO, will present the results, findings, and recommendations of the Year 5 at the SBE meeting.

HumRRO's FINDINGS AND RECOMMENDATIONS

HumRRO found the quality of the examination surprisingly high especially given the very tight schedule for initial development. As documented in the Assembly Bill (AB) 1609 Study report (HumRRO, 2003), schools have responded positively, improving programs of initial instruction and implementing new programs to help students who do not initially pass the CAHSEE.

The first four general findings and two specific findings follow:

General Finding 1. Student performance on the CAHSEE mathematics test improved significantly for the Class of 2006 in comparison to the Class of 2005. Performance on the ELA improved only slightly, if at all.

General Finding 2. The performance of special education students on the CAHSEE remains low.

General Finding 3. Despite predictions by principals and teachers, the current CAHSEE requirement has been accompanied by a decrease rather than an increase in dropout and retention rates.

General Finding 4. Principals reported continued efforts to implement programs and practices to help students who are not prepared to pass the CAHSEE and to promote learning for all students.

Specific Finding 1. About 90 percent of the students tested reported that most or all of the topics on the test were covered in courses that they had taken.

Specific Finding 2. Principal estimates of parents' knowledge of the CAHSEE increased significantly in 2004.

Based on the findings described above and on findings included in prior reports, HumRRO offers four general recommendations and one specific recommendation.

General Recommendation 1. Keep the CAHSEE requirement in place for the Class of 2006 and beyond.

General Recommendation 2. Continue efforts to help students prepare for and take more challenging courses.

SUMMARY OF KEY ISSUES

General Recommendation 3. Encourage efforts to identify remedial programs that work and disseminate information about these programs to all schools.

General Recommendation 4**.** Continue to explore options for special education students.

A High School Exit Examination for Pupils With Disabilities Advisory Panel, formed in response to Senate Bill (SB) 964, is studying alternatives for helping special education students address the CAHSEE requirement. In past evaluation reports, HumRRO also called for consideration of alternatives for special education students. Given no significant improvement in passing rates for special education students in the Class of 2006, their recommendation stands.

Specific Recommendation 1. Work to implement a system of student identifiers and student records that provide information, including (a) CAHSEE passing status, (b) students on track to graduate with their class, (c) students who have been retained, and (d) students who have dropped out.

FISCAL ANALYSIS (AS APPROPRIATE)

Implementing the HumRRO recommendations has a potential fiscal impact to CDE. CDE has a current contract through 2006-07 to administer and score the CAHSEE and CDE is moving forward with the individual student identifier system. However, implementing the other HumRRO recommendations would be at the direction of the administration and SBE.

ATTACHMENT(S)

Attachment 1: Independent Evaluation of the California High School Exit Examination (CAHSEE): Year 5 Evaluation Report prepared by the Human Resources and Research Organization, (181 Pages)

Presentation slides will be provided in a Last Minute Memorandum.

FR-04-53

HumRRO

Human Resources Research Organization

Independent Evaluation of the California High School Exit Examination (CAHSEE): Year 5 Evaluation Report

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Acknowledgments

With this fifth and final CAHSEE evaluation report we want to take the opportunity to acknowledge and thank several groups and people:

- The school districts in our longitudinal sample that supported our annual survey effort and provided a contact person to help us in working with their high schools
- The high school principals who not only completed their annual survey but also handled distribution of the test coordinator and teacher surveys within their schools
- The test site coordinators who managed to complete their survey in the midst of a heavy testing schedule
- The hundreds of high school ELA and mathematics teachers who took time from their busy spring schedules to complete the annual longitudinal survey
- The high school and middle school principals, teachers, and other staff who gave so generously of their time in completing the lengthy AB 1609 surveys and in-person interviews
- The test developers, AIR and ETS, who provided CAHSEE data in a timely manner
- The CDE staff who reviewed and commented on our surveys and reports and assisted in encouraging district and school support of the annual surveys
- The staff and members of the State Board of Education who raised provocative questions and provided feedback to our evaluation reports
- Our editor, Christa Watters, who guided us in producing clear writing and maintaining consistent usage and formats

Independent Evaluation of the California High School Exit Examination (CAHSEE): Year 5 Evaluation Report

EXECUTIVE SUMMARY

The California High School Exit Examination

In 1999, the California legislature passed Senate Bill (SB) 2X establishing the requirement that, beginning with the high school Class of 2004, students must pass a graduation exam in mathematics and English-language arts (ELA) to receive a high school diploma. The legislation resulted in Chapter 8, Sections 60850–60856 of the California Education Code, which lays out requirements for the California High School Exit Examination (CAHSEE). Content for the CAHSEE was recommended by a High School Exit Examination Panel (HSEE), which was established under the legislation, and approved by the State Board of Education (the Board) in fall 2000. The exam was first administered to ninth graders in spring 2001. In 2003, as authorized by Assembly Bill (AB) 1609, the Board voted to defer the CAHSEE requirement to the Class of 2006. A slightly revised CAHSEE was administered to 10th graders in the Class of 2006 during the 2003–04 school year.

Section 60855 of the Education Code requires an independent evaluation of quality and impact of the CAHSEE. The California Department of Education (CDE) awarded a five-year contract for this evaluation to the Human Resources Research Organization (HumRRO) beginning January 2000. HumRRO's efforts have focused on analyses of data from tryouts of test questions and from the annual administrations of the CAHSEE and on activities to determine the impact of the examination. The legislation required an initial evaluation report in June 2000 and biennial reports to the Governor, the Legislature, the Board, and the CDE in February 2002 and February 2004.

In addition to the legislatively mandated evaluation reports, the contract for the evaluation required an annual report of evaluation activities. The present report meets the contract requirement for a report of activities and findings during the fifth year of the evaluation. This report adds to findings and recommendations included in prior evaluation reports (Wise, Hoffman, & Harris, 2000; Wise, Harris, Sipes, Hoffman, & Ford, 2000a; Wise, Sipes, George, Ford, & Harris, 2001; Wise et al., 2002b; Wise et al., 2003; Wise et al., 2004). Findings and recommendations from the prior reports are summarized briefly in Chapter 1 of this report.

Year 5 evaluation activities summarized in the current report include:

Review of Test Developer Plans and Reports. HumRRO continued to monitor test development activities and reports. We reviewed test content changes, test administration procedures, changes to reporting procedures, and the way test forms were equated.

Analysis of Operational CAHSEE Data. HumRRO analyzed results from three operational administrations of CAHSEE in February, March, and May of 2004. These were the first opportunities for students in the Class of 2006, then in the 10th grade, to take the CAHSEE. Results from the analyses of student test results are described in Chapter 2 of this report. Additional analyses of student responses to survey questions administered in conjunction with the test are described in Chapter 3.

Longitudinal Surveys of School Personnel. The annual survey of a representative sample of 24 districts and approximately 90 of their high schools continued for the fifth consecutive year. The surveys, which were administered to principals and English-language arts and mathematics teachers, provided a continuing look at schools' perspectives of the impact of the CAHSEE on their programs. In addition, testing coordinators were surveyed for the third year to identify approaches and problems with the administration of the CAHSEE. Results from these analyses are described in Chapter 4 of this report.

Results from the 2004 CAHSEE Administrations

Results from the three CAHSEE administrations during the 2003–04 school year were analyzed for students in the high school Class of 2006 who took the CAHSEE as 10th graders. Results from the 2002–03 administrations were reanalyzed for 10th grade students in the high school Class of 2005 in a comparable manner so that trends across these two classes could be displayed.[1]

Classes of 2005 and 2006

Performance on the CAHSEE mathematics test improved significantly for the Class of 2006 relative to the Class of 2005, even after differences in the score scales were accounted for. Passing rates for the ELA test were largely unchanged. Overall passing rates were above 70 percent on each test individually. Furthermore, 64 percent of the 10th grade students passed both parts, an increase of about 5 percentage points over Class of 2005 sophomores. Performance improved for nearly all demographic groups. The one exception was for students receiving special education services where the combined passing rate remained below 20 percent.

Students Receiving Special Education Services

Results for students receiving special education services were analyzed by type of disability and by ethnic group. The difference in pass rates among race/ethnicity groups of students receiving special education services was pronounced. Only 12 percent of African American and 19 percent of Hispanic students receiving special

1 Several steps were required to produce comparable results for these two cohorts. First, some students in each cohort participated in more than one test administration, either as a makeup session or to retry a test they had not passed previously. Records were matched as well as possible, even though statewide student identifiers were not yet implemented for use with the CAHSEE. Second, a new score scale was introduced with the 2004 CAHSEE administrations. We estimated scores and changes in passing rates on this new scale for students who participated in the 2003 assessments (see pp. 18–19 for more details). Finally, we examined the accuracy of score equating across administrations and consistency in scoring the student essays and found no problems of note.

education services passed the mathematics test compared to about 45 percent of the Asian and White students receiving special education services. Results for the ELA test were similar.

English Learners

As in earlier administrations, ELA passing rates for English learners who had been redesignated as fluent English proficient were actually higher than for other student groups, suggesting that the lower passing rates for English learners will disappear once they achieve English proficiency. For math, passing levels were once again closely related to level of math coursework completed. We found modest increases in the percentage of students who took advanced mathematics courses and also significant gains in CAHSEE passing rates for each course level. The latter finding suggests that students were better prepared to take these courses based on their earlier coursework.

One final finding in analyzing results from the 2002–03 CAHSEE administrations was that there continue to be some issues with record-keeping and possibly with schools' understanding of CAHSEE regulations and procedures. For instance, some students in the Class of 2006 appear to have taken one or both of the CAHSEE tests more than once, even though that was not intended by the CDE. When the student identification system—California Longitudinal Pupil Achievement Data System (CALPADS)—is in place, analyses should be more straightforward and accurate.

Student Questionnaire Responses

After completing each portion of the CAHSEE, students responded to a series of questions about their reaction to the test and their plans for graduation and beyond. Responses from 10th grade students in the Class of 2006 who participated in the 2004 CAHSEE administrations were compared to responses from 10th grade students in the Class of 2005 who participated in the 2003 CAHSEE administrations. The 2004 questionnaires included four new questions about the students' instruction. Responses to these questions were analyzed for the Class of 2006 only. Chapter 3 includes a detailed analysis of student questionnaire responses.

Student responses to questions about the test and about their plans for graduation and beyond did not change dramatically from 2003 to 2004. Responses to the new questions concerning instruction indicated that most students were receiving instruction in the material covered by the CAHSEE, were familiar with the types of questions asked, and found these questions no more difficult than questions they encountered in their coursework.

Principal, Teacher, and Site Testing Coordinator Reactions

School staff survey responses tell a promising story over the five-year period since the inception of the California High School Exit Examination program. A longitudinal sample of high school personnel was surveyed each spring from 2000

through 2004 to assess awareness, preparation, expectations, and impact of the CAHSEE results. Surveys in the early years relied heavily upon anticipation and expectations, but as schools gained experience with the CAHSEE the focus turned toward actual effects and action.

Detailed analyses of survey responses are presented in Chapter 4. Overall, the five years of the CAHSEE school surveys paint a picture of a maturing program. Awareness regarding the test and supporting materials such as the CDE website, remediation materials, and school coordinator support documentation and training are on the rise. Principals and teachers perceive a variety of benefits of the program, although they remain concerned about potential exacerbating effects on student retention and dropout rates. One might sum up their position as believing that the CAHSEE program is improving education for students who persevere.

Findings and Recommendations

General Findings

The main findings and recommendations stemming from Year 5 evaluation activities are presented in Chapter 5. In brief, the general findings are as follows:

General Finding 1. Student performance on the CAHSEE mathematics test improved significantly for the Class of 2006 in comparison to the Class of 2005. Performance on the ELA improved only slightly, if at all.

Passing rates on the mathematics test, after accounting for changes in the score scale, increased by about five percent in 2004. Mathematics passing rates also increased for every one of the demographic groups that we analyzed. With this increase and the impact of the new score scale, more than 70 percent of the students in the CAHSEE data files passed each part of the CAHSEE. Improvements in mathematics were related to the fact that slightly more students were taking or had taken algebra and higher-level mathematics courses (79.0% compared to 77.8%) and also that passing rates were higher for each level of mathematics courses taken. For example, the CAHSEE mathematics passing rates for students whose highest math course was Algebra I rose from 51 percent to 58 percent. These increases in passing rates indicate that either the effectiveness of the algebra and higher-level courses had improved and/or that students were better prepared by their prior coursework to benefit from high school mathematics courses.

The reason for the lack of a significant increase in performance on the ELA test is unclear. We found modest increases in the percentage of students classified as English learners (16.9% to 18.3%) and students receiving special education services (8.6% to 9.2%). It also appears that a greater proportion of 10th grade students took the CAHSEE, most likely in response to the participation requirements of federal No Child Left Behind legislation. In 2003 the number of 10th grade students taking one or both parts of the CAHSEE was 90 percent of the 2002–2003 fall 10th grade enrollment. In 2004, the corresponding percentage was up, to 94. It is reasonable to

assume that by increasing the participation rate, schools tested more students, including English learners and students receiving special education services, who were not well prepared to pass the CAHSEE.

General Finding 2. The performance of students receiving special education services on the CAHSEE remains low.

Students receiving special education services showed the smallest increase in mathematics passing rates of all demographic groups, improving by only 1 percent, from 27 percent to 28 percent. This group also showed a noticeable drop in ELA passing rates, from 32 percent to 29 percent. There continued to be very significant differences in passing rates for students receiving special education services in different ethnic categories. For ELA, only 17 percent of African American students receiving special education services and 19 percent of Hispanic students receiving special education services passed, compared to 37 percent of Asians and 47 percent of White students. For mathematics, 13 percent of African American students and 19 percent of Hispanic students receiving special education services passed, compared to 46 percent of Asians and 44 percent of White students receiving special education services.

General Finding 3. Despite predictions by principals and teachers, the current CAHSEE requirement has been accompanied by a decrease rather than an increase in dropout and retention rates.

Seventy-three percent of the principals responding to our longitudinal survey and 41 percent of the teachers responding predicted that the CAHSEE would have a negative or strongly negative impact on dropout rates (that is, the dropout rate would increase). Last year, we noted that 10th grade to 11th grade enrollment declines for the Class of 2004, the class initially affected by the CAHSEE, were only 6.8 percent compared to about 7.8 percent for each of the prior five classes. This year, the 10th to 11th grade enrollment decline for the Class of 2005 was even slightly less, 6.6 percent. In addition, 11th to 12th grade enrollment declines were only 7.7 percent for the Class of 2004 this year, compared to 8.4 percent for the Class of 2003 and well over 10 percent for each of the prior four classes. It is possible that increased remediation efforts associated with the CAHSEE requirement have contributed to a decline in dropouts, although we cannot rule out alternative explanations such as reduced employment alternatives. In any event, it is clear that the CAHSEE requirement has not led to any significant increase in dropout rates for the first two classes affected by the CAHSEE.

General Finding 4. Principals reported continued efforts to implement programs and practices to help students who are not prepared to pass the CAHSEE and to promote learning for all students.

Principals were asked about activities to help students who do not pass the CAHSEE or who are not prepared. They reported significant increases from 2002 to 2004 in full implementation of several important efforts including:

- *Work with feeder middle school* increased from 5 to 28 percent.
- *Develop parent support* rose from 0 to 11 percent.
- *Offering demanding courses from the beginning* increased from 25 to 64 percent.
- *Ensure students take demanding courses from the beginning* increased from 20 to 64 percent

Principals were also asked about actions to promote learning for all students. They reported significant increases from 2003 to 2004 in full implementation of the following:

- *Teacher access to in-service training on content standards* increased from 60 to 73 percent.
- *Teacher access to in-service training on instructional techniques* increased from 50 to 64 percent.
- *Student and parent support services* increased from 10 to 27 percent.

In addition to the above four general findings, we note two specific findings based on data from the student, teacher, or principal surveys. Many specific findings from these surveys are discussed in detail in Chapters 3 and 4. We have selected two that appear to be significant both in magnitude and in meaning.

Specific Finding 1. About 90 percent of the students tested reported that most or all of the topics on the test were covered in courses that they had taken.

Several new questions were added to the student questionnaire in 2004. These questions were designed to probe student views about how well their courses prepared them to take the CAHSEE. This information complements information about courses collected from teachers and principals in 2003 in the AB 1609 study. The first question asked whether the topics on the test were covered in courses they had taken. Only 8.5 percent of the students reported that many topics on the ELA test were not covered in courses they had taken. Only 11.4 percent reported that many topics on the mathematics test were not covered in their courses. These responses were closely related to passing rates. Of the students who responded that many topics were not covered in mathematics courses, only 50 percent passed the mathematics test compared to a 69 percent passing rate for students who said most topics were covered and 89 percent for students who said that all topics were covered.

For mathematics, reported coverage of the CAHSEE topics was also related to the level of mathematics courses taken. Of students who had taken only general math, 29.1 percent said that many topics on the CAHSEE mathematics test were not covered in their courses, compared to 16.5 percent of the students who had taken or were taking Algebra I and less than 7 percent of students taking courses beyond Algebra I (or beyond Integrated Math I).

The rate at which students report coverage of tested topics in their classes is important as one indicator of the opportunity to learn material, or the instructional validity of the CAHSEE test. Student self-report of exposure to tested topics is only a rough measure, but the high percentage of students indicating that most topics were covered in their courses is a positive indication that course instruction is aligned with the tested content standards.

Specific Finding 2. Principal estimates of parents' knowledge of the CAHSEE increased significantly in 2004.

Principal estimates of the percentage of parents who know which students had the opportunity to take the CAHSEE increased from 60 percent to 67 percent and estimates of the percentage of parents who knew when the CAHSEE was given rose from 57 percent to 79 percent. Most significantly, estimates of the percentage of parents who know what knowledge and skills are covered by the CAHSEE increased from 26 percent to 44 percent. These increases in parental awareness are important because they could play a significant role in encouraging students to take advantage of available opportunities to prepare for the CAHSEE, such as summer school offerings and remedial courses. In addition, increases in parental knowledge reflect greater general public awareness.

Recommendations

Based on the findings described above and on findings included in prior reports, HumRRO offers four general recommendations and one more specific recommendation.

General Recommendation 1. Keep the CAHSEE requirement in place for the Class of 2006 and beyond.

One of the most positive results of the CAHSEE requirement has been to help schools identify students who need additional help in acquiring essential skills and to implement programs to provide that help. Initial results for the Class of 2006 suggests that it is quite likely that, given some effort on their part, nearly all students will be able to pass the CAHSEE (with the exception of some students receiving special education services, as addressed in a later recommendation). Remediation programs put in place for the Class of 2004 resulted in passing rate increases of about 10 percent a year. Given that nearly two-thirds of the Class of 2006 has completely met the CAHSEE requirement, increases of about 10 percent per year will result in approximately the same percentage of students in the Class of 2006 being able to meet the CAHSEE requirement as currently graduate from high school.

Based on survey responses, principals, teachers, students, and parents now know a lot more about the CAHSEE and appear to believe the requirement must be met. Canceling or further deferring the requirement would likely not only reverse much of the progress that has been made in helping students master required skills,

but also would weaken or destroy the credibility of future efforts to improve instruction and student achievement.

General Recommendation 2. Continue efforts to help students prepare for and take more challenging courses.

In addition to developing new programs, simply encouraging students to take advantage of courses and programs already in place would help enormously. Results have consistently shown that students who are prepared for and take Algebra 1 and subsequent courses are very likely to pass the mathematics portion of the CAHSEE. Preparing students to take higher-level mathematics courses is a particular challenge for students receiving special education services. Many fewer of these students are currently taking Algebra I by the 10th grade.

In prior administrations, passing rates for the mathematics test were considerably lower than passing rates for the ELA test (about 50% compared to 70%). Our previous reports highlighted mathematics performance. Similarly, schools' best efforts were naturally focused on improving performance in mathematics. Now that the passing rates are essentially equal, more attention needs to be given to the effectiveness of ELA coursework and to efforts to prepare students for success in this coursework and to help students who are not initially successful in learning required skills. Note, too, that English learners who reach English proficiency have little difficulty in passing the ELA portion of the CAHSEE. Further efforts to help English learners reach proficiency will further improve ELA passing rates for this group.

General Recommendation 3. Encourage efforts to identify remedial programs that work and disseminate information about these programs to all schools.

The CDE has developed various guides and workshops to facilitate improved remediation efforts across the state. In addition, successful remediation programs developed by schools and districts could be identified (by the CDE or by the districts themselves) and shared with other schools to encourage their broader implementation. "Success" of the programs could be measured by student passing rates on the CAHSEE subsequent to completion of these programs.

General Recommendation 4. Continue to explore options for students receiving special education services.

A High School Exit Examination for Pupils With Disabilities Advisory Panel, formed in response to SB 964, is studying alternatives for helping students receiving special education services address the CAHSEE requirement (http://www.cde.ca.gov/ta/tg/hs/sb964study.asp). In past evaluation reports, we also called for consideration of alternatives for students receiving special education services. Given no significant improvement in passing rates for students receiving

special education services in the Class of 2006, our recommendation stands. Here are some examples of the types of ideas that might be considered:

- Set realistic expectations. Work to more clearly differentiate students who can attain the regular curriculum from those who cannot. Set alternate goals with alternate recognition of accomplishments for students who cannot manage the regular curriculum. As noted below, more study is required to identify appropriate expectations and instruction for the very different types of students qualifying for special education services.

- Allow more time. The majority of students receiving special education services may be able to meet the CAHSEE requirement, but it may take many of them longer to reach the required level of achievement. Providing regular alternatives to the usual twelve-year curriculum for these students would support development of required skills. A careful study of ways of spreading out the curriculum at different points would be preferable to simply adding one or more years at the end as makeup time.

- Investigate curricula. Collect information on the curriculum provided to different types of students receiving special education services. Information on the effectiveness of different curricula for students with specific types of disabilities could be used to improve the effectiveness of individualized educational plans (IEPs) for students receiving special education services.

- Collect accommodation information. Information should be collected on relationships of specific accommodations provided for CAHSEE (e.g., small group administration, oral presentation of instructions), accommodations specified in IEPs and provided with instruction, and performance on the CAHSEE. This information would enhance CDE's ability to counter challenges of fairness for students with specific disabilities and would support further research on the appropriateness of these accommodations in measuring the intended constructs.

Specific Recommendation 1. Work to implement a system of student identifiers and student records that provide information, including (a) CAHSEE passing status, (b) students on track to graduate with their class, (c) students who have been retained, and (d) students who have dropped out.

As the Class of 2006 nears graduation, policymakers will want to know how many students have passed the CAHSEE. Up to this point, there has not been a statewide data system that would allow us to accurately determine how many of the students who have passed the CAHSEE earlier are still in school and how many new students have come into the state who have not yet taken the CAHSEE. Comparing the number of students who passed the CAHSEE in prior years to current enrollments would not give an accurate estimate of the number of students who still need to pass the exam. Further, some students transfer from one high school to another within the state and other students do not complete sufficient

credits to advance to the next grade, thus changing the date of their expected graduation. Without statewide identifiers, it is also impossible to count these students appropriately in cumulative estimates of the CAHSEE passing rates.

The California Longitudinal Pupil Achievement Data System (CALPADS) was established in response to SB 1453 (enacted in 2002) to further comply with federal accountability requirements. Student identifiers, required to implement this data system, are being established by the California School Information Services (CSIS). If successful, this effort will enable more complete answers to policymakers' questions about the CAHSEE passing rates.

The CDE may also wish to work with districts to track students beyond high school accountability. As noted under "Questions for Further Inquiry" 2 on the next page, information, even for a modest sample of students, on the relationship of the CAHSEE scores to success in college work and in other endeavors would be very useful in reviewing the rigor of the CAHSEE requirement.

Questions for Further Inquiry

This report brings our five-year effort as the independent evaluator for the CAHSEE to a close. Because students have not yet graduated or failed to do so under the CAHSEE requirement, much remains to be learned about the longer-term effects of this program. The CDE has embedded a number of new ideas for addressing CAHSEE issues in a request for proposals (RFP) for continuing the evaluation. In concluding this report and this evaluation contract, we offer our own perspective on questions for further inquiry.

1. What are effective strategies for ensuring that students have the knowledge and skill to pass the CAHSEE?

The Request for Proposals (RFP) to continue the independent evaluation of the CAHSEE included a specific requirement to identify "effective remediation strategies for students who have difficulty in ELA and math." The 2003 study of instruction conducted in response to the AB 1609 requirement concluded that the CAHSEE requirement had led to many new classes or programs to help students having difficulty with the CAHSEE but that these programs were not yet fully effective. We also noted that the CAHSEE passing rates varied considerably by program and school. The CDE has developed guides for teachers and students to assist in preparation for the CAHSEE. A systematic review of the use and effectiveness of these guides, together with identification of additional remediation strategies that might be included in expanded guides would go a long way toward maximizing opportunities for all students to learn the material covered by the CAHSEE.

2. Is the CAHSEE requirement sufficiently rigorous?

As independent evaluators, we feel that the current CAHSEE requirement reflects a delicate balance between what students need to know and be able to do and what is currently reasonable to expect them to achieve. Other groups have called for significantly more rigorous graduation requirements (e.g., Achieve Inc.

2004). Kirst (2003) has pointed to the high proportion of college enrollees who must take remedial coursework as evidence that many high school graduates do not yet have expected levels of knowledge and skill.

It would be very useful to have data relating the CAHSEE scores to subsequent success in college and in other post-high-school activities, and perhaps to other predictors of college performance, such as SAT scores. Longitudinal data on the CAHSEE examinees would provide empirical information that could be quite useful in deciding how and when/whether to adjust the CAHSEE passing levels.

3. What options might be provided for students receiving special education services?

As noted above, we believe that further consideration of options for students receiving special education services is needed. New research and new syntheses of existing research would support identification and consideration of these options. Most commonly, the population of students receiving special education services is treated as a single group in research studies. In fact, these students are a collection of students with diverse physical and mental challenges that they must overcome. Research identifying appropriate and effective programs and accommodations for students with different types of challenges is essential to the identification of options for helping these students meet the CAHSEE requirement.

Independent Evaluation of the California High School Exit Examination (CAHSEE): Year 5 Evaluation Report

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CHAPTER 1: INTRODUCTION

The California High School Exit Examination

The California legislation that established the requirement that students pass a graduation exam in mathematics and English-language arts (ELA) beginning with the Class of 2004 (established by Senate Bill (SB)-2X, passed in 1999 and written into the California Education Code as Chapter 8, Sections 60850-60856) was further modified in 2002 through the passage of Assembly Bill (AB) 1609. The revised legislation gave the State Board of Education (the Board) authority to postpone the CAHSEE requirement, based in part on the results of a study of the extent to which both test development and standards-based instruction met standards for this type of examination (Wise et al., 2003a). In July 2003, after the completion of the 2002–03 CAHSEE testing, the Board voted to defer the CAHSEE requirement until 2006.

The original legislation that mandated the requirements for the graduation exam also specified an independent evaluation of the CAHSEE. The California Department of Education (CDE) awarded a contract for this evaluation to the Human Resources Research Organization (HumRRO). HumRRO's efforts have focused on analyses of data from tryouts of test questions and from the annual administrations of the CAHSEE, and report on trends in pupil performance and retention, graduation, dropout, and college attendance rates. The legislation also specified that evaluation reporting would include recommendations for improving the quality, fairness, validity, and reliability of the examination. The legislation required an initial evaluation report in June 2000 and biennial reports to the Governor, the Legislature, the Board, and the CDE in February 2002 and February 2004.

In addition to the legislatively required evaluation reports, the contract for the evaluation required an annual report of evaluation activities. The present report meets the contract requirement for a report of activities and findings during the fifth year of the evaluation. This report adds to results and recommendations included in prior evaluation reports (Wise, Hoffman, & Harris, 2000; Wise, Harris, Sipes, Hoffman, & Ford, 2000a; Wise, Sipes, George, Ford, & Harris, 2001; Wise et al., 2002b; Wise et al., 2003; Wise et al., 2004). Findings and recommendations from the prior reports are summarized briefly in the next sections to provide a context for the continuing evaluation activities.

Prior Evaluation Activities and Outcomes

Summary of Year 1 Activities (June 2000)

The Year 1 evaluation report reviewed and analyzed three types of information:

Test Developer Plans and Reports. No formal reports were available during the first year; thus, we attended meetings and listened to presentations by the development contractor, American Institutes for Research (AIR), and by the CDE. We also monitored various presentations to the High School Exit

Examination (HSEE) Panel and to the Board and had direct conversations with members of each of these groups.

Statewide Data Sources. An initial source of information for our evaluation was data from the CAHSEE pilot administration. We also examined 1999 Standardized Testing and Reporting (STAR; for details see http://www.cde.ca.gov/ta/tg/sr/index.asp) results with plans to monitor trends in STAR results over the course of the evaluation.

District and School Sample. We selected a representative sample of 24 districts and approximately 90 of their high schools to establish a longitudinal group for study. The baseline surveys, which were administered to principals and English-language arts and mathematics teachers, provided an initial look at schools' perspectives of the impact of CAHSEE on their programs. We also recruited teachers and curriculum experts from these schools and their districts to review test items and tell us if they covered knowledge and skills that not all students would be taught in their current curriculum.

The following summarizes the specific recommendations made at the end of the Year 1 evaluation activities.

Recommendation 1. The Legislature and Governor should give serious consideration to postponing full implementation of the CAHSEE requirement by 1 or 2 years.

Recommendation 2. The CDE should develop and seek comment on a more detailed timeline for CAHSEE implementation activities. This timeline should show responsibility for each required task and responsibility for oversight of the performance of each task. The plan should show key points at which decisions by the Board or others would be required along with separate paths for alternative decisions made at each of these points.

Recommendation 3. The CDE and the Board should work with districts to identify resource requirements associated with CAHSEE implementation. The Legislature must be ready to continue to fund activities to support the preparation of students to meet the ambitious challenges embodied in the CAHSEE.

Recommendation 4. The Board should adopt a clear statement of its intentions in setting CAHSEE content and performance standards. This statement should describe the extent to which these standards are targeted to ensure minimum achievement relative to current levels or to significantly advance overall expectations for student achievement.

Recommendation 5. The Board should exhibit moderation in selecting content standards and setting performance standards for the initial implementation of CAHSEE. Subsequently, standards should be expanded or increased based on evidence of improved instruction.

Recommendation 6. Members of the HSEE Panel and its Technical Advisory Committee should participate in developing recommendations for minimum performance standards.

Recommendation 7. The CDE should move swiftly to establish an independent Technical Issues Committee (TIC) to recommend approval or changes to the CAHSEE development contractor's plans for item screening, form assembly, form equating, scoring, and reporting.

Complete details of the Year 1 effort, including selection procedures for the longitudinal sample, are presented in a primary and a supplemental report describing evaluation activities, findings, and recommendations (Wise et al., June 2000a; Wise et al., August 2000b). These two evaluation reports emphasize both the positive aspects of the results, as indicated by several measures of the quality of the test questions, and the amount of work remaining to be done before operational administration of the CAHSEE. The primary apprehension noted in these reports was educators' concern that at that time, students were not well prepared to pass the exam.

District Baseline Survey Resulting from Year 1 Activities (December 2000)

The results of the baseline survey of teachers and principals in the longitudinal sample of high schools indicated concern with the degree to which students were being provided sufficient opportunities to learn the material covered by the CAHSEE. After reviewing these concerns, the Board and the CDE requested an additional survey of all public high school and unified districts in California. HumRRO developed and sent out the CAHSEE District Baseline Survey shortly after the Board adopted specifications for the CAHSEE, which was required prior to October 1, 2000. The survey covered plans for changes in curriculum and other programs to help students pass the examination. We asked that each district have the survey completed by an Assistant Superintendent or Director of Curriculum and Instruction, or the individual at the district level who was most knowledgeable about the CAHSEE.

The survey, which built on and benefited from the results of the longitudinal sample survey, addressed five critical topics:

1. *Awareness* of the CAHSEE, its content, administration plans, and requirements for student participation.
2. *Alignment* of the district's curriculum to statewide content standards, particularly those to be covered by the CAHSEE.
3. *Plans and Preparation* for increasing opportunities for all students to learn the material covered by the CAHSEE and to help students who do not initially pass the examination.
4. *Expectations* for passing rates and for the effect of the CAHSEE on instruction and the status of specific programs offered in the district.

5. *Outcome baselines,* including retention and graduation rates and students' post-graduation plans.

The following general conclusions were drawn from results of the district survey:

1. *General awareness* of the CAHSEE was high, but more information was needed, particularly for students and parents, about (a) the knowledge and skills covered by the CAHSEE and (b) plans for administration and reporting.
2. *Districts reported high degrees of alignment* of their own content standards to the state content standards. The survey addressed this question at a general level; we concluded more work was needed to assess and document the degree to which each district's curriculum covered the content standards tested by the CAHSEE and the degree of student access to courses that offered such coverage.
3. *Districts had implemented or planned a number of programs* to prepare students and teachers for the CAHSEE and to assist students who did not initially pass. The most frequently planned activities included more summer school, tutoring, and matching student needs to specific courses.
4. *Districts believed the CAHSEE would have a positive impact* on curriculum and instruction. Most expected at least half of their students to pass the CAHSEE on their first attempt.
5. *Outcome baselines* would be used in future years.

Complete details of the district-wide survey effort were presented in a final technical report describing evaluation activities, findings, and recommendations (Sipes, Harris, Wise, & Gribben, 2001).

Summary of Year 2 Activities (June 2001)

The Year 2 evaluation reviewed and analyzed three types of information:

Developer Plans and Reports. We continued to monitor test development activities, ranging from observation of and presentations to the HSEE Panel to observation of the standard-setting workshops to develop recommendations for minimum passing scores for each of the two portions of the CAHSEE test: mathematics and ELA. We reviewed and participated in numerous discussions concerning the equating of alternate forms, the score scale used, and the minimum passing levels.

Analysis of Field-Test and Operational CAHSEE Data. We analyzed results from a second field test of new CAHSEE questions, conducted in Fall 2000, and began analyses from the operational administrations of CAHSEE in March and May of 2001. Initial analyses of technical characteristics of the test form used in the March administration and the resulting passing rates were described in our Year 2 Evaluation Report (Wise et al., June 2001).

Longitudinal Surveys of District and School Sample Personnel. The representative sample of 24 districts and approximately 90 of their high schools required replacement of one district with three schools. The surveys, which were administered to principals and English-language arts and mathematics teachers, provided a continuing look at schools' perspectives of the impact of the CAHSEE on their programs. In addition, testing coordinators were surveyed to identify issues with the administration of the CAHSEE.

The following summarizes the two general and six specific recommendations made in our report of the Year 2 evaluation activities.

Recommendation 1. Stay the course. The Legislature and Board should continue to require students in the Class of 2004 to pass the exam, but monitor schools' progress in helping most or all of their students to master the required standards.

Recommendation 2. The Legislature and Board should continue to consider options for students with disabilities and English learners.

Recommendation 3. Provide more technical oversight for the continued development and administration of the CAHSEE.

Recommendation 4. For future classes, delay testing until the 10th grade.

Recommendation 5. Construct a practice test of released CAHSEE items for districts and schools to administer to 9th graders to identify students at risk of failing the CAHSEE.

Recommendation 6. Monitor test administration more extensively and develop a system for identifying and resolving issues.

Recommendation 7. Develop and implement a more comprehensive statewide information system that will allow the CDE to monitor individual student progress.

Recommendation 8. The Superintendent, the Board, and Legislature should specify in more detail the treatment of students in special circumstances (e.g., students with disabilities and English learners) under CAHSEE requirements.

Complete details of the Year 2 effort were presented in the annual evaluation report and first biennial report describing evaluation activities, findings, and recommendations (Wise et al., June 2001; Wise et al., January 2002a). These two reports described results of the first administration of the CAHSEE to 9th graders in the Class of 2004. The reports also described preparation for and reactions to the CAHSEE as reported by principals and teachers. A key concern described in these reports was the relatively low passing rate for the mathematics portion of the exam, particularly for students with disabilities and English learners.

Summary of Year 3 Activities (June 2002)

The first biennial report of the CAHSEE evaluation was released in February 2002 (Wise et al., January 2002a). This report supplemented information on the 2002 administrations from the Year 2 report and included specific recommendations to the Legislature, Governor, and the Board. These were:

General Recommendation 1. Stay the course. The Legislature and the Board should continue to require students in the Class of 2004 to pass the exam, but monitor schools' progress in helping most or all of their students to master the required standards.

General Recommendation 2. The Legislature and the Board should continue to consider options for students with disabilities and for English learners.

The first biennial report also included several more specific recommendations to:

- Provide more technical oversight.
- Delay testing of future classes until the 10th grade.
- Construct a practice test of released CAHSEE items for districts and schools to administer to 9th graders to identify students at risk of failing the CAHSEE.
- Monitor test administration more extensively and develop a system for identifying and resolving issues.
- Develop a more comprehensive information system that will allow the state to monitor individual student progress.
- Specify (the Superintendent, the Board, and Legislature working in concert) in more detail how students in special circumstances will be treated by the CAHSEE requirements.

Other Year 3 evaluation activities involved reviewing and analyzing four types of information:

Test Developer Plans and Reports. We continued to monitor test development activities and reports. These included changes to test administration procedures, equating alternate forms, and changes to reporting procedures.

Independent review of test questions. We assembled two panels of experts in curriculum and instruction, most of whom taught either ELA or mathematics, and asked them to review and analyze questions from recent CAHSEE administrations as well as questions from the (then) new test development contractor that had not yet been used operationally. Ratings indicated the extent to which the questions fairly and completely assessed targeted content standards. In addition, we asked the reviewers to note any specific issues with the quality of the questions or the response options.

Operational CAHSEE Data. We analyzed results from the operational administration of CAHSEE to 10th graders in March of 2002. We presented our initial analyses of technical characteristics of the test form used in the March administration and the resulting passing rates in our Year 3 Evaluation Report (Wise et al., June 2002b).

Longitudinal Surveys of District and School Sample Personnel. The representative sample of 24 districts and approximately 90 of their high schools required replacement of two districts (the original districts dropped out). The surveys, which were administered to principals and English-language arts and mathematics teachers, provided a continuing look at schools' perspectives of the impact of the CAHSEE on their programs. In addition, we surveyed testing coordinators to identify issues with the administration of the CAHSEE.

The Year 3 report of evaluation activities summarized findings from the data that we analyzed (Wise, et al., June, 2002b). We reported that available evidence suggested that the CAHSEE had not yet had any impact on retention, dropout rates, or expectations for graduation and post-high-school plans. Progress in developing the exam continued to be noteworthy. We found no significant problems with the development, administration, or scoring of the March 2002 exam. Students had made significant progress in mastering the required ELA skills, but less progress in mathematics. For disadvantaged students, initial passing rates continued to be low and progress for repeat test-takers was limited. Teachers and principals remained positive about the CAHSEE's impact on instruction. We found that more of them now expected positive impact on student motivation and parental involvement. Finally, teachers and principals reported planning and/or implementing a number of constructive programs for helping students master the skills covered by the CAHSEE.

Based on these findings, we offered the following two general and four more specific recommendations:

General Recommendation 1. Schools needed to focus attention on effective ways of helping students master the required skills in mathematics. The CDE might consider a "what works" effort with respect to remedial programs, and disseminating information about effective programs and practices.

General Recommendation 2. State policymakers needed to engage in a discussion about reasonable options for those students with disabilities who were unlikely to pass the test.

Specific Recommendation 1. The score scale needed to be changed for students scoring below 300 (chance levels). As a short-term solution we recommended simply recoding scores below 300 to 299. Teachers, students, and parents would need to be cautioned against interpreting differences below the 300 level. (Our analysis indicated that the CAHSEE tests are acceptably accurate in determining whether students meet the achievement requirements. However, CAHSEE scores do not provide meaningful distinctions for students scoring below chance levels (about 300 on the current score scale). The recommendation refers to a potential danger that students, parents, and teachers could incorrectly interpret a gain below the 300 level as an indicator of significant progress when it is not)

Specific Recommendation 2. Districts and schools should be asked to supply more complete information on who had taken, was taking, and still needed to take the CAHSEE.

Specific Recommendation 3. The CDE should work with schools to collect more information on documentation of student needs for accommodations or modifications.

Specific Recommendation 4. Educational Testing Service (ETS) should follow up on (a) specific test question issues identified in our item review workshops and (b) specific suggestions for improving their new scoring process from our review of their current online training.

Summary of Year 4 Activities (September 2003)

The Year 4 evaluation activities included reviewing and analyzing three types of information:

Test Developer Plans and Reports. We continued to monitor test development activities and reports. These included changes to test administration procedures, equating alternate forms, and changes to reporting procedures.

Operational CAHSEE Data. We analyzed results from the six operational administrations of CAHSEE from July 2002 through May 2003. These included continued administration to 11th graders in the Class of 2004 who had not yet passed one or both parts of the CAHSEE and a census administration to 10th graders in the Class of 2005.

Longitudinal Surveys of District and School Sample Personnel. The representative sample of 24 districts and approximately 90 of their high schools required replacement of one district with three schools. The surveys, which were administered to principals and English-language arts and mathematics teachers, provided a continuing look at schools' perspectives of the impact of the CAHSEE on their programs. In addition, testing coordinators were surveyed for the second year to identify issues with the administration of the CAHSEE.

The Year 4 report (Wise et al., September 2003b) of evaluation activities summarized findings from the data that were analyzed. The report stated that available evidence indicated that the CAHSEE had not led to an increase in dropout rates. Passing rates for students in the Class of 2005 were slightly lower than passing rates for students in the Class of 2004. Yet in comparison with Class of 2004 students when they were in the 10th grade, more students in the Class of 2005 believed that the CAHSEE was important to them. Schools were continuing efforts to ensure that the California academic content standards were covered in instruction and to provide support for students who needed additional help in mastering these standards. Professional development in the teaching of the content standards had not yet been extensive. Teacher and principal expectations for the impact of CAHSEE on students was largely unchanged from prior years. There were no significant problems with local understanding of test administration procedures, but some issues remained with the provision of student data and the assignment of testing accommodations.

Subsequent to the 2003 administrations, the Board deferred implementation of the CAHSEE requirement to the Class of 2006. Based on information summarized in our general findings, we offered four recommendations for future administration of the CAHSEE:

Recommendation 1. Restarting the exam with the Class of 2006 would provide some opportunities for improvement; however, careful consideration should be given to any changes that were implemented.

Recommendation 2. The California Department of Education and the State Board of Education should continue to monitor and encourage efforts by districts and schools to implement effective standards-based instruction.

Recommendation 3. Professional development for teachers offered a significant opportunity for improvement.

Recommendation 4. Further consideration of the CAHSEE requirements for students receiving special education services was needed, in light of the low passing rates for this group. Apparent disparities between racial and ethnic groups within the special education population required further investigation.

Year 4 evaluation activities also included a special study of standards-based instruction, specified under AB 1609 legislation, which included several changes to the CAHSEE. Among other things, this bill called for a special study of the extent to which the development of the CAHSEE and standards-based instruction met the requirements for a high school graduation test. Evaluation activities were expanded to meet the requirements for this study. A detailed description of the study, along with findings and recommendations, were included in a report to the Board issued May 1 (Wise et al., May 2003a) and are not repeated in the present report. Key findings from the study were:

Finding 1. The development of the CAHSEE met all of the test standards for use as a graduation requirement.

Finding 2. The CAHSEE requirement had been a major factor leading to dramatically increased coverage of the California academic content standards at both the high school and middle school level and to development or improvement of courses providing help for students who have difficulty mastering these standards.

Finding 3. Available evidence indicated that many courses of initial instruction and remedial courses had only limited effectiveness in helping students master the required standards.

Finding 4. Lack of prerequisite skills may have prevented many students from receiving the benefits of courses that provided instruction in relevant content standards. Lack of student motivation and lack of strong parental support may have played a contributing role in limiting the effectiveness of these courses.

Finding 5. Many factors suggested that the effectiveness of standards-based instruction would improve for each succeeding class after the Class of 2004, but the speed with which passing rates will improve remained unknown.

The report did not offer a specific recommendation on whether the CAHSEE requirement should be deferred. The report suggested the Board consider the issue in terms of the following tradeoffs:

1. Schools losing motivation for continued attention to students not achieving critical skills if the requirement were deferred; and

2. Educators becoming distracted by debates and legal actions concerning the adequacy of current instruction if the requirement were continued.

Balancing these tradeoffs required that the Board make a policy decision. The report offered several specific suggestions for consideration if the requirement were continued and other suggestions in the case that the requirement would be deferred. Ultimately, the Board decided to defer the requirement until the Class of 2006. Please see the California Department of Education website [http://www.cde.ca.gov/ta/tg/hs/evaluations.asp] for further details on this special study.

The second biennial report of the CAHSEE evaluation was issued in February 2004 (Wise et al., February 2004). This report summarized evaluation activities and findings since the first biennial report (Wise et al., January 2002a). The report included information on the 2002 and 2003 administrations and the AB 1609 study and included specific recommendations to the Legislature, the Governor, and the Board as presented in the Summary of Year 4 Activities above.

Summary of Year 5 Evaluation Activities

Review of Test Developer Plans and Reports. We continued to monitor test development activities and reports. These included changes to test administration procedures, equating alternate forms, and changes to reporting procedures.

Analysis of Operational CAHSEE Data. We analyzed results from the three operational administrations of CAHSEE in February, March, and May of 2004. These were the first administrations to students in the Class of 2006, the first class now required to pass the CAHSEE for high school graduation.

Longitudinal Surveys of District and School Sample Personnel. We began in 2000 with a representative sample of 24 districts and approximately 90 of their high schools. The number varied slightly from year to year as districts and or schools declined to participate for the year or dropped out completely and were replaced. The 2004 sample included 26 districts (a result of contacting two districts in 2003 as replacements and one declining district agreeing to participate) and 86 schools that did not require any replacements. The surveys,

which were administered to principals and English-language arts and mathematics teachers, provided a continuing look at schools' perspectives of the impact of the CAHSEE on their programs. In addition, testing coordinators were surveyed for the third year to identify issues with the administration of the CAHSEE.

Organization and Contents of Year 5 Evaluation Report

The Year 5 Evaluation Report covers activities performed in the independent evaluation through September 30, 2004.

Chapters 2–4 of the current report describe activities conducted during Year 5 and present the results of these activities. The final chapter describes the main findings from these results and our recommendations based on them. The Year 5 Report satisfies a contractual requirement to report on evaluation activities each year. Results from our activities have led to several recommendations that respond to the evaluation requirement for suggestions to improve the quality and effectiveness of the exam and its use.

Chapter 2 presents analyses of the 2003–04 CAHSEE administrations. The analyses show 10th grade passing rates for different demographic groups in the Class of 2006 in comparison to last year's passing rates for the Class of 2005. The comparisons show the impact of changes to test specifications and true gains in student achievement.

Chapter 3 presents responses to the student questionnaire administered at the end of each testing session. The questions focus on the students' preparation, reactions to the test, and plans. The analysis includes changes in expectations for graduation and post-high-school plans for students who completed questionnaires in February, March, and May of 2004.

Chapter 4 describes results from the fifth spring survey of teachers and principals participating in the longitudinal study sample and the third year for testing coordinators at the sampled schools. HumRRO continued to organize the evaluation information into five critical areas:

- Awareness of and familiarity with the CAHSEE
- Alignment of the districts' curricula to state/CAHSEE content standards
- Planning and preparation for the CAHSEE
- Expectations of impact on instruction, passing rates, and consequences of the CAHSEE
- Potential effect on dropout and graduation rates and college attendance

Observations by test site coordinators on the administration and scoring processes are included.

Chapter 5 presents our Findings and Recommendations based on the existing state of data analyses and results.

CHAPTER 2: RESULTS FROM THE 2004 CAHSEE ADMINISTRATIONS

Introduction

The legislation establishing the CAHSEE called for the first operational forms of the exam to be administered in spring 2001 to 9th graders in the Class of 2004. At the first administration 9th graders could volunteer, but were not required, to take both portions of the exam. Students who did not pass the exam in that administration were required to take the exam as 10th graders in spring 2002. Preliminary results from the CAHSEE spring 2001 and 2002 administrations were reported in the Year 2 and Year 3 evaluation reports (Wise et al., June 2001; Wise et al., June 2002b). Results from the 2001 administration were reported more fully in the first of the biennial evaluation reports to the Legislature, Governor, Board, and the CDE (Wise et al., Jan. 2002a).

The CAHSEE was administered six more times from July 2002 through May 2003 to students in the Class of 2004 who had not yet passed one or both parts. In addition, students from the Class of 2005 were required to take the CAHSEE for the first time as 10th graders in March or May of 2003. Analyses of results from these administrations were reported in the Year 4 evaluation report (Wise, et al., Sep. 2003) and in the second biennial evaluation report (Wise et al., 2004). All of these reports are available on the CDE Web site at http://www.cde.ca.gov/ta/tg/hs/evaluations.asp.

The 2004 administrations analyzed for this report were less complicated than in prior years. With the exception of a small number of adult education students, only a single cohort, 10th graders from the Class of 2006, was tested. Students from the classes of 2004 and 2005 were no longer required to pass the CAHSEE and so were not further tested. This was the second time that an entire cohort of students was tested. In 2003, 10th grade students in the Class of 2005 were required to take the CAHSEE. Our analyses provide comparisons of the 2004 results for the Class of 2006 to the 2003 results for the Class of 2005.

Another important feature of the 2004 administrations is that the score scale was reset to reflect changes to the test specifications. The Board adopted revised test blueprints for use beginning with the Class of 2006. The changes included shortening the ELA test to allow it to be administered in a single day and minor reductions in item frequencies for some of the more advanced standards in mathematics. In addition, efforts were made to develop test questions that assessed mastery of targeted standards in less complicated ways and the requirement to match item difficulties to the initial CAHSEE form (March 2001) was eliminated. Students scored slightly lower on the new ELA scale and somewhat higher on the new Mathematics scale. Differences in passing rates due to the score scale changes are accounted for to provide best estimates of increases in student performance from 2003 to 2004.

Who Tested?

Tables 2.1 and 2.2 show the number of students participating in each of the three CAHSEE administrations during the 2003–04 school year. Separate counts are shown for students taking the regular administration of the test, those taking it with accommodations, and with modifications. Additionally, some students' scores were flagged as incomplete on the file that we received from ETS. Counts also are shown separately by the grade level reported for each student. A small number of adult education students took the CAHSEE during 2004. These students were eliminated from further analyses, which focused on the 10th graders.

Note that, unlike in prior years, the CDE did not collect detailed information on specific accommodations provided. Administrators indicated whether the student received an accommodation consistent with their IEP, a 504 plan, or, for EL students, in accordance with the way they normally received instruction. Administrators also indicated whether the student received a special version of the CAHSEE (Braille, Large Print, or Audio CD). Information on other accommodations, such as small-group administration or reading directions in languages other than English, was not recorded. Administrators also indicated whether students received a test modification that would invalidate their scores. Information about specific modifications was the same as in prior years.

In all, 468,443 answer documents were processed for 10th graders in the Class of 2005. Another 1,299 answer documents were processed for students in adult education or other unspecified grades. Many students participated in more than one administration so the number of students tested was fewer than the number of answer documents processed. In some cases, students were unable to take both parts during the normal administration, due to absence or other reason, and made up the missing part at a subsequent testing session. In other cases, students who did not pass one or both parts of the exam in February or March retook that portion of the test in May. Matching students across administrations is difficult due to minor differences in how names or school-supplied identifiers were coded. Checking potential matches was particularly difficult this year, as birth date information, important for confirming matches, was missing for about two-thirds of the students in the February and March administrations. Nonetheless, we did match over 9,000 records across different administrations to provide better estimates of the total number of different students participating in the 2004 CAHSEE assessment and to provide more accurate estimates of the number of students passing both parts of the examination.

Overall, passing rates were about 70 percent in the February and March administrations and somewhat lower in May. Many of the students taking the CAHSEE in May had not passed one or both parts of the CAHSEE in the February or March administrations and so were less likely to be high scoring. Adult education students passed at lower rates, around 50 percent. Students whose grade could not be determined passed at even lower rates.

TABLE 2.1. Number of Students Taking the CAHSEE ELA Test in 2003–04 by Administration Type and Date

Administration Type	Administration Date: Statistic	Feb. 04	Mar. 04	May 04	Total
10th Graders Students					
Regular	N	141,917	281,839	11,645	435,401
	% Pass	75.2%	77.6%	50.4%	76.1%
Accommodation	N	4,420	8,631	321	13,372
	% Pass	22.3%	25.1%	5.6%	23.7%
Modification	N	1,145	1,739	97	2,981
	% > 349	17.3%	18.3%	10.3%	17.7%
Not Tested	N	4,694	7,689	4,306	16,689
TOTAL	N	152,176	299,898	16,369	468,443
	% Pass	70.7%	73.7%	36.0%	71.4%
Other Grades/Adult Education					
Regular	N	135	898	87	1120
	% Pass	45.9%	49.4%	43.7%	48.6%
Accommodation	N	0	11	0	11
	% Pass		*9.1%*		*9.1%*
Modification	N	0	0	0	0
	% > 349				
Not Tested	N	16	131	21	168
TOTAL	N	151	1040	108	1,299
	% Pass	41.1%	42.8%	35.2%	42.0%

In the analyses that follow, we matched duplicate records across administrations. This was done in two passes. First, records indicating the same school and first and last name were checked. Such cases were accepted as matches if the middle initial did not differ, the birth day did not differ (or was missing), and if there were not one or more other students in the school with the same last and first name. In a second pass, records not yet paired up were matched on school code and school-supplied student identifier. Visual inspection indicated that, in all cases, the names on the records matched were essentially the same except for minor variations usually in the first name.

TABLE 2.2. Number of Students Taking the CAHSEE Mathematics Test in 2003–04 by Administration Type and Date

Administration Type	Administration Date: Statistic	Feb. 04	Mar. 04	May 04	Total
10th Grade Students					
Regular	N	142,410	282,205	11,054	435,669
	% Pass	72.6%	76.9%	46.3%	74.7%
Accommodation	N	3,171	6,182	234	9,587
	% Pass	26.9%	30.6%	15.4%	29.0%
Modification	N	2,419	4,105	146	6,670
	% > 349	21.8%	22.4%	17.8%	22.1%
Not Tested	N	4,176	7,406	4,935	16,517
TOTAL	N	152,176	299.898	16,369	468,443
	% Pass	68.5%	73.0%	31.5%	70.1%
Other Grades/Adult Education					
Regular	N	125	859	90	1,074
	% Pass	36.8%	44.9%	35.6%	43.2%
Accommodation*	N	0	8	0	8
	% Pass		50.0%		50.0%
Modification	N	0	6	0	6
	% > 349		0.0%		0.0%
Not Tested	N	26	167	18	211
TOTAL	N	151	1,040	108	1,299
	% Pass	30.5%	37.5%	29.6%	36.0%

Analysis of the Test Score Data

A number of potential issues with the data on test scores were addressed before we analyzed the results. First, we took steps to match records for students who participated in more than one testing session. We wanted to remove duplication in counts of the total number of students tested and to be able to estimate the number of students who passed both parts of the CAHSEE. Second, we looked at changes in the score scale for ELA and for mathematics, and then estimated what the 2003 10th grade passing rates, overall and by subgroups, would have been if the new score scale were used. Third, we reviewed ETS's analyses of score accuracy and specifically looked at the consistency with which the student essays were scored.

Matching Student Records from Different Administrations

In response to data analysis requirements in the 2001 federal No Child Left Behind (NCLB) Act, the state legislature passed SB1453 requiring the establishment of student identifiers for all California public or charter school students. When the statewide student identifiers called for by SB1453 are fully implemented by the California School Information Services (CSIS), matching records for students participating in different test administrations will be "relatively" easy (CSIS, 2004). Unfortunately CSIS student identifiers were not widely used with the 2004 CAHSEE

administrations. For 2004, we had to match records on school identifiers and student names or, in some cases, on identifiers supplied by schools on a voluntary basis. As usual, there were numerous cases in which student names were not coded consistently across different administrations. Checking potential matches was further hampered by the fact that the birth dates were missing for about two-thirds of the February and March examinees on the files supplied by ETS.

We proceeded to match records in two phases. In the first phase, records from the March administration were matched to records from the February administration and records from the May administration were matched to records from both the February and March administration by school code and last and first name. We first eliminated cases where more than one student in a school had the same last and first name to eliminate ambiguities in potential matches. For the matches we did find, we looked for consistency in school-supplied identifiers, middle initial, and birthday. Potential matches were eliminated if there were positive conflicts (not just missing data) in any of these variables.

Next, we sorted the records within each school by school-supplied identifiers. We dropped records for which no identifier was supplied. We matched records from different administrations on school and student identifier. We eliminated the matches found in the first phase and printed out all cases where the matching records had different first or last names. In all cases, the names were clearly the same.

Table 2.3 shows the number of records matched from each of these steps. We further distinguished cases where students took different tests in different administrations (makeup cases) from cases where students appeared to have taken the same test more than once (retest cases). In all, 7,864 makeup records and 1,833 retest records were matched across administrations. While we are highly confident that virtually all of the cases identified were valid matches, we are also sure that we did not find all instances where students had records for more than one administration. We missed instances where names were not coded consistently and student identifiers were missing or inconsistently coded. The relatively small number of matches found in Phase 2 suggests that name inconsistencies are not that common so that further effort to match records would not have produced substantially different results.

TABLE 2.3. Records Matched from Different Administrations

	Matches			Type of Match	
Administrations	Phase 1	Phase 2	Total	Makeup	Retest
Mar.–Feb.	2,194	168	2,362	2,138	224
May–Feb.	1,748	81	1,829	1,635	194
May–Mar.	4,986	199	5,185	4,286	899
Total	8,928	448	9,376	8,059	1,317

Computing Passing Rates

A key issue in computing and reporting passing rates for the CAHSEE is what to use as the denominator. The two main choices are the number of students who took

each test and the number of students subject to the CAHSEE requirement. In this report, as in our prior reports, we have opted for the latter, reporting the proportion of all students in the target populations who have passed. However, the number of students in the target populations fluctuates with daily enrollment changes. Table 2.4 compares fall enrollment counts (reported by DataQuest), enrollment counts from the STAR testing which occurred closer in time to the CAHSEE testing dates, and record counts from the CAHSEE. The CAHSEE is now also being used for 10th grade accountability under NCLB requirements. Essentially all students must be tested to meet NCLB participation requirements, so the CAHSEE counts appear to be reasonably complete. Total CAHSEE record counts were used in computing passing rates for this report. STAR reports include the number of students tested in different demographic groups, but do not include separate enrollment counts for these groups. The CAHSEE data provide for consistent counts for each demographic group of interest. Comparative passing rates from the 2003 CAHSEE administrations for the Class of 2003 were recomputed using the same approach. Note that the CAHSEE record counts used here were based on matching records across administrations to avoid counting students more than once. This step requires access to student identifiers. The counts reported here thus provide new information not available to the CDE, since student identifiers are not included on CDE files.

TABLE 2.4. 10th Grade Enrollment Estimates from DataQuest, STAR, and CAHSEE

Source	2002-03 10th Grade Counts	2003-04 10th Grade Counts
Fall Enrollment (Data Quest)	471,648	490,214
STAR Reported Enrollment	457,181	475,181
STAR Students Tested	427,454	452,217
CAHSEE Student Counts*	425,066	459,138
CAHSEE Students Taking the ELA Test	402,594	450,255
CAHSEE Students Taking the Math Test	414,903	450,928
CAHSEE Students Taking Both Tests	392,431	442,047

* CAHSEE record counts, after merges to remove duplication, were used in computing passing rates.

New Score Scale

In constructing the initial CAHSEE form, administered in March 2001, test items were selected from a pool of questions that had been tried out in initial field tests. The selection of these items was guided by test blueprints specifying the number of questions to be included for each of the target content standards. In selecting test items for subsequent forms of the CAHSEE, attempts were made to match the average difficulty of the questions in the initial form as well as to match the required targets for each content standard. When the Board deferred the CAHSEE requirement to the Class of 2006, it also made minor changes to the test blueprints. The ELA test was shortened, dropping one of the two essay questions, to allow for

administration in a single day. The blueprint for the mathematics test was changed slightly, reducing the number of questions required for more advanced algebra topics.

Trial forms of the ELA and mathematics tests were constructed following the revised blueprints and used in standard setting workshops. In constructing these trial forms, no attempt was made to match the item difficulties in the original CAHSEE form. In fact, in mathematics, the questions included in the trial form were somewhat easier than the questions used in the initial CAHSEE test form. This shift in difficulty reflected changes in the pool of available questions and also improved the accuracy of scores for students at or below the passing level, where accurate information was most important.

The Board decided to keep the percent of correct answers required for passing at the same level set for the March 2001 CAHSEE form: 55 percent for the mathematics test and 60 percent of possible score points for the ELA test. ETS adjusted the reporting scale so that the minimum passing score would still be at 350 (technically 349.5) under the revised test specifications. Passing rates, in terms of percent correct, have varied slightly as a function of small differences in overall test difficulty. In addition, each scale was stretched or compacted slightly so that the minimum score for proficiency as used with NCLB would be 380 (previously the minimum score for proficiency was 387 for ELA and 373 for Mathematics). The top of the new scale was truncated at a maximum score of 450 as before, but the lower end of the scale was truncated at 275 rather than 250. Note that the expected score from random guessing on the new scales is about 290 for ELA and 305 for mathematics. (See Tables 2.5 and 2.6 below.)

In order to compare results from the 2003 and 2004 administrations, we needed to put scores from these two administrations on the same scale. We developed a conversion from the old scale to the new scale based on the underlying item response theory (IRT) scale, which has been held constant. This scale, which measures both item difficulty and examinee ability, was set so that item difficulties from the first field test had a mean of zero and a standard deviation of 1. AIR, the original test development contractor, referred to the underlying IRT scale as a logit scale, consistent with terminology used for the Rasch (1-parameter) IRT model. In the technical report for the 2001 administration (Smith et al., 2002, page M-3), the logit to scale conversion equations defined the standard score (SS) scale as:

Old Math SS = 34.4828*logit + 342.7586
Old ELA SS = 37.0370*logit + 334.0741

When ETS took over development and administration of the CAHSEE, they maintained this same scale, although they referred to it as a *theta* scale (terminology used with a wider range of IRT models). In ETS's March 15, 2004 memo (Way, 2004) on equating, the *theta* to scale score conversions are given as:

New Math SS = 32.2900 * theta + 352.2119
New ELA SS = 33.7230 * theta + 332.1605

Since theta and logit are the same scale, a little algebra yields the result that:

New Math SS = .9364 * Old Math SS + 31.2528
New ELA SS = .9105 * Old ELA SS + 27.9787

The result of the changes in test specifications was that slightly fewer students would have passed the ELA test this year and somewhat more students would have passed the mathematics test. Complete comparisons are provided later in this chapter.

Equating the 2004 Test Forms

We also examined the test forms used in each of the three 2004 administrations. ETS conducted equating analyses to convert number-correct scores from each form to scale scores that were as comparable as possible. The analyses were reasonably documented and we did not have any disagreements with either the procedures used or the results. Tables 2.5 and 2.6 provide the final raw-to-scale score conversions for each of the three 2004 CAHSEE forms.

TABLE 2.5. Raw-to-Scale Score Conversions for the 2004 ELA Tests

	Scale Score				Scale Score		
Raw Score	Feb. 04	Mar. 04	May 04	Raw Score	Feb. 04	Mar. 04	May 04
0-15	275	275	275	51	344	344	341
16	276	276	277	52	346	346	343
17	279	279	279	53	348	348	344
18	282	281	281	54	**350**	**350**	346
19	284	284	283	55	352	352	348
20	287	286	285	56	354	354	**350**
21	289	289	287	57	356	356	352
22	291	291	289	58	358	358	354
23	293	293	291	59	360	360	356
24	295	295	293	60	362	362	358
25	297	297	295	61	364	364	360
26	299	299	297	62	366	366	362
27	301	301	299	63	368	368	364
28	303	303	300	64	371	371	366
29	305	306	302	65	373	373	368
30	307	308	304	66	375	379	370
31	309	309	306	67	378	378	372
32	310	310	307	68	**380**	**380**	375
33	312	312	309	69	383	386	377
34	314	314	311	70	385	389	**380**
35	316	316	313	71	388	392	382
36	317	317	314	72	391	394	385
37	319	319	316	73	394	397	388
38	321	321	318	74	397	400	391
39	323	323	320	75	400	404	394
40	325	325	321	76	403	407	397
41	326	326	323	77	407	411	400
42	328	328	325	78	411	415	404
43	330	330	327	79	415	419	408
44	332	332	328	80	419	423	412
45	333	333	330	81	424	428	416
46	335	335	332	82	429	433	421
47	337	337	334	83	434	438	426
48	339	339	335	84	441	445	432
49	341	341	337	85	448	450	439
50	342	342	339	86	450	450	447
				87-90	450	450	450

Note: Bolded numbers reflect minimum scores for passing and for proficiency; underlined scale scores indicate expected scores from guessing alone (chance).

TABLE 2.6. Raw-to-Scale Score Conversions for the 2004 Mathematics Tests

	Scale Score				Scale Score		
Raw Score	Feb. 04	Mar. 04	May 04	Raw Score	Feb. 04	Mar. 04	May 04
0-9	275	275	275	45	354	354	354
10	275	275	277	46	356	356	356
11	279	279	281	47	357	357	358
12	282	283	284	48	359	362	360
13	286	286	287	49	361	361	361
14	289	289	290	50	363	363	363
15	292	292	293	51	365	365	365
16	295	295	296	52	367	367	367
17	297	297	297	53	369	369	369
18	300	300	301	54	371	371	371
19	302	302	304	55	373	373	373
20	305	305	305	56	375	378	375
21	307	307	308	57	377	**381**	378
22	309	309	310	58	**380**	383	**380**
23	312	312	313	59	382	382	382
24	314	314	315	60	384	387	384
25	316	316	317	61	386	390	387
26	318	318	319	62	389	389	389
27	320	320	321	63	392	392	392
28	322	322	323	64	394	394	395
29	324	324	325	65	397	401	397
30	326	326	326	66	400	403	400
31	328	328	329	67	403	407	403
32	330	330	330	68	406	410	407
33	332	332	332	69	410	413	410
34	334	334	334	70	414	417	414
35	335	335	336	71	418	421	418
36	337	337	338	72	422	426	423
37	339	339	339	73	427	431	428
38	341	341	341	74	433	437	433
39	343	343	343	75	439	443	440
40	345	345	345	76	447	450	448
41	346	346	347	77-80	450	450	450
42	348	348	349				
43	**350**	**350**	**350**				
44	352	352	352				

Note: Bolded numbers reflect minimum scores for passing and for proficiency; underlined scale scores indicate expected scores from guessing alone (chance).

Scoring Consistency

In past reports, we have examined the accuracy of the scores generated from different parallel forms of the exam. During the Year 5 evaluation, we monitored ETS's analysis of item-level statistics from each administration and found no significant changes from the results for prior forms. More complete information on test accuracy may be found in technical documentation provided by ETS.

We paid particular attention to consistency in the scoring of student essays. In previous years, each student taking the ELA test was required to write two essays, the first involving analysis of an associated text and the second in response to a freestanding question that did not involve text processing. In 2004, the ELA test was shortened and students were only required to write one essay. The type of essay prompt varied across administrations. In the February and May administrations, students responded to a stand-alone prompt, while in March the essay question was associated with a text that also had multiple-choice reading comprehension questions.

As in prior years, each essay was graded by at least two different raters following a four-point rubric that indicated the characteristics essay responses required for each score level. A score of zero was assigned to responses that were off-topic, illegible, or left blank. Since the scoring rubrics vary from question to question, we monitored the level of agreement between independent raters for each question used with each administration. Table 2.7 shows, for each of the 2004 test forms and also for the 2002–03 test forms, how often (what percent of the time) there was exact agreement, how often there was a difference of just one score point, and how often there was a difference of more than one score point. Whenever there was an initial difference of more than one score point, the essay was read again by a third, more experienced reader and the scores assigned by one or both of the initial readers were not used. Thus, all operational scores resulted from two raters who agreed to within a single score point.

TABLE 2.7. Rater Scoring Consistency for Student Essays

	Percent of Essays at Each Level of Agreement					
	1st Essay (Associated Text)			2nd Essay (Stand-alone Prompt)		
Administration	Exact	+/- 1	+/- > 1	Exact	+/- 1	+/- > 1
July 2002	65.2	33.0	1.8	66.2	32.2	1.6
Sep. 2002	68.2	30.7	1.0	69.0	30.0	0.9
Nov. 2002	71.3	27.9	0.8	68.4	30.8	0.8
Jan. 2003	70.6	28.2	1.1	70.3	28.9	0.8
Mar. 2003	64.5	33.6	1.9	62.2	36.2	1.6
May 2003	70.1	29.2	0.7	69.4	29.9	0.7
Weighted Average	65.8	32.5	1.7	63.9	34.7	1.4
Feb. 2004				66.3	33.0	0.8
Mar. 2004	62.0	36.6	1.4			
May 2004				68.5	31.5	0.0

Overall results indicated a generally high level of agreement between the independent raters. In each administration, there were significant disagreements (initial scores differing by more than one point) for fewer then 1.5% of the responses. For the February and May administrations, the rate of exact agreement was higher and the rate of serious disagreement was lower then corresponding averages for the 2002–03 administration. Agreement rates in March were slightly lower. These results mirrored the pattern for the prior year where agreement rates for the March administration were slightly lower than for other administrations. The demand for rapid turnaround on a very large number of essays in the March 2003 and March 2004 administrations may have been a factor. Other factors, such as summer vacations or demand from other testing programs, may have affected results from the July 2002 administration, which did not involve such a large number of students.

Table 2.8 provides more detailed information on scores assigned by each of the two independent raters across all of the 2004 administrations. There was near perfect agreement on the essays judged to be unscorable (score level 0). There was generally good agreement on essays assigned to score levels 1 through 3. If the first reader assigned a score at one of these levels, the second reader was most likely to assign the same score. Very few essays were assigned a score of 4 and agreement at this level was correspondingly less. If the first reader assigned a score of 4, the second reader was most likely to assign a score of 3.

TABLE 2.8. Percent of 2004 Essays Assigned Each Score Level by Each Rater

	Second Rater				
First Rater	0	1	2	3	4
0	**2.57**	0.00	0.00	0.00	0.00
1	0.00	**6.20**	3.43	0.20	0.01
2	0.00	3.29	**26.64**	10.19	0.41
3	0.00	0.17	10.00	**24.41**	4.10
4	0.00	0.01	0.42	4.25	**3.73**
Average Score from First Rater					2.4
Average Score from Second Rater					2.4

Note: Bolded numbers indicate perfect agreement between the two raters.

Who Passed?

Initial Passing Rates

A major charge for the independent evaluation was to analyze and report performance on the CAHSEE for all students and for specific demographic groups, including economically disadvantaged students, English learners (EL), and students with disabilities (characterized as “exceptional needs students” in the legislation). Tables 2.9 and 2.10 show the ELA and mathematics passing rates for each of these demographic groups as well as for gender and ethnicity groups. The passing rates shown in these tables were calculated by dividing the total number of students who passed each subject on their first try by the number of students participating in at least one CAHSEE testing session. In the few instances where students took a CAHSEE

test more than once, results from their first attempt were used[2]. In past years, we used fall enrollment data for the denominator, which generally overstates the number of students still in school at the time of CAHSEE testing. This year, because of NCLB requirements, records were supposed to be entered for all students to allow calculation of participation rates. Thus enrollment counts generated from the CAHSEE data were believed to be an accurate reflection of the number of students in each demographic category. We used the same approach to computing 2003 passing rates for the Class of 2005 to ensure comparability.

TABLE 2.9. Initial Passing Rates by Demographic Group—English-Language Arts

Group	Students Tested		Class of 2005		Class of 2006
	Class of 2005	Class of 2006	Prior Test Specifications	New Test Specifications	New Test Specifications
All Students	425,066	459,138	74.1%	71.6%	72.9%
Females	207,619	224,766	78.6%	76.2%	77.4%
Males	216,708	233,964	70.0%	67.2%	68.7%
1. Native American	3,717	4,227	73.0%	70.1%	70.9%
2. Asian	38,635	42,588	84.1%	82.0%	84.1%
3. Pacific Islander	2,832	3,107	73.1%	69.9%	69.3%
4. Filipino	12,475	13,349	87.2%	85.3%	86.3%
5. Hispanic	169,704	188,494	61.4%	57.8%	59.8%
6. African American	34,619	37,287	63.2%	59.9%	60.1%
7. White (not Hispanic)	157,498	165,613	87.3%	85.9%	87.0%
Economically Disadvantaged (Original Definition)	141,401	162,530	59.7%	55.9%	58.4%
Economically Disadvantaged (New Definition)	167,869	186,411	59.5%	55.7%	58.1%
English Learners	72,038	83,728	39.8%	34.9%	38.0%
Reclassified Fluent English	45,320	49,067	82.9%	80.4%	85.2%
Special Education Students	36,448	42,516	35.8%	32.2%	28.8%

[2] Results for the Class of 2005 reported here differ slightly from results reported previously for two reasons. First, students who took the CAHSEE prior to January 2003 are now excluded. Second, where students took the CAHSEE more than once, we used results from their initial testing only. Previously, we had included all 10th graders testing during the 2002–03 school year and not attempted to match records for students who tested more than once. These changes were made for consistency with the way that the 2004 results were processed and thus validated comparisons of initial test results for the Class of 2005 and the Class of 2006.

Overall initial passing rates increased for the Class of 2006 in comparison to the Class of 2005, after adjusting for changes in the score scale. Passing rates increased by about 1 percent in ELA and by more than 5 percent in mathematics. This fact plus the changes in the score scales led to passing rates that were nearly equal, about 72 percent, for both parts of the CAHSEE. The increase in passing rates is consistent with the finding reported in our May 2003 report on standards-based instruction (Wise et al., May 2003). In that report, it was suggested that passing rates should increase for classes after 2004 because the extent and effectiveness of standards-based instruction was improving.

TABLE 2.10. Initial Passing Rates by Demographic Group—Mathematics

Group	Students Tested		Class of 2005		Class of 2006
	Class of 2005	Class of 2006	Prior Test Specifications	New Test Specifications	New Test Specifications
All Students	425,066	459,138	57.5%	66.1%	71.8%
Females	207,619	224,766	57.6%	66.6%	72.8%
Males	216,708	233,964	57.6%	65.6%	70.8%
1. Native American	3,717	4,227	52.6%	62.5%	66.3%
2. Asian	38,635	42,588	82.2%	86.9%	90.5%
3. Pacific Islander	2,832	3,107	54.7%	63.3%	69.5%
4. Filipino	12,475	13,349	72.9%	80.8%	86.0%
5. Hispanic	169,704	188,494	40.2%	51.1%	59.2%
6. African American	34,619	37,287	35.1%	44.6%	51.9%
7. White (not Hispanic)	157,498	165,613	74.5%	81.3%	85.0%
Economically Disadvantaged (Orig. Definition)	141,401	162,530	41.1%	51.4%	59.0%
Economically Disadvantaged (New Definition)	167,869	186,411	40.6%	50.9%	58.6%
English Learners	72,038	83,728	28.9%	39.1%	47.6%
Reclassified Fluent English	45,320	49,067	62.4%	72.6%	81.9%
Special Education Students	36,448	42,516	19.8%	26.6%	27.8%

Results presented in Tables 2.9 and 2.10 include a more complete breakout by ethnicity groups than in prior years. Note, one other addition was that the definition of economically disadvantaged students was changed to be consistent with the definition used in Standardized Testing and Reporting (STAR) assessment.

Previously students were classified as being economically disadvantaged on the basis of participation in the National School Lunch Program alone. This year, students were also considered economically disadvantaged based on parents' reported education level. If the highest level indicated was less than a high school diploma, the student was also considered economically disadvantaged. In this report, we show results using both the old and new definitions for being economically disadvantaged.

For mathematics, Class of 2006 students in all categories had higher passing rates than corresponding groups of students in the Class of 2005 who tested the year before, even after accounting for the change in score scale. The increase was dramatic for some groups of disadvantaged students, more than 7 percent for economically disadvantaged students and for English Learners, but very modest for students receiving special education services. Increases for ELA were more modest and a few groups declined slightly. Passing rates for students receiving special education services declined by more than 3.5 percentage points.

Passing rates for students receiving special education services remain somewhat problematic. More than 70 percent of students receiving special education services have not yet passed either the ELA or the math test. Unless there are dramatic changes through improved remediation over the next two years, it is likely that a significant number of students receiving special education services will not be eligible to receive a diploma.

Figures 2.1 through 2.6 show initial ELA and mathematics passing rates for the Class of 2006 compared to the Class of 2005 by gender, ethnicity, and types of disadvantaged characteristics. These figures provide a graphical display of the passing rates shown in Tables 2.9 and 2.10 above.

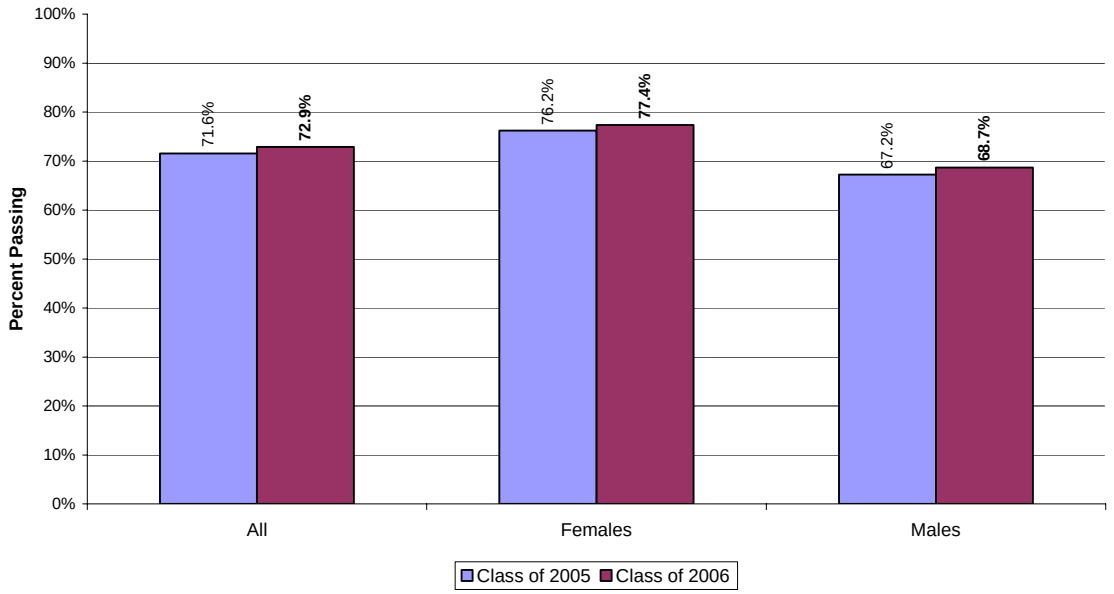


Figure 2.1. Initial ELA passing rates by gender and class.

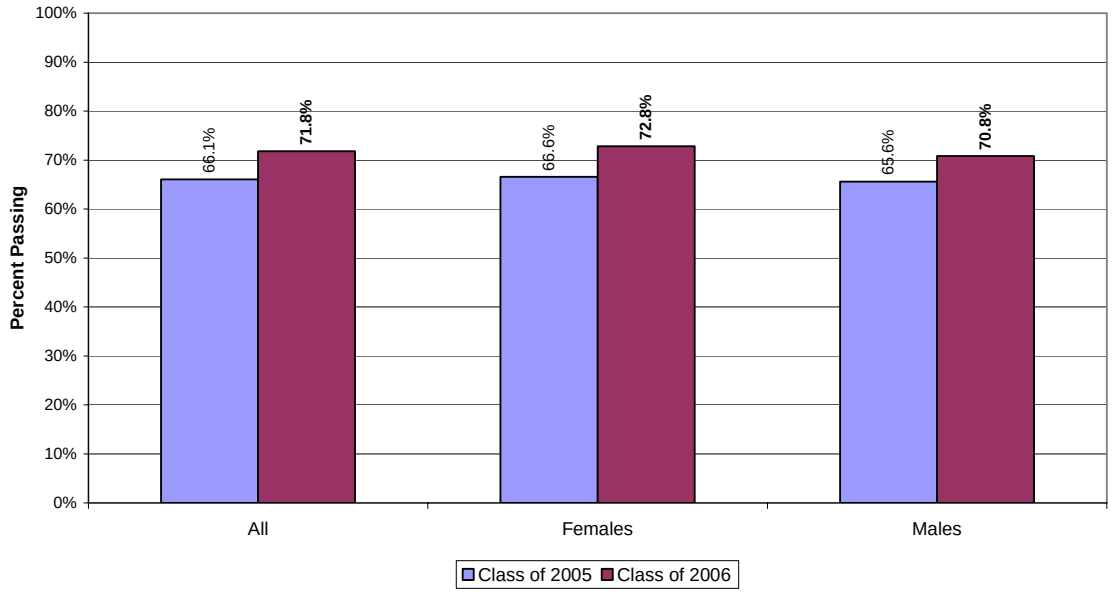


Figure 2.2. Initial mathematics passing rates by gender and class.

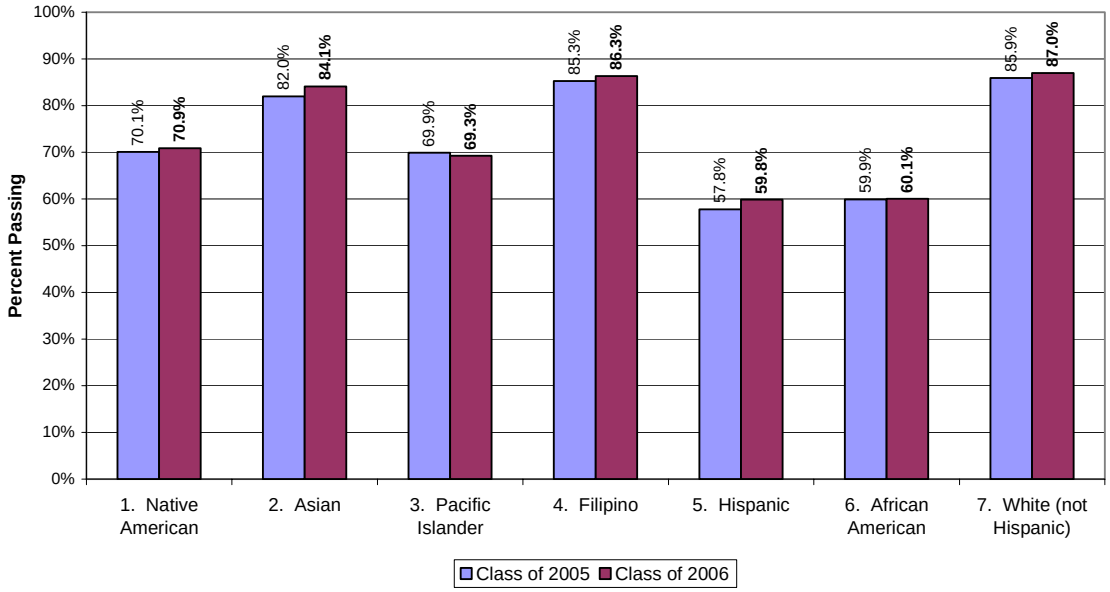


Figure 2.3. Initial ELA passing rates by race/ethnicity and class.

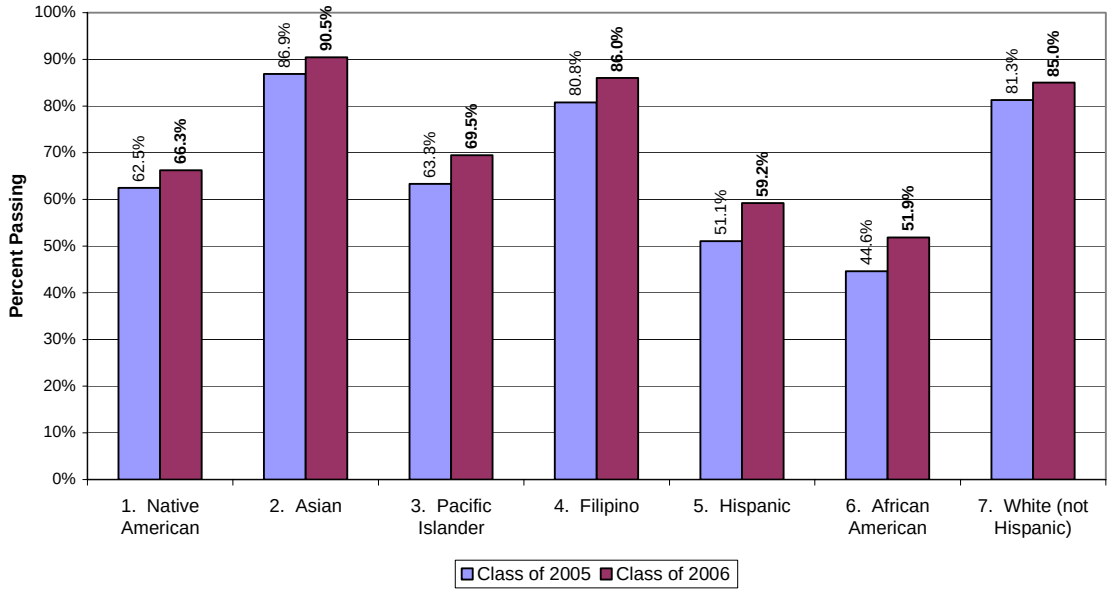


Figure 2.4. Initial mathematics passing rates by race/ethnicity and class.

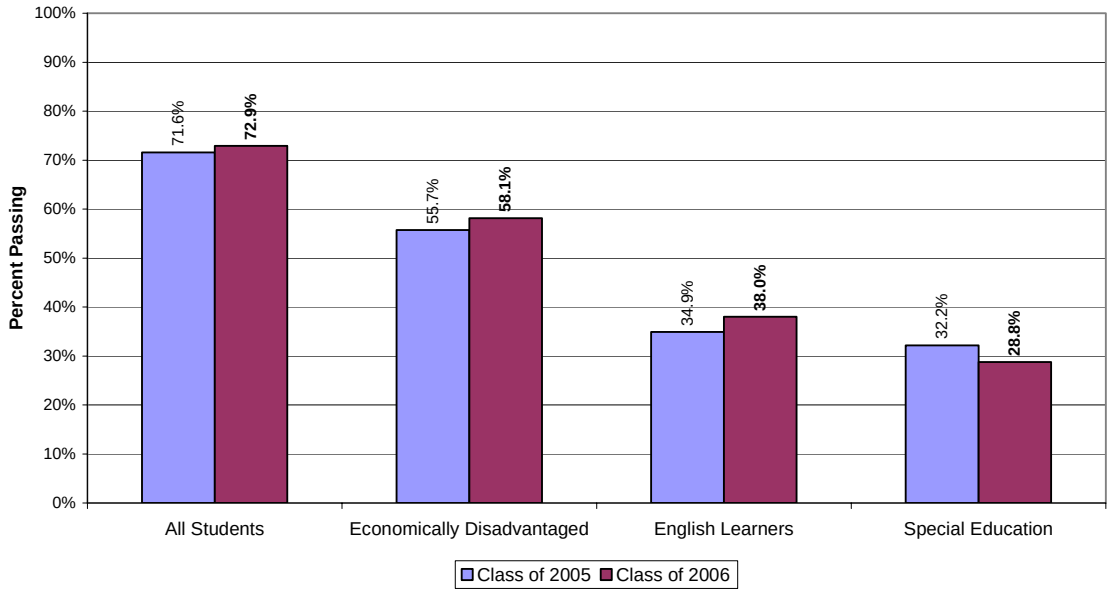


Figure 2.5. Initial ELA passing rates for special populations by class.

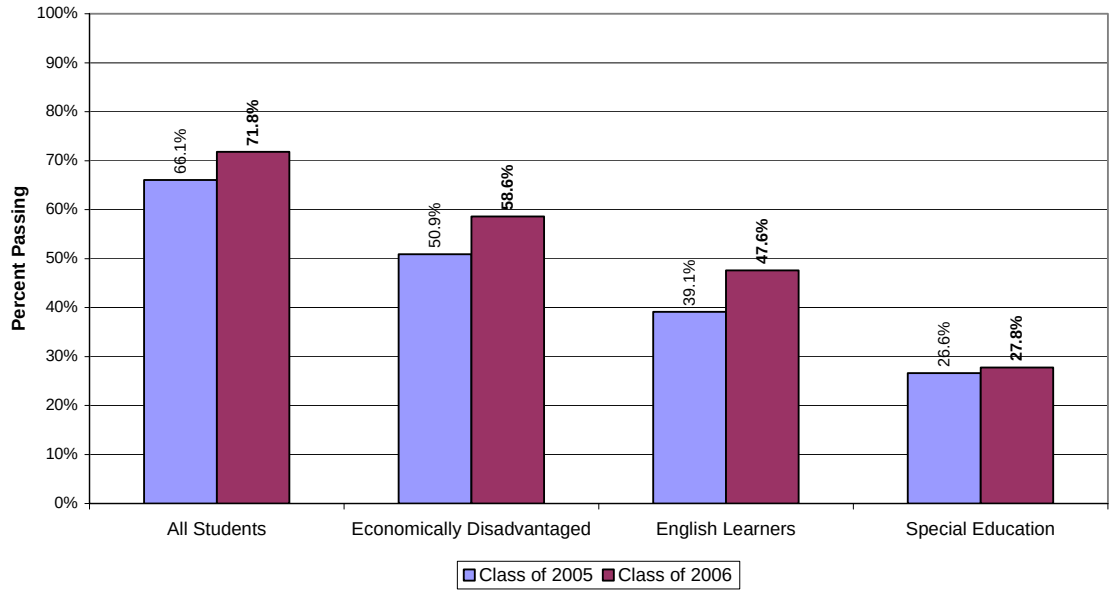


Figure 2.6. Initial mathematics passing rates for special populations by class.

The results by race and ethnicity were confounded to some extent due to interactions of race and ethnicity with other demographic characteristics. In particular, a higher proportion of Hispanic students were in special education, a higher proportion of Black and Hispanic students were economically disadvantaged

compared to White students, and a higher proportion of Hispanic students were English learners. We further analyzed test results for the census testing of the Class of 2006 to show separate race/ethnicity results within different levels of disadvantaged characteristics as shown in Table 2.11. These levels were defined to be non-overlapping as: (a) Students receiving special education services, (b) English learners who were not students receiving special education services, (c) Economically disadvantaged students who were neither English learners nor students receiving special education services, and 4) Students who were not in any of the preceding categories. Note that in this table, passing rates were based just on those tested since we did not have separate enrollment data for the categories analyzed. Passing rates here were thus slightly higher than rates based on total enrollment.

TABLE 2.11. Initial Class of 2006 Passing Rates by Student Category and Race/Ethnicity

		ELA		Mathematics	
Student Category	Race / Ethnicity	Number	Percent Passing	Number	Percent Passing
Special Education (SE) Students	Asian	1,431	36.4	1,431	45.5
	Black	5,874	16.1	5,874	12.4
	Hispanic	18,469	18.1	18,469	18.6
	White	14,975	46.2	14,975	43.4
English Learners (EL) not in Special Education	Asian	9,641	54.3	9,641	79.3
	Black	352	42.9	352	48.6
	Hispanic	59,390	38.5	59,390	46.3
	White	2,616	56.0	2,616	70.5
Economically Disadvantaged, but not EL or SE	Asian	8,978	91.8	8,978	93.1
	Black	13,072	61.3	13,072	51.8
	Hispanic	62,148	75.5	62,148	70.3
	White	18,820	80.2	18,820	76.4
All Other Students	Asian	22,538	96.8	22,538	97.0
	Black	17,989	73.9	17,989	64.9
	Hispanic	48,487	81.8	48,487	76.2
	White	129,202	93.3	129,202	91.4

Gaps in passing rates by race and ethnicity were smaller for students who were not disadvantaged than they were when all students in each race/ethnicity category were included. More striking, however, was the extent of race/ethnicity differences among students receiving special education services. Passing rates for the ELA test

were twice as high for Asian and White students in this category as they were for Black or Hispanic students. ***For math, the passing rate for students receiving special education services who were White or Asian was more than twice as high as for students receiving special education services who were Hispanic and more than three times as high as the passing rate for students receiving special education services who were Black.***

Analysis of Results for Students receiving special education services

There may be many reasons for differences in passing rates by race/ethnicity among students receiving special education services, such as differences in the nature or severity of disabilities, or differences in diagnoses and responses to those diagnoses across schools. Tables 2.12 through 2.14 show an analysis of the frequency of each primary disability category and also ELA and Mathematics passing rates by race/ethnicity. There were differences by race/ethnicity in the frequency of different disability categories, with Black and Hispanic students more likely to be coded with specific learning difficulties (a general category used for conditions such as attention deficit disorder or dyslexia) and less likely to be coded with speech impairments or other health impairments in comparison to Asian and White students. These differences might be due to differential diagnostic criteria or possibly to group differences in the likelihood that students with some types of disabilities would be taken out of public schooling. Within each primary disability category, race/ethnicity differences in passing rates mirrored closely overall race/ethnicity differences in passing rates for all students receiving special education services

TABLE 2.12. Distribution of Students Receiving Special Education Services by Primary Disability Category for Asian, Hispanic, Black, and White Students

	Percent of Special Education Students by Disability				
Primary Disability Category	All	2. Asian	5. Hispanic	6. Black	7. White
010 = Mental Retardation	1.9%	2.7	2.0%	1.7%	1.7%
020 = Hard of Hearing	1.0%	2.1%	1.0%	0.6%	0.9%
030 = Deaf	0.5%	1.3%	0.6%	0.4%	0.4%
040 = Speech/Lang. Impairment	5.4%	15.2%	5.2%	3.5%	5.5%
050 = Visual Impairment	0.5%	1.1%	0.4%	0.3%	0.6%
060 = Emotional Disturbance	6.6%	4.8%	3.7%	10.5%	8.9%
070 = Orthopedic Impairment	0.8%	1.3%	0.8%	0.4%	0.9%
080 = Other Health Impairment	4.7%	4.3%	2.6%	3.1%	7.9%
090 = Specific Learning Disability	77.3%	64.6%	82.8%	78.8%	71.2%
100 = Deaf-Blindness	0.0%	0.0%	0.0%	0.0%	0.0%
110 = Multiple Disabilities	0.3%	0.3%	0.4%	0.2%	0.3%
120 = Autism	0.7%	2.2%	0.3%	0.4%	1.2%
130 = Traumatic Brain Injury	0.2%	0.1%	0.2%	0.1%	0.3%
Total %	100.0%	100.0%	100.0%	100.0%	100.0%
Total N	40,749	1,431	18,469	5,874	14,975

TABLE 2.13. ELA Passing Rates for Students Receiving Special Education Services by Primary Disability Category and Ethnicity

	Percent Passing for Each Disability Category				
Primary Disability Category	All	2. Asian	5. Hispanic	6. Black	7. White
010 = Mental Retardation	1.4%	2.6%	1.4%	0.0%	1.9%
020 = Hard of Hearing	34.4%	36.7%	23.8%	15.2%	54.2%
030 = Deaf	16.3%	26.3%	1.9%	16.7%	36.9%
040 = Speech/Lang. Impairment	46.0%	58.3%	33.1%	36.1%	60.3%
050 = Visual Impairment	49.5%	66.7%	28.4%	42.1%	64.7%
060 = Emotional Disturbance	37.3%	48.5%	27.3%	17.5%	51.1%
070 = Orthopedic Impairment	46.5%	50.0%	38.1%	30.8%	58.1%
080 = Other Health Impairment	51.0%	42.6%	32.6%	31.1%	61.8%
090 = Specific Learning Disability	25.6%	30.5%	16.5%	14.5%	43.2%
100 = Deaf-Blindness	-	-	-	0.0%	-
110 = Multiple Disabilities	16.9%	-	17.6%	9.1%	19.2%
120 = Autism	52.2%	48.4%	32.1%	23.7%	62.6%
130 = Traumatic Brain Injury	29.4%	-	23.8%	-	36.6%
All Special Education Students	28.8%	36.4%	18.1%	16.1%	46.2%
Total N	42,749	1,431	18,469	5,874	14,975

TABLE 2.14. Mathematics Passing Rates by Race/Ethnicity for Students Receiving Special Education Services by Primary Disability Category

	Percent Passing for Each Disability Category				
Primary Disability Category	All	2. Asian	5. Hispanic	6. Black	7. White
010 = Mental Retardation	2.7%	7.7%	2.2%	2.0%	3.1%
020 = Hard of Hearing	40.8%	63.3%	28.5%	18.2%	59.5%
030 = Deaf	28.4%	52.6%	14.0%	25.0%	46.2%
040 = Speech/Lang. Impairment	47.7%	67.0%	34.5%	33.7%	61.6%
050 = Visual Impairment	44.6%	73.3%	26.9%	26.3%	57.7%
060 = Emotional Disturbance	28.2%	45.6%	19.7%	11.5%	39.5%
070 = Orthopedic Impairment	39.1%	55.6%	32.3%	15.4%	48.8%
080 = Other Health Impairment	44.5%	49.2%	28.4%	19.4%	54.5%
090 = Specific Learning Disability	25.3%	40.0%	17.3%	11.4%	41.6%
100 = Deaf-Blindness	-	-	-	-	-
110 = Multiple Disabilities	18.4%	-	23.0%	0.0%	15.0%
120 = Autism	47.4%	58.1%	26.8%	9.1%	56.6%
130 = Traumatic Brain Injury	29.4%	-	26.2%	-	31.7%
All Special Education Students	27.8%	45.5%	18.6%	12.4%	43.4%
Total N	42,516	1,431	18,469	5,874	14,975

Analysis of Results for English Learners

We compared the passing rates for students who were currently English learners and students who were previously English learners but had been reclassified as fluent English proficient (RFEP) as shown in Tables 2.9 and 2.10 above. The results are striking. ELA passing rates for English Learners were understandably low, less than 40 percent compared to nearly 73 percent overall. Perhaps because they had to demonstrate language proficiency to be reclassified, students who were no longer English learners passed at higher rates than students in general, 85 percent compared to 73 percent for the Class of 2006. Results for the Class of 2005 were similar.

What may be more surprising is that students who were reclassified as proficient in English also had higher passing rates on the mathematics test compared to students in general, 82 percent versus 72 percent. ***These results suggest that if English learners achieve fluency, the ELA portion of the CAHSEE should not pose a significant barrier for most of them. In addition, these students do not appear to be disadvantaged on the mathematics test once English proficiency is achieved.***

Analysis of Results by Mathematics Courses Taken

We also analyzed passing rates on the mathematics part of the CAHSEE for students who had completed different levels of math courses. Table 2.15 shows the distribution of the highest level of mathematics course completed by students in the Class of 2005 and the Class of 2006. Table 2.16 shows the percent of students in key demographic groups who have not yet taken Algebra I, have taken Algebra I only, or have taken courses beyond Algebra I. Table 2.17 shows the CAHSEE mathematics passing rates for students at each course level.

TABLE 2.15. Distribution of Students by Highest Math Course Taken

	Class of 2005		Class of 2006	
Highest Math Course Taken	Number of Students	Percent of Students at each Level	Number of Students	Percent of Students at each Level
General Math	12,253	3.0%	11,678	2.6%
Pre-Algebra	47,567	11.5%	50,222	11.1%
Algebra I	111,487	26.9%	121,148	26.9%
Integrated Math I	2,727	0.7%	2,605	0.6%
Integrated Math II	4,806	1.2%	3,986	0.9%
Geometry	123,857	29.8%	135,589	30.1%
Algebra II	72,560	17.5%	83,183	18.4%
Advanced Math	7,757	1.9%	9,986	2.2%
Unknown	31,889	7.7%	32,531	7.2%
All Students	414,903	100.0%	450,928	100.0%

TABLE 2.16. Trends in Math Courses Taken by Demographic Group*

Group	Class of 2005			Class of 2006		
	% Not Taking Algebra	% Algebra Only	% Beyond Algebra	% Not Taking Algebra	% Algebra Only	% Beyond Algebra
All Students	15.6%	29.8%	54.6%	14.8%	29.6%	55.6%
Females	14.2%	28.0%	57.8%	13.5%	27.4%	59.1%
Males	17.0%	31.5%	51.5%	16.2%	31.6%	52.2%
1. Native American	23.5%	33.6%	42.8%	21.4%	35.7%	42.9%
2. Asian	6.9%	14.5%	78.7%	5.5%	13.9%	80.6%
3. Pacific Islander	14.4%	31.0%	54.6%	14.7%	32.7%	52.6%
4. Filipino	8.9%	19.4%	71.7%	8.3%	19.6%	72.0%
5. Hispanic	19.6%	38.4%	42.0%	18.8%	37.8%	43.4%
6. African American	17.9%	33.5%	48.6%	17.1%	34.3%	48.6%
7. White (not Hispanic)	13.5%	24.6%	62.0%	12.8%	24.1%	63.1%
Economically Disadvantaged (Original Definition)	18.9%	36.7%	44.4%	18.1%	36.1%	45.8%
Economically Disadvantaged (New Definition)	19.5%	37.2%	43.4%	18.6%	36.6%	44.9%
English Learners	21.5%	44.7%	33.8%	20.3%	42.9%	36.8%
Reclassified Fluent English	11.1%	23.8%	65.1%	10.2%	22.9%	66.9%
Special Education Students	37.3%	43.2%	19.5%	34.6%	46.4%	19.0%

* Students whose highest mathematics course was unknown were excluded from this table.

TABLE 2.17. 2004 Mathematics Passing Rates by Class and Highest Math Course Taken

Highest Math Course Taken		Class of 2005	Class of 2006
	Previous Score Scale	New Score Scale	New Score Scale
General Math	18.6%	26.1%	31.2%
Pre-Algebra	34.9%	46.5%	53.8%
Algebra I	38.5%	51.3%	57.7%
Integrated Math I	55.7%	66.1%	75.4%
Integrated Math II	75.8%	83.2%	90.0%
Geometry	76.2%	84.4%	87.1%
Algebra II	91.0%	93.4%	95.3%
Advanced Math	98.3%	98.8%	99.4%
Unknown	30.4%	39.2%	50.0%
All Students	57.5%	66.1%	71.8%

At 10th grade, the Class of 2006 had taken slightly higher levels of mathematics compared to the Class of 2005. The percent of students who had not yet taken Algebra I dropped from 15.6 percent to 14.8 percent and the percent of students taking mathematics courses beyond geometry in the 10th grade rose from 19.4 percent to 20.6 percent. Note, however, that a much larger proportion of students receiving special education services had not yet taken Algebra.

A bigger change is that Class of 2006 passing rates at each course level were higher than the Class of 2005 passing rates for the same levels. For students taking Algebra I, the passing rate rose from 51.3 percent to 57.6 percent, after adjusting for the change in the score scale. It is likely that this increase resulted from better preparation at lower grade levels so that more students in the Class of 2006 were prepared to succeed in Algebra I and higher courses.

Testing Accommodations and Modifications

Students with disabilities who could not be assessed using regular test administration procedures were allowed specific accommodations or, in some cases, modifications to test administration procedures. The difference is that modifications involved changes that would alter the construct measured and so scores from modified administrations were not valid for passing the CAHSEE. (See CAHSEE regulations posted on the CDE Web site.) In prior years, we analyzed results separately by the type of accommodation or modification used. Beginning with the 2004 administrations, however, detailed information on accommodations was not collected. We judged that the relatively minimal information that was collected did not warrant more extensive analyses.

Overall Passing Rate

As a result of efforts to match records across administrations, we were able to estimate the rate at which 10th grade students had passed both parts of the exam and fully satisfied the CAHSEE requirement. These analyses included results from retest administrations to a small number of students as well as results from each student's initial attempt at each part of the CAHSEE. Again, we went back and reanalyzed for the Class of 2005 from the 2003 CAHSEE administrations, matching records across administrations and adjusting for the change in the score scales. Table 2.18 shows the percentage of students, overall and in specific demographic categories, who passed both parts of the CAHSEE by the end of the 10th grade. Note that these analyses require access to identifying information about the students tested so that students who made up one part of the CAHSEE in a subsequent administration can be properly accounted for. The required identifiers are not included on the CAHSEE data files provided to the CDE.

Overall passing rates increased significantly, even after adjusting for the score scale changes. The one exception was for students receiving special education services, where the combined passing rate dropped from 19.8 to 18.8 percent. Figure 2.7 compares 10th grade combined passing rates for special populations in the classes of 2005 and 2006, after adjusting for changes to the score scale.

TABLE 2.18. Percent of Students Passing Both Parts of the CAHSEE by Demographic Group

Group	Class of 2005		Class of 2006
	Prior Test Specifications	New Test Specifications	New Test Specifications
All Students	53.8%	59.3%	64.3%
Females	54.8%	61.4%	67.1%
Males	53.0%	57.3%	61.7%
1. Native American	48.7%	55.6%	59.9%
2. Asian	75.9%	77.7%	81.5%
3. Pacific Islander	50.4%	56.0%	60.4%
4. Filipino	70.5%	76.3%	80.8%
5. Hispanic	36.1%	42.5%	49.0%
6. African American	32.6%	39.5%	45.3%
7. White (not Hispanic)	71.5%	76.5%	80.7%
Economically Disadvantaged (Original Definition)	36.0%	41.7%	48.0%
Economically Disadvantaged (New Definition)	35.6%	41.3%	47.7%
English Learners	20.8%	24.1%	29.6%
Reclassified Fluent English	59.4%	66.7%	76.3%
Special Education Students	16.8%	19.9%	18.8%

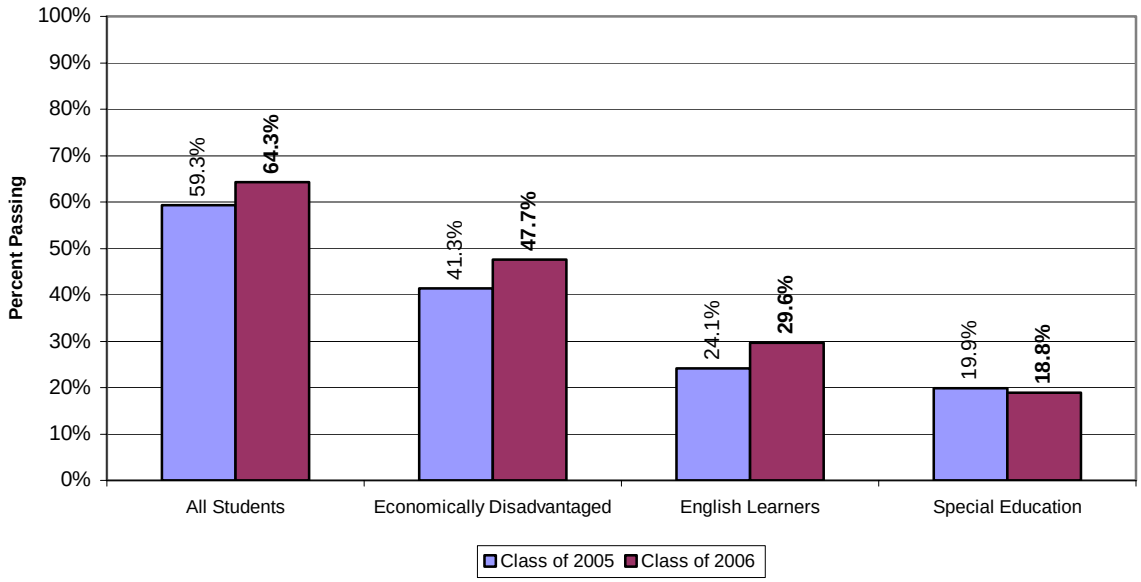


Figure 2.7. Combined passing rates for special populations by class.

Other Outcomes

Enrollment Declines

A key question addressed in the independent evaluation of the CAHSEE is the impact of the new graduation requirement on dropout and graduation rates. While we cannot track individual students, overall enrollment figures provide an indication of the extent to which students in each grade do not proceed to the next grade with the rest of their classmates.

Table 2.19 and Figure 2.8 show the decrease in enrollment from the 9th to the 10th grade. In the text that follows, we refer to this difference as a "drop-off" in enrollment. Some of the difference may be due to students who did not finish sufficient coursework credits to be classified as 10th graders rather than that they dropped out of school altogether. Results indicate that this 10th grade drop-off rate bounced back up for the Class of 2006. This was primarily due to a larger than usual increase in the 9th grade enrollment, suggesting that more students are being retained in 9th grade.

TABLE 2.19. Enrollment Declines from 9th Grade to 10th Grade

School Year	High School Class	10th Grade Enrollment	Prior Year's 9th Grade Enrollment	Decrease	
				Number	Percent
2003–2004	2006	490,214	522,108	31,894	6.1%
2002–2003	2005	471,648	499,505	27,857	5.6%
2001–2002	2004	459,588	485,910	26,322	5.4%
2000–2001	2003	455,134	482,270	27,136	5.6%
1999–2000	2002	444,064	468,162	24,098	5.2%
1998–1999	2001	433,528	458,650	25,122	5.5%
1997–1998	2000	423,865	450,820	26,955	6.0%

Source: California DataQuest System (http://data1.cde.ca.gov/dataquest)

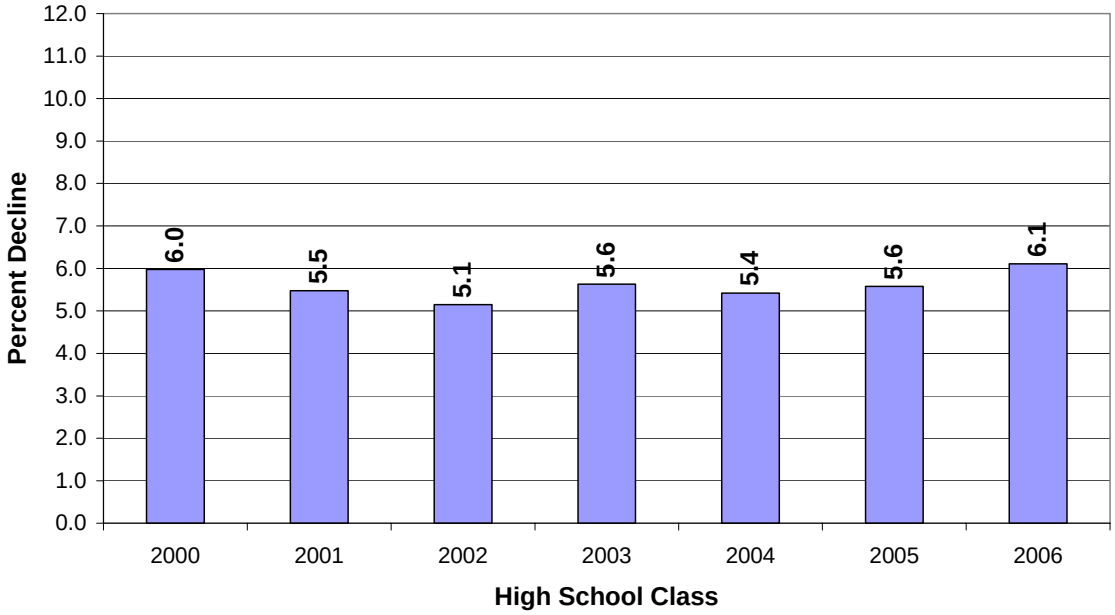


Figure 2.8. Enrollment declines from 9th to 10th grade by high school class.

Table 2.20 and Figure 2.9 show similar information for the drop-off between 10th and 11th grade enrollments. ***Results show that the drop-off rate between 10th and 11th grade enrollments continued the significant decline observed last year for the Class of 2004.*** Initially, there were concerns that the CAHSEE requirement would increase dropout rates. In fact, dropout rates have decreased. It seems plausible that increased remediation opportunities introduced to help the Class of 2004 pass the CAHSEE have instead led to more students staying in school.

TABLE 2.20. Enrollment Declines from 10th Grade to 11th Grade

School Year	High School Class	11th Grade Enrollment	Prior Year's 10th Grade Enrollment	Decrease	
				Number	Percent
2003–2004	2005	440,540	471,648	31,108	6.6%
2002–2003	2004	428,117	459,588	31,471	6.8%
2001–2002	2003	420,295	455,134	34,839	7.7%
2000–2001	2002	409,119	444,064	34,945	7.9%
1999–2000	2001	401,246	433,528	32,282	7.4%
1998–1999	2000	390,742	423,865	33,123	7.8%
1997–1998	1999	378,819	413,725	34,906	8.4%

Source: California DataQuest System (http://data1.cde.ca.gov/dataquest)

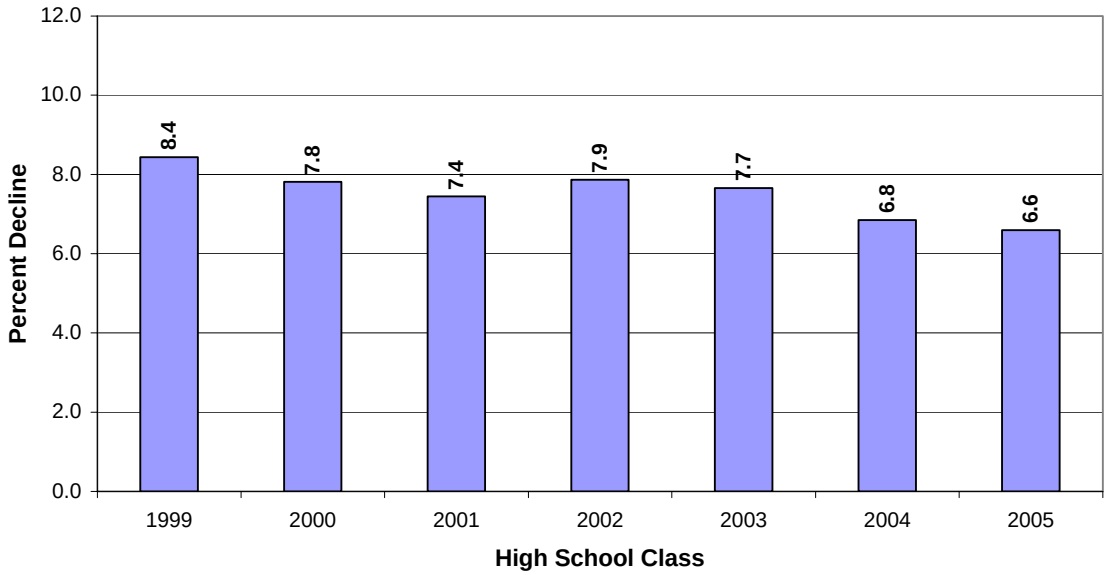


Figure 2.9. Enrollment declines from grades 10 to 11 by high school class.

Table 2.21 and Figure 2.10 show similar information for the drop-off between 11th and 12th grade enrollments. Last year, it was observed that 11th grade drop-off rates were much lower for the Class of 2004 than for previous classes. This year we see that trend continued with a significant decline in the 12th grade drop-off rate for the Class of 2004. ***This decline provides further evidence that the CAHSEE requirement is not leading to increased dropout rates.***

TABLE 2.21. Enrollment Declines from 11th Grade to 12th Grade

School Year	High School Class	12th Grade Enrollment	Prior Year's 11th Grade Enrollment	Decrease	
				Number	Percent
2003–2004	2004	395,194	428,117	32,923	7.7%
2002–2003	2003	385,181	420,295	35,114	8.4%
2001–2002	2002	365,907	409,119	43,212	10.6%
2000–2001	2001	357,789	401,246	43,457	10.8%
1999–2000	2000	347,813	390,742	42,929	11.0%
1998–1999	1999	334,852	378,819	43,967	11.6%

Source: California DataQuest System (http://data1.cde.ca.gov/dataquest)

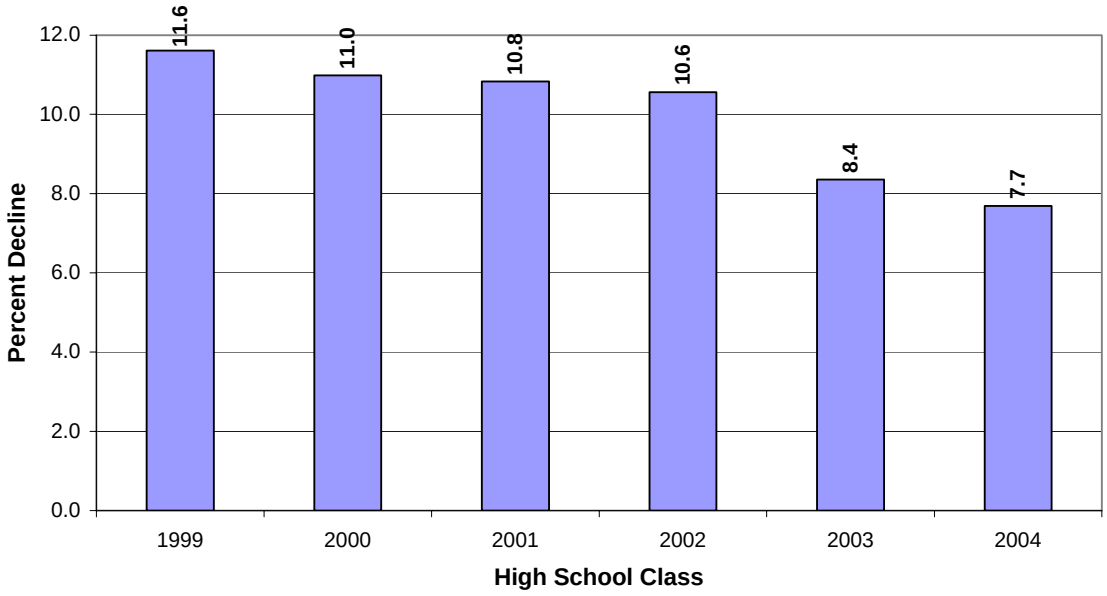


Figure 2.10. Enrollment declines from grades 11 to 12 by high school class.

STAR Results

We looked to see whether CAHSEE results for the Classes of 2004 through 2006 were similar to results from STAR, California's standards-based accountability assessment. STAR results provide an independent view of performance of students in different high school classes. To the extent that results are similar, STAR results may also predict relative performance on the CAHSEE for future high school classes. Table 2.22 shows results from the STAR 2004 ELA assessment for the 10th and 9th grades in comparison to results from the 2002 and 2003 assessments. For the 10th grade assessment, students in the Class of 2006 were assessed in 2004, students in the Class of 2005 were assessed in 2003 and students in the Class of 2004 were assessed in 2002. The Class of 2006 showed modest gains in comparison to the prior two classes with a 2 percent increase in the percent scoring at the basic level or above and an average score increase of about six scale points.

Students in the Class of 2006 were assessed in the 2003 9th grade assessment. Results from this assessment are compared to results from the Class of 2005 assessed in the 2002 9th grade assessment and the Class of 2007 in the 2004 9th grade assessment. Results indicate that the Class of 2006 performed significantly better than the Class of 2005 and also slightly better than the Class of 2007. Compared to the Class of 2005, the number of students scoring at least basic increased by 6 percentage points and the average scale score increased by more than 11 points. Taken together, results shown in Table 2.22 indicated larger ELA gains for the Class of 2006 on STAR than was found on the CAHSEE. Increased participation in the CAHSEE, including more lower-performing students, may explain some differences between results for the two testing programs.

TABLE 2.22. Results from the STAR 2003 and 2002 9th and 10th Grade ELA Assessments

STAR Results for Grade 10 ELA				
Assessment Year	2002	2003	2004	Gain
High School Class	Class of 2004	Class of 2005	Class of 2006	2002–2004
% at least Basic	63	63	65	2%
Mean Scale Score	322.4	324.5	328.1	5.7
STAR Results for Grade 9 ELA				
Assessment Year	2002	2003	2004	Gain
High School Class	Class of 2005	Class of 2006	Class of 2007	2002–2004
% at least Basic	63	69	68	5%
Mean Scale Score	321.4	332.9	330.6	9.2

STAR does not include a common assessment of mathematics skills for all students in the 9th and 10th grades. Instead, assessments are targeted to specific courses and administered to students who complete these courses. Table 2.23 shows results for the Algebra I assessment, the most common assessment for students in the 9th and 10th grades. For each grade level, performance on the Algebra I assessment decreased slightly in 2003 and further in 2004. This is balanced against the fact that more students at each grade level were taking and being assessed in Algebra I. The percentage of at least basic and average scale scores is higher for students taking Algebra I at earlier grade levels. As the proportion of such students increases, overall mathematics achievement should increase correspondingly. Current STAR results do not, however, provide a clear prediction of CAHSEE performance for future classes.

TABLE 2.23. Results from the STAR 2002 to 2004 9th and 10th Grade Algebra I Assessments

STAR Results for Algebra I				
Assessment Year	2002	2003	2004	Gain
8th Grade	Class of 2006	Class of 2007	Class of 2008	(2002–2004)
Percent Tested	29%	32%	38%	9%
% at least Basic	69%	67%	62%	-7%
Mean Scale Score	337	336.8	330.9	-6.1
9th Grade	Class of 2005	Class of 2006	Class of 2007	
Percent Tested	32%	37%	43%	11%
% at least Basic	54%	51%	44%	-10%
Mean Scale Score	308.9	306.3	301.2	-7.7
10th Grade	Class of 2004	Class of 2005	Class of 2006	
Percent Tested	21%	25%	29%	8%
% at least Basic	40%	35%	29%	-11%
Mean Scale Score	290.8	289.5	286.3	-4.5
11th Grade	Class of 2003	Class of 2004	Class of 2005	
Percent Tested	10%	13%	16%	6%
% at least Basic	35%	30%	22%	-13%
Mean Scale Score	286.7	284.5	279.4	-7.3

Summary

Results from the three CAHSEE administrations during the 2003–04 school year were analyzed for students in the high school Class of 2006 who took the CAHSEE as 10th graders. Results from the 2002–03 administrations were reanalyzed for 10th grade students in the high school Class of 2005 in a comparable manner so that trends across these two classes could be displayed. Several steps were required to produce comparable results for these two cohorts. First, some students in each cohort participated in more than one test administration, either as a makeup session or to retry a test they had not passed previously. Records were matched as well as possible, even though statewide student identifiers were not yet implemented for use with the CAHSEE. Second, a new score scale was introduced with the 2004 CAHSEE administrations. We estimated scores and changes in passing rates on this new scale for students who participated in the 2003 assessments. Finally, we examined the accuracy of score equating across administrations and consistency in scoring the student essays and found no problems of note.

Performance on the CAHSEE improved significantly for the Class of 2006 relative to the Class of 2005, even after differences in the score scales were accounted for. Overall passing rates were above 70 percent on each test individually. Furthermore, 64 percent of the 10th grade students passed both parts, an increase of about 5 percentage points. Performance improved for nearly all demographic groups. The one exception was for students receiving special education services where the combined passing rate remained below 20 percent.

Results for students receiving special education services were analyzed by type of disability and by ethnic groups. *The difference in pass rates among race/ethnicity groups of students receiving special education services was pronounced*. Only 13 percent of African American and 19 percent of Hispanic students receiving special education services passed the mathematics test compared to about 45 percent of the Asian and White students. Results for the ELA test were similar.

As in earlier administrations, ELA passing rates for English learners who had been redesignated as fluent English proficient actually outperformed other student groups, suggesting that the lower passing rates for English learners will disappear once they achieve English proficiency. For math, passing levels were once again closely related to level of math coursework completed. There were modest increases in courses taken and also significant gains in CAHSEE passing rates for each increase in course level. The latter finding suggests that students were better prepared to take these courses based on success with earlier coursework.

One final finding in analyzing results from the 2002–03 CAHSEE administrations was that there continue to be some issues with record-keeping and possibly with schools' understanding of CAHSEE regulations and procedures. For instance, some students in the Class of 2006 appear to have taken one or both of the CAHSEE tests more than once, even though that was not intended by the CDE. Also, while the quality of the data available for analysis continues to improve, issues such as missing birth dates make some analyses more difficult than they should be.

Chapter 3: Student Questionnaire

Introduction

One of the requirements for the CAHSEE, as specified in EC 60854, was to evaluate the impact of the new graduation requirement on graduation and dropout rates, as well as on post-high-school actions such as college attendance. To collect student reactions to the test and evaluate their plans for graduation and beyond, we developed a student questionnaire to get an early indication of CAHSEE's potential impact on these factors. Beginning with the first CAHSEE administration in 2001 and continuing through 2004, students were asked to respond to the same eight questions at the end of each part of the test

Four new questions were added to the student questionnaire in the 2004 administrations. These questions asked students about their instruction in the content covered by the CAHSEE. Previously, information about instruction was collected only from teachers and principals. The expansion of the student questionnaire sought to gather information about students' own perspective on their instruction.

For the questions asked previously, we compared this year's responses from the Class of 2006 to responses collected last year from students in the Class of 2005. As described in Chapter 2, we reorganized the data provided by ETS to match records from students participating in more than one administration. In the instances where students took the CAHSEE more than once, we reported only the results from their first attempt. Because of this refinement, results reported for the Class of 2005 differed slightly from the results reported last year, when students were included more than once in the analyses. Processing for the Class of 2005 was expanded to improve consistency with the way data for the Class of 2006 were analyzed.

Responses from students in the Class of 2004, the first group to take the CAHSEE, were not comparable to the responses from the Classes of 2005 and 2006. Many students from the Class of 2004 volunteered to take the CAHSEE when they were 9th graders, while students from the Classes of 2005 and 2006 were required to take the CAHSEE for the first time as 10th graders. The difference between 9th grade and 10th grade responses is particularly problematic for the types of questions about post high school plans included in the student questionnaire. Consequently, we dropped the Class of 2004 results from this year's analyses.

For each of the two cohorts of respondents, we looked at overall results and also analyzed responses separately for different demographic groups, including the groups specified in the CAHSEE evaluation statutes. We also analyzed results separately for students who did not pass the test associated with the questionnaire responses. These are the students most likely to be impacted by the CAHSEE requirement, so their responses deserve specific attention. Table 3.1 lists the different groups included in the analyses.

TABLE 3.1. Groups Included in the Student Questionnaire Analysis

Group	Definition
1) All	All examinees who took either the ELA or math test
2) Passed	Students who passed the test
3) Didn't Pass	Students who did not pass the test
Gender Groups	
4) Female	Female examinees
5) Male	Male examinees
Race/Ethnicity Groups	
6) Asian	Asian examinees
7) Black	Black examinees
8) Hispanic	Hispanic examinees
9) White	White examinees
Non-disadvantaged/Disadvantaged Groups	
10) Non-disadvantaged	All examinees except for those of the following three disadvantaged groups
11) Economically Disadvantaged	Economically disadvantaged students
12) English Learners	English learner students
13) Disabilities	Students receiving special education services

Note. Individual students could be counted in multiple groups; for example, a male Hispanic student, who is an English learner, is economically disadvantaged, and who passed the test would be included in groups 1, 2, 4, 8, 11, and 12.

In this chapter, we focus on the following issues:

- The general trends of students' responses on each of the questions surveyed on the Student Questionnaire;
- Differences in responses between those who passed a test and those who did not;
- Differences in responses between disadvantaged students and non-disadvantaged students;
- Differences in responses among four racial groups—Asian, Black, Hispanic and White; and
- Differences in responses between female and male respondents.

Survey Items

Eight questions were administered to the Class of 2005 students and 12 to the Class of 2006 students. Questions 1–7 on the two years' surveys were exactly the same. Question 8 differed in only one choice. The 2004 survey had 4 new questions, numbers 9–12. The 2004 survey questions follow:

Question 1. How did you prepare for this test? (Check all that apply.)

A. A teacher or counselor told me about the purpose and importance of the test.
B. I practiced on a sample of the test.
C. A teacher spent time in class getting me ready to take the test.
D. I did not do anything to prepare for this test.

Question 2. How important is this test to you?

A. Very important
B. Somewhat important
C. Not important

Question 3. Do you think you will graduate from high school?

A. Yes
B. No
C. Not sure

Question 4. Will it be harder to graduate if you have to pass a test like this?

A. Yes, a lot harder
B. Somewhat harder
C. Not much harder at all
D. I really don't know.

Question 5. What do you think you will do after high school?

A. I will join the military.
B. I will go to community college.
C. I will go to a 4-year college or university.
D. I will go to vocational/technical/trade school.
E. I will work full-time.
F. I really don't know what I will do after high school.

Question 6. How sure are you about what you will do after high school?

A. Very sure
B. Somewhat sure
C. Not sure at all

Question 7. How well did you do on this test?

A. I did as well as I could.
B. I did not do as well as I could have.

Question 8. The main reasons I did not do as well on this test as I could have are (mark all that apply):

A. I was too nervous to do as well as I could.
B. I was not motivated to do well.
C. I did not have time to do as well as I could.
D. *1. There are questions on this test that cover topics I was never taught (for the Class of 2005).
   2. Conditions in the testing room made it difficult to concentrate (for the Class of 2006).
E. There are questions on this test that cover topics I was taught, but I did not remember how to answer them.
F. There were other reasons why I did not do as well as I could.

*Indicates that D is the sole item in question 8 that differed between the Year 2005 and Year 2006 cohorts.

The following 4 questions were administered only to the Class of 2006 students:

Question 9. Were the topics on the test covered in courses you have taken?

A. Yes, all of them.
B. Most, but not all of them (two-thirds or more were covered).
C. Many topics on the test were not covered in my courses (less than two-thirds were covered).

Question 10. Were any of the questions on the test different from the types of questions or answer options you have encountered in your homework assignments or classroom tests?

A. Yes, many were different from anything I had seen before.
B. Yes, a few were different from anything I had seen before.
C. No, all were similar to ones used in my classes.

Question 11. Were the questions on this test more difficult than questions you were given in classroom tests or homework assignments?

A. Yes, the test questions were generally more difficult than the questions I encountered in my course work.
B. The test questions were generally about as difficult as the questions I encountered in my course work.
C. No, the questions were not more difficult than questions I encountered in my course work.

Question 12. If some topics on the test were difficult for you, was it because:

A. I did not take courses that covered these topics.
B. I had trouble with these topics when they were covered in courses I took.
C. I have forgotten things I was taught about these topics.
D. None of the topics was difficult for me.

Findings

Number of Respondents

Table 3.2 shows the number of students in the Classes of 2005 and 2006 included in each of the demographic groups reported in this chapter. These counts are lower than the counts reported in Chapter 2 because only students taking a particular test and thus responding to the corresponding student questionnaire were included in these analyses. Counts reported in Chapter 2 were based on all students, including those not taking one or both of the CAHSEE tests. In addition, analyses reported in Chapter 3 were based on a preliminary data file. A later data file, received after this chapter was drafted, included corrections to demographic information from the February and March 2004 administrations. Few, if any, changes were made to the responses to the student questionnaires, so analyses for this chapter were not rerun.

TABLE 3.2. Number of Test Takers in the Class of 2005 and the Class of 2006

	Class of 2005		Class of 2006	
Group	ELA	Math	ELA	Math
1) All	403,202	415,837	450,450	452,113
2) Passed	315,389	244,759	334,383	329,845
3) Didn't Pass	87,813	171,078	116,067	122,268
Gender Groups				
4) Female	197,481	203,369	220,772	221,641
5) Male	205,093	211,762	229,242	230,008
Race/Ethnicity Groups				
6) Asian	37,965	38,286	42,238	42,330
7) Black	31,874	33,446	36,086	36,332
8) Hispanic	158,626	165,473	183,837	184,790
9) White	151,400	154,578	163,417	163,698
Non-disadvantaged/Disadvantaged Groups				
10) Non-disadvantaged	209,929	214,362	228,911	229,564
11) Economically Disadvantaged	132,306	137,951	180,413	181,434
12) English Learners	67,777	70,323	81,763	82,215
13) Disabilities	33,794	35,271	41,243	41,185

Test Preparation

Question 1 of the Student Questionnaire collected data on how students prepared for the tests. Responses to this question following the ELA and math tests are shown in Tables 3.3 and 3.4, respectively. Figure 3.1 displays the differences for each response by class.

Question 1: How did you prepare for this test? (Mark all that apply.)

A. A teacher or counselor told me about the purpose and importance of the test.
B. I practiced on questions similar to those on the test.
C. A teacher spent time in class helping me to get ready to take the test.
D. I did not do anything in addition to regular course work to prepare for this test.

TABLE 3.3. Student-reported Test Preparation for the ELA Test (by Class and Demographic Group)

	Class 2005				Class 2006			
Group	A	B	C	D	A	B	C	D
All	36.3%	18.4%	38.3%	33.1%	29.6%	31.0%	39.8%	29.5%
Passed	38.2%	18.8%	38.6%	34.8%	29.4%	32.3%	41.3%	31.9%
Didn't Pass	32.6%	16.8%	37.3%	26.2%	30.2%	26.8%	35.0%	21.7%
Gender Groups								
Female	39.4%	19.3%	40.4%	29.9%	31.1%	34.7%	42.7%	25.8%
Male	33.2%	17.4%	36.2%	36.4%	28.1%	27.3%	37.0%	33.2%
Race/Ethnicity Groups								
Asian	37.1%	17.0%	32.6%	38.3%	30.6%	31.5%	36.3%	33.2%
Black	36.2%	20.4%	42.5%	26.8%	28.8%	33.8%	41.5%	22.6%
Hispanic	37.5%	19.3%	43.1%	25.9%	30.8%	31.4%	41.6%	23.5%
White	34.4%	17.3%	34.2%	40.6%	27.7%	29.7%	38.5%	36.7%
Non-disadvantaged/Disadvantaged Groups								
Non-disadvantaged	35.7%	17.5%	34.9%	38.9%	28.3%	30.3%	39.1%	35.1%
Economically Disadvantaged	37.7%	19.6%	43.1%	25.9%	31.4%	32.3%	41.5%	23.0%
English Learners	36.7%	18.8%	41.9%	21.9%	31.4%	29.9%	39.7%	18.6%
Disabilities	32.3%	18.4%	40.2%	28.8%	29.2%	28.0%	36.7%	24.3%

TABLE 3.4. Student-reported Test Preparation for the Math Test (by Class and Demographic Group)

	Class 2005				Class 2006			
Group	A	B	C	D	A	B	C	D
All	32.0%	17.0%	29.0%	40.4%	26.6%	30.9%	26.2%	37.7%
Passed	32.6%	16.9%	26.4%	45.8%	25.8%	32.2%	26.0%	41.0%
Didn't Pass	31.2%	17.2%	32.9%	32.3%	28.5%	27.3%	26.6%	28.3%
Gender Groups								
Female	34.3%	18.1%	30.4%	37.6%	27.5%	34.8%	27.6%	34.6%
Male	29.7%	16.0%	27.7%	43.1%	25.6%	27.0%	24.8%	40.7%
Race/Ethnicity Groups								
Asian	31.7%	15.9%	21.6%	47.5%	25.5%	30.9%	19.9%	44.2%
Black	32.3%	18.6%	33.7%	33.4%	27.5%	32.7%	29.7%	29.3%
Hispanic	33.2%	18.4%	34.0%	32.8%	28.0%	32.8%	29.4%	30.1%
White	30.4%	15.5%	24.8%	48.1%	24.7%	28.0%	23.4%	46.5%
Non-disadvantaged/Disadvantaged Groups								
Non-disadvantaged	31.3%	15.6%	24.9%	47.1%	24.8%	29.2%	23.5%	45.2%
Economically Disadvantaged	33.3%	18.7%	34.1%	32.7%	28.5%	33.5%	29.5%	29.5%
English Learners	33.1%	19.1%	34.3%	27.4%	29.1%	33.1%	29.5%	23.3%
Disabilities	30.3%	17.8%	34.7%	32.4%	29.0%	27.4%	29.0%	28.6%

Students in the Class of 2006 were found to be more prepared than students in the Class of 2005. Compared to those in the Class of 2005, students in the Class of 2006 had a higher percentage that practiced sample questions and a lower percentage that made no extra effort in addition to regular course work to prepare for the tests. Students from the Class of 2006 may have used different strategies to prepare for the ELA test and for the math test. Students were more likely to report being helped by teachers in classes after taking the ELA test (40%) than after taking the math test (26%). On the other hand, students were much less likely to say they "didn't do anything" besides regular course work to prepare for the math test than for the ELA test.

Practicing sample questions may be important for students to pass the tests because those students who "didn't pass" reported a lower percentage for doing this activity than those students who "passed." Students categorized as "disadvantaged" were more likely to get assistance in classes to prepare for the tests than students categorized as "non-disadvantaged." Disadvantaged and "didn't pass" students were less likely to respond "I didn't do anything" than non-disadvantaged and "passed" students.

Compared to Black and Hispanic students, Asian and White students were less likely to report practicing sample tests and being helped by teachers in classes but more likely to claim making no extra effort other than regular course work. This suggests that the latter two groups may have found taking the tests easier than the former two groups.

Compared to the test preparation of male students, female students were more likely to report being told the importance of the tests, having practiced sample questions, and getting teachers' help in classes, and were less likely to state they did not make extra effort besides regular course work.

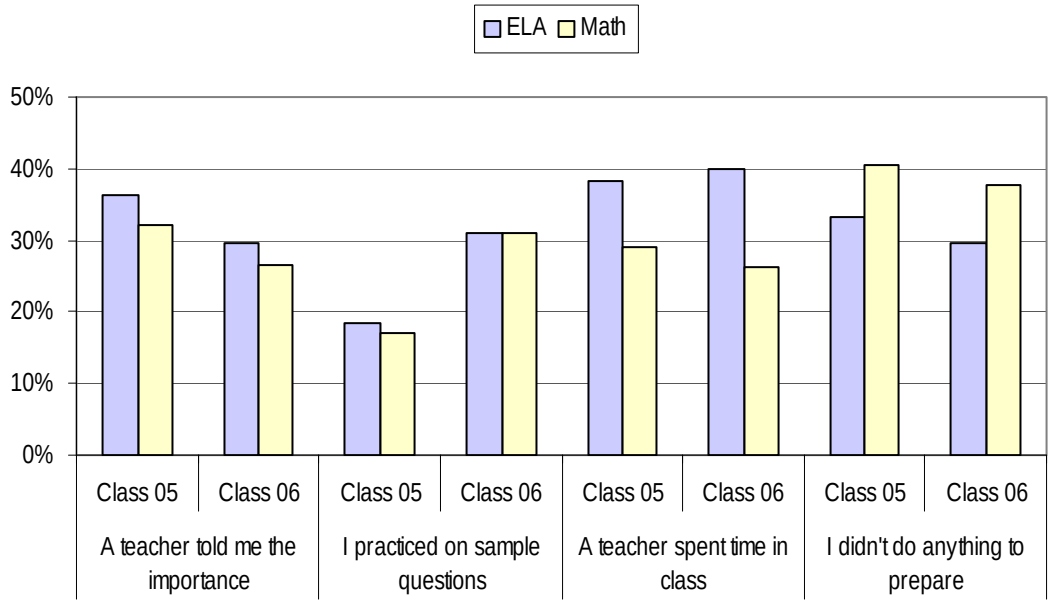


Figure 3.1. Students' preparation activities for the ELA and math tests (by class).

Importance of the Test

Question 2 of the Student Questionnaire investigated how important the tests were perceived to be by test takers. Responses to this question following the ELA and math tests are presented in Tables 3.5 and 3.6, respectively.

Question 2: How important is this test to you?
A. Very important
B. Somewhat important
C. Not important

TABLE 3.5. Importance of the ELA Test as Perceived by Test Takers (by Class and Demographic Group)

	Class 2005			Class 2006		
Group	A Very Important	B Somewhat Important	C Not Important	A Very Important	B Somewhat Important	C Not Important
All	75.9%	19.9 %	4.2%	73.9%	21.2%	4.9%
Passed	74.3%	21.2%	4.4%	72.3%	22.7%	5.0%
Didn't Pass	82.4%	14.4%	3.2%	79.2%	16.4%	4.4%
Gender Groups						
Female	79.3%	18.2%	2.5%	77.4%	19.6%	3.0%
Male	72.5%	21.6%	5.9%	70.4%	22.8%	6.7%
Race/Ethnicity Groups						
Asian	67.9%	26.3%	5.8%	64.5%	28.8%	6.6%
Black	84.3%	13.3%	2.4%	82.2%	14.5%	3.3%
Hispanic	84.7%	13.2%	2.0%	83.0%	14.4%	2.6%
White	67.2%	26.3%	6.5%	64.6%	28.2%	7.3%
Non-disadvantaged/Disadvantaged Groups						
Non-disadvantaged	69.5%	24.8%	5.7%	67.3%	26.8%	6.0%
Economically Disadvantaged	84.4%	13.5%	2.2%	82.6%	14.6%	2.8%
English Learners	88.2%	10.4%	1.5%	86.0%	11.7%	2.3%
Disabilities	76.1%	18.9%	5.0%	74.3%	19.7%	6.1%

About three-quarters of the respondents rated both the ELA and math tests “very important” to them and another one-fifth rated them “somewhat important.” Less than 10 percent of the respondents thought the tests were not important to them.

Compared to the Class of 2006, students in the Class of 2005 had a slightly higher percentage reporting the test “very important” to them and a little lower percentage of students responding with “not important.” In each year, ratings for the ELA and the math tests were similar.

A higher percentage of students who didn’t pass reported the tests as “very important” compared to students who did pass. A higher percentage of students classified as disadvantaged reported the tests as “very important” compared to students categorized as non-disadvantaged.

TABLE 3.6. Importance of the Math Test as Perceived by Test Takers (by Class and Demographic Group)

	Class 2005			Class 2006		
Group	A Very Important	B Somewhat Important	C Not Important	A Very Important	B Somewhat Important	C Not Important
All	75.0%	20.5%	4.4%	73.0%	21.9%	5.1%
Passed	70.3%	24.2%	5.6%	70.9%	23.6%	5.5%
Didn't Pass	82.1%	15.1%	2.8%	78.9%	17.2%	3.9%
Gender Groups						
Female	78.6%	18.8%	2.6%	76.6%	20.3%	3.1%
Male	71.5%	22.2%	6.3%	69.4%	23.5%	7.1%
Race/Ethnicity Groups						
Asian	66.5%	26.9%	6.6%	62.8%	29.4%	7.8%
Black	83.5%	13.8%	2.7%	81.7%	15.0%	3.3%
Hispanic	84.0%	13.9%	2.1%	82.3%	15.1%	2.6%
White	65.8%	27.3%	6.9%	63.1%	29.2%	7.7%
Non-disadvantaged/Disadvantaged Groups						
Non-disadvantaged	68.4%	25.6%	6.1%	65.6%	27.4%	7.0%
Economically Disadvantaged	83.4%	14.2%	2.3%	81.7%	15.5%	2.8%
English Learners	87.4%	11.0%	1.6%	85.8%	12.2%	2.1%
Disabilities	74.9%	19.7%	5.3%	74.2%	20.2%	5.6%

A greater percentage of Asian and White students rated the tests as not important than Black and Hispanic students. While over 80 percent of Black and Hispanic students indicated that the tests were very important to them, less than 70 percent of the Asian and White students responded so. Compared to male students, 6 percent more female students rated the tests as very important to them.

Plans for High School and Beyond

Question 3 of the Student Questionnaire asked students how sure they were that they would graduate from high school. Responses to this question following the ELA and math tests are presented in Tables 3.7 and 3.8, respectively.

Question 3: Do you think you will graduate from high school?
A. Yes
B. No
C. Not sure

TABLE 3.7. Student Expectations of High School Graduation After ELA Test (by Class and Demographic Group)

	Class 2005			Class 2006		
Group	A Yes	B No	C Not sure	A Yes	B No	C Not sure
All	88.5%	1.1%	10.4%	87.8%	1.4%	10.7%
Passed	93.1%	0.6%	6.3%	93.2%	0.7%	6.1%
Didn't Pass	69.7%	3.1%	27.2%	70.2%	3.9%	25.9%
Gender Groups						
Female	89.6%	0.8%	9.6%	89.5%	0.9%	9.5%
Male	87.5%	1.4%	11.1%	86.2%	1.9%	11.9%
Race/Ethnicity Groups						
Asian	89.4%	0.8%	9.8%	90.4%	0.9%	8.7%
Black	90.3%	1.2%	8.5%	89.1%	1.9%	9.0%
Hispanic	82.6%	1.4%	16.0%	81.9%	1.8%	16.3%
White	94.1%	0.8%	5.1%	93.4%	1.1%	5.5%
Non-disadvantaged/Disadvantaged Groups						
Non-disadvantaged	94.3%	0.7%	5.0%	94.0%	0.8%	5.1%
Economically Disadvantaged	82.1%	1.5%	16.4%	81.6%	1.9%	16.5%
English Learners	74.9%	1.9%	23.3%	75.2%	2.3%	22.5%
Disabilities	75.9%	2.9%	21.2%	73.5%	4.2%	22.2%

TABLE 3.8. Student Expectations of High School Graduation After Math Test (by Class and Demographic Group)

	Class 2005			Class 2006		
Group	A Yes	B No	C Not Sure	A Yes	B No	C Not Sure
All	87.4%	1.5%	11.1%	86.9%	1.9%	11.3%
Passed	94.8%	0.7%	4.5%	92.4%	1.1%	6.5%
Didn't Pass	76.3%	2.7%	21.0%	71.2%	3.9%	24.9%
Gender Groups						
Female	88.6%	1.0%	10.3%	88.8%	1.2%	10.1%
Male	86.1%	2.0%	11.9%	85.0%	2.5%	12.5%
Race/Ethnicity Groups						
Asian	89.4%	1.0%	9.6%	89.8%	1.2%	9.0%
Black	89.3%	1.7%	9.0%	88.4%	2.2%	9.4%
Hispanic	81.3%	1.8%	16.9%	81.1%	2.1%	16.8%
White	93.0%	1.3%	5.7%	92.1%	1.7%	6.1%
Non-disadvantaged/Disadvantaged Groups						
Non-disadvantaged	93.5%	1.0%	5.5%	92.8%	1.4%	5.7%
Economically Disadvantaged	81.0%	1.9%	17.1%	81.0%	2.2%	16.8%
English Learners	74.2%	2.2%	23.5%	75.2%	2.4%	22.4%
Disabilities	73.9%	3.8%	22.2%	73.1%	4.4%	22.6%

Overall, close to 90 percent of the examinees believed that they would graduate from high school. This was consistent across years and subjects.

About 75 percent or fewer of English learners, students receiving special education services, and “didn’t pass” students reported that they thought they would graduate from high school. Somewhat more than 80 percent of economically disadvantaged students reported that they thought they would graduate from high school. The percentages for each of these four groups were lower than that of either “passed” students (95%) or non-disadvantaged students (94%).

Of the four racial groups examined, over 90 percent of White students indicated that they would graduate from high school. Approximately 90 percent of Asian and Black students and about 80 percent of Hispanic students reported they would graduate from high school. A slightly higher percentage of female students indicated that they would graduate from high school compared to male students.

Question 4 of the Student Questionnaire asked the test takers if they believed the requirement to pass a test such as the CAHSEE would make it harder for them to graduate from high school. Responses to this question following the ELA and math tests are presented in Tables 3.9 and 3.10, respectively.

Question 4: Will it be harder to graduate because you have to pass a test like this?

A. Yes, a lot harder
B. Somewhat harder
C. Not much harder at all
D. I really don’t know

Responses to this question indicate a relationship to Question 3. Overall (see Figure 3.2), about 60 percent of the test takers reported that the test made it “a lot harder” or “somewhat harder” for them to graduate from high school, and somewhat more than one-third responded with “not much harder at all.” Another about 10 percent of the respondents said they “really don’t know.” Responses to this question for the two classes were marginally different. A slightly higher percentage of students in the Class of 2005 indicated that it would be “a lot harder” or somewhat harder” to graduate compared to the Class of 2006.

A higher percentage of students in the Class of 2006 than in the Class of 2005 indicated that it would not be much harder to graduate given the test requirement. After the ELA test, about 31 percent of Class of 2005 students and 34 percent of Class of 2006 students indicated that the test did not make high school graduation much harder for them. Slightly lower percentages of math test takers responded in a similar manner (27% last year and 31% this year).

A far greater percentage of disadvantaged students and students who did not pass reported that the test made it “a lot harder” or “somewhat harder” for them to graduate from high school (see Figure 3.3). It is worth noting that these are the same groups that had lower percentages related to thinking they would graduate from high school.

TABLE 3.9. Students' Perceived Impact of the ELA Test on High School Graduation (by Class and Demographic Group)

	Class 2005				Class 2006			
Group	A A Lot Harder	B Somewhat Harder	C - Not Much Harder	D Don't Know	A A Lot Harder	B Somewhat Harder	C - Not Much Harder	D Don't Know
All	21.4%	37.6%	30.8%	10.2%	20.8%	34.1%	34.1%	11.1%
Passed	15.9%	39.2%	35.8%	9.1%	13.6%	34.9%	41.2%	10.3%
Didn't Pass	44.2%	30.9%	10.3%	14.7%	44.4%	31.3%	10.4%	13.8%
Gender Groups								
Female	20.8%	39.3%	29.5%	10.4%	20.1%	35.1%	33.4%	11.5%
Male	22.0%	35.8%	32.1%	10.0%	21.5%	33.1%	34.7%	10.7%
Race/Ethnicity Groups								
Asian	17.6%	35.1%	37.2%	10.1%	16.0%	30.7%	42.7%	10.6%
Black	26.5%	40.0%	24.2%	9.3%	26.1%	37.7%	25.8%	10.4%
Hispanic	30.0%	41.3%	18.1%	10.6%	29.8%	38.9%	20.1%	11.2%
White	12.7%	33.4%	44.0%	9.9%	11.3%	28.4%	49.1%	11.2%
Non-disadvantaged/Disadvantaged Groups								
Non-disadvantaged	12.8%	35.8%	42.2%	9.3%	11.2%	31.0%	47.4%	10.4%
Economically Disadvantaged	30.6%	40.3%	18.0%	11.1%	30.2%	38.0%	20.2%	11.6%
English Learners	39.3%	35.6%	12.1%	12.9%	39.9%	34.3%	13.2%	12.6%
Disabilities	41.4%	31.6%	12.7%	14.3%	42.6%	30.2%	12.6%	14.6%

TABLE 3.10. Students' Perceived Impact of the Math Test on High School Graduation (by Class and Demographic Group)

	Class 2005				Class 2006			
Group	A A Lot Harder	B Somewhat Harder	C - Not Much Harder	D Don't Know	A A Lot Harder	B Somewhat Harder	C - Not Much Harder	D Don't Know
All	27.4%	38.5%	26.9%	7.2%	24.4%	36.9%	31.2%	7.4%
Passed	14.7%	39.8%	39.2%	6.3%	16.2%	37.6%	39.3%	6.8%
Didn't Pass	46.2%	36.7%	8.6%	8.6%	47.5%	34.8%	8.5%	9.2%
Gender Groups								
Female	27.7%	40.4%	25.0%	7.0%	24.5%	38.2%	30.1%	7.2%
Male	27.1%	36.7%	28.7%	7.5%	24.3%	35.5%	32.4%	7.7%
Race/Ethnicity Groups								
Asian	19.7%	35.2%	37.9%	7.2%	17.2%	32.3%	43.5%	7.0%
Black	34.8%	40.1%	18.4%	6.7%	31.4%	39.6%	21.9%	7.1%
Hispanic	36.7%	40.8%	14.8%	7.6%	33.6%	41.1%	17.7%	7.5%
White	17.9%	36.2%	39.1%	6.9%	14.6%	32.1%	45.7%	7.6%
Non-disadvantaged/Disadvantaged Groups								
Non-disadvantaged	18.1%	38.1%	37.5%	6.2%	14.6%	34.3%	44.2%	6.9%
Economically Disadvantaged	36.8%	39.7%	15.3%	8.1%	33.7%	40.3%	18.2%	7.8%
English Learners	43.3%	35.5%	11.2%	9.9%	41.8%	36.9%	12.6%	8.7%
Disabilities	47.8%	30.2%	11.0%	11.0%	46.3%	31.8%	11.1%	10.7%

The response patterns of the four racial groups on this survey question were similar to those found on the Question 3. A higher percentage of Asian and White students thought the test would not make it much harder for them to graduate compared to a lower percentage of Black and Hispanic students who responded similarly.

Across years and subjects, a higher percentage of male students compared to female students indicated the test would not make it much harder for them to graduate. Although the two groups did not show much difference in reporting that the tests would make graduation “a lot harder,” higher percentages of female students than male students reported the CAHSEE would make graduation “somewhat harder.”

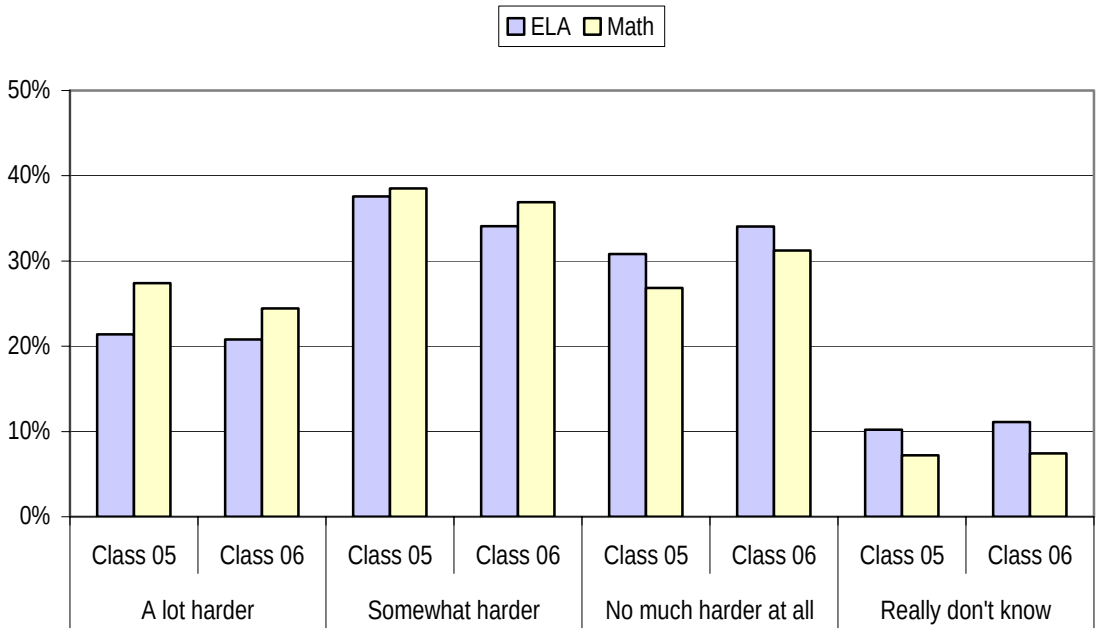


Figure 3.2. Percentage of students reporting impact of the CAHSEE on high school graduation (by class and test).

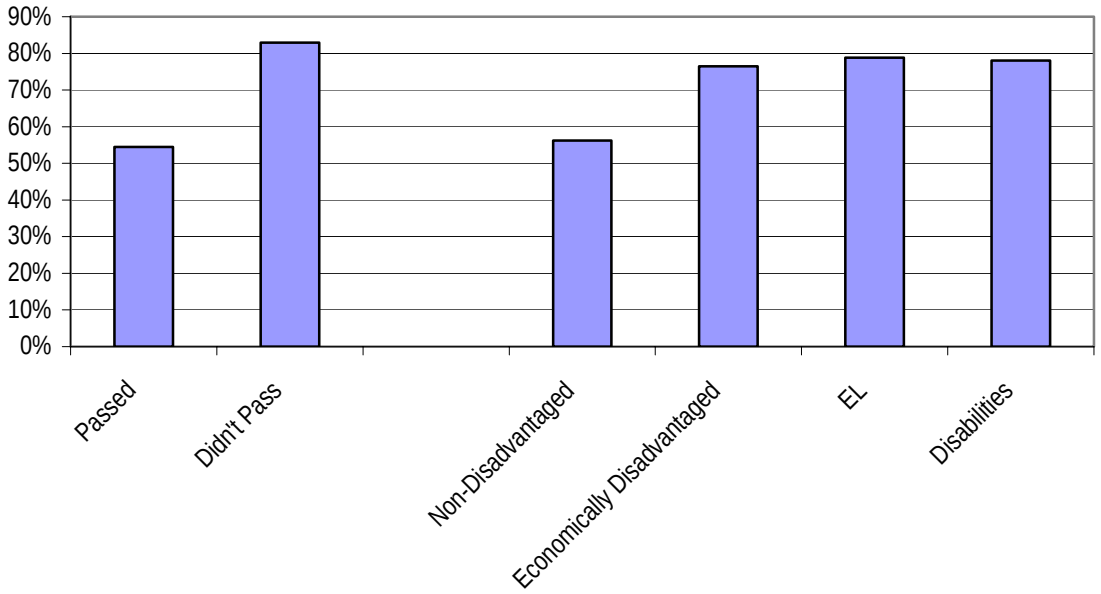


Figure 3.3. Percentage of Class of 2006 ELA test takers perceiving their high school graduation "A Lot Harder" (by demographic group).

Question 5 of the Student Questionnaire surveyed students on their future plans after graduating from high school. Responses to this question following the ELA and math tests are presented in Tables 3.11 and 3.12, respectively.

Question 5: What do you think you will do after high school?

A. I will join the military.
B. I will go to community college.
C. I will go to a 4-year college or university.
D. I will go to vocational, technical, or trade school.
E. I will work full-time.
F. I really don't know what I will do after high school.

Overall, responses to this question did not show much difference between the Classes of 2005 and 2006 or between ELA and math (see Figure 3.4). About 55 percent of students planned to go to a four-year college or university and 20 percent said they would go to a community college. Approximately 13 percent of students were not sure about what they would do after high school. Somewhat more than 5 percent of students said they would join the military. Less than 5 percent of the students planned to attend vocational/technical/trade schools and about the same percent of students said they would work full-time.

TABLE 3.11. ELA Test Takers' Post-High-School Plans (by Class and Demographic Group)

	Class 2005						Class 2006					
Group	A	B	C	D	E	F	A	B	C	D	E	F
All	6.0%	18.6%	56.4%	3.5%	3.3%	12.1%	5.9%	18.2%	55.0%	3.9%	3.4%	13.5%
Passed	4.9%	17.6%	61.7%	3.3%	1.9%	10.6%	4.7%	17.1%	61.1%	3.6%	1.7%	11.8%
Didn't Pass	10.6%	14.9%	34.8%	4.3%	9.1%	18.5%	10.0%	20.7%	35.0%	5.0%	9.0%	19.2%
Gender Groups												
Female	2.8%	20.0%	63.3%	2.0%	2.1%	9.8%	2.8%	19.7%	62.0%	2.4%	2.1%	11.0%
Male	9.3%	17.3%	49.4%	5.0%	4.5%	14.5%	9.0%	16.8%	48.0%	5.4%	4.8%	15.9%
Race/Ethnicity Groups												
Asian	2.4%	10.2%	77.6%	1.5%	1.3%	7.1%	2.3%	9.7%	77.4%	1.5%	1.3%	7.8%
Black	4.0%	15.0%	65.8%	3.4%	3.7%	8.1%	4.1%	14.9%	64.9%	3.4%	3.8%	8.9%
Hispanic	7.8%	20.7%	48.0%	3.7%	4.5%	15.2%	7.6%	19.9%	46.9%	4.2%	4.7%	16.6%
White	5.4%	19.5%	57.5%	3.8%	2.6%	11.2%	5.4%	19.4%	55.5%	4.4%	2.7%	12.6%
Non-disadvantaged/Disadvantaged Groups												
Non-disadvantaged	4.5%	17.2%	63.3%	3.1%	2.0%	9.8%	4.4%	17.1%	61.9%	3.6%	1.9%	11.2%
Economically Disadvantaged	7.6%	19.5%	49.5%	3.7%	4.8%	14.8%	7.4%	18.8%	48.8%	4.2%	5.0%	15.9%
English Learners	8.3%	20.9%	45.5%	3.4%	5.6%	16.3%	7.9%	19.5%	45.5%	3.8%	5.9%	17.4%
Disabilities	9.8%	25.7%	33.9%	5.4%	8.2%	16.9%	10.2%	24.2%	33.0%	5.8%	8.7%	18.1%

TABLE 3.12. Math Test Takers' Post-High-School Plans (by Class and Demographic Group)

	Class 2005						Class 2006					
Group	A	B	C	D	E	F	A	B	C	D	E	F
All	6.3%	19.0%	54.5%	3.5%	3.6%	13.0%	6.3%	18.1%	53.7%	3.9%	3.7%	14.2%
Passed	4.3%	15.3%	65.7%	2.9%	1.4%	10.3%	5.0%	16.4%	60.8%	3.5%	2.0%	12.3%
Didn't Pass	9.3%	37.1%	37.9%	4.3%	6.9%	17.1%	9.9%	25.5%	34.0%	4.9%	8.7%	19.6%
Gender Groups												
Female	3.0%	20.5%	61.7%	2.0%	2.3%	10.5%	3.0%	19.5%	61.0%	2.5%	2.3%	11.8%
Male	9.7%	17.5%	47.5%	4.9%	5.0%	15.5%	9.6%	16.7%	46.6%	5.3%	5.2%	16.6%
Race/Ethnicity Groups												
Asian	2.7%	10.5%	76.4%	1.4%	1.4%	7.7%	2.6%	9.7%	76.3%	1.5%	1.3%	8.5%
Black	4.4%	15.9%	63.5%	3.6%	4.0%	8.7%	4.5%	14.9%	63.8%	3.4%	3.9%	9.5%
Hispanic	8.1%	21.1%	46.0%	3.7%	4.9%	16.2%	7.8%	19.8%	45.7%	4.1%	5.2%	17.4%
White	5.7%	19.7%	56.1%	3.8%	2.8%	12.0%	6.0%	19.2%	54.3%	4.4%	2.9%	13.2%
Non-disadvantaged/Disadvantaged Groups												
Non-disadvantaged	4.8%	17.5%	61.9%	3.1%	2.2%	10.6%	4.9%	16.9%	60.8%	3.5%	2.1%	11.7%
Economically Disadvantaged	7.9%	19.9%	47.6%	3.6%	5.2%	15.8%	7.6%	18.6%	47.6%	4.1%	5.3%	16.8%
English Learners	8.5%	21.1%	43.8%	3.3%	5.9%	17.3%	8.1%	19.5%	44.3%	3.7%	6.2%	18.3%
Disabilities	10.3%	25.8%	32.7%	5.4%	8.4%	17.5%	10.3%	24.1%	32.2%	5.8%	9.1%	18.5%

For both 2005 and 2006 students who did not pass the exam reported that they did not know what they would do after high school (about 19%). Students who did not pass were also more likely to report plans to work (9%) or to enter the military (10%).

Higher percentages of Asian and Black students said they plan to go to college than did Hispanic and White students (see Figure 3.5). Higher percentages of Hispanic and White students reported plans to join the military or no specific plan than the other two racial groups. A higher percentage of female than male students indicated they planned to attend a four-year college, while a higher percentage of males reported plans for attending college, either community or four-year, than any other combination of choices (Tables 3.11 and 3.12).

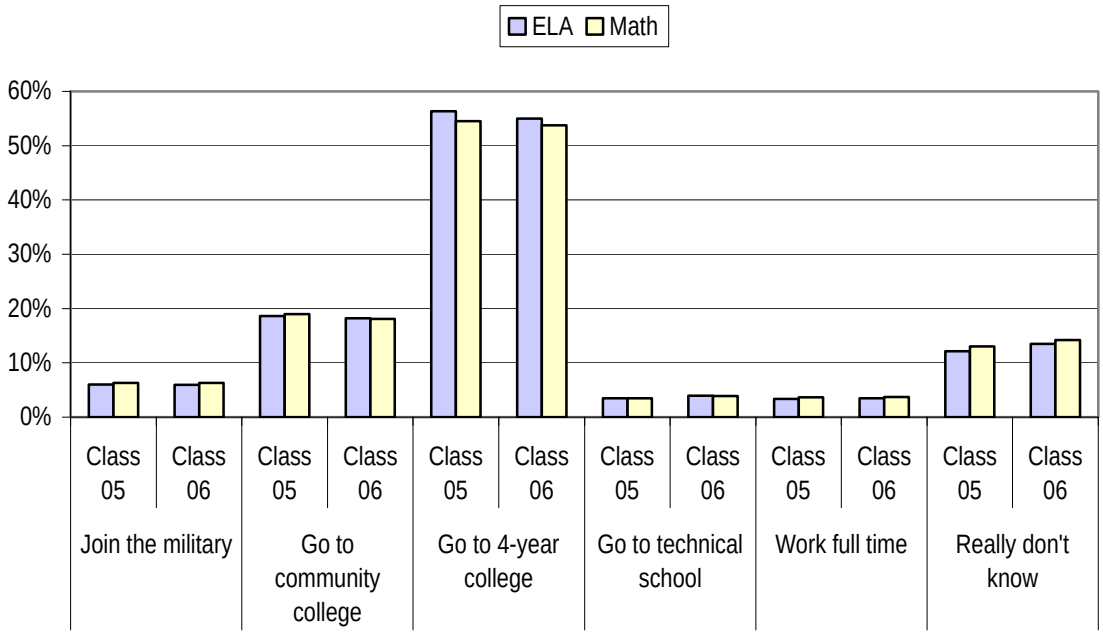


Figure 3.4. Percentage of students reporting various post-high plans (by class and test).

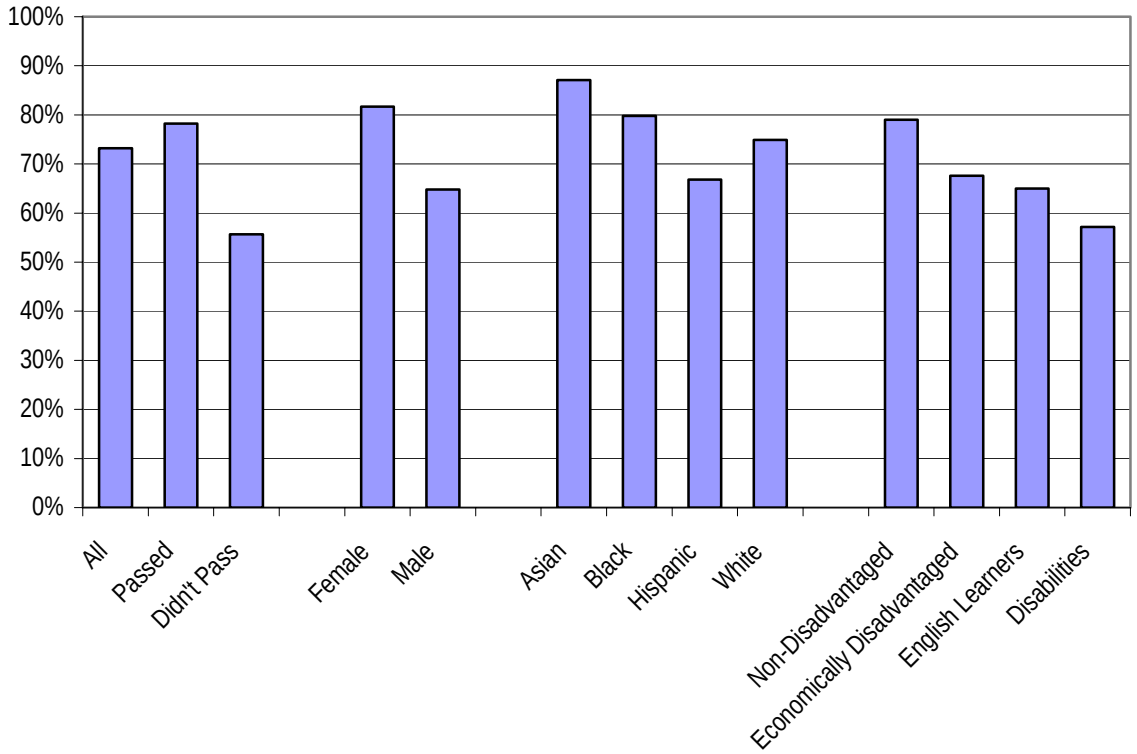


Figure 3.5. Percentage of Class of 2006 students planning to go to 2- or 4-year college after high school (by demographic group).

Question 6 of the Student Questionnaire asked test takers how certain they were about their after-high-school plans. Responses to this question following the ELA and math tests are presented in Tables 3.13 and 3.14, respectively.

Question 6: How sure are you about what you will do after high school?

A. Very sure
B. Somewhat sure
C. Not sure at all

Of the four racial groups examined, a higher percentages of Black students reported they were more likely to feel “very sure” about their after-high-school plans (about 55% for both classes). The other three groups reported lower percentages of feeling “very sure” about their after-high-school plans (by 10 or more points) ranging from around 46 percent for Asian, about 44 percent for White, and about 42 percent for Hispanic students.

TABLE 3.13. ELA Test Takers' Certainty about Their Post-High School Plans (by Class and Demographic Group)

	Class 2005			Class 2006		
Group	A Very sure	B Somewhat Sure	C Not Sure	A Very sure	B Somewhat Sure	C Not Sure
All	44.6%	43.8%	11.7%	42.1%	45.0%	13.0%
Passed	44.9%	44.5%	10.6%	42.3%	45.9%	11.8%
Didn't Pass	43.0%	40.8%	16.1%	41.2%	41.9%	16.9%
Gender Groups						
Female	47.3%	43.1%	9.6%	44.8%	44.7%	10.5%
Male	41.8%	44.4%	13.8%	39.3%	45.2%	15.5%
Race/Ethnicity Groups						
Asian	47.0%	42.5%	10.5%	45.1%	43.5%	11.4%
Black	56.6%	36.2%	7.2%	54.6%	36.9%	8.5%
Hispanic	41.8%	45.5%	12.7%	39.3%	46.6%	14.1%
White	44.9%	43.3%	11.8%	42.0%	44.9%	13.1%
Non-disadvantaged/Disadvantaged Groups						
Non-disadvantaged	45.8%	43.4%	10.8%	43.2%	44.9%	11.9%
Economically Disadvantaged	42.9%	44.4%	12.6%	40.6%	45.4%	14.0%
English Learners	43.0%	42.5%	14.5%	41.0%	43.5%	15.6%
Disabilities	43.2%	42.0%	14.8%	41.0%	42.5%	16.5%

TABLE 3.14. Math Test Takers' Certainty about Their Post-High School Plans (by Class and Demographic Group)

	Class 2005			Class 2006		
Group	A Very sure	B Somewhat Sure	C Not Sure	A Very sure	B Somewhat Sure	C Not Sure
All	45.1%	42.7%	12.2%	43.0%	43.7%	13.2%
Passed	45.9%	43.2%	10.9%	43.3%	44.6%	12.2%
Didn't Pass	44.0%	41.9%	14.1%	42.4%	41.4%	16.3%
Gender Groups						
Female	47.8%	42.4%	9.8%	45.7%	43.7%	10.6%
Male	42.5%	43.0%	14.5%	40.4%	43.7%	15.9%
Race/Ethnicity Groups						
Asian	47.2%	42.2%	10.7%	45.8%	42.5%	11.6%
Black	57.2%	34.9%	7.8%	55.7%	35.7%	8.6%
Hispanic	42.6%	44.0%	13.4%	40.5%	45.0%	14.5%
White	45.2%	42.7%	12.1%	42.9%	43.9%	13.2%
Non-disadvantaged/Disadvantaged Groups						
Non-disadvantaged	46.3%	42.8%	10.9%	44.0%	44.0%	12.0%
Economically Disadvantaged	43.7%	42.9%	13.4%	41.8%	43.7%	14.4%
English Learners	43.8%	40.5%	15.7%	42.2%	41.5%	16.3%
Disabilities	44.2%	40.0%	15.8%	42.8%	40.6%	16.6%

Overall, close to 90 percent of the respondents indicated that they were “very sure” or “somewhat sure” about what they would do after high school.

A cross-tab analysis was run between students’ responses on Question 6 and Question 5. There is a consistent response pattern across years and subjects. Figure 3.6 shows the Class of 2006 ELA test takers’ response pattern on the two questions.

For those students who reported having a specific a plan, about 40 percent or more were “very sure” about their plan. While the students planning to attend four-year colleges had the highest percentage (more than 50%) of being “very sure,” those who thought they would work on a full-time basis were most likely (more than 10%) to be “not sure at all.”

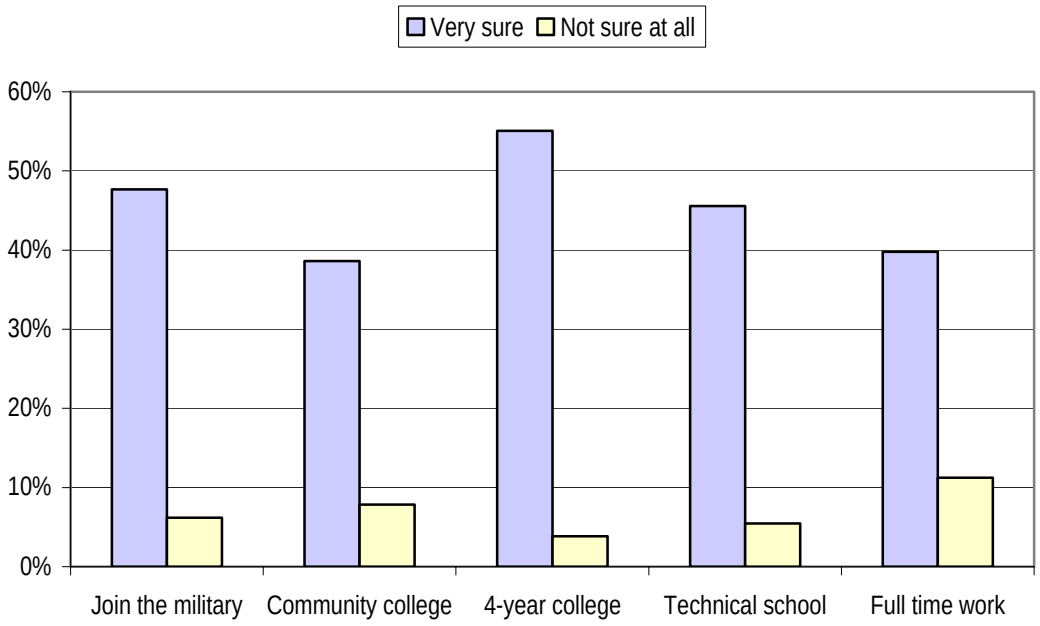


Figure 3.6. ELA test-takers’ certainty about post-high school plans (Class of 2006).

Perceived Test Performance and Influencing Factors

Question 7 of the Student Questionnaire asked the test takers whether they did as well as they could on the tests. Responses to this question following the ELA and math tests are presented in Tables 3.15 and 3.16, respectively.

Question 7: How well did you do on this test?
A. I did as well as I could.
B. I did not do as well as I could have.

TABLE 3.15. Students' Self-Reported Performance on the ELA Test (by Class and Demographic Group)

	Class 2005		Class 2006	
Group	A As well as I could	B—Not as well as I could	A As well as I could	B—Not as well as I could
All	82.5%	17.5%	85.2%	14.8%
Passed	84.9%	15.1%	88.5%	11.5%
Didn't Pass	72.9%	27.1%	74.0%	26.0%
Gender Groups				
Female	84.1%	15.9%	87.7%	12.3%
Male	80.9%	19.1%	82.7%	17.3%
Race/Ethnicity Groups				
Asian	79.4%	20.6%	83.4%	16.6%
Black	83.6%	16.4%	85.3%	14.7%
Hispanic	80.0%	20.0%	82.7%	17.3%
White	85.8%	14.2%	88.3%	11.7%
Non-disadvantaged/Disadvantaged Groups				
Non-disadvantaged	85.3%	14.7%	88.1%	11.9%
Economically Disadvantaged	79.7%	20.3%	82.6%	17.4%
English Learners	75.6%	24.4%	78.6%	21.4%
Disabilities	78.7%	21.3%	79.1%	20.9%

TABLE 3.16. Students' Self-Reported Performance on the Math Test (by Class and Demographic Group)

	Class 2005		Class 2006	
Group	A As well as I could	B—Not as well as I could	A As well as I could	B—Not as well as I could
All	71.8%	28.2%	78.8%	21.2%
Passed	77.3%	22.7%	81.7%	18.3%
Didn't Pass	63.7%	36.3%	70.6%	29.4%
Gender Groups				
Female	70.5%	29.5%	78.4%	21.6%
Male	73.2%	26.8%	79.2%	20.8%
Race/Ethnicity Groups				
Asian	78.3%	21.7%	83.1%	16.9%
Black	69.6%	30.4%	76.7%	23.3%
Hispanic	68.5%	31.5%	76.3%	23.7%
White	74.5%	25.5%	81.1%	18.9%
Non-disadvantaged/Disadvantaged Groups				
Non-disadvantaged	74.0%	26.0%	80.7%	19.3%
Economically Disadvantaged	69.6%	30.4%	77.2%	22.8%
English Learners	70.1%	29.9%	77.1%	22.9%
Disabilities	68.6%	31.4%	75.7%	24.3%

Overall, above 80 percent of the respondents reported they did as well as they could on the ELA test and above 70 percent believed so on the math test. A higher percentage of students in the Class of 2006 than in the Class of 2005 said they did as well as they could, a response trend that was even more apparent on the math test.

Regardless of the test time or the subject, about 30 percent of the "didn't pass" students reported "I did not do as well as I could," more than 10 percent higher than the "passed" group. A similar response pattern was also observed in comparing disadvantaged and non-disadvantaged students.

Among the four racial groups examined, a higher percentage of White students reported they had performed as well as they could on the ELA test, while a higher percentage of Asian students reported so on the math test. A higher percentage of female students, compared to male students, reported they had performed as well as they could on the ELA test, while a slightly higher percentage of males reported so on the math test.

Question 8 of the Student Questionnaire investigated the main reasons that students did not do as well as they could on the test. Only students who answered "I did not do as well as I could have" on Question 7 were supposed to answer Question 8. Responses to the question following the ELA and math tests are presented in Tables 3.17 and 3.18, respectively. It should be noted that one response for the question was worded differently in the two administration years. For simplicity, on Figure 3.7, "the fourth choice" was used as the label for this response option.

Question 8: The main reasons I did not do as well on this test as I could have are (mark all that apply):

A. I was too nervous to do as well as I could.
B. I was not motivated to do well.
C. I did not have time to do as well as I could.
D. 1. There were questions on this test that cover topics I was never taught (*for the Class of 2005*).
   2. Conditions in the testing room made it difficult to concentrate (*for the Class of 2006*).
E. There are questions on this test that cover topics I was taught, but I did not remember how to answer them.
F. There were other reasons why I did not do as well as I could.

TABLE 3.17. Percentage of Students Reporting Reasons They Did Not Do as Well as They Could on the ELA Test (by Class and Demographic Group)

	Class 2005						Class 2006					
Group	A	B	C	D	E	F	A	B	C	D	E	F
All	29.8%	23.0%	5.6%	17.0%	21.2%	45.4%	28.7%	21.2%	8.6%	18.6%	19.1%	41.7%
Passed	30.3%	25.7%	5.3%	15.0%	21.6%	50.6%	26.8%	23.0%	7.8%	20.9%	18.6%	47.5%
Didn't Pass	29.3%	16.8%	6.3%	21.8%	20.3%	33.6%	31.3%	18.7%	9.8%	15.0%	19.9%	33.3%
Gender Groups												
Female	36.9%	18.7%	4.6%	15.3%	23.2%	45.9%	35.8%	17.3%	7.2%	18.4%	20.8%	42.0%
Male	23.8%	26.7%	6.5%	18.5%	19.5%	45.1%	23.6%	24.0%	9.6%	18.7%	17.9%	41.6%
Race/Ethnicity Groups												
Asian	25.8%	24.7%	5.3%	16.8%	18.8%	48.9%	24.0%	23.9%	8.7%	20.1%	16.7%	45.0%
Black	31.5%	20.6%	6.7%	18.3%	20.4%	40.6%	30.0%	18.0%	9.1%	16.1%	18.1%	38.3%
Hispanic	33.7%	17.3%	5.7%	17.8%	23.7%	40.5%	32.8%	17.1%	9.0%	16.9%	21.3%	37.5%
White	25.3%	30.8%	5.3%	16.0%	18.4%	52.2%	23.6%	27.7%	7.7%	21.2%	16.5%	47.5%
Non-disadvantaged/Disadvantaged Groups												
Non-disadvantaged	27.6%	30.1%	5.3%	14.2%	19.2%	50.7%	24.9%	26.5%	7.7%	20.5%	16.3%	46.3%
Economically Disadvantaged	32.5%	17.0%	6.1%	19.1%	23.6%	41.1%	31.7%	17.2%	9.3%	17.4%	21.4%	38.4%
English Learners	31.9%	12.7%	6.0%	21.3%	21.5%	34.2%	33.6%	14.5%	10.0%	15.0%	20.6%	32.8%
Disabilities	27.9%	18.8%	6.9%	22.3%	22.7%	39.3%	31.2%	18.8%	10.2%	16.3%	20.8%	33.6%

TABLE 3.18. Percentage of Students Reporting Reasons They Did Not Do as Well as They Could on the Math Test (by Class and Demographic Group)

	Class 2005						Class 2006					
Group	A	B	C	D	E	F	A	B	C	D	E	F
All	19.7%	14.7%	3.8%	34.3%	48.4%	28.1%	21.7%	16.9%	5.0%	13.2%	51.6%	32.9%
Passed	17.7%	16.6%	3.5%	28.7%	54.6%	30.4%	19.8%	17.0%	4.4%	14.2%	56.7%	33.2%
Didn't Pass	21.6%	12.9%	4.0%	39.5%	42.7%	25.9%	24.9%	16.7%	6.1%	11.6%	42.5%	32.3%
Gender Groups												
Female	22.4%	11.5%	2.8%	34.1%	55.9%	27.0%	24.4%	12.9%	3.4%	12.3%	60.9%	32.1%
Male	16.8%	18.1%	4.9%	34.4%	40.4%	29.3%	18.9%	20.9%	6.7%	14.2%	41.9%	33.7%
Race/Ethnicity Groups												
Asian	17.7%	18.5%	3.7%	23.0%	45.5%	31.5%	17.4%	21.6%	4.8%	14.8%	47.5%	32.9%
Black	19.5%	12.8%	4.3%	37.1%	46.7%	25.2%	22.9%	14.9%	5.5%	12.6%	49.6%	31.5%
Hispanic	22.2%	11.5%	3.6%	33.8%	47.7%	25.5%	24.8%	13.9%	4.9%	11.9%	51.1%	30.9%
White	17.1%	18.3%	3.9%	36.9%	49.9%	31.4%	18.5%	20.5%	5.0%	14.8%	53.0%	35.9%
Non-disadvantaged/Disadvantaged Groups												
Non-disadvantaged	18.2%	17.7%	3.7%	33.7%	52.6%	29.7%	19.1%	19.2%	4.8%	14.2%	54.9%	33.4%
Economically Disadvantaged	21.5%	11.9%	3.9%	34.4%	46.9%	26.4%	24.2%	14.4%	5.3%	12.5%	49.9%	32.1%
English Learners	24.0%	9.8%	4.4%	31.4%	38.6%	23.3%	27.0%	13.3%	6.0%	11.4%	41.8%	28.3%
Disabilities	20.6%	13.2%	5.7%	42.8%	34.1%	28.1%	25.1%	17.0%	7.9%	12.8%	37.2%	33.2%

As shown in Figure 3.7 for both the Class of 2005 and Class of 2006, about one-third of the ELA test takers and one-fifth of the math takers reported they were “too nervous” to do as well as they could on the test. About 20 percent of examinees selected “not motivated” or “did not remember” to explain why they did not perform on the test as well as they could have. About 15 percent of the Class of 2005 ELA test takers reported they had never been taught on some topics covered by the test, and about 20 percent of the Class 2006 students reported that the conditions in the test room made it hard for them to concentrate. In both classes, about 50 percent of the math test takers and 20 percent of the ELA test takers reported that they could not do better because they forgot something they had been taught.

For both the Class of 2005 and the Class of 2006, less than 10 percent of the ELA test takers and less than 5 percent of the math test takers reported that they could do better if they were given more time. More of the ELA test takers (about 40%) than the math test takers (about 30%) selected “other reasons” to explain why they did not do as well as they could have.

Higher percentages of students who did not pass and disadvantaged students reported being “too nervous” and “didn’t have enough time” than students in the “passed” and “non-disadvantaged” categories, but had lower percentages responding that they were “not motivated.”

Higher percentages of Black and Hispanic students, compared to Asian and White students, reported being “too nervous” and “didn’t have enough time” Of the

four racial groups, Hispanic students had the highest percentages reporting they could not remember things that had been taught on the ELA test, and percentages reporting they could not remember things were highest for Whites on the math test.

Higher percentages of female students than male students reported that they were “too nervous” and forgot what they had been taught. Meanwhile, a higher percentage of male students reported they were “not motivated” than female students.

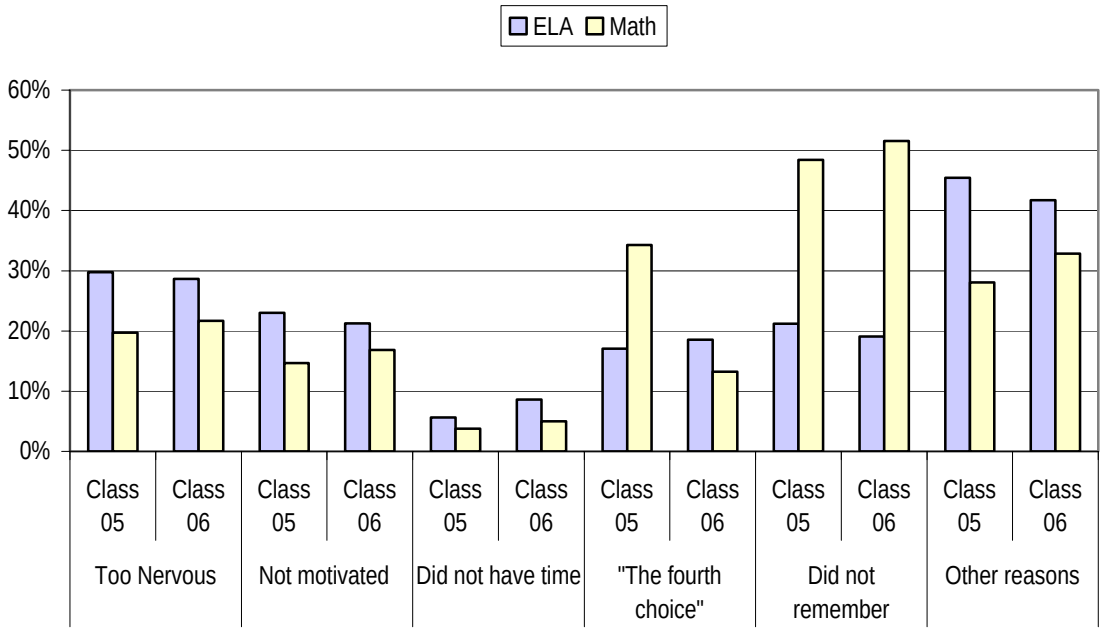


Figure 3.7. Percentage of students reporting reasons they did not do as well as they could on the CAHSEE (by Class and Test).

Question 9 of the Student Questionnaire investigated whether all of the tested topics were covered in the courses that students had taken. Responses to this question following the ELA and math tests administered to the Class of 2006 are presented in Tables 3.19 and 3.20, respectively.

Question 9: Were the topics on the test covered in courses you have taken?

A. Yes, all of them.
B. Most, but not all of them (two-thirds or more were covered).
C. Many topics on the test were not covered in my courses (less than two-thirds were covered).

TABLE 3.19. Student Self-reported Exposure to Topics on the ELA Test (by Class and Demographic Group)

	Class 2006		
Group	A All Covered	B Most Covered	C- Many Not Covered
All	46.1%	45.4%	8.5%
Passed	52.0%	42.0%	6.0%
Didn't Pass	26.7%	56.3%	17.0%
Gender Groups			
Female	48.8%	44.2%	7.0%
Male	43.4%	46.5%	10.1%
Race/Ethnicity Groups			
Asian	49.0%	42.0%	9.0%
Black	39.4%	49.8%	10.8%
Hispanic	38.7%	51.4%	9.9%
White	54.5%	38.8%	6.6%
Non-disadvantaged/Disadvantaged Groups			
Non-disadvantaged	54.8%	39.2%	5.9%
Economically Disadvantaged	37.4%	51.8%	10.8%
English Learners	30.3%	55.7%	14.0%
Disabilities	30.7%	52.8%	16.5%

TABLE 3.20. Student Self-reported Exposure to Topics on the Math Test (by Class and Demographic Group)

	Class 2006		
Group	A All Covered	B Most Covered	C- Many Not Covered
All	39.9%	48.6%	11.4%
Passed	47.0%	45.2%	7.8%
Didn't Pass	20.0%	58.3%	21.7%
Gender Groups			
Female	40.7%	49.5%	9.8%
Male	39.2%	47.8%	13.0%
Race/Ethnicity Groups			
Asian	57.1%	36.1%	6.8%
Black	29.7%	55.0%	15.3%
Hispanic	31.6%	55.5%	12.9%
White	46.7%	43.0%	10.4%
Non-disadvantaged/Disadvantaged Groups			
Non-disadvantaged	48.7%	42.5%	8.8%
Economically Disadvantaged	31.6%	55.1%	13.2%
English Learners	28.1%	57.8%	14.1%
Disabilities	22.3%	54.4%	23.3%

Overall, about 45 percent of the ELA test takers and 40 percent of the math test takers indicated that all the tested topics had been covered in their courses (Figure 3.8). Between 44 (ELA) and 48 (math) percent of students reported that they had been taught most (more than two-thirds) of the topics covered on each of the tests. Only about 10 percent of students reported they had not learned many of the topics on the tests.

Compared to “passed” and non-disadvantaged students, higher percentages of “didn’t pass” and disadvantaged students reported having not learned all the topics on the test (Figure 3.9). This response pattern was more pronounced in the “didn’t pass” student group and the students receiving special education services group.

Among the four racial groups, White students (55%) were most likely to say they had learned all of topics on the ELA test, while Asian students (57%) were most likely to respond similarly about the topics on the math test. Compared with Whites and Asians, Black and Hispanic students generally reported a higher proportion of topics covered on the tests had not been taught.

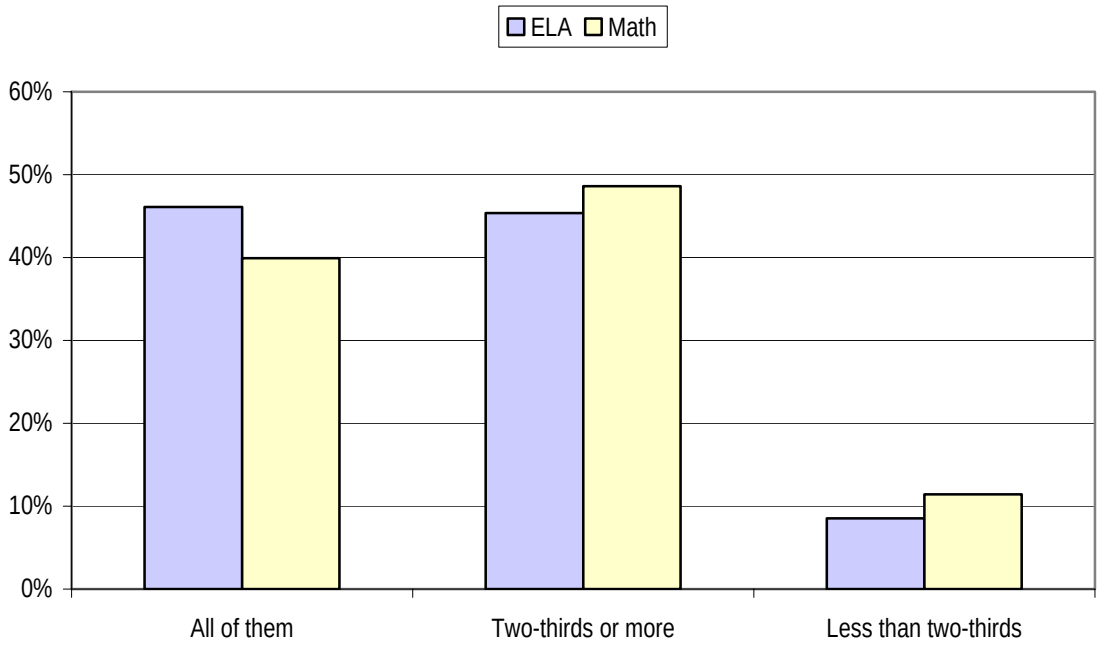


Figure 3. 8. Percentage of Class of 2006 students reporting receiving instruction in all/most/some topics on the CAHSEE (by Test).

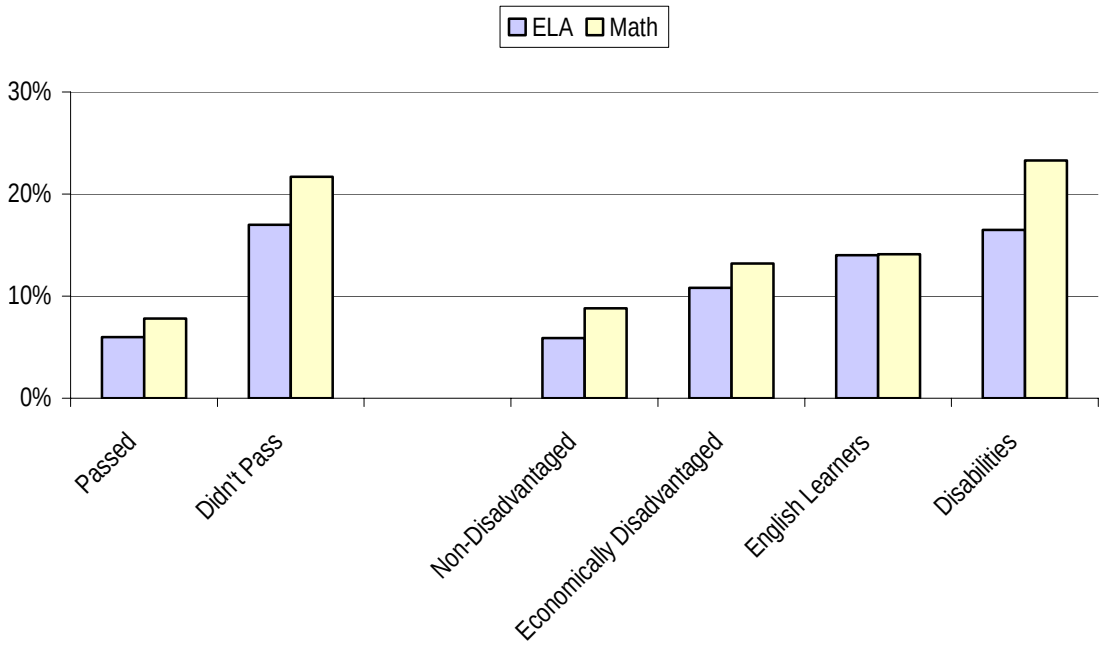


Figure 3.9. Percentage of Class of 2006 students reporting "many topics of the test were not covered in my courses" (by test and demographic group).

Question 10 of the Student Questionnaire surveyed how familiar the students were with the types of questions covered on the tests. Responses to this question following the ELA and math tests administered to the Class of 2006 are presented in Tables 3.21 and 3.22, respectively.

Question 10: Were any of the questions on the test different from the types of questions or answer opinions you have encountered in your homework assignments or classroom tests?

A. Yes, many were different from anything I had seen before.
B. Yes, a few were different from anything I had seen before.
C. No, all were similar to ones used in my classes.

TABLE 3.21. Class of 2006 Students' Familiarity with the Types of Questions on the ELA Test (by Demographic Group)

	Class 2006		
Group	A Many different	B A few different	C All similar
All	13.4%	52.0%	34.5%
Passed	9.6%	50.8%	39.5%
Didn't Pass	25.9%	55.8%	18.3%
Gender Groups			
Female	9.9%	50.6%	39.6%
Male	17.0%	53.4%	29.6%
Race/Ethnicity Groups			
Asian	13.9%	51.7%	34.4%
Black	16.1%	52.7%	31.2%
Hispanic	15.5%	56.0%	28.5%
White	10.7%	47.3%	41.9%
Non-disadvantaged/Disadvantaged Groups			
Non-disadvantaged	9.9%	48.3%	41.9%
Economically Disadvantaged	16.3%	56.2%	27.4%
English Learners	22.1%	58.2%	19.8%
Disabilities	25.7%	52.8%	21.4%

TABLE 3.22. Class of 2006 Students' Familiarity with the Types of Questions on the Math Test (by Demographic Group)

	Class 2006		
Group	A Many different	B A few different	C All similar
All	14.6%	51.3%	34.0%
Passed	10.3%	49.3%	40.5%
Didn't Pass	27.0%	57.2%	15.9%
Gender Groups			
Female	11.6%	51.8%	36.6%
Male	17.7%	50.8%	31.5%
Race/Ethnicity Groups			
Asian	10.3%	41.9%	47.8%
Black	19.7%	55.0%	25.4%
Hispanic	17.0%	57.1%	25.9%
White	12.2%	46.4%	41.4%
Non-disadvantaged/Disadvantaged Groups			
Non-disadvantaged	10.7%	46.5%	42.8%
Economically Disadvantaged	17.7%	56.6%	25.7%
English Learners	21.1%	58.6%	20.3%
Disabilities	30.9%	52.3%	16.8%

Overall, more than one-third of the respondents indicated that the test questions were “similar to ones used in my classes,” but more than half of the students responded that a few of the questions on the tests “were different from anything I had seen before.” Less than 15 percent of students reported that many question types on the tests had not been encountered in their homework assignments or classroom tests.

Compared to students who passed and non-disadvantaged students, the “didn’t pass” and disadvantaged students reported higher percentages that they were not familiar with the types of questions on the tests (Figure 3.10). The group differences found in this question were consistent with those found on Question 9.

Again, similar to the response patterns shown in the Question 9, among the four racial groups, a lower percentages of White students reported that they were unfamiliar with the types of questions on the ELA test, while a lower percentage of Asian students reported they were unfamiliar with the types of questions on the math test.

Approximately 17 percent of male students reported that they were not familiar with many types of the questions on both the ELA and math tests compared to 10 percent of females for the ELA test and 12 percent for the math test.

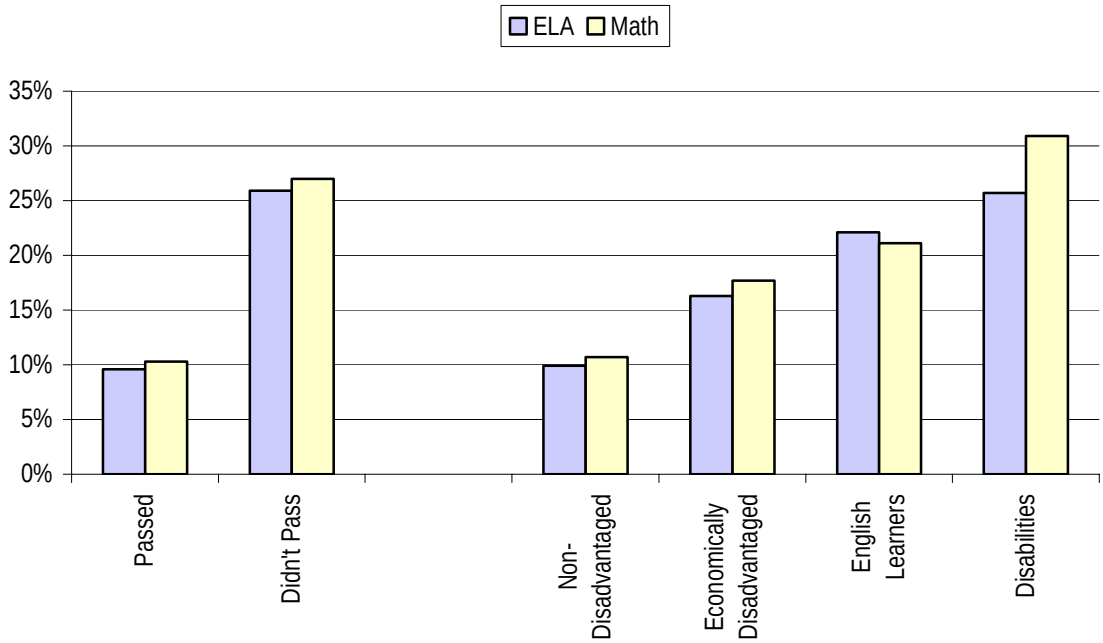


Figure 3.10. Percentages of Class of 2006 students who were unfamiliar with the types of test questions (by test, pass/did not pass, and disadvantaged group).

Question 11 of the Student Questionnaire surveyed students' familiarity with the questions on the tests from another perspective. It asked test takers if the questions on the tests were more difficult than their course work. Responses to this question following the ELA and math tests administered to the Class of 2006 are presented in Tables 3.23 and 3.24, respectively.

Question 11: Were the questions on this test more difficult than questions you were given in classroom tests or homework assignment?

A. Yes, the test questions were generally more difficult than the questions I encountered in my course work.
B. The test questions were generally about as difficult as the questions I encountered in my course work.
C. No, the questions were not more difficult than questions I encountered in my course work.

TABLE 3.23. Class of 2006 Students' Perceived Difficulty of the Questions on the ELA Test (by Demographic Group)

	Class 2006		
	A	B	C
Group	More difficult	About as difficult	Not more difficult
All	18.8%	43.0%	38.3%
Passed	13.2%	42.8%	44.0%
Didn't Pass	36.9%	43.6%	19.5%
Gender Groups			
Female	14.6%	43.5%	41.9%
Male	22.9%	42.4%	34.7%
Race/Ethnicity Groups			
Asian	16.5%	37.7%	45.8%
Black	22.2%	41.1%	36.7%
Hispanic	23.8%	48.6%	27.5%
White	13.5%	38.2%	48.3%
Non-disadvantaged/Disadvantaged Groups			
Non-disadvantaged	12.1%	39.2%	48.7%
Economically Disadvantaged	24.9%	47.5%	27.6%
English Learners	33.2%	46.9%	19.9%
Disabilities	35.4%	41.9%	22.8%

TABLE 3.24. Class of 2006 Students' Perceived Difficulty of the Questions on the Math Test (by Demographic Group)

	Class 2006		
	A	B	C
Group	More difficult	About as difficult	Not more difficult
All	24.0%	42.4%	33.5%
Passed	17.6%	42.3%	40.1%
Didn't Pass	42.3%	42.8%	14.9%
Gender Groups			
Female	21.8%	44.6%	33.6%
Male	26.3%	40.3%	33.5%
Race/Ethnicity Groups			
Asian	13.5%	33.4%	53.1%
Black	31.8%	42.3%	25.9%
Hispanic	29.6%	48.0%	22.4%
White	19.3%	38.1%	42.6%
Non-disadvantaged/Disadvantaged Groups			
Non-disadvantaged	17.4%	39.1%	43.6%
Economically Disadvantaged	29.8%	46.7%	23.5%
English Learners	33.8%	47.1%	19.1%
Disabilities	44.9%	38.3%	16.9%

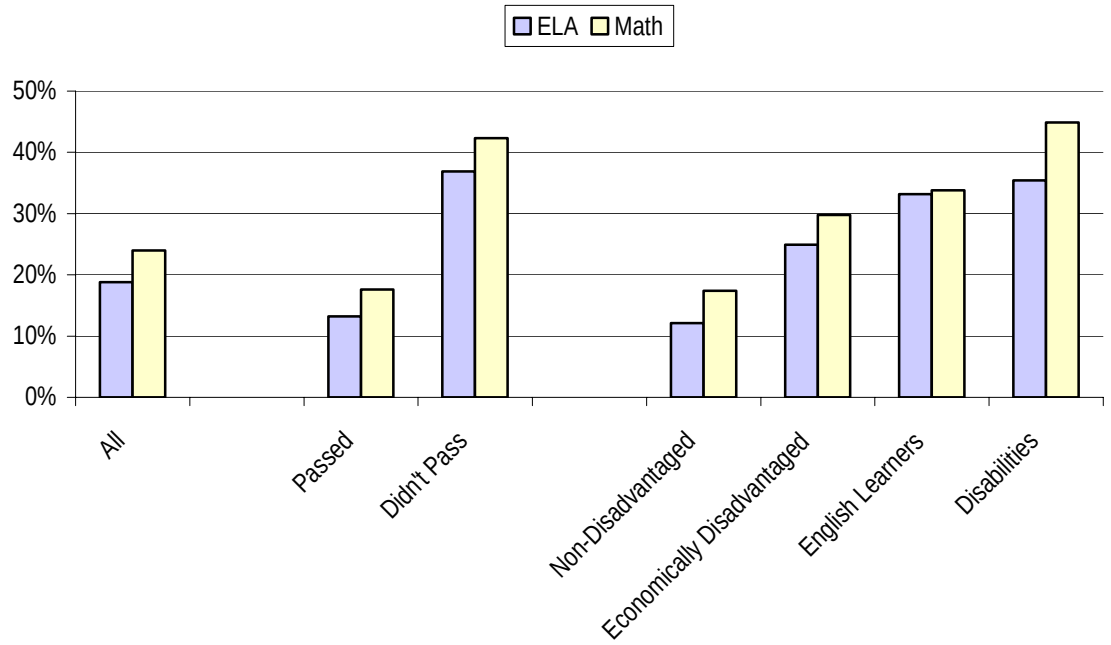


Figure 3.11. Percentages of Class of 2006 students perceiving test questions to be more difficult than their classroom tests and homework (by test, pass/did not pass, and disadvantaged group).

Overall, about 75 to 80 percent of the test takers responded that the questions on the tests were either “not more difficult than” or “as difficult as their course work” (Figure 3.11). Percentages for the ELA test takers (81%) were higher than for math test takers (76%).

Consistent with the response patterns found on the previous two questions, higher percentages of disadvantaged students and those who did not pass the tests compared to non-disadvantaged students and those who did pass the tests reported that the test questions were more difficult than their course work.

Higher percentages of Black and Hispanic students reported the test questions as more difficult than their course work, compared to Asian and White students. A higher percentage of male students than female students said the test questions were more difficult than their coursework.

Question 12 of the Student Questionnaire investigated the reasons that students found the tests difficult. Responses to this question following the ELA and math tests administered to the Class of 2006 are presented in Tables 3.25 and 3.26, respectively.

Question 12: If some topic on the test were difficult for you, was it because:

A. I did not take courses that covered these topics.
B. I had trouble with these topics when they were covered in courses I took.
C. I have forgotten things I was taught about these topics.
D. None of the topics was difficult for me.

TABLE 3.25. Class of 2006 Students’ Reasons That Topics Were Difficult on the ELA Test (by Demographic Group)

	Class 2006			
Group	A	B	C	D
All	8.3%	17.5%	38.4%	35.7%
Passed	5.7%	13.9%	38.4%	41.9%
Didn't Pass	16.9%	29.1%	38.4%	15.6%
Gender Groups				
Female	6.9%	16.3%	40.1%	36.7%
Male	9.8%	18.7%	36.7%	34.9%
Race/Ethnicity Groups				
Asian	9.3%	15.7%	36.5%	38.6%
Black	10.5%	18.2%	35.9%	35.4%
Hispanic	10.3%	21.6%	43.7%	24.3%
White	5.7%	13.4%	33.3%	47.6%
Non-disadvantaged/Disadvantaged Groups				
Non-disadvantaged	5.2%	13.0%	35.5%	46.3%
Economically Disadvantaged	11.1%	21.7%	42.5%	24.7%
English Learners	15.8%	26.4%	41.5%	16.4%
Disabilities	15.4%	27.5%	35.5%	21.6%

TABLE 3.26. Class of 2006 Students' Reasons That Topics Were Difficult on the Math Test (by Demographic Group)

	Class 2006			
Group	A	B	C	D
All	13.5%	22.8%	44.7%	19.0%
Passed	10.3%	18.9%	48.0%	22.9%
Didn't Pass	22.7%	33.8%	35.4%	8.0%
Gender Groups				
Female	11.4%	24.7%	48.5%	15.4%
Male	15.6%	20.9%	41.0%	22.5%
Race/Ethnicity Groups				
Asian	8.3%	14.0%	45.2%	32.5%
Black	17.2%	28.1%	40.8%	13.9%
Hispanic	15.4%	27.8%	45.9%	10.9%
White	12.2%	18.5%	43.5%	25.8%
Non-disadvantaged/Disadvantaged Groups				
Non-disadvantaged	10.2%	18.6%	45.6%	25.6%
Economically Disadvantaged	15.8%	27.2%	44.9%	12.0%
English Learners	18.3%	28.7%	43.2%	9.9%
Disabilities	27.2%	28.3%	32.8%	11.8%

Overall, more than one-third (36%) of the ELA test takers and about one-fifth (19%) of the math test takers said they did not find the tests difficult. Ranked from most to least frequently selected (Figure 3.12), the three reasons students gave for finding the tests difficult were: "I have forgotten things I was taught about these topics" (about 40%), "I had trouble with these topics when they were covered in courses I took" (about 20%), and "I did not take courses that covered these topics" (about 10%).

Compared to students who passed, a higher percentage of those who did not pass the test reported that they did not take related courses and they had troubles with the tested topics when taking the courses (Figure 3.13). However, a higher percentage of those who passed the math test reported forgetting the topics they had been taught than those who did not pass the test. The response patterns of non-disadvantaged students versus disadvantaged (Figure 3.14) students were similar to those found between the "passed" and the "didn't pass" groups.

Among the four race/ethnicity groups, higher percentages of Asian and White students reported that the tests were not difficult for them. Higher percentages of Black and Hispanic students responded that they had trouble with a topic during related courses. About 44 percent of Hispanic students (the highest rate of the 4 racial groups) reported forgetting things about topics on the ELA test.

When asked to explain why the tests were difficult for them, higher percentages of female students than male students indicated that they "have forgotten" while higher percentages of males reported that they "did not take courses."

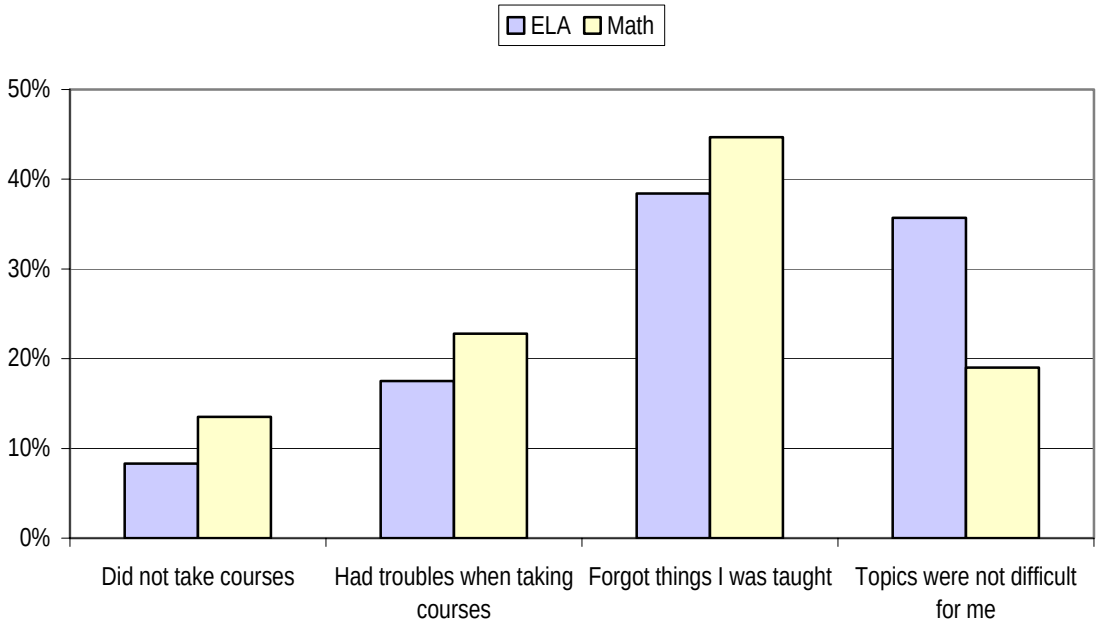


Figure 3.12. Percentages of Class of 2006 students citing various reasons that test topics were difficult (by test).

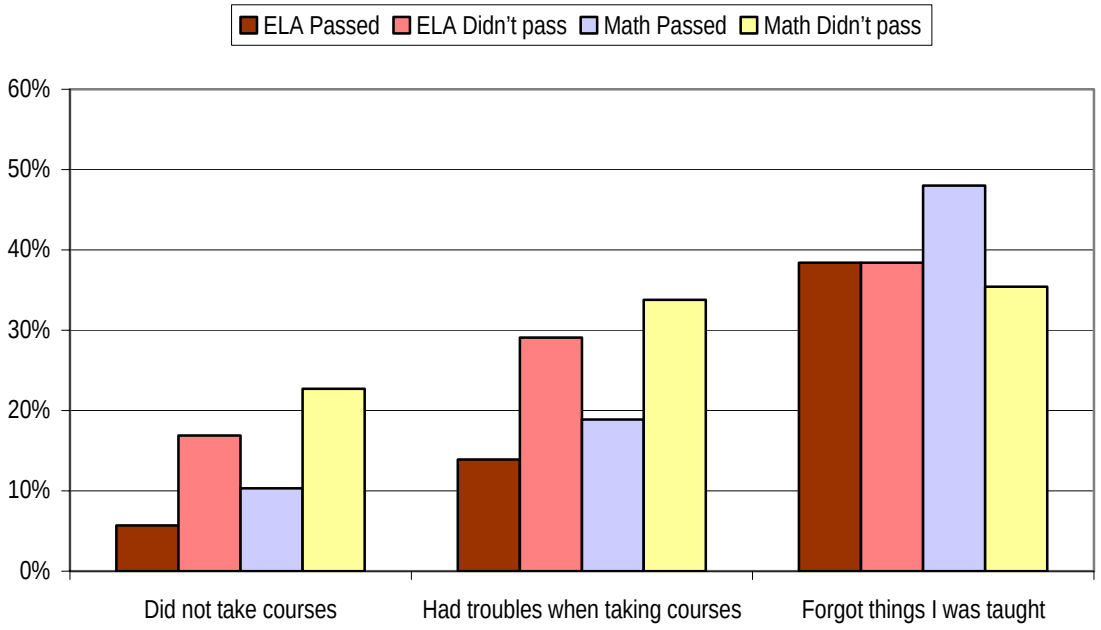


Figure 3.13. Percentages of Class of 2006 students citing various reasons that test topics were difficult (by test and pass/did not pass).

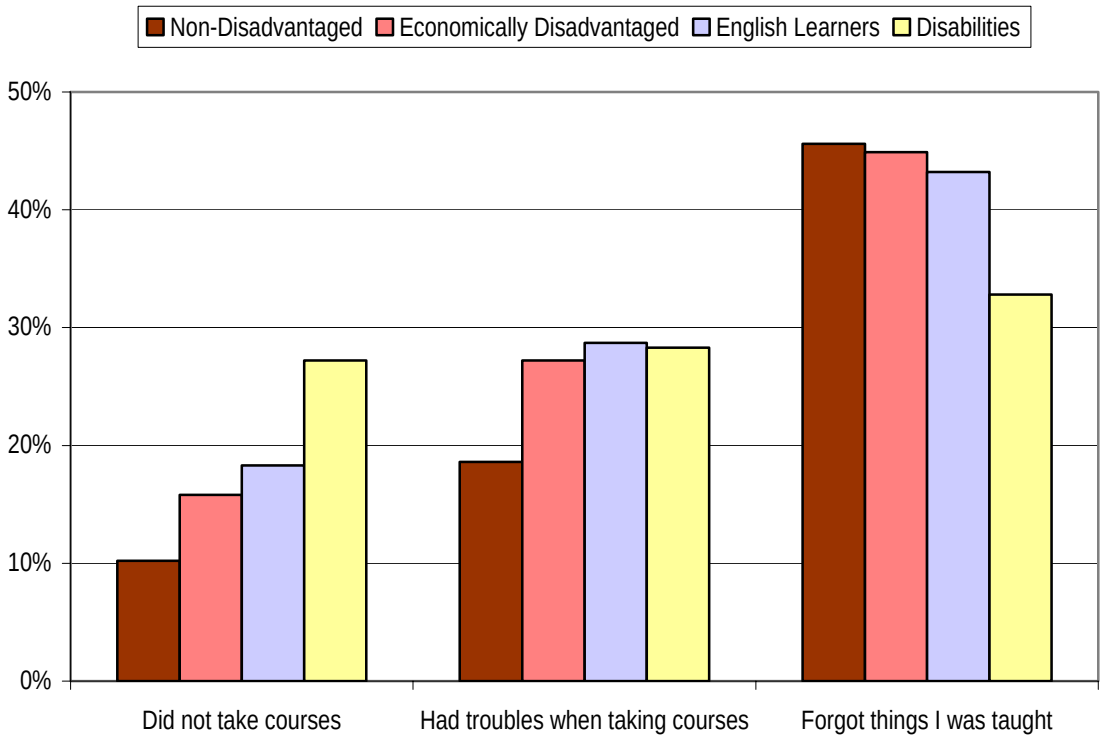


Figure 3.14. Percentages of Class of 2006 students citing various reasons that Math test topics were difficult (by disadvantaged group).

The new questions about student courses, questions 9 through 12, were a significant new addition to the 2004 assessment. The students' assessment of the degree to which topics on the CAHSEE had been covered in their courses provides an important complement to similar information collected from teachers in the AB 1609 study (Wise, et al., May 2003). In response to Question 9, in particular, relatively few students reported that many topics on the CAHSEE had not been covered in their courses. Slightly more students reported that many topics on the mathematics test were not covered in their courses in comparison to topics on the ELA test. Most students take the same or similar ELA courses, at least through 10th Grade English. Student coursework is considerably more varied for mathematics.

Students who reported that many topics on the CAHSEE mathematics test had not been covered in their courses were much less likely to have passed the CAHSEE. Only 50 percent of the students who said that many topics were not covered passed the mathematics test, while 69 percent of the students who said most topics were covered and 87 percent of the students who said all topics were covered passed.

Table 2.16 in Chapter 2 shows that passing the mathematics test was also closely related to math courses taken. Table 3.27 shows the percent of students reporting that many topics were not covered on the mathematics test by the highest level of mathematics course taken. By 10th grade, most students should have

completed an Algebra I course and be taking Geometry or a higher level math course. As shown, relatively few students who were taking courses beyond Algebra I (or Integrated Math I) in the 10th grade reported that many CAHSEE topics were not covered (7 percent or less) while, not surprisingly, 29 percent of students who had only taken General Math reported that many CAHSEE topics were not covered.

TABLE 3.27. Percent of Students Reporting Many CAHSEE Mathematics Topics Were Not Covered in Their Courses (by Math Courses Taken and Passing Status)

	Percent Reporting Many Topics Not Covered		
Highest Math Course Taken	All Students	Passed	Did Not Pass
General Math	29.1%	21.6%	32.7%
Pre-Algebra	19.2%	14.8%	24.5%
Algebra I	16.5%	13.4%	20.9%
Integrated Math 1	12.4%	9.5%	21.4%
Integrated Math 2	7.1%	5.9%	18.3%
Geometry	6.7%	5.6%	13.9%
Algebra II	3.8%	3.2%	15.7%
Advanced Math	2.8%	2.7%	14.6%
Unknown	18.2%	11.6%	25.4%

Summary

After completing each portion of the CAHSEE, students responded to a series of questions about their reaction to the test and their plans for graduation and beyond. Responses from 10th grade students in the Class of 2006 who participated in the 2004 CAHSEE administrations were compared to responses from 10th grade students in the Class of 2005 who participated in the 2003 CAHSEE administrations. Responses were analyzed for all students, for students who did not pass the corresponding test, and for different demographic groups. The 2004 questionnaires included 4 new questions about the students' instruction. Responses to these questions were analyzed for the Class of 2006 only.

For the most part, response patterns for the Class of 2006 were quite similar to response patterns for students in the Class of 2005. Students in the Class of 2006 were somewhat less likely to say that they did not do anything to prepare for the CAHSEE. Students in the Class of 2006 were slightly more likely to say that they did as well as they could on the CAHSEE and that the CAHSEE requirement will not make it much harder to graduate. This is consistent with the finding that more of the students in the Class of 2006 did pass on the first try. Class of 2006 students who reported not doing as well as they could have on the test were slightly more likely to report forgetting material they had been taught.

In response to the new questions, relatively few students reported encountering many topics on the test that had not been covered in their courses (about 10% overall, but about twice that percentage for students who did not pass the test). In responding to the question of whether test topics had been covered in courses, more students reported that test topics had not been covered in math classes than said

the same thing regarding the ELA test/courses. Similarly, relatively few students (about 14%) reported that the CAHSEE had many question types different from those they had encountered in course work on the same subject. Again, students who did not pass the test were twice as likely to choose this option compared to students in general. Responses to this question were similar for ELA and math. Similarly, relatively few students reported that the CAHSEE questions were more difficult than those encountered in their course work (about 24% for the mathematics test and 19% for the ELA test). Again, students who did not pass the test were twice as likely to choose this option. Finally, very few students (about 10%) reported that they did not take courses that covered the topics on the CAHSEE. As with the other new questions, students who did not pass the test were twice as likely to choose this option.

Overall, there were no significant trends between these two survey years that suggested specific impact from the CAHSEE requirement on student's predicted likelihood of graduating from high school or their plans for the future after leaving high school. Responses to the new questions concerning instruction indicated that most students were receiving instruction in the material covered by the CAHSEE, were familiar with the types of questions asked, and found these questions no more difficult than questions they encountered in their coursework.

CHAPTER 4: PRINCIPAL, TEACHER, AND SITE TESTING COORDINATOR REACTIONS

Introduction

As in previous years of the evaluation, principals, teachers, and site testing coordinators within a sample of schools completed surveys to report current experiences, impressions, and expectations regarding the CAHSEE exam. This was the fifth administration for principals and teachers and the third administration for site testing coordinators. To the maximum extent possible, survey items were retained intact from previous years to facilitate comparisons over time.

In order to identify trends over time, HumRRO established a longitudinal sampling base. We began in 2000 with a representative sample of 92 high schools from 27 districts to be surveyed each spring. We collected Year 1 data from this sample in spring 2000, Year 2 data in spring 2001, Year 3 data in spring 2002, Year 4 data in spring 2003, and Year 5 data in spring 2004. The number of participating districts and schools varied slightly from year to year as some dropped out or were replaced.

Three surveys were administered to capture Year 5 data: one for principals, one for teachers in the same schools, and another for the CAHSEE school site testing coordinators in the same schools. The survey of principals requested information about issues such as preparation for, planning for, and impact of the CAHSEE (see Appendix A). The teacher survey emphasized classroom practices, issues regarding the planning and preparation for administration of the CAHSEE, and its impact on teachers, students, and parents (see Appendix B). The site coordinator survey asked for feedback on training and guidance, students tested, and the general approach to conducting the examination (see Appendix C). All surveys contained several open-ended questions to allow respondents to clarify their responses and to inform HumRRO of any additional information they felt was worth sharing.

Survey Development

The following are the main questions addressed in these surveys:

1. What is the extent and type of current preparation for the CAHSEE?
2. What degree of awareness of the CAHSEE do students and parents currently have?
3. What activities have schools undertaken to prepare students for the CAHSEE?
4. How do principals and teachers address the issue of students who are unsuccessful on the CAHSEE?

5. What are the principals' and teachers' judgments of the impact of the CAHSEE?
6. How do principals and teachers respectively assess the influence of the CAHSEE on instructional practices?
7. What percentage of students, by various student subgroups, do principals and teachers respectively estimate to have received instruction in each of the content standards?

To the extent possible, survey items on the spring 2004 surveys were identical to those on the spring 2000, 2001, 2002, and 2003 surveys. This consistency served to maximize comparability across years, so that trends could be inferred. However, some items were improved in response to earlier feedback. Where questions have been revised substantially, the changes are noted.

Sampling and Administration

The goal for the sampling plan was to select districts for inclusion in the CAHSEE evaluation data collection efforts that would be as representative as possible. A complete description of the sampling procedure is presented in Wise et al. (2000a). In short, a representative sample of 27 districts was selected in spring 2000 for intensive study over the course of the CAHSEE evaluation. Replacements were identified for each district in case the targeted district could not participate. In each original and replacement district, we selected 1–15 high schools, depending on district size, to create a representative sample of 92 schools. Where possible, we identified replacements for each selected school. In small districts containing only one or two high schools, all schools were in the original sample. Sampling ratios were established so that each school would represent approximately the same number of 10th grade students. In this way simple averages across the schools in the sample would provide estimates for all 10th grade students in the state.

We surveyed the principals and teachers of these schools in spring 2000; results are reported in Wise et al. (2000a). Schools from all but three districts participated at that time. In spring 2001, all of the previously participating districts as well as two of the previously nonparticipating districts indicated a willingness to participate. One nonparticipating district was replaced (Wise et al., 2001). One district declined to participate in the spring 2002 survey, and we identified and contacted a replacement district. Details of the three participating schools were not confirmed in sufficient time to allow teachers and the principal to complete the surveys. In spring 2003, two districts declined to participate, and a replacement was made for the one that declined early in the process. Six individual schools declined to participate and replacements were made for three.

In 2004 the respondent sample for the surveys comprised 26 districts. Initial contact was made with a district contact person to inform them that it was time for the longitudinal survey and to ensure that it was acceptable to contact the schools in the sample from that district. Once approval from the district had been verified, we made initial contact with the schools' principals through a faxed or mailed

information packet. We offered to provide the surveys in either print or electronic formats, and asked principals to indicate their preference for survey format when they confirmed their schools' participation.

The web-based (Internet) survey was based on the paper version of the survey. We e-mailed instructions, a unique password, and the Web address (i.e., Uniform Resource Locator, or URL) of the survey to those respondents who preferred the Internet version. The online survey went live on April 7, 2004 and remained online until June 23. The paper-based survey packets were shipped in April and May 2004 to the attention of the principal or designee. The packets included the following:

- Cover letter and instructions to principal
- One principal survey
- Cover letter and instructions to teachers
- Four teacher surveys—two labeled for English-language arts (ELA) and two labeled for mathematics
- One school site testing coordinator survey
- Instructions and packaging for returning evaluation materials

We asked principals to complete their questionnaires or to designate someone to do so. We asked them to identify one or two teachers of Algebra 1, or other appropriate mathematics course, and one or two 9th or 10th grade ELA teachers to complete the teacher surveys (if faculty size was sufficient). We also asked the principals to identify the person in their school responsible for administration of the CAHSEE. Each survey was contained in a sealable envelope to be returned to the principal for shipment to HumRRO; the envelope was intended to facilitate candid responses. The cover letters to each group encouraged respondents to contact a HumRRO project member if they had questions or concerns.

We requested that evaluation materials be returned to HumRRO by May 28. Schools planning May administrations were asked to delay completion of the school site testing coordinator survey until testing was complete. In late April we conducted a regular schedule of follow-up faxes and telephone calls to schools that had not initially responded and to schools that had not returned their evaluation materials. In mid-May we initiated an intensive round of phone calls to non-responding schools. In early June the CDE sent an e-mail or fax message to non-responding schools to encourage them to return their evaluation materials.

Principal and Teacher Findings

Thirty-four high school principals, 135 teachers, and 42 test coordinators representing 53 schools across 19 districts completed surveys. Results are reported in the following areas:

- Background
- Awareness
- Preparation
- Use of Results
- Expectations
- Other

We have reported the results in three ways, as summaries of principal, teacher, and test coordinator responses to the spring 2004 survey. In addition, as appropriate, we compared the 2004 responses with comparable questions on the spring 2000, 2001, 2002, and 2003 surveys to provide information regarding trends and stability of responses over time. Note that these comparisons are presented at a summary level; that is, changes in responses from individual schools are not presented.

Of the 86 schools in the spring 2004 sample, 53 (62 percent of the original sample, from across 19 of the 26 districts [73 percent]) returned surveys. The remaining schools in the sample were unable to complete the surveys, presumably due to heavy staff demands at the end of the school year. One or more teacher surveys were received from 48 schools (56%).

Background

Principals indicated that they have held principal or other school-level administration positions for 2–28 years, with a mean of 10 years. They reported 2–28 years of teaching experience, 1–27 years in their present schools, and 6–39 years of working in public schools.

Teachers were asked to provide demographic information. Twelve percent reported having only a bachelor's degree; most respondents reported education beyond a bachelor's degree (39 percent some graduate school, 46 percent master's degrees, 2 percent doctoral degrees and 3 percent other); 53 percent indicated that the primary subject area they taught was English or language arts and 47 percent specified mathematics as their primary subject area. Ninety-three percent indicated that they are certified in their primary subject area. Both ELA and math teachers reported a mean of 15.3 years of teaching experience.

Principals were asked to provide background information on their schools. The current number of teachers on staff ranged from 3 to 221, with a mean of 76 (SD=51). Principals reported that the percentage of teachers with advanced degrees ranged from 1 percent to 99 percent (median=45%). When asked the percentage of teachers who have taught at this school for 3 or more years, principal responses ranged from 0 to 95 percent, with a median of 78 percent. Principals reported that 10–100 percent of their teachers were certified in the subject they are teaching (median=95%). They reported, on average, a graduation rate of 79 percent (SD=23), with rates varying by race/ethnicity group. Twenty-six out of 34 (77%) principals responded on whether and what major staff or faculty changes have taken place in their school over the past three years. Of those who responded, 13 (50%) reported changes in teachers, including either increasing or reducing number of teachers, retirements, and new teachers; seven (27%) reported changes in principal and other administrative staff members; and five (19%) reported no changes in faculty or staff taking place.

The survey asked principals to indicate whether their schools offered various specialty education programs. Sixty-five percent offer remedial courses; 21 percent, magnet programs; 82 percent, special education; 73 percent, programs for English learners (EL); 9 percent, multicultural/diversity-based programs [courses?]; 67 percent, Advanced Placement (AP); 3 percent, International Baccalaureate; 42 percent, school/community/business partnerships; 39 percent, targeted tutoring; and 15 percent, other. Besides the programs listed by the survey, five principals provided other responses such as support classes and independent study program that their schools offer to students.

Principals were asked to summarize post-graduation plans of their seniors. Twenty-three percent of respondents indicated that they do not collect such data. Table 4.1 summarizes the responses of the principals with access to such information.

Teachers were asked to provide some information about their own classes; 13 percent of teachers reported that 100 percent of their students were fluent English speakers; 49 percent indicated that 90–99 percent were fluent in English; 22 percent reported 75–89 percent; 11 percent reported 50–74 percent; and 5 percent indicated that less than 50 percent of their students were fluent English speakers. The average class size was 28 students.

Principals were also asked what percentage of their schools' current 12th grade students have passed both parts of the CAHSEE. Because a large number of principals refrained from responding to each item, it is difficult to report these numbers with any confidence. For example, Table 4.2 indicates that 41 percent of respondents reported that 81–100 percent of seniors had passed both parts of the test; if non-respondents were eliminated from the respondent pool, that percentage would increase from 41 to 56 percent. Therefore Table 4.2 includes a column for non-respondents. Principals report that students with disabilities and EL students have passed the CAHSEE at lower rates than the overall student population.

TABLE 4.1. Percentage of Principals Reporting Post-Graduation Plans for Seniors in Their Schools (N=34)

Post-Graduation Plans	Percentage of Seniors				
	0–20%	21–40%	41–60%	61–80%	81–100%
Working full time	88	8	0	4	0
Attending a vocational, technical, or business school	83	13	0	0	4
Attending a 2-year college	17	35	39	4	4
Attending a 4-year college, service academy, university	41	36	18	4	0
Serving in the regular military service	100	0	0	0	0
Other	100	0	0	0	0

TABLE 4.2. Percentage of Principals Reporting 12th Grade Students Who Have Passed Both Parts of the CAHSEE (N=34)

Student Category	Percentage of Seniors					
	0–20%	21–40%	41–60%	61–80%	81–100%	No Response
All your school's 12th grade students	9	12	6	6	41	26
12th grade students with disabilities in SDC (Special Day Classes)	47	6	3	3	3	38
12th grade students with disabilities in RSP (Resource Specialist Programs)	27	15	9	3	12	35
12th grade students who are or were English learners	12	18	18	9	3	41

Within the survey sample, ELA teachers appeared to be more specialized in grade-level teaching than were math teachers. Table 4.3 indicates the grade levels taught by these teachers.

TABLE 4.3. Percentage of Surveyed Teachers That Teach at Each Grade Level (N=135

Grade Level Taught	ELA	Math
Grade 9	56	97
Grade 10	69	89
Grade 11	48	81
Grade 12	39	70

Note: Columns exceed 100% because respondents could select multiple options.

The survey asked teachers to estimate the amount of time, on average, they believed students spend working on assignments in the subject they teach (as opposed to total homework time) outside the classroom each week. Two percent estimated none; 27 percent, less than 1 hour; 57 percent, 1 to 3 hours; and 13 percent estimated more than 3 hours.

Teachers were asked to estimate how often they plan for students to participate in specific types of activities. The activities rated most frequently (once or twice a week or almost every day) were:

- do work from textbooks (87%)
- do work from supplemental materials (80%)
- apply subject area knowledge to real-world situations (73%)
- write a few sentences (65%)
- work in pairs or small groups (64%)
- take quizzes or tests (61%)

These ratings were nearly identical to ratings in 2003. These top six-rated activities were endorsed in the same rank order both years and percentages differed by only 0–3 percentage points.

Awareness

Principals were asked to estimate how aware their students and parents were of the CAHSEE. Three percent estimated that their students knew nothing about the exam, 26 percent estimated that their students had at least general information, and a substantial proportion of respondents estimated their students had specific knowledge of the exam (e.g., 79 percent reported the students knew what knowledge and skills are covered; 85 percent indicated they knew the time of year when the exam is given; 79 percent of students knew which students have the opportunity to take the exam). Three percent of principals estimated that their students' parents knew nothing about the exam, 65 percent estimated their students' parents had only general information, and an additional 44–79 percent estimated that their students' parents had advanced knowledge of the exam (e.g., 44 percent reported that parents knew what knowledge and skills are covered, 79 percent indicated they knew the time of year when the exam is given, and 68 percent believe parents know which students have the opportunity to take the exam). In general, principals' ratings of student and parent familiarity with the CAHSEE have increased over prior years (Table 4.4). Between 2003 and 2004, ratings of student and parental knowledge have continued to rise (as noted in bold in Table 4.4).

Principals were asked to estimate the percentage of students and parents in their school who know what knowledge and skills are covered by the exam. The 2004 mean estimate of student familiarity was 69 percent (SD=27.60) compared to the 2003 estimate of 63 percent (SD=25.67); the 2004 mean estimate of parent familiarity was 44 percent (SD=29.74) compared to the 2003 estimate of 43 percent (SD=29.94).

TABLE 4.4. Principals' Responses to Estimated Percentage of Students and Parents Familiar with the CAHSEE

Familiarity	Respondent Group	2001	2002	2003	2004
They know which students have the opportunity to take the exam.	Students	49	67	81	79
	Parents	18	54	60	67
They know the time of year when the exam is given.	Students	38	67	71	85
	Parents	38	63	57	79
They know what knowledge and skills are covered by the exam.	Students	33	51	79	79
	Parents	18	17	26	44
Have general information only	Students	67	60	33	26
	Parents	78	89	62	65
No familiarity	Students	2	4	10	3
	Parents	7	4	12	3

Note 1: Respondents could select multiple responses, thus the columns total more than 100 percent.
Note 2: Discernable increases in familiarity over the past year are noted in bold.

Preparation Thus Far

One precursor to a successful statewide program is to align school curricula with the state content standards to ensure that students are being taught what will be tested. Thus we queried respondents about alignment with state content standards. Table 4.5 presents comparison data of responses given across survey years regarding preparations made to align curricula with the California Content Standards. The percentage of principals that reported efforts to align with state content standards in 2004 is slightly lower than the percentage in 2003; in part this can be explained by answers to the next question about current alignment.

Principals were asked to compare their district standards and the state content standards. Table 4.6 presents comparison data on the similarity between district and state standards across the five survey years. Overall, alignment between state and district standards is quite high, with nearly one-fifth of districts adopting standards that extend beyond the state requirements. In 2004, there was a slight increase in the number of principals reporting that their district had adopted state math content standards. No principals indicated that their districts do not have an official set of standards, that the district standards are different from the state standards, or that the principals could not judge the status of district standards.

TABLE 4.5. Principals' Reported Percentages of Preparations for Alignment with California Content Standards

Preparation	2000	2001	2002	2003	2004
Districts/schools encourage the use of content standards to organize instruction	100	91	96	93	91
Textbooks align well with content standards	74	56	81	74	N/A
ELA	N/A	N/A	N/A	N/A	79
Math	N/A	N/A	N/A	N/A	82
Adopted algebra as a graduation requirement	N/A	N/A	74	81	79
Hiring only teachers certified in their field	N/A	N/A	43	60	74
Cover all content standards with a mix of textbooks and supplemental materials	38	44	47	50	56
Have plans to ensure all high school students receive instruction in each of the content standards	52	40	45	57	53
Assigning teachers only in their certified field	N/A	N/A	49	60	47
In process of aligning curriculum across grade levels	N/A	N/A	72	38	44
Have plans to ensure that all pre-high school students are prepared to receive instruction in each of the content standards	N/A	N/A	30	36	41
In process of aligning curriculum with standards	81	56	74	38	29

Along similar lines, teachers were asked at what level their school's current curriculum covers the standards tested by the CAHSEE. Tables 4.7a and 4.7b provide further information on this item for ELA and mathematics, respectively. The majority of the teachers indicated that almost all of the standards are covered by their school's curriculum. The responses indicated that ELA coverage was more complete than that of mathematics. None of the math teachers reported that their school's curriculum covered less than one quarter of the content standards whereas three percent of ELA teachers estimated that their school's curriculum covered less than a quarter of the content standards. Another 21 percent of math teachers and 12 percent of ELA teachers indicated that they had no knowledge of the content standards.

TABLE 4.6. Percentage of Principals Reporting Similarity between District and State Standards

Similarity Between Standards	Content Area	2000	2001	2002	2003	2004
District adopted state standards	ELA	69	67	72	79	76
	Math		71	74	79	82
District standards include more than state standards	ELA	19	29	17	21	21
	Math		22	15	18	18
State standards include more than district standards	ELA	7	2	2	0	3
	Math		5	2	0	0
Two sets of standards are different	ELA	N/A	N/A	2	0	0
	Math		N/A	4	0	0
District has no official set of standards	ELA	0	2	2	0	0
	Math		2	2	0	0
I cannot judge	ELA	N/A	N/A	4	0	0
	Math		N/A	2	3	0

Note: 2000 survey did not distinguish between ELA and Math standards.

TABLE 4.7a. Percentage of Teachers Indicating Coverage of ELA Standards by Curriculum

Coverage of Standards	2001	2002	2003	2004
Almost all	60	54	57	57
About ¾	20	28	28	22
About ¼–½	11	13	15	6
Less than ¼	6	4	0	3
No knowledge of standards	3	1	0	12

TABLE 4.7b. Percentage of Teachers Indicating Coverage of Mathematics Standards by Curriculum

Coverage of Standards	2001	2002	2003	2004
Almost all	57	72	64	55
About ¾	14	17	13	13
About ¼–½	16	9	16	11
Less than ¼	5	3	4	0
No knowledge of standards	8	0	4	21

Respondents were asked how much time they personally spent during the 2003–2004 school year in activities related to the CAHSEE (e.g., meetings, discussions, curriculum review, professional development). A minority of principals reported spending more than 35 hours (15%). Just over a quarter reported spending between 16 and 35 hours (27%) and nearly two-fifths reported spending between 6 and 15 hours (38%) Twenty-one percent reported spending fewer than 6 hours. No principals reported spending none of their time in CAHSEE-related activities. Table 4.8 indicates teachers' estimates of the number of hours spent on classroom instruction and the number of hours spent on other activities related to the CAHSEE. In 2003 teachers reported less time spent on classroom activities and CAHSEE-related activities, relative to the 2002 responses (as noted in bold in Table 4.8).

TABLE 4.8. Percentage of Teachers Estimating Various Amounts of Time on the CAHSEE Activities

Activity	Academic Year	None	Fewer than 6 Hours	6–15 Hours	16–35 Hours	More than 35 Hours
Time spent on classroom instruction preparation activities related to CAHSEE (e.g., department planning, lesson plan review)	2001–2002	N/A	N/A	N/A	N/A	N/A
	2002 – 2003	N/A	N/A	N/A	N/A	N/A
	2003–2004	4	25	28	24	19
Total classroom instruction time spent on activities they would not have engaged in if it weren't for the CAHSEE (e.g., unit or course review)	2001–2002	28	35	25	6	2
	2002–2003	24	41	14	**14**	7
	2003–2004	28	37	22	**10**	**3**
Time spent on activities related to the CAHSEE (e.g., faculty and department meetings, discussions, staff development)	2001–2002	2	40	31	13	8
	2002–2003	3	34	30	**19**	**14**
	2003–2004	3	40	37	**11**	**9**

Note: Discernable decreases in time over the past year are noted in bold.

By way of comparison, Table 4.9 reports the amount of time teachers reported spending in professional development workshops, in-service, or seminars in their primary subject area. They were instructed to include attendance at district-sponsored training and external training. Results are reported separately for ELA and math teachers. Comparison of Tables 4.8 and 4.9 reveals that teachers spend substantially more time in subject-area training than in the individual categories of CAHSEE activities.

TABLE 4.9. Percentage of Teachers Estimating Various Amounts of Time in Professional Development, In-Service, or Seminars in Primary Subject Area (N=135)

Respondent Group	None	Fewer than 6 Hours	6–15 Hours	16–35 Hours	More than 35 Hours
ELA Teachers	4	18	23	23	32
Math Teachers	3	20	22	30	25

Teachers were asked to rate the quality of CAHSEE-related professional development they have received this year from local and state sources. Table 4.10 indicates that, overall, ratings of local professional development activities were higher than ratings of state professional development activities. The 2001–2002 survey did not have “None” as a response option. In 2004, 22 percent of teachers indicated that they did not receive professional development from local sources and 38 percent indicated that they did not receive professional development from state sources. Among those who did received such an opportunity, ratings of professional development from local sources was rated more highly than state sources (44 percent versus 31 percent ratings of “excellent” or “good”), although ratings of locally provided professional development received fewer “excellent” ratings in 2004 than in 2003 (9% versus 14%).

TABLE 4.10. Percentage of Teachers Rating Quality of Professional Development Experiences

Quality of Professional Development You Have Received	From Local Sources			From State Sources		
	2001–2002	2002–2003	2003–2004	2001–2002	2002–2003	2003–2004
Excellent	6	14	9	2	2	4
Good	35	26	35	15	26	27
Fair	35	20	21	36	12	19
Poor	16	12	12	38	16	10
None	N/A	26	22	N/A	44	38
No response	9	2	1	9	4	2

Note: 2001–2002 survey did not offer “None” as a response option.

Teachers were also asked to rate the extent to which their instruction has benefited from professional development over the past four years. Table 4.11 reveals that ELA teachers responded more positively than math teachers.

TABLE 4.11. ELA and Math Teacher Ratings of Instructional Benefit Garnered from Professional Development Over Four Years (in percentages) (N=135)

Rating	ELA Teachers	Math Teachers
To a great extent	14	11
To a moderate extent	33	21
To a slight extent	24	44
Not at all	26	24

Survey questions investigated the usefulness of two information sources: the CDE website and the CAHSEE Remediation Guide. Principals were asked about the website and teachers were asked about both sources. Table 4.12 indicates that ratings were generally positive, although a substantial percentage of teachers were unfamiliar with the resources in question. A greater percentage of math teachers than ELA teachers indicated no knowledge of both resources. Principals rated the usefulness of the CDE website more highly than either teacher group.

TABLE 4.12. Principal, ELA and Math Teacher Ratings of Usefulness of CAHSEE Resources (in percentages) (Principal N=34; Teacher N=135)

	CDE Website			CAHSEE Remediation Guide	
Rating	Principal	ELA Teacher	Math Teacher	ELA Teacher	Math Teacher
Very Useful	35	18	16	23	19
Somewhat Useful	39	27	30	36	36
Slightly Useful	17	14	11	17	16
Not At All Useful	9	4	3	3	0
I am not familiar with this resource	0	37	41	21	30

Principals were asked to indicate the types of activities their school undertook to prepare faculty/staff for the spring 2004 administration of the CAHSEE. Table 4.13 indicates that 2004 responses were largely consistent with 2003 responses. However, more principals indicated that they were employing local workshops on the CAHSEE test administration in 2004 than in 2003.

TABLE 4.13. Percentage of Principals Undertaking Activities to Prepare Faculty/Staff for the CAHSEE Administration

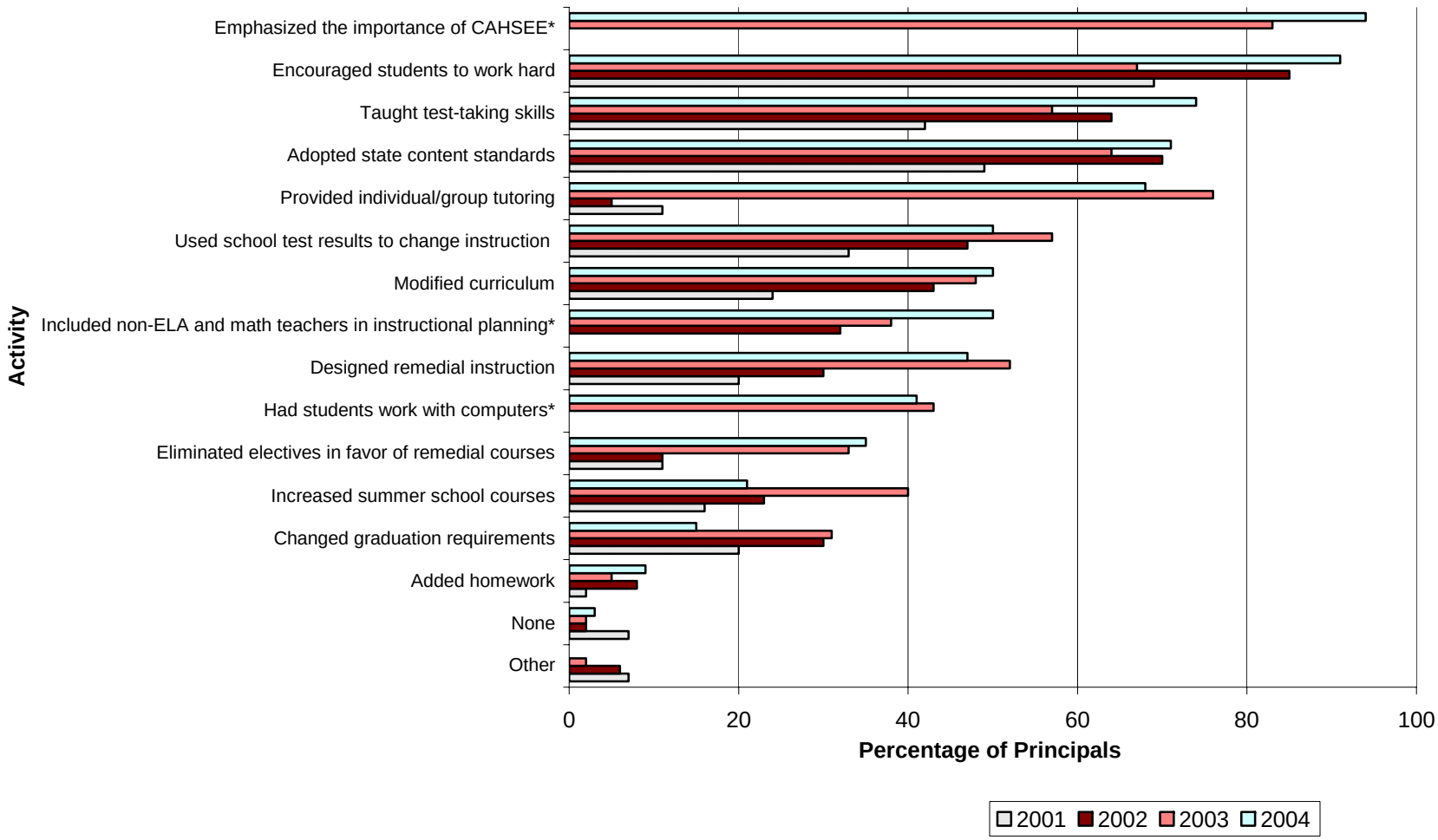
Activities	2001	2002	2003	2004
Administrators participated in test administration workshops	71	70	67	71
Provided test taking strategies	42	61	67	65
Delivered local workshops on CAHSEE content (e.g., used Teacher Guides as a focal point for discussion)	36	41	62	59
Delivered local workshops on test administration	58	48	43	50
Other	7	8	12	12
No special preparation	9	4	5	9

Respondents were asked to identify the specific activities they had undertaken to prepare students for the spring 2004 administration of the CAHSEE. Most principals reported initiating some activities; only one principal indicated that his school did not implement any activities to prepare students for the spring 2004 CAHSEE. Figure 4.1a presents the percentage of principals who reported implementing each activity, in descending order of endorsement in 2004; Figure 4.1b presents teachers' responses. Principals did not provide other activities besides those listed on the survey; while teachers provided diverse responses, for example, preparing benchmarks, designing curricular maps to meet the CAHSEE standards, and using "previous released items" and "example problems."

In general, preparatory activities have increased over the years of this evaluation. Activities that increased substantially in 2004 included emphasizing the importance of the CAHSEE, encouraging students to work hard, teaching test-taking skills, and including non-ELA and non-math teachers in instructional planning for the CAHSEE. On the other hand, several activities seemed to drop off in 2004 (e.g., providing individual/group tutoring, using school test results to change instruction and remedial instruction, increasing summer school offerings, and changing graduation requirements).

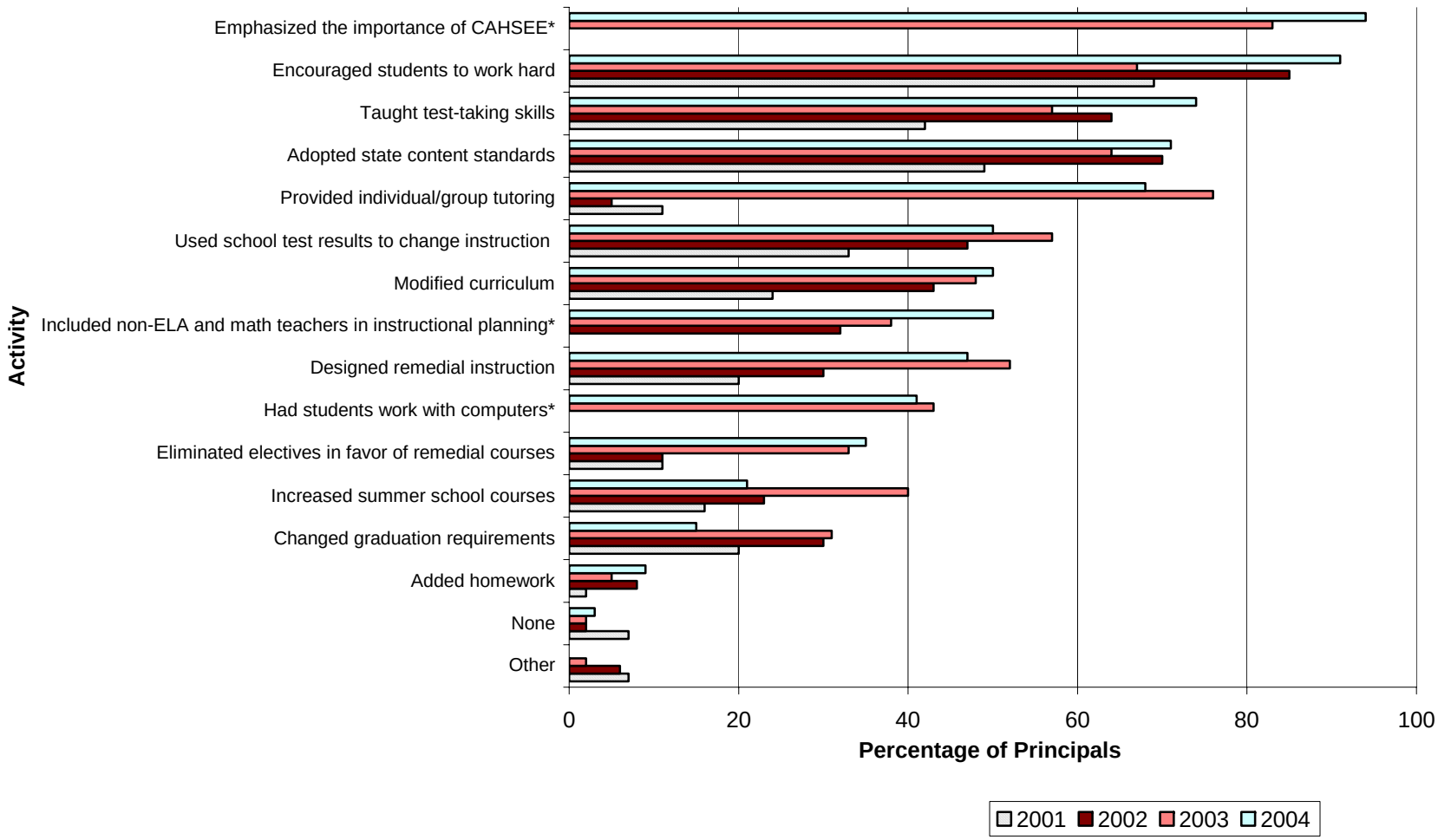
Principals were asked what information they use to identify students who are at risk of not passing the CAHSEE or scoring Below Basic (or Far Below Basic) on the CST (California Standards Test). All listed options were selected by a substantial proportion of respondents. In descending order, they were: CST results (91%), teacher judgment (71%), district assessments (62%), district end-of-course results (56%), NRT (norm-referenced test) results (38%), and other (12%).

Principals identified the three activities they consider the most important in CAHSEE preparation. Forty-four percent of principals indicated that emphasizing the importance of the CAHSEE was among the top three; 26 percent identified encouraging students to work hard, and 26 percent selected adoption of state content standards. Teachers also were asked to indicate the three most important activities. Teachers rated activities in the following order of importance: teaching test taking skills (44%), emphasizing the importance of the CAHSEE (39%), and increased classroom attention to content standards covered by the CAHSEE in the weeks preceding the CAHSEE (39%).



* Question not asked in all years.

Figure 4.1a. Percentage of principals reporting activities undertaken in preparation for the spring 2001, 2002, 2003, and 2004 administrations of the CAHSEE.



* Question not asked in all years.

Figure 4.1b. Percentage of teachers reporting activities undertaken in preparation for the spring 2001, 2002, 2003, and 2004 administrations of the CAHSEE.

Use of Results

In addition to any preparatory steps taken thus far, the surveys inquired about future plans to deal with the CAHSEE requirement. In particular, the survey queried principals on efforts to prepare teachers and others for the exam and about remediation plans subsequent to exam administration.

The survey provided principals with a list of possible remedial practices for students who do not pass the CAHSEE or do not seem prepared to take it. Principals were asked the degree to which each activity has been implemented on a scale of: no plans to implement, plan to implement, partially implemented, and fully implemented. None of the principals indicated that they had no special plans to assist these students. Table 4.14 lists the percentage of principals who indicated plans to implement each activity in 2002, 2003, and 2004. Activities with consistently increasing implementation are listed in bold. These increased activities reveal a few themes. First, they indicate a focus on content alignment; alignment activities include adopting state content standards, altering the high school curriculum, ensuring that demanding courses are offered from the beginning, and ensuring that students are taking them. Second, a broad, systemic approach to the CAHSEE is evident in the increased implementation of activities such as involving teachers other than ELA and mathematics teachers in instructional planning for the CAHSEE and working with feeder middle schools. An increasing number of principals report having students work with computers. The development of parent support programs, while still not widespread, shows an increase over the past three years. Table 4.14 also indicates that two activities were less frequently implemented than in the previous year: increasing high school remedial courses and increased high school summer offerings. These are indicated by underlined percentages in the table. It is not clear whether this pattern reflects an actual decrease in the activities or an increase in the intended level of implementation.

Figure 4.2 presents the same information shown in Table 4.14 for 2004 only, as a percentage of those responding. Activities are listed in descending order of endorsement; thus, those activities that all responding principals indicated plans to implement are listed first.

TABLE 4.14. Percentage of Principals Indicating Plans for Activities to Assist High School Students Who Do Not Pass the Exit Exam or Who Do Not Seem Prepared to Take It

Activity	Status	2002	2003	2004
Increased high school remedial courses	Fully Implemented	10	33	17
	Partially Implemented	33	37	41
	Plan to Implement	24	10	24
	No Plan to Implement	33	20	17
Reduced high school electives in favor of remedial classes	Fully Implemented	5	13	14
	Partially Implemented	5	33	36
	Plan to Implement	16	27	11
	No Plan to Implement	74	27	39
Increased high school summer offerings	Fully Implemented	45	43	31
	Partially Implemented	15	0	0
	Plan to Implement	10	32	52
	No Plan to Implement	30	25	17
Provided individual/group tutoring	Fully Implemented	29	45	40
	Partially Implemented	38	16	0
	Plan to Implement	24	32	53
	No Plan to Implement	10	6	7
Had students work with computers	Fully Implemented	N/A	23	31
	Partially Implemented	N/A	50	38
	Plan to Implement	N/A	17	14
	No Plan to Implement	N/A	10	17
Added homework	Fully Implemented	10	0	17
	Partially Implemented	10	0	17
	Plan to Implement	21	12	8
	No Plan to Implement	58	88	58
Adopted California Content Standards	Fully Implemented	45	82	88
	Partially Implemented	55	18	13
	Plan to Implement	0	0	0
	No Plan to Implement	0	0	0
Altered high school curriculum	Fully Implemented	5	34	39
	Partially Implemented	62	38	45
	Plan to Implement	29	14	6
	No Plan to Implement	5	14	10
Included teachers other than ELA and math in instructional planning for the CAHSEE	Fully Implemented	16	26	31
	Partially Implemented	42	32	31
	Plan to Implement	42	29	22
	No Plan to Implement	0	13	16
Worked with feeder middle schools	Fully Implemented	5	18	28
	Partially Implemented	55	29	38
	Plan to Implement	10	21	22
	No Plan to Implement	30	32	12

TABLE 4.14. Percentage of Principals Indicating Plans for Activities to Assist High School Students Who Do Not Pass the Exit Exam or Who Do Not Seem Prepared to Take It

Activity	Status	2002	2003	2004
Developed parent support program	Fully Implemented	0	0	11
	Partially Implemented	25	25	25
	Plan to Implement	50	25	25
	No Plan to Implement	25	50	39
Used school test results to change high school instruction	Fully Implemented	5	25	23
	Partially Implemented	65	50	61
	Plan to Implement	30	19	10
	No Plan to Implement	0	6	6
Evaluated high school students' abilities and placed them in courses/programs accordingly	Fully Implemented	23	57	55
	Partially Implemented	43	27	36
	Plan to Implement	19	13	6
	No Plan to Implement	14	3	3
Ensured that students are taking demanding courses from the beginning	Fully Implemented	20	33	64
	Partially Implemented	50	27	26
	Plan to Implement	20	13	10
	No Plan to Implement	10	7	0
Ensured we are offering demanding courses from the beginning	Fully Implemented	25	43	64
	Partially Implemented	55	40	26
	Plan to Implement	20	10	10
	No Plan to Implement	0	7	0
Other	Fully Implemented			
	Partially Implemented			
	Plan to Implement			
	No Plan to Implement			

[1] Percentages of 2002 respondents are based on the 21/47 respondents who answered this series of questions.
[2]Percentages of 2003 respondents are based on the 33/42 respondents who answered this series of questions.
Note: Discernable increases in implementation over the years are noted in bold. Discernable decreases in implementation over the years are noted with underline.

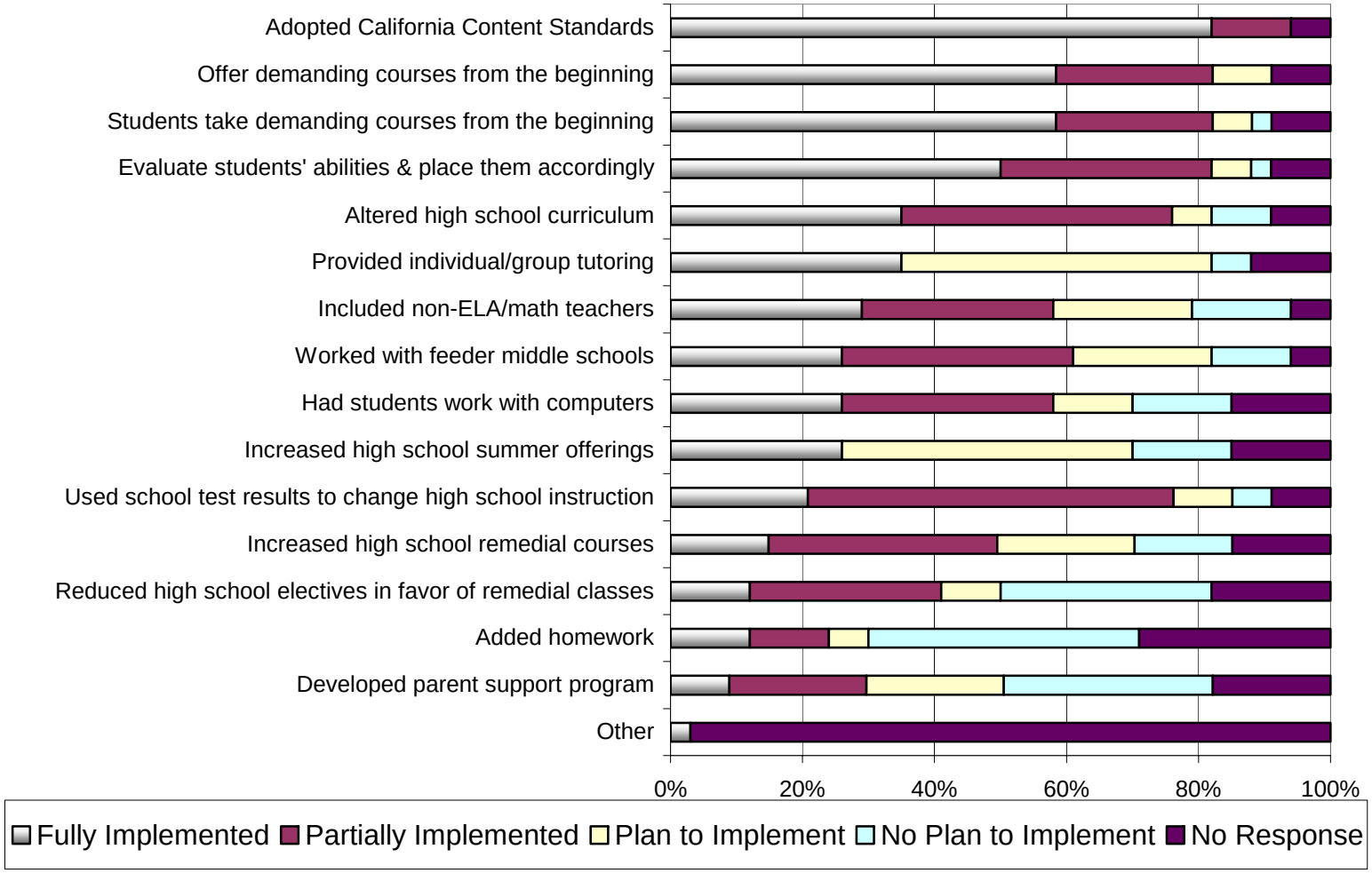


Figure 4.2. Percentage of principals in 2004 reporting plans for remediation of students who do not pass the CAHSEE (N=34).

Twenty-two principals (65%) responded to a question about plans or strategies for changes in Individualized Education Programs (IEP) or 504 plans to address participation of students with disabilities. Of these responses, 64 percent (14 responses) stated that they either made or followed the IEP/504, provided accommodations and/or additional assistance, or made modifications with IEP/504. Another 23 percent (5 out of 22 responses) stated their schools offered special academic work programs (e.g., tutoring, summer or after school classes, or intervention classes). Fourteen percent (3 responses) mentioned they had or were suggesting staff development in special education. Nine percent (2 responses) indicated that students with disabilities were being mainstreamed. Only five percent (1 response) stated there was no plan addressing the needs of students with disabilities. Compared with responses from last year, more schools have been addressing the needs of students with disabilities, either by building accommodations or modifications into the IEP/504, providing special academic work programs, or offering staff development.

A similar question asked principals about plans or strategies to help English learners (EL) overcome language barriers in order to succeed in meeting the requirements of the CAHSEE. Twenty-six principals (76%) responded to this question. Of these responses, 42 percent (11 responses) stated that they provided accommodations and/or additional assistance, or modifications to English learners. Thirty-eight percent (10 out of 26 responses) stated that special academic work programs (e.g., tutoring, summer or after school classes, or intervention classes) were available. Eight percent (2 responses) stated that staff development or language specialists were in use. Two stated that there were few or no EL students. Another eight percent (2 responses) said there was no plan to address the language barrier. Four percent (1 response) indicated that EL students were being mainstreamed. Again, compared with responses from last year, a greater proportion of schools have been addressing the needs of EL students, either providing accommodations or assistance, providing special academic work programs, or having trained or specialized staff available.

Principals were asked about the quality of the CAHSEE individual and group score reports, in terms of the major dimensions of ease of understanding, comprehensiveness, timeliness, and usefulness for instruction. Twenty-two principals responded, providing open-ended comments; four (12 %) said that they had not seen a score report; 36 percent (8 out of the 22) noted the ease of understanding, commenting that the reports are “easy to understand”. In terms of the usefulness for instruction, their opinions were diverse:23 percent (5 out of 22) mentioned that the reports are helpful for instruction, e.g., the teachers “use the results to modify their instruction”; while 18 percent (4 out of 22) disagreed, making negative comments such as that the reports were “not a highly useful tool in instruction.” Fourteen percent (3 out of 22) of the responses criticized the timeliness of the reports.

Expectations

Several survey questions queried the respondent's expectations for the exam: anticipated pass rates, impact of the exam on student motivation and parental involvement, and so on.

Twenty-three principals made comments on the specific challenges their schools and students face in successfully meeting the requirement of the CAHSEE. Similar to last year's findings, they noted three areas of challenges: (a) school/district/state-related issues (57 percent, 13 responses), including scheduling, loss of instruction time, and such logistical constraints as time, facilities and place to administer the test, and availability of faculty and staff; (b) academic issues (48 percent, 11 responses), including working with EL students and students receiving special education services, working with students who are below grade level proficiency, and students lacking adequate preparation; and (c) behavior issues (39 percent, 9 responses), including low student motivation, high mobility, and poor attendance.

Of the 135 teachers who completed surveys, 103 (76%) made comments on the specific challenges their schools and students face in successfully meeting the requirement of the CAHSEE. Teachers identified the same three areas of challenge as principals but reversed the order of the first two: (a) academic issues (49 percent, 50 responses), including working with EL students and students receiving special education services (27 percent, 28 responses), working with students who are below grade level proficiency (10 percent, 10 responses), and students of inadequate preparation (14 percent, 14 responses); (b) school/district/state-related issues (44 percent, 45 responses), including alignment between instruction and curriculum and state standards, loss of instruction time, too much testing, and such logistical constraints as time, facilities and place to administer the test, and (3) behavior issues (30 percent, 31 responses), including low student motivation and seriousness, lack of parent support and involvement, poor attendance, and high mobility. In addition, teachers noted another two factors that were worth mentioning: economic/community/parental factors, and the credibility of the CAHSEE, that is, whether the CAHSEE will really be enforced as a graduation requirement. Twelve percent (12 responses) of respondents indicated the impact of such economic/community factors as "dysfunctional families," "low socio-economic migrant, second-language community" on students' preparation for or performance on the CAHSEE. Another five percent (5 responses) indicated the impact of postponing the CAHSEE, noting, for example, "Postponing the year of implementation blows credibility"; "the fluctuation in the 'required pass' status at the state level leads to students and parents failing to take the test seriously."

Regarding benefits to their schools and students, about 50 percent (10 of the 21 principals commenting on this issue), said the CAHSEE requirement provides accountability, increases students' seriousness, and enhances students' motivation. Last year, only 13% made similar comments. Thirty-eight percent (8 respondents) noted the benefits of the CAHSEE on instruction and curriculum, commenting that the CAHSEE helped "focus on standards," "increase attention on standards," and standardize and improve the instruction. About a quarter (4 responses) stated that it

provided no benefit. Ten percent (2 respondents) said that the CAHSEE showed students their mastery of and/or progress in the content knowledge.

Seventy-nine out of 135 teachers (59%) responded to the question regarding benefits to their schools and students associated with the requirement of the CAHSEE. About one-third (25 respondents) said that it provides accountability, increases students' seriousness, enhances students' motivation and parent involvement, and promotes students' sense of esteem and competency. Fifteen percent (12 respondents) noted the benefits of the CAHSEE on instruction and curriculum, commenting, for example, that the CAHSEE helped "teach to the standards," and "alignment of instruction with standards." Another 15 percent (12 respondents) indicated that the CAHSEE served to ensure that students master the required knowledge and competencies, that they were "better prepared." About 15 percent (12 responses) stated that the test provided no benefit. Ten percent (8 teachers) noted that meeting the requirements of the CAHSEE enhanced teachers' motivation and accountability. Another ten percent (8 teachers) noted that meeting the requirements of the CAHSEE benefited students with disabilities and EL students, by motivating schools to offer additional support and assistance to help them pass the exam.

Teachers rated 10th grade students' preparedness to pass the CAHSEE. Table 4.15 compares responses to this question over five years of teacher surveys. The 2000 survey was administered before the CAHSEE was ever administered to any students, so reflected the least-informed expectations. The spring 2002 rating was an estimate of how prepared that year's freshmen would be in the 10th grade. The 2003 and 2004 ratings indicate how prepared teachers' current 10th graders were. Ratings among the five years showed a steady increase in preparedness over time.

TABLE 4.15. Teachers' Ratings of Preparedness of Students in the 10th Grade (in percentages)

Preparedness	2000	2001	2002	2003	2004
Very well prepared	1	3	5	5	8
Well prepared	9	17	15	21	25
Prepared	30	47	38	44	37
Not well prepared	47	28	39	26	28
Not at all prepared	5	5	3	4	2

Principals and teachers were also asked to predict the impact of the CAHSEE on student motivation and parental involvement, under various circumstances: prior to the first administration of the exam, for students who pass, and for students who do not pass. Table 4.16 lists the percentage of respondents selecting each possible impact, for each of the five survey years. Predicted impacts on student motivation are positive for all three student categories. Predicted impact on parental involvement is positive for parents of students who do not pass the CAHSEE on the first attempt, and neutral-to-positive for the other two categories. Notably, some of the early predictions of negative impact have dissipated in recent years.

Figures 4.3a and 4.3b reflect the percentage of respondents who predicted "increased" or "strongly increased" impact on these same questions. Response patterns are included for all five years of survey administration. This graph facilitates comparison of the predicted positive effects for various groups. In the early years of the CAHSEE (2000 and 2001), principals anticipated more of a positive motivational effect on students who passed the exam, relative to those students who did not pass. However, in the later years as familiarity with the CAHSEE increased, this pattern reversed and became less pronounced. The majority of principals now predict that students will have increased motivation due to the CAHSEE across all categories, and students who do not pass will be more motivated than students who do pass. Principals' predictions of effects on parental involvement are weaker than on student motivation. The pattern across groups is similar, but more marked, for parents of these students. Principals predict a substantial boost in parental involvement for students who do not pass.

Teachers continue to be less optimistic than principals regarding student exam motivation and parental involvement (see Table 4.16 and Figure 4.3b). Teachers' predictions of student motivation remained steady from 2002 through 2004, with the exception of an increase for motivation of students who do not pass the CAHSEE. Predicted impacts on parental involvement remained neutral-to-positive.

TABLE 4.16. Principals' Predicted Impact of the CAHSEE on Student Motivation and Parental Involvement (in percentages)

	Student Motivation					Parental Involvement				
Impact	2000	2001	2002	2003	2004	2000	2001	2002	2003	2004
Impact prior to first administration										
Strongly positive/Strongly increased	2	4	11	24	25	0	5	7	3	6
Positive/Increased	45	42	69	55	53	31	23	39	29	32
No effect	19	29	20	13	22	55	68	52	63	62
Negative/Decreased	17	20	0	8	0	7	3	8	3	0
Strongly negative/Strongly decreased	17	4	0	0	0	5	3	0	3	0
Impact for students who pass on 1st attempt										
Strongly positive/Strongly increased	12	7	7	13	21	12	5	2	3	6
Positive/Increased	50	50	54	42	33	33	37	24	19	21
No effect	33	32	36	42	42	50	56	74	68	73
Negative/Decreased	5	9	2	3	3	2	0	0	8	0
Strongly negative/Strongly decreased	0	2	0	0	0	2	2	0	3	0
Impact for students who do not pass on 1st attempt										
Strongly positive/Strongly increased	2	2	11	11	12	2	2	12	5	18
Positive/Increased	33	34	59	54	49	41	42	56	56	39
No effect	17	18	16	14	24	14	16	26	33	39
Negative/Decreased	36	34	11	16	12	36	30	7	3	3
Strongly negative/Strongly decreased	10	11	2	5	3	7	9	0	3	0

Note: Wording of response options was changed from Positive/Negative to Increased/Decreased in 2002 survey administrations.

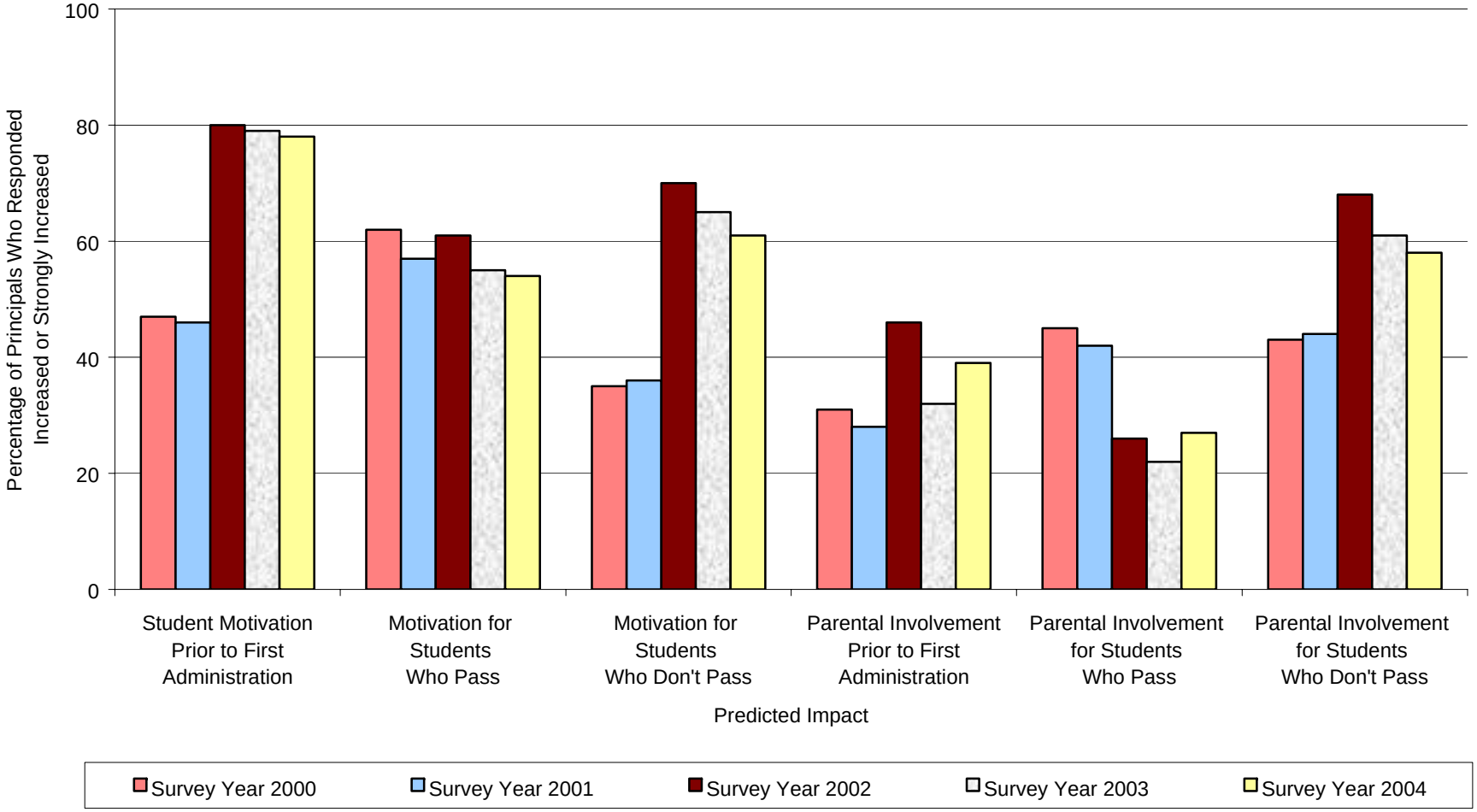


Figure 4.3a. Percentage of principals predicting increased or strongly increased student motivation and parental involvement in 2000, 2001, 2002, 2003, and 2004.

TABLE 4.17. Teachers' Predicted Impact of the CAHSEE on Student Motivation and Parental Involvement (in percentages)

	Student Motivation					Parental Involvement				
Impact	2000	2001	2002	2003	2004	2000	2001	2002	2003	2004
Impact prior to first administration										
Strongly positive/Strongly increased	3	4	6	6	7	3	3	N/A	N/A	N/A
Positive/Increased	23	42	60	58	57	21	28	N/A	N/A	N/A
No effect	26	35	29	25	31	48	61	N/A	N/A	N/A
Negative/Decreased	32	16	3	9	4	13	7	N/A	N/A	N/A
Strongly negative/Strongly decreased	7	4	1	2	1	5	1	N/A	N/A	N/A
Impact for students who pass on 1st attempt										
Strongly positive/Strongly increased	11	5	4	1	4	6	4	3	1	2
Positive/Increased	28	49	38	37	37	29	32	19	10	19
No effect	38	39	54	58	54	49	64	75	86	73
Negative/Decreased	11	5	3	3	4	4	0	4	3	5
Strongly negative/Strongly decreased	3	0	1	1	0	4	0	0	0	1
Impact for students who do not pass on 1st attempt										
Strongly positive/Strongly increased	4	4	5	5	3	2	4	7	3	2
Positive/Increased	33	37	48	45	52	32	38	50	38	36
No effect	16	23	24	24	32	28	32	51	55	57
Negative/Decreased	30	28	21	21	11	21	19	1	4	3
Strongly negative/Strongly decreased	7	8	3	6	2	6	7	1	0	2

Note: Wording of response options was changed from Positive/Negative to Increased/Decreased in 2002 survey administration. Due to missing responses, some columns do not total to 100 percent.

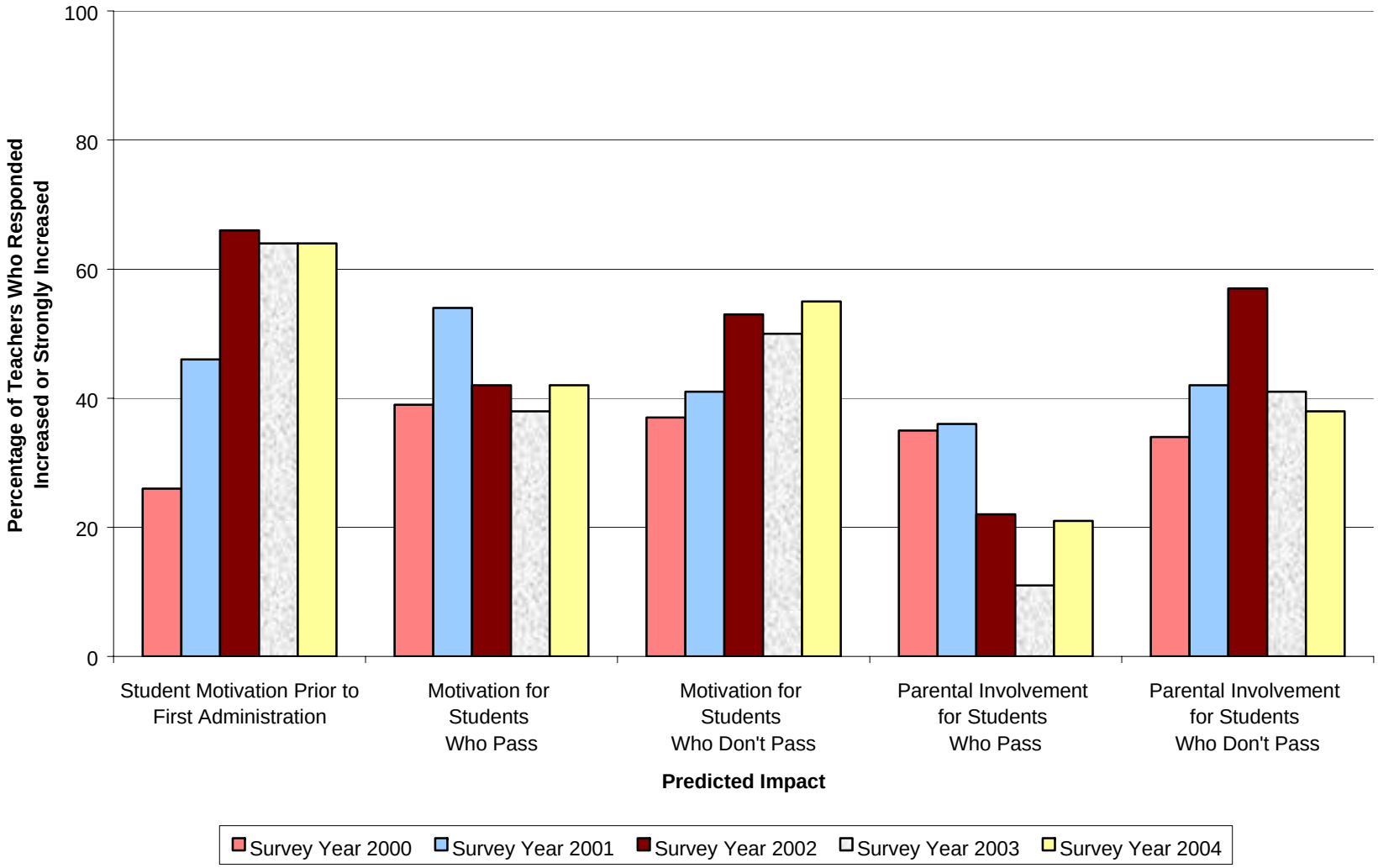


Figure 4.3b. Percentage of teachers predicting increased or strongly increased student motivation and parental involvement in 2000, 2001, 2002, 2003, and 2004.

Principals and teachers were also asked to predict the impact of the CAHSEE on student retention and dropout rates. Responses remained generally negative in 2004. Table 4.18 provides detailed response patterns over the five survey years. Principals' 2004 responses were slightly less negative than those in 2003 (also see Figure 4.4a). Fewer principals predicted a strongly increased student retention rate, but responses shifted only as far as a negative impact. The shift in principals' predictions regarding student dropout rates tended toward predicting no effect. Across the four years of the survey, more principals responded more negatively than did teachers regarding student dropout rates. Principals' 2004 retention rate responses were slightly less frequently negative than those in 2003. In 2004, 3 percent of principals predicted that the CAHSEE would have a strongly negative impact on retention rates whereas 13 percent predicted a strongly negative impact in 2003.

Teachers' 2004 predictions of the retention rate were very similar to those in 2003. In both years, 35 percent of teachers predicted that the exam would result in an increase in the retention rate. Teachers' 2004 retention rate responses were slightly less negative than those in 2003. In 2004 41 percent of teachers predicted that the CAHSEE would have a negative/strongly negative impact on retention rates, compared to 60 percent in 2003.

TABLE 4.18. Principals' and Teachers' Predicted Impact of the CAHSEE on Student Retention and Dropout Rates

Predicted Impact	Principals									
	Student Retention					Student Dropout				
	2000	2001	2002	2003	2004	2000	2001	2002	2003	2004
Strongly positive/ Strongly decreased	2	2	0	0	0	2	5	0	0	0
Positive/Decreased	14	7	19	18	18	12	9	7	8	3
No effect	29	36	46	31	33	21	7	25	15	24
Negative/Increased	41	41	26	38	46	41	50	52	51	52
Strongly negative/ Strongly increased	14	14	9	13	3	24	30	16	26	21
	Teachers									
Strongly positive/ Strongly decreased	0	1	1	0	2	1	1	1	0	2
Positive/Decreased	11	14	14	14	10	9	11	4	3	2
No effect	20	53	40	51	53	20	26	37	38	54
Negative/Increased	44	27	41	29	33	44	43	46	44	38
Strongly negative/ Strongly increased	12	5	4	6	2	14	18	12	16	3

Note: Some columns total less than 100 percent due to rounding.
Note: Discernable changes in predicted impact are noted in bold.

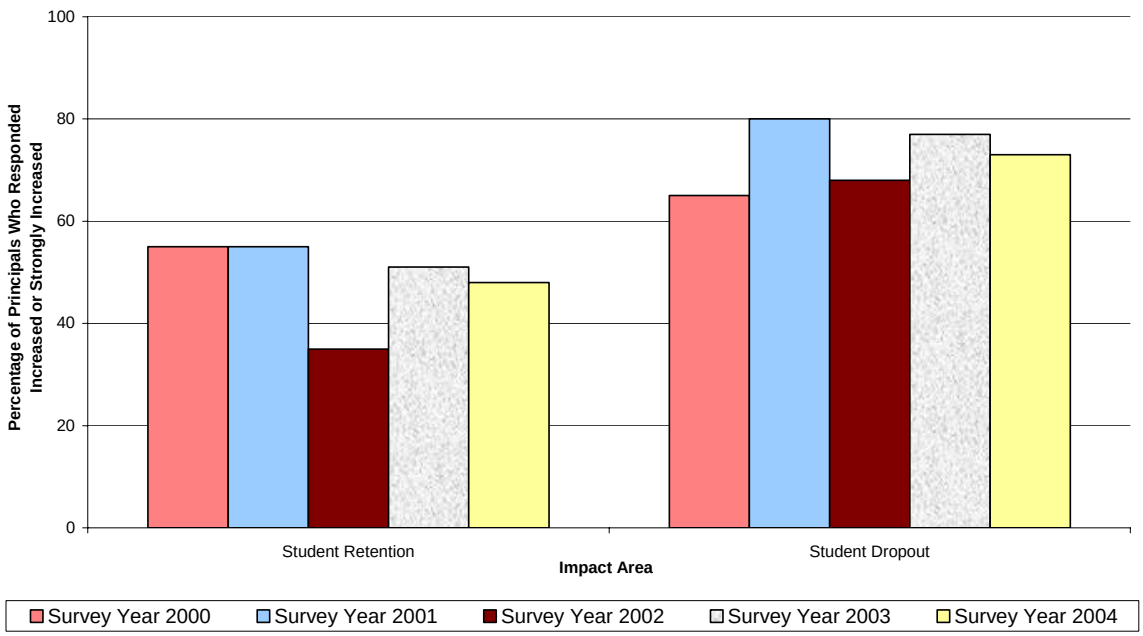


Figure 4.4a. Percentage of principals predicting increased or strongly increased student retention and dropout rates in 2000, 2001, 2002, 2003, and 2004.

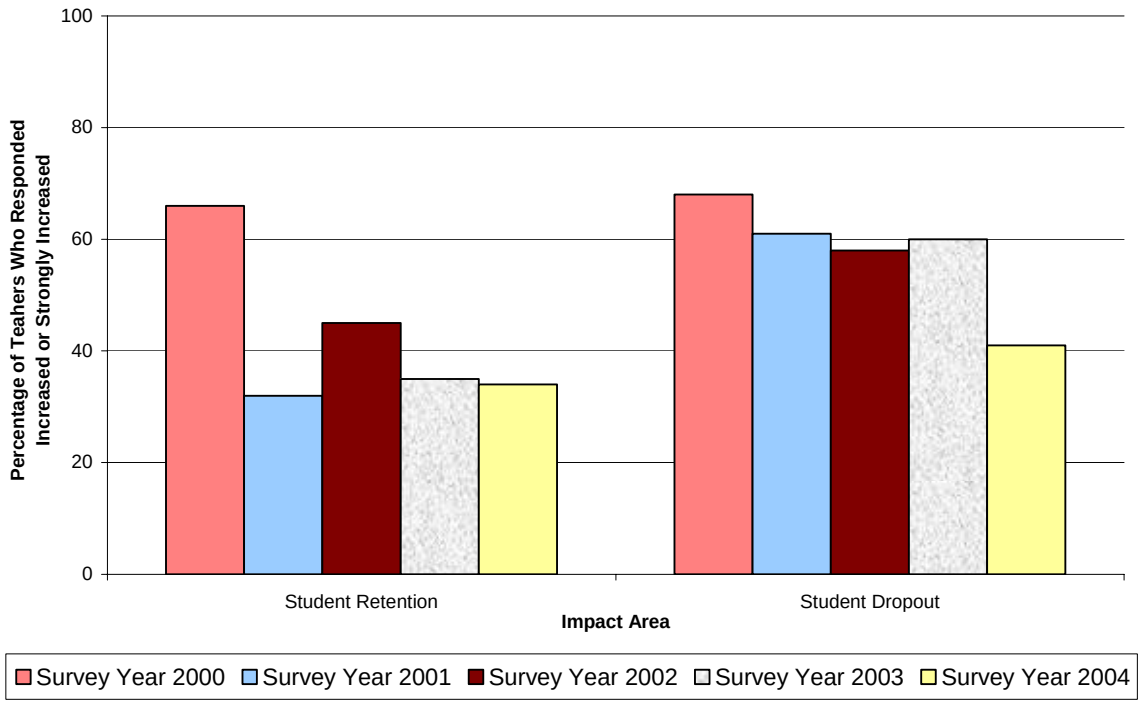


Figure 4.4b. Percentage of teachers predicting increased or strongly increased student retention and dropout rates in 2000, 2001, 2002, 2003, and 2004.

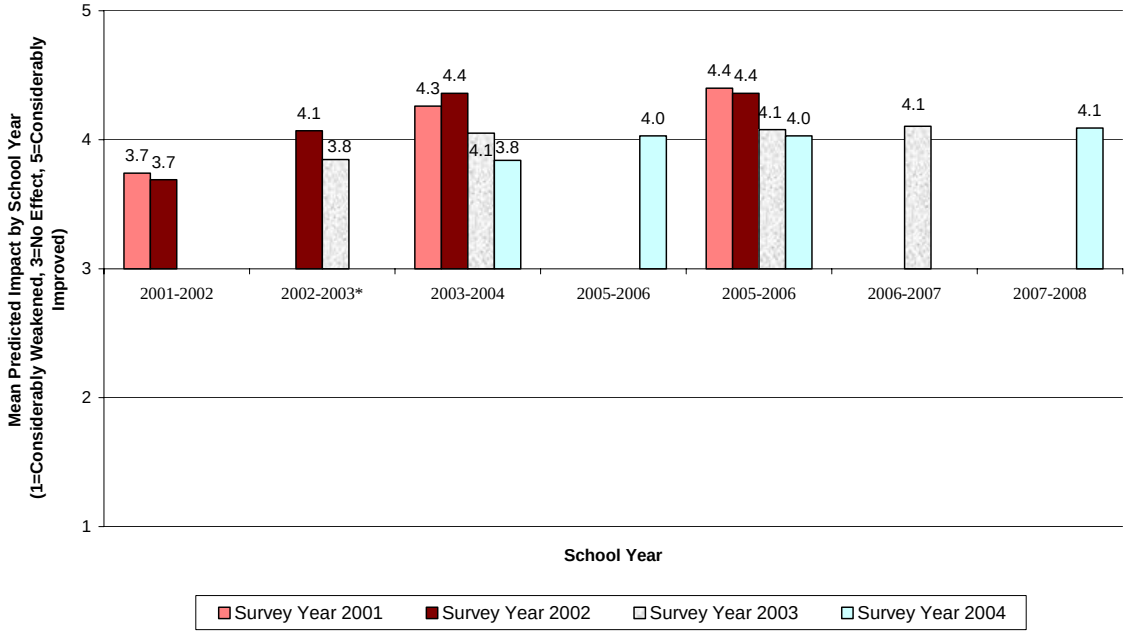
Principals and teachers were asked to rate the influence of the CAHSEE on instructional practices in their schools. Table 4.19 indicates that both groups perceived positive effects thus far, with principals reporting more improvement than teachers.

TABLE 4.19. Principal and Teacher Ratings of Influence of the CAHSEE on Instructional Practices (in percentages) (Principal N=34; Teacher N=135)

Effect on Instructional Practices	Principal	Teacher
Considerably improved	19	5
Improved	59	56
No effect	19	37
Weakened	3	2
Considerably weakened	0	0

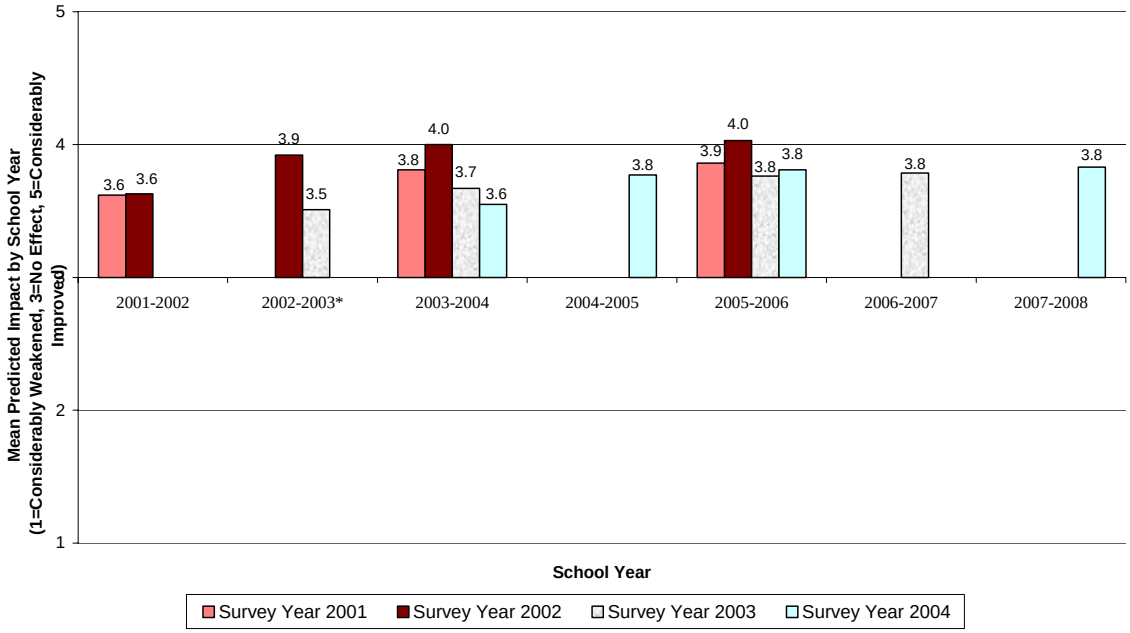
Principals were also asked to predict, based on what they knew about their schools, the influence of the CAHSEE on classroom instructional practices over time. Only one of the principals who completed the 2004 survey indicated that practices would be weakened as a result of the CAHSEE. Figure 4.5a presents a summary of the mean ratings made by principals for each school year for which they were surveyed: 2001, 2002, 2003, and 2004 (1=Considerably Weakened, 2=Weakened, 3=No Effect, 4=Improved, 5=Considerably Improved). Note that the survey did not inquire about the effect on every school year, but rather identified a few years to rate. In general, respondents to the 2004 survey indicated that classroom instructional practices would be improved as a result of the CAHSEE at a fairly constant level. Throughout the survey years, principals have consistently predicted greater improvement in outlying years than in the current year. For example, the predictions for the 2003–2004 school year—initially the year in which diplomas would first be withheld from students who did not pass the CAHSEE—were consistently positive, but generally decreasing in magnitude as the year approached. In survey year 2001, the average rating was 4.3 (i.e., slightly above an “improved” rating of 4.0); in survey year 2002 it raised slightly to 4.4; in survey year 2003 it dropped to 4.1; and finally, in 2004, the rating of the now-current school year dropped to 3.8.

Teachers were asked the same question about the influence of the CAHSEE on instructional practices for the four school years. Figure 4.5b presents a summary of the average ratings made by teachers for each school year they were surveyed: 2001, 2002, and 2003. Teachers also predicted that the overall effect of the CAHSEE would be an improvement; only two teachers indicated that they thought the result would be to weaken instructional practices.



*Note: Different school years were asked on different survey years. Missing bars indicate that the prediction was not requested.

Figure 4.5a. Principals' predictions of influence of the CAHSEE on instructional practices over time.



* Note: Different school years were asked on different survey years. Missing bars indicate that the prediction was not requested.

Figure 4.5b. Teachers' predictions of influence of the CAHSEE on instructional practices over time.

One of the concerns when implementing a new exam is whether there is a differential impact on various subgroup populations. We asked principals to estimate the percentage of 10th grade students who have had instruction in the ELA and mathematics standards; the question was broken down to elicit responses regarding the total student population and the following specific subgroups: students with disabilities in Special Day Classes (SDC), students with disabilities in Resource Specialist Classes (RSC), and EL students. Figures 4.6a and 4.6b present the results for ELA and mathematics, respectively. Each student subgroup is represented by a horizontal bar containing four segments. The leftmost segment indicates the percentage of principals who estimated that greater than 95 percent of their student population within that demographic subgroup have had instruction that covers the CAHSEE content standards; the next segment represents 75–95 percent; the next, 50–74 percent; and the rightmost segment indicates fewer than 50 percent: The longer the leftmost segments, the greater the preparedness. Principals estimated that fewer students with disabilities and EL students are prepared in ELA and math.

Comparisons among principals' 2001, 2002, 2003, and 2004 estimates of instruction received, by student groups, are presented in Table 4.20. Ratings of preparedness of students with disabilities and all students were higher in 2004 than in previous years.

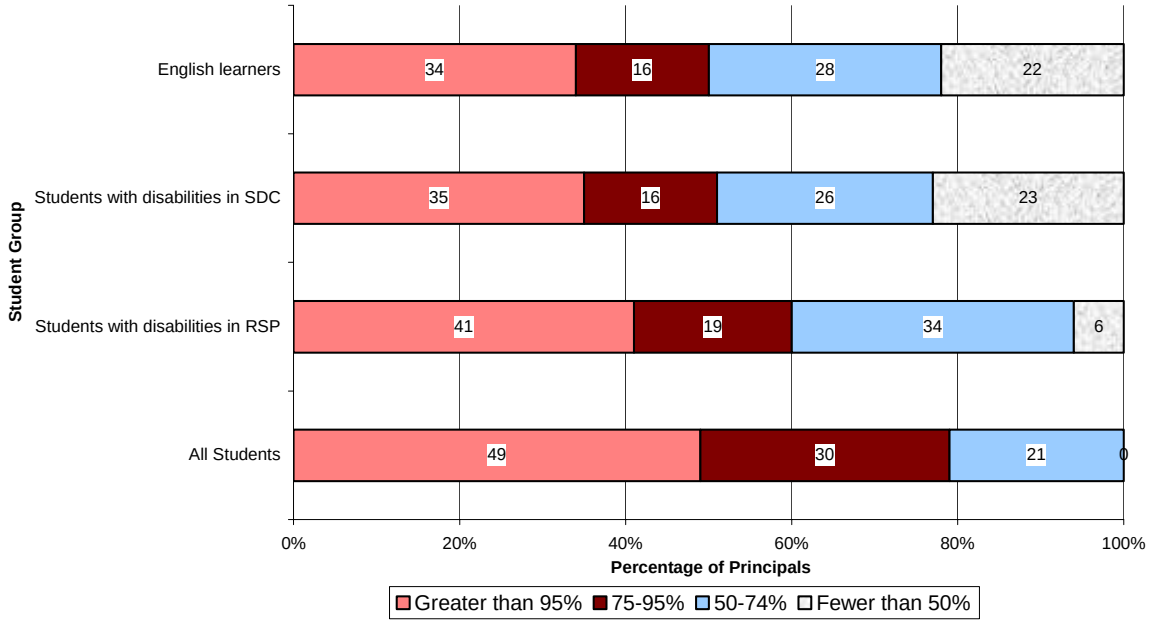


Figure 4.6a. Percentage of principals estimating the percentage of students who have had instruction in ELA content standards (ordered by least instruction).

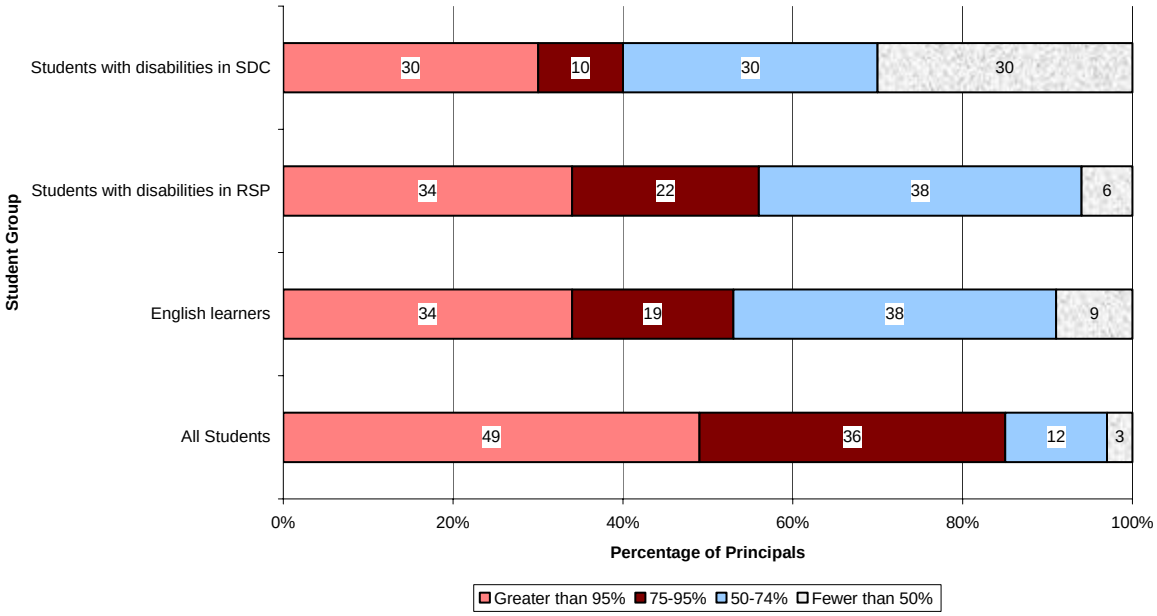


Figure 4.6b. Percentage of principals' estimating the percentage of students who have had instruction in mathematics content standards (ordered by least instruction).

TABLE 4.20. Principals' 2001 through 2004 Estimates of the Percentage of Students with Instruction in Content Standards (in percentages)

Student Group	2001		2002		2003		2004	
	ELA	Math	ELA	Math	ELA	Math	ELA	Math
English learners								
Greater than 95%	8	6	28	22	41	28	34	34
75–95%	18	29	15	22	16	22	16	19
50–74 %	18	15	30	32	28	28	28	38
Fewer than 50%	56	50	28	24	16	22	22	9
Students with disabilities (in SDC for 2003, 2004 columns)*								
Greater than 95%	12	5	26	14	16	9	35	30
75–95%	22	23	14	19	23	19	16	10
50–74%	24	28	24	21	10	19	26	30
Fewer than 50%	42	44	36	45	52	53	23	30
Students with disabilities in RSP								
Greater than 95%	N/A	N/A	N/A	N/A	25	14	41	34
75–95%	N/A	N/A	N/A	N/A	31	30	19	22
50–74%	N/A	N/A	N/A	N/A	22	27	34	38
Fewer than 50%	N/A	N/A	N/A	N/A	22	30	6	6
All students								
Greater than 95%	16	9	43	22	34	33	49	49
75–95%	36	43	23	30	39	35	30	36
50–74%	27	17	25	26	24	23	21	12
Fewer than 50%	21	31	9	22	3	10	0	3

*Note: The 2003 and 2004 surveys separated students with disabilities into two sub-categories: Students with disabilities in Special Day Classes (SDC) and Students with disabilities in Resource Specialist Programs (RSP). The 2001 and 2002 surveys had only one overall category.

Postponement of CAHSEE Consequences

When the CAHSEE was postponed from impacting the Class of 2004 to the Class of 2006, many students in the Classes of 2004 and 2005 had already taken (and passed) the CAHSEE. The CDE implemented no statewide rule regarding these students, but left the decision up to individual districts whether to (a) acknowledge students who passed the exam or (b) offer additional opportunities for these students to sit for the exam. The CDE provided a Certificate of Achievement that districts could opt to award to students who passed the test. The survey asked principals whether they were offering current juniors and seniors who passed both parts of the CAHSEE a seal or the CDE certificate. Twenty-one percent of principals indicated they were offering one of these documents; 47 percent answered "no" and 32 percent did not answer.

Other

Principals were asked to rate the likelihood that specific factors would affect their students' success in meeting the requirements of the CAHSEE. The results are presented in Table 4.21, in decreasing order of endorsement in 2004. The factors for which most principals indicated "definitely a factor" were identical to those in 2003: poor attendance, language barriers, lack of motivation, and lack of preparation. However, ratings of the impact decreased in all of these categories except lack of motivation, which remained fairly stable at 57 percent and 59 percent, respectively. Most notably, fewer principals cited lack of preparation and the requirement to prepare for too many tests as definite factors, relative to 2003.

TABLE 4.21. Percentage of Principals Indicating Factors Affecting Student Success on the CAHSEE

	Definitely a Factor			
Factor	2001	2002	2003	2004
Poor attendance	67	61	68	62
Language barriers	39	50	62	58
Lack of motivation	47	43	57	59
Lack of preparation needed to pass	48	42	54	41
Too many tests to prepare for	53	48	47	23
Lack of credentialed math teachers	N/A	N/A	5	6
Lack of credentialed E-LA teachers	N/A	N/A	0	0
District's current level of standards in math or algebra	14	25	14	N/A
District's current level of standards in English or writing	14	20	11	N/A

Principals were asked to indicate what actions the school plans to take or has implemented to promote learning for all students. The results are presented in Table 4.22. In every case, a larger percentage of principals indicated that the activities were fully implemented than in any prior survey year. Activities presented in bold in Table 4.22 obtained an increase of more than 10 percentage points since 2003.

TABLE 4.22. Percentage of Principals Indicating Actions to Promote Student Learning

Action	Fully Implemented			
	2001	2002	2003	2004
Encouragement of all students to take Algebra I	45	65	72	97
Teacher access to in-service training on content standards	50	58	60	73
School, teacher, and student access to appropriate instructional materials	54	57	54	85
Teacher access to in-service training on instructional techniques	47	45	50	64
Individual student assistance	27	33	43	50
Teacher and school support services	24	29	41	52
Administrator and teacher access to in-service training for working with diverse student populations and different learning styles	33	23	49	53
Student and parent support services	17	5	10	27

Note: Increases greater than 10% over the past year are noted in bold.

One common criticism of the instructional impact of standardized tests is the tendency for teachers to “teach to the test,” effectively narrowing the curriculum to prepare students to do well on the test at the expense of other instruction. The policy intent of a program such as the CAHSEE is not to have teachers focus their instruction on passing the test, but rather to align curriculum with content standards—some of which are then tested. Principals were asked what percentage of their teachers they thought understood the difference between “teaching to the test” and “aligning the curriculum and instruction to the standards.” The results from four annual surveys are displayed in Figure 4.7. Throughout the survey years, principals have consistently estimated that the majority of teachers understand this difference and there has been a notable increase in the past two survey years. In 2004, 70 percent of responding principals indicate that at least 75 percent of their teachers perceive this difference.

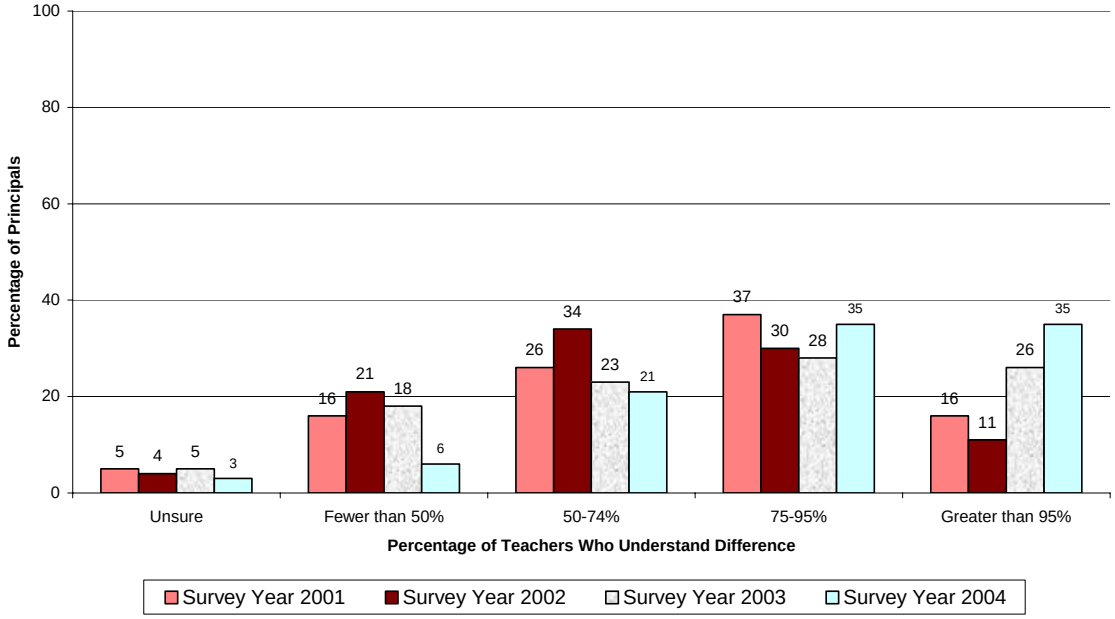


Figure 4.7. Percentage of principals indicating the percentage of teachers who understand the difference between "teaching to the test" and "aligning the curriculum and instruction to the standards" in 2001, 2002, 2003, and 2004.

An intermediate step in ensuring teachers are aligning their curricula to the content standards is to put the standards in the hands of the teachers. Principals were asked what percentage of their teachers have copies of the CST/CAHSEE blueprints, as well as what percent of teachers use the blueprints for lesson planning. Table 4.23 indicates that while three-quarters of principals report that more than half their teachers have a copy of the blueprint, a substantially smaller proportion of teachers use those blueprints in instructional planning.

TABLE 4.23. Percentage of Principals Indicating the Percentage of Teachers Who Have/Use the CST/CAHSEE Blueprints (N=34)

Percent of Teachers	Have a Copy of Blueprint	Use the Blueprints for Instructional Planning
Greater than 95%	29	3
75–95%	26	27
50–74%	24	20
Fewer than 50%	18	43
Unsure	3	7

Principals were probed further on this question of whether teachers teach to the standards. The principal survey asked what evidence the principal collects to verify that teachers are using standards documents, frameworks, and/or blueprints. Table 4.24 lists the offered sources, in decreasing order of endorsement.

TABLE 4.24. Percentage of Principals Who Gather Evidence That ELA and Math Teachers Are Teaching to the Standards (N=34)

Types of Evidence	ELA Teachers	Math Teachers
Classroom visits—Walk-through or other informal interactions	91	91
Discussions at faculty meeting	85	82
Teacher-generated instructional and assessment materials	68	65
Goal setting and other individual conferences	65	65
School or district level in-service	56	56
Reports from department chairs or others responsible for supervising instruction	53	56
Other	3	3

A large majority of principals report they conduct classroom visits and have related discussions at faculty meetings. Two principals offered two other sources they use. One principal cited student work samples; the other principal commented, “Standards are stated on lesson plans and course outlines. All activities are standards-based.”

Another common criticism of other testing programs that test students on a small number of content areas is that the teachers in those areas are perceived as responsible for preparing students, as opposed to a school-wide emphasis on student success. To assess whether this concern was valid for the CAHSEE, principals and teachers were asked to what degree teachers other than those in ELA and math view themselves as sharing responsibility for student success on the CAHSEE. Table 4.25 indicates that principals perceive more shared responsibility by the teachers (as well as a greater increase over time), as compared to the perception of teachers of ELA and math. This difference is both substantial and sustained. For example, in 2004, 41 percent of principals believed other teachers felt “very responsible,” compared to only 10 percent of teachers. At the other extreme of the scale, 22 percent of teachers believed other teachers felt “not at all responsible” compared with only six percent of principals. Between 2003 and 2004, principals have grown substantially more optimistic while teachers have become more pessimistic.

TABLE 4.25. Responsibility Felt by Teachers Other Than ELA and Math (percentages as perceived by principals, ELA, and math teachers)

Level of Perceived Responsibility	Principals			Teachers		
	2002	2003	2004	2002	2003	2004
Very responsible	11	22	41	10	16	10
Somewhat responsible	70	49	35	32	28	29
Slightly responsible	13	27	18	41	36	39
Not at all responsible	6	3	6	16	20	22

Note: Columns do not all total to 100 due to rounding.

Principals were asked the extent to which several activities have been implemented to promote learning for all students, and the extent to which financial constraints have limited their ability to provide these services during the past four years. Table 4.26 summarizes results from all three questions. The left half of the table indicates the extent to which each service has been implemented; a majority of principals reported that every listed activity has been partially/fully implemented. Next, for each activity the right half of the table addresses financial constraints. The top line for each activity depicts the extent to which financial constraints have had an effect over the past four years; the bottom line predicts impact in the near future. A majority of principals reports that every activity has been affected to a slight/moderate extent. In every case except “School, teacher, and student access to appropriate instructional materials” more principals predicted greater financial constraints in the future than in the past. Notably, at least a quarter of principals predicted that individual student assistance, student and parent support services, and remediation would be impacted to a great extent in the near future.

TABLE 4.26. Extent to Which Services have Been Implemented to Promote Learning for All Students and Related Financial Constraints, According to Principals (in percentages) (N=34)

	To what extent has your school implemented these services to promote learning for all students?				To what extent have/will financial constraints limit(ed) your ability to provide these services?				
Activity	No Plan to Implement	Plan to Implement	Partially Implemented	Fully Implemented		Not At All	To a Slight Extent	To a Moderate Extent	To a Great Extent
School, teacher, and student access to appropriate instructional materials	0	0	15	85	Past 4 years	30	21	46	3
					Near future	18	36	36	9
Individual student assistance	6	9	34	50	Past 4 years	12	22	47	19
					Near future	12	18	42	27
Teacher and school support services	6	15	27	52	Past 4 years	21	30	36	12
					Near future	21	15	46	18
Student and parent support services	15	15	42	28	Past 4 years	15	39	27	18
					Near future	22	19	34	25
Teacher access to in-service training on content standards	0	6	21	73	Past 4 years	30	30	33	6
					Near future	22	19	50	9
Teacher access to in-service training on instructional techniques	6	0	30	64	Past 4 years	27	27	39	6
					Near future	18	27	42	12
Administrator and teacher access to in-service training for working with diverse student populations and	6	0	41	53	Past 4 years	21	36	39	3
					Near future	15	30	46	9
Encourage all students to take Algebra 1	0	0	3	97	Past 4 years	N/A	N/A	N/A	N/A
					Near future	N/A	N/A	N/A	N/A
Remediation	N/A	N/A	N/A	N/A	Past 4 years	12	33	39	15
					Near future	12	21	42	25

Principals were asked the extent to which the CAHSEE draws away resources from several course categories. Table 4.27 lists the categories in descending order of impact. Over half the principals indicated that the CAHSEE drew resources away from courses in the arts and vocational courses to a moderate/great extent. Courses in other academic subject areas and advanced courses were impacted to a lesser, but discernible, extent.

TABLE 4.27. Extent to Which the CAHSEE Draws Resources Away from Various Categories of Courses, According to Principals (in percentages) (N=34)

Course Category	Extent to Which the CAHSEE Draws Resources Away			
	Not At All	To a Slight Extent	To a Moderate Extent	To a Great Extent
Courses in the arts	21	27	21	30
Vocational courses	25	19	31	25
Courses in other academic subject areas	31	25	34	9
Advanced courses	44	19	31	6
Other	0	0	0	0

Surveyed teachers were asked to characterize their own opinion of the CAHSEE and to compare those opinions to those of other teachers in their departments. Table 4.28 compares responses to these two questions. The rightmost column indicates the distribution of teachers' opinions. Overall, the opinions tend to be neutral-to-positive; 14 percent are (very) negative; 40 percent, neutral; and 46 percent, (very) positive. These ratings were higher across the board than in 2003, when they were 27 percent, 37 percent, and 36 percent, respectively. The bottom row summarizes the comparison of the respondents' opinions to their colleagues. Fifty-nine percent of teachers report that their own opinions are about the same as other teachers in their departments; 5 percent, somewhat/much more negative; and 29 percent, somewhat/much more positive.

TABLE 4.28. Surveyed Teachers' Own and Others' Opinions of the CAHSEE (in percentages) (N=135)

	How You think Your Opinion Compares To Other Teachers In Your Department						
Your Opinion of CAHSEE	Do not know	Much more negative	Somewhat more negative	About the same	Somewhat more positive	Much more positive	Total
Very negative	0%	0%	0%	1%	0%	0%	1%
Negative	0%	0%	2%	11%	1%	0%	13%
Neutral	5%	0%	2%	25%	8%	0%	40%
Positive	2%	1%	2%	21%	15%	1%	40%
Very positive	0%	0%	0%	1%	3%	2%	6%
Total	7%	1%	4%	59%	26%	3%	100%

Note: Row and column percentages do not equal cell totals, due to rounded cell values.

Site Testing Coordinator Findings

The survey of teachers and principals in the longitudinal sample of schools included the third administration of a survey of site coordinators. The site-coordinator survey asked for feedback on training and guidance, students tested, and the general approach to conducting the exam. Table 4.29 summarizes the responses received in each year of the survey. All schools reported administering both the ELA and mathematics parts of the CAHSEE.

TABLE 4.29. Site Coordinator Responses and Positions

	2002	2003	2004
Districts	17	17	19
Schools	42	35	42
Most Common Position Held			
Principal			5
Assistant Principal	18	14	50
Test Coordinator	20	15	67
Counselor			12
Teacher			10
Other			5

Note: Columns exceed 100% because respondents could select multiple options.

Nineteen out of 42 (45%) test coordinators responded to an open-ended question asking about specific factors that they felt influenced the school's planning or performance on the CAHSEE. Of the test coordinators, 42 percent (8 out of 19 responses) noted the administration of the CAHSEE, including (a) scheduling, (b) logistic/facility constraints, such as space limitation and supervision, (c) the length of testing session, e.g., "the math test needs to be reduced in both time and the number of questions," and (d) credibility of CAHSEE, e.g., "have the concern whether the State Board of Ed will hold the line on using CAHSEE as a graduation requirement;" 26 percent (5 out of 19 responses) mentioned such behavior issues as (a) student motivation or attendance, (b) parent support, and (c) high mobility; and 16 percent (3 out of 19 responses) referred to inadequate preparation of students and EL and special education challenges

Preparation

Site coordinators received information on how to administer the CAHSEE mainly through the sources shown in Table 4.30. Sources are listed in descending order of 2004 endorsement. Site coordinators reported a striking increase in the use of the School Coordinator's Manual and district workshops in 2004, as well as a marked increase in the use of the ETS CAHSEE Administration training video.

TABLE 4.30. Site Coordinator Sources of Information on Administering the CAHSEE

	2002	2003	2004
School Coordinator's Manual	39	35	90
District workshop	26	23	79
ETS Video	2	10	38
ETS Test Administration Training workshop	13	5	14
CDE update meetings	1	2	5

Note: Columns exceed 100% because respondents could select multiple options.

When asked what, if any, of the information needed clarification or correction, 11 out of 14 (79%) responded with either no clarification or correction needed, or a positive comment on the provided information. Twenty-seven out of 42 (64%) site coordinators commented on the usefulness of information that they received on how to administer the CAHSEE. Among them, 14 coordinators (52%) cited the *Directions for Administration and School Coordinator's Manua*l as the most helpful source of information, due to its clarity, specificity and self-explanatory nature; six coordinators (22%) cited the *District Workshop*, largely because of the chance to ask questions and request follow-up guidance from the district; and four (15%) cited the *ETS Training Workshops* as the most helpful.

Logistics

The observations and surveys provided information on seven aspects of logistics:

1. type of test facility
2. security
3. preparation of proctors/monitors
4. use of precoded answer sheets
5. handling different finishing times
6. impact of the revised schedule
7. problems encountered

The question about *test facility* asked where schools administered the CAHSEE in spring 2004—on- or off-site classrooms or large rooms such as a library, cafeteria, or gymnasium—and where they plan to administer it in spring 2005. Table 4.31 details the responses to these questions, as well as the facilities reported in the 2003 survey.

TABLE 4.31. Percentage of Site Coordinators Reporting Various Types of Testing Facilities

	2003	2004	2005 (Planned)
On-site classrooms	71	62	67
On-site large room (e.g., auditorium or gymnasium)	69	55	52
Off-site classrooms	0	5	2
Off-site large room (e.g., auditorium or gymnasium)	0	2	2
Not sure	0	2	2

Note: Columns exceed 100% because respondents could select multiple options.

None of the site coordinators over the three years of the site testing coordinator survey thought that they had real *security* issues. One comment this year suggested that it would be better to have a separate answer book for math or at least a two-day gap between the ELA and math tests, noting that it takes several hours to reorganize math booklets and answer documents, which is difficult to accomplish during the school day because most students need several hours to complete the ELA test.

Test coordinators were asked how they prepared proctors and monitors for the administration of the CAHSEE. The response choices were (a) no preparation, (b) conducted workshop, (c) distributed excerpts of directions for test administrators, (d) developed step-by-step procedures, (e) described general requirements, and (f) other. Respondents could mark more than one approach. Techniques employed were: workshop (62%), excerpts of directions (48%), step-by-step procedures (50%), general requirements (40%), and other (21%). Seven percent of site coordinators (3) indicated that their schools did nothing to prepare the proctors and monitors.

Site coordinators were asked whether they took advantage of the pre-coding option for answer sheets. The response is difficult to interpret because over half the survey respondents did not answer the question at all (57%). Of those who did answer, 89 percent said yes (which is only 38 percent of the entire respondent pool). However, 93 percent indicated that they planned to use the pre-coding option next year.

Each year, the annual survey asked site testing coordinators three questions about how their schools dealt with variations in students' finishing times on the CAHSEE. Tables 4.32 through 4.34 present their responses.

TABLE 4.32. How schools handled students who finished first section early (in percentages)

	2002	2003	2004
	N=42	N=35	N=41
Go directly to second section	7	17	7
Stay in room until scheduled break	76	77	85
Wait outside room until scheduled break	12	5	5
Other	5	0	2

TABLE 4.33. How schools handled students who had not finished by time of break between sessions (in percentages)

	2002	2003	2004
	N=42	N=35	N=41
All finished by break	47	23	34
Delayed break until all finished	5	14	2
All took break and finished after, if needed	5	14	32
Students not finished worked through break	13	17	10
Moved students not finished to another room	18	31	20
Other	11	0	2

TABLE 4.34. How schools handled students who had not finished by lunchtime (in percentages)

	2002	2003	2004
	N=42	N=35	N=41
All finished by lunch	60	40	41
Went to lunch and finished after	31	29	45
Worked through lunch	10	17	12
Other	0	11	2

The survey asked test coordinators how their schools handled the schedules of other grades during the period when the CAHSEE was being administered and what impact the CAHSEE schedule had on attendance of students in other grades. Table 4.35 shows how the schools handled scheduling, and Table 4.36 presents the reported impact on attendance. Responses in 2004 were similar to the 2003 responses, although in 2004 seven percent of the responding schools reported higher attendance than normal in the other grades.

TABLE 4.35. How schools scheduled students in other grades during the CAHSEE administration (in percentages)

	2002	2003	2004
	N=42	N=35	N=41
Special school-wide activity	0	3	5
Regular classes but revised schedule	15	40	43
Regular classes and regular schedule	76	57	50
Other	10	0	2

TABLE 4.36. Impact of the CAHSEE administration on attendance in other grades (in percentages)

	2002	2003	2004
	N=42	N=35	N=41
Higher attendance than normal	5	0	7
No impact	77	82	80
Lower attendance than normal	18	18	12

The survey included a question about problems that were not covered by guidance documents for the CAHSEE administration. The only comment mentioned that if there were any questions, they were handled by the district coordinator and staff, who were always available by phone or e-mail.

Accommodations and Modifications

Accommodations include changes to test presentation, response, or scheduling to provide a more appropriate assessment of students with disabilities. Modifications are changes that also change what is being measured and so invalidate the resulting test scores. According to CDE regulations, the decision to grant accommodations or allow modifications must be based on the student's Individual Education Program (IEP) or Section 504 Plan. Students whose plans require test modifications cannot pass the exam directly, but may apply for a waiver if their test scores and other evidence suggest that they have mastered the required skills.

This year's test coordinators estimated their schools tested most of the eligible EL students and special needs students. Table 4.37 shows the results and compares the responses to last year's. The results indicate that more EL and special needs students were included in the CAHSEE program this year.

TABLE 4.37. Proportion of eligible EL and SD students tested (in percentages)

	2002	2003	2004	
			EL	SD
	N=42	N=35	N=39	N=40
None	10	3	0	0
Fewer than half	15	6	13	12
About half	0	15	0	0
Most	61	55	64	65
All	15	21	23	23

The accommodations and modifications used in the surveyed schools are reported in Tables 4.38 and 4.39, in descending order of use in 2004. Timing/scheduling and setting continued to be the most frequent accommodations. Every type of accommodation was reported at a lower rate than in 2003. In the modification category, some schools allowed some students to use calculators for math and audio or oral presentation for ELA but the numbers continue to decline.

TABLE 4.38. Accommodations provided (in percentages)

	2002	2003	2004
	N=42	N=35	N=39
Timing/scheduling	72	80	51
Setting	75	60	49
None	0	0	23
Large print	9	24	18
Assistive devices and technologies regularly used during testing	3	12	10
Verbal, written, or signed responses	6	12	8
Braille	3	8	8
Audio or oral presentation (math only)	19	36	3
Test item enlargement	0	0	0
Markers, mask or other visual attention	24	8	0
Reduced numbers of items per page	24	0	0

Note: Respondents could mark more than one accommodation.

TABLE 4.39. Modifications provided (in percentages)

	2002	2003	2004
	N=42	N=35	N=41
None	[not an option]	49	66
Calculators for math	83	36	27
Audio or oral presentation for ELA	42	24	12
Signed response (ELA only)	N/A	N/A	5
Other	8	9	2

Note: Respondents could mark more than one modification.

This year's survey asked site testing coordinators if there were any students receiving special education services who were unable to take the test even with accommodation or modification. Only five respondents indicated that this happened, explaining:

- Students taking the alternative test, CAPA, did not take the CAHSEE (2).
- "The student who required the large print and audio CD did not take the test because the special education instructor was not trained in the procedure. I would like to request a workshop to train special education teachers."
- "Two students in our severely handicapped classes did not take the test. They are autistic/retarded—unable to read, write—severely limited oral communication skills."
- "Student who was Resource Specialist Program (RSP) refused to take test."

Test Results

Test coordinators were asked how the CAHSEE test results would be used. A list of possible uses was provided from which respondents could mark all that apply. Responses (in descending order) were individual counseling (81%), design remedial

courses (60%), revise current courses (24%), and other (14%). Written-in "other" responses included:

- Continue with test prep for students in their homerooms twice a week.
- Augment test prep materials in ELA and math classes.
- Notify English and math teachers of results for their students.
- Indicate need for summer school enrollment for the CAHSEE.

Classes of 2005 and 2006

The CAHSEE was originally planned to take effect with the graduating Class of 2004. Since its postponement to the Class of 2006, many students in the preceding two classes have taken (and passed) the CAHSEE. The CDE left the decision of whether and how to acknowledge the accomplishment of these students up to individual districts. The survey asked test coordinators whether the school is offering the current 11th and 12th grade students who passed both parts of the CAHSEE a seal or Certificate of Achievement made available by the CDE. Sixteen of the 42 survey respondents (38%) responded in the affirmative[3]. This leads to a second, related question: Did the site coordinator administer the released form of the CAHSEE to 11th and 12th grade students who had not passed one or both parts of the CAHSEE but who wanted to continue trying to pass this year to receive the seal or certificate? Only nine percent of site coordinators indicated they are doing so.

Summary

School staff survey responses tell a promising story over the five-year period since the inception of the California High School Exit Examination program. A longitudinal sample of high school personnel were surveyed each spring from 2000 through 2004 to elicit awareness, preparation, expectations, and impact of the CAHSEE results. Surveys in the early years relied heavily upon anticipation and expectations but as schools gained experience with the CAHSEE the focus turned toward actual effects and action. Adjustments were also made to survey items (and interpretation of the responses) after the California State Board of Education postponed the implementation of the CAHSEE consequences from the Class of 2004 to the Class of 2006. It is important to note, however, that the timing of this short postponement ensured that high schools were continually motivated to actively address CAHSEE-related issues.

Unsurprisingly, principals report that student and parent familiarity with various aspects of the CAHSEE have increased over time (Table 4.4). The rate of increase has slowed, but continues. Principals also report increased alignment between district and state standards, although teachers' estimations of the coverage of these

[3] Note that this percentage differs from the responses to the principal survey. Twenty-one percent of principals reported their schools were offering one of these documents, compared to 38 percent of test coordinators. However, as 32 percent of principals did not answer the question it is impossible to determine whether the principals and test coordinators are actually in disagreement.

standards remain incomplete (Tables 4.7a and 4.7b). Teachers report less time spent on CAHSEE-related activities in 2004 than in 2003. ELA teachers acknowledge more time spent in content-area professional development than math teachers, and also rate the instructional benefit derived from this training more highly (Tables 4.9 and 4.11).

Principals rate the usefulness of the CDE website more highly than do teachers, although a considerable percentage of both groups reported that both this site and the CAHSEE Remediation Guide were useful. Approximately a third of surveyed teachers, however, are unfamiliar with both resources (Table 4.12). A majority of principals report various activities to prepare faculty/staff for the CAHSEE, including test administration workshops, local workshops on the CAHSEE content and test administration, and providing test-taking strategies (Table 4.13).

Principals were provided lists of activities to prepare students for the CAHSEE. In general, preparatory activities have increased over time. Interestingly, the most common activities in 2004 were not activities geared toward explicitly preparing students for the content covered by the CAHSEE, but were instead motivational in nature: emphasizing the importance of the CAHSEE and encouraging students to work hard (Figure 4.1a). Schools followed the motivational activities with the teaching of test-taking skills—an effort that would presumably provide students a benefit beyond the CAHSEE. The fourth most-commonly reported activity was adopting the state standards—again, an alignment activity with implications beyond the CAHSEE. Principals report that many of the activities planned to assist students to pass the CAHSEE are not yet fully implemented (Table 4.14).

In open-ended responses, both principals and teachers noted that the CAHSEE program benefits California schools by providing accountability and increasing students' seriousness and motivation. A minority of each group (10% of principals and 15% of teachers) indicated that the CAHSEE provided no benefit. Principals' judgments regarding the score reports included some negative feedback. Some respondents noted that the reports were not useful instructionally and others criticized the timeliness of the reports.

Over the years, teachers have consistently reported that approximately a third of 10th grade students are not well prepared (or not at all prepared) (Table 4.15). While estimates of the number (or percentage) of well-prepared (and very well-prepared) students have steadily but gradually increased, the pool of unprepared students has stayed persistently high.

Principal and teacher ratings of the effects of the CAHSEE on student motivation and parental involvement have increased, despite some unrelenting patterns (Tables 4.16, 4.17 and Figures 4.3a, 4.3b). A majority of both groups seem to indicate that facing the hurdle of passing the CAHSEE is a motivating factor for students, whether they have not yet taken the exam or they have taken it and not passed. Once students have passed the exam, responses indicate that the effect is somewhat

muted, although still neutral-to-positive. The demotivating effects on high-achieving students anticipated by some opponents of the program seem not to have emerged. Both groups report that parental involvement is boosted for students who do not pass the exam, compared to those who have already passed.

However, a large percentage of both principals (73%) and teachers (41%) predict that the CAHSEE will have a negative (or strongly negative) impact on student retention and student dropout rates, yielding increases in both rates (Table 4.18, Figures 4.4 and 4.4b). Although the state-maintained enrollment data do not provide evidence to date of such an effect, the perception persists.

One of the concerns when implementing a new exam is whether there is a differential impact on various subgroup populations. Principals acknowledge that students with disabilities and EL students, on the whole, have had less exposure to the ELA and math content standards than the overall student population (Figures 4.6a and 4.6b). While the coverage has reportedly increased for all groups since the inception of the CAHSEE, the disparity remains. Most test coordinators indicate that most or all of these students are tested and that these numbers have increased over the past three years (Table 4.37). Conversely, the rate of testing accommodations and modifications decreased in 2004.

Despite these concerns, most principals and teachers perceive the CAHSEE as having a positive influence on instructional practices (Table 4.19) and expect that positive influence to continue in coming years (Figures 4.5a and 4.5b). Most principals report that most teachers understand the difference between “teaching to the test” and “aligning the curriculum and instruction to the content standards” (Figure 4.7). They base this conclusion on multiple sources of information, including classroom visits, discussions at faculty meetings, instructional materials, and other sources (Table 4.24). However, while a large majority of principals report that more than half their teachers have a copy of the blueprint, a substantially smaller proportion of teachers use those blueprints in instructional planning (Table 4.23).

A whole-school approach to helping students achieve is widely endorsed in educational literature. Principals and teachers differ in their opinions of whether all teachers (including those who do not teach ELA or mathematics) perceive a shared responsibility for student success on the CAHSEE (Table 4.25). Principals clearly sense more shared responsibility than do the ELA and math teachers. In fact, a constant theme through the survey responses is that the optimism of principals is higher than that of their teachers. For example, note principal and teacher ratings of the usefulness of the CDE website, student exam motivation, and parental involvement (Tables 4.12, 4.16, 4.17, and Figures 4.3a, 4.3b).

Principals are less sanguine, however, regarding the constraints on student services that will be imposed by financial limitations in the future (Table 4.26). They see individual student assistance as well as support services for students, parents, teachers, and schools at particular risk. Across the board for several activities, they

expect greater financial constraints in the near future as compared to the past four years.

Overall, the five years of the CAHSEE school surveys paint a picture of a maturing program. Awareness regarding the test and supporting materials such as the CDE website, remediation materials, and school coordinator support documentation and training are on the rise. Principals and teachers perceive a variety of benefits of the program, although they remain concerned about potential exacerbating effects on student retention and dropout rates. All told, one might sum up their position as believing that the CAHSEE program is improving education for students who persist.

CHAPTER 5: FINDINGS AND RECOMMENDATIONS

Five years have passed since efforts to develop the CAHSEE were launched. As the independent evaluator for that period, we have watched the HSEE Panel work to identify appropriate content for the ELA and mathematics tests and observed the development and piloting of questions for these tests. The quality of the examination has been surprisingly high given a very tight schedule for initial development. The two contractors for test development have managed to field more than a dozen forms of the tests. As documented in our AB 1609 Study report, schools have responded positively, improving programs of initial instruction and implementing new programs to help students who do not initially pass the CAHSEE.

After reviewing the state of instruction related to the CAHSEE content standards, the Board decided that more time was needed to be sure that all students had access to effective instruction. The CAHSEE requirement was restarted this year with minor changes to the content and format of the exam. In concluding our work as the independent evaluator, we offer a last list of findings based on observation and analysis of the CAHSEE exam developed for the Class of 2006. As in prior years, we also offer recommendations for improving the validity of the test and the effectiveness of the CAHSEE requirement more generally. We conclude by highlighting some questions that will need to be addressed as the CAHSEE program continues to mature.

Findings

The following findings are based on results from the analyses and activities described in the previous chapters. The first four findings have broad implications for the CAHSEE program and are labeled as general findings. These are followed by two more specific findings.

General Finding 1. Student performance on the CAHSEE mathematics test improved significantly for the Class of 2006 in comparison to the Class of 2005. Performance on the ELA improved only slightly, if at all.

Passing rates on the mathematics test, after accounting for changes in the score scale, increased by about five percent in 2004. Mathematics passing rates also increased for every one of the demographic groups that we analyzed. With this increase and the impact of the new score scale, more than 70 percent of the students in the CAHSEE data files passed each part of the CAHSEE. Improvements in mathematics were related to the fact that slightly more students were taking or had taken algebra and higher-level mathematics courses (79.0% compared to 77.8%) and also that passing rates were higher for each level of mathematics courses taken. For example, the CAHSEE mathematics passing rates for students whose highest math course was Algebra I rose from 51 percent to 58 percent. These increases in passing rates indicate that either the effectiveness of the algebra and higher-level courses had improved and/or that students were better prepared by their prior coursework to benefit from high school mathematics courses.

The reason for the lack of a significant increase in performance on the ELA test is unclear. We found modest increases in the percentage of students classified as English learners (16.9% to 18.3%) and students receiving special education services (8.6% to 9.2%). It also appears that a greater proportion of 10th grade students took the CAHSEE, most likely in response to the participation requirements of federal No Child Left Behind legislation. In 2003 the number of 10th grade students taking one or both parts of the CAHSEE was 90 percent of the 2002–2003 fall 10th grade enrollment. In 2004, the corresponding percentage was up, to 94. It is reasonable to assume that by increasing the participation rate, schools tested more students, including English learners and students receiving special education services, who were not well prepared to pass the CAHSEE.

General Finding 2. The performance of students receiving special education services on the CAHSEE remains low.

Students receiving special education services showed the smallest increase in mathematics passing rates of all demographic groups, improving by only 1 percent, from 27 percent to 28 percent. This group also showed a noticeable drop in ELA passing rates, from 32 percent to 29 percent. There continued to be very significant differences in passing rates for students receiving special education services in different ethnic categories. For ELA, only 17 percent of African American students receiving special education services and 19 percent of Hispanic students receiving special education services passed, compared to 37 percent of Asians and 47 percent of White students. For mathematics, 13 percent of African American students and 19 percent of Hispanic students receiving special education services passed, compared to 46 percent of Asians and 44 percent of White students receiving special education services.

General Finding 3. Despite predictions by principals and teachers, the current CAHSEE requirement has been accompanied by a decrease rather than an increase in dropout and retention rates.

Seventy-three percent of the principals responding to our longitudinal survey and 41 percent of the teachers responding predicted that the CAHSEE would have a negative or strongly negative impact on dropout rates (that is, the dropout rate would increase). Last year, we noted that 10th grade to 11th grade enrollment declines for the Class of 2004, the class initially affected by the CAHSEE, were only 6.8 percent compared to about 7.8 percent for each of the prior five classes. This year, the 10th to 11th grade enrollment decline for the Class of 2005 was even slightly less, 6.6 percent. In addition, 11th to 12th grade enrollment declines were only 7.7 percent for the Class of 2004 this year, compared to 8.4 percent for the Class of 2003 and well over 10 percent for each of the prior four classes. It is possible that increased remediation efforts associated with the CAHSEE requirement have contributed to a decline in dropouts, although we cannot rule out alternative explanations such as reduced employment alternatives. In any event, it is clear that the CAHSEE requirement has not led to any significant increase in dropout rates for the first two classes affected by the CAHSEE.

General Finding 4. Principals reported continued efforts to implement programs and practices to help students who are not prepared to pass the CAHSEE and to promote learning for all students.

Principals were asked about activities to help students who do not pass the CAHSEE or who are not prepared. They reported significant increases from 2002 to 2004 in full implementation of several important efforts including:

- *Work with feeder middle school* increased from 5 to 28 percent.
- *Develop parent support* rose from 0 to 11 percent.
- *Offering demanding courses from the beginning* increased from 25 to 64 percent.
- *Ensure students take demanding courses from the beginning* increased from 20 to 64 percent

Principals were also asked about actions to promote learning for all students. They reported significant increases from 2003 to 2004 in full implementation of the following:

- *Teacher access to in-service training on content standards* increased from 60 to 73 percent.
- *Teacher access to in-service training on instructional techniques* increased from 50 to 64 percent.
- *Student and parent support services* increased from 10 to 27 percent.

In addition to the above four general findings, we note two specific findings based on data from the student, teacher, or principal surveys. Many specific findings from these surveys are discussed in detail in Chapters 3 and 4. We have selected two that appear to be significant both in magnitude and in meaning.

Specific Finding 1. About 90 percent of the students tested reported that most or all of the topics on the test were covered in courses that they had taken.

Several new questions were added to the student questionnaire in 2004. These questions were designed to probe student views about how well their courses prepared them to take the CAHSEE. This information complements information about courses collected from teachers and principals in 2003 in the AB1609 study. The first question asked whether the topics on the test were covered in courses they had taken. Only 8.5 percent of the students reported that many topics on the ELA test were not covered in courses they had taken. Only 11.4 percent reported that many topics on the mathematics test were not covered in their courses. These responses were closely related to passing rates. Of the students who responded that many topics were not covered in mathematics courses, only 50 percent passed the mathematics test compared to a 69 percent passing rate for students who said most topics were covered and 89 percent for students who said that all topics were covered.

For mathematics, reported coverage of the CAHSEE topics was also related to the level of mathematics courses taken. Of students who had taken only general math, 29.1 percent said that many topics on the CAHSEE mathematics test were not covered in their courses, compared to 16.5 percent of the students who had taken or were taking Algebra I and less than 7 percent of students taking courses beyond Algebra I (or beyond Integrated Math I).

The rate at which students report coverage of tested topics in their classes is important as one indicator of the opportunity to learn material, or the instructional validity of the CAHSEE test. Student self-report of exposure to tested topics is only a rough measure, but the high percentage of students indicating that most topics were covered in their courses is a positive indication that course instruction is aligned with the tested content standards.

Specific Finding 2. Principal estimates of parents' knowledge of the CAHSEE increased significantly in 2004.

Principal estimates of the percentage of parents who know which students had the opportunity to take the CAHSEE increased from 60 percent to 67 percent and estimates of the percentage of parents who knew when the CAHSEE was given rose from 57 percent to 79 percent. Most significantly, estimates of the percentage of parents who know what knowledge and skills are covered by the CAHSEE increased from 26 percent to 44 percent. These increases in parental awareness are important because they could play a significant role in encouraging students to take advantage of available opportunities to prepare for the CAHSEE, such as summer school offerings and remedial courses. In addition, increases in parental knowledge reflect greater general public awareness.

Recommendations

Based on the findings described above and on findings included in prior reports, HumRRO offers four general recommendations and one more specific recommendation.

General Recommendation 1. Keep the CAHSEE requirement in place for the Class of 2006 and beyond.

One of the most positive results of the CAHSEE requirement has been to help schools identify students who need additional help in acquiring essential skills and to implement programs to provide that help. Initial results for the Class of 2006 suggests that it is quite likely that, given some effort on their part, nearly all students will be able to pass the CAHSEE (with the exception of some students receiving special education services, as addressed in a later recommendation). Remediation programs put in place for the Class of 2004 resulted in passing rate increases of about 10 percent a year. Given that nearly two-thirds of the Class of 2006 has completely met the CAHSEE requirement, increases of about 10 percent per year

will result in approximately the same percentage of students in the Class of 2006 being able to meet the CAHSEE requirement as currently graduate from high school.

Based on survey responses, principals, teachers, students, and parents now know a lot more about the CAHSEE and appear to believe the requirement must be met. Canceling or further deferring the requirement would likely not only reverse much of the progress that has been made in helping students master required skills, but also would weaken or destroy the credibility of future efforts to improve instruction and student achievement.

General Recommendation 2. Continue efforts to help students prepare for and take more challenging courses.

In addition to developing new programs, simply encouraging students to take advantage of courses and programs already in place would help enormously. Results have consistently shown that students who are prepared for and take Algebra 1 and subsequent courses are very likely to pass the mathematics portion of the CAHSEE. Preparing students to take higher-level mathematics courses is a particular challenge for students receiving special education services. Many fewer of these students are currently taking Algebra I by the 10th grade.

In prior administrations, passing rates for the mathematics test were considerably lower than passing rates for the ELA test (about 50% compared to 70%). Our previous reports highlighted mathematics performance. Similarly, schools' best efforts were naturally focused on improving performance in mathematics. Now that the passing rates are essentially equal, more attention needs to be given to the effectiveness of ELA coursework and to efforts to prepare students for success in this coursework and to help students who are not initially successful in learning required skills. Note, too, that English learners who reach English proficiency have little difficulty in passing the ELA portion of the CAHSEE. Further efforts to help English learners reach proficiency will further improve ELA passing rates for this group.

General Recommendation 3. Encourage efforts to identify remedial programs that work and disseminate information about these programs to all schools.

The CDE has developed various guides and workshops to facilitate improved remediation efforts across the state. In addition, successful remediation programs developed by schools and districts could be identified (by the CDE or by the districts themselves) and shared with other schools to encourage their broader implementation. "Success" of the programs could be measured by student passing rates on the CAHSEE subsequent to completion of these programs.

General Recommendation 4. Continue to explore options for students receiving special education services.

A High School Exit Examination for Pupils With Disabilities Advisory Panel, formed in response to SB 964, is studying alternatives for helping students receiving special education services address the CAHSEE requirement (http://www.cde.ca.gov/ta/tg/hs/sb964study.asp). In past evaluation reports, we also called for consideration of alternatives for students receiving special education services. Given no significant improvement in passing rates for students receiving special education services in the Class of 2006, our recommendation stands. Here are some examples of the types of ideas that might be considered:

- Set realistic expectations. Work to more clearly differentiate students who can attain the regular curriculum from those who cannot. Set alternate goals with alternate recognition of accomplishments for students who cannot manage the regular curriculum. As noted below, more study is required to identify appropriate expectations and instruction for the very different types of students qualifying for special education services.

- Allow more time. The majority of students receiving special education services may be able to meet the CAHSEE requirement, but it may take many of them longer to reach the required level of achievement. Providing regular alternatives to the usual twelve-year curriculum for these students would support development of required skills. A careful study of ways of spreading out the curriculum at different points would be preferable to simply adding one or more years at the end as makeup time.

- Investigate curricula. Collect information on the curriculum provided to different types of students receiving special education services. Information on the effectiveness of different curricula for students with specific types of disabilities could be used to improve the effectiveness of individualized educational plans (IEPs) for students receiving special education services.

- Collect accommodation information. Information should be collected on relationships of specific accommodations provided for CAHSEE (e.g., small group administration, oral presentation of instructions), accommodations specified in IEPs and provided with instruction, and performance on the CAHSEE. This information would enhance CDE's ability to counter challenges of fairness for students with specific disabilities and would support further research on the appropriateness of these accommodations in measuring the intended constructs.

Specific Recommendation 1. Work to implement a system of student identifiers and student records that provide information, including (a) CAHSEE passing status, (b) students on track to graduate with their class, (c) students who have been retained, and (d) students who have dropped out.

As the Class of 2006 nears graduation, policymakers will want to know how many students have passed the CAHSEE. Up to this point, there has not been a statewide data system that would allow us to accurately determine how many of the students who have passed the CAHSEE earlier are still in school and how many new students have come into the state who have not yet taken the CAHSEE. Comparing the number of students who passed the CAHSEE in prior years to current enrollments would not give an accurate estimate of the number of students who still need to pass the exam. Further, some students transfer from one high school to another within the state and other students do not complete sufficient credits to advance to the next grade, thus changing the date of their expected graduation. Without statewide identifiers, it is also impossible to count these students appropriately in cumulative estimates of the CAHSEE passing rates.

The California Longitudinal Pupil Achievement Data System (CALPADS) was established in response to SB 1453 (enacted in 2002) to further comply with federal accountability requirements. Student identifiers, required to implement this data system, are being established by the California School Information Services (CSIS). If successful, this effort will enable more complete answers to policymakers' questions about the CAHSEE passing rates.

The CDE may also wish to work with districts to track students beyond high school accountability. As noted under "Questions for Further Inquiry" 2 on the next page, information, even for a modest sample of students, on the relationship of the CAHSEE scores to success in college work and in other endeavors would be very useful in reviewing the rigor of the CAHSEE requirement.

Questions for Further Inquiry

This report brings our five-year effort as the independent evaluator for the CAHSEE to a close. Because students have not yet graduated or failed to do so under the CAHSEE requirement, much remains to be learned about the longer-term effects of this program. The CDE has embedded a number of new ideas for addressing CAHSEE issues in a request for proposals (RFP) for continuing the evaluation. In concluding this report and this evaluation contract, we offer our own perspective on questions for further inquiry.

1. What are effective strategies for ensuring that students have the knowledge and skill to pass the CAHSEE?

The request for proposals to continue the independent evaluation of the CAHSEE included a specific requirement to identify "effective remediation strategies for students who have difficulty in ELA and math." The 2003 study of instruction

conducted in response to the AB 1609 requirement concluded that the CAHSEE requirement had led to many new classes or programs to help students having difficulty with the CAHSEE but that these programs were not yet fully effective. We also noted that the CAHSEE passing rates varied considerably by program and school. The CDE has developed guides for teachers and students to assist in preparation for the CAHSEE. A systematic review of the use and effectiveness of these guides, together with identification of additional remediation strategies that might be included in expanded guides would go a long way toward maximizing opportunities for all students to learn the material covered by the CAHSEE.

2. Is the CAHSEE requirement sufficiently rigorous?

As independent evaluators, we feel that the current CAHSEE requirement reflects a delicate balance between what students need to know and be able to do and what it is currently reasonable to expect them to achieve. Other groups have called for significantly more rigorous graduation requirements (e.g., Achieve Inc. 2004). Kirst (2003) has pointed to the high proportion of college enrollees who must take remedial coursework as evidence that many high school graduates do not yet have expected levels of knowledge and skill.

It would be very useful to have data relating the CAHSEE scores to subsequent success in college and in other post-high-school activities, and perhaps to other predictors of college performance, such as SAT scores. SBE has indicated intentions to increase the CAHSEE requirement over time. Longitudinal data on the CAHSEE examinees would provide empirical information that could be quite useful in deciding how and when/whether to adjust the CAHSEE passing levels.

3. What options might be provided for students receiving special education services?

As noted above, we believe that further consideration of options for students receiving special education services is needed. New research and new syntheses of existing research would support identification and consideration of these options. Most commonly, the population of students receiving special education services is treated as a single group in research studies. In fact, these students are a collection of students with diverse physical and mental challenges that they must overcome. Research identifying appropriate and effective programs and accommodations for students with different types of challenges is essential to the identification of options for helping these students meet the CAHSEE requirement.

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APPENDIX A

CAHSEE Principal Survey—Spring 2004

California High School Exit Examination (CAHSEE) Evaluation
Principal Longitudinal Sample Survey Spring 2004

Principal Name:

School Name:

DIRECTIONS: *Please provide the following information by filling in the circle of the appropriate response or by writing an appropriate response.*

MARKING INSTRUCTIONS

- **Use a No. 2 pencil only.**
- **Do not use ink, ballpoint, or felt tip pens.**
- **Make solid marks that fill the response completely.**
- **Erase cleanly any marks you wish to change.**
- **Make no stray marks on this form.**

CORRECT: ● **INCORRECT:** ✓ ⊗ ◒ ◔

1. Including the 2003-2004 school year, how many years...

...have you been a principal (or school-level administrator)?	... were you a teacher?	...have you worked in your present school?	...have you worked in public schools?
00	00	00	00
11	11	11	11
22	22	22	22
33	33	33	33
44	44	44	44
55	55	55	55
66	66	66	66
77	77	77	77
88	88	88	88
99	99	99	99

2. For the 2003-2004 school year:

How many teachers are on your staff?	What percentage of your teachers have taught at this school for 3 years or more?	What percentage of your teachers have earned advanced degrees (i.e., beyond BA/BS)?	What percentage of your teachers are certified in the subject they are teaching?
	%	%	%
000	000	000	000
111	111	111	111
22	22	22	22
33	33	33	33
44	44	44	44
55	55	55	55
66	66	66	66
77	77	77	77
88	88	88	88
99	99	99	99

3. Have there been any major staff or faculty changes in your school over the past three years? If so, please describe.

_____

_____

_____

_____

_____

_____

_____

_____

_____

4. Indicate the various specialty education programs offered by your school. (Mark all that apply; estimate percentage (%) of students who participate in each; and comment.)

○ Remedial Courses

			%
0	0	0	
1	1	1	
	2	2	
	3	3	
	4	4	
	5	5	
	6	6	
	7	7	
	8	8	
	9	9	

○ Magnet Program

			%
0	0	0	
1	1	1	
	2	2	
	3	3	
	4	4	
	5	5	
	6	6	
	7	7	
	8	8	
	9	9	

○ Special Education

			%
0	0	0	
1	1	1	
	2	2	
	3	3	
	4	4	
	5	5	
	6	6	
	7	7	
	8	8	
	9	9	

○ Program for English Learners

			%
0	0	0	
1	1	1	
	2	2	
	3	3	
	4	4	
	5	5	
	6	6	
	7	7	
	8	8	
	9	9	

○ Multicultural/ Diversity-Based

			%
0	0	0	
1	1	1	
	2	2	
	3	3	
	4	4	
	5	5	
	6	6	
	7	7	
	8	8	
	9	9	

Comments:

○ Advanced Placement

			%
0	0	0	
1	1	1	
	2	2	
	3	3	
	4	4	
	5	5	
	6	6	
	7	7	
	8	8	
	9	9	

○ International Baccalaureate

			%
0	0	0	
1	1	1	
	2	2	
	3	3	
	4	4	
	5	5	
	6	6	
	7	7	
	8	8	
	9	9	

○ School/ Community/ Business Partnerships

			%
0	0	0	
1	1	1	
	2	2	
	3	3	
	4	4	
	5	5	
	6	6	
	7	7	
	8	8	
	9	9	

○ Targeted Tutoring

			%
0	0	0	
1	1	1	
	2	2	
	3	3	
	4	4	
	5	5	
	6	6	
	7	7	
	8	8	
	9	9	

○ Other (specify) _____

			%
0	0	0	
1	1	1	
	2	2	
	3	3	
	4	4	
	5	5	
	6	6	
	7	7	
	8	8	
	9	9	

Comments:

5. Consider your students, overall, and within each of the following racial/ethnic groups. Estimate your current graduation rate.

	Seniors Overall	American Indian/ Alaskan Native	Asian or Pacific Islander	Black or African American, not Hispanic origin	Caucasian not Hispanic origin	Hispanic/ Latino	Other (specify) _____
Current graduation rate (% of entering 9th graders who graduate within 4-5 years)	___ %	___ %	___ %	___ %	___ %	___ %	___ %
	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
	1 1 1	1 1 1	1 1 1	1 1 1	1 1 1	1 1 1	1 1 1
	2 2	2 2	2 2	2 2	2 2	2 2	2 2
	3 3	3 3	3 3	3 3	3 3	3 3	3 3
	4 4	4 4	4 4	4 4	4 4	4 4	4 4
	5 5	5 5	5 5	5 5	5 5	5 5	5 5
	6 6	6 6	6 6	6 6	6 6	6 6	6 6
	7 7	7 7	7 7	7 7	7 7	7 7	7 7
	8 8	8 8	8 8	8 8	8 8	8 8	8 8
	9 9	9 9	9 9	9 9	9 9	9 9	9 9

6. Based on your own most recent school data (e.g., Senior Survey), what percentage of your seniors indicated each main activity as their choice for the year after they graduate from high school? The percentages should total approximately 100%.

	0	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100 %
Working full time	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯
Attending a vocational, technical, or business school	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯
Attending a 2-year college	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯
Attending a 4-year college, service academy, university	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯
Serving in the regular military service	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯
Other	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯

◯ *We do not collect this type of data.*

About the California High School Exit Examination (CAHSEE)

7. What percentage of your school's current 12th grade students in each of the following groups have passed both parts of the CAHSEE?

	0	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100 %
a. All your school's 12th grade students	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯
b. 12th grade students with disabilities in SDC	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯
c. 12th grade students with disabilties in RSP	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯
d. 12th grade students who are or were English learners	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯

8. Are you offering your 11th and 12th grade students who passed both parts of the CAHSEE a seal or Certificate of Appreciation made available by CDE?

◯ Yes
◯ No

9. How useful do you find the CDE website as a source of information about the CAHSEE?

◯ Not At All Useful
◯ Slightly Useful
◯ Somewhat Useful
◯ Very Useful
◯ I am not familiar with the CDE website.

About the CAHSEE (cont.)

10. a. How aware do you think students in your school are of the CAHSEE? (Mark all that apply.)

- ◯ They know nothing about the exam.
- ◯ They have only general information about the exam.
- ◯ They know what knowledge and skills are covered by the exam.
- ◯ They know the times of year when the exam is given.
- ◯ They know which students have the opportunity to take the exam.

10. b. What is your estimate of the percentage of students in your school who are aware of what knowledge and skills are covered by the exam?

			%
0	0	0	
1	1	1	
	2	2	
	3	3	
	4	4	
	5	5	
	6	6	
	7	7	
	8	8	
	9	9	

11. a. How aware do you think parents of students in your school are of the CAHSEE? (Mark all that apply.)

- ◯ They know nothing about the exam.
- ◯ They have only general information about the exam.
- ◯ They know what knowledge and skills are covered by the exam.
- ◯ They know when the exam will be given.
- ◯ They know which students have the opportunity to take the exam.

11. b. What is your estimate of the percentage of parents of students in your school who are aware of what knowledge and skills are covered by the exam?

			%
0	0	0	
1	1	1	
	2	2	
	3	3	
	4	4	
	5	5	
	6	6	
	7	7	
	8	8	
	9	9	

12. The relationship between your district standards for English-Language Arts and those described by the English-Language Arts Content Standards and the Reading/Language Arts Framework can best be described by which of the following statements? (Mark only one.)

- ◯ Our district has adopted the state content standards.
- ◯ The state content standards include more than our district content standards.
- ◯ Our district content standards include more than the state content standards.
- ◯ The two sets of content standards are different.
- ◯ I cannot judge the relationship between our district standards and the state standards.
- ◯ Our district does not have an official set of content standards.

13. The relationship between your district standards for mathematics and those described by the Mathematics Content Standards and the Mathematics Framework can best be described by which of the following statements? (Mark only one.)

- ◯ Our district has adopted the state content standards.
- ◯ The state content standards include more than our district content standards.
- ◯ Our district content standards include more than the state content standards.
- ◯ The two sets of content standards are different.
- ◯ I cannot judge the relationship between our district standards and the state standards.
- ◯ Our district does not have an official set of content standards.

14. Consider the full set of state content standards and mark ALL that apply.

- ◯ Our district encourages use of the content standards to organize instruction.
- ◯ Our current ELA textbooks align well with the content standards.
- ◯ Our current math textbooks align well with the content standards.
- ◯ We can cover all of the content standards with a mix of textbooks and supplemental material.
- ◯ Our district is in the process of aligning its curriculum to the state content standards.
- ◯ Our district is in the process of aligning its curriculum across grade levels to the content standards.
- ◯ Our district has a plan, which ensures that all high school students receive instruction in each of the content standards.
- ◯ Our district has a plan that ensures that all pre-high school students are prepared to receive instruction in each of the content standards.
- ◯ Our district has adopted Algebra I as a graduation requirement.
- ◯ Our district (or school) is hiring only teachers certified in their field.
- ◯ Our district (or school) is assigning teachers only in their certified fields.

15. What training has been provided to your school faculty/staff to prepare students for the CAHSEE? (Mark all that apply.)

- ◯ No special preparation.
- ◯ Administrators participated in test administration workshops.
- ◯ Delivered local workshops on test administration.
- ◯ Delivered local workshops on CAHSEE content (e.g., used Teacher Guides as a focal point for discussion).
- ◯ Provided test-taking strategies.
- ◯ Other (please specify) _____

_____

16. Describe what you think about the CAHSEE individual and group score reports (e.g., ease of understanding, comprehensiveness, timeliness, usefulness for instruction, etc.)

◯ *Have not seen a score report*

_____
_____
_____
_____
_____
_____
_____
_____

17. What information do you use to identify students who are at risk of not passing the CASHEE or scoring Below Basic or Far Below Basic on the CST in their subject? (Mark all that apply.)

- ◯ NRT results
- ◯ CST results
- ◯ District end-of-course (EOC) results
- ◯ District assessments (benchmarks, math facts, etc.)
- ◯ Teacher judgment
- ◯ Other _____

18. What activities did your school undertake to prepare students for the spring 2004 administration of the CAHSEE? (Mark all that apply.)

	For those activities you marked in the 1st column, mark the three (3) that you consider most important in your CAHSEE preparation.
◯ No special preparation	◯
◯ Encouraged students to work hard and prepare	◯
◯ Emphasized the importance of the CAHSEE	◯
◯ Provided individual/group tutoring	◯
◯ Had students work with computers	◯
◯ Taught test-taking skills	◯
◯ Modified curriculum	◯
◯ Included teachers other than ELA and math in instructional planning for the CAHSEE	◯
◯ Increased summer school offerings	◯
◯ Added homework	◯
◯ Eliminated electives in favor of remedial classes	◯
◯ Used school test results to change instruction	◯
◯ Used school test results to design remedial instruction	◯
◯ Adopted state content standards	◯
◯ Changed graduation requirements to include courses that enhance student success on the CAHSEE	◯
◯ Other (specify) _____	◯

19. During this school year (2003-2004), how much time, in total, do you estimate you have spent in activities specifically related to the CAHSEE (e.g., meetings, discussions, curriculum review, your professional development, your staff's development, etc.)?

- ◯ None
- ◯ Less than 6 hours
- ◯ 6-15 hours
- ◯ 16-35 hours
- ◯ More than 35 hours

20. Based on your knowledge of your faculty, what percentage of your teachers do you think understand the difference between *teaching to the test* and *aligning curriculum and instruction to the standards*?

- ◯ Fewer than 50%
- ◯ 50–74%
- ◯ 75–95%
- ◯ Greater than 95%
- ◯ Unsure

21. Based on your knowledge of your faculty, what percent of your teachers HAVE copies of CST/CAHSEE blueprints?
- ◯ Fewer than 50%
- ◯ 50-74%
- ◯ 75-95%
- ◯ Greater than 95%
- ◯ Unsure

22. Based on your knowledge of your faculty, what percent of your teachers USE the blueprints for lesson planning?
- ◯ Fewer than 50%
- ◯ 50-74%
- ◯ 75-95%
- ◯ Greater than 95%
- ◯ Unsure

23. What evidence do you collect that teachers are "teaching to the standards" (i.e. using standards documents, frameworks and/or blueprints)? (Mark all that apply.)

Subject	Goal setting and other individual conferences	Classroom visits—Walk throughs or other informal interactions	Reports from department chairs or others responsible for supervising instruction	Discussions at faculty meeting	School or district level in-service	Teacher-generated instructional and assessment materials	Other
ELA	◯	◯	◯	◯	◯	◯	◯
Mathematics	◯	◯	◯	◯	◯	◯	◯

24. How responsible do you think teachers other than those in ELA and math view themselves for student success on the CAHSEE?
- ◯ Very responsible
- ◯ Somewhat responsible
- ◯ Slightly responsible
- ◯ Not at all responsible

25. What plans has your school made to prepare for assisting high school students who do not pass the exit exam or who do not seem prepared to take it? (Mark one response for each.)

	No Plan to Implement	Plan to Implement	Partially Implemented	Fully Implemented
◯ No special plans				
Increased high school remedial courses	◯	◯	◯	◯
Reduced high school electives in favor of remedial classes	◯	◯	◯	◯
Increased high school summer school offerings	◯	◯	◯	◯
Provided individual/group tutoring	◯	◯	◯	◯
Had students work with computers for remedial instruction	◯	◯	◯	◯
Added homework	◯	◯	◯	◯
Adopted state content standards	◯	◯	◯	◯
Altered high school curriculum	◯	◯	◯	◯
Included teachers other than ELA and math in instructional planning for the CAHSEE	◯	◯	◯	◯
Worked with feeder middle schools	◯	◯	◯	◯
Developed parent support program	◯	◯	◯	◯
Used school test results to change high school instruction	◯	◯	◯	◯
Evaluated high school students' abilities and placed them in courses/programs accordingly	◯	◯	◯	◯
Ensured we are offering demanding courses from the beginning	◯	◯	◯	◯
Ensured that students are taking demanding courses from the beginning	◯	◯	◯	◯
Other (specify) _____	◯	◯	◯	◯

26. To what extent does the CAHSEE draw away resources from the following?

	Not At All	To a Slight Extent	To a Moderate Extent	To a Great Extent
Vocational courses	◯	◯	◯	◯
Advanced courses	◯	◯	◯	◯
Courses in other academic subject areas	◯	◯	◯	◯
Courses in the arts	◯	◯	◯	◯
Other (specify) _____	◯	◯	◯	◯

27. Based on what you know about your school, what do you predict the result of the CAHSEE will be on...

	Strongly Decreased	Decreased	No Effect	Increased	Strongly Increased
a....student motivation prior to taking the exam for the first time?	◯	◯	◯	◯	◯
b....motivation to excel for students who pass the first time?	◯	◯	◯	◯	◯
c.... motivation to excel for students who do not pass the first time?	◯	◯	◯	◯	◯
d....parental involvement prior to the first required administration of the exam?	◯	◯	◯	◯	◯
e....parental involvement for students who pass the exam?	◯	◯	◯	◯	◯
f....parental involvement for students who do not pass the exam?	◯	◯	◯	◯	◯
g....student retention rates?	◯	◯	◯	◯	◯
h....student dropout rates?	◯	◯	◯	◯	◯

28. Based on what you know about your school, its teachers, and its students, what do you think has been the influence of the CAHSEE on instructional practices?

◯ Considerably Improved
◯ Improved
◯ No Effect
◯ Weakened
◯ Considerably Weakened

29. Based on what you know about your school, what do you estimate the influence of the CAHSEE will be on classroom instructional practices...

	Considerably Improved	Improved	No Effect	Weakened	Considerably Weakened
a....this year (2003-2004)?	◯	◯	◯	◯	◯
b....next year (2004-2005)?	◯	◯	◯	◯	◯
c....in 2 years (2005-2006)?	◯	◯	◯	◯	◯
d....in 4 years (2007-2008)?	◯	◯	◯	◯	◯

30. What percentage of your school's current 10th grade students in each of the following groups would you say have had instruction that covers the English-Language Arts content standards for the exam?

	Fewer Than 50%	50-74%	75-95%	Greater Than 95%
a....all your school's 10th grade students	◯	◯	◯	◯
b....10th grade students with disabilities in SDC	◯	◯	◯	◯
c....10th grade students with disabilities in RSP	◯	◯	◯	◯
d....10th grade English learners	◯	◯	◯	◯

31. What percentage of your school's current 10th grade students in each of the following groups would you say have had instruction that covers the mathematics content standards for the CAHSEE?

	Fewer Than 50%	50-74%	75-95%	Greater Than 95%
a....all your school's 10th grade students	○	○	○	○
b....10th grade students with disabilities in SDC	○	○	○	○
c....10th grade students with disabilities in RSP	○	○	○	○
d....10th grade English learners	○	○	○	○

32. Which of the following do you think had an impact on your students' success in meeting the requirements of the CAHSEE? (Mark one response for each possible factor.)

	Not a Factor	Possibly a Factor	Definitely a Factor
a. Lack of preparation needed to pass	○	○	○
b. Lack of motivation	○	○	○
c. Poor attendance	○	○	○
d. Too many tests to prepare for	○	○	○
e. Language barriers	○	○	○
f. Lack of credentialed E-LA teachers	○	○	○
g. Lack of credentialed math teachers	○	○	○
h. Other (specify) _____	○	○	○

33. Which of the following has your school implemented to promote learning for all students? (Mark one response for each.)

	No Plan to Implement	Plan to Implement	Partially Implemented	Fully Implemented
a. School, teacher, and student access to appropriate instructional materials	○	○	○	○
b. Encourage all students to take Algebra 1	○	○	○	○
c. Individual student assistance	○	○	○	○
d. Teacher and school support services	○	○	○	○
e. Student and parent support services	○	○	○	○
f. Teacher access to in-service training on content standards	○	○	○	○
g. Teacher access to in-service training on instructional techniques	○	○	○	○
h. Administrator and teacher access to in-service training for working with diverse student populations and different learning styles	○	○	○	○

34. To what extent <u>have</u> financial constraints limited your ability to provide the following services to help students pass the CAHSEE during the past four years?

	Not At All	To a Slight Extent	To a Moderate Extent	To a Great Extent
a. School, teacher, and students access to appropriate instructional materials	○	○	○	○
b. Remediation	○	○	○	○
c. Individual student assistance	○	○	○	○
d. Teacher and school support services	○	○	○	○
e. Student and parent support services	○	○	○	○
f. Teacher access to in-service training on content standards	○	○	○	○
g. Teacher access to in-service training on instructional techniques	○	○	○	○
h. Administrator and teacher access to in-service training for working with diverse student populations and different learning styles	○	○	○	○

35. To what extent do you anticipate financial constraints will limit your ability to provide the following services to help students pass the CAHSEE in the near future?

	Not At All	To a Slight Extent	To a Moderate Extent	To a Great Extent
a. School, teacher, and students access to appropriate instructional materials	○	○	○	○
b. Remediation	○	○	○	○
c. Individual student assistance	○	○	○	○
d. Teacher and school support services	○	○	○	○
e. Student and parent support services	○	○	○	○
f. Teacher access to in-service training on content standards	○	○	○	○
g. Teacher access to in-service training on instructional techniques	○	○	○	○
h. Administrator and teacher access to in-service training for working with diverse student populations and different learning styles	○	○	○	○

36. What plans or strategies do you and your faculty/staff have to prepare for Individual Education Program (IEP) or 504 Plan changes that will address participation of a student with a disability in the CAHSEE? At what stage are you in implementing these?

37. What plans or strategies do you and your faculty/staff have to help English learners (ELs) overcome language barriers so they can succeed in meeting the requirements of the CAHSEE? At what stage are you in implementing these?

38. Please describe any specific challenges you feel your school and students face in meeting the requirements of the CAHSEE.

39. Please describe any specific benefits for your school and students that you feel are associated with the requirements of the CAHSEE.

40. Please write any comments about other factors specific to your school that are influencing preparation for or performance on the CAHSEE (e.g., community conditions, economic changes, parental views, etc.)

Thank you for your cooperation.

APPENDIX B

CAHSEE Teacher Survey—Spring 2004

California High School Exit Examination (CAHSEE) Evaluation
Teacher Longitudinal Sample Survey Spring 2004

Teacher Name:

School Name:

DIRECTIONS: *Please provide the following information by filling in the circle of the appropriate response or by writing an appropriate response.*

MARKING INSTRUCTIONS

- **Use a No. 2 pencil only.**
- **Do not use ink, ballpoint, or felt tip pens.**
- **Make solid marks that fill the response completely.**
- **Erase cleanly any marks you wish to change.**
- **Make no stray marks on this form.**

CORRECT: ● **INCORRECT:** ✓ ⊗ ◒ ◔

1. What is your highest level of education?
   - ◯ Bachelor's (4-year) degree
   - ◯ Some graduate school
   - ◯ Master's Degree
   - ◯ Doctorate Degree
   - ◯ Other (specify) _____

2. What is the primary subject area you teach?
   - ◯ English-Language Arts (ELA)
   - ◯ Mathematics (Math)

3. Are you certified in your primary subject area?
   - ◯ Yes
   - ◯ No (specify other area) _____

4. Including the 2003-2004 school year, how many years have you...
   - ....been a teacher? _____
   - ....been a teacher in your primary subject area? _____
   - ....taught in your present school? _____

About You and Your Classes

For the purposes of this survey, please think of your typical classes and answer the following set of questions with an emphasis on your 9th and 10th grade students.

5. What grade level do you teach? (Mark all that apply.)
   - ◯ 9th
   - ◯ 10th
   - ◯ 11th
   - ◯ 12th

6. What is your average enrollment per class period this year?

   _____

7. What is the average percentage of the students in your classes who speak English fluently?
   - ◯ 100%
   - ◯ 90% - 99%
   - ◯ 75% - 89%
   - ◯ 50% - 74%
   - ◯ Less than 50%

8. On average, how much time do you believe students in your classes spend each week on your assignments outside of the classroom?
   - ◯ None
   - ◯ Less than 1 hour
   - ◯ 1 - 3 hours
   - ◯ More than 3 hours

9. In general, how often do you plan for students in your classes to: ...? (Please mark the appropriate circle for each of the following.)

	Almost Every Day	Once or Twice a Week	Once or Twice a Month	Once a Grading Period	Never or Hardly Ever
a. Do work from their textbooks	◯	◯	◯	◯	◯
b. Do work from supplemental materials	◯	◯	◯	◯	◯
c. Do work on the computer	◯	◯	◯	◯	◯
d. Work with hands-on materials, physical models, or manipulatives	◯	◯	◯	◯	◯
e. Work in pairs or small groups	◯	◯	◯	◯	◯
f. Take quizzes or tests	◯	◯	◯	◯	◯
g. Be asked to apply subject area knowledge to real-world situations	◯	◯	◯	◯	◯
h. Write a few sentences about a topic or its consequences (or a math problem or its solution)	◯	◯	◯	◯	◯
i. Write reports or complete projects	◯	◯	◯	◯	◯
j. Conduct research on issues or ideas	◯	◯	◯	◯	◯
k. Present their work to the class	◯	◯	◯	◯	◯

10. During the current school year (2003-2004), how much time, in total, did you spend in professional development workshops, in-service, or seminars in your primary subject area? Include attendance at district-sponsored training and external training.
   - ◯ None
   - ◯ Less than 6 hours
   - ◯ 6 - 15 hours
   - ◯ 16 -35 hours
   - ◯ More than 35 hours

11. To what extent do you think your instruction has benefited from professional development over the past four years?
   - ◯ Not At All
   - ◯ To a Slight Extent
   - ◯ To a Moderate Extent
   - ◯ To a Great Extent

About the California High School Exit Examination

12. How useful do you find the CDE website as a source of information about the CAHSEE?
   - ◯ Not At All Useful
   - ◯ Slightly Useful
   - ◯ Somewhat Useful
   - ◯ Very Useful
   - ◯ I am not familiar with the CDE website.

13. How useful do you find the CAHSEE Remediation Guide as a source of information to help prepare your students for the CAHSEE?
   - ◯ Not At All Useful
   - ◯ Slightly Useful
   - ◯ Somewhat Useful
   - ◯ Very Useful
   - ◯ I am not familiar with the CAHSEE Remediation Guide.

14. If you are an English-Language Arts teacher, based on your knowledge of the ELA content standards tested by the CAHSEE, what proportion of these standards are covered by your school's current curriculum?
   - ◯ Less than ¼
   - ◯ ¼–½
   - ◯ About ¾
   - ◯ Almost all
   - ◯ No knowledge of the CAHSEE English-Language Arts standards

15. If you are a mathematics teacher, based on your knowledge of the mathematics content standards tested by the CAHSEE, what proportion of these standards are covered by your school's current curriculum?
   - ◯ Less than ¼
   - ◯ ¼–½
   - ◯ About ¾
   - ◯ Almost all
   - ◯ No knowledge of the CAHSEE mathematics standards

16. Based on instruction in your school and what you know about your feeder schools, how well prepared to pass the High School Exit Examination were 10th graders in this school year (2003-2004)?
   - ◯ Very well prepared
   - ◯ Well prepared
   - ◯ Prepared
   - ◯ Not well prepared
   - ◯ Not at all prepared

17a. During this school year (2003-2004), how much time, in total, do you estimate you have spent on classroom instruction preparation activities related to the CAHSEE (e.g., department planning, lesson plan review, etc)?
   - ◯ None
   - ◯ Less than 6 hours
   - ◯ 6-15 hours
   - ◯ 16-35 hours
   - ◯ More than 35 hours

17b. How much classroom instruction time do you estimate you spent on activities that you <u>would not have</u> if it weren't for the CAHSEE (e.g., unit or course review, etc.)?
   - ◯ None
   - ◯ Less than 6 hours
   - ◯ 6–15 hours
   - ◯ 16–35 hours
   - ◯ More than 35 hours

17c. During this school year (2003-2004), how much time, in total, do you estimate you have spent in activities related to the CAHSEE (e.g., faculty and department meetings, discussions, staff development, etc.)?
   - ◯ None
   - ◯ Less than 6 hours
   - ◯ 6-15 hours
   - ◯ 16-35 hours
   - ◯ More than 35 hours

18. How would you rate the quality of the professional development related to the California High School Exit Examination you have received this year...

	Poor	Fair	Good	Excellent	Did not have any
From local sources?	◯	◯	◯	◯	◯
From state sources?	◯	◯	◯	◯	◯

19. What activities did you personally undertake to prepare your students for the spring 2004 administration of the CAHSEE? (Mark all that apply.)

	For those activities you marked in the 1st column, mark the **three** (3) that you consider **most important** in CAHSEE preparation for your students.
◯ No special preparation	◯
◯ Encouraged students to work hard and prepare	◯
◯ Emphasized the importance of the CAHSEE	◯
◯ Encouraged students (and through their parents) to take demanding courses	◯
◯ Provided individual/group tutoring	◯
◯ Had students work with computers for remedial instruction	◯
◯ Taught test-taking skills	◯
◯ Increased classroom attention to content standards covered by the CAHSEE in the weeks preceding the CAHSEE	◯
◯ Worked with feeder school teachers	◯
◯ Modifed my instruction	◯
◯ Encouraged other teachers to include instructional activities that incorporate ELA or math standards	◯
◯ Talked with my students	◯
◯ Added homework	◯
◯ Administered "early warning" tests	◯
◯ Used class test results to change instruction	◯
◯ Used class test results to design remedial instruction	◯
◯ Encouraged summer school attendance	◯
◯ Suggested remedial classes rather than electives	◯
◯ Talked or worked with parents	◯
◯ Other (specify) _____	◯

20. How responsible do you think teachers other than ELA and math view themselves for student success on the CAHSEE?
   - ◯ Very responsible
   - ◯ Somewhat responsible
   - ◯ Slightly responsible
   - ◯ Not at all responsible

APPENDIX C

CAHSEE School Site Testing Coordinator Survey—Spring 2004

California High School Exit Examination (CAHSEE) Evaluation
School Site Testing Coordinator Survey Spring 2004

Coordinator Name:
School Name:

DIRECTIONS: *This survey should be completed by the person primarily responsible for CAHSEE test coordination at your school. Please provide the following information by filling in the circle of the appropriate response or by writing an appropriate response.*

MARKING INSTRUCTIONS

- **Use a No. 2 pencil only.**
- **Do not use ink, ballpoint, or felt tip pens.**
- **Make solid marks that fill the response completely.**
- **Erase cleanly any marks you wish to change.**
- **Make no stray marks on this form.**

CORRECT: ● **INCORRECT:**

1. What is your position? (Mark all that apply.)
   - ◯ Principal
   - ◯ Assistant Principal
   - ◯ Test Coordinator
   - ◯ Counselor
   - ◯ Teacher
   - ◯ Other (please specify) _____

2. Which part(s) of the 2004 CAHSEE did you coordinate?
   - ◯ ELA only
   - ◯ Math only
   - ◯ ELA and Math

3. Where did you get information on how to administer the 2003 CAHSEE? (Mark all that apply.)
   - ◯ ETS-Test Administrator Training Workshop
   - ◯ Video by ETS
   - ◯ CDE update meetings
   - ◯ Directions for Administration and School Coordinator's Manual
   - ◯ District workshop
   - ◯ Other (please specify) _____

4. What, if any, of the information needed clarification or correction? Please describe (Link your reponse to #3 by identifying the information source(s).)

   _____
   _____
   _____
   _____
   _____

5. Please describe what information was most helpful. (Link your response to #3 by identifying the information source(s).)

   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____

6. Did you face any problems that were not covered in the information you received? (Link your response to #3 by identifying the information source(s).)
   - ◯ No
   - ◯ Yes (please describe)

   _____
   _____
   _____
   _____
   _____
   _____

7a. What kind of facility did you use to administer the CAHSEE in spring 2004? (Mark all that apply.)

- ◯ On-site classrooms
- ◯ On-site large room (e.g., auditorium or gymnasium)
- ◯ Off-site classrooms
- ◯ Off-site large room (e.g., auditorium or gymnasium)
- ◯ Not sure

7b. What kind of facility do you plan to use to administer the CAHSEE in spring 2005? (Mark all that apply.)

- ◯ On-site classrooms
- ◯ On-site large room (e.g., auditorium or gymnasium)
- ◯ Off-site classrooms
- ◯ Off-site large room (e.g., auditorium or gymnasium)
- ◯ Not sure

8. What did you do to prepare proctors and monitors? (Mark all that apply.)

- ◯ No preparation
- ◯ Conducted workshop
- ◯ Distributed excerpts of the directions for test administrators
- ◯ Developed step-by-step procedure
- ◯ Described general requirements
- ◯ Other (please specify) _____

_____

_____

9. Did you take advantage of the option to have NCS pre-code answer sheets?

◯ No ◯ Yes

10. Will you take advantage of the pre-coding option for the next administration?

◯ No ◯ Yes ◯ Not sure

11. What proportion of eligible students in each category do you estimate you tested?

	None	Fewer than Half	About Half	Most	All
English Learners (EL)	◯	◯	◯	◯	◯
Special Ed	◯	◯	◯	◯	◯

12. What accommodations (that did not fundamentally alter what the test measures) did you provide? (Mark all that apply.)

- ◯ Large print versions
- ◯ Test item enlargement
- ◯ Braille transcriptions
- ◯ Markers, masks, or other means to maintain visual attention
- ◯ Reduced numbers of items per page
- ◯ Audio or oral presentation (math only)
- ◯ Verbal, written, or signed responses
- ◯ Assistive devices and technologies that are regularly used during testing
- ◯ Setting accommodation
- ◯ Timing/scheduling accommodations
- ◯ None

13. What modifications did you provide?

- ◯ Calculators for math
- ◯ Audio or oral presentation for ELA
- ◯ Signed response for ELA
- ◯ None
- ◯ Other (please specify) _____

_____

_____

_____

_____

14. What did you do with students who finished the first section early?

- ◯ Had them go directly to the second section
- ◯ Had them stay in the room until the scheduled break
- ◯ Had them wait outside the room until the scheduled break
- ◯ Other (please specify) _____

15. What did you do with students who had not finished by the break between sessions?

- ◯ All students finished by the time scheduled for the break
- ◯ Delayed the break until all students had finished
- ◯ Had all students take the break and, if needed, finish the section after the break
- ◯ Had students who were not finished work through the break
- ◯ Moved students who were not finished to another room
- ◯ Other (please specify) _____

16. What did you do with students who had not finished by the time lunch was scheduled?

◯ All students finished by lunch
◯ Released students to lunch and had them come back to finish
◯ Had students work through lunch
◯ Other (please specify) _____

17. Were any students receiving special education services unable to take the test even with accommodation or modification? Please describe the student who was affected and the conditions.

_____
_____
_____
_____
_____

18. What did students in other grades do during the administration of the CAHSEE?

◯ Special school-wide activity
◯ Regular classes but revised schedule
◯ Regular classes and regular schedule
◯ Other (please specify) _____

_____
_____

19. What impact did the testing have on attendance of the other grades?

◯ Higher attendance than normal
◯ No impact
◯ Lower attendance than normal

20. How do you plan to use the results? (Mark all that apply.)

◯ Guide individual counseling decisions
◯ Revise current courses
◯ Design remedial courses
◯ Other (please specify) _____

_____
_____

21. Did you administer the released form of the CAHSEE to 11th and 12th grade students who had not passed one or both parts of the CAHSEE but who wanted to continue trying to pass this year to receive the seal or Certificate of Appreciation made available by CDE?

◯ Yes
◯ No

22. Are you offering your 11th and 12th grade students who passed both parts of the CAHSEE a seal or Certificate of Appreciation made available by CDE?

◯ Yes
◯ No

23. Please write any comments about factors specific to your school that are influencing preparation for or performance on the CAHSEE (e.g., community conditions, economic changes, parental views,etc.)

_____
_____
_____
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Thank you for your cooperation.

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: October 26, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

RE: Item No. 6

SUBJECT: California High School Exit Examination (CAHSEE): Presentation of the Independent Evaluation of the CAHSEE: Year Five Report

The attachment to Item No. 6 is a copy of the slides that will be presented by the independent evaluator, the Human Resources Research Organization, for the update on the Year 5 Report on the CAHSEE.

Attachment 2: Update on Evaluation Findings and Recommendations: Year 5 Report (10 pages)

Independent Evaluation of CAHSEE

Update on Evaluation Findings and Recommendations: Year 5 Report

Presentation to:

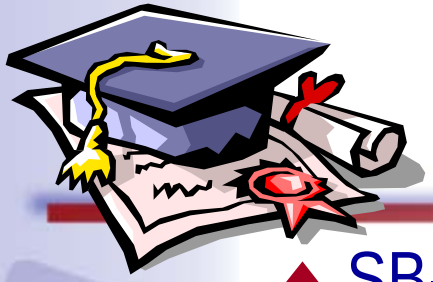
The California State Board of Education

Date:

Tuesday, November 9, 2004

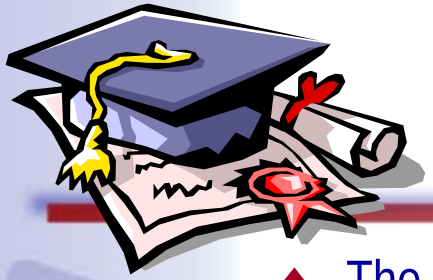
Presenter:

Dr. Lauress L. Wise
HumRRO



Background

- SB-2X, passed in 1999, established the California High School Exit Exam (CAHSEE).
  - HSEE Standards Panel was established to recommend the content of the English-language arts and mathematics sections of the exam.
  - Exam content was adopted by the State Board in December 2000.
  - Beginning with the Class of 2004, students must pass both sections of the exam to receive a high school diploma.
  - A multiyear independent evaluation of the CAHSEE began in January 2000.



Background

- The CDE contracted with Human Resources Research Organization (HumRRO) to conduct the evaluation of the CAHSEE following requirements in EC 60855.
- EC 60855 requires:
  - → A preliminary report based on field test results in July 1, 2000
  - → Biennial reports on operational results beginning with Feb. 1, 2002
- HumRRO's contract with CDE also requires an annual report of evaluation activities plus any findings and recommendations.
  - → This presentation summarizes the findings and conclusions included in final annual report under the original contract, the Year 5 Evaluation Report.
  - → It covers results from the 2004 test administrations, plus school surveys, and reviews of development activities.

Technical Note: Comparing the Class of 2006 to the Class of 2005

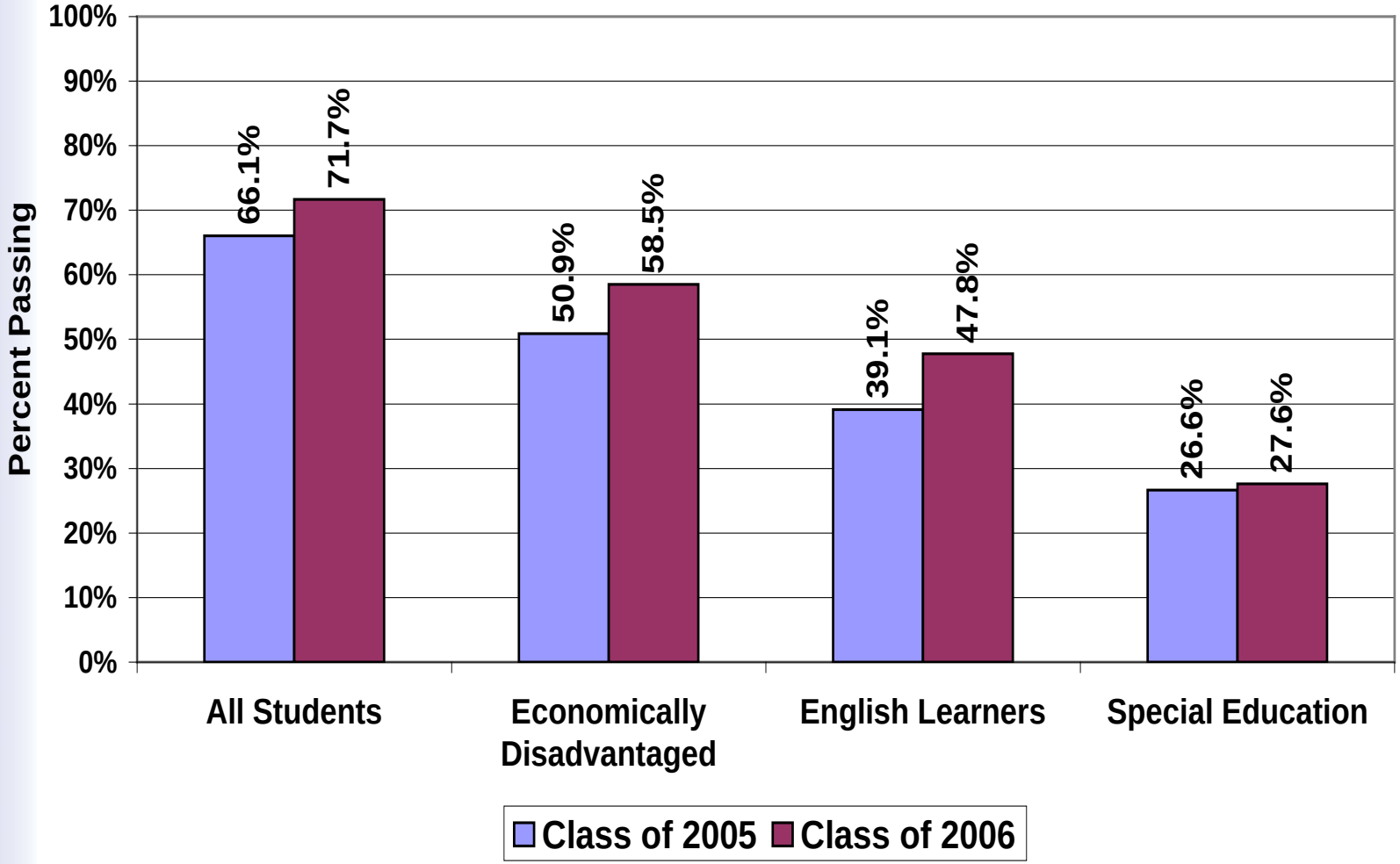
- *Test specification changes*. HumRRO adjusted passing rates for the Class of 2005 to reflect the new specifications.
  - Equated the passing levels on the new tests onto the old English-language arts (ELA) and mathematics scales and recomputed percents at or above passing.
- HumRRO's approach to calculating passing rates led to slightly different results than the test contractor's.
  - *Treatment of students who took one or both parts more then once*. HumRRO performed a by-name match for both years to remove duplication.
  - *The denominator*. HumRRO used unduplicated counts from the CAHSEE including students who did not (yet) take both parts.

General Findings

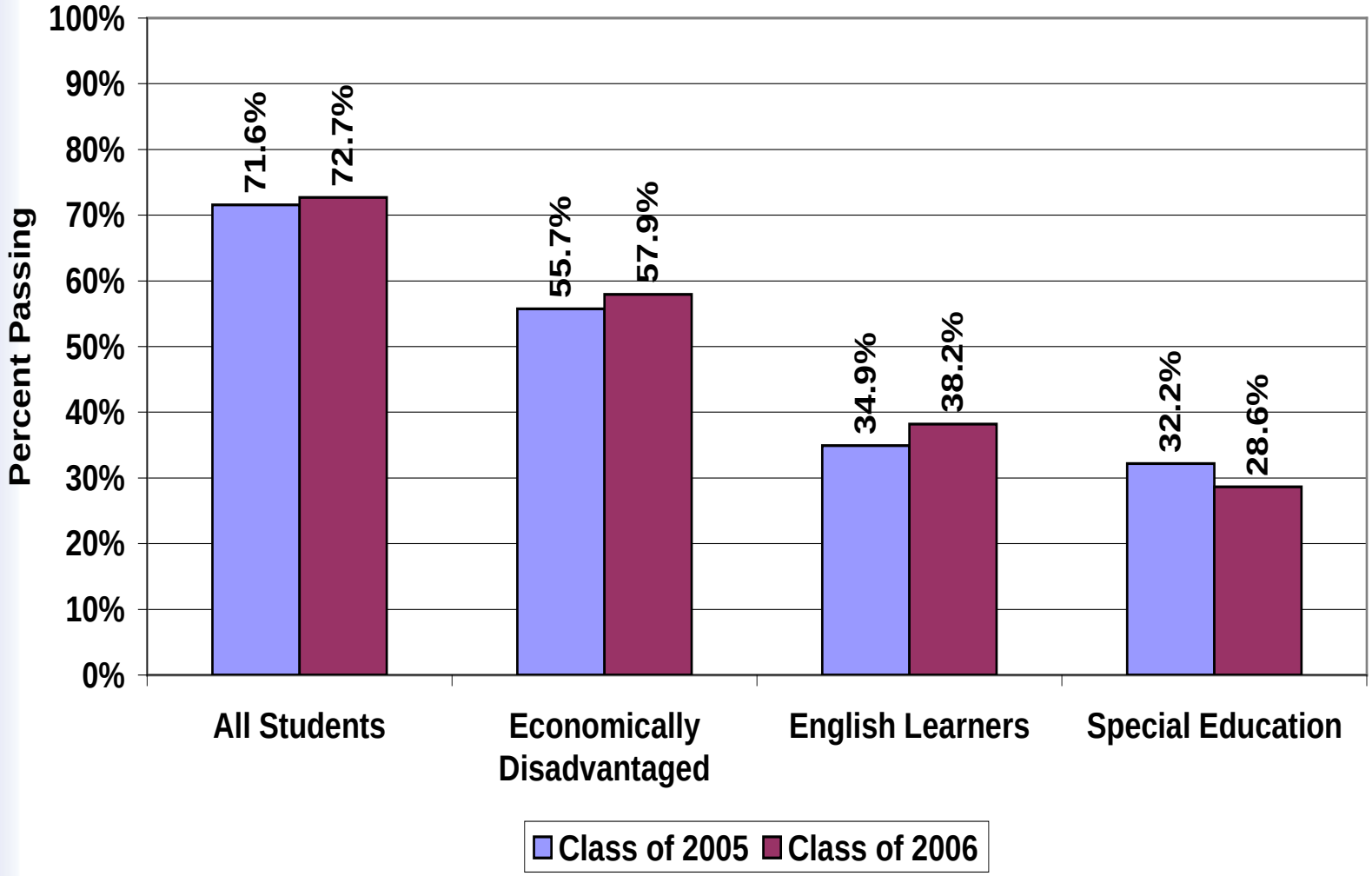
Passing Rates:

- General Finding 1: Student performance on the CAHSEE mathematics test improved significantly for the Class of 2006 in comparison to the Class of 2005. Performance on the English-Language Arts (ELA) test improved only slightly if at all.
- General Finding 2: The performance of students receiving special education services on the CAHSEE remains low.

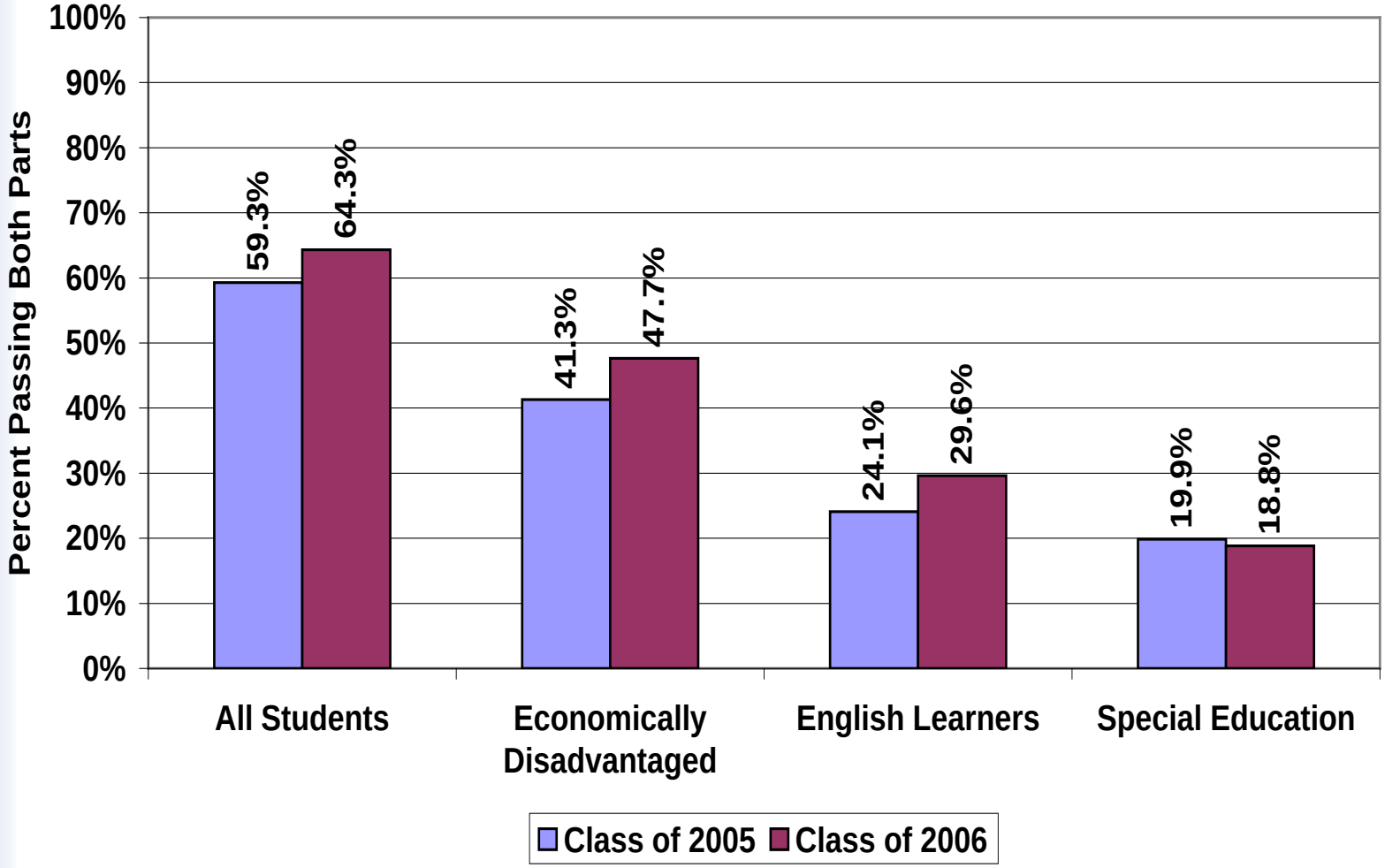
Math passing rates for Classes of 2005 (adjusted) and 2006



ELA passing rates for Classes of 2005 (adjusted) and 2006



Combined passing rates for Classes of 2005 (adjusted) and 2006



Passing Rates (Continued)

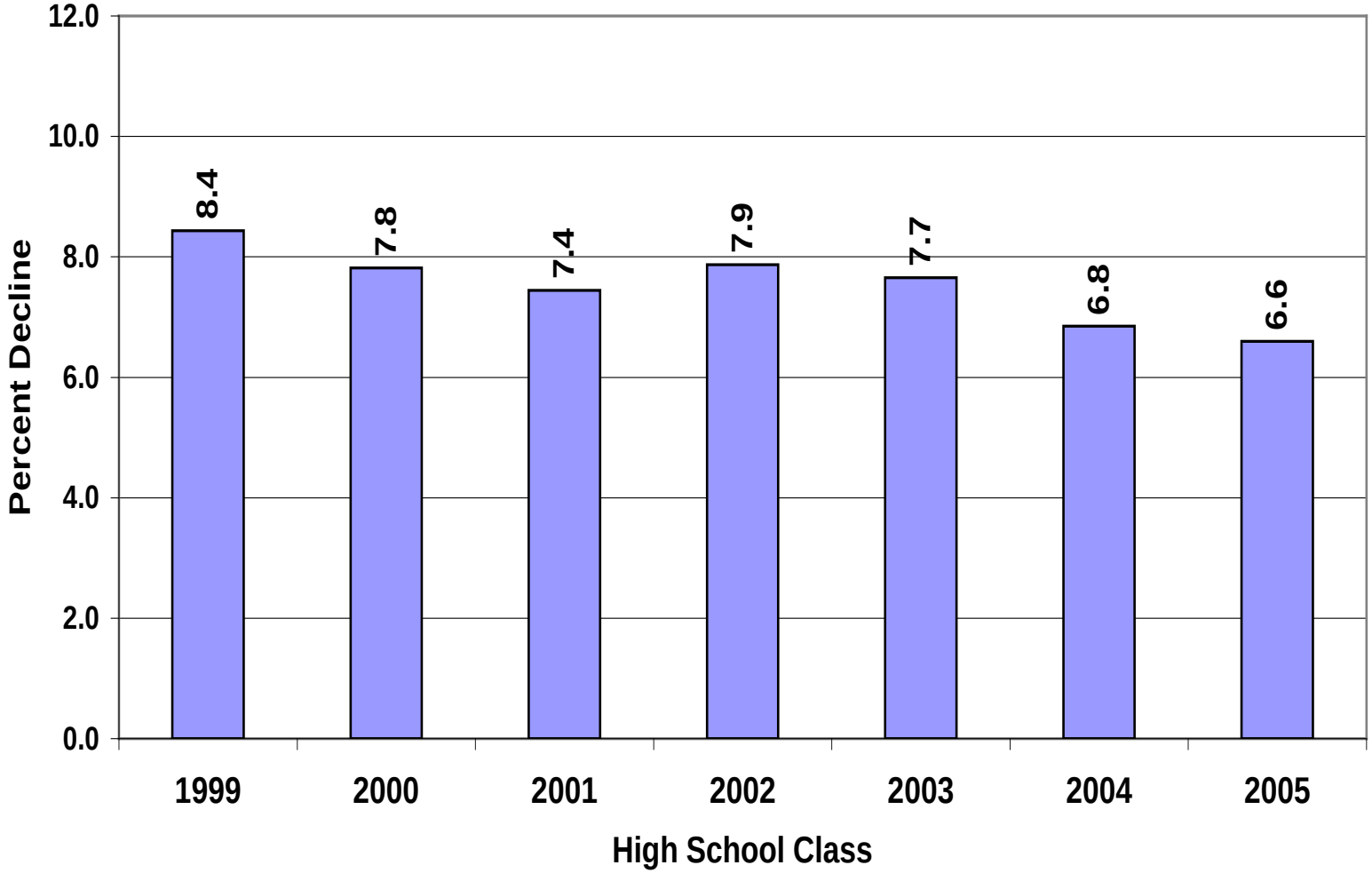
- *Mathematics passing rates continued to be closely related to highest math course taken, from general math (31% pass) to advanced math (99% pass).*
  - Within each course level, CAHSEE passing rates increased from 2005 to 2006 suggesting that students were better prepared to succeed in these courses.
- *Both ELA and math passing rates for EL students reclassified as fluent English proficient were higher than passing rates for students in general.*
- *Information on ELA courses taken was not collected.*

General Findings

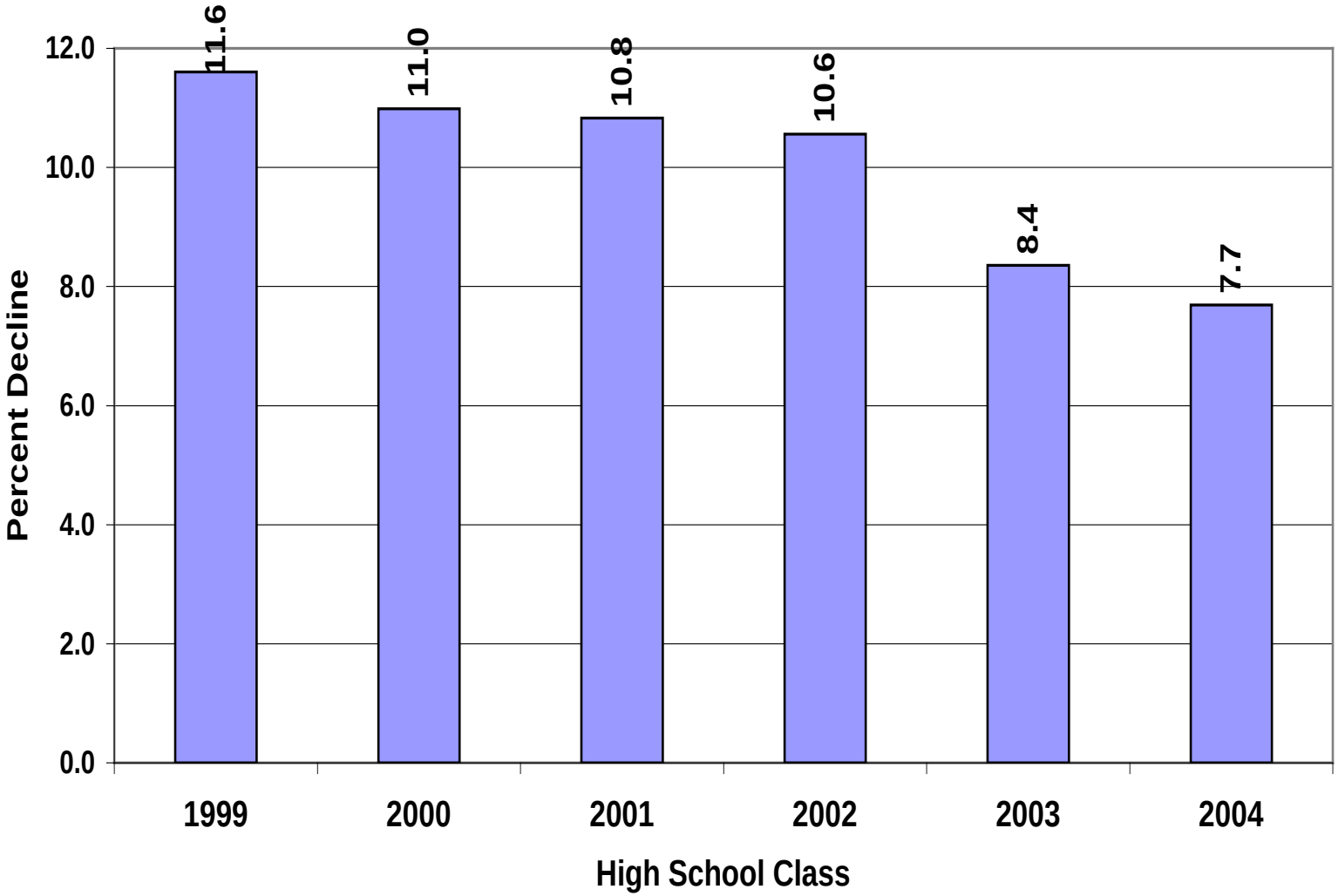
Impact of the CAHSEE requirement:

- General Finding 3: Despite predictions by principals and teachers, the current CAHSEE requirement has been accompanied by a *decrease* rather than an increase in dropout and retention rates.
- Specific Finding 2: Principal estimates of parents' knowledge of the CAHSEE increased significantly in 2004.

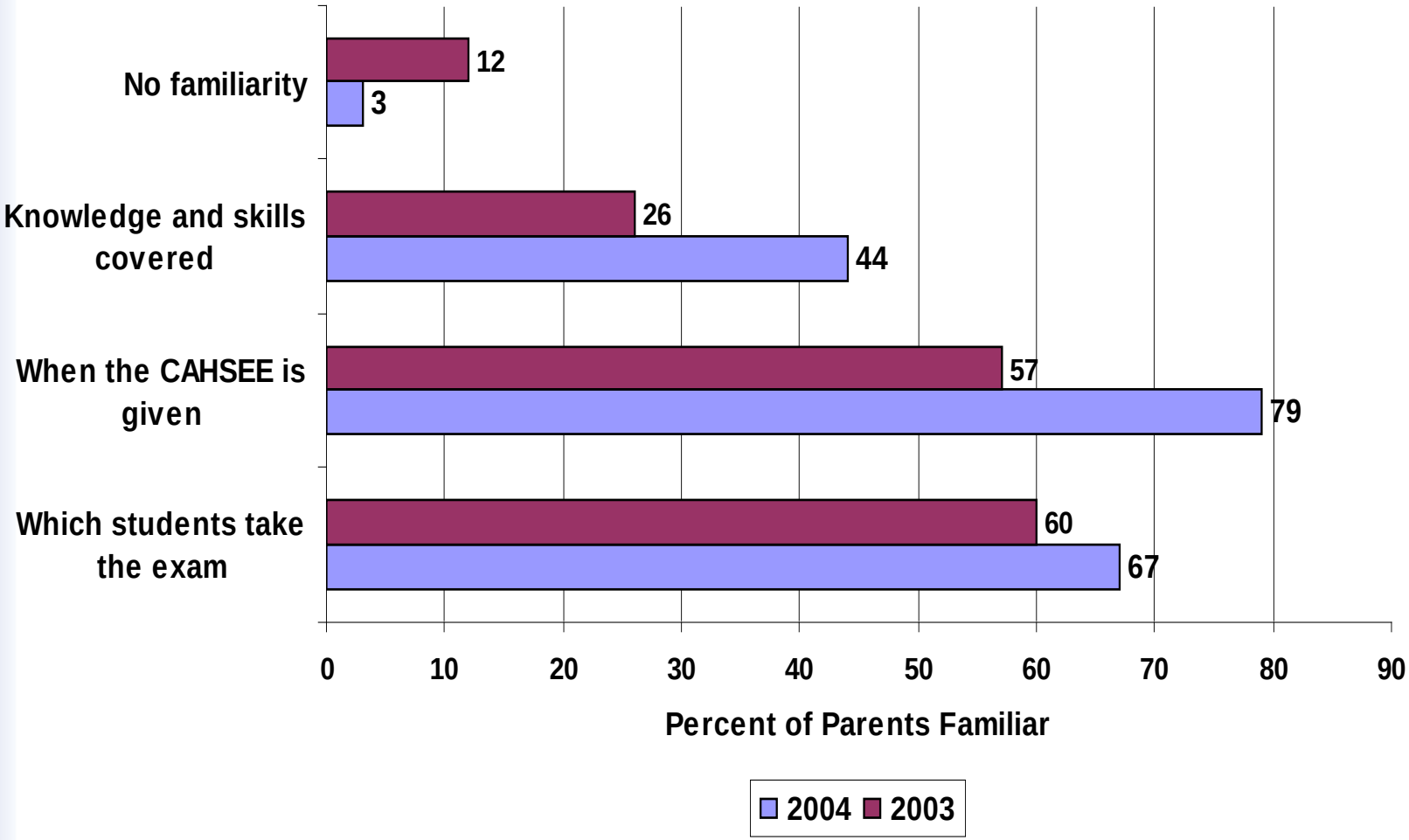
Decline in Enrollment: From 10th to 11th Grade



Decline in Enrollment: From 11th to 12th Grade



Principal Estimates of Parents' Familiarity with the CAHSEE



General Findings

Instruction in CAHSEE content standards:

- Specific Finding 1: About 90 percent of the students tested reported that most or all of the topics on the test were covered in courses that they had taken.
  - Based on responses to new questions added to the student questionnaire at the end of each section of the CAHSEE.

Recommendations

Recommendation 1: Keep the CAHSEE requirement in place for the Class of 2006 and beyond.

- Students who do not initially pass need the remediation programs that have been developed. If the requirement is dropped or changed, students needing these programs would not be identified and the programs may be dropped.
- Initial passing rates are high enough that it is likely nearly all students, except for special education students, will be able to pass if they take advantage of remediation programs offered.

Recommendations (Continued)

Recommendation 2. Continue efforts to help students prepare for and take more challenging courses.

- Data continue to show a close relationship between the highest math course taken and passing rates on the math exam.
- The concept of "challenging courses" for ELA is less clear. More needs to be known about ELA course options and their impact on helping students pass the ELA exam.

Recommendations (Continued)

Recommendation 3: Encourage efforts to identify remedial programs that work and disseminate information about these programs to all schools.

- CDE has developed and disseminated guides and workbooks to help students and their teachers prepare for the CAHSEE.
- More could be learned about programs developed by individual schools and districts that have been effective in helping students acquire the knowledge and skills tested by the CAHSEE.

Recommendations (Continued)

Recommendation 4: Continue to explore options for students receiving special education services.

- An advisory panel formed in response to Senate Bill 964 is studying options for alternatives to the CAHSEE for students with disabilities.
- Some options that might be considered are:
  - **Set realistic expectations.** More effectively identify students who can pursue the regular curriculum and set alternative goals for students who cannot.
  - **Allow more time.** Some special education students may need more than the standard 12 years to meet high school graduation standards.
  - **Investigate curricula.** More needs to be known about the curriculum received by different students and its effectiveness.
  - **Collect accommodation information.** Information on accommodations used in instruction and on CAHSEE support further research on the appropriateness and effectiveness.

Next Steps

- HumRRO was awarded a new contract to continue the evaluation through Sept. 2007.
- Activities for the 2004/2005 school year include:
  - A new review of test questions, including adherence to principals of universal design (allowing accessibility for all students).
  - A follow-up study of instruction, assessing progress since the AB 1609 study was conducted.
  - Continued review of statistical issues such as test form equating and score accuracy.
  - Analyses of test results for the Classes of 2006 and 2007.

ITEM #7

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Standardized Testing and Reporting (STAR) Program: Program Update, Including but not limited to Grade 4 and 7 California English-Language Arts Standards Test Writing Component	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

This item is provided to the State Board of Education (SBE) for information and action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE was notified at its September meeting of a budget shortfall of approximately $4.9 million for the STAR Program 2004-05 contract. At that time SBE was asked to consider suspending scoring of the Grade 4 and 7 writing component of the California English-Language Arts Standards Tests (ELA CST) for 2005.

SUMMARY OF KEY ISSUES

- Since the September SBE meeting, the California Department of Education (CDE) has been able to work with the Governor's Office, the Office of the Secretary for Education, and the Department of Finance (DOF) to provide the funds needed to score the 2005 ELA CST 4th and 7th grade writing components.

- CDE is continuing to work with the contractor to conduct activities focusing on refinement of the writing assessment.

- On October 28 and 29, ETS, will convene a writing task force comprised of ELA CRP members, California teachers and writing experts to review the existing writing prompts, scoring guides and processes, and directions. The task force will provide suggestions for writing assessment modifications that may include modifying the test format, scoring guides and/or processes, and/or student directions.

- ETS and CDE will include information on any modified formats and/or scoring guides in the 2005 Post-Test Workshops.

FISCAL ANALYSIS (AS APPROPRIATE)

The costs for these activities are included in the 2004-05 program budget and have been approved by the DOF.

ATTACHMENT(S)

None.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Standardized Testing and Reporting (STAR) Program: One Year Extension of Educational Testing Service (ETS) California Standards Tests (CSTs) and California Achievement Tests, Sixth Edition Survey (CAT/6 Survey) Contract	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve extending the ETS contract for the CSTs and CAT/6 Survey for one year from July 1, 2005 through December 31, 2006 and the Scope of Work for the extension.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

- The State Board of Education (SBE) designated ETS as the contractor for the California Standards Tests (CSTs) and the designated achievement test during April 2002 for three years (2002-03, 2003-04, and 2004-05). At that time, the SBE members stated that they would consider extending the contract for up to two years if the Program was reauthorized beyond December 31, 2004. California Legislation signed by the Governor of California on August 16, 2004, reauthorized the Program through December 31, 2010.

- SBE authorizes its executive director to amend the contract scope of work provided that amendments did not increase the contract costs.

SUMMARY OF KEY ISSUES

- Developing a Request for Submission and designating a new contractor requires a minimum of six months, and development for the tests that will be administered during spring 2006 must begin before this process could be completed.

- A one-year contract extension provides for completing all work related to administering the tests during spring 2006. While item development of new questions to be field-tested during spring 2006 will begin in January 2005 and the final 2006 results will not be posted on the Web site until December 2006, the costs for the 18-month period are included in the 2005-06 budget and a one-year contract.

- This extension will allow for developing the CSTs for the 2006 administration, administering the CSTs and CAT/6 Survey during spring 2006, reporting the 2006 results, providing districts an opportunity to correct 2006 student demographic data

SUMMARY OF KEY ISSUES

for Academic Performance Index and Adequate Yearly Progress calculations, and transitioning the program to a new contractor for spring 2007.

FISCAL ANALYSIS (AS APPROPRIATE)

The costs for a one-year contract extension will be approximately $50 million. Approval of the final contract will be contingent on the budget allocation for 2005-06 and approval of the Department of Finance. The estimated $50 million is based on the program's 2004-05 budget.

ATTACHMENT(S)

Attachment 1: Draft Timeline for STAR Program Contractor Designation (1 Page)
Attachment 2: Draft 2005-06 STAR Program Scope of Work (Pages)

Draft Timeline for Standardized Testing and Reporting (STAR) Program Request for Submission (RFS) and Contractor Designation (beginning 2006-07)

- October 2004 – February 2005—CDE prepares RFS, evaluation criteria, and evaluation panel composition and members
- March 2005 – SBE approves RFS
- March 2005 - CDE distributes invitation to submit for contract
- May 2005 – CDE receives submissions for a comprehensive four-year plan to administer STAR Program
- June and July 2005—CDE evaluates submissions and prepares SSPI's recommendation
- August 2005—SSPI's recommendations is forwarded to SBE as Information Memorandum
- September 2005—SBE designates contractor
- October through December 2005 – CDE negotiates contract, including Scope of Work with contractor
- January 2006 - SBE receives contract and Scope of Work for approval
- January and February 2006—Contract is finalized and processed
- March 2006 - The contractor begins item development for spring 2007 embedded field-tests
- June 2006 - Content Review Panels review new items
- July and August 2006 - Spring 2007 test forms are developed
- August and September 2006 - CDE reviews 2007 test forms
- October 2006 - Printing of 2007 tests begins

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Scope of Work 2005-06

California Standards Tests and

California Achievement Tests, Sixth Edition Survey (CAT/6 Survey)

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2005-2006 Scope of Work

California Standards Tests and California Achievement Tests, Sixth Edition Survey (CAT/6 Survey)

Introduction

The Standardized Testing and Reporting (STAR) Program is the centerpiece of California's assessment and accountability systems. This contract includes two key components of the STAR Program, the standards-based *California Standards Tests* (CSTs) that include the *NCLB California Science Standards Tests* and the *California Achievement Tests, Sixth Edition Survey* (CAT/6 Survey).

No component of STAR is more significant than the CSTs that are aligned to the academic content standards adopted by the State Board of Education (SBE). These tests have become the primary measure of standards-based student achievement in California, providing results for individual students and groups of students, aggregated at the school, district, county, and state levels. These results are the predominant measures used in the state's accountability system and are employed to ensure that all of California's diverse students are receiving a quality, standards-based education.

The CAT/6 Survey provides a general measure of academic achievement in terms of a nationally representative comparison group. In particular, it provides parents and the general public with individual student and group scores on a national measure of academic achievement.

What follows is a detailed description of the work that will be completed by Educational Testing Service (ETS) for this Program. This Scope of Work (SOW), as a component of the STAR contract, represents a commitment to a partnership between the California Department of Education (CDE) and ETS to ensure that California's assessments are of the highest quality and will support California's assessment and accountability efforts.

This SOW is part of the contract between the CDE and ETS and is a one-year extension of a three-year contract that was awarded to ETS during April 2002. This SOW includes a specific timeline, staffing commitments, and descriptions of the work the contractor is required to complete for the 2005-06 administration of the California Standards Tests (CSTs) and the California Achievement Tests, Sixth Edition Survey (CAT/6 Survey). All work will be completed by December 31, 2006. Provisions are also included that relate to the ownership of data and protecting individual student privacy rights.

2006 Testing Schedule and Students To Be Tested

Testing Schedule

California school districts independently set the schedule for administering the required tests within each district. All districts are required to set district-wide schedules within a 21-day testing window that is comprised of the ten instructional days before and the ten instructional days after the day on which 85% of the instructional days are completed. To accommodate multi-track schools, districts may test in multiple administration periods using the 85% ± 10-instructional day window for each unique track or program within the district. All regular and make-up testing must be completed within each district's 21-day window. Districts may elect to use windows that

are less than the 21 days allowed, but they may not schedule an administration window of more than 21 days. To comply with the 85% window, some districts must begin testing the third week of February and may test through the end of August.

The Grade 4 and Grade 7 Writing tests will be administered on the following days as specified by the California Superintendent of Public Instruction:

- 2006—February 28 with make-up March 1 and May 2 with make-up May 3

All schools, tracks, and programs in session during the February/March administration must administer the test on these dates. Districts may schedule a second administration period of writing tests on the May dates for schools, tracks, and programs not in session on the February/March dates.

These dates may be changed if a Writing Task Force meeting during October 2004 recommends and the SBE and CDE accept a modified format that might be administered on different dates.

Table 1. Students to Be Tested

Grades	Students To Be Tested	Required Tests
2 - 7	All	• CAT/6 Survey Reading /Language Arts, Spelling, and Mathematics (grades 3 and 7 only) • California English Language Arts Standards Tests • California Mathematics Standards Tests • California Science Standards Test (grade 5 only)
4 & 7	All students taking grade 4 or 7 multiple-choice tests	• California Standards Writing Test
8	All	• California English Language Arts Standards Test • California General Mathematics, Algebra I, Geometry, Algebra II, 1st, 2nd or 3rd Year Integrated Mathematics • NCLB California Science Standards Test
9	All	~~•CAT/6 Reading/Language Arts, Mathematics, and Science~~ • California English Language Arts Standards Test • California General Mathematics, Algebra I, Geometry, Algebra II, 1st, 2nd or 3rd Year Integrated Mathematics, or Summative High School Mathematics Standards Test*
10 & 11	All	• California English Language Arts Standards Tests • California History-Social Science Standards Test • NCLB California Life Science Standards Test (grade 10 only)
10 & 11	Students tested are determined by the highest level mathematics course enrolled in or completed between 2005 Summer School and end of the academic school year*	• Algebra I, Geometry, Algebra II, 1st, 2nd or 3rd Year Integrated Mathematics or Summative High School Mathematics Standards Test
9 – 11	Students tested are determined by the science course enrolled in or completed between Summer School and end of the academic school year	• Earth Science, Biology, Chemistry, Physics or one of four integrated science tests
* Grade 9 – 11 students are to take the test for the highest level mathematics course they completed or will complete between summer school and the end of the academic school		

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year. Students in grades 9 and 10 who completed or will complete Algebra II or 3rd Year Integrated Mathematics during this time are to take the Algebra II or 3rd Year Integrated Mathematics Test.

* Grade 9 and 10 students who completed Algebra II, 3rd Year Integrated Mathematics or an equivalent or higher math course by the end of the previous school year are to take the Summative High School Mathematics Test.
* Grade 11 students who will have completed Algebra II or 3rd Year Integrated Mathematics or an equivalent or higher math course between summer school and the end of the academic year are to take the California Summative High School Mathematics Standards Test.

Task/Deliverable Components

Education Code section 60643(e)(8) specifies task/deliverable components for the STAR Program that ETS must complete. This SOW also includes specifications for Program Support Services, the timelines for CDE approvals, and transition requirements to a new contractor. All deliverables and invoice schedules must be tied to components A through H, and J. CDE Approval, is an integral part of ETS completion of each component. Component I, STAR Program Transition, is an informational component only with no anticipated contractor costs.

A. Development of the CST
B. Program Support Services
C. Test Materials Production
D. Delivery and Collection of Materials
E. Test Processing, Scoring, and Analyses
F. Reporting Results to Schools, Districts and Counties
G. Reporting Results to CDE
H. All Other Reports and Analyses
I. STAR Program Transition
J. Demographic Edits

A. DEVELOPMENT OF THE CALIFORNIA STANDARDS TESTS

Introduction

The purpose of the CSTs is to measure the degree to which pupils are achieving the academically rigorous content and performance standards adopted by SBE. The standards-based achievement tests developed under this contract shall contain the subject areas specified in the California *Education Code* section 60603(c) for grades 2 to 8, inclusive, and include a history-social science assessment in grade 8 and a science assessment in grade 5. The tests will also include the core curriculum areas specified in California *Education Code* section 60603 (e) for grades 9 to 11, inclusive (except grade 9 history-social science~~),~~, and shall include, at a minimum, a direct writing assessment in grades 4 and 7.

ETS will develop CST items and test forms for the following:

- English-language arts for grades 2 – 11, including writing tests for grade 4 and 7
- Mathematics for grades 2 – 11
- Science for grades 5, and 9 – 11, and NCLB ~~middle school~~grade 8 and ~~high school~~10 science tests
- History-social science for grades 8, 10, and 11

All items are multiple-choice except for the writing tests.

SBE and CDE may request development work on additional tests required by federal or state law, subject to mutual agreement on a change to this SOW between CDE and the contractor.

ETS will develop test specification charts using SBE-approved blueprints for each content area and grade level or discipline. The test specification charts must include the number and percentage of items for each California Academic Content Standard in English-language arts, mathematics, science, and history-social science as specified in SBE-approved blueprints and the distribution of cognitive levels of the items to be used. Additionally, the test specification chart for each standards test will ensure that test forms constructed using the charts have:

- the mean item difficulty (p-value and ~~p~~b-value) for each content area and grade-level test form.
- a range of item difficulties for each test form.
- a sufficient number of items for each strand or content cluster to allow for subscore reporting by strand or content cluster (minimum of 8 – 10 items), as those subscore areas have been determined by SBE.

ETS will submit test development plans, including written procedures, for each content area in accordance with the approved test specification charts. CDE will review the ETS development plans. ETS will not proceed with item and/or test development until clear written procedures have been approved as evidenced by the signature of the CDE STAR Program Manager on an "Approval of STAR 2006 Test Development Plan" form.

A.1 Specifications for Test Creation

a. All items are to be written specifically for ~~the CST~~California. ETS is responsible for obtaining any required third-party permissions, specifying electronic and paper permissions and noting permissions for each item. Permissions must ~~that will~~ be valid for at least eight (8) years with a review and reapplication in the year prior to expiration. The permission documents must specify if CDE has permission to publicly release the information covered by the permission.
b. As items are developed, ETS is to assign each item a unique identifier.
c. All items developed will be delivered to CDE for review before they are reviewed by

Content Review Panel(s) (CRP). CDE will review the items and may direct ETS to pull items prior to the CRP reviews.

d. Following the CRP review, ETS will make any revisions required to the items. The Statewide Pupil Assessment Review (SPAR) Panel will then review the items. ETS will provide up to seven (7) sets of items for SPAR Panel review and will ensure that a knowledgeable staff member with an item writing background for the content area being reviewed is available in person or by telephone for each SPAR Panel meeting.
e. At least four weeks prior to SPAR Panel meetings, ETS will notify CDE of the content area(s) and number of items to be presented for SPAR review. The SPAR Panel meets the third Wednesday of each month.
f. Items are not to be presented to any California student until the SPAR Panel has reviewed them and determined that they comply with California *Education Code* section 60614.

ETS project structure and the CST program management team will consist of a senior program manager from the Contract Program Management unit, the lead item development coordinator, and the lead research person, each working under the direction of their respective vice-presidents.

The CST program manager will be responsible for coordinating all ETS activities with the ETS program manager to ensure adherence to timelines and successful delivery of CST tasks. The lead item development coordinator and research staff will be responsible for the execution of project tasks by CST teams of staff in their respective areas.

A.1.1 ~~Plan for~~ Review of Development of Test Specifications

ETS will develop the CSTs meeting the requirements mentioned above. Because the CSTs are criterion-referenced and based on the California Academic Content Standards adopted by SBE, the CSTs require clear documentation that each item measures intended standards-based knowledge and skills. ETS will continue using an item development approach and item documentation process for the CSTs that will result in the most valid and reliable tests possible: tests that are aligned with the test and item specifications and to the California Academic Content Standards. ETS will further refine the documentation procedures through discussions with CDE so that both organizations will clearly understand proper documentation procedures for all major aspects of the test and item development processes. ETS must obtain final approval of all documentation procedures from CDE.

One of the most essential aspects of items written for CSTs is content validity or the precision of content standard assessment. ETS will review and verify each item's match to the academic content standard at every stage of the item development process, including the training of writers, the writing of items, ETS internal reviews, and the review of items by the CRPs. The item and test development process will involve several steps beginning with the content area test specialists and measurement experts reviewing and analyzing the California Academic Content Standards and other related documents.

It is extremely critical to have a clear set of accommodation criteria. The criteria must be consistent with CDE and SBE policy and crafted to be operational within a large-scale testing program. ETS psychometric staff will provide guidance to SBE and CDE in this area.

ETS will maintain clear, accurate documentation of all test development work and will work closely with CDE to accurately document all aspects of the test development process and administration of the tests. The process used to develop the test specifications is outlined in A.1.2 below.

A.1.2 Process for Development of Test Specifications

The primary purpose of the STAR Program is to assess the level of student achievement. In addition, the STAR Program serves several other purposes, including providing an objective measure for accountability for students, teachers, schools and districts, providing useful information about student progress to the students and their families, and providing a reliable measure of statewide and individual performance on the California Academic Content Standards.

The test specifications documents include the following:

- A statement of the purposes of the CST and the STAR Program
- The full text of the California Academic Content Standards
- The number of items to be tested for each standard, according to the CST blueprints
- A full description of the item development processes, showing the steps that will be taken to ensure that the test specifications and blueprints are followed correctly
- A full description of the item review processes, including linking of items to test specifications
- A detailed account of the processes involved in forms construction
- A detailed account of the processes involved in field-testing, test administration, scoring and reporting, and analyses of data
- Information concerning the scores to be generated after the tests are given and the anticipated measurement quality of these scores with respect to reliability and validity
- An outline of the process needed to produce operational test forms and to administer, score, report, and analyze the scores on the operational forms

A.1.3 Item Specifications

ETS will maintain item specifications for each CST. These documents will include the constructs to be measured and the academic content standards included in the test blueprints. The item specifications will help ensure that the CSTs consistently match the academic content standards from year to year. Item writing emphasis will be determined in consultation with the CDE. The item specifications will also provide specific and important guidance to item writers, and ensure that items are consistent in approach and written to measure the standards. The item specifications will describe the general characteristics of the items for each academic content standard, indicate item types or content to be avoided, and define the content limits for the items and will include the following:

- A statement of the strand or topic for the standard
- A full statement of the academic content standard, as found in each CST's test blueprint
- The expected cognitive level(s) of items written for the standard (low, medium, or high), as defined by ETS and approved by CDE
- The construct(s) appropriately measured by the standard
- A description of the kinds of stems appropriate for multiple-choice items for the standard
- A description of the kinds of distractors appropriate for multiple-choice items for the standard
- A description of specific kinds of items to be avoided, if any (e.g., no ELA items about insignificant details)
- A description of appropriate stimuli (e.g., charts, tables, graphs, or other artwork) for mathematics, science and history-social science items
- The content limits for the standard (e.g., one or two variables, maximum place values of numbers) for mathematics, science, and history-social science items
- A description of appropriate reading passages (if applicable) for ELA items

In addition, for ELA, the item specifications will contain guidelines for passages used to assess reading comprehension and writing. These guidelines will include the following:

- A list of topics to be avoided

- The acceptable ranges for passage length
- The expected distribution of passages by genre
- A readability level appropriate for the grade level of the test, generally no higher than the beginning of the following grade, using a readability forumla recommended by ETS and agreed to by CDE
- Expected use of artwork

A.2 Item Development

ETS will use appropriate item development practices in preparing new items for the CST. Expected difficulty, discrimination, and distribution statistics will be considered in item selection for field-testing. While ETS will use their best staff expertise in developing and selecting items for field-testing, it is recognized that ETS cannot guarantee how each item will function with California students.

A.2.1 Plan for Item Development

Names of personnel, duties, and resumes shall be submitted to CDE for all ETS and subcontractor personnel involved in item development. It is acknowledged that timetables may be adjusted by mutual agreement of ETS and CDE.

ETS will develop multiple-choice and constructed-response writing applications items during the term of the contract. A significant number of the items will be written at item-writing workshops under the direction of the lead content area assessment specialists. ETS will augment the items written in the workshops with newly developed items for all content areas; ETS and CDE staff will determine the number of items within each content area. ETS will write all items to conform to the SBE-approved test blueprints and CDE-approved item specifications. All items will reflect commitment to quality and the need to provide all California students with the best possible standards-based tests. Items produced will be unique items that do not presently exist in the current CST item bank. All items will include copyright permissions, artwork, maps, tables, charts, graphs, literary passages and/or other materials necessary to an understanding of the item.

The approaches ETS uses in developing standards-based assessments for statewide testing programs are outlined below.

Development Process

The major steps in the ETS item and test development process will be:

1. The ETS STAR program manager, CST item development coordinator, and ETS content area assessment leads for mathematics, science, social studies, and ELA meet with CDE to finalize the development plan and schedule.
2. The lead content area assessment and development team members review and analyze the California Academic Content Standards, blueprints, and existing items in the item bank.
3. The lead content area assessment specialists and development team members develop test specifications or revise existing specifications as required.
4. The lead assessment specialists, along with the item development coordinator, prepare the test specifications for review by CDE.
5. CDE approves the revised test specifications.
6. CDE approves the revised CST Development Plan.
7. The lead content area ELA assessment specialist initiates and supervises the selection and writing of passages for the reading sections of the CST.
8. The lead content area assessment specialists, along with the item development coordinator, identify the best writers, prepare item-writer training materials, conduct

training, and supervise the writing of items.

9. Assessment specialists code items according to California Academic Content Standards.
10. The test development group prepares items electronically to include answer key, item type, and associated artwork and graphics.
11. Trained assessment specialists review items for quality and adherence to the specifications (internal ETS review).
12. Content area editors review items for correct grammar and spelling and for adherence to style specifications (internal ETS review).
13. Trained content area assessment specialists review items to ensure that they are free of bias or sensitivity problems (internal ETS review).
14. CDE and the CRPs prepare reviews for: Content (difficulty, construct, bias, and technical quality) and SPAR panels. CRP reviews must be conducted before SPAR reviews.
15. The lead content area assessment specialists assist in the review of item content and quality by the CRPs.
16. The lead content area assessment specialists ensure that all agreed-upon edits to the items, artwork and rubrics are made, as recommended by the CRPs, and agreed upon by CDE.
17. SPAR Panel reviews all items.
18. All items are prepared for field-testing after approval by CDE.

A.2.2 STAR Content Personnel

The ETS item development coordinator for the STAR Program will be responsible for supervising all work relative to item development.

STAR content personnel, including but not limited to ETS content and editorial leads and development team members, must be knowledgeable in the content areas and grade levels for which tests are being developed, as well has having experince in developing test items for large-scale assessment programs. The ETS content and editorial staff must include an item development coordinator and content area lead development staff members for ELA, mathematics, history-social science, and science. ETS will ensure that CDE always has a current list of all content and editorial leads and specialists, working on STAR and resumes for each person. Should any of the STAR content personnel become unavailable, their replacement must be of equivalent stature. ETS must notify CDE at the time an ETS staff member leaves the STAR Program team. ETS must take immediate steps to fill the position and forward the resume and other pertinent information about the replacement to the CDE STAR Program Manager and CDE lead as soon as the position has been filled.

Development teams will direct the work of the assessment specialists for the STAR Program, as well as supervise the item writing process. Each team will also work closely with the STAR review committees to ensure that the STAR items are of high quality, unbiased, and legally defensible. Items used on the test must meet the professional standards in the *Standards for Educational and Psychological Testing* and comply with the item specifications in this SOW, and be within the parameters of items required for forms construction in this SOW.

A.2.3 CST Item Development Process and Timetable

ETS will provide a table that identifies the major components of the item development process from initial development to the point at which the items are placed into the electronic item bank. A corresponding timetable and set of associated actions are to be given for each of the major process components, and will be submitted with the test specifications document. Changes can be made if mutually agreeable to CDE and ETS.

A.2.4 Number of Items by Content Area

The following table summarizes the item development effort, by content area, for this contract extension, as well as including information about the number of items developed under original three-year contract. The "Required" and "To Be Developed" categories each show a minimum number. Should the number of "Required" items not be achieved through the development of the minimum number listed in "To Be Developed", then additional items must be developed in order to attain the minimum number stipulated in "Required". The "Required" items must also satisfy grade and course level exam blueprint requirements; if they do not, further items must be developed.

Table 2. Summary of Item Development for 2005 – 2006

ETS Preparing New Table

Content Area	Required	To be Developed
ELA multiple choice		
Writing—grade 4		
Writing—grade 7		
History-social science		
Mathematics		
Science		
TOTAL 2003-05	9660	16722

a. Item Development

1. Item Development

ETS will develop new ELA, mathematics, science, and history-social science multiple-choice items to meet the needs of the Program. ETS will closely align these items with the California Academic Content Standards. For the development of the items, ETS will use a team of content area assessment experts who are well grounded in the development of standards-based tests. The testing program and its attendant requirements for the California Standards multiple-choice tests are shown in the following tables:

Table 3: ELA Content Requirements

Grade	Specific areas
2-11	Address California Content Standards at each grade level according to the SBE-approved blueprint

Table 4: Science Content Requirements

Grade	Specific areas
5	Address science standards for grades 4 & 5 with an emphasis on grade 5. (At least 10% of items developed must measure Investigation and Experimentation standards)
9, 10, 11*	Tests in biology, chemistry, physics, and earth science (additionally, four integrated tests of earth science, biology, chemistry; and physics). The four integrated tests use the same items as the content-specific tests; 10% must measure Investigation and Experimentation standards for all tests.
8, 10	Tests for NCLB physical science and life science; 10% must measure Investigation and Experimentation standards for all tests.

*Tests in grades 9, 10, and 11 are course-specific, not grade-specific.

Table 5: Mathematics Content Requirements

Grade	Specific Areas
2-5	Mathematics – Coverage and depth of knowledge in number sense, algebra and functions, measurement and geometry, and statistics, data analysis, and probability; mathematical reasoning to be embedded within preceding strands
6-7	Mathematics – Coverage and depth of knowledge in number sense, algebra and functions, measurement and geometry, and statistics, data analysis, and probability; mathematical reasoning to be embedded within preceding strands (some of these questions may also be used on the general math test)
8-11	There are a total of 8 tests in these 4 grades. Three tests are based on the completion of discipline specific courses: algebra I, geometry, and algebra II/ probability and statistics. Four tests (1st, 2nd, and 3rd-year Integrated Math and Summative High School Mathematics) use combinations of items from the discipline-specific tests. The eighth test, General Mathematics, uses combinations of items from the grades 6 and 7 tests.

~~**Table XX. History-Social Science Requirements**~~

Table 6: History-Social Science Requirements

Grade	Specific areas
8	Will include standards from grades 6-8; 25% of items to assess Historical and Social Science Analysis standards
10	World History test based on grade 10 standards; 25% of the items developed to assess Historical and Social Science Analysis standards
11	U.S. History test based on grade 11 standards; 25% of the items developed to assess Historical and Social Science Analysis standards

~~**Table 3. Summary of Item Development for 2003-2005**~~

~~Content Area~~	~~Required~~	~~To be Developed~~
~~**Year 1**~~		
~~ELA multiple choice~~	~~1720~~	~~2400~~
~~Writing~~	~~30~~	~~40~~
~~History-social science~~	~~288~~	~~600~~
~~Mathematics~~	~~927~~	~~1360~~
~~Science~~	~~518~~	~~915~~
~~**Year 2**~~		
~~ELA multiple-choice~~	~~1317~~	~~1944~~
~~Writing~~	~~0~~	~~0~~
~~History-social science~~	~~432~~	~~690~~
~~Mathematics~~	~~1181~~	~~1710~~
~~Science~~	~~648~~	~~1150~~
~~**Year 3**~~		
~~ELA multiple-choice~~	~~468~~	~~710~~
~~Writing~~	~~0~~	~~0~~
~~History-social science~~	~~504~~	~~795~~
~~Mathematics~~	~~605~~	~~898~~
~~Science~~	~~1022~~	~~3510~~

~~The development effort, broken down by content area, is shown in the following tables:~~

~~2002-2005 Development Effort by Content Area~~
~~Table 4. ELA Development~~

~~Year~~	~~Number of Required Items~~	~~To be Developed~~
~~1~~	~~1720~~	~~2400~~
~~2~~	~~1317~~	~~1944~~
~~3~~	~~468~~	~~710~~
~~Total~~	**~~3505~~**	**~~5054~~**

~~Table 5. Writing Development~~

~~Year~~	~~Number of Required Items~~	~~To be Developed~~
~~1~~	~~30~~	~~40~~
~~2~~	~~0~~	~~0~~
~~3~~	~~0~~	~~0~~
~~**Total**~~	~~**30**~~	~~**40**~~

~~Table 6. Science Development~~

~~Year~~	~~Number of Required Items~~	~~To be Developed~~
~~1~~	~~518~~	~~915~~
~~2~~	~~648~~	~~1150~~
~~3~~	~~1022~~	~~1445~~
~~**Total**~~	~~**2188**~~	~~**3510**~~

~~Table 7. Mathematics Development~~

~~Year~~	~~Number of Required Items~~	~~To be Developed~~
~~1~~	~~927~~	~~1360~~
~~2~~	~~1181~~	~~1710~~
~~3~~	~~605~~	~~898~~
~~**Total**~~	~~**2713**~~	~~**3968**~~

~~Table 8. History-Social Science Development~~

~~Year~~	~~Number of Required Items~~	~~To be Developed~~
~~1~~	~~288~~	~~600~~
~~2~~	~~432~~	~~690~~
~~3~~	~~504~~	~~795~~
~~**Total**~~	~~**1224**~~	~~**2085**~~

~~a. ELA Item Development~~

~~1. Item Development~~

~~ETS will develop new ELA multiple-choice items to meet the needs of the program. ETS will closely align these items with the ELA Academic Content Standards. For the development of the ELA items, ETS will use a team of language arts experts who are well grounded in the development of standards-based ELA tests. The testing program and its attendant requirements for the ELA multiple-choice tests are as follows:~~

~~Table 9. ELA Development~~

~~Test Grade Level~~	~~Required Development (80% of FT)~~	~~To Be Field Tested~~	~~To be Developed~~
~~**Year 1**~~			
~~2~~	~~96 plus 60 (fall field test)~~	~~120 + 75~~	~~240~~
~~3~~	~~96 plus 80 (fall field test)~~	~~120 + 100~~	~~240~~

~~Test Grade Level~~	~~Required Development (80% of FT)~~	~~To Be Field Tested~~	~~To be Developed~~
~~4~~	~~96 plus 80 (fall field test)~~	~~120 + 100~~	~~240~~
~~5~~	~~96 plus 80 (fall field test)~~	~~120 + 100~~	~~240~~
~~6~~	~~96 plus 80 (fall field test)~~	~~120 + 100~~	~~240~~
~~7~~	~~96 plus 80 (fall field test)~~	~~120 + 100~~	~~240~~
~~8~~	~~96 plus 80 (fall field test)~~	~~120 + 100~~	~~240~~
~~9~~	~~96 plus 80 (fall field test)~~	~~120 + 100~~	~~240~~
~~10~~	~~96 plus 80 (fall field test)~~	~~120 + 100~~	~~240~~
~~11~~	~~96 plus 60 (fall field test)~~	~~120 + 75~~	~~240~~
~~**Total**~~	~~**960 plus 760 (fall field test) = 1720**~~	~~**1200 + 950 = 2150**~~	~~**2400**~~
~~**Year 2**~~			
~~2~~	~~96~~	~~120~~	~~144~~
~~3~~	~~134~~	~~168~~	~~200~~
~~4~~	~~134~~	~~168~~	~~200~~
~~5~~	~~134~~	~~168~~	~~200~~
~~6~~	~~134~~	~~198~~	~~200~~
~~7~~	~~134~~	~~198~~	~~200~~
~~8~~	~~134~~	~~198~~	~~200~~
~~9~~	~~134~~	~~198~~	~~200~~
~~10~~	~~134~~	~~198~~	~~200~~
~~11~~	~~149~~	~~186~~	~~200~~
~~**Total**~~	~~**1317**~~	~~**1800**~~	~~**1944**~~
~~**Year 3**~~			
~~2~~	~~38~~	~~48~~	~~58~~
~~3~~	~~19~~	~~24~~	~~30~~
~~4~~	~~48~~	~~60~~	~~72~~
~~5~~	~~29~~	~~36~~	~~44~~
~~6~~	~~58~~	~~72~~	~~86~~
~~7~~	~~86~~	~~108~~	~~130~~
~~8~~	~~8~~	~~12~~	~~15~~
~~9~~	~~29~~	~~36~~	~~44~~
~~10~~	~~67~~	~~84~~	~~101~~
~~11~~	~~86~~	~~108~~	~~130~~
~~**Total**~~	~~**468**~~	~~**588**~~	~~**710**~~

~~*2.Writing*~~

~~ETS will conduct all grade 4 and 7 writing development and field testing in the first year of the program. An independent field-test for writing will take place in the fall of~~

~~2002.~~

~~Table 10. Writing Development Year 1~~

~~Test~~	~~Required Development~~	~~To Be Developed~~
~~4~~	~~15~~	~~20~~
~~7~~	~~15~~	~~20~~
~~Total~~	**~~30~~**	**~~40~~**

~~There will be no additional writing development after year 1.~~

~~b. Science Item Development~~

~~ETS will develop new science items to meet the needs of the program. These items must be closely aligned with the California Science Academic Content Standards. For the development of the science items, ETS will use a team of science experts who are well grounded in the development of standards-based science tests. It is understood that the testing program and its attendant requirements for the multiple-choice science tests are as follows:~~

~~Table 11. Science Content Requirements~~

~~Grade~~	~~Specific areas~~
~~5~~	~~Address science standards for grades 4 & 5 with an emphasis on grade 5. (At least 10% of items developed must measure Investigation and Experimentation standards)~~
~~9, 10, 11*~~	~~Tests in biology, chemistry, physics, and earth science (additionally, four integrated tests of earth science, biology, chemistry; and physics). The four integrated tests use the same items as the content-specific tests; 10% must measure Investigation and Experimentation standards for all tests.~~

~~*Tests in grades 9, 10, and 11 are course-specific, not grade-specific.~~

~~Starting in fall 2003, ETS will begin working with CDE and the science CRP on blueprint development for two core knowledge science tests, one for middle school and one for high school, subject to State Board approval. ETS will begin developing items in spring 2004, subject to State Board approval. Item development is not to begin prior to SBE, DOF and CDE authorization.~~

~~To meet these requirements, ETS will develop the following numbers of items according to the schedule identified in this section.~~

~~Table 12. Item Development Schedule~~

~~Test~~	~~Required Development (75% of FT)~~	~~To Be Field Tested~~	~~To be Developed~~
~~Year 1~~			
~~Grade 5~~	~~158~~	~~210~~	~~275~~
~~Biology~~	~~90~~	~~120~~	~~160~~
~~Chemistry~~	~~90~~	~~120~~	~~160~~
~~Earth Science~~	~~90~~	~~120~~	~~160~~
~~Physics~~	~~90~~	~~120~~	~~160~~
~~Total~~	**~~518~~**	**~~690~~**	**~~915~~**
~~Year 2~~			
~~Grade 5~~	~~108~~	~~144~~	~~190~~

~~Test~~	~~Required Development (75% of FT)~~	~~To Be Field Tested~~	~~To be Developed~~
~~Biology~~	~~135~~	~~180~~	~~240~~
~~Chemistry~~	~~135~~	~~180~~	~~240~~
~~Earth Science~~	~~135~~	~~180~~	~~240~~
~~Physics~~	~~135~~	~~180~~	~~240~~
~~**Total**~~	~~**648**~~	~~**864**~~	~~**1150**~~
~~**Year 3**~~			
~~Grade 5~~	~~206~~	~~210~~	~~275~~
~~Biology~~	~~206~~	~~210~~	~~275~~
~~Chemistry~~	~~206~~	~~210~~	~~275~~
~~Earth Science~~	~~198~~	~~264~~	~~345~~
~~Physics~~	~~206~~	~~210~~	~~275~~
~~**Total**~~	~~**1022**~~	~~**1104**~~	~~**1445**~~

~~The grade 5 science test will become operational in 2004 and will be constructed according to the blueprint approved by the State Board.~~

~~**c. Mathematics Item Development**~~

~~ETS will develop new mathematics items to meet the needs of the program. All new items must be closely aligned to the California Mathematics Academic Content Standards. For the development of the mathematics items, ETS will use a team of mathematics experts who are well grounded in the development of standards-based mathematics tests. The testing program and its attendant requirements for the mathematics multiple-choice tests are as follows:~~

~~Table 13. Mathematics Content Requirements~~

~~Grade~~	~~Specific Areas~~
~~2-5~~	~~Mathematics – Coverage and depth of knowledge in number sense, algebra and functions, measurement and geometry, and statistics, data analysis, and probability; mathematical reasoning to be embedded within preceding strands~~
~~6-7~~	~~Mathematics – Coverage and depth of knowledge in number sense, algebra and functions, measurement and geometry, and statistics, data analysis, and probability; mathematical reasoning to be embedded within preceding strands (some of these questions may also be used on the general math test)~~
~~8-11~~	~~There are a total of 8 tests in these 4 grades. Three tests are based on the completion of discipline specific courses: algebra I, geometry, and algebra II/ probability and statistics. Four tests (1st, 2nd, and 3rd-year Integrated Math and Summative High School Mathematics) use combinations of items from the discipline-specific tests. The eighth test, General Mathematics, uses combinations of items from the grades 6 and 7 tests.~~

~~To meet these requirements, ETS will develop the following numbers of times according to the schedule in this section.~~

~~Table 14. Mathematics Development~~

~~Test~~	~~Required Development (80% of FT)~~	~~To Be Field Tested~~	~~To be Developed~~
~~**Year 1**~~			
~~2~~	~~96~~	~~120~~	~~140~~
~~3~~	~~96~~	~~120~~	~~140~~
~~4~~	~~96~~	~~120~~	~~140~~
~~5~~	~~96~~	~~120~~	~~140~~
~~6~~	~~96~~	~~120~~	~~140~~
~~7~~	~~96~~	~~120~~	~~140~~
~~Algebra 1~~	~~96~~	~~120~~	~~140~~
~~Algebra 2/ Probability & Statistics~~	~~96~~	~~120~~	~~140~~
~~Geometry~~	~~96~~	~~120~~	~~140~~
~~Probability & Statistics questions for Algebra 2 and summative test~~	~~63~~	~~78~~	~~100~~
~~**Total**~~	~~**927**~~	~~**1158**~~	~~**1360**~~
~~**Year 2**~~			
~~2~~	~~96~~	~~120~~	~~140~~
~~3~~	~~115~~	~~144~~	~~175~~
~~4~~	~~115~~	~~144~~	~~175~~
~~5~~	~~115~~	~~144~~	~~175~~

~~Test~~	~~Required Development (80% of FT)~~	~~To Be Field Tested~~	~~To be Developed~~
~~6~~	~~139~~	~~174~~	~~210~~
~~7~~	~~134~~	~~168~~	~~200~~
~~Algebra 1~~	~~120~~	~~150~~	~~180~~
~~Algebra 2/ Probability & Statistics~~	~~144~~	~~180~~	~~175~~
~~Geometry~~	~~136~~	~~150~~	~~180~~
~~Probability & Statistics questions for Algebra 2 and summative test~~	~~67~~	~~84~~	~~100~~
~~**Total**~~	~~**1181**~~	~~**1458**~~	~~**1710**~~
~~**Year 3**~~			
~~2~~	~~24~~	~~30~~	~~36~~
~~3~~	~~58~~	~~72~~	~~86~~
~~4~~	~~96~~	~~120~~	~~140~~
~~5~~	~~72~~	~~90~~	~~110~~
~~6~~	~~96~~	~~120~~	~~140~~
~~7~~	~~96~~	~~120~~	~~140~~
~~Algebra 1~~	~~38~~	~~48~~	~~58~~
~~Algebra 2/ Probability & Statistics~~	~~58~~	~~72~~	~~86~~
~~Geometry~~	~~48~~	~~60~~	~~72~~
~~Probability & Statistics questions for Algebra 2 and summative test~~	~~19~~	~~24~~	~~30~~
~~**Total**~~	~~**605**~~	~~**756**~~	~~**898**~~

~~**d. History-Social Science Item Development**~~

~~ETS will develop new history-social science items as shown below to meet the needs of the program. These items must be closely aligned with the California History-Social Science Academic Content Standards. For the development of history-social science items, ETS will use a team of history-social science experts who are well grounded in the development of standards-based history-social science tests. It is understood that the testing program and its attendant requirements for the history-social science multiple-choice tests are as follows:~~

~~**Table 15. History-Social Science Requirements**~~

~~Grade~~	~~Specific areas~~
~~8~~	~~Will include standards from grades 6-8; 25% of items to assess Historical and Social Science Analysis standards~~
~~10~~	~~World History test based on grade 10 standards; 25% of the items developed to assess Historical and Social Science Analysis standards~~
~~11~~	~~U.S. History test based on grade 11 standards; 25% of the items developed to assess Historical and Social Science Analysis standards~~

~~To meet these requirements, ETS will develop the following numbers of items according to the schedule identified in this section.~~

~~**Table 16. History-Social Science Development**~~

~~Test~~	~~Required Development (80% of FT)~~	~~To Be Field Tested~~	~~To be Developed~~
~~Year 1~~			
~~8~~	~~96~~	~~120~~	~~200~~
~~10~~	~~96~~	~~120~~	~~200~~
~~11~~	~~96~~	~~120~~	~~200~~
~~**Total**~~	~~**288**~~	~~**360**~~	~~**600**~~
~~Year 2~~			
~~8~~	~~144~~	~~180~~	~~230~~
~~10~~	~~144~~	~~180~~	~~230~~
~~11~~	~~144~~	~~180~~	~~230~~
~~**Total**~~	~~**432**~~	~~**540**~~	~~**690**~~
~~Year 3~~			
~~8~~	~~192~~	~~240~~	~~300~~
~~10~~	~~168~~	~~210~~	~~265~~
~~11~~	~~144~~	~~188~~	~~230~~
~~**Total**~~	~~**504**~~	~~**630**~~	~~**795**~~

A.2.5 Technical Criteria

ETS will ensure that all items meet technical criteria established in professional standards for high-stakes tests. ETS will ensure that its procedures and processes for test development and statistical analysis are complete and of the highest quality.

A.2.6 Selection of Item Writers

ETS lead content area assessment specialists will oversee the item writing process. They will assemble experienced, highly-qualified teams of assessment specialists and item writers to write the items. The CST item writers will consist of ETS writers who have had many years of experience in developing test items for large-scale assessment programs and specific experience with development of test items for each grade level and/or high school test. These writers must have a solid base of knowledge in their content areas of expertise. Teaching experience at the grade level(s) for which they are writing is desirable.

A major prerequisite for writing appropriate and defensible items is the writer's strong knowledge of the content area to be measured by the items. To support the development work of the lead content area assessment specialists, ETS will utilize other content area editors and assessment specialists, as well as other writers selected by ETS. ~~These~~ Whenever possible, these writers will include California educators who have proven successful teaching experience with an understanding of the California Academic Content Standards as well as other

professional writers who have content expertise and extensive understanding of the standards in order to ensure a closer relationship between test items and the standards and to promote the integration of the standards, learning, and assessment in California.

The minimum qualifications for CST item writers include the following:

- Bachelor's degree in a relevant content area, or in education when the degree includes a substantial content focus. An advanced degree in a relevant content area is desirable.
- Previous experience in writing items for standards-based assessments, including knowledge of the many considerations that are important when developing items to match state specific standards
- Previous experience in writing items in the content areas covered by CST grades and/or course
- Familiarity, understanding, and support of the California Academic Content Standards
- Current or previous teaching experience in California, where possible

In selecting the pool of item writers, ETS will seek appropriate balance and diversity. ETS will provide CDE with the names and documentation of writers' qualifications for all item writers selected to write items for the program and will update the information when item writers are removed or added.

A.2.7 Training of Item Writers

For each CST, the lead content area assessment specialist will be responsible for managing and overseeing the training of all item writers for the test. All item writers will meet the qualifications established in section A.2.8. ETS will train item writers each year during an item-writing workshop that will last two days. The workshop will be held each year in Sacramento or another location as approved by the CDE. ETS will work with CDE to determine the exact date of the item-writing workshop each year.

For the item-writing workshop, ETS will produce training materials that will include an overview of the scope and purpose of program, an overview of the California Academic Content Standards, and test and item specifications (including general and specific guidelines for item writing). The packet will also include sample items and any other materials requested by CDE. In this way, item writers can become familiar with the format and content required for the development of items for each CST.

The training materials, along with an agenda, will be given to CDE for review and approval prior to the actual training of the item writers.

A.2.8 Guidelines for Item Writers

Item writing guidelines help ensure that items are defensible, have content validity and reflect sound, proven instructional practices. ETS' "Guidelines for Item Writers" provide general guidelines to writers for writing items for various content areas. ETS has revised its Guidelines to include specific guidelines for developing items for the CST and to be consistent with the Education Code section 60614. The Guidelines will be included in the item writing training material described in A.2.9.

A.2.9 Ensure Item Alignment to Standards

After the items have been written, ETS will employ a series of internal reviews that is extensive and complete. The reviews will establish the criteria used to judge the content validity of the item; making sure that each item is measuring what it is intended to measure. The internal reviews will also examine the overall quality of the test items before they are prepared for presentation to CDE and the CRPs. The process will provide the assurances that ETS is

developing items that meet ETS criteria. Because of the complexities involved in producing defensible items for high stakes programs such as the STAR Program, it is essential that many different experienced individuals review each item before it is brought to CDE and the state CRP and SPAR panels.

The ETS review process for the CST will include the following:

- Internal content review
- Internal editorial review
- Internal sensitivity review

Throughout this multi-step item review process, the lead content area assessment specialists and development team members will continually evaluate the importance of the information being assessed, its relevance to the California Academic Content Standards, its match to the test and item specifications, and its appropriateness to the population being assessed. Test items will be strengthened in the process, improving the match between the measurement goal and the measurement task, as well as the overall clarity of the item. Items that are only peripherally related to the Test and item specifications, that do not measure core outcomes reflected in the California Academic Content Standards, or that are not developmentally appropriate will be eliminated early in this rigorous review process.

Test items and materials will receive two reviews by the content area assessment specialists. These assessment specialists will make sure the test items and related materials are in compliance with ETS' written guidelines for clarity, style, accuracy and appropriateness for California students and in compliance with the approved item specifications. Assessment specialists will review each item following the criteria below:

- Relevance of each item as the item relates to the purpose of the test
- Match of each item to the item specifications, including cognitive level
- Match of each item to the principles of quality item development
- Match of each item to the identified standard (or standards for history-social science)
- Difficulty of the item
- Accuracy of the content of the item
- Readability of the item or passage
- Grade-level appropriateness of the item
- Appropriateness of any artwork, graphs, figures, etc

The assessment specialists will also check all items against their classification codes, both to evaluate the correctness of the classification and to ensure that a given task is of a type appropriate to the outcome it was intended to measure. The reviewers will either accept the item and classification as written, suggest revisions, or recommend that the item be discarded. This will occur prior to CDE review.

A.2.10 Create a Direct, Identifiable Link between the Standard Being Tested and the Test Item

One of the most essential aspects of items written for the CST is the precision with which each item measures the academic content standard it is designed to measure. The ETS plan will ensure that each item measures what it is intended to measure. Special attention will be paid to the match to the academic content standard at every stage of the item development process including the training of writers, the writing of items, and the in-house and external review of the items. Using a large number of reviewers for each item during this process will ensure that each item is a valid measure of the standard it is meant to assess.

During the item development process, item writers will be required to establish the content

validity of the items and to assure the close correspondence between the standards and the test questions. The writers must craft item content carefully so that what the item is measuring is important. During the workshops, ETS will use a procedure through which item writers will reference the test specification and the standard to which the item must be written. These references will be carried in the database used to store the test items and information about the items. During internal review of the items, the lead content area assessment specialists and development team members will review the items for match to the standards.

A.2.11 Internal Editorial Review
After the designated content area assessment specialists review each item, a group of specially trained editors will review each item in preparation for review by CDE and the CRPs. They will check questions for clarity, correctness of language, appropriateness of language for the grade level assessed, adherence to CDE style guidelines, accessibility, and conformity with acceptable item writing practices.

A.2.12 Internal Sensitivity Review
ETS assessment specialists who are specially trained to identify and eliminate questions that contain content or wording that could be construed to be offensive to or biased against members of specific ethnic, racial, or gender groups will conduct the next level of review. These trained staff members will review every item before it is prepared for committee review.

A.2.13 Item Ownership
All items developed for this program become the property of CDE and may not have been used in any previous test administration (e.g., NAEP, other public assessment, etc.).

A.2.14 Dealing with Item Attrition
The ETS development plan will include an overage of items in each of the content areas. The overage in item development will allow for the elimination of any item that might be rejected during any phase of the item development process including ETS internal reviews, and reviews by the CRP and the SPAR Panel. Items developed for the CSTs must be of sufficient quality to ensure that the tests developed are based on a sound psychometric design that ensures curricular and instructional validity and yields scores that are valid and reliable. The item development plan will take into consideration that ~~50~~ SBE-approved percent of the multiple-choice items on each test are replaced each year, that the writing tasks are used and released each year, and that SBE plans to release a number of items each year. ETS will plan for a 25% release rate for the multiple-choice items and understands that all of the writing prompts are released as used.

A.2.15 Item Functionality within Each Content Area
The item development process will support the development and maintenance of a high-quality item pool for every content area of the California Standards Tests. For operational forms, the content requirements of the test blueprint will govern the selection of items. Each operational item will also meet stringent psychometric requirements.

Items selected for operational forms will span a range of difficulty (~~p~~b-values), and will be selected so that the forms parallel previously operational forms in test difficulty unless otherwise specified by CDE. ETS will also include items that are easier and more difficult in order to increase the range of achievement measured by the CST and to provide more meaningful and accurate scores for students at a wider range of performance levels.

A.3 Review Panels

A.3.1 Comprehensive Item Review

Designated content and SPAR review meetings will be convened according to a schedule approved by CDE. To prepare for these meetings, ETS is responsible for all meeting logistics, (except for the SPAR meetings), including:

- Identifying suitable meeting space
- Contracting suitable reviewers
- Handling all travel arrangements and reimbursing all allowable expenses for item review participants
- Preparing all materials
- Conducting the item-review meetings

ETS item development coordinators will prepare all meeting materials, such as agendas, training materials and forms that attendees will complete for reimbursement. CDE will review and approve the materials in a timely manner. ETS will also develop the particular formats for presentation of the items with CDE's approval. ETS program management staff will print, collate, and package all meeting materials to be used by meeting facilitators and committee participants.

The CRP members shall be allowed, at no expense to CDE, SBE or ETS, to review the ~~2004~~ 2006 operational test forms in ETS' Sacramento Office. ETS will document any comments arising from such reviews and report them to the CDE. Prior to the CRP forms review, CDE shall have reviewed and approved the proposed "zero" form.

a. Item Review Process

All items will meet technical criteria established in professional standards for high-stakes tests. The procedures and process for CRPs will be of the highest quality. The timing of each activity relative to development and review will be provided in an ETS schedule of item and test development submitted to CDE for final approval. CDE shall review and approve all stages of item and forms development as agreed upon in an annual schedule for ETS submissions and CDE response.

ETS program management staff will be responsible for all arrangements for item review meetings and all associated costs; excluding costs for the CDE staff and SPAR panel members. The staff will provide the following services:

- Contract for suitable meeting rooms that are well-lighted, have plenty of working table space, and are comfortable for working groups
- Arrange catering services for the meetings, including continental breakfast, morning and afternoon break refreshments, and lunch
- Arrange for meeting equipment as necessary for the work of the committees
- Prepare correspondence with review committee participants to announce meetings and to arrange for travel
- Provide arrangements with the travel agency that allow participants to work directly with the travel agent to arrange the most convenient trip. The agency also provides a database with updates of all participants and their travel schedules.
- Provide onsite program management staff to ensure all arrangements with the hotel are implemented and to assist with greeting and signing in committee participants
- Rent dedicated equipment for meetings such as a photocopier, fax and shredding service to enhance security of materials

- Reimburse committee participants per California state travel regulations

b. Materials

ETS will prepare items for the CRP reviews in three-ring binders. Each item will be on a single page. The appearance of each item will closely resemble its appearance in a final published booklet. Any accompanying artwork, graphics and stimulus materials, including passages, will be included. Items may be presented to the committee members with the answer key marked or not marked, at the discretion of CDE. The academic content standard being assessed by the item will be printed at the top of the page. Mathematics, science, and history-social science items will be grouped by strand, and reading items will be grouped by passage. Cognitive levels will be identified. The pages will be numbered.

For the CRP, the materials will also include the agenda, the California STAR test specifications and blueprints, the item specifications, individual content review forms (at request of the CRP), individual bias and sensitivity review forms (at the request of the CRP), and any other materials requested by CDE.

A.3.2 Content Review Panel

ETS is responsible for working with CRPs as items are developed for the California Standards Tests. CDE is responsible for providing ETS the names and contact information for all panel members.

The CRPs are advisory panels to CDE and ETS on areas related to the item development for the California Standards Tests. ETS and CDE responsibilities are as follows:

- ETS will convene CRP meetings as necessary
- CDE is responsible for working with SBE staff to determine CRP membership
- Communications regarding panel membership and procedures are to be between CDE and ETS
- ETS is to submit all CRP agendas and materials to CDE for review and approval at least two weeks before scheduled CRP meetings
- ETS is responsible for preparing meeting materials, facilitating meetings, notifying panel members of meeting dates, times and locations, and arranging lodging, travel, and meals for panel members. Meeting dates must be approved in advance by CDE. Meetings will be in Sacramento, unless otherwise authorized by CDE.
- ETS is responsible for collecting information about the panel members as requested by CDE
- ETS is responsible for providing a day-by-day summary of the panel meetings and a day-by-day attendance list to CDE within two weeks following each panel meeting
- ETS will pay for substitute coverage for teachers and administrators serving on the panels

The CRPs will be responsible for reviewing all newly developed items for alignment to the California Academic Content Standards. The CRPs will also review the items for accuracy of item content, clarity of phrasing, and item quality. ETS will also provide the CRPs with the opportunity to review the items with the applicable field test statistics and make recommendations for the use of items in subsequent test forms. The CRPs will consist of up to 25 members for each content area.

The CRPs may raise in their examination of test items concerns related to age/grade appropriateness, gender, racial/ethnic, and socioeconomic bias.

a. Item Specifications Meeting Agenda

The agenda for the CRP meeting to review NCLB middle school and high school science test blueprints will cover these topics:

- CDE opening remarks
- Overview of the CSTs and their importance to California students
- Review of the California Academic Content Standards
- Recommendations inform the CRP for the draft blueprints

b. CRP Item Review

The content area assessment specialists, will facilitate the CST CRP meetings. The initial meeting each year will begin with a brief training session on how to review items. ETS will provide this training, which will consist of the following steps:

- An overview of the purpose and scope of the CST
- An overview of the CST test design specifications and blueprints
- An analysis of the CST Item Specifications
- An overview of criteria for evaluating multiple-choice test items and for reviewing constructed-response writing tasks
- Reviewing and evaluating items for bias and sensitivity issues

The criteria for evaluating multiple-choice items and constructed-response writing tasks will include overall technical quality, match to the California Academic Content Standards, match to the construct being assessed by the standard, difficulty range, clarity, correctness of the answer, plausibility of the distracters, bias and sensitivity factors, as well as more global issues, including for ELA appropriateness of reading passages, passage difficulty and readability. The committee will also be trained on how to make recommendations for revising items. Guidelines for reviewing items will be provided by ETS and approved by CDE.

At any time during a CRP meeting, the group may further divide into smaller groups, depending upon CDE approval and the numbers of items still to be reviewed. The content area assessment specialists will facilitate the smaller groups as well.

As the first step of the item review process, panel members will review a set of items independently. As panel members individually review items, they will record their comments. The next step in the review process is for the group to discuss each item. The content area assessment specialists will facilitate the discussion and record all recommendations. These recommendations will be recorded in a master item review booklet.

Item review binders and other item evaluation materials will include the necessary bias and sensitivity elements.

ETS staff will maintain the minutes summarizing the review process and forward copies to the CDE, emphasizing in particular the recommendations of the panel members. The minutes will include tallies of the surviving items by strand, within each content area.

ETS will also prepare all other materials needed for the CST and CRP meetings. Each panel member will receive an agenda, training materials (i.e., blueprints and test specifications) and copies of other related materials including the California Academic Content Standards.

A.3.3 SPAR Review Panel

At the SPAR Panel meetings, ETS will present all new items in binders for review. The SPAR

Panel representatives will ensure that the test items conform to the requirements of Education Code section 60614. If the SPAR Panel rejects specific items, the items will be revised or replaced. For the SPAR Panel meeting, the item development coordinator, or a qualified representative approved in advance by CDE, will attend the opening session and remain in a nearby location or near a telephone to be available to respond to questions during the course of the meeting. The ETS representative will be knowledgeable in the content areas.

A.4 Field Testing

A.4.1 Field-Test Administration

The field-tests associated with each content area will create an item pool large enough to support the construction of standards-based, blueprint-based operational forms in all content areas. The field-test will produce items for the operational tests that meet content and strict psychometric requirements.

Prior to field-testing, every item will undergo reviews by the CDE, CRP and SPAR panels. These reviews will ensure that any flawed item (i.e., an item that fails to match the academic content standards or the appropriate construct, or contains subject matter that may be viewed as biased or insensitive) is removed prior to the field-testing process.

The field-test items will be embedded in the operational forms of each of the respective operational tests. In order to minimize the effect on overall testing time, multiple versions of the CST will contain no more than six field-test items These forms will be spiraled at the student level to ensure that equivalent samples of students complete each version of the form. All CRP and SPAR-approved items are to be included among the field-test items.

A.4.2 Field Test Scoring, Analysis and Reporting

ETS will carry out most of the ongoing psychometric work using a statistical analysis system called GENASYS, which is proprietary software developed by ETS. The GENASYS system contains components for establishing testing program statistical information, processing examinees (including case sampling and scoring of multiple-choice items), traditional item analyses, and IRT analyses. The GENASYS system has been developed to analyze both items scored right/wrong (selected-response items) and items scored for partial credit (constructed-response items).

Reporting Field Test Results

ETS will analyze and report the results for all subgroups of the population as required by the Education Code and Title 5 of the California Code of Regulations. CDE will receive the reports within eight weeks after districts have returned the completed ELA, mathematics, history-social science and science answer documents and test booklets.

- All data and documentation associated with the field test will be made available to CDE for analysis and evaluation.

A.4.3 Scoring Field Tests

ETS staff will verify the output from the scoring programs to ensure the accuracy of the scoring process. After each operational administration, they will run a set of preliminary item analyses based on a sample of the early answer document receipts. The preliminary item analyses will be used to assure the accuracy of the scoring. A minimum of 1,500 answer sheets from a heterogeneous sample of different schools (i.e., diverse in geography and demographic characteristics) will be used. ETS will establish final requirements for the preliminary item analysis samples based on input from CDE staff. They will institute a set of flags that will automatically identify items with questionable performance characteristics. Item flagging rules

supported by the GENASYS system include:

- Items with P-values above or below a specified threshold (e.g., above 0.95 or below 0.25)
- Item-total correlations below a specified threshold (e.g., 0.30)
- A greater number of high ability test takers chose a distracter than chose the keyed response (generally the top 20 percent of scores is used to define this high ability group)
- A significant percentage (e.g., greater than 5 percent) omits the item
- A significant percentage (e.g., greater than 5 percent) do not reach the item

ETS and CDE Content specialists will examine all flagged items to verify that the keys are correct, the distracters are clearly wrong, and the items in the published test book were correct and unambiguous.

ETS will review the content of items identified as having suspect performance and confirm the accuracy of keys through this process. Any questionable items will be brought to the attention of CDE staff. ETS will provide to CDE staff upon request all computer program output and related documentation of the preliminary item analysis review.

In addition to preliminary item analyses derived statistically, ETS will provide the NCS-prepared test deck of answer sheets to verify the correct scoring of alternate versions of test forms. They will also compare hand scoring for a small sample of student answer sheets to the scanned results to confirm the accuracy of scanning and scoring.

A.4.4 Analyzing Field Test Results

After scoring, ETS will subject all test items to extensive statistical analyses. These analyses will show which items are at an appropriate difficulty level for the testing population and are free from any form of differential item difficulty for subgroups of the state's population. Additionally, ETS content specialists will confirm the item-to-standard match for each of the content areas.

For all field-test items the following sets of statistical analyses will be completed:

- Item analysis
- Differential Item Functioning (DIF) Studies
- Calibration, scaling, and equating

To assist psychometricians in overall evaluations of field-test items, the GENASYS system provides a comprehensive item evaluation module that incorporates information from a variety of analyses. The interface for this item evaluation module includes graphical plots of response options, plots of the item characteristic curve (ICC), information about the percentages of students choosing various response options (for multiple-choice items), the IRT statistics for the item, and classical statistics for the item (e.g., average item score, correlation with a criterion score). The evaluation module also includes an interface for statisticians to enter flags that indicate poor or questionable functioning directly into the GENASYS database. It is also possible to utilize the item evaluation module of GENASYS remotely, so that statistical information about field-tested items could be viewed directly by the CDE staff.

Item Analysis, Calibration, and Scaling of Constructed Response Items: The writing prompts will be calibrated using the Rasch partial credit model. Each writing prompt will be evaluated using fit statistics in conjunction with plots of model-data fit that are generated by the GENASYS system. Items flagged for potential misfit will be evaluated with respect to their impact on test specifications, psychometric quality and coverage of academic content standards and strands.

Field Test Reporting
This includes:

- Providing separate reports to the CDE with the item statistics and appropriate narrative analyses for the field test items.
- Entering all field test data, including but not limited to, the number of students tested, the p-value, and the point biserial for each item into the electronic item database (see A.8).

Item Analysis: Following each administration of the CST, ETS will review classical test theory statistics for all items. Items will be flagged that do not meet strict psychometric criteria as described under Scoring Field Tests (A.4.5). Both the research and test development staff will carefully review these items. Test development staff, together with CDE, will review all field-test items and make recommendations for revisions.

ETS will also routinely analyze additional information about the constructed response items. This information includes:

- Percentage of scores awarded at each score point
- Number and percentage of exact agreement between raters
- Number and percentage of adjacent agreement between raters
- Number and percentage of non-adjacent scores between raters
- Rater reliability indices

A.5 Differential Item Functioning (DIF)

DIF analyses will be carried out for all major subgroups of the testing population, using the Mantel-Haenszel (MH) statistic. CDE will provide a list of these subgroups. ETS and CDE will evaluate items that exhibit significant differential item functioning and will determine whether continued operational use of the items is acceptable. Alternatively, items exhibiting DIF may be revised for additional field testing or removed from the item pool. Such decisions will depend on the nature of the DIF observed and the availability of alternate items with similar content and statistical characteristics.

The criterion for DIF that ETS uses is a statistic on the equated delta scale (MH D-DIF). Based on the absolute value of the MH D-DIF statistics and the related statistical significance test, items are classified into three categories:

- MH D-DIF not significantly different from zero or absolute value less than 1.0. (Category A)
- MH D-DIF significantly different from zero and absolute value of at least 1.0, yet either less than 1.5 or not significantly greater than 1.0. (Category B)
- MH D-DIF significantly greater than 1.0 and absolute value 1.5 or more. (Category C)

Based on the Mantel-Haenszel and standardization analyses, ETS will classify items into one of these three categories according to rules that have been successfully used at ETS for over 10 years. The three categories carry the labels A, B and C. Category A contains items with negligible DIF. Category B contains items with slight to moderate values of DIF, and Category C contains items with moderate to large values of DIF. Test development staff will review items classified in Category C to consider any identifiable characteristics that may have contributed to the differential item functioning.

A.6 Delivery Schedule for Item Development

ETS will deliver finished CST test items to CDE during or before September of 2006. The “finished” test items are those items that have been field-tested and carry with them their associated item statistics. The following annual schedule of item development will meet the September delivery requirement.

Table ~~17~~18~~7~~. Item Development and Delivery Schedule

Process Step	Timetable
Write items per CST specifications	January – April ~~2002, 2003,~~ 2005
Conduct internal reviews of all items	February ~~2002, 2003,~~ 2005
Review new items with all committees	February ~~2002, 2003,~~ 2005
Build field test items into operational forms	August 2005
Conduct field-test of items along with spring operational testing	Mid-March through August ~~2004~~ 2006
Receive item statistics for field-test items	July ~~2003, 2004~~ 2006
Review item statistics and load to item bank	August/September ~~2003, 2004~~ 2006
Deliver items to CDE	September/October ~~2003, 2004~~ 2006

A.7 Electronic Item Database

ETS will ensure delivery of an electronic item database to CDE. The item bank will include all items developed under this contract including items that are and are not to be considered for operational tests. The item bank will include all items and statistics in the electronic item bank developed by the previous contractor. For each item, the item bank will include, but not be limited to, the following information:

a. Writing prompts, reading passages, artwork, stems, distracters, and correct responses, copyright information, pointers to anchor papers, and form information.
b. All documentation and statistics related to item development, field test, and operational test by administration.
c. Categorication of CRP recommendations as accepted, accepted with revisions, rejected, comments (when available), and dates.
d. Categorization of SPAR Panel rejection/revision recommendations, comments, and dates.
e. Item histories including field test dates (fall or spring and year), operational test administration dates and forms (algebra I or 1st year integrated, biology, etc.), and the statistics for each administration.
f. Date and reason for removing items from the active database, (e.g., item publicly released). These fields need to allow for changes over time. CDE must be able to indicate whether an item has been released or used in subsequent administrations.
g. The item database must allow for the addition of new reporting and statistics fields that allow for CDE recording of additional elements as necessary.
h. Specific field identifying the primary academic content standard associated with an individual item.
i. Specific fields identifying all secondary academic content standard(s) associated with an individual item.
j. For each item, a generated characteristic code will be included that contains embedded item characteristic information. The format of this code must be approved by CDE
k. The database must be developed utilizing Microsoft Access 2000 and provide the following functionality:
    a. Link items with their associated statistics, history, art, and passages.
        i. Construct and evaluate new test forms.

ii. Support ad hoc reporting and analysis
iii. Support structured item database queries allowing for stored and named queries associated with standardized reports.
iv. Function within CDE's current network providing multi-user access, update, and security features.

b. Print quality graphics developed for each item must be provided to CDE in a separate file at the request of CDE or at the completion of this contract. These graphic files include passages, art, and item previews. The graphic files need to be named according to a convention that allows for automatic selection by a secondary application.
c. Include cognitive level (low, medium, or high) and depth of knowledge measures.

ETS is responsible for ~~entering~~ categorizing the CRPs' comments/recommendations ~~into~~ for use in the item database after each panel meeting held during the term of this contract.

ETS is to enter all preliminary item statistics (e.g., p-values, biserials, and point biserials) into the database no more than twelve weeks after completing a field test or six weeks after completing the final student file for an operational test for use in test form development. The data are to be verified two weeks after a final clean data file is available from each field test or operational test administration.

ETS is responsible for ensuring that the item pool in the database for each content area, grade level and discipline is large enough to construct technically sound, valid, and reliable multiple-choice tests and to replace all items, except for linking items, if the SBE requests that the test forms be publicly released.

Delivery of items developed under this contract to CDE will be completed when:

- ETS has entered all required information into the database.
- The electronic file has been forwarded to CDE.
- CDE has been able to open the file and verify that all required information is included.
- CDE has confirmed in writing the receipt and acceptance of the completed database.

ETS will maintain the item bank on an ongoing basis throughout the life of the contract.

ETS will include all items developed under this contract no later than November 1, 2006.

CDE is responsible for entering SPAR Panel recommendations into the database.

Entering Field Test Statistics into the Electronic Item Bank
ETS will use interfaces specifically associated with the electronic item bank to ensure the smooth and error-free flow of data from the various licensed (commercial and other) and proprietary statistical analysis software. ETS will establish specific procedures for electronically transferring data and quality controlling the transfers.

A.8 Design Process for Test Forms

The content and psychometric requirements of the test specifications and blueprints govern the test form development process. The key to constructing forms that strictly follow the test blueprint is having a large number of items covering each of the content goals and expectations, because having many items increases the flexibility of item selection. That is, items can be traded in or traded out of the initial draft test form in order to meet the statistical requirements of the test. Therefore, one of the first functions that ETS will complete will be an evaluation of depth of items available in the current item pool in each content area. The results of this

evaluation will help to identify any areas that require additional field-testing to ensure the sustainability of the item pool and maximum flexibility for future form selection.

Each operational form constructed must contain ~~50%~~the SBE-determined percent of ~~the~~ items from the previous year's form ~~and 50%~~with the remainder of items coming from the item bank. For inclusion on operational forms, all items will meet the minimum requirements for item difficulty, item total-test correlation and DIF. In addition, ETS will ensure that the selection of items from the test bank include items from more than one previous administration. This could help mitigate any potential scale drift that might occur because of the unique features of any particular equating sample.

In creating the forms, ETS development teams will watch carefully for clueing among items, which can appear in a variety of subtle ways. Content specialists will also continually evaluate the overall content of the test form for diversity in subject matter and approach, as well as multi-cultural and gender representation. ETS will also maintain balanced A, B, C and D answer choices.

After ETS has created the preliminary operational forms, they will enter them into the proprietary ETS test creation software used to facilitate the evaluation of test forms. This software, when it becomes available, provides information about each preliminary operational form, via test characteristic, test information and standard error curves. The test developers, in conjunction with CDE assessment staff will then substitute items to adjust the curves as needed to match the target curves established for each of the CST content areas.

At this time, ETS will make a final check of the balance of the answer choices. When ETS has completed the operational forms with the curves coinciding as closely as possible, the development teams will forward these selections along with summaries of the item statistics associated with each form and copies of the target curves and the new form curves to the research staff for approval. After receiving approval from research, CDE will receive the forms for final approval.

A.9 Forms Construction

ETS is responsible for developing the following California Standards Tests each year in accordance with the SBE-approved blueprints and the test development plans approved by CDE. ETS will use the CST electronic item bank and statistical data to construct operational forms. ETS will construct draft forms that meet the blueprint and the psychometric requirements as closely as possible and submit them for review and approval by CDE.

- ELA grades 2 – 11
    - ETS will work with CDE's ELA content specialist and measurement specialist to identify California-specific items that will be used for each grade for the California English Language Arts Standards Tests. The composition of the tests follows:
        - Grades 2 and 3 are 65 item tests using only California standards items.
        - Grades 4 - 11 are 75 item tests using only California standards items.

- Grade 4 and 7 Writing tests
    - CDE ELA and ETS content specialists will identify two writing tasks for each grade level from the existing writing prompt bank. The two prompts within each grade must be for the same type of writing and must have produced similar score distributions when scored with the 4-point rubrics.

- Mathematics grades 2 - 7, standards-based mathematics tests for grade 8 and 9 and high school, and six course-specific tests

- ETS is to develop 65 item mathematics tests for grades 2 – 7. ETS is to use the SBE-approved blueprint for each grade and develop recommended test forms for CDE content specialist and measurement specialist to review and approve.
- The following tests are to be 65-item tests:
  - Algebra I
  - Geometry
  - Algebra II/Probability & Statistics
- 3 Integrated Mathematics Tests
  - Integrated Mathematics 1
  - Integrated Mathematics 2
  - Integrated Mathematics 3
- Standards-Based General Mathematics for Grades 8 and 9
- Standards-Based Summative High School Mathematics for Grades 9 - 11

- Science tests for grade 5 and grades 9 - 11 are 60-item tests. ETS is to use the SBE-approved blueprint for each grade and develop recommended test forms for CDE content specialist and measurement specialist to review and approve. These include eight course-specific California Standards Tests and one grade-level test. The tests are:
  - Earth science
  - Biology
  - Chemistry
  - Physics
  - Four coordinated/integrated test forms, based on SBE-approved academic content standards for each test
  - Grade 5
  - Grade 8 and 10 NCLB California Science Standards Tests –grade 8 assesses only grade 8 science content standards and grade 10 assesses middle and senior high school life and biology content standards
- History-social science tests for grades 10, & 11 are 60-item tests. The grade 8 History-social science test is a 75-item test. Twenty-five percent of the items on each test will also test Historical and Social-Sciences Analysis Skills standards, subject to SBE-approval. ETS is to use the SBE-approved blueprint for each grade and develop recommended test forms for CDE content specialist and measurement specialist to review and approve. The tests are:
  - Grade 8 California Academic Content Standards for grades 6 – 8.
  - Grade 10 California Academic Content Standards for world history.
  - Grade 11 California Academic Content Standards for United States history.

Input will be solicited from CRPs as to content related issues in forms construction. ETS shall record such advice and endeavor to incorporate it into forms construction.

ETS will develop test forms with psychometric properties that meet industry standards for criterion-referenced tests used for high-stakes testing. Electronic forms with the following supporting information must be submitted to CDE for review. CDE may request item changes on the forms to improve the estimated test characteristics as long as the changes do not result in changing the approved test blueprints. The following will be forwarded electronically or in hard copy to CDE for review and approval:

- Item cards that include the item stem, distracters, accompanying artwork, correct response and the most recent administration date, test form and statistics. The item statistics should be clearly identified as field test or operational test statistics.

- A cover sheet for each form that lists the test question number on the test from the previous year, the item code that identifies the strand or concept area for which each item will be used to generate subscores, and the previous year's operational test statistics—p-value and point biserial—and the item number for the current test. Items being replaced should be indicated clearly and the replacement items should include the current year's item (sequence) number, the item code, the last administration date for each item, and the p-value and point biserial for the last administration. The cover sheet must include the reliability for the previous year's test form and the estimated reliability for the new test form.

At a minimum, the technical characteristics for each test form must support that the form is valid and reliable and is expected to produce maximum discrimination (minimum standard error) at the four performance level cut points. Test forms will be considered valid and reliable and have other required technical characteristics if they are similar to those found for similar professionally developed tests used for similar purposes to the California Standards Tests.

CDE must approve the ~~new~~ first draft of the operational test forms by September 1 in order for ETS to meet print deadlines. CDE must receive and accept the previous year's Technical Manual before approving any new operational test forms, but no later than September 1 of each year.

Tests for future years will be similar to the current tests but may be altered due to SBE policy decisions or blueprint modifications approved by SBE. The CDE and ETS recognize that drafts of new operational test forms must be completed by September 1 to meet print deadlines. The CDE and ETS will work together to assure this happens.

A.10 Rotation of Standards

All tests will be developed to conform to the non-public blueprints. Non-public blueprints will be used to inform test construction.

A.11 Forms Review

CDE is to receive final laser copies of all operational test forms. CDE may request that items be moved and or corrected on the final formatted test booklets.

A.12 Calibration, Scaling, and Equating

To ensure high-quality calibrations for the multiple-choice and constructed response items, ETS will use the proprietary version of the PARSCALE computer program. This program allows for flexible estimation of item parameters for both dichotomously scored and polytomously scored items. Several high-stakes testing programs administered by ETS, including NAEP, GMAT and TOEFL have tested and used PARSCALE.

ETS will calibrate field test items simultaneously with the operational items and link them to the operational scale through a common-item equating design. The general process for calibrating and scaling the embedded field test items will be similar for each administration. The specific steps that will be completed for the calibration of items will be:

1. Conduct preliminary item analyses for all items, confirming that the statistical performance of all items is satisfactory. Before calibrating the items, remove items identified as flawed or requiring revision (e.g., negative item-total correlation).
2. Simultaneously calibrate the field test items with the operational items, employing a one-parameter model for dichotomously scored items and the Rasch partial-credit model for the ELA constructed-response items.
3. Evaluate model-data fit. ETS will evaluate fit statistics in conjunction with plots of

model-data fit that are generated by the GENASYS system. ETS will evaluate items flagged for potential misfit with respect to their impact on test specifications, psychometric quality and coverage of academic content standards and strands.

4. Link the item parameter estimates for the field test items to the operational scale through a set of anchor or linking items consisting of operational items from previous administrations. Note that in standard one-parameter model analyses, this consists of setting the mean of the anchor item parameters based on the new calibrations equal to the mean of the anchor item parameters in the previous calibrations.

A.13 Scaling the California Standards Tests

ETS will scale the California Standards Tests. ETS will use the scale for each test to determine the scaled score range for each performance level: advanced, proficient, basic, below basic, and far below basic. The scale:

- is to be non-vertical.
- may be used to equate forms within years.
- must be able to be used to equate forms from year to year.
- should be unique so that it is not misinterpreted as relating to any nationally administered test. The scale may relate to other California tests.
- will have the proficient level set at 350 and the basic level set at 300.
- provide for adjacent grade reporting and comparisons

A.14 Equating ~~2004~~ 2006 California Standards Tests

ETS will scale the ~~2004~~ 2006 CSTs and equate the ~~2003~~ 2005 and ~~2004~~ 2006 test forms before assigning performance levels and producing 2006 student and summary reports.

A.15 Standard Setting

ETS staff will organize and implement a standard setting process to establish the performance levels for the grade ~~5~~ 8 and 10 ~~8~~ NCLB California Science Standards Tests using the 2005 field-test statistics. ETS will perform this work in consultation with CDE and through committee meetings with California educators. Performance levels will be identified in a manner similar to those established for the CSTS. Standard-setting panels will convene in ~~February~~ October ~~2004~~ 2005 to provide recommendations at the ~~March~~ November ~~2004~~ 2005 SBE meeting.

A panel of teachers, curriculum specialists, school administrators and community representatives will complete the standard setting. The panel will be diverse in race and ethnicity, geographic region and gender. The majority of panelists will be teachers currently teaching and currently licensed in the subject area with not less than 3 years experience. School administrators, parents and community members will also be represented, where possible.

All panelists will be familiar with achievement testing, the relevant standards and content areas, and the purposes of the CST. ETS test development staff will work closely with CDE to identify approximately 15 participants for the standard setting study for each test. In addition, ETS will work with CDE to identify potential sites to conduct the standard-setting studies. After ETS and CDE have agreed on sites, ETS will make the necessary arrangements.

Following the standard setting, ETS will summarize the results in a report and present it to CDE. This report will review the recommended performance standards for reasonableness, consistency and other characteristics and either suggest that CDE accept the standards as recommended by the panels, or that adjustments be made to the panel recommendations for reasons specified in the report.

A.16 Technical Manual

ETS will produce an annual technical manual for the California Standards Tests. The manual will include:

- Summary data tables.
- Narrative interpretation and analysis of the data.
- Areas where the data indicate that the tests are not meeting industry standards and improvement is needed, if any are found.
- Recommendations for improving the tests where improvement needs are indicated.
- Appendices that include the computer-generated reports used for developing the summary tables.

At a minimum, the manual must include:

- The number of students with valid scores on each test
- The characteristics of the students tested at each grade level including:
  - Total number tested
  - Percent of English language learners:
    - With no accommodations
    - With accommodations
  - Percent of special education students:
    - With no accommodations
    - With accommodations
    - With modifications
    - Out of level
  - Percent of economically disadvantaged students
- Historical comparisons of current and previous administrations
- Descriptive statistics for each test including means, standard deviations, median p-values and range of ~~p~~b-values, and median point biserials.
- Description of field testing procedures and results
- Validity Evidence
  - Qualifications of CRP members and processes used to ensure content alignment.
  - Evidence supporting subscore reporting.
  - Information about performance level reporting including the distribution of scores among the performance levels.
- Reliability and Errors of Measurement
  - For each total score and subscore, estimates of reliabilities and standard errors of measurement
  - Standard errors of measurement at the performance level cut points
  - Probability of misclassification
  - Inter-rater reliability for the Grade 4 and 7 Writing Tests
  - Sample size
- DIF Analysis by
  - Gender
  - English language fluency
  - Ethnicity
- Scaling procedures
- CST Technical Information
  - Field test administration
  - Historical comparisons of current and previous administrations

ETS will meet with CDE staff to finalize the design of the report and will submit a draft of the report to CDE staff by November 17, 2006. CDE staff will have 20 working days prior to

production of the final copy for review and approval.

Ten sets of three-ring binder copies of each final Technical Manual will be submitted to CDE each year. In addition, ETS will submit to CDE a CD-ROM with PDF versions as well as a standard word-processing original of the text and standard spreadsheet versions of all tables and technical appendices.

A.17 Maintaining and Documenting Security of Materials

Item Security:

ETS and its subcontractors understand the secure nature of the California STAR Program and assure CDE that it will maintain all items and test forms developed for this program as secure materials at all times. Test security is vital in order to provide a legally defensible test to all California students.

As a first step in maintaining security, ETS will require all ETS staff, independent contractors, and other subcontractors who work on the California STAR Program, to complete a confidentiality/nondisclosure agreement. All will sign agreements before the beginning of any work. A copy of each agreement will be forwarded to CDE upon request.

Security During Development and Review:

During the development process, ETS staff members will consistently follow the established security procedures listed below, procedures that represent best practices in the industry:

- Only authorized individuals have access to test content at any step in the development, review, and data analysis processes.
- All hard-copy test content, computer disk copies, art, film, proofs and plates are kept in locked storage when not in use.
- Working copies of secure content are shredded once they are no longer needed during the development process.
- Careful control is maintained over all written communications with item writers and reviewers. Secure traceable methods of delivery (such as registered mail and express delivery service with a record of delivery kept for all mailings), are to be used.

The following procedures will ensure security when committees such as the California CRP and the SPAR Panels review items:

- All individuals who participate in the CRP and SPAR reviews during the development process must sign the confidentiality/nondisclosure agreement before they are given access to any test content.
- Implications of signing the confidentiality/nondisclosure form for each committee member's personal behavior are explained before any materials are distributed.
- All copies of materials used during the review meetings are sequentially numbered. Individual committee members sign out for a specific numbered copy. Copies cannot be removed from the meeting room during the review process.
- All materials are collected and inventoried at the end of each meeting before individuals are allowed to leave the review room.
- Review committee members are permitted to write notes only in the review books and on evaluation sheets, which ETS staff will collect.
- Committee members are not allowed to bring computers or similar devices into the review rooms.
- Rooms containing secure materials are kept locked when not in use.

Security of the California STAR Item Bank:

Security of the electronic item bank is especially important. The measures ETS will take for

ensuring the security of the electronic item bank and related electronic files include:

- Electronic forms of test content and item banking systems are backed up electronically, with the backups kept offsite, to prevent loss from a system breakdown or a natural disaster.
- The offsite backup files are kept in secure storage, with access limited to authorized personnel only.
- To prevent unauthorized electronic access to the California STAR items in the item banking system, the same state-of-the-art network security measures will be used as for other ETS clients (e.g., the SAT for the College Board).
- The system documents all authorized users.
- If staff members require copies of the California STAR item bank, only the specific number of CDs will be created. Each CD will be numbered and checked out to an authorized user.

A.18 Secure Data Exchange

All transmissions of student-level data must be encrypted and utilize secure File Transfer Protocol (FTP) sites residing on ETS' or NCS' secure FTP server. Transmissions of student-level data include Pre-ID, student test results, and any other transfers where the file is structured so that an individual record corresponds to an individual student. This includes transmissions between ETS, any subcontractor, CDE, school districts, and any other entity.

Transmission of CST test items and forms, or other secure information and documents must also be encrypted and utilize secure FTP sites unless otherwise requested by CDE.

The transmission of all other data, including summary data files, may be transferred without encryption, utilizing secure FTP sites unless otherwise requested by CDE.

In addition, ETS will provide an annual security report prepared by the ETS internal auditor. The auditor will evaluate current procedures and recommend, as necessary, additional steps to strengthen the security of the testing program. If, as the result of significant problems, CDE determines that an independent evaluation is necessary, an independent internal security audit will be conducted, funded by ETS.

B. PROGRAM SUPPORT SERVICES

B.1 ETS STAR Program Team Members

~~By July 31, 2003,~~ ETS will deliver to the CDE as needed, at lease annually:

- An updated list of the subcontractors for each task and deliverable in this SOW and evidence that ETS has evaluated the capacity of each subcontractor to complete the task(s) or deliverable(s) for which each has been subcontracted.
- An updated list of the ETS staff members responsible for the tasks and/or deliverables specified in each component and the percent of time each is assigned to this contract. The names, e-mail addresses, fax numbers, telephone numbers, and roles for ETS staff members, including the ETS:
    - Project director
    - Contact for CST development
    - Contact for CST and NRT technical issues
    - Contact for Internet, CST electronic item data bank, and other electronic data files
    - Contact for material production, administration, scoring, reporting, and program support services
- ETS must verify specific commitments of staffing for this scope of work, including (1) senior decision-making executive staff person, who maintains an office in Sacramento to facilitate timely decision-making in the program and (2) sufficient staffing in the STAR Technical Assistance Center.
- Any changes to staff named as key personnel will be subject to the prior written approval of CDE. Such approval will not be unreasonably withheld.

B.1.1 Communications

Communications regarding the tasks and deliverables in this SOW will be between the CDE STAR Program Manager and the ETS STAR Program Project Director and CDE/ETS staff members responsible for each component. Subcontractors may be included, as needed, in meetings and/or conference calls related to this SOW.

All external written communications, including e-mail from ETS or its subcontractors related to the four identified STAR Program components (CST development; CST and NRT technical issues; Internet and electronic reporting including the CST electronic item data bank; and administration, scoring, reporting, and program support), must be directed to the designated CDE contact and copied to Richard Diaz, CDE STAR Program Manager and CDE gatekeepers. All written communications including e-mail from CDE to ETS must be directed to the ETS designee for the component and copied to George Powell, ETS Director, STAR Testing Program and ETS gatekeepers.

B.1.2 Communication Back-up Procedures

The ETS project director will keep the associate director informed of all informal communication. The associate director will be the first back-up if the project director is not available. If both the director and associate director are unavailable, the administrative assistant will be notified to contact the appropriate coordinator as the third person in line for informal communication.

B.1.3 Types of Communication

Two types of communication are required for the STAR Program:

- Communication related to all operational aspects of the program.
- Communication related to ongoing program improvement and SBE policy decisions.

B.1.4 Operational Communications

ETS is responsible for the following communication activities:

- Operational communications will be between CDE and ETS staff members responsible for each component of the program. E-mail communications between the parties will be copied to the ETS Program Director and CDE's STAR Manager. ETS Program Director and CDE's STAR Manager are to be notified in writing immediately of any anticipated problems related to program operations.
- ETS is to arrange for weekly telephone conferences with a preset day and time for discussing the ongoing operations of the program. The four ETS and CDE component contacts, the ETS Program Director, and CDE's STAR Manager will participate in these calls. By agreement of both CDE and ETS, any call may be limited to discussing only pre-specified components or may be cancelled.
- The ETS Program Director will summarize the regularly scheduled conference calls and e-mail the summaries to all participants.
- CDE will work with ETS to schedule at least one planning meeting for the purpose of scheduling and planning all operational aspects of the Program. The meeting may be held in Sacramento or via phone or videoconference.
- The ETS Program Director will prepare quarterly reports that detail the work completed during the quarter and the costs for completed work. ETS will use "exception reporting" in order to minimize the burden on contractor and CDE staff members. Once detailed plans and timelines are approved, only exceptions will be identified. If tasks are on time and within budget, they will not be mentioned in these reports. The quarterly report may also include any problems, program changes, or program evaluation information that is significant to the program that does not otherwise constitute a "program exception." These reports will be sent to CDE's STAR Manager who will forward the reports to appropriate CDE and staff.
- ETS agrees that CDE owns all data and performance statistics related to individual student records. ETS will support CDE in protecting the confidentiality of such data in order to ensure the privacy of individual student records.

B.1.5 Program Improvement and SBE Policy Communications

ETS is responsible for the following policies and activities regarding SBE:

- The ETS project director will attend SBE meetings and be prepared to advise the SBE members on policy questions they may have related to the STAR Program.
- ETS may be asked to provide research and prepare written reports with recommendations for SBE policies for the Program.
- ETS will submit a clear implementation timeline, including a calendar of specific policy decisions that will be required of SBE. ETS will work with CDE and SBE to provide analyses for those decisions, which spell out the pros and cons of each of the options presented
- ETS may suggest modifications to this SOW to CDE.
- Any communication with and about the SBE must be copied to the CDE Standards and Assessment Director, as well as to the contacts listed in B.1.1.

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B.2 Program Monitoring

ETS is to monitor all operational aspects of the program for quality and adherence to timelines. In order to do this, ETS is to work with its Office of Corporate Quality Assurance (OCQA) to regularly review all program processes and procedures using client, professional and ETS standards following the OCQA program audit process. The OCQA will engage a team of activity or functional experts in accomplishing the audits. For example, when auditing the score reporting process, the audit team will include, at a minimum, a psychometrician, information

technologist, operations, and communications expert.

Within sixty days of signing the 2005-06 contract extension, ETS is to work with CDE to identify a schedule for the processes to be monitored such as:

- CST Item Development
- CST Test Form Development
- Distribution and Retrieval of Material
- Quality of Materials
- Scoring and Reporting
- Security
- Communications

B.2.1 Quarterly Audit Reports

At the end of each quarter, the ETS STAR Program Director will include in the STAR quarterly report the audit information on the preceding quarter's work. This report will be hand delivered or sent by guaranteed overnight mail from ETS to CDE STAR Program Manager. An electronic copy of the report with an archive of deliverables will also be forwarded to the CDE STAR program manager after the paper copy of the report is delivered. The quarterly report will summarize Accomplishments, Deliverables, Activities Planned for Next Quarter, Problems and Resolutions, and the ETS Audit Report.

For each identified significant operational or policy problem needing corrective action or issue raised by CDE, a detailed table will clearly state the problem and assign a single person responsible for taking corrective action. The responsible person will make corrections to the program schedule and revise program documentation as appropriate. An evaluation of the importance of the problem and results of the investigation of the possible causes of the problem will be listed. The table will list needed new process controls and determine what to do with the failed items. The quarterly reports will contain a section that summarizes questions or complaints received by the STAR Technical Assistance Center or NCS staff. At a minimum, ETS will provide information on the following stages of problem resolution:

- Problem identification
- Assignment of staff to resolve problem identified and the specific staff member(s) assigned to resolve problems
- Categorizing the severity of the problem in terms of project impact
- Identifying the cause(s) of the problem
- Problem analysis including options for solving the immediate consequences through corrective action and process improvements for more systemic solutions
- Action recommendations to be presented to project manager and CDE
- Auditor review and recommendation for process controls
- Problem resolution including what to do with failed items
- Update of program process documentation to reflect impact of problem resolution

ETS will determine the format of the quarterly reports in consultation with CDE.

The ETS project director and the STAR staff must have access to a system to track problems according to the elements described above. ETS is to require each of its subcontractors to have comparable systems to track problems in test development and operations. CDE must have electronic access to problem tracking and resolution. ETS will propose the system, subject to CDE approval.

B.3 ETS California STAR Support Center

ETS is to operate an ETS California STAR Support Center to provide services to California

district STAR coordinators. The support center must be staffed by full-time staff members assigned only to work with the STAR Program. Every district is to be assigned a specific representative at the support center and is to receive a toll-free phone number to contact the assigned representative. The center is to operate between 7 a.m. and 5 p.m. Pacific Time, Monday through Friday, and must be fully staffed between 8 a.m. and 4:00 p.m. except for the California school holidays specified in Education Code section 37220(a) and ETS holidays with prior CDE notification and approval. The primary responsibility of each support center staff member is to assist the District STAR coordinators assigned to them with all aspects of the Program. Generally the STAR Support Center representatives will work only with their assigned districts.

ETS is responsible for:

- Providing knowledgeable project staff to respond to questions. These staff will be available both via telephone and the customer service e-mail address to be provided on the STAR web site. These project staff will be located at the STAR Support Center in California.
- Providing sufficient staff to ensure that all requests for assistance are handled within 24 hours of when they are received. Exceptions to the 24-hour guideline include requests received on non-business days including weekends and holidays. Additionally, any request that requires follow up from the CDE will be extended to a 48-hour turnaround time. ETS and Pearson Educational Measurement, an ETS subcontractor, have call center monitoring systems that log and track client phone requests. ETS will report to CDE in its quarterly reports on the support center's telephone and e-mail response performance.
- Providing toll-free telephone access. ETS will establish a STAR Program toll-free phone number staffed during weekday work hours (7 a.m. to 5 p.m. Pacific Time).
- Providing a toll-free fax number for those district STAR coordinators who prefer written communications with the project staff.
- Providing up-to-date information on the STAR web site.

The STAR Support Center staff are responsible for annually:

- Contacting all charter schools to determine which are testing as independent charters.
- Collecting the names and contact information for District STAR coordinators from district superintendents and independent charter school directors during August and September and forwarding this information to CDE in a Microsoft Access database no later than October 31.
- Collecting STAR orders from districts and independent charter schools no later than December 1.
- Verifying school/district material orders, test dates, testing administration periods, delivery dates and return shipment information. Ensuring that all dates are within regulatory requirements.
- Entering verified district and site information into electronic files for forwarding to NCS.
- Responding to district coordinator questions about ordering materials, Pre-ID procedures, deliveries, test administration, packaging and returning materials.
- Monitoring the receipt and editing of Pre-ID files.
- Ensuring that District STAR Coordinator Security Agreements are received before any materials are shipped to districts.
- Monitoring material distribution and documenting that district shipments are received as scheduled.
- Notifying district STAR coordinators of any changes in shipping schedules.
- Notifying district STAR coordinators of any errors in testing materials and the procedures for correcting/handling the errors.

- Assisting district STAR coordinators in responding to edit alerts triggered by answer documents.
- Following up on alerts to districts.
- Monitoring the return of materials from districts through August/September.
- Monitoring distribution and receipt of reports through August/September.
- Follow up on missing non-scorable materials from districts.
- Assisting district STAR coordinators with report interpretation.

B.4 Web Site

ETS will work with CDE to maintain a web site to provide program support for district STAR coordinators. Any information related to the STAR Program that is to be posted on a contractor maintained site must be submitted to CDE for review and written approval before being posted. Any site(s) maintained by ETS or a subcontractor must be free of advertising. The content of any web site(s) maintained by ETS must be consistent with CDE STAR web sites.

B.4.1 The District Coordinator STAR Web Site (startest.org)

The audience for this web site will be district STAR coordinators and CDE. Information on this web site will include a feedback form, links to external web sites of interest, and information about:

- Workshops, including downloadable training materials
- Key administration dates
- STAR Program Calendar
- Instructions and forms
- How to order materials
- How to order Pre-ID
- STAR components: CSTs, CAT/6 Survey, CAPA
- Reports

ETS will maintain this web site. CDE will approve the design and all procedures for posting and retrieving data from the site. ETS will update and maintain the STAR Management System that district STAR coordinators use to order materials, submit Pre-ID files, and correct demographic data.

B.5 California Reading List

ETS must provide a California Reading List (CRL) that meets the requirements of Education Code section 60643.1. ETS is responsible for formatting and posting the reading lists at a site that is accessed through http://star.cde.ca.gov. ~~ETS will explore the possibility of linking the CRL to the ELA CST through field test items in Spring 2004.~~

ETS shall assign a reading list number to each student based on her/his CST English-language arts score. This CRL Number is to be printed on the STAR Student Report and a roster of student test results returned to each test site. Each student's CRL Number must also be included in the electronic Student Data File returned to districts.

ETS will determine the range of CRL numbers supported by the test content and limit the numbers reported to this range.

The CRL was updated during 2001 to include California's 2001 "Recommended Literature List." The list is not expected to change during the 2005-06 school year.

- The web site will include "counters" to show (1) the number of visitors to the site and (2) the number of visitors who download files from the site. CDE will have access to a web site that summarizes the two counter files and provides the total counts for each.

- The CRL site is to be accessed only through http://star.cde.ca.gov. ETS will provide no other links or access to the site from any site maintained by ETS or any subcontractor.
- The CRL site will not contain advertisements and will not include any links to other sites that may include advertising
- Use of a "Home" button should return the user to the CDE Introduction to the CRL and a "New Search" button should return the user to the initial search page.

A copy of the CRL on CD-ROM will be provided to CDE.

ETS is to monitor any subcontractors that work on the CRL and ensure that web sites maintained and advertisements distributed by subcontractors do not reference California or the CRL.

B.6 Pre-test Webcast

ETS will work with CDE to set up and coordinate apre-test webcasta to provide pre-test training for STAR district and test site on the procedures for receiving, administering, packaging, and returning test materials. The webcast is to be aired on later than January 27 and archived for coordinators to continue to access no later than February 3. ETS will:

- Arrange for webcast facilities, including rehearsal time, in Sacramento.
- Notify district STAR coordinators of the original time and the directions for accessing the archived webcase.
- Arrange for ETS staff members to coordinate and present the session with CDE staff.
- Arrange staff to receive e-mail and phone questions during the presentation.
- Prepare materials that will be mailed to coordinators prior to the presentation.

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The webcast content will be scripted and will include Microsoft PowerPoint graphics or comparable presentation softward and multimedia with video clips. Downlinks will be provided to all county offices of education and school districts with the capacity to receive the presentation. ETS and CDE will jointly determine the number of webcast presentations to be done based on the number of sites scheduled to receive the presentation and the downlink capacity.
~~The STAR Test Site Coordinator's Manual will provide specific information for the STAR test site coordinator regarding secure testing procedures in the distribution, administration, collection, and return of test materials to the district STAR coordinator. All procedures and instructions will be reviewed with CDE prior to inclusion in the manual.~~

B.7 Post-Test Webcast

ETS will coordinate a post-test webcast with CDE. ETS will:

- Work with CDE to arrange the location for the webcast and all downlinks and will notify district STAR coordinators of the time and locations.
- Prepare post-test training materials and mail them to all district STAR coordinators.
- Arrange for ETS staff to coordinate and present the webcast with CDE staff.
- Arrange for archiving the webcast and having it available for STAR district and test site coordinators through at least October 31, 2006.

B.8 Videos and Web-Based Streaming

CDE will work with ETS to develop pre-test and post-test video scripts. ETS will produce a pre-test video to use in the training seminars and to be provided to test sites for training test administrators. The target audience is administrators, teachers, and proctors who will be handling all test administration and intrepreting test results at test sites.

CDE will approve the final scripts that will be used to produce the videos. The videos will be distributed with the appropriate STAR test site coordinator materials. Ten copies of each video

will be provided to CDE. Every school, district office, and county office of education will receive one copy of each. A golden master will be generated in a format suitable for web-based streaming technology. It is highly desirable to include closed captioning in the videos.

ETS will inform districts about the required hardware configurations needed to use the web-streaming format.

~~**B.10 Deleted for 2004**~~

B.9 Pre-ID Services

ETS will provide Pre-ID services to all school districts electing this option. ETS will provide districts the option of either utilizing a secure web-based system or submitting a structured computer file. The Pre-ID file is used to produce adhesive barcode labels that are affixed to student answer documents or to ink-jet barcode labels directly onto student answer documents. Each barcode contains a unique identification number that is used to link each student's completed answer document after testing with his or her demographic information in the Pre-ID file.

Pre-ID adhesive labels are printed in alphabetical order within grade, class or other grouping based on the structure in which each district submits the electronic Pre-ID file. The labels are assembled for each test site and may be sent as a separate shipment to each district.

Pre-ID answer documents are printed in the same configuration as the Pre-ID file and are to be shipped with all other testing materials.

ETS will directly bill each district $0.32 per student for Pre-ID services. ETS will provide Pre-ID labels for the grade 4 and 7 California Writing Assessments at no additional charge to the districts.
ETS will edit all Pre-ID files and verify that all required student demographic information, including name, birth date, gender, school and grade, are entered for each record. In addition, missing data for the following demographic fields must not exceed the school tolerances identified:

Demographic Area	Missing Data may not Exceed
Primary Ethnicity	3%
Language Fluency	3%
Counted in October CBEDS	3%
Special Education Services	3%
National School Lunch Program	3%

District STAR coordinators and superintendents may certify that required student demographic information is not in the file and will be hand-coded when the tests are administered. ETS will verify that a completed certification, signed by both the coordinator and superintendent, was received.

District STAR coordinators will be contacted and advised of any problems, including missing demographic information and if any school file exceeds acceptable tolerances that are identified when the Pre-ID file is processed. Districts will have two working days after being contacted to correct the Pre-ID files at no additional charge. These changes may be completed using the web-based system, by submitting a new file with complete information, or a Missing Demographic Information certification form when appropriate. If a corrected file is not submitted within two working days, the original file will be processed and a report of the missing demographic information, including the percentages of missing required data and exceeded tolerances, will be sent to the district superintendent and coordinator and the STAR Technical

Assistance Center.

For an additional $0.18 per student, districts may elect to include parent/guardian names and addresses on the Pre-ID file to be printed on the STAR Student Reports. Districts must include this service on the purchase order submitted for Pre-ID services. ETS will bill districts for all charges related to parent/guardian names and addresses that are included on Pre-ID files.

Upon completing the Pre-ID edit process, ETS will prepare a district file containing all elements for all students. This edited Pre-ID file will be available to districts via secure web access after all orders have been approved and included in box 1 of the district's test material shipment in printed format.

If a district determines that the Pre-ID file was incorrect before testing, the district may contact ETS and agree to pay a blank-out charge, ~~and~~ The district may then hand code~~s~~ new information on all student answer documents.~~,~~ T~~t~~he hand-coded information will~~, if possible, be used in a re-edit/clean process prior to producing the August 8 student data files and Internet files~~ be used in processing those tests. If time does not allow this, after P2 is available, ~~the re-edit/clean~~districts may contact ETS and agree to a charge to complete data corrections~~ will be completed for the September student file~~. ETS ~~may~~ will charge districts for ~~this~~ these services as allowed by state regulations.

B.10 CDE Access To STAR Tracking Data

ETS will provide CDE with flexible and user-friendly web access to STAR processed data. Summary level data will be provided for the following including:

- Pre-ID receipt and validations
- Two day resubmit request
- Enrollment order receipts and discrepancies
- Order production
- Order status-
- Shipping information
- District contact information
- Test dates
- Test material status
- Scoring status report production and distribution.

CDE will also have access to electronic tracking data for carriers where available.

The ETS maintained system will include drilldown features allowing the isolation of an individual school or district, and display all relevant processed data. Standardized reports will provide statewide and local summaries of STAR processed data. The data will be viewable at multiple levels, including county, district and school levels. Administration period data reflecting multi-track districts will also be included.

This system will include download capability enabling CDE to evaluate and analyze statewide STAR processed data. Most processed fields must be downloadable in a standardized format allowing CDE ad hoc analysis and evaluation capabilities.

The operational system will be available to the district coordinators, technical assistance center representatives and CDE in October 2005 for the following functions:

- Updating district contact information
- Setting up of district testing administration periods
- Entering orders
- Entering in Pre-ID files or data

All additional functionality will be implemented through a phased in approach. Functionality and delivery dates for the additional phases will be jointly determined by CDE and ETS.

A toll-free technical support number, staffed Monday through Friday 7:00 a.m. to 5:~~30~~ 00 p.m. PT, will be provided to users of this system. E-mail and fax access will also be provided. Technical support for this system will be provided by the Technical Assistance Center.

C. TEST MATERIALS PRODUCTION

ETS will provide the *California Achievement Tests, Sixth Edition* (CAT/6 Survey) materials for grades ~~2 – 11~~3 and 7, all directions for administering the tests, and any other materials required for administering the tests, e.g. card stock rulers.

ETS is solely responsible for making all arrangements with CTB/McGraw-Hill, the publisher of the CAT/6 Survey, for licensing the use of the CAT/6 Survey for use in California's STAR Program in accordance with directions provided by CDE.

C.1 Test Materials Production Requirements

C.1.1 CAT/6 Survey Materials

ETS will provide grade three (3) and seven (7) ~~multiple, parallel forms of~~ CAT/6 Survey materials for reading/language, ~~and~~ mathematics,and spelling~~2 – 8 and science (grades 9 – 11)~~.

ETS is to ensure that all CAT/6 Survey tests used in the STAR Program during the life of this contract are embargoed for sale to all public, private, and parochial schools in California.

C.1.2 Meetings

ETS will arrange for face-to-face meetings and/or conference calls between CDE measurement experts, and/or CDE technical study teams or expert panels, ETS technical staff, and the publisher's technical staff as needed.

C.1.3 Answer Documents

ETS will produce custom answer documents for the STAR Program. ETS is solely responsible for arranging all licensing agreements with CTB/McGraw-Hill for using custom answer documents with the CAT/6 Survey tests. ETS is also solely responsible for licensing the use of CAT/6 Survey scoring keys and conversion tables; including but not limited to raw score to scaled score, scaled score to NCE, and national percentiles that are required for producing score reports for the STAR Program.

C.1.4 Testing Materials

ETS is responsible for producing all testing materials required for this program in sufficient quantities to test all students in grades 2 - 11. Table ~~1~~8 lists the materials by grade and the estimated enrollment for each grade plus a 15% overage. ETS is to provide a 10% overage of all materials for each building and a 5% overage for each district based on the total district enrollment. ETS will collect all orders for materials between October ~~7~~ 16 and ~~October~~ December 1 and is to verify the accuracy of the orders by December ~~19~~31, 2005. ~~Since the percentage of the overage above was not sufficient in 2002,~~ ETS will use the history of orders for ~~2003~~ 2005 to propose to CDE the number of test booklets and materials to be printed for ~~2004~~2006. This will happen before the printing process begins. ETS will monitor both inventory and distribution on an ongoing basis and make additional copies as necessary.

Table ~~18~~~~19~~8. Test Materials Production Requirements
(Numbers to be Updated after 2005 Test Administration)

Grade	Student Materials	Recommended Quantities
2	Consumable/Scannable Test Booklets that ~~i~~include~~:~~ ~~CAT/6 Reading/Language Arts, Mathematics, and Spelling plus~~ the California English Language Arts Standards Test Parts 1 and 2 and California Mathematics Standards Test Parts 1 and 2. ~~Two booklets: one for CSTs and one for CAT/6~~ Card stock Inch and Centimeter Rulers~~s~~ if needed STAR Practice Tests	Gr. 2 665.000
3	Consumable/Scannable Test Booklets that ~~i~~include~~:~~ CAT/6 Survey Reading/Language Arts, Mathematics, and Spelling plus the California English Language Arts Standards Test Parts 1 and 2 and California Mathematics Standards Test Parts 1 and 2. Two booklets: one for CSTs and one for CAT/6 Survey Card stock Inch and Centimeter Rulers STAR Practice Tests	Gr. 3 665,000
4 - 7	Non-Consumable Test Booklets that ~~i~~include~~:~~ ~~CAT/6 Reading/Language Arts, Mathematics, and Spelling plus~~ the California English Language Arts Standards Test and California Mathematics Standards Test Parts 1 and 2 Card stock Inch and Centimeter Rulers~~s~~ if needed STAR Practice Tests (grade 4 only) • CAT/6 Survey Reading/Language Arts, Mathematics, and Spelling (grade 7 only) Scannable answer documents that include all tests in the student test booklets	Gr. 4 665,000~~665,000~~ Gr. 5 640,000~~665,000~~ Gr. 6 630,000~~660,000~~ Gr. 7 610,000~~660,000~~
5	Science	Gr. 5 640,000~~665,000~~
8	Non-Consumable Test Booklets that ~~i~~include~~:~~ ~~CAT/6 Reading/Language Arts, Mathematics, and Spelling plus~~ the California English Language Arts and History-Social Science Standards Tests Card stock Inch and Centimeter Rulers~~s~~ if needed Scannable answer documents that include all tests in the student test booklets plus the California Mathematics Standards Tests	Gr. 8 620,000~~504,000~~
9 - 11	Non-Consumable Test Booklets that ~~i~~include~~:~~ ~~CAT/6 Reading/Language Arts, Mathematics, and Science plus~~ the California English Language Arts and History-Social Science Standards Tests (grades 10 & 11) Card stock Inch and Centimeter Rulers~~s~~ if needed Scannable answer documents that include all tests in the student test booklets plus the California Mathematics and Science Standards Tests	Gr. 9 620,000~~665,000~~ Gr. 10 660,000~~700,000~~ Gr. 11 610,000~~650,000~~
4 & 7	Writing Test Answer Documents that Include the writing prompt One prompt per grade to be administered in March One prompt per grade to be administered in May	Gr. 4 678,000# Gr. 7 651,000#
8 - 11	Separate California Mathematics Standards Test Booklets for General Mathematics Algebra 1 Geometry Algebra 2 Integrated Math 1 Integrated Math 2 Integrated Math 3 Summative High School Mathematics	 600,000~~706,000~~ 900,000~~770,000~~ 420,000~~407,000~~ 280,000~~250,000~~ 20,000~~26,000~~ 13,000~~16,000~~ 10,000~~13,000~~ 140,000~~120,000~~
9 - 11	Separate California Standards Science Test booklets for Earth Science Biology Chemistry Physics 4 integrated science tests**	 210,000~~158,000~~ • 560,000~~515,000~~ • 280,000~~250,000~~ • 84,000~~83,000~~ • 145,000~~102,000~~ • 46,000~~46,000~~ • 13,000~~24,000~~ • 3,500~~5,200~~

Writing test response booklets for March will be produced for 105% of enrollment and booklets for May will be for 35% of enrollment.
** Test configuration may be changed by the SBE.

All STAR 2006 test booklets that include both California Standards Tests and CAT/6 Survey will be arranged so that the California Standards Tests will be first followed by the CAT/6 Survey tests. The test order is to be:

- California English Language Arts Standards Test—grades 2 - 11.
- California Mathematics Standards Test—grades 2 - 7.
- California History-Social Science Standards Tests—grades 8, 10, and 11

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- California Science Standards Test—grade 5
- CAT Reading/Language Arts—grades ~~2 – 11~~3 and 7
- CAT Spelling—grades ~~2 – 8~~3 and 7
- CAT Math—grades ~~2 – 11~~3 and 7
- ~~CAT Science – grades 9 – 11~~

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Test design and layout are important in the production of statewide assessments. Tests must be easily readable as well as inviting, with appropriate use of white space. Items must be positioned carefully on each page so the sequence of items is clear to all students. All artwork and graphics must be related to the test content, clearly drawn, and clearly reproduced. ETS will work collaboratively with CDE, to ensure the production of quality test booklets and that the test format provides access for the broadest possible range of students including English learners and students with disabilities.

To ensure that all test booklets meet the standards required for STAR, ETS and their subcontractors will follow these steps:

- Develop and submit to CDE sample page proofs illustrating all item and page specifications (fonts, point size, leading between items, color, etc.).
- Propose and submit test booklet designs to CDE for review and approval.
- After test forms are available, provide to CDE the first typeset lasers (proofs).
- Edit and revise until final CDE approval is obtained on lasers.
- Share printer proofs with contributing test development subcontractors for review and sign off.
- Advance printed copies will be shared with contributing test development staff and CTB for review and sign off.
- Give advance printed copies to CDE for review.

C.1.5 STAR Practice Tests

ETS will provide STAR Practice Tests and directions for administering them for all students in grades 2, 3, and 4 during each year of this contract. The purpose of the practice tests is to ensure that students understand how to mark responses for the operational test. Grade 2 and 3 students will mark their responses in the same manner that they will make responses in the scannable test booklets for their grades. Grade 4 students will use a sample answer sheet on which to mark their responses. The practice test will be administered during the week preceding the first day of operational test administration. ETS will develop the practice tests and directions during the first year of this contract and reprint the materials for subsequent years. Practice tests will not be available in Braille or large print.

C.1.6 STAR District and Test Site Coordinator Manual

The District STAR Coordinator's Manual will contain information and forms specific to the district STAR coordinator's and test site coordinator's roles in the STAR Program. The District STAR Coordinator's Manual will serve as a complete reference guide. Topics include test security procedures, distribution of materials ~~to schools, responsibilities of the district STAR coordinator~~, retrieval of materials and shipment to the district coordinator and to ETS of secure and non-secure materials for scoring and/or resolution. All procedures and instructions will be reviewed with CDE prior to inclusion in the manual.

Additional sections will include information on:

- Demographic Codes/Accommodations and Modifications Other information provided by CDE

PDF versions of the STAR District and Test Site Coordinator Manual will be posted to

www.startest.org.

C.2 Document Security Control

In order to provide for security and tracking of all secure test materials including all test booklets and all directions for administering the tests that include operational test questions, ETS will use a process for identifying and tracking the distribution and return of all secure materials at the school/site level. ETS is to use a process that has proven to be reliable in assuring 100 percent accounting of all test booklets and appropriate directions for administering the tests. The document control must provide for complete verification of all secure test materials. Booklets will be batched into bundles in sizes specified by CDE and topped with a header sheet for bundle identification. Each header sheet will list the necessary control information. Each school will receive an overage of 10% of testing materials and each district will receive a 5% overage of testing materials.

C.3 Non-Scannable Materials

Non-scannable materials include STAR test booklets for grades 4 - 11, directions for administering, all practice tests for grades 2 - 4, directions for administering the practice tests, California Standards test booklets for grades 8 - 11 mathematics and grades 9 - 11 science, District STAR Coordinator Manual for the multiple-choice and writing tests, STAR Site Coordinator Manual for the multiple-choice and writing tests, workshop materials, Directions for Administering the Grade 4 and 7 Writing Tests, card stock rulers, and all directions that are distributed to schools and/or districts.

Removable science reference formula sheets are to be included in the following California Science Test booklets:

- Chemistry—chemistry only
- Physics—physics only
- Integrated Science Tests—chemistry and physics
- Grade 5 Science
- Grades 8 and 10 NCLB science field tests

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The reference sheet(s) will be perforated pages printed as the first pages in the booklets. These must have clear directions for students to remove and use them during the test.

ETS will ensure that the paper and collation process for all student materials provides for test booklets that will hold up through five or more days of test administration. ETS will also be responsible for monitoring the production of the materials to ensure that print is clear and dark, that print does not bleed through pages, and that the booklets are correctly collated.

In addition to test booklets, ETS and its subcontractor will develop and produce directions for administration and coordinator's manuals. All directions and manuals will contain clear and concise instructions. For administration manuals, the following development and production process will be followed:

1. Review current STAR manuals for appropriateness and adaptability to proposed procedures. Updated manuals will be drafted with test administrator directions supplied by CTB and ETS for their respective test components.
2. Share first drafts of manuals with CDE for review and input.
3. Provide rounds of typeset lasers as required for obtaining final CDE approval and sign off.
4. Share printer proofs of directions for administration with contributing test development subcontractors for review and sign off.
5. Share advance printed copies with contributing test development subcontractors for

review and sign off.

6. Send PDFs to the CDE for review as soon as possible.

~~6.~~7. Give advance printed copies to CDE for review.

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All test booklets and practice tests are to be packaged in shrink-wrapped sets of 20 and five. Directions for Administering the tests and practice tests are to be packaged in sets of five and as single copies. ETS is to provide 1 copy of the *Directions for Administering* (DFA) the tests and practice tests for every 20 student tests and practice tests plus the number of DFAs required by district and county offices of education for special programs and combination classes for which the 20:1 ratio is insufficient up to 25% above the regular 20:1 ratio. Districts and county offices of education that submit purchase orders for DFAs that exceed the 25% limit will be charged $1.00 for each additional DFA ordered.

C.4 Scannable Materials

CDE will work with ETS to design the student demographic pages of all scannable California STAR answer documents. CDE will approve the final layout of the demographic pages.

Scannable test booklets (grades 2 and 3) and answer documents (grades 4 – 11) will be printed to accommodate bar-coding the documents, adhesive bar-code labels, and hand coding.

Answer documents for grades 8-11 will include an area on the front cover where students can write math (grades 8-11) and/or science (grades 9-11) class and test information.

Scannable answer folders will contain a press applied scannable lithocode with the same number appearing on each sheet. Industry standards to ensure that all documents can be scanned accurately are to be used in designing and printing the documents. These include but are not limited to squareness of cut; positioning of tracks, codes, text, and response positions; and the quality of printing including the reflectivity/non-reflectivity of the black and colored inks used.

C.5 Materials for Testing Students with Disabilities

Braille, Large Print and other types of special accommodations materials will be packaged and distributed to the districts as a fully integrated component of the packaging of all other test materials.

The Braille, Large-Print, and any other accommodations materials will be boxed separately within district. These will be labeled as Braille and/or Large Print and will be shipped to the district with the other materials for the district. This will allow the districts and schools to readily identify and track these materials.

~~[INSERT BRAILLE, LARGE PRINT TRANSPARENCY TABLE HERE]~~

C.6 Braille Materials

Braille test booklets ~~and Directions for Administering~~ are to be provided for all grades 2 – 11. Based on school/district orders submitted during October/November ETS is to work with appropriate agencies/groups to determine which items can be translated to Braille. ~~ETS is to determine if there are different levels of Braille and, if so, ensure that the appropriate levels are used for each grade level.~~ Booklets for grades 2 and 3 will be produced in grade 1 or uncontracted Braille. Booklets for grades 4-11 will be produced in grade 2 or contracted Braille.

ETS will ship Braille materials with all other testing materials for schools and districts. If the shipment of Braille materials is delayed, ETS must provide evidence that all appropriate outside agencies were contacted in an effort to have the materials ready for shipping with other testing materials. Should there be any delays, ETS must notify each school for which Braille materials were ordered with the revised delivery date. The notification must include the new delivery date

and specific directions for returning the answer documents for scoring. This notification must be in writing and must be received by each school no later than mid-February. ETS will also provide specific directions for transcribing student responses to regular test booklets or answer documents, how to handle omitted questions if appropriate, where to package the Braille test booklets and response forms for return, and how to ship Braille tests for scoring if the testing cannot be completed with all other district testing. ETS will be responsible for ensuring the accuracy of all Braille materials including the marking of any omitted responses on answer documents.

ETS is to provide time limits for the administration of the Braille versions of the CAT/6 Survey tests and estimated time requirements for administrating all Braille versions of the CSTs.

For the grade 4 and 7 STAR Writing Assessments, ETS will provide the writing prompt in Braille. A regular answer folder will be shipped with the Braille writing prompt and the Directions for Administering must provide specific detailed instructions for school district personnel to transcribe student responses onto regular answer folders for scoring if students do not type their responses.

ETS will prepare sufficient Braille materials for all students and teachers in grades 2 - 11 requiring these materials. While each district is required to order Braille materials during October/November, ETS must have arrangements for providing Braille materials for students who move into schools anytime before testing begins.

The CDE may grant districts permission to Braille DFAs or districts may request from ETS CDs with the DFA in PDF.

C.7 Large-Print Materials

Large-print materials will be provided for all STAR components. Large-print answer documents will be provided for grades 4 - 11. Directions for administering and a standard machine-scorable answer document for transcribing the student's responses by district personnel will be supplied with each large-print document.

For the grade 4 and 7 STAR Writing Assessments, ETS will provide the writing prompt in large-print. A regular answer folder will be shipped with each large-print writing prompt. The directions for administering will provide specific detailed instructions for school district personnel to transcribe student responses onto regular answer folders for scoring.

ETS will prepare sufficient large-print materials for all students and teachers in grades 2 - 11 requiring these materials. Orders for large-print materials will be included on each district's October/November order form.

Large-print materials will use a minimum font size proposed by ETS and agreed to by CDE.

ETS will ensure that graphics requiring students to use card stock rulers are not enlarged on large-print documents and that all items requiring card stock rulers have been checked for accuracy.

C.8 Overhead Transparencies

ETS is to provide blackline masters of overhead transparencies of directions in student test booklets, sample questions, and questions read to the students (grade 2 mathematics) for students who will have test directions and questions signed. These will be distributed with manuals.

C.9 Grade 4 and 7 STAR Writing Test Booklets

Four STAR Writing Assessment prompts will be used during each test cycle: two each for grade 4 and 7. ETS will design and produce, with CDE approval, four (4) writing response booklet forms. Each test form will include student demographic information, directions to the student, the writing prompt, and student response pages. The writing response booklets will not include pages for students to plan their responses. Each booklet will follow the same format: student directions, writing prompt, student directions repeated, a minimum of six lined pages for grade 4 and five lined pages for grade 7 on which students are to write their essays, and two pages of student demographic information.

One writing assessment form for each grade will be used for the March administration. The second prompt for each grade will be used for the May administration. The same type of writing for each grade will be assessed during both administrations. CDE will work with ETS to select two prompts for each grade that field test data indicate have the highest probability of producing comparable results for the two administrations. The dates on which each prompt is to be administered are to be clearly printed on the front of the writing response booklets,

ETS will develop directions for administering the writing assessment, school header sheets, and any other materials needed to implement this component. The writing assessment directions for STAR district and site coordinators will be printed in manuals with all directions for the multiple-choice tests. There must be separate examiner directions for administering the writing assessment.

C.10 Other Materials

ETS will develop and CDE will approve the following materials:

- STAR District and Test Site Coordinator Manual~~STAR Site Coordinator Manual~~
- Directions for Administering STAR Writing Assessments
- Scoring Service Processing Forms and Directions
- Test Forms and Directions
- Pre-ID Service Specifications and Directions
- Materials Receipt Form
- District STAR Coordinator Security Agreements
- School Header Sheets
- Packing Lists
- Master File Sheets

C.11 Excessive Material Orders

ETS is authorized to charge districts that order excessive materials, as defined in Section III.D. of the STAR 2006 contract, as follows:

• Grade 2 and/or 3 test booklets	$ 1.50
• Grade 4 - 11 primary test booklet with answer document	$ 1.13
• Braille primary test booklets (grade 2-11)	$213.97
• Large print primary test booklets	$ 41.07
• California Standards Test booklets for mathematics and science.	$ .20
• Braille math and science test booklets	$ 81.61
• Large print math and science test booklets	$ 47.48
• Grade 4 or 7 writing response booklets	$ .26
• Grade 4 or 7 Braille writing response booklets	$ 5.93
• Grade 4 or 7 Large print writing response booklets	$ 4.46

D. DELIVERY AND COLLECTION OF MATERIALS

ETS is responsible for filling all school/district orders, packing and shipping the testing materials to districts within statutory and regulatory requirements and for arranging the return of all scorable and non-scorable secure materials from districts within statutory and regulatory requirements.

D.1 Distribution of Materials

All deliveries should be in accordance with each district's requested range of delivery dates provided that the district requested date falls within the legal timeframe. ETS is responsible for verifying that each district's requested delivery date is within the regulatory timeline for the district. The regulatory timelines are in Title 5 of the California Code of Regulations.

ETS is to deliver multiple-choice materials to districts no more than ~~25~~ 10 or less than ~~ten (10)~~5 ~~calendar~~ working days before the first day of testing. ~~ETS is to deliver multiple-choice testing materials to single school districts no more than ten (10) or fewer than five (5) working days before the first day of testing.~~

The STAR Writing Assessment materials for grades 4 and 7 will be shipped separately from the multiple-choice materials. The writing assessment materials will be delivered to districts no more than 12, nor fewer than seven (7), business days before the day on which the writing test is to be administered.

All materials are to be packaged and clearly labeled for each school/program/building and shipped to a single district address for distribution within each district. A pallet map must be included with shipments to districts that receive two or more pallets of materials.

Box 1 of each school shipment will include:

- return freight kits for scorable and non-scorable materials
- directions to site coordinators for inventorying the materials and notifying the district coordinator of any missing materials or shortages
- a packing list with materials listed in the order in which they are packed
- reminders about maintaining the materials in secure-locked central storage

ETS is authorized to charge districts for freight kits that are lost after delivery.

Box 1 of each district or county office shipment will include:

- return freight kits for scorable and non-scorable materials
- directions for inventorying the materials and notifying the California Technical Assistance Center of any missing materials or shortages
- a set of packing lists for all school shipments within the district or county office
- a packing list for the district/county overage with materials listed in the order in which they are packed
- reminders about statutory requirements for delivering materials to test sites and maintaining the materials in secure-locked storage

ETS will ensure that no district materials are shipped until the California Technical Assistance Center has received the district STAR coordinator 's signed security agreement.

ETS will immediately notify affected districts of any delays in shipments of any materials including but not limited to backordered materials. Backorders are to be filled based on district testing dates.

All delivery carriers must have shipment tracking capabilities. The California Technical Assistance Center staff must be able to verify shipment and delivery dates of materials for all districts.

Districts are to inventory materials upon receipt and notify the California Technical Assistance Center of any errors, shortages, or additional materials required. Errors and shortages in orders are to be filled and shipped to districts within two business days of notification. Requests for additional materials are to be processed as long as shipments to other districts are not delayed.

ETS will determine the method for shipping materials to districts, except when errors or delays at the packing and shipping center require expedited shipping carriers to ensure on time delivery.

Districts that submit test orders to the California Technical Assistance Center by November 30 and submit clean Pre-ID files within ETS-specified timelines are to receive priority for processing. ETS will attempt to meet the requested delivery dates for districts that submit orders after November 30 and/or do not meet the timelines for submitting clean Pre-ID files, but ETS is not obligated to do so.

D.2 Return of Materials

ETS is responsible for retrieving all scorable and non-scorable materials from districts. Districts are required to have all scorable and non-scorable materials available for pickup no more than five working days after the last testing date for all regular and make-up testing in the district. For districts with multi-track schools, the scorable materials for each administration period must be picked up within five days of all regular and make-up testing for the administration period. All non-scorable materials must be picked up within five days of completing all regular and make-up testing for each administration period. ETS will include information for contacting return freight carriers in district STAR coordinators' return scorable and non-scorable freight kits. Each district STAR coordinator is to contact the district's assigned carrier and arrange for pickup within the required five-day period for the district and for each administration period for districts testing in administration period. ETS is responsible for paying the freight costs for pick up and return of all materials.

The California Technical Assistance Center will monitor the receipt of materials from districts at the STAR Scoring Center and notify CDE beginning no later than April 1 of districts that did not have their materials picked up five days after completing testing for the district or for any administration period. CDE will notify the district superintendent in writing that the district is delinquent in returning materials and request that the district schedule a pick up of the materials within 24 hours.

D.3 Scorable Documents

The District and Test Site STAR Coordinator Manual will include specific directions for packaging and returning all answer documents to be scored. The directions should include specific information for packaging documents for students for whom demographic only documents are submitted. Coordinators will receive return address labels and directions about how to arrange for having the materials picked up. All scannable (scorable) materials will be returned to the STAR Scoring Center via express service to expedite the processing of scorable materials. Upon receipt of each district's shipment at the scoring center, all shipments will be verified for completeness and districts will be notified of any shipment discrepancies.

D.4 Non-scorable Materials

The District STAR Coordinator Manual will include specific directions for packaging and

returning all non-scorable documents. Return address labels and directions regarding how to arrange for pick up are to be included in district STAR coordinator materials. Secure non-scorable materials will be picked up from school districts for return to the STAR Scoring Center no more than five working days after the last authorized testing date for any district. All non-scorable materials will be returned via ground delivery in order to minimize shipping costs. ETS will send electronic files of missing documents, both scannable answer documents and non-scannable test booklets, to CDE. ETS will follow up with the districts and attempt to recover any missing documents. If districts are non-responsive to ETS, CDE will be notified and will do additional follow up.

Upon receipt of each district's shipment, all cartons will be checked to verify that no used scorable materials are included in them. If used scorable materials are found, they are to be forwarded the same day to the STAR Scoring Center for processing and scoring. If SABE/2 materials are found, they are to be forwarded the same day to CTB/McGraw-Hill for processing and scoring. The secure and non-secure materials should be separated and the secure materials are to be separated by grade level and type. Secure materials include test booklets for grades 2 - 11, all California Standards Test Mathematics booklets, California Standards Test Science booklets, and all Directions for Administering the California Standards Tests and CAT/6 Survey that include test items that teachers read to students.

All secure materials including Braille and, large print, that were shipped to each district must be accounted for at the school level. For grades 2 and 3, the scorable and non-scorable/unused student booklets must be combined to calculate any possible discrepancies.

Secure materials will be checked in through a rigorous security process. Upon return, the barcode on every test booklet will be scanned to verify the number of booklets returned. A report of secure materials not received, a “Missing Security Document” report, will be generated and sent to ETS staff who will conduct follow-up activities with personnel at the schools identified with missing materials. Based on ETS findings, the California STAR security database of test booklet barcodes will be updated and a final electronic Missing Security Document report will be issued to CDE and ETS within ten working days after completion of check-in of secure materials. For each year’s administration of the California STAR assessment, check-in and verification of secure materials will be completed prior to the first shipment of results to districts.

Non-secure non-scorable documents may be discarded. These include Directions for Administering that include no test questions, unused answer documents, district and site coordinator manuals, scratch paper, and practice tests.

The electronic tracking system is to be updated to show the date on which each district's materials were received so that CDE can verify the status for each district.

D.5 Storage of Scored Answer Documents

All scored materials will be stored until November 1 of the testing cycle for each year, after which time they will be destroyed in a secure manner. ETS is to provide as a variable cost, the week-by-week storage cost beyond November 1.

Upon receipt of orders listing schools and grades identified through the mark discrimination analysis as having possible testing irregularities or schools with other reported testing irregularities, requested documents will be sent to CDE, if ETS receives a request to do this before CDE authorizes ETS to have the documents destroyed. ETS may charge CDE up to $200 per grade within each school plus shipping for this service.

E. Test Processing, Scoring and Analysis

E.1 CDS Master File

California assigns county, district, and school codes to each testing entity as appropriate. All counties are identified by a two-digit county code with valid numbers being 01 – 58 and 99. Districts are identified by a two-digit county code and a five-digit district code. Schools are identified by a two-digit county, five-digit district, and seven-digit school code (xx xxxxx xxxxxxx). CDE will forward to ETS and any appropriate subcontractors an updated master CDS code file each August. Updated copies of the file will be forwarded to ETS ~~in December and March~~at least once per quarter. ETS may also request a master file update as changes to schools or charter status are discovered throughout the testing cycle. ETS is to use the file to ensure that test materials have been ordered for all schools in California. ETS is required to report all test results using each testing entities' most recent unique CDS number with a status of active or inactive. No modifications may be made to the CDS file unless they are expressly authorized by CDE.

ETS will collect site cod information for LAUSD. However, this code is only used to package and distribute materials.

E.2 Answer Document Check-In

All answer documents will be examined for accuracy and completeness, and to ensure that they are not damaged. Before documents are released for scanning, quality checks are to be completed to:

- Ensure school's materials are complete and not missing grades or materials
- Ensure system is complete and not missing schools or materials
- Verify school and system names and codes against Receiving Log
- Review condition of answer documents to ensure they are suitable for optical scanning

E.3 Scanning Accuracy

ETS is responsible for verifying that all electronic scanners and scanning programs are operating properly. Quality checks for both equipment and program accuracy must meet the highest industry standards for electronically processing test documents. Test sets of sample documents must be scanned and the results analyzed to ensure that scanners are properly calibrated and that all gridded and barcoded information is being read correctly.

ETS will use ISO 9000 quality-control procedures relating to forms design and printing to ensure that documents can be accurately scanned. Stringent quality control procedures and regular preventative maintenance are to be performed to maintain properly functioning scanners. Measures to control scanner quality include (these points excerpted from documentation):

- Diagnostics tool in scan programs that must be completed before processing
- Scanner accuracy that prints every 500-1,000 documents to manually check accuracy of the scanner
- At least one (1) Blank Diagnostic Sheet (BDS) Quality Check Sheet contained in each batch scanned
- At least one (1) Multi-Sheet Quality Check Sheet contained in each batch scanned
- Manual inspection of stacks scanned for readable PAS (Print-after-Scan) number
- Automatic check of page ID codes to verify that pages scanned in order
- Automatic document form type integrity verification to prevent recognition by the scan program of incorrectly placed documents in the batch
- Use of PC monitors to display quality controlled image samples
- Defined record discrepancies flagged for correction in pre-edit

- Identification of damaged documents, torn and crumpled sheets, document misfeeds, and paper jams. In these events, the scanner will stop automatically. The operator or the editing staff must make any needed corrections to the documents being scanned.

E.4 Processing

Answer documents will be scanned and the data transcribed directly to data files, to create a California STAR database. After scanning, a four-step data editing process will be performed to verify that all data on the project database are complete and accurate. During this process, the data will be examined for omissions, inconsistencies, gridding errors, and other specified suspect items.

The first quality control step will consist of a complete computer editing of the data to account for all documents and to check for all possible "suspects" or omissions. At this point ETS will verify that the batch's data are being properly and correctly scanned.

In the second editing step, experienced editing staff will review the errors detected during the first step and make the necessary corrections to the data file. The editing staff will inspect both the computer-generated edit log and the actual source document that is listed on the edit log as being "suspect" or containing possible errors. The edit log indicates the actual field or other bits of information that may be in error. The editing staff then visually checks the indicated field against the source document. It is during this process that double grids, erasures and smudge marks are flagged. Subsequently, one of the following actions will be taken:

- **Correctable error**: The editing staff will correct errors in accordance with the STAR editing specifications.
- **Non-correctable error**: If the editing staff finds a suspect, but cannot correct it according to the specifications, the project coordinator will contact the appropriate district for resolution.

Updated/corrected information will be entered into the appropriate records.

A final editing step will occur as the data file is being updated on the mainframe computer. During this step, the entire data file will be re-edited with the inclusion of corrections to ensure all data are correct, that the corrections are valid and that no errors or "suspects" remain. If necessary, the post-edit procedure will be repeated until no errors remain on file. Only after the file is correct is it to be released for further processing.

Once all batches for a district/administration period are through the post edit process described above, a subsequent edit is run to ensure that missing student demographic data does not exceed the following STAR Program tolerances:

Table ~~19~~20~~.~~9. STAR Program Tolerances

Demographic Area	Missing Data may not Exceed
Primary Ethnicity	3%
Language Fluency	3%
Counted in October CBEDS-school and district	3%
Disability Code	3%
National School Lunch Program	3%
School Mobility	3%

If a school fails to meet the thresholds that CDE established for the required percentage of student-demographic information, the editing process for STAR will flag the school as falling below the required criteria. At this point, the system-generated edit listings will create an edit that halts processing and creates an “alert” for the project staff to request resolution from the district. The district STAR coordinator will be contacted with a description of the problem and will have 72 hours to supply the missing data. Since the demographic information resides in the STAR database, districts can update the database directly on the web site or request to edit via paper. After the revised data have been loaded to the STAR database, the edit process resumes for the “alerted” district’s materials. If the revised data passes the STAR edit criteria, then the district’s data can be released to scoring and reporting. ETS will provide multiple iterations of edits, if needed, to ensure that the district submits complete demographic data.

For schools that fail the customized STAR edit checks, ETS will charge the district $1.25 for each student answer document that has missing data. The process CDE will use to withhold these funds from the district are detailed in component J (Demographic Edits).

A complete check of the data editing systems must be completed before the California STAR operational documents are processed. The quality checking team will prepare a comprehensive test file that will ensure that pre-edit programs are checking the appropriate fields and that post-edit programs are accepting corrections properly.

a. ETS is responsible for completing demographic edits and preparing all required reports including the Internet subgroup reports for all districts that have all materials to be scored available for pickup on or before June 23, if the districts:
    - Submit all materials in a processable condition with the exception of passing demographic edits; and either
    - Pass demographic edit checks without alerts; or
    - Respond to any requests for demographic information and provide all information in a correct format within the 72-hour period.

b. If districts submit answer documents for scoring after July 1 and the documents are not in a processable condition and the district does not provide demographic data within 72 hours, ETS shall complete the scoring process to ensure that the districts have an "all students" report in the August 15 Internet posting. ETS shall continue to work with districts to complete the demographic edits and provide all required reports by the end of the first week of September. The final November Internet report will include subgroup data for these districts provided corrections made by the district are received and processable by October 27.

c. Districts with non-standard school years are authorized to test during July and August. ETS shall process documents for these districts as they are received using all regular scoring and reporting procedures; if the documents are not processable on receipt, they will be processed after all requirements in the scoring specifications are completed. The student scores will be included in a student data file to be delivered to CDE by September 10. A second Internet report will also be delivered to CDE on September 10. If these districts have not provided complete demographic data by the end of the first week of September, ETS will include an all student report in the September Internet report and will continue working with the district(s). Complete subgroup data for these districts will then be included in the November Internet report.

d. Except as provided in subdivision (c), ETS will score all processable answer documents identified for pick up between August 15 and September 30, and produce all required individual student reports and include the student scores in the final Internet report to be

delivered to CDE by November 19.

E.5 Scoring

ETS is responsible for obtaining all CAT/6 Survey scoring keys and score conversion tables from CTB/McGraw-Hill, the test publisher. All arrangements for electronic or other files needed to score the CAT/ 6 Survey and to convert raw scores to scaled scores, NCEs, and percentiles or reporting individual student and school, district, county, and state summary results, are the responsibility of ETS.

Process for Validation of Scoring – A staff person experienced in testing is to validate the STAR scoring program. The staff will hand grid a test deck using the actual school identification header sheets for every test and form. The test deck will contain up to 25 answer documents for each test and form. ETS testing staff will check each of the item responses for key accuracy. They will grid one or more of these types of keys and test completeness validations.

Note: The term “foil”, as used below, means “item response bubble".

- All response foil one
- All response foil two
- All response foil three
- All response foil four
- Random marks
- Entirely Blank
- Missing items
- Test Completeness algorithm
- Unique test requirement

E.6 Verify Output from Scoring Programs

ETS will prepare a comprehensive schedule and test plan for the verification of reports. The plan must include verifying unit and system testing score and report programs. To validate the score and report programs, ETS will grid actual answer documents to test validate scores and report programs and will generate files to check the scoring aggregation and reporting of scores. Based upon the test plan, ETS will build the test files to contain every possible type of district, school, grade, form, and student testing condition.

ETS will manually check the keys and score program by comparing the actual test deck answer documents and live answer documents to the printout of the scored file. ETS will check every test and form and will execute a thorough quality assurance validation of every hardcopy report and file deliverable.

When a sufficient portion (to be determined by ETS and CDE) of the tested STAR answer documents have been processed and scored, ETS will conduct preliminary item analyses for each CST and CAT/6 Survey test. These item analyses will evaluate for a given group:

- Correct response foil for each item
- Percentage of and mean score for students within the group responding to each foil (response bubble) for each item
- Percentage of omits to a response foil to each item
- Biserial correlation between the item score and the total test score
- Graphs of the percentage of students choosing each foil an omitting the item as a function of total score

ETS will review the content of items identified as having suspect performance and confirm the accuracy of keys through this process. Any questionable items will be brought to the attention of CDE staff. ETS will provide to CDE staff upon request all computer program output and related

documentation of the preliminary item analysis review.

E.7 Scoring Multiple-Choice Tests

- All scoring specifications are to be reviewed and approved by CDE. The accuracy of the CAT/6 Survey scoring keys and conversion tables must be verified to ensure that the scan files are being scored correctly. All STAR answer documents are to be scored using the CAT/6 Survey spring empirical norms.
- Scores for students identified as having testing irregularities are to be excluded from school, district, and state summary data for the content areas or tests for which the irregularities are coded.
- Item responses must be captured so that the item responses in student records will differentiate items with correct responses, incorrect responses, multiple responses, omissions, responses changed from right to wrong, and responses changed from wrong to right.
- Final student records must carry information that can be used to differentiate between and among the following for which no score or a score of 0 is reported:
    - Student completed the test but had no correct responses.
    - Student was exempt from the test by parent request.
    - Student's answer document was blank.
    - Student completed an insufficient number of questions to generate a valid score.

E.8 Scoring Out of Level California Standards Tests

ETS will follow SBE-approved procedures for scoring and including California English Language Arts, Mathematics, History-Social Science, and Grade 5 Science Standards Tests that are taken out of level in school, district, county, and state summaries. These procedures include:

- No out of level testing for students in grade 2~~, 3, or 4~~
- In grades ~~5~~ 3 –11, allowing out of level testing for students whose IEPs ~~or 504 Plans state~~requires out of level testing as an accommodation
- Out of level testing at one or two grade levels below a student's enrollment grade
- At grade 3, one level below is allowed.
- A student testing out-of-level must take all tests required for the grade-level test being taken (i.e., both CST and NRT).
- Students taking either Grade 4 or Grade 7 tests as out-of-level testing must also take the writing test.

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E.9 Special Testing Conditions

~~Section 28~~There will be a section on the answer documents for marking special testing conditions. The rules for handling each condition will be specified in the General Reporting Specifications~~is marked for a~~ .

E.10 Scoring Grade 4 and 7 Writing Assessments—subject to change based on Writing Task Force Recommendations

ETS will score all Grade 4 and 7 Writing Tests with the 4-point holistic scoring rubrics developed by the ELA CRP and adopted by SBE. ETS will score all writing assessments for students in grades 4 and 7 and report an individual student score. Each student will produce a response to one writing prompt that will be scored as follows:

- A 4-point holistic rubric approved by the SBE will be used.
- Two independent readers will read each paper.
- There will be a third reading to resolve any non-adjacent scores by the two independent readers.
- When a resolution reading is required, the resolution score will be added to the reader score to which it is equal.

- Resolution scores that are adjacent to reader scores will be added to the higher of the two independent reader scores.
- If the resolution score produces non-adjacent scores, the two higher scores will be summed and reported for the paper.
- If no resolution is required, the scores of the two readers will be summed to produce a single score between 2 (low) and 8 (high) for each student. The following special codes will be used for non-scorable papers:
    - B blank paper
    - L language other than English
    - T off topic (may include drawings)
    - I illegible
    - C copied prompt
    - R refusal
    - W wrong prompt (March prompt submitted with May scoring group)
- A score of "0" is to be added to the California ELA multiple-choice test results for codes of L, T, I, and C to produce a total CST ELA score.

ETS will score computer or communication device typed responses for students with 504 Plans or IEPs that specify this accommodation. ETS will provide directions for linking the students' typed responses with their writing test booklets.

Alert Paper Procedures

1. Reader identifies paper that may display any indication of child abuse or neglect; or personal/emotional problems, such as potential suicide risk; threats to other persons, drug or gang problems.

2. Reader identifies paper, and immediately scores and forwards it to the scoring leader.

3. The scoring leader will immediately score the paper and will then provide the paper to ETS staff in charge of the scoring session.

4. That ETS staff person will immediately photocopy the paper. All pages of the written response must be photocopied, including the demographic information (student name, date of birth, gender, school name and district name).

5. The same ETS staff person shall immediately send the paper and the demographic information to a specifically designated person in the ETS Western Field Office. The ETS staff person, and the specifically designated person in the ETS Western Field Office, shall ensure that this information is transmitted securely (not electronic mail).

6. ACTION: Within 24 hours of the alert, the specifically designated person in the ETS Western Field Office will notify the district STAR coordinator via phone call that a potential crisis paper has been identified. A copy of the paper with identifying student information will be sent via overnight service (no facsimile and no electronic mail) to the district superintendent in the student's district along with a completed copy of the alert form letter. Neither a copy of the pupil's paper nor a copy of the letter is to be sent to CDE.

E.11 Excluding Anomalous Scores from Summary Reports

ETS will provide CDE specific criteria used for excluding students from summary reports, for counting students in specific subgroups, and any other information that CDE will need to verify reports produced by ETS.~~ETS will work with its subcontractors and CDE to determine the~~

~~criteria that might be used for excluding student scores from the specific reports that will be compiled from the STAR assessments.~~ ETS will generate one or more summary reports that:

- Exclude all anomalies
- Include all anomalies

Exclude identifiable subsets of anomalies such as scores for students with ~~special accommodations~~modifications.

E.12 Return of Raw Data to CDE

ETS will provide the raw data from the NRT and the CST assessments to CDE psychometricians and the STAR program manager. ETS will work with CDE to turn this raw data into information that is useful to CDE, SBE, other state policy makers, students, parents, teachers, and administrators in California. The information will be used to develop policy recommendations for SBE and reports that may be placed on the web site.

E.12.1 Independent ~~Evaluation~~ Review of Data Aggregation

CDE or its designee will develop and run computer programs to verify data aggregations. The CDE's programming work will occur iteratively, first with initial files that are not yet complete and then with complete files as they become available. The CDE or its designee will meet with ETS staff, their scoring contractor (Pearson), and CDE staff via conference calls or in the ETS offices in Sacramento as needed to discuss and resolve all instances where results differ. The CDE or its designee will be responsible for documenting areas where discrepancies occur and their resolution.

E.12.2 Student Master File Extractions

ETS will work with their scoring contractor (Pearson) to extract student master data files, format the files suitable for use on CDE personal computer workstations. ETS will send files to CDE and resolve any readability/formatting issues. Files will be provided iteratively, first with initial files that are not yet complete and then with complete files as they become available. ETS will coordinate file delivery to coincide with corrections and additions to the master file being evaluated by CDE or its designee.

~~ETS will provide CDE specific criteria used for excluding students from summary reports, for counting students in specific subgroups, and any other information that CDE will need to verify reports produced by ETS.~~

F. REPORTING RESULTS TO SCHOOLS, DISTRICTS, AND COUNTIES

All districts that submit the tests for all students within a grade as a single shipment are to receive reports as the writing assessment scoring and matching for that district is completed. Shipping of reports to districts should begin no later than May 22. All reports are to be in districts no later than August ~~6~~4, 2006; except as provided in subdivision E.4 (c) and (d). All reports for districts authorized to test during July and August are to be returned no more than five weeks after receipt of answer documents for scoring. If the documents are not processable on receipt, then they will be processed after all requirements in the scoring specifications are completed. All districts that test grade levels in multiple administration periods are to receive summary reports within approximately eight weeks of the delivery of the last administration period to the scoring center or by August ~~6~~8, whichever is later. Student reports will be returned to districts.

Each shipment of reports for schools, districts, and counties will include a diagram showing how the reports are packaged to assist the district with report distribution. All reports will be assembled according to grade, school, and district. School sets of reports will be assembled and shipped to the district for distribution to schools.

If for any reason, it becomes necessary to produce revised reports due to an error caused by ETS, all of the reports will be clearly identified as “revised” with a revision date.

F.1 Required Reports

The following table shows the reports that are to be produced, the number of copies required of each type, and the distribution of the reports.

Table ~~20~~2~~1~~10. Report Matrix

Report	No. Copies	School	District	County	State	Aggregation Level
~~Performance (Parent)~~Student Report						
Traditional Schools	2*	1	1			
Independent Charter	2*	2				
California Report for Teachers	1	1				
Student Record Label	1	1				
Student Master List	1	1				
Group Summary CAT/6 Survey						
School	2	1	1			School
Independent Charter	2~~2~~	1		1		School
District	2		1	1		District
County	1			1	1@	County
State					1	State
Student Master List Summary – CST for each grade level 2 - 11						
School	2	1	1			School
Independent Charter	2	1		1		School
District	2		1	1		District
County	2			1	1@	County
State	1				1	State
Student Master List Summary – End of Course CSTs for each math test grades 8 – 11 and science test for grades 9 - 11						
School	2	1	1			School
Independent Charter	2	1		1		School
District	2		1	1		District
County	2		1	1		County
State	1			1	1@	State
Subgroup Summary						
School	2	1	1			School
Independent Charter	2	1		1		School
District	2		1	1		District

Report	No. Copies	School	District	County	State	Aggregation Level
County State Reports for the following Subgroups: Male/Female Disability/Not Disabled Econ. Disadvantaged/Not Econ. Disadvantaged English Learners/EO, I-FEP, and R-FEP English learners in CA Public School less than 12 months English learners in CA Public Schools 12 Months or More	2 1			1	1@ 1	County State
School Electronic Student Data File Independent Charter	1	1				
District Electronic Student Data File	1		1	1**		
State Electronic Student Data File	1				1	

* 1 copy for parent/guardian and 1 copy for current teacher
** County Offices of Education only for schools operated by the county
NOTE: Independent Charters are treated as districts for aggregation purposes.
@ State copies of county reports are to be electronic copies on CD-ROM

F.2 Scores To Be Reported

The results for the CST and the CAT/6 Survey are to be reported for all students and grades.

- The CST results will be reported as scaled scores and performance levels.
- The CAT/6 Survey results will be reported as raw scores, scaled scores, NCEs, and NPRs

F.3 STAR Student Report

The STAR Student Report will meet the following specifications:

- The reports will be two pages in length (front and back)
- Overall CST Scaled Scores and performance levels ~~will be reports~~ will be reported on page one. Page 2 will include CST reporting cluster information.
- The CAT/6 Survey scores (percentiles only) will be printed with a score histogram at the bottom of the second page
- The report will include an indicator for accommodated and/or modified test administrations

F.3.1 The California Report for Teachers

F.4 Other Reports

CDE will work with ETS to revise and verify scoring specifications and report templates for reporting group CST and CAT/6 Survey results, individual cumulative record labels, and lists of student results.
ETS is responsible for preparing all report overlays, backer text, and specifications for CDE approval.

In addition to the STAR Student Report, the report package must include the following:

Cumulative Record Label - Adhesive label that includes student name, birth date, gender, grade, and school; CST scaled scores and performance levels; CAT/6 Survey ~~raw scores~~scaled scores, NCEs, and NPRs; an indicator for accommodated and/or modified tests (for the grades at which CAT/6 Survey is administered); and the CRL Number.

Student Master List by Grade - A paper report that is an alphabetical listing of students within grade and school that includes student name, birth date, gender; CST scaled scores and

performance levels; CAT/6 Survey ~~raw scores,~~ scaled scores, NCEs, and NPRs; an indicator for accommodated and/or modified tests (for the grades at which CAT/6 Survey is administered); and the CRL Number.

Summary Reports - A paper report by grade and school (district, county, or state) that includes the average CST scaled score; the number and percent of students scoring within each performance level on the CSTs; the number of questions and average number correct for each CST component: and the CAT/6 Survey average scaled score, average NCE, and NPR for average student for each grade level tested

Group Reports - Includes CAT/6 Survey statistics for each grade and test—number of students tested, average scaled score, decile, quintile, quartile, and stanine distributions, number and percent scoring at and above 50th percentile on the CAT/6 Survey and the number and percent scoring at and above proficient on CSTs (for the grades at which CAT/6 Survey is administered)

Subgroup Reports - Includes number and percent of students with score distributions and other appropriate statistics (including CAPA students) for:

A. All Students
B. Females
C. Males
D. Students who are economically disadvantaged
E. Students who are not economically disadvantaged
F. English Learners
    - Less than 12 months
    - 12 months or more
G. Students who are English only and fluent-English proficient
H. Students with disabilities receiving special education services
I. Students not receiving special education services
J. Primary Ethnicity
    - ~~Students tested with the California Alternate Performance Assessment (CAPA)~~

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Student Data Files

Electronic files that include all student demographic information and the CST and CAT/6 Survey results—school, district, and county files do not include item data.

State file includes no student names and includes all item responses including coding that differentiates correct from incorrect responses, blank responses, and responses changed from wrong to right or right to wrong.

Specifications for this layout will be provided to CDE for approval.

Group and Summary Reports, Subgroup Reports, and Student Data Files

See report specifications.

- **District summaries** are generated by grade and include all students in the district. Districts also receive summary reports for all schools in the district.
- **County summaries** are generated by grade and include all students in the county. Counties also receive summary reports for all districts in the county.
- **Charter schools**
    - Independent—receive only school reports. No district reports are generated. Schools roll into county and state summaries.
    - Dependent—are reported within the district or county that authorized the charter. Summary reports are provided to the school and the authorizing agency. Most will roll into district summaries. All will roll into county and state summaries.

F.5 Printing and Packaging Reports

ETS is responsible for printing and packaging all reports. School, district, and county reports are to be packaged in folders by grade level. The order of the reports within folders will be determined jointly by CDE and ETS.

Reports will be boxed and labeled by school with the boxes for all schools within each district shipped to the district STAR coordinator for distribution within the district.

Box 1 for each school is to include a list of the reports included in the shipment with the purpose and distribution requirement for each.

The district reports will be boxed separately.

ETS is to include a pallet map with each shipment for districts that receive more than one pallet of reports. Student reports will be shipped to districts separately from other reports.

These procedures will apply for all reports, including student and teacher reports.

F.6 Writing and Multiple-Choice Matching—subject to change based on Writing Task Force Recommendations

The grade 4 and 7 writing test will be administered with responses recorded in a response booklet that is independent from the multiple-choice test. The writing response booklets will be returned for scoring and processed separately from the multiple-choice answer documents. To enable a student's writing scores to be combined with his/her multiple-choice score, a matching process will be required.

Districts electing to use the Pre-ID service may submit files by administration period or in a single file. If a district has multiple administration periods, the student records on the Pre-ID file must include appropriate administration period numbers. These numbers will allow for accurate distribution of materials and accurate completion of the matching process. This process should produce a 99% match of the two student documents.

For districts that do not use the Pre-ID service and hand-grid demographic data, the demographic data will be used to electronically match the student documents. The match process will match the student I.D. number (if provided) or student first name, last name, date of birth, and gender within each district, building, and grade. Whenever there is a discrepancy in the demographic data provided on the two documents, the multiple-choice demographic information will be used for all analyses. This process is expected to provide at least a 80% match of the two student documents.

ETS will provide two mismatch files to districts for resolution.

- An alphabetical listing of students within grade, within school, within district for whom there are multiple-choice scores but no writing test scores
- An alphabetical listing of students within grade, within school, within district for whom there are writing test scores but no multiple-choice scores

The files will be provided as paper copies. ETS is authorized to charge districts that elect to correct the mismatches for correcting the file and generating revised STAR Student Reports, cumulative record labels, school and district summary reports. All corrections must be made by the third week of October with the corrected data entered into the state's final student data file and the Internet research files and database.

ETS will recommend the procedures and timelines to be implemented to correct mismatch

errors.

F.7 Inaccurate or Incomplete Reports or Files

When a district notifies ETS pursuant to Title 5, California Code of Regulations section 857(d) that complete and accurate reports or files were not received, ETS shall remedy the inaccurate or incomplete reports and files and submit a report to CDE and the district detailing the resolution of each inaccurate or incomplete report. If the error was caused by ETS and district notification is received no later than August 21st, it will be corrected for the P2 student data file and Internet Report posting.

~~F.8 Inaccurate or Incomplete Reports or Files~~

~~When a district notifies ETS pursuant to Title 5, California Code of Regulations section 857(d) that complete and accurate reports or files were not received, ETS shall remedy the inaccurate or incomplete reports and files and submit a report to CDE and the district detailing the resolution of each inaccurate or incomplete report. If the error was caused by ETS and district notification is received no later than July 23, the file will be corrected for inclusion in the August 15 Internet file. Errors reported after July 23 but before August 21st will be corrected for the September student data file and Internet Report.~~

F.9 Improving Data Return Time

ETS will work to shorten the data return time to districts to a responsible minimum that returns data as quickly as possible while not compromising the quality of the data. Included among the strategies to be explored and implemented, when appropriate:

- Provision of electronic score reports to districts that are web-accessible. The reports would be generated at the same time as paper based reports but would be available to districts without the delay associated with their paper-based counterparts.

Release of scores to districts in subsets based either on grade level or testing time. Such results would not be available in aggregate form until all results for a district are available, but would be useful at a grade level or school building basis.

- Incentives for districts to return answer documents quickly for processing.

G. REPORTING RESULTS TO CDE

This section identifies the form and manner for reporting the STAR results to CDE. The reporting of the test data to CDE represents both the official delivery of student scores and related materials as well as the data processing applications utilized by CDE to publicly release the results.

Except for the pilot reports and files, the student data files transferred to CDE will contain no student names, parent names, or any other elements listed in the reporting specifications. All other demographic information will be included.

G.1 Delivery of Summary Reports to CDE

The following annual reports and files are to be delivered to CDE by ~~August 6~~August 8 and to SBE if ETS is asked to do so. The column labeled "state" in the following table shows the reports CDE is to receive in addition to the Internet reports and research files.

Table ~~21~~2211. Delivery of Summary Reports to CDE

		Distribution			
Report	**No. Copies**	**School**	**District**	**County**	**State**
County Group Summary CAT/6 Survey Report	2			1	1@
County Student Master List Summary Report	2			1	1@
County Student Master List Summary EOC Report	2			1	1@
County Sub-Group Summary Report	2			1	1@
State Group Summary CAT/6 Survey Report	1				1~~#~~@
State Master List CST Summary Report	1				1~~#~~@
State Student Master List Summary EOC Report	1				1~~#~~@
State Subgroup Summary Report	1				1~~#~~@
State Student Data File	1				1
Internet Report	1				1
Internet Research Files***	1				1

@ Electronic copies preferred
*** Multiple formats~~# Paper and electronic reports~~

State summaries are generated by grade and include all students in the state. The state also receives summary reports for each of the 58 counties, the state special schools and the California Youth Authority Schools.

The Subgroup Summary Report is to include the following subgroups:

- All students
- English Learners
- English Only and Fluent English Proficient Students

- Language Classification Unknown
- English Learners in California public schools less than 12 months
- English Learners in California public schools 2 months or more
- Males
- Females
- Gender Unknown
- Students with Disabilities
- Students with no reported Disabilities
- Unknown disability students
- CAPA
- Economically Disadvantaged
- Non-Economically Disadvantaged
- Economic Status Unknown

ETS will deliver all California STAR summary reports as paper reports and formatted reports on CD-ROM. CD's will be formatted in a standard PC format approved by CDE prior to preparing these files. Files are to be password protected only upon CDE approval. Delivery of files to CDE will be complete only when complete files are received that can be opened, read, and manipulated.

Multiple reports developed for CDE and associated with the same delivery date will be coordinated and synchronous; each report using the same core data. For example, the delivery of a preliminary student file, Internet site, and research files must all be synchronous; built on the same raw data.

All reporting must be in conformity with the CDS Master Files. This requirement guarantees that all test sites throughout the state are accounted for and properly reported. The CDS Master File is maintained and available from CDE and will be the control document for determining all acceptable administration sites. All county, district, and school names and codes must be taken from and/or conform to the CDS Master File.

In the event discrepancies are found in files, replacement CDs will be delivered to CDE no more than 5 working days after ETS is notified of the problem in writing or within a time mutually agreeable if the cause of the discrepancy needs to be identified in order to be resolved.

G.2 Pre-ID Files

A Pre-ID file, with student names, parent names, addresses, and any other elements in the reporting specifications that CDE determines need to be removed from the file, will be delivered to CDE by April 28, 2006~~4~~. The file is to include all schools and districts for which Pre-ID information is processed through April 14, 2006~~4~~.

G.3 Student Level Files

The Student Data File is an electronic file that includes all student demographic information and the CST and CAT/6 Survey results. The state file includes no student names and includes all item responses including:

- Coding that distinguishes answer documents for students who should have been tested but the answer documents are totally blank from those for which students attempted the test but did not respond to a sufficient number of questions to produce valid scores.
- Coding of items that distinguishes responses that were changed from right-to-wrong and wrong-to-right.

- Demographic data for non-tested students including indicators as to whether the student ~~participated in CAPA or~~ was exempt from testing by parent request.

ETS will provide the aggregate files, corresponding student level files, and internet reporting software to CDE in the following iterations:~~ETS will provide the following student level files to CDE:~~

Table 12: Aggregate Data Files, Corresponding Student Data Files and Internet Reporting Software Delivery Schedule

Delivery Date to CDE	Iteration Tag Name	Description
75 calendar days after CDE signoff on all required specifications, but not prior to March 15, 2006	T1	**Data:** The T1 aggregate and corresponding student files are derivatives of fully populated test data processed by 2006 production-ready software. CDE will receive and approve these files in terms of format and acceptable values. The purpose of the test data is to perform integration testing with test cases for which specific results are expected. **Software:** Production-ready results processing software will be used. The specified 2006 changes to the internet reporting software, integrated with the aggregate test data, will be reviewed by CDE in ETS' user acceptance testing environment and approved. The purpose is to make the required software changes early and get them tested early, before peak production data processing.
April 28, 2006	Pre-ID	Non-duplicative student-level file. The Pre-ID file is to include all schools and districts for which Pre-ID information is processed through April 14, 2006. All student names, parent names, addresses, and any other elements CDE determines need to be removed from the file are to be deleted. There is no aggregate data, corresponding student data or internet reporting deliverable associated with this release.
May 5, 2006	Key Check	Multiple-choice CST Scoring Key check. There is no aggregate data, corresponding student data or internet reporting deliverable associated with this release.
Date TBD by CDE and ETS that includes at least partial production data from at least two districts	V1	**Data:** Aggregate data files and corresponding student data files based on early (partial or complete results from at least 2 districts) production raw student results data with 2006 conversion tables. Data files will be delivered to CDE for review and approval. **Software:** Production results processing software, with resolutions for defects discovered in T1, will be used. Internet reporting software updates will include resolution for any defects found in T1. Content changes from CDE will also be included. CDE will review and approve the internet reporting

Delivery Date to CDE	Iteration Tag Name	Description
		software using ETS' user acceptance site. ETS will also deliver the software to CDE for installation testing.
Date TBD by CDE and ETS that optimizes the value of the V2 iteration in identifying and fixing any problems in time for the release of the first Production Files (P1).	V2	**Data:** Aggregate data files and corresponding student data files based on production results data with 2006 (production) conversion tables. Results data will include all results for which processing is completed by a date to be determined by CDE and ETS. Data files will be delivered to CDE for review and approval. **Software:** Production results processing software, with resolutions for defects discovered in V1, will be used. Internet reporting software updates will include resolution for any defects found in V1. Final content changes from CDE will also be included. CDE will review and approve the internet reporting software using ETS' user acceptance site. ETS will also deliver the software to CDE for installation testing.
No later than August 4, 2006	P1	**Data:** Aggregate data files and corresponding student data files based on production results data with 2006 (production) conversion tables. Results data will include all districts for which processing is completed by a date to be determined by CDE and ETS. Complete processing means that all editing, scoring, and reporting has been completed for all schools in the district and final reports have been sent to the district. Data files will be delivered to CDE for review, approval and posting. **Software:** Production results processing software, with resolutions for defects discovered in V2, will be used. Internet reporting software updates will include resolution for any defects found in V2 and any content corrections. ETS will deliver the software to CDE for production installation. CDE will review and approve the internet reporting software using ETS' user acceptance site and/or CDE's site and publish the URL.
September 8, 2006	P2	**Data:** Aggregate data files and corresponding student data files based on production results data with 2006 (production) conversion tables. Results data will be the same as for P1 for districts included P1, but will also include late testing districts and districts with results that are not fully edited and processed. Data files will be delivered to CDE for review, approval and posting. **Software:** Production results processing software will be used, with resolutions for defects discovered in P1. Barring any defect resolution, ETS will not

Delivery Date to CDE	Iteration Tag Name	Description
		deliver internet reporting software to CDE.
December 15, 2006	P3 - 2006 Final	**Data:** Aggregate data files and corresponding student data files based on production results data with 2006 (production) conversion tables. Results data will include demographic data corrections and re-scores for all applicable districts. Data files will be delivered to CDE for review, approval and posting. **Software:** Production results processing software will be used. ETS will not deliver internet reporting software to CDE.

~~Validation Files~~
~~oStudent file "S1" will include mocked up data. Anticipated date for this delivery to CDE is 75 calendar days after CDE signoff on the student data layout, the compressed student data file layouts and upstream scoring specifications, but no earlier than March 15, 2005. The mocked up file is fully populated with mocked up test data, which will include 2004 data in the 2005 format. CDE will receive and signoff on these files in terms of format and acceptable values. The purpose is to make the required software changes early and get them tested early, before peak production data processing.~~
~~oStudent file "V1" must contain data for the pilot district(s). This file provides comprehensive population of all available fields and the creation of associated research files.~~
~~oStudent file "V2" must contain data for all data scored by a date to be determined by CDE and ETS that optimizes the value of the V2 iteration in identifying and fixing any problems in time for the release of the first Production Files (P1).~~
~~Student file "P1" is synchronous with delivery of the August 6th public release Internet site. The file must contain data for all data scored by a July date to be determined dynamically by CDE and ETS based on the availability of scored data.~~
~~Student file "P2" includes all of the P1 file plus those districts whose testing dates did not allow for inclusion of their data into the P1 file.~~
~~Student file "P3" is the final student file delivery. This file contains all district data with all corrections. Errors in this file, as a result of ETS errors, will require a corrected "final."~~

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All files will contain all required score, demographic, item, and record and student identification elements.

~~Student~~ Aggregate or student data files found to be incorrect due to ETS error will be corrected and immediately reissued to CDE at no additional cost.

There will be a pilot reporting activity for quality control purposes. The purpose of the pilot is for CDE to verify that all report formats are correct and that correct data are being captured and reported. All pilot reports are to include 2006 data. The major goal of the pilot is to insure data accuracy and consistency between andamong aggregate files, corresponding student files, district data on CD, and all paper reports, including student reports, master lists, cumulative record labels, school and district summary reports, and teacher reports.

ETS will notify CDE of any proposed changes in this delivery schedule. These changes may be the result of the status of data collection, site development issues, or other factors.

G.3.1.1 Provide CDE or its designee with student level file of STAR California Standards Test (CST) data to verify aggregations.
ETS will extract and create student level files of STAR California Standards Test (CST) data to verify data aggregations. ETS will work with its scoring contractor to develop files of aggregated CST results. ETS staff will provide the aggregated CST files to the CDE or its designee. ETS staff will facilitate meetings via conference call or at the ETS offices in Sacramento between its scoring contractor (Pearson), and CDE staff as needed to discuss and resolve all instances where the CDE's independent analysis results differ from the results of its scoring contractor.

G.3.1.2 Provide CDE or its designee with student level file of CAPA Test data to verify aggregations.
ETS will extract and create student level files of STAR California Alternate Performance Assessment (CAPA) data to verify data aggregations. ETS will develop files of aggregated CAPA results. ETS will provide the aggregated CST files to the CDE or its designee. ETS staff will facilitate meetings via conference call or at the ETS offices in Sacramento between the CDE staff as needed to discuss and resolve all instances where the independent contractor's results differ from the ETS results.

G.3.1.3 Provide CDE or its designee with merged CST-CAPA test data file that will be used to build the STAR Internet results for ~~2004~~2006
ETS will extract and merge student level files of CST and CAPA data that will be used to build the STAR Internet results for 2006. ETS will provide the aggregated CST files to the CDE or its designee. ETS will facilitate meetings via conference call or at the ETS offices in Sacramento with CDE staff as needed to discuss and resolve issues relating to the CST-CAPA results.

G.4 Internet Reporting

ETS will update the current web-reporting site with new data with ~~2004~~2006-test results.

The Internet site will produce HTML Internet reports for schools, districts, counties, and the state. All reports will be consistent with the CDS Master File provided by CDE. The Internet site will provide detailed HTML reports for every school site and summary reports for the district, county, and state levels.

Based on feedback provided by CDE, ETS will make minor changes to the site. ~~ETS will continue to collect feedback and present it to the CDE for review and consideration.~~

All work on the Internet files will continue to be in accordance with the Internet Functional Specifications to be developed by ETS and approved by CDE and incorporated by reference as if fully set forth herein.

G.5 Internet Reports – Data and Demographic Subgroups

The Internet site will be a single year dynamic site providing the user with access to STAR reports across all reportable demographic subgroups, testing entities, grades, and content. CDE will approve the design and all procedures for posting and retrieving data from the site.

- Secure file download capability for district test results

Status reports on test score processing and report availability.
ETS is to develop Internet reports (HTML report pages) for the site that display school, district, county, and state data for all students, by identified demographic subgroup, by grade, by test (NRT and CST), by content area, by specified reporting group (ex. 25th percentile, 50th percentile, 75th percentile, performance level, etc). The demographic subgroup reports will be provided at two levels; primary and secondary subgroups. The following are subject to change to ensure compliance with the "No Child Left Behind Act of 2001."

Primary Subgroups

- All Students
- Males and females
- English Learners
  - English Learners Enrolled in California Public Schools less than 12 Months
  - English Learners Enrolled in California Public Schools 12 Months or More
  - English Learners Tested with Accommodations
- Fluent-English Proficient and English Only Students
- Students Receiving Special Education Services
- Students not Receiving Special Education Services
- Students Receiving Special Education Services Tested with Accommodations
- Economically Disadvantaged Students
- Non-Economically Disadvantaged Students

Secondary Subgroups

- English Classification—English Only (EO)
- English Classification—Initially Fluent English Proficient (I-FEP)
- English Classification—Redesignated Fluent English Proficient (R-FEP)
- English Classification—English Learner (EL)
- Program Participation—Class Size Reduction Option 1
- Program Participation—Class Size Reduction Option 2
- Program Participation—ESEA Title 1 School wide
- Program Participation—ESEA Title 1 Targeted
- Program Participation—ESEA Title VII
- Program Participation---Migrant Education
- Program Participation—Indian Education
- Program Participation—Gifted and Talented
- Program Participation—EL in ELD
- Program Participation—EL in Bilingual
- Program Participation—EL in SDAIE
- Program Participation – EL
- Program Participation – EL
- Program Participation – EL
- Ethnicity—African American
- Ethnicity—American Indian or Alaska Native
- Ethnicity—Asian
- Ethnicity—Filipino
- Ethnicity—Hispanic or Latino
- Ethnicity—Pacific Islander
- Ethnicity—White (not Hispanic)
- Ethnicity—Multi-Ethnic
- Ethnicity—Declined to State
- Parent Education—Not a High School Graduate
- Parent Education—High School Graduate
- Parent Education—Some College (Includes AA Degree)
- Parent Education—College Graduate
- Parent Education—Graduate School/Post Graduate
- Parent Education—Declined to State

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Internet reports for STAR in ~~2004~~ 2006 will have the following characteristics:

- No historical reporting prior to ~~2003~~ 2006 will be provided, except what has already been delivered for past administrations
- No comparison reporting will be provided
- Requirements for the 2006 data ~~2004~~ will be substantially the same as those defined for ~~2003~~2005
- Results for ~~2004~~ 2006 will be imported by the application.
- Dynamic reports for ~~2004~~ 2006 will be available from the search panel
- Research files for ~~2004~~ 2006 will be available from the search panel
- ~~This application will be guilt to reside on the same server as the existing 2003 application.~~ The 2006 application will be built to reside on the same server as the existing 2005 application.

The static backup component of the site will contain all help, index, and primary subgroup report pages for the current year data.

G.6 Internet Reports – Site Functionality

Functional elements of the Internet site include:

- All report pages will be in HTML format.
- The dynamic site will generate a static site component that includes all the data for the current year.
- The dynamic site will allow for the enabling and disabling of site components allowing for greater system load control.
- The site will be capable of generating all necessary research files upon demand. Generated files will reflect data and administrative changes implemented by the data administrators. The files will be selectively generated so that all files are not generated at the same time.
- Data in the reports and in the research files will not be displayed for any instance where the group N equals 10 or less unless CDE and ETS agree to change this.
- ETS and CDE will develop an extended functional specification document detailing all data and design components for the web site.
- Two year's data will be in the reports, current and previous

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G.7 Internet Reports – Research Files

ETS will provide research files in several formats as an integrated component of the Internet site to allow users to conduct their own complex analyses and customized reporting. The data will be the same data presented in the Internet reports. To protect student confidentiality, ETS will not include scores for any group of ten or fewer students. The research files will be available in the following formats and structures:

All research files generated will be packaged as zipped files. The research files will be available in the following formats and at a level of granularity outlined below:

- CSV comma delimited
  - ~~oFor PC~~
  - ~~oFor MAC~~
  - State wide – "all students" summary/aggregated data at the state, county, district and school level will be contained in the file.
  - State wide – summary/aggregate data at the state, county, district and school level including all subgroups will be contained in the file.
  - County wide – summary/aggregate data at the county, district and school level will also be contained in the file.

  - District wide – summary/aggregate data at the district and school level will also be contained in the file.

- ASCII flat file
  - State wide – "all students" summary/aggregated data at the state, county, district and school level will be contained in the file.
  - State wide – summary/aggregate data at the state, county, district and school level including all subgroups will also be contained in the file.

- MS Access 2000
  - Provide a "shell" that will allow any of the CSV files to be imported into Access.

ETS will deliver all research files as part of the Internet site as well as providing the site functionality to locally generate these files according to specification.

ETS will provide CDE with recommendations for alternative functionality and improvements to the current site.

G.8 Internet Reports – Administrative Functionality and Control

ETS will incorporate extensive administrative functionality into the Internet design allowing for inclusion of notes on report pages and the selective exclusion of report pages. The administrative functionality will allow for these changes to be made for individual schools, districts, counties, and statewide, as well as by subgroup. Key members of CDE will be provided administrator-level access to perform these key functions. Administrative functions include:

- Suppression of a single report (i.e., a particular school's report by a particular subgroup – "Example Elementary School's Scores by Gender") or a number of reports related to a particular school, district, and county or for the entire state.
- Inclusion of a customized "Note" providing a brief message into a text box. Such text may be used to indicate testing irregularities at the school site or any other message CDE may feel appropriate.
- Ability to transfer note and embargo information to subsequent site versions and deliveries to avoid the necessity of re-entering this data into each delivery.
- Schoolwide data for CDE only

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A confirmation screen will be included in the site design allowing the administrator to review the message or embargo selection and submit or cancel the request. These changes will be immediately incorporated into the production (publicly accessible) website. The administrator will then have the ability to selectively generate a revised current year static site and all research files.

G.9 Timetable for Internet Site Development

The Internet report site will be delivered to CDE according to the ~~following~~ schedule described under section G.3.
~~Internet Report delivery dates for 2005 will be determined by the CDE.~~

~~Errors in the final student data files due to contractor error (see G.1) will require ETS to reissue a "corrected" final Internet Posting File at no cost.~~

~~ETS will notify CDE of any proposed changes in the delivery schedule of the Internet posting files. These changes may be the result of the status of data collection, site development issues, or other factors.~~

G.10 Web Site Security Features and FTP

ETS will work closely with CDE and with other parties identified by CDE who require data exchanges associated with the California STAR program, to establish and thoroughly test all connectivity issues associated with transferring data to secure FTP sites. This includes establishment of the FTP server as necessary, assigning passwords, testing connectivity and data transfer, as well as monitoring operational data transfers to provide successful completion.

Any electronic transfer of student level records between the ETS and CDE or an individual school district/LEA must be in accordance with CDE approved security standards. These standards will meet FERPA security guidelines and intent (http://nces.ed.gov/pibs98/safetech/index.html). Student-level data transfers include, but are not limited to, student-level record transfers associated with:

- ETS and school district/LEA Pre-ID and test results record transfers
- ETS and CDE Pre-ID and test results record transfers

On an annual basis, ETS is to perform a network security review, including all servers, network connectivity related to the STAR Program, including systems related to e-mail, data transfers, and web enabled applications. ETS will include this report as part of its fourth-quarter quarterly report. ETS is responsible for addressing the problems identified in the report and providing a resolution report within 6 months.

H. ALL OTHER REPORTS AND ANALYSES

ETS will provide the following reports to CDE. Unless otherwise stated, all reports are to be delivered electronically. On any report that includes school and/or district data, schools are to be listed in CDS code order within districts, districts in county/district code order within counties, and counties within county code order.

H.1 Reporting Results for Accommodated/Modified Test Administrations

ETS will coordinate special studies of existing data for the STAR Program and the CSTs and will provide input based upon ETS' expert knowledge of the content and psychometric aspects of accommodations. ETS will advise CDE and recommend SBE policies as appropriate for reporting the CST and NRT results for students tested with accommodations or modifications including how to incorporate the results in the summary data. An expert at ETS will attend a meeting with CDE staff and will provide written information summarizing the implications of accommodations research for the CSTs and the STAR Program.

H.2 Mark Discrimination Reports

Mark Discrimination Reports that include the final specifications for the STAR 2006 Program will be delivered in an electronic format to CDE ~~no later than August 23, 2004~~two weeks after the delivery of the P2 files. The final specifications of this report will be mutually agreed upon by CDE and ETS. The final specification will be mutually agreed upon by CDE and ETS. This report will include any group of ≥ 10 students for which the number of answers changed exceeds the statewide average for the same grade and test by two standard deviations. Test groups are to be listed in alphabetical order within grade within school, schools within districts, and districts within counties. The report is to include the following:

- Number of students with changes
- Number of students in the group
- Average number of changes per student
- % of all responses changed
- % of responses changed from right to wrong
- % of responses changed from wrong to right
- Number of items

The following filters are to be applied to the initial report:

- Group was identified for three or more tests and
- More than 50% of students in the group had changes and
- 65% or more of all changes were from wrong to right or 90% or more of changes on any one test were from wrong to right when the average number of changes was ≥ 2

Use the filtered list to produce a list of test groups in alphabetical order within grade within school, schools within districts, and districts within counties and produce student lists showing the students' item responses for the tests identified.

The answer documents for the filtered list of test groups are to be pulled and shipped to CDE as soon as the groups are identified.

H.3 Demographic Edit Failure Report

ETS will make a secure Internet site available during the processing of scorable answer documents that CDE can access to determine the status of each district on the demographic edit checks. The file is to include the status of each school and district—passed edit check, failed edit check, corrections being made—and must include school and district summary

statistics—number and percent of student answer documents failing each edit check.

H.4 Demographic Edit Failure Summary by District

For purposes of withholding apportionment monies to pay the district costs incurred for editing files for missing demographic data, ETS will deliver an electronic file to CDE every two weeks beginning June ~~4~~5, ~~2004~~2006, (or earlier if appropriate) that includes the number of students within each district or county office of education for whom demographic edits were required. The bi-weekly files are to include data only for districts and counties for which processing have been completed. The report for districts testing in administration periods is to be held and forwarded after processing the last administration period for each district. The report for each district or county should include school-by-school numbers and a total count for the district or county office.

H.5 Returned Secure Materials Report

ETS will deliver an electronic file of schools, districts, and county offices with discrepancies between the secure materials shipped and the secure materials returned by the third week of September. The California Technical Assistance Center staff is to follow up on any reported discrepancies, and a report showing the final resolutions of the discrepancies will be delivered to CDE no later than the end of the second week of October.

H.6 Hand Scoring Process

ETS will implement a formal process through which parents/guardians may request hand scoring of their students' test. Information for requesting a hand scoring is to be included in the shipment of score reports to schools and districts, presented in post-test workshops, and posted on the public information STAR web site. ETS will provide forms that are to be used to request hand scoring, the date by which any requests for hand scoring must be received, and the approximate time when a requestor may receive the results. ETS may require that forms be submitted through the student's school with school verification that a school administrator or counselor discussed the original scores with the requestor. ETS will provide a written response to the request. The response may be a form letter indicating that the original scores were correct or showing any verified score changes. If scores are changed, ETS will update the student's test record and generate revised STAR Parent Reports and cumulative record labels. If score changes are verified by October 15 of each year, the student's new scores should be included in the updated student data file, research files and Internet summary scores for the November 15 Internet posting. ETS may charge a fee for verification requests that result in no score changes. It is assumed that 200 individual student answer documents will be hand-scored annually over the duration of the STAR Program. ETS and CDE will develop criteria to be applied to determine if requests to rescore writing tests will be honored.

H.7 Instructional Material Survey

ETS will annually create an electronic data file for the Instructional Materials Survey that is included on the School Grade Identification (SGID) sheet. ETS is to forward the file on CD-ROM to CDE ~~by September 1~~two weeks after the delivery of the P2 file ~~of~~ each year using the following file layout:

Table ~~24~~~~25~~13. STAR Instructional Materials Survey Record Layout

Field First Position	Field Last Position	Field Length	Field Description	Field Acceptable Values
1	2	2	County Code	
3	7	5	District Code	
8	14	7	School Code	
15	23	9	Order Number	
24	63	40	District name	
64	103	40	School Name	
104	105	2	Grade	Alpha (02 – 11)
106	135	30	Reading Language Arts	Numeric (1) or Blank (b) 1 = Yes b = No Response (Bubble 1 is 1st position of array, Bubble 2 is 2nd position of array, etc.)
136	165	30	Mathematics	Numeric (1) or Blank (b) 1 = Yes b = No Response (Bubble 1 is 1st position of array, Bubble 2 is 2nd position of array, etc.)
166	195	30	History	Numeric (1) or Blank (b) 1 = Yes b = No Response (Bubble 1 is 1st position of array, Bubble 2 is 2nd position of array, etc.)
196	225	30	Science	Numeric (1) or Blank (b) 1 = Yes b = No Response (Bubble 1 is 1st position of array, Bubble 2 is 2nd position of array, etc.)

I. STAR PROGRAM TRANSITION

Transition to the 2007 STAR Program

CDE recognizes that the 2006 STAR administration will complete the term of this contract. In order to ensure as smooth a transition as possible to the 2007 STAR Program the contractor is responsible for doing the following:

- Delivering all electronic data files, reports, applications, all supporting documentation, and all other materials developed for the STAR Program (including any services necessary to transfer data from ETS proprietary software) to the contractor beginning July 1, 2006 and final delivery completed by December 31, 2006.
- At the end of the contract period, ETS will deliver to CDE all California State owned data from this and pervious contracts.
- ETS will deliver to CDE all data and analysis necessary to provide comparability of the ETS-developed CST and CAT/6 Survey with the CST and norm-referenced tests recommended by CDE and adopted by the SBE to succeed this 2005 – 2006 contract extension.

The contractor is to have staff available to work with the 2007 contractor(s) on transitional aspects of the program.

ETS will complete all activities in this section at no additional cost to CDE.

J. DEMOGRAPHIC EDITS

For schools that fail the customized STAR edit checks as described under Test Processing, Scoring, and Analysis (E.4), ETS will charge the district $1.25 for each student answer document that has missing data. CDE will withhold the amount each district owes ETS from the district's CAT/6 Survey and California Standards Test apportionment. ETS will provide CDE a school list by district and a district and state total number of student answer documents for which the $1.25 charge applies. ETS will invoice CDE for the total amount.

CDE APPROVAL

The Contract for the 2005-06 STAR Program is between CDE and ETS. CDE is responsible for monitoring all work undertaken by ETS. ETS will provide descriptions of all processes, written documents/reports, and all materials that require CDE sign-off prior to production or implementation at least twenty-five (25) working days prior to the requested sign-off date. ETS is responsible for obtaining written verification, including the receipt date, from CDE's STAr Program Manager that the documents requiring CDE sign-off were received. The twenty-five working day period is to provide time for a four iteration correction process that is designed to produce quality documents. ETS is to develop a printing and distribution schedule that sends the documents to printers no earlier than 15 working days after any scheduled approval date. CDE and ETS may determine that a longer review period is needed based on the complexity of the documents to be reviewed.

CDE and ETS will use the thirty working days as follows: CDE will have seven (7) working days to review and respond to ETS' first draft. If CDE requests changes, ETS will make the changes and submit a revised document to CDE for review. CDE will have three (3) working days to review and return revised documents to ETS. ETS is responsible for obtaining written verification, including the receipt date, from the CDE STAR Program Manager that the revised documents were received.

If any CDE recommended changes are not incorporated into the document(s) returned to CDE for approval, CDE and ETS shall begin an additional three (3) working day period within which to comment and make changes.

A sign-off for any process or materials production will be provided only when CDE is satisfied with the quality and correctness of the process or production-ready materials. CDE realizes that unforeseeable circumstances may require a faster turn-around time and will make every effort to accommodate such needs.

PROGRAM TIMELINE

The following program timeline is included for planning purposes. The timeline may be modified between the CDE and ETS as long as all statutory and regulatory requirements for STAR Program test administration and reporting are met. Failure to meet any of the end dates shall not necessarily be deemed a breach of contract unless the failure results in statutory or regulatory requirements not being met. This schedule will be used by CDE and ETS to develop the complete STAR 2005-06 Schedule.

Table ~~25~~26~~14~~. Program Timeline

Beginning	End	Responsible	Task	Sub
7/1/05	9/26/05	ETS/CDE	Develop Answer Documents	
7/14/05	6/6/06	ETS	CRP Meetings	ELA CRP July 14 - 17 History-Social Science CRP July 19 - 22 Science CRP July 24 - 27 Math CRP July 25 - 27 ELA CRP July 28 – 31
7/11/05	9/30/05	ETS	Obtain Superintendent District STAR coordinator designations	
7/11/05	9/30/05	ETS	Identify Independent Charter Schools	
7/11/05	9/30/05	ETS/CDE	Develop 2006 CST Test Forms including embedded field tests	
7/11/05/03	10/28/05	ETS/CDE	Develop DFAs	
7/5/05	9/09/05	ETS/CDE	Develop Pre-Identification Specifications	
9/1/05	9/30/05	ETS	Modify Order System	
10/03/05	12/02/05	ETS/CDE	Develop/Modify STAR District and Test Site Coordinator Manual	
10/14/05	10/14/05	ETS	Open ordering module of STAR Management System and Distribute Ordering Instruction Guide to districts	
10/21/05	10/21/05	ETS	Forward district STAR coordinator information to CDE	

Beginning	End	Responsible	Task	Sub
10/24/05	12/30/05	ETS	Verify 2006 School/District Orders	
11/01/05	12/16/05	ETS/CDE	Range-finding for Grade-4 and –7 Writing Tests	
11/14/05	12/23/05	ETS/CDE	Prepare 2006 Scoring Specifications	
2/06/06	6/30/06	ETS	Deliver test materials to districts	
2/13/06	8/25/06	Districts	Tests administered	
TBD	TBD	ETS	Deliver Writing Tests to districts	Dates may need to be adjusted based on Writing Task Force recommendations
TBD	3/17/04	TBD	Writing tests administered	Dates may need to be adjusted based on Writing Task Force recommendations
3/20/06	8/31/06	ETS	Receive, Process, and Score 2006 Tests	
TBE	TBD	ETS	Deliver Writing Tests to districts	Dates may need to be adjusted based on Writing Task Force recommendations
TBD	TBD	Districts	Writing tests administered	Dates may need to be adjusted based on Writing Task Force recommendations
5/22/06	9/22/06	ETS	Deliver Student and school and district summary reports to districts	
5/26/06	8/04/06	ETS	Deliver preliminary 2006 Student Data File, Research File, and Internet File to CDE	
7/3/06	12/29/06	ETS	Prepare all transition files and transition Program to new contractor	
7/17/06	9/29/06	ETS	Deliver 2006 complete Student Data File, Research File and second Internet File to CDE	
9/11/06	10/27/06	ETS	Work with districts requiring data corrections	
10/02/06	12/15/06		Deliver 2006 final Student Data File, Research File and	

Beginning	End	Responsible	Task	Sub
			second Internet File to CDE	

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Standardized Testing and Reporting (STAR) Program: Release of 10 Percent withheld for 2003-04 Educational Testing Service (ETS) California Standards Test (CST) and California Achievement Tests, Sixth Edition Survey (CAT/6 Survey) Contract	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve releasing the 10 Percent of the funds withheld from progress payments for the 2003-04 CST-CAT/6 Survey contract with ETS, pending completion of all contract requirements during December 2004.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

- The State Board of Education (SBE) designated ETS as the STAR contractor for the designated achievement and standards-based achievement tests during April 2002.
- SBE approved a three-year contract with ETS at its July 2002 meeting.
- SBE worked with ETS during fall 2003 and winter 2004 to develop a new STAR Student Report.

SUMMARY OF KEY ISSUES

- California State law requires the California Department of Education (CDE) to withhold not less than 10 percent of the amount budgeted for each separate and distinct component task provided for in STAR Program contract's pending final completion of all component tasks. The contract requires liquidated damages to be paid by the contractor of up to 10 percent of the contract for any component task that the contractor through its own fault or that of its subcontractors fails to substantially perform by the date specified in the agreement.
- While the contractor has substantially performed all the component tasks, the following situations have occurred during the 2003-04 testing cycle.
    - The 2003-04 contract required ETS to deliver all reports to districts on or before August 8, 2004. The new STAR Student Reports were delivered to many districts after this date. First-year implementation issues contributed to the delay.

SUMMARY OF KEY ISSUES

- There were some unanticipated errors on reports that were delivered to districts in July. The contractor worked with the affected districts to ensure that all parents could receive correct reports. The discovery of these errors contributed to the delay in report deliveries to other districts.

- The CST English-language arts results were reported incorrectly on the STAR Student Reports for approximately 1000 grade four and seven students whose parents exempted them from the test. The contractor has mailed letters to the parents/guardians of the affected students explaining the error and assuring them that the error did not affect any of their children's school records.

ETS is required to prepare and submit an invoice for the released funds after all contract requirements have been completed. The 2003-04 contract requirements will not be completed until approximately mid-December after final 2004 test results are posted on the Web site.

FISCAL ANALYSIS (AS APPROPRIATE)

Any funds SBE approves releasing were previously approved by SBE and Department of Finance and are in the 2003-04 STAR Program budget.

ATTACHMENT(S)

None

ITEM #10

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Standardized Testing and Reporting (STAR) Program: Approve releasing 10 Percent withheld for 2003-04 CTB/McGraw-Hill Spanish Assessment of Basic Education, Second Edition (SABE/2) Contract	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve releasing $123,636.20 withheld from the 2003-04 contract payments to CTB/McGraw-Hill.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

- The State Board of Education (SBE) designated the SABE/2 as the 2004 STAR Program primary language test and approved the publisher's contract at its September 2003 meeting.

- The SBE originally designated the SABE/2 as the STAR Program primary language test at its November 1998 meeting.

SUMMARY OF KEY ISSUES

- California State law requires the California Department of Education (CDE) to withhold not less than 10 percent of the amount budgeted for each separate and distinct component task provided for in STAR Program contract's pending final completion of all component tasks by the contractor.

- CTB/McGraw-Hill has completed all component tasks for the 2003-04 SABE/2 contract. **The 2003-04 contract costs were $1,236,362 for testing 96,597 Spanish-speaking English learners. $123,636.20 was withheld pending completion of the contract**. CTB has completed all requirements for the 2003-04 contract.

FISCAL ANALYSIS (AS APPROPRIATE)

The costs for the SABE/2 contract were included in the 2003-04 STAR Program budget.

ATTACHMENT(S)

None.

ITEM #11

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
California English Language Development Test (CELDT) Update: Including but Not Limited to 2003-04 Initial Identification Results	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

The following item is provided to the State Board of Education (SBE) for information and action deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In May of 2001, SBE provided criteria for Initial Fluent English Proficient (I-FEP): scoring at least Early Advanced Overall on the CELDT with all Skill Area scores at least Intermediate on the CELDT. The 2003 CELDT annual assessment results were presented to SBE March 2004.

SUMMARY OF KEY ISSUES

The current contractor, CTB/McGraw-Hill, will be providing the California Department of Education (CDE) with results for the 2003-04 CELDT initial identification. Upon receiving the data files, CDE will prepare analyses for SBE with information including the number of test takers by grade and an estimate of fluency based on the SBE adopted criteria for I-FEP.

Public access to the CELDT results via the Web site will also be underway pursuant to the requirements of California *Education Code* Section 60812.

FISCAL ANALYSIS (AS APPROPRIATE)

None.

ATTACHMENT(S)

The analysis for the CELDT 2003-04 initial identification results will be provided in a Last Minute Memorandum.

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: October 26, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

RE: Item No. 11

SUBJECT: California English Language Development Test (CELDT) Update: Including, but not limited to 2003-04 Initial Identification Results

Please insert the following attachment:

Attachment 1: California English Language Development Test (CELDT) 2003-04 (July 1, 2003-June 30, 2004) CELDT Initial Identification Results (3 Pages)

California English Language Development Test (CELDT) 2003-04 (July 1, 2003-June 30, 2004) CELDT Initial Identification Results

The analysis presented in this report was based on a review of the 2003-2004 (July 1, 2003-June 30, 2004) CELDT Initial Identification (II) data provided to the California Department of Education (CDE) by CTB/McGraw-Hill.

List of Tables

Table No.	Table Title	Page
1	Number and Percent of Students who took the CELDT for Initial Identification Purposes by Grade	2
2	Initial Identification Estimate of Fluency Based on Initial Identification Criteria	3

Table 1. Number and Percent of Students Who Took the CELDT for Initial Identification Purposes by Grade

		K	1	2	3	4	5	6	7	8	9	10	11	12	*Total*
2003-04	Number	204,771	31,673	21,152	19,726	18,462	17,219	17,553	18,806	15,151	30,942	17,360	12,489	7,360	*432,664*
	Percent	47	7	5	5	4	4	4	4	4	7	4	3	2	*100*
2002-03	Number	219,130	41,972	26,459	24,595	22,931	21,019	20,931	21,718	17,030	31,235	17,303	12,023	7,146	*483,492*
	Percent	45	9	5	5	5	4	4	4	4	6	4	2	1	*98%*
2001-02	Number	260,024	35,637	26,432	24,685	22,868	21,072	20,077	19,069	16,085	32,184	15,294	11,341	6,549	*511,317*
	Percent	51	7	5	5	4	4	4	4	3	6	3	2	1	*99%*

*Note: Totals may not add to 100% due to rounding.

Key Findings:

- The total number of students taking the CELDT for initial identification purposes has declined over the past three years.
- Consistent with previous years, almost half of the students who take the CELDT for initial identification purposes are in kindergarten.

Explanatory Note:

Some students who take the test for initial identification purposes are classified initial fluent English proficient (I-FEP); therefore, the number of students who are tested for initial identification purposes is higher than the number of students identified as English Learners (EL).

Table 2. Estimate of Fluency Based on Initial Identification Criteria*

		K	1	2	3	4	5	6	7	8	9	10	11	12	*All Grades*
2003-04	% Probable Initial Fluent English Proficient (I-FEP)*	21	35	23	18	30	40	37	41	42	38	42	52	56	*29*
2002-03	% Probable Initial Fluent English Proficient (I-FEP)*	19	32	20	16	27	34	34	36	37	37	37	45	48	*26*
2001-02	% Probable Initial Fluent English Proficient (I-FEP)*	15	28	17	14	23	31	30	32	34	35	35	44	46	*22*

2003-04 II N= 432,664 2002-03 II N=483,492 2001-02 II N=511,317

*Note: Criteria for initial fluent English proficient (I-FEP): scoring at least Early Advanced Overall with all Skill Area scores at least Intermediate. The State Board of Education approved the criteria in May of 2001.

Key Findings:

- The percentage of students who met the criteria for I-FEP was slightly greater in 2003-04 compared to both 2002-03 and 2001-02.
- Most students (71 percent) who took the CELDT for initial identification purposes did not meet the I-FEP criteria.
- Regardless of administration year, students in the higher grades taking the CELDT for initial identification purposes met the I-FEP criteria at a higher rate compared to students in the lower grades.

Explanatory Note:

When reviewing Table 2, it should be noted that the skill areas of Reading and Writing are assessed beginning in grade 2 which may account for the decline in the probable I-FEP percentage. It should also be noted that declines in grades 3, 6, and 9 correlate to transitions to a different grade span test form. To address this anomaly, CDE, in conjunction with CTB/McGraw-Hill, is in the process of creating a common scale that will be used beginning in 2006-07.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
No Child Left Behind (NCLB) Act of 2001- Including, but not limited to, California's proposed amendments to the state's Accountability Workbook, 2004 Program Improvement Schools and Districts, and request to waive the Title III requirement for assessing kindergarten and first grade English learners in reading and writing.	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

The Board will hear an update on current NCLB activities and take action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This standing item allows CDE and SBE staff to brief the Board on timely topics related to NCLB.

SUMMARY OF KEY ISSUES

Approval of California's NCLB Accountability Workbook

In April 2004, California submitted to the U.S. Department of Education (USDE) a list of proposed amendments to the State's NCLB Accountability Workbook. Attached is the letter from Assistant Secretary Ray Simon outlining those amendments approved by USDE**.** The letter describes the process for submitting future amendments and encourages California to take advantage of NCLB flexibility available to States in the design and implementation of their accountability plans as well as the additional flexibility for the administration and operation of NCLB programs.

2004 Program Improvement Schools and Districts

Information will be presented on California's identification of Program Improvement (PI) schools and districts for 2004. Attached is a copy of Superintendent O' Connell's press release on the 2004 PI identification, which includes the website for a list of the PI schools and districts. Also attached is a copy of the August 26, 2004, letter sent to the field explaining what districts and schools are required to do in each year of PI.

Request to Waive the Title III Requirement for Assessing K-1 English Learners in Reading and Writing

At the September 2004 Board meeting, the Board requested that staff prepare a request to the U.S. Department of Education to waive the Title III requirement for assessing

SUMMARY OF KEY ISSUES

kindergarten and first grade English learners in reading and writing. Currently, those students are assessed in speaking and listening on the California English Language Development Test (CELDT). The proposed language for the waiver request will be presented at the November meeting.

FISCAL ANALYSIS (AS APPROPRIATE)

Any State or LEA that does not abide by the mandates and provisions of NCLB is at risk of losing federal funding.

ATTACHMENTS

Attachment 1: USDE Letter from Assistant Secretary Ray Simon, Office of Elementary and Secondary Education. (4 pages) (This attachment is not available for viewing on the Internet. A printed copy is available for viewing in the State Board of Education office.)

Attachment 2: CDE Press Release-List of schools and school districts identified for federal program improvement (2 pages) (This attachment is available via the World Wide Web at: *http://www.cde.ca.gov/nr/ne/yr04/yr04rel88.asp.* A printed copy is also available for viewing in the State Board of Education Office.)

Attachment 3: CDE Letter to the Field on Program Improvement (11 pages) (This attachment is available via the World Wide Web at: *http://www.cde.ca.gov/ta/ac/ti/correspondence.asp/*. A printed copy is also available for viewing in the State Board of Education Office.)

Proposed language requesting a waiver of the Title III requirement to assess kindergarten and first grade English learners in reading and writing will be provided in a Last Minute Memorandum.

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 8, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

RE: Item No. 12

SUBJECT: *No Child Left Behind (NCLB) Act of 2001*- Including, but not limited to, California's proposed amendments to the state's Accountability Workbook, 2004 Program Improvement Schools and Districts, and request to waive the Title III requirement for assessing kindergarten and first grade English learners in reading and writing.

Title I, Section 1111 (b)(7), of Public Law 107-110, also known as the NCLB Act, requires an annual assessment of English proficiency for all English learners in the areas of comprehension, speaking, listening, reading, and writing skills in English. Title III of NCLB contains a similar requirement.

The California Department of Education (CDE) wishes to exempt English learners enrolled in kindergarten and first grade from the requirement to assess their reading and writing skills. Section 9401(a) of NCLB, allows the Secretary to waive statutory or regulatory requirements and requires the following for a waiver request:

A. Identify the Federal programs affected by the requested waiver;]

B. Describe the Federal statutory or regulatory requirements that are to be waived and how waiving those requirements will:

   I. increase the quality of instruction for students; and
   II. improve the academic achievement of students;

C. Describe, for each school year, specific, measurable educational goals for the State Educational Agency (SEA) and for each Local Educational Agency (LEA) or school that would be affected by the waiver and the methods to be used to measure annually such progress for meeting such goals and outcomes;

D. Explain how the waiver will assist the SEA and each affected LEA or school in reaching those goals; and

E. Describe how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

The attached letter is intended to meet these waiver requirements. Staff requests approval to submit this waiver request.

Attachment 4: NCLB Act Waiver Request for CELDT Letter (2 Pages)

CALIFORNIA DEPARTMENT OF EDUCATION
JACK O'CONNELL, State Superintendent of Public Instruction
(916) 319-0800

CALIFORNIA STATE BOARD OF EDUCATION
RUTH E. GREEN, President
(916) 319-0705

1430 N Street Sacramento, CA 95814

DRAFT November 5, 2004

Ray Simon, Assistant Secretary
Office of Secondary and Elementary Education
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Assistant Secretary Simon:

Pursuant to Public Law 107-110, Part D – Waivers, Section 9401(a), the California Department of Education (CDE) and State Board of Education (SBE) request a partial waiver from the following requirements of the *No Child Left Behind* (NCLB) Act:

- Title I, Section 1111(b)(7), "Each state plan shall demonstrate that local educational agencies in the State will, beginning no later than school year 2002-2003, provide for an annual assessment of English proficiency (measuring oral language, reading, and writing skills in English) of all students with limited English proficiency in the schools served by the State educational agency …"

- Title III, Section 3121(d), "A State shall approve evaluation measures for use under subsection (c) that are designed to assess – the progress of children in attaining English proficiency, including a child's level of comprehension, speaking, listening, reading, and writing skills in English."

CDE's "Consolidated State Application, September 1, 2003 Submission" (pages 7-8) indicated that students in kindergarten and grade 1 are currently assessed only in listening and speaking. A timeline was provided for CELDT modifications (adding reading and writing tests to kindergarten and first grade) for compliance with NCLB. CDE now wishes to amend the plan, retract the timeline, and request a waiver for testing English proficiency in reading and writing in kindergarten and first grade.

CDE's English proficiency evaluation measure, the California English Language Development Test (CELDT), assesses listening, speaking, and comprehension skills in

kindergarten through grade 12, and assesses reading and writing skills in grades two through twelve. (The assessment of comprehension is derived from the assessment of listening in kindergarten and first grade, and from listening and reading in second through twelfth grade.) CDE requests a waiver of the requirement to assess reading and writing skills in kindergarten and first grade.

Waiving this requirement will improve the quality of instruction and academic achievement for students in kindergarten and first grade. For students in these grades reading and writing skills are relatively undeveloped and the constructs, as related to language proficiency, are difficult to assess. Currently, CDE's other assessment programs do not apply to these grades. Reading and writing tests for very young children are difficult to design and administer. The one-on-one administration of reading and writing tests, essential in view of the young age and lack of testing experience of young children, will be very intrusive to instructional time and will significantly increase the burden and expense of administering the CELDT. Instruction, not testing, is a more productive use for these resources. The information obtained from an attempt to assess reading and writing skills of these students may well not meet commonly accepted professional technical standards for reliability and validity. Such information would not be useful, and might be detrimental to instruction and academic achievement.

The educational goal affected by this waiver is improvement in English language proficiency and academic achievement. CDE will continue to assess students in kindergarten and first grade with the listening and speaking parts of the CELDT and will continue to use these results to monitor improvement in English language proficiency. The waiver will assist CDE and local educational agencies in attaining these goals as follows: (1) focus more state and local resources on instruction, not testing, (2) focus more attention on the more reliable and valid results of the listening and speaking tests, and (3) avoid increasing the burden of testing and administrative costs to the local education agencies.

Thank you for consideration of our request. We look forward to receiving your response. Should you or your staff have any questions, please contact Mark Fetler, Manager of the California English Language Development Test, California Department of Education at (916) 319-0562.

Sincerely,

JACK O'CONNELL
State Superintendent of Public Instruction

RUTH E. GREEN, President
State Board of Education

JO/RG:mf

ITEM #13

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
No Child Left Behind (NCLB) Act of 2001: Approve Local Educational Agency Plans Title 1 Section 1112	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Staff recommends approval of Local Educational Agency (LEA) Plans that have met the requirements for full approval status.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

As of the September 2004 meeting, the State Board of Education (SBE) had approved a total of 1,191 LEA Plans: 647 in July 2003, 358 in September 2003, 94 in November 2003, 10 in January of 2004, 24 in March 2004, 26 in May 2004, 11 in July 2004, and 21 in September 2004. LEAs that have not submitted a LEA Plan to-date are recently designated direct funded charter schools.

SUMMARY OF KEY ISSUES

The Last Minute Memorandum will include a list of additional LEA Plans from districts and direct funded charter schools recommended for full approval status. One district remains and is making modifications to complete its Plan. The purpose of the LEA Plan is to develop an integrated, coordinated plan that describes all educational services for all learners that can be used to guide program implementation and resource allocation

FISCAL ANALYSIS (AS APPROPRIATE)

No fiscal impact to state operations

ATTACHMENT(S)

Attachment 1: LEA Plans for Districts and Direct Funded Charters Recommended for Full SBE Approval, November 2004

A list of LEAs recommended for approval will be attached to the Last Minute Memorandum.

List of LEAs whose Plans for Districts and Direct Funded Charters\
are Recommended for Full SBE Approval, November 2004

CoDistCode	SchCode	Districts
4475432	0000000	Scotts Valley Unified School District
CoDistCode	**SchCode**	**Direct Funded Charters**
1864204	1830132	Westwood Charter School

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 2, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

RE: Item No. 13

SUBJECT: *No Child Left Behind (NCLB) Act of 2001:* Approve Local Educational Agency Plans (Title I Section 1112).

Attached for Board approval is a list of **10** additional LEA Plans for districts and direct funded charter schools. These Plans are required under *No Child Left Behind* (NCLB) so that LEAs may receive federal categorical aid for educational programs.

Two LEA Plans were previously submitted. With the Board's approval of these **10** additional Plans, **1,203** LEAs will have fully approved Plans. CDE continues to work with the 46 LEAs (1 district and 45 direct funded charter schools) whose Plans are not yet ready for recommendation to the SBE for approval.

Attachment 2: Additional LEA Plans for Districts and Direct funded Charters Recommended for Full Approval, November 2004 (1 Page)

Additional LEA Plans for Districts and Direct Funded Charters
Recommended for SBE Approval
November 2004

LEA Plans Previously Submitted with Orginial Board Item		
CoDistCode	**SchCode**	**Districts**
4475432	0000000	Scotts Valley Unified School District
Direct Funded Charter		
1864204	1830132	Westwood Charter School
Additional LEA Plans Submitted with Last Minute Memorandum		
CoDistCode	**SchCode**	**Direct Funded Charters**
1964634	0101667	Inglewood Preparatory Academy Charter
1973445	1996271	Opportunities for Learning - Hacienda-La Puente
3066464	0106765	Capistrano Connections Academy
3066464	6120356	Opportunities for Learning - San Juan Capistrano
3467447	3430691	Options for Youth - San Juan
3667934	3630670	Options for Youth - Victor Valley
3675069	6113427	Options for Youth - Upland
3768338	0106657	Southern California Connections Academy
3768338	6117279	Holly Drive Leadership Academy
3868478	0101352	KIPP San Francisco Bay Academy

ITEM #14

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
No Child Left Behind (NCLB) Act of 2001: Approve Additional Supplemental Educational Service Providers for the List of 2004-2005 School Year Providers	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve additional providers for the 2004-2005 school year list of approved supplemental educational service providers.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) approved, at the May 2003 meeting, the emergency regulations, annual notice to potential providers, and the revised providers' application. At every meeting in 2003 and in 2004, the SBE has approved a recommended list of providers, for a total of 220 providers for the 2004-2005 fiscal year.

SUMMARY OF KEY ISSUES

Supplemental educational services to low-achieving, low-income students are required by Section 1116(e) of the *No Child Left Behind (NCLB) Act of 2001.* The California Department of Education (CDE) is responsible for establishing a list of approved providers, as described in Section 1116 (e)(4) of NCLB.

Supplemental educational services include "tutoring and other academic enrichment services" that are:

- Chosen by parents.
- Provided outside the school day.
- Research-based and demonstrate program effectiveness.
- Designed specifically to increase the academic achievement of eligible children.

The application process occurs on an on-going basis. CDE evaluates each application against a four-point rubric based on the SBE-adopted criteria. Each application must

address the following four elements of the criteria:

Element I. Program
Element II. Staff
Element III. Research-based and high quality program effectiveness
Element IV. Evaluation/Monitoring

CDE also considers the June 2003 and July 2004 results of the contracted WestEd survey about supplemental educational services for re-applicants. CDE then recommends applicants for approval by the SBE.

The process for reviewing the applications is as follows:

- Title I Policy and Partnerships Office (TIPP) date stamps all applications when received.
- TIPP office logs in all applications.
- TIPP program consultants review each application twice using Supplemental Services rubric based on SBE criteria and consult the WestEd evaluation of 2002-2003 providers, as needed.
- Manager reviews applications that have deficiencies and a low rating.
- Education Program Consultants provide technical assistance to applications with deficiencies. Technical assistance is ongoing until deficiencies are corrected.
- Application program descriptions are prepared and compiled for the State Board.

FISCAL ANALYSIS (AS APPROPRIATE)

Federal revenues are apportioned to LEAs to support supplemental educational services. Unless a lesser amount is needed to meet the demands for choice-related transportation and supplemental educational services, an LEA must spend an amount equal to 20 percent of its Title I allocation. If the cost of meeting all the requests for supplemental educational services exceeds an amount equal to 5 percent of an LEAs Title I, Part A allocation, the LEA may not spend less than this amount on the services. Title V, Part A Innovative Program funds can also be used to support supplemental educational services.

ATTACHMENT(S)

A list of recommended supplemental educational service providers will be submitted as a Last Minute Memorandum.

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 3, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

RE: Item No. 14

SUBJECT: *No Child Left Behind (NCLB) Act of 2001*: Approve Additional Supplemental Educational Service Providers for the List of 2004-2005 School Year Providers

Staff recommends approval of the 25 supplemental educational services provider applicants. During this application period, staff reviewed a total of 30 applications. Staff used the four-point rubric based on the State Board of Education adopted criteria to evaluate the applications. If all 25 recommended applications are approved, there will be a total of 249 supplemental educational services providers on the approved list thus far for the 2004-05 fiscal year. After State Board approval of the November 2004 list of recommended providers, it will be posed to the CDE Web site. The list of approved providers will be in effect through June 30, 2005.

Attachment 1: Supplemental Educational Services Providers Recommended for Approval at November 2004 State Board meeting. (7 Pages)

SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS RECOMMENDED FOR APPROVAL AT NOVEMBER, 2004 STATE BOARD MEETING

APPLICANT	CONTACT
Adelanto School District	Sandra Sraberg, Assistant Superintendent of Educational and Administrative Services 11824 Air Expressway Adelanto, CA 92301 (760) 246-8691 (760) 246-4259 Fax *Sandra_sraberg@aesd.net*
Status: New	Description: Provides after school tutoring in small groups and one-on-one in English language arts and mathematics for grades 1-8
School Districts Served: Adelanto School District	

APPLICANT	CONTACT
Another Opportunity Educational Services	Karen Gates, Director/CEO 6713 Cielo Drive San Diego, CA 92114 (619) 266-1435 (619) 266-1435 Fax *karengates@cox.net*
Status: New	Description: Provides small group tutoring in English language arts and mathematics for grades K-12 after school and on Saturday.
School Districts Served: San Diego County	

APPLICANT	CONTACT
Bartelt Education Center	Kenneth D. Bartelt, Director of Education 706 W. Onstott Frontage Road Yuba City, CA 95993 (530) 751-0625 (530) 751-0625 Fax *barteltedcntr@earthlink.net*
Status: New	Description: Provides small group and one-on-one tutoring after school for grades K-12 in English language arte and mathematics.

APPLICANT	CONTACT
Carter, Ready & Associates	Carolyn J. Carter, President 2861 Orchard Place Orchard Lake, MI 48324 (313) 491-6467 (248) 738-5019 Fax *cjc01@aol.com*
Status: New	Description: Provides small group instruction in English language arts and mathematics for grades K-12.
School Districts Served: Statewide	

APPLICANT	CONTACT
Center of Remedial Education	Minister Glen Laster, Director 310 Twin Oaks Valley Road # 107 San Marcos, CA 92078 (760) 798-1989 *glister@ptloma.edu*
Status: New	Description: Provides small group instruction for grades K-12 in English language arts and mathematics.
School Districts Served: San Diego County	

APPLICANT	CONTACT
Cornerstone Learning Center	Thomas A. Miles P.O. Box 3223 Quincy, CA 95971 (530) 283-9396 (530) 283-9734 Fax *cornerstonelearingcenter@hotmail.com*
Status: New	Description: Provides small group tutoring for grades K-12 in English language arts and mathematics.
School Districts Served: Plumes County	

APPLICANT	CONTACT
Cytanovich Reading Systems	Kathryn Cytanonvich, Founder/Director 1300 Oak Creek Apartments # 206 Palo Alto, CA 94304 (650) 321-7323 (650) 324-2849 Fax ***321READ@lqmail.com***
Status: New	Description: Provides one-on-one instruction in reading for grades k-8 via the internet.
School Districts Served: Statewide	

APPLICANT	CONTACT
Gustine Unified School District	Gail McWilliams, Assistant Superintendent 1500 Meredith Avenue Gustine, CA 95322 (209) 854-3784 (209) 854-9164 Fax *gmcwilliams@gustine.k12.ca.us*
Status: New	Description: Provides an after school-tutoring program in English language arts and mathematics. for grades 2-5.
School Districts Served: Gustine Unified and Merced County	

APPLICANT	CONTACT
K12 Inc.	Christopher Gergen, VP, New Market Development 8000 Westpark Drive, Suite 500 McLean, VA 22102 (703) 970-8027 (703) 288-6740 Fax *cgergen@k12.com*
Status: New	Description: Provides small group and on-on-one tutoring in English language arts and mathematics for grades K-8.
School Districts Served: Statewide	

APPLICANT	CONTACT
Kern County Superintendent of Schools	Pat Alexander, Administrator 1300 17th Street Bakersfield, CA 93301 (661) 636-4646 (661) 636-4135 Fax paalexander@kern.org
Status: New	Description: Providers one-on-one instruction in English language arts and mathematics at local school sites for grades 1 to 3.
School Districts Served: Kern County school districts	

APPLICANT	CONTACT
Learning Fun Center	Strauss Lee Sostand, Program Director and Instructor 10677 Rigefield Terrac Moreno Valley, CA 92557 (951) 733-2906 *strausslee@hotmail.com*
Status: New	Description: Provides tutoring in English language arts and mathematics for grades K-12.
School Districts Served: Los Angeles, San Bernardino, and Riverside Counties	

APPLICANT	CONTACT

Lindsay Unified School District	Frances Holdbrooks, Assistant Superintendent 519 East Honolulu Lindsay, CA 93247 (559) 562-5111 x225 (559) 562-6295 Fax *fholdbrooks@lindsay.k12.ca.us*
Status: New	Description: Provides small group tutoring in English language arts for grades K-12.
School Districts Served: Lindsay Unified	

APPLICANT	CONTACT
NCLB Tutors	Stephannie Wyckoff, District Coordinator 121 South Main street, Suite 410 Akron, OH 44308 (888) 625-2999 (330) 253-5134 Fax *stephannie.Wyckoff@whitehatmgmt.com*
Status: New	Description: Provides Internet access for grades K-12 in English language arts and mathematics.
School Districts Served: Statewide	

APPLICANT	CONTACT
Oxnard Elementary	Katherine A. Larson, Director 1051 South "A" Street Oxnard, CA 93030 (805) 487-3918 (805) 486-7358 Fax *larson@educationucsb.edu*
Status: New	Description: Provides small group tutoring in English language arts and mathematics for grades K-6.
School Districts Served: Ventura and Oxnard Elementary	

APPLICANT	CONTACT
People Skills International Foundation Incorporated	Ida Greene, Director 2910 Baily Avenue San Diego, CA 92105 (619) 262-9951 (619) 262-0505 Fax *idagreene@earthlink.net*
Status: New	Description: Provides small group and one-on-one instruction in English language arts and mathematics for grades K-12.
School Districts Served: San Diego	

APPLICANT	CONTACT
Reading and Language Arts Centers, Inc.	Mary Byrnes, Academic Advantage Director 36700 Woodward Bloomfield Hills, MI 48304 (248) 645- 9690 (248) 645-9690 Fax *maryb@rlac.com*
Status: New	Description: Provides small group tutoring for grades K-12 in English languages arts and mathematics.
School Districts Served: Orange County	

APPLICANT	CONTACT
Riverside Unified School District	Janet Downey, After School Program Specialist 3380 14th Street Riverside, CA 92501 (951) 788-1021 (951) 683-4990 Fax *jdowney@rusd.k12.ca.us*
Status: New	Description: Provides small group instruction and on-on-one instruction for grades K-8.
School Districts Served: Riverside Unified	

APPLICANT	CONTACT
Roberts Family Development Center	Darrell Roberts, Co-Founder/CEO 770 Darina Avenue Sacramento, CA 95815 (916) 646-6631 (916) 646-0439 Fax ***Robertsfdc@aol.com***
Status: New	Description: Provides small group tutoring for grades 1-6 in English language arts and mathematics.
School Districts Served: North Sacramento School District	

APPLICANT	CONTACT
San Diego Birthing Project	Cynthia Boyd, Director/CEO P.O. Box 620133 San Diego, CA 92162 (619) 264-3358 (619) 264-3358 Fax
Status: New	Description: Provides computer based instruction for small groups in English language arts and mathematics for grades K-12.
School Districts Served: San Diego County	

APPLICANT	CONTACT
Siemens Building Technologies, Inc.	Troy T. Behrens, Director of Academic Relations 1000 Deerfield Parkway Buffalo Grove, IL 60089 (847) 941-5784 (847) 941-3212 Fax *troy.Behrens@siemens.com*
Status: New	Description: Provides small group computer-assisted instruction for grades K-12 in English language arts and mathematics.
School Districts Served: Statewide	

APPLICANT	CONTACT
Smart Learning Center	Marlene N. Tatum, Owner 1265 Nicola Drive Riverside, CA 92506 (909) 682-5010 (909) 684-6822 Fax *philipmurray@earthlink.net*
Status: New	Description: Provides small group tutoring for special needs students in English language arts and mathematics for grades K-12
School Districts Served: Riverside Unified and Riverside and San Bernardino Counties	

APPLICANT	CONTACT
St. Paul United Methodist Tutorial Services	Rev. John A. Greene, Director 3094 L. Street San Diego, CA 92102 (619) 232-5683 (619) 232-1054 Fax *stpumcsd@aol.com*
Status: New	Description: Provides small group tutoring for grades K-12 in English language arts and mathematics.
School Districts Served: San Diego County	

APPLICANT	CONTACT
Sylvan Learning Center of Oakley	Kimberly Carrington, Center Director 2105 Main Street Oakley, CA 94561 (925) 679-9667 (925) 679-8535 Fax *Kcrrngtn@aol.com*
Status: New	Description: Provides small group and one-on-one instruction for grades K-12 in English language arts and mathematics.
School Districts Served: Antioch and Pittsburg School Districts	

APPLICANT	CONTACT
California Virtual Academies	James Konantz 386 Lake Street Simi Valley, CA 93065 (213) 202-5590 *jkonantz@lausd.k12.ca.us*
Status: New	Description: Provides small group and on-on-one instruction for grades K-12 in English language arts and mathematics.
School Districts Served: Statewide	

APPLICANT	CONTACT
Martinez Unified	Charles Fereira, Assistant Superintendent 921 Susana Street Martinez, CA 94553 (925) 313-0480 (925) 313-0476 Fax *cfereira@martinez.k12.ca.us*
Status: New	Description: Provides small group and one-on-one tutoring for grades K-12 in English language arts and mathematics.
School Districts Served: Martinez Unified	

ITEM #15

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
No Child Left Behind Act (NCLB) of 2001: Revised Application and Scoring Rubric for Prospective Supplemental Educational Services Providers	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

The following item is provided to the State Board of Education (SBE) for information and action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

None

SUMMARY OF KEY ISSUES

During the time period for public comment for the proposed regulations for supplemental educational services, the staff is revising the application and scoring rubric for prospective supplemental educational services providers. In addition, the staff is creating a template for a provider reporting form that will be required for providers to complete on an annual basis once the regulations are passed. At the November Board meeting, the draft of the revised application, draft of the scoring rubric and a draft of the template for the provider reporting form will be presented for the State Board members' information. These forms are being presented as a Last Minute Memorandum item because they may need last minute revisions due to public comments received at the public hearing to be held on November 8 regarding the regulations and because they were presented for review at the October meeting of the Committee of Practitioners (COP). Suggested changes from the COP meeting will be included in the revised application.

FISCAL ANALYSIS (AS APPROPRIATE)

None

ATTACHMENT(S)

Draft of the revised application, the scoring rubric and the template for the provider reporting form will be presented as a Last Minute Memorandum.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
No Child Left Behind (NCLB) *Act of 2001:* Title IX, Persistently Dangerous Schools, Proposed Title 5 regulations – Approve proposed amendments and circulate for a Second 15-Day public comment period.	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE):

- Approve the proposed amendments to the regulations;
- Direct that the proposed amendments be circulated for a Second 15-Day public comment period in accordance with the Administrative Procedure Act;
- If no public comments are received during the Second 15-Day public comment period, CDE shall complete the rulemaking package and submit the amended regulations to the Office of Administrative Law for approval;
- If public comments are received during the Second 15-Day public comment period, CDE shall place the amended regulations on the State Board's December 2004 agenda for action following consideration of the comments received.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In May 2004, the SBE released, for public comment, proposed regulations which would revise the Board policy defining a "persistently dangerous" school. The proposed revision would have added incidents of non-student firearm violations to the expulsion data to be used in classifying a school as persistently dangerous. Substantive comment was received during the public comment period and during follow-up discussion (in July) with the entities which provided the public comment. The major unresolved local educational agency (LEA) and Department of Finance (DOF) comments at that point in time can be summarized as:

1. Using expulsion data to identify schools may be unfair to LEAs with strict discipline policies.
2. A number of clarifying definitions and language changes were needed.
3. Collecting data on non-student gun violations may be a mandated cost and is unneeded for the identification of persistently dangerous schools.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

CDE and SBE staff worked together to create revised regulations which, at the September SBE meeting, were approved for release for a 15-day public comment period. The revised regulations responded to the first two points above by including an LEA appeal process and clarifying definitions. Revisions were not made related to issue 3 because of concerns expressed by the SBE that non-student gun violations are too important to ignore.

SUMMARY OF KEY ISSUES

During the 15-day public comment period, comments were received from the Association of California School Administrators (ACSA), the California School Boards Association (CSBA), the Riverside County Schools Advocacy Association (RCSAA), and the Elk Grove Unified School District (USD). Each organization opposed the inclusion of non-student firearm violations in the persistently dangerous schools definition, and further commented that:

1. Including non-student firearm violations in the definition would require the creation of new data collection systems and require training in the reporting process, resulting in additional work for LEAs and state mandated local costs. CSBA further adds that it is unfair to hold schools accountable for activities by non-students.
2. Reporting non-student firearm violations at all school-sponsored activities is unfair to schools in some circumstances, as a school has little control over security at activities in public venues or at “away” sporting events.

CDE staff concurs with the public comment in point 2 (above), and recommends revision to the definition of a school-sponsored activity. (Please see the boldface, single-underlined phrase in Attachment 1, page 3, lines 12-13. This revision will require a new 15-day public comment period.) This leaves one remaining issue – the **inclusion** or **exclusion** of non-student firearm violations in the data reported for identifying persistently dangerous schools. There are three issues to consider in choosing between inclusion and exclusion:

1. **Mandate costs.** Some LEAs are concerned that including non-student gun violations constitutes a state mandated local cost, although the CDE cost analysis attributes the additional cost to a federal mandate.
2. **LEA objections.** Regardless of whether the reporting of non-student firearm violations required by the proposed regulations is determined to be a state or federal mandate, ACSA, CSBA, RCSAA, and Elk Grove USD all object to the additional work placed upon schools.
3. **Public perception.** The most recent version of the proposed regulations was not revised to exclude non-student firearm violence because of concern that non-student gun violations, even though exceedingly rare, are too important to ignore, especially to the general public. In particular, if there were a highly publicized non-student firearm violation but the school site were not designated persistently dangerous because that incident did not need to be reported (under the

alternative in which non-student gun violations are not reported), there would undoubtedly be a public outcry.

Issues 1, and 2 support the **exclusion** of the reporting of non-student firearm violations. Issue 3 supports the **inclusion** of the reporting of non-student firearm violations. Because of the high sensitivity of any gun incident on a school campus, the CDE recommends **inclusion** of the reporting of non-student firearm violations, as already reflected in the proposed regulations.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE reviewed the previous version of the proposed regulations and determined that they did not result in the creation of reimbursable mandated costs. The currently proposed alternative is different only in that it eliminates some previously required reporting, so this alternative also does not result in mandated costs. A new cost analysis (still showing zero mandate costs) will be completed prior to releasing this version of the regulations for the 15-day public comment period.

ATTACHMENT(S)

Attachment 1: Title 5. EDUCATION. Proposed regulations *Defining Persistently Dangerous Public Elementary and Secondary Schools* (4 pages)

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 11. Special Programs

Add Subchapter 23, Sections 11992, 11993, and 11994 to read:

Subchapter 23. Defining Persistently Dangerous Public Elementary and Secondary Schools

§ 11992. Provisions.

(a) A California public elementary or secondary school is "persistently dangerous" if, in each of three consecutive fiscal years, one of the following criteria has been met:

(1) For a school of fewer than 300 enrolled students, the number of incidents of firearm violations committed by non-students on school grounds during school hours or during a school-sponsored activity, plus the number of student expulsions for any of the violations delineated in subsection (b) is greater than three.

(2) For a larger school, the number of incidents of firearm violations committed by non-students on school grounds during school hours or during a school-sponsored activity, plus the number of student expulsions for any of the violations delineated in subsection (b) is greater than one per 100 enrolled students or a fraction thereof.

(b) Applicable violations include:

(1) Assault or battery upon a school employee (Education Code Section 48915(a)(5));

(2) Brandishing a knife (~~Section~~ Education Code Section 48915(c)(2));

(3) Causing serious physical injury to another person, except in self-defense (Education Code Section 48915(a)(1));

(4) Hate violence (Education Code Section 48900.3);

(5) Possessing, selling or furnishing a firearm (Education Code Section 48915(c)(1));

(6) Possession of an explosive (Education Code Section 48915(c)(5));

(7) Robbery or extortion (Education Code Section 48915(a)(4));

(8) Selling a controlled substance (Education Code Section 48915(c)(3)); and

(9) Sexual assault or sexual battery (Education Code Section 48915(c)(4)).

(c) In instances where a student ~~has~~ committed a violation enumerated in subsection (b) for which expulsion proceedings would have been instituted, ~~in subsection (b),~~ but is no longer a student and therefore cannot ~~otherwise~~ be expelled, that violation must be reported

~~as a non-student firearm violation~~ in the total number of incidents and expulsions referenced in subsection (a).

NOTE: Authority cited: Section 33031, Education Code; Reference: Sections 48900.3, 48915(a)(1), 48915(a)(4), 48915(a)(5), 48915(c)(1), 48915(c)(2), 48915(c)(3), 48915(c)(4), and 48915(c)(5), Education Code; Public Law 107-110, Title IX, Part E, Subpart 2, Section 9532; 20 USC Section 7911.

§ 11993. Definitions.

(a)~~(f)~~ "Assault" means an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another (~~California~~ Penal Code Section 240).

(b)~~(g)~~ "Battery" means any willful and unlawful use of force or violence upon the person of another (~~California~~ Penal Code sections 242 and 243).

(c)~~(n)~~ "Controlled substance" means drugs and other substances listed in Chapter 2 of Division 10 of the ~~California~~ Health and Safety Code (commencing with Section 11053).

(d)~~(c)~~ "Firearm" means handgun, rifle, shotgun or other type of firearm (Section 921(a) of Title 18, United States Code).

(e)~~(d)~~ "Firearm violation" means unlawfully bringing or possessing a firearm, as defined in subsection (d), on school grounds or during a school-sponsored activity.

(f)~~(k)~~ "Explosive" means a destructive device (Title 18, Section 921, United States Code).

(g)~~(e)~~ "Expulsion" means an expulsion ordered by the local educational agency's governing board regardless of whether it is suspended, ~~or~~ modified, or stipulated.

(h)~~(m)~~ "Extortion" means acts described in ~~California~~ Penal Code sections 71, 518, and 519.

(i)~~(a)~~ "Fiscal year" means the period of July 1 through June 30 (~~California~~ Education Code Section 37200).

(j)~~(i)~~ "Hate violence" means any act punishable under ~~California~~ Penal Code sections 422.6, 422.7, and 422.75~~)~~.

(k) An "incident" of a firearm violation by non-student(s) for the purpose of Section 11992 is an event on school grounds during school hours, or at a school-sponsored activity, involving a person or persons not enrolled in the school who unlawfully brings or possesses a handgun, rifle, shotgun, or other type of firearm. An event shall be counted as a single incident when it happens at the same time in the same location, regardless of the number of non-students involved. School site administrators or designees are responsible for

documenting the incident and reporting the incident to the local educational agency (LEA) staff who are responsible for collecting expulsion data.

(l)~~(h)~~ "Knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 ½ inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

(m)~~(b)~~ "Non-student" means a person, regardless of age, not enrolled in the school or program reporting the violation.

(n) "On school grounds" means the immediate area surrounding the school including, but not limited to, the school building, the gymnasium, athletic fields, and the site parking lots.

(o)~~(l)~~ "Robbery" means acts described in ~~California~~ Penal Code sections 211 and 212.

(p) A "school sponsored activity" means any event **on the grounds of the school district** supervised by district staff at which students are present, including transportation to and from school.

(q)~~(i)~~ "Serious physical injury" means serious physical impairments of physical condition, such as loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement (this is the same definition as described in "serious bodily injury" in ~~California~~ Penal Code Section 243(f)(4)).

(r)~~(o)~~ "Sexual assault" means acts defined in ~~California~~ Penal Code sections 261, 266(c), 286, 288, 288(a), and 289.

(s)~~(p)~~ "Sexual battery" means acts defined in ~~California~~ Penal Code Section 243.4.

(t)~~(q)~~ "Enrolled students", for the purpose of subsections 11992(a)(1) and 11992(a)(2), means students included in the most current California Basic Educational Data System (CBEDS) report for the school.

(u) "During school hours" means from thirty minutes before the initial school bell to thirty minutes after the closing school bell.

NOTE: Authority cited: Section 33031, Education Code; Reference: Sections 37200 and 48915(g), Education Code; Sections 11053−11058, Health and Safety Code; Sections 71, 211, 212, 240, 242, 243, 243(f)(4), 243.4, 261, 266(c), 286, 288, 288(a), 289, 422.6, 422.7, 422.75, 518, and 519, Penal Code; 18 USC Section 921; Public Law 107-110, Title IX, Part E, Subpart 2, Section 9532; 20 USC Section 7911.

§ 11994. Data Collection.

Local educational agencies (LEAs) will submit to the California Department of Education (CDE) the number of incidents of non-student firearm violations and student expulsions ~~violations~~ specified in Section 11992 above for determining persistently dangerous schools. The ~~California Department of Education~~ CDE will use the information collected to determine if a school site meets the criteria in this subchapter. ~~recommend the names of schools that meet the criteria to the California State Board of Education for designation as persistently dangerous.~~ If an LEA contests the CDE's determination that one or more of its schools is persistently dangerous, the LEA may appeal that determination to the State Board of Education based on incorrect data or circumstances that caused the school to be identified as persistently dangerous, but actually increased student and teacher safety at the school.

NOTE: Authority cited: Section 33031, Education Code; Reference: Public Law 107-110, Title IX, Part E, Subpart 2, Section 9532; 20 USC Section 7911.

10-14-04

ITEM #17

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Reading First Special Education Referral Reduction Program: Approval of Supplemental Instructional Materials	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the attached initial list of research-based supplemental materials for use in the Reading First Special Education Referral Reduction Program and the proposed process for adding additional material to the list.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the September 2004 meeting, the SBE approved the Reading First Special Education Referral Reduction Program process for submission, review, and approval of plans to reduce the number of referrals to special education and to provide alternative assistance to pupils in local Reading First programs.

In October 2004, the CDE submitted an information memorandum detailing the process for selecting an initial list of supplemental instructional materials for the Reading First Special Education Referral Reduction Program.

SUMMARY OF KEY ISSUES

California's 2004-05 Budget Act provides incentive funding for Reading First districts to create and administer a plan to use the Reading First Program to reduce the number of special education referrals. Current Reading First districts can use this funding for various purposes that include but are not limited to the purchase of supplemental research-based instructional materials and diagnostic reading assessments designed to reduce the number of special education referrals within the district.

FISCAL ANALYSIS (AS APPROPRIATE)

This process addresses the requirement of Item 6110-126-0890, Provision 3, of the 2004-05 State Budget Act which stipulates that the first priority for use of $29,564,000 of Reading First carryover funds is to increase grantees to $8,000 per K-3 teacher upon submission of a plan to reduce the number of referrals to special education and to provide alternative assistance to pupils in local Reading First programs.

ATTACHMENT (S)

Attachment 1: Process For Selecting Supplemental Instructional Materials (2 pages)

The CDE intends to submit a Last Minute Memorandum to provide the SBE with an initial list of supplemental materials for review and approval.

Process for Selecting Supplemental Instructional Materials for the Reading First Special Education Referral Reduction Program

Phase I Review

The first phrase of the selection process features a review of instructional materials to determine whether they "are factually accurate and incorporate principles of instruction reflective of current and confirmed research [Education Code 60200 (c) (3)]. The full definition used in the review will be in alignment with the research on how technical skill domains of reading are acquired [Education Code 44757.5 (j) for grades K-3]. The technical skill domains match the Reading First required list of "essential components of reading instruction: phonemic awareness, phonics, oral reading fluency, vocabulary development, and comprehension."

Representatives from the Reading/Language Arts Leadership Office and the Office of Special Education met and reviewed the supplemental materials lists compiled by the Florida and Oregon Reading First Centers. This included reviewing the criteria used to rate each of the supplemental or intervention programs on their respective lists. The following process was used to select programs for inclusion on the CDE list.

Florida: all programs that received either ++ (Most aspects of the component taught/practiced) or +++ (All aspects of the component taught/practiced) in at least one technical skill domain and received notations a, b, c, d (materials are explicit, systematic, aligned, and have ample practice opportunities, respectively) were placed on the list.

Oregon: All Phase I programs that received a rating of between 65% (Program partially meets/exceeds criterion) and 100% (Program consistently meets/exceeds criterion) in a skill domain were placed on the Phase I list. It was assumed that programs receiving a rating of at least 65% also met the same general a, b, c, d criteria used by Florida.

In some cases where the same program was reviewed by both centers, a program was placed on the list if it was "passed" by one, even if the other center gave it a lower rating.

Each of the programs that have one or more technical skill domains passing the phase I review will be recommended for phase II review.

Phase II Review

Phase II review will be conducted by staff from the California Technical Assistance Center (C-TAC). The following criteria will be used to recommend approval of supplemental and comprehensive program materials to the SBE:

1. Only supplemental and comprehensive intervention program materials that have passed the Phase I review will be considered for the Phase II review.
2. Each technical skill domain will be evaluated to determine alignment with the K-3 California English/Language Arts standards. Alignment with a California English/Language Arts standard means that the program directly teaches the standard and includes sufficient repetition, practice, and review for students to gain mastery.
3. To be included on the Supplemental Materials List each technical skill domain reviewed must meet 70% of K-3 standards identified for that skill domain.

A program may meet the above criteria in one or more technical skill domains.

Based on the outcome of the review, the California Committee, consisting of representatives from the Reading/Language Arts Leadership Office, Professional Development and Curriculum Support Division, the Special Education Division and the C-TAC will provide recommendations to the CDE for approval by the SBE.

Additions to the List

Publishers and participating Reading First districts may petition the committee to have instructional materials added to the list. The California Committee, using the above selection process, will evaluate petitions.

Materials that pass both levels of review and are expected to provide alternative assistance to pupils in local Reading First programs will be forwarded to the SBE for review, and if authorized, added to the list of approved supplemental materials.

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 5, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

RE: Item No. 17

SUBJECT: Reading First Special Education Referral Reduction Program: Approval of Supplemental Instructional Materials

Attached, for your approval, is the list of Reading First Supplemental Intervention Program Materials by technical skill domains. The list of supplemental materials was compiled from lists of materials reviewed by the Florida and Oregon Reading First Centers. To access the Eastern and Western Regional Centers for Reading First Technical Assistance supplemental intervention program reviews, you may visit the following Web sites:

Florida State University Center for Reading Research (FCRR):
http://www.fcrr.org/FCRRReports/contents.htm

University of Oregon Reading First Center (ORFC):
http://reading.uoregon.edu/curricula/or_rfc_review_si.php

Representatives from the California Department of Education's Reading/Language Arts Leadership Office and Special Education Division and the California Technical Assistance Center have reviewed materials included on the attached list.

Phase I Review determines whether the materials are factually accurate and incorporate principles of instruction reflective of current and confirmed research.

Phase II Review determines whether the materials are in alignment with at least 70 percent of the K-3 California English/Language Arts standards and include sufficient repetition, practice, and review for students to gain mastery. Materials that were reviewed but did not pass Phase I or Phase II are not include on the list.

<u>Each instructional program displayed on the attached list includes a rating as follows:</u>

+ = Passed both Phase I and Phase II review, approved for the specific skill domain.
NP Phase I = Did not pass Phase I review, not approved for the specific skill domain.
NP Phase II = Passed Phase I review, did not pass Phase II review, not approved for the specific domain.
N/A = Program does not address the specific skill domain.

*=Instructional materials are not yet approved for legal and social compliance.

**= Approved as a stand-alone supplementary intervention program.

Attachment 2: State-Approved Reading First Supplemental Intervention Program Materials by Technical Skill Domains (4 Pages)

State-Approved Reading First
Supplemental Intervention Program Materials by Technical Skill Domains

Program Name	Phoneme Awareness	Phonics	Fluency	Vocabulary	Comprehension
****Kaleidoscope (Level A)** Publisher: SRA/McGraw Hill	+	+	+	+	+
****Kaleidoscope (Level B)** Publisher: SRA/McGraw Hill	+	+	+	+	+
****Language! (including sounds and letters for Readers and Spellers)** Publisher: Sopris West	+	+	+	+	+
Corrective Reading (level a) Publisher: SRA/McGraw Hill	+	+	+	N/A	N/A
Corrective Reading (levels b1 & b2) Publisher: SRA/McGraw Hill	N/A	+	+	N/A	N/A
******Early Reading Intervention (Level Kindergarten)* Publisher: Scott Foresman	+	+	N/A	N/A	N/A
Earobics (Step 1 & Step 2) Publisher: Cognitive Concepts	+	NP Phase II	NP Phase II	NP Phase II	NP Phase II

Program Name	Phoneme Awareness	Phonics	Fluency	Vocabulary	Comprehension
**Funnix* Publisher: Engleman Becker	+	+	+	N/A	N/A
**Horizons Fast Track (A/B)* Publisher: SRA/McGraw Hill	+	+	NP Phase I	NP Phase I	NP Phase I
Language for Learning Publisher: SRA/McGraw Hill	N/A	N/A	N/A	+	N/A
**Language for Thinking* Publisher: SRA/McGraw Hill	N/A	N/A	N/A	+	N/A
Open Court Phonics Kits Publisher: SRA/McGraw Hill	+	+	+	N/A	N/A
Phoneme Awareness in Young Children Publisher: Paul H. Brookes	+	N/A	N/A	N/A	N/A
Phonics for Reading Publisher: Curriculum Associates, Inc.	N/A	+	+	NP Phase I	N/A
Read Naturally Publisher: Read Naturally	NP Phase II	NP Phase II	+	NP Phase II	NP Phase II

Program Name	Phoneme Awareness	Phonics	Fluency	Vocabulary	Comprehension
Read Well (K) Publisher: Sopris West	NP Phase II	+	N/A	NP Phase II	NP Phase I
Read Well Publisher: Sopris West	NP Phase II	+	+	NP Phase I	NP Phase I
**Read, Write, & Type! Learning System* Publisher: The Learning Company, Inc.	+	+	NP Phase II	NP Phase I	NP Phase I
**Reading Mastery Classic I and II* Publisher: SRA/McGraw Hill	+	+	NP Phase II	NP Phase I	NP Phase I
**Reading Mastery Fast Cycle* Publisher: SRA/McGraw Hill	+	+	+	NP Phase I	NP Phase I
**Touch Phonics* Publisher: Educators Publishing Service	N/A	+	N/A	N/A	N/A
Voyager Passport (Levels A & B) Publisher: Voyager Expanded Learning	+	+	+	NP Phase II	NP Phase II
Voyager Passport (Level C) Publisher: Voyager Expanded Learning	N/A	+	+	NP Phase II	NP Phase II
Voyager Passport (Level D) Publisher: Voyager Expanded Learning	N/A	+	+	+	+

Program Name	Phoneme Awareness	Phonics	Fluency	Vocabulary	Comprehension
Waterford Early Reading System Publisher: Pearson Digital Learning	+	NP Phase II	NP Phase II	NP Phase II	NP Phase II

+ = Passed both Phase I and Phase II review, approved for the specific skill domain.
NP Phase I = Did not pass Phase I review, not approved for the specific skill domain.
NP Phase II = Passed Phase I review, did not pass Phase II review, not approved for the specific domain.
N/A = Program does not address the specific skill domain.

*****=Instructional materials are not yet approved for legal and social compliance.

******= Approved as a stand-alone supplementary intervention program.

Phase I Review determines whether the materials are factually accurate and incorporate principles of instruction reflective of current and confirmed research.

Phase II Review determines whether the materials are in alignment with at least 70 percent of the K-3 California English/Language Arts standards and include sufficient repetition, practice, and review for students to gain mastery. Materials that were reviewed but did not pass Phase I or Phase II are not include on the list.

To access the Eastern and Western Regional Centers for Reading First Technical Assistance supplemental intervention program reviews visit the following websites: Florida State University Center for Reading Research (FCRR) *http://www.fcrr.org/FCRRReports/contents.htm* and/or University of Oregon Reading First Center (ORFC) *http://reading.uoregon.edu/curricula/or_rfc_review_si.php*.

ITEM #18

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
2005-06 State Board of Education Student Member: Interview of Six Candidates and Selection of Three Finalists.	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Take action to recommend three finalists for the position of State Board of Education Student Member to be forwarded to the Governor for appointment consideration.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In keeping with the requirements of Education Code Section 33000.5(e)(5), the State Board selects three finalists (from six candidates) for the position of Student Member (for the forthcoming year). The three finalists are presented to the Governor who appoints one of them as the following year's Student Member.

SUMMARY OF KEY ISSUES

The State Board or its designees will review information on the six candidates on Tuesday, November 9. Action on the reviewers' recommendation is anticipated on the afternoon of Wednesday, November 10.

FISCAL ANALYSIS (AS APPROPRIATE)

N/A

ATTACHMENT(S)

It is anticipated that the six candidates will be selected at the Student Advisory Board on Education conference on Monday, November 8 (by secret ballot). Information about each of the six, therefore, will be available on Tuesday, November 9.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA STATE BOARD OF EDUCATION
1430 N Street, Suite 5111
Sacramento, CA 95814
Phone: (916) 319-0827
Fax: (916) 319-0175

November 9, 2004

REPORT OF THE SCREENING COMMITTEE

Item 18, November 2004 Agenda
Selection of Three Finalists to be Recommended to the Governor
2005-06 Student Member on the State Board of Education

At today's meeting, the Screening Committee selected the following students to be the three finalists recommended by the State Board to the Governor (in the order shown) for appointment consideration as the 2005-06 Student Member on the State Board of Education. Acknowledged on the next page are the three candidates interviewed this morning, which were not selected by the Screening Committee, as well as the six semifinalists who were not advanced to candidate status in the balloting at the 2004-05 Student Advisory Board on Education conference. A motion for the full Board to approve the Screening Committee's selections would be in order.

Finalists to be recommended to the Governor:

Paul Gardner III
Culver City, California
Culver City High School

Anna Couturier
Mission Viejo, California
Mission Viejo High School

Daniel Schultz
Porterville, California
Porterville High School

Candidates not recommended for advancement to Finalist status:

Lucas Baradello
Tiburon, California
Redwood High School

Wayne Cockrell
Cedarville, California
Surprise Valley High School

Jenna McDermitt
Ramona, California
Ramona High School

Semifinalists who were not advanced to Candidate status:

Patricia De Saracho
Chula Vista, California
Castle Park High School

Linda Khamoushian
Anaheim, California
Canyon High School

Quan Nguyen
San Jose, California
Oak Grove High School

Alison Holt
Granite Bay, California
Granite Bay High School

Hector Marquez
Lindsay, California
Lindsay High School

Ho Juan (Pia) Won
Los Angeles, California
North Hollywood High School

ITEM #19

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Advisory Commission on Special Education: Report on Activities	☐ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Consider the report of activities of the Advisory Commission on Special Education (ACSE) regarding issues affecting students with disabilities.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education, beginning in April 2004, requested an activities report from the ACSE at each of its meetings.

SUMMARY OF KEY ISSUES

The ACSE representative will report on:

- Appointment of three new Commissioners by the Governor to ACSE
- 2003-2004 Annual Report of the ACSE
- Meeting of the ACSE with staff of the Governor and Legislature to deliver the ACSE Annual Report
- Development of a “Leading and Learning” awards program focusing initially on exemplary programs addressing various aspects of transition of students with disabilities from school to work

FISCAL ANALYSIS (AS APPROPRIATE)

This is an information report and has no fiscal impact on the state.

ATTACHMENT(S)

None (The 2003-2004 ACSE annual Report has been previously sent under separate cover)

ITEM #20

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Gifted and Talented Education (GATE): Approval of Local Educational Agency (LEA) Applications for Funding	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve an additional 25 LEA GATE applications for fiscal year (FY) 2004-05 funding and approve seven LEA applications recommended for changed approval status.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) annually approves LEA applications for GATE program funding in accordance with *Education Code* (*EC*) Section 52212. A total of 360 LEAs 2004-05 GATE applications were approved at the September 2004 SBE meeting. In addition, there are 412 districts with continuing applications that were previously SBE approved for two, three, and five years that will receive FY 2004-05 funding. An additional 25 applications are being recommended for approval for a total of 797 LEA applications approved for 2004-05 funding.

SUMMARY OF KEY ISSUES

EC Section 52212 authorizes the SBE to approve LEA GATE applications for one, two, three, or five years based on the quality of the LEA GATE plans. Applications were evaluated by readers in accordance with the SBE-approved *Recommended Standards for Programs for Gifted and Talented Students*. The LEAs recommended for changed approval status were previously approved at the September 2004 SBE meeting. LEAs may appeal to the California Department of Education (CDE) to have their GATE application approval status reviewed. The majority of appeals were from small LEAs. From a review of the reader notes, it was determined that the readers had asked for more detail than the application required. The lists of 25 LEAs recommended for approval are provided in Attachments 2-5 and the list of 7 LEAs recommended for changed approval status is provided in Attachment 6.

FISCAL ANALYSIS (AS APPROPRIATE)

The FY 2004-05 state budget appropriation for the GATE program is $44,018,000. An additional $4,092,000 has been deferred to FY 2005-06. The state funding includes $404,000 for increases in Average Daily Attendance (a.d.a.) at a rate of .95 percent and $1,036,000 for a cost-of-living adjustment at a rate of 2.4 percent. The funding level is approximately $8.67 per a.d.a. A total of 797 LEAs will be participating in the GATE program this year.

ATTACHMENT (S)

Attachment 1: GATE Program Funding Summary (2 Pages)
Attachment 2: GATE 2004-05 1-Year Approvals (1 Page)
Attachment 3: GATE 2004-05 2-Year Approvals (1 Page)
Attachment 4: GATE 2004-05 3-Year Approvals (1 Page)
Attachment 5: GATE 2004-05 5-Year Approvals (1 Page)
Attachment 6: GATE 2004-05 Changed Approvals (1 Page)

GATE PROGRAM FUNDING SUMMARY

An additional 25 LEAs are being recommended for 2004-05 GATE program funding. Seven LEAs previously approved for GATE program funding at the September 2004 SBE meeting are being recommended for changed approval status related to appeals. LEAs may appeal to the CDE to have their GATE application approval status reviewed. The majority of appeals were from small LEAs. From a review of the reader notes, it was determined that the readers had asked for more detail than the application required. Applications are reread to determine the possibility of changed approval status. LEAs recommended for changed approval status are resubmitted for board approval.

A total of 360 LEA GATE applications were approved for 2004-05 funding at the September 2004 SBE meeting. In addition, there are 412 LEAs with continuing applications that were previously approved by the SBE for two, three, and five years that will receive FY 2004-05 funding. The total number of LEAs approved for FY 2004-05 GATE program funding is 797, including the 25 LEAs recommended for approval in this agenda item.

The FY 2004-05 state budget appropriation for the GATE program is $44,018,000. An additional $4,092,000 has been deferred to the 2005-06 fiscal year. Per *EC* Section 52211, LEA GATE apportionments are calculated through a funding formula that uses the prior year's statewide a.d.a. in kindergarten and grades 1-12, reported by all participating districts at the second principal apportionment, to determine the per pupil GATE program funding for each LEA. LEAs with less than 1,500 a.d.a. receive $2,500 or not less than the amount received in FY 1998-99. No district receives less per a.d.a. than the amount it received in FY 1999-00. An additional deficit factor may be applied in order to align the GATE program funding calculations with the state funding. The funding level is approximately $8.67 per a.d.a.

All LEAs new to the GATE program and LEAs with expired approvals submit GATE applications to the CDE in the spring. Applications are read and scored through a grant reading process by representatives from the California Association for the Gifted, LEAs, and the CDE. Applications are evaluated based upon the quality and ability of the LEAs GATE plan to address the SBE-approved *Recommended Standards for Programs for Gifted and Talented Students*. The recommended standards were adopted by the SBE in 2001. These are the same standards that were part of the September SBE agenda.

Table 1 below provides information regarding the additional 25 LEAs that submitted late FY 2004-05 applications. A total of 23 LEA applications were recommended for one-, two-, and three-year funding. Two LEA applications were recommended for five-year funding. Per *EC* Section 552212(b), the CDE will conduct site validation visits to all LEAs recommended for five-year approval. (See Attachments 2-5*)*

TABLE 1 - LEA APPLICATIONS RECOMMENDED FOR APPROVAL

Attachment Number	Number of Years Approved for Funding	GATE Program Standards	Number of LEAs
2	One Year	Minimum	9
3	Two Years	Commendable	3
4	Three Years	Exemplary	11
5	Five Years	Exceeds	2
		Total Number of LEAs	**25**

Table 2 below provides information regarding the seven LEAs that submitted appeals and were recommended for changed approval. (See Attachment 6)

Table 2 - LEA APPLICATIONS RECOMMENDED FOR CHANGED APPROVAL

Attachment Number	LEA Names	Original Approval	Recommended Approval Following Appeal
6	Bakersfield City Elementary	One Year	Three Years
	Valle Lindo Elementary	One Year	Three Years
	Newcastle Elementary	One Year	Three Years
	Ophir Elementary	One Year	Three Years
	Penryn Elementary	Two Years	Three Years
	Pixley Union Elementary	One Year	Three Years
	Rio Elementary	One Year	Three Years

GATE 2004-05 1-Year Approvals

County	District	District Identified GATE Students	Proposed Funding for FY 2004-05
Butte			
	Biggs Unified School District	40	$16,843
El Dorado			
	Gold Oak Union Elementary School District	91	$7,975
	Pollock Pines Elementary School District	69	$9,095
Kern			
	South Fork Union School District	66	$2,743
Sacramento			
	River Delta Unified School District	153	$16,004
San Joaquin			
	Banta Elementary School District	17	$7,747
Shasta			
	Happy Valley Union School District	50	$12,463
Tehama			
	Los Molinos Unified School District	20	$16,843
Tulare			
	Farmersville Unified School District	43	$15,879

GATE 2004-05 2-Year Approvals

County	District	District Identified GATE Students	Proposed Funding for FY 2004-05
Fresno			
	Washington Union High School District	62	$10,545
Sacramento			
	Galt Joint Union High School District	152	$15,127
San Joaquin			
	Holt Union Elementary School District	8	$9,769
Yuba			
	Camptonville Elementary School District	17	$10,780

GATE 2004-05 3-Year Approvals

County	District	District Identified GATE Students	Proposed Funding for FY 2004-05
Lassen			
	Lassen Union High School District	207	$9,443
Los Angeles			
	San Gabriel Unified School District	489	$42,045
Madera			
	Bass Lake Elementary School District	47	$16,843
Mendocino			
	Round Valley Unified School District	31	$11,116
Napa			
	Calistoga Joint Unified School District	56	$16,505
San Diego			
	Mountain Empire Unified School District	96	$13,293
San Joaquin			
	Escalon Unified School District	135	$23,214
Shasta			
	Junction Elementary School District	62	$9,095
Siskiyou			
	Willow Creek School District	13	$4,371
Tulare			
	Stone Corral School District	12	$2,322

GATE 2004-05 5-Year Approvals

County	District	District Identified GATE Students	Proposed Funding for FY 2004-05
Monterey			
	King City Union Elementary School District	111	$19,270
Trinity			
	Mountain Valley Union School District	31	$16,505

GATE 2004-05 Changed Approvals

County	District	District Identified GATE Students	Proposed Funding for FY 2004-05
Kern			
	Bakersfield City Elementary School District	667	$206,614
Los Angeles			
	Valle Lindo Elementary School District	79	$16,505
Placer			
	Newcastle Elementary School District	45	$14,148
	Ophir Elementary School District	17	$7,747
	Penryn Elementary School District	45	$9,432
Tulare			
	Pixley Union Elementary School District	22	$9,537
Ventura			
	Rio Elementary School District	90	$29,365

ITEM #21

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Proposed Changes to be included in the California School Information Services (CSIS) Data Dictionary, Version 6.0	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve the Proposed Changes for the CSIS Data Dictionary, Version 6.0

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Each year the CSIS Program must update its data dictionary, prior to scheduled data collections, to include modifications necessary for state reporting and records transfer. The SBE has previously approved CSIS Data Dictionary Versions 1.0-5.3.

SUMMARY OF KEY ISSUES

The Summary of Data Dictionary Changes from Version 5.3 to 6.0 (Attachment 1) lists all the proposed changes to the CSIS Data Dictionary. *The changes are necessary to meet updated and ongoing requirements for electronic state reporting and records transfer starting in FY 2005-06.* The changes include additions and deletion of data elements, changes to element attributes, additions and clarifications to business rules, and errata (type corrections, and minor edits).

The California legislature authorized the CSIS Program in 1997 under AB 107, Chapter 282 of 1997, Item 6110-101-0349 that provided funding for the CSIS Program and placed it under the custodianship of the Fiscal Crisis and Management Assistance Team administered by Kern County's Superintendent of Schools. Subsequent legislation (AB 1115, Chapter 78 of 1999) required the State Board of Education to annually approve the CSIS Data Dictionary and further clarified the mission of CSIS. The mission of CSIS is to:

- Build capacity of Local Education Agencies (LEAs) to implement and maintain comparable, effective, and efficient student information systems that will support LEA daily program needs and promote the use of information for educational decision-making by school-site, district office and county staff.

SUMMARY OF KEY ISSUES

- Enable the accurate and timely exchange of student transcripts between LEAs and to post secondary institutions.

- Assist LEAs to transmit state reports electronically to the California Department of Education (CDE), thereby reducing reporting burden of LEA staff.

As of the 2004-2005 School year, there are 221 local education agencies participating in CSIS representing a total student enrollment of nearly 2.7 million students. An additional group of approximately 50 local education agencies will begin participating this spring.

LEAs participating in CSIS submit Fall California Basic Education Data System (CBEDS) data to the CDE through CSIS. CBEDS is an annual data collection in October which collects the following data elements from California public schools (K-12): enrollment, graduates, dropouts, vocational education, alternative education, adult education, course enrollment, classified staff, certificated staff, teacher shortage and demand.

In the spring, LEAs participating in CSIS also submit Language Census data to CDE through CSIS. The Language Census is an annual data collection in March which collects the following data elements: number of English Learner (EL) students (formerly known as limited-English-Proficient (LEP)) and Fluent English-proficient (FEP) students in California public schools (K-12) by grade and primary language other than English; number of EL students enrolled in specific instructional settings or services by type of setting or service; number of students redesignated from EL to FEP from the prior year; and the number of bilingual staff providing instructional services to EL students by primary language of instruction.

The data dictionary is a collection of descriptions of the items of information, or data elements, in a data model. The purpose of a data dictionary is to ensure that information to be exchanged between entities is commonly defined. The CSIS Data Dictionary is a listing of the data elements that will be transferred electronically through CSIS among local education agencies and to the CDE. The CSIS Data Dictionary provides for each data element such descriptive information as a common name, definition, codes describing options from which to select, field size and format, and whether it is used in state reporting or records transfer activities. Each LEA participating in CSIS must ensure that its local system contains each of the data elements contained in the CSIS Data Dictionary. The CSIS Data Dictionary is used by participating LEAs, CSIS, CDE staff and software companies that produce student information systems.

FISCAL ANALYSIS (AS APPROPRIATE)

Minimal CDE, LEA and vendor costs associated with disseminating data dictionary changes, modifying software and populating these data elements in local school information systems.

ATTACHMENT(S)

Attachment 1: Summary of Data Dictionary Changes from Version 5.3 to 6.0 (14 Pages)

ATTACHMENT(S)

This attachment, the entire Data Dictionary 6.0 and the Code Tables 6.0 may be located at the following URL: *http://www.csis.k12.ca.us/library/reporting-requirements*

California School Information Services

Summary of Data Dictionary Changes from Version 5.3 to 6.0

For FY 2005-2006
State Reporting and Records Transfer

September 1, 2004

(~~FCMAT Board~~SBE Review)

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Field Code Changed

Field Code Changed

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1. Introduction

1.1 Document Purpose

This *Summary of Data Dictionary Changes from 5.3 to 6.0* is intended to assist LEA staff and their information system vendors in understanding the specific data elements and codes that must be populated for state reporting data submission and records transfer through CSIS.

2. Data Dictionary Changes from Version 5.3 to 6.0

The proposed changes to the CSIS Data Dictionary listed below are necessary to meet updated and ongoing requirements for electronic state reporting and records transfer starting in FY 2005-06, and are submitted to the State Board of Education for review and approval. Proposed changes include additions and deletions of data elements, changes to element attributes, additions and clarifications to business rules, and errata (typo corrections, minor edits). **New elements and codes are indicated in Bold.**

Element Number	Element Name	Change
Section 3: Record Transfer Regulations		Revised section name to read: "Student Records Transfer Regulations." Added new subsection *"3.4 Ed. Code 49079 – Requirement to Inform Teachers of Student Disciplinary Information."* Renumbered previous subsection *"3.4 Source Document References"* as subsection **3.5**.
Section 4: Sub-sections 4.1 – 4.11	Element tables 01-11	Deleted the following table columns and information from the Data Dictionary: - SP/Ex Number - Element Attributes – Field Repeat
01.04	Migrant Student Identification Number	Deleted element definition heading "(For Migrant Education Students only)."
02.05.04	**Student's Place of Birth – Special Circumstances**	Added new data element and code: **1 – Child born in a foreign country to U.S. diplomatic or military personnel, or other U.S. citizens, when the child is granted U.S. citizenship at the time of birth.**
02.06	Schooling in the United States	Modified element definition to read: "The foreign-born student has been attending one or more schools in any one or more states for a period less than or equal to three full academic years."
02.09	Student English Proficiency	Modified existing codes as follows: **1** English Only *(EO)* **2** Initially Identified as Fluent English Proficient (I-FEP) **3** English Learner *(EL)* **4** *Reclassified* Fluent English Proficient (R-FEP) Also revised "extended" definitions for the above codes (see section 4.2).

Element Number	Element Name	Change
02.11.01 02.11.02 02.14 02.23	Dwelling Type Other Dwelling Type Special Needs Status Veteran	Deleted "(For …*program/students* only)" heading over element definition.
02.18.01	~~Record access Log Name~~	Modified second sentence in Business Rule to read: "These elements may be used to identify all authorized persons…"
02.20.02	Authorization/Prohibition/ Waiver	Deleted Business Rule language indicating that element(s) may be repeated.
03.04.02	Parent, Guardian or Caregiver's Communication Number	Deleted Business Rule language indicating that element(s) may be repeated.
04.02	Date of Immunization	Modified element definition to read: "The date that the immunization was administered or the exemption was granted."
04.06	Health Screening Type	Deleted Business Rule language indicating that element(s) may be repeated.
05.01 05.10.01	Enrollment Date Promotion or Retention Action	Deleted Business Rule language indicating that element(s) may be repeated.
05.02	School Session Type	Deleted Business Rule: "This element must be used in conjunction with codes 101-103 under element 05.07 to indicate…"
05.06	Withdrawal Date	Deleted second sentence of Business Rule: "Elements 05.08-05.09 may also be used as applicable."
05.09	Dropout Indicator	Deleted section 4.6 "Appendix to DE 05.09 Dropout Indicator." Renumbered sections that follow as 4.6, 4.7…4.11.
05.14 05.17	Post-secondary Plans Number of Years of School Completed	Deleted "(For …*program/students* only)" heading over element definition.
06.03.03	Actual Hours of Attendance	Deleted "(For program requiring the submission of hourly attendance)" heading over element definition.
07.02 07.11.01 07.11.02 07.12.01	Referral Date Setting Start Date Setting End Date Service Start Date	Added Business Rule: "Use date format CCYYMMDD, e.g., 20040423."

Element Number	Element Name	Change
07.12.02	Service End Date	
07.02 07.13 07.14.01 07.14.02 07.14.03 07.14.04 07.15 07.16 07.16.01 07.16.02 14.06 07.18.01 07.19 07.21 07.22 07.27 07.28	Referral Date Service Location Agency of Service Frequency of Service Time Units of Service Provided Duration of Service SELPA of Service School of Attendance School of Attendance (Other) District of Service Institution Type I Last IEP Date Date of Last Evaluation Solely Low Incidence Disability Percent of Time Outside Regular Classroom Number of Hours Attended Non-Traditional Training	Deleted "(For …*program/students* only)" heading over element definition.
07.14.01	Agency of Service	Deleted Business Rule language indicating that element(s) may be repeated.
07.20	Special Education Disability Category	Deleted the parenthetical abbreviations to the codes listed under the "Special Education" subheading: 010 …(MR) 020 …(HH) 030 …(DEAF) 040 …(SLI) 050 …(VI) 060 …(ED) 070 …(OI) 080 …(OHI) 090 …(SLD) 100 …(DB) 110 …(MD) 120 …(AUT) 130 …(TBI) Deleted the "ROC/P" subheading and listed codes: 050 Visually handicapped 030 Deaf person 070 Orthopedically handicapped
07.22	Percent of Time Outside Regular Classroom	Deleted "Note: This element replaces the former "Percent of Time in General Education (Mainstream)" element for

Element Number	Element Name	Change
		Special Education reporting beginning in year 2000-01."
08.01 08.05.01 08.05.13 08.06.01	Institution Name Locally Assigned Course Number Grade Level of Course (Lower Range) GPA Type	Deleted Business Rule language indicating that element(s) may be repeated.
08.05.01	Locally Assigned Course Number	Appended the following sentence to the element definition: "A **Course** is a particular area of study, defined by the content being taught to students."
08.05.02	Course Section / Class Number	Appended the following sentence to the element definition: "A **Course Section** is a group of students receiving specific course content during a specific time period, taught by a specific teacher (or teachers, if team teaching or job sharing)."
08.05.03	CBEDS Subject Area Assignment Code	Changed element definition to read: "The CBEDS Assignment Code that best describes the subject area of the course."
08.05.04	Subtopic Area	Deleted "Note: This element is considered necessary to enable an LEA to translate standardized course code information back to their local SIS course format."
08.05.06	NCES Course Classification Code	Deleted "Note: This element is being considered to provide a more detailed and standardized format for describing course information."
08.05.08.01	Course Term	Modified the element definition to read: "The school term in which the course is *being* or was taken by the student."
08.05.08.02	Course Year	Modified the element definition to read: "The school year in which the course is *being* or was taken by the student."
08.05.13	Grade Level of Course (Lower Range)	Deleted first sentence of Business Rule: "This element may be repeated to indicate a grade-level range."

Element Number	Element Name	Change
08.05.15 08.06.01 08.06.02 08.09 08.14 08.15 08.16 08.17 08.18	Academic Course Level 1 GPA Type Grade Point Average (GPA) Class Rank College Prep Enrollment College Entrance Requirements Status Postsecondary Application Status Postsecondary Acceptance Status Postsecondary Enrollment Plans	Deleted "(For …*program/students* only)" heading over element definition.
08.05.16	Academic Course Level 2	Modified code definition to read: **38 –** International Baccalaureate (IB) – *standard level*
08.05.17	Course Type	Deleted sub-heading over codes 32 and 33: "For records transfer to postsecondary institutions."
08.05.18	UC/CSU Approved Course	Modified element definition as follows: "Code (A-G, GA-GO) indicating that the course *section* meets…" Changed code definition to read: **E** – *Language Other than English (i.e., foreign languages and American Sign Language)* Deleted "Note: Beginning in year 2003, UC/CSU will be accepting college prep elective courses under code 'G' and visual and performing arts courses under code 'F'."
08.10	Class Size	Modified the first sentence of the element definition to read: "The total number of students included in the student's completion group (class)."
09.01 09.11.01 09.12	Assessment Date Subtest Code (Subject Area) Test Exclusion Reason	Deleted Business Rule language indicating that element(s) may be repeated.
09.14 09.16 09.21 09.28 09.31	Test Completion Status Incomplete Test/Assessment Reason ASAM 90-Day Enrollment Test Program ID CELDT Test Purpose	Deleted "(For …*program/students* only)" heading over element definition.
10.01	Activity or Award Indicator	Deleted Business Rule language indicating that element(s) may be repeated.
10.05 10.06	Activity Beginning Date Activity Ending Date	Added Business Rule: "Use date format CCYYMMDD, e.g., 20040423."

Element Number	Element Name	Change
11.01	Date of Incident	Deleted Business Rule language indicating that element(s) may be repeated.
11.02 11.04 11.06	Discipline Start Date Discipline Days Discipline Status	Deleted "(For …*program/students* only)" heading over element definition.
11.05	Reason for Discipline	Modified second sentence of Business Rule: "Element 11.05 may be *used* to indicate multiple disciplinary reasons (infractions) for which a single action is taken…"
11.08	Shortened Expulsion Term	Modified element definition to read: "Expulsion term shortened in accordance with Ed. Code Section EC 48916." Deleted last part of sentence "…and 14601(b)(1)."
13.04	Staff Providing Instructional Services to English Learners	Revised code definitions as follows: **1** *Authorized Teacher Providing Instructional Services to English Learners* **2** *Teacher in Training Providing Instructional Services to English earners* **3** *Bilingual Paraprofessional Providing Primary Language Support to English Learners* Also added "extended" definitions for the above codes (see section 5.2).
13.09.01 13.10	Staff Assignment(s) Authorized Teaching Areas	Deleted Business Rule language indicating that element(s) may be repeated.
13.11	Credential Type	Deleted code table header "CBEDS PAIF Credential."
13.19	Type of Instruction to English Learners	Modified element definition to include "by teachers" as follows: The type of instructional services provided *by teachers* to English learners. These services must be provided …" Modified code definitions as follows: **1** Primary Language Instruction *and May Also Be Providing ELD Instruction and/or SDAIE Instruction* **2** *ELD Instruction Only* **3** *SDAIE Instruction Only* **4** *ELD Instruction and SDAIE Instruction But Not Primary Language Instruction* Also added "extended" definitions for terms used in the above codes (see section 5.2).
13.22	Highly Qualified Teacher	Changed Field Type attribute from AN to **ID**.

Element Number	Element Name	Change
14.02 14.05.01 14.12.02 14.19.01 14.25	Institution ID Type Communication Number Type High School Graduation Requirements (Subject Areas) Estimated New Hires Class Size Reduction Participation	Deleted Business Rule language indicating that element(s) may be repeated.
14.07 14.08 14.11 14.26 14.27	Institution Type 2 Other Institution Type Congressional District Number Class Enrollment Calculation Type Health Center Type	Deleted "(For …*program/students* only)" heading over element definition.
14.20	Session Type	Deleted code 10 – Block.
15.02	Local Course Identification Number	Modified element definition to read: "The locally assigned number for a course." Appended the following sentence to the element definition: "A **Course** is a particular area of study, defined by the content being taught to students."
15.03	Course Section Number	Modified element definition to read: "The locally assigned number for a particular course section." Appended the following sentence to the element definition: "A **Course Section** is a group of students receiving specific course content during a specific time period, taught by a specific teacher (or teachers, if team teaching or job sharing)."
15.04	Course Section Start Date	Modified the element definition to read: "The first day that a course section is in session."
15.05	Course Section End Date	Modified the element definition to read: "The last day that a course section is in session."
15.06 15.10	Course Section Beginning Time Academic Course Level	Deleted "(For …*program/students* only)" heading over element definition.

Element Number	Element Name	Change
15.07	Class Period	Revised the element definition to read: "A locally-assigned designation for the time a course section meets." Changed the Maximum Field Length of the element from 10 to **20**.
15.08	UC/CSU Approved Course	Changed code definition to read: **E** – *Language Other than English (i.e., foreign languages and American Sign Language)*
15.13	NCLB Core Course	Modified element definition to read: "The course *section* meets the grade span requirement..." Changed Field Type attribute from AN to **ID**.
16.01 16.05.01 16.08 16.12.01 16.14.01 16.18 16.19.01 16.20.01	Program Type Program Options Instruction and Support Services Offered Community Service Beneficiaries – Type Community Service Type Service Partners Meals Served – Type Program, Services and Activities Achievements	Deleted Business Rule language indicating that element(s) may be repeated.
16.02 16.08 16.12.01 16.12.02 16.13 16.14.01 16.14.02 16.14.03 16.15 16.16.01 16.16.02 16.17 16.18 16.19.01 16.19.02 16.20.01	Program Operation Calendar Instructional and Support Services Offered Community Service Beneficiaries — Type Other Community Service Beneficiaries Community Service Recipients – Total Number Community Service Type Other Community Service Type Area of Service Percentage Program Instructional Setting Program Context Other Program Context Non-participant Volunteers Service Partners Meals Served – Type Meals Served – Number Program, Services and	Deleted "(For …*program/students* only)" heading over element definition.

Element Number	Element Name	Change
16.20.02 16.21	Activities Achievements Number of Programs, Sites and Individuals Added Tutoring Hours Available	
17.04.01 17.04.03	Contact Person Communication Number Type	Deleted Business Rule language indicating that element(s) may be repeated.
~~17.04.01~~ ~~17.04.03~~	~~Contact Person Communication Number Type~~	~~Deleted Business Rule language indicating that element(s) may be repeated.~~

3. Code Table Changes from Version 5.3 to 6.0

The proposed changes to the CSIS Data Dictionary Code Tables listed below are necessary to meet updated and ongoing requirements for electronic state reporting and records transfer starting in FY 2005-06, and are submitted to the State Board of Education for review and approval. Proposed changes include additions and deletions of data element codes, revisions and clarifications to code definitions, and code errata (typo corrections, minor edits). **New codes are indicated in Bold**.

Code Table	Original Code(s)	Change
Appendix B: Countries		Deleted "No longer used" reference in applicable country codes.
Appendix F: Special Programs	115 Chapter 1 121 ESEA Title I - SCE School wide 122 ESEA Title I - SCE Targeted 149 Title I Part A and EIA-SCE 150 Title I Part A/SCE 151 Title I Part A/SCE - Schoolwide 152 Title I Part A/SCE - Targeted Assistance	Modified the following codes: 115 ESEA/NCLB Title I - Part A 121 ESEA/NCLB Title I Part A - Schoolwide 122 ESEA/NCLB Title I Part A - Targeted Assistance 149 EIA - LEP 150 EIA - SCE 151 EIA/SCE - Schoolwide 152 EIA/SCE - Targeted Assistance Deleted the following codes: 146 State Bilingual 147 State Compensatory Education (SCE)

Code Table	Original Code(s)	Change
Appendix I: Instructional or Support Services Received	330 English Language Development (ELD) 331 ELD and Specially Designated Academic Instruction in English (SDAIE) 332 ELD and SDAIE with Primary Language Support 333 ELD and Academic Subjects through the Primary Language (L1) 334 Other Instructional Language Services 335 Not receiving any English Learner services	Modified the following codes: 330 ELD Instruction Only 331 ELD Instruction and SDAIE Instruction 332 ELD Instruction and SDAIE Instruction and Primary Language Support 333 ELD Instruction and Primary Language Instruction and May Also Be Receiving SDAIE Instruction Unchanged code Unchanged code Includes revised definitions for the following terms: ELD Instruction SDAIE Instruction Primary Language Support Primary Language Instruction Other Instructional Language Services Not Receiving any English Learner services
Appendix J: CBEDS Subject Area Assignment Codes	2403 Beginning Algebra 2404 Intermediate Algebra	Added the following English codes: **2130 Ninth grade English** **2131 Tenth grade English** **2132 Eleventh grade English** **2133 Twelfth grade English** Added the following Math codes: **2413 Geometry** **2422 Math Analysis** Modified the following Math codes: 2403 Beginning Algebra/Algebra I (one year course) 2404 Intermediate Algebra/Algebra II Deleted the following Math codes: 2405 Plane geometry 2406 Solid geometry

Code Table	Original Code(s)	Change
Appendix M: Assessment/Test Types	134 Scholastic Assessment Test II (SAT II)	Added the following code: **143 International Baccalaureate – Standard Level Exam** Modified the following code: 134 Scholastic Assessment Test II (*SAT II Subject Test*) Put entire code list in alphabetical order to facilitate code lookup
~~Appendix N: Subtests~~		~~Added the following codes:~~ ~~**538 Theater Arts**~~ ~~**539 Further Mathematics**~~ ~~**540 Studio Art**~~
Appendix N: Subtests	Under subheading "Aerobic Capacity"– 300 Progressive aerobic cardiovascular endurance run (PACER) 301 One mile walk/run Under subheading "Body Composition"– 302 Percent fat 303 Body mass index Subheading "Muscle strength"– 304 Abdominal curl up 305 Trunk lift Under subheading "Endurance" 306 Push up 307 Modified pull up 308 Pull up 309 Flex arm hang	Added the following codes: **538 Theater Arts** **539 Further Mathematics** **540 Studio Art** Modified the following codes: Under subheading "Aerobic Capacity" – 300 Progressive aerobic cardiovascular endurance run (PACER) *(number of laps)* 301 One mile *run (minutes:seconds)* Under subheading "Body Composition" – 302 Percent fat – *triceps (millimeters)* 303 Body mass index – *height (inches)* Changed subheading to *"Abdominal/Trunk Strength"* – 304 Abdominal curl ups *(number completed)* 305 Trunk lift *(inches)* Changed subheading to *"Upper Body Strength"* – 306 Push ups *(number completed)* 307 Modified pull ups *(number completed)* 308 Pull ups *(number completed)* 309 Flex*ed* arm hang *(seconds)*

Code Table	Original Code(s)	Change
	Under subheading "Flexibility" – 310 Back saver sit and reach 311 Shoulder stretch	Under subheading "Flexibility" – 310 Back saver sit and reach – *left (inches)* 311 Shoulder stretch – *left (1 = pass; 2 = fail)* Added the following codes: **312 One mile walk *(minutes:seconds)*** **316 Heart rate *(number beats per 15 seconds)*** **318 Percent fat – calf *(millimeters)*** **320 Body mass index – weight *(pounds)*** **313 Bioelectric impedance/automated skinfold calipers *(% body fat)*** **321 Back saver sit and reach – right *(inches)*** **323 Shoulder stretch – right *(1 = pass; 2 = fail)***
Appendix P: Reasons for Discipline	19 Caused, attempted to cause, or threatened serious physical injury to another person ***(EC 48900(a)(5))*** 20 Willfully used force or violence on another person (EC 48900(a)(1))	Added the following codes: **40 Possession of an explosive (EC 48915(c)(5))** **41 Aids or abets the infliction or attempted infliction of physical injury to another person (EC 48900(s))** Corrected Ed. Code reference numbers for the following codes: 19 Caused, attempted to cause, or threatened serious physical injury to another person ***(EC 48900(a)(1))*** 20 Willfully used force or violence on another person ***(EC 48900(a)(2))***
Appendix Q: CBEDS Staff Assignment Areas	2403 Beginning Algebra 2404 Intermediate Algebra 2897 Fine and Performing	Added the following English codes: **2130 Ninth grade English** **2131 Tenth grade English** **2132 Eleventh grade English** **2133 Twelfth grade English** Added the following Math codes: **2413 Geometry** **2422 Math Analysis** Modified the following Math codes: 2403 Beginning Algebra/Algebra I (one year course) 2404 Intermediate Algebra/Algebra II Deleted the following Math codes: 2405 Plane geometry 2406 Solid geometry

Code Table	Original Code(s)	Change
	Art department chair	Modified the following Department Chair code: 2897 Visual and Performing Arts department chair-

ITEM #22

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Mathematics and Reading Professional Development Program (AB 466): Approve Local Education Agencies' (LEAs) Reimbursement Requests	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve reimbursement requests on the attached lists of local educational agencies (LEAs) that have complied with required assurances for the AB 466 Program, pursuant to *Education Code* Section 99234(g).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Education Code Section 99234(g) stipulates that funding may not be provided to an LEA until the SBE approves the agency's certified assurances. During 2002-03, the SBE approved AB 466 applications prior to a participating LEA commencing training. This process caused a time delay before an LEA could begin training. To avoid this delay in 2003-04 and subsequent years, the SBE Executive Director and the CDE Deputy Superintendent for Curriculum and Instruction agreed that LEA compliance with required assurances would be approved by the SBE when LEAs submit a Request for Reimbursement form.

SUMMARY OF KEY ISSUES

As a condition of the receipt of funds, *Education Code* Section 99237(a) requires that an LEA submit to the SBE a statement of assurance certified by the appropriate agency official and approved in a public session by the governing body of the agency. LEAs participating in the AB 466 program provide this proof of compliance with assurances by submitting a signed application. LEAs submitting a Request for Reimbursement form additionally provide summary information regarding credentials held by each teacher who has successfully completed training.

The specific amount for each LEA will be determined by CDE staff in accordance with the established practice for this program.

FISCAL ANALYSIS (AS APPROPRIATE)

The Legislature appropriated $31.7 million for the AB 466 program for 2003-04 and again for 2004-05. Approved 2003-04 claims have exceeded the $31.7 million appropriation. These excess claims will be paid from the 2004-05 appropriation. LEAs included on the attached list that completed training in 2003-04 will be reimbursed from 2004-05 appropriated funds ($31.7 million) in addition to LEAs completing training in 2004-05.

ATTACHMENT (S)

Attachment 1: Certified Assurances from LEA application (2 pages)
Attachment 2: List of LEAs submitting certification of assurance via a Request for Reimbursement Form: Fiscal Year 2004-05 (November 2004) (2 pages)
Attachment 3: List of LEAs submitting certification of assurance via a Request for Reimbursement Form: Fiscal Year 2003-04 (November 2004) (1 page)

Certified Assurances

I hereby certify that the following assurances will be met (legal requirements):

- The local educational agency (LEA) will contract with a training provider approved by the State Board of Education (SBE) or a California Professional Development Institute (approved by the UC system for AB 466 training) or will itself become a provider whose curriculum has been approved by the SBE to provide initial 40 hours of training for teachers.
- Each student and teacher will be provided with instructional materials aligned to the State content standards in accordance with *Education Code* (EC) Section 99237(a)(3)(A) and (B) or, for 2003-04 only, EC Section 60423.
- Instructional materials used by LEAs for courses usually taught in grades K-8, including Algebra, must be adopted by the SBE unless otherwise authorized by the SBE.
- Instructional materials used by LEAs for courses usually taught in grades 9-12, including Algebra II and Geometry, must be adopted by the governing board of the LEA.
- All materials for grades K-12 must be aligned to the state content standards in reading and mathematics and will be in the hands of students in the school term immediately following initial teacher training.
- Teachers who will receive training are those that provide direct instruction in mathematics, science, reading/language arts or social science.
- Professional development for teachers will include 40 hours of initial training conducted by an approved provider, plus 80 hours of follow-up instruction per teacher. (The LEA may determine the format of the 80 hours of follow-up instruction.)
- Highest priority will be given to training teachers in high priority schools.
- Priority will be given to training teachers as follows:

    1. Teachers who have not participated in a professional development institute covering a reading or mathematics instructional program.

    2. Teachers who have participated in a professional development institute in a reading or mathematics instructional program but have not yet received supplemental training in the areas specified in EC Section 99237(a)(2), specifically: (a) the use of instructional materials that the pupils will use which are aligned to the SBE adopted content standards for English-language arts and mathematics, (b) the SBE adopted content standards for English-language arts and mathematics, and (c) the SBE adopted curriculum frameworks for English-language arts and mathematics. [EC Section 99234.5(a)(b)].

- LEA participation in this program will be approved, in a public session, by the local governing board of this LEA applicant.
- A copy of all waivers or requests to waive any program requirements will be filed with the Waiver Office of the California Department of Education (CDE).
- Legal assurances for all programs are accepted as the basic legal condition for the operation of selected projects and programs. Copies of assurances will be retained on site.

I further assure that the following reporting requirements will be met:

The LEA will provide all required data and reports to the CDE, on forms provided for that purpose, including but not limited to the following:

Final Report

- Number of teachers who received training, by credential type (Single Subject: English or Social Science; Single Subject: Mathematics or Science; Special Education; Multiple Subject: Elementary; Multiple Subject: Emergency; Single Subject Emergency: English or Social Science; Single Subject Emergency: Mathematics or Science; Single Subject Emergency: Special Education). Holders of emergency 30-day substitute teaching permits issued by the California Commission on Teacher Credentialing are not eligible to receive training offered pursuant to this program.
- Names of providers that received funds.
- By each provider, the number of teachers trained in mathematics and reading, respectively.
- Information on the effectiveness of the program, including (at a minimum) survey data gathered from program participants and follow-up survey data with participants' school principals.
- To the extent possible, information on the teacher retention rate as associated with this professional development program for each credential type and/or subject matter. (At a minimum, must include sample data concerning teachers who are no longer in the profession.)

The LEA will respond to any additional surveys or other methods of data collection that may be required throughout the life of the program.

The Following Local Educational Agencies Submitted Certification Of Assurance Via a Signed Request for Reimbursement Form for 2004-05 (November 2004)

COUNTY	LEA NAME	NUMBER OF TEACHERS				PROVIDER	MATERIALS
		Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours		
Alameda	Oakland Unified	23				Sacramento COE (non-RIC)	Literature and Language Arts
Butte	Paradise Unified	7				RIC-Butte COE	Legacy of Literacy and Reading and Language Arts Program
Los Angeles	Los Angeles Unified		2			Sopris West	LANGUAGE!
Monterey	Monterey COE			23		Stanislaus COE	Concepts and Skills, Algebra I
Placer	Western Placer Unified	1				Sacramento COE (non-RIC)	High Point
Sacramento	Elk Grove Unified	140				RIC Sacramento COE	Open Court 2002
San Bernardino	Rialto Unified	4				Calabash	A Legacy of Literacy
San Diego	Lemon Grove	2				Sacramento COE (non-RIC)	High Point
San Diego	Sweetwater Union High	88				Sacramento COE (non-RIC)	Literature and Language Arts
San Joaquin	Manteca Unified	22				RIC-San Joaquin COE	A Legacy of Literacy
San Joaquin	Ripon Unified	30				RIC-San Joaquin COE	A Legacy of Literacy
Stanislaus	Empire Union	11				RIC-San Joaquin COE	A Legacy of Literacy

COUNTY	LEA NAME	NUMBER OF TEACHERS				PROVIDER	MATERIALS
		Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours		
Stanislaus	Patterson Joint		13			RIC-Sacramento COE	Open Court 2002
Tehama	Antelope Elementary	2				RIC-Butte COE	A Legacy of Literacy
Ventura	Somis Union	3				RIC-Los Angeles COE	A Legacy of Literacy
Yolo	Winters Joint Unified	3				Sacramento COE (non-RIC)	High Point
Yuba	Marysville Joint Unified	51				Sacramento COE (non-RIC)	Open Court
	TOTAL	**391**	**15**	**23**	**0**		

The Following Local Educational Agency Submitted Certification Of Assurance Via a Signed Request for Reimbursement Form for 2003-04 (November 2004):

COUNTY	LEA NAME	NUMBER OF TEACHERS				PROVIDER	MATERIALS
		Reading 40 Hours	Reading 80 Hours	Mathematics 40 Hours	Mathematics 80 Hours		
San Diego	National	11				RIC-San Diego COE	A Legacy of Literacy

ITEM #23

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Mathematics and Reading Professional Development Program (AB 466) (Chapter 737, Statutes of 2001): Including, but not Limited to, Approval of Training Providers and Training Curricula.	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve the recommended providers and training curricula for the purposes of providing professional development under the provisions of the Mathematics and Reading Professional Development Program (AB 466).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the February 2002 meeting, the State Board approved criteria for the approval of training providers and training curricula. The State Board has approved AB 466 training providers and training curricula at previous meetings. The list of State Board-approved AB 466 providers is available on line at <http://www.cde.ca.gov/pd/ca/ma/mard03.asp>

SUMMARY OF KEY ISSUES

AB 466 established the Mathematics and Reading Professional Development Program, which provides incentive funding to districts to train teachers, instructional aides, and paraprofessionals in mathematics and reading. Once the providers and their training curricula are determined to have satisfied the State Board-approved criteria and been approved by the State Board, local education agencies may contract with the approved providers for AB 466 professional development.

The AB 466 review panel recommends approval of the following providers and training curricula:

Smar^{2}tel Learning Links, LLC
SRA McGraw-Hill
Open Court 2002, grade 2

Alameda, Sacramento, Riverside, San Bernardino, Orange, and Los Angeles County Offices of Education
Houghton Mifflin Mathematics, grade 6

SUMMARY OF KEY ISSUES

Los Angeles and Sacramento County Offices of Education
McGraw-Hill Mathematics, grades K-6

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of additional AB 466 providers allows more LEAs to access training for which $31.7 million was allocated for Fiscal Year 2004-05. Approval of additional providers does not affect the total dollars available.

ATTACHMENT(S)

None

ITEM #24

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
The Principal Training Program (AB 75): Approval of Local Educational Agencies (LEAs) and Consortia applications for funding	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

The California Department of Education (CDE) requests State Board of Education (SBE) approval by name only of the attached list of LEAs and Consortia members who have submitted applications for funding under The Principal Training Program (AB 75).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE approved criteria and requirements for The Principal Training Program (PTP) applications at the February 2002 meeting.

SUMMARY OF KEY ISSUES

The PTP requires the SBE to approve all program applicants. Currently the CDE has approved 10,844 administrators. Of those administrators approved there are 7,562 whose names have been entered into the Management System for Principal Training by the LEAs. There are 2,635 vice principals and 2,981 principals who have started training. There are 1,946 participants who have logged zero hours of training. Approximately 1,400 administrators have completed the training.

The California County Superintendents' Educational Services Association (CCSESA) is conducting an evaluation of the PTP as required in the Bill & Melinda Gates grant. Initial survey results (based on a 25 percent return rate) from administrators who have completed the training indicate a very successful program. For example, 90 percent of the respondents report that Module 1 training met the program goals and only 4 percent did not find the practicum useful. The CDE will provide the SBE an update on the survey results in December 2004.

FISCAL ANALYSIS (AS APPROPRIATE)

Administration of funding is dependent upon further information to be provided by LEAs, such as names of administrator participants and number of hours in actual training. It is feasible that initial award requests will be amended throughout the three-year funding period. Estimated state expenditures resulting from this action: $138,000.

ATTCHMENT(S)

Attachment 1: Local Educational Agencies Recommended for State Board of Education Approval (1 Page)

Attachment 2: Consortia Members Recommended for State Board of Education Approval (1 Page)

Attachment 3: Program Summary (1 Page)

PRINCIPAL TRAINING PROGRAM
Local Educational Agencies Recommended
For State Board of Education Approval
November 2004

Applications received during the months of August and September 2004

LOCAL EDUCATIONAL AGENCIES	Total Number of Site Administrators	Total Amount of State Funding Requested
FRESNO		
Parlier Unified	11	$33,000
Sierra Unified	1	$3,000
West Fresno Elementary	4	$12,000
MENDOCINO		
Fort Bragg Unified	3	$9,000
MODOC		
Tulelake Basin Joint Unified	1	$3,000
Surprise Valley Joint Unified	1	$3,000
SAN DIEGO		
Rancho Santa Fe Elementary	3	$9,000
SHASTA		
Anderson Union High School District	1	$3,000
TEHEMA		
Richfield Elementary	1	$3,000
YOLO		
Winters Joint Unified	1	$3,000
TOTAL	**27**	**$81,000** (27 X $3,000)

PRINCIPAL TRAINING PROGRAM
Consortia Members Recommended
For State Board of Education Approval
November 2004

Applications received during the months of August and September 2004

CONSORTIA with recommended Membership	**Total Number of Site Administrators**	**Total Amount of State Funding Requested**
SAN DIEGO Poway Unified	18	$54,000
SHASTA Quartz Valley Elementary	1	$3,000
TOTAL	**19**	**$57,000** (19 X $3,000)

PRINCIPAL TRAINING PROGRAM
Program Summary
November 2004

CURRENT REQUEST SUMMARY
Applications received in August and September 2004

Total number of LEAs recommended for September Approval: 10

Total number of administrators: 27

Total state funds requested by Single LEAs for September approval:
(27 x $3000) $81,000

Total number of new Consortia recommended for September approval: None
(New participants added: 19) (19 x $3,000) $57,000

Total State Funds Requested **$138,000**
(27 LEAs; 19 new Consortium participants x $3,000)

SUMMARY TO DATE

Total number of participating LEAs
(415 Single LEA + 249 LEAs included in 20 SBE-approved Consortia): 664

Total number of administrators anticipated for program participation: 10,844

ITEM #25

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
The Principal Training Program (AB 75): Approval of Training Providers	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

The California Department of Education (CDE) requests approval of the list of Recommended Training Providers for The Principal Training Program (AB 75).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) approved the original criteria and requirements for The Principal Training Program applications at the February 2002 meeting.

SUMMARY OF KEY ISSUES

The Principal Training Program requires the SBE to approve all program providers. Applications to become SBE-approved providers are reviewed using SBE adopted criteria. Over the past few meetings, the SBE has approved a significant number of high school providers. This will make it easier for high school administrators to participate in the training.

Pursuant to Chapter 902, Statutes of 2004, the CDE will bring to the SBE proposed revisions to provider criteria for Modules 1 and 2. The revisions will strengthen the criteria related to personnel management and the sufficiency of instructional materials.

FISCAL ANALYSIS (AS APPROPRIATE)

This item is solely for approval of training providers. Approval of the providers does not directly result in the expenditure of any funds. There are relatively minor state costs associated with the review of submissions by prospective training providers.

ATTACHMENT(S)

Attachment 1: Principal Training Program: Recommended List of Training Providers (1 Page)

PRINCIPAL TRAINING PROGRAM
RECOMMENDED LIST OF TRAINING PROVIDERS
November 2004

MODULE 1 – Leadership and Support of Instructional Programs

Imperial County Office of Education
Middle School Level

Prentice Hall	Prentice Hall Algebra 1, CA Ed. (8)

Middle School Level (in partnership with Sacramento County Office of Education)

Hampton Brown	Hampton Brown, High Point (4-8)

Madera County Office of Education
High School Level (in partnership with Stanislaus County Office of Education)

Holt, Rinehart and Winston	Literature & Language Arts (9-10)
Prentice Hall	Timeless Voices, Timeless Themes (9-10)
SRA / McGraw-Hill	REACH Reading System (4-8)

High School Level

McDougal Littell	Reading & Language Arts Program (9-10)
Prentice Hall	Prentice Hall Algebra 1, CA Ed. (8)
McDougal Littell	Concepts & Skills (6-8)

Middle School Level (in partnership with Stanislaus County Office of Education)

Holt, Rinehart and Winston	Literature & Language Arts (7-8)
Prentice Hall	Timeless Voices, Timeless Themes (7-8)
SRA / McGraw-Hill	REACH Reading System (4-8)

Middle School Level

McDougal Littell	Reading & Language Arts Program (7-8)
Prentice Hall	Prentice Hall Algebra 1, CA Ed. (8)
McDougal Littell	Concepts & Skills (6-8)
Hampton Brown	Hampton Brown, High Point (4-8)

Los Angeles Unified School District
High School Level (in partnership with Sacramento County Office of Education)

McDougal Littell	Reading & Language Arts Program (9-10)
Holt, Rinehart and Winston	Literature & Language Arts (9-10)
Prentice Hall	Timeless Voices, Timeless Themes (9-10)

Orange County Department of Education
Middle School Level (in partnership with Sacramento County Office of Education)

McDougal Littell	Reading & Language Arts Program (7-8)
Prentice Hall	Timeless Voices, Timeless Themes (7-8)

ITEM #26

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Immediate Intervention/Underperforming Schools Program (II/USP): Proposed intervention for Cohort I, II, and III schools that failed to show significant growth	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

1. That the State Board of Education (SBE) determine those Cohort I, II, and III schools that will be deemed state-monitored, and

2. That the SBE assign a School Assistance and Intervention Team (SAIT) to all state-monitored schools and allow the local governing board to retain its legal rights, duties, and responsibilities with respect to that school.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the September SBE meeting the SBE approved the State Superintendent of Public Instruction's (SSPI) recommendation that districts of II/USP schools in Cohorts I, II, and III that failed to show significant growth, as defined by the SBE, contract for the services of an approved SAIT Provider. In addition, the SBE postponed, until November, a decision on those schools without valid Academic Performance Indexes (APIs) in order for CDE staff to determine if they meet the alternate criteria for significant growth.

SUMMARY OF KEY ISSUES

The 2004 schoolwide API results yield a number of II/USP schools that failed to make significant growth as defined by the SBE, and a number of schools in all three cohorts without valid API growth data that must demonstrate academic growth using the alternate significant growth criteria adopted by the SBE in January 2004. (See Attachment 1 for the alternative significant growth criteria.)

Education Code Section 52055.5(b) directs the SBE to deem II/USP schools not showing significant growth as state-monitored. The SSPI, with the approval of the SBE, is required to invoke sanctions from one of two groups:

SUMMARY OF KEY ISSUES

1. According to the provisions of *Education Code* Section 52055.5(a), the SSPI shall:

    - Assume all the legal rights, duties, and powers of the governing board, unless the SSPI and the SBE allow the local governing board to retain these rights;

    - Reassign the principal of that school, subject to a hearing; and

    - Do one or more of the following with respect to a state-monitored school:

        - Revise attendance options;
        - Allow parents to apply directly to the SBE to establish a charter school;
        - Assign the management of the school to a school management organization;
        - Reassign other certificated employees of the school;
        - Renegotiate a new collective bargaining agreement at the expiration of the existing one;
        - Reorganize the school;
        - Close the school; and/or
        - Place a trustee at the school for no more than three years.

2. As an alternative to the above, the SSPI, with the approval of the SBE, may require districts to contract with a SAIT in lieu of other interventions and sanctions. If the SBE approves, the governing board of the school district may retain its legal rights, duties and responsibilities with respect to that school. [*Education Code* Section 52055.51(a)]

    - SAIT teams are teams of educators with experience in curriculum and instruction aligned to state standards, SBE-adopted texts in reading/language arts and math, SBE-adopted intervention programs, use of data from academic assessments, and fiscal allocations.

    - Teams are fielded by organizations approved by the SSPI under criteria adopted by the SBE. Organizations are approved based on demonstrated evidence of turning around underperforming schools and trained on a state-designed intervention process.

    - SAIT teams verify information provided by the district on an Academic Program Survey, which results in a Report of Findings and Corrective Actions adopted by the local governing board. This is followed by the provision of technical assistance and support and monitoring, no less than three times a year, of the school's academic progress toward meeting specified benchmarks for improvement.

FISCAL ANALYSIS (AS APPROPRIATE)

Details of the expenditure plan for appropriations to non-Title I and Title I state-monitored schools are incorporated in the November SBE item entitled:

"Immediate Intervention/Underperforming Schools Program (II/USP): School Assistance and Intervention Team (SAIT): Approval of expenditure plan to support SAIT activities and corrective actions in state-monitored schools."

ATTACHMENT(S)

Attachment 1: Criteria for II/USP Schools Without Valid Growth APIs to Demonstrate Academic Growth (1 Page)

Attachment 2: II/USP Cohort I, II, and III Schools Without Valid 2004 Schoolwide API Growth Data That Failed to Meet the Alternative Criteria for Significant Growth (1 Page)

Based on the October 28, 2004, API data release, a Last Minute Memorandum will provide API Base and Growth information for the appropriate years for any additional schools subject to being deemed state-monitored.

Criteria for Immediate Intervention/Underperforming Schools Program Schools Without Valid Growth Academic Performance Index to Demonstrate Academic Growth

Elementary schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2003 to 2004 (Note: 0.99 does not equal 1.00), and

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in Mathematics Standards increased by at least one percentage point from 2003 to 2004.

Middle schools must demonstrate that:

- The percentage of students at or above the proficient level (schoolwide) on the California Standards test in English/language arts increased by at least one percentage point from 2003 to 2004 (Note: 0.99 does not equal 1.00), and

- The percentage of students (schoolwide) at or above the proficient level on the California Standards tests in the Mathematics Standards, General Math, and Algebra I increased by at least one percentage point from 2003 to 2004.

High schools must demonstrate that:

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in English/language arts increased by at least one percentage point from 2003 to 2004 (Note: 0.99 does not equal 1.00), and

- The percentage of students (schoolwide) at or above the proficient level on the California Standards test in General Mathematics, Algebra I, and Geometry increased by at least one percentage point from 2003 to 2004.

II/USP Cohort I, II, and III Schools Without Valid 2004 Schoolwide Growth Data That Failed to Meet the Alternative Criteria for Significant Growth

District	School	Cohort	2001 Base	2002 Growth	2002 Schoolwide	2002 Comparable Improvement	2002 Base	2003 Growth	2003 Schoolwide	2003 Comparable Improvement	2003 Base	2004 Growth
Desert Sands Unified	Kennedy (John F.) Elementary	2	571	-14	No	No	574	39	Yes	Yes	*	*
Fairfield-Suisun Unified	Crescent Elementary	2	607	57	Yes	Yes	*	*	*	*	*	*
Lodi Unified	Heritage Elementary	2	517	17	Yes	Yes	*	*	*	*	*	*
Los Angeles Unified	Chatsworth Senior High	3	599	11	Yes	No	*	*	*	*	*	*
Los Angeles Unified	Fairfax Senior High	2	*	*	*	*	*	*	*	*	*	*
Merced City Elementary	Reyes (Alicia) Elementary	1	566	18	Yes	No	*	*	*	*	*	*
Mt. Diablo Unified	Oak Grove Middle	3	*	*	*	*	*	*	*	*	613	-1
Mt. Diablo Unified	Ygnacio Valley High	3	613	29	Yes	Yes	*	*	*	*	*	*
Pasadena Unified	Muir High	3	514	26	Yes	Yes	*	*	*	*	*	*
San Jose Unified	Almaden Elementary	2	634	60	Yes	Yes	*	*	*	*	*	*
Santa Rosa High	Allen (Elsie) High	3	580	4	No	No	*	*	*	*	*	*
Moreno Valley Unified	Moreno Valley High	3	517	-12	No	No	*	*	*	*	*	*
Tulare Joint Union High	Tulare Western High	1	621	2	No	No	*	*	*	*	*	*

* Invalid API Data

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 5, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

RE: Item No. 26

SUBJECT: Immediate Intervention/Underperforming Schools Program (II/USP): Proposed Intervention for Cohort I, II, and III Schools that Failed to Show Significant Growth

As a result of the October 28, 2004 Academic Performance Index (API) data release, the California Department of Education is requesting two State Board of Education (SBE) actions.

(1) Nineteen schools are being recommended for state monitoring.

Attached are two tables that provide API information on the 19 schools. Attachment 2, from the original SBE Item No. 26, has been revised to reflect 10 schools instead of 13 schools. The October 28, 2004 data release indicated that two schools are submitting data changes and their status will be assessed after the data corrections have been received. One school has already submitted a data correction and now meets the alternative criteria for significant growth and will be placed “on watch”.

Attachment 3 reflects nine additional schools identified in the October 28, 2004 data release. All nine schools in Cohorts I and II were “on watch” in the 2003-04 school year and failed to demonstrate significant growth on the 2004 growth API. Of these nine schools, Jordan (David Starr) Senior High does not have valid 2004 API growth data and does not meet the alternative criteria for demonstrating significant growth.

(2) One school, Williamson Elementary in Folsom-Cordova Unified, is recommended to have its state-monitoring status reversed. The October 28, 2004 data release revealed that the school has made significant growth. The Department will request the return of all unexpended funds.

Attachment 2: Revised: II/USP Cohort I, II, and III Schools Without Valid 2004 Schoolwide Growth data that Failed to Meet the Alternative Criteria for Significant Growth (1 Page)

Attachment 3: II/USP Cohort I and II Schools Subject to State Monitoring (1 Page)

REVISED

II/USP Cohort I, II, and III Schools Without Valid 2004 Schoolwide Growth Data That Failed to Meet the Alternative Criteria for Significant Growth

District	School	Cohort	2001 Base	2002 Growth	2002 Schoolwide	2002 Comparable Improvement	2002 Base	2003 Growth	2003 Schoolwide	2003 Comparable Improvement	2003 Base	2004 Growth
Desert Sands Unified	Kennedy (John F.) Elementary	2	571	-14	No	No	574	39	Yes	Yes	*	*
Lodi Unified	Heritage Elementary	2	517	17	Yes	Yes	*	*	*	*	*	*
Los Angeles Unified	Chatsworth Senior High	3	599	11	Yes	No	*	*	*	*	*	*
Los Angeles Unified	Fairfax Senior High	2	*	*	*	*	*	*	*	*	*	*
Merced City Elementary	Reyes (Alicia) Elementary	1	566	18	Yes	No	*	*	*	*	*	*
Mt. Diablo Unified	Oak Grove Middle	3	*	*	*	*	*	*	*	*	613	-1
Mt. Diablo Unified	Ygnacio Valley High	3	613	29	Yes	Yes	*	*	*	*	*	*
Pasadena Unified	Muir High	3	514	26	Yes	Yes	*	*	*	*	*	*
San Jose Unified	Almaden Elementary	2	634	60	Yes	Yes	*	*	*	*	*	*
Tulare Joint Union High	Tulare Western High	1	621	2	No	No	*	*	*	*	*	*

* Invalid API Data

II/USP Cohort I and II Schools Subject to State Monitoring														
District	School	Cohort	2001 Base	2002 Growth	2002 Schoolwide	2002 Comparable Growth	2002 Base	2003 Growth	2003 Schoolwide	2003 Comparable Growth	2003 Base	2004 Growth	2004 Schoolwide	2004 Comparable Growth
Ontario-Montclair Elementary	Lincoln Development Center for Handi/Kdgn.	1	*	*	*	*	497	11	No	No	590	-7	No	No
Sacramento City Unified	Bear Flag Elementary	1	627	38	Yes	Yes	649	18	Yes	No	676	0	No	No
San Jose Unified	San Jose High Academy	1	593	-18	No	No	568	36	Yes	No	599	-5	No	No
Atwater Elementary	Heller (Peggy) Elementary	2	688	4	No	No	697	32	Yes	Yes	733	-5	No	No
Los Angeles Unified	Grant (Ulysses S.) Senior High	2	571	-14	No	No	569	27	Yes	Yes	600	-2	No	No
Los Angeles Unified	Jordan (David Starr) Senior High	2	417	23	Yes	Yes	452	16	No	No	*	*	*	*
Marysville Joint Unified	McKenney (Anna) Intermediate	2	655	-33	No	No	622	50	Yes	Yes	660	-14	No	No
Newport-Mesa Unified	College Park Elementary	2	627	84	Yes	Yes	703	-21	No	No	679	-20	No	No
West Contra Costa Unified	El Cerrito Senior High	2	613	20	Yes	Yes	625	11	Yes	No	624	-29	No	No

* Invalid API Data

ITEM #27

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Immediate Intervention/Underperforming Schools Program (II/USP): School Assistance and Intervention Team (SAIT): Approval of expenditure plan to support SAIT activities and corrective actions in state-monitored schools	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

The California Department of Education (CDE) recommends approval of the expenditure plan.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In September 2004, the State Board of Education (SBE) approved the assignment of a SAIT and the expenditure plan for SAIT activities and implementation of corrective actions for 73 schools that were recommended for state monitoring in 2004-05. In addition, the SBE postponed, until November, a decision on those schools without a valid Academic Performance Index (API) in order for the CDE staff to determine if they meet alternate criteria for significant growth.

SUMMARY OF KEY ISSUES

After review of the California Standards Test data, there are an additional 12 Title I schools and one non-Title I school that are recommended for state monitoring in 2004-05. Approval of this item will allow the CDE to issue grant awards to support the SAIT activities and implementation of corrective actions.

The attached table shows an expenditure plan with a total request of $3,681,900 for federal funds and $315,850 for state general funds.

FISCAL ANALYSIS (AS APPROPRIATE)

Financial implications are set forth in the attached expenditure plan. Funds have been appropriated in the 2004-05 Budget Act.

ATTACHMENT(S)

Attachment 1: 2004-05 Expenditure Plan for State-Monitored Schools (1 page)

Last Minute Memorandum: Based on the October 28, 2004, API data release, there may be a Last Minute Memorandum with additional schools to be recommended as state-monitored for 2004-05.

2004-05 Expenditure Plan for State-Monitored Schools

Funding	Newly Identified Schools	School Assistance and Intervention Team (SAIT) Work	Corrective Actions as a Result of SAIT Work
Federal Funds	**COHORTS I, II, III** Elementary 5 Middle 1 High 6 Subtotal 12	$75,000 x 5 = $375,000 $75,000 x 1 = $ 75,000 $100,000 x 6 = $600,000 **Subtotal $1,050,000**	3,056 students x $150 = $ 458,400 915 students x $150 = $ 137,250 13,575 students x $150 = $2,036,250 **Subtotal $2,631,900**
		SAIT and Corrective Action Federal Funding for Title I Schools $3,681,900	
State Funds	**COHORT III** High 1 Subtotal 1	$100,000 x 1 = $100,000 **Subtotal $100,000**	1,439 students x $150 = $215,850 **Subtotal $215,850**
		SAIT and Corrective Action State Funding for non-Title I School $315,850	

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 5, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

RE: Item No. 27

SUBJECT: Immediate Intervention/Underperforming Schools Program (II/USP): School Assistance and Intervention Team (SAIT): Approval of Expenditure Plan to Support SAIT Activities and Corrective Actions in State-Monitored Schools

At the September 2004 State Board of Education (SBE) meeting, 73 schools were deemed as state-monitored. The SBE assigned a SAIT for each school and approved funding for SAIT activities and for implementation of corrective actions.

As a result of the October 28, 2004 Academic Performance Index (API) data, there are 19 schools that are being recommended for monitoring in 2004-05.

Attachment 1 from the original SBE Item 27 has been revised to reflect 10 schools instead of 13 schools. The revised expenditure plan requests a total of $2,719,750 in federal funds and $315,850 in state general funds.

Attachment 2 provides an expenditure plan for an additional nine schools that are being recommended for state monitoring, based on the October 28, 2004 data release. The expenditure plan requests a total of $1,641,800 in federal funds and $724,400 in state general funds.

Approval of this item will allow the California Department of Education (CDE) to issue grant awards to support the SAIT process and implementation of corrective actions.

Attachment 1: Revised: 2004-05 Expenditure Plan for State-Monitored Schools (1 Page)

Attachment 2: 2004-05 Expenditure Plan for State-Monitored Schools (1 Page)

REVISED
2004-05 Expenditure Plan for State-Monitored Schools

Funding	Newly Identified Schools	School Assistance and Intervention Team (SAIT) Work	Corrective Actions as a Result of SAIT Work
Federal Funds	**COHORTS I, II, III**		
	Elementary 4	$75,000 x 4 = $300,000	2,319 students x $150 = $347,850
	Middle 1	$75,000 x 1 = $ 75,000	915 students x $150 = $137,250
	High 4	$100,000 x 4 = $400,000	9,731 students x $150 = $1,459,650
	Subtotal 9	**Subtotal $775,000**	**Subtotal $1,944,750**
		SAIT and Corrective Actions Federal Funding for Title I Schools	**$2,719,750**

Funding	Newly Identified Schools	School Assistance and Intervention Team (SAIT) Work	Corrective Actions as a Result of SAIT Work
State Funds	**COHORTS I and II**		
	High 1	$100,000x 1 = $100,000	1,439 students x $150 = $215,850
	Subtotal 1	**Subtotal $100,000**	**Subtotal $215,850**
		SAIT and Corrective Actions State General Funds for non-Title I Schools	**$315,850**

2004-05 Expenditure Plan for State-Monitored Schools

Funding	Newly Identified Schools	School Assistance and Intervention Team (SAIT) Work	Corrective Actions as a Result of SAIT Work
Federal Funds	**COHORTS I, II, III**		
	Elementary 3	$75,000 x 3 = $225,000	1,231 students x $150 = $184,650
	Middle 1	$75,000 x 1 = $ 75,000	550 students x $150 = $ 82,500
	High 2	$100,000 x 2 = $200,000	5,831 students x $150 = $874,650
	Subtotal 6	**Subtotal $500,000**	**Subtotal $1,141,800**
		SAIT and Corrective Actions Federal Funding for Title I Schools	**$1,641,800**

Funding	Newly Identified Schools	School Assistance and Intervention Team (SAIT) Work	Corrective Actions as a Result of SAIT Work
State Funds	**COHORTS I and II**		
	Elementary 1	$75,000 x 1 = $ 75,000	407 students x $150 = $ 61,050
	High 2	$100,000 x 2 = $200,000	2,589 students x $150 = $388,350
	Subtotal 3	**Subtotal $275,000**	**Subtotal $449,400**
		SAIT and Corrective Actions State General Funds for non-Title I Schools	**$724,400**

ITEM #28

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Immediate Intervention/Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP): Adopt Title 5 Regulations Sections 1030.5 and 1030.6: Definition of Significant Growth and Criteria to Demonstrate Academic Growth for II/USP and HPSGP Schools Without Valid APIs	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE):

- Approve the proposed amendments to the regulations;
- Direct that the proposed amendments be circulated for a 15-Day public comment period in accordance with the Administrative Procedure Act;
- If no public comments are received during the 15-Day public comment period, CDE shall complete the rulemaking package and submit the amended regulations to the Office of Administrative Law for approval;
- If public comments are received during the 15-Day public comment period, CDE shall place the amended regulations on the State Board's January 2005 agenda for action following consideration of the comments received.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education at the September 2004 meeting approved the commencement of the rulemaking process for the proposed regulations. Staff was directed to provide a 45-day public comment period and conduct a public hearing on November 2, 2004, at 9:00 a.m.

SUMMARY OF KEY ISSUES

Education Code sections 52055.5 and 52055.650 provide for a general standard by which schools participating in the Immediate Intervention/Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP) respectively may receive funding or be subject to accountability actions. The statutes do not provide a fixed point range, which would draw a distinction between a school achieving its growth target and one making significant growth. The purposes of the proposed regulation on significant growth is to specify a clear standard with respect to a school that has achieved significant growth on the Academic Performance Index (API), and to distinguish such a school from one that has failed to achieve any growth or one that has

met its growth target on the API. Additional staff analysis suggests the need to further

SUMMARY OF KEY ISSUES

clarify the proposed definition of significant growth. Including reference to Education Code 52052 (c) simplifies and strengthens the proposed definition. The purpose of the proposed regulation on creating criteria to demonstrate academic growth for II/USP and HPSGP schools without valid APIs is to provide an alternative method for schools to demonstrate significant growth.

FISCAL ANALYSIS (AS APPROPRIATE)

The Economic and Fiscal Impact Analysis completed by the Fiscal and Administrative Services Division pertaining to these regulations concludes that there is no fiscal impact. The analysis was included in Item 20 at the September 2004 SBE meeting.

ATTACHMENT(S)

Attachment 1: Title 5. EDUCATION. Division 1. State Department of Education. Chapter 2. Pupils. Subchapter 4. Statewide Testing of Pupils and Evaluation Procedures. Article 1.6. Definition of Significant Growth and Criteria to Demonstrate Academic Growth for II/USP Schools Without Valid APIs (1 Page)

A summary of the comments received from the public will be submitted as a Last Minute Memorandum.

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 2. Pupils

Subchapter 4. Statewide Testing of Pupils and Evaluation Procedures

Article 1.6. Definition of Significant Growth and Criteria to Demonstrate Academic Growth for II/USP and HPSGP Schools Without Vaild APIs

§ 1030.5. Definition of Significant Growth.

~~A school achieves significant growth when its schoolwide Academic Performance Index (API) growth is greater than zero and less than its API growth target, or when the school achieves its schoolwide API growth target but fails to make API growth targets for at least one subgroup.~~ A school achieves significant growth when its schoolwide Academic Performance Index (API) annual percentage growth is greater than zero and the school does not achieve its schoolwide and subgroups API growth targets pursuant to Education Code Section 52052(c).

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 52052 (c) et seq., 52053 et seq. and 52055.650 et seq Education Code.

§ 1030.6. Criteria to Demonstrate Academic Growth for II/USP and HPSGP Schools Without Valid APIs.

Schools participating in the Immediate Intervention/Underperforming Schools Program (II/USP) and the High Priority Schools Grant Program (HPSGP) without a valid API score demonstrate academic growth when the weighted average percent proficient across all California Standards tests in (a) English/language arts and (b) Mathematics increased by at least one percentage point from the prior year to the year in which they have an invalid score. For purposes of this assessment, 0.99 does not equal 1.00.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 52053 et seq. and 52055.650 et seq., Education Code.

10-15-04

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 4, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

RE: Item No. 28

SUBJECT: Immediate Intervention/Underperforming Schools Program (II/USP) and High Priority Schools Grant Program (HPSGP): Adopt Title 5 Regulations Sections 1030.5 and 1030.6: Definition of Significant Growth and Criteria to Demonstrate Academic Growth for II/USP and HPSGP Schools Without Valid APIs

At the September 2004 State Board of Education meeting, staff were directed to provide a 45-day public comment period and conduct a public hearing on November 2, 2004. No comments were received during the 45-day public comment period, and no one was present to testify at the public hearing.

Attachment

Attachment 2: Final Statement of Reasons: Definition of Significant Growth and Criteria to Demonstrate Academic Growth for II/USP Schools Without Valid APIs (1 Page)

FINAL STATEMENT OF REASONS

Definition of Significant Growth and Criteria to Demonstrate Academic Growth for II/USP Schools Without Valid APIs

UPDATE OF INITIAL STATEMENT OF REASONS

California *Education Code* Section 52052 (c) addresses growth targets including subgroups making growth targets. Staff analysis of the proposed regulation determined it is not necessary to refer specifically to subgroup performance in the regulation.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF SEPTEMBER 17, 2004 THROUGH NOVEMBER 2, 2004

The text was made available to the public from September 17, 2004 through November 2, 2004. No comments were received in response to the proposed regulations.

COMMENTS RECEIVED DURING THE PERIOD THE 15-DAY NOTICE AND PROPOSED REGULATION TEXT WAS AVAILABLE TO THE PUBLIC

ALTERNATIVES DETERMINATION

The State Board has determined that no alternative would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

REGULATIONS TO BECOME EFFECTIVE UPON FILING

11-03-04

ITEM #29

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
High Priority Schools Grant Program (HPSGP): Review of Schools Not Meeting Growth Targets After 24 Months: Development of State Board of Education Procedure	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Adopt a procedure for staff to review the status of High Priority (HP) schools that fail to achieve their growth targets during their first two years of implementation and decide what actions should be applied to these schools.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) chose not to take action on the procedures they might use when reviewing schools and the actions they recommend schools undertake until Academic Performance Index (API) data were available for review. The SBE requested the State Superintendent of Public Instruction (SSPI) provide in November a table identifying HP schools that have failed to achieve growth targets in each of their first two years of implementation. For schools below the statewide API performance target, the minimum annual percentage growth target shall be 5 percent of the difference between a school's actual API score and the statewide API performance target, or one API point, whichever is greater. In the Board's discussion they indicated interest in basing a decision for taking action on data.

SUMMARY OF KEY ISSUES

Education Code Section 52055.650(b) requires the SBE to review HP schools that fail to achieve their growth targets in each of their first two years of implementation. The statute further specifies that the SSPI, with the approval of the SBE, may direct that the governing board of a school take appropriate action to provide corrective assistance to the school to achieve the components established in the school's action plan.

Consequently, the SBE needs to (1) adopt a procedure regarding how staff will review these schools and (2) decide what actions, if any, should be applied to those schools that fail to make their growth targets each year.

SUMMARY OF KEY ISSUES

Procedure for SBE to review schools not making growth targets

It is recommended that the SBE adopt a procedure for reviewing HP schools that uses the API growth scores obtained during their first two years of participation in the program to identify schools that (1) made significant growth and (2) failed to make any positive API growth during this period.

Potential Actions

The second component of the statute allows for the SSPI, with approval by the SBE, to direct a local board to take action to remedy a school's performance. In considering what measures should be applied to HP schools that fail to make their growth targets each year, it is recommended that the SBE approve the following two actions that are consistent with the level of school's performance:

1) For HP schools that fail to meet their growth targets during both years of implementation but make significant growth:

   Direct the SSPI to send a letter to the governing board of each school directing them to hold a public hearing at a regularly scheduled meeting to ensure that members of the school community are aware of the lack of progress.

2) For HP schools that fail to make any positive API growth during both of their first two years of implementation:

   Direct the SSPI to send a letter to the governing board of each school: (1) directing the local governing board to hold a public hearing at a regularly scheduled meeting to ensure that members of the school community are aware of the lack of progress; (2) requiring that the school complete an Academic Program Survey (part of the School Assistance and Intervention Team process that state monitored schools complete); and (3) directing the local governing board to work with the school and undertake corrective strategies as indicated by the results of the survey.

The Academic Program Survey is the state tool for assessing the presence of nine essential program components for instructional success. Developed with the assistance of the SBE, implementation of the nine components comprises a systemic approach to curriculum, instruction and student learning. The components include: use of SBE-adopted instructional materials, including interventions, pacing guides and effective use of instructional time; materials-based professional development for teachers and administrators (AB 466 and AB 75); use of embedded assessment data; content coaching for teachers; time for teachers to work together on lessons; and the support of these elements in a single school plan for school improvement. The Essential Program Components were discussed with the SBE in June 2003 and April 2004.

FISCAL ANALYSIS (AS APPROPRIATE)

The adoption of this item will not require additional CDE resources or personnel to review the status of HP schools that fail to achieve their growth targets or in the actions that might be applied to them. Consequently, there will be no fiscal impact on the California Department of Education.

ATTACHMENT(S)

Staff will be submitting a Last Minute Memorandum identifying schools that have failed to achieve growth targets in each of the first two years of implementation.

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 4, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

RE: Item No. 29

SUBJECT: High Priority Schools Grant Program (HPSGP): Review of Schools Not Meeting Growth Targets After 24 Months: Development of State Board of Education Procedure

Attached are two tables of schools identified by the October 28, 2004, release of the Academic Performance Index (API) as schools that have failed to achieve their growth targets in each of their first two years of implementation in the HPSGP.

The first table (Attachment 1) identifies 134 schools that failed to meet their growth targets during both years of implementation but made significant growth. It is recommended that the State Board of Education (SBE) direct the State Superintendent of Public Instruction (SSPI) to send a letter to the governing board of each school directing them to hold a public hearing at a regularly scheduled meeting to ensure that members of their school community are aware of the lack of progress.

There were no HPSGP schools that failed to make any positive API growth during both of their first two years of implementation. Consequently, there is no additional recommendation for such schools from staff.

The second table (Attachment 2) identifies 111 HPSGP schools that currently do not have two years of valid API scores or are in the process of correcting their data. Staff will work with these schools to assist them in determining their API or equivalent growth and will bring them to the SBE once growth is determined.

Attachment(s)

Attachment 1: HPSGP Schools Eligible For Review After 24 Months of Implementation (4 Pages)

Attachment 2: HPSGP Schools Without Two Years of API Data After 24 Months of Implementation (4 Pages)

HPSGP Schools Eligible For Review After 24 Months of Implementation

CDS_CODE	COUNTY	DISTRICT	SCHOOL	2002-03	2003-04
01612596002091	Alameda	Oakland Unified	Parker Elementary	Met Growth Targets	Made Sig. Growth
01612596057020	Alameda	Oakland Unified	Frick Middle	Met Growth Targets	Made Sig. Growth
06616220637504	Colusa	Williams Unified	Williams High	Met Growth Targets	Made Sig. Growth
07617966004600	Contra Costa	West Contra Costa	Bayview	Met Growth Targets	Made Sig. Growth
07617966004691	Contra Costa	West Contra Costa Unified	Dover Elementary	Met Growth Targets	Made Sig. Growth
07617966004824	Contra Costa	West Contra Costa	Lake	Met Growth Targets	Made Sig. Growth
07617966004832	Contra Costa	West Contra Costa Unified	Lincoln Elementary	Met Growth Targets	Made Sig. Growth
07617966057202	Contra Costa	West Contra Costa Unified	Adams Middle	Met Growth Targets	Made Sig. Growth
10621586006043	Fresno	Fowler Unified	Malaga Elementary	Met Growth Targets	Made Sig. Growth
10621661035831	Fresno	Fresno Unified	Roosevelt High	Met Growth Targets	Made Sig. Growth
10621666006134	Fresno	Fresno Unified	Carver Academy (Middle)	Met Growth Targets	Made Sig. Growth
10621666006407	Fresno	Fresno Unified	Mayfair Elementary	Met Growth Targets	Made Sig. Growth
10621666105746	Fresno	Fresno Unified	Hidalgo (Miguel) Elementary	Met Growth Targets	Made Sig. Growth
10621666117477	Fresno	Fresno Unified	Greenberg (David L.) Elementary	Met Growth Targets	Made Sig. Growth
10623641034990	Fresno	Parlier Unified	Parlier High	Met Growth Targets	Made Sig. Growth
13630996106975	Imperial	Calexico Unified	Charles (Blanche) Elementary	Met Growth Targets	Made Sig. Growth
15633216008916	Kern	Bakersfield City Elementary	Emerson Middle	Met Growth Targets	Made Sig. Growth
15633216009153	Kern	Bakersfield City Elementary	Sierra Middle	Met Growth Targets	Made Sig. Growth
15633216009203	Kern	Bakersfield City Elementary	Williams Elementary	Met Growth Targets	Made Sig. Growth
19645016013189	Los Angeles	El Monte City Elem	Shirpser	Met Growth Targets	Made Sig. Growth
19647096014955	Los Angeles	Lennox Elementary	Felton Elementary	Met Growth Targets	Made Sig. Growth
19647336015978	Los Angeles	Los Angeles Unified	Beachy Avenue	Met Growth Targets	Made Sig. Growth
19647336016273	Los Angeles	Los Angeles Unified	Camellia Avenue	Met Growth Targets	Made Sig. Growth
19647336017115	Los Angeles	Los Angeles Unified	Fletcher Drive Elementary	Met Growth Targets	Made Sig. Growth
19647336017859	Los Angeles	Los Angeles Unified	Liberty Boulevard	Met Growth Targets	Made Sig. Growth
19647336017875	Los Angeles	Los Angeles Unified	Lillian Street	Met Growth Targets	Made Sig. Growth
19647336018436	Los Angeles	Los Angeles Unified	Norwood Street	Met Growth Targets	Made Sig. Growth
19647336018469	Los Angeles	Los Angeles Unified	One Hundred Eighteenth Street	Met Growth Targets	Made Sig. Growth
19647336019004	Los Angeles	Los Angeles Unified	Russell Elementary	Met Growth Targets	Made Sig. Growth
19647336019582	Los Angeles	Los Angeles Unified	Twentieth Street Elementary	Met Growth Targets	Made Sig. Growth
19647336057939	Los Angeles	Los Angeles Unified	Chester W. Nimitz Middle	Met Growth Targets	Made Sig. Growth
19647336058002	Los Angeles	Los Angeles Unified	Fulton (Robert) Middle	Met Growth Targets	Made Sig. Growth
19647336058036	Los Angeles	Los Angeles Unified	Griffith (David Wark) Middle	Met Growth Targets	Made Sig. Growth

CDS_CODE	COUNTY	DISTRICT	SCHOOL	2002-03	2003-04
19647336104822	Los Angeles	Los Angeles Unified	Sunrise	Met Growth Targets	Made Sig. Growth
19648731936749	Los Angeles	Paramount Unified	Paramount High	Met Growth Targets	Made Sig. Growth
19648736058440	Los Angeles	Paramount Unified	Alondra (Elem)	Met Growth Targets	Made Sig. Growth
23656156025217	Mendocino	Ukiah Unified	Nokomis Elementary	Met Growth Targets	Made Sig. Growth
24656316025324	Merced	Atwater Elem	Bellevue	Met Growth Targets	Made Sig. Growth
24657302433001	Merced	Le Grand Union High	Le Grand High	Met Growth Targets	Made Sig. Growth
27660356089387	Monterey	Greenfield Union Elementary	Oak Avenue Elementary	Met Growth Targets	Made Sig. Growth
27661596110753	Monterey	Salinas Union High	Harden	Met Growth Targets	Made Sig. Growth
33736763330990	Riverside	Coachella Valley Unified	Coachella Valley High	Met Growth Targets	Made Sig. Growth
33736766031702	Riverside	Coachella Valley Unified	Palm View Elementary	Met Growth Targets	Made Sig. Growth
34673636059265	Sacramento	Grant Jt. Union High	Rio Tierra	Met Growth Targets	Made Sig. Growth
34674396034193	Sacramento	Sacramento City USD	Pacific	Met Growth Targets	Made Sig. Growth
36676523633906	San Bernardino	Chaffey Joint Union High	Montclair High	Met Growth Targets	Made Sig. Growth
36677106035919	San Bernardino	Fontana Unified	West Randall Elem	Met Growth Targets	Made Sig. Growth
38684786041347	San Francisco	San Francisco Unified	Flynn (Leonard R.) Elementary	Met Growth Targets	Made Sig. Growth
39686766042584	San Joaquin	Stockton City Unified	Garfield Elementary	Met Growth Targets	Made Sig. Growth
39686766042725	San Joaquin	Stockton City Unified	Nightingale Elementary	Met Growth Targets	Made Sig. Growth
41689996044333	San Mateo	Ravenswood City Elementary	Edison-McNair Academy	Met Growth Targets	Made Sig. Growth
44697996049688	Santa Cruz	Pajaro Valley Joint Unified	Hall (E.A.) Middle	Met Growth Targets	Made Sig. Growth
54720586054217	Tulare	Pleasant View Elementary	Pleasant View Elementary	Met Growth Targets	Made Sig. Growth
54722566054589	Tulare	Visalia Unified	Fairview Elementary	Met Growth Targets	Made Sig. Growth
54722566054621	Tulare	Visalia Unified	Houston Elementary	Met Growth Targets	Made Sig. Growth
54753256054076	Tulare	Farmersville Unified	Snowden (George L.) Elementary	Met Growth Targets	Made Sig. Growth
56725386114029	Ventura	Oxnard Elementary	Brekke (Norman R.)	Met Growth Targets	Made Sig. Growth
58727695830120	Yuba	Wheatland Union High	Academy for Career Education Charter	Met Growth Targets	Made Sig. Growth
58 Schools met growth targets in year one and made significant growth in year two.					
01612596057103	Alameda	Oakland Unified	Carter Middle	Made Sig. Growth	Met Growth Targets
19647251996362	Los Angeles	Long Beach Unified	Pacific Learning Center Charter	Made Sig. Growth	Met Growth Targets
19647336015747	Los Angeles	Los Angeles Unified	Alta Loma Elementary	Made Sig. Growth	Met Growth Targets
19647336018378	Los Angeles	Los Angeles Unified	Ninety-Sixth Street	Made Sig. Growth	Met Growth Targets
19647336019848	Los Angeles	Los Angeles Unified	Weigand Avenue Elementary	Made Sig. Growth	Met Growth Targets
19647336058028	Los Angeles	Los Angeles Unified	Gompers (Samuel) Middle	Made Sig. Growth	Met Growth Targets
19647336058143	Los Angeles	Los Angeles Unified	Bethune (Mary McLeod) Middle	Made Sig. Growth	Met Growth Targets
19647336058192	Los Angeles	Los Angeles Unified	Nightingale (Florence)	Made Sig. Growth	Met Growth Targets
19647336061535	Los Angeles	Los Angeles Unified	Mt. Vernon Middle	Made Sig. Growth	Met Growth Targets

CDS_CODE	COUNTY	DISTRICT	SCHOOL	2002-03	2003-04
19649071933175	Los Angeles	Pomona Unified	Ganesha Senior High	Made Sig. Growth	Met Growth Targets
33736766114789	Riverside	Coachella Valley Unified	Martinez (Saul) Elementary	Made Sig. Growth	Met Growth Targets
34673633433794	Sacramento	Grant Joint Union High	Grant Union High	Made Sig. Growth	Met Growth Targets
37683386059646	San Diego	San Diego City Unified	Mann Middle	Made Sig. Growth	Met Growth Targets
37683386061980	San Diego	San Diego City Unified	Wilson	Made Sig. Growth	Met Growth Targets
37683386117279	San Diego	San Diego City Unified	Holly Drive Leadership Academy	Made Sig. Growth	Met Growth Targets
15 Schools made significant growth in year one and met growth targets in year two.					
07617960733659	Contra Costa	West Contra Costa Unified	Kennedy High	Made Sig. Growth	Made Sig. Growth
24657556025548	Merced	Los Banos Unified	Henry Miller	Made Sig. Growth	Made Sig. Growth
19647336015812	Los Angeles	Los Angeles Unified	Franklin Senior High	Made Sig. Growth	Made Sig. Growth
19647336016711	Los Angeles	Los Angeles Unified	Montezuma Elementary	Made Sig. Growth	Made Sig. Growth
4 Schools made significant growth in year one and in year two.					
19647336017446	Los Angeles	Los Angeles Unified	Hammel Street	Met Growth Targets	No Growth
19647336017677	Los Angeles	Los Angeles Unified	Hyde Park Blvd. Elementary	Met Growth Targets	No Growth
19647336017776	Los Angeles	Los Angeles Unified	Langdon Avenue Elementary	Met Growth Targets	No Growth
19647336018014	Los Angeles	Los Angeles Unified	Malabar Street Elementary	Met Growth Targets	No Growth
19647336018154	Los Angeles	Los Angeles Unified	Micheltorena Street Elementary	Met Growth Targets	No Growth
19647336018998	Los Angeles	Los Angeles Unified	Rowan Avenue	Met Growth Targets	No Growth
19647336019178	Los Angeles	Los Angeles Unified	Sheridan Street Elementary	Met Growth Targets	No Growth
19647336019293	Los Angeles	Los Angeles Unified	South Park Elementary	Met Growth Targets	No Growth
19647336019400	Los Angeles	Los Angeles Unified	Sylmar Elementary	Met Growth Targets	No Growth
19647336110969	Los Angeles	Los Angeles Unified	Esperanza Elementary	Met Growth Targets	No Growth
19647746020259	Los Angeles	Lynwood Unified	Lindbergh Elementary	Met Growth Targets	No Growth
19647746020283	Los Angeles	Lynwood Unified	Roosevelt Elementary	Met Growth Targets	No Growth
19647746116685	Los Angeles	Lynwood Unified	Agnes Elementary	Met Growth Targets	No Growth
19648731996370	Los Angeles	Paramount Unified	Paramount Alternative Academy	Met Growth Targets	No Growth
19649076021968	Los Angeles	Pomona Unified	Washington Elementary	Met Growth Targets	No Growth
19649076113500	Los Angeles	Pomona Unified	Pueblo Elementary	Met Growth Targets	No Growth
19734376023758	Los Angeles	Compton Unified	Carver Elem	Met Growth Targets	No Growth
20652436023980	Madera	Madera Unified	Madison	Met Growth Targets	No Growth
24657226025498	Merced	Le Grand Elem	Le Grand Elem	Met Growth Targets	No Growth
27660506106777	Monterey	King City Union Elem	Del Rey	Met Growth Targets	No Growth
30664236027262	Orange	Anaheim Elementary	Franklin	Met Growth Targets	No Growth
30664236027312	Orange	Anaheim Elementary	Mann Elementary	Met Growth Targets	No Growth

CDS_CODE	COUNTY	DISTRICT	SCHOOL	2002-03	2003-04
33669776031512	Riverside	Alvord Unified	Arlanza	Met Growth Targets	No Growth
33736766031710	Riverside	Coachella Valley Unified	Peter Pendleton	Met Growth Targets	No Growth
33736766112874	Riverside	Coachella Valley Unified	Cahuilla Desert Academy (Jr. High)	Met Growth Targets	No Growth
36677106035885	San Bernardino	Fontana Unified	Redwood Elementary	Met Growth Targets	No Growth
36677106114052	San Bernardino	Fontana Unified	Date	Met Growth Targets	No Growth
36678196036289	San Bernardino	Ontario-Montclair Elementary	Wiltsey (Ray) Middle	Met Growth Targets	No Growth
36678766036842	San Bernardino	San Bernardino City Unified	Cypress Elem	Met Growth Targets	No Growth
36678766037048	San Bernardino	San Bernardino City USD	Muscoy Elementary	Met Growth Targets	No Growth
36738583630076	San Bernardino	Baker Valley Unified	Baker High	Met Growth Targets	No Growth
41690396044952	San Mateo	San Mateo-Foster City Elementary	Turnbull Learning Academy	Met Growth Targets	No Growth
43693696046247	Santa Clara	Alum Rock Union Elementary	Goss (Mildred) Elementary	Met Growth Targets	No Growth
44697996049704	Santa Cruz	Pajaro Valley Joint	Hyde (H. A.) Elem	Met Growth Targets	No Growth
44697996049753	Santa Cruz	Pajaro Valley Joint Unified	Pajaro Middle	Met Growth Targets	No Growth
54719936054159	Tulare	Lindsay Unified	Washington Elementary	Met Growth Targets	No Growth
54721406054373	Tulare	Stone Corral Elementary	Stone Corral Elementary	Met Growth Targets	No Growth
54722726108286	Tulare	Woodlake Union Elementary	Castle Rock Elementary	Met Growth Targets	No Growth
57726946056352	Yolo	Washington Unified	Elkhorn Village Elementary	Met Growth Targets	No Growth
58727366056659	Yuba	Marysville Joint Unified	Cedar Lane Elementary	Met Growth Targets	No Growth
56 Schools met growth targets in year one and failed to demonstrate any growth in year two.					
56725386102487	Ventura	Oxnard Elementary	Nueva Vista Intermediate	No Growth	Met Growth Targets
1 School failed to demonstrate any growth in year one and met growth targets in year two.					

HPSGP Schools Without Two Years of API Data After 24 Months of Implementation

CDS_CODE	COUNTY	DISTRICT	SCHOOL	2002-03	2003-04
01612596002273	Alameda	Oakland Unified	Woodland Elementary	Met Growth Targets	Invalid Data
01612596117568	Alameda	Oakland Unified	Aspire Academy	Met Growth Targets	Invalid Data
10622656006746	Fresno	Kings Canyon Joint Unified	Citrus Middle	Met Growth Targets	Invalid Data
10739656005789	Fresno	Central Unified	Biola-Pershing Elementary	Met Growth Targets	Invalid Data
15633136008817	Kern	Arvin Union Elem	Haven Drive	Met Growth Targets	Invalid Data
15633136110464	Kern	Arvin Union Elem	Bear Mountain	Met Growth Targets	Invalid Data
19642126010920	Los Angeles	ABC Unified	Hawaiian Elementary	Met Growth Targets	Invalid Data
19642126010979	Los Angeles	ABC Unified	Furgeson (Venn W.) Elementary	Met Growth Targets	Invalid Data
19642871930601	Los Angeles	Baldwin Park Unified	Baldwin Park High	Met Growth Targets	Invalid Data
19643521934926	Los Angeles	Centinela Valley Union High	Lawndale High	Met Growth Targets	Invalid Data
19647331933118	Los Angeles	Los Angeles Unified	Fremont (John C.) Senior High	Met Growth Targets	Invalid Data
19647336015887	Los Angeles	Los Angeles Unified	Ascot Avenue Elementary	Met Growth Targets	Invalid Data
19647336016141	Los Angeles	Los Angeles Unified	Brooklyn Avenue	Met Growth Targets	Invalid Data
19647336016174	Los Angeles	Los Angeles Unified	Budlong Avenue Elementary	Met Growth Targets	Invalid Data
19647336016299	Los Angeles	Los Angeles Unified	Canoga Park	Met Growth Targets	Invalid Data
19647336017024	Los Angeles	Los Angeles Unified	Fernangeles Elementary	Met Growth Targets	Invalid Data
19647336017388	Los Angeles	Los Angeles Unified	Gridley Street Elementary	Met Growth Targets	Invalid Data
19647336017412	Los Angeles	Los Angeles Unified	Haddon Avenue Elementary	Met Growth Targets	Invalid Data
19647336017909	Los Angeles	Los Angeles Unified	Lockwood Avenue Elementary	Met Growth Targets	Invalid Data
19647336017990	Los Angeles	Los Angeles Unified	Magnolia Avenue Elementary	Met Growth Targets	Invalid Data
19647336018303	Los Angeles	Los Angeles Unified	Nevin Avenue Elementary	Met Growth Targets	Invalid Data
19647336018337	Los Angeles	Los Angeles Unified	Ninety-Fifth Street Elementary	Met Growth Targets	Invalid Data
19647336018394	Los Angeles	Los Angeles Unified	Noble Avenue Elementary	Met Growth Targets	Invalid Data
19647336018881	Los Angeles	Los Angeles Unified	Hamasaki (Morris K) Elementary	Met Growth Targets	Invalid Data
19647336019020	Los Angeles	Los Angeles Unified	San Gabriel Avenue	Met Growth Targets	Invalid Data
19647336019335	Los Angeles	Los Angeles Unified	State Street	Met Growth Targets	Invalid Data
19647336019590	Los Angeles	Los Angeles Unified	Twenty-Eighth Street Elementar	Met Growth Targets	Invalid Data
19647336019624	Los Angeles	Los Angeles Unified	Union Avenue	Met Growth Targets	Invalid Data
19647336019632	Los Angeles	Los Angeles Unified	Utah Street Elementary	Met Growth Targets	Invalid Data
19647336019640	Los Angeles	Los Angeles Unified	Valerio Street	Met Growth Targets	Invalid Data
19647336019731	Los Angeles	Los Angeles Unified	Vermont Avenue Elementary	Met Growth Targets	Invalid Data
19647336019889	Los Angeles	Los Angeles Unified	West Vernon Avenue Elementary	Met Growth Targets	Invalid Data
19647336057921	Los Angeles	Los Angeles Unified	Carver (George Washington) Middle	Met Growth Targets	Invalid Data

CDS_CODE	COUNTY	DISTRICT	SCHOOL	2002-03	2003-04
19647336057962	Los Angeles	Los Angeles Unified	Drew (Charles) Middle	Met Growth Targets	Invalid Data
19647336058051	Los Angeles	Los Angeles Unified	Hollenbeck Middle	Met Growth Targets	Invalid Data
19647336058358	Los Angeles	Los Angeles Unified	Webster (Daniel) Middle	Met Growth Targets	Invalid Data
19647336058374	Los Angeles	Los Angeles Unified	Wilmington Middle	Met Growth Targets	Invalid Data
19647336061428	Los Angeles	Los Angeles Unified	Clay (Henry) Middle	Met Growth Targets	Invalid Data
19647336061600	Los Angeles	Los Angeles Unified	Sun Valley Middle	Met Growth Targets	Invalid Data
19647336115794	Los Angeles	Los Angeles Unified	Los Angeles Academy Middle	Met Growth Targets	Invalid Data
19648081930825	Los Angeles	Montebello Unified	Bell Gardens High	Met Growth Targets	Invalid Data
19648086020515	Los Angeles	Montebello Unified	Bell Gardens Elementary	Met Growth Targets	Invalid Data
19648086020549	Los Angeles	Montebello Unified	Gascon (Joseph A.) Elementary	Met Growth Targets	Invalid Data
19648086058408	Los Angeles	Montebello Unified	Bell Gardens Intermediate	Met Growth Targets	Invalid Data
19648086058416	Los Angeles	Montebello Unified	Eastmont	Met Growth Targets	Invalid Data
19648086085682	Los Angeles	Montebello Unified	Suva Intermediate	Met Growth Targets	Invalid Data
19734456014377	Los Angeles	Hacienda La Puente	Sparks Middle	Met Growth Targets	Invalid Data
24753666025407	Merced	Delhi Unified	El Capitan Elem	Met Growth Targets	Invalid Data
27661426026553	Monterey	Salinas City Elementary	Loma Vista	Met Growth Targets	Invalid Data
27661426026561	Monterey	Salinas City Elementary	Los Padres Elementary	Met Growth Targets	Invalid Data
27661426026611	Monterey	Salinas City Elementary	Sherwood Elementary	Met Growth Targets	Invalid Data
30666703030491	Orange	Santa Ana Unified	Century High	Met Growth Targets	Invalid Data
30666706030274	Orange	Santa Ana Unified	Hoover Elementary	Met Growth Targets	Invalid Data
30666706030308	Orange	Santa Ana Unified	Lincoln Elementary	Met Growth Targets	Invalid Data
30666706030316	Orange	Santa Ana Unified	Lowell Elementary	Met Growth Targets	Invalid Data
30666706030365	Orange	Santa Ana Unified	Monte Vista Elementary	Met Growth Targets	Invalid Data
30666706030399	Orange	Santa Ana Unified	Roosevelt	Met Growth Targets	Invalid Data
30666706030415	Orange	Santa Ana Unified	Sierra Intermediate	Met Growth Targets	Invalid Data
30666706030449	Orange	Santa Ana Unified	Wilson Elementary	Met Growth Targets	Invalid Data
30666706058978	Orange	Santa Ana Unified	Lathrop Intermediate	Met Growth Targets	Invalid Data
30666706061758	Orange	Santa Ana Unified	Willard Intermediate	Met Growth Targets	Invalid Data
30666706094684	Orange	Santa Ana Unified	Spurgeon Intermediate	Met Growth Targets	Invalid Data
30666706100762	Orange	Santa Ana Unified	Grant (Margaret S.) Elementary	Met Growth Targets	Invalid Data
30666706106165	Orange	Santa Ana Unified	Sepulveda (Jose)	Met Growth Targets	Invalid Data
30666706108484	Orange	Santa Ana Unified	Garfield Elementary	Met Growth Targets	Invalid Data
30666706109904	Orange	Santa Ana Unified	Pio Pico Elementary	Met Growth Targets	Invalid Data
30666706113377	Orange	Santa Ana Unified	King (Martin Luther Jr.)	Met Growth Targets	Invalid Data
30666706115836	Orange	Santa Ana Unified	Romero-Cruz (Lydia) Elem	Met Growth Targets	Invalid Data
33671246032304	Riverside	Moreno Valley Unified	Edgemont Elementary	Met Growth Targets	Invalid Data

CDS_CODE	COUNTY	DISTRICT	SCHOOL	2002-03	2003-04
33671246108690	Riverside	Moreno Valley Unified	Sunnymead Middle	Met Growth Targets	Invalid Data
41690056044457	San Mateo	Redwood City Elementary	Fair Oaks Elementary	Met Growth Targets	Invalid Data
41690056044598	San Mateo	Redwood City Elem	Taft	Met Growth Targets	Invalid Data
57727106056493	Yolo	Woodland Joint Unified	Grafton Elementary	Met Growth Targets	Invalid Data
73 Schools achieved growth targets in year one and had invalid data in year two.					
19647336017958	Los Angeles	Los Angeles Unified	Loreto Street Elementary	Invalid Data	Met Growth Targets
56725386055289	Ventura	Oxnard Elementary	Elm Street Elementary	Invalid Data	Met Growth Targets
56725386055362	Ventura	Oxnard Elementary	Ramona Elementary	Invalid Data	Met Growth Targets
3 Schools had invalid data in year one and achieved growth targets in year two.					
10623646115224	Fresno	Parlier Unified	Parlier Junior High	Made Sig. Growth	Invalid Data
19642461996347	Los Angeles	Antelope Valley Union High	Hearns (Henry) Charter	Made Sig. Growth	Invalid Data
19643521933951	Los Angeles	Centinela Valley Union High	Hawthorne High	Made Sig. Growth	Invalid Data
19647331934033	Los Angeles	Los Angeles Unified	Hollywood Senior High	Made Sig. Growth	Invalid Data
19647331934371	Los Angeles	Los Angeles Unified	Jefferson (Thomas) Senior High	Made Sig. Growth	Invalid Data
19647331935352	Los Angeles	Los Angeles Unified	Los Angeles Senior High	Made Sig. Growth	Invalid Data
19647336018139	Los Angeles	Los Angeles Unified	Menlo Avenue Elementary	Made Sig. Growth	Invalid Data
19647336018576	Los Angeles	Los Angeles Unified	One Hundred Twenty-Second Street Elem.	Made Sig. Growth	Invalid Data
19647336058119	Los Angeles	Los Angeles Unified	Mann (Horace) Junior High	Made Sig. Growth	Invalid Data
19647336061394	Los Angeles	Los Angeles Unified	Audubon Middle	Made Sig. Growth	Invalid Data
19734371932326	Los Angeles	Compton Unified	Dominguez High	Made Sig. Growth	Invalid Data
19734451934801	Los Angeles	Hacienda la Puente Unified	La Puente High	Made Sig. Growth	Invalid Data
33671246108674	Riverside	Moreno Valley Unified	Badger Springs Middle	Made Sig. Growth	Invalid Data
13 Schools achieved significant growth in year one and had invalid data in year two.					
07617540734566	Contra Costa	Mt. Diablo Unified	Mt. Diablo High	Invalid Data	Made Sig. Growth
1 School had invalid data in year one and achieved significant growth in year two.					
19734451939925	Los Angeles	Hacienda la Puente Unified	Workman (William) High	No Growth	Invalid Data
1 School failed to demonstrate any growth in year one and had invalid data in year two.					
07617546004238	Contra Costa	Mt. Diablo Unified	Sunrise (Special Education)	Invalid Data	No Growth
54718035430301	Tulare	Alpaugh Unified	Alpaugh Junior-Senior High	Invalid Data	No Growth
54718036053847	Tulare	Alpaugh Unified	Alpaugh Elementary	Invalid Data	No Growth
3 Schools had invalid data in year one and failed to demonstrate any growth in year two.					

CDS_CODE	COUNTY	DISTRICT	SCHOOL	2002-03	2003-04
10624141030766	Fresno	Sanger Unified	Hallmark Charter	Invalid Data	Invalid Data
10625211038298	Fresno	Washington Union High	Easton Continuation High	Invalid Data	Invalid Data
16639821630011	Kings	Lemoore Union High	Jamison (Donald C.) High (Cont.)	Invalid Data	Invalid Data
16639821630144	Kings	Lemoore Union High	Yokuts High (Cont.)	Invalid Data	Invalid Data
19647331930650	Los Angeles	Los Angeles Unified	Banning (Phineas) Senior High	Invalid Data	Invalid Data
19647331932128	Los Angeles	Los Angeles Unified	Crenshaw Senior High	Invalid Data	Invalid Data
19647331933142	Los Angeles	Los Angeles Unified	Owens (Jessie) Opportunity Center	Invalid Data	Invalid Data
19647331935154	Los Angeles	Los Angeles Unified	Locke (Alain Leroy) Senior Hig	Invalid Data	Invalid Data
19647331935519	Los Angeles	Los Angeles Unified	Manual Arts Senior High	Invalid Data	Invalid Data
19647331939305	Los Angeles	Los Angeles Unified	Washington (George) Preparatory High	Invalid Data	Invalid Data
19734456014351	Los Angeles	Hacienda la Puente Unified	Sierra Vista Middle	Invalid Data	Invalid Data
27660922732253	Monterey	Monterey Peninsula Unified	Central Coast High (Cont)	Invalid Data	Invalid Data
33669853330974	Riverside	Banning Unified	Banning Independent Study	Invalid Data	Invalid Data
34674393431012	Sacramento	Sacramento City Unified	Burbank (Luther) High	Invalid Data	Invalid Data
36677103630019	San Bernardino	Fontana Unified	Birch High (Cont.)	Invalid Data	Invalid Data
36677103630480	San Bernardino	Fontana Unified	Citrus High (Cont.)	Invalid Data	Invalid Data
39686763930427	San Joaquin	Stockton City Unified	Weber Institute for Applied Sciences and Technol	Invalid Data	Invalid Data
17 Schools had invalid data in years one and two.					

ITEM #30

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Senate Bill (SB)1058 Follow-Up Adoption for K-8 Instructional Materials	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve the *2005 Follow-Up Adoption Schedule of Significant Events*, establishing follow-up adoptions for Foreign Language, Mathematics, and Reading Language Arts/English Language Development.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

On May 10, 2004, the State Board of Education (SBE) conducted a public hearing on the proposed amendments to Title 5, Sections 9515 and 9517, and addition of Section 9517.1, for K-8 Follow-Up Adoptions and adopted the regulations. It is anticipated that the proposed regulations will become operative in November 2004.

In October 2004, the SBE received an Information Memorandum regarding Senate Bill (SB)1058 Torlakson, (Chapter 806, Statues of 2003).The Information Memorandum included a summary of key portions of SB 1058, as well as a timeline for implementation.

SUMMARY OF KEY ISSUES

Education Code Section 60200(b)(1) calls for adoptions of K-8 instructional materials to occur “not less than two times every six years” for language arts, mathematics, science, and history-social science and “not less than two times every eight years” in other subjects. The first instructional materials adoption following the SBE’s adoption of new evaluation criteria is termed a “primary adoption” and creates a new adoption list. A follow-up adoption is any additional adoption conducted during the six- or eight-year time frame and is conducted using the same evaluation criteria as the primary adoption. A follow-up adoption adds instructional materials to the existing adoption list for the remainder of the list’s term.

Significant budget cuts to the California Department of Education (CDE) resulted in the postponement of follow-up adoptions scheduled for 2002-03 and 2003-04.

SUMMARY OF KEY ISSUES

SB 1058 gives the CDE the authority to assess publishers and manufacturers of instructional materials a fee to participate in a follow-up adoption and partially offset the follow-up adoption's costs. The bill provides for a reduction of the fee for small publishers and manufacturers.

In August, the CDE conducted a survey of publishers to determine the level of interest of participation in follow-up adoptions in three curricular areas: Mathematics (grades 6-8), Foreign Language (grades K-8), and Reading/Language Arts/English Language Development (grades K-8). The survey included a draft *Schedule of Significant Events.* Seventy-eight surveys were sent out to publishers and manufacturers of instructional materials. The survey was also posted on the CDE Web site.

The results of the survey were as follows:

- Mathematics: One publisher indicated an interest in submitting programs for Mathematics for grades 6-8

- Foreign Language: Two publishers will submit three Spanish Foreign Language programs for grades K-6

- Reading/Language Arts/English Language Development: Two publishers will submit Basic programs for Reading/Language Arts/English Language Development for grades K-6 and K-3, and five publishers will submit Intervention programs for Reading/Language Arts/English Language Development for grades 4-8

The CDE's recommendation to conduct follow-up adoptions in the three areas is based on the information provided through the publishers' survey as well as the need to increase the number of state-adopted programs available to schools in these curricular areas.

The attached draft *Schedule of Significant Events* was approved by the Curriculum Commission at its meeting on October 1, 2004.

FISCAL ANALYSIS (AS APPROPRIATE)

Under SB 1058, the Department is authorized to collect a fee to cover the cost of follow-up adoptions. Section 9517.1 of Title 5, which was added in the proposed regulations, establishes the fee as "$5,000.00 per grade level" for programs submitted for review. The bill gives the SBE the authority to reduce the fee for small publishers and manufacturers if requested.

ATTACHMENT(S)

Attachment 1: Draft *Schedule of Significant Events 2005 Follow-Up Adoption Timeline for Mathematics (2001), K-8 Reading/Language Arts/English Language Development (2002) and Foreign Language (2003) Primary Adoptions* (2 Pages)

Attachment 2: *2005 Follow-Up Adoption Publishers' Survey Results* (1 page)

Draft Schedule of Significant Events
2005 Follow-Up Adoptions Timeline
Mathematics (2001)
K-8 Reading/Language Arts/English Language Development (2002)
Foreign Language (2003) Primary Adoptions

DATES	EVENTS
November 9-10, 2004	State Board of Education (SBE) action on Schedule of Significant Events.
November-December 2004	Notification of Invitation to Submit (ITS) meeting mailed and posted on California Department of Education (CDE) Web site.
December 2-3, 2004	Instructional Materials Advisory Panel (IMAP)/Content Revie Panel (CRP) members reviewed by Curriculum Commission
December 2004-January 2005	CDE calculates fees and invoices publishers.
January 12-13, 2005	Curriculum Commission Chair presents IMAP/CRP recommended members to SBE.
January 31, 2005	Deadline for receipt of publishers' fees by CDE.
January 31, 2005	Deadline for publishers to RSVP for ITS meeting.
February 8, 2005	ITS Meeting/Publishers' Review.
February 8, 2005	CDE distributes Standards Maps and/or Language Learning Continuums on diskette to publishers.
March 9, 2005	Deadline for receipt by CDE of submission diskette, technology requirements and contact, Program Descriptions, and Publisher's Checklist.
March 9, 2005	Deadline for publishers to request written permission from CDE to sample in other than final format.
March 17-18, 2005	Training of IMAPs/CRPs and publishers' presentations.
March 23, 2005	Distribution of requests for price quotations by CDE.
March 28, 2005	Deadline for receipt of instructional materials samples and Standards Maps to designated sites and persons as directed by CDE.
April-May 2005	Legal and Social Compliance Review (Contracted).

Draft Schedule of Significant Events
2005 Follow-Up Adoptions Timeline
Mathematics (2001)
K-8 Reading/Language Arts/English Language Development (2002)
Foreign Language (2003) Primary Adoptions

DATES	EVENTS
March-April 2005	Materials on display at Learning Resource Display Centers (LRDCs) throughout the state. Forms for public comment are available at the centers.
April 27, 2005	Price quotes due to CDE by close of business.
June 1, 2005	Last day for publishers to withdraw from adoption.
June 13-14, 2005	Deliberations.
July 15, 2005	Curriculum Commission Meeting: Public hearing conducted Subject Matter Committee and full Commission; Commissio takes action.
August 2005	Required 30-day public display of recommended resources for adoption.
September 7-8, 2005	Curriculum Commission presents recommendations to SBE; SBE conducts public hearing (Info/Action).
October-November 2005	Finalize SBE report for CDE Web site.
October 2005	Materials added to online price lists.
October 2005	Post-adoption briefing for all approved publishers.
November 14, 2005	Deadline for receipt of final printed resources reflecting legal compliance and minor edits and corrections (60 days after SBE action).
November 14, 2005	Deadline for publishers to send materials to the Clearinghouse for Specialized Media and Technology for transcription.
December 2005-January 2006	Distribution of Price Lists and Order Forms to School Districts by CDE.

* Note: In several instances, more than one item may be due on the same day.

2005 Follow-Up Adoption
Publishers' Survey Results
September 22, 2004

PUBLISHER	SUBJECT AREA	PROGRAM TITLE	GRADE LEVEL(S)
Glencoe/McGraw-Hill	Mathematics	*Glencoe Mathematics: Applications and Concepts*	Grd. 6
Glencoe/McGraw-Hill	Mathematics	*Glencoe Pre-Algebra*	Grd. 7
Glencoe/McGraw-Hill	Mathematics	*Glencoe Algebra 1*	Grd. 8
Glencoe/McGraw-Hill	Mathematics	*Glencoe Algebra: Concepts and Applications*	Grd. 8
Hampton-Brown	RLA/ELD Basic	*Avenues*	Grd. K-6
Voyager Expanded Learning, Inc.	RLA/ELD Basic	*Universal Literacy*	Grd. K-3
Harcourt School Publishers	RLA/ELD Intervention	*Moving Into English*	Grd. 4-5
Pearson Longman	RLA/ELD Intervention	*The Shining Star Program*	Grd. 4-8
Sopris West	RLA/ELD Intervention	*Language! (3rd Edition)*	Grd. 4-8
Thomson Heinle	RLA/ELD Intervention	*Visions*	Grd. 4-8
Wright Group	RLA/ELD Intervention	*Fast Track* (New Edition, new components)	Grd. 4-8
Santillana	Foreign Language	*Nuevo ¡Bravo,bravo!*	Grd. K-5
Santillana	Foreign Language	*Nuevo Siglo de Español*	Grd. K-6
Wright Group	Foreign Language	*¡Viva el Español!*	Grd. K-8

ITEM #31

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
2005 History-Social Science Primary Adoption of Instructional Materials: Appointment of Instructional Materials Advisory Panel (IMAP) members and Content Review Panel (CRP) experts	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve Instructional Materials Advisory Panel (IMAP) members and Content Review Panel (CRP) members.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

January 8, 2003: The State Board of Education (SBE) adopted the evaluation criteria for the 2005 History-Social Science Primary Adoption.

November 13, 2003: The SBE adopted the 2005 History-Social Science Primary Adoption Timeline.

SUMMARY OF KEY ISSUES

Background

In February of 2004, a recruitment letter from State Superintendent Jack O'Connell was sent to district and county superintendents, curriculum coordinators in history-social science, and other interested individuals and organizations, to recruit history-social science educators to serve as Instructional Materials Advisory Panel (IMAP) members and Content Review Panel (CRP) experts. Recruitment letters were also sent to college and university departments of history, and to a number of professional associations related to history-social science. The application forms for the IMAP and CRP have been on the California Department of Education (CDE) Web site since February 2004.

Due to an insufficient number of applications received by the original August 15, 2004, deadline, the Curriculum Commission approved an extension of the deadline to September 15, 2004. Potential applicants were informed of the deadline extension through a posting on the CDE Web site. The CDE received a total of 80 IMAP applications and 5 CRP applications.

On October 1, 2004, the Curriculum Commission approved to move forward for SBE appointment 70 applicants to serve as IMAP members, and 5 applicants to serve as CRP experts. The Curriculum Commission approved the applicants pending a decision

SUMMARY OF KEY ISSUES

from CDE's legal counsel and the SBE's legal counsel on potential conflicts of interest.

Due to a shortage of qualified CRP applicants, the Curriculum Commission will continue to recruit candidates, whose applications will be brought to the SBE for approval in January 2005. In particular, there is still a strong need for CRPs with expertise in California history and world history, especially China, ancient Greece and Rome, and western Asia.

Profile of Applicants

The role of the IMAP is to review submitted programs to determine their alignment with the content standards and the evaluation criteria adopted by the SBE. The CRP experts serve as advisors on historical matters in their area of expertise, and confirm that the instructional materials are accurate and based on current and confirmed research.

A majority of the IMAP applicants are classroom teachers, as required by the *California Code of Regulations* (Title 5, Article 2.1, Section 9516), but also include administrators, curriculum specialists, and members of the community. All of the CRP applicants have a Ph.D. degree in history or a related social science field.

Eighteen of the IMAP applicants and three of the CRP applicants are male; fifty-two IMAP applicants and two CRP applicants are female. Eighteen IMAP applicants and two CRP applicants are from northern California; fifty-two IMAP applicants and three CRP applicants are from southern California.

Estimated Number or Panels

While we may have fewer or more actual submissions following the January 11, 2005, *Invitation to Submit* meeting with publishers, at the moment thirteen publishers have expressed an interest in participating in the adoption. We anticipate needing eight panels of reviewers, with seven-to-nine IMAP members per panel. Due to the topical nature of the 2005 History-Social Science Adoption, where each grade level focuses on a specific area of the subject, the CRP members will not be assigned to individual panels. Rather, the CRP members will serve as a resource for all of the IMAP members in their areas of expertise.

FISCAL ANALYSIS (AS APPROPRIATE)

The estimated cost for travel, hotel accommodations, and per diem expenses for 70 IMAP members and 5 CRP members for the History-Social Science Adoption is $94,380. The final costs may vary depending upon the number of reviewers who actually serve on the IMAP and CRP.

ATTACHMENT(S)

Attachment 1: Instructional Materials Advisory Panel (IMAP) mini biographies (24 Pages)
Attachment 2: Content Review Panel (CRP) mini biographies (2 Pages)

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
1	Professor of Education	Simpson College

Highest Degree	Expertise	Region	Gender
Ph.D. History, UC Davis	4-5, 8, CA/US	North	M

Summary

The candidate is a Professor of Education at Simpson College. He has published numerous books and articles, primarily focusing on California history. He has served as an advisor to the California Commission on Teacher Credentialing and has served as a consultant to various state and local history projects. He is the editor of the Social Studies Review, the journal of the California Council for the Social Studies. He has a Ph.D. in Education from the University of California at Davis.

Number	Title	Employer
3	Teacher	Eastern Sierra Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Education, US International University	K-5	Central	F

Summary

The candidate is an elementary teacher in the rural Eastern Sierra Unified School District. She has taught at a variety of districts and grade levels, and has worked as a Site Literacy Leader and Mentor Teacher. She has participated in district teams that evaluated and selected social studies, mathematics, and language arts materials. She has a M.A. in Education from United States International University.

Number	Title	Employer
4	Social Studies Teacher	Rialto Unified School District

Highest Degree	Expertise	Region	Gender
Ed.D. Education, USC	6-8, CA/US, Government	South	M

Summary

The candidate is an eighth grade social studies teacher in the Rialto Unified School District. He has a total of 33 years of classroom and administrative experience in grades 7-12. He has assisted in local textbook adoptions. He has served as Coordinator for the 43rd Congressional District for the “We the People: Citizen and the Constitution” Program; was an Item Writer for the NAEP Civics Assessment, and was a member of the Middle School Writing Team for the Scope and Sequence of Civic Education in California developed by the Center for Civic Education. He has an Ed.D. degree in Education from the University of Southern California.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
5	Teacher	Bakersfield City Schools District

Highest Degree	Expertise	Region	Gender
B.A. CSU Bakersfield	K-3, 6-7	South	F

Summary

The candidate is a K-1 teacher in the Bakersfield City School District. She has more than twenty years of total experience as a K-6, pre-K, and dual immersion teacher. She has participated in local district committees on mathematics and language arts, including the most recent local math adoption. She has a B.A. degree from California State University at Bakersfield.

Number	Title	Employer
6	Teacher	Arcadia Unified School District

Highest Degree	Expertise	Region	Gender
M.S.Ed., USC	6-7, World History	South	

Summary

The candidate is a middle school teacher in the Arcadia Unified School District. He has almost twenty years of teaching experience, including work in curriculum development for the Los Angeles Unified School District. He has served as an Education Consultant, evaluating instructional materials and preparing resource units for educators. In 1992-93 he participated in a textbook publisher's writing team, in the creation of a curriculum unit on Islam used in middle schools. He has a M.S.Ed. degree from the University of Southern California.

Number	Title	Employer
7	Instructional Consultant	Tulare County Office of Education

Highest Degree	Expertise	Region	Gender
M.A. Curriculum and Instruction, Fresno Pacific	K-5, 8, CA/US	Central	F

Summary

The candidate is a history consultant for Tulare County, coordinating student events relating to history-social science and providing staff development to low-performing schools. She has worked as a Program Coordinator for the Migrant Education Even Start (MEES) program and as a Mathematics Consultant, coordinating staff development programs with eleven school districts. She also has eight years of elementary-grades teaching experience. She has a M.A. in Education from Fresno Pacific University.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
8	History Program Specialist	San Bernadino City Unified School District

Highest Degree	Expertise	Region	Gender
B.S. Education, State University of New York, Oneonta	6-12, CA/US, World History, Government	South	F

Summary

The candidate is a Program Specialist in history-social studies in the San Bernadino Unified School District. This position includes writing curriculum and designing staff development programs, as well as direct support to teachers, administrators, and staff throughout the district. She has served on her district's textbook adoption committee, and has over ten years of experience with the district as a teacher and specialist. She has a B.S. degree in Education from the State University of New York at Oneonta.

Number	Title	Employer
9	Teacher	Alta Loma School District

Highest Degree	Expertise	Region	Gender
M.A. Education, University of LaVerne	K-5, CA/US	South	F

Summary

The candidate is a fifth grade teacher in the Alta Loma School District. She has a total of nine years of experience teaching kindergarten through grade six. She has attended the Colonial Williamsburg Teacher Institute and the NEH American History Workshop in Salem, Massachusetts. She has served on the local district adoption committee and the California Reading and Literacy Project's RESULTS program. She has a M.A. Degree in Education from the University of LaVerne.

Number	Title	Employer
10	Consultant, History-Social Science	Los Angeles County Office of Education

Highest Degree	Expertise	Region	Gender
Ed.D. Education, UCLA	K-5, CA/US, Government	South	F

Summary

The candidate is a History-Social Science Consultant for the Los Angeles County Office of Education. In this position she provides curriculum and instructional support to history-social science teachers in districts throughout Los Angeles County. She has also served as a grant administrator, reading specialist, and teacher, with over twenty-five years of total education experience. She has been the Director of a Teaching American History Grant. She has an Ed.D. degree in Education from the University of California at Los Angeles.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
11	Teacher	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
B.A. Sociology, CSU Northridge	5, CA/US	South	F

Summary

The candidate is a fifth grade teacher in the Los Angeles Unified School District. She has served on the LAUSD Science Design Team, creating curriculum guidelines for fourth and fifth grade teachers. She has also been a member of her local school Instructional Leadership Team. She has a B.A. in sociology from the California State University at Northridge, where she is currently in an M.A. program in Educational Administration.

Number	Title	Employer
12	Coordinator of Special Education	California Charter Academy

Highest Degree	Expertise	Region	Gender
B.A. Social Science, Chapman College	K-12, CA/US, World History	South	F

Summary

The candidate is a Special Education Coordinator for the California Charter Academy. She has served as an Assessment Coordinator, an administrator for alternative education programs, and as a special education teacher, with more than thirty years total experience. She is chair of ACSA's State Continuation and Education Options Committee and is active on other state and local committees. She has a B.A. degree from Chapman College, and elementary, learning-handicapped, and administrative credentials.

Number	Title	Employer
14	Teacher/Dept. Chair	Moorpark Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Teaching, Grand Canyon University	6-8	South	F

Summary

The candidate is a history-social science teacher and Department Chair in the Moorpark Unified School District. She has sixteen years of experience teaching grades 6-8. She has served twice on her local district history-social science adoption committee, and has also worked with other teachers to establish district standards and middle school benchmark assessments in history-social science. She has a Masters of Teaching degree from Grand Canyon University.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
16	Elementary Teacher	Lynwood Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Chicano Studies, CSULA	4-6	South	M

Summary

The candidate is a fifth grade teacher in the Lynwood Unified School District. He has a total of seventeen years of classroom teaching experience, with a focus upon primary language students and beginning-intermediate English language learners. He has an M.A. in Chicano Studies.

Number	Title	Employer
17	Teacher	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
M.S. Curriculum Leadership, National University	8, CA/US	South	M

Summary

The candidate is an eighth grade U.S. history teacher in the Los Angeles Unified School District. He has seven years of middle school teaching experience. He chairs the local Professional Development Committee and is a member of his district Teaching American History Cadre. He has a M.S. degree in Instructional Leadership from National University.

Number	Title	Employer
18	Elementary Educator	Chula Vista Elementary School District

Highest Degree	Expertise	Region	Gender
M.Ed. Curriculum and Instruction, San Diego SU	K-5, CA/US	South	F

Summary

The candidate is an elementary teacher in the Chula Vista Elementary School District. She also serves as a district BTSA Support Provider and ELD Standards School Site Trainer. She has been a RESULTS Program School Site Coordinator, a Mentor Teacher, a Language Arts Specialist, and a School Site Literacy Coach. She has served on district curriculum committees in history-social science, mathematics, science, language arts, technology, GATE, and bilingual education. She has twenty-nine years total education experience. She was an IMAP for the 1999 History-Social Science Adoption. She has a M.Ed. degree in Curriculum in Instruction from San Diego State University.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
19	Adjunct Lecturer	National University

Highest Degree	Expertise	Region	Gender
Ph.D. Education, UCLA	9-12, CA/US, World History, multicultural education	South	M

Summary

The candidate is an adjunct lecturer in Education at National University. He is author of The Visual Turn and the Transformation of the Textbook (1998) and has published numerous articles and conference presentations on the subject of teaching history-social science and the History-Social Science Framework. He was an IMAP for the 1999 History-Social Science Adoption. He has a Ph.D. in Education from the University of California at Los Angeles.

Number	Title	Employer
20	Project Director, Teaching American History Grant	Clovis Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Administration and Supervision, San Jose SU	5, 8	Central	M

Summary

The candidate is Project Director of a federal Teaching American History Grant for Fresno County, providing professional development for history-social science teachers across the county. He also supervises an online high school program that supports the teaching of world history and AP American government courses. He is a History Day coach and has accompanied student projects to the national level for the last twelve years. He has served as a library media teacher, a mentor teacher, a BTSA support provider, and a teacher in history-social science and language arts. He has a total of twenty-five years of education experience. He was an IMAP for the 1999 History-Social Science Adoption. He has a M.A. degree in Educational Administration and Supervision from San Jose State University.

Number	Title	Employer
21	Teacher/Department Chair	Hanford Joint Union High School District

Highest Degree	Expertise	Region	Gender
M.A. History, CSU Fresno	9-12, CA/US, World History, Government	Central	M

Summary

The candidate is an eleventh grade history teacher in the Hanford Joint Unified School District. He is also the Department Chair and History-Social Science Curriculum Facilitator at his school, supervising the purchase of instructional materials and curriculum development, and participating in the district's Curriculum Committee. He presented, "Standards Here, Standards There, Standards Everywhere: Using the California History-Social Science Standards in the Classroom," at the 2001 California Council for the Social Studies Conference. He has served as the Kings County History Day Co-Coordinator, organizing the county History Day event and providing professional development for teachers for History Day K-12 projects. He is also President of the San Joaquin Valley Council for the Social Studies. He has a M.A. degree in History from California State University at Fresno.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
22	Teacher	Auburn Union School District

Highest Degree	Expertise	Region	Gender
B.A. History/Anthropology, UC Santa Barbara	5-7, CA/US, World History	North	F

Summary

The candidate is a sixth grade teacher in the Auburn Unified School District. She has been a BTSA Support Provider for the last four years, and has served as a Master Teacher for Sacramento State University for the last twelve. She has attended two NEH Summer Institutes on world history topics and has been a Fellow at the History and Cultures Project at the University of California at Davis. She also serves as a CLRN Reviewer for electronic media in social studies. She has B.A. degrees in History and Anthropology from the University of California at Santa Barbara.

Number	Title	Employer
23	Teacher	Oak Grove

Highest Degree	Expertise	Region	Gender
B.A. Social Science, San Jose SU	4-7, CA/US	Bay Area	F

Summary

The candidate is a fifth grade teacher in the Oak Grove School District. She serves on her school's Equity Team and the district's Closing the Achievement Gap Committee. She has served on her local adoption committee for language arts. She has a B.A. degree from San Jose State University.

Number	Title	Employer
24	Teacher	Escondido Union School District

Highest Degree	Expertise	Region	Gender
B.A.Liberal Arts, CSU San Marcos	6, 8, US	South	F

Summary

The candidate is an eighth grade social studies teacher in the Escondido Union School District. She has participated in local adoptions and served as a team leader for the district's History/Social Science Committee. She has been a district Literacy Trainer and has participated in professional training related to history-social science, such as workshops on standards and assessment, the California League of Middle Schools Conference, and the Summer AVID Institute. She has a B.A. degree in Liberal Arts from California State University San Marcos, where she is currently completing a M.A. in Education.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
25	Teacher	Sweetwater Union High School District

Highest Degree	Expertise	Region	Gender
B.A. Social Science, San Diego SU	6-7, World	South	M

Summary

The candidate is a World Cultures (seventh grade) teacher in the Sweetwater Union High School District. He has served as a Social Science Specialist for this district. He is Co-Chair of the district's History-Social Science Standards and Assessment team and has been a contributor to the History-Social Science Assessment for the San Diego County Office of Education. He has a B.A. degree in Social Science from San Diego State University.

Number	Title	Employer
26	Teacher	Pomona Unified School District

Highest Degree	Expertise	Region	Gender
M.S. Education, CSU Fullerton	8, CA/US, World History, Government	South	F

Summary

The candidate is an eighth grade teacher in the Pomona Unified School District. She is the Chair of the History-Social Science Department at her school, and serves as the GATE facilitator. She has attended the Center for Civic Education's "We the People Institute" and was part of the Teaching American History Grant Consortium of Southern California. She has served as a BTSA Mentor (Support Provider) for new teachers. She has an M.S. degree in Education with an emphasis in Educational Leadership from California State University at Fullerton.

Number	Title	Employer
27	Teacher	Elk Grove Unified School District

Highest Degree	Expertise	Region	Gender
M.A. History, CSU Sacramento	7-8, US, World History	Central	F

Summary

The candidate is a seventh grade World History teacher in the Elk Grove Unified School District. She has also served as a language arts teacher and was part of her local AP Vertical Team (preparing students for high school advanced placement courses) and a district assessment team that aligned local assessments with the state academic content standards. She has attended various conferences and workshops, including a recent workshop on "Literacy Through History-Social Science". She has a M.A. degree in History from California State University at Sacramento.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
28	Teacher	Novato Unified School District

Highest Degree	Expertise	Region	Gender
M.A. English Literature, San Francisco SU	6-8, CA/US, World History, Geography	Central	M

Summary

The candidate is a seventh grade teacher in the Novato Unified School District. He has served on his district textbook selection committee. He also teaches a self-created geography course and coordinates an annual National Geographic Society Geographic Contest in which hundreds of students compete. He has participated in several NEH Summer Seminars, a U.C. Berkeley workshop on “History Through Literature,” and the California History Project. He has written content items for the eSCORE Web site and worked on a publisher’s Ancient World History program in the mid-1990s. He has a M.A. degree in English Literature from San Francisco State University.

Number	Title	Employer
29	Teacher	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
B.A. Asian American Studies, UC Davis	K-4, CA/US	South	F

Summary

The candidate is a fourth grade teacher in the Los Angeles Unified School District. She also serves as a School Site Council Representative and a Grade Level Coordinator for Social Studies. She is Chair of the Asian Pacific Islander Education Justice Project, a community project dealing with issues of concern for Filipino American English learner students, and is also active in other community organizations. She has a B.A. degree with Honors in Asian American Studies from the University of California at Davis.

Number	Title	Employer
30	Teacher	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
B.A. Anthropology, Pitzer College	8, CA/US, Government, others	South	F

Summary

The candidate is an eighth grade social studies teacher in the Los Angeles Unified School District. He has participated in the local review and selection of instructional materials and in local district management committees. As part of his local Academic Council, he has participated in the review, implementation, and assessment of district and state academic programs. Prior to becoming a teacher, he had extensive experience in business consulting and management, and served as Director of Peer Counseling Programs for the Inland AIDS Project. He has a B.A. degree in Anthropology from Pitzer College.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
31	Teacher	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
MAT Social Studies, Loyola Marymount University	8-12, CA/US, World History, Government, Economics	South	F

Summary

The candidate is a social studies teacher in the Los Angeles Unified School District. She has designed and led professional development workshops on labor education at schools throughout the district, state, and country. She is the creator of the Collective Bargaining Education Project, which models a labor relations curriculum for secondary teachers and students, and author of Workplace Issues and Collective Bargaining in the Classroom, an award-winning interactive social studies curriculum. She has a total of twenty-two years of education experience. She has a MAT degree in Social Studies from Loyola Marymount University.

Number	Title	Employer
32	Teacher, AVID/Gifted Coordinator	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Reading Instruction, CSU Long Beach	6	South	F

Summary

The candidate is a sixth grade teacher in the Los Angeles Unified School District. She has thirty years of education experience. She has been highly active in school leadership, serving as a School Site Council teacher representative and chairperson, School Gifted Coordinator, AVID School Coordinator, and 6th Grade Department Chair. She has served on district adoption and assessment committees, and on a Coordinated Compliance Review School Team. She has an M.A. degree in Reading Instruction from California State University at Long Beach.

Number	Title	Employer
33	Teacher	Hacienda La Puente Unified School District

Highest Degree	Expertise	Region	Gender
B.A. History/Social Science, CSU Fullerton	8, CA/US	South	F

Summary

The candidate is an eighth grade social studies teacher in the Hacienda LaPuente Unified School District. She was a participant in the district's Teaching American History Grant Program, and served on district committees developing districtwide assessments and a year-long history-social science pacing schedule. She is also a Congressional District Coordinator for the Center for Civic Education. She has a B.A. degree in History/Social Studies from California State University at Fullerton.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
34	Teacher/Coordinator	Holmes Middle School

Highest Degree	Expertise	Region	Gender
M.A. Teaching History, Loyola Marymount University	6-8, CA/US, World History	South	F

Summary

The candidate is a seventh grade social studies teacher at a magnet school in the Los Angeles Unified School District. She has served as Department Chair, a Literacy Coach, and Title I/School Improvement Coordinator. She has participated in writing Middle School Demonstration grants and a local School Improvement Plan. She has been active in local professional development projects, including serving as a Mentor Teacher. She has a M.A. in Teaching History from Loyola Marymount University.

Number	Title	Employer
35	Teacher	San Rafael City Schools

Highest Degree	Expertise	Region	Gender
B.A. English, UC Berkeley	6-8, World History	Bay Area	F

Summary

The candidate is a middle school teacher in the San Rafael City School District. She established an AVID program at her school, and created a Mini-Academy program for struggling students. She served in an Americorps program at two schools in the San Rafael district, creating special programs and operating a Peer Conflict Management Program. She has a B.A. degree in English from the University of California at Berkeley.

Number	Title	Employer
36	Teacher	Simi Valley Unified School District

Highest Degree	Expertise	Region	Gender
B.S. Home Economics, CSU Northridge	7-8, World History, US	South	F

Summary

The candidate is an eighth grade history teacher in the Simi Valley Unified School District. She is the Department Chair of the Social Studies Department at her school. She has served on the GATE curriculum writing and plan writing committees. She is a National Junior Honor Society Advisor and served as a Program Quality Review leadership team member for eight years. She has a B.S. degree in Home Economics from California State University at Northridge.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
37	Principal	Lindsay Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Education, Fresno Pacific University	K-7, CA/US, Government	Central	M

Summary

The candidate is a K-6 principal in the Lindsay Unified School District. He has teaching experience in grades 4-6 and has served as a Reading Recovery teacher and an intersession/accelerated instructor. He has served on local adoption committees for history-social science, language arts, and mathematics. He has over ten years of total education experience. He has a M.A. degree in Education from Fresno Pacific University.

Number	Title	Employer
38	Teacher	Washington Union High School District

Highest Degree	Expertise	Region	Gender
B.A. History, CSU Fresno	9-12, CA/US, World History	Central	F

Summary

The candidate is Social Science Department Chair and an eleventh grade United States History teacher in the Washington Union High School District. As Department Chair, she has been involved in creating curriculum and selecting instructional materials for her school. She has served as a Fellow at the San Joaquin Valley Writing Project, and has participated as an attendee or presenter at numerous local and state association conferences relating to social science. She has been involved in the administration of a Teaching American History (TAH) Grant in her district, and has attended the TAH Director's Meeting in Washington D.C. She has a B.A. degree in History from California State University at Fresno.

Number	Title	Employer
39	Coordinator, History-Social Science	San Diego County Office of Education

Highest Degree	Expertise	Region	Gender
M.A. Education, San Diego SU	5-8, CA/US, World History	South	F

Summary

The candidate is the History-Social Science Coordinator for the San Diego County Office of Education. In this position she coordinates professional development for K-12 teachers and is responsible for the implementation of effective programs in instruction, curriculum, and assessment. As a history-social science resource teacher, she has worked on the adoption of history-social science materials at the local district level. She has also served as a trainer at the California School Leadership Academy and as a facilitator for the Colonial Williamsburg Teacher Institute. She has a M.A. degree in Education from San Diego State University.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
40	High School Specialist	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Political Science, Boston University	6-12, CA/US, World History, Government	South	F

Summary

The candidate is a High School Specialist in the Los Angeles Unified School District, assisting in the supervision of eight high schools and eight continuation high schools. She also has four years of experience as a middle school teacher, teaching seventh and eighth grade social studies. She has also taught twelfth grade American government and economics. She has been involved in program evaluations for various state and local programs, including Healthy Start and II/USP. She has a M.A. degree in Political Science from Boston University, and is currently completing a Ed.D. program in Education Leadership at the University of Southern California.

Number	Title	Employer
41	Teacher	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
M.A. History, CSU Northridge	6-8, CA/US, World History	South	F

Summary

The candidate is a middle school teacher in the Los Angeles Unified School District. She has four years of experience teaching social studies and honors English. She has a M.A. degree in History from California State University at Northridge.

Number	Title	Employer
42	Capitol Region Leader	California 3Rs Project

Highest Degree	Expertise	Region	Gender
M.A. English, West Virginia University	5-8, CA/US, World History, Government, World Religions	Central	F

Summary

The candidate is Capital Region Leader for the California 3Rs Project, arranging teacher training institutes on the teaching of religion in public schools. She has served as an IMAP for the 1999 History-Social Science Adoption, the 2002 Reading/Language Arts/English Language Development Adoption, and the 1999 AB2519 Reading/Language Arts Adoption. She is also a Content Review Panel member for the History-Social Science STAR assessment. She has served on numerous local district committees evaluating curriculum and planning professional development training. She has a B.A. in English from West Virginia University.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
43	Retired/Consultant	

Highest Degree	Expertise	Region	Gender
B.A. Social Science, CSU Long Beach	5-8, CA/US, World History, Government, Geography	Bay Area	F

Summary

The candidate is a History/Social Science Consultant for the Santa Clara County Office of Education. She was an IMAP for the 1999 History-Social Science Adoption, and has served on numerous local and statewide history-social science-related projects, including the History/Social Studies Project at San Jose State University, Project Citizen, and We the People. She has won the President's Award for Service from the California Council for Social Studies three times. She is a retired teacher with 34 years of total teaching experience at the middle school level. She has a B.A. degree in Social Science from California State University at Long Beach.

Number	Title	Employer
44	Teacher	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
B.A. Spanish, CSU Dominguez Hills	6-8, CA/US, World History	South	F

Summary

The candidate is a social studies teacher teaching seventh and eighth grade in the Los Angeles Unified School District. In addition to ten years of experience as a social studies teacher, she has an additional ten years of experience as an ESL teacher. She has participated in local literacy and writing professional development programs, and has received several awards for teaching from local organizations. She has a B.A. degree in Spanish from California State University at Dominguez Hills.

Number	Title	Employer
45	Part Time Instructor	California State University Dominguez Hills

Highest Degree	Expertise	Region	Gender
Ed.D. Educational Administration, USC	6-12, CA/US, Government, Economics	South	M

Summary

The candidate is a part-time instructor, teaching graduate-level courses in education at California State University at Dominguez Hills. He has 32 years of education experience, including teaching and administration experience. He has extensive experience in curriculum development, assessment, and the evaluation and selection of instructional materials at the local level. He has served on dozens of committees, advisory boards, and associations, including the California League of Middle Schools (Conference Committee), the Center for Civic Education (We The People District Coordinator), the Association of California School Administrators (State Legislation Committee), the United States Academic Decathlon (Master Test Writer), the Orange County Social Science Association (President), and the National Education Association (Assembly Delegate). He has an Ed.D. degree in Educational Administration from the University of Southern California.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
46	Literacy Coordinator	UC Berkeley History-Social Science Project

Highest Degree	Expertise	Region	Gender
B.A. Biology, UC San Diego	K-5, CA/US	Bay Area	F

Summary

The candidate is Literacy Coordinator for the History-Social Science Project at the University of California at Berkeley. She organizes professional development workshops, directs a teacher research group, and directs the fifth grade component of the Oakland Unified School District's Teaching American History Grant. She has 13 years of elementary teaching experience, with an emphasis on ELD/bilingual instruction. She has a B.A. degree in Biology from the University of California at San Diego.

Number	Title	Employer
47	Teacher	Desert Sands Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Education, CSU San Bernadino	6-8, US, Government	South	F

Summary

The candidate is an eighth grade U.S. History teacher in the Desert Sands Unified School District. She serves as History Department Chair at her school, and has served on local instructional materials adoption and local school and district leadership committees. She has been History Day Coordinator and a fellow for the California History Project. She has participated in several professional development institutes, including the National Writing Project, the National Archives Teaching Institute, and the National Gallery of Art Teaching Institute. She has a M.A. degree in Education from the California State University at San Bernadino, and is currently a candidate for a M.A. degree in American Studies from Pepperdine University.

Number	Title	Employer
48	Teacher	Natomas Unified School District

Highest Degree	Expertise	Region	Gender
B.A. Psychology, CSU Sacramento	9-12, World History, Government, Psychology	Central	F

Summary

The candidate is a high school teacher of government and psychology in the Natomas Unified School District. She has twelve years of teaching experience. She has participated in the local evaluation and adoption of instructional materials, in government, economics, world history, and psychology. She has a B.A. degree in Psychology and has recently begun a M.A. in Education at California State University at Sacramento.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
49	Teacher	Palmdale School District

Highest Degree	Expertise	Region	Gender
M.A. Education, Chapman University	K-8	South	F

Summary

The candidate is a seventh and eighth grade history teacher in the Palmdale School District. She has ten years of total teaching experience, and has been active in local leadership activities, including the development and presentation of in-services for teachers, and parent workshops. She developed the district's social studies standards and end of the year mathematics assessment. She served as an IMAP for the 2001 Mathematics Adoption and the 1999 AB2519 Mathematics Adoption. She has a M.A. degree in Education from Chapman University.

Number	Title	Employer
50	Teacher/TAH Grant Coordinator	Fresno Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Curriculum and Instruction, CSU Fresno	5-8, CA/US	Central	F

Summary

The candidate is a teacher in the Fresno Unified School District, currently on special assignment coordinating professional development activities for a Teaching American History Grant. She has served as Partnership Coordinator for the San Joaquin Valley History-Social Science Project, and has four years of experience as a middle school teacher at grades seven and eight. She has a M.A. degree in Curriculum and Instruction from California State University at Fresno.

Number	Title	Employer
52	Teacher	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
B.A. Government, Smith College	3, 5, US	South	F

Summary

The candidate is a third and fifth grade teacher in the Los Angeles Unified School District. She has served as a local Standards-Based Assessment Coordinator at her school, and was a member of a Coordinated Compliance Review team. She has attended several Los Angeles American History Institute workshops, including a primary source workshop on the American Revolution held at the Huntington Library. She has a B.A. degree in Government from Smith College.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
54	Teacher	Bellflower Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Education, United States International University	4-5, CA/US	South	F

Summary

The candidate is a fifth grade teacher in the Bellflower Unified School District. She has served on local district adoption committees in language arts and social studies, and has eighteen years of total teaching experience. She has attended the Williamsburg Teacher Institute and has served as a member of the district's curriculum writing team. She has a M.A. degree in Education with an emphasis on Educational Administration from United States International University.

Number	Title	Employer
55	History-Social Science Coordinator	Riverside County Office of Education

Highest Degree	Expertise	Region	Gender
M.Ed., History Education, Delta State University	5-12, Government	South	F

Summary

The candidate is the History-Social Science Coordinator for the Riverside County Office of Education. She is responsible for providing workshops, institutes, and training on the history-social science content standards, blueprints, and assessments. She has a M.Ed. degree in History Education from Delta State University.

Number	Title	Employer
56	Teacher	Burbank Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Educational Leadership, CSU Northridge	6, 8, CA/US	South	F

Summary

The candidate is an eighth grade teacher in the Burbank Unified School District. She has served as an Assistant Principal at a middle school, and is currently Faculty Chair at her current school. She developed and facilitated the We the People workshop for secondary teachers in her district, and has received her district's Teacher of the Year Award. She is a recipient of a Fulbright Memorial Fund award for overseas study. She has a M.A. degree in Educational Leadership and Policy Studies from California State University at Northridge.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
57	Teacher	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
M.Div., Fuller Seminary	6-7, World History	South	F

Summary

The candidate is a seventh grade teacher in the Los Angeles Unified School District. She has thirteen years of experience teaching world history. She has served on her local district committee for the adoption of instructional materials in reading/language arts, and served for five years as her school's Testing Coordinator. She has a Master of Divinity degree from Fuller Seminary, and a Bachelor of Music Education degree from San Francisco State University.

Number	Title	Employer
58	Lecturer	University of California at Irvine

Highest Degree	Expertise	Region	Gender
M.A. Educational Administration, UC Riverside	K-5, CA/US	South	F

Summary

The candidate is a lecturer in Social Science Methods at the University of California at Irvine. She is responsible for the development and design of curriculum for teaching credential candidates. She has extensive professional development experience, including serving as a University Partner in the Beginning Teacher Support and Assessment (BTSA) Program, a National Consultant at the Exemplary Center for Reading Instruction, and a Demonstration Teacher for the Santa Ana Unified School District. She has a M.A. degree in Education from the University of California at Riverside.

Number	Title	Employer
59	Program Coordinator	History & Cultures Project, UC Davis

Highest Degree	Expertise	Region	Gender
B.A. History, UC Santa Barbara	6-12, CA/US, World History	Central	F

Summary

The candidate is Program Coordinator for the History and Cultures Project at the University of California at Davis. In this position she coordinates Literacy, World History, and Evaluation programs, including the review of instructional materials for integration into model lessons and literacy strategies for professional development. She also has seven years of teaching experience in grades seven through ten. She has a B.A. degree in History from the University of California at Santa Barbara.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
60	Curriculum Specialist	Burbank Unified School District

Highest Degree	Expertise	Region	Gender
B.A. Liberal Studies, CSU Northridge	K-5, CA	South	F

Summary

The candidate is a Curriculum Specialist in the Burbank Unified School District. In addition to overseeing and supporting standards implementation at two sites in the district, she is a Site Test Coordinator, GATE Site Coordinator, and Intervention Coordinator. She has served on local adoption committees through two language arts adoptions and one social science adoption. She also served as an elementary classroom teacher for over twelve years. She has a B.A. in Liberal Studies from California State University at Northridge, where she is completing a M.A. degree.

Number	Title	Employer
61	Teacher	Washington Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Early Childhood Education, CSU Sacramento	K-3	Central	F

Summary

The candidate is a second grade teacher in the Washington Unified School District. She is the former Chair of the Curriculum Development and Supplemental Materials Commission, and has worked on numerous K-8 instructional materials adoptions and curriculum frameworks. She also served as Chair of the Commission's History-Social Science Subject Matter Committee. She has served as a Teacher Consultant for the Area 3 Writing Project through UC Davis, and was a member of the Mayor's Blue Ribbon Commission on School Excellence for the City of West Sacramento. She has a M.A. degree in Early Childhood Education from California State University at Sacramento.

Number	Title	Employer
62	Literacy Coach	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Educational Administration, CSU Dominguez Hills	6-12, CA/US, World History	South	F

Summary

The candidate is a Literacy Coach for a middle school History-Social Science Department in the Los Angeles Unified School District. In this role, she provides training, support, and resources to teachers in providing standards-aligned content to students. She has ten years of teaching experience, including world history, United States History, and geography. She is the author of numerous local professional development presentations. She has a M.A. degree in Educational Administration from California State University at Dominguez Hills.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
63	Teacher	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
B.A. History, UCLA	6-8, US, World History	South	F

Summary

The candidate is a middle school teacher in the Los Angeles Unified School District. She has been History Department Chair for fifteen years. She has served on local instructional materials review committees for her district, and has attended professional development workshops in social science, including the UCLA History-Geography Project. She has presented a teacher training workshop at the California Council for the Social Sciences annual conference. She has a B.A. degree in History from the University of California at Los Angeles.

Number	Title	Employer
64	Teacher	Hesperia Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Human Behavior, United States International University	K-7, CA/US, World History, Government	South	F

Summary

The candidate is a resource specialist teacher in the Hesperia Unified School District. She has served as an IMAP for the 2004 Health Primary Adoption. She is involved in numerous health education programs in her district, and serves as Drug, Alcohol and Tobacco (DATE) Coordinator for her district. She is President of TFT Today, Inc., a company that provides materials and curriculum for drug and alcohol prevention, intervention and relapse prevention, domestic violence, parenting, and other programs. She has also taught Psychology at Victor Valley Community College for fourteen years, and teaches in teacher education programs at the University of California, Riverside, and the San Bernadino County Office of Education. She has a M.A. degree in Human Behavior from United States International University.

Number	Title	Employer
65	Teacher	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
B.S. Education, University of New Mexico	4-7, CA/US, World History	South	M

Summary

The candidate is a middle school teacher in the Los Angeles Unified School District. He has served on local textbook adoption committees, and has been Department Chairperson and a Mentor Teacher. He has a B.S. degree in Education from the University of New Mexico at Albuquerque.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
66	Teacher	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
B.A. Anthropology, University of Washington	6-7, World History	South	F

Summary

The candidate is a teacher in the Los Angeles Unified School District. She has five years of teaching experience. She is also Dean of Discipline, responsible for assessing behavioral and academic problems and serving as liaison between the school and parents. She has a B.A. degree in Anthropology from the University of Washington.

Number	Title	Employer
67	Teacher	Los Angeles Unified School District

Highest Degree	Expertise	Region	Gender
M.A. Teaching/Curriculum, CSU Dominguez Hills	4-5, CA/US, World History	South	F

Summary

The candidate is a fifth grade teacher in the Los Angeles Unified School District. She has worked on the local textbook adoption process and is involved in developing teacher resources in science. She has an M.A. degree in Teaching/Curriculum from California State University at Dominguez Hills.

Number	Title	Employer
68	Teacher	Chino Valley Unified School District

Highest Degree	Expertise	Region	Gender
M.S. Education, CSU Fullerton	6-7, CA/US, World History	South	F

Summary

The candidate is a sixth grade teacher in the Chino Valley Unified School District. She has served on local district adoption committees in mathematics, science, language arts, and social studies, and has 28 years of teaching experience. She is a BTSA Support Provider and serves on the District Curriculum Council. She has a M.S. degree in Education from California State University at Fullerton.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
69	Teacher	Anaheim Union High School District

Highest Degree	Expertise	Region	Gender
M.P.H. Public Health, Loma Linda University	6-7, World History	South	M

Summary

The candidate is a seventh grade world history teacher in the Anaheim Union High School District. He participated in curriculum reviews and technology training through the Intel Teach to the Future Program, as a Master Trainer. He was co-author of his district's Enhancing Education Through Technology Grant. He has a M.P.H. degree in Public Health from Loma Linda University.

Number	Title	Employer
70	Teacher	Anaheim Union High School District

Highest Degree	Expertise	Region	Gender
B.A. Political Science, UC San Diego	6-8, CA/US, World History, Government	South	M

Summary

The candidate is a middle school teacher in the Anaheim Union High School District. He has been involved in local curriculum review and development at his school site, and serves on his local School Site Council. He has a B.A. degree in Political Science fro the University of California at San Diego.

Number	Title	Employer
72	Teacher	Temecula Valley Unified School District

Highest Degree	Expertise	Region	Gender
M.A. CSU San Bernadino	4-5, CA/US	South	F

Summary

The candidate is an elementary teacher in the Temecula Valley Unified School District. She was a participant in the 1992 Science Adoption, and has attended the Colonial Williamsburg Teacher Institute. She has twenty-eight years of teaching experience. She has a M.A. degree from California State University at San Bernadino.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
74	Teacher	Selma Unified School District

Highest Degree	Expertise	Region	Gender
B.A. History, CSU Stanislaus	6-7, World History	Central	F

Summary

The candidate is a part-time middle school teacher and Co-Director of the San Joaquin Valley History-Social Science Project at California State University at Fresno. As a teacher, she is working with her school to develop a curriculum map and benchmark assessment for 7th-8th grade history-social science. As Project Co-Director, she is planning professional development services to improve classroom instruction in history-social science. She was an IMAP (then IREP) for the 1990 History-Social Science Adoption. She has been a presenter and participant at numerous professional conferences in history-social science, including the California Council for the Social Studies. She has twenty-eight years of classroom teaching experience. She has a B.A. degree in History from California State University Stanislaus.

Number	Title	Employer
78	Resource Teacher	Delano Union Elementary School District

Highest Degree	Expertise	Region	Gender
M.A. Educational Administration	K-8, CA/US	Central	M

Summary

The candidate is a resource teacher in the Delano Union Elementary School District, assisting teachers in designing and developing lesson plans in all curricular areas. He is responsible for ordering instructional materials for his school site. He has a M.A. degree in Educational Administration.

Number	Title	Employer
79	Teacher	High Tech High

Highest Degree	Expertise	Region	Gender
B.A. History (Ancient), CSU Chico	9-12, World History	South	M

Summary

The candidate is a ninth grade humanities teacher at High School High (a charter school) in San Diego. He served as an IMAP for the 1999 History-Social Science Adoption and has served on three local textbook adoption committees. He leads his school's committees on professional growth and hiring, and has led workshops at national conferences of the Association for the Supervision and Development of Curriculum (ASCD). He has a B.A. in History from California State University at Chico.

2005 History-Social Science Primary Adoption IMAP Applicants

Number	Title	Employer
80	Teacher	High Tech Middle School

Highest Degree	Expertise	Region	Gender
B.A. English Literature, UCLA	6-7, World History, Ethnic Studies	South	F

Summary

The candidate is a seventh grade humanities teacher at High Tech Middle School (a charter school) in San Diego. She has also worked as a legal clerk and a dance instructor. She has a B.A. degree in English Literature from the University of California at Los Angeles.

2005 History-Social Science Primary Adoption CRP Applicants

Number	Title	Employer
101	Instructor	Long Beach City College

Highest Degree	Expertise	Region	Gender
Ph.D. Latin American History, SUNY Stony Brook	US, Latin America, Canada, Africa, Europe	South	M

Summary

The candidate is a Professor of History at Long Beach City College. He also serves as an Adjunct Instructor at California State University Long Beach. The candidate's area of focus is Latin American history. He has published various articles and edited several source document collections. He has served as a reader or evaluator for various assessment and grant programs. He is a member of the advisory board of the California History-Social Science Project, and served as a Content Specialist and Site Director for the South Coast Region International Studies Project. He has a Ph.D. in Latin American History from the State University of New York at Stony Brook.

Number	Title	Employer
102	Teacher	Los Angeles County Office of Education

Highest Degree	Expertise	Region	Gender
Ph.D. Medieval History, UCLA	Medieval	South	F

Summary

The candidate is currently an instructor for juvenile wards of the court in Los Angeles County, and for the last five years has served as chair of the History-Social Science Department at a juvenile hall facility. She has also served as a teacher in the Adult Education Division of the Los Angeles Unified School District, and before that as a middle school teacher. She has authored several articles and books on medieval history and on the subject of at-risk/incarcerated youth programs. She has a Ph.D. in Medieval History from the University of California at Los Angeles.

Number	Title	Employer
103	Archivist	California State Archives

Highest Degree	Expertise	Region	Gender
Ph.D. History, Brown University	US, Women's History	Central	F

Summary

The candidate is an archivist at the California State Archives. She also serves as a graduate advisor and adjunct professor for the Public History program at California State University at Sacramento. She advises and reviews content developed for the State Archives Web site, including lesson plans that are calibrated to the state's Academic Content Standards. She is the author of a book on the history of political demonstrations, as well as several scholarly articles and presentations. She has a Ph.D. in History from Brown University.

2005 History-Social Science Primary Adoption CRP Applicants

Number	Title	Employer
104	Associate Professor	University of California at Irvine

Highest Degree	Expertise	Region	Gender
Ph.D. Political Science, Columbia University	East Asia, International Relations	South	M

Summary

The candidate is an Associate Professor of Political Science at the University of California at Irvine. His area of expertise is international relations and international political economy, with a regional emphasis on East Asia and a focus on Japan. He has lectured to high school teachers about how to teach students about East Asia. He is the author of two books and numerous articles on the subject of Japan and international relations in East Asia. He has a Ph.D. in Political Science from Columbia University.

Number	Title	Employer
105	Research Fellow	Stanford University

Highest Degree	Expertise	Region	Gender
Ph.D. Political Science, Stanford University	Political Science, Economics	Bay Area	M

Summary

The candidate is a Research Fellow at the Hoover Institution at Stanford University. This position includes work on history-social science curriculum and assessments. He has served on the California State Academic Standards Commission, the Content Review Panels for the STAR History Assessment and the Golden State Examination, and the Advisory Board of the California History-Social Science Project. He has published numerous books and articles on student evaluation and assessment, teaching, and educational reform. He has a Ph.D. in Political Science from Stanford University.

ITEM #32

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
2004 Health Primary Adoption of Instructional Materials: Curriculum Development and Supplemental Materials Commission Recommendations	☒ **Action** ☒ **Information** ☒ **Public Hearing**

RECOMMENDATION

Hold a public hearing, review, and take action on the Curriculum Commission's recommendations for the 2004 Health Primary Adoption for K-8 instructional materials at the November 9-10, 2004, State Board of Education (SBE) Meeting.

Make a finding, pursuant to *Education Code* Section 60200(e), that the criteria and procedures used to evaluate the submitted materials for the adoption were consistent with the SBE-adopted curriculum framework. This finding is required for the reason explained below (Summary of Key Issues).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The last adoption of K-8 health instructional materials took place in 1995, with a follow-up adoption in 1998.

- **December 11, 2002:** the SBE adopted the 2004 Health Primary Adoption timeline.
- **April 9, 2003:** the SBE extended authority to the Curriculum Commission and California Department of Education (CDE) staff to proceed with the 2004 Health Primary Adoption, including recruitment of individuals to serve on the IMAP/CRP review panels.
- **November 12, 2003:** the SBE approved minor revisions to the 2004 Health Primary Adoption timeline.
- **January 6, 2004:** the SBE approved the first cohort of IMAP members and CRP experts to evaluate K-8 instructional materials for the 2004 Health Primary Adoption.
- **March 10, 2004:** the SBE approved the second cohort of Instructional Materials Advisory Panel (IMAP) members and Content Review Panel (CRP) experts to evaluate K-8 instructional materials for the 2004 Health Primary Adoption.

SUMMARY OF KEY ISSUES

- **Publisher's Meeting:** On December 12, 2003, the CDE conducted a Publishers' Invitation to Submit Meeting, which outlined the pertinent Education Codes and regulatory requirements for participation in the adoption process.

- **Training:** On April 6-8, 2004, the Curriculum Commission trained twenty-three SBE-appointed IMAP and seven CRP reviewers to evaluate the submitted programs for alignment with the content of the *Health Framework* and evaluation criteria and for legal and social compliance.

- **Legal and Social Compliance Review:** The CRPs and IMAPs received training in the legal and social compliance process during the April training and integrated their legal and social compliance review into their content review. In addition, on May 5-7, 2004, twenty-two members of the public received training and reviewed the materials for legal and social compliance. On June 24, 2004, two members from the Curriculum Commission and three public members met to review all submitted citations for concurrence and to avoid duplication. As a result of that meeting, twenty-six citations for legal and social compliance were forwarded to publishers. Two publishers appealed seven citations at the first-level appeals meeting on August 18, 2004. Five of the appeals were accepted, and two were denied. Ultimately, twenty-one citations were issued for legal and social compliance. Publishers will complete revisions of the cited material by October 21, 2004.

- **Deliberations:** During deliberations that were held July 19-22, 2004, twenty-nine reviewers, six CRPs and twenty-three IMAPs, evaluated eight programs submitted for the 2004 Health Primary Adoption. After reaching consensus on their recommendations, the reviewers developed a *Report of Findings* for each program. These reports were forwarded to the full Curriculum Commission for action at the September 30-October 1, 2004, meeting.

- **Curriculum Commission Meeting:** The Curriculum Commission reviewed the CRP/IMAP *Report of Findings* at their meeting on September 30-October 1, 2004, conducted two public hearings, and took action to forward recommendations to the State Board on the eight programs submitted for adoption.

- **Edits and Corrections:** A meeting with publishers for minor edits and corrections will be held on October 21, 2004, prior to Board action in November.

- ***Education Code* Section 60200(e) Finding:** *Education Code* Section 60200(e) specifies that the SBE may adopt fewer than five programs per grade level if either:

    - Fewer than five programs were submitted for adoption (which is the case in regard to this adoption for all grades except grade six).
    - The SBE specifically finds that fewer than five programs meet the criteria

SUMMARY OF KEY ISSUES

for adoption and conducts a review of the degree to which the criteria and procedures for evaluation were consistent with the SBE-adopted curriculum framework. The required review is incorporated in the Curriculum Commission's Report (see page 10 of Attachment 1).

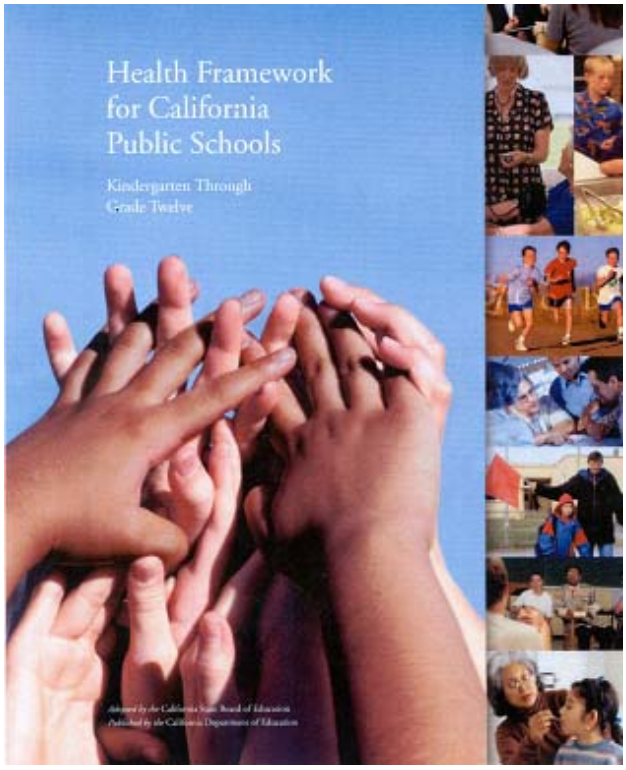
FISCAL ANALYSIS (AS APPROPRIATE)

Local education agencies will be able to spend available funds from the Instructional Materials Funding Realignment Program (IMFRP) and Proposition 20 lottery funds for instructional materials for the purchase of SBE-adopted instructional materials in health. The 2004-05 Budget Act appropriated $333 million for the IMFRP and $69 million (estimated) for the Proposition 20 lottery funds for instructional materials.

ATTACHMENT(S)

Attachment 1: *2004 Health Primary Adoption Report of the Curriculum Development and Supplemental Materials Commission* (39 Pages)

A Last Minute Memorandum will address (1) any public comment that may be received through the Learning Resources Display Centers and (2) the results of the Edits and Corrections Meeting to be held October 21, 2004.



2004 HEALTH PRIMARY ADOPTION

REPORT OF THE CURRICULUM DEVELOPMENT AND SUPPLEMENTAL MATERIALS COMMISSION

NOVEMBER 2004

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INTRODUCTION

On March 6, 2002, the State Board of Education (State Board) adopted the *Health Framework for California Public Schools, Kindergarten Through Grade Twelve,* 2003 edition (*Health Framework*). The *Health Framework* contains similar content to its predecessor; while being updated to address current health issues affecting students such as school safety, mental health, and violence prevention. The *Health Framework* describes health expectations at each grade level, provides updates on state and federal laws, and includes evaluation criteria for the 2004 Health Primary Adoption. It also has been designed to be more helpful for teachers to use in the classroom while giving guidance to publishers on developing programs. Parents and students know the behaviors and skills that will be taught at each grade level.

The State Board adopted the timeline for the 2004 Health Primary Adoption on December 11, 2002. Minor revisions were approved by the Curriculum Commission to allow additional time to recruit qualified reviewers and to allow time for publishers to respond to deadlines. The timeline reflected the requirements of *Education Code* Section 60200, which sets forth statutory requirements for the adoption of instructional materials for use in kindergarten through grade 8. In accordance with the statutory requirements, the 2004 Health Primary Adoption is on schedule for the adoption of K-8 instructional materials.

Grade-Level Emphases Maps were developed to help publishers identify where their instructional materials were aligned with the health expectations and content in the *Health Framework*. Publishers submitted the maps with their programs. The Content Review Panel (CRP) experts and Instructional Materials Advisory Panel (IMAP) members used the maps in evaluating a program's alignment with the *Health Framework* and the evaluation criteria. The content of the maps was based on the *Health Framework* and was discussed during the Health Subject Matter Committee meetings on March 28, 2003, May 15, 2003, and on September 18, 2003. The Curriculum Commission approved the Grade-Level Emphases Maps at their meeting on September 18, 2003. The 2004 Health Primary Adoption marked the first time the maps were used as an integral part of the evaluation criteria.

A publishers' briefing on the *Health Framework* for the 2004 Health Primary Adoption of K-8 instructional materials was held on May 16, 2003 in Sacramento. The briefing informed publishers of the State Board's newly adopted and updated *Health Framework,* the Grade-Level Emphases Maps, and evaluation criteria. The meeting also provided an opportunity for publishers to have a briefing on the Grade-Level Emphases Maps and to provide input during the summer to the Department on the map format. A formal Invitation to Submit meeting for publishers was conducted on December 12, 2003.

Only full basic programs for grades K-8 were reviewed and recommended for the 2004 Health Primary Adoption. Supplementary materials (covering less than an entire course) are not considered within a primary adoption. Programs recommended for this adoption

were full basic programs which were evaluated for appropriate grade-level content, alignment with the Grade-Level Emphases Maps, and which met the *Health Framework* content and evaluation criteria.

ADOPTION PROCESS

PUBLISHERS' INVITATION TO SUBMIT MEETING

A Publishers' Invitation to Submit (ITS) meeting was held on December 12, 2003. Publishers were invited to attend the ITS meeting to learn about the process and procedures for submitting K-8 instructional materials for the 2004 Health Primary Adoption. Twenty-five representatives from six publishing houses attended the meeting.

Technical information was provided at the meeting that included an outline on the schedule of significant events, publishers' responsibilities for participating in the adoption, review of the adoption process, overview of the *Health Framework*, evaluation criteria, Grade-Level Emphases Maps, and the logistics of the submission process. It was also emphasized that the State Board did not adopt health standards, and therefore, instructional materials could not reference any kind of national health standards, challenge standards, or health standards from other states.

CRP/IMAP APPOINTMENT AND TRAINING

On the recommendation from the Curriculum Commission, the State Board in January 2004 and in March 2004, appointed seven CRP experts and twenty-three IMAP members to evaluate six health programs. They composed four review panels.

The IMAP members included classroom teachers, nurses, dietitians, and other professionals with experience in coordinated school health. The CRP experts included pediatricians, internists, and health experts with doctorate degrees, and they served as content advisors to the IMAP members.

The Curriculum Framework and Instructional Resources Division (CFIR) staff assisted the Curriculum Commission in its training of reviewers in April 2004 for the 2004 Health Primary Adoption. Training included sessions on the *Health Framework* content that included grade-level health expectations, evaluation criteria, Grade-Level Emphases Maps, adoption process and the legal and social compliance review process. Publishers made formal presentations on their programs at the training and answered IMAP/CRP questions. In addition, publishers were provided with the opportunity during deliberations to answer or clarify IMAP/CRP questions on their programs.

CRP/IMAP REVIEW AND REPORT OF FINDINGS

In April 2004, the IMAP members and CRP experts, and Curriculum Commission members received complete sets of instructional materials that were assigned to each

panel to review and evaluate according to the criteria. The IMAP members and CRP experts conducted their independent reviews of the health materials during the months of April, May, June, and the beginning of July.

From July 19-22, 2004, the IMAP members and CRP experts met in their assigned review panels in Sacramento for deliberations. The IMAP members and CRP experts shared their individual personal notes and citations that they each had developed with their panel members. Each panel was assigned a facilitator who was a member of the Curriculum Commission. CFIR Division staff provided support to the panel. During deliberations, publishers were provided time to respond to three to five questions on their respective programs. The review panels developed the questions.

The training process and deliberations were conducted in accordance with the *Bagley-Keene Open Meeting Act.* Various publisher representatives and interested members of the public attended the panel discussions. Every afternoon, at a pre-determined time, both the training and deliberations would pause to provide an opportunity for public comment.

The IMAP members and CRP experts in their assigned panels worked collaboratively during the deliberations week to produce a *Report of Findings* for each program. Each *Report of Findings* contained the following sections: Program Summary, Recommendation, Health Content/Alignment with Curriculum, Program Organization, Assessment, Universal Access, Instructional Planning and Support, and (optionally) Other Comments. The reports included citations that were exemplary (not exhaustive) of the panels' findings and recommendations.

The Curriculum Commission considered the recommendations from the IMAP members and CRP experts in conjunction with other information in determining whether each health program satisfied, or did not satisfy the State Board's adopted *Health Framework* content and evaluation criteria for this adoption.

LEGAL AND SOCIAL COMPLIANCE REVIEW

The purpose of legal and social compliance review is to ensure that K-8 instructional materials used in California schools contribute positive influences, healthy messages and overall positive images. The State Legislature established laws and the State Board adopted policies and guidelines for instructional materials to reflect California's diversity and reduce the influence of brand names and corporate logos in instructional materials. The legal and social compliance review process was an important part of the 2004 Health Primary Adoption and was an opportunity for the public to review the social content in the materials.

Two groups of people reviewed the programs; individuals serving as CRP experts and IMAP members, and public volunteers from various organizations and associations. The CRPs/IMAPs received training in legal and social compliance during the training week, April 6-8, 2004. They sent in legal and social compliance citations to the CFIR Division by June

18, 2004. Public volunteers received training, reviewed programs, and cited materials on May 5-7, 2004. In total, fifty-two people from around the state reviewed the six programs.

To review the programs, the IMAPs members, CRPs experts, and the public volunteers used the standards contained in Education Code sections 60040-60045, 60048, 60200, and State Board policy as outlined in the *Standards for Evaluating Instructional Materials for Social Content* (2000 Edition). The standards addressed such areas as the accurate portrayal of cultural and racial diversity, equitable and positive roles for males and females, disabled people, ethnic and cultural groups and the elderly. This was the fourth adoption to implement the provisions of AB 116, Mazzoni (Chapter 276, Statutes of 1999), that prohibits (with certain exceptions) the inclusion of commercial brand names, specific commercial product references, or corporate or company logos in adopted instructional materials.

On June 24, 2004, a committee consisting of two Commissioners and three of the public volunteers met to review all the citations for concurrence. The committee reviewed 111 citations. As a result of this review, twenty-six citations were forwarded to publishers on June 25, 2004. Publishers were required to respond to the citations by August 9, 2004. Two publishers appealed seven citations to the First-level Appeals Committee at a meeting held on Friday, August 18, 2004. The Committee accepted five appeals, two were denied. Ultimately, twenty-one citations were issued for Legal and Social Compliance. Publishers agreed to make minor revisions to their programs to correct the cited material by October 21, 2004 (see Appendix C).

PUBLIC COMMENT AND REVIEW

Instructional materials submitted for adoption were displayed for public review and comment, beginning April 13, 2004, at twenty-four Learning Resource Display Centers (LRDCs) throughout the state (see Appendix B). The general public was given an opportunity to provide written comments through October 31, 2004. The public comments will be reviewed and presented to the State Board at their November 2004 meeting. In addition, the Curriculum Commission held two public comment hearings, one in the Health Subject Matter Committee (HSMC) meeting and one in the full Curriculum Commission meeting, prior to making its recommendations to the State Board. In turn, the State Board will hold a public comment hearing prior to taking action on the Curriculum Commission's recommendations.

CURRICULUM COMMISSION REVIEW AND DELIBERATIONS

On September 30, 2004, the members of the Curriculum Commission's HSMC reviewed all of the IMAP members' and the CRP experts' *Report of Findings*. Each program was discussed in-depth. The discussion included the IMAP members' and the CRP experts' recommendations of minor edits and corrections, as well as, Commissioners' own independent review findings. After the discussion at the HSMC level, each program submission received a roll-call vote. The motion was stated in the affirmative. A majority vote from the HSMC was required for any program to be recommended. The HSMC

forwarded their recommendations to the full Curriculum Commission.

The full Curriculum Commission also discussed each program in-depth. Discussion covered the IMAP members' and CRP experts' *Report of Findings* and individual Commissioners' findings on each program they had reviewed. Following the discussion, the Commission Chair proceeded to ask for a motion and a second on each program submission. Again, the motion was stated in the affirmative; there was a final roll call vote for each program. The recommendations were: (1) to recommend for specific grades or, (2) to recommend for specific grades with minor edits and corrections. Nine Commissioners were required to vote in the affirmative to recommend any program. The Curriculum Commission's recommendations will be presented to the State Board on November 9-10, 2004, for action.

EDITS AND CORRECTIONS MEETING

The Edits and Corrections Meeting is scheduled for October 21, 2004. A report on the results of this meeting will be provided to the State Board at their November 9-10, 2004 meeting. Publishers whose programs are adopted by the State Board will be required to complete all edits and corrections by February 9, 2005.

PUBLISHERS' RESPONSIBILITIES IF ADOPTED

According to the provisions of *Education Code* sections 60061 and 60061.5, and the provisions of *California Code of Regulations, Title 5, Education*, publishers are required to comply with the "most favored nation" clause. The clause ensures publishers furnish instructional materials to every school district in California at the lowest or same price offered to other districts in this state or any other state in the nation. In addition, publishers are required to fill a textbook order within sixty days of the date of a submitted purchase order. Should the publisher or manufacturer fail to deliver instructional materials within sixty days of the receipt of a purchase order from a California school district, the school district may assess as damages an amount up to five hundred dollars ($500.00) for each working day the order is delayed beyond sixty calendar days.

LIST OF PROGRAM RECOMMENDATIONS

Curriculum Development and Supplemental Materials Commission
2004 Health Primary Adoption Recommendations to the State Board of Education

PUBLISHER	PROGRAM TITLE	GRADE LEVELS	CURRICULUM COMMISSION'S RECOMMENDATIONS TO THE STATE BOARD (Recommended/Not Recommended)
Macmillan/ McGraw-Hill	*Macmillan/McGraw-Hill Health & Wellness*	K-8	Recommended
Harcourt School Publishers	*Harcourt Health and Fitness*	K-6	Recommended
Glencoe/ McGraw-Hill	*Glencoe Teen Health*	6-8	Recommended
Holt, Reinhart and Winston	*Holt Decisions for Health*	6-8	Recommended
Health Wave, Inc.	*Health Promotion Wave: Primary Level*	K-3	Not Recommended
Health Wave, Inc.	*Health Promotion Wave: Upper Elementary Level*	4-5	Not Recommended
Health Wave, Inc.	*Health Promotion Wave: Middle School*	6-8	Not Recommended
Myrtle Learns	*Myrtle Teachable Moments Health Literacy and Character Education*	K-3	Not Recommended

SPECIAL ISSUES

GRADE-LEVEL EMPHASES CHART

The Grade-Level Emphases Chart in the State Board adopted *Health Framework,* was an important part of the evaluation criteria for health instructional materials. The Grade-Level Emphases Chart identified the skills and behaviors that students should learn at each grade level. The chart clearly indicated where to place instructional emphases to achieve the overall health education expectations and may be used as a guide to improve continuity, and avoid duplication as students progress from one grade level to the next.

The chart identified each skill that was to be emphasized in each grade level and which was noted by a pyramid symbol. The emphasized skill was to be taught in-depth in order to prepare the student to learn the subsequent health expectations. An un-emphasized skill, without the pyramid symbol, was also to be taught for reinforcement to support what already was learned.

To allow school districts flexibility to meet the needs of their local community, the chart was developed to not be grade level dependent. The same skill could be taught to a student in first grade and to another student in second grade. Content could differ, but both students would have the opportunity to learn the same skill. With this flexibility, a school district may weave the skill into teaching the unifying ideas and the health content areas identified in the *Health Framework*, as appropriate for their students and families.

In order to help the IMAP members and CRP experts to determine how the submitted programs were aligned with the Grade-Level Emphases Chart, as required in criteria category 1 of the *Health Framework,* the Curriculum Commission developed Grade-Level Emphases Map Forms. Forms were produced for all health expectations. Publishers completed the forms for their program, as part of the submission packet.

HEALTH EVALUATION CRITERIA APPROVED

The State Board approved the evaluation criteria used for this adoption on March 6, 2002. They were based on the *Health Framework*. Chapter 6 of the framework focused on the development and evaluation of instructional materials. The chapter emphasized that, *Materials must be scientifically and medically accurate, must be based on current and confirmed research, and must enable students to develop goals of lifelong positive health behaviors and attitudes*. The State Board-adopted evaluation criteria reflect and extend these principles.

PHYSICAL EDUCATION, READING/LANGUAGE ARTS, MATHEMATICS, SCIENCE, HISTORY–SOCIAL SCIENCE, AND VISUAL AND PERFORMING ARTS STANDARDS IN HEALTH MATERIALS

The health evaluation criteria specifically required the inclusion of other core and non-core standards, when appropriate, in the submitted instructional materials. These standards, when included, must be accurate and consistent. In Criterion 1.10 (Health Content/Alignment with Curriculum), the criteria stated that health instructional materials must provide, *When appropriate, opportunities for students to increase their knowledge and understanding of health while reinforcing the skills and knowledge called for in the physical education, reading/language arts, mathematics, science, history–social science, and visual and performing arts curriculum frameworks.*

REVIEW OF THE CONSISTENCY OF THE ADOPTION WITH THE *HEALTH FRAMEWORK* PURSUANT TO *EDUCATION CODE* SECTION 60200(e)

Fewer than five basic instructional materials programs in health are being recommended to the State Board of Education for grades K-8, because fewer than five programs were submitted for those grade levels, with the exception of grade 6. In this circumstance, *Education Code* Section 60200(e) provides that the State Board "conduct a review of the degree to which the criteria and procedures used to evaluate the submitted materials for the adoption were consistent with the State Board's adopted curriculum framework."

On the State Board's behalf, the Curriculum Commission and the California Department of Education staff conducted the following review required by *Education Code* Section 60200(e). The review concluded:

1. The evaluation criteria were based on the grade-level expectations in the Grade-Level Emphases Chart and the *Health Framework* as adopted by the State Board of Education.

2. The criteria and procedures used to evaluate the submitted materials for adoption were entirely consistent with the grade-level expectations and the *Health Framework*.

3. It was the very consistency of the evaluation criteria with the grade-level expectations and the *Health Framework* that resulted in fewer than five basic instructional programs in health being recommended for adoption for grades K-8.

4. Overall, the rejected programs failed to meet the evaluation criteria.

5. In the review process, the evaluation criteria were applied fairly and consistently.

ACKNOWLEDGEMENTS

Members of the Curriculum Commission who provided leadership throughout the planning and implementation process, and who served as facilitators for the 2004 Health Primary Adoption Process:

Edith Crawford, Chair, Curriculum Commission, 2004; Vice Principal, San Juan Unified School District

Dr. Sandra Mann, Chair, Health and Science Subject Matter Committees, 2004; Teacher, San Diego City Unified

Julie Maravilla, Chair, Reading–Language Arts/English Language Development Subject Matter Committee, Vice Chair, Health Subject Matter Committee, 2004; Assistant Principal, Los Angeles Unified School District

Michael Matsuda, Vice Chair, History–Social Science and Physical Education Subject Matter Committees, 2004; Teacher, Anaheim Union High School District

Mary-Alicia McRae, Member, Health Subject Matter Committee, 2004; Literacy Coach, Salinas City Elementary School District

Joseph (José) Velasquez, Chair, Foreign Language Subject Matter Committee, 2004; District Reading First Literacy Expert, Los Angeles Unified School District

Richard Wagoner, Member, Health Subject Matter Committee, 2004; Teacher, Los Angeles Unified School District

Dr. Charles Munger, Jr., Vice Chair, Mathematics and Science Subject Matter Committees, 2004; Physicist, Stanford Linear Accelerator Center

William D. Brakemeyer, Chair, Visual and Performing Arts Subject Matter Committee, 2004; Retired Educator

Hon. Jackie Goldberg, Assembly Appointee, Curriculum Commission, 2004; California State Assembly

Other Members of the Curriculum Commission who also provided leadership in conducting the 2004 Health Primary Adoption Process:

Dr. Norma Baker, Vice Chair, Curriculum Commission, Chair, Mathematics Subject Matter Committee, 2004; Director, Elementary Instruction, Los Angeles Unified School District

Milissa Glen-Lambert, Chair, Physical Education Subject Matter Committee, Vice Chair, Foreign Language Subject Matter Committee, 2004; Teacher, Los Angeles Unified School District

Kerry Hamill, Member, Curriculum Commission, 2004; Board Member, Oakland School Board, Oakland Unified School District

Dr. Deborah Keys, Chair, History–Social Science Subject Matter Committee, Vice

Chair, Reading–Language Arts/English Language Development Subject Matter Committee, 2004; Executive Director, Middle Schools Network Office, Oakland Unified School District

Wendy Levine, Vice Chair, Visual and Performing Arts Subject Matter Committee, 2004; Teacher, Inglewood Unified School District

Dr. Stan Metzenberg, Chair, California Learning Resource Network Advisory Committee, 2004; Associate Professor, Department of Biology, California State University Northridge

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Ruth E. Green, President, State Board of Education, 2004-

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Arlene Blix, Professor of Nursing, California State University, Fullerton

Hsichao Chow, Gastroenterologist and Clinical Associate Professor, University of California, Davis

Gail Clark, Supervisor, Health Services, Placentia-Yorba Linda School District and Adjunct Professor, Nursing Department, San Diego State University

George Monteverdi, Retired Pediatrician and former Clinical Instructor in Pediatrics, University of California, San Francisco

Deborah Wood, Executive Director, Healthy Kids Resource Center, Alameda County Office of Education

Eileen Gayle Yamada, Pediatric Consultant and State Adolescent Health Coordinator, California Department of Health Services, Maternal and Child Health Branch

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Dana Anderson, School Nurse, Central Unified School District, Fresno

Robin Bachmann, Coordinator, Health and Wellness, Orange County Department of Education

Kathleen Casey, Health Services Director, Siskiyou County Office of Education

Johanna Chase, Health Education Consultant, Los Angeles County Office of Education

Gretchen Clare, Teacher/District Health Coordinator, Brentwood Unified School District

Liane Cox Tomich, Health Education Specialist and Registered Dietitian, Self-Employed

Cindy Foster, Health Education Specialist, Redondo Beach Unified School District

Penny Horper, Nurse Consultant III, California Department of Health Services

Jane Huston, Teacher, Mt. Shasta Union School District

Sally Johnson, Retired School Nurse, Substitute Teacher, Barstow Unified School District

Terry Nieves, Teacher, Ukiah Unified School District

Eugenia Peters, Teacher, Montebello Unified School District

Ann Rector, Health Educator, Long Beach Unified School District

Jacquelyn Russum, Health Program Manager, Healthy Kids Resource Center

Carol Scissel, Drug, Alcohol and Tobacco Education Coordinator and a Special Education Teacher, Hesperia Unified School District

Carol Shaw, Curriculum Specialist, Sweetwater Union High School District

Robin Sinks, Health Education Curriculum Leader, Long Beach Unified School District

Cathy Tang, Director, Child Nutrition Services, Lynwood USD

Sharyn Turner, School Health Coordinator, Nevada County Superintendent of Schools Office

Peggy Uyeda, Senior Project Director, Los Angeles County Office of Education

Tracey Walker, Teacher, Corona-Norco Unified School District

Joann Wallace, Classroom Health Educator, Lowell Joint School District

Katherine Waugh, District Nurse and Grants Manager, Cupertino Unified School District

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Veronica Norris, Former Chair, Health Subject Matter Committee, 2003; Attorney at Law

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Olga Cid, Consultant

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Kenneth McDonald, Staff Services Analyst

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Terri Yan, Staff Services Analyst

Tracie Yee, Associate Governmental Program Analyst

Finally, the Curriculum Commission commends and extends sincere appreciation to the publishers of instructional resources that participated in the 2004 Health Primary Adoption.

Publisher: **MacMillan/McGraw-Hill**

Title of Program: ***MacMillan/McGraw-Hill Health and Wellness***

Grade Level: **K-8**

Program Summary

Macmillan/McGraw-Hill's *Health and Wellness* includes student editions, teacher editions, assessment books, activities, videos, CD-ROMs, audio CDs, puppets, black line masters, transparencies, school to home component, student readers, and test generator.

Recommendation

The Curriculum Commission recommends Macmillan/McGraw-Hill's *Health and Wellness,* with minor edits and corrections, because it is aligned with the evaluation criteria and the content in the Grade-Level Emphases Maps.

Health Content/Alignment with Curriculum

This program meets all the evaluation criteria in this category and covers the content in the Grade-Level Emphases Maps.

Program Organization

This program meets the evaluation criteria in this category. The program is well organized and presented in a manner consistent with providing all students an opportunity to achieve the skills and knowledge described in the Grade-Level Emphases Maps.

Assessment

This program meets the evaluation criteria in this category. The program provides teachers with multiple measures to assess student progress, and to reveal a student's knowledge and understanding of the content.

Universal Access

This program meets the evaluation criteria in this category. The program provides teachers with suggestions and strategies to adapt the curriculum to meet the needs of special needs students.

Instructional Planning and Support

This program meets the evaluation criteria in this category. The program supplies teachers with a variety of instructional approaches that ensures the opportunity for all students to learn the essential skills and knowledge called for in the curriculum.

Publisher: **Harcourt School Publishers**

Title of Program: ***Harcourt Health and Fitness***

Grade Level: **K-6**

Program Summary

Harcourt School Publisher's *Harcourt Health and Fitness* includes a student edition, teacher edition, teacher resources, activity book, assessment guide, posters, transparencies, music CD, and resources for physical education including activity cards and activity flipcharts.

Recommendation

The Curriculum Commission recommends Harcourt School Publisher's *Harcourt Health and Fitness,* with minor edits and corrections, because it is aligned with the evaluation criteria and the content in the Grade-Level Emphases Maps.

Health Content/Alignment with Curriculum

This program meets all the evaluation criteria in this category, and covers the content outlined in the Grade-Level Emphases Maps.

Program Organization

This program meets the evaluation criteria in this category. The program is well organized and presented in a manner consistent with providing all students an opportunity to achieve the skills and knowledge described in the Grade-Level Emphases Maps.

Assessment

This program meets the evaluation criteria in this category. The program provides teachers with multiple measures to assess individual student progress at regular intervals. Assessment measures reveal students' knowledge and understanding of the content as well as the ability to independently apply health concepts and skills.

Universal Access

The program meets the evaluation criteria in this category. The program provides teachers with suggestions and strategies to adapt the curriculum to meet the needs of students with special needs, those who are English Language Learners, and those who are advanced learners.

Instructional Planning and Support

This program meets the evaluation criteria in this category. The program supplies teachers with a variety of instructional approaches that ensures the opportunity for all students to learn the essential skills and knowledge called for in the curriculum.

Publisher: **Glencoe/McGraw**

Title of Program: ***Glencoe Teen Health***

Grade Level: **6-8**

Program Summary

Glencoe/McGraw-Hill's *Glencoe Teen Health, Course 1, 2, and 3* includes a student edition, activity workbook, and teacher edition. Teacher classroom resources include: a TeacherWorks CD-ROM, reproducible lesson plans, English/Spanish parent letters and activities, English and Spanish summaries, quizzes and activities booklet, as well as, a variety of blackline masters including: activities, inclusion strategies, Internet guide, reading and study skills, testing program and performance assessment, and the Glencoe Professional Series on sensitive issues, character education, coordinated school health, and home and community involvement. Technology includes a testmaker CD-ROM, video/DVD quizzes, PowerPoint presentations and vocabulary puzzlemaker CD-ROM.

Recommendation

The Curriculum Commission recommends Glencoe/McGraw-Hill's *Glencoe Teen Health, Course 1, 2, and 3,* with minor edits and corrections, because the content of the program follows a logical sequence that aligns with the evaluation criteria and the content in the Grade-Level Emphases Maps for Grades 6-8, as well as the *Health Framework*.

Health Content/Alignment with Curriculum

This program meets all the evaluation criteria in this category, and covers the content outlined in the Grade-Level Emphases Maps.

Program Organization

This program meets the evaluation criteria in this category. The health instructional materials provide structure for what students should learn at each grade level as described in the *Health Framework*.

Assessment

This program meets the evaluation criteria in this category. The publisher has included multiple assessment options.

Universal Access

This program meets the evaluation criteria in this category. The program provides teachers with suggestions and strategies to adapt the curriculum to meet the needs of special needs students.

Instructional Planning and Support

This program meets the evaluation criteria in this category. The program supplies teachers with a variety of instructional approaches that ensures the opportunity for all students to learn the essential skills and knowledge called for in the curriculum.

Publisher: **Holt, Rinehart and Winston**

Title of Program: ***Holt Decisions for Health***

Grade Level: **6-8**

Program Summary

Holt, Rinehart and Winston's *Holt Decisions for Health* includes a student text, study guide, workbook, teacher edition, and resource package containing resource files. The program also includes transparencies, audio CD versions of the student text, videos, and Spanish study guide and assessments.

Recommendation

The Curriculum Commission recommends Holt, Rinehart and Winston's *Holt Decisions for Health,* with minor edits and corrections, because the program is aligned with the evaluation criteria, *Health Framework*, and Grade-Level Emphases Maps.

Health Content/Alignment with Curriculum

This program meets all the evaluation criteria in this category, and covers the content outlined in the Grade-Level Emphases Maps.

Program Organization

This program meets the evaluation criteria in this category. The program is well organized and presented in a manner consistent with providing all students an opportunity to achieve the skills and knowledge described in the Grade-Level Emphases Maps.

Assessment

This program meets the evaluation criteria in this category. The program provides teachers with multiple measures to assess student progress, and to reveal a student's knowledge of the content and skill development.

Universal Access

This program meets the evaluation criteria in this category. The program provides teachers with suggestions and strategies to adapt the curriculum to meet the needs of special needs students.

Instructional Planning and Support

This program meets the evaluation criteria in this category. The program supplies teachers with a variety of pedagogical strategies, technical support, and educational resources and tools. The program ensures the opportunity for all students to learn the essential skills and knowledge called for in the curriculum.

Publisher: **Health Wave, Incorporated**

Title of Program: ***Health Promotion Wave: Primary Level***

Grade Level: **K-3**

Program Summary

Health Wave, Incorporated, *Health Promotion Wave: Primary Level* is a comprehensive health program. The program includes a Core and Comprehensive Resource Kit at each grade level. The Core Curriculum includes a teacher edition complete with lesson plans, answer keys, glossary and a resource guide; reproducible student activities; student assessments and evaluations; parent activity sheets, and flashcards. The Resource Kit includes books, posters, games, puppet, CD-ROMs, and videos to supplement the lessons.

Recommendation

The Curriculum Commission does not recommend Health Wave, Incorporated, *Health Promotion Wave: Primary Level* because it is not aligned with the evaluation criteria and the content in the Grade-Level Emphases Maps.

Health Content/Alignment with Curriculum

This program does not meet all the evaluation criteria in this category. Insufficient content coverage, inaccurate use of medical and health vocabulary, and concerns about medically and scientifically accurate content were found within the program. Also, the privacy of students and their families, as provided in *Education Code* Section 51513, is not observed.

Program Organization

This program meets the evaluation criteria in this category.

Assessment

This program meets the evaluation criteria in this category.

Universal Access

This program does not meet the evaluation criteria in this category. The program does not contain suggestions based on current and confirmed research for adapting the curriculum and instruction to meet students' assessed special needs. It does not provide strategies to help students who are below grade level in reading, writing, speaking, and listening in English to understand the health content. Suggestions for advanced learners that are tied to the *Health Framework* and that allow students to study content in greater depth are lacking.

Instructional Planning and Support

This program meets the evaluation criteria in this category.

Other Comments

Though the publisher considers Universal Access to be implicit in the materials, there were no explicit references to this criterion in the submitted programs for all grade levels. The program contains numerous content errors and possible problems with invasion of student and parental privacy pursuant to Criterion 1.13 (compliance with all relevant *Education Code* sections), specifically regarding privacy of student medical information and family life (*Education Code* Section 51513). A letter to parents that provides the details of the student activity and obtains informed consent does not accompany activities invasive of student privacy.

Publisher: **Health Wave, Incorporated**

Title of Program: ***Health Promotion Wave: Upper Elementary Level***

Grade Level: **4-5**

Program Summary

Health Wave, Incorporated, *Health Promotion Wave: Upper Elementary Level* is a comprehensive health program. The program includes a Core and Comprehensive Resource Kit at each grade level. The Core Curriculum includes a teacher edition complete with lesson plans, answer keys, glossary and a resource guide; reproducible student activities; student assessments and evaluations; parent activity sheets, and color transparencies. The Resource Kit includes books, posters, games, CD-ROMs, and videos to supplement the lessons.

Recommendation

The Curriculum Commission does not recommend Health Wave, Incorporated, *Health Promotion Wave: Upper Elementary Level* because it is not aligned with the evaluation criteria and the content in the Grade-Level Emphases Maps.

Health Content/Alignment with Curriculum

This program does not meet all the evaluation criteria in this category. Insufficient content coverage, inaccurate use of medical and health vocabulary, and concerns about medically and scientifically accurate content were found within the program. Also, the privacy of students and their families, as provided in *Education Code* Section 51513, is not observed.

Program Organization

This program meets the evaluation criteria in this category.

Assessment

This program meets the evaluation criteria in this category.

Universal Access

This program does not meet the evaluation criteria in this category. The program does not contain suggestions based on current and confirmed research for adapting the curriculum and instruction to meet students' assessed special needs. It does not provide strategies to help students who are below grade level in reading, writing, speaking, and listening in English to understand the health content. Suggestions for advanced learners that are tied to the *Health Framework* and that allow students to study content in greater depth are lacking.

Instructional Planning and Support

This program meets the evaluation criteria in this category.

Other Comments

Though the publisher considers Universal Access to be implicit in the materials, there were no explicit references to this criterion in the submitted programs for all grade levels. The program contains numerous content errors and possible problems with invasion of student and parental privacy pursuant to Criterion 1.13 (compliance with all relevant *Education Code* sections), specifically regarding privacy of student medical information and family life (*Education Code* Section 51513). A letter to parents that provides the details of the student activity and obtains informed consent does not accompany activities invasive of student privacy.

Publisher: **Health Wave, Incorporated**

Title of Program: ***Health Promotion Wave: Middle School***

Grade Level: **6-8**

Program Summary

Health Wave, Incorporated, *Health Promotion Wave: Middle School* is a comprehensive health program. The program includes a Core and Comprehensive Resource Kit at each grade level. The Core Curriculum includes a teacher edition complete with lesson plans, answer keys, glossary and a resource guide; reproducible student activities; student assessments and evaluations; parent activity sheets, and color transparencies. The Resource Kit includes books, posters, games, CD-ROMs, and videos to supplement the lessons.

Recommendation

The Curriculum Commission does not recommend Health Wave, Incorporated, *Health Promotion Wave: Middle School* because it is not aligned with the evaluation criteria and the content in the Grade-Level Emphases Maps.

Health Content/Alignment with Curriculum

This program does not meet all the evaluation criteria in this category. Insufficient content coverage, inaccurate use of medical and health vocabulary, and concerns about medically and scientifically accurate content were found within the program. Also, the privacy of students and their families, as provided in *Education Code* Section 51513, is not observed.

Program Organization

This program meets the evaluation criteria in this category.

Assessment

This program meets the evaluation criteria in this category.

Universal Access

This program does not meet the evaluation criteria in this category. The program does not contain suggestions based on current and confirmed research for adapting the curriculum and instruction to meet students' assessed special needs. It does not provide strategies to help students who are below grade level in reading, writing, speaking, and listening in English to understand the health content. Suggestions for advanced learners that are tied to the *Health Framework* and that allow students to study content in greater depth are lacking.

Instructional Planning and Support

This program meets the evaluation criteria in this category.

Other Comments

Though the publisher considers Universal Access to be implicit in the materials, there were no explicit references to this criterion in the submitted programs for all grade levels. The program contains numerous content errors and possible problems with invasion of student and parental privacy pursuant to Criterion 1.13 (compliance with all relevant *Education Code* sections), specifically regarding privacy of student medical information and family life (*Education Code* Section 51513). A letter to parents that provides the details of the student activity and obtains informed consent does not accompany activities invasive of student privacy.

Publisher: **Myrtle Learns**

Title of Program: ***Myrtle Teachable Moments Health Literacy and Character Education***

Grade Level: **K-3**

Program Summary

Myrtle Learns, *Myrtle Teachable Moments Health Literacy and Character Education* is designed for use in grades K-3. It includes a series of storybooks with an instructor's guide, some student assessments and student activities.

Recommendation

The Curriculum Commission does not recommend Myrtle Learns, *Myrtle Teachable Moments Health Literacy and Character Education* because it is not aligned with the evaluation criteria and the content in the Grade-Level Emphases Maps.

Health Content/Alignment with Curriculum

This program lacks consistent alignment with the evaluation criteria and the content in the Grade-Level Emphases Maps. Materials failed to provide instruction in several areas outlined in the Grade-Level Emphases Maps.

Program Organization

This program is not organized and presented in a manner consistent with achieving the goals of providing all students with the essential knowledge and skills described in the Grade-Level Emphases Maps. The program does not provide reasonable pace and depth of coverage to prepare students for learning the content outlined in the Grade-Level Emphases Map. The program does not provide a well-organized structure that allows the opportunity to learn the grade level topics and build on knowledge and skills acquired at earlier grade levels.

For the entire program, only two pages of broad-stroke suggestions to the teacher are provided regarding methods to access prior knowledge, to increase the depth of coverage, and to use the storybooks. No tables of contents, indexes, glossaries, or references are provided.

Assessment

The program does not meet the evaluation criteria in this category. Assessment strategies or instruments to determine students' prior knowledge were not consistently provided for each subject area. The program provides few assessment instruments or suggestions.

Universal Access

The program does not meet the evaluation criteria in this category. The program does

not offer suggestions for special needs students or English learners. No suggestions or strategies for special needs students or advanced students are provided.

Instructional Planning and Support

The instructional materials do not provide a clear road map for teachers to follow when planning instruction based on the content in the Grade-Level Emphases Maps. The program does not address all of the criteria in this category.

The health content is not accurately explained for the teacher, nor are suggestions provided on locating medically and scientifically accurate information. There is no support for research-based programs. No suggestions on pacing are provided.

Appendix A

CRITERIA FOR EVALUATING HEALTH INSTRUCTIONAL MATERIALS FOR KINDERGARTEN THROUGH GRADE EIGHT

(Adopted by the State Board of Education, March 6, 2002)

The criteria for evaluating the alignment of instructional materials with the content of the *Health Framework* for *California Public Schools, Kindergarten Through Grade Twelve* and evaluating the quality of those materials in the areas of grade-level emphases, curriculum content, program organization, assessment, universal access, and instructional planning and support are discussed in this section. These criteria will guide the development and govern the adoption in 2004 of instructional materials for kindergarten through grade eight. The criteria do not recommend nor require one particular pedagogical approach, nor does the numerical order of the criteria within each category imply relative importance. Publishers and local educational agencies may also use the criteria as a guide for the development and selection of instructional materials for grades nine through twelve.

The criteria are organized into five categories:

1 Health Content/Alignment with Curriculum: The content as specified in the *Health Framework*

2. Program Organization: The sequence and organization of the health instructional materials
3. Assessment: The strategies presented in the instructional materials for measuring what students know and are able to do
4. Universal Access: The information and ideas that address the needs of special student populations, including students identified for special education, English learners, and advanced students
5. Instructional Planning and Support: The instructional planning and support information and materials, typically including a separate edition specially designed for use by the teacher, that assist teachers in the implementation of the health education program

Health materials must support teaching aligned with the *Health Framework*. Materials that fail to meet the health content criteria will not be considered satisfactory for adoption. Only programs that are determined to have met Criterion 1 will be further evaluated under Criteria 2 through 5.

In order to create focused health instructional materials, publishers are asked to concentrate on the content described in the *Health Framework*, especially in Chapter 3, “Health Education,” and the Grade-Level Emphases Chart, as adopted by the State Board of Education in March 2002. The instructional materials must not contain extraneous content that is fundamentally contrary to the *Health Framework* and detracts

from the ability of teachers to teach readily and students to learn thoroughly the content specified by the *Health Framework*.

Criterion 1: Health Content/Alignment with Curriculum

Instructional materials support the teaching and learning of the skills and knowledge called for at the specific grade levels as outlined in the *Health Framework*, including the emphases designated in the Grade-Level Emphases Chart. Materials are fully aligned with the framework content. Materials must be scientifically and medically accurate, must be based on current and confirmed research, and must enable students to develop goals of lifelong positive health behaviors and attitudes. Materials must meet all criteria. Materials with a glaring weakness or significant omission are not worthy of adoption. Programs with inaccuracies or errors that hinder the teaching of health content will not be considered for adoption. To be considered suitable for adoption, health instructional materials must provide:

1. Evidence and appropriate references, with page numbers, that demonstrate alignment with the Grade-Level Emphases Chart and content found in Chapter 3
2. Support of all content, as specified at each grade level, by topics, concepts, lessons, activities, examples, and/or illustrations, as appropriate
3. Integration and coordination with the eight components of coordinated school health[1] and support of the four unifying ideas of coordinated school health[2]
4. Accurate content to support health instruction as outlined in the *Health Framework* and in pertinent *Education Code* sections
5. Interesting and engaging health content that provides students with methods of evaluating the accuracy of health information claims through the use of scientific criteria and, when appropriate to the grade level, explains how to apply information to assess health-related behaviors
6. Medical and health vocabulary used appropriately and defined accurately.
7. Scientifically and medically accurate content that reflects current practices in use or recommended by health professionals
8. Direct instruction and activities that focus on students improving and demonstrating proficiency in the topics noted in the Grade-Level Emphases Chart
9. Instruction that is appropriate to the grade level and develops health literacy (Health literacy is the capacity of an individual to obtain, interpret, and understand

[1] Health Education; Physical Education; Health Services; Nutrition Services; Psychological and Counseling Services; Health Promotion for Staff; Safe and Healthy School Environment; and Parent and Community Involvement (see Chapter 4, "Beyond Health Education").

[2] Acceptance of personal responsibility for lifelong health; Respect for and promotion of the health of others; An understanding of the process of growth and development; and Informed use of health-related information, products, and services (see Chapter 3, “Health Education”). Also important is reinforcing instruction on health behavior and health literacy through a collaborative effort by parents, the school, and the community.

basic health information and services and the competence to use such information and services in ways that assist in maintaining and enhancing health.)

10. When appropriate, opportunities for students to increase their knowledge and understanding of health while reinforcing the skills and knowledge called for in the physical education, reading/language arts, mathematics, science, history–social science, and visual and performing arts curriculum frameworks
11. When appropriate, opportunities for students to evaluate the accuracy of health-related information and to seek reputable resources and information
12. When called for by the Grade-Level Emphases Chart, introduction or review of topics that are emphasized at another grade level?
13. Compliance with all relevant *Education Code* sections, including sections 233.5, 51201.5, 51240, 51513, 51550, and 51553-55

Materials being considered for adoption must meet Criterion I before being evaluated according to Criteria 2 through 5.

Criterion 2: Program Organization

The sequential organization of the health instructional materials provides structure for what students should learn at each grade level and allows teachers to convey the health content efficiently and effectively. The materials are well organized and presented in a manner that provides all students opportunities to acquire the essential knowledge and skills described in the *Health Framework*. Materials must designate which grade levels are being addressed. To be considered suitable for adoption, health instructional materials must provide:

1. Alignment with the *Health Framework*, introducing new knowledge and skills at a reasonable pace and depth of coverage and explicitly preparing students for later grade levels
2. Organization that provides a logical and coherent structure to facilitate efficient and effective teaching and learning within the lesson, unit, and grade level as described in the *Health Framework* and the Grade-Level Emphases Chart
3. Clearly stated student outcomes and goals that are measurable and are based on the framework
4. An overview of the content in each chapter or unit that designates how the lesson supports the *Health Framework*
5. A well-organized structure that provides students with the opportunity to learn the Grade-Level topics and build on knowledge and skills acquired at earlier grade levels
6. A variety of activities and texts that organize the Grade-Level content in a logical way so that students develop prerequisite skills and knowledge before they are introduced to the more complex concepts and understandings of the topic

7. Tables of contents, indexes, glossaries, content summaries, references, and assessment guides that are designed to help teachers, parents or guardians, and students use the materials

Criterion 3: Assessment

Assessment should measure what students know and are able to do. Instructional materials should contain multiple measures to assess student progress. Assessment measures should reveal students' knowledge and understanding of the health content. Assessment tools that publishers include as part of their instructional material should provide evidence of students' progress toward meeting the skills and knowledge identified in the Grade-Level Emphases Chart. Assessment tools should provide information that teachers can use in planning and modifying instruction to help all students. To be considered suitable for adoption, health instructional materials must provide:

1. Strategies or instruments that teachers can use to determine students' prior knowledge
2. Multiple measures of individual student progress at regular intervals to evaluate attainment of Grade-Level knowledge, understanding, and ability to independently apply health concepts, principles, theories, and skills and to evaluate students' abilities to evaluate the accuracy of health-related information and to seek reputable resources and information
3. Guiding questions for monitoring student comprehension
4. Assessments that students can use to evaluate and improve the quality of their own work
5. Formative, summative, and cumulative assessments to evaluate students' work

Criterion 4: Universal Access

Instructional materials should provide access to the curriculum for all students, including those with special needs: English learners, advanced learners, students with learning difficulties, special education students, and other students with special needs. Materials must conform to the policies of the State Board of Education as well as to other applicable state and federal guidelines pertaining to diverse populations and students with special needs. To be considered suitable for adoption, health instructional materials must provide:

1. Suggestions based on current and confirmed research for adapting the curriculum and the instruction to meet students' assessed special needs
2. Strategies to help students who are below grade level in reading, writing, speaking, and listening in English to understand the health content
3. Suggestions for advanced learners that are tied to the *Health Framework* and that allow students to study content in greater depth

Criterion 5: Instructional Planning and Support

Support materials for teachers should be built into the instructional materials and should specify suggestions for and illustrate examples of how teachers can implement the *Health Framework* in a way that ensures an opportunity for all students to learn the essential skills and knowledge called for in the *Health Framework*, including health literacy. These criteria do not recommend or require a particular pedagogical approach. Publishers should make recommendations to teachers regarding instructional approaches that fit the instructional goals. Materials should provide teachers with a variety of instructional approaches. To be considered suitable for adoption, planning and support resources must provide:

1. Clearly written and accurate explanations of health content, with suggestions for connecting health concepts with other areas of the curriculum
2. Strategies for addressing and correcting common misconceptions about health topics
3. A variety of pedagogical strategies
4. Lesson plans, suggestions for organizing resources in the classroom, and ideas for pacing lessons
5. Support for or access to confirmed, research-based programs
6. A list of materials, educational resources, and tools that align with the recommendations in the Health Framework
7. Suggestions and information for teachers to locate, interpret, convey, and apply medically and scientifically accurate content and current, confirmed research
8. Suggestions for how to use student assessment data within the program for instructional planning purposes
9. Technical support and suggestions for appropriate use of audiovisual, multimedia, and information technology resources associated with a unit
10. Suggestions for linking the classroom with reputable community resources in a manner consistent with state laws and school policies
11. Suggestions for activities and strategies for informing parents or guardians about the health program and creating connections among students, parents, guardians, and the community
12. References and resources to guide teachers' further study of health topics and suggestions
13. Demonstration of electronic resources (videos, DVDs, CDs) depicting appropriate teaching techniques and offering suggestions for teachers
14. Homework assignments that support classroom learning, give clear directions, and provide practice and reinforcement for the skills taught in the classroom
15. Suggestions for encouraging students to study content in greater depth
16. In the teacher's edition, ample and useful annotations and suggestions for presenting the content of the student edition and ancillary materials

APPENDIX B

LEARNING RESOURCE DISPLAY CENTERS

LRDC #1
Peg Gardner
Humboldt County Office Of Education
901 Myrtle Ave.
Eureka, CA 95501
707-445-7077

LRDC #2
Bob Benoit
Butte County Office of Education
Instructional Resource Center
5 County Center Drive
Oroville, CA 95965
530-532-5814

LRDC # 3
Karen Elizabeth Smith
Sonoma County Office of Education
Instructional Resource Center
5340 Skylane Blvd.
Santa Rosa, CA 95403
707-524-2837

LRDC # 4
Mitch Hall
Sacramento County Office of Education
Instructional Technology & Learning Resources
10474 Mather Blvd.
Mather, CA 95655
916-228-2351

LRDC #5
Rovina Salinas
Contra Costa County Office of Education
Curriculum and Instruction Department
77 Santa Barbara Road
Pleasant Hill, CA 94523
925-942-5332

LRDC #6
Gladys Frantz
Alameda County Office of Education
Educational Services
313 West Winton Ave.
Hayward, CA 94544

LRDC #7
Rita Yee
College of Education
San Francisco State University
Cahill Learning Resources & Media Lab.
1600 Holloway Ave., Burk Hall 319
San Francisco, CA 94132
415-338-3423

LRDC #8
V. Ruth Smith
Stanislaus County Office of Education
Technology Learning Resources
1100 H Street
Modesto, CA 95354
209-525-4988

LRDC #9
Peter Doering
Santa Clara County Office of Education
1290 Ridder Park Drive
San Jose, CA 94587
408-453-6800

LRDC #10
Robin Hopper
Merced County Office of Education
Instructional Services
632 West 13th Street
Merced, CA 95340
209-381-6630

LRDC #11
Janie Rocheford
Fresno County Office of Education
School Library and Media Services
1111 Van Ness
Fresno, CA 93721
559-265-3094

LRDC #12
Elainea Scott and Steven Woods
Tulare County Office of Education
Educational Resource Services
7000 Doe Avenue, Suite A
Visalia, CA 93291

510-670-4235

LRDC #13
Anne Santer
Kern County Superintendent of Schools
The Learning Center
2020 K Street
Bakersfield, CA 93301
661-636-4640

LRDC #14
Dr. Jose Montelongo
California Polytechnic State University
Kennedy Library
Information and Instructional Services
1 Grand Avenue
San Luis Obispo, CA 93407
805-756-1398

LRDC #15
Lorna Lueck
University of California
Davidson Library, Curriculum Lab
Santa Barbara, CA 93106-9010
805-893-3060

LRDC #16
Cliff Rodrigues and Patti Johnson
Ventura Co. Superintendent of Schools
Media and Technology
570 Airport Way
Camarillo, CA 93010
805-388-4407

LRDC #17
Cindy Munz
San Bernardino County Supt. of Schools
Curriculum and Instruction
4549 Hallmark Parkway
San Bernardino, CA 92407-1834
909-386-2666

559-651-3077

LRDC #18
Sharon McNeil
Los Angeles County Office of Education
Library Services
12757 Bellflower Blvd.
Downey, CA 90242
562-922-6359

LRDC #19
Esther Sinofsky
Los Angeles Unified School District
Textbook Services
1545 Wilshire Blvd., Suite 200
Los Angeles, CA 90017
213-207-2280

LRDC #20
Sandra Lapham
Orange County Department of Education
1715 E. Wilshire Ave., Suite 713
Santa Ana, Ca. 92705
714-541-1052

LRDC #21
David Rios
University of California, Riverside
Rivera Library
P.O. Box 5900
Riverside, CA 92517-5900
909-787-3715 or 4394

LRDC #22
Barbara Takashima
San Diego County Office of Education
6401 Linda Vista Rd., Room 201
San Diego, CA 92111
858-292-3557

The following LRDCs display adopted instructional materials and resources for grades K-8 only, they do not review submitted materials and resources prior to adoption.

LRDC #A1
Karol Thomas
San Mateo County Office of Education
101 Twin Dolphin Drive
Redwood City, CA 94065-1064
650-802-5651

LRDC #A2
Susan Kendall
San Jose State University
King Library
150 East San Fernando
San Jose, CA 95192-0028
408-924-2823 or 3730

APPENDIX C

2004 Health Primary Adoption
Legal and Social Compliance Citation List

Total Citations: 26
Total Appeals: 7

PUBLISHER	TITLE	TOTAL CITATIONS	TOTAL APPEALS	CITATION NUMBER	STANDARD CITED	DESCRIPTION OF CITATION	PUBLISHER ACTION	1st LEVEL APPEAL	REVISION STATUS	FINAL STATUS
Glencoe/ McGraw Hill	***Teen Health* Grades 6-8**	**4**	**2**							
	Teen Health Course 1 (Red) – SE and TE Course 3 (Green) – SE and TE			GMH1	A-2 Equal Portrayal	Pages 130-132 in Course 1 (Red) and pages 256-259 in Course 3 (Green) only girls are depicted in the eating disorder section. No boys were portrayed.	**Revise**	**N/A**	**Revision received**	
	Teen Health – SE and TE – Course 2 (Blue)			GMH2	L-2 Diet and Exercise	Page 230 – Mainly sodas shown in picture.	**Revise**	**N/A**	**Revision received**	
	Teen Health - SE and TE – Courses 1, 2, 3			GMH3	K-1, K-2 Brand Names and Corporate Logos	All 3 courses use "TIME" throughout the textbooks.	**Appeal**	**Denied**	**Revisions due 10/21/04**	
	Teen Health – Cross-Curriculum Activities – Course 1 (Red)			GMH4	B-1 Ethnic and Cultural Groups: Adverse Reflection	P.3 – Craig Chin is referred to as a "Chinese boy".	**Appeal**	**Accepted**		**Appeal accepted – no further action required**
Health Wave, Inc.	***Health Promotion Wave: Primary Level* Grades K-3**	**7**	**None**							
	HPW Flashcards "Helpful" Card – Kindergarten			HW1	H-1 Dangerous Substances	"Helpful" card shows syringe with "vaccine" written on side. This is a Kindergarten level program, kids would have to read it and know that word to know that syringe is helpful and not used for illegal drugs.	**Revise**	**N/A**	**Revision received**	
	HPW Flashcards "Alcohol" Card – Kindergarten			HW2	H-1, H-2 Dangerous Substances	H-1, H-2 – "Alcohol" card should be accompanied by lesson that discourages use.	**Revise**	**N/A**	**Revision received**	
	HPW Flashcards "Safe" Card – Kindergarten			HW3	H-2 Dangerous Substances	The "Safe" card shows a child taking medicine. The card would be appropriate if lesson addressed hazards of use.	**Revise**	**N/A**	**Revision received**	

PUBLISHER	TITLE	TOTAL CITATIONS	TOTAL APPEALS	CITATION NUMBER	STANDARD CITED	DESCRIPTION OF CITATION	PUBLISHER ACTION	1st LEVEL APPEAL	REVISION STATUS	FINAL STATUS
	Teacher Manual – Grade K			HW4	K-2 Brand names and Corporate Logos	Tab: Disease Prevention HIV/AIDS p. 163, Activity #4 – The Tooth Experiment: Instruction for classroom activity lists "one can of Pepsi." Replace with soda or generic item.	**Revise**	**N/A**	**Revision received**	
	HPW Flashcards "Prevention" Card – Grade 2			HW5	H-2 Dangerous Substances	The "Prevention" card has a syringe labeled vaccine. No accompanying lesson to connect vaccines and preventions or to clarify "good" syringes and "bad" syringes.	**Revise**	**N/A**	**Revision received**	
	HPW Flashcards "Drug" Card – Grade 2			HW6	H-2 Dangerous Substances	The "Drug" card shows alcohol and aspirin and a definition of drugs – but does not have an accompanying lesson on hazards of use.	**Revise**	**N/A**	**Revision received**	
	Teacher Manual – Grade 2			HW7	B-1 Ethnic and Cultural Groups	Family Life Activity #2 – Roots, (pp. 32, 33) is a lesson on cultural heritage and how it affects health. Step 1 – the example of levels of physical activity does not seem like a cultural influence.	**Revise**	**N/A**	**Revision received**	
Health Wave, Inc.	*Health Promotion Wave: Upper Elementary Level* Grades 4-5	2	None							
	Student Activities – Grade 4 (#30)			HW8	K-1 Brand Names	Student Activity #30, the worksheet on "Fats" has large candies in the background. The candy is easily identified as a brand name candy.	**Revise**	**N/A**	**Revision received**	
	Video "Honesty Counts" – Grade 5			HW9	K-1 Brand Names	Fruitopia machine displayed throughout the segment on the "Lost Wallet".	**Revise**	**N/A**	**Video damaged, Publisher will replace**	

PUBLISHER	TITLE	TOTAL CITATIONS	TOTAL APPEALS	CITATION NUMBER	STANDARD CITED	DESCRIPTION OF CITATION	PUBLISHER ACTION	1st LEVEL APPEAL	REVISION STATUS	FINAL STATUS
Health Wave, Inc.	*Health Promotion Wave: Middle School* Grades 6-8	2	None							
	HPW Color Transparency (#21) – Grade 6			HW10	K-1 Brand Names	Transparency #21 is a Nike ad with the familiar "Just Do It" slogan. Although there is no "swoosh" logo, the slogan is highly identifiable with a familiar brand.	**Revise**	**N/A**	**Revision received**	
	HPW Color Transparencies (#22 b and c) – Grade 6			HW11	H-2 Dangerous Substances	The "Traditional" diet pyramids (Asian, Latin American) include alcohol illustrations and text but hazards of use are not identified in accompanying lesson plans.	**Revise**	**N/A**	**Revision received**	
Holt, Reinhart & Winston	*Decisions for Health* Grades 6-8	7	5							
	Decisions for Health Video "The Hungry Heart"			HRW1	A-7 Emotions	The video depicted women only as having emotion eating disorders – no men were portrayed.	**Appeal**	**Accepted**		**Appeal accepted – no further action required**
	Decisions for Health Video "Teased, Taunted, Bullied"			HRW2	K-1 Brand Names	Between 4:18 – 4:39 on the video, the "Coca-Cola" name is prominently displayed on a girl's shirt.	**Appeal**	**Accepted**		**Appeal accepted – no further action required**
	Decisions for Health Video "Popping Trouble"			HRW3	K-1 Brand Names	The video segments show several brand names and products. For instance, "Popping Trouble" shows Nuprin, Tylenol, Motrin, Rite Aid and more.	**Appeal**	**Accepted**		**Appeal accepted – no further action required**
	Discover Films Spit Tobacco: No Dip, No Brainer			HRW4	K-1 Brand Names	Beginning of video: students are holding a tobacco can with "Copenhagen" prominently displayed. Specific mention of two kinds of chewing tobacco – Copenhagen and Denver Chew.	**Revise**	**N/A**	**Revisions due 9/10/04**	

PUBLISHER	TITLE	TOTAL CITATIONS	TOTAL APPEALS	CITATION NUMBER	STANDARD CITED	DESCRIPTION OF CITATION	PUBLISHER ACTION	1st LEVEL APPEAL	REVISION STATUS	FINAL STATUS
	Decisions for Health – Green (6th), Red (7th), and Blue (8th) SE and TE			HRW5	K-1, K-2 Brand Names and Corporate Logos	Use of CNN logo throughout Teacher Editions and in the Student Editions.	**Appeal**	**Denied**	**Revisions due 10/21/04**	
	Decisions for Health – Green (6th), Red (7th), and Blue (8th) SE and TE			HRW6	K-1, K-2 Brand Names and Corporate Logos – Use of any such depictions	The opening page of each chapter in all three grade levels refers the student to "Current Health" online which is a name brand student classroom magazine.	**Appeal**	**Accepted**		**Appeal accepted – no further action required**
	Decisions for Health – Green (6th) SE and TE			HRW7	K-1 Brand Names	P.163 – the top of the product on the far right says "Biore".	**Revise**	**N/A**	**Revision due 9/10/04**	
MacMillan/ McGraw Hill	*Health and Wellness* Grades K-8	4	None							
	Video "Let's Talk About Drugs – Grade 2			MMH1	K-1 Brand Names	Visible logos for "Pepsi" and "Diet Coke."	**Revise**	**N/A**	**Revision received**	
	Video "You Can Solve a Problem" Part 1 and Part 2– Grade K/1			MMH2	K-1 Brand Names	In a vignette where paint has been accidentally splashed on a backpack, close-ups of the backpack show the brand name and logo (Jansport).	**Revise**	**N/A**	**Revision received**	
	Video "No More Teasing" – Grade 3			MMH3	K-1 Brand Names	"Motts" brand is prominently used.	**Revise**	**N/A**	**Revision received**	
	Video "I Don't Have a Problem: The Path to Addiction" – Grade 8			MMH4	K-1 Brand Names	"Old Milwaukee" beer brand name is prominent.	**Revise**	**N/A**	**Revision received**	

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 1, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriuculum and Instruction Branch

RE: Item No. 32

SUBJECT: 2004 Health Primary Adoption of Instructional Materials: Curriculum Development and Supplemental Materials Commission Recommendations

EDITS AND CORRECTIONS MEETING

On October 21, 2004, the publishers' Edits and Corrections Meeting for the 2004 Health Primary Adoption was held, presided over by the Curriculum Commission Chair, and the Chair of the Health Subject Matter Committee. The panel also included one Content Review Panel (CRP) expert and three Instructional Materials Advisory Panel (IMAP) members who participated in the Health Deliberations in July 2004.

Five of the programs submitted for the 2004 Health Primary Adoption had minor edits and/or corrections (as defined by the State Board's Edits and Corrections Policy). Edits and/or corrections were identified by the CRPs and IMAPs and included in the *Report of Findings* for each program, and approved by the Curriculum Commission. The recommended edits do not affect program content.

At the meeting, publishers presented how they would make the recommended edits and/or corrections and how the corrected material would look in the final print format. All the edits and/or corrections reviewed at the meeting were approved by the panel and agreed to by the publishers. A letter confirming the results of the Edits and Corrections Meeting was sent to each publisher. Publishers whose programs are adopted by the State Board are required to complete all edits and/or corrections by February 9, 2005.

PUBLIC COMMENT AND REVIEW

Instructional materials submitted for adoption were displayed for public review and comment, beginning April 13, 2004, at twenty-four Learning Resource Display Centers (LRDCs) throughout the state. The general public was given an opportunity to provide written comments through October 31, 2004. Fifty-three public comments were received. These comments are summarized below.

None of the public comments alter the Curriculum Commission's recommendations to the State Board.

COMMENTS: Glencoe/McGraw-Hill's *Glencoe Teen Health* Program

Five public comments were received concerning Glencoe/McGraw Hill's *Glencoe Teen Health* program. All the reviewers objected to the adoption of this material because it lacks information on sexual orientation and contraceptives. None of the comments provided specific citations that the material failed to meet the evaluation criteria or the content in the Grade-Level Emphases Maps.

COMMENTS: Harcourt School Publishers' *Harcourt Health and Fitness* Program

Fifteen public comments were received concerning Harcourt School Publishers' *Harcourt Health and Fitness* program. Eight of the reviewers stated that they opposed the adoption of this instructional material because the content is too difficult for English learners. However, the CRP and IMAP reviewers found that the program fully met the Universal Access criterion in the evaluation criteria that addresses the needs of English learners.

COMMENTS: Health Wave's *Health Promotion Wave: Primary, Upper Elementary, and Middle School* Programs

Four public comments were received concerning Health Wave's *Health Promotion Wave: Primary, Upper Elementary, and Middle School* programs. None of the reviewers opposed the adoption of this instructional material.

COMMENTS: Holt, Rinehart and Winston's *Holt Decisions for Health* Program

Sixteen public comments were received concerning Holt, Rinehart and Winston's *Holt Decisions for Health* program. The majority of the reviewers that oppose the adoption of this instructional material cited concerns with some of the optional videos included in the program but did not provide specific citations where the instructional material failed to meet the evaluation criteria or the content in the Grade-Level Emphases Maps.

COMMENTS: MacMillan/McGraw-Hill's *Health and Wellness* Program

Twelve public comments were received concerning MacMillan/McGraw-Hill's *Health and Wellness* program. The majority of the comments deal with Legal and Social Compliance issues. The program was reviewed in depth for these issues by the Legal and Social Compliance panel, the IMAPs and CRPs, and the Curriculum Commission. The publisher agreed to correct all the Legal and Social Compliance citations.

COMMENTS: *Health Framework for California Public Schools, Kindergarten Through Grade Twelve*

One reviewer submitted comments on the *Health Framework* that are not relevant since the focus of this public comment period was the review of submitted instructional materials for adoption and not the framework.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Assignment of Numbers for Charter School Petitions	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

California Department of Education (CDE) staff recommends that the State Board of Education (SBE) assign charter numbers to the charter schools identified on the attached list.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for assigning a number to each approved charter petition. On the advice of legal counsel, CDE staff is presenting this routine request for a charter number as a standard action item.

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 674 charter schools, including nine approved by SBE after denial by the local agencies. Of these 674 schools, approximately 530 are estimated to be operating in the 2004-05 school year.

SUMMARY OF KEY ISSUES

The law allows for the establishment of charter schools. A charter school typically is approved by a local school district or county office of education. The entity that approves a charter is also responsible for ongoing oversight. A charter school must comply with all the contents of its charter, but is otherwise exempt from most other laws governing school districts.

Education Code Section 47602 requires the SBE to assign a number to each charter school that has been approved by a local entity in the chronological order in which it was received. This numbering ensures that the state is within the cap on the total number of charter schools authorized to operate. As of July 1, 2003, the number of charter schools that may be authorized to operate in the state is 750. This cap may not be waived. This item will assign numbers to an additional two charter schools. These charter schools were recently approved by their local boards of education. Copies of the charter petitions are on file in the Charter Schools Division.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact resulting from the assignment of numbers to recently authorized charter schools.

ATTACHMENT(S)

Attachment 1: Assignment of Numbers for Charter School Petitions (1 Page)

NOVEMBER 2004 STATE BOARD OF EDUCATION MEETING

Assignment of Numbers for Charter School Petitions

NUMBER	CHARTER SCHOOL NAME	CHARTER SCHOOL COUNTY	AUTHORIZING ENTITY	CHARTER SCHOOL CONTACT
675	Los Angeles Academy of Arts and Enterprise Charter School	Los Angeles	Los Angeles Unified School District	Moctesuma Esparza 1201 W. 5th Street Suite F-250 Los Angeles, CA 90017 (310) 281-3770
676	Ezequiel Tafoya Alvarado Academy	Madera	Madera Unified School District	Dr. Nicholas Retana 26247 Ellis Street Madera, CA 93638 (760) 533-6441
677	ASA Charter School	San Bernardino	San Bernardino City Unified	Patricia M. Campbell 2050 E. Pacific St. San Bernardino, CA 92404 (909) 388-1255

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Charter Schools: Determination and redetermination of funding requests for 2004-05 (and beyond) for Nonclassroom-based Charter Schools	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve various 2004-05 (and beyond) determination of funding requests from charter schools pursuant to *Education Code* sections 47612.5 and 47634.2, and California *Code of Regulations*, Title 5 sections 11963 to 11963.6, inclusive, based upon the recommendations of the Advisory Commission on Charter Schools (ACCS) and the California Department of Education (CDE).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

SB 740 enacted possible funding reductions for charter schools that offer nonclassroom-based instruction. Nonclassroom-based instruction occurs when a charter school does not require attendance of its pupils at the school site under the direct supervision and control of a qualified teaching employee of the school for at least 80 percent of the required instructional time. For 2003-04 and each fiscal year thereafter, the law states that funding reductions of 30 percent of qualifying charter schools' nonclassroom-based average daily attendance (ADA) shall be made unless the State Board of Education (SBE) determines that a greater or lesser percentage is appropriate for a particular charter school. Furthermore, pursuant to SB 740, a charter school is prohibited from receiving any funding for nonclassroom-based instruction unless the SBE determines its eligibility for funding.

SB 740 also established the ACCS to recommend the criteria for the SBE to use in making funding determinations. The ACCS also provides recommendations to the SBE on appropriate funding determinations for nonclassroom-based charter schools and on other aspects of the SBE's duties under the Charter Schools Act.

The SBE adopted permanent regulations that became operative in November 2003 that specified the criteria that a nonclassroom-based charter school must meet in order for the SBE to determine that the school shall receive 100 percent funding. For 2003-04 and each fiscal year thereafter, the full funding criteria are that at least 50 percent of the school's public revenues must be spent on certificated employee salaries and benefits, at least 80 percent of all revenues must be spent on instruction and instruction-related costs, and the student-to-teacher ratio may not exceed the student-to-teacher ratio of

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

the largest unified school district in the county in which the charter school is located. Schools must spend a minimum of 40 percent on certificated employee salaries and benefits and 60 percent on instruction and instruction-related costs or the funding percentage is zero. Pursuant to the regulations, the SBE may approve a higher or lower funding level than the criteria would prescribe based upon mitigating circumstances of the school that indicate that a higher or lower funding level is appropriate.

SUMMARY OF KEY ISSUES

The ACCS recommendations on funding determination requests for 2004-05 were approved at the ACCS meeting on October 4, 2004, and are included in Attachment 1.

FISCAL ANALYSIS (AS APPROPRIATE)

A determination of funding request approved at less than the 100 percent level may result in reduced apportionment claims to the state. The reductions in claims would result in a proportionate reduction in expenditure demands for Proposition 98 funds. All Proposition 98 funds, by law, must be expended each fiscal year. Thus, a reduction in apportionment claims may be more accurately characterized as an expenditure shift than as absolute savings under typical circumstances. In 2002-03, funding determination requests approved by the SBE at less than 100 percent resulted in over $30 million in reduced apportionment claims. The reduction in 2003-04 is estimated at over $20 million in reduced apportionment claims. All funding determinations for November 2004 are being recommended at the 100 percent funding level; therefore, there would be no reduction in apportionment.

ATTACHMENT(S)

Attachment 1: 2004-2005 Funding Determination Requests (2 pages)

2004-2005 Funding Determination Requests
November 2004

2004-2005 (AND BEYOND)

The following determination of funding requests are recommended for approval by the State Board of Education for three years (2004-2007) at the 100 percent level. The reasons justifying a level higher than 70 percent in 2004-2005 and beyond are that (1) the school met the minimum criteria specified in regulation for the 100 percent level, and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding determination level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter Number	Charter Name	2004-2007
#165	CORE@Camptonville Academy	100%
#254	Anderson Valley Charter Network	100%
#255	John Muir Charter School	100%
#356	Golden Valley Charter School	100%
#391	B.A.S.I.S.	100%
#393	Delta Charter High School	100%
#492	Pathways Charter School	100%
#519	Somis Academy Charter School	100%

The following determination of funding request is recommended for approval by the State Board of Education for two years (2004-2006) at the 100 percent level. The reasons justifying a level higher than 70 percent in 2004-2005 and beyond are that (1) the school met the minimum criteria specified in regulation for the 100 percent level, and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding determination level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter Number	Charter Name	2004-2006
#69	Nevada City Charter School	100%

The following determination of funding requests are recommended for approval by the State Board of Education for one year (2004-2005) at the 100 percent level. The reasons justifying a level higher than 70 percent in 2004-2005 are that (1) the school met the minimum criteria specified in regulation for the 100 percent level, and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding determination level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter Number	**Charter Name**	**2004-2005**
#493	CAVA@San Diego	100%
#494	CAVA@Kern	100%

ITEM #35

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Assembly Bill 1994: Statewide Charter Schools: Adopt Proposed Title 5 Regulations.	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Consider comments received during the public comment period and at the public hearing and take action to adopt the regulations.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE approved the commencement of the rulemaking process for amendments toTitle 5 regulations regarding statewide charter schools on September 8, 2004.The regulations have gone out for the 45-day comment period, which will end November 2, 2004.

SUMMARY OF KEY ISSUES

Since the public comment period ends seven days before the November SBE meeting, changes, if any, to the proposed regulations based on comments received during the public comment period will be provided as a Last Minute Memorandum.

FISCAL ANALYSIS (AS APPROPRIATE)

A Fiscal Impact Statement was provided for the September SBE meeting. If necessary, a revised Fiscal Impact Statement will be provided as a Last Minute Memorandum for the November meeting.

ATTACHMENT(S)

A summary of the comments received from the public shall be prepared by staff as the Final Statement of Reasons and submitted as a Last Minute Memorandum to the SBE.

Attachment 1: Proposed Regulations for Statewide Charter Schools (7 pages)

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 11. Special Programs

Subchapter 19. Charter Schools

Amend Section 11967 to read:

§ 11967. Appeals on Charter Petitions That Have Been Denied.

(a) A charter school petition that has been previously denied by the governing board of a school district must be received by the county board of education ~~or the State Board of Education~~ not later than 180 calendar days after the denial. A charter school petition that has been previously denied by a county board of education must be received by the State Board of Education not later than 180 calendar days after the denial. Any petition received by the county board of education or State Board of Education more than 180 days after denial shall not be acted upon by the county board of education or State Board of Education.

(b) When filing a petition with the county board of education or the State Board of Education for the establishment of a charter school, petitioner(s) shall provide the following:

(1) A complete copy of the charter petition as denied, including the signatures required by Education Code ~~s~~Section 47605.

(2) ~~A copy~~ Evidence of the governing board's action ~~of denial of~~ to deny the petition (e.g. meeting minutes) and the governing board's written factual findings specific to the particular petition, when available, setting forth specific facts to support one or more of the grounds for denial set forth in ~~as required by~~ Education Code ~~s~~Section 47605 (b).

(3) A signed certification stating that petitioner(s) will comply ~~of compliance~~ with all applicable law.

(4) A description of any changes to the petition necessary to reflect the county ~~office~~ board of education or the State Board of Education as the chartering entity as applicable.

(c) The county board of education or State Board of Education shall deny a petition for the establishment of a charter school only if it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code ~~s~~Section 47605(b)~~(1)-(5)~~ (1-5).

(d) Not later than 60 days after receiving a complete petition package and following review of the petition ~~and a public hearing~~ at a duly noticed public meeting, ~~the~~ a county board of education shall grant or deny the charter petition. This ~~date~~ time period may be extended by an additional 30 days if the county board of education and the petitioner(s) agree to the extension.

(e) Not later than 90 days after receiving a complete petition package ~~and following review of the petition and a public hearing,~~ the State Board of Education shall schedule, at its next regular board meeting, an action item to grant or deny the charter petition. This date may be extended by an additional 30 days if the State Board of Education and the petitioner(s) agree to the extension.

(f) In considering charter petitions that have been previously denied ~~by a school district~~, the county board of education or State Board of Education ~~shall~~ are not limited to a ~~its~~ review ~~to~~ based solely on the reasons for denial stated by the school district~~, but review the charter school petition pursuant to Education Code section 47605(b)~~ or county board, as applicable.

NOTE: Authority cited: Sections 33031 and 47605(j)(5), Education Code. Reference: Section 47605(j)~~(4)~~, Education Code.

Add Section 11967.6, 11967.7, and 11967.8 to read:

§ 11967.6. Submission of Statewide Charter School Petitions to the State Board of Education.

(a) A petition to establish a statewide charter school pursuant to Education Code Section 47605.8 shall:

(1) Comply with all statutory requirements otherwise applicable to charter schools, except those relating to geographic and site limitations (See Education Code Section 47605.8)

(2) If applicable, comply with all requirements of law relative to the provision of independent study.

(A) A charter that does not expressly provide for independent study shall not be interpreted as allowing independent study beyond that which is incidental and required to address the temporary needs of particular students.

(B) If the independent study (nonclassroom-based instruction) exceeds the percentage specified in Education Code Section 47612.5, it shall be funded only in keeping with a determination of funding approved pursuant to Education Code Section 47634.2.

(3) Explicitly acknowledge that an annual independent audit of the school will be conducted in keeping with applicable statute and regulation and indicate how the school's individual sites will be appropriately included in the audit process.

(4) Incorporate a plan that provides for initial commencement of instruction in at least two sites, which shall be in at least two different school districts or two different counties. The plan for instruction shall describe how the instructional services will provide a statewide benefit, as specified in Section 11967.6(b) that cannot be provided by a charter school operating in only one school district, or only in one county.

(5) Include an assurance that the instructional services for similar student populations described in the charter will be essentially similar at each site and, thus, that each pupil's educational experience will be reasonably the same with regard to instructional methods, instructional materials, staffing configuration, personnel requirements, course offerings, and class schedules.

(6) Describe how the statewide charter school will participate as a member of a special education local plan area, and ensure a coordinated structure for the provision of necessary programs and services specific to students with Individual Education Programs (IEPs).

(7) Demonstrate success in operating charter schools previously approved in California as evidenced by improved pupil academic data including, but not limited to, a statewide or similar schools ranking of 8 or higher on the Academic Performance Index, or other alternative indicators of success as defined in the alternative accountability system pursuant to subdivision (h) of Education Code Section 52052, shall be considered in determining the likelihood of a charter operator to successfully operate a charter of statewide instructional benefit.

(8) Describe how local community input for each site included in the plan was solicited (or will be solicited). Satisfaction of this paragraph shall involve the holding of at least one publicly noticed meeting for each site, with a summary of the input received at the meeting(s) being provided.

(9) Contain sufficient signatures either of parents, guardians, or of teachers in keeping with Education Code Section 47605(a)(1) for each site proposed in the first year. Sites proposed to begin initial instruction in subsequent years must provide sufficient signatures at the time the summary of input from the public meeting required under (8) of this section is provided.

(10) Include an assurance that the school district governing board, the superintendent, the county board of education, and county superintendent where each school site will be located will be notified prior to commencement of instruction.

(11) Addresses all charter elements specified in Education Code Section 47605 adapted appropriately for application at the statewide level.

(12) Contain or address any provisions or conditions specified by the State Board of Education at the time of charter approval.

(13) Contain a plan for operations of the school that describes the distinction between centralized and site level responsibilities and includes a staffing plan to implement the activities at the designated level. The plan shall address school operations including, but not limited to:

(A) Facilities and site operations,

(B) Legal and programmatic compliance,

(C) Financial administration,

(D) Governance, and

(E) Decision-making authority.

(14) Provide a list of each site that will be operated by the school that includes:

(A) A timeline for the commencement of instruction at each site. Commencement of instruction must begin during the term of the charter.

(B) The general location of each site and the school district and county in which each site is to be located.

(C) A description of the potential facilities to be used at each site.

(D) The approximate number of pupils that can safely be accommodated at each site.

(b) A “statewide” benefit shall include, but not be limited to, the following factors:

(1) Unique factors and circumstances related to the school’s educational program that would make the school better able to meet its educational mission as a statewide charter than as a district- or county-authorized charter, including specific benefits to each of the following:

(A) The pupils who would attend the school,

(B) The communities (including the school districts and the counties) in which the school sites would be located (e.g., in terms of pupil demographics and performance),

(C) The state, to the extent applicable, and

(D) The school itself (e.g., in fund raising, community partnerships, or relationships with institutions of higher education).

(2) A description of administrative benefit to a charter operator, nor an expression of desire by a charter operator to provide services in more than one district and county, shall be considered sufficient in and of itself to constitute a statewide benefit.

(c) A statewide charter, regardless of the number of sites, is treated as one organizational entity for all purposes, including but not limited to, compliance monitoring, data reporting and collection, student performance data, oversight, and apportionments. Each organizational entity will receive a unique County-District-School (CDS) district code. Additionally, each site will also receive a unique individual CDS school code for purposes of disaggregation of data by site and grant eligibility. For purposes of compliance monitoring and oversight, the State Board, in its review, will look at each site’s independent progress in meeting AYP and statewide growth targets.

(d) Following its submission, a petition to establish a statewide charter school may be modified or new sites proposed that were not included in the original petition only with the approval of the State Board of Education.

(e) Each statewide charter school shall provide an annual report to the State Board of Education reflecting student achievement data, performance benchmarks, and other pertinent data supporting stated charter goals.

NOTE: Authority cited: Section 33031 and 47605.8, Education Code. Reference: Sections 47612.5, 47634.2, and 47605, Education Code.

§ 11967.7. Evaluation of Facilities for Statewide Charter Schools.

(a) The school shall notify the California Department of Education within 60 days of proposed commencement of instruction at each site, including submission of all documentation required in Section 11967.6(a)(13). Within 30 days of the receipt of a complete and documented request pursuant to this section, the California Department of Education shall evaluate the facilities for the proposed educational program and notify the charter school and any affected local education agency of its determination. The charter school or any affected local education agency may appeal the Department's determination within 10 calendar days of the date of the determination, and the matter will be placed on the agenda of the next regularly scheduled meeting of the State Board of Education. If no action is taken by the State Board of Education, the California Department of Education's determination shall stand.

(b) A school site in its first year of operation may only commence instruction between July 1 and September 30 of that year.

NOTE: Authority cited: Section 33031 and 47605.8, Education Code. Reference: Section 47605.8, Education Code.

§ 11967.8. Funding for Statewide Charter Schools.

(a) A statewide charter school approved pursuant to Education Code Section 47605.8 shall be direct-funded pursuant to Chapter 6 of Part 26.8 of the Education Code (commencing with Section 47630), with the following exceptions:

(1) A statewide charter school's general-purpose entitlement pursuant to Education Code Section 47633 shall be funded entirely from state aid.

(2) A statewide charter school does not have a "sponsoring local education agency" as defined in Education Code Section 47632.

(b) The warrant for a statewide charter school shall be drawn in favor of the State Superintendent of Public Instruction and a county office of education as follows:

(1) In cooperation with the State Superintendent of Public Instruction, the State Board of Education may designate a county office of education as the office responsible for establishing the appropriate funds or accounts in the country treasury for the statewide charter schools and

for making the necessary arrangements for the school's participation in the State Teachers' Retirement System and/or the Public Employees Retirement System. The county office may charge the school for the actual cost of services.

(2) In designating a county office of education, the State Board shall give preference to the county office of education of the county that the charter school identifies as the principal location of its business records.

(3) If the county office of education in the county that the school identifies as the principal location of its business records declines to accept the responsibility for the statewide charter school, the State Board of Education may designate another county office of education by mutual agreement.

NOTE: Authority cited: Section 33031 and 47605.8, Education Code. Reference: Section 47632 and 47651, Education Code.

Amend Section 11968 to read:

§ 11968. Maximum Number of Charters.

(a) If a charter school, including a statewide or countywide charter school, ceases to operate ~~through~~ by voluntary surrender, revocation, or non-renewal of its charter, the charter school's number will lapse and will not be reassigned.

(b) On July 1, 1999, and on each succeeding July 1, the limit on the total number of ~~allowable~~ charter ~~petitions~~ schools authorized to operate in this state will be increased by 100.

(c) Whenever the statutory limit on the permissible number of charter schools ~~petitions~~ authorized to operate in this state is reached, requests for new numbers will be placed on a list in the order received by the State Board of Education.

NOTE: Authority cited: Sections 33031 and 47602(b), Education Code. Reference: Section 47602, Education Code.

Amend Section 11969 to read:

§ 11969. Numbering of Charter School Petitions.

~~Each charter petition granted pursuant to subdivision (j) of Section 47605 of the Education Code and each charter notice received by the State Board of Education pursuant to subdivision (i) and paragraph (5) of subdivision (j) of Section 47605 shall be given one number. For purposes of calculating the maximum total number of charter schools authorized to operate in this state, each petition shall be deemed to authorize one charter school.~~

(a) In accordance with subdivision (a) of Section 47602 of the Education Code, the California Department of Education, on behalf of the State Board of Education, shall establish

and administer a numbering system to track the total number of charter schools authorized to operate in the state, based on the chronological order of the receipt of a complete charter petition and notification of charter approval by a local educational agency or, in the case of a charter petition approved by the State Board of Education, the date and time of the State Board's approval.

(b) When the State Board of Education approves a charter petition or receives notice that a charter petition has been approved by a local education agency, the State Board shall assign the school one charter number.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 47602, Education Code.

9-9-04

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 4, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Dr. William J. Ellerbee, Jr., Deputy Superintendent
School and District Operations

RE: Item No. 35

SUBJECT: Assembly Bill 1994: Statewide Charter Schools: Adopt Proposed Title 5 Regulations.

A public hearing was held on November 2, 2004, as required by the Administrative Procedure Act. No verbal comments were received. Numerous written comments were received during the 45-day public comment period from two organizations concerning proposed regulations 11967.6, 11967.7 and 11967.8. The final statement of reasons containing written responses to the public comments received is attached.

As a result of the public comments received, two changes are being recommended to the proposed regulations. In addition, State Board and CDE staff recommended other changes to the regulations, which have also been incorporated into the proposed regulations. The amended regulations are also attached.

The California Department of Education recommends that the State Board of Education:

1. Approve the proposed amendments to the draft regulations;
2. Direct that the proposed amendments be circulated for a 15-day comment period in accordance with the Administrative Procedure Act;
3. If no public comments are received during the 15-day period, complete the rulemaking package and submit the amended regulations to the Office of Administrative Law for approval;
4. If public comments are received during the 15-day period, place the amended regulations on the State Board's January 2005 agenda for action following consideration of the comments received.

Attachment 1: Final Statement of Reasons (6 Pages)
Attachment 2: Proposed Title 5 Regulations, sections 11967, 11967.6, 11967.7, 11967.8, 11968 and 11969 (7 Pages)

FINAL STATEMENT OF REASONS
Statewide Benefit Charter Schools

UPDATE OF INITIAL STATEMENT OF REASONS

SECTION 11967. Appeals on Charter Petitions That Have Been Denied (Amendment)
SECTION 11967.6. Submission of Statewide Benefit Charter School Petitions to the State Board of Education (Addition)
SECTION 11967.7. Evaluation of Facilities for Statewide Benefit Charter Schools (Addition)
SECTION 11967.8. Funding for Statewide Benefit Charter Schools (Addition)
SECTION11968. Maximum Number of Charters (Amendment)
SECTION 11969. Numbering of Charter School Petitions (Amendment)

The proposed regulations will clarify existing law with regard to the State Board of Education's process for reviewing charter petitions that have been denied by a county office of education after denial by a local school district, establish a process and criteria for State Board review and approval of charter schools of statewide benefit that will operate at multiple locations, clarify the funding process to be used for statewide benefit charter schools and clarify the State Board's process for numbering charter schools that will operate on multiple sites.

The 45-day public comment period for the proposed regulations ended on November 2, 2004. Due to comments received, the proposed regulations were revised to change references from sites to schools, rename the statewide charter the statewide benefit charter school, delete some notification and signature requirements for petitioners and add clarifying, technical changes. The revised regulations were resubmitted to the State Board, approved on November 9, 2004, and subsequently sent out for a 15-day comment period on November 15, 2004.

NECESSITY/RATIONALE

AB 1994 (Chapter 1058, Statutes of 2002) amended the Charter School Act of 1992, and added *Education Code* Section 47605.8 that creates new responsibilities for the State Board to review and approve charter schools of statewide benefit that propose to operate on multiple sites. *Education Code* Section 47605.8(a) requires the SBE to adopt regulations to implement this section. Finally, AB 1994 amended *Education Code* Section 47602 related to State Board numbering of charter petitions, and *Education Code* Section 47605(j) related to appeals of charter petitions that have been denied. These amendments of law require conforming and technical amendments to existing regulations.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF SEPTEMBER 17, 2004 to NOVEMBER 2, 2004.

Comment: Gary Borden, Legislative Advocate, Charter Voice, submitted comments stating that 11967.6(a) requires several new elements to be included in a charter petition that exceed the law and that they are overly burdensome.

Response: Mr. Borden does not state specifically which elements he believes exceed the law, and we do not find his argument persuasive. Education Code Section 47605.8 is silent as to what should be included in a petition for a statewide benefit charter and, in fact, specifically directs the State Board to adopt regulations for implementation. This directive appears to be a legislative recognition that the nature of statewide benefit charter schools adds an additional layer of complexity to the review of petitions and the oversight of such schools. Therefore, requirements of petitioners need to be different from those of petitioners submitting to a single school district for a single school site.

Comment: Jed Wallace, Chief Operating Officer, High Tech High School in San Diego, submitted a comment and suggested language to make 11967.6(a)(1) explicitly clear that a statewide benefit charter school may include a request for a waiver from the State Board as part of the petition for a statewide benefit charter school.

Response: The law already allows charter schools to submit waivers for exemptions from compliance with those sections of the Education Code to which charter schools must adhere. It is unnecessary to add language to the regulations stating what is in statute.

Comment: Jed Wallace, Chief Operating Officer, High Tech High School in San Diego, submitted a comment and suggested language to 11967.6(a)(4) that would allow existing charter schools to be converted to statewide benefit charter schools.

Response: The law provides no mechanism by which charter schools may be transferred from one charter authorizing entity to another; therefore, the addition of this language would exceed what is allowed in existing law and is beyond the scope of these regulations. The proposed regulations have been amended to explicitly state that existing schools may not be included in a statewide benefit charter school petition because the purpose of the statute was to provide for new schools that could demonstrate instructional services of statewide benefit.

Comment: Jed Wallace, Chief Operating Officer, High Tech High School in San Diego, submitted comments and suggested language to 11967.6(a)(5) that would provide greater latitude for statewide benefit schools in providing instructional services that were not the same from school to school.

Response: The proposed amendments would allow each of the schools within the statewide benefit charter model to operate different instructional programs and serve different populations of students, thereby defeating the idea of providing instructional services of a statewide benefit.

Comment: Jed Wallace, Chief Operating Officer, High Tech High School in San Diego, submitted comments and suggested language to 11967.6(a)(6) that would allow a statewide benefit charter school petition to describe whether the petitioner is requesting approval to establish a new Special Education Local Plan Area (SELPA).

Response: The proposed regulations now ask petitioners to describe how the statewide benefit charter school will participate as a member of a SELPA. A charter school may not currently establish its own SELPA. Therefore, this suggested change is irrelevant and beyond the scope of these regulations.

Comment: Gary Borden, Legislative Advocate, Charter Voice, submitted comments stating that 11967.6(a)(7) language requiring statewide benefit charter school petitioners to demonstrate success in operating charter schools previously approved makes it impossible for new schools to apply for statewide benefit charters and that neither the law nor legislative intent was to limit these types of charters to only those who had previously operated charter schools successfully. Further, the law does not mention API as a precondition to establishing eligibility for submission of a statewide benefit charter petition.

Response: We do not find these comments persuasive. The relevant statute is not specific regarding who may apply for statewide benefit charters, but does explicitly direct the State Board to adopt regulations for implementation of the statute. The legislative scheme reflects concern for accountability and oversight because these charters, which are approved by the State Board and not a district or county office of education, have a lesser degree of connection to a local community. In addition, the statutory scheme limits the State Board's approval authority to only those instances in which it explicitly determines the charter will provide instructional services of statewide benefit. Limiting approval to charter petitions that demonstrated quantifiable success on a more limited basis prior to being allowed to expand on a statewide basis is consistent with the intent of the Legislature and the statutory scheme.

Comment: Jed Wallace, Chief Operating Officer, High Tech High School in San Diego, submitted a suggestion that proposed 11967.6(a)(9), which requires the signatures of either 50% of interested parents or teachers for each school, be eliminated altogether because it is a barrier to the establishment of a statewide charter.

Response: The suggestion is partially persuasive, and the proposed regulations have been amended to require the signatures of parents or teachers for schools that are proposed to begin operating in the first year of the charter. Schools that are proposed to begin operation in future years are not required to include the signatures; however, there is a requirement that public hearings be held to gather community input regarding the establishment of such schools.

Comment: Jed Wallace, Chief Operating Officer, High Tech High School in San Diego, submitted a comment and suggested language to 11967.6(a)(10) that would require statewide benefit charter petitioners to notify only each county where a school will be

located before the commencement of instruction. The proposed regulations require notification to the school district superintendent, the school district governing board, the county office governing board and the county board of education. Mr. Wallace suggested that the notification requirements were burdensome and had no purpose.

Response: We find the argument that the notifications are a burden partially persuasive and have amended the proposed regulations to require notification to the county office and school district in which a statewide benefit charter school will be located. The notification must occur at least 120 days prior to the commencement of instruction. We believe it is important that school districts and county offices, which may be potentially affected by the presence of a statewide benefit charter school be made aware of the school.

Comment: Gary Borden, Legislative Advocate, Charter Voice, submitted comments stating that 11967.6(a)(12) would give the State Board overly broad authority to require petitioners to include conditions not specifically enumerated in law or regulations.

Response: We do not find this comment persuasive. The State Board, which has been given statutory authority to approve the statewide benefit charter petitions, also has the authority to impose conditions on the approval. The State Board, as the charter authorizer for charter schools approved on appeal, routinely requires petitioners to address and include specific elements that are incomplete at the time of charter approval. For example, the State Board requires proof of insurance, documentation of participation in a SELPA, a signed facilities lease agreement, an approved attendance accounting system and other documentation that the charter petitioner cannot reasonably be expected to produce at the time the charter is approved, but that it is reasonable and necessary to expect a school to have them in place before a school opens.

Comment: Jed Wallace, Chief Operating Officer, High Tech High School in San Diego, submitted comments and suggested language to 11967.6(a)(13) that would add another category of plans for operation of the statewide benefit charter school that must be addressed by petitioners. The categories in the existing regulations are: academic program, facilities and school operations, legal and programmatic compliance, financial administration, and governance and decision-making authority. Mr. Wallace proposed to add risk management as an additional category as a means of requiring petitioners to discuss their corporate structures, if any, for statewide benefit charter schools and to discuss insurance and other contractual arrangements.

Response: This amendment is unnecessary. The governance and decision-making authority categories will require petitioners to describe organizational structures. The State Board has the ability to impose insurance requirements on a school as a condition of operation, thereby requiring the statewide benefit charter operators to address liability and risk management concerns.

Comment: Jed Wallace, Chief Operating Officer, High Tech High School in San Diego, submitted comments and suggested language to 11967.6(b) that would make it

permissive rather than required to address specific factors to be addressed in describing “instructional services of statewide benefit”, and that any, rather than each, of the specific factors be addressed. In addition, Mr. Wallace suggested two additional factors to be added that may be addressed by the petitioners: (1) the benefit of the statewide benefit charter to teachers, and (2) that petitioners could describe any other reasons why a single district or single county charter is impractical or inappropriate.

Response: The law clearly states that the State Board may not approve a petition for a statewide benefit charter school unless it finds that the charter will provide instructional services of statewide benefit that cannot be accomplished by a charter in a single district or single county. The focus of this law is on instructional services to students. Mr. Wallace’s suggestions would allow petitioners to make a case for a statewide charter based on many other factors unrelated to the instructional services that would accrue to the benefit of students, which would not be in keeping with the law.

Comment: Jed Wallace, Chief Operating Officer, High Tech High School in San Diego, submitted comments and suggested language to 11967.6 that would add paragraph (f) to clarify that a statewide benefit charter school be deemed a local educational agency for purposes of being able to participate in federal programs.

Response: The comment is persuasive; however, this language is unnecessary because staff amendments to the regulations now state that statewide benefit charter schools are to be treated as school districts for all purposes. This language will allow the statewide benefit charter schools to participate in federal programs.

Comment: Jed Wallace, Chief Operating Office, High Tech High School in San Diego, submitted comments and suggested language to 11967.6 that would add paragraph (g) to allow the State Board to transfer existing charter schools into a statewide benefit charter school petition and would require petitioners to address the transfer of assets and liabilities.

Response: The law provides no mechanism by which charter schools may be transferred from one charter authorizing entity to another; therefore the addition of this language would exceed existing law. The proposed regulations have been amended to explicitly state that existing schools may not be included in a statewide benefit charter school petition.

Comment: Jed Wallace, Chief Operating Officer, High Tech High School in San Diego, submitted comments and suggested language to 11967.7 that would make the presumption that statewide benefit charter schools granted facilities under Proposition 39 are deemed suitable for use by a school and would require all other facilities to meet state uniform building code requirements.

Response: We do not find the argument persuasive that all Proposition 39 facilities granted to charter schools by school districts are necessarily suitable sites. School districts sometimes own facilities other than those specifically designed as schools.

These facilities may not be suitable to the health and safety of students and to presume that all school district facilities are suitable seems to be a questionable presumption.

We also disagree that all other facilities should meet state uniform building code requirements. The State Board, in its oversight of charter schools on appeal, has required that all school facilities meet local building code requirements and receive all necessary clearances from local government agencies, such as certificate of occupancy and fire marshal clearance. The requirements in these proposed regulations are patterned after the State Board oversight agreement with its charter schools. Further, it is unclear which entity at the state level would inspect these sites for conformance with the uniform building code.

Comment: Gary Borden, Legislative Advocate, Charter Voice, submitted comments stating that 11967.7, which requires the California Department of Education evaluation of facilities to be used by statewide benefit charter schools, has no basis in law and is counter to legislative intent with regard to charter schools.

Response: We do not find these comments persuasive. The relevant statute provides no guidance regarding the items that must be addressed by petitioners before they may open a school facility, but explicitly directs the State Board to adopt regulations for implementation of the statute. It is very reasonable for the State Board, as the charter authorizer, to expect that the facilities to be used to house students are suitable for such a purpose, that the facilities present no apparent health or safety issues, that the facilities have met all applicable local building codes and ordinances, and have received the required clearances to operate a school within the facility. The State Board would be remiss in its duties as a charter authorizer if it did not require this information from a potential statewide benefit charter school operator.

Comment: Jed Wallace, Chief Operating Office, High Tech High School in San Diego, submitted comments and suggestions to 11967.8 to clarify how a statewide benefit charter school would be treated for purposes of the allocation system for the state school facilities construction program.

Response: The comment has merit; however, we believe staff amendments to the proposed regulations that treat the statewide benefit charter school as a district and each individual site as a school already respond to this concern.

ALTERNATIVES DETERMINATION

The State Board has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

REGULATIONS TO BECOME EFFECTIVE UPON FILING

It is important that these regulations become effective as soon as possible to ensure that potential statewide benefit charter school petitioners have as much time as possible to submit petitions if they wish to open schools in Fall 2005. AB 1994 was passed by the Legislature in 2002. During this 2-year period, substantial interest has been generated in statewide benefit charter schools, and there are many potential applicants that are waiting for the adoption of regulations in order to submit applications for such schools.

11/08/04

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 11. Special Programs

Subchapter 19. Charter Schools

Amend Section 11967 to read:

§ 11967. Appeals on Charter Petitions That Have Been Denied.

(a) A charter school petition that has been previously denied by the governing board of a school district must be received by the county board of education ~~or the State Board of Education~~ not later than 180 calendar days after the denial. A charter school petition that has been previously denied by a county board of education must be received by the State Board of Education not later than 180 calendar days after the denial. Any petition received by the county board of education or State Board of Education more than 180 days after denial shall not be acted upon by the county board of education or State Board of Education.

(b) When filing a petition with the county board of education or the State Board of Education for the establishment of a charter school, petitioner(s) shall provide the following:

(1) A complete copy of the charter petition as denied, including the signatures required by Education Code ~~s~~Section 47605.

(2) ~~A copy~~ Evidence of the governing board's action ~~of denial of~~ to deny the petition (e.g. meeting minutes) and the governing board's written factual findings specific to the particular petition, when available, setting forth specific facts to support one or more of the grounds for denial set forth in ~~as required by~~ Education Code ~~s~~Section 47605 (b).

(3) A signed certification stating that petitioner(s) will comply ~~of compliance~~ with all applicable law.

(4) A description of any changes to the petition necessary to reflect the county ~~office~~ board of education or the State Board of Education as the chartering entity as applicable.

(c) The county board of education or State Board of Education shall deny a petition for the establishment of a charter school only if ~~it~~ the Board makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code ~~s~~Section 47605(b)~~(1)-(5)~~ (1-5).

(d) Not later than 60 days after receiving a complete petition package and following review of the petition ~~and a public hearing~~ at a duly noticed public meeting, ~~the~~ a county board of education shall grant or deny the charter petition. This ~~date~~ time period may be extended by an additional 30 days if the county board of education and the petitioner(s) agree to the extension.

(e) Not later than 90 days after receiving a complete petition package ~~and following review of the petition and a public hearing,~~ the State Board of Education shall schedule, at its next regular board meeting, an action item to grant or deny the charter petition. This date may be extended by an additional 30 days if the State Board of Education and the petitioner(s) agree to the extension.

(f) In considering charter petitions that have been previously denied ~~by a school district~~, the county board of education or State Board of Education ~~shall~~ are not limited to a ~~its~~ review ~~to~~ based solely on the reasons for denial stated by the school district, but must review the charter school petition pursuant to Education Code Section 47605(b) ~~or county board, as applicable~~.

NOTE: Authority cited: Sections 33031 and 47605(j)(5), Education Code. Reference: Section 47605(j)~~(4)~~, Education Code.

Add Section 11967.6, 11967.7, and 11967.8 to read:

§ 11967.6. Submission of Statewide Benefit Charter School Petitions to the State Board of Education.

(a) A petition to establish a statewide benefit charter school pursuant to Education Code Section 47605.8 shall:

(1) Comply with all statutory requirements otherwise applicable to charter schools, except those relating to geographic and site limitations (See Education Code Section 47605.8)

(2) If applicable, comply with all requirements of law relative to the provision of independent study.

(A) A charter that does not expressly provide for independent study shall not be interpreted as allowing independent study beyond that which is incidental and required to address the temporary needs of particular students.

(B) If the independent study (nonclassroom-based instruction) exceeds the percentage specified in Education Code Section 47612.5, it shall be funded only in keeping with a determination of funding approved pursuant to Education Code Section 47634.2.

(3) ~~Explicitly acknowledge that~~ Describe how an annual independent audit of the statewide benefit charter school will be conducted in keeping with applicable statute and regulation and indicate how the statewide benefit charter school's individual schools ~~sites~~ will be appropriately included in the audit process.

(4) Incorporate a plan that provides for initial commencement of instruction in at least two schools ~~sites~~, which shall be in at least two different school districts or two different counties. The plan for instruction shall describe how the instructional services will provide a statewide benefit, as specified in Section 11967.6(b) that cannot be provided by a charter school

operating in only one school district, or only in one county. Existing charter schools previously approved by a charter authorizer may not be included in a petition to establish a statewide benefit charter school.

(5) Include an assurance that the instructional services for similar student populations described in the charter will be essentially similar at each school ~~site~~ and, thus, that each pupil's educational experience will be reasonably the same with regard to instructional methods, instructional materials, staffing configuration, personnel requirements, course offerings, and class schedules.

(6) Describe how the statewide benefit charter school will participate as a member of a special education local plan area, and ensure a coordinated structure for the provision of necessary programs and services specific to students with Individual Education Programs (IEPs).

(7) Demonstrate success in operating charter schools previously approved in California as evidenced by improved pupil academic performance and annual financial audits with no audit findings or exceptions. D~~d~~ata that shall be considered in determining the likelihood of a charter operator to successfully operate a statewide benefit charter school include, ~~including,~~ but are not limited to, a statewide or similar schools ranking of 8 or higher on the Academic Performance Index, evidence of having met growth targets over time, ~~or~~ and other alternative indicators of success as defined in the alternative accountability system pursuant to subdivision (h) of Education Code Section 52052~~, shall be considered in determining the likelihood of a charter operator to successfully operate a charter of statewide instructional benefit~~.

(8) Describe how local community input for each school ~~site~~ included in the plan was solicited (or will be solicited). Satisfaction of this paragraph shall involve the holding of at least one publicly noticed meeting for each school ~~site~~, with a summary of the input received at the meeting(s) being provided.

(9) Contain sufficient signatures either of parents, guardians, or of teachers in keeping with Education Code Section 47605(a)(1) for each school ~~site~~ proposed in the first year. ~~Sites proposed to begin initial instruction in subsequent years must provide sufficient signatures at the time the summary of input from the public meeting required under (8) of this section is provided.~~

(10) Include an assurance that the school district ~~governing board, the superintendent, the county board of education,~~ and county superintendents where each school ~~site~~ will be located will be notified at least 120 days prior to commencement of instruction.

(11) Addresses all charter elements specified in Education Code Section 47605 adapted appropriately for application at the statewide level.

(12) Contain or address any provisions or conditions specified by the State Board of Education at the time of charter approval.

(13) Contain a plan for operations of the statewide benefit charter school that describes the distinction between centralized and individual school ~~site~~ level responsibilities and includes a staffing plan to implement the activities at the designated level. The plan shall address statewide benefit charter school operations including, but not limited to:

(A) Academic program,

~~(A)~~(B) Facilities and school ~~site~~ operations,

~~(B)~~(C) Legal and programmatic compliance,

~~(C)~~(D) Financial administration,

~~(D)~~(E) Governance, and

~~(E)~~(F) Decision-making authority.

(14) Provide a list of each school ~~site~~ that will be operated by the statewide benefit charter school that includes:

(A) A timeline for the commencement of instruction at each school ~~site~~. Commencement of instruction must begin during the term of the charter.

(B) The general location of each school ~~site~~ and the school district and county in which each school ~~site~~ is to be located.

(C) A description of the potential facilities to be used at each school ~~site~~.

(D) The approximate number of pupils that can safely be accommodated by ~~at~~ each school facility ~~site~~.

(b) "Instructional services of a~~A "statewide"~~ statewide benefit" shall include, but not be limited to, the following factors:

(1) Unique factors and circumstances related to the statewide benefit charter school's educational program that can only be accomplished ~~would make the school better able to meet its educational mission~~ as a statewide benefit charter ~~than~~ and not as a single district- or single county-authorized charter, including specific benefits to each of the following:

(A) The pupils who would attend the statewide benefit charter school,

(B) The communities (including the school districts and the counties) in which the individual schools ~~sites~~ would be located (e.g., in terms of pupil demographics and performance),

(C) The state, to the extent applicable, and

(D) The statewide benefit charter school itself (e.g., in fund raising, community partnerships, or relationships with institutions of higher education).

(2) Neither an ~~A description of~~ administrative benefit to a charter operator, nor a~~n expression of~~ desire by a charter operator to provide services in more than one district and county, shall be considered sufficient in and of itself to constitute a statewide benefit.

(c) A statewide benefit charter school, regardless of the number of individual schools ~~sites~~, is treated as ~~one organizational entity~~ a school district for all purposes, including but not limited to, compliance monitoring, data reporting and collection, student performance data, oversight, and apportionments. ~~Each organizational entity will receive a unique County-District-School (CDS) district code. Additionally, each site will also receive a unique individual CDS school code for purposes of disaggregation of data by site and grant eligibility.~~ For purposes of compliance monitoring and oversight, the State Board, in its review, will look at each individual school's ~~site's~~ independent progress in meeting federal ~~AYP~~ and state~~wide~~ growth targets.

(d) Following its submission, a petition to establish a statewide benefit charter school may be modified or new schools ~~sites proposed~~ added that were not included in the original petition only with the approval of the State Board of Education.

(e) Each statewide benefit charter school shall provide an annual report to the State Board of Education reflecting student achievement data, performance benchmarks, and other pertinent data supporting stated charter goals.

NOTE: Authority cited: Section 33031 and 47605.8, Education Code. Reference: Sections 47612.5, 47634.2, and 47605, Education Code.

§ 11967.7. Evaluation of Facilities for Statewide Benefit Charter Schools.

(a) The statewide benefit charter school shall notify the California Department of Education within 60 days of proposed commencement of instruction at each school ~~site~~, including submission of all documentation required in Section 11967.6(a)~~(13)~~(14). Within 30 days of the receipt of a complete and documented request pursuant to this section, the California Department of Education shall evaluate the facilities for the proposed educational program for compliance with local building permits and codes and notify the statewide benefit charter school and any affected local education agency of its determination. The charter school or any affected local education agency may appeal the Department's determination within 10 calendar days of the date of the determination, and the matter will be placed on the agenda of the next regularly scheduled meeting of the State Board of Education. If no action is taken by the State Board of Education, the California Department of Education's determination shall stand. A school may not open in a facility without a positive determination.

(b) A school ~~site~~ in its first year of operation may only commence instruction between July 1 and September 30 of ~~that~~ the year in which it proposes to commence operation.

NOTE: Authority cited: Section 33031 and 47605.8, Education Code. Reference: Section 47605.8, Education Code.

§ 11967.8. Funding for Statewide Benefit Charter Schools.

(a) A statewide benefit charter school approved pursuant to Education Code Section 47605.8 shall be direct-funded pursuant to Chapter 6 of Part 26.8 of the Education Code (commencing with Section 47630), with the following exceptions:

(1) A statewide benefit charter school's general-purpose entitlement pursuant to Education Code Section 47633 shall be funded entirely from state aid.

(2) A statewide benefit charter school does not have a "sponsoring local education agency" as defined in Education Code Section 47632.

(b) The warrant for a statewide benefit charter school shall be drawn in favor of the State Superintendent of Public Instruction and a county office of education as follows:

(1) ~~In cooperation with the State Superintendent of Public Instruction, t~~The State Board of Education may designate a county office of education as the office responsible for establishing the appropriate funds or accounts in the country treasury for the statewide benefit charter schools and for making the necessary arrangements for the statewide benefit charter school's participation in the State Teachers' Retirement System and/or the Public Employees Retirement System. The county office may charge the statewide benefit charter school for the actual cost of services.

(2) In designating a county office of education, the State Board shall give preference to the county office of education of the county that the statewide benefit charter school identifies as the principal location of its business records.

(3) If the county office of education in the county that the statewide benefit charter school identifies as the principal location of its business records declines to accept the responsibility for the statewide benefit charter school, the State Board of Education may designate another county office of education by mutual agreement.

NOTE: Authority cited: Section 33031 and 47605.8, Education Code. Reference: Section 47632 and 47651, Education Code.

Amend Section 11968 to read:

§ 11968. Maximum Number of Charters.

(a) If a charter school, including a statewide benefit or countywide charter school, ceases to operate ~~through~~ by voluntary surrender, revocation, or non-renewal of its charter, the charter school's number will lapse and will not be reassigned.

(b) On July 1, 1999, and on each succeeding July 1, the limit on the total number of ~~allowable~~ charter ~~petitions~~ schools authorized to operate in this state will be increased by 100.

(c) Whenever the statutory limit on the permissible number of charter schools ~~petitions~~ authorized to operate in this state is reached, requests for new numbers will be placed on a list in the order received by the State Board of Education.

NOTE: Authority cited: Sections 33031 and 47602(b), Education Code. Reference: Section 47602, Education Code.

Amend Section 11969 to read:

§ 11969. Numbering of Charter School Petitions.

~~Each charter petition granted pursuant to subdivision (j) of Section 47605 of the Education Code and each charter notice received by the State Board of Education pursuant to subdivision (i) and paragraph (5) of subdivision (j) of Section 47605 shall be given one number. For purposes of calculating the maximum total number of charter schools authorized to operate in this state, each petition shall be deemed to authorize one charter school.~~

(a) In accordance with subdivision (a) of Section 47602 of the Education Code, the California Department of Education, on behalf of the State Board of Education, shall establish and administer a numbering system to track the total number of charter schools authorized to operate in the state, based on the chronological order of the receipt of a complete charter petition and notification of charter approval by a local educational agency or, in the case of a charter petition approved by the State Board of Education, the date and time of the State Board's approval.

(b) When the State Board of Education approves a charter petition or receives notice that a charter petition has been approved by a local education agency, the State Board shall assign the school one charter number in accordance with Section 47602(a)(1) of the Education Code.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 47602, Education Code.

11-08-04

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Federal Public Charter Schools Grant Program Request for Applications	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve the 2004-2007 Public Charter Schools Grant Program (PCSGP) Request for Applications (RFA)

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The federal government supports the expansion of charter schools as part of its overall reform strategy by making grant monies available to increase the number of charter schools nationwide. The U.S. Department of Education competitively awards PCSGP awards to states that have adopted charter school legislation and have demonstrated a commitment to charter schools. State educational agencies then pass this money to the field in the form of local assistance subgrants to charter developers and charter schools.

The State Board of Education (SBE) has approved previous RFAs for the distribution of PCSGP funding. During 2001-2004, the SBE approved the distribution of approximately $70,000,000 to California charter developers and charter schools to plan and implement new schools and to share best practices.

All dates contained in the RFA are contingent on SBE approval at the November 2004 meeting.

SUMMARY OF KEY ISSUES

The PCSGP is authorized by the No Child Left Behind Act of 2001, Title V, Part B. In 2004, the California Department of Education (CDE) competitively received a $75,000,000 award to be distributed over three years, representing the largest award both in the country and the history of the PCSGP.

Three types of grants are offered under the PCSGP: *Start-up, Implementation* and *Dissemination*.

- *Start-up* grants help pay for expenses incurred for planning and initial implementation of a new charter school. This grant is available to developers of charter schools that have not yet been numbered by the SBE.

- *Implementation* grants help pay for expenses incurred in the initial implementation of a charter school. The grant is available to charter schools that have been numbered by the SBE and are new or have been serving students for less than two years.

- *Dissemination* grants provide funding to successful charter schools to share best practices with both traditional and charter public school communities. Applicants for these funds must be high-quality charter schools that have been serving students for at least three years.

The competitive grant process ensures that PCSGP funds are distributed in a fair and impartial manner to recipients who are most likely to successfully open charter schools that will be high quality and effectively disseminate best practices developed in charter schools.

Applicants applying for *Start-up* and *Implementation* grant funds are scored on:

- The proposed educational program.
- The school management plan and governance structure.
- Student recruitment and enrollment. Preference points are given to schools that propose to serve students whose assigned neighborhood traditional public schools are in Program Improvement, Years 1-4, under Title I, Part A of the No Child Left Behind Act, and who will be located in a county that currently does not have a charter school.
- The grant project budget.

Applicants applying for *Dissemination* grant funds must meet quantifiable eligibility standards and demonstrate meaningful interest in their grant projects from intended beneficiaries from both charter and traditional education communities. They are scored on:

- The proposed project, shown to improve student achievement and based on best practices developed within their charter schools.
- The grant project budget.

SUMMARY OF KEY ISSUES

Five percent of this award may be used for state administrative costs: this is the primary source of funding for CDE's Charter Schools Division.

Attached is the RFA, based on the policy contained in CDE's successful 2004-2007 federal application.

A continued feature of the PCSGP is the requirement that grant recipients fulfill specific performance benchmarks by established dates to remain eligible for continued grant payments.

Key policy changes from the previous 2001-2004 PCSGP include:

- Defining "high-quality" charter schools, which is used in the RFA to measure successful *Start-up* and *Implementation* grant completion, and minimum eligibility for *Dissemination* grants.
- Limiting the number of *Start-up* and *Implementation* awards obtainable by a single applicant entity to three.
- Offering varying grant award levels based on enrollment, whether schools are new or conversion, and site-based or non-site-based.
- Offering preferences to applicants developing and operating schools that seek to serve students whose assigned neighborhood traditional public school is in Program Improvement, Years 1-4, under Title I, Part A of the No Child Left Behind Act.
- Offering additional preference to applicants, who qualify for one of the above preferences, for developing or operating schools in counties identified by CDE as underserved by public charter schools. In this grant cycle, counties underserved by charter schools are the 11 counties in which no charter school is presently authorized.
- Requiring PCSGP *Start-up* and *Implementation* grant recipients to obtain, at a minimum, Candidacy or Interim Accreditation status from the Western Association of Schools and Colleges as a grant performance benchmark.
- Requiring PCSGP *Dissemination* grant recipients to share best practices with the traditional public school community in addition to the charter school community.

The federally approved PCSGP was posted for six weeks on the CDE Charter Schools Division Web site to encourage comments and suggestions from the field prior to the development of the California RFA.

The Advisory Commission on Charter Schools, at its October 25, 2004, meeting, will review the RFA and will make recommendations for revisions, if necessary.

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the 2004-2007 RFA will allow CDE to initiate the process of awarding PCSGP local assistance over the next three years. The SBE approves award recipients.

ATTACHMENT(S)

Attachment 1: Draft Request for Applications Public Charter Schools Grant Program (91 Pages)

DRAFT REQUEST FOR APPLICATIONS
PUBLIC CHARTER SCHOOLS GRANT PROGRAM

Start-up Grants

Implementation Grants

Dissemination Grants

Statements of Intent Due
DECEMBER 1, 2004

Applications Due
JANUARY 6, 2005

California Department of Education
Charter Schools Division
1430 N Street, Room 5401
Sacramento, CA 95814
E-mail: *charters@cde.ca.gov*

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I. INTRODUCTION

Origin and Purpose of the Public Charter Schools Grant Program

The Public Charter Schools Grant Program (PCSGP) is authorized by 20 U.S. Code sections 7221-7221j. The U.S. Department of Education administers the PCSGP at the federal level.

In 2004, California received a three-year award under the PCSGP to support the continued development of high-quality charter schools in the state. The State Board of Education (SBE) is the authorized state educational agency for the federal PCSGP, and the California Department of Education (CDE) administers the program on behalf of the SBE. Approximately $29.4 million is available annually for the next three years to charter school developers and charter schools.

The general purpose of the PCSGP is to increase understanding of charter schools by:

- Providing financial assistance for the planning, program design, and initial implementation of charter schools.
- Evaluating the effects of such schools, including the effects on students, student academic achievement, staff and parents.
- Expanding the number of high-quality charter schools available to students across the nation.

PCSGP grants will be awarded through a competitive grant process to charter school developers and charter schools that are most likely to succeed in the establishment of high-quality charter schools. **The primary focus of California's PCSGP is to open charter schools that will be high quality that will provide a public school choice to students whose assigned traditional public school has been identified for improvement, corrective action, or restructuring under Title I, Part A of the ESEA.**

Grant Types

The PCSGP is composed of three separate grants: *Start-up, Implementation,* and *Dissemination.* To ensure equity and diversity within the PCSGP grant program, the number of *Start-up* and *Implementation* grants awarded to any entity in a single grant cycle will be limited to **three**.

High-quality charter schools are defined as charter schools that:

- Achieve Adequate Yearly Progress (AYP) goals, and
- Have achieved Interim Accreditation or Candidacy status from the Western Association of Colleges and Schools (WASC), and
- Have no material exceptions or deficiencies in the current independent annual audit submitted to CDE.

1. *Start-up* grants containing a planning phase and an implementation phase are awarded to charter school developers who have not yet obtained an SBE number for a locally approved petition. They are provided to plan and open charter schools that will be high quality (see Definitions section). PCSGP *Start-up* grant funds are intended to complete a charter petition, develop interest in the charter school, support professional development of proposed school staff, and provide initial operational costs that cannot be met from state or local sources.

   Facilities and ongoing expenses (i.e., salaries, utilities, rent, etc.) occurring after the receipt of Average Daily Attendance (ADA) funds are not allowable under the PCSGP.

   Start-Up grants must be completed within 36 months from the date of approval by the SBE. The maximum award level, determined by type of school and enrollment levels, for a *Start-up* grant is $450,000.

2. *Implementation* grants (containing only an implementation phase) are awarded to charter schools that have been numbered by the SBE, and if already serving students, have been doing so for less than two years. Funds are provided to cover initial operating costs related to the opening of a charter school that cannot be met by state or local sources. *Facilities and ongoing expenses (i.e., salaries, utilities, rent, etc.) occurring after the receipt of ADA funds are not allowable under the PCSGP*.

   Implementation grants must be completed within 24 months from the date of approval by the SBE. The maximum award level, determined by type of school and enrollment levels, for an *Implementation* grant is $400,000.

3. *Dissemination* grants provide funds to high-quality charter schools for sharing best practices developed within their schools to a broad audience of public charter school developers and operators, traditional public school educators, and others.

   A charter school may receive only one *Dissemination* grant award. A charter school may receive a *Dissemination* grant even if it has previously received a *Start-up* or *Implementation* grant.

   Dissemination grants must be completed within 24 months from the date of approval by the SBE. The maximum award level for a *Dissemination* grant is $250,000.

   Prior to submitting an application, applicants may submit a concept paper to receive informal feedback from CDE regarding the scope and content of the proposed project. See the *Dissemination* grant pullout section for more information.

Preferences for *Start-up* and *Implementation* Grants

California's PCSGP will offer preferences that may total up to 5 percent of the total 100 percent possible score. Preference will be given to charter schools that:

- Are seeking to enroll and serve students whose assigned neighborhood traditional public school is in Program Improvement (PI) Year 4, under Title I, Part A, or has a state ranking of 1 or 2 on the Academic Performance Index (API). (2.5 percent preference.)

or

- Are seeking to enroll and serve students whose assigned neighborhood traditional public school is in PI, Years 1-3, or has a state ranking of 1 or 2 on the Academic Performance Index (API). (1.25 percent preference.)

In addition, charter schools receiving one of the above preferences and proposing to operate in underserved counties will receive additional preference. For the purpose of this grant underserved counties are those having no charter school authorized within county boundaries. In this grant cycle, identified underserved counties are: Alpine, Amador, Colusa, Imperial, Inyo, Lake, Mariposa, San Benito, Sierra, Trinity, and Yolo.

(A list of schools identified for program improvement may be found at *http://www.cde.ca.gov/ta/ac/ay/tireports.asp.*
Further details about scoring preferences may be found in the *Start-up*, *Implementation*, and *Dissemination* pullout sections of this RFA.)

Preferences for *Dissemination* Grants

Dissemination grant applicants may receive up to 2.5 percent preference for targeting beneficiaries who serve, or will serve, students whose assigned neighborhood public school has been identified for program improvement, corrective action, or restructuring under NCLB Title 1, Part A, or has a state ranking of 1 or 2 on the Academic Performance Index (API).

Funding Categories

California has created four categories of funding to ensure that a variety of charter school designs receive PCSGP funds. If enough fundable applications are not received within a funding category, CDE may change these percentages.

Start-up and *Implementation* Grants

- 50 percent of funds have been designated for new schools that are based on replicable models. (*Please read the definition of replicable in the Definitions section of this RFA. Replicable models are not limited to those schools developed by charter network developers*.)

- 20 percent of funds have been designated for innovative, new schools.
- 20 percent of funds have been designated for the conversion of traditional public schools to charter schools.

Dissemination Grant

- 10 percent of funds have been designated for *Dissemination* grant applicants.

Table 1 identifies the funds available in this grant cycle for *Start-up*, *Implementation*, and *Dissemination* grant awards. It also shows the maximum award that an applicant may receive. More information on maximum award levels, which are determined by type of school and enrollment levels, is provided in the pullout sections.

Table 1. Proposed Distribution of Grant Awards in 2004-05

Grant Type	Funds Available	Approximate # of Awards	Grant Award Levels
Start-up	$10.6 million	38	Up to $450,000
Implementation	$10.6 million	37	Up to $400,000
Dissemination	$2.5 million	10	Up to $250,000
Total	**$23.7 million**	**85**	

Selection of Grant Awards

The California PCSGP uses a competitive award process. The maximum score an application may receive is 100 percent. In the pullout sections for each type of grant, the Project Narrative clearly identifies the score value of each element of the proposal.

Note: The maximum score of 100 percent is available only to applicants proposing to enroll and serve students whose assigned neighborhood traditional public school is in Program Improvement (PI) Year 4, under Title I, Part A, and the proposed charter school will be located in a county that currently does not have a charter school.

Panels of qualified readers will assist in the evaluation of grant applications. Readers will include charter developers, governing board members, operators, authorizers, other charter experts, and CDE staff. *Current grant applicants will not be allowed to participate in the grant scoring process.* Readers will be required to recuse themselves from evaluating any petition with which they have personal knowledge or a *perceived or real conflict of interest*.

The evaluation criteria for each application type are addressed within each pullout section. Applicants are encouraged to comprehensively address all evaluation criteria.

Grant awards will be based on final scores. CDE may establish minimum eligibility standards for funding and may revise the amount of the actual grant award requested.

A list of proposed grantees will be submitted to the SBE for its approval of awards. The number of applications received and the total amount requested will determine

individual allocations. In addition, if funding is not available or is reduced for any reason, CDE may reduce the number or amount of awards.

Appeal

Written appeals of grant award decisions must be submitted in writing, by 5:00 p.m. on April 11, 2005, to:

California Department of Education
Charter Schools Division
1430 N Street, Rm. 5401
Sacramento, CA 95814

The appeal must state the grounds for the appeal. Federal regulations require that appeals be based on violations by CDE of a state or federal statute or regulation in failing to approve an application or failing to award funds in amounts in accordance with the requirements of statutes and regulations.

PCSGP Time Line

Table 2. Proposed Grant Application Award Time Lines

ACTIVITY	DATE
RFA distributed	November 2004
Optional *Dissemination* grant concept papers due	December 1, 2004
Notice of Intent to Submit Application due	December 1, 2004
Grant application due	January 6, 2005
Readers score grant applications	February 2005
SBE approves grant awards	March 10-11, 2005
Grant recipients notified of awards	March 2005
Certification of Grant Award & Assurances form and programmatic and budgetary corrections due within 30 days of award notification	April-May 2005
First disbursement	May/June 2005

II. APPLICATION FORMAT AND INSTRUCTIONS

Statement of Intent to Submit an Application

Interested applicants must submit a *Statement of Intent to Submit an Application* by December 1, 2004. Submission of the *Statement of Intent* helps to ensure that potential applicants will receive any Request for Application (RFA) updates or pertinent correspondence.

The *Statement of Intent* form must be completed and submitted online at the California Department of Education (CDE) charter schools web page at *http://www.cde.ca.gov/sp/cs.* Online submission automatically provides verification to the sender.

Forms must be submitted by December 1, 2004, 5:00 p.m., to meet eligibility requirements.

RFA Formatting Requirements

- Number all pages of the Application Narrative and any supporting documents, graphics, or tables, which combined may not exceed 14 pages in length.
- Use a minimum of one-inch margins.
- Use 12-point Arial font for the narrative, graphics and tables.

Applications that are difficult to read may have a negative influence on application readers.

Applications using other than 12-point Arial font, containing more than 14 pages of narrative, or containing excessive attachments may not be read or scored.

Elements of a Complete Grant Proposal

Elements of a complete grant proposal in response to this RFA includes, in this order:

1. Cover Sheet (Form 2)
   The *Cover Sheet* included in this RFA must be used when applying for any of the grants available under the Public Charter Schools Grant Program (PCSGP). It must be filled out completely and signed by the eligible applicant. The *Non-Scored Descriptors of Proposed Charter School* form should be completed prior to completing the *Cover Sheet*.

   The County-District-School (CDS) code number is not required for *Start-up* grant applications.

2. Non-Scored Descriptors of Proposed Charter School (Form 4)
   The *Non-Scored Descriptors of Proposed Charter School* form communicates information about the (proposed) school's demographics, program, and relationship with its charter-authorizing entity. It should follow the *Cover Sheet*.

3. Abstract of Proposal
   The one-page *Abstract* summarizes the key components of the grant proposal. Please include the name of the proposed charter school at the top of the *Abstract of Proposal*. It should follow the *Non-Scored Descriptors of Proposed Charter School*.

4. Table of Contents
   The *Table of Contents* should list the major sections of the application and provide page numbers for easy reference. It should follow the *Abstract of Proposal.*

5. Application Narrative
   The *Application Narrative* (including any supporting documentation, graphics, or tables) may not exceed 14 pages in length, including the *Budget Narrative*. It should follow the *Table of Contents*.

6. Budget Sheet and Narrative (Form 5)
   The *Budget Sheet and Narrative*, which may not exceed three pages in length should demonstrate the effective and efficient use of grant funds for initial start-up costs rather than ongoing expenses. It should follow the *Application Narrative*.

   No administrative overhead charges (Indirect Cost Rates) can be extracted from PCSGP awards by local educational agencies (LEA), although grant recipients and LEAs may enter into a mutually agreed upon fee for service arrangement.

   Grant funds cannot be used for fundraising or the purchase of land or facilities.

   Grant funds may be used for initial rent/lease payments prior to receipt of Average Daily Attendance (ADA) funds.

   Construction and remodeling expenses are allowed only to bring a facility up to code or compliance with the Americans with Disabilities Act, or when they relate to a specific educational program.

   Applicants are requested to budget a minimum of $5000 for travel expenses, which should include, but are not limited to:

   - attending the federal National Charter Schools Conference (information available at *http://www.uscharterschools.org*)
   - participating in mandatory grant workshops to be held throughout the state. Grant recipients should budget for mileage, lodging, and per diem for these workshops.

7. Letters of Support
   Applicants must submit three letters of support from charter-authorizing entities, parents, community organizations, the traditional public school community, or others. These letters may each be a maximum of one page in length. The purpose of letters of support is to show the need and support for the developing charter school; or, for *Dissemination* grants, the need for the project. These should follow the *Budget Sheet and Narrative*.

8. Application Checklist (Form 6)
   To support applicants in submitting a complete application, a *short Application Checklist* of the required elements of the grant application is included in Section III. Applicants must complete the *Application Checklist* form and attach it as the last page of their application package.

9. Contract Standards
   Start-up grant applicants are not required to submit contract standards at the time of application; however, contract standards will be required if a grant is awarded. *Implementation* and *Dissemination* grant recipients must internally develop standards based on federal regulations for the awarding of contracts with PCSGP funds. Regulations, current at the time of RFA development, are contained in Appendix C. CDE evaluates the use of these standards by grant recipients during grant-monitoring site-visits.

10. School Opening Time Line
    Start-up grant recipients must develop time lines for opening schools, but are not required to submit school opening time lines at the time of application; however, they will be required if a grant is awarded.

11. School Organizational and Governance Documents
    Start-up and *Implementation* grant recipients must submit organizational charts, Articles of Incorporation, and other organizational and governance documents developed during the course of their grant projects. Readers will not review school organizational and governance documents. *Start-up* grant applicants are not required to submit school organizational and governance documents at the time of application; however, they will be required one year after the grant beginning date, if a grant is awarded.

12. Proof of WASC Candidacy or Interim Accreditation Status
    Dissemination grant award applicants must submit proof of having obtained, at a minimum, WASC Candidacy or Interim Accreditation status. In this grant cycle, California Distinguished School status may be substituted for WASC Candidacy or Interim Accreditation status.

Incomplete applications are not eligible to compete for funding and will not be read or scored.

Technical Assistance

CDE offers prospective grant applicants technical assistance in developing PCSGP applications through workshops, phone calls and e-mail. Technical assistance cannot be more expansive than information contained within the RFA.

For information about technical assistance workshops, please see the CDE Charter Schools web page at *http://www.cde.ca.gov/sp/cs*. For additional technical assistance, please contact the CDE Charter Schools Division at (916) 322-6029, or *charters@cde.ca.gov*.

Cost of Preparing an Application

Costs of preparing and delivering the application are the responsibility of the applicant and may not be charged to the grant.

Submission of the Application

Only those applications for which a *Statement of Intent* is received by the **December 1, 2004,** due date will be eligible to compete for funding.

The Charter Schools Division must receive one signed original and three copies of the grant application by **January 6, 2005,** at 5:00 p.m. Because successful applications may be posted on the CDE web site, grant recipients will be required to provide a copy of the complete application in electronic format (HTML or Microsoft Word version 1998 or higher). Do not submit electronic copies with the initial application.

Completed applications should be delivered to:

California Department of Education
Charter Schools Division
1430 N Street, Rm. 5401
Sacramento, CA 95814

Hand deliveries must occur before 5:00 p.m. at the security desk of CDE.

Transmission by e-mail or fax is not allowable and will render an application ineligible for reading and scoring.

CDE maintains final authority regarding grant eligibility and the acceptance of grant applications.

Applicants desiring to verify whether CDE received their applications must mail them certified return-receipt or use a commercial delivery service that uses a tracking system.

For More Information Contact:

California Department of Education
Charter Schools Division
1430 N Street, Rm. 5401
Sacramento, CA 95814

Phone: 916-322-6029
Fax: 916-322-1465

E-mail: *charters@cde.ca.gov*

III

FORMS

Form 1

CALIFORNIA PUBLIC CHARTER SCHOOLS GRANT PROGRAM

Mandatory Statement of Intent to Submit an Application

To be eligible for a grant award under this RFA, a Mandatory Statement of Intent to Submit an Application must be filed with CDE by 5:00 p.m. on December 1, 2004. The Statement of Intent is not binding, but only applicants who have submitted this form by the deadline are eligible to have their PCSGP applications evaluated and scored.

Note: Charter school developers proposing identical, replicable model schools may submit one application for multiple *Start-up* or *Implementation* grant awards. However, a Statement of Intent must be submitted for each grant project. For example, if a charter developer proposes to submit one application for three schools, a separate Statement of Intent must be submitted for each of those schools. No more than three total grant awards are available to any entity or person.

This form is available at *http://www.cde.ca.gov/sp/cs.*

Grant type for which you will be applying (Check only one).
__ *Start-up*
__ *Implementation*
__ *Dissemination*

Start-up Grant Applicants:

Proposed Name of Charter School _____

Mailing Address _____

City_____

County (where charter school (will be) is authorized_____

State _____

Zip Code _____

Contact Person _____

Phone _____

Fax_____

E-mail Address _____

Implementation and *Dissemination* Grant Applicants:

Charter School_____

County-District-School Code _____

State Board of Education Number_____

Mailing Address _____

City_____

State _____

Zip Code _____

Contact Person _____

Phone _____

E-mail Address _____

Charter-Authorizing Entity _____

Charter-Authorizing Entity Contact Person _____

Phone Number_____

Fax_____

E-mail Address _____

Form 2

California Public Charter Schools Grant Program (PCSGP)

Application Due by January 6, 2005

Application Cover Sheet

(Note: Charter school developers proposing identical, replicable model schools may submit one application for multiple *Start-up* or *Implementation* grant awards, up to a maximum number of three awards to any entity. The application will be read and scored and that same score will be applied to each grant project for which funds are being requested. A cover sheet must be completed for each proposed grant project.

Grant Requested (see Definitions in Appendix A)

_____*Start-up* (planning and implementation phases)
_____*Implementation* (implementation phase only)
_____*Dissemination*

Grant Award Amount Requested: _____

(Proposed) School is a previous PCSGP Grant Award Recipient: Yes_____ No_____

If yes: Recipient School Name:_____

Type of Grant received:
_____Planning (2001 and earlier)
_____*Start-Up*
_____*Implementation*
_____*Dissemination*

APPLICANT CONTACT INFORMATION

(Note: The charter school/charter development group legal agent and address identified will receive all future grant information.)

Charter Developer/Charter School_____

Contact Person (Legal Agent) _____Title_____

Mailing Address _____
City_____County_____
State_____Zip_____

Telephone _____Fax_____
E-Mail Address _____

Website Address _____

CHARTER AUTHORIZER CONTACT INFORMATION
(*Implementation* and *Dissemination* Grant Applicants Only)

County-District-School (CDS) Code of Charter School _____

State Board of Education Number of Charter School _____

Charter-Authorizing Entity _____

Charter Authorizer Contact Person _____

Mailing Address _____
_____

Telephone _____

Fax _____

E-Mail Address _____

Website Address _____

I certify that the above information, and the information contained within my grant application, is true and correct.

(*Implementation and Dissemination* grant applicants only) I notified my charter-authorizer by December 1, 2004, that I am applying for this grant award, and I will provide them with a copy of this application no later than January 6, 2005.

_____
Charter Development Group/Charter School Grant Legal Agent

_____ _____
Title Date

Form 3

Dissemination Grant Cover Sheet
Grant Project Partner Schools

Dissemination grant applicants partnering with other charter schools (not required) are requested to identify their partners. Only a charter school eligible applicant may function as a *Dissemination* grant partner. (See Definitions section)

County-District-School (CDS) Code of Charter School _____
State Board of Education Number of Charter School _____

School _____
Contact Person _____
Title _____
Mailing Address _____
City_____
State _____
Zip Code _____
Phone _____
Fax_____
E-mail Address _____
Web-site Address _____

CDS Code of Charter School_____
State Board of Education Number of Charter School _____

School _____
Contact Person _____
Title _____
Mailing Address _____
City_____
State _____
Zip Code _____
Phone _____
Fax_____
E-mail_____
Web site address_____

Form 4

Non-Scored Descriptors of Charter School

(Check all appropriate items in Sections One, Two, and Three)

Section One: Eligibility for Preferences (*Preferences will be awarded competitively, according to the information provided in the applicant's Project Narrative. A list of schools in Program Improvement (PI) under Title 1, Part A of the No Child Left Behind Act (NCLB) may be found at http://www.cde.ca.gov/ta/ac/ay/tireports.asp).*

_____ Proposed school will serve students who reside in the attendance area of at least one NCLB Title 1, Part A school in PI, Year 4, or a school that has a state rank of 1 or 2 on the Academic Performance Index (API) school. (***Preference is embedded in Student Enrollment and Recruitment section of Application Narrative.)***

_____ Proposed school will target serving students who reside in the attendance area of at least one NCLB Title 1, Part A school in PI, Years 1, 2, or 3, or a school that has a state rank of 1 or 2 on the Academic Performance Index (API). ***(Preference is embedded in Student Enrollment and Recruitment section of Application Narrative.)***

List the Title I, Part A PI School Attendance Areas to be Served or API 1 and 2 ranked schools (if applying for preference)

CDS Code	County	District	School	NCLB PI Year

_____ Proposed school will be authorized in a geographically underrepresented area. See page 6 to determine eligibility. *(Available only if proposed school will serve students who reside in the attendance area of at least one NCLB Title 1, Part A school in PI, Years 1, 2, 3, or 4,* or a school that has a state ranking of 1 or 2 on the Academic Performance Index (API)*.* ***(Preference is embedded in Student Enrollment and Recruitment section of Application Narrative.)***

Name of county in which school will be authorized_____

_____ Proposed *Dissemination* grant project will target beneficiaries that serve or will serve students whose home attendance area school is a PI school or a school that has a state ranking of 1 or 2 on the Academic Performance Index

(API) ***(Preference is embedded in the Beneficiaries section of Application Narrative.)***

<u>Section Two: Grant Type, Grant Award Amount Requested, and Projections</u> *(To be completed by **all** applicants. See Definitions section for all terms used in this section to ensure eligibility for level of funding requested.)*

_____***Start-Up*** **Grant:**

Select one of the five categories of schools listed below. Use the projected **actual** enrollment of the school to be achieved no later than the grant ending date to determine school size, which is one determining factor in the maximum grant award allowable. (This enrollment figure will require charter authorizer certification as specified in the *Start-up* grant pullout section. Grant payments will be directly tied to actual enrollment reaching at least the minimum required for the award amount requested.)

Within the award level selected, identify the proposed instructional program design, either *Innovative* or *Replicable*. (See Definitions section.)

_____Site-based 100 + students	Up to	$50,000 for planning
	Up to	$400,000 for implementation phase
	Up to	**$450,000 Total**

Proposed design of instructional program
___Innovative
___Replicable

_____Site-based 50-99 students	Up to	$50,000 for planning
	Up to	$250,000 for implementation phase
	Up to	**$300,000 Total**

Proposed design of instructional program
___Innovative
___Replicable

_____Site-based 20-50 students	Up to	$50,000 for planning
	Up to	$150,000 for implementation phase
	Up to	**$200,000 Total**

Proposed design of instructional program
___Innovative
___Replicable

_____Non-site based	Up to	$50,000 for planning
20+ students	Up to	$150,000 for implementation phase
	Up to	**$200,000 Total**

Proposed design of instructional program
___Innovative
___Replicable

_____Conversion schools	Up to	$50,000 for planning
20+ students	Up to	$150,000 for implementation phase
	Up to	**$250,000 Total**

Grade levels to be ultimately served by charter school (may not reach this goal until after the grant project has ended):_____

-----OR-----

_____***Implementation* Grant:**

Select one of the five categories of schools listed below. Use the projected **actual** enrollment figures to be met no later than the grant date to determine school size, which is one determining factor in the maximum grant award allowable. (This enrollment figure will require charter authorizer certification as specified in the *Start-up* grant pullout section. Grant payments will be directly tied to actual enrollment reaching at least the minimum required for the award amount requested.)

Within the award level selected, identify the proposed instructional program design, either *Innovative* or *Replicable*. (See Definitions section.)

_____Site-based 100 + students	Up to	**$400,000 Total**

Proposed design of instructional program
___Innovative
___Replicable

_____Site-based 50-99 students	Up to	**$250,000 Total**

Proposed design of instructional program
___Innovative
___Replicable

_____Site-based 20-50 students	Up to	**$150,000 Total**

Proposed design of instructional program
___Innovative
___Replicable

_____Non-site based 20+ students Up to **$150,000 Total**

Proposed design of instructional program
___Innovative
___Replicable

_____Conversion schools Up to **$150,000 Total**
(20+ students)

Grade levels to be ultimately served by charter school (may not reach this goal until after the grant project has ended):_____

------OR-----

_____***Dissemination* Grant** Up to **$250,000 Total**

- *Select one of the following Dissemination activities to identify the major focus of the grant application. Eligible grant projects must include an LEA, or traditional public school, association, or topical consortium as one of its beneficiaries.*

_____Assisting other public schools, including charter schools, in adapting aspects the applicant's program.
_____Assisting charter developers in the planning and opening of new charter schools.
_____Developing partnerships with other public schools, including charter schools, for the purpose of improving student academic achievement.
_____Developing and disseminating curriculum materials, assessments, and other materials that promote increased student achievement.
_____Conducting evaluations and developing materials that document successful practices of the applicant that are designed to improve student performance in other schools.
_____Other_____

- My school is currently registered to participate in the Alternative Accountability System (check if yes) _____

Academic Performance Index Scores-Current and Prior Two Years

	API Base Score	**State Rank**	**Similar Schools Rank**
Current Year			
Prior Year			
Two Years Prior			

<u>Section Three: Administrative Relationships</u>
*(To be completed by **all** applicants.)*

Proposed Method for funding: (*Select one*)

_____Locally-funded
or
_____Direct-funded

Special Education participation (*Select one*)

_____Local education agency for purposes of special education
or
_____School within a local education agency for purposes of special education

Governance

_____ The (proposed) school's governance system meets the definitions of "Independent Board of Directors" and "Conflict of Interest" contained in the Definitions section.

_____ The (proposed) school's governance system does not meet the definitions of "Independent Board of Directors" and "Conflict of Interest" contained in the Definitions section.

Form 5

CALIFORNIA PUBLIC CHARTER SCHOOLS GRANT PROGRAM

Budget Sheet and Narrative
Proposed Expenditures

(Proposed) Name of Charter School:_____

Account Codes	Description of Expenditures	Year 1 (All grants)	Year 2 (All grants)	Year 3 (*Start-up* only)
1000 Series - Certificated Personnel Salaries				
Subtotal for 1000 Series				
2000 Series - Classified Personnel Salaries				
Subtotal for 2000 Series				
3000 Series - Employee Benefits				
Subtotal for 3000 Series				

Form 5, cont'd.

Account Codes	Description of Expenditure	Year 1 (All grants)	Year 2 (All grants)	Year 3 (*Start-up* only)
4000 Series - Books and Supplies				
Subtotal for 4000 Series				
5000 Series - Services and Other Operating Expenditures				
Subtotal for 5000 Series				
6000 Series - Capital Outlay Purchase of real estate (i.e., buildings/property) is not allowable.				
Subtotal for 6000 Series				
7000 Series - Other Outgo Indirect Cost Rate fees are disallowed PCSGP expenses.				
Subtotal for 7000 Series				
GRAND TOTAL				

Form 5, cont'd.

BUDGET NARRATIVE

The Budget Narrative must address grant expenditures by phase, tying them to specific activities proposed in the application, and providing a justification for the use of grant funds on items generally regarded as ongoing expenses (e.g., rent, salaries, utilities), and generally disallowed expenses (e.g., remodeling and site improvements). The Budget Narrative should also address other specific funding sources, if grant funds will not completely cover anticipated expenses.

An electronic version of this form, containing mathematical formulas, is available on the California Department of Education charter schools web page at http://www.cde.ca.gov/sp/cs. Applicants may not create their own forms. The combined Budget Sheet and Narrative may not exceed three pages.

Form 5, Cont'd.

Summary of Object Codes
From the California School Accounting Manual

All proposed expenditures for your grant budget must be coded to an appropriate object code. In summary, the major object codes are as follows:

1000 - Certificated Personnel Salaries
Certificated salaries are salaries for services that require a credential or permit issued by the Commission on Teacher Credentialing. Typical categories are the salaries for teachers, teacher substitutes, school administrators, librarians, counselors, or school nurses.

2000 - Classified Personnel Salaries
Classified salaries are salaries for services that do not require a credential or permit issued by the Commission on Teacher Credentialing. Typical categories of classified personnel are teachers' assistants, business managers, clerical staff, administrators such as board members or assistant superintendents not having credentials, custodians, cooks, bus drivers, or maintenance workers. Charter schools may have other positions that fit into this category also.

3000 - Employee Benefits
Employee benefits are the costs contributed by the employer as a part of the compensation package. Benefits include retirement (PERS or STRS), Social Security and Medicare, health and welfare benefits, unemployment insurance, workers compensation insurance, and other benefits that may be offered.

4000 - Books and Supplies
The costs of books and supplies include the costs of sales tax, freight, and inventory costs. Examples are textbooks, instructional materials, office supplies, custodial supplies, food service supplies, and gas and oil for buses.

5000 - Services and Other Operating Expenditures
Contracts for services include a variety of costs, such as contracts with outside consultants, rents, leases, maintenance contracts, dues, travel, insurance, utilities, attorney fees, audit fees, and other contracts for services.

6000 - Capital Outlay (Purchase of real estate, i.e. buildings/property, is not allowable)
Capital expenditures are for capital assets such as sites and site improvements, buildings, and equipment. Site improvements and remodeling are allowable only if they bring a facility up to code, make it compliant with the Americans with Disabilities Act, or are directly tied to a specific educational program. Indirect fees may not be applied to any series 6000 expenses.

7000 - Other Outgo
These costs include payments for tuition to other entities, transfers of money to other funds or other programs such as Special Education or ROCP, and transfers to other districts or JPAs. Federal law disallows Indirect Cost Rate fees as a PCSGP expense.

Form 6

PUBLIC CHARTER SCHOOLS GRANT PROGRAM APPLICATION CHECKLIST

Application Must Be Received By January 6, 2005

(Proposed) Name of Charter School: _____

CDS Code of Charter School: _____
(*Implementation* and *Dissemination* grant applicants only)

Please check to ensure that all required elements are included in your application in the order listed below. Complete this form and attach it as the last page of your application.

__ Cover Sheet (Form 2)
__ *Dissemination* Grant Cover Sheet (Form 3) *(Dissemination* grant applicants only, if needed)
__ Non-Scored Descriptors of Charter School (Form 4)
__ Abstract of Proposal (1 page in length)
__ Table of Contents
__ Application Narrative (No more than 14 pages in length, including attachments)
__ Budget Sheet and Budget Narrative (Form 5)
__ Three letters of support (Each may be no longer than one page)
__ (*Implementation* grant applicants only.)
Internal standards for awarding contracts
Pertinent governance and organizational documents
__ (*Dissemination* grant applicants only)
Proof of Western Association of Schools and Colleges Candidacy or Interim Evaluation status, or California Distinguished School status
__ Application Checklist (Form 6)

Mail or Deliver Application To:
California Department of Education
Charter Schools Division
1430 N Street, Room 5401
Sacramento, CA 95814

__ Double check to ensure that one original and three copies of the application are enclosed!

IV

START-UP GRANT PULLOUT SECTION

California Public Charter Schools Grant Program
Start-up Grant
Pullout Section

Purpose

The purpose of Public Charter Schools Grant Program (PCSGP) *Start-up* grant awards, containing both a planning and an implementation phase, is to support charter school developers to complete their plans and to open charter schools that will become high quality.

Planning phase activities are limited to the planning and design of the charter school. Implementation phase activities are limited to activities related to the implementation of the charter school

The goal of the PCSGP is to assist in the creation of charter schools that are high quality that are avenues of educational reform and choice, encouraging greater options for California school children to learn rigorous state academic content standards. See the Definitions section for the definition of high quality as it applies to the PCSGP.

Start-up Grant Application Requirements

Please refer to Sections I through III, and Appendix A of this application packet for general instructions, application requirements, forms, and definitions.

Start-up grant applicants must include three letters of support, each no more than one-page in length, from charter-authorizing entities, parents, community organizations, businesses, or others. The purpose of these letters is to show need and support for the proposed charter school. These letters are in addition to the 14-page application narrative.

Charter school developers no longer need to apply for PCSGP *Start-up* awards with local educational agency (LEA) co-applicants.

Eligible Applicants

Eligible applicants are developers of a new charter school, including traditional schools that convert, reconfigure, or restructure to charter status as charter schools. The proposed charter school has not yet received a State Board of Education (SBE) number for an approved charter petition.

Ineligible Applicants

Ineligible applicants include:

- Previous recipients of *Start-up* and *Planning* (2001 or earlier) grant awards for the same school (serving the same community and student population).
- Applicants seeking approval from a different charter-authorizing entity for an existing charter school that doesn't meet the definition of a "new" charter school.
- Applicants receiving an SBE number for the proposed charter school on or before March 10, 2005.
- Applicants proposing schools that will not reach an **actual** enrollment of 20 students during the grant project period.

Preferences

Preferences of up to 5 percent (see page 6) are available to applicants seeking to:

- *Start a charter school that competes with one or more traditional public schools in Program Improvement (PI)* or with a state ranking of 1 or 2 on the Academic Performance Index (API), *or* convert, reconfigure, or restructure a traditional public school that is in PI, Years 1-4, or schools having a state ranking of 1 or 2 on the API.

  Applicants applying for this preference must identify the PI, Years 1-4 schools or schools with and API state rank of 1 or 2 with which they will be competing, in the *Non-Scored Descriptors of Proposed Charter School* form. Recipients will be required to design and implement a plan to specifically enroll students whose assigned traditional public school is one of those the applicant identified.

  Recipients proposing to convert, reconfigure, or restructure a traditional public school as a charter school must develop and implement a contract, based on elements identified in Appendix F, with an entity other than its existing LEA, such as an educational management organization, consulting firm, or neighboring LEA having experience and success in improving the academic achievement of the same student population, to assist in the transition to charter status.

AND

- *Start, convert, reconfigure, or restructure a traditional public school as a charter school in a county identified by CDE as underserved.(This preference applies only to schools that also qualify for the first preference.)*

  Applicants applying for this preference must identify the county in which they plan to open a school on the *Non-Scored Descriptors of Proposed Charter School* form. Recipients must obtain authorization and open a school in the identified county.

A list of traditional public schools in PI may be found on the CDE web page at *http://www.cde.ca.gov/ta/ac/ay/tireports.asp*. Counties identified by CDE as underserved are: Alpine, Amador, Colusa, Imperial, Inyo, Lake, Mariposa, San Benito, Sierra, Trinity, and Yolo.

Funding Level

California distinguishes between new and conversion schools, non-classroom-based and site-based schools, and schools of higher and lower first-year enrollment figures when determining maximum award amounts available. Table 3 illustrates maximum award amounts.

Table 3. Maximum Award Amounts, by School Type and Actual Enrollment Reached in Grant Project Period

School Type & Enrollment	Planning Phase	Implementation Phase
New: Site-based with 100+ students	$50,000	$400,000
New: Site-based with 50-99 students	$50,000	$250,000
New: Site-based 20-50 students Non-Site-based	$50,000	$150,000
All Conversions	$50,000	$150,000

Permissible Use of Funds

Grant recipients may use award funds for allowable grant project expenditures incurred between the beginning and ending dates of their grants. For *Start-up* grants, NCLB specifies that planning phase funds must be spent only on the post-award planning and design of the school's educational program. Additionally, implementation phase funds must be spent on initial operating costs related to the opening of a charter school that cannot be met from state or local sources.

More detailed guidance on the permissible use of funds may be found in Appendix B, "Allowable Expenses" within this RFA.

Length of Grant Award

The maximum length of a *Start-up* grant award is 36 months, divided between planning and implementation phases. The planning phase must be no more than 18 months in length and the implementation phase no longer than 24 months.

Performance Benchmarks

Receipt of grant payments, continued eligibility for further payments, and grant closure is dependent on grant recipients successfully completing specific performance benchmarks within an assigned timeframe. Grant recipients **not** completing specific

performance benchmarks within the assigned timeframe are **ineligible** for further PCSGP payments.

California performance benchmarks support the development and operation of high-quality charter schools. Grant recipients must achieve the following benchmarks depicted during their grant project periods:

- **Certification of Award and Assurances**
  The Certification of Award and Assurances is a legally binding document between CDE and the grant recipient. This form specifies the conditions that recipients agree to fulfill as a condition of receiving funds. Recipients must return the original Certification of Award and Assurances document, containing an original signature of the legal agent for the grant, to CDE prior to the release of funding.

- **Budget and Programmatic Revisions**
  CDE reviews of grant budgets, grant applications, and Annual Status and Financial Reports, may result in the need for corrections. Grant recipients must correct identified areas prior to release of funding.

- **Annual Status and Financial Reports**.
  Reports are required by federal regulation to be submitted annually. These reports communicate the following: status of the grant project, how grant funds have been spent, and areas of concern. Recipients must submit a report containing the original signature of the legal agent for the grant to CDE by established time lines.

- **SBE Number**
  Start-up grant recipients are required to obtain a SBE number for an approved charter petition *no later* than 18 months after the beginning date of their grants.

- **Contract Standards**
  Grant recipients must develop standards, based on federal regulations, for the awarding of contracts with PCSGP funds. Regulations, current at the time of RFA development, are contained in Appendix C. CDE evaluates the use of these standards by grant recipients during grant-monitoring site-visits. Contracts not following federal guidelines may be disallowed.

- **School Opening Time Line**
  Grant recipients must develop a time line for opening their school that is in alignment with their project vision, performance benchmark deadlines, and the parameters of state law.

- **School Organizational and Governance Documents**
  Grant recipients must submit any organizational charts, articles of incorporation, or other organizational and governance documents developed during the course of their grant projects.

- **Staff and Student Verification Report**
  Grant recipients must produce a short report, describing staff hired and students enrolled, as depicted in their grant application. Grant recipients must adhere to NCLB "highly-qualified teacher" standards for appropriate core academics. More information about "highly-qualified teacher" standards may be found at *http://www.cde.ca.gov/nclb/sr/tq/*.

  All staff must have cleared background checks.

- **Operating School**
  Recipients must open an operating school, with students receiving instruction, as depicted in their grant applications.

- **WASC Accreditation**
  Recipients must submit an initial application for WASC accreditation, complete an initial visit, and obtain Candidacy or Interim Accreditation status.

- **Enrollment**
  Recipients must achieve the minimum *actual* enrollment necessary to qualify for the award amount for which they applied, as certified by their charter-authorizing entities. **Cumulative enrollment figures and documentation have no bearing on PCSGP awards**. It is to the advantage of grant recipients to achieve this benchmark earlier than the deadline specified in Table 4.

- **Audits**
  Recipients must file independent annual audits with CDE, containing no exceptions or deficiencies. If spending $300,000 or more in a year of combined federal funds (e.g., PCSGP and Title I), PCSGP recipients must also file a federal Single Audit and provide a copy of the reporting package to CDE. More information about the federal Single Audit may be found at *http://harverster.census.gov/sac/sainfo*.

Table 4. Performance Benchmark and Payment Time Line

***Start-up* Grant Performance Benchmark Deadlines and Actions**			
Recipient Performance Benchmark	**Recipient Performance Benchmark Deadline**	**Verification Measure**	**CDE Response (if recipient fully completes required benchmarks)**
• Sign and return original Certification of Award and Assurances form • Complete and return budget and programmatic revisions, if requested by CDE staff	• Within 30 days of receipt of grant award notification • Within 30 days of receipt of grant award notification	• CDE review and approval • CDE review and approval	Release of 1st grant payment of up to $50,000
• Submit Annual Status and Financial Report, school opening time line, school organizational and governance documents, and internal standards for awarding contracts • SBE number for approved petition received	• One year after grant beginning date • No later than 18 months after grant beginning date	• CDE review and approval • CDE verification	Release of 2nd grant payment of 50 percent of Implementation funds, up to $150,000
• Operating school with students receiving instruction • Submit Initial Application for Accreditation to WASC • Submit Annual Status and Financial Report • Complete WASC Initial Visit • Achieve minimum *actual* enrollment required for award level	• Between July 1, 2006 and September 30, 2006 • Between July 1, 2006 and September 30, 2006 • Two years after grant beginning date • Within two years of grant beginning date • No later than grant ending date, verified by charter-authorizing entity	• CDE verification • Submit application copy to CDE • CDE review and approval • Submit verification to CDE for approval • Submit charter-authorizing entity certification and CDE review	Release of 3rd grant payment of remaining grant funds, less the final, reimbursement payment of either $10,000, $15,000, or $25,000, depending on grant award
• Achieve WASC Candidacy or Interim Accreditation status • Submit an independent annual audit to CDE, containing no exceptions or deficiencies • If necessary, fulfill federal Single Audit requirements • Submit final Status and Financial Report	• By grant ending date • By grant ending date • Grant ending date • Within 90 days after grant ending date	• Submit verification to CDE • CDE review • Submit copy to CDE • CDE review and approval	Release of 4th, reimbursement payment of either $10,000, $15,000, or $25,000, reimbursing recipient for expenditures made in advance of the grant ending date

CDE will release grant payments after it verifies the completion of all necessary performance benchmarks and approves all work products. It takes approximately eight weeks for funds to reach recipients once CDE initiates the fund transfer process.

Technical Assistance

CDE offers prospective grant applicants technical assistance in developing PCSGP applications through workshops, phone calls and e-mail. Technical assistance cannot be more expansive than information contained within the RFA.

For information about technical assistance workshops, please see the CDE Charter Schools web page at *http://www.cde.ca.gov/sp/cs*. For additional technical assistance, please contact the CDE Charter Schools Division at (916) 322-6029, or *charters@cde.ca.gov*.

Project Narrative Instructions and Evaluation Criteria

1. Educational Program (50 Percent Total)

A. Mission Statement, Goals and Objectives (10 percent)
(Two pages of typewritten narrative recommended)

Provide a clear and concise mission statement that defines the purpose and nature of the proposed charter school. Within this statement, describe the targeted student population and how the school will increase the learning opportunities for these students. This statement should be written for understanding by a potential charter authorizer and the general public.

Describe the charter school's philosophy regarding how learning best occurs for the student population to be served. Identify goals and objectives, and the program elements to be employed to meet them.

Evaluation Criteria:

- Application provides a concise school mission statement.
- Application describes a sound educational philosophy.
- Application states clear goals and specific objectives that are realistic.

B. Curriculum and Instruction (15 percent)
(Four pages of typewritten narrative recommended)

Describe the curriculum design and instructional strategies to be developed and implemented that will meet the academic and other program goals for the school's student population, including the proposed staffing to achieve programmatic goals and objectives.

(*Applicants offering high school course work only*): Describe how parents will be informed about the transferability of courses to other public high schools, and the eligibility of the school's courses to meet University of California and California State University entrance requirements.

Evaluation Criteria:

- Replicable Model: Application describes an education program based on a replicable model, and will use curriculum and instructional strategies that are founded on research-based education practices.

or

Innovative Model: Application describes an innovative educational program that presents a strong likelihood for success.

- Application provides a plan for the recruitment and development of faculty and staff that is consistent with the school's mission, educational program, and targeted student population.

- Application provides evidence of understanding and adherence to NCLB requirements regarding highly qualified teachers.

C. Student Performance and Assessment (15 percent)
(Two pages of typewritten narrative recommended)

Describe how the school will identify and respond to the needs of students who are: not achieving at or above expected levels, academically high achieving, and of English learners.

Describe assessment strategies, including and in addition to those required by state law, which will be used to measure student achievement. Describe how individualized learning plans will be utilized. Outline the plan for collecting, analyzing, and reporting student achievement and for using it continuously to monitor and improve the school's education program.

Evaluation Criteria:

- Application articulates a plan for developing efficient and effective systems and processes for identifying and responding to the individual academic needs of all of its students.

D. Special Education (10 percent)
(One page of typewritten narrative recommended)

Describe how the school will respond to the needs of students with disabilities. Describe how the school will identify students who qualify for special education services and the process the school will use to ensure access to them.

Evaluation Criteria:

- Application demonstrates understanding of special education law, services, and resources, and articulates an effective plan to identify students with special needs, including a clear and transparent process for ensuring access to services for all special needs students.

2. School Management (30 Percent Total)

A. Founder/Developer Information (20 percent)
(One page of typewritten narrative recommended)

Describe the developers/founders of the school. Will any developers/founders serve as governing board members or administrators of the school? If so, in what capacity will they do so?

Provide evidence that either the developers/founders, proposed governing board members, employees, or contractors possess the necessary background critical to charter school success in: curriculum, instruction and assessment; finance, facilities, and business management; organization governance; and administration.

Describe how the charter school developers/founders will ensure that parents and other members of the community are involved in the planning, program design, and implementation of the school.

If applicable, describe the education management organization to be utilized if application is for a conversion school in PI Year 4, or the reorganization of administration and staff if the application is for a new or conversion school in PI, Years 1, 2, or 3. (See Definitions section.)

Evaluation Criteria:

- Application demonstrates the capacity to establish and sustain an excellent school. Application includes information related to its status as a PI school, or serving students from PI schools or schools with an API state rank of 1 or 2. (Preference is given in another section.)

- Application describes a founding group/developer and proposes developing a governing board that will be committed to the mission of the school and cognizant of their responsibilities to manage public funds effectively and responsibly.

- Application demonstrates that the school's governing board and administrators will possess skill and experience in education, management, finance, and law, or that such services will be retained by a qualified entity.

B. Financial Management: (10 percent)
(One page of typewritten narrative recommended)

Outline the proposed plan to provide accounting services and to prepare for and provide clear annual independent audit reports to the charter school's authorizing entity, the county office of education, the State Controller's Office, and CDE.

Evaluation Criteria:

- Application provides a sound plan for designing and implementing effective financial management systems and procedures.

3. Student Recruitment and Enrollment (10 Percent Total)
(One page of typewritten narrative recommended)

Describe how students in the community will be informed about the proposed charter school. Provide details regarding targeted outreach plans, if any, for specific student populations.

Describe the policies and procedures the school will develop and implement for the admission and enrollment of students, including planned admissions preferences, and timetable or calendar for conducting admissions and enrollment. Provide a detailed description of the school's lottery process.

Evaluation Criteria:
Maximum score of 10 percent for this section, if preferences are applicable.

- Application provides an effective plan for broad outreach and recruitment of its student population that will promote diversity within the school's student population.

- Application describes admission policies that comply with state law.

- Applicant provides an admissions plan that ensures full accessibility of the school to all eligible students, including a lottery process that adheres to state law.

- *(Preference) Applicant describes a viable plan to target students whose home attendance area school is a Title 1, Part A school in Program Improvement (PI) or a school with a state API rank of 1 or 2.*

- *(Preference) Applicant plans to locate in and serve a geographically underserved area listed on page 6.*

4. Budget and Budget Narrative (10 Percent Total)
(Use Form 5 for actual budget sheet. Two pages of additional narrative recommended)

Describe how the PCSGP funds will be used within each category for each year of the grant. Include how PCSGP funds will be used in conjunction with other federal funds, if applicable.

Evaluation Criteria:

- Application provides evidence of sound budget planning that supports the educational mission of the school and the objectives described in the application.

- Application demonstrates effective and responsible use of public funds.

V

IMPLEMENTATION
GRANT
PULLOUT SECTION

California Public Charter Schools Grant Program
Implementation Grant
Pullout Section

Purpose

The purpose of Public Charter Schools Grant Program (PCSGP) *Implementation* grant awards, containing only an implementation phase, is to support charter school developers in opening charter schools that are high quality.

Implementation phase activities are limited to activities related to the initial implementation of the charter school.

The goal of the PCSGP is to assist in the creation of high-quality charter schools that are avenues of educational reform and choice, encouraging greater options for California school children to learn rigorous state academic content standards. See the Definitions section for the definition of high-quality as it applies to the PCSGP.

Implementation Grant Application Requirements

Please refer to Sections I through III, and Appendix A of this application packet for general instructions, application requirements, and forms.

Implementation grant applicants must include three letters of support, each no more than one-page in length, from charter-authorizing entities, parents, community organizations, businesses, or others. The purpose of these letters is to show need and support for the charter school. These letters are in addition to the 14-page application narrative.

Charter schools no longer need to apply for PCSGP *Implementation* grant awards with local educational agency (LEA) co-applicants.

Implementation grant applicants must also submit contract standards, a time line for opening their schools, and governance documents as part of their application packages. CDE will confirm inclusion of these items. However, readers will not review them.

Eligible Applicants

Eligible applicants are charter schools that received a State Board of Education (SBE) number for an approved charter petition and either have not yet opened or have been serving students for less than two years. For this grant cycle, charter schools beginning to serve students on or after March 11, 2003 are eligible.

Ineligible Applicants

Ineligible applicants include:

- Applicants that have not yet received an SBE number, at the time of application, for an approved charter petition of the school.
- Previous recipients of *Start-up* awards for the same school (serving the same community and student population), even if they never received *Implementation* funds.
- Applicants that obtained approval from a different charter-authorizing entity for an existing charter school not meeting the definition of a "new" charter school.
- Charter schools that began serving students before March 11, 2003.
- Charter schools that will not reach an **actual** enrollment of 20 students during the grant project period.

Preferences

Preferences will be given to applicants seeking to:

- *Implement a charter school that competes with one or more traditional public schools in Program Improvement (PI), or convert, reconfigure, or restructure a traditional public school that is in PI, Years 1-4, or competes with a traditional public school with a state rank of 1 or 2 on the API.*

  Applicants applying for this preference must identify the schools with which they will be competing in the *Non-Scored Descriptors of Proposed Charter School* form. Recipients will be required to design and implement a plan to specifically enroll students whose assigned traditional public school is one of those the applicant identified.

  Recipients proposing to convert, reconfigure, or restructure a traditional public school as a charter school, must also contract with an entity other than its existing LEA, such as an educational management organization, consulting firm, or neighboring LEA having experience and success in improving the academic achievement of the same student population. The purpose of the contract must be for assistance in the transition to charter status, based on elements identified in Appendix F.

AND

- *Implement a charter school in a county identified by CDE as underserved. (This preference applies only to schools that qualify for preference in the above category.)*

  Applicants must identify the county in which they plan to open a school on the *Non-Scored Descriptors of Proposed Charter School* form. Recipients must obtain authorization and open a school in the identified county.

A list of traditional public schools in PI may be found on the CDE web page at *http://www.cde.ca.gov/ta/ac/ay/tireports.asp*. Counties identified by CDE as underserved are: Alpine, Amador, Colusa, Imperial, Inyo, Lake, Mariposa, San Benito, Sierra, Trinity, and Yolo.

Funding Level

California distinguishes between new and conversion schools, non-classroom-based and site-based schools, and schools of higher and lower first-year enrollment figures when determining maximum award amounts available. Table 5 illustrates maximum award amounts.

Table 5. Maximum Award Amounts, by School Type and First-year Enrollment

School Type & Enrollment	**Implementation Phase**
New: Site-based with 100+ students	$400,000
New: Site-based with 50-99 students	$250,000
New: Site-based 20-50 students Non-Site-based	$150,000
All Conversions	$150,000

Permissible Use of Funds

Grant recipients may use award funds for allowable grant project expenditures taking place between the beginning and ending dates of their grants. NCLB specifies that implementation phase funds must be spent on initial operating costs related to the opening of a charter school that cannot be met from state or local sources.

More detailed guidance on the permissible use of funds may be found in the Appendix B "Allowable Expenses" within this RFA.

Length of Grant Award

The maximum length of an *Implementation* grant award is 24 months.

Performance Benchmarks

The receipt of grant payments, continued eligibility for further payments, and successful grant closure are dependent on grant recipients successfully completing specific performance benchmarks within an assigned timeframe. Grant recipients **not** completing specific performance goals within the assigned timeframe are ineligible for further PCSGP payments.

California performance benchmarks support the development and operation of high-quality charter schools. Grant recipients must achieve the following benchmarks, depicted in Table 6, during their grant project periods:

- **Certification of Award and Assurances**
  The Certification of Award and Assurances is a legally binding document between CDE and the grant recipient. This form specifies the conditions that recipients agree to fulfill as a condition of receiving funds. Recipients must return the original Certification of Award and Assurances document, containing an original signature of the legal agent for the grant, to CDE prior to the release of funding.

- **Budget and Programmatic Revisions**
  CDE reviews of grant budgets, grant applications, and Annual Status and Financial Reports, may result in the need for corrections. Grant recipients must correct identified areas, prior to the release of funds.

- **Annual Status and Financial Reports**.
  Reports are required by federal regulation to be submitted annually. These reports communicate the status of the grant project, how grant funds have been spent, and areas of concern. Recipients must submit a report containing the original signature of the legal agent for the grant to CDE meeting established time lines.

- **Staff and Student Verification Report**
  Grant recipients must produce a short report, describing staff hired and students enrolled, as depicted in their grant application. Grant recipients must adhere to NCLB "highly-qualified teacher" standards for appropriate core academics. More information about "highly-qualified teacher" standards may be found at *http://www.cde.ca.gov/nclb/sr/tq/*.

  All staff must have cleared background checks.

- **Operating School**
  Recipients must open an operating school, with students receiving instruction, as depicted in their grant applications.

- **WASC Accreditation**
  Recipients must submit an initial application for WASC accreditation, complete an initial visit, and obtain Candidacy or Interim Accreditation status.

- **Enrollment**
  Recipients must achieve the minimum *actual* enrollment necessary to qualify for the award amount for which they applied, as certified by their charter-authorizing entities. **Cumulative enrollment figures and documentation have no bearing on PCSGP awards.** It is to the advantage of grant recipients to achieve this benchmark earlier than the deadline specified in Table 6.

- **Audits**
  Recipients must file independent annual audits with CDE, containing no exceptions or deficiencies. If spending $300,000 or more in a year of combined federal funds, PCSGP recipients must also file a federal Single Audit and provide a copy of the reporting package to CDE. More information about the federal Single Audit may be found at *http://harverster.census.gov/sac/sainfo*.

Table 6. Performance Benchmark and Payment Time Line

***Implementation* Grant Performance Benchmark Deadlines and Actions**			
Recipient Performance Benchmark	**Recipient Performance Benchmark Deadline**	**Verification Measure**	**CDE Response (if recipient fully and timely completes required benchmarks)**
• Sign and return original Certification of Award and Assurances form • Complete and return budget and programmatic revisions, if requested by CDE staff	• Within 30 days of receipt of grant award notification • Within 30 days of receipt of grant award notification	• CDE review and approval • CDE review and approval	Release of 1st grant payment of 50 percent of Implementation funds, up to $150,000
• Operating school with students receiving instruction • Submit Initial Application for Accreditation to WASC • Submit Annual Status and Financial Report • Complete WASC Initial Visit • Achieve minimum *actual* enrollment required for award level	• Between July 1, 2005 and September 30, 2005 • Between July 1, 2005 and September 30, 2005 • One year after grant beginning date • Within one year of grant beginning date • No later than grant ending date	• CDE verification • Submit application copy to CDE • CDE review and approval • Submit verification to CDE for approval • Submit charter-authorizing entity certification and CDE review	Release of 2rd grant payment of remaining grant funds, less the final, reimbursement payment of either $10,000, $15,000, or $25,000, depending on grant award amount
• Achieve WASC Candidacy or Interim Accreditation status • Submit an independent annual audit to CDE, containing no exceptions or deficiencies • If necessary, fulfill federal Single Audit requirements • Submit final Status and Financial Report	• By grant ending date • By grant ending date • Grant ending date • Within 90 days after grant ending date	• Submit verification to CDE • CDE review • Submit verification to CDE • CDE review and approval	Release of 3rd, reimbursement payment of either $10,000, $15,000, or $25,000, depending on grant type or award amount, reimbursing recipient for expenditures made in advance of the grant ending date

CDE will release grant payments after it verifies the completion of all necessary performance benchmarks and approves all work products. It takes approximately eight weeks for funds to reach recipients once CDE initiates the fund transfer process.

Technical Assistance

CDE offers prospective grant applicants technical assistance in developing PCSGP applications through workshops, phone calls and e-mail. Technical assistance cannot be more expansive than information contained within the RFA.

For information about technical assistance workshops, please see the CDE Charter Schools web page at *http://www.cde.ca.gov/sp/cs*. For additional technical assistance, please contact the CDE Charter Schools Division at (916) 322-6029, or *charters@cde.ca.gov*.

Project Narrative Instructions and Evaluation Criteria

1. Educational Program (50 Percent Total)

A. Mission Statement, Goals and Objectives (10 percent)
(Two pages of typewritten narrative recommended)

Provide a clear and concise mission statement that defines the purpose and nature of the charter school. Within this statement, describe the targeted student population and how the school will increase the learning opportunities for these students. This statement should be written for understanding by the general public.

Describe the charter school's philosophy regarding how learning best occurs for the student population to be served. Identify goals and objectives, and the program elements to be employed to meet them.

Evaluation Criteria:

- Application provides a concise school mission statement.
- Application describes a sound educational philosophy.
- Application states clear goals and specific realistic objectives.

B. Curriculum and Instruction (15 percent)
(Four pages of typewritten narrative recommended)

Describe the curriculum design and instructional strategies to be developed and implemented that will meet the academic and other program goals for the school's student population, including the proposed staffing to achieve programmatic goals and objectives.

(*Applicants offering high school course work only*): Describe how parents will be informed about the transferability of courses to other public high schools, and the eligibility of the school's courses to meet University of California and California State University entrance requirements.

Evaluation Criteria:

- Replicable Model: Application describes an education program based on a replicable model, and will use curriculum and instructional strategies that are founded on research-based education practices.

or

Innovative Model: Application describes an innovative educational program that presents a strong likelihood for success.

- Applicant provides a plan for the recruitment and development of faculty and staff that is consistent with the school's mission, educational program, and targeted student population.

- Applicant provides evidence of understanding and adherence to NCLB requirements regarding highly qualified teachers.

C. Student Performance and Assessment (15 percent)
(Two pages of typewritten narrative recommended)

Describe how the school will identify and respond to the needs of students who are: not achieving at or above expected levels, are academically high achieving, and/or English learners.

Describe assessment strategies, including and in addition to those required by state law, which will be used to measure student achievement. Describe how individualized learning plans will be utilized. Outline the plan for collecting, analyzing, and reporting student achievement and for using it continuously to monitor and improve the school's education program.

Evaluation Criteria:

- Application articulates efficient and effective systems and processes for identifying and responding to the individual academic needs of all of its students.

D. Special Education (10 percent)
(One page of typewritten narrative recommended)

Describe how the school will respond to the needs of students with disabilities. Describe how the school will identify students who qualify for special education services and the process the school will use to ensure access to them.

Evaluation Criteria:

- Application demonstrates understanding of special education law, services, and resources, and articulates an effective plan to identify students with special needs, including a clear and transparent process for ensuring access to services for all special needs students.

2. School Management (30 Percent Total)

A. Governing Board Information (20 percent)
(One page of typewritten narrative recommended)

Describe the school's governing board, including the skills of members and the roles performed by the governing board.

Provide evidence that either the governing board, employees, or contractors possess the necessary background critical to charter school success in: curriculum, instruction and assessment, finance, facilities, and business management, organization governance, and administration.

Describe the governance structure of the school including how the school's administrators, parents, and guardians will be involved.

If applicable, describe the education management organization to be utilized if application is for a conversion school in PI, Year 4, or the reorganization of administration and staff if the application is for a new or conversion school in PI, Years 1, 2, or 3. (See Definitions section.)

Evaluation Criteria:

- Application demonstrates the capacity to establish and sustain an excellent school. Application includes information related to its status as a Program Improvement School, or serving students from Program Improvement schools.

- Applicant describes a governing board that is committed to the mission of the school and cognizant of their responsibilities to manage public funds effectively and responsibly.

- Application demonstrates that the school's governing board and administrators will possess the skill and experience in education, management, finance, and law, or that such services will be retained by a qualified entity.

- Applicant clearly delineates the roles and responsibilities of the governing body and the staff.

B. Financial Management: (10 percent)
(One page of typewritten narrative recommended)

Outline the process to be used to provide accounting services and to prepare for and provide clear annual independent audit reports to the charter school's authorizing entity, the county office of education, the State Controller's Office, and CDE.

Evaluation Criteria:

- Application provides a sound plan for designing and implementing effective financial management systems and procedures.

3. Student Recruitment and Enrollment (10 Percent Total)
(One page of typewritten narrative recommended)

Describe how students in the community will be informed about the school. Provide details regarding targeted outreach plans, if any, for specific student populations.

Describe the policies and procedures the school will develop and implement for the admission and enrollment of students, including planned admissions preferences, and timetable or calendar for conducting admissions and enrollment. Provide a detailed description of the school's lottery process.

Evaluation Criteria:
Maximum score of 10 percent for this section, if preferences are applicable.

- Application provides an effective plan for broad outreach and recruitment of its student population that will promote diversity within the school's student population.
- Application describes admission policies that comply with state law.
- Applicant provides an admissions plan that ensures full accessibility of the school to all eligible students, including a lottery process that adheres to state law.
- *(Preference) Applicant describes a viable plan to target students whose home attendance area school is a Title 1, Part A school in Program Improvement (PI), or a school with a state rank of 1 or 2 on the API.*
- *(Preference) Applicant plans to locate in and serve a geographically underserved area listed on page 6.(This preference only applies to schools receiving the preceding preference.)*

4. Budget and Budget Narrative (10 Percent Total)
(Two pages of typewritten narrative allowable plus actual budget sheets)

Describe how the PCSGP funds will be used within each category for each year of the grant. Include how PCSGP funds will be used in conjunction with other federal funds, if applicable.

Evaluation Criteria:

- Application provides evidence of sound budget planning that supports the educational mission of the school and the objectives described in the application.

- Application demonstrates effective and responsible use of public funds.

VI

DISSEMINATION GRANT PULLOUT SECTION

California Public Charter Schools Grant Program
Dissemination Grant
Pullout Section

Purpose

The purpose of Public Charter Schools Grant Program (PCSGP) *Dissemination* grants is to share "best practices" information and provide assistance to a wide audience of public charter school developers and operators, traditional public school educators and others from established, high-quality charter schools exhibiting overall success.

Dissemination Grant Application Requirements

Please refer to Sections I through III, and Appendix A of this application packet for general instructions, application requirements, forms and definitions.

Dissemination grant applicants must include three letters of interest, each no more than one-page in length, from potential beneficiaries (not a grant applicant, co-applicant, or potential contractor) of their grant projects. At least one of these letters must be from a traditional public school, local educational agency, traditional educational association, or traditional educational topical consortium. The purpose of these letters is to show need for the grant project and interest on the part of potential *Dissemination* grant beneficiaries in the proposed *Dissemination* projects. These letters are in addition to the 14-page application narrative.

Charter schools no longer need to apply for PCSGP *Dissemination* awards with local educational agency (LEA) co-applicants.

Dissemination grant applicants must also submit contract standards, based on federal regulations, as part of their application packages. CDE will confirm inclusion of these items. However, readers will not review them.

Project Concept Paper

No later than one month before the *Dissemination* grant deadline dates, applicants may, but are not required to, submit a concept paper of their proposed project to the California Department of Education (CDE). The purpose of the concept paper is for the applicant to receive informal feedback from CDE regarding the scope and content of the proposed project before the final proposal is completed and submitted. The concept paper should be no more than two pages in length, and succinctly describe the project, focusing primarily on the content outlined in the Project Description section of the *Dissemination* grant award Project Narrative Instructions and Evaluation Criteria below.

Eligible Applicants

Eligible applicants are **high-quality** (See Definitions section) charter schools that are demonstrating overall success and have been operating for at least three consecutive years (for this grant cycle, a charter school must have begun serving students by March 8, 2002).

According to federal law, overall success for charter schools includes showing:

- Substantial progress in improving student achievement. Grant applicants must propose projects that have been developed within their charter schools and have been verified to have improved student achievement as measured by increased student academic performance.
- High levels of parent satisfaction. Grant applicants must document high levels of parent satisfaction in the Project Narrative section.
- The management and leadership necessary to overcome start-up problems and establish a thriving, financially viable school.

Dissemination grant applicants must also meet the following eligibility requirement:

- The school's most recent Academic Performance Index (API) base score must be at least 800;

or

- The school's most recent API similar schools rank must be at least eight.

A charter school may receive a *Dissemination* grant whether or not it has previously received a *Start-up*, *Planning* (2001 or earlier), or *Implementation* award.

Ineligible Applicants

- Charter schools not meeting high quality, minimum quantifiable eligibility and overall success criteria.
- Previous recipients of a *Dissemination* grant (a federal restriction).
- Charter schools that began serving students after March 8, 2002.
- Applicants proposing to disseminate a project that did not originate within their school or charter network.

Preferences

A preference will be given to applicants seeking to target beneficiaries who serve, or will serve, students whose assigned neighborhood public school has been identified for program improvement, corrective action, or restructuring under NCLB Title I, Part A, or whose assigned neighborhood public school has a state rank of 1 or 2 on the API.

Grant Projects

Federal law requires that *Dissemination* grants assist other schools in adapting the recipient's charter school program (or certain aspects of the charter school's program), or disseminate information about the charter school, through such activities as:

- Assisting other individuals with the planning and start-up of one or more new public charter schools that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to a level of accountability.
- Developing partnerships with other public schools, including charter schools, designed to improve student academic achievement in each of the schools participating in the partnership.
- Developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school.
- Conducting evaluations that document the successful practices of the assisting charter school.
- Developing materials that are designed to improve student performance in other schools.

In California, *Dissemination* grant projects must:

- Originate within the grant recipient charter school or charter network. A commercial product cannot serve as the basis for a *Dissemination* grant project.
- Share best practices with the traditional public education community, such as with traditional public schools, LEAs, associations, or topical consortiums. A component of this outreach must be at least one conference presentation to and article in a professional traditional public education conference and journal *identified within the grant application*.
- Be verified as improving student achievement within the grant applicant school. Applicants must demonstrate, within their applications, an increase in test scores, from the time they implemented the best practices they desire to disseminate.
- Provide support and technical assistance to grant project beneficiaries. Grant recipients may not charge grant project beneficiaries for goods and services that are part of their grant projects.

The federal government holds copyright to work developed under the PCSGP grants, contracts under PCSGP grants, and copyrights purchased with grant support. (34 *Code of Federal Regulations* 80.34)

Partner Schools

Collaboration and partnership between charter and traditional schools are encouraged in developing dissemination activities. The following describes possible types of partnerships that may be undertaken for *Dissemination* grants:

- A single, eligible charter school may apply under a single grant application and one grant award to develop and disseminate best practices to one or more LEAs, and (traditional and charter) public schools, associations and topical consortiums.
- Eligible charter schools may apply in partnership with other eligible charter schools, under a single grant application and grant award, to develop and disseminate best practices to one or more LEAs, and (traditional and charter) public schools, associations, and topical consortiums outside of the partnership.
- Eligible schools may apply individually and work collaboratively under one grant project with separate awards to develop and disseminate cooperatively developed, best practices for dissemination to one or more LEAs, traditional and charter public schools, associations, and topical consortiums.

Only charter schools eligible to compete for *Dissemination* grant awards may be *Dissemination* grant partners.

Contracts

Some *Dissemination* grant recipients may desire to contract with another organization, such as an LEA or another technical assistance provider, to support their disseminating activities. In such cases:

- The grant recipient must drive, define, and remain fully responsible for the successful completion of the project, including all contract work. “Pass-through” projects are ineligible for PCSGP funds.
- The grant recipient must develop and maintain contract standards meeting federal regulations relating to contracts, adapted to their school within their own internal standards for the awarding of contracts, when awarding and monitoring contracts with PCSGP funds. *See Appendix C of this RFA for further information.*

Funding Level

The maximum award amount for *Dissemination* grants is $250,000.

Permissible Use of Funds

Grant recipients may use funds for allowable grant project expenditures incurred between the beginning and ending dates of their grants. *Dissemination* funds must be spent on grant project expenses. *Dissemination* grant recipients may not charge food to their grants, unless per diem is a feature of grant project travel.

More detailed guidance on the permissible use of funds may be found in Appendix B "Allowable Expenses" within this RFA.

Length of Grant Award

The maximum length of a *Dissemination* grant award is 24 months.

Performance Benchmarks

The receipt of grant payments, continued eligibility for further payments and successful grant closure are dependent on grant recipients successfully completing specific performance goals within an assigned timeframe. Grant recipients not completing specific performance goals within the assigned timeframe are ineligible for further PCSGP payments. Failure to complete the project may result in the return of all *Dissemination* grant funds.

Grant recipients must achieve the following benchmarks, depicted in Table 7, during their grant project periods:

- **Certification of Award and Assurances**
  The Certification of Awards and Assurances is a legally binding document between CDE and the grant recipient. This form specifies the conditions that recipients agree to fulfill as a condition of receiving funds. Recipients must return the original Certification of Award and Assurances document, containing the original signature of the legal agent for the grant, to CDE, prior to the release of funds.

- **Budget and Programmatic Revisions**
  CDE reviews of grant budgets, grant applications, and Annual Status and Financial Reports, may result in need for corrections. Grant recipients must correct identified areas prior to the release of funds.

- **Annual Status and Financial Reports**.
  These reports are required by federal regulation to be submitted annually. They communicate the status of the grant project, how grant funds have been spent, and any areas of concern. Recipients must submit a report, containing the original signature of the legal agent for the grant, to CDE by established timeframes.

- **Final Work Product**
  Dissemination grant recipients must submit a Final Work Product, providing documentary evidence that they completed the tasks proposed their grant applications. Final work products are based entirely on individual grant projects. No final work product form or format exists.

- **Audits**
  Recipients must file independent annual audits that contain no exceptions or deficiencies with CDE. If spending $300,000 or more in a year of combined federal

funds, PCSGP recipients must also file a federal Single Audit and provide a copy of the reporting package to CDE. More information about the federal Single Audit may be found at *http://harverster.census.gov/sac/sainfo*.

Table 7. Performance Benchmark and Payment Time Line

***Dissemination* Grant Performance Benchmark Deadlines and Actions**			
Recipient Performance Benchmark	**Recipient Performance Benchmark Deadline**	**Verification Measure**	**CDE Response (if recipient fully and timely completes required benchmarks)**
• Sign and return original Certification of Award and Assurances form • Complete and return budget and programmatic revisions, if requested by CDE staff	• Within 30 days of receipt of grant award notification • Within 30 days of receipt of grant award notification	• CDE review and approval • CDE review and approval	Release of 1st grant payment of 50 percent of *Dissemination* funds
• Submit Annual Status and Financial Report • Complete tasks proposed within grant application for first year of grant project	• One year after grant beginning date • One year after grant beginning date	• CDE review and approval • CDE review and approval	Release of 2rd grant payment of remaining grant funds, less reimbursement payment of $15,000
• Complete grant project proposed within application • If necessary, fulfill federal Single Audit requirements • Submit final Status and Financial Report	• By grant ending date • By grant ending date • Within 90 days after grant ending date	• CDE review and approval • Submit copy to CDE • CDE review and approval	Release of 3rd, reimbursement payment, of $15,000, reimbursing recipient for expenditures made in advance of the grant ending date

CDE will release grant payments after it verifies the completion of all necessary performance benchmarks and approves all work products. It takes approximately eight weeks for funds to reach recipients after CDE initiates the fund transfer process.

Technical Assistance

CDE offers prospective grant applicants technical assistance in developing PCSGP applications through workshops, phone calls and e-mail. Technical assistance cannot be more expansive than information contained within the RFA.

For information about technical assistance workshops, please see the CDE Charter Schools web page at *http://www.cde.ca.gov/sp/cs*. For additional technical assistance, please contact the CDE Charter Schools Division at (916) 322-6029, or *charters@cde.ca.gov*.

Project Narrative Instructions and Evaluation Criteria

1. Statement of Qualifications (30 Percent Total)

A. Eligibility
(*Pass/Fail*: *Any item not checked eliminates application from competition.)*

___Applicant school has been in operation for a minimum of three years.

___ Applicant school has a minimum API base score of 800 or Similar Schools rank of eight.

___Applicant school has provided documentation of parent satisfaction.

___Applicant school is achieving AYP goals.

___Applicant school has received Interim Accreditation or Candidacy status from the WASC, or California Distinguished School status.

___Applicant school has submitted 2003/2004 annual audit, containing no audit exceptions or deficiencies, to CDE.

___Applicant attached three letters of support, including a letter from a traditional public education entity.

Evaluation Criteria:

- **Pass/Fail: All lines must be checked to proceed with scoring.**

B. Description of Applicant school (30 percent)
(Two pages of typewritten narrative recommended.)

If not addressed within the grant project narrative, briefly describe the following elements:

- The mission of the school and its overall goals and objectives.
- The methods used to inform about and admit students to the charter school.
- The curriculum and instructional practices and assessment strategies currently used by the school, including responding to the needs of all of its students.
- The manner in which students with special needs are identified and provided access to services and resources.

- The current management practices of the school.
- The current plan for involving parents and other members of the community in the implementation of the charter school.
- The level of parental support and satisfaction.

Evaluation Criteria:

- Application provides a concise school mission statement, clear goals, and specific objectives that are realistic and include involvement of parents and members of the community.
- Application provides an effective plan for outreach and recruitment of its student population.
- Application describes curriculum, instructional, and assessment strategies that address the individual academic needs of all students, including adherence to the requirements of the federal No Child Left Behind Act regarding highly qualified teachers.
- Application demonstrates understanding of special education law, programs, and resources, and articulates a plan to effectively identify students with special needs and provide them with appropriate resources to assist them.
- Application provides a sound plan for designing and implementing effective financial management systems and procedures.
- Application describes strong parental support and satisfaction.

2. Project Description (60 Percent Total)

Summary Statement (5 percent)
(One page of typewritten narrative recommended)

Identify the best practice, model, or materials to be disseminated.

Describe in qualitative and quantitative terms how it/they contributed to student academic achievement at the applicant's charter school.

Describe the targeted beneficiaries of the dissemination project. Describe in qualitative and quantitative terms how the project will encourage the same results for students of these beneficiary schools.

Evaluation Criteria:

- Application clearly links the proposed dissemination project to successful elements and/or key components of the school that have contributed, qualitatively and quantitatively, to the academic achievement of its students.

- Application describes a unique innovative educational or organizational approach or solution that has a reasonable likelihood to significantly enhance the academic achievement of students from other public schools, including charter schools.

- Application describes how it will share best practices with at least one traditional public school, local education agency, or traditional public educational association or topical consortium.

Activities (25 percent)
(Four pages of typewritten narrative recommended)

Describe proposed dissemination project and the activities to achieve the project's goals. Provide a time line for implementation of all activities necessary to successful completion of the project.

Evaluation Criteria:

- Project objectives and outcomes are clearly stated in measurable terms.

- Application contains a thoughtful and clear process to prepare the activities and materials for dissemination.

- Application describes a viable time line for the completion of the project.

- Application describes disseminating information that can be used to enhance sustainability of the project beneficiaries.

- Application describes powerful and expansive networking strategies to ensure sustained systemic reform.

Personnel (10 percent)
(Two pages of typewritten narrative recommended)

Describe the personnel capacity that exists or will be retained to accomplish project objectives.

Evaluation Criteria:

- Application identifies key individuals and entities, their roles and responsibilities, and their expertise to successfully implement the grant project.

Beneficiaries (15 percent)
(One page of typewritten narrative recommended)

Describe the targeted beneficiaries, including whether they are charter schools, traditional schools or both. Include how they will be recruited, how many there will be, and the method for selection if demand exceeds capacity of the project.

Evaluation Criteria:
(Maximum score of 15 percent for this section, if preferences are applicable, for an application that will target beneficiaries who serve or will serve students whose home attendance area school is a Title 1, Part A school in PI, Years 1-4, or whose school is has a state rank of 1 or 2 on the API.)

- Application provides information that the project leads to increased sustainability and improved student academic achievement by the beneficiary school after the grant period.

- *(Preference) Application provides evidence that the project has a reasonable likelihood of improving the academic achievement of students whose assigned traditional public school is a Title I, Part A PI school, or whose school has a state rank of 1 or 2 on the API.*

Assessment and Evaluation (5 percent)
(Two pages of typewritten narrative recommended)

Describe the qualitative and quantitative assessment strategies that will be employed during the term of the grant project to determine whether the grant project is meeting its objectives. Describe those strategies that will be employed after the completion of the grant project. (Any costs associated with evaluations/assessments conducted after the conclusion of the grant project cannot be paid with grant funds.)

Evaluation Criteria:

- Application contains a monitoring and evaluation plan to ensure that the project goals are being achieved.

3. Budget and Budget Narrative (10 Percent Total)
(Two pages of typewritten narrative allowable plus actual budget sheets)

Describe how the PCSGP funds will be used within each category for each year of the grant. Include how PCSGP funds will be used in conjunction with other federal funds, if applicable.

Evaluation Criteria:

- Application provides evidence of sound budget planning that supports the educational mission of the school and the objectives described in the application.

- Application demonstrates effective and responsible use of public funds.

VII

APPENDICES

Appendix A

Definitions

The following terms are defined for use in this grant process:

Authorized Public Chartering Agency: For purposes of the Public Charter Schools Grant Program (PCSGP), an *authorized public chartering agency* is any California school district, county office of education, or the State Board of Education (SBE) for charter schools that received approval from the SBE through the appeal process, charter schools having statewide benefit, or schools within All Charter Districts.

Beneficiary: PCSGP *Dissemination* grant *beneficiaries* are public schools, local educational agencies (LEAs), associations, or topical consortiums, that are not PCSGP *Dissemination* grant applicants, co-applicants, or potential contractors of a PCSGP *Dissemination* grant recipient, with whom *Dissemination* grant recipients share best practices.

Charter School: A *charter school* is a public school approved by an authorized public chartering agency as a charter school under the provisions of *Education Code* Section 47600 et. seq.

Charter Network Developer: A *charter network developer* is an organization that develops multiple charter schools based on a sole successful model and that share a **single** governance system.

Classroom-Based: See definition for *Site-Based.*

Conflict of Interest: *Conflict of interest* exists when an individual, functioning in a governmental capacity, makes a decision that is likely to have an important impact on the individual's economic interests and a significant portion of that individual's jurisdiction will not also experience the same impact. (Charter school and non-profit organization board members are legally regarded as governmental representatives and are subject to provisions of the Fair Political Practices Act and federal regulations found in 34 *Code of Federal Regulations* 75.525 relating to conflicts of interest.)

Conversion School: A *conversion school* is a traditional public school that converts to charter status under the process established in *Education Code* Section 47605. Conversion schools are not "new" schools for the purposes of the PCSGP. (See *New School*.)

Developer: A *developer* is an individual or group of individuals (including public non-profit organizations), which may include teachers, administrators and other school staff, parents, or other members of the local community, who open a beginning charter school.

Direct-Funded: *Direct-funded* is a funding designation under which charter schools receive funds and apply for grants independently from a LEA. A charter school annually selects its funding status via a survey distributed by the California Department of Education (CDE). (See *Locally-Funded* also.)

***Dissemination* Grant:** A *Dissemination grant* is a grant awarded to a high-quality charter school that has been in operation for at least three consecutive years, demonstrates overall success, has a high level of parent satisfaction, has improved student achievement, and whose project scope generates interest from potential beneficiaries outside of the grant recipient school. The purpose of a *Dissemination* grant is to promote education reform disseminating information focused on the successful practices of the charter school with charter school developers, operators, and traditional public schools.

Educationally Disadvantaged: *Educationally disadvantaged* students are students whose assigned neighborhood public school is currently identified for program improvement, corrective action, or restructuring under Title 1, Part A of the No Child Left Behind Act (NCLB).

Educational Management Organization: An *educational management organization* is an independent organization, hired at the discretion of the school, that provides management services to the school.

Eligible Applicant: A ***Start-up* grant** *eligible applicant* is a developer of a new charter school. An ***Implementation* grant** *eligible applicant* is a charter school that, having obtained an SBE number for an approved charter petition, has not been serving students for more than two years. A ***Dissemination* grant** *eligible applicant* is a high-quality charter school that, demonstrating overall success, has been serving students for a minimum of three years.

High Quality: A *high quality* charter school is a school that has achieved NCLB Adequate Yearly Progress (AYP) goals, has minimally obtained Candidacy* or Interim Accreditation* status in the Western Association of Schools and Colleges (WASC) accreditation process, and whose current annual independent audit contains no material exceptions or deficiencies. *In this grant cycle, *Dissemination* grant applicants may substitute California Distinguished School status for WASC Candidacy or Interim Accreditation status.

***Implementation* Grant:** An *Implementation grant* is a two-year (24 month) grant awarded to a charter school that has been serving students less than two years and has an SBE number for an approved charter petition. The purpose of an *Implementation* grant is to cover some of the initial costs associated with starting a school.

Ineligible Applicant: An *ineligible applicant* is a for-profit organization (charter development groups may hire for-profit organizations to supply needed technical assistance, but for-profit organizations may not apply independently or in a lead

capacity for a PCSGP grant); a previous recipient (including LEA co-applicant) of a PCSGP award that is delinquent; a previous recipient of the same grant type for the same school serving the same community; an existing charter school seeking or obtaining approval from a new-charter-authorizing entity that does not meet the definition of "new school;" reconfigured schools not retaining their PI designations; and developers seeking to start a school whose **actual** enrollment will never reach 20 students during the grant project period.

Independent Board of Directors: *Independent boards of directors* are governing bodies whose membership, responsibilities and decisions are not subject to control, restriction, modification, or limitation from an outside source, including the chief executive officer or administrator of the charter school, and meet conflict of interest requirements.

Initial Costs: *Initial costs* are costs associated with beginning a school that cannot be met by state or local sources and that adhere to federal law and PCSGP standards. Most facilities and ongoing expenses are outside of the parameters of the PCSGP. Initial salaries, and lease and rent payments may be allowable prior to the receipt of Adequate Daily Attendance funds.

Innovative School: For the purposes of the PCSGP an *innovative school* is a community-based school that is not based on an existing, replicable model, even if the replicable model is the only school of its type in the district.

Local Educational Agency: California school districts and county offices of education are *local educational agencies*. Direct-funded charter schools are considered LEAs for fiscal purposes; some charter schools are treated as LEAs for special education purposes.

Locally-Funded: *Locally-funded* is a funding designation that provides funding for charter schools through an LEA. Charter schools can annually select their funding status. (See *Direct-funded* also.)

New School: A *new school* is a charter school that has not previously operated as a charter or traditional public school, or an existing charter or traditional public school that is changing or acquiring charter-authorizing entities in addition to making other significant changes to their schools. New schools, when reformed from an existing charter or traditional public school, acquire a charter-authorizing entity and entirely change at least two of the following features: educational program, staff, location, and students served. Existing charter schools acquiring a new charter-authorizing entity, but changing fewer than two of the above features are **not** new schools for PCSGP purposes.

Non Classroom-Based: See *Non Site-Based*.

Non Site-Based: *Non site-based* instruction occurs when a school does not require the attendance of its pupils to be at the school site under the immediate supervision and control of an employee of the school for a minimum of 80 percent of the annual required instructional time. Non site-based instruction includes, but is not limited to, home study, independent study, work-study, distance and computer-based education, or off-site meetings for more than 20 percent of the annual required instructional time.

Program Improvement School (PI): A *PI school* is a school that has been identified for improvement, corrective action, or restructuring under NCLB Title 1, Part A.

Reconfiguration: *Reconfiguration* occurs at the LEA level and involves changes that often affect multiple schools. This may include school closures, school mergers, the opening of new schools, and the redrawing of attendance areas in an LEA. Reconfigurations that affect or involve PI schools may result in the removal of the PI designation of the school. **For PCSGP purposes, only reconfigured schools that maintain PI status are eligible for PCSGP awards.**

Replicable Model: *Replicable models* are schools that are based on an existing, successful charter school model. Frequently, replicable models are part of a network and share a single governance system. However, replicable models may also be developed by a community group implementing a successful model and have an individual governance system. Or, a replicable model may be based on a single, successful school model developed by an LEA or the developers of a successful charter school. The governance system of these schools may be either individual or shared.

Restructured School: Under NCLB, a *restructured school* in PI Years 4-5 refers to changes made at a PI school that reorganizes the staffing, governance, or other aspects of the school but maintains the school intact as an entity, with the same student population, usually located at the same school facility and with the same school code. A **restructured school**, including a PI school converted to a charter school, will continue to retain its designation as a PI school and will exit PI only when the school has made AYP for two consecutive years.

Single Audit: Federal law requires that all non-federal entities expending $300,000 or more in **combined** federal funds (e.g., PCSGP and Title I funds), obtain and submit to the Federal Audit Clearinghouse a federal *Single Audit*. PCSGP recipients required to file federal Single Audits must submit a copy of the reporting package to the CDE Charter Schools Division as a PCSGP performance benchmark. Further information may be found at *http://www.harvester.census.gov/sac/sainfo*.

Site-based: *Site-based* programs provide educational activities that are under the immediate supervision and control of an employee of the charter school, and require that a minimum of 80 percent of annual instructional time is taking place at the school site. (Also referred to as *Classroom-based*.)

***Start-up* grants:** *Start-up grants* are awarded to charter school developers. *Start-up* grants contain a planning phase and an implementation phase. The purpose of *Start-up* grants are to plan, design, and implement high-quality charter schools that offer California schoolchildren increased opportunities to learn and master the academic state content standards.

Appendix B

Public Charter Schools Grant Program (PCSGP) Allowable Expenses

Purpose

The purpose of the PCSGP is to plan and open high-quality charter schools throughout California, and to share best practices developed within existing high-quality charter schools with other charter and traditional public schools. All grant expenditures must support these overarching goals.

General Federal Guidelines

The PCSGP is federally funded, and must adhere to all applicable federal law and regulations. General guidance regarding allowable expenses for federal grant funds may be found on Office and Management and Budget (OMB) Circular A-87. It is located on the OMB Web page at *http://www.whitehouse.gov/omb/circulars*. Of particular interest to PCSGP applicants is the prohibition of using federal grant funds for fundraising, civil defense, legal claims against the state or federal government, and contingencies. Further federal regulations expressly prohibit the acquisition of facilities and construction (*Code of Federal Regulations* 34 § 76.533).

Federal PCSGP Guidelines

PCSGP funds are intended to sponsor the start-up costs associated with planning the design of, and opening, a charter school, or costs related to sharing best practices. They are not intended for ongoing expenses.

Federal law allows the use of start-up (California PCSGP *Start-up* and *Implementation* grants) PCSGP funds for the following activities:

Planning Phase (*Start-up* Grant, Project Year 1)
Planning and design of the educational program, which may include:

- refinement of desired educational results and of the methods for measuring progress toward achieving those results.
- professional development of teachers and other staff who will work in the charter school.

Implementation Phase (*Start-up* Grant, Project Years 2 and 3; *Implementation* Grant)
Initial implementation of the charter school, which may include:

- informing the community about the school.
- acquiring necessary equipment ($5,000 or more) and educational materials and supplies ($4,999 or less).
- acquiring or developing curriculum materials.
- other initial operating costs that cannot be met from State or local sources.

Dissemination Grant
Assisting other public schools in adapting charter school programs (or certain aspects of the charter school's program), through such activities as:

- assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school.
- developing partnerships with other public schools, including charter schools, designed to improve student performance in each of the schools participating in the partnership.
- developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school.
- conducting evaluations and developing materials that document the successful practices of the assisting charter school that are designed to improve student performance in other schools.

California PCSGP Allowable Expenses

All PCSGP expenditures must support the stated purposes of the PCSGP. Two principles to consider when evaluating whether or not a specific expense is allowable are:

- The PCSGP is not a facilities grant; and
- PCSGP funds are intended for start-up costs; not ongoing expenses.

In California, exceptions to this restriction include rent prior to the receipt of Average Daily Attendance (ADA) funds and remodeling that is specifically and directly related to bringing a facility up to code or Americans with Disabilities Act compliance or related to a narrow educational program (e.g. a theater for a performing arts charter school, not the conversion of a warehouse into classrooms).

Occasionally an ongoing expense, such as salaries, can be legitimately considered a start-up cost. In such cases, grant applicants and recipients may propose that a specific expense should be considered for PCSGP funding in the budget narrative, attached to the grant application budget and Budget Revision Request form. One example of an approvable expense that at first glance might appear to be an ongoing expense is teachers' salaries prior to the receipt of ADA.

California PCSGP Disallowed Expenses

The following are examples of expenses that are disallowed by California's PCSGP. *This listing is not inclusive*.

Series 1000 - Ongoing salaries, e.g. sponsoring a teacher for the first year of operation.

Series 2000 - Ongoing salaries, e.g. paying an administrative salary after the opening of the school; paying a percentage of central administration salaries not specifically and directly related to starting a new school.

Series 3000 - Ongoing expenses.

Series 4000 - Expenses unrelated to the grant project; permanent structures in a leased facility (under $5,000).

Series 5000 - Rent/lease payments after receipt of ADA; remodeling **not** specifically and directly related to bringing a facility up to code or Americans with Disabilities Act compliance, or to a narrow educational program; remodeling to convert space into classrooms; portable delivery costs; architect's fees; facility project manager's fees; real estate fees to investigate potential school site locations; telephone network installation unrelated to a specific educational program; student field trips; ongoing accounting and insurance expenses.

Series 6000 - Purchase of facilities, including portables; site preparation for an Americans with Disabilities Act compliant portable; vehicles unrelated to a specific educational program; permanent playground equipment (over $5,000).

Series 7000 - Indirect Cost Rates are entirely disallowed by federal law for PCSGP awards.

Conclusion

When considering specific expenses for inclusion in their PCSGP budget, grant applicants should consider "Is this expense allowable by federal law, regulation, and PCSGP program standards?" When in doubt, and prior to an expenditure of funds, please feel free to contact the California Department of Education Charter Schools Division at *charters@cde.ca.gov* or (916) 322-6029.

Appendix C

Contract Standards

PCSGP recipients must develop and use a written contract administration system that conforms to applicable federal and state standards when awarding contracts with federal Public Charter Schools Grant Program (PCSGP) funds.

- *Start-up* grant recipients are not required to submit to the California Department of Education (CDE) the contract standards they develop until immediately prior to moving to the implementation phase of their grants. *(Please note that all contracts awarded with PCSGP funds must follow federal regulations and state standards-including those awarded in the planning phase of the grant.)*

- *Implementation* grant recipients must submit and maintain developed contract standards, based on federal regulations, with their grant applications as a condition of grant eligibility.

- *Dissemination* grant recipients must submit and maintain developed contract standards, based on federal regulations, with their grant applications as a condition of grant eligibility.

A component of CDE's grant-monitoring site visit program is to review the charter school's process of awarding and administering contracts, including the contracts themselves. Contracts awarded in violation of federal and state standards may **not** be eligible for PCSGP reimbursement.

Below are the federal regulations governing contracts. California *Start-up*, *Implementation* and *Dissemination* grant recipients are "subrecipients" for the purposes of these regulations.

34 *Code of Federal Regulations* 80.36

(b) Procurement standards. (1) Grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.

(2) Grantees and subgrantees will maintain a contracts administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

(i) The employee, officer or agent,
(ii) Any member of his immediate family,
(iii) His or her partner, or
(iv) An organization which employs, or is about to employ, any of the above,
has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent or potential conflicts of interest.

(4) Grantee and subgrantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(5) To foster greater economy and efficiency, grantees and subgrantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

(6) Grantees and subgrantees are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(7) Grantees and subgrantees are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(8) Grantees and subgrantees will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(9) Grantees and subgrantees will maintain records sufficient to detail the significant history of a procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(10) Grantees and subgrantees will use time and material type contracts only:
(i) After a determination that no other contract is suitable, and
(ii) If the contract includes a ceiling price that the contractor
exceeds at its own risk.

(11) Grantees and subgrantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all

contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve the grantee or subgrantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the grantee or subgrantee unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

(12) Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the grantee and subgrantee before pursuing a protest with the Federal agency. Reviews of protests by the Federal agency will be limited to:

(i) Violations of Federal law or regulations and the standards of this section (violations of State or local law will be under the jurisdiction of State or local authorities) and

(ii) Violations of the grantee's or subgrantee's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or subgrantee.

(c) Competition. (1) All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of Sec. 80.36. Some of the situations considered to be restrictive of competition include but are not limited to:

(i) Placing unreasonable requirements on firms in order for them to qualify to do business,

(ii) Requiring unnecessary experience and excessive bonding,

(iii) Noncompetitive pricing practices between firms or between affiliated companies,

(iv) Noncompetitive awards to consultants that are on retainer contracts,

(v) Organizational conflicts of interest,

(vi) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance of other relevant requirements of the procurement, and

(vii) Any arbitrary action in the procurement process.

(2) Grantees and subgrantees will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts State licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(3) Grantees will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:

(i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics

and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equal” description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and

(ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(4) Grantees and subgrantees will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, grantees and subgrantees will not preclude potential bidders from qualifying during the solicitation period.

(d) Methods of procurement to be followed--(1) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at $100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

(2) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in Sec. 80.36(d)(2)(i) apply.

(i) In order for sealed bidding to be feasible, the following conditions should be resent:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively and for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;

(B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

(C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;

(D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(3) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;

(ii) Proposals will be solicited from an adequate number of qualified sources;

(iii) Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

(iv) Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(4) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

(i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

(A) The item is available only from a single source;

(B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(C) The awarding agency authorizes noncompetitive proposals; or

(D) After solicitation of a number of sources, competition is determined inadequate.

(ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

(iii) Grantees and subgrantees may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.

(e) Contracting with small and minority firms, women's business enterprise and labor surplus area firms. (1) The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

(2) Affirmative steps shall include:

(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

(f) Contract cost and price. (1) Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

(2) Grantees and subgrantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor’s investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(3) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see Sec. 80.22). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.

(4) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

(g) Awarding agency review. (1) Grantees and subgrantees must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the grantee or subgrantee desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(2) Grantees and subgrantees must on request make available for awarding agency pre-award review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc. when:

(i) A grantee's or subgrantee's procurement procedures or operation fails to comply with the procurement standards in this section; or

(ii) The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; or

(iii) The procurement, which is expected to exceed the simplified acquisition threshold, specifies a “brand name” product; or

(iv) The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

(3) A grantee or subgrantee will be exempt from the pre-award review in paragraph (g)(2) of this section if the awarding agency determines that its procurement systems comply with the standards of this section.

(i) A grantee or subgrantee may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

(ii) A grantee or subgrantee may self-certify its procurement system. Such self-certification shall not limit the awarding agency's right to survey the system. Under a self-certification procedure, awarding agencies may wish to rely on written assurances from the grantee or subgrantee that it is complying with these standards. A grantee or subgrantee will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.

(h) Bonding requirements. For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the awarding agency may accept the bonding policy and requirements of the grantee or subgrantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contracts price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor’s obligations under such contracts.

(3) A payment bond on the part of the contractor for 100 percent of the contracts price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contracts.

(i) Contract provisions. A grantee's and subgrantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (contracts more than the simplified acquisition threshold)

(2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of $10,000)

(3) Compliance with Executive Order 11246 of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of $10,000 by grantees and their contractors or subgrantees)

(4) Compliance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3). (All contracts and subgrants for construction or repair)

(5) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts in excess of $2000 awarded by grantees and subgrantees when required by Federal grant program legislation)

(6) Compliance with sections 103 and 107 of the Contracts Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts awarded by grantees and subgrantees in excess of $2000, and in excess of $2500 for other contracts which involve the employment of mechanics or laborers)

(7) Notice of awarding agency requirements and regulations pertaining to reporting.

(8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contracts.

(9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.

(10) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contracts for the purpose of making audit, examination, excerpts, and transcriptions.

(11) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

(12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (contracts, subcontracts, and subgrants of amounts in excess of $100,000)

(13) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

Appendix D

Equipment and Supplies Standards

Public Charter Schools Grant Program (PCSGP) recipients must follow federal regulations when purchasing, using, and disposing of grant project equipment and supplies.

- "Equipment" is defined as tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit.
- "Supplies" are defined as all tangible personal property other than equipment. (34 *Code of Federal Regulations* 80.3)

A requirement of the California Department of Education's PCSGP grant-monitoring program is to verify that the equipment, supplies and related records of grant recipients are in compliance with federal regulations.

PCSGP recipients are "subgrantees" for the purposes of these regulations.

34 *Code of Federal Regulations* 80.32

(a) Title. Subject to the obligations and conditions set forth in this section, title to equipment acquired under a grant or subgrant will vest upon acquisition in the grantee or subgrantee respectively.

(b) States. A State will use, manage, and dispose of equipment acquired under a grant by the State in accordance with State laws and procedures. Other grantees and subgrantees will follow paragraphs (c) through (e) of this section.

(c) Use. (1) Equipment shall be used by the grantee or subgrantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.

(2) The grantee or subgrantee shall also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency. User fees should be considered if appropriate.

(3) Notwithstanding the encouragement in Sec. 80.25(a) to earn program income, the grantee or subgrantee must not use equipment acquired with grant funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by Federal statute.

(4) When acquiring replacement equipment, the grantee or subgrantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency.

(d) Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:

(1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

(2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.

(4) Adequate maintenance procedures must be developed to keep the property in good condition.

(5) If the grantee or subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

(e) Disposition. When original or replacement equipment acquired under a grant or subgrant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows:

(1) Items of equipment with a current per-unit fair market value of less than $5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency.

(2) Items of equipment with a current per unit fair market value in excess of $5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.

(3) In cases where a grantee or subgrantee fails to take appropriate disposition actions, the awarding agency may direct the grantee or subgrantee to take excess and disposition actions.

(f) Federal equipment. In the event a grantee or subgrantee is provided federally-owned equipment:

(1) Title will remain vested in the Federal Government.

(2) Grantees or subgrantees will manage the equipment in accordance with Federal agency rules and procedures, and submit an annual inventory listing.

(3) When the equipment is no longer needed, the grantee or subgrantee will request disposition instructions from the Federal agency.

(g) Right to transfer title. The Federal awarding agency may reserve the right to transfer title to the Federal Government or a third part named by the awarding agency when such a third party is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:

(1) The property shall be identified in the grant or otherwise made known to the grantee in writing.

(2) The Federal awarding agency shall issue disposition instruction within 120 calendar days after the end of the Federal support of the project for which it was

acquired. If the Federal awarding agency fails to issue disposition instructions within the 120 calendar-day period the grantee shall follow Sec. 80.32(e).

(3) When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.

(h) The provisions of paragraphs (c), (d), (e), and (g) of this section do not apply to disaster assistance under 20 U.S.C. 241-1(b)-(c) and the construction provisions of the Impact Aid Program, 20 U.S.C. 631-647.

34 *Code of Federal Regulations* 80.33

(a) Title. Title to supplies acquired under a grant or subgrant will vest, upon acquisition, in the grantee or subgrantee respectively.

(b) Disposition. If there is a residual inventory of unused supplies exceeding $5,000 in total aggregate fair market value upon termination or completion of the award, and if the supplies are not needed for any other federally sponsored programs or projects, the grantee or subgrantee shall compensate the awarding agency for its share.

Appendix E

Financial Management Standards

Public Charter Schools Grant Program (PCSGP) recipients are required to adhere to federal regulations when developing and using a financial management system to administer federal PCSGP funds. A requirement of the California Department of Education's grant-monitoring program is to verify that the financial management systems of grant recipients is in compliance with federal regulations.

PCSGP recipients are "subgrantees" for purposes of these regulations.

34 *Code of Federal Regulations* 80.20

(a) A State must expand and account for grant funds in accordance with State laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the State, as well as its subgrantees and cost-type contractors, must be sufficient to:

(1) Permit preparation of reports required by this part and the statutes authorizing the grant, and

(2) Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes.

(b) The financial management systems of other grantees and subgrantees must meet the following standards:

(1) Financial reporting. Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant or subgrant.

(2) Accounting records. Grantees and subgrantees must maintain records which adequately identify the source and application of funds provided for financially-assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.

(3) Internal control. Effective control and accountability must be maintained for all grant and subgrant cash, real and personal property, and other assets. Grantees and subgrantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes.

(4) Budget control. Actual expenditures or outlays must be compared with budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or subgrant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.

(5) Allowable cost. Applicable OMB cost principles, agency program regulations, and the terms of grant and subgrant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.

(6) Source documentation. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contracts and subgrant award documents, etc.

(7) Cash management. Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by grantees and subgrantees must be followed whenever advance payment procedures are used. Grantees must establish reasonable procedures to ensure the receipt of reports on subgrantees' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to the awarding agency. When advances are made by letter-of-credit or electronic transfer of funds methods, the grantee must make drawdowns as close as possible to the time of making disbursements. Grantees must monitor cash drawdowns by their subgrantees to assure that they conform substantially to the same standards of timing and amount as apply to advances to the grantees.

(c) An awarding agency may review the adequacy of the financial management system of any applicant for financial assistance as part of a preaward review or at any time subsequent to award.

Appendix F

No Child Left Behind Title I, Part A
Program Improvement School Contracts
Required Elements

Charter schools in Program Improvement, Year 4, under Title I, Part A of the No Child Left Behind Act must retain the services of a technical assistance provider that has previous experience and success in working with the same student population served by the grant recipient school.

All contracts awarded with federal funds must adhere to the guidelines presented in Appendix C. In addition, the following are specific elements that must be included:

- Assistance to grant recipients to ensure the involvement of parents, teachers and community members in the development of the charter petition and program design of the school through surveys, community meetings, and other means. Activities must include surveys and community meetings scheduled at times convenient to parents.

- Assistance to grant recipient in identifying and implementing an educationally sound, standards-based educational program targeted to the specific student population of the school. The educational program must directly support the educational goals, objectives and measurable pupil outcomes delineated in the school's charter petition.

- Assistance to grant recipient in identifying and implementing an effective staffing structure and professional development program that will support the achievement of the educational goals, objectives and measurable pupil outcomes delineated in the school's charter petition.

- Assistance to the grant recipient in identifying and implementing an effective governance structure for the school, including a process to ensure parent involvement that is aligned with the governance structure delineated in the charter petition.

Appendix G

PUBLIC CHARTER SCHOOLS GRANT PROGRAM

The California Department of Education will provide grant recipients with a Certification of Award and Assurances document after the State Board of Education determines grant award winners. Grant recipients must sign this legally binding document, agreeing to the below assurances, as a condition of receiving funds.

SPECIFIC ASSURANCES

1. This grant project, including the charter petition developed under the grant award or used as a basis of the grant award and the school developed and administered under the award or used as a basis of the grant award, shall be administered in accordance with the provisions of California law regarding charter schools and federal charter school law, Title X, Part C of the Elementary and Secondary Education Act, as amended by the Improving America's Schools Act of 1994 and the No Child Left Behind Act of 2001.

2. Expenditures must comply with federal and state regulations and policies relating to the administration, use and accounting of public funds. Any interpretation of law, regulations, and procedures shall be the sole responsibility of the California Department of Education (CDE).

3. The CDE reserves the authority to require the repayment of received funds, the return of all unused funds, and/or the termination of the grant if the grant recipient fails to meet the terms of this agreement, fails to meet established deadlines, fails to act in good faith to carry out the activities described in the grant proposal, or is unsuccessful in completing grant project activities depicted in the application.

4. The grant recipient agrees to use the funding in a manner consistent with their application as submitted, or as revised and *approved* by the CDE. The grant recipient shall not make any changes to the scope or objectives of its grant project without first receiving *prior approval* from CDE. This includes, but is not limited to, changing communities to be served, student population to be served, method or delivery of service, and grant project deliverables depicted in the grant application or budget.

5. The grant recipient agrees to fulfill the performance benchmarks specific to its grant type and submit annual financial and status reports by established deadlines. Failure to do so could result in the forfeiture of the grant and repayment of funds.

6. Neither grant recipients, nor their contractors, shall charge a fee for services and products sponsored by grant funds without prior approval from CDE.

7. The grant recipient agrees to cooperate with the U.S. Department of Education, the CDE, the Secretary of Education, and their independent contractors, if any, to conduct any external evaluation of the effectiveness of the grant process.

8. Grant recipients shall respond to CDE requests for information, modifications to the grant project and its budget and meet established deadlines.

9. Auditable records related to this award will be maintained on file at the school site, for five years following the grant closing date.

10. The grant recipient's name and grant cycle in which the award was received (e.g., 2004) will be used in all communications with CDE.

11. The grant recipient will inform CDE immediately of grant contact information changes.

12. The grant recipient will provide CDE with an electronic copy of its grant application in the format requested by CDE.

GENERAL ASSURANCES

1. Programs and services are and will be in compliance with all applicable state laws and regulations prohibiting unlawful discrimination practices (GC § 11135; CCR, Title 5, § 4960).

2. Programs and services for handicapped persons are and will be in compliance with the Individuals with Disabilities Education Act, § 613(a), and § 504 of the Rehabilitation Act of 1973.

3. The local education agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, funds paid to that agency under this program.

4. Auditable records of each participating school program will be maintained on file (EC § 62003, 62005, 62005.5).

5. Any application, evaluation, periodic program plan, or report relating to each program will be made readily available to parents and other members of the general public (CA Public Records Act, GC § 6250 et seq.).

6. The district board of trustees has adopted written procedures to ensure prompt response to complaints within 60 days, and has disseminated these procedures to students, employees, parents, or guardians, district/school advisory committees, and interested parties (CCR, Title 5, § 4600).

7. Federal funds awarded under the Public Charter Schools Grant Program shall be expended in compliance with all "applicable laws and regulations" meeting the requirements pertaining to federal funds.

8. For purposes of compliance with the U.S. Office of Management and Budget Circular A-133 Compliance Supplement, the "state laws and procedures applicable to subrecipients" of the Public Charter Schools Grant Program in California are those California state laws and procedures applicable to California state agencies.

9. Recipients spending $300,000 or more in combined federal awards in a year must submit an independent annual audit to the Federal Audit Clearinghouse and submit a copy to the CDE Charter Schools Division.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Proposed SBE Policy for Independent Study through Nonclassroom-Based, On-Line Distance Learning in Charter Schools	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve proposed policy for "virtual" charter schools based upon the recommendations of the Advisory Commission on Charter Schools (ACCS) and the California Department of Education (CDE).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This issue is the result of two sets of waiver requests received by CDE in September 2003. The requests were from two virtual charter schools (California Virtual Academy (CAVA), one at Kern and the other at San Diego.)

Each virtual school requested a waiver of 1) the independent study pupil-to-teacher ratio, and 2) the funding determination for nonclassroom-based charter schools that requires at least 50 percent of its funding be used for certificated staff.

At the March 2004 meeting, the SBE officially requested that the ACCS give a recommendation on the first waiver (independent study pupil-to-teacher ratio). The ACCS has discussed this issue but had not developed a formal recommendation.

At the September 2004 meeting, the SBE approved an amended version of the original waivers to allow a ratio of no more than 30:1 (the original request had been for 40.6:1 and then was lowered to 35:1). This waiver allowed the virtual charter schools to recalculate their percentage of funding required for certificated staff and led to the 100 percent funding determination for one year recommended by the ACCS at the October 4, 2004, meeting.

Further, the SBE asked the ACCS to develop a policy to guide funding determinations of virtual charter schools.

SUMMARY OF KEY ISSUES

There are many charter schools that offer nonclassroom-based instruction to students. Usually, these schools provide written instructional materials to students, and student work is supervised on a regular basis by an appropriately credentialed teacher. Increasingly, schools are offering nonclassroom-based instruction on-line, which raises questions related to the appropriate teacher-to-student ratios and the appropriate expenditure levels for certificated staff in a learning environment where curriculum and instruction is delivered through a computer. All on-line programs are currently subject to the same statutes and regulations as all other nonclassroom-based charter school programs.

The waiver requests from CAVA were the first waiver requests related to on-line distance learning and the number of schools proposing to use distance learning is expected to increase in the future. Therefore, it is appropriate for the SBE to first consider a policy that can be applied consistently to on-line schools' requests to deviate from statutory and regulatory requirements.

Title 5, *California Code of Regulations,* (5 CCR) Section 11963.4(b) establishes various minimum percentages of charter school expenditures for certificated employees and for instructional costs as the basis for the ACCS to recommend to the SBE determinations of funding for nonclassroom-based charter schools at the 70 percent, 85 percent, 100 percent, or zero percent levels in 2003-04 and thereafter. The regulation specifically allows for adjustment of the recommendation if there is a "reasonable basis" to do so.

A combination of statutory and regulatory provisions requires that the ratio of pupils to teachers in independent study in a charter school be no greater than the ratio of pupils to teachers in the educational programs operated by the largest unified school district, as measured by average daily attendance, in the county or counties in which the charter school operates. This proposed policy acknowledges that under certain conditions, on-line distance learning in charter schools may present a reasonable foundation for a waiver of the certificated expenditure and/or the pupil-to-teacher ratio requirement.

FISCAL ANALYSIS (AS APPROPRIATE)

Policies that allow for a higher pupil-to-teacher ratio based upon ADA than is prescribed by law could have a substantial impact on the state funding that a charter school is receiving. For example, a pupil-to-teacher ratio that is 50 percent higher than the ratio required by law would allow a charter school to reduce certificated expenses or increase enrollment by 50% with the same number of teachers. Allowing the charter school to receive full funding with less than 50 percent of expenditures required for certificated staff costs would allow greater flexibility in how a charter school manages its total expenditures. It would also have a substantial impact on the state funding that a charter school is receiving by giving a school 100 percent funding instead of the 70 percent or 85 percent level prescribed by 5 CCR Section 11963.4(b).

ATTACHMENT(S)

Attachment 1: Proposed Policy Guidelines: Independent Study through Nonclassroom-Based, Virtual or Online Charter Schools (4 pages)

Proposed Policy Guidelines
Independent Study through Nonclassroom-Based, Virtual or Online Charter Schools

References
Education Code sections 47634.2 and 47604.3

Background
An increasing number of charter schools are providing independent study through nonclassroom-based, primarily online distance learning. These virtual and online schools provide unique learning environments and instructional models for students, which may require different expenditure patterns from other nonclassroom-based or independent study programs.

Title 5 of the California *Code of Regulations* (5-CCR) Section 11963.4(b) establishes various minimum percentages of charter school expenditures for certificated employees and for instructional costs as the basis for the Advisory Commission on Charter Schools (ACCS) to recommend to the State Board of Education (SBE) determinations of funding for nonclassroom-based charter schools at the 70 percent, 85 percent, 100 percent, or zero percent levels in 2003-04 and thereafter. However, with respect to each such percentage level, the regulation specifically allows for adjustment of the recommendation if there is a “reasonable basis” to do so.

Title 5 Section 11963.4(e) defines a “reasonable basis” for adjusting a recommended percentage level. The definition includes, but is not limited to, such mitigating circumstances as documented data regarding individual school circumstances (e.g., various types of one-time expenses); the size of the charter school; and how many years the charter school has been in operation.

Policy Guidelines/Conditions and Required Documentation
Since the existing regulations already provide for the ACCS to depart from the specific criteria for recommending particular determination of funding levels, there is no need for specific criteria relating to determination of funding recommendations.

Instead, the SBE hereby makes a statement of intent to the ACCS that a substantive and credible effort by a charter school to provide independent study through nonclassroom-based, online distance learning may constitute a reasonable basis to depart from the specific criteria for recommending a specific determination of funding level in accordance with Title 5 Section 11963.4(b) and (e). For purposes of this policy virtual or online charter schools are defined as those schools that provide nonclassroom-based instruction as defined by *Education Code* Section 47612.5 (d)(1) and in which at least 80 percent of teaching and student interaction occurs via the Internet.

A “substantive and credible effort” may be established initially and/or demonstrated over

time by an Academic Performance Index (API) ranking or similar schools ranking for each school with the API growth target having been met overall and for each applicable subgroup. At the time of the request for a funding determination, the most recently available API rankings of 750 (or 6) with growth targets having been met may be considered for a 30:1 pupil teacher ratio; API rankings of 775 (or 7) with growth targets having been met may be considered for a 35:1 pupil teacher ratio. A maximum pupil teacher ratio limit of 45:1 will be considered for charter schools that have an 800 (or 8, 9, or 10) API ranking. Certificated expenditures related to pupil-to-teacher ratio adjustments will be considered as a mitigating circumstance in establishing a "reasonable basis" for the recommendation of the Advisory Commission on Charter Schools (ACCS) as defined in CCR Title 5, Section 11963.4.

This policy shall remain in effect for a period of two years, covering the funding determinations for 2005-06 and 2006-07, unless the SBE takes action to extend the policy for an additional period of time. During the effective date of this policy, CDE staff shall be authorized to gather data from schools participating in this policy, which at a minimum will include, student performance data, pupil teacher ratios, certificated expenditures, and school revenue and overall expenditure patterns. On or before June 30, 2007, CDE staff will report findings and recommendations relative to the effectiveness of the policy, the performance of participating schools in providing online instruction and the direct benefit of the policy to students' academic achievement.

Background on Certificated Expenditure Requirements and Pupil-to-Teacher Ratio

Certificated Expenditure Requirement

Title 5 Section 11963.4(b)(3) states that at least 50 percent of expenditures be devoted to certificated employees in order to justify a recommended determination of funding at the 100 percent level. The SBE would consider a lower percent of expenditures being devoted to certificated employees to be reasonable if a charter school's independent study through nonclassroom-based, online distance learning is determined to be a substantive and credible effort.

Pupil-to-Teacher Ratio

A combination of statutory and regulatory provisions requires that the ratio of pupils to teachers in independent study in a charter school be no greater than the ratio of pupils to teachers in the educational programs operated by the largest unified school district, as measured by average daily attendance, in the county or counties in which the charter school operates. Several Title 5 Regulations and *Education Codes* set this same standard.

The SBE recognizes that providing independent study through nonclassroom-based, online distance learning may present a reasonable foundation for the adjustment of the certificated expenditure and the pupil-to-teacher ratio requirements. Online or virtual schools must demonstrate improved student achievement over time, as measured by

specified API targets and rankings. The SBE finds that reasonable guidelines for the application of this policy are:

- The affected charter school provides independent study through nonclassroom-based, virtual or online distance learning that is determined to be a substantive and credible effort as described previously.
- Instructional expenditures are at least 85 percent of the overall school budget. A substantial portion of these expenditures, at least 25 percent of the charter school's general purpose entitlement and categorical block grant as defined in *Education Code* Section 47632 (a-b), are spent on technology that directly benefits students and teachers and results in improved student achievement.
- Computer-based instruction and assessment is provided that includes the use of an online instructional management program, which at a minimum includes standards-based guided lessons, lesson plans, initial testing of students, periodic assessment of student achievement, and the use of other measurements of student progress over a period of time.
- Teachers are provided with technology tools and print media, which at a minimum must include: standards-aligned textbooks and supplies, computer, printer, monitor, Internet service, telephone, staff development that provides for the monitoring of student progress, and a means of electronic communication for frequent student contact.
- All students are provided a computer-generated individualized learning plan that is based on initial testing of the students and that can be monitored remotely by the teacher to evaluate student progress.
- All students are provided access to a computer, Internet service, printer, monitor, and all standards-aligned materials based on California State Content Standards for each grade level and for each subject studied.
- The charter school must adhere to all statutes and regulations pertaining to independent study and SB 740 regulations, including full disclosure of expenditures from all sources of educational funding, which includes at a minimum, salaries paid to any person or entity that are 10 percent or $50,000, whichever is less, of operational funding for charter schools as defined by *Education Code* Section 47632 (a-b).
- The SBE in implementing this policy should deny adjustments to certificated expenditures and pupil to teacher ratio requirements if it determines that the charter school is implementing admission practices that favor high performing students or it fails to recruit a student population that is reflective of the general population of the county or counties served in terms of racial, ethnic and socio-economic balance.
- The charter school is operating in full compliance with federal and state laws and regulations guaranteeing a free and appropriate public education to all students, including students with disabilities under IDEA and Section 504 of the Rehabilitation Act. It is incumbent upon the school to provide documentation demonstrating how they are meeting the needs of students eligible for special

education supports and services; however, the school must include at a minimum, an acknowledgement by the SELPA that the charter school is meeting federal and state guidelines.

- The charter school does not give to any of its pupils (or their parents or guardians) any funds or other thing of value that a school district could not legally provide to a similarly situated pupil of the school district (or to the pupil's parent or guardian). *Education Code* 51747.3(a).
- The charter school claims as average daily attendance only pupils who reside in the county in which the charter school is located or an immediately adjacent county. *Education Code* 51747.3(b).
- The charter school is conducting its Standardized Testing and Reporting Program (STAR) in accordance with *Education Code* sections 60640 – 60643 and regulations contained in CCR Title 5, Division 1, Chapter 2, Subchapter 3.75, including the provision that arrangements must be made to test all eligible pupils, that testing must be conducted within the specified timelines, that appropriate security of testing and materials is maintained including the distribution and collection of test materials every day. Under no circumstances may tests be administered to a student by the parent or guardian of that student. Eligible pupils with disabilities will be permitted to have the test administered in the home or hospital by a trained test examiner, if specified in the student's IEP or 504 Plan.
- The charter school has no major audit findings/exceptions and has an approved corrective action plan in place, with specified timelines, to resolve any audit deficiencies.

Any charter school that meets the guidelines specified in this policy shall receive a two-year funding determination in keeping with the effective dates of this policy unless a CDE staff review of the school's annual financial and/or programmatic audit supports a recommendation for a shorter period of time.

Summary

In recognizing that virtual or online schooling may need special consideration in the SB 740 funding determination process, it is the intent of the SBE that each funding determination is reviewed by the ACCS, and that the ACCS provide the SBE with a recommendation and reasons to support any and all amended percentages usually required on certificated employees and/or instructional expenditures.

Revised 10/25/04

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 8, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: William Ellerbee, Deputy Superintendent
School and District Operations

RE: Item No. 37

SUBJECT: Proposed SBE Policy for Independent Study through Nonclassroom-Based, On-Line Distance Learning in Charter Schools

The original board item recommendation was to approve the proposed policy for "virtual" charter schools based upon the recommendations of the Advisory Commission on Charter Schools (ACCS) and the California Department of Education (CDE).

State Board of Education (SBE) staff have recommended that the policy be re-ordered and more clearly state that the purpose of this policy is to provide guidance to the ACCS and CDE Waiver Unit, when developing recommendations to the SBE regarding "virtual" charter school requests for waivers of pupil-to-teacher ratios above ten percent that is currently allowed by SBE waiver policy.

Attachment 1 reflects the re-ordered Proposed Policy Guidelines for Independent Study through Nonclassroom-Based, Virtual or Online Charter Schools.

Attachment 1: Proposed Policy Guidelines for Independent Study through Nonclassroom-Based, Virtual or Online Charter Schools (4 pages)

Proposed Policy Guidelines
Independent Study through Nonclassroom-Based, Virtual or Online Charter Schools

References
Education Code sections 47634.2 and 47604.3

Background
An increasing number of charter schools are providing independent study through nonclassroom-based, primarily online distance learning. These virtual and online schools provide unique learning environments and instructional models for students, which may require different expenditure patterns from other nonclassroom-based or independent study programs.

Title 5 of the California *Code of Regulations* (5-CCR) Section 11963.4(b) establishes various minimum percentages of charter school expenditures for certificated employees and for instructional costs as the basis for the Advisory Commission on Charter Schools (ACCS) to recommend to the State Board of Education (SBE) determinations of funding for nonclassroom-based charter schools at the 70 percent, 85 percent, 100 percent, or zero percent levels in 2003-04 and thereafter. However, with respect to each such percentage level, the regulation specifically allows for adjustment of the recommendation if there is a “reasonable basis” to do so.

Title 5 Section 11963.4(e) defines a “reasonable basis” for adjusting a recommended percentage level. The definition includes, but is not limited to, such mitigating circumstances as documented data regarding individual school circumstances (e.g., various types of one-time expenses); the size of the charter school; and how many years the charter school has been in operation.

Policy Guidelines/Conditions and Required Documentation
Since the existing regulations already provide for the ACCS to depart from the specific criteria for recommending particular determination of funding levels, there is no need for specific criteria relating to determination of funding recommendations.

Instead, the SBE hereby makes a statement of intent to the ACCS that a substantive and credible effort by a charter school to provide independent study through nonclassroom-based, online distance learning may constitute a reasonable basis to depart from the specific criteria for recommending a specific determination of funding level in accordance with Title 5 Section 11963.4(b) and (e). For purposes of this policy virtual or online charter schools are defined as those schools that provide nonclassroom-based instruction as defined by *Education Code* Section 47612.5 (d)(1) and in which at least 80 percent of teaching and student interaction occurs via the Internet.

A “substantive and credible effort” may be established initially and/or demonstrated over time by one of the following Academic Performance Index (API) rankings or similar schools rankings for each school if the API growth target has been met overall and for

each applicable subgroup. At the time of the request for a funding determination, the most recently available API rankings of 750 (or 6) with growth targets having been met may be considered for a 30:1 pupil teacher ratio; API rankings of 775 (or 7) with growth targets having been met may be considered for a 35:1 pupil teacher ratio. A maximum pupil teacher ratio limit of 45:1 will be considered for charter schools that have an 800 (or 8, 9, or 10) API ranking. Certificated expenditures related to pupil-to-teacher ratio adjustments will be considered as a mitigating circumstance in establishing a "reasonable basis" for the recommendation of the Advisory Commission on Charter Schools (ACCS) as defined in CCR Title 5, Section 11963.4.

Guidance to ACCS When Considering Funding Determinations for Virtual or On-Line Distance Learning Charter Schools That Have Received Pupil-to-Teacher Ratio Waivers.

Certificated Expenditure Requirement

Title 5 Section 11963.4(b)(3) states that at least 50 percent of expenditures be devoted to certificated employees in order to justify a recommended determination of funding at the 100 percent level. The SBE would consider a lower percent of expenditures being devoted to certificated employees to be reasonable if a charter school's independent study through nonclassroom-based, online distance learning is determined to be a substantive and credible effort.

Pupil-to-Teacher Ratio

A combination of statutory and regulatory provisions requires that the ratio of pupils to teachers in independent study in a charter school be no greater than the ratio of pupils to teachers in the educational programs operated by the largest unified school district, as measured by average daily attendance, in the county or counties in which the charter school operates. Several Title 5 Regulations and *Education Codes* set this same standard.

The SBE recognizes that providing independent study through nonclassroom-based, online distance learning may present a reasonable foundation for the adjustment of the certificated expenditure and the pupil-to-teacher ratio requirements. Online or virtual schools must demonstrate improved student achievement over time, as measured by specified API targets and rankings. The SBE finds that reasonable guidelines for the application of this policy are:

- The affected charter school provides independent study through nonclassroom-based, virtual or online distance learning that is determined to be a substantive and credible effort as described previously.
- Instructional expenditures are at least 85 percent of the overall school budget. A substantial portion of these expenditures, at least 25 percent of the charter school's general purpose entitlement and categorical block grant as defined in *Education Code* Section 47632 (a-b), are spent on technology that directly benefits students and teachers and results in improved student achievement.
- Computer-based instruction and assessment is provided that includes the use of an online instructional management program, which at a minimum includes

standards-based guided lessons, lesson plans, initial testing of students, periodic assessment of student achievement, and the use of other measurements of student progress over a period of time.

- Teachers are provided with technology tools and print media, which at a minimum must include: standards-aligned textbooks and supplies, computer, printer, monitor, Internet service, telephone, staff development that provides for the monitoring of student progress, and a means of electronic communication for frequent student contact.
- All students are provided a computer-generated individualized learning plan that is based on initial testing of the students and that can be monitored remotely by the teacher to evaluate student progress.
- All students are provided access to a computer, Internet service, printer, monitor, and all standards-aligned materials based on California State Content Standards for each grade level and for each subject studied.
- The charter school must adhere to all statutes and regulations pertaining to independent study and SB 740 regulations, including full disclosure of expenditures from all sources of educational funding, which includes at a minimum, salaries paid to any person or entity that are 10 percent or $50,000, whichever is less, of operational funding for charter schools as defined by *Education Code* Section 47632 (a-b).
- The SBE in implementing this policy should deny adjustments to certificated expenditures and pupil to teacher ratio requirements if it determines that the charter school is implementing admission practices that favor high performing students or it fails to recruit a student population that is reflective of the general population of the county or counties served in terms of racial, ethnic and socio-economic balance.
- The charter school is operating in full compliance with federal and state laws and regulations guaranteeing a free and appropriate public education to all students, including students with disabilities under IDEA and Section 504 of the Rehabilitation Act. It is incumbent upon the school to provide documentation demonstrating how they are meeting the needs of students eligible for special education supports and services; however, the school must include at a minimum, an acknowledgement by the SELPA that the charter school is meeting federal and state guidelines.
- The charter school does not give to any of its pupils (or their parents or guardians) any funds or other thing of value that a school district could not legally provide to a similarly situated pupil of the school district (or to the pupil's parent or guardian). *Education Code* 51747.3(a).
- The charter school claims as average daily attendance only pupils who reside in the county in which the charter school is located or an immediately adjacent county. *Education Code* 51747.3(b).
- The charter school is conducting its Standardized Testing and Reporting Program (STAR) in accordance with *Education Code* sections 60640 – 60643 and regulations contained in CCR Title 5, Division 1, Chapter 2, Subchapter 3.75, including the provision that arrangements must be made to test all eligible pupils, that testing must be conducted within the specified timelines, that

appropriate security of testing and materials is maintained including the distribution and collection of test materials every day. Under no circumstances may tests be administered to a student by the parent or guardian of that student. Eligible pupils with disabilities will be permitted to have the test administered in the home or hospital by a trained test examiner, if specified in the student's IEP or 504 Plan.

- The charter school has no major audit findings/exceptions

Any charter school that meets the guidelines specified in this policy shall be considered for a two-year funding determination in keeping with the effective dates of this policy unless a CDE staff review of the school's annual financial and/or programmatic audit supports a recommendation for a shorter period of time.

Summary

In recognizing that virtual or online schooling may need special consideration in the SB 740 funding determination process, it is the intent of the SBE that each funding determination is reviewed by the ACCS, and that the ACCS provide the SBE with a recommendation and reasons to support any and all amended percentages usually required on certificated employees and/or instructional expenditures.

This policy shall remain in effect for a period of two years, covering the funding determinations for 2005-06 and 2006-07, unless the SBE takes action to extend the policy for an additional period of time. During the effective date of this policy, CDE staff shall be authorized to gather data from schools participating in this policy, which at a minimum will include, student performance data, pupil teacher ratios, certificated expenditures, and school revenue and overall expenditure patterns. On or before June 30, 2007, CDE staff will report findings and recommendations relative to the effectiveness of the policy, the performance of participating schools in providing online instruction and the direct benefit of the policy to students' academic achievement.

Revised 11/03/04

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Request by New West Charter Middle School to Make Material Amendments to its Charter	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Approve the California Department of Education (CDE) recommendations described in the Summary of Key Issues section of this item (beginning on page 2).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) originally approved the charter petition for New West in December 2001, after it was denied by the Los Angeles Unified School District (LAUSD). The school had difficulties securing a facility and working out SELPA arrangements and was therefore delayed in opening for one year. New West opened in the fall of 2003 with approximately 274 sixth through eighth grade students. It came to CDE's attention in late March 2004 that the New West governing board had recently passed two resolutions making material changes to the charter without consultation with either CDE or the SBE. CDE staff directed New West not to implement any of those changes until the SBE had reviewed and approved such changes. New West has submitted a revised charter petition (Attachment 1) proposing to make numerous technical and substantive changes to the school's operations.

In addition to material changes being made to the charter without SBE approval, a number of allegations of fiscal and governing board selection irregularities were brought to the attention of CDE staff. As a result, CDE requested information and documentation regarding these issues. New West submitted the requested information, which has generated additional concerns and requests for information.

SUMMARY OF KEY ISSUES

Charter Amendments

New West proposes to make the following changes to its charter. A summary of CDE staff recommendations follows each proposed change:

1. Add a high school component to the program in 2005 – **Recommend Denial**

2. Change the governance council structure – **Recommend Partial Approval**

3. Institute admission requirements for new applicants to the school – **Recommend Denial**

4. Add new categories of "Founders" for purposes of admissions preference – **Recommend Denial**

5. Change the name of the school to New West Charter School – **Recommend Approval**

6. Extend the term of the charter for one year until June 30, 2006 – **Recommend Denial**

7. Revise the charter to be consistent with proposed changes in 1-5 above, update the charter to reflect current location, revise future to present tense, and make other numerous minor edits – **Recommend Partial Approval**

CDE staff has reviewed the proposed changes to the charter and recommends the following action:

1. <u>Addition of a high school component in 2005</u> – **RECOMMEND DENIAL**

New West proposes to either open a high school in 2005 that would eventually serve 800 students or to expand the middle school to an additional site. Language is interjected throughout the proposed amended charter that references the high school. However, there is no detail regarding the new high school, such as a description of the educational program, location of the school, etc. The charter proposes instead to address the details by building in the same conditions of operation that were approved by the SBE for the original school. These conditions would have to be met over the course of the next year for either the high school or an expanded middle school site.

CDE staff recommends denial of the addition of a high school component and that all language related to a high school expansion be deleted from the proposed charter. This proposal appears to be premature. New West has just completed its first year of operation as a middle school, and CDE has recently reviewed the first year's STAR academic performance data. New West significantly outperformed the district in all subjects, but Algebra I and had more students scoring at proficient and above than

SUMMARY OF KEY ISSUES

the statewide average in all subjects but mathematics. While the test scores were

for the most part very good, CDE staff does not believe one year is sufficient to judge the school's likelihood of success at operating a high school. In addition, there appear to be operational issues at the school as evidenced by the numerous complaints about the governance of the school, which CDE staff is presently reviewing. The New West charter will be up for renewal at the end of the 2005 school year. Assuming governance issues have been resolved and academic performance continues to improve, the school might want to propose the addition of grades 9-12 as part of its petition for renewal. Another year of operation as a middle school would provide the SBE with better information on the likelihood that New West could carry out a successful high school program.

In addition, the expansion to a high school appears to be driven as much by school site considerations as program considerations. New West has identified a proposed site for lease in the Sunset area of Los Angeles, which in their view would make an ideal site for a school. By New West's own admission, they are not sure whether to expand to a high school or create a second campus for the middle school. CDE staff have a number of concerns with the proposed school site: (1) the site is a long distance from the current middle school site, and it is probable that the composition of the student body of the school would change if the site is located in the Pacific Palisades area; (2) the building would need extensive renovation (estimated at $650,000-$750,000) that would have to be funded from donations; and (3) the proposed site is on an extremely busy section of the Pacific Coast Highway making it dangerous to enter and exit the school. This entire proposal seems very premature and needs much more specificity before CDE staff would recommend approval of the site for either expansion to a high school or for a new site for the middle school.

2. Changes to the Governance Council structure – **RECOMMEND PARTIAL APPROVAL**

New West proposes to add a 15th member to the Governance Council that would be chosen from among standing and special committee representatives of the school. CDE staff has no problem with this proposal.

The amended charter also proposes to make teacher and other staff positions on the Governance Council voting members of the council. Currently, the Governance Council has 9 voting members and 5 non-voting members. CDE staff recommends denial of this amendment consistent with the SBE requirement for all SBE charter schools that employees of the school who sit on the governing boards be non-voting members to avoid conflict of interest issues.

In addition, CDE staff recommends that the Governance Council structure be changed to eliminate "Founders" for purposes of the membership of the council and that additional parent representatives or community members be added to the council instead. The current voting members of the governing board consist of 3

SUMMARY OF KEY ISSUES

parents and 3 founders, with 2 vacant community representative positions. The

purpose served by dividing the parents constituency into founders and non-founders is not clear. A certain percentage of "Founders" are given preferential admissions status because of the work, time and money they donated to see that the school opened. However, there is no reason to give founders any special status on a governing board, and in the case of New West, this has appeared to have resulted in a divided governing body. Consistent with the recommendation to eliminate "Founders" on the governing board, all reference to "Founders" in the governance section of the charter and the by-laws of the school should be deleted.

Further, CDE staff recommends that elections for the Governance Council for the upcoming year be conducted by the Executive Director of the school rather than by individual members of the governing board in an open and observed process. It appears that the election process (including organizing the election, compiling ballots and tallying them) for the first members serving on the governing board was conducted by one of the founders who was also running for one of the founder slots. In addition, the election process for founders was conducted differently than it was for parent representatives.

Finally, CDE recommends the SBE appoint a representative to the New West Governance Council for the next year as it is entitled to do so under law and the charter. CDE staff has received many complaints about the governing board operating in a dysfunctional manner. These complaints, in conjunction with others CDE staff is reviewing, and the governing board's history of making unilateral material amendments to the charter, lead CDE staff to strongly recommend the SBE appoint a representative to the Governance Council to help maintain the focus of the council on the educational program of the school.

3. Institute admission requirements for new students – **RECOMMEND DENIAL**

New West proposes to require all new students who desire admission to the school to achieve a score of 300 or better on the California Standards Test in English/Language Arts and Mathematics. The admissions criteria also state that New West "occasionally requests an interview to assess an applicant's ability to handle New West's curriculum." The CDE Legal Office initially reviewed the proposed admission requirements some months ago and informally indicated that they did not appear to be discriminatory. On that basis, New West put the criteria on the school's website as part of the application process. However, we have since reviewed the school's charter, which expressly stated that there "shall be no admission criteria, testing, or other evaluation required of any applicant." Further, the school is receiving federal funding in the form of a Public Charter Schools Grant Program (PCSGP) and the Office of Civil Rights has indicated a school that receives PCSGP funding must use a lottery to admit students if the school is oversubscribed (which New West is in some grade levels).

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While admission criteria are not illegal, they make more sense for a school with a specific focus, such as performing arts. In addition, these criteria would be taking into consideration student performance data that is not current for the individual student since STAR test data does not come out until middle or late August. Further, STAR data was never meant to be used as a tool for admissions purposes. In addition, the discretionary interview to assess an applicant's ability to perform at New West is arbitrary and without any indication of what factors would lead to an interview or who would assess interview results. Moreover, admission criteria are in direct opposition to the intent of the charter school law that requires charter schools to admit all students who wish to attend the school. CDE staff believes that it is an undesirable precedent to allow SBE-approved charter schools to establish criteria that would screen out academically lower-achieving students, when those are precisely the students that are to be given priority under the law when considering whether to grant a charter.

4. Add new category of "Founders" for purposes of admission preferences – **RECOMMEND DENIAL**

The SBE, in its original approval of New West's charter petition, allowed the school to grant preferential treatment for admissions purposes to a certain percentage of people who had volunteered their time and money to help open the school. These are the "Founders." The charter allows for no more than 10% of total enrollment to be "Founders" children during the school's first four years of operation, with the percentage declining by 1% each year through 2010-11.

New West proposes to make two changes to the charter: (1) grant Founder status to individuals who worked to help open the school during the extra year New West took to open, and (2) create a new class of "Founders" that would work toward opening the proposed high school and who would be given preferential admissions treatment for both the middle school and high school.

CDE staff recommends that neither of New West's requests for additional "Founders" be approved. The original cutoff date by which "Founders" needed to have completed service hours anticipated New West opening in 2002. The school delayed opening for one year due to difficulty in securing facilities and a special education agreement with a SELPA. During that additional year, individuals continued to donate time and money to the school, and new people were granted "Founder" status. Because the creation of "Founder" status has been an issue in the governance of the school and additional individuals were promised "Founder" status unilaterally, we recommend this request be denied. In addition, CDE staff continues to believe that the total number of Founder's children should remain at no more than 10% of total enrollment over the next four years as the original charter states.

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CDE staff recommends denial of New West's request to create a new class of "Founder" for individuals working toward opening a high school. This is in keeping with CDE's recommendation that New West not be approved to open a high school at this time.

5. Change the name of the school – **RECOMMEND APPROVAL**

New West proposes to change the name of the school from the New West Charter Middle School to New West Charter School. CDE staff has no problem with this proposal.

6. Extend the charter for one year through June 30, 2006 – **RECOMMEND DENIAL**

Since New West was delayed in opening for one year, the school is requesting that the expiration date of the charter be extended one year. This would give the school 3 years operation before it would have to request a renewal. CDE staff recommends denial of this request because the SBE chose not to take action to extend the expiration date of the charter at the time New West requested extensions of time to meet SBE conditions when it was clear the school would not open for another year. CDE staff can find no reason to extend the period of the charter at this time.

We also note that CDE staff sent a letter to New West in early September 2004, reminding the school of the need to begin preparing a renewal request as soon as possible since the request must be submitted to the district that originally denied the charter before it may be submitted to the SBE.

7. Make miscellaneous changes to the charter – **RECOMMEND PARTIAL APPROVAL**

New West proposes to make numerous changes to the charter to conform to the proposed amendments described in 1-5 above, to reflect the fact that the school is open now, and to make other minor edits. With the following exceptions, CDE staff recommends approval of the proposed changes to the charter:

- Changes that do not conform with State Board action on 1-5 should be deleted.
- Page 17 – Limits on the Charter – the first paragraph should remain in the charter and the second paragraph should be deleted.
- Page 45 – Accountability for the Educational Program – the last sentence should be deleted. The SBE, not the Governance Council has the final approval over material revisions to the education program.
- Page 55 – Membership – language related to Permit With Transfer (PWT) parents that was deleted in the proposed charter should be added back, in case LAUSD decides in the future to work with New West to transfer some of the district's PWT students to New West.

SUMMARY OF KEY ISSUES

- Page 57 – the language that was deleted stating that the Advisory Board is subject to laws governing open meetings; public records and confidentiality should be added back.
- Page 70 – School Capacity – the strike-out in the first sentence should be removed and language referring to "any other conditions of approval required by the SBE" should remain in the charter.
- Page 72 – Admission and Enrollment Preferences – the third bullet should remain as it was originally and the fourth bullet creating a new admission preference should be deleted.
- Page 96 – Renewal of the Charter – the charter states that New West will submit a request to renew the charter 4 months prior to the charter expiration date. CDE staff suggests that date be amended to require the renewal to be submitted 6 months before the expiration date rather than 4 months because both the Advisory Commission on Charter Schools and the SBE must review the renewal request and neither body meets on a monthly basis.

Finally, CDE staff notes that pages 13, 34, and 35 reference the creation of an International Studies program and the application for a $750,000 grant from a foundation for the program; however, there is no indication whether this is a major change in emphasis of the educational program and, therefore, a material change to the charter. References to the International Studies program should be deleted in the charter until New West submits specific information on the program and proposed charter amendments aligned with the new program for approval by the SBE.

Allegations of Financial and Governing Board Irregularities

Based on information CDE staff received from numerous individuals at New West regarding financial and governing board election irregularities, New West was asked by CDE staff to provide information on the following issues:

- A loan from the Governance Council Chairman to New West
- The Affinity Bank account used for fundraising money
- Irregularities in the selection of governance council members

CDE staff in the Audits and Investigations Office did a preliminary review of the information submitted by New West and has identified a number of concerns that merit a request for further documentation. Concerns raised by Audits and Investigations and Charter Schools Division staff include:

- The original loan is only signed by the governing board chairman, who is also the payee on the line of credit.
- The revised loan does not appear to have been approved by the Governance Council. Resolution No. 2004-18 only directs New West's Director/Principal to work out a schedule of repayments. Further, it is unclear whether the Governance Council chairman participated in the

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discussion or voted on this resolution. The resolution indicates no abstentions.

- The work order provided for the construction company (Golden Star Construction) that did the renovations to the school facility to open the school was not signed by anyone. Calls to the phone number resulted in a voicemail recording with no company or individual's name, and a telephone information search revealed no telephone number for the business name.
- Many of the governing board resolutions contain hand written alterations that were not initialed or dated. No signed updated documents have been provided to CDE.
- Significant amounts of money were transferred from the school's bank accounts on several occasions with no documentation to support the transfers, including wire transfers of $170,000 and checks written to individuals. There was no second signature on any of the checks.

- The governing board chair was the sole signer on all checks regardless of amount, although the Board Resolution No. 2004-23 and the Business Management Plans and Systems – Overview require two signatures for any check over $2,500.

- The governing board chair was responsible for organizing the governing board member election, compiling the ballots, and tallying them at the same time he was running as a candidate. In addition, the election for "parent" representatives to the board was treated in a different manner than the election for "founders."

The Audits and Investigations Office has recommended that additional information be provided by New West, including:

- Supporting invoices for goods or services in excess of $5,000 including wire transfers
- Subcontract agreements, if any, for purchases in amounts of $5,000 or more
- Any competitive bids for construction
- A signed agreement/work order with Golden Star Construction
- Updated and signed governing board resolutions
- Approved governing board meeting minutes for the resolutions submitted in response to the documentation request
- Signed loan documents from Pacific Western Bank

Until CDE staff has an opportunity to review the additional information, which will be requested by letter to the Executive Director of New West, there are no recommendations at this time.

FISCAL ANALYSIS (AS APPROPRIATE)

There could be a minor fiscal impact to CDE and the SBE if the charter changes are approved. CDE would be responsible for ensuring that New West meets conditions of approval that would likely be adopted by the SBE if it approves the charter petition as proposed. CDE would continue to be responsible for the same level of oversight as currently provided. The school would incur greater costs for adding a 9-12 component to the program; however, the school would also receive increased funding as a result in an increase in ADA.

ATTACHMENT(S)

Attachment 1: Draft of May 14, 2004 Amended Charter for New West Charter School (97 pages)

Draft of May 14, 2004

Amended Charter

for

New West Charter School

Charter Number 431

July 1, ~~2002~~ 2003 - June 30, ~~2005~~2006

Approved by Action of the

California State Board of Education

July 14, 2004

under the

Charter Schools Act of 1992

California Education Code 47600 et seq.

Original Charter Petition approved by the
State Board of Education on December 5, 2001
(see final state-approved charter document of January 15, 2002)

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Charter for New West Charter School

July 1, ~~2002~~ 2003 - June 30, ~~2005~~2006

Mission Statement

The mission of New West Charter School is to provide an academically rigorous, highly individualized education for 21st Century middle and high school students ~~in~~ (grades 6-12~~8~~). In the decades to come, personal success requires increasingly high levels of competency, independence, and self-reliance in an ever changing, ever more complex society, no matter whether individuals choose to manage their own businesses, sell their own services, work within public or private organizations, or raise families whose children face the same challenges. New West meets its duty to produce competent, independent, self-reliant students by creating a learning environment that promotes academic excellence and strong character development as the antecedents for continued success in ~~college preparatory~~ high school and college programs. ~~The New West Charter School will be founded on the following precepts:~~New West's vision includes commitment to:

- A rigorous core curriculum that provides a strong foundation in reading and language arts, mathematics, science, and history and social science, supplemented with diverse enrichment opportunities in world languages, visual and performing arts, physical education and health, and information technology;
- A robust program of community service and extracurricular activities designed to have maximum synergy with the academic program;
- Clearly defined and closely monitored performance standards that assure progress toward the school's educational goals in full compliance with all applicable state standards;
- A cooperative community of parents and educators that shares responsibility for the school's governance, operation, and educational program in the best interests of the school's students;
- ~~A goal of a small student body~~Small school size (200 students or less per grade level) ~~of 600 or less~~ ~~that is taught in~~ with classes as small as resources permit (~~we aim for~~ 25 students or less per class); and
- A personal learning environment that both encourages and challenges each student according to his or her ability through differentiated instruction within an integrated curriculum.

New West ~~will~~ serves students of diverse cultural, ethnic, and socioeconomic backgrounds from throughout greater Los Angeles whose families share the common goal of creating a strong, unified educational milieu for their children. New West's educational culture ~~will~~ fosters high academic achievement through high expectations, genuine accountability, and individualized attention both at home and in school. This home/school collaboration ~~will~~ enables students to become competent, self-motivated, lifelong learners who have a clear sense of their individual worth and their responsibilities to society.

~~This charter petition (the Charter) was submitted by the Executive Board of the Organizing Committee of the Development Group of New West Charter School (New West) to the California State Board of Education (SBE) through the California Department of Education (CDE) under the Charter Schools Act of 1992 [Education Code 47600 et seq.] (sections of the California Education~~

~~Code are referenced in brackets). The petition to establish New West as a charter school was originally denied by the Board of Education of the Los Angeles Unified School District (LAUSD) on August 8, 2000, and a revised petition was subsequently denied by the Los Angeles County Board of Education (Los Angeles County Office of Education) on January 9, 2001. After these denials, New West submitted a revised charter petition to the SBE through the CDE pursuant to Education Code Section 47605(j)(1). On June 7, 2001, the SBE passed a motion indicating its intent to approve the Charter in September or October 2001 provided certain conditions were met having to do with addressing the concerns of the SBE/CDE, and working collaboratively with the LAUSD to see if the school district wished to reconsider its earlier denial. On November 26, 2001, the LAUSD indicated that it was not interested in reconsidering the New West charter petition. On December 5, 2001, the SBE unanimously approved the New West charter petition and assigned the school charter number 431, subject to the conditions specified in *General Provisions of the Charter. Section III. Conditions of Approval.*~~

~~New West is a new school that will enroll students for the first time in September 2002. New West seeks approval of its Charter in advance of its effective date of July 1, 2002, as the necessary first step in implementing its plans over the next year with regard to site development, policy and curricular development, hiring of personnel, fund raising, and recruitment of students.~~

AMENDED CHARTER PETITION

The original Charter Petition for New West Charter School (New West), under the name of New West Charter Middle School, was unanimously approved by the California State Board of Education (SBE) on December 5, 2001, under the Charter Schools Act of 1992 [Education Code 47600 et seq.] (sections of the California Education Code are referenced in brackets). New West opened on September 7, 2003, with about 275 students enrolled in grades 6-8 at its middle school campus on Pico Boulevard in West Los Angeles. This Amended Charter Petition of May 14, 2004, is being submitted by New West's Governance Council to the SBE through the California Department of Education (CDE). This amended charter provides updated information about the school as it is currently operating (e.g., school site and school size). Many changes are simple editorial revisions in language that reflect the school as actually being open rather the prospect of it opening sometime in the future (e.g., change "the school will be . . ." to "the school is . . ."). More important are some material changes to the original charter document that require approval by the SBE (e.g., including high school grades and/or adding an additional site for the proposed high school or enlarged middle school, changes to the Governance Council, extension of founder status to volunteers working to open the high school, and changes in criteria for admission based on minimum grade level proficiency standards set by the SBE). The amended charter requires New West to submit detailed educational, business, and facility plans for the proposed high school and/or additional school site before enrolling students in grades 9-12 and/or commencing instruction at a new site. New West's educational program, with respect to philosophy, goals, and implementation of the school's curriculum, remains unchanged. The revisions included in this Amended Charter Petition were approved by consensus of the New West Governance Council on May 10, 2004, for submission to the SBE.

~~PARENT AND TEACHER~~ ENDORSEMENTS OF THE ORIGINAL CHARTER PETITION

The original Charter Petition submitted to the Los Angeles Unified School District (LAUSD) in 2000 and later approved by the SBE in 2001 was endorsed by:

- Four hundred ten (410) parents who were meaningfully interested in having their children attend New West. This number of signatures far exceeded the legal requirement for parent signatures [Education Code 47605(a)(1)(A)].
- Five (5) credentialed teachers who were meaningfully interested in teaching at New West. This number of signatures met the legal requirement for teacher signatures [Education Code 47605(a)(1)(B)].

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~~The signatures of parents and teachers attached to this Charter Petition were originally gathered in support of the petition to the LAUSD that was denied by the Board of Education on August 8, 2000. The LAUSD used telephone and mail surveys to verify that the signatures exceeded the number of parent and teacher endorsements required by the Charter Schools. The Executive Board of the Organizing Committee of New West Charter School now submits this Charter Petition to the SBE on behalf of the same two groups of individuals:~~

- ~~Four hundred ten (410) parents or guardians of school-age children (hereafter referred to simply as parents). More than 200 of these parents have children who will be eligible to attend New West in grades 6-8 during the 2002-03 school year. The other half of the parents has younger children who will be eligible to attend New West in subsequent years. These parents have indicated by their signatures that they are meaningfully interested in having their children attend New West Charter School (see Appendix I). This number of signatures far exceeds the legal requirement that the charter petition must be signed by 150 parents, which is a number that is equivalent to at least one-half the 300 students that are estimated will enroll in New West for its first year of operation [Education Code 47605(a)(1)(A)].~~
- ~~Five (5) credentialed teachers who have indicated by their signatures that they are meaningfully interested in teaching at New West Charter School (see Appendix I). This number of signatures meets the legal requirement that the charter petition must be signed by five teachers, which is a number that is equivalent to at least one-half the nine teachers that will be employed at the school during its first year of operation [Education Code 47605(a)(1)(B)].~~

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~~These parents and teachers request that the SBE grant New West status as a charter school for the years 2002-2005 pursuant to the Charter Schools Act.~~

The signatories to ~~this Charter Petition~~the original charter petition ~~have~~ authorized the three Founders ~~Chair and two Co-Chairs of the Executive Board of the Organizing Committee~~ listed below to negotiate any amendments to the charter document necessary to secure approval by the SBE:~~. The lead petitioners are:~~

- David Eagle, Parent and Chair, Executive Board of the Organizing Committee.
- Dr. Gene Albrecht, Parent and Co-Chair, Executive Board of the Organizing Committee.
- Judith Bronowski, Parent and Co-Chair, Executive Board of the Organizing Committee.

DESCRIPTION OF THE SCHOOL

I. History

Parents in the Brentwood-Pacific Palisades area of Los Angeles have been at the forefront of ~~Charter~~ charter ~~School~~ school reform since 1993. The combined efforts of parents and educators resulted in the creation of the Palisades Charter Schools Complex in 1995 – a group of neighborhood schools (5 elementary, 1 middle, and 2 high schools) in the LAUSD. However, these schools ~~are~~ were so-called "Dependent Charters" on which the LAUSD places many financial, management, and curricular restrictions on their operations, governance, and educational programs. Many parents, especially those with children in the elementary schools, ~~feel~~ felt these constraints reduced their charter schools to little more than regular public schools within the LAUSD. Local

parents ~~do~~ did not see their local charter schools taking full advantage of the opportunity for innovation and reform that is the spirit of the charter schools movement. Of particular concern ~~is~~ was the perception that Paul Revere Charter Middle School ~~is~~ was not fulfilling its obligation to stimulate, encourage, and embrace the involvement of parents as valued participants and partners in the school's operation and educational process. As parents seeking excellence in public education gain experience in all the mandates of the charter school~~s~~ movement — shared school governance, educational program design, research into innovative ideas, and local accountability for educational outcomes — they ~~have come to feel~~felt that only a direct funded ("fiscally independent") charter middle school ~~can~~ could take advantage of the freedom and flexibility granted by ~~the~~ California's Charter Schools Act.

The idea of starting a new charter school, as an alternative to the existing middle school, came from a small, ad hoc group of very involved parents led by David Eagle and Judith Bronowski. These parents ~~are~~ were interested in continuing, at the middle school level, the advances in educational quality that ~~are rejuvenating~~ rejuvenated the neighborhood elementary schools. The ad hoc committee formulated a survey to determine the level of community interest in having a choice of public middle schools, and what characteristics should distinguish that new charter middle school. The consensus among parents ~~is~~ was that, for their children, they wanted a smaller, less overwhelming school (600 versus ~~2000~~ 2200 students), with smaller class size (25 students, or less, per classroom). Just as important ~~is~~ was a rigorous and challenging curriculum, individualized attention that addresses the needs of all children, a real gifted/talented program ~~for those who qualify~~, a service component to build students' sense of community and societal responsibility, and opportunity and encouragement for parental involvement and shared stakeholder governance.

Some 800 surveys were distributed to the parents of 3rd, 4th, and 5th grade students at 4 of the 5 elementary schools within the Palisades Charter Complex. People ~~expressing~~ expressed a sincere interest in having a choice in middle school opportunities by ~~returned~~ returning more than 350 surveys. Several "town hall" meetings were held to discuss the possibilities and prospects for a new middle school. From those meetings came the New West Charter School Development Group that ~~has now grown~~grew to more than 160 people, representing diverse cultural and socio-economical backgrounds, who ~~have~~ volunteered to serve on committees to design New West from the ground up ~~(see Appendix II for brief biographical information on some of the parent Founders)~~. Planning for the new school ~~is now being~~was carried forward through an Organizing Committee with an Executive Board chaired by David Eagle that ~~oversees~~ oversaw more than a dozen committees staffed by volunteer members of the Development Group ~~(see Appendix II for a list of committees and their membership)~~. A $35,000 Charter School Planning Grant from the California Department of Education (March 2000) and a $10,000 Walton Family Foundation Charter School Planning Grant (July 2000) ~~have been~~were awarded to New West to support the initial costs of school development. New West ~~is~~ was ~~already~~ incorporated as a public nonprofit educational entity in 2000.~~and has identified a school site in a commercial building in Pacific Palisades. Major activities of the Development Group currently include completing the approval process for the Charter, identifying financial institutions that provide charter school financing, initiating fund-raising efforts, and preparing New West's application for a Charter School Implementation Grant from the California Department of Education. The Development Group of parent volunteers has set a timeline that will make New West Charter School an exciting reality by opening its doors in September 2002.~~

The charter petition to establish New West as a charter middle school was denied by the Board of Education of the Los Angeles Unified School District (LAUSD) on August 8, 2000. The Los Angeles County Board of Education (Los Angeles County Office of Education) subsequently denied a revised petition on January 9, 2001. New West then submitted its charter petition to the SBE through the CDE pursuant to Education Code Section 47605(j)(1). On June 7, 2001, the SBE passed a motion indicating its intent to approve the Charter in September or October 2001 provided certain conditions were met having to do with addressing the concerns of the SBE/CDE, and working collaboratively with the LAUSD to see if the school district wished to reconsider its earlier

denial. On November 26, 2001, the LAUSD indicated that it was not interested in reconsidering the New West charter petition. On December 5, 2001, the SBE unanimously approved the New West charter petition and assigned the school charter number 431, subject to the conditions specified in the original chart (see *General Provisions of the Charter. Section III. Conditions of Approval* in the final state-approved charter document of January 15, 2002).

Efforts to open New West in September 2002 were thwarted by difficulty in securing an appropriate site for the middle school campus~~s~~ and prolonged negotiations with LAUSD regarding SELPA membership required to meet New West's special education needs. SELPA membership in LAUSD's SELPA was finally worked out by May 1, 2003. Later that month~~In May 2003~~, with approval from the CDE, New West signed a long-term lease on a former furniture auction house on Pico Boulevard in West Los Angeles. The architectural design and structural engineering work for renovating the building were donated pro bono by architect Jennifer Wen and structural engineer Jeff Guh. Jennifer Wen and David Eagle volunteered their time and effort as project managers during an expedited construction schedule that completely renovated the inside of the building in three months over the summer of 2003. At the same time, Dr. Donald Gill, New West's Founding Director/Principal worked with founding parents to hire teachers and staff and make other arrangements for opening the school. The middle school site was dedicated on September 7, 2004, and greeted about 275 students the next day in grades 6-8 for the commencement of classes.

II. Facilities

New West's middle school campus is located at 11625 Pico Boulevard, which is centrally located on the Westside of Los Angeles. The campus is in a mixed commercial area with easy accessibility near major thoroughfares and a few blocks from the intersection of the I-10 and I-405 freeways. The school is a few blocks south of Stoner Avenue Park and a mile north of Mar Vista Park, two city recreational centers that New West is planning to use for its PE program and athletic activities. It is a few blocks from Richland Avenue Elementary School, a LAUSD campus with which New West is building a collaborative relationship in terms of tutoring elementary students and use of garden space for science projects and after school programs.

The building that houses New West, which was built in 1947, is a self-contained structure with two floors. Floor space includes about 10,000 square feet on the first floor and 5,000 square feet on the second floor. After a complete redesign and renovation of its interior, the building is now configured for optimum use as a modern school complete with 11 classrooms, administrative offices, library space, art area, new student and adult restrooms, substantive open space for student interactions, conference area, and faculty and parent volunteer work areas. The substantial capital improvements include full ADA access (a lift provides second floor access), wireless internet access, video security system, fire/life safety upgrades, energy saving lighting, and new, efficient HVAC equipment. With the exception of new student desks and lockers, almost all interior furnishing were obtained as donated excess inventory from local businesses and law firms. The smaller of the two parking lots is used primarily as a lunch area, while the larger parking lot is used for off-street drop-off in the morning, pick-up in the afternoon, and PE and recess during the rest of the day. Parking is readily available on the streets surrounding the school. Considering that New West's goal of class sizes no greater than 25 students/room, the site accommodates about 275 students total.

~~New West Charter School is committed to beginning instruction in September of 2002. New West has targeted a location for its campus — The Palisades Village Center — a 90,000 square foot, four-story office building located at 881 Alma Real Drive in the business district of Pacific Palisades (see Appendix IV for more details about this location). New West is in active discussions with representatives of the property owner and believes that a lease agreement will be concluded on or before May 1, 2002. With relatively minor capital improvements and renovation to create the instructional space we need, the Alma Real property offers New West an ideal, flexible, and safe~~

~~facility that is centrally located, with all of the amenities needed for New West's educational program located either on site or within one-half block of the building on the same side of the street.~~

~~Preliminary analysis of the Alma Real building shows that New West can utilize the entire first floor of approximately 21,000 square feet for instructional and other purposes. This part of the building has a separate entrance that makes it possible to isolate New West's students from the rest of the building. New West is in the process of consulting with an architect regarding improvements needed to convert the current space into classroom and other school use space. Other vacant portions of the building will be utilized for administrative, storage, and non-instructional uses.~~

~~Among the many advantages of the Alma Real property is its location directly adjacent to both the newly constructed Pacific Palisades Branch of the Los Angeles Public Library, and the Palisades Park and Recreation Center, which is a large City of Los Angeles park with playing fields, two field houses, tennis courts, playgrounds, and other recreational facilities. Location of New West at 881 Alma Real would therefore allow the school to enter into facility sharing agreements in lieu of establishing its own library, athletic fields, and gymnasium. In turn, New West may be able facilitate use of the extensive surface level and underground parking of the Alma Real building to relieve parking shortages for library and park users during peak afternoon and weekend periods.~~

~~The New West location at Alma Real will include the following facilities by the beginning of its third year of operation (some spaces may serve more than one purpose): up to 24 classrooms, administrative offices, an auditorium or all purpose room, a computer lab, a science room, space for the visual and performing arts, resource/special education rooms, after-school care space, a teacher workroom, a teacher lounge, a nurses office (there are several doctors and dentists offices in the building), a parent center, student and adult restrooms, a kitchen and eating areas, and on site drop-off, pick-up, and extensive surface level and underground parking areas.~~

~~Substantial capital improvements have been made over the last five years to the Palisades Village Center, which was built in 1981. Virtually all capital improvements have been completed recently including ground floor lobby renovation, new upper floor common area corridor finishes and systems, fire/life safety upgrades, bathroom upgrades, roof replacement, elevator modernization, lighting retrofit, new HVAC chiller (and other HVAC upgrades), ADA compliance, and a seismic retrofit program.~~

III. Staff

The number and kinds of staff ~~to be~~ employed at New West ~~will~~ varies depending on the level of funding received by the school from different sources and the programs such funding supports. ~~New West's Business Plan (see Appendix VIII) separates the "Core Curriculum" budget funded through expected state and federal revenues as distinct from the "Supplemental Enrichment Curriculum" budget funded from family contributions, corporate contributions, and grants. Staff required to implement the basic "Core Curriculum"~~ Currently, for the 2003-04 school year, New West's middle school employees include (full-time unless noted):

- Director/Principal.
- Facilities manager.~~Fiscal Manager/Assistant Director.~~
- Administrative assistant/office manager.
- Mediation and Discipline Advisor (part-time).
- Two (2) ~~Clerical~~ office assistants.
- ~~Nine~~ Ten (10)~~(9)~~ credentialed classroom teachers ~~for 2002-03 (student:teacher ratio of 33:1), 14 credentialed teachers for 2003-04 (32:1), and 18 credentialed teachers for 2004-05 and thereafter (33:1)~~.
- Two (2) credentialed special education resources teachers.

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- Three non-credentialed elective teachers (part-time: Spanish, drama, and movies).
- Three (3) non-credentialed physical education teachers (part-time).
- Nine Two (2) (6.759) instructional aides (part-time) for 2002-03, 10.5 instructional aides for 2003-04, and 13.5 instructional aides for 2004-05 and thereafter.
- Plant manager (part-time).
- Janitorial/maintenance engineer.
- Three (3) part-time food service workers.
- Special education personnel (the numbers of staff and their qualifications are dependent on the special education needs of New West students; the special education staff will most likely be qualified New West employees or contract employees managed by a special education agency such as Total Education Solutions.

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New West contracts with outside companies for the following services:

- Business affairs (accounting, payroll, and other financial services).
- Janitorial and maintenance services.
- After school program.
- Special education services outside the expertise of the school's resource teachers.
- Legal affairs.

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The number of employees in future years will depend on the availability of funds, numbers of students, and programmatic needs. The services of parents and community volunteers are intended to provide enrichment programs, extracurricular activities, and at least one adult volunteer in each classroom for at least part of each day. Parents volunteer substantial time and expertise to assist in other aspects of the school's day-to-day and long-term operation (e.g., room parents, traffic control, lunch monitors, clerical help, newsletter, grant writing, admissions).

If New West is successful in its fund-raising, then the school will be able to afford some or all of the additional employees needed to implement the "Supplemental Enrichment Curriculum" including:

- Three (3) additional credentialed teachers for 2002-03 (reducing the student:teacher ratio to25:1), 4 additional credentialed teachers for 2003-04 (25:1), and 6 additional credentialed teachers for 2004-05 and thereafter (25:1).
- Three (2.25) additional instructional aides for 2002-03, 3.5 additional instructional aides for 2003-04, and 4.5 additional instructional aides for 2004-05 and thereafter.
- Additional administrative assistant (part-time).
- Additional clerical office assistant.
- Guidance, welfare, and attendance counselor (part-time).
- Physical, mental health, and special education specialist (part-time).
- One full-time and one part-time specialist for remedial, gifted, and talented instruction for 2002-03 and three (3) full-time specialists for 2003-04 and thereafter.
- Art, music, and drama specialist (part-time).
- Two (2) physical education instructors.
- Instructional consultant for curricular development (part-time).

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The services of parents and community volunteers will be utilized to provide enrichment programs, extracurricular activities, and at least one adult volunteer in each classroom for at least part of each day. Parents will be asked to volunteer their time and expertise as may be appropriate to assist in other aspects of the school's day-to-day and long-term operation.

IV. ~~Planning~~ Grants

New West ~~has~~ successfully competed for grants and other funding to cover initial planning and start-up costs for the new school. ~~New West is seeking additional grant and loan funding for anticipated additional start-up costs including facilities costs (see *Provisions Related to Charter School Funding. Section II. Grants, Loans, and Indebtedness*).~~ Current and pending grants and loans include:

- Planning Phase Charter School Start-Up Grant, California Department of Education: $35,000, awarded March 2000.
- Charter School Planning Grant, Walton Family Foundation, Inc.: $10,000, awarded July 2000.
- Implementation Grant, California Department of Education: $400,000, awarded in June 2003.
- Personal loan from David Eagle for start-up costs: $275,000 in June 2003.
- Charter School Revolving Loan Fund, California Department of Education: $250,000, awarded in June 2003.
- Friends of New West Charter School Greening and Beautification Project, Neighborhood Matching Fund, City of Los Angeles: $10,000, awarded May 2004.
- Grant for International Studies Program, S. Mark Taper Foundation, Los Angeles: $750,000 (invited grant submitted April 2004 for December 2004 funding).

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~~V. Palisades Charter Complex~~

~~New West Charter School will be established in geographic proximity to the eight LAUSD neighborhood-conversion, fiscally dependent charter schools that form the Palisades Charter Complex. In 1995, the eight schools in Brentwood, Pacific Palisades, and Topanga Canyon formed a K-12 consortium that was granted a single Charter by the LAUSD under the Charter Schools Act of 1992. The Palisades Charter Complex is comprised of the following schools:~~

- ~~Canyon, Kenter Canyon, Marquez, Palisades, and Topanga Elementary Schools.~~
- ~~Paul Revere School including its Math and Science Magnet Program.~~
- ~~Palisades High School including its Math, Science and Technology Magnet Program.~~
- ~~Temescal Canyon Continuation School.~~

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~~The SBE converted this single multi-campus charter into eight individually numbered charters effective July 1, 1999. The eight schools of the complex have received renewals of their charters for 2000-2005. The Palisades Coordinating Council, with representatives from each campus, serves as the forum for discussion, advice, and articulation among the schools on issues of mutual concern. The charter complex is assisted in fulfilling its objectives by the Palisades Charter Schools Foundation, which is a non-profit fund-raising coalition that provides technical support, funding, and consultation about issues affecting the member schools.~~

~~New West Charter School will draw many of its students from the neighborhood charter elementary schools and it will send many of its students on to Palisades Charter High School. Moreover, New West shares with the schools of the Palisades Complex an interest in promoting charter school reform generally and specifically as it affects the individual schools. Accordingly, New West will seek to establish productive working relationships with the schools of the Palisades Charter Complex, the Palisades Coordinating Council, and the Palisades Charter Schools Foundation.~~

GENERAL PROVISIONS OF THE CHARTER

New West is applying to amend ~~for a~~ its Charter to fulfill the intent of the California Legislature in establishing the Charter Schools Act [Education Code 47601]. Charter schools are meant by law to provide opportunities for teachers, parents, pupils, and community members to maintain a school that operates independently from the existing school district structure. This independence ~~will~~ allows New West to accomplish the following as a charter school [Education Code 47601(a)-(g)]:

- Maintain and further improve a high level of student learning.
- Increase learning opportunities for all students, with special emphasis on expanded learning experiences for the entire diversity of students ranging from those who are identified as academically low achieving to those who are identified as highly gifted.
- Encourage the use of different, innovative, and enhanced teaching methods.
- Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program.
- Provide parents with opportunities to be involved in their children's education.
- Be accountable for meeting measurable pupil outcomes and using performance-based accountability systems to measure student success.
- Provide vigorous competition within the public school system that ~~will~~ stimulates improvements in all public schools.

I. Name of the School

The official name of the school shall be New West Charter School. The school's Governance Council ~~of New West Charter School~~ shall have the right to change the school's name at any time for any reason. New West shall inform the SBE when, and if, the school changes its name.

II. Chartering Authority and Supervisory Oversight

~~The State Board of Education (SBE) shall be the chartering authority for New West. If the LAUSD (or another school district) takes action to approve the petition to establish New West as a charter school prior to April 1, 2002, then the conditional approval of the charter petition by the SBE is terminated (see *General Provisions of the Charter. Section III. Conditions of Approval*).~~

~~With regard to supervisory oversight, New West shall do one of the following not later than July 1, 2002 (see *General Provisions of the Charter. Section III. Conditions of Approval*):~~

- ~~Accept an agreement with the SBE (administered through the CDE) to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or~~
- ~~Enter into an appropriate agreement between New West, the SBE (as represented by its Executive Director), and an oversight entity pursuant to Education Code Section 47605(k)(1) regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.~~

~~If the SBE is the oversight entity, then the~~

The State Board of Education (SBE) shall be the chartering authority for New West. With regard to supervisory oversight, the SBE ~~may~~ shall have the right to designate an Oversight Agent to ensure the fundamental, continuing interests of the SBE with regard to New West implementing the Charter as approved by the SBE, obeying all laws applicable to charter schools, operating prudently, and providing a sound educational program. It is anticipated that the Oversight Agent will be staff within the CDE operating under the direction of the State Superintendent of Public Instruction, but the SBE may designate another party of its choice as the Oversight Agent. The Oversight Agent shall be the

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principal point of contact for New West regarding the implementation of the Charter, operation of the school and its educational program, reporting requirements, oversight responsibilities, and other matters that may arise. New West shall work cooperatively with the Oversight Agent to facilitate the SBE in meeting its legal obligations for oversight and supervision as the school's chartering authority. The meaning of "supervisory oversight," as used in Section 47613.7 of the Education Code, shall be determined by the SBE in accordance with the Charter Schools Act (e.g., see the SBE directive titled *State Board of Education-Approved Charter Schools: Expectations for Oversight and Supervision* and *Duties of Charter School and Oversight Agent*). New West shall pay for the costs of supervisory oversight to the extent required by the Charter Schools Act (see *Provisions Related to Charter School Funding. VI. Oversight Costs*)[1].

III. Conditions of Approval for Adding High School Grades and/or New School Site

New West currently operates as a middle school on a small campus that can accommodate about 275 students in grades 6-8. Beginning in September 2005, New West anticipates expanding its middle school to the 600 students allowed by the charter and/or adding high school grades (9-12) for a maximum of 800 students in high school. These expansion efforts will require additional school sites to accommodate the enlarged middle school and/or proposed high school. New West shall meet the same conditions for enlarging its middle school, starting its high school, and/or opening new school sites for the middle and high schools as were imposed by the SBE regarding the opening of New West as a middle school (see final state-approved charter document of January 15, 2002). ~~The SBE approved the New West charter petition on December 5, 2001, subject to the~~ The following requirements shall be~~ing~~ satisfied by New West (dates refer to the year New West intends to commence instruction at a site in September of that year):

1. Not later than July 1, ~~2002,~~ New West shall submit to the SBE documentation of adequate insurance coverage for the enlarged middle school, proposed high school, and/or any new school site, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.
2. Not later than July 1, ~~2002,~~ New West shall either (a) accept an agreement with the SBE (administered through the CDE) to be the direct oversight entity for the enlarged middle school, proposed high school, and/or any new school site~~the school~~, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between New West, the SBE (as represented by its Executive Director), and an oversight entity pursuant to Education Code Section 47605(k)(1) regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.
3. Not later than May 15, ~~2002,~~ New West shall submit to the SBE either written verification from a special education local plan area (SELPA) that the enlarged middle school, proposed high school, and/or any new school site are ~~New West is~~ (or will be at the time students are being served) participating in the SELPA, or an agreement between a SELPA and New West that describes the roles and responsibilities of each party and that explicitly states that the SELPA considers ~~the school's~~ New West's students to be students of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA).
4. Not later than May 15, ~~2002,~~ New West shall submit to the SBE ~~an~~ a high school educational ~~program~~plan, including but not limited to, a description of the curriculum and identification of the basic instructional materials to be used, plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials,

[1] References to the "SBE" in the Charter refer to, as may be appropriate in different circumstances, the State Board of Education, the Executive Director of the SBE, the California Department of Education, the SBE's designated Oversight Agent, or any of these entities acting jointly.

identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program in evaluating student progress, and a budget which clearly identifies the core program from enrichment activities and reflects only those loans, grants, and lines of credit (if any) that have been secured by New West.

5. Not later than June 1, ~~2002, New~~ West shall submit for review and approval by the Executive Director of the SBE in consultation with the State Superintendent of Public Instruction, the specific means to be used for high school student attendance accounting and reporting.
6. Not later than May 1, ~~2002,~~ shall present to the SBE a lease agreement (or comparable document) identifying ~~New West's school~~ any new school site for at least the first year of the school's operation and evidence that the facility ~~will be~~is adequate for the school's needs as an enlarged middle school or proposed high school.
7. Not less than 30 days prior to the ~~school's~~ opening of any new school site for an enlarged middle school or proposed high school,~~for 2002-3,~~ New West shall present evidence to the SBE that the school's new facilities ~~facility has~~ been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days.
8. Not later than ~~January 15, 2002~~June 1, New West shall present to the SBE a final charter that includes all provisions and/or modifications of provisions that reflect ~~appropriately the SBE as the chartering authority~~ and otherwise address all concerns identified by CDE staff regarding an enlarged middle school, a proposed high school, and/or any new school site.
9. In the final charter presented pursuant to condition (8), New West shall resolve all provisions related to legal issues in keeping with the direction of the SBE's Chief Counsel.

It is the intent of the SBE that satisfaction of these requirements shall be determined by the SBE's Executive Director in consultation with the State Superintendent of Public Instruction (as represented by appropriate staff of the CDE). In each case that the requirements specify an action to be taken by the petitioners, it is the intent of the SBE that the Executive Director's review and approval or disapproval will be completed within 15 days of the action being taken and appropriately reported by the petitioners. If the Executive Director determines that a requirement has not been satisfied, then New West shall not be authorized to commence instruction of high school students (grades 9-12) and/or occupy a new school site for either the enlarged middle school or proposed high school.

~~If the Board of Education of the Los Angeles Unified School District (or the board of education of another local education agency) takes action to approve the petition to establish New West as a charter school prior to April 1, 2002, the conditional approval of the charter petition by the SBE is terminated.~~

If the New West high school is not operational by September 30, ~~2003~~2006, the conditional approval of the amended charter petition by the SBE to offer instruction for grades 9-12 and/or occupy a new school site for the high school is terminated.

The SBE recognizes that the LAUSD is subject to consent decrees affecting the operation of its schools (including, but not limited to, consent decrees pertaining to the cases known as Chanda Smith, Crawford, and Rodriguez). If the New West site(s) ~~operates under the charter petition conditionally approved through this motion and if the school~~ is (are) physically located within the LAUSD, then New West shall comply with these consent decrees if and to the extent the decrees are determined by the court or other competent authority to be applicable to the school.

IV. Role of the Charter

This Charter constitutes a binding contract between New West and the SBE. The charter document is meant to be a performance-based agreement covering those terms and conditions that are required by law as well as those aspects of the relationship between the school and the SBE that require clarification. ~~New West shall present to the SBE not later than January 15, 2002, a final Charter that reflects the SBE as the chartering entity, the conditions of approval by the SBE, and revisions addressing any concerns identified by the staff of the CDE (see *General Provisions of the Charter. Section III. Conditions of Approval*).~~New West shall first consult with the SBE about matters that may arise that are not covered by the Charter. Any dispute between New West and the SBE about the terms and conditions of the Charter, the meaning of the Charter Schools Act, or the applicability of local, state, and federal laws to charter schools shall be settled according to the dispute resolution process described under *General Provisions of the Charter: Section XIII.N.2. Disputes between the School and the Chartering Authority.*

V. Limits on the Charter

~~The Charter for New West shall apply only to operating a school that serves grades 6-8 at a single school site within Los Angeles County. New West shall not operate an adult school, children's center, or independent study programs. New West shall be required to submit a new charter petition prior to implementation if it decides to expand its educational program to include other grade levels, or to open additional school sites for conducting its educational operations.~~

New West shall be permitted to offer instruction to students in grades 6-12 at several school sites in the West Los Angeles area as may be necessary to accommodate the maximum number of students specified in *General Conditions of the Charter. Section VII. Limits on School Size*. New West shall not operate an adult school, children's center, or independent study programs.

VI. Term of the Charter

The term of the Charter shall begin on July 1, ~~2002~~2003, and shall expire on June 30, ~~2005~~2006. ~~The Charter shall be terminated on September 30, 2003, if the school is not operational by that date (see *General Provisions of the Charter. Section III. Conditions of Approval*).~~

VII. ~~Opening of the School~~Limits on School Size

New West shall limit school size to 600 students total for middle school (grades 6-8) and 800 students total for high school (grades 9-12). The actual number of enrolled students in any school year will depend on the availability of appropriate school sites for the middle and high school campuses.

~~New West plans to enroll its first students and begin educational operations in September 2002. New West anticipates that enrollment during its first school year will be about 300 students with 200 students in grade 6 and about 50 students each in grades 7 and 8 (Table 1). Full enrollment of 600 students with about 200 students per grade level should be reached for the 2004-2005 school year. The numbers of students may vary from these estimates depending on the completion of facilities and number of applications received for each grade level. Charter status is requested for an effective date of July 1, 2002, so that the school's Organizing Committee can proceed expeditiously with its plans to have the school ready to open for the 2002-03 school year. New West shall meet all of the SBE's conditions of approval before beginning educational operations as specified in *General Provisions of the Charter. Section III. Conditions of Approval*.~~

~~Table 1. Phased Enrollment Projections for New West for 2002-2005 School Years~~

	~~2002-03~~	~~2003-04~~	~~2004-05~~
~~GRADE 6~~	~~200~~	~~200~~	~~200~~
~~GRADE 7~~	~~50~~	~~200~~	~~200~~
~~GRADE 8~~	~~50~~	~~50~~	~~200~~
~~TOTAL~~	~~300~~	~~450~~	~~600~~

VIII. Legal Status of the School

The school shall operate as a California Nonprofit Public Benefit Corporation, known as the New West Charter School, formed and organized pursuant to the Nonprofit Public Benefit Corporation Law (Part 2 commencing with Section 5110 of Division 2 of Title 1 of the Corporations Code), as allowed by the Charter Schools Act [Education Code 47604(a)]. The SBE shall not be liable for the debts or obligations of New West [Education Code 47604(c)].

The Governance Council of New West shall also serve as the corporation's Board of Directors, which shall include a single, representative appointed by the SBE [Education Code 47604(b) and 41365(f)(2)] (see *General Provisions of the Charter: Section XIII.D.1. Governance Council)*. The SBE shall be notified of any changes in the membership of the Governance Council.

The school shall operate according to the Corporate Bylaws of New West Charter School, which shall be consistent with the terms of the Charter, the Charter Schools Act, and all other applicable laws. In any instance in which the provisions of the Corporate Bylaws are in conflict with provisions of the Charter, the provisions of the Charter shall control. The SBE shall be provided a copy of New West's Corporate Bylaws and the SBE shall be informed of any changes made to the Corporate Bylaws by the Governance Council.

New West, as a charter school, is part of the Public School System, as defined in Article IX of the California Constitution [Education Code 47615(a). New West, as a charter school, is under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools, as provided in the Charter Schools Act [Education Code 47615(b)].

IX. School Site and Educational Facilities

New West shall work collaboratively with the SBE in exercising its right as a charter school to rent, lease, or purchase a school site(s) of its choosing for conducting its educational operations. In choosing a school site, New West shall consider the nature of the neighborhood and neighboring properties with regard to appropriateness for educational activities. New West shall have the right to construct, reconstruct, demolish, remodel, alter, or add to buildings or other facilities at its school site(s) in any way, provided that the school conforms to all city, county, and state building codes, health laws, safety regulations, and educational standards applicable to charter school facilities. New West shall allow the SBE to inspect its campus(es) and any of its school buildings or other facilities at any time.

New West shall keep the SBE informed, on a timely basis, with regard to site selection for an enlarged middle school, proposed high school, and/or ~~the school's campus and~~ any new construction or remodeling of existing facilities ~~that will take place~~. For any site ~~chosen~~ to be

occupied by New West, ~~including the Palisades Village Center (see *Description of the School: Section II. Facilities*),~~ the school shall take the following steps to satisfy the SBE that the site is educationally appropriate and safe for occupancy and continued operation of the school:

- New West shall provide the SBE ~~not later than May 1, 2002,~~ with copies of all relevant documents that specify the terms and conditions of rental, lease, or purchase agreements related to New West's choice of a school site (see *General Provisions of the Charter. Section III. Conditions of Approval*).
- New West shall provide the SBE with information about the site, including but not limited to the age and history of buildings, tenants of the site if shared with others, planned use of the space for educational purposes, emergency routes, traffic flow, parking, student drop-off zones, campus security, and separation of students from other tenants or neighboring properties.
- New West shall provide structural plans and architectural drawings of the site, including planned alterations or new construction, for inspection and comment by the SBE with regard to size and arrangement of rooms, number and placement of bathrooms, ADA accessibility, entrances and exits, width of hallways, lighting, signs, safety, and security.
- New West shall provide the SBE with the report of a licensed structural engineer certifying that the facility is constructed to local building code standards and that the building is sufficiently structurally sound to be used by a county superintendent of schools for the operation of a community school.
- New West shall conduct a parking and traffic safety study whose purpose is to address the adequacy of the school's drop-off and pick-up areas and procedures including the potential need for adult monitors to manage the safety of students entering and leaving the school grounds.
- New West shall create a school security plan including containment of students, access to the school site (e.g., through stairwells or other entry points), separation from other tenants of the site and neighboring properties, emergency plans and exit routes, and signage.
- New West shall consider any site review recommendations made by the SBE regarding the school site and school facilities, and shall be bound by such recommendations as required by the Charter Schools Act, by the conditions of approval by the SBE, by the terms of the oversight agreement between the SBE and New West, and by applicable building, health, safety, or educational laws relating to charter school facilities.
- New West shall provide the SBE with a Certificate of Occupancy issued by the department of building and safety not less than 30 days before commencing educational operations (see *General Provisions of the Charter. Section III. Conditions of Approval*).
- New West shall notify the SBE immediately if the school is cited at any time by any government agency (e.g., Cal OSHA or the Fire Marshall) for noncompliance with building, health, or safety regulations.
- New West shall demonstrate to the SBE that the costs of the school's facility, including alterations or new construction, can be accommodated within the school's budget.
- New West shall irrevocably instruct the owners of leased or rented property to notify the SBE if rental or lease agreements are terminated.

New West shall provide the SBE, as soon as possible after selection of its school site(s) but not later than May 1~~, 2002~~ of the year that New West plans to commence instruction at a site, with all the information that the SBE deems necessary to evaluate the appropriateness of the site for school's educational operations (see *General Provisions of the Charter. Section III. Conditions of Approval*). The SBE shall make a written determination about the appropriateness of the school site within 15 days of having received all the information it requires. If the SBE identifies deficiencies in the school site(s), then New West shall have the opportunity to correct the problems and resubmit

for SBE approval of the school site(s). Under no circumstance shall New West be allowed to begin educational operations at ~~its~~ a school site before all of the preceding conditions have been met to the satisfaction of the SBE.

X. School Founders

The Founders of New West are ~~mostly~~ parents ~~in the Brentwood, Pacific Palisades, Topanga Canyon, and nearby areas of Los Angeles~~from the Westside of Los Angeles who are interested in promoting educational reform in the best interests of their children and the children of others residing throughout the greater Los Angeles area. Status as a New West Founder shall be determined solely by the amount of time and effort that a parent volunteers during the planning and implementation stages leading to the opening of New West's middle school and/or high school. The main requirements of the Founder's Agreement (see Appendix V) are 100 hours of documented volunteer service and a continuum of service on one or more school committees ~~of the New West Development Group~~. Monetary pledges or contributions of material goods shall not be considered in any way toward establishing founder status. Besides the inherent benefits of volunteerism ~~that benefits~~in the best interests of children and the community, the primary reward for Founders is admission preference to New West's middle school or high school for their children (not to exceed 10% of enrollment) (see *General Provisions of the Charter: Section XIII.H.3. Admission and Enrollment Preferences*). The following policies and practices shall govern Founder status at New West:

- Founder status is meant for parents who are interested in having their children attend New West at some future time.
- Founders must be the parent(s) or the legal guardian(s) of students who are given admission preference as the children of Founders.
- The number of Founders shall be proportionately limited by the total number of their children who plan to enroll at New West. The number of Founders' children shall not exceed 10% of the total number of children enrolled in ~~the~~ New West's middle school and high school at any one time during the school's first four years of operation (i.e., 2003-04 through 2006-07 school years)~~using the anticipated enrollments shown in Table 1, the maximum number of Founders' children enrolled at New West would be limited to 30 for 2002-03, 45 for 2003-04, and 60 for 2004-06)~~. For ~~2006-2011~~2007-2012, the percentage shall decrease by 1% per year (i.e., 9% for ~~2006-07~~2007-08, 8% for ~~2007-08~~2008-09, 7% for ~~2008-2009~~2009-2010, 6% for ~~2009-10~~2010-2011, and 5% for ~~2010-11~~2011-2012). Thereafter, beginning in ~~2011-12~~2012-13, New West shall not offer any preference in admission for the children of Founders.~~ As indicated below, parents must achieve Founder status by the time New West opens in September 2002 to have their children eligible for the Founders' admission preference in subsequent years.~~
- Status as a Founder shall ~~be limited to~~include those persons who completed all requirements of the Founder's Agreement before the ~~New West~~ middle school ~~commences~~ commenced classes in ~~the Fall of~~September ~~2002~~2003 or before the high school commences classes in September 2005~~.~~
- Middle school Founders must meet both of the following standards: (1) accumulate 50 hours of volunteer service by the date in the Spring of ~~2002~~ 2003 when admissions are determined for the ~~2002-03~~2003-04 school year, and (2) surpass 100 hours of volunteer service by the first day of classes for the ~~2002-03~~2003-04. Volunteers who do not reach both these levels of service shall not be considered eligible for Founder status and their children shall not be allowed to enroll under Founder status.
- High School Founders must meet both the following standards: (1) accumulate 50 hours of volunteer service by the date in the Spring of the year when 12th grade is added at the time

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admissions are determined for that next school year, and surpass 100 hours of volunteer service by the first day of classes for the year 12th grade is added.

- Perspective parents who volunteered 50 hours or more during New West's first year of operation, and prior to March 20, 2004 shall be permitted to complete their 100 hours of service anytime during the 2004-2005 school year up until July 1, 2005 and will then be considered Founders eligible for admission preference to middle school and/or high school.
- Perspective parents who volunteered 50 hours or more prior to March 20, 2004 and who's children did not get admitted by the lottery and who are currently on the waiting list for admission for September 2004, shall have their children admitted to the middle school provided they agree to complete their 100 hours of volunteer service to the school by December 31, 2004. Once they have completed their volunteer service these parents shall be considered Founders.
- The accumulation of volunteer hours toward Founder status and the awarding of Founder status shall cease on the first day of classes for the ~~2002-03~~ school year in which the first students in grades 9-12 are admitted to the school.
- Volunteers shall document and report the activities and amounts of volunteer time to be used toward meeting the requirements of the Founder's Agreement.
- The Executive Board shall issue a letter that vests Founder status on each parent who has met all requirements of the Founder's Agreement.
- New West's Executive Board shall keep a list of Founders' children who are scheduled to enroll at New West each academic year based on their ages as of the commencement of classes for ~~2002-03~~2003-04. The numbers of Founders' children anticipated in each class in each year shall be made available to prospective volunteers so that they may assess the likelihood of becoming a Founder before committing to help open New West.
- Founders' children shall comply with the same admission criteria, application deadlines, and conditions of enrollment as other students wishing to attend New West.
- New West's Executive Board shall be solely responsible for resolving disputes about interpreting or applying these policies or any other aspect related to Founder status.

~~The founding parent volunteers, known as the Development Group, are committed to work on a variety of committees (see Appendix II) that are coordinated by a central Organizing Committee of parent volunteers, which itself has an elected Executive Board. The Organizing Committee and its Executive Board shall act as the school's Governance Council and Executive Committee, respectively, in the planning and implementation stages leading to the opening of New West (see *General Provisions of the Charter: Section XIII.D.1. Governance Council & Section XIII.D.2. Executive Committee*). Once the school opens, authority for the school's operation shall transfer to the school's Governance Council and Executive Committee whose membership includes the Director/Principal, teachers, staff, parents, and community representatives. Appendix II provides brief biographical summaries for the members of the Executive Board and many members of the Organizing Committee and Development Group.~~

XI. Charter School Organizations

New West shall maintain a membership in the California Charter Schools Association (CCSA) ~~Network of Educational Charters (CANEC)~~, or another similar organization, for the purpose of both promoting the charter model of school reform generally and enhancing New West's effectiveness as a charter school specifically. New West will send at least one teacher, administrator, or Governance Council member to ~~CANEC's~~ CCSA's annual meeting. The school's teachers, administrators, and Governance Council members are encouraged to attend workshops held by organizations such as the Charter Schools Development Center, Institute for Education Reform, California State University,

Sacramento California. New West will schedule on-campus seminars to keep its community of parents and educators informed about the evolving principles and practices of charter schools.

XII. Equal Rights Statement

New West, as a charter school, is specifically barred from racial, sexual, or ethnic discrimination in any aspect of its operation [Education Code 235]. New West shall be nonsectarian in its programs, admission policies, employment practices, and all other operations [Education Code 47605(d)(1)]. New West shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, national origin, or disability in any aspect of its operation, educational program, or dealings with students, parents, and employees [Education Code 47605(d)(1) and California Constitution, Article 1, Section 31].

XIII. Required Elements of the Charter

A. Educational Program

New West ~~takes~~ took a benchmarking approach to the development of its educational program for the middle school that opened in September 2003. Specifically, ~~after the Charter is approved,~~ New West Founders ~~will~~ worked with educational researchers, using California Department of Education statistics, to identify the five highest performing middle schools in the state that serve similar populations of students as anticipated will enroll at New West. New West ~~will form an~~formed an Educational Study Panel to site visit each of these five schools to gather detailed information about curriculum, assessments, budgetary options, school organization, and other aspects of those schools' educational programs. Additionally, the study panel sought the advice of several educational consultants and middle school principals of high-performing schools. ~~The charter school planning grants that have been awarded to New West will fund this travel.~~ The information gathered by the Educational Study Panel ~~will be~~was used to formulate the operational details of New West's educational program ~~that will be developed over the next year to be in place for the opening of school in September 2002~~. ~~It is anticipated that~~ Thus, New West's educational program for the middle school is based on "best practices" ~~will~~ synthesized from the different ~~elements~~programs, methods, and strategies ~~from~~ of those middle schools that the Educational Study Panel found to be most successful as a model ~~that will~~to fulfill New West's educational mission. The educational program for the middle school is presented in the document "New West Charter Middle School Educational Plan" that was approved by SBE in May 2002 as a condition for opening New West in September 2003.

Naturally, it is to be expected, even encouraged, that New West's education program will evolve over time as the school's ~~Founders and~~ educators, parents, and Founders determine that it would be best to add, delete, or revise various policies, procedures, or practices in the best interests of the school's students. Accordingly, the Educational Study Panel will be continued in future years as a part of the school's Curriculum Committee ~~regular committee structure and ongoing professional development activities~~. New West intends to continue learning from other successful schools as well as from its own experiences in order to maintain and further improve a high level of student learning.

~~New West, in seeking charter approval months in advance of beginning educational operations in September 2002, follows the prudent course of providing sufficient time for the reasoned development of its curriculum, schedules, grading system, academic policies, and other aspects of its educational program. The sections below outline New West's initial vision with respect to its educational program. A reasonably comprehensive description is provided to allow the SBE to meet its duty of judging the soundness of the school's educational program.~~

With regard to the proposed high school, New West will adopt the same benchmarking, best-practices approach to developing an educational program for grades 9-12. New West shall provide the SBE with a comprehensive outline of its ~~educational~~ high school program and budget for comment and approval by the SBE before the school begins educational operations. The information provided to the SBE for review and comment shall include:

- Brief report by the Educational Study Panel on the results of the school's benchmarking approach to developing the high school's educational program (see beginning of this section).
- General overview of the curriculum including specific classes to be taught, course descriptions, curricular schedule, and school calendar for grades 9-12.
- Reasonably comprehensive descriptions for each grade level of the core curricular areas listed in *General Provisions of the Charter. Section XIII.A.6. Core Curriculum* organized by curricular and instructional design elements (i.e., instructional objectives, instructional design, instructional delivery, differentiation, assessment, and instructional materials as discussed in *General Provisions of the Charter. Section XIII.A.5. Curricular and Instructional Design*).
- Reasonably comprehensive descriptions of how the school will help all high school students meet the school's desired exit outcomes for academic excellence, character development, and life skills as discussed in *General Provisions of the Charter. Section XIII.B. Measurable Student Outcomes*, including students who are academically low achieving (see *General Provisions of the Charter. Section XIII.A.11*), students who are gifted (*Section XIII.A.12)*, students who are English language learners (*Section XIII.A.13)*, and students who have special needs (*Section XIII.A.14*).
- Reasonably comprehensive descriptions of the schedule and types of assessments to be used to monitor a high school student's progress toward meeting the "benchmark skills" (i.e., promotion standards) that students must demonstrate to progress through the continuum of skill and grade levels (see *General Provisions of the Charter: Section XIII.A.18. Grading System and Report Cards*; *Section XIII.A.19. Student Promotion and Retention Policy*; *General Provisions of the Charter. Section XIII.B. Measurable Student Outcomes*; and *Section XIII.C. Evaluating Student Performance*).

New West shall provide the SBE with this comprehensive outline of the school's educational program for the high school grades as soon as possible but not later than May 15~~,~~ of the year that New West plans to commence instruction ~~2002~~ (see *General Provisions of the Charter. Section III. Conditions of Approval*). The SBE shall make a written determination about the soundness of the educational program within 15 days of having received all the information it requires. If the SBE identifies deficiencies in the educational program, then New West shall have the opportunity to correct the problems and resubmit for SBE approval of the educational program. Under no circumstance shall New West be allowed to begin educational operations at its high school site before the SBE is satisfied with the school's educational program.

1. Students to Be Served

New West will provide for the free, nonsectarian, public education of all middle school and high school students in grades ~~6-8~~6-12 who desire a broad and comprehensive foundation in reading and language arts, mathematics, science, and history and social science supplemented by a variety of enrichment programs in the visual and performing arts, world languages, health and physical education, and extracurricular activities designed to enhance the core curriculum. New West's educational program ~~will~~ focuses on middle school students who want to develop the skills, knowledge, and attitudes that prepare them to be successful in college preparatory courses at the high school level, and high school students who seek to be successful in college. ~~as well as in continued~~

educational pursuits throughout their lives. The school, which will beis open to any student who wishes to attend, will enrolls a multi-cultural, multi-ethnic, socioeconomically diversified student body without respect to race, sex, color, ethnicity, national origin, or disability. New West will promotes the school's philosophy and vision throughout the greater Los Angeles area to attract students and families who share the school's core beliefs about quality education, home/school/community partnership, and shared local control of the school's operation and educational program. For geographic reasons, many most New West students come from Westside neighborhoods served by the Los Angeles Unified School District LAUSD (primarily), Beverly Hills Unified School District, Culver City Unified School District, Inglewood Unified School District, and Santa Monica-Malibu Unified School District. will probably come from the "Palisades School Family" of charter elementary schools that serve families living in proximity to Brentwood, Pacific Palisades, Topanga Canyon, and adjacent areas on the west side of Los Angeles. New West's educational program will addresses students of all abilities — ranging from those who require remedial attention to the high proportion of gifted and talented children who graduate from the local public and private elementary schools — in a manner that will meets the individual needs of each student. Special emphasis will beis placed on remediation through expanded learning experiences for academically low achieving students. New West will havehas a full service special education program that provides all special needs children with an appropriate education in a least restrictive environment that assures students with disabilities will have full access to the school's educational program to the same extent as students without disabilities (see *General Provisions of the Charter. Section XV. Special Education*).

2. What It Means to Be an "Educated Person"

The process of education is the development of knowledge and cognitive abilities, physical and interpersonal skills, emotional and attitudinal predispositions, and character formation and work habits. New West recognizes that the domain of education is broader than formal schooling. Accordingly, New West will integrates the formal schooling that takes place within its walls with a broader perspective in order to equip students to live — and continue to learn — in an increasingly complex and information-rich modern world. Thus, New West will havehas the objective of enabling students to become self-motivated, competent, and lifelong learners.

New West students will works with parents, teachers, and community members to become actively involved in their own learning, both in determining the nature of their educational endeavors and in being active participants in their learning experiences. At New West, middle school and high school students will develop their abilities to think about and discuss ideas and issues critically, and to question and inquire about the world around them. They will understand the rigors of mathematical proof and how to apply the scientific method of investigation. They will remain intellectually flexible. They will beare able to analyze and understand complex systems. They will learn to think holistically, abstractly, and creatively. They will understand how to set and achieve goals in a variety of situations. They will learn to reason critically and creatively. They will communicate with clarity, focus, and understanding of the audience they are addressing. These skills will allcan be acquired because of the abilities of carefully selected teaching professionals who will use teaching materials and methods appropriate for communicating the thought processes and philosophy to which New West subscribes.

Students at New West will develop academic and social skills appropriate for an ever-changing, globally interconnected, multicultural, and multiethnic world. New West recognizes that society in the new century will beis an informational society requiring high

levels of literacy, clarity of thinking skills, and increased abilities to process information. Indeed, so much information is available and accessible in today's world that New West students ~~will~~ must learn not only to access information, but also to use, filter, and critically analyze that information. In addition, New West graduates ~~will~~ must have a concept of themselves as being part of a larger, interconnected system of life in which national and global interdependence continues to increase as technology becomes more powerful, accessible, convenient, and complex. They ~~will~~are, therefore, as part of their New West experience, ~~be~~ involved in meaningful, productive, flexible, and adaptive learning, with the purpose of their public school education being the development of genuine learning skills. Graduates of New West will know how to live and learn in this new and ever-changing world.

Students at New West ~~will~~ learn to be proactive in their social behavior and choices. They ~~will be~~ are able to act ethically and to take responsibility for their own actions. They ~~will be~~are able to work and live harmoniously with others in a multicultural and multiethnic world. They ~~will be~~are able to understand and relate to the complexity of the natural environment in which they live. They ~~will be~~are able to see the possibility of continuity within change and, with their awareness of the integrity of the system of life always lively at any level of their activity, they ~~will be~~are able to interact with their natural and human environments in which they find themselves in ways that are flexible, purposeful, and creative.

3. How Learning Best Occurs

New West ~~will~~ recognizes that learning best occurs when children are immersed in a culture of education that both challenges and nurtures their development as individuals. Teachers, parents, and community members must create a shared culture — an environment that is unified by the high value placed on education. In the culture ~~we~~ New West seeks to create, education is not merely a stage to be traversed on the route to adult status, but rather a lifelong perspective that knits together the home, the school, and the community.

Thus, within the educational culture provided by teachers, parents, and community, New West believes students learn best when:

- They become an integral part of a strong educational value system that pervades their home, their school, and their community.
- They are provided with developmentally appropriate challenges to grow both intellectually and emotionally.
- They are provided opportunities to develop multiple dimensions of intelligence and competencies.
- They are intrinsically motivated by the process of learning as facilitated by a constructive educational environment and flexible curriculum adaptive to the needs of individual students.
- They are respected for and encouraged to develop their individual learning styles.
- They are active participants in the educational program through hands-on lessons, an integrated curriculum, and thematic and project-based learning.
- They are encouraged to extend their core learning in reading and language arts, mathematics, science, and history and social science through enrichment activities in the visual and performing arts, world languages, technology, and physical education.
- They are engaged in collaborative and cooperative learning encounters with their peers under the guidance of knowledgeable adults.

- They are engaged in the mastery of facts and in the application of their accumulated factual knowledge to real life situations.
- They have opportunities to demonstrate personal competence and integrity as contributing members of the community.
- They are equipped to develop an understanding of and respect for individual and cultural differences as well as an ability to deal with those differences in a responsible and mature manner.
- They appreciate the interdependence among peoples, which reinforces their ability to empathize with and demonstrate compassion toward others.
- They accept the challenge of transitioning from one language to another, and develop strong English language skills in the most positive and timely manner possible, with the help of skilled teaching staff.

4. Educational Philosophy

New West ~~will~~ uses a common curriculum (for each grade level/course) and a common set of assessments that are aligned with the curriculum. The curriculum ~~will be~~is aligned with state content standards. The primary assessment tools ~~will be~~are of three types: standardized tests, curriculum-specific tests, and ongoing performance assessments that ~~will be~~ used to continuously monitor progress of each student's learning. New West ~~will~~ places a heavy emphasis on teacher learning as well as student learning.

Teacher learning, like that of students, ~~will~~ primarily takes place at the school, in the context of the specific standards, curriculum, and assessments being used. The school week ~~will be~~is organized to give teachers regular, ongoing opportunities to collaborate in the improvement of teaching and learning at the school. Recent research supports this kind of teacher learning as the most effective way to attain long-term gains in student achievement.

a. An Integrated School Curriculum

A sound educational methodology begins with recognition of the limitations of past practice. Knowledge has traditionally been organized and presented to students through specialized subject areas that contain much that is known about the world and how to understand it. New West begins with the presupposition that presenting knowledge as a set of separate, discrete blocks is not an optimal method of engaging the attention or fostering the intellectual and personal development of middle school students. ~~We~~ New West believes it is essential to add another approach — "integrated curriculum that will present knowledge as a more integrated whole in order to show how the various parts fit together."[2]

An integrated curriculum ~~will~~ enables ~~the~~ teachers and students at New West to concentrate intensively on the skills needed to learn as well as the content of the individual subjects. A pedagogy that features an integrated approach ~~will~~ not only increases ~~the~~ students' mastery of the material, it ~~will~~ furthers the development of their reasoning, logic, and analytic skills. A synergistic program of community service ~~will~~ enables students to reinforce their academic achievements by putting their knowledge to practical use.

[2] For an excellent statement of this research, see J. Beane, "The School: The Natural Home of Integrated Curriculum" in Educational Leadership (Volume 49, Issue 2, October 1991).

New West's middle school educational methodology addresses itself directly to the question "what does it mean to be an educated person in the 21st Century?"[3] A meaningful and qualitative educational program must address itself to all aspects of a student's personal development. It must impart not only a set of core intellectual skills but also a sense of values including a commitment to function as a responsible member of a civic community. As educated persons of the 21st Century, graduates of New West will have strong concepts of themselves as self-motivated, competent, and lifelong learners. They will have academic and social skills appropriate for an increasingly technological, ever-changing, globally inter-connected, multicultural world.

The educational program at New West ~~will~~ also addresses the development of intuitive and inter-personal skills that will allow New West graduates to behave responsibly and prudently, as they become proactive in their social behavior and social choices. New West students will have gone far toward the development of a normative understanding of the need to treat those they meet in life as individuals and not as members of a particular gender, ethnic, cultural or language group. Only by developing this understanding will they be able to work and live harmoniously with others in a multicultural and multiethnic world.

b. Personalized Learning Environment

~~New West will limit its enrollment to no more than six hundred (600) students, or two hundred (200) at each of the three grade levels. The ratio of students per teacher will be no more than 33:1 under the "Core Curriculum" budgetary scenario, but New West endeavors to reduce class size to 25:1 by combining cost savings with fund raising under its "Supplemental Enrichment Curriculum" budgetary scenario.~~ New West emphasizes the individual student through its small school and small class size. New West will further reduce effective class size, as funding permits, by utilizing trained teaching aides, parent volunteers, and Scholars-in Residence working under the direction of classroom teachers, to provide help as necessary to insure the progress of each student to meet individual needs. Individual needs will also be met by having students be "mobile" by moving through the school day among classrooms and sub-groups that best suit their proficiency in a particular subject, and by having students participate in remedial programs during and after school as may be required. Through these methods, New West expects to promote academic achievement for all students ranging from those who are low achieving to those who are highly gifted.

c. Diversity of Learning Styles

Students are best served by classroom teaching that recognizes the many facets of learning, the variety of learning styles (e.g., oral, visual, or kinetic), and the diversity of abilities among students. Students deserve an educational curriculum and an educational methodology that enable them to master a heterogeneous subject matter in a manner that fosters a devotion to education as a lifelong process. Students further need an educational approach that assigns high priority to problem solving, critical thinking, and the development of oral, written, and artistic communication. Students need and deserve the opportunity to develop fully the skills at which they individually excel, whether they are verbal, quantitative, analytic, social, performing, or visual talents, while at the same time realizing their maximum potential in other skill areas.

[3] We have been much influenced by the report of the Carnegie Council on Adolescent Development, Turning Points: Preparing American Youth for the 21st Century (New York: Carnegie Corporation, 1989).

d. Self-Actualizing Students

New West's ~~will have an~~ educational environment ~~that~~ begins with the question: what will it take to give New West's students the very best chance to become self-actualizing, reasonable, proficient, and caring adult members of society? New West's answer begins with the proposition that students deserve the deepest possible investment that educators and parents can make in terms of psychological, material, and intellectual resources.

e. Social Awareness

Students in the middle school and high school years benefit greatly from the opportunity to participate in extracurricular social activities that foster the values of cooperation and of sharing responsibility. To nurture this dimension of students' development, New West ~~will~~ provides numerous social forms of participation such as after-school clubs, athletics, and programs. ~~a drama club, chorus, orchestra, and a student newspaper.~~ The local community is especially rich in parents who are involved in the arts, media, journalism, science, technology, business, medicine, and law. Parental involvement will make this dimension of New West's educational program especially rich.

f. Recognition for Educators

Fundamental to the New West venture are well-qualified teachers whose professional morale is buoyed by the personal esteem and appreciation of parents whose children they teach. Teachers ~~will~~ must be treated as valued professionals whose knowledge of the educational process, derived through long and ongoing training in how to accomplish the best, is the absolute prerequisite for the success of New West. Teacher morale must be further reinforced by providing structured and fully regularized opportunities for teachers to make their own professional inputs into the educational curriculum and they way it is taught. Educational research has shown that the teachers whose students perform best are those who have the critically important educational opportunity of small classes. Teachers ~~will~~ must also ~~enjoy~~ have available a full range of modern amenities including audio-visual services and high capacity connections to internet technology. Most importantly, teachers ~~will~~ must enjoy the ~~benefit immeasurably from the~~ supportive assistance of parent volunteers, teaching aides, and Scholars-in-Residence (see *General Provisions of the Charter: Section XIII.A.10. Scholars-in-Residence Program*). New West shall conduct an annual survey of faculty, staff, and volunteers regarding the school's educational program with an emphasis on how the school might be improved to better fulfill its Mission Statement. An analysis of the survey shall be published as part of the school's annual Programmatic Performance Report (see *General Provisions of the Charter. XIII.I.2*).

g. Parental Involvement

~~The Founders of~~ New West believes that close, strong, on-going collaboration between parents and educators is the single most important determinant of student success. To that end, each parent of a New West student will be encouraged to commit time and effort to the school. Parents ~~will be~~are asked to contribute their personal and professional skills on a volunteer basis in the classroom to achieve New West's goal of personalized instruction. The goal is to have home, school, and community viewed as three facets of a single, seamless educational value system. To this end, New West ~~will~~ shall have an agreement that outlines what is expected of

parents with respect to participating in their children's education (see *General Provisions of the Charter: Section XIII.D.5.c. Home-School Contract*).

h. Mutual Accountability

People perform best when they know most clearly what is expected of them, as well as the consequences of meeting (or failing to meet) those expectations. Everyone in the New West community ~~will have~~has a hand in determining the school's academic and behavioral standards, and stakeholders ~~will~~ join together in monitoring individual and collective progress at the school. ~~Appropriate incentives and penalties will be instituted, with the aim of maximizing each individual's accomplishment.~~ The feeling New West ~~hopes to~~ fosters is one of *ownership* — it should be second nature for every member of the school's community to think of New West as "*my* school."

i. Some Specific Program Goals

The following perspectives serve as a useful summary of objectives that ~~will~~ guide New West's ~~as it develops its~~ philosophy of middle school and high school education ~~into a detailed educational program~~.

- New West, in striving for innovation and excellence in education, ~~will~~shall use the California state content standards for reading and language arts, mathematics, science, and history and social science as a "floor" or "foundation" on which to build, not a "ceiling" for which students must strive.
- New West ~~will~~shall provide greater learning opportunities for its students through small class size and, possibly, longer school days or a longer school year.
- New West ~~will~~shall emphasize "individualized" learning throughout the school, through differentiated instruction that maximizes the exceptional abilities of each student, allowing them to excel or remediate as necessary.
- New West ~~will~~shall celebrate a strong partnership between students, parents, teachers, administrators, staff, and community members.
- New West ~~will~~shall emphasize multi-disciplinary studies in a curriculum that takes a traditional, rigorous approach to all subjects.
- New West ~~will~~shall encourage students to be innovative and high achieving — i.e., the "leaders of tomorrow" — with confidence, diplomacy and integrity.
- New West ~~will~~shall develop a gender-neutral curriculum to support all students' access, real and perceived, to all aspects of school life.
- New West ~~will~~shall promote a broad program of enrichment and extracurricular activities designed to complement the school's curriculum.
- New West ~~will~~shall implement a system of individual accountability to measure student achievement and collective accountability to measure the school's progress toward its educational goals.
- New West ~~will~~shall utilize portfolio collections of student work evaluated according to school-wide rubrics for monitoring student progress.
- New West ~~will~~shall have a collegial system, utilizing Faculty Mentors for advising students.
- New West ~~will~~shall employ credentialed/certificated teachers, who ~~will~~shall be chosen for their demonstrated excellence in their fields of study, their ability to work collaboratively, their excitement about the prospect of ongoing professional

development, and their commitment to the opportunities available to charter schools.

- New West ~~will~~shall have teaching aides, parent volunteers, and "Scholars-in-Residence" to help in the classroom, to offer enrichment and extracurricular experiences, and to help inspire and model a love of learning in the school's students.
- New West ~~will~~shall expect parent participation as one of the cornerstones of its educational program.
- New West ~~will~~shall promote community involvement in the school and require student involvement in the community.

5. Curricular and Instructional Design

New West's central focus in curricular development ~~will be to~~is aligning and ~~integrate~~ integrating state content standards, state curriculum frameworks, the school's desired exit outcomes, multiple measures of assessment, and relevant classroom instructional methods and materials. New West ~~will~~ organizes the design and implementation of its educational program around the following curricular and instructional dimensions applied to each of the core academic content areas discussed in the next section:

- **Instructional Objectives.** ~~Definitions~~ Define~~of~~ what ~~will be~~is taught and learned (i.e., the state content standards for each area of the curriculum as identified by subject in the next section).
- **Instructional Design.** Strategically select~~ion~~ and ~~sequencing~~ sequence ~~of~~ information to be taught, including what to teach, when to introduce skills and concepts, how to select examples, how to integrate standards, and how to teach for transference and generalization.
- **Instructional Delivery.** **Establish** ~~P~~procedures and strategies ~~that~~ for teachers ~~use~~ to develop students' skills and knowledge, including what teachers and students do (e.g., modeling, pacing, reinforcement, questioning, corrections, feedback) and the structure of delivery (e.g., teacher demonstration or modeling, guided practice, peer-mediated instruction, and independent practice and application).
- **Differentiation.** **Establish** ~~P~~procedures and strategies for students with special academic, emotional, or physical needs, for students who are advanced learners, and for students who are English language learners, including decisions about modification of materials and the pacing of content and objectives.
- **Assessment.** Three critical purposes should be addressed: entry level assessment for instructional planning (i.e., how to determine skill levels through meaningful indicators of proficiency prior to instruction); monitoring student progress toward the instructional objective (i.e., how to determine student progress on skills and concepts during instruction); and post-test assessment toward learning standards (i.e., how to determine the teaching effectiveness and student proficiency after instruction).
- **Instructional Materials.** Establish criteria for selecting instructional materials that: have an appropriate sequencing of content, skills, and strategies; provide an adequate number and range of examples; address prerequisites for learning through a sufficient review of previously taught content, skills, and strategies; and include assessment tasks that parallel the content to be mastered.

~~This outline will also be used to organize the assessments to be made by the Educational Study Panel of the five middle schools whose educational programs may serve as a model for New West.~~

6. Core Curriculum

The primary resources for determing the detailed content and scheduling of the curriculum for core disciplines shall be:~~will be developed before the New West begins instructional operations. The primary resources for defining New West's curriculum shall be:~~

- State curriculum frameworks developed by the California Curriculum Development and Supplemental Materials Commission and adopted by the California State Board of Education.
- State content standards developed by the California Commission for the Establishment of Academic Content and Performance Standards (Academic Standards Commission) and adopted by the California State Board of Education pursuant to the Leroy Greene California Assessment of Academic Achievement Act [Education Code 60600 et seq.].
- State content standards developed by the California Department of Education as part of the Challenge School District Initiative for School District Reform.

These state curriculum frameworks and state content standards, as cited individually below, are incorporated by reference as part of the Charter. ~~The Educational Study Panel will~~New West uses these frameworks and standards as the baseline control for assessing ~~the~~ the school's curriculum. ~~of each of the five middle schools chosen as potential models for New West's educational program.~~ New West will incorporate revised versions of the state curriculum frameworks and state content standards as they become available. The sections below outline some of the fundamental principles that ~~will~~ guide ~~the formulation of~~ the school's curriculum.

a. Reading and Language Arts

With regard to the basic tenets for teaching reading and language arts in grades ~~6-8~~6-12, New West will:

- Make reading and language arts exciting, relevant, and fun!
- ~~Develop~~ Present an effective reading and language arts curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Reading/Language Arts Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1999).
- Cover the grade-level curricular content specified in *English-Language Arts Content Standards for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1998).
- Emphasize content and learning experiences in reading and language arts that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.
- Emphasize reading and language arts as central to all academic subjects for obtaining and communicating information.
- Teach fiction and non-fiction writing.
- Set high standards for fundamental spelling and grammar skills.
- Teach students strong, fundamental skills for researching information, taking notes, organizing ideas, developing an outline, using the dictionary, and editing and revising.

- Develop oral communication skills through group discussions and classroom presentations.
- Expose students to the different modes of written expression, from poems to movie scripts, as well as the diversity of literature through time and across cultures.
- Develop the mechanics of creative writing, journalism, business communication, and scientific writing.
- Recruit a cadre of Writers-in-Residence (e.g., volunteers who professionally rely on reading and language arts such as authors, journalists, and screen writers from the community) who want to participate in classroom teaching, supervise projects, and give "Master Classes" such as creative writing as part of the school's enrichment and extracurricular educational program.

b. Mathematics

With regard to the basic tenets for teaching mathematics in grades ~~6-8~~6-12, New West will:

- Make mathematics exciting, relevant, and fun!
- ~~Develop~~ Present an effective mathematics curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Mathematics Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1999).
- Cover the grade-level curricular content specified in *Mathematics Content Standards for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1999).
- Emphasize content and learning experiences in mathematics that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.
- Emphasize fluency with traditional (abstract) mathematical concepts, statistics, and computation skills.
- Employ innovative and interactive teaching methods that have proved most effective in teaching mathematics including its relevance as a life skill for everyday living.
- Use a serial approach to the continuum of mathematics to provide the necessary building blocks for deeper conceptualization.
- Integrate mathematics with scientific quantification to emphasize the interrelationships among math, science, and technology.
- Use the computer as integral part of the study of mathematics.
- Recruit a cadre of Mathematicians-in-Residence (e.g., accountants, engineers, and other community volunteers who use mathematics on a daily basis) who want to participate in classroom teaching, supervise projects, and give "Master Classes" as part of the school's enrichment and extracurricular educational program.

c. Science

With regard to the basic tenets for teaching science in grades ~~6-8~~6-12, New West will:

- Make science exciting, relevant, and fun!
- ~~Develop~~ Present an effective science curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Science Framework for California Public Schools: Kindergarten through Grade Twelve*, (California Department of Education, 1990; a revised curriculum framework for science is expected to be completed in 2001).
- Cover the grade-level curricular content specified in *Science Content Standards for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 2000).
- Emphasize content and learning experiences in science that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.
- Develop a traditional and an integrated science program that combines the core sciences of biology, physics, and chemistry, each year.
- Teach students to understand and intuitively use the scientific method: identify a problem and pose relevant questions, state a hypothesis, conduct an experiment, understand the variables, analyze the data, and reach a conclusion or solution that serves as the hypothesis for the next round of inquiry.
- Compensate for traditional gender bias experienced by girls in science, which becomes especially prevalent at the middle school level, by choosing teachers and textbooks that make scientific knowledge and inquiry exciting to all students.
- Study science in a global context that addresses environmental issues and their social implications.
- Introduce the basic concepts of physics and chemistry so that students may develop an early appreciation for these subjects.
- Teach science and mathematics as co-operative and closely integrated subjects.
- Use the computer as an integral part of science and technology for information retrieval, data acquisition, scientific analysis, and communication of results.
- Take science field trips that integrate with the curriculum and enrich the appreciation for science and technology.
- Engage students in Science Portfolio Projects and Science Fair Projects that are accomplished on site with the help of “tutors”, “volunteer” parents, and “service learning component” high school and college students.
- Recruit a cadre of Scientists-in-Residence (e.g., volunteer professional scientists and engineers from the community) who want to participate in classroom teaching, supervise projects, and give “Master Classes” as part of the school’s enrichment and extracurricular educational program.

d. History and Social Science

With regard to the basic tenets for teaching history and social science in grades ~~6-8~~6-12, New West will:

- Make history and social science exciting, relevant, and fun!
- ~~Develop~~ Present an effective history and social science curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *History-Social Science Framework for California Public Schools: Kindergarten through Grade Twelve*, (California Department of Education, 1997; a revised curriculum framework for history and social science is expected to be completed in 2002).
- Cover the grade-level curricular content specified in *History-Social Science Content Standards for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 2000).
- Emphasize content and learning experiences in history and social science that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.
- Treat a thorough knowledge of geography as fundamental to understanding the flow of history, the interrelationships among the world's peoples, and man's interaction with the natural world.
- Study the contributions of scientists, writers, explorers, composers, artists, leaders, and keepers of the cultural heritage in perspective to their time and place in history.
- Present historical material through many mediums: performance, literature, historical letters and other primary sources, art, biography and historical account.
- Develop in students a global perspective on the diversity of cultures, and the dignity of the individual by using comparative philosophy, ethics, religion, economic systems and government, as well as foods, fashions and the arts, to sensitize students to the world around them and the diversity families they live among.
- Teach cultural diversity, both ancient and modern, through studying archeology, anthropology, history, and geography.
- Seek a grant to create an International Studies Program that interrelates language and cultural studies to all other subjects studied at New West.
- Recruit a cadre of Scholars-in-Residence (e.g., community volunteers who are historians or social scientists) who want to participate in classroom teaching, supervise projects, and give "Master Classes" such as archeology or religions of the world as part of the school's enrichment and extracurricular educational program.

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e. World Languages

With regard to the basic tenets for teaching world languages in grades ~~6-8~~6-12, New West will:

- Make learning a second language exciting, relevant, and fun!
- ~~Develop~~ Present an effective world languages curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Foreign Language Curriculum Framework K-12* (California Department of Education, 2001).
- Cover the grade-level curricular content specified in *Foreign Language Standards: Draft Interim Content and Performance Standards* (California

Department of Education, 1995; revised content standards for foreign languages are expected to be completed in 2003) and *Standards for Foreign Language Learning: Preparing for the 21st Century* (American Council on the Teaching of Foreign Languages, 1995).

- Emphasize content and learning experiences in world languages that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics listed in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.
- Take advantage of developing brain pathways at an early enough age to make language acquisition easy, and to use the learning of languages to open new pathways in the brain.
- Offer several choices in second languages, modern and classical, such as Spanish, French, Chinese, Japanese, or Latin, as feasible.
- Use the study of language to help develop international competence by increasing students' awareness and appreciation of other cultures and beliefs.
- Teach world languages in an immersion program if possible.
- Establish a language lab to promote language acquisition.
- Use an integrated approach in which reading and the language arts facilitate and reinforce language fluency.
- Study great books in their original languages.
- Seek a grant to create an International Studies Program that interrelates language and cultural studies to all other subjects studied at New West.
- Recruit a cadre of Linguists-in-Residence (e.g., community volunteers fluent in languages other than English) who want to participate in classroom teaching, supervise projects, and give "Master Classes" as part of the school's enrichment and extracurricular educational program.

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f. Visual and Performing Arts

With regard to the basic tenets for teaching the visual and performing arts in grades ~~6-8~~6-12, New West will:

- Make learning about the visual and performing arts exciting, relevant, and fun!
- ~~Develop~~ Present an effective visual and performing arts curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Visual and Performing Arts Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1996; a revised curriculum framework for visual and performing arts is expected to be completed in 2003).
- Cover the grade-level curricular content specified in *Challenge Standards for Student Success: Visual and Performing Arts* (California Department of Education, 1998) and *National Standards for Arts Education: What Every Young American Should Know and Be Able to Do in the Arts* (Consortium of National Arts Education Associations, 1994)
- Emphasize content and learning experiences in the visual and performing arts that allow students to develop the skills, knowledge, and attitudes necessary to meet the measurable student outcomes for critical thinking and core academics

listed in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.

- Treat the visual and performing arts as an integral component of a balanced liberal arts education.
- Implement the visual and performing arts as a comprehensive, curriculum-based educational component, designed to introduce art, music and culture, both in the classroom setting, and in combination with multiple museum and concert visits.
- Incorporate in the curriculum slide-illustrated and music-recording discussions, as well as studio art, music, and performance experiences.
- Study the visual and performing arts from both historical (classical) and contemporary (multi-media, digital arts) perspectives.
- Train teachers through intensive professional development workshops to use the visual and performing arts as a way of studying and communicating about core academic subjects.
- Recruit a cadre of Artists-in-Residence (e.g., artists, musicians, and actors from the community) who want to participate in classroom teaching, supervise projects, and give "Master Classes" as part of the school's enrichment and extracurricular educational program.

g. Physical Education and Health

With regard to the basic tenets for teaching physical education and health in grades ~~6-8~~6-12, New West will:

- Make physical education and health exciting, relevant, and fun!
- ~~Develop~~ Present an effective physical education curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Physical Education Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1994; a revised curriculum framework for physical education is expected to be completed in 2002).
- Cover the grade-level curricular content specified in *Challenge Standards for Student Success: Physical Education* (California Department of Education, 1998) and *Moving into the Future: National Standards for Physical Education: A Guide to Content and Assessment* (National Association for Sport and Physical Education, 1995).
- Develop an effective health curriculum using the grade-level considerations, instructional strategies, and assessment guidelines outlined in *Health Framework for California Public Schools: Kindergarten through Grade Twelve* (California Department of Education, 1994; a revised curriculum framework for physical education is expected to be completed in 2001).
- Cover the grade-level curricular content specified in *Challenge Standards for Student Success: Health Education* (California Department of Education, 1998).
- Provide a physical education program that offers both individual and team sports including volleyball, soccer, basketball, baseball, softball, track, dance, gymnastics, and other physical activities that promote fitness, teamwork, and individual abilities.
- Focus on issues of good-sportsmanship, maintaining a healthy body, and performing at their personal best in an atmosphere of fun.

- Have students learn and apply good physical, social, and emotional health concepts related to healthy nutrition, substance abuse, sex education, and other issues.
- Recruit a cadre of Coaches-in-Residence (e.g., community members with special athletic talents or coaching experience) who want to participate in physical education instruction, supervise sports, and give "Master Classes" as part of the school's enrichment and extracurricular educational program.

7. Instructional Materials

New West shall continuously evaluate from year-to-year the instructional materials used in its educational program. New West ~~will rely~~relies on the professional judgment of its teachers to select educational materials that best meet the needs of students at the different grade levels. Educational materials ~~will be~~are selected from state-adopted lists to be sure that they reflect state content standards for reading and language arts, mathematics, science, and history and social science. New West shall include professional development time for teachers to learn how best to use the selected instructional materials in the curriculum. New West shall plan ahead to insure ~~have~~ sufficient textbooks, workbooks, computer software, and other instructional materials for ~~300~~ all enrolled students ~~in the first year of operation and an additional 300 students when New West reaches full enrollment in 2004-05~~. New West will print its own report cards and purchase assessment tools such as testing texts and state and national standardized testing materials as needed.

8. Community Service Learning Component

To further prepare students for life and work in the often-bewildering universe of the 21st Century, New West shall seek out community relationships that provide additional learning opportunities through civic, charitable, social, or environmental involvement. Educational research has conclusively demonstrated the remarkable educational synergy between service activity and the student's educational attainment.[4] ~~school~~ School teachers who have embraced service learning as an instructional methodology stress the remarkable compatibility between educational achievement and service activity. Leading educational researchers have also established that a service activity can constitute a vital component of a middle school curriculum.[5] Useful strategies for incorporating a community service-learning component into New West's curriculum are outlined in *Service Learning Standards: Draft Interim Content and Performance Standards* (Superintendent's Challenge Initiative, California Department of Education, 1995). The *Challenge Toolkit*, which is part of the State Superintendent of Public Instruction's Challenge Initiative, includes a service-learning component that outlines the principles of community service learning and describes model projects. An integral part of the community learning component of the curriculum ~~will be~~is the Scholars-in-Residence Program that brings knowledgeable parents and community members to campus to participate in various aspects of New West's educational program (see *General Provisions of the Charter: Section XIII.A.10. Scholars-in-Residence Program*).

[4] See, for example, Ron Schukar, "Enhancing the School Curriculum through Service Learning" in Theory into Practice (Summer 1997, Vol. 36, Issue 3).
[5] P. Hurd, J. T. Robinson, M.C. McConnell, and N.M. Ross, The Status of School and Junior High School Science (Boulder [CO]: Biological Sciences Curriculum Study. 1981).

9. Enrichment and Extracurricular Programs

New West shall implement an extensive program of in-school enrichment programs and after-school extracurricular activities. The purpose of these programs shall be to supplement and complement classroom instruction in the core academic areas, and to provide ancillary experiences for students that broaden their skills, knowledge, and attitudes in areas not addressed by New West's formal curriculum. The nature and schedule of activities will vary as parents come and go, as community members volunteer their time, as the educational needs of classroom teachers evolve, and as the interests and talents of the student body change from year to year. The enrichment and extracurricular programs ~~will be~~are presented or supervised by ~~Scholars-in-Residence as described in the next section~~the Enrichment and Extracurricular Activities Committee.

10. Scholars-in-Residence Program

New West's ~~will develop a~~ Scholars-in-Residence Program ~~to~~ supplements and complements the core instructional program taught by the school's credentialed teachers. Scholars-in-Residence ~~may~~ include: parents, interested community members, or hired part-time teachers, who are, for example, authors, journalists, or screen writers (Writers-in-Residence), accountants or engineers (Mathematicians-in-Residence), historians or social scientists (Scholars-in-Residence), scientists or engineers (Scientists-in-Residence), fluent in a foreign language (Linguists-in-Residence), artists, musicians, or actors (Artists-in-Residence), and athletes or coaches (Coaches-in-Residence). These people, who are experts through education, training, professional practice, or avocation, ~~will~~ inspire and model the love of learning and high achievement. The intent is to have a substantive number of volunteer educators who can be called on to participate in classroom activities and supervise projects under the direction of the classroom teachers, and to offer "Master Classes" as part of the school's enrichment and extracurricular educational program.

11. Academically Low Achieving Students

New West shall have the goal of increasing learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving. The initial component of New West's program for low-achieving students shall be early identification of students with deficiencies in any academic subject but especially mathematics, reading, and written expression. New West shall notify parents of low-achieving students so that they can be actively involved in the development and implementation of remediation of their children's academic deficiencies. Students at risk of failing to meet state adopted standards applicable to charter schools, or who are at risk of retention, shall receive extra attention in and outside the classroom. Raising the proficiency of academically low-achieving students ~~will~~ usually involves some combination of differentiated instruction (see the next section), required supplemental education classes after school, on weekends, and/or during the summer, and at-home remedial work. Emphasis ~~will be~~is on methods that allow low-achieving and at-risk students to gain new knowledge, learn new strategies for acquiring information and solving problems, and enhance their perspective on the value and excitement of learning.

Professional development for New West's teachers shall include specific training in recognizing academically low-achieving students, understanding how they can be helped to raise their achievement levels, and applying appropriate methodologies including differentiation in the classroom. The school's role shall include counseling parents about parenting styles that foster high educational expectations of children, the cognitive and

socio-emotional needs of low-achieving children, and strategies to use at home to reinforce and extend the remedial efforts being made at school.

12. Gifted and Talented Students

New West shall address the needs of gifted and talented students whose learning characteristics, thinking aptitudes, and abilities differ significantly from those of their same-aged peers. New West shall develop differentiated learning environments in which gifted and talented students can acquire skills and understanding at advanced ideological and creative levels matching their potentials. Differentiated instruction shall include complexity (making connections or seeing relationships), acceleration (advanced content through curriculum compacting), novelty (introducing new areas of study), and depth (exploring a subject in greater depth). Differentiation ~~may~~ involves lessons, discussions, and approaches that involve the whole class, flexible groups within a class with students changing groups to be taught at the appropriate level, tiered lessons that have specific learning objectives aligned to the needs of individual students, or clustering of students in special classes. Assessment and identification of gifted and talented students shall be based on intellectual, creative, academic, or leadership ability and achievement, talent in the visual and performing arts, or other criteria that the school finds appropriate.

Professional development for New West's teachers shall include specific training in recognizing gifted and talented students, understanding what differentiated instruction is, and applying differentiation in the classroom. The school's role shall include counseling parents about parenting styles that support giftedness, the cognitive and socio-emotional needs of high-achieving children, and strategies to use at home to reinforce and extend differentiated experiences at school. The Governance Council shall approve policies and procedures for identifying gifted and talented students. The Governance Council shall also be responsible for approving programs and services provided to gifted and talented students that reflect any applicable laws governing charter schools.

New West believes that differentiated instruction according to the abilities and achievement levels of individual students is the appropriate methodology for addressing the needs of all students from the lowest achieving to the most highly gifted. Differentiation provides a richer, more meaningful learning experience for all students by insuring that instruction is individually tailored to engage each student to fully achieve their potential. Consistent, frequent use of differentiation over time ~~will~~ raises achievement levels of all students in the class.

13. English Language Learners

Learning best occurs for English language learners when there is a program for English language development that assists, encourages, and motivates students in successfully achieving English language proficiency at the fastest possible rate. Such a program includes structured immersion instruction for English learners, such as specially designed academic instruction in English and sheltered English strategies to ensure access by English language learners to the full range of educational opportunities that New West envisions for all its students.

New West shall adopt the goals of the LAUSD Master Plan for the Education of English Language Learners as a model for providing opportunities for all students to become bilingual-biliterate adults. New West's program ~~will be developed so that all~~allows English language learners ~~can~~ to achieve the following:

- Self-esteem and pride in one's language and culture and the ability to relate positively to all cultural groups.

- Academic achievement in all subject areas.
- Academic proficiency in all dimensions of the English language.

The Governance Council shall approve policies and procedures for identifying students in need of English language development. The Governance Council shall also be responsible for approving programs and services for English language development that reflect any applicable laws governing charter schools.

14. Students with Disabilities

New West shall be fully inclusive in providing all special needs students with a free and appropriate education (FAPE) in a least restrictive environment as an integral part of New West's educational culture (see *General Provisions of the Charter. XV. Special Education*). New West's approach to special education shall be an extension of the school's mission to have "a personal learning environment that both encourages and challenges each student according to his or her ability through differentiated instruction within an integrated curriculum" (see *Mission Statement*). New West shall have a full service special education program based on the following values and goals:

- New West shall embrace the diversity of students as individuals and guarantee the right of each student to equity and access to New West's educational opportunities.
- New West shall act as the advocate of each student who requires individualized attention to participate fully in New West's educational program.
- The unique instructional needs of students shall be identified early and accurately, followed by regular, ongoing reassessments of those needs and the school's success in providing for them.
- Students with disabilities, to the greatest extent possible, shall be integrated with non-disabled peers into New West's educational environment that spans a home-school-community continuum of educational experiences, and includes the full range of academic, non-academic, and extracurricular activities.
- The individualized education plan (IEP) of each student shall focus on obtaining powerful, positive results through collaborative partnerships that involve the student, the student's parents, teachers, special education personnel, and school and SELPA administrators.
- The IEP shall be formulated in ways that allow the student with disabilities to meet or exceed New West's high standards for academic excellence, character development, and lifelong learning (see Table 2), and prepare the student to continue these skills at a college preparatory high school.
- Students with disabilities shall be taught or served by fully qualified teachers and special education personnel capable of meeting their needs.
- Regular classroom teachers shall include special education issues as a regular part of their professional development efforts in order to better identify, assess, understand, and serve students with disabilities.
- New West shall base its special education program on research and best practice, and shall have a Special Education Policy Committee to monitor and revise the school's policy and programs accordingly.
- New West shall conform to all federal and state laws in its decisions, programs, and actions to guarantee special needs students with a free and appropriate public education (FAPE).

15. Faculty Mentor Program for Student Counseling

Each student at New West shall be assigned a Faculty Mentor when the student first enrolls at the school. The Faculty Mentor shall be a full-time educator at the school. The mentor and student ~~will~~ meet on a regular basis throughout the three years of middle school and the four years of high school to evaluate the student's progress and discuss any academic or personal difficulties that the student may be having. The Faculty Mentor ~~will~~ closely monitors the development of each student while at the same time serving as an advocate who the student can trust to discuss problems and prospects that may arise at school.

16. Instructional Time, Daily Class Schedule, and School Calendar

New West shall exceed the minimum legally permissible amounts of instruction during each school year for each of the grades ~~6-8~~6-12:

- 180 days [Education Code 46200].
- 54,000 minutes [Education Code 46201(a)(3)(C) and 47612.5(a)(1)].

Providing that these minimal requirements are met, New West reserves the right to determine the length of its school year, the length of its school day, the total number of instructional days, the total number of its instructional minutes, the hours of its daily operation, and other parameters of its instructional calendar to best fulfill its educational program in the best interests of its students. The final school calendar, daily instructional schedule, and program for extended day activities shall be set before the beginning of each school year.

New West anticipates modeling its school calendar after the LAUSD LEARN Instructional School Calendar to be consistent with other schools of the Palisades Complex. ~~The planned New West Instructional School Calendar for 2002-03 is shown in Appendix VI.~~ The calendar has 180 instructional days with 380 instructional minutes four days each week and 260 minutes one day each week for a total of 63,840 instructional minutes per school year. Additionally, provided resources and/or volunteers are available, New West envisions extended day, after-school enrichment, extracurricular, and remedial instruction activities lasting 60-180 minutes depending on the activity and daily school schedule. The calendar includes 9 "pupil free days" scattered throughout the year and 38 "pupil free afternoons" on Wednesdays when students are dismissed 140 minutes early. This pupil free time ~~will be~~can be used by New West's instructional staff for classroom preparation, curriculum development, professional development, staff meetings, and other activities relevant to the school's educational program.

The daily class schedule anticipated for New West will have school beginning at about 8:00 AM and ending at about 3:~~20~~ 30 PM except for early (about 1:00 PM) dismissal on Wednesdays. ~~(see Appendix VI).~~ The morning session will be devoted to core curriculum in reading and language arts, mathematics, science, and history and social science taught in the student's home classroom. There will be a 30-minute lunch recess and several 10 minute between-class breaks throughout the day. The afternoon session will have three 50 minute class periods for teaching a variety of courses that will be scheduled from one to four times each week. Some of the afternoon classes will be required of all students (i.e., physical education and computer science) and others will be scheduled and staffed to best meet the needs of individual students (i.e., world languages, visual and performing arts, enrichment classes, remedial classes in the core curriculum subjects, advanced classes for gifted students, and English language development for English language learners). An after school, extended day program will offer a variety of learning opportunities that complement and supplement the school's

basic educational program. Some of these extended day classes may be required of certain students (e.g., remedial instruction for low-achieving students or English language classes for English language learners) but most will be optional (e.g., enrichment "Master Classes" such as music, art, or languages taught be scholars-in-residence, extracurricular activities such as computer club, chess club, or drama supervised by scholars-in-residence, or athletic activities). New West will also make its facilities available after school for school related activities such as homework and class projects. Meetings between teachers and students for the Faculty Mentor Program will probably also be conducted during after school hours.

17. Attendance

New West shall develop an attendance policy that maximizes both student learning and the revenues available for the school's education program based on average daily attendance (ADA) rates. Regular, continuous attendance shall be one of the school's academic expectations of its students. Suspension or expulsion of students with continued attendance problems shall be governed by New West's discipline policy that includes counseling of students and parents, progressive intervention and remediation, and due process procedures (see *General Provisions of the Charter: Section XIII.J. Discipline Policy including Suspension or Expulsion of Students*).

New West shall develop an attendance accounting system that complies with all state laws and regulations applicable to charter schools regarding attendance records, attendance reports, attendance audits, and ADA accounting, auditing, and certification for the purpose of apportioning school funding. New West shall maintain written contemporaneous records that document all student attendance and shall make these records available for audit and inspection [Education Code 47612.5(a)(2)]. The Fiscal Manager/Assistant Director ~~will be~~is responsible for programmatic as well as day-to-day management of all attendance functions for New West. Student attendance ~~will be~~is recorded daily by hand on attendance cards filled out by classroom teachers. Administrative staff ~~will~~ then transfers attendance information from the daily attendance logs to the school's student information system as part of each student's permanent record. The hand written daily attendance logs ~~will then be~~are archived for future auditing purposes. The student information system ~~will be~~is used to generate attendance summaries and reports required for school funding apportionments or other uses (see *General Provisions of the Charter: Section XIII.A.23. Student Information System*). New West shall develop its attendance reporting system prior to the school commencing instructional operations based on the policies, practices, and procedures used by other charter schools. ~~In recognition of the importance of attendance accounting, New West shall submit its planned attendance reporting system for approval by the SBE not later than June 1, 2002 (see *General Provisions of the Charter. Section III. Conditions of Approval*).~~

18. Grading System and Report Cards

New West shall ~~develop~~ have a grading system and report cards as a means of monitoring student progress toward achieving the school's desired classroom-level, grade-level, and exit outcomes, and as a means of communicating levels of achievement to students and their parents. The report cards shall ~~be designed to~~ reflect:

- Progress at each grade level toward meeting New West's graduation standards for academic excellence (critical thinking and core academics), character development (personal qualities), and lifelong learning (interpersonal and life skills) as described in

Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.

- Competency with respect to grade-level state content standards for the core curriculum in reading and language arts, mathematics, history and social science, and science as adopted by the State Board of Education pursuant to Education Code Section 60605 [Education Code 47605(c)(1)] (see "Core Academics" in Table 2).
- Competency with respect to grade-level state content standards for the supplemental enrichment curriculum in world languages, visual and performing arts, and physical education and health (see "Core Academics" in Table 2).
- English language development (ELD) scores that measure the achievement of English language learners toward English language competency.
- Progress in remedial study for low-achieving students participating in the schools intervention program.
- Performance with respect to world languages, visual and performing arts, information sciences, physical education and health, and other individualized parts of each student's curriculum.
- Development grade-level appropriate work and study habits as well as learning and social skills.
- Evaluation of the community service component of each student's educational program.
- Recognition for participating in enrichment and extracurricular activities.
- Modifications appropriate for students with identified special needs as recommended by the student's IEP Team.

New West anticipates adopting the LAUSD elementary grading system in which academic achievement scores indicate progress toward meeting school and state learning standards (e.g., 1=not proficient, unable to meet the standard; 2=partially proficient, partially meets the standard, 3=proficient, meets the standard; 4=advanced, exceeds the standard). Students will also be graded for their effort toward meeting academic achievement standards (e.g., 1=poor; 2=inconsistent; 3=consistent; and 4=strong). The same four-level assessment will be used for reporting work and study habits and for learning and social skills. English language learners will be graded in their advancement toward meeting state ELD standards in reading, writing, listening, and speaking (e.g., 1= limited progress; 2=partial progress; 3=average progress; 4=advanced progress; 5=met ELD standards). The assessment instruments used to determine student scores are given in Table 2 under *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*.

New West anticipates issuing report cards four times per year (see Proposed Instructional School Calendar in Appendix VI). The first reporting period, which will cover only four weeks of classes (18 school days), will allow early identification of low-performing and high-performing students who will require differentiated instruction to best meet their education needs. The second reporting period will end before the Winter recess (52 school days), the third reporting period will end before Spring Recess (52 school days), and the fourth reporting period will cover the end of the school year (58 school days).

19. Student Promotion and Retention Policies

New West will establish a baseline performance level for each student, upon admission to the school, based upon, but not limited to, standardized test scores from the

last grade attended before entering New West (usually grade 5), student transcripts from the previous year (usually grade 5), testimonials submitted on behalf of the student, and grade 6 classroom proficiency testing of review materials that will take place at New West during the first weeks of school that comprise the first, early evaluation period upon which the first report card is based. This baseline will become part of the student's permanent record.

New West's policy regarding the promotion and retention of pupils shall be compatible and integrated with state standards. New West promotion standards shall be compatible with the entrance expectations of Palisades Charter High School, as well as other local public, private, and parochial high schools, to create a seamless matriculation to the next level of education. New West's promotion standards shall be based on progress toward attaining the skills, knowledge, and attitudes discussed in the next section under *Measurable Student Outcomes*. Measures for evaluating student progress towards New West's graduation standards are discussed below under *General Provisions of the Charter: Section XIII.C. Methods for Assessing Student Outcomes*. New West shall not endorse or practice a policy for grade-level advancement based on "social promotion."

New West's promotion and retention policy will be modeled after the basic elements specified in Education Code Section 48070.5. The policy shall include but not necessarily be limited to the following key points:

- The student's teacher(s) and Faculty Mentor will base the criteria for promotion and retention on a combination of statewide achievement tests (~~Stanford-9~~CST and CAT-6), student classroom grades accounted for in report cards, written evaluations and testimonials, and other authentic indicators of academic achievement as indicated in Table 2.
- With respect to standardized achievement tests, the required levels of proficiency set by New West for promotion to the next grade level will meet the minimum levels required for satisfactory performance established by the State Board of Education.
- Levels of proficiency in reading and language arts, and mathematics, will be given the greatest weight in determining whether to promote or retain students.
- All student records will be accessible for inspection by request from a student's parents.
- Students at risk of being retained will be identified as early in the school year as practicable to allow the greatest amount of time possible for intervention and remediation of weaknesses (e.g., as indicated on the Instructional School Calendar in Appendix VI, the first report card of the year will be issued after just 18 days of school).
- The parents of students at risk of being retained will be notified as early in the school year as practicable and they will be given the opportunity to consult with the educators who will be responsible for the decision to retain or promote.
- There will be a process available to parents to appeal the promotion or retention of students with the burden on the parents to show why the school's decision is in error.
- Intervention and opportunities for remedial instruction will be provided to students who are recommended for retention or who are identified as being at risk for retention.

20. Professional Development for Educators

Professional development, which can be simply described as a lifelong commitment to professional competency, shall be a cornerstone in the educational foundation of New

West. New West shall have the expectation that its educators be enthusiastic about professional development just as the school has the educational objective for its students to become self-motivated, competent, lifelong learners. Continued, sustained professional development and advancement shall be important criteria in yearly evaluations of the instructional staff with regard to salary and promotion.

New West shall make appropriate allocations in its instructional calendar to provide time for professional development. The modified LEARN calendar and the daily instructional schedule that New West anticipates adopting includes nine pupil free days and 38 Wednesdays afternoons for professional development activities. The Director/Principal and the Staff Development Committee of the Governance Council shall be responsible for planning and monitoring professional development activities of the school's instructional staff. Faculty will be encouraged to attend professional conferences, to schedule on-campus workshops and seminars, to confer with other middle school educators, and to meet with elementary and high school faculties to address seamless transitions between schools. Professional development will include time and opportunity for New West faculty to learn about new curricular materials that are adopted for use by the school. Most important, however, is for New West to provide time for its teachers to engage in critical reflection, to learn about pertinent educational issues, and to collaborate with colleagues through formal and informal discussions that will sustain the school's reform efforts. It is through professional development that new teaching methods, new educational interventions, and new innovative programs will be implemented and integrated into New West's educational program.

21. Accountability for the Educational Program

New West's Curriculum and School Programs Committee, which shall have administrators, teachers, and parents as members, shall be accountable for the development of the school's educational program (see *General Provisions of the Charter: Section XIII.D.4. Governance Council Committees)* including selection of books and curricular materials (see *General Provisions of the Charter: Section XIII.A.7. Instructional Materials)*, measurable student outcomes (see *General Provisions of the Charter: Section XIII.B. Measurable Student Outcomes*), and methods for assessing student outcomes (see *General Provisions of the Charter: Section XIII.C. Methods for Assessing Student Outcomes*). New West may rely on the experience of its educators and parents, the educational literature, visits to other schools by the Educational Study Panel, and advice of educational experts and consultants, including instructional experts of the CDE, as may be appropriate to provide guidance about various aspects of the school's educational program. The Governance Council shall have final authority to approve all aspects of the educational program including all material revisions to the educational program that may be required over time.

22. Transportation

New West shall not be responsible for providing transportation between students' homes and the school's campus. Transportation for New West students with special education needs shall be provided as allowed by the applicable SELPA (see Table 3 under *General Provisions of the Charter: Section XV.B. Special Education Policies, Procedures, and Practices*). The cost of transporting LAUSD Permits with Transportation (PWT) students to New West shall be the sole responsibility of the LAUSD. New West shall work cooperatively with the LAUSD in recruiting PWT students from selected schools in a way that maximizes the number of PWT students but minimizes the transportation costs to the district.

23. Student Information System

New West shall maintain a computerized Student Information System (SIS) to manage all student records including enrollment information, demographic information, emergency information, attendance, class schedules, grades, report cards, state standardized test results, disciplinary actions, and any other information that may be relevant about student activity at the school. The SIS ~~will~~ provides data that can be used in a variety of ways including evaluation of student academic progress, ADA accounting, school surveys, the annual programmatic audit, and retrospective studies and prospective projections that may relate to the operation of the school and its academic programs.

24. Matriculation to High School

Students graduating from New West will be prepared in terms of academic excellence, character development, and life-long learning skills to continue their education at a rigorous, college preparatory high school. It is anticipated that most New West graduates will matriculate to New West's high school, the Renaissance Academy, or Palisades Charter High School in the LAUSD as either neighborhood residents or charter students. Other students will continue at the public school nearest their home (e.g., University High School in the LAUSD or Santa Monica High School in the Santa Monica-Malibu Unified School District), at a local parochial school (e.g., St. Monica Catholic High School in Santa Monica), or at one of the many local private schools (e.g., Archer School, Brentwood School, or Crossroads School). Acceptance at any of these public, parochial, or private schools is dependent on the specific and enrollment policies of those schools.

Palisades Charter High School, a large LAUSD campus, recently attained its independent charter status from the LAUSD. Additionally, The Renaissance Academy, a new, small, independent, high school chartered by the LAUSD, plans to open its doors in the Pacific Palisades area. New West will negotiate with both of schools to allow New West to serve as a "feeder school" whose 8th grade graduates are given admission preference for high school.

B. Measurable Student Outcomes

New West shall require that students graduating from grade 8 will have attained the general goals for academic excellence, character development, and life skills that are outlined below in *Table 2: Student Exit Outcomes and Assessment Methods*. More specifically, with respect to academic excellence, measurable student outcomes (graduation standards) at New West shall include competency in the school's rigorous core curriculum that shall be aligned to state content standards for reading and language arts, mathematics, science, and history and social science as adopted by the State Board of Education pursuant to Education Code Section 60605 [Education Code 47605(c)(1)] (the state standards for each content area are identified in *General Provisions of the Charter: Section XIII.A.6. Core Curriculum*). These graduation standards shall be compatible with entrance expectations at New West's high school, the Renaissance Academy, Palisades Charter High School, and other local public, private, and parochial schools.

The school's desired exit outcomes (i.e., Table 2) and the state's mandated content standards are the primary factors that ~~will~~ drive curricular development at New West. Accordingly, over time, New West's curriculum will evolve incrementally as the school refines its student outcomes and adjusts to any changes in state content standards that may become applicable to charter schools.

New West's graduation standards presume the satisfactory progress of students through a continuum of skill and grade levels. Accordingly, New West's exit outcomes will be further

subdivided into a list of the specific content and "classroom-level" skills that are taught in each subject area and grade. These specific grade and skill-level criteria will be based on the California grade-level state content standards for reading and language arts, mathematics, science, and history and social science. Additionally, there will be a similar breakdown of "benchmark" skills (i.e., promotion standards) that students must demonstrate at various points throughout their enrollment at New West to progress to each consecutive grade or skill level. These specific classroom-level and benchmark skills will be incorporated into New West's report cards (see *General Provisions of the Charter: Section XIII.A.18. Grading System and Report Cards*). Methods for assessing the exit outcomes and successive subject area/grade level criteria in measurable terms are outlined in the next section (see *General Provisions of the Charter: Section XIII.C.1. Evaluating Student Performance*).

Exit outcomes, grade-level content, criteria for classroom-level skills, and benchmark standards for students with special needs will be adapted as appropriate according to a student's Individualized Educational Program. Additionally, New West will adopt reading and language arts standards for students with limited English proficiency (LEP) consistent with the English Language Development standards mandated by state law [Education Code 60811].

Table 2. Student Exit Outcomes and Assessment Methods. Assessment methods: ST=standardized tests, P=portfolios, OE=observation/evaluation, SE=self-evaluation, IC=in class tests and quizzes, GP=group projects, CS=community service, STPS=student, teacher, parent surveys.

Exit Outcomes for Students Graduating from New West's Middle School and High ~~Charter~~ School	Assessment Methods
ACADEMIC EXCELLENCE	
• **Critical Thinking**	
– Observational Skills: Students will demonstrate their ability to see and convey findings using all their senses, to consider their audience and choose appropriate communication mediums, and to recognize the depth and breadth needed to get their message across effectively.	ST, P, OE, SE, GP
– Analytical and Reasoning Skills: Students will demonstrate their ability to analyze information and provide accurate details in an organized manner, make fair comparisons, find distinguishing characteristics and put things to the test in a rational way.	ST, P, OE, SE, IC, GP, CS
– Decision Making Skills: Students will demonstrate their ability to evaluate options through the filter of their core ethical values, determine the significance to them personally, and predict the impact their choices will have on themselves and others.	P, OE, SE, STPS
• **Core Academics**	
– Reading and Language Arts: Students will demonstrate mastery in reading, writing, listening, speaking and presentation skills, in multiple forms of expression, with communication skills appropriate to the setting and audience; and will comprehend and critically interpret multiple forms of expression, including	ST, P, OE, SE, IC, GP

Exit Outcomes for Students Graduating from New West's Middle School and High ~~Charter~~ School	Assessment Methods
literature from various time periods and cultures.	
– Mathematics: Students will demonstrate the ability to reason logically and to understand and apply mathematical processes and concepts, including those within arithmetic, algebra, geometry, etc.	ST, P, OE, SE, IC
– Science: Students will demonstrate their ability to successfully utilize scientific research and inquiry methods to understand and apply major concepts underlying various branches of science, which may include physics, chemistry, biology, astronomy, and earth sciences.	ST, P, OE, SE, IC, GP
– History and Social Science: Students will understand and apply civic, historical and geographical knowledge in order to serve as responsible citizens in today's world of diverse cultures.	ST, P, OE, SE, IC, GP
– World Languages: Students will communicate and interact effectively in at least one language in addition to their native language and they will understand key aspects of the culture of the second language.	ST, P, OE, SE, IC, GP, CS
– Visual and Performing Arts: Students will develop an appreciation for the arts, and self and group expression in the various visual and performing arts.	OE, SE
CHARACTER DEVELOPMENT	
• **Personal Qualities**	
– Respect: Students will demonstrate their respect for others by being tolerant of differences, using good manners, being considerate of the feelings of others, and dealing peacefully with anger, insults and disagreements.	OE, SE, STPS
– Caring: Students will show they care by being kind, compassionate, expressing gratitude, forgiving others and helping people in need.	OE, SE, STPS
– Trustworthiness: Students will build a good reputation by being honest, reliable, and loyal, and having the courage to do the right thing.	OE, SE, CS, GP, STPS
– Fairness: Students will demonstrate fairness by being open-minded, listening to others, not taking advantage of others, not blaming others carelessly, and by playing by the rules, taking turns and sharing.	OE, SE, STPS
– Responsibility: Students will always do their best and demonstrate accountability for their choices by doing what they are supposed to do, persevering, using self-control, being self disciplined, thinking before they act and considering the	OE, SE, CS, GP, STPS

Exit Outcomes for Students Graduating from New West's Middle School and High ~~Charter~~ School	Assessment Methods
consequences.	
– Adaptability: Students will demonstrate their ability to embrace change, challenge assumptions, consider different angles, make speculations about all sorts of possibilities, and fully pursue their natural curiosity.	P, OE, SE, STPS
– Creativity: Students will demonstrate their ability to use their imagination to create visionary ideas, consider "What if . . . ?" scenarios operate from their "gut" level and make remote connections between seemingly unrelated ideas or things.	P, OE, SE, STPS
– Citizenship: Students will demonstrate good citizenship by doing their share in making their school, community, and larger society better by cooperating with others, staying informed and voting, being a good neighbor, obeying laws and rules, respecting authority, and protecting the environment.	OE, SE, CS, GP, STPS
LIFELONG LEARNING	
• **Interpersonal Skills**	
– Team Player: Students will participate effectively in a team, demonstrating their ability to share responsibility, divide work and to make an individual contribution to group efforts.	OE, SE, STPS
– Teaching: Students will demonstrate an individual ability to teach others.	OE, SE, STPS
– Leadership: Students will demonstrate their ability to communicate ideas effectively to justify their position, persuade others, and responsibly challenge existing procedures and policies.	OE, SE, STPS
– Negotiation: Students will demonstrate their ability to work toward agreements involving the exchange of resources and resolving different interests and opinions.	OE, SE, STPS
– Diversity: Students will demonstrate their ability to work well with individuals from diverse backgrounds.	OE, SE, STPS
• **Life Skills**	
– Fitness and Wellness: Students will develop healthy lifelong habits and a balanced approach to physical fitness, nutrition, emotional stability and positive social relations.	OE, SE, STPS
– Technology: Students will develop competency in information technology and will learn to critically evaluate all aspects of the technology.	OE, SE, GP, P, STPS
	OE, SE, GP, P,

Exit Outcomes for Students Graduating from New West's Middle School and High ~~Charter~~ School	Assessment Methods
– Consumer Responsibility: Students will critically evaluate the nature and impact of available goods and services and begin to make responsible choices. – Time Management: Students will select goal-relevant activities, set priorities, allocate time and prepare and follow schedules.	STPS OE, SE, IC, ST, STPS

C. Methods for Assessing Student Outcomes

1. Evaluating Student Performance

New West will use multiple measures of student achievement to assess individual student progress and to facilitate continuous program evaluation (see Assessment Methods in Table 2). The overall goal of New West's assessment procedures will be to monitor the progress of individual students toward attaining the academic excellence, character development, and life-long learning skills necessary to continue their education at a rigorous, college preparatory high school or college/university. Progress toward attaining the graduation skills, knowledge, and attitudes listed above in Table 2 will be evaluated on an ongoing basis in each class through each grade level by compiling a comprehensive, longitudinal learning record for each student. This record of achievement will be based upon a variety of assessment methods including but not limited to conventional standardized test results, student portfolios of work accomplished, authentic written observations and evaluations by teachers, written self-evaluations by students, classroom tests and quizzes, presentations of group projects, written evaluations of community service efforts, and student, teacher, and parent surveys. These assessments will be aligned and integrated with state grade-level curriculum frameworks, state grade-level content standards, and New West's graduation standards as specified in Table 2.

During the school year, student achievement will be regularly monitored through the use of curriculum-based measures. Progress toward mastering state content standards and meeting the student exit outcomes of Table 2 will be evaluated using classroom-level assessments aligned to the school's curricular standards as appropriate for each grade-level and content area. Each fall, during the abbreviated first reporting period, students will be tested in the core content areas using standardized performance assessments. These fall assessments will be studied by grade-level teacher groups to determine individual student strengths and weaknesses. These results will allow for the identification of students who require, for example, differentiated gifted instruction or remedial intervention in the form of in-class attention or after-school tutorials. The standardized performance assessments will be repeated in the Spring during the fourth reporting period to assess student progress and identify students who may require remedial instruction during the summer.

New West, in designing and implementing its student assessment program, will use established scoring criteria and cross-validation of different measures and different evaluators to enhance the validity, reliability, and objectivity of non-quantitative assessment measures of student work such as portfolios and subjective evaluations by teachers. Likewise, in evaluating the more subjective outcomes such as citizenship and leadership, New West will adhere to school-wide rubrics that can be applied as fairly and consistently as possible to all of the school's students. However, since many educational

experts regard such rubrics as faulty and unreliable, New West will constantly monitor the efficacy of its non-quantitative measures for assessing student outcomes.

Individual classroom teachers shall be primarily accountable for assessing their students' achievements with regard to classroom-level work and state content standards. Teachers will be given time to meet on a regular basis to review student work and discuss the efficacy of the curriculum-based performance assessments. Faculty Mentors, who shall consult with the teachers who are most familiar with a students work, will be primarily responsible for grade-level assessments and progress toward fulfilling the skills, knowledge, and attitudes required for graduation. Teachers and Faculty Mentors may request other participants in a student's educational program to provide grades, evaluations, or other assessments as may be appropriate for their instructional role. Teachers will be given time to meet on a regular basis to review student work and to establish performance standards.

Student progress toward achieving the school's desired classroom-level, grade-level, and exit outcomes will be communicated to students' parents by means of report cards and regular conferences with the student's teachers and Faculty Mentor. The exact format of the classroom-level and grade-level assessment tools, and parent-mentor conferences will be developed by New West educators prior to the school commencing instructional operations. The grading system and report cards are described above under *General Provisions of the Charter: Section XIII.A.18.*

Assessment methods for students with special needs will be adapted as appropriate according to a student's Individualized Educational Program. Additionally, New West will administer the English Language Development test to assess the English fluency of all students whose primary language is not English [Education Code 60810]. New West's Director/Principal and its Student Success Committee of the Governance Council will be available to explore solutions to problems or situations that may interfere with an individual student's ability to attain the skills, knowledge, and attitudes expected of New West students.

2. Statewide Standardized Assessments

New West shall administer to it students all tests required by state law that are applicable to charter schools. New West shall administer, in the same manner as other public schools, the statewide student assessments that are part of the Standardized Testing and Reporting Program (STAR) pursuant to Education Code Section 60605 [Education Code 47605(c)(1)]. New West shall certify, as a condition of apportionment of state funding [Education 47612.5(a)(3)], that its students have participated in the ~~Stanford Achievement Test ("Stanford 9" or "SAT-9") and other~~ state testing programs that may be required in the future under the STAR Program [Education Code 60600 et seq.]. Currently, these state-wide standardized tests are the California Standards Test (CST) and the California Achievement Test (CAT-6).

New West will use ~~the~~ CST results ~~of Stanford 9 tests~~ as one of the multiple measures for assessing individual student achievement. New West will require that students meet the minimum levels for satisfactory performance established by the State Board of Education for promotion to the next grade. ~~Stanford 9 test~~CST results will also be one factor in determining whether students are eligible for New West's remedial or gifted instructional programs. The results of standardized tests shall not be used as the basis for assigning grades in any content area on a student's report card.

New West anticipates using a second standardized testing procedure, such as STEPS, for the purpose of cross-validation with the ~~Stanford 9~~CST and CAT-6 to better

characterize student strengths and weaknesses. New West will continue over time to examine and refine its methods for assessing student outcomes to reflect the school's mission and any changes in statewide student assessments authorized in statute that may become applicable to charter schools.

3. Evaluating School Performance

The primary measures of New West's overall school performance shall be the ~~Stanford 9~~CST average tests scores and the Academic Performance Index (API), which is a key part of the Public Schools Accountability Act of 1999 [Education Code 52056(a)]. The API is a single numeric score between 200 and 1000 that reflects a school's overall annual performance on the ~~Stanford 9 achievement test~~CST. The API score is used to assign a decile ranking that summarizes each school's performance relative to all schools statewide and to the 100 schools with the most similar demographic characteristics. API scores and rankings are also disaggregated for numerically significant subgroups of a school's student body based on gender, ethnicity, and socioeconomic status. The State Board of Education has adopted an API of 800 as the interim statewide target indicating a high level of performance to which all schools should aspire.

New West shall use the API as its principal external benchmark to track the success of the school's educational efforts from year to year in comparison with other middle schools. Besides striving for the highest possible "all schools" and "similar schools" API ranking, New West will compare itself to the local public middle schools with which it most directly "competes." These "all school," "similar school," and "local school" comparisons will include analyses by numerically significant demographic subgroups (i.e., gender, ethnicity, and socioeconomic status). The school API and subgroup API's for New West and local middle schools will be tracked longitudinally (i.e., evaluate the same-aged student cohorts at the successive grade levels) and cross-sectionally (i.e., evaluate successive student cohorts passing at the same grade level). Additionally, New West will analyze the school's classroom and grade-level ~~Stanford 9 test~~CST and CAT-6 results and content cluster results. These analyses will be used to determine if New West's educational program is working equally well in all content areas for all groups of students or if some adjustments are required.

New West shall hold itself accountable for meeting the annual API growth targets established by the State Board of Education for the school as a whole and for each numerically significant subgroup of students. The annual growth target is 5% of the difference between the school's API and the interim statewide performance target of 800. To be in compliance with statewide performance expectations, New West must meet 80% of the established API growth targets for each of the numerically significant subgroups. New West anticipates it will compete for the Governor's Performance Award Program for schools that meet or exceed their API growth targets. However, if New West should fail to meet its API growth targets, then the school shall convene its Curriculum and Schools Program Committee, its Educational Study Panel, and its Governance Council to develop a plan for improvement of student performance that exceeds the API targets for improvement by under-performing schools.

New West expects to be a high-performing school. However, as a start-up charter school, New West does not have readily available baseline data on student performance to use as a control when evaluating the success of the school's overall performance in educating its students during its first few years of operation. Moreover, with admission open to any student who applies, New West does not have any reliable, a priori information as to the achievement levels of the students who will enroll from year to year. Accordingly, New West shall make special efforts to evaluate and document objective

levels of academic performance when students first enroll in New West (see *General Provisions of the Charter: Section XIII.A.19. Student Promotion and Retention Policy*).

The primary baseline data for entering students will be their history of standardized ~~(Stanford 9) test~~ CST scores. From the students' grade 5 test results, New West will use established formulas to calculate overall and subgroup API scores for incoming grade 6 students. ~~Initially, until New West reaches a steady state of full entering classes that progress through the school grade-by-grade, an incoming API will also be calculated for the school's first classes of grade 7 and grade 8 students based on their grade 6 and 7 Stanford 9 scores, respectively.~~ This baseline information on entering students will allow for an assessment of how successful New West is in building on the prior academic development of students who will come from a variety of elementary school settings.

D. Governance Structure

1. Governance Council

a. Duties

New West shall have a ~~14~~ 15 person Governance Council that shall be the chief decision-making body for the school. As specified in the following section, the Governance Council shall have ~~9~~ 10 ~~voting~~ members who are not employees of the school and 5 ~~non-voting~~ members who are employees of the school. The employee members of the Council shall be permitted to participate and vote on all matters except those involving personnel, employment policies, financial matters affecting salaries and benefits, and other issues where there may be a conflict of interest.~~The non-voting members, who shall serve in an advisory role to the Governance Council, may participate in all activities of the Governance Council except only voting members shall have the right to participate in formal votes on Governance Council business. Non-voting members shall be allowed to express their views about matters before the Governance Council through "preferential votes" that are advisory to the voting members of the Governance Council.~~

The Governance Council shall also serve as the Board of Directors of New West, the California Nonprofit Public Benefit Corporation that operates the school. New West employees, including the Director/Principal, the teachers, and the non-instructional staff, may serve on the Governance Council (Board of Directors) and as corporate officers as allowed by New West's Corporate Bylaws and laws governing California nonprofit public benefit corporations. The Governance Council shall be governed in its operations and its actions by the Corporate Bylaws of New West Charter School, which shall be consistent with the terms of the Charter, the Charter Schools Act, and all other applicable laws.

The Governance Council shall have sole authority, consistent with the SBE conditions of approval and the oversight agreement between the SBE and New West, for all aspects of the school's operation and educational program including, but not limited to, the development and implementation of policies related to curriculum, enrichment and extracurricular educational activities, student evaluation, personnel, professional development, budget and finance, facilities and maintenance, admissions, scheduling, community relations, classroom usage, use of the school site, safety, discipline, proposals for charter revision and renewal, dispute resolution, and interactions with the SBE.

The ~~nine voting members of the~~ Governance Council shall be responsible for electing the Officers of the Corporation as allowed by the Corporate Bylaws. These officers shall be:

- President (Executive Officer), who shall normally be the Director/Principal.
- Secretary, who shall normally be the chief administrative assistant.
- Chief Financial Officer, who shall normally be the Fiscal Manager/Assistant Director.
- Chair of the Governance Council, who shall be elected from the voting members of the Governance Council.

The Governance Council shall employ the necessary administrative staff and vest those staff with the authority necessary to operate the school in accordance with the Charter.

The Governance Council shall operate according to New West's Corporate Bylaws. In general, the Governance Council will conduct its business by consensus but shall employ Robert's Rules of Order and take formal votes on issues as the need arises. The transaction of any business, except adjournment, shall require a quorum ~~comprised of~~defined as at least one-half of the ~~voting members of the~~ 15 Governance Council positions listed below under *General Provisions of the Charter: Section XIII.D.1.b. Membership* (i.e., 8 representatives), ~~or their~~including alternate representatives who are filling in for an absent representative at a Governance Council meeting. The Governance Council shall conduct its business on the basis of published agenda and keep appropriate records of all its actions. All teachers, parents, and community members are encouraged to attend Governance Council meetings but only voting members of the Governance Council can vote. The Governance Council shall normally meet monthly but may convene more frequently as necessary to conduct its business. The Governance Council is subject to all laws that govern open meetings, public records, and confidentiality (see *General Provisions of the Charter. Section XVII. Open Meetings, Public Records, and Confidentiality*).

Elected alternate representatives, only when filling in for an absent Governance Council representative, ~~in the absence of one or more regular council representatives,~~ shall have the right to participate ~~as members of the Governance Council~~ in all council business except matters pertaining to any revision of the corporate bylaws and any nomination, appointment, or election of Governance Council members by the Governance Council itself as may be allowed by the corporate bylaws.

~~Voting and non-voting members~~Members of the Governance Council, including alternates, shall excuse themselves from participating in discussions and decisions about matters that may involve actual or potential conflicts of interest (see *General Provisions of the Charter: Section XVIII. Conflict of Interest Policy)*. Such conflicts may arise whenever a council member may either receive some advantage or suffer some disadvantage because they have personal, business, or monetary interests in a matter before the Governance Council. Governance Council members shall either excuse themselves voluntarily or be excused by a majority of voting representatives if the Governance Council determines that there is an actual or potential conflict of interest, which may be brought to the attention of the Governance Council by any person.

b. Membership

The Governance Council shall include ~~9~~ 15 voting members ~~and 5 non-voting members (~~and 9 alternate ~~representatives)~~members representing the school's various constituencies as follows:

- The Director/Principal, who shall be appointed by the Governance Council and who will have the Fiscal Manager/Assistant Director serve as her/his alternate. ~~The Director/Principal shall be a non-voting member of the Governance Council.~~
- Three Founders and two alternate Founder representatives, who shall be elected from and by the founding parents of the school. The Founder representatives shall be voting members of the Governance Council.
- Three parents and two alternate parent representatives, who shall be elected from and by parents whose children are enrolled in the school. ~~At least one of the three parent representatives shall be a parent of a PWT child when at least 15% of the school's student body participates in LAUSD's PWT program (see *General Provisions of the Charter. Section XIII.G. Racial and Ethnic Balance* and *Section XIII.H.3. Admission and Enrollment Preferences*). The parent representatives shall be voting members of the Governance Council.~~
- Three teachers and two alternate teacher representatives, who shall be elected from and by the credentialed, full-time teachers employed at the school. ~~The teacher representatives shall be non-voting members of the Governance Council.~~
- One staff employee and one alternate staff representative, who shall be elected by the full-time non-instructional employees of the school. ~~The staff employee representative shall be a non-voting member of the Governance Council.~~
- The Chair of the New West Committee Council (NWCC), who will have the NWCC Co-chair serve as her/his alternate. The Chair and Co-chair of the NWCC shall be elected by committee members of the NWCC from among parents who have children enrolled in the school. The elected Chair and Co-chair shall be presented to the Governance Council for approval.
- Two community representatives, one with experience in education and the other with experience in business, and one alternate community representative with either expertise, who shall be selected by the majority vote of the Governance Council from volunteers who express an interest in the school and are not Founders, parents of children enrolled at the school, or employees of the school. ~~The community representatives shall be voting members of the Governance Council.~~
- One representative of the SBE appointed by the SBE. ~~The SBE representative shall be a voting member of the Governance Council.~~

The election of Governance Council members, or changes in the composition of the Governance Council, may not violate New West's Corporate Bylaws that state "interested persons" (e.g., employees or other persons compensated by New West, or their relatives) shall not constitute more than 49% of the persons serving on the Governance Council.

Elected and appointed members of the Governance Council shall serve two-year terms except for the NWCC representative, who shall serve a one-year term unless re-elected by the NWCC and approved by the Governance Council. Elections of Founder, parent, and teacher council members will alternate with one Founder, two parents, and one teacher elected one year and two Founders, one parent, and two teachers elected the next year. In the school's first year of operation, one Founder,

two parents, and one teacher will be elected to one-year terms, and two Founders, one parent, and one teacher will be elected to two-year terms. Elected alternates to the council shall become full representatives if a regular member should step down during the school year. Election or appointment of Governance Council members may be done as needed at any time during the school year to replace representatives and alternates to the Governance Council. The SBE shall be notified of any change in membership of the Governance Council.

2. Executive Committee

New West shall have an Executive Committee comprised of the Director/Principal, one teacher elected yearly by and from the teachers who are members of the Governance Council, and the Chair of the Governance Council. Vacancies on the Executive Committee shall be filled immediately. The Executive Committee shall:

- Chair and set the agenda for Governance Council meetings.
- Deal with routine matters not requiring the attention of the full Governance Council or its committees.
- Refer issues to the Governance Council or its committees as may be appropriate.

The Executive Committee is meant to be operational in nature rather than a deliberative, decision-making body. It may not establish school policy or exercise the authority of the Governance Council with respect to material issues concerning the school's operation nor the terms and conditions of the Charter. The Executive Committee will normally meet weekly but may convene more or less frequently as necessary to conduct its business. ~~The Executive Committee is subject to all laws that govern open meetings, public records, and confidentiality (see *General Provisions of the Charter. Section XVII. Open Meetings, Public Records, and Confidentiality*).~~

3. Advisory Board

New West may have an Advisory Board comprised of four distinguished members of the community representing the public and/or private sectors of education, business, and government. The purpose of the Advisory Board is to provide advice, expertise, and resources related to charter schools, middle school education, the SBE, fund raising, community relations, and other areas relevant to the success of the school. The Executive Committee and/or the Governance Council's committees may consult with the Advisory Board or its members when appropriate. The Governance Council shall select the Advisory Board from applications received or solicited by the school. The Advisory Board, which will be kept informed of school activities and issues on a regular basis, will meet with the Governance Council not less than once each school year. ~~The Advisory Board is subject to all laws that govern open meetings, public records, and confidentiality (see *General Provisions of the Charter. Section XVII. Open Meetings, Public Records, and Confidentiality*).~~

4. Governance Council Committees

a. Role of Committees in School Governance

The work of the Governance Council normally shall be accomplished through the activities, reports, and recommendations of its various standing and ad hoc committees working through the New West Committee Council and its chair, who is a member of the Governance Council. Issues arising before the Governance Council are normally ~~will be~~ referred to the Committee Council and/or directly to an appropriate committee for consideration and the formulation of recommendations and

resolutions that shall be presented in writing to the Governance Council for final approval. No committee may exercise the authority of the Governance Council. All teachers, parents, and community members are encouraged to attend any committee meeting that is of interest to them. All ~~standing and ad hoc~~ standing committees of the Governance Council are subject to all laws that govern open meetings, public records, and confidentiality (see *General Provisions of the Charter. Section XVII. Open Meetings, Public Records, and Confidentiality*).

b. Standing and Special Committees of the Governance Council

New West shall have a standing committee known as the New West Committee Council (NWCC), which shall be comprised of the chairs of the other standing and special committees of the Governance Council. The chair and co-chair of the NWCC, working with the council itself, shall be primarily responsible for managing and coordinating the activites of the school's various committees as well as acting as the liaison between the Governance Council and the schools committees. The Governance Council may from time to time establish and/or abolish such standing and special committees, as it may desire. The standing committees shall include but not be limited to the following functions at the school:

~~The Governance Council may from time to time establish and/or abolish such standing and special committees, as it may desire. The standing committees shall include but not be limited to:~~

- Admissions and~~,~~ e~~E~~nrollment~~, and Class Assignment Committee~~
- School c~~C~~alendar ~~and School Roster Committee~~
- Budget, f~~F~~inance, and a~~A~~udit ~~Committee~~
- Grants and f~~F~~und~~-~~r~~R~~aising ~~Committee~~
- Curriculum and educational~~School~~ p~~P~~rograms ~~Committee~~
- Enrichment and e~~E~~xtracurricular a~~A~~ctivities ~~Committee~~
- ~~Educational Study Panel~~
- ~~Student Success Committee~~
- Special e~~E~~ducation and student success~~Policy Committee~~
- Facilities, m~~M~~aintenance, and s~~S~~ite u~~U~~se ~~Committee~~
- Health and s~~S~~afety ~~Committee~~
- Parent r~~R~~esources ~~Committee~~
- Personnel and hiring~~Committee~~
- Staff d~~D~~evelopment ~~Committee~~
- Community r~~R~~elations ~~Committee~~
- Racial and e~~E~~thnic d~~D~~iversity ~~Committee~~
- Dispute r~~R~~esolution ~~Committee~~

c. Committee Membership

The standing committees shall have both parent and teacher representation as appropriate and necessary with the mutual understanding that parents will normally carry the burden of committee work whenever possible and appropriate. Committee membership is also open to the non-instructional staff, the non-credentialed instructional staff, and community members. Committee membership and committee

chairs shall be open to all interested persons regardless of Governance Council membership except each voting council member shall be on at least one standing committee. The Director/Principal shall be an *ex officio* member of each standing committee. The ~~Governance Council~~Chair of the Committee Council shall assure that each standing committee has a chair or co-chairs at all times who will staff the committee, organize meetings, and report to the ~~council~~ Governance Council as necessary.

5. Parental Involvement

a. Role of Parents in Operating the School

The success of New West is dependent on local school control through shared governance between the educators and the parents who have a vested interest in the school. A meaningful partnership involves the Director/Principal and the teachers being responsive to the concerns of parents about the educational program of the school. In turn, parents have the responsibility to respect the professional experience and expertise of the Director/Principal and the teachers. While parents will be involved in all levels of decision-making at New West through their elected representatives and committee work, their primary role in operating the school will be to assist, enhance, facilitate, and extend the ability of the educational staff to conduct the school's educational activities. Such parental involvement has the significant advantage of relieving teachers from many of the administrative details of operating the school so that they can devote their time, energy, and expertise to classroom teaching, curriculum, and professional development. Parents will also continue their primary responsibility for planning, organizing, and conducting the broad range of enrichment and extracurricular activities made available to students at New West. New West shall conduct an annual parent satisfaction survey regarding the school's educational program with an emphasis on how the school might be improved to better fulfill its Mission Statement. An analysis of the survey shall be published as part of the school's annual Programmatic Performance Report (see *General Provisions of the Charter. XIII.I.2*).

b. Parent Teacher Association (PTA)

New West will encourage establishment of a school PTA chapter that is a recognized local unit of the California State PTA, a branch of the National PTA. The primary role of the PTA will be to promote educational programs, conferences, committees, projects, and programs for parents, teachers, and the general public that: (I) address the educational needs of all children and youth in the schools, (ii) assist parents in developing the skills they need to nurture children; ~~and~~ (iii) promote parent and public involvement in schools and communities; and (iv) assist teachers in working with parents and community.

c. Home-School Contract

A central tenet of New West's philosophy is that students are best able to reach their full potential when there is a high level of involvement by their parents in their education. Moreover, research has shown that stakeholder involvement is important to the success of a program and to the satisfaction of the participants. Accordingly, part of the school's educational plan will be an agreement between parents and the school — known as the Home-School Contract — whose intent is to encourage parental involvement and cooperation that will, in turn, ensure success of the school's educational program. Such a contract is designed to empower parents with respect

to their children's education by strengthening the partnership among parents, students, and teachers.

Another tenet of the school's philosophy is that parents choose to send their children to New West because they have high expectations of the school and the benefits that they and their children will receive. In turn, the school has high expectations of parents to contribute to the team effort needed to fulfill those expectations. Excellence in a charter school cannot be accomplished nor maintained without the active participation of the parents of enrolled students.

A third tenet of the school's philosophy regarding parental involvement is that diversity in the parent population is a great strength that improves the educational program for all. Parents have different philosophies and approaches to their involvement in their children's education outside of school. Likewise, parents may contribute in many different ways to the collective responsibility of running a charter school and making its educational program a success. Recognizing that each parent, like each child, is unique in terms of background, experience, and ability, parents are asked to contribute to the school's success by volunteering their skills, time, and resources to the extent that they are able above the minimum requirements of the Home-School Contract.

The Home-School Contract, which is to be signed at the beginning of each year or whenever a new student is enrolled, shall include for each family the following requirements of the parent(s) or the guardian(s) who have children enrolled in New West:

- Read the Charter to understand the educational plan of the school, the school's operation, and the roles, rights, and responsibilities of parents and their children.
- Attend a mandatory orientation meeting to learn about charter schools, the school's educational program, the Home-School Contract, and ways in which parents can contribute to the success of both their child and the school.
- Complete and return all forms, questionnaires, and other requests for information that may be required by the school as approved by the Governance Council.
- Ensure the completion of homework and class projects.
- Reinforce at home the importance of education on a daily basis and discuss with each child what was taught at school.
- Assure that each child arrives at school on time, dressed appropriately, and ready to learn.
- Understand and reinforce the Student Conduct Code.
- Attend two parent-teacher conferences each year for each child.
- Attend Back-to-School Night and Open House each year.
- Keep informed about the school by reading the school's newsletter and reading the materials distributed in the weekly folders sent home with each student.
- Attend at least two parent education evenings each year that deal with the school's curriculum, child development, parenting skills, and other topics relevant the education of their children.
- Participate as a family in extracurricular school events such as book fairs, plays, talent shows, festivals, and fund raising activities.
- Volunteer at least eight hours per semester during school hours, weekends, or evenings to participate in a school project, event, or classroom activity in addition to the other requirements of the contract.

- Self-report their compliance with the terms of the contract using the forms provided by the school.

Agreement to the contract by parents (or guardians) shall be one of the terms of admission and enrollment each year for students who want to attend New West. The Home-School Contract shall be made available to the parents of prospective students as part of the admission application packet so that students and parents can make informed judgments whether they can fulfill the terms of the agreement. Parents of new students must return the signed contract with the other enrollment forms. For returning students, the Home-School Contract shall be made available to parents in sufficient time for the contract to be signed and returned prior to the first day of each school year. The contract shall include a form, known as the "Volunteer Sheet," on which parents will specify their areas of interest and the ways they intend to fulfill the volunteer requirement. The back of the signature page included in each student's weekly folder shall be printed with a form that allows parents to monitor voluntarily their progress in fulfilling the provisions of the Home-School Contract.

The Parent Resources Committee of the Governance Council shall be responsible for administering the Home-School Contract, counseling parents who may be substantially non-compliant, and considering exceptions in the form of reduced requirements for parents whose particular circumstances may include transportation difficulties, single-parent households, financial hardship, physical disability, employment, or other special situations. Policies regarding non-compliance with and exceptions to the Home-School Contract shall be equally and consistently applied to all parents in a manner that is nondiscriminatory, provides due process protections, and preserves the privacy and confidentiality rights of students and parents. Disputes involving the Home-School Contract shall be mediated first by the Parent Resources Committee before involving the school's dispute resolution procedures.

E. Staff Employment

All persons working at the school shall be employees of the Nonprofit Public Benefit Corporation known as New West Charter School (see *General Provisions of the Charter: Section VIII. Legal Status of the School*). The New West Governance Council, whose members also serve as the corporation's Board of Directors, and the school's Personnel Committee shall have sole authority for making all decisions about the employment of all persons working at the school. These responsibilities include establishing job descriptions, qualifications, and selection procedures, determining the terms and conditions of employment including salary and benefits, interviewing and hiring personnel, determining job assignments, and evaluating, promoting, and terminating the school's employees.

New West personnel shall not be employees of any school district, although school district personnel may elect to take a charter school leave if allowed by their collective bargaining agreements and/or district personnel policies (see *General Provisions of the Charter: Section XIII.M. Leave of Absence to Work at a Charter School*). New West personnel will not be covered by any collective bargaining agreements between any school district and its employee unions, although New West employees have the right to join or form employee organizations (see *General Provisions of the Charter: Section XIII.O. Employee Collective Bargaining Rights*). A school district shall not require any of its employees to work at New West [Education Code 47605(e)].

All new employees of the school and all employees of any entity that has a contract with New West who will have any contact with the school's students must submit to a criminal background check including the submission of fingerprints for the purpose of obtaining a

criminal record summary as described in Section 44237 of the Education Code [Education Code 47605(b)(5)(F) & 45125.1(a)]. The person being investigated shall pay the costs of fees and processing charges related to the criminal background check and fingerprinting. The Director/Principal shall be responsible for ensuring that the providers used by the school to do the criminal background check and fingerprinting meet the standards of the California Department of Justice. No person who has been convicted of a violent or serious felony shall be hired by New West or employed by any entity on a contract basis to work at the school site [Education Code 44830.1(a), 45122.1(a), & Sections 45125.1].

1. Director/Principal

The Director/Principal of New West shall be the chief academic and financial officer responsible for both day-to-day and long-term operation of the school. The broadly defined duties of the Director/Principal shall include but not be limited to the following:

- Implement the Charter and its philosophies and practices.
- Participate in the governance of the school.
- Oversee the school's curriculum and academic policies.
- Prepare and manage the school's budget.
- Supervise the preparation of the annual Financial Audit and Programmatic Performance Report.
- Represent the school in fund-raising efforts including grant applications and solicitations for support from private and public entities.
- Interact with the SBE, local private and public schools, charter school organizations, and the community on matters related to the school's operation and educational program.
- Serve as an ombudsperson to investigate, mediate, or otherwise resolve complaints and problems that may arise between students, teachers, staff, parents, and community members.
- Evaluate the job performance of all school employees on a yearly basis.
- Communicate with all stakeholders on a regular basis.
- Manage the school on a daily basis.

a. Qualifications

The Governance Council shall determine the qualifications of the Director/Principal ~~of New West Charter School~~ based on the school's needs at the time it is necessary to fill the position. In general, New West will expect its Director/Principal to have the following abilities, experiences, and attitudes:

- Bachelor of Arts, Bachelor of Science, or equivalent degree.
- Obtained or working toward an advanced graduate degree.
- A visionary who is on the cutting edge of educational reform.
- Creative and innovative in his/her approach to education.
- Fluent with current educational theory and curriculum development.
- Knowledgeable about and supportive of charter schools.
- Demonstrated leadership and decision-making skills.
- Demonstrated managerial skills to include goal setting, budget control, team building, and corrective action.

- Demonstrated ability to collaborate with parents, students, staff, and the community.
- Demonstrated teacher advocacy skills.
- Demonstrated accountability and communication skills.
- Ability to demonstrate skills in utilizing “broad vision.”
- Demonstrated ability to work with special education, low achieving, and gifted/talented students.
- Specific abilities to fulfill the Director/Principal duties described above.

b. Selection

The Governance Council shall determine the selection process for hiring a new Director/Principal~~ of New West Charter School~~. The Governance Council may take into consideration the established policies and procedures of various school districts for selecting principals but shall not be bound by them.

c. Evaluation

The Governance Council shall conduct written performance evaluations of the Director/Principal on an annual basis. Part of the evaluation shall be based on progress toward meeting specific goals established each year for the Director/Principal by the Governance Council. The Governance Council shall provide an opportunity for comments from parents, teachers, staff, and community members as part of its information gathering process.

2. Teachers

Teachers shall be primarily responsible for developing, planning, and implementing the school’s educational program in the classroom. In addition to their classroom instructional role, the broadly defined duties of the teachers shall include but not be limited to the following:

- Understand the Charter and its philosophies and practices.
- Participate in the governance of the school.
- Involve themselves individually and collaboratively in professional development activities that advance their skills, knowledge, and attitudes in the best interests of themselves, their students, and the school.
- Work with the school’s varied stakeholders in support of the home-school-community continuum of educational culture that the school holds as one of its central tenets.
- Participate in the school’s fund-raising activities including grant applications and solicitations for support from private and public entities.
- Serve as the advocate of their students in promoting a learning environment that allows each student to fulfill their potential in terms of academic achievement and social development.

a. Qualifications

All teachers employed at New West who are primarily responsible for classroom instruction in the core academic areas of reading and language arts, mathematics, science, and history and social science shall be required to hold a Commission on Teacher Credentialing Certificate, permit, or other document equivalent to that which

a teacher in other public schools would be required to hold by state law [Education Code 47605(1)]. These documents, which shall be provided by prospective employees at the time they apply for work at New West, shall be confirmed for validity by the Director/Principal before a teacher is hired. Teacher credentials shall be maintained on file at the school and shall be subject to periodic inspection by the SBE. New West will provide the SBE with copies of credentials whenever a new teacher is hired or there is a change in the credentials of a currently employed teacher (e.g., a teacher changes from emergency to full certification).

In general, New West will expect its teachers to have the following abilities, experiences, and attitudes:

- Bachelor of Arts, Bachelor of Science, or equivalent degree.
- Demonstrated excellence as a teacher including knowledge of the subject matter they teach.
- Creative and innovative in his/her approach to education.
- Fluent with current educational theory and curriculum development.
- Knowledgeable about and supportive of charter schools.
- Ability to work collaboratively with other educators in interdisciplinary units.
- Desire to work with parents and community members to strengthen the home-school-community union to envelop students with a continuum of educational culture.
- Willingness to be responsible and accountable for the performance of their students.
- Ability to present materials in ways that attract and hold students' attention.
- Understanding of different student learning styles and how to adapt their teaching styles to them.
- Ability to assess student growth in a variety of ways (e.g., standardized tests, classroom exams, presentations, projects, and portfolios).
- Ethical and compassionate behavior with respect to their interactions with students especially but also parents, other educators, and community members.
- Demonstrated ability to work with special education, low achieving, and gifted/talented students.
- Specific abilities to fulfill the teacher duties described above.

b. Selection

A Teacher Selection Committee shall be appointed by the Governance Council to interview, evaluate, and select each new teacher to be employed at New West. The committee shall consist of the Director/Principal, teachers, and parents.

c. Evaluation

The Principal/Director shall evaluate teachers annually, the results of which shall be shared with the Personnel Committee and summarized for the Governance Council. New West shall develop a written teacher assessment tool based in part on the California Standards for the Teaching Profession (California Commission on Teacher Credentialing, 1997). Part of the self-assessment tool will reflect a set of Professional Standards that New West will formulate to make explicit the expectations of teachers to support and implement the goals and objectives of the

Charter. Other parts of the teacher assessment tool will include self-evaluation, peer-evaluation, and opportunity for comments from parents, staff, and community members. Teachers shall be required to maintain a Professional Growth File that documents all evidence of professional growth and excellence including in-service classes, courses, conferences, committee work, peer coaching, curriculum development, and pupil progress.

3. Non-Credentialed Instructional Staff

The Personnel Committee, in collaboration with the Director/Principal, shall be responsible for supervising the non-credentialed instructional staff needed to carry out the school's educational program. The non-credentialed instructional staff may include, but are not limited to the following positions: teaching aides; art and music instructors; world language instructors; physical education and health instructors; remedial, gifted, and talented instructional specialists that work under the supervision of credentialed teachers; instructors for enrichment, extracurricular, and community service activities; and Scholars-in-Residence. Some of these non-credentialed staff members will normally hold part-time or full-time paid positions, others may be retained on a contract basis, and others will be volunteers, depending on the needs and resources of the school.

New West shall have the flexibility intended by the Legislature with respect to the qualifications and experience of its non-credentialed staff who are involved in non-core, non-college preparatory instruction at the school [Education Code 47605(l)]. Wherever possible, depending on the fiscal resources and needs of the school, New West will fill these positions with credentialed teachers on a part-time or full-time basis. When this is not possible, the non-credentialed instructional staff will normally have an undergraduate degree, be working toward their degree, or have at least five years of experience in an area of expertise related to the position they will fill. New West will develop, as needed, the job descriptions, job qualifications, selection processes, and evaluation tools appropriate for the different kinds and levels of non-credentialed instructional staff that may be used to supplement the school's core academic program taught by the school's full-time credentialed teachers. Non-credentialed staff may assist credentialed teachers but they shall not be assigned primary responsibility for teaching core academic subjects nor shall they be counted when calculating class size and student:teacher ratios.

4. Non-instructional Staff

The Director/Principal shall be responsible for supervising the non-instructional staff needed by the school to staff its operations (e.g., administrative assistants, secretaries, custodial staff, and food services workers). New West will develop, as needed, the job descriptions, job qualifications, selection processes, and evaluation tools appropriate for the different kinds and levels of non-instructional staff that may be employed at the school. Minimum requirements for office and clerical staff will include, but not be limited to, computer skills (including working knowledge of word processing, spreadsheets, data base programs, accounting software, and internet communication management), written and verbal communication skills, and filing and organizational abilities. The Director/Principal shall develop a written evaluation procedure for assessing the performance of non-instructional staff on a yearly basis.

5. Personnel Policies

New West shall develop written personnel policies, including employment contracts and an employee handbook, before June 1, 2002. New West will not hire any employee

until the SBE has had an opportunity to review and comment on these documents. Changes to the school's personnel policies shall require Governance Council approval.

New West anticipates being competitive with local public and private schools in terms of salary schedules, work schedules, health benefits, retirement benefits, vacation, sick leave, absences with replacement pay, and opportunities for on-job training and professional development. New West anticipates that some administrators and instructional staff will be issued contracts while other administrators, instructional staff, and non-instructional staff will be at-will employees. New West personnel policies and procedures shall include, but not necessarily be limited to, the following elements:

- **Job descriptions:** qualifications including abilities, experiences, and attitudes; education levels and credentials/licenses; broadly defined duties and responsibilities; professional development requirements; agreement to work to fulfill the principles and practices of the Charter; participate in school governance, including election to the Governance Council and serving on school committees, as an integral part of employment.
- **Hiring:** recruiting; interviewing; job offers and acceptances; soliciting references; verification of degrees, credentials, licensure, and previous employment; criminal background checks; initiating employment; and orientation of new employees.
- **Employment status:** exempt (salaried) versus non-exempt (hourly) employment; contract versus at-will employment; full-time versus part-time employment; employees versus independent contractors; tenure, notice periods, and procedural protections; eligibility for benefits; outside employment; rights of parent and community volunteers; right to unionize (see *General Provisions of the Charter. Section XIII.O. Employee Collective Bargaining Rights*).
- **Compensation:** salary and hourly pay schedules; overtime work and compensatory leave time; incentives and bonuses; supplemental compensation for special duties.
- **Time and attendance:** work day, work week, and work year; break and lunch periods; pay periods; time sheets; unauthorized lateness and attendance.
- **Insurance benefits:** health and dental insurance; life insurance; accidental death and dismemberment insurance; short-term and long-term disability insurance; workers compensation insurance; unemployment compensation; coordination of benefits.
- **Retirement benefits:** see *General Provisions of the Charter. Section XIII.K. Staff Retirement Benefits*.
- **Holidays:** national, religious, and personal holidays; eligibility, scheduling, and accrual of vacation days.
- **Sick leave:** eligibility, amount, duration, return to work, and accrual; integration with disability policy.
- **Leave of absence:** eligibility, terms, and durations related to personal, bereavement, family medical (illness, pregnancy, care of a family member), educational, military, and jury duty leaves; unauthorized absences.
- **Health and safety issues:** smoke-free, alcohol-free, drug-free policy; immunizations, vaccinations, and health testing (e.g., tuberculosis); blood-born pathogens; child neglect and abuse reporting; first-aide and emergency response training.
- **Employee Conduct:** interactions with students, parents, and staff members; dress and appearance; punctuality.

- **Performance evaluation:** frequency, format, and standards of evaluations; observation of performance; employee participation; persons responsible for evaluations of different employees.
- **Professional development**: professional development portfolios; participation, expectations, and requirements; reimbursement and time-off.
- **Non-harassment:** prohibiting, reporting, investigating, and remediating verbal, physical, and sexual harassment of employees, students, and parents.
- **Non-discrimination:** see *General Provisions of the Charter. Section XII. Equal Rights Statement.*
- **State and federal workplace law:** employees protected by state and federal laws and regulations regarding civil rights (e.g., age discrimination, disability, and equal pay legislation) and workplace practices (fair labor standards, family and medical leave, extended insurance coverage, retirement benefits, and occupational safety and health standards).
- **Reimbursements:** travel (transportation, lodging, meals); school use of personal automobiles; telephone expenses; school supplies; other professional expenses; school credit cards.
- **Conflict of interest:** see *General Provisions of the Charter: Section XVIII. Conflict of Interest Policy*.
- **Employment records:** contents of personnel files; access to, use of, and release of personnel information; privacy and confidentiality.
- **Grievance procedures:** see *General Provisions of the Charter: Section XIII.N.2. Disputes Arising with the School*.
- **Collective bargaining rights:** see *General Provisions of the Charter. Section XIII.O. Employee Collective Bargaining Rights.*
- **Discipline:** grounds for discipline; progressive discipline policy including demotion and termination; relationship to performance evaluation; appeal and due process rights.
- **Termination of employment:** voluntary resignation; retirement; death; involuntary termination including non-renewal of contract, termination of at-will employment, elimination of position, or immediate discharge for cause; exit interview; return of school property; employment references.
- **Receipt of personnel manual:** agreement that the employee handbook is not a contract and that New West shall at all times retain the unilateral right to modify, clarify, supplement, or eliminate any portion of the employee handbook.

F. Health and Safety

The Health and Safety Committee shall formulate and enforce the health, safety, and risk management policies, procedures, and practices of New West Charter School. New West shall engage appropriate inspectors, consultants, contractors, or other professionals from public agencies or private companies when their expertise is required to inspect, evaluate, and/or correct health and safety conditions at the school. The practices and procedures to be followed at the school shall include but are not limited to the following requirements:

- All students, school employees, and volunteers who help at the school shall provide records documenting those immunizations required by law including tuberculosis testing.

- All school employees and volunteers who help at the school shall submit to a criminal background check and furnish a criminal record summary as described under *General Provisions of the Charter. Section XIII.E. Staff Employment.*
- The administrative and instructional employees of the school shall be instructed on a regular basis of their duty as mandated child neglect and abuse reporters.
- Regular school-wide drills shall practice the school's plans for response to natural disasters and emergencies, including fires and earthquakes.
- All administrative, instructional, and staff employees shall be trained in emergency response, including appropriate "first responder" training or its equivalent.
- The school, under the direction of the Facilities, Maintenance, and Site Use Committee, shall have a regular program for inspecting the school's building and grounds to identify and correct safety and health hazards including those related to auxiliary services such as food services, custodial services, maintenance, landscaping, and hazardous materials.
- The school's buildings and other facilities shall be inspected on a regular basis by the Fire Marshal.
- The school's buildings and other facilities shall be certified to be free of substantial seismic and toxic hazards.
- The school's buildings and other facilities shall meet the requirements of the Americans with Disabilities Act.
- The school's buildings and other facilities shall comply with state and federal workplace health and safety standards.
- The school's playground and athletic facilities shall meet local, state, and federal safety codes.
- The school shall have an acceptable use policy that requires responsible use of computers for educational purposes and protects students from inappropriate, offensive computer accessible information from the internet or elsewhere.
- The school's campus shall be maintained as a drug, alcohol, and tobacco free environment.
- The school shall have a traffic policy that ensures the safety of students arriving at and leaving school.
- The Director/Principal, a teacher, or the school nurse may administer prescription drugs and other medicines to students during school hours, provided that they have the written consent of the parents, they have written instructions from a physician, and they have been trained in administering the drug or medicine.
- The school shall have a zero tolerance policy with respect to violence and the possession of firearms or other weapons on campus by students, employees, parents, or visitors.

New West shall provide upon request from the SBE copies of its health, safety, and risk management policies as well as reports related to inspecting, evaluating, and/or correcting health and safety conditions at the school.

G. Racial and Ethnic Balance

New West shall encourage an integrated, multiethnic student body by providing a rich and diverse multicultural educational environment in which students are encouraged to reach their full academic potential regardless of race, color, ethnicity, or national origin. New West shall implement a recruitment strategy whose goal is achieving a racial and ethnic balance among its students that is reflective of the general population residing in Los Angeles. The means to

enhance the racial and ethnic balance of the school's student body include, but are not necessarily limited to, the following:

- Maintain an Ethnic and Racial Diversity Committee of parents, educators, and community members as a standing committee of the Governance Council to oversee New West's efforts in recruiting a wide diversity of students and ensuring a supportive environment for students of all backgrounds while attending the school.
- Follow an application, admissions, and enrollment policy that incorporates a timeline allowing for a broad-based recruiting effort (admission will be by lottery if applications exceed the available space).
- Distribute informational materials about New West to a broad variety of community groups and agencies that serve the various racial and ethnic groups represented in the anticipated attendance area of the school.
- Request principals of geographically proximate elementary schools on the Westside of Los Angeles ~~outside the Palisades Charter Complex~~ to send home to parents of fifth grade students information provided by New West about its programs and admissions.
- Conduct an outreach program of informational meetings, coordinated with New West open houses, at public elementary schools ~~outside the Palisades Charter Complex~~ on the Westside of Los Angeles to inform parents in underrepresented communities of the educational opportunities available at New West.
- Provide informational materials, recruitment brochures, and applications in English and Spanish, and arrange simultaneous English ↔ Spanish translations at informational meetings about New West (translations to other languages will be provided as the need arises).
- Establish formal, ongoing, long-term "little sister" relationships with nearby public elementary schools whose over-crowded student bodies are comprised of primarily minority or socioeconomically disadvantage students. New West will work with both school administrators and parent led groups (e.g., the PTA) at the "little sister" schools. The LAUSD has already agreed to facilitate the recruitment of students and has recommended six elementary schools in West Los Angeles with which New West might establish mutually beneficial relationships[6].
- Give admissions preference to students who qualify under LAUSD's Permits with Transportation (PWT) program (up to 33% of the school's enrollment; see *General Provisions of the Charter. Section XIII.H.3. Admission and Enrollment* Preferences). New West shall work cooperatively with the LAUSD to negotiate an agreement for recruiting PWT students from selected schools (e.g., from the little sister schools) in a way that maximizes the number of PWT students but minimizes the transportation costs to the district. The LAUSD shall be solely responsible for all transportation costs of PWT students.
- Solicit additional public and private funding to provide transportation and other support services that will facilitate interested graduates of these "little sister" schools to continue their education at New West (e.g., the Optimist Club has already expressed an interest in funding such a program).

[6] See letters of July 20, 2000, and January 8, 2001, from LAUSD Deputy Superintendent Merle Price to New West regarding Broadway, Brockton, Charnock, Coeur D'Alene, Richland Avenue, and Nora Sterry Elementary Schools. In May 2001, New West held meetings with parent groups at Brocton and Coeur D'Alene Elementary Schools, and will initiate meetings at the other schools during the 2001- 2002 school year.

- Consult with knowledgeable professionals, who specialize in public relations with underrepresented communities, about other strategies to ensure the racial and ethnic diversity of the school's student body.
- Discuss with the LAUSD the possibility of participating in the LAUSD's Capacity Adjustment Program (CAP) if the school is at less than full capacity. The assignment of CAP students to New West would be governed by a separate "CAP Student Memorandum of Understanding" mutually agreed to by New West and the LAUSD.
- Include a section in the school's annual Programmatic Performance Report that summarizes the racial, ethnic, and socioeconomic balance of New West's student body and reviews the specific actions taken by New West to achieve and maintain diversity in its student population (see *General Provisions of the Charter. Section XIII.I.2*).

Any effort made by New West to enhance the racial and ethnic diversity of its student body must comply fully with all laws that prohibit discrimination against individuals or groups of individuals (see *General Provisions of the Charter. Section XII. Equal Rights Statement*).

H. Admission and Enrollment

The Governance Council shall determine all policies, processes, and procedures governing application, admission, and enrollment at New West. All students attending New West must follow the application, admission, and enrollment policies of the school. A student who is already enrolled in New West shall have the right to continue attending the school until the student graduates from ~~grade 8~~high school unless the student voluntarily withdraws, is expelled, or is required to withdraw for one of the reasons cited under *General Provisions of the Charter. Section XIII.J. Discipline Policy including Suspension or Expulsion of Students*.

The application packet for admission to New West shall include information that allows students and parents to be informed about the school's operation as a charter school, its middle school or high school educational programs, the academic and behavioral expectations of students, and the rights and responsibilities of students and parents who wish to become part of the New West family. The application packet shall include the following information specific to the middle school or high school:

- A brief description of what charter schools are and how they differ from regular public schools.
- New West's *Mission Statement* and a summary of the school's educational philosophy (see *General Provisions of the Charter: Section XIII.A.4*).
- Information about New West's Director/Principal, the school's instructional staff, and members of the Governance Council.
- A description of New West's educational program including a school calendar, daily schedule, core curriculum, enrichment and extracurricular programs, attendance expectations, grading policy, testing and evaluation procedures, promotion and retention policy, and graduation standards (exit outcomes) (see *General Provisions of the Charter. Section XIII.A. Educational Program*).
- An overview of the academic performance of students who have attended New West (e.g., ~~Stanford 9~~CST, CAT 6, and API results).
- A description of New West's shared governance structure and how the school encourages parental involvement (see *General Provisions of the Charter: Section XIII.D. Governance Structure* and *Section XIII.D.5. Parental Involvement*).
- A copy of the Home-School Contract with a prominent statement that exceptions to the provisions of the contract may be allowed on a case-by-case basis in the form of reduced requirements for parents whose particular circumstances may include transportation

difficulties, single-parent households, financial hardship, physical disability, employment, or other special situations (see *General Provisions of the Charter: Section XIII.D.5.c*).

- A listing of the rights and responsibilities of New West parents and teachers (see *General Provisions of the Charter: Section XIV. Educational Rights and Responsibilities*).
- Descriptions of admission criteria, admission and enrollment preferences, admission lottery and admission priority, conditions of enrollment, and consequences of misrepresenting admission and enrollment information (see following sections).
- A prominent statement that New West operates under oversight of the SBE but is exempt from most laws and regulations governing public schools (e.g., building safety and minimum school day requirements).
- A prominent statement that the school district in which a student resides (not the SBE) has the responsibility for the public education of a student who voluntarily withdraws or is expelled from New West.

1. School Capacity

The Governance Council shall have the authority, consistent with its Charter~~ and any other conditions of approval required by the SBE~~, to determine the size and grade-level breakdown of New West's student body subject to the limits specified in *General Provisions of the Charter. VII. Limits on School Size*. The determination of school capacity shall be based on the school's academic program, the school's fiscal viability, the educational needs of currently enrolled students, the capacity of the school site, and the level of interest shown by students who want to attend the school. As currently planned, the enrollment at New West shall be no more than 600 students in middle school and 800 students in high school, but the Governance Council shall have the right to determine if fewer ~~the number of~~ students that can be accommodated at its school site(s) on a year-by-year and grade-by-grade basis (see Table 2 under *General Provisions of the Charter: Section VII. Opening of the School*). Determinations of class size and student:teacher ratios shall be based only on credentialed teachers.

2. Admission Criteria

New West shall be open to all students at the appropriate grade levels for middle school (grades 6-8) and high school (grades 9-12). New West shall be open to all students without regard for the place of residence of students or parents within California. Admission to New West shall be determined solely by the preferences given in the next section. The only requirement is that students wishing to attend New West must follow the school's admission procedures with respect to completing applications and enrollment forms by the announced deadlines. Application deadlines, which will normally be in April for admission the following September, shall be coordinated with local public and private schools to give students and their parents opportunity to consider the full range of educational opportunities available to them. Late applications for admission shall result in loss of admission and enrollment preferences as listed below. Late return of enrollment packets following notification of admission shall result in loss of place on the admission priority list discussed below.

~~There shall be no admission criteria, testing, or other evaluation required of any applicant.~~ New West shall not charge an application fee nor shall it charge tuition [Education Code 47605(d)(1)]. New West shall not require or solicit any monetary contribution, pledge, or promise as a condition for application, admission, enrollment, or participation in any of the school's regular educational activities. New West shall be nonsectarian in its admission and enrollment policies and shall not discriminate against

any student on the basis of ethnicity, national origin, gender, or disability [Education Code 47605(d)(1)]. New West does have certain requirements of parents and students that must be satisfied when a student is enrolled in the school (see *General Provisions of the Charter: Section XIII.H.5. Conditions of Enrollment*).

The only academic requirement for admission is that applicants must be working at a basic level of proficiency in the grade in which they are enrolled at the time of application (e.g., grade level work in 5th grade at their current school when applying for 6th grade at New West). This is necessary to ensure that applicants have the necessary skills and background reading, writing, and mathematics to be successful in the high-performing educational program that New West is building. New West shall use a two step process to determine grade level proficiency:

- California Standards Test Results. About 98% of public school students participate in California Standardized Testing and Reporting (STAR) Program. This state-wide testing is usually done in the spring semester with results mailed to parents the following August. New West uses the most recent available test results, which are typically the tests taken the prior school year (e.g., New West bases 6th grade admission on 4th grade tests because the 5th grade test results are not available until after the admission process is completed). The California Standards Test (CST) is a part of STAR that measures a student's progress toward mastering California's academic content standards (the California Achievement Test, or CAT-6, which is a nationally standardized test of student performance). With regard to test performance in reading, English language arts, and mathematics, the SBE is required by law to "identify and establish the level of performance that is deemed to be the minimum level required for satisfactory performance in the next grade" [Education Code 60648]. Typically, the minimum standard set by the SBE is a score of 350 ("Proficient" and "Advanced" performance levels) on both the English-Language Arts and Mathematics sections of the CST. New West requires a slightly lower standard of minimum grade level proficiency of CST scores of 300 or greater ("Basic" performance level and above). Lower scores (<300 in the "Below Basic" and "Far Below Basic" categories) indicate that an applicant is not prepared to be successful with New West's middle school or high school curriculum. Special education students may substitute their 2003 California Alternate Performance Assessment (CAPA) results for the CST. Applicants from private and parochial schools, who do not have STAR results, may submit other standardized tests taken within the last year that can be used to evaluate grade level progress (e.g., ISEE, ERB, and Stanford/9).
- Full Academic Record. If an applicant does not have acceptable CST scores (>300), then New West looks at the applicant's full academic record to judge grade level proficiency. This evaluation considers the combination of standardized test scores (CST and CAT-6), report cards, and teacher and administrator recommendations. Parents may submit other information and records useful for assessing their child's grade level abilities (e.g., assessment tests administered by the applicants school, classroom work, special projects, portfolios, additional letters of recommendation, and reports regarding any special needs that a student may have). New West occasionally requests an interview to assess an applicant's ability to handle New West's curriculum.

Applicants are removed from consideration for admission if they do not meet New West's criteria for minimum grade level proficiency. Parents are informed of this decision in writing and given an opportunity to submit additional information and/or meet with the Director/Principal to discuss their child's academic progress and ability to perform successfully at New West.

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3. Admission and Enrollment Preferences

New West shall admit and enroll all students who meet the school's admission criteria who wish to attend the school provided that the school's capacity at each grade level is not exceeded [Education Code 47605(d)(2)(A)]. Classes at each grade level will be filled according to the following order of preferences for students who are either continuing enrollment or being admitted for the first time (listed in declining order of priority) [Education Code 47605(d)(2)(B)]:

- Presently enrolled students who plan to continue attending the school.
- A limited number of students who are the children of Founders who worked to open the school[7]. The conditions for attaining Founder status and the maximum number of Founders' children enrolled at any time are specified in *General Provisions of the Charter: Section X. School Founders*.
- Students with siblings who ~~will be~~are continuing their enrollment at ~~the school~~New West or who graduated from ~~the school~~New West ~~in the last two years~~.
- Applicants with siblings who have been admitted to New West. This category is meant to insure that all children from the same family who apply to New West at the same time are granted admission if one child is admitted (e.g., twins applying to the same grade or brother and sister applying to different grades).
- Students participating in the LAUSD Permits with Transportation (PWT) program provided that the LAUSD arranges and pays for transportation for the PWT students who wish to attend New West. The number of PWT students shall not exceed 33% of the school's total enrollment at any time unless there are open seats in which case New West shall accept PWT students beyond the 33% mark until the school reaches its attendance capacity. PWT students must follow the normal application and enrollment procedures by the announced deadlines.
- All other students who wish to attend the school.

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4. Admission Lottery and Admission Priority

If the number of students who wish to attend New West exceeds the school's capacity, then the admission of new students shall be determined solely by a separate public random drawing for each grade level with consideration given for the admission preferences listed in the previous section [Education Code 47605(d)(2)(B)]. New West shall maintain an admission priority list of the order in which applicants to each grade level in each admission preference category were selected in the admission lottery. The order of admission of students at any time during a school year shall be based solely on the order of applicants on the admission priority list. Admission shall be based solely on a first-come first-served basis if New West determines that space still exists at any grade level after the admission priority list has been exhausted.

5. Conditions of Enrollment

New West shall have the following requirements that must be met by each student and/or their family before beginning classes at the school:

- Completed enrollment forms including emergency information cards.
- Records documenting immunizations required by law including tuberculosis testing.

[7] Preference for a limited number of children of founders of a school is an acceptable exception to lottery admissions (see Nonregulatory Guidance: Public Charter Schools, Office of Elementary and Secondary Education, U.S. Department of Education, December 2000, p. 5).

- Home-School Contract signed by the student's parents (see *General Provisions of the Charter: Section XIII.D.5.c*).
- School records and test results indicating that the student has graduated from grades 5-11, ~~6, or 7,~~ depending on the grade the student will be entering at New West.

6. Misrepresentation of Admission and Enrollment Information

New West shall have the right to require the immediate withdrawal from school of any student whose parents misrepresent their legal status as guardians, their place of residence, or any other material information on any school document, including but not limited to admission and enrollment forms, when such misrepresentations, whether intentional or not, provide some unfair advantage in gaining admission to New West.

I. Annual Audits and Reports

New West shall draft annual written reports as part of the schools accountability responsibilities with regard to the school's operation and educational program. The reports shall be made available to New West's stakeholders, to the SBE, and to the public at large. The Financial Audit, the Programmatic Performance Report, and the School Accountability Report Card discussed in the following three sections shall collectively serve as the Annual Report to the Governance Council required by the Corporate Bylaws.

1. Financial Audit

New West, through its Budget, Finance, and Audit Committee of the Governance Council, shall appoint an Audit Subcommittee to oversee the selection of an independent auditor and the completion of an annual audit of the school's financial affairs. The auditor, who will be an independent certified public accountant, will use generally accepted accounting principles, generally accepted auditing standards, and the audit guide issued by the Controller of the State of California. The auditor will prepare a report, in a format acceptable to the SBE that will include: actual and revised budget figures; projected revenues, expenditures, and fund balances; audited financial statements consistent with Standardized Account Code Structure; and review the school's internal controls. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in any applicable Office of Management and Budget Circulars. The audit will also verify the accuracy of the school's attendance and enrollment accounting practices. The school's Audit Subcommittee shall review any audit exceptions or deficiencies and report to the Governance Council with recommendations on how to resolve them.

New West shall forward a copy of the independent financial audit to the SBE and CDE by December 15 following the close of the fiscal year. The school shall also report to the SBE regarding how audit exceptions and deficiencies have been or will be resolved by the school to the satisfaction of the SBE according to an agreed-upon timeline. The SBE shall report back to the school in writing on a timely basis any concerns it may have about the school's financial audit or the school's remediation efforts to correct audit exceptions and deficiencies.

2. Programmatic Performance Report

The Director/Principal of New West shall be responsible for compiling data and writing an annual Programmatic Performance Report that summarizes information about the school's operation and educational program during the previous school year. It is anticipated that the annual report will be completed within six months after the last

scheduled day of the previous school year. The Director/Principal shall present the report to the Governance Committee for approval along with recommendations for changes in the school's educational program or operation to correct deficiencies or make improvements, as may be need from year to year.

New West and the SBE shall work jointly to develop mutually agreeable content, evaluation criteria, timelines, and processes for the Programmatic Performance Report. The report shall include, but not necessarily be limited to, the following information about the previous school year:

- An analysis of the school's student body including enrollment projections and demographic data about racial, ethnic, and socioeconomic diversity.
- A summary of specific actions taken by New West to achieve and maintain diversity among the school's students.
- An analysis of student attendance and enrollment records used to calculate Average Daily Attendance for funding and other determinations.
- An analysis of the school's Academic Performance Index (API).
- A subject-by-subject analysis of the school's ~~Stanford 9 test~~standardized test results.
- Overviews of student performance including data on the number of students who are not promoted, require remedial attention, or are gifted or highly gifted.
- A summary of the programs and resources made available to meet the special education needs of the school's students.
- An overview of student conduct including the number of students suspended or expelled from the school.
- An overview of the school's admissions practices including data on the number of applications, admissions offered, and students actually enrolled, and information about the school's specific efforts to recruit and maintain an ethnically, racially, and socioeconomically balanced student body.
- The number of administrators, teachers, non-credentialed instructional staff, and non-instructional staff working at the school and their qualifications.
- A summary of the professional development activities of the school's teachers.
- A summary of the school's annual review process for evaluating the performance of the school's employees.
- A summary of major decisions and policies established by the Governance Council.
- A summary of parent involvement in the school's governance, operation, and educational program.
- An analysis of the school's annual survey of faculty, staff, and volunteers regarding the school's educational program that focuses on areas in need of improvement.
- An analysis of the results of the school's annual parent satisfaction survey regarding the school's educational program that focuses on areas in need of improvement.
- A summary of health and safety issues that affected the school's students and employees.
- An overview of the school's physical facilities including plans for changes or additions to the buildings or playgrounds at the school site.
- A summary of the school's effort in involving the community as a partner in its governance, operation, and educational program.
- A review of the effectiveness of the school's internal and external dispute mechanisms and data on the number and resolution of disputes and complaints.

- A summary of liability incurred by the school in any aspect of its operation.
- Other information regarding the educational program and the administrative, legal, and governance operations of the school relative to compliance with the terms of the Charter.
- Other financial data, attendance reports, and analyses that enable the SBE to meet its legal requirements with respect to charter schools.
- A copy of the School Accountability Report Card (see next section).

New West shall forward a copy of the Programmatic Performance Report to the SBE. The SBE shall report back to the school in writing on a timely basis any concerns it may have about the school's operation or educational program. Any disputes arising from the Programmatic Performance Report about the school's operation, educational program, or compliance with the Charter shall be settled through the dispute resolution process described under *General Provisions of the Charter: Section XIII.N.2. Disputes between the School and the Chartering Authority*.

3. School Accountability Report Card

New West shall prepare each year a School Accountability Report Card to inform the parents of enrolled students, parents of prospective students, teachers, staff, and the community at large about conditions and progress being made at the school. The Report Card, which may be based on information summarized from the Annual Programmatic Performance, shall be made available publicly within six months after the last scheduled day of the previous school year. The Report Card shall be presented in an easily understandable format that allows the school community to assess the significance of the information presented. New West shall not be bound by the statute applicable to regular schools and school districts in deciding the specific content and format of the Report Card [Education Code 33126, 35256, and other relevant sections], but shall be free to develop a Report Card that reflects the school's own accountability and communication needs. The Report Card, which shall not present information for individual students, shall include information for the school as a whole, for different grade levels, and for subgroups of the school's student body based on gender, ethnicity, and socioeconomic status. When relevant and appropriate, information shall be presented so as to allow comparisons with legal requirements, with results of prior years, and with results for other public middle schools including individual schools located near New West, averages for nearby school districts, and statewide averages. New West's Report Card shall include but not be limited to the following kinds of information:

- Demographics of the student body.
- ~~Stanford 9~~ Standardized test scores and the results of other statewide assessments.
- API statistics including similar schools rankings and growth targets.
- Application and admission statistics.
- Attendance statistics.
- Graduation, promotion, and retention statistics.
- Number of students suspended or expelled.
- Number of instructional minutes and number of instructional days.
- Membership of the Governance Council.
- Number and qualifications of administrative personnel.
- Number and qualifications of the credentialed teachers.

- Number and qualifications of the non-credentialed instructional staff.
- Number and duties of non-instructional staff.
- Changes to the school's facilities.
- Summary of the core curriculum.
- Summary of the enrichment curriculum and extracurricular activities.
- Summary of revenues and expenses.

J. Discipline Policy including Suspension or Expulsion of Students

New West shall develop, periodically review, and enforce a comprehensive set of student discipline policies. The Governance Council shall approve the discipline policies, and any material revisions to them, before they take affect. The policies, which shall be in place before the school opens, will be printed and distributed as part of the school's student handbook. The policies shall clearly describe the school's expectations of its students regarding attendance, school behavior, dress, mutual respect, substance abuse, violence, safety, and work habits. Students and their parents shall be required to verify that they have reviewed and understood the policies at the beginning of each school year.

New West's discipline policy for students shall involve both zero tolerance offenses and progressive disciplinary consequences including, but not limited to, verbal warnings, written warnings, loss of privileges, isolation in a supervised area, detention during or after school, notices to parents by telephone or letter, parent conferences, suspension, expulsion, and required withdrawal from the school. Student misconduct includes the following conduct when the conduct is related to school activity or attendance regardless of when the misconduct occurs and regardless of whether the conduct occurs on or off the school's grounds (the usual consequences of student misconduct are given in parentheses):

- Threatened, attempted, or caused physical injury to another person (zero tolerance leading to immediate suspension followed by expulsion).
- Willfully used force or violence against another person except in self-defense (zero tolerance leading to immediate suspension followed by expulsion).
- Harassment, hate crimes, or other acts based on sex, race, or ethnicity (zero tolerance leading to immediate suspension followed by expulsion).
- Possessed, sold, or furnished a firearm, knife, explosive, or other dangerous weapon (zero tolerance leading to immediate suspension followed by expulsion).
- Possessed, used, sold, furnished, or been under the influence of any controlled substance, alcoholic beverage, or other intoxicant of any kind (zero tolerance leading to immediate suspension followed by expulsion).
- Stolen, attempted to steal, received, or otherwise been involved in the theft of personal or school property (zero tolerance leading to immediate suspension).
- Vandalized or otherwise purposefully damaged or destroyed school property (progressive discipline, suspension, expulsion, or required withdrawal from the school depending on seriousness and duration of misconduct).
- Committed an obscene act or engaged in habitual profanity or vulgarity (progressive discipline, suspension, expulsion, or required withdrawal from the school depending on seriousness and duration of misconduct).
- Disrupted school activities or willfully defied the valid authority of school personnel (progressive discipline, suspension, or required withdrawal from the school depending on seriousness and duration of misconduct).

- Failure to abide by the terms of a written remediation agreement drafted in response to repeated behavioral problems (suspension or required withdrawal from the school).
- Violation of the student honor code with respect to academic activities (progressive discipline, suspension, or required withdrawal from New West depending on seriousness and duration of misconduct).

The discipline policies of New West shall provide students and their parents with an opportunity for due process. Due process shall include the following:

- A fair, impartial investigation of alleged student misconduct
- Written notice to the student's parents when discipline involves more than a verbal warning.
- An opportunity for the student and the student's parents to respond to charges of misconduct and subsequent disciplinary measures.
- An opportunity for the student and the student's parents to work cooperatively with the school to formulate consequences and corrective actions appropriate for the misconduct.
- The right of parents to request intervention by the Student Success Committee when chronic disciplinary problems are impeding a student's school performance.
- Access to the school's procedures for resolving disputes arising within the school including a hearing before the Principal/Director, appeal to the Executive Committee, and appeal to the Governance Council, whose decision shall be final.

Any student who repeatedly violates the school's behavioral expectations shall be required to attend a meeting with the school's staff and the student's parents. The school shall prepare a specific, written remediation agreement outlining future student conduct expectations, timelines, and consequences for failure to meet the expectations which may include, but are not limited to, suspension, expulsion, or required withdrawal from the school. The Director/Principal may, pursuant to the school's adopted policies, discipline, and ultimately suspend, or expel, or require withdrawal from the school for students who fail to comply with the terms of a remediation agreement.

New West's discipline policy regarding suspension, expulsion, and required withdrawal from the school shall include the following steps:

- Notification of the Director/Principal by school staff that a student has had conduct warranting suspension/expulsion/required withdrawal (and immediate notification of law enforcement agencies if there is danger to others).
- Immediate removal of the offending student to the school office or other supervised area.
- Preliminary determination by the Director/Principal that a student should be suspended/expelled/required to withdraw from the school.
- Immediate notification of the parents to remove the student from the school grounds and not return until notified of the student's right to return.
- Written notice, within two days of the Director/Principal's preliminary determination, to the student and her/his parents regarding the reason for the suspension/expulsion/ required withdrawal, the school's disciplinary procedures, due process rights, and the date, time, and place of the suspension/expulsion hearing.
- A suspension/expulsion hearing, within one week of the written notice, before a three person student conduct panel chosen by the chair of the Student Success Committee from members of the committee and attended by the student, the student's parents, and other's who may be involved in the event(s) with an opportunity to present evidence and hear witnesses.

- A written decision that describes the course of action chosen by the student conduct panel and that is communicated to the student through the student's parents, copied to the Governance Council, and placed in the student's file.
- Appeal rights to the rights to the Executive Committee and the Governance Council as allowed by the school's internal dispute resolution procedure (see *General Provisions of the Charter. Section XIII.N.1. Disputes Arising within the School*).

A student who is expelled or required to withdraw from New West loses her/his right to attend the school as a continuing student. If a student is expelled or required to withdraw from the school, then New West shall immediately notify the school district in which the student resides. New West shall work cooperatively with that school district to assist with the educational placement of the student in an appropriate setting as fast as is practical given the particular circumstances of the student. However, the school district of residence, not New West or the SBE, has full responsibility for the continued public education of the student. New West shall report to schools where the student might attend all incidents of violent behavior, criminal misconduct, and other serious offenses that are a threat to students or school personnel. The school will notify the SBE of any expulsions or required withdrawals and will include suspension, expulsion, and required withdrawal data in its annual performance report.

Special procedures apply to disciplining a student with disabilities. In a matter involving a student who has an IEP, New West shall follow legally mandated procedures for student discipline, suspension, expulsion, and required withdrawal from the school. In particular, a student with an IEP has the right to have the IEP team review the student's current educational program and recommend a behavior support plan to remedy discipline problems within the context of the student's special needs. In general, New West may suspend, expel, or require withdrawal of the student only if an IEP team meeting is held, the team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil's identified disability, and the team determines that the pupil had been appropriately placed at the time the misconduct occurred. The IEP team shall be responsible for determining alternative education settings that enable the student to continue to participate in general education, although in another setting, and to receive services that enable the student to meet the goals of his/her IEP while addressing the behavior that is the subject of the discipline.

K. Staff Retirement Benefits

New West shall offer retirement benefits to all of its full-time administrative, instructional, and staff employees. The Governance Council shall offer at its discretion some combination of a school sponsored retirement plan, the federal social security program, the Public Employees' Retirement System (PERS), and/or the State Teacher's Retirement System (STRS). If New West chooses to make STRS available, all employees of the school who perform creditable service shall be entitled to have that service covered as described in Education Code Section 47611(a). New West shall inform all applicants for positions within the school about each of the following [Education Code 47611(b)]:

- The retirement system options available at the school, including but not limited to whether coverage under STRS or PERS, or both, is available.
- Accepting employment at New West may exclude the applicant from further coverage in the applicant's current retirement system, depending on the retirement options offered by the school.

L. Public School Attendance Alternatives

New West is a public school of choice that does not have a defined attendance area but is available for all students who wish an alternative to attending their local neighborhood public

school that serves grades ~~6-8~~6-12. ~~Students living closest to New West have the right to attend their neighborhood public school, which is Paul Revere Charter School.~~ Students ~~living in more distant locations~~ have the right to attend their neighborhood public school according to the regulations and practices of the school district in which they reside.

If a student withdraws or is expelled from New West, then the school district in which the student resides shall work with the student's parents to find a place for the student in another public school that is as near as possible to the student's place of residence in accordance with the established enrollment and transfer policies of that school district. It should be understood that the district in which the student resides has full responsibility for the continued public education of any student who withdraws or is expelled from New West.

M. Leave of Absence to Work at a Charter School

Employees of school districts or educational agencies other than the SBE shall be governed by their employer's personnel policies and/or labor union agreements with respect to leaves of absence to work at New West.

N. Dispute Resolution Processes

1. Disputes Arising within the School

New West shall develop policies and processes for resolving internal complaints, conflicts, and disputes that may involve the school and its various stakeholders, including prospective students and their families. The detailed, written, internal dispute resolution process shall be prepared and submitted to the SBE for review and comment by September 30, 2004 ~~before New West offers admission to its first students, which is anticipated to occur around April 1, 2002~~. The Dispute Resolution Committee of the Governance Council shall be responsible for administering and monitoring the internal dispute resolution process. Changes and revisions to the process shall not take effect until approved by the Governance Council. The following general principles shall govern all levels of New West's internal dispute resolution process:

- Emphasis on written school policies, dispute resolution training, and open, honest, collegial communications to avoid misunderstandings and conflicts between or among students, parents, teachers, administrators, staff, and community members.
- Provisions for notification, participation, and due process for all parties involved in a dispute.
- Assurances of fair, equitable, unbiased treatment of all parties involved in a dispute without fear of retaliation.
- Investigation, hearing, and resolution of disputes in a timely manner with provisions for appropriate remedies if a problem is discovered.
- Guarantees of privacy and confidentiality with respect to public release of information regarding personal information, personnel files, student records, and other sensitive matters.
- Adherence to the school's conflict of interest policy that requires persons to refrain from participating in mediating or resolving a dispute when they are personally involved or have a self-interest in the outcome of the dispute.
- Alternative procedures when appropriate or required by law such as for disputes involving special education, expulsion of students, or termination of staff, or disputes involving someone who would otherwise serve as a facilitator in the dispute resolution process (e.g., complaints about the Director/Principal would bypass that person and be handled by the Executive Committee).

- Requirements that the school's stakeholders must follow the specified steps in the internal dispute resolution process rather than contacting people inappropriately or settling grievances via ad hoc methods of their own choosing.
- Review and revision of the internal dispute resolution process annually to ensure its efficacy and responsiveness to the school's stakeholders.

New West anticipates using a hierarchical approach to settling internal disputes that involves the following sequential levels of resolution:

- **Personal interaction**. The parties directly involved in the dispute shall make good faith efforts to resolve the problem through direct, open discussions among themselves.
- **Peer mediation.** The Dispute Resolution Committee will appoint and arrange for dispute resolution training for student, parent, teacher, and staff mediators, who will be available to facilitate informal resolution of conflicts among peers not settled by personal interactions.
- **Supervisory intervention.** Disputes not resolved through peer mediation will be referred to an appropriate, non-involved, or next-most-responsible person. For example, a teacher will handle disputes among students, another mutually agreeable teacher will handle disputes between a student and a teacher, the Director/Principal will handle disputes among parents, among teachers, or between teachers and parents, and the teacher or parent member of the Executive Board will handle disputes between parents or teachers and the Director/Principal. The intent is to handle disputes reaching this level through intervention and mediation in way that encourages informal resolution before invoking the following levels of dispute resolution.
- **Director/Principal.** Disputes not resolved informally must be submitted in writing with all available documentation to the Director/Principal, who shall provide copies of the complaint to all involved parties within three days. The Principal/Director shall usually hear the dispute directly, but may refer it to a Governance Council committee that is better able to seek a resolution (e.g., a complaint about unsafe school conditions might be referred to the Health and Safety Committee, or a complaint about a teacher's classroom performance might be referred to the Personnel Committee). The Director/Principal shall investigate the complaint, interview involved parties, accept written statements and documentation from the involved parties, and take other steps that may be necessary to reach a fair, impartial conclusion about the dispute. The Director/Principal shall render her/his decision in writing within seven days as to the resolution of a dispute and possible remedies, and communicate the decision to all involved parties.
- **Governance Council committees.** The Director/Principal may refer disputes to the Dispute Resolution Committee or another Governance Council committee for resolution. The Dispute Resolution Committee may hear the dispute directly or it may refer the dispute to another Governance Council committee that is better able to seek a resolution. The Director/Principal shall inform all parties to the dispute in writing within seven days as to which committee will handle the dispute and the process that will be followed to resolve the dispute. The committee handling the dispute shall investigate the complaint, interview involved parties, accept written statements and documentation from the involved parties, and take other steps that may be necessary to reach a fair, impartial conclusion about the merits of the complaint. Resolutions of disputes and remedies, when appropriate, shall be rendered in writing within 14 days to the Director/Principal who shall immediately communicate the committee's conclusion to the involved parties.

- **Executive Committee.** Any person who is a party to a dispute has 14 days to appeal the determination of the Director/Principal or a Governance Council committee to the Director/Principal, who shall refer the dispute to the Executive Committee and provide copies of the appeal to all involved parties with seven days of receiving the appeal. The appeal shall be in writing and include all available documentation about the dispute. The Executive Committee may decide to uphold the judgment of the Governance Council committee without further deliberations, it may decide to hear the appeal itself, it may decide to refer the appeal directly to the full Governance Council, or it may decide to refer the appeal back to a Governance Council Committee for further deliberation. Decisions by the Executive Committee on the merits of an appeal shall be made only after all parties have had an opportunity to express their views on the dispute in person at a hearing attended by all parties and/or in writing that will be shared among all parties. The decision of the Executive Committee shall be made in writing within 14 days of receiving the appeal and communicated immediately to all parties by the Director/Principal.
- **Governance Council.** Any person who is a party to a dispute has 14 days to appeal the determination of the Executive Committee to the Director/Principal, who shall refer the appeal to the Governance Council and provide copies of the appeal to all involved parties within seven days of receiving the appeal. The appeal shall be in writing and include all available documentation about the dispute. The Governance Council shall appoint an ad hoc committee of five impartial members to hear the appeal. Parties to the dispute shall have an opportunity to express their views on the dispute in person at a hearing attended by all parties and/or in writing that will be shared among all parties. The decision of the ad hoc committee shall be made in writing within 30 days of receiving the appeal and communicated immediately to all parties by the Director/Principal. The determination of the ad hoc committee shall be the school's final decision on the dispute.

The SBE, at its discretion, shall refer all complaints regarding any aspect of the school's operation, for which there appears to be no implication regarding the SBE's fundamental interest, to the school's Director/Principal for resolution in accordance with the school's adopted internal dispute resolution policies. The SBE agrees not to intervene in any dispute unless the matter directly relates to one of the reasons specified in law for which a charter may be revoked or has a clear, significant, material implication regarding the SBE's fundamental interest as the chartering entity. The SBE shall have the right, as part of its supervisory responsibilities as the chartering authority, to investigate disputes arising within the school.

2. Disputes between the School and the Chartering Authority

New West recognizes that because the SBE is not a local education agency, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the Charter. New West also acknowledges that the SBE may include any specific provisions it deems necessary and appropriate, and that the SBE has a right, at its discretion, to take other appropriate action in accordance with Education Code Section 47604.5 and any pertinent regulations.

New West and the SBE agree that the best defense against disagreements is open, collegial discussions between their staffs to try to resolve the matter in dispute at the earliest possible moment. If resolution of a dispute cannot be reached by mutual agreement of the staffs of New West and the SBE, then the staffs shall submit their viewpoints in writing to both the Director/Principal of New West and the designated representative of the SBE, who shall meet to try to reach an equitable resolution. If the

dispute still cannot be resolved, then the Governance Council of New West and the SBE shall each appoint one or more representatives who shall meet to try to settle the disagreement. If the dispute involves some question about the implementation of the Charter or one of the other reasons for which New West's Charter may be revoked [Education Code 47604.5 and 47607(b)], then the SBE shall inform New West in writing of the violation that is alleged to have occurred (see *Provisions Related to Changing the Charter. Section IV. Revocation of the Charter*). New West shall have 30 days to cure the violation before the matter is referred to the SBE for action. With regard to any dispute between the New West and the SBE over the meaning of any provision of the Charter, New West may seek to amend or revise the Charter as allowed by the Charter Schools Act [see *Provisions Related to Changing the Charter. Section I. Amendments and Revisions to the Charter*). Nothing in this dispute resolution process is meant to prevent the SBE or New West from seeking judicial review of any issue that cannot be settled by other means.

0. Employee Collective Bargaining Rights

New West shall be the exclusive public employer of all of the school's employees for the purposes of the Educational Employment Relations Act as specified in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code [Education Code 47611.5(b)]. This part of state law deals with the right of public school employees to join organizations of their own choice, to be represented by the organizations in their professional and employment relationships with public school employers, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford certificated employees a voice in the formulation of educational policy.

XIV. Educational Rights and Responsibilities

New West believes that a strong, collaborative partnership among students, teachers, and parents provides the foundation for an educational culture that enhances the learning experience of all students. Inherent in this educational partnership are both rights and responsibilities.

A. Rights and Responsibilities of Students

- Access to a free, nonsectarian public education without regard to race, sex, color, ethnicity, national origin, or disability.
- Learn in a safe, clean, orderly, nurturing educational environment that encourages and challenges students to reach their maximum potential as educated people.
- Develop skills and abilities in reading and language arts, mathematics, science, and history and social science that provide a strong foundation to become self-motivated, competent, life-long learners.
- Participate fully in the core academic curriculum as well as differentiated instruction, homework assignments, community service projects, enrichment and extracurricular activities, special education, and remedial learning opportunities as may be appropriate for their individualized study plans.
- Behave appropriately and maintain high ethical and moral standards, including honesty, respect, courtesy, and kindness in all their interactions with parents, teachers, administrators, staff, community members, and other students.
- Participate in the governance (e.g., student council) and operation (e.g., school work days or fund-raising activities) of the school as appropriate for middle school students.
- Understand and follow the student code of conduct including the student honor code.

- Support the educational philosophy, ideals, principles, and practices of the school as set forth in the school's Charter.
- Display a sense of pride and ownership in the success of the school.

B. Rights and Responsibilities of Parents

- Participate in their children's learning on a day-to-day basis.
- Promote the positive character development of their children.
- Ensure that their children complete homework assignments and participate in school activities.
- Act as their children's advocate in seeking their children's fullest educational development as individuals.
- Contribute time and/or money to school activities and programs.
- Participate in the school's governance, its operations, and the design and implementation of its educational program.
- Support the educational philosophy, ideals, principles, and practices of the school as set forth in the school's Charter.
- Display a sense of pride and ownership in the success of the school.

C. Rights and Responsibilities of Educators

- Create an exciting, stimulating, and challenging learning environment for each child using a wide variety of learning experiences and teaching methods.
- Teach the adopted curriculum with appropriate consideration for the learning abilities and accomplishments of each student.
- Evaluate student success in meeting measurable student outcomes by using approved performance-based accountability systems.
- Address the learning potentials of all students as individuals who may range in ability from those who are low achieving to those who are highly gifted.
- Communicate with parents about the achievements of their children as well as provide advice about how their children may become more successful.
- Participate in professional enrichment, training, and collaboration to improve their own abilities as well as the school's capacity for providing a quality education to all students.
- Encourage and contribute to volunteerism by parents and community members who wish to contribute to the school.
- Participate in the school's governance, its operations, and the design and implementation of its educational program.
- Support the educational philosophy, ideals, principles, and practices of the school as set forth in the school's Charter.
- Display a sense of pride and ownership in the success of the school.

XV. Special Education

A. Legal Status of New West for Special Education Purposes

New West shall investigate, with the advice and assistance of the SBE, the various alternative arrangements that may be allowed by law for the funding and delivery of special education services in the best interest of the school and its students [e.g., Educational Code 47640 et seq.]. New West anticipates meeting its special education needs as a Local

Educational Agency (LEA) participating in one of the Special Education Local Plan Areas that operate near the school (hereafter referred to simply as New West's SELPA). New West shall provide the SBE with written verification of membership in a SELPA not later than May 15, 2002 (see *General Provisions of the Charter. Section III. Conditions of Approval*).

New West shall prepare an application for LEA status with the Southwest SELPA, the Tri-Cities SELPA, the LAUSD SELPA, and/or another SELPA within Los Angeles County. Based on preliminary discussions with the LAUSD, it may be possible for New West to participate in the LAUSD SELPA by special arrangement to be negotiated as a regular school responsible for funding and delivering its own special education services. New West will contract with Total Education Solutions (TES) of Pasadena, California, or a similar agency with expertise in special education matters, as consultants to develop New West's application and negotiate with SELPA's for membership. New West shall keep the SBE informed on a regular basis in writing about its efforts to join a SELPA. New West shall provide the SBE with full written documentation about arrangements it may make to fulfill its special education responsibilities, including changes or revisions that may be made in the future. The SBE shall have the right to deny, restrict, or require changes in New West's participation in special education arrangements that do not comply with state and federal special education laws and regulations applicable to charter schools. New West shall not commence educational operations unless the school has made arrangements and presented plans for special education funding and services that meets the approval of the SBE.

B. Special Education Policies, Procedures, and Practices

New West shall follow the policies, practices, and procedures of the SELPA in which New West participates in all matters related to special education including participation in mediations. In doing so, New West shall comply with all state and federal law regarding its obligation to special education students. In particular, New West shall be assertive in ensuring that students with exceptional needs and their families are provided the full protection to which they are entitled as provided by provisions of the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and federal regulations relating thereto. These protections include, but are not limited to, the following:

- Students with exceptional needs shall be identified, located, and appropriately evaluated in a nondiscriminatory manner.
- Students with exceptional needs have the right to a free and appropriate public education (FAPE) in the least restrictive environment pursuant to an individualized education program (IEP) developed by representatives of New West and its SELPA in partnership with the student's parents.
- Students with exceptional needs and their parents shall receive prior notification whenever New West or its SELPA intends or refuses to initiate the evaluation of the student.
- Whenever New West or its SELPA intends to change the educational placement of a student with exceptional needs, the student and the student's parents may review the contents of any records or other materials used to make educational decisions regarding the student.
- Students with exceptional needs have due process protections, including the protection of seeking redress in the courts.

New West and its SELPA shall work together to develop a school process that brings together the student, the student's parent, and school and special education personnel to address any problems that interfere with the student's success in school. New West's goal

and values with respect to including special education as part of New West's educational program are discussed earlier (see *General Provisions of the Charter: Section XIII.A.14. Students with Disabilities*). With respect to disputes that may arise between parents and New West about the special education needs of a student, New West shall have processes for mediation and dispute resolution that are consistent with applicable laws and the practices of the school's SELPA. The special education components of New West's educational program shall address, but not be limited to, the key factors given in Table 3. New West shall follow the its SELPA's established, best-practice policies and procedures with regard to the school's compliance with the components and factors given in Table 3.

New West shall offer a special education program that provides a full continuum of services and program options to students with disabilities. Whenever appropriate, students with disabilities will be educated in the least restrictive environment provided by the general education classes at New West. As appropriate, a student's IEP may include one or more of the following levels of intervention (from least to most restrictive):

- General education classes with consultation in the form of guidance and support for the teacher, modification of the curriculum, teaching modalities, or the classroom environment, positive behavioral interventions, and other accommodations that can be accomplished by the regular teacher in the classroom to address the special needs of a student with a disability (e.g., preferential seating and group assignments, supplementary or alternative teaching aids or materials, alternative or modified assignments, more time to complete tasks, exemption from some activities, computer access, alternative ways of responding such as oral instead of written communication, change of teachers for particular subjects, and accommodations in testing).
- General education classes with designated instruction and services to assist a student with a disability function and succeed in the classroom (e.g., services to address language and speech development and remediation, hearing impairments, vision impairments, adapted physical education, physical and occupational therapy, and psychological disturbances).
- General education classes supplemented by a resource specialist program that provides additional instruction and services in and/or out of the classroom focused on a student's disability.
- General education and special day classes to meet the needs of a student whose disability does not allow participation in general education classes for the full school day.
- Special day classes that provide a specialized setting and instructional staff for the education of a student whose disability does not allow them to participate in general education classes.

If the disability of a student, by its nature or severity, precludes educational instruction on the New West campus, then New West shall participate in making special arrangements for that student's education. It may be necessary to arrange for and/or fund the disabled student to attend a special public or non-public school appropriate for the student's disability, or provide educational services in the home or hospital for a student whose medical or emotional condition prevents them from attending school.

New West shall also provide related services that are necessary to support and assist the student in benefiting from the IEP. Related services include audiology, psychological services, physical therapy, occupational therapy, medical services for diagnostic purposes, therapeutic recreation, social work services, speech and language services, parent counseling and training, and transportation. Related services also include assistive technologies in the form of equipment or products that increase, maintain, or improve the functional capabilities of

students with disabilities (e.g., computers, magnifiers, and hearing and communication devices).

The instructional staff needed for New West's special education program will depend on the number of students with disabilities, the nature of the disabilities, and the kinds of services required to fulfill New West's obligation to provide a free and appropriate education in the least restrictive environment. Typically, for assessments and IEP services, New West expects to require the following special education professionals on a part-time or fulltime basis: one or more resource specialist educators, a psychologist, a behaviorist trained in behavior management, an audiologist, a physical therapist, an occupational therapist, a nurse, a social worker, and special education aides to assist in implementing the IEP's of some students with disabilities. The special education staff, who shall be required to have the appropriate, required certifications, licensure, and experience, may be New West employees, employees of the school's SELPA, consultants, independent contractors, and/or personnel provided through private agencies such as Total Education Services (Pasadena, California), which already provides special education services to many successful charter schools.

New West anticipates contracting with TES to provide a full-service special education program for eligible students enrolled at New West. TES services will include the following (see their letter of May 29, 2001, for more details):

- Compliance Review: develop plans and procedures for the collection, review, maintenance, and audit of records; monitor and schedule evaluations and reassessments; identify necessary special education services needed at New West.
- Evaluations/Assessment: arrange for licensed/credentialed personnel to conduct initial evaluations and reassessments to determine student's level of functioning for development or reevaluation of the student's IEP.
- IEP Development: provide administrative services to develop IEP's for eligible students, attend IEP meetings, and write IEP progress and annual reports.
- Special Education Services: provide a full continuum of required special education services to eligible students, including: review of IEP plans and student records; testing to establish baseline and progress data; establishment of individual goals and objectives; qualified, experienced personnel as required to provide individual, small group, and integrated (full-inclusion) services; and consultation with parents, teachers, and administrators.

New West will work with TES to integrate staffing, service delivery, inclusion practices, and other aspects of the special education program with the philosophical orientation and mission of the school.

The Special Education Policy Committee of the Governance Council shall have oversight responsibility for overall programmatic monitoring of the school's policies and procedures related to the funding and delivery of special education services at New West. A student's IEP team shall have full responsibility for determining the specific educational plan best suited to the needs of that student. The Student Success Committee shall be available when there are concerns about the needs of an individual student, including mediation of disputes related to the identification, evaluation, or educational placement of a student with a disability. The school's discipline policy shall provide accommodations for students with identified disabilities, including the development of a behavior support plan and review of the student's IEP (see *General Provisions of the Charter. Section XIII.J. Discipline Policy including Suspension or Expulsion of Students*). The school's dispute resolution process for grievances involving students with special needs shall be adapted to conform to the laws and regulations applicable to special education and the practices of the SELPA.

Table 3. Components to Be Used in Formulating New West's Special Education Program.

Component	Key Factors
SEARCH AND SERVE ACTIVITIES Examples are: • Pre-referral intervention plan. • Student Success Committee. • Identification of new students with pre-existing or active IEPs.	• Procedures for searching for each child with a disability in need of special education. • Methods for communicating to parents that special education and related services are provided at no cost to them. • A team comprised of the student, the student's parents, and school personnel (i.e., the IEP Team) is responsible for identifying the student's needs and developing the plan that enables the student to be successful.
REFERRAL PROCESS Examples are: • How students will be referred for an individualized assessment. • Explanation of the Assessment Plan.	• The referral process is a formal, ongoing review of information related to students who are suspected of having disabilities and who show potential signs of needing special education and related services. • The referral for assessment process includes looking at student screening information and making a decision about whether or not to conduct a formal educational assessment. • The parents of a student may make a referral for an evaluation and must receive a response from the school within 15 days. • The assessment plan describes the types and purposes of the assessments that may be used to determine eligibility for special education and related services.
ASSESSMENT PROCESS Examples are: • Methods for generating and gathering assessment data. • Processing the assessment data for the IEP.	• Assessment involves gathering information to determine the student's disability, eligibility for services, and the nature and extent of the required services. • Assessments may include individual testing, observations, interviews, and review of school records, reports, and work samples. • Assessment guidelines include parental consent, evaluation in all areas related to the suspected disability, multiple assessments without cultural, racial, or gender bias, and a

Component	Key Factors
	multidisciplinary Guidance Team that includes a teacher knowledgeable in the disability.
INDIVIDUALIZED EDUCATION PROGRAM (IEP) PROCESS Examples are: • Conduct of the IEP meeting. • Composition of the IEP Team.	• Every student who is assessed must have an IEP to discuss assessment results, determine eligibility, and, if eligible, specify the nature and extent of required special education and related services. • Students should attend the school they would attend if they were not in special education, unless the IEP waives this requirement for stated reasons. • Membership on the IEP Team shall include the student's parents, the school administrator, the current teacher, and other invited persons such as those who assessed the student • A SELPA special education representative will be invited to all IEP meetings held at the school, including any meeting at which a student with disabilities is being considered for special education services at another public school location or for non-public school placement.
DUE PROCESS AND PROCEDURAL SAFEGUARDS Examples are: • Process for informally resolving parental concerns. • Procedure for parents to file for a due process shearing. • Procedure for parents to file a complaint with the SELPA or CDE.	• Parent must be informed of their due process rights to protect the rights to which they are entitled under federal, state, and judicial mandates regarding special education. • Parents must give consent for an initial evaluation and initial placement, must be notified of any change in placement before it occurs, and must be invited with other members of the IEP Team to conferences and meetings to develop the student's IEP. • Parents have the right to initiate a due process hearing to challenge a decision regarding the identification, evaluation, or educational placement of their child.
SPECIAL EDUCATION INSTRUCTIONAL STRATEGIES PROGRAM STRATEGIES	• A student with an IEP has the right to be educated with non-disabled peers to the

Component	Key Factors
Examples are: • Provisions for the "least restrictive environment." • Program options. • Transportation. • Teacher training. • Student outcomes.	maximum extent appropriate. • Because each student may require a different program or combination of programs, the IEP should be built around the student's specific needs. • The continuum of program options, which shall be considered from least to most restrictive: general classes to RSP/SDC/special schools/centers to non-public/home to hospital/state/residential. • There must be qualified personnel to deliver the services prescribed by the IEP and a structure for personnel planning to focus on in-service to meet the needs of students with disabilities. • Transportation may be required for some students between home and instructional facilities for regular and special education programs and activities.

C. Special Education Funding

In administering the local operation of its special education plan, New West shall receive an equitable share of special education funding and services consisting of either, or both, of the following:

- State and federal funding provided to support special education instruction or designated instruction and services, or both, provided or procured by the school for its students [Education Code 47646(b)(1)].
- Any necessary special education services, including administrative and support services and itinerant services, that is provided by the SELPA on behalf of students with disabilities enrolled in New West [Education Code 47646(b)(2)].

New West is responsible for contributing to its SELPA an equitable share of its charter school block grant funding to support the SELPA's special education instruction and services, including, but not limited to, special education instruction and services for pupils with disabilities enrolled in New West [Education Code 47646(c)]. New West anticipates that it may be interested in the possibility of providing some or all of its own special education services in which case special cost sharing arrangements would have to be made with the school's SELPA. New West anticipates negotiating each year with its SELPA a "Special Education Memorandum of Understanding" that defines the role of both New West and its SELPA regarding fiscal accountability, participation of the school in the SELPA's special education programs, and provision of special education services to the school.

D. Compliance with the *Chanda Smith* Consent Decree

The LAUSD and its SELPA are subject to the terms and conditions of the *Chanda Smith* Consent Decree regarding special education. ~~If New West operates under the charter petition~~

~~conditionally approved by the SBE, and if~~If the school ~~if~~ is physically located within the boundaries of the LAUSD, then New West shall comply with the Chanda Smith Consent Decree if and to the extent that the decree is determined by the court or other competent authority to be applicable to New West (see *General Provisions of the Charter. Section III. Conditions of Approval*). New West shall comply with all state and federal laws, rules, and regulations regarding its obligations to special education students. To the degree that a court, or a federal or state agency, finds New West out of compliance with the *Chanda Smith* Consent Decree because of its actions, the school is solely responsible for all costs, fees (including attorney's fees), or other remedies associated therewith.

XVI. School Inquiries and Inspection

New West, as a public institution, shall accommodate reasonable requests for information about its operation as required by applicable state laws. New West shall follow all applicable laws regarding the confidentiality of the records of individual students, parents, and employees. Visits to the school site by members of the public shall require prior approval by the Director/Principal of New West, who shall consider the health and safety of students and employees as well as disruption to the school's educational program before granting access.

New West shall promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from the SBE or from the Superintendent of Public Instruction [Education Code 47604.3]. The SBE may inspect or observe at any time any part of the school including its facilities, records, teaching programs, extracurricular activities, or any other part of its operation [Education Code 47607(a)].

XVII. Open Meetings, Public Records, and Confidentiality

New West shall abide by all laws that govern public agencies generally with regard to open meetings and public records (e.g., the Public Records Act [Government Code Section 6250 et seq.] and the Ralph M. Brown Act [Government Code Section 54950 et seq.]).

New West shall respect the privacy of its students and employees by maintaining policies on confidentiality of private information that the school is legally entrusted to hold (e.g., Family Educational Records and Privacy Act). Specifically, the Director/Principal shall be responsible for a records management policy that covers the creation, maintenance, and destruction of student and employee records as required by law. Access to and disclosure of private information shall be limited to those persons who have a legal right to inspect and review documents (e.g., parents may inspect their own children's school files, or employees may inspect their own personnel files) or to those who need access to documents in the course of the school's normal operation (e.g., Director/Principal or ~~Student Success Committee~~Governance Council). Basic information about students that usually appear in class rosters (e.g., names, ages, grade levels, addresses, and phone numbers) may be shared within the school's community of staff, parents, and students for internal school purposes but will not be distributed to any outside person or organization. Complaints about the contents of student or employee records, the accuracy of information, or violations of privacy shall be handled through the school's internal dispute resolution process.

XVIII.Conflict of Interest Policy

New West shall have a written policy to limit actual or potential conflicts of interest that may arise in operating the school when the personal or professional interests of a stakeholder affect her/his ability to put the welfare of the school before personal benefit. The conflict of interest policies shall apply to Governance Council representatives, Executive Committee members, committee members, administrators, teachers, staff, parents, community members, and any other person or party who participates in the school's operation and educational program, all of whom will

be asked to agree in writing to uphold the policy. New West anticipates modeling its conflict of interest policy on the advice and examples provided in Frank Martinelli's *Creating an Effective Charter School Governing Board* (Charter Friends National Network, 2000). The four essential elements of the conflict of interest policy shall be:

- **Full Disclosure.** Stakeholders shall make known any potential or actual conflict of interest.
- **Abstention from Discussion and Decision Making.** Stakeholders who have an actual or potential conflict of interest shall not participate in discussions or votes on matters related in any way to the area of conflict.
- **Abstention from Decision-Making.** Stakeholders who have an actual or potential conflict of interest shall not be substantively involved in decision-making on matters related in any way to the area of conflict.
- **Violation of Policy.** Violations of the conflict of interest policy can be reported by anyone and shall be referred to the school's dispute resolution procedures.

XIX. Exemption from Laws Governing School Districts

New West shall comply with all terms set forth in its Charter, with the provisions of the Charter Schools Act, and with other laws that may be applicable to charter schools. Otherwise, New West is exempt from laws governing school districts [Education Code 47610].

XX. Impact Statement

Appendix VII provides the operations and impact statement required by law [Education Code 47605(g)]. This statement provides information regarding the proposed operation and potential effects of New West Charter School, including the facilities to be utilized by the school (see *Description of the School. Section II. Facilities* and Appendix IV), the manner in which administrative services of the school are to be provided (see *Provisions Relating to Charter School Funding: Section VII. Business Management*), and potential civil liability effects (see *Provisions Relating to Charter School Funding: Section VIII. Liability*), if any, upon the school and upon the SBE.

PROVISIONS RELATED TO CHARTER SCHOOL FUNDING

I. Charter School Funding

New West is entitled by law to full and fair funding as provided in the Charter Schools Act [Education Code 47615(a)(3)] and that this entitlement, by law, shall be liberally construed [Education Code 47615(b)]. Furthermore, it is the intent of the California Legislature that New West shall be provided with operational funding that is equal to the total funding that would be available to a similar school district serving a similar pupil population in terms of numbers of students by grade level and proportion of economically disadvantaged pupils [Education Code 47630(a) & 47632]. The SBE shall not be responsible for providing "up front money" of any kind to fund New West's planning and implementation costs associated with starting the school. The SBE shall not be responsible for providing supplemental operational funding to New West beyond that which the school is entitled to by law. Adult school and children's center funding shall not be available to New West unless the school submits appropriate revisions to its Charter.

New West shall be "funded directly," which means that the school shall receive all funding that the school is eligible to receive directly through appropriate funds or accounts established in the county treasury by the Superintendent of Schools of Los Angeles County [Education Code 47651(a)(1)]. Direct funding shall apply to all funding New West is eligible to receive including, but not limited to, the school's general-purpose entitlements, its categorical block grant, other state and federal categorical aid, and lottery funds [Education Code 47651(b)]. New West understands that

operational funding will be limited until the school enrolls students and commences instructional operations. At that time, in its first year of operation, New West shall be eligible to receive funding for the advance apportionments based on an estimate of average daily attendance as allowed by law [Education Code 47652].

New West shall have the right to use its general-purpose entitlement and its categorical block grant for any public school purpose determined by the Governance Council [Education Code 47633(c) & 47634(i)]. The Governance Council shall determine the use of all other funding received by New West in accordance with the specific conditions, requirements, and limitations, if any, which may be placed on the use of funds received from different sources.

II. Grants, Loans, and Indebtedness

New West, through its nonprofit public benefit corporation, shall have the right to apply for grants from foundations, corporations, and local, state, and federal agencies. With respect to applications for state and federal categorical programs (e.g., programs funded through the federal government's Improving America's Schools Act), New West shall be deemed a school district for the purposes of determining eligibility unless otherwise provided by the Charter Schools Act [Education Code 47636(a)(1)]. New West shall be solely responsible for completing its own applications and meeting all requirements of the funding agency related to programmatic and fiscal eligibility, accounting, and reporting.

New West, through its nonprofit public benefit corporation, shall have the right to incur financial obligations in the form of loans, bonds, letters of credit, long-term debt, and rentals, leases, or acquisitions of real estate. New West shall provide the SBE with full financial documentation regarding any such financial transactions in a timely fashion that allows the SBE to evaluate the agreements prior to their execution. The SBE shall not be liable for the debts or obligations of New West because the school has elected to operate as nonprofit public benefit corporation [Education Code 47604(c) and 41365(f)(2)] (see *General Provisions of the Charter. Section VIII. Legal Status of the School*). New West shall include in all financial documents a prominent statement that the school's nonprofit public benefit corporation shall be solely responsible for any liability that may arise from the school's financial transactions.

New West ~~will submit a proposal to the California Department of Education for a Implementation Phase Charter School Start-Up Grant during the first available grant cycle after the Charter is approved. New West will apply to the~~received from the State Treasurer ~~for~~ a loan from the Charter School Revolving Loan Fund ~~immediately after the SBE approves the Charter~~ [Education Code 41365]. As a start-up charter school operated by a nonprofit public benefit corporation, the loan ~~can be made~~is directly to New West [Education Code 41365(b) and 41365(f)(1)]. New West shall use the loan only for startup costs to meet the purposes of the Charter as granted by the SBE [Education Code 41365(b)]. New West shall repay principal and interest on the loan in amounts specified by the Charter Schools Act [41365(e) and 41366.5] and as agreed upon with the CDE. In the case of default on the loan, New West shall be solely liable for repayment of the loan [Education Code 41365(f)(2)].

New West's anticipates using a line of credit from an appropriate financial institution to provide working capital to open the school under the Core Curriculum Budget of the Business Plan (see Appendix VIII). New West shall provide the SBE with a copy of any letter of credit that it obtains for use in financing the operation or educational program of the school.

III. Compliance with the *Rodriguez* Consent Decree

The LAUSD is subject to the terms and conditions of the *Rodriguez* Consent Decree regarding the equitable distribution of resources ~~. If New West operates under the charter petition conditionally approved by the SBE, and~~ if the school ~~if~~ is physically located within the boundaries of the LAUSD~~,~~

then New West shall comply with the Rodriguez Consent Decree if and to the extent that the decree is determined by the court or other competent authority to be applicable to New West (see *General Provisions of the Charter. Section III. Conditions of Approval*). To the degree that a court, or a federal or state agency, finds New West out of compliance with the *Rodriguez* Consent Decree because of its actions, the school is solely responsible for all costs, fees (including attorney's fees), or other remedies associated therewith.

IV. Funding by Other Persons or Organizations

New West, as a charter school, has the right by law to accept grants, funding, or other assistance from private persons and organizations to operate the school [Education Code 47603]. Furthermore, as a Nonprofit Public Benefit Corporation, New West has the right to both solicit and administer funds in any way that is compatible with applicable laws governing such institutions. The parents, teachers, and administrators of New West shall be proactive in seeking such assistance to advance the educational goals of the school. New West will encourage parent contributions to help fund the school's educational programs but shall not require any monetary contribution as a condition for application, admission, enrollment, or participation in any of the school's regular educational activities. New West shall have sole discretion with respect to the use of funds or other assistance made available to the school by private persons or organizations.

V. Financial Projections

The Business Plan for New West, which is was included with this the original charter petition as Appendix VIII, provides provided a preliminary financial prospectus that includes included a financial summary, a 5-year budget summary, a proposed first-year operational budget (including startup costs), a 5-year budget projection, and a 3-year cash flow for each of the following depending on funding sources [Education Code 47605(g)]. A similar plan shall be submitted to the SBE for the proposed high school.

- The "Core Curriculum" budget funded through expected state and federal revenues.
- The "Supplemental Enrichment Curriculum" budget funded from family contributions, corporate contributions, and grants.

The Business Plan submitted with this charter petition represents projections of anticipated revenues and expenditures that are subject to change over time as the school develops and begins operations. Accordingly, New West shall submit to the SBE on May 15, 2002, a revised Business Plan with updated summaries, budgets, projections, and cash flows that take into consideration actual and anticipated revenues and expenses as of May 1, 2002. The SBE shall have until June 1, 2002, to provide written comment based on their review of the revised Business Plan. Additionally, on a continuing basis, New West shall provide the SBE with a preliminary budget for the forthcoming year and interim biannual financial projections that certify the school is able to meet its financial obligations for the remainder of the fiscal year and for the subsequent two fiscal years. New West shall have the right to change its business plan at any time as needed to reflect the school's circumstances with regard to its operational budgets and financial projections. Changes to the Business Plan shall not be considered a material revision of the provisions of the charter petition that requires approval by the SBE.

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VI. Oversight Costs

The SBE may charge for the costs of supervisory oversight of New West not to exceed 1 percent of the school's revenue [Education Code 47613(a)].

VII. Business Management

New West has the right to provide its own, to contract for, or to otherwise arrange administrative services, including but not limited to accounting, budgeting, payroll, purchasing, grants and donations, inventory, employee benefits, and personnel [Education Code 47613(d)]. New West anticipates hiring a Fiscal Manager/Assistant Director who shall be responsible for the school's financial operation including budgeting, accounting, and accounts payable. New West shall be responsible for the school's personnel services and payroll processing. New West will be responsible for arranging for such services as fingerprinting and criminal record processing, PERS/STRS processing if employees elect to participate in those systems, and standardized test processing. New West shall have reasonable plans and systems to manage its business affairs efficiently and effectively including reasonable internal controls to ensure sound financial practices and clear delineations of responsibility.

VIII. Liability

The SBE shall not be liable for the debts or obligations of New West Charter School [Education Code 47604(c)]. New West shall hold harmless and indemnify the SBE, including its officers and employees, from every liability, claim, or demand that may be made by reason of:

- Any injury to person or property sustained by the school's officers or employees or by any person, firm, or corporation employed directly or indirectly by the school in connection with the school's function as a charter school.
- Any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of the school, its officers, employees, or agents.
- The furnishing or use of any copyrighted or uncopyrighted composition, or patented or unpatented invention.

IX. Insurance

New West shall be responsible for arranging and paying for its own insurance coverage. New West shall submit documentation of adequate insurance coverage to the SBE not later than ~~July 1~~September 1 of each year~~, 2002~~, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings (see *General Provisions of the Charter. Section III. Conditions of Approval*). New West shall maintain minimum combined single limit coverage of $5 million for general, auto, director's and officer's liability, and employment practices liability. The SBE shall be named as an additional insured or an additional covered party on all insurance policies. New West shall secure and maintain the following forms of insurance at its own expense:

- Property insurance to cover at least 80% of property value at replacement costs for losses sustained by any real or personal property of the school from theft, fire, and other causes usually covered by property insurance (property coverage).
- Comprehensive bodily injury, property damage, and general liability insurance to protect the school's assets in the event that it is sued or found liable for some debt, wrong, or injury to persons or property (general liability coverage including options for employees and volunteers as additional insured, sexual abuse coverage, educator's professional liability, corporal punishment, employee benefits liability, automobile liability, student accident coverage, and general liability broadening endorsement).
- Staff and directors errors and omissions insurance to cover these persons from personal liability arising from their work at or involvement in the school, its operation, and its educational program (directors and officers liability coverage).

- Fidelity bond insurance, with minimum coverage of $50,000 per occurrence, to cover school employees and parent volunteers who are responsible for school funds, equipment, supplies, and other assets (crime coverage).
- Workers compensation and unemployment insurance as required by state and federal laws.

~~Prior to the school's opening, New West shall secure and maintain similar insurance with lower limits appropriate to protect the Development Group of Founders.~~ These insurance policies shall not be suspended, canceled, reduced in coverage or limits, or non-renewed except after thirty days prior written notice by FAX or certified mail to the SBE. New West shall irrevocably instruct its insurance carriers to notify the SBE directly and immediately should there be any cancellation or change in coverage.

X. Legal Services

New West shall be responsible for retaining and funding legal services as may be required from time to time in the operation of the school. In general, when needed, New West will seek legal counsel familiar with charter schools, charter school laws, and public education. All decisions with regard to legal services and legal proceedings shall be the sole responsibility of New West's Governance Council. New West shall provide the SBE with copies of the complaints or other legal documents whenever the school becomes involved in a lawsuit or other legal proceedings as either plaintiff or defendant.

XI. Closure of the School

If New West ceases operation for any reason, including but not limited to failure to renew the Charter, dissolution of the Charter, or revocation of the Charter, then the SBE shall have the right to close the school, to assume management of the school, or to take other actions the SBE may deem appropriate for the circumstances. Any unencumbered funds provided to New West from public agencies shall revert to the SBE upon the school's closure. Any other assets of the school shall remain the property of the corporation to be disposed of as allowed by Corporate Bylaws of New West Charter School. If New West initiates plans to close the school, then New west shall immediately notify students, parents, the CDE, the SBE, and the Los Angeles County Office of Education of its intentions. New West shall establish a process for the transfer of student information and records to the students' districts of enrollment eligibility or other schools to which students will transfer. The SBE shall not be liable for the debts or obligations of the school if it closes [Education Code 47604(c)].

PROVISIONS RELATED TO CHANGING THE CHARTER

I. Amendments and Revisions to the Charter

New West may make other material revisions to the Charter at any time but only with the approval of the SBE [Education Code 47607(a)(1)]. Petitions to the SBE for material revisions to the Charter shall be governed by the standards and criteria specified in Section 47605 of the Charter Schools Act [Education Code 47607(a)(2)].

II. Renewal of the Charter

The Charter of New West Charter School shall expire on June 30, ~~2005~~2006. The Charter granted by the SBE may be granted one or more subsequent five-year renewals by the SBE upon petition by the school [Education Code 47607(a)(1)]. Renewal of the Charter shall be governed by the standards and criteria in Section 47605 of the Charter Schools Act [Education Code 47607(a)(2)] or other charter school laws in effect at the time of renewal. New West shall plan to submit to the

SBE its petition for renewal of the Charter at least four months prior to the end of the Charter on June 30, ~~2005~~2006. New West shall have the right to request from the SBE a renewal of the Charter at any time prior to its expiration.

III. Dissolution of the Charter

New West may elect to relinquish its Charter at any time before the end of its term in ~~2005~~2006, provided that dissolution of the Charter does not cause closure of the school in the middle of a school year. Dissolution of the Charter shall require all of the following affirmations taken in the order given:

- A two-thirds majority vote (>66.7%) by written ballot of all voting members of the Governance Council.
- A simple majority vote (>50%) by written ballot of all full-time credentialed teachers.
- A simple majority vote (>50%) by written ballot of all parents who respond to a school-wide referendum on charter dissolution.
- Approval by the SBE.

New West shall notify the SBE of any proposal to relinquish the Charter. The SBE shall have the right to take actions as may be appropriate if the Charter is relinquished (see *Provisions Related to Charter Funding. Section XIII. Closure of the School*).

IV. Revocation of the Charter

The State Board of Education, based upon the recommendation of the Superintendent of Public Instruction, may take appropriate action, including, but not limited to revocation of the Charter, when the State Board of Education finds any of the following [Education Code 47604.5]:

- Gross financial mismanagement that jeopardizes the financial stability of New West.
- Illegal or substantially improper use of school funds for the personal benefit of any officer, director, or fiduciary of New West Charter School.
- Substantial or sustained departure from measurably successful practices such that continued departure would jeopardize the education development of the school's students.

The SBE, as the charter-granting entity, may revoke New West's Charter if it is found that the school did any of the following [Education Code 47607(b)]:

- Committed a material violation of any of the conditions, standards, or procedures set forth in the school's Charter.
- Failed to meet or pursue any of the pupil outcomes identified in the school's Charter.
- Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
- Violated any provision of law.

Prior to revocation, the SBE shall notify New West of any violation that might lead to charter revocation. The SBE shall give New West a reasonable opportunity to cure the violation, unless the SBE determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the school's students [Education Code 47607(c)].

V. Severability

The terms of the Charter are severable. In the event that any of the charter provisions are determined to be unenforceable or invalid for any reason, the remainder of the Charter shall remain in effect, unless mutually agreed otherwise by the SBE and the Governance Council of New West. The SBE and New West agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely, good faith fashion.

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 5, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Dr. William J. Ellerbee, Jr., Deputy Superintendent
School and District Operations

RE: Item No. 38

SUBJECT: Request by New West Charter Middle School to Make Material Amendments to Its Charter.

The initial State Board of Education (State Board) item regarding New West's proposed amendments to its charter contained a number of recommendations by CDE staff on the amendments. The item further indicated that California Department of Education (CDE) staff was not able to make recommendations at this time regarding the alleged financial irregularities that were brought to our attention.

New West now proposes to withdraw all the charter amendments with the exception of the amendment to extend the expiration date of the charter to June 30, 2006 instead of June 30, 2005. The extension of the expiration date would give the school the full three years of operation as intended in the original State Board approval in December 2001. New West was delayed in opening for one year and without this new expiration date, the school will only have 2 years of operation before it must seek renewal, first from the school district that originally denied it, and then if denied again, from the State Board.

State Board and CDE staff agree that New West's request for a new expiration date is reasonable given the State Board's original intent to approve all State Board charters on appeal for a three-year period of operation. However, as indicated in the initial November 2004 State Board item, there are a number of problems and complaints about the governing board of the school and some alleged financial irregularities that warrant further investigation. Given the June 30, 2005 expiration date, the school would have to initiate their request to renew their charter very soon. There is insufficient time to investigate financial matters and take corrective actions in the school's operations before the renewal application would have to be submitted.

State Board and CDE staff recommend the State Board approve a new expiration date for the charter of June 30, 2006, with the following conditions:

- The school's Governance Council structure be changed to eliminate "Founders" for purposes of the membership of the council and that additional parent representatives or community members be added to the council instead. Consistent with this recommendation, all reference to "Founders" in the governance section of the charter and in the by-laws of the school should be deleted.

- Elections for the Governance Council for the current year be conducted by the Executive Director of the school, rather than by individual members of the governing board, in an open and observed process.

- Governance Council agendas for public meetings of the council be provided to CDE oversight staff 10 days prior to each meeting so that staff may determine if there are any items for discussion that would warrant their attendance at the meeting.

- Draft minutes of Governance Council meetings be provided to CDE oversight staff no later than 3 days after each meeting, with final meeting minutes and all approved Governance Council resolutions provided to CDE staff no later than 2 weeks after each Governance Council meeting.

- New West agree to cooperate in a limited scope audit conducted by CDE's Audits and Investigations Division, which shall include a review of internal controls at the school, related party transactions, and a sample testing of expenditures.

ITEM #39

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Uniform Complaint Procedures (UCP): Approve Commencement of the Rulemaking Process.	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

The California Department of Education recommends that the State Board of Education (SBE) approve the commencement of the regulatory process for the proposed regulation revisions, the Initial Statement of Reasons, and Notice of Proposed Rulemaking, and direct staff to conduct a public hearing on the proposed regulations.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Regulations to establish the Uniform Complaint Procedures were approved by the SBE in 1991. There have been no revisions.

SUMMARY OF KEY ISSUES

Federal law (Title 34, CFR, Sections 76.780-783, 106.8 and 299.10-12; Title 22, CCR, Sections 98300-98382) and State law (California Education Code Sections 49556 and 8257) require the State Education Agency to establish Uniform Complaint Procedures (UCP). California Department of Education (CDE) staff developed, and the California State Board of Education (SBE) approved the UCP under Title 5 Regulations in 1991.

The UCP regulations describe the process for filing, investigating and resolving of a complaint regarding an alleged violation, by a local agency, of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination.

Over time, new California laws (Section 11135 of the Government Code and Education Code 200) were passed to further identify protected groups from discrimination. The Title 5 UCP must be revised to include these protected groups.

In addition, CDE staff found that some complaints were filed, but because of confusing procedures, they were never resolved. Several revisions further clarify the procedures to ensure that complaints and appeals are handled in a timely manner.

SUMMARY OF KEY ISSUES

Recent legislation drafted to settle the Williams lawsuit requires school districts to use the UCP to help identify and resolve any deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean and safe manner or good repair, and teacher vacancy or misassignment. The new revisions reflect the legislative requirements as identified in Assembly Bill (AB) 2727, Senate Bill (SB) 550 and SB 6.

Finally, these Uniform Complaint Procedure regulations also apply to complaints of discrimination. SB 1234 (Kuehl) amended Education Code sections 200 and 220 that will require a change in the Education Equity regulations that prohibit discrimination in educational institutions. Specifically, SB 1234 changed the definition of gender. This change in definition requires an amendment of Title 5. Education, California Department of Education, Chapter 5.3. Nondiscrimination and Educational Equity, Subchapter 1. Nondiscrimination Elementary and Secondary Educational Programs Receiving State or Federal Financial Assistance Article 2. Definitions, Section 4910 (k).

FISCAL ANALYSIS (AS APPROPRIATE)

The fiscal analysis will be provided in a Last Minute Memorandum

ATTACHMENT(S)

Attachment 1: Initial Statement of Reasons (5 pages)
Attachment 2: Title 5, Education, California State Board of Education Notice of Proposed Rulemaking, UCP (5 pages)
Attachment 3: Title 5. Education, Division 1. California Department of Education Chapter 5.1. Uniform Complaint Procedures, Subchapter 1. Complaint Procedures Articles 1 – 8, (29 pages)
Attachment 4: Title 5. Education, Division 1. California Department of Education, Chapter 5.3. Nondiscrimination and Educational Equity, Subchapter 1. Nondiscrimination Elementary and Secondary Educational Programs Receiving State or Federal Financial Assistance Article 2. Definitions, Section 4910 (k)

The fiscal analysis will be provided in a Last Minute Memorandum.

INITIAL STATEMENT OF REASONS

Title 5. Education
Division 1. California Department of Education
Chapter 5.1 Uniform Complaint Procedures
Subchapter 1 Complaint Procedures

Article 1. Definitions
Article 2. Purpose and Scope
Article 3. Local Agency Compliance
Article 4. Local Complaint Procedures
Article 4.5 Appeal of Local Educational Agency Decision
Article 5. State Complaint Procedures
Article 6. Direct State Intervention
Article 7. State Investigation Procedures
Article 8. Enforcement –State Procedures to Effect Compliance

SECTION 4600 GENERAL DEFINITIONS.
SECTION 4610 PURPOSE AND SCOPE.
SECTION 4611 REFERRING COMPLAINT ISSUES TO OTHER APPROPRIATE STATE OR FEDERAL AGENCIES.
SECTION 4620 LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.
SECTION 4621 DISTRICT POLICIES AND PROCEDURES.
SECTION 4622 NOTICE.
SECTION 4630 FILING A LOCAL COMPLAINT; PROCEDURES, TIME LINES.
SECTION 4631 RESPONSIBILITIES OF THE LOCAL AGENCY.
SECTION 4632 APPEAL OF LOCAL EDUCATIONAL AGENCY DECISION – GROUNDS.
SECTION 4633 APPEAL OF LOCAL EDUCATIONAL AGENCY DECISION.
SECTION 4640 FILING A STATE COMPLAINT THAT HAS NOT FIRST BEEN FILED AT THE LOCAL AGENCY; TIME LINES, NOTICE, APPEAL RIGHTS.
SECTION 4650 BASIS OF DIRECT STATE INTERVENTION.
SECTION 4651 NOTIFICATION.
Repeal SECTION 4652 Appealing Local Educational Agency Decisions.
SECTION 4660 DEPARTMENT RESOLUTION PROCEDURES.
Repeal SECTION 4661 Mediation Procedures; State mediation Agreements; notice.
SECTION 4662 INVESTIGATION PROCESS.
SECTION 4663 DEPARTMENT INVESTIGATION PROCEDURES.
SECTION 4664 DEPARTMENT INVESTIGATION REPORT.
SECTION 4665 DISCRETIONARY RECONSIDERATION OF SDE INVESTIGATION REPORT.
SECTION 4670 ENFORCEMENT.
Repeal SECTION 4671 Federal Review Rights.

Add New Sections 4680-4687

SECTION 4680	**COMPLAINTS REGARDING INSTRUCTIONAL MATERIALS, TEACHER VACANCY OR MISASSIGNMENT, AND SCHOOL FACILITIES.**
SECTION 4681	**CONTENTS OF COMPLAINTS REGARDING INSTRUCTIONAL MATERIALS.**
SECTION 4682	**COMPLAINTS REGARDING TEACHER VACANCY OR MISASSIGNMENT.**
SECTION 4683	**CONTENTS OF COMPLAINTS REGARDING THE CONDITION OF A FACILITY.**
SECTION 4684	**NOTICE.**
SECTION 4685	**INVESTIGATION BY PRINCIPAL.**
SECTION 4686	**RESPONSIBILITIES OF GOVERNING BOARD.**
SECTION 4687	**APPEAL OF FACILITIES COMPLAINT TO SUPERINTENDENT.**

Title 5. Education
Division 1. California Department of Education
Chapter 5.3 Nondiscrimination and Educational Equity
Subchapter 1. Nondiscrimination in Elementary and Secondary Educational Programs:

Article 2. Definitions

SECTION 4910(k) GENERAL DEFINITIONS

SPECIFIC PURPOSE OF THE REGULATIONS

Current, existing regulations satisfy the administrative requirement of providing a system of processing complaints of unlawful discrimination and alleged violation of federal or state laws or regulations for those activities or programs that receive state or federal funding.

The proposed amendments to the regulations intend to update the entire set of regulations to reflect current federal and state law citations supporting and requiring the regulations. The proposed amendments are necessary for the continuing successful administration of the Uniform Complaint Procedure Process. The proposed amendments to the regulations also incorporate new law related to the Williams Case Settlement. A final amendment to the regulations incorporate the definition of “gender” as specified in SB 1234.

The Sections will be amended as follows:

SECTION 4600	Definitions: Updates terminology and terms.
SECTION 4610	Purpose and Scope: Update terminology; add information about issues the Uniform Complaint Procedures do not address.
SECTION 4611	Referring Complaint Issues to Other Appropriate State or Federal Agencies: Update referral information to reflect current agency processes.
SECTION 4620	Local Educational Agency Responsibilities: Further define laws with which local agency must comply; clarify local governing board sets method through policy and procedure.

SECTION 4621	District Policies and Procedures: Clarify that a complaint form is not required; declare the local governing board designates the person/position/unit responsible for receiving complaints.
SECTION 4622	Notice: Requires copies of local educational agency. complaint procedures shall be available upon request.
SECTION 4630	Filing a Local Complaint: Procedures, Time Lines: Provides district superintendent opportunity to assign a designee. Clarifies procedures for filing a local complaint.
SECTION 4631	Responsibilities of the Local Agency: Adds consequences for impeding an investigation; clarifies alternate methods may be used to resolve complaints.
SECTION 4632	Appeal of Local Educational Agency Decision - Grounds: Procedures for appealing local agency decisions. Identifies information that must be submitted with appeal. Requires appeal to contain statement of why local agency investigation is incorrect as a matter of statement or fact.
SECTION 4633	Appeal of Local Educational Agency Decision: Describes process for Department to review the local agency decision as part of the appeal process.
SECTION 4640	Filing a State Complaint That Has Not First Been Filed at the Local Educational Agency; Time Lines, Notice, Appeal Rights: Further clarifies appeal process.
SECTION 4650	Basis of Direct State Intervention: Further clarifies direct state intervention process.
SECTION 4651	Notification: Clarifies Department intervention process.
Repeal	*SECTION 4652 Appealing Local Educational Agency Decisions.*
SECTION 4660	Department Resolution Procedures: Clarify Department resolution procedures.
Repeal	*SECTION 4661 Mediation Procedures; State Mediation Agreements; Note:* Mediation services offered as a possible means of resolving the complaint.
SECTION 4662	Investigation Process: Further clarifies investigation process; add consequences if either party impedes the investigation.
SECTION 4663	Department Investigation Procedures: Clarifies department investigation procedures.
SECTION 4664	Department Investigation Report: Clarifies procedures and defines timelines for issuance of Investigative Report as 60 days after the investigation is concluded.
SECTION 4665	Discretionary Reconsideration of SDE Investigation Report: Requires reconsideration requests to state the specific basis for reconsidering the findings, conclusions or corrective actions.
SECTION 4670	Enforcement: Further clarifies procedures if local educational agency fails to comply with corrective action.
Repeal	*SECTION 4671 Federal Review Rights.*
Add	*SECTIONS 4680 - 4687 New Education Code Section 35186 (Williams Case Settlement)*
SECTION 4680	Complaints Regarding Instructional Materials, Teacher Vacancy or Misassignment, and School Facilities: Describes type of complaint, who will receive the complaint and method of filing a complaint under the following sections.
SECTION 4681	Contents of Complaints Regarding Instructional Materials: Specifies how a complaint regarding deficiencies in instructional materials shall identify

	the school, course, teacher and nature of the deficiency in instructional materials.
SECTION 4682	Complaints Regarding Teacher Vacancy or Misassignment: Specifies how a complaint regarding Teacher Vacancy or Misassignment may be made if at the beginning of the semester if there is not a credentialed teacher assigned to teach a class or if the teacher does not have subject matter competency.
SECTION 4683	Contents of Complaints Regarding the Condition of a Facility: States complaints regarding facilities must identify the location, and the urgent conditions that pose a threat to health and safety of pupils or staff.
SECTION 4684	Notice: Specifies that a notice shall be posted in each classroom at each school notifying parents and guardians of specific sections of these regulations. The posting of this notice (may come from CDE website) shall occur on or before January 2005.
SECTION 4685	Investigation by Principal: Describes the time period of this investigation as within 30 working days of receipt of complaint, and a report to the complainant must be issued within 45 working days of the initial filing.
SECTION 4686	Responsibilities of Governing Board: Describes procedures for dissatisfied complainants to present the complaint to the local governing board.
SECTION 4687	Appeal of Facilities Complaint to Superintendent: Describes procedures for appealing investigations of complaints regarding facilities that pose an urgent threat to safety to the Superintendent of Public Instruction.
SECTION 4910(k)	“Gender” means a person’s sex and includes a person’s gender identity and gender related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

Necessity/Rationale

Pursuant to 34 Code of Regulations 299.12 (Complaint Procedures, Elementary and Secondary Education), 106.8 B (Discrimination) and 20 USC 1415(h) and 34 CFR 300.510-511(Special Education Programs and Services), the California Department of Education is required to establish procedures to address alleged violations of federal or state laws or regulations for specific programs that receive state or federal funding. Regulations to address these procedures in a uniform fashion for affected programs were initially adopted 9/25/91. The current regulations are amended to: (1) address current terminology in federal and state law; (2) update according to federal and state law, the procedures for complaint resolution and the specific groups that receive civil rights protections in discrimination complaints; (3) clarify the complaint process at the local level (4) clarify the appeal process at the state level and (5) reflect new law directing resolution of complaints related to the Williams Case settlement and pursuant to SB 1234 effective January 1, 2005. (6) incorporate the definition of “gender” as specified in SB 1234.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS OR DOCUMENTS

The State Board did not rely upon any technical, theoretical or empirical studies, reports or documents in proposing the revisions to these regulations.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATION AND THE AGENCY’S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to, or considered by the State Board. The State Board must by law, establish written procedures consistent with state law, for receiving and resolving complaints about specific federally funded programs. The procedures must include the provision the complaint be written and include a statement of the federal statute or regulation allegedly violated and the facts on which the statement is based.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The State Board has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The proposed revised regulations would not have a significant adverse economic impact on any business because the regulations only apply to Local Education Agencies (LEAs) and their sub-grantees.

10-21-04

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA STATE BOARD OF EDUCATION
1430 N Street; Room 5111
Sacramento, CA 95814

TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Uniform Complaint Procedures & Nondiscrimination and Educational Equity
[Notice published November 19, 2004]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

Program staff will hold a public hearing beginning at **9:00 a.m. on Tuesday, January 4, 2004**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period ends at **5:00 p.m. on Tuesday, January 4, 2004**. The Board will consider only written comments received by the Regulations Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, CA 95814
Email: dstrain@cde.ca.gov
Telephone: (916) 319-0860
FAX: (916) 319-0155

AUTHORITY AND REFERENCE

Authority: Section 200, 221.1, 221.2, 8261, 33031, 35186, 49531, 49551, 54445, 52355, 52451, and 56100(a) and (j), Education Code; Section 11138, Government Code.

Reference: Section 51.7(b), Civil Code; Sections 200, 201, 201(g), 210.1, 212.5, 220, 221, 233(e), 260, 17002(d), 17592.72, 33126(b)(5)(A) and (B), 48987, and 49556, Education Code; Sections 11135, 11136, 11138, and 12960, Government Code; Sections 422.5, 422.6 and 11166, Penal Code; Section 1681, Title 20, U.S. Code; Section 2000d, Title 42, U.S. Code; 34 CFR 106.1 – 106.8, 299.10-299.11; and Sections 98210, 98220, 98230, 98250 and 98343, Title 22, California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Board proposes to amend Sections 4600, 4610, 4611, 4620, 4621, 4622, 4630, 4631, 4632, 4633, 4640, 4650, 4651, 4652, 4660, 4661, 4662, 4663, 4664, 4665, 4670, 4671 and add new Sections 4680, 4681, 4682, 4683, 4684, 4685, 4686 and 4687 to Chapter 5.1. Uniform Complaint Procedures, Subchapter 1, in Title 5 of the California Code of Regulations. These sections concern the Uniform Complaint Procedures, a system of processing complaints of unlawful discrimination and alleged violation of federal or state laws or regulations for those activities or programs that receive state or federal funding. These procedures are required under the Federal Code of Regulations, Title 34, Part 299, Subpart F- Complaint Procedures. The new section for these regulations was filed on 8/26/91 and became operative on 9/25/91.

The proposed amendments to the California Code of Regulations are needed to address current terminology in federal and state law; update the procedures for complaint resolution and the specific groups that receive civil rights protections in discrimination complaints according to federal and state law; and, more accurately reflect the complaint process at the local level and the appeal process at the state level. The regulations are updated to reflect investigation operating procedures as directed by current federal compliance regulations. The significant changes include the removal of required mediation and the addition of a sixty-day time period for the Department to issue an Investigative Report following the investigation. Most changes are minor.

The Uniform Complaint Procedures apply to the following programs administered by the Department: (i) Adult Basic Education established pursuant to Education Code sections 8500 through 8538 and 52500 through 52616.5; (ii) Consolidated Categorical Aid Programs as listed in Education Code section 64000(a); (iii) Migrant Education established pursuant to Education Code sections 54440 through 54445; (iv) Vocational Education established pursuant to Education Code sections 52300 through 52480; (v) Child Care and Development programs established pursuant to Education Code sections 8200 through 8493; (vi) Child Nutrition programs established pursuant to Education Code sections 49490 through 49560; and (vii) Special Education programs established pursuant to Education Code sections 56000 through 56885 and 59000 through 59300.

The Uniform Complaint Procedures also apply to the filing of complaints, which allege unlawful discrimination in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.

The Williams Case Settlement (September 2004) resulted in a new Education Code Section and these proposed new regulations to implement the law. The Williams Case Settlement addressed complaints of deficiencies at schools related to instructional materials, emergency or urgent facilities, conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. This type of complaint will first be filed with the principal of the school. A complaint about problems beyond the authority of the school principal shall be forwarded within 10 working days to the appropriate school district official for resolution. These complaints may be filed anonymously, however only a complainant who identifies himself or herself is entitled to a response. The school may choose to have a complaint form. All complaints and responses are public records.

Finally, these Uniform Complaint Procedure regulations also apply to complaints of discrimination. SB 1234 (Kuehl) amended Education Code sections 200 and 220 that will require a change in the Education Equity regulations that prohibit discrimination in educational institutions. Specifically, SB 1234 changed the definition of gender. This change in definition requires an amendment of Title 5. Education, California Department of Education, Chapter 5.3. Nondiscrimination and Educational Equity, Subchapter 1. Nondiscrimination Elementary and Secondary Educational Programs Receiving State or Federal Financial Assistance Article 2. Definitions, Section 4910 (k).

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: TBD

Cost or savings to any state agency: TBD

Costs to any local agency or school district that must be reimbursed in accordance with Government Code Section 17561: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

(1) create or eliminate jobs within California;
(2) create new businesses or eliminate existing businesses within California; or
(3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: TBD

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because the regulations only relate to local school districts.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Judy Reichle, Education Program Consultant
Categorical Programs Complaints Management
California Department of Education
1430 N Street, 6th Floor
E-mail: jreichle@cde.ca.gov
Sacramento, CA 95814
Telephone: (916) 319-0929

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0860.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address indicated above.

The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's Web site at *http://www.cde.ca.gov/re/lr/rr/*

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973,* the *Americans with Disabilities Act of 1990,* and the *Unruh Civil Rights Act,* any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Judy Reichle, Standards and Assessment Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 319-0929; fax, (916) 319-0972. It is recommended that assistance be requested at least two weeks prior to the hearing.

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 5.1. Uniform Complaint Procedures

Subchapter 1. Complaint Procedures

Article 1. Definitions

Amend § 4600 to read:

§ 4600. General Definitions.

As used in this Chapter, the term:

(a) “Appeal” means a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

(b) “Complainant” means any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination in programs and activities funded directly by the state or receiving any financial assistance from the state.

(c) “Complaint” means a written and signed statement alleging a violation of ~~a~~ federal or state laws or regulations, which may include an allegation of unlawful discrimination. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy ~~or other handicaps~~, the public agency shall assist the complainant in the filing of the complaint.

(d) “Complaint ~~I~~investigation” means an administrative process used by the Department or local educational agency for the purpose of gathering data regarding the complaint.

(e) “Complaint ~~P~~procedure” means an internal process used by the Department or local educational agency to process and resolve complaints.

(f) “Compliance ~~A~~agreement” means an agreement between the Department and a local educational agency, following a finding of noncompliance by the Department, developed by the local educational agency and approved by the Department to resolve the noncompliance.

(g) “Days” means calendar days unless designated otherwise.

(h) “Department” means the California Department of Education.

(i) “Direct ~~S~~state ~~I~~intervention” means the steps taken by the Department to initially investigate complaints or effect compliance.

(j) “Educational institution” means a public or private preschool, elementary, or secondary school or institution; the governing board of a school district; or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools.

(k) “Facilities that pose an emergency or urgent threat to the healthy or safety of pupils or staff” means a condition as defined in paragraph (1) of subdivision (c) of Section 17592.72 and any other emergency conditions the school district determines appropriate.

(l) “Good repair” means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the Office of Public School Construction. The instrument shall not require capital enhancements beyond the standards to which the facility was designed and constructed.

(m)~~(j)~~ “Local ~~A~~agency” means a school district governing board or a local public or private agency which receives direct or indirect funding or any other financial assistance from the state to provide any school programs or activities or special education or related services.

(n) “Local educational agency” includes any public school district and county office of education.

(o) “Misassignment” means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(p) “Public agency” means any local agency or state agency.

~~(k) “Mediation” means a problem-solving activity whereby a third party assists the parties to a dispute in resolving the problem.~~

~~*(l)* “State Mediation Agreement” means a written, voluntary agreement, approved by~~

~~the Department, which is developed by the local agency and complainant with assistance from the Department to resolve an allegation of noncompliance.~~

(q)~~(m)~~ "State ~~A~~agency" means the State Departments of Mental Health or Health Services or any other state administrative unit that is or may be required to provide special education or related services to ~~handicapped pupils~~ children with disabilities pursuant to Government Code ~~s~~Section 7570 et seq.

(r) "Subject matter competency" means the teacher meets the applicable requirements of Article 1, subchapter 7 of these regulations, commencing with Section 6100, for the course being taught.

(s) "Sufficient textbooks or instructional materials" means that each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments; but does not require two sets of textbooks or instructional materials for each pupil. Sufficient textbooks or instructional materials does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

(t)~~(n)~~ "Superintendent" means the Superintendent of Public Instruction or his or her designee.

(u) "Vacant teacher position" means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 200, 201, 210.1 and ~~210,~~ 220~~, and 260~~ 17002(d), 33126(b)(5)(A) and (B) and 17592.72, Education Code; Sections 11135 and 11138, Government Code.

Article 2. Purpose and Scope

Amend § 4610 to read:

§4610. Purpose and Scope.

(a) This Chapter applies to the filing, investigation and resolution of a complaint

regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination~~, in accordance with the provisions of Title 34, CFR, Sections 76.780-783 and 106.8; Title 22, CCR, Sections 98300-98382; and California Education Code Sections 49556 and 8257~~. The purpose of this Chapter is to establish a uniform system of complaint processing for specified programs or activities which receive state or federal funding.

(b) This Chapter applies to the following programs administered by the Department:

~~(i)~~(1) Adult ~~Basic~~ Education programs established pursuant to Education Code sections 8500 through 8538 and 52500 through 52616.~~5~~4;

~~(ii)~~(2) Consolidated Categorical Aid Programs as listed in Education Code ~~s~~Section 64000(a);

~~(iii)~~(3) Migrant Education established pursuant to Education Code sections 54440 through 54445;

~~(iv)~~(4) Career Technical and Technical ~~Vocational~~ Education and Career Technical and Technical Training Programs established pursuant to Education Code sections 52300 through 52480;

~~(v)~~(5) Child Care and Development ~~p~~Programs established pursuant to Education Code sections 8200 through 8493;

~~(vi)~~(6) Child Nutrition ~~p~~Programs established pursuant to Education Code sections 49490 through ~~49560~~ 49570; and

~~(vii)~~(7) Special Education ~~p~~Programs established pursuant to Education Code sections 56000 through 56885 and 59000 through 59300.

(c) This Chapter also applies to the filing of complaints which allege unlawful discrimination against ~~on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability,~~ any protected group as identified under Education Code Section 200 and 220 and Section 11135 of the Government Code in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.

(d) This chapter shall not apply to:

(1) Employer-employee relations such as hiring and evaluations of staff, assignments of classrooms or duties or other issues within the purview of the Public

Employees Relations Board or a Memorandum of Understanding or other collective bargaining agreement;

(2) the provision of core curricula subjects;

(3) pupil classroom assignments;

(4) pupil discipline;

(5) pupil advancement, retention or grades;

(6) graduation requirements;

(7) homework policies and practices;

(8) selection of instructional materials; or

(9) use of general education funds.

NOTE: Authority cited: Sections 221.1 ~~232~~, 8261, 33031, 35186, 49531, 49551, 54445, 52355, 52451, and 56100(a) and (j), Education Code; Section 11138, Government Code. Reference: Sections 200, ~~210,~~ 220, 260, and 49556, Education Code; Sections 11135 and 11138, Government Code; 34 CFR 106.1 – 106.8, 299.10 – 299.11.

Amend § 4611 to read:

§4611. Referring Complaint Issues to Other Appropriate State or Federal Agencies.

The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to the local and Department complaint procedures set forth in this Chapter unless these procedures are made applicable by separate interagency agreements:

(a) Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency. However, nothing in this section relieves the Department from investigating complaints pursuant to ~~s~~Section 4650 (a)~~(viii)~~(8)(C) herein.

(b) Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.

~~(c) Discrimination issues involving Title IX of the Educational Amendments of 1972 shall be referred to the U.S. Office of Civil Rights (OCR). Title IX complainants will only~~

~~be referred to the OCR if there is no state discrimination law or regulation at issue. Unless otherwise negotiated through a memorandum of understanding/agreement, a preliminary inquiry and/or investigation concerning these complaints will be conducted by OCR. The complainant shall be notified by certified mail if his or her complaint is transferred to OCR by the Superintendent.~~

~~(d) Complaints of discrimination involving Child Nutrition Programs administered by the Department from program participants or applicants shall be referred to either Administrator, U.S. Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302 or Secretary of Agriculture, Washington, D.C. 20250. Discrimination complaints received by a local agency or the Department shall be immediately directed to U.S. Department of Agriculture, Food and Nutrition Service, Western Regional Office.~~

(c)~~(e)~~ Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH) pursuant to Title 22, CCR, Section 98410. The complainant shall be notified by ~~certified~~ first class mail of any DFEH transferral.

(d)~~(f)~~ Allegations of fraud shall be referred to the responsible Department Division Director ~~and~~ who may consult with the Department's Legal ~~Office~~ and Audits Branch.

NOTE: Authority cited: Sections 221.1 and 33031~~, 71020 and 71025~~, Education Code; Section 11138, Government Code. Reference: Sections 200, 220, 221 and 48987, Education Code; Sections 11135, 11136, ~~and~~ 11138 and 12960, Government Code; Section 11166, Penal Code; 34 CFR ~~76.780-76.783~~ 106.1 – 106.8.

Amend Article 3 and § 4620 to read:

Article 3. Local Educational Agency Compliance

§4620. Local Educational Agency Responsibilities.

Each local educational agency shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. Each local educational agency shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints in accordance with the procedures set out in this Chapter and in accordance with the policies and procedures of the governing board.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Section 200, 220 and 260, Education Code; Section 11135, Government Code; and 34 CFR ~~76.780 - 76.783 and~~ 106.8.

Amend § 4621 to read:

§4621. District Policies and Procedures

(a) Each local educational agency shall adopt policies and procedures not inconsistent with Sections 4600 – 4695 of this Chapter for the investigation and resolution of complaints. Local policies shall ensure that complainants are protected from retaliation and that the identity of ~~the~~ a complainant alleging discrimination remain confidential as appropriate. School Districts and County Offices of Education shall submit their policies and procedures to the local governing board for adoption within one year from the effective date of this chapter. ~~Upon adoption, the district may forward a copy to the Superintendent.~~

(b) Each local educational agency shall include in its policies and procedures the person(s), employee(s) or agency position(s) or unit(s) designated by the governing board to be responsible for receiving complaints, investigating complaints and ensuring local educational agency compliance. The local educational agency's policies shall ensure that the person(s), employee(s), position(s) or unit(s) responsible for compliance and/or investigations shall be knowledgeable about the laws/programs that he/she is assigned to investigate.

(c) The local educational agency may provide a complaint form for persons wishing to file a complaint to fill out and file. However, a person may not be required to use the complaint form furnished by the local educational agency in order to file a complaint.

NOTE: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Section 200, 220 and 260, Education Code; Section 11135, Government Code; and 34 CFR ~~76.780-76.783 and~~ 106.8 and 299.10 – 299.11.

Amend § 4622 to read:

§4622. Notice~~; Notice Recipients; Notice Requirements~~.

Each local educational agency shall annually notify in writing, as applicable, its

students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, and other interested parties of their local educational agency complaint procedures, including the opportunity to appeal to the Department and the provisions of this Chapter. The notice shall include the identity (identities) of the person(s) responsible for processing complaints. ~~The notice shall also advise the recipient of the notice of any civil law remedies that may be available, and of the appeal and review procedures contained in sections 4650, 4652, and 4671 of this Chapter.~~ This notice shall be in English, and when necessary, in the primary language, pursuant to ~~s~~Section 48985 of the Education Code, or mode of communication of the recipient of the notice. Copies of local educational agency complaint procedures shall be available when requested.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Section 200 and 220, Education Code; Sections 11135 and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8.

Article 4. Local Complaint Procedures

Amend § 4630 to read:

§4630. Filing a Local Complaint; Procedures, Time Lines.

(a) For ~~other than discrimination~~ complaints that do not allege discrimination, any individual, public agency or organization may file a written complaint with the person designated by the governing board ~~administrator/superintendent of the local educational agency,~~ alleging a matter which, if true, would constitute a violation by that local educational agency of federal or state law or regulation governing ~~the~~ a program~~s~~ listed in ~~s~~Section 4610 (b) of this Chapter.

(b) An investigation of alleged unlawful discrimination shall be initiated by filing a complaint not later than six months from the date the alleged discrimination occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination unless the time for filing is extended by the district superintendent or his or her designee ~~Superintendent~~, upon written request by the complainant setting forth the reasons for the extension. Such extension by the district superintendent or his or her designee ~~Superintendent~~ shall be made in writing. The period for filing may be

extended by the district superintendent or his or her designee ~~Superintendent~~ for good cause for a period not to exceed 90 days following the expiration of the six month time period ~~time allowed~~. The district superintendent ~~Superintendent~~ shall respond immediately upon receipt of a request~~s~~ for extension~~s~~.

(1) The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, or by one who believes an individual or any specific class of individuals has been subjected to discrimination prohibited by this part.

(2) The complaint shall be filed with the local educational agency in accordance with the complaint procedures of the local educational agency ~~director/district superintendent or his or her designee, unless the complainant requests direct intervention by the Department pursuant to Article 6 of this Chapter~~.

(3) An investigation of a discrimination complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process ~~the facts~~.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8.

Amend § 4631 to read:

§4631. Responsibilities of the Local Educational Agency.

(a) Within 60 days from the date of the receipt of the complaint, the local educational agency person responsible for the investigation of the complaints ~~superintendent~~ or his or her designee shall conduct and complete ~~the~~ an investigation of the complaint in accordance with the local procedures ~~developed~~ adopted pursuant to ~~s~~Section 4621 and prepare a written Local Educational Agency Decision. This time period may be extended by written agreement of the complainant.

(b) The investigation shall ~~provide~~ include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations ~~and local educational agency representatives to present information relevant to the complaint. The investigation may include an~~

~~opportunity for the parties to the dispute to meet to discuss the complaint or to question each other or each other's witnesses~~.

(c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

(d) Refusal by the local agency to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

(e)~~(c)~~ The ~~L~~local ~~E~~educational ~~A~~agency shall issue a Decision (the Decision) based on the evidence. The Decision~~,~~ shall be in writing and sent to the complainant within ~~sixty (~~60~~)~~ days from receipt of the complaint by the local educational agency. The Decision shall contain:

(1) the findings of fact based on the evidence gathered,

(2) conclusion of law,

(3) ~~and~~ disposition of the complaint, ~~including~~

(4) ~~corrective actions if any~~ the rationale for such disposition,

(5) corrective actions, if any are warranted,

(6) notice of the complainant's right to appeal the local educational agency ~~d~~Decision to the Department, and

(7) ~~the~~ procedures to be followed for initiating an appeal to the Department.

~~(d) Local Educational Agencies may establish procedures for attempting to resolve complaints through mediation prior to the initiation of a formal compliance investigation. Conducting local mediation shall not extend the local time lines for investigating and resolving complaints at the local level unless the complainant agrees, in writing, to the extension of the time line. In no event shall mediation be mandatory in resolving complaints.~~

(f) Nothing in this Chapter shall prohibit the parties from utilizing alternative methods

to resolve the allegations in the complaint, including, but not limited to, mediation to resolve the allegations in the complaint.

(g) Nothing in this Chapter shall prohibit a local educational agency from resolving complaints prior to the formal filing of a written complaint.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8.

Article 4.5. Appeal of Local Educational Agency Decision.

Renumber § 4652 to § 4632 to read:

~~§4652.~~ § 4632. Appeal~~ing~~ of Local Educational Agency Decision~~s~~ - Grounds.

~~(a) Any complainant(s) may appeal a Local Educational Agency Decision to the Superintendent by filing a written appeal with the Superintendent within (15) days of receiving the Local Educational Agency Decision. Extensions for filing appeals may be granted, in writing, for good cause.~~

~~(b) The complainant shall specify the reason(s) for appealing the local educational agency decision.~~

~~(c) The appeal shall include:~~

~~(1) a copy of the locally filed complaint; and~~

~~(2) a copy of the Local Educational Agency Decision.~~

~~NOTE: Authority cited: Sections 232 and 33031, Education Code; Section 11138, Government Code. Reference: Sections 11135, 11136, and 11138, Government Code; 34 CFR 76.780-76.783 and 106.8.~~

(a) A complainant may appeal a Decision to the Department by filing a written appeal within 15 days of receiving the Decision.

(b) The complainant shall specify the basis for the appeal of the Decision and how as a matter of fact or law the local educational agency is incorrect.

(c) The appeal shall be accompanied by:

(1) a copy of the locally filed complaint; and

(2) a copy of the Decision.

(d) If the Department determines the appeal raises issues not contained in the local complaint, the Department will refer those new issues back to the local educational agency for resolution under Section 4630 or 4631.

(e) If the Department determines that the Decision failed to address an issue raised by the complaint, the Department shall refer the matter to the local educational agency to make findings and conclusions on the issue not addressed.

NOTE: Authority cited: Sections 200, 221.2, and 33031, Education Code; Section 11138, Government Code. Reference: Sections 11135, 11136, and 11138, Government Code; 34 CFR 106.8, 34 CFR 299.10(a)(2).

Renumber § 4632 to § 4633 to read.

~~§4632. Forward to Superintendent.~~ § 4633. Appeal of Local Educational Agency Decision.

(a) If the Decision is appealed, the Department shall notify the local educational agency of the appeal. Upon notification by the Department ~~Superintendent~~ that the ~~Local Educational Agency~~ Decision has been appealed ~~to the state level pursuant to section 4652~~, the local educational agency shall forward the following to the Department ~~Superintendent~~:

(1)~~(a)~~ The original complaint;

(2)~~(b)~~ A copy of the ~~Local Educational Agency~~ Decision;

(3)~~(c)~~ A summary of the nature and extent of the investigation conducted by the local educational agency, if not covered in the ~~Local Educational Agency~~ Decision;

(4) A copy of the investigation file, including but not limited to, all notes, interviews and documents submitted by the parties or gathered by the investigator;

(5)~~(d)~~ A report of any action taken to resolve the complaint;

(6)~~(e)~~ A copy of the local educational agency complaint procedures; and

(7)~~(f)~~ Such other relevant information as the Department ~~Superintendent~~ may request ~~require~~.

(b) The Department shall not receive evidence from the parties that could have been presented to the local educational agency investigator during the investigation. Any confidential information or pupil information in the investigative file shall remain

confidential and shall not be disclosed by the Department.

(c) The Department may contact the parties for further information, if necessary.

(d) The Department shall review the investigation file, the summary of the nature and extent of the investigation conducted by the local educational agency, the complaint procedures, documents and any other evidence received from the local educational agency and determine whether substantial evidence exists:

(1) That the local educational agency followed its complaint procedures;

(2) That the relevant findings of fact in the Decision which are the subject of the appeal are supported by the evidence; and

(3) That the conclusions of law which are the subject of the appeal are correct.

(e) If the Department determines that the Decision is deficient because it lacks findings of fact and conclusions of law regarding the subject of the appeal, the Department may return the Decision to the local educational agency in order to correct the deficiencies.

(f) If the Department finds that the Decision is supported by substantial evidence, the appeal shall be denied.

(g) If the Department finds the grounds for the appeal have merit:

(1) The Department may, if there is a lack of substantial evidence or a procedural defect in the investigation, remand the investigation to the local educational agency for further investigation of the allegations which are the subject of the appeal; or

(2) The Department may issue a decision based on the evidence in the investigation file received from the local educational agency; or

(3) If the Department determines that it is in the best interest of the parties, conduct a further investigation of the allegations which are the basis for the appeal and issue a decision following further investigation.

(f) If the Department finds merit in the appeal, the Department's decision on appeal shall contain the following:

(1) A finding that the local educational agency complied or did not comply with its complaint procedures;

(2) The Department's findings of fact and conclusions of law regarding the issue on appeal; and

(3) Where a determination is made that the local educational agency failed to comply with the applicable state or federal law or regulation, remedial orders to address the violation(s).

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031; Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8, 34 CFR 299.10(a)(2).

Article 5. State Complaint Procedures

§4640. Filing a State Complaint That Has Not First Been Filed at the Local Educational Agency; Time Lines, Notice, Appeal Rights.

~~(a)~~ Referral to the Local Educational Agency for Local Resolution.

(a)~~(1)~~ If a complaint is erroneously filed with the Department ~~first sent to the Superintendent~~ without first being filed with and investigated by the local educational agency ~~investigation~~, the Department ~~Superintendent~~ shall immediately forward the complaint to the local educational agency for processing in accordance with Article 4 of this Chapter, unless extraordinary circumstances exist necessitating direct state ~~Department~~ intervention as described at Section 4650 ~~exist~~.

(b)~~(2)~~ A letter ~~The complainant(s)~~ shall be sent by first class mail to the complainant(s) ~~a letter to notify~~ notifying him, her, or them that: ~~of 1) the transferred complaint, 2) the State request for local educational agency resolution, and 3) to advise of Department appeal procedures.~~

(1) The Department does not have jurisdiction, at this time, over the complaint and that the complaint should have been filed with the local educational agency in the first instance;

(2) That the complaint has been transferred to the local educational agency requesting the local educational agency to process and investigate the allegation in the complaint; or

(3) That the complainant may file an appeal to the Department following the issuance of the Decision, if he or she believes as a matter of fact or law the Decision is incorrect.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138,

Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8, 34 CFR 299.10(a)(2).

Article 6. Direct State Intervention

§4650. Basis of Direct State Intervention.

(a) The Department ~~Superintendent~~ shall directly intervene without waiting for local educational agency investigation ~~action~~ if one or more of the following situations ~~conditions~~ exist~~s~~:

(1)~~(i)~~ The complaint includes an allegation, and the Department verifies, that a local educational agency failed to comply with the complaint procedures required by this Chapter and its local rules and regulations, including, but not limited to, the failure or refusal of the local educational agency to cooperate with the investigation or to otherwise prevent the complainant from presenting evidence to support the allegations in the complaint;

~~(ii) Discrimination is alleged by the complainant and the facts alleged indicate that the complainant will suffer an immediate loss of some benefit such as employment or education if the Department does not intervene. However, nothing in this section gives the Department jurisdiction over employment discrimination claims.~~

(2)~~(iii)~~ The complaint relates to an agency that is not a local educational agency ~~agencies other than local educational agencies~~ funded through the Child Development or ~~and~~ Child Nutrition Programs;

(3)~~(iv)~~ The complainant requests anonymity because ~~and presents clear and convincing evidence and the Department verifies that~~ he or she would be in danger of retaliation and would suffer immediate and irreparable harm if he or she filed a complaint with the local educational agency ~~if a complaint were filed locally, or has been retaliated against because of past or present complaints~~;

~~(v) The complainant alleges that the local educational agency failed or refused to implement the final decision resulting from its local investigation or local Mediation Agreement;~~

~~(vi) The local agency refuses to respond to the Superintendent's request for~~

~~information regarding a complaint;~~

(4)~~(vii)~~ The complainant alleges and the Department verifies that through no fault of the complainant, ~~or the Department has information that~~ no action has been taken by the local educational agency within 60 calendar days of the date the complaint was filed ~~locally~~. Prior to direct intervention, the Department shall attempt to work with the local educational agency to allow it to complete the investigation and issue a Decision.

(5)~~(viii)~~ For complaints relating to special education the following shall also be conditions for direct state intervention:

(A) The complainant alleges that a public agency, other than a local educational agency, as specified in Government Code ~~s~~Section 7570 et seq., fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to children with disabilities ~~handicapped individuals~~;

(B) The complainant alleges that the local educational agency or public agency fails or refuses to comply with the due process procedures established pursuant to federal and state law and regulation; or has failed or refused to implement a due process hearing order;

(C) The complainant alleges facts that indicate that the child or group of children may be in immediate physical danger or that the health, safety or welfare of a child or group of children is threatened.

(D) The ~~C~~complainant alleges that a child with a disability ~~handicapped pupil~~ is not receiving the special education or related services specified in his or her Individualized Educational Program (IEP).

(E) The complaint involves a violation of federal law governing special education, 20 U.S.C. ~~s~~Section 1400 et seq., or its implementing regulations.

(b) The complaint shall identify the ~~upon which~~ basis, as described in subsection ~~paragraph~~ (a) above, for ~~of this section, that direc~~t filing the complaint directly to the Department ~~to the State is being made~~. The complainant must present the Department with clear, convincing, and verifiable evidence that supports the basis for the direct filing.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections

11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8, 34 CFR 299.10(a)(2).

§4651. Notification ~~Direct State Intervention Time Line~~.

When the Department ~~Superintendent~~ receives a complaint requesting direct State intervention, the Department ~~Superintendent~~ shall determine whether the complaint meets one or more of the criterion specified in Section 4650 for direct State intervention and shall immediately notify the complainant by first class mail of the ~~his or her~~ determination to accept the complaint without a local educational agency investigation and/or Decision. If the complaint is not accepted, it shall be referred to the local educational agency for local investigation ~~pursuant to section 4631~~, or referred to another agency pursuant to Section 4611.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Section 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8 and 34 CFR 299.10(a)(2).

Amend Article 7 and § 4660 to read:

Article 7. State Investigation ~~Resolution~~ Procedures

§ 4660. Department Resolution Procedures.

(a) When the Department determines that direct State intervention is warranted pursuant to any provision of ~~s~~Section 4650, ~~or when an appeal has been filed of a local agency decision pursuant to Section 4652,~~ the following procedure~~s~~ shall be used to resolve the issues of the complaint:

(1) The Department shall conduct an investigation, including an on-site investigation, if necessary, into the allegations in the complaint unless a settlement agreement has been reached between the parties that disposes of all the issues in the complaint.

~~(1) The Department shall offer to mediate the dispute which may lead to a state mediation agreement; and~~

~~(2) The Department shall conduct an on-site investigation if either the district or the~~

~~complainant waives the mediation process or the mediation fails to resolve the issues.~~

~~(b) If the complaint involves several issues, nothing shall prohibit the parties from agreeing to mediate some of the issues while submitting the remainder for Department investigation. Mediation shall be conducted within the 60-day time line specified in Section 4662(d), and~~

~~(c) Mediation shall not exceed thirty (30) days unless the local or public agency and the complainant agree to an extension.~~

NOTE: Authority cited: Sections 200, 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8, 34 CFR 299.10(a)(2).

Repeal §4661:

§4661. Mediation Procedures, State Mediation Agreements; Notice

~~(a) Initial process.~~

~~(1) Agency and Complainant(s) Notification. Each party in the dispute shall be contacted by the Department and offered the mediation process as a possible means of resolving the complaint. Should the parties agree to enter into mediation, written confirmation shall be sent indicating the time and place of the mediation conference, and the allegations to be addressed.~~

~~(2) Upon local agency and complainant acceptance of the Department's offer to mediate, the allegations to be addressed shall be sent by certified mail to each party.~~

~~(3) The Superintendent shall appoint a trained mediator or mediation team to assist the parties in reaching a voluntary agreement.~~

~~(b) Mediation Results - State Mediation Agreement.~~

~~(1) The mediation results will be documented in a state mediation agreement and signed by the involved parties to the dispute using the following forms as appropriate. (Stipulation to Initiate Mediation, Form CS-19; Signed Mediation Agreement Letter to District, Form CS-24; and Mediation Process Agreement, Form CS-25).~~

~~(2) The mediator or mediation team shall confirm that the agreement is consistent with all applicable state and federal laws and regulations.~~

~~(3) A copy of the written state mediation agreement shall be sent to each party.~~

~~(4) The compliance status of a local agency will revert to noncompliance if the local agency does not perform the provisions of the mediation agreement within the time specified in the mediation agreement.~~

NOTE: Authority cited: Sections 232 and 33031, Education Code; Section 11138, Government Code. Reference: Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8.

Amend §4662 to read:

§4662. ~~On-Site~~ Investigation ~~Process; Appointment, Notification, Time Line; Extending Investigation Time Lines~~.

~~(a) If either party waives mediation or the mediation fails, in part or in whole, those remaining unresolved issues shall be addressed through the investigation process.~~

~~(b) Appointment.~~

~~If an on-site investigation is necessary, an investigator(s) shall be appointed by the Superintendent.~~

~~(c) Agency and Complainant(s) Notification.~~

(a) ~~At least two weeks prior to the date of an investigation, e~~Each party in the dispute shall be sent written notification by the Department of the name(s) of the investigator(s) and the investigation date(s), if known. The notice shall explain the investigation process.

~~(d) Time line.~~

(b) An investigation will ~~shall~~ be completed within ~~sixty (~~60~~)~~ days after receiving a request for direct intervention or an appeal request, unless the parties have agreed to ~~mediate and agree to~~ extend the time lines. The Department ~~Superintendent or his or her designee~~ may grant extensions for the investigation ~~only~~ if exceptional circumstances exist that constitute good cause ~~exist~~ with respect to the particular complaint, and provided that the complainant is informed of the extension and the reasons therefore and provided that the facts supporting the extension are documented and maintained in the complaint file.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138,

Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8, 34 CFR 299.10(a)(2).

Amend § 4663 to read:

§4663. Department Investigation Procedures.

(a) The investigator(s) shall request all documentation and other evidence regarding the allegations in the complaint. ~~The investigator(s) shall interview the complainant(s), agency administrators, staff, related committees/groups, and any other involved persons, as appropriate, to determine the facts in the case. An opportunity shall be provided for the complainant(s), or the complainant's(s') representative, or both, and the agency involved to present information.~~

~~(b) Refusal by the local agency or complainant to provide the investigator with access to records and other information relating to the complaint which the investigator is privileged to review, or any other obstruction of the investigative process shall result in either a dismissal of the complaint or imposition of official applicable sanctions against the local agency.~~

(b) The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

(c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

(d) Refusal by the local educational agency to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the

complainant.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR 76.1 ~~and 76.780-76.783~~ and 106.8, 34 CFR 299.10(a)(2).

Amend § 4664 to read:

§4664. Department Investigation Report.

(a) An investigation report shall be issued ~~submitted to the Superintendent for review and approval~~. The investigation report shall include the following ~~information~~:

(1) A summary of the allegations in the complaint ~~transmittal Letter that includes information about how the agency or the complainants may appeal the decision to the Office of the State Superintendent~~;

(2) A description of the g~~G~~eneral procedures of the investigation;

(3) Citations of applicable law and regulations;

(4) Department findings of facts;

(5) Department conclusions;

(6) Department required actions, if applicable;

(7) Department recommended actions, if applicable; ~~and~~

(8) Time line for corrective actions, if applicable~~.~~; and

(9) Except in Special Education complaints, notice that any party may request reconsideration of the Department's report from the Superintendent of Public Instruction within 15 days of the receipt of the report.

(b) An investigation report shall be mailed to the parties within 60 days from the conclusion of the investigation.

~~(c) Report Time line.~~

~~An investigation report shall be mailed to the parties within sixty (60) days from the date of receipt of the request for direct state intervention or an appeal, unless the parties have participated in mediation and agreed to an extension of the mediation time lines or the Superintendent has granted an extension pursuant to Section 4662(d).~~

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138,

Government Code. Reference: Sections 200 and 221, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8, 34 CFR 299.10(a)(2).

Amend § 4665 to read:

§4665. Discretionary Reconsideration ~~or Appeal~~ of Department ~~SDE~~ Investigation Report.

(a) Except as to Decisions regarding Special Education within 15 ~~35~~ days of receipt of the Department investigation report, either party may request reconsideration by the Superintendent. The request for reconsideration shall designate the finding(s), conclusion(s), or corrective action(s) in the Department's report to be reconsidered and state the specific basis for reconsidering the designated finding(s), conclusion(s) or corrective action(s). ~~The Superintendent may, within~~

(b) Within ~~fifteen (~~15~~)~~ days of the receipt of the request for reconsideration, the Superintendent or his or her designee may~~,~~ respond in writing to the parties ~~either~~ modifying the specific finding(s), conclusion(s), or ~~required~~ corrective action(s) for which reconsideration is requested, ~~of the Department report~~ or denying the request for reconsideration ~~outright~~. ~~During the p~~Pending ~~of~~ the Superintendent's reconsideration, the Department report remains in effect and enforceable. If the Superintendent or his or her designee does not respond within the 15 days, the request for reconsideration shall be deemed denied.

(c) There shall be no reconsideration of Special Education Decisions of complaints.

(d)~~(b)~~ Appeals by private agencies regarding Child Care Food Programs shall be made to the State Office of Administrative Hearings in accordance with applicable laws and regulations ~~rather than the Superintendent~~.

(e) Appeals from investigations of complaints involving Child Development contractors, whether public or private, shall be made to the Superintendent of Public Instruction as provided in subsection (a) except as otherwise provided in Division 19 of Title 5 of the Code of California Regulations.

(f)~~(c)~~ For those programs governed by Part 76 of Title 34 of the Code of Federal Regulations, the parties shall be notified of the right to appeal to the United States

Secretary of Education.

NOTE: Authority cited: Sections 200, 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 220 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR 76.1 ~~and 76.780-76.783~~ and 106.8.

Article 8. Enforcement--State Procedures to Effect Compliance.

Amend § 4670 to read:

§4670. Enforcement.

(a) Upon determination that a local educational agency violated the provisions of this chapter, the Department ~~Superintendent~~ shall notify the local educational agency that it must take corrective ~~of the~~ action to come into ~~he or she will take to effect~~ compliance. If corrective action is not taken, the Department ~~The Superintendent~~ may use any means authorized by law to effect compliance, including, but not limited to:~~;~~

(1) The withholding of all or part of the local educational agency's relevant state or federal fiscal support;

(2) Probationary eligibility for future state or federal support, conditional on compliance with specified conditions;

(3) Proceeding in a court of competent jurisdiction for an appropriate order compelling compliance.

(b) No decision to curtail state or federal funding to a local educational agency under this chapter shall be made until the Department ~~Superintendent~~ has determined that compliance cannot be secured by other ~~voluntary~~ means.

(c) If the Department ~~Superintendent~~ determines that a Child Development Contractor's Agreement shall be terminated, the procedures set forth in ~~s~~Sections 8257(d) or 8400 et seq. of the Education Code and the regulations promulgated pursuant thereto (Chapter 19 of Title 5, CCR, commencing with ~~s~~Section 17906), shall be followed.

(d) If the Department ~~Superintendent~~ determines that a local educational agency ~~school district or county office~~ has failed to comply with any provision of ~~s~~Sections 49550 through 49554 of the Education Code, the Department ~~Superintendent~~ shall

certify such noncompliance to the Attorney General for investigation pursuant to ~~s~~Section 49556 of the Education Code.

NOTE: Authority cited: Sections 200, 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Section 49556, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8.

Repeal § 4671:

§4671. Federal Review Rights.

~~If the Superintendent elects to withhold funds from a local agency that refuses or fails to comply in a program governed by 34 CFR Part 76, the Superintendent shall notify the local agency of the decision to withhold funding and of the local agency's rights of appeal pursuant to 34 CFR section 76.401.~~

NOTE: Authority cited: Sections 232 and 33031, Education Code; Section 11138, Government Code. Reference: 34 CFR 76.780-76.783.

Add § 4680 to read:

§4680. Complaints Regarding Instructional Materials, Teacher Vacancy or Misassignment, and School Facilities.

(a) Complaints regarding any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment shall be filed with the principal of the school or his or her designee in which the deficiencies exist. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.

(b) Complaints regarding any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. If a response is requested, the response shall be made to the mailing address of the complainant indicated on the complaint.

(c) The school may have a complaint form available for such complaints. If a complaint form is used, the complaint form shall identify the place for filing the complaint. If a complaint form is used, it shall include a space to mark to indicate whether a response is requested.

(d) All complaints and responses are public records.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4681 to read:

§ 4681. Contents of Complaints Regarding Instructional Materials.

(a) A complaint related to instructional materials may allege as follows:

(1) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional materials to use in class.

(2) A pupil, including an English learner, has insufficient textbooks or instructional materials, or both, in each of the following subjects, as appropriate, that are inconsistent with the content and cycles of the curriculum framework adopted by the State Board:

(A) Mathematics.

(B) Science.

(C) History-social science.

(D) English/language arts, including the English language development component of an adopted program.

(3) A pupil does not have access to textbooks or instructional materials to use at home or after school in order to complete required homework assignments. This does not require two sets of textbooks or instructional materials for each pupil.

(4) Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.

(5) A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(b) A complaint regarding a deficiency or deficiencies in instructional materials shall

identify:

(1) the school;

(2) the course in which the deficiency(ies) in instructional materials exist;

(3) the teacher of the course; and

(4) the specific nature of the deficiency or deficiencies as specified in subsection (a).

(c) A complaint may add as much text to explain the deficiency or deficiencies in instructional materials as complainant wishes. One complaint may contain more than one allegation of deficiency or deficiencies in the instructional material.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4682 to read:

§ 4682. Complaints Regarding Teacher Vacancy or Misassignment.

(a) A complaint related to teacher vacancy or misassignment as follows:

(1) A semester begins and a certificated teacher is not assigned to teach the class.

(2) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(3) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4863 to read:

§ 4683. Contents of Complaints Regarding the Condition of a Facility.

A complaint regarding emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff shall identify the specific school in which the condition exists. The complaint shall specify (1) the location of the facility; and (2) describe emergency or urgent facilities conditions that pose a threat to the health and

safety of pupils or staff and (3) how the condition poses a threat to the health and safety of pupils or staff. A complainant may add as much text to explain the emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, as complainant wishes. One complaint may contain more than one allegation of emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4684 to read:

§ 4684. Notice.

(a) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district notifying parents and guardians of the following:

(1) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments.

(2) School facilities must be clean, safe, and maintained in good repair.

(3) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Web site of the Department shall satisfy this requirement.

(b) A local educational agency shall establish local policies and procedures, post notices, and implement this section on or before January 1, 2005.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4685 to read:

§ 4685. Investigation by Principal.

The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The

principal, or, where applicable, district superintendent or his or her designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The principal, or where applicable, district superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response. If the principal makes this report, the principal shall also report the same information in the same timeframe to the district superintendent or his or her designee.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4686 to read:

§ 4686. Responsibilities of Governing Board.

(a) A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, may describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board.

(b) A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

(c) The complaints and written responses shall be available as public records.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4687 to read:

§ 4687. Appeal of Facilities Complaint to Superintendent.

(a) A complainant who is not satisfied with the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility

that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the report.

(b) Complainant shall comply with the appeal requirements of Section 4632.

(c) The Superintendent of Public Instruction or his or her designee shall comply with the requirements of Section 4633.

(d) The Superintendent of Public Instruction shall provide a written report to the State Board of Education describing the basis for the complaint, the school district's response to the complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from the school district's remedy.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Sections 17592.72 and 35186, Education Code.

10-21-04

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 5.3. Nondiscrimination and Educational Equity

Subchapter 1. Nondiscrimination Elementary and Secondary Educational Programs Receiving State or Federal Financial Assistance

Article 2. Definitions

Amend Section 4910(k) to read:

§ 4910. General Definitions.

(k) "Gender" means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. ~~a person's actual sex or perceived sex and includes a person's perceived identity, appearance or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with a person's sex at birth.~~

NOTE: Authority cited: Sections 221.1 and 33031, Education Code; and Section 11138, Government Code. Reference: Section 51.7(b), Civil Code; Sections 200, 201(g), 210, 210.1, 212.5, 220, 233(e) and 260, Education Code; Sections 11135 and 11138, Government Code; Section 422.55 and 422.56, Penal Code; Section 1681, Title 20, U.S. Code; Section 2000d, Title 42, U.S. Code; Section 106, Title 34 Code of Federal Regulations; and Sections 98210, 98220, 98230, 98250 and 98343, Title 22, California Code of Regulations.

10-14-04

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 9, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

RE: Item No. 39

SUBJECT: Uniform Complaint Procedures (UCP): Approve Commencement of the Rulemaking Process

Attachment 2 contains the following changes to the revised regulations, (formerly identified as Attachment 3 in the Board Agenda Packet)

1. Page 7 of 29, lines 16 and 17, delete:

   …~~designated by the governing board to be~~…

2. Page 8 of 29, lines 10 and 11, delete and replace with:

   …Copies of local educational agency complaint procedures shall be available ~~when requested~~ free of charge.

3. Page 10 of 29, line 13 and line 16 delete and replace with:

   (e) The local educational agency ~~shall~~ should issue a Decision…

   and

   …Decision ~~shall~~ should contain:

Attachment 1: Fiscal Analysis (6 pages) (This attachment is not available for web viewing)
Attachment 2: Title 5 Proposed Regulations for Uniform Complaint Procedures (29 pages)

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 5.1. Uniform Complaint Procedures

Subchapter 1. Complaint Procedures

Article 1. Definitions

Amend § 4600 to read:

§ 4600. General Definitions.

As used in this Chapter, the term:

(a) “Appeal” means a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

(b) “Complainant” means any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination in programs and activities funded directly by the state or receiving any financial assistance from the state.

(c) “Complaint” means a written and signed statement alleging a violation of ~~a~~ federal or state laws or regulations, which may include an allegation of unlawful discrimination. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy ~~or other handicaps~~, the public agency shall assist the complainant in the filing of the complaint.

(d) “Complaint ~~I~~investigation” means an administrative process used by the Department or local educational agency for the purpose of gathering data regarding the complaint.

(e) “Complaint ~~P~~procedure” means an internal process used by the Department or local educational agency to process and resolve complaints.

(f) “Compliance ~~A~~agreement” means an agreement between the Department and a local educational agency, following a finding of noncompliance by the Department, developed by the local educational agency and approved by the Department to resolve the noncompliance.

(g) “Days” means calendar days unless designated otherwise.

(h) “Department” means the California Department of Education.

(i) “Direct ~~S~~state ~~I~~intervention” means the steps taken by the Department to initially investigate complaints or effect compliance.

(j) “Educational institution” means a public or private preschool, elementary, or secondary school or institution; the governing board of a school district; or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools.

(k) “Facilities that pose an emergency or urgent threat to the healthy or safety of pupils or staff” means a condition as defined in paragraph (1) of subdivision (c) of Section 17592.72 and any other emergency conditions the school district determines appropriate.

(l) “Good repair” means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the Office of Public School Construction. The instrument shall not require capital enhancements beyond the standards to which the facility was designed and constructed.

(m)~~(j)~~ “Local ~~A~~agency” means a school district governing board or a local public or private agency which receives direct or indirect funding or any other financial assistance from the state to provide any school programs or activities or special education or related services.

(n) “Local educational agency” includes any public school district and county office of education.

(o) “Misassignment” means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(p) “Public agency” means any local agency or state agency.

~~(k) “Mediation” means a problem-solving activity whereby a third party assists the parties to a dispute in resolving the problem.~~

~~*(l)* “State Mediation Agreement” means a written, voluntary agreement, approved by~~

~~the Department, which is developed by the local agency and complainant with assistance from the Department to resolve an allegation of noncompliance.~~

(q)~~(m)~~ "State ~~A~~agency" means the State Departments of Mental Health or Health Services or any other state administrative unit that is or may be required to provide special education or related services to ~~handicapped pupils~~ children with disabilities pursuant to Government Code ~~s~~Section 7570 et seq.

(r) "Subject matter competency" means the teacher meets the applicable requirements of Article 1, subchapter 7 of these regulations, commencing with Section 6100, for the course being taught.

(s) "Sufficient textbooks or instructional materials" means that each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments; but does not require two sets of textbooks or instructional materials for each pupil. Sufficient textbooks or instructional materials does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

(t)~~(n)~~ "Superintendent" means the Superintendent of Public Instruction or his or her designee.

(u) "Vacant teacher position" means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 200, 201, 210.1 and ~~210,~~ 220~~, and 260~~ 17002(d), 33126(b)(5)(A) and (B) and 17592.72, Education Code; Sections 11135 and 11138, Government Code.

Article 2. Purpose and Scope

Amend § 4610 to read:

§4610. Purpose and Scope.

(a) This Chapter applies to the filing, investigation and resolution of a complaint regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination~~, in accordance with the provisions of Title 34, CFR, Sections 76.780-783 and 106.8; Title 22, CCR, Sections 98300-98382; and California Education Code Sections 49556 and 8257~~. The purpose of this Chapter is to establish a uniform system of complaint processing for specified programs or activities which receive state or federal funding.

(b) This Chapter applies to the following programs administered by the Department:

~~(i)~~(1) Adult ~~Basic~~ Education programs established pursuant to Education Code sections 8500 through 8538 and 52500 through 52616.~~5~~4;

~~(ii)~~(2) Consolidated Categorical Aid Programs as listed in Education Code ~~s~~Section 64000(a);

~~(iii)~~(3) Migrant Education established pursuant to Education Code sections 54440 through 54445;

~~(iv)~~(4) Career Technical and Technical ~~Vocational~~ Education and Career Technical and Technical Training Programs established pursuant to Education Code sections 52300 through 52480;

~~(v)~~(5) Child Care and Development ~~p~~Programs established pursuant to Education Code sections 8200 through 8493;

~~(vi)~~(6) Child Nutrition ~~p~~Programs established pursuant to Education Code sections 49490 through ~~49560~~ 49570; and

~~(vii)~~(7) Special Education ~~p~~Programs established pursuant to Education Code sections 56000 through 56885 and 59000 through 59300.

(c) This Chapter also applies to the filing of complaints which allege unlawful discrimination against ~~on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability,~~ any protected group as identified under Education Code Section 200 and 220 and Section 11135 of the Government Code in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.

(d) This chapter shall not apply to:

(1) Employer-employee relations such as hiring and evaluations of staff,

assignments of classrooms or duties or other issues within the purview of the Public Employees Relations Board or a Memorandum of Understanding or other collective bargaining agreement;

(2) the provision of core curricula subjects;

(3) pupil classroom assignments;

(4) pupil discipline;

(5) pupil advancement, retention or grades;

(6) graduation requirements;

(7) homework policies and practices;

(8) selection of instructional materials; or

(9) use of general education funds.

NOTE: Authority cited: Sections 221.1 ~~232~~, 8261, 33031, 35186, 49531, 49551, 54445, 52355, 52451, and 56100(a) and (j), Education Code; Section 11138, Government Code. Reference: Sections 200, ~~210,~~ 220, 260, and 49556, Education Code; Sections 11135 and 11138, Government Code; 34 CFR 106.1 – 106.8, 299.10 – 299.11.

Amend § 4611 to read:

§4611. Referring Complaint Issues to Other Appropriate State or Federal Agencies.

The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to the local and Department complaint procedures set forth in this Chapter unless these procedures are made applicable by separate interagency agreements:

(a) Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency. However, nothing in this section relieves the Department from investigating complaints pursuant to ~~s~~Section 4650 (a)~~(viii)~~(8)(C) herein.

(b) Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.

~~(c) Discrimination issues involving Title IX of the Educational Amendments of 1972~~

~~shall be referred to the U.S. Office of Civil Rights (OCR). Title IX complainants will only be referred to the OCR if there is no state discrimination law or regulation at issue. Unless otherwise negotiated through a memorandum of understanding/agreement, a preliminary inquiry and/or investigation concerning these complaints will be conducted by OCR. The complainant shall be notified by certified mail if his or her complaint is transferred to OCR by the Superintendent.~~

~~(d) Complaints of discrimination involving Child Nutrition Programs administered by the Department from program participants or applicants shall be referred to either Administrator, U.S. Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302 or Secretary of Agriculture, Washington, D.C. 20250. Discrimination complaints received by a local agency or the Department shall be immediately directed to U.S. Department of Agriculture, Food and Nutrition Service, Western Regional Office.~~

(c)~~(e)~~ Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH) pursuant to Title 22, CCR, Section 98410. The complainant shall be notified by ~~certified~~ first class mail of any DFEH transferral.

(d)~~(f)~~ Allegations of fraud shall be referred to the responsible Department Division Director ~~and~~ who may consult with the Department's Legal ~~Office~~ and Audits Branch.

NOTE: Authority cited: Sections 221.1 and 33031~~, 71020 and 71025~~, Education Code; Section 11138, Government Code. Reference: Sections 200, 220, 221 and 48987, Education Code; Sections 11135, 11136, ~~and~~ 11138 and 12960, Government Code; Section 11166, Penal Code; 34 CFR ~~76.780-76.783~~ 106.1 – 106.8.

Amend Article 3 and § 4620 to read:

Article 3. Local Educational Agency Compliance

§4620. Local Educational Agency Responsibilities.

Each local educational agency shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. Each local educational agency shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints in accordance with the procedures set out in this

Chapter and in accordance with the policies and procedures of the governing board.
NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Section 200, 220 and 260, Education Code; Section 11135, Government Code; and 34 CFR ~~76.780 - 76.783 and~~ 106.8.

Amend § 4621 to read:

§4621. District Policies and Procedures

(a) Each local educational agency shall adopt policies and procedures not inconsistent with Sections 4600 – 4695 of this Chapter for the investigation and resolution of complaints. Local policies shall ensure that complainants are protected from retaliation and that the identity of ~~the~~ a complainant alleging discrimination remain confidential as appropriate. School Districts and County Offices of Education shall submit their policies and procedures to the local governing board for adoption within one year from the effective date of this chapter. ~~Upon adoption, the district may forward a copy to the Superintendent.~~

(b) Each local educational agency shall include in its policies and procedures the person(s), employee(s) or agency position(s) or unit(s) responsible for receiving complaints, investigating complaints and ensuring local educational agency compliance. The local educational agency's policies shall ensure that the person(s), employee(s), position(s) or unit(s) responsible for compliance and/or investigations shall be knowledgeable about the laws/programs that he/she is assigned to investigate.

(c) The local educational agency may provide a complaint form for persons wishing to file a complaint to fill out and file. However, a person may not be required to use the complaint form furnished by the local educational agency in order to file a complaint.

NOTE: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Section 200, 220 and 260, Education Code; Section 11135, Government Code; and 34 CFR ~~76.780-76.783 and~~ 106.8 and 299.10 – 299.11.

Amend § 4622 to read:

§4622. Notice~~; Notice Recipients; Notice Requirements~~.

Each local educational agency shall annually notify in writing, as applicable, its

students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, and other interested parties of their local educational agency complaint procedures, including the opportunity to appeal to the Department and the provisions of this Chapter. The notice shall include the identity (identities) of the person(s) responsible for processing complaints. ~~The notice shall also advise the recipient of the notice of any civil law remedies that may be available, and of the appeal and review procedures contained in sections 4650, 4652, and 4671 of this Chapter.~~ This notice shall be in English, and when necessary, in the primary language, pursuant to ~~s~~Section 48985 of the Education Code, or mode of communication of the recipient of the notice. Copies of local educational agency complaint procedures shall be available free of charge.

NOTE: Authority cited: Sections 200, 220, and 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Section 200 and 220, Education Code;

Sections 11135 and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8 and 299.11.

Article 4. Local Complaint Procedures

Amend § 4630 to read:

§4630. Filing a Local Complaint; Procedures, Time Lines.

(a) For ~~other than discrimination~~ complaints that do not allege discrimination, any individual, public agency or organization may file a written complaint with the person designated by the governing board ~~administrator/superintendent of the local educational agency,~~ alleging a matter which, if true, would constitute a violation by that local educational agency of federal or state law or regulation governing ~~the~~ a program~~s~~ listed in ~~s~~Section 4610 (b) of this Chapter.

(b) An investigation of alleged unlawful discrimination shall be initiated by filing a complaint not later than six months from the date the alleged discrimination occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination unless the time for filing is extended by the district superintendent or his or her designee ~~Superintendent~~, upon written request by the complainant setting forth

the reasons for the extension. Such extension by the district superintendent or his or her designee ~~Superintendent~~ shall be made in writing. The period for filing may be extended by the district superintendent or his or her designee ~~Superintendent~~ for good cause for a period not to exceed 90 days following the expiration of the six month time period ~~time allowed~~. The district superintendent ~~Superintendent~~ shall respond immediately upon receipt of a request~~s~~ for extension~~s~~.

(1) The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, or by one who believes an individual or any specific class of individuals has been subjected to discrimination prohibited by this part.

(2) The complaint shall be filed with the local educational agency in accordance with the complaint procedures of the local educational agency ~~director/district superintendent or his or her designee, unless the complainant requests direct intervention by the Department pursuant to Article 6 of this Chapter~~.

(3) An investigation of a discrimination complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process ~~the facts~~.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8.

Amend § 4631 to read:

§4631. Responsibilities of the Local Educational Agency.

(a) Within 60 days from the date of the receipt of the complaint, the local educational agency person responsible for the investigation of the complaints ~~superintendent~~ or his or her designee shall conduct and complete ~~the~~ an investigation of the complaint in accordance with the local procedures ~~developed~~ adopted pursuant to ~~s~~Section 4621 and prepare a written Local Educational Agency Decision. This time period may be extended by written agreement of the complainant.

(b) The investigation shall ~~provide~~ include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state

and federal laws and/or regulations ~~and local educational agency representatives to present information relevant to the complaint. The investigation may include an opportunity for the parties to the dispute to meet to discuss the complaint or to question each other or each other's witnesses~~.

(c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

(d) Refusal by the local agency to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

(e)~~(c)~~ The ~~L~~local ~~E~~educational ~~A~~agency should issue a Decision (the Decision) based on the evidence. The Decision~~,~~ shall be in writing and sent to the complainant within ~~sixty (~~60~~)~~ days from receipt of the complaint by the local educational agency. The Decision ~~shall~~ should contain:

(1) the findings of fact based on the evidence gathered,

(2) conclusion of law,

(3) ~~and~~ disposition of the complaint, ~~including~~

(4) ~~corrective actions if any~~ the rationale for such disposition,

(5) corrective actions, if any are warranted,

(6) notice of the complainant's right to appeal the local educational agency ~~d~~Decision to the Department, and

(7) ~~the~~ procedures to be followed for initiating an appeal to the Department.

~~(d) Local Educational Agencies may establish procedures for attempting to resolve complaints through mediation prior to the initiation of a formal compliance investigation. Conducting local mediation shall not extend the local time lines for investigating and resolving complaints at the local level unless the complainant agrees, in writing, to the extension of the time line. In no event shall mediation be mandatory in resolving~~

~~complaints.~~

(f) Nothing in this Chapter shall prohibit the parties from utilizing alternative methods to resolve the allegations in the complaint, including, but not limited to, mediation to resolve the allegations in the complaint.

(g) Nothing in this Chapter shall prohibit a local educational agency from resolving complaints prior to the formal filing of a written complaint.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8.

Article 4.5. Appeal of Local Educational Agency Decision.

Renumber § 4652 to § 4632 to read:

~~§4652.~~ § 4632. Appeal~~ing~~ of Local Educational Agency Decision~~s~~ - Grounds.

~~(a) Any complainant(s) may appeal a Local Educational Agency Decision to the Superintendent by filing a written appeal with the Superintendent within (15) days of receiving the Local Educational Agency Decision. Extensions for filing appeals may be granted, in writing, for good cause.~~

~~(b) The complainant shall specify the reason(s) for appealing the local educational agency decision.~~

~~(c) The appeal shall include:~~

~~(1) a copy of the locally filed complaint; and~~

~~(2) a copy of the Local Educational Agency Decision.~~

~~NOTE: Authority cited: Sections 232 and 33031, Education Code; Section 11138, Government Code. Reference: Sections 11135, 11136, and 11138, Government Code; 34 CFR 76.780-76.783 and 106.8.~~

(a) A complainant may appeal a Decision to the Department by filing a written appeal within 15 days of receiving the Decision.

(b) The complainant shall specify the basis for the appeal of the Decision and how as a matter of fact or law the local educational agency is incorrect.

(c) The appeal shall be accompanied by:

(1) a copy of the locally filed complaint; and

(2) a copy of the Decision.

(d) If the Department determines the appeal raises issues not contained in the local complaint, the Department will refer those new issues back to the local educational agency for resolution under Section 4630 or 4631.

(e) If the Department determines that the Decision failed to address an issue raised by the complaint, the Department shall refer the matter to the local educational agency to make findings and conclusions on the issue not addressed.

NOTE: Authority cited: Sections 200, 221.2, and 33031, Education Code; Section 11138, Government Code. Reference: Sections 11135, 11136, and 11138, Government Code; 34 CFR 106.8, 34 CFR 299.10(a)(2).

Renumber § 4632 to § 4633 to read.

~~§4632. Forward to Superintendent.~~ § 4633. Appeal of Local Educational Agency Decision.

(a) If the Decision is appealed, the Department shall notify the local educational agency of the appeal. Upon notification by the Department ~~Superintendent~~ that the ~~Local Educational Agency~~ Decision has been appealed ~~to the state level pursuant to section 4652~~, the local educational agency shall forward the following to the Department ~~Superintendent~~:

(1)~~(a)~~ The original complaint;

(2)~~(b)~~ A copy of the ~~Local Educational Agency~~ Decision;

(3)~~(c)~~ A summary of the nature and extent of the investigation conducted by the local educational agency, if not covered in the ~~Local Educational Agency~~ Decision;

(4) A copy of the investigation file, including but not limited to, all notes, interviews and documents submitted by the parties or gathered by the investigator;

(5)~~(d)~~ A report of any action taken to resolve the complaint;

(6)~~(e)~~ A copy of the local educational agency complaint procedures; and

(7)~~(f)~~ Such other relevant information as the Department ~~Superintendent~~ may request ~~require~~.

(b) The Department shall not receive evidence from the parties that could have

been presented to the local educational agency investigator during the investigation. Any confidential information or pupil information in the investigative file shall remain confidential and shall not be disclosed by the Department.

(c) The Department may contact the parties for further information, if necessary.

(d) The Department shall review the investigation file, the summary of the nature and extent of the investigation conducted by the local educational agency, the complaint procedures, documents and any other evidence received from the local educational agency and determine whether substantial evidence exists:

(1) That the local educational agency followed its complaint procedures;

(2) That the relevant findings of fact in the Decision which are the subject of the appeal are supported by the evidence; and

(3) That the conclusions of law which are the subject of the appeal are correct.

(e) If the Department determines that the Decision is deficient because it lacks findings of fact and conclusions of law regarding the subject of the appeal, the Department may return the Decision to the local educational agency in order to correct the deficiencies.

(f) If the Department finds that the Decision is supported by substantial evidence, the appeal shall be denied.

(g) If the Department finds the grounds for the appeal have merit:

(1) The Department may, if there is a lack of substantial evidence or a procedural defect in the investigation, remand the investigation to the local educational agency for further investigation of the allegations which are the subject of the appeal; or

(2) The Department may issue a decision based on the evidence in the investigation file received from the local educational agency; or

(3) If the Department determines that it is in the best interest of the parties, conduct a further investigation of the allegations which are the basis for the appeal and issue a decision following further investigation.

(f) If the Department finds merit in the appeal, the Department's decision on appeal shall contain the following:

(1) A finding that the local educational agency complied or did not comply with its complaint procedures;

(2) The Department's findings of fact and conclusions of law regarding the issue on appeal; and

(3) Where a determination is made that the local educational agency failed to comply with the applicable state or federal law or regulation, remedial orders to address the violation(s).

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031; Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8, 34 CFR 299.10(a)(2).

Article 5. State Complaint Procedures

§4640. Filing a State Complaint That Has Not First Been Filed at the Local Educational Agency; Time Lines, Notice, Appeal Rights.

~~(a)~~ Referral to the Local Educational Agency for Local Resolution.

(a)~~(1)~~ If a complaint is erroneously filed with the Department ~~first sent to the Superintendent~~ without first being filed with and investigated by the local educational agency ~~investigation~~, the Department ~~Superintendent~~ shall immediately forward the complaint to the local educational agency for processing in accordance with Article 4 of this Chapter, unless extraordinary circumstances exist necessitating direct state ~~Department~~ intervention as described at Section 4650 ~~exist~~.

(b)~~(2)~~ A letter ~~The complainant(s)~~ shall be sent by first class mail to the complainant(s) ~~a letter to notify~~ notifying him, her, or them that: ~~of 1) the transferred complaint, 2) the State request for local educational agency resolution, and 3) to advise of Department appeal procedures.~~

(1) The Department does not have jurisdiction, at this time, over the complaint and that the complaint should have been filed with the local educational agency in the first instance;

(2) That the complaint has been transferred to the local educational agency requesting the local educational agency to process and investigate the allegation in the complaint; or

(3) That the complainant may file an appeal to the Department following the issuance of the Decision, if he or she believes as a matter of fact or law the Decision is

incorrect.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8, 34 CFR 299.10(a)(2).

Article 6. Direct State Intervention

§4650. Basis of Direct State Intervention.

(a) The Department ~~Superintendent~~ shall directly intervene without waiting for local educational agency investigation ~~action~~ if one or more of the following situations ~~conditions~~ exist~~s~~:

(1)~~(i)~~ The complaint includes an allegation, and the Department verifies, that a local educational agency failed to comply with the complaint procedures required by this Chapter and its local rules and regulations, including, but not limited to, the failure or refusal of the local educational agency to cooperate with the investigation or to otherwise prevent the complainant from presenting evidence to support the allegations in the complaint;

~~(ii) Discrimination is alleged by the complainant and the facts alleged indicate that the complainant will suffer an immediate loss of some benefit such as employment or education if the Department does not intervene. However, nothing in this section gives the Department jurisdiction over employment discrimination claims.~~

(2)~~(iii)~~ The complaint relates to an agency that is not a local educational agency ~~agencies other than local educational agencies~~ funded through the Child Development or ~~and~~ Child Nutrition Programs;

(3)~~(iv)~~ The complainant requests anonymity because ~~and presents clear and convincing evidence and the Department verifies that~~ he or she would be in danger of retaliation and would suffer immediate and irreparable harm if he or she filed a complaint with the local educational agency ~~if a complaint were filed locally, or has been retaliated against because of past or present complaints~~;

~~(v) The complainant alleges that the local educational agency failed or refused to implement the final decision resulting from its local investigation or local Mediation~~

~~Agreement;~~

~~(vi) The local agency refuses to respond to the Superintendent's request for information regarding a complaint;~~

(4)~~(vii)~~ The complainant alleges and the Department verifies that through no fault of the complainant, ~~or the Department has information that~~ no action has been taken by the local educational agency within 60 calendar days of the date the complaint was filed ~~locally~~. Prior to direct intervention, the Department shall attempt to work with the local educational agency to allow it to complete the investigation and issue a Decision.

(5)~~(viii)~~ For complaints relating to special education the following shall also be conditions for direct state intervention:

(A) The complainant alleges that a public agency, other than a local educational agency, as specified in Government Code ~~s~~Section 7570 et seq., fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to children with disabilities ~~handicapped individuals~~;

(B) The complainant alleges that the local educational agency or public agency fails or refuses to comply with the due process procedures established pursuant to federal and state law and regulation; or has failed or refused to implement a due process hearing order;

(C) The complainant alleges facts that indicate that the child or group of children may be in immediate physical danger or that the health, safety or welfare of a child or group of children is threatened.

(D) The ~~C~~complainant alleges that a child with a disability ~~handicapped pupil~~ is not receiving the special education or related services specified in his or her Individualized Educational Program (IEP).

(E) The complaint involves a violation of federal law governing special education, 20 U.S.C. ~~s~~Section 1400 et seq., or its implementing regulations.

(b) The complaint shall identify the ~~upon which~~ basis, as described in subsection ~~paragraph~~ (a) above, for ~~of this section, that direc~~t filing the complaint directly to the Department ~~to the State is being made~~. The complainant must present the Department with clear, convincing, and verifiable evidence that supports the basis for the direct filing.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8, 34 CFR 299.10(a)(2).

§4651. Notification ~~Direct State Intervention Time Line~~.

When the Department ~~Superintendent~~ receives a complaint requesting direct State intervention, the Department ~~Superintendent~~ shall determine whether the complaint meets one or more of the criterion specified in Section 4650 for direct State intervention and shall immediately notify the complainant by first class mail of the ~~his or her~~ determination to accept the complaint without a local educational agency investigation and/or Decision. If the complaint is not accepted, it shall be referred to the local educational agency for local investigation ~~pursuant to section 4631~~, or referred to another agency pursuant to Section 4611.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Section 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8 and 34 CFR 299.10(a)(2).

Amend Article 7 and § 4660 to read:

Article 7. State Investigation ~~Resolution~~ Procedures

§ 4660. Department Resolution Procedures.

(a) When the Department determines that direct State intervention is warranted pursuant to any provision of ~~s~~Section 4650, ~~or when an appeal has been filed of a local agency decision pursuant to Section 4652,~~ the following procedure~~s~~ shall be used to resolve the issues of the complaint:

(1) The Department shall conduct an investigation, including an on-site investigation, if necessary, into the allegations in the complaint unless a settlement agreement has been reached between the parties that disposes of all the issues in the complaint.

~~(1) The Department shall offer to mediate the dispute which may lead to a state~~

~~mediation agreement; and~~

~~(2) The Department shall conduct an on-site investigation if either the district or the complainant waives the mediation process or the mediation fails to resolve the issues.~~

~~(b) If the complaint involves several issues, nothing shall prohibit the parties from agreeing to mediate some of the issues while submitting the remainder for Department investigation. Mediation shall be conducted within the 60-day time line specified in Section 4662(d), and~~

~~(c) Mediation shall not exceed thirty (30) days unless the local or public agency and the complainant agree to an extension.~~

NOTE: Authority cited: Sections 200, 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8, 34 CFR 299.10(a)(2).

Repeal §4661:

§4661. Mediation Procedures, State Mediation Agreements; Notice

~~(a) Initial process.~~

~~(1) Agency and Complainant(s) Notification. Each party in the dispute shall be contacted by the Department and offered the mediation process as a possible means of resolving the complaint. Should the parties agree to enter into mediation, written confirmation shall be sent indicating the time and place of the mediation conference, and the allegations to be addressed.~~

~~(2) Upon local agency and complainant acceptance of the Department's offer to mediate, the allegations to be addressed shall be sent by certified mail to each party.~~

~~(3) The Superintendent shall appoint a trained mediator or mediation team to assist the parties in reaching a voluntary agreement.~~

~~(b) Mediation Results - State Mediation Agreement.~~

~~(1) The mediation results will be documented in a state mediation agreement and signed by the involved parties to the dispute using the following forms as appropriate. (Stipulation to Initiate Mediation, Form CS-19; Signed Mediation Agreement Letter to District, Form CS-24; and Mediation Process Agreement, Form CS-25).~~

~~(2) The mediator or mediation team shall confirm that the agreement is consistent~~

~~with all applicable state and federal laws and regulations.~~

~~(3) A copy of the written state mediation agreement shall be sent to each party.~~

~~(4) The compliance status of a local agency will revert to noncompliance if the local agency does not perform the provisions of the mediation agreement within the time specified in the mediation agreement.~~

NOTE: Authority cited: Sections 232 and 33031, Education Code; Section 11138, Government Code. Reference: Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8.

Amend §4662 to read:

§4662. ~~On-Site~~ Investigation ~~Process; Appointment, Notification, Time Line; Extending Investigation Time Lines~~.

~~(a) If either party waives mediation or the mediation fails, in part or in whole, those remaining unresolved issues shall be addressed through the investigation process.~~

~~(b) Appointment.~~

~~If an on-site investigation is necessary, an investigator(s) shall be appointed by the Superintendent.~~

~~(c) Agency and Complainant(s) Notification.~~

(a) ~~At least two weeks prior to the date of an investigation, e~~Each party in the dispute shall be sent written notification by the Department of the name(s) of the investigator(s) and the investigation date(s), if known. The notice shall explain the investigation process.

~~(d) Time line.~~

(b) An investigation will ~~shall~~ be completed within ~~sixty (~~60~~)~~ days after receiving a request for direct intervention or an appeal request, unless the parties have agreed to ~~mediate and agree to~~ extend the time lines. The Department ~~Superintendent or his or her designee~~ may grant extensions for the investigation ~~only~~ if exceptional circumstances exist that constitute good cause ~~exist~~ with respect to the particular complaint, and provided that the complainant is informed of the extension and the reasons therefore and provided that the facts supporting the extension are documented

and maintained in the complaint file.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8, 34 CFR 299.10(a)(2).

Amend § 4663 to read:

§4663. Department Investigation Procedures.

(a) The investigator(s) shall request all documentation and other evidence regarding the allegations in the complaint. ~~The investigator(s) shall interview the complainant(s), agency administrators, staff, related committees/groups, and any other involved persons, as appropriate, to determine the facts in the case. An opportunity shall be provided for the complainant(s), or the complainant's(s') representative, or both, and the agency involved to present information.~~

~~(b) Refusal by the local agency or complainant to provide the investigator with access to records and other information relating to the complaint which the investigator is privileged to review, or any other obstruction of the investigative process shall result in either a dismissal of the complaint or imposition of official applicable sanctions against the local agency.~~

(b) The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

(c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

(d) Refusal by the local educational agency to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in a finding based on evidence collected that

a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 200 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR 76.1 ~~and 76.780-76.783~~ and 106.8, 34 CFR 299.10(a)(2).

Amend § 4664 to read:

§4664. Department Investigation Report.

(a) An investigation report shall be issued ~~submitted to the Superintendent for review and approval~~. The investigation report shall include the following ~~information~~:

(1) A summary of the allegations in the complaint ~~transmittal Letter that includes information about how the agency or the complainants may appeal the decision to the Office of the State Superintendent~~;

(2) A description of the g~~G~~eneral procedures of the investigation;

(3) Citations of applicable law and regulations;

(4) Department findings of facts;

(5) Department conclusions;

(6) Department required actions, if applicable;

(7) Department recommended actions, if applicable; ~~and~~

(8) Time line for corrective actions, if applicable~~.~~; and

(9) Except in Special Education complaints, notice that any party may request reconsideration of the Department's report from the Superintendent of Public Instruction within 15 days of the receipt of the report.

(b) An investigation report shall be mailed to the parties within 60 days from the conclusion of the investigation.

~~(c) Report Time line.~~

~~An investigation report shall be mailed to the parties within sixty (60) days from the date of receipt of the request for direct state intervention or an appeal, unless the parties have participated in mediation and agreed to an extension of the mediation time lines or the Superintendent has granted an extension pursuant to Section 4662(d).~~

NOTE: Authority cited: Sections 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 200 and 221, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8, 34 CFR 299.10(a)(2).

Amend § 4665 to read:

§4665. Discretionary Reconsideration ~~or Appeal~~ of Department ~~SDE~~ Investigation Report.

(a) Except as to Decisions regarding Special Education within 15 ~~35~~ days of receipt of the Department investigation report, either party may request reconsideration by the Superintendent. The request for reconsideration shall designate the finding(s), conclusion(s), or corrective action(s) in the Department's report to be reconsidered and state the specific basis for reconsidering the designated finding(s), conclusion(s) or corrective action(s). ~~The Superintendent may, within~~

(b) Within ~~fifteen (~~15~~)~~ days of the receipt of the request for reconsideration, the Superintendent or his or her designee may~~,~~ respond in writing to the parties ~~either~~ modifying the specific finding(s), conclusion(s), or ~~required~~ corrective action(s) for which reconsideration is requested, ~~of the Department report~~ or denying the request for reconsideration ~~outright~~. ~~During the p~~Pending ~~of~~ the Superintendent's reconsideration, the Department report remains in effect and enforceable. If the Superintendent or his or her designee does not respond within the 15 days, the request for reconsideration shall be deemed denied.

(c) There shall be no reconsideration of Special Education Decisions of complaints.

(d)~~(b)~~ Appeals by private agencies regarding Child Care Food Programs shall be made to the State Office of Administrative Hearings in accordance with applicable laws and regulations ~~rather than the Superintendent~~.

(e) Appeals from investigations of complaints involving Child Development contractors, whether public or private, shall be made to the Superintendent of Public Instruction as provided in subsection (a) except as otherwise provided in Division 19 of Title 5 of the Code of California Regulations.

(f)~~(c)~~ For those programs governed by Part 76 of Title 34 of the Code of Federal

Regulations, the parties shall be notified of the right to appeal to the United States Secretary of Education.

NOTE: Authority cited: Sections 200, 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Sections 220 and 220, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR 76.1 ~~and 76.780-76.783~~ and 106.8.

Article 8. Enforcement--State Procedures to Effect Compliance.

Amend § 4670 to read:

§4670. Enforcement.

(a) Upon determination that a local educational agency violated the provisions of this chapter, the Department ~~Superintendent~~ shall notify the local educational agency that it must take corrective ~~of the~~ action to come into ~~he or she will take to effect~~ compliance. If corrective action is not taken, the Department ~~The Superintendent~~ may use any means authorized by law to effect compliance, including, but not limited to:~~;~~

(1) The withholding of all or part of the local educational agency's relevant state or federal fiscal support;

(2) Probationary eligibility for future state or federal support, conditional on compliance with specified conditions;

(3) Proceeding in a court of competent jurisdiction for an appropriate order compelling compliance.

(b) No decision to curtail state or federal funding to a local educational agency under this chapter shall be made until the Department ~~Superintendent~~ has determined that compliance cannot be secured by other ~~voluntary~~ means.

(c) If the Department ~~Superintendent~~ determines that a Child Development Contractor's Agreement shall be terminated, the procedures set forth in ~~s~~Sections 8257(d) or 8400 et seq. of the Education Code and the regulations promulgated pursuant thereto (Chapter 19 of Title 5, CCR, commencing with ~~s~~Section 17906), shall be followed.

(d) If the Department ~~Superintendent~~ determines that a local educational agency ~~school district or county office~~ has failed to comply with any provision of ~~s~~Sections

49550 through 49554 of the Education Code, the Department ~~Superintendent~~ shall certify such noncompliance to the Attorney General for investigation pursuant to ~~s~~Section 49556 of the Education Code.

NOTE: Authority cited: Sections 200, 221.1 ~~232~~ and 33031, Education Code; Section 11138, Government Code. Reference: Section 49556, Education Code; Sections 11135, 11136, and 11138, Government Code; 34 CFR ~~76.780-76.783 and~~ 106.8.

Repeal § 4671:

§4671. Federal Review Rights.

~~If the Superintendent elects to withhold funds from a local agency that refuses or fails to comply in a program governed by 34 CFR Part 76, the Superintendent shall notify the local agency of the decision to withhold funding and of the local agency's rights of appeal pursuant to 34 CFR section 76.401.~~

NOTE: Authority cited: Sections 232 and 33031, Education Code; Section 11138, Government Code. Reference: 34 CFR 76.780-76.783.

Add § 4680 to read:

§4680. Complaints Regarding Instructional Materials, Teacher Vacancy or Misassignment, and School Facilities.

(a) Complaints regarding any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment shall be filed with the principal of the school or his or her designee in which the deficiencies exist. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.

(b) Complaints regarding any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. If a response is requested, the response shall

be made to the mailing address of the complainant indicated on the complaint.

(c) The school may have a complaint form available for such complaints. If a complaint form is used, the complaint form shall identify the place for filing the complaint. If a complaint form is used, it shall include a space to mark to indicate whether a response is requested.

(d) All complaints and responses are public records.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4681 to read:

§ 4681. Contents of Complaints Regarding Instructional Materials.

(a) A complaint related to instructional materials may allege as follows:

(1) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional materials to use in class.

(2) A pupil, including an English learner, has insufficient textbooks or instructional materials, or both, in each of the following subjects, as appropriate, that are inconsistent with the content and cycles of the curriculum framework adopted by the State Board:

(A) Mathematics.

(B) Science.

(C) History-social science.

(D) English/language arts, including the English language development component of an adopted program.

(3) A pupil does not have access to textbooks or instructional materials to use at home or after school in order to complete required homework assignments. This does not require two sets of textbooks or instructional materials for each pupil.

(4) Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.

(5) A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(b) A complaint regarding a deficiency or deficiencies in instructional materials shall identify:

(1) the school;

(2) the course in which the deficiency(ies) in instructional materials exist;

(3) the teacher of the course; and

(4) the specific nature of the deficiency or deficiencies as specified in subsection (a).

(c) A complaint may add as much text to explain the deficiency or deficiencies in instructional materials as complainant wishes. One complaint may contain more than one allegation of deficiency or deficiencies in the instructional material.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4682 to read:

§ 4682. Complaints Regarding Teacher Vacancy or Misassignment.

(a) A complaint related to teacher vacancy or misassignment as follows:

(1) A semester begins and a certificated teacher is not assigned to teach the class.

(2) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(3) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4683 to read:

§ 4683. Contents of Complaints Regarding the Condition of a Facility.

A complaint regarding emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff shall identify the specific school in which the condition exists. The complaint shall specify (1) the location of the facility; and (2)

describe emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff and (3) how the condition poses a threat to the health and safety of pupils or staff. A complainant may add as much text to explain the emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, as complainant wishes. One complaint may contain more than one allegation of emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4684 to read:

§ 4684. Notice.

(a) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district notifying parents and guardians of the following:

(1) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments.

(2) School facilities must be clean, safe, and maintained in good repair.

(3) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Web site of the Department shall satisfy this requirement.

(b) A local educational agency shall establish local policies and procedures, post notices, and implement this section on or before January 1, 2005.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4685 to read:

§ 4685. Investigation by Principal.

The principal or the designee of the district superintendent, as applicable, shall

make all reasonable efforts to investigate any problem within his or her authority. The principal, or, where applicable, district superintendent or his or her designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The principal, or where applicable, district superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response. If the principal makes this report, the principal shall also report the same information in the same timeframe to the district superintendent or his or her designee.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4686 to read:

§ 4686. Responsibilities of Governing Board.

(a) A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, may describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board.

(b) A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

(c) The complaints and written responses shall be available as public records.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Section 35186, Education Code.

Add § 4687 to read:

§ 4687. Appeal of Facilities Complaint to Superintendent.

(a) A complainant who is not satisfied with the resolution proffered by the principal,

or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the report.

(b) Complainant shall comply with the appeal requirements of Section 4632.

(c) The Superintendent of Public Instruction or his or her designee shall comply with the requirements of Section 4633.

(d) The Superintendent of Public Instruction shall provide a written report to the State Board of Education describing the basis for the complaint, the school district's response to the complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from the school district's remedy.

NOTE: Authority cited: Sections 33031, Education Code. Reference: Sections 17592.72 and 35186, Education Code.

11-09-04

ITEM #40

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Petition to Amend Title 5 section 4910(k) of the California Code of Regulations (definition of gender) pursuant to Government Code section 11340.6	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Deny Petition to Amend Title 5 section 4910(k) of the California Code of Regulations (definition of gender) pursuant to Government Code section 11340.6 to define gender as the individual's actual sex or the discriminator's perception of that individual's sex because the law in this area will change as of January 1, 2005 and does not support the requested change.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted regulations that implemented Education Code section 220 that prohibits gender discrimination. Those regulations included a definition of "gender."

SUMMARY OF KEY ISSUES

The Pacific Justice Institute has petitioned the SBE to amend the definition of "gender" included in Title 5 section 4910(k) of the California Code of Regulations. The Pacific Justice Institute requested that the regulatory definition be clarified to include "the individual's actual sex or the discriminator's perception of that individual's sex" based on Penal Code section 422.76.

Since this request was made SB 1234, Kuehl, was signed into law, effective January 1, 2005. SB 1234 enacts, among other things, a new definition of "gender" which renders moot the amendments sought by petitioners. Proposed amendments to the regulations necessary to implement the provisions of SB 1234 are currently before the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact in denying the petition based on the change in the underlying statute.

ATTACHMENT(S)

1) Petition of the Pacific Justice Institute (3 pages)
2) Pertinent section of SB 1234 (Chapter 700, Statutes of 2004) (1 page)

These documents are not available for Web viewing. Copies may be viewed at the State Board of Education Office.

ITEM #41

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Proposed Unification of Alpine Union School District with the Corresponding Portion of Grossmont Union High School District in San Diego County	☒ **Action** ☒ **Information** ☒ **Public Hearing**

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) disapprove the proposal to unify the Alpine Union School District (USD) with the corresponding portion of Grossmont Union High School District (UHSD) without analysis by the CDE.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The issue has not been presented previously to the SBE.

SUMMARY OF KEY ISSUES

The action to unify Alpine USD with the corresponding portion of Grossmont UHSD was initiated pursuant to *Education Code* Section 35700(d), which requires a petition to be signed by a majority of the members of the governing boards of each of the districts that would be affected by the proposed reorganization. As noted in the joint resolution approved by both districts (Attachment 1), one of the primary reasons for the proposed unification is to establish a high school within the Alpine USD area to serve students who must now travel over 15 miles to the nearest high school in Grossmont UHSD.

The San Diego County Committee on School District Organization (SDCC) finds that the proposed unification fails to substantially comply with three of the nine *Education Code* Section 35753(a) conditions required for approval. These three are:

Condition 6: The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.

Condition 7: The proposed reorganization will not result in a significant increase in school housing costs.

SUMMARY OF KEY ISSUES

Condition 9: The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.

The SDCC further recommends that the SBE disapprove the unification proposal. Materials provided in Attachment 2 summarize the SDCC findings.

On March 2, 2004, voters of the Grossmont UHSD approved a $274 million general obligation bond that permits the high school district to build a school in the Alpine area, thus eliminating a primary reason for the unification. Subsequently, on June 17, 2004, the governing board of the Grossmont UHSD unanimously adopted a resolution (Attachment 3) requesting that the SBE deny the unification proposal without review since there no longer is any local interest in unification. The governing board of Alpine USD unanimously adopted a similar resolution on September 8, 2004, (Attachment 4), noting that conditions supporting unification no longer exist and that the Grossmont UHSD has assured the Alpine community that a high school will be built in the area.

CDE recommends that the SBE disapprove the unification proposal without a CDE analysis. The SDCC finds that three of the nine minimum conditions for approval are not met and recommends disapproval of the proposal. The two affected districts, which initiated the unification proposal, each unanimously determined that conditions supporting unification no longer exist and now recommend that the SBE disapprove their proposal. A resolution denying the unification is provided for the SBE's consideration as Attachment 5**.**

If the SBE does not adopt the proposed resolution denying the unification proposal, CDE will complete an analysis of the proposal and make a recommendation to the SBE at a later meeting. However, given that no local support for the unification exists, it is likely that CDE will recommend disapproval of the unification proposal even if CDE determines that all nine conditions in *Education Code* Section 35753 are substantially met.

FISCAL ANALYSIS (AS APPROPRIATE)

The San Diego County Office of Education estimates that, based on 2001-02 data, revenue limit funding for an Alpine Unified School District will increase approximately eight and a half percent over the blended revenue limit generated by the elementary students of Alpine USD and the secondary students residing in the Alpine portion of Grossmont UHSD. Should the unification be approved, a new revenue limit will be calculated based upon data from two years prior to the effective date of the new district.

ATTACHMENT(S)

Attachment 1: Resolution No. 2002-61. Joint Resolution and Petition of the Governing boards of the Alpine Union School District and the Grossmont Union High School District in the County of San Diego, State of California (3 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office).

Attachment 2: Excerpt from Minutes of the San Diego County Board of Education (2 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office).

Attachment 3: Resolution No. 2004-28. Resolution calling for the State Board of Education to Deny the Petition without Review for Reorganization by Unification of the Area of Alpine Union School District with Grossmont Union High School District (2 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office).

Attachment 4: Resolution Requesting the State Board of Education to Deny the Alpine Union School District Unification Proposal Without Review (1 Page) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office).

Attachment 5: Proposed Resolution (1 Page)

CALIFORNIA STATE BOARD OF EDUCATION
November 2004

PROPOSED RESOLUTION

Petition to Form an Alpine Unified School District
from Alpine Union School District
and the Corresponding Portion of
Grossmont Union High School District
in San Diego County

RESOLVED, that, under the authority of *Education Code* Section 35754, the proposal to create an Alpine Unified School District from Alpine Union School District and the corresponding portion of Grossmont Union High School District, which was filed on or about October 22, 2002, with the San Diego County Office of Education pursuant to *Education Code* Section 35700(d), is hereby disapproved; and be it

RESOLVED further, that the Secretary of the State Board of Education notify, on behalf of said Board, the San Diego County Office of Education, the Alpine Union School District, and the Grossmont Union High School District of the action taken by the State Board of Education.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Environmental Effect of Proposed Dissolution of Folsom Cordova Unified School District and the Creation of Folsom Unified School District and Rancho Cordova Unified School District in Sacramento County	☒ **Action** ☒ **Information** ☒ **Public Hearing**

RECOMMENDATION

Adopt a Negative Declaration (Attachment 1), which indicates no environmental effect.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This issue was scheduled to be on the September 2004 agenda but was removed at the request of the chief petitioner on behalf of the Folsom Cordova Unified School District (USD) Board of Education. The State Board of Education (SBE) also heard this issue in 1994 when a similar proposal to split the Folsom Cordova USD into two separate districts was presented to the SBE for final determination. The SBE adopted the Negative Declaration, which states that the proposed reorganization would not have a significant effect on the environment.

SUMMARY OF KEY ISSUES

Six years ago, the California Resources Agency adopted new guidelines that exempted school district organizations from the California Environmental Quality Act (CEQA) process. Those guidelines were invalidated in a recent appellate court ruling (Communities for a Better Environment v. California Resources Agency, Court of Appeal, Third Appellate District, Case No. C038844) and the original guidelines, which included school district organizations as projects under CEQA, were reinstated.

The SBE is the lead agency for all aspects of school district unifications, including the reinstated CEQA review process. Pursuant to past practice, California Department of Education (CDE) staff conducted an initial study (Attachment 2) and determined that there would be no significant adverse effect on the environment as a result of forming a Folsom USD and a Rancho Cordova USD. A copy of the Negative Declaration and initial study has been filed with the State Clearinghouse for state agency review. Also, a legal notice of the public hearing has been published in a local newspaper of general circulation. Any comments received by CDE will be forwarded to the SBE or presented

SUMMARY OF KEY ISSUES

verbally at the public hearing.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal effect to adopting the Proposed Negative Declaration.

ATTACHMENT(S)

Attachment 1: Proposed Negative Declaration (1 Page)
Attachment 2: Environmental Checklist Form (8 Pages)

PROPOSED NEGATIVE DECLARATION

1. Name, if any, and a brief description of project: **Dissolution of the Folsom Cordova Unified School District and the creation of two new districts: the Folsom Unified School District and the Rancho Cordova Unified School District.**
2. Location: **Sacramento County**
3. Entity or person undertaking project: **California State Board of Education**

The California State Board of Education, having reviewed the Initial Study of this proposed project, and having reviewed the written comments received prior to the public meeting of the State Board of Education, including the recommendation of the California Department of Education's staff, does hereby find and declare that the proposed project will not have a significant effect on the environment. A brief statement of the reasons supporting the State Board of Education findings is as follows**: The district reorganization itself will not involve or cause physical changes to the existing environment. Merely changing the political boundaries, governance structure, and/or the name of a school district will not have an environmental impact**.

The California State Board of Education hereby finds that the Negative Declaration reflects its independent judgment.

A copy of the Initial Study may be obtained at the California Department of Education, 1430 N Street, Suite 3800, Sacramento, CA 95814. Telephone: (916) 327-0374.

The location and custodian of the documents and any other material which constitute the record of proceedings upon which the California State Board of Education based its decision to adopt this Negative Declaration are as follows:

California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814
Telephone: (916) 327-0374

ENVIRONMENTAL CHECKLIST FORM

1. Project title: Dissolution of the Folsom Cordova Unified School District: Creation of Folsom and Rancho Cordova Unified School Districts

2. Lead agency name and address:

California State Board of Education

1430 N Street, Suite 5111, Sacramento, CA 95814

3. Contact person and phone number: Teri Chen, (916) 327-0374

4. Project location: Cities of Folsom and Rancho Cordova in Sacramento County

5. Project sponsor's name and address:

Governing Board, Folsom Cordova Unified School District
125 East Bidwell Street, Folsom, CA 95630-3252

6. General plan designation: N/A 7. Zoning: N/A

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

The petition proposes to dissolve the Folsom Cordova Unified School District and create two new districts: a Folsom Unified School District and a Rancho Cordova Unified School District

9. Surrounding land uses and setting: (Briefly describe the project's surroundings)

Cities of Folsom and Rancho Cordova: one current school district – Folsom Cordova Unified School District

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreements.)

None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially significant Impact" as indicated by the checklists on the following pages.

☐ Land Use and Planning	☐ Transportation/Circulation	☐ Public services
☐ Population and Housing	☐ Biological Resources	☐ Utilities and Service
☐ Geological Problems	☐ Energy and Mineral	☐ Aesthetics
☐ Water	☐ Hazards	☐ Cultural Resources
☐ Air Quality	☐ Noise	☐ Recreation
	☐ Mandatory Findings of	

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Signature Date: April 20, 2004

Printed name: Teri Chen For: California State Board of Education

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 1 5063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. See the sample question below. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

7) This is only a suggested form, and lead agencies are free to use different ones.

Sample Question:

Issues (and Supporting Information Sources): *Would the proposal result in potential impacts involving:*	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
a) Landslides or mudslides? (1, 6)	☐	☐	☐	☒

(Attached source list explains that 1 is the general plan, and 6 is a USGS topo map. This answer would probably not need further explanation.)

ENVIRONMENTAL IMPACTS:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
I. LAND USE AND PLANNING. *Would the proposal:*				
a) Conflict with general plan designation or zoning?	☐	☐	☐	☒
b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	☐	☐	☐	☒
c) Be incompatible with existing land use in the vicinity?	☐	☐	☐	☒
d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?	☐	☐	☐	☒
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	☐	☐	☐	☒
II. POPULATION AND HOUSING. *Would the proposal:*				
a) Cumulatively exceed regional or local population projections?	☐	☐	☐	☒
b) Induce substantial growth in an area either directly or indirectly (e.g., projects in an undeveloped area of major infrastructure)?	☐	☐	☐	☒
c) Displace existing housing, especially affordable housing?	☐	☐	☐	☒
III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:*				
a) Fault rupture?	☐	☐	☐	☒
b) Seismic ground shaking?	☐	☐	☐	☒
c) Seismic ground failure, including liquefaction?	☐	☐	☐	☒
d) Seiche, tsunami, or volcanic hazard?	☐	☐	☐	☒
e) Landslides or mudflows?	☐	☐	☐	☒
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	☐	☐	☐	☒

g) Subsidence of land? ☐	☐	☐	☒	
h) Expansive soils?	☐	☐	☐	☒
i) Unique geologic or physical features?	☐	☐	☐	☒
IV. WATER. *Would the proposal result in:*				
a) Changes in absorption rates, drainage or surface runoff?	☐	☐	☐	☒
b) Exposure of people or property to water related hazards such as flooding?	☐	☐	☐	☒
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity?	☐	☐	☐	☒
d) Changes in the amount of surface water in any water body?	☐	☐	☐	☒
e) Changes in currents or course/direction of water movements?	☐	☐	☐	☒
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	☐	☐	☐	☒
g) Altered direction or rate of flow of groundwater?	☐	☐	☐	☒
h) Impacts to groundwater quality?	☐	☐	☐	☒
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	☐	☐	☐	☒
V. AIR QUALITY. *Would the proposal:*				
a) Violate any air quality standard or contribute to an existing or projected air qualify violation?	☐	☐	☐	☒
b) Expose sensitive receptors to pollutants?	☐	☐	☐	☒
c) Alter air movement, moisture, or temperature, or cause any change in climate?	☐	☐	☐	☒
d) Create objectionable odors?	☐	☐	☐	☒
VI. TRANSPORTATION/CIRCULATION. *Would the proposal result in:*				
a) Increased vehicle trips or traffic congestion?	☐	☐	☐	☒
b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
c) Inadequate emergency access or access to nearby uses?	☐	☐	☐	☒
d) Insufficient parking capacity onsite or offsite?	☐	☐	☐	☒
e) Hazards or barriers for pedestrians or bicyclists?	☐	☐	☐	☒
f) Conflicts with adopted policies supporting alternative transportation				

(e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒
g) Rail, waterborne or air traffic impacts?	☐	☐	☐	☒
VII. BIOLOGICAL RESOURCES. *Would the proposal result in impacts to:*				
a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds?	☐	☐	☐	☒
b) Locally designated species (e.g., heritage trees)?	☐	☐	☐	☒
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	☐	☐	☐	☒
d) Wetland habitat (e.g., marsh, riparian, and vernal pool)?	☐	☐	☐	☒
e) Wildlife dispersal or migration corridors?	☐	☐	☐	☒
VIII. ENERGY AND MINERAL RESOURCES. Would *the proposal:*				
a) Conflict with adopted energy conservation plans?	☐	☐	☐	☒
b) Use nonrenewable resources in a wasteful/inefficient manner?	☐	☐	☐	☒
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	☐	☐	☐	☒
IX. HAZARDS. *Would the proposal involve:*				
a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)?	☐	☐	☐	☒
b) Possible interference with an emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
c) The creation of any health hazard or potential health hazard?	☐	☐	☐	☒
d) Exposure of people to existing potential health hazards? ☐	☐	☐	☒	
e) Increased fire hazard in areas with flammable brush or trees?	☐	☐	☐	☒
X. NOISE. *Would the proposal result in:*				
a) Increases in existing noise levels?	☐	☐	☐	☒
b) Exposure of people to severe noise levels?	☐	☐	☐	☒
XI. PUBLIC SERVICES. *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*				
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Maintenance of public facilities, including roads?	☐	☐	☐	☒

e) Other government services?	☐	☐	☐	☒

XII. UTILITIES AND SERVICE SYSTEMS. *Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:*

a) Power or natural gas?	☐	☐	☐	☒
b) Communications systems?	☐	☐	☐	☒
c) Local or regional water treatment or distribution facilities? (*)	☐	☐	☐	☒
d) Sewer or septic tanks?☐	☐	☐	☒	
e) Storm water drainage?☐	☐	☐	☒	
f) Solid waste disposal?	☐	☐	☐	☒
g) Local or regional water supplies?	☐	☐	☐	☒

XIII. AESTHETICS. *Would the proposal:*

a) Affect a scenic vista or scenic highway?	☐	☐	☐	☒
b) Have a demonstrable negative aesthetic effect?	☐	☐	☐	☒
c) Create light or glare?	☐	☐	☐	☒

XIV. CULTURAL RESOURCES. *Would the proposal:*

a) Disturb paleontological resources?	☐	☐	☐	☒
b) Disturb archaeological resources?	☐	☐	☐	☒
c) Have the potential to cause a physical change which would affect unique ethnic cultural values?	☐	☐	☐	☒
d) Restrict existing religious or sacred uses within the potential impact area?	☐	☐	☐	☒

XV. RECREATION. *Would the proposal:*

a) Increase the demand for neighborhood or regional parks or other recreational facilities?	☐	☐	☐	☒
b) Affect existing recreational opportunities?	☐	☐	☐	☒

XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have potential to degrade quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare/endangered plant/animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒

b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? ☐ ☐ ☐ ☒

c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) ☐ ☐ ☐ ☒

d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ☐ ☐ ☐ ☒

XVII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) **Earlier analyses used.** Identify earlier analyses and state where they are available for review.

b) **Impacts adequately addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) **Mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

* Project is a governance change for a local education agency and will have no negative environmental effect

Authority: Public Resources Code Sections 21083 and 21087.
Reference: Public Resources Code Sections21080(c), 21080.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrum* v. *County of Mendocino,* 202
Cal.App.3d 296 *(1988); Leonoff v. Monterey Board of Supervisors,* 222 Cal.App.3d 1337 (1990).

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Proposed Dissolution of Folsom Cordova Unified School District and the Creation of Folsom Unified School District and Rancho Cordova Unified School District in Sacramento County	☒ **Action** ☒ **Information** ☒ **Public Hearing**

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) adopt the proposed resolution disapproving the petition to dissolve the Folsom Cordova Unified School District (USD) and create a Folsom USD and a Rancho Cordova USD.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The issue was provided as an August 2004 Information Memorandum item. It was scheduled to be on the September 2004 agenda but was removed at the request of the chief petitioner on behalf of the Folsom Cordova USD Board of Education.

A similar proposal to split the Folsom Cordova USD into two separate districts was presented to the SBE for final determination in 1994. CDE staff recommended disapproval. CDE staff concluded, similar to the Sacramento County Committee on School District Organization's (SCC) recommendation, that the proposed reorganization would significantly disrupt the educational programs and that the fiscal management would be negatively affected in the proposed district and the remaining Folsom Cordova USD. The SBE, however, approved the proposal. The measure was defeated by a vote of 12,814 to 7,990. Approximately 62 percent of the City of Folsom voters were in favor of the measure, while approximately 90 percent of the Rancho Cordova area voters were against it.

SUMMARY OF KEY ISSUES

The action to dissolve the Folsom Cordova USD was initiated pursuant to *Education Code* Section 35700(d), which requires a petition to be signed by a majority of the members of the governing boards of each of the districts that would be affected by the proposed reorganization.

The Sacramento County Office of Education analyzed the effects of the proposed reorganization on the nine required conditions for approval listed in *Education Code* Section 35753(a). Using this analysis, the SCC determined that the proposed reorganization failed to substantially comply with four of nine conditions of *Education Code* Section 35753(a) and recommends disapproval of the reorganization.

CDE staff find that three conditions of *Education Code* Section 35753(a) are not substantially met. Accordingly, staff recommends that the SBE disapprove the proposal. Staff's analysis is provided as Attachment 1. The Folsom Cordova USD Board of Education supports this recommendation, and approved a motion to rescind their proposal at an August 19, 2004, board meeting. A proposed resolution denying the petition is provided for the SBE's consideration as Attachment 2**.**

FISCAL ANALYSIS (AS APPROPRIATE)

The revenue limits for the two successor districts will be the same as the revenue limit that would have applied to the Folsom Cordova USD, which is $4,782 based upon 2003-04 data. Neither the proposed Folsom USD nor the Rancho Cordova USD would receive any additional state funding as a result of the reorganization.

ATTACHMENT(S)

Attachment 1: Report of Required Conditions for Reorganization (28 Pages)

Attachment 2: Proposed Resolution (1 Page)

Attachment 3: Petition to Dissolve the Folsom Cordova Unified School District and to Create the Folsom Unified School District and the Rancho Cordova Unified School District (28 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office)

Attachment 4: Summary of Actions and Recommendations by the Sacramento County Committee on School District Organization on the Proposed Dissolution of the Folsom Cordova Unified School District to Form a Folsom Unified School District and a Rancho Cordova Unified School District (3 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office)

ATTACHMENT(S)

Attachment 5: Racial and Ethnic Report (5 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office)

Attachment 6: Updated Fiscal Analysis of the Proposed Dissolution of the Folsom Cordova Unified School District to Form a Folsom Unified School District and a Rancho Cordova Unified School District (4 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office)

Attachment 7: Condition 6 Review of the Proposed Dissolution of the Folsom Cordova Unified School to Form a Folsom Unified School District and a Rancho Cordova Unified School District in Sacramento County (1 Page) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office)

Attachment 8: School Facilities Planning Division: Review of the Proposed Dissolution of the Folsom Cordova Unified School District to a Folsom Unified School District and a Rancho Cordova Unified School District (2 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office)

Attachment 9: Folsom Cordova Unified School District Minutes, 8/19/04 Board Meeting CC: (7 Pages) (This attachment is not available for web viewing. A printed copy is available for viewing in the State Board of Education Office)

Attachment 10: Alternative Resolution (2 Pages)

PROPOSED DISSOLUTION OF FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT AND THE CREATION OF FOLSOM UNIFIED SCHOOL DISTRICT AND RANCHO CORDOVA UNIFIED SCHOOL DISTRICT IN SACRAMENTO COUNTY

REPORT OF REQUIRED CONDITIONS FOR REORGANIZATION

1.0 RECOMMENDATION

Staff recommends disapproval of the proposal to dissolve the Folsom Cordova Unified School District (USD) and create two new districts: a Folsom USD and a Rancho Cordova USD. This recommendation is based on the analysis of required legal conditions (*Education Code*[1] Section 35753), which indicates that the proposal fails to substantially meet the following three conditions:

Condition 4: The reorganization of the districts will not promote racial or ethnic discrimination or segregation.

Condition 6: The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.

Condition 9: The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.

A resolution containing this recommendation is included as Attachment 2.

2.0 BACKGROUND

The current proposal is not the first attempt to split the Folsom Cordova USD into two separate districts. In 1994, members of the Folsom community filed a proposal with the Sacramento County Office of Education (SCOE) to create a new Folsom USD along the boundaries of the City of Folsom. The Sacramento County Committee on School District Organization (SCC) determined that the proposal failed to meet the requirements of Section 35753, and in 1995, the proposal was presented to the State Board of Education (SBE) for final determination. California Department of Education (CDE) staff recommended that the SBE deny the proposal. CDE staff concluded, similar to the SCC's recommendation, that the proposed reorganization would significantly disrupt the educational programs and

[1] All subsequent statutory references are to the *Education Code* unless otherwise indicated.

that the fiscal management would be negatively affected in the proposed district and the remaining Folsom Cordova USD. Contrary to staff recommendation, the SBE approved the proposal and the area of election was defined as the area of the Folsom Cordova USD.
The measure was defeated by a vote of 12,814 to 7,990. Approximately 62 percent of the City of Folsom voters were in favor of the measure, while approximately 90 percent of the Rancho Cordova area voters were against it. The petitioners filed their challenge to the SBE's determination regarding the election area. The petitioners contend that the election was invalid because the SBE unconstitutionally expanded the area of election to include all of the Folsom Cordova USD. The challenge and a subsequent appeal were denied in court.

On April 26, 2002, a proposal to dissolve the Folsom Cordova USD and to create a Folsom USD and a Rancho Cordova USD was submitted to the SCOE by the governing board of the Folsom Cordova USD. (Attachment 3). On May 29, 2002, pursuant to Section 35704, the SCOE found the proposal to be sufficient and signed as required by law.

At a November 19, 2002, deliberation meeting, the SCC heard the findings of the SCOE (Attachment 4). The SCC found that four of the nine conditions identified in Section 35753(a) were not substantially met. The SCC unanimously (7-0) recommended disapproval of the reorganization proposal. The proposal, along with the SCC's recommendation, was subsequently transmitted to the SBE.

On July 1, 2003, Rancho Cordova separated from the unincorporated area of the County of Sacramento. Local government in Rancho Cordova is now provided by the City of Rancho Cordova.

3.0 REASONS FOR THE UNIFICATION

The Folsom Cordova USD, as chief petitioners cite the following reasons for the proposed reorganization (Attachment 3):

(a) To improve educational opportunities and services through the establishment of two smaller school districts, with locally responsive administration and governance, which will be more focused upon, and adaptable to the educational needs and concerns of two separate communities.

(b) To offer an opportunity for structural reform and the election of a school board with a shared vision in tune with each community's unique expectations.

4.0 POSITION OF SACRAMENTO COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

The SCC recommends disapproval of the proposal, primarily focusing on the failure of the proposal to meet the following four conditions of Section 35753(a).

Condition 4: The reorganization of the districts will not promote racial or ethnic discrimination or segregation.
Condition 5: The proposed reorganization will not result in any substantial increase in costs to the state.
Condition 6: The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.
Condition 9: The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.

5.0 SECTION 35753 CONDITIONS

The SBE may approve proposals for the reorganization of districts if the SBE has determined the proposal substantially meets the nine conditions in Section 35753. Those conditions are further clarified by Section 18573, Title 5*, California Code of Regulations (*CCR*)*.

For its analysis of the current proposal, staff reviewed CDE studies of specific issues related to the proposal and the following information provided by SCOE:

(a) Petition for the proposed reorganization, including maps of the area.

(b) "Updated Information and Data, Proposed Dissolution of the Folsom Cordova Unified School District and Forming a Folsom Unified School District and a Rancho Cordova Unified School District" prepared by SCOE, November 2002.

(c) "Additional Information Provided by the Folsom Cordova Unified School District Relating to the Proposed Reorganization," prepared by SCOE, November 2002.

(d) "Folsom Cordova Unified Updated Fiscal Projections for Potential District Reorganization" prepared by Educational Research Consultants, Inc., February 2002.

(e) "Evaluation of the State's Ninth Criteria for School District Reorganization – Fiscal Status and Management for the Proposed Split of Folsom-Cordova Unified School District," prepared by School Services of California, Inc., March 1, 2000.

(f) Updated information provided by Folsom Cordova USD.

(g) Various letters and reports in support of and opposition to the proposed reorganization.

(h) Miscellaneous related reports.

Staff findings and conclusions regarding the Section 35753 and Title 5 conditions follow:

5.1 The new districts will be adequate in terms of number of pupils enrolled.

Standard of Review

It is the intent of the State Board of Education that direct service districts not be created which will become more dependent upon county offices of education and state support unless unusual circumstances exist. Therefore, each district affected must be adequate in terms of numbers of pupils, in that each such district should have the following projected enrollment on the date the proposal becomes effective or any new district becomes effective for all purposes: Elementary district, 901; high school district, 301; unified district, 1,501. (Section 18573(a)(1)(A), Title 5, *CCR*)

County Committee Evaluation/Vote

The report prepared by SCOE for the SCC indicates that both of the proposed unified school districts would be of sufficient size to meet minimum qualifications of the school districts within the unified school district category.

The SCC voted unanimously (7-0) that this condition is substantially met.

Staff Findings/Conclusion

As stated previously, a new unified district is adequate in terms of number of pupils if projected enrollment is 1,501 or greater on the date the new district becomes effective for all purposes. The table below depicts historical and projected enrollment for the Folsom Cordova USD from the 2000-01 to the 2007-08 school years. If voters at a Spring 2005 election approve the proposal to create a Folsom USD and a Rancho Cordova USD, the new districts would be effective for all purposes on July 1, 2006. Projected enrollments for the proposed new districts are included in the table, beginning with the 2006-07 school year.

Historical and Projected Enrollments

Year	Folsom Cordova USD	Proposed Folsom USD	Proposed Rancho Cordova USD
2000-01	15,799		
2001-02	16,682		
2002-03	17,149		
*2003-04**	*17,972*		
*2004-05**	*18,842*		
*2005-06**	*19,742*		
*2006-07**	*20,711*	*11,114*	*9,958*
*2007-08**	*21,849*	*11,952*	*10,378*

** Projections*
Source for Historical Enrollment: California Basic Educational Data System (CBEDS) and Sacramento County Office of Education

Enrollment in the proposed Folsom USD is projected to be 11,114 in 2006-07, while projections for Rancho Cordova USD show enrollment of 9,958.

Staff concludes that this condition has been substantially met.

5.2 The districts are each organized on the basis of a substantial community identity.

Standard of Review

The following criteria from Section 18573(a)(2), Title 5, *CCR*, should be considered to determine whether a new district is organized on the basis of substantial community identity: isolation; geography; distance between social centers; distance between school centers; topography; weather; community, school and social ties; and other circumstances peculiar to the area.

County Committee Evaluation/Vote

The report prepared by SCOE for the SCC indicates that since its inception, the Folsom Cordova USD has represented or encompassed two communities: the City of Folsom and the area (now City) of Rancho Cordova. The report concludes that a side-by-side comparison of these communities supports a finding that the proposed unified school districts are organized on the basis of substantial community identity.

The SCC voted unanimously (7-0) that this condition is substantially met.

Staff Findings/Conclusion

As is the case in most relatively compact urban/suburban settings, the Title 5 criteria of isolation, geography, and weather are not applicable to the analysis of substantial community identity. No further discussion of these criteria is warranted, as they cannot be used to define community identity in this particular reorganization proposal.

The two proposed unified districts would correspond to the boundaries of separate and distinct communities that already exist. This is evidenced by local governance in Folsom, which is provided by the City Council of the City of Folsom, and the incorporation of Rancho Cordova as a city within Sacramento County on July 1, 2003.

There are two high schools, Folsom High School and Cordova High School, in the Folsom Cordova USD. The high school attendance area of each high school is coterminous with the boundaries of the two proposed districts.

Staff finds that the districts would be organized on the basis of a substantial community identity and concludes that this condition is substantially met.

5.3 The proposal will result in an equitable division of property and facilities of the original district or districts.

Standard of Review

To determine whether an equitable division of property and facilities will occur, the California Department of Education reviews the proposal for compliance with the provisions of *Education Code* sections 35560 and 35564 and determines which of the criteria authorized in Section 35736 shall be applied. The California Department of Education also ascertains that the affected districts and county office of education are prepared to appoint the committee described in Section 35565 to settle disputes arising from such division of property. (*CCR*, Title 5, Section 18573(a)(3))

County Committee Evaluation/Vote

The report prepared by SCOE for the SCC indicates that, in prior reorganizations, the SCC has recommended that all property, other than real property, and all funds and obligations and bonded indebtedness of the districts be divided by average daily attendance between the respective districts, which is consistent with petitioners' proposal.

The SCC voted 4-3 that this condition is substantially met.

Staff Findings/Conclusion

Department staff finds that existing provisions of the *Education Code* may be utilized to achieve equitable distribution of property, funds, and obligations of Folsom Cordova USD and concludes that this condition is substantially met. Staff further recommends the following:

(a) Capital assets and liabilities of Folsom USD, except real property and the personal property and fixtures normally situated thereat, shall be divided on the basis of the relative assessed valuations of the new unified districts.

(b) Bonded indebtedness of Folsom Cordova USD should be divided based upon the ratios of the assessed valuation of the property in the proposed new unified school districts to the assessed valuation in the current Folsom Cordova USD.

(c) All other assets and liabilities of the Folsom Cordova USD shall be divided based on the proportionate average daily attendance (ADA) of the students residing in the areas of the two districts on June 30 of the school year immediately preceding the date on which the proposed reorganization becomes effective for all purposes. (Section 35736)

(d) Student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of pupils leaving the schools bears to the total number of pupils enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided. (Section 35564)

(e) As specified in Section 35565, disputes arising from the division of property, funds, or obligations shall be resolved by the affected school districts and the county superintendent of schools through a board of arbitrators. The board shall consist of one person appointed by each district and one by the county superintendent of schools. By mutual accord, the county member may act as sole arbitrator; otherwise, arbitration will be the responsibility of the entire board. Expenses will be divided equally between the districts. The written findings and determination of the majority of the board of arbitrators is final, binding, and may not be appealed.

5.4 The reorganization of the districts will not promote racial or ethnic discrimination or segregation.

Standard of Review

In Section 18573(a)(4), Title 5, *CCR*, the State Board of Education set forth five factors to be considered in determining whether reorganization will promote racial or ethnic discrimination or segregation:

(a) The current number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts, compared with the number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts if the proposal or petition were approved.

(b) The trends and rates of present and possible future growth or change in the total population in the districts affected, in each racial and ethnic group within the total district, and in each school of the affected districts.

(c) The school board policies regarding methods of preventing racial and ethnic segregation in the affected districts and the effect of the proposal or petition on any desegregation plan or program of the affected districts, whether voluntary or court ordered, designed to prevent or alleviate racial or ethnic discrimination or segregation.

(d) The effect of factors such as distance between schools and attendance centers, terrain, geographic features that may involve safety hazards to pupils, capacity of schools, and related conditions or circumstances that may have an effect on the feasibility of integration of the affected schools.

(e) The effect of the proposal on the duty of the governing board of each of the affected districts to take steps, insofar as reasonably feasible, to alleviate segregation of minority pupils in schools regardless of its cause.

County Committee Evaluation/Vote

The SCOE analyzed the historical racial and ethnic composition of the Folsom Cordova USD and found that the minority student population of the proposed Folsom USD is considerably lower than the minority student population of the proposed Rancho Cordova USD and the existing Folsom Cordova USD.

The SCC voted 6-1 that this condition is not substantially met.

Staff Findings/Conclusion

The CDE's Office of Equal Opportunity (OEO) provides support to the CDE review of reorganization proposals. The OEO report on this proposal is provided as Attachment 5.

OEO analyzed the five factors set forth in Section 18573 of Title 5*, CCR* in light of information provided in the feasibility study. Findings are further compared to California Basic Educational Data System (CBEDS) information on file with the CDE*.*

(a) Racial and Ethnic Enrollment: Analysis by District

OEO analyzed current enrollment (from 2002-03 CBEDS) in the Folsom Cordova USD. OEO found that the existing Folsom Cordova USD currently enrolls 17,149 kindergarten through twelfth grade students. The total combined minority enrollment is 31.8 percent compared to a 68.2 percent White enrollment.

The proposed Folsom USD and Rancho Cordova USD would enroll over 17,000 students. As noted in the table below, Folsom USD would enroll 8,657 kindergarten through twelfth grade students with minority enrollment of 20.6 percent compared to a 79.4 percent White enrollment. Rancho Cordova USD would enroll 8,492 kindergarten through twelfth grade students with minority enrollment of 43.2 percent compared to a 56.8 percent White enrollment. Overall, for 2002-03, Rancho Cordova USD's minority enrollment of 43.2 percent would be 22.6 percentage points greater than Folsom USD's minority enrollment of 20.6 percent.

Ethnic Enrollment in Affected Districts

District	White Students	Minority Students
Folsom Cordova Unified School District	11,705 (68.2%)	5,444 (31.8%)
Proposed Folsom Unified School District	6,874 (79.4%)	1,783 (20.6%)
Proposed Rancho Cordova Unified School District	4831 (56.8%)	3,661 (43.2%)

Source: 2002-03 CBEDS

(b) Racial and Ethnic Enrollment: Trends and Rates of Change

OEO charted K-12 racial/ethnic student enrollment growth for five years for the Folsom Cordova USD. The percentage of minority students in Folsom Cordova USD increased from 26.9 percent to 31.8 percent over the five-year period (1998-99 to 2002-03).

(c) School Board Policies: Desegregation Plans and Programs

There are no current court-ordered desegregation plans or programs in Folsom Cordova USD.

(d) Factors Affecting Feasibility of Integration

No information was provided to identify any specific effects of factors such as distance from schools, attendance areas, or geographic features on the feasibility of integration.

(e) Duty of School to Alleviate Segregation

OEO notes that the governing board of the Folsom Cordova USD has a duty to alleviate segregation, regardless of the cause. This duty would be reflected in the policies of any newly created school district.

OEO finds that the proposal to dissolve Folsom Cordova USD and create in its place a Folsom USD and a Rancho Cordova USD would form two districts with substantial different minority populations than currently exist. The proposed Rancho Cordova USD would have a minority population that is significantly greater (43 percent to 21 percent) than the minority population at the proposed Folsom USD. OEO finds that if approved, the net result of this proposal would promote racial and ethnic discrimination. OEO concludes that the proposal does not appear to be in substantial compliance with *EC* Section 35753(a)(4). Staff examined the general guidelines identified in the CDE's "Handbook for Conducting Racial and Ethnic Studies in School Districts" to examine the quantitative effects on segregation. The guidelines that are most relevant to this analysis are as follows:

The statutes do not provide a precise quantitative definition of segregation. In the analysis, the districts and/or affected school(s) are evaluated in terms of differences in racial/ethnic composition "before" and "after" the transfer or reorganization. There could be a finding of promotion of segregation when the following statistical conditions are present:

1. *The minority group percentage in a district or affected schools is more than 50-60 percent as a result of the proposed transfer or reorganization, or becomes more than 50-60 percent as a result of the proposal, and is steadily increasing; and*

2. *The trend and rate of minority group increase has been in evidence over a period of at last five years; and*
3. *The trend will likely continue and become "disproportionate" in five years or less. This determination relies on the use of statistical data and analysis procedures*.

The "Handbook for Conducting Racial and Ethnic Studies in School Districts" addresses "disproportionate" as follows:

> *As a general rule, minority student enrollment of approximately 75 percent may be characterized as disproportionate. Lower limits such as 60-65 percent may also be considered disproportionate if records over a significant period of time (at least five years) and an assessment of present and future demographic factors indicate the minority percentage has been steadily increasing and will likely continue to do so.*

Application of Guidelines

In the following paragraphs, enrollment trends developed and analyzed by staff are discussed in the context of the guidelines contained in the "Handbook for Conducting Racial and Ethnic Studies in School Districts."

1. *The minority group percentage of the district is more than 50-60 percent as a result of the proposed reorganization.*

   The proposed reorganization would create two new unified school districts—Folsom USD and Rancho Cordova USD. Using the most current enrollment figures, Folsom USD would be **20.6 percent** minority and Rancho Cordova USD would be **43.2 percent** minority.

2. *The trend and rate of minority group increase has been in evidence over a period of at least five years.*

   Enrollment data demonstrate that minority student enrollment in Folsom Cordova USD has been increasing steadily over the past years and should continue to increase steadily for the foreseeable future. Additionally, minority enrollment for both the proposed Folsom USD and the Rancho Cordova USD is projected to increase in the future.

3. *The trend will likely continue and become "disproportionate" in five years or less. According to the "Handbook for Conducting Racial and Ethnic Studies in School Districts" "disproportionate" may be defined as **60-65 percent** minority when the percentage of minority students is steadily increasing.*

> Five-year enrollment projections suggest that Folsom USD will be **32.7 percent** minority and Rancho Cordova USD would be **54.5 percent** minority in 2007-08 if the proposed reorganization were successful. Enrollment projections for Folsom Cordova USD indicate that that district will be 42.3 percent minority by 2007-08 with no reorganization.

According to the above guidelines the proposed reorganization does not meet the quantitative definition for promotion of segregation. However, the OEO report finds that the proposal does promote racial and ethnic discrimination because the reorganization would form two districts with substantially different minority populations than currently exists, The proposed Rancho Cordova USD would have a minority population that is significantly greater (43 percent to 21 percent) than the minority population at the proposed Folsom USD. Thus, OEO finds that the proposal does not appear to be in substantial compliance with *EC* Section 35753(a)(4). Staff supports the SCC findings and the OEO recommendation that this condition is not substantially met.

5.5 The proposed reorganization will not result in any substantial increase in costs to the state.

Standard of Review

Education Code sections 35735 through 35735.2 mandate a method of computing revenue limits without regard to this condition. Although the estimated revenue limit is considered in this section, only potential costs to the state other than those mandated by sections 35735 through 35735.2 are used to analyze the proposal for compliance with this condition.

County Committee Evaluation/Vote

The report prepared by SCOE for the SCC indicates that since the resultant school districts would still be unified school districts, there would be no change in the revenue limit available to either of the proposed districts. The revenue limit for the proposed districts would remain the same as the current revenue limit for Folsom Cordova USD. There are no factors, under current law, which would increase or decrease the revenue limit for the proposed school districts.

The SCC is concerned that creating separate districts will cause duplication of services, resulting in increased administration costs. For example, there will be a need for two separate administrative facilities, two superintendents, and possibly two transportation facilities.

The SCC voted 4-3 that this condition is not substantially met.

Staff Findings/Conclusion

The CDE's Office of Management Assistance and Categorical Programs (MACP) provides support to the CDE review of reorganization proposals. The MACP report on this proposal is provided as Attachment 6.

MACP did not identify any increased costs to the state resulting from the proposed reorganization. Although it is clear that there will be both start-up costs and additional ongoing costs for the two new districts, these costs will be borne by each respective district. The MACP report indicates that when one district dissolves into two, there is no statutory increase to the salary schedules through the revenue limit. The calculation of each district's revenue limit is neutral and does not yield any increased funding to the new districts. MACP also believes that the reorganization will not result in increased costs to the state due to property tax distribution or change to categorical program entitlements.

State costs for categorical programs entitlements, as well as transportation and regular programs should not be affected significantly by the proposed reorganization since, typically, funding for these programs would follow the students.

Staff disagrees with the SCC findings and concludes this condition is substantially met.

5.6 The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.

Standard of Review

The proposal or petition shall not significantly adversely affect the educational programs of districts affected by the proposal or petition, and the California Department of Education shall describe the district-wide programs, and the school site programs, in schools not a part of the proposal or petition that will be adversely affected by the proposal or petition. (Section 18573(a)(5), Title 5, *CCR*)

County Committee Evaluation/Vote

The study, "Evaluation of the State's Ninth Criteria for School District Reorganization – Fiscal Status and Management for the Proposed Split of Folsom Cordova Unified School District," conducted by School Services of California, Inc., identified that the Folsom USD would lose some flexibility and educational benefits from the loss of a high level of categorical funding. The specific concerns are as follows:

(a) Folsom USD will continue to receive equitable allocations of discretionary type funds (e.g., class-size reduction, staff development, mentor teachers, vocational education, and school improvement funds), but not program revenues funded based on CalWORKs (formerly known as AFDC) or English learner (EL) students (formerly known as Limited-English-Proficient or LEP) counts. The smaller-sized Folsom USD will have less total categorical funds and there will be some flexibility lost in how the funds received can be shifted among school sites.

(b) There are some funding formulas that are weighted to give more credit to school districts with a higher percentage of low-income students, e.g., Eisenhower Math/Science funds and Title VI, and yet allow for considerable local discretion in how those funds are allocated amongst school sites. For example, Title VI funds are apportioned based on CalWORKs-weighted CBEDS counts, but could be used to set up a computer lab that benefits all students. After reorganization, Folsom USD would not receive the same comparable funding levels in these programs because of its low CalWORKs count, and therefore would lose some potential education benefit.

The SCC voted 6-1 that this condition is not substantially met.

Staff Findings/Conclusion

The Evaluation and Analysis Unit in CDE's Policy and Evaluation Division (PED) provides support in reviewing the educational implications of school district reorganization proposals. To assess the educational impacts of the proposed reorganization, PED staff reviewed the materials submitted by the petitioners and the SCOE. A report prepared by PED (Attachment 7) finds that the proposed Rancho Cordova USD has a greater percentage of Free and Reduced Meal and CalWORKS recipients, lower Academic Performance Index (API) scores, a greater number of English Learners, and lower California High School Exit Exam passing rates (approximately 30 percent lower). The proposed Folsom USD demographically reflects a higher socioeconomic representation and all of the benefits that go along with it. For example, the proposed Folsom USD has a greater number of elementary teachers (27 vs. 3) that hold a Professional Development Certificated for Teachers of the Gifted. The report concludes that the proposed reorganization would significantly disrupt the education program in the proposed districts and would not continue to promote sound educational performances in those districts.

The following sections provide a review of data and issues that are either contained in the PED report or are included in this section to complement the PED report.

(a) Academic Performance Index

The API provides a means to compare the performance of schools and districts in the state. The following table aggregates the 2002 and 2003 API Base scores of the schools in the proposed districts.

2002 and 2003 API Base Scores

District by Grade Level*	**2002 API Base**	**2003 API Base**
Elementary		
Proposed Folsom USD	845	883
Proposed Rancho Cordova USD	679	729
Middle		
Proposed Folsom USD	837	861
Proposed Rancho Cordova USD	636	678
High		
Proposed Folsom USD	740	796
Proposed Rancho Cordova USD	603	625

As noted in the above table, the student population in the new Folsom USD would have significantly higher API Base scores when compared with the students of the proposed Rancho Cordova USD in all grade levels. This disparity in scores is consistent with the differences in the statewide ranks of the schools within each district. For example, the 2003 API statewide rank for the Folsom High School, which would be part of the proposed Folsom USD is 10. However, the statewide rank for Cordova High School, which would be part of the new Rancho Cordova USD, is only four.

(b) English Learner Students

The state Language Census collects the number of EL students, and other related data. The following table aggregates the 2002-03 Language Census data for grade levels in the proposed unified school districts.

English Learner Students by Proposed Unified School District

District by Grade Level*	Student Population	EL Student Population	% EL Students
Elementary			
Proposed Folsom USD	4,246	188	4.43%
Proposed Rancho Cordova USD	4,287	1,037	24.19%
Middle			
Proposed Folsom USD	1,889	14	0.74%
Proposed Rancho Cordova USD	1,877	330	17.58%
High			
Proposed Folsom USD	2,565	24	0.94%
Proposed Rancho Cordova USD	2,624	388	14.79%

* Data do not include alternative education programs.

The student population in the new Rancho Cordova USD would have a significantly greater percentage of EL students than would the proposed Folsom USD.

(c) Annual CalWORKs[2] Data Collection

The annual CalWORKs data collection gathers information including the number of CalWORKs children residing in the school attendance area and the number of students enrolled in free or reduced-price meal programs. The following table presents this 2002-03 information for the schools in the proposed Folsom USD and Rancho Cordova USD.

Meals Program and CalWORKs by District

District by Grade Level*	% Students in Meals Program	% CalWORKs Students
Elementary		
Proposed Folsom USD	6.64%	1.75%
Proposed Rancho Cordova USD	59.49%	27.54%
Middle		
Proposed Folsom USD	6.23%	1.15%
Proposed Rancho Cordova USD	57.83%	25.25%
High		
Proposed Folsom USD	3.72%	0.86%
Proposed Rancho Cordova USD	32.56%	22.82%

* Data do not include alternative education programs.

[2]California Work Opportunity and Responsibility to Kids – a product of the Welfare to Work Act of 1997.

As can be seen in the previous table, the proposed Folsom USD would have significantly fewer students in CalWORKs and the Free/Reduced-Price Meals Program than would the new Rancho Cordova USD.

(d) High School Flexibility

Approximately two-thirds of the unified school districts in California have only one high school. Although staff understands that unified districts with a single, high school can offer an effective and balanced educational program, transition from a district with multiple high schools to a district with a single high school does offer some disadvantages. Staff reassignments are difficult, if not impossible, in a district that has only one school for a particular grade level. Similarly, students who would benefit from placement in a different environment will have nowhere to transfer within the district.

The reorganization would result in two school districts having significantly different demographic populations. The proposed Rancho Cordova USD would be confronted with educating a significantly different student population. The students, on average, would have lower test scores. The percentages of EL students and lower income students would be significantly higher. The increased concentrations of lower income and EL students could shift the focus of the educational program and would increase per student educational program costs in the district (since such students typically require increased levels of services); thus threatening educational variables and programs such as quality of teachers, class size, and the breadth of course offerings.

Staff agrees with the PED report and with the SCC's determination that this condition is not substantially met by the unification proposal.

5.7 The proposed reorganization will not result in a significant increase in school housing costs.

<u>County Committee Evaluation/Vote</u>

The report prepared by SCOE for the SCC indicates that this criterion has become less significant because districts may now use funds from general obligation bonds passed by voters to fund new construction. In recent years, the Folsom Cordova USD was divided into two School Facilities Improvement Districts that correspond to the boundaries of the proposed districts. Specifically, in March 5, 2002, the electorate in the respective School Facilities Improvement Districts, within each of the proposed boundaries of the proposed Rancho Cordova USD and Folsom USD, approved General Obligation Bond Measures B and C. The table below identifies funds earmarked for new construction and modernization of existing facilities.

Measure	School Facilities Improvement District	Amount of General Obligation Bond
Measure 'B'	SFID #1 Community of Rancho Cordova	$49 Million
Measure 'C'	SFID #2 Community of Folsom	$53 Million

The SCC voted unanimously (7-0) that this condition is substantially met.

Staff Findings/Conclusion

The CDE's School Facilities Planning Division (SFPD) provides support to the CDE review of reorganization proposals. The SFPD report is Attachment 8 to this Board item. Based on analysis of information available, SFPD makes the following findings:

- The dissolution of the Folsom Cordova USD will not create a significant increase in school housing costs. However, the new districts may face potentially significant costs in providing district support facilities.
- Voters in each community (Folsom and Rancho Cordova) have passed School Facility Improvement District (SFID) bonds to fund construction of new classrooms and the reconstruction of existing schools in each community. The boundaries of each SFID are the proposed boundaries of each district.
- There is empty middle school classroom space in the Cordova High School attendance area. If a new district were formed in Rancho Cordova and state school bond funds were available, the newly formed Rancho Cordova Unified School District would not be eligible for funds until the excess middle school classroom space is occupied.

Dissolving the Folsom USD and forming two new districts will not create a significant increase in school housing costs. Although the SFPD does caution that the new districts may face potentially significant costs in providing district support facilities, the magnitude of such costs cannot be determined at this time. The Folsom Cordova USD currently has administrative and support facilities in both communities. The two new districts have the option to purchase or lease space not currently provided in their community or jointly use some of the existing support facilities of the Folsom Cordova USD.

Given the above considerations, staff agrees with the finding of the SCC that this condition is substantially met.

5.8 The proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to an adjoining district.

County Committee Evaluation/Vote

The SCOE identified no evidence that the proposal is primarily designed to increase property values in the territory proposed for reorganization.

The SCC voted unanimously (7-0) that this condition is substantially met.

Staff Findings/Conclusion

No evidence was presented to indicate that the proposed dissolution of the Folsom Cordova USD and the formation of a Folsom USD and a Rancho Cordova USD would increase property values in either of the districts. Nor is there any evidence from which it can be discerned that an increase in property values could be the primary motivation for the proposed reorganization. Staff concludes this condition is substantially met.

5.9 The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.

County Committee Evaluation/Vote

The impact of the proposed reorganization on the fiscal management or fiscal status of the proposed and affected unified school districts was the subject of two major studies at the county level:

- "Evaluation of the State's Ninth Criteria for School District Reorganization – Fiscal Status and Management for the Proposed Split of Folsom-Cordova Unified School District," prepared by School Services of California, Inc., March 1, 2000, and
- "Folsom Cordova Unified Updated Fiscal Projections for Potential District Reorganization," prepared by Educational Research Consultants, Inc., February 2002.

The School Services of California, Inc. (SSC) study reports that the proposed reorganization of Folsom Cordova USD into two separate school districts does not meet the state's ninth condition for reorganization. The study indicates that there will be additional costs for the start-up and operation of two administrative structures. These costs may be significant, based on statewide comparisons, and thus negatively affect the two new districts financially. There are also concerns about the excess cost of special education for the new

Rancho Cordova USD. The study indicates that if organized as of March 2000, based on pupils served, Rancho Cordova USD would bear the expense of approximately 57 percent of the special education costs, and would be projected to not meet its reserve for economic uncertainty. The SCC report concludes "the added costs associated with reorganization that are projected for both districts would necessitate the reduction of student programs and services."

The Educational Research Consultants Inc. study projected that $500,000 would be needed between the two districts to provide district level staff needed at the appropriate positions. This additional cost, combined with the allocation of special education encroachment, will result in a deficit in both districts of approximately $3,263,000 in Rancho Cordova USD and $3,084,000 in FUSC (based on 2001-02 fiscal data).

The SCC voted unanimously (7-0) that this condition is not substantially met.

Staff Findings/Conclusion

To assess the financial impact of the proposed reorganization, the MACP reviewed information provided by the SCOE and the Folsom Cordova USD. The MACP report (Attachment 6) includes the following findings:

- Invariably, when one district divides into two, there will be some increase in administrative costs. The MACP report indicates that administrative costs would increase by approximately $400,000 in each of the new districts if the proposed reorganization were to occur.
- The Rancho Cordova area serves 54 percent of the total current special education population. That means 54 percent of the program revenues and expenditures would be allocated to the new Rancho Cordova USD. Presently Folsom Cordova USD spends approximately $10.2 million more on special education services than it receives in revenues. Thus, the Rancho Cordova USD would be responsible for 54 percent, or $5.5 million, of the excess costs.
- Projections in the MACP report show that the Folsom Cordova USD will deficit spend $2.6 million in 2004-05, and $1.7 million in 2005-06. The majority of the deficit, which is primarily due to excess special education costs, will be allocated to the new Rancho Cordova USD under the proposed reorganization. Projections indicate that the Rancho Cordova USD will struggle financially and continue to deficit spend, ending 2006-07 with inadequate reserves.

The MACP report indicates that although it is possible for the Rancho Cordova USD to make deep spending cuts that would alleviate the deficit, it is not certain whether these reductions could be sustained without real consequence to the instructional program. Achieving the projected level of spending reduction would be exacerbated by competing demands from the

contemporaneous creation of a new administration and governance structure. The MACP believes that the Rancho Cordova USD would emerge financially and academically vulnerable, with the possibility of becoming insolvent.

CDE staff agrees with the findings of the MACP report and concludes this condition is not substantially met.

5.10 Criteria Summary

CDE staff found the proposal did not substantially comply with three of the nine criteria of Section 35753, specifically:

Criterion 4: The reorganization of the districts will not promote racial or ethnic discrimination or segregation.

Criterion 6: The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.

Criterion 9: The proposed reorganization will not cause a substantial negative effect on the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.

6.0 COUNTY COMMITTEE SECTION 35707 REQUIREMENTS

Section 35707 requires the county committee on school district organization to make certain findings and recommendations and to expeditiously transmit them along with the reorganization petition to the SBE. These required findings and recommendations are:

6.1 County Committee Recommendation for the Petition

A county committee must recommend to the SBE approval or disapproval of a petition for reorganization. The SCC voted unanimously to recommend disapproval of the proposal to dissolve the Folsom Cordova USD and form a Folsom USD and a Rancho Cordova USD.

6.2 Effect on School District Organization of the County

Section 35707 requires a county committee to report whether the proposal would adversely affect countywide school district organization. The SCC voted unanimously that the proposal would not adversely affect countywide school district organization.

6.3 County Committee Opinion Regarding Section 35753 Conditions

A county committee must submit to the SBE its opinion regarding whether the proposal complies with the provisions of Section 35753. The SCC found that five of the nine conditions in Section 35753(a) are substantially met by the following votes:

- Adequate Enrollment (7-0);
- Community Identity (7-0);
- Equitable Division of Property (4-3);
- Increased Housing Costs (7-0); and
- Increased Property Values (7-0).

The SCC found that the remaining four conditions are <u>not</u> substantially met by the following votes:

- Promotion of Segregation (6-1);
- Increased Costs to State (4-3);
- Educational Program (6-1); and
- Financial Effects (7-0).

7.0 STAFF RECOMMENDED AMENDMENTS TO THE PETITION

The SBE has authority to amend or add certain provisions to any petition for reorganization. This section contains CDE staff recommendations for such amendments.

7.1 Article 3 Amendments

Petitioners may include, and the county committee or SBE may add or amend, any of the appropriate provisions specified in Article 3 of the *Education Code* (commencing with Section 35730). These provisions include:

<u>Voting on a Single Proposition</u>

Whenever the recommendation is to divide the entire territory of an existing school district into two or more separate school districts, the recommendation may provide that plans and recommendations be voted upon as a single proposition. No such provision is included in the petition, or was added by the SCC.

Treating the proposals to form a Folsom USD and a Rancho Cordova USD as separate election propositions would mean that voter approval of either unification would result, by default, in the approval of the other unification regardless of voter action on that unification. Staff has determined that the proposed unifications would have negative effects on the new Rancho Cordova USD (see discussion in Section 7.2–Area of Election). Again, treating

the proposals as separate propositions could result in the formation of a Rancho Cordova USD without approval of voters in the Rancho Cordova area. Thus, staff recommends that the proposal to divide the entire territory of Folsom Cordova USD into two separate districts be voted upon as single proposition to ensure that Rancho Cordova voters have a voice in approving a Rancho Cordova USD.

Membership of Governing Board

A proposal for reorganization may include a provision for a governing board of seven members. The proposal for reorganization includes a provision that a five member board of education govern each of the new districts.

Trustee Areas

A proposal for reorganization may include a provision for establishing trustee areas for the purpose of electing governing board members of the unified district. The proposal for reorganization includes a provision that the trustees of each new governing board should be elected at large.

Election of Governing Board

A proposal for reorganization may include a provision specifying that the election for the first governing board be held at the same time as the election on the reorganization of the school district. The *Education Code* also requires that, if this provision is included, the proposal specify the method whereby the length of the initial terms may be determined so that the governing board will ultimately have staggered terms that expire in years with regular election dates. The proposal for reorganization includes a provision that the election of the new trustees will coincide with the election for district organization. However, no provision regarding the length of the initial terms of the governing board is included in the proposal.

Staff recommends that the following method be employed to ensure the staggering of the terms of office for governing board members:

> The three governing board candidates receiving the highest number of votes will have four-year terms and the two candidates receiving the next highest number of votes will have two-year terms. All terms will be for four years in subsequent governing board elections.

Computation of Base Revenue Limit

The base revenue limits for the two successor districts will be the same as the base revenue limit that would have applied to the existing Folsom Cordova USD, which is $4,782 based upon 2003-04 data. Neither the proposed Folsom USD nor the Rancho Cordova USD would receive any additional state funding as a result of the reorganization.

Division of Property and Obligations

A proposal for the division of property (other than real property) and obligations of any district whose territory is being divided among other districts may be included. As indicated in section 5.3 of this attachment, CDE staff finds that existing provisions of the *Education Code* may be utilized to achieve equitable distribution of property, funds, and obligations of Folsom Cordova USD. Staff further recommends the following:

(a) Capital assets and liabilities of Folsom Cordova USD, except real property and the personal property and fixtures normally situated thereat, shall be divided on the basis of the relative assessed valuations of the new unified districts.

(b) All other assets and liabilities of the Folsom Cordova USD shall be divided based on the proportionate ADA of the students residing in the areas of the two affected districts on June 30 of the school year immediately preceding the date on which the proposed reorganization becomes effective for all purposes. (Section 35736)

(c) Student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of pupils leaving the schools bears to the total number of pupils enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided. (Section 35564)

(d) As specified in Section 35565, disputes arising from the division of property, funds, or obligations shall be resolved by the affected school districts and the county superintendent of schools through a board of arbitrators. The board shall consist of one person appointed by each district and one by the county superintendent of schools. By mutual accord, the county member may act as sole arbitrator; otherwise, arbitration will be the responsibility of the entire board. Expenses will be divided equally between the districts. The written findings and determination of the majority of the board of arbitrators is final, binding, and may not be appealed.

Method of Dividing Bonded Indebtedness

A proposal for reorganization may include a method of dividing the bonded indebtedness other than the method established in Section 35576 for the purpose of providing greater equity in the division. Staff recommends that any district-wide bonded indebtedness of Folsom Cordova USD should be divided based upon the ratios of the assessed valuation of the property in the

proposed new unified school districts to the assessed valuation in the current Folsom Cordova USD.

All bond expenditures related to the Rancho Cordova School Facilities Improvement District #1 would remain with the proposed Rancho Cordova USD. All bond expenditures related to the Folsom School Facilities Improvement District #2 would remain with the proposed Folsom USD.

7.2 Area of Election

A provision specifying the territory in which the election to reorganize the school districts will be held is one of the provisions under Article 3 (see 7.1 above) that the SBE may add or amend. However, the inclusion of this provision is highlighted since Section 35756 indicates that, should the SBE approve the proposal, the SBE must determine the area of election.

The area proposed for reorganization is the Folsom Cordova USD. Thus, the "default" election area is this school district (Section 35732). The SBE may alter this "default" election area if it determines that such alteration complies with the following area of election legal principles. Again, the election area must be determined only if the SBE approves the unification proposal.

Area of Election Legal Principles

The Local Agency Formation Commission (LAFCO)[3] court decision provides the most current legal interpretations to be followed in deciding the area of school district reorganization elections. This decision upheld a limited area of election on a proposal to create a new city, citing the "rational basis test." The rational basis test may be used to determine whether the area of election should be less than the total area of the district affected by the proposed reorganization unless there is a declared public interest underlying the determination that has a real and appreciable impact upon the equality, fairness, and integrity of the electoral process, or racial issues. If so, a broader area of election is necessary.

In applying the rational basis test, a determination must be made as to whether:

(a) There is a genuine difference in the relevant interests of the groups, in which case an enhancement of the minority voting strength is permissible.

(b) The reduced voting area has a fair relationship to a legitimate public purpose. The fair relationship to a legitimate public purpose is found in

[3] *Board of Supervisors of Sacramento County, et al., v. Local Agency Formation Commission (3 Cal. 4th 903, 1992)*

Government Code Section 56001, which expresses the legislative intent "to encourage orderly growth and development," such as promoting orderly school district reorganization statewide that allows for planned, orderly community-based school systems that adequately address transportation, curriculum, faculty, and administration. This concept includes both:

1. Avoiding the risk that residents of the area to be transferred, annexed, or unified might be unable to obtain the benefits of the proposed reorganization if it is unattractive to the residents of the remaining district; and
2. Avoiding islands of unwanted, remote, or poorly served school communities within large districts.

However, even under the rational basis test, a determination to reduce the area of election would, according to LAFCO, be held invalid if the determination constituted an invidious discrimination in violation of the constitutional Equal Protection Clause (e.g., involving a racial impact of some degree).

<u>CDE Staff Recommendation for Area of Election</u>

As indicated in the Section 35753 criteria analysis, CDE finds that the proposed reorganization would disrupt delivery of the educational programs and would cause financial hardship in the new Rancho Cordova USD. It is the opinion of CDE that, under LAFCO, these negative effects on the newly formed school district constitute significant adverse impacts on the voters in the Rancho Cordova USD. Also, as indicated in the Section 35753 criteria analysis, CDE finds that the proposed reorganization would concentrate minority students in the new Rancho Cordova USD. It is the opinion of CDE that, under LAFCO, this constitutes a significant racial/ethnic impact on that district.

Should the SBE approve the reorganization proposal, staff recommends that the SBE establish the entire Folsom Cordova USD as the area of election and, as stated previously, determine that the proposal to form the two districts be voted upon as a single proposition.

8.0 STATE BOARD OF EDUCATION OPTIONS

Sections 35753 and 35754 outline the SBE's options:

(a) The SBE shall approve or disapprove the proposal. (Section 35754)

1) The SBE may approve the proposal if it determines all the conditions in Section 35753(a) have been substantially met.
2) The SBE may approve the proposal pursuant to Section 35753(b) if it determines the conditions in Section 35753(a) are not substantially met but it is not possible to apply the conditions literally and an exceptional situation exists.

(b) Pursuant to Section 35754, if the SBE approves the formation of the proposed districts, it may amend or include in the proposal any of the appropriate provisions of Article 3, commencing with Section 35730. In this case, several items would be incorporated into the proposal and also approved if the SBE approves the overall petition:

1) The proposal to divide the entire territory of Folsom Cordova USD into two separate districts shall be voted upon as a single proposition.
2) The governing boards of each new unified school district will have five members elected at-large with the first governing board election held at the same time as the election on reorganization. To ensure staggered terms of office, the three governing board candidates receiving the highest number of votes will have four-year terms and the two candidates receiving the next highest number of votes will have two-year terms.
3) The base revenue limit per unit of average daily attendance is $4,782 based on 2003-04 data and shall be recalculated using second prior fiscal year data from the time the reorganization becomes effective for all purposes.
4) Any district-wide bonded indebtedness of Folsom Cordova USD should be divided based upon the ratios of the assessed valuation of the property in the proposed new unified school districts to the assessed valuation in the current Folsom Cordova USD. The bonded indebtedness for the School Facilities Improvement Districts (Measures B and C) will remain within each district.
5) Capital assets and liabilities of the Folsom Cordova USD, except real property and the personal property and fixtures normally situated thereat, shall be divided on the basis of the relative assessed valuations of the new unified districts.
6) All other assets and liabilities of the Folsom Cordova USD shall be divided based on the proportionate ADA of the students residing in the areas of the new unified districts on June 30 of the school year immediately preceding the date on which the proposed reorganization becomes effective for all purposes.

7) Student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of pupils leaving the schools bears to the total number of pupils enrolled; and funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided.
8) Any disputes involving the division of property, funds, and obligations will be resolved through binding arbitration pursuant to Section 35565.

(c) If the SBE approves the proposal, it must determine the area of election (Section 35756). As previously discussed, staff recommends the territory of the entire Folsom Cordova USD as the area of election.

9.0 RECOMMENDED ACTION

After finding three of the nine conditions of Section 35753 not substantially met, staff recommends that the SBE adopt the proposed resolution (Attachment 2) disapproving the proposal to dissolve the Folsom Cordova USD and create a Folsom USD and a Rancho Cordova USD. The Folsom Cordova USD Board of Education supports this recommendation, and approved a motion to rescind their proposal at their August 19, 2004 meeting. (Attachment 9)

If the SBE should decide to approve the petition, an alternative resolution incorporating the above listed provisions [8.0(d) and (e)] is provided as Attachment 10.

CALIFORNIA STATE BOARD OF EDUCATION
November 2004

PROPOSED RESOLUTION

Petition to Dissolve the Folsom Cordova Unified School District
and Create Two New Districts: a Folsom Unified School District
and a Rancho Cordova Unified School District

RESOLVED, that under the authority of *Education Code* Section 35754, the proposal to dissolve the Folsom Cordova Unified School District and create a Folsom Unified School District and a Rancho Cordova Unified School District, which was filed on or about April 29, 2002, with the Sacramento County Office of Education pursuant to *Education Code* Section 35700(d), is hereby disapproved because the proposal does not substantially comply with the provisions of Section 35753(a) of the *Education Code*; and be it

RESOLVED further, that the Secretary of the State Board of Education notify, on behalf of said Board, the Sacramento County Office of Education and the Folsom Cordova Unified School District of the action taken by the State Board of Education.

CALIFORNIA STATE BOARD OF EDUCATION
November 2004

ALTERNATIVE RESOLUTION

Petition to Dissolve the Folsom Cordova Unified School District
and Create Two New Districts: a Folsom Unified School District
and a Rancho Cordova Unified School District

RESOLVED, that under the authority of *Education Code* Section 35754, the proposal to dissolve the Folsom Cordova Unified School District and create a Folsom Unified School District and a Rancho Cordova Unified School District, which was filed on or about April 29, 2002, with the Sacramento County Office of Education pursuant to *Education Code* Section 35700(a), is hereby approved.

RESOLVED further, that the base revenue limit per unit of average daily attendance is $4,782 based on 2003-04 data and shall be recalculated using second prior fiscal year data from the time the reorganization becomes effective for all purposes; and be it

RESOLVED further, that capital assets and liabilities, except real property and the personal property and fixtures normally situated thereat, shall be divided on the basis of the relative assessed valuations of the proposed new unified districts; and be it

RESOLVED further, that all other assets and liabilities of the Folsom Cordova Unified School District shall be divided based on the proportionate average daily attendance of the students residing in each of the new unified school districts on June 30 of the school year immediately preceding the date on which the proposed reorganization becomes effective for all purposes; and be it

RESOLVED further, that any district-wide bonded indebtedness of Folsom Cordova Unified School District shall be divided based upon the ratios of the assessed valuation of the property in the proposed new unified school districts to the assessed valuation in the current Folsom Cordova Unified School District; and be it

RESOLVED further, student body property, funds, and obligations shall be divided proportionately, except that the share shall not exceed an amount equal to the ratio which the number of pupils leaving the schools bears to the total number of pupils enrolled; and funds from devises, bequests, or gifts made to the

organized student body of a school shall remain the property of the organized student body of that school and shall not be divided; and be it

RESOLVED further, that the governing boards of each new unified school district shall consist of five members elected at large, with the first governing board elections held at the same time as the election on the reorganization and staggered terms of office ensured by the three governing board candidates with the highest number of votes receiving four-year terms and the two candidates with the next highest number of votes receiving two-year terms; and be it

RESOLVED further, that the State Board of Education sets the area of election to be the territory of the entire Folsom Cordova Unified School District; and be it

RESOLVED further, that the plans and recommendations to create a Folsom Unified School District and a Rancho Cordova Unified School District shall be voted upon as a single proposition; and be it

RESOLVED further, that the Secretary of the State Board of Education shall notify, on behalf of said Board, the Sacramento County Office of Education and the Folsom Cordova Unified School District of the action taken by the State Board of Education; and be it

RESOLVED further, that any disputes involving the division of property, funds, and obligations will be resolved through binding arbitration pursuant to *Education Code* Section 35565.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Silver Valley Unified School District** for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-12-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local agencies whose allocations are less that $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Silver Valley Unified School District (USD) and verified that the district received its first consortium waiver in the 2003-04 program year, and that the district continues to meet the waiver criteria. The district requests a renewal of the consortium waiver in order to receive its allocated funds for the 2004-05 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2).

Period of request: July 1, 2004, through June 30, 2005

Local board approval date(s): September 13, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Silver Valley USD to receive its Perkins funds for the 2004-05 program year (estimated to be approximately $13,067) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds statewide.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Southern Humboldt Unified School District** for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-14-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local agencies whose allocations are less that $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Southern Humboldt Unified School District (USD) and verified that the district received its first consortium waiver in the 2003-04 program year, and that the district continues to meet the waiver criteria. The district requests a renewal of the consortium waiver in order to receive its allocated funds for the 2004-05 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2).

Period of request: July 1, 2004, through June 30, 2005

Local board approval date(s): September 9, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Humboldt Unified School District to receive its Perkins funds for the 2004-05 program year (estimated to be approximately $10,494) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds statewide.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Coast Unified School District** for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-15-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local agencies whose allocations are less that $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Coast Unified School District (USD) and verified that the district received its first consortium waiver in the 1991-92 program year, and that the district continues to meet the waiver criteria. The district requests a renewal of the consortium waiver in order to receive its allocated funds for the 2004-05 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2).

Period of request: July 1, 2004, through June 30, 2005

Local board approval date(s): September 9, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Coast USD to receive its Perkins funds for the 2004-05 program year (estimated to be approximately $6,593) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds statewide.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Butte Valley Unified School District** for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-16-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local agencies whose allocations are less that $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Butte Valley Unified School District (USD) and verified that the district received its first consortium waiver in the 1991-92 program year, and that the district continues to meet the waiver criteria. The district requests a renewal of the consortium waiver in order to receive its allocated funds for the 2004-05 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2).

Period of request: July 1, 2004, through June 30, 2005

Local board approval date(s): September 15, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Butte Valley USD to receive its Perkins funds for the 2004-05 program year (estimated to be approximately $3,794) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds statewide.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Lucerne Valley Unified School District** for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-17-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local agencies whose allocations are less that $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Lucerne Valley Unified School District (USD) and verified that the district received its first consortium waiver in the 2003-04 program year, and that the district continues to meet the waiver criteria. The district requests a renewal of the consortium waiver in order to receive its allocated funds for the 2004-05 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2).

Period of request: July 1, 2004, through June 30, 2005

Local board approval date(s): September 1, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Lucerne Valley USD to receive its Perkins funds for the 2004-05 program year (estimated to be approximately $8,001) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds statewide.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Los Molinos Unified School District** for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-18-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local agencies whose allocations are less that $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Los Molinos Unified School District (USD) and verified that the district received its first consortium waiver in the 1999-2000 program year, and that the district continues to meet the waiver criteria. The district requests a renewal of the consortium waiver in order to receive its allocated funds for the 2004-05 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2).

Period of request: July 1, 2004, through June 30, 2005

Local board approval date(s): September 7, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Los Molinos USD to receive its Perkins funds for the 2004-05 program year (estimated to be approximately $5,711) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds statewide.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Fall River Joint Unified School District** for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-19-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local agencies whose allocations are less that $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Fall River Joint Unified School District (USD) and verified that the district received its first consortium waiver in the 1991-92 program year, and that the district continues to meet the waiver criteria. The district requests a renewal of the consortium waiver in order to receive its allocated funds for the 2004-05 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2).

Period of request: July 1, 2004, through June 30, 2005

Local board approval date(s): September 8, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Fall River Joint USD to receive its Perkins funds for the 2004-05 program year (estimated to be approximately $11.040) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds statewide.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Trona Unified School District** for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-20-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local agencies whose allocations are less that $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Trona Unified School District and verified that the district received its first consortium waiver in the 2002-03 program year, and that the district continues to meet the waiver criteria. The district requests a renewal of the consortium waiver in order to receive its allocated funds for the 2004-05 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2).

Period of request: July 1, 2004, through June 30, 2005

Local board approval date(s): September 13, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Trona Unified School District to receive its Perkins funds for the 2004-05 program year (estimated to be approximately $4,623) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds statewide.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **John Swett Unified School District** for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-21-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local agencies whose allocations are less that $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the John Swett Unified School District and verified that the district received its first consortium waiver in the 1991-92 program year, and that the district continues to meet the waiver criteria. The district requests a renewal of the consortium waiver in order to receive its allocated funds for the 2004-05 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2).

Period of request: July 1, 2004, through June 30, 2005

Local board approval date(s): September 15, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the John Swett Unified School District to receive its Perkins funds for the 2004-05 program year (estimated to be approximately $11,102) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds statewide.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

ITEM #WC-10

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Sierra Unified School District** for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-22-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local agencies whose allocations are less that $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Sierra Unified School District and verified that the district meets the waiver criteria. This is the first year the district has been below the $15,000 threshold. The district requests a consortium waiver in order to receive its allocated funds for the 2004-05 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2).

Period of request: July 1, 2004, through June 30, 2005

Local board approval date(s): September 9, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Sierra Unified School District to receive its Perkins funds for the 2004-05 program year (estimated to be approximately $13,963) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds statewide.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

ITEM #WC-11

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Cloverdale Unified School District** for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-23-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local agencies whose allocations are less that $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Cloverdale Unified School District and verified that the district received its first consortium waiver in the 1991-92 program year, and that the district continues to meet the waiver criteria. The district requests a renewal of the consortium waiver in order to receive its allocated funds for the 2004-05 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2).

Period of request: July 1, 2004, through June 30, 2005

Local board approval date(s): September 15, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Cloverdale Unified School District to receive its Perkins funds for the 2004-05 program year (estimated to be approximately $8,620) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds statewide.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Eastern Sierra Unified School District** for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332). Waiver Number: Fed-24-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) adopted guidelines in February 2001 to assist California Department of Education (CDE) staff in reviewing this type of waiver (Waiver Policy #2001-02). The SBE has approved a number of these waivers over the years.

SUMMARY OF KEY ISSUES

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) requires local agencies whose allocations are less that $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is:

- In a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and
- Demonstrates it is unable to enter into a consortium to participate in the Perkins funding.

CDE staff contacted the Eastern Sierra Unified School District and verified that the district received its first consortium waiver in the 1991-92 program year, and that the district continues to meet the waiver criteria. The district requests a renewal of the consortium waiver in order to receive its allocated funds for the 2004-05 program year.

Authority for Waiver: Carl D. Perkins Vocational and Technical Education Act of 1998, Section 131(d)(2).

Period of request: July 1, 2004, through June 30, 2005

Local board approval date(s): September 15, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable the Eastern Sierra Unified School District to receive its Perkins funds for the 2004-05 program year (estimated to be approximately $3,737) without having to participate in a consortium. The waiver has no significant effect on the distribution of Perkins funds statewide.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for Web viewing but are available for inspection in the Waiver Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Sierra Sands Unified School District** to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of **The Great Body Shop**, a Comprehensive Health, Substance Abuse, Violence Prevention Program prekindergarten to eighth grade. Waiver Number: Fed-13-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The district must submit a report to the Safe and Healthy Kids Program Office (SHKPO) no later than September 30, 2005 that describes its progress in evaluating the use of *The Great Body Shop* program within the district. In addition, the district must submit a report to the SHKPO no later than September 30, 2006 that describes the progress made by Southern Illinois University, Carbondale (SIUC) in submitting the results of the SIUC evaluation of *The Great Body Shop* program to (1) the National Registry of Effective Programs, (2) the University of Colorado's Center for the Study and Prevention of Violence, or (3) the California Healthy Kids Resource Center, for possible designation as a Model, Blueprint, or Validated Program. The district must be willing to take part in a formal evaluation, if requested. The district must also implement and evaluate its own comprehensive prevention program in accordance with the district's approved Local Educational Agency Plan.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

State Board Policy 03-01 contains guidelines for approval of applications for waiver of the NCLB requirements that Title IV funds be used for "science-based" prevention programs. The State Board has previously approved a waiver of this program for use by Chino Valley Unified School District (Fed-09-2003).

SUMMARY OF KEY ISSUES

This application requests a waiver so that the local educational agency (LEA) may use the "promising" prevention program *The Great Body Shop* rather than a "science-based" prevention program as required by Title IV of NCLB. In accordance with State Board Policy 03-01, there are three conditions that must be satisfied before approval of the use of a "promising" prevention program rather than an already-established science-based program.

1. The program must be innovative;
2. The program must demonstrate substantial likelihood of success; and
3. There is a plan and timeline for submitting the program for review and recognition as a science-based program.

The two conditions for innovation and substantial likelihood of success are satisfied because the program has already been designated as “promising” by the Center for Substance Abuse Prevention. Policy 03-01 lists the Center as one of the nationwide research groups that may recognize a new program as “science-based.”

The third condition requires that the plan be reviewed by one of the nationwide research groups identified in Policy 03-01. This waiver request meets these criteria, because the producer of the program is already participating in a study by Southern Illinois University, Carbondale that will determine the effectiveness of the program within the next year, and because the LEA has committed to participating in the data collection process for that study if requested. Following through on this commitment to evaluation is therefore a condition for approval of the waiver.

The department recommends that this waiver request be approved as it meets each of the three criteria identified in the State Board waiver policy re the federal statute.

Authority for Waiver: NCLB, Title IV, Part A, Section 4115(a)(3)

Period of request: August 4, 2004 – August 3, 2006. The LEA requested August 4, 2004 through June 5, 2005; however, CDE is recommending approval through August 3, 2006 to allow two years to complete the evaluation of the program upon approval of the waiver by the State Board.

Local board approval date(s): August 18, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Waiver approval will allow the district to use Title IV, Safe and Drug Free Schools and Communities funds for this program.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Eastside Union School District** to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115(a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of **The Great Body Shop**, a Comprehensive Health, Substance Abuse, Violence Prevention Program prekindergarten to eighth grade. Waiver Number: Fed-11-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The district must submit a report to the Safe and Healthy Kids Program Office (SHKPO) no later than September 30, 2005, that describes its progress in evaluating the use of *The Great Body Shop* program within the district. In addition, the district must submit a report to the SHKPO no later than September 30, 2006, that describes the progress made by Southern Illinois University, Carbondale (SIUC) in submitting the results of the SIUC evaluation of *The Great Body Shop* program to (1) the National Registry of Effective Programs, (2) the University of Colorado's Center for the Study and Prevention of Violence, or (3) the California Healthy Kids Resource Center, for possible designation as a Model, Blueprint, or Validated Program. The district must be willing to take part in a formal evaluation, if requested. The district must also implement and evaluate its own comprehensive prevention program in accordance with the district's approved Local Educational Agency Plan.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

State Board Policy 03-01 contains guidelines for approval of applications for waiver of the NCLB requirements that Title IV funds be used for "science-based" prevention programs. The State Board has previously approved a waiver of this program for use by Chino Valley Unified School District (Fed-09-2003).

SUMMARY OF KEY ISSUES

This application requests a waiver so that the local educational agency (LEA) may use the "promising" prevention program *The Great Body Shop* rather than a "science-based" prevention program as required by Title IV of NCLB. In accordance with State Board Policy 03-01, there are three conditions that must be satisfied before approval of the use of a "promising" prevention program rather than an already-established science-based program.

1. The program must be innovative.
2. The program must demonstrate substantial likelihood of success,
3. There is a plan and timeline for submitting the program for review and recognition as a science-based program.

The two conditions for innovation and substantial likelihood of success are satisfied because the program has already been designated as “promising” by the Center for Substance Abuse Prevention. Policy 03-01 lists the Center as one of the nationwide research groups that may recognize a new program as “science-based.”

The third condition requires that the plan be reviewed by one of the nationwide research groups identified in Policy 03-01. This waiver request meets this criteria, because the producer of the program is already participating in a study by Southern Illinois University, Carbondale that will determine the effectiveness of the program within the next year, and because the LEA has committed to participating in the data collection process for that study if requested. Following through on this commitment to evaluation is therefore a condition for approval of the waiver.

The department recommends that this waiver request be approved as it meets each of the three criteria identified in the State Board waiver policy re the federal statute.

Authority for Waiver: NCLB, Title IV, Part A, Section 4115(a)(3)

Period of request: November 11, 2004 – November 10, 2006. The LEA requested July 1, 2004, through June 30, 2005; however, CDE is recommending approval through November 10, 2006, to allow two years to complete the evaluation of the program upon approval of the waiver by the State Board.

Local board approval date(s): July 26, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Waiver approval will allow the district to use Title IV, Safe and Drug Free Schools and Communities funds for this program.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Adelanto Elementary School District (SD)** for a retroactive waiver of *Education Code* (EC) Section 60119 regarding the Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2002-2003 that they failed to properly notice (10 days) the public hearing. Waiver Number: 12-9-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has heard and approved a Waiver Policy number 01-06 Instructional Materials Sufficiency (*Education Code* Section 60119) Waiver of Retroactive Audit. Adelanto Elementary School District has not had a prior year finding and waiver of this type, so this goes to consent.

SUMMARY OF KEY ISSUES

During an audit for fiscal year 2002-2003, it was discovered that AESD did not post the notice for ten days prior to the public hearing as required by EC Section 60119, instead they posted it for seven days.

Since then, Adelanto Elementary SD certified that it has held a fully compliant hearing (properly noticed for ten days in three public places) for the 2003-2004 school year on October 7, 2003. They provided copies of the public notice posting to prove the posting had been done for 12 days this time. The Adelanto Elementary SD also provide a copy of the Board Resolution 03-04-11 and determined that it has sufficient instructional materials for each pupil in each school in the district.

In accordance with Senate Bill 550, the legislation to implement the Williams lawsuit settlement, the district will hold their annual public hearing for the sufficiency of instructional materials on November 14, 2004.

California Department of Education (CDE) staff verified all other requirements of the specific waiver request. Without the waiver, the district may have to return $228,047, the entire amount of their Instructional Materials and Schiff-Bustamante Fund allotments for 2002-03.

Therefore, since Adelanto Elementary SD has met the requirements for fiscal year 2003-2004, and agrees to comply with EC Section 60119 and ensure that the public

hearing is held, notice the public hearing for ten days, and post the notice in three public places, CDE recommends approval of this waiver request.

Authority for the Waiver: EC Section 41344.3

Period of request: July 1, 2002 to June 30, 2003

Local board approval date(s): March 16, 2004

Bargaining unit(s) consulted on date(s): October 2003

Name of bargaining unit(s)/representative(s): Raymond Race, President CTA, Sue Smith, CSEA President

Position of bargaining unit(s) (choose only one):

☒ Neutral ☐ Support ☐ Oppose

Comments (if appropriate):

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver will relieve the district of $228,047 in penalties.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **San Mateo Union High School District** to waive *Education Code* (EC) Section 56366.1(g), the August 1 through October 31 timeline on annual certification renewal application for Bay Area Communication Access. Waiver Number: 6-9-2004	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Requests to waive the annual application timeline (August 1 through October 31) by a nonpublic school or agency have been presented to the State Board in the past. The SBE Waiver Policy #00-003 evaluation guidelines and the receipt and review of the annual application forms from the NPS/A are used in reviewing this type of waiver.

SUMMARY OF KEY ISSUES

Due to an oversight, the nonpublic agency missed the 2004 annual certification deadline of October 31, 2003. The 2004 Application Update and certification fee was received in the Office of Nonpublic Schools in April 2004. This is a first-time occurrence.

The department recommends approval of this waiver.

Authority for the Waiver: EC 56101

Period of request: August 1, 2003 – November 11, 2004

Local board approval date(s): Not necessary for special education waivers.

Bargaining unit(s) consulted on date(s): Not necessary for special education waivers.

Name of bargaining unit(s)/representative(s): Not necessary for special education waivers.

Position of bargaining unit(s) (choose only one): Not necessary for special education waivers.

☐ Neutral ☐ Support ☐ Oppose

FISCAL ANALYSIS (AS APPROPRIATE)

No loss to the state. Certification fee was submitted with late renewal application.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **San Diego Unified School District** (USD) to waive Title 5 CCR, Section 15443, specifically the cut point of 400,000 Average Daily Attendance (ADA), to allow San Diego USD, to keep a budget reserve requirement of one percent for the fiscal year 2005-06 only. Waiver Number: 108-4-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That San Diego USD be allowed to keep a budget reserve requirement of one percent for the fiscal year 2005-2006 only on the condition that they maintain an ADA of at least 110,001. *Education Code* (EC) Section 33051(c), which would render this waiver permanent, will not apply.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 1998, San Diego USD was granted an exception under Senate Bill 2023, Statutes of 1998 to lower its reserves from two to one percent for five fiscal years (1998-99 to 2002-03) if they maintained an ADA of at least 125,000 (EC 33128). When the ADA dropped below this level (to above 110,001 ADA), the State Board of Education (SBE) approved waiver CDSIS-4-11-2002-W-3 that allowed San Diego USD to maintain a one percent budget reserve for fiscal year 2002-03 and 2003-04. Absent the waiver, the district would have been required to maintain a two percent reserve in that year.

For 2004-05, Assembly Bill 1754, Statutes of 2003 provided one time relief (not codified, budget act language), allowing all school districts to reduce required reserves by 50 percent, therefore San Diego USD was still able to maintain a one percent reserve for last year.

They now ask for a waiver for the 2005-06 fiscal year of Title 5 CCR, Section 15443, (specifically the cut-points of 400,000 ADA) to maintain a one percent reserve, even though the ADA is only just over 110,000. One of the reason for the enrollment drop appears to be the increasing student enrollment in charter school within the district

SUMMARY OF KEY ISSUES

California school districts are required to set aside a certain amount of reserves for unforeseen expenses to ensure solvency. The reserve amounts required of school districts are found in Title 5 and are based on the size of the district (i.e., smaller districts need to have four to five percent of their budget while larger districts need to have two or three percent).

Los Angeles Unified School District is the only district that qualified for a one percent

reserve. Without legislation or waivers, San Diego USD is required to maintain a two percent reserve. See summary of previous actions (above) for the whole history of legislation and waiver.

San Diego USD made significant budget adjustments in 2004-05 to address declining enrollment and increasing health benefit costs. Without a waiver, the district would be required to make drastic cuts in the 2005-06 budget to restore reserves to the two percent level.

The San Diego Educational Association, the three local CSEA units and the Police Officers Association all signed a letter (attached) that stated their neutrality on the waiver, "because it is the correct decision for the students of the San Diego City Schools", however the letter did go on to express other concerns with San Diego UD's Administration.

San Diego County Office of Education (COE) supports granting the district's request for a **temporary extension** of the reserve requirements from July 1, 2005 through June 30, 2006.

The San Diego COE is working closely with the district to monitor its budget situation to ensure that it will be able to meet its financially obligations for the subsequent fiscal years. For this reason CDE is recommending approval for one year only.

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: July 1, 2005 to June 30, 2006
District agreed to modified period of request, one year instead of two, waiver not needed for 2005-04.

Local board approval date(s): March 23, 2004

Public hearing held on date(s): March 23, 2004

Bargaining unit(s) consulted on date(s): March 9, 2004

Name of bargaining unit/representative(s) consulted: SDEA, Terry Pesta; CSEA, Kathy Deacon, Dorene Dias, and Frances Fierro; and Police Officers Association, Jesus Montana

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☐ Oppose
Comments (if appropriate):

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☐ other (specify)

Advisory committee(s) consulted: Board of Education Audit and Finance Committee

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: March 11, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

No direct impact on state finances.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

NOVEMBER 2004
PROPOSED CONSENT and NON-CONSENT WAIVERS
Staff Recommendations

PROPOSED CONSENT WAIVERS*

ITEM #	WAIVER SUBJECT	SBE/CDE RECOMMENDATION
ITEM W-3	Community Day School	Approve with conditions
ITEM W-4	District Layoff Procedure	Approve with conditions, EC 33051(c) will apply
ITEM W-5	Equity Length of Time (Kindergarten)	Approve with conditions
ITEM W-6	Equity Length of Time (Kindergarten)	Approve with conditions
ITEM W-7	Equity Length of Time (Kindergarten)	Approve with conditions
ITEM W-11	Instructional Materials Sufficiency (Audit Findings)	Approve with conditions
ITEM W-13	Class Size Reduction	Approve with conditions, EC 33051(c) will apply
ITEM W-14	Physical Education	Approve with conditions

NON-CONSENT WAIVERS**

ITEM #	WAIVER SUBJECT	CDE RECOMMENATION ONLY
ITEM W-1	Budget Reserve Requirement	Approve with conditions
ITEM W-8	Federal Waiver (Safe and Drug Free)	Deny
ITEM W-9	II/UPS (State Monitored)	Deny
ITEM W-10	II/UPS (State Monitored)	Deny
ITEM W-12	Class Size Reduction	Deny

Note: Waiver Item W-2 was withdrawn by the district.

* Proposed Consent: Waivers in this column are recommended for approval by both SBE and CDE staffs.
** Non-Consent: Waivers in this column are either recommended for denial or warrant discussion.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Loleta Union Elementary School District for Pacific View Charter School** for a waiver of portions of *Education Code* (EC) Section 41365 (b) that specifies that a charter school that "obtains renewal of a charter" is not eligible for a Charter School Revolving Loan for "startup costs." Waiver Number: 16-9-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

On the basis of EC Section 33051(a)(6), "the request would substantially increase state costs."

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the first waiver of its kind considered by the State Board of Education.

SUMMARY OF KEY ISSUES

The Charter School Revolving Loan Program provides low-interest loans of up to $250,000 to new charter schools to help meet goals and objectives established in the schools' charters. EC Section 41365(c) specifically states that "priority for loans shall be given to new charter schools for startup costs." The purpose of this program is to make available startup and initial operating capital to assist charter schools that have not yet been renewed by their charter-authorizing entity. In order to clarify this priority order legislatively, EC Section 41365 (b) specifies that eligibility for the Charter School Revolving Loan Program "does not apply to a charter school that obtains renewal of a charter pursuant to Section 47607."

Most charter schools are approved initially for a five-year period but the law does allow charter-authorizing entities to approve a charter for fewer than five years initially (EC Section 47607 (a)). Pacific View Charter School #277 was approved for only an initial two-year term by the Loleta Union Elementary School District on December 8, 1999, and began operations on January 3, 2000.

The school was subsequently renewed for a five-year period beginning January 1, 2002, so under the law, the charter should have applied for the loan prior to the beginning of 2002. Pacific View Charter School applied on November 19, 2003, for a Revolving Loan; however, the charter school did not qualify for the Charter School Revolving Loan Program due to its renewal, and was sent a rejection letter dated June 14, 2004, from the California Department of

Education (CDE) (see attached). The waiver request was date stamped September 30, 2004, three months from the close of the charter's fifth year of operation.

CDE recommends denial of this waiver request by Pacific View Charter School because an approval of this request would potentially increase state costs, should the loan be approved, once the waiver was granted. EC Section 41365 (b) clearly specifies that a charter school that obtains renewal of a charter is not eligible for a Charter School Revolving Loan. The denial of this waiver would allow the money in the loan program to be available for other charters meeting the legal criteria of the loan application.

Additionally, the intended purposes described by Pacific View Charter School in Section 7 of their waiver request (attached) are not consistent with the purpose of the Charter School Revolving Loan Program in making available startup and initial operating capital for newly established charter schools.

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: July 1, 2004 to June 30, 2005

Local board approval date(s): June 8, 2004

Public hearing held on date(s): June 8, 2004

Bargaining unit(s) consulted on date(s): September 29, 2004

Name of bargaining unit/representative(s) consulted: Eric Cortez, LTA President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☐ other (specify)

Advisory committee(s) consulted: Pacific View Board

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: May 24, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, CDE would have to accept the loan application, and if the loan were then granted to Pacific View Charter School, the amount would then be dispersed from the Charter School Revolving Loan Program, thereby this money would not be available for startup charters.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Clovis Unified School District** for a waiver of portions of *Education Code* (EC) sections 48660 and 48916.1(d) to permit the establishment of a community day school (CDS) for grades kindergarten to eighth to be operated by a unified school district, and a portion of EC Section 48661(a)(2) relating to the placement of a CDS on the same site as Excel (Continuation) High School. Waiver Number: 6-8-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

- That the waiver be approved for the one year requested (August 1, 2004, to July 31, 2005) on a transitional basis.
- That the district be encouraged to find suitable alternative facilities during 2004-05 and come into compliance with statute beginning with the 2005-06 school year, recognizing the legislatively-established policy of separating kindergarten to sixth and seventh to twelve students and not co-locating community day schools with other public schools.
- That the district be informed of the California Department of Education's intent not to recommend continuation of this waiver beyond the one year requested.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved several similar requests for school districts to establish a kindergarten to eighth community day school. The SBE has also approved several similar requests to allow the co-location of a CDS with a high school when the CDS could not be located separately and the district has been able to ensure appropriate separation of students between the two schools.

SUMMARY OF KEY ISSUES

By statute, a CDS may serve pupils in any of kindergarten and grades one to six, inclusive, or any of grades seven to twelve, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. If a school district is organized as a district that serves kindergarten and grades one to eight, inclusive, but no higher grades, the governing board of the school district may establish a CDS for any of kindergarten and grades one to eight, inclusive, upon a two-thirds vote of the board. The provision that a kindergarten to eight school district could establish a kindergarten to eight CDS upon a two-thirds vote of the local board was added by amendment in 1999. Prior to that time, a school district had to apply to the SBE for a waiver to establish a kindergarten to eight CDS. Since Clovis is a unified school district, it was not included in the statutory relief in 1999. Therefore, they still must apply to the SBE for a waiver to establish a CDS for the kindergarten to

eighth grade span. In addition, Clovis Unified also requests a waiver of *Education Code* Section 48661(a), which states that a CDS shall not be situated on the same site as a continuation high school.

The district states that:

- It will not enroll more than 12 students at one time in the CDS classroom for students in grades four to six, nor more than 15 students at one time in each of the two CDS classrooms for students in grades seven to eight.
- The four to six grade classroom is in a separate building than the building for the two seven to eight classrooms. Each classroom has its own restroom. Additionally, starting and ending times, lunch, and bus runs have been adjusted to prevent intermingling of students. Security cameras are located at the front and back of each portable to support the oversight provided by the on-site administrator, guidance and learning specialist, and campus monitors.
- The district conducted an extensive search of facilities owned by the district and in the community. The district has certified that no appropriate separate facilities are available. This site was selected to provide the maximum separation from traditional elementary, middle, and comprehensive high schools.
- Clovis Unified is a very large district in square miles and must transport some students as far as 20 miles in one direction. Establishing the CDS in the central part of the district will provide students their own bus runs and allow easier access for parents if they choose to self-transport. There are no other available sites that are centrally positioned in the district.
- It would not be efficient to establish two separate schools to serve these students, given the small size of the schools, the need to locate them on the same large site, and the common administration.
- Students in grades nine to twelve who need an alternative placement are served in either of two continuation high schools, a district alternative school, or by the county office of education.

The district believes that the measures described above will provide a very high level of safety. The local school board voted unanimously to support the waiver request. The Alternative Education School Site Council, representing students, parents, teachers, and administrators of all of the schools at the site, has also voted in favor of the waiver. There were no objections. There are no bargaining units representing certificated personnel.

The CDE recommends that the waiver be approved for the one year requested (August 1, 2004, to July 31, 2005) on a transitional basis in order to permit the district to find suitable alternative facilities during 2004-05 and come into compliance with statute beginning with the 2005-06 school year, recognizing the legislatively-established policy of separating kindergarten to six and seven to twelve students and not co-locating community day schools with other public schools. CDE staff have informed the district of the California Department of Education's intent not to recommend continuation of this

waiver beyond the one year requested.

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: August 1, 2004, to July 31, 2005

Local board approval date(s): August 25, 2004

Public hearing held on date(s): August 25, 2004

Bargaining unit(s) consulted on date(s): CSEA – September 29, 2004. Clovis Unified does not have an employee bargaining unit for certificated positions.

Name of bargaining unit/representative(s) consulted: CSEA - Daniel Faria

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☐ posting at each school ☒ other (specify)
(1) Posted outside the district office (2) Posted outside the district boardroom (different location than the district office) (3) Posted on the district Web page

Advisory committee(s) consulted: Alternative Education School Site Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: September 29, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver would have essentially no fiscal impact on the state. The waiver may result in minor savings to the district during 2004-05.

BACKGROUND INFORMATION

Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **San Lorenzo Valley Unified School District** to waive portions of *Education Code* (EC) Section 45308, that states the required order of layoff for classified employees within the class shall be determined by length of service, for one specific position in the district. Waiver Number: 13-9-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

That this waiver applies on a one-time basis, only for the identified custodian position, and the specific the employee(s) in question, and that EC 33051(c) will apply unless conditions change.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has never before acted on any waiver request regarding order of layoff practices, however this EC Section is waivable by the SBE under EC 33050.

SUMMARY OF KEY ISSUES

The District is requesting to waive portions of *Education Code* (EC) Section 45308 which states, in part:

> *"Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee, who has been employed the shortest time in the class, plus higher classes, shall be laid off first."*

The District requesting this waiver at the express wishes of the two employees involved, and has negotiated a Memorandum of Understanding (MOU) (attached) signed July 1, 2004 by the district, the Service Employees International Union, and both affected employees. Basically, a more senior employee (who also wants some time off work, but wishes to remain on the district re-employment list) is willing to take the layoff that would be given to a less senior employee under the statute.

The employee with less seniority (Mr. Huffman) worked as a custodian in the 2002-03 and 2003-04 years, however he was laid off both times because he was the employee with the least seniority. Due to other circumstances within the custodial staffing, a more senior employee (Mr. Nimal), normally on a day job, was to be assigned to a night custodian position. Both employees, the union and the district are in agreement that Mr. Nimal will be laid off in lieu of Mr. Huffman, who will then take Mr. Nimal position as

night custodian at the junior High School.

The MOU also contains a contingency that if the waiver is not granted, Mr. Huffman will be laid off and Mr. Nimal will be reinstated and transferred to the night shift at the Junior High School.

EC 33050(a) requires the approval of all general waivers, unless the finding of one of seven reasons for denial can be made:

33051. (a) The State Board of Education shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following:
(1) The educational needs of the pupils are not adequately addressed.
(2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request.
(3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees.
(4) Pupil or school personnel protections are jeopardized.
(5) Guarantees of parental involvement are jeopardized.
(6) The request would substantially increase state costs.
(7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

The two criteria above that might have required a denial recommendation, 33051(a) (4) and (7) appear to be satisfied by the actual written agreement by the district, the union all persons affected by the waiver.

Therefore although CDE is concerned about waivers involving personnel practices, this waiver is recommended for approval on the following conditions: “That this waiver applies on a one time basis, only for the identified custodian position, and the specific the employee(s) in question, and that EC 33051(c) will apply unless conditions change.”

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: 7/1/04 – 6/30/06

Local board approval date(s): July 6, 2004

Public hearing held on date(s): July 6, 2004

Bargaining unit(s) consulted on date(s): 5/26/04, 6/3/04, 6/16/04, 6/21/04, 6/22/04

Name of bargaining unit/representative(s) consulted: B. Thomas, G. Klemz,
Local 415, Service Employees International Union

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ **Support** ☐ Oppose
Comments (if appropriate):
Letter of support and negotiated Memorandum of Understanding attached.

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☒ other (District Office)

Advisory committee(s) consulted: Ad Hoc Committee SEIU Negotiating team

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: 7/1/04

FISCAL ANALYSIS (AS APPROPRIATE)

District may pay less in salary costs to the less senior employee.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

Question 6. EC Section to be waived:

EC **45308**. Classified employees shall be subject to layoff for lack of work or lack of funds. ~~Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Reemployment shall be in the reverse order of layoff~~.

For purposes of this section, in school districts with an average daily attendance below 400,000, for service commencing or continuing after July 1, 1971, "length of service" means all hours in paid status, whether during the school year, a holiday, recess, or during any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis as provided for in Section 45128. Nothing in this section shall preclude the governing board of a school district from entering into an agreement with the exclusive representative of the classified employees that defines "length of service" to mean the hire date. For purposes of this section, in school districts with an average daily attendance of 400,000 or more, for service commencing or continuing after January 1, 1986, "length of service" shall be determined by the date of hire.

If a governing board enters into an agreement with the exclusive representative of classified employees that defines "length of service" to mean the hire date, the governing board may define "length of service" to mean the hire date for a classification of employee not represented by any exclusive bargaining unit.

Nothing contained in this section shall preclude the granting of "length of service" credit for time spent on unpaid illness leave, unpaid maternity leave, unpaid family care leave, or unpaid industrial accident leave. In addition, for military leave of absence, "length of service" credit shall be granted pursuant to Section 45297. In the event an employee returns to work following any other unpaid leave of absence, no further seniority shall be accrued for the time not worked.

"Hours in paid status" shall not be interpreted to mean any service performed prior to entering into a probationary or permanent status in the classified service of the district except service in restricted positions as provided in this chapter.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Ocean View Elementary School District** (Ventura County) to waive *Education Code* (EC) Section 37202, the equity length of time requirement, to allow full day kindergartens at two of the district's three elementary schools, **Laguna Vista and Tierra Vista.** Waiver Number: 2-8-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

For the period of July 1, 2004, to January 1, 2005. After January 1, 2005, the waiver is no longer needed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved similar waivers.

However, Assembly Bill (AB) 2407 (Chapter 946, Statutes of 2004) becomes effective on January 1, 2005. This bill adds language to EC Section 37202, "allowing school districts implementing an early primary program…may maintain kindergarten classes at different school sites within the district for different lengths of time during the school day." School boards that adopt EC sections 8970-8974 to implement an Early Primary Program will not be required to request this waiver after the beginning of 2005.

SUMMARY OF KEY ISSUES

The Ocean View School District requests a waiver of EC Section 37202, the equity length of time requirement in order to pilot full day kindergarten programs at two of the district's three elementary schools, Laguna Vista and Tierra Vista Elementary schools.

The teachers participated in staff development activities in 2003-2004 in order to prepare for this pilot program. The school sites chosen for the pilot have adequate classroom space to provide an extended day kindergarten program. Equipment and additional instructional materials have been ordered to accommodate the pilot program. The district has an open enrollment policy in place that allows parents to request transfers from one school to another for their children. The school board adopted EC sections 8970-8974, the Early Primary Program on October 8, 2002. The bargaining unit is supportive of this waiver request along with the school site councils.

Laguna Vista has a base API of 700 and Tierra Vista has a base API of 661 for 2003. The kindergarten minutes at Laguna Vista will increase from 200 to 255 and the kindergarten minutes at Tierra Vista will increase from 210 to 260. The district wants to implement this pilot program in order to increase student achievement.

Therefore, the department recommends approval of the waiver renewal request of two schools: Laguna Vista and Tierra Vista Elementary Schools from the period of July 1, 2004 to January 1, 2005. After January 1, 2005, EC Section 37202 will be amended so that districts will not have to re-apply for future waivers because the local board adopted EC 8970-8974 on October 8, 2002.

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: July 1, 2004 to January 1, 2005
Period of request was modified, and the district notified due to statute changes.

Local board approval date(s): August 10, 2004

Public hearing held on date(s): August 10, 2004

Bargaining unit(s) consulted on date(s): June 28, 2004 and July 31, 2004

Name of bargaining unit/representative(s) consulted: Sue Westbrook, Geraldine Parizo and Robin Yamamoto - Representatives of Ocean View Educator Association (OVEA)

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☐ other (specify)

Advisory committee(s) consulted: Laguna Vista – June 15, 2004; Tierra Vista –June 14, 2004; Mar Vista – May 10, 2004

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: see above

FISCAL ANALYSIS (AS APPROPRIATE)

The district will absorb any costs incurred.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **General Waiver**

SUBJECT	
Renewal request by **Fresno Unified School District (FUSD)** to waive *Education Code* (EC) Section 37202, the equity length of time requirement, to allow full day kindergartens at four of the district's sixty-one elementary schools, **Burroughs, Greenberg, King and Winchell Schools**. Waiver Number: 5-7-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

For the period of August 7, 2004 to January 1, 2005. After January 1, 2005, the waiver is no longer needed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education has approved similar waivers in the past.

However, Assembly Bill (AB) 2407 (Chapter 946, Statutes of 2004) becomes effective on January 1, 2005. This bill adds language to EC Section 37202, "allowing school districts implementing an early primary program…may maintain kindergarten classes at different school sites within the district for different lengths of time during the school day." School boards that adopt EC sections 8970-8974 to implement an Early Primary Program will not be required to request this waiver after the beginning of 2005.

SUMMARY OF KEY ISSUES

FUSD is requesting a renewal of their previous waiver to extend the kindergarten day in four of their sixty-one elementary schools: Burroughs, Greenberg, and Winchell, plus one new school site, King Elementary. The original waiver was for three schools, Burroughs, Greenberg and Winchell. The district has submitted their evaluation of the full day kindergartens from Burroughs, Greenberg and Winchell as required by their previous waiver request, number 33-4-2003-W-1. The evaluation results for those schools are attached.

Overall, the results are positive indications of the success of the full day kindergarten programs at the three schools mentioned above. And there is no reason to believe that King Elementary School will not enjoy similar success with a full day kindergarten. The parent surveys are favorable with comments such as, "my child looks forward to attending kindergarten each day," and "I am satisfied with the kindergarten program." The district included a chart with the parent responses and the percentage distribution by count to the survey questions (see attached). Eighty percent of the parents stated that they were satisfied with the full day kindergarten program. The chart demonstrates most of the responses were on the positive side indicating support of the program.

The district submitted growth results for Burroughs and Winchell schools. They did not have enough data to submit for Greenberg because they started the program later in the year there. The data for Burroughs and Winchell, however, shows that there was a slight increase in the performance of pupils in both English language arts and mathematics in the second grade that participated in the full day kindergarten against pupils who only attended a half-day kindergarten.

The Fresno Teachers Association overwhelming supports this waiver request. All of the school site councils met in the spring of school year 2003-2004 and were given the details of this waiver request. No objections have been raised through either group.

Therefore, the department recommends approval of the waiver renewal request of four schools: Burroughs, Greenberg, King and Winchell Elementary Schools from the period of August 7, 2004 to January 1, 2005. After January 1, 2005, EC Section 37202 will be amended so that districts will not have to re-apply for future waivers because this district's local board adopted EC Sections 8970-8974 on February 23, 2003.

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: August 7, 2004 to January 1, 2005 – period of request was modified and district notified of the statute change.

Local board approval date(s): July 14, 2004 **Public hearing held on date(s):** July 14, 2004

Bargaining unit(s) consulted on date(s): April 14, 2004

Name of bargaining unit/representative(s) consulted: Sherry Wood

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☐ posting at each school ☐ other (specify)

Advisory committee(s) consulted: School site councils were notified and the four schools affected have written the extended day kindergarten into their school plans for the 2004-2005 school year.

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: During the 2004-2005 school year.

FISCAL ANALYSIS (AS APPROPRIATE)

The school district will absorb any incurred costs.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Los Angeles Unified School District (LAUSD)** to waive *Education Code* (EC) Section 37202, the equity length of time requirement, to allow a full day kindergarten program at **Lillian Street School,** one out of 440 schools (in addition to the 205 elementary schools with an approved equity length of time waiver). Waiver Number: 11-9-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

From November 1, 2004 to January 1, 2005. After January 1, 2005 the waiver is no longer needed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved similar waivers in the past.

However, Assembly Bill (AB) 2407 (Chapter 946, Statutes of 2004) becomes effective on January 1, 2005. This bill adds language to EC Section 37202, "allowing school districts implementing an early primary program… may maintain kindergarten classes at different school sites within the district for different lengths of time during the school day." School boards that adopt EC Sections 8970-8974 to implement an Early Primary Program will not be required to request this waiver after the beginning of 2005.

SUMMARY OF KEY ISSUES

LAUSD wants to add another school site to their extended day kindergarten program. They had a waiver request, Number 153-3-2004-W-23, approved at the SBE meeting on May 13, 2004, for 205 schools to implement full day kindergartens within the district. At the time of that waiver, Lillian Street School did not have to room to begin a full day kindergarten but now they have the available classroom space. The district already adopted the Early Primary Program, and all of the school site councils were informed about the first waiver. The district met all of the requirements of the recent waiver. District staff has directed their local superintendents to inform all principals about the Lillian Street School waiver prior to October 12, 2004. The bargaining unit is supporting this waiver request also as long as there is space available for it and that the teachers support the program. No opposition has been raised to this waiver request.

Lillian Street School will increase the kindergarten instructional minutes from 200 to 320. Students will receive an extra 120 instructional minutes a day that is developmentally appropriate but geared toward eliminating the achievement gap at this school. Currently, Lillian Street is classified as a rank one API school. Teachers are currently participating in training in the core content areas in order that students will

receive the full benefit of an extended day program. LAUSD will also monitor the achievement at Lillian Street School using the following assessments: Reading Lions Center Open Court, CELDT (all English Learner students), Kindergarten checklist and Assessment portfolios.

Since the district has met all of the requirements for piloting a full day kindergarten program, the department recommends approval for the period of November 1, 2004 to January 1, 2005. The district will not have to request a renewal of this waiver once AB 2407 goes into effect because the district had adopted EC Sections 8970-8974 on March 23, 2004.

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: November 1, 2004 to January 1, 2005 – period of request was modified and the district has been notified of the statute change.

Local board approval date(s): October 12, 2004

Public hearing held on date(s): October 12, 2004

Bargaining unit(s) consulted on date(s): September 20, 2004

Name of bargaining unit/representative(s) consulted: Mike Dreebin, UTLA, Elementary Vice President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate): As long as the teachers support the program and there is adequate space at the school, the union supports this waiver. Teacher signatures in support are on file and classroom space is now available.

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ other (specify)
Posted on LAUSD's web site and distributed to media via Communications Office

Advisory committee(s) consulted: Superintendents have directed school principals to present this waiver to their school site councils before October 12, 2004. They were recently consulted for the waiver request that was approved on May 13, 2004 for the 205 schools implementing extended day kindergartens.

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: Before October 12, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

The district will absorb any incurred costs.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Federal Waiver**

SUBJECT	
Request by **Santa Rita Union School District** to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of **Here's Looking At You (HLAY)**, a kindergarten through twelve grade drug prevention program. Waiver Number: Fed-09-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☒ Denial
As it meets none of the three criteria in the State Board of Education Policy #03-01, or the Federal statute.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) previously adopted policy 03-01 that requires a program or activity supported with Safe and Drug Free School and Communities (SDFSC) funds to meet the principles of effectiveness. The policy establishes that SDFSC funding must be used for those programs that provide scientific evidence that the program reduces violence or illegal drug use as required by Title IV, Part A, Section 4115. The Here's Looking At You (HLAY) program is not on the list of science-based programs posted on the department's Web site and does not meet the other criteria for waiver. This waiver request is recommended for denial. Previously, the SBE denied similar waiver requests from other school districts regarding this program.

SUMMARY OF KEY ISSUES

The waiver application from the Santa Rita USD regarding the HLAY program has been reviewed to check for compliance with the three major criteria described in SBE policy 03-01 that must be met in order for the waiver to be approved by the board. The waiver application's lack of success in meeting each of the three criteria is described as follows:

1. Is the program innovative?
The program has been in existence since 1992 and cannot be considered a new program.

2. Does the program demonstrate substantial likelihood of success?
Previously, Dr. Denise Hallfors, Ph.D., University of North Carolina, Chapel Hill, reviewed the two published and seven unpublished studies of HLAY available at that time for a report in *Getting Results, Update 2* (2001). Dr. Hallfors concluded that, "because of the lack of peer-reviewed studies and the weakness of unpublished study designs, Here's Looking At You should not be considered a research-based program

that works."

The California Department of Education has asked the California Healthy Kids Resource Center director, Deborah Wood, Ph.D., to acquire a copy of the latest HLAY evaluation conducted by Farley and Associates (April 2003) and based on the scientific evidence presented by the evaluation determine if the program demonstrates substantial likelihood of success. Dr. Wood's conclusion is that, "the present evaluation of HLAY does not provide valid and reliable evidence of effectiveness, especially on students' substance-use behaviors. Without peer-reviewed studies on the impact of HLAY and given the design weaknesses and lack of instrumentation reliability data of the Farley and Associates (April 2003) unpublished study, there is not available evidence at this time to change the conclusions reported in *Getting Results, Update 2* (2001)." A copy Dr. Wood's letter to CDE is attached.

Based on Dr. Wood's review, the HLAY program does not meet the State Board's criteria for demonstrating the likelihood of success.

3. Is there a plan and timeline for submitting the program for review and recognition?
This condition requires that the plan be reviewed by one of the nationwide research groups identified in Policy 03-01, that the applicant show a commitment to supporting the scientific evaluation of the program and willingness to take part in clinical trials designed to measure program effectiveness, and that the applicant provide an annual report to the Waiver Office describing adequate progress for submitting the program for recognition as a science-based program. The applicant did not provide a timeline for submitting the program for review by one or more nationwide research groups that recognize science-based programs and did not meet the State Board's criteria in this regard.

Therefore, the Department recommends that this waiver request be denied, as it meets none of the three criteria identified in the State Board waiver policy regarding the federal statute.

Authority for Waiver: NCLB, Title IV, Part A, Section 4115(a)(3)

Period of request: July 1, 2003 to June 30, 2005

Local board approval date(s): June 24, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Waiver denial will increase the amount of NCLB, Title IV, Part A funds available to support science-based and proven-effective alcohol, tobacco, other drug and violence prevention programs consistent with the LEA's approved Local Educational Agency Plan.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board

Office.

Date: June 30, 2003

To: Meredith Rolfe
Administrator
Safe and Healthy Kids
Program Office

From: Deborah Wood, Ph.D.
Executive Director
CA Healthy Kids Resource
Center

Re: Farley and Associates
(2003) evaluation of Here's
Looking at You (HLAY)

Summary. In *Getting Results, Update 2* (2001), reviewers concluded that the nine studies to date evaluating Here's Looking at You (HLAY) did not provide scientific evidence of effectiveness. Since that time HLAY has been revised and evaluated in an unpublished report by Farley and Associates (April, 2003). The Farley and Associates study evaluated the impact of HLAY on 4th/5th and 5th/6th grade students' substance-use behaviors, knowledge, attitudes, skills and intentions. The study reported some short-term impact on HLAY students' substance use, and some gains in knowledge, attitudes and skills. However, on balance a pattern of effectiveness, particularly on students' substance-use behaviors, does not emerge. Moreover, there are sampling weaknesses in the design of the study and the internal reliability of the instrumentation was not reported. Without peer-reviewed, published studies on the impact of the revised version of HLAY and given the design weaknesses and lack of instrumentation information of the Farley and Associates unpublished study, there is not available evidence at this time to change the conclusions reported in *Getting Results, Update 2* (2001).

Background. Nine studies evaluating Here's Looking at You (HLAY, two published, seven unpublished) were reviewed in *Getting Results, Update 2* (California Department of Education, 2001). The review concluded that "because of the lack of peer-reviewed studies and the weakness of unpublished study designs, HLAY should not be considered a research-based program that works."(p. 17) Since 2001, HLAY has been updated and an evaluation has been conducted by Farley and Associates (April, 2003). The unpublished report by Farley and Associates was provided by the distributor of HLAY, United Learning.

Evaluation of the revised HLAY. The two-year Farley and Associates study evaluated the impact of HLAY on 4th/5th and 5th/6th grade students' substance-use behaviors, knowledge, attitudes, skills, and intentions. HLAY is described in the report as a research-based, K-12 drug education program, designed to provide students with information about alcohol, tobacco, and other drugs; teach social, refusal and resistance

skills; and provide students with opportunities to bond with their school mates, families, and communities. The fourth grade curriculum is 19 lessons; the fifth and sixth grade curricula each consist of 23 lessons. Fidelity of implementation during the study was reported via teacher logs indicating students received an average of 74-83% of the lessons. Teacher logs were supplemented with on-site observations of instruction and interviews with teachers and students. Based on these data, the authors concluded that the program was implemented with a fair amount of fidelity.

Sample. The final data set of the study included 525 students in nine HLAY schools and six matched control schools selected from the Greater Chicago area. Schools that scored below average on the statewide proficiency exams in reading and writing were excluded from the population of schools selected because of concerns about lack of time to implement HLAY and attrition issues. The report notes that the sample represented inner city schools, traditional urban neighborhood schools, and suburban schools. However, student- and school-level demographic data were not provided to demonstrate representation. Similarly, HLAY/control group equivalence data were not provided, except for substance-use behaviors and skills (i.e., having developed a refusal plan). At baseline HLAY students reported significantly higher baseline levels of substance use than control students, while control students were more likely than HLAY students to have developed a refusal plan, suggesting that one or both of the sample groups were not representative of the population (at least as substance use and having a refusal plan is concerned).

Data collection and analysis. Data on students' self-reported substance-use behaviors, knowledge, attitudes, skills, and intentions were assessed via surveys at baseline, two points during the intervention (nine and 12 months from baseline), and after the intervention (21 months from baseline in the spring of the second academic year after students had received two years of the HLAY curriculum). The report provides analyses comparing the baseline (data point 1, DP1) to data collected at the end of the intervention (data point 4, DP4).

Outcomes: Students' Substance-Use Behaviors. Substance-use behaviors were measured in two ways: (a) students' self-report of the frequency of use of six different substances ($4^{th}/5^{th}$ cohort) and seven different substances ($5^{th}/6^{th}$ cohort) in the three- or six-month period prior to administration of the survey. Students' reported use of the substances (alcohol, cigarettes, cigars, marijuana, smokeless tobacco, inhalants, plus any other illegal drugs for the $5^{th}/6^{th}$ cohort) were aggregated into a substance-use index measure; and (b) the average number of substances students reported "never" having used prior to testing was used as a non-use of substances index. No data were provided to support the internal reliability of the indexes as measures of students' substance-use behaviors.

Substance use was low for both cohorts of HLAY and control students: 85% or more of HLAY and control students reported non-use of substances at DP1 and DP4. The results indicate that the $4^{th}/5^{th}$ cohort of HLAY students increased substance use

significantly less from DP1 to DP4 than control students. 1 However, conclusions from these data should be made with caution because HLAY students reported significantly higher levels of substance use than control students at DP1 (indicating nonequivalence of treatment and control groups at baseline). Although the substance-use results for the 5th/6th cohort were in the same direction they were not statistically significant. The analysis of the non-use index data showed that 4th/5th grade control students' average number of "never-used" substances decreased significantly more than HLAY students from DP1 to DP4. However, control students had a higher average number of "never-used" substances than HLAY students at both DP1 and DP4, and HLAY/control group equivalence analyses of these data at baseline were not reported. The non-use results for the 5th/6th cohort were in the same direction but they were not statistically significant. The report also includes a variety of within-group analyses and across-group analyses of non-use of individual drugs that either didn't directly compare the HLAY and control students, had non-significant results, or provided a single significant result (e.g., 4th/5th non-use of inhalants) among broader non-significant findings. At this time, no generalizable conclusions of impact on students' substance-use behaviors can be drawn from these data due to several factors: the lack of a consistent pattern of results, the lack of demographic data on the subject samples, the nonequivalence of the HLAY and control groups at DP1, and the lack of reliability information for the aggregated index measures.

Outcomes: Students' Knowledge, Skill, and Attitudes Reasoned to Influence Substance Use. The report also includes DP1 to DP4 comparative analyses of students' responses to survey questions about factors addressed in HLAY and reasoned to influence substance use, including: development and use of refusal plans, intentions for future use of substances, ability to recognize risk situations, and prevention-related knowledge and attitudes. No data was provided to support the reliability of the index measures used to represent these factors. Slightly more than half of the across-group analyses yielded no significant differences between the HLAY and control students from DP1 to DP4. In some analyses HLAY students showed significantly greater increases from DP1 to DP4 in analyzing risk situations, prevention-related knowledge and attitudes. In some analyses HLAY students also made significantly greater gains from DP1 to DP4 in having developed, and having used, a refusal plan. However, the results of some of these latter analyses may be confounded by significant differences between HLAY and control students on these variables at DP1.

In sum, the present evaluation of HLAY does not provide valid and reliable evidence of effectiveness, especially on students' substance-use behaviors. Without peer-reviewed studies on the impact of HLAY and given the design weaknesses and lack of instrumentation reliability data of the Farley and Associates (April, 2003) unpublished study, there is not available evidence at this time to change the conclusions reported in *Getting Results, Update 2* (2001).

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1 Although one can assume that a repeated-measures ANOVA provided these results, an identification of the statistical test and results data for this analysis could not be found, except for the p value of the result.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Hawthorne School District** for **Zella Davis Elementary School** in the Immediate Intervention/Underperforming Schools Program (II/USP) to waive sanctions in portions of *Education Code* (EC) Section 52055.5(h), in effect to keep the school on "watch" for the 2004-05 school year. Waiver Number: 14-9-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

Education Code Section 33051(a)(1). The educational needs of the pupils are not adequately addressed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Zela Davis Elementary School was deemed state-monitored at the September 8, 2004, meeting under the provisions of the Immediate Intervention/Underperforming Schools Program (II/USP) because the school failed to make significant growth. Significant growth is defined as making as least one point growth on the schoolwide Academic Performance Index (API).

At the May 2004 State Board of Education (SBE) meeting, members adopted a waiver policy for higher-performing II/USP schools that do not make significant growth and are subject to state sanctions. Schools meeting the waiver criteria would be recommended for approval and placed on the waiver consent calendar.

SUMMARY OF KEY ISSUES

As stated in the waiver application, Zela Davis Elementary did meet the 2004 Adequate Yearly Progress (AYP) requirements under NCLB. However, schools participating in the II/USP are required to demonstrate steady growth over time. As the table below indicates, the school grew 8 points over the three years of II/USP implementation, 7 points below the established growth targets for the three year period.

Year	Schoolwide Growth Target	Schoolwide Growth Obtained
2001-02 (1st implementation year)	5 points	-15 points
2002-03 (2nd implementation year)	5 points	30 points
2003-04 (3rd implementation year, “on watch” status)	4 points	-7 points
Total	**14 points**	**8 points**

In addition, as indicated in the table below, the school does not meet the established

wavier criteria adopted by the SBE for higher-performing II/USP schools.

Waiver Criteria	Zela Davis's Status
Schoolwide API indicator (Decile Rank of 6 or higher)	**No** (School has a Decile Rank of 5)
Significant student group indicator (API scores that place student groups in a decile rank of 5 or higher)	**No** (two out of three significant groups failed this criteria)
Multi-year growth (school exceeded its growth target in the prior year to the extent that the growth covered the total growth expectation for both years)	**Yes** (target for two years was 9 points plus 7 points current year deficit for a total of 16 points required growth in 2002-03)

Zela Davis does not meet the established waiver criteria adopted by the SBE for higher-performing II/USP schools that do not make significant growth and become subject to state sanctions. Attached is the school report showing a 2004 API of 714, and other details of the school's 2004 AYP report.

Therefore, California Department of Education (CDE) staff recommend that Hawthorne School District's request for a wavier be denied and that Zela Davis continue to be state-monitored.

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: 11/9/04-8/31/05: Date of request was modified from 7/1/2004 to 6/30/2005 because of the 90 day legislative timeline that must be met once a school is deemed state-monitored by the SBE.

Local board approval date(s): 10/13/2004

Public hearing held on date(s): 10/13/2004

Bargaining unit(s) consulted on date(s): September 16, 2004

Name of bargaining unit/representative(s) consulted: Janice Steffen, President Hawthorne Teachers Association

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☐ other (specify)

Advisory committee(s) consulted: Zela Davis School Site Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: 9/15/2004 and 10/15/2004

FISCAL ANALYSIS (AS APPROPRIATE)

If the waiver is approved, the school will return the unused portion of the $75,000 allocated for the SAIT process. In addition, the school will not receive funds to implement the corrective actions recommended by the SAIT, thus saving the state $171,450 for the next two to three years.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November 5, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Judy Pinegar, Administrator
Waiver Office

RE: Item No. W-9

SUBJECT: Request by **Hawthorne School District** for **Zela Davis Elementary School** in the Immediate Intervention/Underperforming Schools Program (II/USP) to waive sanctions in portions of the *Education Code* (EC) Section 52055.5 (h), in effect to keep the school on "watch" for the 2004-05 school year.

The purpose of this memorandum is to correct an error made in the display of the chart of the Waiver Criteria vs. Zela Davis's Status using the 2002-2003 data and decile rankings. The below corrected chart shows that Zela Davis met two of the established waiver criteria adopted by the SBE for higher-performing II/USP schools.

A subsequent data check revealed that the criterion established for all significant subgroups to have API scores which place them in decile rank 5 was met. Therefore, the status of the second criterion has been changed from a No to a Yes.

Waiver Criteria	Zela Davis's Status
Schoolwide API indicator (Decile Rank of 6 or higher)	**No** (School had a Decile Rank of 5 in 2002-2003)
Significant student subgroup indicator (API scores that place student groups in a decile rank of 5 or higher)	**Yes** (all significant subgroups met this criterion in 2002-2003)
Multi-year growth (school exceeded its growth target in the prior year to the extent that the growth covered the total growth expectation for both years)	**Yes** (total growth target requirements for 2002-03 and 2003-04 were 9 points; actual growth was 23 points [30 points plus a negative 7 points])

In addition, when the analysis of the assessment data was completed for the waiver request, staff only had access to the 2004 schoolwide growth API and the 2004 AYP data. On October 28, the 2004 growth API data for all significant subgroups were released. The 2004 API Growth Report indicates that all significant subgroups demonstrated negative growth. A copy of the report is attached.

Attachment 1: 2003-04 API Growth Report for Zella Davis School (3 pages)

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Chino Valley Unified School District** for E. J. Marshall Elementary School in the Immediate Intervention/Underperforming Schools Program (II/USP) to waive sanctions in portions of the *Education Code* (EC) Section 52055.5 (h), in effect to keep the school on "watch" for the 2004-05 school year. Waiver Number: 1-10-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

Education Code Section 33051(a) (1). The educational needs of the pupils are not adequately addressed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

E. J. Marshall Elementary School was deemed state-monitored at the September 8, 2004, meeting under the provisions of the II/USP because the school failed to make significant growth. Significant growth is defined as making as least one point growth on the schoolwide API.

At the May 2004 State Board of Education (SBE) meeting, members adopted a waiver policy for higher-performing II/USP schools that do not make significant growth and are subject to state sanctions. Schools meeting the waiver criteria would be recommended for approval and placed on the waiver consent calendar.

SUMMARY OF KEY ISSUES

E.J. Marshall Elementary School is in Cohort I of II/USP. Overall, the school and all its student groups are performing well and in the planning year the school had a schoolwide growth of 86 points. However, the legislation does not allow the SBE to consider the API results from the planning year. (Please note that when E. J. Marshall entered the II/USP program in 1999, the school has an API base score 618 which placed it in decile rank 5, not decile rank 6, as stated in the waiver application.)

As the table below indicates, the school grew 27 points over the four-implementation years, 14 points more than the established growth targets for the four-year period.

Year	Schoolwide Growth Target	Schoolwide Growth Obtained	Comparable Improvement Targets Met
2000-01 (1st implementation year)	5 points	23 points	Yes
2001-02 (2nd implementation year)	4 points	3 points	No
2002-03 (3rd implementation year, on "watch" status)	4 points	11 points	No
2003-04 (2nd year of watch status)	4 points	-10 points	(Unknown)
Total	**13 points**	**27 points**	

In addition, as indicated in the table below, the school does not meet all three of the established wavier criteria adopted by the SBE for higher-performing II/USP schools.

Waiver Criteria	**E. J. Marshall's Status**
Schoolwide API indicator (Decile Rank of 6 or higher)	**Yes** (School has a Decile Rank of 6)
Significant student group indicator (API scores that place student groups in a decile rank of 5 or higher)	**No** (one out of three significant groups failed this criteria)
Multi-year growth (school exceeded its growth target in the prior year to the extent that the growth covered the total growth expectation for both years)	**No** (target for two years was 8 points plus 10 points current year deficit for a total of 18 required points growth in 2002-03)

E.J. Marshall does not meet the established waiver criteria adopted by the SBE for higher-performing II/USP schools that do not make significant growth and become subject to state sanctions. Attached is the school report showing a 2004 API of 719, and other details of the school's 2004 AYP report.

Therefore, California Department of Education (CDE) staff recommend that Chino valley Unified School District's request for a wavier be denied and that E.J. Marshall continue to be state-monitored.

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: 11/9/04-8/31/05: Date of request was modified from 7/1/2004 to 6/30/2005 because of the 90 day legislative timeline that must be met once a school is deemed state-monitored by the SBE.

Local board approval date(s): October 7, 2004

Public hearing held on date(s): October 7, 2004

Bargaining unit(s) consulted on date(s): September 30, 2004

Name of bargaining unit/representative(s) consulted: Debra Stevens (ACT), Fred Arroyo (CSEA)

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☐ posting at each school ☐ other (specify)

Advisory committee(s) consulted: School Site Council, School Advisory Council, English Language Advisory Committee

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: September 30, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

If the waiver is approved, the school will return the unused portion of the $75,000 allocated for the SAIT process. In addition, the school will not receive funds to implement the corrective actions recommended by the SAIT, thus saving the state $129,150 for the next two to three years.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

State of California **Department of Education**

LAST MINUTE MEMORANDUM

DATE: November, 5, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Judy Pinegar, Administrator
Waiver Office

RE: Item No. W-10

SUBJECT: Request by **Chino Valley Unified School District** for E. J. Marshall Elementary School in the Immediate Intervention/Underperforming Schools Program (II/USP) to waive sanctions in portions of the *Education Code* (EC) Section 52055.5 (h), in effect to keep the school on "watch" for the 2004-05 school year.

The purpose of this memorandum is to provide a clarification of the analysis of the schools status against the waiver criteria using data from the 2002-2003 year and the 2004 AYP.

Waiver Criteria	E. J. Marshall's Status
Schoolwide API indicator (Decile Rank of 6 or higher)	**Yes** (School had a Decile Rank of 6 in 2003-2003)
Significant student group indicator (API scores that place student groups in a decile rank of 5 or higher)	**No** (one out of three significant group failed this criteria in 2002-2003, th subgroup who failed was the white non-Hispanic group)
Multi-year growth (school exceeded its growth target in the prior year to the extent that the growth covered the total growth expectation for both years)	**No** (target for two years 2002-2003 and 2003-04 was 8 points, actual growth was 1 point [11 points plus a negative 10 points])

In addition there is now an update to the analysis of the assessment data for E.J. Marshall's waiver request. When this waiver first was analyzed, the California Department of Education had access to only the Academic Performance Index (API) growth data for the 2002-2003 school and AYP data for 2004. Since then the entire set of 2003-04 API data has been released, including subgroup growth. Copy attached.

Attachment 1: 2003-04 API Growth Report for E.J. Marshall School (3 pages)

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Parlier Unified School District** for a retroactive waiver of *Education Code* (EC) Section 60119 regarding the annual public hearing and resolution on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2002-2003 for failing to properly notice (ten days and three public places) the public hearing. This is the second time the district has had this same finding on improper posting of public notice (Waiver Number 9-5-2003, for the 2001-2002 fiscal year). Waiver Number: 7-6-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the district provide proof to the CDE Waiver Office (through documents and public notices) that the 2004-2005 EC 60119 public hearing and resolution was held in full compliance with the law.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has heard and approved a Waiver Policy number 01-06 Instructional Materials Sufficiency (*Education Code* Section 60119) Waiver of Retroactive Audit. However this district has already been before the SBE with a waiver request for same audit finding (inadequate posting of public notice) in the 2001-2002 fiscal year.

Additionally, this district has three elementary schools, a middle school and a high school, and all have a 2003 statewide API rank of one (1) (see attached Parlier Unified School District (USD) API Report for the 2003 Base), so this is the type of district that will be targeted for review of instructional materials by the County Office of Education under SB 550, statutes of 2004, the legislative implementation of the “Williams lawsuit” regarding instructional materials sufficiency.

For these reasons a more intensive review of the district’s instructional materials sufficiency on a classroom by classroom basis was done by CDE staff to come to this recommendation.

SUMMARY OF KEY ISSUES

During the annual audit in 2001-2002, it was discovered by the auditor that Parlier USD did not properly post the notice for ten days and three public places as required by EC Section 60119. The district says they did post the notice, but for only seven (7) days, and also admitted that the notice did not “clearly discuss state instructional materials.” For this, the penalty was the required return of $283,306 in

instructional materials funds.

The district applied for the waiver, and it was granted on "consent" under the SBE Waiver Policy number 01-06. To get the waiver, the district was "required to certify that they had completed a "legally compliant hearing" for the 2002-2003 fiscal year. This was so certified, and the document is in the files for that waiver, however, the district DID NOT hold a "legally compliant" hearing in 2003-2004 as they had certified they had done in order to get the first waiver.

This was discovered when, for fiscal year 2002-2003, the auditor again found the district out of compliance on the requirements for proper posting of the public hearing. The district's response to this finding (attached) was: "In March 2003, the Administrator in charge of Educational Services was given notice of termination," and "The responsibility for such items requiring Public Hearing notice, with special attention to the State Instructional Materials Fund, has been placed with the Superintendent." This was confirmed by Maria Meneses-Trejo, the current Parlier USD Superintendent, in a letter dated August 16, 2004 (attached).

The audit finding for the 2002-2003 year will require the return of **$138,600** in instructional materials funds, unless the SBE grants this second waiver.

Because of the severity of this case, and the low API ranking of the district, additional documentation was required on a school by school, teacher by teacher basis, and is attached to this waiver as follows:

1. Certification and proof (through actual documents, attached) that **the public hearing was properly noticed for 15 days (10 required), for the 2003-04 fiscal year**, and a copy of the 2003-04 board resolution, where sufficient instructional materials were found to be present for the 2003-04 school year.

2. An actual listing of the instructional materials (titles, publisher and copyright) used in each grade level, kindergarten through grade eight in the district. When reviewed, it was found that **all the texts being used in the district for the four major content areas for Kindergarten through grade eight students are on the current State Board Adopted List**. The district had done local adoptions for grades nine through twelve.

3. The district has a total enrollment of over **3,300**, this number would relate to **13,200** texts or instructional materials assuming the four core areas. The district was found to be **short by 96 Science texts** in grades Kindergarten through eight (all are on order now, see purchase order information). The missing student materials are primarily in a new school that was just opened this school year.

   At the high school level there was an increase in over 80 students due to new classroom construction, and the physical survey found only **16 books for life science class, and 18 books for biology class were missing**, and again have been ordered (see purchase order information).

4. In accordance with SB 550, the legislation to implement the Williams lawsuit settlement, the district **has already scheduled** their EC 60119 Public hearing and resolution for the 2004-05 year to be held on December 9, 2994 and will sent copies of the documents to the CDE Waiver Office for the SBE.

On the basis of this evidence of district concern and correction of the problem, CDE recommends approval of this waiver request, as the loss of $138,600 would be counterproductive to the goal of providing current, adopted texts to students.

In addition, staff from Parlier USD will be available to answer any further questions the Board may have at the November SBE meeting.

Authority for the Waiver: EC section 41344.3

Period of request: July 1, 2002 to June 30, 2003

Local board approval date(s): May 27, 2004

Bargaining unit(s) consulted on date(s): May 24, 2004

Name of bargaining unit(s)/representative(s): Gerry Wong, President, Parlier Faculty Association--CTA

Position of bargaining unit(s) (choose only one):

☐ Neutral ☒ **Support** ☐ Oppose

Comments (if appropriate):

FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver is denied, the Parlier Unified School District will have a “apportionment related audit penalty” to be processed per EC 41344, and may be required to return $138,600 in Instructional Materials Fund Restructuring Program (IMFRP) monies for the 2002-2003 fiscal year.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Petaluma Joint Union High School District (USD)** to waive *Education Code* (EC) Sections 52084(a)(c) and 52086(a), 9th Grade Class Size Reduction Program (Morgan-Hart) the requirement for an average of 20, no more than 22 to 1 student-teacher ratio in two courses, so that the district may provide a 23 to 1 ratio (with no more than 24 pupils in any class) across three core courses, English, math and science. Waiver Number: 8-9-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**
Reason: EC 33051(a)(1), "The educational needs of pupils are not adequately addressed."

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has discussed issues related to Grade 9 CSR on several occasions. Many other waivers of this type have been denied, the latest at the July 2004 meeting a waiver request from Pittsburg Unified School District to increase to 25 to1 average pupil-to-teacher ratio.

The SBE has approved many waivers allowing the inclusion of three courses in Grade 9 CSR efforts rather than the two, but have consistently maintained the 20 to 1 student teacher ratio, provided that state funding was capped at two times the applying district's grade 9 enrollment.

The SBE approved two waiver requests from the Tamalpais Union High School District related to a 25 to 1 average ratio. The waiver was operative for the 2001-2002 and 2002-2003 school years, and was not allowed to go permanent under EC 33051(c). While covered by the waiver, the district pursued a statutory change to allow the higher average ratio. Assembly Bill 163 (Chapter 755, Statutes of 2003) provided for the higher average ratio, but the Legislature chose to specifically limit the authority to Tamalpais as a pilot project (ending June 30, 2006) and to subject the district to several special conditions. Statutory authority for the higher average ratio was not extended generally statewide.

SUMMARY OF KEY ISSUES

This waiver request relates to three sections of the Grade 9 CSR statutes. *Education Code* (EC) Section 52084(a) specifies that one or two classes can be included in a class size reduction program. EC sections 52084(c) and 52086(a) require certification that the participating classes in each participating school have

an average class size of no more than 20 pupils and that no participating class has more than 22 pupils.

This waiver request from the Petaluma Joint Union HSD seeks to use Grade 9 CSR funds to reduce average class sizes in three subjects (English, mathematics, and science) to 23 to 1 (with no more than 24 pupils in any participating class). The district proposes the waiver as part of a pilot of "ninth grade teams" for all ninth grade pupils. Currently, the Petaluma Joint Union HSD has the statutory 20 to 1 average ratio in English and mathematics classes, but 32 to 1 in science classes. Completion of ninth-grade English, mathematics, and science classes is required for high school graduation.

The original Grade 9 CSR legislation was revised in 1998 to (1) require English, (2) allow a second course if desired, and (3) allow only ninth-grade classes to participate. Through the years, the statutory pupil-to-teacher ratio has always been maintained at the average of 20:1, with a maximum of 22 pupils in any participating class. The only exception has been Tamalpais Union High School District (as discussed above), first by waiver and now by statute.

The statutory exception for Tamalpais specifies that participating schools have to have an API over 800. EC 52086.5(c) "A school participating in the pilot project shall have attained a score of over 800 on the Academic Performance Index (API) in the 2000-01 testing year."

By way of comparison with Petaluma Joint Union HSD, the 2001 API for Casa Grande High School was 651, and for Petaluma High School, was 716 (see attached). The AYP Report for 2004 (also attached) indicates although AYP was made in 2003-2004 for both schools, the API's are now 699 and 666 respectively, and there was negative API growth in the 2003-04 year.

As the API is significantly composed of English-language arts and mathematics assessment results, it appears evident that maintaining the statutorily prescribed average 20 to1 ratio for English and mathematics classes would benefit the students, and is appropriate in the Petaluma Joint Union HSD.

For the reasons discussed above, the California Department of Education (CDE) recommends that the waiver request be denied for the reason specified in EC 33051(a)(1), "The educational needs of pupils are not adequately addressed."

Period of request: July 1, 2005 – June 30, 2006

Local board approval date(s): September 14, 2004

Public hearing held on date(s): May 18, 2004

Bargaining unit(s) consulted on date(s): April 6, 2004

Name of bargaining unit/representative(s) consulted:
Petaluma Federation of Teachers/Gary Ravani.

Position of bargaining unit(s) (choose only one):
X Neutral ☐ Support ☐ Oppose
Comments (if appropriate):
Since this was revenue-neutral and no lay-offs would occur, the union did not oppose.

Public hearing advertised by (choose one or more):
X posting in a newspaper **X** posting at each school **X** other - 3 public places

Advisory committee(s) consulted:
May 4, 2004 - Casa Grande High School Principals Advisory Committee.
August 19, 2004 – Petaluma High School Principals Advisory Committee.

Objections raised (choose one): X None ☐ Objections are as follows:

Date(s) consulted: May 4, 2004, and August 19, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Whether this waiver would have any fiscal impact is speculative. It depends upon what the district would do in the absence of the waiver. Provided funding under the waiver is limited to two times the district's grade nine enrollment, it is reasonable to conclude that the fiscal impact of the waiver would be minor (if any).

BACKGROUND INFORMATION

Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

ITEM #W-13

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Long Beach Unified School District** to waive *Education Code* (EC) Section 52084(a) the 9th Grade Class Size Reduction Program (Morgan-Hart) to receive funding for a full year, double period of English (ELD English I & II) and mathematics (Intensive Algebra ABCD) for targeted low performing students. Waiver Number: 5-9-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

Approval for a second year, with the following conditions: the total funding to the district will not exceed two times the grade 9 enrollment of the district; all classes will be held to the 1 to 20 ratio average (with no more than 22 in any one class); and *Education Code* (EC) Section 33051(c) will apply.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has discussed issues of Morgan-Hart Class Size Reduction previously. Waivers to increase the number of classes for the lowest performing students have been approved by the SBE as long as the total funding to the district does not exceed two times the grade 9 enrollment of the district, and the district maintains the 1 to 20 ratio, with no more the 22 pupils in each participating class.

SUMMARY OF KEY ISSUES

This waiver request relates to one section of the Grade 9 CSR statutes EC 52084(a) limits the maximum number of classes to “one or two” in the ninth grade.

A waiver is requested by the Long Beach Unified School District (LBUSD) to permit the continuation of targeting students to receive intensive instruction through a full year two period English class and a full year two period Algebra class. This would allow them to require that they be able to claim the attendance at four classes instead of only one or two, although the funding limit will remain the same.

The LBUSD wants to continue providing two periods of English for the full school year to selected ninth grade English Language Learners. ELD English I and II are the required English course for English Language Learners at the beginning and intermediate levels of English proficiency and meet English graduation requirements. The LBUSD also wants to continue providing a two period intensive Algebra ABCD course to selected ninth grade students at the Strategic Intervention level. This intensive course, equivalent to Algebra 1-2, will meet the Algebra graduation requirements and prepare students for the CAHSEE Math.

CDE recommends that this waiver be approved for a second year (the 2004-05 school year), with the following conditions: the total funding to the district will not exceed two times the grade 9 enrollment of the district; all classes will be held to the 1 to 20 ratio average (with no more than 22 in any one class); and *Education Code* (EC) Section 33051(c) will apply.

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: 6/12/04 – 9/1/05

Local board approval date(s): 8/24/04

Public hearing held on date(s): 8/24/04

Bargaining unit(s) consulted on date(s): Teachers Association of Long Beach

Name of bargaining unit/representative(s) consulted: Scott McVarish and Tony Diaz

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate):

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ Local cable TV

Advisory committee(s) consulted: District English Language Learner Advisory Committee

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: 8/23/04

FISCAL ANALYSIS (AS APPROPRIATE)

Minimal impact, the entire program is limited to two times ninth grade enrollment.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

☒ **General Waiver**

SUBJECT	
Request by the **San Lorenzo Unified School District** to waive portions of *Education Code* (EC) Section 51222 related to physical education instructional minutes in order to implement a block schedule at **Arroyo High School, San Lorenzo High School, and Royal High School**. Waiver Number: 5-8-2004	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

This waiver meets five of the six criteria cited in State Board of Education Policy # 99-03 and approval is recommended on the condition that:

- By March 1, 2005, the district meets the sixth criterion by developing and implementing physical education course content in aquatics, rhythms/dance, gymnastics/tumbling, and combatives. The necessary evidence to demonstrate the physical education program is in compliance with the *California Code of Regulations, Title 5,* Article 3.1, Section 10060, will include course objectives, assessment strategies, units of instruction, and course outlines and schedules for all physical education courses.
- Students receive physical education instruction a minimum of 18 weeks in 70-90 minute daily periods during the regular school year.
- The district describes a method by which it will monitor students' maintenance of a personal exercise program during the weeks the student is not participating in a physical education course.
- The district provides evidence that alternative day scheduling for physical education rather than alternative term scheduling has been thoroughly investigated. Reasons why alternative day scheduling will not work are clearly explained.
- The district provides information that shows the physical education program is aligned with the *Physical Education Framework* (provides a sequential, articulated, age-appropriate program).
- Students are prepared for and participate in the physical performance testing as specified in the *Education Code*.
- One year only EC 33051(c) will not apply.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the completion of the 2004 Coordinated Compliance Review (CCR) it was noted that the district was in violation of EC 51222 and was instructed to file a waiver. For this reason, although they have agreed to follow the waiver conditions, this waiver is put to the action waiver calendar. EC Section 51222 establishes requirements for minimum instructional minutes of physical education, 400 minutes every ten school days at

grades seven to twelve. State Board of Education Policy #99-03 establishes waiver guidelines related to minimum physical education instructional minutes for the purpose of implementing a block schedule.

SUMMARY OF KEY ISSUES

This waiver request (needed to implement a block schedule at Arroyo High School, San Lorenzo High School, and Royal High School) currently meets five of the six criteria set forth in the State Board's waiver. The district has agreed to meet the sixth criterion by March 1,2005, by redesigning and implementing physical education course content to include aquatics, rhythms/dance, gymnastics/ tumbling, and combatives. The district indicates that a plan has been developed to monitor the physical activity of students for the ½ year they are not enrolled in physical education courses.

On the basis of this analysis, the waiver is recommended for conditional approval for one year and the district must reapply next year.

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: July 1, 2004, to June 30, 2005

Local board approval date(s): September 7, 2004

Public hearing held on date(s): September 7, 2004

Bargaining unit(s) consulted on date(s): July 29, 2004

Name of bargaining unit/representative(s) consulted: John Kelley

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose
Comments (if appropriate): None.

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☒ other (Alameda County Library)

Advisory committee(s) consulted: Site Representative Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: August 27, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver will have essentially no fiscal impact on the state, the district, or the individual school.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.

ITEM #44

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Consolidated Applications 2004 – 2005: Approval	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the 2004-05 Consolidated Application (ConApps) submitted by local educational agencies (LEAs).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Each year the CDE, in compliance with *California Code of Regulations* Title 5, Section 3920, recommends that SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. To date, the SBE has approved ConApps for 1,165 LEAs.

There are 16 state and federal programs that LEAs may apply for in the ConApp. Approximately $3.2 billion is distributed annually through the ConApp process. The state funding sources include: School Improvement Program, Economic Impact Aid (which is used for State Compensatory Education (SCE) and/or English Learners), California Public School Library Act, Tobacco Use Prevention Education, 10th Grade Counseling, Peer Assistance Review, Instructional Time and Staff Development Reform, and School Safety (AB 1113). The federal funding sources include: Title I, Part A Basic Grant (Low Income); Title I, Part D, (Delinquent); Title II, Part A (Teacher Quality); Title II, Part D (Technology); Title III, Part A (LEP Students); Title IV, Part A (SDFSC); and Title V, Part A (Innovative); and Title VI, Part B (Rural, Low-Income).

Attachment 1 is a list of the LEAs presented to the State Board of Education for action and includes ConApp entitlement figures and the STAR data from school year 2003-04. If fiscal data are absent, it indicates that the LEA is new or is applying for direct funding for the first time. If achievement data are absent, it indicates the LEA is new, the scores were attributed to their sponsoring LEA (in the case of charter schools), or there were an insufficient number of student results to report.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE provides the State Board of Education with two types of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete Consolidated Application, Part I and has no serious noncompliant issues over 365 days. Conditional approval is recommended when an LEA has submitted a correct and complete Consolidated Application, Part I, but has one or more serious noncompliant issues over 365 days. Conditional approval provides authority to the LEA to spend its categorical funds on the condition that it resolves or makes significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds.

SUMMARY OF KEY ISSUES

The CDE recommends regular approval of the Consolidated Application for 41 LEAs (see Attachment 1 for the list of LEAs) and conditional approval of the Consolidated Application for 12 LEAs (see attachment 2 for the list of LEAs).

FISCAL ANALYSIS (AS APPROPRIATE)

There is a minimal CDE cost to track the SBE approval status of the Consolidated Applications for approximately 1,300 LEAs.

ATTACHMENT(S)

Attachment 1: Consolidated Application List – Regular Approvals (3 Pages).
Attachment 2: Consolidated Application List – Conditional Approvals (1 Page).

Recommended for Regular Approval: The following LEAs have submitted a correct and complete Consolidated Application, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

CD Code	School Code	Local Educational Agency Name	2003-2004 ConApp Entitlement	2003-2004 Entitlement Per Student	2003-2004 Entitlement Per Low Income Student	2003 STAR Data Percent of Students Scoring At or Above: Mathematics Basic	Mathematics Advanced or Proficient	Reading Basic	Reading Advanced or Proficient
1663875	0000000	Armona Union Elementary	730,118	730.85	840.18	29.7	15.5	38.7	17.0
4569880	0000000	Black Butte Union Elementary	252,780	734.83	975.98	28.3	33.2	35.2	32.2
4773684	0000000	Butte Valley Unified	361,626	1116.13	1458.17	38.6	24.2	39.8	24.6
1964733	6118194	California Academy For Liberal Studies	134,573	423.19	475.52	34.9	6.8	45.8	18.9
5872728	0000000	Camptonville Elementary	216,030	3086.14	4800.67	22.4	44.8	23.9	38.8
3066464	0106765	Capistrano Connections Academy Charter School	0	0.00	0.00	0.0	0.0	0.0	0.0
4970656	0000000	Cloverdale Unified	567,379	355.28	883.77	28.4	30.0	29.4	34.0
5471894	0000000	Ducor Union Elementary	184,059	1016.90	1324.17	25.3	18.4	36.1	18.4
1575168	0000000	El Tejon Unified	375,325	266.38	737.38	25.9	25.0	30.3	35.4
1875036	0000000	Fort Sage Unified	176,613	870.01	1235.06	32.8	13.2	35.6	21.3
1964683	0000000	Las Virgenes Unified	1,552,405	128.50	4324.25	21.8	60.7	21.7	67.3
1810181	0000000	Lassen Co. Office Of Education	32,678	2513.69	5446.33	4.6	1.1	5.7	4.6
1864139	0000000	Lassen Union High	252,119	223.71	2401.13	25.2	15.0	25.9	37.1
2165375	0000000	Lincoln Elementary	11,668	833.43	0.00	25.0	41.7	33.3	41.7
1964733	0102426	Milagro Charter School	0	0.00	0.00	0.0	0.0	0.0	0.0
0161218	0000000	Mountain House Elementary	15,570	331.28	915.88	29.4	29.4	41.2	23.5
0161275	0000000	Piedmont City Unified	317,094	123.58	158547.00	19.7	62.9	12.1	75.5

Recommended for Regular Approval: The following LEAs have submitted a correct and complete Consolidated Application, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

CD Code	School Code	Local Educational Agency Name	2003-2004 ConApp Entitlement	2003-2004 Entitlement Per Student	2003-2004 Entitlement Per Low Income Student	2003 STAR Data Percent of Students Scoring At or Above: Mathematics Basic	Mathematics Advanced or Proficient	Reading Basic	Reading Advanced or Proficient
4970870	0000000	Piner-Olivet Union Elementary	335,867	205.30	1030.27	22.1	53.0	32.9	46.8
2465821	0000000	Planada Elementary	1,195,012	1342.71	1709.60	29.4	19.0	26.9	8.3
2966381	0000000	Pleasant Valley Elementary	137,297	208.03	1089.66	25.5	53.3	34.2	47.9
2966399	0000000	Ready Springs Union Elementary	205,115	558.90	1881.79	27.7	35.1	27.7	44.8
4970904	0101923	Roseland Charter School	0	0.00	0.00	0.0	0.0	0.0	0.0
2365607	0000000	Round Valley Unified	470,295	1199.73	1199.73	16.9	7.3	25.1	11.4
3467439	0102038	Sacramento Charter High School	0	0.00	0.00	0.0	0.0	0.0	0.0
3367249	0000000	San Jacinto Unified	3,157,045	467.30	698.31	25.2	16.9	36.3	21.1
3768379	0000000	San Ysidro Elementary	4,438,635	872.37	1053.06	28.7	22.0	30.4	16.4
5672587	0000000	Santa Paula Elementary	2,692,612	633.70	840.13	31.2	21.2	36.6	19.2
4970912	0000000	Santa Rosa Elementary	3,234,100	708.15	1298.84	26.6	39.3	29.6	31.8
4970920	0000000	Santa Rosa High	2,682,521	192.90	5343.67	23.7	28.0	24.0	38.2
4970938	0000000	Sebastopol Union Elementary	373,479	324.76	1430.95	26.0	38.0	25.5	42.9
3673890	0000000	Silver Valley Unified	994,026	374.82	7765.83	27.1	29.5	34.6	34.4
3768338	0106658	Southern California Connections Academy	0	0.00	0.00	0.0	0.0	0.0	0.0
3467439	0101048	St. Hope Public School 7 (Ps7)	0	0.00	0.00	0.0	0.0	0.0	0.0
0461549	0000000	Thermalito Union Elementary	2,763,888	1764.93	1931.44	33.8	25.5	38.6	20.3

Recommended for Regular Approval: The following LEAs have submitted a correct and complete Consolidated Application, Part I, and have no compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends regular approval of these applications.

CD Code	School Code	Local Educational Agency Name	2003-2004 ConApp Entitlement	2003-2004 Entitlement Per Student	2003-2004 Entitlement Per Low Income Student	2003 STAR Data Percent of Students Scoring At or Above: Mathematics Basic	Mathematics Advanced or Proficient	Reading Basic	Reading Advanced or Proficient
1062521	0000000	Washington Union High	1,120,429	964.22	1109.34	12.5	2.3	29.2	15.7
2465862	0000000	Weaver Union Elementary	1,299,629	813.28	1075.85	29.0	28.7	36.3	21.1
4970607	0000000	West Sonoma County Union High	438,710	172.65	1366.70	24.0	22.9	22.5	45.2
1062547	0000000	Westside Elementary	215,234	646.35	646.35	20.5	18.7	30.4	9.5
1864204	0000000	Westwood Unified	329,607	686.68	1373.36	27.4	20.2	39.3	27.1
1965136	0000000	William S. Hart Union High	2,144,429	117.98	1597.94	27.5	36.6	27.7	49.8
4770516	0000000	Yreka Union High	395,516	447.42	677.25	29.5	24.8	31.5	36.3

41	Total Number of LEAs in the report
$33,803,483	Total ConApp entitlement for districts receiving regular approval
$107,607,708	Total ConApp entitlement for districts receiving conditional approval
$141,411,191	Total ConApp entitlement

Recommended for Conditional Approval:

The following LEAs have submitted a complete Consolidated Application, Part I, but have compliance issues crucial to student achievement outstanding for more than 365 days. The Department recommends conditional approval of these applications.

CD Code	School Code	Local Educational Agency Name	2003-2004 ConApp Entitlement	2003-2004 Entitlement Per Student	2003-2004 Entitlement Per Low Income Student	2003 STAR Data Percent of Students Scoring At or Above: Mathematics Basic	Mathematics Advanced or Proficient	Reading Basic	Reading Advanced or Proficient
1975309	0000000	Acton-Agua Dulce Unified	440,364	212.74	1143.80	30.5	30.2	31.5	41.4
1062000	0000000	American Union Elementary	269,062	751.57	1063.49	27.0	26.3	32.6	25.0
1964246	0000000	Antelope Valley Union High	5,882,449	276.26	650.21	20.0	9.5	29.6	28.0
2465649	0000000	Ballico-Cressey Elementary	233,334	757.58	1155.12	25.3	29.4	31.3	29.1
1973437	0000000	Compton Unified	35,649,086	1094.97	1181.76	21.4	14.7	30.1	12.3
4970672	0000000	Dunham Elementary	42,185	254.13	2008.81	24.8	57.3	22.2	52.1
4369427	0000000	East Side Union High	8,018,529	336.25	2623.86	22.1	14.4	30.0	30.1
0161259	0000000	Oakland Unified	51,489,862	1034.81	1518.92	20.9	19.3	28.8	18.4
5672520	0000000	Ojai Unified	1,320,056	337.18	18334.11	29.8	38.2	28.5	48.4
4970904	0000000	Roseland Elementary	947,977	783.45	921.26	27.5	30.3	31.6	15.3
1062174	0000000	West Fresno Elementary	1,659,539	1600.33	1752.42	16.9	5.8	25.0	5.1
1965102	0000000	Westside Union Elementary	1,655,265	212.08	956.80	30.3	44.8	34.1	44.3

12	Total Number of LEAs in the report
$33,803,483	Total ConApp entitlement for districts receiving regular approval
$107,607,708	Total ConApp entitlement for districts receiving conditional approval
$141,411,191	Total ConApp entitlement

ITEM #45

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
No Child Left Behind Act (NCLB) of 2001: Adopt Supplemental Educational Services Regulations	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Consider comments received during the public comment period and at the public hearing and take action to adopt the regulations**.**

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In September 2004, the State Board of Education (SBE) approved the Initial Statement of Reasons, Notice of Proposed Rulemaking, and the commencement of the regulatory process for the proposed regulations on supplemental educational services and directed staff to begin the 45-day written comment period.

SUMMARY OF KEY ISSUES

Supplemental educational services are mandated to be provided to eligible students attending Title I schools that are in year two or beyond of program improvement status. The program to provide supplemental educational services has grown significantly over the last year. While the current regulations that define "demonstrated record of effectiveness" have been useful in providing criteria for applicants who are applying to become approved providers, the regulations have been limited in scope. Due to the increase in the number of applicants, the number of parents requesting services and the number of districts required to provide the supplemental educational services, there needs to be further clarification and guidance about the responsibilities of each in ensuring that eligible students receive the appropriate services.

FISCAL ANALYSIS (AS APPROPRIATE)

The Economic and Fiscal Impact Analysis indicates that adoption of the regulation does not impose a local cost mandate or costs upon the state.

ATTACHMENT(S)

Attachment 1: Supplemental Educational Services Regulations (6 pages)

The proposed Supplemental Educational Services Regulations that were approved by SBE to be sent out for the 45-day written comment period are attached.

A Last Minute Memorandum will be provided that will include a summary of the comments received during the public comment period and at the November 8, 2004 public hearing.

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 12. Compensatory Education

Subchapter 13. Supplemental Services

§13075. ~~Definition of a "Demonstrated Record of Effectiveness" for Providers of Supplemental Services Who Are Approved by the SBE~~ Application of this subchapter.

This subchapter shall apply to supplemental services providers and those seeking to provide supplemental services as specified in Section 1116(e) of the No Child Left Behind (NCLB) Act of 2001.

~~(a) For purposes of demonstrating a record of effectiveness for placement on the list of approved supplemental services providers, STAR data are required. Until such time as STAR data are available, a provider shall be deemed provisional.~~

~~(b) An application, completed per the Supplemental Educational Services Provider Request for Application (Rev. 5/2003), which is incorporated by reference, is required of each new provider in each of the first two-years of service.~~

~~(c) A provisionally-approved provider of supplemental educational services has met the definition of a demonstrated record of effectiveness when:~~

~~(1) the provider demonstrates the ability to provide effective services by meeting all the federal requirements including the following criteria:~~

~~(A) Ensure that programs offered are of high quality, research-based, and specifically designed to increase the academic achievement of eligible children on the assessment instruments required under ESEA Section 1111 (20 U.S.C. section 6316(e)(1)) and attain proficiency in meeting the State's academic achievement standards.~~

~~(B) Ensure that supplemental educational services are coordinated with the student's school program.~~

~~(C) Ensure that the instruction and content provided are aligned with state-adopted curriculum content standards and instructional materials and aligned with state and local assessments.~~

~~(D) Ensure that all instruction and content are secular, neutral, and non-ideological.~~

~~(E) Provide evidence of recent (within the past 2 years) successful experience in improving student achievement. (If the student population served by the provider is composed in part of~~

~~English learners, the provider must demonstrate experience in improving the student achievement of English learners.)~~

~~(F) Meet all applicable federal, state, and local health, safety, and civil rights laws.~~

~~(G) Have knowledge of the state-adopted content standards, frameworks, and instructional materials.~~

~~(H) Be capable of providing appropriate services to eligible students based on individual needs consistent with the instructional program of the LEA and the state-adopted standards, frameworks, and instructional materials.~~

~~(I) Be financially sound.~~

~~(J) Guarantee that all staff working with students and their parents undergo and pass background checks as required by the local contracting school district.~~

~~(K) Abide by the conditions of the contract with the LEA.~~

~~(2) And, by the end of the second year of provisional approval, ninety-five percent of eligible students receiving services have made increases in academic proficiency at a level articulated in the supplemental educational services contract and as measured by the STAR.~~

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC ~~United States Code~~ ~~s~~Section 6316(e)~~(1)~~ ~~and Section 12000, Education Code~~.

§ 13075.1. Definitions.

For purposes of this subchapter, the following definitions apply:

(a) "Eligible applicant" means any public or private (nonprofit or for-profit) entity that meets the State's criteria for approval, and includes public schools (including charter schools), private schools, school districts, or county offices of education that are not currently identified for program improvement or for corrective action pursuant to Section 1116(b)(1) of NCLB institutions of higher education, faith-based and community-based organizations and private businesses;

(b) "Approved supplemental educational services provider" ("provider") means an eligible applicant that has been approved by the State Board of Education (SBE) pursuant to the provisions of this subchapter;

(c) "Eligible student" means a child from a low-income family as determined by the local educational agency for purposes of allocating funds under Section 1113(c)(1) of NCLB who is attending a Title I funded school that is in year two or beyond of program improvement;

(d) "Demonstrated record of effectiveness" means an eligible applicant has documentation of at least two of the following:

(1) Improved student academic performance in individual student scores on national, state, district or other valid and reliable assessments in English language arts or mathematics; and

(2) Improved student academic performance as measured by written teacher assessments of student growth in English language arts or mathematics.

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC Section 6316(e).

§13075.2. Application, Quality Requirements and Approval.

(a) Eligible applicants must submit a completed application to CDE before March 20 of the school year preceeding the year in which they wish to become a provider;

(b) Applications will be reviewed by CDE and submitted to SBE for approval. The effective date of any ensuing approval will be July 1 of that same year;

(c) An eligible applicant shall be considered for approval upon receipt of a completed application that satisfies each of the following qualifications;

(1) Documents a demonstrated record of effectiveness as defined in Section 13075.1;

(2) Contains at least five letters of reference from previous clients (e.g., families, schools, districts, teachers, etc.) offering testimonial information about the positive impact of the program.

(3) Certifies that the applicant has not been removed for cause from the list of approved supplemental educational services providers, pursuant to Section 13075.4 of this subchapter, at any time within the two years preceding the fiscal year (July 1-June 30) for which it is submitting an application;

(4) Provides written proof of current liability insurance coverage and assures they will provide the local educational agencies with which they contract written proof of current liability insurance coverage and other necessary insurance of the type and in the amount required by the local educational agency;

(5) Demonstrates that it is legally constituted and qualified to do business in California;

(6) Describes the staffing, fiscal, equipment, and facility resources of the organization that enable it to work with students in compliance with these regulations and applicable federal, state and local statutes and regulations;

(7) Demonstrates it is fiscally sound as shown by the following:

(A) Proof of financial resources to operate as a provider for a minimum of 6 months after initial approval, including a description of how the organization receives funding (e.g., grants, fees-for-services, etc.) separate from reimbursement for provider services;

(B) Proof of financial viability (e.g., through audits, financial statements, or credit rating);

(C) Organizational budgets that identify all sources of revenues available to the applicant and cash flow activity related to the expenditures of that revenue;

(8) Provides certification that the facility meets all applicable federal, state and local health and safety laws, if instruction will occur at a facility other than the student's school or residence;

(9) Demonstrates instruction meets the following criteria:

(A) Instruction will be aligned with applicable state adopted academic content standards and instructional materials;

(B) Instruction will be organized and presented in a manner designed to meet the specific achievement goals of individual students;

(C) Instruction will be coordinated with the student's school program, including an Individual Education Plan (IEP) and/or a 504 Plan, if applicable;

(D) Instruction will be of high quality and will increase student academic achievement in English language arts or mathematics;

(E) Instruction shall be provided outside of the regular school day;

(F) Instruction will be provided that is secular, neutral, and non-ideological;

(10) Describes the procedure for developing specific achievement goals in consultation with parents/guardians and school staff.

(11) Describes the manner in which students with disabilities and English learners will have access to services;

(12) Defines procedures for providing students, parents/guardians, teachers, schools and/or districts with regular reports of student progress;

(13) Describes how the applicant shall secure parental/guardian permission to have access to student data (e.g., STAR data, IEP data and/or 504 data) maintained by the local educational agency (LEA) for each student served for purposes of demonstrating academic improvement;

(14) Provides assurances that all student information shall be kept confidential except as necessary to inform parents/guardians and appropriate school staff;

(15) Describes the process of collaborating with contracting school districts in the use of individual student STAR test results in determining the increase in student academic performance;

(16) Describes procedures to maintain, monitor, and notify LEAs about personnel updates related to provider's staff changes;

(17) Describes procedures for completion of, and compliance with, staff background checks, fingerprinting, and TB tests for those employees providing services to students;

(18) Provides assurance that the provider will comply with all applicable federal, state, and local health, safety, and civil rights laws;

(19) Agrees to abide by the conditions set forth in the contract with the LEA, including the payment schedule, rates, and any facility user fee arranged with the LEA that will be in compliance with Section 1116 (e)(6) of the NCLB;

(20) Agrees to participate in the monitoring and evaluation process developed and directed by CDE.

(d) The term of approval is for a maximum of two fiscal years (July 1- June 30).

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC Section 6316(e).

§13075.3. Submission of An Annual Report by Approved Providers.

(a) Approved providers must maintain records for each year that services are provided to support an annual end-of-fiscal year report to CDE to be submitted by October 1 disclosing the following:

(1) Names and numbers of schools served.

(2) Total number of students served by grade levels.

(3) Aggregate data for all students served as follows:

(A) Beginning and ending dates of service;

(B) Instructional delivery methods;

(C) Subject area (i.e. English language arts and mathematics);

(D) Beginning and ending performance levels.

(4) fiscal and expenditure information.

(b) These records must be retained for three years after submission of the annual end-of-fiscal year report.

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC Section 6316(e).

§13075.4. Termination As An Approved Provider.

(a) A provider identified for program improvement or corrective action under Section 1116(b)(1) and 1116(c)(3) of NCLB during its term of approval is automatically terminated as an approved provider by operation of law.

(b) A provider may be terminated for any of the following reasons:

(1) The provider has failed to provide information requested by CDE to allow CDE to monitor and evaluate the program;

(2) The provider has failed to monitor and evaluate the progress of students receiving services;

(3) The provider has failed to contribute to increasing the academic proficiency in English language arts or mathematics for two consecutive years for a majority of students served (as demonstrated by student scores on national state, district or other assessments in English language arts or mathematics the state assessment results) for grades 2-11 and by teacher recommendations for grades K-1 and grade 12. Assessments must be developed in accordance with psychometric standards;

(4) The provider has failed to meet applicable federal, state and local health, safety, or civil rights laws; or

(5) The provider requests voluntary removal from the approved list.

NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: 20 USC Section 6316(e).

9-8-04

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Request by the Livermore Valley Charter School Petitioners to Approve a Petition to Become a Charter School under the Oversight of the State Board of Education	☒ **Action** ☒ **Information** ☒ **Public Hearing**

RECOMMENDATION

The following item is provided to the State Board of Education (SBE) for information and action as deemed necessary and appropriate. The California Department of Education (CDE) findings and recommendations are included in Attachment 1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

SBE Authority to Grant Charters: Pursuant to *Education Code* Section 47605(j), as of January 1, 1999, a charter school that has been denied approval by a local chartering authority may petition the State Board of Education (SBE) to approve the charter. As of January 1, 2003, a charter school must be denied by both a local school district and county office of education before it may petition the SBE to approve the charter.

Previous Requests: Since January 1999, the SBE has reviewed and approved nine charter petitions that have been denied at the local level.

Charter School	Date Approved
Oakland Military Institute, Alameda County*	December 2000
Ridgecrest Charter School, Kern County	December 2000
Edison Charter Academy, San Francisco County	July 2001
New West Charter Middle School, Los Angeles County	December 2001
Animo Inglewood Charter High School, Los Angeles County	December 2001
School of Arts and Enterprise, Los Angeles County	September 2002
Knowledge is Power Program (KIPP), Alameda County	February 2003
Academy of Culture and Technology, Los Angeles County**	November 2003
Leadership Public Schools – San Rafael, Marin County**	November 2003

*Subsequently renewed by the Oakland Unified School District
**Schedule to open Fall 2005

Oversight of Charter Schools by the SBE: The SBE adopted regulations at its December 2001 meeting that defined a process for the review of charter petitions that have been denied locally. The charter schools also operate under an oversight agreement with the SBE.

At its October 2001 meeting, the SBE also established an Advisory Commission on Charter Schools (ACCS) and charged it with a number of responsibilities, including advising the SBE on charter petitions that have been denied at the local level.

SUMMARY OF KEY ISSUES

The Livermore Valley Charter School petition proposes to establish a K-8 school that would eventually serve approximately 720 students. The petition was denied by the Livermore Valley Joint Unified School District on May 19, 2004, and by the Alameda County Office of Education on July 14, 2004. The appeal was submitted to the SBE on August 12, 2004.

The ACCS reviewed this petition at its October 4, 2004 meeting and voted 6–1 to recommend approval of the petition to the SBE. The ACCS recommended adoption of all CDE staff recommendations contained in Attachment 1(Charter School Appeal Findings), with the following revision to the recommendation on the limit to preferential admissions for founding families: the 80 founding families who performed 150 hours of documented volunteer service by June 30, 2004, toward the establishment of the school will be given admissions preference for the 2005-06 school year only. The CDE staff recommendation was to limit preferential admissions to 10 percent of founding families and paid staff at the school. The ACCS recommends that no admissions preference be given to paid staff at the school or to those students on a prior year waiting list. CDE staff believes this is an acceptable compromise.

FISCAL ANALYSIS (AS APPROPRIATE)

If the petition is approved, it will result in an increased workload for California Department of Education (CDE) and SBE staff to oversee the school. There are currently two CDE staff assigned to oversee nine schools as well as provide many of the business functions that would ordinarily be performed by a district (such as certifying attendance reporting, reviewing fiscal reports, budgets and audits). These costs would be partially offset by the 1% oversight fee that may be charged by charter authorizing entities.

ATTACHMENTS

Attachment 1:	State Board of Education Charter School Appeal Findings (16 pages)
Attachment 2:	Livermore Board of Education's Action of Denial and Written Findings (5 pages)
Attachment 3:	Statement of Decision and Finding of Facts (4 pages)
Attachment 4:	Livermore Valley Charter School Charter Petition (90 pages)
Attachment 5:	Draft Policy (7 pages)
Attachment 6:	Multi-year Strategic Fiscal Plan Update 8/10/04 (3 pages)
Attachment 7:	Livermore Valley Charter School Charter Petition (Model application format) (70 pages)
Attachment 8:	Committee Members and Volunteers (12 pages)
Attachment 9:	Multi Year Strategic Fiscal Plan (79 pages)
Attachment 10:	Impact Statement (4 pages)

State Board of Education
Charter School Appeal Findings

School Name: Livermore Valley Charter School	
Denying District: Livermore Valley Jt. Unified School District	Date Denied: May 19, 2004
Denying County: Alameda County Office of Education	Date Denied: July 14, 2004
Date Received by SBE: August 12, 2004	

SUMMARY OF FINDINGS	Concerns*
1. The Charter School presents an unsound educational program for pupils to be enrolled in the charter school.	☒
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.	☒
3. The petition does not contain the number of required signatures.	☐
4. The petition does not contain an affirmation that the school shall be nonsectarian, shall not charge tuition and shall not discriminate.	☐
5. The petition does not contain reasonably comprehensive descriptions of the required elements.	☐
*See detail regarding concerns on findings #1 and #2 on the following pages.	

GENERAL COMMENTS AND AFFIRMATIONS	Included	
	Yes	No
Evidence of local governing board denial per *Education Code* (EC) Section 47605 (j)(1) and 5 CCR 11967(a)(2)	☒	☐
Reason for denial included (5 CCR 1967(a)(2))	☒	☐
Full charter included (EC 47605(b)(5)).	☒	☐
Signed certification of Compliance with applicable law (5 CCR 11967(b)(3))	☒	☐

Written verification of SELPA participation or district delegation to accept charter in the LEA for Special Education (EC 47641(c) and (d))	☐	☒
Serves pupils in grade levels that are served by the school district of the governing board that considered the petition (EC 47605(a)(6))	☒	☐

FINDING #1	**Concerns**
The charter school presents an unsound educational program for pupils to be enrolled in the charter school. • Program presents the likelihood of physical, educational, or psychological harm; • Program is not likely to be of educational benefit to the pupils who attend.	
Comments: The Livermore Valley Charter School proposes to serve approximately 720 students in grades K-8 in the Livermore area of Alameda County. The petitioners originally proposed to begin with about 480 students in grades K-5 and phase in grades 6-8 one year at a time. The petitioners now want to start with grades K-6 and add grades 7 and 8 over the following two years. The petitioners intend to open the school in fall 2005. The charter petition is a very comprehensive document, with a description of the curriculum (which will be based on state content standards) and curriculum development process, draft policies on student suspension and expulsion, and a variety of health and safety issues, parent contracts, conflict of interest statements, job descriptions, etc. The petitioners are continuing to work with a curriculum development consultant to develop a full curriculum and the petitioners have been proactive in contacting the Tri-Valley SELPA director as well as the Livermore school district and other neighboring districts regarding the potential for working out arrangements for the provision of special education services. In addition, the petition includes a draft agreement with Total Education Solutions to provide special education services. CDE staff recommends that if the charter petition is approved that it be amended to define which of the classes are considered “core” for purposes of complying with No Child Left Behind (NCLB) and the highly qualified teacher provisions. Finally, staff notes that the Livermore Joint Unified School District is a high performing district that draws on a largely White population (approximately 68%), with Hispanics (19%) and Asians (6%) as the next most significant subgroups. However, the charter petition indicates that its demographic profile of students will be about 79% White, 10% Hispanic and 6% Asian. ACCS members may wish to ask the charter petitioners for more information on how they intend to recruit students who have been traditionally underserved by the district to maintain a racial and ethnic balance that is similar to the district’s population.	

FINDING #2	**Concerns**

The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

- Petitioners have a past history of involvement with charter schools or other education agencies that are regarded as unsuccessful;
- Petitioners are unfamiliar with the contents of petition or requirements of law;
- Petitioners have presented an unrealistic financial and operational plan for the charter school;
- Petitioners lack the necessary background in curriculum, instruction and assessment, and finance and business management, and have no plan for securing individuals with the necessary background.

Comments: The petitioners appear to have a good grasp of the requirements of the law and are working with individuals who have a background in the educational, financial and legal aspects of operating a charter school. The budget is very detailed and describes the assumptions used to generate revenue and expenditure estimates. In addition, the petitioners have requested Proposition 39 facilities from the Livermore Valley Joint Unified School District and they have letters of intent to lease from three groups in the event that the district and petitioners cannot work out arrangements for facilities. The petitioners appear demonstrably likely to successfully implement the charter; however we do have three concerns with the charter:

- Who and how the administrative and business functions will be performed is not described in the charter other than to say the school may hire someone or outsource those services. The budget contains a detailed matrix of administrative functions to be performed and who is to perform them; however there is no description of how reporting relationships might work or who is to be responsible for monitoring contracts with outside service providers.

- The petition proposes that school employees be voting members of the governing board, such that three of seven members of the board would have potential conflicts of interest on a regular basis. In addition, the SBE member is described as a non-voting member. CDE staff recommends that the school employees be non-voting members and that educators from the community instead be chosen as members of the governing board. In addition, if the SBE chooses to appoint a member to the governing board, that member should be a voting one. The petitioners have indicated in writing that they have no problem with either of these recommendations. Finally, it is not clear that parents will be represented on the governing board, since the petition indicates four of the members will be “parents and/or community members.” Staff recommends that charter be amended to reflect representation of both groups.

- The petition proposes to give admissions preference to an unspecified percentage of founding families, children of the paid staff of the school and students on any prior year's waiting list. There are potentially approximately 80 families that would qualify as founding families. There will be over 30 paid staff in the first year. Because of CDE's prior experience with another State Board-approved charter school that provided preferential admissions to founders and the divisive effect it had on school governance, CDE staff recommends that no more than 10 percent of total enrollment in 2005-06 be children of founding families and paid staff. Further, CDE staff recommends that this admission preference be granted for the 2005-06 year only and that the petition's proposed #5 priority for admissions (students on prior year's wait list) be eliminated altogether.

FINDING #3	**No Concerns**
The petition does not contain the number of signatures required by law.	
Comments:	

FINDING #4	**No Concerns**
The petition does not contain an affirmation of each of the following: • Shall be nonsectarian • Shall not charge tuition • Shall not discriminate	
Comments:	

FINDING #5	Reasonably Comprehensive	Not Reasonably Comprehensive
The petition contains reasonably comprehensive descriptions of the following:		
(A) A description of the educational program, including how information will be provided to parents on transferability of courses and eligibility of courses to meet college entrance requirements.	☒	☐
Comments:		
(B) The measurable pupil outcomes	☒	☐
Comments:		
(C) The method by which pupil progress is to be measured (compliance with statewide assessments and standards)	☒	☐
Comments:		
(D) Governance structure, including the process to ensure parental involvement	☐	☒

Comments: Concerns regarding school employees being voting members of the governing board, and SBE representative being a nonvoting member. Governing board might not have parent representatives.		
(E) Qualifications to be met by those employed	☒	☐
Comment:		
(F) Procedures to ensure health and safety of pupils and staff, including criminal records summary (per EC Section 44237)	☒	☐
Comments:		
(G) The means by which the school will achieve racial and ethnic balance reflective of the district population	☒	☐
Comments:		
(H) Admission requirements, if applicable (District priority or lottery per EC 47605 (d)(2))	☐	☒
Comments: Concern that admissions preference places no limit on number of founding families that get preference; children of paid staff and students on prior year wait list all have priority.		
(I) The manner in which an independent annual financial audit is to be conducted	☒	☐
Comments:		
(J) The procedures by which pupils can be suspended or expelled	☒	☐
Comments:		
(K) The manner by which staff will be covered by STRS, PERS, or Social Security	☒	☐
Comments:		

(L) The public school attendance alternatives for pupils residing in the school district who choose not to attend charter schools (No governing board of a school district shall require any pupil enrolled in the school district to attend a charter school)	☒	☐
Comments:		
(M) A description of the rights of any employee of the district, upon leaving the employment of the district to work in the charter, and of any rights of return to the school district after employment at the charter school (No governing board of a school district shall require any employee of the school district to be employed in a charter school (EC 47605(e))	☒	☐
Comments:		
(N) Process for resolution of disputes with chartering entity	☒	☐
Comments:		
(O) Declaration whether or not the charter school shall be deemed the exclusive public employer for the purposes of EERA	☒	☐
Comments:		
(P) A description of the procedures to be used if the charter school closes	☒	☐
Comments:		

Recommended Conditions of Operation for State Board Charter Appeals

Condition	Recommended	Not Recommended	Alternative Date
1. **Insurance Coverage**-not later than **June 1, 2005** (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.	☒	☐	
2. **Oversight Agreement**-not later than **January 1, 2005** either (a) accept an agreement with the State Board of Education (administered through the California Department of Education) to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the State Board of Education (as represented by the Executive Director of the State Board), and an oversight entity (pursuant to EC Section 47605(k)(1)) regarding the scope of oversight and reporting activities, including, but not limited, adequacy and safety of facilities.	☒	☐	

Condition	Recommended	Not Recommended	Alternative Date
3. **SELPA Membership**-no later than **February 1**, **2005** submit written verification of having applied to a special education local plan area (SELPA) for membership as a local education agency and, not later than **June 1, 2005** submit either written verification that the school is (or will be at the time students are being served) participating in the SELPA, or an and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive director of the State Board of Education based primarily on the advice of the State Director of Special Education based on a review of either the school's written plan for membership in the SELPA, including any proposed contracts with service providers or the agreement between a SELPA, a school district and the school, including any proposed contracts with service providers.	☒	☐	

Condition	Recommended	Not Recommended	Alternative Date
4. **Educational Program**-not later than **January 1**, **2005** submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and, not later than **June 1**, **2005** submit the complete educational program for students to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used, plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials, identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program in evaluating student progress, and a budget which clearly identifies the core program from enrichment activities and reflects only those loans, grants, and lines of credit (if any) that have been secured by the Executive Director of the State Board of Education based primarily on the advice of the Deputy Superintendent for Curriculum and Instructional Leadership.	☒	☐	
5. **Student Attendance Accounting-** not later than **May 1**, **2005** submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of	☒	☐	

the State Board of Education based primarily on the advice of the Director of the School Fiscal Services Division.			

Condition	Recommended	Not Recommended	Alternative Date
6. **Facilities Agreement**-not later than **June 1**, **2005** present a written agreement (a lease or similar document) indicating the school's right to use the principal school site identified by the petitioners for at least the first year of the school's operation and evidence that the facility will be adequate for the school's needs. Not later than **June 1**, **2005** present a written agreement (or agreements) indicating the school's right to use any ancillary facilities planned for use in the first year of operation. Satisfaction of these conditions should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.	☒	☐	
7. **Zoning and Occupancy**-not less than **30 days** prior to the school's opening, present evidence that the facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the State Board of Education may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.	☒	☐	

Condition	Recommended	Not Recommended	Alternative Date
8. **Final Charter**-not later than **January 1**, **2005** present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the State Board of Education as the chartering authority and otherwise address all concerns identified by California Department of Education staff and enumerated below, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the State Board of Education based primarily on the advice of appropriate CDE staff. • CDE staff recommends that if the charter petition is approved that it be amended to define which of the classes are considered "core" for purposes of complying with No Child Left Behind (NCLB) and the highly qualified teacher provisions. • The charter petition should be amended to describe who will perform the administrative and business functions and how these functions will be performed, reporting relationships, and who is to be responsible for monitoring contracts with outside service providers. • CDE staff recommends that the school employees be non-voting members and that educators from the community instead be chosen as members of the governing board. In addition, if the SBE chooses to appoint a member to the	☒	☐	

governing board, that member should be a voting one. • Staff recommends that charter be amended to reflect representation of both parents and community members on the governing board. • Staff recommends that the charter be amended to provide that only the 80 founding families who performed 150 hours of documented volunteer service by June 30, 2004, toward the establishment of the school be given admissions preference for the 2005-06 school year only.			
9. **Legal Issues**-in the final charter presented pursuant to condition (8), resolve any provisions related to legal issues that may be identified by the State Board's Chief Counsel.	☒	☐	
10. **Processing of Employment Contributions**-prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS).	☒	☐	
11. **Operational Date**-if any deadline specified in these conditions is not met, approval of the charter is terminated, unless the State Board of Education deletes or extends the deadline not met. If the school is not in operation by **September 30, 2006** approval of the charter is terminated.	☒	☐	

LIVERMORE VALLEY
CHARTER SCHOOL

Livermore Board of Education's Action of Denial and Written Findings

LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES, ALAMEDA AND CONTRA COSTA COUNTY,
STATE OF CALIFORNIA

RESOLUTION NO. 117-03/04

DENIAL OF REQUEST BY THE LIVERMORE VALLEY CHARTER SCHOOL TO APPROVE A PETITION TO BECOME A CHARTER SCHOOL OF THE LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

WHEREAS, Education Code Section 47600 et seq. provides for the enactment of the Charter Schools Act of 1992; and

WHEREAS, on March 16, 2004, the Livermore Valley Charter School ("LVCS") presented its Charter Petition to the Board of Trustees of the Livermore Valley Joint Unified School District ("District"); and

WHEREAS, Education Code Section 47605(b) provides that no later than 30 days after receiving a petition, the governing board of a school district shall hold a public hearing on the provisions of the charter petition; and

WHEREAS, on April 6, 2004, the Board of Trustees of the Livermore Valley Joint Unified School District convened a public hearing to comply with the provisions of Education Code Section 47605(b) and afforded to every interested person an opportunity to address the merits of the LVCS Charter Petition either in writing or orally; and

WHEREAS, on April 27, 2004, at the direction of the Board, the Superintendent and District staff presented its findings and conclusions related to the LVCS Charter Petition to the Board of Trustees; and

WHEREAS, on May 4, 2004, at the direction of the Board, the Petitioners of the LVCS were presented with an opportunity to respond to the issues raised in the April 27, 2004 presentation and present such information to the Board of Trustees; and

WHEREAS, on May 4, 2004, the Board received a request from Petitioners, specifically asking that the Board extend the deadline for rendering its decision on the Charter Petition to May 19, 2004 and direct the Superintendent to meet with the Petitioners of the LVCS for the purpose of addressing the issues of concern raised in the April 27, 2004 presentation; and

WHEREAS, Petitioners of the LVCS and the District Superintendent met on May 10, 2004, May 13, 2004 and May 17, 2004 and as a result of those meetings, certain agreements were reached to modify the Petition and supporting documentation to address the issues raised in the April 27, 2004 presentation; and

WHEREAS, it is the opinion of the Superintendent that the LVCS Charter Petition, as amended, does in fact contain a reasonably comprehensive description of the 16 required elements

and meets all other requirements of Education Code Section 47605, with the exception of Section 47605(b)(2) namely, Petitioners are demonstrably unlikely to successfully implement the program set forth in the LVCS Charter Petition; and

WHEREAS, Education Code Section 47605(b) provides that the governing board of a school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth the specific facts to support a finding that the Petitioners are demonstrably unlikely to successfully implement the program set forth in the LVCS Charter Petition; and

WHEREAS, it is the recommendation of the Superintendent that the LVCS Charter Petition be denied on the grounds that the Petitioners are demonstrably unlikely to successfully implement the program set forth in the LVCS Charter Petition for the reasons set forth in the Findings of Fact attached hereto as Exhibit A and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Livermore Valley Joint Unified School District has determined that absent the facility and corresponding budget information, as discussed in more detail in Exhibit A attached hereto, that it must find that Petitioners have not presented a sound program that is likely to be successfully implemented; thus, the LVCS Charter Petition is denied.

BE IT FURTHER RESOLVED, that the Board of Trustees specifically adopts as its findings of fact in support of this decision and in accordance with Education Code Section 47605(b) Exhibit A attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED this 19th day of May 2004, by the Board of Trustees of the Livermore Valley Joint Unified School District of the County of Alameda and Contra Costa, to wit:

AYES:	MEMBERS Orvis, Hudson, White, Morrison and McLaughlin
NOES:	MEMBERS None
ABSENT:	MEMBERS None
ABSTENTIONS:	MEMBERS None

LIVERMORE VALLEY JOINT UNIFIED
SCHOOL DISTRICT

Anne L. White

President of the Board of Trustees

Clerk of the Board of
Trustees

Jan\livermore\residential charter

EXHIBIT A
IN AND BEFORE THE BOARD OF TRUSTEES
OF THE
LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

In the Matter of the Livermore Valley Charter School Petition for Establishment of a Charter School in the Livermore Valley Joint Unified School District	))))	Decision of the Board of Trustees and Findings of Fact

I. Decision

After careful consideration of the Charter Petition and comments received at the public hearing on the Charter Petition at which the Board of Trustees afforded to every interested person an opportunity to address this issue either in writing or orally and after extensive presentations concerning the terms of the Petition by District staff and Petitioners, it is the decision of the Board of Trustees of the Livermore Valley Joint Unified School District to deny the Livermore Valley Charter School ("LVCS") Petition.

II. Findings of Fact

A. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the LVCS Petition.

Comments: The Board finds that in the area of facilities, the Charter Petition and supporting documents do not adequately describe the types of facilities, the size of the facilities, costs of improvements, locations, the proposed lease terms (i.e., square footage cost, extra charges, security, janitorial, et cetera), the costs of any improvements required to occupy the property (i.e., fire, sewer, etc), the cost of tenant improvements, if any, et cetera. The Board finds that all of this information is necessary in order for the Board to determine whether the LVCS can actually house the program outlined in its Petition, including to the extent required to retain class-size reduction funding, and whether LVCS can actually pay for the facilities (both real property and portables/furnishings, if applicable), without negatively impacting their budget and cash flow, updated copies of which were previously provided by LVCS to the District on May 17, 2004.

The Board further finds that without identification of a specific facility, it is impossible to ascertain whether such facility will meet the Americans With Disabilities Act ("ADA") requirements or whether the facility selected is zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities.

B. The Board finds that in the area of donations and fundraising the budget relies too heavily on soft money, without a contingency plan if it does not materialize, thereby jeopardizing the soundness of the educational program and the likelihood that such program can be successfully implemented.

In conclusion, based upon the findings articulated above, the Board has determined that it is unable to make a finding that the Petitioners have presented a sound program that is likely to be successfully implemented. In fact, the Board finds that absent the facility and corresponding budget information that it must find that Petitioners have not presented a sound program that is likely to be successfully implemented.

Dated: May 19, 2004

Anne E. White
MRS. ANNE E. WHITE, Board President

Julia Stephens Orvis, D.V.M.
DR. JULIA STEPHENS ORVIS, D.V.M., Member

Rebecca S. Hudson
DR. REBECCA S. HUDSON, Member

MR. WILLIAM E. MORRISON, Clerk

Tom McLaughlin
MR. TOM MCLAUGHLIN, Member

Sheila Jordan,
Superintendent

ALAMEDA COUNTY OFFICE OF EDUCATION
BUSINESS ADMINISTRATION OFFICE

Fax

To:	Lisa Corr	**From:**	T. Kapellas
Fax:	916-646-1300	**Date:**	7/26/2004
Phone:		**Phone:**	510-670-4272
Re:	Livermore Valley Charter School	**Pages:**	4 (including this page)

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

•Comments:

Per our communications, attached please find the Statement of Decision and Finding of Facts in regards to the Livermore Valley Charter School Petition Appeal.

I will be mailing the original to Lon Goldstein today.

Teresa

Mike Lenahan, Associate Superintendent – Business Administration

Phone (510) 670-4270 • Fax (510) 670-4572

Alameda County Board of Education

2004-05
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Student Programs and Services

July 26, 2004

Lon Goldstein
Livermore Valley Charter School
PO Box 107
Livermore CA 94550

Dear Mr. Goldstein,

Enclosed please find a copy of the Statement of Decision and Finding of Facts in regards to the July 14, 2004 Board review of The Livermore Valley Charter School's petition appeal to the Alameda County Board of Education.

Sincerely,

Yvonne Cerrato
President
Alameda County Office of Education

enclosure

cc: Sheila Jordan, Superintendent
Alameda County Board of Education Members
Lisa Mori, Esq., School & College Legal Services
Lisa Corr, Esq., Spector, Middleton, Young & Minney, LLP

YC:tlk

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ALAMEDA COUNTY BOARD OF EDUCATION

STATEMENT OF DECISION AND FINDING OF FACTS

Pursuant to Education Code Section 47605, the Alameda County Board of Education held a public hearing on June 8, 2004 with regard to the charter petition submitted to it by the Livermore Valley Charter School (hereinafter referred to as "the Petition"). Following the public hearing, the Alameda County Board of Education reviewed the Petition as originally submitted, Alameda County Office of Education ("ACOE") staff comments and evaluations pertinent to the legally required elements of charter petitions, and additional written submissions provided to the Board by representatives of the Livermore Valley Charter School (hereinafter referred to as "Petitioners.")

A public meeting of the Alameda County Board of Education was held on July 14, 2004 to consider the Petition. At the meeting, the Board heard from the Petitioners, accepted additional written documents pertaining to the Petition from the Petitioners, heard public comment concerning the Petition, heard ACOE staff comments, and engaged in question and answer periods with both Petitioners and ACOE staff.

At the close of discussion, a motion was entertained by the Board to deny the Petition. The motion was seconded and passed by a 5-2 vote with no abstentions based on the following findings of fact:

1. The proposed instructional program was reasonable, but not particularly innovative in its approach beyond what is already offered in other public school settings in the Livermore Valley Joint Unified School District.

2. On the average, there is a possibility of at least 10% of the school's enrollment that could require any form and/or combination of special education services. The fiscal impact on the charter school of providing the full spectrum of special education services to its students through contract(s) with third parties will likely be much greater that what was originally budgeted, which could negatively impact the fiscal viability of the charter school .*

3. Given the proposed timeline for school opening, it will be a challenge if not highly unlikely that the school can hire necessary staff, perform the necessary background checks, and process the legally required paperwork necessary to successfully staff and open the school by September 2004.*

4. The estimated cost of facilities in the proposed budget is lower than the actual market price of the City of Livermore. Petitioners indicated that they have filed Prop 39 paperwork, however this would not take effect until the 2005-06 school year and therefore planning costs are insufficient for facilities.*

5. There is concern that since facilities have not yet been secured as of July 14, 2004, staff have yet to be hired, and instructional materials have not yet been selected or ordered, the timeline for opening the school in September 2004 is unrealistic, and accordingly, the viability of the charter school to successfully implement its intended program is significantly compromised.

6. Planning costs for other major items such as health and welfare costs were unrealistic. Unless the School implements a true cap on health and welfare benefits, which is not indicated in the Petition, they should trend the increases at 15-20% per year.

7. There is major concern that if donations do not materialize as projected, the cash balance may be negative. Even with the soft money donations, cash flow projects a minimal $12K cash balance at yearend.*

8. The revenues from donations and fundraising are very critical to the ending fund balance.*

The Board therefore determined based on the totality of the comments noted above, that the Petitioners are demonstrably unlikely to successfully implement the program set forth in the Livermore Valley Charter School petition. (Education Code section 47605(b)(2).)

ALAMEDA COUNTY BOARD OF EDUCATION

By: Yvonne Cerrato, President

By: Sheila Jordan, Secretary

These items are not statutorily mandated in the finding of facts, however, they pertain to additional information required under Education Code Section 47605(g).

Charter Petition

Submitted to the ~~Alameda County~~State Board of Education on ~~May 24~~July [ ], 2004

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Charter School Intent and Charter Requirements

It is the intent of the California Legislature, in enacting the Charter Schools Act of 1992, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

(a) Improve pupil learning.

(b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.

(c) Encourage the use of different and innovative teaching methods.

(d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

(e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

(f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.

(g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

The Charter Schools Act (or Act)(Education Code Sections 47600 et seq.) requires each charter school to have a "charter" that outlines at least the sixteen (16) mandatory items of the Act. The following provisions of this charter coincide with the requirements of Section 47605 of the Act.

Affirmations

- The Livermore Valley Charter School ("LVCS" or the "School") shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of race, ethnicity, national origin, gender, or disability.
- LVCS shall comply with all applicable federal, state and local laws.
- LVCS shall admit all pupils within the State of California who wish to attend the School subject to capacity. If LVCS receives a greater number of students who wish to attend the School who submit a timely application, each applicant will be given an equal chance of admission through a random lottery process.
- All meetings of the Board of the LVCS shall be held in compliance with the Brown Act.
- LVCS shall comply with all applicable state and federal laws in serving students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1974, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Act.
- LVCS shall offer at a minimum, the same number of minutes of instruction set forth in paragraph (3) of subdivision (a) of Education Code Section 46201 for the appropriate grade levels.
- LVCS shall maintain accurate and current written records that document all pupil attendance and make these records available for audit and inspection.
- LVCS shall meet all state standards and conduct the pupil assessments required pursuant to Education Code Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.
- LVCS shall on a regular basis consult with its parents and teachers regarding the School's education programs.
- LVCS shall meet all requirements for employment set forth in applicable provisions of law, including but not limited to credentials as necessary.
- LVCS will ensure that teachers in the School hold a Commission on Teacher Credentialing certificate, permit or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by law, flexibility may be given to non-core, non-college, preparatory teachers.
- LVCS will at all times maintain all necessary and appropriate insurance coverage.

A. EDUCATIONAL PROGRAM

"A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners."

- California Education Code Section 47605(b)(5)(A)

Mission Statement

Livermore Valley Charter School students' educational achievements shall greatly exceed state minimums, creating an environment others will desire to emulate. The School will provide students from the local community with a creative, adaptive and emotionally fostering environment to prepare them to become productive members of society. The School will actively develop a symbiotic relationship with the community to ensure the development of our children's social skills, analytic ability and creativity. The School will adapt its educational methods to reflect the constantly changing, diverse, and highly technological society.

Vision Statement

The Livermore Valley Charter School will provide a unique and exemplary educational environment that focuses on preparing each child for the challenges of the 21st century. The School's vision is to teach children to be cognitive, analytical, creative and enthusiastic lifelong learners. The School's educational goals shall be achieved by focusing the learning process on comprehension and application of knowledge. The School will foster our children to higher achievements through dedicated educators, administrators and parents.

Targeted School Populations

Students enrolling in the LVCS shall meet the state guidelines for age. To enter kindergarten a child must be 4 years and 9 months of age on or before September 2 of the current school year of attendance (Refer to E.C. 48000 or B.P. 5120).

LVCS will house kindergarten through fifth grade upon inception, and plans to add a grade each year in order to accommodate kindergarten through eighth grade by school year 2007-2008.

The School's projected first year enrollment based on the needs of the community includes approximately 481 students with the following anticipated breakdown:

Grade	Class Size Ratio: 1	# Of Classes	Student Total	Full School Day ‡ (planned)
K *	20	4	80	260 min
1st *	20	4	80	420 min
2nd *	20	4	80	420 min
3rd *	20	4	80	420 min
4th	20	4	80	420 min
5th	27	3	81	420 min
6th	27	TBD	Planned for 2005/06 School Year	
7th	27	TBD	Planned for 2006/07 School Year	
8th	27	TBD	Planned for 2007/08 School Year	

* State funding for CSR

‡ Full school day includes instructional minutes, lunch and recess. Kindergarten total includes instructional minutes and recess, but not lunch.

Total enrollment and number of classes per grade in the following years shall be projected with consideration of the first and ensuing year's actual total enrollments. More than one site may be required to accommodate sixth through eighth grade.

Students from Livermore shall have preference in admission to the LVCS with the remaining openings available to any student in the State of California. The School shall locate its facility or facilities within the boundaries of Livermore Valley Joint Unified School District ("LVJUSD").

It is anticipated that LVCS will attract those who are seeking an alternative to their current educational system, desire an innovative educational approach, and share the vision of LVCS.

Attendance

The School's academic calendar shall generally align with the Livermore Valley Joint Unified School District's traditional academic calendar—commencing before September 30 in accordance with State charter school guidelines, and including but not limited to 180 instructional days.

The number of instructional minutes for all grades shall meet or exceed the State's requirements in Education Code Section 46201(a)(3)

The school week shall include one early release day to accommodate teacher collaboration and variety in the student's daily learning routines. The early release day would be no less than 240 minutes, excluding recess and lunch (Refer to B.P.6104).

LVCS Parents/guardians are responsible for sending their children to school and providing an explanation for absences. LVCS shall develop attendance policies to encourage regular attendance and for reporting of truancies to appropriate local authorities. **Appendix A** details the planned attendance policy.

What it Means to be an Educated Person in the 21st Century

The objective of LVCS is to provide an environment in which children will develop into competent, self-motivated, confident, productive, lifelong learners, and responsible young adults. Students will possess the habits, skills, and attitudes needed to succeed in school and beyond, as contributing citizens of the 21st century. LVCS believes that an educated person in the 21st Century will ultimately possess the academic and life skills listed below. It is the goal of the School that its students will possess these skills upon completion of their LVCS program.

Academic Skills

- Students will be inspired to be inquisitive, self-motivated, life-long learners.
- Students will communicate through excellent listening, speaking, writing, and multi-lingual skills.
- Students will possess creative, logical, and critical thinking skills enhanced through art, science, and technology.
- Students will comprehend and use technology as a tool for learning and communication.
- Students will have confidence in adapting to new situations and be receptive to learning. They will be eager to synthesize and act upon new information.
- Students will find, select, evaluate, organize and use information from various sources and disciplines of thought. They will be able to make logical and flexible connections from them.

Life Skills

- Students will accept responsibility for personal decisions and actions.
- Students will develop self-confidence and a willingness to take risks in a safe learning environment.
- Goal setting and self-assessment will encourage concentration, perseverance, and independent working skills.
- Concentrating on an appreciation for the richness of shared knowledge that is inherent in the culturally diverse environment of California, students will be inspired to have empathy and courtesy for others.
- Students will work both cooperatively and independently.

How Learning Best Occurs

Children possess a wide range of learning skills. The LVCS believes learning best occurs when students are taught a comprehensive curriculum through innovative instructional design in an environment that promotes learning in a challenging and exciting way.

Curriculum and Content

LVCS shall focus on the education of the whole child through a core curriculum of English-language arts, mathematics, science, and history-social science including a complementary curriculum of visual and performing arts, physical education, foreign language, technology and life skills education. Students will be encouraged to be active in the community through various community service projects.

The curriculum at LVCS shall be aligned with the standards, goals and challenge standards outlined by the state. Students will be encouraged to exceed minimum standards. LVCS shall adopt curriculum materials by composing a committee of staff and parents to review the materials and make a recommendation to the Board of Directors. The materials will then be made available to parents of current and prospective students for review and comment. The School's Governing Board shall then make a final decision for adoption of materials. **Appendix B** contains a sample draft curriculum.

Student Needs and Instructional Strategies

LVCS shall create a productive, safe, enriching environment in which children of different backgrounds, abilities and needs work together successfully.

Project-based learning will be used to teach and to reinforce basic skills. Children learn by doing and the hands-on learning approach will give students an opportunity to take learned skills and to apply them to meaningful projects. These projects provide students an opportunity to develop and demonstrate critical thinking skills, problem solving skills and cooperative learning.

Productive citizens of the 21st century must be able to work cooperatively as part of a team to accomplish a task. Cooperative learning techniques will teach students to work collaboratively with others and allow them to develop their social and communication skills. Students will learn to share their knowledge and skills and acknowledge and respect the ideas and skills of others.

Teachers shall use dynamic, flexible grouping to meet the needs of their students, which will encompass such factors as skills, ability, age, gender and interest.

Children have different strengths and styles of learning. The teachers shall develop instructional programs incorporating the theory of multiple intelligences to build on each student's strengths and to address diverse learning styles. (Reference: Intelligence Reframed: Multiple Intelligences for the 21st Century, by Howard Gardner, New York: Basic Books, 1999)

Computers will be used as a tool for teaching and learning. Students will have access to technology for research, analysis, communication, skill building and self-expression.

Students will be involved in a variety of activities to enhance their understanding of how a community functions. This includes community service and establishing ongoing relationships with businesses, local government, and community organizations. Community members will be invited into the School to share their knowledge and expertise. Emphasis will be placed on students being connected to their community and becoming contributing members of society.

To be most effective, teachers must have time to work together, to plan, to discuss student needs, to mentor one another, and to observe other classrooms. The school day shall be structured such that staff members have time during school hours to work collaboratively, so that special programs and projects may be accommodated. To permit this flexibility, the length of the school year and/or the length of the school day may be extended beyond the state-mandated minutes.

The use of integrated curriculum will allow students to extend learning through language arts, mathematics, visual and performing arts, science, social studies, technology and other enrichment opportunities. Topics will be studied from many different angles and viewpoints, allowing students to explore subjects deeply, employ higher level thinking skills, and make connections among various disciplines of thought.

The workshop approach is used to differentiate instruction to meet the social, academic and individual needs of the students. The workshop is structured through dynamic groupings that foster collaborative work, personal interests and teacher directed skills where students will progressively become self-directed, responsible and reflective learners. **Appendix C** details a day in the life of a first grader.

Learning Setting

Learning at the School will take place in many settings during the day. In addition to children learning on a traditional school campus they will be immersed in a classroom setting with low student-teacher ratio to facilitate interactive and independent exploration. The goal is to have a campus complemented by: a music room, an art room, a state of the art computer lab, a health/science lab, a fully equipped performing arts facility, research gardens, a comprehensive library, language lab and physical education facilities.

Working together, student, parent and educator will seek to identify for each learner areas of greatest strength and weakness and to define individual learning styles. The low student-teacher ratio will help facilitate this individualized attention. Individual learning goals will be set and a plan will be developed which allows for the presentation of new material and concepts in a way most likely to reach the learner. The plan will encourage the learner to capitalize on strengths and shore up areas of weakness thereby increasing student achievement and success.

The previously described practices of low student-teacher ratio, ongoing teacher evaluation in addition to California Content Standardized testing as per California Education Code Section 47605(b)(5)(C) are designed to support all students including those not meeting desired outcomes. These standards include the subject fields of Language Arts, Mathematics, Science, History/Social Science and Physical Education. Further support for students not meeting desired outcomes may include intervention programs beyond the classroom such as cross-age tutoring, Read Naturally, student study teams, and I Can Read and I Can Count Clubs.

Through a program incorporating class size reduction (CSR), increased staff-student interaction, individualized instruction, and ongoing formal and informal assessments, faculty at the School will be able to know and meet the learning styles and needs of each child in the School. Amongst other benefits, CSR has been shown to increase test scores and reduce bullying (Reference: http://www.asu.edu/educ/epsl/EPRU/documents/EPSL-0309-110-EPRU.doc and "The Bully Free Classroom", Allan L. Beane, PhD, Free Spirit Press, Minneapolis MN, 2004, http://www.classize.org/techreport/CSRYear4_final.pdf)

The School's goal that each child will reach grade-level reading benchmarks as described in the California English-Language Arts Content Standards each year beginning in kindergarten is based in part on the California Reading and Literature Project (CRLP) of 1999, from the University of California at San Diego. According to the CRLP, "teachers have the primary responsibility for teaching young children to read, and that literacy programs, books in the classroom, and reading assessments are only tools. Nothing replaces a knowledgeable, reflective teacher who cares enough about students to ensure that all of them learn to read." The slogan of CRLP, "Every Child a Reader, Every Child by Name," is more than a slogan: it is a key to the School's philosophy. (Reference: http://csmp.ucop.edu/crlp/index.php)

At Risk Students

At LVCS, low-achieving students are those who fall below the 50th percentile on the adopted standardized test and/or fall below learning behavior, language acquisition and fine and gross motor skills in comparison with their peer group. At LVCS at-risk students are students who achieve at or below the 40th percentile on adopted state tests who may or may not qualify for special education services, and whose achievement potential is not being realized.

The whole structure of the LVCS curriculum and the instructional strategies outlined here are designed to maximize the learning opportunities of low-achieving and at-risk students. Low-achieving and at-risk students are thoroughly integrated into the entire student body at the school and participate fully in all aspects of the curriculum.

Particularly important at LVCS is the emphasis on cooperative learning in flexible groups. By working closely with students at all ability levels, low-achieving and at-risk students gain new knowledge, learn new strategies for solving problems, and develop new perspectives on the value of learning. By working with other students who value academic progress, low-achieving and at-risk students are motivated to work harder and develop a feeling of personal responsibility for their own learning. Finally, working in flexible groups helps all students to realize that everyone has unique skills and abilities that are needed to solve problems. This awareness raises low-achieving students' self-esteem and perceptions of their own competence, and increases their positive attitudes toward school, learning and success.

Parents of at-risk or low achieving students shall be contacted and included in the development of strategies to meet the specific needs of the student. Further support for such students may include intervention programs beyond the classroom, such as cross-age tutoring, Read Naturally, student study teams, and I Can Read and I Can Count Clubs. **Appendix D** provides strategies and outcomes for at-risk students.

Students Achieving Above Grade Level

Many students at the Livermore Valley Charter School demonstrate an ability to achieve beyond grade level. Accordingly, the Livermore Valley Charter School is committed to providing these students with opportunities to study the core curriculum in-depth and at an accelerated pace, allowing for novelty in student outcomes and emphasizing higher level thinking skills. Students will be identified for participation in the GATE program in grades 3-5.

Students who participate in the Livermore Valley Charter School GATE program will be clustered in academic peer groups in each class with flexible academic groupings and specialized programs used as needed. Teachers receiving GATE students will provide a qualitatively differentiated curriculum according to California State guidelines. **Appendix E** provides GATE program goals and outcomes.

English Language Learners

The School shall serve English Language Learners ("ELL") at the school site through a sheltered English immersion program. Under this program the student is enrolled in a regular class and receives supplementary instruction in order to learn English. The School shall comply with all applicable federal law in regard to services and the education of English Language Learner ("ELL") students. The School shall develop and implement, and maintain policies and procedures for the provision of services to ELL students in accordance with guidance published by the Office of Civil Rights of the U.S. Department of Education. At a minimum these policies and procedures shall ensure the following:

- Identify students who need assistance including the use of a home language survey and mandatory CELDT testing as required by law.
- Develop a program, which, in the view of experts in the field, has a reasonable chance for success.
- Ensure that necessary, appropriately credentialed staff, curricular materials, and facilities are in place and used properly.
- Develop appropriate evaluation standards, including program exit criteria, for measuring the progress of students; and assess the success of the program and modify it where needed.

SPECIAL EDUCATION STUDENTS AND STUDENTS WITH DISABILITIES

The School shall comply with all applicable state and federal laws in serving students with disabilities including but not limited to Section 504 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities in Education Act ("IDEA").

The Charter School agrees to adhere to the policies, procedures and requirements of the Local Plan for Special Education in which it is a member LEA or a public school of a member LEA.

Section 504 /ADA

The School shall be solely responsible for its compliance with Section 504 and the ADA. All facilities of the School shall be accessible for all students with disabilities in accordance with the ADA.

Further, the School will adopt a policy, which outlines the requirements for identifying and serving students with a 504 accommodation plan. The School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student who has an objectively identified disability, which substantially limits a major life activity such as learning, is eligible for accommodation by the School.

A 504 team will be assembled by the site administrator and shall include qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options and the legal requirements for least restrictive environment. The 504 team will review the student's existing records, including academic, social and behavioral records and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team who will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team will consider the following information in its evaluation:

a. Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.

b. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligent quotient.

c. Tests are selected and administered so as to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure rather than reflecting the student's impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and noticed in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEA, a referral for special education assessment will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations are needed to ensure that the student receives the free and appropriate public education ("FAPE"). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the School's professional staff. The parent or guardian shall be invited to participate in 504 team meetings where program modifications for the student will be determined and shall be given an opportunity to examine in advance all relevant records.

The 504 Plan shall describe the Section 504 disability and any program modification that may be necessary. In considering the 504 Plan, a student with a disability requiring program modification shall be placed in the regular program of the School along with those students who are not disabled to the extent appropriate to the individual needs of the student with a disability.

All 504 team participants, parents, and guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, continued eligibility or readiness to discontinue the 504 Plan.

Services for Students under the "IDEA"

The Charter School has two options with regard to special education services for students under the IDEA. The first option is ~~intends~~ to function as a public school of a school district ~~the District~~~~County~~ for purposes of providing special education and related services under the IDEA pursuant to Education Code Section 47641(b). This option is preferred by the Charter School but can only be achieved through an agreement of a school district. Thus far, the Charter School has

sent out proposals to the Livermore Valley Joint Unified School District and the Tracy Unified School District. These districts were chosen because of the proximity to the proposed charter school, and because it is likely that the majority of the students at the charter school will reside in these districts. If these options fail, other districts will be contacted as well. Under this option, ~~T~~the Charter School shall seek~~s~~ services from the school district~~DistrictCounty~~ for special education students in the same manner as is provided to students in other ~~DistrictCounty~~ schools of the district. If the school district ~~DistrictCounty~~ is unable to provide such services, but will allow the School to operate as a public school of the district for special education purposes, the Charter School shall continue to function~~s~~ as a public school of the district~~DistrictCounty~~, but shall provide special education services internally and/or through a contract with ~~but may seek out special education services through a contract with the County Office of Education, as available, or~~ a third-party, licensed contract service provider such as Total Education Solutions.

Under a second opinion, the Charter School may act as a local education agency for the purposes of special education. The Director of the Tri-Valley SELPA, Mr. Kent Renzwalli has been contacted regarding this option. This SELPA serves the area in which the Charter School will be located. The SELPA policy requires an application by January of the school year preceding the school year in which the Charter School anticipates operating as an LEA. If the first option fails, a timely application will be filed with the Tri-Valley SELPA, and other SELPAs will be explored for membership as well.

Under either option, the students of the Charter School will be identified, referred, assessed, and served in compliance with the IDEA and part 30 of the Education Code and the implementing regulations of both. The School's draft policy regarding services for individual with exceptional needs is attached as State Board Exhibit A. This policy will be adapted as necessary to meet any requirements of the school district in which the Charter School acts as a public school for special education purposes or of the SELPA in which the Charter School acts as an LEA.

~~The Charter School shall follow the DistrictCounty's policies and procedures in seeking out and identifying students who qualify for special education programs and services.~~

~~We would anticipate that a special education agreement would be developed between the DistrictCounty and the Charter School which spells out in detail the responsibilities for provision of special education services and the manner in which special education funding will flow to the students of the School. We envision an ideal relationship for special education to follow the language and intent of Education Code Section 47646 as follows:~~

~~The DistrictCounty retains the special education funds for the students of the Charter School. The DistrictCounty provides services to the students of the Charter School. The Charter School pays a pro-rata share of the overall DistrictCounty encroachment for special education. This method of funding and services is very common throughout the state. However, LVCS is open to discussions with the DistrictCounty regarding any reasonable alternatives to this arrangement.~~

~~After its first year of operations, the school shall have the right to pursue independent local education agency (LEA) and/or special education local plan area (SELPA) status pursuant to Education Code Section 47641(a) and the LVJUSDCounty shall not hinder or otherwise impede the effects of the school to do so. In the event that the school opts not to establish independent LEA and/or SELPA status, it shall remain an arm of the LVJUSDCounty for special education purposes as required by Education Code Section 47641(b), and shall continue to receive funding and services pursuant to the terms of this section and annual agreement. The Charter School recognizes that special education funding to County Office of Education does not typically flow in the same manner as funding for charter granting school districts; and that the law does not specify how a County Office should address those differences in funding. Accordingly, the Charter School agrees to work in good faith with the County Office of Education to ensure that an agreement is reached to meet the needs of both Parties.~~

B. MEASURABLE PUPIL OUTCOMES

"The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program."

- California Education Code Section 47605(b)(5)(B)

LVCS outcomes are meant to align with the mission, curriculum and assessment of LVCS. Students will demonstrate the following core academic and lifelong learning skills, which have been developed to align with the California State Curriculum Standards in a manner appropriate to age or grade-level mastery:

Core Academic Skills (appropriate age or grade-level mastery of)

The California state standards will be used as a foundation to build curriculum and guide instruction. Students shall meet or exceed California State content and performance standards as fully delineated in **Appendix F** in the areas of English-Language Arts, Science, History-Social Science, and Math. LVCS will expand upon the state standards as listed below.

English-Language Arts

- Strong reading, writing, listening, speaking, and presentation skills, in multiple forms of expression which may include poetry, biographies, stories, non-fiction, and plays, which will enable them to comprehend and interpret multiple forms of expression, including literature from various time periods and cultures.

Science

- The understanding and application of the major concepts underlying the various branches of science, which may include physics, biology, chemistry, ecology, astronomy and earth sciences aligning with State Standards. This knowledge will enable students to make informed decisions in an increasingly technological world.

History/Social Sciences

- An understanding of civics, history, geography, cultures and languages so they can apply their knowledge and be responsible citizens of the 21st century.

Mathematics

- The ability to reason logically, and to understand and apply mathematical processes and concepts to solve problems requiring basic mathematics, algebra, geometry, statistics, and other math disciplines. These problem-solving skills will be integrated into other disciplines.

Lifelong Learning Skills

Students shall develop skills that will enable them to pursue their own path of learning throughout their adult lives in becoming self-motivated, competent and lifelong learners, including the following California Challenge Standards and enrichments:

Study Skills

- Proficient study skills and habits including note taking, library research skills, and studying strategies.
- The ability to reflect on and evaluate one's own and other's learning.
- The ability to plan, initiate and complete a project, including goal setting and self-assessment

Cognitive Processing Abilities

- Cognitive processing abilities using complex and critical thinking skills.
- The ability to identify, access, integrate and use available resources and information.
- The ability to reason, make sound decisions, problem solve and analyze in a variety of contexts.
- The ability to articulate their thought processes.

Technology

- Skills from a variety of technological sources for the purpose of research, analysis, communication, organization and self-expression. Ability to utilize computers and commonly used software applications.

Foreign Languages Skills

- A foundation in a language other than English.
- A knowledge and understanding of other cultures.
- An ability to function with people from other cultures or to participate in multilingual communities.

Visual and Performing Art Skills

- Knowledge of skills to express ideas and emotions through participation in various forms of the visual and performing arts which may include music, theatre, dance, the two and three dimensional arts, puppetry and applied arts.

Health Science/Physical Fitness

- Knowledge of pertinent issues of health, safety and the development of behaviors that are a foundation of lifelong healthy living.

Social/Interpersonal Skills

- The ability to make responsible decisions, build self-esteem, and be a productive member of an increasingly diverse and technological society.
- The ability to communicate clearly through oral, written, visual and other forms of expression.
- The ability to engage in responsible, compassionate peer relationships.
- The ability to collaborate and work effectively with others in cooperative groups.

LVCS shall break down these outcomes into specific grade level and classroom specific benchmark skills. LVCS shall continue to examine and refine student outcomes and performance goals over time to reflect the School's mission, curriculum and assessments and any changes to state standards.

- The School shall strive to increase the number of students performing in the upper quartile range of mandated standardized tests by 1% in each of the subject areas in each year of this charter.
- The School's goal is to increase standardized test scores for at-risk students by 5% in each subject area each year. The School shall strive for 75% of the students' grades K-5 to rate a 3 or 4 (meets or exceeds standards) on the grading rubric (See example Rubric in **Appendix G**) in the core curricular areas each grading period.
- LVCS shall strive to meet its annual API growth target and AYP each year.
- LVCS shall strive for student attendance of at least 96.5%.

C. METHODS TO ASSESS PUPIL PROGRESS TOWARDS MEETING OUTCOMES

"The method by which pupil progress in meeting those pupil outcomes is to be measured."
- California Education Code Section 47605(b)(5)(C)

Pupil progress toward meeting the Student Outcomes shall be measured by state mandated annual standardized assessments. Standardized assessments allow us to compare our students' performance with the rest of the state. In the absence of a State Mandated test, the School may administer another nationally, standardized test. In addition, the school may provide internal learning performance accountability documentation.

This internal documentation may include, but is not limited to, Individual Education Plan (IEP) goals, Consortium on Reading Excellence (CORE), Accelerated Reader/STAR Reading, Piagetian developmental assessments, Math Their Way assessments, STAR Math, and other methods by which student progress may be assessed.

Student progress towards skill mastery will be documented three times yearly in standard-based report cards that mirror the LVJUSD elementary report card**.** Parent teacher conferences will be held at least once per school year and more often on an as-needed basis. Teachers will share students' academic, social, emotional, and physical progress with parents. Upper grade students will be given the opportunity to participate in conferences to reinforce their participation in the learning process. The table below outlines pupil outcomes, benchmarks instruments and assessments.

Measurable pupil outcomes	Local Benchmark Instruments	State-level Year-end assessments
Achieve rating of 3 or 4 and/or A or B (per academic rubric) on the state content standards each year in its core subjects.	Student progress records, portfolios, locally developed/adopted content and skill assessment instruments	Current state accountability measures: for example, STAR/CAT6, writing assessments
Students will meet or exceed grade level standards each academic year, as evidenced by scores on the STAR/CAT 6 exam.	Practice sheets as needed	Current state accountability measures: for example, STAR/CAT6, writing assessments
At least 96.5% student attendance	Daily attendance reporting	Calculated ADA rate
Maintain or exceed the Academic Performance Index of the LVJUSD average Academic performance index	Annual growth targets	Current state accountability measures: for example, STAR/CAT6, writing assessments
Incorporated State Challenge program into the Life Skills curriculum	Challenge Standards	Self-Evaluation, Writing Samples, IEP, Performance Assessment, Teacher Observation

Programmatic Report

The assessments are designed to align to the mission, exit outcomes, and the curriculum described in the charter. LVCS shall collect annual data from the assessments listed above and shall utilize the data to identify areas of necessary improvements in the educational program. The School shall develop an annual performance report based upon the data compiled. The report shall also include:

- Summary data showing student progress toward the goals and outcomes from assessment instruments and techniques as described in this section.

- An analysis of whether student performance is meeting the outcomes specified by this section. This data will be displayed on both a Charter school-wide basis and disaggregated by major racial and ethnic categories to the, extent feasible without compromising student confidentiality.

- A summary of major decisions and policies established by the Board during the year.

- Data on the level of parent involvement in the School's governance (and other aspects of the school, if applicable) and summary data from an annual parent and student satisfaction survey.

- Data regarding the number of staff working at the school and their qualifications.

- A copy of the school's health and safety policies and/or a summary of any major changes to those policies during the year.

- Information demonstrating whether the School implemented the means listed in charter to achieve a racially and ethnically balanced student population.

- An overview of the School's admissions practices during the year and data regarding the numbers of students enrolled, the number on waiting lists, and the numbers of students expelled and/or suspended.

- Analyses of the effectiveness of the School's internal and external dispute mechanisms and data on the number and resolution of disputes and complaints.

- Other information regarding the educational program and the administrative, legal and governance operations of the School relative to compliance with the terms of the charter generally.

The School and ~~District~~the ~~County~~SBE will also jointly develop an annual site visitation process and protocol to enable the grantor to gather information needed to confirm the school's performance and compliance with the terms of this charter.

The ~~District~~~~County~~SBE agrees to receive and review the annual programmatic report. ~~Within two months of receipt of this annual review, the charter-granting agency must~~The SBE may notify the Board of the school as to whether it considers the school to be making satisfactory progress relative to the goals specified in this charter.~~ This annual notification will include the specific reasons for the charter-granting agency's conclusions.~~

D. GOVERNANCE STRUCTURE

"The governance structure of the school including, but not limited to, the process to be followed by the school to ensure parental involvement."

- California Education Code Section 47605(b)(5)(D)

Legal Status

LVCS has constituted itself as a California non-profit public benefit corporation pursuant to California law and has applied for 501(c)(3) status. The School shall be governed pursuant to its Bylaws adopted, as subsequently amended from time to time, which shall be consistent with this charter.

The School shall operate autonomously from the ~~LVJUSD~~~~County~~SBE, with the exception of the supervisory oversight and special educations services as required by statute. Pursuant to the Education Code Section 47604(c), the ~~LVJUSD~~~~County~~SBE shall not be liable for the debts and obligations of the School, operated as a California non-profit benefit corporation or for claims arising from the performance of acts, errors, or omissions by the charter school as long as the ~~District~~~~County~~SBE has complied with all oversight responsibilities required by law.

Board of Directors

The School will be governed by a Board of Directors (the "Board"). The Board shall be ultimately responsible for the operation and activities of the School. Board Members have a responsibility to solicit input from, and opinions of, the parents of students, the faculty and staff, regarding issues of significance and to weigh the input and opinions carefully before taking action. The primary method for executing their responsibilities is the adoption of policies that offer guidance and interpretation of the charter and procedures to assist the staff in facilitating the implementation of such policies. The Board consists of seven members who will govern LVCS. Each initial board member will serve a two-year term, with all subsequently elected members serving four-year terms

The Board's initial composition includes:

- Four parents and/or community members
- The Principal of the School
- Two Faculty Representatives
- In addition, ~~LVJUSD~~the ~~County~~SBE may select a representative to sit on the board as an *exofficio* (non-voting) member who facilities communication and mutual understanding between the school and the chartering authority.

The initial Board was approved by the chairpersons of the nine committees developing the charter petition document. All future appointments to the board will follow the nomination and election process outlined in the Bylaws. An additional four members will be added to the Board of Governance during the fall of the School's first year of operation, each serving a four-year term. The initial Board of Directors is:

Public and Community Members:	Lon Goldstein	Financial Consultant
	Tracey Luttrell	Attorney at Law
	Lauren Reed	Certified Public Accountant
	Lance Solomon	CPA/MBA
Faculty Representatives:	Muriel Burns	
	Laura Morgan	

The School's principal will join the board upon beginning his or her employment with the School. The chartering authority representative will be appointed to the Board upon approval of the charter petition and selection of that representative by the chartering authority.

The Board will meet on a regular basis (e.g., monthly). The responsibilities of the LVCS Board of Directors include but are not limited to:

- Uphold the mission and vision of the School
- Oversee the implementation of the charter
- Provide notice and hold meetings in compliance with the Brown Act.
- Create external or sub-committees as needed, including but not limited to, a nominating committee and an audit committee.
- Ensure compliance with applicable law such as the Public Records Act and policies such as Conflict of Interest.
- Approve all operational polices as well as work with the school's administration and faculty to implement such policies.
- Approve and monitor the school budget and the school's fiscal practices, including solicitation and receipt of grants and donations.
- Approve and monitor the instructional programs and materials.
- Approve personnel policies, and all hiring and dismissal of school personnel
- Approve and supervise student and parent policies including but not limited to, recruitment of staff, admissions, disciplinary policies including suspension and expulsion.
- Approve and monitor management of school liabilities, insurance, health, safety and risk-related matters.
- Approve all contracts and expenses in excess of 1% of the annual operating budget.

The board shall adopt policies and procedures regarding self-dealing and conflicts of interest. The Charter School Board of Directors may initiate and carry out any program or activity that is

not in conflict with or inconsistent with any law and which is not in conflict with the purposes for which charter schools are established. The Board may execute any powers delegated to it by law, and shall discharge any duty imposed by law upon it and may delegate to an employee of the School any of those duties. The Board, however, retains ultimate responsibility over the performance of those powers or duties so delegated.

Parent Participation

As the School is being established to serve the needs of the students and their families, it is anticipated that a Parent/Teacher Council ("PTC") will be established to facilitate communication among parents, teachers and the Board as well as promote cultural and social activities within the school community.

The PTC will:

- Serve as a forum for the discussion of matters of interest and concern to the parents of the School.
- Act as a communication channel between the parents and other individuals and groups, both within and outside the school community.
- Coordinate and sponsor committees, clubs and other activities that enhance the intrinsic value of the School and contribute to the fulfillment of its mission. By their nature these committees will work with various bodies within the School, providing support activities as appropriate.
- Coordinate PTC fundraising activities, and oversee the allocation and disbursement of funds raised by the PTC.
- Report as needed to the Board of Directors at the regularly conducted board meetings.

E. EMPLOYEE QUALIFICATIONS

"The qualifications to be met by individuals to be employed by the school."
- California Education Code Section 47605(b)(5)(E)

LVCS shall recruit professional, effective and qualified personnel for all administrative, instructional, instructional support, and non-instructional support capacities that believe in the instructional philosophy outlined in its vision statement. In accordance with Education Code 47605(d)1, LVCS shall be nonsectarian in its employment practices and all other operations. The School shall not discriminate against any individual (employee or pupil) on the basis of ethnicity, national origin, gender or disability.

All employees should possess the personal characteristics, knowledge base and/or relevant experiences in the responsibilities and qualifications identified in the posted job description as determined by the School.

Principal

The Principal supervises the campus teachers and non-instructional staff. The Principal shall act as the instructional leader at the School and shall be responsible for helping the School students achieve outcomes as outlined in the Educational Program.

Candidates for this position will possess:

- Excellent communication and community-building skills
- Administrative experience
- Extensive knowledge of curriculum development
- A record of success in developing teachers
- Experience in performance assessment

This individual must meet all of the following minimum requirements:

- Valid California Administrative Credential
- Valid California Elementary Teaching Credential
- Possession of a Master's Degree or higher

Teachers

The School shall comply with Education Code Section 47605(l), which states in pertinent part:

> "Teachers in charter schools shall be required to hold a Commission on Teacher Credentialing certificate, permit or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to non-core, non-college preparatory courses."

Core Teaching Faculty, as providers of the day-to-day teaching and guidance to the students, are the primary resources of the School. In a school culture that promotes academic rigor and success for all students grade level core teachers are responsible for, but not limited to:

- Core subject instruction in mathematics, language arts, science and history/social studies
- Curriculum planning
- Collaboration with fellow faculty and administrators
- Student assessment
- Communication with parents

Candidates for these positions will possess:

- A commitment to students and learning
- Knowledge about their subject material
- A willingness to be innovative and dynamic in their instruction methods

These individuals must meet all of the following minimum requirements:

- Bachelor's Degree
- Valid California Elementary Teaching Credential and appropriate supplemental credential if required.

Additionally, core teachers, as defined by the No Child Left Behind Act, shall meet the applicable definitions of the highly qualified requirements.

Educators providing specialized learning opportunities, including options for physical education, fine and performing arts, foreign language are required to hold a teaching credential and must have subject matter expertise, professional experience and the demonstrated ability to engage

learner's participation in the educational process as determined by the School and meet any applicable requirements of the NCLB.

All employees shall be fingerprinted and shall successfully pass all required Department of Justice/Federal Bureau of Investigations and LiveScan™ checks and undergo background checks that provide for the health and safety of the School's faculty, staff and students.

In accordance with applicable law, the LVCS reserves the right to recruit, interview and hire anyone at anytime who has the best qualifications to fill any of its positions vacancies.

F. HEALTH AND SAFETY PROCEDURES

"The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237."

- California Education Code Section 47605(b)(5)(F)

In accordance with California Education Code (EC) Section 35294, the LVCS will develop, adopt, and fully implement a comprehensive set of policies and procedures that will serve to ensure the health and safety of pupils and staff. These policies will be enacted prior to the opening of the school and will be incorporated into the school's staff, student, and volunteer handbooks. Expertise of the insurance carrier's loss-control personnel, safety professionals, and industrial hygiene specialists and the ~~District~~~~County~~SBE will be drawn upon in the development and implementation of this comprehensive integrated risk management program in accordance with all applicable provisions of law. These policies will be reviewed and updated as required in response to any change in conditions or operations that may affect the health and safety of students and staff.

Our policies and procedures will include, but are not limited to, the following:

- A requirement that each employee of the School submits to a criminal background check and furnishes a criminal record summary as required by EC 44237.
- A requirement that each campus volunteer at the School submits to background screening. A volunteer is defined as an individual working under the direction of a paid School employee to provide a service without compensation on campus while working with or around children.
- A requirement that all employees and volunteers undergo TB screening
- A policy that the School will be housed in facilities that have received state fire marshal approval and that have been evaluated by a qualified structural engineer who has determined that the facilities present no substantial seismic safety hazard.
- Policies and procedures for a coordinated response to natural disasters and emergencies, including fires and earthquakes.
- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required for enrollment in California Public Schools.
- Policies relating to the administration of prescription drugs and other medication.
- Policies that will foster a drug and alcohol and tobacco free environment.
- A requirement that instructional and administrative staff receive training on emergency and first aid response.

The School may create additional policies and procedures as the need occurs and to stay in compliance with changes to local, state and federal laws and regulations. Attached as **Appendix H**, please find a draft of health and safety policies to be considered by the LVCS Board.

G. MEANS TO ACHIEVE RACIAL/ETHNIC BALANCE REFLECTIVE OF DISTRICT

"The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted."

- California Education Code Section 47605(b)(5)(G)

LVCS will implement a strategy that includes, but is not necessarily limited to, the following elements or strategies which focus on achieving and maintaining a racial and ethnic balance among students that is reflective of the general population residing within the territorial jurisdiction of the LVJUSD including Spanish language materials:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based application process.
- The development and distribution of promotional and informational material that reaches out to all of the various racial and ethnic groups represented in the territorial jurisdiction of the LVJUSD.
- Outreach activities.

To date, outreach activities have included communications with 12 Livermore elementary schools, 25 preschools, 7 libraries/city facilities/public parks, and 86 local businesses. In addition, fliers were posted at 5 public streets and information was sent to and delivered via The Independent, Pleasanton Weekly, Tri-Valley Herald, The Valley Times, Pleasanton Local Channel 30, Livermore Local Channel 26, KPIX Channel 5, KKIQ Radio and KTVU (Channel 2).

Specific Outreach Efforts include:

February 2004

a. Thursday, February 12th, we held our initial community meeting at Arroyo Mocho to inform the community about the charter school project and to gauge community interest. The audience asked many questions about charter schools in general and the project in particular. Several people asked how they could become involved immediately. The official attendance figure was
b. 354 people. We had over 120 people sign up for various committees.
c. Saturday, February 14th, the committees met for the first time and began their process of organizing themselves, appointing co-chairs and setting up future meeting dates.
d. Thursday, February 26th we held our second community meeting. 4000 flyers in English and Spanish were distributed to all Livermore Schools, Preschools and posted throughout the Livermore community. There were 217 in attendance and four new committees were formed. Spanish interpreters were available to answer any questions.

March 2004

a. During the petition signing process information and interpreters were available.
b. The second community meeting was broadcasted to the local community on March 8, 9 and 10

As part of outreach to Spanish speakers, LVCS provided:

a. Flyers in both English and Spanish about upcoming Livermore Valley Charter School meetings
b. General information sheets, and other key documents, including the school vision and mission statement in Spanish
c. Information in Spanish on the Livermore Valley Charter School website
d. Spanish translators at all general charter team meetings

H. ADMISSION REQUIREMENTS

"Admission requirements, if applicable."

- California Education Code Section 47605(b)(5)(H)

LVCS shall strive, through recruitment and admissions practices, to achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the LVJUSD. Students shall be considered for admission without regard to ethnicity, national origin, gender, disability or sexual orientation.

The School shall strive to achieve a student population from the Livermore area who understand and value the School's mission and vision statements and are committed to the School's instructional and operational philosophy. Students who are currently under an expulsion from a public school may not enroll in the School until the expulsion term has been documented as completed, and the student completes the rehabilitation plan created by the former school or as created by LVCS on behalf of the student.

LVCS shall admit all students who wish to enroll in the School subject only to capacity. Preference for enrollment shall be given in order of priority according to LVCS policy as follows:

1) Students returning from the previous year
2) Siblings of currently enrolled students
3) Children of Founding Families (An LVCS Founding Family is defined as parents or guardians who complete a combined total of 150 documented hours of volunteer time towards the establishment of the School. This time must be completed no later than 3 weeks prior to the initial lottery drawing (date to be determined).)
4) Children of the paid staff of LVCS
5) Students on prior year's waitlist
6) Residents of areas served by the LVJUSD
7) Other California residents

With the exception of the initial year, open enrollment shall occur on or about January 2nd through February 28th. If more students apply than can be admitted in accordance with Education Code Section 47605(d), a public random drawing shall be held the second Wednesday in March to select students for admission and the waiting list. Existing students returning for the following year will be guaranteed admission and will not be a part of a public random drawing.

When a drawing is necessary after an enrollment period has ended, it shall be conducted in accordance with the preference groups established herein, beginning with a drawing for all applicants who are members of the highest preference group that cannot be entirely accommodated within the available vacancies. A waiting list of applicants at each grade level shall be maintained to fill vacancies that occur during the school year. Applicants who were

waitlisted in the previous year will be given preference within their numbered priority group in a subsequent year's lottery.

Admission to LVCS requires a commitment from both students and parents, to the mission and vision of the School as set forth in the Charter. Prior to admission, all parents or guardians shall be required to complete an application packet and sign an agreement indicating they understand the School's philosophy, program, and volunteer policy.

I. FINANCIAL AUDIT

"The manner in which an annual, independent, financial audit shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority."

- California Education Code Section 47605(b)(5)(I)

The LVCS Board shall appoint an Audit Committee, which shall select an independent financial auditor and oversee audit requirements.

An annual audit of the books and records of LVCS shall be conducted as required under the Charter Schools Act, section 47605(b)(5)(I). The books and records of the School shall be kept in accordance with generally accepted accounting principles, and as required by applicable law and the audit shall employ generally accepted accounting procedures.

The Audit Committee shall select an independent auditor. The auditor shall have, at a minimum, a CPA and educational institution audit experience. To the extent required under applicable federal law, the audit scope shall be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

It is anticipated that the annual audit will be completed within four months of the close of the fiscal year and that a copy of the auditor's findings will be forwarded to the ~~LVJUSD~~, Alameda County Superintendent of Schools, SBE, the State Controller, and to the CDE by December 15th each year. The School's Principal along with the audit committee will review any audit exceptions or deficiencies and report to the School's Board with recommendations on how to resolve them. The School Board will submit a report to ~~LVJUSD~~the ~~County~~SBE -describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the ~~District~~~~County~~SBE. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process referenced in Section N of this Charter.

J. PUPIL SUSPENSION AND EXPULSION

"The procedures by which pupils can be suspended or expelled."

- California Education Code Section 47605(b)(5)(J)

The School acknowledges the responsibility of each student, parent, volunteer, faculty, staff and administrator to contribute to the wellbeing of the community by demonstrating responsibility and accountability for individual and group actions. It is the School's goal to enhance the quality of relationships, the quality of learning, and the quality of the community through shared responsibility. Attached as **Appendix I**, please find the procedures by which students can be suspended or expelled.

K. RETIREMENT SYSTEM

"The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security."

- California Education Code Section 47605(b)(5)(K)

All full-time employees of the Charter School shall participate in a qualified retirement plan including but not limited to State Teachers Retirement System ("STRS"), Public Employees Retirement System ("PERS") the federal social security system, or other alternate qualified plans as applicable to their position. All part-time staff will participate in the federal social security system. Staff at the charter school may have access to other school sponsored retirement plans according to policies developed by the board of directors and adopted as the school's employee policies.

L. ATTENDANCE ALTERNATIVES

"The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools."

- California Education Code Section 47605(b)(5)(L)

Students who opt not to attend the LVCS may attend school district of residence schools or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of their district or county of residence. Parents or guardians of each pupil enrolled in the Charter School shall be informed that the pupil(s) has no right to admission in a particular school of any local educational agency (or program of any local education agency) as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

M. DESCRIPTION OF EMPLOYEE RIGHTS

"A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school and of any rights of return to the school district after employment at a charter school."

- California Education Code Section 47605(b)(5)(M)

Any current ~~LVJUSD~~school district employees who resigns their position with the ~~LVJUSD~~school district to become an employee of the School and is reemployed within 39 months shall be restored disregarding the break in service, as per California Education Code 44931, listed below:

> **California Education Code 44931.** Whenever any certificated employee of any school district who, at the time of his or her resignation, was classified as permanent, is reemployed within 39 months after his or her last day of paid service, the governing board of the district shall, disregarding the break in service, classify him or her as, and restore to him or her all of the rights, benefits and burdens of, a permanent employee, except as otherwise provided in this code. However, time spent in active military service, as defined in Section 44800, subsequent to the last day of paid service shall not count as part of the aforesaid 39-month period.

All employees of LVCS shall be considered the exclusive employees of LVCS and not ~~LVJUSD~~any school district or the ~~County~~SBE unless otherwise mutually agreed in writing. Sick or vacation leave or years of service credit at the ~~County~~SBE or any school district shall not be transferred to LVCS.

A former employee of any school district shall have the following rights:

- Any rights upon leaving the employment of a local education agency to work in the Charter School that the local education agency may specify.
- Any rights of return to employment in a local education agency after employment in the Charter School as the local education agency may specify.
- Any other rights upon leaving employment to work in the Charter School and any rights to return to a previous employer after working in the Charter School that the State Board of Education determines to be reasonable and not in conflict with any provisions of law that apply to the Charter School or to the employer from which the employee comes to the Charter School or to which the employee returns from the Charter School.

As provided in Section O of this charter, LVCS shall be the exclusive public school employer for purposes of the Educational Employment Relations Act ("EERA"). Thus, the collective bargaining contracts of ~~LVJUSD~~local school districts shall not be controlling.

N. DISPUTE RESOLUTION PROCESS, OVERSIGHT, REPORTING AND RENEWAL

"The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter."

- California Education Code Section 47605(b)(5)(N)

Intent

The intent of this dispute resolution process is to (1) resolve disputes within the school pursuant to the school's policies, (2) minimize the oversight burden on the ~~LVJUSD~~~~County~~SBE, and (3) ensure a fair and timely resolution to disputes~~, and (4) frame a charter oversight and renewal process and timeline to avoid disputes regarding oversight and renewal matters~~.

~~**Public Comments**~~

~~The staff and governing board members of the charter school and LVJUSDthe County agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this section. All parties shall refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.~~

Disputes Arising From Within the School

Disputes arising from within the school, including all disputes among and between students, staff, parents, volunteers, advisors, partner organizations and governing board members of the school, shall be resolved pursuant to policies and processes developed by the school.

~~LVJUSDThe County shall not intervene in any such internal disputes without the consent of the governing board of the charter school and shall refer any complaints or reports regarding such disputes to the governing board or the director of the charter school for resolution pursuant to the charter school's polices. LVJUSDThe County agrees not to intervene or become involved in an internal dispute unless the dispute has given LVJUSD the County reasonable cause to believe that a violation of this charter or related laws or agreements or issues of student health or safety have occurred, or unless the governing board of the School has requested the LVJUSDCounty to intervene in the dispute.~~

Disputes Between the Charter School and the ~~Chartering Authority~~State Board of Education

In the event of a dispute between the Charter School and ~~LVJUSD~~the ~~County~~SBE ~~District~~, the staff and Board members of the School shall follow the following dispute resolution procedure or a dispute resolution procedure as determined necessary and appropriate by the State Board of Education in recognition that the SBE is not an LEA. It is understood that the State Board may choose to resolve a dispute directly instead of the dispute resolution process specified in the

charter and t~~T~~he ~~County~~SBE ~~District~~ agree to first frame the issue in written format and refer the issue to the ~~s~~Superintendent of the ~~District~~~~County~~SBE and the Principal of the School. In the event that the ~~District~~~~County~~SBE believes that the dispute relates to an issue that could lead to revocation of the charter under Education Code Section 47607 or 47604.5, this shall be specifically noted in the written dispute statement. If the substance of the dispute is a matter that could result in the taking of appropriate action, including, but not limited to revocation of the charter in accordance with Education Code Section 47607 or 47604.5, the matter will be addressed at the State Board of Education's discretion in accordance with that provision of law and any regulation pertaining thereto.

The Principal and appointed SBE representative ~~superintendent~~ shall informally meet and confer in a timely fashion to attempt to resolve the dispute. In the event that this informal meeting fails to resolve the dispute, ~~both parties shall identify two members from their respective Boards who shall jointly meet with the Superintendent of the District~~~~County~~ ~~and the Principal of the Charter School and attempt to resolve the dispute. If this joint meeting fails to resolve the dispute,~~ the SBE representative ~~Superintendent~~ and Principal shall meet to jointly identify a neutral, third party mediator. Mediation shall occur before a mutually agreeable mediator who is skilled in the interest-based approach to mediating disputes in the public school setting. The format of the mediation session shall be developed jointly by the SBE representative ~~Superintendent~~ and the Principal, and shall incorporate informal rules of evidence and procedure unless both parties agree otherwise. Any recommendations of the mediator shall be non-binding, unless the Board of the School and the ~~District~~~~County~~SBE jointly agree to bind themselves.

~~If LVJUSD~~~~the County~~ ~~believes that the dispute could lead to revocation of this charter pursuant to Education Code Section 47607, the LVJUSD~~~~County~~ ~~agrees to notify the Board in writing, noting the specific reasons for which the charter may be revoked, and grant the School reasonable time to respond to the notice and take appropriate corrective actions, unless the District~~~~County~~ ~~Board determines, in writing, that an imminent threat to pupil health and safety exists.~~

O. LABOR RELATIONS

"A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act"

- California Education Code Section 47605(b)(5)(O)

The Charter School shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of EERA.

Persons employed by the Charter School are not considered employees of ~~LVJUSD~~the ~~County~~SBE for any purposes whatsoever. LVCS maintains full responsibility and liability for hiring and retention purposes for all employees of the school.

P. AGREED PROCESS ON CLOSURE OF SCHOOL

"A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the school, including plans for disposing of any net assets and for maintenance and transfer of pupil records."

- California Education Code Section 47605(b)(5)(P)

The following procedures shall apply in the event the charter school closes. The following procedures apply regardless of the reason for closure.

Closure of the School shall be documented by official action of the Board of LVCS. The action shall identify the reason for closure. The LVCS Board shall promptly notify ~~LVJUSD~~the ~~County~~SBE, within 10 business days, of the closure and the effective date of the closure.

The LVCS Board shall ensure notification to the parents and students of the school of the closure and to provide information to assist parents and students in locating suitable alternative programs. This notice shall be provided promptly, within 10 business days following the LVCS Board's decision to close the school. As applicable, the school shall transfer all appropriate student records to either LVJUSD or the Alameda County Office of Education or if both are unwilling to store such records back to the student's district of residence ~~the LVJUSD~~~~County~~ and shall otherwise assist students in transferring to their next school. All transfers of student records shall be made in compliance with the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g.

As soon as reasonably practical, the school shall prepare final financial records. The school shall also have an independent audit completed as soon as reasonably practical, which period is generally no more than six months after closure. The school shall pay for the final audit. The audit shall be prepared by a qualified Certified Public Accountant selected by the school and shall be provided to ~~LVJUSD~~the ~~County~~SBE promptly upon completion.

On closure of the school, all assets of the school, including but not limited to all leaseholds, tangible and intangible personal property and all ADA apportionments and other revenues generated by students attending the school, remain the sole property of the LVCS and shall be distributed in accordance with the School's articles of incorporation and applicable law upon dissolution of the School. On closure, the School shall remain responsible for satisfaction of all liabilities arising from the operation of the school.

As the School is organized as a nonprofit public benefit corporation under California law, the LVCS Board shall follow the provisions set forth in the California Corporations Code for the dissolution of a nonprofit public benefit corporation, and shall file all necessary filings with the appropriate state and federal agencies.

Additional Information

Amendments

The Board may propose amendments to this charter for approval by the Chartering Authority. Material revisions and amendments shall be made pursuant to the standards, criteria, and timelines in Education Code Section 47605.

Appendix A - Attendance Policy

Allowed Absences

A pupil shall be excused from school when the absence is: (1) due to his/her illness; (2) due to quarantine under the direction of a county or city health officer; (3) for the purpose of having medical, dental, optometrical, or chiropractic services rendered; (4) for the purpose of attending the funeral services of a member of his/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 holiday or ceremony of his/her religion, attendance at religious retreats, or attendance at an employment conference, when the pupil's absence has been 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 pursuant to Section 12302 of the Elections Code.

A pupil absent from school under this section 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 therefore. The teacher of any class from which a pupil is absent shall determine that the tests and assignments be reasonably equivalent to, but not necessarily identical to the tests and assignments that the pupil missed during the absence.

For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

Note: Effective July 1, 1998, school districts will no longer receive funding from the state for pupils who have excused absences - illness, medical appointment, or attending funeral services for a member of the immediate family.

Appendix B – Sample Curriculum

Grades K-1 **Reading, Thinking, Writing Planning Map**

CRI Components	Standards	Benchmarks	Performance Descriptor(s)	Assessments Evidence of Mastery Products	Student Friendly Language I Can Statements	Common Focus Skills	Common Strategies	Common Learning Activities
Comprehension	Apply reading strategies to improve understanding and fluency.	Establish purposes for reading, make predictions, connect important ideas, and link text to previous experiences and knowledge.	Make predictions before reading and relate to personal experiences (e.g., illustrations, title). Discuss prior knowledge of topics and relate to the text before reading.	Picture-prediction chart on topic Concept web (letters, pictures, words)	*I can* tell what will happen before I read. *I can* tell about what I know and what I have done. *I can* use what I know to help me understand what I read.	Predicting Activating prior knowledge Making connections	Picture walk Guided reading Prediction chart Questioning Graphic organizer: Parts of a whole Think-aloud Questioning Text-to-self relationship	Have children dictate/write predictions based on selection title and pictures. Complete K of K-W-L chart. Model thinking about a topic before reading. Solicit ideas to complete a concept web. Have children write letters/words about the topic.
		Continuously check and clarify for understanding (e.g., reread, read ahead, use visual and context clues, ask questions, retell, use meaningful substitutions).	Ask questions to clarify understanding before, during, and after reading.	Question journal	I can ask questions to help me understand what I read.	Questioning	Think-aloud	Model the think-aloud strategy for children; write questions you ask yourself during reading. Group children in pairs to practice think-aloud, write questions, and read.

Grades K-1

Reading, Thinking, Writing Planning Map

CRI Components	Standards	Benchmarks	Performance Descriptor(s)	Assessments Evidence of Mastery Products	Student Friendly Language I Can Statements	Common Focus Skills	Common Strategies	Common Learning Activities
Comprehension	Apply reading strategies to improve understanding and fluency.	Establish purposes for reading, make predictions, connect important ideas, and link text to previous experiences and knowledge.	Make predictions before reading and relate to personal experiences (e.g., illustrations, title). Discuss prior knowledge of topics and relate to the text before reading.	Picture- prediction chart on topic Concept web (letters, pictures, words)	*I can* tell what will happen before I read. *I can* tell about what I know and what I have done. *I can* use what I know to help me understand what I read.	Predicting Activating prior knowledge Making connections	Picture walk Guided reading Prediction chart Questioning Graphic organizer: Parts of a whole Think-aloud Questioning Text-to-self relationship	Have children dictate/write predictions based on selection title and pictures. Complete K of K-W-L chart. Model thinking about a topic before reading. Solicit ideas to complete a concept web. Have children write letters/words about the topic.
		Continuously check and clarify for understanding (e.g., reread, read ahead, use visual and context clues, ask questions, retell, use meaningful substitutions).	Ask questions to clarify understanding before, during, and after reading.	Question journal	I can ask questions to help me understand what I read.	Questioning	Think-aloud	Model the think-aloud strategy for children; write questions you ask yourself during reading. Group children in pairs to practice think-aloud, write questions, and read.
	Comprehend a broad range of reading materials	Use information to form questions and verify predictions.	Ask questions to seek elaboration of illustrations or portions of text and to monitor comprehension (e.g., ask why a character would do something, ask for clarification of something).	5-W Chart	I can ask questions about pictures and words to help me understand what I read.	Understanding illustrations and features of non-fiction text	Think-aloud Shared Reading 5-W Chart	Complete 5-W Chart as a class

Appendix C – Day in the Life of a First Grade Student at LVCS

A typical day in the life of a first grade student at LVCS begins with a class meeting where students take roles as calendar person, weather person, days in school person, and class calendar person, in which students practice public speaking skills, reading skills, math skills, and take membership in a community of learners. Students may also participate in daily oral language and daily math activities. The students review the daily schedule with the teacher to anticipate their planned learning for the day.

Our Students then transition into math workshop, in which students could be working on hands-on manipulative-based math activities to support acquisition of the state standards or participating in co-operative learning groups to master problem solving skills, working with the state approved mathematics text, or practicing math facts on an individual level. Typically, the teacher would act as a facilitator by introducing the lesson, monitoring student progress in groups and individually, and leading a concluding discussion that ties together and cements student learning.

After a morning snack recess, our student would participate in a whole group phonics based lesson, in which phonemic awareness sound/spelling relationships, blending and dictation skills are practiced. Students could also participate in shared readings in which comprehension skills and reading strategies would be introduced and practiced. Students would then participate in literacy centers, in which students are grouped dynamically to achieve maximal students learning. Literacy centers could include guided reading groups with the teacher, journal or other writing tasks, spelling activities, phonemics awareness tasks, environmental print activities, literature listening centers with follow-up comprehension activities, independent reading at students individual levels, computer tasks, book projects, or activities pertaining to literary elements such as character, setting, plot or theme. Finally, students would participate in writer's workshop, which might begin with a mini-lesson on writing skills from capitalization and punctuation, to voice and revision. Students would then participate in individual writing, conference with the teacher on an as-ready basis. Conferencing would include editing, revision, and the development of individual writing goals, culminating in student publishing. Students might end writer's workshop by reading newly published stories in a Readers Theater Format.

After lunch and recess, our student's activities would vary on a daily basis; student might participate in a hands-on science lesson, a social studies lesson, a thematic lesson, art, music, foreign language, enrichment, library, technology, etc. These students could be taught in the self-contained classroom, in a rotation with age-level peers, in a multi-class, multi-age setting, or with specialists.

The day would end with a teacher read-aloud and independent silent reading time, followed by a "decision-time" in which students would self select activities. Students would have access to books, writing materials, building materials, art materials, math materials, imaginative play materials, etc., to choose from during decision time. This portion of the day is important, as

students are able to make personal choices about their own learning to interact with peers in a cooperative manner, and to explore new interests.

After school, our student could participate in a variety of extracurricular activities, ranging from science classes to garden club, scout troops to drama. At home, our student will complete developmentally appropriate homework to reinforce school learning, while still having enough time to engage in play, family life, and other activities chosen by our student and his or her family.

Appendix D – Strategies and Outcomes for at Risk Students

Livermore Valley Charter School will screen the following data to identify at-risk students in accordance with the California and ~~LVJUSD~~~~County~~SBE guidelines:

- Students scoring below the 40%ile on the previous year's adopted standardized test in any one subtest score in Reading and Language Arts
- Students who are at least one year below grade level in the areas of reading, written language and math, identified by informal teacher assessment or prior progress reports
- Students recommended for academic intervention.

At-Risk Pupil Outcomes

1. Livermore Valley Charter School will make every effort to raise the CAT6 test scores of our at-risk students by at least 5 percentage points each year. At risk students will have their CAT6 scores individually monitored.
2. All identified at-risk students will be referred for intervention services and receive individualized attention in the classroom on a regular basis.

Strategies to Improve At-Risk Performance

1. By the end of the eighth week of school, all parents of students at Livermore Valley Charter School identified as low achieving will have been informed of their child's academic standing.
2. At Back to School Night and parent education workshops, parents will be given specific suggestions as to how to help their child at home.
3. A list of available tutoring, library and enrichment resources will be developed and made available for parents of all students.
4. Staff development sessions may be devoted to meeting both the needs of low achieving students and gifted students; innovative practices of teachers will be presented, implemented as appropriate, and evaluated for their effectiveness.
5. In the classroom, paraprofessionals and/or volunteers will provide individualized assistance directed by the teacher.
6. Preparation and follow-up activities such as fieldtrips, guest speakers and assemblies will focus on language development and conceptual understanding of material presented and/or experiences shared.
7. A centralized list of targeted low-achieving students will be kept by the administrator to monitor student progress, to track services, and to provide the Livermore Charter Governing Board or its designee with periodic updates on the progress of student achievement.
8. Confidentiality will be maintained and data will be provided without names.
9. A parent outreach committee will be established to devise strategies to involve all parents in school programs that support meeting the needs of all children, including the low achieving child.

Appendix E – GATE Program Goals and Outcomes

At LVCS, all teachers will participate and contribute to the program goals as all teachers have gifted students in their classrooms and are responsible for meeting these students' needs.

1. GATE students at LVCS receive differentiated instruction during language arts and mathematics including use of differentiated materials such as books and other materials addressing algebraic and logic instruction that reflects advanced levels of thinking (synthesis and evaluation). Teachers will regroup or cluster students for instruction. Teachers will plan for horizontal curriculum alignment through grade-level meetings, as well as vertical curriculum alignment between grade levels to ensure a continuum of learning that reflects one or more years above grade level.
2. GATE students will study the same core curriculum as their peers in social studies, science, music and art, as designed by the LVCS Curriculum Committee. However, these students will have opportunities to study topics in detail, and will be required to demonstrate their understanding through projects, experiments, and other means of creative expression. Teachers will continually modify instructional strategies to include flexible groupings and hands-on learning experiences.
3. GATE students at LVCS will receive additional opportunities to master technological skills that include interdisciplinary content (math, science, history, with language arts) or thematic units. Teachers will collaborate with the Technology Committee and parent experts in various fields to continually assess and incorporate new technology and software to match curriculum goals of the GATE program.
4. GATE students at LVCS will participate within the regular classroom as a means of developing and encouraging social awareness and understanding. Each teacher will participate in the organization of classroom populations, addressing the school goals for the gifted students and using the enrichment periods (art, music, computer, library time, foreign language and physical education) to further the opportunity for differentiated instruction time.

GATE Assessment and Evaluation

1. Review of Student Progress for each GATE student.
2. Teachers will continually assess program design and progress at grade level meetings; and, teachers will make reports to parents and committee members at Curriculum Committee meetings.
3. Teachers will analyze STAR test results and other assessments of advanced performance such as participation in to determine the strengths and weaknesses of programs in place.

Appendix F - Curriculum

Curriculums are and will be based on the California State Frameworks and Academic Content Standards of California Public Schools. The specific standards students are expected to master by the end of their grade levels are listed below:

Language Arts

Kindergarten

Reading

- Students will know about letters, words, and sounds. They will apply this knowledge to read simple sentences.
- Students will identify the basic facts and ideas in what they have read, heard, or viewed.
- Students will listen to and respond to stories based on well-known characters, themes, plots, and settings.

Writing

- Students will write words and brief sentences that are legible.

Written and Oral English Language Conventions

- Students will write and speak with a command of Standard English conventions.

Listening and Speaking

- Students will listen and respond to oral communication. They will speak in clear and coherent sentences.
- Students will deliver brief recitations and oral presentations about familiar experiences or interests, demonstrating command of organization and delivery strategies.

Grade 1

Reading

- Students will understand the basic features of reading. They will select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and work parts. They will apply this knowledge to achieve fluent oral and silent reading.
- Students will read and understand grade-level-appropriate material. They will draw upon a variety of comprehension strategies as needed.
- Students will read and respond to a wide variety of significant works of children's literature. They will distinguish between the structural features of the text and the literary terms or elements.

Writing

- Students will write clear and coherent sentences and paragraphs that develop a central idea. Their writing will show they consider the audience and purpose. Students will progress through the stages of the writing process.
- Students will write compositions that describe and explain familiar objects, events and experiences. Student writing will demonstrate a command of standard American English and drafting, research, and organization strategies.

Written and Oral English Language Conventions

- Students will write and speak with a command of Standard English conventions appropriate to this grade level.

Listening and Speaking

- Students will listen critically and respond appropriately to oral communication. They will speak in a manner that guides the listener to understand important ideas by using proper phrasing, pitch, and modulation.
- Students will deliver brief recitations and oral presentations about familiar experiences or interests that are organized around a coherent thesis statement. Student speaking will demonstrate a command of standard American English and organizational and delivery strategies.

Grade 2

Reading

- Students will understand the basic features of reading. They will select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They will apply this knowledge to achieve fluent oral and silent reading.
- Students will read and understand grade-level-appropriate material. They will draw upon a variety of comprehension strategies as needed.
- Students will read and respond to a variety of significant works of children's literature. They will distinguish between the structural features of the text and the literary terms or elements.

Writing

- Students will write clear and coherent sentences and paragraphs that develop a central idea. Their writing will show they consider the audience and purpose. Students will progress through the stages of the writing process.
- Students will write compositions that describe and explain familiar objects, events, and experiences. Student's writing will demonstrate a command of standard American English and drafting, research and organizational strategies.

Written and Oral English Language Conventions

- Students will write and speak with a command of Standard English conventions appropriate to this grade level.

Listening and Speaking

- Students will listen critically and respond appropriately to oral communication. They will speak in a manner that guides the listener to understand important ideas by using proper phrasing, pitch, and modulation.
- Students will deliver brief recitations and oral presentations about familiar experiences or interests that are organized around a coherent thesis statement. Student speaking will demonstrate a command of standard American English and organization and delivery strategies.

Grade 3

Reading

- Students will understand the basic features of reading. They will select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They will apply this knowledge to achieve fluent oral and silent reading.
- Students will read and understand grade-level-appropriate material. They will draw upon a variety of comprehension strategies, as needed.

Students will read and respond to a wide variety of significant works of children's literature. They will distinguish between the structural features of the text and the literary terms or elements.

Writing

- Students will write clear and coherent sentences and paragraphs that develop a central idea. Their writing will show they consider the audience and purpose. Students will progress through the stages of the writing process.
- Students will write compositions that describe and explain familiar objects, events and experiences. Student's writing will demonstrate a command of standard American English and drafting, research and organizational strategies.

Written and Oral English Language Conventions

- Students will write and speak with a command of Standard English conventions appropriate to this grade level.

Listening and Speaking

- Students will listen critically and respond appropriately to oral communication. They will speak in a manner that guides the listener to understand important ideas by using proper phrasing, pitch, and modulation.
- Students will deliver brief recitations and oral presentations about familiar experiences or interests that are organized around a coherent thesis statement. Student speaking will demonstrate a command of standard American English and organization and delivery strategies.

Grade 4

Reading

- Students will understand the basic features of reading. They will select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They will apply this knowledge to achieve fluent oral and silent reading.
- Students will read and understand grade-level-appropriate material. They will draw upon a variety of comprehension strategies as needed.
- Students will read and respond to a wide variety of significant works of children's literature. They will distinguish between the structural features of the text and the literary terms or elements.

Writing

- Students will write clear and coherent sentences and paragraphs that develop a central idea. Their writing will show they consider the audience and purpose. Students will progress through the stages of the writing process.

- Students will write compositions that describe and explain familiar objects, events and experiences. Student's writing will demonstrate a command of standard American English and drafting, research and organizational strategies.

Written and Oral English Language Conventions

- Students will write and speak with a command of Standard English conventions appropriate to this grade level.

Listening and Speaking

- Students will listen critically and respond appropriately to oral communication. They will speak in a manner that guides the listener to understand important ideas by using proper phrasing, pitch, and modulation.
- Students will deliver brief recitations and oral presentations about familiar experiences or interests that are organized around a coherent thesis statement. Student speaking will demonstrate a command of standard American English and organization and delivery strategies.

Grade 5

Reading

- Students will use their knowledge of word origins and word relationships, as well as historical and literary context clues, to determine the meaning of specialized vocabulary and to understand the precise meaning of grade-level-appropriate words.
- Students will read and understand grade-level-appropriate material. They will describe and connect the essential ideas, arguments, and perspectives of the text by using their knowledge of text structure, organization, and purpose.
- Students will read and respond to historically or culturally significant works of literature. They will begin to find ways to clarify the ideas and make connections between literary works.

Writing

- Students will write clear and coherent and focused essays. Their writing will exhibit the students' awareness of the audience and purpose. Essays will contain formal introductions, supporting evidence, and conclusions. Students will progress through the stages of the writing process as needed.
- Students will write narrative, expository, persuasive, and descriptive texts of at least 500-700 words in each genre. Student writing will demonstrate a command of standard American English and research, organizational and drafting strategies.

Written and Oral English Language Conventions

- Students will write and speak with a command of Standard English conventions appropriate to this grade level.

Listening and Speaking

- Students will deliver focused, coherent presentations that convey ideas clearly and relate to the background and interests of the audience. They will evaluate the content of oral communication.

- Students will deliver well-organized formal presentations employing traditional rhetorical strategies. Student speaking will demonstrate a command of standard American English and organizational and delivery strategies.

Mathematics

Kindergarten

By the end of kindergarten, students will understand small numbers, quantities, and simple shapes in their everyday environment. They will count, compare, describe and sort objects, and develop a sense of properties and patterns.

Number Sense

- Students will understand the relationship between numbers and quantities.
- Students will understand and describe simple additions and subtractions.
- Students will use estimation strategies in computation and problem solving that involve numbers that use the ones and tens places.

Algebra and Functions

- Students will sort and classify objects.

Measurement and Geometry

- Students will understand the concept of time and units to measure it; they will understand that objects have properties, such as length, weight, and capacity, and that comparisons may be made by referring to those properties.
- Students will identify common objects in their environment and describe the geometric features.

Statistics, Data Analysis, and Probability

- Students will collect information about objects and events in their environments.

Mathematical Reasoning

- Students will make decisions about how to set up a problem.
- Students will solve problems in reasonable ways and justify their reasoning.

Grade 1

By the end of grade one, students will understand and use the concept of ones and tens in the place value number system.

Students will add and subtract sums to twenty with ease. They will measure with simple units and locate objects in space.

They will describe data and analyze and solve simple problems.

Number Sense

- Students will understand and use numbers up to 100.
- Students will demonstrate the meaning of addition and subtraction and use these operations to solve problems.
- Students will use estimation strategies in computation and problem solving that involve numbers that use the ones, tens, and hundreds places.

Algebra and Functions

- Students will use number sentences with operational symbols and expressions to solve problems.

Measurement and Geometry

- Students will use direct comparison and nonstandard units to describe the measurements of objects.
- Students will identify common geometric figures, classify them by common attributes, and describe their relative position or their location in space.

Statistics, Data Analysis, and Probability

- Students will organize, represent, and compare data by category on simple graphs and charts.

Mathematical Reasoning

- Students will make decisions about how to set up a problem.
- Students will solve problems and justify their reasoning.
- Students will note connections between one problem and another.

Grade 2

By the end of grade two, students will understand place value and number relationships in addition and subtraction and they will use simple concepts of multiplication. They will measure quantities with appropriate units. They will classify shapes and see relationships among them by paying attention to their geometric attributes. They will collect and analyze data and verify the answers.

Number Sense

- Students will understand the relationship between numbers, quantities, and place value in whole numbers up to 1,000.
- Students will estimate, calculate, and solve problems involving addition and subtraction of two-and three-digit numbers.
- Students will model and solve simple problems involving multiplication and division.
- Students will understand that fractions and decimals may refer to parts of a set and parts of a whole.
- Students will model and solve problems by representing, adding, and subtracting amounts of money.
- Students will use estimation strategies in computation and problem solving that involve numbers that use the ones, tens, hundreds, and thousands places.

Algebra and Functions

- Students will model, represent, and interpret number relationships to create and solve problems involving addition and subtraction.

Measurement and Geometry

- Students will understand that measurement is accomplished by identifying a unit of measure, repeating that unit, and comparing it to the item to be measured.
- Students will identify and describe the attributes of common figures in the plane and of common objects in space.

Statistics, Data Analysis, and Probability

- Students will collect numerical data and record, organize, display, and interpret the data on bar graphs and other representations.

- Students will demonstrate an understanding of patterns and how patterns grow and describe them in general ways.

Mathematical Reasoning

- Students will make decisions about how to set up a problem.
- Students will solve problems and justify their reasoning.
- Students will note connections between one problem and another.

Grade 3

By the end of grade three, students will deepen their understanding of place value and their understanding of and skill with addition, subtraction, multiplication, and division of whole numbers. Students will estimate, measure, and describe objects in space. They will use patterns to help solve problems. They will represent number relationships and conduct simple probability experiments.

Number Sense

- Students will understand the place value of whole numbers.
- Students will calculate and solve problems involving addition, subtraction, multiplication, and division.
- Students will understand the relationship between whole numbers, simple fractions, and decimals.

Algebra and Functions

- Students will select appropriate symbols, operations, and properties to represent, describe, simplify, and solve simple number relationships.
- Students will represent simple functional relationships.

Measurement and Geometry

- Students will choose and use appropriate units and measurement tools to quantify the properties of objects.
- Students will describe and compare the attributes of plane and solid geometric figures and use their understanding to show relationships and solve problems.

Statistics, Data Analysis, and Probability

- Students will conduct simple probability experiments by determining the number of possible outcomes and make simple predictions.

Mathematical Reasoning

- Students will make decisions about how to approach problems.
- Students will use strategies, skills, and concepts in finding solutions.
- Students will move beyond a particular problem by generalizing to other situations.

Grade 4

By the end of grade four, students will understand large numbers and addition, subtraction, multiplication, and division of whole numbers. They will describe and compare simple fractions and decimals. They will understand the properties of, and the relationships between plane geometric figures. They will collect, represent, and analyze data to answer questions.

Number Sense

- Students will understand the place value of whole numbers and decimals to two decimal places and how whole numbers and decimals relate to simple fractions. Students will use the concepts of negative numbers.
- Students will extend their use and understanding of whole numbers to the addition and subtraction of simple decimals.
- Students will solve problems involving addition, subtraction, multiplication, and division of whole numbers and understand the relationships among the operations.
- Students will know how to factor small whole numbers.

Algebra and Functions

- Students will use and interpret variables, mathematical symbols, and properties to write and simplify expressions and sentences.
- Students will know how to manipulate equations.

Measurement and Geometry

- Students will understand perimeter and area.
- Students will use two-dimensional coordinate grids to represent points and graph lines and simple figures.
- Students will demonstrate an understanding of plane and solid geometric objects and use this knowledge to show relationships and solve problems.

Statistics, Data Analysis, and Probability

- Students will organize, represent, and interpret numerical and categorical data and clearly communicate their findings.
- Students will make predictions for simple probability situations.

Mathematical Reasoning

- Students will make decisions about how to approach problems.
- Students will use strategies, skills, and concepts in finding solutions.
- Students move beyond a particular problem by generalizing to other situations.

Grade 5

By the end of grade five, students will increase their facility with the four basic arithmetic operations applied to fractions, decimals, and positive and negative numbers. They will know and use common measuring units to determine length and area. They will know and use formulas to determine the volume of simple geometric figures. Students will know the concept of angle measurement and use a protractor and compass to solve problems. They will use grids, tables, graphs, and charts to record and analyze data.

Number Sense

- Students will compute with very large and very small numbers, positive integers, decimals, and fractions and understand the relationship between decimals, fractions, and percents. They will understand the relative magnitudes of numbers.
- Students will perform calculations and solve problems involving addition, subtraction, simple multiplication and division of fractions and decimals.

Algebra and Functions

- Students will use variables in simple expressions, compute the value of the expression for specific values of the variable, and plot and interpret the results.

Measurement and Geometry

- Students will understand and compute the volumes and areas of simple objects.
- Students will identify, describe, and classify the properties of, and the relationships between, plane and solid geometric figures.

Statistics, Data Analysis, and Probability

- Students will display, analyze, compare, and interpret different data sets, including data sets of different sizes.

Mathematical Reasoning

- Students will make decisions about how to approach problems.
- Students will use strategies, skills, and concepts in finding solutions.
- Students will move beyond a particular problem by generalizing to other situations.

Science

Students will discover and learn about the natural world by using the methods of science as extensions of their own curiosity and wonder. Students will acquire knowledge of the biological and physical sciences from a balanced curriculum, which includes building on their understanding of science concepts to learn about the logic of the scientific method and applications of science to the world around them. Students will develop critical thinking skills of science: observing, comparing, organizing, inferring, relating, and applying.

All students will be exposed to life, earth, and physical sciences in a curriculum that is based on the State Framework and State Standards. (Please refer to these documents for the specific science standards.) All students, including ELL, Gifted, and Special Education will have access to the science core curriculum, with modifications to meet their individual needs.

State Standards aligned textbooks, supplementary materials, and multimedia resources are being purchased as ~~District~~~~County~~SBE and State funding becomes available. They will be utilized to teach the curriculum.

Students will work in cooperative groups, using hands-on materials to reinforce their understanding of scientific concepts. Follow-up activities will include making graphs, charts, or drawings to show their findings.

History/Social Science

A full, balanced, integrated, literature-enriched history-social science curriculum will draw upon students' experiences and incorporate goals that promote (1) knowledge and cultural understanding, (2) democratic principles and civic values, and (3) academic and social skills necessary for effective participation in diverse societies. This curriculum will be aligned with the State Framework.

The teaching of history will be integrated with the humanities and the other social sciences. Activities and lessons will be correlated with language arts, sciences, and visual and performing arts curricula.

Students in all grades will study history and social sciences through an integrated curriculum. This includes language arts (creative writing, factual reports, critical analysis); science (adaptation, survival, utilization of the environment); art (many hands-on projects, artistic rendering, 3-dimensional projects); music (cultural and ethnic aspects which are incorporated through); and math (graphs, life experiences problem-solving, time lines, measuring for cooking).

Teachers will build upon students' curiosity about themselves and their world by presenting history as an exciting and dramatic series of events and issues. Students will engage in problem solving as they acquire, evaluate, and use information in a variety of ways. Frequent opportunities will exist for all students including English Language Learners to share their language, cultural ideas, customs, and heritage, thereby providing multicultural dimensions to the curriculum. The teachers will provide equal access to the core curriculum for all students through a variety of appropriate strategies. The teachers will facilitate the exploration of values critical to understanding the democratic process.

Visual and Performing Arts

The curriculum will be aligned with the Visual and Performing Arts Framework for California Public Schools and will include dance, drama/theater, music and visual arts. This program will be designed to develop aesthetic perception and judgment, and creative expression in the context of our diverse historical and cultural heritages. All students, including ELL, Gifted, and Special Education will have equal access to the visual and performing arts core curriculum, with modifications to meet their individual needs. Integrated instruction will be delivered by the regular classroom teacher, as well as by the enrichment staff.

Technology

Livermore Valley Charter School's goal is to educate our students to participate fully in the new information age. To this end, we are committed to provide a learning environment that promotes logical thinking, curiosity, worldwide awareness and self-directed, independent learning. We believe that this new approach to learning is dynamic in a framework with the content free flowing and always changing. This new approach needs to begin at the earliest age so that students feel in command of this type of learning. Teachers need to be trained to use the cornucopia of information available on the Internet and World Wide Web to develop activities that will enrich the standard curriculum. Teachers will model information processing using the most current tools. Our goal is to achieve the effective integration of technology into instruction. Elements of our technology focus include:

- Developing and maintaining a state of the art computer lab;
- Maintaining a page on the Web (www.livermorecharterschool.org) to share information about the school;

LVCS' technology goals include:

- Providing each classroom with at least four multi-media computers.
- Establishing AR reading program in our media center
- Creating a Student run T.V. studio for closed circuit broadcasts

Evaluation is an ongoing process. At the end of each school year, the Technology Committee will review the year's activities to evaluate progress toward our Plan's goals and objectives. An end-of-the-year staff survey will be used to collect data for modifying the Plan for the following year.

Any supporting books, materials, and programs will be approved by the Curriculum Committee and authorized by the Charter Governing Board. Instruction is presented in a balanced, integrated manner and allows for student extensions as well as remediation. Classroom instruction takes various forms depending on children's needs and academic purpose. Students may work in a whole group, individually, in pairs, in skill groups, and in cooperative groups. Working in a variety of ways allows children to develop independence, self-reliance, and collaborative work skills.

Challenge Standards – Foreign Language

The five goals for foreign language learning are:

- Communication: To communication in languages other than English
- Culture: To gain knowledge and understanding of their cultures
- Connections: To connect with other disciplines and acquire information
- Comparisons: To develop insight into own language and culture
- Communities: To participate in multilingual communities at home and around the world

Grades K-5

This section presents the foreign language standards. In addition, examples of types of work students should be able to do to meet each standard are given for the grade span kindergarten through grade four.

Goal: communication. Communicate in languages other than English

Standard 1:

Students engage in conversation, provide and obtain information, express feelings and emotions, and exchange opinions.

Standard 2:

Students understand and interpret written and spoken language on a variety of topics.

Standard 3:

Students present information concepts, and ideas to an audience of listeners or readers on a variety of topics.

Goal: Cultures. Gain knowledge and understanding of other cultures

Standard 4:

Students demonstrate an understanding of the relationship between the practices and perspectives of the cultures studied.

Standard 5:

Students demonstrate an understanding of the relationship between the products and perspectives of the cultures studied.

Goal: Connections. Connect with other disciplines and acquire information

Standard 6:

Students reinforce and further their knowledge of other disciplines through the foreign language.

Standard 7:

Students acquire information and recognize the distinctive viewpoints that are only available through the foreign language and its culture.

Goal: Comparisons. Develop insight into own language and culture.

Standard 8:

Students demonstrate an understanding of the nature of language through comparisons of the language studied and their own.

Standard 9:

Students demonstrate an understanding of the concept of culture through comparisons of the culture studied and their own.

Goal: Communities. Participate in multilingual communities at home and around the world

Standard 10:

Students use the language both within and beyond the school setting.

Standard 11:

Students show evidence of becoming life-long learners by using the language for personal enjoyment and enrichment.

Standard 12:

Students engage in the activities which prepare them to use the target language to achieve career goals.

Physical Education Standards

Movement Skills and Movement Knowledge

Standard 1:

The student will be competent in many movement activities.

Standard 2:

The student will understand how and why one moves in a variety of situations and will use this information to enhance his or her skills.

Standard 3:

The student will achieve and maintain a health-enhancing level of physical fitness.

Self-image and Personal Development

Standard 4:

The student will exhibit a physically active lifestyle and will understand that physical activity provides opportunities for enjoyment, challenge, and self-expression.

Self-image and Personal Development

Standard 5:

The student will demonstrate responsible personal behavior while participating in movement activities.

Social Development

Standard 6:

The student will demonstrate responsible social behavior while participating in movement activities.

The student will understand the importance of respect for all others.

Standard 7:

The student will understand the interrelationship between history and culture and games, sports, play, and dance.

Visual and Performing Arts: Music Content Standards

1.0 ARTISTIC PERCEPTION - Processing, Analyzing, and Responding to Sensory Information through the Language and Skills Unique to Music
Students read, notate, listen to, analyze, and describe music and other aural information, using the terminology of music.

2.0 CREATIVE EXPRESSION - Creating, Performing, and Participating in Music
Students apply vocal and instrumental musical skills in performing a varied repertoire of music. They compose and arrange music and improvise melodies, variations, and accompaniments, using digital/electronic technology when appropriate.

3.0 HISTORICAL AND CULTURAL CONTEXT - Understanding the Historical Contributions and Cultural Dimensions of Music

4.0 AESTHETIC VALUING - Responding to, Analyzing, and Making Judgments About Works of Music
Students critically assess and derive meaning from works of music and the performance of musicians according to the elements of music, aesthetic qualities, and human responses.

5.0 CONNECTIONS, RELATIONSHIPS, APPLICATIONS - Connecting and Applying What Is Learned in Music to Learning in Other Art Forms and Subject Areas and to Careers
Students apply what they learn in music across subject areas. They develop competencies and creative skills in problem solving, communication, and management of time and resources that contribute to lifelong learning and career skills. They also learn about careers in and related to music.

Appendix G – Academic Rubrics

Below are the grading rubric tables for K-3 and 4-5.

Grading Rubric (Grades K to 3)

Academic Legends – Major subject areas	
4	Exceeding Standards For this reporting period, the student exceeds the standards by adding creativity, depth, and complexity to the application of the standards; grasps, applies, and extends key concepts, processes and skills.
3	Meeting Standards For this reporting period, the student demonstrates proficiency of the standards.
2	Approaching Standards For this reporting period, the student is still learning the skills and needs additional time and practice with the standards.
1	Not Meeting Standards For this reporting period, the student is not meeting the expected standards and/or is still learning the skills of a lower grade: area of concern.

Markings for Standards	
X	For this reporting period, the student has made appropriate progress.
/	For this reporting period, the student needs additional time and practice with standard
[ ] blank	Not assessed or no further assessment required

Markings for skills within standards *(as applicable)*	
()	This specific skill has been taught, assessed and the student is proficient.
-	This specific skill has been taught and assessed, but the student is not proficient

Grading Rubric (Grades 4+5)

Academic Legends – Major subject areas	
A	For this reporting period, the student has mastered the standards with creativity, depth, and complexity and/or has achieved an average of 90% to 100%.
B	For this reporting period, the student has mastered the standards and/or has achieved an average of 80% to 89%.
C	For this reporting period, the student has learned most of the standards and/or has achieved an average of 70% to 79%.
NP	For this reporting period, the student has not met the standards and/or has achieved an average of <70%.
U	For this reporting period, there was insufficient evidence/lack of student work on which to base a performance assessment.

Markings for Standards	
X	For this reporting period, the student has made appropriate progress.
/	For this reporting period, the student needs additional time and practice with standard
[ ] blank	Not assessed or no further assessment required

Markings for skills within standards *(as applicable)*	
()	This specific skill has been taught, assessed and the student is proficient.
-	This specific skill has been taught and assessed, but the student is not proficient

Appendix H – Draft Health and Safety Policies

This appendix contains a set of draft of health and safety policies to be considered by the LVCS Board. The policies attached are as follows:

Draft Policy 1:	Fingerprinting and Background Checks
Draft Policy 2:	Tuberculin Examinations
Draft Policy 3:	Safe Facilities
Draft Policy 4:	Emergency Plans
Draft Policy 5:	Immunizations/Physical Exams
Draft Policy 6:	Communicable, Contagious, or Infectious Disease Prevention Policy
Draft Policy 7:	Administration of Medications
Draft Policy 8:	Drug-Free Workplace
Draft Policy 9:	Smoke-Free Environment
Draft Policy 10:	First Aid, CPR, and Health Screening
Draft Policy 11:	Exposure Control Plan for Blood Borne Pathogens

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Personnel Board Policy #1

Fingerprinting and Background Checks

It is the policy of Livermore Valley Charter School (School) to require fingerprinting and background checks for its employees as required by law prior to employment at the School. All prospective employees must abide by all applicable laws and agree to abide by the policies of the School, including the submission of fingerprints and the approval for the School or it's designee to perform background checks. The fingerprinting and Criminal Records Summaries will be required annually, at the beginning of each school year. This requirement is a condition of employment.

The School shall also fingerprint and background check each campus volunteer, prior to volunteering at the School. A campus volunteer is defined as an individual working under the direction of a paid School employee to provide a service without compensation on campus while working with or around children. Campus volunteers must abide by all applicable laws and agree to abide by the policies of the School, including the submission of fingerprints and the approval for the School or its designee to perform background checks. The fingerprints will be sent to the Department of Justice for the purpose of obtaining a criminal record summary. Fingerprinting and Criminal Records Summaries will be required annually, at the beginning of each school year. This requirement is a condition of obtaining clearance to volunteer on campus.

Additionally, the School may on a case-by-case basis require an entity providing school site services other than those listed above to require the entity's employees to comply with the requirements for fingerprinting, unless the School determines that the employees of the entity will have limited contact with pupils. In determining whether a contract employee will have limited contact with pupils, the School must consider the totality of the circumstances, including factors such as the length of time the contractors will be on school grounds, whether pupils will be in proximity with the site where the contractors will be working, and whether the contractors will be working by themselves or with others.

Tuberculin Examinations

1. No person shall be employed by or volunteer at the School unless they have submitted proof of an examination within the last two (2) years that they are free of active tuberculosis by a physician licensed under Chapter 5 of Division 2 of the Business and Professions Code.

2. This examination shall consist of an X-ray of the lungs or an approved intradermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs.

3. All employees/volunteers shall be required to undergo this examination at least once every two (2) years, with the exception of "food handlers" who shall be examined annually.

4. After such examination each employee shall file a certificate with the School from the examining physician showing the employee was examined and found free from active tuberculosis.

5. In the event it becomes necessary for the employee to have an X-ray examination as a follow-up to a skin test, the School will make arrangements with the designated physician for the examination and bear the expense. If the employee chooses to have his or her own physician for this purpose, the School will pay toward the cost of the examination an amount equal to the rate charged by the designated physician.

6. This policy shall also include student teachers serving under the supervision of a designated master teacher and all substitute employees.

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School Safety Board Policy #3

Safe Facilities

The Livermore Valley Charter School will be housed in a facility that has received State Fire Marshall approval and has been evaluated by a qualified structural engineer, who has determined that the facilities present no substantial seismic hazard. The School will not take possession of any facility from ~~the~~ any school ~~District~~ district that does not have all appropriate inspections and a valid Certificate of Occupancy. The procedures will include provisions for periodic inspection and testing of the structure(s) and associated life safety systems.

Surveys and management plans will be maintained and updated for all hazardous building materials (lead, asbestos, etc.) and all hazardous materials used and stored in and around the school will be handled and dispensed properly. Additionally, appropriate training for staff working with hazardous materials (i.e., pesticides, cleaning chemicals, etc.) will be provided. A comprehensive indoor air quality program modeled on the EPA's "Tools for Schools" program will be implemented and maintained.

Inspections will be performed to ensure that daily operations do not compromise facility safety and health in any manner. This will include maintaining safe access / egress paths (both routine and emergency), access to emergency equipment, eliminating obstructions to airflow, etc.

Emergency Plans

Disaster Plan

Livermore Valley Charter School shall (1) develop and adopt a plan to ensure the School's preparation to meet disasters, a plan based on the Standardized Emergency Management System (SEMS) which conforms with the emergency and disaster plans of the local civil defense agency; and (2) provide for all members of the certificated and classified staff of the School and all pupils enrolled in the school the instruction they need to be fully informed regarding all phases of the plan and the responsibilities they are to assume should either a man-made or natural disaster occur in the School or in the area in which the School is located.

SEMS (State Emergency Management System) is a system developed to help all state, government, hospitals, school districts, fire departments, police departments and businesses to organize their personnel is such a way that is common among all and to streamline the response system.

Incident Command Job Action Sheets Defined

Positions:
Incident Commander (IC) – Organizes and directs the operations of the Incident Command Center. Gives overall direction for school operations and, if needed, authorizes evacuation. Works cooperatively with external agencies.
Command Center Recorder - Records incident-related activities/problems and any other documentation necessary as directed by the Incident Commander. Records and maintains documentation on disaster status board.
Public Information Officer (PIO) - Provides information to the news media. Acts as liaison with on-site childcare programs (Kidzone) emergency incident efforts.
Operations Section Leader – Organizes and directs aspects relating to the operations section. Carries out directives of the IC. Coordinates and directs teams to carry out tasks required to secure a safe environment.
Search & Rescue – Leads and directs search and rescue operations in a safe manner so as to prevent further injury or loss. Reports and coordinates efforts with fire department.
Safety & Security Officer – Monitors and has authority over safety of search and rescue operations and hazardous conditions. Organizes and enforces scene/facility protection and traffic control. Erects barriers as needed to provide a safe and secure site for various operations.
Student Tracking/Discharge Leader – Works with Student Tracking Officer to coordinate: time of removal, name and signature of person making removal, source of identification from persons making removal, cross checks of this information with the emergency release forms. It should also have notation as to where the student will be going (i.e., home, relatives, work, neighbor, telephone number where they can be contacted).

First Aid/Triage – Sets up first aid station. Sorts casualties according to priority of injuries and assures their disposition to the proper treatment area.
Damage Assessment & Control Officer – Provides sufficient information regarding the operational status of the facility for the purpose of decision/policy making, including those regarding full or partial evacuation. Identifies safe areas where students and staff can be moved if needed. Manages fire suppression, search and rescue and damage mitigation activities.
Logistics Section Leader – Organizes and directs those operations associated with maintenance of the physical environment and adequate levels of food, shelter, and supplies to support the school objectives.
Communications Leader – Organizes and coordinates internal and external communications: acts as custodian for all incoming communications. Logs/documents and distributes communications to IC. Works with Ham operators, walkie-talkies, organizes the placement of ground-air communication signals.
Manpower Pool Leader – Collects and inventories available staff and volunteers at a central point. Receives requests and assigns available staff as needed. Maintains adequate numbers of staff to assist as needs arise. Assists in the maintenance of staff morale. Sees that staff gets breaks or relief as needed.
Resource Manager – Works with Manpower Pool Leader to organize, assess, and assign all community volunteers according to their skills and training to areas of need. Organizes and distributes donations from the community.
Supplies & Distribution Leader – Organizes and dispenses food and water stores for consumption. Rations supplies as needed, depending on duration of incident.
Sanitation & Shelter – Evaluates and monitors the patency of existing sewage and sanitation systems. Enacts pre-established alternate methods of waste disposal if necessary. Sets up shelter as needed.
Transportation Unit Leader – Organizes and coordinates the transportation of human and material resources to and from the school. Secures school personnel to travel with students that need to be transported to a medical facility. Secures routes for entrance and exit of emergency vehicles.
Psychological Support Unit Leader – Provides psychological, spiritual, and emotional support to school staff, students, and families. Initiates and organizes the Critical Stress Debriefing process.
Planning Section Chief - Organizes and directs all aspects of Planning Section operations. Ensures the distribution of critical information/data. Complies scenario/resource projections from all section chiefs and effects long-range planning. Documents and distributes facility action plan.
School Site Evacuation – Plans and organizes the evacuation of students from school site to sister school. Prepares site for accepting students from sister school.
Finance Leader – Monitors the utilization of financial assets. Maintains documentation of personnel time records. Supervises the documentation of expenditures relevant to the emergency incident.

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Student Board Policy #5

Immunizations/Physical Exams

Applicability

This policy applies to all applicants to the Livermore Valley Charter School and the administration of the School in charge of admissions.

Immunizations

California law requires that an immunization record be presented to the school staff before a child can be enrolled in school. The School requires written verification from a doctor or immunization clinic of the following immunizations:

a) Diphtheria.

b) Measles.

c) Mumps, except for children who have reached the age of seven years.

d) Pertussis (whooping cough), except for children who have reached the age of seven years.

e) Poliomyelitis.

f) Rubella.

g) Tetanus.

h) Hepatitis B.

i) Varicella (chickenpox), (persons already admitted into California public or private schools at the Kindergarten level or above before July 1, 2001, shall be exempt from the Varicella immunization requirement for school entry).

School verification of immunizations is to be by written medical records from your doctor or immunization clinic.

Exceptions are allowed under the following conditions:

a) The parent provides a signed doctor's statement verifying that the child is to be exempted from immunizations for medical reasons. This statement must contain a statement identifying the specific nature and probable duration of the medical condition.

b) A parent may request exemption of their child from immunization for personal beliefs.

c) Pupils who fail to complete the series of required immunizations within the specified time allowed under the law will be denied enrollment until the series has been completed.

Any child leaving the United States for a short vacation to any country considered by the Center of Disease Control and Prevention (CDC) to have increased risk of TB exposure (such as Mexico, the Philippines, India or Southeast Asia) MUST call the County Tuberculosis Clinic, for a TB Screening upon return.

Physical Examinations

All pupils are to have completed a health screening examination on or before the 90th day after the pupil's entrance into first grade or such pupils must have obtained a waiver pursuant to Health and Safety Code Section 124085. This examination can be obtained from your family physician or possibly through the services provided by your County Health Department. Information and forms are distributed to pupils enrolled in kindergarten.

Failure to obtain an examination for your child or a waiver will result in your child being denied enrollment.

If your child's medical status changes, please provide the teacher with a physician's written verification of the medical issue, especially if it impacts in any way your child's ability to perform schoolwork.

Adopted:

Amended:

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School Safety Board Policy #6

Communicable, Contagious, or Infectious Disease Prevention Policy

The School recognizes its shared responsibility with the home and the community to promote appropriate disease prevention procedures in the handling and the cleaning up of blood and body fluids.

The Board desires to protect the entire school community without segregation, discrimination or stigma. Accordingly, infectious disease prevention shall be taught regardless of whether a student or adult is known to have an identified infectious disease.

All students and employees shall be provided appropriate periodic instruction in basic procedures recommended by the State Department of Education and other public health agencies and associations.

Incidence and transmission of communicable diseases will be further limited through a rigorous program of immunization and health screening required of all students, faculty, and staff. (See "Immunizations / Physical Exams", Policy # 5) Students found to have communicable diseases will be included in all activities deemed by a physician to present no hazard of infection to other students.

Science Laboratory Instruction

Students involved in science laboratory experiences shall be protected from contamination from body fluids of other persons and from contaminated instruments. Whenever possible, laboratory experiences involving body fluids will be conducted by way of teacher demonstration rather than by student participation.

Injuries and Accidents

Whenever exposed to blood or other body fluids through injury or accident, students and staff should follow the latest medical protocol for disinfecting procedures. (See "Bloodborne Pathogen Exposure Control Program", Policy #11)

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School Safety Board Policy #7

Administration of Medications

The Livermore Valley Charter School staff is responsible for the administration of medication to students attending school during regular school hours.
It is imperative that practices followed in the administration of medication be carefully delineated to ensure the safety of our students and the legal protection of our employees.
The School, upon request from the parent/guardian and verification from a physician, will endeavor to provide for the administration of prescribed medication to allow the student to attend school, if the student is unable to take the medication without assistance or supervision.

Guidelines:

- The primary responsibility for the administration of medication rests with the parent/guardian, student and medical profession.
- Medication shall be administered only during school hours if determined to be absolutely necessary on an ongoing basis.
- The parent/guardian shall sign a release/consent form, which is to be kept on file at the school.
- Designated staff shall keep records of medication administered at the school.
- All medication will be kept in a secure and appropriate storage location and administered per physician's instructions by the school nurse or by designated staff.
- Designated staff shall return all surplus medication to the parent/guardian upon completion of the regimen or prior to summer holidays.
- Designated staff shall establish emergency procedures for specific medical conditions that require an immediate response (i.e. allergies, asthma, diabetes).

Adopted:

Amended:

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Personnel Board Policy #8

Drug-Free Workplace

Livermore Valley Charter School is committed to providing a drug- and alcohol-free workplace and to promoting safety in the workplace, employee health and well-being and a work environment that is conducive to attaining high work standards. The use of drugs and alcohol by employees, off the job, jeopardizes these goals, since it adversely affects health and safety, security, productivity, and public confidence and trust. Drug or alcohol use in the workplace is extremely harmful to workers.

Accordingly, consistent with this commitment, Livermore Valley Charter School has developed a drug and alcohol policy that applies to all employees.

Bringing to the workplace, possessing or using, or being under the influence of intoxicating beverages or drugs on any School premises or at any school-sanctioned activity or function is prohibited and will result in disciplinary action up to and including termination.

The School reserves the right to use appropriate means to provide a safe work environment for its employees. These means may consist of but are not limited to:

Post-offer, pre-employment drug/alcohol testing;
Referral to local authorities;
Referral to employee assistance program;
Full investigation of accident causes, which includes drug and alcohol testing;
"For cause" drug testing (reasonable suspicion testing);
Search of School property;
Search of employee property, including employee handbags and vehicles, brought onto School property.

Refusal to submit to a "for cause" drug test or a drug test in connection with an on-the-job injury or accident is cause for immediate termination.

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Personnel Board Policy #9

Smoke-Free Environment

Livermore Valley Charter School maintains a smoke-free environment.

Smoking is not allowed anywhere on the school campus. It is the responsibility of each staff member to adhere to this rule, and to inform his or her guests of our non-smoking policy.

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School Safety Board Policy #10

First Aid, CPR, And Health Screening

The Livermore Valley Charter School recognizes the importance of taking appropriate preventive or remedial measures to minimize accidents or illness at school or during school-sponsored activities. To this end, the School expects parents/guardians to provide emergency information and keep such information current in order to facilitate immediate contact with parents/guardians if an accident or illness occurs.

Every classroom shall have a First Aid Kit containing appropriate supplies. First aid will be administered whenever necessary by trained staff members. When necessary, the appropriate emergency personnel will be called to assist.

All teachers are to be certified in adult and pediatric CPR and First Aid and be recertified prior to expiration of certificates. Opportunities for adult and pediatric CPR and First Aid training will be offered to all support staff and volunteers.

Resuscitation Orders

School employees are trained and expected to respond to emergency situations without discrimination. If any student needs resuscitation, staff shall make every effort to resuscitate him/her. Staff members are prohibited from accepting or following any parental or medical "do not resuscitate" orders. School staff should not be placed in the position of determining whether such orders should be followed, and such Advance Directives shall not be communicated to staff. The Principal, or designee, shall ensure that all parents/guardians are informed of this policy.

Vision, Hearing and Scoliosis Screening

The School shall screen for vision, hearing and scoliosis as required by law for all public schools.

Head Lice

To prevent the spread of head lice infestations, School employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The nurse, or designee, shall examine the student and any siblings of affected students or members of the same household. If nits or lice are found, the student shall be excluded from attendance and parents/guardians informed about recommended treatment procedures and sources of further information.

The Principal, or designee, shall send home the notification required by law for excluded students.

If there are two or more students affected in any class, an exposure notice with information about head lice shall be sent home to all parents/guardians of those students.

Staff shall maintain the privacy of students identified as having head lice and excluded from attendance.

Excluded students may return to school when reexamination by the nurse, or designee, shows that all nits and lice have been removed.

Adopted:

Amended:

Exposure Control Plan For Bloodborne Pathogens

The Principal, or designee, shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace. The Principal, or designee, shall establish a written "Exposure Control Plan" designed to protect employees from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

The Board shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the School's "Exposure Control Plan," employees having occupational exposure shall be trained in accordance with applicable state regulations (8 CCR 5193) and offered the hepatitis B vaccination.
The Principal, or designee, may exempt designated first-aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations.

Any employee not identified as having occupational exposure in the School's exposure determination may petition to be included in the School's employee in-service training and hepatitis B vaccination program. Any such petition should be submitted to the Principal, or designee, who shall evaluate the request and notify the petitioners of his/her decision. The Principal, or designee, may deny a request when there is no reasonable anticipation of contact with infectious material.

Appendix I – Suspension and Expulsion Procedures

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students. When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Staff shall enforce disciplinary rules and procedures fairly and consistently amongst all students. This Policy and its Administrative Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations.

Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, the use of alternative educational environments, suspension and expulsion.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, or willfully causing the infliction of, physical pain on a student. For purposes of the policy, corporal punishment does not include use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The Principal shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy and Administrative Procedures are available on request at the Principal's office.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities in Education Act ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 (Section 504) is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. The School will follow Section 504 of the Rehabilitation Act, Individuals with Disabilities in Education Act (IDEA), the Americans with Disabilities Act (ADA) of 1990 and all federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students. As applicable, these procedures may include but are not limited to a behavior intervention plan, a functional behavioral assessment, and a manifestation determination to consider whether the behavior is a manifestation of the disability; and whether the student was appropriately placed at the time the behavior occurred. No student with exceptional needs may be expelled or be suspended for more than 10 days consecutively or receive a series of suspensions which combined would be considered a change of placement, unless the behavior is not a manifestation of the disability and the student was properly placed at the time the behavior occurred.

Administrative Procedures For Pupil Suspension And Expulsion

A. Definitions (as used in this policy)

1. "Board" means governing body of the Charter School.
2. "Expulsion" means disenrollment from the Charter School.
3. "Schoolday" means a day upon which the Charter School is in session or weekdays during the summer recess.
4. "Suspension" means removal of a pupil from ongoing instruction for adjustment purposes. However, "suspension" does not mean the following:
   a. Reassignment to another education program or class at the charter school where the pupil will receive continuing instruction for the length of day prescribed by the Charter School Board for pupils of the same grade level.
   b. Referral to a certificated employee designated by the Principal to advise pupils.
   c. Removal from the class but without reassignment to another class for the remainder of the class period without sending the pupil to the Principal or designee.
5. "Pupil" includes a pupil's parent or guardian or legal counsel or other representative.
6. "School" means the Charter School.

B. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at the School or at any other school or a School sponsored event at any time including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

C. Enumerated Offenses

Students may be suspended or expelled for any of the following acts when it is determined the pupil:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal/Administrator or designee's concurrence.

3. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
12. Knowingly received stolen school property or private property.
13. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
16. Made terrorist threats against school officials and/or school property.
17. Committed sexual harassment.
18. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.
19. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially

disrupting class work, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment.

The above list is not exhaustive and depending upon the offense, a pupil may be suspended or expelled for misconduct not specified above.

Alternatives to suspension or expulsion will first be attempted with students who are truant, tardy, or otherwise absent from assigned school activities.

D. Suspension Procedure

Suspensions shall be initiated according to the following procedures.

1) Informal Conference

Suspension shall be preceded, if possible, by an informal conference conducted by the Principal or the Principal's designee with the student and his or her parent and, whenever practicable, the teacher, supervisor or school employee who referred the student to the Principal.

The conference may be omitted if the Principal or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.

This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason, including, but not limited to incarceration or hospitalization.

No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2) Notice to Parents/Guardians

At the time of the suspension, a School employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3) Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion shall not exceed five (5) consecutive school days per suspension.

Upon a recommendation of expulsion by the Principal, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Principal upon either of the following determinations: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

E. Authority to Expel

A student may be expelled either by the Board following a hearing before it or by the Board upon the recommendation of an Administrative Panel to be assigned by the Board as needed. The Panel should consist of at least three members. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

F. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Principal or designee determines that the Pupil has committed an expellable offense.

The expulsion hearing will be presided over by the Board President or the chair of the Administrative Panel. In the event a Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session unless the pupil makes a written request for a public hearing three (3) days prior to the hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

1) The date and place of the expulsion hearing;

2) A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;

3) A copy of the School's disciplinary rules which relate to the alleged violation;

4) Notification of the student's or parent/guardian's obligation to provide information about the student's status at the school to any other school district or school to which the student seeks enrollment;

5) The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or an advocate;

6) The right to inspect and obtain copies of all documents to be used at the hearing;

7) The opportunity to confront and question all witnesses who testify at the hearing;

8) The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

G. Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense.

Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay, and sworn declarations may be admitted as testimony from witnesses of whom the Board, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

The decision of the Administrative Panel shall be in the form of a written recommendation to the Board who will make a final determination regarding the expulsion. The final decision by the Board shall be made within ten (10) school days following the conclusion of the hearing.

I. Written Notice to Expel

The Principal or designee following a decision of the Board to expel shall send written notice of the decision to expel, including the Board's findings of fact, to the student or parent/guardian. This notice shall include the following:

1) Notice of the specific offense committed by the student.

2) Notice of any right to appeal the expulsion to the ~~District~~~~County~~State Board of Education. If this Board will not hear such appeals, the Charter School may establish a new panel of retired or current school administrators or teachers who are not related to the Charter School to hear expulsion appeals but who will follow the expulsion appeal procedures outlined in Education Code Sections 48921-48924.

3) Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the School.

The Principal or designee shall send written notice of the decision to expel to the Student's District of residence and the ~~County~~ State Board~~Office~~ of Education.

This notice shall include the following:

a) The student's name

b) The specific expellable offense committed by the student.

J. Disciplinary Records

The School shall maintain records of all student suspensions and expulsions at the School. Such records shall be made available for the Chartering Agency's review upon request.

K. Expelled Pupils/Alternative Education

Pupils who are expelled shall be responsible for seeking alternative education programs including but not limited to programs within the County or their school district of residence.

L. Rehabilitation Plans

Students who are expelled from the School shall be given a rehabilitation plan upon expulsion as developed by the Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the School for readmission.

M. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Principal and the pupil and guardian or representative, to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Principal shall make a recommendation to the Board following the meeting regarding his or her determination. The pupil's readmission is also contingent upon the School's capacity at the time the student seeks readmission or admission.

Adopted:

Amended:

DRAFT POLICY

FOR DISCUSSION PURPOSES ONLY

LIVERMORE VALLEY CHARTER SCHOOL

STUDENTS: SERVICES FOR STUDENTS UNDER THE INDIVIDUALS WITH DISABILITIES IN EDUCATION ACT

Applicability

This policy requires the identification, referral, assessment and services to all students with exceptional needs enrolled in the Charter School. All students at the Charter School shall be offered a free appropriate public education ("FAPE") in the least restrictive environment.

Policies and Procedures

- Search and Serve

  All students will be screened, as a preliminary measure to determine if a referral for assessment is needed. The student's need for special education can be screened from already available data (e.g., school tests, teacher observation, grades, etc.) regarding the student's progress or lack of progress within the general program. Any such student suspected of a disability cannot be assessed unless parent permission is obtained. The school's Special Education Director will then identify any students in need of a pre-referral intervention plan, and work with the school faculty to modify that student's educational program and Individual Success Plan prior to a referral to the Student Study Team. A Student Study Team composed of the student requiring special education services, that student's parent or guardian, and the Special Education Director will be responsible for identifying the student's needs and developing a plan to enable that student to be successful, including the appropriate individual tutoring schedule and classroom modification strategies, and techniques to enhance that student's ability to be successful. If the Student Study Team finds that the pre-intervention plan is not sufficient to meet the student's needs, they will recommend that the Charter School refer that student for a formal special education assessment. The Charter School may also choose to refer a student for services through the provision of a Section 504 Plan, if appropriate.

- Referral for Assessment

  The referral process is a formal, ongoing review of information related to students who are suspected of having disabilities and show potential signs of needing special education and related services. The Charter School's referral for assessment process will include examining student screening information and making a decision about whether or not to conduct a formal educational assessment. The parent of any student suspected of needing or qualifying for special education services may also make a referral for an evaluation. The Special Education Director will respond to any such referral in writing within 15 days. Parents will be informed via the Special Education Director that special education and related services are provided at no cost to them. If the Charter School concludes that an assessment is appropriate; the parent will receive an Assessment Plan. Assessments will be done only upon receipt of parent's written permission.

- Assessment

  A Special Education Director will be responsible for gathering information to determine the student's disability, eligibility for services, and determining the nature and extent of required services. Assessment procedures will be conducted in the student's primary language. The types of assessments that may be used for determining eligibility for specialized instruction and services will include:

  - Individual testing;
  - Observations;
  - Interviews;
  - Review of school records, reports, and work samples; and
  - Parent input.

  The Charter School will follow the following assessment guidelines:

  - Parents or guardians of any student referred for assessment must give their written consent for the school to administer the assessment;
  - The student must be evaluated in all areas related to his/her suspected disability;
  - Multiple assessments will be delivered by a qualified professional to measure the student's strengths and needs;
  - Assessments will be delivered without cultural, racial or gender bias;
  - Assessments will be delivered in the student's primary language, unless a qualified interpreter is provided;
  - Assessments will be adapted as necessary for student's with impaired sensory, physical or speaking skills; and
  - A multidisciplinary team will be assembled to assess the student, including a teacher knowledgeable in the disability.

The Special Education Director will be responsible for scheduling, coordinating and facilitating the IEP meeting. Educators qualified to interpret test results will present the assessment data at the IEP meeting.

- Development and Implementation of IEP

Every child who is assessed by the school will have an IEP that documents assessment results and determines eligibility for special education services. If the student is eligible for services, the Charter School will provide those services according to the student's IEP, which will specify the instruction and services the student shall receive. Students at the Charter School who have IEP's will be served in the Least Restrictive Environment (LRE).

Each student who has an IEP will have an IEP team that oversees the implementation and progress of the IEP. The IEP team at the Charter School will consist of the following individuals:

- The parent or guardian of the student for whom the IEP was developed;
- The Special Education Director;
- A General Education teacher who is familiar with the curriculum appropriate to that student;
- Special education professionals qualified to interpret assessment results; and
- A representative of the LEA, as appropriate.

Others familiar with the student may be invited as needed. The Charter School views the parent as a key stakeholder in these meetings and will make every effort to accommodate parent's schedules and needs so that they will be able to participate effectively on the IEP team. The school will provide an interpreter if necessary to ensure that all parents and/or guardians understand and can participate in the IEP process. If a parent cannot attend the IEP meeting, the school will ensure his/her participation using other methods, such as conferencing by telephone. The IEP will address the following:

- The rational for placement decisions;
- The services the students will receive and the means for delivering those services;
- A description of when services will begin, how often the student will receive them, who will provide them and where they will be delivered;
- Annual goals and short-term objectives focusing on the student's current level of performance;
- A description of how the student's progress will be measured and monitored; and
- Transition goals for work-related skills.

IEP meetings will be held according to the following schedule:

- Yearly, to review the student's progress and make any necessary changes;
- Every three years to review the results of a mandatory comprehensive reevaluation of the student's progress;
- After the student has received a formal assessment or reassessment;
- When the parent or teacher feels that the student has demonstrated significant educational growth or a lack of anticipated progress;
- When an Individual Transition Plan is (ITP) required at the appropriate age;
- When a special education student has been suspended, especially if they demonstrate a pattern of misbehavior, to determine if change to the IEP are required to address the misbehavior; and
- Prior to the expulsion of a student with an IEP, to determine if the student's misconduct was a manifestation of his/her disability.

- IEP Review

The IEP team will formally review the student's IEP at least once a year to determine how the IEP is meeting his/her needs. In accordance with IDEA regulations, the IEP team will also conduct a formal review of the IEP once every three years, in which the student is reassessed and the IEP is reviewed as part of an overall comprehensive reevaluation of the student's progress.

If a parent or faculty member feels the student's educational needs are not being met, they may request a reassessment or a review of the IEP by the IEP team at any time during the year via written notice to the school. Once the request is received, the Charter School will have thirty days, not including school vacations greater than five days, to hold the IEP meeting.

Parents will be informed four times a year of the student's progress toward meeting annual goals and whether the student is expected to meet his/her annual goals. The Goals and Objectives section of the IEP will be an attachment to the general progress report. This will serve to document the method by which the student's progress toward achieving the annual goal is measured, the student's progress during the relevant period, the extent to which it is anticipated the student will achieve the annual goal prior to the next annual review, and where needed, the reasons the student did not meet the goal.

- Staffing

If the number of special education students will not warrant full-time provider for specialized services; the school will work with the LACOE or contract with independent providers to provide all services including designated instruction and service as specified in California Education Code and IDEA.

The Charter School will employ or contract with Special Education Director. This person will be responsible for overseeing case management of all special education students and for arranging provision of services required by their IEP. The Special Education Director and any other appropriate school personnel will attend development, in-services, and/or training sponsored by LACOE in compliance with IDEA regulations as a participant in a SELPA.

The Special Education Director will:

- Ensure that all aspects of the IEP are followed;
- Arrange for the teacher of the child to attend the team meetings;
- Communicate with parents about progress made toward attaining the goals stated on the child's IEP, and inform them of due process procedures and rights;
- Consult quarterly with the School Principal to ensure that the goals and objectives of students with IEPs are being met;
- Complete the requisite paperwork, updating and filing of necessary information for initial referrals, triennial evaluations, ongoing monitoring of student progress, and appropriate provision of any/all test modifications as stipulated in the IEP;
- Maintain a central file with all special education material and IEP's in accordance with IDEA guidelines; and
- Provide a report of student progress on the same schedule as students in general education.

- Reporting

The Charter School will collect and maintain the following information on disabled students as required by the IDEA:

- A Calculation of all school-age students with disabilities being provided special education services by age, grade, category of disability and the number of students with disabilities who are English Learners;
- The number of students provided with test modifications and the types and the number of students exempted from standardized assessments as specified in their IEP;
- The setting in which students with disabilities receive their services, specifically including the portion of school day they receive services with non-disabled peers and time away from the regular classroom;
- The number of students with disabilities suspended in-school and out of school, organized by disability and length of suspension; and
- The basis of exit for the Charter School students with disabilities (i.e. attainment of diploma and type, declassified, moved, etc.).
- Any other data required by the SELPA.

All necessary procedures and practices to ensure confidentiality and accurate/timely reporting will be the responsibility of the Charter School. The Special Education Director will ensure that a central file with all special education material and IEP is maintained and that this file is locked and confidential, in accordance with IDEA guidelines. The Principal will oversee access to these records, and will be responsible for ensuring that all providers responsible for the implementation of a student's IEP will have access to a copy of the IEP and will be informed of their specific responsibilities in implementing the IEP.

- Due Process and Procedural Safeguards

  Parents or guardians of students with IEPs at the Charter School must give written consent for the evaluation and placement of their child, be included in the decision-making process when change in placement, is under consideration, and be invited, along with teachers, to conferences and meetings to develop their child's IEP.

  The school will acknowledge any concerns or disagreements raised by parents within five days, after which a meeting between the parent and school will be scheduled to seek resolution of the disagreement. If a disagreement or concern persists, parents or guardians have the right to initiate a due process hearing to challenge a decision regarding the identification, evaluation or educational placement of their child.

  The school will provide the parent with all of the notices of procedural safeguards as well as with information on the procedure to initiate both formal and informal dispute resolutions.

- Complaint Procedures

  Parents or guardians also have the right to file a complaint with the LACOE, and California State Department of Education if they believe that the school has violated federal or state laws or regulations governing special education.

- Special Education Strategies for Instruction and Services

  The Charter School will comply with federal mandate of the least restrictive environment, meaning that the school will make every attempt to educate special education students along with their non-disabled peers. The Charter School will mainstream all of its students as much as is appropriate according to each individual IEP, offering a comprehensive inclusion program that includes specialized individual tutoring through the Charter School extended day program.

  Each student's IEP requires different kinds of modifications for instruction and services, therefore the educational strategies of the IEP will be guilt around the student's needs and how these fit within the general educational program of the

school. The instruction outlined in each student's IEP will be delivered by personnel qualified to do so.

Adopted:

Amended:

MULTI-YEAR STRATEGIC FISCAL PLAN UPDATE 8/10/04

As part of its Charter Petition, the Livermore Valley Charter School (LVCS) submitted to the Livermore Valley Joint Unified School District (LVJUSD) a balanced budget and cash flow covering its start-up expenditures and first five years of operations. This detailed Multi-Year Strategic Fiscal Plan and Cash Flow laid out in great detail the operating assumptions, critical variables and specific budget assumptions, resulting in a line-item budget prepared in accord with California School Accounting parameters.

The original Plan was submitted to the District on 3/16/04, and provided LVCS with a sound and achievable financial stratagem based upon currently known factors, but also clearly stated that it was a fluid document, subject to refinement and update on a regular basis.

As part of the submittal to the California State Board of Education, and in line with maintaining a current financial plan, LVCS has presented below a summary of the major differences between the original Fiscal Plan submitted to LVJUSD and its current Fiscal Plan, submitted herewith in summary format only.

Figure 1: Summary Multi Year Budget Projection - 2005-2006 through 2009-2010

	Year I	Year II	Year III	Year IV	Year V
	2005–06	2006–07	2007–08	2008–09	2009–10
	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
Key Budget and Financial Variables					
School Enrollment	481	562	643	724	724
School ADA	464	543	621	699	699
Ratio of ADA to Enrollment	96.5%	96.6%	96.6%	96.5%	96.5%
Total Revenues	$ 2,808,889	$3,323,808	$3,866,704	$4,440,845	$4,567,451
Total Expenditures	$ 2,701,715	$3,237,341	$3,875,095	$4,433,619	$4,571,874
Net Operations: Sub Total	$ 107,174	$ 86,467	$ (8,391)	$ 7,226	$ (4,423)
Plus: Financings/Sources/Uses	$ -	$ -	$ -	$ -	$ -
Total Net Change	$ 107,174	$ 86,467	$ (8,391)	$ 7,226	$ (4,423)
Beginning Balance	$ 5,966	$ 113,140	$ 199,607	$ 191,217	$ 198,443
Ending Balance	$ 113,140	$ 199,607	$ 191,217	$ 198,443	$ 194,019

Figure 2: Detailed Multi Year Budget Projection - 2005-2006 through 2009-2010

	Year I	Year II	Year III	Year IV	Year V
	2005–06	2006–07	2007–08	2008–09	2009–10
	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
A. Revenues:					
Block Grant and Other State Funding	$2,727,838	$3,226,688	$3,750,451	$4,307,836	$4,430,295
Federal	$ -	$ -	$ -	$ -	$ -
Local	$ 81,051	$ 97,120	$ 116,253	$ 133,009	$ 137,156
Total Revenues	**$2,808,889**	**$3,323,808**	**$3,866,704**	**$4,440,845**	**$4,567,451**
B. Expenditures:					
Certificated Salaries	$1,383,125	$1,699,986	$2,045,163	$2,322,453	$2,408,520
Classified Salaries	$ 94,300	$ 155,420	$ 217,100	$ 267,600	$ 277,500
Employee Benefits	$ 338,097	$ 427,692	$ 523,787	$ 601,275	$ 623,552
Total Compensation Costs	**$1,815,522**	**$2,283,098**	**$2,786,050**	**$3,191,328**	**$3,309,572**
Books and Supplies	$ 184,062	$ 122,099	$ 125,188	$ 140,918	$ 134,454
Operating Costs	$ 702,131	$ 832,144	$ 963,856	$1,101,373	$1,127,849
Capital Costs	$ -	$ -	$ -	$ -	$ -
Total Expenditures	**$2,701,715**	**$3,237,341**	**$3,875,095**	**$4,433,619**	**$4,571,874**
Net Operations: Sub Total	**$ 107,174**	**$ 86,467**	**$ (8,391)**	**$ 7,226**	**$ (4,423)**
C. Other Financings/Sources/Uses					
Plus: Loans and Transfers In	$ -	$ -	$ -	$ -	$ -
Less: Oversight Fee to District	$ (0)	$ (0)	$ (0)	$ (0)	$ (0)
Less: Debt Service	$ -	$ -	$ -	$ -	$ -
Net: Total Other Financings	**$ (0)**	**$ (0)**	**$ (0)**	**$ (0)**	**$ (0)**
Total Net Change	**$ 107,174**	**$ 86,467**	**$ (8,391)**	**$ 7,226**	**$ (4,423)**
Beginning Balance	$ 5,966	$ 113,140	$ 199,607	$ 191,216	$ 198,442
Ending Balance	**$ 113,140**	**$ 199,607**	**$ 191,216**	**$ 198,442**	**$ 194,019**
(a) Includes payments made via District for in-lieu property tax funding					

Revenues

The projected dollars for the Charter School General Purpose Entitlement, Charter School Categorical Block Grant, and Class Size Reduction have been changed in line with the most recent projections from School Services of California relative to the Adopted State Budget. The figures previously used were based on the proposed State Budget per the Governor's January 2004 Budget Proposal. The funding for Staff Development and other instruction material augmentations has also been removed, recognizing School Services assessment that these dollars have now been rolled into the Categorical Block Grant Funding. Finally, although LVCS fully supports its original fundraising objectives, our updated fiscal plan remains viable, fully supporting the operating plan and reserve plan with a reduction in contributions, donations, and fundraising revenue dollars to a level of 3% of projected expenditures, as compared to an average of 8.9% in the original submittal.

Expenditures

In terms of personnel, the current plan reduces by one, the non-core certificated staffing level in year one only, from four positions to three. The plan also removes a part-time clerk in year one and excess part-time office manager staffing in years 3-5. The plan adds a permanent library tech position to the staff commencing in year two.

In the category of books & supplies, a reduction of $10,000 in year one is a result of book and supply donations received to date.

A number of changes have occurred within Services and Other Operating Expenditures as follows:

- Reallocated staff training and development dollars in years 2-5, providing $1,000 per year for incremental new staffing and $300 per year for existing staffing
- Increased custodial costs for addition of 2nd site in years 2-5
- Added dollars for staffing and volunteer background checks
- Increased Student Testing and Assessment to $30 per student from $10
- Legal – Added $7,500 in year 1, and $12,500 per year in years 2-5
- Increased Special Education encroachment cost in line with LVJUSD's current projections, to $422 per student from $395 in year 1, increasing yearly thereafter
- Added facility rental costs in years 2-5, $25,000, $35,000, $45,000, and $45,000, respectively to cover supplemental growth and operating needs (as required)

In terms of Start-up Expenditures, the plan includes staffing cost for a Principal and Administrative Assistant for coverage beginning 6 months prior to school commencement, increased textbook expenditures in each year for grade additions of sixth through eighth, and added legal and financial costs over the original projections.

Reserves

LVCS has maintained reserves equal to the greater of $50,000 or 4%, in years 1-5. This does not represent a change from the original budget, but the specific dollars have changed with the respective level of expenditures changes noted above.

Figure 3: Ending Balance and Reserve Projections - 2005-2006 through 2009-2010

	Year I	Year II	Year III	Year IV	Year V
	2005–06	2006–07	2007–08	2008–09	2009–10
Ending Fund Balance Components	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
Designated Amounts	$ -	$ -	$ -	$ -	$ -
Reserve for Economic Uncertainty	$ 108,069	$ 129,494	$ 155,004	$ 177,345	$ 182,875
Unappropriated Amount	$ 5,071	$ 70,113	$ 36,212	$ 21,097	$ 11,144
Ending Fund Balance (Net)	**$ 113,140**	**$ 199,607**	**$ 191,216**	**$ 198,442**	**$ 194,019**

Conclusion

In conclusion, LVCS's current fiscal plans, as well as its previous plan submittals to LVJUSD and the Alameda County Office of Education, fully portray a comprehensive, practical, and achievable fiscal program to support its proposed operations. These submittals have all been prepared without any funding which may be available as part of State start-up grant and/or revolving loan programs in order to show that LVCS has the financial wherewithal to support its planned operations. These additional funding sources, should they become available to LVCS in the future, would only serve to further enhance its operations, programming, financial capabilities, making it a model to be emulated throughout the state.

LIVERMORE VALLEY
CHARTER SCHOOL

Charter Petition

Submitted to the State Board of Education on August 12, 2004

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Charter School Intent and Charter Requirements

It is the intent of the California Legislature, in enacting the Charter Schools Act of 1992, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

(a) Improve pupil learning.

(b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.

(c) Encourage the use of different and innovative teaching methods.

(d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

(e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

(f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.

(g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

The Charter Schools Act (or Act)(Education Code Sections 47600 et seq.) requires each charter school to have a "charter" that outlines at least the sixteen (16) mandatory items of the Act. The following provisions of this charter coincide with the requirements of Section 47605 of the Act.

Assurances

- The Livermore Valley Charter School ("LVCS" or the "School") shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of race, ethnicity, national origin, gender, or disability.

- LVCS shall comply with all applicable federal, state and local laws.

- LVCS shall admit all pupils within the State of California who wish to attend the School subject to capacity. If LVCS receives a greater number of students who wish to attend the School who submit a timely application, each applicant will be given an equal chance of admission through a random lottery process.

- All meetings of the Board of the LVCS shall be held in compliance with the Brown Act.

- LVCS shall comply with all applicable state and federal laws in serving students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1974, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Act.

- LVCS shall offer at a minimum, the same number of minutes of instruction set forth in paragraph (3) of subdivision (a) of Education Code Section 46201 for the appropriate grade levels.

- LVCS shall maintain accurate and current written records that document all pupil attendance and make these records available for audit and inspection.

- LVCS shall meet all state standards and conduct the pupil assessments required pursuant to Education Code Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.

- LVCS shall on a regular basis consult with its parents and teachers regarding the School's education programs.

- LVCS shall meet all requirements for employment set forth in applicable provisions of law, including but not limited to credentials as necessary.

- LVCS will ensure that teachers in the School hold a Commission on Teacher Credentialing certificate, permit or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by law, flexibility may be given to non-core, non-college, preparatory teachers.

- LVCS will at all times maintain all necessary and appropriate insurance coverage.

I. FOUNDING GROUP

Biographies of the Livermore Valley Charter School founding group are attached in Supplemental Document Number 1. Brief experience summaries are included to show the breadth and depth of skills and talents this group possesses, including educational background, work experience, credentials, degrees, and certifications.

II. EDUCATIONAL PHILOSOPHY AND PROGRAM

"A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners."

- California Education Code Section 47605(b)(5)(A)

MISSION

Mission Statement

Livermore Valley Charter School students' educational achievements shall greatly exceed state minimums, creating an environment others will desire to emulate. The School will provide students from the local community with a creative, adaptive and emotionally fostering environment to prepare them to become productive members of society. The School will actively develop a symbiotic relationship with the community to ensure the development of our children's social skills, analytic ability and creativity. The School will adapt its educational methods to reflect the constantly changing, diverse, and highly technological society.

Vision Statement

The Livermore Valley Charter School will provide a unique and exemplary educational environment that focuses on preparing each child for the challenges of the 21st century. The School's vision is to teach children to be cognitive, analytical, creative and enthusiastic lifelong learners. The School's educational goals shall be achieved by focusing the learning process on comprehension and application of knowledge. The School will foster our children to higher achievements through dedicated educators, administrators and parents.

STUDENTS TO BE SERVED

Targeted School Populations

Students enrolling in the LVCS shall meet the state guidelines for age. To enter kindergarten a child must be 4 years and 9 months of age on or before September 2 of the current school year of attendance (Refer to E.C. 48000 or B.P. 5120).

LVCS will house kindergarten through fifth grade upon inception, and plans to add a grade each year in order to accommodate kindergarten through eighth grade by school year 2007-2008.

The School's projected first year enrollment based on the needs of the community includes approximately 481 students with the following anticipated breakdown:

Grade	Class Size Ratio: 1	# Of Classes	Student Total	Full School Day ‡ (planned)

K *	20	4	80	260 min
1st *	20	4	80	420 min
2nd *	20	4	80	420 min
3rd *	20	4	80	420 min
4th	20	4	80	420 min
5th	27	3	81	420 min
6th	27	TBD	Planned for 2005/06 School Year	
7th	27	TBD	Planned for 2006/07 School Year	
8th	27	TBD	Planned for 2007/08 School Year	

* State funding for CSR
Full school day includes instructional minutes, lunch and recess. Kindergarten total includes instructional minutes and recess, but not lunch.

Total enrollment and number of classes per grade in the following years shall be projected with consideration of the first and ensuing year's actual total enrollments. More than one site may be required to accommodate sixth through eighth grade.

Students from Livermore shall have preference in admission to the LVCS with the remaining openings available to any student in the State of California. The School shall locate its facility or facilities within the boundaries of Livermore Valley Joint Unified School District ("LVJUSD").

It is anticipated that LVCS will attract those who are seeking an alternative to their current educational system, desire an innovative educational approach, and share the vision of LVCS.

Attendance

The School's academic calendar shall generally align with the Livermore Valley Joint Unified School District's traditional academic calendar—commencing before September 30 in accordance with State charter school guidelines, and including but not limited to 180 instructional days.

The number of instructional minutes for all grades shall meet or exceed the State's requirements in Education Code Section 46201(a)(3)

The school week shall include one early release day to accommodate teacher collaboration and variety in the student's daily learning routines. The early release day would be no less than 240 minutes, excluding recess and lunch (Refer to B.P.6104).

LVCS Parents/guardians are responsible for sending their children to school and providing an explanation for absences. LVCS shall develop attendance policies to encourage regular attendance and for reporting of truancies to appropriate local authorities. **Appendix A** details the planned attendance policy.

EDUCATIONAL PHILOSOPHY

What it Means to be an Educated Person in the 21st Century

The objective of LVCS is to provide an environment in which children will develop into competent, self-motivated, confident, productive, lifelong learners, and responsible young adults. Students will possess the habits, skills, and attitudes needed to succeed in school and beyond, as contributing citizens of the 21st century. LVCS believes that an educated person in the 21st Century will ultimately possess the academic and life skills listed below. It is the goal of the School that its students will possess these skills upon completion of their LVCS program.

Academic Skills

- Students will be inspired to be inquisitive, self-motivated, life-long learners.
- Students will communicate through excellent listening, speaking, writing, and multi-lingual skills.
- Students will possess creative, logical, and critical thinking skills enhanced through art, science, and technology.
- Students will comprehend and use technology as a tool for learning and communication.
- Students will have confidence in adapting to new situations and be receptive to learning. They will be eager to synthesize and act upon new information.
- Students will find, select, evaluate, organize and use information from various sources and disciplines of thought. They will be able to make logical and flexible connections from them.

Life Skills

- Students will accept responsibility for personal decisions and actions.
- Students will develop self-confidence and a willingness to take risks in a safe learning environment.
- Goal setting and self-assessment will encourage concentration, perseverance, and independent working skills.
- Concentrating on an appreciation for the richness of shared knowledge that is inherent in the culturally diverse environment of California, students will be inspired to have empathy and courtesy for others.
- Students will work both cooperatively and independently.

How Learning Best Occurs

Children possess a wide range of learning skills. The LVCS believes learning best occurs when students are taught a comprehensive curriculum through innovative instructional design in an environment that promotes learning in a challenging and exciting way.

CURRICULUM AND INSTRUCTIONAL DESIGN

Curriculum and Content

LVCS shall focus on the education of the whole child through a core curriculum of English-language arts, mathematics, science, and history-social science including a complementary curriculum of visual and performing arts, physical education, foreign language, technology and life skills education. Students will be encouraged to be active in the community through various community service projects.

The curriculum at LVCS shall be aligned with the standards, goals and challenge standards outlined by the state. Students will be encouraged to exceed minimum standards. LVCS shall adopt curriculum materials by composing a committee of staff and parents to review the materials and make a recommendation to the Board of Directors. The materials will then be made available to parents of current and prospective students for review and comment. The School's Governing Board shall then make a final decision for adoption of materials. **Appendix B** contains a sample draft curriculum.

Student Needs and Instructional Strategies

LVCS shall create a productive, safe, enriching environment in which children of different backgrounds, abilities and needs work together successfully.

Project-based learning will be used to teach and to reinforce basic skills. Children learn by doing and the hands-on learning approach will give students an opportunity to take learned skills and to apply them to meaningful projects. These projects provide students an opportunity to develop and demonstrate critical thinking skills, problem solving skills and cooperative learning.

Productive citizens of the 21st century must be able to work cooperatively as part of a team to accomplish a task. Cooperative learning techniques will teach students to work collaboratively with others and allow them to develop their social and communication skills. Students will learn to share their knowledge and skills and acknowledge and respect the ideas and skills of others.

Teachers shall use dynamic, flexible grouping to meet the needs of their students, which will encompass such factors as skills, ability, age, gender and interest.

Children have different strengths and styles of learning. The teachers shall develop instructional programs incorporating the theory of multiple intelligences to build on each student's strengths and to address diverse learning styles. (Reference: Intelligence Reframed: Multiple Intelligences for the 21st Century, by Howard Gardner, New York: Basic Books, 1999)

Computers will be used as a tool for teaching and learning. Students will have access to technology for research, analysis, communication, skill building and self-expression.

Students will be involved in a variety of activities to enhance their understanding of how a community functions. This includes community service and establishing ongoing relationships with businesses, local government, and community organizations. Community members will be invited into the School to share their knowledge and expertise. Emphasis will be placed on students being connected to their community and becoming contributing members of society.

To be most effective, teachers must have time to work together, to plan, to discuss student needs, to mentor one another, and to observe other classrooms. The school day shall be structured such that staff members have time during school hours to work collaboratively, so that special programs and projects may be accommodated. To permit this flexibility, the length of the school year and/or the length of the school day may be extended beyond the state-mandated minutes.

The use of integrated curriculum will allow students to extend learning through language arts, mathematics, visual and performing arts, science, social studies, technology and other enrichment opportunities. Topics will be studied from many different angles and viewpoints, allowing students to explore subjects deeply, employ higher level thinking skills, and make connections among various disciplines of thought.

The workshop approach is used to differentiate instruction to meet the social, academic and individual needs of the students. The workshop is structured through dynamic groupings that foster collaborative work, personal interests and teacher directed skills where students will progressively become self-directed, responsible and reflective learners. **Appendix C** details a day in the life of a first grader.

Learning Setting

Learning at the School will take place in many settings during the day. In addition to children learning on a traditional school campus they will be immersed in a classroom setting with low student-teacher ratio to facilitate interactive and independent exploration. The goal is to have a campus complemented by: a music room, an art room, a state of the art computer lab, a health/science lab, a fully equipped performing arts facility, research gardens, a comprehensive library, language lab and physical education facilities.

Working together, student, parent and educator will seek to identify for each learner areas of greatest strength and weakness and to define individual learning styles. The low student-teacher ratio will help facilitate this individualized attention. Individual learning goals will be set and a plan will be developed which allows for the presentation of new material and concepts in a way most likely to reach the learner. The plan will encourage the learner to capitalize on strengths and shore up areas of weakness thereby increasing student achievement and success.

The previously described practices of low student-teacher ratio, ongoing teacher evaluation in addition to California Content Standardized testing as per California Education Code Section 47605(b)(5)(C) are designed to support all students including those not meeting desired outcomes. These standards include the subject fields of Language Arts, Mathematics, Science, History/Social Science and Physical Education. Further support for students not meeting desired outcomes may include intervention programs beyond the classroom such as cross-age tutoring, Read Naturally, student study teams, and I Can Read and I Can Count Clubs.

Through a program incorporating class size reduction (CSR), increased staff-student interaction, individualized instruction, and ongoing formal and informal assessments, faculty at the School will be able to know and meet the learning styles and needs of each child in the School. Amongst other benefits, CSR has been shown to increase test scores and reduce bullying (Reference: http://www.asu.edu/educ/epsl/EPRU/documents/EPSL-0309-110-EPRU.doc and "The Bully Free Classroom", Allan L. Beane, PhD, Free Spirit Press, Minneapolis MN, 2004, http://www.classize.org/techreport/CSRYear4_final.pdf)

The School's goal that each child will reach grade-level reading benchmarks as described in the California English-Language Arts Content Standards each year beginning in kindergarten is based in part on the California Reading and Literature Project (CRLP) of 1999, from the University of California at San Diego. According to the CRLP, "teachers have the primary responsibility for teaching young children to read, and that literacy programs, books in the classroom, and reading assessments are only tools. Nothing replaces a knowledgeable, reflective teacher who cares enough about students to ensure that all of them learn to read." The slogan of CRLP, "Every Child a Reader, Every Child by Name," is more than a slogan: it is a key to the School's philosophy. (Reference: http://csmp.ucop.edu/crlp/index.php)

PLAN FOR STUDENTS WHO ARE ACADEMICALLY LOW ACHIEVING

At LVCS, low-achieving students are those who fall below the 50th percentile on the adopted standardized test and/or fall below learning behavior, language acquisition and fine and gross motor skills in comparison with their peer group. At LVCS at-risk students are students who achieve at or below the 40th percentile on adopted state tests who may or may not qualify for special education services, and whose achievement potential is not being realized.

The whole structure of the LVCS curriculum and the instructional strategies outlined here are designed to maximize the learning opportunities of low-achieving and at-risk students. Low-achieving and at-risk students are thoroughly integrated into the entire student body at the school and participate fully in all aspects of the curriculum.

Particularly important at LVCS is the emphasis on cooperative learning in flexible groups. By working closely with students at all ability levels, low-achieving and at-risk students gain new knowledge, learn new strategies for solving problems, and develop new perspectives on the value of learning. By working with other students who value academic progress, low-achieving and at-risk students are motivated to work harder and develop a feeling of personal responsibility for their own learning. Finally, working in flexible groups helps all students to realize that everyone has unique skills and abilities that are needed to solve problems. This awareness raises low-achieving students' self-esteem and perceptions of their own competence, and increases their positive attitudes toward school, learning and success.

Parents of at-risk or low achieving students shall be contacted and included in the development of strategies to meet the specific needs of the student. Further support for such students may include intervention programs beyond the classroom, such as cross-age tutoring, Read Naturally, student study teams, and I Can Read and I Can Count Clubs. **Appendix D** provides strategies and outcomes for at-risk students.

PLAN FOR STUDENTS WHO ARE ACADEMICALLY HIGH ACHIEVING

Many students at the Livermore Valley Charter School demonstrate an ability to achieve beyond grade level. Accordingly, the Livermore Valley Charter School is committed to providing these students with opportunities to study the core curriculum in-depth and at an accelerated pace, allowing for novelty in student outcomes and

emphasizing higher level thinking skills. Students will be identified for participation in the GATE program in grades 3-5.

Students who participate in the Livermore Valley Charter School GATE program will be clustered in academic peer groups in each class with flexible academic groupings and specialized programs used as needed. Teachers receiving GATE students will provide a qualitatively differentiated curriculum according to California State guidelines. **Appendix E** provides GATE program goals and outcomes.

PLAN FOR ENGLISH LEARNERS

The School shall serve English Language Learners ("ELL") at the school site through a sheltered English immersion program. Under this program the student is enrolled in a regular class and receives supplementary instruction in order to learn English. The School shall comply with all applicable federal law in regard to services and the education of English Language Learner ("ELL") students. The School shall develop and implement, and maintain policies and procedures for the provision of services to ELL students in accordance with guidance published by the Office of Civil Rights of the U.S. Department of Education. At a minimum these policies and procedures shall ensure the following:

- Identify students who need assistance including the use of a home language survey and mandatory CELDT testing as required by law.
- Develop a program, which, in the view of experts in the field, has a reasonable chance for success.
- Ensure that necessary, appropriately credentialed staff, curricular materials, and facilities are in place and used properly.
- Develop appropriate evaluation standards, including program exit criteria, for measuring the progress of students; and assess the success of the program and modify it where needed.

PLAN FOR SPECIAL EDUCATION

Special Education Students And Students With Disabilities

The School shall comply with all applicable state and federal laws in serving students with disabilities including but not limited to Section 504 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities in Education Act ("IDEA").

The Charter School agrees to adhere to the policies, procedures and requirements of the Local Plan for Special Education in which it is a member LEA or a public school of a member LEA.

Section 504 /ADA

The School shall be solely responsible for its compliance with Section 504 and the ADA. All facilities of the School shall be accessible for all students with disabilities in accordance with the ADA.

Further, the School will adopt a policy, which outlines the requirements for identifying and serving students with a 504 accommodation plan. The School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student who has an objectively identified disability, which substantially limits a major life activity such as learning, is eligible for accommodation by the School.

A 504 team will be assembled by the site administrator and shall include qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options and the legal requirements for least restrictive environment. The 504 team will review the student's existing records, including academic, social and behavioral records and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If

the student has already been evaluated under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team who will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team will consider the following information in its evaluation:

a. Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.

b. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligent quotient.

c. Tests are selected and administered so as to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure rather than reflecting the student's impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and noticed in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEA, a referral for special education assessment will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations are needed to ensure that the student receives the free and appropriate public education ("FAPE"). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the School's professional staff. The parent or guardian shall be invited to participate in 504 team meetings where program modifications for the student will be determined and shall be given an opportunity to examine in advance all relevant records.

The 504 Plan shall describe the Section 504 disability and any program modification that may be necessary. In considering the 504 Plan, a student with a disability requiring program modification shall be placed in the regular program of the School along with those students who are not disabled to the extent appropriate to the individual needs of the student with a disability.

All 504 team participants, parents, and guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, continued eligibility or readiness to discontinue the 504 Plan.

Services for Students under the "IDEA"

The Charter School has two options with regard to special education services for students under the IDEA. The first option is to function as a public school of a school district for purposes of providing special education and related services under the IDEA pursuant to Education Code Section 47641(b). This option is preferred by the Charter School but can only be achieved through an agreement of a school district. Thus far, the Charter School has sent out proposals to the Livermore Valley Joint Unified School District and the Tracy Unified School District. These districts were chosen because of the proximity to the proposed charter school, and because it is likely that the majority of the students at the charter school will reside in these districts. If these options fail, other districts will be contacted as well. Under this option, the Charter School shall seek services from the school district for special education students in the same manner as is provided to students in other schools of the district. If the school district

is unable to provide such services, but will allow the School to operate as a public school of the district for special education purposes, the Charter School shall continue to function as a public school of the district, but shall provide special education services internally and/or through a contract with a third-party, licensed contract service provider such as Total Education Solutions.

Under a second opinion, the Charter School may act as a local education agency for the purposes of special education. The Director of the Tri-Valley SELPA, Mr. Kent Renzwalli has been contacted regarding this option. This SELPA serves the area in which the Charter School will be located. The SELPA policy requires an application by January of the school year preceding the school year in which the Charter School anticipates operating as an LEA. If the first option fails, a timely application will be filed with the Tri-Valley SELPA, and other SELPAs will be explored for membership as well.

Under either option, the students of the Charter School will be identified, referred, assessed, and served in compliance with the IDEA and part 30 of the Education Code and the implementing regulations of both. The School's draft policy regarding services for individual with exceptional needs is attached as State Board Exhibit A. This policy will be adapted as necessary to meet any requirements of the school district in which the Charter School acts as a public school for special education purposes or of the SELPA in which the Charter School acts as an LEA.

III. MEASURABLE PUPIL OUTCOMES AND OTHER USES OF DATA

"The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program."

- California Education Code Section 47605(b)(5)(B)

LVCS outcomes are meant to align with the mission, curriculum and assessment of LVCS. Students will demonstrate the following core academic and lifelong learning skills, which have been developed to align with the California State Curriculum Standards in a manner appropriate to age or grade-level mastery:

Core Academic Skills (appropriate age or grade-level mastery of)

The California state standards will be used as a foundation to build curriculum and guide instruction. Students shall meet or exceed California State content and performance standards as fully delineated in **Appendix F** in the areas of English-Language Arts, Science, History-Social Science, and Math. LVCS will expand upon the state standards as listed below.

English-Language Arts

- Strong reading, writing, listening, speaking, and presentation skills, in multiple forms of expression which may include poetry, biographies, stories, non-fiction, and plays, which will enable them to comprehend and interpret multiple forms of expression, including literature from various time periods and cultures.

Science

- The understanding and application of the major concepts underlying the various branches of science, which may include physics, biology, chemistry, ecology, astronomy and earth sciences aligning with State Standards. This knowledge will enable students to make informed decisions in an increasingly technological world.

History/Social Sciences

- An understanding of civics, history, geography, cultures and languages so they can apply their knowledge and be responsible citizens of the 21st century.

Mathematics

- The ability to reason logically, and to understand and apply mathematical processes and concepts to solve problems requiring basic mathematics, algebra, geometry, statistics, and other math disciplines. These problem-solving skills will be integrated into other disciplines.

Lifelong Learning Skills

Students shall develop skills that will enable them to pursue their own path of learning throughout their adult lives in becoming self-motivated, competent and lifelong learners, including the following California Challenge Standards and enrichments:

Study Skills

- Proficient study skills and habits including note taking, library research skills, and studying strategies.
- The ability to reflect on and evaluate one's own and other's learning.
- The ability to plan, initiate and complete a project, including goal setting and self-assessment

Cognitive Processing Abilities

- Cognitive processing abilities using complex and critical thinking skills.
- The ability to identify, access, integrate and use available resources and information.

- The ability to reason, make sound decisions, problem solve and analyze in a variety of contexts.
- The ability to articulate their thought processes.

Technology
- Skills from a variety of technological sources for the purpose of research, analysis, communication, organization and self-expression. Ability to utilize computers and commonly used software applications.

Foreign Languages Skills
- A foundation in a language other than English.
- A knowledge and understanding of other cultures.
- An ability to function with people from other cultures or to participate in multilingual communities.

Visual and Performing Art Skills
- Knowledge of skills to express ideas and emotions through participation in various forms of the visual and performing arts which may include music, theatre, dance, the two and three dimensional arts, puppetry and applied arts.

Health Science/Physical Fitness
- Knowledge of pertinent issues of health, safety and the development of behaviors that are a foundation of lifelong healthy living.

Social/Interpersonal Skills
- The ability to make responsible decisions, build self-esteem, and be a productive member of an increasingly diverse and technological society.
- The ability to communicate clearly through oral, written, visual and other forms of expression.
- The ability to engage in responsible, compassionate peer relationships.
- The ability to collaborate and work effectively with others in cooperative groups.

LVCS shall break down these outcomes into specific grade level and classroom specific benchmark skills. LVCS shall continue to examine and refine student outcomes and performance goals over time to reflect the School's mission, curriculum and assessments and any changes to state standards.

- The School shall strive to increase the number of students performing in the upper quartile range of mandated standardized tests by 1% in each of the subject areas in each year of this charter.
- The School's goal is to increase standardized test scores for at-risk students by 5% in each subject area each year. The School shall strive for 75% of the students' grades K-5 to rate a 3 or 4 (meets or exceeds standards) on the grading rubric (See example Rubric in **Appendix G**) in the core curricular areas each grading period.
- LVCS shall strive for student attendance of at least 96.5%.

ACADEMIC PERFORMANCE INDEX

- LVCS shall strive to meet its annual API growth target and AYP each year.

METHODS OF ASSESSMENT

METHODS TO ASSESS PUPIL PROGRESS TOWARDS MEETING OUTCOMES

"The method by which pupil progress in meeting those pupil outcomes is to be measured."

- California Education Code Section 47605(b)(5)(C)

Pupil progress toward meeting the Student Outcomes shall be measured by state mandated annual standardized assessments. Standardized assessments allow us to compare our students' performance with the rest of the state. In

the absence of a State Mandated test, the School may administer another nationally, standardized test. In addition, the school may provide internal learning performance accountability documentation.
This internal documentation may include, but is not limited to, Individual Education Plan (IEP) goals, Consortium on Reading Excellence (CORE), Accelerated Reader/STAR Reading, Piagetian developmental assessments, Math Their Way assessments, STAR Math, and other methods by which student progress may be assessed.

Student progress towards skill mastery will be documented three times yearly in standard-based report cards that mirror the LVJUSD elementary report card**.** Parent teacher conferences will be held at least once per school year and more often on an as-needed basis. Teachers will share students' academic, social, emotional, and physical progress with parents. Upper grade students will be given the opportunity to participate in conferences to reinforce their participation in the learning process. The table below outlines pupil outcomes, benchmarks instruments and assessments.

Measurable pupil outcomes	Local Benchmark Instruments	State-level Year-end assessments
Achieve rating of 3 or 4 and/or A or B (per academic rubric) on the state content standards each year in its core subjects.	Student progress records, portfolios, locally developed/adopted content and skill assessment instruments	Current state accountability measures: for example, STAR/CAT6, writing assessments
Students will meet or exceed grade level standards each academic year, as evidenced by scores on the STAR/CAT 6 exam.	Practice sheets as needed	Current state accountability measures: for example, STAR/CAT6, writing assessments
At least 96.5% student attendance	Daily attendance reporting	Calculated ADA rate
Maintain or exceed the Academic Performance Index of the LVJUSD average Academic performance index	Annual growth targets	Current state accountability measures: for example, STAR/CAT6, writing assessments
Incorporated State Challenge program into the Life Skills curriculum	Challenge Standards	Self-Evaluation, Writing Samples, IEP, Performance Assessment, Teacher Observation

USE AND REPORTING OF DATA

Programmatic Report

The assessments are designed to align to the mission, exit outcomes, and the curriculum described in the charter. LVCS shall collect annual data from the assessments listed above and shall utilize the data to identify areas of necessary improvements in the educational program. The School shall develop an annual performance report based upon the data compiled. The report shall also include:

- Summary data showing student progress toward the goals and outcomes from assessment instruments and techniques as described in this section.
- An analysis of whether student performance is meeting the outcomes specified by this section. This data will be displayed on both a Charter school-wide basis and disaggregated by major racial and ethnic categories to the, extent feasible without compromising student confidentiality.
- A summary of major decisions and policies established by the Board during the year.
- Data on the level of parent involvement in the School's governance (and other aspects of the school, if applicable) and summary data from an annual parent and student satisfaction survey.

- Data regarding the number of staff working at the school and their qualifications.
- A copy of the school's health and safety policies and/or a summary of any major changes to those policies during the year.
- Information demonstrating whether the School implemented the means listed in charter to achieve a racially and ethnically balanced student population.
- An overview of the School's admissions practices during the year and data regarding the numbers of students enrolled, the number on waiting lists, and the numbers of students expelled and/or suspended.
- Analyses of the effectiveness of the School's internal and external dispute mechanisms and data on the number and resolution of disputes and complaints.
- Other information regarding the educational program and the administrative, legal and governance operations of the School relative to compliance with the terms of the charter generally.

The School and the SBE will also jointly develop an annual site visitation process and protocol to enable the grantor to gather information needed to confirm the school's performance and compliance with the terms of this charter.

The SBE agrees to receive and review the annual programmatic report. The SBE may notify the Board of the school as to whether it considers the school to be making satisfactory progress relative to the goals specified in this charter.

IV. GOVERNANCE STRUCTURE

"The governance structure of the school including, but not limited to, the process to be followed by the school to ensure parental involvement."

- California Education Code Section 47605(b)(5)(D)

Legal Status

LVCS has constituted itself as a California non-profit public benefit corporation pursuant to California law and has applied for 501(c)(3) status. The School shall be governed pursuant to its Bylaws adopted, as subsequently amended from time to time, which shall be consistent with this charter.

The School shall operate autonomously from the SBE, with the exception of the supervisory oversight and special educations services as required by statute. Pursuant to the Education Code Section 47604(c), the SBE shall not be liable for the debts and obligations of the School, operated as a California non-profit benefit corporation or for claims arising from the performance of acts, errors, or omissions by the charter school as long as the SBE has complied with all oversight responsibilities required by law.

Board of Directors

The School will be governed by a Board of Directors (the "Board"). The Board shall be ultimately responsible for the operation and activities of the School. Board Members have a responsibility to solicit input from, and opinions of, the parents of students, the faculty and staff, regarding issues of significance and to weigh the input and opinions carefully before taking action. The primary method for executing their responsibilities is the adoption of policies that offer guidance and interpretation of the charter and procedures to assist the staff in facilitating the implementation of such policies. The Board consists of seven members who will govern LVCS. Each initial board member will serve a two-year term, with all subsequently elected members serving four-year terms

The Board's initial composition includes:

- Four parents and/or community members
- The Principal of the School
- Two Faculty Representatives
- In addition, the SBE may select a representative to sit on the board as an *exofficio* (non-voting) member who facilities communication and mutual understanding between the school and the chartering authority.

The initial Board was approved by the chairpersons of the nine committees developing the charter petition document. All future appointments to the board will follow the nomination and election process outlined in the Bylaws. An additional four members will be added to the Board of Governance during the fall of the School's first year of operation, each serving a four-year term. The initial Board of Directors is:

<u>Public and Community Members</u>:
Lon Goldstein Financial Consultant
Tracey Luttrell Attorney at Law
Lauren Reed Certified Public Accountant
Lance Solomon CPA/MBA

<u>Faculty Representatives</u>:
Muriel Burns
Laura Morgan

The School's principal will join the board upon beginning his or her employment with the School. The chartering authority representative will be appointed to the Board upon approval of the charter petition and selection of that

representative by the chartering authority. The Board will meet on a regular basis (e.g., monthly). The responsibilities of the LVCS Board of Directors include but are not limited to:

- Uphold the mission and vision of the School
- Oversee the implementation of the charter
- Provide notice and hold meetings in compliance with the Brown Act.
- Create external or sub-committees as needed, including but not limited to, a nominating committee and an audit committee.
- Ensure compliance with applicable law such as the Public Records Act and policies such as Conflict of Interest.
- Approve all operational polices as well as work with the school's administration and faculty to implement such policies.
- Approve and monitor the school budget and the school's fiscal practices, including solicitation and receipt of grants and donations.
- Approve and monitor the instructional programs and materials.
- Approve personnel policies, and all hiring and dismissal of school personnel
- Approve and supervise student and parent policies including but not limited to, recruitment of staff, admissions, disciplinary policies including suspension and expulsion.
- Approve and monitor management of school liabilities, insurance, health, safety and risk-related matters.
- Approve all contracts and expenses in excess of 1% of the annual operating budget.

The board shall adopt policies and procedures regarding self-dealing and conflicts of interest. The Charter School Board of Directors may initiate and carry out any program or activity that is not in conflict with or inconsistent with any law and which is not in conflict with the purposes for which charter schools are established. The Board may execute any powers delegated to it by law, and shall discharge any duty imposed by law upon it and may delegate to an employee of the School any of those duties. The Board, however, retains ultimate responsibility over the performance of those powers or duties so delegated.

Parent Participation

As the School is being established to serve the needs of the students and their families, it is anticipated that a Parent/Teacher Council ("PTC") will be established to facilitate communication among parents, teachers and the Board as well as promote cultural and social activities within the school community.

The PTC will:

- Serve as a forum for the discussion of matters of interest and concern to the parents of the School.
- Act as a communication channel between the parents and other individuals and groups, both within and outside the school community.
- Coordinate and sponsor committees, clubs and other activities that enhance the intrinsic value of the School and contribute to the fulfillment of its mission. By their nature these committees will work with various bodies within the School, providing support activities as appropriate.
- Coordinate PTC fundraising activities, and oversee the allocation and disbursement of funds raised by the PTC.
- Report as needed to the Board of Directors at the regularly conducted board meetings.

V. HUMAN RESOURCES

QUALIFICATIONS OF SCHOOL EMPLOYEES

"The qualifications to be met by individuals to be employed by the school."
- California Education Code Section 47605(b)(5)(E)

LVCS shall recruit professional, effective and qualified personnel for all administrative, instructional, instructional support, and non-instructional support capacities that believe in the instructional philosophy outlined in its vision statement. In accordance with Education Code 47605(d)1, LVCS shall be nonsectarian in its employment practices and all other operations. The School shall not discriminate against any individual (employee or pupil) on the basis of ethnicity, national origin, gender or disability.

All employees should possess the personal characteristics, knowledge base and/or relevant experiences in the responsibilities and qualifications identified in the posted job description as determined by the School.

Principal

The Principal supervises the campus teachers and non-instructional staff. The Principal shall act as the instructional leader at the School and shall be responsible for helping the School students achieve outcomes as outlined in the Educational Program.

Candidates for this position will possess:

- Excellent communication and community-building skills
- Administrative experience
- Extensive knowledge of curriculum development
- A record of success in developing teachers
- Experience in performance assessment

This individual must meet all of the following minimum requirements:

- Valid California Administrative Credential
- Valid California Elementary Teaching Credential
- Possession of a Master's Degree or higher

Teachers

The School shall comply with Education Code Section 47605(l), which states in pertinent part:

"Teachers in charter schools shall be required to hold a Commission on Teacher Credentialing certificate, permit or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to non-core, non-college preparatory courses."

Core Teaching Faculty, as providers of the day-to-day teaching and guidance to the students, are the primary resources of the School. In a school culture that promotes academic rigor and success for all students grade level core teachers are responsible for, but not limited to:

- Core subject instruction in mathematics, language arts, science and history/social studies
- Curriculum planning
- Collaboration with fellow faculty and administrators
- Student assessment
- Communication with parents

Candidates for these positions will possess:

- A commitment to students and learning
- Knowledge about their subject material
- A willingness to be innovative and dynamic in their instruction methods

These individuals must meet all of the following minimum requirements:

- Bachelor's Degree
- Valid California Elementary Teaching Credential and appropriate supplemental credential if required.

Additionally, core teachers, as defined by the No Child Left Behind Act, shall meet the applicable definitions of the highly qualified requirements.

Educators providing specialized learning opportunities, including options for physical education, fine and performing arts, foreign language are required to hold a teaching credential and must have subject matter expertise, professional experience and the demonstrated ability to engage learner's participation in the educational process as determined by the School and meet any applicable requirements of the NCLB.

All employees shall be fingerprinted and shall successfully pass all required Department of Justice/Federal Bureau of Investigations and LiveScan™ checks and undergo background checks that provide for the health and safety of the School's faculty, staff and students.

In accordance with applicable law, the LVCS reserves the right to recruit, interview and hire anyone at anytime who has the best qualifications to fill any of its positions vacancies.

COMPENSATION AND BENEFITS

"The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security."

- California Education Code Section 47605(b)(5)(K)

All full-time employees of the Charter School shall participate in a qualified retirement plan including but not limited to State Teachers Retirement System ("STRS"), Public Employees Retirement System ("PERS") the federal social security system, or other alternate qualified plans as applicable to their position. All part-time staff will participate in the federal social security system. Staff at the charter school may have access to other school sponsored retirement plans according to policies developed by the board of directors and adopted as the school's employee policies.

EMPLOYEE REPRESENTATION

"A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act"

- California Education Code Section 47605(b)(5)(O)

The Charter School shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of EERA.

Persons employed by the Charter School are not considered employees of the SBE for any purposes whatsoever. LVCS maintains full responsibility and liability for hiring and retention purposes for all employees of the school.

RIGHTS OF SCHOOL DISTRICT EMPLOYEES

"A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school and of any rights of return to the school district after employment at a charter school."

- California Education Code Section 47605(b)(5)(M)

Any current school district employees who resigns their position with the school district to become an employee of the School and is reemployed within 39 months shall be restored disregarding the break in service, as per California Education Code 44931, listed below:

California Education Code 44931. Whenever any certificated employee of any school district who, at the time of his or her resignation, was classified as permanent, is reemployed within 39 months after his or her last day of paid service, the governing board of the district shall, disregarding the break in service, classify him or her as, and restore to him or her all of the rights, benefits and burdens of, a permanent employee, except as otherwise provided in this code. However, time spent in active military service, as defined in Section 44800, subsequent to the last day of paid service shall not count as part of the aforesaid 39-month period.

All employees of LVCS shall be considered the exclusive employees of LVCS and not any school district or the SBE unless otherwise mutually agreed in writing. Sick or vacation leave or years of service credit at the SBE or any school district shall not be transferred to LVCS.

A former employee of any school district shall have the following rights:

- Any rights upon leaving the employment of a local education agency to work in the Charter School that the local education agency may specify.
- Any rights of return to employment in a local education agency after employment in the Charter School as the local education agency may specify.
- Any other rights upon leaving employment to work in the Charter School and any rights to return to a previous employer after working in the Charter School that the State Board of Education determines to be reasonable and not in conflict with any provisions of law that apply to the Charter School or to the employer from which the employee comes to the Charter School or to which the employee returns from the Charter School.

As provided in Section O of this charter, LVCS shall be the exclusive public school employer for purposes of the Educational Employment Relations Act ("EERA"). Thus, the collective bargaining contracts of local school districts shall not be controlling.

HEALTH AND SAFETY

"The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237."

- California Education Code Section 47605(b)(5)(F)

In accordance with California Education Code (EC) Section 35294, the LVCS will develop, adopt, and fully implement a comprehensive set of policies and procedures that will serve to ensure the health and safety of pupils and staff. These policies will be enacted prior to the opening of the school and will be incorporated into the school's staff, student, and volunteer handbooks. Expertise of the insurance carrier's loss-control personnel, safety professionals, and industrial hygiene specialists and the SBE oversight agent will be drawn upon in the development and implementation of this comprehensive integrated risk management program in accordance with all applicable provisions of law. These policies will be reviewed and updated as required in response to any change in conditions or operations that may affect the health and safety of students and staff.

Our policies and procedures will include, but are not limited to, the following:

- A requirement that each employee of the School submits to a criminal background check and furnishes a criminal record summary as required by EC 44237.
- A requirement that each campus volunteer at the School submits to background screening. A volunteer is defined as an individual working under the direction of a paid School employee to provide a service without compensation on campus while working with or around children.
- A requirement that all employees and volunteers undergo TB screening
- A policy that the School will be housed in facilities that have received state fire marshal approval and that have been evaluated by a qualified structural engineer who has determined that the facilities present no substantial seismic safety hazard.
- Policies and procedures for a coordinated response to natural disasters and emergencies, including fires and earthquakes.
- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required for enrollment in California Public Schools.
- Policies relating to the administration of prescription drugs and other medication.
- Policies that will foster a drug and alcohol and tobacco free environment.
- A requirement that instructional and administrative staff receive training on emergency and first aid response.

The School may create additional policies and procedures as the need occurs and to stay in compliance with changes to local, state and federal laws and regulations. Attached as **Appendix H**, please find a draft of health and safety policies to be considered by the LVCS Board.

DISPUTE RESOLUTION

"The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter."

- California Education Code Section 47605(b)(5)(N)

Intent

The intent of this dispute resolution process is to (1) resolve disputes within the school pursuant to the school's policies, (2) minimize the oversight burden on the SBE, and (3) ensure a fair and timely resolution to disputes.

Disputes Arising From Within the School

Disputes arising from within the school, including all disputes among and between students, staff, parents, volunteers, advisors, partner organizations and governing board members of the school, shall be resolved pursuant to policies and processes developed by the school.

Disputes Between the Charter School and the State Board of Education

In the event of a dispute between the Charter School and the SBE, the staff and Board members of the School shall follow the following dispute resolution procedure or a dispute resolution procedure as determined necessary and appropriate by the State Board of Education in recognition that the SBE is not an LEA. It is understood that the State Board may choose to resolve a dispute directly instead of the dispute resolution process specified in the charter and the SBE agree to first frame the issue in written format and refer the issue to the Superintendent of the SBE and the Principal of the School. In the event that the SBE believes that the dispute relates to an issue that could lead to revocation of the charter under Education Code Section 47607 or 47604.5, this shall be specifically noted in the written dispute statement. If the substance of the dispute is a matter that could result in the taking of appropriate action, including, but not limited to revocation of the charter in accordance with Education Code Section 47607 or

47604.5, the matter will be addressed at the State Board of Education's discretion in accordance with that provision of law and any regulation pertaining thereto.

The Principal and appointed SBE representative shall informally meet and confer in a timely fashion to attempt to resolve the dispute. In the event that this informal meeting fails to resolve the dispute, the SBE representative and Principal shall meet to jointly identify a neutral, third party mediator. Mediation shall occur before a mutually agreeable mediator who is skilled in the interest-based approach to mediating disputes in the public school setting. The format of the mediation session shall be developed jointly by the SBE representative and the Principal, and shall incorporate informal rules of evidence and procedure unless both parties agree otherwise. Any recommendations of the mediator shall be non-binding, unless the Board of the School and the SBE jointly agree to bind themselves.

VI. STUDENT ADMISSIONS, ATTENDANCE, AND SUSPENSION/EXPULSION POLICIES

STUDENT ADMISSIONS POLICIES AND PROCEDURES

"Admission requirements, if applicable."

- California Education Code Section 47605(b)(5)(H)

LVCS shall strive, through recruitment and admissions practices, to achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the LVJUSD. Students shall be considered for admission without regard to ethnicity, national origin, gender, disability or sexual orientation.

The School shall strive to achieve a student population from the Livermore area who understand and value the School's mission and vision statements and are committed to the School's instructional and operational philosophy. Students who are currently under an expulsion from a public school may not enroll in the School until the expulsion term has been documented as completed, and the student completes the rehabilitation plan created by the former school or as created by LVCS on behalf of the student.

LVCS shall admit all students who wish to enroll in the School subject only to capacity. Preference for enrollment shall be given in order of priority according to LVCS policy as follows:

1) Students returning from the previous year
2) Siblings of currently enrolled students
3) Children of Founding Families (An LVCS Founding Family is defined as parents or guardians who complete a combined total of 150 documented hours of volunteer time towards the establishment of the School. This time must be completed no later than 3 weeks prior to the initial lottery drawing (date to be determined).)
4) Children of the paid staff of LVCS
5) Students on prior year's waitlist
6) Residents of areas served by the LVJUSD
7) Other California residents

With the exception of the initial year, open enrollment shall occur on or about January 2nd through February 28th. If more students apply than can be admitted in accordance with Education Code Section 47605(d), a public random drawing shall be held the second Wednesday in March to select students for admission and the waiting list. Existing students returning for the following year will be guaranteed admission and will not be a part of a public random drawing.

When a drawing is necessary after an enrollment period has ended, it shall be conducted in accordance with the preference groups established herein, beginning with a drawing for all applicants who are members of the highest preference group that cannot be entirely accommodated within the available vacancies. A waiting list of applicants at each grade level shall be maintained to fill vacancies that occur during the school year. Applicants who were waitlisted in the previous year will be given preference within their numbered priority group in a subsequent year's lottery.

Admission to LVCS requires a commitment from both students and parents, to the mission and vision of the School as set forth in the Charter. Prior to admission, all parents or guardians shall be required to complete an application packet and sign an agreement indicating they understand the School's philosophy, program, and volunteer policy.

NON-DISCRIMINATION

MEANS TO ACHIEVE RACIAL/ETHNIC BALANCE REFLECTIVE OF DISTRICT

"The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted."

- California Education Code Section 47605(b)(5)(G)

LVCS will implement a strategy that includes, but is not necessarily limited to, the following elements or strategies which focus on achieving and maintaining a racial and ethnic balance among students that is reflective of the general population residing within the territorial jurisdiction of the LVJUSD including Spanish language materials:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based application process.
- The development and distribution of promotional and informational material that reaches out to all of the various racial and ethnic groups represented in the territorial jurisdiction of the LVJUSD.
- Outreach activities.

To date, outreach activities have included communications with 12 Livermore elementary schools, 25 preschools, 7 libraries/city facilities/public parks, and 86 local businesses. In addition, fliers were posted at 5 public streets and information was sent to and delivered via The Independent, Pleasanton Weekly, Tri-Valley Herald, The Valley Times, Pleasanton Local Channel 30, Livermore Local Channel 26, KPIX Channel 5, KKIQ Radio and KTVU (Channel 2).

Specific Outreach Efforts include:

February 2004

a. Thursday, February 12th, we held our initial community meeting at Arroyo Mocho to inform the community about the charter school project and to gauge community interest. The audience asked many questions about charter schools in general and the project in particular. Several people asked how they could become involved immediately. The official attendance figure was
b. 354 people. We had over 120 people sign up for various committees.
c. Saturday, February 14th, the committees met for the first time and began their process of organizing themselves, appointing co-chairs and setting up future meeting dates.
d. Thursday, February 26th we held our second community meeting. 4000 flyers in English and Spanish were distributed to all Livermore Schools, Preschools and posted throughout the Livermore community. There were 217 in attendance and four new committees were formed. Spanish interpreters were available to answer any questions.

March 2004

a. During the petition signing process information and interpreters were available.
b. The second community meeting was broadcasted to the local community on March 8, 9 and 10

As part of outreach to Spanish speakers, LVCS provided:

a. Flyers in both English and Spanish about upcoming Livermore Valley Charter School meetings
b. General information sheets, and other key documents, including the school vision and mission statement in Spanish
c. Information in Spanish on the Livermore Valley Charter School website
d. Spanish translators at all general charter team meetings

PUBLIC SCHOOL ATTENDANCE ALTERNATIVES

"The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools."

- California Education Code Section 47605(b)(5)(L)

Students who opt not to attend the LVCS may attend school district of residence schools or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of their district or county of residence. Parents or guardians of each pupil enrolled in the Charter School shall be informed that the pupil(s) has no right to admission in a particular school of any local educational agency (or program of any local education agency) as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

SUSPENSION AND EXPULSION PROCEDURES

"The procedures by which pupils can be suspended or expelled."

- California Education Code Section 47605(b)(5)(J)

The School acknowledges the responsibility of each student, parent, volunteer, faculty, staff and administrator to contribute to the wellbeing of the community by demonstrating responsibility and accountability for individual and group actions. It is the School's goal to enhance the quality of relationships, the quality of learning, and the quality of the community through shared responsibility. Attached as **Appendix I**, please find the procedures by which students can be suspended or expelled.

VII. FINANCIAL PLANNING, REPORTING AND ACCOUNTABILITY

BUDGETS

"The petitioner or petitioners shall also be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation."

- California Education Code Section 47605(g)

Please see Supplemental Document Number 2 attached herein, "Multi Year Strategic Fiscal Plan and Supplemental Document Number 3, "Impact Statement."

FINANCIAL REPORTING

Please see Supplemental Document Number 2 attached herein, "Multi Year Strategic Fiscal Plan and Supplemental Document Number 3, "Impact Statement."

INSURANCE

Please see Supplemental Document Number 2 attached herein, "Multi Year Strategic Fiscal Plan and Supplemental Document Number 3, "Impact Statement."

ADMINISTRATIVE SERVICES

"The manner in which administrative services of the School are to be provided."

- California Education Code Section 47605(g)

Please see Supplemental Document Number 3, "Impact Statement," attached herein.

FACILITIES

"The facilities to be utilized by the school. The description of facilities to be used by the charter school shall specify where the school intends to locate."

- California Education Code Section 47605(g)

Please see Supplemental Document Number 3, "Impact Statement," attached herein.

TRANSPORTATION

The School does not have current plans to offer student transportation unless otherwise mandated by law. Please see Supplemental Document Number 2, "Multi Year Strategic Fiscal Plan," attached herein.

AUDITS

"The manner in which an annual, independent, financial audit shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority."

- California Education Code Section 47605(b)(5)(I)

The LVCS Board shall appoint an Audit Committee, which shall select an independent financial auditor and oversee audit requirements.

An annual audit of the books and records of LVCS shall be conducted as required under the Charter Schools Act, section 47605(b)(5)(I). The books and records of the School shall be kept in accordance with generally accepted

accounting principles, and as required by applicable law and the audit shall employ generally accepted accounting procedures.
The Audit Committee shall select an independent auditor. The auditor shall have, at a minimum, a CPA and educational institution audit experience. To the extent required under applicable federal law, the audit scope shall be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

It is anticipated that the annual audit will be completed within four months of the close of the fiscal year and that a copy of the auditor's findings will be forwarded to the, Alameda County Superintendent of Schools, SBE, the State Controller, and to the CDE by December 15th each year. The School's Principal along with the audit committee will review any audit exceptions or deficiencies and report to the School's Board with recommendations on how to resolve them. The School Board will submit a report to the SBE describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the SBE. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process referenced in Section N of this Charter.

CLOSURE PROTOCOL

"A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the school, including plans for disposing of any net assets and for maintenance and transfer of pupil records."

- California Education Code Section 47605(b)(5)(P)

The following procedures shall apply in the event the charter school closes. The following procedures apply regardless of the reason for closure.

Closure of the School shall be documented by official action of the Board of LVCS. The action shall identify the reason for closure. The LVCS Board shall promptly notify the SBE, within 10 business days, of the closure and the effective date of the closure.

The LVCS Board shall ensure notification to the parents and students of the school of the closure and to provide information to assist parents and students in locating suitable alternative programs. This notice shall be provided promptly, within 10 business days following the LVCS Board's decision to close the school. As applicable, the school shall transfer all appropriate student records to either LVJUSD or the Alameda County Office of Education or if both are unwilling to store such records back to the student's district of residence and shall otherwise assist students in transferring to their next school**.** All transfers of student records shall be made in compliance with the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g.

As soon as reasonably practical, the school shall prepare final financial records. The school shall also have an independent audit completed as soon as reasonably practical, which period is generally no more than six months after closure. The school shall pay for the final audit. The audit shall be prepared by a qualified Certified Public Accountant selected by the school and shall be provided to the SBE promptly upon completion.

On closure of the school, all assets of the school, including but not limited to all leaseholds, tangible and intangible personal property and all ADA apportionments and other revenues generated by students attending the school, remain the sole property of the LVCS and shall be distributed in accordance with the School's articles of incorporation and applicable law upon dissolution of the School. On closure, the School shall remain responsible for satisfaction of all liabilities arising from the operation of the school.

As the School is organized as a nonprofit public benefit corporation under California law, the LVCS Board shall follow the provisions set forth in the California Corporations Code for the dissolution of a nonprofit public benefit corporation, and shall file all necessary filings with the appropriate state and federal agencies.

VIII. IMPACT ON THE DISTRICT

Potential civil liability effects, if any, upon the school and upon the District.
- California Education Code Section 47605(g)

Please see Supplemental Document Number 2, "Impact Statement," attached herein.

Additional Information

Amendments

The Board may propose amendments to this charter for approval by the Chartering Authority. Material revisions and amendments shall be made pursuant to the standards, criteria, and timelines in Education Code Section 47605.

Supplemental Documents

The supplemental documents attached herein were provided as separate documents to the State Board of Education, were attached for informational purposes only, do not constitute a legally binding contract or agreement, are not intended to govern the relationship of the School and the State Board of Education, and are not a part of the charter of the School.

Appendix A - Attendance Policy

Allowed Absences

A pupil shall be excused from school when the absence is: (1) due to his/her illness; (2) due to quarantine under the direction of a county or city health officer; (3) for the purpose of having medical, dental, optometrical, or chiropractic services rendered; (4) for the purpose of attending the funeral services of a member of his/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 holiday or ceremony of his/her religion, attendance at religious retreats, or attendance at an employment conference, when the pupil's absence has been 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 pursuant to Section 12302 of the Elections Code.

A pupil absent from school under this section 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 therefore. The teacher of any class from which a pupil is absent shall determine that the tests and assignments be reasonably equivalent to, but not necessarily identical to the tests and assignments that the pupil missed during the absence.

For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

Note: Effective July 1, 1998, school districts will no longer receive funding from the state for pupils who have excused absences - illness, medical appointment, or attending funeral services for a member of the immediate family.

Appendix B – Sample Curriculum

Grades K-1

Reading, Thinking, Writing Planning Map

CRI Components	Standards	Benchmarks	Performance Descriptor(s)	Assessments Evidence of Mastery Products	Student Friendly Language I Can Statements	Common Focus Skills	Common Strategies	Common Learning Activities
Comprehension	Apply reading strategies to improve understanding and fluency.	Establish purposes for reading, make predictions, connect important ideas, and link text to previous experiences and knowledge.	Make predictions before reading and relate to personal experiences (e.g., illustrations, title). Discuss prior knowledge of topics and relate to the text before reading.	Picture-prediction chart on topic Concept web (letters, pictures, words)	*I can* tell what will happen before I read. *I can* tell about what I know and what I have done. *I can* use what I know to help me understand what I read.	Predicting Activating prior knowledge Making connections	Picture walk Guided reading Prediction chart Questioning Graphic organizer: Parts of a whole Think-aloud Questioning Text-to-self relationship	Have children dictate/write predictions based on selection title and pictures. Complete K of K-W-L chart. Model thinking about a topic before reading. Solicit ideas to complete a concept web. Have children write letters/words about the topic.
		Continuously check and clarify for understanding (e.g., reread, read ahead, use visual and context clues, ask questions, retell, use meaningful substitutions).	Ask questions to clarify understanding before, during, and after reading.	Question journal	I can ask questions to help me understand what I read.	Questioning	Think-aloud	Model the think-aloud strategy for children; write questions you ask yourself during reading. Group children in pairs to practice think-aloud, write questions, and read.

Grades K-1

Reading, Thinking, Writing Planning Map

CRI Components	Standards	Benchmarks	Performance Descriptor(s)	Assessments Evidence of Mastery Products	Student Friendly Language I Can Statements	Common Focus Skills	Common Strategies	Common Learning Activities
Comprehension	Apply reading strategies to improve understanding and fluency.	Establish purposes for reading, make predictions, connect important ideas, and link text to previous experiences and knowledge.	Make predictions before reading and relate to personal experiences (e.g., illustrations, title). Discuss prior knowledge of topics and relate to the text before reading.	Picture- prediction chart on topic Concept web (letters, pictures, words)	*I can* tell what will happen before I read. *I can* tell about what I know and what I have done. *I can* use what I know to help me understand what I read.	Predicting Activating prior knowledge Making connections	Picture walk Guided reading Prediction chart Questioning Graphic organizer: Parts of a whole Think-aloud Questioning Text-to-self relationship	Have children dictate/write predictions based on selection title and pictures. Complete K of K-W-L chart. Model thinking about a topic before reading. Solicit ideas to complete a concept web. Have children write letters/words about the topic.
		Continuously check and clarify for understanding (e.g., reread, read ahead, use visual and context clues, ask questions, retell, use meaningful substitutions).	Ask questions to clarify understanding before, during, and after reading.	Question journal	I can ask questions to help me understand what I read.	Questioning	Think-aloud	Model the think-aloud strategy for children; write questions you ask yourself during reading. Group children in pairs to practice think-aloud, write questions, and read.
	Comprehend a broad range of reading materials	Use information to form questions and verify predictions.	Ask questions to seek elaboration of illustrations or portions of text and to monitor comprehension (e.g., ask why a character would do something, ask for clarification of something).	5-W Chart	I can ask questions about pictures and words to help me understand what I read.	Understanding illustrations and features of non-fiction text	Think-aloud Shared Reading 5-W Chart	Complete 5-W Chart as a class

Appendix C – Day in the Life of a First Grade Student at LVCS

A typical day in the life of a first grade student at LVCS begins with a class meeting where students take roles as calendar person, weather person, days in school person, and class calendar person, in which students practice public speaking skills, reading skills, math skills, and take membership in a community of learners. Students may also participate in daily oral language and daily math activities. The students review the daily schedule with the teacher to anticipate their planned learning for the day.

Our Students then transition into math workshop, in which students could be working on hands-on manipulative-based math activities to support acquisition of the state standards or participating in co-operative learning groups to master problem solving skills, working with the state approved mathematics text, or practicing math facts on an individual level. Typically, the teacher would act as a facilitator by introducing the lesson, monitoring student progress in groups and individually, and leading a concluding discussion that ties together and cements student learning.

After a morning snack recess, our student would participate in a whole group phonics based lesson, in which phonemic awareness sound/spelling relationships, blending and dictation skills are practiced. Students could also participate in shared readings in which comprehension skills and reading strategies would be introduced and practiced. Students would then participate in literacy centers, in which students are grouped dynamically to achieve maximal students learning. Literacy centers could include guided reading groups with the teacher, journal or other writing tasks, spelling activities, phonemics awareness tasks, environmental print activities, literature listening centers with follow-up comprehension activities, independent reading at students individual levels, computer tasks, book projects, or activities pertaining to literary elements such as character, setting, plot or theme. Finally, students would participate in writer's workshop, which might begin with a mini-lesson on writing skills from capitalization and punctuation, to voice and revision. Students would then participate in individual writing, conference with the teacher on an as-ready basis. Conferencing would include editing, revision, and the development of individual writing goals, culminating in student publishing. Students might end writer's workshop by reading newly published stories in a Readers Theater Format.

After lunch and recess, our student's activities would vary on a daily basis; student might participate in a hands-on science lesson, a social studies lesson, a thematic lesson, art, music, foreign language, enrichment, library, technology, etc. These students could be taught in the self-contained classroom, in a rotation with age-level peers, in a multi-class, multi-age setting, or with specialists.

The day would end with a teacher read-aloud and independent silent reading time, followed by a "decision-time" in which students would self select activities. Students would have access to books, writing materials, building materials, art materials, math materials, imaginative play materials, etc., to choose from during decision time. This portion of the day is important, as students are able to make personal choices about their own learning to interact with peers in a cooperative manner, and to explore new interests.

After school, our student could participate in a variety of extracurricular activities, ranging from science classes to garden club, scout troops to drama. At home, our student will complete developmentally appropriate homework to reinforce school learning, while still having enough time to engage in play, family life, and other activities chosen by our student and his or her family.

Appendix D – Strategies and Outcomes for at Risk Students

Livermore Valley Charter School will screen the following data to identify at-risk students in accordance with the California guidelines:

- Students scoring below the 40%ile on the previous year's adopted standardized test in any one subtest score in Reading and Language Arts
- Students who are at least one year below grade level in the areas of reading, written language and math, identified by informal teacher assessment or prior progress reports
- Students recommended for academic intervention.

At-Risk Pupil Outcomes

1. Livermore Valley Charter School will make every effort to raise the CAT6 test scores of our at-risk students by at least 5 percentage points each year. At risk students will have their CAT6 scores individually monitored.
2. All identified at-risk students will be referred for intervention services and receive individualized attention in the classroom on a regular basis.

Strategies to Improve At-Risk Performance

1. By the end of the eighth week of school, all parents of students at Livermore Valley Charter School identified as low achieving will have been informed of their child's academic standing.
2. At Back to School Night and parent education workshops, parents will be given specific suggestions as to how to help their child at home.
3. A list of available tutoring, library and enrichment resources will be developed and made available for parents of all students.
4. Staff development sessions may be devoted to meeting both the needs of low achieving students and gifted students; innovative practices of teachers will be presented, implemented as appropriate, and evaluated for their effectiveness.
5. In the classroom, paraprofessionals and/or volunteers will provide individualized assistance directed by the teacher.
6. Preparation and follow-up activities such as fieldtrips, guest speakers and assemblies will focus on language development and conceptual understanding of material presented and/or experiences shared.
7. A centralized list of targeted low-achieving students will be kept by the administrator to monitor student progress, to track services, and to provide the Livermore Charter Governing Board or its designee with periodic updates on the progress of student achievement.
8. Confidentiality will be maintained and data will be provided without names.
9. A parent outreach committee will be established to devise strategies to involve all parents in school programs that support meeting the needs of all children, including the low achieving child.

Appendix E – GATE Program Goals and Outcomes

At LVCS, all teachers will participate and contribute to the program goals as all teachers have gifted students in their classrooms and are responsible for meeting these students' needs.

1. GATE students at LVCS receive differentiated instruction during language arts and mathematics including use of differentiated materials such as books and other materials addressing algebraic and logic instruction that reflects advanced levels of thinking (synthesis and evaluation). Teachers will regroup or cluster students for instruction. Teachers will plan for horizontal curriculum alignment through grade-level meetings, as well as vertical curriculum alignment between grade levels to ensure a continuum of learning that reflects one or more years above grade level.
2. GATE students will study the same core curriculum as their peers in social studies, science, music and art, as designed by the LVCS Curriculum Committee. However, these students will have opportunities to study topics in detail, and will be required to demonstrate their understanding through projects, experiments, and other means of creative expression. Teachers will continually modify instructional strategies to include flexible groupings and hands-on learning experiences.
3. GATE students at LVCS will receive additional opportunities to master technological skills that include interdisciplinary content (math, science, history, with language arts) or thematic units. Teachers will collaborate with the Technology Committee and parent experts in various fields to continually assess and incorporate new technology and software to match curriculum goals of the GATE program.
4. GATE students at LVCS will participate within the regular classroom as a means of developing and encouraging social awareness and understanding. Each teacher will participate in the organization of classroom populations, addressing the school goals for the gifted students and using the enrichment periods (art, music, computer, library time, foreign language and physical education) to further the opportunity for differentiated instruction time.

GATE Assessment and Evaluation

1. Review of Student Progress for each GATE student.
2. Teachers will continually assess program design and progress at grade level meetings; and, teachers will make reports to parents and committee members at Curriculum Committee meetings.
3. Teachers will analyze STAR test results and other assessments of advanced performance such as participation in to determine the strengths and weaknesses of programs in place.

Appendix F - Curriculum

Curriculums are and will be based on the California State Frameworks and Academic Content Standards of California Public Schools. The specific standards students are expected to master by the end of their grade levels are listed below:

Language Arts

Kindergarten

Reading

- Students will know about letters, words, and sounds. They will apply this knowledge to read simple sentences.
- Students will identify the basic facts and ideas in what they have read, heard, or viewed.
- Students will listen to and respond to stories based on well-known characters, themes, plots, and settings.

Writing

- Students will write words and brief sentences that are legible.

Written and Oral English Language Conventions

- Students will write and speak with a command of Standard English conventions.

Listening and Speaking

- Students will listen and respond to oral communication. They will speak in clear and coherent sentences.
- Students will deliver brief recitations and oral presentations about familiar experiences or interests, demonstrating command of organization and delivery strategies.

Grade 1

Reading

- Students will understand the basic features of reading. They will select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and work parts. They will apply this knowledge to achieve fluent oral and silent reading.
- Students will read and understand grade-level-appropriate material. They will draw upon a variety of comprehension strategies as needed.
- Students will read and respond to a wide variety of significant works of children's literature. They will distinguish between the structural features of the text and the literary terms or elements.

Writing

- Students will write clear and coherent sentences and paragraphs that develop a central idea. Their writing will show they consider the audience and purpose. Students will progress through the stages of the writing process.
- Students will write compositions that describe and explain familiar objects, events and experiences. Student writing will demonstrate a command of standard American English and drafting, research, and organization strategies.

Written and Oral English Language Conventions

- Students will write and speak with a command of Standard English conventions appropriate to this grade level.

Listening and Speaking

- Students will listen critically and respond appropriately to oral communication. They will speak in a manner that guides the listener to understand important ideas by using proper phrasing, pitch, and modulation.
- Students will deliver brief recitations and oral presentations about familiar experiences or interests that are organized around a coherent thesis statement. Student speaking will demonstrate a command of standard American English and organizational and delivery strategies.

Grade 2

Reading

- Students will understand the basic features of reading. They will select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They will apply this knowledge to achieve fluent oral and silent reading.
- Students will read and understand grade-level-appropriate material. They will draw upon a variety of comprehension strategies as needed.
- Students will read and respond to a variety of significant works of children's literature. They will distinguish between the structural features of the text and the literary terms or elements.

Writing

- Students will write clear and coherent sentences and paragraphs that develop a central idea. Their writing will show they consider the audience and purpose. Students will progress through the stages of the writing process.
- Students will write compositions that describe and explain familiar objects, events, and experiences. Student's writing will demonstrate a command of standard American English and drafting, research and organizational strategies.

Written and Oral English Language Conventions

- Students will write and speak with a command of Standard English conventions appropriate to this grade level.

Listening and Speaking

- Students will listen critically and respond appropriately to oral communication. They will speak in a manner that guides the listener to understand important ideas by using proper phrasing, pitch, and modulation.
- Students will deliver brief recitations and oral presentations about familiar experiences or interests that are organized around a coherent thesis statement. Student speaking will demonstrate a command of standard American English and organization and delivery strategies.

Grade 3

Reading

- Students will understand the basic features of reading. They will select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They will apply this knowledge to achieve fluent oral and silent reading.
- Students will read and understand grade-level-appropriate material. They will draw upon a variety of comprehension strategies, as needed.

Students will read and respond to a wide variety of significant works of children's literature. They will distinguish between the structural features of the text and the literary terms or elements.

Writing

- Students will write clear and coherent sentences and paragraphs that develop a central idea. Their writing will show they consider the audience and purpose. Students will progress through the stages of the writing process.
- Students will write compositions that describe and explain familiar objects, events and experiences. Student's writing will demonstrate a command of standard American English and drafting, research and organizational strategies.

Written and Oral English Language Conventions

- Students will write and speak with a command of Standard English conventions appropriate to this grade level.

Listening and Speaking

- Students will listen critically and respond appropriately to oral communication. They will speak in a manner that guides the listener to understand important ideas by using proper phrasing, pitch, and modulation.
- Students will deliver brief recitations and oral presentations about familiar experiences or interests that are organized around a coherent thesis statement. Student speaking will demonstrate a command of standard American English and organization and delivery strategies.

Grade 4

Reading

- Students will understand the basic features of reading. They will select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They will apply this knowledge to achieve fluent oral and silent reading.
- Students will read and understand grade-level-appropriate material. They will draw upon a variety of comprehension strategies as needed.
- Students will read and respond to a wide variety of significant works of children's literature. They will distinguish between the structural features of the text and the literary terms or elements.

Writing

- Students will write clear and coherent sentences and paragraphs that develop a central idea. Their writing will show they consider the audience and purpose. Students will progress through the stages of the writing process.
- Students will write compositions that describe and explain familiar objects, events and experiences. Student's writing will demonstrate a command of standard American English and drafting, research and organizational strategies.

Written and Oral English Language Conventions

- Students will write and speak with a command of Standard English conventions appropriate to this grade level.

Listening and Speaking

- Students will listen critically and respond appropriately to oral communication. They will speak in a manner that guides the listener to understand important ideas by using proper phrasing, pitch, and modulation.
- Students will deliver brief recitations and oral presentations about familiar experiences or interests that are organized around a coherent thesis statement. Student speaking will demonstrate a command of standard American English and organization and delivery strategies.

Grade 5

Reading

- Students will use their knowledge of word origins and word relationships, as well as historical and literary context clues, to determine the meaning of specialized vocabulary and to understand the precise meaning of grade-level-appropriate words.
- Students will read and understand grade-level-appropriate material. They will describe and connect the essential ideas, arguments, and perspectives of the text by using their knowledge of text structure, organization, and purpose.
- Students will read and respond to historically or culturally significant works of literature. They will begin to find ways to clarify the ideas and make connections between literary works.

Writing

- Students will write clear and coherent and focused essays. Their writing will exhibit the students' awareness of the audience and purpose. Essays will contain formal introductions, supporting evidence, and conclusions. Students will progress through the stages of the writing process as needed.
- Students will write narrative, expository, persuasive, and descriptive texts of at least 500-700 words in each genre. Student writing will demonstrate a command of standard American English and research, organizational and drafting strategies.

Written and Oral English Language Conventions

- Students will write and speak with a command of Standard English conventions appropriate to this grade level.

Listening and Speaking

- Students will deliver focused, coherent presentations that convey ideas clearly and relate to the background and interests of the audience. They will evaluate the content of oral communication.
- Students will deliver well-organized formal presentations employing traditional rhetorical strategies. Student speaking will demonstrate a command of standard American English and organizational and delivery strategies.

Mathematics

Kindergarten

By the end of kindergarten, students will understand small numbers, quantities, and simple shapes in their everyday environment. They will count, compare, describe and sort objects, and develop a sense of properties and patterns.

Number Sense

- Students will understand the relationship between numbers and quantities.
- Students will understand and describe simple additions and subtractions.
- Students will use estimation strategies in computation and problem solving that involve numbers that use the ones and tens places.

Algebra and Functions

- Students will sort and classify objects.

Measurement and Geometry

- Students will understand the concept of time and units to measure it; they will understand that objects have properties, such as length, weight, and capacity, and that comparisons may be made by referring to those properties.
- Students will identify common objects in their environment and describe the geometric features.

Statistics, Data Analysis, and Probability

- Students will collect information about objects and events in their environments.

Mathematical Reasoning

- Students will make decisions about how to set up a problem.
- Students will solve problems in reasonable ways and justify their reasoning.

Grade 1

By the end of grade one, students will understand and use the concept of ones and tens in the place value number system.

Students will add and subtract sums to twenty with ease. They will measure with simple units and locate objects in space.

They will describe data and analyze and solve simple problems.

Number Sense

- Students will understand and use numbers up to 100.
- Students will demonstrate the meaning of addition and subtraction and use these operations to solve problems.
- Students will use estimation strategies in computation and problem solving that involve numbers that use the ones, tens, and hundreds places.

Algebra and Functions

- Students will use number sentences with operational symbols and expressions to solve problems.

Measurement and Geometry

- Students will use direct comparison and nonstandard units to describe the measurements of objects.
- Students will identify common geometric figures, classify them by common attributes, and describe their relative position or their location in space.

Statistics, Data Analysis, and Probability

- Students will organize, represent, and compare data by category on simple graphs and charts.

Mathematical Reasoning

- Students will make decisions about how to set up a problem.
- Students will solve problems and justify their reasoning.
- Students will note connections between one problem and another.

Grade 2

By the end of grade two, students will understand place value and number relationships in addition and subtraction and they will use simple concepts of multiplication. They will measure quantities with appropriate units. They will classify shapes and see relationships among them by paying attention to their geometric attributes. They will collect and analyze data and verify the answers.

Number Sense

- Students will understand the relationship between numbers, quantities, and place value in whole numbers up to 1,000.
- Students will estimate, calculate, and solve problems involving addition and subtraction of two-and three-digit numbers.
- Students will model and solve simple problems involving multiplication and division.
- Students will understand that fractions and decimals may refer to parts of a set and parts of a whole.
- Students will model and solve problems by representing, adding, and subtracting amounts of money.
- Students will use estimation strategies in computation and problem solving that involve numbers that use the ones, tens, hundreds, and thousands places.

Algebra and Functions

- Students will model, represent, and interpret number relationships to create and solve problems involving addition and subtraction.

Measurement and Geometry

- Students will understand that measurement is accomplished by identifying a unit of measure, repeating that unit, and comparing it to the item to be measured.
- Students will identify and describe the attributes of common figures in the plane and of common objects in space.

Statistics, Data Analysis, and Probability

- Students will collect numerical data and record, organize, display, and interpret the data on bar graphs and other representations.
- Students will demonstrate an understanding of patterns and how patterns grow and describe them in general ways.

Mathematical Reasoning

- Students will make decisions about how to set up a problem.
- Students will solve problems and justify their reasoning.
- Students will note connections between one problem and another.

Grade 3

By the end of grade three, students will deepen their understanding of place value and their understanding of and skill with addition, subtraction, multiplication, and division of whole numbers. Students will estimate, measure, and describe objects in space. They will use patterns to help solve problems. They will represent number relationships and conduct simple probability experiments.

Number Sense

- Students will understand the place value of whole numbers.
- Students will calculate and solve problems involving addition, subtraction, multiplication, and division.
- Students will understand the relationship between whole numbers, simple fractions, and decimals.

Algebra and Functions

- Students will select appropriate symbols, operations, and properties to represent, describe, simplify, and solve simple number relationships.
- Students will represent simple functional relationships.

Measurement and Geometry

- Students will choose and use appropriate units and measurement tools to quantify the properties of objects.
- Students will describe and compare the attributes of plane and solid geometric figures and use their understanding to show relationships and solve problems.

Statistics, Data Analysis, and Probability

- Students will conduct simple probability experiments by determining the number of possible outcomes and make simple predictions.

Mathematical Reasoning

- Students will make decisions about how to approach problems.
- Students will use strategies, skills, and concepts in finding solutions.
- Students will move beyond a particular problem by generalizing to other situations.

Grade 4

By the end of grade four, students will understand large numbers and addition, subtraction, multiplication, and division of whole numbers. They will describe and compare simple fractions and decimals. They will understand the properties of, and the relationships between plane geometric figures. They will collect, represent, and analyze data to answer questions.

Number Sense

- Students will understand the place value of whole numbers and decimals to two decimal places and how whole numbers and decimals relate to simple fractions. Students will use the concepts of negative numbers.
- Students will extend their use and understanding of whole numbers to the addition and subtraction of simple decimals.
- Students will solve problems involving addition, subtraction, multiplication, and division of whole numbers and understand the relationships among the operations.
- Students will know how to factor small whole numbers.

Algebra and Functions

- Students will use and interpret variables, mathematical symbols, and properties to write and simplify expressions and sentences.
- Students will know how to manipulate equations.

Measurement and Geometry

- Students will understand perimeter and area.
- Students will use two-dimensional coordinate grids to represent points and graph lines and simple figures.
- Students will demonstrate an understanding of plane and solid geometric objects and use this knowledge to show relationships and solve problems.

Statistics, Data Analysis, and Probability

- Students will organize, represent, and interpret numerical and categorical data and clearly communicate their findings.
- Students will make predictions for simple probability situations.

Mathematical Reasoning

- Students will make decisions about how to approach problems.
- Students will use strategies, skills, and concepts in finding solutions.
- Students move beyond a particular problem by generalizing to other situations.

Grade 5

By the end of grade five, students will increase their facility with the four basic arithmetic operations applied to fractions, decimals, and positive and negative numbers. They will know and use common measuring units to determine length and area. They will know and use formulas to determine the volume of simple geometric figures. Students will know the concept of angle measurement and use a protractor and compass to solve problems. They will use grids, tables, graphs, and charts to record and analyze data.

Number Sense

- Students will compute with very large and very small numbers, positive integers, decimals, and fractions and understand the relationship between decimals, fractions, and percents. They will understand the relative magnitudes of numbers.
- Students will perform calculations and solve problems involving addition, subtraction, simple multiplication and division of fractions and decimals.

Algebra and Functions

- Students will use variables in simple expressions, compute the value of the expression for specific values of the variable, and plot and interpret the results.

Measurement and Geometry

- Students will understand and compute the volumes and areas of simple objects.
- Students will identify, describe, and classify the properties of, and the relationships between, plane and solid geometric figures.

Statistics, Data Analysis, and Probability

- Students will display, analyze, compare, and interpret different data sets, including data sets of different sizes.

Mathematical Reasoning

- Students will make decisions about how to approach problems.
- Students will use strategies, skills, and concepts in finding solutions.
- Students will move beyond a particular problem by generalizing to other situations.

Science

Students will discover and learn about the natural world by using the methods of science as extensions of their own curiosity and wonder. Students will acquire knowledge of the biological and physical sciences from a balanced curriculum, which includes building on their understanding of science concepts to learn about the logic of the scientific method and applications of science to the world around them. Students will develop critical thinking skills of science: observing, comparing, organizing, inferring, relating, and applying.

All students will be exposed to life, earth, and physical sciences in a curriculum that is based on the State Framework and State Standards. (Please refer to these documents for the specific science standards.) All students, including ELL, Gifted, and Special Education will have access to the science core curriculum, with modifications to meet their individual needs.

State Standards aligned textbooks, supplementary materials, and multimedia resources are being purchased as State funding becomes available. They will be utilized to teach the curriculum.

Students will work in cooperative groups, using hands-on materials to reinforce their understanding of scientific concepts. Follow-up activities will include making graphs, charts, or drawings to show their findings.

History/Social Science

A full, balanced, integrated, literature-enriched history-social science curriculum will draw upon students' experiences and incorporate goals that promote (1) knowledge and cultural understanding, (2) democratic principles and civic values, and (3) academic and social skills necessary for effective participation in diverse societies. This curriculum will be aligned with the State Framework.

The teaching of history will be integrated with the humanities and the other social sciences. Activities and lessons will be correlated with language arts, sciences, and visual and performing arts curricula.

Students in all grades will study history and social sciences through an integrated curriculum. This includes language arts (creative writing, factual reports, critical analysis); science (adaptation, survival, utilization of the environment); art (many hands-on projects, artistic rendering, 3-dimensional projects); music (cultural and ethnic aspects which are incorporated through); and math (graphs, life experiences problem-solving, time lines, measuring for cooking).

Teachers will build upon students' curiosity about themselves and their world by presenting history as an exciting and dramatic series of events and issues. Students will engage in problem solving as they acquire, evaluate, and use information in a variety of ways. Frequent opportunities will exist for all students including English Language Learners to share their language, cultural ideas, customs, and heritage, thereby providing multicultural dimensions to the curriculum. The teachers will provide equal access to the core curriculum for all students through a variety of appropriate strategies. The teachers will facilitate the exploration of values critical to understanding the democratic process.

Visual and Performing Arts

The curriculum will be aligned with the Visual and Performing Arts Framework for California Public Schools and will include dance, drama/theater, music and visual arts. This program will be designed to develop aesthetic perception and judgment, and creative expression in the context of our diverse historical and cultural heritages. All students, including ELL, Gifted, and Special Education will have equal access to the visual and performing arts core curriculum, with modifications to meet their individual needs. Integrated instruction will be delivered by the regular classroom teacher, as well as by the enrichment staff.

Technology

Livermore Valley Charter School's goal is to educate our students to participate fully in the new information age. To this end, we are committed to provide a learning environment that promotes logical thinking, curiosity, worldwide awareness and self-directed, independent learning. We believe that this new approach to learning is dynamic in a framework with the content free flowing and always changing. This new approach needs to begin at the earliest age so that students feel in command of this type of learning. Teachers need to be trained to use the cornucopia of information available on the Internet and World Wide Web to develop activities that will enrich the standard curriculum. Teachers will model information processing using the most current tools. Our goal is to achieve the effective integration of technology into instruction.

Elements of our technology focus include:

- Developing and maintaining a state of the art computer lab;
- Maintaining a page on the Web (www.livermorecharterschool.org) to share information about the school;

LVCS' technology goals include:

- Providing each classroom with at least four multi-media computers.
- Establishing AR reading program in our media center
- Creating a Student run T.V. studio for closed circuit broadcasts

Evaluation is an ongoing process. At the end of each school year, the Technology Committee will review the year's activities to evaluate progress toward our Plan's goals and objectives. An end-of-the-year staff survey will be used to collect data for modifying the Plan for the following year.

Any supporting books, materials, and programs will be approved by the Curriculum Committee and authorized by the Charter Governing Board. Instruction is presented in a balanced, integrated manner and allows for student extensions as well as remediation. Classroom instruction takes various forms depending on children's needs and academic purpose. Students may work in a whole group, individually, in pairs, in skill groups, and in cooperative groups. Working in a variety of ways allows children to develop independence, self-reliance, and collaborative work skills.

Challenge Standards – Foreign Language

The five goals for foreign language learning are:

- Communication: To communication in languages other than English
- Culture: To gain knowledge and understanding of their cultures
- Connections: To connect with other disciplines and acquire information
- Comparisons: To develop insight into own language and culture
- Communities: To participate in multilingual communities at home and around the world

Grades K-5

This section presents the foreign language standards. In addition, examples of types of work students should be able to do to meet each standard are given for the grade span kindergarten through grade four.

Goal: communication. Communicate in languages other than English

Standard 1:

Students engage in conversation, provide and obtain information, express feelings and emotions, and exchange opinions.

Standard 2:

Students understand and interpret written and spoken language on a variety of topics.

Standard 3:

Students present information concepts, and ideas to an audience of listeners or readers on a variety of topics.

Goal: Cultures. Gain knowledge and understanding of other cultures

Standard 4:

Students demonstrate an understanding of the relationship between the practices and perspectives of the cultures studied.

Standard 5:

Students demonstrate an understanding of the relationship between the products and perspectives of the cultures studied.

Goal: Connections. Connect with other disciplines and acquire information

Standard 6:

Students reinforce and further their knowledge of other disciplines through the foreign language.

Standard 7:

Students acquire information and recognize the distinctive viewpoints that are only available through the foreign language and its culture.

Goal: Comparisons. Develop insight into own language and culture.

Standard 8:

Students demonstrate an understanding of the nature of language through comparisons of the language studied and their own.

Standard 9:

Students demonstrate an understanding of the concept of culture through comparisons of the culture studied and their own.

Goal: Communities. Participate in multilingual communities at home and around the world

Standard 10:

Students use the language both within and beyond the school setting.

Standard 11:

Students show evidence of becoming life-long learners by using the language for personal enjoyment and enrichment.

Standard 12:

Students engage in the activities which prepare them to use the target language to achieve career goals.

Physical Education Standards

Movement Skills and Movement Knowledge

Standard 1:

The student will be competent in many movement activities.

Standard 2:

The student will understand how and why one moves in a variety of situations and will use this information to enhance his or her skills.

Standard 3:

The student will achieve and maintain a health-enhancing level of physical fitness.

Self-image and Personal Development

Standard 4:

The student will exhibit a physically active lifestyle and will understand that physical activity provides opportunities for enjoyment, challenge, and self-expression.

Self-image and Personal Development

Standard 5:

The student will demonstrate responsible personal behavior while participating in movement activities.

Social Development

Standard 6:

The student will demonstrate responsible social behavior while participating in movement activities.
The student will understand the importance of respect for all others.

Standard 7:

The student will understand the interrelationship between history and culture and games, sports, play, and dance.

Visual and Performing Arts: Music Content Standards

1.0 ARTISTIC PERCEPTION - Processing, Analyzing, and Responding to Sensory Information through the Language and Skills Unique to Music

Students read, notate, listen to, analyze, and describe music and other aural information, using the terminology of music.

2.0 CREATIVE EXPRESSION - Creating, Performing, and Participating in Music
Students apply vocal and instrumental musical skills in performing a varied repertoire of music. They compose and arrange music and improvise melodies, variations, and accompaniments, using digital/electronic technology when appropriate.

3.0 HISTORICAL AND CULTURAL CONTEXT - Understanding the Historical Contributions and Cultural Dimensions of Music

4.0 AESTHETIC VALUING - Responding to, Analyzing, and Making Judgments About Works of Music
Students critically assess and derive meaning from works of music and the performance of musicians according to the elements of music, aesthetic qualities, and human responses.

5.0 CONNECTIONS, RELATIONSHIPS, APPLICATIONS - Connecting and Applying What Is Learned in Music to Learning in Other Art Forms and Subject Areas and to Careers
Students apply what they learn in music across subject areas. They develop competencies and creative skills in problem solving, communication, and management of time and resources that contribute to lifelong learning and career skills. They also learn about careers in and related to music.

Appendix G – Academic Rubrics

Below are the grading rubric tables for K-3 and 4-5.

Grading Rubric (Grades K to 3)

Academic Legends – Major subject areas	
4	Exceeding Standards For this reporting period, the student exceeds the standards by adding creativity, depth, and complexity to the application of the standards; grasps, applies, and extends key concepts, processes and skills.
3	Meeting Standards For this reporting period, the student demonstrates proficiency of the standards.
2	Approaching Standards For this reporting period, the student is still learning the skills and needs additional time and practice with the standards.
1	Not Meeting Standards For this reporting period, the student is not meeting the expected standards and/or is still learning the skills of a lower grade: area of concern.

Markings for Standards	
X	For this reporting period, the student has made appropriate progress.
/	For this reporting period, the student needs additional time and practice with standard
[ ] blank	Not assessed or no further assessment required

Markings for skills within standards *(as applicable)*	
()	This specific skill has been taught, assessed and the student is proficient.
-	This specific skill has been taught and assessed, but the student is not proficient

Grading Rubric (Grades 4+5)

Academic Legends – Major subject areas	
A	For this reporting period, the student has mastered the standards with creativity, depth, and complexity and/or has achieved an average of 90% to 100%.
B	For this reporting period, the student has mastered the standards and/or has achieved an average of 80% to 89%.
C	For this reporting period, the student has learned most of the standards and/or has achieved an average of 70% to 79%.
NP	For this reporting period, the student has not met the standards and/or has achieved an average of <70%.
U	For this reporting period, there was insufficient evidence/lack of student work on which to base a performance assessment.

Markings for Standards	
X	For this reporting period, the student has made appropriate progress.
/	For this reporting period, the student needs additional time and practice with standard
[ ] blank	Not assessed or no further assessment required

Markings for skills within standards *(as applicable)*	
()	This specific skill has been taught, assessed and the student is proficient.
-	This specific skill has been taught and assessed, but the student is not proficient

Appendix H – Draft Health and Safety Policies

This appendix contains a set of draft of health and safety policies to be considered by the LVCS Board. The policies attached are as follows:

Draft Policy 1:	Fingerprinting and Background Checks
Draft Policy 2:	Tuberculin Examinations
Draft Policy 3:	Safe Facilities
Draft Policy 4:	Emergency Plans
Draft Policy 5:	Immunizations/Physical Exams
Draft Policy 6:	Communicable, Contagious, or Infectious Disease Prevention Policy
Draft Policy 7:	Administration of Medications
Draft Policy 8:	Drug-Free Workplace
Draft Policy 9:	Smoke-Free Environment
Draft Policy 10:	First Aid, CPR, and Health Screening
Draft Policy 11:	Exposure Control Plan for Blood Borne Pathogens

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Personnel Board Policy #1

Fingerprinting and Background Checks

It is the policy of Livermore Valley Charter School (School) to require fingerprinting and background checks for its employees as required by law prior to employment at the School. All prospective employees must abide by all applicable laws and agree to abide by the policies of the School, including the submission of fingerprints and the approval for the School or it's designee to perform background checks. The fingerprinting and Criminal Records Summaries will be required annually, at the beginning of each school year. This requirement is a condition of employment.

The School shall also fingerprint and background check each campus volunteer, prior to volunteering at the School. A campus volunteer is defined as an individual working under the direction of a paid School employee to provide a service without compensation on campus while working with or around children. Campus volunteers must abide by all applicable laws and agree to abide by the policies of the School, including the submission of fingerprints and the approval for the School or its designee to perform background checks. The fingerprints will be sent to the Department of Justice for the purpose of obtaining a criminal record summary. Fingerprinting and Criminal Records Summaries will be required annually, at the beginning of each school year. This requirement is a condition of obtaining clearance to volunteer on campus.

Additionally, the School may on a case-by-case basis require an entity providing school site services other than those listed above to require the entity's employees to comply with the requirements for fingerprinting, unless the School determines that the employees of the entity will have limited contact with pupils. In determining whether a contract employee will have limited contact with pupils, the School must consider the totality of the circumstances, including factors such as the length of time the contractors will be on school grounds, whether pupils will be in proximity with the site where the contractors will be working, and whether the contractors will be working by themselves or with others.

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School Safety Board Policy #2

Tuberculin Examinations

1. No person shall be employed by or volunteer at the School unless they have submitted proof of an examination within the last two (2) years that they are free of active tuberculosis by a physician licensed under Chapter 5 of Division 2 of the Business and Professions Code.

2. This examination shall consist of an X-ray of the lungs or an approved intradermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs.

3. All employees/volunteers shall be required to undergo this examination at least once every two (2) years, with the exception of "food handlers" who shall be examined annually.

4. After such examination each employee shall file a certificate with the School from the examining physician showing the employee was examined and found free from active tuberculosis.

5. In the event it becomes necessary for the employee to have an X-ray examination as a follow-up to a skin test, the School will make arrangements with the designated physician for the examination and bear the expense. If the employee chooses to have his or her own physician for this purpose, the School will pay toward the cost of the examination an amount equal to the rate charged by the designated physician.

6. This policy shall also include student teachers serving under the supervision of a designated master teacher and all substitute employees.

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School Safety Board Policy #3

Safe Facilities

The Livermore Valley Charter School will be housed in a facility that has received State Fire Marshall approval and has been evaluated by a qualified structural engineer, who has determined that the facilities present no substantial seismic hazard. The School will not take possession of any facility from any school district that does not have all appropriate inspections and a valid Certificate of Occupancy. The procedures will include provisions for periodic inspection and testing of the structure(s) and associated life safety systems.

Surveys and management plans will be maintained and updated for all hazardous building materials (lead, asbestos, etc.) and all hazardous materials used and stored in and around the school will be handled and dispensed properly. Additionally, appropriate training for staff working with hazardous materials (i.e., pesticides, cleaning chemicals, etc.) will be provided. A comprehensive indoor air quality program modeled on the EPA's "Tools for Schools" program will be implemented and maintained.

Inspections will be performed to ensure that daily operations do not compromise facility safety and health in any manner. This will include maintaining safe access / egress paths (both routine and emergency), access to emergency equipment, eliminating obstructions to airflow, etc.

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School Safety Board Policy #4

Emergency Plans

Disaster Plan

Livermore Valley Charter School shall (1) develop and adopt a plan to ensure the School's preparation to meet disasters, a plan based on the Standardized Emergency Management System (SEMS) which conforms with the emergency and disaster plans of the local civil defense agency; and (2) provide for all members of the certificated and classified staff of the School and all pupils enrolled in the school the instruction they need to be fully informed regarding all phases of the plan and the responsibilities they are to assume should either a man-made or natural disaster occur in the School or in the area in which the School is located.

SEMS (State Emergency Management System) is a system developed to help all state, government, hospitals, school districts, fire departments, police departments and businesses to organize their personnel is such a way that is common among all and to streamline the response system.

Incident Command Job Action Sheets Defined

Positions:
Incident Commander (IC) – Organizes and directs the operations of the Incident Command Center. Gives overall direction for school operations and, if needed, authorizes evacuation. Works cooperatively with external agencies.
Command Center Recorder - Records incident-related activities/problems and any other documentation necessary as directed by the Incident Commander. Records and maintains documentation on disaster status board.
Public Information Officer (PIO) - Provides information to the news media. Acts as liaison with on-site childcare programs (Kidzone) emergency incident efforts.
Operations Section Leader – Organizes and directs aspects relating to the operations section. Carries out directives of the IC. Coordinates and directs teams to carry out tasks required to secure a safe environment.
Search & Rescue – Leads and directs search and rescue operations in a safe manner so as to prevent further injury or loss. Reports and coordinates efforts with fire department.
Safety & Security Officer – Monitors and has authority over safety of search and rescue operations and hazardous conditions. Organizes and enforces scene/facility protection and traffic control. Erects barriers as needed to provide a safe and secure site for various operations.
Student Tracking/Discharge Leader – Works with Student Tracking Officer to coordinate: time of removal, name and signature of person making removal, source of identification from persons making removal, cross checks of this information with the emergency release forms. It should also have notation as to where the student will be going (i.e., home, relatives, work, neighbor, telephone number where they can be contacted).
First Aid/Triage – Sets up first aid station. Sorts casualties according to priority of injuries and assures their disposition to the proper treatment area.
Damage Assessment & Control Officer – Provides sufficient information regarding the operational status of the facility for the purpose of decision/policy making, including those regarding full or partial evacuation. Identifies safe areas where students and staff can be moved if needed. Manages fire suppression, search and rescue and damage mitigation activities.
Logistics Section Leader – Organizes and directs those operations associated with maintenance of the physical environment and adequate levels of food, shelter, and supplies to support the school objectives.
Communications Leader – Organizes and coordinates internal and external communications: acts as custodian for all incoming communications. Logs/documents and distributes communications to IC. Works with Ham operators, walkie-talkies, organizes the placement of ground-air communication signals.
Manpower Pool Leader – Collects and inventories available staff and volunteers at a central point. Receives requests and assigns available staff as needed. Maintains adequate numbers of staff to assist as needs arise. Assists in the maintenance of staff morale. Sees that staff gets breaks or relief as needed.
Resource Manager – Works with Manpower Pool Leader to organize, assess, and assign all community volunteers according to their skills and training to areas of need. Organizes and distributes donations from the community.

Supplies & Distribution Leader – Organizes and dispenses food and water stores for consumption. Rations supplies as needed, depending on duration of incident.
Sanitation & Shelter – Evaluates and monitors the patency of existing sewage and sanitation systems. Enacts pre-established alternate methods of waste disposal if necessary. Sets up shelter as needed.
Transportation Unit Leader – Organizes and coordinates the transportation of human and material resources to and from the school. Secures school personnel to travel with students that need to be transported to a medical facility. Secures routes for entrance and exit of emergency vehicles.
Psychological Support Unit Leader – Provides psychological, spiritual, and emotional support to school staff, students, and families. Initiates and organizes the Critical Stress Debriefing process.
Planning Section Chief - Organizes and directs all aspects of Planning Section operations. Ensures the distribution of critical information/data. Complies scenario/resource projections from all section chiefs and effects long-range planning. Documents and distributes facility action plan.
School Site Evacuation – Plans and organizes the evacuation of students from school site to sister school. Prepares site for accepting students from sister school.
Finance Leader – Monitors the utilization of financial assets. Maintains documentation of personnel time records. Supervises the documentation of expenditures relevant to the emergency incident.

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Student Board Policy #5

Immunizations/Physical Exams

Applicability

This policy applies to all applicants to the Livermore Valley Charter School and the administration of the School in charge of admissions.

Immunizations

California law requires that an immunization record be presented to the school staff before a child can be enrolled in school. The School requires written verification from a doctor or immunization clinic of the following immunizations:

a) Diphtheria.

b) Measles.

c) Mumps, except for children who have reached the age of seven years.

d) Pertussis (whooping cough), except for children who have reached the age of seven years.

e) Poliomyelitis.

f) Rubella.

g) Tetanus.

h) Hepatitis B.

i) Varicella (chickenpox), (persons already admitted into California public or private schools at the Kindergarten level or above before July 1, 2001, shall be exempt from the Varicella immunization requirement for school entry).

School verification of immunizations is to be by written medical records from your doctor or immunization clinic.

Exceptions are allowed under the following conditions:

a) The parent provides a signed doctor's statement verifying that the child is to be exempted from immunizations for medical reasons. This statement must contain a statement identifying the specific nature and probable duration of the medical condition.

b) A parent may request exemption of their child from immunization for personal beliefs.

c) Pupils who fail to complete the series of required immunizations within the specified time allowed under the law will be denied enrollment until the series has been completed.

Any child leaving the United States for a short vacation to any country considered by the Center of Disease Control and Prevention (CDC) to have increased risk of TB exposure (such as Mexico, the Philippines, India or Southeast Asia) MUST call the County Tuberculosis Clinic, for a TB Screening upon return.

Physical Examinations

All pupils are to have completed a health screening examination on or before the 90th day after the pupil's entrance into first grade or such pupils must have obtained a waiver pursuant to Health and Safety Code Section 124085. This examination can be obtained from your family physician or possibly through the services provided by your County Health Department. Information and forms are distributed to pupils enrolled in kindergarten.

Failure to obtain an examination for your child or a waiver will result in your child being denied enrollment.

If your child's medical status changes, please provide the teacher with a physician's written verification of the medical issue, especially if it impacts in any way your child's ability to perform schoolwork.

Adopted:

Amended:

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School Safety Board Policy #6

Communicable, Contagious, or Infectious Disease Prevention Policy

The School recognizes its shared responsibility with the home and the community to promote appropriate disease prevention procedures in the handling and the cleaning up of blood and body fluids.

The Board desires to protect the entire school community without segregation, discrimination or stigma. Accordingly, infectious disease prevention shall be taught regardless of whether a student or adult is known to have an identified infectious disease.

All students and employees shall be provided appropriate periodic instruction in basic procedures recommended by the State Department of Education and other public health agencies and associations.

Incidence and transmission of communicable diseases will be further limited through a rigorous program of immunization and health screening required of all students, faculty, and staff. (See "Immunizations / Physical Exams", Policy # 5) Students found to have communicable diseases will be included in all activities deemed by a physician to present no hazard of infection to other students.

Science Laboratory Instruction

Students involved in science laboratory experiences shall be protected from contamination from body fluids of other persons and from contaminated instruments. Whenever possible, laboratory experiences involving body fluids will be conducted by way of teacher demonstration rather than by student participation.

Injuries and Accidents

Whenever exposed to blood or other body fluids through injury or accident, students and staff should follow the latest medical protocol for disinfecting procedures. (See "Bloodborne Pathogen Exposure Control Program", Policy #11)

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School Safety Board Policy #7

Administration of Medications

The Livermore Valley Charter School staff is responsible for the administration of medication to students attending school during regular school hours.
It is imperative that practices followed in the administration of medication be carefully delineated to ensure the safety of our students and the legal protection of our employees.
The School, upon request from the parent/guardian and verification from a physician, will endeavor to provide for the administration of prescribed medication to allow the student to attend school, if the student is unable to take the medication without assistance or supervision.

Guidelines:

- The primary responsibility for the administration of medication rests with the parent/guardian, student and medical profession.
- Medication shall be administered only during school hours if determined to be absolutely necessary on an ongoing basis.
- The parent/guardian shall sign a release/consent form, which is to be kept on file at the school.
- Designated staff shall keep records of medication administered at the school.
- All medication will be kept in a secure and appropriate storage location and administered per physician's instructions by the school nurse or by designated staff.
- Designated staff shall return all surplus medication to the parent/guardian upon completion of the regimen or prior to summer holidays.
- Designated staff shall establish emergency procedures for specific medical conditions that require an immediate response (i.e. allergies, asthma, diabetes).

Adopted:

Amended:

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Personnel Board Policy #8

Drug-Free Workplace

Livermore Valley Charter School is committed to providing a drug- and alcohol-free workplace and to promoting safety in the workplace, employee health and well-being and a work environment that is conducive to attaining high work standards. The use of drugs and alcohol by employees, off the job, jeopardizes these goals, since it adversely affects health and safety, security, productivity, and public confidence and trust. Drug or alcohol use in the workplace is extremely harmful to workers.

Accordingly, consistent with this commitment, Livermore Valley Charter School has developed a drug and alcohol policy that applies to all employees.

Bringing to the workplace, possessing or using, or being under the influence of intoxicating beverages or drugs on any School premises or at any school-sanctioned activity or function is prohibited and will result in disciplinary action up to and including termination.

The School reserves the right to use appropriate means to provide a safe work environment for its employees. These means may consist of but are not limited to:

Post-offer, pre-employment drug/alcohol testing;
Referral to local authorities;
Referral to employee assistance program;
Full investigation of accident causes, which includes drug and alcohol testing;
"For cause" drug testing (reasonable suspicion testing);
Search of School property;
Search of employee property, including employee handbags and vehicles, brought onto School property.

Refusal to submit to a "for cause" drug test or a drug test in connection with an on-the-job injury or accident is cause for immediate termination.

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Personnel Board Policy #9

Smoke-Free Environment

Livermore Valley Charter School maintains a smoke-free environment.

Smoking is not allowed anywhere on the school campus. It is the responsibility of each staff member to adhere to this rule, and to inform his or her guests of our non-smoking policy.

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School Safety Board Policy #10

First Aid, CPR, And Health Screening

The Livermore Valley Charter School recognizes the importance of taking appropriate preventive or remedial measures to minimize accidents or illness at school or during school-sponsored activities. To this end, the School expects parents/guardians to provide emergency information and keep such information current in order to facilitate immediate contact with parents/guardians if an accident or illness occurs.
Every classroom shall have a First Aid Kit containing appropriate supplies. First aid will be administered whenever necessary by trained staff members. When necessary, the appropriate emergency personnel will be called to assist.
All teachers are to be certified in adult and pediatric CPR and First Aid and be recertified prior to expiration of certificates. Opportunities for adult and pediatric CPR and First Aid training will be offered to all support staff and volunteers.

Resuscitation Orders
School employees are trained and expected to respond to emergency situations without discrimination. If any student needs resuscitation, staff shall make every effort to resuscitate him/her. Staff members are prohibited from accepting or following any parental or medical "do not resuscitate" orders. School staff should not be placed in the position of determining whether such orders should be followed, and such Advance Directives shall not be communicated to staff. The Principal, or designee, shall ensure that all parents/guardians are informed of this policy.

Vision, Hearing and Scoliosis Screening
The School shall screen for vision, hearing and scoliosis as required by law for all public schools.

Head Lice
To prevent the spread of head lice infestations, School employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The nurse, or designee, shall examine the student and any siblings of affected students or members of the same household. If nits or lice are found, the student shall be excluded from attendance and parents/guardians informed about recommended treatment procedures and sources of further information.
The Principal, or designee, shall send home the notification required by law for excluded students.
If there are two or more students affected in any class, an exposure notice with information about head lice shall be sent home to all parents/guardians of those students.
Staff shall maintain the privacy of students identified as having head lice and excluded from attendance.
Excluded students may return to school when reexamination by the nurse, or designee, shows that all nits and lice have been removed.
Adopted:
Amended:

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School Safety Board Policy #11

Exposure Control Plan For Bloodborne Pathogens

The Principal, or designee, shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace. The Principal, or designee, shall establish a written "Exposure Control Plan" designed to protect employees from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

The Board shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the School's "Exposure Control Plan," employees having occupational exposure shall be trained in accordance with applicable state regulations (8 CCR 5193) and offered the hepatitis B vaccination.
The Principal, or designee, may exempt designated first-aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations.

Any employee not identified as having occupational exposure in the School's exposure determination may petition to be included in the School's employee in-service training and hepatitis B vaccination program. Any such petition should be submitted to the Principal, or designee, who shall evaluate the request and notify the petitioners of his/her decision. The Principal, or designee, may deny a request when there is no reasonable anticipation of contact with infectious material.

Appendix I – Suspension and Expulsion Procedures

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students. When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Staff shall enforce disciplinary rules and procedures fairly and consistently amongst all students. This Policy and its Administrative Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations.

Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, the use of alternative educational environments, suspension and expulsion.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, or willfully causing the infliction of, physical pain on a student. For purposes of the policy, corporal punishment does not include use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The Principal shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy and Administrative Procedures are available on request at the Principal's office.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities in Education Act ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 (Section 504) is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. The School will follow Section 504 of the Rehabilitation Act, Individuals with Disabilities in Education Act (IDEA), the Americans with Disabilities Act (ADA) of 1990 and all federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students. As applicable, these procedures may include but are not limited to a behavior intervention plan, a functional behavioral assessment, and a manifestation determination to consider whether the behavior is a manifestation of the disability; and whether the student was appropriately placed at the time the behavior occurred. No student with exceptional needs may be expelled or be suspended for more than 10 days consecutively or receive a series of suspensions which combined would be considered a change of placement, unless the behavior is not a manifestation of the disability and the student was properly placed at the time the behavior occurred.

<u>Administrative Procedures For Pupil Suspension And Expulsion</u>

A. Definitions (as used in this policy)

1. "Board" means governing body of the Charter School.
2. "Expulsion" means disenrollment from the Charter School.
3. "Schoolday" means a day upon which the Charter School is in session or weekdays during the summer recess.
4. "Suspension" means removal of a pupil from ongoing instruction for adjustment purposes. However, "suspension" does not mean the following:
    a. Reassignment to another education program or class at the charter school where the pupil will receive continuing instruction for the length of day prescribed by the Charter School Board for pupils of the same grade level.
    b. Referral to a certificated employee designated by the Principal to advise pupils.

c. Removal from the class but without reassignment to another class for the remainder of the class period without sending the pupil to the Principal or designee.

5. "Pupil" includes a pupil's parent or guardian or legal counsel or other representative.

6. "School" means the Charter School.

B. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at the School or at any other school or a School sponsored event at any time including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

C. Enumerated Offenses

Students may be suspended or expelled for any of the following acts when it is determined the pupil:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal/Administrator or designee's concurrence.

3. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

5. Committed or attempted to commit robbery or extortion.

6. Caused or attempted to cause damage to school property or private property.

7. Stole or attempted to steal school property or private property.

8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel.

9. Committed an obscene act or engaged in habitual profanity or vulgarity.

10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.

12. Knowingly received stolen school property or private property.

13. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
16. Made terrorist threats against school officials and/or school property.
17. Committed sexual harassment.
18. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.
19. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment.

The above list is not exhaustive and depending upon the offense, a pupil may be suspended or expelled for misconduct not specified above.

Alternatives to suspension or expulsion will first be attempted with students who are truant, tardy, or otherwise absent from assigned school activities.

D. Suspension Procedure

Suspensions shall be initiated according to the following procedures.

1) Informal Conference

Suspension shall be preceded, if possible, by an informal conference conducted by the Principal or the Principal's designee with the student and his or her parent and, whenever practicable, the teacher, supervisor or school employee who referred the student to the Principal.

The conference may be omitted if the Principal or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.

This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason, including, but not limited to incarceration or hospitalization.

No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2) Notice to Parents/Guardians

At the time of the suspension, a School employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3) Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion shall not exceed five (5) consecutive school days per suspension.

Upon a recommendation of expulsion by the Principal, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Principal upon either of the following determinations: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

E. Authority to Expel

A student may be expelled either by the Board following a hearing before it or by the Board upon the recommendation of an Administrative Panel to be assigned by the Board as needed. The Panel should consist of at least three members. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

F. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Principal or designee determines that the Pupil has committed an expellable offense.

The expulsion hearing will be presided over by the Board President or the chair of the Administrative Panel. In the event a Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session unless the pupil makes a written request for a public hearing three (3) days prior to the hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

1) The date and place of the expulsion hearing;

2) A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;

3) A copy of the School's disciplinary rules which relate to the alleged violation;

4) Notification of the student's or parent/guardian's obligation to provide information about the student's status at the school to any other school district or school to which the student seeks enrollment;

5) The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or an advocate;

6) The right to inspect and obtain copies of all documents to be used at the hearing;

7) The opportunity to confront and question all witnesses who testify at the hearing;

8) The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

G. Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense.

Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay, and sworn declarations may be admitted as testimony

from witnesses of whom the Board, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

The decision of the Administrative Panel shall be in the form of a written recommendation to the Board who will make a final determination regarding the expulsion. The final decision by the Board shall be made within ten (10) school days following the conclusion of the hearing.

I. Written Notice to Expel

The Principal or designee following a decision of the Board to expel shall send written notice of the decision to expel, including the Board's findings of fact, to the student or parent/guardian. This notice shall include the following:

1) Notice of the specific offense committed by the student.

2) Notice of any right to appeal the expulsion to the County Board of Education. If this Board will not hear such appeals, the Charter School may establish a new panel of retired or current school administrators or teachers who are not related to the Charter School to hear expulsion appeals but who will follow the expulsion appeal procedures outlined in Education Code Sections 48921-48924.

3) Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the School.

The Principal or designee shall send written notice of the decision to expel to the Student's District of residence and the State Board of Education or designee.

This notice shall include the following:

a) The student's name

b) The specific expellable offense committed by the student.

J. Disciplinary Records

The School shall maintain records of all student suspensions and expulsions at the School. Such records shall be made available for the Chartering Agency's review upon request.

K. Expelled Pupils/Alternative Education

Pupils who are expelled shall be responsible for seeking alternative education programs including but not limited to programs within the County or their school district of residence.

L. Rehabilitation Plans

Students who are expelled from the School shall be given a rehabilitation plan upon expulsion as developed by the Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the School for readmission.

M. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Principal and the pupil and guardian or representative, to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Principal shall make a recommendation to the Board following the meeting regarding his or her determination. The pupil's readmission is also contingent upon the School's capacity at the time the student seeks readmission or admission.

Adopted:

Amended:

Livermore Valley Charter School
Committee Members and Volunteers

The following information is supplemental to the Livermore Valley Charter School petition as evidence of the parental support representing the petitioners. Brief experience summaries are included to show the breadth and depth of skills and talents this group possesses, including educational background, work experience, credentials, degrees, and certifications.

1. Adams-Nims, Kimberly
2. Arnold, Sabrina
3. Atwal, Cindy
4. Baer, Jill
5. Bagatelos, John
6. Bagatelos, Kathleen
7. Baker, Karelyn
8. Bantley, Julie
9. Best, Donna
10. Boeder, Ron
11. Braun, Kevin
12. Brimhall, Michelle
13. Brist, Kim
14. Budne, Joan
15. Burns, Muriel *
16. Church, Sandy
17. Clifton, Janice
18. Curtis, Debbie
19. Dake, Ann-Marie Bucaria
20. Davis, DeDe
21. Dayton, Mary
22. Dremalas, Kimberly
23. Duncan, Karen A.
24. Dykstra, Marilyn J.
25. Epperson, Leila
26. Eschen, Doug
27. Foreman, Margie
28. Gallagher, Julie
29. Ganguet, Karen
30. Garcia, Milton
31. Goldstein, Lon *
32. Goodrich, Sue
33. Greenough, Jeff
34. Haider, Aini
35. Hall, Lillian
36. Howell, Simone
37. Hughes, Pamela Ann
38. Jess, Keith
39. Jess, Michelle
40. Jorgensen, Shelly
41. Kalantar, Clare
42. King, Susan
43. Koch, Brent
44. Koning, Patti
45. Laughlin, Denise
46. Ledbetter, Sue
47. Lee, Donna
48. Lindsay, Jacqui
49. Lloyd, Maggie
50. Locke, Cathy
51. Lord Anglin, Carolyn
52. Lortie, Linda
53. Lowenstein, Marc
54. Lunn, Melinda
55. Luttrell, Tracey *
56. Lyberger, Lynne
57. Machado, Joy (husband Rich)
58. Mancini, Maria
59. Martin, Maryann
60. Matthews, Dawn
61. McCuen, Steve
62. McKernan, Ruth
63. Medina, Stephanie
64. Meier, Karen
65. Meier, Tim
66. Mesarchik, Lesley
67. Miller, Kelly
68. Miller, Tom
69. Mohammad, Farzana
70. Mohammad, Nadeem
71. Morgan, Janie
72. Morgan, Laura *
73. Morris, Debra
74. Mossinger, Rachelle.
75. Moya, Therez (Teddy)
76. Muggeridge, Kenneth
77. Parker, Karen
78. Purdy, Karen
79. Racanelli, Hiromi
80. Racanelli, Victor
81. Reed, Lauren *
82. Reynolds, Cathy
83. Rittmann, Brian
84. Rogers, Janice
85. Samuelson, Scott L.
86. Sauer, Tim
87. Scher, Heidi
88. Schnitter, Jeff
89. Schnitter, Kim
90. Solomon, Lance *
91. Sommer, Sonja
92. Strauch, Elizabeth
93. Swiers, Amy
94. Swiers, Richard
95. Taylor, Cynthia
96. Thomas, Jennifer
97. Tidwell, Laura
98. Triantos, Melanie
99. Venet, Lia
100. Wageck, Liz
101. Wagle, Patricia
102. Warner, Annette
103. White, Karen
104. Wilkins, Deirdre (Liz)
105. Winter, Jennifer
106. Wortham, Charlie
107. Wortham, Colleen
108. Ybarra , Denise
109. Yuan, Wenbo
110. Zachow, Keith
111. Zischka, Heather

* Governance Board Member

Livermore Valley Charter School
Committee Members and Volunteers

1. Adams-Nims, Kimberly

Volunteer PR committee, (curriculum and discipline)

Owner and administrator of Barron Park Preschool in Palo Alto, CA. BA in Creative Arts, emphasis in Early Childhood Education. 10+ years as an Early Childhood Educator

2. Arnold, Sabrina

Co-Chairman Large Events sub-Committee, Fundraising Committee

Mother of 2 elementary school age children. Meeting and Event Planning Certificate. Senior Mortgage Loan Coordinator/ Underwriter 15 years of Catering and Events planning, involved in youth soccer, cub scouts, 8 years dedicated involvement in enrichment my of children's education and life skills.

3. Atwal, Cindy

Curriculum Committee member, Public Relations Committee Volunteer, Administrator for Fundraising Committee and General Fundraising sub-committee member.

7 Years of experience as a Press Secretary in the Singapore Diplomatic Core, 8 years experience as a Technical Writer for a multi-national software company. Honors, Business Administration, Technical Writing Certification. Mother of a six year-old.

4. Baer, Jill

Admissions committee, Fundraising committee

Stay at home mom of 2. B.A. in Social Sciences, minor in Psychology. Currently trained to substitute at Valley Montessori School, Room parent at Valley Montessori and Arroyo Mocho, was working on getting degree in Early Childhood Development, on Board of Directors of Livermore Mom's Club. Used to work with several charity golf tournaments (Children's Miracle Network) in Arizona.

5. Bagatelos, John

Finance Committee Member

Distribution Sales Manager within the Semiconductor Industry. BA-Psychology. 13 Years of Experience in Sales.

6. Bagatelos, Kathleen

Admissions Committee, Curriculum Committee, and Fundraising Committee

At Home Mother. B.A. Organizational Communications, Minor in Business Adm.

7. Baker, Karelyn

Member Discipline Committee (Liaison with Health & Safety Committee)

Office Management Assistant. Studied Business Management with the Open University in England. 19 years experience (including Management) in Human Resources (16 in London, England). 6 years experience in Business Administration

8. Bantley, Julie

Member of Health and Safety Committee, Member of Security subcommittee

Certified Shorthand Reporter, mother of 2. California CSR license. Experience serving as classroom volunteer; excellent typing and English skills; experienced Internet researcher.

9. Best, Donna

Grant Committee (sub committee of Fundraising)

Administrative Director for the Museum of the San Ramon Valley. Bachelor of Arts in Psychology and Business Administration, M.ed in Counseling. Minimal grant writing experience with the Museum

10. Boeder, Ron

PR Committee Member, Technology Committee Member

Industrial Design Firm Owner/Director. B.S. Industrial Design, San Jose State University. Over 15 years experience in the design, ergonomics, and engineering of products, and corporate graphics. Own and operate a product design and development firm in Pleasanton, with 5 employees. Guest Lecturer on design at San Jose State University. Two-time recipient of the highest honor in my profession from The Industrial Designer's Society of America and Business Week Magazine. Father of three school-age children in Livermore. I am an alumni of Almond Avenue, East Avenue, and Livermore High. Livermore Resident since 1963. Mother owned and operated Ark Preschool in Livermore for 15 years. Sister is a schoolteacher in Livermore School District.

Livermore Valley Charter School
Committee Members and Volunteers

11. Braun, Kevin

Co - Chair, Health and Safety Committee

General Manager, Earth Safety Dynamics (A Livermore - based Industrial Hygiene, Safety, and Environmental Compliance Consulting Company). BS in Biology and Chemistry, Board Certified in Industrial Hygiene (Comprehensive Practice), More than 15 years providing environmental, health and safety services to a variety of employers (including school districts) throughout California

12. Brimhall, Michelle

Curriculum and Fundraising Committee Member

Past – Elementary School Teacher; Current – Stay at Home Mom. BS in Early Childhood Education and Elementary Education. 3 years teaching elementary school; parent volunteer at schools; PTA Board Member, 2002-2003

13. Brist, Kim

Curriculum Committee and Fundraising Committee Member

At home mom to a first grader and a preschooler. 3+ years completed in college (Marine Biology, Anthropology, and Spanish) Worked in front office/shipping/customer service for 3 years and worked in the front office at a Marriott Hotel for 3 years. Currently volunteer at the school and teach a toddler class one day a week.

14. Budne, Joan

Member of PR Committee

Realtor with Re/Max Accord. BA in Anthropology from State University of New York at Binghamton. Certificate in Data Processing from Merritt College, Oakland. Computer Programmer & Systems Analyst for 18+ years. Real Estate Consultant for 4+ years

15. Burns, Muriel *

Initial Member Board of Directors - teacher representative, Curriculum Committee, Faculty Committee.

First /Second grade looping teacher - Arroyo Mocho School. BA Liberal Studies, Multiple Subject Teaching. Credential, Supplemental English credential, CLAD certificate. 17 years teaching experience, (10 in Fremont, 7 in. Livermore) Have opened two new schools. (Forest Park in Fremont, Arroyo Mocho in Livermore).

16. Church, Sandy

Faculty Committee and Facilities Committee

160 College Credits, AA Liberal Arts. Commercial Property Management - 10 years. Construction Management - 5 years.

17. Clifton, Janice

Member at large of Admissions, PR,

Stay at home mom. Bachelor of Science, Business Administration, with a Marketing Management Option. I love my children more than anything and will work as hard as I can to make sure they get the best education possible.

18. Curtis, Debbie

Member of Health & Safety Committee

Currently entering into my junior year as a philosophy major with a minor in ministry.

19. Dake, Ann-Marie Bucaria

Events Committee/General volunteer; can assist with editing and writing.

Institutional Review Board Administrator/ Lawrence Livermore National Laboratory. BA and MA in English. Two children in Livermore schools -- son is a junior at Livermore High School; daughter a fourth grader at Almond. Have been involved with many volunteer activities at Almond since its reopening in 1994.

20. Davis, DeDe

Member of Admissions

BS in Business. Manager/ Home and Business, 5 years management and owner of a business

21. Dayton, Mary

Helped to edit and rewrite parts of charter for curriculum committee

"Stay at home" Mom. Earned a BS in Accounting from Cal State Hayward in 1987 and graduated "Magna Cum Laude" Mother of six children, ages 6-16. Formerly an accountant for a small business.

22. Dremalas, Kimberly

Lead: Market and Public Relations Strategy

Manager: Information Systems and Performance Management. Bachelors Marketing; MBA specializing in Personnel Management. 13 years managing and leading people; project management; business systems and IT design/ implementation; marketing and communications projects; business analysis and performance management.

Livermore Valley Charter School
Committee Members and Volunteers

23. Duncan, Karen A.
Member faculty committee, member curriculum committee
Kindergarten Teacher (former Science Specialist, Montessori Teacher & Preschool Director) BA Natural Science, Minor Geology, Multiple Subject Clear Credential, Supplemental authorizations: Life and Physical Science. Montessori Teaching Certificate, Language Development Specialist Certificate, 9 Years financial institutions and construction business, 15 years in Education

24. Dykstra, Marilyn J.
Member of Submittal Committee and Admissions
M.A. granted in comparative literature from the University of Iowa plus graduate studies in linguistics and TESOL at the University of Iowa. 23 years experience teaching English and English to speakers of other languages in multicultural settings (i.e. at an historically Black college; at a university in the "tricultural" state of NM where the population was about 30% Anglo, 30% Hispanic, 30% Native American, and 10% other; and at various locations where I primarily taught and worked with foreign students)

25. Epperson, Leila
Member Faculty Committee.
Housewife. BA Psychology. Parent volunteer at Almond Avenue Elementary and Junction Avenue Middle schools; Children's Ministry committee member at UM Asbury; Sunday School teacher; previously office manager at a local business firm.

26. Eschen, Doug
Facilities Committee Co-Chair
Regional Director. 20 years in the Financial Services industry. Responsible for overseeing the southeast bay area through Monterey Region and for recruiting, training and the development of Financial Representatives.

27. Foreman, Margie
Admissions Committee Member
Home management. Some college. 20 years experience in home management. 11 + years experience in accounting and finance.

28. Gallagher, Julie
Member of the Faculty Committee
Adult Educator Coordinator for St. Charles Catholic Church. BS in Chemistry, MS in Organic Chemistry. 7 years experience teaching Chemistry in Community College and 10 years experience in adult education and organization in the Catholic Church.

29. Ganguet, Karen
PR Committee Member, sub committee lead - faculty distribution. Faculty Committee Member as liaison to PR committee. Finance Committee Member operations.
Sales Rep for Paychex, Inc. (Payroll & Human Resource Co.) BA in Liberal Studies, AA Business Administration. 15 years in business operations & sales.

30. Garcia, Milton
Member Submittal Committee
Regional Manager, American Commercial Mortgage (commercial real estate finance). BA Economics, licensed CA Real Estate Broker. Over 17 years of business operations, finance and management experience.

31. Goldstein, Lon *
Initial Member Board of Directors, member of all committees
Senior Vice President – Financial Consultant. Received Certified Investment Manager Analyst (CIMA) certificate from Wharton School of Business. Member of Investment Management Consultant Association (IMCA). BS Business Administration with a concentration in Finance and a minor in Biology. Board Member of Livermore National Little League (LNLL). LNLL baseball manager. Livermore Youth Soccer League (LYSL) Coach. Concerned parent.

32. Goodrich, Sue
General Fundraising team member; liaison to Finance + PR.
On-site Job Lead for Pampered Palate Catering company. AS degree in General Office Info Systems. Trained in medical terminology & transcription. Attended California Culinary Academy. 20+ years in sales & customer service. Extensive self-employment including freelance catering & photography.

Livermore Valley Charter School
Committee Members and Volunteers

33. Greenough, Jeff
Member Finance Committee
Research Scientist at Lawrence Livermore National Laboratory. PhD in Applied Mathematics. 15 years of active research in computational fluid dynamics.

34. Haider, Aini
Member of Admissions Committee and Fundraising Committee.
Stay at home Mom. BA in Industrial Psychology. ENTHUSISM, and ability to analyze info. (Used to work in Compensation Planning)

35. Hall, Lillian
Lead for Distribution to Schools and Preschools, PR committee
Stay at home Mom of two kids. College -Senior status. I am very excited to be a part of such a grassroots project! I seem to be good at organizing small groups of people for projects such as gathering the petitions for our new Charter School. I hope to also be involved in helping with other PR and fundraising activities which will require these same skills.

36. Howell, Simone
Member of the Grants Committee
Mom of two girls, potter, head gardener, decorator and crafter extraordinaire! Marketing Degree. Energetic and Creative Mom of a two girls ages 3 and 1. I care a great deal about their education and am ready to be involved now! I believe in this school!! I believe that they are entitled to a fantastic education and schooling experience!

37. Hughes, Pamela Ann
Health and Safety Committee Member
PR Committee Volunteer Translator. H&S Sub-Committee Chair. BA Mathematics, UCSB. Secondary Teaching Credential, UCSB. BCLAD, Seven years teaching experience and bilingual abilities

38. Jess, Keith
Member Health & Safety, Volunteer for PR, Member Before and After School Care
Director Materials Management Kindred Hospital. Broadcast communications, Culinary Arts. 20+ years Materials Management. 6+ years Safety, Alameda County Disaster Preparedness. 3+ years Almond School PAC parent

39. Jess, Michelle
Member Finance Committee
Sr Customer Affairs Specialist for Thoratec Corp. BS in Psychology. 15+ years working for large corporations-Financial & Medical, 10+ years working with Medical reimbursement, 2+ years administrating benefits

40. Jorgensen, Shelly
Curriculum committee member
Mother BS Health Sciences, BS Nutrition and Food Science 10+ years working with children in a teaching role, 2.5 years directing children's choir

41. Kalantar, Clare
Submittal Committee Member, Volunteer for the Public Relations and Fundraising Committees
BA Language and Linguistics. Stay-at-home mother. More than 15 years public sector/non-profit organization experience; coordinated large volunteer corps; major gift fund development at the university level.

42. King, Susan
Serving on the Admissions Committee as meeting note taker
AT&T Billing Operations Process Support Manager. BA in Business and Paralegal Certificate from St. Mary's College. 18+ years with AT&T in billing, process support and project management.

43. Koch, Brent
Member Legal Committee; Member Facilities Committee
President, Koch Engineering, Inc. B.S. Civil Engineering U.C.L.A. 1984. Registered Professional Civil Engineer, State Of California, 1987. 18 years experience in building structure design 5 years experience in manufacturing business management 8 years experience in construction project management 4 years experience as small consulting engineering business owner

44. Koning, Patti
Volunteer
Freelance writer. BA English/ BA History. Skills in Journalism, Marketing, Public Relations, Copy Editing, and Technical Writing.

Livermore Valley Charter School
Committee Members and Volunteers

45. Laughlin, Denise
Co-Chair Admissions, Curriculum & Fundraising Committees
Event Planner, Full Time Mom, Girl Scout Leader & AMPT Board Member. BS Business Administration, MBA emphasis Marketing. 11 years in my own Event Planning / Wedding business. 10 years Marketing in major firm (Triad). Arroyo Mocho PTO Committee Coordinator / Fundraising

46. Ledbetter, Sue
Co chair grants and general fundraising, PR committee - lead distribution to businesses, fundraising liaison to PR
Currently a stay at home mom, most precedent - business consultant for start up 3 yrs; senior manager ww sales compensation planning, administration and operations 8 years (high tech) back office operations

47. Lee, Donna
Role: Volunteer for PR and Fundraising committees.
BA in Chemistry. Stay at Home Mom. Environmental/Analytical Chemist for 10 yrs.

48. Lindsay, Jacqui
PR Committee Member
Contracts Administrator/IP (Patent, Trademark and Copyright). Administrator. Legal and Executive Assistant; British Education. Over 15 years in the legal profession and Mother of 2 Children

49. Lloyd, Maggie
PR Communication Sub-committee/ Co-Lead of PR Admin. Sub-committee
Currently At home Mom (4 years). B.S. Business/Information Systems. 13 years in a variety of positions in Information Systems, including: Programmer, Database Designer and Admin., General Management over areas such as: Systems conversion projects, Year 2000 project, Database Admin., software development.

50. Locke, Cathy
Facilities, Curriculum, and Disciplinary Committees
I have been working in finance for 20 year years. I also have 15 years experience in running a construction company with my husband, Tim Locke. BA in Business I have two children attending Arroyo Mocho, one in second and one in fourth. I bring to Livermore Charter School is business experience and compassion for education. Also resources through Camco Corp., our cabinet and construction company. these resources would greatly benefit the Facilities Committee.

51. Lord Anglin, Carolyn
Member of the Curriculum Committee
Professional Artist. Exhibited nationally, magazine articles 1983-, gallery representation 1978-, international travel 1975-, BA, Fine Arts, continuing education through international travel and international houseguests and exchange students, foreign language and culture Civic Activist in Livermore; Librarian for La Leche League; Legal Defense Fund for Beah Haber verses Valley Memorial; Save the Green Corner of College and L : School, Church, Boy Choir, Livermore Valley Opera, Rotary International

52. Lortie, Linda
Member Fundraising Committee, Member Finance Committee
Full time mother of two & Independent Consultant for Creative Memories (Direct Seller). BS in Economics, Accounting Certificate. 15 years of financial experience including budgeting, forecasting, reporting and analysis for high tech companies.

53. Lowenstein, Marc
Member, finance committee
Software Engineer. BS & MS in Electrical and Computer Engineering. 10 years of control systems engineering experience in the aerospace industry, and 4 years of software engineering experience in the networking industry

54. Lunn, Melinda
Member at Large of Finance committee
Self Employed. BSEE. 20 yrs experience setting up computer networks and accounting systems for small businesses.

Livermore Valley Charter School
Committee Members and Volunteers

55. Luttrell, Tracey *

Initial Member of Board of Directors of LVCS; Co-chair of Legal Committee, member of Charter Submittal Committee

Business attorney practicing in mergers and acquisitions, venture capital financings, securities laws and general corporate matters. Member of the State Bar of California and the Bar Association of the Province of Quebec (Canada); Bachelor of Common Law (LL.B.) and Bachelor of Civil Law (B.C.L.) from McGill University (Montreal, Canada); B.A. (Classics) and B.A. (Political Science) from McGill University (Montreal, Canada). Parent of three children (one elementary school-aged, one preschool-aged and one infant); former member of Kidango, a non-profit organization offering day care services to children throughout the Bay Area

56. Lyberger, Lynne

Co Chair, Finance Committee

Environmental Protection Department Resource Manager, LLNL. AA Business Data Processing, UOP Management Certificate. More than 25 years financial/resource management experience at LLNL

57. Machado, Joy (husband Rich)

Disciplinary Committee and Admissions

BA in Human Resources with a minor in Psych. I am currently a stay-at-home mom. We own a small business in town where I do marketing, accounting and office work. Prior to coming home, I developed marketing promotions for the Safeways on the West Coast.

58. Mancini, Maria

Member, Admissions Committee: Member, Fundraising Committee: Volunteer, Public Relations Committee

Architectural Technology Degree. Owned and Operated Home Evaluation Business.

59. Martin, Maryann

P.R. Committee Member, General Fundraising Committee Member

Full Time Mom of three sons, Energetic and Committed mom concerned about her children's education.

60. Matthews, Dawn

Member-P/R & Publicity Committee, Training and Presenting-sub committee

High School AP Psychology/U.S. History Teacher. B.A. Political Science-U.C. Berkeley, California Clear Credential-Single Subject Social Science, Spanish Supplemental, CLAD Certified 11 years teaching in Ca public schools, Advanced Micro Devices-Community relations summer work program for teachers (1994)

61. McCuen, Steve

Chairman - Fundraising Committee, formerly Co-Chair of Finance Committee

Realtor-RE/MAX Executive – selling Real Estate since 1990. BS Electrical Engineering, Executive MBA. Board of Directors member, Design Committee Chairman and former Treasurer for Livermore Downtown (downtown redevelopment non-profit corp.). Board of Directors - County Redevelopment not-for-profit corp. 20+ years in Engineering to the VP level. 6 years in Marketing to the Director level. Owned my own property development company for 9 years.

62. McKernan, Ruth

Health and Safety Committee Member,

Sub-Committee Chair for Disaster Preparedness. Chairman of Disaster Preparedness Committee for Almond Avenue School. Junior Accounting Degree. Retired Bed Placement Coordinator of John Muir Medical Center. Grand Deputy, District 21 International Order of the Rainbow for Girls. Committee Member of Boy Scouts Troop #939. Mother of 4 students in LVSD

63. Medina, Stephanie

Member of the PR Committee and Fundraising Committee

Full time mother of 2. over 10 years experience in a secretarial/admin. assistant, 3 years assistant soccer coach, 1 years as co-leader daisey troop, 1 year as assistant tee-ball coach.

64. Meier, Karen

Co-Chair - Corporate Fundraising Committee

Sales and Sales Management for Pfizer. Bachelor of Education, Certificate in Marketing. 18 Years Sales/Marketing/Management

Livermore Valley Charter School
Committee Members and Volunteers

65. Meier, Tim
Member Corporate Fund Raising Committee
Computer Scientist. BS Electrical Engineering. 18 years in Electrical Engineering Dept. at LLNL, 5 years in Computations Dept. at LLNL.

66. Mesarchik, Lesley
Co-Chair for the Publicity and Public Relations Group
Direct Sales and Business Owner. BA Quantitative Economics and Decision Sciences. Passionate about the education of my three children. 10 years sales and marketing. 5 years training and development

67. Miller, Kelly
Grants Subcommittee Co-Chair, Curriculum Committee Member, General Fundraising Committee Member, Finance Committee Member
Manager, Contracts and Systems Administration, University of California, Lawrence Livermore National Laboratory. BS in Sociology, MBA. 17 years contract negotiation, award, and administration experience for complex multi-million dollar R&D, commodity, and service type contracts.

68. Miller, Tom
Chairperson of the Charity Golf Tournament
Manager within the Procurement Department at the Lawrence Livermore National Lab. Masters Degree from Saint Mary's College, BS from Cal State at Hayward. 25+ years in the Procurement field, member of the Lab's Golf Club

69. Mohammad, Farzana
Member Fund Raising Committee
Window dressing designer. BA. Board member of local 501(c) community organization

70. Mohammad, Nadeem
Member Submittal and Finance Committees
BA with Honors and MA in Natural Sciences from The University of Cambridge, UK, majoring in Physics. MSc in Integrated Circuit and System Design, from University Of Manchester Institute of Science and Technology (UMIST) in UK. Post Graduate Research at Brunel University, UK, in the application of massively parallel computer architecture to electronic design automation tools. Taught undergraduate courses in fields of computer programming and logic design simulation at Brunel University. Held Board level positions with local 501(c) registered community organizations.

71. Morgan, Janie
Volunteer with all committees
Born and raised in Livermore (still here.) Attended Fifth Street, Junction Ave(2-8) and graduated from Livermore High. Married to Dave Morgan for 41 years. Two children, Laura and Todd Morgan, and son-in-law Joe Battaglia. Two grandchildren Carlo and Francesco who will attend Livermore Valley Charter School. Worked for the Livermore Valley Joint Unified School District at Portola, Smith, Mendenhall and Arroyo Mocho for almost 20 years. Principal's Secretary at Arroyo Mocho School since it was opened almost 7 years ago. I've been fortunate to work with Mike Hazelhofer at Arroyo Mocho.

72. Morgan, Laura *
Initial Member Board of Directors - teacher representative, Co-Chair Curriculum Committee, Faculty Committee Member
First Grade Teacher, Arroyo Mocho Elementary, LVJUSD. AB Molecular & Cell Biology, UC Berkeley, 1991 MA Educational Psychology, UC Berkeley, 1994. Multiple Subject Teaching Credential, 1994 Supplementary Authorization, Life Sciences, 1994 CLAD, 1999. 10 years teaching experience Piedmont Unified School District 1994-1996 Fifth Grade, Wildwood Elementary 7/8th Grade Science, Piedmont Middle School Livermore Valley Joint Unified School District 1996-present 1/2 Multiage, Almond Elementary K/1 Multiage, Almond Elementary Elementary Science Specialist, Arroyo Mocho Elementary First Grade, Arroyo Mocho Elementary

Livermore Valley Charter School
Committee Members and Volunteers

73. Morris, Debra
Curriculum and Faculty Committee member
Teacher at Arroyo Mocho BS in education. M. Ed. in Special Ed. 2 credentials -Muti-Subject and Mild to Moderate Special Ed Teaching experience 6 years in Las Vegas Nv. 4 years in Livermore Ca.

74. Mossinger, Rachelle.
Faculty Committee Secretary
Bachelor of Arts, Liberal Studies with Business Studies Option, Life & Health Insurance Agent, Certified Insurance Counselor Life and Health. More than 15 years experience with Employee Benefits and Corporate Safety Programs.

75. Moya, Therez (Teddy)
PR Committee
University of Phoenix Faculty, Teacher Education Program and various UOP online classes; LARPD Baby and Me Instructor. B.A Ed. in Special Education with a minor in Psychology. M Ed. in Education Counseling, with School Counselor Certificate. Certificates in LD, MR, ED (Special Ed.). Education/15+ years teaching experience, in corporate America (Digital Equipment 7+ years), community programs (LARPD), at the middle school level, and higher education. Counseling experience, middle school level. I am excited to be a part of the Livermore Valley Charter School community, which emphasizes child-centered programming, diverse and creative learning opportunities, and a committed group of individuals!

76. Muggeridge, Kenneth
Finance Committee Member
Director of Manufacturing and Operations, The Men's Wearhouse. BA in Political Science, University California, Irvine. 17 years in international business

77. Parker, Karen
Member Submittal Committee and Health & Safety Committee
Registered Nurse, AA degree, CPR trained, ACLS trained. 14 years of Nursing in both acute care and home care. Recent experience with special needs child. Past experience includes Emergency Dept. and Labor & Delivery.

78. Purdy, Karen
Member Admissions Committee
Stay At Home Mom. BS in Genetics

79. Racanelli, Hiromi
Member Finance Committee, Liaison Curriculum Committee
Imaging and Printing Group Americas Commercial Materials. Manager, Hewlett-Packard. UC San Diego. 13 years Supply Chain/Materials Management experience

80. Racanelli, Victor
Member Curriculum Committee; Member Technology Committee
VP. Distributed Relational Database Systems - Bank of America. Undergraduate Bachelor of Science in Information Technology. 18 years Information Technology experience in fortune 500 organizations to include enterprise automation product implementations.

81. Reed, Lauren *
Initial Member Board of Directors. Treasurer, Finance Committee Co-Chair, Fundraising Steering Committee
Principal Budget Analyst at Lawrence Livermore National Laboratory. BBA in Accounting, 1981 College of William & Mary. 22 years experience in Accounting and Finance, 9 years as Controller/CFO of healthcare and non-profit entities

82. Reynolds, Cathy
PR Committee Member
Lead for Marketing/ Communication. Communications Degree/ ATC Cert. Air Traffic Controller 9+ years "retired" to stay home and take care of my 3 children ages: 17, 7 and 6. Dedicated to making sure my children get the BEST education possible.

83. Rittmann, Brian
Publicity and PR Committee Co-Chair
Engineering Technician VI, Final Optics Systems, National Ignition Facility at Lawrence Livermore National Laboratory. BS in Industrial Technology. Over 16 years as a manufacturing engineer in high volume manufacturing - auto/truck mfg., plus high tech companies. Hobbies: Problem solving, "Mr. Fix-it", home repair/improvement, brain-teasers.

Livermore Valley Charter School
Committee Members and Volunteers

84. Rogers, Janice
Health and Safety Committee Chair
BS Nursing - Minor in Health Science. Ten years nursing experience in emergency medicine, adult and pediatric trauma units, ICU, CCU, Neonatal Intensive Care, BLS Helicopter Unit for EBRPD Police/ Fire/ Rescue Block Coordinator for Livermore Neighborhood Watch Group 429 CERT (Community Emergency Response Training) certified Small Business Owner/Operator - Alley CAT Enterprises (Court Reporting Scoping and Proofreading Services) Mother of 2 children in LVSD

85. Samuelson, Scott L.
Member – Charter Submittal Committee
Acting Director, Office of the National Ignition Facility Project, U.S. Department of Energy. BS, MS, MBA, Certified Project Management Professional (PMP). 20 years public sector management experience, including proposal solicitation and evaluation, performance-based contracting and management, and project management. Currently serve as Federal Project Director for the approximately $3.5 Billion National Ignition Facility.

86. Sauer, Tim
Member of: Curriculum, Technology, and Facilities Committees
BS in Architecture - Cal Poly San Luis Obispo. Head Estimator of Gateway Landscape Construction. Winemaker at Livermore Valley Cellars. Twenty years experience in all aspects of site construction for residential, commercial, and public works projects. Twenty plus years experience in all phases of the Livermore wine industry including: winemaking, marketing, sales, public relations, and event planning.

87. Scher, Heidi
Member of the curriculum committee and facilities committee
Currently a stay at home Mom with two children, 2 and 5. B/A in Liberal Studies. CA Multiple Subject Teaching Credential. 8 years teaching experience in grades K and 1, Literacy Coordinator for the Newark Unified School District in the ELLI (Early Literacy Learning Initiative) program.

88. Schnitter, Jeff
Member of Technology committee
Specialist Engineer, Peoplesoft, Inc. M.S. Computer Science, Stanford University, B.S. Computer Science, B.A. Psychology. 12+ years experience working in Technology field, 4 years experience coaching CYO Basketball, 3 years experience coaching LGSA (Girl's Softball)

89. Schnitter, Kim
Member of Fundraising, Admissions, Curriculum committees
Stay-at-home Mom, B.S. Business Administration, Option in Finance. 12+ years experience in Business, Analyst for Public Financial Advising Company, Fundraising Chair for AMPT 1998-1999, Classroom Volunteer for past 7 years

90. Solomon, Lance *
Initial member Board of Directors - Vice President; member of Finance Committee, member of Charter Submittal Committee
Senior Vice President of Operations for Xperex (a Wireless Multimedia Kiosk Company). BA in Accounting & Finance, CPA, MBA. More than 15 years financial experience to the CFO level, including accounting, budgeting, financial planning, modeling, and cash flow management. More than 10 years business operations.

91. Sommer, Sonja
Member of Curriculum committee
Dentist. Doctor of Dental Surgery, BS in Human Physiology. 10 years as a dentist in this community

92. Strauch, Elizabeth
Curriculum Committee member
Chief, Cryptologic Services Group San Francisco B.S., Biology Parent of 8th grader and 2nd grader.

93. Swiers, Amy
Co-Chair Admissions Committee
Applications Development Manager. B.S. in Computer Science. Providing the Charter School organization with databasing skills and building the various databases. Mother of 2 K-5 children.

Livermore Valley Charter School
Committee Members and Volunteers

94. Swiers, Richard

Co-Chair of Charter Submission Committee and Co-Chair of Legal Committee

President-The RAS Group, Inc. B.S. Communications, MA Broadcast Management, MBA Management. Over 20 years experience in senior management positions within the broadcasting and high technology industries which brings organizational, fiscal, contract and development skills to the charter school. Father of two elementary students.

95. Taylor, Cynthia

Member-at-large of Curriculum Committee

Park Naturalist - East Bay Regional Park District. BA Environmental Studies, Minor Anthropology, Minor Geology, Minor Art History . 17 years as a park naturalist/wildlife biologist/anthropologist. Instructor in Educator's Academy program through Cal-State Hayward and East Bay Regional Park District. Current position offers interpretive programs to classes in natural and cultural history themes aligned with current state curriculum standards. Can work as community outreach link between East Bay Regional Park District and charter school.

96. Thomas, Jennifer

PR committee member

Stay-at-home Mom. BA in Business Management. 6 years management experience, 2 1/2 years design consultant/purchaser

97. Tidwell, Laura

Sub-Committee Chair, Health & Safety Committee

Environmental Analyst at LLNL. B.S. Environmental Studies CHMM (Certified Hazardous Materials Manager). CAl-OSHA Certified Asbestos Site Safety Technician. Over twelve years experience working in the Environmental Health and Safety field. Areas of expertise include: industrial hygiene surveys and indoor air quality investigations, Hazardous Materials Business Plans, Asbestos Surveys (AHERA) and asbestos abatement project oversight, Hazard Communication, Chemical Hygiene Plans, and emergency response training. I can assist the Charter School in developing and implementing required programs and related training to ensure the health and safety of staff and students.

98. Triantos, Melanie

Submittal Committee, Health & Safety Committee, Liaison to Curriculum & Disciplinary Committees

Current Mother and Full-Time Student. Bachelor's in Health Care Management, Certificates in Terrorism & Disaster Management, EKG Technician & Phlebotomy. Work 15 yrs. Electronics Buyer and Product Manager for Computer Products

99. Venet, Lia

PR Committee member

CFO of the Venet Family. BS in Business Administration, Management AA in Business Administration. Highly involved in my two children's education. Yard supervisor, teach enrichment, volunteer in class-rooms, attend fieldtrips, room mom, supplemental education at home, etc. Past board member of the Livermore Moms Club, 3 years Social Chair in Forest Glade Estates. 4 years small business owner, 10 years experience in creating various floating positions in several travel companies (both corporate and leisure), due to my flexibility, personality, and skills.

100. Wageck, Liz

PR Committee Member

Marketing Communications/ PR Writer. BA Communications. Over 15 years in corporate communications

101. Wagle, Patricia

Member At Large- Curriculum Committee and Facility Committee

First Grade Teacher. BS Degree, California Teaching Credential. 18 years Elementary Teacher LVJUSD 3 years Therapist with County Department of Mental Health

102. Warner, Annette

Member at Large – Admissions Committee and Submittal Committee

Bachelor of Science Degree in Agricultural Education from California State University, Fresno. Graduated with distinction from the School of Agriculture. Member of the Ag Advisory Committee for Livermore High School. Was a member of Alpha Zeta Professional Fraternity, Block and Bridle Club, was on the Livestock Evaluation Team and the Meat Animal Evaluation Team while in college. Was the Vice President of the Livermore High School Future Farmers of American and received the FFA, American Farmer Degree.

Livermore Valley Charter School
Committee Members and Volunteers

103. White, Karen

Charter committee member for Admissions & Fundraising

Homemaker & Mother & Girl Scout leader. 3 years college, certifications in Travel. 7 years as a Trainer at a large wholesale Tour company, 7 years as a Tech Support rep & Administration for a software company, 4 years as a Girl Scout Leader

104. Wilkins, Deirdre (Liz)

Curriculum Committee Co-Chair

"Stay at home" mother, day care provider, home business owner. BA in the Liberal Arts with a concentration in Developmental Psychology, MSed with a concentration in alternative education programs. Have held teaching certificates in several states and with the Department of Defense Dependent Schools. Parents of a first grader and a preschooler. Former teacher (five years), Board Member/teacher for an independent school.

105. Winter, Jennifer

Faculty Committee, Chair

Christian Education Director Holy Cross Lutheran Church. BA Social Science emphasis in History/Sociology, minor in Economics; MA US History, emphasis in Labor Relations; Doctoral Candidate US History, emphasis in Women's History, Native American Studies, Labor Relations. 7 years teaching University Level Courses; 4 years experience in Labor Relations; 2 years Christian Education coordination; 2 years teaching Senior High School; Fine Art Mini Experience (FAME) coordinator at Arroyo Mocho; 18 years experience in grant writing and research.

106. Wortham, Charlie

Submittal Committee Volunteer

Research Assistant. BS in Biology and Pathology coursework. 12+ year's lab experience. Taught 6th grade science.

107. Wortham, Colleen

Co-chair Submittal Committee, Member Finance Committee

Business Consultant and Mother of two energetic and rambunctious boys. BS in Economics/ Engineering, MBA in General Management. 6+ year's as a Business Consultant, with skills in grant writing, project management, economic analysis, and business process reengineering. Past Board Member of Non-Profit Daycare. Parent volunteer in Kindergarten classroom.

108. Ybarra , Denise

Member at Large, Finance Committee

President of my own company, Accusource, a multi-source distributor servicing government contracts for 6 years. BA, Business. 10+ years as a Computer Consultant/Project Manager. Currently self-employed; responsible for all aspects of a small business that employs 7 people: Management, Finance, Operations.

109. Yuan, Wenbo

Co-Chair, Facility Committee; Member, Legal Committee

Architect. CA Licensed Architect, M.Arch., Ph.D in Physics. My architectural experience can be valuable in facility requirements assessment related to acquiring a feasible site for the Charter School.

110. Zachow, Keith

Member of Finance Committee

Financial Consultant. MBA Corporate Finance, BS Business Management/ Economics. CPA - California and Washington, CVA, CPIM. Chief financial officer, investment banking, private equity

111. Zischka, Heather

Member Facilities Committee

Full time mother of 3 (5, 5, 3). B.S Mechanical Engineering. Worked on Facilities set up at several aircraft companies. Organized, motivated, and very passionate about excellence in education.

Multi Year Strategic Fiscal Plan

Prepared for:

Community of Livermore
Livermore Valley Joint Unified School District
and
Alameda County Office of Education

March 2004

Lance Solomon,
Board of Directors, LVCS
&
Cathi Vogel, Vogel & Associates

Livermore Valley Charter School

Strategic Fiscal Plan

The **Multi Year Strategic Plan** for the **Livermore Valley Charter School** – a proposed California public charter school, is presented for your **review** and **information**. This material has been compiled and is presented in **five sections**. While it is our intent that each Section be clear and concise, we do invite you to call our office if you have questions about any of the Budget Material incorporated in this document.

Section I – Strategic Budget Development Management Plan identifies in lay terms the basis on which the school's budget and fiscal operations are based. It explains and outlines both the school's key **budget guidelines** as well as the specific **budget assumptions**. Other major highlights of this section also include the identification of the **critical variables** for the charter school's budget development and budget management throughout the fiscal year. **A Budget Responsibility Matrix** – 'who does what when' in addition to a **Budget Calendar** is also presented.

This Section also explains that the budget document is a **fluid document** and is **subject** to **refinement** and **update on a regular basis**. The multi-year budget projection plan intends to review and update the budget for the current year monthly. With each budget refinement for the current year, updates are automatically generated for the future year budget projections.

Section II – Summary Multi-Year Budget is the **five-year projection** for the school's entire operations. This document includes all estimated revenues and expenditures on a yearly basis. Beginning and ending balance projections are also included along with the identification of reserve accounts.

Section III – Multi-Year Demographic Variables[1] is the first section in which the key variables of budget development are outlined. This section **identifies** the **foundation** on which the budget is built. The **major student attributes**, ranging

[1] Note that the acronym 'KV' on the bottom of sheets in Sections III and IV refers to 'Key Variables'

from **enrollment by grade level** to other important demographic characteristics of students, such as English language fluency, family socio-economic background, etc. are projected as the various individual student profiles are the factors on which many state and federal program fundings and entitlements are based. **Student attendance** is compiled, presented and analyzed in several ways as it is the determinant for about **90%** of the school's funding.

Section IV – Multi-Year Revenue and Expenditure Variables is the section that defines the **parameters** on which the **funding** is **estimated** as well as the **foundation** on which **expenditures** are **projected**. For the revenue components, the estimated funding per program is identified for each of the five years. This section is also used as a **'check-list'** to be certain that the school applies for all fundings to which the students are entitled.

For the **expenditure section**, major emphasis is placed on **compensation costs** as schools are labor intense organizations. Specific **staffing ratios** are identified along with other position control features. Substitute time cost estimates are indicated along with the assumed basis for the estimate.

As the school matures, **actual school histogram data** will be used as the basis for projection rather than the methodology currently utilized. Other variables for costs such as **instructional supplies**, books, utilities and other **operating expenses** are also identified.

Section V – Detailed Expenditure Data shows the calculation of the various costs, by type expense, based on the identified variables. For instance all teacher costs, retirement costs, books, utilities, etc. defined as a variable in the previous section are calculated based upon the identified cost bases.

Livermore Valley Charter School

2004 – 2005 Budget
and
5 Year Multi-Year Strategic Financial Plan

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Section I

Strategic Budget Development Management Plan

Section I – Strategic Budget Development and Management Plan is the schools' **strategic fiscal plan** for the next **five years** of operation. In this document **Budget Guidelines,** the **Budget Assumptions, Student Enrollment Projections,** and **Staffing Patterns** are described in a narrative format. In addition, other important explanations relating to the school's fiscal management operations are outlined.

This Section identifies the **key variables** that will impact the school's budget development and financial plan and is complimented by the detailed fiscal data in subsequent sections.

Livermore Valley Charter School: Budget Data

Preliminary Budget Development and Management Plan

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Section A

Overview

The Livermore Valley Charter School, or LVCS, presents this Multi-Year Strategic Plan to the Livermore Valley Joint Unified School District – LVJUSD, March 2004. This Budget Narrative is intended to complement the Multi-Year Strategic Fiscal Plan and Budget of the School and is an important component of the Charter School Petition.

LVCS is a Charter School that is a not-for-profit organization formed under the guidelines of a 501c(3) agency. The Livermore Valley Charter School is governed by a Board of Directors who set Policy for the School. As a governing body, the Board has fiduciary responsibility for the School. This fiduciary role is noted throughout the document when reference is made to the 'governing board.' The Board of Directors will act on major budget and fiscal issues, including the adoption of the Annual Budget Plan.

Budget preparation and budget projections for the 2004–2005 school year are particularly challenging with the current uncertainty associated with the state budget process and the state's funding for public education. The Budget Plan for the Livermore Valley Charter School has thus been developed on a fiscally conservative basis, with all key variables identified. As the state's budget plans are refined, the School's budget plans will be refined.

In addition, the Budget Plan contains Reserves for Economic Uncertainty to allow for changes to both the state budget plan and for mid-year budget adjustments that may be necessary because of a wide range of variable modifications ranging from student enrollment fluctuations to a mid-year state funding reduction or change.

The 2004–2005 Budget Plan will be monitored monthly during the Spring of 2004 and refinements and updates will be prepared on a regular basis, so that the Operating Budget adopted by the LVCS Board in June 2004 will be well-founded.

The Budget Plan contains the following major sections:

1. Identification of Key Budget Variables
2. Budget Guidelines for LVCS, 2004–2005
3. Budget Assumptions for LVCS, 2004–2005
4. Multi-Year Budget Projection, 2004–2005 to 2008–2009
5. School Budget Responsibility Matrix
6. Budget Calendar for 2004–2005
7. School Calendar for 2004–2005

Members of the Charter School's Development Team are available to meet with LVJUSD representatives to explain further any and all components of the Charter School's Budget Plan.

The Multi-Year Strategic Fiscal Plan Summary Budget is shown in the following chart. Much of the narrative in the Sections that follow explain and elaborate on the Assumptions, Variables, Guidelines and Parameters that were integrated into the development of the Multi-Year Strategic Fiscal Plan.

Ordinal Year		Year 0	Year I	Year II	Year III	Year IV	Year V
Fiscal Year		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	SACS Code	Actual Budget	Projectedl Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
Revenues							
State Programs							
Charter School General Purpose Block Grant		$ -	$ 2,171,851	$ 2,606,097	$ 3,074,646	$ 3,566,352	$ 3,669,810
Charter School Categorical Block Grant Alloca		-	81,975	98,367	111,846	125,949	129,522
California Lottery – Restricted – Instructional M		-	5,800	6,923	8,073	9,157	9,227
California Lottery – Unrestricted Funds		-	51,272	59,866	68,310	76,820	76,750
CA Primary (K-3) Class Size Reduction		-	295,360	302,400	310,720	319,040	328,320
Economic Impact Aid		-	7,332	7,508	7,711	7,919	8,149
Summer and Hourly Programs							
Staff Development Buy Back – Certificated		-	21,045	24,336	27,840	31,584	32,544
Staff Development Buy Back – Classified		-	442	454	747	935	963
Tobacco Use Prevention in Education (TUPE)							
Grades 4-6(8?) Entitlement		-	964	1,491	1,530	1,572	1,617
Grades 6-8, Competitive Grant		-	-	-	-	-	-
Principal Leadership Training Program (AB75		-	-	-	-	-	-
Instructional Materials Fund – K-8 Apportionm		-	16,835	20,142	23,669	27,367	28,164
Other (Identify)		-	-	-	-	-	-
CDE Charter School Startup Grant	8300-8599	-	-	-	-	-	-
Other State Grants (Identify)	8300-8599	-	-	-	-	-	-
Other State Programs (Identify)	8300-8599	-	-	-	-	-	-
Other State Programs (Identify)	8300-8599	-	-	-	-	-	-
Total State Programs		**$ -**	**$ 2,652,877**	**$ 3,127,583**	**$ 3,635,092**	**$ 4,166,696**	**$ 4,285,065**
Federal Programs							
Title I - Compensatory Education		$ -	$ -	$ -	$ -	$ -	$ -
Title II - Staff Development		-	-	-	-	-	-
Title II - Piggyback Funds		-	-	-	-	-	-
Title IV - Safe & Drug Free Schools		-	-	-	-	-	-
Title VI - Innovative Programs		-	-	-	-	-	-
Title VI - Class Size Reduction		-	-	-	-	-	-
Other Federal Grants (Identify)	8100-8299	-	-	-	-	-	-
Other Federal Programs (Identify)	8100-8299	-	-	-	-	-	-
Total Federal Programs		**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Local Programs							
Donations		$ 75,000	$ -	$ -	$ -	$ -	$ -
Interest		-	-	-	-	-	-
Prop 39 Funds (Sponsoring District)							
Rents & Fees		-	-	-	-	-	-
Student Fundraising		-	240,500	286,620	334,360	383,720	390,960
Other Local Grants (Identify)	8600-8799	-	-	-	-	-	-
Other Local Programs (Identify)	8600-8799	-	-	-	-	-	-
Total Local Programs		**$ 75,000**	**$ 240,500**	**$ 286,620**	**$ 334,360**	**$ 383,720**	**$ 390,960**
TOTAL REVENUES		**$ 75,000**	**$ 2,893,377**	**$ 3,414,203**	**$ 3,969,452**	**$ 4,550,416**	**$ 4,676,025**

Ordinal Year		Year 0	Year I	Year II	Year III	Year IV	Year V
Fiscal Year		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	SACS Code	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
EXPENDITURES							
Certificated Salaries	1000-1999	$ 13,750	$ 1,432,175	$ 1,697,000	$ 2,034,108	$ 2,311,600	$ 2,397,800
Classified Salaries	2000-2999	-	124,700	129,320	216,800	267,650	277,600
Employee Benefits	3000-3999	3,031	353,573	413,345	514,246	590,869	612,893
Books & Supplies	4000-4999	40,000	194,062	112,060	115,053	131,018	134,555
Services & Operational Expenses	5000-5999	-	676,601	1,002,292	1,058,498	1,211,387	1,244,299
Capital Outlay	6000-6999	-	-	-	-	-	-
Other Outgo	7100-7299	-	-	-	-	-	-
Direct Support/Indirect Costs	7300-7399	-	-	-	-	-	-
TOTAL EXPENDITURES		**$ 56,781**	**$ 2,781,111**	**$ 3,354,017**	**$ 3,938,706**	**$ 4,512,523**	**$ 4,667,148**
BUDGET SURPLUS/(DEFICIT)		**$ 18,220**	**$ 112,266**	**$ 60,186**	**$ 30,747**	**$ 37,892**	**$ 8,877**
OTHER FINANCING SOURCES/USES							
Interfund Transfers							
Transfers In	8910-8929	$ -	$ -	$ -	$ -	$ -	$ -
Transfers Out	7610-7629	-	-	-	-	-	-
Sources	8930-8979						
CDE Revolving Loan		-	-	-	-	-	-
Uses	7630-7699						
CDE Revolving Loan Payments		-	-	-	-	-	-
Contributions	8980-8999	-	-	-	-	-	-
TOTAL OTHER FINANCING SOURCES/USES		**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
NET INCREASE/(DECREASE) IN FUND BALANCE		**$ 18,220**	**$ 112,266**	**$ 60,186**	**$ 30,747**	**$ 37,892**	**$ 8,877**
FUND BALANCE, RESERVES							
Beginning Fund Balance							
As of July 1, Unaudited	9791	$ -	$ 18,220	$ 130,485	$ 190,672	$ 221,418	$ 259,311
Plus/(Minus) Audit Adjustments	9793	-	-	-	-	-	-
As of July 1, Audited		-	18,220	130,485	190,672	221,418	259,311
Other Restatements	9795	-	-	-	-	-	-
Net Beginning Balance		-	18,220	130,485	190,672	221,418	259,311
Ending Fund Balance, June 30		**$ 18,220**	**$ 130,485**	**$ 190,672**	**$ 221,418**	**$ 259,311**	**$ 268,188**

Note: The Charter School's Development Team wishes to emphasize that all budget variables are subject to update and revision. The Charter School understands and accepts the responsibility for continual budget monitoring and refinement during this period of fiscal uncertainty at the state funding level.

Critical Variables

While the Multi-Year Strategic Fiscal and Budget Plan for the Livermore Valley Charter School is being submitted in March 2004, one of the first components in the Critical Variables is the notation that there will be an immediate review and refinement of the Plan. This continual assessment is necessary because the multiple variables associated with California public school budgeting require frequent review. As a new school, we are demonstrating our recognition of this need.

Budget Assumptions for 2004–2005
- Prepared by Consultant
- Draft Due for School to Review, Mid-February 2004
- Governance Board to Review and Adopt, Early March, 2004

Student Enrollment and ADA Projections for 2004–2005
- Prepared by School
- Draft Due for Review, Mid-February, 2004

Revenue Projections for 2004–2005
- Prepared by Consultant
- Draft Due for Review, Early March 2004

March 2004 Preliminary Budget for 2004–2005 School Year
- Based upon Governance Board Approved Budget Assumptions
- Draft Due for School, District, and County Office of Education Review, Early March, 2004
- Governance Board to Review Late March 2004

2004–2005 Final Budget
- Based upon Governance Board Approved Budget Assumptions and "May Revise" Provisions from State
- Updated Draft Due District and County Office Review, early June, 2004
- District and County to Provide Written Critique by June 15, 2004
- School to Update Final Budget Plan, if Necessary, late June 2004
- Governance Board to Review and Adopt, June 30, 2004

Staffing Projections for 2004–2005
- School to Prepare
- Draft Due for Update, Mid May, 2004
  - By Identified Staffing Formula or Ratio
  - By Full Time Equivalent Staff

Employee Benefit Matrix
- School to Prepare, Based upon School Parameters
- Draft Due for Review, May, 2004

2004–2005 Budget Update
- School to Prepare, Based upon Governance Board Approved Budget Assumptions and Adopted State Budget Provisions
- Draft Due for District and County Office Review, 20 days after State Budget Adopted
- District and County to Provide Written Critique 30 days after State Budget Adopted
- Governance Board to Review and Adopt, within 45 days after State Budget Adopted

2004–2005 First Budget Revision Report
- School to Prepare, Based upon Governance Board Approved Budget Assumptions and Actual October 2004 Student Enrollment
- Governance Board to Review and Adopt by December 15, 2004
- Document Due for District and County Office Review, December 16, 2004
- District and County to Provide Written Critique by January 15, 2005

2004–2005 Second Budget Revision Report

- School to Prepare, Based upon Governance Board Approved Budget Assumptions and Actual First Period Attendance Data
- Governance Board to Review and Adopt by March 15, 2005
- Document Due for District and County Office Review, March 16, 2005
- District and County to Provide Written Critique by April 15, 2005

2004–2005 Third Budget Revision Report

- School to Prepare, Based upon Governance Board Approved Budget Assumptions and Actual Second Period Attendance Data
- Governance Board to Review and Adopt by May 31, 2005
- Document Due for District and County Office Review, June 1, 2005
- District and County to Provide Written Critique by June 30, 2005

Multi-Year Budget Projections

- School to Prepare Each Time Budget Update Prepared
- Multi-Year Projection to Include All Key Budget Variables
- Multi-Year Projections to Include Minimum of Three Fiscal Years

Section B

Budget Guidelines for Livermore Valley Charter School, 2004–2005

1. The Budget shall support the Beliefs, Parameters, Objectives, Strategies and Mission Statement as stated in the Charter Petition.

   ⇒ **Mission Statement**

   The mission of the Livermore Valley Charter School (LVCS) is:

   > **Livermore Valley Charter School students' educational achievements shall greatly exceed state minimums, creating an environment others will desire to emulate. The School will provide students from the local community with a creative, adaptive and emotionally fostering environment to prepare them to become productive members of society. The School will actively develop a symbiotic relationship with the community to ensure the development of our children's social skills, analytic ability and creativity. The School will adapt its educational methods to reflect the constantly changing, diverse, and highly technological society.**

   Furthermore, we operate with the following shared vision:

   > **The Livermore Valley Charter School will provide a unique and exemplary educational environment that focuses on preparing each child for the challenges of the 21st century. The School's vision is to teach children to be cognitive, analytical, creative and enthusiastic lifelong learners. The School's educational goals shall be achieved by focusing the learning process on comprehension and application of knowledge. The School will foster our children to higher achievements through dedicated educators, administrators and parents.**

   In order for every child to reach his or her fullest potential, we prioritize the following tenets:

   - ✓ Every child must be held to clearly articulated, high expectations for achievement,
   - ✓ The school, families, and community must collaborate to meet the cognitive, social, emotional, and physical needs of every child, and
   - ✓ Teachers and administrators must be engaged in a reflective and collaborative environment of ongoing professional development that is focused on student achievement.

   Further, LVCS will prepare today's students to succeed in tomorrow's world by

   - ✓ Engaging and inspiring all students to achieve challenging goals and aspirations for lifelong learning;
   - ✓ Committing to education of the whole child, not just in the intellectual, but in the physical, emotional and social aspects of ethical living;
   - ✓ Providing a student-centered environment that cultivates character, fosters academic excellence and embraces diversity.

2. The Budget shall support our site-based program as follows:

   ⇒ **Livermore Valley Charter School, Livermore, CA**

   The LVCS Educational Program offers a rigorous, project-based, developmentally-appropriate academic program for grades kindergarten through eight. Students are engaged in real-world projects and are assessed regularly to ensure they are meeting the state and school-based standards.

   Each child at LVCS will have an Individualized Learning Plan. It is anticipated that LVCS will attract those who are seeking an alternative to their current educational system, desire an innovative educational approach, and share the vision of the School.

⇒ **Program and Grade Level Offerings**

LVCS is scheduled to open in the 2004-2005 school year with a projected student enrollment of 481 students in Kindergarten through Grade Five. The school is ultimately planned to offer instruction to 724 students from Kindergarten through Grade Eight, it is scheduled to begin with four classes of 20 students at Kindergarten through Grade Four, and three classes in Grade Five, with 27 students in each class. An additional grade level will be added each year, beginning 2005-2006 through 2007-2008 when a full compliment of classes from Kindergarten through Grade Eight will be offered. All classes Grade Five and above are planned to have 27 students per class, with three classes per grade level, subject to actual enrollment figures.

In addition to the core subject areas of math, science, language arts, and social studies, LVCS students will participate in other academic classes. Students in all grades will study Spanish as an additional foreign language. All LVCS students will participate in art, music, physical education, and developmentally appropriate technology classes.

Family Involvement is essential to student success at LVCS. Because each family brings unique assets and needs to the school, every family will be asked to volunteer time at the school.

⇒ **Core Beliefs of School**

LVCS has embraced several Core Beliefs that will be evident in all aspects of the School's Plan and Operations. These Core Beliefs include:

Academic Skills

⇒ Students will be inspired to be inquisitive, self-motivated, life-long learners;

⇒ Students will communicate through excellent listening, speaking, writing, and multi-lingual skills;

⇒ Students will possess creative, logical, and critical thinking skills enhanced through art, science, and technology;

⇒ Students will comprehend and use technology as a tool for learning and communication;

⇒ Students will have confidence in adapting to new situations and be receptive to learning. They will be easer to synthesize and act upon new information;

⇒ Students will find, select, evaluate, organize and use information from various sources and disciplines of thought. They will be able to make logical and flexible connections from them.

Life Skills

⇒ Students will accept responsibility for personal decisions and actions;

⇒ Students will develop self-confidence and a willingness to take risks in a safe learning environment;

⇒ Goal setting and self-assessment will encourage concentration, perseverance, and independent working skills;

⇒ Concentrating on an appreciation for the richness of shared knowledge that is inherent in the culturally diverse environment of California, students will be inspired to have empathy and courtesy for others;

⇒ Students will work both cooperatively and independently.

⇒ **Class Size Highlights**

One of the major features of the LVCS is the small class size design that is intended to provide individualized instruction to our students. In Kindergarten through Grade Four, we are planning on an average 20 to 1 student to teacher ratio. In Grades Five through Eight, we will plan to utilize a student to teacher ratio of 27 to 1. Note, too, however, that guest artists and field and core subject experts will be working with students on a regular basis, and thus the ratio of adults to students will often be as low as 15:1 in individual classes and/or individual study groups.

In Year I, we plan to hire an Art, a Science and a Spanish teacher to supplement our regular classroom setting. In Year II we will be adding a Music teacher, and in Year III, a Physical Education teacher will be added. Thus, by Year III, there will be five supplemental instructional experts in addition to our core Team of teachers.

3. A Budget Responsibility Matrix shall be utilized to identify key roles in budget development and budget management.
4. A Budget Calendar shall be developed and used as a Planning Guide.
5. Budget Assumptions shall be developed, reviewed and updated on a regular basis. Separate assumptions shall be delineated for each key budget variable:

- Enrollment and Student Demographics
- Average Daily Attendance
- Beginning Balance
- Revenue
- Expenditures
- Transfers
- Ending Balance
- Reserve(s)
- Debt
- Cash Flow

6. Funds shall be made available to provide competitive total compensation to all school employees.
7. Staffing ratios shall be maintained to support the highest quality instructional program for students.
8. A Minimum General Fund Reserve for Economic Uncertainty, of 4%, shall be maintained in excess of that specified by State Guidelines. The Governing Board reserves the right to maintain an ending balance in excess of 4% and intends to build a 5% reserve level.
9. General Fund Categorical and Grant programs, with the exception of Special Education, shall be self-supporting.
10. State and Federal allowed direct support and indirect support charges shall be consistently applied to all funds and programs. Direct support and indirect support charges contribute to the School's costs associated with the "cost of doing business" factors, such as payroll, personnel, purchasing, custodial, budget and other allied support services.
11. Budget Development and Budget Management shall support decentralized School and Program fiscal management.
12. Restricted Fund and program year-end balances shall be carried forward in accordance with terms and conditions of the grantor.
13. Categorical and grant programs shall not be forward funded by the School without specific Governing Board authorization based upon grantor letter of entitlement.
14. Provision shall be made to preserve the use and value of existing facilities and equipment through capital improvements and preventative maintenance.
15. When a new goal, project, or program is recommended for authorization, the major competing demands for funding and the specific funding source, and/or allocation or reallocation resources required shall be identified.
16. A School-wide budget augmentation process shall be developed to provide input for the allocation of additional resources.
17. One-time funding allocations or resources shall not be used for on-going expenditures.
18. The budget documents shall be summarized by expenditure and program area to allow for ready comparison among these areas and with previous years. Detailed budget information shall be available in order to examine the components of a specific program.
19. The budget document shall include the associated salary, employee benefit cost and full-time equivalent position allocations within each department or program area.
20. The budget document shall include financial data from at least two previous years as well as projected current budget data. This format will be phased-in during Years I and II when the two year history will be developed.
21. The budget document shall include a minimum three-year budget projection beyond the current year.

22. The following budgets shall be presented to the Governing Board for information, review and/or approval:
    - Preliminary Budget (early spring)
    - Updated Preliminary Budget (late spring)
    - Final Budget (before July 1)
    - Final Budget Update (within 45 days of the state budget adoption)
    - First Interim Report (within 45 days of October 31)
    - Second Interim Report (within 45 days of January 31)
    - Third Interim Report (within 45 days of March 31)
23. Budget transfers shall be presented to the Governing Board quarterly.
24. Enrollment, Attendance, Budget and Financial Reports shall be presented to the Governing Board quarterly.
25. Carry forward appropriations from prior year shall be presented to the Governing Board for approval no later than December 15th, the First Interim report date.
26. Short and Long Term Debt Obligations of the School shall be reviewed quarterly.
27. A 'User Friendly Budget' Document shall be developed and presented to the staff and to the community. This document shall contain budget and fiscal data in clear, understandable language for a lay audience to understand.

Section C

Budget Assumptions for Livermore Valley Charter School, 2004–2005

1. Budget Assumptions are a very critical component of comprehensive budget development and budget management. All Budget Assumptions need to be updated on a defined basis. This set of Budget Assumptions will be presented and is based on updates and review of each component as follows:
   - January (first budget projection in accord with the Governor's Proposed Budget)
   - May (after Department of Finance's 'May Revise')
   - June (before final School budget presented to Governing Board for approval)
   - July (within 45 days of chaptering of state budget)
   - Interim Reporting Periods (within 45 days of Oct. 31, Jan. 31, and Mar. 31)
   - Attendance Apportionment Periods (within 15 days of first, second and annual apportionment reporting periods)
2. Budget Assumption Updates and Revisions shall be presented to the Governing Board in writing each time they are updated.
3. The Budget Guidelines state that separate Budget Assumptions shall be delineated for each of the following key variables:
   - Enrollment and Student Demographics
   - Average Daily Attendance
   - Beginning Balance
   - Revenue
   - Expenditures
   - Transfers
   - Ending Balance
   - Reserve(s)
   - Debt
   - Cash Flow

   A School Calendar that outlines the student school and the staff work year shall also be included in the Annual Budget Assumptions.

School Calendar

4. **The Student School Calendar** – for 2004–2005 shall generally replicate that of the Livermore Valley Joint Unified School District's traditional academic calendar, as many Charter School students may have siblings who will be attending LVJUSD schools. A Draft Student Calendar is included at the end of this document.
5. **The Staff Work Year Calendar** for 2004–2005 has tentatively been identified as follows:

Employee Group	Work Year – Months	Work Year – Days	Paid Holidays	Paid Vacations	Paid Professional Leave	Sick and Personal Leave
School Staff – Certificated						
Principal	12	220	N/A	N/A	0.5 d/mo	0.5 d/mo
Teacher (lead)	10	194	N/A	N/A	0.5 d/mo	0.5 d/mo
Teacher (regular)	10	194	N/A	N/A	0.5 d/mo	0.5 d/mo
School Staff – Classified, Salaried						
Office Manager	12	N/A	Per Calendar	1.0 d/mo	N/A	0.5 d/mo
Clerical Support	12	N/A	Per Calendar	1.0 d/mo	N/A	0.5 d/mo

6. **School and Work Calendars** shall be presented each Spring to the Governing Board; updates shall be presented when Budget Updates and Revisions are prepared. The Staff Work Year Calendar for 2004-2005 will be further refined mid Spring 2004.

Enrollment and Student Demographic Data

School funding in California is often determined by student participation. There are several types of student participation numbers that are used. The major factors are **Enrollment** and **Average Daily Attendance**. Enrollment is generally as of the annual October student statewide count also known as the 'CBEDS' (CA Basic Education Data System) count, but it also could be as of another count date, such as December and May that are the special education student population count times. In addition, enrollment data may be based upon economic criteria, such as the number of students eligible for free or reduced meals or the count may be based on individual student characteristics, such as English language proficiency as reported annually on the annual Spring language census report, the 'R-30.'

Average Daily Attendance is extremely important, as it is the primary source of funding for the majority of state revenues. ADA is the number of students present each school day throughout the year, divided by the total number of school days in the school year. This factor is compiled daily and it is reported to the state three times a year. The reporting periods are known as First Period Attendance, Second Period Attendance and Annual Attendance. In the school business world, these time periods are identified as P-1, P-2, and Annual attendance periods. The annual Block Grant Funding and the State Block Grant Categorical Funding per student is based upon the school's P-2 ADA count each year.

While most programs that are funded on a per ADA basis are funded on the current year attendance, and many programs are funded, for cash flow purposes, on prior year ADA for the first eight months of the year. State lottery funding is an example of a program that is funded on Annual ADA rather than the P-2 ADA! Thus it is important to compile and collect both enrollment and ADA data at various times and in various formats.

The School has developed preliminary Enrollment Projections for 2004–05. The Enrollment Projections are the estimated student count, by grade, for Fall 2004. Along with the Enrollment Projections, Average Daily Attendance projections have been developed. The following Charts present this information for review and analysis.

Enrollment Projections for October 2004 are presented below along with a combined total projected enrollment for all programs.

1. **Enrollment and Critical Student Demographic Data** - based upon projections provided by LVCS leaders, February 2004, these estimates are the foundation for budget and staff planning for the budget year.
2. **Enrollment Projections**, once reviewed, are presented to the Governing Board and to the community. Updates are to be provided April, May and July in concert with the budget cycle. Enrollment data is to be provided by grade level, general education and special education. Estimated student enrollment data is to be replaced by actual fall student enrollment data; weekly enrollment counts of actual student participation is to be maintained and presented to the Principal's Administrative Cabinet for the first six weeks of each semester; quarterly enrollment reports are to be provided to the Governing Board. Actual enrollment status is to be included with the First, Second, and Third Interim Reports.

   Enrollment projections for 2004–2005 through 2008–2009 follow.

Key Variables Worksheet — Student Enrollment Data

Year Fiscal Year	Year I 2004–05 Projected Budget	Year II 2005–06 *Projected* CBEDS	Year III 2006–07 *Projected* CBEDS	Year IV 2007–08 *Projected* CBEDS	Year V 2008–09 *Projected* CBEDS
Student Enrollment		(All projections are shown in italics)			
Resident Pupils					
Kindergarten	*80*	*80*	*80*	*80*	*80*
1st Grade	*80*	*80*	*80*	*80*	*80*
2nd Grade	*80*	*80*	*80*	*80*	*80*
3rd Grade	*80*	*80*	*80*	*80*	*80*
4th Grade	*80*	*80*	*80*	*80*	*80*
5th Grade	*81*	*81*	*81*	*81*	*81*
6th Grade	-	*81*	*81*	*81*	*81*
7th Grade	-	-	*81*	*81*	*81*
8th Grade	-	-	-	*81*	*81*
Total	*481*	*562*	*643*	*724*	*724*
Summary of All Enrollment by Grade Group		(All projections are shown in italics)			
Grades K-3	*320*	*320*	*320*	*320*	*320*
Grades 4-6	*161*	*242*	*242*	*242*	*242*
Grades 7-8	-	-	*81*	*162*	*162*
Grades 9-12	-	-	-	-	-
Total	*481*	*562*	*643*	*724*	*724*

3. **Enrollment Data,** will be maintained as presented above from a historical base, including current and future year projections.

Average Daily Attendance

The **Average Daily Attendance** (ADA) Factor, the primary funding component, is the count of the actual days students are present at school. As the principal funding source, it is monitored on a constant basis. In an established school, one would not expect to see material changes between and among the three attendance reporting periods in the fiscal year. Annually the school's auditor reviews, audits and certifies the school's attendance data.

1. **Average Daily Attendance (ADA)** – General Fund ADA based upon enrollment projection established by the School Principal, early spring and updated April and July when revised enrollment projections are reviewed. ADA updates are also incorporated into First, Second, and Third Interim Reports to the LVCS Governing Board. A three-year average of the ratio between Second Period ADA (funded ADA) and fall enrollment will be used in future years to derive the estimated budget ADA. For the first five years of operation, an estimated ratio between Projected Enrollment and Projected ADA is 96.5%.

   One of the goals of LVCS is to achieve a high correlation between enrollment and ADA and students will be provided independent study assignments when they are unable to attend class on campus. Charter Schools have the ability to place students on independent study on the first day of absence, and the LVCS plans to integrate that program in its operations from the first day of school, September 2004.

2. **ADA Ratio to Enrollment** – The ratio between the Annual Fall Enrollment Count and the funded Second Period Attendance data, ADA, will be projected and maintained by grade level as an additional monitoring mechanism. At this time, as the School will be opening its doors in Fall 2004, individual grade level estimates or breakouts are not necessary.

3. **ADA Data** – for the first year of operations, the ADA is based upon an estimated Student Enrollment, an estimated ratio between enrollment and ADA, and estimated ADA. As soon as estimated data can be replaced by actual data, a more refined ADA projection method will be substituted.

Projected ADA for School 2004–2005 to 2008–2009

In projecting ADA for 2004–2005 as well as for the four following school years, only Second Period or P-2 ADA is projected. The following chart indicates the Projected P-2 ADA for the next five years:

Projected Total P-2 ADA, by group

Year Fiscal Year	Year I 2004–05 P-2 Estimate	Year II 2005–06 P-2 Estimate	Year III 2006–07 P-2 Estimate	Year IV 2007–08 P-2 Estimate	Year V 2008–09 P-2 Estimate
Total ADA (calculated from CBEDS:ADA Correlation Ratio)					
Grades K-3	309	309	309	309	309
Grades 4-6	155	234	234	234	234
Grades 7-8	-	-	78	156	156
Total ADA	464	543	621	699	699

Beginning Fund Balance

1. **Beginning Fund Balance** — based upon the most current budget and financial report, including interim report(s); audit adjustment (if any) to be included as soon as known. At a minimum, these dates shall be:
   - Governing Board Meeting in July: estimated ending balance for prior year/beginning balance for budget year
   - Governing Board Meeting in August: update of estimated beginning balance
   - Governing Board Meeting in September: pre-final update/final update of unaudited beginning balance
   - Governing Board Meeting in December: audit adjustments to beginning balance
   - A Beginning Fund Balance on July 1, 2004 of approximately $18,000 from community based organizations is included in the Strategic Fiscal Plan.

2. **Beginning and Ending Fund Balance** — estimates for the School will be maintained in the following manner, in which the net operations for the fiscal year is identified, followed by the listing of the beginning balance, audit adjustments to the beginning balance, and the ending fund balance for the fiscal year. On a multi-year basis, the reader can follow how the ending balance of one year becomes the beginning balance of the next year.

Estimated Beginning and Ending Fund Balances

Ordinal Year	Year 0	Year I	Year II	Year III	Year IV	Year V
Fiscal Year	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
NET INCREASE/(DECREASE) IN FUND BALANCE	**$ 18,220**	**$ 112,266**	**$ 60,186**	**$ 30,747**	**$ 37,892**	**$ 8,877**
FUND BALANCE, RESERVES						
Beginning Fund Balance						
As of July 1, Unaudited	$ -	$ 18,220	$ 130,485	$ 190,672	$ 221,418	$ 259,311
Plus/(Minus) Audit Adjustments	-	-	-	-	-	-
As of July 1, Audited	-	18,220	130,485	190,672	221,418	259,311
Other Restatements	-	-	-	-	-	-
Net Beginning Balance	-	18,220	130,485	190,672	221,418	259,311
Ending Fund Balance, June 30	**$ 18,220**	**$ 130,485**	**$ 190,672**	**$ 221,418**	**$ 259,311**	**$ 268,188**

The Ending Balance is further segregated into components, with the opportunity to have a Reserve for Economic Uncertainty that follows state recommended guidelines, as well as to have a Reserve for Restricted Fund Balances, and an Unrestricted Fund Balance that may be used at the discretion of the School. In Year I, the amount shown as a Designation for Economic Uncertainty equals 4% of Projected Expenditures, for Years II through V, that amount is equal to 5% of Projected Expenditures.

For the current budget projection, the following Ending Balance Components are indicated:

Components for Ending Fund Balance

Ordinal Year	Year 0	Year I	Year II	Year III	Year IV	Year V
Fiscal Year	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
COMPONENTS FOR ENDING FUND BALANCE						
Miscellaneous Components						
Reserve for Revolving Cash	$ -	$ -	$ -	$ -	$ -	$ -
Stores - Warehouse	-	-	-	-	-	-
Prepaid Expenditures	-	-	-	-	-	-
All Others	-	-	-	-	-	-
General Reserve	-	-	-	-	-	-
Legally Restricted Balance						
Instructional Materials Fund – K-8 A	-	16,835	20,142	23,669	27,367	28,164
Other Restricted Programs	-	-	-	-	-	-
Designated Amounts						
Designated for Economic Uncertainty	-	111,244	167,701	196,935	225,626	233,357
Other Designations	-	-	-	-	-	-
Undesignated Amount	-	-	-	-	-	-
Unappropriated Amount	18,220	2,406	2,829	814	6,317	6,667
TOTAL COMPONENTS FOR ENDING FUND BALANCE	**$ 18,220**	**$ 130,485**	**$ 190,672**	**$ 221,418**	**$ 259,311**	**$ 268,188**

For each of the budget years, LVCS has consciously built an ending balance of that meets or exceeds recommended state guidelines for public schools. This Unappropriated Ending Balance is intended to provide insulation from state budget reductions that may be forthcoming.

Revenue Factors

Revenue Sources for California Charter Schools are generally from three sources: the state budget, the federal budget and from local community resources.

The state is, by far, the largest source of funding, with over **85%** of all charter school funding arising from this single resource on a statewide average. Because of the tremendous reliance on this single revenue source, all components associated with state revenue sources are monitored constantly throughout the year as the funding estimates are refined and recalculated. Final state funding is often not certified until well into the school year, or in some cases, after the school year has ended. For the Livermore Valley Charter School, the projected state-funding factor will be just over 90% in 2004-05, with similar reliance in future years. The Charter School will endeavor to obtain a more balanced ratio between state funding and other federal and local funding sources. The Board of the Charter School has initiated an aggressive local campaign for supplemental funding from the Livermore Business community and from prospective parents and other individuals who conceptually support the Mission and Vision of the School.

State Revenues

State Revenues — are estimated per specific program variables as identified below. In addition to the general update schedule identified above, grant and categorical revenues are to be updated when state entitlement notification is received; funding is not appropriated until entitlement notification is received.

1. **Cost of Living Allowance — 'COLA'** is a term that identifies annual program funding increases for most state funded programs as included in the adopted state budget. The COLA is linked to various economic indices and it changes throughout the budget development process. Projections are made for both the current budget year and for future budget years. The COLA histogram for the past several years as well as the projected COLA for 2003–2004 and the next five years is shown in both of the next two tables (with the current year highlighted in grey).

2. **Block Grant Funding per ADA — General Fund** based upon the Proposed State Budget funding. No state funding deficit factor is projected – however, reserves in excess of the recommended levels have been provided each year if a deficit factor is applied at the state level.

   Projected Block Grant Funding per ADA, by Grade Level, as of March 2004 follows. This per unit amount is expected to be revised several times before it is finalized in the state budget deliberations.

   The recent histogram of the a Charter Elementary and Middle School's Block Grant Funding, per Unit of ADA, including funding projections for the next five fiscal years, follows (with the current year highlighted in grey).

Block Grant Funding per ADA,
Actual and *Projected* Rates

Year	COLA	Grades K–3	Grades 4–6	Grades 7–8
2001–02	3.87%	$ 4,419	$ 4,477	$ 4,600
2002–03	2.00%	$ 4,512	$ 4,574	$ 4,705
2003–04	1.86%	$ 4,528	$ 4,594	$ 4,723
2004–05	1.84%	$ 4,659	$ 4,724	$ 4,853
2005–06	2.40%	$ 4,771	$ 4,837	$ 4,969
2006–07	2.70%	$ 4,900	$ 4,968	$ 5,103
2007–08	2.70%	$ 5,032	$ 5,102	$ 5,241
2008–09	2.90%	$ 5,178	$ 5,250	$ 5,393

data valid as of 03/10/04

3. **Categorical Funding per ADA — General Fund** based upon the Governor's proposed funding level for Schools in 2004 2005.

The histogram of Charter Elementary and Middle Schools' Categorical Funding, per Unit of ADA, including funding projections for the next five fiscal years, follows (the current year is highlighted in grey):

Categorical Program Funding per ADA, Actual and *Projected* Rates

Year	COLA	Grades K–3	Grades 4–6	Grades 7–8
2001–02	3.87%	$ 309	$ 317	$ 232
2002–03	2.00%	$ 198	$ 204	$ 149
2003–04	1.86%	$ 172	$ 177	$ 129
2004–05	1.84%	$ 175	$ 180	$ 131
2005–06	2.40%	$ 179	$ 184	$ 134
2006–07	2.70%	$ 184	$ 189	$ 138
2007–08	2.70%	$ 189	$ 194	$ 142
2008–09	2.90%	$ 194	$ 200	$ 146

data valid as of 03/10/04

4. **Special Education Program**

The School's Special Education pupil population is reported to the State twice a year in December and in May. A running multiyear histogram of the School's December Special Education population will be maintained as shown below. LVCS would project that its Special Education student count will approximate 10%, similar to the Livermore Valley Joint Unified School District.

	2004–2005	2005–2006	2006–2007	2007–2008	2008-2009
Number of Students	48	56	64	72	72

5. **Summer School Enrichment and Hourly Remedial Programs —** For the 2004–2005 school year, no summer school or hourly programs are projected. Currently there are five separate types of hourly programs each with a different set of rules, regulations, and criteria for funding. There is no mandate to offer summer programs. A summer program will be considered in future years, as will the other optional hourly instructional programs. The School will continue to assess both the need for and the capacity to offer hourly programs to the School's students.

6. **State Categorical Programs —** have individual, unique parameters or qualifications. A brief description of the program along with estimated program funding for 2004–2005 through 2008–2009 follows. The funding rate estimates are of Dec 2003. These rates will be updated as other information is available. School participation for each program is indicated below.

- **In Lieu of Economic Impact Aid —** based upon number of pupils enrolled who are limited English proficient and/or eligible for subsidized meals. The estimated per pupil rate for 2003–2004, as of mid Dec 2003, is $110.
  - Participation: Yes _✓_ or No ___
- **Class Size Reduction —** based upon a student:teacher ratio of 20:1 in Grades K–3, with a local decision as to which grades are selected. This Budget assumes a full year program, and class size reduction at all four eligible grade levels, with full day participation funded at $926 per pupil.
  - Participation: Yes _✓_ or No ___

  Note that Federal Class Size Reduction Program funding is only for high school students, and thus the Charter School has not integrated this funding component in either its revenue or its spending plan.
- **Instructional Time and Staff Development 'Buy Back' Reform** – based on approximately $300 per day per certificated staff member with maximum of three days; and approximately 50% of that, or $150 per day, for non-certificated classroom staff, for a maximum of one day.
  - Participation: Yes _✓_ or No ___

Instructional Time and Staff Development Buy Back Reform funding, plus the projected funding for the next five years, as of March 2004, follows:

Staff Development Buy Back Program
Actual and *Projected* Rates per Classroom FTE

Year	Certificated 3 Day Max	Classified 1 Day Max
2001–02	$ -	$ -
2002–03	$ 299	$ 155
2003–04	$ 299	$ 155
2004–05	$ 305	$ 158
2005–06	$ 312	$ 162
2006–07	$ 320	$ 166
2007–08	$ 329	$ 170
2008–09	$ 339	$ 175

data valid as of 03/10/04

The next seven state categorical programs would normally be included in a Charter School's multi-year strategic fiscal plan. However, with the current major uncertainty in state funding and with budget cuts pending, rather than budget for individual categorical programs, the School has conservatively chosen to include all other possible state funding grants, other than State Lottery, into a single budget item 'Other State Funds' with a budget amount of $25 per student in Year I, with modest increase annually, based upon the same COLA projected for the Block Grant Program. This 'Mega Categorical' amount per student for the budget plan period would be:

Projected 'Mega' Categorical Program Augmentation

Year	COLA Estimate	Funding Amount per Student
2002–2003	N/A	
2003–2004	First Year	$ 25.00
2004–2005	0.00%	$ 25.00
2005–2006	0.00%	$ 25.00
2006–2007	2.80%	$ 25.70
2007–2008	2.80%	$ 26.42

The following categorical programs do have a history in California Charter School funding. They are included as 'placeholders' in the event that funding for these programs is continued into 2004-2005. Note that neither revenues nor expenditures for these programs are included in the Multi-Year Strategic Plan.

- **School Instructional Materials —** are based upon $ per enrollee for Grades 6–12. The funding for this and the next three state categorical programs is uncertain and thus the funds, while included in the revenue budget are not included in the School's expenditure plan. The funds are currently placed in a Restricted Account in the Fund Balance section of the Budget Plan.
  - Participation: Yes ___ or No ___ or TBA based on state budget _✓__
- **School Library Materials —** is another categorical program whose funding is uncertain. The projected funding is $XX per pupil with the funds included in both revenue and restricted fund balances.
  - Participation: Yes ___ or No ___ or TBA based on state budget _✓__
- **E-Rate Universal Service and California Teleconnect Funds —** are based upon sliding scale reimbursement program with socio-economic factors as primary criteria. Program funds are probably not available to school in its first year of operation.
  - Participation: Yes ___ or No ___ or TBA based on state budget _✓__
- **Lottery —** based upon the estimate provided by School Services of California, March 2004. We project $110/ADA for unrestricted General Purpose use plus an additional $13/ADA restricted for instructional

materials. Funding is based on annual ADA. These funds are available to start-up schools, but for cash flow purposes, no funds are received until Year II.

Per ADA lottery amounts paid for prior years funding, and that projected per ADA for future years follow:

CA Lottery Funding per ADA, Actual and *Projected* Rates

Year	Restricted	Unrestricted	Total
2001–02	$ 15.24	$ 116.13	$ 131.37
2002–03	$ 12.30	$ 110.59	$ 122.89
2003–04	$ 12.00	$ 111.00	$ 123.00
2004–05	$ 12.50	$ 110.50	$ 123.00
2005–06	$ 12.75	$ 110.25	$ 123.00
2006–07	$ 13.00	$ 110.00	$ 123.00
2007–08	$ 13.10	$ 109.90	$ 123.00
2008–09	$ 13.20	$ 109.80	$ 123.00

data valid as of 03/10/04

- **All Other State Revenue —** will be based upon prior year three-year actual funding plus or minus any one-time anomalies. Until the historical base is established, each additional funding item will be identified with specificity.

Federal Revenues

Federal Revenues — per specific program variables as identified below. In addition to the general update schedule identified above, federal revenues are to be updated when Federal entitlement notification received; funding not appropriated until entitlement notification is received. Funding revenue projections are as of Dec 2003.

The majority of federal revenues are earmarked for students with significant educational need as demonstrated in testing programs as well as for students with low socio-economic family characteristics. Funding will compliment the goals identified in No Child Left Behind federal plans.

There generally are significant compliance features associated with federal funding.

Adjustments to the Federal Funding Revenues will be made as soon as updated information is received.

- **Title I – Compensatory Education** – based upon formula for students qualifying for free and/or reduced meals; amount per student $600 base, plus additional 'add-ons'.
  - Participation: Yes ___ or No ___ or TBA _✓_
- **Title II – Staff Development** – based upon eligibility criteria of Title I; amount $2.25 per student enrolled plus $0.17 per Title I dollar received.
  - Participation: Yes ___ or No ___ or TBA _✓_
- **Title IV – Safe and Drug Free Schools** – based upon eligibility criteria of Title I, amount $4.00 per student.
  - Participation: Yes ___ or No ___ or TBA _✓_
- **Title VI – Innovative Programs** – based upon eligibility criteria of Title I, amount $4.85 per student, plus additional funds for welfare dependent students, minimum grant, $3,500.
  - Participation: Yes ___ or No ___ or TBA _✓_
- **Title VI – Class Size Reduction** – based upon eligibility criteria of Title I; complex formula to determine funding; funding eligibility linked to student poverty and enrollment data.
  - Participation: Yes ___ or No ___ or TBA _✓_

Local Revenues

1. **Local Revenue** would normally be based primarily on past historical receipts and generally an average of three years' receipts integrating actual receipts would be used future for budget projections. However, the Charter School

has an established community support base and pledge support for the School has been committed by more than three individual community groups and not-for-profit agencies, with additional pledges made by individual donors. Thus, in addition to a community contribution of approximately $75,000 by July 1, 2004, the LVCS has included major local fundraising projections of $500 per pupil per year, on a perpetual basis. Note that this fund raising amount, while significant, is much less than the roughly $2,000/pupil successfully solicited by Gateway Charter School in San Francisco on an annual basis.

2. **Livermore Valley Joint Unified School District Prop 39 Contribution** funds for the five-year period are based upon the intent and parameters of Prop 39. Prop 39 is the state law that requires sponsor school districts to provide charter schools facility and equipment equal to that provided other district students. The agreements may be year-to-year or for multiple years, as agreed to by the district and the charter school. For Year I, no financial support from the District has been included pending closure on negotiations between the Charter School and the District. Under the intent and spirit of Prop 39, the Petitioners believe that they are due consideration of school facilities per the structure and provisions of the law.

   While the agreement between the LVJUSD and LVCS may vary in future years, the key underlying budget component is that the School will receive facility support through the District, per the legal parameters of Prop 39.

   Interest on Funds on Deposit in County Treasury — based upon cash flow projected average monthly balance (principal) and yield rate estimate provided by County Office. At this point, there are no revenue projections included for interest earnings for the School. This budget component will be included in future projections.

3. **Working Capital Funds** would be secured through one or more of the following options:
   - ⇒ **Tax and Revenue Anticipation Notes (TRANs)** – LVCS would seek to negotiate with the School District to participate in the District's annual cash flow borrowing.
   - ⇒ **Line of Credit with Local Financial Institution** - Absent approval by the District, to participate in its annual TRAN offering, LVCS would negotiate a line of credit with a local financial institution.
   - ⇒ **Line of Credit with CA Charter Schools Association (CCSA)** - has recently unveiled a new Working Capital Cash Flow program for California Charter Schools. The LVCS would be eligible to apply for school year 2005-06 and will certainly do so. No funding from this source has been included in the budget projection model at this time.
   - ⇒ **Charter School Revolving Loan** – In accord with the provisions of law, LVCS will apply for the maximum state loan of $250,000 per charter school. Note that while the School will apply for the loan, this funding has not been included in the actual budget projection model.
   - ⇒ **Charter School Start Up and Implementation Grant** – federal funding that is administered by the State of California is available for new Charter Schools. LVCS will be applying for these funds which range up to $450,000 per new school. As the School has not yet filed its application and has no indication as to whether or not it will qualify for this grant, no funds have been placed in the Multi Year Strategic Fiscal Plan. This critical budgetary and cash flow item will be monitored monthly throughout the first year of operation. The School plans on filing its application as soon as possible.

Expenditure Factors

Charter Schools, similar to all other educational agencies in California, are labor intense organizations. When developing and monitoring charter school budgets, the greatest emphasis is placed on defining the parameters for hiring staff and determining the appropriate employee costs factors, including salary and related benefit or payroll costs. A 'Balanced System' in which site staffing is linked to student enrollment is recommended so that a balance is maintained between personnel costs and student population, the factor on which school revenues are determined.

School Site Staffing is a most critical component of Budget Development. The primary facilitator in instruction is the Classroom Teacher. The allocation of teaching positions is one of the most important budget management functions.

Salary Factors

Based upon positions authorized by LVCS and incorporated into the Multi Year Strategic Fiscal Plan, salary placement per individual staff experience and student responsibility factors determine salary placement. All staff salaries are based upon projected salary schedules and projected individual employment contract terms and conditions. Annual anniversary increments are projected at a range between 3.6% to 4.0% per year, with

consideration given to both a projected CPI factor as well as an annual service factor. Vacant and growth positions are estimated at an average cost factor per applicable employee group. Sick and personal necessity leave estimated at 5.0 days each per employee per year; substitute teacher costs are based upon this factor.

1. **Certificated Employees - School Site Personnel -** based upon enrollment projections.

For all five years of operation, the Multi-Year Strategic Plan includes one teacher for each 20 to 27 students. LVCS students will work with mentors, guest artists and experts from the field on projects and thus the adult to student setting for many projects will be one adult for each ten to fifteen students. The Classroom Teacher staffing profile included for the first five years is:

Projected Teacher Staffing Ratios

Ordinal Year	Year I	Year II	Year III	Year IV	Year V
Fiscal Year	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
Teachers - Regular Programs					
Kindergarten	1/20	1/20	1/20	1/20	1/20
1st Grade	1/20	1/20	1/20	1/20	1/20
2nd Grade	1/20	1/20	1/20	1/20	1/20
3rd Grade	1/20	1/20	1/20	1/20	1/20
4th Grade	1/20	1/20	1/20	1/20	1/20
5th Grade	1/27	1/27	1/27	1/27	1/27
6th Grade	1/27	1/27	1/27	1/27	1/27
7th Grade	1/27	1/27	1/27	1/27	1/27
8th Grade	1/27	1/27	1/27	1/27	1/27

Projected Teacher Staffing Data

Ordinal Year	Year I	Year II	Year III	Year IV	Year V
Fiscal Year	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	Projectedl Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
Teachers - Regular Programs (FTE)					
Kindergarten	4.00	4.00	4.00	4.00	4.00
1st Grade	4.00	4.00	4.00	4.00	4.00
2nd Grade	4.00	4.00	4.00	4.00	4.00
3rd Grade	4.00	4.00	4.00	4.00	4.00
4th Grade	4.00	4.00	4.00	4.00	4.00
5th Grade	3.00	3.00	3.00	3.00	3.00
6th Grade	-	3.00	3.00	3.00	3.00
7th Grade	-	-	3.00	3.00	3.00
8th Grade	-	-	-	3.00	3.00
Subtotal	23.00	26.00	29.00	32.00	32.00
Teachers - Elective Programs					
Teacher - Art	1.00	1.00	1.00	1.00	1.00
Teacher - Music	-	1.00	1.00	1.00	1.00
Teacher - Physical Educati	-	-	1.00	1.00	1.00
Teacher - Science	1.00	1.00	1.00	1.00	1.00
Teacher - Spanish	1.00	1.00	1.00	1.00	1.00
Subtotal	3.00	4.00	5.00	5.00	5.00
All Teachers Combined					
Kindergarten	4.00	4.00	4.00	4.00	4.00
Grades 1 - 3	12.00	12.00	12.00	12.00	12.00
Grades 4 - 6	7.00	10.00	10.00	10.00	10.00
Grades 7 - 8	-	-	3.00	6.00	6.00
Elective	3.00	4.00	5.00	5.00	5.00
Total All Teachers	26.00	30.00	34.00	37.00	37.00

Livermore Valley Charter School Teachers' work year will include 10 Staff Development days for all teachers. In addition, all new teachers will participate in an additional orientation program prior to the opening of School.

Base salary is the salary for the average workday. The projected average salary co st for future years includes an annual increase ranging from 3.6% to 4.0% as mentioned previously.

Projected Teacher Compensation Data

Ordinal Year	Year I	Year II	Year III	Year IV	Year V
Fiscal Year	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
CA CPI (reference value)	2.5%	2.7%	2.8%	2.9%	2.7%
School Seniority COLA	1.0%	1.0%	1.0%	1.0%	1.0%
Subtotal	3.5%	3.7%	3.8%	3.9%	3.7%
Maximum COLA School will pay	4.0%	4.0%	4.0%	4.0%	4.0%
Total Annual Salary COLA	3.5%	3.7%	3.8%	3.9%	3.7%
Average Teacher Salary	$ 50,300	$ 52,200	$ 54,200	$ 56,300	$ 58,400

Teacher Substitute Provisions are included for both projected sick and personal leave as well as for professional staff development leave. 5 days per year per teacher are projected for sick and personal leave. The projected cost factor is $125 per day for the first year with a $5 per day increase thereafter. There are no additional cost factors included in the Budget Plan for Teacher Substitute costs for classroom coverage for regular Teacher Staff Development as Staff Development is scheduled for non-student days before and after the regular school year.

2. **School Site Administrative and Pupil Support Personnel**

The LVCS will have a full-time 12-month Principal who will be the School's primary leader. Compensation for the Principal is projected to range from $110,000 in Year I to $127,700 in Year V. In 2006 2007, Year III, LVCS will add a 2/3 time Assistant Principal at a salary of $80,000. By Year IV, this will be a full-time position with the School.

3. **Classified Employees** – are staff whose jobs do not require a teaching credential. Based upon the Feb 2004 staffing parameters, the following positions are projected for the five-year budget period. Note that in Year III, the office support staff is expected to increase as student enrollment increases.

Projected Classified Staffing Data

Ordinal Year	Year I	Year II	Year III	Year IV	Year V
Fiscal Year	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
Administrative Assistant	1.00	1.00	2.00	2.00	2.00
Clerk	0.80	0.80	1.00	2.00	2.00
Office Manager	1.00	1.00	1.50	1.50	1.50
Total Salaried Site Staff	2.80	2.80	4.50	5.50	5.50

Classified Staff Compensation and Work Year Assignments – The School Office Manager, Administrative and Clerical support personnel are projected to work a 12-month calendar to ensure that the classrooms are ready at all times for students and teachers and that School representatives are available to provide information to parents.

Salaries for Classified Personnel – are projected on an annual base, per position. An annual salary cost increase factor is included in the Multi-Year projection. The basic salary, for each position, based upon a 12- month work schedule follows:

Projected Classified Staff Compensation Data

Ordinal Year	Year I	Year II	Year III	Year IV	Year V
Fiscal Year	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
Administrative Assistant	$ 44,000	$ 45,600	$ 47,300	$ 49,100	$ 50,900
Clerk	38,000	39,400	40,900	42,500	44,100
Office Manager	50,300	52,200	54,200	56,300	58,400

4. **Employee Benefits - Statutory Benefits -** determined by either state or federal mandate are based on current rate factors. Statutory benefits are cost factors applied to the salary factor. These benefits differ by type of employee: certificated and classified and by the period of time they work: full-time, part-time and hourly. For budget modeling purposes, the School will provide the State Teachers', Public Employees', and Social Security retirement program contribution factors, applied to base salary, per eligible employee.

   All employees will be covered by and participate in the federal Medicare program. The School will enroll in the State Pool for educational agencies for unemployment insurance and LVCS will apply to a Joint Power Authority to participate in its Workers' Compensation program. The School has received notification that its application to participate in the CA Charter School Association JPA for risk services will be approved.

5. **Discretionary Benefits, also known as Health Benefits** are included with Statutory Benefits in the Budget Projection Model. The cost factor, per qualified staff member, is budgeted at 8% of base salary. The School may be offering employees the option of participating in a Flexible Spending Benefit account program to allow individual staff members to address individual benefit component needs.

Expenditures Worksheet – Employee Benefits

Ordinal Year	Year 0	Year I	Year II	Year III	Year IV	Year V
Fiscal Year	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
Retirement Options						
State Teachers Retirement	$ 1,134	$ 118,154	$ 140,003	$ 167,814	$ 190,707	$ 197,819
Public Employees Retirement	-	12,994	13,475	22,591	27,889	28,926
Social Security	-	7,731	8,018	13,442	16,594	17,211
Total Retirement Costs	**$ 1,134**	**$ 138,880**	**$ 161,495**	**$ 203,846**	**$ 235,190**	**$ 243,956**
Other Mandatory Benefits						
Medicare	$ 199	$ 22,575	$ 26,482	$ 32,638	$ 37,399	$ 38,793
State Unemployment	47	5,293	6,209	7,653	8,769	9,096
Worker's Compensation (WC)	550	62,275	73,053	90,036	103,170	107,016
Total Mandatory Benefit Costs	**$ 796**	**$ 90,143**	**$ 105,744**	**$ 130,328**	**$ 149,339**	**$ 154,906**
Health Benefits						
Other: Combined H/D/V estimate	$ 1,100	$ 124,550	$ 146,106	$ 180,073	$ 206,340	$ 214,032
Other (Identify)	-	-	-	-	-	-
Total Health Benefit Costs	**$ 1,100**	**$ 124,550**	**$ 146,106**	**$ 180,073**	**$ 206,340**	**$ 214,032**
Total Benefit Costs	**$ 3,031**	**$ 353,573**	**$ 413,345**	**$ 514,246**	**$ 590,869**	**$ 612,893**

6. **Text Book and Instructional Material Allocations –** along with operating supplies for LVCS are provided from two major sources: the School's general resources and from projected categorical funds from the state. The state's program, while in a flux situation, is not included in this Budget Projection Plan; when the state budget is adopted, this component will be added, as a revenue source as well in the expenditure profile. There are generally restrictions on how the state funds may be used and LVCS will ensure that the state funds are spent in accord with the state's guidelines.

   Many of the first year start-up costs for textbooks and instructional supplies will be procured prior to the opening of the School. The Budget Plan includes projected cost allocations for Instructional and Other Office Supplies as follows:

Expenditures Worksheet – Books and Supplies

Ordinal Year		Year 0	Year I	Year II	Year III	Year IV	Year V
Fiscal Year		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	SACS Code	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
Approved Textbooks and Core Curricu	4100	$ 40,000	$ 82,000	$ 43,274	$ 50,900	$ 58,977	$ 60,570
Books and Other Reference Materials	4200	-	-	-	-	-	-
Materials and Supplies	4300						
Custodial Supplies	4300	-	5,502	4,799	5,646	6,538	6,711
Instructional supplies	4300	-	19,360	23,233	27,328	31,661	32,515
Maintenance Supplies - Startup	4300	-	4,000	-	-	-	-
Office Supplies	4300	-	11,120	11,543	13,580	15,733	16,160
Postage and Shipping	4300	-	-	-	-	-	-
Printing & Reproduction (academic)	4300	-	-	-	-	-	-
Other (Identify)	4300	-	-	-	-	-	-
Non Capitalized Equipment	4400	-	68,080	24,210	11,600	11,936	12,258
Food	4700	-	4,000	5,000	6,000	6,174	6,341
Total Books & Supplies	4000-4999	**$ 40,000**	**$ 194,062**	**$ 112,060**	**$ 115,053**	**$ 131,018**	**$ 134,555**

7. **Other Operating Expenses and Services -** are based upon the projected cost factors and preliminary negotiations with prospective service providers. Oversight Fees to LVJUSD are based on 1% of 'public' revenues, excluding those revenues locally raised by the LVCS community. Other key budget items include provisions for Special Education services, administrative and curriculum support services, and inclusion of comprehensive business office services on an outsourcing basis. Equipment for the School, particularly computers and other technology peripherals are planned to be acquired on a lease basis as obsolescence could or would become a factor if the technology equipment were to be acquired on a straight purchase basis. Highlights of the parameters of these key budget areas are presented below followed by the multi-year line item budget for Services and Operating Costs for the School.

   The **Special Education Encroachment** amount is based upon the prevalent arrangement between sponsor school districts and charter schools for the excess costs of special education services. In the statewide model, the district retains all special revenues for special education and provides all special education services to charter school students. In exchange, the charter school pays to the district the per pupil encroachment amount computed on a district wide basis. This encroachment factor is applied to the total school population. The projected special education encroachment per pupil amount included in LVCS budget projection provides for a modest compound cost factor increase per year. The annual projected encroachment factor is $377 in Year I and grows to $423 per pupil in Year V.

   LVCS has provided for all business service costs, including budget development, budget management, accounting, financial reporting, accounts payable, accounts receivable, payroll and retirement reporting and coordination through an outsource mechanism. The projected cost for this service is on a per pupil factor of $178 in year I, with modest increases thereafter. This cost factor is in addition to the 1% District Oversight Fee.

School facility costs for Year I include a NNN lease (plus associated occupancy costs) based on one or more potential vacant facilities within the city of Livermore that would service the first year requirements of LVCS. However, the desire of LVCS would be to utilize one of the school sites proposed for closure, thus providing additional revenue to LVJUSD in the first year, as well as alleviating the need for the District to maintain this vacant space.

In Years II through V, the facility cost estimates are based upon the assumption that the LVJUSD would be providing facilities and that the school would reimburse LVJUSD up to the 2% cost parameter of Prop 39. In addition, the budget includes relocation expenses for the location change as well as projected utility costs and housekeeping service costs in the operational portion of the budget. Note that these are budget assumptions and that, as of this date, there is no agreement between LVJUSD and LVCS as to how the Prop 39 requirements will be met. Good faith negotiations on this important topic are expected.

The multi-year budget projection for these Operating Costs is:

Expenditures Worksheet – Services and Operational Expenses

Ordinal Year		Year 0	Year I	Year II	Year III	Year IV	Year V
Fiscal Year		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
SACS		Actual	Projected	*Projected*	*Projected*	*Projected*	*Projected*
Budget Type	Code	Budget	Budget	*Budget*	*Budget*	*Budget*	*Budget*
Travel and Conference	52xx	$ -	$ 8,550	$ 9,840	$ 11,130	$ 11,453	$ 11,762
Dues and Memberships	5300	-	1,200	1,380	1,570	1,616	1,660
Insurance	54xx	-	27,350	31,489	35,693	41,355	42,470
Operation and Housekeeping Services	55xx						
Custodial Services	5500	-	48,000	49,296	50,676	52,140	53,544
Security Services	5500	-	-	-	-	-	-
Rentals, Leases, Repairs and Noncapital	56xx						
Subtotal Equipment (lease/rental)	5600	-	47,360	50,388	53,496	56,736	59,988
Equipment (repairs)	5600	-	12,300	12,636	12,984	13,356	13,716
Noncapitalized Improvements	5600	-	-	240,000	175,000	200,000	205,200
Property (lease/rental)	5600	-	53,058	62,552	72,702	83,334	85,701
Property (repairs)	5600	-	9,530	9,792	10,068	10,356	10,632
Operational Costs for School Expansion	5600	-	-	26,800	55,310	85,550	87,720
Professional/Consulting Services and O	58xx						
Advertising	5800	-	-	-	-	-	-
Audit Services	5800	-	15,000	15,408	15,840	16,296	16,740
Business Office Services	5800	-	85,618	102,846	120,884	139,732	143,352
District Oversight Fee	5800	-	26,529	31,276	36,351	41,667	42,851
District Title I Oversight Fee	5800	-	-	-	-	-	-
Finance and Operations	5800	-	2,000	-	-	-	-
Fire Extinguisher Service	5800	-	2,000	2,040	2,040	2,040	2,040
Legal Services	5800	-	20,500	7,500	7,716	7,944	8,160
Printing and Reproduction (nonacademic)	5800	-	-	-	-	-	-
Special Education Encroachment	5800	-	181,337	217,494	255,914	296,840	304,804
Staff Training & Development	5800	-	39,000	30,000	35,000	40,000	40,000
Student Attendence & Accounting Service	5800	-	4,810	5,772	6,790	7,870	8,080
Student Testing & Assessment	5800	-	4,810	5,772	6,790	7,870	8,080
Utilities	5800						
Electricity	5800	-	51,250	52,632	54,108	55,680	57,180
Gas	5800	-	5,500	5,652	5,808	5,976	6,132
Propane	5800	-	-	-	-	-	-
Trash	5800	-	12,800	13,140	13,512	13,908	14,280
Water	5800	-	12,100	12,432	12,780	13,152	13,512
Communications	59xx						
Internet	5900	-	2,400	2,460	2,532	2,604	2,676
Telephone	5900	-	3,600	3,696	3,804	3,912	4,020
Total Services & Operational Expenses	5000-5999	**$ -**	**$ 676,601**	**$ 1,002,292**	**$ 1,058,498**	**$ 1,211,387**	**$ 1,244,299**

8. **Capital Outlay for General Operations —** LVCS has built its plan based upon utilizing operating leases as opposed to traditional capital outlay purchases. The operating lease figures are budgeted under Equipment Leasing/Rental l. These cost projections will be reviewed, updated and refined over the next several months.

9. **Ending Balance —** based upon the concept that adequate ending fund balances shall be provided to enable the School to maintain reserves as indicated in reserve section of budget assumptions**.**

   General Fund Reserves — based upon the following parameters:
   - **Reserve for Economic Uncertainty** — as presently calculated, this reserve exceeds the current state School Budget Guidelines minimum of 3.0%. The LVCS Budget Guidelines include a minimum 4% per year, with the option to maintain a higher level. The current Multi Year Strategic Fiscal Plan includes a 4% Reserve in Year I, and a 5% Reserve in Years II through V.
   - The Ending Balance and Reserve for each year of the Multi-Year Strategic Plan is:

Components for Ending Fund Balance

Ordinal Year	Year 0	Year I	Year II	Year III	Year IV	Year V
Fiscal Year	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
COMPONENTS FOR ENDING FUND BALANCE						
Miscellaneous Components						
Reserve for Revolving Cash	$ -	$ -	$ -	$ -	$ -	$ -
Stores - Warehouse	-	-	-	-	-	-
Prepaid Expenditures	-	-	-	-	-	-
All Others	-	-	-	-	-	-
General Reserve	-	-	-	-	-	-
Legally Restricted Balance						
Instructional Materials Fund – K-8 A	-	16,835	20,142	23,669	27,367	28,164
Other Restricted Programs	-	-	-	-	-	-
Designated Amounts						
Designated for Economic Uncertainty	-	111,244	167,701	196,935	225,626	233,357
Other Designations	-	-	-	-	-	-
Undesignated Amount	-	-	-	-	-	-
Unappropriated Amount	18,220	2,406	2,829	814	6,317	6,667
TOTAL COMPONENTS FOR ENDING FUND BALANCE	**$ 18,220**	**$ 130,485**	**$ 190,672**	**$ 221,418**	**$ 259,311**	**$ 268,188**

Section D

Budget Responsibility Matrix

Intent of Responsibility Matrix

The Intent of the Budget Responsibility Matrix is to identify, from the perspective of **Best Practices**, the most significant components of Budget Development and Budget Management and to specify 'whom' – the specific staff position or group responsible for the product or action.

Major Areas of Budget Responsibility Matrix

The Responsibility Matrix identifies eleven major areas of Budget Development and Budget Responsibility for which specific action by specific individual(s) or group(s) is recommended. The Areas of Budget Responsibility include:

- ⇒ Budget Calendar
- ⇒ Budget Guidelines
- ⇒ Budget Assumptions
- ⇒ Charter School Goals and Strategic Fiscal Plan
- ⇒ Multi-Year Financial Projections
- ⇒ Preliminary Budget
- ⇒ Annual Budget Adoption
- ⇒ Review and Re-adoption of Annual Budget
- ⇒ Preparation and Distribution of Final Budget
- ⇒ Mid-Year Budget Reviews and Updates
- ⇒ Miscellaneous Related Tasks

Major Staff Positions or Groups Responsible for Budget Functions

Budget Responsibilities are indicated for the following positions or groups associated with the Charter School and its fiscal management. Note that for certain positions, such as Chief Personnel Officer, the function may be assumed by the party providing general business services for the Charter School. The function is segregated, however, in the event that a person in the future is assigned that specific responsibility. If the School Principal or other administrative officer does perform a function that is noted under another position, it is important for the administrative officer to 'put on the hat' of the other position to ensure that the perspective of the post is represented in the action being reviewed or taken.

Seven different positions or groups are identified for specific fiduciary responsibilities related to Budget Development and Budget Management. In many Charter Schools, the majority of these responsibilities are placed on the shoulder of the School's Executive Director. The Board of the Nonprofit Corporation that is responsible for the Charter School, however, does play a more active role in the fiduciary aspects of the School's governance than is the norm in other California public school boards and thus a slightly different set of relationships exist as compared with elementary, high school and unified school district organizations.

For the Responsibility Matrix for the Charter School, The intended positions and groups are:

- ⇒ Governance Board
- ⇒ School Principal

- ⇒ School Principal's Administrative Cabinet
- ⇒ Chief Business Officer
- ⇒ Chief Personnel Officer
- ⇒ Staff, Parent and Community Groups
- ⇒ Sponsor Agency Fiscal Oversight Officer

A brief description of each of these positions or groups follows:

Governance Body is the Board of Directors that has fiduciary responsibility for the governance of the Charter School. In the narrative of this section, this group is referenced as the 'Board.'

School Principal is the lead administrator for the Charter School.

School Principal's Administrative Cabinet is the formal or informal group of key staff advisors who meet regularly with the School Principal to discuss and set school management and operational policies and guidelines.

Chief Business Officer is either a staff person who has major hands on day-to-day responsibilities for the financial management of the Charter School, or the function is outsourced.

Chief Personnel Officer is either a staff person who has major hands on day-to-day responsibilities for the personnel management of the Charter School, or the function is outsourced.

Staff, Parent and Community Group Members are primary stakeholders in the Charter School. Responsibilities assigned or noted for this group are primarily advisory. Their input and advice on key budget and fiscal matters, while advisory, is essential to the success of the Charter School and is critical to the success of the School.

Sponsor Agency Fiscal Oversight Officer is the Chief Financial Officer, or designee, of the sponsoring Livermore Valley Joint Unified School District. Discussion and agreement between the Charter School Principal and the District Chief Financial Officer on the specific components of the Fiscal Oversight functions, including a calendar of events for data transfer, etc. is recommended.

Implementation of Budget Responsibility Matrix

The Charter School will refine the Budget Responsibility Matrix during the Spring-Summer of 2004. The School will update the draft Responsibility Matrix and plans to have a final Matrix that it will incorporate its Business Services' Governance Board Policies before Fall 2004. The Responsibility Matrix will be reviewed for functionality each time the School enters a major budget cycle.

BUDGET DEVELOPMENT CALENDAR MATRIX

ACTION or PRODUCT: Charter School Goals-Strategic Fiscal Plan	Governance Board	School Principal	School Principal's Cabinet	Chief Business Officer	Chief Personnel Officer	Parent and Community Groups	District Fiscal Oversight Officer
1. Initiate Goal Setting Process	✔	✔					
2. Review Status of Prior Year Goals	✔	✔	✔			✔	
3. Review Financial Projection to Identify Potential Funding for Goals	✔	✔	✔	✔			✔
4. Prepare Draft Goals for Coming Year (and Multi-Years)	✔	✔	✔			✔	
5. Estimate Cost (or Savings) Associated with Implementing Each Draft Goal				✔			
6. Establish Level (and Source) of Funds to be Generated and/or Set Aside for Goals	✔	✔		✔			
7. Set Priorities, Allocate Funds and Adopt Goals to be Implemented	✔	✔					
8. Publicize/Distribute Information Regarding Adopted Goals to Interested Groups		✔					

BUDGET DEVELOPMENT CALENDAR MATRIX

ACTION or PRODUCT: Budget Calendar	Governance Board	School Principal	School Principal's Cabinet	Chief Business Officer	Chief Personnel Officer	Parent and Community Groups	District Fiscal Oversight Officer
1. Review Previous Calendar and Prepare Draft for Coming Year				✔			
2. Review/Approve Draft Calendar		✔	✔			✔	✔
3. Finalize Draft Calendar		✔		✔			
4. Revise/Adopt Budget Calendar	✔						
5. Produce Final Calendar and Develop Summary Version Highlighting Key Activities, Dates and Responsibilities				✔			
6. Distribute Detail and/or Summary Calendars to Employees, Parents & Community				✔			

BUDGET RESPONSIBILITY MATRIX

ACTION or PRODUCT: Budget Guidelines	Governance Board	School Principal	School Principal's Cabinet	Chief Business Officer	Chief Personnel Officer	Parent and Community Groups	District Fiscal Oversight Officer
1. Review Previous Guidelines and Prepare Draft for Coming Year				✔			
2. Review/Approve Draft Guidelines		✔	✔				
3. Finalize Draft Guidelines		✔		✔			
4. Revise/Adopt Budget Guidelines	✔						
5. Distribute Guidelines to Employees, Parents, and Community, as Appropriate		✔					

BUDGET RESPONSIBILITY MATRIX

ACTION or PRODUCT: Budget Assumptions	Governance Board	School Principal	School Principal's Cabinet	Chief Business Officer	Chief Personnel Officer	Parent and Community Groups	District Fiscal Oversight Officer
1. Review Previous Assumptions and Prepare Update for Next Budget Cycle				✔			
2. Review and Update Each Key Variable: Enrollment, Average Daily Attendance, Beginning Balance, Revenue, Expenditures, Transfers, Ending Balance, Reserves, Debt, and Cash Flow		✔	✔	✔			
3. Review and Update, at Minimum: January Governor's Budget Proposal, February Apportionment Certification, May Revise, State Adopted Budget, Interim Budget Updates as of End of October, December and March	✔	✔	✔	✔			✔
4. Revise and Adopt Assumption Updates	✔						
5. Distribute Assumptions to Employees, Parents, and Community, as Appropriate				✔			

BUDGET RESPONSIBILITY MATRIX

ACTION or PRODUCT: Multi-Year Financial Projections	Governance Board	School Principal	School Principal's Cabinet	Chief Business Officer	Chief Personnel Officer	Parent and Community Groups	District Fiscal Oversight Officer
1. Review and Update Most Recent Previous Projection for Current Budget and Two Succeeding Years				✔			
2. Issue Revised Projection Showing New Revenue, Expenditures, Reserve Balances and Identifying Key Assumptions				✔			✔
3. Review/Discuss Revised Projection	✔	✔	✔				✔
4. Publicize/Distribute New Projection to Set Tone for Upcoming Budget Development Process	✔	✔					

BUDGET RESPONSIBILITY MATRIX

ACTION or PRODUCT: Detailed Preliminary Budget	Governance Board	School Principal	School Principal's Cabinet	Chief Business Officer	Chief Personnel Officer	Parent and Community Groups	District Fiscal Oversight Officer
1. Establish Detailed, Computer-Based Budget Planning File that Reflects the Impact of Charter School Goals, Budget Guidelines and the January Financial Projection for the Next Fiscal Year				✔			
2. Determine Charter School-wide "Target" Reduction **or** Augmentation Level[1]		✔		✔			

[1] Express as a Dollar Amount and as a Percentage of the Projected Unrestricted Expenditure Budget Total

ACTION or PRODUCT: Detailed Preliminary Budget	Governance Board	School Principal	School Principal's Cabinet	Chief Business Officer	Chief Personnel Officer	Parent and Community Groups	District Fiscal Oversight Officer
3. Issue Internal Budget worksheets to Programs Managers with Instructions on Cut/Add Process for Future Prioritization Process		✔		✔			
4. Complete Budget Worksheets and Cut/Add Priorities			✔	✔			
5. Update Budget Planning File with Worksheet Data and Produce Object and Program Summaries				✔			
6. Review Preliminary Budgets and Cut/Add Priorities		✔	✔				✔
7. Rank/Cut/Add Priorities and Recommend Allocation Levels to School Principal			✔				
8. Prepare Recommended Cut/Add Priorities and Allocation Levels for Review		✔		✔			
9. Review of School Principal's Recommendations							
10. Hold Community Meetings to Publicize and Receive Input Regarding Recommendations		✔		✔		✔	
11. Hold Board Discussion and Provide Requests for Addition Information	✔						
12. Respond to Board Requests		✔					
13. Preliminary Approval of Cut/Add Priorities and Allocation Levels		✔					
14. Adopt Cut/Add Priorities, Contingency Lists, and Preliminary Allocation Levels	✔						

ACTION or PRODUCT: Detailed Preliminary Budget	Governance Board	School Principal	School Principal's Cabinet	Chief Business Officer	Chief Personnel Officer	Parent and Community Groups	District Fiscal Oversight Officer
15. Update Financial Projection to Conform to "May Revise"				✔			
16. Produce Preliminary Budget Incorporating All Approved Changes				✔			
17. Publicize/Distribute Preliminary Budget Document and/or Summary Information as Appropriate		✔		✔			

BUDGET RESPONSIBILITY MATRIX

ACTION or PRODUCT: Annual Budget Adoption	Governance Board	School Principal	School Principal's Cabinet	Chief Business Officer	Chief Personnel Officer	Parent and Community Groups	District Fiscal Oversight Officer
1. Review and React to Preliminary Budget Document			✔			✔	✔
2. Incorporate/Note Necessary Revisions and Corrections		✔		✔			
3. Discuss/Revise Budget	✔						
4. Hold Public Hearing	✔	✔		✔			
5. Adopt Budget	✔						
6. Transmit Budget to District		✔		✔			✔

BUDGET RESPONSIBILITY MATRIX

ACTION or PRODUCT: Revise/Re-Adopt Budget	Governance Board	School Principal	School Principal's Cabinet	Chief Business Officer	Chief Personnel Officer	Parent and Community Groups	District Fiscal Oversight Officer
1. Update Revenue to Integrate Adopted State Budget				✔			
2. Update Budget Planning File to Reflect Actual Balances from Prior Year				✔			
3. Receive District's Comments on Adopted Budget	✔	✔		✔			
4. Review Cut/Add Priorities to Conform Budget to Updated Revenue, Beginning Balance Update, and Sponsor District's Comments		✔	✔	✔		✔	✔
5. Recommend Further Cuts/Adds to be Implemented		✔					
6. Revise/Re-Adopt Budget	✔						
7. Transmit Revised/Re-Adopted Budget to District		✔		✔			
8. Prepare, Review and Approve Interim Budget Updates	✔	✔		✔			

BUDGET RESPONSIBILITY MATRIX

ACTION or PRODUCT: Prepare/Distribute Final Budget Document	Governance Board	School Principal	School Principal's Cabinet	Chief Business Officer	Chief Personnel Officer	Parent and Community Groups	District Fiscal Oversight Officer
1. Draft/Review Narrative, Charts and Graphs for Inclusion in Document		✔	✔	✔			
2. Produce Document in Accord with Governance Body's Budget Guidelines				✔			
3. Publish Document and Distribute to Employees, Parents and Community Groups		✔		✔			

BUDGET RESPONSIBILITY MATRIX

ACTION or PRODUCT: Miscellaneous Related Tasks	Governance Board	School Principal	School Principal's Cabinet	Chief Business Officer	Chief Personnel Officer	Parent and Community Groups	District Fiscal Oversi ght Officer
1. Prepare/Revise Fiscal Policy Committee Bylaws and Operating Procedures	✔	✔					
2. Provide Budget Development Orientation for New Governance Body Members and/or Fiscal Policy Team Members		✔		✔			
3. Provide Training for Key Staff and Others Conce rning Budget Management Issues (i.e., New Legislation, etc.,)		✔		✔			
4. Other: (Identify)							

Section E

Budget Calendar

A well-defined Budget Calendar with specific dates indicated for each and every major budget component is a significant step in the process to ensure accountability and long-term fiscal solvency for an organization. The identification of 'what happens when' is an essential road map for any successful organization. The Budget Calendar first identifies, at a summary level, the major phases of the Budget Development:

The draft Budget Calendar has been developed for LVCS using the thesis that there would be four major budgets presented to the Governance Board and the community during the budget development process and that there would be two mandatory formal interim reports. In addition, the School's Budget Plan includes the preparation and presentation of an Optional Third Interim Report after the Second Period Attendance data has been determined.

Phase	Key Variables	Date
Phase I	Preliminary Enrollment Projections Governor's Proposed Revenue Allocations Local Preliminary Expenditure Goals, Guidelines & Assumptions Defined	January
Phase II	Updated Enrollment Projections Revise to Governor's Revenue Projections by Department of Finance Local Beginning Balance Estimate Updated	May
Phase III	School Revenue Updated to Final State Budget, provided that the State Budget has been chaptered School Expenditure Plan Updated School Program Plans Updated Local Beginning Balance Updated	June
Phase IV	School Revenue Updated to Final State Budget School Expenditure Plan Updated School Program Plans Updated Local Beginning Balance Updated	45 Days After State Budget Adopted
Phase V	First Interim Report Second Interim Report Optional Third Interim Report	45 days after Oct 31 45 days after Jan 31 45 days after Mar 31

The second Budget Calendar includes in much greater detail the individual steps involved in the continual monitoring of the Charter School's budget plans. Presentation of and incorporation of such a process is an excellent tool to share with a broad-based constituency; practices such as this will enhance confidence and trust in the School's management of its resources. Equally as important as the date section of the Budget Calendar is the Budget Responsibility Index, or the 'who' for each component. The prior Section, Section D, addresses this important factor.

Prudent fiscal management suggests that monthly updates of all financial reports, including budgetary data, be considered. The theme incorporated in this document is that budget management is an essential fiduciary responsibility of the Governance Board, the School Principal, and the Chief Business Official (or agent), and is a daily, weekly, and monthly on-going review and update process.

The first section of the budget calendar presents each of the major phases in detail, including Individual Responsible for Function, Action Required, and Suggested Action Date.

The notation used for 'Action Week' refers to the week in the month, for instance, for item number 1, the action is suggested to be performed during the second week in the month of October.

Livermore Valley Charter School
Draft Budget Calendar, 200X-200X School Year

Item	Responsibility	Action Required	Action Week
1.	Chief Business Officer (or agent designee)	Submit Budget Calendar to Administrative Team	Oct. 2nd
2.	Chief Business Officer (or designee)	Submit Summary of Actual Fall Enrollment Report and 3 Year Projections to Administrative Team	Oct. 2nd
3.	School Principal	Delineate Budget Parameters	Oct. 2nd
4.	Administrative Team Fiscal Policy Team Other School Groups	Review Proposed Budget Calendar, Enrollment Projections, and Budget Parameters	Oct. 3rd Oct 4th
5.	School Principal and Chief Business Officer	Consolidate Input and Recommendations of Constituent Groups	Oct. 4th
6.	Chief Business Officer	Present Budget Calendar to Governance Board	Nov. 1st
7.	Chief Facility Officer	Present Enrollment Projections to Governance Board	Nov. 1st
8.	School Principal	Present Budget Parameters to Governance Board	Nov. 1st
9.	Chief Personnel Officer (or designee)	Determine Staff Entitlements Based Upon Position Control and Enrollment Projections	Dec. 1st
10.	Chief Facility Officer	Present Proposed Construction Schedule to Administrative Team	Dec. 1st
11.	Chief Business Officer	Present First Interim Report to Administrative Team	Dec. 1st
12.	School Principal	Present First Interim Report to Governance Board	Dec. 1st
13.	Chief Business Officer	Present Governor's Budget to Administrative Team	Jan. 2nd
14.	Chief Business Officer	Present Governor's Budget to Governance Board	Jan. 2nd
15.	Chief Business Officer	Present Draft Budget to Administrative Team	Jan. 4th
16.	School Principal	Present Draft Budget to Governance Board	Feb. 1st
17.	Governance Board	Convene Strategic Budget Planning Workshop	Feb. 2nd
18.	Administrative Team Fiscal Policy Team Other School Groups	Review Proposed Draft Budget and Request Review of Recommendation from Strategic Budget Planning Workshop	Feb. 2nd to Mar. 2nd
19.	Chief Business Officer	Present Second Interim Report to Administrative Team	Feb. 4th
20.	School Principal	Present Second Interim Report to Governance Board	Mar. 1st
21.	School Principal	Present Recommendation for Reduction In Service for Particular Kinds of Service (if applicable) to Governance Board	Mar. 2nd

Item	Responsibility	Action Required	Action Week
22.	School Principal and Chief Business Officer	Consolidate Input and Recommendations of Constituent Groups Re: Draft Budget Review	Mar. 3rd
23.	Chief Facility Officer	Present Updated Enrollment Projections to Administrative Team	Apr. 1st
24.	Chief Facility Officer	Present Updated Enrollment Projections to Board	Apr. 2nd
25.	Chief Business Officer	Present Department of Finance 'May Revise' to Administrative Team	May 2nd
26.	School Principal	Present Department of Finance 'May Revise' to Governance Board	May 2nd
27.	Chief Personnel Officer	Determine Revised Staff Entitlements Based Upon Position Control and Updated Enrollment Projections	May 2nd
28.	Chief Business Officer	Present Revised Draft Budget to Administrative Team	May 3rd
29.	School Principal	Present Revised Draft Budget to Governance Board	May 4th
30.	Governance Board	Distribute Revised Draft Budget to Fiscal Policy Team and Other Community Groups	June 1st
31.	Chief Business Officer	Present Draft Final Budget to Administrative Team	June 2nd
32.	School Principal	Present Draft Final Budget to Governance Board	June 2nd
33.	Governance Board	Hold Public Hearing on Proposed Budget	June 3rd
34.	Governance Board	Adopt Final Budget	June 3rd
35.	Chief Business Officer	Present Proposed Revisions to Adopted Budget Based Upon Final State Budget to Administrative Team (Necessary only if State Budget not adopted before School Budget Adopted in June)	Aug. TBA
36.	School Principal	Present Proposed Revisions to Adopted Budget Based Upon Final State Budget to Governance Board (Presented within 45 days of adoption of State Budget)	Aug. TBA or Sept. TBA
37.	Chief Business Officer	Present Unaudited Beginning Balance and Budget Carry Forward Appropriations to Administrative Team	Sept. 1st
38.	School Principal	Present Unaudited Beginning Balance and Budget Carry Forward Appropriations to Governance Board	Sept. 2nd
39.	Chief Business Officer	Present Audited Beginning Balance and Audit Adjustments to Administrative Team (Submit as soon as identified by independent external auditor)	TBA
40.	School Principal	Present Audited Beginning Balance and Audit Adjustments to Governance Board (No later than first Board meeting in January)	TBA
XX	Chief Business Officer	Present Monthly Budget Revision to Administrative Team	All, 1st
XX	School Principal	Present Monthly Budget Revisions to Governance Board	All, 2nd

Section F

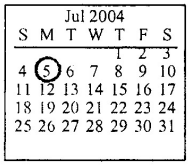
School Calendar

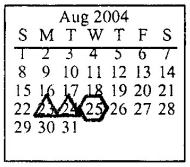
The Livermore Valley Charter School draft Calendar for 2004-2005 will generally follow the LVJUSD calendar:

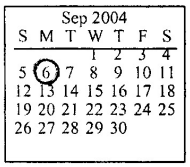
Livermore Valley Joint Unified School District

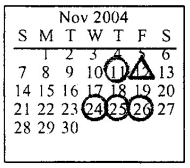
2004-2005 CALENDAR

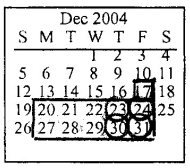
Holiday Schedule - Yearly Planner











FIRST AND LAST DAY OF SCHOOL (⬡)
8/25/04 and 6/9/05

ACADEMIC CALENDAR

10/29	1st Quarter Ends
1/21	Semester Ends
3/25	3rd Quarter Ends
6/9	Semester Ends

STUDENT NON-ATTENDANCE DAYS

Holidays (legal and local) (○)
Independence Day - 7/5
Labor Day - 9/6
Veteran's Day - 11/11
Thanksgiving Holiday - 11/24, 25 & 26
Winter Holiday - 12/23 & 24
New Year's Holiday - 12/30 & 31
Martin Luther King Day - 1/17
President's Day - 2/21
Spring Holiday - 3/28 & 29
Memorial Day - 5/30

Recesses (no school for students & teachers) (□)
Winter Recess - 12/17 through 12/31
Spring Recess - 3/28 through 4/1

Staff Development Days/*Teacher Work Days (△)

8/23	K - 12 staff
8/24	*K - 12 teachers
11/12	*K - 5 teachers
11/12	6 – 12 staff
1/24	K - 5 staff
1/24	*6 - 12 teachers
3/11	K – 12 staff
6/10	*K - 12 teachers

Back-To-School Night

Grades K-5	Sept TBA
Grades 6-8	Sept TBA
Grades 9-12	Sept TBA

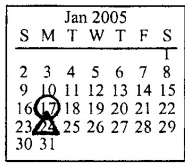
Open House

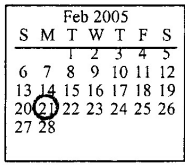
Grades K-5	TBA
Grades 6-8	TBA
Grades 9-12	TBA

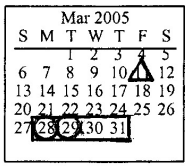
Conference Dates

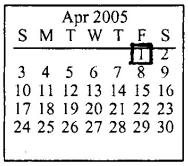
Fall Gr. K-3	Nov. TBA
Fall Gr. 4-5	Nov. TBA
Spring K-5	Mar. TBA

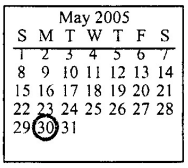
Legend for days that students do not attend school
O = legal or local holiday, □ = non-teaching day
Δ = Teacher Work Days/Staff Development Day

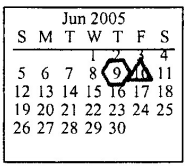












First Release Feb 2003

Section II

Summary Multi-Year Budget Projection

Section II – Summary Multi-Year Budget is the **five-year projection** for the **school's entire operations.** This document **includes all** estimated **revenues and expenditures** on a **yearly basis** along with the **projected surplus** or **deficit** each year. **Beginning and ending balance projections** are included.

Summary Five Year Budget Projection

	Year I 2004-05	Year II 2005-06	Year III 2006-07	Year IV 2007-08	Year V 2008-09
State Revenue	$ 2,652,877	$ 3,127,583	$ 3,635,092	$ 4,166,696	$ 4,285,065
Local Revenue	$ 240,500	$ 286,620	$ 334,360	$ 383,720	$ 390,960
Total Revenue	$ 2,893,377	$ 3,414,203	$ 3,969,452	$ 4,550,416	$ 4,676,025
Salaries	$ 1,556,875	$ 1,826,320	$ 2,250,908	$ 2,579,250	$ 2,675,400
Employee Benefits	$ 353,573	$ 413,345	$ 514,246	$ 590,869	$ 612,893
Total Compensation	$ 1,910,448	$ 2,239,665	$ 2,765,154	$ 3,170,119	$ 3,288,293
Books and Supplies	$ 194,062	$ 112,060	$ 115,053	$ 131,018	$ 134,556
Operating Expense	$ 676,601	$ 1,002,292	$ 1,058,498	$ 1,211,387	$ 1,244,299
Capital Outlay	$ -	$ -	$ -	$ -	$ -
Total Expenses	$ 2,781,111	$ 3,354,017	$ 3,938,705	$ 4,512,524	$ 4,667,148
Net Change	$ 112,266	$ 60,186	$ 30,747	$ 37,892	$ 8,877
Beginning Balance	$ 18,220	$ 130,486	$ 190,672	$ 221,419	$ 259,311
Ending Balance	$ 130,486	$ 190,672	$ 221,419	$ 259,311	$ 268,188

Livermore Valley Charter School

Multi-Year Budget Summary

Ordinal Year Fiscal Year SACS Budget Type Code	Year 0 2003–04 Actual Budget	Year I 2004–05 Projected Budget	Year II 2005–06 *Projected* *Budget*	Year III 2006–07 *Projected* *Budget*	Year IV 2007–08 *Projected* *Budget*	Year V 2008–09 *Projected* *Budget*
Revenues						
State Programs						
Charter School General Purpose Block Grant All	$ -	$ 2,171,851	$ 2,606,097	$ 3,074,646	$ 3,566,352	$ 3,669,810
Charter School Categorical Block Grant Allocatio	-	81,975	98,367	111,846	125,949	129,522
California Lottery – Restricted – Instructional Mat	-	5,800	6,923	8,073	9,157	9,227
California Lottery – Unrestricted Funds	-	51,272	59,866	68,310	76,820	76,750
CA Primary (K-3) Class Size Reduction	-	295,360	302,400	310,720	319,040	328,320
Economic Impact Aid	-	7,332	7,508	7,711	7,919	8,149
Summer and Hourly Programs						
Staff Development Buy Back – Certificated	-	21,045	24,336	27,840	31,584	32,544
Staff Development Buy Back – Classified	-	442	454	747	935	963
Tobacco Use Prevention in Education (TUPE)						
Grades 4-6(8?) Entitlement	-	964	1,491	1,530	1,572	1,617
Grades 6-8, Competitive Grant	-	-	-	-	-	-
Principal Leadership Training Program (AB75)	-	-	-	-	-	-
Instructional Materials Fund – K-8 Apportionment	-	16,835	20,142	23,669	27,367	28,164
Other (Identify)	-	-	-	-	-	-
CDE Charter School Startup Grant 8300-8599	-	-	-	-	-	-
Other State Grants (Identify) 8300-8599	-	-	-	-	-	-
Other State Programs (Identify) 8300-8599	-	-	-	-	-	-
Other State Programs (Identify) 8300-8599	-	-	-	-	-	-
Total State Programs	$ -	$ 2,652,877	$ 3,127,583	$ 3,635,092	$ 4,166,696	$ 4,285,065
Federal Programs						
Title I - Compensatory Education	$ -	$ -	$ -	$ -	$ -	$ -
Title II - Staff Development	-	-	-	-	-	-
Title II - Piggyback Funds	-	-	-	-	-	-
Title IV - Safe & Drug Free Schools	-	-	-	-	-	-
Title VI - Innovative Programs	-	-	-	-	-	-
Title VI - Class Size Reduction	-	-	-	-	-	-
Other Federal Grants (Identify) 8100-8299	-	-	-	-	-	-
Other Federal Programs (Identify) 8100-8299	-	-	-	-	-	-
Total Federal Programs	$ -	$ -	$ -	$ -	$ -	$ -
Local Programs						
Donations	$ 75,000	$ -	$ -	$ -	$ -	$ -
Interest	-	-	-	-	-	-
Prop 39 Funds (Sponsoring District)						
Rents & Fees	-	-	-	-	-	-
Student Fundraising	-	240,500	286,620	334,360	383,720	390,960
Other Local Grants (Identify) 8600-8799	-	-	-	-	-	-
Other Local Programs (Identify) 8600-8799	-	-	-	-	-	-
Total Local Programs	$ 75,000	$ 240,500	$ 286,620	$ 334,360	$ 383,720	$ 390,960
TOTAL REVENUES	$ 75,000	$ 2,893,377	$ 3,414,203	$ 3,969,452	$ 4,550,416	$ 4,676,025

Livermore Valley Charter School

Multi-Year Budget Summary

Ordinal Year Fiscal Year SACS Budget Type / Code		Year 0 2003–04 Actual Budget	Year I 2004–05 Projected Budget	Year II 2005–06 *Projected* *Budget*	Year III 2006–07 *Projected* *Budget*	Year IV 2007–08 *Projected* *Budget*	Year V 2008–09 *Projected* *Budget*
EXPENDITURES							
Certificated Salaries	1000-1999	$ 13,750	$ 1,432,175	$ 1,697,000	$ 2,034,108	$ 2,311,600	$ 2,397,800
Classified Salaries	2000-2999	-	124,700	129,320	216,800	267,650	277,600
Employee Benefits	3000-3999	3,031	353,573	413,345	514,246	590,869	612,893
Books & Supplies	4000-4999	40,000	194,062	112,060	115,053	131,018	134,555
Services & Operational Expenses	5000-5999	-	676,601	1,002,292	1,058,498	1,211,387	1,244,299
Capital Outlay	6000-6999	-	-	-	-	-	-
Other Outgo	7100-7299	-	-	-	-	-	-
Direct Support/Indirect Costs	7300-7399	-	-	-	-	-	-
TOTAL EXPENDITURES		$ 56,781	$ 2,781,111	$ 3,354,017	$ 3,938,706	$ 4,512,523	$ 4,667,148
BUDGET SURPLUS/(DEFICIT)		$ 18,220	$ 112,266	$ 60,186	$ 30,747	$ 37,892	$ 8,877
OTHER FINANCING SOURCES/USES							
Interfund Transfers							
Transfers In	8910-8929	$ -	$ -	$ -	$ -	$ -	$ -
Transfers Out	7610-7629	-	-	-	-	-	-
Sources	8930-8979						
CDE Revolving Loan		-	-	-	-	-	-
Uses	7630-7699						
CDE Revolving Loan Payments		-	-	-	-	-	-
Contributions	8980-8999	-	-	-	-	-	-
TOTAL OTHER FINANCING SOURCES/USES		$ -	$ -	$ -	$ -	$ -	$ -
NET INCREASE/(DECREASE) IN FUND BALANCE		$ 18,220	$ 112,266	$ 60,186	$ 30,747	$ 37,892	$ 8,877
FUND BALANCE, RESERVES							
Beginning Fund Balance							
As of July 1, Unaudited	9791	$ -	$ 18,220	$ 130,485	$ 190,672	$ 221,418	$ 259,311
Plus/(Minus) Audit Adjustments	9793	-	-	-	-	-	-
As of July 1, Audited		-	18,220	130,485	190,672	221,418	259,311
Other Restatements	9795	-	-	-	-	-	-
Net Beginning Balance		-	18,220	130,485	190,672	221,418	259,311
Ending Fund Balance, June 30		$ 18,220	$ 130,485	$ 190,672	$ 221,418	$ 259,311	$ 268,188
COMPONENTS FOR ENDING FUND BALANCE							
Miscellaneous Components							
Reserve for Revolving Cash	9711	$ -	$ -	$ -	$ -	$ -	$ -
Stores - Warehouse	9712	-	-	-	-	-	-
Prepaid Expenditures	9713	-	-	-	-	-	-
All Others	9719	-	-	-	-	-	-
General Reserve	9730	-	-	-	-	-	-
Legally Restricted Balance	9740						
Instructional Materials Fund – K-8 Apportion		-	16,835	20,142	23,669	27,367	28,164
Other Restricted Programs		-	-	-	-	-	-
Designated Amounts							
Designated for Economic Uncertainty	9770	-	111,244	167,701	196,935	225,626	233,357
Other Designations	9780	-	-	-	-	-	-
Undesignated Amount	9790	-	-	-	-	-	-
Unappropriated Amount	9790	18,220	2,406	2,829	814	6,317	6,667
TOTAL COMPONENTS FOR ENDING FUND BALANCE		$ 18,220	$ 130,485	$ 190,672	$ 221,418	$ 259,311	$ 268,188

Section III

Multi-Year Demographic Variables

Section III – Multi-Year Demographic Variables[2] is the first section in which the key variables of budget development are outlined. This section **identifies** the **foundation** on which the budget is built. The **major student attributes**, ranging from **enrollment by grade level** to other important demographic characteristics of students, such as English language fluency, family socio-economic background, etc. are projected as the various individual student profiles are the factors on which many state and federal program fundings and entitlements are based. **Student attendance** is compiled, presented and analyzed in several ways as it is the determinant for over 90% of the school's funding.

[2] Note that the acronym 'KV' on the bottom of sheets in Sections III and IV refers to 'Key Variables'

Livermore Valley Charter School

Key Variables Worksheet — Student Enrollment Data

Year Fiscal Year	Year I 2004–05 Projected Budget	Year II 2005–06 *Projected* CBEDS	Year III 2006–07 *Projected* CBEDS	Year IV 2007–08 *Projected* CBEDS	Year V 2008–09 *Projected* CBEDS	Year VI 2009–10 *Projected* CBEDS	Year VII 2010–11 *Projected* CBEDS
Student Enrollment		(All projections are shown in italics)					
Resident Pupils							
Kindergarten	*80*	*80*	*80*	*80*	*80*	*80*	*80*
1st Grade	*80*	*80*	*80*	*80*	*80*	*80*	*80*
2nd Grade	*80*	*80*	*80*	*80*	*80*	*80*	*80*
3rd Grade	*80*	*80*	*80*	*80*	*80*	*80*	*80*
4th Grade	*80*	*80*	*80*	*80*	*80*	*80*	*80*
5th Grade	*81*	*81*	*81*	*81*	*81*	*81*	*81*
6th Grade	-	*81*	*81*	*81*	*81*	*81*	*81*
7th Grade	-	-	*81*	*81*	*81*	*81*	*81*
8th Grade	-	-	-	*81*	*81*	*81*	*81*
Total	*481*	*562*	*643*	*724*	*724*	*724*	*724*
Summary of All Enrollment by Grade Group		(All projections are shown in italics)					
Grades K-3	*320*	*320*	*320*	*320*	*320*	*320*	*320*
Grades 4-6	*161*	*242*	*242*	*242*	*242*	*242*	*242*
Grades 7-8	-	-	*81*	*162*	*162*	*162*	*162*
Grades 9-12	-	-	-	-	-	-	-
Total	*481*	*562*	*643*	*724*	*724*	*724*	*724*

Livermore Valley Charter School

Key Variables Worksheet — Student ADA Data

Year	Year I			Year II			Year III			Year IV			Year V		
Fiscal Year	2004–05			2005–06			2006–07			2007–08			2008–09		
	P-1 Estimate	P-2 Estimate	Annual Estimate	P-1 Estimate	P-2 Estimate	Annual Estimate	P-1 Estimate	P-2 Estimate	Annual Estimate	P-1 Estimate	P-2 Estimate	Annual Estimate	P-1 Estimate	P-2 Estimate	Annual Estimate
CBEDS:ADA Correlation Ratios (based on School/County/District norm)															
Resident Pupil Groups, ADA Ratios															
Grades K-3	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*
Grades 4-6	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*
Grades 7-8	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*	*0.965*
Total ADA Data (calculated from CBEDS:ADA Correlation Ratio)															
Grades K-3	*309*	*309*	*309*	*309*	*309*	*309*	*309*	*309*	*309*	*309*	*309*	*309*	*309*	*309*	*309*
Grades 4-6	*155*	*155*	*155*	*234*	*234*	*234*	*234*	*234*	*234*	*234*	*234*	*234*	*234*	*234*	*234*
Grades 7-8	-	-	-	-	-	-	*78*	*78*	*78*	*156*	*156*	*156*	*156*	*156*	*156*
Total ADA	*464*	*464*	*464*	*543*	*543*	*543*	*621*	*621*	*621*	*699*	*699*	*699*	*699*	*699*	*699*

(All projected counts are shown in italics)

Livermore Valley Charter School

Key Variables Worksheet — Student Demographics Data

Year Fiscal Year Variables	Year I 2004–05 *Projected* CBEDS	Year II 2005–06 *Projected* CBEDS	Year III 2006–07 *Projected* CBEDS	Year IV 2007–08 *Projected* CBEDS	Year V 2008–09 *Projected* CBEDS
Student Ethnicity Counts	(All projections are shown in italics)				
Resident Pupil					
American Indian	*2*	*2*	*2*	*2*	*2*
Asian	*31*	*36*	*41*	*46*	*46*
Pacific Islander	*1*	*1*	*1*	*1*	*1*
Filipino	*12*	*14*	*16*	*18*	*18*
Hispanic	*47*	*55*	*63*	*71*	*71*
African American	*10*	*12*	*14*	*16*	*16*
White	*378*	*442*	*506*	*570*	*570*
Multiple/No Response	-	-	-	-	-
Subtotal	*481*	*562*	*643*	*724*	*724*
Non-Resident Pupil					
American Indian	-	-	-	-	-
Asian	-	-	-	-	-
Pacific Islander	-	-	-	-	-
Filipino	-	-	-	-	-
Hispanic	-	-	-	-	-
African American	-	-	-	-	-
White	-	-	-	-	-
Multiple/No Response	-	-	-	-	-
Subtotal	-	-	-	-	-
Total All Pupils					
American Indian	*2*	*2*	*2*	*2*	*2*
Asian	*31*	*36*	*41*	*46*	*46*
Pacific Islander	*1*	*1*	*1*	*1*	*1*
Filipino	*12*	*14*	*16*	*18*	*18*
Hispanic	*47*	*55*	*63*	*71*	*71*
African American	*10*	*12*	*14*	*16*	*16*
White	*378*	*442*	*506*	*570*	*570*
Multiple/No Response	-	-	-	-	-
Total	*481*	*562*	*643*	*724*	*724*

Livermore Valley Charter School

Key Variables Worksheet — Student Demographics Data

Year	Year I	Year II	Year III	Year IV	Year V
Fiscal Year	2004–05	2005–06	2006–07	2007–08	2008–09
Variables	*Projected* CBEDS	*Projected* CBEDS	*Projected* CBEDS	*Projected* CBEDS	*Projected* CBEDS
Student Ethnicity Percentages		(All projections are shown in italics)			
Resident Pupil					
American Indian	*0.4%*	*0.4%*	*0.3%*	*0.3%*	*0.3%*
Asian	*6.3%*	*6.4%*	*6.4%*	*6.4%*	*6.4%*
Pacific Islander	*0.2%*	*0.2%*	*0.2%*	*0.1%*	*0.1%*
Filipino	*2.5%*	*2.5%*	*2.5%*	*2.5%*	*2.5%*
Hispanic	*9.8%*	*9.8%*	*9.8%*	*9.8%*	*9.8%*
African American	*2.1%*	*2.1%*	*2.2%*	*2.2%*	*2.2%*
White	*78.6%*	*78.6%*	*78.7%*	*78.7%*	*78.7%*
Multiple/No Response	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*
Subtotal	*100%*	*100%*	*100%*	*100%*	*100%*
Non-Resident Pupil					
American Indian	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
Asian	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
Pacific Islander	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
Filipino	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
Hispanic	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
African American	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
White	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
Multiple/No Response	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*
Subtotal	*0%*	*0%*	*0%*	*0%*	*0%*
Total All Pupils					
American Indian	*0.4%*	*0.4%*	*0.3%*	*0.3%*	*0.3%*
Asian	*6.4%*	*6.4%*	*6.4%*	*6.4%*	*6.4%*
Pacific Islander	*0.2%*	*0.2%*	*0.2%*	*0.1%*	*0.1%*
Filipino	*2.5%*	*2.5%*	*2.5%*	*2.5%*	*2.5%*
Hispanic	*9.8%*	*9.8%*	*9.8%*	*9.8%*	*9.8%*
African American	*2.1%*	*2.1%*	*2.2%*	*2.2%*	*2.2%*
White	*78.6%*	*78.6%*	*78.7%*	*78.7%*	*78.7%*
Multiple/No Response	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*
Total	*100%*	*100%*	*100%*	*100%*	*100%*

Livermore Valley Charter School

Key Variables Worksheet — Student Demographics Data

Year	Year I	Year II	Year III	Year IV	Year V
Fiscal Year	2004–05	2005–06	2006–07	2007–08	2008–09
Variables	*Projected* CBEDS	*Projected* CBEDS	*Projected* CBEDS	*Projected* CBEDS	*Projected* CBEDS
Student Lunch Count		(All projections are shown in italics)			
Kindergarten	*3*	*3*	*3*	*3*	*3*
1st Grade	*3*	*3*	*3*	*3*	*3*
2nd Grade	*3*	*3*	*3*	*3*	*3*
3rd Grade	*3*	*3*	*3*	*3*	*3*
4th Grade	*3*	*3*	*3*	*3*	*3*
5th Grade	*3*	*3*	*3*	*3*	*3*
6th Grade	-	*3*	*3*	*3*	*3*
7th Grade	-	-	*3*	*3*	*3*
8th Grade	-	-	-	*3*	*3*
9th Grade	-	-	-	-	-
10th Grade	-	-	-	-	-
11th Grade	-	-	-	-	-
12th Grade	-	-	-	-	-
Total	*18*	*21*	*24*	*27*	*27*
Student Lunch Count Percentage		(All projections are shown in italics)			
Kindergarten	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
1st Grade	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
2nd Grade	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
3rd Grade	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
4th Grade	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
5th Grade	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
6th Grade	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
7th Grade	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
8th Grade	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
9th Grade	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
10th Grade	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
11th Grade	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
12th Grade	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
Overall Percentage	*3.7%*	*3.7%*	*3.7%*	*3.7%*	*3.7%*

Livermore Valley Charter School

Key Variables Worksheet — Student Demographics Data

Year Fiscal Year Variables	Year I 2004–05 *Projected* CBEDS	Year II 2005–06 *Projected* CBEDS	Year III 2006–07 *Projected* CBEDS	Year IV 2007–08 *Projected* CBEDS	Year V 2008–09 *Projected* CBEDS
Special Population Data	(All projections are shown in italics)				
Resident Pupil					
English Language Learner	*10*	*12*	*13*	*15*	*15*
Free/Reduced Meal Eligible	*16*	*18*	*21*	*24*	*24*
CalWORKS/AFDC	-	-	-	-	-
Non-Resident Pupil					
English Language Learner	-	-	-	-	-
Free/Reduced Meal Eligible	-	-	-	-	-
CalWORKS/AFDC	-	-	-	-	-
Total All Pupils					
English Language Learner	*10*	*12*	*13*	*15*	*15*
Free/Reduced Meal Eligible	*16*	*18*	*21*	*24*	*24*
CalWORKS/AFDC	-	-	-	-	-
Special Population Data	(All projections are shown in italics)				
Resident Pupil					
English Language Learner	*2.1%*	*2.1%*	*2.1%*	*2.1%*	*2.1%*
Free/Reduced Meal Eligible	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
CalWORKS/AFDC	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*
Non-Resident Pupil					
English Language Learner	*2.1%*	*2.1%*	*2.1%*	*2.1%*	*2.1%*
Free/Reduced Meal Eligible	*3.3%*	*3.3%*	*3.3%*	*3.3%*	*3.3%*
CalWORKS/AFDC	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*
Total All Pupils					
English Language Learner	*2.1%*	*2.1%*	*2.0%*	*2.1%*	*2.1%*
Free/Reduced Meal Eligible	*3.3%*	*3.2%*	*3.3%*	*3.3%*	*3.3%*
CalWORKS/AFDC	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*

Note: English Language Learner Count is taken as of R-30 Spring Report, not October CBEDS
All Y1 data taken from CDE/Dataquest reports for Almond Ave & Arroyo Mocho Schools

Section IV

Multi-Year Revenue
and
Expenditure Variables

Section IV – Multi-Year Revenue and Expenditure Variables is the section that defines the **parameters** on which the **funding** is **estimated** as well as the **foundation** on which **expenditures** are **projected**. For the revenue components, the estimated funding per program is identified for each of the five years. This section is also used as a 'check-list' to be certain that the school applies for all fundings to which the students are entitled.

For the **expenditure section**, major emphasis is placed on **compensation costs** as schools are labor intense organizations. Specific **staffing ratios** are identified along with other position control features. Substitute time cost estimates are indicated along with the assumed basis for the estimate. For many of the variables in a new school, the majority of the assumptions are based on a norm from other schools or from the public school 'industry.' As the school matures, **actual school histogram data** will be used as the basis for projection rather than the methodology currently utilized.

Other variables for costs such as **instructional supplies**, books, utilities and other **operating expenses** are also identified.

Livermore Valley Charter School

Key Variables Worksheet — State Funding Data

Ordinal Year		Year 0	Year I	Year II	Year III	Year IV	Year V	
Fiscal Year		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	
Budget Type	Use?	2nd Interim	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*	Comments
Financial Projection Factors								
Statutory COLA		1.86%	1.84%	2.40%	2.70%	2.70%	2.90%	
current as of		03/10/04	03/10/04	03/10/04	03/10/04	03/10/04	03/10/04	
Special Education Base Deficit		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Categorical COLA		0.00%	1.84%	2.40%	2.70%	2.70%	2.90%	for comparison to Statutory COLA
Transportation COLA		3.00%	3.80%	4.00%	3.90%	2.60%	2.60%	for comparison to Statutory COLA
California CPI		2.70%	2.50%	2.70%	2.80%	2.90%	2.70%	for comparison to Statutory COLA
Charter School General Purpose Block Grant Allocations								
Grades K–3		$ 4,528	$ 4,659	$ 4,771	$ 4,900	$ 5,032	$ 5,178	Annual revenue per P-2 ADA
Grades 4–6		$ 4,594	$ 4,724	$ 4,837	$ 4,968	$ 5,102	$ 5,250	Annual revenue per P-2 ADA
Grades 7–8		$ 4,723	$ 4,853	$ 4,969	$ 5,103	$ 5,241	$ 5,393	Annual revenue per P-2 ADA
Charter School Categorical Block Grant Allocations								
Grades K–3		$ 172	$ 175	$ 179	$ 184	$ 189	$ 194	Annual revenue per P-2 ADA
Grades 4–6		$ 177	$ 180	$ 184	$ 189	$ 194	$ 200	Annual revenue per P-2 ADA
Grades 7–8		$ 129	$ 131	$ 134	$ 138	$ 142	$ 146	Annual revenue per P-2 ADA
CA Primary (K-3) Class Size Reduction								
Full Day Program		$ 906	$ 923	$ 945	$ 971	$ 997	$ 1,026	Annual revenue per pupil in program, grades K-3
Half Day Program		$ 427	$ 435	$ 445	$ 457	$ 469	$ 483	Annual revenue per pupil in program, grades K-3
In Lieu Funding Economic Impact Aid								
Per Eligible Student (LEP + Meal Subsidy)		$ 110	$ 112	$ 115	$ 118	$ 121	$ 125	Annual revenue per pupil enrolled
(a) minimum grant amount, 1-9 students		$ 4,800	$ 4,888	$ 5,005	$ 5,140	$ 5,279	$ 5,432	For schools with fewer than 10 qualifying pupils
(b) minimum grant, 10 or more students		$ 7,200	$ 7,332	$ 7,508	$ 7,711	$ 7,919	$ 8,149	For schools with 10 or more qualifying pupils
Summer and Hourly Programs								
Grades 2-6 who are deficient in math, reading & writing		$ 3.45	$ 3.51	$ 3.59	$ 3.69	$ 3.79	$ 3.90	Hourly revenue per pupil enrolled in program
Grades 2-9 who have been retained or who are at risk of		$ 3.45	$ 3.51	$ 3.59	$ 3.69	$ 3.79	$ 3.90	Hourly revenue per pupil enrolled in program
Grades 7-12 at risk of failing High School Exit Exam		$ 3.45	$ 3.51	$ 3.59	$ 3.69	$ 3.79	$ 3.90	Hourly revenue per pupil enrolled in program
Grades 7-8 Algebra		$ 3.45	$ 3.51	$ 3.59	$ 3.69	$ 3.79	$ 3.90	Hourly revenue per pupil enrolled in program
Grades K-12 core subject area supplement		$ 3.45	$ 3.51	$ 3.59	$ 3.69	$ 3.79	$ 3.90	Hourly revenue per pupil enrolled in program

Livermore Valley Charter School

Key Variables Worksheet — State Funding Data

Ordinal Year		Year 0	Year I	Year II	Year III	Year IV	Year V	
Fiscal Year		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	
Budget Type	Use?	2nd Interim	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*	Comments
Staff Development Buy Back								
Certificated		$ 299	$ 305	$ 312	$ 320	$ 329	$ 339	Daily revenue per participating FTE
Classified		$ 155	$ 158	$ 162	$ 166	$ 170	$ 175	Daily revenue per participating FTE
California Public School Library Act of 1998 (K-12 Lil		$ 3.43	$ 3.49	$ 3.57	$ 3.67	$ 3.77	$ 3.88	Annual revenue per prior-year P-2 ADA; revenue
Classroom Library Materials, K-4		$ -	$ -	$ -	$ -	$ -	$ -	Annual revenue per pupil enrolled
English Language Acquisition Program		$ -	$ -	$ -	$ -	$ -	$ -	Funding terminated in 2001
Tobacco Use Prevention in Education (TUPE)								
Grades 4-6(8?) Entitlement		$ 6.11	$ 6.22	$ 6.37	$ 6.54	$ 6.72	$ 6.91	Annual revenue per pupil enrolled
Grades 6-8, Competitive Grant		$ -	$ -	$ -	$ -	$ -	$ -	Maximum School Revenue
Principal Leadership Training Program (AB75)		$ 3,056	$ 3,112	$ 3,187	$ 3,273	$ 3,361	$ 3,458	Annual revenue per Principal or Asst. Principal
California Lottery								Note: Lottery Funding is not tied to the Statutory (
Restricted – Instructional Materials		$ 12.00	$ 12.50	$ 12.75	$ 13.00	$ 13.10	$ 13.20	Annual revenue per pupil (prior year actual ADA)
Unrestricted Funds		$ 111.00	$ 110.50	$ 110.25	$ 110.00	$ 109.90	$ 109.80	Annual revenue per pupil (prior year actual ADA)
Instructional Materials Fund								
K-8 Apportionment		$ 34.37	$ 35.00	$ 35.84	$ 36.81	$ 37.80	$ 38.90	Annual revenue per P-2 ADA
Other State Programs								
Instructional Materials Block Grant		$ 47.75	$ 48.63	$ 49.80	$ 51.14	$ 52.52	$ 54.00	Annual revenue per pupil (prior year CBEDS)
Library		$ 16.55	$ 16.85	$ 17.25	$ 17.72	$ 18.20	$ 18.73	Annual revenue per pupil; revenue is restricted
Nell Soto Parent-Teacher Involvement Program (SB33		$ -	$ -	$ -	$ -	$ -	$ -	Source: http://www.cde.ca.gov/fc/family/fscrfa.htm
Reading & Language Arts		$ 33.10	$ 33.71	$ 34.52	$ 35.45	$ 36.41	$ 37.47	Annual revenue per pupil; revenue is restricted
Other (Identify)		$ -	$ -	$ -	$ -	$ -	$ -	
Other (Identify)		$ -	$ -	$ -	$ -	$ -	$ -	
Other (Identify)		$ -	$ -	$ -	$ -	$ -	$ -	
Source: Global COLA Tables.xls							Last Update	03/10/04

Livermore Valley Charter School

Key Variables Worksheet — Local Funding Data

Ordinal Year	Year 0	Year I	Year II	Year III	Year IV	Year V	
Fiscal Year	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	
Budget Type	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*	Comments
Local Revenue Variables							
Local Cost of Living Allowance	3.17%	3.87%	1.80%	2.90%	2.80%	2.80%	
current as of	03/22/02	03/22/02	03/22/02	03/22/02	03/22/02	03/22/02	
Donations							
Startup Funds	$ 75,000	$ -	$ -	$ -	$ -	$ -	
(Identify)	-	-	-	-	-	-	
(Identify)	-	-	-	-	-	-	
(Identify)	-	-	-	-	-	-	
Total Donations	$ 75,000	$ -	$ -	$ -	$ -	$ -	
Interest							
Yield Rate (APR)	n/a	0%	0%	0%	0%	0%	
Average Balance	$ -	$ -	$ -	$ -	$ -	$ -	
Annual Interest Income	-	-	-	-	-	-	
Other Local Programs							
Student Fundraising	$ -	$ 500	$ 510	$ 520	$ 530	$ 540	Annual amount expected per student
(Identify)	-	-	-	-	-	-	
(Identify)	-	-	-	-	-	-	

Livermore Valley Charter School

Key Variables Worksheet — School Staffing Data

Ordinal Year	Year 0	Year I	Year II	Year III	Year IV	Year V
Fiscal Year	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
Certificated Staff						
Staffing Ratios						
Teachers - Regular Programs						
Kindergarten	0	1/20	1/20	1/20	1/20	1/20
1st Grade	0	1/20	1/20	1/20	1/20	1/20
2nd Grade	0	1/20	1/20	1/20	1/20	1/20
3rd Grade	0	1/20	1/20	1/20	1/20	1/20
4th Grade	0	1/20	1/20	1/20	1/20	1/20
5th Grade	0	1/27	1/27	1/27	1/27	1/27
6th Grade	0	1/27	1/27	1/27	1/27	1/27
7th Grade	0	1/27	1/27	1/27	1/27	1/27
8th Grade	0	1/27	1/27	1/27	1/27	1/27
Teachers - Independent Study Programs						
Kindergarten	-	-	-	-	-	-
Grades 1 - 3	-	-	-	-	-	-
Grades 4 - 6	-	-	-	-	-	-
Grades 7 - 8	-	-	-	-	-	-
Grades 9 - 12	-	-	-	-	-	-
Staffing Projection						
Teachers - Regular Programs (FTE)						
Kindergarten	-	4.00	4.00	4.00	4.00	4.00
1st Grade	-	4.00	4.00	4.00	4.00	4.00
2nd Grade	-	4.00	4.00	4.00	4.00	4.00
3rd Grade	-	4.00	4.00	4.00	4.00	4.00
4th Grade	-	4.00	4.00	4.00	4.00	4.00
5th Grade	-	3.00	3.00	3.00	3.00	3.00
6th Grade	-	-	3.00	3.00	3.00	3.00
7th Grade	-	-	-	3.00	3.00	3.00
8th Grade	-	-	-	-	3.00	3.00
Subtotal	-	23.00	26.00	29.00	32.00	32.00
Teachers - Independent Study Programs (FTE)						
Kindergarten	-	-	-	-	-	-
Grades 1 - 3	-	-	-	-	-	-
Grades 4 - 6	-	-	-	-	-	-
Grades 7 - 8	-	-	-	-	-	-
Grades 9 - 12	-	-	-	-	-	-
Subtotal	-	-	-	-	-	-

Livermore Valley Charter School

Key Variables Worksheet — School Staffing Data

Ordinal Year	Year 0	Year I	Year II	Year III	Year IV	Year V
Fiscal Year	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
All Regular & I.S. Teachers Combined						
Kindergarten	-	4.00	4.00	4.00	4.00	4.00
Grades 1 - 3	-	12.00	12.00	12.00	12.00	12.00
Grades 4 - 6	-	7.00	10.00	10.00	10.00	10.00
Grades 7 - 8	-	-	-	3.00	6.00	6.00
Grades 9 - 12	-	-	-	-	-	-
Total All Teachers	-	23.00	26.00	29.00	32.00	32.00
Site Administration & Other Certificated (FTE)						
Assisstant Principal	-	-	-	0.67	1.00	1.00
Principal	0.13	1.00	1.00	1.00	1.00	1.00
Teacher - Art	-	1.00	1.00	1.00	1.00	1.00
Teacher - Music	-	-	1.00	1.00	1.00	1.00
Teacher - Physical Education	-	-	-	1.00	1.00	1.00
Teacher - Science	-	1.00	1.00	1.00	1.00	1.00
Teacher - Spanish	-	1.00	1.00	1.00	1.00	1.00
Other (Identify)	-	-	-	-	-	-
Subtotal Administrative FTEs	0.13	4.00	5.00	6.67	7.00	7.00
Total Certificated Staff	0.13	27.00	31.00	35.67	39.00	39.00
Classified Staff						
Administrative Assistant	-	1.00	1.00	2.00	2.00	2.00
Clerk	-	0.80	0.80	1.00	2.00	2.00
Office Manager	-	1.00	1.00	1.50	1.50	1.50
Other (Identify)	-	-	-	-	-	-
Total Salaried Site Staff	-	2.80	2.80	4.50	5.50	5.50
Classified Hourly Staff (hrs/day)						
Maintenance	-	-	-	-	-	-
Other (Identify)	-	-	-	-	-	-
Subtotal Hourly FTE	-	-	-	-	-	-
Total Classified Staff	-	2.80	2.80	4.50	5.50	5.50
Total All Staff	0.13	29.80	33.80	40.17	44.50	44.50
of Staff Earning Health Benefits	-	30.00	34.00	39.00	42.00	42.00

Livermore Valley Charter School

Key Variables Worksheet — Staff Compensation Data

Ordinal Year		Year 0	Year I	Year II	Year III	Year IV	Year V
Fiscal Year		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09
Budget Type	SACS Code	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*
Certificated Salary Costs	1000-1999						
CA CPI (reference value)		2.7%	2.5%	2.7%	2.8%	2.9%	2.7%
School Seniority COLA		1.0%	1.0%	1.0%	1.0%	1.0%	1.0%
Subtotal		3.7%	3.5%	3.7%	3.8%	3.9%	3.7%
Maximum COLA School will pay		4.0%	4.0%	4.0%	4.0%	4.0%	4.0%
Total Annual Salary COLA		3.7%	3.5%	3.7%	3.8%	3.9%	3.7%
Average Teacher Cost - Regular	1100	$ -	$ 50,300	$ 52,200	$ 54,200	$ 56,300	$ 58,400
Average Teacher Cost - Independent Study	11x0	$ -	$ -	$ -	$ -	$ -	$ -
Substitute Teacher Cost per Day	11x0	$ -	$ 125	$ 130	$ 135	$ 140	$ 145
Teacher Daily Equivalent Rate	11x0	$ -	$ 273	$ 284	$ 295	$ 306	$ 317
Teacher Hourly Equivalent Rate	11x0	$ -	$ 39.05	$ 40.53	$ 42.08	$ 43.71	$ 45.34
Hourly Teacher Pay Rate	11x0	$ -	$ 15.00	$ 15.00	$ 15.00	$ 15.00	$ 15.00
Site Administration & Other Certificated Salary Costs							
Assisstant Principal	1300	$ -	$ -	$ -	$ 80,000	$ 83,100	$ 86,200
Principal	1300	$ 110,000	$ 110,000	$ 114,100	$ 118,400	$ 123,000	$ 127,600
Teacher - Art	11x0	$ -	$ 50,300	$ 52,200	$ 54,200	$ 56,300	$ 58,400
Teacher - Music	11x0	$ -	$ 50,300	$ 52,200	$ 54,200	$ 56,300	$ 58,400
Teacher - Physical Education	11x0	$ -	$ 50,300	$ 52,200	$ 54,200	$ 56,300	$ 58,400
Teacher - Science	11x0	$ -	$ 50,300	$ 52,200	$ 54,200	$ 56,300	$ 58,400
Teacher - Spanish	11x0	$ -	$ 50,300	$ 52,200	$ 54,200	$ 56,300	$ 58,400
Teacher - Special Education	11x0	$ -	$ 50,300	$ 52,200	$ 54,200	$ 56,300	$ 58,400
Other (Identify)	1x00	$ -	$ -	$ -	$ -	$ -	$ -
Classified Salary Costs	2000-2999						
Administrative Assistant	2400	$ -	$ 44,000	$ 45,600	$ 47,300	$ 49,100	$ 50,900
Clerk	2400	$ -	$ 38,000	$ 39,400	$ 40,900	$ 42,500	$ 44,100
Custodians	2900	$ -	$ -	$ -	$ -	$ -	$ -
Office Manager	2900	$ -	$ 50,300	$ 52,200	$ 54,200	$ 56,300	$ 58,400
Receptionist	2400	$ -	$ -	$ -	$ -	$ -	$ -
Other (Identify)	2x00	$ -	$ -	$ -	$ -	$ -	$ -
Classified Hourly Staff ($/hr)							
Maintenance	2100	$ -	$ -	$ -	$ -	$ -	$ -

Livermore Valley Charter School

Key Variables Worksheet — Employee Benefit Data

Ordinal Year		Year 0	Year I	Year II	Year III	Year IV	Year V	
Fiscal Year		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	
Budget Type	Use?	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*	Comments
Retirement Options								
State Teachers Retirement	Y	8.25%	8.25%	8.25%	8.25%	8.25%	8.25%	
Other Certificated Retirement	N	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Public Employees Retirement	Y	10.42%	10.42%	10.42%	10.42%	10.42%	10.42%	
Social Security (OASDI)	Y	6.20%	6.20%	6.20%	6.20%	6.20%	6.20%	paid by PERS participants, but not STRS participants
Alternative Retirement Plan	N	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Other Classified Retirement	N	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Other Mandatory Benefits								
Medicare	Y	1.45%	1.45%	1.45%	1.45%	1.45%	1.45%	No limit on contribution; both employee and employer must pay.
State Unemployment	Y	0.34%	0.34%	0.34%	0.34%	0.34%	0.34%	No limit on contribution; both employee and employer must pay.
Worker's Compensation (WC)	Y	4.00%	4.00%	4.00%	4.00%	4.00%	4.00%	Rate varies on a school-by-school basis; default = 4%
Health Benefits								
Average Rise in Health Care Costs	n/a	23.55%	11.7%	6.0%	5.3%	3.9%	7.1%	Source: Center for Medicaid/Medicare Services
Maximum Increase Paid by School	n/a	n/a	10.0%	10.0%	10.0%	10.0%	10.0%	Maximum Increase Paid by School
Annual Health Benefits COLA	n/a	10.0%	10.0%	6.0%	5.3%	3.9%	7.1%	
Life Insurance	N	-	-	-	-	-	-	
Other (Identify)	N	-	-	-	-	-	-	
H/D/V Benefit Rate	N	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	estimated percentage of salary to be paid for Benefits

Livermore Valley Charter School

Key Variables Worksheet — Books & Supplies

Ordinal Year		Year 0	Year I	Year II	Year III	Year IV	Year V	
Fiscal Year		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	
Budget Type	SACS Code	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*	Comments
Approved Textbooks and Core Curricula Materials								
New Textbooks (students)	4100	$ 83.16	$ 66.53	$ 70.00	$ 71.96	$ 74.05	$ 76.05	Annual amount per student
Replacement Textbooks (students)	4100	$ -	$ -	$ 7.00	$ 7.20	$ 7.41	$ 7.61	Annual amount per student; 10% replacemen
Textbooks (teachers)	4100	-	-	-	-	-	-	Annual amount per teacher
Other - Texts & Curriculum Materials	4100	-	50,000	-	-	-	-	? Buy from LVJUSD ?
Books and Other Reference Materials	4200							
Library Books	4200	$ -	$ -	$ -	$ -	$ -	$ -	Annual amount per student
Other Books (students)	4200	-	-	-	-	-	-	Annual amount per teacher
Other Books (teachers)	4200	-	-	-	-	-	-	Annual amount per teacher
Other (Identify)	4200	-	-	-	-	-	-	
Materials and Supplies	4300							
Custodial Supplies	4300	$ -	$ 8.32	$ 8.54	$ 8.78	$ 9.03	$ 9.27	Annual amount per student
Custodial Supplies - Startup	4300	-	1,500	-	-	-	-	Specified by LVCS Team
Instructional supplies (students)	4300	-	40.25	41.34	42.50	43.73	44.91	Annual amount per student
Instructional supplies (teachers)	4300	-	-	-	-	-	-	Annual amount per teacher
Maintenance Supplies - Startup	4300	-	4,000	-	-	-	-	Specified by LVCS Team
Office Supplies (students)	4300	-	20.00	20.54	21.12	21.73	22.32	Annual amount per student
Office Supplies (teachers)	4300	-	-	-	-	-	-	Annual amount per teacher
Office Supplies - Startup	4300	-	1,500	-	-	-	-	Annual amount
Postage and Shipping	4300	-	-	-	-	-	-	Annual amount per student
Printing & Reproduction (academic)	4300	-	-	-	-	-	-	Annual amount per student
Other (Identify)	4300	-	-	-	-	-	-	

Livermore Valley Charter School

Key Variables Worksheet — Books & Supplies

Ordinal Year		Year 0	Year I	Year II	Year III	Year IV	Year V	
Fiscal Year		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	
Budget Type	SACS Code	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*	Comments
Non Capitalized Equipment	4400							
Other (Identify)	4400	$ -	$ 28,310	$ 24,210	$ 11,600	$ 11,936	$ 12,258	annual amt from LCS budget for Y1-Y3
Startup Costs	4400							
Bulletin/Chalk/Dry Erase Boards	4400	-	1,500	-	-	-	-	
Fax Machine	4400	-	600	-	-	-	-	
File Cabinets	4400	-	3,700	-	-	-	-	
First Aid Kits	4400	-	520	-	-	-	-	
Library Equipment/Furniture	4400	-	10,000	-	-	-	-	Specified by LVCS Team
Nurse Station Equipment	4400	-	1,300	-	-	-	-	
Overhead Projectors	4400	-	1,700	-	-	-	-	Specified by LVCS Team
PA System	4400	-	500	-	-	-	-	Specified by LVCS Team
Tape Recorders/CD players	4400	-	6,300	-	-	-	-	Specified by LVCS Team
Telephone System	4400	-	7,000	-	-	-	-	depends on facility
Television	4400	-	4,100	-	-	-	-	Specified by LVCS Team
Tool Kit	4400	-	250	-	-	-	-	
VCR/DVD players	4400	-	2,300	-	-	-	-	Specified by LVCS Team
Food	4700							
Other (Identify)	4700	$ -	$ 4,000	$ 5,000	$ 6,000	$ 6,174	$ 6,341	annual amt from LCS budget for Y1-Y3
Other (Identify)	4700	-	-	-	-	-	-	

Livermore Valley Charter School

Key Variables Worksheet — Operating Costs

Ordinal Year		Year 0	Year I	Year II	Year III	Year IV	Year V	
Fiscal Year		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	
Budget Type	SACS Code	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*	Comments
Travel and Conference	52xx							
Conference	5200	$ -	$ -	$ -	$ -	$ -	$ -	
Mileage	5200	-	-	-	-	-	-	
Travel	5200	-	-	-	-	-	-	
Other: Combined Estimate	5200	$ -	$ 8,550	$ 9,840	$ 11,130	$ 11,453	$ 11,762	Estimated annual cost
Dues and Memberships	5300	-	1,200	1,380	1,570	1,616	1,660	Estimated annual cost
Insurance	54xx							
Casualty Insurance	5450	$ -	$ -	$ -	$ -	$ -	$ -	
Fidelity Insurance	5450	-	-	-	-	-	-	
Liability Insurance	5450	-	-	-	-	-	-	
Property Insurance	5450	-	-	-	-	-	-	
Pupil Accident Insurance	5440	-	-	-	-	-	-	
Combined Estimate	5450	$ -	$ 56.86	$ 56.03	$ 55.51	$ 57.12	$ 58.66	Estimated annual cost per pupil
Operation and Housekeeping Services	55xx							
Custodial Services	5500	$ -	$ 4,000	$ 4,108	$ 4,223	$ 4,345	$ 4,462	Estimated monthly expense
Security Services	5500	-	-	-	-	-	-	Estimated monthly expense

Livermore Valley Charter School

Key Variables Worksheet — Operating Costs

Ordinal Year		Year 0	Year I	Year II	Year III	Year IV	Year V	
Fiscal Year		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	
Budget Type	SACS Code	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*	Comments
Rentals, Leases, Repairs and Noncapitalized Improvements								
Equipment (lease/rental)								Lease Rate = 6%
Camera, Camcorder, Radios	5600	$ -	$ 50	$ 53	$ 56	$ 59	$ 63	
Computers	5600	-	2,005	2,130	2,260	2,400	2,540	Specified by LVCS Team
Copier Lease	5600	-	100	106	112	119	126	Estimated monthly expense
Library Equipment/Furniture	5600	-	283	300	320	340	360	Specified by LVCS Team
Multipurpose Room	5600	-	333	350	370	390	410	Specified by LVCS Team
Other Storage Equipment	5600	-	250	270	290	310	330	Specified by LVCS Team
Science Labs	5600	-	750	800	850	900	950	Specified by LVCS Team
Office Equipment/Furniture	5600	-	175	190	200	210	220	Specified by LVCS Team
Subtotal Equipment (lease/rental)	5600	$ -	$ 3,947	$ 4,199	$ 4,458	$ 4,728	$ 4,999	Estimated monthly expense
Equipment (repairs)	5600	-	1,025	1,053	1,082	1,113	1,143	Estimated monthly expense
Noncapitalized Improvements	5600	-	-	20,000	14,583	16,667	17,100	Estimated monthly expense
Property (lease/rental)	5600	-	53,058	62,552	72,702	83,334	85,701	Estimated annual cost (2% public revenues)
Property (repairs)	5600	-	794	816	839	863	886	Estimated monthly expense
Operational Costs for School Expansion	5600	-	-	2,233	4,609	7,129	7,310	Estimated monthly expense
Other (Identify)	5600	-	-	-	-	-	-	Estimated monthly expense

Livermore Valley Charter School

Key Variables Worksheet — Operating Costs

Ordinal Year		Year 0	Year I	Year II	Year III	Year IV	Year V	
Fiscal Year		2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	
Budget Type	SACS Code	Actual Budget	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*	Comments
Professional/Consulting Services & Operating Expenses								
District Oversight Fee Rate		0.0%	1.0%	1.0%	1.0%	1.0%	1.0%	Percentage of annual revenue for oversight, et
District Title I Oversight Fee Rate		0.0%	15.0%	15.0%	15.0%	15.0%	15.0%	Percentage of annual Title I revenue
Advertising	5800	$ -	$ -	$ -	$ -	$ -	$ -	Estimated monthly expense
Audit Services	5800	-	1,250	1,284	1,320	1,358	1,395	Estimated monthly expense
Business Office Services	5800	-	178	183	188	193	198	Estimated annual cost per pupil
Finance and Operations	5800	-	167	-	-	-	-	Estimated monthly expense
Fire Extinguisher Service	5800	-	167	170	170	170	170	Estimated monthly expense
Legal Services	5800	-	1,708	625	643	662	680	Estimated monthly expense
Printing and Reproduction (nonacademic)	5800	-	-	-	-	-	-	Estimated annual cost per pupil
Special Education Encroachment	5800	-	377	387	398	410	421	Estimated (LVJUSD) additional annual expens
Staff Training & Development	5800	-	1,444	968	981	1,026	1,026	Estimated additional annual expense per FTE
Student Attendence & Accounting Service	5800	-	10.00	10.27	10.56	10.87	11.16	Estimated annual cost per pupil
Student Testing & Assessment	5800	-	10.00	10.27	10.56	10.87	11.16	Estimated annual cost per pupil
Utilities	5800							
Electricity	5800	$ -	$ 4,271	$ 4,386	$ 4,509	$ 4,640	$ 4,765	Estimated monthly expense
Gas	5800	-	458	471	484	498	511	Estimated monthly expense
Propane	5800	-	-	-	-	-	-	Estimated monthly expense
Trash	5800	-	1,067	1,095	1,126	1,159	1,190	Estimated monthly expense
Water	5800	-	1,008	1,036	1,065	1,096	1,126	Estimated monthly expense
Communications	59xx							
Internet	5900	-	200	205	211	217	223	Estimated monthly expense
Telephone	5900	-	300	308	317	326	335	Estimated monthly expense

Livermore Valley Charter School

Key Variables Worksheet — School Operations Data

Year	Year I	Year II	Year III	Year IV	Year V	
Fiscal Year	2004–05	2005–06	2006–07	2007–08	2008–09	
Variables	Projected Budget	*Projected Budget*	*Projected Budget*	*Projected Budget*	*Projected Budget*	Comments
School/Work Year Data						
Regular Program Days (Student Year)	184	184	184	184	184	# of days for students
State Buy-Back Development Days	3	3	3	3	3	# of additional days for teachers
Additional Staff Development Days	7	7	7	7	7	# of additional days for all teachers
Regular Teacher Year	194	194	194	194	194	
Additional Training for New Teachers	10	10	10	10	10	# of additional days for new teachers
New Teacher Year	214	214	214	214	214	
Site Staff Year	214	214	214	214	214	? Same as new teachers ?
Central Office Staff Year	251	251	251	251	251	365 less 104 weekend, 10 holiday
Other Data Counted in Days						
Teacher/Staff Annual Sick Leave Allowance	5	5	5	5	5	Used to Estimate Substitute Costs
Teacher Extra Duty (Supp. Inst.)	-	-	-	-	-	
State Buy-Back Days (Classified)	1	1	1	1	1	
Data for Supplemental Hourly Programs						
Saturday School Days	-	-	-	-	-	
Intersession Days	-	-	-	-	-	
Summer School Days	-	-	-	-	-	
Activites with Hour Counts						
Length of School Work Day						
Grades K-3	6.75	6.75	6.75	6.75	6.75	(hours)
Grades 4-6	6.75	6.75	6.75	6.75	6.75	(hours)
Grades 7-8	6.75	6.75	6.75	6.75	6.75	(hours)
Teachers & staff	7.75	7.75	7.75	7.75	7.75	(hours)
Teacher Extra Duty (Supp. Inst.)						
Kindergarden	-	-	-	-	-	
1st Grade	-	-	-	-	-	
2nd Grade	-	-	-	-	-	
3rd Grade	-	-	-	-	-	
49th Grade	-	-	-	-	-	
5th Grade	-	-	-	-	-	
61th Grade	-	-	-	-	-	
7th Grade	-	-	-	-	-	
8th Grade	-	-	-	-	-	

Livermore Valley Charter School

Expenditures Detail Worksheet – Startup Costs Incurred in Year 1 (2004-05)

Ordinal Year Fiscal Year Budget Type	SACS Code	Year 1 2004–05 Projected Budget	Year I 2004–05 Projected Budget	Year II 2005–06 *Projected Budget*	Year III 2006–07 *Projected Budget*	Year IV 2007–08 *Projected Budget*	Year V 2008–09 *Projected Budget*
Books & Supplies	4xxx						
Approved Textbooks and Core Curricula Materials							
New Textbooks (students)	4100	$ 40,000	$ -	$ -	$ -	$ -	$ -
Other - Texts & Curriculum Materials	4100	-	50,000	-	-	-	-
Books and Other Reference Materials	4200						
Custodial Supplies - Startup	4300	$ -	$ 1,500	$ -	$ -	$ -	$ -
Maintenance Supplies - Startup	4300	-	4,000	-	-	-	-
Office Supplies - Startup	4300	-	1,500	-	-	-	-
Non Capitalized Equipment - Startup Cos	4400						
Bulletin/Chalk/Dry Erase Boards	4400	$ -	$ 1,500	$ -	$ -	$ -	$ -
Fax Machine	4400	-	600	-	-	-	-
File Cabinets	4400	-	3,700	-	-	-	-
First Aid Kits	4400	-	520	-	-	-	-
Library Equipment/Furniture	4400	-	10,000	-	-	-	-
Nurse Station Equipment	4400	-	1,300	-	-	-	-
Overhead Projectors	4400	-	1,700	-	-	-	-
PA System	4400	-	500	-	-	-	-
Tape Recorders/CD players	4400	-	6,300	-	-	-	-
Telephone System	4400	-	7,000	-	-	-	-
Television	4400	-	4,100	-	-	-	-
Tool Kit	4400	-	250	-	-	-	-
VCR/DVD players	4400	-	2,300	-	-	-	-
Subtotal Books & Supplies	4xxx	$ 40,000	$ 96,770	$ -	$ -	$ -	$ -
Services & Operational Expenses	5xxx						
Professional/Consulting Services and Op	58xx						
Finance and Operations	5800	-	2,000	-	-	-	-
Fire Extinguisher Service	5800	-	2,000	-	-	-	-
Legal Services	5800	-	13,000	-	-	-	-
Staff Training & Development	5800	-	39,000	30,000	35,000	40,000	40,000
Total Services & Operational Expenses	5000-5999	$ -	$ 56,000	$ 30,000	$ 35,000	$ 40,000	$ 40,000
Total this sheet		$ 40,000	$ 152,770	$ 30,000	$ 35,000	$ 40,000	$ 40,000
Accumulated Total		$ 40,000	$ 192,770	$ 222,770	$ 257,770	$ 297,770	$ 337,770

Livermore Valley Charter School

Expenditures Detail Worksheet – Startup Costs Incurred as long-term Lease

Ordinal Year Fiscal Year Budget Type	SACS Code	Year 1 2004–05 Projected Budget	Year I 2004–05 Projected Budget	Year II 2005–06 *Projected Budget*	Year III 2006–07 *Projected Budget*	Year IV 2007–08 *Projected Budget*	Year V 2008–09 *Projected Budget*
Services & Operational Expenses	5xxx						
Rentals, Leases, Repairs and Noncapitali	56xx						
Camera, Camcorder, Radios	5600	$ -	$ 600	$ 636	$ 672	$ 708	$ 756
Computers	5600	-	24,060	25,560	27,120	28,800	30,480
Copier Lease	5600	-	1,200	1,272	1,344	1,428	1,512
Library Equipment/Furniture	5600	-	3,400	3,600	3,840	4,080	4,320
Multipurpose Room	5600	-	4,000	4,200	4,440	4,680	4,920
Other Storage Equipment	5600	-	3,000	3,240	3,480	3,720	3,960
Science Labs	5600	-	9,000	9,600	10,200	10,800	11,400
Office Equipment/Furniture	5600	-	2,100	2,280	2,400	2,520	2,640
Subtotal Equipment (lease/rental)	5600	$ -	$ 47,360	$ 50,388	$ 53,496	$ 56,736	$ 59,988
Accumulated Total		$ -	$ 47,360	$ 97,748	$ 151,244	$ 207,980	$ 267,968

Section V

Detailed Expenditure Data

Section V – Detailed Expenditure Data shows the **calculation** of the various **costs**, by type expense, **based** on the **identified variables** from the previous **Sections III** and **IV**. For instance **all teacher costs**, retirement costs, books, **utilities**, operating **costs** etc. defined as a variable in the previous section are calculated based upon the identified cost bases. The costs are shown for the budget year, **2004-2005** and for the subsequent four budget years through **2008-2009**. This, and all sections, is structured for regular review and update.

Livermore Valley Charter School

Expenditures Worksheet – Compensation

Ordinal Year Fiscal Year SACS Budget Type Code	Year 0 2003–04 Actual Budget	Year I 2004–05 Projected Budget	Year II 2005–06 *Projected* *Budget*	Year III 2006–07 *Projected* *Budget*	Year IV 2007–08 *Projected* *Budget*	Year V 2008–09 *Projected* *Budget*
Certificated Salaries 1000-1999						
Certificated Teacher Salaries 1100-1199						
Teachers - Regular Program 1100	$ -	$ 1,156,900	$ 1,357,200	$ 1,571,800	$ 1,801,600	$ 1,868,800
Teachers - Independent Study 1100	-	-	-	-	-	-
Substitute Teacher Cost						
Sick Days	-	14,375	16,900	19,575	22,400	23,200
Regular Staff Development Days	-	-	-	-	-	-
Special Staff Development Days	-	-	-	-	-	-
State Buy-Back Staff Development Days	-	-	-	-	-	-
Extra Duty Days for Teachers						
Extra Duty	-	-	-	-	-	-
Regular Staff Development	-	-	-	-	-	-
Special Staff Development	-	-	-	-	-	-
Extra Duty Hours for Teachers						
Total Certificated Teacher Salaries 1000-1199	$ -	$ 1,171,275	$ 1,374,100	$ 1,591,375	$ 1,824,000	$ 1,892,000
Other Certificated Site Salary Costs						
Assisstant Principal 1300	$ -	$ -	$ -	$ 53,333	$ 83,100	$ 86,200
Counselor 1200	-	-	-	-	-	-
Principal 1300	13,750	110,000	114,100	118,400	123,000	127,600
Teacher - Art 11x0	-	50,300	52,200	54,200	56,300	58,400
Teacher - Music 11x0	-	-	52,200	54,200	56,300	58,400
Teacher - Physical Education 11x0	-	-	-	54,200	56,300	58,400
Teacher - Science 11x0	-	50,300	52,200	54,200	56,300	58,400
Teacher - Spanish 11x0	-	50,300	52,200	54,200	56,300	58,400
Teacher - Special Education 11x0	-	-	-	-	-	-
Other (Identify) 1x00	-	-	-	-	-	-
Total Other Certificated Site Salary Costs	$ 13,750	$ 260,900	$ 322,900	$ 442,733	$ 487,600	$ 505,800
TOTAL CERTIFICATED SALARY COSTS 1000-1999	$ 13,750	$ 1,432,175	$ 1,697,000	$ 2,034,108	$ 2,311,600	$ 2,397,800
Classified Salary Costs 2000-2999						
Classified Site Staff Salary Costs						
Administrative Assistant 2400	$ -	$ 44,000	$ 45,600	$ 94,600	$ 98,200	$ 101,800
Clerk 2400	-	30,400	31,520	40,900	85,000	88,200
Office Manager 2900	-	50,300	52,200	81,300	84,450	87,600
Other (Identify) 2x00	-	-	-	-	-	-
Total Site Staff	$ -	$ 124,700	$ 129,320	$ 216,800	$ 267,650	$ 277,600
Hourly Classified Staff Wage Costs						
Maintenance 2100	$ -	$ -	$ -	$ -	$ -	$ -
Other (Identify) 2100	-	-	-	-	-	-
Total Hourly Staff Wage Costs	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL ALL CLASSIFIED WAGES 2000-2999	$ -	$ 124,700	$ 129,320	$ 216,800	$ 267,650	$ 277,600

Livermore Valley Charter School

Expenditures Worksheet – Employee Benefits

Ordinal Year Fiscal Year Budget Type	SACS Code	Year 0 2003–04 Actual Budget	Year I 2004–05 Projected Budget	Year II 2005–06 *Projected Budget*	Year III 2006–07 *Projected Budget*	Year IV 2007–08 *Projected Budget*	Year V 2008–09 *Projected Budget*
Retirement Options							
State Teachers Retirement	3101-3102	$ 1,134	$ 118,154	$ 140,003	$ 167,814	$ 190,707	$ 197,819
Other Certificated Retirement	3901	-	-	-	-	-	-
Public Employees Retirement	3201-3202	-	12,994	13,475	22,591	27,889	28,926
Social Security	3301-3302	-	7,731	8,018	13,442	16,594	17,211
Alternative Retirement Plan	3901-3902	-	-	-	-	-	-
Other Classified Retirement	3902	-	-	-	-	-	-
Total Retirement Costs		$ 1,134	$ 138,880	$ 161,495	$ 203,846	$ 235,190	$ 243,956
Other Mandatory Benefits							
Medicare	3301-3302	$ 199	$ 22,575	$ 26,482	$ 32,638	$ 37,399	$ 38,793
State Unemployment	3501-3502	47	5,293	6,209	7,653	8,769	9,096
Worker's Compensation (WC)	3601-3602	550	62,275	73,053	90,036	103,170	107,016
Total Mandatory Benefit Costs		$ 796	$ 90,143	$ 105,744	$ 130,328	$ 149,339	$ 154,906
Health Benefits	3400						
Health	3400	$ -	$ -	$ -	$ -	$ -	$ -
Dental	3400	-	-	-	-	-	-
Vision	3400	-	-	-	-	-	-
Life Insurance	3400	-	-	-	-	-	-
Other: Combined H/D/V estimate	3400	1,100	124,550	146,106	180,073	206,340	214,032
Other (Identify)	3400	-	-	-	-	-	-
Total Health Benefit Costs	3400-3499	$ 1,100	$ 124,550	$ 146,106	$ 180,073	$ 206,340	$ 214,032
Total Benefit Costs	3000-3999	$ 3,031	$ 353,573	$ 413,345	$ 514,246	$ 590,869	$ 612,893

Livermore Valley Charter School

Expenditures Worksheet – Books and Supplies

Ordinal Year Fiscal Year Budget Type	SACS Code	Year 0 2003–04 Actual Budget	Year I 2004–05 Projected Budget	Year II 2005–06 *Projected Budget*	Year III 2006–07 *Projected Budget*	Year IV 2007–08 *Projected Budget*	Year V 2008–09 *Projected Budget*
Approved Textbooks and Core Curricu	4100	$ 40,000	$ 82,000	$ 43,274	$ 50,900	$ 58,977	$ 60,570
Books and Other Reference Materials	4200	-	-	-	-	-	-
Materials and Supplies	4300						
Custodial Supplies	4300	-	5,502	4,799	5,646	6,538	6,711
Instructional supplies	4300	-	19,360	23,233	27,328	31,661	32,515
Maintenance Supplies - Startup	4300	-	4,000	-	-	-	-
Office Supplies	4300	-	11,120	11,543	13,580	15,733	16,160
Postage and Shipping	4300	-	-	-	-	-	-
Printing & Reproduction (academic)	4300	-	-	-	-	-	-
Other (Identify)	4300	-	-	-	-	-	-
Non Capitalized Equipment	4400	-	68,080	24,210	11,600	11,936	12,258
Food	4700	-	4,000	5,000	6,000	6,174	6,341
Total Books & Supplies	4000-4999	$ 40,000	$ 194,062	$ 112,060	$ 115,053	$ 131,018	$ 134,555

Livermore Valley Charter School

Expenditures Worksheet – Services and Operational Expenses

Ordinal Year Fiscal Year Budget Type	SACS Code	Year 0 2003–04 Actual Budget	Year I 2004–05 Projected Budget	Year II 2005–06 *Projected Budget*	Year III 2006–07 *Projected Budget*	Year IV 2007–08 *Projected Budget*	Year V 2008–09 *Projected Budget*
Travel and Conference	52xx	$ -	$ 8,550	$ 9,840	$ 11,130	$ 11,453	$ 11,762
Dues and Memberships	5300	-	1,200	1,380	1,570	1,616	1,660
Insurance	54xx	-	27,350	31,489	35,693	41,355	42,470
Operation and Housekeeping Services	55xx						
Custodial Services	5500	-	48,000	49,296	50,676	52,140	53,544
Security Services	5500	-	-	-	-	-	-
Rentals, Leases, Repairs and Noncapitali	56xx						
Subtotal Equipment (lease/rental)	5600	-	47,360	50,388	53,496	56,736	59,988
Equipment (repairs)	5600	-	12,300	12,636	12,984	13,356	13,716
Noncapitalized Improvements	5600	-	-	240,000	175,000	200,000	205,200
Property (lease/rental)	5600	-	53,058	62,552	72,702	83,334	85,701
Property (repairs)	5600	-	9,530	9,792	10,068	10,356	10,632
Operational Costs for School Expansion	5600	-	-	26,800	55,310	85,550	87,720
Professional/Consulting Services and Op	58xx						
Advertising	5800	-	-	-	-	-	-
Audit Services	5800	-	15,000	15,408	15,840	16,296	16,740
Business Office Services	5800	-	85,618	102,846	120,884	139,732	143,352
District Oversight Fee	5800	-	26,529	31,276	36,351	41,667	42,851
District Title I Oversight Fee	5800	-	-	-	-	-	-
Finance and Operations	5800	-	2,000	-	-	-	-
Fire Extinguisher Service	5800	-	2,000	2,040	2,040	2,040	2,040
Legal Services	5800	-	20,500	7,500	7,716	7,944	8,160
Printing and Reproduction (nonacademic)	5800	-	-	-	-	-	-
Special Education Encroachment	5800	-	181,337	217,494	255,914	296,840	304,804
Staff Training & Development	5800	-	39,000	30,000	35,000	40,000	40,000
Student Attendence & Accounting Service	5800	-	4,810	5,772	6,790	7,870	8,080
Student Testing & Assessment	5800	-	4,810	5,772	6,790	7,870	8,080
Utilities	5800						
Electricity	5800	-	51,250	52,632	54,108	55,680	57,180
Gas	5800	-	5,500	5,652	5,808	5,976	6,132
Propane	5800	-	-	-	-	-	-
Trash	5800	-	12,800	13,140	13,512	13,908	14,280
Water	5800	-	12,100	12,432	12,780	13,152	13,512
Communications	59xx						
Internet	5900	-	2,400	2,460	2,532	2,604	2,676
Telephone	5900	-	3,600	3,696	3,804	3,912	4,020
Total Services & Operational Expenses	5000-5999	$ -	$ 676,601	$ 1,002,292	$ 1,058,498	$ 1,211,387	$ 1,244,299

Impact Statement
For
Livermore Valley Joint Unified School District
Regarding
Livermore Valley Charter School

INTENT

This statement is intended to fulfill the terms of Education Code Section 47605(g) and provides information regarding the proposed operation and potential effects of Livermore Valley Charter School (the "School"), a charter School, on Livermore Valley Joint Unified School District (LVJUSD). This document is intended for informational purposes only and to assist LVJUSD in understanding how the proposed School may affect LVJUSD. This, as an informational document, does not constitute a legally binding contract or agreement, is not intended to govern the relationship of the School and LVJUSD, and is not a part of the charter of the School or any related agreements or memoranda of understanding.

ESTIMATED NUMBER OF STUDENTS

The School plans to enroll approximately 480 K-5th grade students in its first year of operation, 2004-05. It intends to add one grade per year (i.e., 6th grade in the 2005-2006 school year) until the School is a K-8th grade school. At full grade K-8th build out, the School will have approximately 720 students. Based on these enrollment projections, the School estimates that it will require twenty-eight teachers, one principal, and one office manager to operate effectively in its first year.

SUPPORT SERVICES

A School principal will assume the lead responsibility for administering The School under the policies adopted by the Livermore Valley Charter School ("LVCS") Board of Directors. The School will provide or procure its own administrative services, including, but not limited to, financial management and personnel. However, LVCS is interested in discussing fee for service arrangements for services from the District if available.

PROCESS AND POLICIES BETWEEN THE SCHOOL AND LVJUSD

In accordance with Education Code Section 47613, the District may charge for the actual costs of supervisorial oversight not to exceed 1 percent of the revenue of the charter school to be increased to 3 percent of the revenue of the charter school if the charter school is able to obtain substantially rent free facilities from the chartering agency. "Revenue" is defined in accordance with Education Code Section 47613(f) as the general purpose entitlement and categorical block grant, as defined in Education Code Section 47632(a) and (b).

"Supervisorial oversight," as used in Education Code Section 47613 and Education Code Section 47604.32, shall include the following:

- All activities related to the Charter revocation and renewal and processes as described in Section 47607.

- Activities relating to monitoring the performance and compliance of the Charter School with respect to the terms of its Charter, related agreements, and all applicable laws.

- Participating in the dispute resolution process described in the Charter.

- Review and timely response to the Charter School's Annual Independent Fiscal and Performance Audit.

- Identify at least one Staff member as a contact person for the Charter School.

- Visit the Charter School at least annually.

- Monitor the fiscal condition of the Charter School.

- Provide timely notification to the California Department of Education if any of the following circumstances occur:

    - A renewal of the charter is granted or denied.
    - The charter is revoked.
    - The Charter School will cease operation for any reason.

CHARTER RENEWAL

The School's initial charter shall expire five years after approval by LVJUSD. During that period, the School is responsible for demonstrating progress and meeting goals of the Charter. LVCS may present a petition to renew or amend the Charter at any time and LVJUSD agrees to respond to such petitions pursuant to the process and timelines specified in Education Code Section 47605 and Education Code Section 47607 or its successors. Each Charter renewal shall be for a period of five years. The progress and accomplishments of the School shall be measured according to criteria stated in the sections on the performance along the criteria provided by law.

FACILITIES

The School will initially operate on one site within LVJUSD boundaries. The School strongly desires to locate the School in the closed facility of the Arroyo Mocho Elementary School. The School shall discuss with LVJUSD the specific terms, rights, and responsibilities related to the location of the School on an LVJUSD facility pursuant to Education Code Section 47614 and its implementing regulations. If that facility is not available, the Petitioners seek and desire to locate the School in the closed facility of the Almond Elementary School. If that facility is not available, the petitioners shall search for a facility meeting within the LVJUSD boundaries that meet the following criteria: 1) approximately 40,000 square feet; 2) a contiguous school site that can safely accommodate our anticipate initial first year enrollment of 480 students. We would anticipate that the site contain a minimum of 25 classrooms, a library, multi-purpose room and supportive space for administrative and staff personnel.

CIVIL LIABILITY

The School shall be operated as a California non-profit public benefit corporation, Livermore Charter Schools ("LVCS"). LVCS is organized and operated exclusively for charitable purposes within the meaning of Section 501(c) (3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701d. The central objective of the corporation is to provide public education for residents of the State of California, in accordance with the Charter Schools Act, California Education Code Section 46700, et seq.

As such, in accordance with Education Code Section 47604(c), if the District complies with all oversight responsibilities required by law, the District shall not be liable for the debts or obligations of the Charter School or for claims arising from the performance of acts, errors, or omissions by the Charter School.

Further, the School and LVJUSD shall enter into a Memorandum of Understanding (MOU), which shall provide for indemnification of LVJUSD.

The corporate bylaws of LVCS shall provide for indemnification of LVCS' Board of Directors, officers, agents, and employees, and LVCS will purchase general liability

insurance to secure against financial risks. LVJUSD shall be named as an additional insured on LVCS' general liability insurance covering The School.

The LVCS Board of Directors will institute appropriate risk management practices, including screening of employees where appropriate, establishing codes of conduct for students, staff, and participating families, and establishing procedures governing financial transactions and dispute resolution.

FINANCIAL STATEMENTS

A multi-year financial plan for the School is attached. This plan is based on the best data available to the petitioners at this time. It contains: a first-year operational budget, cash flow and analyses for the first five years of operation, financial projections for the first five years of operation, planning assumptions, start-up costs, and an annual operating budget.

The School will maintain a minimum reserve requirement ending balance of not less than 3% as reflected in the attached annual operating budgets.

ITEM #47

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Reports from the 2004-05 Student Advisory Board on Education (SABE)	☐ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Listen to reports from the 2004-05 Student Advisory Board on Education (SABE).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board annually hears the reports of the Student Advisory Board on Education (SABE). CDE and State Board staff, working with the State Board's Student Member, may review and develop responses to the SABE proposals, which are then considered at future State Board meetings. The 2004-05 SABE conference will be held in Sacramento from November 6-10, 2004, culminating in the oral presentation to the State Board on the morning of Wednesday, November 10, in Room 1101 of the California Department of Education Building. A luncheon following the presentation to the State Board will bring the 2004-05 SABE Conference to a close.

SUMMARY OF KEY ISSUES

Each of the presentations will focus on an issue chosen by student representatives and will reflect research and discussions that occurred during the SABE Conference.

FISCAL ANALYSIS (AS APPROPRIATE)

N/A

ATTACHMENT(S)

Traditionally, the State Board is presented with a written report of the SABE recommendations and supporting materials at the same time the oral presentation is made.

ITEM #48

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST)	☐ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Present certificates to PAEMST 2003 Awardees and 2004 California State Finalists.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is an annual event.

SUMMARY OF KEY ISSUES

State Board of Education President Green and Superintendent O'Connell will present certificates to the 2003 Presidential Awardees and 2004 California State Finalists. The Awardees and Finalists will introduce their guests to the audience.

The Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST) program was established in 1983 by the White House and is sponsored by the National Science Foundation. The program identifies outstanding mathematics and science teachers, kindergarten through grade twelve, in each state and the four U.S. jurisdictions. These teachers will serve as models for their colleagues and will be leaders in the improvement of science and mathematics education.

Since 1983, more than 3,000 teachers have been selected to enter the network of Presidential Awardees. They represent a premier group of science and mathematics teachers who bring national and state standards to life in their classrooms. They provide the nation with an impressive array of expertise to help improve teaching and learning while becoming more deeply involved in activities such as curriculum materials selection, research, and professional development for other teachers.

Recognition is given to K-12 teachers in four award groups: (1) elementary mathematics, (2) elementary science, (3) secondary mathematics, and (4) secondary science. The secondary groups may include middle, junior, and senior high school teachers.

Listed below are California's two 2003 Presidential Awardees (one in mathematics and

SUMMARY OF KEY ISSUES

one in science) and four 2004 State Finalists (two in mathematics and two in science). One mathematics and one science Presidential Awardee from California may be selected from these State Finalists, and will be presented with their awards in April 2005 at a ceremony in Washington, D.C.

HONOREE	SCHOOL AND DISTRICT
2003 National Awardees	
Ana England, Mathematics	Lakeview Middle School, Pajaro Valley Unified
Janet English, Science	Serrano Intermediate School, Saddleback Valley Unified
2004 State Finalists	
Tapp Hancock, Mathematics	Wayside Elementary School, Bakersfield City Elementary
Valerie Rose-Piver, Mathematics	Hillview Crest Elementary School, New Haven Unified
Katrina Williams, Science	Steinbeck Elementary School, Central Unified
Mary Louise Woolf	McKinley Elementary School, Central Unified

FISCAL ANALYSIS (AS APPROPRIATE)

Minimal cost for travel, per diem, and certificates.

ATTACHMENT(S)

None

ITEM #49

CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2004 AGENDA

SUBJECT	
Petition to Amend Title 5 section 9531(c) of the California Code of Regulations (use of instructional materials funding) pursuant to Government Code section 11340.6.	☒ **Action** ☒ **Information** ☐ **Public Hearing**

RECOMMENDATION

Deny Petition to Amend Title 5 section 9531(c) of the California Code of Regulations (use of instructional materials funding) pursuant to Government Code section 11340.6 in order to add the purchase of handheld computer systems capable of pronunciation diagnosis or computer assisted oral reading to the list of allowable expenditures of the Instructional Materials Funding Realignment Program (IMFRP).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) promulgated regulations that listed allowable expenditures of the Instructional Materials Funding Realignment Program funds consistent with Education Code sections 60422 and 60242.

SUMMARY OF KEY ISSUES

The petitioner, Mr. Salsman, has a handheld computer system capable of pronunciation diagnosis or computer assisted oral reading that at least one County Office of Education has told him they cannot purchase because funding is not available for that purpose. Mr. Salsman seeks, through this petition and a similar petition to the Office of Secretary of Education, to amend regulations to allow the expenditure of IMFRP funds and specific technology program funds for the purpose of purchasing his product.

The list of allowable expenditures in Title 5 section 9531(c)) of the California Code of Regulations which Mr. Salsman seeks to amend is taken directly from Education Code section 60242 and cannot be changed through regulation.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact in denying the petition based on conflict with the underlying statutory authority.

ATTACHMENT(S)

1) Petition of James Salsman (3 pages)
This document is not available for Web viewing. A copy may be viewed at the State Board of Education Office.